SOUTH AFRICAN LAW REFORM COMMISSION

THIRTY-SEVENTH ANNUAL REPORT

2009/2010

REVIEW
THE PAST

REFORM
THE PRESENT

ANTICIPATE
THE FUTURE

South African
Law Reform Commission

To Mr JT RADEBE, MP
Minister of Justice and Constitutional Development

I have the honour to submit to you, in terms of section 7(2) of the South African Law Reform Commission Act 19 of 1973, the Commission's report on all its activities from 1 April 2009 to 31 March 2010.

Yours sincerely

Madam Justice JY Mokgoro
Chairperson of the South African
Law Reform Commission

GALLERY
OF COMMISSIONERS

JUSTICE JY MOKGORO
Chairperson and retired Judge of the Constitutional Court

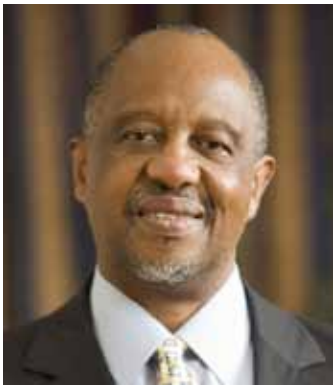
JUDGE WL SERITI
Vice-Chairperson and Judge of the Gauteng North High Court

MS TN MADONSELA
Full-time Member (until 14 October 2009)

PROF C ALBERTYN
Professor of Law
University of the Witwatersrand

JUDGE DM DAVIS
Judge President of the Competition Appeal Court

ADV NT NGCUKAITOBI
Advocate of the High Court of South Africa



ADV DB NTSEBEZA SC
Advocate of the High Court of South Africa

PROF PJ SCHWIKKARD
Dean of Law
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Advocate of the High Court of South Africa

Vision, mission and values of South African Law Reform Commission

Vision

To be a centre for excellence, producing ground-breaking research pivotal to the improvement and renewal of the legal system of South Africa.

Mission

The continuous reform of the law of South Africa in accordance with the principles and values of the Constitution to meet the needs of a changing society operating under the rule of law.

Values

In the execution of its duties the SALRC strives to uphold the values of equality, integrity, inclusiveness, professionalism, impartiality, excellence, responsiveness, efficiency and respect for the dignity of others.

POSTAL ADDRESS

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CONTENTS

CONTENTS

Chapter 1: Overview 8

Chapter 2: Objects, constitution and functioning 14

Chapter 3: Progress report 27

Chapter 4: Reports completed 54

Chapter 5: Public relations 58

Chapter 6: Acknowledgements 76

Annexure A: Issue papers published by the Commission 77

Annexure B: Discussion papers published by the Commission 80

Annexure C: Investigations included in the Commission's programme since its establishment 88

Annexure D: Members of the Commission in order of appointment 106

Annexure E: Advisory committees of the Commission and their members 108

Annexure F: Present programme of the Commission 115

Annexure G: Papers published by the Commission in its research series 116

CHAPTER 1
OVERVIEW

Introduction

South Africa has been immortalised in the history books as the first African country ever to be afforded the opportunity to act as host for one of the greatest sporting events in the World: the FIFA Soccer World Cup. Apart from proving itself as a major competitor in sport such as soccer, rugby and cricket, South Africa now also has the opportunity to prove itself as one of the great host nations for international sporting events.

However, it is not only on the sport field that South Africa has proven itself worthy. South Africa also excels in the field of law reform. An overview of investigations conducted by the South African Law Reform Commission (SALRC) and legislation recommended and adopted since the nineties, demonstrates that South Africa has much to be proud of in the area of law reform. This period was especially challenging for law reformers due to the dramatic changes that South Africa's political landscape underwent during that time.

On 26 October 1994 the South African Law Commission (as the SALRC was known at the time) was awarded the Humanitas award. The Humanitas award was 'Awarded to the South African Law Commission for outstanding research into human rights and constitutional models.' The research into human rights and constitutional models was conducted as part of the process of drafting the Constitution of the Republic of South Africa Act 200 of 1993, which in turn informed the drafting of the Constitution of the Republic of South Africa Act, 1996.

The SALRC dealt with a number of investigations that flowed from the requirements of the Constitution or that dealt with human rights issues. *Project 115 – Review of administrative law* preceded the adoption of the Promotion of Administrative Justice Act 3 of 2000. Section 33(3) of the Constitution requires the adoption of national legislation which gives effect to the right to just administrative action.

Human rights and specifically the rights to equality and human dignity played a central part in *Project 118 – Domestic partnerships.* Some of the recommendations made in this investigation were incorporated in the Civil Union Act 17 of 2006, which allows persons, such as homosexual people, that were previously unable to get married under the Marriage Act 25 of 1961, to enter into a valid marriage or civil union that is recognised by law and that has the same legal consequences as a marriage concluded in terms of the Marriage Act.

South Africa is one of only a number of countries worldwide that makes specific provision in its Constitution (section 28 of the Constitution) for protection of the rights of children. One of the major considerations in *Project 110 – Review of the Child Care Act* was the meaningful expansion and support of this provision of the Bill of Rights as contained in the Constitution. The comprehensive and ground-breaking Children's Act 38 of 2005 was passed in two parts in 2005 and 2007 and will become fully operational on 1 April 2010. While the Children's Act of 2005 deals primarily with the protection of children through civil processes, the Child Justice Act 75 of 2007 deals with children in conflict with the law. The Child Justice Act of 2007, which is the result of the SALRC's recommendations made in

the *Report on Juvenile Justice* (Project 106), brings about a major shift in the manner in which South Africa deals with juvenile offenders.

The protection of children is further enhanced by the provisions of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007. The Act is the result of the first and second stages of *Project 107 – Sexual offences*. The Act creates new categories of sexual offences, such as sexual grooming, sexual violation and sexual assault, and focuses strongly on the protection of children against crimes of a sexual nature. The third stage of this investigation, looking at adult prostitution, is currently in progress.

Section 39 of the Constitution determines that every court, tribunal or forum, when interpreting legislation and when developing the common law or customary law, must promote the spirit, purport and objects of the Bill of Rights. *Project 90 – Customary law* dealt with, amongst others, the harmonisation of the common law and indigenous law. This investigation has already resulted in the adoption of two significant pieces of legislation, namely the Recognition of Customary Marriages Act 120 of 1998 and the Reform of Customary Law of Succession and Regulation of Related Matters Act 11 of 2009.

South Africa was proactive in realising the need for an investigation into aspects of the law relating to AIDS. This extensive project, *Project 85 – Aspects of the law relating to AIDS,* led to the adoption of a National Policy on HIV/AIDS for learners in public schools by the Department of Education, the promulgation of subordinate legislation (Regulations on Hazardous Biological Agents promulgated in December 2001), legislation on pre-employment HIV testing incorporated into the Employment Equity Act 55 of 1998, and provisions in the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 to provide for the need of victims of sexual offences for information relating to the HIV status of alleged perpetrators.

Another legal innovation heralded by an SALRC investigation was the amendment of the Criminal Procedure Act 51 of 1977 to authorise prosecutors to enter into plea and sentence agreements with accused persons in certain circumstances. Plea and sentence agreements make a significant difference to the time, costs and resources expended on criminal cases. The Criminal Procedure Second Amendment Act 62 of 2001 which achieved this change, was the result of *Project 73 – The simplification of criminal procedure: Fourth interim report: Sentence agreements.*

The review of security legislation (Project 105) was initiated by the Minister of Safety and Security after some ground work on terrorism had been done by the South African Police Service. The investigation was conducted in two stages. The first stage dealt with the Monitoring and Interception Prohibition Act 127 of 1992, while the second stage focused on terrorism. The two stages of the investigation resulted in the Regulation of Interception of Communications and Provision of Communication-related Information Act 70 of 2002, and the Protection of Constitutional Democracy against Terrorism and Related Activities Act 22 of 2004.

CHAPTER 1
OVERVIEW

The objective of *Project 113 – Use of Electronic Equipment in Court Proceedings* was to determine whether the use of electronic equipment in court proceedings is a viable option to save costs or prevent delays in civil and criminal trials. The office of the National Director of Public Prosecutions requested the SALRC to expedite the investigation and to conduct a separate investigation into the possibility of postponement of cases via video conferencing. The Commission's report titled *The Use of Electronic Equipment in Court Proceedings (Postponement of Criminal Cases via Audiovisual Link)* recommended the use of audio-visual links for applications for leave to appeal and appeals in respect of accused persons in custody in prison. The recommendations of this report have been incorporated into the Criminal Procedure Amendment Act 65 of 2008.

It is clear that the work of the SALRC has had a major impact on the legal landscape of South Africa. The SALRC is indeed living up to its vision 'to be a centre for excellence, producing ground-breaking research pivotal to the improvement and renewal of the legal system of South Africa'.

Commission

The Commission appointed under section 3 of the South African Law Reform Commission Act 19 of 1973, with effect from 1 January 2007, continued its excellent work. The Commission is comprised of the following Commissioners appointed by the President:

- Madam Justice Yvonne Mokgoro (Chairperson)
- Mr Justice Willie Seriti (Vice-Chairperson)
- Adv Thuli Madonsela (Full-time member until 14 October 2010)
- Professor Cathi Albertyn
- Mr Justice Dennis Davis
- Mr Tembeka Ngcukaitobi
- Advocate Dumisa Ntsebeza SC
- Professor Pamela Schwikkard
- Advocate Mahlape Sello

The Full-time Commissioner resigned with effect from 15 October 2009 to take up her appointment as Public Protector of South Africa. As an interim arrangement until the Presidential appointment of a new Full-time Commissioner, the Chairperson of the SALRC, who has retired from the Constitutional Court, performs the functions of Full-time Commissioner.

Completed reports receiving the attention of Parliament

1. ***Project 90 – Customary law: Traditional Courts:*** introduced into Parliament on 2 April 2008 as the Traditional Courts Bill [Bill 15 – 2008], re-introduced into Parliament on 7 July 2009.
2. ***Project 124 – Privacy and data protection:*** introduced into Parliament on 25 August 2009 as the Protection of Personal Information Bill [Bill 9 – 2009].

3. ***Project 130 – Stalking:*** introduced into Parliament on 8 February 2010 as the Protection from Harassment Bill [Bill 1 – 2010].
4. ***Project 131 – Trafficking in persons:*** introduced into Parliament on 15 March 2010 as the Prevention and Combating of Trafficking in Persons Bill [Bill 7 – 2010].

Completed reports receiving the attention of government departments

Department of Justice and Constitutional Development

The following reports were submitted to the Department of Justice and Constitutional Development (DOJCD) during previous reporting years:

1. ***Project 47 – Unreasonable stipulations in contracts and the rectification of contracts:*** submitted to DOJCD in May 1998.
2. ***Project 59 – Islamic marriages:*** submitted to DOJCD in July 2003.
3. ***Project 63 – Review of the law of insolvency:*** submitted to DOJCD in February 2000.
4. ***Project 73 – Simplification of criminal procedure: Appeal by the Director of Public Prosecutions on questions of fact:*** submitted to DOJCD in December 2000.
5. ***Project 73 – Simplification of criminal procedure: Out of court settlements:*** submitted to DOJCD in August 2002.
6. ***Project 73 – Simplification of criminal procedure: A more inquisitorial approach to criminal procedure – police questioning, defence, disclosure, the role of judicial officers and judicial management of trials:*** submitted to DOJCD in August 2002.
7. ***Project 82 – Sentencing: A new sentencing framework:*** submitted to DOJCD in December 2000.
8. ***Project 88 – The recognition of class actions in South African Law:*** submitted to DOJCD in September 1998.
9. ***Project 90 – Customary law: Conflicts of law:*** submitted to DOJCD in September 1999.
10. ***Project 94 – Arbitration: Domestic arbitration:*** submitted to DOJCD in June 2001.
11. ***Project 94 – Arbitration: International arbitration:*** submitted to DOJCD in July 1998.
12. ***Project 96 – The Apportionment of Damages Act, 1956:*** submitted to DOJCD in July 2003.
13. ***Project 101 – The application of the Bill of Rights to criminal procedure, criminal law, the law of evidence and sentencing:*** submitted to DOJCD in June 2001.
14. ***Project 112 – Sharing of pension benefits:*** submitted to DOJCD in June 1999.

15. ***Project 114 – Publication of divorce proceedings:*** submitted to DOJCD in August 2002.
16. ***Project 121 – Consolidated legislation pertaining to international judicial co-operation in civil matters:*** submitted to DOJCD in April 2008.
17. ***Project 123 – Protected disclosures:*** submitted to DOJCD in November 2008.
18. ***Project 134 – Interim report on administration of Estates:*** submitted to DOJCD in August 2008.

Other government departments

The following reports emanating from the Commission were referred to government departments other than the Department of Justice and Constitutional Development during previous reporting years:

1. ***Project 86 – Euthanasia and the artificial preservation of life:*** submitted to the Department of Health in 1999.
2. ***Project 109 – Review of the Marriage Act 25 of 1961:*** submitted to the Department of Home Affairs in May 2001.

Reports awaiting approval for publication

The Commission approved the report on *Project 82 – Sentencing: A compensation scheme for victims of crime in South Africa* in April 2004. The report was submitted to the Minister for approval for publication again in November 2009.

The first of the Project 25 reports reviewing legislation for redundancy, obsoleteness and constitutionality of legislation, namely *Project 25 – Statutory law revision: Redundancy, obsoleteness and constitutionality of legislation – Legislation administered by the Department of Transport* was submitted to the Minister on 16 February 2010 for approval for publication.

The year under review

This annual report covers the period from 1 April 2009 to 31 March 2010. The Commission published the following documents in the year under review:

Issue papers

Issue Paper 27 – Electronic evidence in civil and criminal proceedings: Admissibility and related issues was published on 16 March 2010.

All issue papers published by the Commission are listed in Annexure A.

Discussion papers

Discussion Paper 1/2009 – Sexual Offences: Adult Prostitution was published on 6 May 2009.

All discussion papers published by the Commission are listed in Annexure B.

Reports

The Minister approved publication of the *Report on privacy and data protection* (Project 124) on 25 August 2009. The report was released by media statement on 27 August 2009.

Investigations

All investigations completed or being undertaken by the Commission are listed in Annexure C.

A progress report on investigations not yet completed appears in Chapter 3.

Other matters

The *Report on consolidated legislation pertaining to international judicial co-operation in civil matters* was one of the papers tabled in Parliament that was referred to the Portfolio Committee on Justice and Constitutional Development on 2 February 2010.

The South African Law Reform Commission's Thirty Sixth Annual Report for 2008-2009 was referred to the Portfolio Committee on Justice and Constitutional Development on 2 February 2010 for consideration and report.

CHAPTER 2
OBJECTS, CONSTITUTION AND FUNCTIONING

Establishment of the Commission

The South African Law Reform Commission (SALRC) was established by the South African Law Reform Commission Act 19 of 1973 (the SALRC Act).

Objects of the Commission

The objects of the Commission are set out as follows in section 4 of the SALRC Act:

To do research with reference to all branches of the law of the Republic and to study and investigate all such branches in order to make recommendations for the development, improvement, modernisation or reform thereof, including –

- **the repeal of obsolete or unnecessary provisions;**
- **the removal of anomalies;**
- **the bringing about of uniformity in the law in force in the various parts of the Republic;**
- **the consolidation or codification of any branch of the law; and**
- **steps aimed at making the common law more readily available.**

In short, the Commission is an advisory body whose aim is the renewal and improvement of the law of South Africa on a continuous basis.

Constitution of the Commission

The members of the Commission are appointed by the President.

In terms of section 3(1)(a) of the SALRC Act the Commission is constituted as follows:

- A judge of the Constitutional Court, the Supreme Court of Appeal or a High Court, as Chairperson.
- Not more than eight persons who appear to the President to be fit for appointment on account of the tenure of a judicial office or on account of experience as an advocate or as an attorney or as a professor of law at any university, or on account of any other qualification relating to the objects of the Commission.

As indicated in Chapter 1, the President appointed a new Commission for a period of five years with effect from 1 January 2007.

Annexure D contains a list of members of the Commission and the periods for which they served or for which they were appointed.

Powers and duties of the Commission

The powers and duties of the Commission are set out in section 5 of the SALRC Act. Section 5 directs the Commission to draw up programmes that include, in order of preference, the various matters which in the Commission's opinion require consideration. The programmes must be submitted to the Minister of Justice and Constitutional Development (the Minister) for approval. The Commission may include any suggestion for investigation relating to the Commission's objects received from any person or body.

The Commission has to investigate the matters appearing on the programme as approved by the Minister and may consult any person or body for the purpose of the investigation. The Commission prepares draft legislation if it is of the opinion that legislation ought to be enacted with regard to the matter investigated.

Committees

Section 7A of the SALRC Act provides for the establishment of committees of the Commission. There are two categories: committees appointed by the Commission and consisting of members of the Commission only (such as the Working Committee), and committees consisting of members of the Commission and persons who are not members of the Commission. The latter are appointed by the Minister. The object of the second category of committees is to utilise the expertise of persons outside the Commission and to ensure direct community involvement in the activities of the Commission.

Committees of the Commission perform the functions assigned to them by the Commission and are subject to the Commission's directives. Activities performed by committees are deemed to be performed by the Commission and for the purposes of remuneration, members of committees are deemed to be members of the Commission.

Working Committee

Under the first category of committees, the Commission has established a working committee which consists of members of the Commission co-opted for meetings according to their availability (section 7A(1)(a) of the SALRC Act).

The Working Committee may be considered the executive committee of the Commission. In accordance with the Commission's directives, this Committee attends on a continuous basis to routine matters and other matters that require urgent attention. The Working Committee may exercise all the functions of the Commission excluding the approval of reports. The Committee also considers the inclusion of new investigations in the Commission's programme. Furthermore, the Committee plans and manages the activities of the Commission's Secretariat.

Advisory committees

Advisory committees fall under the second category of committees. The Commission follows the practice of instituting advisory committees consisting of experts to assist with investigations and to advise the Commission if a specific investigation on the Commission's programme so requires (Section 7A(1)(b) of the SALRC Act).

The names of the members of the advisory committees appear in Annexure E.

Project leaders

Although the SALRC Act does not specifically refer to the appointment of project leaders, it is the Commission's practice to appoint a project leader for an investigation on its research programme. A project leader could be a Commissioner, a member of an advisory committee appointed by the Minister (section 7A(1)(b)(ii)), or any other person who is not a Commissioner and who is not a member of an advisory committee (section 8(2)).

The main task of a project leader is to guide the designated researcher by providing advice and direction and evaluating the research. If the project leader is the designated chairperson of a committee as envisaged in section 7A(3) of the SALRC Act, he or she will also guide the proceedings of the advisory committee.

Secretariat of the Commission

The Commission is assisted in its task by a full-time Secretariat consisting of officials on the establishment of the Department of Justice and Constitutional Development. The Secretariat consists of a research component and an administrative component. A Deputy Chief State Law Adviser serves as the Secretary of the Commission. Mr Michael Palumbo was appointed as Deputy Chief State Law Adviser with effect from 1 June 2008.

The post of Assistant Secretary to the Commission is vacant.

Research component

The research component of the Secretariat consists of 18 State Law Advisers from diverse backgrounds. Their task is to conduct the necessary research under the guidance of project leaders (who are appointed by the Commission), to consult with interested parties, to compile issue papers, discussion papers and draft reports and to carry out other assignments of the Commission.

Law reform cannot be delivered without high quality research. The in-house researchers at the South African Law Reform Commission (SALRC) are qualified legal professionals, the majority of whom have vast experience in the law reform environment. The result has been the development of scholarly research

publications and the involvement of the researchers in various activities as highlighted in Chapter 5. *The research posts are filled by the following state law advisers:*

Ms Dellene Clark
Mr Tienie Cronje
Ms Anna-Marie Havenga
Ms Ananda Louw
Mr Fanyana Mdumbe
Mr Linda Mngoma
Ms Maureen Moloi
Mr Tshepang Monare
Ms Carien Pienaar
Ms Nerisha Singh
Ms Praveena Sukhraj-Ely – until 30 April 2009
Ms Lowesa Stuurman
Mr Willie van Vuuren
Mr Pierre van Wyk
Ms Ronel van Zyl

Four posts of Senior State Law Adviser are vacant.

Administrative component

The administrative component of the Secretariat consists of the following persons:

Assistant Director:	Ms Maryna Oosthuizen
Personal Assistant:	Ms Ronell Bronkhorst
Senior Secretary:	Ms Julliet Nkabinde (until 30 September 2009)
Administrative Officer:	Mr Ajay Singh
Administrative Officer:	Mr Jacob Kabini
Administrative Officer:	Ms Magda van den Berg (until 30 April 2009)
Librarian:	Ms Sindiswa Gule
Administration Clerk:	Ms Chantelle Krebs
Administration Clerk:	Ms Meisie Kruger
Administration Clerk:	Ms Edith Louw
Administration Clerk:	Ms Patricia Mashabela
Administration Clerk:	Mr Vusi Mavuso
Administration Clerk:	Ms Natalie Pillay
Administration Clerk:	Mr Renier Swart

Operator:	Mr Koos Mahlangu
Food Service Aid:	Ms Anna Mahlangu
Messenger:	Mr George Maseko

One post of Senior Secretary and one post of Administrative Officer are vacant.

Internal committees

Various internal committees have been established to assist the SALRC with the execution of its functions. The following internal committees are currently in existence:

Communication Committee

Members	Purpose	Activities
Mr Michael Palumbo *(chairperson)* Ms Anna-Marie Havenga Mr Fanyana Mdumbe Ms Ronel van Zyl Ms Nerisha Singh Ms Ronell Bronkhorst Ms Carien Pienaar *(for purposes of the Justice Today Newsletter)*	*The Communication Committee was established in December 2007 to address the communication needs of the SALRC. Specific areas of responsibility of this committee include:* • The compilation and distribution of the SALRC Newsletter • The arrangement of media conferences • Marketing of the Commission • The Ismail Mahomed Law Reform Essay Competition • Liaison with DOJCD on the Justice Today Newsletter	The committee met several times during the course of the period under review to discuss matters such as media liaison, a possible Law Reform Conference, the Ismail Mahomed Law Reform Essay Competition and the SALRC Newsletter. The first issue of the SALRC Newsletter for 2010 (edited by Ms Nerisha Singh) was released on 26 February 2010. Printed copies were distributed on 16 March 2010. The SALRC hosted the award ceremony for the 2008 Ismail Mahomed Law Reform Essay Competition at the Constitutional Court on 3 July 2009, where the prize was awarded to the joint winners, Mr Chris McConnachie and Ms Suzanna Harvey. The 2009 Ismail Mahomed Law Reform Essay Competition was launched in September 2009, when letters calling for entries were sent to the law faculties of 15 universities. SALRC officials attended the University of Limpopo Law Week Conference on 29 September 2009 to promote the competition. *The evaluation panel met on 27 January 2010 to evaluate the essays submitted for the 2009 Competition.*

International Relations and Induction Committee

Members	Purpose	Activities
Ms Lowesa Stuurman *(chairperson until October 2009)* Mr Fanyana Mdumbe *(chairperson since October 2009)* Mr Tienie Cronje Mr Pierre van Wyk Mr Tshepang Monare Ms Maryna Oosthuizen Ms Patricia Mashabela Ms Nerisha Singh *(involvement limited to assisting with interns)*	*The Induction Committee is responsible for the following:* • Coordination of study visits from foreign study groups, delegations and other law reform agencies. • Induction of new Commissioners, researchers, legally qualified interns and administrative staff.	The committee liaises with DOJCD to ensure that a SALRC researcher makes a presentation on the SALRC's vision, mission, objectives and working methods at every induction session for new DOJCD personnel. The Induction Committee facilitated several visits from foreign study groups, delegations and law reform agencies. Delegations from the following countries visited the SALRC during the period under review: • 23 and 24 April 2009: Zambia – child-related legislation. • 13 to 17 July 2009: Somaliland – visit to the SALRC, the Constitutional Court, Justice College and the Centre for Human Rights at the University of Pretoria. • 8 September 2009: Vietnam – historical background, mission, activities and day to day operations of the SALRC. • 8 October 2009: Combined Unites States of America, New Zealand and Canadian delegation – family law issues, sexual offences and children. • 30 November 2009: Nigeria – activities and working methodology of the SALRC, functioning of the library. • 8 to 12 March 2010: Namibia – study visit. • 10 March 2010: Uganda – issues relating to sexual minorities. *The committee continuously liaises with HR: Learning and Development regarding the possible recruitment of legally qualified interns and paralegals for the SALRC.*

Library Committee

Members	Purpose	Activities
Mr Pierre van Wyk *(chairperson)* Mr Tienie Cronje Ms Maureen Moloi Ms Carien Pienaar Ms Maryna Oosthuizen Ms Sindiswa Gule Ms Annalie Woest *(Rules Board)*	The Library Committee is responsible for considering the acquisition of publications to ensure the relevance of the holdings of the SALRC library. The Committee reflects annually on the SALRC's standing orders for publications and subscriptions to electronic data bases. The Committee also liaises with the principal librarian at the DOJCD.	The Library Committee met several times during the course of the period under review to consider the acquisition of new publications for the Commission. The Committee also assisted with the drafting of a memorandum requesting approval for the acquisition of Inmagic software (the Inmagic library module and DB / TextWorks) used for cataloguing and related library purposes. On 25 February 2010 the Committee and the Secretary met with representatives of the Rules Board and the Principal Librarian of the DOJCD to discuss the acquisition of publications by the Rules Board and measures to be adopted to integrate the publications of the Rules Board in the acquisition register of the SALRC.

