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Sustainability Legal Specialists (Pty) Ltd

OCTOBER 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 TWO: PARLIAMENTARY MONITORING

SECTION A: ENVIRONMENTAL (NATIONAL)

NATIONAL WATER ACT OF 1998

1. Limiting the use of water in terms of the NWA for Urban & Irrigation purposes from dams within the Caledon-Modder Sub-system: Item 6 of Schedule 3. Published in GG 45328 Notice Number 1036 dated 15 October 2021.
2. Limiting the use of water in terms of the NWA for Urban & Irrigation purposes from dams within the Caledon-Modder Sub-system: Correction Notice: Gazette 45352, Government Notice No. 1073 hereby replaces Government Notice No. 1036, Gazette Number 45328 which was erroneously published on 15 October 2021 under the wrong Department. Published in GG 45352 Notice Number 1073 dated 22 October 2021.

NATIONAL FOREST ACT 84 OF 1998

3. Declaration of certain State Forests Properties in Mpumalanga Province as Forest Nature Reserves under Sec 8(1) and 9. Published in GG 45345 Notice Number 1062 dated 19 October 2021.

ELECTRICITY REGULATION ACT 4 OF 2006

4. Amendment of Government Notice No. 737, published on 12 August 2021, Government Gazette No. 44989: Licensing Exemption and Registration notice. Published in GG 45266 Notice Number 1000 dated 5 October 2021.

NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT 57 OF 2003

5. Declaration of land situated in the Western Cape as part of the existing Bontebok National Park in terms of the Act. Published in GG 45352 Notice Number 1067 dated 10 October 2021.

NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT 59 OF 2008

6. Notice of decision on applications received for the exclusion of a waste stream or a portion of a waste stream from the definition of waste for beneficial use. Published in GG 45293 notice Number 1021 dated 8 October 2021.

SECTION B: SAFETY AND HEALTH (NATIONAL)

CIVIL AVIATION ACT 13 OF 2009

7. Twenty Third Amendment of the Civil Aviation Regulations, 2021. Published in GG 45256 Notice Number 995 dated 1 October 2021.
8. Civil Aviation Regulations, 2011. Published in GG 45391 Notice Number 1437 dated 27 October 2021.

SOUTH AFRICAN CIVIL AVIATION AUTHORITY LEVIES ACT 13 OF 2009

9. Notice of an amendment of a determination made by the South African Civil Aviation Authority imposing a fuel levy on the sale of aviation fuel. Published in GG 45269 Notice Number 1004 dated 5 October 2021.

OCCUPATIONAL HEALTH AND SAFETY ACT 85 OF 1993

10. Correction Notice: Code of Practice For Commercial Zip Line And Aerial Adventure Parks. Published in GG 45328 Notice Number 1033 dated 15 October 2021.

COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT 130 OF 1993

11. Withdrawal of notice on the banking details requirements for Occupational Injuries and Diseases related claims. Published in GG 45330 Notice Number 607 dated 15 October 2021 and Published in GG 45344 Notice Number 616 dated 19 October 2021.
12. As amended: Notice on compensation for covid-19 vaccination side-effects published in terms of Section 6A (b) of the Act. Published in GG 45358 Notice Number 629 dated 22 October 2021.

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

MARINE LIVING RESOURCES ACT 18 OF 1998

13. 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 45275 Notice Number 1017 dated 10 October 2021.
14. Draft Fees for permits, licences and applications, Draft levies on Fish and Products, Draft Harbour Fees. Members of the public are invited to submit written comments within 30 days of publication of this notice. Published in GG 45328 Notice Number 1034 dated 15 October 2021.

ROAD TRAFFIC MANAGEMENT CORPORATION ACT 20 OF 1999

15. The draft amendment of the Road Traffic Management Corporation Regulations, 2007. Members of the public are invited to submit written comments within 30 days of publication of this notice. Published in GG 45291 Notice Number 1019 dated 8 October 2021.

NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT 10 OF 2004

16. Consultation on the proposed hunting/export quota for elephant, black rhinoceros and leopard hunting trophies for the 2021 calendar year. Members of the public are invited to submit written comments within 30 days of publication of this notice. Published in GG 45294 Notice Numbers 1022 dated 8 October 2021.

CLIMATE CHANGE BILL IN NATIONAL ASSEMBLY

17. Notice of Introduction of National Climate Change Bill in the National Assembly and Publication of an Explanatory Summary. Published in GG 45299 Notice Number 1026 dated 11 October 2021.

