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Sustainability Legal Specialists (Pty) Ltd

JULY 2021 SHE LEGISLATION UPDATE

SAFETY, HEALTH & ENVIRONMENTAL (SHE) LEGISLATION UPDATE

Note that clients who have a current SHE Legal Register with IMBEWU as well as paid-up subscribers to the IMBEWU's SHE legislation update service are entitled to receive electronic copies of the government gazettes listed below.

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

SECTION A: ENVIRONMENTAL (NATIONAL)

NATIONAL WATER ACT 36 OF 1998

1. Lifting of water restrictions notice in relation to the uMhlathuze Water Supply System. Published in GG 44881 Notice Number 646 dated 23 July 2021.

NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED COASTAL MANAGEMENT ACT 24 OF 2008

2. Delegation of powers in terms of Regulations 4, 5, 6 and 8 of the Control of Use of Vehicles in the Coastal Area Regulations to SANParks and iSimangaliso Wetland Park Authority. Published in GG 44881 Notice Number 641 dated 23 July 2021.

NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998

3. The Environmental Implementation Plan for the Department of Enterprises. Published in GG 44908 Notice Number 665 dated 30 July 2021.

PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

4. Description submitted in terms of Section 15(1) of the Act. Published in GG 44799 Notice Number 398 dated 2 July 2021.
5. Promotion of Access to Information Manual in terms of Section 14 of the Act. Published in GG 44822 Notice Number 73 dated 9 July 2021.

CARBON TAX ACT 15 OF 2019

6. Regulations for the purposes of Section 13 of the Act. Published in GG 44818 Notice Number 595 dated 8 July 2021.

PETROLIUM PRODUCT ACT 120 OF 1977

7. Regulations prohibiting the sale and dispensing of petrol and diesel into containers. Published in GG 44861 Notice Number 618 dated 16 July 2021.

NATIONAL NUCLEAR REGULATOR ACT 47 OF 1999

8. Publication of the co-operative agreement between NNR and SACAA. Published in GG 44908 Notice Number 436 dated 30 July 2021.

DISASTER MANAGEMENT ACT 57 OF 2002

9. Classification of a National Disaster in terms of Section 23 of the Act: Drought. Published in GG 44876 Notice Number 638 dated 20 July 2021.

SECTION B: SAFETY AND HEALTH (NATIONAL)

THE PHARMACY ACT 53 OF 1974

10. Additional Fees Payable, 2021. Published in GG 44908 Notice Number 83 dated 30 July 2021.

FIREARMS CONTROL ACT 60 OF 2000

11. Firearms Control Fees Amendment Regulations, 2020. Published in GG 44804 Notice Number 589 dated 5 July 2021.

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

NATIONAL ENVIRONMENTAL MANAGEMENT ACT: AIR QUALITY 39 OF 2004

12. Consultation on the Draft South African Atmospheric Emission Licence and Inventory Portal (SAAELIP) Data Management Policy, 2021. Members of the public are invited to submit written comments within 30 days of publication of this notice. Published in GG 44799 Notice Number 583 dated 2 July 2021.

NATIONAL NUCLEAR REGULATOR ACT 47 OF 1999

13. Notice for holding public hearings relating to the Nuclear Installation Site Licence application received from Eskom Holdings SOC Limited for the Thyspunt site. Members of the public are invited to submit written comments no later than 31 July 2021. Published in GG 44881 Notice Number 645 dated 23 July 2021.

CIVIL AVIATION ACT 13 OF 2009

14. Amendment to the Civil Aviation Regulations, 2011. Members of the public are invited to submit written comments by 9 August 2021. Published in GG 44820 Notice Number 599 dated 9 July 2021.

OCCUPATIONAL HEALTH AND SAFETY ACT 85 OF 1993

15. Draft Pressure Equipment Regulations, 2021. Members of the public are invited to submit written comments within 60 days of publication of this notice. Published in GG 44822 Notice Number 606 dated 9 July 2021.

NATIONAL HEALTH ACT 61 OF 2003

16. Extension of comment period for the Regulations relating to the Certificate of Need for Health Establishments and Health Agencies. Members of the public are invited to submit written comments by 15 August 2021. Published in GG 44873 Notice Number 636 dated 19 July 2021.

NATIONAL WATER ACT 36 OF 1998

17. Notice extending period for comments on Draft Regulations for the Use of Water for Exploration and Production of Onshore Naturally Occurring Hydrocarbons that Require Stimulation, 2021. Published in GG 44866 Notice Number 630 dated 16 July 2021.

STANDARDS ACT 8 OF 2008

18. 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 44822 Notice Numbers 413 dated 9 July 2021 and in GG 44908 Notice Numbers 437 dated 30 July 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

19. Directions issued in terms of Regulation 4(5) and (10) of the Regulations made under Section 27(2) of the Act. Published in GG 44824 Notice Number 608 dated 9 July 2021.

