REPORT ON ACTIVITIES OF THE SOUTH AFRICAN LAW REFORM COMMISSION - 2017/2018

South African
Law Reform Commission

South African Law Reform Commission

South African Law Reform Commission

Report: 2017 / 2018

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 2017 to 31 March 2018.

Yours sincerely

Judge Jody Narandran Kollapen
(Gauteng North Division of the High Court)
Chairperson of the South African Law Reform Commission

South African Law Reform Commission

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

The members of the SALRC are –

The Honourable Mr Justice Narandran Kollapen (Chairperson)
Professor Annet Wanyana Oguttu
Professor Vinodh Jaichand
Professor Marita Carnelley
Advocate Mahlape Sello
Miss Thina Siwendu
Mr Irvin Lawrence

The project leader responsible for this investigation is Professor Vinodh Jaichand. The SALRC researcher assigned to this investigation is Miss Veruksha Bhana.

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Gallery of Commissioners

Judge JN Kollapen
Judge of the Gauteng North
High Court

Prof M Carnelley
Proffesor of family law and
gambling law
North west University

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

Mr IBW Lawrence
Practising attorney
Durban

Prof AW Oguttu
Proffessor of Tax Law
University of South Africa

Adv M Sello
Advocate of the High Court
Johannesburg Bar

Ms NT Siwendu
Judge of the Gauteng
South High Court

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

Dawn of a new era for the SALRC Legal Essay Competition

It is reported in chapter 5 of this annual report that the South African Law Reform Commission in partnership with JUTA Law has been running the Ismail Mahomed Law Reform Essay Competition since 1999. The competition was named in honour of the late Chief Justice and former Chairperson of the South African Law Reform Commission, Justice Ismail Mahomed. The aim of the competition has been, and still is, to encourage critical legal writing by law students while generating new ideas for the reform of the law.

However, it is worth mentioning in the present chapter that during the year 2017 the South African Law Reform Commission identified the need to change the name of this competition. Its name changed from Ismail Mahomed Law Reform Essay Competition to the "South African Law Reform Commission Legal Essay Writing Competition". The main aim for this change is to provide the South African Law Reform Commission with an opportunity to honour, through this competition, all the Chief Justices as well as other great legal minds that this country has produced. Their honouring will be done by rotating periodically the naming of the prizes for this competition after a particular person.

Guided by the idea of inclusivity, for the year 2018, the South African Law Reform Commission chose the late Chief Justice Pius Nkonzo Langa as the legal stalwart in whose honour the 2018 season of this competition should be dedicated.

The launch of the 2018 season of the newly named SALRC Legal Essay Writing Competition took place at the University of South Africa on 23 February 2018. Various stakeholders from the legal fraternity, which included Judge Presidents of the High Courts; Deans of Law Faculties; Members of the Bar Councils as well as the representatives of the Chapter 9 Institutions, attended the launch.

Speaking at the launch, the Minister of Justice and Correctional Services Adv TM Masutha, MP, acknowledged that the legal research and writing skills that this competition attempts to hone are foundational skills, among many others, which any lawyer needs to acquire in order to be successful in his/her legal career and in order for justice to be effectively achieved.

Current SALRC Commissioners

During the reporting period of 1 April 2017 to 31 March 2018, the Commission remained comprised of the following Commissioners appointed by the President:

- Judge Jody Narandran Kollapen, Judge of the Gauteng North High Court (Chairperson).
- Professor Marita Carnelley (Professor of Law – North-West University: Potchefstroom Campus).
- Professor Vinodh Jaichand (Former Head of School of Law at Wits University).

- Mr Irvin Lawrence, attorney in private practice.
- Professor Annet Wanyana Oguttu (Professor of Law - UNISA).
- Adv Mahlape Sello, member of the Bar.
- Judge Namhla Thina Siwendu, Judge of the Gauteng South High Court.

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.
8. Review of legislation administered by the Department of International Relations and Cooperation submitted to the Minister of International Relations and Cooperation in September 2015.
9. Review of legislation administered by the Department of Water and Sanitation submitted to the Minister of Water and Sanitation in March 2017.
10. Review of legislation administered by the Department of Arts and Culture submitted to the Minister of Arts and Culture in November 2017.

The following reports emanating from investigations under Project 25: "Statutory Law Revision: Redundancy, obsoleteness and unconstitutionality of legislation" were submitted to the Minister of Justice and Correctional Services for referral to other Ministers:

1. Review of legislation administered by the Department of Science and Technology was submitted in June 2016 for referral to the Minister of Science and Technology.
2. Review of legislation administered by the Department of Home Affairs was submitted in March 2017 for referral to the Minister ozf Home Affairs.

The following report emanating from Project 107: Sexual Offences was referred to the Minister of Justice and Correctional Services:

- Project 107: Report on Sexual Offences (Adult Prostitution) – was submitted to the Minister of Justice and Correctional Services on 25 August 2014. The Minister and Deputy Minister were briefed on the content of the report in December 2014. Following engagement between the Ministry and the Commission an augmented report was submitted to the Minister in June 2015. After consideration of the report the Minister released the report for publication on 26 May 2017. The report is receiving the attention of the Department of Justice and Constitutional Development.

The following report emanating from Project 122: Assisted Decision-making was referred to the Minister of Justice and Correctional Services:

- Project 122: Report on Assisted Decision-making – was submitted to the Minister of Justice and Correctional Services on 19 September 2016.

The year under review

This annual report covers the period from 1 April 2017 to 31 March 2018. The Commission published the following documents in the year under review:

Issue papers

1. Issue Paper 32 – Project 140: The right to know one's own biological origins was published for general information and public comment in June 2017.
2. Issue Paper 33 – Project 141: Medico-legal Claims was published for general information and public comment on 17 July 2017.

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

Discussion papers

1. Discussion Paper 145 – Project 25: Statutory Law Revision – Review of legislation administered by the Department of Health was published on 2 August 2017.
2. Discussion Paper 146 – Project 25: Statutory Law Revision - Review of legislation administered by the Department of Police was published in June 2017.
3. Discussion Paper 147 – Project 125: Harmonisation of existing laws providing for different Prescription Periods was published on 2 December 2017.

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

Reports

1. Project 25: Report on Statutory Law Revision: The review of legislation administered by the Department of Trade and Industry was approved for publication by the Commission on 2 December 2017.
2. Project 107: Report on Sexual Offences (Adult Prostitution) was released for publication on 26 May 2017.
3. Project 138: Report on the Practice of Ukuthwala was approved for publication by the Commission on 16 September 2017.

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, or a judge who held the office of judge of the Constitutional Court, the Supreme Court of Appeal or the High Court and who is discharged from active service in terms of section 3 of the Judges' Remuneration and Conditions of Employment Act 47 of 2001, 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.

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 Bhana
Ms Dellene Clark
Ms Theresa Häderli
Ms Anna-Marie Havenga
Mr Willie Jansen van Vuuren
Ms Ananda Louw
Mr Simon Maphanga
Mr Fanyana Mdumbe
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

Two posts of State Law Advisers are vacant.

Administrative component

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

Assistant Director:	(Vacant)
Copy Editor:	(Vacant)
Senior Secretary:	Ms Nomfundo Mhambi
Secretary	Ms Nelisiwe Moledi
Administrative Officer:	Mr Jacob Kabini
Administrative Officer:	Ms Johanna Msiza
Administrative Officer:	Mr Ajay Singh
Principal librarian:	Ms Rosinah Nkuna
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 Ledwaba
Messenger:	Mr Gift Mpho Sambo

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 P van Wyk (Chairperson); Mr T.N Matibe; Ms S Nkuna ; Ms P Bobodo; Ms A Louw; Mr M.C Mfunzana; Ms M Moloi; Ms V Bhana; and Ms T Prinsloo.	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 via its librarians with librarians at the DOJCD and elsewhere.	On 7 November 2017 the committee met to consider the acquisition of publications for the SALRC library and recommended the acquisition of publications to the Secretary of the SALRC. Fourteen publications were acquired in this financial year. SALRC membership to the Association of Family and Conciliation Courts which is based in the United States of America was also renewed in February 2018.

Occupational Health and Safety Committee

Members	Purpose	Activities
Mr M Ledwaba Ms E Louw Ms R Mofoka Mr G.M Sambo	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.	Since both the Chairperson and Secretary of the OHS Committee have not yet been appointed in line with section 10.1.1 of the DOJ&CD Safety, Health, Environment and Risk Policy and Procedures Manual, no meeting of this Committee had taken place during the year under review.

Facilities Management Committee

Members	Purpose	Activities
Mr M.C Mfunzana (Chairperson) Ms A Mngqibisa Ms M Modiba Ms R 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.	No meeting of this Committee had taken place during the year under review.

Financing of the SALRC

The SALRC's budget for the financial year 1 April 2017 to 31 March 2018 was R29 858 000 broken down as follows:

- Personnel expenditure R27 027 000
- Current expenditure R2 355 000
- Capital expenditure R400 000
- Household R76 000

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 20 May 2017; 04 July 2017; 16 September 2017 and 02 December 2017.

The advisory committee for Project 94 – Alternative Dispute Resolution met on 04 July 2017.
The advisory committee for Project 107 – Sexual Offences: Pornography and Children met on 20 February 2018.

The advisory committee for Project 125 – Prescription Periods met with the project leader and researcher on 13 July 2017 and the researcher met with the Project Leader on 8 August 2017.
The advisory committee for Project 138 – The practice o**f ukuthwala** met on 06 August 2017.

The interim advisory committee for Project 142 – Investigation into legal fees met on 13 December 2017 and 22 February 2018.

The advisory committee for Project 143 – Maternity and Paternity Benefits for Self-employed Workers met on 22 August 2017; 07 December 2017 and 09 February 2018.

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	Prof Marita Carnelley Prof Vinodh Jaichand Mr Irvin Lawrence Prof Annet Oguttu Adv Mahlape Sello Ms Tina Siwendu	Ms Veruksha Bhana Ms Anna-Marie Havenga 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
94	Arbitration • Alternative dispute resolution	Ms Thina Siwendu/ Judge President Dunstan Mlambo	Ms Ananda Louw

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 • Hindu marriages	Adv Mahlape Sello / Judge Deon van Zyl Adv Mahlape Sello / Judge Deon van Zyl Mr Irvin Lawrence/ Prof de Jong Prof Marita Carnelley	Ms Ananda Louw Ms Anna-Marie Havenga Ms Maite Modiba Ms Maureen Moloi
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	Mr Willie van Vuuren
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**	Prof Marita Carnelley / Prof Thandabantu Nhlapo	Ms Maite Modiba
139	Review of the Interpretation Act	Adv Mahlape Sello	Mr Pierre van Wyk
140	The Right to Know One's Own Biological Origins	Ms Thina Siwendu	Ms Veruksha Bhana
141	Medico-Legal Claims	Prof Vinodh Jaichand	Ms Ronel Van Zyl
142	Legal Fees	Judge Jody Kollapen	Mr Linda Mngoma
143	Maternity and Paternity Benefits for Self-employed Workers	Prof V Jaichand	Mr Linda Mngoma
144	Single Marriage Statute including measures against sham marriages	Prof Marita Carnelley	Mr Pierre van Wyk

SALRC research programme and government priorities

The projects on the SALRC's programme support government's priorities as identified in the strategic plan developed by the Department of Justice and Constitutional Development (DOJCD) for 2013 to 2018.

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.

As part of the Project 25 investigation, the review of legislation administered by the Department of Justice and Constitutional Development has been instrumental towards the achievement of the DOJCD strategic goal of ensuring that everyone in South Africa is and feels safe. As it is publicly known, the primary objective of Project 25 is to review the legislation administered by a particular department, with the aim of identifying inequality, obsolescence and redundancy in the statutes administered by that department; and to propose remedial amending or repealing legislation. By undertaking this legal exercise of identifying inequalities and recommending the repeal of the offensive provisions, the South African Law Reform Commission has helped to ensure that the statutes administered by DOJCD are aligned with the founding values of the Constitution of the Republic of South Africa, especially the requirement that every citizen should be equally protected by law.

Similarly, the investigation on Project 125: **Prescription Periods,** interrogates conventional ways of thinking that seek to re-enforce the (incorrect) notion that the rules of prescription trump the rights of vulnerable debtors and creditors. The investigation is broadly centred on reform in the following areas

of extinctive prescription: special time limits and the prescription of debts, the outcome of which is the development of legislation attempting to address:

- limited ways of thinking that fail to take into account the adverse effects of prevailing socio-economic conditions, including poverty and illiteracy, on the ability of creditors to effectively access the courts in an effort to stave off prescription;
- widespread abuses in the credit and debt collection industry that thrive on low literacy levels in order to induce debtors into acknowledging and paying prescribed debt; and
- the proliferation of enactments containing special time limits that lack uniformity, operate harshly and are of questionable constitutional validity, having the effect of limiting the rights of creditors to access the courts.

Finalization of the investigation will help to fast-track the achievement of government's commitment towards realizing the rights of persons to access the courts, and ultimately, justice.

Furthermore, the investigation on Project 140: The right to know one's own biological origins is also focused on the development of legal measures that will protect the rights of vulnerable groups. Under this investigation, Issue Paper 32 was published, which deals with medically assisted reproduction where children are conceived using donor gametes, surrogacy, adoption, registration of birth, disputed paternity, child abandonment, safe haven laws, confidential birth laws and cross-border medically assisted reproduction. The legal position in South Africa is that gamete donors must be anonymous and it is an offence to reveal the identity of a gamete donor. When infertile persons and same sex couples have children, obvious questions arise as to how these children were conceived and their biological origins. Innovations in genetic testing also means that the chances of donor-conceived children discovering that they are not biologically related to one or both of their parents are higher than before and this raises the question as to whether donor anonymity should remain the legal position as is the case in South Africa currently.

Issue Paper 32 also deals with registration of birth. Birth registration is necessary to concretize a child's rights to a name and nationality. A **birth certificate** is the means by which the State recognizes the existence and status of a child and provides a child with an identity of their own and allows a child to access key social services such as education, health care and social grants. Section 10 of the Births and Deaths Registration Act 51 of 1992 deals with how a child is to be registered when the parents are not married to each other. Where the parents are not married, the mother must register the child under her surname or, the child may be registered under the surname of the biological father provided that the father acknowledges paternity and both the father and the mother consent to the registration of the child under the father's surname in the presence of a Home Affairs official. An unmarried mother must register the birth of her child under her surname whereas the unmarried father must first acknowledge paternity and he has the option of whether or not his details appear on the birth certificate. Questions regarding how these issues impact on the rights of the child and equality are raised in the Issue Paper.

Sadly, child abandonment is common in South Africa. In Issue Paper 32, questions are asked as to whether baby hatches should be established and whether safe haven laws and confidential birth laws should be enacted in South Africa in order to protect the life and/or right of an abandoned child to know his or her biological origins.

The question of the right to know one's own biological origins is also applicable as regards surrogacy, adoption, disputed paternity, and cross-border medically assisted reproduction. Children are regarded as a vulnerable group and the Project 140 investigation aims to work towards creating a safer environment for children and for protecting children's rights.

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

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

Redundancy, obsoleteness and constitutionality of legislation

In 2004 the Commission embarked 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.

The review of legislations administered by the following departments have been finalised: Communications; Defence; Education; Energy; Home Affairs; Human Settlements; International Relations and Cooperation; Labour; Mineral Resources; National Treasury (non-tax legislation); Public Works; Rural Development and Land Reform; Tourism; Transport, Public Service and Administration and Social Development.

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) Mr Simon Maphanga	At the Commission meeting held on 16 September 2017, the Commission approved the removal of this investigation from its programme.

