REPORT ON ACTIVITIES OF THE SOUTH AFRICAN LAW REFORM COMMISSION

South African
Law Reform Commission

South African Law Reform Commission

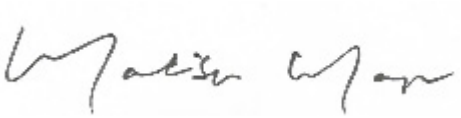
South African Law Reform Commission

Report: 2014 / 2015

TO ADV TM MASUTHA, MP, MINISTER OF JUSTICE AND CORRECTIONAL SERVICES

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 2014 to 31 March 2015.

Yours sincerely



Judge MML Maya
Judge of the Supreme Court of Appeal
Chairperson of the South African Law Reform Commission

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Gallery of Commissioners

Judge MML Maya
Judge of the Supreme Court of Appeal

Judge JN Kollapen
Judge of the Gauteng North High Court

Prof V Jaichand
Head: School of Law
University of the Witwatersrand

Mr IBW Lawrence
Practising attorney

Adv M Sello
Advocate of the High Court

Ms NT Siwendu
Practising attorney

Professor Marita Carnelley
College Dean of Research: Law & Management Studies
University of KwaZulu–Natal

Professor Annet Wanyana Oguttu
Professor of Tax Law at the University of South Africa (UNISA)

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.

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Chapter 1:

Overview

CHAPTER 1
OVERVIEW
New Appointments at the Commission

The most important events that took place during the year under report were the appointment of two new Commissioners in the existing vacancies in the Commission by the President, as well as the appointment of the new Secretary of the Commission by the Department of Justice and Constitutional Development.

The President appoints the Commission in terms of section 3 of the South African Law Reform Commission Act 19 of 1973. Section 3(1)(a) of the Act prescribes that the Commission shall consist of a judge of the Constitutional Court, the Supreme Court of Appeal or a High Court, as Chairperson; and 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.

The current Chairperson and Vice- Chairperson were appointed by the President with effect from 19 July 2013, and the remaining members of the Commission were appointed with effect from 12 August 2013.

As indicated in the 2013/2014 Annual Report, subsequent to her reappointment to the Commission on 12 August 2013, Professor Pamela Schwikkard resigned from the position of SALRC Commissioner in January 2014. Also, as indicated in the 2010/2011 Annual Report, the full-time Commissioner resigned from the Commission with effect from 15 October 2009 to take up her appointment as Public Protector of South Africa. Effectively, the abovementioned two resignations meant that two vacancies existed in the Commission. On 19 December 2014, the President appointed Professor Annet Wanyana Oguttu of the University of South Africa and Professor Marita Carnelley of the University of KwaZulu-Natal as members of the Commission with effect from 02 January 2015 in the existing vacancies in the Commission.

SALRC Commissioner: Professor Annet Wanyana Oguttu

Professor Oguttu is a Professor of tax law at the University of South Africa (Unisa), where she lectures tax law and supervises post-graduate students. She started lecturing in tax law at Unisa in 2003 and was promoted to senior lecturer in 2006. In 2008 she was promoted to associate professor, and in 2010 she took up her current post as a full professor of tax law. She holds the following qualifications:

- LLD in tax law, Unisa, 2008
- Higher Diploma in international tax law, University of Johannesburg, 2009

- LLM with specialisation in tax law, Unisa, 2001
- Post-graduate diploma in legal practice, Makerere Hill (Uganda), 1994
- LLB (Hons), Makerere University (Uganda), 1993.

After completing her doctorate in tax law, she did her post-doctoral studies at the University of Michigan's African Presidential Scholars Program in 2010. Prof Oguttu has also received six certificates for courses in tax law (from 2004 to 2014, offered by national institutes such as the African Tax Institute at the University of Pretoria and international institutes such as the International Bureau for Fiscal Documentation in Amsterdam). Before her appointment at Unisa she worked as a legal advisor in Uganda and later in Lesotho. From 2000 to 2002, she practised as an advocate in Maseru, having been admitted as an Advocate of the High Court of Lesotho.

More recently she has held numerous consulting and tax instructor roles, including the following:

- United Nations Economic Commission for Africa: Consultant on Domestic resource mobilisation: Optimising Africa's Mineral Revenues (2015)
- Member of the Davis Tax Committee appointed by SA Minister of Finance. She chairs the Base Erosion and Profit Shifting sub-committee (2013 to date)
- Institute for Austrian and International Tax Law: She is the SA country reporter on relationship taxation and bilateral investment treaties (2015)
- Institute for Austrian and International Tax Law: She is the SA country reporter on General Anti-avoidance Rules (2014)
- United Nations Department of Economic and Social Affairs: Developed aspects of the UN Course on Double Tax Treaties (2012–2013)
- Book project headed by Prof Edwardo Baistrocchi (London School of Economics): Manuscript on Tax Treaty Disputes in the G20+: A Global Analysis: She is the reporter on tax treaty disputes in Uganda and Ghana (2013 to date)
- University of Johannesburg: Visiting professor, lecturing international tax law for HDip International tax law (2014 to date)
- African Tax Institute (University of Pretoria): International tax law instructor (2012 to date)
- University of Pretoria: Visiting professor lecturing international tax law for MPhil Taxation (2012 to date)

Prof Oguttu has presented 20 papers at national and international conferences, and has been an invited guest speaker at three international conferences. She has chaired the organisation of one national conference, has chaired workshops, and has been part of panel discussions at national and international conferences. She is an NRF rated researcher.

To date her published works include the following:

- Authored International Tax Law: Offshore Tax Avoidance in South Africa (Juta, 2015)
- Co-author (wrote four chapters) of Tax Law: An Introduction (Juta, 2013)
- Published 23 articles in accredited national and international journals (two of them coauthored)
- Contributed three chapters published in peer-reviewed books on conference proceedings
- Published five articles in non-accredited journals and tax briefs
- Developed and co-developed nine study units or study guides on tax law for three universities.
- Prof Oguttu's publications are cited nationally and internationally by academics, students and tax professionals. She is a member of the editorial board of the Global Studies Journal and has peer-reviewed many articles for various SA accredited law journals. She has been interviewed and featured by media (e.g. The Star and The Observer newspapers) on tax issues, and has featured in national magazines such as TaxTalk (published by SAIT) and Expatriate.

Prof Oguttu has received several awards; three from UNISA (2010–2012) and one from the University of Michigan (2009). In 2012 she was the second runner-up for the "Distinguished Women in Science Award" (Department of Science and Technology, South Africa).

Professor Oguttu is registered as a Master Tax Practitioner with the SA Institute of Tax Professionals (SAIT).

She serves on the following boards:

- Board President at SAIT (2014 to date)
- Board member of SA Fiscal Association
- Board member of African Tax Research Network (housed at African Tax Administration Forum)
- Member of International Fiscal Association

SALRC Commissioner: Professor Marita Carnelley

Professor Carnelley obtained her BA in 1982 at Stellenbosch University, followed by an LLB in 1985 (Stellenbosch) and LLM in 1994 (UNISA). She completed her PhD in 2002 (Amsterdam). She is currently the College Dean of Research: Law and Management Studies at the University of KwaZulu- Natal (UKZN), and before that she was a Professor in the School of Law.

Prof Carnelley is on the roll of non-practising attorneys, and is an associate member of International Masters of Gaming Law (since 2003). Some of her other career accomplishments include:

- Practised as self-employed attorney (1989– 1997)
- Two merit awards at University of the North (now Limpopo) in 1997.
- Senior lecturer at University of Port Elizabeth (1997–2002)

- Recognized as top new researcher at UPE (2001)
- Instructor at Law Society (2005–2007)
- One of the top 30 UKZN researchers (2006, 2007, 2008)
- Recognized as prolific researcher (2011)
- Co-editor at SA Law Journal (2009 to 2012)
- Member of editorial board, Gaming Law Review and Economic (2009 to date)
- Member of editorial board, Obiter (2002 to date)
- Peer reviewer (ad hoc) for PER, Obiter, THRHR, De Jure, and JJS.

Prof Carnelley is a prolific researcher and writer. To date, she has authored or co-authored the following:

- 5 research papers in international journals
- 66 papers in accredited (SAPSE) South African journals
- 33 chapters or chapter updates in South African books
- 7 chapters or updates in international books
- 2 books (co-editor)
- numerous reviews and papers in non- SAPSE publications

She has also delivered 9 papers at international conferences, 19 papers at national or regional conferences, and 7 papers at other South African forums. She has given 4 guest lectures at tertiary institutions.

The SALRC is pleased to welcome these two distinguished scholars of law and research to the Commission.

In total the Commission is comprised of the following Commissioners appointed by the President:

- Judge Mandisa Maya, Judge of the Supreme Court of Appeal (Chairperson)
- Judge Jody Kollapen, Judge of the Gauteng North High Court (Vice-Chairperson)
- Professor Marita Carnelley (College Dean of Research - UKZN)
- Professor Vinodh Jaichand (Head: School of Law- Wits University)
- Mr Irvin Lawrence, attorney in private practice
- Professor Annet Wanyana Oguttu (Professor of Law - UNISA)
- Adv Mahlape Sello, member of the Bar
- Ms Namhla Thina Siwendu, attorney in private practice

Secretary of the Commission

As indicated in the 2013/2014 Annual Report of the Commission, the post of the SALRC

Secretary had been vacant since January 2013, following the resignation of the then Secretary Mr Michael Palumbo. The Department of Justice and Constitutional Development has now appointed Mr Tshisamphiri Nelson Matibe as the new secretary with effect from January 2015. Mr Matibe obtained a BJuris degree from the University of Venda in 1989, and a post-graduate LLB degree in 1992 from the same university. Before his appointment as the SALRC Secretary, he was Director of Legislative Drafting and Review at the Department of Trade and Industry (Consumer and Corporate Regulation Division). Other highlights of Mr Matibe's career are as follows:

- He was appointed as a Senior Legislation Specialist at Financial Services Board in May 2012.
- He served as a Principal State Law Adviser in the Legislative Development unit of the Department of Justice and Constitutional Development for about eight years (2004 to 2012).
- He has also worked in the Legal Services divisions of the Department of Home Affairs (2001 to 2004), and the then Department of Land Affairs (1997 to 2001).

Mr Matibe was admitted as an Advocate of the High Court in 1997. He has been a member of the Commonwealth Association of Legislative Counsel (CALC) since 2005. He has completed numerous law courses, including one on human rights and humanitarian law (Lund University's Raul Wallenberg Institute).

The SALRC is pleased that Mr Matibe has taken up the extremely important role of providing leadership to the SALRC secretariat. We hope that he enjoys his tenure at the SALRC.

Completed reports receiving the attention of government departments

The following reports emanating from investigations under Project 25: "Statutory Law Revision: Redundancy, obsoleteness and unconstitutionality of legislation" were referred to government departments other than the Department of Justice:

1. Review of legislation administered by the Department of Energy: submitted to the Minister of Energy in March 2012.
2. Review of legislation administered by the Department of Human Settlements: submitted to the Minister of Human Settlements in March 2012.
3. Review of legislation administered by the Department of Labour: submitted to the Minister of Labour in March 2012.
4. Review of legislation administered by the Department of Mineral Resources: submitted to the Minister of Mineral Resources in March 2012.
5. Review of legislation administered by National Treasury (non-tax legislation): submitted to the Minister of Finance in February 2012.
6. Review of legislation administered by the Department of Public Works: submitted to the Minister of Public Works in March 2012.

7. Review of legislation administered by the Department of Rural Development and Land Reform: submitted to the Minister of Rural Development and Land Reform in March 2012.

The year under review

This annual report covers the period from **1 April 2014 to 31 March 2015.** The Commission published the following documents in the year under review:

Issue papers

1. Issue Paper 28 - Project 100(b): The review of the Maintenance Act 99 of 1998 was published on 09 September 2014.
2. Issue Paper 29 – Project 135: The review of the Witchcraft Suppression Act 3 of 1957 was published on 09 September 2014.

All issue papers published by the Commission from inception to date are listed in Annexure A.

Discussion papers

1. Discussion Paper 131 – Project 126: The review of the law of evidence was published in December 2014.
2. Discussion Paper 132 – Project 138: The practice of Ukuthwala was published on 01 September 2014.
3. Discussion Paper 133 – Project 25: Statutory Law Revision: Review of legislation administered by the Department of Home Affairs was published on 20 January 2015.

All discussion papers published by the Commission from inception to date are listed in **Annexure B.**

Report

No reports were published during the reporting period.

Investigations

All Commission investigations that have been completed to date, or which are currently in progress, are listed in **Annexure C.**

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

Chapter 2:

Obects, Constitution and Functioning

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 continual 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 the Chairperson and Vice-Chairperson on 19 July 2013 and the other five members on 12 August 2013, one of whom resigned in January 2014. On 19 December 2014 the President appointed two new Commissioners in the existing vacancies in the Commission with effect from 02 January 2015, which is in the course of the year under report. **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 a programme that includes, in order of preference, the various matters which – in the Commission's opinion – require consideration. The programme 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 SALRC is required to investigate the matters which appear on its programme (as approved by the Minister), and may consult any person or body during the investigations. The SALRC also 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 committee is to utilise the expertise of persons outside the Commission and to ensure direct community involvement in the activities of the Commission. Both types of committee 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 purposes of remuneration the members of committees are deemed to be members of the Commission.

Working Committee

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

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

Advisory committees

Advisory committees fall under the second category of committees. The Commission institutes advisory committees consisting of experts to assist with investigations and to advise the Commission where necessary (Section 7A(1)(b) of the SALRC Act). The names of the members of the current 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 each 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 neither a Commissioner nor 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 Secretary and full-time Secretariat consisting of officials employed by the Department of Justice and Constitutional Development. The Secretariat includes a research component and an administrative component, which are broadly – together with the Commission itself – referred to as the SALRC. The Secretary, appointed at the level of Chief Director, is the head of the Secretariat and the head of office. Mr Tshisamphiri Nelson Matibe was appointed as the Secretary of the Commission with effect from 02 January 2015. Mr Masibulele Chris Mfunzana was appointed as Assistant Secretary (on the level of Principal Legal Administration Officer) with effect from 1 October 2013.

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 appointed by the Commission; to consult with interested parties; to compile proposal papers, consultation papers, 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 described in Chapter 4.

The research posts are filled by the following state law advisers:

Ms Veruksha BhanaMs Dellene Clark
Ms Theresa Häderli
Ms Anna-Marie Havenga
Mr Willie Jansen van Vuuren
Ms Jennifer Joni
Ms Ananda Louw
Mr Simon Maphanga
Mr Fanyana Mdumbe (seconded to serve as head of the legal research division for the Arms Procurement Commission with effect from 15 March 2012 until 31 December 2015)
Mr Linda Mngoma
Ms Aura Mngqibisa
Ms Maite Modiba
Ms Maureen Moloi
Ms Tania Prinsloo
Ms Lowesa Roberts
Mr Pierre van Wyk
Ms Ronel van Zyl

One post of a Principal State Law Adviser is vacant.

Administrative component

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

Assistant Director:	Ms Maryna Oosthuizen (retired on 31 October 2014)
Copy Editor:	Ms Sue Randall
Personal Assistant:	Ms Ronell Bronkhorst
Senior Secretary:	Ms Nomfundo Mhambi
Administrative Officer:	Mr Jacob Kabini
Administrative Officer:	Ms Johanna Msiza
Administrative Officer:	Mr Ajay Singh
Principal librarian:	Ms Rosinah Matlala
Senior Librarian:	Ms Portia Bobodo
Administration Clerk:	Ms Chantelle Krebs
Administration Clerk:	Ms Edith Louw

Administration Clerk:	Mr Vusi Mavuso
Administration Clerk:	Ms Tumi Mofoka
Administration Clerk:	Ms Patricia Moumakwe
Administration Clerk:	Mr Renier Swart
Machine Operator:	Mr Koos Mahlangu
Food Service Aid:	Mr Mpolokeng Moyo
Messenger:	Mr Ernest Rangwato

Internal committees

Three internal committees have been established to assist the SALRC with the execution of its functions. The internal committees are currently as follows:

Library Committee

Members	Purpose	Activities
Mr Pierre van Wyk (Chairperson) Ms Maureen Moloi Mr Linda Mngoma Ms Maryna Oosthuizen Ms Rosinah Matlala Ms Portia Bobodo	The Library Committee is responsible for considering the acquisition of publications to ensure the relevance of the holdings of the SALRC library. The committee also liaises with the principal librarian at the DOJCD.	In July 2014 the librarians Mmes Matlala and Bobodo verified SALRC library holdings for purposes of a DOJCD National Library Advisory Committee meeting. On 1 August 2014 the Chairperson of the Library Committee attended and participated in a meeting and discussions of the DOJCD National Library Advisory Committee.

