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*Sustainability Legal Specialists (Pty) Ltd*

## **MARCH 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)

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

1. Publication of the National Freshwater (Inland) Wild Capture Fisheries Policy for implementation. Published in GG 45954 Notice Number 1790 dated 25 February 2022.

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

2. Withdrawal of Amendment to regulation 39(2) of the Environmental Impact Assessment Regulations, 2014, as amended, in Government Notice No. 517 published in Government Gazette No. 44701 of 11 June 2021. Published in GG 45999 Notice Number 1816 dated 3 March 2022.

### **NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT 57 OF 2003**

3. Declaration of Land to be part of an Existing Mountain Zebra-Camdeboo Protected Environment in terms of the Act. Published in GG 46079 Notice Number 1916 dated 23 March 2022.
4. Correction notice: Meerkat National Park declared in terms of the Act. Published in GG 46088 Notice Number 1923 dated 25 March 2022.

### **INFRASTRUCTURE DEVELOPMENT ACT 23 OF 2014**

5. South Africa's National Infrastructure Plan 2050. Published in GG 46033 Notice Number 1874 dated 11 March 2022.

### **MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT 28 OF 2022**

6. Publication of the Artisanal and Small Scale-Mining Policy 2022 for Implementation. Published in GG 46124 Notice Number 1938 dated 30 March 2022.

### **GEOSCIENCE ACT REGULATIONS 2022**

7. Publication of the Geoscience Act Regulations, 2022 for Implementation. Published in GG 46126 Notice Number 1940 dated 30 March 2022.

### **NATIONAL FORESTS ACT 84 OF 1998**

8. Declaration of Four Tree Species as protected and the publication of the Annual List of all Tree Species which are protected under section 12 of the Act. Published in GG 46094 Notice Number 1935 dated 25 March 2022.

## SECTION B: SAFETY AND HEALTH (NATIONAL)

### **OCCUPATIONAL DISEASES IN MINES AND WORKS ACT 78 OF 1973**

9. Increase of Pension Benefits. Published in GG 46000 Notice Numbers 1839 4 March 2022 and published in GG 46088 Notice Number 1928 dated 25 March 2022.
10. Amendment of Amounts to Increase Benefits. Published in GG 46088 Notice Number 1930 dated 25 March 2022.

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

11. Erratum Notice on documents to be provided by employers to the Compensation Fund. Published in GG 46032 Notice Number 879 dated 11 March 2022.
12. As amended: Annual increase in medical tariffs for medical services providers:
  - a. Doctors. Published in GG 46150 Notice Number 939 dated 31 March 2022.
  - b. Prosthetics and Orthotics. Published in GG 46149 Notice Number 938 dated 31 March 2022.

- c. Speech Audio and Optometrist. Published in GG 46156 Notice Number 940 dated 31 March 2022.
- d. Wound and Blood Services. Published in GG 46139 Notice Number 935 dated 31 March 2022.
- e. Dietician & Radiography. Published in GG 46140 Notice Number 936 dated 31 March 2022.
- f. Occupational Therapy. Published in GG 46138 Notice Number 934 dated 31 March 2022.
- g. Dental. Published in GG 46131 Notice Number 927 dated 31 March 2022.
- h. Social Worker and Psychology. Published in GG 46130 Notice Number 926 dated 31 March 2022.
- i. Chiropractor. Published in GG 46129 Notice Number 925 dated 31 March 2022.
- j. Ambulance. Published in GG 46122 Notice Number 922 dated 31 March 2022.
- k. Physiotherapist. Published in GG 46128 Notice Number 924 dated 31 March 2022.
- l. Renal. Published in GG 46123 Notice Number 923 dated 31 March 2022.
- m. Private Hospitals. Published in GG 46121 Notice Number 921 dated 31 March 2022.

**OCCUPATIONAL HEALTH AND SAFETY ACT 85 OF 1887**

- 13. Hazardous Biological Agents Regulations. Published in GG 46051 Notice Number 1887 dated 16 March 2022.