20. Measures to prevent and combat the spread of COVID-19: Sports, Arts and Culture. Published in GG 210 Notice Number 718 dated 2 July 2021, in GG 44811 Notice Number 576 dated 6 July 2021 and in GG 44872 Notice Number 635 dated 19 July 2021.

21. Directions issued regarding measures to address, prevent and combat the spread of COVID-19 relating to the Biodiversity Sector. Published in GG 44807 Notice Number 591 dated 5 July 2021 and in GG 44862 Notice Number 619 dated 16 July 2021.

22. Amendment of the Alert Level Regulations. Published in GG 44838 Notice Number 610 dated 11 July 2021, in GG 44844 Notice Number 612 dated 14 July 2021, in GG 44850 Notice Number 614 dated 14 July 2021 and in GG 44895 Notice Number 651 dated 25 July 2021.
23. Amendment of Directions regarding the Re-opening of Schools and Measures to Address, Prevent and Combat the Spread of COVID-19. Published in GG 44858 Notice Number 422 dated 15 July 2021.
24. Amendment of Directions on the Risk-Adjusted Strategy for the Communications and Digital Technologies Sector. Published in GG 44814 Notice Number 594 dated 7 July 2021.
25. Extension of National State of Disaster (COVID-19) to 15 August 2021. Published in GG 44839 Notice Number 611 dated 12 July 2021.
26. Directives issued in terms of Regulation 6(5) of the Regulations made under Section 27(2) of the Act. Published in GG 44853 Notice Number 615 dated 15 July 2021.
27. COVID-19 Temporary Employee/Employer Relief Scheme (C19 TERS) Direction, 2021. Published in GG 44874 Notice Number 637 dated 20 July 2021.
28. Directive issued in terms of Regulations in all correctional centres and remand detention facilities. Published in GG 44883 Notice Number 647 dated 21 July 2021.
29. Determination of Alert Level. Published in GG 44895 Notice Number 650 dated 25 July 2021.
30. Amendment of Regulations issued in terms of section 27(2). Published in GG 44911 Notice Number 669 dated 30 July 2021.

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

EASTERN CAPE PROVINCE

31. Kouga Municipality: Retraction of Extension of Local State of Disaster Declarations. Published in PG 4597 Notice Number 176 dated 22 July 2021.
32. Matatiele Local Municipality: By-laws relating to keeping of animals, birds, poultry, cats, dogs and pets and businesses involving the keeping of animals, birds, poultry, cats, dogs and pets. Published in PG 4599 Notice Number 174 dated 26 July 2021.

NORTH WEST PROVINCE

33. Rustenburg Local Municipality Spatial Planning and Land Use Management By-law, 2018: Notice of the approved Rustenburg Land Use Scheme, 2021. Published in PG 8240 Notice Number 106 dated 20 July 2021.

NORTHERN CAPE PROVINCE

34. Spatial Planning and Land Use Management Act 16 of 2013:
 - a. Adoption of the Siyathemba Local Municipality Spatial Development Framework, 2020. Published in GG 2429 Notice Number 72 dated 12 July 2021 and in PG 2430 Notice Number 74 dated 19 July 2021.
35. Spatial Planning and Land Use By-law 28 of 2009: Umsobomvu Local Municipality. Published in PG 2428 Notice Number 68 dated 5 July 2021.

LIMPOPO PROVINCE

36. Ba-Phalaborwa Spatial Planning and Land Use Management By-law 2019: Adoption and approval of the Ba-Phalaborwa Land Use Scheme, 2020. Published in PG 3184 Notice Number 84 dated 22 July 2021.
37. Local Government: Municipal Systems Act 32 of 2000: Mopani District Municipality Water Services By-laws, 2021. Published in PG 3182 Notice Number 119 dated 9 July 2021.

KWAZULU NATAL PROVINCE

38. Spatial Planning and Land Use Management Act 16 of 2013: eThekweni Municipality: Municipal Spatial Development Framework 2021-2022. Published in PG 2306 Notice Number 64 dated 15 July 2021.
39. National Environmental Management: Protected Areas Act 57 of 2003:
- Declaration of the Uvemvane Nature Reserve, Thule Nature Reserve, Solomon Gijima Dindikazi Nature Reserve. Published in PG 2306 Notice Number 72 dated 15 July 2021.
 - Declaration of the Strathkop Nature Reserve. Published in PG 2306 Notice Number 74 dated 15 July 2021.
 - Declaration of the Denleigh Protected Environment. Published in PG 2306 Notice Number 75 & 80 dated 15 July 2021.
 - Expansion to the Manyoni Private Game Reserve. Published in PG 2306 Notice Number 79 dated 15 July 2021.

MPUMALANGA PROVINCE

40. National Environmental Management: Protected Areas Act No 57 of 2003:
- Declaration of a Protected Environment: African Farms Protected Environment. Published in PG 3281 Notice Number 73 dated 16 July 2021.
 - Declaration of a Nature Reserve: Bezuidenhoutshoek Nature Reserve. Published in PG 3281 Notice Number 74 dated 16 July 2021.
41. Municipal Systems Act 32 of 2000: Publication of Municipal By-laws for Local Municipalities in terms of the Act. Published in PG 3281 Notice Number 75 dated 16 July 2021.