Arts and Culture (DAC) Ms Lowesa Roberts	The report on legislation administered by the Department of Arts and Culture was approved by the Commission on 20 May 2017. The ministerial memorandum and accompanying documentation were submitted to the Secretary on 31 July 2017 for submission to the Minister. The report was submitted to the Minister of Arts and Culture in November 2017.
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. On 17 September 2016 the Commission considered and approved the report. The report was submitted to the Minister of Justice and Correctional Services on 24 March 2017 for referral to the Minister of Telecommunications and Postal Services and the Minister of Communication. On 5 July 2017 the Department of Telecommunications and Postal Services responded and indicated that it will take the SALRC's recommendations into consideration when it amends the Electronic Communications Act 36 of 2005 and the Electronic Communications and Transactions Act 25 of 2002.
Correctional Services (DCS) Ms Veruksha Bhana	The statutes administered by DCS were analysed to determine which are redundant, obsolete or unconstitutional in order to develop a consultation paper. The researcher forwarded the consultation paper to Legal Services at the Department of Correctional Services for comments on 11 September 2014. After several enquiries, the researcher learnt that Mr Carel Paxton had been contracted by the DCS to attend to the review of DCS legislation. The researcher met with Mr Paxton on 21 October 2015. The DCS provided comments on the consultation paper on 27 July 2016, indicating that they concur with the findings of the consultation paper and advising that they will consider the findings in their own legislative review process. The researcher subsequently prepared a commission paper recommending that this project be terminated at consultation paper stage. At its meeting of 17 September 2016 the Commission approved that this investigation be terminated since no adverse findings were made in the consultation paper regarding equality and, further, because the DCS has appointed a Project Manager: Legislative Review to attend to the review of DCS legislation. A memorandum advising the Minister of the status of the investigation was forwarded to the Ministry. The researcher received the signed Minister's memorandum on 19 January 2017. A letter was sent to the Deputy Minister of Correctional Services advising him of the status of the project. This file has now been closed.

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. On 13 June 2015 the Commission approved the discussion paper for publication for general information and public comment. Discussion Paper 136 was published for public comments and general information on 19 October 2015 with a closing date for receipt of comments of 31 January 2016. A draft report was prepared and submitted to the Commission for consideration and approval. The draft report was approved by the Commission at its meeting on 17 September 2016. The report was forwarded to the Secretary for submission to the Minister of Justice and Constitutional Development on 29 March 2017. The report was submitted to the Minister of Environmental Affairs on 26 October 2017.
Health (DOH) Ms Ronel van Zyl	The statutes administered by DOH were being analysed to determine which are redundant, obsolete or unconstitutional. Discussion Paper 145 on Project 25: Statutory Law Revision – Review of legislation administered by the Department of Health was published on 2 August 2017 for general information and public comment. The closing date for comments was extended to 31 October 2017. During November 2017 the researcher sent reminders to important stakeholders to submit their outstanding comments, with the final date for the submission of comments as 10 January 2018. Additional comments were received in February and March 2018. The draft report will be submitted to the Commission for consideration and approval at their next meeting.
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. Comments from DHA were received on 13 August 2013. The Commission considered and approved the discussion paper to be published for general information and public comment on 6 December 2014. Discussion Paper 133 was published on 20 January 2015. The closing date for comment was 31 May 2015, but was extended to 30 June 2015 at the request of various interested persons. On 10 December 2016 the Commission considered and approved the report. The report was submitted to the Minister of Justice and Correctional Services on 28 March 2017 for referral to the Minister of Home Affairs. On 07 April 2017 the DDG: Legislative Development returned the report with comments that the report should say something about the investigation into the Single Marriage Act. The corrected report, memo and SEIAS certificate will be submitted to the Secretary for finalisation by April 2018.

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 final draft report was approved at the Commission meeting on 5 December 2015. The memorandum and report was forwarded to the DOJCD Ministry in July 2016. Information regarding the SALRC's recommendation on the Riotous Assemblies Act 17 of 1955 was requested by and forwarded to the DDG: Legislative Development in light of the EFF's assertion that the Act is unconstitutional.
Department of Justice and Constitutional Development Family law and Marriage (DOJCD Two) Ms T Prinsloo	DOJCD Two deals with legislation pertaining to family law and marriage administered by the Department of Justice and Constitutional Development (DOJCD). Discussion Paper 130 was published for general information and public comment on 30 January 2012. On request from the Secretary of the SALRC, the existing draft report had to be revised. On 25 January 2018, a meeting was held with the project leader and the advisory committee members on the DOJCD Two project to obtain approval of the revised report.
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. The Commission approved the discussion paper for publication for general information and public comment on 6 December 2014. Discussion Paper 134 was published on 15 April 2015. The closing date for comments was 31 July 2015. The report was finalised and approved by the Commission on 28 May 2016.

Police (DOP) Ms Aura Mngqibisa	The statutes administered by DOP were 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 was submitted to DOP for comments on 30 June 2016. DOP submitted their comments on the consultation paper on 22 September 2016. The draft discussion paper was considered and approved by the Commission for publication for public comments and general information on 20 May 2017. Discussion Paper 146 was published for general information and public comment on 11 July 2017 with a closing date of 30 November 2017 for receipt of comments. The draft report will be submitted to the Commission for consideration and approval at their next meeting.
Public Service and Administration (DPSA) Ms Tania Prinsloo	Discussion Paper 142 was published for general information and public comment on 12 September 2016. The draft Report on Legislation Administered by the Department of Public Service and Administration was approved by the Commission at its meeting held on 16 September 2017. On 11 November 2017 the DPSA Report and Ministerial documentation was submitted to the Secretary. On 29 November 2017 the approved DPSA report was received back from the Minister. Publication is imminent.
Science and Technology (DST) Mr Veruksha Bhana	The statutes administered by DST were analysed to determine which are redundant, obsolete or unconstitutional in order to develop a consultation paper with repeal and amendment proposals. Discussion Paper 137 was published for general information and public comment on 13 June 2015. The final draft report was approved at the Commission meeting on 5 December 2015 and the report was submitted to the DOJCD Ministry during June 2016. The Minister has approved that the report be forwarded to the Minister of Science and Technology and he has signed the referral letter in this regard. The report was published in January 2018. This investigation has now been finalized.
Department of Social Development (DSD) Ms Tania Prinsloo	Discussion Paper 142 was published for general information and public comment on 27 September 2016. At the commission meeting of 2 December 2017 the draft report on the DSD was approved.
State Security (DSS) Mr Simon Maphanga	At the Commission meeting held on 16 September 2017, the Commission approved the removal of this investigation from its programme.

Trade and Industry (DTI) Ms Maureen Moloi	The statutes administered by DTI were analysed to determine which are redundant, obsolete or unconstitutional. A draft discussion paper was approved by the Commission for publication for general comment on 17 September 2016. Discussion Paper 144 was published on 30 October 2016 for general information and public comment. The closing date for comments was 28 February 2017. The draft report was considered and approved for publication by the Commission on 2 December 2017. On 14 February 2018 a memo regarding a SEIAS exemption report was submitted to the Secretary for signature and subsequently submitted to the DPME by Dr Govender.

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 100D – 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 by the Commission and submitted to DOJCD.

The International Arbitration Bill was approved by Cabinet for submission to Parliament on 1 March 2017. The Bill was passed by the National Assembly on 24 October 2017 and transmitted to NCOP for concurrence, where it was passed on 22 November 2017. The President assented to the International Arbitration Act 15 of 2017 on 19 December 2017. Prof David Butler, a member of the SALRC Advisory Committee for this project, assisted both the SALRC and the DOJCD throughout the process with the development of the legislation.

Family mediation is being dealt with in Project 100D.

On 10 September 2015 the Minister confirmed the inclusion of the subproject "Alternative Dispute Resolution" in Project 94 of the programme of the SALRC. The Advisory Committee for this investigation under the Chairpersonship of Judge President Dunstan Mlambo was appointed by the Minister as proposed by the SALRC on 4 April 2017. The first meeting of the Advisory Committee took place on 4 July 2017. An experts meeting on the development of a Mediation Act was hosted by the SALRC on 30 October 2017 where the inputs of 40 ADR experts, coming from various areas in the country, were obtained.

The development of a Discussion Paper (including a Mediation Act) is receiving attention.

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 (including family dispute resolution)", "Review of aspects of matrimonial property law", "Review of the law of maintenance" and "Hindu marriages". 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 was published for information and comment on 23 February 2016. 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. The paper therefore examines cost-effective, accessible, efficient and integrated processes that would help to address family law disputes, both in and outside the court system, and from both a private and public family law perspective. In addition, appropriate structures to accommodate the above processes are discussed. The ultimate object of the investigation is to ensure access to justice for the most vulnerable people in our society, namely children.

The SALRC hosted a two day national consultative meeting on Issue Paper 31 on 5 and 6 April 2016 attended by hundred delegates from all relevant professions across South Africa. After collating the written submissions received on Issue paper 31, an experts meeting on family dispute resolution, attended by 40 delegates, was held in Cape Town on 16 February 2017. The inputs of delegates as well as written submissions emanating from the meeting have been collated. Members of the Project 100D Advisory Committee also attended the experts meeting on a Mediation Act held in the Project 94 investigation where they provided inputs from a family law perspective. The proposed Mediation Act in Project 94 has been aligned with the proposed Family Dispute Resolution Act in Project 100D.

A discussion paper on Family Dispute Resolution is being developed in which mandatory family mediation as well as other forms of alternative dispute resolution processes such as family arbitration, parenting coordination and collaborative dispute resolution will be regulated in the context of an integrated family law system.

Review of aspects of matrimonial property law

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 more than 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.

Extensive further research has been done towards the development of a draft issue paper in accordance with comments received from the advisory committee, public input and enquiries, and developments throughout the period under report. The focus of the issue paper is wide and include matters relating to matrimonial property agreements (such as the change of matrimonial property system after marriage, and the suitability of the current system with regard to customary marriages); as well as issues related to the division of property on divorce (including the forfeiture of benefits, the redistribution of assets, settlement agreements, the marital home, and dissipation of assets).

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.

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.

The appointment of an advisory committee was approved by the Commission at its meeting held on 5 July 2014. The appointment of the members of the advisory committee was approved by the Minister of Justice and Constitutional Services on 9 May 2015. The researcher held various meetings with the project leader to discuss the scope of the discussion paper and reviewed relevant literature to assist in the development of the scope of the investigation. The advisory committee held its first meeting on 10 July 2015 to deliberate on the development of the discussion paper. A framework of the scope of the discussion paper was developed and discussed at the advisory committee meeting. The framework was finalised on 9 October 2015 and distributed to advisory committee members. The researcher allocated to the investigation resigned at the end of July 2016 and the project was allocated to the new researcher (Ms Modiba) on 08 March 2017. The new researcher continues with the development of the discussion paper.

Hindu marriages

South African law does not recognise marriages by Hindu rites; therefore all the legal consequences of a marriage do not apply to such marriages in South Africa. Couples in a Hindu marriage for example need not use the court if they want to get divorced. Spouses can also not claim any of the legal consequence of divorce, such as maintenance, after the relationship has ended. The aim of this investigation is to look into the recognition of Hindu marriages in order to afford these marriages full legal recognition and the same status as marriages concluded in accordance with civil rites. The Commission resolved at its meeting of 5 December 2015 that the Hindu Marriages investigation should come back into the programme of the Commission.

The project leader and the researcher discussed the issue of advisory committee members on 17 September. Research is being done when time allows with a view to develop a draft discussion paper for submission to the project leader. Work on this investigation was put on hold as the researcher is giving priority to a draft proposal paper on community courts for the Commission's attention. The draft discussion paper will be submitted to the Commission for consideration by June 2018.

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. The discussion paper on 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 Commission received more than 2 600 email submissions in response to this Discussion Paper.

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. Following discussions between the Ministry and the Commission an augmented report was submitted to the Ministry in June 2015. The Justice, Crime Prevention and Security Cluster considered the report on 20 April 2017 and decided that the Department of Justice and Constitutional Development should consider the report and revert to Cabinet with guidance on the need for policy change. The Ministry released the report for publication at a media briefing on 26 May 2017. The Commission has granted numerous interviews to the media, and participated in and assisted the Department of Justice and Constitutional Development with a number of departmental and Parliamentary briefings on the content of the report.

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 then Deputy Minister in December 2010, informing him 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.

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, and Mr K Rutsha, legal services in the Department of Communications are also ad hoc members 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.

Issue Paper 30 was published for comment on 6 August 2015. Five workshops were held around the country in Pretoria, Nelspruit, Cape Town, Durban and Kimberley. An Advisory Committee meeting was held on 20 February 2018 to consider the outline and first two chapters of the draft discussion paper.

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 rec-

ommended 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. The researcher reviewed Discussion Paper 126 and identified the need to develop an additional discussion paper. The researcher 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.

In November 2015 the Prescription Periods Advisory Committee was appointed. By then, the researcher had already finalised development of the Revised Discussion Paper. The 1st Meeting of the Advisory Committee was held on 28 January 2016. Between 2016 and 2017, and after meetings held with members of the Prescription Periods Advisory Committee, development of the Revised Discussion Paper, as reconfigured, was finalised. It was tabled for Commission approval on 10 December 2016 for the purpose of publication for general information and public comment. Approval was deferred pending the holding of an Advisory Committee meeting to consider the incorporation of further inputs into the paper. Five working sessions were subsequently held with members between January 2017 and February 2017 where after further amendments were made to the paper.

Between 2017 and 2018, and after meetings held with members of the Prescription Periods Advisory Committee and the Project Leader in July 2017 and August 2017, amendments to the Revised Discussion Paper were concluded. The paper (as amended) was tabled for Commission approval on 2 December 2017 for the purpose of publication for general information and public comment. The Commission approved publication of the paper on 2 December 2017. The Commission also approved reconstitution of the Prescription Periods Advisory Committee on 2 December 2017. The Revised Discussion Paper was published for general information and public comment on 15 February 2018. Between February 2018 and March 2018, the paper was circulated to certain organs of state, the heads of office of the respective courts, certain Chapter Nine institutions, the legal fraternity, academic institutions, banks and other entities, private persons, non-government organisations and public interest organisations with a request for comments. In March 2018 the researcher commenced with arrangements for the holding of public workshops.

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, Dr D Collier, to conduct further research and 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. Issue Papers 26 and 27 and the comments received on these issue papers and the content of Discussion Paper 113 and comments received on the recommendations were consolidated into a new discussion paper. The Committee approved that a consolidated discussion paper would form the basis for a single final report dealing with all the matters raised during the investigation.

In December 2013 the project leader and Commissioner designated to the Advisory Committee, Professor PJ Schwikkard, resigned as project leader and Commissioner. Dr Collier appointed as designated researcher, with the assistance of Professor Schwikkard, developed a consolidated discussion paper. In July 2014 Dr Collier, advisory committee member and designated researcher in the investigation, submitted her resignation as Committee member. The Commission accepted her resignation and resolved that a new Advisory Committee 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. The consolidated discussion paper was submitted for consideration of the Commission in March 2014. The Commission approved the publication of Discussion Paper 131 on 5 July 2014. The closing date for comment was 31 March 2015, but it was extended to 31 October 2015 at the request of various interested persons.

On 5 August 2015 the Minister approved the appointment of Professor Pistorius as an advisory committee member to replace Dr Collier. An Advisory Committee meeting was held on 25 September 2015. The Advisory Committee considered whether or not to continue with an investigation of the subproject into the review of cybercrime. It resolved to remove the investigation from its terms of reference since the Department of Justice was mandated to undertake a review of cybercrime under auspices of the review panel established by the Minister of Communications to review cyber security in 2013. On 28 August 2015 the Department of Justice published a draft Bill on cybercrime for general information and comment.

The Advisory Committee considered the planning of its investigation and its mandate after publication of the consolidated discussion paper dealing with all identified and outstanding issues. The Committee resolved to request Professor Pistorius to assist in the investigation and approved that she assists the Commission in this regard and prepare a draft report with provisional recommendations for consideration by the Committee. The Committee also mandated her to consult with role players, in particular judges, to obtain their views. A draft report with recommendations was considered by the Advisory Committee on 12 March 2016. A revised draft report was considered and approved by the Committee on 13 August 2016. The Commission approved the final report at its meeting held on 10 December 2016. The Commission's report was submitted to the Minister of Justice and Correctional Services on 8 June 2017.

Project 127 – Review of administration orders

The then 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, firstly, the short to medium term, and secondly, 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.

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.

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".

A proposal paper titled "Should administration orders be repealed taking into account consumers' access to debt review" was distributed to government stakeholders on 20 July 2015. This was followed by a roundtable discussion on administration orders held on 30 March 2016.

The advisory committee for Project 127 was appointed on 1 November 2016. The advisory committee met on 26 January 2017 to consider proposed draft legislation. On 5 June 2017 a letter was sent to the Director-General of the Department of Trade and Industry (DTI) requesting his assistance in promoting a meeting between members of the advisory committee and senior officials in the relevant unit of DTI to discuss the possibility of aligning the two debt relief procedures, i.e debt review and administration orders, to ensure that a holistic assessment of a person's financial position is conducted and to make debt relief simple and cost effective. To date, the SALRC has received no response from DTI. The researcher is amending the discussion paper in line with further instructions from the advisory committee.