**NON-PROLIFERATION OF WEAPONS OF MASS DESTRUCTION ACT 87 OF 1993**

- 14. Code of Conduct for persons involved in controlled Non-Proliferation activities. Published in GG 46081 Notice Number 1919 dated 25 March 2022.

**MINE COMMUNITY RESETTLEMENT GUIDELINES 2022**

- 15. Publication of the Mine Community Resettlement Guidelines 2022 for Implementation. Published in GG 46125 Notice Number 1939 dated 30 March 2022.

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

**NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998**

- 16. Consultation on the intention to publish the National Biodiversity Offset Guideline. Members of the public are invited to submit written comments within 30 days of publication. Published in GG 46088 Notice Numbers 1924 dated 25 March 2022.

**MINERAL AND PETROLEUM RESOURCES DEVELOPMENT REGULATIONS ACT 28 OF 2002**

- 17. Publication of proposed amendments to regulation 2(1) of the Act. Members of the public are invited to submit written comments on or before 12 April 2022. Published in GG 45982 Notice Numbers 1803 dated 28 February 2022.

**MARINE OIL POLLUTION BILL 2022**

- 18. Notice of intention to introduce the Marine Oil Pollution (Preparedness, Response and Cooperation) Bill 2022. Published in GG 45983 Notice Numbers 858 dated 28 February 2022.

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

- 19. Consultation on the draft Industry Waste Tyre Management Plan. Members of the public are invited to submit written comments within 30 days of publication. Published in GG 46017 Notice Numbers 1849 dated 9 March 2022.
- 20. Extended Producer Responsibility Scheme:

- a. for the portable battery sector. Members of the public are invited to submit written comments within 30 days of publication. Published in GG 46137 Notice Numbers 1945 dated 30 March 2022.
- b. for the Pesticide Sector. Members of the public are invited to submit written comments within 30 days of publication. Published in GG 46136 Notice Numbers 1944 dated 30 March 2022.

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

21. Section 13(4) of the Act: Determination of water resource classes and resource quality objectives in the Thukela catchment. Members of the public are invited to submit written comments within 60 days of publication. Published in GG 46032 Notice Numbers 1873 dated 11 March 2022.

#### **MERCHANT SHIPPING ACT 57 OF 1951**

22. Draft Merchant Shipping (Construction and Equipment of Fishing Vessels of 24 metres in length and over): Regulations, 2022. Members of the public are invited to submit written comments within 30 days of publication. Published in GG 46032 Notice Numbers 883 dated 3 March 2022.

#### **ANIMAL DISEASES ACT 35 OF 1984**

23. Proposed amendment to the Regulations. Members of the public are invited to submit written comments within 60 days of publication. Published in GG 46032 Notice Numbers 1854 dated 11 March 2022.

#### **NATIONAL HEALTH ACT 61 OF 2003**

24. Proposed Regulations relating to environmental health. Members of the public are invited to submit written comments within 30 days of publication. Published in GG 46048 Notice Numbers 1885 dated 15 March 2022 and published in GG 46045 Notice Numbers 1880 dated 15 March 2022.
25. Proposed Regulations relating to the management of human remains. Members of the public are invited to submit written comments within 30 days of publication. Published in GG 46048 Notice Numbers 1884 dated 15 March 2022 and published in GG 46045 Notice Numbers 1879 dated 15 March 2022.
26. Amendment to the Regulations relating to the surveillance and the control of notifiable medical conditions. Members of the public are invited to submit written comments within 30 days of publication. Published in GG 46045 Notice Numbers 1877 dated 15 March 2022 and published in GG 46048 Notice Numbers 1882 dated 15 March 2022.