MARINE POLLUTION AMENDMENT BILL, 2021

18. Notice of intention to introduce the Marine Pollution (Prevention of Pollution from Ships) Amendment Bill, 2021 into Parliament in terms of Rule 241 (1) (b) of the National Assembly. Published in GG 45300 Notice Number 595 dated 11 October 2021.

COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT 130 OF 1993

19. Amendment Notice on banking information requirements for Occupational Injuries and Diseases related claims. Members of the public are invited to submit written comments within 60 days of publication of this notice. Published in GG 45344 Notice Number 615 dated 19 October 2021.

HAZARDOUS SUBSTANCES ACT 15 OF 1973

20. Declaration of Lead in Paint or Coating Material as a Group II Hazardous Substance. Members of the public are invited to submit written comments within 3 months of publication of this notice. Published in GG 45352 Notice Number 1067 dated 22 October 2021.
21. Regulations relating to lead in paint or coating materials. Members of the public are invited to submit written comments within 3 months of publication of this notice. Published in GG 45396 Notice Number 1456 dated 29 October 2021.

WORLD HERITAGE CONVENTION ACT 49 OF 1999

22. Extension of time to comment on the notice of intention to proclaim land situated in the Western and Eastern Cape to be the Cape Floral Region Protected Areas World Heritage Site in terms of the Act. Members of the public are invited to submit written comments within 30 days of publication of this notice. Published in GG 45396 Notice Number 1455 dated 29 October 2021.

NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT 57 OF 2003

23. Consultation on intention to declare land to be part of the existing Mountain Zebra-Camdeboo protected environment under the Act. Members of the public are invited to submit written comments within 60 days of publication of this notice. Published in GG 45396 Notice Number 1454 dated 29 October 2021.

STANDARDS ACT 8 OF 2008

24. 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 45250 Notice Numbers 585 dated 1 October 2021 and Published in GG 45352 Notice Numbers 626 dated 22 October 2021 and Published in GG 45352 Notice Numbers 622 dated 22 October 2021 and Published in GG 45396 Notice Numbers 635 dated 29 October 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

25. Determination of Alert Level. Published in GG 45313 Notice Number 1031 dated 13 October 2021.
26. Amendment of Regulations issued in terms of the Section 27(2) of the Act. Published in GG 45297 Notice Number 1024 dated 11 October 2021.
27. Directions issued in terms of Regulation 4(10) of the Regulations made under Section 27(2) of the Act. Published in GG 45302 Notice Number 1028 dated 11 October 2021.
28. Extension of a National State of Disaster (Covid-19). Published in GG 45313 Notice Number 1031 dated 13 October 2021.
29. Amendments issued in terms of the Sport, Arts and Culture Directions. Published in GG 45329 Notice Number 1037 dated 15 October 2021.
30. Amendments issued in terms of the Air Service Directions. Published in GG 45375 Notice Number 1076 dated 22 October 2021.
31. Withdrawal of various directions regarding measures to address, prevent and combat the spread of COVID-19. Published in GG 45392 Notice Number 1438 dated 28 October 2021.

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

EASTERN CAPE PROVINCE

32. Spatial Planning and Land Use Management Act 16 of 2013: King Sabata Dalindyebo Local Municipality: Final Spatial Development Framework. Published in PG 4637 Notice Number 259 dated 11 October 2021.
33. Engcobo Municipality Land Use Scheme: Municipality's SPLUMA By-law. Published in PG 4638 Notice Number 261 dated 18 October 2021.

