South African Law Reform Commission

REPORT ON ACTIVITIES

OF THE

SOUTH AFRICAN LAW REFORM COMMISSION

2019 / 2020

TO: MR R LAMOLA, 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 2019 to 31 March 2020.

Yours sincerely

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

Gallery of Commissioners

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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

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OVERVIEW

Finalisation of the SALRC project 25 investigation

It is explained in the South African Law Reform Commission's (SALRC) Annual Report for the 2010/2011 financial year that with the advent of constitutional democracy in 1994, the legislation enacted prior to that year remained in force. Fittingly, in 2003 Cabinet approved that the Minister of Justice and Constitutional Development should coordinate and mandate the SALRC to review provisions in the South African legislative framework that would result in discrimination as defined by section 9 of the Constitution. Popularly known as the equality clause, section 9 of the Constitution prohibits unfair discrimination in South Africa on the basis of race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

Following the 2003 Cabinet approval, the SALRC adopted a Project 25 investigation in its law reform programme in 2004. This investigation entailed a review of all the South African statutes from 1910 to date. A 2004 provisional audit by the SALRC of national legislation on the statute book since 1910 established that roughly 2 800 individual national statutes existed on the statute book.

As explained elsewhere above, the emphasis for the Project 25 investigation was to assess compliance by the reviewed statutes with section 9 of the Constitution. In particular, those statutes or provisions in statutes that:

a) differentiate between people or categories of people, and which are not rationally connected to a legitimate government purpose; or
b) unfairly discriminate against people or categories of people on one or more grounds listed in section 9(3) of the Constitution; or
c) unfairly discriminate on grounds which impair or have the potential to impair a person's fundamental human dignity as a human being.

Consequently, a law or a provision in a law which appeared, on the face of it, to be neutral and non-discriminatory, but which has or could have discriminatory effect or consequences, has been left to the judicial process. The section 9 inquiry was limited because it dealt primarily with statutory provisions that were blatantly in conflict with section 9 of the

Constitution. When other anomalies and obvious inconsistencies with the Constitution were identified in the legislation reviewed, recommendations were made on how to address them.

The methodology adopted in this investigation was to review the statute book by national government departments. The SALRC identified a department, reviewed the national legislation administered by that department for equality and redundancy, set out the preliminary findings and proposals in a consultation paper and consulted with that department to verify the SALRC's preliminary findings and proposals. The next step that the SALRC undertook was the development of a discussion paper in respect of the legislation of the department concerned, and upon its approval by the SALRC, the discussion paper was published for general information and comment. Finally, the SALRC developed a report in respect of the legislation of the department concerned that reflected the comments respondents made on the proposals set out in the discussion paper. The reports also contained a draft Bill or Bills proposing amending legislation.

A total of 30 consultation papers were developed and submitted to national departments to confirm the SALRC's preliminary findings and proposals. Furthermore, 27 discussion papers were published for general information and public comment during this investigation. Correspondingly, a total of 27 reports were approved by the SALRC during the course of this investigation.

Unfortunately, in December 2013, when it reviewed the investigations on its programme, the SALRC decided that the review of the legislation administered by four departments, which had not commenced at that stage would not be assigned at all for review to researchers, namely: the Department of Economic Development; Public Enterprises; Sport and Recreation; and Women, Children and People with Disabilities.

Furthermore, the reviews of the following legislations were terminated by the SALRC after these reviews had already commenced:

1. The review of the Transkei Penal Code (reviewed as part of DOJ&CD legislation) - at the SALRC meeting on 28 May 2016.
2. Correctional Services - at the SALRC meeting on 17 September 2016;
3. National Treasury (tax legislation) - at the SALRC meeting on 17 September 2016;
4. Agriculture, Forestry and Fisheries - at the SALRC meeting on 16 September 2017; and
5. State Security - at the SALRC meeting on 16 September 2017.

The decision to terminate these investigations was taken after the SALRC had been informed that the legal units of the departments concerned had already started their internal processes of conducting the reviews of the legislation administered by their departments.

In the 27 reports that have been produced under the Project 25 investigation, different recommendations ranging from repeal, wholly or in part, to amendments of the reviewed legislation in order to align them with section 9 of the Constitution, have been proposed. A total of 622 pieces of legislation have been recommended for repeal in their entirety. Similarly, 371 pieces of legislation have been recommended either for partial repeal or the amendment of some of their provisions.

A full analysis of all the Project 25 proposed recommendations is contained in the actual reports for each investigation. At present, 15 - Project 25 reports are available on the SALRC's website, while 12 are still being formatted for uploading onto the website for public information. In the table below a bird's-eye view of the recommendations proposed in each report is provided for the readers' convenience.

Table 1: Summary of the project 25 recommendations

Department	**Number of statutes reviewed**	**Number of statutes recommended for repeal (wholly)**	**Number of statutes recommended for partial repeal or amendments**	**Have the SALRC recommendations been implemented by the department concerned?**
Department of Agriculture, Forestry and Fisheries	Removed from the Programme of the SALRC	-	-	-
Department of Arts and Culture	24	8	16 – amendments	No
Department of Basic Education	19	5	6 - partial repeal	No
North-West Provincial Legislature	36	36	-	No

(assigned education legislation)				
Limpopo Provincial Legislature (assigned education legislation)	1	1	-	No
Department of Communications	93	21	5 – amendments	Partially: Electronic Communications Amendment Act 1 of 2014.
Department of Cooperative Governance and Traditional Affairs	53	6	4 – partial repeal	No
Provincial Legislatures (assigned legislation)		5	3 – partial repeal	No
Department of Correctional Services	Removed from the Programme of the SALRC	-	-	-
Department of Defence	41	15	2– partial repeal 1 – amendment	Yes, Defence Laws Repeal and Amendment Act No 17 of 2015.
Department of Economic Development	Removed from the Programme of the SALRC	-	-	-
Department of Employment and Labour	47	25	-	No
Department of Energy	33	4	12 – amendments	No

Department of Environmental Affairs	42	1	3 – partial repeal 8 – amendments	No
Department of Health	108	21	1 - partial repeal 13 - amendments 4 - consolidation	No
Department of Higher Education and Training	15	-	3 – partial repeal	No
Department of Home Affairs	56	5	14 – amendments	No
Department of Human Settlements	15	1	-	No
Department of International Relations and Cooperation	14	6	2 – amendments	No
Department of Justice and Constitutional Development: Civil Law, Legal Profession, Criminal Law, Constitutional Law, Courts, Civil Procedure and Evidence, Wills, Estates and Insolvency	118	16	54 – partial repeal	No
Department of Justice and Constitutional Development: Criminal Procedure Act 51 of 1977	1	-	1 – amendment	No

Department of Justice and Constitutional Development: Transkei Penal Code	Removed from the Programme of the SALRC	-	-	-
Department of Mineral Resources	28	4	14 – amendments	Partially: Taxation Laws Amendment Act 24 of 2011 amended the Transfer Duty Act 40 of 1949.
Department of National Treasury (Tax law)	158	8	41 – partial repeal	No
Department of National Treasury (Legislation other than tax law)	624	329	119 – partial repeal & amendments	No
Department of Police	43	5	14 – amendments	No
Department of Public Enterprises	Removed from the Programme of the SALRC	-	-	-
Department of Public Works	57	13	1 – partial repeal	No
Department of Rural Development and Land Reform	110	7	2 – partial repeal	No
Department of Sport and Recreation	Removed from the Programme of the SALRC	-	-	-

Department of State Security	Removed from the Programme of the SALRC	-	-	-
Department of Tourism	4	-	1 – amendment	No
Department of Trade and Industry	216	27	13 – amendments	No
Department of Transport	218	53	15 – partial repeal	Yes, Transport Laws Repeal Act No. 10 of 2010.
Department of Water and Sanitation	18	-	3 – amendments	No
Department of Women, Children and People with Disabilities	Removed from the Programme of the SALRC	-	-	-

Completed reports receiving the attention of government departments

The following reports emanating from investigations under Project 25: Statutory Law Revision: Redundancy, obsoleteness and unconstitutionality of legislation were referred to the relevant government departments to consider implementation of recommendations made:

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.
11. Review of legislation administered by the Department of Trade and Industry submitted to the Minister of Trade and Industry in November 2018.
12. Review of legislation administered by the Department of Health was submitted to the Minister of Health in March 2019.

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 to consider implementation of recommendations made:

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 Social Development was submitted in June 2018 for referral to the Minister of Social Development.

The Project 107: Report on Sexual Offences (Adult Prostitution) submitted to the Minister in June 2015 and released for publication in May 2017 is still receiving the attention of the Department of Justice and Constitutional Development.

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

Commission papers published in the year under review

This annual report covers the period from **1 April 2019 to 31 March 2020**. The Commission published the following documents in the year under review:

Issue papers

1. Issue Paper 35 – Project 144: Single Marriage Statute including measures against sham marriages was published for general information and comment on 8 April 2019.
2. Issue Paper 36 – Project 142: Investigation into Legal Fees was published for general information and public comment on 7 May 2019.
3. Issue Paper 37 – Project 146: Review of Regulatory, Compliance and Reporting Burdens Imposed on Local Government by Legislation was published for general information and comment on 01 May 2019.

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

Discussion papers

1. Discussion Paper 148 – Project 100D: Alternative Dispute Resolution in Family Matters was published for general information and public comment on 18 November 2019.
2. Discussion Paper 149 – Project 107: Sexual Offences (Pornography and Children) was published for general information and public comment on 10 April 2019.

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

Reports

1. No reports were published during the year under review.

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
OBJECTS, CONSTITUTION AND FUNCTIONING

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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 objectives 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 President appoints the members of the Commission.

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.

Annexure D of this annual report contains a list of members of the Commission and the periods for which they served or 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 that – 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 objectives 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 Minister appoints the latter. 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 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 to routine matters on a continual basis 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, 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

A Secretary and full-time Secretariat consisting of officials employed by the Department of Justice and Constitutional Development assist the Commission in its task. 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 as well as carrying out other assignments of the Commission.

Law reform cannot be delivered without high quality research. The in-house researchers at the 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 following state law advisers fill the research posts:

Ms Veruksha Bhana
Ms Dellene Clark
Ms Theresa Häderli
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

Four posts of State Law Advisers are vacant.

Administrative component

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

Assistant Director:	Ms Johanna Msiza
Copy Editor:	(Vacant)
Senior Secretary:	Ms Nomfundo Mhambi

Secretary	Ms Nelisiwe Moledi
Administrative Officer:	Mr Jacob Kabini
Administrative Officer:	Mr Ajay Singh
Administrative Officer:	Ms Patricia Moumakwe (with effect from 01 August 2019)
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:	Vacant (with effect from 01 August 2019)
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 DOJ&CD and elsewhere.	On 22 August 2019, 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. There were 16 publications acquired in this financial year. The SALRC membership to the Association of Family and Conciliation Courts, which is based in the United States of America, was also renewed in December 2019.

Occupational Health and Safety Committee

Members	Purpose	Activities
Vacant	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 there are no members of the OHS Committee who have 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 2019 to 31 March 2020 was R24 499 000.00 broken down as follows:

- Personnel expenditure R22 648 000.00
- Current expenditure R1 353 000.00
- Capital expenditure R414 000.00
- Household R84 000.00

Donor Funds

In the financial year 1 April 2019 - 31 March 2020, the SALRC received donor funding through the National Treasury from the General Budget Support, a component of the European Union funded National Development Policy Support Programme, amounting to R6 506 563 for Project 142: Investigation into legal fees contemplated in sections 35(4) and (5) of the Legal Practice Act, 2014 (Act No.28 of 2014). The funds were utilised as follows:

- Current expenditure R 2 399 263.52
- Capital expenditure R 17 776.06
- Personnel expenditure R 59 899.06

Total amount utilised as at 31 March 2020 is R2 476 938.64 (an amount of R2 982.20 is awaiting correction by the Finance Unit). The rest of the money will be surrendered back to National Treasury.

