



APRIL NEWSLETTER 2019

Dear Readers,

We hope you have had an amazing month of April!



The April edition of our newsletter looks at updates in the plastic pollution, wildlife and energy sectors while also focussing on recent legal notices and amendments.

NATIONAL LEGISLATION

❖ **NATIONAL HERITAGE RESOURCES ACT 25 OF 1999**

GN 622 in GG 42429 of 30 April 2019 - South African Heritage Resources Agency: Declaration of sites within the Bo-Kaap as National Heritage Sites

❖ **PETROLEUM PRODUCTS ACT 120 OF 1977**

GN R619 in GG 42427 of 30 April 2019 - Regulations in respect of petroleum products published in GN R531 in GG 42371 of 2 April 2019 substituted with effect from 1 May 2019

GN R620 in GG 42427 of 30 April 2019 - Regulations in respect of the maximum retail price of Liquefied Petroleum Gas supplied to residential customers amended with effect from 1 May 2019

FOR COMMENT❖ **NATIONAL ENERGY REGULATOR ACT 40 OF 2004**

GN 533 in GG 42373 of 2 April 2019 - National Energy Regulator of South Africa (NERSA) - Review of the municipal tariff guideline increase, benchmarks and proposed times for the municipal tariff approval process for the 2019/20 financial year

❖ **ELECTRICITY ACT 41 OF 1987**

GNs 602 & 603 in GG 42417 of 26 April 2019 - Licence fees payable by licensed generators of electricity for the period 1 April 2019 to 31 March 2020

❖ **NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT 59 OF 2008**

GN 541 in GG 42380 of 5 April 2019 - Intention to require a person who lawfully conducted a waste management activity on 1 July 2009 to apply for a waste management licence under the Act

GN 535 in GG 42376 of 3 April 2019 - Intention to take a decision on the application for the exclusion of a waste stream or a portion of such a waste stream for beneficial use from the definition of waste for beneficial use

❖ **NATIONAL FORESTS ACT 84 OF 1998**

Gen Notice 210 in GG 42391 of 12 April 2019 - Notice of intention to declare certain State Forests as Forest Nature Reserves under s. 8 (1) of the Act -

PROVINCIAL LEGISLATION❖ **LIMPOPO****NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT 57 OF 2003**

PN 43 in PG 2989 of 5 April 2019 - Declaration of respective land parcels as protected environment - Studholme Protected Environment

BILLS BEFORE PARLIAMENT

- ❖ National Environmental Management Laws Amendment Bill (B14 of 2017)
- ❖ Mineral and Petroleum Resources Development Amendment Bill (B15D – 2013)

BEFORE THE PRESIDENT

- ❖ Carbon Tax Bill (B46 of 2018)
- ❖ Marine Spatial Planning Bill (B9 of 2017)

PLASTIC POLLUTION IS MONSTROUS – AND HUMANS ARE THE MONSTERS

25 April 2019 by Elaine Mills

Plastic pollution is one of the biggest environmental threats facing our planet, and single-use plastic is the worst culprit in the toxic soup it produces. It's time for political parties in South Africa to step up and make combating plastic pollution an active plank in their political platforms.

We've all seen footage of thousands of birds found dead in remote places with bits of plastic in their innards. People are rightly reacting with outrage and horror to images of birds feeding their young plastic, and whales washed ashore with stomachs full of rubbish bags.

The impact that our plastic pollution is having on our planet is truly monstrous, and we are the monsters.

Every minute, the equivalent of one garbage truck of plastic enters our oceans. Just think about it – and even before you've finished that thought, another truckload has been dumped. By 2050, there will be more plastic by weight in the sea than fish.

Plastic waste isn't just an eyesore – it is deadly. Marine litter kills one million seabirds, around 100,000 marine mammals and countless fish every year.



Cattle, sheep and goats are also dying from ingesting plastic. Half of camel deaths in the United Arab Emirates are caused by suffocation from plastic bags.

Meanwhile, plastic has entered our food chain – and the impact on human health is still unclear. Nearly all salt brands globally were found to contain microplastic. Scientists have also found plastic in most bottled water, and even beer.

Don't get me wrong: not all plastic is bad. It helps to curb global warming by improving insulation, creating lighter packaging and vehicles, preserving food and safeguarding hygiene.

The problem is our rampant over-use of throwaway plastic. South Africans use eight billion shopping bags per year. On average, each bag is used for only 15 minutes – but can take up to 500 years to decompose.

The current rate of recycling is not enough to solve the problem. South Africa recycles less than 16% of its plastic – the rest ends up in the ocean or landfill, from where it leaches toxins into the environment. As for single-use plastic, that is per definition not intended to be recycled.

