

Annexure A: Scope of work

1. Introduction

The SABS has a moral and legal obligation to ensure that employees, the public, and other parties are protected against environmental risks and hazards as well as occupational health and safety concerns whenever it is reasonably practical. From a practical and legal perspective, it is crucial for employees and management to have the proper knowledge and understanding of the law.

This service will reduce the difficulty individuals experience obtaining specific compliance requirements related to complexed environmental, health, and safety legislation.

2. Aim of project

The project's goal is to provide a thorough and user-friendly legal assessment report and register, demonstrating the possible legal exposures that SABS, its management, and its employees may face. The report cannot be used against the SABS in a legal or criminal case. Indications of identified legal exposures and proposed solutions for the efficient monitoring and control will be made to management in this report. These recommendations aim to both effectively manage uninsurable consequences while also lowering or mitigating these exposures, as needed.

3. Deliverables

A) Legal Compliance GAP Analysis (Phase 1) – To be conducted within the first 6 months of appointment:

1. Groenkloof ,
2. Netfa,
3. Secunda,
4. Durban ,
5. Richards Bay,
6. Newcastle,
7. East London, and
8. Cape Town

Note. Desktop audit for all Regional Sites except Groenkloof and NETFA.

B) Legal Compliance Audit (Phase 2) – To be conducted on an annually basis over a 3 year period:

1. Groenkloof,
2. Netfa,
3. Secunda,
4. Durban,
5. Richards Bay,
6. Newcastle,
7. PE,
8. East London, and
9. Cape Town

Note. Desktop audit for all Regional Sites except Groenkloof and NETFA.

A legal audit report in a hardcopy and software format (PDF) containing relevant sections and regulations of legislation with commentary where findings are raised. Our references will

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include but not be limited to the National Environmental Management Act 107 of 1998 (“NEMA”), National Environmental Management: Waste Act 59 of 2008 (“NEM:WA”), the National Water Act 36 of 1998 (NWA), the National Environmental Management: Air Quality Act 39 of 2004 (NEM:AQA), the Occupational Health and Safety Act 85 of 1993, as well as associated legislation, regulations and local by-laws. See examples of scope:

- *Alien and Invasive Species Lists (GN 864 of GG40166, 29 July 2016)*
- *Alien and Invasive Species Regulations (GNR 598 of GG 37885, 1 August 2014)*
- *Applicable Local and District Municipality By-Laws*
- *Basic Conditions of Employment Act 75 of 1997*
- *Compensation for Occupational Injuries and Diseases Act 130 of 1993*
- *Constitution of the Republic of South Africa 108 of 1996*
- *Employment Equity Act 55 of 1998*
- *Explosives Act 26 of 1956*
- *Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act 36 of 1947*
- *H&S Standards Register*
- *Hazardous Chemical Substances Regulations (GN R 1179 in GG 16596, 25 August 1995)*
- *Hazardous Substances Act 15 of 1973*
- *Health Professions Act 56 of 1974*
- *Labour Relations Act 66 of 1995*
- *List of activities which result in atmospheric emissions which have or may have a significant detrimental effect on the environment, including health, social conditions, Economic conditions, ecological conditions or cultural heritage*
- *Medicines and Related Substances Act 101 of 1965*
- *National Ambient Air Quality Standards GN 1210, dated 24 December 2009.*
- *National Environmental Management Act 107 of 1998*
- *National Environmental Management: Air Quality Act 10 of 2004*
- *National Environmental Management: Biodiversity Act 10 of 2004*
- *National Environmental Management: Waste Act 59 of 2009*
- *National Health Act 61 of 2003*
- *National Norms and Standards for Disposal of Waste to Landfill (GN R636 of GG 36784, 23 August 2013)*
- *National Norms and Standards for the Assessment of Waste for Landfill Disposal (GN R635 of GG 36784, 23 August 2013)*
- *National Road Traffic Act 93 of 1996*
- *National Waste Information Regulations (GN R625 of GG 35583, 13 August 2012)*
- *National Water Act 36 of 1998*
- *Norms and Standards for the Remediation of Contaminated Land and Soil Quality in the RSA (GN 467 of GG 36447, 10 May 2013)*
- *Nursing Act 33 of 2005*
- *Occupational Health and Safety Act 85 of 1993*
- *OHSA Asbestos Abatement Regulations*
- *OHSA Construction Regulations*
- *OHSA Competency Regulations*
- *OHSA Driven Machinery Regulations*

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- *OHS Act Electrical Installation Regulations*
- *OHS Act Electrical Machinery Regulations*
- *OHS Act Environmental Regulations*
- *OHS Act Explosives Regulations*
- *OHS Act Facilities Regulations*
- *OHS Act General Administrative Regulations*
- *OHS Act General Machinery Regulations*
- *OHS Act General Safety Regulations*
- *OHS Act Hazardous Biological Agents Regulations*
- *OHS Act Hazardous Chemical Agents Regulations*
- *OHS Act Health and Safety at Work for Children Regulations*
- *OHS Act Lead Regulations*
- *OHS Act Ergonomics Regulations*
- *OHS Act Lifts Escalators & Passenger Conveyor Regulations*
- *OHS Act Major Hazard Installation Regulations*
- *OHS Act Noise Induced Hearing Loss Regulations*
- *OHS Act Pressure Equipment Regulations*
- *Code of practice for employing disabled persons*
- *Pest Control Operator Regulations (GN R98 of GG 34010, 11 February 2011)*
- *Promotion of Access to Information Act 2 of 2000*
- *Protected Disclosures Act 26 of 2000*
- *Regulations Concerning the Control of Noxious or offensive Gases Emitted by Diesel Driven Vehicles (GNR 1651 of GG 4393, 20 September 1974)*
- *Regulations Governing Hygiene Requirements for Handling of Food*
- *Regulations Regarding the Phasing out of Ozone Depleting Substances (GN R 351 in GG 37621, 8 May 2014)*
- *Regulations relating to compulsory national standards and measures to conserve water (GN R 509 in GG 22355, 8 June 2001)*
- *The Environmental Conservation Act 73 of 1989 un-repealed sections*
- *The National Code of Practice for Training Providers to Lifting machine operators 2015*
- *Tobacco Products Control Act 83 of 1993*
- *Covid-19 Guidelines and protocols*
- *Waste Classification and Management Regulations (GN R 634 in GG 36784, 3 August 2013)*
- *Waste Tyre Regulations (GNR 149 in GG 31901, 13 February 2009)*

An audit checklist annexed to the compliance audit report in order to ensure that all necessary legislation has been audited. This checklist will therefore list each section for each Act and / or Regulation audited with commentary. An opinion on the current legal registers with a detailed list of deviations noted and detailed reasons for said inclusion and/or exclusions.

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C) ISO 14001 and ISO 45001 legal register to be supplied in the first 3 months of the contract and updated over a 36 month period for:

1. Groenkloof,
2. Netfa,
3. Secunda,
4. Durban,
5. Richards Bay,
6. Newcastle,
7. PE,
8. East London, and
9. Cape Town

D) Monthly retainer for adhoc consultation/investigation and other work that will be required.

4. Auditors

The legal audit must be conducted by the following practitioner/s:

- a) A qualified and practising attorney or advocate;
- b) Attorney or advocate must have been qualified for at least 8 years;
- c) Attorney or advocate that is Gauteng based;
- d) That has a valid COIDA (letter of good standing) certificate;
- e) That has a good standing certificate for each practitioner from the Legal Practice Council

Special Note. All of the above requirements must be met i.e. with necessary and valid documentation supplied.