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 that 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 from 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 numerous 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 Committee for its consideration), draft issue papers, discussion papers, and reports, and a variety of other matters in respect of the functioning of the Commission or Committee. The papers are numbered in sequence as they serve before the Commission or Committee 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.

Annual reports

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 entailed identifying provisions on the statute book that are unconstitutional, redundant or obsolete. Consultation papers were then prepared which contain preliminary findings and proposals for repeal or amendment in respect of the legislation reviewed. These consultation papers were submitted to relevant state departments for consideration and comment. Thus, the purpose of a consultation paper was to consult with the state 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. Papers in the Commission's research series 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 28 September 2019 and 30 November 2019.

The advisory committee for Project 94 – Alternative Dispute Resolution met on 15 August 2019.

The advisory committee for Project 100D – Care of and contact with children (including family dispute resolution) met on 14 May 2019.

The advisory committee for Project 100 – Review of the Maintenance Act 99 of 1998 met on 02 September 2019

The advisory committee for Project 107 – Sexual Offences: Pornography and Children met on 30 - 31 October 2019 and 20 February 2020 to consider comments received on Discussion Paper 149.

The advisory committee for Project 142 – Investigation into legal fees met on 3 October 2019; 15 November 2019 and 11 March 2020.

The advisory committee for Project 143 – Maternity and Paternity Benefits for Self-employed Workers met on 02 September 2019 and 25 February 2020.

The advisory committee for Project 144 – Single marriage statute met on 1 February 2020.

CHAPTER 3
PROGRESS REPORT

CHAPTER 3
PROGRESS REPORT

It is clear that the extent to which the South African Law Reform Commission (SALRC) can add value is largely influenced by the nature of the work it undertakes, 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
94	Alternative dispute resolution	Adv. Anthea Platt SC / Judge President Dunstan Mlambo	Ms Ananda Louw
100	Family law and the law of persons • Care of and contact with children	Professor Wesahl Domingo / Judge Deon van Zyl	Ms Ananda Louw
	• Relocation with reference to minor children	Judge Deon van Zyl Mr Irvin Lawrence/ Prof de Jong	Ms Aura Mngqibisa
	• Review of aspects of matrimonial property law	Judge Deon van Zyl Mr Irvin Lawrence	Ms Maureen Moloi
	• Review of the law of maintenance	Mr Irvin Lawrence/ Prof de Jong	Ms Maite Modiba

	• Hindu marriages	Professor Karthigasen Govender	Ms Maureen Moloi
107	Sexual offences • Pornography and children	Adv. HM (Retha) Meintjes (SC)	Ms Dellene Clark
125	Prescription periods	Adv. Johan de Waal SC	Ms Theresa Häderli
127	Review of administration orders	Judge Jody Kollapen	Ms Lowesa Roberts
135	Review of witchcraft legislation	Professor Mpfariseni Budeli-Nemakonde	-
139	Review of the Interpretation Act	Adv. Mahlape Sello (until August 2018)	Mr Pierre van Wyk
140	The Right to Know One's Own Biological Origins	Judge Thina Siwendu (until August 2018)	-
141	Medico-Legal Claims	Professor Karthigasen Govender	Ms Ronel Van Zyl
142	Legal Fees	Judge Jody Kollapen	Mr Linda Mngoma
143	Maternity and Paternity Benefits for Self-employed Workers	Professor Mpfariseni Budeli-Nemakonde	Mr Linda Mngoma
144	Single Marriage Statute including measures against sham marriages	Professor Thandabantu Nhlapo / Professor Wesahl Domingo	Mr Pierre van Wyk

145	Investigation into a Model to Enforce Decisions of Minmec for Social Development	Adv. Tshepo Sibeko SC	Mr Fanyana Mdumbe
146	Review of Regulatory, Compliance and Reporting Burden Imposed on Local Government by Legislation	Adv. Tshepo Sibeko SC / Professor Nico Steytler	Mr Fanyana Mdumbe
147	Review of laws regulating funeral parlours and related services industry	Adv. Anthea Platt SC	Mr Simon Maphanga
148	Domestication of the United Nations Convention on the Right of Persons with Disabilities	Adv HM (Retha) Meintjes (SC) / Adv HJ De Waal (SC)	Ms T Prinsloo

SALRC research programme and government priorities

The projects on the SALRC's research programme support government's priorities as identified in the Department of Justice and Constitutional Development (DoJ&CD) Strategic Plan for 2017 to 2020. Additionally, they support the priorities of the other government departments when such priorities have been formally brought to the attention of the SALRC.

Importantly, the four strategic goals of DoJ&CD, as they appear in the 2017 to 2020 strategic plan, are as follows:

- optimisation of the use of people, processes and technology to meet service delivery and good governance requirements;
- people-centred justice services that are accessible, reliable and efficient;
- corporatised, cost effective and integrated quality legal services to proactively protect the interest of the state; and
- promotion of constitutionalism, human rights and commitment to international legal relations.

The SALRC's Project 100D - Care of and contact with minor children (including family dispute resolution) plays an important role, especially towards the realisation of the DoJ&CD strategic goal of people-centred justice services that are accessible, reliable and efficient. More people are affected by family law disputes than by any other area of the law. The quality or adequacy of a family's encounter with the justice system can change their lives and influence their well-being for the long-term. The outcomes of this investigation, if the recommendations are implemented, will have an impact on the lives of members of the South African community by providing better access to justice through the appropriate resolution of all family-related disputes; allow disputing parties and children's voices to be heard and reduce legal costs.

The SALRC's Project 107C - Sexual Offences (Pornography and Children) is aimed at addressing the fragmented legislative framework currently regulating children's exposure to pornography and offences relating to child sexual abuse material, and the risks associated therewith, specifically in cyber-space. A discussion paper, incorporating a draft Bill was published for comment on 10 April 2019. The publication was followed by workshops in rural and urban areas across the country. The draft proposals include recommendations aimed at compliance with South Africa's obligations in terms of international instruments such as the Optional Protocol to the United Nations Convention on the Rights of the Child, the Sale of Children, Child Prostitution and Child Pornography 2003. This investigation is aligned with the call of the 2030 Agenda for Sustainable Development to eliminate violence against children. To this end, the discussion paper incorporates legislative and non-legislative recommendations aimed at ensuring optimal multi-sectoral investigation and implementation of the law.

In attempting to give flesh to the DoJ&CD strategic objective of people-centred justice services that are accessible, reliable and efficient, the SALRC's Project 142 - Legal Fees investigation is aimed at broadening access to justice by members of the public. It does this by reviewing the current legal fees dispensation in terms of which attorneys and advocates are paid for rendering legal services to their clients. The parameters of this investigation are set out in section 35 of the Legal Practice Act, 2014.

The SALRC's Project 144 - Single Marriage Statute, including measures against sham marriages, has the potential for increasing compliance by DoJ&CD and South Africa with South Africa's international treaty obligations regarding marriage. These include:

- the Universal Declaration of Human Rights;
- the International Covenant on Civil and Political Rights;

- the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery;
- the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages;
- the Hague Convention on Celebration and Recognition of the Validity of Marriages;
- the Convention on the Elimination of All Forms of Discrimination against Women;
- the Convention on the Rights of Persons with Disabilities;
- the African Charter on the Rights and Welfare of the Child;
- and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

Lastly, the SALRC's Project 147 - Review of Laws Regulating Funeral Parlours and Related Services Industry seeks to promote a victim-centric criminal justice system by proposing legislative instruments and other mechanisms to strengthen the law that regulates funeral parlours and by establishing complaints-handling and monitoring mechanisms for consumers.

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

Project 94 – Alternative Dispute Resolution

Project 94 originally dealt with arbitration. The investigation into arbitration was, however, broadened on 8 July 1996 at the request of the Minister of Justice and Constitutional Development (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 DoJ&CD 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 DoJ&CD 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 DoJ&CD for submission to Parliament. The International Arbitration Act 15 of 2017 has since been passed on 22 November 2017 and assented to by the State President on 19 December 2017.

Family mediation is being dealt with in Project 100D. On 10 September 2015, the Minister approved the renaming of Project 94 as “Alternative Dispute Resolution” in the programme of the SALRC. The Minister, as proposed by the SALRC on 4 April 2017, appointed the Advisory Committee for this investigation, under the Chairpersonship of Judge President Dunstan Mlambo. The first meeting of the Advisory Committee took place on 4 July 2017. An experts meeting on the viability of developing a generic Mediation Act for South Africa 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. Further meetings of the Advisory Committee were subsequently held on 10 April 2018 and 15 August 2019.

Two research papers, one dealing with accreditation, training and professional oversight of mediators, and the other with international mediation and the Singapore Convention, were considered and conditionally approved by the Advisory Committee for discussion with stakeholders in October 2019.

The SALRC hosted two workshops on accreditation, training and professional oversight of mediators, in October 2019, each attended by 40 delegates. Relevant stakeholders from the mediation service providers and government entities, respectively, were consulted on the different options set out in the research paper, in anticipation of the inclusion of this paper in a discussion paper to be published in due course.

The Commission noted and provided input on the contents of the two research papers on 30 November 2019. The development of a discussion paper (including a Mediation Bill) 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 a 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 objective 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 100 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 Bill in Project 94 has been aligned with the proposed Family Dispute Resolution Act in Project 100D.

A discussion paper on Alternative Dispute Resolution in Family Matters was approved for publication at a Commission meeting held on 16 March 2019. Discussion Paper 148 was published for information and comment in October 2019. The discussion paper makes provision for a Family Dispute Resolution Bill 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. It also provides for a standardised information and education programme, the attendance of which will be compulsory as a first step in the dispute resolution process. The return date for comments has been extended to June 2020 on request.

Two internal workshops were held on 14 May 2019 and 15 August 2019, respectively, where the Family Dispute Resolution Bill, enclosed in Discussion Paper 48, and the position of parenting coordination specifically was debated.

External workshops were conducted in Cape Town (18 February 2020), Port Elizabeth (20 February 2020), Nkandla (25 February 2020), Durban (26 February 2020), Polokwane/Ga-Molepo (5 March 2020) and Phokeng/Rustenburg (6 March 2020) to consult with stakeholders on the Family Dispute Resolution Bill. Further workshops had to be postponed due to the Covid-19 pandemic and lockdown.

A report, with recommendations set out in a draft Bill, will be developed once the written and oral submissions on the proposals have been collated.

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 that 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.

On 30 June 2018, the Commission approved the publication of Issue Paper 34 on the Matrimonial Property Laws for public comment. The issue paper was published for general information and public comment on 28 August 2018 with the closing date for comments on

16 November 2018. The researcher allocated to the investigation resigned at the end of May 2019 and the project was allocated to the new researcher (Ms Moloi) on 08 September 2019. The new researcher continues with the development of the discussion paper.

The researcher and the project leader motivated that the Advisory Committee be augmented as it was only left with three members. At its meeting held on 28 September 2019 the Commission approved candidates for possible appointment by the Minister as advisory committee members. A memorandum requesting the Minister to appoint the Advisory Committee members, as well as letters of appointment, were signed off by the Secretary on 28 November 2019 and dispatched to the Minister. On 2 March 2020, the memorandum was returned by the department with comments on the racial representation which, according to the department, is down to one African person. The researcher is scouting for an African with expertise on Matrimonial Property Law with the assistance of the project leader and some academics.

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 JCD advising him of the inclusion of the investigation in the SALRC programme.