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.

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 firstly, whether there is a need to regulate witchcraft and the extent of such regulation should it be desirable, and 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 appointment of 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 the 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.

The draft discussion paper was discussed at the advisory committee meeting held on 31 July 2015 where members were tasked with assisting with the development of issues within their area of expertise. The draft discussion paper, together with a draft Bill, was finalised on 30 September 2015 and was further discussed and approved at an advisory committee meeting held on 9 November 2015. The discussion paper was approved for publication by the commission at its meeting held on 5 December 2015. Discussion Paper 139 was published for general information and public comment on 19 January 2016. The closing date for receipt of comments was 30 April 2016.

During April to June 2016 comments received on the discussion paper were collated. The discussion paper was also translated into African languages with the assistance of the Office of the Chief State Law Adviser (OCSLA). An Advisory Committee meeting was held on 1 July 2016. At the Advisory Committee meeting the comments received on the discussion paper were discussed as well as the way forward in preparation for the development of a final report. The researcher allocated to the investigation resigned with effect from 1 August 2016. Mr Willie van Vuuren was designated to take over the investigation with effect from 1 April 2017. During July 2017 contact was made with individuals who submitted comments on the discussion paper, informing them of the current status of the investigation. During September 2017 comments received on the discussion paper were collated. Further comparative research was done on witchcraft in Malawi and Tanzania for inclusion in the draft report.

During October 2017 further research was conducted on witchcraft accusations-based violence following a United Nations experts workshop on "Witchcraft and Human Rights" held in Geneva from 21 to 22 September 2017. This was the first UN and international level event with a specific focus on witchcraft beliefs and practices. It brought together a range of key UN office holders, including Kate Gilmore, UN Deputy High Commissioner for Human Rights, with academics, activists, faith-based organisations, NGOs and survivors of violence emanating from witchcraft beliefs and practices. Further research was also done on witchcraft in South Africa and witchcraft violence in Africa. An Advisory Committee meeting is planned for the first half of 2018.

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 inclusion of the investigation in its program on 13 March 2010 and the Minister approved the inclusion of Project 137: "Expungement of certain criminal records" in

the SALRC programme on 28 April 2010. The Commission approved the appointment of Commissioner Thembeka Ngcukaitobi as Project Leader and Mr Van Vuuren as the designated researcher. The researcher prepared a draft discussion paper for submission to the project leader. The term of office of Mr Ngcukaitobi expired in December 2011. A new project leader, Judge J Kollapen, was appointed in December 2013. A draft discussion paper was finalised in August 2014. The Commission approved the publication of the discussion paper on 5 December 2014. The discussion paper was published with the closing date for comments as 31 July 2015. The closing date was extended at the request of a number of role players to the end of February 2016.

During the consultation phase on the content and provisional recommendations in the discussion paper, contact was established with the offices of the Department of Correctional Services, the National Office and sub-offices of Nicro and Mr Lukas Muntingh with a view to facilitating input on the draft discussion paper. Meetings were also arranged with Mr Muntingh in the second week of July 2015. Formal meetings were held with members of the SAPS Criminal Record Centre (6 July 2015) and the Department of Correctional Services (9 July 2015) during which presentations on the proposals in the discussion paper were made.

On 23 and 24 July 2015 the researcher attended the "Ex Offender Conference" hosted by the Department of Correctional Services and made a presentation on "Employability and criminal record". The conference was attended by approximately 500 persons, which included ex-offenders from the regions of Gauteng, Northern Cape, Western Cape and the Free State. Further regional conferences were planned by the Department of Correctional Services and the researcher has been requested to attend these conferences and make further presentations on the expungement of criminal records and the Commission's discussion paper. During August 2015 the Department of Correctional Service submitted its comments as well as the comments received during the conference.

The discussion paper was also distributed to members of EXCO of the Department of Justice for comment, who distributed the discussion paper to all relevant stakeholders in the Department and the National Prosecuting Authority. A number of respondents requested an extension for comment. Extension for comment was again granted until 30 September 2015 and to the end of February 2016. During the course of September the outstanding comments were followed up with the Department of Justice, EXCO, the South African Police Services and Nicro. The Commission received comment from the Department of Justice on 28 September 2016. The outstanding comments were followed up regularly. The regional workshops planned by the Department of Correctional Services were held during February and March 2016. During February 2016 the researcher prepared a draft presentation on behalf of the Department of Correctional Services for discussion at the regional workshops. The researcher also responded to questions raised during the course of the regional workshops.

The Commission's final report was considered and approved by the Commission at its meeting on 20 May 2017. The Commission's report was submitted to the Minister on 19 June 2017. During Sep-

tember 2017 the Chairperson met the Deputy Minister and discussed the recommendations contained in the report. A draft briefing document on the recommendations, including the comment received from the Department of Justice, was prepared for the Chairperson for this meeting.

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 that were raised are 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. 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. 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.

Discussion Paper 132 was published for general information and public comment on 01 September 2014 with the closing date for comments as 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, which were posted on the SALRC's website on 29 September 2014.

The researcher compiled comments on the discussion paper, which were sent to Advisory Committee members on 13 May 2015. The researcher sent the paper on civil remedies for the prevention of forced marriages and Draft Bill to the Advisory Committee for consideration on 22 June 2015. In the advisory committee meeting and writing retreat held on 28 and 29 June 2015 it was decided that Discussion Paper 132: The practice of **ukuthwala** should be revised to include a chapter on public consultations, review a chapter on options for law reform and include a draft Bill.

The draft revised discussion paper was approved by the Commission via round robin on 19 October 2015. The media statement and revised discussion paper were published on the SALRC's website on 30 October 2015.

Consultative workshops on the revised discussion paper took place as follows: 28 January 2016 (KwaZulu-Natal); 04 February 2016 (Eastern Cape); 11 February 2016 (Limpopo); 18 February 2016 (Mpumalanga); 25 February 2016 (Free State) and 03 March 2016 (Gauteng). The researcher received comments on the discussion paper from various stakeholders.

An advisory committee meeting was held on 06 August 2017 to discuss the draft report. The draft report was finalised on 04 September 2017. The draft report was tabled at the Commission meeting on 16 September 2017 and approved subject to changing the short title of the draft Bill.

The researcher in consultation with Dr Sandra Govender drafted a Socio-Economic Impact Assessment System (SEIAS) report to accompany the report to the Minister. The SEIAS report was sent to the Department of Planning, Monitoring and Evaluation (DPME) on 15 December 2017. The DPME responded on 21 December 2017 with comments on the SEIAS report. The researcher attended to the comments and sent the revised SEIAS report back to Dr Govender on 15 January 2018. The researcher received e-mail from Dr Govender on 08 February 2018 advising that, since the DPME did not respond to the revised SEIAS report, it can be assumed that they view the comments minor considering that they issued the SEIAS certificate with the comments sent earlier. The researcher is preparing the memoranda to accompany the report while waiting for the report to be edited before submitting it to the Minister.

Project 139 – 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. On 8 November 2010 the researcher participated in a round-table discussion with officials from National Treasury, the Financial Intelligence Centre, SARS, the Reserve Bank and the Financial Services Board. He met with the project leader on 5 April 2014 to discuss the investigation. The further development of the draft report continued, taking into account developments in South Africa and other jurisdictions. In February 2016 the draft report was submitted to the project leader for her consideration. The researcher and the project leader met on 4 November and 25 November 2016 to discuss the recommendations made in the draft report. The researcher attended to specific matters identified during the two meetings and augmented the draft report. The draft report was submitted to Commissioners for noting at the Commission meeting held on 10 December 2016. At this meeting it was resolved that the draft report would be considered at the following Commission meeting.

The draft report was on the agenda of the Commission meeting on 20 May 2017. The Commission however decided that the draft report would be considered at a separate meeting which was held on 4 July 2017. The Commission approved the report at this meeting subject to matters to which the researcher would attend. At its meeting on 16 September 2017 the Commission considered a briefing note indicating how effect was given to the Commission's decisions taken on 4 July 2017. The Commission approved the amendments subject to further clarification. The amendments were considered and approved by the Commission at its meeting on 2 December 2017. The Commission also resolved that a short discussion should be included in the report about the status of charters in the South African legislative hierarchy. In February 2018 the Commission approved the submission of the draft report to the Minister for comment. It is envisaged that the draft report will be submitted to the Minister for his consideration in April 2018.

Project 140 – Right to know one's own biological origins

The object of this investigation is to perform research into a person's right to knowledge of his/her biological origins. A proposal paper on the preliminary investigation as approved by the project leader was considered by the Commission on 13 June 2015. The Commission decided to recommend to the Minister that the investigation should be included in the SALRC's programme. The Minister approved the inclusion of the investigation in the Commission's programme on 10 September 2015. The researcher commenced the investigation on 20 January 2016. She performed extensive research and collated the necessary information in this regard.

The researcher drafted an issue paper which deals with medically assisted reproduction where children are conceived using donor gametes, surrogacy, adoption, registration of birth, disputed paternity, child abandonment, safe haven laws, confidential birth laws and cross-border medically assisted reproduction. Issue Paper 32 was approved by the Commission on 20 May 2017 and was published in June 2017 for general information and public comment. Between August 2017 and November 2017 the researcher held 5 workshops in key provinces including Durban, Port Elizabeth, Cape Town, Pretoria and Bloemfontein and engaged with a range of stakeholders from legal, medical sociology, psychology, bio-ethics and government backgrounds.
The South African Tissue Bank Association requested that the researcher speak on Issue Paper 32 at their annual conference in October 2017. Copies of Issue Paper 32 were distributed at the SATIBA conference. The organizers of the 21st Annual Miller du Toit Cloete Inc Family Law Conference requested the researcher to present on Issue Paper 32 at their conference scheduled for 1 and 2 March 2018. Copies of Issue Paper 32 were distributed at the Family Law conference. Stemming from the conference, the researcher made new contacts and received requests for further engagement. The researcher identified experts who could form part of the Project 140 advisory committee. Comments received on Issue Paper 32 are being considered and engagements with stakeholders are ongoing with a view to develop a discussion paper.

Project 141 – Medico-Legal Claims

The investigation seeks to strengthen the legal position for the effective handling of medical legal claims. At the Commission meeting of 13 June 2015 the Commission approved the recommendation in the proposal paper that the investigation be included in the SALRC's programme. On 10 September 2015 the Minister approved the inclusion of the investigation in the SALRC's programme.

The Commission approved the issue paper for publication at its meeting of 20 May 2017. Issue Paper 33 on Project 141: Medico-legal Claims was published for general information and public comment on 17 July 2017. After receiving several requests for extension, the closing date for comments was extended to 31 October 2017. However, the researcher still received comments up to March 2018. The researcher is busy reviewing comments received to Issue Paper 33.

Project 142 – Legal Fees

The investigation aims to review the current fees dispensation in terms of which attorneys and advocates are paid for rendering legal services to their client. The parameters are set out in section 35 of the Legal Practice Act, 2014.

On 16 September 2017 the Commission approved a list of seven persons comprising of experts from academia, judiciary and DOJCD officials to serve in the proposed interim advisory committee for Project 142: Legal Fees. On 25 October 2017 the Minister approved the appointment of the Interim Advisory Committee (IAC) comprising of three researchers, two DOJCD officials and one official each from Legal Aid SA and the Office of the Chief Justice.

In July 2017 the researcher submitted a proposal to National Treasury via the Office of the Chief Financial Officer (CFO) of DOJCD for funding from the EU General Budget Support to cover the costs of conducting the Legal Fees investigation. The researcher requested funding for a multi-term period covering the financial years 2018/2019 and 2019/2020. On 30 October 2017 National Treasury approved funding to cover the costs of conducting the legal fees investigation from the EU general support budget (donor funds) for the 2018/19 and 2019/20 financial years.

On 13 December 2013 the IAC met for the first time. It was agreed at this meeting that a framework of the scope of the investigation will be developed, listing all possible matters that must be covered in the scope of the investigation. Other resolutions taken at this meeting were that an additional member will be identified for consideration by the Commission for appointment by the Minister, that the researcher will prepare job descriptions for appointment of research assistants (two State Law Advisers on a contractual basis), and that an international Conference on access to justice will be hosted by the Commission in conjunction with ALRAESA. On 22 January 2018 a staff meeting was held to discuss arrangements for the international Conference. At this meeting a Programme Committee and Costing and Logistics Committee were established.

On 22 February 2018 an IAC meeting for Project 142 was held. At this meeting the Committee recommended that the Commission be requested to approve via round robin extending the mandate of the IAC from conducting a preliminary investigation to conducting a full investigation. On 28 February 2018 two memoranda were forwarded to the Minister for approval. The one memo requested the Minister to approve the extension of the mandate of the IAC to conduct a full investigation. The second memo requested the Minister and DG to approve hosting of the international Conference and the associated expenses.

During March 2018 the researcher prepared a draft Cabinet memo requesting approval to host the international Conference. He consulted with DIRCO and was informed that presentation of the Cabinet memo before the Global and Continental Affairs Committee will take place on 19 April 2018 and thereafter before the International Cooperation, Trade and Security on 15 May 2018. The researcher met with the project leader on 29 March 2018 to discuss the implications of the Cabinet memo on the arrangements for the Conference. The project leader shared the researcher's sentiment that the conference be held from 31 October to 02 November 2018.

Project 143 – Maternity and Paternity benefits for Self-employed Workers

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 main problem identified by the CGE is that there is currently a gap in the South African social security system in that the vast majority of self-employed workers in the formal and informal sectors

of the economy are excluded from receiving maternity and paternity benefits offered by the State. The object of the 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 extending maternity and paternity protection to self-employed workers in the formal and informal sectors of the economy.

At its meeting held on 20 May 2017 the Commission approved the appointment of five ad hoc Advisory Committee members (that is, 5 delegates each from the Departments of Health, Labour, Small Business Development, Social Development and the Commission for Gender Equality) and one additional Advisory Committee member (Ms Phumzile Xulu), as well as the Research Proposal Paper for general information and comment. The paper not only invites comment and input on the matters raised, but also calls for written proposals from research organisations to undertake the proposed research outlined in chapters 1 and 2 of the paper. The research proposal paper was published for general information on 6 June 2017. The closing date for comment was 29 September 2017. On 18 July 2017 the Minister approved the appointment of the five ad hoc AC members and one additional Advisory Committee member. On 22 August 2017 a workshop with government stakeholders was held and input and comment on the process obtained. It was decided at this meeting that a supplementary paper will be developed incorporating working definitions.
In July 2017 the researcher submitted a proposal to National Treasury via the DOJCD CFO's office for funding from the EU General Budget Support to cover the costs of the conducting the proposed research. The researcher requested funding for a multi-term period covering the financial years 2018/2019 through to 2020/2021. This request was not approved by National Treasury.

In November 2017 the advisory committee approved a briefing document incorporating operational definitions for general information and comment. On 23 November 2017 the Secretary of the SALRC approved the publication of the briefing document. The closing date for comment on the briefing document was 30 March 2018.

The Advisory Committee held two workshops in Durban with informal workers affiliated to Women in Informal Employment: Globalizing and Organizing (WIEGO) and the Department of Economic Development, Tourism and Environmental Affairs of KwaZulu-Natal on 6 and 7 December 2017 respectively. On 6 December 2017 the Advisory Committee met with the Human Sciences Research Council (HSRC) to discuss the Commission's approach to a social needs study and fundraising for this project. This follows feedback received on 9 November 2017 from the National Treasury to the effect that the Commission's application for funding under the European Union General Budget Support was unsuccessful. The meeting agreed that the HSRC will assist the Commission to revise the research questions. However, further involvement of the HSRC in the social needs study will depend upon the successful raising of funds for the study. The HSRC committed to working with the Commission to solicit donor funding for the study.

At its meeting held on 7 December 2017 in Durban, the advisory committee agreed to forward the names of the researcher and that of Ms Janine Hicks to represent the Committee in the activities of the NEDLAC National Task Team (NTT) on the informal sector. On 19 January 2018 the researcher attended the NEDLAC NTT meeting held at the DTI offices in Pretoria to discuss arrangements for the national dialogue on the R204 transition from the informal to the formal sector.

