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Sustainability Legal Specialists (Pty) Ltd

APRIL 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.

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

SECTION A: ENVIRONMENTAL (NATIONAL)

NATIONAL ENVIRONMENT MANAGEMENT ACT 107 OF 1998

1. Adoption of the Generic Environmental Management Programme for Development Projects within the Atlantis Urban Area as Environmental Management Instrument and Exclusion of Activities Identified in terms of Section 24 (2) (a) and (b) of the Act, from the requirement to obtain Environmental Authorisation if undertaken within the Atlantis Urban Area (Western Cape). Published in GG 46208 Notice Number 2001 dated 7 April 2022.

NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT 59 OF 2008

2. National Norms and Standards for the treatment of organic waste. Published in GG 46169 Notice Number 1984 dated 1 April 2022.

ELECTRICITY REGULATION ACT 4 OF 2006

3. Determination under Section 34(1) of the Act. Published in GG 46242 Notice Number 2023 dated 14 April 2022.
4. License fees payable by licensed generators of electricity. Published in GG 46255 Notice Number 2036 dated 22 April 2022 and Published in GG 46255 Notice Number 239 dated 22 April 2022

THE DEPARTMENT OF MINERAL RESOURCES AND ENERGY

5. Request for qualification and Proposals (RFP) under Bid Window 6 of the Renewable Energy Independent Power Producers Procurement Programme (REIPPPP). Tender No. DMRE/001/2022/23. Published in GG 46206 Notice Number 957 dated 6 April 2022.

EXPLORATION STRATEGY OF SOUTH AFRICA

6. South Africa's Exploration Strategy for the Mining Industry of South Africa. Published in GG 46246 Notice Number 2026 dated 14 April 2022.
7. South Africa's Explorations Implementation Plan 2022. Published in GG 46246 Notice Number 2027 dated 14 April 2022.

PLANT IMPROVEMENT ACT 53 OF 1976

8. Amendment to the Regulations relating to establishments, varieties, plants and propagating material. Published in GG 46261 Notice Number 2038 dated 22 April 2022.

CANNABIS ECONOMY GAUTENG

9. Request for Information: Partnerships for Cannabis Industrialization. Published in GG 46295 Notice Numbers 2054 dated 29 April 2022.

OCCUPATIONAL HEALTH AND SAFETY ACT 85 OF 1993

10. As amended: Notice regarding Implementation of Regulations 14, 14A, 14B, 14C and 14D of the Regulations for Hazardous Chemical Agents, 2021. Published in GG 46299 Notice Numbers 2056 dated 29 April 2022.

SECTION B: SAFETY AND HEALTH (NATIONAL)

COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT 130 OF 1993

11. Adjustment of levies paid by Controlled Mines and Works. Published in GG 46164 Notice Number 1972 dated 1 April 2022.
12. The notice issued by the Compensation Commissioner under the Act. Published in GG 46269 Notice Number 993 dated 22 April 2022.

13. The notice issued by the Director under the Act. Published in GG 46270 Notice Number 994 dated 22 April 2022.

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

NATIONAL HEALTH ACT 61 OF 2003

14. An extension of comment period for the regulations relating to surveillance and the control of notifiable medical conditions: Amendment; regulations relating to public measures in points of entry; regulations relating to the Management of Human Remains and regulations relating to Environmental Health. Members of the public are invited to submit written comments before or on 24 April 2022. Published in GG 46251 Notice Numbers 2051 dated 19 April 2022.

NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998

15. Consultation on the Intention to Adopt a Standard for the Development and Expansion of Power Lines and Substations within Identified Geographical Areas and the Exclusion of this Infrastructure from the Requirement to obtain an Environmental Authorisation. Members of the public are invited to submit written comments within 30 days of publication of this gazette. Published in GG 46209 Notice Number 2002 dated 7 April 2022.

SOUTH AFRICAN WEATHER SERVICE ACT 8 OF 2001

16. Consultation on the proposed Regulations Regarding Fees for the provision of Aviation Meteorological Services. Members of the public are invited to submit written comments within 30 days of publication. Published in GG 46253 Notice Number 2033 dated 20 April 2022.

CIVIL AVIATION ACT 13 OF 2009

17. Civil Aviation Regulations, 2011. Members of the public are invited to submit written comments before or on 28 May 2022.

STANDARDS ACT 8 OF 2008

18. 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 46211 Notice Number 962 dated 8 April 2022 and published in GG 46242 Notice Number 2023 dated 14 April 2022.

HAZARDOUS SUBSTANCES ACT 15 OF 1973

19. Group II Hazardous Substances: Declaration. Members of the public are invited to submit written comments within 3 months of publication. Published in GG 46288 Notice Number 2045 dated 29 April 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

20. Revocation of the classification of the COVID-19 pandemic as a national disaster. Published in GG 46199 Notice Number 1992 dated 5 April 2022.