#### **SPATIAL PLANNING AND LAND USE MANAGEMENT ACT 16 OF 2013**

27. Notice of the draft Karoo Regional Spatial Development Framework in terms of section 18(4) of the Act. Members of the public are invited to submit written comments within 30 days of publication. Published in GG 46047 Notice Number 884 dated 16 March 2022

#### **DISASTER MANAGEMENT ACT 57 OF 2002**

28. Proposed amendment to the Disaster Management Regulations dated 29 March 2022. Members of the public are invited to submit written comments by 1 April 2022. Published in GG 46127 Notice Number 1941 dated 29 March 2022

#### **HAZARDOUS SUBSTANCES ACT 15 OF 1973**

29. Group I,
  - a. Category A, Hazardous Substances: Declaration. Members of the public are invited to submit written comments within 3 months of publication. Published in GG 46088 Notice Number 1926 dated 25 March 2022.

- b. Category B, Hazardous Substances: Declaration. Members of the public are invited to submit written comments within 3 months of publication. Published in GG 46088 Notice Number 1925 dated 25 March 2022.

### **RADIOACTIVE WASTE MANAGEMENT FUND BILL, 2022**

30. For public comment. Members of the public are invited to submit written comments on or before the 20 May 2022. Published in GG 46147 Notice Number 1950 dated 31 March 2022.

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

31. Drafts for comments: Amendment of existing standards; Withdrawal of the South African National Standards; Withdrawal of informative and normative documents; Issuing of the South African National Standards. Published in GG 46059 Notice Number 896 dated 18 March 2022 and published in GG 46088 Notice Number 1933 dated 25 March 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**

32. Code of Practice: Managing exposure to SARS-COV-2 in the workplace, 2022. Published in GG 46043 Notice Number 1876 dated 15 March 2022 and published in GG 46058 Notice Number 1896 dated 15 March 2022.
33. Extension of National State of Disaster. Published in GG 46042 Notice Number 1875 dated 14 March 2022.
34. Withdrawal of various directions regarding measures to address, prevent and combat the spread of COVID-19. Published in GG 46075 Notice Number 1914 dated 22 March 2022.
35. Amendment of Regulations issued in terms of section 27(2). Published in GG 46078 Notice Number 1915 dated 22 March 2022.
36. Extension of Validity period of Licenses Directions. Published in GG 461436 Notice Number 1946 dated 31 March 2022.

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

### **GAUTENG PROVINCE**

37. Municipal Systems Act 32 of 2000: Notice of the Air Quality By-laws of the City of Tshwane Metropolitan Municipality. Published in PG 66 Notice Number 292 dated 2 March 2022.
38. National Environmental Management Act 107 of 1998: Adoption of Gauteng Provincial Environmental Management Framework, 2021. Published in PG 85 Notice Number 335 dated 16 March 2022.

### **WESTERN CAPE PROVINCE**

39. Department of Environmental Affairs and Development Planning: Withdrawal of Notice. Published in PG 8571 Notice Number 35 dated 18 March 2022.

### **EASTERN CAPE PROVINCE**

40. Local Government: Municipal Systems Act 32 of 2000: Department of Planning, Development & Tourism: Adoption notice: The Kouga Outdoor Advertising and Signage By-law. Published in PG 4714 Notice Number 403 dated 28 March 2022.

### **NORTHERN CAPE PROVINCE**

41. Spatial Planning and Land Use Management Act 16 of 2013: Compilation of an all-inclusive Land Use Management Scheme (LUMS)
- a. For the Hantam Municipality. Published in PG 2484 Notice Number 171 dated 7 March 2022.
  - b. For the Nama Khoi Municipality. Published in PG 2490 Notice Number 182 dated 21 March 2022.
  - c. The Richtersveld Municipality. Published in PG 2490 Notice Number 181 dated 21 March 2022.

### **LIMPOPO PROVINCE**

42. National Environmental Management: Protected Areas Act 57 of 2003: Publication of Correction Notice in the Schedule. Published in PG 3241 Notice Number 192 dated 25 February 2022.

