

Covid-19 Regulatory Update

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Covid-19 Regulatory Update: 17 June 2020

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Index to Covid-19 regulations and notices: <https://juta.co.za/covid-19-legislation-update/2020/05/21/index/>

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CONFIRMED CASES

Reports

National Institute for Communicable Diseases. Latest confirmed cases of Covid-19 in South Africa (15 June 2020). 16 June 2020.

<https://www.nicd.ac.za/latest-confirmed-cases-of-covid-19-in-south-africa-15-june-2020/>

National Institute for Communicable Diseases. National Covid-19 Daily Report: 16 June 2020.

<https://www.nicd.ac.za/wp-content/uploads/2020/06/COVID19-Daily-Report-National-Public-16June2020.pdf>

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DEFAMATION

Media Comment

Nombembe, Philani. High court gives Eastern Cape doctor suing EFF manager for defamation an expensive law lesson.

2020 Jun 15 Daily Dispatch

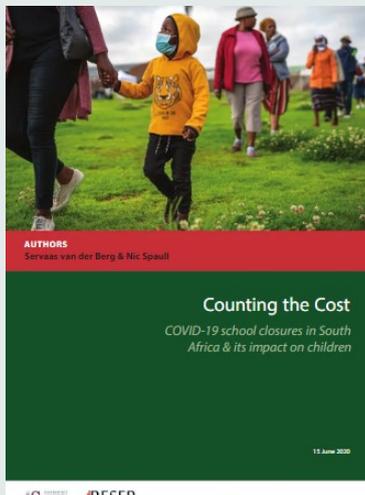
“The statement was posted on Facebook on 30 April 2020, which is a month ago. The statement was removed from Facebook after the apology was made. In my view there is less likelihood the statement can be repeated again after the deletion and apology,” the judgment reads. “The complainant [Mxenge] has already indicated he is suing for damages. This court is of the view that the matter is not urgent. The post in was deleted and the defendant [Gcilishe] gave an apology apparently not acceptable to the complaint [Mxenge], who has no facts that render this matter urgent.”

<https://www.dispatchlive.co.za/news/2020-06-15-high-court-gives-eastern-cape-doctor-suing-eff-manager-for-defamation-an-expensive-law-lesson/>

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EDUCATION

Report



Van der Berg, Servaas & Spaull, Nic. COVID-19 school closures in South Africa & its impact on children. - Stellenbosch University: Research on Socioeconomic Policy Group (RESEP), 15 June 2020.

Extract from conclusion and recommendations: “After reviewing the evidence presented in this paper, it is our view that keeping children out of school is not in the best interests of the child. Consequently, all children should return to schools, crèches and ECD centres without any further delay. The profound costs borne by small children and families as a result of the ongoing nationwide lockdown and school closures will be felt for at least the next 10 years.... Millions of South African children’s education and mental health have been compromised in this initial period of uncertainty. Given what is now known about the mortality rates of COVID-19, we believe that the ongoing disruptions to children’s care, education and health are no longer justified.”

<https://www.scribd.com/document/465818665/Van-Der-Berg-Spaull-2020-Counting-the-Cost-COVID-19-Children-and-Schooling-15-June-2020#download> or contact alert@lexinfo.co.za for a copy.

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EMPLOYMENT LAW

Media Comment

Njilo, Nonkululeko. Auditors appointed after companies 'fail to pay' workers Covid-19 relief funds.

2020 Jun 15 TimesLive

“Employment & labour minister Thulas Nxesi has appointed auditors to follow the trail of money paid to companies since the start of the lockdown after it emerged that some had allegedly failed to pay employees.

The ministry on Monday appealed to companies not to take advantage of money earmarked for employees.”

<https://www.timeslive.co.za/news/south-africa/2020-06-15-auditors-appointed-after-companies-fail-to-pay-workers-covid-19-relief-funds/>

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HAIRDRESSING AND PERSONAL CARE INDUSTRY

Media Comments

Nair, Nivashni. Minister says government 'ready' to open salons, but industry in the dark.

