
MONTHLY SUSTAINABILITY LEGISLATION UPDATE MAY 2010

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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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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

SECTION A: ENVIRONMENTAL (NATIONAL)

Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act 36 of 1947

1. Prohibition notice regarding the use of certain agricultural remedies. Published in GG 33171 Notice Number 375 dated 14 May 2010.

Forest Act 122 of 1984

2. Prohibition of the making of fires in the open air, the destruction by burning of slash and clearing or maintenance of fire belts by burning and the execution of blockburns: Districts of (A) Ermelo, Eerstehoek, Carolina and Waterval-Boven; (B) Piet Retief and Wakkerstroom. Published in GG 33179 Notice Number 395 dated 12 May 2010.
3. Prohibition of the making of fires in the open air, the destruction by burning of slash and clearing or maintenance of fire belts by burning and the execution of blockburns: Districts of Nelspruit, White River, Pilgrem's Rest, Lydenburg, Belfast, Waterval-Boven, Carolina and Barberton. Published in GG 33179 Notice Number 394 dated 12 May 2010.
4. Prohibition of the making of fires in the open air, the destruction by burning of slash and clearing or maintenance of fire belts by burning and the execution of blockburns: Vhembe District Municipality. Published in GG 33179 Notice Number 393 dated 12 May 2010.
5. Prohibition of the making of fires in the open air, the destruction by burning of slash and clearing or maintenance of fire belts by burning and the execution of blockburns: Mopani and Capricorn District Municipalities. Published in GG 33179 Notice Number 392 dated 12 May 2010.
6. Prohibition of the making of fires in the open air, the destruction by burning of slash and clearing or maintenance of fire belts by burning and the execution of blockburns: KwaZulu Natal. Published in GG 33179 Notice Number 391 dated 12 May 2010.

Promotion of Access to Information Act 2 of 2000

7. Description submitted in terms of section 15(1) regarding the records that are automatically available from the South African State Information Technology Agency. Published in GG 33211 Notice Number 453 dated 28 May 2010.
8. Description submitted in terms of section 15(1) regarding the records that are automatically available from the Gauteng Department of Education. Published in GG 33211 Notice Number 452 dated 28 May 2010.
9. Description submitted in terms of section 15(1) regarding the records that are automatically available from the Department of Roads and Transport. Published in GG 33211 Notice Number 451 dated 28 May 2010.
10. Description submitted in terms of section 15(1) regarding the records that are automatically available from the Department of Independence Complaints Directorate. Published in GG 33211 Notice Number 450 dated 28 May 2010.
11. Description submitted in terms of section 15(1) regarding the records that are automatically available from the Office of the Premier, Gauteng Provincial Government. Published in GG 33211 Notice Number 449 dated 28 May 2010.
12. Description submitted in terms of section 15(1) regarding the records that are automatically available from Sports and Recreation South Africa. Published in GG 33193 Notice Number 407 dated 12 May 2010.
13. Description submitted in terms of section 15(1) regarding the records that are automatically available from the South African Qualification Authority. Published in GG 33193 Notice Number 408 dated 12 May 2010.

National Energy Regulator Act 40 of 2004

14. National Energy Regulator of South Africa (NERSA): Notice of the Energy Regulator Public Hearings for municipalities applying for an average tariff increase above the guideline of 19% and 22%. Published in GG 33231 Notice Number 74 dated 24 May 2010.

National Water Act 36 of 1998

15. Transformation of the Mogol Irrigation Board into the Mokolo Water User Association, division/managerial district of the Waterberg District Municipality. Published in GG 33192 Notice Number 412 dated 21 May 2010.

National Environmental Management: Biodiversity Act 107 of 1998

16. Delegation of powers under regulation 3(3) of the CITES Regulations, 2010. Published in GG 33186 Notice Number 400 dated 14 May 2010.

SECTION B: SAFETY AND HEALTH (NATIONAL)

Mines and Works Act 27 of 1956

17. Declaration of work in the national interest: Assmang Chrome Dwarsrivier Mine, district of Steelpoort. Published in GG 33151 Notice Number 344 dated 7 May 2010.

Medicines and Related Substances Act 101 of 1965

18. Amendment to the general regulations made in terms of the Act. Published in GG 33177 Notice Number 389 dated 11 May 2010.

