
MONTHLY SUSTAINABILITY LEGISLATION UPDATE NOVEMBER 2011

- ❖ **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.

53 Dudley Road, Corner Bolton Avenue, Parkwood, Johannesburg, 2193
Tel: +27 11 214 0660/1 Fax: +27 11 880 6577 Cell: 082 890 6459 Email: admin@imbewu.co.za
www.imbewu.co.za and www.imbewuregisters.co.za
Directors: Andrew Gilder and Catherine Warburton (Managing)
IMBEWU SUSTAINABILITY LEGAL SPECIALISTS (PTY) LTD Registration No. 2000/025124/07

SECTION A: ENVIRONMENTAL (NATIONAL)

Marine Living Resources Act 18 of 1998

1. Amendment of the regulations published in Government Notice No. R1111 of 2 September 1998, as amended. Published in GG 34749 Notice Number 943 dated 11 November 2011.

National Environmental Management Act 107 of 1998

2. Adoption of the Environmental Management Framework for the Garden Route Area in the Eden District Municipality, Western Cape Province. Published in GG 34719 Notice Number 905 dated 4 November 2011.

National Environmental Management: Waste Act 59 of 2008

3. Notice of approval of an Integrated Industry Waste Tyre Management Plan for the Recycling and Economic Development Initiative of South Africa (REDISA). Published in GG 34796 Notice Number 983 dated 28 November 2011.

Promotion of Access to Information Act 2 of 2000

4. Description submitted in terms of section 15(1) by the South African Police Service. Published in GG 34720 Notice Number 903 dated 4 November 2011.
5. Description submitted in terms of section 15(1) by the Msunduzi Municipality. Published in GG 34720 Notice Number 904 dated 4 November 2011.
6. Manual in accordance with the Act: JHI Properties (Pty) Ltd and all its subsidiaries and Nevada Trading (Pty) Ltd trading as Excellerate Property Services and all its subsidiaries as set out in the Manual. Published in GG 34766 dated 22 November 2011.

Basic Conditions of Employment Act 75 of 1997

7. Amendment of Sectoral Determination 1: Contract Cleaning Sector, South Africa. Published in GG 34798 Notice Number 990 dated 28 November 2011.
8. Amendment of Sectoral Determination 6: Private Security Sector, South Africa. Published in GG 34784 Notice Number 981 dated 28 November 2011.
9. Amendment of Sectoral Determination 7: Domestic Worker, South Africa. Published in GG 34797 Notice Number 986 dated 28 November 2011.

National Ports Act 12 of 2005

10. Applications for a terminal operator licence: determination of a date under section 65. Published in GG 34767 Notice Number 964 dated 25 November 2011.

SECTION B: SAFETY AND HEALTH (NATIONAL)

National Health Act 61 of 2003

11. Amendment to the regulations relating to the withdrawal of blood from a living person for testing. Published in GG 34750 Notice Number 944 dated 11 November 2011.

National Nuclear Regulator Act 47 of 1999

12. Regulations relating to the licensing of sites for new nuclear installations. Published in GG 34735 Notice Number 927 dated 11 November 2011.

Mineral and Petroleum Resources Development Act 28 of 2002

13. Exemption of organs of state (Tsolwana Municipality) in terms of section 106(1) from certain provisions of the said Act. Published in GG 34767 Notice Number 961 dated 25 November 2011.

14. Exemption of organs of state (Ingquazi Hill Local Municipality) in terms of section 106(1) from certain provisions of the said Act. Published in GG 34767 Notice Number 962 dated 25 November 2011.

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

National Environmental Management Act 107 of 1998 and National Environmental Management: Waste Act 59 of 2008

15. Draft fee structure for applications for environmental authorisations and waste management licenses. Published in GG 34734 Notice Number 784 dated 11 November 2011.

Draft National Environmental Management: Integrated Coastal Management Amendment Bill 2011

16. The public is invited to submit comments on the Bill before 31 January 2012. Published in GG 34781 Notice Number 840 dated 25 November 2011.

Green Paper on Land Reform, 2011

17. Extension of period for public comments until 31 December 2011. Published in GG 34785 Notice Number 841 dated 25 November 2011.