On 5 July 2014, the Commission approved the publication of Issue Paper 28 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 rights. The Commission resolved at its meeting on 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 new Commission was appointed in October 2018 and new project leaders were assigned in December 2018. The new project leader is Professor Karthigasen Govender. The researcher and the project leader met on 24 January 2019 to discuss the way forward. The project leader provided names of experts that the researcher can contact for appointment as advisory committee members and the prospective members have agreed to serve on the advisory committee. A proposal paper requesting the Commission to approve the appointment of the advisory committee served at the Commission meeting held on 16 March 2019. The Commission approved the recommendation and a memorandum requesting the Minister to appoint the members was submitted to the Secretary on 20 March 2019 for his consideration. A draft discussion paper was noted by the Commission on 16 March 2019 as the researcher was awaiting the appointment of the advisory committee to take the investigation forward. By the end of the reporting period the appointment of the Advisory Committee had not been finalised.

Project 107 – Sexual offences

The overarching purpose of this investigation is to bring about a comprehensive overhaul of the criminal justice system in relation to sexual offences by evaluating existing statutory and common law crimes. The focus is on legislative and non-legislative remedies. The first two parts of this investigation have seen the completion of an investigation into the substantive and procedural law regulating sexual offences, excluding adult prostitution and pornography and children, comprising of an issue paper, two discussion papers and a report with draft legislation. The earlier research culminated in the promulgation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007. The third part of the investigation has seen the publication of the Report on Sexual Offences (Adult Prostitution) in May 2017, which is receiving the attention of the DoJ&CD. This part of the investigation consists of an issue paper, discussion paper and report with draft legislation. The fourth part, which is currently being actively investigated, deals with pornography and children and is elaborated further below. Assistance is provided to the department as and when needed.

Pornography and children

The aim of this part of the overarching investigation is to review the fragmented legislative framework regulating children's exposure to pornography and child sexual abuse material and to identify the need for law reform, particularly with regard to the online exposure of children to pornography. Discussion Paper 149 was published for comment on 10 April 2019. Eight workshops were conducted around the country during June and July 2019 in Cape Town, Mthatha, Bloemfontein, Polokwane, Mbombela, Pietermaritzburg and in Centurion (one for all stakeholders, including law enforcement, the NPA, the Film and Publications Board, academics and concerned citizens; and one targeted specifically at industry specific stakeholders such as Google, Facebook, and mobile phone operators). Three additional stakeholder meetings were held with the South African Banking Risk Information Centre and the Banking Association of South Africa, the Financial Intelligence Centre and the DoJ&CD to consider further specific comment on the draft proposals. The paper includes a draft Bill and a raft of non-legislative recommendations aimed at ensuring multi-sectoral co-operation, training and investigation, public awareness and education. Draft recommendations, in keeping with current international trends, include a recommendation that Internet service providers and mobile phone operators should provide for a clean feed Internet (adult content filtering). This would include a block being placed on all mobile phones to prevent any and all access to pornographic sites. The default assumption would be that a user is under the age of 18. Adults would be able to opt-out of the clean feed regime by providing proof of age of

majority. The return date for comment on the discussion paper was extended to September 2019 to ensure that comment was received from all relevant stakeholders. Substantive comment has been received from 85 respondents.

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 JCD recommended that the Minister of JCD 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 (Ms Theresa Häderli) 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 first meeting of the Advisory Committee was held on 28 January 2016. Between 2016 and 2017, the revised discussion paper was finalised after meetings were held with members of the Prescription Periods Advisory Committee. 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 further amendments were made to the paper.

Between 2017 and 2018, amendments to the revised discussion paper were concluded after meetings were held with members of the Prescription Periods Advisory Committee and the Project Leader in July 2017 and August 2017. 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 the 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 such as 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.

On 12 July 2018, the first advisory committee meeting for the year was held. Between 19 July 2018 and 2 August 2018, three one-day public workshops were held in Cape Town, Durban and Pretoria. Development of a draft report and two draft Bills, consolidating comments received from members of the public, commenced thereafter. On 20 December 2018, the researcher met with the new project leader allocated to the project in Cape Town in order to provide him with a briefing on the status of the project and to discuss the revised discussion paper and draft Bills developed. On 21 February 2019, a member of the Advisory Committee and the researcher met with the project leader in Cape Town to discuss and finalise the recommendations made in the draft report and draft Bills. The draft report was presented to the Commission for approval on 16 March 2019.

The Report: Harmonisation of existing laws providing for different prescription periods, a draft Prescription Bill and a draft Institution of Legal Proceedings against certain Organs of State Amendment Bill, which served before the Commission on 16 March 2019, were approved in part, with a request for re-tabling after the incorporation of suggested amendments. A meeting was held with the project leader to discuss amendments to the Report, draft Prescription Bill and draft Institution of Legal Proceedings against certain Organs of State Amendment Bill on 6 September 2019. The Report (as amended), a draft Prescription Bill (as amended) and a draft Institution of Legal Proceedings against certain Organs of State Amendment Bill (as amended) were not tabled for approval at the Commission meeting held on 28 September 2019 at the project leader's request. This decision was based on a need to address certain differences of opinion regarding some of the recommendations made. At a Commission meeting held on 30 November 2019, the Commission took a decision on how

disputed recommendations contained in the report and draft Bills should be dealt with. They requested re-tabling of the report and draft Bills at a forthcoming Commission meeting. Whilst the amended report and draft Bills were tabled for consideration and approval by the Commission on 16 March 2019, a Commission meeting scheduled for 28 March 2020 did not take place as a result of declaration of a national lockdown by the State President due to the Covid-19 pandemic.

Project 127 – Review of administration orders

The then Minister of JCD requested the SALRC to investigate administration orders, by following an incremental approach to distinguish between reforms that could be effected firstly, in 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 (DTI) that the National Credit Bill 34 of 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 (DTI) 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. 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 members for Project 127 were appointed on 1 November 2016 and 16 January 2019. The discussion paper, including three Bills, was tabled at a Commission meeting on 16 March 2019. The Commission approved the discussion paper subject to obtaining and incorporating the final comments of the Advisory Committee on the discussion paper and the proposed Bills. This is because the Minister recently appointed additional

subject experts to assist and advise the Commission. Hence, the Commission would like to have the benefit of the views and comments of these experts. Furthermore, the Commission agreed that the Advisory Committee should consult with the (DTI) and the Branch Court Services in the DoJ&CD on certain aspects of the proposed Bills.

On 1 November 2019, the researcher provided Court Services with the proposed amendments to the Magistrates' Courts Act that will impact on their functions and requested them to provide the SALRC with comments. On 6 December 2019, Prof. Hermie Coetzee and the researcher met with DTI. On 24 March 2020, the revised discussion paper on the review of administration orders was submitted to the Commission for its consideration and approval.

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 the 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 JCD 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. Additional research was done on witchcraft in South Africa and witchcraft violence in Africa. Due to shortage of researchers, which has been occasioned by retirements and resignations, this investigation is temporarily inactive.

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 for 30 April 2007. However, comments were received as late as September 2007.

Due to his involvement in Project 25, the researcher (Mr Pierre van Wyk) was unable to attend to this project for an extended period. In the period July to August 2013, the Commission was reconstituted. In February 2014 Advocate Sello Mahlape was assigned to the investigation as the project leader. The further development of the draft report then continued, taking into account local developments and in other jurisdictions, and evaluating the comments received on the discussion paper. The researcher and the project leader met twice in November 2016 to discuss the recommendations made in the draft report. At the Commission meeting held on 10 December 2016 the Commission resolved that the draft report would be considered at the next Commission meeting.

The Commission decided at its meeting on 20 May 2017 that the draft report would be considered at a separate meeting scheduled for 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 approved the draft report subject to further clarification. At its meeting on 2 December 2017 the Commission approved the draft report and resolved that the status of charters in the South African legislative hierarchy would be dealt with briefly in the draft report. In February 2018, the Commission approved the submission of the draft report to the Minister for comment. In April 2018, the Minister

submitted the draft report to the DoJ&CD for consideration. Shortly thereafter, the Chief Directorate Legislative Development of the DoJ&CD started evaluating the draft report with a view to advising the Minister on the findings and draft recommendations made in the draft report. It is envisaged that the Commission will receive a comment from the Minister during the course of the next financial year.

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. The Commission on 13 June 2015 considered a proposal paper on the preliminary investigation, as approved by the project leader. 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 with 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 five 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 (SATIBA) 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 organisers 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 were considered and engagements with stakeholders took place with a view to develop a discussion paper. However, due to internal departmental processes, this

investigation is temporarily inactive.

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. The discussion paper is being developed.

The SALRC proposed in Issue Paper 33 that the DoJ&CD should consider amending the State Liability Act 20 of 1957 to provide for periodic payments of claims based on medical negligence against the State. The DoJ&CD is proceeding with an Amendment Bill to give effect to this proposal. The State Liability Amendment Bill B 16–2018 was introduced to the National Assembly on 30 May 2018. The Portfolio Committee on Justice and Correctional Services held public hearings on the Bill on 31 October 2018. The Bill had lapsed due to the dissolution of Parliament before the May 2019 national elections. The first sitting of the sixth democratic Parliament after the 2019 elections took place on 22 May 2019. On 29 October 2019, the National Assembly took a resolution that the House resume proceedings on the State Liability Amendment Bill B 16–2018.

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.

The Chairperson of the SALRC, Judge Jody Kollapen, Mr Linda Mngoma and Ms Thulelo Makola attended the Commonwealth Association of Law Reform Agencies (CALRAs) and Commonwealth Law Conference (CLC) held in Zambia on 4 to 5 April 2019 and 8 to 11 April 2019 respectively. The Chairperson and Mr Mngoma were allocated a slot at CALRAs and they made a joint presentation on the investigation into legal fees. The CALRAs members undertook to supply comments to the SALRC as soon as the issue paper is released for

general information and public comment. The draft issue paper was referred to an editor to edit on 18 April 2019. The editor forwarded the edited issue paper with comments on 29 April 2019. Issue Paper 36 was published for general information and comment on 7 May 2019. The closing date for submission of comments and input was 31 August 2019. In the light of the lack of data received from stakeholders and members of the public on legal fees charged by legal practitioners in the various geographical areas of the country in litigious and non-litigious matters, the deadline for submission of comments and input was extended to 15 November 2019.

The first provincial community workshop on Issue Paper 36 was held at O.R. Tambo Community Hall, Port St Johns, Eastern Cape on 26 June 2019. The second community workshop was held at Bethlehem Town Hall, Free State, on 3 July 2019. The third workshop was held on 18 July 2019 at a church in Mbalenhle Township, Secunda, Mpumalanga. The fourth community workshop was held on 29 July 2019 at Hammarsdale Community Hall, Durban, KwaZulu-Natal. On 30 July 2019, the delegation consulted with UKZN law clinic (Dr David McQuoid-Mason and Dr Dave Holness).

The fifth community workshop was held at Ga Matlala Village, Limpopo on 8 August 2019; the six in Cloetesville, Western Cape coupled with the UWC law clinic on 13 August 2019. The seventh was held in Phatsima Village, North West, the eight in Douglas, Northern Cape on 23 August 2019; and the ninth community workshop was held in Mabopane, Gauteng on 27 August 2019.

Stakeholder workshops were held on 8 to 9 July 2019 with the Legal Practice Council, General Council of the Bar of South Africa, Law Society of South Africa, Pan African Bar Association of South Africa, Registrar (Pretoria High Court), Judiciary, and National Bar Council of South Africa. On 24 July 2018, Ms Rochelle Francis-Subbiah, who is the Deputy Chairperson for Project 142, participated in the Legal Fees debate hosted by *thelegalwerk* held at the Old Mutual Auditorium, Sandton.

