



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

30 November 2004

**OPINIONS, REGULATIONS AND AGREEMENTS WITH LAW ADVISERS AS AT 30
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
1. Presidential handbook	533/2004	26.11.2004	-	-

B. Agriculture

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Memorandum of Understanding between South Africa and Indonesia on agriculture development and trade co-operation	529/2004	24.11.2004	A S Wuest W J J Nel	Busy

C. Arts and Culture

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

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	Finalized on 25.11.2004
2. PSTS 2 PSTS interconnection regulations	492/2004	26.11.2004	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	Finalized on 25.11.2004
2. Review of RFMA (draft bill)	493/2004	3.11.2004	G J C Myburgh	Busy
3. The ministerial task team: Transformation of the Military legal system	66/2004	2.09.2004	G J C Myburgh	Busy
4. Interpretation / Application of PSCBC resolution 2/99, as amended	3/2004	29.11.2004	B Venter 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	499/2004	9.11.2004	A S Woest W J J Nel	Busy

government of the People's republic of China				
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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 Mauritius for the co-ordination of search and rescue services	517/2004	18.11.2004	M A Olwage W J J Nel	Finalized on 29.11.2004
2. 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	Finalized on 25.11.2004
3. 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	M Naidoo W J J Nel	Busy
4. IEC Memorandum of Understanding	534/2004	26.11.2004	W J J Nel	Finalized on 26.11.2004

L. Health

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Regulations relating to qualifications for registration on dental assistants and registration of persons qualified outside the republic	536/2004	26.11.2004	D Erasmus J N McLachlan	Busy

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	M Naidoo M A Olwage	Finalized on 26.11.2004
3. Draft Visa agreement: RSA and Vietnam	527/2004	23.11.2004	M Olwage W J J Nel	Busy

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	Finalized on 23.11.2004

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. Remuneration of magistrates and related matters	485/2004	27.10.2004	B Venter G J C Myburgh	Finalized on 23.11.2004
2. clarity regarding the authority of the Magistrates Commission over retired Magistrates	271/2004	29.10.2004	G J C Myburgh M P Tladi	Finalized on 29.11.2004
3. 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	Finalized on 23.11.2004
4. 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	Finalized on 23.11.2004
5. 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
6(SA) Re: BLF Flexmore / MEC for Education	514/2004	18.11.2004	K A Selokela G J C Myburgh	Finalized on 29.11.2004
7. Peace officers	520/2004	19.11.2004	B Venter	Finalized on

			G J C Myburgh	29.11.2004
8. 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
9. Re: Opinion section 3(ii) of the Magistrates Act, 1993 (Act No. 90 of 1993) and section 93 of the Constitution	526/2004	22.11.2004	P G Prinsloo M A Olwage	Finalized on 24.11.2004
10(SA) Lease agreement between the Department of Land Affairs and Mr A Abrahamson	407/2004	23.11.2004	J Pienaar J V Nurse	Finalized on 26.11.2004
11. Invalid contract of employment in terms of section 32(1) of the Aliens Control Act 96 of 1991	528/2004	24.11.2004	M M Khoza G J C Myburgh	Busy
12(SA) Possible cancellation of sale agreement entered into between national housing commission and wonderwonings with regard to sale of erven 124 and 1608 Fairview, Port Elizabeth	272/2003	24.11.2004	M Naidoo W J J Nel	Finalized on 26.11.2004
13(SA) Appointment of municipal staff: Opinion from counsel	531/2004	25.11.2004	B Venter G J C Myburgh	Busy
14. Interpretation of section 93(1)(b) of the Constitution	532/2004	26.11.2004	P G Prinsloo M A Olwage	Finalized on 26.11.2004
15. Approval of international agreements subject to reservations	535/2004	26.11.2004	W J J Nel M A Olwage	Busy
16. Loss of state money: R163 926 – 89: Masters Office, Pretoria	547/2004	29.11.2004	-	-
17. Maintenance Act, 1998: Draft regulations	548/2004	29.11.2004	-	-

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. 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	Finalized on 23.11.2004

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. Draft regulations under the prevention and combating of corrupt activities act	508/2004	19.11.2004	P G Prinsloo	Finalized on 23.11.2004
2. 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	K A Selokela P G Prinsloo	Busy
3. Exchange of letter between the federal republic of Germany and the government of the republic of South Africa on the promotion of rural livelihoods in Eastern Cape Province	537/2004	29.11.2004	-	-
4. Exchange of letter between the federal republic of Germany and the government of the republic of South Africa on training system for education, training and development practitioners (ETDP SETA)	538/2004	29.11.2004	-	-

5. Exchange of letter between the federal republic of Germany and the government of the republic of South Africa on training and support for natural resource management (TRANSFORM)	539/2004	29.11.2004	-	-
6. Exchange of letter between the federal republic of Germany and the government of the republic of South Africa on broadening agricultural services and extension delivery, BASED	540/2004	29.11.2004	-	-
7. Exchange of letter between the federal republic of Germany and the government of the republic of South Africa on municipal finance management	541/2004	29.11.2004	-	-
8. Exchange of letter between the federal republic of Germany and the government of the republic of South Africa on assistance for the national housing finance corporation	542/2004	29.11.2004	-	-
9. Exchange of letter between the federal republic of Germany and the government of the republic of South Africa on Urban upgrading and development programme	543/2004	29.11.2004	-	-
10. Exchange of letter between the federal republic of Germany and the government of the republic of South Africa on HIV/AIDS cross-sectoral fund	544/2004	29.11.2004	-	-
11. Exchange of letter between the federal republic of Germany and the government of the republic of South Africa on advisory support for the consolidation of the Mpumalanga provincial administration	545/2004	29.11.2004	-	-
12. Exchange of letter between the federal republic of Germany and the government of the republic of South Africa on trade and industrial policy secretariat (TIPS) consultancy	546/2004	29.11.2004	-	-

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	Finalized on 23.11.2004

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	Finalized on 23.11.2004

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

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	Finalized on 24.11.2004

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
1. Draft agreement between the federal republic of Germany and the republic of South Africa for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and on capital	24/98	24.11.2004	M Naidoo	Finalized on 25.11.2004

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

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
2. Bilateral merchant shipping agreement between the republic of South Africa and Brazil	530/2004	25.11.2004	M Naidoo W J J Nel	Busy

ZN. Water Affairs and Forestry

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

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