Occupational Health and Safety Committee

Members	Purpose	Activities
Mr Linda Mngoma *(chairperson)* Mr Willie van Vuuren Ms Dellene Clark Ms Edith Louw Mr George Maseko	The Occupational Health and Safety (OHS) Committee was established on 11 April 2007 in terms of section 19(1) of the Occupational Health and Safety Act 85 of 1993. The Committee also liaises with the landlord of the building on OHS issues and matters such as evacuation plans, power outages and problems with the lifts.	The OHS Committee liaised with the Operations Manager of the Middestad Centre during the period under review to address issues such as the safety of the lifts and other general matters. An inspector from the Department of Labour and a technician from Schindler inspected the lifts at Middestad Centre on 10 July 2009. On 17 November 2009 the SALRC conducted an emergency evacuation drill. All staff members and visitors who were at the SALRC offices on this day participated in the drill. A delegation from DPW visited the SALRC offices for general inspection on 18 February 2010.

Process and Procedure Committee

Members	Purpose	Activities
Mr Willie van Vuuren *(chairperson)* Ms Ananda Louw Ms Maureen Moloi Ms Ronel van Zyl Mr Tshepang Monare Mr Jacob Kabini Ms Nerisha Singh *(for purposes of the operational manual)*	*The Process and Procedure Committee was established in February 2005. This Committee is responsible for:* • Review and documentation of existing SALRC policies and procedures. • Development of new policies and procedures on working methods and operational systems for the SALRC. • Corporate identity matters such as business cards and the appearance of SALRC publications.	The Committee met several times during the period under review to discuss and finalise the new appearance and layout of SALRC reports and the policy document. The Chairperson of the Commission has approved the new layout of SALRC reports. The policy document was approved by the Commission at its meeting on 13 March 2010. Work is in progress on developing an operational manual for the SALRC. The Committee has also facilitated the development of new banners and brochures for the SALRC. The new SALRC banners were delivered to the SALRC in January 2010.

Training Committee

Members	Purpose	Activities
Ms Dellene Clark *(chairperson)* Ms Anna-Marie Havenga Ms Carien Pienaar Mr Linda Mngoma Ms Nerisha Singh Mr Ajay Singh Ms Natalie Pillay	*The Training Committee was established in February 2005 to identify training needs and to source and coordinate training for the SALRC's personnel.* *The tasks of the Committee include the following:* • Identify training needs • Source and liaise with service providers	The Committee arranged for a presenter from the National Credit Regulator to address staff on debt management on 5 May 2009. Ms Pienaar and Mr Singh attended a NSDF meeting on 17 June 2009. The Committee facilitated training for the following officials: • 8 to 12 June 2009: Mentorship training – the Full-time Commissioner, Mr Fanyana Mdumbe and Ms Nerisha Singh. • 5 to 16 October 2009: Legislative drafting at Justice College – Ms Ronel van Zyl, Ms Carien Pienaar and Mr Linda Mngoma.

Members	Purpose	Activities
	• Arrange and format training courses • Obtain approval for training expenditure • Liaise with DOJCD Human Resources on training matters • Represent the Branch: Legislative Development at the National Skills Development Forum	• February 2010: Mindex system training – Ms Sindiswa Gule, the SALRC librarian • 24 February 2010: Training on My LexisNexis and Juta e-publications – researchers The Committee facilitated workshops on Diversity Management in October and November 2009 in conjunction with the rest of the Branch: Legislative Development as per directive of the Director-General. Due to budget constraints all training initiatives have been suspended. The Justice Programme on project management and all managerial training courses have been suspended for the duration of the current financial year. Training will be pursued again in the next financial year.

Financing of the SALRC

The SALRC's budget for the financial year 1 April 2009 to 31 March 2010 was R19 337 000-00, which is made up as follows:

- Personnel expenditure R14 070 000-00
- Current expenditure R4 837 000-00
- Capital expenditure R430 000-00

Programme

The SALRC Act provides that the Commission must, from time to time, draw up programmes listing in order of preference the matters which in its opinion require consideration. The Commission's programme is subject to the Minister's approval.

The Commission's present programme appears in Annexure F. As indicated, Annexure C contains a list of all the investigations included in the Commission's programme since its inception and indicates the final result or current state of investigations.

Any person or body is free to submit proposals for law reform to the Commission. In each case the Commission considers the merits of a proposal. In some instances a preliminary inquiry is instituted to determine whether the inclusion of a matter in the Commission's programme is justified. The Commission may also include matters in the programme of its own accord.

Every effort is made to dispose of urgent matters with the least possible delay. However, the Commission has to follow certain procedures which sometimes take up considerable time. The availability of funds and skilled research capacity, the nature and extent of the inquiry and the need for consultation all determine the time spent on each project. Consultation, in particular, is time-consuming, but the Commission regards it as an indispensable part of the law reform process.

Working methods

Research is done to determine authoritatively the existing legal position and to identify shortcomings or deficiencies that need to be rectified. Consultation takes place between the researcher, project leader, advisory committee (where one exists), the general public, stakeholders and persons with particular knowledge concerning the matter under investigation. Comparative studies are carried out in order to enable the Commission to benefit from experiences elsewhere in the world. The consultation process is facilitated by the Commission's policy (since 1996) of compiling issue papers as a first step. Issue papers outline the problems encountered with particular areas of the law and invite submissions on possible solutions. They are distributed as widely as possible for general information and comment and are in appropriate cases also supplemented by workshops. Responses to an issue paper and further intensive research form the basis for the preparation of a discussion paper.

Discussion papers contain essential information on the investigation and the Commission's tentative proposals for reform. In particular, a discussion paper will include a statement of the existing legal position and its deficiencies, a comparative survey and a range of possible solutions. In most cases the discussion paper will also include a draft Bill. Members of the public are informed of the availability of discussion papers by means of media releases and media conferences. In addition, copies are distributed to organisations and, sometimes, to individuals whose views on the subject under discussion the Commission particularly wishes to canvass. The responses to the provisional proposals are carefully studied before final decisions are made. The Commission also hears oral evidence in appropriate cases. Its recommendations are embodied in comprehensive reports, which are submitted to the Minister.

In making its recommendations, the Commission bears in mind that there is a need to provide access to justice for all; to protect the rights of all parties – especially those of women, children and the poor; to make legal processes affordable; to make the law less complicated; and to give effect to the values and principles underlying the Constitution.

Judging from comments received, the Commission's discussion papers and reports are of a high standard. The faculties of law of various universities often prescribe the Commission's research publications as literature for their students at undergraduate as well as postgraduate level.

The many valuable comments and proposals received on the Commission's recommendations as contained in its documents, confirm that its working methods are successful. These methods

ensure that the Commission's final recommendations are well-substantiated and are the product of thorough debate. The working methods also facilitate the enactment of the Commission's proposed legislation, which embodies the recommendations.

Commission publications

In the course of its activities, the Commission publishes a variety of documents. The document series of the Commission consists of the following:

Commission papers and committee papers

Commission papers and committee papers are internal documents that are normally not available outside the ranks of the Commission. In these papers proposals for the inclusion of matters in the Commission's programme, research results for the information of or consideration by the Commission, draft issue papers, discussion papers and reports as well as a variety of other matters in respect of the functioning of the Commission are dealt with. The papers are numbered in sequence as they serve before the Commission each year.

Issue papers

In order to involve the community actively at an earlier stage, the Commission publishes issue papers for appropriate investigations as the first step in the consultation process. The purpose of an issue paper is to announce an investigation, to clarify the aim and extent of the investigation, and to suggest the options available for solving existing problems.

Issue papers published since the introduction of the document series are listed in Annexure A.

Discussion papers

Discussion papers, previously referred to as working papers, are documents in which the Commission's preliminary research results are contained. In most cases discussion papers also contain draft legislation. The main purpose of these documents is to test public opinion on solutions identified by the Commission.

Discussion papers published since the introduction of the document series are listed in Annexure B.

Reports

The SALRC Act requires the Commission to prepare a full report on any matter investigated by it and to submit such reports together with draft legislation, if any, to the Minister for consideration. All reports of the Commission are official, but not all are published. Annexure C lists all the investigations reported on by the Commission since its establishment.

In addition to the reports on particular investigations, the SALRC Act provides that the Commission must annually submit to the Minister a report on all its activities during the previous year.

Papers in the Commission's research series

This series has been used mainly for publications intended to make the common law more readily available and contains translated common law sources and noters-up.

Research papers published are listed in Annexure G.

Obtaining Commission publications

Issue papers and discussion papers are supplied free of charge to interested institutions and persons who wish to comment on a particular matter. These papers are widely distributed and are also obtainable from the Commission's offices. All issue papers and discussion papers published since 1996 are available on the SALRC website.

The annual report, papers in the research series and reports on investigations are available from the Commission's offices. All reports on investigations published since 1996 and the Commission's most recent annual report are available on the SALRC website.

Meetings

The Commission met during the reporting period on 1 August 2009, 10 October 2009 and 13 March 2010.

The Advisory Committee for Project 100 – Family law and the law of persons met on custody and access of minor children on 22 June 2009.

The Advisory Committee for Project 100 – Family law and the law of persons: Hindu marriages met on 23 November 2009.

A number of meetings of advisory committees appointed to assist with Project 25 – Statutory law review: Redundancy, obsoleteness and constitutionality of legislation took place during the year under review.

The Advisory Committee assisting with the review of legislation administered by the Department of Defence and Military Veterans met on 17 July 2009.

Five of the eight members of the Advisory Committee additionally appointed by the Minister in July 2009 to assist with the review of legislation administered by the Department of Justice and Constitutional Development met on 25 August 2009.

The Advisory Committee assisting with the review of legislation administered by the Departments of Basic Education and Higher Education and Training met on 22 September 2009.

Three of the eight Advisory Committee members additionally appointed by the Minister in July 2009 to assist with the review of legislation administered by the Department of Justice and Constitutional Development met on 29 September 2009.

The Advisory Committee assisting with the review of legislation administered by the Department of Rural Development and Land Reform met on 18 November 2009.

CHAPTER 3
PROGRESS REPORT

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PROGRESS REPORT

It is axiomatic that the extent to which the South African Law Reform Commission (SALRC) can add value will to a large extent be influenced by the nature of the work it undertakes and its particular experience and suitability to do so. In selecting topics for law reform there is a need for independence from, but good liaison with, government. It is therefore important for the Commission to understand how its work will contribute to the government's overall strategic outcomes and priorities. There should also be explicit recognition by government of the particular contribution the SALRC can make to the overall law reform environment.

Research programme of the SALRC

For the year under review the research programme of the SALRC was as follows:

Project	Title	Responsible researcher
25	**Statute law: The establishment of a permanently simplified, coherent and generally accessible statute book** • Statutory law revision: Redundancy, obsoleteness and constitutionality of legislation • Review of the Interpretation Act	*Mr Pierre van Wyk* *Mr Fanyana Mdumbe* *Mr Linda Mngoma* *Ms Maureen Moloi* *Mr Tshepang Monare* *Ms Nerisha Singh* *Ms Lowesa Stuurman* *Mr Willie van Vuuren* *Ms Ronel van Zyl* *Mr Pierre van Wyk*
94	**Arbitration** • Community dispute resolution structures • Family mediation	*Ms Maureen Moloi*
100	**Family law and the law of persons** • Custody of and access to minor children • Review of aspects of matrimonial property law • Hindu marriages	 *Ms Ananda Louw* *Ms Anna-Marie Havenga* *Ms Maureen Moloi*
107	**Sexual offences: Adult prostitution**	*Ms Dellene Clark* *Ms Carien Pienaar*
113	**The use of electronic equipment in court proceedings**	*Ms Nerisha Singh*
122	**Assisted decision-making: Adults with impaired decision-making capacity**	*Ms Anna-Marie Havenga*

Project	Title	Responsible researcher
125	**Prescription periods**	*Mr Tshepang Monare*
126	**Review of the law of evidence** • Hearsay and relevance • Electronic evidence	*Mr Willie van Vuuren* *Ms Nerisha Singh*
127	**Review of administration orders**	*Mr Tienie Cronje* *Ms Lowesa Stuurman*
134	**Administration of estates**	*Mr Tienie Cronje*
135	**Review of witchcraft legislation**	*To be assigned*
136	**Multi-disciplinary legal practices**	*To be assigned*

Preliminary investigations

During the period under review, the SALRC conducted the following preliminary investigations following requests for investigations by other organs of state or members of the public:

- Violence against pregnant women (previously referred to as 'The need for reform of the legal position regarding the culpable and unlawful killing of a foetus')
- Review of the Witchcraft Suppression Act 3 of 1957 and the Mpumalanga Witchcraft Suppression Bill 2007
- Multi-disciplinary legal practices
- Audit of conditions of service and rules governing student activities at universities impacting on academic freedom
- Unconstitutionality of provincial legislation governing funding of political parties
- Cyber crime
- The practice of *ukuthwala*
- Access to Justice
- Protection of journalistic sources
- Placing a ban on the distribution and circulation of pornography through the mass media

The Commission decided on 10 October 2009 not to include an investigation into conditions of service and rules governing student activities impacting on the right to academic freedom at higher education institutions in its programme.

The Commission decided on 13 March 2010 not to include an investigation into the unconstitutionality of provincial legislation governing funding of political parties in its research programme.

The Commission approved the inclusion of an investigation into multi-disciplinary legal practices in the SALRC's programme on 25 October 2008. The SALRC requested the Minister of Justice and Constitutional Development (JCD) during November 2009 to approve the inclusion of the investigation. The Minister approved the inclusion of *Project 136 - Multi-disciplinary legal practices* in the SALRC's programme on 23 March 2010.

The Commission approved the inclusion of an investigation into witchcraft legislation in the SALRC's programme on 1 August 2009. The SALRC requested the Minister of JCD during November 2009 to approve the inclusion of the investigation. The Minister approved the inclusion of *Project 135 - Review of Witchcraft legislation* in the SALRC's programme on 23 March 2010.

SALRC research programme and government priorities

The projects on the SALRC's programme are in line with the government's priorities as identified in the State of the Nation Address delivered by President Jacob Zuma on 11 February 2009, Government's current Programme of Action and the medium term strategic framework for the Department of Justice and Constitutional Development (DOJCD) for the period 2010 to 2014.

In the State of the Nation Address, the President reiterated the current administration's undertaking to work harder to build a strong developmental state. He reminded the nation of the promise to be a state that responds to the needs and aspirations of the people, and which performs better and faster.

The focus of *Project 25 – Statutory law revision* at present is constitutionality of legislation in view of section 9 of the Constitution, and repeal of redundant and obsolete provisions. The review will go a long way towards ensuring the constitutionality of the entire statute book. The review will, in addition, improve government's ability to deliver services by 'cleaning up' the statute book through the repeal of redundant and obsolete legislative provisions. In this manner the review will make a meaningful contribution towards making the state more efficient and responsive to the needs and aspirations of the people.

The investigation into assisted decision-making relating to adults with impaired decision-making capacity (Project 122) will greatly add to meeting the needs and aspirations of the people by providing measures to deal with the shared problems faced by persons who need assistance with decision-making. This will address the needs of especially older people and other adults who need support in exercising their legal capacity. The Project 100 family law and the law of persons investigations into custody of and access to minor children; review of aspects of matrimonial property law; and

investigation into Hindu marriages are also aimed at assisting members of the community to exercise their rights and protect their interests and the interests of their children.

The President highlighted government's commitment to five priorities, namely education, health, rural development and land reform, creating decent work, and fighting crime. He ensured the nation that the government will further its work to reduce serious and violent crimes, and to ensure that the justice system works efficiently.

The efficiency of the criminal justice system will be enhanced by the review of the law of evidence (Project 126). The Commission's investigation into sexual offences: adult prostitution (Project 107) is aimed at crime prevention and the protection of vulnerable groups.

The President stated that the government will intensify efforts to promote the interests of South Africa globally. The SALRC's investigation into privacy and data protection (Project 124) and subsequent report and proposed draft Protection of Personal Information Bill is a vital step in achieving this objective. In terms of South Africa's international trade obligations the country needs a credible personal information environment to deal with the challenges of the surge of personal information collection and protection confronting us.

The President reiterated the duty of the Public Service to respond to the call to make this term one of faster action and improved state performance. He reminded public servants that the government requires excellence and hard work. An overview of the output delivered by the SALRC (refer to Annexure C for a complete list of all the investigations included in the SALRC's programme since its establishment and the outcome of the investigations) indicates that the SALRC is rising to the challenge.

Government's Programme of Action (GPA) sets out government's planned actions to achieve identified results during a particular period. In the GPA for the period 2010 to 2014 the government identifies 10 priority areas. These are, amongst others, the following:

- Intensify the fight against crime and corruption.
- Pursue African advancement and enhanced international cooperation.
- Build a developmental state, improve public and strengthen democratic institutions.

As indicated previously under the discussion on the President's State of the Nation address, the review of the law of evidence (Project 126) will support the fight against crime and corruption. The proposed Protection of Personal Information Bill, which flowed from the investigation into privacy and data protection (Project 124), will enhance international cooperation. The GPA expands on enhancing international cooperation in the chapter on 'International cooperation, trade and security' and states the objective to: 'Enhance relations with the developed North, including the G8 countries (Canada, France, Germany, Italy, Japan, Russia, the United Kingdom and the United States of America) and our strategic partnership with the European Union.' One of the important recommendations made

in the *Report on privacy and data protection*, which includes the proposed Protection of Personal Information Bill, is that the European Union adequacy requirements in terms of the Data Protection Directive 95/46/EC should be met. The Directive provides that personal data should only be allowed to flow outside the boundaries of the European Union to countries that can guarantee an 'adequate level of protection' of the data.

A number of investigations, such as the investigation into assisted decision-making relating to adults with impaired decision-making capacity (Project 122), the investigation into custody of and access to minor children; review of aspects of matrimonial property law; and the investigation into Hindu marriages (Project 100) are important to support the building of a developmental state and the improvement of public institutions.

The Minister of JCD convened a Strategic Review Conference on 22 November 2009 to define the new vision and priorities of the Department of Justice and Constitutional Development for the future. The Conference developed a number of strategies that will inform DOJCD's priority areas. These are set out in DOJCD's Medium Term Strategic Framework for the period 2010 to 2014.

The strategic areas that are relevant to projects on the SALRC's programme are the following:

- Implement the 7 Point Plan of the Criminal Justice System Review.
- Review the Civil Justice System.
- Improve delivery of the Master of High Court services.

The review of the law of evidence (Project 126) will support both the priority areas of the criminal justice system review, as well as the review of the civil justice system. The investigation into the administration of estates (Project 134) will play a major role in improving the delivery of services by the Master of the High Court.

The Medium Term Strategic Framework document also provides for the rating of DOJCD as either successful or unsuccessful on how well it has performed, amongst others, on the following:

- Promoted constitutional development to ensure effective citizenship and community empowerment.
- Developed and implemented justice policies and legislation.
- Protected and promoted the rights of vulnerable groups (children, women, the aged, and the disabled).
- Administered deceased and insolvent estates, the Guardian's Fund, trusts and curatorship.
- Supported NPA in its provision of prosecution against charged offenders.

The review of the entire South African statute book for constitutionality in view of section 9 of the Constitution (part of Project 25) will make a major contribution towards the promotion of constitutional development. The right to equality is one of the founding principles of the Bill of Rights as enshrined in the Constitution.

A number of Bills currently before Parliament that have been introduced by the Minister of JCD resulted from SALRC investigations and reports. The Protection of Personal Information Bill [Bill 9 – 2009], that resulted from *Project 124 – Privacy and data protection*, was introduced into Parliament on 25 August 2009. The Protection from Harassment Bill [Bill 1 – 2010], that resulted from *Project 130 – Stalking,* was introduced into Parliament on 8 February 2010. The Prevention and Combating of Trafficking in Persons Bill [Bill 7 – 2010], that resulted from *Project 131 – Trafficking in persons,* was introduced into Parliament on 15 March 2010. DOJCD has indicated that it is ready to introduce the Protected Disclosures Amendment Bill, which emanates from *Project 123 – Protected Disclosures*. This illustrates that the SALRC is instrumental in the development of justice legislation.

The investigation into assisted decision-making relating to adults with impaired decision-making capacity (Project 122) will have a significant impact on the protection and promotion of the rights of vulnerable groups such as the aged and the disabled. The investigation into custody of and access to minor children (Project 100) is equally important for the protection and promotion of the rights of children.

As indicated above, the investigation into the administration of estates (Project 134) will be pivotal in achieving an improvement in service delivery by the office of the Master of the High Court. The review of the law of evidence (Project 126) will support the NPA in its provision of prosecution against charged offenders.

The position regarding work in progress in respect of the Commission's research programme is as follows:

Project 25 – Statutory law revision: The establishment of a permanently simplified, coherent and generally accessible statute book

Redundancy, obsoleteness and constitutionality of legislation

In 2004, the Commission embarked upon a major investigation aimed at revising the complete statute book with a view to removing or adapting legislative provisions considered to be unconstitutional, redundant or obsolete. An audit of all national legislation (excluding provincial and secondary legislation) by the Commission revealed that there are close to 3 000 statutes on the statute book, comprising Principal Acts, Amendment Acts, Supplementary or Additional Acts and Private Acts. Many of these Acts are not being applied anymore, while others contain provisions that are in conflict with the Constitution. Redundant and obsolete provisions on the statute book are being identified and government departments are being consulted in order to verify these provisions.

Numerous meetings were held to develop a methodology for conducting the investigation into the constitutionality and redundancy of existing legislation. The constitutional validity aspect of this investigation focuses on statutes or provisions in statutes that are clearly inconsistent with the right to equality entrenched in section 9 of the Constitution. In practical terms, this means that this leg of the investigation will be limited to those statutes or provisions in statutes that -

(a) differentiate between people or categories of people, and which are not rationally connected to a legitimate government purpose; or

(b) unfairly discriminate against people or categories of people on one or more grounds listed in section 9(3) of the Constitution; or

(c) unfairly discriminate on grounds which impair or have the potential to impair a person's fundamental human dignity as a human being.

Consequently, a law or a provision in a law which appears, on the face of it, to be neutral and non-discriminatory, but which has or could have discriminatory effect or consequences, will be left to the judicial process.

In January 2010 a progress report on the investigation was forwarded to DOJCD for submission to the Minister of Justice and Constitutional Development (the Minister) with a view to informing Cabinet about the progress made in the investigation. The progress report was placed on the agenda for the Cabinet meeting on Governance and Administration held on 16 February 2010.

Prof Cathi Albertyn developed a document for the SALRC setting out guidelines for the identification of legislative provisions that are obviously in conflict with section 9 of the Constitution. The guidelines are based on an analysis of Constitutional Court judgements. The tables of constitutional cases as per Prof Albertyn's report have been updated and made available to the researchers involved with Project 25. Future judgements of the Constitutional Court relating to the 'equality' clause in the Constitution will be added as and when they become available.

The Commission considered the status of Project 25 on 23 June 2007. The Commission noted that internal research capacity to conduct statutory law review was limited due to the fact that the majority of researchers are attending to other projects on the Commission's programme. The Commission approved in principle the appointment of advisory committee members by the Minister to increase the Commission's research capacity in respect of fourteen national state departments that administer a high number of statutes. The departments at the time were the Departments of Agriculture; Communications; Defence; Education; Environmental Affairs and Tourism; Health; Home Affairs; Justice and Constitutional Development; Labour; Land Affairs; Minerals and Energy; National Treasury; Provincial and Local Government; and Trade and Industry.

The SALRC submitted a memorandum to DOJCD in September 2007 proposing the appointment of advisory committees by the Minister. The Minister appointed 112 advisory committee members on 31 July 2008. The first meetings of the advisory committees took place during October and November 2008.

After the reshuffling of state departments in 2009, the fourteen advisory committees appointed for *Project 25 – Statutory law revision* are now assisting with the review of legislation administered by the Departments of Agriculture, Forestry and Fisheries; Basic Education; Communications; Cooperative Governance and Traditional Affairs; Defence and Military Veterans; Energy; Environmental Affairs; Health; Higher Education and Training; Home Affairs; Justice and Constitutional Development; Labour; Mineral Resources; National Treasury; Rural Development and Land Reform; Tourism; Trade and Industry; and Water Affairs.

The statutes of the remaining Departments that administer a smaller number of statutes are being or will be reviewed by SALRC researchers, namely Arts and Culture; Correctional Services; Human Settlements; International Relations and Cooperation; Police; Public Enterprises; Public Service and Administration; Public Works; Science and Technology; Social Development; Sport and Recreation; State Security; Transport; and Women, Youth, Children and People with Disabilities. The review of the legislation administered by the Department of Transport has been finalised.

