

The Contemporary Gazette

relevant new legislation for your business



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This Update

This newsletter overviews new relevant National laws up to **16th September 2022**.

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General

1. Notable one-liners



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1. NOTABLE ONE LINERS

Agricultural Pests Act: Border Management Authority Act

Administration of [the Act](#) (certain regulatory aspects relating to importation of controlled; powers of executive officer; and powers of entry and investigation) transferred to Minister of Home Affairs, in relation to the border law enforcement area and at ports of entry.

Agricultural Product Standards Act: Border Management Authority Act

Administration of [the Act](#) (certain regulatory aspects relating to control over export of products; and control over sale of imported products) transferred to Minister of Home Affairs, in relation to the border law enforcement area and at ports of entry.

Animal Diseases Act: Border Management Authority Act

Administration of [the Act](#) (certain regulatory aspects relating to importation of certain controlled animals or things; removal and further detention of imported animals or things; powers of entry and inspection of director; and seizures by director) transferred to Minister of Home Affairs, in relation to the border law enforcement area and at ports of entry.

Animal Diseases Act: Foot and mouth disease

The prohibition on any activities where live cattle are physically moved from one property to another property has been repealed; and replaced with foot and mouth disease management areas for KwaZulu Natal Province, Free State Province; and Limpopo Province available from the Department.

Animal Health Act (Not commenced): Border Management Authority Act

Administration of [the Act](#) (certain regulatory aspects relating to restriction on exportation; restriction on animals or things imported and in transit; detention and disposal of imported animal or thing, and animal or thing conveyed in transit; and powers to enter, search and to carry out inspections and controlled veterinary procedures) transferred to Minister of Home Affairs, in relation to the border law enforcement area and at ports of entry.

Animal Improvement Act: Border Management Authority Act

Administration of [the Act](#) (certain regulatory aspects relating to restriction of certain actions in respect of animals and genetic material; importation of animals and genetic material; exportation of animals and genetic material of landrace; and offences and penalties) transferred Minister of Home Affairs, in relation to the border law enforcement area and at ports of entry.

Associated Institutions Pension Funds Act: Financial Matters Amendment Bill 2022

The Bill [proposes](#) updating references to the Director-General, Minister and National Treasury.

Auditing Profession Act: Financial Matters Amendment Bill 2022

The Bill proposes amending the [process following investigation](#); and the [transitional measures](#) relating to certain charges of improper conduct.

Auditing Profession Act: Fines

Maximum monetary fines proposed in terms of [sections 51\(2\)](#) (sanctions in admission of guilt process) and [51B\(3\)\(b\)](#) (sanctions in admission of disciplinary hearing process). Comment within 30 days from 16 September 2022.

Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act: Border Management Authority Act

Administration of [the Act](#) (certain regulatory aspects relating to import of fertilizers, farm feeds, agricultural remedies and stock remedies) transferred to Minister of Home Affairs, in relation to the border law enforcement area and at ports of entry.

Financial and Fiscal Commission Act: Financial Matters Amendment Bill 2022

The Bill [proposes](#) removing the reference to Secretary in the section regulating staff matters.

Foodstuffs, Cosmetics and Disinfectants Act: Border Management Authority Act

Administration of [the Act](#) (certain regulatory aspects relating to prohibition of sale, manufacture or importation of certain articles; use or employment of prohibited process, method, appliance, container or object; false description of articles; special defences; liability of importer, manufacturer or packer; inspectors; powers, duties and functions of inspectors; examination, control and disposal of certain imported articles; penalties; and jurisdiction) transferred to Minister of Home Affairs, in relation to the border law enforcement area and at ports of entry.

Fund-Raising Act: Fund-raising Amendment Bill 2020

The Bill [proposes](#) dissolving the State President's Fund, Refugee Relief Fund, and Social Relief Fund and boards; and replacing the Disaster Relief Fund with a Disaster Relief and National Social Development Fund (which will receive the funds in the dissolved funds).

