

25 August 2004

OPINIONS, REGULATIONS AND AGREEMENTS WITH LAW ADVISERS AS AT 25 AUGUST 2004

A number of requests for legal opinions and for vetting of regulations, agreements and bills are received by the Branch. Below is a list of the institutions requesting our assistance, the responsible state law advisers and the current status of the request

A. Office of the Presidency

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Re: <i>Ex Officio</i> function as commissioner of oaths	343/2004	10.08.2004	J Pienaar B Venter	Busy

B. Agriculture

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Agreement between Cuba and South Africa – cooperation in sanitary and phyosanitary matters	294/2004	16.07.2004	M A Olwage W J J Nel	Finalized on 12.08.2004

C. Arts and Culture

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Executive programme for cultural cooperation between the government of the republic of South Africa and the government of the United Mexican States for the years 2004, 2005 and 2006	335/2004	5.08.2004	M Naidoo W J J Nel	Busy
2. Programme of cultural co-operation between the government of the republic of South Africa and the government of the republic of Croatia for 2004, 2005 and 2006	344/2004	10.08.2004	W J J Nel	Finalized on 16.08.2004
3. Agreement: Cultural grant in Aid: Japan/ South Africa	347/2004	12.08.2004	M Naidoo W J J Nel	Busy
4. Executive programme for cultural cooperation between the government of the republic of South Africa and the government of the United Mexican States for 2004, 2005 and 2006	364/2004	20.08.2004	W J J Nel	Busy
5. Agreement between the government of the federal republic of Germany and the	367/2004	24.08.2004	-	-

government of the republic of South Africa on relations in the Audio-Visual sector				
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D. Auditor-General

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

E. Communications

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Memorandum of Understanding between the government of the republic of South Africa and the government of the republic of India on cooperation in the field of communications and information technologies	38/2003	25.08.2004	-	-

F. Correctional Service

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Draft declaration of intent between the government of the Kingdom of Lesotho and the government of the republic of South Africa on the establishment of possible areas of cooperation on correctional services and related matters	369/2004	25.08.2004	-	-

G. Communication and Information System

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

H. Defence

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Review of the regulation of Foreign Military Assistance Act 41 of 2002	259/2004	28.06.2004	G J C Myburgh	Busy
2. Cabinet Lekgotla decision: Re-assessment of effectiveness of the Foreign Military Assistance Act	299/2004	20.07.2004	G J C Myburgh	Busy
3. Protocol between the government of the republic of	326/2004	29.07.2004	M Naidoo M A Olwage	Finalized on 12.08.2004

South Africa and the government of the republic of Angola on defence cooperation				
4. Meaning of participating in armed conflict internationally	327/2004	29.07.2004	G J C Myburgh	Busy
5. Interpretation / Application of public service co-ordinating bargaining council resolution 2/99, amended	3/2004	10.08.2004	B Venter G J C Myburgh	Finalized on 13.08.2004
6. Draft agreement for the establishment of a joint commission on defence and security between the government of the republic of South Africa and the government of the republic of Zimbabwe	355/2004	17.08.2004	M A Olwage	Busy
7. Memorandum of understanding (MOU) between the United Nations (UN) and the government of the republic of South Africa contribution resources to "United Nations operation in Burundi" (ONUB)	366/2004	24.08.2004	-	-

I. Education

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

J. Environmental Affairs and Tourism

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Request for the opinion on the interpretation of article 17(5) of the Basel convention	238/2004	7.06.2004	P R Lesese S M Masapu W J J Nel	Finalized on 20.08.2004
2. Request for opinion: Recusal of Minister from certain cabinet discussions	261/2004	28.06.2004	K A Selokela P G Prinsloo	Finalized on 24.08.2004
3. Agreement between the government of the republic of Angola and the government of the republic of South Africa through the Minister of Environmental Affairs and Tourism on cooperation in the field of tourism	382/2003	10.08.2004	M A Olwage	Finalized on 11.08.2004