21. Termination of National State of Disaster. Published in GG 46197 Notice Number 1988 dated 4 April 2022.

22. Regulation made in terms of Section 27(2) (Amendment Alert Level). Published in GG 46195 Notice Number 1986 dated 4 April 2022.
23. Directions on the establishment of a COVID-29 Vaccine injury No-Fault Compensation Scheme issued in terms of the Act. Published in GG 6196 Notice Number 1987 dated 4 April 2022.
24. Classification of a provincial disaster in terms of section 23 of the Disaster Management Act 57 of 2002: Impact of severe weather events. Published in GG 46241 Notice Number 2013 dated 13 April 2022 and Published in GG 46247 Notice Number 2028 dated 18 April 2022.
25. Declaration of a National State of Disaster: Impact of severe weather events. Published in GG 46247 Notice Number 2029 dated 18 April 2022.
26. Amendment of Directions issued in terms of the Regulations made under section 27(2) of the Act. Published in GG 46260 Notice Number 2037 dated 21 April 2022.

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

KWAZULU NATAL PROVINCE

27. Declaration of a Kwazulu-Natal Provincial State of Disaster. Published in PG 2388 Notice Number 216 dated 14 April 2022.
28. KwaZulu-Natal Planning and Development Act 6 of 2008: Adoption of Planning and Development Norms and Standards for Spatial Imperatives for Public Social Infrastructure in terms of Section 144 (2) of the Act. Published in PG 2389 Notice Number 218 dated 21 April 2022.

WESTERN CAPE PROVINCE

29. Bergrivier Municipality: Integrated Waste Management By-law, 2021. Published in PG 8579 dated 1 April 2022.
30. Cape Agulhas Municipality: Integrated Waste Management By-law, 2021. Published in PG 8580 dated 8 April 2022.

FREE STATE PROVINCE

31. Ngwathe Local Municipality Land Use Scheme, 2022. Published in PG 7 dated 22 April 2022.

LIMPOPO PROVINCE

32. Municipal System Act 322 of 2000: Local Government – Variation notice of Maruleng Local Municipality Spatial Planning and Land Use Management By-law, 2016. Published in PG 3255 Notice Number 331 dated 11 April 2022.

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

KWAZULU NATAL PROVINCE

33. National Environmental Management: Protected Areas Act 57 of 2003. Consultation process in terms of Section 33(1) of the Act. Notice of intention to declare:
 - a. the Nirodha Nature Reserve. Members of the public are invited to submit written comments within 60 days from the date of publication. Published in PG 2384 Notice Number 208 dated 31 March 2022.
 - b. the Kube Yini Nature Reserve. Members of the public are invited to submit written comments within 60 days from the date of publication. Published in PG 2384 Notice Number 209 dated 31 March 2022.
34. Spatial Planning and Land Use Management Act 16 of 2013: Endumeni Local Municipality Draft Spatial Development Framework. Published in PG 2386 Notice Number 124 dated 7 April 2022.

Members of the public are invited to submit written comments by 16 May 2022. Published in PG 2386 Notice Number 124 and 7 April 2022.

35. Jozini Local Municipality: Fire Brigade Services By-laws. Published in PG 2394 Notice Number 34 and 28 April 2022.

NORTH WEST PROVINCE

36. Local Government Municipal Systems Act 32 of 2000. City of Matlosana: Amendment of electricity By-laws in order to provide for Small Scale Imbedded Generation (SSEG) Installation 47 (2) of the Act. Members of the public are invited to submit written comments within 30 days of publication. Published in PG 8339 Notice Number 283 dated 4 April 2022.

WESTERN CAPE PROVINCE

37. Department of Environmental Affairs and Development Planning: National Environmental Management: Integrated Coastal Management Act 24 of 2008. Draft Western Cape Provincial Coastal Management Programme 2022-2027. Members of the public are invited to submit written comments before or on 31 May 2022. Published in PG 8582 Notice Number 44 dated 8 April 2022.

38. Western Cape Nature Conservation Board: Intention to Lay a Marine Telecommunications System:

- a. on the Seashore at Duynefontein Beach. Members of the public are invited to submit written comments within 30 days from the date of publication. Published in PG 8584 Notice Number 47 dated 22 April 2022.
- b. on the Seashore at Yzerfontein Beach. Members of the public are invited to submit written comments within 30 days from the date of publication. Published in PG 8584 Notice Number 48 dated 22 April 2022.

LIMPOPO PROVINCE

39. Makhado Local Municipality Spatial Planning, Land Development and Land Use Management By-law 2016: Local Municipality's wall to wall Draft Land Use Scheme is available for review. Members of the public are invited to submit written comments within 60 days from the date of publication. Published in PG 3254 Notice Number 156 dated 8 April 2022.

40. Municipal Systems Act 32 of 2000: Invitation for public participation for the reviewing of Thabazimbi Spatial Development Framework (SDF) and Land Use Scheme (LUS). Members of the public are invited to submit written comments within 60 days from the date of publication. Published in PG 3262 Notice Number 163 dated 29 April 2022.

PART TWO: PARLIAMENTARY MONITORING

This information was accessed through the Parliamentary Monitoring Group at 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).

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