Occupational Health and Safety Committee

Members	Purpose	Activities
Mr Linda Mngoma (Chairperson) Mr Willie van Vuuren Ms Dellene Clark Ms Edith Louw	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 OHS Committee met on 22 July 2014 and 20 January 2015 to discuss staff concerns regarding the breaching of access control measures by visitors to the building, challenges with the security system and security personnel. Other issues discussed at these meetings include cleaning of the building, parking and overlapping duties of the administrative unit. A memorandum was submitted by the Assistant Secretary to the Director: Risk Management for attention. On 13 August 2014, the Assistant Secretary arranged for a visit by the Employee Health and Wellness Programme and the fumigation of offices by the Department of Public Works on 3 March 2015.

Facilities Management Committee

Members	Purpose	Activities
Mr Masibulele Chris Mfunzana (Chairperson) Ms Aura Mngqibisa Ms Maite Modiba Ms Ronel van Zyl	The Facilities Management Committee is responsible for the management and maintenance of the SALRC premises. This includes condition monitoring as well as overseeing that routine and preventative maintenance of the facilities is taking place regularly.	On 20 January 2015, the Chairperson of the Facilities Management Committee notified the representative of the SALRC landlord about a leaking geyser and leaking pipe in the SALRC premises. On 27 January 2015, the Chairperson of the Facilities Management Committee notified the representative of the SALRC landlord about a dysfunctional CCTV camera in the SALRC premises. On 3 March 2015, the Chairperson of the Facilities Management Committee liaised with the National Department of Public Works, requesting that the SALRC premises be fumigated.

Financing of the SALRC

The SALRC's budget for the financial year 1 April 2014 to 31 March 2015 was R 22 471 000.00, broken down as follows:

- Personnel expenditure R 19 782 000.00
- Current expenditure R 2 306 000.00
- Capital expenditure R 271 000.00
- Household R 112 000.00

Programme

As described earlier in this chapter, the SALRC Act provides that the Commission must from time to time draw up a programme of investigation, subject to the Minister's approval. The Commission's current programme is shown in **Annexure F**. As indicated earlier, **Annexure C** lists all investigations on the Commission's programme since its inception, and indicates the final result or current status of each investigation.

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 as quickly as possible. However, the Commission must follow certain procedures which may take 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 a 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 about the matter under investigation. Comparative studies are performed so that the Commission can draw on experiences elsewhere in the world.

The consultation process is guided by the Commission's policy, which has been in place since 1996. According to this process, an issue paper is compiled as the first step. The issue paper outlines

problems encountered with a particular area of the law and invites submissions on possible solutions. The paper is distributed as widely as possible for general information and comment, and where appropriate may be supplemented by workshops. Responses to an issue paper coupled with further intensive research form the basis for preparing a discussion paper.

A discussion paper contains essential information on the investigation and the Commission's tentative proposals for reform. In particular, a discussion paper includes 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 also includes a draft Bill. Members of the public are informed of the availability of discussion papers through 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. Responses to the provisional proposals are studied carefully before final decisions are made. The Commission also hears oral evidence in certain instances.

The Commission's recommendations are written up as comprehensive reports, which are submitted to the Minister. In making its recommendations, the Commission bears the following imperatives and needs in mind:

- to provide access to justice for all;
- to protect the rights of all parties, especially women, children and poor people;
- to make legal processes affordable;
- to make the law less complicated; and
- to give effect to the values and principles underlying the Constitution.

The SALRC strives to maintain a high standard of legal research and welcomes feedback in this regard. The law faculties of several South African universities regularly prescribe SALRC research publications for their students at both undergraduate and postgraduate levels. The many valuable comments and proposals received about the Commission's recommendations on various projects, as contained in SALRC reports, indicate the effectiveness of the research methods. These methods ensure that the Commission's final recommendations are well-substantiated and the product of thorough debate. The working methods also facilitate the enactment of the Commission's proposed legislation, in which the final recommendations are embodied.

Commission publications

In the course of its activities, the Commission publishes various documents. The document series of the Commission is as follows:

Commission papers and committee papers

Commission papers and committee papers are internal documents that are not normally available beyond the ranks of the Commission. These papers typically contain proposals for the inclusion of matters in the Commission's programme, research results (intended to inform the Commission or for its consideration), draft issue papers, discussion papers, and reports, and a variety of other matters in respect of the functioning of the Commission. The papers are numbered in sequence as they serve before the Commission each year.

Issue papers

To involve the community actively at an early stage of an investigation, the Commission generally publishes an issue paper as the first step in the consultation process. The purpose of an issue paper is to announce an investigation, to clarify its aim and scope, and to suggest options for solving existing problems. Issue papers that have been 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 that contain the Commission's preliminary research results. In most cases a discussion paper also contains draft legislation. The main purpose of these documents is to test public opinion on solutions identified by the Commission. Discussion papers that have been 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 documents, but not all are published. **Annexure C** lists all the investigations reported on by the Commission since its establishment.

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

Consultation papers

A new category of Commission paper, referred to as a consultation paper, was introduced for the purpose of Project 25: Statutory Law Revision. Project 25 entails identifying provisions on the statute

book that are unconstitutional, redundant or obsolete. Consultation papers are then prepared which contain preliminary findings and proposals for repeal or amendment in respect of the legislation reviewed. These consultation papers are submitted to relevant state departments for consideration and comment. Thus, the purpose of a consultation paper is to consult with the government department concerned. If the legislation in question affects more than one department, the paper is submitted to all departments involved. Consultation papers are not published for public reading.

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 that have been published to date are listed in **Annexure G**.

How to obtain 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 obtainable from the Commission's offices. In addition, all issue papers and discussion papers that have been published since 1996 are available on the SALRC website.

Annual reports, papers in the research series, and reports on completed investigations are available from the SALRC offices. All reports on investigations that have been published since 1996, and all annual reports since 1996, are available on the SALRC website.

Commission and committee meetings

During the period under report the Commission met on 11 May 2014, 05 July 2014 and 06 December 2014.

The advisory committee for Project 25 - Statutory Law Revision: Review of legislation administered by the Department of Home Affairs met on 04 June 2014.

The advisory committee for Project 107 – Sexual Offences: Pornography and Children met on 24 July 2014, 31 October 2014 and 15 January 2015.

The advisory committee for Project 135 – Review of the Witchcraft Suppression Act 3 of 1957 met on 20 March 2015.

Chapter 3:

Progress Report

CHAPTER 3
PROGRESS REPORT

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

Research programme of the SALRC

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

Project	Title	Project leaders	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	Prof Marita Carnelley Prof Vinodh Jaichand Mr Irvin Lawrence Prof Annet Oguttu Adv Mahlape Sello Ms Tina Siwendu	Ms Veruksha Bhana Mr Simon Maphanga Mr Linda Mngoma Ms Aura Mngqibisa Ms Maureen Moloi Ms Tania Prinsloo Ms Lowesa Roberts Mr Willie van Vuuren Mr Pierre van Wyk Ms Ronel van Zyl Mr Pierre van Wyk
94	Arbitration • Alternative dispute resolution	Adv Mahlape Sello	Ms Ananda Louw
94B	• Mediation	Ms Thina Siwendu	Ms Theresa Häderli

Project	Title	Project leaders	Responsible researcher
100	Family law and the law of persons • Care of and contact with children • Review of aspects of matrimonial property law • Review of the law of maintenance	Adv Mahlape Sello / Judge Deon van Zyl Mr Irvin Lawrence/ Prof de Jong	Ms Ananda Louw MsAnna-Marie Havenga Ms Jennifer Joni
107	Sexual offences • Adult prostitution • Pornography and children	Judge Mandisa Maya Prof Annet Wanyana Oguttu	Ms Dellene Clark
122	Assisted decision-making	Ms Tina Siwendu / Judge Ben du Plessis	Ms Anna-Marie Havenga
125	Prescription periods	Adv Mahlape Sello	Ms Theresa Häderli
126	Review of the law of evidence • Hearsay and relevance • Electronic evidence • Cyber crime	Judge Jody Kollapen	Mr Willie van Vuuren
127	Review of administration orders	Prof Vinodh Jaichand	Ms Lowesa Roberts
135	Review of witchcraft legislation	Prof Marita Carnelley	Ms Jennifer Joni
136	Multi-disciplinary legal practices	Judge Jody Kollapen	Mr Simon Maphanga
137	Expungement of certain criminal records	Judge Jody Kollapen	Mr Willie van Vuuren
138	The practice of ukuthwala	Judge Mandisa Maya / Prof Thandabantu Nhlapo	Ms Maite Modiba

SALRC research programme and government priorities

The projects on the SALRC's programme support government's priorities as identified in the State of the Nation Address (SONA) delivered by President Jacob Zuma on 12 February 2015, and the strategic plan developed by the Department of Justice and Constitutional Development (DOJCD) for 2013 to 2018.

In the SONA, the President shared with the country the government's nine point plan to ignite growth and create jobs. This plan included resolving the energy challenge; revitalising agriculture and the agro-processing value chain; advancing beneficiation or adding value to our mineral wealth; more effective implementation of a higher impact Industrial Policy Action Plan; encouraging private

sector investment; moderating workplace conflict; unlocking the potential of SMMEs, cooperatives, township and rural enterprises; State reform and boosting the role of state owned companies, ICT infrastructure or broadband roll out, water, sanitation and transport infrastructure as well as operation Phakisa aimed at growing the ocean economy and other sectors.

The President emphasized that the year 2015 will see further improvements in labour legislation to further promote worker rights. He indicated that the Unemployment Insurance Act of 2001 will be amended to improve benefits to beneficiaries. Since job creation is central to government's priority of economic growth, already the SALRC has embarked on the process of preliminary investigating the possible extension of maternity benefits to self-employed women in South Africa. Self-employment is the starting point to unlocking the potential of SMMEs, cooperatives, township and rural enterprises, which the President has listed as one of the key priorities for economic growth. It is these SMME's and cooperatives that will create job opportunities for many other unemployed citizens.

Also, the President strongly encouraged South Africans to continue working harder together to fight crime and to create safer communities. He stated that as a country we are making progress in fighting crime against women and children. Along the same lines, the Strategic Plan of the DOJCD for 2013 to 2018 sets out the Department's commitment to, among others, the following:

- Ensuring that everyone in South Africa is and feels safe.
- Developing policies for protecting the rights of vulnerable groups and victims in our society.
- Promoting legislation to transform the state and society, and meet the needs of society.

The review of the law of evidence (Project 126) will support efforts towards ensuring that everyone in South Africa is and feels safe. Measures that increase the successful prosecution and conviction of criminals will result in citizens being and feeling safer in their communities.

The Project 100: "Family law and the law of persons" investigations are aimed at assisting members of the community, especially women, to protect their rights as vulnerable groups and victims in our society. These investigations deal with the following matters: care of and contact with minor children; review of aspects of matrimonial property law; and the review of the law of maintenance.

The investigation into sexual offences focusing on adult prostitution (Project 107) is a critical step in finding ways to address a social problem which has strong links with organised crime, on the one hand, and the exploitation of vulnerable groups on the other hand. Women, especially women from poor communities, are typically the victims of exploitation in the sex industry. A related SALRC project is the investigation into pornography and children (another aspect of the SALRC investigation on sexual offences). The latter investigation examines children who are victims of pornography by investigating the legal framework that deals with child pornography in South Africa as well as the

exposure of children to pornography (including the phenomena of "sexting" and "grooming").

The review of witchcraft legislation (Project 135) will support the constitutional imperative to freedom of religion. However, it will also protect vulnerable groups, because it is mostly older women who are persecuted as witches by communities that hold traditional beliefs about witchcraft. These innocent victims are vulnerable to a double degree: as women and as older persons.

Another project that has been included in the SALRC's programme is the investigation into the practice of ukuthwala (Project 138). The cultural practice of ukuthwala is often abused today, with it being used as an excuse for abducting young girls (between 12 and 15 years) and selling or forcing them into marriages with adult men. The girl child, especially in poor and unsophisticated communities, is highly vulnerable to harmful cultural practices or exploitation conducted under the guise of culture.

All investigations being done by the SALRC support the government's commitment to promoting legislation to transform the state and society, and to meet the needs of society. Work in progress with regard to 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 on a major investigation aimed at revising the entire statute book. The aim was to remove or adapt legislative provisions that are considered to be unconstitutional, redundant or obsolete. An audit by the Commission of all national legislation (excluding provincial and secondary legislation) 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 no longer applicable and others contain provisions that are in conflict with the Constitution. Redundant and obsolete provisions on the statute book continue to be identified, and government departments are being consulted to verify the findings.
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 leg of the investigation is limited to those statutes or provisions in statutes that –

- differentiate between people or categories of people, and which are not rationally connected to a legitimate government purpose; or
- unfairly discriminate against people or categories of people on one or more grounds listed in

section 9(3) of the Constitution; or

- 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.

The previous 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 and needed to be expanded. 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 many statutes. At that time, these departments were 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, and the first meetings of the advisory committees took place during October and November 2008. The Minister appointed eight additional advisory committee members on 28 July 2009 to further assist with the review of legislation administered by the Department of Justice and Constitutional Development.

After the reshuffling of state departments in 2009, the fourteen advisory committees appointed for Project 25: "Statutory law revision" assisted with (or are still assisting with) the review of legislation administered by the following seventeen state departments: 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; and Trade and Industry.

The statutes of the remaining departments, which administer fewer statutes, are being (or will be) reviewed by SALRC researchers. These departments are as follows: Arts and Culture; Correctional Services; International Relations and Cooperation; Police; Public Service and Administration; Science and Technology; Social Development; State Security; and Water and Sanitation. The reviews of legislation administered by the three respective departments of Human Settlements, Public Works and Transport were done internally.

The Commission decided on 6 Dec 2013 when considering its programme of investigations that the statutes of the following departments will not be assigned for review: Economic Development; Public Enterprises; Sport and Recreation; Women, and Children and People with Disabilities.

The review of legislation administered by the following departments have been finalised: Defence and Military Veterans; Energy; Human Settlements; International Relations and Cooperation; Labour; Mineral Resources; National Treasury (non-tax legislation); Public Works; Rural Development and Land Reform; and Transport.

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. A draft consultation paper is being developed using the research submitted by advisory committee members. The outline for the first draft of the consultation paper was submitted to the project leader on 31 March 2015.
Arts and Culture (DAC) Ms Lowesa Roberts	The statutes administered by DAC were analysed to determine which are redundant, obsolete or unconstitutional. The consultation paper with repeal and amendment proposals was submitted to DAC on 25 November 2011 for comment. DAC comment was received on 29 November 2011, and additional DAC comment on specific issues was received on 30 April 2012. The consultation paper was also submitted to the Departments of Rural Development & Land Reform (DRDLR) and Public Works (DPW) for comment on specific proposed amendments. DPW commented on the consultation paper on 27 March 2012 and DRDLR commented on 29 March 2012. The researcher finalised the draft discussion paper with proposed amending and repealing legislation in March 2014. Work on the project could not proceed after this date as the Commissioner appointed as project leader had resigned in January 2014. While awaiting the appointment of a new project leader, the researcher augmented the discussion paper with the latest legal developments. The draft discussion paper was submitted to Prof Oguttu, the new project leader, for consideration and approval on 25 March 2015. The target date for finalising the discussion paper for submission to the Commission is 30 September 2015.

Basic Education (DBE) Mr Linda Mngoma	The statutes administered by DBE were analysed to determine which are redundant, obsolete or unconstitutional. The draft report incorporating public comments received was considered by the Commission on 06 December 2014 and approved subject to amendments. In March 2015, the amended report was re-submitted to the project leader for consideration. It is anticipated that the report will be approved by the Commission during the 2015/2016 financial year.
Communications (DOC) Ms Maureen Moloi	The statutes administered by DOC were analysed to determine which are redundant, obsolete or unconstitutional. The consultation paper with repeal and amendment proposals was submitted to DOC on 31 May 2010 for comment and DOC comment was received on 18 August and 19 October 2010. On 14 May 2011 the Commission approved the publication of the discussion paper. Discussion Paper 122 was published on 27 May 2011 for general information and public comment. The researcher and the advisory committee finalised the draft report with proposed amending and repealing legislation in August 2012. The draft report was updated and finalised in October 2014. The target date for finalising the draft report for consideration by the Commission was 31 December 2014. The Commissioner appointed as project leader resigned and Prof Oguttu was assigned as the project leader for this investigation in March 2015. The researcher met with her on 25 March 2015 to brief her about the investigation and to decide the way forward.
Cooperative Governance and Traditional Affairs (CoGTA) Mr Linda Mngoma	The statutes administered by CoGTA were analysed to determine which are redundant, obsolete or unconstitutional. On 24 June 2015, the Commission wrote a letter to CoGTA requesting for comments on the draft report. Comments were received from the Directors-General of Cooperative Governance and Traditional Affairs separately on 26 July 2014; 21 August 2014 and 1 October 2014. The Directors-General proposed that certain matters be referred to the Department of Justice and Constitutional Development for decision. On 8 September 2014, the Commission referred the said matters to the Director-General: Department of Justice and Constitutional Development for decision. The draft report incorporating comments received from CoGTA will be ready for consideration by the Commission in the 2015/2016 financial year.