Note: The objects of the Disaster Relief and National Social Development Fund will include identifying disaster damage or loss, and social development activities or empowerment projects, for assistance.

Further note: Reminder that [section 26](#) allows the President to declare a disaster for the purposes of this Act.

Final note: The Bill also proposes that a board must ensure the disbursement of funds or provision of assistance is done in consultation with the Minister for social development (and in certain instances Minister for defence) in line with the fiduciary duties of accounting authorities.

Genetically Modified Organisms Act: Border Management Authority Act

Administration of [the Act](#) (certain regulatory aspects relating to routine inspections by inspectors) transferred to Minister of Home Affairs, in relation to the border law enforcement area and at ports of entry.

Government Employees Pension Law: Financial Matters Amendment Bill 2022

The Bill [proposes](#) defining associated institutions pension fund (Associated Fund); including a member of an Associated Fund as a member of the Fund; and consequential amendments to exclusion; transfer to Fund; forfeiture; authorised benefits; and protection of rights.

Hazardous Substances Act: Border Management Authority Act

Administration of [the Act](#) (certain regulatory aspects relating to production, acquisition, disposal, and importation and exportation, of Group IV hazardous substances; inspectors; powers of inspectors; embargo; seizure; examination, control and disposal of imported substances; liability in regard to substance sold in a sealed package; special defences; warranties; preservation of secrecy; offences; defects in form; and restrictions of liability) transferred to Minister of Home Affairs, in relation to the border law enforcement area and at ports of entry.

International Health Regulations Act: Border Management Authority Act

Administration of [the Act](#) (certain regulatory aspects relating to health organisation; health measures applicable between ports or airports of departure and arrival; health measures on arrival; measures concerning the international transport of cargo, goods, baggage, and mail; special provisions relating to each of the diseases subject to the regulations; and health documents) transferred to Minister of Home Affairs, in relation to the border law enforcement area and at ports of entry.

Liquor Products Act: Border Management Authority Act

Administration of [the Act](#) (certain regulatory aspects relating to administering officer; restriction on the importation of certain alcoholic products; restriction on the exportation of liquor products; powers of entry, investigation and sampling; and seizures) transferred to Minister of Home Affairs, in relation to the border law enforcement area and at ports of entry.

Meat Safety Act: Border Management Authority Act

Administration of [the Act](#) (certain regulatory aspects relating to restriction on importation of meat; restriction on exportation of meat; and entry and search of premises) transferred to Minister of Home Affairs, in relation to the border law enforcement area and at ports of entry.

Military Pensions Act: Financial Matters Amendment Bill 2022

The Bill **proposes** amending the operation of the Act so that certain amendments that provided for a life partner of a member will be deemed to have commenced 27 April 1994.

Municipal Fiscal Powers and Functions Act: Amendment Bill 2022

The Bill proposes, **amongst others**, sanctions for willful or negligent financial misconduct by an official of a municipality; and development charges for a land development application submitted under section 33(1) of this Act read with section 45 of the Spatial Planning and Land Use Management Act.

National Environmental Management Act: Environmental management instruments

The draft adoption of national web based environmental screening tool as an environmental management instrument is available from the Department. Comment within 30 days from 6 September 2022.

National Environmental Management Act: Environmental management instruments

Draft exclusion of solar photovoltaic installations from environmental authorisation based on compliance with an adopted environmental management instrument available from the Department. Comment within 30 days from 8 September 2022.

National Environmental Management Biodiversity Act: Border Management Authority Act

Administration of **the Act** (certain regulatory aspects relating to restricted activities involving listed threatened or protected species and species to which an international agreement regulating international trade applies; restricted activities involving alien species; restricted activities involving certain alien species totally prohibited; restricted activities involving listed invasive species; prohibitions; permits; offences; and penalties) transferred to Minister of Home Affairs, in relation to the border law enforcement area and at ports of entry.

