
MONTHLY SUSTAINABILITY LEGISLATION UPDATE JANUARY 2010

- ❖ **Legislation Regulation and Parliamentary Update:**
- ❖ **Part One:** Legislation, Draft Legislation, Regulations, Policy and other documents
 - ❖ Section A – Environmental (National)
 - ❖ Section B – Safety and Health (National)
 - ❖ Section C – Safety, Health and Environmental (Draft National Legislation and Regulation)
 - ❖ Section D – Safety, Health & Environmental (Provincial Legislation & Municipal By-laws)
 - ❖ Section E – Safety, Health & Environmental (Draft Provincial Legislation & By-laws)
- ❖ **Part Two:** Parliamentary Monitoring

LEGISLATION, REGULATION AND PARLIAMENTARY UPDATE

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

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 Nuclear Regulator Act 47 of 1999

1. Notice of application for a nuclear vessel licence in terms of section 31(3). Published in GG 32852 Notice Number 4 dated 8 January 2010.

Electricity Regulation Act 4 of 2006

2. Determination regarding the integrated resource plan and new generation capacity. Published in GG 32898 Notice Number 25 dated 29 January 2010.

National Ports Act 12 of 2005

3. Port Limit Regulations. Published in GG 32873 Notice Number 11 dated 22 January 2010.
4. Amendment of directives in terms of section 30(3). Published in GG 32898 Notice Number 37 dated 29 January 2010.

SECTION B: SAFETY AND HEALTH (NATIONAL)

Occupational Health & Safety Act 85 of 1993

5. Diving Regulations, 2009. Published in GG 32907 Notice Number 41 dated 29 January 2010.

Fire Brigade Services Act 99 of 1987

6. Regulations relating to the National Fire Services Framework in terms of section 15(1)(g) of the Act. Published in GG 32899 Notice Number 23 dated 29 January 2010.

Basic Conditions of Employment Act 75 of 1997

7. Regulations on hazardous work by children in South Africa with effect from 5 February 2010. Published in GG 32862 Notice Number 7 dated 15 January 2010.

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

South African Civil Aviation Act 40 of 1998

8. Proposed amendment to the Civil Aviation Regulations, 1997. Published for public comment in GG 32866 Notice Number 20 dated 11 January 2010.

Sea Fishery Act 12 of 1988

9. Draft levies on fish and fish products. Published for public comment in GG 32898 Notice Number 52 dated 29 January 2010.

Marine Living Resources Act 18 of 1998

10. Draft fishing harbour fees. Published for public comment in GG 32898 Notice Number 53 dated 29 January 2010.
11. Draft fees payable in respect of applications and the issuing of rights, permits and licenses. Published in GG 32898 Notice Number 54 dated 29 January 2010.

Compensation for Occupational Injuries and Diseases Act 130 of 1993

12. Draft increase in monthly pensions. Published in GG 32903 Notice Number 36 dated 27 January 2010.
13. Draft amendment of Schedule 4. Published in GG 32903 Notice Number 39 dated 27 January 2010.
14. Draft increase of maximum amount of earnings on which the assessment of an employer shall be calculated. Published in GG 32093 Notice Number 40 dated 27 January 2010.

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

KwaZulu Natal Province

15. National Environmental Management: Protected Areas Act 57 of 2003: Kwa-Zulu Natal Nature Conservation Board: Declaration of the MT Gilboa Nature Reserve. Published in PG 370 Notice Number 2 dated 14 January 2010.

Western Cape Province

16. Mossel Bay Municipality: By-law relating to Stormwater. Published in PG 6688 dated 18 January 2010.
17. Mossel Bay Municipality: By-law relating to Refuse Removal. Published in PG 6688 dated 18 January 2010.
18. Mossel Bay Municipality: By-law relating to Public Nuisances. Published in PG 6688 dated 18 January 2010.
19. Mossel Bay Municipality: By-law relating to Public Amenities. Published in PG 6688 dated 18 January 2010.
20. Mossel Bay Municipality: By-law relating to Outdoor Advertising and Signage. Published in PG 6688 dated 18 January 2010.
21. George Municipality: By-law to Limit or Restrict the use of Water. Published in PG 6689 dated 22 January 2010.