Correctional Services (DCS) Ms Veruksha Bhana	The project leader approved the consultation paper in August 2014. The researcher forwarded the consultation paper to the Department of Correctional Services for comments in September 2014. The researcher is liaising with the Department of Correctional Services regarding receiving comments from the DCS.
Defence (DOD) Ms Maureen Moloi	The statutes administered by DOD were analysed to determine which are redundant, obsolete or unconstitutional. The consultation paper with repeal and amendment proposals was submitted to DOD on 26 March 2010 for comment and was discussed with DOD at a workshop on 30 March 2010. DOD comment was received on 23 July 2010. The draft discussion paper was submitted to DOD on 23 August 2010 for comment and DOD comment was received on 20 October 2010. On 14 May 2011 the Commission approved publication of the discussion paper. Discussion Paper 123 was published for general information and public comment on 27 May 2011. The researcher finalised the draft report with proposed amending and repealing legislation in August 2012 after receiving comments from the two active advisory committee members. The draft report was updated and submitted to the project leader in February 2014. The Commission approved the report on 5 July 2014 for referral thereof to the Minister of Defence and Military Veterans.
Energy (DOE) Mr Pierre van Wyk	The statutes administered by DOE were analysed to determine which are redundant, obsolete or unconstitutional. The consultation paper with repeal and amendment proposals was submitted to DOE on 2 October 2009 for comment and DOE comment was received on 25 February 2010. On 14 August 2010 the Commission approved the publication of the discussion paper. Discussion Paper 116 was published on 25 August 2010 for general information and public comment. The Commission approved the report on the review of legislation administered by DOE on 22 October 2011 for publication and referral thereof to the Minister of Energy. The report was referred to the Minister of Energy in March 2012 under cover of a letter signed by the Minister of JCD. The report was posted on the SALRC's website and a media statement about the report was released in April 2012.

Environmental Affairs (DEA) Ms Aura Mngqibisa	The statutes administered by DEA were analysed to determine which are redundant, obsolete or unconstitutional in order to develop a consultation paper with repeal and amendment proposals. The consultation paper was submitted to DEA for comment on 30 September 2011 and DEA comments were received on 5 January 2012. The draft discussion paper has been completed. A project leader for this investigation was appointed in March 2015 and on 24 March 2015 the project leader was briefed on the status of the investigation.
Health (DOH) Ms Ronel van Zyl	The statutes administered by DOH are being analysed to determine which are redundant, obsolete or unconstitutional in order to develop a consultation paper with repeal and amendment proposals. The first draft of the consultation paper was submitted to the project leader on 31 March 2015.
Higher Education and Training (DHET) Mr Linda Mngoma	The statutes administered by DHET were analysed to determine which are redundant, obsolete or unconstitutional. The draft report incorporating public comments received was considered by the Commission on 06 December 2014 and approved subject to amendments. In March 2015, the amended report was re-submitted to the project leader for consideration. It is anticipated that the report will be approved by the Commission during the 2015/2016 financial year.

Home Affairs (DHA) Ms Maureen Moloi	The statutes administered by DHA were analysed to determine which are redundant, obsolete or unconstitutional in order to develop a consultation paper with repeal and amendment proposals. The consultation paper was submitted to DHA on 31 January 2012 for comment. The researcher finalised the first draft of the discussion paper (without DHA comment) and submitted it to advisory committee members for consideration and comment in October 2012. Comments from three advisory committee members were received in January 2013. Comments from DHA were received on 13 August 2013. The researcher has incorporated DHA comments into the draft discussion paper and has updated the research material and finalised amendments to the draft discussion paper and the draft Bill. The researcher met with the project leader in April 2014 to discuss the draft discussion paper. On 6 December 2014 the Commission considered and approved the discussion paper to be published with closing date of four months from the date of publication. On 20 January 2015 Discussion Paper 133 was posted on the Commission's website and a media statement about the discussion paper was released. The closing date for comments is 31 May 2015.
Human Settlements (DHS) Mr Linda Mngoma	The statutes administered by DHS were analysed to determine which are redundant, obsolete or unconstitutional. The consultation paper with repeal and amendment proposals was submitted to DHS on 7 May 2008 for comment and DHS comment was received on 17 June 2008. On 25 October 2010 the Commission approved the publication of the discussion paper. Discussion Paper 115 was published in November 2008 for general information and public comment. The Commission approved the report on the review of legislation administered by DHS on 3 December 2011 for publication and referral thereof to the Minister of Human Settlements. The report was referred to the Minister of Human Settlements in March 2012 under cover of a letter signed by the Minister of JCD. The report was posted on the SALRC website and a media statement about the report was released in April 2012.

International Relations and Cooperation (DIRCO) Mr Pierre van Wyk	The statutes administered by DIRCO were analysed to determine which are redundant, obsolete or unconstitutional. The consultation paper with repeal and amendment proposals was submitted to DIRCO on 23 February 2011 for comment and DIRCO comment was received on 30 May 2011. On 22 October 2011 the Commission approved the publication of the discussion paper. Discussion Paper 128 was published on 4 November 2011 for general information and public comment, with a closing date of 31 January 2012. Two responses were received in January 2012. The researcher finalised the draft report with proposed amending and repealing legislation in July 2012. The draft report was submitted to the project leader for consideration and comment in February 2014. The researcher met with the project leader on 5 April 2014 to discuss the draft report. The draft report was finalised in November 2014. On 6 December 2014 the Commission considered the draft report and approved its submission to the Minister of Justice and Correctional Services for referral to the Minister of International Relations and Cooperation. The report was edited in February 2015. It is envisaged that the report will be submitted to the Minister of Justice and Correctional Services by July 2015.
Justice and Constitutional Development (DOJCD)	The statutes administered by DOJCD are being analysed to determine which are redundant, obsolete or unconstitutional. It was decided to develop separate research papers for dealing with the large volume of DOJCD legislation. These are listed below as DOJCD One, Two, Three and Four.
Ms Veruksha Bhana	DOJCD One deals 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. DOJCD Consultation Paper One was submitted to DOJCD on 21 June 2010 for comment and DOJCD comment was received on 12 January 2011. DOJCD was asked to give additional comment on 6 and 8 April 2011, which comment was received on 6 May 2011. On 22 October 2011 the Commission approved the discussion paper for publication. Discussion Paper 129 was published for general information and public comment on 23 November 2011. Limited comments were received on Discussion Paper 129. The researcher requested comments again from specific stakeholders. All comments received were considered in preparing the draft report. The draft report was submitted to project leader for consideration on 31 March 2015.

Ms Tania Prinsloo	DOJCD Two deals with legislation pertaining to family law and marriage. DOJCD Consultation Paper Two was submitted to DOJCD for comment on 10 January 2011, and DOJCD comment was received on 9 May 2011. Discussion Paper 130 was published on 30 January 2012 for general information and public comment. Discussion Paper 130 was then re-circulated for comment due to the limited comments that had been received. Further comments received in 2012 are being analysed and a need for further investigation in selected areas has been identified. The researcher finalised the first draft of the report in March 2014 for submission to the project leader for comment. The Advisory Committee consisting of Mr I Lawrence, Prof Skelton and Adv M Malete was convened and approved the draft report. The report is expected to be approved at the next Commission meeting of 13 June 2015.
Mr Willie van Vuuren	DOJCD Three deals with legislation pertaining to criminal procedure. Legislation dealing with criminal procedure was analysed to determine which are redundant, obsolete or unconstitutional, in order to develop a consultation paper with repeal and amendment proposals. The consultation paper was submitted to DOJCD for comment on 21 June 2011 and DOJCD comments were received on 14 February 2012. A new project leader was appointed in December 2013. The Commission approved a discussion paper for general information and comment on 6 December 2014. The closing date for comments is 31 July 2015.

Mr Simon Maphanga	DOJCD Four deals with the Transkei Penal Code. The Judge President of the Transkei High Court requested a review of the Transkei Penal Code and the Dangerous Weapons Act 71 of 1968, as far as they are still in force in the territory of the former Transkei. The Eastern Cape High Court declared in The State v Thunzi and Another that section 4 of the Dangerous Weapons Act, 1968 (Transkei) is unconstitutional. On 2 December 2010, the Constitutional Court ordered in the Thunzi case that the Speaker of the National Assembly, the Chairperson of the National Council of Provinces and the Minister of JCD were required to notify the Court by 8 November 2011 of the legislative steps taken to fulfil the undertaking to rationalise the laws that are the subject of the litigation. A task team consisting of DOJCD and SAPS officials was appointed to give effect to the Thunzi judgment. On 24 July 2013 the Dangerous Weapons Act, 2013 (Act 15 of 2013) was published in Government Gazette No. 36704 for general information. The Act came into operation on 2 January 2014. The Act repeals the Dangerous Weapons Act 71 of 1968 applicable to the former territories of Venda, Ciskei and Transkei, as well as the Dangerous Weapons Act 71 of 1982 that applied to the former territory of Bophuthatswana. The researcher effected amendments to the draft consultation paper to provide for the changes brought by the Dangerous Weapons Act 2013. The target date for finalising the draft consultation paper was 30 November 2014. However, due to the complexity and technicality of the investigation the appointment of an advisory committee became necessary in order to assist the researcher to carry out this investigation thoroughly. The researcher has sourced three experts who will form the Advisory Committee to assist with expertise in the investigation. It is expected that these members CV will be considered by the Commission at its next meeting of 13 June 2015.

Labour (DOL) Mr Linda Mngoma	The statutes administered by DOL were analysed to determine which are redundant, obsolete or unconstitutional. The consultation paper with repeal and amendment proposals was submitted to DOL on 1 August 2009 for comment and DOL comment was received on 6 October 2009. On 14 August 2010 the Commission approved the publication of the discussion paper. Discussion Paper 117 was published on 23 August 2010 for general information and public comment. The Commission approved the report on legislation administered by DOL on 22 October 2011 for publication and referral thereof to DOL. The report was referred to the Minister of Labour in March 2012 under cover of a letter signed by the Minister of JCD. The report was posted on the SALRC website and a media statement about the report was released in April 2012.
Mineral Resources (DMR) Mr Pierre van Wyk	The statutes administered by DMR were analysed to determine which are redundant, obsolete or unconstitutional. The consultation paper with repeal and amendment proposals was submitted to DMR on 12 January 2010 for comment and DMR comment was received on 30 August 2010. The SALRC asked DMR for further comment in September 2010 with regard to additional obsolete provisions identified in DMR legislation. Supplementary comment from DMR was received on 27 October 2010. On 14 May 2011 the Commission approved the publication of the discussion paper. Discussion Paper 124 was published on 24 May 2011 for general information and public comment. DMR comment on the discussion paper was received on 11 August 2011. The Commission approved the report on legislation administered by DMR on 3 December 2011 for publication and referral thereof to the Minister of Mineral Resources. The report was referred to the Minister of Mineral Resources in March 2012 under cover of a letter signed by the Minister of JCD. The report was posted on the SALRC website and a media statement about the report was released in April 2012.

National Treasury Mr Linda Mngoma Mr Fanyana Mdumbe	Non-tax legislation The statutes administered by National Treasury that are not tax-related were analysed to determine which are redundant, obsolete or unconstitutional. The consultation paper with repeal and amendment proposals was submitted to National Treasury in June 2008 for comment and National Treasury comment was received on 13 May 2010. On 14 August 2010 the Commission approved the publication of the discussion paper. Discussion Paper 119 was published on 1 October 2010 for general information and public comment. The Commission approved the report on legislation administered by National Treasury (non-tax) on 22 October 2011 for publication and referral thereof to the Minister of Finance. The report was referred to the Minister of Finance in February 2012 under cover of a letter signed by the Minister of JCD. The report was posted on the SALRC website and a media statement about the report was released in April 2012. Tax legislation The statutes administered by National Treasury that are tax-related were analysed to determine which are redundant, obsolete or unconstitutional in order to develop a consultation paper with repeal and amendment proposals. The consultation paper was finalised on 27 February 2014. On 11 April 2014, the consultation paper was submitted to National Treasury for comment. On 31 March 215, the Secretary of the SALRC and the researcher attended a meeting at National Treasury to discuss comments on the consultation paper. The meeting agreed that National Treasury will submit a written feedback to the SALRC stating the steps that will be taken by National Treasury to implement the SALRC's recommendations. It is anticipated that feedback from National Treasury will be received in the 2015/ 2016 financial year.
Police (DOP) Ms Aura Mngqibisa	The statutes administered by DOP are being analysed to determine which are redundant, obsolete or unconstitutional in order to develop a consultation paper with repeal and amendment proposals. A draft consultation paper was drafted and submitted to the supervisor for consideration on 19 November 2014 and a feed-back from the supervisor was received on 30 January 2015.The target date for submitting the consultation paper to DOP for comment was 31 March 2015 which was extended to June 2015.

Public Service and Administration (DPSA) Ms Tania Prinsloo	The statutes administered by DPSA have been analysed to determine which are redundant, obsolete or unconstitutional in order to develop a consultation paper with repeal and amendment proposals. The draft Consultation paper has been completed and will soon be forwarded to the Department of Public Service and Administration.
Public Works (DPW) Mr Linda Mngoma	The statutes administered by DPW were analysed to determine which are redundant, obsolete or unconstitutional. The consultation paper with repeal and amendment proposals was submitted to DPW in October 2007 for comment. On 14 August 2010 the Commission approved the publication of the discussion paper. Discussion Paper 121 was published on 23 February 2011 for general information and public comment. Despite repeated requests and a meeting with DPW on 12 May 2011, the SALRC never received any written comment from DPW. The Commission approved the report on legislation administered by DPW on 3 December 2011 for publication and referral thereof to the Minister of Public Works. The report was referred to the Minister of Public Works in March 2012 under cover of a letter signed by the Minister of JCD. The report was posted on the SALRC website and a media statement about the report was released in April 2012.
Rural Development and Land Reform (DRDLR) Mr Linda Mngoma	The statutes administered by DRDLR were analysed to determine which are redundant, obsolete or unconstitutional. The consultation paper with repeal and amendment proposals was submitted to DRDLR on 29 January 2010 for comment and DRDLR comments were received on 9 April 2010. On 14 August 2010 the Commission approved the publication of the discussion paper. Discussion Paper 118 was published on 23 August 2010 for general information and public comment. The Commission approved the report on legislation administered by DRDLR on 3 December 2011 for publication and referral thereof to the Minister of Rural Development and Land Reform. The report was referred to the Minister of Rural Development and Land Reform in March 2012 under cover of a letter signed by the Minister of JCD. The report was posted on the SALRC website and a media statement about the report was released in April 2012.

Science and Technology (DST) Mr Veruksha Bhana	The statutes administered by DST are being analysed to determine which are redundant, obsolete or unconstitutional in order to develop a consultation paper with repeal and amendment proposals. The researcher submitted the draft consultation paper to the project leader on 18 August 2014. The researcher effected changes to the paper and resubmitted the paper to the project leader who approved the paper. The researcher circulated the consultation paper for comments to DST and other agencies on 29 August 2014. The target date for receiving comments on the consultation paper was 30 November 2014. After receipt of comments from the DST, a draft discussion paper was finalised for consideration by the project leader. The draft discussion paper was presented to the project leader on 16 March 2015. The project leader approved discussion paper on 26 March 2015.
Social Development (DSD) Ms Tania Prinsloo	The statutes administered by DSD have been analysed to determine which are redundant, obsolete or unconstitutional in order to develop a consultation paper with repeal and amendment proposals. The draft consultation paper has been completed and will soon be forwarded to the Department of Social Development.
State Security (DSS) Mr Simon Maphanga	The statutes administered by DSS are being analysed to determine which are redundant, obsolete or unconstitutional. The target date for finalising the consultation paper is 28 February 2016.
Tourism (DT) Ms Maureen Moloi	The statutes administered by DT were analysed to determine which are redundant, obsolete or unconstitutional. The consultation paper with repeal and amendment proposals was submitted to DT on 28 January 2011 for comment and DT comments were received on 22 June 2011. On 22 October 2011 the Commission approved the publication of the discussion paper. Discussion Paper 127 was published on 4 November 2011 for general information and public comment with a closing date of 31 January 2012. The researcher finalised the draft report with proposed repealing and amending legislation in August 2012. The Commissioner appointed as project leader resigned in January 2014. In March 2015 Prof Carnelley was assigned as the new project leader for this investigation. The researcher will meet with the project leader on 7 April 2015 where progress and the way forward will be discussed. The target date for finalising the draft report for consideration by the Commission was 30 September 2014.