K. Foreign Affairs

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Draft host agreement between the African Union and the government of the republic of South Africa on the seat of the Pan African Parliament (PAP)	312/2004	23.07.2004	M Naidoo W J J Nel	Finalized on 11.08.2004
2. Agreement between the government of the republic of South Africa and the government of the republic of Mozambique on a combined border control post on the South African-Mozambique border	284/2004	6.08.2004	W J J Nel M A Olwage	Busy
3. Request for legal opinions from the State Law Advisers on two amendments to the certain conventional weapons convention	360/2004	20.08.2004	P R Lesese	Busy

L. Health

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Memorandum of Understanding in the field of Health between the Ministry of Health, Population and Hospital reform of the people's democratic republic of Algeria and the Ministry of Health of the Republic of South Africa	330/2004	3.08.2004	M Naidoo W J J Nel	Busy

M. Home Affairs

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Re: Amendment of the Immigration Act	31/2004	7.07.2004	D Erasmus P G Prinsloo	Busy
2. Legal opinion on the introduction of a cash free system and introduction of Biometric data base at <i>inter alia</i> ports of entry	351/2004	16.08.2004	-	-
3. Agreement between the government of the Kingdom of Lesotho and the government of the republic of South Africa on the facilitation of cross border movement of citizens of the republic of South Africa and Lesotho	358/2004	19.08.2004	A S Woest W J J Nel	busy

N. Housing

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

O. Industrial Development Corporation of South Africa Limited

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

P. Intelligence Agency

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

Q. Justice

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Clarity regarding authority of the Magistrates Commission over retired magistrates	271/2004	1.07.2004	M P Tladi G J C Myburgh	Finalized on 23.08.2004
2(SA) Lease of state property	274/2004	5.07.2004	B Venter P G Prinsloo	Finalized on 6.08.2004
3. Draft agreement on security cooperation between the Kingdom of Saudi Arabia and the republic of South Africa	281/2004	7.07.2004	M A Olwage W J J Nel	Finalized on 10.08.2004
4(SA) Legal opinion: Revision of the commencing salary: B H Boshoff	293/2004	14.07.2004	P G Prinsloo J V Nurse	Fax and mail letter on 21.07.2004 to requested further particulars from client Department
5. Legal opinion: Law of negotiable instruments: Payment by cheque	301/2004	21.07.2004	P R Lesese J V Nurse	Finalized on 18.08.2004
6. Promotion of equality and prevention of unfair discrimination act, 2000 amendment regulations	311/2004	23.07.2004	M M Khoza	Busy
7. Appointment of an acting Chief Justice	314/2004	26.07.2004	J N McLachlan W J J Nel	Finalized on 10.08.2004
8. Legal opinion: Claim in respect of motor vehicle allowance: Mr BB Ndevu	323/2004	28.07.2004	A L Mphaphuli P G Prinsloo	Finalized on 6.08.2004
9. Initial representations concerning Stanley and Bea Tollman: Possible USA request for extradition	328/2004	2.08.2004	J Pienaar	Finalized on 20.08.2004
10. Equality jurisprudence and affirmative action cases	332/2004	3.08.2004	J V Nurse	Finalized on 4.08.2004
11. Proclamation under the special investigating units and special tribunals act, 1996 (Act	334/2004	5.08.2004	M A Olwage W J J Nel	Finalized on 13.08.2004

74 of 1996)				
12. Mrs P C Moloisi	276/2004	10.08.2004	A L Mphaphuli	Busy
13. Regulations under the promotion of access to information act, 2000: Section 25 of the judicial matters second amendment act, 2003 (Act 55 of 2003)	345/2004	11.08.2004	J V Nurse J Pienaar	Busy
14. Loss of State money: R137 284 – 83: Master of the High Court: Pretoria	348/2004	13.08.2004	J N McLachlan W J J Nel	Busy
15. Loss of State Money: R73 489 – 91: Master of the High Court, Pretoria	349/2004	13.08.2004	J N McLachlan W J J Nel	Busy
16. Promotion of the regulation of constitutional amendments amendment bill, 2004	362/2004	20.08.2004	-	-
17. Constitutional Court judgements/Deputy State Law Advisers	363/2004	20.08.2004	K A Selokela	Busy
18. Opinion: Home Owners allowance – E T Madlingozi	408/2003	20.08.2004	A L Mphaphuli	Finalized on 20.08.2004
19. Request for legal opinion: Challenge to the legality of the application of rule 1.9 of the rules of the government employees pension fund to the calculation of magistrates' pension	365/2004	23.08.2004	-	-
20. Request for a legal opinion: Approval of submissions	368/2004	25.08.2004	-	-