Compensation for Occupational Injuries and Diseases Act 130 of 1993

19. Annual increase in medical tariffs for medical service providers, pharmacies and hospital groups. Published in GG 33228 Notice Number 463 dated 28 May 2010.
20. Annual increase in medical tariffs for medical service providers, pharmacies and hospital groups. Published in GG 33227 Notice Number 462 dated 28 May 2010.
21. Annual increase in medical tariffs for medical service providers, pharmacies and hospital groups. Published in GG 33226 Notice Number 461 dated 28 May 2010.
22. Annual increase in medical tariffs for medical service providers, pharmacies and hospital groups. Published in GG 33225 Notice Number 460 dated 28 May 2010.
23. Annual increase in medical tariffs for medical service providers, pharmacies and hospital groups. Published in GG 33224 Notice Number 459 dated 28 May 2010.
24. Annual increase in medical tariffs for medical service providers, pharmacies and hospital groups. Published in GG 33223 Notice Number 458 dated 28 May 2010.
25. Annual increase in medical tariffs for medical service providers, pharmacies and hospital groups. Published in GG 33222 Notice Number 457 dated 28 May 2010.
26. Annual increase in medical tariffs for medical service providers, pharmacies and hospital groups. Published in GG 33221 Notice Number 456 dated 28 May 2010.

Foodstuffs, Cosmetics and Disinfectants Act 54 of 1972

27. Amendment to the regulations relating to all bottled water. Published in GG 33219 Notice Number 455 dated 26 May 2010.

National Health Act 61 of 2003

28. Regulations: withdrawal of blood from a living person for testing. Published in GG 33188 Notice Number 401 dated 14 May 2010.

29. Commencement date of certain sections of the Act is 17 May 2010. Published in GG 33187 Notice Number 20 dated 14 May 2010.

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

Transnet National Ports Authority

30. Draft lease of land and buildings in the Port of Mossel Bay. Published for public comment in GG 33170 Notice Number 388 dated 14 May 2010.

Occupational Health and Safety Act 85 of 1993

31. Draft amendment to the construction regulations, 2003. Published for public comment in GG 33176 Notice Number 391 dated 11 May 2010.

Civil Aviation Regulations, 1997

32. Proposed amendments to the regulations. Published for public comment in GG 33255 Notice Number 535 dated 28 May 2010.

National Energy Regulator Act 40 of 2004

33. National Energy Regulator of South Africa (NERSA): Invitation to all stakeholders and the public to attend a public hearing regarding pricing. Published in GG 33230 Notice Number 73 dated 24 May 2010.

Constitution of the Republic of South Africa, Act 108 of 1996

34. Publication of a Bill amending the Constitution. Published for public comment in GG 33216 Notice Number 414 dated 21 May 2010.

Draft National Strategy on Sustainable Development and Action Plan 2010 – 2014

35. Invitation for written representations or comments. Published in GG 33184 Notice Number 393 dated 14 May 2010.

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

Gauteng Province

36. 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: District Kempton Park. Published in PG 80 Notice Number 1338 dated 11 May 2010.
37. Gauteng Transport Infrastructure Act 8 of 2001: Notice of expropriation of a tunnel servitude in respect of the Gautrain Rapid Rail Link between Park Station) and Sandton Station. Published in PG 80 Notice Number 1337 dated 11 May 2010.
38. Gauteng Waste Information Regulations (372 of 2004): List of registered persons. Published in PG 83 Notice Number 1339 dated 13 May 2010.

Western Cape Province

39. Langeberg Municipality: By-law relating to the removal of refuse and control of a disposal site. Published in PG 6751 dated 28 May 2010.
40. Langeberg Municipality: By-law relating for the prevention and suppression of nuisances. Published in PG 6751 dated 28 May 2010.
41. Knysna Municipality: 2010 FIFA World Cup By-law. Published in PG 6735 dated 21 May 2010.

Free State Province

42. Cooperative Governance, Traditional Affairs and Human Settlements Notice: Matjhabeng Local Municipal Council: Waste Management By-law. Published in PG 25 dated 21 May 2010.
43. Cooperative Governance, Traditional Affairs and Human Settlements Notice: Matjhabeng Local Municipal Council: Water Services By-law. Published in PG 25 dated 21 May 2010.