On 9 February 2018 the researcher attended a meeting at Legal Resources Centre (LRC) in Durban to discuss the legal framework component of the investigation. The LRC undertook to frame constitutional and international law implications and obligations for extension of social benefits to informal sector workers. It was agreed that a funding proposal incorporating the role of the LRC and HSRC will be compiled, submitted to the DG: DOJCD for approval and forwarded to Ms Gina Barberie, who is currently based in Washington DC, to lobby for funding through the World Bank and International Labour Organisation.
The researcher, the project leader, Ms Janine Hicks and Ms Phumzile Xulu attended the national dialogue on the transition from the informal to formal economy from 26 to 28 March. The Advisory Committee members took responsibility for overseeing Commission 1 dealing with the enabling policy and legislative environment to support the transition from an informal to a formal economy.

Project 144: Enacting a single marriage statute including measures against sham marriages

The object of this research is to investigate the possibility of enacting a single marriage statute 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 and to consider possible measures against sham marriages.

At its meeting held on 2 December 2017 the Commission approved recommending candidates for possible appointment by the Minister as advisory committee members to assist the Commission in this investigation. On 24 January 2018 the Minister approved the appointment of the following advisory members:

- Professor Ronald Thandabantu Nhlapo, who retired as Senior Deputy Vice-Chancellor at the University of Cape Town in September 2014.
- Ms Mothokoa Phumzile Mamashela; emeritus senior researcher of the University of Kwa-Zulu Natal.
- Mr Motseotsile Clement Marumoagae; senior lecturer at the Wits Law School, University of the Witwatersrand.
- Professor Elsje Bonthuys; School of Law, University of the Witwatersrand.
- Professor Christa Rautenbach of the Law Faculty at the North West University.
- Professor Amanda Barratt of the Law Faculty at the University of Cape Town.

It is envisaged that the first advisory committee meeting will be held in the first quarter of the 2018/2019 performance cycle to plan the way forward regarding the investigation.

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 two new requests for consideration for inclusion in its law reform programme. These requests are the review of laws regulating funeral parlours and related services industry, and the review of the legal framework governing violent public protests.

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; 2014/2015; 2015/2016; and 2016/2017 annual reports the SALRC received a number of 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) in detention

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

On 4 June 2014 the two researchers assigned to this preliminary investigation met with officials from the Chief Directorate: Constitutional Development in the Department of Justice and Constitutional Development to ascertain whether there is any other 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 project leader of this investigation at the time. This meeting was held to ascertain the scope of the preliminary investigation.

The LGBTI preliminary investigation served before the Commission on 13 June 2015. The Commission requested that further research be conducted to determine the scope of the investigation before final consideration is given to the inclusion of the investigation in the program of the SALRC. Apart from conducting additional research, meetings with stakeholders were also held.

The proposal paper on the preliminary investigation paper on LGBTI people in detention served before the Commission on 16 September 2017. The Commission came to the conclusion that there seemed to be policy and implementation concerns rather than a need for law reform. The investigation was therefore not recommended for inclusion in the SALRC's programme. It was recommended that the researcher should revert back to the CGE and advise that it engage with the Department of Correctional Services (DCS) on the lack of a policy and that the CGE should take the lead. It was further decided that a meeting should be held with the DCS consultant to discuss legislative shortcomings.

Enacting a single marriage Act

A request for the inclusion of an investigation into the enactment of a single marriage Act was received from Ms F Chohan, the Deputy Minister of Home Affairs, in September 2014. The object of this preliminary 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 in 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.

During the reporting period 2015–2016 a proposal paper applying the Commission's selection criteria for considering the inclusion of a research proposal in the Commission's research programme was developed. A draft proposal paper was submitted to the project leader on 31 March 2016 for consideration. The proposal paper was finalised in September 2016 and submitted to the Commission for consideration. The proposal paper served at the Commission meeting of 17 September 2016. At the meeting the Chairperson advised the Commission that the Deputy Minister of Home Affairs had contacted him and raised the issue of sham marriages in South Africa and other jurisdictions and measures taken against these marriages. The Commission decided that the proposal paper should be adapted for purposes of a meeting to be held with the Deputy Minister of Home Affairs.

The proposal paper was subsequently adapted to also deal with the prevalence of sham marriages in South Africa and in foreign jurisdictions and the measures adopted to combat sham or bogus marriages and marriages of convenience. The project leader and researcher met to discuss the proposal paper on 21 November 2016. The adjusted paper was submitted to the Chairperson on the same day and on 22 November 2016 forwarded to the Deputy Minister of Home Affairs for her consideration. A meeting between the Chairperson, the Deputy Minister of Home Affairs, the Secretary of the SALRC and an official from the Department of Home Affairs (DHA) to discuss the scope of the investigation and the way forward regarding the investigation was held on 22 May 2017.

On 12 July 2017 Prof Carnelley, the project leader, and the researcher met with officials of the DHA to further clarify the scope of the proposed investigation. At its meeting on 17 September 2017 the Commission considered the request for the inclusion of the investigation in the SALRC's programme. The Commission approved a recommendation to the Minister to include the investigation in the SALRC's research programme. On 1 November 2017 the Minister approved the inclusion in the research programme of the SALRC of an investigation into the possible adoption of a single marriage statute, including measures against sham measures.

Review of National legislation that impact on local government

In May 2014 the then Minister of Cooperative Governance and Traditional Affairs requested the Commission to "consider the inclusion within the new Research Programme a review of all national legislation that impact on local government, with the objective of reducing regulatory compliance and reporting burden on municipalities and simplifying implementation." In his referral letter, the Minister of COGTA referred to a host of impediments that render local government inefficient and diminish its ability to deliver services to communities. These "ancillary'" issues are: the prevalence of unfunded mandates; poor alignment between pre-1994 and post-1994 dispensation; the functional uncertainty occasioned by overlapping between local government matters and functional areas

assigned to provincial and national governments itemized in Schedules 4 and 5 of the Constitution; the usurpation and dictation of power or function contrary to the dictates of the Constitution; and failure to conduct impact assessment of legislation, both **horizontally** and **vertically**, on existing legislation, policy or service delivery.

The above mentioned issues were assessed against the Commission's criteria, the most significant of which are whether the issues are predominantly legal; whether there is another institution better placed to deal with the issues in question; the extent to which the law is unsatisfactory; and whether the difficulties can be overcome by change in the law

The Commission approved the inclusion of an investigation into a model to enforce decisions of MINMEC for Social Development on 10 December 2016. However, there are overlaps between this preliminary investigation and the preliminary investigation into a model to enforce MINMEC for Social Development decisions, as both investigations deal with intergovernmental relations and cooperative government or interplay between different spheres of government. The submission for formal ministerial approval of the inclusion of the model for MINMEC for Social Development decisions was therefore held in abeyance pending the finalisation of this investigation into burdensome obligations imposed on local government. This investigation was approved by the Commission on 16 September 2017. In November 2017 the Commission submitted a formal request to the Minister in terms of section 5(3) of the South African Law Reform Commission Act 19 of 1973 to approve the inclusion of both investigations in the programme of the Commission.

Research on the intergovernmental relations framework and implementation of MINMEC decisions

In May 2014 the Commission received a law reform proposal from the Department of Social Development (DSD) to conduct an investigation into the best model that the Minister of Social Development (Minister) can utilise to enforce the decisions agreed upon at MINMEC for the Social Development Sector established in terms of section 9(1) of the Intergovernmental Relations Framework Act 13 of 2005. Decisions affecting the sector are often taken at the aforementioned MINMEC. However, these are difficult to implement or to monitor as a result of a lack of a clear legislative authority empowering the Minister or the DSD to enforce such decisions. As a result, there is no uniformity in the implementation of social development mandates by provinces as some provinces follow through on decisions and some do not. Essentially, the DSD suggests that there is a mischief or defect in the legislation enacted pursuant to section 41(2) of the Constitution that needs to be remedied, namely the lack of a statutory enforcement mechanism in the Intergovernmental Relations Framework Act.

It was deemed prudent to assess the aforesaid request against the Commission's criteria for the selection of new projects. The Commission's preliminary investigation confirmed, inter alia, that

there is indeed a **lacuna** in the legislative framework that needs to be remedied, either through the amendment of Act 13 of 2005 or the adoption of sectoral-based legislation along the line envisaged in section 146 of the Constitution. On this basis alone, the Commission was persuaded that this project should be formally included in its programme. On 10 December 2016 the Commission considered the outcome of the preliminary investigation and approved the inclusion of this investigation in its programme. Due to the centrality of the issues to the DSD and provincial governments' ability to discharge their constitutional mandate to alleviate poverty and eradicate inequality, the Commission assigned a priority "A" rating to this inquiry.

The Commission approved the inclusion of an inquiry into a model to enforce decisions of MINMEC for Social Development on 10 December 2016. However, there are overlaps between this investigation and the investigation into regulatory compliance and reporting burdens imposed on local government by national legislation, as both deal with intergovernmental relations and cooperative government or interplay between different spheres of government. The submission of this investigation for formal ministerial approval was therefore held in abeyance pending the finalisation of the investigation into burdensome obligations imposed on local government. The inclusion of the investigation into burdensome obligations imposed on local government in the SALRC's programme was approved by the Commission on 16 September 2017. In November 2017 the Commission submitted a formal request to the Minister in terms of section 5(3) of the South African Law Reform Commission Act 19 of 1973 to approve the inclusion of both investigations in the programme of the Commission.

Proposal calling for amendment of the laws relating to interruption of extinctive prescription

On 11 February 2016, the group Real People, a financial services and credit provider, proposed an amendment of the interruption provisions contained in sections 15(2) and (6) of the Prescription Act, especially in relation to their interplay with section 129 of the National Credit Act 34 of 2005. The view was held that the provisions were deficient and thus prejudicial to credit providers in that –

- the notice provided for in section 129 of the National Credit Act did not constitute a "process" for the purpose of interrupting the running of prescription; and
- creditors were compelled to prosecute claims to finality in order to interrupt the running of prescription, even in instances where debtors became untraceable (thus hindering delivery of the section 129 notice and service of the "processes" provided for in section 15(6) of the Prescription Act).

After conducting a preliminary investigation into the matter to determine whether the request fell within the mandate of the Commission, and if so, whether it should be included on its programme, a recommendation was made to reject the proposal summarily on the following basis:

- The objects sought to be achieved by section 15 of the Prescription Act (by mandating the initiation of judicial proceedings) was irreconcilable with the objects sought to be achieved by section 129(1) of the National Credit Act (designed specifically to prevent legal enforcement

of debts until non-litigious ways of reaching settlement had been explored, with the aim of preventing unnecessary litigation and the premature foreclosure on consumer assets).

- Even though section 129 created an additional layer of compliance for credit providers, it did not constitute a legal impediment invalidating an interruption that had already taken place prior to delivery of the notice in question. A court was still in a position to adjourn proceedings pending compliance with section 129 without impacting on the interruption that had taken place.
- The requirement that claims had to be prosecuted to finality was a necessary prerequisite that promoted legal certainty and finality, consonant with the overall objectives of prescription. Whilst acknowledging that an inability to establish the whereabouts of debtors constituted an impediment to the enforcement of debts, it did not constitute a legal impediment for which no redress was available, and in this regard, the Magistrates' Courts Act 32 of 1944, the Rules of Court and the National Credit Act, among others, provided remedies to ensure protection of the interests of credit providers by regulating procedures for the service of process and the obtaining of judgment in the absence of debtors who had been properly served in accordance with the law.

Re-instating the investigation on community courts

On 7 September 2016 the SALRC received an electronic mail from the Deputy Director General: Legislative Development with an attached letter from the Minister of Justice and Correctional Services to the Chairperson of the SALRC. The Minister requested the Commission to favourably consider re-instating the investigation into community courts. The reason given for the request was that Parliament's Portfolio Committee on Justice and Correctional Services (Committee) is of the view that greater consideration should be given to using structures that are already in place to bring justice closer to communities. The Committee pointed out that although there are some community courts, in practice these have been subsumed into the mainstream system. The Minister further pointed out that the Committee had urged the Department to consider reviving the investigation by the Commission.

The Commission met on Saturday 17 September 2016 to consider, among others, proposal papers, discussion papers and reports. The proposal paper on community courts was also considered. After discussion the Commission resolved that the Chairperson should submit a letter to the Minister relating to the proposed SALRC investigation on community courts, informing the Minister that the Commission has not yet decided to revive the investigation. The Commission identified a number of issues for further research before taking a final decision. A further communication would be addressed to the Minister as soon as the Commission has decided on the issue.

On 4 November 2016 the researcher requested from the DDG further information and clarification relating to the request by the Committee. The DDG: Legislative Development responded to the questions on 11 November 2016.

On 24 January 2017 the researcher provided quarter 3 progress on community courts to the DDG: Legislative Development through the Secretary. The researcher also provided a progress report to the DDG on 3 March 2007. At a meeting held on 14 March 2017 the DDG promised to arrange a meeting with the Deputy Minister and Mr Skosana for clarification on the mandate in relation to community courts. The draft proposal paper, which applies the Commission's selection criteria for considering the inclusion of a research proposal in the Commission's research programme, was considered by the Commission at its meeting on 20 May 2017. The Commission decided that there were still issues that needed to be clarified before the Commission can rule on the investigation.

The researcher has contacted the office of the DDG: Court Services since it is the branch responsible for community courts to make an appointment for a meeting with the official dealing with community courts in order to get clarity as to what the Department wants investigated. The revised draft proposal paper will be considered by the Commission in June 2018.

Review of laws regulating funeral parlours and related services industry

On 9 July 2017 the SALRC received a request to include in the Commission's research programme, an investigation into the laws regulating funeral parlours and related services industry. The request was sent by Mr Johan Rousseau, the Chairperson of the Funeral Industry Reformed Association (FIRA). On 3 August 2017 the request was assigned to the researcher to prepare a proposal paper recommending to the Commission whether or not there is merit for a full investigation.

The researcher, on several occasions, requested a meeting with Mr Rousseau to clarify the issues involved, to no avail. On three occasions Mr Rousseau failed to attend the scheduled meetings. The researcher commenced with the investigation on 29 August 2017.

On 15 December 2017 the researcher submitted the draft proposal paper with recommendations to the supervisor for inputs and comment. As at 31 March 2018 the draft proposal paper was being considered by the supervisor.

Review of Legal Framework Governing Violent Public Protests

On 4 December 2017 the researcher received a copy of a letter, through the Secretary of the Commission, from the Minister of Justice and Correctional Services to the Chairperson of the Commission, wherein the Minister requests the Commission to consider including in its research programme, an investigation into the review of the legal framework governing violent public protests.

The researcher commenced drafting a proposal paper, with recommendations, to recommend to the Commission whether or not there is a need for a full investigation.
As at 31 March 2018 the researcher was conducting research and analysing case law relevant to the investigation and drafting a proposal paper.

Research proposals awaiting Minister's decision

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:

Reports Completed

CHAPTER 4

REPORTS COMPLETED

Project 25 – Statutory Law Revision

Background to the project on statutory law revision

The advent of democracy and the adoption of the Constitution of the Republic of South Africa of 1996 necessitated a review of the country's legal, policy and institutional framework to ensure alignment with the Constitution. In January 2003 Cabinet approved that the Minister of Justice and Constitutional Development coordinates and mandates the SALRC to review South African legislation for provisions that may result in discrimination as described in section 9 of the Constitution. Section 9 prohibits unfair discrimination based on race, gender, sex, pregnancy, marital status, ethnic and social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

In 2004 the SALRC included a review of the entire statute book of South Africa as an investigation in its law reform programme. The purpose of the investigation is two-fold:

1. To align the South African statute book with the Constitution, especially the right to equality entrenched in section 9 of the Constitution.
2. To provide a statute book that is free from obsolete and redundant provisions.

The South African Law Reform Commission (SALRC) finalised its reports on Project 25: Statutory Law Revision in respect of legislation administered by the Departments of Arts and Culture (DAC); Environmental Affairs (DEA); Public Service and Administration (DPSA); Science and Technology (DST); Social Development (DSD); and Trade and Industry (DTI) during the reporting period. The reports set out the SALRC's final recommendations for law reform regarding statutes administered by the six Departments referred to.