The following table indicates work in progress in respect of the revision of the statute book for constitutionality, redundancy and obsoleteness:

Department	Progress
Agriculture, Forestry and Fisheries (DAFF) Ms Ronel van Zyl	The statutes administered by DAFF are being analysed to determine which are redundant, obsolete or unconstitutional in order to develop a consultation paper with repeal and amendment proposals. Due to the diversity of agricultural legislation and the lack of experts in this field, it was decided that the SALRC will develop the consultation paper in-house, using the research submitted by advisory committee members. The target date for submitting the draft discussion paper to the Commission for consideration and approval is December 2010.
Arts and Culture (DAC) Ms Lowesa Stuurman	The review of the statutes administered by DAC has commenced to determine which provisions are redundant, obsolete or unconstitutional. The methodology applied in the project has changed since the researcher, who resigned in January 2008, developed the first draft consultation paper on the matter. The draft consultation paper therefore needs to be augmented with additional research. The matter was assigned to Ms Lowesa Stuurman on 31 March 2010. Subject to her involvement in other projects, the provisional target date for submitting the consultation paper to DAC for comment is 30 September 2010. It is envisaged that a draft discussion paper will be submitted to the Commission by 31 March 2011 for approval of publication for general information and comment.

Department	Progress
Basic Education (DBE) Mr Linda Mngoma	The committee member initially assigned to compile the draft consultation paper in respect of legislation administered by DBE was unable to do so due to lack of time. At the second advisory committee meeting held on 29 September 2009 the committee agreed to nominate another advisory committee member to compile the draft consultation paper. The committee also took note of the resignation of two committee members. The target date for the finalisation of the draft consultation paper for consideration by the project leader is 30 April 2010.
Communications (DOC) Ms Maureen Moloi	The analysis of the statutes administered by DOC to determine which are redundant, obsolete or unconstitutional in order to develop a consultation paper with repeal and amendment proposals is receiving attention, and it is envisaged that it will be submitted to DOC for comment by 31 May 2010. It is envisaged that a draft discussion paper will be submitted to the Commission by 30 September 2010 for approval of publication for general information and comment.
Cooperative Governance and Traditional Affairs (DCGTA) Mr Linda Mngoma	The consultation paper in respect of legislation administered by DCGTA was forwarded to DCGTA for comment on 28 July 2009. Comments from DCGTA were received on 22 October 2009. On 21 January 2010 a draft discussion paper was forwarded to the new project leader for consideration. However, in February 2010 it transpired that the review of the Black Laws Amendment Acts was not included in the approved consultation paper. The researcher was requested to prepare a supplementary consultation paper and to forward same to the Road Accident Fund, DHA and DCGTA for further comment. The target date for completion of the supplementary consultation paper is 31 May 2010.
Defence and Military Veterans (DDMV) Ms Maureen Moloi	The analysis of the statutes administered by DDMV to determine which are redundant, obsolete or unconstitutional in order to develop a consultation paper with repeal and amendment proposals was finalised during the period under review. The consultation paper was submitted to DDMV for consideration and comment on 26 March 2010. The researcher briefed DDMV on the consultation paper at a workshop arranged by DDMV on 30 March 2010. The return date for comment from DDMV is 31 May 2010. It is envisaged that a draft discussion paper will be submitted to the Commission by 31 August 2010 for approval of publication for general information and comment.
Energy (DOE) Mr Pierre van Wyk	The analysis of the statutes administered by DOE to determine which are redundant, obsolete or unconstitutional in order to develop a consultation paper with repeal and amendment proposals was finalised during the period under review. The consultation paper was submitted to DOE for comment on 2 October 2009. Comment from DOE was received in February 2010. Incorporation of the comment from DOE commenced in February 2010. The target date for the submission of a draft discussion paper to the Commission for consideration and approval is 31 May 2010.
Health (DOH) Ms Ronel van Zyl	The analysis of the statutes administered by DOH to determine which are redundant, obsolete or unconstitutional in order to develop a consultation paper with repeal and amendment proposals is receiving attention. The researcher has to augment the draft consultation paper with additional research. The target date for submitting the draft consultation paper to the project leader for consideration and comment is 30 April 2010.

Department	Progress
Higher Education and Training (DHET) Mr Linda Mngoma	The committee member initially assigned to compile the draft consultation paper in respect of legislation administered by DHET was unable to do so due to lack of time. At the second advisory committee meeting held on 29 September 2009 the committee agreed to nominate another advisory committee member to compile the draft consultation paper. The committee also took note of the resignation of two committee members. The target date for the finalisation of the draft consultation paper for consideration by the project leader is 30 April 2010.
Home Affairs (DHA) Ms Maureen Moloi	The analysis of the statutes administered by DHA to determine which are redundant, obsolete or unconstitutional in order to develop a consultation paper with repeal and amendment proposals is receiving attention. The target date for submitting the consultation paper to DHA for comment is 30 June 2010. It is envisaged that a draft discussion paper will be submitted to the Commission by 30 September 2010 for approval of publication for general information and comment.
Human Settlement (DHS) Mr Linda Mngoma	On 9 February 2010 a letter was forwarded to DPW requesting advice regarding responsibility for the administration of the Government Villages Act, 1973, as the only matter delaying finalisation of the draft report. The target date for submitting a draft report containing repeal and amendment proposals to the Commission for consideration and approval is June 2010.
International Relations and Cooperation (DIRCO) Ms Nerisha Singh	A review of the statutes administered by DIRCO has commenced to determine which are redundant, obsolete or unconstitutional in order to develop a consultation paper with repeal and amendment proposals. The methodology applied in the project has changed since a researcher, who was transferred in April 2008, started working on the draft consultation paper. The draft consultation paper will therefore have to be augmented with additional research. The review was assigned to Ms Nerisha Singh on 28 January 2010. It is envisaged that a draft discussion paper will be submitted to the Commission by 31 March 2011 for approval of publication for general information and comment.
Justice and Constitutional Development (DOJCD) Mr Fanyana Mdumbe Mr Willie van Vuuren	The statutes administered by DOJCD are being analysed to determine which are redundant, obsolete or unconstitutional. The Minister appointed eight additional advisory committee members on 28 July 2009 to further assist with the review of DOJCD legislation. Meetings of the additional advisory committee members were held on 25 August 2009 and 22 September 2009 to familiarise the new members with the project. It was decided to develop separate discussion papers dealing with DOJCD legislation. Discussion Paper One will deal with legislation pertaining to legal professions, courts and institutions, civil procedure and evidence, substantive criminal law, substantive civil law, wills, estates and insolvency and constitutional and political legislation. It is envisaged that Discussion Paper Two will deal with family law and marriage, Discussion Paper Three with legislation pertaining to criminal procedure, and Discussion Paper Four with the Transkei Penal Code. The project leaders and researchers met on 5 February 2010 to discuss the way forward with the review of the Transkei Penal Code. It is envisaged that draft discussion papers will be submitted to the Commission by 31 March 2011 for approval of publication for general information and comment.
Labour (DOL) Mr Linda Mngoma	The consultation paper in respect of legislation administered by DOL was approved by the project leader and forwarded to DOL for comment on 3 August 2009. Comments from DOL were received on 6 October 2009. On 15 March 2010 a draft discussion paper incorporating comments received from DOL was forwarded to advisory committee members for comment. The target date for submitting a draft discussion paper to the Commission for consideration and approval is June 2010.

Department	Progress
Mineral Resources (DMR) Mr Pierre van Wyk	The analysis of the statutes administered by DMR to determine which are redundant, obsolete or unconstitutional in order to develop a consultation paper with repeal and amendment proposals was finalised during the period under review. The consultation paper was submitted to DMR for consideration and comment on 12 January 2010. The return date for comment from DMR was initially 19 March 2010. On 26 March 2010 the researcher participated in a roundtable discussion with DMR functionaries to discuss and clarify the preliminary findings and proposals contained in the consultation paper. During the discussions DMR requested extension of the return date for comment until 31 May 2010. Comment on ancillary mineral resources legislation administered by other national government departments was received on 18 February 2010 from the Deeds Office and on 10 March 2010 from the Department of Agriculture, Forestry and Fisheries. It is envisaged that a draft discussion paper will be submitted to the Commission by 31 August 2010 for approval of publication for general information and comment.
National Treasury Mr Fanyana Mdumbe	**Legislation other than tax legislation:** The SALRC liaised with National Treasury in respect of its preliminary findings in relation to legislation other than tax legislation on 31 July 2009, 6 October 2009 and 15 January 2010. The target date for finalising the draft discussion paper is 30 June 2010. **Tax legislation:** The consultation paper was considered by the advisory committee on 6 November 2009. It is envisaged that the draft discussion paper will be submitted to the Commission by 31 March 2011 for approval of publication for general information and comment.
Public Works (DPW) Mr Linda Mngoma	A draft discussion paper was submitted to DPW for comment in June 2009. Following consultation between the researcher and the DPW representative, it was agreed that the researcher will conduct further research on certain identified statutes and will submit a revised draft discussion paper to DPW for comment by 28 February 2010. The target date for submitting the draft discussion paper to the Commission for consideration and comment is 30 June 2010.
Rural Development and Land Reform (DRDLR) Mr Linda Mngoma	On 18 November 2009 a second advisory committee meeting was held to consider the draft consultation paper in respect of legislation administered by DRDLR for approval. On 27 January 2010 the consultation paper was approved by the project leader and forwarded to DRDLR for comment. The target date for comments from DRDLR is 31 March 2010.
Tourism (DT) Mr Tshepang Monare	The analysis of the statutes administered by DT to determine which are redundant, obsolete or unconstitutional in order to develop a consultation paper with repeal and amendment proposals is receiving attention. The target date for submitting a draft consultation paper to the project leader in respect of legislation administered by DT is 30 April 2010.
Trade and Industry (DTI) Mr Tshepang Monare	Drafting of a consultation paper analysing the 225 statutes administered by DTI to determine which provisions are redundant, obsolete or unconstitutional is receiving attention. The compiler of the draft consultation paper submitted the paper to the researcher in February 2010. The target date for submitting the draft consultation paper to DTI for comment is 31 May 2010. It is envisaged that the draft discussion paper will be submitted to the Commission by 31 March 2011 for approval of publication for general information and comment.

Department	Progress
Transport (DOT) Mr Fanyana Mdumbe	On 9 April 2009 Transnet Freight Rail Services submitted comments on Discussion Paper 114. On 11 June 2009 DOT submitted comments received from the Office of the Chief State Law Adviser (OCSLA) on the proposed Bill to the SALRC. On 4 August 2009 the researcher submitted a detailed response to the remarks of the OCSLA on the proposed Bill to DOT. On 18 August 2009 a draft report was submitted to the project leader for approval. The draft report was considered and approved by the Commission on 10 October 2009 for submission to the Minister of JCD. The report was submitted to the Minister of JCD on 16 February 2010 for consideration, referral to DOT and to obtain the Minister's approval to publish the report.
Water and Environmental Affairs (DWEA) Mr Tshepang Monare	The analysis of the statutes administered by DWEA to determine which are redundant, obsolete or unconstitutional in order to develop a consultation paper with repeal and amendment proposals is receiving attention. The target date for submitting a draft consultation paper in respect of legislation administered by the former Department of Environmental Affairs (DEAT) to the project leader for consideration is 30 April 2010.

Review of the Interpretation Act

The ad hoc Joint Committee on the Open Democracy Bill, 1998 (which resulted in the Promotion of Access to Information Act, 1998) in its resolutions on the Bill adopted on 24 January 2000, amongst others, requested the Minister to consider the amendment of the Interpretation Act 33 of 1957 to bring it in line with the principles of constitutional democracy and practices of interpretation used by Parliament and the courts since 1994. The Commission decided on 17 November 2000 that the review of the Interpretation Act should form part of its existing *Project 25 - Statute law: The establishment of a permanently simplified, coherent and generally accessible statute book.* This was subsequently approved by the Minister.

The *Deutsche Gesellschaft für Technische Zusammenarbeit* (GTZ) agreed to provide funding for the remuneration of an expert legal drafter to assist with the investigation. An agreement between the consultant and the GTZ was concluded in November 2002. The Commission approved the publication of a discussion paper on the review of the Interpretation Act on 9 September 2006. A media statement announcing the availability of Discussion Paper 112 was released on 6 October 2006. The discussion paper is discussed in the 2006/2007 Annual Report. After several extensions to afford respondents more time to comment, the final closing date for comments on Discussion Paper 112 was determined as 30 April 2007. Comment on the discussion paper was received as late as September 2007. Evaluation of the comments and the development of a draft report commenced during 2007 and continued during the period under review. It is envisaged that a report will be finalised by March 2011. Due to the researcher's involvement in other aspects of Project 25, he was unable to finalise the draft report during the period under review.

Project 94 – Arbitration

The investigation initially dealt with international and domestic commercial arbitration only. A report on international arbitration was submitted to the Minister in July 1998 and a report on domestic arbitration was submitted to the Minister in June 2001.

Alternative dispute resolution

Alternative dispute resolution (ADR) covers all forms of dispute resolution other than litigation or adjudication through the courts. It therefore includes a broad range of mechanisms and processes designed to assist parties in resolving disputes creatively and effectively. These mechanisms and processes are not intended to supplant court adjudication, but rather to supplement it. The most common types of ADR include negotiation, conciliation, mediation and arbitration. An issue paper dealing with all aspects of ADR was published for general information and comment during 1997.

Information regarding *Issue Paper 8 – Arbitration: Alternative dispute resolution* published in May 1997 appears in the 1998 Annual Report. *Discussion Paper 83 – Arbitration: Domestic arbitration* and *Discussion Paper 87 – Arbitration: Community dispute resolution structures* was submitted to the Minister of JCD at a media conference on 8 September 1999. The closing date for comment was extended to 30 November 1999. Information regarding Discussion Papers 83 and 87 appears in the 1999 Annual Report. The Commission has considered the draft report on several occasions and referred it for amendment. It is envisaged that the amended draft report will be considered by the Commission by the end of June 2010.

Family mediation

The field of family and divorce mediation developed in a highly segmented fashion as services in the past were provided along lines of race, culture and income level. Family advocates and the divorce courts do utilise mediation, but family advocates have been criticised for not making proper use of mediation procedures, while mediation in the divorce courts is a limited, irregular and informal part of the settlement process. Social workers in provincial institutions are also involved in this area and court referrals often result in intervention requests.

The advisory committee decided that a discussion paper on family mediation would be completed subject to the finalisation of the investigation into community dispute resolution structures. At the moment the researcher is giving priority to the investigation into Hindu marriages and Project 25 investigations.

Project 100 – Family law and the law of persons

The Commission approved on 23 June 2007 that the name of *Project 128 - Review of aspects of the law of divorce*, be changed to 'Custody of and access to minor children' in accordance with its focus and that, because of possible mutual elements in Project 128 and *Project 129 – Review*

of matrimonial property law, both investigations should be dealt with as subprojects under the Commission's existing broad investigation into family law and the law of persons (Project 100). The Commission also approved that the Minister be approached to appoint a joint advisory committee for the two sub-projects.

The Minister on 20 May 2008 approved the inclusion of the former *Project 128 – Review of aspects of the law of divorce* and the former *Project 129 – Review of aspects of matrimonial property law* as subprojects under *Project 100 – Family law and the law of persons.* The Minister also appointed a single advisory committee for the two investigations.

The Commission approved on 9 September 2006 the inclusion of an investigation into the recognition of Hindu Marriages in the programme. This investigation is conducted as part of *Project 100 – Family law and the law of persons.*

Custody of and access to minor children

This investigation emanates from a request received from a family counsellor at the Office of the Family Advocate in Bloemfontein. Data received from focus group forums, questionnaires and consultations held during 2008 were analysed and collated by the researcher for discussion by the advisory committee meeting. The committee considered a draft discussion paper on 9 March 2009.

The researcher allocated to this project left the SALRC at the end of April 2009 and the project was assigned to another researcher from 1 May 2009. The newly assigned researcher met with the advisory committee on 22 June 2009 to discuss the way forward. It was decided that the existing draft discussion paper would be published as an issue paper after it has been remodelled according to a framework approved at the meeting.

In addition to the investigation into those aspects of family mediation that were covered in the original document, the issue paper will also focus on the broader developments in family law in South Africa impacting on care and contact matters. The investigation will include family mediation in the informal sector and the viability of family courts. The object of the investigation is to develop a new integrated structure for the implementation of family law in South Africa with specific reference to care and contact issues.

Review of aspects of matrimonial property law

The Matrimonial Property Act was passed in 1984 in order to deal with shortcomings in the matrimonial property law at the time. The Act has been in place for more than 25 years. Apart from problems which have in particular been brought to the SALRC's attention, a number of social and legal changes since 1984 (including the adoption of the 1996 Constitution and the recognition of customary marriages and civil unions) suggest that a review of the law is necessary to ensure that it meets current needs. The purpose of the investigation is to review the current law for greater legislative fairness and justice in governing interpersonal relationships between spouses.

The Minister on 20 May 2008 approved a request by the Commission to include the review of matrimonial property law and its investigation into custody of and access to minor children as subprojects under its existing broad investigation into family law and the law of persons (Project 100). This was done in view of possible mutual elements – such as a possible need to reform current divorce procedures – between these two subprojects. The Minister also appointed a single advisory committee to assist with the two investigations. The advisory committee met on 29 August 2008 to identify possible issues for reform for inclusion in the issue paper.

The question whether sharing of pension benefits on divorce should be included in the investigation in view of the envisaged pending implementation of draft legislation dealing with this issue was resolved through consultation with DOJCD in January 2009. It was agreed that in view of the fact that DOJCD will not promote the Sharing of Pension Benefits Bill / Divorce Amendment Bill (which emanated from a 1999 report of the Commission) in the near future, problems pertaining to the sharing of pension benefits on divorce would also be addressed in the review of matrimonial property law.

Preliminary research to develop an issue paper proceeds while the researcher allocated to the investigation is still involved in Project 122.

Hindu Marriages

The Commission approved on 9 September 2006 the inclusion of an investigation into the recognition of Hindu marriages in the programme. This investigation is conducted as part of *Project 100 – Family law and the law of persons*. South African law does not recognise marriages by Hindu rites; therefore all the legal consequences of marriage do not apply to such marriages entered into in South Africa. Couples in a Hindu marriage for example need not use the court if they want to get divorced. Spouses can also not claim any of the legal consequences of divorce, such as maintenance, after the relationship has ended. The aim of this investigation is to look into the recognition of Hindu marriages in order to afford these marriages full legal recognition and the same status as marriages concluded in accordance with civil rites.

It was decided in November 2008 to convert an issue paper developed on the recognition of Hindu marriages into a discussion paper and to recommend the appointment of an advisory committee to the Minister in order to expedite progress on the investigation.

On 7 September 2009 the Minister of JCD approved the appointment of four advisory committee members to assist the researcher to fast-track the investigation. The advisory committee met on 23 November 2009 to decide on the way forward on this investigation. At this meeting the advisory committee identified a need for an additional committee member to enhance the capacity of the committee. The Minister appointed Advocate Devina Nadarajan Perumal as an advisory committee member on 12 January 2010. It is envisaged that a draft discussion paper will be presented to the Commission in August 2010.

Project 107 – Sexual offences: Adult prostitution

This investigation forms part of the larger project on sexual offences. *Issue Paper 19 – Sexual offences: Adult prostitution* was published for general information and comment in August 2002. This leg of the investigation was left in abeyance for a while as priority was given to the completion of the investigations into protected disclosures (Project 123), stalking (Project 130) and trafficking in persons (Project 131). Research on law reform in respect of adult prostitution commenced in earnest again in 2008 and the Commission approved a discussion paper on this investigation on 28 March 2009. *Discussion Paper 1/2009 – Sexual Offences: Adult Prostitution* was published on 6 May 2009 for comment. Several workshops facilitated by the SALRC were held throughout the country during May, June and July 2009. A number of focus group meetings were also held at the invitation of various sector specific organisations.

The legal response to prostitution differs from society to society and over the course of time. Internationally, the topic of prostitution remains an emotive one and opinions on the legal response to prostitution are generally strongly polarised. Within the current totally criminalised setting, this is no different in South Africa. The researchers assigned to this project received in excess of 2600 email submissions in addition to many handwritten and faxed submissions and are currently processing these submissions for inclusion in the final report. To ensure full public participation in the investigation and afford all interested parties an opportunity to express their views, the SALRC is planning stakeholder-specific meetings on a consultation paper, which will precede the report.

Project 113 – The use of electronic equipment in court proceedings

This investigation was included in the Commission's programme on 14 June 1997. The objective of the investigation is to determine whether the use of electronic equipment in court proceedings is a viable option to save costs or prevent delays in civil and criminal trials. In view of several investigations with higher priority and lack of personnel due to vacancies, this investigation did not receive attention until 2003 when the Commission was requested by the office of the National Director of Public Prosecutions to expedite the investigation and to conduct a separate investigation into the possibility of postponement of cases via video conferencing.

The Commission's report titled *The Use of Electronic Equipment in Court Proceedings (Postponement of Criminal Cases via Audiovisual Link)* was finalised in July 2003. In its final report the Commission recommended the use of audio-visual links for applications for leave to appeal and appeals in respect of accused persons in custody in prison. The recommendations of this report have been incorporated in the Criminal Procedure Amendment Act 65 of 2008, which was passed by Parliament on 22 October 2008.

Advancements in technology with the concomitant rapid growth of electronic / computer crimes have brought about a plethora of new forms of evidence. In the broader context it has been recognised that any further investigation of the impact of technological developments on the law should extend

beyond 'equipment' and focus holistically on procedures for collecting, storing and presenting electronic evidence in court.

The advisory committee recommended to the Commission that the remainder of the issues relating to evidence in Project 113 be included as a subproject under Project 126, the comprehensive review of the law of evidence. At its meeting held on 1 August 2009, the Commission approved that the outstanding issues under Project 113 be included as a subproject under Project 126, the comprehensive project on the review of the law of evidence, and that Project 113 be deemed finalised and closed.

In proceeding under Project 126 an important consideration would be whether many of the technology-related evidentiary questions can be resolved under the existing rules of evidence. This would require an overarching investigation into aspects of criminal and civil law with subprojects focusing on rules of evidence and procedure to address concerns about the challenges presented by technological developments with regard to legal proceedings.

Project 122 – Assisted decision-making: Adults with impaired decision-making capacity

The SALRC, as far back as 1988, undertook an investigation with a view to improving the plight of mentally incapacitated persons who cannot afford the costs involved in securing a High Court appointed curator. The Commission's recommendations led to the adoption of the Mentally Ill Persons' Legal Interests Amendment Act 109 of 1990, which amended the Mental Health Act 18 of 1973. This amendment enabled an interested person to apply to the Master of the High Court (which entails insignificant costs) for the appointment of a curator to a person who is not declared to be mentally ill, but whom the applicant believes to be suffering from mental illness to such an extent that the person is incapable of managing his or her own affairs.

Although the present investigation revives the Commission's previous investigation, it covers a broader spectrum. Additional measures to protect the interests of persons who need support in exercising their legal capacity were also researched. An issue paper on this project was published at the end of 2001. A discussion paper was published for general information and comment in January 2004 and is discussed in the 2003/2004 Annual Report.

An extensive draft Bill comprising about 150 clauses was developed after broad consultation. Consultation with the DOJCD policy unit and with the Chief Master of the High Court on policy issues took place during 2007. Flow charts of processes reflected in the draft Bill were prepared at the request of the Chief Master during 2008 to enable long-term planning for the envisaged implementation of the proposed legislation. Policy input on the draft Bill was received from DOJCD on 27 January 2009.

The compilation of a draft report for submission to the Commission was partly suspended between June and December 2007, and September 2008 and March 2009, due to the researcher's involvement in work pertaining to the improvement of the SALRC's processes (see Chapter 1 of the 2007/2008 Annual Report).

The finalisation of the SALRC's draft report and draft Bill on assisted decision-making was interrupted by a request from the South African Human Rights Commission in September 2009 that the report and draft Bill should take the United Nations Convention on the Rights of Persons with Disabilities (CRPD) into account. The CRPD was ratified unreservedly by the South African Government. Subsequent consultation with representatives of the Human Rights Commission and government stakeholders (including the Departments of Health; Social Development; International Relations and Cooperation; and the Ministry of Women, Children and Persons with Disabilities) between October and December 2009 confirmed national and international uncertainty about the interpretation of the provisions of the CRPD dealing with legal capacity that impact on the SALRC's draft proposals. There is also reluctance on the part of government stakeholders to comment on the final draft text of the proposed Bill unless it complies with the CRPD.

The matter is complicated by the fact that the South African government has not yet taken concrete steps to implement the CRPD in South Africa by way of general legislation. A South African interpretation of the relevant provisions of the CRPD is therefore not available. On the advice of the Department of International Relations and Cooperation, and to take the matter forward, the SALRC in January 2009 embarked on further research to establish a draft interpretation of those articles of the CRPD which are relevant to the SALRC's draft proposals. The interpretation will serve as a basis for amendments to the text of the proposed draft Bill with a view to ensure its compliance with the CRPD. The interpretation and the amended text of the draft Bill will be submitted for consultation to government and other stakeholders before work on the draft report is resumed. A status report on progress with the investigation was submitted to the SALRC at its meeting on 13 March 2010. The first draft of an interpretation of the relevant provisions of the CRPD was submitted to the project leader on 31 March 2010.

Project 125 – Prescription periods

No comprehensive review of the provisions providing for different prescription periods – whether of a contractual or delictual nature – has ever been undertaken by the Commission. When reporting on the Bill which subsequently became the Legal Proceedings against certain Organs of State Act 40 of 2002, the Portfolio Committee on Justice and Constitutional Development recommended that the Minister be approached to request the Commission to conduct an investigation into the harmonisation of the provisions of existing laws providing for different prescription periods. An investigation into the review of prescription periods was subsequently included in the SALRC's programme.

