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**IMBEWU**



*Sustainability Legal Specialists (Pty) Ltd*

## **FEBRUARY 2022 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 ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998**

1. Amendment of Section 24H Registration Authority Regulations, 2016. Published in GG 45883 Notice Number 1733 dated 7 February 2022 and Published in GG 45886 Notice Number 1735 dated 8 February 2022

### **NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT 10 OF 2004**

2. Declaration of certain land as part of the existing Harold Porter National Botanical Garden. Published in GG 45930 Notice Number 1763 dated 18 February 2022.0

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

3. Amendments to the List of Waste Management Activities that have, or are likely to have, a Detrimental Effect on the Environment. Published in GG 45907 Notice Number 1757 dated 11 February 2022.

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

4. Amendment of Regulation. Published in GG 45894 Notice Number 1737 dated 11 February 2022.

### **GAS REGULATION LEVIES ACT 75 OF 2002**

5. Levy and Interest payable on Piped-Gas Industry. Published in GG 45895 Notice Number 1744 dated 10 February 2022.

### **AGRICULTURAL PESTS ACT 36 OF 1983**

6. Amendment of the Control Measures R. 110 of 27 January 1984. Published in GG 45953 Notice Number 1773 dated 25 February 2022.
7. Amendment of the Regulations R. 111 of 27 January 1984. Published in GG 45953 Notice Number 1774 dated 25 February 2022.

## SECTION B: SAFETY AND HEALTH (NATIONAL)

### **MINE HEALTH AND SAFETY ACT 29 OF 1996**

8. Guideline for the Compilation of a Mandatory Code of Practice for an Occupational Health Programme on Thermal Stress. Published in GG 45903 Notice Numbers 1755 and GG 45903 Notice Numbers 1754 dated 11 February 2022.

### **BASIC CONDITIONS OF EMPLOYMENT ACT 75 OF 1997**

9. Determination of Earnings Threshold. Published in GG 45880 Notice Number 1731 dated 7 February 2022.
10. Correction Notice: Determination of Earnings Threshold. Published in GG 45890 Notice Number 1736 dated 9 February 2022.

### **NATIONAL ROAD TRAFFIC ACT 93 OF 1996**

11. Increase of tariffs and fees for the Department of Transport and Community Safety, Limpopo Province. Published in GG 45853 Notice Number 769 dated 31 January 2022.
12. Amendment of the National Road Traffic Regulations. Published in GG 45901 Notice Number 1750 dated 11 February 2022.

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

13. Annual Single Exit Price Adjustments of Medicines and Scheduled Substances for the year 2022. Published in GG 45859 Notice Number 1722 dated 4 February 2022.

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

14. Annual Review and Adjustment of the National Minimum Wage for 2022. Published in GG 45882 Notice Number 1732 dated 7 February 2022.

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

#### **ELECTRICITY REGULATION ACT 4 OF 2006**

15. 2<sup>nd</sup> Regulation Amendment Bill. Members of the public are invited to submit written comments within 30 days of publication. Published in GG 45898 Notice Numbers 1746 dated 11 February 2022.

#### **NATIONAL ENVIRONMENT MANAGEMENT: AIR QUALITY ACT 39 OF 2004**

16. Proposed regulations for implementing and enforcing Priority Area Air Quality Management Plans. Members of the public are invited to submit written comments within 30 days of publication. Published in GG 45894 Notice Numbers 1738 dated 11 February 2022.

#### **NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT 10 OF 2004**

17. Request for comments on the inclusion of Seventeen Succulent Plant Species and one Succulent Plant Genus in Appendix III of the convention on International Trade in Endangered Species of Wild Fauna and Flora. Members of the public are invited to submit written comments within 30 days of publication. Published in GG 45929 Notice Numbers 1760 dated 20 February 2022.

#### **ELECTRICITY PRICING POLICY OF SOUTH AFRICA, 2008**

18. Notice of the Review of the Electricity Pricing Policy of South Africa. Members of the public are invited to submit written comments within 30 days of publication. Published in GG 45899 Notice Numbers 1747 dated 10 February 2022.