In July 2019, the Departmental Bid Adjudication Committee (DBAC) met to consider terms of reference for the outsourcing of three specialised research papers of the SALRC. On 26 July 2019, the Bid Specification Committee (BSC) met again to consider DBAC's comment and to amend the terms of reference. The terms of reference were advertised on the Government Tender Bulletin on 16 August 2019, Tender No RFB 2019 02. The closing date for submission of bids was 13 September 2019. A compulsory briefing session was held on 23 August 2019, at 10h00 AM. Only a few service providers arrived to attend the briefing

session. On 26 September, the BEC met to consider the bids. Only two bids were received. None of the service providers met the mandatory requirements.

On 4 October 2019, Supply Chain Management (SCM) prepared a memorandum to DBAC for consideration. In the memorandum, SCM recommended to DBAC to cancel RFB 2019 02: Appointment of a service provider for the outsourcing (provisioning) of three specialised research papers for the legal fees investigation of the SALRC for a period of six months. On 25 October 2019, DBAC approved cancellation of the Tender No RFB 2019 02. SCM recommended that a market analysis be conducted to determine if there is sufficient EME (Small enterprise with annual turnover of R10 million or less) and QSE (Small enterprise with annual turnover of between R10 million and R50 million) entities on the market with relevant expertise to render the required service and if not, EME and QSE as a requirement be reviewed. This is in order for the department to attract a wider market pool. This matter was tabled at the SALRC meeting held on 28 September 2019 for information.

An extended advisory committee meeting was held on 3 October 2019 to consider all the public comments received and to map the way forward. It was decided at this meeting that a workshop of middle-income earners be arranged and that the deadline for submission of comments be extended. The workshop with middle-income users of legal services was held on 15 November 2019. On 31 January 2020, a draft discussion paper was circulated to the Advisory Committee for consideration, input and comment. An extended advisory committee meeting to consider the draft discussion paper took place on 11 March 2020. Furthermore, present at the extended advisory committee meeting was the Chairperson of the SALRC, Adv. Meintjes SC and the Deputy Director General (DDG) for Legislative Development. The Commission meeting scheduled to take place on 28 March 2020 was postponed until further notice.

Project 143 – Maternity and paternity (parental) benefits for self-employed workers in the informal sector

The proposal received from the Commission for Gender Equality (CGE) for inclusion of the investigation into maternity benefits legislation to ensure accessibility for women informal economy workers and own account workers 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 and own account workers in the informal sector of the economy are excluded from receiving maternity and parental benefits offered by

the state. The object of the investigation is to review shortcomings in the current maternity and parental protection mechanisms, how this gap should be addressed, and by whom. This is in order to give effect to South Africa's obligations in terms of the Constitution, and applicable regional and international treaties and conventions.

On 2 September 2019 an advisory committee meeting was held at the SALRC offices, Centurion. The meeting considered, among others, the appropriateness of the title of the investigation. It was agreed at this meeting that the phrase "parental benefits" should substituted to "paternity benefits" on the basis that the advisory committee cannot introduce a kind of benefit that does not exist in law, unless the advisory committee wants to argue for another type of leave or benefit that is not catered for.

A way forward for the project was developed. This entails the following:

- Post the DDG meeting, Mr Mngoma should provide an update to Ad Hoc advisory committee members regarding the way forward and a date for the January 2020 consultative workshop to discuss the draft legal framework.
- Mr Mngoma should send a letter to partners, that is LGBTIQ+, WIEGO, CINDI, and all the people who gave input to the research proposal (issue) paper, for update and information of consultative workshops to take place from February to June 2020 to inform the drafting of the discussion paper.
- Mr Mngoma should send an email to Ms Motala (Human Sciences Research Council) for an update to find out what progress she has made regarding lobbying for funding for the project.
- Ms Hicks should follow-up with Ms Samuel (Legal Resources Centre) to ensure that she submits her input by the end of September 2019. The Chairperson, Prof. Budeli-Nemakonde, will follow-up with Dr Bamu (WIEGO) to find out what progress she has made. The aim is to encourage her to submit her input by end of September 2019. If she cannot do it, plan B will be to request funding from the SALRC for 10 days to give to Ms Xulu to do the best practices research.
- Mr Mngoma should follow-up with Mr Luis Frota (International Labour Organisation, Pretoria Office) and DEL regarding Convention 183 gap analysis implications.
- October2019 to December 2019 will be committed to drafting the legal framework. The Advisory Committee will develop the legal framework. The only request from the DDG is funds to do so.
- January 2020, a meeting will be arranged with Ad Hoc Advisory Committee members and the DDG. Other labour law experts to be invited to the meeting. The workshop will

look at terminology and legislative proposals among others. The workshop will be facilitated by Advisory Committee members.

- February 2020 to June 2020, targeted stakeholder meetings will be held with LGBTIQ+, StreetNet, CINDI, and WIEGO. A draft discussion paper will be developed simultaneously with public consultation workshops. Another 30 days research budget is needed from the SALRC budget to do this.
- By the end of June, a draft discussion paper will be submitted to the SALRC for consideration and approval.
- July 2020 to December 2020, public consultations on the discussion paper will be held. The target is five provincial workshops.
- January 2021 to May 2021, a draft report is developed from public comments and input received.

On 6 September 2019, the Chairperson wrote a letter to the DDG for Legislative Development in which she requested a meeting to discuss the proposed way forward and allocation of financial resources to the project. A meeting with the DDG, the Secretary, Mr Mngoma and the Chairperson took place on 23 September 2019. The proposals contained in the letter were approved subject to funding being made available. The Advisory Committee met on 25 February 2020 at the Commission for Gender Equality Offices in Durban to consider the draft legal framework document. It was decided at this meeting that the legal framework document should be converted into a draft discussion paper and further research be conducted to inform the discussion paper. It was agreed that a draft discussion paper should be ready for consultation with experts in June 2020.

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 nominated candidates for possible appointment by the Minister as advisory committee members to assist the Commission in this investigation. On 24 January 2018, the Minister appointed the following advisory committee members:

- Professor Ronald Thandabantu Nhlapo, emeritus professor of private law and former 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 of the University of the Witwatersrand.
- Professor Elsje Bonthuys of the University of the Witwatersrand.
- Professor Christa Rautenbach of the North West University.
- Professor Amanda Barratt of the University of Cape Town.

On 22 August 2018 the Minister appointed Judge of Appeal Mahomed Navsa of the Supreme Court of Appeal – who was the chairperson of the SALRC's investigation into Muslim personal law in the early 2000s – as a further advisory committee member for this investigation.

Prof. Marita Carnelley of the North West University was the project leader of this investigation until the Advisory Committee's first meeting on 21 April 2018. Prof. Nhlapo became the chairperson of the investigation at this meeting. The Advisory Committee resolved at this meeting that an issue paper would be developed as the first step in the investigation to, among others, announce this investigation. It further resolved that the issue paper would deal with the following issues:

- The different forms of marriages provided for by present legislation, namely the civil and religious marriages in terms of the Marriage Act of 1961, the customary marriages in terms of the Recognition of Customary Marriages Act of 1998 (RCMA), civil unions in terms of the Civil Unions Act of 2006; and other types of unrecognised religious marriages and intimate unrecognised relationships.
- Intimate unmarried partnerships.
- The meaning of marriage as compared with sham marriages.
- The meaning and consequences of pluralism in the South African family context.
- Ensuring that the interests of the state are adequately taken into account by the proposed legislation.
- The constitutional imperatives and South Africa's treaty obligations in relation to marriage and civil partnerships.
- A comparative study with emphasis on other jurisdictions with similar pluralistic systems.

- Whether the investigation should include consequences of marriages in relation to maintenance and the division of property given the ongoing investigations by the SALRC on maintenance and matrimonial property.
- Dissolution of marriages and unmarried intimate relationships.
- The use of alternative dispute resolution to resolve issues around property distribution when marriages and unmarried intimate relationships come to an end.
- The impact of the single marriage statute in relation to associated legislation, including the Divorce Act, the Matrimonial Property Act, guardianship, succession, etc.

The second advisory committee meeting was held on 29 September 2018. Further deliberation took place on the development of the issue paper. The Commission was reconstituted in October 2018. At its 10 November 2018 meeting the Commission assigned Prof. Wesahl Domingo as the project leader of this investigation.

On 2 March 2019 the third meeting of the Advisory Committee meeting was held. The committee considered a draft issue paper and took decisions about its finalisation. The draft issue paper was finalised for consideration by the Commission at its 16 March 2019 meeting. At this meeting, the Commission approved the publication of the issue paper for general information and comment. The issue paper was published on 8 April 2019.

Project 145: Investigation into a Model to Enforce Decisions of Minmec for Social Development

This inquiry arises from an alleged *lacuna* in the Intergovernmental Relations Framework Act, (Act 13 of 2005). Section 9(1) of this Act empowers Ministers to establish intergovernmental forums (popularly referred to as Minmecs) to promote and facilitate intergovernmental relations in the functional area for which they are responsible. These forums comprise the relevant Minister and Provincial MECs, and are used as avenues where issues of common interest to the sector are discussed and decisions taken. The mischief, it has been argued, is that neither the Intergovernmental Relations Framework Act, nor any other national legislation, prescribes what should happen if the decisions taken at the intergovernmental forums contemplated in any of the provisions of this Act are not implemented. In its submission to the Commission, the Department of Social Development stated that the lack of a clear legislative authority empowering the Minister of Social Development or the Department to enforce a decision taken at Minmec, results in variability in the implementation of social development mandates by provinces as some provinces follow through on decisions and others do not.

The DSD's programmes are geared towards meeting the goals espoused in the National Development Plan, which aims to eliminate poverty and inequality by 2030, and the newly inaugurated *Outcome 13: An Inclusive and Responsive Social Protection System*, which seeks to address the dimensional nature of poverty and inequality. Furthermore, social assistance forms an important part of government's strategy to fight the triple challenge of poverty, inequality and unemployment. The DSD contributes to this programme of government by:

a) reviewing and reforming social welfare services and financing;
b) improving and expanding early childhood development provision;
c) deepening social assistance and extending the scope of the contributory social security system;
d) enhancing the capabilities of communities to achieve sustainable livelihoods and household food security; and
e) Strengthening coordination, integration, planning, monitoring and evaluation of services.

Undoubtedly, therefore the outcome of this investigation will contribute towards ensuring seamless provision of social development services throughout the Republic and thus contribute to government's efforts to eliminate poverty and inequality.

The Minister of Justice and Correctional Services approved the inclusion of this inquiry in the Commission's programme towards the end of November 2017. Due to the complex nature of the issues raised in this inquiry, the Commission decided to institute an advisory committee in terms of s7A(1)(b)(ii) of its enabling legislation. Adv. Tshepo Sibeko SC; Professors Victoria Lynn Bronstein, Ethel Denise (Kitty) Malherbe, Stuart Craig Woolman and Dr Douglas Tlogane Mailula who have expertise in institutional constitutional law, intergovernmental relations, legislative competence of national and provincial governments, social security law; policy and legislative development were appointed by the Minister in April 2019 to serve in the aforementioned advisory committee.

Given the complex nature of the issues this inquiry will traverse, which include giving meaning to Chapter 3, section 146(2) and other relevant provisions of the Constitution, the analysis of the Constitutional Court judgments in *Mashavha v President of the Republic of South Africa* and *National Education Policy Bill* and other decisions dealing with the interplay between national and provincial governments, the efficacy of Intergovernmental Relations Framework Act 13 of 2005 and subordinate legislation made in terms thereof and comparative legal research, the Commission deemed it imperative to establish a rapport with, and solicit input

from all key stakeholders before it finalises and publishes its issue paper in respect of this project.