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

### **EASTERN CAPE PROVINCE**

43. National Heritage Resources Act 25 of 1999: Call for comment on Regulations for the appointment, Composition and Functioning of the Council of the Eastern Cape Provincial Heritage Resources Authority. Members of the public are invited to submit written comments within 30 days from the date of publication. Published in PG 4701 Notice Number 248 dated 10 March 2022.
44. Spatial Planning and Land Use Management Act 16 of 2013: 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 PG 4711 Notice Number 256 dated 21 March 2022.

### **MPUMALANGA PROVINCE**

45. National Environmental Management: Protected Area Act 57 of 2003:
- a. Intention to withdraw the Declaration of the Burnside Private Nature Reserve in terms of the Act and in terms of the Mpumalanga Nature Conservation Act. Members of the public are invited to submit written comments within 60 days from the date of publication. Published in PG 3361 Notice Number 148 dated 11 March 2022.
  - b. Consultation process in terms of the Act: Intention to declare the Middelpunt Nature Reserve; and intention to withdraw the Declaration of Part of a Protected Environment. Members of the public are invited to submit written comments within 60 days of publication. Published in PG 3361 Notice Number 145 dated 11 March 2022.

### **NORTH WEST PROVINCE**

46. Spatial Planning and Land Use Management By-law, 2016: Notice-February 2022:
- a. Mamusa Local Municipality Draft Spatial Development Framework (SDF). Members of the public are invited to submit written comments within 60 days of publication. Published in PG 8328 Notice Number 144 dated 8 March 2022.
  - b. Kagisano Molopo Local Municipality Draft Spatial Development Framework (SDF). Members of the public are invited to submit written comments within 60 days of publication. Published in PG 8327 Notice Number 179 dated 1 March 2022.

### **GAUTENG PROVINCE**

47. Spatial Planning and Land Use Management Act 16 of 2013: Draft to the Soweto Strategic Area Framework. Members of the public are invited to submit written comments within 60 days from the date of publication. Published in PG 85 Notice Number 418 dated 15 March 2022.

#### **WESTERN CAPE PROVINCE**

48. Department of Environmental Affairs and Development Planning: Nature Conservation Ordinance, 1974 (Ordinance 19 of 1974): Notice of Intention to Abolish Driftsands Nature Reserve. Members of the public are invited to submit written comments within 60 days from the date of publication. Published in PG 8571 Notice Number 36 dated 18 March 2022.

#### **FREE STATE PROVINCE**

49. Mantsopa Local Municipality: Compilation of the Inclusive Land Use Scheme (2022) and the Review Spatial Development Framework (2022/2023). Members of the public are invited to submit written comments within 60 days from the date of publication. Published in PG 105 Notice Number 111 dated 18 March 2022.

50. Mafube Local Municipality Spatial Planning and Land Use Management Act 16 of 2013. Draft in terms of the Act. Members of the public are invited to submit written comments within 60 days from the date of publication. Published in PG 105 Notice Number 166 dated 18 March 2022.

#### **LIMPOPO PROVINCE**

51. Limpopo Environment Management Act 7 of 2003: section 122(1)(h)(iv); subsections (3) and (6): Revision of Permit Tariffs as per the Act. Members of the public are invited to submit written comments within 30 days from the date of publication. Published in PG 3252 Notice Number 207 dated 25 March 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 31 MARCH 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. Economic Regulation of Transport Bill (B1 – 2020).
8. Employment Equity Amendment Bill (B14 – 2020).
9. Gas Amendment Bill (B9 – 2021).
10. Independent Electricity Management Operator Bill (B14 – 2019).
11. Local Government: Municipal Systems Amendment Bill (B2 – 2018).
12. National Health Insurance Bill (B11 – 2019).
13. National Land Transport Amendment Bill (B7 – 2016).
14. National Road Traffic Amendment Bill (B7 – 2020).
15. National Veld and Forest Fire Amendment Bill (B24 – 2021)
16. Preservation and Development of Agricultural Land Bill (B8 – 2021).
17. Railway Safety Bill (B7 – 2021).
18. Upstream Petroleum Resources Development Bill (B13 – 2021).

## BILLS BEFORE THE PRESIDENT (AS OF 31 MARCH 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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