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**IMBEWU**



*Sustainability Legal Specialists (Pty) Ltd*

## DECEMBER 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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## SECTION A: ENVIRONMENTAL (NATIONAL)

### **NATIONAL WATER ACT 36 OF 1998**

1. Mzimvubu-Tsitsikamma Water Management Area (MWA 7) in the Eastern Cape Province: Limiting the Use of Water in terms of Section 6 of Schedule 3 of the Act; for Urban, Agricultural, and Industrial (including Mining) Purposes. Published in GG 45649 Notice Number 1626 dated 17 December 2021.

### **NATIONAL WATER ACT 36 OF 1998**

2. Reserve determination for Water Resources of the Crocodile West and Marico Catchments in terms of section 16(1) and (2) of the Act. Published in GG 45568 Notice Number 1559 dated 3 December 2021.

### **CONSERVATION OF AGRICULTURAL RESOURCES ACT 43 OF 1983**

3. Amendment to the Regulations. Published in GG 45616 Notice Number 1580 dated 10 December 2021.

### **CARBON TAX ACT 15 OF 2019**

4. Notice in respect Renewable Energy Premium in respect of a Tax period for purposes of Symbol "B" in Formula contained in Section 6 (2) of the Act. Published in GG 45654 Notice Number 1627 dated 15 December 2021.

### **NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998**

5. Amendment of the procedures to be followed in applying for or deciding on an Environmental Authorisation Application for large scale wind and solar photovoltaic renewable energy development activities when occurring in renewable energy development zones. Published in GG 45649 Notice Number 1617 dated 17 December 2021.
6. Identification in terms of sections 24(3), 24(5) (a) and 24(5)(b) of the National Environmental Management Act. Published in GG 45690 Notice Number 1637 dated 24 December 2021.

## SECTION B: SAFETY AND HEALTH (NATIONAL)

### **COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT 130 OF 1993**

7. The Notice issued by the Compensation Commissioner under the Act. Published in GG 45614 Notice Number 1575 dated 9 December 2021.

### **FIREARMS CONTROL ACT 60 OF 2000**

8. Notice in terms of Section 136 (1) of the Act. Published in GG 45600 Notice Number 1570 dated 6 December 2021.

### **MEDICINES AND RELATED SUBSTANCES ACT 101 OF 1965**

9. Exclusion of Schedule 0 medicines from the operation of Sections 22G and 18A of the Act. Published in GG 45616 Notice Numbers 1581 dated 10 December 2021.

### **MARKETING OF AGRICULTURAL PRODUCT ACT 47 OF 1996**

10. Continuation of Statutory measure for the registration of persons involved in the Secondary Dairy Industry. Published in GG 45703 Notice Numbers 1651 dated 31 December 2021.
11. Continuation of Statutory measure regarding records and returns in respect of Milk and Other Dairy Products. Published in GG 45703 Notice Numbers 1652 dated 31 December 2021.

12. Continuation of Statutory Levies on milk and other dairy products and the determination of Guideline Prices in respect of milk and other dairy products. Published in GG 45703 Notice Numbers 1653 dated 31 December 2021.

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

### **NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT 59 OF 2008**

13. Consultation on the amendments to the Regulations and notices regarding extended Producer Responsibility, 2020. Members of the public are invited to submit written comments within 50 days of publication of this notice. Published in GG 45572 Notice Numbers 1565 dated 3 December 2021.

### **NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998**

14. Consultation on the amendment of the identification in terms of section 24(5)(a) and (b). Members of the public are invited to submit written comments within 50 days of publication of this notice. Published in GG 45605 Notice Number 1572 dated 7 December 2021.
15. Consultation on intention to amend the Section 24H Registration Authority Regulations, 2016. Members of the public are invited to submit written comments within 30 days of publication of this notice. Published in GG 45703 Notice Number 1655 dated 31 December 2021.

### **CIVIL AVIATION ACT 13 OF 2009**

16. Amendment to the Civil Aviation Regulations, 2011. Members of the public are invited to submit written comments before 14 January 2022. Published in GG 45648 Notice Numbers 1613 dated 14 December 2021.

### **SOUTH AFRICAN CIVIL AVIATION AUTHORITY LEVIES ACT 41 OF 1998**

17. Proposal for amendment of a Determination made by the South African Civil Aviation Authority imposing a Fuel Levy on the Sale of Aviation Fuel. Members of the public are invited to submit written comments no later than 16 January 2022. Published in GG 45675 Notice Numbers 1634 dated 17 December 2021

### **PROJECT AND CONSTRUCTION PROFESSIONS ACT 48 OF 2000**

18. 2022 Guideline Tariff of Professional Fees: Construction and Project Managers (CPM). Members of the public are invited to submit written comments no later than 17 January 2022. Published in GG 45649 Notice Numbers 182 and GG 45663 Notice Number 184 dated 17 December 2021.