To this end, in July 2019, the Commission requested a meeting with the Minister of Social Development, Ms Lindiwe Zulu, MP, to get the Department's perspectives, especially from policy standpoint on issues relevant to this inquiry. The Commission believes these views would enrich its understanding and provide it with broader context moving forward. Additionally, it requested that an official with intimate knowledge of the issues be designated to whom queries and requests for information would be directed. Furthermore, it formally informed all provincial MECs responsible for social development of this investigation and solicited their tentative views in respect of issues referred to above.

Project 146: Review of Regulatory, Compliance and Reporting Burden Imposed on Local Government by Legislation

This investigation emanates from the Ministry of Cooperative Governance and Traditional Affairs (CoGTA). In May 2014, the Minister of CoGTA requested the Commission to conduct a '*review of all national legislation that impacts on local government with the objective of reducing regulatory, compliance and reporting burden on municipalities and simplifying implementation*.' The Commission subjected this law reform proposal to a scoping exercise, the purpose of which was to determine, *inter alia*, the extent to which the statutory framework regulating local government is unsatisfactory (that is the extent to which the law is unfair, unclear, unduly complex, or outdated). This included examining the scale of the problem, whether law reform would be the appropriate response, and the potential benefits likely to accrue from undertaking reform. The Commission found:

(a) An audit conducted by municipalities in the Western Cape in 2009 identified several complex and prescriptive pieces of legislation (both original and subordinate legislation) that ostensibly created unnecessary burden for municipalities.
(b) The Provincial Government of KwaZulu-Natal recommended that section 105(2) of the Municipal Systems Act, which authorises the MEC for local government in a province to instruct municipalities to provide information to provincial organs of state and other national statutes that impose similar obligations on municipalities, which place undue burden on municipalities be amended.
(c) Independent inquiries conducted by the Financial and Fiscal Commission (FFC) found:

(i) Evidence that corroborated the assertion that some obligations imposed on local government are excessive. This evidence came from municipalities who are at the coalface of implementing the regulatory framework.

a. Emakhazeni Municipality in Mpumalanga informed the FFC that it spent R6.8 million to implement, or comply with, the Generally Recognised Accounting Practices (GRAP). As a result, the municipality argued, substantial resources were being diverted from service delivery to comply with audit requirements.

b. eThekwini Municipality submitted that municipalities are hardly coping with approximately 75 legislative reporting requirements with monthly, quarterly and annual deadlines.

(ii) That the Municipal Finance Management Act and the Statistics Act contain 40 and five reporting requirements respectively.

(iii) That there was no structured process in place across national government that ensures collaboration and coordination to deal with duplicate data collection process.

(d) At a seminar on regulatory burdens on local government hosted by CoGTA in 2014, the FFC, without referring to specific provisions, cautioned that the legislative framework applicable to local government could be intrusive, complex, inflexible; difficult to implement uniformly or to enforce; and that it possibly creates unnecessary compliance burden and a barrier to success, performance and development.

(e) In addition to countless workshops and seminars, formal structures such as the Interdepartmental Legislative Review Committee and Local Government Data Collection Forum, which comprised of numerous national government departments and other organs of state, were instituted by national government between 2003 and 2014. This was in an effort to address these problems and thus improve the efficiency of local government.

(f) The Local Government Data Collection Forum, whose main purpose was to address multiple reporting (a burden created when local government is required to provide data, sometimes the same data, to multiple entities), established early on in its investigation that:

(i) the barrage of requests for information came from four organs of state with statutory authority to collect data imposed financial and administrative burden on municipalities;

(ii) there was a great deal of duplication in the data requested by three of these entities namely Stats SA, National Treasury, the Department of Provincial and Local Government and South African Local Government association (SALGA);

(iii) 95% of municipalities received questionnaires from provincial governments for information similar to that asked for by national government; and that

(iv) 60% of municipalities do not complete all the questionnaires, among other things, due to lack of adequate resources.

(g) Undoubtedly, the Intergovernmental Relations Framework Act (IRFA) in general, and particularly the consultative forums it has created, namely the President's Coordinating Council and section 9(1) national intergovernmental forum, both of which are intended, among other things, to provide avenues for local government to air its views with regard to matters relating to the implementation of national legislation; and the mechanism it recommends could be used to regulate the interaction between national and local governments. The implementation protocol, could assist in getting organs of state to work together more, for example, on collection of information. Disappointingly, the IRFA has not delivered in this regard.

(h) The Organised Local Government Act, which is intended, among other things, to determine procedures by which local government may consult with national government, is another Act that could be used to facilitate communication among municipalities and to ensure that matters of common concern to them are brought to the attention of other spheres of government. Unfortunately, this legislation too has also proven ineffective.

(i) Experts in local government law, warned as far back as 2008 that the plethora of laws intended to structure the institutions and processes of local government, and legislation emanating from sector departments intended to manage functional areas in schedules 4B and 5B of the Constitution could be "strangulating" local government. They singled out section 76 to 84 of the Municipal Systems Act, read in conjunction with section 120 of the Municipal Finance Management Act, and the Public-Private Partnership Regulations issued in terms of the latter Act, which, they argued, renders processes such as outsourcing too difficult or costly to undertake. They also cautioned that there is a thin line between regulation and undue control and intervention.

(j) A comprehensive and thorough stocktaking of regulatory obligations imposed on local government, including reporting and compliance obligations; and regulatory functions undertaken by it on behalf of national government, has never been undertaken, and therefore there is no "formal register" that the Commission, or municipalities themselves, could use as a resource to identify the nature or extent of these obligations.

(k) National government is contemplating using differentiation in allocation of powers and functions to municipalities in order to ensure better fit between capacity and responsibilities (an asymmetrical approach to local government).

(l) The White Paper on Local Government states:

"A number of institutions require accurate and relevant information to enable the monitoring and oversight of local government. For example, such information is required to enable the oversight of municipalities by the National Assembly (required by Section 55(2)(b)(ii) of the Constitution), the monitoring of municipalities by provincial governments (required by Section 155(6)(a) of the Constitution), and to enable the Human Rights Commission to assess the measures municipalities have taken towards the realisation of specific rights. National departments with decentralised policy and implementation programmes also require reliable information from local government with respect to these programmes.

National government should provide a coherent framework to ensure that the reporting requirements placed on municipalities are reasonable, and should also ensure the rationalisation and standardisation of the current multiplicity of local government surveys into a coherent annualised national data collection system, which includes an annual survey of performance in terms of agreed key performance indicators, and a quarterly survey of indicators as required for Project Viability, by the SA Reserve Bank, and so forth."

(m) The participation of municipalities in previous initiatives, which sought to understand and address the impact of the legislative burdens on municipalities, was quite negligible. Between 2003 and 2014, when the decision to refer the matter to the Commission was taken, only 52 out of 257 municipalities, and therefore less than 20%, were consulted and eventually made inputs to the Legislative Review Project, Local Data Collection Forum and to the FFC. Owing to the scarcity of input from municipalities which is palpable, the Commission is convinced that the findings by the abovementioned entities, which are alluded to in paragraphs 1.3 (a) to (f) above, are just the tip of the iceberg.

Based on this preliminary investigation, the Commission decided on 17 September 2017 to accede to CoGTA's request. On 2 November 2017, and pursuant to section 5(3) of the South African Law Reform Commission Act, 1973 (Act 19 of 1973), the Commission formally requested the Minister of Justice to include this investigation in the Commission's programme. On 16 May 2018, the Minister agreed to the Commission's request.

Furthermore, the Commission decided to institute an advisory committee consisting of experts in local government law and institutional constitutional law to advise it in this inquiry. In August

2018, the Minister of Justice appointed Professors Mbuzeni Johnson Mathenjwa, Jaap de Visser, Nico Steytler and Anél du Plessis, to serve in the previously mentioned committee under the stewardship of Adv Tshepo, a Commissioner designated to the project. The committee met on 25 January 2019, which signified the commencement of work on the issue paper (a document intended to announce the inquiry and thus generate a conversation about issues raised in the inquiry; delineate the scope of the investigation; and to elicit inputs from interested parties). On 16 March 2019, the Commission considered and approved the publication of an issue paper relating to this investigation for general information and comment.

The aforementioned issue paper, Issue Paper 37 – Project 146: Review of Regulatory, Compliance and Reporting Burdens Imposed on Local Government by Legislation, and a press statement explaining the purpose thereof, was published on 03 May 2019. A courtesy letter signed by the Chairperson of the Commission, to which the issue paper was attached, was also submitted to the Minister of CoGTA on 6 May 2019. It was also sent to 300 key stakeholders comprising of municipalities, provincial MECs, national government department, statutory bodies and other organs of state. The closing date for submission of comments was 31 July 2019. The Commission has received detailed and useful comments from diverse organs of state and interested parties, the analysis of which is underway.

Subsequent to the release of the issue paper, the official assigned to the investigation and advisory committee members were invited to attended and make presentations at the following meetings:

a) Western Cape Municipal Managers' Forum, Saldahna Bay, 21 June 2019;
b) Governance and Intergovernmental Relations Working Group Meeting, 18 July 2019, SALGA Offices Western Cape, Cape Town;
c) SALGA Councillor Welfare and Empowerment, Governance and Intergovernmental Relations Working Group, 5 September 2019, OR Tambo International, Ekurhuleni; and
d) 1st Annual Postgraduate Student Conference on Local Government and Urban Governance, 27-28 November 2019, University of North West, Potchefstroom Campus.

Project 147: 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. Mr Johan Rousseau, the Chairperson of the Funeral Industry Reformed Association (FIRA), sent the request. 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 used the bundle of documents attached by the requester to the email of 25 August 2017 to collect, as best he could, the issues raised and the applicable laws regulating the funeral and related services industry and develop a proposal paper. 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. The proposal paper served before the Commission on 30 June 2018. The Commission recommended the inclusion of the investigation into its programme. A memorandum was written to the Minister requesting approval of the Commission's recommendation. The Minister approved the inclusion of the investigation into the Commission programme on 26 November 2018. On 16 March 2019 the Commission recommended the establishment of an advisory committee to assist with expertise in the investigation.

A memorandum was submitted to the Minister recommending the appointment of the Advisory Committee. On 5 April 2019 the Commission's recommendation was declined and the Commission was requested to consider reconstituting the Advisory Committee. The decision was brought to the attention of the Commission and a new advisory committee is in the process of being constituted.

On 30 November 2019, an Issue Paper was tabled before the Commission for consideration. The Commission approved it subject to certain amendments to Chapter Two and directed that the amended issue paper should be circulated for approval through round-robin. An amended issue Paper is still being developed.

Project 148 Domestication of the United Nations Convention on the Rights of Persons with Disabilities

The *United Nations Convention on the Rights of Persons with Disabilities* (UNCRPD) provides for the protection and inclusion of the rights of disabled persons into society at large as well as

the obligations of states parties to the UNCRPD. South Africa ratified the UNCRPD without reservation on 30 November 2007. South Africa has also signed and ratified the Optional Protocol (Protocol) to the UNCRPD. Although South Africa is bound by the reporting obligations derived from Article 35(1) of the UNCRPD, neither the UNCRPD nor the Optional Protocol to the UNCRPD has been incorporated into South Africa law.