Issue Paper 23 – Prescription periods was published for general information and comment in August 2003 and is discussed in the 2003/2004 Annual Report. The researcher involved in the preparation of

the draft discussion paper was transferred to another department, and the project was assigned to a newly appointed researcher in June 2008. The researcher submitted the first draft of the discussion paper to the project leader in July 2009. After incorporating comments from the project leader and doing additional research to address concerns raised by the project leader, the researcher submitted additional drafts of the discussion paper to the project leader in October 2009 and February 2010.

For the purpose of involving the public at an early stage of the investigation, the researcher presented a paper titled 'Prior notice to sue – a test on equality' at a Southern African Law Teachers Conference, which was held at the University of Kwazulu-Natal from 12 to 15 July 2009.

Project 126 – Review of the law of evidence

In 2001 the Commission's advisory committee dealing with the simplification of criminal procedure made a proposal for a review of the law of evidence with a view to simplifying this area of the law and aligning it with technological developments. The Commission endorsed the decision of the advisory committee and recommended the inclusion of the project in its programme. The Minister approved the inclusion of an investigation to review the law of evidence in the SALRC's programme in December 2001. An advisory committee for the investigation was approved on 26 November 2003. The Commission resolved that the advisory committee on the review of the law of evidence should also direct the investigation into the use of electronic equipment in court proceedings.

The last decade has seen a rapid development in technology and with it unforeseen forms of evidence and attendant difficulties in determining admissibility. In addition thereto, the new constitutional dispensation has impacted on the law of evidence in a number of ways. The right of access to information, the entrenchment of the right to a fair trial and the exclusion of evidence obtained in an unconstitutional manner have all had an impact on the law of evidence and gave rise to a large body of new case law. In addition, the right to equality requires a re-examination of evidence in so far as it departs from the requirements of formal equality. The right to equality also necessitates a reconsideration of the rules of evidence in so far as the rules relate to effective equal access to justice.

Legal certainty on the extent of constitutionally enforceable rights is in the public interest. It is equally important to be able to ascertain the rules of evidence for the sake of case preparation. This issue impacts on the accused, the prosecution and the police in criminal cases, and on the parties to litigation in civil cases. The law of evidence is integral to the enforcement of substantive law and consequently has attracted the interest of non-governmental organisations working in specific fields such as child justice and the abuse of women.

The publication of *Issue Paper 26 – Review of the law of evidence* was announced at a media conference on 7 March 2008. The closing date for comments was 30 June 2008, but was extended at the request of a number of role players and because of limited response to the paper. The issue paper was redistributed in January 2009 under cover of a letter summarising the contents and requesting comment by the end of March 2009.

The SALRC also received a request to include a proposal from the South African Professional Society on the Abuse of Children (SAPSAC) dealing with a code of ethics and an appropriate oath for expert witnesses. The proposal was submitted to all professional bodies for comment. The advisory committee considered the proposal on 16 May 2009 and recommended that it should not be included in the scope of the investigation into the review of the law of evidence, but be referred for consideration by the Rules Board for Courts of Law. The Commission endorsed this decision at its meeting in August 2009.

The project leader reconsidered the advisory committee's decision to proceed with discussion papers dealing with different aspects of evidence separate from its sub-investigation into the admissibility of electronic evidence in civil and criminal matters. She recommended that further papers on the review of the law of evidence be put on hold until Issue Paper 27 on electronic evidence has been finalised and the consultation phase in respect of both the issue paper and the proposed discussion paper has been concluded.

Hearsay and relevance

Discussion Paper 113 – Review of the law of evidence: Hearsay evidence and relevance was released at a media conference on 7 March 2008. The closing date for comments was 30 June 2008, but was extended at the request of a number of role players and because of limited response to the paper. The discussion paper was redistributed in January 2009 under cover of a letter summarising the contents and requesting comment by the end of March 2009. The advisory committee resolved not to embark on a public consultation phase and to finalise its report on hearsay and relevance based on the comments received from role players.

After research in this investigation had been completed, it transpired that the admissibility of electronic evidence, the provisions of the Electronic Communications and Transactions Act of 2002 (ECT Act) and the provisions of the Law of Evidence Amendment Act of 1988 dealing with hearsay evidence cannot be considered in isolation. A report on hearsay evidence cannot be finalised without considering the provisions of the ECT Act and the admissibility of electronic evidence in general.

Electronic evidence

In view of the challenges posed by technological developments, an overarching investigation reviewing aspects of criminal and civil law is a long-term goal. In adopting an incremental approach to the subproject on electronic evidence and related matters, the SALRC has in the first instance decided to publish an issue paper exploring issues relating to the admissibility of electronic evidence in criminal and civil proceedings. *Issue Paper 27 – Electronic evidence in civil and criminal proceedings: Admissibility and related issues* was released for general information and public comment by way of a media statement issued on 16 March 2010. The closing date for comment and input is 30 June 2010.

In the case of criminal proceedings, Issue Paper 27 is particularly concerned with the relationship between chapter three of the Electronic Communications and Transactions Act 25 of 2002 (ECT Act) and the rule against hearsay. The purpose of the Issue Paper is twofold: Firstly, to facilitate a focused debate on issues concerning the admissibility of electronic evidence in criminal and civil proceedings; and secondly, to allow stakeholders and practitioners in two sectors (criminal and civil) affected by the applicability and scope of the evidential provisions of the ECT Act to consider the issues raised and be provided with an opportunity to bring other relevant matters to the Commission's attention.

Comment and submissions received on Issue Paper 27, together with further in-depth research, will form the basis of a discussion paper where the issues identified for review and reform will be discussed in detail and preliminary recommendations for reform considered. It is envisaged that a draft discussion paper will be submitted to the Commission by 31 March 2011 to consider its publication for general information and comment.

Project 127 – Review of administration orders

The Minister of JCD requested the SALRC to investigate administration orders by following an incremental approach to distinguish between reforms that could be effected in the short to medium term and reforms that could be effected in the medium to long term.

The Commission decided on 30 September 2005 that a proposal should be made to the Department of Trade and Industry that the National Credit Bill, 2005 should provide for certain amendments which would pave the way for the abolishment of administration orders in terms of section 74 of the Magistrates' Courts Act 32 of 1944. However, the Bill was passed by Parliament without any of the proposed provisions. DOJCD then indicated that it would consider the repeal of section 74 amendments along the lines suggested.

When the Department of Trade and Industry submitted a proposal for urgent amendments to the National Credit Act and the Magistrates' Courts Act, the Commission reconsidered the matter. The Commission decided on 23 June 2007 that it would continue with the investigation. During March 2008 the Commission published a questionnaire on the future of administration orders in view of the provisions of the National Credit Act 34 of 2005. The Commission considered a document on 14 January 2009 detailing the researcher's response to comments on the questionnaire and approved the researcher's proposals on the way forward.

The Commission's preliminary views include the following:

- It would be to the detriment of debtors and others to abolish administration orders at this stage.
- If administration orders are retained a comprehensive review should be undertaken, but amendments which could be dealt with urgently must be identified.

- Administration orders should lapse after a specified number of years and all outstanding debts subject to the administration order should be discharged. This is subject to a court order on good cause shown made on the basis of an application by a creditor before the lapsing of the order that the debtor should not obtain a discharge for some or all of the outstanding debts.
- This is a matter where further consultation is advisable. The consultation can commence with stakeholder meetings and workshops with debtors under administration.

Amendments to the Magistrates' Courts Act 32 of 1944 are being drafted to address some of the problems identified.

Project 134 – Administration of estates

A discussion paper dealing with measures to improve the administration process and to reduce the work of the supervising authority and executors was approved for publication by the Commission in September 2005 and is discussed in the 2005/2006 Annual Report.

Draft legislation recommended in an interim report dealing with the administration of small estates and streamlined procedures for other estates was submitted to the Minister on 19 August 2008. The draft legislation has not been promoted yet.

The Integrated Case Management System (Masters) has been enhanced to move closer to the use of electronic documents in the offices of the Master of the High Court. It is envisaged that a discussion paper dealing with e-filing, internet access to documents, electronic reports, and electronic management of processes will be submitted to the Commission early in 2011.

Project 135 – Review of witchcraft legislation

The Commission received two submissions from the South Africa Pagan Council and the Traditional Healers' Organisation respectively, requesting that the Witchcraft Suppression Act 3 of 1957 and the proposed Mpumalanga Witchcraft Suppression Bill 2007 be investigated to determine their constitutionality.

A meeting was held with stakeholders on 4 September 2008 to explain the process to be followed in determining whether this investigation should be included in the SALRC's programme, as well as to clarify the substantive issues raised in the submissions. A document was prepared for consideration by the Commission. It provided background information on the concept of witches and witchcraft in South Africa; set out the current legal framework; described existing attempts at and suggestions for law reform in this area and measured the relevant facts against the Commission's criteria for the inclusion of an investigation.

On 1 August 2009 the Commission approved the inclusion of the investigation in the SALRC's programme. On 23 March 2010 the Minister approved a review of witchcraft legislation for inclusion in the SALRC's programme.

Project 136 – Multi-disciplinary legal practices

The request for the inclusion of this investigation emanates from the SALRC's media conference of 7 March 2008. The Cape Law Society submitted a proposal to the SALRC on the possible recognition of multi-disciplinary practices for attorneys and the parameters that would need to be set should multi-disciplinary practices be recognised.

The SALRC sent a memorandum to DOJCD on 6 June 2008 seeking guidance from the Director-General on the inclusion of the investigation in the SALRC's programme, as it seems to fall within the purview of the Legal Practice Bill currently being developed by DOJCD. The DG agreed with the DOJCD recommendation that the SALRC should investigate the issue of multi-disciplinary practices for attorneys.

The Commission approved the inclusion of the investigation in the programme of the SALRC on 25 October 2008. On 23 March 2010 the Minister approved an investigation into multi-disciplinary legal practices for inclusion in the SALRC's programme.

Preliminary investigations

Violence against pregnant women

In South African law, the common law offence of murder consists in the intentional and unlawful killing of another person. The culpable and unlawful killing of an unborn baby by a third party does not constitute a crime since a foetus is not considered to be a person. The current position in South African law is that a person only attains legal subjectivity at birth.

The Deputy Director of Public Prosecutions in Grahamstown requested the inclusion of an investigation with regard to the culpable and unlawful killing of an unborn baby by a third party in the SALRC's programme. A proposal paper dealing with the South African legal position (referring to the Constitution, the 'born alive' rule in the common law, delict and succession, procedural law, murder, attempted murder, abortion and sentencing), the international legal position, relevant international instruments, regional treaties, foreign jurisdictions, the phenomenon of violence against pregnant women and local cases to recommend the inclusion of the investigation served before the Commission on 25 October 2008.

After consideration of a supplementary proposal paper on 10 October 2009, the Commission approved the inclusion of the project, but under an amended title, namely 'Violence against pregnant

women'. A memorandum to request the Minister of JCD to approve the inclusion of the project in the Commission's programme was submitted on 15 January 2010.

Proposed audit of conditions of service and rules governing student activities at universities impacting on academic freedom

A former lecturer at the University of Fort Hare requested this investigation. He had learned about the statutory law revision project on SABC radio news and enquired from the SALRC whether the scope of Project 25 could be extended to cover subordinate legislation. His request relates to conditions of service and rules governing student activities in public higher education institutions that impact on the right to academic freedom.

The purpose of the request is to test the constitutionality of these measures as there are growing indications that there are problems with a number of these subsidiary rules. The question is asked whether academic freedom and institutional autonomy, the core values underpinning the higher education system and enshrined in the South African Constitution and the National Higher Education Policy are being eroded by, amongst others, government policy and institutional management.

The Commission considered the request that the SALRC include the investigation in its research programme on 10 October 2010. The Commission decided not to include the investigation in its research programme for, amongst others, the following reasons:

- The Council for Higher Education (CHE) is currently dealing with the subject matter of the issues covered by the request. The CHE also is the most appropriate institution with the resources and capacity to conduct a comprehensive investigation into the subject matter.
- The authority to test the constitutionality of any law or conduct vests with the courts and not with another government institution.

Unconstitutionality of provincial legislation governing funding of political parties

In June and again in August 2009 the Centre for Constitutional Rights of the FW de Klerk Foundation (the Foundation) submitted a law reform proposal to the SALRC requesting the SALRC to consider including in its law reform programme the constitutionality of provincial legislation that was passed in some provinces to regulate the funding of political parties. The provinces of KwaZulu-Natal, Gauteng, Limpopo and the Free State enacted legislation on the issue. The Eastern Cape Legislature adopted policy on financial and administrative assistance to political parties represented in the Eastern Cape Provincial Legislature that allows for the provincial allocation of constituency and public education allowances and caucus funds to political parties. The Northern Cape passed the Political Party Fund Act 7 of 2009, and the Mpumalanga Political Parties Support Fund Bill of 2008 was tabled in the legislature in 2008. In the Foundation's view, these Acts are ultra vires and are constitutionally unlawful and invalid.

As indicated in the SALRC's 2008/2009 Annual Report, the SALRC developed and adopted selection criteria to determine which proposals should be taken on as investigations, starting with a decision on which proposals should be subjected to preliminary investigation. The application of the first set of criteria indicated that the proposal made by the Foundation should not be entertained by the SALRC; and that a preliminary investigation into the issue should not proceed.

The Commission considered the Foundation's request that the SALRC include the investigation in its research programme on 13 March 2010. The Commission decided not to include the investigation in its research programme for, amongst others, the following reasons:

- The matter is already receiving the attention of national government and, in particular, that of National Treasury.
- The Foundation indicated in its submission that it had formally requested the Public Protector and the Auditor General to take remedial action against the unlawful and unconstitutional enactment of the provincial legislation concerned.

Cyber crime

The Commission initiated a preliminary investigation into cyber crime in response to growing concern about the adequacy of current legislation to address the rising threat of cyber crime. The researcher was allocated to the pre-investigation in August 2009. It is envisaged that a report with recommendations on whether such an investigation should be included in the SALRC's research programme will be submitted to the Commission by June 2010.

***The practice of* ukuthwala**

On 15 March 2009 the SABC and e-TV television news covered the practice of forced marriages and the sale of young girls (between 12 and 15 years) into marriages with adult men that are prevalent in some parts of the country. On 24 August 2009 the SALRC received a request from the Gender Directorate of DOJCD to investigate the practice of *ukuthwala;* its impact on the girl-child; the appropriateness and adequacy of the current law of *ukuthwala* and compliance with the human rights of the girl-child, also taking the principle of the best interest of the child into consideration.

The Commission hosted a roundtable discussion on *ukuthwala* on 30 November 2009. The purpose of the discussion was to gather information on the subject to enable the Commission to decide whether or not to include an investigation into this issue in the SALRC's law reform programme. About 50 people representing various stakeholders attended the discussion.

The researcher is preparing a report containing the inputs and independent findings on the practice of *ukuthwala* for consideration by the Commission during the third quarter of 2010.

Access to Justice

This preliminary investigation is an initiative of the SALRC in terms of its statutory powers to initiate investigations. The investigation was allocated to the researcher in September 2009. The purpose of the preliminary investigation is to investigate obstacles to access to justice for the poor, use of indigenous languages in courts and access to justice for women and people with disabilities with a view to proposing legal reforms if necessary.

The researcher is preparing a report on the pre-investigation for consideration by the Commission during the third quarter of 2010.

Protection of journalistic sources

The Freedom of Expression Institute (FXI) requested the SALRC to investigate the amendment of section 205 of the Criminal Procedure Act to introduce a 'shield law' to protect confidential journalistic sources and information. The issuing of subpoenas in 2009 and 2010 calling for two e-TV journalists to divulge their sources and confidential information highlighted the controversy around conflicting rights and the manner in which section 205 is abused. The question at the core of this conflict appears to be whether the public interest in compelling a journalist to reveal confidential information or his or her sources outweighs the public interest in the free flow of information.

A preliminary investigation is currently receiving attention and it is envisaged that the pre-investigation report will be submitted to the Commission for consideration during the third quarter of 2010.

Placing a ban on the distribution and circulation of pornography through the mass media

The Deputy Minister of Home Affairs sent a letter to the SALRC on 15 September 2009 requesting advice on the possibility of an absolute ban on the dissemination and circulation of pornography through the electronic and printed media, as well as mobile technology. The request was discussed at the Commission meeting of 13 March 2010. A letter was sent to the Deputy Minister of Home Affairs subsequent to the meeting advising him that the SALRC will conduct a preliminary investigation to determine whether the matter should be included in the SALRC's research programme.

Project 124 – Privacy and data protection

The Commission approved the final report on *Project 124 – Privacy and data protection* and the draft Bill in January 2009. The report was submitted to the Minister of Justice and Constitutional Development on 26 February 2009. The Minister acknowledged receipt of the report and Bill on 13 March 2009. The SALRC re-submitted the report to the newly appointed Minister on 14 May 2009. The Minister approved publication of the *Report on privacy and data protection* on 25 August 2009. The report was released by way of a media statement on 27 August 2009. The Protection of Personal Information Bill [Bill 9 – 2009] was introduced into Parliament on 25 August 2009 and has been the subject of deliberations of the Portfolio Committee for Justice and Constitutional Development for the rest of the period under review.

Privacy is a valuable aspect of personality. While potential invasions of privacy can come from many sources, a chief concern in recent years has been information privacy. Information about people and their activities can range from medical, insurance and financial records, purchasing habits and property ownership to borrowing habits at the video store, conversations via cellular telephone and surfing practices on the Internet – all mostly recorded in digital form. Information privacy has been defined as the claim of individuals, groups or institutions to determine how, when and to what extent information about them is collected, stored or communicated to others. It is clear that personal information has acquired a market value.

The main focus of the investigation has been to investigate all aspects regarding the protection of personal information in relation to the processing (collection, storage, use and communication) of the information by the State or another person and to recommend legislation or other steps that should be taken in this regard.

In general, a person's personal information requires protection for the following reasons:

- The expansion of telecommunications technology in recent years has led to a considerable information explosion and has increased opportunities for private data collection.
- Some of the information collected may unduly harm the subject of the collection by undermining his or her dignity, integrity and independence as it may be inaccurate, incomplete, irrelevant, accessed and distributed unlawfully, used for purposes that are incompatible with and /or contrary to the purpose for which it was collected or unlawfully destroyed.
- Unprotected personal information may lead to identity theft and other criminal offences, the proliferation of unsolicited pornography, spam and direct marketing excesses.
- Children and other vulnerable parties are currently unprotected especially in so far as the Internet (Facebook etc) and other electronic devices are concerned.

From a business perspective, adequate privacy protection will result in the free flow of information, both nationally and internationally, which will stimulate the economy and provide employment opportunities, for instance in the call-centre industry. In terms of South Africa's international trade obligations the country needs a credible personal information environment to deal with the challenges of the surge of personal information collection and protection. Proper protection will also ensure consumer confidence and trust in electronic on-line business activities.

Finally, privacy legislation will provide a safe environment within which the e-government initiative can be developed.

It is the Commission's view that privacy and data protection should be regulated by legislation. The protection provided in the proposed Bill seeks to uphold the right to privacy as protected by the common law, section 14 of the Constitution and other International Human Rights instruments.

It is recommended that privacy and information protection should be regulated by a general information protection statute, with or without sector specific statutes, which will be supplemented by codes of conduct for the various sectors. The legislation is pro-active in nature, focusing on ensuring that proper systems are put in place instead of only policing encroachments.

The Bill applies to:

- The public and private sectors.
- Automatic and manual processing.
- Identifiable natural and juristic persons.

The Bill does not apply to the processing of personal information -

- in the course of purely personal or household activity;
- that has been de-identified;
- by the Cabinet and its committees, the Executive Council of a province and a Municipal Council;
- relating to the judicial functions of a court; and
- that has been exempted from the application of specific principles in terms of the Bill.

The Bill provides conditional exclusion for the processing of personal information -

- for exclusively journalistic purposes; and
- by or on behalf of the state where it involves national security, defence or public safety, or the purpose which is the prevention, investigation or proof of criminal offences.

The Bill will give effect to the following internationally accepted core information protection principles, which provide that personal information must be -

- obtained fairly and lawfully;
- used only for the original specified purpose;
- adequate, relevant and not excessive to purpose;
- accurate and up to date;
- accessible to the subject;
- kept secure;
- destroyed after its purpose is completed;
- transferred to countries that ensure an adequate level of information protection only; and
- accounted for by the responsible party at all times.

Provision is made for exceptions to the information protection principles. Exemptions are furthermore possible for specific sectors in applicable circumstances. Special provision has also been made for the protection of special (sensitive) personal information. Special personal information includes information regarding children, religion, health and sex life, race, political persuasion and criminal behaviour.

Specific provision has been made for the protection of the subjects of data rights in so far as unsolicited electronic communications (spam) and automated decision-making are concerned. The interim arrangements in the National Credit Act, 2005, regarding the protection of credit information, have also been addressed.

In order to encourage and facilitate compliance with the Bill, the Commission recommends, as its first choice:

- The establishment of an independent statutory regulatory agency referred to as the Office of the Information Protection Regulator.
- The appointment of one full-time Chairperson who will direct the work of the Office as well as four part-time members and a secretariat, consisting of government officials, to assist the Regulator.
- That the Regulator will be responsible for the implementation of both the proposed Bill and the Promotion of Access to Information Act, 2000.

An alternative, more modest option makes provision for the placement of the Regulator as a ring-fenced entity within an existing institution with two full-time regulators, and without any part-time members.

Responsible parties will be under an obligation to notify the Regulator of any processing of personal information before they undertake the processing. Provision has also been made for prior investigations to be conducted where the information being collected warrants a stricter regime.

The Commission recommends a flexible approach where industries will develop their own codes of conduct (in accordance with the principles set out in the legislation), which will be overseen by the regulatory agency. Codes of conduct for individual sectors may be drawn up for specific sectors on the initiative of the sector itself or of the Regulator. This will include the possibility of making provision for an adjudicator to be responsible for the supervision of information protection activities in the sector. The Regulator will, however, retain oversight authority. Although the codes will accurately reflect the information protection principles as set out in the Act, it should furthermore assist in the practical application of the rules in a specific sector.

Enforcement of the Bill will be through the Regulator, using as a first step, a system of notices where conciliation or mediation has not been successful. Failure to comply with the notices will be a criminal offence. The Regulator may furthermore assist a data subject in claiming compensation from a responsible party for any damage suffered. Obstruction of the Regulator's work is regarded in a serious light and also constitutes a criminal offence.

The recommendations are in compliance with the following two crucial international instruments:

- The Council of Europe's 1981 Convention for the Protection of Individuals with regard to the Automatic Processing of Personal Data (CoE Convention).
- The 1981 Organization for Economic Cooperation and Development's (OECD) Guidelines Governing the Protection of Privacy and Transborder Data Flows of Personal Data.

The recommendations also seek to meet European Union (EU) adequacy requirements in terms of the Data Protection Directive 95/46/EC. The Directive provides that personal data should only be allowed to flow outside the boundaries of the (EU) to countries that can guarantee an 'adequate level of protection' of the data.

The recommendations and draft legislation are the result of a profoundly thorough consultation process. Should these recommendations be adopted by Parliament, the protection of information privacy in South Africa will be in line with our international obligations in terms of requirements and developments. In the last 30 years more than fifty countries have enacted data privacy legislation in order to ensure that they are compliant.

CHAPTER 5
PUBLIC RELATIONS

Public consultation

The SALRC relies extensively on the cooperation of institutions and persons who have an interest in its investigations for the efficient performance of the SALRC's functions. In order to ensure the best possible involvement of interested parties, it is the SALRC's policy to inform the public as far as possible of new investigations undertaken and of issue papers and discussion papers published for general information and comment. The SALRC's issue papers and discussion papers are released by way of media statements so as to ensure good coverage. However, the SALRC also submits issue papers and discussion papers of its own accord to institutions that have an interest in the investigations concerned. The reaction to these documents is an indispensable link in the process of law reform and it plays an important role in the eventual recommendations made by the Commission in its reports.

Interaction with foreign law reform bodies and institutions

The good relations maintained by the SALRC with law reform bodies and institutions in other countries make the exchange of consultation papers, reports and other information possible. In this way, valuable information is exchanged that facilitates and expedites comparative research. It is significant how various legal systems are often faced with similar problems. The exchange of documents and information enables the Commission to evaluate thinking elsewhere in the world. In the year under review the SALRC was privileged to host a number of foreign visitors and work attachments.

On 23 and 24 April 2009 the SALRC hosted Ms Sharon Williams, a researcher at the Zambian Law Development Commission (ZLDC), and Ms Sharon Newa, a magistrate in Zambia. The ZLDC is reviewing all its child-related laws, and as part of that project has decided to send two delegates to the SALRC to conduct a comparative study. Ms Ronel van Zyl briefed them on the Children's Act 38 of 2005 while Ms Dellene Clark briefed them on the Reports on Sexual Offences, Stalking and Domestic Violence. Ms Lowesa Stuurman briefed them on the Report on Trafficking in Persons and related issues.

