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# MONTHLY SUSTAINABILITY LEGISLATION UPDATE APRIL 2010

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## LEGISLATION, REGULATION AND PARLIAMENTARY UPDATE

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**PART ONE: LEGISLATION, DRAFT LEGISLATION, REGULATIONS, POLICY AND OTHER DOCUMENTS - NATIONAL AND PROVINCIAL GAZETTES**

Subscribers to IMBEWU's SHE legislation update service should contact:

[alistair@imbewu.co.za](mailto:alistair@imbewu.co.za)

to obtain electronic copies of any of the government gazettes referred to in this part.

Please note that only paid-up subscribers to the IMBEWU's SHE legislation update service are entitled to receive electronic copies of the government gazettes listed below from IMBEWU.

When requesting a particular government gazette please quote the number of the relevant document found below, e.g., "1", "2", etc.

Some of the information in this part is accessed through [www.sabinet.co.za](http://www.sabinet.co.za)

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

### **Promotion of Access to Information Act 2 of 2000**

1. Description submitted in terms of section 15(1). Published in GG 33127 Notice Number 324 dated 23 April 2010.

### **Electricity Regulation Act 56 of 1974**

2. Notice of intention to apply for an expropriation: Portion 0 of the farm De Pont Landing 500 RD. Published in GG 33126 Notice Number 329 dated 23 April 2010.
3. Notice of intention to apply for an expropriation: Portion 0 of the farm Ascension 445 RD. Published in GG 33126 Notice Number 328 dated 23 April 2010.
4. Notice of intention to apply for an expropriation: Portion 0 of the farm Pilgrims Estate 272 RD. Published in GG 33126 Notice Number 327 dated 23 April 2010.

## **SECTION B: SAFETY AND HEALTH (NATIONAL)**

### **Medicines and Related Substances Act 101 of 1965**

5. Information to be furnished by manufacturers and importers of medicines and scheduled substances before applying an increase to the single exit price. Published in GG 33110 Notice Number 290 dated 13 April 2010.
6. Withdrawal Notice: Declaration of medicine as undesirable. Published in GG 33102 Notice Number 284 dated 16 April 2010.

### **Compensation for Occupational Injuries and Diseases Act 130 of 1993**

7. Increase in the maximum amount of earnings on which the assessment of an employer shall be calculated. Published in GG 33118 Notice Number 303 dated 21 April 2010.
8. Amendment to the rules, forms and particulars which shall be furnished. Published in GG 33085 Notice Number 268 dated 20 April 2010.

## **SECTION C: SAFETY, HEALTH AND ENVIRONMENTAL** **Draft National Legislation and Regulations**

### **National Health Act 61 of 2003**

9. Draft regulations for communicable diseases. Published for public comment in GG 33107 Notice Number 287 dated 13 April 2010.

### **National Energy Act 34 of 2008**

10. Draft Energy Data Regulations. Published for public comment in GG 363136 Notice Number 343 date4d 23 April 2010.

### **World Heritage Convention Act 49 of 1999**

11. Draft regulations for the proper administration of the Vredefort Dome World Heritage Site: Invitation to submit written representations or objections. Published in GG 33116 Notice Number 313 dated 16 April 2010.

## **SECTION D: SAFETY, HEALTH AND ENVIRONMENTAL** **Provincial Legislation and Municipal By-Laws**

### **Gauteng Province**

12. Gauteng Transport Infrastructure Act 8 of 2001: Proclamation of a provincial railway line in connection with the Gautrain Rapid Rail Link between Pretoria, Johannesburg and the OR Tambo International Airport. Published in PG 60 Notice Number 1124 dated 13 April 2010.
13. Gauteng Transport Infrastructure Act 8 of 2001: Proclamation of a provincial railway line in connection with the Gautrain Rapid Rail Link between Pretoria, Johannesburg and the OR Tambo International Airport. Published in PG 60 Notice Number 1123 dated 13 April 2010.
14. Gauteng Transport Infrastructure Act 8 of 2001: Proclamation of an increase in width of a portion of the provincial railway link in respect of the Gautrain Rapid Rail Link between Pretoria, Johannesburg and the OR Tambo International Airport. Published in PG 60 Notice Number 1122 dated 13 April 2010.
15. Nature Conservation Ordinance 12 of 1983: Open season: ordinary game. Published in PG 51 dated 31 March 2010.

### **Western Cape Province**

16. Hessequa Municipality: Fire Safety By-law. Published in PG 6725 dated 14 April 2010.

### **Limpopo Province**

17. Local Government: Municipal Systems Act 32 of 2000: Maruleng Local Municipality: Notice on Street Trading, Outdoor/Billboards Advertising and Building Regulations. Published in PG 1768 Notice Number 61 dated 9 April 2010.
18. Local Government: Municipal Systems Act 32 of 2000: Fetakgomo Municipality: Cemeteries and Crematoria By-Law. Published in PG 1767 Notice Number 58 dated 7 April 2010.