### **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. Amendment of Alert Level: Regulations made in terms of Section 27(2). Published in GG 45855 Notice Number 1715 dated 1 February 2022 and GG 45922 Notice Number 1759 dated 15 February 2022.
20. Extension of National State of Disaster to 15 March 2022 in terms of Section 27(5)(c) of the DMA. Published in GG 45921 Notice Number 1758 dated 14 February 2022.
21. Amendment of Directions issued in terms of regulation 4(10) of the Regulations made under section 27(2) of the Act. Published in GG 45896 Notice Number 1745 dated 10 February 2022.

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

### **EASTERN CAPE PROVINCE**

22. Proclamation by the MEC for Economic Development, Environmental Affairs and Tourism: Hunting Season and the Daily Bag Limits, January 2022. Published in PG 4681 Notice Number 4 dated 7 February 2022.
23. Spatial Planning and Land Use Management By-laws: Final Draft – November 2015. Published in PG 4683 Notice Number 361 dated 10 February 2022.
24. King Sabata Dalindyebo Local Municipality:
  - a. Building Management By-law and Outdoor Advertising By-laws, 2019. Published in PG 4686 Notice Number 367 dated 14 February 2022.
  - b. Street Parking By-laws. Published in PG 4695 Notice Number 378 dated 28 February 2022.
25. Constitution of South Africa Act 1996, gazetting of Sarah Baartman District Municipality / Municipal Health By-Laws in terms of section 156(2) of the Constitution. Members of the public are invited to submit written comments before 16 July 2022. Published in GG 45930 Notice Number 1761 dated 18 February 2022.

### **WESTERN CAPE PROVINCE**

26. City of Cape Town Metropolitan Municipality: Streets, Public Places and the Prevention of Noise Nuisances Amendment By-law, 2021. Published in PG 8551 Notice Number a dated 14 February 2022.
27. Witzenberg Municipality: Water and Sanitation Services and Industrial Effluent By-laws. Published in PG 8549 Notice Number a dated 11 February 2022.

### **KWAZULU NATAL PROVINCE**

28. National Environmental Management: Protected Areas Act 57 of 2003:
  - a. Declaration of an addition to the Umsonti Private Nature Reserve. Published in PG 2365 Notice Number 163 dated 3 February 2022.
  - b. Declaration of the Tweefontein Nature Reserve. Published in PG 2365 Notice Number 162 dated 3 February 2022.
  - c. Declaration of the Nagle Dam and Game Reserve. Published in PG 2365 Notice Number 160 dated 3 February 2022.

### **MPUMALANGA PROVINCE**

29. Mpumalanga Nature Conservation Act 10 of 1998: Open Season: Ordinary Game. Published in PG 3350 Notice Number 139 and PG 3352 Notice Number 141 dated 11 February 2022.

### **NORTHERN CAPE PROVINCE**

30. Spatial Planning and Land Use Management Act 16 of 2013: Joe Morolong Local Municipality. Published in PG 2479 Notice Number 161 dated 14 February 2022.

### **LIMPOPO PROVINCE**

31. Constitution of the Republic of South Africa Act 108 of 1996: Bela Bela Local Municipality: Solid Waste By-laws; Standard By-laws relating to the keeping of Animals, Birds and Poultry and to businesses involving the keeping of animals, birds, poultry, pets and control of stray animals; Noise Abatement and Prevention of Nuisance By-law. Published in PG 3239 Notice Number 279 dated 18 February 2022.

### **FREE STATE PROVINCE**

32. Hunting Season: 2022. Published in PG 94 Notice Number 16 dated 25 February 2022.

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

### **EASTERN CAPE PROVINCE**

33. Intergrated Coastal Management Act 24 of 2008: Draft Swartkops Estuarine Management Plan. Members of the public are invited to submit written comments within 30 days from the date of publication. Published in PG 4681 Notice Number 215 dated 7 February 2022.
34. Spatial Planning and Land Use Management Act 16 of 2013:
- a. Ndlambe Local Municipality Spatial Development Framework (SDF). Members of the public are invited to submit written comments within 60 days from the date of publication. Published in GG 4695 Notice Number 377 dated 28 February 2022.
  - b. Ndlambe Local Municipality review of the Spatial Planning Development Framework. Members of the public are invited to submit written comments within 60 days from the date of publication. Published in GG 4695 Notice Number 376 dated 28 February 2022.
  - c. Review of the Municipal Spatial Development Framework for Nelson Mandela Bay Metropolitan Municipality. Members of the public are invited to submit written comments within 60 days from the date of publication. Published in GG 4695 Notice Number 241 dated 28 February 2022.

