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Sustainability Legal Specialists (Pty) Ltd

JUNE 2021 SHE LEGISLATION UPDATE

SAFETY, HEALTH & ENVIRONMENTAL (SHE) LEGISLATION UPDATE

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PART ONE: LEGISLATION, DRAFT LEGISLATION, REGULATIONS, POLICY AND OTHER DOCUMENTS - NATIONAL AND PROVINCIAL GAZETTES

SECTION A: ENVIRONMENTAL (NATIONAL)

NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998

1. Amendments to Financial Provisioning Regulations, 2015. Published in GG 44698 Notice Number 495 dated 11 June 2021.
2. Amendment to the Environmental Impact Assessment Regulations, Listing Notice 1, Listing Notice 2 and Listing Notice 3 of the Environmental Impact Assessment Regulations, 2014 for activities identified in terms of section 24(2) and 24D of NEMA. Published in GG 44701 Notice Number 517 dated 11 June 2021.

NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT 59 OF 2008

3. National Norms and Standards for Organic Waste Composting. Published in GG 44762 Notice Number 561 dated 25 June 2021.

NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED COASTAL MANAGEMENT ACT 24 OF 2008

4. The National Estuarine Management Protocol. Published in GG 44724 Notice Number 533 dated 18 June 2021.

NATIONAL ENVIRONMENTAL MANAGEMENT AIR QUALITY ACT 39 OF 2004

5. Repeal of the:
 - a. Regulations regarding Fuel Burning Appliances in Dwelling Houses made in terms of section 44(1) (d4) of the Atmospheric Pollution Prevention Act, 1965 ("APPA"). Published in GG 44724 Notice Number 537 dated 18 June 2021.
 - b. Smoke Control Regulations made in terms of section 18(5) of the APPA and smoke control zone orders made in terms of section 20(1). Published in GG 44724 Notice Number 538 dated 18 June 2021.
 - c. Regulations relating to the Inspection of Premises in a Dust Control Area made in terms of section 33(1)(b) of the APPA. Published in GG 44724 Notice Number 536 dated 18 June 2021.

ANIMAL DISEASES ACT 35 OF 1984

Control measures relating to foot and mouth disease in certain areas. Published in GG 44783 Notice Number 569 dated 30 June 2021.

SECTION B: SAFETY AND HEALTH (NATIONAL)

COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT 130 OF 1993

6. Domestic Workers Minimum Assessment. Published in GG 44702 Notice Number 360 dated 15 June 2021 and Published in GG 44722 Notice Number 361 dated 17 June 2021

FIREARMS CONTROL ACT 60 OF 2000

7. Notice in terms of Section 136 (1) of the Act regarding the intention to destroy all firearms, ammunition and firearm parts that were voluntarily surrendered or forfeited to the State. Published in GG 44679 Notice Number 490 dated 9 June 2021.

SECTION C: SAFETY, HEALTH AND ENVIRONMENTAL (DRAFT NATIONAL LEGISLATION AND REGULATIONS)

NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998

8. Consultation on intention to publish the National Guideline for consideration of climate change implications in applications for environmental authorisations, atmospheric emission licenses and

waste management licenses. Members of the public are invited to submit written comments within 30 days of publication of this notice. Published in GG 44761 Notice Number 559 dated 25 June 2021.

NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY 10 OF 2004

9. Notice of intention to declare certain land as part of the Harold Porter National Botanical Garden. Members of the public are invited to submit written comments within 60 days of publication of this notice. Published in GG 44755 Notice Number 547 dated 24 June 2021.
10. Consultation on the Biodiversity Management Plans for Aloe Ferox and Honeybush Species (*Cyclopia subternata* and *Cyclopia intermedia*). Members of the public are invited to submit written comments within 30 days of publication of this notice. Published in GG 44764 Notice Number 563 dated 25 June 2021.

FORESTRY, FISHERIES AND THE ENVIRONMENT

11. Draft Policy Position on the Conservation and Ecologically Sustainable Use of Elephant, Lion, Leopard and Rhinoceros. Members of the public are invited to submit written comments within 30 days of publication of this notice. Published in GG 44776 Notice Number 566 dated 28 June 2021.

NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT 59 OF 2008

12. Consultation on the Proposed Amendments to the List of Waste Management Activities that have, or are likely to have, a Detrimental Effect on the Environment. Members of the public are invited to submit written comments within 30 days of publication of this notice. Published in GG 44763 Notice Number 562 dated 25 June 2021.

NATIONAL LAND TRANSPORT ACT 5 OF 2005

13. Contract Appointment: Call for nominations of candidates to serve as members of the National Public Transport Regulator. Closing date for nomination is 18 June 2021. Published in GG 44645 Notice Number 318 dated 1 June 2021.

FERTILIZERS, FARM FEEDS, AGRICULTURAL REMEDIES AND STOCK REMEDIES ACT 36 OF 1947

Regulations relating to the Draft Agricultural Remedy. Members of the public are invited to submit written comments within 60 days of publication of this notice. Published in GG 44726 Notice Number 541 dated 18 June 2021.

NATIONAL NUCLEAR REGULATOR AMENDMENT BILL, 2021

14. Publication of the draft amendments to the National Nuclear Regulator Act. Members of the public are invited to submit written comments by 20 September 2021. Published in GG 44749 Notice Number 545 dated 22 June 2021.

OCCUPATIONAL HEALTH AND SAFETY AMENDMENT BILL, 2020

15. Notice of Direction in terms of Section 27(2) of the Act, read with Regulation 3(4) of the General Safety Regulations regarding the repeal of the approval, by the Chief Inspector, of first aid training organisations. Published in GG 44663 Notice Number 328 dated 4 June 2021

SOUTH AFRICAN WEATHER SERVICE ACT 8 OF 2001

16. Consultation on Proposed Regulations Regarding Fees for the Provision of Aviation Meteorological Services. Members of the public are invited to submit written comments within 30 days of publication of this notice. Published in GG 44743 Notice Number 544 dated 22 June 2021.

STANDARDS ACT 8 OF 2008

17. Draft standards, proposed amendments to existing SANS codes, issuance of new standards, amendment of current standards and withdrawn standards issued for public comment. Published in GG 44674 Notice Numbers 338 dated 4 June 2021; GG 44674 Notice Numbers 337 dated 4 June 2021; GG 44700 Notice Number 356 dated 11 June 2021; and GG 44761 Notice Number 386 dated 25 June 2021.

UPSTREAM PETROLEUM RESOURCES DEVELOPMENT BILL, 2021.

18. Notice to the Draft Upstream Petroleum Resources Development Bill. Published in GG 44694 Notice Number 494 dated 11 June 2021.

WORLD HERITAGE CONVENTION ACT 49 OF 1999

19. Consultation on the Draft Amended Format and Procedure for Nomination of World Heritage Sites in the Republic of South Africa. Members of the public are invited to submit written comments within 30 days of publication of this notice. Published in GG 44777 Notice Number 392 dated 29 June 2021.

SECTION D: COVID-19 LEGISLATION

(note to IMBEWU SHE Legal Register Clients – this legislation will NOT be included in your SHE Legal Registers and associated legislation databases as the regulations will be repealed when the virus has been contained i.e. they are temporary regulations to deal with a particular situation).

DISASTER MANAGEMENT ACT 57 OF 2002

20. Extension of a National State of Disaster. Published in GG 44692 Notice Number 493 dated 11 June 2021.

21. Directives issued regarding Sports, Arts and Culture. Published in GG 44699 Notice Number 496 dated 11 June 2021.

22. Directives issued for certain workplaces in the Republic of South Africa. Published in GG 44700 Notice Number 499 dated 11 June 2021.

23. Determination of Alert Level. Published in GG 446715 Notice Number 529 dated 15 June 2021 and in GG 44772 Notice Number 564 dated 27 June 2021.

24. Amendment of Regulations issued in terms of Section 27(2). Published in GG 446715 Notice Number 529 dated 15 June 2021; GG 44772 Notice Number 565 dated 27 June 2021; GG 446721 Notice Number 532 dated 17 June 2021; GG 44778 Notice Number 567 dated 29 June 2021; and GG 44786 Notice Number 398 dated 30 June 2021.

25. Amendment of Directions issued in terms of Regulation 4(3), read with Regulation 18, of the Regulations made under the Act, regarding the Re-opening of Schools and Measures to Address, Prevent and Combat the Spread of COVID-19 in the National Department of Basic Education, all Provincial Departments of Education, all Education District Offices and all Schools in the Republic of South Africa. Published in GG 44779 Notice Number 393 dated 29 June 2021.

