



**The Department of Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA**

22 November 2004

OPINIONS, REGULATIONS AND AGREEMENTS WITH LAW ADVISERS AS AT 22 NOVEMBER 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

B. Agriculture

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

C. Arts and Culture

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Draft agreement between the government of the republic of South Africa and the government of the republic of Bulgaria on co-operation in the fields of arts and culture	509/2004	16.11.2004	C J S Zwarts M A Olwage	Finalized on 17.11.2004

D. Auditor-General

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

E. Communications

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Regulations in terms of the telecommunications act on PSTS interconnection	492/2004	2.11.2004	J Pienaar M Naidoo	Busy

F. Correctional Service

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

G. Communication and Information System

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

H. Defence

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. The ministerial task team: Transformation of the Military legal system	66/2004	2.09.2004	G J C Myburgh	Busy
2. Review of RFMA (draft bill)	493/2004	3.11.2004	G J C Myburgh	Busy

I. Education

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

J. Environmental Affairs and Tourism

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Memorandum of Understanding (MOU) between the government of the republic of South Africa in its department of Environmental Affairs and Tourism and government of the People's republic of China	499/2004	9.11.2004	A S Woest W J J Nel	Busy

K. Foreign Affairs

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Draft agreement between the government of the republic of South Africa and	512/2004	17.11.2004	M A Olwage W J J Nel	Finalized on 18.11.2004

the government of the Socialist republic of Vietnam concerning the establishment of an inter-governmental partnership forum for economic, trade, scientific, technical and cultural co-operation				
2. Joint declaration between the government of the republic of South Africa and the government of the socialist republic of Vietnam on partnership for co-operation and development	513/2004	17.11.2004	W J J Nel	Finalized on 18.11.2004
3. Agreement between the government of the republic of South Africa and the government of Mauritius for the co-ordination of search and rescue services	517/2004	18.11.2004	M A Olwage W J J Nel	Busy
4. Technical cooperation agreement concerning the inspection of fish and fishery products between the SA Bureau of Standards ("SABS") and the Ministry of fisheries of the republic of Mauritius ("MOF")	518/2004	18.11.2004	M Naidoo W J J Nel	Busy
5. Draft agreement between the government of the republic of South Africa and the government of the republic of Uganda regarding the establishment of a joint permanent economic commission	521/2004	19.11.2004	-	-

L. Health

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Agreement between the government of the republic of Bulgaria and the government of the republic of South Africa on cooperation in the field of Health Care and Medical Science	526/2003	10.11.2004	M A Olwage	Finalized on 16.11.2004
2. Agreement between the food and agriculture organization (fao) of the United Nations and the government of the republic of South Africa on the arrangements for the 27th	403/2004	16.11.2004	W J J Nel	Finalized on 17.11.2004

session of the codex committee on fish and fishery products from 28 February 2005 – 4 March 2005				
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M. Home Affairs

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Re: Amendment of the Immigration Act	31/2004	11.10.2004	D Erasmus P G Prinsloo	Busy
2. Draft agreement between the government of the republic of South Africa and the government of the republic of Mozambique	524/2004	22.11.2004	-	-

N. Housing

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Memorandum of understanding between the United Nations human settlements programme the African Union and the government of the republic of South Africa regarding the organizational and logistical arrangements for the African Ministerial conference on housing and Urban Development	505/2004	12.11.2004	M M Khoza W J J Nel	Busy

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. Industrial development corporation of South Africa limited doing business with local government structure	383/2004	31.08.2004	M P Tladi G J C Myburgh	Requested further particulars from client on 26.10.2004