Trade and Industry (DTI) Ms Maureen Moloi	The statutes administered by DTI were analysed to determine which are redundant, obsolete or unconstitutional. A consultation paper with repeal and amendment proposals was submitted to DTI on 1 June 2010 for comment. DTI suggested amendments to Schedules 1 and 3 of the proposed draft Department of Trade and Industry Acts Repeal and Amendment Bill on 1 August 2011. On 23 November 2012 an official from DTI informed the researcher that the process may be taken forward subject to suggested changes. The researcher met with the project leader on 20 February 2014. The researcher effected amendments to the draft discussion paper to deal with anomalies in the legislation reviewed. The updated draft discussion paper was submitted to the project leader on 30 May 2014. On 22 August 2014 the project leader forwarded a memorandum relating to issues raised in relation to the Companies Act of 2008 for the researcher to attend to. The target date for finalising the draft discussion paper for submission to the Commission for consideration was 31 October 2014. The draft discussion paper was considered by the Commission at its meeting on 06 December 2014. The Commission resolved that the discussion paper should be augmented by the inclusion of current developments in the intellectual property and other related terrains. It is anticipated that the discussion paper will be published for general information and comment during the 2015/2016 financial year.
Transport (DOT)	The statutes administered by DOT were analysed to determine which are redundant, obsolete or unconstitutional. The consultation paper with repeal and amendment proposals was submitted to DOT on 20 October 2006 for comment and DOT comment was received during March 2007. Discussion Paper 114 was published for general information and public comment on 29 May 2008. The Commission approved the report on 10 October 2009. On 3 May 2010 the Minister approved the publication of the report and the referral thereof to DOT. The Transport Laws Repeal Bill [Bill 19–2010] was introduced into Parliament on 19 July 2010. The President assented to the Transport Laws Repeal Act 10 of 2010 on 30 November 2010. The Act was published in Government Gazette No. 33828 of 2 December 2010. Proclamation No. 7 of 2011 published in Government Gazette No. 34030 of 16 February 2011 determined 16 February 2011 as the date on which the Act came into operation.

Water and Sanitation (DWS) (formerly Water Affairs (DWA)) Ms Anna-Marie Havenga (from May 2014)	The statutes administered by the then Department of Water Affairs (DWA) were analysed to determine which are redundant, obsolete or unconstitutional in order to develop a consultation paper with repeal and amendment proposals. The consultation paper was submitted to DWA on 30 September 2011 for comment. The researcher briefed an official from DWA about the investigation at a meeting held on 12 March 2012. The consultation paper was submitted to DWA on 30 September 2011 for comment and the researcher met with an official from DWA on 12 March 2012. DWA comment was received on 12 November 2012. The investigation was transferred to Ms Havenga on 27 May 2014. A draft discussion paper and draft Bill (previously prepared by Ms Moloi for submission to the former project leader who resigned at the beginning of 2014), was revisited and expanded on the basis of additional research to reflect the configuration of the Department of Water Affairs (to include the sanitation function) after the May 2014 elections. The draft discussion paper was ready for submission to the newly appointed project leader (Commissioner M Carnelley) on 31 March 2015.

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 requested the Minister to consider, among others, an amendment of the Interpretation Act 33 of 1957. The Joint Committee advised that such amendment was needed to bring the Act in line with the principles of constitutional democracy and practices of interpretation that have been 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 on Statute Law: "The establishment of a permanently simplified, coherent and generally accessible statute book". This inclusion was subsequently approved by the Minister.

The Commission approved the publication of a discussion paper on the review of the Interpretation Act on 9 September 2006. Discussion Paper 112 – Statutory law revision: Review of the Interpretation Act was released by media statement on 6 October 2006. After several extensions to give respondents more time to comment the final closing date for comments on Discussion Paper 112 was set as 30 April 2007. However, comments were received as late as September 2007.

Due to his involvement in Project 25 the researcher was unable to attend to this project for an extended period. The researcher has been developing the draft report since November 2010. On 8 November 2010 he participated in a round-table discussion with officials from National Treasury,

the Financial Intelligence Centre, SARS, the Reserve Bank and the Financial Services Board on this review. He met with the newly appointed project leader on 5 April 2014 to discuss the investigation. The further development of the draft report continued with developments in South Africa and other jurisdictions during the period under review. It is envisaged that the draft report will be finalised for consideration by the Commission during 2015.

Project 94 – Alternative Dispute Resolution

Project 94 originally dealt only with arbitration. The investigation into arbitration was, however, broadened on 8 July 1996 at the request of the Minister of JCD to include an investigation into all the other aspects of alternative dispute resolution ("ADR"). Project 94 was, therefore, constituted of three subprojects with three separate advisory committees: International Arbitration; Domestic Arbitration; and ADR (all forms of ADR except arbitration). The ADR subproject was divided into three parts and it was decided to develop three separate discussion papers: ADR and the civil law; Family mediation; and Community courts.

An Issue Paper (Project 94, Issue Paper 8, Alternative Dispute Resolution) was published in 1997 that dealt with all aspects of alternative dispute resolution, including arbitration, mediation, conciliation, etc. The paper, which explained the broadening of the investigation, has been the basis for all the various subprojects of Project 94. Discussion papers and reports (in 1998 and 2001) were published in the International and Domestic Arbitration subprojects. The community courts investigation was discontinued and the investigation into family mediation became part of Project 100 – Care of and contact with minor children.

What remained of Project 94 for investigation was the first part of the ADR subproject: ADR and the civil law, which had not yet received attention. Project 94 (including all its subprojects) was dormant for a number of years due to the fact that policy considerations in the DOJCD changed after the term of Mr Dullah Omar as Minister of JCD ended. The Commission, however, reprioritised the project at the end of 2011 as a result of the impact of the Civil Justice Review Project, launched by the DOJCD in 2010.

In reprioritising Project 94 an incremental approach has been followed. In the International and Domestic Arbitration subprojects, the two Bills have been updated and submitted to DOJCD. Family mediation is being dealt with in Project 100.

In the ADR subproject (Alternative Dispute Resolution) the development of a Discussion Paper (including a Mediation Act) is receiving attention. In 2014 a separate subproject (Mediation) was included in Project 94. It dealt with court-annexed mediation. In familiarising themselves with the context within which the two subprojects had to be conducted, the researchers realised that the

subprojects overlap in crucial areas. It is, inter alia, one of the main objects of both subprojects to draft a Mediation Act. There is also an overlap of Project 94 with all the subprojects of Project 100 in so far as family ADR is concerned. In March 2015 the Project Leaders in the two sub-investigations, therefore, decided to recommend to the Commission that the two subprojects should be combined into one investigation. The matter has been referred to the Commission for confirmation at its next meeting.

Project 94B – Mediation

The investigation is a sub-project of Project 94: Alternative Dispute Resolution, allocated to the researcher in June 2014. It involves an investigation into the use of court-annexed mediation as a form of alternative dispute resolution.

This investigation arose out of a cabinet endorsed initiative of the Minister of Justice and Constitutional Development in 2010 to engage in a comprehensive review of the civil justice system in conjunction with the Chief Justice and the Heads of Court with a view to enhancing access to justice. One of the objectives of the initiative was to review different aspects of the civil justice system, to include integration of alternative dispute resolution mechanisms and a mandatory referral system, to cover, amongst other things, the establishment of a court based mediation framework.
In anticipation of the department's goal of developing a Mediation Act, the Rules Board for the Courts of Law developed Rules of Court-Annexed Mediation in terms of the Magistrates Court Rules as a first step in the department's implementation programme, in order to support the roll-out of pilot sites for the holding of court–annexed mediation sessions. Development of an Issue Paper will serve as the first step in the researcher's investigation.

Project 100 – Family law and the law of persons

Three investigations are currently being dealt with as subprojects under the Commission's existing broad investigation into family law and the law of persons (Project 100). The three subprojects are "Care of and contact with minor children", "Review of matrimonial property law", and "Review of the law of maintenance". These are described briefly below.

Care of and contact with minor children

The object of this investigation is to develop an integrated approach to the implementation of family law in South Africa, with specific reference to disputes relating to minor children after relationship breakdown between their parents. The investigation into family mediation (Project 94) now forms part of this project

An issue paper has been prepared for consideration by the Project Leader. The issue paper focuses on the broader issues of process determining care and contact, including the role of alternative dispute resolution in family law disputes, the effect of pendente lite applications, and the importance of a child-centred approach. It sets out to consider the interests of all children, including children from customary marriages and children living in rural areas.

Review of aspects of matrimonial property law

The purpose of the investigation is to review the current law for greater legislative fairness and justice in governing interpersonal relationships between spouses.

The Matrimonial Property Act was passed in 1984 to deal with shortcomings in the matrimonial property law at the time. The Act has now been in place for nearly 30 years. In addition to specific problems which have been brought to the SALRC's attention, a number of social and legal changes since 1984 (including the 1996 Constitution and 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 law for greater legislative fairness and justice in governing interpersonal relationships between spouses.

An issue about pension benefits was resolved through consultation with DOJCD in January 2009. This issue pertained to the sharing of pension benefits after spouses get divorced. The question was whether this topic should be included in the investigation in view of the envisaged pending implementation of draft legislation dealing with this topic. It was agreed that because DOJCD is not expected to 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 after divorce would be addressed in the review of matrimonial property law.

Work on an Issue Paper commenced during the period under report and a first draft Issue Paper was submitted to the advisory committee for consideration and comment on 31 March 2015.

Review of the law of maintenance

At the Commission meeting held on 22 October 2011 the Commission approved the inclusion of this investigation in the SALRC programme. The Commission agreed that the investigation should be included under Project 100: "Family Law and the Law of Persons". On 31 October 2011 a letter was sent to the Minister of Justice and Constitutional Development advising him of the inclusion of the investigation in the SALRC programme.

The researcher finalised the first draft of the draft issue paper in September 2012. During August and September 2013 the researcher considered and incorporated comments received from her

supervisor in August 2013. The researcher submitted a detailed report to the project leader on the status of the investigation on 28 February 2014. The researcher met with the project leader to discuss the investigation in April 2014.

On 5 July 2014 the Commission approved the publication of the Issue Paper on the Review of the Maintenance Act for public comment. They also approved the recommendation to appoint an Advisory Committee to assist with the investigation and designated Professor de Jong as project leader for the investigation. The Issue Paper was published for public comment on 9 September 2014 and the closing date for receipt of comments was 30 November 2014.

Project 107 – Sexual offences

The larger project on sexual offences has so far seen the completion of an investigation into the substantive and procedural law regulating sexual offences, excluding adult prostitution and pornography and children. The earlier research culminated in the promulgation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007.

Adult prostitution

This investigation is the third leg of the larger project on sexual offences. Issue Paper 19: "Sexual offences: Adult prostitution" was published for general information and public comment in August 2002. This leg of the investigation was held in abeyance for a while as priority was given to the promotion of the Criminal Law (Sexual Offences and Related Matters) Amendment Act through Parliament, as well as the completion of three investigations, namely 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 in 2008 and the Commission approved a discussion paper 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 in 2010 and 2011.

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 researcher assigned to this project received more than 2 600 email submissions. The draft report was finalised for submission to the project leader by 30 September 2013 and was submitted to the project leader (who was appointed to lead this project on 31

January 2014) on 3 February 2014 for consideration and comment. The project leader indicated her satisfaction with the quality and content of the draft report on 7 February 2014, and on 1 March 2014 she approved the draft report for tabling at the next Commission meeting.

The Report on Sexual Offences: Adult Prostitution was tabled and approved for submission to the Minister of Justice and Correctional Services at the Commission meeting held on 11 May 2014. Approval was granted subject to minor amendments being effected to the Report and on 5 July it was decided that this should be done to the satisfaction of a working committee comprising of the Chairperson, Vice-chairperson and the researcher. The Report containing the suggested amendments was circulated to the Chairperson and Vice-Chairperson on 8 July 2014. A working committee meeting was held on 24 July to finalise the Report. The working committee approved the amendments to the Report on 16 August 2014. The Report was submitted to the Department on 25 August 2014. A briefing of the Minister of Justice and Correctional Services and the Deputy Minister of Justice and Constitutional Development was conducted on 5 December 2014.

Pornography and children

On 15 September 2009 the Deputy Minister of Home Affairs requested the SALRC to advise on the possibility of a ban on the dissemination and circulation of pornography through electronic or print media and mobile technology. The SALRC responded to the Deputy Minister in December 2010, informing her that the existing legislative framework protecting children from exposure to pornography is inadequate, and that ways of regulating and screening for pornography need to be explored in a holistic manner and not just in respect of a ban. The Commission decided that this matter warrants inclusion in Project 107: Sexual Offences, where it will be dealt with alongside other matters pertaining to pornography and children.

At its meeting of 22 October 2011 the Commission approved the appointment of an advisory committee member, Mr I Chetty, to assist with this leg of the sexual offences investigation. The Minister appointed the advisory committee member on 15 November 2011.

Work on this paper was held in abeyance pending the completion of the Report on Sexual Offences: Adult Prostitution, and the appointment of the new Commission. The Commissioners were appointed in the latter half of 2013. In February 2014 the Commission appointed Madam Justice Maya as the project leader of this investigation. The researcher submitted the draft research documents and the report on the preliminary investigation to the project leader on 3 February 2014. An advisory committee meeting was held on 1 March 2014. The target date for submitting the first draft of the issue paper to the project leader and advisory committee member for their consideration and comment was 9 April 2014. An advisory committee meeting was held on 6 March 2015 to consider the draft of the Issue Paper. Additional advisory committee members were appointed

on 15 September 2014, as follows: Mr Cull, Adv Meintjes (SC), Ms van Niekerk, Colonel Pienaar and Ms Sedumedi. Professor Oguttu took over the role of project leader in February 2015 following her appointment to the Commission. Mr Risiba, CEO of the FPB, replaced Ms Sedumedi on 6 March following her resignation. Ms Linders of the Department of Telecommunications and Postal Services was nominated to assist the committee on 31 March 2015. Mr S Robbertse, state law adviser, in the Department of Justice and Constitutional Development is also an ad hoc member of the Committee.

The investigation focuses on four identified areas of concern:

- Access to or exposure of a child to pornography and child pornography (child abuse material);
- Creation and distribution of child pornography (child abuse material);
- Explicit self-images created and distributed by a child; and
- Grooming of a child and other sexual contact crimes associated with or which are facilitated by pornography.

Project 122 – Assisted decision-making

As far back as 1988 the SALRC 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 minimal 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.

The Mental Health Act, 1973 has since been replaced by the Mental Health Care Act, 2002. The latter Act, however, does not deal comprehensively with the needs of persons with impaired decision-making skills. The Commission, under a separate investigation in 1988, also recommended the introduction of the enduring power of attorney into South African law. These recommendations were not implemented at the time.

The Commission's current investigation was undertaken as a result of attention being drawn to the declining decision-making ability of persons with Alzheimer's disease and the out-dated and inappropriate ways in which the South African law addresses this challenging scenario. However, the investigation has a broader focus. It deals with the shared problems faced by persons who need support with decision-making, irrespective of the reason for this (e.g. mental illness, intellectual disability, brain injury, stroke or dementia). The investigation aims to provide for a system of supported decision-making that is affordable and accessible to all South Africans and that also protects persons

who need protection from abuse, neglect and exploitation. In addition, it addresses the need to introduce and regulate the enduring power of attorney.

An issue paper on this project was published at the end of 2001. A discussion paper was published for general information and public comment in January 2004. An extensive draft Bill 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 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 has been ratified unreservedly by the South African Government. The SALRC subsequently consulted with representatives from the Human Rights Commission and various government stakeholders, including the Departments of Health; Social Development; International Relations and Cooperation; and the Ministry of Women, Children and People with Disabilities between October 2009 and April 2010. The consultation process, however, confirmed the uncertainty at both national and international levels about how to interpret the provisions of the CRPD that deal with legal capacity – which would affect the SALRC's draft proposals in this investigation.

The matter is further 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 embarked on further research in January 2010 to establish a draft interpretation of those articles of the CRPD which are relevant to the SALRC's draft proposals. The interpretation served as a basis for the re-development of the text of the draft Bill to ensure compliance with the CRPD.

