
MONTHLY SUSTAINABILITY LEGISLATION UPDATE DECEMBER 2011

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LEGISLATION, REGULATION AND PARLIAMENTARY UPDATE

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

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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

Disclaimer: The information contained in the IMBEWU Monthly Sustainability Newsletter and Legislation Update has been obtained from sources believed to be reliable. IMBEWU does not warrant the accuracy, completeness or adequacy of such information.

SECTION A: ENVIRONMENTAL (NATIONAL)

National Environmental Management: Biodiversity Act 10 of 2004

1. National list of ecosystems that are threatened and in need of protection. Published in GG 34809 Notice Number 1002 dated 9 December 2011.

National Environment Management Laws Amendment Bill, 2011

2. Explanatory summary of the Bill published in GG 34891 dated 30 December 2011.

Promotion of Access to Information Act 2 of 2000

3. Description submitted in terms of section 15(1) by the Limpopo Provincial Government: Department of Agriculture. Published in GG 34812 Notice Number 1004 dated 9 December 2011.
4. Exemption of certain private bodies from compiling manuals. Published in GG 34914 Notice Number 1091 dated 30 December 2011.

SECTION B: SAFETY AND HEALTH (NATIONAL)

Firearms Control Act 60 of 2000

5. Notice in terms of item 1A(3) of Schedule 1 of the Act in terms of which notice the Minister has extended the period for the application of competency certificates for muzzle loading firearms until the 31st of July 2012. Published in GG 34855 Notice Number 1059 dated 14 December 2011.

Merchant Shipping (Safe Containers Convention) Act 10 of 2011

6. Commencement date of the Act is 15 December 2011. Published in GG 34857 Notice Number 70 dated 14 December 2011.

National Road Traffic Act 93 of 1996

7. National Road Traffic Regulations, 2000: Dangerous Goods Training Bodies. Published in GG 34831 Notice Number 1026 dated 9 December 2011.

Occupational Health and Safety Act 85 of 1993

8. Withdrawal of government notices and incorporation of health and safety standards: Driven machinery regulations 18(11). Published in GG 34876 Notice Number 1075 dated 21 December 2011.

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

Broad-Based Black Economic Empowerment Amendment Bill, 2011

9. Published for public comment in GG 34845 Notice Number 893 dated 9 December 2011.

National Environmental Management: Integrated Coastal Management Act 24 of 2008

10. Draft national action list for the screening of dredged material proposed for marine disposal. Published in GG 34811 Notice Number 867 dated 9 December 2011.

Gas Act 48 of 2001

11. Invitation for the public to comment on Sasol Gas Limited's application for revocation of licence. Published in GG 34811 Notice Number 869 dated 9 December 2011.

National Energy Regulator Act 40 of 2004

12. National Energy Regulator Amendment Bill, 2011: published for public comment in GG 34825 Notice Number 890 dated 8 December 2011.

National Ports Act 12 of 2005

13. Invitation to apply for a terminal operator licence. Published in GG 34788 Notice Number 860 dated 2 December 2011.

Electricity Regulation Second Amendment Bill, 2011

14. Published for public comment in GG 34870 Notice Number 905 dated 19 December 2011.

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

Northern Cape Province

15. Nature and Environmental Conservation Ordinance 19 of 1974: Hunting seasons, daily bag limits and hunting by prohibited hunting methods. Published in PG 1565 Notice Number 9 dated 15 December 2011.
16. Northern Cape Nature Conservation Act 9 of 2009: Commencement date of the Act is 1 January 2012. Published in PG 1566 Notice Number 10 dated 19 December 2011.

Western Cape Province

17. Western Cape Nature Conservation Board: Hunting seasons, daily bag limits and hunting by prohibited hunting methods. Published in PG 6934 Notice Number 344 dated 9 December 2011.