Legislation administered by the Department of Arts and Culture

The SALRC has reviewed 24 statutes administered by the Department of Arts and Culture (DAC) of which 16 are recommended for amendment and 8 are recommended for repeal. The proposed amendments concern obsolete expressions in the following Acts: Heraldry Act, 1962; Culture Promotion Act, 1983; Pan South African Language Board Act, 1995; National Archives and Record Service of South Africa Act, 1996; Legal Deposit Act, 1997; National Arts Council Act, 1997; National Film and Video Foundation Act, 1997; South African Library for the Blind Act, 1998; National Library of South Africa Act, 1998; South African Geographical Names Act, 1998; Cultural Institutions Act, 1998; National Heritage Council Act, 1999; National Heritage Resources Act, 1999; National Council for Library and Information Services Act, 2001; Use of Official Languages Act, 2012; and the South African Language Practitioners' Council Act, 2014. The proposed amendments are mainly of a technical nature and

concern outdated references to the DAC and other bodies, organisations and institutions. The SALRC recommended that these obsolete expressions be amended to reflect the 2004 split of the former Department of Arts, Culture, Science and Technology into, respectively, the Department of Science and Technology and the Department of Arts and Culture; and that outdated references to bodies, organisations and institutions be amended to reflect the current position. The Acts recommended for repeal are the following: National Monuments Amendment Act, 1970; National Monuments Amendment Act, 1971; National Monuments Amendment Act. 1979; National Monuments Amendment Act, 1981; War Graves and National Monuments Amendment Act, 1986; National Libraries Amendment Act, 1991; National Monuments Amendment Act, 1991; and the Reporting by Public Entities Amendment Act, 1997.

Section 11 of the National Library of South Africa Act of 1998 states that subject to section 2 of the State Land Disposal Act of 1961, the Minister of Arts and Culture may with the concurrence of the Minister of Public Works and the Minister of Finance transfer to the National Library any immovable property belonging to the State. Section 11 of the South African Library for the Blind Act of 1998 contains a similar provision regarding the transfer of immovable property belonging to the State to the Library for the Blind. In their response to the SALRC's consultation paper, the Department of Rural Development and Land Affairs (DRDLA) pointed out that the State Land Disposal Act is administered by both the Minister of Public Works and the Minister of Rural Development and Land Reform. The Minister of Rural Development and Land Reform administers the State Land Disposal Act, in relation to a provision which applies to or is connected to the former Independent Bantustans: Transkei, Bophuthatswana, Venda, Ciskei and the so-called self-governing territories. The Minister of Public Works administers other state land. The DRDLA therefore questioned whether both these Ministers need to be consulted and agree, where land is to be transferred in terms of the said sections. The discussion paper therefore recommended that these sections be amended to require only the consent of the Minister who administers the land in question, and the consent of the Minister of Finance. Both the Department of Public Works and the DRDLA indicated their agreement with this recommendation which was subsequently included in the SALRC's final report.
The SALRC identified outdated references to the Department of Basic Education (DBE) and the Department of Higher Education and Training (DHET) in two statutes administered by the DAC. These statutes are the National Council for Library and Information Services Act, 2001 and the National Film and Video Foundation Act, 1997. The SALRC recommended that the outdated references to these Departments be amended to reflect their current names.

Furthermore, section 4(2)(e) of the National Film and Video Foundation Act, 1997 states that the National Film and Video Foundation (NFVF) must in conjunction with the Departments of Trade and Industry and of Education, investigate the viability of establishing a national film school. The NFVF expressed the view that in light of the fact that the Department of Education has been split into the Department of Basic Education and the Department of Higher Education and Training that the mentioned provision should have made reference to the Department of Basic Education. The NFVF,

however, indicated that this provision is spent because it has already fulfilled its statutory obligation under this provision. They explained that, through a research grant from the DAC, they have conducted the required research and that a research report which recommended the establishment of a national film school was handed over to the DAC in 2009. The SALRC accordingly recommended the repeal of this provision.

Legislation administered by the Department of Environmental Affairs

The SALRC identified and reviewed 43 statutes that are administered by the Department of Environmental Affairs (DEA). The SALRC made the following recommendations:

1. Legislation / provisions recommended for repeal

(a) The Environment Planning Amendment Act of 1977 is recommended for repeal in whole.
(b) Section 85 of the Marine Living Resources of 1998 is recommended for repeal on the basis of obsolescence.
(c) Section 104 (2)(a) of the National Environmental Management: Biodiversity Act of 2004 is recommended for repeal on the basis of obsolescence.
(d) Section 104 (2)(b) of the National Environmental Management: Biodiversity Act of 2004 is recommended for repeal on the basis of obsolescence.
(e) Section 12 of the Antarctic Treaties Act of 1996 is recommended for repeal on the basis of obsolescence.

2. Legislation recommended for amendment

(a) Section 1 of the Prince Edwards Act of 1948 be amended so as to substitute "Union" with "Republic of South Africa".
(b) Section 6(1)(a) of the Antarctic Treaties Act of 1996 be amended so as to substitute the word "applying" with the word "enforcing". The word "applying" is vague and broad in the context of section 6(1).
(c) Section 33(2)(i) and (5) of the National Environmental Management Act of 1998 be amended so as to substitute the word "Attorney-General" with the word "National Director of Public Prosecutions".
(d) Section 13(2)(c) of the World Heritage Act of 1999 be amended so as to substitute the word "transmitted" with the word "transferred".
(e) Section 17(3) of the World Heritage Act of 1999 be amended so as to add "environmental / governance protection" and "any other skill relevant to world heritage sites" to the list of skills that members of the Board responsible for the management of heritage and cultural matters must possess.
(f) Section 1 of the Environment Conservation Amendment Act of 2003 be amended so as to replace the expression "Minister for Environmental Affairs and Tourism" with the expression "Minister responsible for environmental affairs" and the expression "Minister for Water Affairs and Forestry" with the expression "Minister responsible for water and sanitation.

(g) Section 88(1) of the National Environmental Management: Biodiversity Act of 2004 be amended so as to substitute the word "authority" with the words "issuing authority".
(h) The Sea Birds and Seals Protection Act, 1973 (Act No. 46 of 1973) be amended in the following manner:
  (i) Section 2 (1)(a) be amended so as to substitute "sections 2 and 3 of the Territorial Waters Act, 1963" with "section 4 of the Maritime Zones Act, 1994 (Act No. 15 of 1994)".
  (ii) Section 7(2)(a) be amended so as to substitute "Department of Industries" with "Department responsible for trade and industry".
  (iii) Section 10(2) be amended so as to substitute "Criminal Procedure Act, 1955 (Act No. 56 of 1955) with "Criminal Procedure Act, 1977 (Act No. 51 of 1977)".
  (iv) Section 11(1)(cB) be amended so as to substitute "Sea Fishery Act, 1973 (Act No. 58 of 1973" with "Marine Living Resources Act, 1998 (Act No. 18 of 1998)".
  (v) Section 16(2) be amended so as to substitute "section 2 of the National Parks Act, 1962 (Act No. 42 of 1962) with "section 1 of the National Environmental Management Protected Areas Amendment Act, 2003 (Act No. 57 of 2003)".

3. The following recommendations for amendment by the SALRC were already effected at the time of finalizing the report:

(a) Section 1 of the National Environmental Management Amendment Act, 2008 (Act No. 62 of 2008) has been amended and the expression "Minister of Mineral and Energy" replaced with the expression "Minister of Mineral Resources" as recommended by the SALRC. The amendment was effected in terms of the National Environmental Management Laws Act, 2014 (Act No. 25 of 2014).
(b) Section 51 of the National Environment Laws Amendment Act, 2009 (Act No. 14 of 2009) has been amended and the year 2008 substituted with "2009" as the year of publication for this Act. The amendment was effected in terms of section 39 of the National Environmental Management Laws Amendment Act, 2013 (Act No. 14 of 2013).
(c) Section 7 of the National Environmental Management: Protected Areas, 2003 (Act No. 57 of 2003) has been amended and section 7 correctly numbered as section 9 This amendment was effected in terms of section 40 of the National Environmental Management Laws Amendment Act, 2013 (Act No. 14 of 2013).
(d) Section 1 of National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) has been amended and "Department" re-defined as "National Department responsible for environmental affairs". This amendment was effected in terms of the National Environmental Management Laws Amendment, 2013 (Act No. 14 of 2013).

Legislation administered by the Department of Public Service and Administration

The report was approved at the Commission meeting held on 16 September 2017. Two statutes are administered by the Department of Public Service and Development, namely the Public Service Act

103 of 1994 and the Public Administration Management Act 11 of 2014. After analysis of the statutes the SALRC concluded that:

(a) Some obsolescence and redundancy occurred in the Public Service Act (Proc 103 of 1994).
(b) The Public Administration Management Act 11 of 2014 does not have any unequal, obsolescent or redundant provisions.
(c) The DPSA was responsible for the State Information Technology Agency Act 88 of 1998 but this responsibility has been moved to the Department of Telecommunications and Postal Services by Proclamation No 47, 2014 in Government Gazette No 37839 of 15 July 2014.

Legislation administered by the Department of Science and Technology

The Department of Science and Technology (DST) administers 13 statutes (comprising 11 principal acts and 2 amendment acts). The SALRC considered all the relevant statutes and is of the opinion that no provisions in the statutes contravene section 9 of the Constitution and that the statutes are current. As such, all the statutes should be retained.

Legislation administered by the Department of Social Development

The report was approved at the Commission meeting held on 2 December 2017. The Department of Social Development (DSD) and various role-players were consulted on the proposed amendments. All legislation administered by the DSD has been reviewed for redundancy or unconstitutionality in terms of equality. The Acts examined are the following: The Prevention of and Treatment for Substance Abuse Act 70 of 2008, The Probation Services Act 116 of 1991, The Children's Act 38 of 2005, The Non-Profit Organisations Act 71 of 1997, The Fund-Raising Act 107 of 1978, National Development Agency Act 108 of 1998, Advisory Board on Social Development Act 3 of 2001, South African Social Security Agency Act 9 of 2004, The Social Assistance Act 13 of 2004, The National Welfare Act 100 of 1978 and The Social Service Professions Act 110 of 1978.

The following findings and recommendations are made in the Report:

(a) Typographical errors in existing legislation have been corrected, while the updating of definitions and correction of language were attended to.
(b) Spent or redundant Acts have been identified for repeal and replaced with the newly enacted comparative legislation when necessary.
(c) Incorrect cross references and incorrect terms have been corrected.
(d) Instances of non-conformation to gender equality were identified and corrected.
(e) Old concepts in this legislation have been identified and earmarked for substitution with similar concepts within comparable new legislation, including an instance of unfair discrimination and inclusion of the right not to incriminate oneself.
(f) The need to write case law into the relevant legislation has been flagged for attention.

Legislation administered by the Department of Trade and Industry

The South African Law Reform Commission (SALRC) identified 216 statutes that were administered by the Department of Trade and Industry (DTI). In February 2010 the administration of the Competition Act 89 of 1998 was transferred to the Minister of Economic Development (Proclamation 6 of 2010 Transfer of Administration and Powers and Functions Entrusted by Legislation to Certain Cabinet Members in Terms of Section 97 of the Constitution. (Government Gazette No. 33003)). On 15 July 2014 the President issued a Proclamation (Proclamation 24 of 2014: Transfer of Administration and Powers and Functions Entrusted by Legislation to Certain Cabinet Members in Terms of Section 97 of the Constitution (Government Gazette No. 37839)), which transferred the administration and powers and functions entrusted by the specified legislation and all amendments thereto, to the specified Cabinet member. The Trade and Industry Ministry was affected by this move as four Acts, together with their amendment Acts were transferred to the Minister of Small Business Development. The administration of Section 2A of the Small Business Development Act 112 of 1981, the Close Corporations Act 69 of 1984, National Small Enterprise Act 102 of 1996 and Co-operatives Act 14 of 2005 were transferred to the Minister of Small Business Development.

After its analysis of the statutes administered by the DTI, the SALRC proposes that:

(a) The following Acts listed in the proposed Trade and Industry Related Matters Repeal and Amendment Bill be repealed for reasons mentioned:

(i) The Merchandise Marks Amendment 3 of 1946 has no surviving independent provisions and the SALRC recommends that it be repealed.

(ii) The Industrial Development Amendment Act 40 of 1951, Industrial Development Amendment Act 89 of 1965 and Industrial Development Amendment Act 96 of 1980 have no substantive surviving provision. Therefore the SALRC recommends that they be removed from the statute book.

(iii) The Unauthorised Use of Emblems Act 37 of 1961 is founded on the Republic of South Africa Constitution Act of 1961, which Act has been repealed by the Constitution of the Republic of South Africa, 1993 which was subsequently repealed by the Constitution. The Unauthorised Use of Emblems Act of 1961 is obsolete and should be removed from the statute book.

(iv) The Export Credit Re-insurance Amendment Act 66 of 1961 and the Export Credit Re-insurance Amendment Act 88 of 1962 have no independent surviving provisions and the SALRC proposes that they be repealed.

(v) The Credit Agreements Amendment Act 9 of 1985, Credit Agreements Amendment Act 53 of 1987 and Credit Agreements Amendment Act 79 of 1995 amend the Credit Act 75 of 1980 which has been repealed by the National Credit Act 34 of 2005. The provisions of these amendment Acts have become obsolete. It is therefore recommended that the Credit Agreements Amendment Act 9 of 1985, Credit Agreements Amendment Act 53 of 1987 and Credit Agreements Amendment Act 79 of 1995 be removed from the statute book.

(vi) Usury Amendment Act 100 of 1988, Usury Amendment Act 67 of 1990, Usury Amendment Act 30 of 1993, Usury Amendment Act 81 of 1995 and Usury Amendment Act 10 of 2003 amend the repealed Usury Act 73 of 1968 Act. These amendment Acts were not repealed when the Usury Act 73 of 1968 was repealed by section 172(4) of the National Credit Act 34 of 2005. It is therefore recommended that they be removed from the statute book.

(vii) Temporary Removal of Restrictions on Economic Activities Act 87 of 1986 because section 4(1) of this Act, provides for the duration of the Act and saving. Temporary Removal of Restrictions on Economic Activities Act 87 of 1986 ceased to have effect on 31 March 1994. Since the Temporary Removal of Restrictions on Economic Activities Act of 1986 has ceased to exist, it is recommended that it be removed from the statute book. Similarly the Temporary Removal f Restrictions on Economic Activities Amendment Act 72 of 1987 and the Temporary Removal of Restrictions on Economic Activities Amendment Act 67 of 1988 have, as a result of the principal Act ceasing to exist, become obsolete.

(viii) The National Gambling Amendment Act 36 of 1999 be repealed as the primary legislation which it repeals has been repealed, namely, the National Gambling Act 33 of 1996.

(ix) All the amendment Acts to the Companies Act 61 of 1973 up until 2006 which are still on the statute book even though the Companies Act of 1973 was repealed by section 224(1) of the Companies Act 71 of 2008.

(b) The out-dated definitions and terminology in most of the Acts administered by the DTI have to be corrected as recommended in Chapter 2. Corrections have also to be made to references based on gender, which are in conflict with the equality clause as discussed under different Acts in Chapter 2 of the Report.

(c) Furthermore the SALRC recommends that the following Acts be taken through the same process of rationalisation that was undertaken by the DTI in 1995 and 1996:

(i) The Industrial Development Act 22 of 1940 has been amended 11 times but has never been extended to the former TBVC states.

(ii) The Export Credit and Foreign Investments re-insurance Act 78 of 1957 has been amended on six occasions but has never been extended to the former TBVC states.

(iii) The National Building Regulations and Building Standards Act 103 of 1977 with its three amendments were never extended to the former TBVC territories.

(iv) The Sugar Act was amended three times but has never been extended to the former the TBVC territories.

(v) The Protection of Businesses Act 99 of 1978 was amended in 1979, 1987 and in 1996 but has also not been extended to the former Republics of Transkei, Bophuthatswana, Venda and Ciskei.

(vi) The Alienation of Land Act 68 of 1981 has been amended a number of times but has also not been extended to the former TBVC territories.

(vii) Property Time Sharing Control Act 75 of 1983 was passed during the period in which the TBVC states were regarded as independent and has never been extended to these former territories.

(viii) The Convention on Agency in the International Sale of Goods Act 4 of 1986 was also passed during the period in which the TBVC states were regarded as independent and has never been extended to these former territories.

(ix) The Housing Development Schemes for Retired Persons Act 65 of 1988 was also passed during the period in which the TBVC states were regarded as independent and has never been extended to these former territories.

Project 137 – Review of the 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 Justice and Constitutional Development 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 inclusion of the investigation in its program on 13 March 2010 and the Minister approved the inclusion of Project 137: "Expungement of certain criminal records" in the SALRC programme on 28 April 2010. The Commission approved the appointment of Commissioner Thembeka Ngcukaitobi as Project Leader and Mr Van Vuuren as the designated researcher. The researcher prepared a draft discussion paper for submission to the Project Leader. The term of office of Mr Ngcukaitobi expired in December 2011. A new project leader, Judge J Kollapen, 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 was published with the closing date for comments as 31 July 2015, but it was extended at the request of a number of role players to the end of February 2016.