### **Eastern Cape Province**

19. Disaster Management Act 57 of 2002: Declaration in terms of the local state of drought disaster in terms of section 55(1). Published in PG 2348 Notice Number 17 dated 21 April 2010.
20. Disaster Management Act 57 of 2002: Declaration in terms of the local state of drought disaster in terms of section 55(1). Published in PG 2342 Notice Number 138 dated 19 April 2010.

### **Mpumalanga Province**

21. Mpumalanga Nature Conservation Act 10 of 1998: Open Season: Ordinary Game. Published in PG 1797 Notice Number 1 dated 15 April 2010.

### **Limpopo Province**

22. Limpopo Environmental Management Act 7 of 2003: Open season for game in terms of section 32(1). Published in PG 1775 Notice Number 1 dated 29 April 2010.

## **SECTION E: SAFETY, HEALTH AND ENVIRONMENTAL** **Draft Provincial Legislation and Municipal By-Laws**

### **Mpumalanga Province**

23. Constitution of the Republic of South Africa 108 of 1996: Nkomazi Municipality: Draft Solid Waste By-law. Published for public comment in PG 1793 Notice Number 55 dated 31 March 2010.

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

**Introduction:**

**The Constitution describes four kinds of bills, namely:**

Section 74 bills: constitutional amendments.

Section 75 bills: ordinary bills not affecting the provinces. Once a Section 75 bill has been passed by the National Assembly (NA), it is referred to the National Council of Provinces (NCOP). If the NCOP amends the bill or rejects it, it is referred to the NA, which may pass the bill again, with or without amendments, and submit for the President's assent. In other words, the NA can pass a Section 75 bill even if the NCOP disagrees.

Section 76 bills: ordinary bills affecting the provinces. The NCOP and the NA both consider Section 76 bills.

Section 77 bills: money bills (must be introduced by the Minister of Finance in the NA).

Each type of bill has a different passage to becoming law and usually fits into only one category. If a bill does not fit clearly into one category, or if it fits into more than one category, it is usually redrafted or split into more than one bill, e.g., the NEM: Biodiversity Bill which was split into the NEM: Biodiversity Bill and NEM: Protected Areas Bill. Both of these have now been enacted.

(<http://www.pmg.org.za>)

**Sustainability Related Legislative Programme: Parliament of South Africa**

**BILLS BEFORE PARLIAMENT: (as of 1 May 2010)**

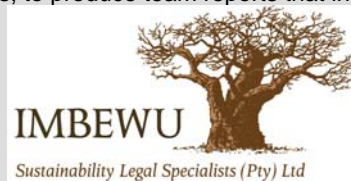
- Before National Assembly Committees
  - Land Use Management Bill (B27 of 2008)
  - Prevention of Illegal Eviction from Unlawful Occupation of Land Amendment Bill (B8 – 2008)
  - National Health Amendment Bill (B65 - 2008)
  - Medicines and Related Substances Amendment Bill (B44 - 2008)
  - Prevention of and Treatment for Substance Abuse Bill (B12 - 2008)
  - Built Environment Professions Bill (B53 - 2008)
  - South African National Water Resources Infrastructure Agency Limited Bill (B36 - 2008)
  - Cross Boundary Municipalities Law Repeal Bill (B3 of 2009)
  - Criminal Law (Forensic Procedures) Amendment Bill (B2 of 2009)
  - South African Post Bank Bill (14 of 2009)
  - South African Post Office Bill (2 of 2010)

**IMBEWU Sustainability Legal Specialists (Pty) Ltd** is a Johannesburg (South Africa) based legal specialist consultancy providing services to the South African and international markets. IMBEWU employs six lawyers all specialising in an aspect of environmental, climate change or health & safety law. IMBEWU collaborates with law firm **Warburton Attorneys** in order to provide specialist environmental litigation and other legal services, including commercial services, to its clients and also to provide attorney client privilege, where appropriate.

Specific services include:

- Undertaking SHE legal compliance audits.
- Undertaking environmental legal due diligence investigations.
- Compiling environmental legal reviews of environmental management plans for environmental impact assessments and providing process advice.
- Advising on environmental authorisation requirements.
- Conducting training sessions on environmental legal auditing and general environmental legal compliance issues.
- The provision of site specific SHE Electronic Legal Registers.
- Climate Change specialist legal advice.
- Environmental legal and climate change training and capacity building.

IMBEWU approaches sustainability & environmental legal issues from an integrated and multi-disciplinary perspective and we work closely with a range of other specialists, including environmental scientists, engineers, health and safety specialists and public participation specialists, to produce team reports that integrate a wide variety of relevant issues.



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