R. Land Affairs

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

S. Labour

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

T. Minerals and Energy

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

U. Metsimaholo Local Municipality

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

V. North West Province: Roads and Public Works

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

W. National Prosecuting Authority of South Africa

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

X. National Treasury

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Request for an opinion on the Regional Services Act, 1985 (Act No 109 of 1985)	317/2004	27.07.2004	C J S Zwarts J V Nurse	Finalized on 20.08.2004
2. Letter of opinion in respect of the guarantee agreement between the government of the republic of South Africa and the African Development Bank of Southern Africa, in respect of the third line of credit to the DBSA	318/2004	27.07.2004	W J J Nel E Daniels	Busy
3. Legal opinion on the interpretation of section 4(1) of the corporation for public deposits	321/2004	27.07.2004	K A Selokela J V Nurse	Finalized on 11.08.2004
4. Terms of reference of the guarantee certification committee	322/2004	27.07.2004	M P Tladi	Finalized on 19.08.2004
5. Rider No 2 to financing agreement between the European Community and the government of the republic of South Africa for the operation: Support to the transformation of the Justice System: The e-justice programme (SA/8028/000)	331/2004	3.08.2004	M A Olwage	Finalized on 6.08.2004
6. Memorandum of understanding between the governments of the Kingdom of Sweden and the United Kingdom of Great Britain and the Northern Ireland and the government of the republic of South Africa on Institutional support to statistics South Africa for the period July 2004 – June 2007	353/2004	17.08.2004	C J S Zwarts W J J Nel	busy
7. Financing agreement between the European Community and the republic of South Africa concerning	354/2004	17.08.2004	M Naidoo M A Olwage	Finalized on 24.08.2004

technical and business education initiative in South Africa phase 2 (TABEISA II) (SA/002/04)				
8. Funding agreement for a water supply and sanitation sector support programme between the government of Ireland and South Africa	370/2004	25.08.2004	-	-
9. Financing agreement between the South Africa and the European concerning the water services sector support programme (Masibambane II)	371/2004	25.08.2004	-	-

Y. Pan South African Language Board

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

Z. Police Service (SA)

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Qualification: Home owners allowance	319/2004	27.07.2004	B Venter G J C Myburgh	Finalized on 25.08.2004
2. Section 37: Criminal Procedure Act, 1977 (Act No 51 of 1977): Taking of samples for DNA when arrested	336/2004	6.08.2004	J N McLachlan M A Olwage	Finalized on 23.08.2004
3. Re: Firearms control amendment regulation, 2004	221/2003	23.08.2004	A S Woest J N McLachlan	Busy

ZA. Provincial and Local Government

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

ZB. Public Enterprises

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Re: Perusal of African Privatisation Constitution (APN) for the Department of Public Enterprises (DPE)	324/2004	28.07.2004	M P Tladi	Finalized on 16.08.2004

ZC. Public Service and Administration

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. African Union convention on the preventing and combating of	82/2004	29.07.2004	S M Masapu W J J Nel	Busy

corruption				
2. Payment of home-owner allowance	338/2004	6.08.2004	B Venter G J C Myburgh	Finalized on 25.08.2004

ZD. Public Service Commission

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Restructuring the office of the secretary for Defence	266/2004	29.06.2004	G J C Myburgh	Busy

ZE. Public Works

OPINION, REGULATION, AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Role and function of the department of Public Works: Interpretation of certain laws/ request for further legal opinion on related matters	425/2003	6.08.2004	-	-
2. Bona Vacantia	339/2004	10.08.2004	K A Selokela J V Nurse	Busy