The request for an investigation into the necessity for legislation for the domestication of the UNCRPD originated from the DOJ&CD. The object of this investigation is to ascertain the necessity of a single or cross cutting law on disability rights in South Africa, in response to the UNCRPD. It was approved that the investigation be placed on the programme of the Commission on 16 March 2019. An advisory committee to guide the project with expert advice in all relevant areas is in the process of being established. Most importantly, the Convention governs the adherence to equality of outcomes in all areas pertaining to disability. These areas are, amongst others, equal recognition before the law, accessibility, women and girls with disabilities, the right to inclusive education, living independently and being included in the community, equality and non-discrimination and the participation of person with disabilities, including children with disabilities, through their representative organisations, in the implementation and monitoring of the UNCRPD. The vehicle guiding implementation in South Africa is The White Paper on the Rights of Persons with Disabilities. This paper is set out around the following pillars:

- “Strategic Pillar 1: Removing Barriers to Access and Participation
- Strategic Pillar 2: Protecting the Rights of Persons at risk of Compounded Marginalisation
- Strategic Pillar 3: Supporting Sustainable Integrated Community Life
- Strategic Pillar 4: Promoting and Supporting the Empowerment of Children, Women, Youth and Persons with Disabilities
- Strategic Pillar 5: Reducing Economic Vulnerability and Releasing Human Capital
- Strategic Pillar 6: Strengthening the Representative Voice of Persons with Disabilities
- Strategic Pillar 7: Building a Disability Equitable State Machinery
- Strategic Pillar 8: Promoting International Co-operation
- Strategic Pillar 9: Monitoring and Evaluation”

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 pursued 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 has been developed provides 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 four new requests for consideration for inclusion in its law reform programme. These requests are for the investigation into the review of apartheid / colonial legislation that falls within the mandate of the DoJ&CD review of legislation which provide for the appointment and removal of the heads of the South African criminal justice system institutions, an investigation into the sentencing of health care professionals, and an investigation calling for the legalisation of hemp for commercial and industrial purposes.

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.

During the period under review, the following preliminary investigations were conducted:

Review of Apartheid/Colonial Legislation that Falls within the Mandate of the DoJ&CD

Undoubtedly, immense strides have been made in dismantling appalling and painful apartheid policies of hegemony, inequality, disenfranchisement and institutionalised racism. This is particularly true in the context of legislative reform. In the past 28 years or so, a myriad of egregious colonial and apartheid era legislation have been repealed.

Despite the laudable strides referred to in the preceding paragraph, colonial and apartheid legislation, continue to cling tenaciously to the statute book. This can be attributed to three main factors. First, the Constitution itself preserves old-order legislation, through item 2 of Schedule 6. Second, the projects spearheaded by the SALRC, Nationalist Party government and Technical Committee on the Review of Discriminatory Legislation, and the Department of Justice, were limited in scope and focused on laws or provisions that were easily identifiable because they provided *legal sanctity* to apartheid or were *blatantly discriminatory* or sought to address legal pluralism. Third, constitutional review has its inherent limitations: few cases in which constitutionality of legislation come before courts, often the outcome is confined to the impugned provision, and the separation of powers doctrine counsels against relinquishing legislative clean up to the courts alone. Consequently, a number of pre-1994 laws that are not overtly unconstitutional, unjust or anti-democratic, that offend provisions of the Constitution other than equality, have survived our transition to democracy, despite the *historical context of some which, in most instances, unequivocally locates them right at the centre of legislative framework designed to reinforce the abominable policies of apartheid*

In October 2016, the National Assembly Programming Committee entrusted Parliamentary Legal Services with the responsibility to identify all apartheid era legislation or sections thereof that could be inconsistent with the Constitution. Parliamentary Legal Advisers, drawing largely from the SALRC's Project 25 reports and discussion papers, have compiled a list of 1910 to 1993 legislation that is still on the statute books and provided this list to government departments, including the DoJ&CD, for "processing and input". In other words, departments themselves must assess legislation they are responsible for and advise which laws could be repealed or amended. In view of this approach, the DoJ&CD, through the

Office of the DDG for Legislative Development approached the SALRC to review pre-1994 (apartheid and colonial era) legislation that falls within its mandate.

As is the case with all law reform proposals submitted to it, the SALRC subjected this proposal to a scoping exercise to determine, among other things, whether there is a problem in respect of pre-1994 legislation; whether law reform, in the form of statutory law revision, would be the appropriate response, whether there was another institution or body better placed to deal with the issues in question, and potential benefits likely to accrue from undertaking this project.

This preliminary review found that: (a) some of the laws administered by the DoJ&CD, for example pre-Union legislation are not only farcical but also seem of promote or reinforce religious hegemony; and (b) some of the laws fingered as being inimical to the new constitutional order, are administered by the DoJ&CD. Based on these and other findings, the Commission was swayed, and decided at its meeting of 28 September 2019, to include this inquiry in its programme. However, and most importantly, the Commission felt that this review should address concerns expressed by the Constitutional Court in *Executive Council, Western Cape Legislature and Other v President of the Republic of South Africa and Other*s; and *Moseneke v The Master* that where expungement of a law or provision in a law is deemed necessary, practical alternative arrangements should be made to avoid "confusion and risk injustice", a legislative vacuum and chaotic conditions.

The Commission has, as it is required by section 5(1) of its enabling legislation, approached the Minister in November 2019 and March 2020, to formally include this inquiry in its programme.

It has further been resolved, on 23 January 2020 that by virtue of commonality between this inquiry and the Commission's investigation into violent protests, the latter would be subsumed under this project.

Review of legislation which provide for the appointment and removal of the heads of the South African criminal justice system institutions

On 25 September 2019, the Secretary received a request from the Helen Suzman Foundation (HSF) to conduct a review and investigation into various pieces of legislation, which provide for the appointment and removal of the heads of the South African criminal justice system institutions. The HSF submitted that in order to restore and ensure confidence

in the delivery of criminal justice, a necessary set of pre-conditions should be addressed, namely:

(a) ensuring that persons appointed as heads of criminal justice system institutions are fit to hold office;
(b) providing security of tenure in order to retain the independence of those offices; and
(c) holding the incumbents accountable for their performance in office.

The HSF identified the heads of the following institutions:

(a) The National Prosecuting Authority (NPA)
(b) The South African Police Services (SAPS)
(c) SAPS' Directorate for Priority Crime Investigation
(d) The Independent Police Investigation Directorate (IPID)
(e) The Special Investigating Unit (SIU)
(f) The Financial Intelligence Centre (FIC)
(g) The Judiciary (both superior and lower courts)
(h) The office of the Public Protector

Although not formally part of the criminal justice system, the HSF pointed out that aspects of the Public Protector's functions are relevant to the ongoing functioning of the criminal justice system. Hence the inclusion of the Public Protector in its request for an investigation.

The proposal was assessed with reference to the Commission's selection criteria. A proposal paper recommending the inclusion of the investigation in the Commission's programme was submitted to the Commission on 24 March 2020 for its consideration and approval.

Sentencing of Health Care Professionals

The SALRC received a request from the South African Medical Association (SAMA) on 31 July 2019 regarding a possible investigation into the sentencing of health care professionals. A proposal paper on the request was tabled at the 30 November 2019 Commission meeting for consideration. The Commission approved the recommendation that this request should not be approved for inclusion in the SALRC's programme. SAMA was informed of the Commission's decision on 18 December 2019.

Investigation calling for the legalisation of hemp for commercial and industrial purposes

In November 2019, the SALRC received a request for an investigation into the legalisation of hemp for commercial and industrial purposes. The requester wished to start farming hemp in the Eastern Cape, noting its versatility, to be used, amongst other things, for commercial and industrial purposes. She was, however, concerned by the fact that South African law prohibited the cultivation of hemp based solely on the consideration that it fell within the cannabis family.

On 14 November 2019, the researcher attended and made a presentation at a UNISA Community Indaba on Dagga. On 18 November 2019, the requester was provided with detailed information on the processes followed by the SALRC in evaluating requests for investigation.

Between November 2019 and 4 March 2020, a host of research was conducted with the aim of evaluating the request. Between 5 March 2020 and 27 March 2020, the researcher engaged with the Secretary regarding the necessity for the continued investigation into the matter, seeing that the branch: Legislative Development (within the Department of Justice) and an Inter-Ministerial Task Team on Land Reform (appointed in terms of a cabinet resolution) were dealing with the question whether cannabis should be decriminalised.

Re-instating the investigation on community courts

On 7 September 2016 the SALRC received an electronic mail from the Deputy Director General for 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 the DDG for Legislative Development for further information and clarification relating to the request by the Committee. The DDG for Legislative Development responded to the questions on 11 November 2016.

On 24 January 2017, the researcher provided a quarter three progress report on community courts to the DDG for 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 Commission at its meeting on 20 May 2017 considered 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. 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 for 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. A draft revised proposal paper was placed on the agenda for noting by the Commission on 30 June 2018 as the meeting between the Deputy Minister and the Chairperson did not take place. On 6 July 2018, the researcher prepared a note on community courts for the Chairperson in preparation for the meeting with the Deputy Minister but it never took place as the term of the Commission ended. The Commission on 16 March 2019 considered a proposal paper. The mandate of the DoJ&CD was still not clear. The Commission decided to place community courts on the agenda of the envisaged meeting with the Minister and the Deputy Minister. The Commission noted the proposal paper and resolved that the decision of the Commission be pended until the meeting with the Deputy Minister. The DDG for Legislative Development, Ms Kalayvani Pillay, will facilitate the meeting. The meeting never occurred and at the Commission, meeting on 30 November

2019 a decision was taken to pend this matter until the Commission hears from the department.

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 developed a proposal paper recommending the inclusion of the investigation into the Commission programme. On 30 June 2018, the proposal paper served before the Commission for its consideration. The Commission resolved, after deliberations, to ascertain from the Minister whether the original request seeks to extend the minimum sentencing regime to cover an additional category of offenses or to create new offenses. It was decided that a draft response to the Minister should be formulated and circulated, together with the original letter of request from the Minister, to the Commission for consideration and approval. However, if there is an aspect of the request, which was not covered by the discussion, such matter must be raised with the Commission so it can reconsider the decision. After considering the request from the Minister, the Commission felt that more clarification was required to delineate the scope of the investigation.

A draft letter was prepared by the researcher and sent to the Secretary of the Commission. The Secretary sent the letter to an official in the Legislative Development branch of the Department who appears as reference on the Minister's original letter of request. The Secretary wrote an email to Legislative Development and requested clarity on the scope of the proposed investigation. The DDG for Legislative Development indicated during the Commission meeting of 16 March 2019 that a response to the Secretary's letter had been drafted. The response letter could not be immediately located during the meeting. The Commission resolved that it would reconsider the matter when the letter is at hand.

On 28 September 2019, the Commission considered the letter from the office of the Director-General explaining the nature and scope of the investigation. After deliberations, the Commission resolved that because the majority of Commissioners were not serving at the time the proposal paper was considered on 30 June 2018, it would need time to consider the proposal paper. It was resolved that the proposal paper, together with the letter requesting the investigation and the letter from the Department providing clarity, must be sent to the

Commissioners. All the documents were forwarded to the Commissioners for the meeting of 30 November 2019.

This matter was before the Commission again on 30 November 2019. It was resolved that the possibility of merging this investigation with the pre-investigation on the repeal of pre-1994 apartheid / colonial legislation would be explored with the DDG in consultation with the two researchers, Mr Maphanga and Mr Mdumbe. It was further recommended that the meeting should be held at the Chairperson's chambers. The Chairperson will be representing the Commission. The meeting is yet to happen.

Investigation on the review of the law relating to the concept of "Usus Fructus"

In November 2018, the SALRC received a request for an investigation into the review of the common law governing certain aspects of "usus fructus" and the implications for the owner of the property, holder of the right to the property and in instances of a tenancy, over the property in question, the rights of the tenant *vis a vis* that of the owner. Specifically, the SALRC was requested to look at firstly, the rights and obligations of the owner, holder and tenant, the granting of financial security by the usufructuary and the issue of utility accounts being in the name of the holder and not the owner of property, subject to a right of usufruct. The pre-investigation proposal paper was considered and the Commission, at its meeting of 28 September 2019, approved the recommendation that no further investigation on the matter should be pursued.

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 DoJ&CD 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 DoJ&CD on 25 October 2010.