Unless we change our wasteful lifestyles, the next generation will inherit the consequences of our apathy – and they will curse us for it. The worst is that most of this is avoidable, if only we could be bothered to carry our own shopping bag.

Earlier in April, Tanzania joined the ranks of nearly 30 African countries – including Kenya, Rwanda, Morocco and Cameroon – that have banned disposable plastic bags. By comparison, South Africa lags far behind.

But our Parliament discussed a possible ban of certain single-use plastic items as recently as February. So, here too, the tide seems finally to be turning.

At a Two Oceans Aquarium summit in March, Marcus Eriksen from the 5 Gyres Institute said that the ocean's equilibrium can be restored, if only we could cut plastic input into the oceans by 20% per year over the next seven years. Now surely that is achievable!

Looking beyond the May elections, we want the next South African government to join growing worldwide action to halt the damage caused by plastic. And so, as the Greenpeace volunteers of Cape Town, we have launched a petition calling for single-use plastic carrier bags, small fruit and vegetable bags, straws, stirrers, cutlery and earbuds to be banned.

It seems we are not alone – people have signed our petition at a rate of around 1,000 per week and we now have more than 10,000 signatures.

A different world and a better future is possible – and you can contribute to it. Refuse plastic carrier bags – instead, bringing your own reusable ones. Avoiding – or at least reduce – the unnecessary use of single-use plastic items, and re-use wherever you can.

Nothing can stop an idea whose time has come. It is time to turn the tide on single-use plastic and reverse the destructive path that we're on. Join the revolution and be part of the solution – for the sake of our children and their children to come.

DEGRADABLE PLASTIC WILL HELP REDUCE POLLUTION IN SA

2 May 2019 by Abigail Moyo

CSIR researchers have developed 100% degradable plastic made from sugar cane bagasse and maize stalk as an alternative to reduce environmental pollution.

To manufacture the degradable plastic, material such as cellulose, starch and hemicellulose are extracted from plants to produce plastic products that can be reused, recycled and decomposed.

The aim of the initiative is to address the issue of high plastic pollution in the country, with 90% of landfills, as well as oceans filled with plastics that are killing animals.

Scientists said they had taken advantage of the large agricultural biomass available for use, instead of chemicals, to make eco-friendly plastic materials.

CSIR senior researcher Dr Sudhakar Muniyasamy said plastic pollution was getting out of hand, and there was a dire need to research alternative ways to arrest pollution.

He said the difference between normal plastic and the new 100% degradable plastic was that normal plastic took more than 450 years to decompose; degradable plastic would take only three to six months on land and in water.

Muniasamy said: "It is sad to learn that South Africa is among the top 15 plastic polluting countries in the world.

"Hence, we have carried out research to find new sustainable ways to stop plastic pollution without costing people's jobs.

"Several African countries such as Kenya, Tanzania, Ivory Coast, Rwanda, and Morocco have already banned single-use plastic, which has downgraded their economies. Hence, the new manufacturing of degradable plastic will grow our industries."



Other countries have already adopted the concept of eco-friendly plastics, but the unique thing about the South African notion is that there will be a peak in job creation since the plant materials are locally developed.

Muniasamy said that as an innovative research institute, they would like to see more industrial partnership, and manufacturing taking place in order to take the product to the market and people.

Potential products that can be manufactured using non-food agricultural biomass are: biodegradable cutlery, sanitary pads, plastic bags, fruit crates, agricultural mulch film and nursery pots.

INTERESTING ENVIRONMENTAL TOPICS

- ❖ ***Poacher killed by elephant then eaten by lions in Kruger National Park***
<https://www.iol.co.za/news/south-africa/mpumalanqa/poacher-killed-by-elephant-then-eaten-by-lions-in-kruger-national-park-20747232>
- ❖ ***Amsterdam to ban petrol and diesel cars and motorbikes by 2030***
<https://www.theguardian.com/world/2019/may/03/amsterdam-ban-petrol-diesel-cars-bikes-2030>
- ❖ ***Breaking from tradition, indigenous women lead fight for land rights in Brazil***
http://www.thisisplace.org/i/?id=eca5d6f1-b417-4f9f-b151daf555d9681e&utm_source=Newsletter&utm_medium=Email&utm_campaign=Place

ABOUT GUNN ATTORNEYS

Gunn Attorneys was established in 2014 by Adam Gunn, leveraging on many years of experience in the natural resources sector. Amongst other things Adam was legal counsel to Ridge Mining and First Uranium Corporation and a partner at Edward Nathan Sonnenbergs and Eversheds. The vision of the firm continues to be to provide exceptional service to our clients in the natural resources sector.



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