During the consultation phase on the content and provisional recommendations in the discussion paper, contact was established with the Offices of the Department of Correctional Services, the National Office and all sub-offices of Nicro and Mr Lukas Muntingh with the view to facilitate input on the draft discussion paper. Meetings were also arranged with Mr Muntingh in the second week of July 2015, formal meetings were held with members of the SAPS Criminal Record Centre (6 July 2015), and the Department of Correctional Services (9 July 2015) during which presentations on the content on recommendations in the discussion paper were made.

On 23 and 24 July 2015 the researcher attended a conference "Ex Offender Conference" presented by the Department of Correctional Services and made a presentation on "Employability and criminal record". The conference was attended by approximately 500 persons, which included ex-offenders from the regions of Gauteng, Northern Cape, Western Cape and the Free State. Further regional conferences were planned by the Department of Correctional Services and the researcher was requested to attend these conferences and make further presentations on the expungement of criminal records and the Commission's discussion paper. During August 2015 the Department of Correctional Service submitted its comments as well as the comments received during the conference.

The discussion paper was also distributed to members of EXCO of the Department of Justice for comment, who distributed the discussion paper to all relevant stake holders in the Department and the National Prosecuting Authority. Extension for comment was granted until 30 September 2015 and to the end of February 2016. During the course of September the outstanding comments were followed up with the Department of Justice, EXCO, the South African Police Services and Nicro. The Commission received comment from the Department of Justice on 28 September 2016. The outstanding comments were followed up regularly. The regional workshops planned by the Department of Correctional Services were held during February and March 2016. During February 2016 the researcher prepared a draft presentation on behalf of the Department of Correctional Services for discussion at the regional workshops. The researcher also responded to questions raised during the course of the regional workshops. The Commission's final report was considered and approved by the Commission at its meeting on 20 May 2017.

The Commission's report was submitted to the Minister on 19 June 2017. During September 2017 the Chairperson met the Deputy Minister and discussed the recommendations contained in the report. A draft briefing document on the recommendations, including the comment received from the Department of Justice, was prepared for the Chairperson for this meeting.

Project 138 – The Practice of Ukuthwala

The Commission approved the final report on the practice of **ukuthwala** at its meeting on 16 September 2017. The Commission's recommendations are listed below.

1. The Commission recommends enactment of new legislation for the following reasons:
   (a) It would offer an opportunity to make an unequivocal statement against forced marriages, clarifying in the process the question of marriageable age.
   (b) It would consolidate the applicable principles in one instrument.
   (c) It would send a powerful symbolic signal in defence of women's rights.

2. The Commission recommends that victims of forced marriage and child marriage or any person may apply for a forced marriage protection order which is a remedy that may contain such prohibitions, restrictions, requirements or other terms that the court may consider appropriate for the purposes of granting the order.

3. The Commission recommends that the Minister of Justice and Correctional Services make regulations for –
   (a) the procedure to be followed in obtaining a forced Marriage Protection Order;
   (b) the procedure that must be followed when seeking an order for declaration of invalidity of forced marriage or child marriage;
   (c) national guidelines, instructions and training programmes that must be provided to various stakeholders to ensure effective implementation of the Act;
   (d) the nature of facilities, conditions and circumstances under which victims of child marriage and forced marriage must be treated; and
   (e) the norms and standards of any place of safety or shelter.

Chapter 5:

Public Relations

CHAPTER 5

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.

From 27 to 29 November 2017, the Assistant Secretary attended an Annual General Meeting (AGM) and Conference of the Association of Law Reform Agencies of Eastern and Southern Africa (ALRAESA) in Nairobi, Kenya. The purpose was to present a report on the association's financial statements to the EXCO Meeting on 27 November 2017. Exco positively received the report on the association's finances. On 28 November 2017, the Annual General Meeting of ALRAESA was held, at which occasion new members of the Executive Committee were elected. Malawi was elected as the new Chair; Mauritius is the Vice-Chair, Kenya is the Secretary-General; South Africa remains the Treasurer-General; while Lesotho and Zanzibar were elected as the ordinary members of EXCO. On 29 November 2017, a conference was held and the theme was "The Role of Law Reform Agencies in Emerging Democracies".

The SALRC offered to host the next meetings of ALRAESA in 2018.

Visit by a delegation from the Zambia Law Development Commission and the Road Transport and Safety Agency of Zambia

A delegation from the Zambia Law Development Commission and the Road Transport and Safety Agency of Zambia undertook a comparative study tour to South Africa in June 2017. The study tour

formed part of the strategy for the comprehensive review of the Road Transport and Safety Legal and Policy Framework of Zambia. As part of their visit to South Africa the delegation met with South African Law Reform Commission officials on 12 June 2017.

The Zambia delegation consisted of the following officials:

- Mr Otema SY Musuku, Senior Research Officer;
- Mr Samuel Nyirongo, Research Officer;
- Mr Andrew Mukuwa, Research Officer; and
- Four (4) officials from the Zambia Ministry of Transport and Communication.

The delegation was received by Mr Nelson Matibe, the Secretary of the SA Law Reform Commission; Mr Masibulele Chris Mfunzana, the Assistant Secretary and Mr Linda Mngoma, State Law Adviser. They were briefed about the legislative mandate of the South African Law Reform Commission, as well as its research work processes and procedures.

Internships at South African Law Reform Commission

During the year under review no interns were placed at the SALRC.

Ismail Mahomed Law Reform Essay Competition

As indicated in Chapter 1 above, the Ismail Mahomed Law Reform Essay Competition is a joint venture between the South African Law Reform Commission and Juta & Co. The aim of this competition – generally an annual event at the SALRC – is to encourage critical legal writing by students, while generating new 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 2016 cycle of the Ismail Mahomed Law Reform Essay Competition began in February 2016 and closed on 31 January 2017. This cycle marked the thirteenth year of this competition's active seasons. As at 31 January 2017, a total of 24 essays were received as entries to the Competition. A total of 20 essays were for the LLB category whereas 4 essays were for the LLM category of the competition. The essays were submitted by students registered at the following universities: University of Cape Town, University of KwaZulu-Natal, University of Pretoria, University of South Africa, University of Stellenbosch, University of the Western Cape, Witwatersrand University and University of the Free State (Varsity College).

The adjudication panel was appointed in February 2017 to evaluate the essays and identify the winners and runners-up of the 2016 competition. The panel consisted of Professor Nomthandazo Ntlama (Faculty of Law, University of KwaZulu-Natal); Dr Ademola Jegede (Faculty of Law, University of Venda); Dr Leah Ndimurwimo (Faculty of Law, Nelson Mandela Metropolitan University) and Ms Rolien Roos (Faculty of Law, North-West University).

In view of the number and quality of the essays received, the panel unanimously agreed that the Ismail Mahomed Law Reform Essay Competition Prize should be awarded in both the LLB and LLM categories for the 2016 cycle. Based on the overall scores awarded to the essays, the panel decided that the prizes for the 2016 competition should be awarded to the following students:

LLB Category

- Ms Alexandra Rees from the University of Witwatersrand (winner) for her essay titled "Justice diverted: Is the extent of prosecutorial discretion afforded by the Child Justice Act conducive to meeting a constitutional 'best interests' imperative?."
- Ms Justine Banda from the University of South Africa (runner up) for her essay titled "Consensual adult prostitution: An assessment on the criminalization of the buying and selling of sexual services in South Africa."

LLM Category

- Ms Nondumiso Phenyane from the University of Cape Town (winner) for her essay titled "Issues in crime and justice: Organized Non-State Violence in Africa (State responses to organized protest action in South African universities: A perspective approach to protest action."
- Mr Mmiselo Freedom Qumba from the University of Pretoria (runner up) for his essay titled "Protection of foreign investors in the Protection of Investment Act 22 of 2015."

The award ceremony for the 2016 Ismail Mahomed Law Reform Essay Competition was held at Leriba Hotel & Spa on 15 September 2017. The keynote speaker was Judge Jody Narandran Kollapen, Chairperson of the South African Law Reform Commission. The Honourable Judge President Dunstan Mlambo, Gauteng Division of the High Court, was unable to attend the event and an apology on his behalf was received by the SALRC.

The 2017 cycle of the Ismail Mahomed Law Reform Essay Competition began in February 2017 and closed on 31 January 2018. This cycle marked the fourteenth year of this competition's active seasons. As at 31 January 2018, a total of 29 essays were received as entries to the Competition. A total of 24 essays were for the LLB category whereas 5 essays were for the LLM category of the competition. The essays were submitted by students registered at the following universities: University of Cape Town, University of Fort-Hare, University of the Free State, University of Johannesburg, University of KwaZulu-Natal, University of Limpopo, North West University, University of Pretoria, University of South Africa, University of Stellenbosch, University of Venda, Witwatersrand University and University of Zululand.

The adjudication panel was appointed in March 2018 to evaluate the essays and identify the winners and runners-up of the 2017 competition. The panel consisted of Judge Jody Narandran Kollapen (SALRC Chairperson); Professor Vinodh Jaichand (SALRC Commissioner); Professor Marita Carnelley (SALRC Commissioner); Dr Ademola Jegede (Faculty of Law, University of Venda); and Professor Dorothy Farisani (Faculty of Law, University of South Africa).

In view of the number and quality of the essays received, the panel unanimously agreed that the Ismail Mahomed Law Reform Essay Competition Prize should be awarded in both the LLB and LLM categories for the 2017 cycle. Based on the overall scores awarded to the essays, the panel decided that the prizes for the 2017 competition should be awarded to the following students:

LLB Category

- Ms Natasha Salant from the University of Cape Town (winner) for her two (2) essays titled "A new answer to an old problem: Could the facilitation of an active civil society be an effective strategy to enhance the consumer protection act's effectiveness?; and Beyond the (class)room: What education could be in South Africa".
- Ms Janey Daniels from the University of Stellenbosch (runner up) for her essay titled "The status of the stepchild in the law of intestate succession: A legal comparative and critical analysis".

LLM Category

- Mr Matlalepula Rakubu from the University of Limpopo (winner) for his essay titled "Virginity testing in South Africa: The human rights perspective".
- Ms Navilla Somaru from North West University (runner up) for her essay titled "The lok adalat as an ADR instrument in South African Criminal Law".

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 virtually on a daily basis. These enquiries emanate 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:

Project 25: Legislation administered by the Department of Social Development (DSD) **Ms T Prinsloo**	Completed and e-mailed letters to the relevant functionaries in government and the private sector requesting a response on the DSD Discussion Paper. These entities were the Departments of Sport and Recreation, Social Development, Basic Education, Cooperative Government and Traditional Affairs (COGTA), Health, Higher Education and Training and Justice and Correctional Services. An e-mail to relevant NGO's and letters to the National Youth Development Agency, South African Council for Social Service Professionals, the South African Social Security Agency and the Health Professions Council of South Africa were sent.	Throughout the reporting period
	A copy of the discussion paper was distributed at the request of a member of the public.	16 August 2017

Project 25: Statutory Law Review – Legislation administered by the Department of Health (DOH) **Ms Ronel van Zyl**	Met with legal officer from Mpumalanga Department of Health to discuss issues raised in Discussion Paper 145.	23 August 2017
	Met with the Chief Executive Officer of the Office of Health Standards Compliance to discuss issues raised in Discussion Paper 145.	30 November 2017
	Met with the Registrar of the Allied Health Professions Council and the Director: Legislation of DOH to discuss issues raised in Discussion Paper 145.	1 December 2017
	Met with the Compensation Commissioner, officials from DOH Legal Services and representatives of the mining industry on Discussion Paper 145.	8 March 2018
	Attended a meeting of the National Health Council (chaired by the Minister of Health) to do a presentation on aspects of Discussion Paper 145.	20 March 2018
	General enquiries regarding Discussion Paper 145.	Throughout the reporting period
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 way forward with the Traditional Courts Bill were attended to by the researcher.	Throughout the reporting period
Project 94 Alternative Dispute Resolution (ADR) **Ms Ananda Louw**	A consultation process was initiated between the SALRC and the Office of the Chief Justice through the Chairperson of the Advisory Committee, Judge President Dunstan Mlambo.	July 2017
	Attended a conference at UNISA hosted by the Institute for Dispute Resolution in Africa entitled "Women in Dispute Resolution".	3 August 2017
	Made a presentation entitled "Mediation in South Africa" at the IDRA conference, UNISA, on mediating disputes the African way.	16 November 2017
	Responded to general enquiries regarding the investigation	Throughout the reporting period

Project 100B **Review of the Maintenance Act** **Ms Maite Modiba**	General and specific enquiries and correspondence from members of the public on the content of the investigation, and on the relevance of the investigation to problems related to maintenance.	Throughout the reporting period
Project 100D **Care of and contact with children** **Ms Ananda Louw**	Attended a full day meeting with the Legal Aid Board where she discussed the LASA's involvement in civil disputes and its current programmes and capacity in this regard.	24 May 2017
	Attended the DOJCD Task Team on an Integrated Family Law System meeting where she made a presentation on the integrated family dispute resolution structure that is being developed in the investigation.	5 July 2017
	Attended the Family Advocate Management Meeting at the DOJCD where she made a presentation.	1 August 2017
	The researcher and an Advisory Committee member met with representatives of the Department of Health in order to discuss the instituting, regulation and management of primary health care clinics and their relevance to family health in general.	6 April 2017
	Disseminated information and documents in respect of the investigation among interested parties, especially when they contacted the Commission for that purpose.	Throughout the reporting period
Project 100 **Family law and the law of persons** **Review of aspects of matrimonial property law** **Ms Anna-Marie Havenga**	General and specific enquiries and correspondence from members of the public on the content of the investigation, and on the relevance of the investigation to problems related to matrimonial property issues on divorce.	Throughout the reporting period

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
	Provided information to AMATO (pregnancy crisis centre) on underage pregnancy and rape.	6 April 2017
	Addressed an enquiry from UNISA on the inclusion of black women in SA's rape law reform process.	15 March 2018
	Corresponded with the past president of ISPCAN regarding challenges with SORMAA.	April 2018
	Telephonically assisted a presiding officer in a case of cyberbullying in a school which was successfully resolved.	10 May 2017
	Provided comment on the draft Sanitary Dignity Policy Framework.	30 June 2017
	Provided a community leader with information on the Domestic Violence Act in response to a query on familial elder abuse.	18 July 2017

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.	Ongoing throughout period
	Assisted the DOJCD with the briefing of the JCPS DG Cluster on the report.	4 April 2017
	Assisted the DOJCD with the presentation of the report to the JCPS Cluster.	20 April 2017
	Provided the DOJCD with a draft response to a Parliamentary question posed to the Office of the Deputy President on sex work and the status of the SALRC report.	3 May 2017
	Attended a GTT Meeting: Development of NSP implementation plans and co-ordination for the SA AIDS Conference at the invitation of the office of the Deputy President.	15 May 2017
	Assisted with the release of the Report on Sexual Offences (Adult Prostitution) for publication by the Minister of Justice and Correctional Services.	26 May 2017
	Interviewed by SABC Munghanalonenefm on the report.	29 May 2017
	Interviewed by Falaphalafm on the report.	29 May 2017
	Provided a written reply to a journalist from Daily Maverick on questions pertaining to the report.	29 May 2017
	Interviewed by SAfm Morning Talk on the report.	30 May 2017
	Presented on the contents of the report to the Multi-Party Women's Caucus in Parliament.	31 May 2017
	Responded to queries pertaining to the report by the following NGO's: Family Policy Institute; Doctors for Life and Straatwerk.	2 June 2017
	Responded to queries pertaining to the report by UNISA.	5 June 2017
	Responded to queries pertaining to the report by the CGE.	7 June 2017
	Responded to a PAIA application from the South African History Archive.	9 June 2017
	Interviewed on 702 for the Azania Mosaka show.	12 June 2017