SECTION E: SAFETY, HEALTH AND ENVIRONMENTAL (PROVINCIAL LEGISLATION AND MUNICIPAL BY-LAWS)

WESTERN CAPE PROVINCE

26. Department of Environmental Affairs and Development Planning: Exemption from Provisions of the Land Use Planning Act 3 of 2014: Mossel Bay Municipality. Published in PG 8442 Notice Number 62 dated 4 June 2021.

27. Hessequa Municipality: Spatial Development Framework for Riversdale. Published in PG 8442 dated 4 June 2021.

28. Stellenbosch Municipality: By-law Relating to Integrated Waste Management (2020). Published in PG 8441 dated 4 June 2021.
29. Western Cape Land Use Planning Amendment Act 4 of 2021. Published in PG 8451 dated 23 June 2021.
30. National Environmental Management: Protected Areas Act 57 of 2003: Department of Environmental Affairs and Development Planning: Declaration of Rietkraal Nature Reserve. Published in PG 8451 Notice Number 66 dated 23 June 2021.

GAUTENG PROVINCE

31. Local Government: Municipal Act 32 of 2000: Integrated Waste Management By-laws: To provide for Integrated Waste Management and matters incidental thereto. Published in PG 191 Notice Number 585 dated 9 June 2021.
32. Promotion of Access to Information Act 2 of 2000: Promotion of Access to Information Act Manual compiled in compliance with section 14 of the Act. Published in PG 191 Notice Number 487 dated 9 June 2021.

EASTERN CAPE PROVINCE

33. Municipal Systems Act 32 of 2000: Umzimvubu Local Municipality: Standard By-laws:
 - a. Relating to the Keeping of animals, birds, poultry and pets. Published in GG 4578 Notice Number 137 dated 14 June 2021.
 - b. Related to Impoundment of Animals (amended). Published in GG 4578 Notice Number 135 dated 14 June 2021.
 - c. Standard By-laws relating to Noise Control. Published in GG 4578 Notice Number 134 dated 14 June 2021.
 - d. By-laws relating to Outdoor Facilities and Municipal Buildings. Published in GG 4584 Notice Number 158 dated 28 June 2021.

NORTH WEST PROVINCE

34. Nature Conservation Ordinance 12 of 1983: North West Hunting and Hunting Permit Fee Regulations for identified Non-exempted Game and Bird Species on Private, State and Community Owned Land in the North West Province in terms of Sections 17 and 102(1)(i) of the Ordinance. Published in GG 8232 Notice Number 53 dated 26 June 2021.
35. City of Matlosana Spatial Planning and Land Use Management Municipal By-law on Spatial Planning and Land Use Management, 2016: Notice of adopted Spatial Development Framework. Published in GG 8233 Notice Number 61 dated 29 June 2021.

NORTHERN CAPE PROVINCE

36. Spatial Planning and Land Use Management Act 16 of 2013: Adoption of the Siyathemba Local Municipality Spatial Development Framework, 2020. Published in GG 2426 Notice Number 66 dated 28 June 2021.

LIMPOPO PROVINCE

37. Makhuduthamaga Spatial Planning and Land Use Management By-law, 2020: Public notice of the Adoption of Land Use Management Scheme (LUMS). Published in PG 3171 Notice Number 83 dated 4 June 2021.
38. Municipal Systems Act 32 of 2000: Musina Local Municipality:
 - a. Building Regulations By-law and Electricity Supply By-laws. Published in PG 3171 Notice Number 59 dated 4 June 2021.
 - b. Electricity By-laws. Published in PG 3177 Notice Number 72 dated 18 June 2021.
39. Spatial Planning and Land Use Management By-law 16 of 2013: Adoption and approval of the Fetakgomo Tubatse Land Use Scheme, 2021. Published in PG 3178 Notice Number 63 dated 25 June 2021.

KWAZULU NATAL PROVINCE

40. National Building Regulations and Standards Act 103 of 1977: City of uMhlathuze: By-laws relating to building control matters in the Municipal Area. Published in PG 2295 Notice Number 25 dated 10 June 2021.
41. Spatial Planning and Land Use Management Act 16 of 2013: Adoption of Alfred Duma Local Municipality Single Land Use Scheme. Published in PG 2299 Notice Number 62 dated 17 June 2021.