The Somaliland Law Reform Commission visited the SALRC from 13 to 17 July 2009. The delegation of Commissioners from the Somaliland Law Reform Commission comprised of Prof Abdi Sheikosman, Chairperson; Mr Mahdo Muhamed Gulaid, Vice-Chairperson; Mr Ibrahim Eidle Suleiman, former Regional Court Judge; Mr Justice Mohamed Omer Ghelle, former Justice of the Somaliland Supreme Court; Mr Mohamoud Hussein Farah, Dean of the Law Faculty of Hargeisa University; and Ms Ifrah Adam Omer, Chairperson of the Somaliland Women Lawyers Association.

The SALRC arranged meetings for the Somaliland Law Reform Commission with the management of Justice College and the Centre for Human Rights at the University of Pretoria, as well as a visit to the Constitutional Court. The delegation was also afforded a brief courtesy meeting with Mr Andries Nel, the Deputy Minister of Justice and Constitutional Development. In addition to briefings

on the working methods of the SALRC, the delegation was briefed by representatives of DOJCD on the relationship between the Legislative Development component and the SALRC, preparation of Bills for introduction into Parliament and the role of the SALRC and Legislative Development in the parliamentary process.

On 8 September 2009 the SALRC hosted a Vietnamese delegation led by Mr Nguyen Van Thuan, Chairperson of the Law Committee of the National Assembly of Vietnam. The delegation requested to be briefed on the historical background of the SALRC, the mission and activities of the SALRC and the day to day operations of the SALRC. The delegation found the information shared informative and useful. They indicated that they would send one of their researchers on a work attachment to the SALRC to learn from its processes and to obtain more detailed information on how to improve their own working methods.

The SALRC received a visit from Mrs Abimbola Coker, the Secretary to the Nigerian Law Reform Commission; and Mr Tunji Ezekiel Ogbebila, the librarian, on 30 November 2009. They were briefed on the activities and working methodology of the SALRC and in particular the functioning of the library. Mrs Coker also exchanged information about the working methodology applied by the Nigerian Law Reform Commission. Mrs Coker and Mr Ogbebila attended the roundtable discussion hosted by the SALRC on the practice of *ukuthwala* on 30 November 2009.

The SALRC hosted Messrs Ferdie Mundia, Principal Legal Officer; and Cecil John Jocoob, Senior Legal Clerk, from the Namibian Law Reform and Development Commission for a study visit from 8 to 12 March 2010.

On 10 March 2010 the SALRC hosted a delegation from the Ugandan Human Rights Commission comprising of Mr Med SK Kaggwa; Ms Grace Dinah Akello; Ms Marriam Fauzat Wangadya; Dr Katebalirwe Ammoti Wa Irumba; Mr Constantine K Karusoke; Mr Joseph AA Etima; Mr Agaba Maguru; and Ms Roselyn Karugonjo-Segawa. The delegation was on a study visit to South Africa, facilitated by the South African Human Rights Commission, to learn about best practices on handling issues relating to sexual minorities. The delegation was briefed on the SALRC's investigations into domestic partnerships and the legal consequences of sexual re-alignment and related matters.

International liaison

SALRC researchers frequently liaise with international organisations, as well as experts and officials from other countries.

Ms Lowesa Stuurman participated in a workshop on trafficking in body parts in Mozambique and South Africa hosted by the Human Rights League: Mozambique during May 2009.

On 30 June 2009 Ms Ananda Louw had a meeting with Ms Suzette Heath, a psychologist with vast family law experience in New Zealand's family courts.

During July 2009 Ms Stuurman met with representatives from the Human Rights and Development Trust of Southern Africa to discuss the link between trafficking and corruption and the need for training in this regard.

On 4 August 2009 Ms Dellene Clark and Ms Carien Pienaar, the research team on adult prostitution, held a meeting with Mr Tim Barnett, a former member of the New Zealand Parliament and promoter of the decriminalisation of prostitution in New Zealand, to discuss the legislative model followed in New Zealand. He is currently the Global Programmes Manager for the World AIDS Campaign.

The SALRC hosted a combined Unites States of America, New Zealand and Canadian delegation on family law issues on 8 October 2009. The SALRC liaised with Spirit of Africa working with People to People International, which organisation was responsible for organising the delegation's visit to the SALRC. The SALRC also liaised with researchers and institutions outside the Commission to brief the delegation on identified issues. Ms Dellene Clark addressed the delegation on family law issues in respect of sexual offences and children. Ms Anna-Marie Havenga presented information on the investigation into matrimonial property law and Ms Ronel van Zyl addressed the delegation on the Children's Act 38 of 2005. Ms Lowesa Stuurman addressed the delegation on issues relating to trafficking in persons.

On 10 November 2009 Ms Lowesa Stuurman provided the International Organisation for Migration with an input on the topics that should be covered in their training workshops on human trafficking for the judiciary.

Mr Fanayana Mdumbe corresponded with the Malawi Law Reform Commission on 13 November 2009 to provide them with information on the processes employed by the South African Law Reform Commission when conducting an investigation, the documents published by the Commission during the course of an investigation and the purpose served by each of these documents.

Ms Ananda Louw accompanied members of the Portfolio Committee on Justice and Constitutional Development on a study tour to the United Kingdom, to visit, amongst others, the UK Information Commission and Privacy International from 28 November to 3 December 2009.

A multi-sectoral delegation from the Democratic Republic of Congo (DRC) visited the SALRC on 3 December 2009 as part of a study visit to the Department of Justice and Constitutional Development and other agencies in the Department. This high level delegation of senior officials in the DRC Ministry of Justice required first-hand information on how their counterparts in South Africa carry out their responsibilities and functions, and the possibility of integrating these into their own system.

The SALRC provided the delegation from the DRC with the following information:

- Who and what the SALRC is and where it fits into the Justice framework.
- The SALRC's responsibilities and functions.

- Specific areas which might be of interest to the delegation.
- Possible commonalities between the DRC and South Africa and the value thereof to the DRC.
- Possible areas of reciprocal capacity building.

On 10 December 2010 Mr Tienie Cronje held a telephone conference with officials of the World Bank in Washington on the Threshold Strategic Options for a Regulatory Environment for Insolvency Practitioners in South Africa, a draft report for discussion with the Government of South Africa.

On 13 February 2010 Ms Lowesa Stuurman provided Ms Sarah Yun, a researcher at Harvard University writing her thesis on state compliance with human rights issues in South Africa, with an input on the relationship between government and NGOs providing services to victims of trafficking and the role of the SALRC in so far as it relates to the issue of trafficking in persons.

On 19 February 2010 Ms Lowesa Stuurman provided the Embassy of Colombia through the Department of International Relations and Co-operation with a list of role-players in South Africa that could be invited to a conference titled 'First Hemispheric Conference on the fight against abduction and kidnapping' to be held in Colombia from 12 to 13 May 2010.

On 22 February 2010 Ms Dellene Clark and Ms Carien Pienaar attended a strategic theoretical discussion around the viability of the 'Swedish Model' for the reform of the legislation on prostitution in South Africa. The research team participated in a research seminar on 14 and 15 April 2010 hosted by the Sexual Violence Research Initiative, the Medical Research Council and the Coalition Against Trafficking of Women, during which they engaged with internationally accredited feminist Dr Melissa Farley from the United States of America and Mr Max Waltmann from Stockholm University.

On 23 February 2010 Ms Dellene Clark, Ms Carien Pienaar and Ms Lowesa Stuurman attended a lunch meeting with Professor Catharine MacKinnon, special adviser on gender crimes from the Office of the Prosecutor: International Criminal Court, an internationally recognized feminist legal theorist and one of the authors of the Swedish legislation to discuss issues relating to the SALRC's investigations into adult prostitution and the Prevention and Combating of Trafficking in Persons Bill.

The DOJCD hosted law students from the Chicago Bar Foundation on 17 March 2010. As part of their induction to the operation of the DOJCD, Ms Lowesa Stuurman briefed the students on the SALRC's working methodology and current research programme. The briefing was followed by an interactive discussion.

Ms Dellene Clark gave a television interview to Swedish journalists for TV4 News Stockholm, Sweden on the legislative reforms proposed for adult prostitution on 19 March 2010. On the same day the SALRC received a request from Maryland University to host some of its students as interns for six weeks later in 2010.

On 23 March 2010 Ms Anna-Marie Havenga liaised with Prof K Boele-Woelki of the University of Utrecht, the Netherlands, to exchange information regarding current reform of matrimonial property law by the Commission on European Family Law; and with Ms Dianne Hubbard, Coordinator Gender Research and Advocacy Project, Legal Assistance Centre, Namibia, on exchange of information pertaining to recent reform of matrimonial property law in Namibia.

Attendance of international conferences and meetings

Mr Tshepang Monare attended a conference organised by the Commonwealth Association of Law Reform Agencies held from 4 to 5 April 2009 on 'Law Reform in Challenging Times' and the 16th Commonwealth Law Conference held from 5 to 9 April 2009 on the 'Dynamic of Law in a rapidly Changing World'. Both conferences were held at the Hong Kong Convention & Exhibition Centre.

In conjunction with the Office of the Chief Master, Mr Tienie Cronje attended the Eighth Joint United Nations Commission on International Trade Law, the International Association of Restructuring, Insolvency and Bankruptcy Professionals (INSOL), the World Bank Multinational Judicial Colloquium on Insolvency, the INSOL 2009 Congress and the International Association of Insolvency Regulators Workshop, which all took place in Vancouver, Canada from 20 to 24 June 2009.

Mr Tienie Cronje attended the International Association of Insolvency Regulators Conference on the Impact of the Global Financial Crisis on Insolvency Systems, which was held in Sandton, Johannesburg from 12 to 14 October 2009. He also chaired one of the panel discussions.

Ismail Mahomed Law Reform Essay Competition for 2008

On 3 July 2009 the SALRC, in partnership with Juta Publishers, hosted the 2008 Ismail Mahomed Law Reform Essay Award Ceremony at the Constitutional Court. The 2008 prize was awarded jointly to Mr Chris McConnachie, a penultimate LLB student at Rhodes University, for his essay entitled 'With such changes as may be required by context: Section 13 of the Civil Union Act, absurdity and gender discrimination in the legal consequences of marriage', and Ms Suzanna Harvey, an LLM student at the University of Cape Town, for her essay entitled 'Closing a loophole in the Labour Relations Act: The Constitutionality of s198'.

The SALRC launched the Ismail Mahomed Law Reform Essay Competition for 2009 in September 2009. Mr Fanyane Mdumbe and Mr Tshepang Monare attended the Limpopo Law Week Conference on 29 September 2009 to promote the competition. The closing date for the submission of essays was 30 November 2009. The SALRC received essays from students registered at Rhodes University; the University of the Witwatersrand; University of KwaZulu-Natal; University of the Free State; University of Stellenbosch; Walter Sisulu University; University of Cape Town; University of South Africa; University of Pretoria; University of Limpopo and the University of Johannesburg.

A panel consisting of Judge Willie Seriti, Vice-Chairperson of the SALRC and Chairperson of the panel; Professors Thandabantu Nhlapo, Vice-Chancellor, University of Cape Town; PJ Schwikkard, Dean, Faculty of Law, University of Cape Town; Managay Reddi, Dean: Faculty of Law, University of KwaZulu-Natal; Cathi Albertyn, Professor at Wits and part-time Commissioner: SALRC; Ms Yasmin Sooka, Executive Director: Foundation for Human Rights; and Adv Thulisile Madonsela, Public Protector of the Republic of South Africa, was appointed to evaluate the essays and decide on the winner.

The panel unanimously decided that the prize for the best essay of the 2009 competition should be jointly awarded to Mr Theo Steyn, an LLM graduate from UNISA, for his essay entitled 'Vat and e-Commerce: Still looking for answers?', and Jonathan Parsonage, an LLB graduate from the University of Cape Town, for his essay entitled 'The shape of things to come? Ubuntu as a framework for the imposition of punishment in South Africa'. Both winners received gift vouchers worth R10 000 each, sponsored by Juta and Co.

Electronic and printed media and liaison

The SALRC maintains good relations with the electronic and the printed media. Information that, in the SALRC's opinion, is newsworthy is supplied to the media and enquiries are replied to fully and promptly. The SALRC wishes to express its gratitude for the interest displayed by the media in investigations conducted by the SALRC.

The Secretary deals with enquiries on the work of the SALRC virtually on a daily basis. These include enquiries from the media, other state departments, the professions, universities, NGOs and members of the public. Apart from dealing with routine enquiries on a regular basis, researchers and advisory committee members also participate in various programmes and discussions relating to their research projects. These take the form of, among others, interviews with radio stations, television appearances, articles in law journals and liaison with individuals and institutions.

The SALRC holds extensive workshops and briefings in respect of relevant investigations, which is in line with the Commission's policy of broadening its consultation base. An effort is made to host the workshops and present briefings in as many different locations (urban and rural) as possible and the target audiences are state departments, parliamentary committees, relevant NGOs, the legal fraternity, relevant experts and the community in general.

Researchers and advisory committee members often participate in activities not initiated by the SALRC nationally and abroad. They are invited by government departments, NGOs and other institutions to attend seminars or conferences and to participate in workshops relating to investigations on the SALRC's programme. In addition, they are frequently requested to present papers or lectures on the research projects that they are involved in or have been involved in. This approach facilitates cooperation between the SALRC and other role players, serves to publicise the SALRC's activities and ensures that duplication of initiatives is avoided.

External conferences, workshops, briefings, consultative meetings and expert meetings

In the year under review researchers at the SALRC were involved in the following conferences, workshops, briefings, consultative meetings and expert meetings:

Project	Activity	Date
Project 25 Statutory law revision Mr Pierre van Wyk	Participated in a roundtable discussion with functionaries from the Department of Mineral Resources to discuss and clarify the preliminary findings and proposals contained in the consultation paper submitted to the Department for comment on 12 January 2010.	26 March 2010
Mr Fanyana Mdumbe	Liaised with Transnet Freight Legal Services and legal advisers from the Department of Transport with regard to the legislative proposals contained in the Transport Laws Repeal Bill made by the SALRC in Discussion Paper 114 recommending the repeal of certain statutes administered by the Department of Transport.	9 April 2009 1 and 19 August 2009
	Convened a roundtable discussion and addressed delegates at the discussion on the cultural practice of *ukuthwala*.	30 November 2009
Project 100 Family law and the law of persons Custody of and access to minor children Ms Ananda Louw	Meeting with the Fathers 4 Justice organisation at their request.	28 May 2009
	Meeting with Ms Zelda Moletsane at the Southern Divorce Court.	15 July 2009
	Completed a 40 hour training course in Family and Divorce Mediation accredited by the SA Association of Mediators.	2 to 7 August 2009
	Presentation at the Family Life Centre in Johannesburg.	29 September 2009
	Meeting with the Director: Child Justice and Family Law in order to ensure the cooperation of the DOJCD in the investigation.	1 February 2010
	Attended a family mediation workshop with representatives of the Office of the Family Advocate and the DOJCD.	17 February 2010
	Attended a workshop hosted by the SA Association of Mediators (SAAM) in Johannesburg.	10 March 2010
	Attended the Miller Du Toit Cloete Inc Family Law Conference in Cape Town, which concentrated on care and contact issues.	17 to19 March 2010

Project	Activity	Date
	Attended the launch of an initiative of the Africa Centre for Dispute Settlement at the University of Stellenbosch Business School to set up a National Accreditation Board for Family Mediators. Invited to attend all future meetings of the Board as an observer.	23 March 2010
Matrimonial property law Ms Anna-Marie Havenga	Field enquiries from the public regarding problems with regard to pension benefits on divorce and the relevance of the SALRC investigation.	Throughout the reporting period
Project 107 Sexual offences Ms Dellene Clark	Provided research material on statutory rape and the age of consent for boys under 12 at the request of the National Prosecuting Authority for a court case in Gauteng.	12 October 2009
	Assisted the NDPP with interpretation of provisions on the Sex Offender Register for two court cases in Kimberley.	19 October 2009
	Attended the National Forum and Launch of the 'Champion for Children Campaign' at the invitation of the Nelson Mandela's Children's Fund.	8 December 2009
	Compiled notes on the Sexual Offences Amendment Act for the Chairperson's paper on the protection of children with reference to child prostitution, trafficking and protective measures that are and will be in place during the 2010 Soccer World Cup.	January 2010
	Provided information to a social worker on whether the Sexual Offences Amendment Act has regulations, if the Act is currently operative; whether the previous Sexual Offences Act has been repealed; and whether the SALRC is currently debating any sexual offences legislation.	3 February 2010
	Provided information to the Sexual Offences and Community Affairs Unit DDPP, NPA on the presumption against retrospective application of statutory crimes.	8 February 2010
	Commented on a draft information document compiled by the CMR Mpumalanga to explain section 54 of the Sexual Offences Act to priests and others regarding the obligation to report sexual offences against children.	22 February 2010
	Provided information to a sexual health educator of SASHAPTA regarding the boundaries of what a professional therapist can and cannot do to help adults to overcome sexual difficulties.	8 March 2010
	Provided information to a student from NWU (Potchefstroom campus) on the obligation to report in the Sexual Offences Act for her PhD studies.	16 March 2010
	Provided a telephonic media interview to Andrew Donaldson for the Sunday Times on drugged/drunk rape cases.	25 March 2010

Project	Activity	Date
Project 107 Sexual offences: adult prostitution Ms Dellene Clark Ms Carien Pienaar	Mail and Guardian Newspaper interview on *Discussion Paper 1/2009 on Sexual Offences: Adult Prostitution.*	11 May 2009
	Eastern Cape Newspaper interview on Discussion Paper 1/2009.	12 May 2009
	SALRC-facilitated workshops on Discussion Paper 1/2009.	19 May 2009 26 May 2009 28 May 2009 2 June 2009 23 June 2009 25 June 2009 30 June 2009 7 July 2009
	Radio interview on Discussion Paper 1/2009 on SAFM.	21 May 2009
	Radio interview on Discussion Paper 1/2009 on RSG (*Praat Saam*).	12 June 2009
	Radio interview on Discussion Paper 1/2009 on *Radio Kansel.*	25 June 2009
	Printed media interview on Discussion Paper 1/2009.	7 July 2009
	Radio interview on Discussion Paper 1/2009 on RSG (*Kruis en Dwars*).	12 July 2009
	Presentation of Discussion Paper 1/2009 at the Southern African Law Teachers Conference in Pietermaritzburg.	14 July 2009
	Attended a meeting arranged by Tshwaranang Legal Advocacy Centre to discuss violence against sex workers with a view to determine how one should respond to the abuse of power by members of the police.	15 July 2009
	Facilitated discussions and presented the findings of Discussion Paper 1/2009 to a focus group meeting for people selling sex hosted by SWEAT in Cape Town.	22 July 2009
	Radio studio interview on Discussion Paper 1/2009 on Impact Radio.	29 July 2009
	Presentation on Discussion Paper 1/2009 to the Gauteng focus group meeting of the South African Women Lawyers Association (SAWLA).	30 July 2010
	Provided a telephone link interview on Discussion Paper 1/2009 and its objectives to presenters on a live TBN TV show.	30 July 2010

Project	Activity	Date
	Conducted a briefing of the DA Caucus in Gauteng on Discussion Paper 1/2009.	3 August 2009
	Provided an interview for a CBN documentary broadcast on adult prostitution in South Africa.	4 August 2009
	Held a meeting with Professor Lemmer, the principal of the Academy of Sexology at the Pretoria East Hospital, to discuss the role of the client and the issue of demand.	5 August 2009
	Participated in the SA Women in Dialogue (SAWID) roundtable discussion on 'Women in economic crises'.	21 August 2009
	Presented Discussion Paper 1/2009 at a joint sitting of the Eastern Cape House of Traditional Leaders and the Godly Governance Network.	27 August 2009
	Interview to two WITS Students in preparation for their paper on the regulation option of adult prostitution.	2 September 2009
	Presented Discussion Paper 1/2009 to LLB students at the Varsity College in Sandton.	3 September 2009
	Attended an interactive debate at UNISA on the legalisation of adult prostitution.	21 September 2009
	Conducted grassroots fact finding on adult prostitution by way of a night time police guided tour in the Pretoria area.	22 September 2009
	Conducted an interview of and listened to a presentation on prostitution and drugs by a woman who used to sell sex for money and other reward.	15 October 2009
	Presented Discussion Paper 1/2009 to the *Konvent van Reformatoriese Kerke van Suid Afrika* (the General Synod of Dutch Reformed Churches) in Pretoria.	28 October 2009
	Telephonic interview on Discussion Paper 1/2009 by a journalist from AFP.	4 November 2009
	Electronic response to journalist Donald Peaton to an email enquiry on Discussion Paper 1/2009.	4 November 2009
	Presented Discussion Paper 1/2009 to a meeting arranged by the Catholic Church Parliamentary Liaison Office in Cape Town.	25 November 2009

Project	Activity	Date
	Provided an interview to a UCT student on group interaction in adult prostitution.	5 January 2010
	Provided a telephonic interview to Mark Tutton of CNN on adult prostitution and the SALRC processes.	5 January 2010
	Provided pre-recorded voice interview to Workers World Media Productions in English, Afrikaans, Tswana and Sepedi.	29 March 2010
Project 110 Review of the Child Care Act Ms Ronel van Zyl	Presented training on the Children's Act 38 of 2005 to social workers in Middelburg on request of the Suid-Afrikaanse Vrouefederasie.	20 to 21 April 2009
	Presented training on parental responsibilities and rights to social workers in private practice and related professions.	7 May 2009
	Presented on 'Application and Implementation of the Children's Act' at the Children's Act preparation workshop for the family advocates.	12 May 2009
	Presentation on medical issues in the Children's Act to members of the Sexual Health Workers Association.	21 May 2009
	Meeting with Ms Cathie van der Riet, a PhD student, on issues relating to the policy reform process pertaining to the Children's Act.	9 June 2009
	Presented training on parental responsibilities and rights as part of family mediation training offered by Family Life South Africa, Johannesburg.	4 August 2009
	Compiled notes on the protection of children as provided for in the Children's Act 38 of 2005 for the Chairperson's paper on the protection of children with reference to child prostitution, trafficking and protective measures that are and will be in place during the 2010 Soccer World Cup.	17 November 2009
	Assisted a legal officer from the Department of Social Development with compiling the government notice for the commencement of the Children's Act.	15 and 18 January 2010
	Attended meeting with officials from the legal division of the Department of Social Development on the commencement of the Children's Act.	20 January 2010
	Provided input to the Children's Institute in Cape Town on the compulsory reporting provisions in the Children's Act and the Sexual Offences Amendment Act.	28 January 2010

Project	Activity	Date
	Presented training on the Children's Act 38 of 2005 and the implementation thereof to officials from the North West Province in Mafikeng on request of the North West Department of Health and Social Development.	18 to 19 February 2010
	Presented training on parental responsibilities and rights as part of family mediation training offered by Family Life South Africa, Johannesburg.	26 February 2010
	Presented training on the Children's Act 38 of 2005 to final year social work and post graduate psychology students at the University of the North West (Potchefstroom campus).	15 to 16 March 2010
	Field enquiries from officials from other state departments, social workers, psychologists, lawyers and members of the public regarding the Children's Act and the implementation thereof.	Throughout the reporting period
Project 122 Assisted decision-making: Adults with impaired decision-making capacity Ms Anna-Marie Havenga	Meeting with representative of Department of Justice and Constitutional Development's Policy Unit on comment submitted by that Unit on the SALRC's proposed draft Bill on Assisted Decision-making.	15 April 2009
	Meeting with representative of South African Human Rights Commission on the SAHRC's request for compatibility of the SALRC's proposed draft Bill on Assisted Decision-making with the United Nations Convention on the Rights of Persons with Disabilities (CRPD).	21 October 2009
	Meeting with representatives of the national Department of Health to present the proposed draft Bill on Assisted Decision-making, obtain input on the text of the draft Bill and to discuss the need for compatibility with the CRPD.	6 November 2009 4 December 2009
	Meeting with representatives of the Department of Social Development to present the proposed draft Bill on Assisted Decision-making, obtain input on the text of the draft Bill and to discuss the need for compatibility with the CRPD.	11 November 2009 7 December 2009
	Meeting with representatives of the Directorate: Persons with Disabilities of the Ministry for Women, Children and People with Disabilities to present the proposed draft Bill on Assisted Decision-making, obtain input on the text of the draft Bill and to discuss the need for compatibility with the CRPD.	16 November 2009 8 December 2009
	Meeting with representatives of the Chief State Law Adviser (International Law) of the Department of International Relations and Cooperation on international law questions regarding compatibility of the proposed draft Bill with the CRPD.	7 January 2010