2020 Jun 15

“The government is ready to reopen salons, spas and massage parlours. However, the hair and beauty industry says this is news to them. In an interview with eNCA, small business development minister Khumbudzo Ntshavheni said the government was looking to open more sectors as part of a move to an “advanced level 3 lockdown”... She said her department had already completed the development protocols but there were still some businesses that were seen as problematic — especially tattoo parlours.”

<https://www.timeslive.co.za/news/south-africa/2020-06-15-minister-says-government-ready-to-open-salons-but-industry-in-the-dark/>

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HEALTH LAW

Internet Article

Brown, Beatrice. New Study Provides Insights into Potential Regulatory Treatment of COVID-19 Drugs.

2020 Jun 11 Bill of Health

“As the global pandemic continues, trials have been established to test whether existing drugs such as hydroxychloroquine could be repurposed to treat patients with COVID-19. There are also hopes that a novel drug will surface. But questions remain about when treatments and vaccines will become available.

There is currently great optimism that a treatment or vaccine will be developed quickly, but there is no assurance that such a vaccine or treatment will be highly effective or that normalcy will return in any particular timeframe. A recent study published in the Lancet ID by Jonathan J. Darrow, Mehdi Najafzadeh, Kristina Stefanini, and Aaron S.

Kesselheim provides data that might help to temper enthusiasm with evidence.

This new study evaluates the FDA’s regulatory flexibilities and provides critical insights as to how new COVID-19 treatments are likely to be reviewed by the FDA.”

<https://blog.petrieflom.law.harvard.edu/2020/06/11/regulatory-development-approval-covid19-treatment-vaccine/>

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INSURANCE

Media Comments

Smith, Carin. Tourism, hospitality businesses fight back over rejected insurance claims for Covid-19 losses.

2020 Jun 11 Fin24

“Rejected Covid-19 insurance claims are increasingly affecting the South African tourism and hospitality sector, with hundreds of claimants saying they should be covered under business interruption. This is according to Ryan Woolley, CEO of Insurance Claims Africa (ICA). The specialist public loss adjustment firm has over 400 claimants in this sector, who believe they should be covered under the business interruption extension of their insurance cover. This kind of insurance cover is supposed to help companies survive following an unanticipated event.

However, some insurers say that government regulations in respect of the lockdown are the cause of the loss, not Covid-19.”

<https://www.news24.com/fin24/companies/financial-services/tourism-hospitality-businesses-fight-back-over-rejected-insurance-claims-for-covid-19-losses-20200611>

Stoddard, Ed. Discovery predicts Covid-19’s effects will last until 2022 as it sets aside provisions for the pandemic.

2020 Jun 16 Daily Maverick

“The Covid-19 provision has been calculated to estimate the future mortality, morbidity and economic effects of the pandemic by estimating excess mortality and excess lapses expected to arise in 2021 and 2022 on a variety of scenarios by setting a stressed, central (prudent best estimate) and light scenario. The central scenario has been used to set the provision, while the stressed scenario used to test capital and liquidity; the light scenario would result in a material release of provisions in future years,’ the company said in a Stock Exchange News Service (SENS) statement on Monday, 15 June.”

<https://www.dailymaverick.co.za/article/2020-06-16-discovery-predicts-covid-19s-effects-will-last-until-2022-as-it-sets-aside-provisions-for-the-pandemic/#gsc.tab=0>

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LOCKDOWN

Internet Article

Kotze, Dirk. What Ramaphosa's COVID-19 decisions say about South Africa's democracy.

2020 Jun 16 The Conversation

"Decision-making now takes into account many of the societal pressures. At the same time the government has to find a compromise between competing interests. The important point is that the various strains of public opinion have had a direct impact on decision-making. This is expected of well-established democracies. For South Africa to allow so much public influence in decisive matters under difficult conditions is an important plus factor.

In essence, the more complex and diverse the decision process has become in South Africa, the more the public debate challenges aspects of it, the more evidence shows that the way the government takes its decisions does not point to a democratic regression, but rather adherence to a democratic sentiment. This is not accounted for by those who warn of a totalitarian apocalypse in the country."