WESTERN CAPE PROVINCE

34. Museums Ordinance 8 of 1975: Declaration of Blombos Museum of Archaeology as a Local Museum. Published in PG 8504 Notice Number 12 dated 12 October 2021.
35. Western Cape Land Use Planning Act 3 of 2014: Department of Environmental Affairs and Development Planning: Exemption from Provisions of the Act. Published in PG 8507 Notice Number 129 dated 19 October 2021.
36. Integrated Waste Management By-law, 2021: Overstrand Local Municipality: To regulate the provision of solid waste storage, removal, recycling, treatment and disposal services in the area of jurisdiction of the Overstrand Local Municipality and to provide for matters connected therewith. Published in PG 8513 dated 29 October 2021.
37. Heritage Western Cape: Exemptions Granted in terms of S48(3) of The National Heritage Resources Act in respect of the following Provincial Heritage Sites:
 - a. "Freedom Square". Published in PG 8511 Notice Number 133 dated 29 October 2021.
 - b. "Gugulethu 7 Memorial". Published in PG 8511 Notice Number 134 dated 29 October 2021.
 - c. "The Langa Pass Office". Published in PG 8511 Notice Number 135 dated 29 October 2021.
 - d. "Princess Vlei". Published in PG 8511 Notice Number 136 dated 29 October 2021.
38. Disaster Management Act 57 of 2002: Classification of a provincial disaster in terms of section 23 of the Act: Severe weather events. Published in PG 45296 Notice Number 1023 dated 8 October 2021.
39. City of Cape Town: Air Quality Management Amendment By-law, 2021. Published in PG 8508 dated 22 October 2021.

KWAZULU NATAL PROVINCE

40. Local Government: Municipal Systems Act No. 32 of 2000: eThekweni Municipality: Stormwater Management By-law, 2020. Published in PG 2328 Notice Number 96 dated 14 October 2021.
41. Spatial Planning and Land Use Management By-law, 2021: Msunduzi Municipality. Published in PG 2332 Notice Number 103 dated 28 October 2021.

LIMPOPO PROVINCE

42. Bela-Bela Local Municipality Solid Waste By-laws: By-Laws on animals and Noise Abatement and Prevention of Nuisance By-law. Published in PG 3203 Notice Number 201 dated 1 October 2021.
43. Spatial Planning and Land Use Management Act 16 of 2013: Maruleng Local Municipality: Adoption and approval of the Maruleng Land Use Scheme, 2021. Published in PG 3204 Notice Number 205 dated 8 October 2021.

MPUMALANGA PROVINCE

44. Constitution of the Republic of South Africa, 1996: City of Mbombela: By-law relating to Municipal Roads and Streets. Published in PG 3300 Notice Number 68 dated 24 September 2021.
45. Municipal Systems Act 32 of 2000: Publication of Municipal By-laws for Local Municipalities in terms of the Act. Published in PG 3311 Notice Number 101 dated 15 October 2021.

GAUTENG PROVINCE

46. Municipal Systems Act No. 32 of 2000: Waste Management By-laws: City of Johannesburg Metropolitan Municipality. Published in PG 349 Notice Number 1340 dated 13 October 2021.
47. Spatial Planning and Land Use Management Act 16 of 2013: Approval of the Southern Farms Urban Development Framework for the City of Johannesburg Metropolitan Municipality. Published in PG 355 Notice Number 936 dated 20 October 2021.

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

NORTH WEST PROVINCE

48. Spatial Planning and Land Use Management Act 16 of 2013: Dr. Kenneth Kaunda District Municipality: Notice of Draft 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 8274 Notice Number 123 dated 5 October 2021.

KWAZULU NATAL PROVINCE

49. Spatial Planning and Land Use Management Act No. 16 of 2013: Draft KZN Provincial Spatial Development Framework (PSDF) for the KwaZulu-Natal Province. Members of the public are invited to submit written comments within 90 days from the date of publication of the notice. Published in PG 2327 Notice Number 111 dated 7 October 2021.

FREE STATE PROVINCE

50. Compilation of an all-inclusive Land Use Scheme for the Matjhabeng Local Municipality. Members of the public are invited to submit written comments before or on 29 November 2021. Published in PG 69 Notice Number 92 dated 22 October 2021.
51. Moqhaka Municipal Land Use Planning: By-Law (Provincial Gazette Notice Number 134 of 27 November 2015). Members of the public are invited to submit written comments within 30 days from the date of publication of the notice. Published in PG 65 Notice Number 82 dated 8 October 2021.
52. Compilation of an All-Inclusive Land Use Scheme for the Ngwathe Local Municipality. Members of the public are invited to submit written comments before or on 15 January 2022. Published in PG 69 Notice Number 92 dated 22 October 2021.
53. Proposed amendment of Regulations Governing Private Health Establishments. Members of the public are invited to submit written comments within 21 days from the date of publication of the notice. Published in PG 69 Notice Number 92 dated 22 October 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).
16. Civil Aviation Amendment Bill (B44-2018).
17. Local Government: Municipal Systems Amendment Bill (B2-2018)

BILLS BEFORE THE PRESIDENT (AS OF 4 OCTOBER 2021)

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