MPUMALANGA PROVINCE

42. City of Mbombela: Fire Brigade By-law. Published in PG 3267 Notice Number 52 dated 4 June 2021.
43. Municipal Systems Act 32 of 2000: Emalahleni Local Municipality: Electricity By-laws. Published in PG 3269 Notice Number 57 dated 11 June 2021.
44. Municipal Systems Act 32 of 2000:
 - a. Msukaligwa Local Municipality - Municipal By-laws. Published in PG 3272 Notice Number 65 dated 18 June 2021.
 - b. Victor Khanye Local Municipality - Municipal By-laws. Published in PG 3272 Notice Number 64 dated 18 June 2021.
 - c. Chief Albert Luthuli Local Municipality - Municipal By-laws. Published in PG 3272 Notice Number 63 dated 18 June 2021.
 - d. Emakhazeni Local Municipality - Municipal By-laws. Published in PG 3272 Notice Number 61 dated 18 June 2021.

SECTION F: SAFETY, HEALTH AND ENVIRONMENTAL (DRAFT PROVINCIAL LEGISLATION AND MUNICIPAL BY-LAWS)

EASTERN CAPE PROVINCE

45. Spatial Planning and Land Use Management Act (SPLUMA) 16 of 2013: OR Tambo District Draft Spatial Development Framework (SDF). Published in PG 8444 dated 11 June 2021. Members of the public are invited to submit written comments within 60 days from the date of publication. Published in PG 4578 Notice Number 133 dated 14 June 2021.

WESTERN CAPE PROVINCE

46. Department of Economic Development and Tourism: Call for parties interested to submit information for the Municipal Energy Resilience (MER) Programme by 11 July 2021. Published in PG 8444 dated 11 June 2021.
47. National Environmental Management: Protected Areas Act 57 of 2003: Department of Environmental Affairs and Development Planning:
 - a. Notice of Intention to Declare Kenilworth Nature Reserve. Members of the public are invited to submit written comments within 60 days from the date of publication. Published in PG 8449 Notice Number 67 dated 18 June 2021.
 - b. Notice of Intention to Declare Twee Rivieren Nature Reserve. Members of the public are invited to submit written comments within 60 days from the date of publication. Published in PG 8449 Notice Number 68 dated 18 June 2021.

GAUTENG PROVINCE

48. Rationalisation of Local Government Affairs Act, 1998: Notice regarding the Dolomite Risk Management By-laws of the City of Johannesburg Metropolitan Municipality. Members of the public are invited to submit written comments by 5 July 2021. Published in PG 184 Notice Number 558 dated 4 June 2021.
49. National Environmental Management: Protected Areas Act 57 of 2003: Intention to amend the boundaries of two nature reserves. Members of the public are invited to submit written comments within 60 days from the date of publication. Published in PG 192 Notice Number 596 dated 2 June 2021.

PART TWO: PARLIAMENTARY MONITORING

This information was accessed through the Parliamentary Monitoring Group at www.pmg.org.za

BILLS BEFORE PARLIAMENT (AS OF 6 JULY 2021)

1. Housing Consumer Protection Bill (B10-2021).
2. Gas Amendment Bill (B9-2021).
3. Preservation and Development of Agricultural Land Bill (B8-2021).
4. Railway Safety Bill (B7-2021).
5. Disaster Management Amendment Bill (B2-2021).
6. Animals Protection Amendment Bill (B1-2021).
7. Economic Regulation of Transport Bill (B1-2020).
8. National Road Traffic Amendment Bill (B7-2020).
9. Employment Equity Amendment Bill (B-14-2020).
10. Compensation for Occupational Injuries and Disease Amendment Bill (B21-2020).
11. Independent Electricity Management Operator Bill (B14-2019).
12. National Health Insurance Bill (B11 – 2019).
13. National Health Amendment Bill (B29 – 2018).
14. National Environmental Management Laws Amendment Bill (B12-2017).
15. National Forests Amendment Bill (B11-2016).

BILLS BEFORE THE PRESIDENT (AS OF 6 JULY 2021)

1. National Land Transport Amendment Bill (B7-2016).

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