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Sustainability Legal Specialists (Pty) Ltd

SEPTEMBER 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.

INDEX

[PART ONE: LEGISLATION, DRAFT LEGISLATION, REGULATIONS, POLICY AND OTHER DOCUMENTS - NATIONAL AND PROVINCIAL GAZETTES](#)

[SECTION A: ENVIRONMENTAL \(NATIONAL\)](#)

[SECTION B: HEALTH AND SAFETY \(NATIONAL\)](#)

[SECTION C: SAFETY, HEALTH AND ENVIRONMENTAL \(SHE DRAFT LEGISLATION & POLICY\)](#)

[SECTION D: COVID-19 LEGISLATION](#)

[SECTION E: SHE PROVINCIAL AND MUNICIPAL BY-LAWS](#)

[SECTION F: DRAFT SHE PROVINCIAL AND MUNICIPAL BY-LAWS](#)

[PART TWO: PARLIAMENTARY MONITORING](#)

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

SECTION A: ENVIRONMENTAL (NATIONAL)

WATER RESEARCH ACT 34 OF 1971

1. Water Research Levy 2021/2022 Rates and Charges. Published in GG 45175 Notice Number 874 dated 17 September 2021.

ANIMAL DISEASES ACT 35 OF 1984

2. Control measures relating to Foot and Mouth Disease in certain areas. Published in GG 45109 Notice Number 827 dated 7 September 2021.

NATION HERITAGE RESOURCES ACT 25 OF 1999

3. Amendment of Gazette Notice to withdraw Human Skull of the Genadendal Mission Museum Collection. Published in GG 45176 Notice Number 887 dated 17 September 2021.

PETROLEUM PRODUCTS ACT 120 OF 1977

4. Amendment Regulations regarding the Mandatory Blending of Biofuels with Petrol and Diesel. Published in GG 45080 Notice Number 794 dated 1 September 2021.

NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998

5. Welgevonden Game Reserve Non-Profit Company Rules. Published in GG 45176 notice Number 560 dated 17 September 2021.

SECTION B: SAFETY AND HEALTH (NATIONAL)

MEDICINES AND RELATED SUBSTANCES ACT 101 OF 1965

6. Amendment of Schedules in terms of the Act. Published in GG 45176 Notice Number 883 dated 17 September 2021.

COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASE ACT 130 OF 1993

7. Notice on Banking Requirements for Occupational Injuries and Diseases related claims. Published in GG 45126 Notice Number 526 dated 10 September 2021.

MERCHANT SHIPPING ACT 57 OF 1951

8. Proposed Maritime Occupational Health and Safety Amendment Regulations, 2021 withdrawn. Published in GG 45131 Notice Number 863 dated 10 September 2021.

HEALTH ACT 63 OF 1977

9. Gauteng Department of Health - Draft Regulations Governing Private Health Establishments, 2014 and Regulations Governing Private Health Establishments, 2015 withdrawn. Published in GG 45110 Notice Number 828 dated 7 September 2021.

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

MARINE LIVING RESOURCES ACT 18 OF 1998

10. Draft General Policy on the Allocation of Commercial Fishing Rights for the Fishing Rights Allocation Process of 2021/2022. Members of the public are invited to submit written comments within 30 days of publication of this notice. Published in GG 45154 Notice Number 865 dated 13 September 2021.

11. Proposed fees payable in respect of applications for commercial fishing rights and grant of rights. Members of the public are invited to submit written comments within 30 days of publication of this notice. Published in GG 45154 Notice Number 866 dated 13 September 2021.
12. Draft Sector Specific Policies for the Fishing Rights Allocation process of 2021/2022 and the Draft Policy on the Transfer of Commercial Fishing Rights. Members of the public are invited to submit written comments within 30 days of publication of this notice. Published in GG 45180 Notice Number 889 dated 20 September 2021.

POLICY POSITION ON THE CONSERVATION AND ECOLOGICALLY SUSTAINABLE USE OF ELEPHANT, LION, LEOPARD AND RHINOCEROS

13. Extension of Comment period on the 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 45160 Notice Number 865 dated 14 September 2021.

MINIMUM WAGE ACT 9 OF 2018

14. Investigation into the National Minimum Wage. Members of the public are invited to submit written comments within 14 days of publication of this notice. Published in GG 45128 Notice Numbers 527 dated 10 September 2021.

CIVIL AVIATION ACT 13 OF 2009

15. Amendment of the Civil Aviation Regulations, 2011. Members of the public were invited to submit written comments no later than 3 October 2021. Published in GG 45086 Notice Number 798 dated 3 September 2021.

PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013

16. Amendment of the Regulations relating to the Protection of Personal Information, 2018. Members of the public were invited to submit written comments no later than 30 September 2021. Published in GG 45120 Notice Number 829 dated 9 September 2021.

INFRASTRUCTURE AND DEVELOPMENT ACT 23 OF 2014

17. Extension of public comment deadline for National Infrastructure Plan 2050. Members of the public were invited to submit written comments no later than 1 October 2021. Published in GG 45129 Notice Number 833 dated 10 September 2021 and in GG 45132 Notice Number 864 dated 10 September 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 45099 Notice Numbers 517 dated 3 September 2021, in GG 45128 Notice Numbers 543 dated 10 September 2021 and GG 45176 Notice Numbers 566 dated 17 September 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. Determination of Alert Level. Published in GG 45156 Notice Number 868 dated 12 September 2021 and in GG 45253 Notice Number 959 dated 30 September 2021.