	Fielded queries from the organization Embrace Dignity and an independent lobbyist Mickey Meji and the shadow Minister Women in the Presidency and the Multi Party Women's Caucus.	14 June 2017
	Presented to the "Illegal Immigration Workshop: Prevention and Combatting of Trafficking in Persons SAPS Hawks".	22 June 2017
	Attended the combined SANAC and Mail & Guardian Critical Thinking Forum on the decriminalization of "sex work".	26 July 2017
	Interview by the Family Policy Institute.	13 July 2017
	Engaged with NGO Embrace Dignity.	6 & 7 July 2017
	Fielded queries on oral submissions on legislation from NGO's throughout the month and specifically from SANAC; Asijiki and SAPS.	14 August 2017 21 August 2017 22 August 2017.
	Answered to statements made in the Mail & Guardian by SWEAT.	4 August 2017
	Corresponded with Prof Decker, Associate Professor of the Johns Hopkins Bloomberg School of Public Health.	4 August 2017
	Served as a panellist and presented the report and its proposals at a University of Johannesburg and City of Johannesburg Public Safety Department's Thought Leadership discussion on adult prostitution.	5 October 2017
	Presented correspondence received from Asijiki, at the Commission meeting.	16 September 2017
	Attended the Human Rights Baseline Assessment Inception meeting jointly organised by SANAC and the Global Fund.	27 October 2017
	Corresponded with the team conducting the Global fund baseline assessment on human rights-related barriers to HIV and TB services for key populations in South Africa. In terms of legal and human rights-related policies, laws and guidelines, the researcher was informed that she had been identified as a key informant in the rights and legal thematic area.	12 to 14 November
	Attended the SANAC Government Task Team (GTT) meeting and briefed the meeting on the publication of the SALRC Report on Sexual Offences (Adult Prostitution) and that the DoJ&CD would be engaging in consultation and advising on policy and the need for legislative reform in this regard.	15 November 2017

	Fielded queries and engaged with a number of stakeholders in this regard, including Cause for Justice; Doctor's for Life; Stop Trafficking; Straatwerk, Unisa.	9, 12, 15, 21, 26 February 2018
	Engaged with the law faculty of UKZN on the content of the report.	1 March 2018
	Presented the DoJ&CD's input to the Multy Party Women's Caucus and fielded questions posed by Members of Parliament and stakeholders.	5 March 2018
	Participated in the SANAC GTT meeting with the Global Fund.	6 March 2018
	Panel member on the SAFM's African Dialogue on the topic of decriminalising sex work.	8 March 2018
	Corresponded with UCT regarding the NAP Racism, Racial Discrimination, Xenophobia & related intolerances. She provided an overview of the project and forwarded the report and summary thereof with reference to key policy documents.	26 March 2018
Pornography and Children **Ms Dellene Clark**	The researcher serves on a joint initiative by Child Welfare South Africa and ECPAT International on the Technical Working Group steering a five year project on combatting sexual exploitation of children. Meeting and Launch of the 4 Our Children Coalition.	Ongoing
	Participated in the conference on Sexual Exploitation of Children in Travel and Tourism (SECTT) at the invitation of the acting National Executive Director of Child Welfare South Africa, and ECPAT International.	20 and 21 June 2017
	Attended a Gala Fund Raising Dinner for Child Welfare.	3 November 2017
	Engaged with NPA in KZN on the project.	21 April 2017
	Attended a high level closed meeting on online regulation arranged by Media Monitoring Africa and the Konrad Adenauer Stiftung.	28 June 2017
	Attended the Film and Publication Board's Gender Based Violence in media dialogue for industry for the launch of the review of the FPB Classification Guidelines.	23 August 2017
	Attended the joint UNISA and University of Johannesburg Conference on the New Trans-disciplinary horizons in the Criminal Justice System.	6 & 7 September 2017
	Attended the Bureau of Market Research's Youth Research Unit Research Seminar for the release of the latest research on adolescents' behaviour.	12 September 2017

	Attended the Facebook Safety Symposium coordinated by regional and European representatives of Facebook.	14 September 2017
	Attended the UCT Development and Alumni Departments Business Breakfast sponsored by Norton Rose Fulbright "Women and Child Violence: SA's Preventable Tragedy" aimed inter alia at preventing child deaths and intimate femicide as a run-up to the 16 Days of Activism for No Violence Against Women and Children.	30 October 2017
	Attended a youth dialogue jointly hosted by the Film and Publication Board (FPB) in collaboration with Commission for Gender Equality (CGE) and United Nations Population Fund (UNFPA) to identify issues affecting youth.	8 December 2017
	The researcher was invited as an identified stakeholder by the UNISA BMR YRU to attend a meeting with ECPAT to discuss the South African Situational Analysis Report on the Sexual Exploitation of Children.	1 March 2018.
Project 110: Review of the Child Care Act **Ms Ronel van Zyl**	Attended a meeting of the Rules Board's Task Team for the Development of Children's Court Rules as a member of the Task Team.	23 June 2017
	Attended a meeting of the Rules Board's Task Team for the Development of Children's Court Rules as a member of the Task Team	21 and 22 September 2017
	Attended a meeting of the Rules Board's Task Team for the Development of Children's Court Rules as a member of the Task Team	16 March 2018
Project 125 Prescription periods **Ms Theresa Häderli**	Responded to general enquiries regarding the investigation.	Throughout the reporting period
	Provided assistance on the interpretation and application of the principles relating to the recovery of prescribed debt, in response to enquiries from a member of the public.	September 2017 to February 2018
	Provided interdepartmental assistance on the interpretation and application of the interruption provisions contained in section 15 of the Prescription Act, especially in relation to its interplay with section 129 of the National Credit Act, in response to a proposal calling for the amendment of section 15 by a member of the public.	August 2017

Project 126 **Review of the Law Of Evidence** **Mr Willie van Vuuren**	General and specific enquiries from members of the public on the content of the investigation, and on the relevance of the investigation to problems related to the admissibility of electronic evidence.	Throughout the reporting period
Project 135 **The Review of the Witchcraft Suppression Act 3 of 1957** **Mr Willie van Vuuren**	General enquiries regarding the discussion paper on the Review of the Witchcraft Suppression Act 3 of 1957.	Throughout the first quarter of the reporting period
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
Project 140 **The Right to Know One's Own Biological Origins** **Ms Veruksha Bhana**	Issue paper 32 was approved by the Commission on 20 May 2017 and published for general information and comments. The researcher identified key stakeholders that Issue Paper 32 could be forwarded to comments and personally emailed copies of the issue paper to those persons and organizations. In addition the Issue Paper was distributed as per the SALRC distribution list. The researcher liaised with the DOJCD's PEC unit and requested that PEC forward Issue paper 32 to media houses. The researcher attended to have Issue paper 32 posted of the DOJCD Facebook page.	May – July 2017

	The researcher met with reproductive specialists and lawyers from the Southern African Society of Reproductive Medicine and Gynaecological Endoscopy and continued engagement with them throughout the reporting period.	18 August 2017
	The researcher planned 5 workshops in key provinces including Durban, Port Elizabeth, Cape Town, Pretoria and Bloemfontein and drafted and forwarded the invite to relevant persons and organizations and co-ordinated all rsvps. The researcher liaised with admin staff to have copies of Issue Paper 32 made, catering arranged and SALRC packs made. The workshops were held between August 2017 and November 2017 and the researcher engaged with a range of stakeholders from legal, medical sociology, psychology, academic, bio-ethics and government backgrounds. The researcher developed a comprehensive worksheet which was distributed at the workshops in order to obtain comments from the attendees.	10 August 2017 16 August 2017 30 August 2017 6 September 2017 2 November 2017
	The researcher met with psychologists who treat patients involved in assisted production in Cape Town.	5 September 2017
	The South African Tissue Bank Association requested that the researcher speak on Issue paper 32 at their annual conference and the researcher did so on 6 October 2017. The researcher attended to have copies of Issue Paper 32 made so that these could be distributed at the SATIBA conference and this was done. The researcher interacted with conference delegates to advise them of the work of the Commission and Issue Paper 32 and indicated that she was more than happy to receive comments on the issue paper.	5-6 October 2017
	The researcher liaised with an academic from the University of KwaZulu-Natal regarding co-ordinating research into the psychological wellbeing of donor-conceived children.	14 December 2017
	The SALRC essay writing competition was re-launched in February 2018 and the researcher attended to have copies of Issue Paper 32 made so that these could be distributed at the re-launch so as to make the public aware of the work of the Commission and to raise awareness of the Issue paper 32 investigation.	23 February 2018

	The organizers of the 21st Annual Miller du Toit Cloete Inc Family Law Conference requested that the researcher speak on Issue Paper 32 at their conference which was scheduled for 1-2 March 2018. The researcher sought permission from the Secretary of the SALRC and the Secretary gave his approval in this regard. The researcher prepared a comprehensive power-point presentation for the conference. The researcher attended to have copies of Issue Paper 32 made so that these could be distributed at the conference and this was done. The researcher interacted with conference delegates to advise them of the work of the Commission and Issue Paper 32 and indicated that she was more than happy to receive comments on the issue paper. Stemming from the conference, the researcher made new contacts and received requests for further engagement.	1-2 March 2018
	The researcher attended to general and specific enquiries from members of the public, stakeholders, government officials and the media on the content of the investigation. The researcher has continuously encouraged parents to provide comments on Issue paper 32 as their comments go to the core of the investigation.	Throughout the reporting period
Project 141 Medico-legal Claims Ms Ronel van Zyl	Attended a workshop on medico-legal litigation in Kimberley, Northern Cape with officials from the national Department of Health, Northern Cape Department of Health and members of the Ministerial Advisory Committee (appointed by the Minister of Health) and did a presentation on the SALRC investigation into medico-legal claims.	7 April 2017
	Met with officials from Department of Health: Legal Services.	27 June 2017
	Corresponded with the news editor of African Times News on Issue Paper 33.	25 July 2017
	Attended a meeting of the Health Legal Forum in Cape Town and did a presentation on Issue Paper 33.	4 August 2017
	Attended the 10x10 Health Budget meeting and did a presentation on Issue Paper 33 and the proposed amendment of the State Liability Act 20 of 1957.	10 August 2017

	Attended a discussion on mediation in medico-legal litigation as part of a conference hosted by the South African Association of Mediators.	24 August 2017
	Attended a meeting of the Ministerial Advisory Committee appointed by the Minister of Health (as a member of the Committee) and did a presentation on Issue Paper 33.	29 August 2017
	Attended a meeting of the Ministerial Advisory Committee appointed by the Minister of Health (as a member of the Committee) to discuss the committee's comments to Issue Paper 33	19 September 2019
	Did a presentation on Issue Paper 33 during a Medical Mediation and Health Sector Training course offered by Mediation in Motion and the University of Cape Town.	25 October 2017
	Corresponded with a journalist from the Daily Sun on Issue Paper 33.	1 November 20118
	Attended a meeting of the South African Spine Society to discuss their concerns regarding medico-legal litigation.	11 November 2017
	Attended a meeting of the Directors General of the Departments of Justice and Constitutional Development, Health and Performance Monitoring and Evaluation and other officials and did a presentation on Issue Paper 33.	27 February 2018
	Attended a workshop hosted by the Medical Protections Society and EthiQal and did a presentation on Issue Paper 33.	6 March 2018
	Attended a conference on Cerebral Palsy hosted by the University of Pretoria and EthiQal.	7 and 8 March 2018
	Attended a meeting of the National Health Council (chaired by the Minister of Health) to do a presentation on Issue Paper 33 and the proposed State Liability Amendment Act.	20 March 2018
	General enquiries regarding medico-legal litigation.	Throughout the reporting period

143: Maternity and Paternity Benefits for Self-Employed Workers	On 6 December 2017, a workshop was held in Durban with informal self-employed workers and traders representing their organizations that are affiliated to Women in Informal Employment Globalizing and Organizing (WIEGO) and Children in Distress (CINDI) networks.	6 December 2017
	On 6 December 2017, an SALRC / HSRC meeting was held in Durban to undertake an assessment of progress made towards defining the target groups and the scope of maternity and paternity protection system to be extended to self-employed workers in the informal and formal sectors of the economy. In light of the apparent lack of funding for this project, the Commission is looking at the possibility of a partnership between the Commission and the HSRC.	6 December 2017
	Mr Linda Mngoma	7 December 2017
	On 15 March 2018, the researcher attended the LGBTI National Task Team Meeting where he made a presentation. The purpose was to obtain comments and inputs on the research documents and guidance on areas the SALRC should look at.	15 March 2018
	On 26-28 March, Professor Vinodh Jaichand, Mr Mngoma, Ms Janine Hicks and Ms Phumzile Xulu attended the national dialogue on the International Labour Organisation's R204 transition from the informal to formal economy.	26-28 March 2018
Pre-investigation into enactment of single marriage statute Mr Pierre van Wyk	On 22 May 2017 Judge Kollapen, the Chairperson of the Commission, the Secretary of the SALRC, the Deputy Minister of the Department of Home Affairs and a DHA met to clarity the scope of the proposed investigation. On 12 July 2017 Prof Carnelley, the project leader, and the researcher met with officials of the DHA to further clarify the scope of the proposed investigation.	22 May 2017 and 12 July 2017

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

Chapter 6:

Acknowledgements

CHAPTER 6

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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.

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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
15	59	Islamic marriages and related matters	0 621 30089 6 May 2000

Serial number of issue paper	Project number	Title of investigation	ISBN number Publication date
16	119	Uniform national legislation on the fencing of national roads	0 621 30188 4 July 2000
17	118	Domestic partnerships	0 621 31574 5 September 2001
18	122	Incapable adults	0 621 31797 7 November 2001
19	107	Sexual offences: Adult prostitution	0 621 33159 7 July 2002
20	123	Protected disclosures	0 621 33555 X November 2002
21	121	Consolidated legislation pertaining to international cooperation in civil matters	0 621 33553 3 November 2002
22	130	Stalking	0 621 34410 9 August 2003
23	125	Prescription periods	0 621 34444 3 August 2003
24	124	Privacy and data protection	0 621 34530 X August 2003
25	131	Trafficking in persons	0 621 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
30	107	Sexual Offences (Pornography and Children)	978-0-621-43964-9 August 2015
31	100	Family Dispute Resolution: Care of and contact with children	978-0-621-44230-4 February 2016
32	140	The right to know one's own biological origins	978-0-621-45561-8 20 May 2017
33	141	Medico-legal Claims	978-0-621-45644-8 17 July 2017

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

Serial number of discussion paper	Project number	Title of investigation	ISBN Publication date
15	24	Investigation into the courts' powers of review of administrative acts	2 January 1987
16	62	The protection of a purchaser of securities	27 April 1987
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

Serial number of discussion paper	Project number	Title of investigation	ISBN Publication date
31	66	Reform of the South African law of bail	0 7970 2078 0 December 1990
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

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

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

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

Serial number of discussion paper	Project number	Title of investigation	ISBN Publication date
91	82	Sentencing: A new sentencing framework	0 621 30070 5 April 2000
92	105	Review of security legislation: Terrorism: Section 54 of the Internal Security Act 74 of 1982	0 621 30184 1 July 2000
93	90	Customary law: Succession	0 621 30205 8 August 2000
94	73	Simplification of criminal procedure: Sentence agreements	0 621 30337 2X December 2000
95	90	Customary law: Administration of estates	0 621 30338 0 December 2000
96	73	Simplification of criminal procedure: A more inquisitorial approach to criminal procedure – police questioning, defence disclosure, the role of judicial officers and judicial management of trials	0 621 30683 5 April 2001
97	82	Sentencing: A compensation scheme for victims of crime	0 621 30687 8 April 2001
98	114	Publication of divorce proceedings: Section 12 of the Divorce Act 70 of 1979	0 621 30715 7 May 2001
99	108	Computer-related crime: Preliminary proposals for reform in respect of unauthorised access to computers, unauthorised modification of computer data and software applications and related procedural aspects	0 621 30718 1 May 2001
100	73	Simplification of criminal procedure: Out-of-court settlements in criminal cases	0 621 31591 5 October 2001
101	59	Islamic marriages and related matters	0 621 31794 2 December 2001
102	107	Sexual offences: Process and procedure	0 621 31809 4 December 2001
103	110	Review of the Child Care Act	0 621 31810 8 December 2001
104	118	Domestic partnerships	0 621 34421 4 August 2003

Serial number of discussion paper	Project number	Title of investigation	ISBN Publication date
105	122	Assisted decision-making: Adults with impaired decision-making capacity	0 621 35014 1 January 2004
106	121	Consolidated legislation pertaining to international co-operation in civil matters	0 621 35115 6 June 2004
107	123	Protected disclosures	0 621 35116 4 June 2004
108	130	Stalking	0 621 35379 5 September 2004
109	124	Privacy and data protection	0 621 36326 X October 2005
110	134	Administration of estates	0 621 36328 6 October 2005
111	131	Trafficking in persons	0 621 36526 2 March 2006
112	25	Statutory law revision: Review of the Interpretation Act 33 of 1957	0 621 36904 7 September 2006
113	126	Review of the law of evidence: Hearsay evidence and relevance	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

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

Serial number of discussion paper	Project number	Title of investigation	ISBN Publication date
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
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
134	25	Statutory Law Revision: Review of legislation administered by the Department of Justice and Constitutional Development – (3) Review of the Criminal Procedure Act, 51 of 1977	978-0-621-43584-9 15 April 2015
135	137	The review of the expungement of certain criminal records	978-0-621-43685-3 30 May 2015
136	25	Statutory Law Revision: Review of legislation administered by the Department of Environmental Affairs	978-0-621-43806-2 19 October 2015
137	25	Statutory Law Revision: Review of legislation administered by the Department of Science and Technology	978-0-621-43816-1 22 July 2015

Serial number of discussion paper	Project number	Title of investigation	ISBN Publication date
138	138	The practice of Ukuthwala	978 0 621 44138 3 30 October 2015
139	135	The Review of the Witchcraft Suppression Act 3 of 1957	978 0 621 44208 3 19 January 2016
140	25	Statutory Law Revision: Review of legislation administered by the Department of Arts and Culture	978-0-621-44248-9 27 January 2016
141	25	Statutory Law Revision: Review of legislation administered by the Department of Water and Sanitation	978-0-621-44249-6 28 January 2016
142	25	Statutory Law Revision: Review of legislation administered by the Department of Public Service and Administration (DPSA)	978-0-621-44742-9 August 2016
143	25	Statutory Law Revision: Review of legislation administered by the Department of Social Development	978-0-621-44967-9 17 September 2016
144	25	Statutory Law Revision: Review of legislation administered by the Department of Trade and Industry	978-0-621-45003-3 31 October 2016
145	25	Statutory Law Revision: Review of legislation administered by the Department of Health	978-0-621-45666-0 2 August 2017
146	25	Statutory Law Revision: Review of legislation administered by the Department of Police	978-0-621-45882-4 June 2017
147	125	Harmonisation of existing laws providing for different Prescription Periods	978-0-621-46012-4 2 December 2017

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.