ZF. Safety and Security

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

ZG. Social Development

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Re: Miriam Buchalter VS Minister of Social Development	337/2004	6.08.2004	K A Selokela W J J Nel	Finalized on 24.08.2004

ZH. Sport and Recreation

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

ZI. Science and Technology

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Republic of South Africa and the republic of Mali: Draft agreement on scientific and technological co-operation	288/2004	13.07.2004	M A Olwage W J J Nel	Finalized on 12.08.2004
2. Draft agreement between the government of the Kingdom of Lesotho and the government of	350/2004	13.08.2004	C J S Zwarts W J J Nel	Busy

South Africa on scientific and technological cooperation				
3. Draft agreement between the government of the Slovak republic and the government of the republic of South Africa on scientific, technical and educational co-operation	356/2004	17.08.2004	W J J Nel	Busy
4. Request for legal opinion on the interpretation of public finance management act, 1999 (Act No. 1 of 1999)	361/2004	20.08.2004	W J J Nel M A Olwage	Busy

ZJ. South African Revenue Service

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. International convention on mutual administrative assistance in customs matters (referred to as Johannesburg convention) adopted in Brussels on 27 June 2003	298/2004	20.07.2004	A S Woest W J J Nel	Busy

ZK. Statistics South Africa

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

ZL. Trade and Industry

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Trade Agreement between the government of the republic of South Africa and the government of the republic of Guinea	302/2004	21.07.2004	M A Olwage W J J Nel	Finalized on 16.08.2004
2. Bilateral trade agreement between the government of the republic of South Africa and the government of the republic of Cameroon	303/2004	21.07.2004	M A Olwage W J J Nel	Finalized on 16.08.2004
3. Trade agreement between the government of the republic of South Africa and the government of the republic of Gabon	304/2004	21.07.2004	M A Olwage W J J Nel	Finalized on 16.08.2004
4. Agreement between the government of the republic of South Africa and the government of the republic of Cameroon for the reciprocal promotion and protection of investments	305/2004	21.07.2004	W J J Nel M A Olwage	Finalized on 6.08.2004
5. Agreement between the government of the republic of South Africa and the government	306/2004	21.07.2004	W J J Nel M A Olwage	Finalized on 6.08.2004

of the republic of Guinea for the reciprocal promotion and protection of investments				
6. Agreement between the government of the republic of South Africa and the government of the republic of Gabon for the reciprocal promotion and protection of investments	308/2004	21.07.2004	W J J Nel M A Olwage	Finalized on 6.08.2004
7. Draft agreement between the government of the republic of South Africa and the government of the Democratic republic of Congo for the promotion and reciprocal protection of investment	341/2004	10.08.2004	W J J Nel	Finalized on 11.08.2004
8. Memorandum of understanding on Economic Cooperation between the Ministry of Industry and small and medium enterprises of the Democratic republic of Congo and the Department of Trade and Industry of the republic of South Africa	342/2004	10.08.2004	W J J Nel	Finalized on 11.08.2004
9. Memorandum of Understanding on cooperation in the Industry and Trade programmes between the Ministry of trade industry and of the republic of Mozambique and the department of Trade and Industry of the republic of South Africa	346/2004	11.08.2004	M A Olwage W J J Nel	Busy
10. Draft agreement between the government of the republic of South Africa and the government of the republic of Mali for the reciprocal promotion and protection of investments	357/2004	18.08.2004	W J J Nel	Busy
11. Draft agreement between the government of the republic of South Africa and the government of the United republic of Tanzania for the reciprocal promotion and protection of investments	359/2004	19.08.2004	W J J Nel	Busy

ZM. Transport

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Request for a second legal opinion: Loss of cell phone	352/2004	17.08.2004	B Venter M P Tladi	Busy

ZN. Water Affairs and Forestry

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Regulations under sections 26(1)(d) (e), (f) and (i) of the National Water Act, 1998 (Act No 36 of 1998) [NWA]	333/2004	3.08.2004	A S Woest W J J Nel	Busy
2. Draft procedural rules of the water tribunal	340/2004	10.08.2004	M P Tladi	Finalized on 23.08.2004

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