### **NATIONAL WATER ACT 36 OF 1998**

19. Proposed Reserve Determination of Water Resources for the Mzimvubu Catchment. Members of the public are invited to submit written comments within 60 days of publication of this notice. Published in GG 454649 Notice Number 1625 dated 17 December 2021.

### **MEDICINE AND RELATED SUBSTANCES ACT 101 OF 1965**

20. As amended: Draft Dispensing Fee to be Charged by Persons Licensed in terms of section 22 C (1)(a). Members of the public are invited to submit written comments within 3 months of publication of this notice. Published in GG 45649 Notice Number 1619 dated 17 December 2021.
21. Regulations relating to a Transparent Pricing System for Medicines and Scheduled Substances: (Draft Dispensing Fee for Pharmacists). Members of the public are invited to submit written comments within 3 months of publication of this notice. Published in GG 45649 Notice Number 1618 dated 17 December 2021

### **MARINE LIVING RESOURCES ACT 18 OF 1998**

22. Extension of application period for the application for Rights to Undertake Commercial Fishing of Hake Deepsea Trawl, Hake Longline, South Coast Rock Lobster, Small Pelagic (Sardine and Anchovy), KwaZulu-Natal Crustacean Prawn Trawl, Squid, Demersal Shark Longline, Tuna Pole-Line and Traditional Linefish in terms of Section 18 of the Act. Application period is hereby extended from Tuesday, 7 December 2021 to midnight on Friday, 10 December 2021. Published in GG 45573 Notice Number 1566 dated 2 December 2021.

### **NATIONAL MINIMUM WAGE ACT 9 OF 2018**

23. Investigation into the National Minimum Wage: Invitation for Written Representations. Interested persons are invited to submit written representation by 14 January 2022. Published in GG 45649 Notice Number 1616 dated 17 December 2021.

### **AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**

24. The Capability, Potential, State and use of the Natural Agricultural Resources of South Africa, 2021–Official Publication Release. Any comments or questions on the publication can be submitted in writing. Published in GG 45649 Notice Number 1614 dated 17 December 2021.

### **NATIONAL HERITAGE RESOURCES ACT 25 OF 1999**

25. Notice: Regulations in Accordance with the Provisions of Section 9 of the Act. Interested persons are invited to submit written representation by 18 February 2022. Published in GG 45645 Notice Number 1612 dated 17 December 2021.

### **NATIONAL ENERGY REGULATOR ACT 40 OF 2004**

26. Notice on the Public Hearing on the Eskom's Fifth Multi Year Price Determination (MYPD5) application for the 2022/23, 2023/24 and 2024/25 Financial Years. Members of the are invited to submit written representation by 14 January 2022. Published in GG 45661 Notice Number 1629 dated 17 December 2021.

### **RAILWAY SAFETY REGULATOR ACT 16 OF 2002**

27. As amended: Notification of the publication of the draft Verbal Safety Critical Communication Standard. Members of the public are invited to submit written comments within 60 days of publication of this notice Published in GG 45702 notice Number 1650 dated 31 December 2021.

### **STANDARDS ACT 8 OF 2008**

28. 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 445649 Notice Numbers 723 and Notice Number 724 dated 12 December 2021 and GG 45703 Notice Numbers 744 dated 31 December 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).*

29. Extension of a National State of Disaster for Covid-19. Published in GG 45633 Notice Number 1589 dated 10 December 2021.

30. Amendment of Regulations issued in terms of Section 27 (2). Published in GG 45674 Notice Number 1633 dated 17 December 2021.

31. Regulations made in terms of Section 27(2) (Amendment Alert Level). Published in GG 45697 Notice Number 1649 dated 21 December 2021 and Published in GG 45715 Notice Number 1659 dated 30 December 2021

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

### **FREE STATE PROVINCE**

32. Mangaung Metropolitan Municipality:
- a. Discharge of Industrial Effluent By-law. Published in PG 75 Notice Number 86 dated 26 November 2021.
  - b. Municipal Land Use Planning By-law. Published in PG 75 Notice Number 84 dated 26 November 2021.
  - c. Firefighting Services By-law. Published in PG 75 Notice Number 83 dated 26 November 2021.
  - d. Waste Management By-law. Published in PG 75 Notice Number 81 dated 26 November 2021.

### **KWAZULU NATAL PROVINCE**

33. National Environmental Management: Protected Areas Act 57 of 2003: Declaration of the
- a. Mkhothane Protected Environment in terms of section 28(1) of the Act. Published in PG 2356 Notice Number 150 dated 30 December 2021.
  - b. Hlomo Hlomo Nature Reserve in terms of section 23(1) of the Act. Published in PG 2356 Notice Number 149 dated 30 December 2021.
  - c. KwaWula Nature Reserve in terms of section 23(1) of the Act. Published in PG 2356 Notice Number 148 dated 30 December 2021.

