



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

15 November 2004

**OPINIONS, REGULATIONS AND AGREEMENTS WITH LAW ADVISERS AS AT 15
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

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 amateur radio regulations	520/2000	2.11.2004	M Naidoo J Pienaar	Finalized on 15.11.2004
2. Regulations in terms of the telecommunications act on	492/2004	2.11.2004	J Pienaar M Naidoo	Busy

PSTS interconnection				
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F. Correctional Service

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Project document: Government of South Africa and United Nations Office on Drugs and Crime (UNODC)	489/2004	1.11.2004	J N McLachlan W J J Nel	Finalized on 9.11.2004

G. Communication and Information System

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS

H. Defence

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. 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 between the government of the republic of South Africa in its department of Environmental Affairs and Tourism government of People's republic of China	495/2004	4.11.2004	M Naidoo W J J Nel	Finalized on 15.11.2004
2. Agreement between the government of the republic of South Africa and the government of the federative republic of Brazil on cooperation in the field of the environment	469/2003	5.11.2004	M A Olwage	Finalized on 12.11.2004
3. Memorandum of Understanding (MOU) between the government of the republic of South Africa in its department of Environmental Affairs and Tourism and government of	499/2004	9.11.2004	A S Woest W J J Nel	Busy

the People's republic of China				
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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 Sultanate of Oman on the establishment of a partnership forum	503/2004	11.11.2004	W J J Nel	Finalized on 15.11.2004

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	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 Socialist republic of Vietnam and the government of the republic of South Africa on visa exemption for holders of diplomatic and official passports	497/2004	8.11.2004	J N McLachlan	Finalized on 9.11.2004
3. Memorandum of understanding between the government of the republic of South Africa and the democratic republic of Congo on co-operation in immigration and population matters	500/2004	9.11.2004	J N McLachlan P G Prinsloo	Finalized on 10.11.2004

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	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	Busy

T. Minerals and Energy

OPINION, REGULATION & AGREEMENT	OPINION NUMBER	RECEIVED	SLA	PROGRESS
1. Regulations: Petroleum products act, 1977	490/2004	2.11.2004	P G Prinsloo	Finalized on 9.11.2004

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: 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. Financing agreement between the European community and the republic of South Africa concerning strengthening systems to support the South African comprehensive plan for HIV and AIDS prevention, treatment and care programme –SUCOP for HIV/AIDS	461/2004	18.10.2004	M A Olwage	Finalized on 9.11.2004
2. Financing agreement between the European community and the republic of South Africa concerning higher education HIV & AIDS programme (HEAIDS)	462/2004	18.10.2004	M M Khoza	Finalized on 9.11.2004
3. Financing agreement between the European Community and the	494/2004	4.11.2004	M M Khoza	Finalized on 10.11.2004

government of the republic of South Africa concerning conference, workshops and cultural activities fund (CWCI-111) (SA/1016/000)				
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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. Opinion on the possibility of using private attorneys to conduct South African Police Services legal matters	426/2004	28.09.2004	C J S Zwarts	Finalized on 5.11.2004
3. 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. 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. Procedure after cancellation of a contract	456/2004	18.10.2004	W J J Nel M A Olwage	Finalized on 15.11.2004
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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	Busy

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
1. Draft agreement between the government of the republic of South Africa and the government of the United republic of Tanzania for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	477/2004	22.10.2004	M Naidoo W J J Nel	Finalized on 9.11.2004
2. Draft agreement between the government of the republic of South Africa and the government of the United republic of Tanzania regarding mutual assistance between	478/2004	22.10.2004	M A Olwage W J J Nel	Finalized on 9.11.2004

their customs administration				
3. Draft convention between the government of the republic of Gabon and the government of the republic of South Africa for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	137/2000	3.11.2004	C J S Zwarts W J J Nel	Finalized on 15.11.2004
4. Draft convention between the government of the republic of Estonia and the government of the republic of South Africa for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	314/99	4.11.2004	C J S Zwarts W J J Nel	Finalized on 15.11.2004

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. 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	Busy

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. Letter of agreement for the provisions of funds from the National Forest programme facility, through the food and Agriculture, organization of the United Nations, to the	484/2004	27.10.2004	W J J Nel	Finalized on 9.11.2004

department of Water Affairs and Forestry Pretoria, republic of South Africa				
2. Nasional Boswet	507/2004	12.11.2004	J Pienaar B Venter	Busy

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