### **KWAZULU NATAL PROVINCE**

35. National Environmental Management: Protected Areas Act 57 of 2003:
- d. Notice of intention to declare the Umgavusa Protected Environment. Published in PG 2365 Notice Number 161 dated 3 February 2022.

### **GAUTENG PROVINCE**

36. National Environmental Management: Protected Areas Act 57 of 2003:
- a. Intention to declare a Nature Reserve: Somabula Nature Reserve. Members of the public are invited to submit written comments within 60 days from the date of publication. Published in PG 52 Notice Number 199 dated 16 February 2022.
  - b. Amendment of the Boundaries of the two existing Nature Reserves: Crocodile River Reserve Doornrandje Nature Reserve Cluster and Crocodile River Reserve Central Nature Reserve Cluster. Members of the public are invited to submit written comments within 60 days from the date of publication. Published in PG 52 Notice Number 180 dated 16 February 2022.

### **WESTERN CAPE PROVINCE**

37. Department of Environmental Affairs and Development Planning: National Environmental Management Act 107 of 1998: Draft Environmental Management Framework for Drakenstein Municipality. Members of the public are invited to submit written comments on or before 19 March 2022. Published in PG 8552 Notice Number 19 dated 17 February 2022.
38. Western Cape Nature Conservation Board: Swellendam: Notice for the Proposed Construction of a Jetty and Slipway. Members of the public are invited to submit written comments within 30 days from the date of publication. Published in PG 8555 Notice Number 23 dated 25 February 2022.
39. Drakenstein Municipality: Draft Drakenstein Spatial Development Framework, 2022. Members of the public are invited to submit written comments on or before 29 April 2022. PG 8554 Notice Number i dated 25 February 2022.

## **FREE STATE PROVINCE**

40. Extension of period for comments on the Free State integrated Local Economic Development and Transformation Bill. Members of the public are invited to submit written comments on or before 25 February 2022. Published in PG 92 Notice Number 147 dated 11 February 2022.

## **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 28 FEBRUARY 2022)**

1. Climate Change Bill (B9-2022).
2. Marine Pollution (Prevention of Pollution from Ships) Amendment Bill (B5- 2022)
3. Agricultural Product Standards Amendment Bill (B15 – 2021).
4. Animals Protection Amendment Bill (B1 – 2021).
5. Cannabis for Private Purposes Bill (B19 – 2020).
6. Compensation for Occupational Injuries and Disease Amendment Bill (B21 – 2020).
7. Disaster Management Amendment Bill (B2 – 2021).
8. Economic Regulation of Transport Bill (B1 – 2020).
9. Employment Equity Amendment Bill (B14 – 2020).
10. Gas Amendment Bill (B9 – 2021).
11. Independent Electricity Management Operator Bill (B14 – 2019).
12. Local Government: Municipal Systems Amendment Bill (B2 – 2018).
13. National Health Insurance Bill (B11 – 2019).
14. National Land Transport Amendment Bill (B7 – 2016).
15. National Road Traffic Amendment Bill (B7 – 2020).
16. National Veld and Forest Fire Amendment Bill (B24 – 2021)
17. Preservation and Development of Agricultural Land Bill (B8 – 2021).
18. Railway Safety Bill (B7 – 2021).
19. Upstream Petroleum Resources Development Bill (B13 – 2021).

### **BILLS BEFORE THE PRESIDENT (AS OF 28 FEBRUARY 2022)**

1. National Environmental Management Laws Amendment Bill (B12 – 2017).
2. Civil Aviation Amendment Bill (B44 – 2018).
3. National Forests Amendment Bill (B11 – 2016).

***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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