WESTERN CAPE PROVINCE

42. Local Government: Municipal Systems Act 32 of 2000: George Local Municipality: Amendment of the Land Use Planning By-law. Published in PG 8457 dated 2 July 2021.
43. Disaster Management Act 57 of 2002: Breede Valley Local Municipality: Declaration of a Local State of Disaster due to heavy rains and associated flooding. Published in PG 8461 dated 9 July 2021.
44. Constitution of the Republic of South Africa, 1996: Mossel Bay Local Municipality By-law relating to Refuse Removal. Published in PG 8459 dated 9 July 2021.

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

NORTH WEST PROVINCE

45. Spatial Planning and Land Use Management Act 16 of 2013: North West Spatial Planning and Land Use Management Bill, 2015. Published in GG 44799 Notice Number 579 dated 2 July 2021.

NORTHERN CAPE PROVINCE

46. Mineral and Petroleum Resources Development Act 28 of 2002: Environmental notification: Prospecting right application. Members of the public are invited to submit written comments by 10 August 2021. Published in PG 2430 Notice Number 73 dated 19 July 2021.

LIMPOPO PROVINCE

47. Spatial Planning and Land Use Management Act 16 of 2013: Waterberg District Municipality: Revision of the Spatial Development Framework. Members of the public are invited to submit written comments within 60 days from the date of publication. Published in PG 3182 Notice Number 120 dated 9 July 2021.

MPUMALANGA PROVINCE

48. Steve Tshwete Municipal Spatial Development Framework, 2018. Members of the public are

invited to submit written comments within 60 days from the date of publication. Published in PG 3277 Notice Number 72 dated 6 July 2021.

GAUTENG PROVINCE

49. Gauteng Transport Infrastructure Act 8 of 2001:

- a. Notice of proposed route determination for Phase 1 of the Gauteng Rapid Rail Integrated Network Extensions. Members of the public are invited to submit written comments by 15 August 2021. Published in PG 222 Notice Number 751 dated 13 July 2021.
- b. Notice of Proposed Route Determination of Provincial Road or Railway Line. Members of the public are invited to submit written comments within 30 days from the date of publication. Published in PG 210 Notice Number 554 dated 2 July 2021 and in PG 223 Notice Number 554 dated 14 July 2021.

KWAZULU NATAL PROVINCE

51. National Environmental Management: Protected Areas Act 57 of 2003: Consultation Process in terms of Section 33 (1) of the Act:

- a. Notice of Intention to Declare the Kwawula Nature Reserve. Members of the public are invited to submit written comments within 60 days from the date of publication. Published in PG 2306 Notice Number 71 dated 15 July 2021.
- b. Notice of intention to Declare the Hlomo Hlomo Nature reserve. Members of the public are invited to submit written comments within 60 days from the date of publication. Published in PG 2306 Notice Number 73 dated 15 July 2021.
- c. Notice of Intention to Declare the Nagle Dam and Game Reserve a Nature Reserve. Members of the public are invited to submit written comments within 60 days from the date of publication. Published in PG 2306 Notice Number 78 dated 15 July 2021.

EASTERN CAPE PROVINCE

52. Spatial Planning and Land Use Management By-laws: Draft Jeffreys Bay Central Business District Local Spatial Development Framework. Members of the public are invited to submit written comments no later than 30 July 2021. Published in PG 4587 Notice Number 166 dated 8 July 2021.

53. National Nuclear Regulator Act 47 of 1999: Notice of public hearings: Thyspunt site. Members of the public are invited to submit written comments no later than 31 July 2021. Published in PG 4599 Notice Number 28 dated 26 July 2021.

PART TWO: PARLIAMENTARY MONITORING

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

BILLS BEFORE PARLIAMENT (AS OF 5 AUGUST 2021)

1. Gas Amendment Bill (B9-2021).
2. Preservation and Development of Agricultural Land Bill (B8-2021).
3. Railway Safety Bill (B7-2021).
4. Disaster Management Amendment Bill (B2-2021).
5. Animals Protection Amendment Bill (B1-2021).
6. Economic Regulation of Transport Bill (B1-2020).
7. National Road Traffic Amendment Bill (B7-2020).
8. Employment Equity Amendment Bill (B-14-2020).

9. Compensation for Occupational Injuries and Disease Amendment Bill (B21-2020).
10. Independent Electricity Management Operator Bill (B14-2019).
11. National Health Insurance Bill (B11 – 2019).
12. National Health Amendment Bill (B29 – 2018).
13. National Environmental Management Laws Amendment Bill (B12-2017).
14. National Forests Amendment Bill (B11-2016).

BILLS BEFORE THE PRESIDENT (AS OF 5 AUGUST 2021)

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

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