CHAPTER 4
PUBLIC RELATIONS

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Public consultation

The South African Law Reform Commission (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

Commonwealth Association of Law Reform Agencies (CALRAs)

During the year under review, South Africa, through the SALRC, attended the biennial Conference of the Commonwealth Association of Law Reform Agencies, which was held in Livingstone, Zambia, on 4 and 5 April 2019. The SALRC further represented South Africa at the Commonwealth Law Conference, which was also held in Livingstone, Zambia, from 8 to 12 April 2019.

Visits by foreign delegations

On 18 September 2019, the SALRC met with Ms Ikponwosa Ero - United Nations Independent Expert on the Enjoyment of Human Rights by Persons with Albinism. The meeting took place during her official visit to South Africa.

Ms Ero wanted to be informed of the activities of the SALRC relating to witchcraft. She was informed that such an investigation is on the programme of the SALRC but cannot proceed due to capacity constraints. She was informed of the content of the investigation into

witchcraft and the relationship between witchcraft and trafficking in persons as well as the progress on Project 148. She was also informed of the work processes of the SALRC.

Internships at South African Law Reform Commission

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

South African Law Reform Commission Legal Essay Writing Competition

The South African Law Reform Commission Legal Essay Writing Competition is a project that is sponsored by Juta Law. It was established in 1999 as the Ismail Mahomed Law Reform Essay Writing Competition, which name was in honour of the late Chief Justice and former Chairperson of the South African Law Reform Commission, Justice Ismail Mahomed. The purpose of this competition is to encourage critical legal writing by students while generating new ideas for law reform, which are aligned to South Africa's priorities. All LLB and LLM students registered at any South African University are eligible to enter this competition.

The 2019 season of the South African Law Reform Commission Legal Essay Writing Competition began on February 2019 and closed on 31 January 2020. This cycle marked the sixteenth year of this competition's active seasons. As at 31 January 2020, a total of 38 essays were received as entries to the competition. Out of the 38 received, 35 essays were for the LLB category whereas only three essays were for the LLM category of the competition. Students registered at the following universities submitted the essays:

- University of Fort Hare;
- North West University;
- Rhodes University;
- University of Cape Town;
- University of Johannesburg;
- University of KwaZulu-Natal;
- University of the Witwatersrand;
- University of South Africa; and
- University of the Free State.

The adjudication panel was appointed in February/March 2020 to evaluate the essays and identify the winners and runners-up of the 2019 season of the competition.The panel

consisted of Dr Samantha Huneberg (Faculty of Law: University of Johannesburg); Professor Phumudzo Munyai (Faculty of Law: University of Pretoria); and Professor Omphemetse Sibanda (Faculty of Law: University of Limpopo).

Due to national lockdown as a result of the Covid-19 pandemic, the assessors were unable to submit marks on time and agreed to submit them in due course. As soon as all results are received, the SALRC, in consultation with Juta Law, will decide on how the prizes for the 2019 competition will be awarded to the winners.

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. Other government departments, NGOs and other institutions to attend seminars or conferences and to participate in workshops relating to investigations on the SALRC programme invite them. 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	Activity	Date
Project 25: Legislation administered by the Department of Home Affairs **Ms Maureen Moloi**	Attended to enquiries made by Daniela Ellerbeck, attorney at Freedom of Religion South Africa (FORSA) relating to the report on Legislation administered by the Department of Home Affairs with reference to the recommendations made in relation to Public Holidays Act 36 of 1994.	17 October 2019, 4 December 2019 and 2 February 2020
Project 65: Surrogate motherhood **Ms Ananda Louw**	Attended a Regional United Nations Experts meeting on surrogacy hosted by the International Social Service (ISS) with the Children's Rights Project, Dullah Omar Institute, University of Western Cape and Centre for Child Law, Faculty of Law, University of Pretoria held at the School of Public Health, University of Western Cape, in Cape Town, South Africa. The purpose of the meeting was to consult with key actors in Africa to share their views on the Draft Principles on Surrogacy being developed by the United Nations.	19 and 20 August 2019. Further consultations with the ISS throughout the 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. The researcher attended to 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.	Throughout the reporting period

Project 94 Alternative Dispute Resolution (ADR)	The researcher attended a meeting of the Rules Board's ADR Committee on mediation rules at the OR Tambo Airport, where she was able to present the SALRC's work in Projects 94 and 100D.	16 May 2019
Ms Ananda Louw	Hosted two workshops together with the Advisory Committee on accreditation, training and professional oversight of mediators, each attended by 40 delegates. Relevant stakeholders from the mediation service providers and government entities, respectively, were consulted on the different options set out in the research paper, in anticipation of the inclusion of this paper in a Discussion paper to be published in due course.	October 2019
	Liaison with LSSA through Mr John O'Leary, Chair of the ADR Committee.	Throughout the reporting period
	Responded to general and specific enquiries regarding the investigation. 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 100D **Care of and contact with children**	The researcher attended the Miller du Toit Conference in Cape Town where she made a presentation on the Family Dispute Resolution Bill.	4 to 5 April 2019
	Attended a national workshop with the Department of Social Development at Birchwood Hotel to discuss the Children's Third Amendment Bill.	4 to 6 June 2019
Ms Ananda Louw	The researcher made a presentation on the Family Dispute Resolution Bill at the Regional African Child Trauma Conference 2019 held in Cape Town.	18 to 21 August 2019
	Professor Wesahl Domingo, the project leader, Ms Neliswa Cekiso, Advisory Committee member and the researcher took part in various radio interviews and provided inputs for a newspaper articles.	During the period November 2019 to January 2020
	Presented and facilitated six external workshops (further workshops had to be postponed due to the	

	Covid-19 pandemic and lockdown). on the Family Dispute Resolution Bill in the following areas:	
	Cape Town	18 February 2020
	Port Elizabeth	20 February 2020
	Nkandla	25 February 2020
	Durban	26 February 2020
	Polokwane/Ga-Molepo	5 March 2020
	Phokeng/Rustenburg	6 March 2020
	The researcher attended and made a presentation at the Miller du Toit Conference in Cape Town.	11 to 13 March 2020
	Consulted with Professor David Butler, Emeritus Professor at the University of Stellenbosch, on the SALRC's proposals on family arbitration.	Throughout the reporting period
	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
	Responded to general and specific enquiries regarding the investigation.	Throughout the reporting period
Project 100 **Matrimonial Property)** **Ms Maureen Moloi**	Responded to enquiries relating to the judgment in A *S and Another v G S and Another* (D12515/2018) [2020] ZAKZDHC 1; [2020] 2 All SA 65 (KZD); 2020 (3) SA 365 (KZD) (24 January 2020) from Times Alive.	25 January 2020
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
	Engaged with Sr Ruth and Dr Rosen from SexySmarts regarding mentally impaired children engaging in sexual conduct	17 April 2019 and 7 February 2020

Adult Prostitution **Ms Dellene Clark**	General and specific enquiries from internal and external stakeholders.	Throughout the reporting period
	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.	Throughout the reporting period
	Presented at and participated as a panellist on "transactional sex and trafficking" at the invitation of the Embassy of Sweden.	7 August 2019
	Presented on the Report on Sexual Offences (Adult Prostitution) to the KZN Multiparty Women's Caucus, Umhlathuze (KZN.	4 February 2020
	Participated in SANAC's national Human Right Stakeholder meeting Participated in a meeting of SANAC's Legal and Human Rights Technical Task Team.	29 May 2019 and 5 February 2020
Pornography and Children **Ms Dellene Clark**	Serves on the Situational Analysis (SITAN) advisory group of End Child Prostitution in Asian Tourism (ECPAT) International to discuss the South African Situational Analysis Report on the Sexual Exploitation of Children. The advisory group is made up of key identified experts.	March 2018 – over period of reporting.
	Participated in a workshop for policy makers and government officials on the seven strategies of the WHO's INSPIRE framework for preventing violence against children hosted by ISS and Save the Children SA.	12 April 2019
	Participated in the ISS and Save the Children Eighth National Dialogue Forum focused on ending violence against women and children.	23 and 24 May 2019
	Participated in the ninth Violence Prevention Forum meeting.	18 and 19 September 2019
	Participated in the ISS sponsored FIXED social transformation training aimed at dealing with complex problems.	9 and 10 July 2019

	Featured in the Cause for Justice August newsletter (celebrating national women's month) to "honour South African women who work hard and serve (in the public/government and NGO/NPC space) to make a difference (for the better) in the lives of South Africans".	August 2019
	Provided an expert interview on sexting (one of the topics in the discussion paper) to a lecturer in Criminology and Criminal Law at Monash University for her thesis.	17 April 2019
	Interview on Discussion Paper 149 Jane Dutton show on ENCA; Interview on Discussion Paper 149 Open News Cape Town; Interview on Discussion Paper 149 Joanne Joseph on 702 on the Afternoon Drive; Interview on Discussion Paper 149 Power FM; Interview on Discussion Paper 149 Radio Pulpit.	15 May 2019 17 May 2019 20 May 2019 21 May 2019 22 May 2019
	Met with a representative of the NPO Cause for Justice to discuss aspects of the Discussion Paper.	27 May 2019
	Provided an independent journalist with information on Discussion Paper 149 for publication in the POST Newspaper.	28 May 2019
	Interviewed, together with the Project Leader of the Advisory Committee by the Family Policy Unit for broadcasts of "Watchmen on the Wall" and "Salt and Light" to fully explain the purpose of Discussion Paper 149, and the outcomes and recommendations in the draft Bill.	19 June 2019
	Co-presented and facilitated eight workshops on the Discussion Paper with the advisory committee: Centurion (Gauteng) (General stakeholders) Centurion (Gauteng) (ICT stakeholders) Cape Town (Western Cape) Mthatha (Eastern Cape) Bloemfontein (Free State)	 12 June 2019 13 June 2019 19 June 2019 25 June 2019 27 June 2019

	Polokwane (Limpopo) Mbombela (Mpumalanga) Pietermaritzburg (Kwa Zulu Natal).	2 July 2019 4 July 2019 11 July 2019
	Presented on Discussion Paper 149 at the African Regional Child Trauma Conference hosted in Cape Town The presentation was conducted as part of the conference stream “The shadow side of the online environment for children: the need to regulate and educate”.	20 August 2019
	Facilitated a stakeholder meeting with the Banking Association of South Africa and the South African Banking Risk Information Centre on pertinent proposals in Discussion Paper 149.	22 August 2019
	Facilitated a stakeholder meeting with the Branch Legislative Development on pertinent proposals to the Cybercrimes Bill.	22 August 2019
	Engaged with and provided the workshop presentations and information on Discussion Paper 149 to Ms Karen Hollely, COO of the Institute on Justice for Child Witnesses for use in their training.	26 September 2019
	Participated in the launch of the ECPAT International briefing paper on the sexual exploitation of children in South Africa.	29 October 2019
	Provided information relating to pornography and children in South Africa to Mr Willy Buloso, Regional Coordinator for Africa, ECPAT International.	1 November 2019
	Attended a “deep dive into content moderation” interactive workshop conducted by Facebook and WhatsApp employees and local academics and policy experts on how Facebook develops community standards and enforces them, how technology and Artificial Intelligence is used, how legal takedown requests are processed and engagement with law enforcement, and how content is managed in crises with the Facebook Risk and Response teams and how integrity of Elections.	12 November 2019

	Presented on Discussion Paper 149 (with a focus on sexting) at the Jelly Beanz Conference to educators and social workers on the topic "Online Sexual Exploitation of Children".	17 March 2020
Project 110: Review of the Child Care Act **Ms Ronel van Zyl**	Meeting of the Children's Court Rules Task Team to consider comments received on the draft Children's Court Rules that was published for public comment.	15 and 16 August 2019
	Meeting of the Children's Court Rules Task Team to consider comments received on the draft Children's Court Rules and to finalise the Rules.	16 and 17 October 2019
	Attended meeting of SALRC researchers with a United Nations independent expert on albinism. Researcher made inputs on matters that may affect children.	18 September 2019
Project 124 Privacy and data protection **Ms Ananda Louw**	Took part in the Commonwealth funded expert meeting on the review of the Commonwealth Model Laws on Data Protection at Marlborough House, London, United Kingdom. The purpose of the expert meeting was to review the 2002 Commonwealth Model Privacy Bill and the 2005 Commonwealth Model Bill on the Protection of Personal Information in light of recent international developments. The following documents were considered: Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), 2016; the Organisation For Economic Co-Operation and Development Framework 2013; the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data 1981 as it will be amended by its Protocol CETS No. 223; and the APEC Privacy Framework 2015.	19 to 21 June 2019. Consultations ongoing throughout the reporting period.