An extensive additional research and consultation process was embarked upon to deal with the request to take the CRPD into account. The consultation process and the main milestones in re-developing legislative proposals to this end were outlined in the Commission's 2012/2013 Annual Report. The 2012/2013 year culminated in the submission of the re-developed draft Bill to the advisory committee on 13 March 2013 for consideration and comment. Apart from incidental consultation in the course of developing the Commission's final proposals, the formal consultation process has now been concluded. Final comments from the national Department of Health regarding an overlap between the Bill and certain provisions of the Mental Health Care Act, 2002, and the view of the Banking Association South Africa on financially-related matters in the draft Bill, were sought on 28 and 31 March 2014 respectively.

Most of the 2013/2014 year was utilised to prepare the draft report on this investigation, which will contain the SALRC's final recommendations on law reform in the field of assisted decision-making. Selected chapters and the draft Bill were submitted to the project leader for his comment on 20 December 2013. Comments were received from the project leader on 24 January, and on 3, 6, 8, and 23 March 2014. These were incorporated into the draft report. Working sessions with advisory committee member Ms Margaret Meyer, focused on practical matters addressed in the draft report and on incorporating the project leader's comments, took place on 21 January and 28 February 2014. A further working meeting was held with the project leader on 5 February 2014. A first draft of the report was submitted to advisory committee members on 31 March 2014 for consideration and comment.

During the year covered under this report, the Commission's draft report and draft Bill were further developed and refined and final comments from certain stakeholders were evaluated and included. Discussions between representatives of the advisory committee and the Banking Association took place on 18 June 2014 to reach agreement on the impact of their extensive comments on the draft Bill under preparation. The final comments and support of the National Department of Health for the draft legislative proposals were discussed in a meeting with representatives of that Department on 15 July 2014. The advisory committee considered additions and amendments to the draft report and draft Bill at meetings on 15 May and 10 September 2014 respectively. The finally amended draft Bill was submitted to the advisory committee for comment on 18 December 2014. The final draft Bill and draft report were considered by the advisory committee on 10 March 2015 in preparation for its submission to the Commission.

Project 125 – Prescription periods

No comprehensive review of the provisions providing for different prescription periods, whether of a contractual or delictual nature, had been undertaken by the SALRC prior to this investigation. When reporting on the Bill which later became the Institution of Legal Proceedings against certain Organs of State Act 40 of 2002, the Portfolio Committee on Justice and Constitutional Development recommended that the Minister of Justice and Constitutional Development 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 programme.

Issue Paper 23: Prescription periods was published for general information and public comment in August 2003. On 17 November 2010 the Commission approved the discussion paper for publication. Discussion Paper 126: Prescription Periods was published on 28 July 2011 for general information and public comment. The researcher allocated to the investigation on prescription periods resigned from the Commission on 31 May 2011. The investigation was then assigned to a newly-appointed researcher in September 2012.

This researcher has since reviewed Discussion Paper 126 and has identified the need to develop an additional discussion paper. The researcher has also motivated for the establishment of an Advisory Committee based on the complexity of the subject matter of prescription and the scope of the work that needs to be covered. Whilst awaiting approval for the appointment of the Advisory Committee, the researcher commenced developing the Revised Discussion Paper.

Project 126 – Review of the law of evidence

The advisory committee dealing with the simplification of criminal procedure (Project 73) proposed in 2001 that the Commission should review the rules of evidence. Subsequently, on 17 September 2001, the Working Committee recommended the inclusion of an investigation to review the rules of evidence into the SALRC programme. In December 2001 the Minister approved this inclusion. An advisory committee for the investigation was approved on 26 November 2003.

The last decade has seen a rapid development in technology, and with it unforeseen forms of evidence and the attendant difficulties in determining their admissibility. In addition, the new constitutional dispensation has affected 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. These issues 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 about 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 (e.g. child justice and the abuse of women). When the investigation was included on the SALRC programme, the advisory committee resolved to follow an incremental approach to the project and identified a number of subprojects to be dealt with separately. The subprojects identified for investigation under Project 126 are –

- Review of the law of evidence (incorporating general issues and electronic evidence)
- Hearsay and relevance
- Cybercrime.

To date, in the course of this investigation, the following research papers have been published:

- Issue Paper 26 – Review of the Law of Evidence (general issues)
- Issue Paper 27 – Electronic evidence in civil and criminal matters: Admissibility and related issues
- Discussion Paper 113 – Review of the Law of Evidence: Hearsay Evidence and Relevance

The researcher allocated to the investigation dealing with electronic evidence resigned from the Commission on 31 May 2011. On 11 December 2011, the Minister approved the appointment of an additional advisory committee member to conduct further research to complete a discussion paper and the final report. With the appointment of an additional advisory committee member in 2011, the Advisory Committee reconsidered its incremental approach and resolved instead to consolidate all matters identified for investigation into one discussion paper. In December 2013 the project leader and Commissioner designated to the Advisory Committee, Professor PJ Schwikkard, resigned as Project Leader and Commissioner. In July 2014 Dr D Collier, advisory committee member and designated researcher submitted her resignation as Committee member. The Commission accepted her resignation and resolved that a new Member should be appointed to replace her. In March 2014 the Commission appointed Judge Jody Kollapen as the Project Leader and a memorandum for the appointment of a member to replace Dr Collier was submitted for approval by the Minister.

Issue Papers 26 and 27 and the comments received on these issue papers will be developed into a discussion paper. The resultant discussion paper and Discussion Paper 113, as well as the comments received on both discussion papers, will be combined to develop a final report. The consolidated discussion paper was submitted for consideration of the Commission in March 2014 and the Commission approved its publication on 5 July 2014. The closing date for comment was 31 March 2015, but it was extended until 31 July 2015 at the request of various interested persons.

Review of the law of evidence (general matters and electronic evidence)

On 1 December 2007, the Commission approved the publication of an issue paper in the format of a questionnaire. The publication of Issue Paper 26: "Review of the Law of Evidence (general issues)" was announced at a media conference on 7 March 2008, with a closing date of 30 June 2008 for comment. The paper was redistributed for comment in January 2009, with a closing date of 31 March 2009.

Following a recommendation by the advisory committee, the Commission on 1 August 2009 approved that the outstanding issues relating to evidence in Project 113 should be included as a subproject under Project 126 and that Project 113 be finalised and closed. On 13 March 2010 the Commission approved the publication of an issue paper for general information and public comment. The publication of Issue Paper 27: Electronic evidence in civil and criminal matters:

Admissibility and related issues was announced at a media conference on 16 March 2010 with a closing date for comment of 30 June 2010, which was later extended to 31 August 2010.

With regard to 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 was twofold:

- to facilitate a focused debate about issues concerning the admissibility of electronic evidence in criminal and civil proceedings; and
- to allow stakeholders and practitioners in the criminal and civil sectors, who are affected by the applicability and scope of the evidential provisions of the ECT Act, to consider the issues raised; and to give these stakeholders an opportunity to bring other relevant matters to the Commission's attention.

Hearsay and relevance

On 1 December 2007 the Commission approved the publication of a discussion paper for general information and public comment. Discussion Paper 113: Review of the Law of Evidence: Hearsay evidence and relevancy was released at a media conference on 7 March 2008 with a closing date for comment of 30 June 2008. The paper was redistributed for comment in January 2009 with a closing date of 31 March 2009.

Cybercrime

The SALRC had initiated a preliminary investigation into cybercrime in response to growing concern about the adequacy of current legislation to address the rising threat of cybercrime. At a meeting on 3 December 2011, the Commission considered and approved a proposal to broaden the scope of Project 126: "Review of the Law of Evidence" to include an investigation into cybercrime.

In April 2012 the Minister of Communications launched a process to review the Information and Communications Technology (ICT) Policies. To this end, a National ICT Policy Colloquium was held from 19 to 20 April 2012. The review was initiated to examine the policy and regulatory frameworks that apply to telecommunication, broadcasting, postal and e-commerce that were expected to lead to the adoption of a white paper on an Integrated Policy Framework for South Africa. Due to the enormity and the complexity of the process and the need to ensure inclusivity in the development of these documents, the Minister of Communications intends to appoint an ICT Policy Review Panel in April 2014.

The Review Panel will review the functioning of the policy and regulatory frameworks for telecommunication, broadcasting, postal and e-commerce. In doing its work, the Panel will also review

the legislative framework, including cyber security; and will review the Electronic Communications Act of 2005, the ICASA Act of 2000, the Broadcasting Act of 1999, the Postal Services Act of 1998 and the Electronic Communications and Transactions Act of 2002. In light of these developments, the advisory committee will review the inclusion of an investigation into cybercrime as part of this project at its first meeting after the appointment of a project leader and an additional advisory committee member.

Project 127 – Review of administration orders

The Minister of Justice and Constitutional Development requested the SALRC to investigate administration orders, by following an incremental approach to distinguish between reforms that could be effected in 1) the short to medium term, and 2) 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. These amendments 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 light of the provisions of the National Credit Act 34 of 2005. On 14 January 2009, the Commission considered a document that detailed 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; however, 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. Consultation should commence through stakeholder meetings and workshops with debtors under administration.

A workshop was held at the University of Pretoria on 31 May 2011. The workshop was attended by 62 persons representing administrators, debt counsellors, creditors, magistrates, and debtors under administration and the NGOs representing them. The researcher has compiled a draft discussion paper containing proposed amendment legislation. This work takes into account those comments received on the background document titled "Administration Orders: proposed amendments to section 74-74W of the Magistrates Court Act, 32 of 1944".

Project 135 – Review of witchcraft legislation

The Commission received submissions from the South African Pagan Rights Alliance, 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 programme. The meeting also clarified the substantive issues raised in the submissions. A proposal paper was then 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.

The Commission approved a review of legislation pertaining to witchcraft on 1 August 2009. The Minister approved the inclusion of Project 135: "Review of witchcraft legislation" in the SALRC programme on 23 March 2010.

The researcher finalised the draft issue paper on 31 October 2012. A project leader was appointed in February 2014, and the draft issue paper was submitted to the project leader for consideration and comment. The project leader approved the draft issue paper and the proposed members of the advisory committee.

On 11 May 2014 the Commission deliberated upon the draft Issue Paper on the Review of the Witchcraft Suppression Act. The main issues in the paper are around; firstly whether there is a need to regulate witchcraft, and the extent of such regulation should it be desirable. Secondly, the extent to which existing laws should encroach on the rights of others in the free exercise of their religion. The Commission approved the publication of the Issue Paper for public comment and the Advisory Committee members that had been identified to assist with the investigation. The issue paper was published for public comment on 9 September 2014 and the closing date for comments was 30 October 2014.

On 26 September 2014 the Minister of Justice and Constitutional Development appointed members of the Advisory Committee to assist with the investigation. The first meeting of the Advisory Committee was held on 20 March 2015 to deliberate on the issues involved in the investigation and the development of the Discussion Paper.

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, including 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 programme, as the topic seems to fall within the purview of the Legal Practice Bill. The Director-General: DOJCD agreed with the DOJCD recommendation that the SALRC should pursue a separate investigation into the issue of multi-disciplinary practices for attorneys.

The Commission approved the inclusion of an investigation into multi-disciplinary legal practices on 25 October 2008. The Minister approved the inclusion of Project 136: "Multi-disciplinary legal practices" in the SALRC programme on 23 March 2010. Draft consultation paper is currently being developed and will be submitted to the project leader for consideration in due course.

Project 137 – Expungement of certain criminal records

During the deliberations on the Criminal Procedure Amendment Bill (enacted as the Criminal Procedure Amendment Act 65 of 2008), the Portfolio Committee on Justice and Constitutional Development received a number of inputs on the expungement of criminal records. The Portfolio Committee concluded that it is a complex matter that requires a balance between, on the one hand, the right of citizens to be protected against criminals and, on the other, the recognition that having a criminal record may cause undue hardship for a person.
The Portfolio Committee decided to request that the Minister for JCD should –

- Conduct further research on the different systems followed in the keeping of criminal records and their expungement. This research should draw, among others, on international best practice.
- Consult more widely with relevant stakeholders and the public on this issue.
- Report to Parliament on his findings within 24 months of the adoption of this report by the National Assembly.

On 2 October 2009, the SALRC received a letter from the Minster requesting the Commission to include a new investigation in its programme dealing with the expungement of certain criminal records. The

Commission approved an investigation into this matter on 13 March 2010. The Minister approved the inclusion of Project 137: "Expungement of certain criminal records" in the SALRC programme on 28 April 2010. The researcher developed the draft discussion paper. The term of office of the previous project leader expired in December 2011, and a new project leader was appointed in December 2013. A draft discussion paper was finalised in August 2014. The Commission approved the publication of a discussion paper on 5 December 2014. The discussion paper has since been published and the closing date for comments is 31 July 2015.

Project 138 – The practice of ukuthwala

On 15 March 2009, the South African Broadcasting Corporation (SABC) and e-TV gave news coverage to a practice that is prevalent in parts of the country, namely the forced marriage or sale of young girls into marriages with adult men. The girls are generally aged between 12 and 15 years. On 24 August 2009, the SALRC received a request from the Gender Directorate of DOJCD to investigate this practice of ukuthwala. Specific issues were the effect of ukuthwala on girl children; the appropriateness and adequacy of the current laws on ukuthwala; and protection of the human rights of girl children, taking the principle of the best interest of the child into consideration.

The Commission hosted a round-table 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 programme. About 50 people representing various stakeholders attended the discussion.

The Commission approved an investigation into the practice of ukuthwala on 14 August 2010. The Minister approved the inclusion of Project 138: "The practice of ukuthwala" in the SALRC programme on 2 December 2010. The advisory committee met for the first time on 18 September 2011 to discuss the project. On 16 January 2012, the chairperson of the advisory committee submitted a letter to the National House of Traditional Leaders requesting an audience with the House to discuss the project. The project leader and the researcher met with the National House of Traditional Leaders on 19 April 2012. A telephonic conference was held with advisory committee members on 05 March 2013.

The researcher distributed questionnaires to various stakeholders on 19 April 2013. The purpose of the questionnaire was to source opinions from stakeholders on the practice of ukuthwala. Seven responses were received from various NGOs, and Professors Meyiwa and Sithole evaluated the responses received. Advisory committee meetings were held on 9 November 2013 and 10 January 2014, and an advisory committee writing retreat took place from 16 to 19 January 2014. The draft discussion paper was tabled at the Commission meeting on 11 May 2014 for consideration and it was approved.

The media statement and discussion paper were published on 01 September 2014 and the closing date for comments was 31 October 2014. The researcher and project leader were interviewed by various media houses after publication of the discussion paper. The researcher presented the discussion paper to the Young Communist League of South Africa National Committee meeting on 05 September 2014. The researcher developed worksheets for the discussion paper and were posted on the SALRC's website on 29 September 2014.

Proposals for new investigations

Evaluation of proposals for new investigations
The SALRC has developed selection criteria to determine which proposals for new investigations should be included as investigations. The process starts with a decision on which proposals should become preliminary investigations. Given the human and financial resources and the amount of time expended on an investigation, it is clear that the SALRC is unable to investigate every proposal received. The SALRC therefore requires a method to determine when a proposal for an investigation will be entertained and when it will be rejected. Although proposals for investigation are usually subjected to preliminary investigation, even a preliminary investigation takes up valuable time and resources and may not always be necessary.

The selection criteria that have been developed provide for a two-phased process. In the first stage, an initial set of criteria is used to determine whether a proposal should be rejected without even a preliminary investigation. This stage entails a sifting mechanism to reduce the number of preliminary investigations. If a proposal does not meet the initial criteria, it is rejected and the person or institution that requested the investigation is informed accordingly. Proposals that pass the initial criteria are put through the second stage of the selection process, namely a preliminary investigation as described below.

Proposals received

In the year under report, the SALRC received one new request for consideration for inclusion in its law reform programme. A request for the inclusion of an investigation into the enactment of a single marriage Act was received from the honourable Deputy Minister of Home Affairs, Ms F Chohan, in September 2014.

Preliminary investigations

If a proposal for a new investigation meets the SALRC's initial criteria for the inclusion of new investigation into its programme, a preliminary investigation is indicated. The second set of criteria is then used to evaluate the proposal further, and to determine the ultimate inclusion or rejection of the proposal. Whereas all the initial criteria need to be met when deciding whether to go ahead with a preliminary

investigation, a proposal need not meet all the secondary criteria to be included in the programme. As indicated in the 2013-2014 annual report that the SALRC had received few requests for consideration for inclusion in its law reform programme, during the period under review, the following preliminary investigations were conducted:

Lesbians, Gays, Bisexuals, Transgendered and Intersexed (LGBTI)

At the Commission meeting held on 5 December 2013 the Commission for Gender Equality (CGE) presented issues which it had identified for inclusion on the program of the Commission. One of these issues was the "law regulating imprisonment of LGBTI people".