Project	Activity	Date
	Field enquiries by the public on the current legal position regarding assisted decision-making for persons with Alzheimer's Disease and other mental disabilities and the SALRC's envisaged proposals for law reform.	Throughout the reporting period
Ms Margaret Meyer (Advisory Committee Member)	Present training on the current legal position regarding assisted decision-making and information on the SALRC's investigation to Alzheimer Support Group Leaders, Johannesburg.	14 October 2009
	Present information on the current legal position regarding assisted decision-making and the SALRC's envisaged proposals at an Alzheimer's Disease Information Seminar, Princess Christian Homes, Pretoria.	17 March 2010
	Field enquiries by the public on the current legal position regarding assisted decision-making for persons with Alzheimer's Disease and other mental disabilities and the SALR's proposals for law reform.	Throughout the reporting period
Project 123 Protected disclosures Ms Dellene Clark	Presented the *Report on Protected Disclosures* at a litigation seminar hosted by the Open Democracy Advice Centre at Constitutional Hill to corporate officers, union staff and labour lawyers.	17 August 2010
Project 124 Privacy and data protection Ms Ananda Louw	Presentation on the Protection of Personal Information Bill at the SABS in researcher's capacity as a member of the Privacy Working Group of the SABS providing feedback on an International Standard for Privacy being developed by the International Organization for Standardization (ISO) and the International Electro-technical Commission (IEC). The International Standard of Privacy forms the specialised system for world-wide standardisation.	26 June 2009
	Presentation on the possible effect of privacy legislation on business at a meeting hosted for this purpose by TransUnion.	22 July 2009
	Brief the Department of Trade and Industry on the Protection of Personal Information Bill at their request.	31 August 2009
	Meetings with NEDLAC on a NEDLAC report submitted to DTI on the impact of the Protection of Personal Information Bill on business, labour and government.	3 September 2009 17 October 2009
	Meeting with SARS to discuss the impact of the Protection of Personal Information Bill on the revenue service.	4 September 2009
	Television interview on the Protection of Personal Information Bill on the SABC News and Current Affairs programme 'View from the House'.	4 September 2009

Project	Activity	Date
	Presentation on privacy protection in international jurisdictions at the Protection of Personal Information Bill Workshop on issues affecting the banking groups hosted by Mostert Opperman Incorporated.	18 September 2009
	Presentation on the Protection of Personal Information Bill at the National Information Officers Forum hosted jointly by the SAHRC and ODAC.	28 September 2009
	Participate in the Nelson Mandela Foundation workshop on the Protection of Personal Information Bill and its implications for archival and other memory institutions.	30 September 2009
	Meetings with the National Intelligence Centre on the impact of the Protection of Personal Information Bill on the Financial Intelligence Centre Act.	September 2009 March 2010
	Attend clarification and information meeting on the Protection of Personal Information Bill with members of the Banking Association of South Africa.	1 October 2009
	Assist DOJCD with the passing of the Protection of Personal Information Bill through the parliamentary process. This included numerous meetings with officials from DOJCD, attending the meetings of the Portfolio Committee on Justice and Constitutional Development to brief members, attending public hearings and providing the Committee with a response to the submissions and attending and taking part in the deliberation meetings of the Committee.	October 2009 to March 2010
	Meeting with representatives of The Unlimited World, a telephone marketing company, to discuss the ambit of the Protection of Personal Information Bill and its effect on telephone marketing.	15 October 2009
	Various meetings and discussions with officials from the Department of Home Affairs on the Protection of Personal Information Bill and its impact on Advance Passenger Processing.	November 2009 to March 2010
	Presentation on the Protection of Personal Information Bill to the State Law Advisers of the Gauteng Premier's Office.	12 November 2009
	Participated in a discussion forum and Internet Safety Seminar, both hosted by the Film and Publication Board and Microsoft.	19 January 2010 26 March 2010
	Various meetings and discussions with officials from the Department of Home Affairs on the Protection of Personal Information Bill and its impact on Advance Passenger Processing.	November 2009 to March 2010

Project	Activity	Date
	Presentation on the Protection of Personal Information Bill to the State Law Advisers of the Gauteng Premier's Office.	12 November 2009
	Participated in a discussion forum and Internet Safety Seminar, both hosted by the Film and Publication Board and Microsoft.	19 January 2010 26 March 2010
	Took part in an Experian workshop on the importance of protecting personal information in the course and scope of business activities.	31 March 2010
	Participated in various radio programmes and gave numerous interviews to the media on the Protection of Personal Information Bill.	Throughout the reporting period
Project 125 Prescription periods Mr Tshepang Monare	Attended and presented a paper on 'Prior notification to sue: a test on equality' at a conference organised by the Southern African Law Teachers Association at the University of Kwazulu-Natal.	12 to 15 July 2009
Project 126 Review of the law of evidence	Liaison and discussion with Mr Jabulani Radebe [Chief Director: ICT Security] from the Department of Communications on cyber security policy and related matters.	Throughout the reporting period
Electronic evidence	Attended the Deloitte Technology Law Seminar.	7 October 2009
Cyber Crime pre-investigation	Attended South Africa's 4th Annual Cyber Law Conference.	27 to 29 October 2009
Ms Nerisha Singh	Attended a cyber security policy workshop held at the Department of Communications with representatives from NIA; SARS; SAPS: Cyber intelligence and Defence Force: Cyber Intelligence.	17 February 2010
	Presented on the SALRC's work on technology law at the Cyber and Related Priority Crimes Workshop hosted by the South African Police Service.	16 to 19 March 2010
Project 130 Stalking	Compiled a media response directed to the DOJCD on the Protection from Harassment Bill.	7 May 2009
Ms Dellene Clark	Attended and participated in meetings on the Bill convened by the DDG: Legislative Development in the DOJCD.	7 July 2009 20 July 2009
	Interview on Radio 2000 on the *Report on Stalking* and the Protection from Harassment Bill in respect of the perceived limitation of journalists' rights and the death of a 3rd Degree employee at the hands of a stalker.	28 October 2009

Project	Activity	Date
	Interview on Radio 702 on the *Report on Stalking* and the Protection from Harassment Bill.	29 October 2009
	Telephonic interviews on the Protection from Harassment Bill on SABC and Radio 702.	9 February 2010
	Interview to an SABC journalist on the *Report on Stalking.*	10 February 2010
	Provided a printed media interview on stalking and existing legislation.	8 March 2010
	Provided a review of a DOJCD Justice Today article on Stalking.	16 March 2010
	Panel guest on the TV show 3rd Degree Plus aired in honour of Shadi Rapitso, a 3rd Degree journalist who was murdered by a stalker in 2009. The show aimed to explore stalking, its prevalence and effects on South African Women.	12 April 2010
Project 131 Trafficking in persons Ms Lowesa Stuurman	*Assisted with the following information on issues relating to trafficking in persons:* • Provided the Department of International Relations and Co-operation: Directorate International Crime with the contact details of role players to participate in a video conference with the European Union on issues relating to trafficking in persons. • Provided the Department of International Relations and Cooperation: Directorate International Crime with comment on a report titled *Trafficking in Body Parts in Mozambique and South Africa* compiled by the Human Rights League, Mozambique.	1 February 2010 5 March 2010
	Participated in a seminar on human trafficking hosted by the University of Pretoria: Department of Social Work and Criminology.	16 September 2009
	Participated in the Trafficking in Persons Consultative Forum hosted by Trafficking in Persons Task Team: Sexual Offences and Community Affairs Unit, National Prosecuting Authority.	16 November 2009
	Interview on the proposed Prevention and Combating of Trafficking in Persons Bill on Radio RSG.	May 2009
	Briefed researchers from the Crime and Money Laundering Unit: Institute for Security Studies on the proposed Bill and provided guidance on what to consider for inclusion in their report on organised crime as far as the report relates to trafficking in persons.	May 2009

Project	Activity	Date
	Interview on the proposed Prevention and Combating of Trafficking in Persons Bill on Radio RSG.	July 2009
	Participated in the 'Consultative Workshop on Human Trafficking Interim Research Report' hosted in Pretoria by the Tsireledzani Programme: Sexual Offences and Community Affairs Unit, National Prosecuting Authority.	17 to 18 February 2010
	Provided training in Johannesburg and Cape Town respectively to the judiciary on the Prevention and Combating of Trafficking in Persons Bill at the Human Trafficking Workshop for Judicial Officers held by the International Association of Women Judges (South African Chapter) in partnership with the International Organisation for Migration.	21 February 2010 13 March 2010
	Participated in an inter-departmental meeting on human trafficking in anticipation of the SA/US Annual Bilateral Forum.	8 March 2010
	Attended a media briefing held in Cape Town by the Minister of JCD on the Prevention and Combating of Trafficking in Persons Bill [B7 –2010].	16 March 2010
Project 134 Administration of estates Mr Tienie Cronje	Attended the Gauteng meeting of the Fiduciary Institute of South Africa.	12 November 2009
	Integrated Case Management System – Masters Phase 1 Enhancements User Acceptance Test.	15 to 16 February 2010
Inter-ministerial Task Team on the combating of child pornography Ms Dellene Clark	Attended and participated in a meeting of the Inter-Ministerial Task Team on the combating of child pornography.	31 August 2009
	Attended a Film and Publication seminar on research at the Innovation Hub in Pretoria.	15 September 2009
	Attended a stakeholder meeting at the Film and Publication Board on the draft Protocol on the handling of child pornography cases.	29 September 2009
	Attended a meeting with the Nigerian delegation at the Union Buildings, hosted by the Department of Women and Children.	26 October 2009
	Commented on the draft Protocol on the handling of child pornography cases to the Film and Publication Board.	3 November 2009
	Internal memorandum and annexure on the comments to the Film and Publication Board on the draft Protocol on the handling of child pornography cases to the Minister of JCD.	10 November 2009 20 January 2010

Project	Activity	Date
	Provided information to Ms Misser, the legal advisor to the Premier of Gauteng, on the role of legislation in achieving Government priorities.	6 January 2010
	Attended the Internet Safety and Security Programme in South Africa – proposal by Microsoft for an Internet portal for discussion.	19 January 2010
	Internet Safety Seminar to launch an Internet portal, devise a 5 year plan for child protection and internet safety and to identify an annual internet safety and security day.	26 March 2010
Ms Dellene Clark	Meeting on Women empowerment and gender equality policy at the Presidency.	8 September 2009
Mr Fanyana Mdumbe	Presented a course on Statutory Interpretation as part of Advanced Legislative Drafting Course for municipal officers organised by Justice College in Pretoria and Bela-Bela.	26 May 2009 11 November 2009
	Attended a policy dialogue on Traditional Practices and the Constitution, arranged by the Commission for Gender Equality in KwaZulu-Natal.	4 November 2009
	Interviewed by Ms Asanda Magaqa on SAFM on the cultural practice of *ukuthwala.*	29 November 2009
Task Team on Gender Equality Legislation Ms Carien Pienaar	Upon request by the Minister for Women, Children and Persons with Disabilities to the Minister of JCD, Ms Pienaar became a member of a task team to prepare draft gender equality legislation. Ms Pienaar did research on topics such as South Africa's international obligations on gender equality and development, 50/50 representation of women, national machinery for women development, gender focal points, gender mainstreaming and funding of gender equality programmes. Ms Pienaar remains an ad hoc member of the Task Team and the Task Team is to render advice based on her research.	During the course of the reporting period
12th Annual Family Law Conference: Family Law Frontiers Mr Michael Palumbo	Made a presentation on 'Family law related investigations by the SALRC, the role of the SALRC and its public participation processes'.	18 March 2010

Internet

The South African Law Reform Commission's comprehensive website can be accessed at http://salawreform.justice.gov.za.

CHAPTER 6
ACKNOWLEDGEMENTS

During the period under review a substantial number of persons and institutions responded to specific or general invitations by the Commission to comment on particular issues or to assist it with its activities in some respect. It is impossible, within the scope of this report, to mention all contributors. However, the Commission expresses its sincere gratitude to all concerned: without their goodwill and assistance the Commission would not be able to execute its mandate properly.

The Secretariat of the Commission wishes to thank the Commission members for their guidance, dedicated service and commitment to law reform.

The Commission also wishes to express its appreciation to the various project leaders (from within and outside the Commission) for providing advice and direction to researchers, evaluating the research and for the documents and reports compiled under their guidance. The willingness of individuals and organisations to serve on advisory committees of the Commission is valued.

The Commission would also like to thank the researchers of the Secretariat for their dedication and the consistently high levels of excellence and professionalism maintained by them. The Department of Justice and Constitutional Development as a whole is thanked for its cooperation and goodwill.

The administrative staff members are thanked for their invaluable contribution which is indispensable for the success of the law reform process.

ANNEXURE A

ISSUE PAPERS PUBLISHED BY THE COMMISSION

ANNEXURE A

ISSUE PAPERS PUBLISHED BY THE COMMISSION

Serial number of issue paper	Project number	Title of investigation	ISBN number Publication date
1	104	Money laundering and related matters	0 631 17404 1 May 1996
2	100	Family violence	0 621 17495 5 July 1996
3	90	Harmonisation of the common law and the indigenous law: Customary marriages	0 621 17531 5 September 1996
4	90	Harmonisation of the common law and the indigenous law: The application of customary law: Conflict of personal laws	0 621 17532 3 September 1996
5	100	Family law and the law of persons: Review of the maintenance system	0 621 17652 6 January 1997
6	73	Simplification of criminal procedure: Access to the criminal justice system	0 621 17705 9 April 1997
7	82	Sentencing: Restorative justice (compensation for victims of crime and victim empowerment)	0 621 17718 0 April 1997
8	94	Arbitration: Alternative dispute resolution	0 621 27319 8 May 1997
9	106	Juvenile Justice	0 621 27335 X June 1997
10	107	Sexual offences against children	0 621 27352 X June 1997
11	82	Sentencing: Mandatory minimum sentences	0 621 27353 8 July 1997
12	90	Harmonisation of the common law and the indigenous law: Succession in customary law	0 621 8 008 9 April 1998
13	110	The review of the Child Care Act	0 621 28026 April 1998
14	108	Computer related crime: Options for reform in respect of unauthorised access to computers, unauthorised modification of computer data and software applications and related procedural aspects	0 621 28710 5 August 1998
15	59	Islamic marriages and related matters	0 621 30089 6 May 2000

ANNEXURE A

ISSUE PAPERS PUBLISHED BY THE COMMISSION

Serial number of issue paper	Project number	Title of investigation	ISBN number Publication date
16	119	Uniform national legislation on the fencing of national roads	0 621 30188 4 July 2000
17	118	Domestic partnerships	0 621 31574 5 September 2001
18	122	Incapable adults	0 621 31797 7 November 2001
19	107	Sexual offences: Adult prostitution	0 621 33159 7 July 2002
20	123	Protected disclosures	0 621 33555 X November 2002
21	121	Consolidated legislation pertaining to International cooperation in civil matters	0 621 33553 3 November 2002
22	130	Stalking	0 621 34410 9 August 2003
23	125	Prescription periods	0 621 34444 3 August 2003
24	124	Privacy and data protection	0 621 34530 X August 2003
25	131	Trafficking in persons	0 621 35016 8 January 2004
26	126	Review of the law of evidence	0 621 37676 0 March 2008
27	126	Electronic evidence in civil and criminal proceedings: Admissibility and related issues	0 621 389226 5 March 2010

ANNEXURE B

DISCUSSION PAPERS PUBLISHED BY THE COMMISSION

Since March 1983 a serial number has been assigned to all discussion papers – previously referred to as working papers – and only these are listed below. Discussion papers are numbered consecutively.

Serial number of discussion paper	Project number	Title of investigation	ISBN number Publication date
1	37	Preference on insolvency	18 March 1983
2	22	Law of succession: Intestate succession	17 February 1984
3	9	Law of trusts	24 February 1984
4	41	Investigation into the possibility of making provision for a divorced woman to share in the pension benefits of her former husband	October 1984
5	49	Offences committed under the influence of liquor or drugs	10 August 1984
6	43	Investigation into the advancement of the age of majority	15 February 1985
7	38	Investigation into the legal position of illegitimate children	22 February 1985
8	33	Review of the law of prize	12 April 1985
9	25	Statute law: Investigation into the law relating to theft and house-breaking	Not published
10	51	Marriages and customary unions of black persons	13 September 1985
11	6	Review of the law of evidence	25 April 1986
12	57	Anton Piller type of orders	Not published
13	22	Review of the law of succession: The introduction of a legitimate portion or the granting of a right to maintenance to a surviving spouse	8 August 1986
14	22	Review of the law of succession: Formalities of a will	17 October 1986
15	24	Investigation into the courts' powers of review of administrative acts	2 January 1987
16	62	The protection of a purchaser of securities	27 April 1987

ANNEXURE B

DISCUSSION PAPERS PUBLISHED BY THE COMMISSION

Serial number of discussion paper	Project number	Title of investigation	ISBN number Publication date
17	22	Review of the law of succession: Amendment and repeal of wills	23 September 1987
18	61	Enduring powers of attorney and the appointment of curators for mentally incapacitated persons	0 7970 1381 4 18 March 1988
19	22	Review of the law of succession: Disqualification from inheriting, substitution and the succession rights of adopted children	0 7970 1401 2 26 February 1988
20	60	Domicile	0 7970 1435 7 26 August 1988
21	62	The protection of a purchaser of securities	0 7970 1460 8 31 March 1988
22	50	Proposals for the reform of the Bills of Exchange Act	0 621 1198 9 X 19 December 1988
23	46	The giving of security by means of movable property	0 7970 1558 2 7 October 1988
24	52	Investigation into the legal consequences of sexual realignment and related matters	0 7970 1589 2 17 June 1994
25	58	Group and human rights	GPS 003 9160 10 March 1989
26	12	Amendment of section 7(3) of the Divorce Act, 1979	0 7970 1667 8 1 March 1989
27	69	The acquisition and loss of ownership of game	0 7970 1727 5 29 May 1989
28	71	The protection of child witnesses	0 7970 1826 3 12 June 1989
29	63	Insolvency: Requirements for and alternatives to sequestration	0 7970 1854 9 7 August 1989
30	63	Insolvency: Qualifications, appointment and discharge of trustees	0 7970 1954 5 10 November 1989
31	66	Reform of the South African law of bail	0 7970 2078 0 December 1990

ANNEXURE B

DISCUSSION PAPERS PUBLISHED BY THE COMMISSION

Serial number of discussion paper	Project number	Title of investigation	ISBN number Publication date
32	75	Bribery	0 7970 2126 4 March 1990
33	63	Insolvency: Effect of insolvency on assets, civil proceedings and contracts	0 7970 2185 X November 1990
34	24	Investigation into the courts' powers of review of administrative acts	0 7970 2292 9 December 1991
35	63	Insolvency: Insolvency interdicts	0 7970 2296 1 May 1991
36	62	The protection of a purchaser of securities	0 7970 2300 3 September 1991
37	68	Access to police dockets	0 7970 2316 X July 1991
38	65	Surrogate motherhood	0 7970 2381 X September 1991
39	63	Insolvency: Rehabilitation	0 7970 2490 5 April 1992
40	78	Interest on damages	0 7970 2607 X May 1992
41	63	Insolvency: Voidable dispositions and dispositions that may be set aside and the effect of sequestration on the spouse of the insolvent	0 7970 2638 X July 1992
42	73	Simplification of the criminal procedure: Working paper on appeal procedure	0 7970 2641 X July 1992
43	41	Investigation into the possibility of making provision for a divorced woman to share in the pension benefits of her former husband: Matters relating to the Divorce Amendment Act 7 of 1989	0 621 15039 8 December 1992
44	79	A father's rights in respect of his illegitimate child	0 621 15329 X February 1993
45	76	Jewish divorces	0 621 15331 1 January 1993
46	67	The Usury Act and related matters	0 621 15021 5 April 1993

ANNEXURE B

DISCUSSION PAPERS PUBLISHED BY THE COMMISSION

Serial number of discussion paper	Project number	Title of investigation	ISBN number Publication date
47	87	Jurisdictional lacuna in the Supreme Court Act 59 of 1959	0 621 15429 6 April 1993
48	62	The protection of a purchaser of shares	0 621 15848 8 October 1993
49	73	Simplification of criminal procedure	0 621 15923 9 November 1993
50	74	Debt collecting	0 621 15933 6 November 1993
51	70	Limitation of professional liability	0 621 15955 7 December 1993
52	84	Application of the trapping system	0 621 15959 X December 1993
53	86	Euthanasia and the artificial preservation of life	0 621 15994 8 February 1994
54	47	Unreasonable stipulations in contracts and the rectification of contracts	0 621 16038 5 May 1994
55	89	Declaration and detention of persons as State patients in terms of the Criminal Procedure Act, 1977, and the release of such persons in terms of the Mental Health Act, 1973, including the onus of proof regarding the mental condition of an accused or convicted person	0 621 16358 9 December 1994
56	98	International co-operation in criminal prosecutions	0 621 16820 3 May 1995
57	88	The recognition of a class action in South African law	0 621 16928 5 September 1995
58	85	Aspects of the law relating to AIDS	0 621 16964 1 September 1995
59	94	Arbitration	0 621 16971 4 September 1995
60	95	Investigation into the Computer Evidence Act 57 of 1983	0 621 17259 6 October 1995

ANNEXURE B

DISCUSSION PAPERS PUBLISHED BY THE COMMISSION

Serial number of discussion paper	Project number	Title of investigation	ISBN number Publication date
61	63	Review of the law of insolvency: Statutory provisions that benefit creditors	0 621 17297 9 November 1995
62	100	The granting of visitation rights to grandparents of minor children	0 621 17344 4 March 1996
63	93	Speculative and contingency fees	0 621 17353 3 March 1996
64	104	Money laundering and related matters	0 621 17453 X June 1996
65	47	Unreasonable stipulations in contracts and the rectification of contracts	0 621 17503 X August 1996
66	63	Review of the law of insolvency: Draft Bill and explanatory memorandum	0 621 17509 9 August 1996
	63	Review of the law of insolvency: Draft Bill and explanatory memorandum: Executive summary	0 621 17510 2 August 1996
67	96	Apportionment of Damages Act, 1956	0 621 17543 9 October 1996
68	85	Aspects of the law relating to AIDS	0 621 17550 1 October 1996
69	94	International commercial arbitration	0 621 17602 8 December 1996
70	100	Family law and the law of persons: Domestic violence	0 621 17650 8 February 1997
71	86	Euthanasia and the artificial preservation of life	0 621 17724 5 April 1997
72	85	Aspects of the law relating to AIDS: Pre-employment HIV testing	0 621 27350 3 June 1997
73	85	Aspects of the law relating to AIDS: HIV/AIDS and discrimination in schools	0 621 27697 9 August 1997
74	90	Customary law: Customary marriages	0 621 27723 1 September 1997
75	111	Constitutional jurisdiction of magistrates' courts	0 621 27997 8 March 1998

ANNEXURE B

DISCUSSION PAPERS PUBLISHED BY THE COMMISSION

Serial number of discussion paper	Project number	Title of investigation	ISBN number Publication date
76	90	Customary law: Conflicts of law	0 621 28007 0 April 1998
77	112	Sharing of pension benefits	0 621 28020 8 April 1998
78	105	Review of security legislation: The Interception and Monitoring Prohibition Act 127 of 1992	0 621 28847 0 November 1998
79	106	Juvenile justice	0 621 28851 9 November 1998
80	85	Aspects of the law relating to AIDS: The need for a statutory offence aimed at harmful HIV-related behaviour	0 621 28854 3 December 1998
81	115	Administrative law	0 621 28895 0 January 1999
82	90	Customary law: Traditional courts and the judicial function of traditional leaders	0 621 29273 7 May 1999
83	94	Arbitration: Domestic arbitration	0 621 29371 7 September 1999
84	85	Aspects of the law relating to AIDS: Compulsory HIV testing of persons arrested in sexual offence cases	0 621 29372 5 September 1999
85	107	Sexual offences: The substantive law	0 621 29374 1 September 1999
86	63	Review of the law of insolvency	0 621 29377 6 September 1999
87	94	Arbitration: Community dispute resolution structures	0 621 29381 4 September 1999
88	109	The review of the Marriage Act 25 of 1961	0 621 29428 4 September 1999
89	73	Simplification of criminal procedure: The right of the Attorney-General to appeal on questions of fact	0 621 29935 9 January 2000

ANNEXURE B

DISCUSSION PAPERS PUBLISHED BY THE COMMISSION

Serial number of discussion paper	Project number	Title of investigation	ISBN number Publication date
90	101	The application of the Bill of Rights to criminal procedure, criminal law, the law of evidence and sentencing	0 621 29936 7 January 2000
91	82	Sentencing: A new sentencing framework	0 621 30070 5 April 2000
92	105	Review of security legislation: Terrorism: Section 54 of the Internal Security Act 74 of 1982	0 621 30184 1 July 2000
93	90	Customary law: Succession	0 621 30205 8 August 2000
94	73	Simplification of criminal procedure: Sentence agreements	0 621 30337 2X December 2000
95	90	Customary law: Administration of estates	0 621 30338 0 December 2000
96	73	Simplification of criminal procedure: A more inquisitorial approach to criminal procedure – police questioning, defence disclosure, the role of judicial officers and judicial management of trials	0 621 30683 5 April 2001
97	82	Sentencing: A compensation scheme for victims of crime	0 621 30687 8 April 2001
98	114	Publication of divorce proceedings: Section 12 of the Divorce Act 70 of 1979	0 621 30715 7 May 2001
99	108	Computer-related crime: Preliminary proposals for reform in respect of unauthorised access to computers, unauthorised modification of computer data and software applications and related procedural aspects	0 621 30718 1 May 2001
100	73	Simplification of criminal procedure: Out-of-court settlements in criminal cases	0 621 31591 5 October 2001
101	59	Islamic marriages and related matters	0 621 31794 2 December 2001
102	107	Sexual offences: Process and procedure	0 621 31809 4 December 2001