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

Western Cape Province

18. Stellenbosch Municipality: Burial Park/Cemetery By-law. Published in PG 6923 dated 4 November 2011.

KwaZulu-Natal Province

19. National Environmental Management: Integrated Coastal Management Act 24 of 2008: Determination of the high-water mark as the coastal boundary of the Umlalazi Nature Reserve within the uMhlalazi Municipality. Published in PG 659 Notice Number 13 dated 3 November 2011.
20. Local Government: Municipal Systems Act 32 of 2000: Umzimkhulu Local Municipality: Public Roads and Miscellaneous By-law. Published in PG 648 Notice Number 131 dated 10 November 2011.
21. Local Government: Municipal Systems Act 32 of 2000: Umzimkhulu Local Municipality: Public Health By-law. Published in PG 648 Notice Number 133 dated 10 November 2011.
22. Local Government: Municipal Systems Act 32 of 2000: Umzimkhulu Local Municipality: Cemetery By-law. Published in PG 648 Notice Number 135 dated 10 November 2011.
23. Local Government: Municipal Systems Act 32 of 2000: Umzimkhulu Local Municipality: Public Spaces By-law. Published in PG 648 Notice Number 137 dated 10 November 2011.
24. Local Government: Municipal Systems Act 32 of 2000: Umzimkhulu Local Municipality: Removal of Refuse By-law. Published in PG 648 Notice Number 138 dated 10 November 2011.
25. Local Government: Municipal Systems Act 32 of 2000: Umzimkhulu Local Municipality: Nuisances By-law. Published in PG 648 Notice Number 140 dated 10 November 2011.
26. Local Government: Municipal Systems Act 32 of 2000: Umzimkhulu Local Municipality: Water By-law. Published in PG 648 Notice Number 141 dated 10 November 2011.
27. Local Government: Municipal Systems Act 32 of 2000: Umzimkhulu Local Municipality: Public Meetings, Gatherings and Processions By-law. Published in PG 648 Notice Number 142 dated 10 November 2011.
28. Local Government: Municipal Systems Act 32 of 2000: Umzimkhulu Local Municipality: Encroachment By-law. Published in PG 648 Notice Number 145 dated 10 November 2011.

29. Local Government: Municipal Systems Act 32 of 2000: Umzimkhulu Local Municipality: Waste Management By-law. Published in PG 648 Notice Number 146 dated 10 November 2011.
30. Local Government: Municipal Systems Act 32 of 2000: Umzimkhulu Local Municipality: Street Trading By-law. Published in PG 648 Notice Number 147 dated 10 November 2011.
31. Local Government: Municipal Systems Act 32 of 2000: Umzimkhulu Local Municipality: Outdoor Advertising By-law. Published in PG 648 Notice Number 149 dated 10 November 2011.

Limpopo Province

32. Bela Bela Local Municipality: Electricity Supply By-law. Published in PG 2011 Notice Number 339 dated 21 November 2011.
33. Bela Bela Local Municipality: Electricity Supply By-law. Published in PG 2011 Notice Number 340 dated 21 November 2011.

North West Province

34. Bojanala Platinum District Municipality: Municipal Health Services By-law. Published in PG 6947 Notice Number 199 dated 22 November 2011.

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

KwaZulu-Natal Province

35. National Environmental Management: Protected Areas Act 57 of 2003: KwaZulu-Natal Nature Conservation Board: Intention to declare the Forest Side, Michaelhouse and Clairmont Mountain as a nature reserve. Published in PG 661 Notice Number 131 dated 11 November 2011.
36. National Environmental Management: Protected Areas Act 57 of 2003: KwaZulu-Natal Nature Conservation Board: Intention to declare the Weza, Mount Shannon, Excelsior and Saddle Tree protected environments. Published in PG 661 Notice Number 132 dated 11 November 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 December 2011)

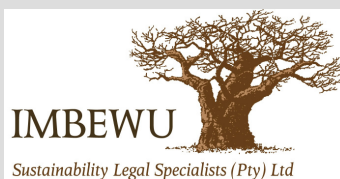
- Before National Assembly Committees
 - National Health Amendment Bill (B24 of 2011)
 - South African Weather Services Amendment Bill (B22 of 2011)
 - Constitution Seventeenth Amendment Bill (B6 - 2011)
 - Appropriation Bill (B3 – 2011)
 - Protection of Information Bill (B6 - 2010)
 - Protection from 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.



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 papers on our areas of practice.

Directors: Andrew Gilder and Catherine Warburton (Managing)

IMBEWU SUSTAINABILITY LEGAL SPECIALISTS (PTY) LTD Registration No. 2000/025124/07