The researcher received the assignment in May 2014. Ms Prinsloo is the lead researcher assisted by Ms Clark as supervisor.

On 4 June 2014 the two Commission researchers assigned to this pre-investigation met with officials from the Chief Directorate: Constitutional Development in the Department of Justice and Constitutional Development to ascertain whether there is not already any type of programme in place or investigation ongoing in this regard.

On 5 September a meeting took place between the SALRC and the CGE. The meeting was attended by the Parliamentary Liaison of the CGE, Mr Kamraj Anirudhra, the researchers from the SALRC and Justice Maya, chairperson of the SALRC and (then) project leader of this investigation. This meeting was held to ascertain the scope of the pre-investigation.

On 25 March 2015 a meeting took place between the researcher and the Project Leader, Professor Oguttu, to discuss the proposal paper. It is envisaged that the proposal paper will be considered by the Commission at its next meeting in the 2015/2016 financial year.

Legal Fees

The investigation aims to review the current fees dispensation in terms of which legal practitioners are paid for rendering legal services to their clients. The parameters of the investigation are set out in section 35(4) of the Legal Practice Act No.28 of 2014. The Act was promulgated on 22 September 2014. However, in terms of section 120(4) (commencement provision) of the Act, section 35 will come into operation on a date to be fixed by the President by proclamation in the Gazette. This will take place after commencement of Chapter 2 of the Act. The latter section will commence three years after commencement of Chapter 10 of the Act. Parts I and II of Chapter 10 (establishment of the National Forum) came into operation with effect from 1 February 2015 (proclamation No.R.2 of 2015 published in Government Gazette No.38412 dated 23 January 2015).

Maternity benefits for self-employed women

The proposal received from the Commission for Gender Equality (CGE) for inclusion of the investigation into maternity benefits for self-employed women emanates from the SALRC's engagement with key role-players during its planning workshop held on 6 December 2013. The object of the preliminary investigation is to consider for inclusion in the SALRC's programme the review of the law of the Republic of South Africa with the object of probably extending maternity protection to self-employed women in the formal and informal sectors of the economy. This has to take into account the provisions of section 9 of the Constitution that prohibit discrimination on any grounds including gender, sex, pregnancy and marital status.

In August 2014, the Commission consulted with the Departments of Labour and Social Development with a view to determining whether these Departments are currently considering this matter as part of their legislative and constitutional mandate. Feedback from the Directors-General of Labour and Social Development were received on 10 October 2014 and 01 January 2015 respectively. Both Departments support in principle the inclusion of the proposed investigation in the SALRC programme. It is anticipated that a preliminary investigation report will be finalised and submitted to the Commission for consideration in the 2015/2016 financial year.

Medical legal claims

The investigation seeks to strengthen the legal position for the effective handling of medical legal claims. After the appointment of new SALRC Commission members, the Minister of Justice and Constitutional Development (as he was at the time), at the initiative of the acting SALRC Secretary, wrote collegial letters to all other Ministers. These letters invited all state departments to submit their suggestions or views on law reform or any aspect of a statute or common law applicable to the mandate of that Ministry for possible inclusion in the Commission's programme.

After receiving this letter from the SALRC, the Department of Health (DOH) requested the SALRC to include in its programme an investigation into medico-legal claims. This request was made mainly because of the challenges faced by the health sector due to the increase in claims for damages based on medical negligence. In addition, the Minister of Justice and Correctional Services (the Minister) wrote to the Chairperson of the SALRC on 16 January 2015. The Minister wrote the said letter after the Department of Justice and Constitutional Development (DOJCD) had received a letter from the Gauteng Department of Health requesting the DOJCD to amend legislation to address the matters raised in the case of Souls Cleopas and the Premier of Gauteng (Unreported case 09/41967, Gauteng South High Court, April 2014). The case had been brought on the basis of negligent medical treatment that the plaintiff had received from staff at Gauteng hospitals.

The proposals from the DOH and the Minister were subjected to the SALRC's criteria for requests for new investigations. The draft proposal paper considering the request for a SALRC investigation into medical legal claims was submitted to the project leader on 31 March 2015.

Small Claims Court

The object of this investigation is to revamp the Small Claims Courts Act to bring it in line with the constitutional imperative of access to justice and to provide measures for enforcing decisions of the Small Claims Courts.

A meeting was held on 8 July 2014 with officials from Court Services to consult on the scope of the proposal and to find out what DOJCD has done so far and what problems are experienced in relation to small claims courts. Documents received from Court Services were studied and a draft Commission Proposal Paper will be submitted to the project leader on 1 April 2015.

Minimum age of criminal capacity

The object of this investigation is to investigate whether the minimum age of criminal capacity should remain at 10 years or be raised.
A draft Proposal Paper was developed in September 2014 and submitted to the project leader for consideration on 30 September 2014. In February 2015 the researcher updated the proposal paper with developments. It is envisaged that the proposal paper will be finalised and considered by the Commission during 2015.

Age of marriage

On 6 December 2013, the South African Law Reform Commission hosted a workshop with various stakeholders to hear whether they had proposals to make for inclusion in the SALRC programme. The Commission for Gender Equality (CGE) in its presentation highlighted that one of the issues to be considered by the SALRC is the harmonisation of laws regarding the age of marriage. The CGE's main concern was that various pieces of legislation regulate marriages, but there is no uniformity on the age of marriage. Harmonisation is thus required on the legal age of consent for marriage.

Like all investigations, the researcher did a preliminary investigation to determine whether this investigation should be included in the SALRC's programme. A draft pre-investigation report was compiled. On 05 November 2014, the researcher sent the draft pre-investigation report to the project leader for consideration. As at 31 March 2015, the researcher was still awaiting comments from the project leader. It is envisaged that the proposal paper will be considered by the Commission at its next meeting in the 2015/2016 financial year.

Right to knowledge of one's own biological origins

The importance of the right to knowledge of one's own biological origin is relevant in the following contexts: artificial fertilisation, adoption, abandoning and alienation of children, disputed paternity and surrogate motherhood. It has been argued that knowing one's parents is a fundamental right and that a prohibition on revealing the identity of a person's origins should be viewed, in the case of children, as a violation of the Constitutional "best interest' principle.

Considerations taken into account in determining anonymity vs disclosure are the advance of medical science, the importance of genes, the best interest of the child, rights to privacy of the donor or biological parent and the social parent's failure to disclose the child's heritage. The SALRC will consider the possible inclusion of this investigation in its programme shortly.

Enacting a single marriage Act

A request for the inclusion of an investigation into the enactment of a single marriage Act was received from the honourable Deputy Minister of Home Affairs, Ms F Chohan, in September 2014. The object of this pre-investigation is to investigate the possibility of enacting a single marriage Act that will enable South Africans of different religious and cultural persuasions to conclude legal marriages that will accord with the doctrine of equality as encapsulated in the Constitution of the Republic of South Africa.

On 6 December 2014, the Commission approved the inclusion of this research request into its programme. A resolution was taken that a letter should be forwarded to the Deputy Minister of Home Affairs for the following reasons:

- to acknowledge receipt and importance of her research request;
- to advise her that this research request will be included in the programme of the Commission in the 2015/2016 financial year;
- to further inform her of the existing possibility that the investigation may go beyond the term of office of the current Commission, having regard to the wide range of stakeholders who will need to be consulted;
- to also highlight to her that the research will be substantial in nature because the request proposes an introduction of a new principle in the law of marriage.

The two preliminary investigations discussed below, conducted during previous reporting periods, have been referred to the Minister. The SALRC is awaiting the Minister's decision on whether to include them in the SALRC programme.

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 in the SALRC programme of an investigation on the culpable and unlawful killing of an unborn baby by a third party. A proposal paper dealing with the South African legal position served before the Commission on 25 October 2008. This paper made reference to the Constitution, the "born alive" rule in common law, delict and succession, procedural law, murder, attempted murder, abortion and sentencing. It examined the international legal position, relevant international instruments, regional treaties, foreign jurisdictions, the phenomenon of violence against pregnant women, and local cases, and recommended the inclusion of the investigation.

After consideration of a supplementary proposal paper on 10 October 2009, the Commission approved the inclusion of the project under an amended title, "Violence against Pregnant Women". A memorandum to request the Minister for JCD to approve the inclusion of the project in the SALRC programme was submitted to the DOJCD in November 2009.

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.

The Commission approved the inclusion of the investigation in the SALRC programme on 14 August 2010. A memorandum to request the Minister for JCD to approve the inclusion of the project in the SALRC programme was submitted to DOJCD on 25 October 2010.

Chapter 4:

Public Relations

CHAPTER 4
PUBLIC RELATIONS

Public consultation

The SALRC relies extensively on the cooperation of institutions and persons who have an interest in its investigations. The input of these external stakeholders contributes enormously to the efficient functioning of the SALRC. To ensure the best possible involvement of interested parties, SALRC policy requires that we inform members of the South African public of new investigations that we initiate, and of issue papers and discussion papers that are published for general information and comment. SALRC issue papers and discussion papers are released by way of media statements to ensure good coverage. However, the SALRC also directly sends issue papers and discussion papers to institutions that have an interest in specific investigations. Responses to these documents form an indispensable link in the process of law reform, and play an important role in the eventual recommendations made by the Commission in its reports.

Interaction with foreign law reform bodies and institutions
Association of Law Reform Agencies of Eastern and Southern Africa

South Africa, through the SALRC, is a member of the Association of Law Reform Agencies of Eastern and Southern Africa (ALRAESA). ALRAESA was established at a seminar on Best Practices in Law Reform held in Dar-es-Salaam, Tanzania, in October 2000. South Africa is currently the treasurer of ALRAESA. The Secretary of the SALRC, with the assistance of the Assistant Secretary, manages the bank accounts of ALRAESA, which are held in South Africa.

The Deputy Director-General: Legislative Development, Ms K Pillay, attended the ALRAESA Conference, Annual General Meeting (AGM) and Executive Committee Meeting (EXCO) held in Kampala, Uganda, on 10th -12th November 2014. At the ALRAESA AGM and EXCO meetings, Ms Pillay presented the audited financial statements of ALRAESA, the draft Administrative and Financial Regulations and announced that the signatories to the Association's bank accounts will be formally substituted at the next AGM when the position of the SALRC Secretary will be filled.

On 17 March 2015, the Secretary of the SALRC, together with Mr Mngoma, attended the ALRAESA AGM and EXCO meeting held in Windhoek, Namibia. The Secretary presented the Association's financial statements. The AGM and EXCO approved the substitution of new signatories to the bank accounts as well as the Administrative and Financial Regulations.

The Chairperson of ALRAESA, Mr SE Shanghala, announced at the ALRAESA AGM held on 17 March 2015 that he is stepping down as the Chairperson of ALRAESA as he was also stepping down as Chairperson of the Namibia Law Reform and Development Commission.

Elections for the new ALRAESA EXCO were held by the AGM and the following office bearers elected, namely:

- Chairperson: **Uganda**
- Vice-Chairperson: **Lesotho**
- Treasurer: **RSA**
- Secretary General: **Malawi**
- Additional Member: **Tanzania**
- Additional Member: **Namibia**

Internships at South African Law Reform Commission

The SALRC hosted 4 legal interns who were rotated on a quarterly basis in the three Chief Directorates of the Legislative Development Branch. The Interns were Ms Tshireletso Mzingeli, Mr Thabiso Isaac Maripana, Ms Ngwakoana Tshepiso Mantshana Ramothwala and Ms Emma Mabasa. Alongside the legal interns, the SALRC was privileged to also host a language editor intern Ms Asinah Mmakgabo Ngoetjana. Ms Ngoetjana served as the Assistant Copy Editor under the guidance and mentorship of Ms Sue Randall who is the SALRC's permanent Copy Editor. The contract period for all the internships was limited to 12 months, beginning from 1 July 2014 and ending on 30 June 2015.

The interns were exposed to all the work processes of the SALRC, administrative and professional. In addition to the internal day-to-day work of conducting legal researchers, interns were exposed to legal drafting through the attendance of a legal drafting course. Some had also attended advisory committee meetings whereas others attended external workshops with the mentors to whom they were assigned. Fortunately, two of the legal interns remained within the Department of Justice. While one has secured a position as a candidate attorney at the State Attorney's Office, another is an Estate Controller at the National Office of the Master of the High Court.

Ismail Mahomed Law Reform Essay Competition

The Ismail Mahomed Law Reform Essay Competition is a joint venture between the South African Law Reform Commission and Juta & Co. The competition was established in honour of the late Chief Justice and former Chairperson of the South African Law Reform Commission. The aim of this competition – generally an annual event at the SALRC – is to encourage critical legal writing by students, while generating new innovative ideas for the reform of the law. The initiative also seeks to encourage legal scholarship and public dialogue on the link between law reform, human rights and the rule of law. All LLB and LLM students registered at any South African university are eligible to enter the competition.

The 2013 Ismail Mahomed Law Reform Essay Competition began in February 2013, and marked the tenth anniversary of the competition. Prizes were again sponsored by Juta Law. The closing date for

receipt of essays was 30 September 2013. The SALRC received 27 essays in the LLB category and two in the LLM category. The essays were submitted by students registered at the Universities of Cape Town, Free State, Johannesburg, KwaZulu-Natal, North-West (Potchefstroom), Rhodes, South Africa, Stellenbosch, Venda, and Witwatersrand.

The adjudication panel was appointed in December 2013 to evaluate the essays and identify the winners and runners-up of the 2013 competition. The panel consisted of Professors Pamela Schwikkard (Dean, Faculty of Law, UCT; former Commissioner at the SALRC; Chairperson of the panel); Cathi Albertyn (Professor, Wits University; former Commissioner at the SALRC); Vinodh Jaichand (Dean, Faculty of Law, Wits; Commissioner at SALRC); Vivian Lawack (Dean, Faculty of Law, Nelson Mandela Metropolitan University); and Managay Reddi (Dean, Faculty of Law, University of KZN).

The panel also unanimously decided that the first prize for the 2013 competition should be awarded only in the LLB category and the winners were Mr Barns Shaun, from the University of Cape Town, for his essay "Constitutional damages: A call for the development of a framework for SA." The runners-up were Ms Ashton Colette, from the University of South Africa for her essay "Creating pockets of diversity in South African cities: How to unlock well-located land in rural areas." Mr Houze David, from the University of the Witwatersrand for his essay "Harmonising section 36 (1) (b) of the Criminal Procedure Act with human rights imperatives of the South African Constitution." Mr Sarkas Nathan, from the University of Cape Town for his essay "A not so quiet revolution." Mr Stuart-Steer Steven, from the University of Cape Town for his essay "Reconsidering an understanding of damages as a surrogate for specific performance in South African Law of Contract.'

The award ceremony for the 2013 essay competition, together with a celebration of the 10 year anniversary of the competition was held at the Centurion Lake Hotel in Centurion on 5 September 2014. In celebrating the 10th anniversary of the competition, a book containing all winning essays since inception of the competition in 1999 until 2013 was launched at award ceremony and presented to all the competition alumni and their universities. Another publication, a legal writing booklet, developed by the SALRC and Juta was also launched and will be distributed to all universities. The keynote address speaker was the Honourable Minister of Justice and Correctional Services, Adv Michael Masutha.

The 2014 cycle of the Ismail Mahomed Law Reform Essay Competition began in February 2014 and closed on 30 November 2014. The SALRC received 34 essays in the LLB category and 8 essays in the LLM category. The essays were submitted by students registered at the following universities: University of Cape Town, University of Free State, University of Johannesburg, University of KwaZulu-Natal, North West University, University of Pretoria, Rhodes University, University of South Africa, University of Stellenbosch, University of Venda, University of the Western Cape, University of the Witwatersrand, University of Zululand, Varsity College and Walter Sisulu University.

The adjudication panel was appointed in December 2014 to evaluate the essays and identify the winners and runners-up of the 2014 competition. The panel consisted of professors Caroline Nicholson (Dean: Faculty of Law, University of the Free State); Bernard Martin (Dean: Faculty of Law, University of the Western Cape); and Andre Boraine (Dean: Faculty of Law, University of Pretoria).