Eastern Cape Province

22. Local Government: Municipal Systems Act 32 of 2000: Ntabankulu Local Municipality: Sale of Food By-law. Published in PG 2258 Notice Number 15 dated 15 January 2010.
23. Local Government: Municipal Systems Act 32 of 2000: Ntabankulu Local Municipality: Advertising By-Law. Published in PG 2258 Notice Number 14 dated 15 January 2010.
24. Local Government: Municipal Systems Act 32 of 2000: Ntabankulu Local Municipality: Control of Refuse Disposal Sites By-law. Published in PG 2258 Notice Number 11 dated 15 January 2010.
25. Local Government: Municipal Systems Act 32 of 2000: Ntabankulu Local Municipality: Disposal of Contaminated and/or Health Care Risk Waste By-law. Published in PG 2258 Notice Number 10 dated 15 January 2010.
26. Local Government: Municipal Systems Act 32 of 2000: Ntabankulu Local Municipality: Dumping, Littering and Waste Collection By-law. Published in PG 2258 Notice Number 9 dated 15 January 2010.
27. Local Government: Municipal Systems Act 32 of 2000: Ntabankulu Local Municipality: Stormwater Management By-law. Published in PG 2258 Notice Number 7 dated 15 January 2010.

28. Local Government: Municipal Systems Act 32 of 2000: Ntabankulu Local Municipality: Control of Temporary Advertisements By-law. Published in PG 2258 Notice Number 6 dated 15 January 2010.
29. National Building Regulation and Building Standards Act 103 of 1977: Ntabankulu Local Municipality: Building Regulations By-law. Published in PG 2258 Notice Number 5 dated 15 January 2010.
30. Local Government: Municipal Systems Act 32 of 2000: Ntabankulu Local Municipality: Cemeteries, Funeral Undertakers and Crematoria By-law. Published in PG 2258 Notice Number 4 dated 15 January 2010.
31. Local Government: Municipal Systems Act 32 of 2000: Ntabankulu Local Municipality: Fencing By-law. Published in PG 2258 Notice Number 3 dated 3 January 2010.
32. Local Government: Municipal Systems Act 32 of 2000: Ntabankulu Local Municipality: Unsightly and Neglected Buildings and Premises By-law. Published in PG 2258 Notice Number 1 dated 15 January 2010.

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

KwaZulu Natal Province

33. Proposed Policy Framework for Disaster Risk Management for the province of KwaZulu Natal. Published for public comment in PG 372 Notice Number 6 dated 22 January 2010.

Northern Cape Province

34. Draft Northern Cape Nature Conservation Act 9 of 2009. Published for public comment in PG 1374 Notice Number 1 dated 21 January 2010.

Western Cape Province

35. Draft Coastal Development set back lines. Published for public comment in PG 6689 Notice Number 9 dated 22 January 2010.

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.

[\(http://www.pmg.org.za/\)](http://www.pmg.org.za/)

Sustainability Related Legislative Programme: Parliament of South Africa

BILLS BEFORE PARLIAMENT: (as of 31 January 2010)

- Before National Assembly Committees
 - Mineral & Petroleum Resources Development Amendment Bill (B10-2007)
 - 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)

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.



53 Dudley Road, Corner Bolton Avenue, Parkwood, Johannesburg, 2193
 Tel: +27 11 214 0660 Fax: +27 11 880 6577 Cell: 082 890 6459 Email: admin@imbewu.co.za
 Eastern Cape Satellite Office at 62 Westbourne Road, Kenton On Sea
www.imbewu.co.za and www.imbewuregisters.co.za

Please visit IMBEWU's publications page for downloadable articles and academic papers on our areas of practice.

Directors: Andrew Gilder and Catherine Warburton (Managing)
 IMBEWU SUSTAINABILITY LEGAL SPECIALISTS (PTY) LTD Registration No. 2000/025124/07