



The Department of Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

6 December 2004

OPINIONS, REGULATIONS AND AGREEMENTS WITH LAW ADVISERS AS AT 6 DECEMBER 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 Woest 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. PSTS 2 PSTS interconnection regulations	492/2004	26.11.2004	J Pienaar M Naidoo	Busy

2. Opinion: Meaning of information system service provider	551/2004	30.11.2004	-	-
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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. Review of RFMA (draft bill)	493/2004	3.11.2004	G J C Myburgh	Busy
2. The ministerial task team: Transformation of the Military legal system	66/2004	2.09.2004	G J C Myburgh	Busy
3. Interpretation / Application of PSCBC resolution 2/99, as amended	3/2004	29.11.2004	B Venter G J C Myburgh	Busy
4. Exchange of Note between the government of the republic of South Africa and the government of the Mozambique requesting military support after general elections	567/2004	3.12.2004	W J J Nel	Finalized on 3.12.2004

I. Education

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

J. Environmental Affairs and Tourism

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. 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 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	Finalized on 2.12.2004
2. General co-operation agreement between the government of the republic of South Africa and the government of the republic of Chad	570/2004	6.12.2004	W J J Nel	Finalized on 6.12.2004
3. Protocol for regular diplomatic consultation between the government of the republic of South Africa and the government of the republic Chad	571/2004	6.12.2004	-	-

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	Finalized on 3.12.2004
2. Agreement between the government of the Russian Federation and the government of the republic of South Africa on co-operation in the field of health and medical science	568/2004	3.12.2004	W J J Nel	Finalized on 6.12.2004

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 Visa agreement: RSA and Vietnam	527/2004	23.11.2004	M Olwage W J J Nel	Finalized on 1.12.2004

N. Housing

OPINION, REGULATION &	OPINION	RECEIVED	SLA	PROGRESS
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AGREEMENT	NUMBER			
1. Urgent opinion: Interpretation of section 9 of the municipal system act	549/2004	29.11.2004	M Naidoo 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. 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
2. 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	Finalized on 1.12.2004
3. 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
4(SA) Appointment of municipal staff: Opinion from counsel	531/2004	25.11.2004	B Venter G J C Myburgh	Finalized on 6.12.2004
5. Approval of international agreements subject to reservations	535/2004	26.11.2004	W J J Nel M A Olwage	Busy
6. Loss of state money: R163 926 – 89: Masters Office, Pretoria	547/2004	29.11.2004	-	-
7. Maintenance Act, 1998: Draft regulations	548/2004	29.11.2004	-	-
8. Notice in terms of section 15(4) of the Magistrates' Courts Act, 1944 (Act 32 of 1944)	425/2004	30.11.2004	M P Tladi	Finalized on 30.11.2004
9. Proclamation under the special investigating units and special tribunals act, 1966 (Act 74 of 1996): Representations by Mr LJ Nyembe	552/2004	1.12.2004	W J J Nel M A Olwage	Busy
10(SA) Request for urgent assistance and the approval	565/2004	2.12.2004	-	-

of draft contract for appointment of magistrates for the additional sexual offences courts				
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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
1. Opinion: Authority of DG/Minister to decide on validity of administrative actions which pre-dates implementation of new act, 28 of 2002	564/2004	2.12.2004	-	-

U. Metro Police Johannesburg

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

V. North West Province: Gambling Board

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Re: Legal Opinion	522/2004	22.11.2004	J N McLachlan W J J Nel	Busy

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. Interpretation of Acts: Section 217 of the Constitution (Act 108 of 1996) and the	523/2004	22.11.2004	K A Selokela P G Prinsloo	Finalized on 2.12.2004

preferential procurement policy framework act (No. 5 of 2000)				
2. 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	M M Khoza W J J Nel	Busy
3. 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	M M Khoza	busy
4. 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	M M Khoza	Busy
5. 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	M M Khoza	Busy
6. 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	M M Khoza	Busy
7. 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	M M Khoza	Busy
8. 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	M M Khoza	Busy
9. 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	M M Khoza	Busy
10. 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	545/2004	29.11.2004	M M Khoza	Busy

Mpumalanga provincial administration				
11. 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	M M Khoza	Busy
12. Exchange of letter between the federal republic of Germany and the government of the republic of South Africa on provincial administration support programme in the Eastern Cape	553/2004	1.12.2004	W J J Nel	Finalized on 3.12.2004
13. Exchange of letter between the federal republic of Germany and the government of the republic of South Africa on programme to develop markets for business development services	554/2004	1.12.2004	W J J Nel	Finalized on 3.12.2004
14. Exchange of letter between the federal republic of Germany and the government of the republic of South Africa on technology diffusion through technikons	555/2004	1.12.2004	W J J Nel	Finalized on 3.12.2004
15. Exchange of letter between the federal republic of Germany and the government of the republic of South Africa on planning and implementation management support systems for municipalities	556/2004	1.12.2004	W J J Nel	Finalized on 3.12.2004
16. Exchange of letter between the federal republic of Germany and the government of the republic of South Africa on skills development strategy initiative	557/2004	1.12.2004	W J J Nel	Finalized on 3.12.2004
17. Exchange of letter between the federal republic of Germany and the government of the republic of South Africa on peace and development project	558/2004	1.12.2004	W J J Nel	Finalized on 3.12.2004
18. Exchange of letter between the federal republic of Germany and the government of the republic of South Africa on basic	559/2004	1.12.2004	W J J Nel	Finalized on 3.12.2004

employment and skills training programme in the Free State and Eastern Cape provinces				
19. Exchange of letter between the federal republic of Germany and the government of the republic of South Africa on vocational education and training fund South Africa	560/2004	1.12.2004	W J J Nel	Finalized on 3.12.2004
20. Exchange of letter between the federal republic of Germany and the government of the republic of South Africa on learnership training system	561/2004	1.12.2004	W J J Nel	Finalized on 3.1.2004
21. Exchange of letter between the federal republic of Germany and government of the republic of South Africa on legislative drafting	562/2004	1.12.2004	W J J Nel	Finalized on 3.12.2004
22. Exchange of letter between the federal republic of Germany and government of the republic of South Africa on economic and development policy advisory programme	563/2004	1.12.2004	W J J Nel	Finalized on 3.12.2004

Y. Post Office SA)

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

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

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	Finalized on 30.11.2004

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
1. Rendering of probation services by a non-government organization in terms of the probation services act, 1991, (Act 116 of 1991): A Re Ageng Social Services	569/2004	6.12.2004	-	-

ZH. Sport and Recreation

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

ZI. Science and Technology

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

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. Preferential trade agreement between the Southern Common Market (MERCOSUR) and the Southern African Customs Union (SACU)	550/2004	30.11.2004	W J J Nel	Finalized on 30.11.2004
2. Draft agreement between the government of the republic of South Africa and the government of the republic of Belarus on the establishment of the inter-governmental committee on trade and economic cooperation	566/2004	3.12.2004	J N McLachlan W J J Nel	Busy
3. Trade and economic cooperation agreement between the government of the republic of South Africa and the government of the republic of Turkey	415/2004	6.12.2004	-	-

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	375/2004	13.10.2004	A S Woest	Busy

acts against the safety of fixed platforms located on the continental shelf				
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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