Eastern Cape Province

44. Water Services Act 108 of 1997: Nelson Mandela Bay Metropolitan Municipality: Water and Sanitation Services By-law. Published in PG 2361 Notice Number 57 dated 14 May 2010.
45. Constitution of the Republic of South Africa 108 of 1996: Nelson Mandela Bay Metropolitan Municipality: Outdoor Signs (Advertising and Other) By-law. Published in PG 2361 Notice Number 56 dated 14 May 2010.

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

Free State Province

46. Publication of the Free State Nature Conservation Bill. Published for public comment in PG 23 Notice Number 1334 dated 7 May 2010.

Mpumalanga Province

47. National Environmental Management: Protected Areas Act 57 of 2003: Consultation process: intention to declare the Kwamandlangampisi a protected environment. Published in PG 1813 Notice Number 125 dated 25 May 2010.

Eastern Cape Province

48. Nyandeni Municipality: Draft Waste Management By-law. Published in PG 2351 Notice Number 54 dated 19 May 2010.
49. Nyandeni Municipality: Draft Public Health By-law. Published in PG 2351 Notice Number 52 dated 19 May 2010.

Northern Cape Province

50. Local Government: Municipal Systems Act 32 of 2000: Ubuntu Municipality: Public Notice: Enactment of By-laws: Municipal Nature Reserve By-law, 2010. Published in PG 1414 Notice Number 47 dated 7 May 2010.
51. Local Government: Municipal Systems Act 32 of 2000: Ubuntu Municipality: Public Notice: Enactment of By-laws: Public Amenities By-law, 2010. Published in PG 1414 Notice Number 47 dated 7 May 2010.
52. Local Government: Municipal Systems Act 32 of 2000: Ubuntu Municipality: Public Notice: Enactment of By-laws: Liquefied Petroleum Gas By-law, 2010. Published in PG 1414 Notice Number 47 dated 7 May 2010.
53. Local Government: Municipal Systems Act 32 of 2000: Ubuntu Municipality: Public Notice: Enactment of By-laws: Prevention and Suppression of Nuisances By-law, 2010. Published in PG 1414 Notice Number 47 dated 7 May 2010.
54. Local Government: Municipal Systems Act 32 of 2000: Ubuntu Municipality: Public Notice: Enactment of By-laws: Refuse Removal By-law, 2010. Published in PG 1414 Notice Number 47 dated 7 May 2010.
55. Local Government: Municipal Systems Act 32 of 2000: Ubuntu Municipality: Public Notice: Enactment of By-laws: Fire Brigade By-law, 2010. Published in PG 1414 Notice Number 47 dated 7 May 2010.

56. Local Government: Municipal Systems Act 32 of 2000: Ubuntu Municipality: Public Notice: Enactment of By-laws: Electricity By-law, 2010. Published in PG 1414 Notice Number 47 dated 7 May 2010.
57. Local Government: Municipal Systems Act 32 of 2000: Ubuntu Municipality: Public Notice: Enactment of By-laws: Water Services By-law, 2010. Published in PG 1414 Notice Number 47 dated 7 May 2010.
58. Local Government: Municipal Systems Act 32 of 2000: Ubuntu Municipality: Public Notice: Enactment of By-laws: Advertising Signs and Disfigurement of the Fronts or Frontages of Streets Control By-law, 2010. Published in PG 1414 Notice Number 47 dated 7 May 2010.
59. Local Government: Municipal Systems Act 32 of 2000: Ubuntu Municipality: Public Notice: Enactment of By-laws: Keeping of Animals, Poultry and Bees Control By-law, 2010. Published in PG 1414 Notice Number 47 dated 7 May 2010.
60. Local Government: Municipal Systems Act 32 of 2000: Ubuntu Municipality: Public Notice: Enactment of By-laws: Cemeteries By-law, 2010. Published in PG 1414 Notice Number 47 dated 7 May 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>)

Sustainability Related Legislative Programme: Parliament of South Africa

BILLS BEFORE PARLIAMENT: (as of 1 June 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)
- Intellectual Property Laws Amendment Bill (8 of 2010)
- Draft Taxation Laws Amendment Bills (10 & 11 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.



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