Free State Province

18. Notice in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act 2000: Standard Advertising By-law. Published in PG 79 Notice Number 170 dated 9 December 2011.
19. Notice in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act 2000: Standard Air Quality Management By-law. Published in PG 79 Notice Number 171 dated 9 December 2011.
20. Notice in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act 2000: Standard Building Regulations By-law. Published in PG 79 Notice Number 173 dated 9 December 2011.
21. Notice in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act 2000: Standard Cemeteries and Crematoria By-law. Published in PG 79 Notice Number 174 dated 9 December 2011.
22. Notice in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act 2000: Standard Control of Public Nuisances By-law. Published in PG 80 Notice Number 178 dated 9 December 2011.
23. Notice in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act 2000: Standard District Municipal Environmental Management By-law. Published in PG 80 Notice Number 182 dated 9 December 2011.
24. Notice in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act 2000: Standard Dumping and Littering By-law. Published in PG 81 Notice Number 184 dated 9 December 2011.
25. Notice in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act 2000: Standard Electricity Supply By-law. Published in PG 81 Notice Number 185 dated 9 December 2011.
26. Notice in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act 2000: Standard Environmental Health By-law. Published in PG 81 Notice Number 187 dated 9 December 2011.
27. Notice in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act 2000: Standard Fences and Fencing By-law. Published in PG 81 Notice Number 188 dated 9 December 2011.
28. Notice in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act 2000: Standard Fire and Emergency Services By-law. Published in PG 81 Notice Number 189 dated 9 December 2011.

29. Notice in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act 2000: Standard General Street By-law. Published in PG 82 Notice Number 191 dated 9 December 2011.
30. Notice in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act 2000: Standard Public Amenities By-law. Published in PG 83 Notice Number 200 dated 9 December 2011.
31. Notice in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act 2000: Standard Storm Water By-law. Published in PG 83 Notice Number 204 dated 9 December 2011.
32. Notice in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act 2000: Standard Unslightly and Neglected Buildings By-law. Published in PG 84 Notice Number 208 dated 9 December 2011.
33. Notice in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act 2000: Standard Water Restrictions By-law. Published in PG 84 Notice Number 210 dated 9 December 2011.
34. Notice in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act 2000: Standard Waste Management By-law. Published in PG 84 Notice Number 211 dated 9 December 2011.
35. Notice in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act 2000: Standard Water Services By-law. Published in PG 84 Notice Number 212 dated 9 December 2011.
36. Amendment in terms of section 16 of the Local Government: Municipal Structures Act, 1998: Establishment notice of the DC 19 district municipality and the FS 191, FS 192, FS 193, FS 194 and FS 195 local municipalities. Published in PG 74 Notice Number 168 dated 2 December 2011.
37. Hunting seasons, daily bag limits and hunting by prohibited hunting methods. Published in PG 75 Notice Number 39 dated 2 December 2011.
38. Hunting season 2012. Published in PG 75 Notice Number 39 dated 2 December 2011.

KwaZulu-Natal Province

39. Local Government: Municipal Structures Act 117 of 1998: Notice in terms of section 16(3)(c): Msunduzi and Indaka Municipalities. Published in PG 681 Notice Number 152 dated 22 December 2011.
40. Local Government: Municipal Structures Act 117 of 1998: Notice in terms of section 16(3)(c): Umzinyathi District Municipality. Published in PG 682 Notice Number 153 dated 22 December 2011.
41. Local Government: Municipal Structures Act 117 of 1998: Notice in terms of section 16(3)(c): Determination of whip-uThungulu District Municipality. Published in PG 683 Notice Number 154 dated 22 December 2011.

Limpopo Province

42. Local Government: Municipal Systems Act 32 of 2000: Fetakgomo Local Municipality: Building Regulations By-law. Published in PG 2024 Notice Number 351 dated 21 December 2011.

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

Limpopo Province

43. Waterberg District Municipality: Policy: Draft guidelines on the development use and subdivision of agricultural land. Published in PG 2091 Notice Number 346 dated 9 December 2011.

PART TWO: PARLIAMENTARY MONITORING

This information accessed through the Parliamentary Monitoring Group (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/> and <http://www.parliament.gov.za/live/index.php>)

Sustainability Related Legislative Programme: Parliament of South Africa

BILLS BEFORE PARLIAMENT: (as of 1 January 2012)

- Before National Assembly Committees
 - National Health Amendment Bill (B24 of 2011)
 - South African Weather Services Amendment Bill (B22 of 2011)
 - Constitution Seventeenth Amendment Bill (B6 - 2011)
 - Appropriation Bill (B3 – 2011)
 - Protection of Information Bill (B6 - 2010)
 - Protection from Harassment Bill (B1 - 2010)
 - Protection of Personal Information Bill (B9 - 2009)
 - South African National Water Resources Infrastructure Agency Limited Bill (B36 of 2008)

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 seven 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 and CDM specialist legal advice.
- Environmental legal and climate change training and capacity building.
- Corporate sustainability reporting.

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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