<https://theconversation.com/what-ramaphosas-covid-19-decisions-say-about-south-africas-democracy-140186>

Media Comments

Kgajane, Itumeleng. Botswana lifts lockdown regulations as COVID-19 cases drop.

2020 Jun 16 SABCNews

"Botswana's government has lifted the lockdown imposed last week on the Greater Gaborone zone. The area comprising of the capital Gaborone and the neighbouring areas was placed under lockdown, after 16 people tested positive for the novel coronavirus.

The government of Botswana says all the 16 people who tested positive for the coronavirus last week were re-tested. Ten of those 16 people then tested negative when the results were released by the National Laboratory."

<https://www.sabcnews.com/sabcnews/botswana-lifts-lockdown-regulations-as-covid-19-cases-drop/>

Lindeque, Mia. COVID-19: 3 months into state of disaster, some lockdown rules still questioned.

2020 Jun 16 EWN

"The country has been under a state of disaster for exactly three months to deal with the COVID-19 pandemic, but South Africans were still divided about whether government's lockdown on certain industries was justifiable.

The High Court in Pretoria was soon expected to hear government's application for leave to appeal after a recent ruling declared some of the lockdown regulations unconstitutional and invalid."

<https://ewn.co.za/2020/06/15/covid-19-3-months-into-state-of-disaster-some-lockdown-rules-still-questioned>

Merten, Marianne. Covid-19 lockdown regulations and National Coronavirus Command Council under legal scrutiny, again.

2020 Jun 15 Daily Maverick

"From presidential 'loose use of language', the secrecy of records of Cabinet, or the National Coronavirus Command Council, to fair administrative justice. All these issues were argued before the Western Cape High Court on Monday in another legal challenge to the Covid-19 lockdown....

Judgement was reserved."

<https://www.dailymaverick.co.za/article/2020-06-15-covid-19-lockdown-regulations-and-national-coronavirus-command-council-under-legal-scrutiny-again/#gsc.tab=0>

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TOBACCO

Media Comment

Message that cigarettes are going back on sale this week is fake news.

2020 Jun 16 Citizen

"The Fair Trade Independent Tobacco Association (Fita) have debunked a Whatsapp message claiming that cigarettes will go back on the shelves on Wednesday. Fita say the message, which has been widely circulated, is incorrect and is misleading. The Association is currently locked in a court battle with government over the ban on cigarettes."

<https://citizen.co.za/news/covid-19/2303507/message-that-cigarettes-are-going-back-on-sale-this-week-is-fake-news/>

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TOURISM

Media Comment

Smith, Carin. Coronavirus: Will resorts and casinos like Sun City become permanently 'lost' destinations?

202 Jun 16 News24

"Sun International has R13 billion in debt and a market capitalisation at present of R1.6 billion. Of that debt, about R8.8 billion is local and the balance offshore...Aggressive expansion and the cost of Times Square in Pretoria and now the impact of the Covid-19 lockdown and restrictions to trading has severely impacted the hotels, hospitality and gaming sector,' Anthony Clark, an independent analyst at Small Talk Daily Research, commented on Monday."

<https://www.news24.com/fin24/companies/travelandleisure/coronavirus-will-resorts-and-casinos-like-sun-city-become-permanently-lost-destinations-20200615>

YOUTH

Media Comment

SA Government News Agency. COVID-19 and the youth.

2020 Jun 16 SA News

"As South Africa commemorates Youth Day, Health Minister Dr Zweli Mkhize has reflected on how the COVID-19 pandemic has affected young people. 'Since the advent of the pandemic on our shores, we have lost 123 fellow South Africans who were 39 years old or younger, with 29 of those under the age of 30. We pay special respect to these young lives today and extend our condolences to the families and loved ones of our fallen compatriots,' the Minister said. Tuesday marks Youth Day in South Africa - a day that pays tribute to the school pupils who lost their lives during the 16 June 1976 uprising in Soweto."

<https://www.news24.com/fin24/companies/financial-services/inside-the-looming-court-case-that-could-force-insurers-to-pay-covid-19-claims-20200612>

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