20. Amendment of Regulations issued in terms of the Section 27(2) of the Act. Published in GG 45155 Notice Number 869 dated 12 September 2021, in GG 45222 Notice Number 953 dated 26 September 2021 and in GG 45253 Notice Number 960 dated 30 September 2021.
21. Extension of a National State of Disaster. Published in GG 45155 Notice Number 867 dated 12 September 2021.
22. Amendment of Directions issued in terms of Regulation 4(8) and 4(10) of the Regulations made under Section 27(2) of the Act. Published in GG 45239 Notice Number 36 dated 28 September 2021.

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

EASTERN CAPE PROVINCE

23. Spatial Planning and Land Use Management Act 16 of 2013: Adoption of the review of the Eastern Cape Provincial Spatial Development Framework, 2020. Published in PG 4629 Notice Number 244 dated 27 September 2021.

NORTH WEST PROVINCE

24. The Constitution of the Republic of South Africa, 1996: Transfer of Administration Powers and Functions entrusted by Legislation from one member to another Member of the Executive Council. Published in PG 8271 Notice Number 31 dated 28 September 2021.

KWAZULU NATAL PROVINCE

25. Constitution of the Republic of South Africa, 1996: iLembe District Municipality: Water Services By-law. Published in PG 2322 Notice Number 87 dated 9 September 2021.
26. National Environmental Management: Protected Areas Act 57 of 2003: Declaration of the Southdown Protected Environment. Published in PG 2322 Notice Number 98 dated 9 September 2021.

LIMPOPO PROVINCE

27. Maruleng Municipality: Building Regulations By-law. Published in PG 3196 Notice Number 183 dated 10 September 2021.

WESTERN CAPE PROVINCE

28. Saldanha Bay Municipality: Adoption of the Langebaan Mixed Use Precinct Local Spatial Development Framework. Published in PG 8486 dated 3 September 2021.
29. National Environmental Management: Protected Areas Act 57 of 2003: Declaration of area as part of the existing:
 - a. Riverlands Provincial Nature Reserve. Published in PG 8488 Notice Number 103 dated 10 September 2021.
 - b. Anysberg Provincial Nature Reserve. Published in PG 8488 Notice Number 104 dated 10 September 2021.
30. National Land Transport Act 5 of 2009: Amendment of Notice of Extraordinary Measures in Declared Areas. Published in PG 8496 Notice Number 111 dated 23 September 2021.
31. National Heritage Resources Act 25 of 1999: Exemption of the Geographical Area for the Parow Station Precinct, bounded by Voortrekker Road, Tygervalley Road, Picton Street and Connaught Road, Parow, Cape Town from Section 34 of the Act. Published in PG 8495 Notice Number 110 dated 23 September 2021.
32. Knysna Municipality:
 - a. Regulation of Building Aesthetics and Heritage By-law. Published in PG 8492 dated 23 September 2021.

- b. Spatial Planning and Land Use Management By-law. Published in PG 8492 dated 23 September 2021.
33. Stellenbosch Municipality: Electricity Supply By-law, 2020. Published in PG 8497 dated 28 September 2021.
34. Breede Valley Municipality: Zoning Scheme By-law. Published in PG 8498 dated 30 September 2021.

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

NORTHERN CAPE PROVINCE

35. Spatial Planning and Land Use Management Act 16 of 2013: Notice of intention to review the:
- a. Dikgatlong Local Municipality's Spatial Development Framework. Members of the public are invited to submit written comments within 60 days from the date of publication of the notice. Published in PG 2449 Notice Number 53 dated 27 September 2021.
 - b. Phokwane Local Municipality's Spatial Development Framework. Members of the public are invited to submit written comments within 60 days from the date of publication of the notice. Published in PG 2449 Notice Number 54 dated 27 September 2021.

NORTH WEST PROVINCE

36. National Environmental Management Act 107 of 1998: Notice of a Basic Assessment Report for the expansion of cattle feedlot. Members of the public were invited to submit written comments no later than 30 September 2021. Published in PG 8267 Notice Number 145 dated 7 September 2021.

KWAZULU NATAL PROVINCE

37. National Environmental Management: Protected Areas Act 57 of 2003: Consultation Process in terms of:
- a. Intention to Declare the Tweefontein Nature Reserve. Members of the public are invited to submit written comments within 60 days from the date of publication of the notice. Published in PG 2322 Notice Number 99 dated 9 September 2021.
 - b. Intention to Declare an Addition to the uMsondi Private Nature Reserve. Members of the public are invited to submit written comments within 60 days from the date of publication of the notice. Published in PG 2322 Notice Number 100 dated 9 September 2021.
38. Spatial Planning and Land Use Management Act 16 of 2013: Draft King Cetshwayo District Spatial Development Framework, 2021. Members of the public are invited to submit written comments no later than 21 November 2021. Published in PG 2325 Notice Number 18 dated 23 September 2021.

FREE STATE PROVINCE

39. Application for Consent to Utilize Approximately 115 Ha for the purposes of a Photovoltaic Solar Power Plant on the Farm Talana No. 1241, Boshof. Published in PG 58 Notice Number 113 dated 23 September 2021.
40. Phumelela Municipality By-law: Municipal Land Use Planning. Members of the public are invited to submit written comments within 30 days from the date of publication of the notice. Published in PG 58 Notice Number 109 dated 23 September 2021.

GAUTENG PROVINCE

41. Gauteng Rationalization of Local Government Affairs Act 10 of 1998: City of Ekurhuleni: Draft Disaster and Emergency Management Service Department: Emergency Service By-law.

Members of the public are invited to submit written comments no later than 21 October 2021. Published in PG 319 Notice Number 1077 dated 22 September 2021.

PART TWO: PARLIAMENTARY MONITORING

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

BILLS BEFORE PARLIAMENT (AS OF 4 OCTOBER 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).
15. National Land Transport Amendment Bill (B7-2016).

BILLS BEFORE THE PRESIDENT (AS OF 4 OCTOBER 2021)

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