In view of the number and quality of the content of essays received, the panel unanimously agreed that the Ismail Mahomed Law Reform Essay Competition Prize should be awarded in both the LLB and LLM category for the 2014 cycle. Based on the overall scores awarded to the essays, the panel also decided that the prizes for the 2014 competition should be awarded to the following students:

LLB Category

- Mr Musa Kika (winner), University of KwaZulu-Natal, for his essay titled "Assessing the effectiveness of the Public Protector in holding public officials to account with specific reference to the SAPS, SABC and the Nkandla investigations: Towards accountability, responsiveness and openness."
- Ms Tamrynne Barnes (runner up), University of Stellenbosch, for her essay titled "Consumer Protection through Organic Food Labelling: A Comparison between South Africa and the European Union."
- Ms TA Hudson (runner up), University of South Africa, for her essay titled "Terrorism: A Southern African response."

LLM Category

- Ms Sarah Vahed (winner), University of Stellenbosch, for her essay titled "Protecting the Child in a Pluralist State: Assessing the Practise of Ukuthwala in South Africa."
- Ms Nontembeko Mathe (runner up), University of Pretoria, for her essay titled "Aspects of debt enforcement under the National Credit Act 34 of 2005."

The award ceremony for the 2014 Ismail Mahomed Law Reform Essay Competition will be held at the Centurion Lake Hotel on 11 September 2015.

Electronic and printed media and liaison

The SALRC maintains good relations with the electronic and print media sectors. 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 about the work of the SALRC on virtually a daily basis. These enquiries come from media representatives, other state departments, professionals, universities,

NGOs, and members of the public. In addition to dealing with routine enquiries on a regular basis, researchers and advisory committee members participate in various programmes and discussions relating to their research projects. These take the form of, among others, interviews at 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. The participants include 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 that are initiated by organisations other than the SALRC, both nationally and abroad. They are invited by other government departments, NGOs and other institutions to attend seminars or conferences and to participate in workshops relating to investigations on the SALRC 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 helps to avoid duplication of research initiatives.

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:

Requests for new investigations Mr Chris Mfunzana Ms Ronel van Zyl	Meeting with Legal Aid South Africa regarding the possible inclusion of new investigations in the SALRC research programme.	1 April 2014
	Meeting with the South African Human Rights Commission regarding the possible inclusion of new investigations in the SALRC research programme.	1 April 2014
Project 25 Judge J Kollapen Ms Ronel van Zyl	Meeting with Mr M Mantsho, Chief Director: Legal Services of the Department of Health (DOH), regarding the review of legislation administered by DOH.	30 July 2014

Project 25 Legislation administered by the Department of Home Affairs (DHA) Ms Maureen Moloi	General inquiries from the public regarding the review of the Public Holidays Act 36 of 1994.	After publication of Discussion Paper 133 in January 2015
	Interview by ENCA with the Deputy Minister of Justice and Constitutional Development, John Jeffery, in relation to the Prohibition of Mixed Marriages Amendment Act 21 of 1968.	21 January 2015
	Responded to media queries from James Myburgh, Editor & Publisher, Politicsweb about the proposed repeal of the Prohibition of Mixed Marriages Amendment Act 21 of 1968.	23 January 2015
	Responded to media queries from Philda Essop from Die Burger relating to the SALRC's Discussion Paper 133 specifically on the Prohibition of Mixed Marriages Amendment Act 21 of 1968 which the commission recommends must be repealed since it is obsolete.	23 January 2015
	Assisted PEC with a response to an article that appeared on Sowetan titled "Commission defends call for child gay marriages".	27 January 2015
	Interview with Mantsheuwa Mofokeng of Lesedi FM in relation to the Commission's preliminary recommendations on the review of the Civil Union Act 17 of 2006	2 February 2015

Project 90 Customary Law Ms Maureen Moloi	The project enjoys continuous external and media attention and the researcher received several general enquiries regarding customary marriages and customary law of succession. Enquiries by members of the legal profession and the public on the current legal position regarding traditional courts and the proposed amendments to the recently withdrawn draft Bill were attended to by the researcher.	Throughout the reporting period
	Denise Walsh, Associate Professor at the University of Virginia, Woodrow Wilson Department of Politics and Women, Gender & Sexuality, wrote to the researcher requesting submissions made in response to the SALRC issue and discussion papers and the report relating to the Recognition of Customary Marriage.	16 July 2014
	The researcher met with Prof Denise Walsh from University of Virginia. The following matters in relation to the Recognition of Customary Marriages Act 120 of 1998 (RCMA) were discussed: ▪ SALRC processes from issue paper to discussion paper. ▪ Consultation process that was followed by the Commission in relation to customary marriages. ▪ Submissions made by respondents to both the issue and discussion papers. ▪ Report on Recognition of Customary Marriages. ▪ Whether the aim of the RCMA has been met.	23 July 2014
Project 94 Alternative Dispute Resolution Ms Ananda Louw	Inquiries by members of the legal profession and the public on the current legal position regarding international and domestic arbitration and the proposed amendments to the two draft Bills.	Throughout the reporting period
	Meetings with DOJCD and Professor David Butler to discuss the updating of the International and Domestic Arbitration Bills.	Throughout the reporting period
	Attended conference hosted by Institute for Dispute Resolution in Africa, UNISA	5-6 November 2014
	Attended a Justice College seminar on mediation	4 December 2014

Project 100 **Family law and the law of persons** **Care of and contact with minor children** Ms Ananda Louw	General inquiries regarding problems with contact and care issues.	Throughout the reporting period
	Attended the National Accreditation Board for Family Mediators meeting in Johannesburg as an observer.	9 May 2014
	Attended the SAAM (South African Association of Mediators) Conference in Johannesburg	30-31 July 2014
	Met with DOJCD Gender Unit	17 July 2014
Project 107 **Sexual Offences:** Criminal Law (Sexual Offences and Related Matters Amendment Act) 32 of 2007 Ms Dellene Clark	General and specific enquiries from internal and external stakeholders.	Throughout the reporting period
	DOJ&CD Senior Women in Management Dialogue.	29 August 2014
	Roundtable on equal access to justice for persons with disabilities (Directorate: Promotion of the Rights of Vulnerable Groups).	27 November 2014
	Interviewed by a Masters student from Oxford University in the UK on her involvement in the Parliamentary process on the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 32 of 2007 and particularly in respect of sections 15 and 16 of the Act.	2 April 2014
	Query relating to a sexual offence against a child from an acting Judge. Provided her with the 2002 SA Law Reform Commission's Report on Sexual Offences and relevant information.	28 and 29 October 2014 30 October 2014
	Meeting with DoJCD to discuss the role out of the sexual offence courts and the blueprint discussed by the SALRC in its Report on Sexual Offences.	3 November 2014
	Corresponded with Ms Landuyt (University of Oxford & Boston University School of Law) regarding her research on the pending amendments to the Sexual Offences Act	11 November 2014
	Attended the South African Professional Society on the Abuse of Children (SAPSAC), 15th Annual National Child Abuse celebratory cocktail and address at the CSIR ICC in Pretoria (recent developments in courts around the admission of testimony by disabled child sexual offence victims and children in general).	28 January 2015

	Information given to the DoJCD Branch Legislative Development on the Report on Sexual Offences e.g. the absence of minimum sentences for the elderly in the Sexual Offences Act.	Ongoing throughout period
	Correspondence with Sr Ruth, a sexual health educator regarding the Criminal Law (Sexual Offences and Related Matters) Amendment Bill.	Ongoing throughout period
	Comment to the Chief Directorate Legislative Development on proposed amendments to section 15 and 16 of the Sexual Offences Act.	Various meetings and correspondence over period with DOJCD and NPA
Adult Prostitution Ms Dellene Clark	The researcher has at the request of SANAC and with the approval of the Minister of Justice and Constitutional Development been serving on the SANAC Legal and Human Rights Technical Task Team since June 2012. At the invitation of the SANAC Legal and Human Rights Technical Task Team Secretariat she made recommendations to the South African National Blood Service, on their blood donor questionnaire. She was commended to the CEO of SANAC for her input and was notified by the Medical Director of the SA National Blood Service on 15 April 2014 that the blood donor questionnaire will be officially updated on 5 May 2014 in accordance with her suggestion.	Ongoing throughout period
	Ms Clark has attended and participated in the National Stakeholder's consultation on the South Africa HIV and TB Investment Case in Pretoria at the invitation of the CEO of SANAC. She participated in discussions on the priority area on Key Populations, which includes prostitution.	30 – 31 July 2014
	Ms Clark, in her capacity as a member of the SANAC Legal and Human Rights TTT, received a request to comment on the SANAC draft Procedural Guidelines.	11 March 2015

Pornography and Children Ms Dellene Clark	UNISA Youth Research Unit: Conference on online sexual exploitation of children.	18 and 19 August 2014
	Closed discussion on online sexual exploitation of children with Mr Paul Gillespie, the CEO and President of the Canadian based The Kids Internet Safety Alliance (KINSA).	20 August 2014
	Workshop on the Cybercrimes and Related Matters Bill: DOJCD Legislative Development.	17 June 2014
	Assisted the NPA to access judgements relevant to cybercrime and sexual offences.	20 June 2014
	Attended a Dialogue on Children in the Media by the Media Monitoring Group hosted by the HSRC with a focus on the portrayal of vulnerable children in the media and their exposure to pornography.	28 July 2014
	Presented and participated in a roundtable panel discussion of key stakeholders on Cyber Safety and the challenges of social media: Film and Publication Board Communications and Public Education Unit to on. The topic was "The dangers of the digital age, cyber safety regulations and the law".	12 November 2014
	Met with the Director of SaveTnet to discuss the important work that SaveTNet is doing regarding cyber bullying and the effect of peer to peer sharing of pornography.	26 November 2014
	Attended the intersectoral workshop on the Cybercrimes and Related Matters Bill.	18 February 2015
Project 110 Review of the Child Care Act Ms Ronel van Zyl	General inquiries, especially from social workers, regarding the Children's Act 38 of 2005 and parental responsibilities and rights in particular.	Throughout the reporting period
	Meeting with officials from the Department of Justice and Constitutional Development regarding the implementation of the Children's Act, 2005 in relation to the National Child Protection Register.	3 September 2014
	Presentation on the Children's Act, 2005 to the North Gauteng branch of the Occupational Therapy Association of South Africa.	8 October 2014
	Presentation on the Children's Act, 2005 to volunteers from the Sinoville Crisis Centre.	3 November 2014

Project 122 Assisted decision-making Ms Anna-Marie Havenga	General 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
	Meeting with representatives of the Banking Association South Africa (BASA) on comment submitted by BASA on aspects of the draft Supported Decision-making Bill under preparation	18 June 2014
	Meeting with representatives of the National Department of Health to obtain support for certain provisions included in the draft Supported Decision-making Bill under preparation	15 July 2014
	Correspondence with the Director-General, National Department of Health on request for final comment on certain aspects of the draft Supported Decision-making Bill under preparation	11 August 2014
Ms Margaret Meyer (advisory committee member)	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
Related to Project 122 Assisted decision-making Ms Ronel van Zyl	Meet with officials from the Department of Justice and Constitutional Development to discuss the 1st periodic report to the United Nations on the Rights of Persons with Disabilities.	4 April 2014

Project 124 **Privacy and data protection** Ms Ananda Louw	General inquiries on the impact of the proposed Protection of Personal Information Bill.	Throughout the reporting period
	Meeting with DOJCD, GFA Group, Germany on impact of PPI Act on PAIA	14 April 2014
	Meeting with DOJCD on Cyber Crime Bill	16 July 2014
	Met with senior manager, Regulatory Advocacy, Group Risk, Standard Bank Group	22 May 2014
	Made presentation at the SAHRC's Right to Know Day, Pretoria	10 October 2014
	Provided training on the PPI Act to NPA and SAPS, Pretoria	28 November 2014
	Met with LLM students from WITS and UKZN on impact of PPI Act	30 January 2015 and 28 February 2015 respectively
Project 125 Prescription periods Ms Theresa Häderli	Responded to general enquiries regarding the investigation and questions pertaining to the application of the law of prescription.	Throughout the reporting period
Project 127 Administration Orders Ms Lowesa Roberts	Met with officials from DTI namely Ms Zodwa Ntuli, DDG responsible for policy and legislation, Mr McDonald Netshitenzhe, Chief Director: Policy and Legislation, and Mr Siphamandla Kumkani, Director: Credit Law and Policy. The purpose of the meeting was to discuss DTI's involvement in the Commission's investigation into administration orders.	On 28 January 2015
	Legislative Development received a request from the Office of the Chief Litigation Officer to provide comments on a High Court application by Anglo American Platinum Ltd to have section 74L and 74H of the Magistrates' Courts Act, 32 of 1944 declared unconstitutional. The researcher was requested to formulate a response. A detailed response was submitted to Legislative Development.	16 February 2015.
	Briefed Mr Tremaine Moonsamy, a 2nd year UNISA law student, on the review of administration orders.	3 September 2014
Project 137 The expungement of certain criminal records Mr Willie van Vuuren	General inquiries regarding the expungement of criminal records. This included discussions with the officials of the Department of Correctional Services, the Department of Justice and officials of NICRO	Throughout the reporting period

Project 138 The practice of ukuthwala Ms Maite Modiba	General enquiries regarding the practice of ukuthwala	Throughout the reporting period
	Interviewed by the following media houses after publication of the Discussion Paper: ▪ Thobela FM ▪ Unitra Community Radio FM ▪ Lesedi FM ▪ SA FM ▪ Power FM ▪ Mungana Lonene FM	4 September 2014
	Presented the Discussion Paper to the Young Communist League of South Africa's National Committee	5 September 2014
	Workshops on the Discussion Paper took place as follows:	
	Pietermaritzburg;	27 November 2014
	Thohoyandou	4 December 2014
	East London	27 January 2015
	Pretoria	29 January 2015
	Assisted in training members of the KwaZulu Natal Human Trafficking, Prostitution, Pornography and Brothels Task Team.	4 - 5 February 2015
	Presented the Discussion Paper in the 18th Miller du Toit Annual Family Law Conference	13 March 2015
	Met with the Second Secretary (Political and Economic Affairs) of the Canadian High Commission in South Africa, Ms Sheryl McLaughlin, to discuss the practice of ukuthwala as outlined in the discussion paper	2 March 2015
Preliminary investigation into medico-legal claims Ms Ronel van Zyl	Attend and make a presentation at a workshop on medico-legal claims hosted by the Department of Health.	13 January 2015
	Attend event for the launch of Rural Proofing Guidelines for the health sector.	29 January 2015
	Attend and make a presentation at a summit on medico-legal claims hosted by the Department of Health.	9 and 10 March 2015

Internet

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

Chapter 5:

Acknowledgements

CHAPTER 5
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 such contributors. However, the Commission expresses its sincere gratitude to all concerned. Without your goodwill and assistance, the Commission would not have been able to execute its mandate properly.

The Commission also wishes to express its appreciation to the various project leaders and advisory committee members, both within and outside the Commission, for providing advice and direction. Thank you for your input in evaluating the research and for the guidance you have given the SALRC researchers in compiling documents and reports. 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 in the Secretariat for their dedication and for the consistently high level of professionalism and excellent research standards which they have maintained. The Department of Justice and Constitutional Development as a whole is thanked for its cooperation and goodwill.

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

Finally, the administrative staff members are thanked for their contributions, which are indispensable for the success of the law reform process.

Annexures:

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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 17651 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 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 7 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

Serial number of issue paper	Project number	Title of investigation	ISBN number Publication date
15	59	Islamic marriages and related matters	0 621 30089 6 May 2000
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 350168 January 2004
26	126	Review of the law of evidence	0 978 0 621 37676 0 March 2008
27	126	Electronic evidence in civil and criminal proceedings: Admissibility and related issues	978 0 621 389226 5 March 2010
28	100	Review of the Maintenance Act 99 of 1998	978 0 621 43034 9 September 2014
29	135	The review of the Witchcraft Suppression Act 3 of 1957	978 0 621 43033 2 September 2014

ANNEXURE B

DISCUSSION PAPERS PUBLISHED BY THE COMMISSION

Since March 1983, serial numbers have been assigned to all discussion papers (previously referred to as working papers), with the numbers running consecutively. Only discussion papers published since March 1983 are listed below.