2. Remuneration of magistrates and related matters	485/2004	27.10.2004	B Venter G J C Myburgh	Busy
3. clarity regarding the authority of the Magistrates Commission over retired Magistrates	271/2004	29.10.2004	G J C Myburgh M P Tladi	Busy
4. Proclamation under the special investigating units and tribunals act, 1996 (Act 74 of 1996)	496/2004	4.11.2004	M A Olwage W J J Nel	Busy
5(SA) Legal advice and opinion regarding rentals	274/2004	10.11.2004	B Venter P G Prinsloo	Finalized on 18.11.2004
6. Treaty between the republic of South Africa and the Argentine republic on mutual legal assistance in criminal matters	436/2004	16.11.2004	J Pienaar	Busy
7. Opinion in respect of income tax payment to SARS from the proceeds of a MVA claim	511/2004	17.11.2004	C J S Zwarts P G Prinsloo	Busy
8(SA) Re: BLF Flexmore / MEC for Education	514/2004	18.11.2004	K A Selokela G J C Myburgh	Busy
9. National Arts Council Act	516/2004	18.11.2004	P G Prinsloo	Finalized on 18.11.2004
10. Peace officers	520/2004	19.11.2004	B Venter P G Prinsloo	Busy
11. Implementation of the regulations of interception of the communications and provisions of communication-related information act, 2002	172/2004	22.11.2004	J N McLachlan M A Olwage	Busy

R. Land Affairs

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

S. Labour

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
2. Investors in people full license agreement	488/2004	29.10.2004	K A Selokela W J J Nel	Finalized on 17.11.2004

T. Minerals and Energy

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

U. Metro Police Johannesburg

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Oral request: Request regarding one year validity period of warrants	498/2004	8.11.2004	J N McLachlan W J J Nel	Busy

V. North West Province: Gambling Board

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Re: Legal Opinion	522/2004	22.11.2004	-	-

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. Regulations in terms of section 33 of the prevention and combating of corrupt activities act, no. 12 of 2004: Register for tender defaulters	508/2004	16.11.2004	P G Prinsloo	Finalized on 17.11.2004
2. Update of Japanese shelf 2004	515/2004	18.11.2004	W J J Nel E Daniels	Finalized on 22.11.2004
3. Draft regulations under the prevention and combating of corrupt activities act	508/2004	19.11.2004	P G Prinsloo	Busy
4. Interpretation of Acts: Section 217 of the Constitution (Act 108 of 1996) and the preferential procurement policy framework act (No. 5 of 2000)	523/2004	22.11.2004	-	-

Y. Post Office SA)

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. SAPOA – host agreement	491/2004	2.11.2004	M A Olwage W J J Nel	Busy

Z. Police Service (SA)

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

1. Regulations: Explosives Act No 15 of 2003	405/2004	14.09.2004	J V Nurse P G Prinsloo	Busy
2. Protocol to the OAU convention on the prevention and combating of terrorism	506/2004	12.11.2004	M Naidoo W J J Nel	Busy

ZA. Pan South African Language Board

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Mandate of the Pan South African Language Board	519/2004	19.11.2004	J N McLachlan M A Olwage	Busy

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

ZF. South African Secret Services

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Legal opinion: Proposed amendment: National strategic intelligence act, Act 39 of 1994	501/2004	10.11.2004	K A Selokela P G Prinsloo	Finalized on 17.11.2004

ZG. Social Development

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

ZH. Sport and Recreation

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. First draft proposal memorandum of understanding between the government of the republic of Seychelles and the government of the republic of South Africa in the field of sports	502/2004	11.11.2004	W J J Nel M A Olwage	Busy

ZI. Science and Technology

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

ZJ. South African Revenue Service

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

ZK. Staff Council in the Civilian Intelligence Services

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Implications of the Defence force case on the status of the Intelligence Services	525/2004	22.11.2004	-	-

ZL. Trade and Industry

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Draft agreement between the republic of South Africa and Serbia and Montenegro for the promotion and reciprocal protection of investments	504/2004	12.11.2004	J N McLachlan W J J Nel	Finalized on 18.11.2004
2. Trade agreement between government of the republic of South Africa and the government of the Sultanate of Oman	510/2004	16.11.2004	M A Olwage W J J Nel	Finalized on 22.11.2004

ZM. Transport

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Convention for the suppression of unlawful acts against the safety of maritime navigation, and to the protocol for the suppression of unlawful acts against the safety of fixed platforms located on the continental shelf	375/2004	13.10.2004	A S Woest	Busy

ZN. Water Affairs and Forestry

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Nasional Boswet	507/2004	12.11.2004	J Pienaar B Venter	Finalized on 16.11.2004

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