ANNEXURE B

DISCUSSION PAPERS PUBLISHED BY THE COMMISSION

Serial number of discussion paper	Project number	Title of investigation	ISBN number Publication date
103	110	Review of the Child Care Act	0 621 31810 8 December 2001
104	118	Domestic partnerships	0 621 34421 4 August 2003
105	122	Assisted decision-making: Adults with impaired decision-making capacity	0 621 35014 1 January 2004
106	121	Consolidated legislation pertaining to international co-operation in civil matters	0 621 35115 6 June 2004
107	123	Protected disclosures	0 621 35116 4 June 2004
108	130	Stalking	0 621 35379 5 September 2004
109	124	Privacy and data protection	0 621 36326 X October 2005
110	134	Administration of estates	0 621 36328 6 October 2005
111	131	Trafficking in persons	0 621 36526 2 March 2006
112	25	Statutory law revision: Review of the Interpretation Act 33 of 1957	0 621 36904 7 September 2006
113	126	Review of the law of evidence: Hearsay evidence and relevance	0 621 37675 3 March 2008
114	25	Statutory law revision: Redundancy, obsoleteness and constitutionality of legislation – Legislation administered by the Department of Transport	0 621 37829 0 June 2008
115	25	Statutory law revision: Redundancy, obsoleteness and constitutionality of legislation – Legislation administered by the Department of Housing	0 621 38319 5 November 2008
1/2009	107	Sexual Offences: Adult Prostitution	0 621 38498 7 May 2009

ANNEXURE C

INVESTIGATIONS INCLUDED IN THE COMMISSION'S PROGRAMME SINCE ITS ESTABLISHMENT

Project number	Title	Year of report	Reference number of published report	Result
1	The codification of certain crimes against the State	1974	RP 17/1976	Recommended legislation not implemented
2	Investigation into a proposed new process for the administration of certain estates	1974	Not published	No new legislation recommended
3	The submission of questions of law in civil cases to the Appellate Division of the Supreme Court	1974	Not published	Section 36 of Second General Law Amendment Act 94 of 1974 enacted
4	Investigation into the element of fault in *injuria*	1978	Not published	No legislation recommended – see also Project 44
5	The safeguarding of money held in trust by an agent on behalf of a client	1974	Not published	No legislation recommended
6	Review of the law of evidence			
	The admissibility in civil proceedings of evidence generated by computers	1982	RP 95/1982	Computer Evidence Act 57 of 1983 enacted, since repealed
	Final report	1986	ISBN 0 621 11348 4	Law of Evidence Amendment Act 45 of 1988 enacted
7	Revision of pre-Union statutes			
	Repeal of certain pre-Union statutes	1975	Not published	Pre-Union Statute Law Revision Act 36 of 1976 enacted
	Repeal of certain pre-Union statutes	1976	Not published	Pre-Union Statute Law Revision Act 43 of 1977 enacted
	Retention of certain pre-Union statutes	1977	Not published	Pre-Union Statute Laws Revision Act 24 of 1979 enacted
8	Steps aimed at making the common law more readily available	-	-	Several works published – see previous annual reports and Annexure G
9	Review of the law of trusts	1986	June 1987	Trust Property Control Act 57 of 1988 enacted

ANNEXURE C

INVESTIGATIONS INCLUDED IN THE COMMISSION'S PROGRAMME SINCE ITS ESTABLISHMENT

Project number	Title	Year of report	Reference number of published report	Result
10	Draft convention for a uniform law of agency of an international character in respect of the sale of goods	1974	Not published	No legislation recommended
11	Investigation into the common law rule that interest may not accrue beyond the principal debt	1974	RP 18/1975	Recommendations not implemented – see section 68A of the Insurance Act 27 of 1943, since repealed, in respect of policy loans
12	Review of the law of divorce			
	Report	1977	RP 57/1978	Divorce Act 70 of 1979 enacted – see also Project 40
	Section 7(3) of Act 70 of 1979	1991	ISBN 0 621 14140 2	Divorce Amendment Act 44 of 1992 enacted – see also Projects 100 and 114
13	Investigation into the right of recourse of spouses in respect of contributions towards necessaries for the joint household	1974	RP 79/1975	Matrimonial Affairs Amendment Act 13 of 1976 enacted, since repealed – see also Project 15
14	The prescribing of a rate of interest in respect of debts where no rate of interest applies in law	1974	Not published	Prescribed Rate of Interest Act 55 of 1975 enacted
15	The matrimonial property law with special reference to the Matrimonial Affairs Act, 1953, the status of the married woman, and the law of succession in so far as it affects the spouses	1982	RP 26/1982	Matrimonial Property Act 88 of 1984 enacted – see also Projects 41 and 51
16	Investigation into the application of set-off in insolvency	1975	Not published	No legislation recommended – see Project 63
17	Examination of the convention on the form of an international will	1975	Not published	No legislation recommended – see Project 22
18	Investigation into the enforceability of foreign arbitration awards in the Republic	1975	Not published	Recognition and Enforcement of Foreign Arbitral Awards Act 40 of 1977 enacted

ANNEXURE C

INVESTIGATIONS INCLUDED IN THE COMMISSION'S PROGRAMME SINCE ITS ESTABLISHMENT

Project number	Title	Year of report	Reference number of published report	Result
19	Investigation into the shifting of the onus of proof in bribery charges	1975	Not published	No legislation recommended – see Project 75
20	Investigation into the substitution of petition proceedings in superior courts	1975	Not published	Petition Proceedings Replacement Act 35 of 1976 enacted
21	Limitation of the institution of legal actions against the State	1977	Not published	No legislation recommended – see also Project 42
22	Review of the law of succession			
	Intestate succession	1985	ISBN 0 621 09611 3	Intestate Succession Act 81 of 1987 enacted
	Legitimate portion or right to maintenance	1987	Not published	Maintenance of Surviving Spouses Act 27 of 1990 enacted
	Formalities of a will, alteration and revocation of wills, disqualification from inheriting, substitution and the succession rights of adopted children	1991	ISBN 0 621 14189 5	Law of Succession Amendment Act 43 of 1992 enacted
23	Risk as a ground for liability in delict	1985	ISBN 0 621 10202 4	No legislation recommended
24	Investigation into the courts' powers of review of administrative acts			
	Report	1992	ISBN 0 621 15356 7	See Project 115
	Supplementary report	1994	Not published	See Project 115
25	Statute law: The establishment of a permanently simplified, coherent and generally accessible statute book			
	Repeal of Laws Act	1980	Not published	Repeal of Laws Act 94 of 1981 enacted
	Investigation into certain aspects of the Prescription Act 68 of 1969	1983	Not published	Prescription Amendment Act 11 of 1984 enacted
	Investigation into further aspects of the Prescription Act 68 of 1969	1984	Not published	No legislation recommended

ANNEXURE C

INVESTIGATIONS INCLUDED IN THE COMMISSION'S PROGRAMME SINCE ITS ESTABLISHMENT

Project number	Title	Year of report	Reference number of published report	Result
	Repeal of the Black Administration Act, 1927	2004	ISBN 0 621 35472 4 RP 213/2004	Repeal of the Black Administration Act and Amendment of Certain Laws Act 28 of 2005 enacted
	Statutory law revision: Redundancy, obsoleteness and constitutionality of legislation	-	-	See Chapter 3
	Review of the Interpretation Act	-	-	See Chapter 3
26	Criminal law consolidation: Theft and house-breaking	1977	Not published	Recommendations regarding legislation not implemented
27	Abolition of civil imprisonment	1976	Not published	Abolition of Civil Imprisonment Act 2 of 1977 enacted – see also Project 54
28	Investigation into leases in respect of movables	1976	Not published	No legislation recommended
29	Investigation into the application of *mens rea* in statutory offences	1982	GP-S 300	No legislation recommended
30	Investigation into an unlimited right of appeal for convicted persons in criminal proceedings	1976	RP 73/1977	No legislation recommended
31	Investigation into the law relating to presumption of death	1977	Not published	Dissolution of Marriages on Presumption of Death Act 23 of 1979 enacted
32	Review of the law of admiralty	1982	RP 12/1983	Admiralty Jurisdiction Regulation Act 105 of 1983 enacted
33	Review of the law of prize	1987	-	Recommendations not implemented
34	Examination of the legal consequences of artificial insemination and the duty of support in respect of certain adulterine children	1978	Not published	No legislation recommended – see also Project 38

ANNEXURE C

INVESTIGATIONS INCLUDED IN THE COMMISSION'S PROGRAMME SINCE ITS ESTABLISHMENT

Project number	Title	Year of report	Reference number of published report	Result
35	Negligent use of fire-arms	1978	Not published	No legislation recommended
36	Investigation into delictual liability in cases of misrepresentation	1983	Not published	No legislation recommended
37	Review of preferent claims in insolvency	1984	ISBN 0 621 090840 X	Recommendations not implemented – see Project 63
38	Investigation into the legal position of illegitimate children	1985	ISBN 0 621 10205 9	Children's Status Act 82 of 1987 enacted, since repealed and re-enacted in the Children's Act 38 of 2005
39	Investigation into the legal consequences of suspensive conditions in contracts of sale	1985	ISBN 0 621 11350 6	No legislation recommended
40	Evaluation of the effect of the Divorce Act 70 of 1979	1983	Not published	No legislation recommended
41	The division of pension benefits on divorce			
	Report	1986	ISBN 0 621 11357 3	Divorce Amendment Act 7 of 1989 passed
	Supplementary report	1994	RP 158/1995 ISBN 0 621 16869 6	Referred back to the SALRC – see Project 112
42	Investigation into time limits for the institution of actions against the State			
	Report	1985	Not published	Recommendations not implemented
	Supplementary report	1998	ISBN 0 621 28862 4	Institution of Legal Proceedings against Certain Organs of State Act 40 of 2002 enacted
43	Investigation into the advancement of the age of majority	1985	ISBN 0 621 10246 6	No legislation recommended
44	A comprehensive and comparative inquiry into the protection of all rights of personality	-	-	Struck off

ANNEXURE C

INVESTIGATIONS INCLUDED IN THE COMMISSION'S PROGRAMME SINCE ITS ESTABLISHMENT

Project number	Title	Year of report	Reference number of published report	Result
45	Women and sexual offences in South Africa	1985	ISBN 0 621 09609 1	Law of Evidence and the Criminal Procedure Amendment Act 103 of 1987, Criminal Law and Criminal Procedure Act Amendment Act 39 of 1989 and Prevention of Family Violence Act 133 of 1993 enacted
46	The giving of security by means of movable property			
	Report	1991	ISBN 0 621 14544 0	Security by means of Movable Property Act 57 of 1993 enacted
	Supplementary report	1993	Not published	Act 57 of 1993 enacted
47	Unreasonable stipulations in contracts and the rectification of contracts	1998	RP 133/1998 ISBN 0 621 28678 8	Under consideration by Department of Justice and Constitutional Development – report submitted to the Department in May 1998
48	Examination of the limits of criminal defamation	1983	Not published	No legislation recommended
49	Offences committed under the influence of liquor or drugs	1985	ISBN 0 621 10207 5	Criminal Law Amendment Act 1 of 1988 enacted
50	Investigation into the payments system in South African law	1994	RP 105/1995 ISBN 0 621 16776 2	Recommendations not implemented
51	Marriages and customary unions of black persons			
	Problems relating to the acquisition of leasehold	1985	Not published	Section 1 of Laws on Co-operation and Development Second Amendment Act 90 of 1985 enacted
	Final report	1986	-	Marriage and Matrimonial Property Law Amendment Act 3 of 1988 enacted

ANNEXURE C

INVESTIGATIONS INCLUDED IN THE COMMISSION'S PROGRAMME SINCE ITS ESTABLISHMENT

Project number	Title	Year of report	Reference number of published report	Result
52	Investigation into the legal consequences of sexual re-alignment and related matters	1995	RP 32/1996 ISBN 0 621 17334 7	Alteration of Sex Description and Sex Status Act 49 of 2003 enacted
53	Investigation into the amendment of section 26 of the Insolvency Act 24 of 1936	1983	Not published	Insolvency Amendment Act 84 of 1984 enacted – see also Project 63
54	Committal to prison in respect of debt	1985	ISBN 0 621 11346 8	See Project 74
55	Removal of certain restrictions in respect of land	1984	Not published	No legislation recommended
56	Submission of a question of law to the Appellate Division of the Supreme Court relating to the calculation of finance charges under the Limitation and Disclosure of Finance Charges Act 73 of 1968	1976	Not published	*Ex parte Minister of Justice* 1978 2 SA 572 (A)
57	Anton Piller type of orders	1987	Not published	Recommendations not implemented
58	Group and human rights			
	Interim report	1991	Report: ISBN 0 621 14128 3 Summary: ISBN 0 621 14127 5	Constitution of the Republic of South Africa Act 200 of 1993 enacted, since repealed Constitution of the Republic of South Africa, 1996 enacted
	Final report	1994	RP 66/1995 ISBN 0 621 16727 4	Made available to the Constitutional Assembly
59	Islamic marriages and related matters	2003	RP 210/2003 ISBN 0 621 34989 5	Report under consideration by Department of Justice and Constitutional Development – report submitted to the Department in July 2003
60	Domicile	1991	ISBN 0 621 14255 7	Domicile Act 3 of 1992 enacted

ANNEXURE C

INVESTIGATIONS INCLUDED IN THE COMMISSION'S PROGRAMME SINCE ITS ESTABLISHMENT

Project number	Title	Year of report	Reference number of published report	Result
61	Enduring powers of attorney and the appointment of curators for mentally incapacitated persons	1988	ISBN 0 621 12107 X	Mentally Ill Persons' Legal Interests Amendment Act 108 of 1990 enacted
62	The protection of a purchaser of shares			
	Report	1993	ISBN 0 621 16287 6	Recommendations not implemented
	Supplementary report on section 138 of the Companies Act 61 of 1973	1994	RP 152/1995 ISBN 0 621 16847 5	Companies Amendment Act 35 of 1998 passed
63	Review of the law of insolvency			
	Interim report: Section 34 of the Insolvency Act 24 of 1936	1990	Not published	Section 1 of the Insolvency Amendment Act 6 of 1991 enacted
	Interim report: Insolvency interdicts	1992	ISBN 0 621 14964 0	Insolvency Amendment Act 122 of 1993 enacted
	Interim report: Appeals against sequestration orders	1993	ISBN 0 621 15421 0	Section 1 of the General Law Third Amendment Act 129 of 1993 enacted
	Interim report: The protection of the financial markets in the event of insolvency	1994	RP 63/1995 ISBN 0 621 16721 5	Insolvency Amendment Act 32 of 1995 enacted
	Interim report: The enactment in South Africa of UNCITRAL's Model Law on Cross-Border Insolvency	1999	Not printed	Cross-Border Insolvency Act 42 of 2000 enacted
	Report: The review of the law of insolvency	2000	RP 89/2000 ISBN 0 621 30069 1	Insolvency and Business Recovery Bill approved by Cabinet in March 2003 to be revived following the enactment of business rescue provisions in the Companies Act 71 of 2008
64	The legal protection of information	-	-	Struck off
65	Surrogate motherhood	1992	ISBN 0 621 15353 2	Recommendations incorporated in the Children's Act 38 of 2005

ANNEXURE C

INVESTIGATIONS INCLUDED IN THE COMMISSION'S PROGRAMME SINCE ITS ESTABLISHMENT

Project number	Title	Year of report	Reference number of published report	Result
66	Reform of the South African law of bail			
	Report	1992	Not published	Referred back for consideration
	Report	1994	RP 82/1995 ISBN 0 621 16746 0	Criminal Procedure Second Amendment Act 75 of 1995 enacted
67	The Usury Act and related matters	-	-	Struck off
68	Access to police dockets	1992	ISBN 0 621 15349 4	Not implemented in view of the access to information provisions in the 1993 and 1996 Constitutions
69	The acquisition and loss of ownership of game	1991	ISBN 0 621 14138 0	Game Theft Act 105 of 1991 enacted
70	Limitation of civil liability of professional persons	-	-	Struck off
71	The protection of child witnesses	1991	ISBN 0 621 14139 9	Criminal Law Amendment Act 135 of 1991 enacted
72	The alienation of personal servitudes	-	-	Struck off
73	The simplification of criminal procedure			
	First interim report: Appeal procedures	1994	-	Recommendations not implemented
	Second interim report: The simplification of criminal procedure	1995	RP 70/1996 ISBN 0 621 17405 X	Criminal Procedure Amendment Act 86 of 1996 enacted
	Third interim report: The right of the Director of Public Prosecutions to appeal on questions of fact	2000	RP 58/2001 ISBN 0 621 30678 9	Report under consideration by Department of Justice and Constitutional Development – report submitted to the Department in December 2000
	Fourth interim report: Sentence agreements	2001	RP 120/2001 ISBN 0 621 31452 8	Criminal Procedure Second Amendment Act 62 of 2001 enacted

ANNEXURE C

INVESTIGATIONS INCLUDED IN THE COMMISSION'S PROGRAMME SINCE ITS ESTABLISHMENT

Project number	Title	Year of report	Reference number of published report	Result
	Fifth interim report: A more inquisitorial approach to criminal procedure	2002	RP 219/2002 ISBN 0 621 33510 X	Report under consideration by Department of Justice and Constitutional Development – report submitted to the Department in August 2002
	Final report: Out-of-court settlements in criminal cases	2002	RP 218/2002 ISBN 0 621 33511 8	Report under consideration by Department of Justice and Constitutional Development – report submitted to the Department in August 2002
74	Debt collecting			
	Interim report on imprisonment for debt	1994	RP 199/1995 ISBN 0 621 16956 0	Magistrates' Courts Amendment Act 81 of 1997 enacted
	Final report	1995	RP 198/1995 ISBN 0 621 16960 9	Debt Collectors Act 114 of 1998 enacted, since repealed Magistrates' Courts Amendment Act 81 of 1997 enacted
75	Bribery	1991	ISBN 0 662 15184 43	Corruption Act 94 of 1992 enacted, since repealed
76	Jewish divorces	1994	RP 56/1995 ISBN 0 621 16707 X	Divorce Amendment Act 95 of 1996 enacted
77	Constitutional models	1991	Report: ISBN 0 621 14239 5 Summary: ISBN 0 621 14197 6	No legislation recommended
78	Interest on damages	1994	ISBN 0 621 16231 0	Prescribed Rate of Interest Amendment Act 7 of 1997 enacted
79	Natural fathers of children born out of wedlock	1994	RP 55/1995 ISBN 0 621 16706 1	Natural Fathers of Children born out of Wedlock Act 86 of 1997 enacted, since repealed – now regulated by the Children's Act 38 of 2005

ANNEXURE C

INVESTIGATIONS INCLUDED IN THE COMMISSION'S PROGRAMME SINCE ITS ESTABLISHMENT

Project number	Title	Year of report	Reference number of published report	Result
80	Accession to the Hague Convention on the Civil Aspects of International Child Abduction	1992	Not published	Hague Convention on the Civil Aspects of International Child Abduction Act 72 of 1996 enacted, since repealed and re-enacted in the Children's Act 38 of 2005
81	Submission of a question of law to the Appellate Division of the Supreme Court concerning certificates under instruments of debt as conclusive proof of liability	1991	Not published	*Ex parte Minister of Justice in re: Nedbank v Abstein Distributors and Donelly v Barclays National Bank* 1995 3 SA 1 (A)
82	Sentencing			
	A new sentencing framework	2000	RP 57/2001 ISBN 0 621 30679 7	Report under consideration by Department of Justice and Constitutional Development – report submitted to the Department in December 2000
	A compensation scheme for victims of crime in South Africa	2004	Ministerial approval of publication of report is awaited	Report was submitted to the Minister of Justice and Constitutional Development for approval of publication in May 2004, August 2006, February 2009, September 2009 and November 2009
83	Review of the Moratorium Act, 1963	-	-	Struck off
84	Application of the trapping system	1994	RP 174/1995 ISBN 0 621 16896 3	Criminal Procedure Second Amendment Act 85 of 1996 enacted
85	Aspects of the law relating to AIDS			
	First interim report: Health related aspects	1997	RP 106/1997 ISBN 0 621 27345 7	Regulations on Hazardous Biological Agents promulgated on 27 December 2001

ANNEXURE C

INVESTIGATIONS INCLUDED IN THE COMMISSION'S PROGRAMME SINCE ITS ESTABLISHMENT

Project number	Title	Year of report	Reference number of published report	Result
	Second interim report: Pre-employment HIV testing	1998	RP 120/1998 ISBN 0 621 28049 6	Recommendations incorporated in the Employment Equity Act 55 of 1998
	Third interim report: HIV/AIDS and discrimination in schools	1998	RP 121/1998 ISBN 0 621 28048 8	Department of Education promulgated Commission's draft National Policy on HIV/AIDS for Learners in Public Schools on 10 August 1999
	Fourth interim report: Compulsory HIV testing of persons arrested in sexual offence cases	2000	RP 40/2001 ISBN 0 621 30618 5	Recommendations regarding victims' need for information on their alleged offenders' HIV status have been included in Chapter 5 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007
	Fifth interim report: The need for a statutory offence aimed at harmful HIV-related behaviour	2001	RP 78/2001 ISBN 0 621 30750 5	No legislation recommended
86	Euthanasia and the artificial preservation of life	1998	RP 186/1999 ISBN 0 621 29831 X	Report under consideration by Department of Health – report submitted to the Department in 1999
87	Jurisdictional lacuna in the Supreme Court Act, 1959	1994	RP 64/1995 ISBN 0 621 16723 1	Judicial Matters Second Amendment Act 122 of 1998 enacted
88	The recognition of a class action in South African law	1998	RP 181/1999 ISBN 0 621 29818 2	Report under consideration by Department of Justice and Constitutional Development – report submitted to the Department in September 1998

ANNEXURE C

INVESTIGATIONS INCLUDED IN THE COMMISSION'S PROGRAMME SINCE ITS ESTABLISHMENT

Project number	Title	Year of report	Reference number of published report	Result
89	Declaration and detention of persons as State patients in terms of the Criminal Procedure Act, 1977, and the release of such persons in terms of the Mental Health Act, 1973, including the onus of proof regarding the mental condition of an accused or convicted person	1995	RP 100/1996 ISBN 0 621 17494 7	Criminal Matters Amendment Act 68 of 1998 enacted
90	Customary law			
	Customary marriages	1998	RP 170/1998 ISBN 0 621 28755 5	Recognition of Customary Matters Act 120 of 1998 enacted
	Conflicts of law	1999	RP 81/2000 ISBN 0 621 30061 6	Report under consideration by Department of Justice and Constitutional Development – report submitted to the Department in September 1999
	Traditional courts and the judicial function of traditional leaders	2003	RP 209/2003 ISBN 0 621 34988 7	Traditional Courts Bill [Bill 15 – 2008] introduced into Parliament on 2 April 2008, reintroduced into Parliament on 7 July 2009
	Customary law of succession	2004	ISBN 0 621 38482 6	Reform of Customary Law of Succession and Regulation of Related Matters Act 11 of 2009 passed
91	The review of the offences created by sections 36 and 37 of the General Law Amendment Act 62 of 1955, and section 1 of Act 50 of 1956 and related matters	-	-	Struck off
92	The re-evaluation of the offence created by section 1 of Act 1 of 1988	-	-	Struck off
93	Speculative and contingency fees	1996	RP 37/1997 ISBN 0 621 17648 6	Contingency Fees Act 66 of 1997 enacted

ANNEXURE C

INVESTIGATIONS INCLUDED IN THE COMMISSION'S PROGRAMME SINCE ITS ESTABLISHMENT

Project number	Title	Year of report	Reference number of published report	Result
94	Arbitration			
	International arbitration	1998	RP 30/1999 ISBN 0 621 28861 6	Report under consideration by Department of Justice and Constitutional Development – report submitted to the Department in July 1998
	Domestic arbitration	2001	ISBN 0 621 31453 6	Report under consideration by Department of Justice and Constitutional Development – report submitted to the Department in June 2001
	Community dispute resolution structures	-	-	See Chapter 3
	Family mediation	-	-	See Chapter 3
95	The admissibility of computer-generated evidence	-	-	Struck off
96	Apportionment of Damages Act, 1956	2003	RP 208/2003 ISBN 0 621 34987 9	Report under consideration by Department of Justice and Constitutional Development – report submitted to the Department in July 2003
97	Unjustified enrichment	-	-	Struck off
98	International co-operation in criminal prosecutions	1995	RP 47/1996 ISBN 0 621 17357 6	International Co-operation in Criminal Matters Act 75 of 1996 enacted Proceeds of Crime Act 76 of 1996 enacted, since repealed Extradition Amendment Act 77 of 1996 enacted
99	The application of the rule *huur gaat voor koop* with reference to the question whether a lessee has a choice to continue the lease with a new lessor after the sale of the leased property	-	-	Struck off