National Environmental Management Biodiversity Act: Draft game meat strategy

Draft strategy available from the Department. Comment deadline extended to 26 September 2022.

Note: Related laws to consider may include, amongst others, the Agriculture Products Standards Act; the Animal Diseases Act; the Animals Protection Act; the Consumer Protection Act; the Foodstuffs, Cosmetics and

Disinfectants Act; the Game Theft Act; the Meat Safety Act; the National Regulator for Compulsory Specifications Act; and the Tourism Act - see the right side of the Biodiversity Act on the CG website.

National Environmental Management Integrated Coastal Management Act: Border Management Authority Act

Administration of [the Act](#) (certain regulatory aspects relating to prohibition of incineration or dumping at sea; offences; and penalties) transferred to Minister of Home Affairs, in relation to the border law enforcement area and at ports of entry.

National Forests Act: Border Management Authority Act

Administration of [the Act](#) (certain regulatory aspects relating to prohibition on destruction of trees in natural forests; effect of declaration of protected trees; offences; and penalties) transferred to Minister of Home Affairs, in relation to the border law enforcement area and at ports of entry.

National Health Act: Border Management Authority Act

Administration of [the Act](#) (certain regulatory aspects relating to prohibition of reproductive cloning of human beings; appointment of health officers and inspectors; appointment of Ombud; inspections; environmental health investigations; entry and search of premises or health establishment with warrant by health officer or inspector; identification prior to entry, and resistance against entry, by health officer or inspector; entry and search of premises or health establishment without warrant by health officer or inspector; disposal of items seized by health officer or inspector; miscellaneous provisions relating to health officers, inspectors and compliance procedures; and offences and penalties) transferred to Minister of Home Affairs, in relation to the border law enforcement area and at ports of entry.

National Minimum Wage Act

Invitation gazetted to submit written representations concerning possible adjustments to the national [minimum wage](#) by 1 October 2022.

Perishable Products Export Control Act: Border Management Authority Act

Administration of [the Act](#) (certain regulatory aspects relating to officer and employee appointment) transferred to Minister of Home Affairs, in relation to the border law enforcement area and at ports of entry.

Plant Improvement Act: Border Management Authority Act

Administration of [the Act](#) (certain regulatory aspects relating to inspection for quality control; power to enter premises, carry out inspections, take samples and seize certain articles; importation of plants and propagating material; and export of plants and propagating material) transferred to Minister of Home Affairs, in relation to the border law enforcement area and at ports of entry.

Spatial Planning and Land Use Management Act: Municipal Fiscal Powers and Functions Amendment Bill

The Bill [proposes](#) defining bulk and link engineering services; instances where a municipality may agree to contribute towards the cost of link engineering services; and removing development charges imposition and calculation from the schedule regarding matters to be addressed in provincial legislation.

Standards Act

New, proposed, amended, and withdrawn [standards](#) gazetted for 9 and 16 September 2022.

Temporary Employees Pension Fund Act: Financial Matters Amendment Bill 2022

The Bill [proposes](#) updating references to the Director-General, Minister and National Treasury.

Tobacco Products Control Act: Border Management Authority Act

Administration of [the Act](#) (certain regulatory aspects relating to advertising, sponsorship, promotion, distribution, display and information required in respect of packaging and labeling of tobacco products; standards for manufacturing, importing and export of tobacco products; and offences and penalties) transferred to Minister of Home Affairs, in relation to the border law enforcement area and at ports of entry.

Traditional Courts Bill

The Bill proposes, [amongst others](#), schedule 1 prohibited conduct (with some examples) that must be regularly reviewed; as well as schedule 2 matters that a traditional court may hear and determine on (including key family and property issues such as advice relating to customary law practices in respect of custody and guardianship of minor or dependent children; and succession and inheritance).

Note: Provision will be made for reviews by the High Court, referral of matters to a magistrates court, and transfer of disputes to a magistrates court or small claims court.



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