### **EASTERN CAPE PROVINCE**

34. Spatial Planning and Land Use Management By-laws: Final Draft – November 2015. Published in PG 4657 Notice Number 309 dated 3 December 2021.
35. Walter Sisulu Local Municipality: The Spatial Planning and Land Use Management By-laws. Published in PG 4659 Notice Number 38 dated 6 December 2021.
36. Municipal Systems Act 32 of 2000: Local Government - Inxuba Yethemba Municipality By-law relating to Impoundment of Animals. Published in PG 4663 Notice Number 326 dated 13 December 2021.

### **WESTERN CAPE**

37. Heritage Western Cape:
- a. Exemptions Granted in terms of Section 48(3) of the Act. Published in PG 8528 Notice Number 149 dated 10 December 2021.
  - b. Formal Protection of a Portion of Thornton Road. Published in PG 8528 Notice Number 148 dated 10 December 2021.
  - c. Formal Protection of Kaaimans River Railway Bridge. Published in PG 8528 Notice Number 147 dated 10 December 2021.
38. City of Cape: Animal Keeping By-law, 2021. Published in PG 8527 dated 9 December 2021.
39. Western Cape Biodiversity Act 6 of 2021. Published in PG 8529 Notice Number 150 dated 14 December 2021.

### **MPUMALNGA PROVINCE**

40. National Environmental Management Act 107 of 1998: As amended: Environmental Implementation Plan (2020- 2025). Published in PG 3335 Notice Number 127 dated 17 December 2021.

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

### **LIMPOPO PROVINCE**

41. National Environmental Management: Protected Areas Act 57 of 2003:

- a. Consultation Process in terms of Section 33 (1) of the Act–Notice of Intention to Declare Selati, Karongwe, Tholo, Palala, Adelaide, Greater KuduLand Safaris Game Reserves, Greater Mooketsi and Western Soutpansberg as Nature Reserves. Members of the public are invited to submit written comments within 60 days from the date of publication. Published in PG 3220 Notice Number 159 dated 3 December 2021.
- b. Intention to declare attached respective land parcels as nature reserves. Members of the public are invited to submit written comments within 60 days from the date of publication of the notice. Published in PG 3221 Notice Number 160 dated 10 December 2021 and Published in PG 3224 Notice Number 165 dated 24 December 2021.

### **EASTERN CAPE PROVINCE**

42. Spatial Planning and Land Use Management Act 16 of 2013: Elundini Local Municipality. Members of the public are invited to submit written comments. Published in PG 4663 Notice Number 325 dated 13 December 2021.

### **NORTH WEST PROVINCE**

43. National Environmental Management Act 107 of 1998: Notice of an Environmental Impact Assessment Process. Members of the public are invited to submit written comments within 30 days from the date of publication of the notice. Published in PG 8293 Notice Number 206 dated 23 November 2021.

## **PART TWO: PARLIAMENTARY MONITORING**

*This information was accessed through the Parliamentary Monitoring Group at [www.pmg.org.za](http://www.pmg.org.za)*

### **BILLS BEFORE PARLIAMENT (AS OF 31 DECEMBER 2021)**

1. Agricultural Product Standards Amendment Bill (B15 – 2021).
2. Animals Protection Amendment Bill (B1 – 2021).
3. Cannabis for Private Purposes Bill (B19 – 2020).
4. Compensation for Occupational Injuries and Disease Amendment Bill (B21 – 2020).
5. Disaster Management Amendment Bill (B2 – 2021).
6. Economic Regulation of Transport Bill (B1 – 2020).
7. Employment Equity Amendment Bill (B14 – 2020).
8. Gas Amendment Bill (B9 – 2021).
9. Independent Electricity Management Operator Bill (B14 – 2019).
10. Local Government: Municipal Systems Amendment Bill (B2 – 2018).
11. National Environmental Management Laws Amendment Bill (B12 – 2017).
12. National Forests Amendment Bill (B11 – 2016).
13. National Health Insurance Bill (B11 – 2019).

14. National Health Amendment Bill (B29 – 2018).
15. National Land Transport Amendment Bill (B7 – 2016).
16. National Road Traffic Amendment Bill (B7 – 2020).
17. National Veld and Forest Fire Amendment Bill (B24 – 2021)
18. Plant Health (Phytosanitary) Bill (B14 – 2021).
19. Preservation and Development of Agricultural Land Bill (B8 – 2021).
20. Railway Safety Bill (B7 – 2021).
21. Upstream Petroleum Resources Development Bill (B13 – 2021).

#### **BILLS BEFORE THE PRESIDENT (AS OF 31 DECEMBER 2021)**

1. Civil Aviation Amendment Bill (B44 – 2018).
2. Tax Administration Laws Amendment Bill (B23 – 2021).
3. Taxation Laws Amendment Bill (B22 – 2021).

***DISCLAIMER: The information contained in IMBEWU's SHE Legislation Update has been obtained from sources believed to be reliable. IMBEWU does not warrant the accuracy, completeness or adequacy of such information.***

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