ANNEXURE C

INVESTIGATIONS INCLUDED IN THE COMMISSION'S PROGRAMME SINCE ITS ESTABLISHMENT

Project number	Title	Year of report	Reference number of published report	Result
100	Family law and the law of persons			
	Access to minor children by interested persons	1996	RP 107/1996 ISBN 0 621 17515 3	Recommendations incorporated in the Children's Act 38 of 2005
	Domestic violence	-	See Annexure G	Domestic Violence Act 116 of 1998 enacted
	Maintenance: Interim report	1998	RP 137/1998 ISBN 0 621 28685 0	Maintenance Act 99 of 1998 enacted
	Custody of and access to minor children	-	-	See Chapter 3
	Review of aspects of matrimonial property law	-	-	See Chapter 3
	Hindu marriages	-	-	See Chapter 3
101	The application of the Bill of Rights to the criminal law, the law of criminal procedure and sentencing	2001	RP 118/2001 ISBN 0 621 31451 X	Report under consideration by Department of Justice and Constitutional Development – report submitted to the Department in June 2001
102	The civil jurisdiction of courts	-	-	Struck off
103	Capping of claims against the Multilateral Motor Vehicle Accidents Fund	-	-	Struck off
104	Money laundering and related matters	1996	RP 31/1997 ISBN 0 621 17621 4	Financial Intelligence Centre Act 38 of 2001 enacted
105	Review of security legislation			
	Monitoring and Interception Prohibition Act 127 of 1992	1999	RP 203/1999 ISBN 0 621 29897 2	Regulation of Interception of Communications and Provision of Communication-related Information Act 70 of 2002 enacted
	Terrorism	2002	RP 216/2002 ISBN 0 621 33513 5	Protection of Constitutional Democracy against Terrorism and Related Activities Act 33 of 2004 enacted

ANNEXURE C

INVESTIGATIONS INCLUDED IN THE COMMISSION'S PROGRAMME SINCE ITS ESTABLISHMENT

Project number	Title	Year of report	Reference number of published report	Result
106	Juvenile Justice	2000	RP 159/2000 ISBN 0 621 30228 7	Child Justice Act 75 of 2008 enacted
107	Sexual offences	2003	RP 16/2003 ISBN 0 621 33583 5	Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 enacted
	Adult prostitution	-	-	See Chapter 3
108	Computer-related crimes	-	-	Struck off
109	Review of the Marriage Act	2001	RP 117/2001 ISBN 0 621 31454 4	Report under consideration by Department of Home Affairs – report submitted to the Department in 2001
110	Review of the Child Care Act	2003	RP 17/2003 ISBN 0 621 33584 3	Children's Act 38 of 2005 and Children's Amendment Act 41 of 2007 enacted
111	Jurisdiction of magistrates' courts in constitutional matters	2000	RP 80/2000 ISBN 0 621 30062 4	Recommendations not implemented
112	Sharing of pension benefits	2000	RP 82/2000 ISBN 0 621 30060 8	Report under consideration by Department of Justice and Constitutional Development – report submitted to the Department in June 1999
113	Use of electronic equipment in court proceedings	-	-	See Chapter 3
	Postponement of criminal cases via audiovisual link	2003	RP 211/2003 ISBN 0 621 34990 9	Criminal Procedure Amendment Act 65 of 2008 enacted
114	Publication of divorce proceedings	2002	RP 217/2002 ISBN 0 621 33572 6	Report under consideration by Department of Justice and Constitutional Development – report submitted to the Department in August 2002

ANNEXURE C

INVESTIGATIONS INCLUDED IN THE COMMISSION'S PROGRAMME SINCE ITS ESTABLISHMENT

Project number	Title	Year of report	Reference number of published report	Result
115	Review of administrative law	1999	ISBN 0 621 29881 6	Promotion of Administrative Justice Act 3 of 2000 passed
116	The carrying of firearms and other dangerous weapons	-	-	Struck off
117	The legal position of voluntary associations	-	-	Struck off
118	Domestic partnerships	2006	ISBN 0 621 37255 7	Civil Union Act 17 of 2006 enacted Proposed Domestic Partnerships Bill under consideration by Department of Home Affairs
119	Uniform national legislation on the fencing of national roads	-	-	Struck off
120	Section 63(3) of the Insurance Act 27 of 1943	-	-	Struck off
121	Consolidated legislation pertaining to international co-operation in civil matters	2008	ISBN 0 621 38480 2	Report under consideration by Department of Justice and Constitutional Development – report submitted to the Department in August 2008
122	Assisted decision-making: Adults with impaired decision-making capacity	-	-	See Chapter 3
123	Protected disclosures	2008	ISBN 0 621 38278 5	Report under consideration by Department of Justice and Constitutional Development – report submitted to the Department in November 2008
124	Privacy and data protection	2009	ISBN 0 621 38922 7	Introduced into Parliament on 25 August 2009 as the Protection of Personal Information Bill [Bill 9 – 2009]
125	Prescription periods	-	-	See Chapter 3

ANNEXURE C

INVESTIGATIONS INCLUDED IN THE COMMISSION'S PROGRAMME SINCE ITS ESTABLISHMENT

Project number	Title	Year of report	Reference number of published report	Result
126	Review of the law of evidence	-	-	See Chapter 3
127	Review of administration orders	-	-	See Chapter 3
128	Review of aspects of the law of divorce	-	-	Struck off – see Project 100
129	Review of aspects of matrimonial property law	-	-	Struck off – see Project 100
130	Stalking	2008	ISBN 0 621 38320 1	Introduced into Parliament on 5 February 2010 as the Protection from Harassment Bill [Bill 1 – 2010]
131	Trafficking in persons	2008	ISBN 0 621 38926 5	Introduced into Parliament on 15 March 2010 as the Prevention and Combating of Trafficking in Persons Bill [Bill 7 – 2010]
132	Abolition of the oath	-	-	Struck off
133	A specific civil action in respect of consequential damages arising from hoaxes	-	-	Struck off
134	Administration of estates			
	Interim report	2008	ISBN 0 621 38277 8	Interim report under consideration by Department of Justice and Constitutional Development – interim report submitted to the Department in November 2008
135	Review of witchcraft legislation	-	-	See Chapter 3
136	Multi-disciplinary legal practices	-	-	See Chapter 3

ANNEXURE D

MEMBERS OF THE COMMISSION IN ORDER OF APPOINTMENT

Title/Name	Term of office
Chairpersons	
Judge D H Botha, Judge of Appeal	28/09/1973 to 28/12/1975
Chief Justice P J Rabie	27/02/1976 to 31/05/1982
Judge G Viljoen, Judge of Appeal	30/09/1982 to 30/11/1988
Judge H J O van Heerden, Judge of Appeal	01/12/1988 to 31/12/1995
Chief Justice I Mahomed	01/01/1996 to 17/06/2000
Madam Justice Y Mokgoro, Justice of the Constitutional Court *	03/11/2000 to 31/12/2006 01/01/2007 to date
Vice-Chairpersons	
Judge President N James	28/09/1973 to 13/07/1977
Judge G Viljoen, Judge of Appeal	22/09/1977 to 27/09/1982
Judge H J O van Heerden, Judge of Appeal	30/09/1982 to 30/11/1988
Judge P J J Olivier, Judge of Appeal	01/12/1988 to 31/12/1998
Madam Justice Y Mokgoro, Justice of the Constitutional Court	01/01/1999 to 02/11/2000
Judge M L Mailula, Judge of the High Court	01/01/2002 to 31/12/2006
Judge W L Seriti, Judge of the High Court *	01/01/2007 to date
Full-time members	
Mr G G Smit	01/01/1982 to 31/12/1995
Judge P J J Olivier	01/02/1986 to 31/03/1995
Prof R T Nhlapo	01/01/1996 to 30/09/2000
Prof I P Maithufi	26/03/2001 to 31/12/2006
Ms T Madonsela	01/01/2007 to 14/10/2009
Members	
Mr D J du P Geldenhuys	28/09/1973 to 31/10/1975
Mr C P Joubert SC	28/09/1973 to 20/08/1974
Mr J E Knoll	28/09/1973 to 31/12/1995
Mr D D van Niekerk SC	28/09/1973 to 31/01/1979
Prof A D J van Rensburg	28/09/1973 to 30/08/1982
Mr H J O van Heerden SC	30/09/1974 to 11/08/1976
Mr J C Ferreira SC	22/09/1975 to 31/10/1979

ANNEXURE D

MEMBERS OF THE COMMISSION IN ORDER OF APPOINTMENT

Title/Name	Term of office
Mr M Bliss QC	07/10/1976 to 24/02/1977
Mr F H Grosskopf SC	01/071977 to 21/11/1980
Mr G G Smit	01/02/1979 to 01/01/1982
Mr P A J Kotzé	01/11/1979 to 30/10/1988
Mr P M Nienaber SC	14/06/1981 to 27/07/1982
Mr P J J Olivier SC	30/09/1982 to 01/12/1988
Prof J T Delport	30/09/1982 to 27/05/1987
Prof D J Joubert	21/12/1987 to 31/12/1995
Dr W G M van Zyl	01/11/1988 to 31/10/1991
Mr R P McLaren SC	24/07/1989 to 31/10/1990
Prof C R M Dlamini SC	08/05/1991 to 31/12/1995
Mr J A Venter	12/03/1992 to 31/12/1995
Justice Y Mokgoro	01/01/1996 to 31/12/1998
Mr J J Gauntlett SC	01/01/1996 to 31/12/2006
Mr P Mojapelo	01/01/1996 to 31/12/2001
Ms Z Seedat	01/01/1996 to 31/12/2006
Judge M L Mailula	01/01/1999 to 31/12/2001
Prof C E Hoexter	27/10/1999 to 31/12/2004
Judge C T Howie	03/11/2000 to 31/12/2006
Judge W L Seriti	01/01/2002 to 31/12/2006
Judge D Davis *	01/01/2007 to date
Mr M Sello *	01/01/2007 to date
Mr D Ntsebeza SC *	01/01/2007 to date
Mr T Ngcukaitobi *	01/01/2007 to date
Prof P J Schwikkard *	01/01/2007 to date
Prof C Albertyn *	01/01/2007 to date

* Current members

ANNEXURE E

ADVISORY COMMITTEES OF THE COMMISSION AND THEIR MEMBERS

Project	Members	Background
Project 25 Legislation administered by the Department of Agriculture, Forestry and Fisheries	Adv D Ntsebeza SC (project leader)	Part-time Commissioner SALRC
	Ms D Collier	University of Cape Town
	Prof ML Mbao	University of the North West
	Ms M Moselakgomo	Agricultural Research Council
Project 25 Legislation administered by the Department of Basic Education	Judge D Davis (project leader)	Part-time Commissioner SALRC
	Prof E Bray	University of South Africa
	Ms S Budhu	University of South Africa
	Dr R Joubert	University of Pretoria
	Ms W Kaguongo	University of Pretoria
	Prof BP Wanda	University of Fort Hare
Project 25 Legislation administered by the Department of Communications	Prof PJ Schwikkard (project leader)	Part-time Commissioner SALRC
	Dr T Cohen	Neotel Regulatory Affairs
	Ms J Limpitlaw	Communications expert and lawyer
	Ms N Mabandla	Edward Nathan Sonnenbergs Attorneys
	Ms C Raffinetti	Edward Nathan Sonnenbergs Attorneys
	Ms LA Thornton	Lisa Thornton Inc
	Ms H Zondo-Kabini	Bowman Gilfillan Inc Attorneys
Project 25 Legislation administered by the Department of Co-operative Governance and Traditional Affairs	Mr T Ngcukaitobi (project leader)	Part-time Commissioner SALRC
	Prof M Beukes	University of South Africa
	Mr J Brickhill	Legal Resources Centre
	Ms A du Plessis	University of the North West
	Mr T Madlingozi	University of Pretoria
	Prof N Olivier	University of Pretoria
	Dr DM Pretorius	Bowman Gilfillan Inc Attorneys
	Ms R Roos	University of the North West
	Mr M Tenza	Walter Sisulu University
	Prof H van As	Nelson Mandela Metropolitan University

ANNEXURE E

ADVISORY COMMITTEES OF THE COMMISSION AND THEIR MEMBERS

Project	Members	Background
Project 25 Legislation administered by the Department of Defence and Military Veterans	Adv D Ntsebeza SC (project leader)	Part-time Commissioner SALRC
	Adv T Norman	Durban Bar
	Rear Admiral D Smart	Formerly of the SANDF
	Adv A Tshivhase	University of Cape Town
Project 25 Legislation administered by the Department of Energy	Adv D Ntsebeza SC (project leader)	Part-time Commissioner SALRC
	Ms PV Mnonopi	University of Fort Hare
	Dr OJ Olowu	North West University
	Mr C Stevens	Tabacks and Associates Attorneys
	Prof E van der Schyff	University of the North West
Project 25 Legislation administered by the Department of Health	Judge W Seriti (project leader)	Vice Chairperson SALRC
	Dr P Andanda	University of the Witwatersrand
	Adv A Hassim	The Aids Law Project
	Ms M Mushariwa	University of the Witwatersrand
	Ms K Pillay	University of the Witwatersrand
	Dr J Singh	University of KwaZulu-Natal
	Prof M Slabbert	University of South Africa
Project 25 Legislation administered by the Department of Higher Education and Training	Judge D Davis (project leader)	Part-time Commissioner SALRC
	Prof E Bray	University of South Africa
	Ms S Budhu	University of South Africa
	Dr R Joubert	University of Pretoria
	Ms W Kaguongo	University of Pretoria
	Prof BP Wanda	University of Fort Hare
Project 25 Legislation administered by the Department of Home Affairs	Justice Y Mokgoro (project leader)	Chairperson SALRC
	Ms A Bhamjee	University of the Witwatersrand
	Prof M Carnelley	University of KwaZulu-Natal

ANNEXURE E

ADVISORY COMMITTEES OF THE COMMISSION AND THEIR MEMBERS

Project	Members	Background
	Prof T Davel	University of Pretoria
	Prof J Heaton	University of South Africa
	Ms MAB Majoko	University of KwaZulu-Natal
	Adv N Morei	University of the North West
	Prof T Mosikatsana	University of the Witwatersrand
	Mr J Pokroy	Pokroys Attorneys
	Mr C Watters	Watters Attorneys
Project 25 Legislation administered by the Department of Justice and Constitutional Development	Prof C Albertyn Mr T Ngcukaitobi (joint project leaders)	Part-time Commissioner SALRC Part-time Commissioner SALRC
	Mr R Badal	Raj Badal and Associates Attorneys
	Mr G Bradfield	University of Cape Town
	Ms K Lehmann	University of Cape Town
	Ms B Majiki	Majiki and Vuba Attorneys
	Adv M Malete	Pelo-Tshwaana Consultancy CC
	Prof L Meintjes van der Walt	University of Fort Hare
	Mr MM Mongake	University of the North West
	Mr T Mutangi	University of Pretoria
	Ms C Ncube	University of Cape Town
	Dr I Nonjongo	University of Cape Town
	Mr M Paleker	University of Cape Town
	Ms K Phelps	University of Cape Town
	Prof M Reddi	University of KwaZulu-Natal
	Dr A Skelton	University of Pretoria
	Dr C Theophilopoulos	University of the Witwatersrand
	Judge RH Zulman	Retired Judge of the High Court
Project 25 Legislation administered by the Department of Labour	Judge D Davis (project leader)	Part-time Commissioner SALRC
	Dr K Calitz	University of Stellenbosch
	Prof M Christianson	University of the Witwatersrand

Project	Members	Background
	Ms M Conradie	University of the Free State
	Prof C Cooper	University of the Witwatersrand
	Mr HJ Deacon	University of the Free State
	Mr A K Funnah	University of Pretoria
	Prof E Kalula	University of Cape Town
	Prof R le Roux	University of Cape Town
	Adv R Letseku	University of Limpopo
	Ms N Lubisi-Nkoane	University of Fort Hare
	Mr K N Matshekga	University of Johannesburg
	Prof O Sibanda	University of South Africa
	Mr C Todd	Bowman Gilfillan Inc Attorneys
	Prof BPS van Eck	University of Pretoria
	Ms T Zondeki	University of Fort Hare
Project 25 Legislation administered by the Department of Mineral Resources	Adv D Ntsebeza SC (project leader)	Part-time Commissioner SALRC
	Ms PV Mnonopi	University of Fort Hare
	Dr OJ Olowu	North West University
	Mr C Stevens	Tabacks and Associates Attorneys
	Prof E van der Schyff	University of the North West
Project 25 Tax legislation administered by National Treasury	Judge D Davis (project leader)	Part-time Commissioner SALRC
	Prof R Franzen	University of South Africa
	Ms T Gutuza	University of Cape Town
	Mr C Louw	University of Pretoria
	Dr MO Mhango	University of the Witwatersrand
	Ms E Muller	University of Pretoria
	Prof L Olivier	University of Johannesburg
	Prof L van Schalkwyk	University of Stellenbosch
Project 25 Legislation administered by the Department of Rural Development and Land Reform	Prof C Albertyn (project leader)	Part-time Commissioner SALRC
	Prof J Bekker	University of Pretoria
	Prof W du Plessis	University of the North West

ANNEXURE E

ADVISORY COMMITTEES OF THE COMMISSION AND THEIR MEMBERS

Project	Members	Background
	Prof W Freedman	University of KwaZulu-Natal
	Ms L Mbatha	University of the Witwatersrand
	Prof H Mostert	University of Cape Town
	Prof N Olivier	University of Pretoria
	Prof J Pienaar	University of Stellenbosch
	Prof A van der Walt	University of Stellenbosch
	Prof J van Wyk	University of South Africa
Project 25 Legislation administered by the Department of Tourism	Prof PJ Schwikkard (project leader)	Part-time Commissioner SALRC
	Prof L Feris	University of Pretoria
	Prof L Kotze	University of the North West
	Ms KO Lefenya	University of the North West
	Mr T Murombo	University of the Witwatersrand
	Mr A Paterson	University of Cape Town
	Prof W Scholtz	University of the North West
Project 25 Legislation administered by the Department of Trade and Industry	Judge D Davis (project leader)	Part-time Commissioner SALRC
	Prof F Cassim	University of the Witwatersrand
	Prof P Delport	University of Pretoria
	Dr A Govindjee	Nelson Mandela Metropolitan University
	Prof M Havenga	University of South Africa
	Prof A Itzikowitz	Edward Nathan Sonnenbergs Attorneys
	Mr MM Mnisi	University of Johannesburg
	Mr JR Modise	University of the North West
	Mr TK Mojela	University of Limpopo
	Prof TH Mongalo	University of Cape Town
	Prof M Roestoff	University of Pretoria
	Prof EC Schlemmer	University of South Africa
	Prof E Snyman-Van Deventer	University of the Free State

Project	Members	Background
	Prof JC Sonnekus	University of Johannesburg
	Ms A Stern	Formerly of the University of the Witwatersrand
Project 25 Legislation administered by the Department of Water and Environmental Affairs	Prof PJ Schwikkard (project leader)	Part-time Commissioner SALRC
	Prof L Feris	University of Pretoria
	Prof L Kotze	University of the North West
	Ms KO Lefenya	University of the North West
	Mr T Murombo	University of the Witwatersrand
	Mr A Paterson	University of Cape Town
	Prof W Scholtz	University of the North West
Project 100 – Family law and the law of persons Custody of and access to minor children Review of aspects of matrimonial property law	Judge D van Zyl (Chairperson)	Judge of the Western Cape High Court
	Prof E Bonthuys	University of the Witwatersrand
	Adv F Bosman	Advocate of the High Court Former Chief Family Advocate
	Prof IP Maithufi	University of Pretoria
	Ms Z Moletsane	Central Divorce Court, Johannesburg
	Prof T Mosikatsana	University of the Witwatersrand
	Prof J Mowatt	Rhodes University
	Adv M Sello	Part-time Commissioner SALRC
Project 100 – Family law and the law of persons Hindu Marriages	Prof C Albertyn (project leader)	Part-time Commissioner SALRC
	Adv DN Perumal	University of KwaZulu-Natal
	Ms P Pillay	Bowman Gilfillan Inc Attorneys
	Ms S Samuel	Legal Resources Centre, Durban
	Ms Y Sooka	Executive Director, Foundation for Human Rights
	Mr A Trikamjee	Practising attorney and Hindu priest
Project 122 – Assisted decision-making: Adults with impaired decision-making capacity	Judge B du Plessis (project leader)	Judge of the North Gauteng High Court
	Prof J Bekker	Retired Dean of the Faculty of Law, Vista University
	Ms D Mahlangu	Department of Social Development

ANNEXURE E

ADVISORY COMMITTEES OF THE COMMISSION AND THEIR MEMBERS

Project	Members	Background
	Ms M Meyer	Office of the Master of the High Court
	Justice Y Mokgoro	Chairperson SALRC (since 1 January 2007)
	Dr S Selemani	Psychiatrist in private practice
	Mr L Vitus	Retired Executive Manager of the SA Federation for Mental Health
Project 126 – Review of the law of evidence	Prof PJ Schwikkard (project leader)	Part-time Commissioner SALRC
	Prof L Fernandez	University of the Western Cape
	Adv T Masuku	Cape Bar
	Judge T Ndita	Judge of the Eastern Cape High Court
	Judge M Nhlantla	Judge of the Eastern Cape High Court
	Judge W Seriti	Vice-Chairperson SALRC

Project number	Title
25	The establishment of a permanently simplified, coherent and generally accessible statute book • Statutory law revision: Redundancy, obsoleteness and constitutionality of legislation • Review of the Interpretation Act
94	Arbitration • Community dispute resolution structures • Family mediation
100	Family law and the law of persons • Custody of and access to minor children • Review of aspects of matrimonial property law • Hindu marriages
107	Sexual offences • Sexual offences: Adult prostitution
122	Assisted decision-making: Adults with impaired decision-making capacity
124	Privacy and data protection
125	Prescription periods
126	Review of the law of evidence • Hearsay and relevance • Electronic evidence
127	Review of administration orders
134	Administration of estates
135	Review of witchcraft legislation
136	Multi-disciplinary legal practices

ANNEXURE G

PAPERS PUBLISHED BY THE COMMISSION IN ITS RESEARCH SERIES

Serial number	Author, editor, compiler, etc	Title or subject	Reference number
1	Mr J P J Coetzer SC	A critical legal comparative study of law reform in South Africa (translation)	ISBN 0 621 09442 0
2	Prof Ellison Kahn	The life and works of Hugo Grotius (1583-1645)	GP-S 3 00344
3	Mrs M A Olwage (ed)	Women and sexual offences in South Africa: Proceedings of a seminar held by the Institute for Criminology at the University of South Africa in conjunction with the South African Law Commission, Pretoria, 18 October 1984 (translation)	ISBN 0 621 09779 9
4	Mr S I E van Tonder SC (ed)	Index to the Opinions of the Roman-Dutch Lawyers and the Decisions of the Courts of the Netherlands which have been digested in the *Algemeen Beredeneerd Register of Nassau La Leck* (1741-1795), by Dr A A Roberts, Vols 1(A-B), 2(C-D), 3(E-H), 4(I-L), 5(M), 6(N-R), 7(S-T) and 8(U-W)	Vol 1 ISBN 0 621 09382 3 Vol 2 ISBN 0 621 09646 6 Vol 3 ISBN 0 621 09778 0 Vol 4 ISBN 0 621 10254 7 Vol 5 ISBN 0 621 10295 4 Vol 6 ISBN 0 621 10686 0 Vol 7 ISBN 0 621 10710 7 Vol 8 ISBN 0 621 10709 3
5	Profs F J Bosman, J De Smidt, H W van Soest & P van Warmelo	Observations on decided cases concerning ante-nuptial contracts written by Cornelius Neostadius	ISBN 0 621 09855 8

Serial number	Author, editor, compiler, etc	Title or subject	Reference number
6	Profs R Feenstra, P van Warmelo & D T Zeffertt	Some cases heard in the Hooge Raad reported by Willem Pauw	ISBN 0 621 09715 2
7	Mr P J J Viljoen	South African Noter-up to the Institute of Justinian	ISBN 0 621 09743 8
8	Prof P van Warmelo and Adv C J Visser	Aantekeninge van Johannes Voet oor die Inleidinge van Hugo de Groot (text and translation)	Vol 1 ISBN 0 621 10641 0 Vol 2 ISBN 0 621 10642 9
9	Prof L J du Plessis	Translation of Vinnius' *Tractatus de Pactis*	ISBN 0 621 10277 6
10	Prof W J Hosten (ed and transl), Mrs C van Soelen and Mr P Ellis	Treatise on the quasicontract called *promutuum* and on the *condictio indebiti* by Robert-Joseph Pothier	ISBN 0 621 10722 0
11	Prof R Whitaker	*Quaestiones juris privati* by Cornelius van Bijnkershoek	Vol 1 ISBN 0 621 10657 7 Vol 2 ISBN 0 621 10675 5
12	Profs J T Delport and C R M Dlamini	Two lectures on law reform	ISBN 0 621 10670 4
13	Mr H C Smuts (ed)	Report on the Fourth International Congress with the theme Law and Computers, which was held in Rome from 16 to 21 May 1988	ISBN 0 621 12639 X
14	Mr P J J Viljoen	South African Noter-up to the *Corpus Juris Civilis* of Justinian including the Institutes of Gaius	ISBN 0 621 13088 5
15	Margaret Hewett (transl)	*Censura Forensis* Part I Book V by Simon van Leeuwen	ISBN 0 7970 2231 7
16	SALRC	Domestic Violence	Accessible on SA Law Reform Commission Website

ANNEXURE G

PAPERS PUBLISHED BY THE COMMISSION IN ITS RESEARCH SERIES

Serial number	Author, editor, compiler, etc	Title or subject	Reference number
17	SALRC / GTZ	Empirical study of the sentencing practices in South Africa	ISBN 0 621 30091 8
18	SALRC / GTZ	Sentencing: An empirical, quantitative study on the progress and finalisation, including by conviction, of criminal matters reported to the police	ISBN 0 621 31582 6
19	SALRC / GTZ	Simplification of criminal procedure: Settlements out of court - a comparative study of European criminal justice systems	ISBN 0 621 29881 6

NOTES

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