Project number	Title	Year of report	Reference number of published report	Result
8	Steps aimed at making the common law more readily available	-	-	Several works published – see previous annual reports and Annexure G.
9	Review of the law of trusts	1986	June 1987	Trust Property Control Act 57 of 1988 enacted.
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.

Project number	Title	Year of report	Reference number of published report	Result
15	The matrimonial property law with special reference to the Matrimonial Affairs Act, 1953, the status of the married woman, and the law of succession in so far as it affects the spouses	1982	RP 26/1982	Matrimonial Property Act 88 of 1984 enacted – see also Projects 41 and 51.
16	Investigation into the application of set-off in insolvency	1975	Not published	No legislation recommended – see Project 63.
17	Examination of the convention on the form of an international will	1975	Not published	No legislation recommended – see Project 22.
18	Investigation into the enforceability of foreign arbitration awards in the Republic	1975	Not published	Recognition and Enforcement of Foreign Arbitral Awards Act 40 of 1977 enacted.
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.

Project number	Title	Year of report	Reference number of published report	Result
22	Review of the law of succession			
	Intestate succession	1985	ISBN 0 621 09611 3	Intestate Succession Act 81 of 1987 enacted.
	Legitimate portion or right to maintenance	1987	Not published	Maintenance of Surviving Spouses Act 27 of 1990 enacted.
	Formalities of a will, alteration and revocation of wills, disqualification from inheriting, substitution and the succession rights of adopted children	1991	ISBN 0 621 14189 5	Law of Succession Amendment Act 43 of 1992 enacted.
23	Risk as a ground for liability in delict	1985	ISBN 0 621 10202 4	No legislation recommended.
24	Investigation into the courts' powers of review of administrative acts			
	Report	1992	ISBN 0 621 15356 7	See Project 115
	Supplementary report	1994	Not published	See Project 115
25	Statute law: The establishment of a permanently simplified, coherent and generally accessible statute book			
	Repeal of Laws Act	1980	Not published	Repeal of Laws Act 94 of 1981 enacted.
	Investigation into certain aspects of the Prescription Act 68 of 1969	1983	Not published	Prescription Amendment Act 11 of 1984 enacted.
	Investigation into further aspects of the Prescription Act 68 of 1969	1984	Not published	No legislation recommended.
	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.

Project number	Title	Year of report	Reference number of published report	Result
	Statutory Law Revision: Redundancy, obsoleteness and constitutionality of legislation			See Chapter 3
	Legislation administered by the Department of Transport	2009	ISBN 0 621 40020 5	Transport Laws Repeal Act 10 of 2010 enacted.
		2011	To be published	Under consideration by the Department of Energy
	Legislation administered by the Department of Energy	2011	To be published	
	Legislation administered by the Department of Human Settlements	2016	To be published	Under consideration by the Department of Human Settlements
	Legislation administered by the Department of Justice and Constitutional Development-Report (3)	2011	To be published	Under consideration by the Department of Justice and Constitutional Development
	Legislation administered by the Department of Labour	2011	To be published	Under consideration by the Department of Labour
	Legislation administered by the Department of Mineral Resources	2011	To be published	Under consideration by the Department of Mineral Resources
		2011	To be published	Under consideration by the Department of Mineral Resources
	Legislation administered by the Department of Public Works			Under consideration by the Department of Public Works
	Legislation administered by the Department of Rural Development and Land Reform	2011	To be published	Under consideration by the Department of Public Works

Project number	Title	Year of report	Reference number of published report	Result
	Legislation administered by National Treasury	2014	To be published	
	Legislation administered by the Department of Defence	2014	To be published	Under consideration by the National Treasury
	Legislation administered by International Relations and Cooperation	2015	To be published	Defence Laws Repeal and Amendment Act 17 of 2015 enacted.
	Legislation administered by the Department of Tourism	2016	To be published	Under consideration by the Department of International Relations and Cooperation
	Legislation administered by the Department of Communications	201	To be published	See Chapter 3
	Legislation administered by the Department of Home Affairs		To be published	See Chapter 3
				See Chapter 3
26	Criminal law consolidation: Theft and house-breaking	1977	Not published	Recommendations regarding legislation not implemented.
27	Abolition of civil imprisonment	1976	Not published	Abolition of Civil Imprisonment Act 2 of 1977 enacted – see also Project 54
28	Investigation into leases in respect of movables	1976	Not published	No legislation recommended.
29	Investigation into the application of mens rea in statutory offences	1982	GP-S 300	No legislation recommended.

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

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

Project number	Title	Year of report	Reference number of published report	Result
53	Investigation into the amendment of section 26 of the Insolvency Act 24 of 1936	1983	Not published	Insolvency Amendment Act 84 of 1984 enacted – see also Project 63.
54	Committal to prison in respect of debt	1985	ISBN 0 621 11346 8	See Project 74.
55	Removal of certain restrictions in respect of land	1984	Not published	No legislation recommended.
56	Submission of a question of law to the Appellate Division of the Supreme Court relating to the calculation of finance charges under the Limitation and Disclosure of Finance Charges Act 73 of 1968	1976	Not published	Ex parte Minister of Justice 1978 2 SA 572 (A)
57	Anton Piller type of orders	1987	Not published	Recommendations not implemented.
58	Group and human rights			
	Interim report	1991	Report: ISBN 0 621 14128 3 Summary: ISBN 0 621 14127 5	Constitution of the Republic of South Africa Act 200 of 1993 enacted, since repealed. Constitution of the Republic of South Africa, 1996 enacted.
	Final report	1994	RP 66/1995 ISBN 0 621 16727 4	Made available to the Constitutional Assembly.

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

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

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

Project number	Title	Year of report	Reference number of published report	Result
74	Debt collecting			
	Interim report on imprisonment for debt	1994	RP 199/1995 ISBN 0 621 16956 0	Magistrates' Courts Amendment Act 81 of 1997 enacted.
	Final report	1995	RP 198/1995 ISBN 0 621 16960 9	Debt Collectors Act 114 of 1998 enacted, since repealed 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.
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.

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

Project number	Title	Year of report	Reference number of published report	Result
86	Euthanasia and the artificial preservation of life	1998	RP 186/1999 ISBN 0 621 29831 X	Report under consideration by Department of Health – report submitted to the Department in 1999.
87	Jurisdictional lacuna in the Supreme Court Act, 1959	1994	RP 64/1995 ISBN 0 621 16723 1	Judicial Matters Second Amendment Act 122 of 1998 enacted.
88	The recognition of a class action in South African law	1998	RP 181/1999 ISBN 0 621 29818 2	Report under consideration by Department of Justice and Constitutional Development – report submitted to the Department in September 1998.
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

Project number	Title	Year of report	Reference number of published report	Result
93	Speculative and contingency fees.	1996	RP 37/1997 ISBN 0 621 17648 6	Contingency Fees Act 66 of 1997 enacted
94	Arbitration			
	International arbitration	1998	RP 30/1999 ISBN 0 621 28861 6	International Arbitration Act 15 of 2017 enacted
	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	-	-	See Chapter 3
	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.

Project number	Title	Year of report	Reference number of published report	Result
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.
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	2015	RP 107B/2017 ISBN978-0-621-42727-1	Report under consideration by the Department of Justice and Constitutional Development.
	Pornography and children	-	-	See Chapter 3
108	Computer-related crimes	-	-	Struck off

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

Project number	Title	Year of report	Reference number of published report	Result
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	Protected Disclosures Amendment Act 5 of 2017
124	Privacy and data protection	2009	ISBN 0 621 38922 7	Protection of Personal Information Act 4 of 2013 enacted.
125	Prescription periods	-	-	See Chapter 3
126	Review of the law of evidence	2017	To be published	Report under consideration by the Department of Justice and Constitutional Development.
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

Project number	Title	Year of report	Reference number of published report	Result
134	Administration of estates			
	Interim report	2008	ISBN 0 621 38277 8	Interim report under consideration by Department of Justice and Constitutional Development – interim report submitted to the Department in November 2008.
135	Review of witchcraft legislation	-	-	See Chapter 3
136	Multi-disciplinary legal practices	-	-	See Chapter 3
137	Expungement of certain criminal records	2017	To be published	Report under consideration by the Department of Justice and Constitutional Development.
138	The practice of **ukuthwala**	-	ISBN 0 621 46355 2	See Chapter 3
139	Review of the Interpretation Act	-	-	See Chapter 3
140	The Right to Knowledge of One's Own Biological Origins	-	-	See Chapter 3
141	Medico-Legal Claims	-	-	See Chapter 3
142	Legal Fees	-	-	See Chapter 3
143	Maternity and Paternity Benefits for Self-Employed Workers	-	-	See Chapter 3
144	Enacting a Single Marriage Statute including measures against sham marriages	-	-	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
Judge H J O van Heerden, Judge of Appeal	01/12/1988 to 31/12/1995
Chief Justice I Mahomed	01/01/1996 to 17/06/2000
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 31/03/2016
Judge JN Kollapen, Judge of the High Court	01/04/2016 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
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 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 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
	Prof P Andanda	University of the Witwatersrand
	Adv A Hassim	Section 27
	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	Members	Organisation
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 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	Members	Organisation
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 94 Arbitration	Judge Thina Siwendu (Project leader)	SALRC
International Arbitration	Prof David Butler	Emeritus Professor, University of Stellenbosch
Domestic Arbitration	Prof David Butler	Emeritus Professor, US
	Judge J Hlophe	Judge President Cape High Court
	Judge CM Sardiwalla	Judge, High Court
	Adv N Singh SC	Kwa-Zulu Natal Bar
ADR	Judge President Dunstan Mlambo (Chairperson)	Judge President, Gauteng Division of the High Court of South Africa
	Judge Zukisa Tshiqi	Judge of Supreme Court of Appeal
	Judge Aubrey Ledwaba	Deputy Judge President, Gauteng Division of the High Court of South Africa
	Judge Cassim Sardiwalla	Judge of the High Court
	Mr John Brand	Attorney
	Prof David Butler	Emeritus Professor, US
	Adv Hendrik Kotze	Director, Nuvalaw
	Adv P Pretorius SC	Johannesburg Bar
	Adv Anthea Platt SC	Johannesburg Bar

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
	Adv F Bosman SC	Advocate of the High Court Former Chief Family Advocate
	Prof T Mosikatsana	University of the Witwatersrand
	Ms Neliswa Cekiso	Department of Social Development
	Prof Wesahl Domingo	University of the Witwatersrand
	Professor Madeleen de Jong	UNISA
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
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
	Brigadier 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
	Mr K Rutsha	Department of Communications

Project	Members	Organisation
Project 125 Prescription Periods	Adv M Sello (Project Leader)	Commissioner of the SALRC Johannesburg Bar Association
	Prof M Loubser	Professor Emeritus: University of Stellenbosch Cluver Markotter Attorneys
	Mr M Cronje	Official of the SALRC (retired)
	Adv T Ngcukaitobi	Johannesburg Bar Association
	Adv S Poswa-Lerotholi	Johannesburg Bar Association
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
	Prof T Pistorius	University of South Africa
Project 127 Review of administration orders	Prof V Jaichand (Project leader)	SALRC
	Prof Andrê Boraine	Dean of the Faculty of Law, University of Pretoria
	Mr Hein Viana	Acting Senior Magistrate, Soweto Section Head: Civil and Family
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)	**Emeritus** Professor of the University of Cape Town
	Prof Marita Carnelley	SALRC
	Prof R Mqeke	Retired Dean of the Faculty of Law, Rhodes University
	Prof T Meyiwa	Durban University of Technology
	Prof P Sithole	Public Service Commission

Project	Members	Organisation
Project 142 Investigation into legal fees	Judge J Kollapen	Judge of the North Gauteng High Court
	Ms Rochelle Francis-Subbiah	Magistrate, Pretoria Magistrate's Court
	Dr Fawzia Cassim	Former Associate Professor, Department of Criminal and Civil Procedure UNISA
	Dr Willem Hendrik Gravett	Senior Lecturer University of Pretoria
	Mr Vela Mdaka	Regional Operations Execute: Legal Aid South Africa
	Advocate Thobeka Nkabinde	Office of the Chief Litigation Officer/ State Attorney
	Mr Raj Daya	Secretary of the Rules Board for the Courts of Law
	Ms Trudy Zeelie	Registrar and Taxing Master: Office of the Chief Justice
Project 143 Maternity and Paternity Benefits for Self-employed Workers	Prof V Jaichand (Project leader)	SALRC
	Ms Janine Louise Hicks	Lecturer University of KwaZulu-Natal
	Dr Meryl du Plessis	Senior Lecturer, School of Law, Wits University
	Ms Phumzile Xulu	Self-employment
	Adv Kgorohlo Moabelo	Department of Health
	Ms Dikeledi Moema	Department of Social Development
	Adv Kamraj Aniruhra	Commission for Gender Equality
	Ms Nomvula Makgotlho	Department of Small Business Development
	Ms Thembisile Mokoena	Department of Labour

Project	Members	Organisation
Project 144 Enacting a Single Marriage Statute including measures against sham marriages	Prof Marita Carnelley (project leader)	Law Faculty and Law Faculty, North West University
	Professor Ronald Thandabantu Nhlapo	Emeritus Professor of law and former Senior Deputy Vice-Chancellor at the University of Cape Town
	Ms Mothokoa Phumzile Mamashela	Emeritus senior researcher of the University of Kwa-Zulu Natal
	Mr Motseotsile Clement Marumoagae;	Law School, University of the Witwatersrand
	Professor Elsje Bonthuys	Law School, University of the Witwatersrand
	Professor Christa Rautenbach	Law Faculty, North West University
	Professor Amanda Barratt	Law Faculty, University of Cape Town

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
94	• Alternative Dispute Resolution
100	Family law and the law of persons • Care of and contact with minor children (including Family dispute Resolution) • Review of aspects of matrimonial property law • Review of the law of maintenance • Hindu marriages
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**
139	Review of the Interpretation Act 33 of 1957
140	The Right to Knowledge of One's Own Biological Origins
141	Medico-Legal Claims
142	Legal Fees
143	Maternity and Paternity Benefits for Self-Employed Workers
144	Enacting a Single Marriage Statute including measures against sham marriages

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
20	SALRC	Research proposal paper on maternity and paternity benefits for self-employed workers	Accessible on SA Law Reform Commission website

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