

2 September 2004

**OPINIONS, REGULATIONS AND AGREEMENTS WITH LAW ADVISERS AS AT 2 SEPTEMBER 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	Finalized on 1.09.2004

B. Agriculture

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

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	Finalized on 26.08.2004
2. Agreement: Cultural grant in Aid: Japan/ South Africa	347/2004	12.08.2004	M Naidoo W J J Nel	Finalized on 26.08.2004
3. 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	Duplicate see opinion 335/2004
4. Agreement between the government of the federal republic of Germany and the government of the republic of South Africa on relations in the Audio-Visual sector	367/2004	24.08.2004	W J J Nel	Finalized on 30.08.2004

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	J N McLachlan W J J Nel	Finalized on 1.09.2004

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	M A Olwage	Finalized on 26.08.2004

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 South Africa and the government of the republic of Angola on defence cooperation	326/2004	29.07.2004	M Naidoo M A Olwage	Finalized on 12.08.2004
4. Meaning of participating in	327/2004	29.07.2004	G J C Myburgh	Finalized on 31.08.2004

armed conflict internationally				
5. 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 W J J Nel	Finalized on 31.08.2004
6. 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	W J J Nel	Busy

I. Education

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

J. Environmental Affairs and Tourism

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

K. Foreign Affairs

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. 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	M A Olwage W J J Nel	Finalized on 31.08.2004
2. 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	Finalized on 27.08.2004
<b>3. Draft agreement between the government of the United Arab Emirates and the government of the republic of South Africa on judicial assistance in civil and commercial matters</b>	<b>384/2004</b>	<b>31.08.2004</b>	<b>J Pienaar</b>	<b>Busy</b>
<b>4. Draft agreement between the government of the United Arab Emirates and the government of the republic of South Africa on mutual legal assistance in criminal matters</b>	<b>385/2004</b>	<b>31.08.2004</b>	<b>J Pienaar</b>	<b>Busy</b>

<b>5. Draft extradition agreement between the government of the United Arab Emirates and the government of the republic of South Africa</b>	<b>386/2004</b>	<b>31.08.2004</b>	<b>J Pienaar</b>	<b>Busy</b>
<b>6. 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</b>	<b>284/2004</b>	<b>6.08.2004</b>	<b>W J J Nel M A Olwage</b>	<b>Finalized on 1.09.2004</b>

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	Finalized on 26.08.2004

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	C J S Zwarts J V Nurse	Busy
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
<b>1. New instruction: Request for a legal opinion – whether the Minister of Housing has the power in terms of the housing consumers protection measures act no. 95 of 1998 to approve the</b>	<b>382/2004</b>	<b>30.08.2004</b>	-	-

<b>annual salary increase and performance based increase of the staff of the National Home Builders Registration Council</b>				
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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(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
2. Promotion of equality and prevention of unfair discrimination act, 2000 amendment regulations	311/2004	23.07.2004	M M Khoza	Busy
3. Mrs P C Moloisi	276/2004	10.08.2004	A L Mphaphuli	Busy
4. 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
5. 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
6. 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
7. Promotion of the regulation of constitutional amendments amendment bill, 2004	362/2004	20.08.2004	-	Refer to Cape Town Office on 20/08/04
8. Constitutional Court judgements/Deputy State Law Advisers	363/2004	20.08.2004	K A Selokela	Finalized on 26.08.2004
9. 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	G J C Myburgh M P Tladi	Finalized on 2.09.2004
10. Request for a legal opinion: Approval of submissions	368/2004	25.08.2004	M P Tladi G J C Myburgh	Finalized on 1.09.2004
<b>11. Amendment to code of conduct: Debt collectors</b>	<b>372/2004</b>	<b>26.08.2004</b>	<b>M Naidoo</b>	<b>Finalized on 1.09.2004</b>