Serial number of discussion paper	Project number	Title of investigation	ISBN 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

Serial number of discussion paper	Project number	Title of investigation	ISBN Publication date
16	62	The protection of a purchaser of securities	27 April 1987
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

Serial number of discussion paper	Project number	Title of investigation	ISBN 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
47	87	Jurisdictional lacuna in the Supreme Court Act 59 of 1959	0 621 15429 6 April 1993

Serial number of discussion paper	Project number	Title of investigation	ISBN Publication date
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
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

Serial number of discussion paper	Project number	Title of investigation	ISBN Publication date
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
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

Serial number of discussion paper	Project number	Title of investigation	ISBN Publication date
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
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 S ecurity 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

Serial number of discussion paper	Project number	Title of investigation	ISBN Publication date
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
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

Serial number of discussion paper	Project number	Title of investigation	ISBN Publication date
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	978 0 621 37675 3 March 2008
114	25	Statutory Law Revision: Legislation administered by the Department of Transport	978 0 621 37829 0 June 2008
115	25	Statutory Law Revision: Legislation administered by the Department of Housing	978 0 621 38319 5 November 2008
1/2009	107	Sexual Offences: Adult Prostitution	978 0 621 38498 7 May 2009
116	25	Statutory Law Revision: Legislation administered by the Department of Energy	978 0 621 39655 3 August 2010
117	25	Statutory Law Revision: Legislation administered by the Department of Labour	978 0 621 39656 0 August 2010
118	25	Statutory Law Revision: Legislation administered by the Department of Rural Development and Land Reform	978 0 621 39657 7 August 2010
119	25	Statutory Law Revision: Legislation administered by National Treasury – Legislation other than tax legislation	978 0 621 39738 3 October 2010
120	25	Statutory Law Revision: Legislation administered by the Department of Cooperative Governance and Traditional Affairs	978 0 621 39827 7 December 2010
121	25	Statutory Law Revision: Legislation administered by the Department of Public Works	978 0 621 39916 5 February 2011
122	25	Statutory Law Revision: Review of legislation administered by the Department of Communications	978 0 621 40070 0 May 2011

Serial number of discussion paper	Project number	Title of investigation	ISBN Publication date
123	25	Discussion Paper 123 – Statutory Law Revision: Review of legislation administered by the Department of Defence and Military Veterans	978 0 621 40071 7 May 2011
124	25	Discussion Paper 124 – Statutory Law Revision: Review of legislation administered by the Department of Mineral Resources and ancillary legislation administered by other departments	978 0 621 40076 2 May 2011
125	25	Discussion Paper 125 – Statutory Law Revision: Review of legislation administered by the Department of Basic Education	978 0 621 40077 9 May 2011
126	125	Discussion Paper 126 – Prescription Periods	978 0 621 40078 6 July 2011
127	25	Discussion Paper 127 – Statutory Law Revision: Review of legislation administered by the Department of Tourism	978 0 621 40469 2 October 2011
128	25	Discussion Paper 128 – Statutory Law Revision: Review of legislation administered by the Department of International Relations and Cooperation	978 0 621 40470 8 October 2011
129	25	Discussion Paper 129 – Statutory Law Revision: Review of legislation administered by the Department of Justice and Constitutional Development [Legislation on the legal professions, courts and institutions, civil procedure and evidence, substantive criminal law, substantive civil law, wills, estates and insolvency, constitutional and political legislation]	978 0 621 40490 6 October 2011
130	25	Discussion Paper 130 – Statutory Law Revision: Review of legislation administered by the Department of Justice and Constitutional Development [Legislation on family law and marriage]	978 0 621 40491 3 December 2011

Serial number of discussion paper	Project number	Title of investigation	ISBN Publication date
131	126	The review of the law of evidence	978 0 621 42894 0 December 2014
132	138	The Practice of Ukuthwala	978 0 621 42949 7 1 September 2014
133	25	Statutory Law Revision: Review of legislation administered by the Department of Home Affairs	978 0 621 43280 0 20 January 2015

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.

Project number	Title	Year of report	Reference number of published report	Result
9	Review of the law of trusts	1986	June 1987	Trust Property Control Act 57 of 1988 enacted.
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.

Project number	Title	Year of report	Reference number of published report	Result
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.
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

Project number	Title	Year of report	Reference number of published report	Result
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.
	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	2009	ISBN 0 621 40020 5	See Chapter 3
	Legislation administered by the Department of Transport	2011	To be published	Transport Laws Repeal Act 10 of 2010 enacted.
	Legislation administered by the Department of Energy	2011	To be published	See Chapter 3
	Legislation administered by the Department of Human Settlements	2011	To be published	See Chapter 3

Project number	Title	Year of report	Reference number of published report	Result
	Legislation administered by the Department of Labour	2011	To be published	See Chapter 3
	Legislation administered by the Department of Mineral Resources	2011	To be published	See Chapter 3
	Legislation administered by the Department of Public Works	2011	To be published	See Chapter 3
	Legislation administered by the Department of Rural Development and Land Reform	2011	To be published	See Chapter 3
	Legislation administered by National Treasury	2014	To be published	See Chapter 3
	Legislation administered by Defence and Military Veterans	2014	To be published	See Chapter 3
	Legislation administered by International Relations and Cooperation	2014	To be published	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

Project number	Title	Year of report	Reference number of published report	Result
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.
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.

Project number	Title	Year of report	Reference number of published report	Result
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
45	Women and sexual offences in South Africa	1985	ISBN 0 621 09609 1	Enactment of the following: 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.

Project number	Title	Year of report	Reference number of published report	Result
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.
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.

Project number	Title	Year of report	Reference number of published report	Result
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
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.

Project number	Title	Year of report	Reference number of published report	Result
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.

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.

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 re-pealed 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.

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	Report published 4 April 2011.	Recommendations not implemented. See Chapter 4
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.

Project number	Title	Year of report	Reference number of published report	Result
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.
	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.

Project number	Title	Year of report	Reference number of published report	Result
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.
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.

Project number	Title	Year of report	Reference number of published report	Result
90	Customary law			
	Customary marriages	1998	RP 170/1998 ISBN 0 621 28755 5	Recognition of Customary Marriages 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 enacted. The Act commenced on 20 September 2010.
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

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	See Chapter 3.
	Domestic arbitration	2001	ISBN 0 621 31453 6	See Chapter 3.
	Alternative Dispute Resolution	-	-	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

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.
	Care of and contact with minor children	-	-	See Chapter 3
	Review of aspects of matrimonial property law	-	-	See Chapter 3
	Hindu marriages	-	-	Struck off
	Review of the law of maintenance	-	-	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.

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	2002	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
	Pornography and children	-	-	See Chapter 3
108	Computer-related crimes	-	-	Struck off
109	Review of the Marriage Act	2001	RP 117/2001 ISBN 0 621 31454 4	The Department of Home Affairs published Government Gazette Notice 13 of 2008 on 14 January 2008 to invite comment on the draft Marriage Amendment Bill of 2008. The Department of Home Affairs published Government Gazette Notice 149 of 2009 on 13 February 2009 to invite public comment on the draft Marriage Amendment Bill of 2009.
110	Review of the Child Care Act	2002	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	1998	RP 80/2000 ISBN 0 621 30062 4	Recommendations not implemented.
112	Sharing of pension benefits	1999	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.

Project number	Title	Year of report	Reference number of published report	Result
113	Use of electronic equipment in court proceedings	-	-	Struck off – continued as part of Project 126
	Postponement of criminal cases via audio-visual 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.
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	2006	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	-	-	See Chapter 3

Project number	Title	Year of report	Reference number of published report	Result
123	Protected disclosures	2007	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	Protection of Personal Information Act 4 of 2013 passed.
125	Prescription periods	-	-	See Chapter 3
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	2006	ISBN 978 0 621 38320 1	Protection from Harassment Act 17 of 2011 enacted.
131	Trafficking in persons	2008	ISBN 0 621 38926 5	Prevention and Combating of Trafficking in Persons Act 7 of 2013 passed.
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

Project number	Title	Year of report	Reference number of published report	Result
136	Multi-disciplinary legal practices	-	-	See Chapter 3
137	Expungement of certain criminal records	-	-	See Chapter 3
138	The practice of ukuthwala	-	-	See Chapter 3

ANNEXURE D

MEMBERS OF THE COMMISSION AND TERMS 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
	01/12/1988 to 31/12/1995
Chief Justice I Mahomed	01/01/1996 to 17/06/2000
Judge Y Mokgoro, Judge of the Constitutional Court	03/11/2000 to 31/12/2006 01/01/2007 to 31/12/2011
Judge MML Maya, Judge of the Supreme Court of Appeal	19/07/2013 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
Judge Y Mokgoro, Judge 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 31/12/2011
Judge JN Kollapen, Judge of the High Court	19/07/2013 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
Mr M Bliss QC	07/10/1976 to 24/02/1977
Mr F H Grosskopf SC	01/07/1977 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
Judge 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
Prof C Albertyn	01/01/2007 to 31/12/2011
Judge D Davis	01/01/2007 to 31/12/2011
Mr T Ngcukaitobi	01/01/2007 to 31/12/2011
Mr D Ntsebeza SC	01/01/2007 to 31/12/2011
Prof P J Schwikkard	01/01/2007 to 31/12/2011 12/08/2013 to 01/2014
Ms M Sello	01/01/2007 to 31/12/2011 12/08/2013 to date
Prof V Jaichand	12/08/2013 to date
Mr IBW Lawrence	12/08/2013 to date
Ms NT Siwendu	12/08/2013 to date
Prof AW Oguttu	02/01/2015 to date
Prof M Carnelley	02/01/2015 to date

ANNEXURE E

CURRENT ADVISORY COMMITTEES AND MEMBERS

Project	Members	Organisation
Project 25 Legislation administered by the Department of Agriculture, Forestry and Fisheries	Ms D Collier	University of Cape Town
	Prof ML Mbao	North-West University
	Ms M Moselakgomo	Agricultural Research Council
Project 25 Legislation administered by the Department of Basic Education	Prof V Jaichand (Project leader)	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 AW Oguttu (Project leader)	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 I Lawrence (Project leader)	SALRC
	Prof M Beukes	University of South Africa
	Mr J Brickhill	Legal Resources Centre
	Ms A du Plessis	North-West University
	Mr T Madlingozi	University of Pretoria
	Prof N Olivier	University of Pretoria
	Dr DM Pretorius	Bowman Gilfillan Inc Attorneys
	Ms R Roos	North-West University
	Mr M Tenza	Walter Sisulu University
	Prof H van As	Nelson Mandela Metropolitan University
Project 25 Legislation administered by the Department of Defence and Military Veterans	Mr I Lawrence (Project leader)	SALRC
	Adv T Norman	Durban Bar
	Rear Admiral D Smart	Formerly of the SANDF
	Adv A Tshivhase	University of Cape Town

Project	Members	Organisation
Project 25 Legislation administered by the Department of Environmental Affairs	Prof L Feris	University of Pretoria
	Prof L Kotze	North-West University
	Ms KO Lefenya	North-West University
	Mr T Murombo	University of the Witwatersrand
	Mr A Paterson	University of Cape Town
	Prof W Scholtz	North-West University
Project 25 Legislation administered by the Department of Health	Prof V Jaichand (Project leader)	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	Prof V Jaichand (Project leader)	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	Mr I Lawrence (Project leader)	SALRC
	Ms A Bhamjee	University of the Witwatersrand
	Prof T Boezaart	University of Pretoria
	Prof M Carnelley	University of KwaZulu-Natal
	Prof J Heaton	University of South Africa
	Ms MAB Majoko	University of KwaZulu-Natal
	Adv N Morei	North-West University
	Prof T Mosikatsana	University of the Witwatersrand
	Mr J Pokroy	Pokroys Attorneys
	Mr C Watters	Watters Attorneys

Project	Members	Organisation
Project 25 Legislation administered by the Department of Justice and Constitutional Development	Mr I Lawrence (Project leader)	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	North-West University
	Mr T Mutangi	University of Pretoria
	Ms C Ncube	University of Cape Town
	Dr I Nonjongo	University of Cape Town
	Prof 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 Supreme Court of Appeal
Project 25 Tax legislation administered by National Treasury	Prof V Jaichand (Project leader)	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 J Bekker	University of Pretoria
	Prof W du Plessis	North-West University
	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	Members	Organisation
Project 25 Legislation administered by the Department of Tourism	Prof M Carnelley (Project Leader)	SALRC
	Prof L Feris	University of Pretoria
	Prof L Kotze	North-West University
	Ms KO Lefenya	North-West University
	Mr T Murombo	University of the Witwatersrand
	Mr A Paterson	University of Cape Town
	Prof W Scholtz	North-West University
Project 25 Legislation administered by the Department of Trade and Industry	Ms T Siwendu (Project leader)	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	North-West University
	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
	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 Sanitation	Prof M Carnelley (Project leader)	SALRC
Project 94 Arbitration	Adv M Sello (Project leader)	SALRC
International Arbitration	Prof D Butler	Emeritus Professor, University of Stellenbosch
Domestic Arbitration	Prof D Butler Judge J Hlophe Judge CM Sardiwalla Adv N Singh SC	Emeritus Professor, US Judge President Cape High Court Acting Judge, Land Claims Court Kwa-Zulu Natal Bar
ADR	Prof D Butler Adv P Pretorius SC Adv Rajesh Choudree	Emeritus Professor, US Johannesburg Bar Society of Advocates KZN

Project	Members	Organisation
Project 100 Family law and the law of persons Care of and contact with minor children	Judge D van Zyl (Chairperson)	Former Judge of the Western Cape High Court
	Adv M Sello (Project leader)	SALRC
	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
	Prof T Mosikatsana	University of the Witwatersrand
	Prof J Mowatt	Rhodes University
Project 100 Review of aspects of matrimonial property law	Judge D van Zyl (Chairperson)	Retired Judge of the Western Cape High Court
	Adv M Sello (Project leader)	SALRC
	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
Project 100 Review of the Maintenance Act	Prof M de Jong (Project Leader)	UNISA
	Mr I Lawrence	SALRC
	Ms S Erasmus	NPA- KZN
	Ms L Mbatha	National Movement for Rural Women
	Mr D Thulare	Magistrate, Tembisa Court
Project 107 Sexual offences Pornography and children	Prof AW Oguttu (Project Leader)	SALRC
	Mr I Chetty	KINSA (South Africa)
	Mr D Cull	Internet Service Providers Association
	Adv R Meintjes (SC)	DDPP, National Prosecuting Authority
	Ms J van Niekerk	Childline; President International Society for the Prevention of Child Abuse and Neglect
	Col A Pienaar	FCS South African Police Service
	Ad hoc members:	
	Mr S Risiba	CEO Film and Publications Board
	Ms P Linders	Department of Telecommunications & Postal Services
	Mr S Robbertse	State Law Adviser, DoJCD

Project	Members	Organisation
Project 122 Assisted decision-making: Adults with impaired decision-making capacity	Judge B du Plessis (project leader)	Former Judge of the North Gauteng High Court
	Ms T Siwendu	SALRC
	Prof J Bekker	Retired Dean of the Faculty of Law, Vista University
	Ms D Mahlangu	Department of Social Development
	Ms M Meyer	Office of the Master of the High Court
	Mr L Vitus	Retired Executive Manager of the SA Federation for Mental Health
Project 126 Review of the law of evidence	Judge J Kollapen	Judge of the North Gauteng High Court
	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
	Dr D Collier	University of Cape Town
Project 135 Review of the Witchcraft Suppression Act	Prof Marita Carnelley (Project Leader	SALRC
	Dr Theodore Petrus	University of Fort Hare
	Prof David Biltchitz	University of Johannesburg
	Dr Sibisiso Masondo	University of KwaZulu Natal
	Ms Likhapha Mbatha	National Movement for Rural Women
	Prof Pitika Ntuli	Retired professor
Project 138 The practice of ukuthwala	Prof NT Nhlapo (Project leader)	University of Cape Town
	Judge MML Maya	SALRC
	Prof R Mqeke	Retired Dean of the Faculty of Law, Rhodes University
	Prof T Meyiwa	Durban University of Technology
	Prof P Sithole	University of KwaZulu Natal

ANNEXURE F

CURRENT PROGRAMME OF THE COMMISSION

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	▪ Alternative Dispute Resolution ▪ Mediation
100	Family law and the law of persons ▪ Care of and contact with minor children ▪ Review of aspects of matrimonial property law ▪ Review of the law of maintenance
107	Sexual offences Sexual offences: Adult prostitution Pornography and children
122	Assisted decision-making
125	Prescription periods
126	Review of the law of evidence ▪ Hearsay and relevance ▪ Electronic evidence ▪ Cyber crime
127	Review of administration orders
134	Administration of estates
135	Review of witchcraft legislation
136	Multi-disciplinary legal practices
137	Expungement of certain criminal records
138	The practice of ukuthwala

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) written 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

Serial Number	Author, editor, compiler, etc	Title or subject	Reference number
5	Profs F J Bosman, J De Smidt, H W van Soest & P van Warmelo	Observations on decided cases concerning antenuptial contracts written by Cornelius Neostadius	ISBN 0 621 09855 8
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

Serial Number	Author, editor, compiler, etc	Title or subject	Reference number
16	SALRC	Domestic Violence	Accessible on SA Law Reform Commission website
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

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