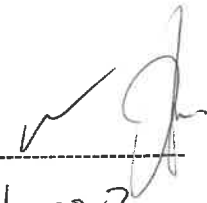




tourism


Department:
Tourism
REPUBLIC OF SOUTH AFRICA

SERVICE DELIVERY CHARTER FOR LEGAL SERVICES

DG's Signature: -----

Date: 12/06/2023-----

A. DOCUMENT HISTORY

Document title	SERVICES DELIVERY CHARTER FOR LEGAL SERVICES				
Document author	CHIEF DIRECTORATE: LEGAL SERVICES				
Document owner	CHIEF DIRECTOR: LEGAL SERVICES				
Document description	The Service Delivery Charter for Legal Services is a tool for the effective and efficient provision of legal services and support by the Chief Directorate: Legal Services.				
Final version	V1.1				
Number of pages	7				
Chief Director: Legal Services	Full acceptance		Partial acceptance		Conditional acceptance
Signature:				Date:	
Acceptance Status by the Deputy Director-General	Full acceptance		Partial acceptance		Conditional acceptance
Signature:				Date:	
Acceptance status by the Director-General	Full approval	✓	Partial approval		Conditional approval
Signature:				Date:	12/06/2023

LOCATION OF THE MASTER FINAL VERSION OF THE SERVICE DELIVERY CHARTER FOR LEGAL SERVICES

(AFTER SIGNATURE BY THE DIRECTOR GENERAL)

- B.** To facilitate future access and use the master final version of the Service Delivery Charter for Legal Services will be placed on the intranet and archived on the Electronic Document Management System (EDMS).

1. ROLE OF LEGAL SERVICES

The role of Legal Services is to provide legal services and support of a high quality so as to enable the Department to fulfill its mandate and the objectives of growing and developing tourism.

2. SERVICES

We offer the following Core Services:

- 2.1 Legal advice/ support;
- 2.2 Drafting, vetting and providing comments on agreements or contracts;
- 2.3 Managing litigation; and
- 2.4 Drafting legislation.

3. CLIENTS

Our Clients include:

- 3.1 Minister and Deputy Minister;
- 3.2 Business units within the Department;
- 3.3 Office of the Auditor General;
- 3.4 Office of the President, Cabinet and Cabinet Committees;
- 3.5 Office of the Chief State Law Adviser;
- 3.6 Office of the State Attorney;
- 3.7 National, Provincial and Local Government Departments;
- 3.8 Tourists; and
- 3.9 Tourism Businesses.

4. PLEDGE

We, the Chief Directorate: Legal Services, commit ourselves to:

- 4.1 Providing efficient and effective legal support to the Department and the Ministry.
- 4.2 Upholding values set by the Department.
- 4.3 Promoting confidentiality on all the matters including discussions and documents in its possession.
- 4.4 Continuously improving the quality of our products and processes to meet or exceed the expectations of our clients.
- 4.5 Ensuring that officials are well informed about the professions they deal with and are able to respond confidently to queries.

5. SERVICE DELIVERY STANDARDS

The standard of services that are offered by the Chief Directorate: Legal Services is in accordance with the following Service Delivery Matrix:

5.1 MANAGEMENT OF LITIGATION

We commit to providing sound and well researched legal advice to our clients.

- 5.1.1 Litigation will be managed as per the litigation Protocol as well as all applicable prescripts.
- 5.1.2 Upon receiving a notice in terms of Section 3 of the Institution of Legal Proceedings Against Certain Organs of State Act, 40 of 2002 a Summons or Notice of Motion (Application),

We will-

- (a) Acknowledge receipt of correspondence within 24 hours.
- (b) Notify client within 24 hours.
- (c) Discuss the merit of the demand, the financial implication and the litigation process with client within 3 working days.

- 5.1.3 Where necessary, we will provide instructions to the State Attorney within 5 working days. If it is an urgent court process, the State Attorney will be instructed immediately upon receipt of a summons or a notice of motion.
- 5.1.4 Client will be informed of the status of their cases at least once a month and/or as and when there are developments or the need arises.
- 5.1.5 Client will be expected to attend consultation with the Office of the State Attorney and Counsel where necessary.
- 5.1.6 Clients will be notified in writing of the outcome of their cases within 3 working days from the date of receipt of the Court judgment.

6. CONTRACTS AND INTERNATIONAL AGREEMENTS

- 6.1 We are committed to assisting in the negotiation, signing and executions of contracts and International Agreements.
- 6.2 All requests must be electronically or hand delivered to the office of the Chief Director: Legal Services or her delegate. Where a request is sent electronically, the Office Administrator of the Chief Director must be copied.
- 6.3 Legal Services will send a written acknowledgment of receipt within 48 working hours of receipt of instructions.
- 6.4 Legal Services will vet the contracts or provide legal advice in the legal drafting and execution of a contract or International Agreement.
- 6.5 Our turnaround time for vetting a contract or international agreement and providing legal inputs is 10 working days for simple contracts and 15 working days for complex contracts, provided that all supporting documents are provided.
- 6.6 Upon finalisation of the instruction Legal services will issue and advise memorandum together with the proposed changes to the contract.

- 6.7 Clients must address the issues raised in the contract and advise if the proposed changes are acceptable within at least 2 days.
- 6.8 Upon acceptance of the proposed changes to the contract by the client, Legal Services will issue a finalized vetting memorandum and certify the contract by an official Legal Services Stamp within 2 working days.
- 6.9 Upon receipt of instructions to vet International Agreements, Legal Services Chief Directorate, shall after considered the request, refer the Agreement to the Office of Chief State Law Adviser: Department of Justice and Constitutional Development ("Justice"), for an opinion on compliance with domestic law of the Country.
- 6.10 Upon receipt of the opinion from Justice, Chief Directorate shall refer the Agreement to the Office of the Chief State Law Adviser: Department of International relations and Cooperation, for an opinion on compliance with international law obligations.

NB- NO AGREEMENT WILL BE REGARDED AS FINALISED BY LEGAL SERVICES UNLESS CERTIFIED BY AN OFFICIAL IN LEGAL SERVICES.

7. Legal Opinions/ Support

- 7.1 We are committed to ensuring that the Department complies with all statutory provisions applicable to its operations.
- 7.2 Provide sound legal advice which protects the Department from legal and other attacks.
- 7.3 We will provide a legal opinion within 10 working days for a simple written request to a maximum of 15 working days on a complex request. The turnaround time exclude instances where a request for a legal opinion is outsourced or where we request full instructions from client.
- 7.4 All requests for legal opinions must be signed off by the respective Deputy Director-General or alternatively must be sent to Legal Services with the approval of the concerned Deputy Director-General.

- 7.5 The requests for legal opinions must be electronically or hand delivered to the office of the Chief Director: Legal Services or her delegate and where a request is sent electronically. The Office Administrator of the Chief Director: Legal Services must be copied in all electronic requests for legal opinions.
- 7.6 Legal Services will send a written acknowledgment of receipt of a request for a legal opinion, within 48 working hours of receipt of the written instruction.
- 7.7 Upon finalisation of the instruction, Legal Services will issue a memorandum of advice signed by the Chief Director: Legal Services.

8. DRAFTING OF LEGISLATION

- 8.1 We commit to align internal processes and procedures with legislation and applicable Acts and regulations.
- 8.2 Revise and update the Tourism Act 3 of 2014 and Regulations when it is necessary or when the law dictates.
- 8.3 Co-ordinate the approval of an annual Legislative Programme of the Department.
- 8.4 Adhere to the time lines agreed to in the Legislative Programme.
- 8.5 Conduct training on relevant legislations as and when a need arises.

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