<b>12. Request for legal opinion: Recognition for obtaining a diploma in legal interpreting: Court interpreters</b>	<b>373/2004</b>	<b>26.08.2004</b>	-	-
<b>13. Promotion of access to information act, 2000 (Act No. 2 of 2000): Exemptions and determinations for purposes of section 22(8)</b>	<b>374/2004</b>	<b>26.08.2004</b>	<b>J V Nurse</b>	<b>Busy</b>
<b>14(SA) Request for opinion on interpretation of the KZN Land Administration Act No. 3 of 2003 read with the KZN Procurement Act, No. 3 of 2001</b>	<b>375/2004</b>	<b>27.08.2004</b>	-	-
<b>15. Summary: Constitutional court cases pertaining to government 2003/2004</b>	<b>377/2004</b>	<b>27.08.2004</b>	<b>A S Woest</b>	<b>Finalized on 27.08.2004</b>
<b>16(SA) Legal opinion: Revision of the commencing salary: B H Boshoff</b>	<b>293/2004</b>	<b>27.08.2004</b>	<b>P G Prinsloo J V Nurse</b>	<b>Awaiting further particulars from client department</b>
<b>17. Request for legal opinion regarding the assignment of legislation to provinces and the withdrawal thereof</b>	<b>379/2004</b>	<b>30.08.2004</b>	<b>J N McLachlan W J J Nel</b>	<b>Busy</b>
<b>18. Industrial development corporation of South Africa limited doing business with local government structure</b>	<b>383/2004</b>	<b>31.08.2004</b>	-	-
<b>19(SA) Opinion: Home owners allowance – ET Madlingozi</b>	<b>408/2003</b>	<b>1.09.2004</b>	<b>A L Mphpahuli G J C Myburgh</b>	<b>Busy</b>
<b>20. Appointment of Masters of the High Court in terms of section 2 of the Administration of Estates Act, No 66 of 1966, as amended</b>	<b>387/2004</b>	<b>1.09.2004</b>	-	-

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. 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	Finalized on 31.08.2004
2. 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	Finalized on 2.09.2004
3. Funding agreement for a water supply and sanitation sector support programme between the government of Ireland and South Africa	370/2004	25.08.2004	M A Olwage	Busy
4. Financing agreement between the South Africa and the European concerning the water services	371/2004	25.08.2004	M Naidoo	Finalized on 31.08.2004

sector support programme (Masibambane II)				
<b>5. Legal opinion: Stop order facilities on persal: Lloyd's South Africa (Pty) Ltd ("Lloyd's SA")</b>	<b>376/2004</b>	<b>27.08.2004</b>	-	-
<b>6. Request for state law advisor opinion on application of South African Development Community (SADC) protocol on immunities and privileges</b>	<b>380/2004</b>	<b>30.08.2004</b>	-	-

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. 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

ZC. Public Service and Administration

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

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	W J J Nel M A Olwage	Busy
2. <i>Bona Vacantia</i>	339/2004	10.08.2004	K A Selokela J V Nurse	Finalized on 30.08.2004
<b>3. Tender No. HLD 01/04 in respect of erf 1117 Bloubergstrand: Request for legal opinion</b>	<b>378/2004</b>	<b>27.08.2004</b>	<b>M Naidoo W J J Nel</b>	<b>Busy</b>

ZF. Safety and Security

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

ZG. Social Development

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

ZH. Sport and Recreation

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
<b>1. Memorandum of understanding between the government of the republic of South Africa and the government of the republic of the United Kingdom of Great Britain and Northern Ireland on bilateral cooperation in the field of sport and recreation</b>	<b>381/2004</b>	<b>30.08.2004</b>	-	-

ZI. Science and Technology

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Draft agreement between the government of the Kingdom of Lesotho and the government of South Africa on scientific and technological cooperation	350/2004	13.08.2004	C J S Zwarts W J J Nel	Busy
2. Draft agreement between the government of the Slovak republic	356/2004	17.08.2004	W J J Nel	Busy

and the government of the republic of South Africa on scientific, technical and educational co-operation				
3. 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	Finalized on 31.08.2004

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. 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
2. 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	Duplicate see opinion 325/2004
3. 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	Finalized on 27.08.2004

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	Finalized on 30.08.2004

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

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