Project 125 Prescription periods **Ms Theresa Häderli**	Responded to general enquiries regarding the investigation.	Throughout the reporting period
	Attended a lunch meeting at the invitation of Prof. Elsabe Schoeman: Dean of the Law Faculty: University of Pretoria who expressed an intention to invite the researcher to make a presentation to students on prescription and related matters in the future.	18 February 2020
	Provided a number of opinions interdepartmentally into the Prescription in Civil and Criminal Matters (Sexual Offences) Amendment Bill 22 of 2019; an opinion on a stakeholder submission into the Prescription in Civil and Criminal Matters (Sexual Offences) Amendment Bill and an opinion on a Portfolio Committee submission into the Prescription in Civil and Criminal Matters (Sexual Offences) Amendment Bill.	20 June 2019 to 9 March 2020
Project 127: Review of administration orders **Ms Lowesa Roberts**	The researcher attended a meeting with the UN Independent Expert on albinism at the SALRC on 18 September 2019. She addressed the meeting on the protection provided by the Prevention and Combatting of Trafficking in Persons Act, 2013 as regards the trafficking of persons for the removal of body parts.	18 September 2019
	Met with the DDG (Consumer and Corporate Regulation Division) and other senior officials in the Department of Trade and Industry. The purpose of the meeting was to explain the content of the proposed Debt Rearrangement Bill and to discuss the way forward on the Bill.	6 December 2019
	Meeting with Anglo American Platinum Limited and Baker and McKenzie Attorneys to discuss the process and next steps in relation to the review of administration orders.	7 August 2019
	Responded to general and specific enquiries regarding the investigation.	Throughout the reporting period

Project 141: Medico-legal Claims **Ms Ronel van Zyl**	Attended meeting to plan for the workshop on the medico-legal crisis in South Africa, at which workshop the development of a document for presentation to the Presidency will be discussed.	1 May 2019
	Attended workshop on the medico-legal crisis in South Africa, at which workshop the development of a document for presentation to the Presidency was discussed. Did short presentation on Project 141: Medico-legal claims and the importance of the implementation of measures proposed to deal with medico-legal claims and related matters.	5 May 2019
	Did a presentation on Project 141: Medico-legal Claims, specifically on the possible role of legislation, at an advanced Medical Mediation course in Paarl, the Western Cape.	19 July 2019
	Meeting with Mr Donald Dinnie, the chief executive officer of NatMed.	8 August 2019
	Meeting with Ms Natasha Salant from the Clinton Health Initiative.	19 August 2019
	Meeting with officials from National Treasury about Project 141: Medico-legal Claims and the State Liability Amendment Bill.	27 August 2019
	Meeting to discuss the way forward on the State Liability Amendment Bill with DDG: Legislative Development, state law adviser dealing with the Bill and officials from National Treasury and Health.	6 September 2019
	Attended the National Health Chief Financial Officers' meeting, a meeting of the legal and financial divisions of the national and provincial departments of Health.	15 October 2019
	Did a presentation on Project 141: Medico-legal Claims at a seminar of the South African Society of Anaesthesiologists.	15 March 2020
	General enquiries regarding medico-legal litigation.	Throughout the reporting period
Project 142: Legal	Attended a seminar of the Commonwealth	4 to 5 April 2019

Fees **Mr L Mngoma**	Association of Law Reform Agencies (CALRAs) in Zambia.	
	Attended the Commonwealth Law Conference (CLC) in Zambia.	8 to 11 April 2019
	Attended the Legal Fees Debate in Sandton, South Africa.	4 July 2019
	Attended the stakeholders' consultative meetings on Issue Paper 36 in the following areas:	
	Pretoria (Centurion)	8 July 2019, 9 July 2019, and 1 August 2019
	Port St Johns - O.R Tambo; Eastern Cape	26 June 2019
	Bethlehem; Free State	3 July 2019
	Mbalenhle, Mpumalanga	18 July 2019
	Hammarsdale - Mpumalanga Township, KwaZulu-Natal	29 July 2019
	Matlala Village, Tibanesfontein, Ga Matlala, Limpopo	8 August 2019
	Stellenbosch, Cloetesville, Western Cape	13 August 2019
	Phatsima Village, North West	16 August 2019
	Douglas - Civic Centre, Siyancuma Municipality, Northern Cape	23 August 2019
	Pretoria - Mabopane, Gauteng	27 August 2019
	Middle income users of legal services (SALRC Offices, Centurion)	15 September 2019
	Durban (UKZN law clinic & Head Socio-legal Studies)	30 July 2019
	Cape Town (UWC law clinic)	14 August 2019
	Pretoria (State Attorney)	25 October 2019
	Centurion (HiiL, Southern Africa Agent, Mr Adam Oxford)	8 November 2019
	Centurion (Road Accident Fund)	12 November 2019
Project 144: Single Marriage Statute	Project leader, project researcher, Ms Moloi and Secretary met with DHA counterparts and discussed DHA and SALRC collaboration.	On 30 July 2019 and 21 August 2019
	Project chairperson, project leader, project	11 February 2020

Mr P Van Wyk	researcher, Ms Moloi and Secretary met with DHA counterparts and discussed DHA and SALRC collaboration.	
	Project researcher, Ms Moloi and project leader attended DHA Ministerial dialogue hosted with gender and human rights stakeholders at Constitutional Hill about the DHA marriage policy development.	30 August 2019
	Project researcher and Ms Moloi attended DHA Ministerial dialogue with religious leaders at Ekurhuleni about the DHA marriage policy development.	26 September 2019
	Project leader, project researcher and Ms Moloi attended DHA Ministerial dialogue with traditional leaders in Durban about the DHA marriage policy development.	11 October 2019
	Project researcher and Ms Moloi attended DHA Ministerial dialogue with religious leaders in Cape Town about the DHA marriage policy development.	23 October 2019
	Project leader, project researcher and Ms Moloi attended DHA Ministerial dialogue with academics and gender and human rights activists in Cape Town about the DHA marriage policy development.	14 November 2019
	Project researcher and Ms Moloi attended DHA Ministerial dialogue with the National KhoiSan Council in Bloemfontein about the DHA marriage policy development.	22 November 2019
Project 148: The Domestication of The United Nations Convention on The Rights of Persons with Disabilities	Ms. Prinsloo received an invitation to attend the National Disability Rights Machinery (NDRM) Management Committee meeting on 30 May. Ms. Prinsloo attended the meeting on 30 May 2019 as an observer.	30 May 2019
	Ms. Prinsloo received an invitation to attend the NDRM Plenary Conference for 24 – 25 July in Benoni. She was requested to do a presentation on	9 July 2019

(UNCRPD) **Ms Tania Prinsloo**	the processes of the SALRC, the progress of project 148 and how a treaty can be incorporated into South African law.	
	A meeting took place with a representative from the Department of Women, Youth and Persons with Disabilities on what the content of Ms Prinsloo's presentation to the Conference should be.	July 2019
	Ms Prinsloo met with an official of the Department of Women, Youth and Persons with Disabilities.	September 2019
	Ms Prinsloo dealt with the preparation for the visit by Ms Ikponwosa Ero: United Nations Independent Expert on the Enjoyment of Human Rights by Persons with Albinism: official visit to South Africa: 16-26 September 2019. The visit to the SALRC was scheduled for 18 September 2019. During her visit Ms Ero wanted to be informed of the activities of the SALRC relating to witchcraft. She was informed that such an investigation is on the programme of the SALRC but cannot proceed due to capacity constraints. She was informed of the content of the investigation into witchcraft and the relationship between witchcraft and trafficking in persons as well as the progress on Project 148. She was also informed of the processes of the SALRC.	18 September 2019
	Ms Prinsloo attended the Access to Justice for Persons with Albinism Colloquium in Kempton Park.	26 to 27 November 2019
Review of Gender Based Violence & Femicide legislation **Dellene Clark**	Assigned to and participated in DoJ&CD Task Team reviewing the draft legislation in respect of Gender Based Violence & Femicide (with a specific focus on the Domestic Violence Act).	August 2019 to date
	Provided comment to the DoWPD at the request of DoJ&CD on the National Gender-Based Violence & Femicide Strategic Plan 2020 – 2030.	1 November 2019
	Attended and participated in a workshop on how to implement the 100 days Rapid Response Results.	4 November 2019

	Assisted with planning and participated in the Deputy Minister of DoJ&CD's workshop on the three draft GBV&F Bills.	10 February 2020
	Met with the component DoJ&CD Vulnerable Groups to discuss developments around the amendment of GBV&F legislation.	23 January 2020
	Attended a meeting with the UN High Commission on Human Rights regarding "collaboration on legislation review and Femicide Watch".	23 January 2020
	Attended a meeting with officials from DoJ&CD Legislative Development, Vulnerable Groups and the Registrar of the NSRO.	14 February 2020
Investigation calling for the legalisation of hemp for commercial and industrial purposes **Theresa Haderli**	The researcher attended and made a presentation at a UNISA Community Indaba on Dagga.	14 November 2019

Internet

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

CHAPTER 5
ACKNOWLEDGEMENTS

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ACKNOWLEDGEMENTS

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

The Commission also wishes to express its appreciation to the various project leaders and advisory committee members, both within and outside the Commission, for providing advice and direction. Thank you for your input in evaluating the research and for the guidance you have given the South African Law Reform Commission (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.

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
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

Serial number of issue paper	Project number	Title of investigation	ISBN number Publication date
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
34	100	Review of aspects of Matrimonial Property Law	978-0-621-46810-6 28 August 2018
35	144	Single Marriage Statute including measures against sham marriages	978-0-621-47268-4 8 April 2019
36	142	Investigation into Legal Fees	978-0-621-47357-5 7 May 2019
37	146	Review of regulatory, compliance and reporting obligations imposed on local government by legislation	978-0-621-47358-2 01 May 2019

ANNEXURE B

DISCUSSION PAPERS PUBLISHED BY THE COMMISSION

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

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

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

Serial number of discussion paper	Project number	Title of investigation	ISBN Publication date
40	78	Interest on damages	0 7970 2607 X May 1992
41	63	Insolvency: Voidable dispositions and dispositions that may be set aside and the effect of sequestration on the spouse of the insolvent	0 7970 2638 X July 1992
42	73	Simplification of the criminal procedure: Working paper on appeal procedure	0 7970 2641 X July 1992
43	41	Investigation into the possibility of making provision for a divorced woman to share in the pension benefits of her former husband: Matters relating to the Divorce Amendment Act 7 of 1989	0 621 15039 8 December 1992
44	79	A father's rights in respect of his illegitimate child	0 621 15329 X February 1993
45	76	Jewish divorces	0 621 15331 1 January 1993
46	67	The Usury Act and related matters	0 621 15021 5 April 1993
47	87	Jurisdictional lacuna in the Supreme Court Act 59 of 1959	0 621 15429 6 April 1993
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

Serial number of discussion paper	Project number	Title of investigation	ISBN Publication date
60	95	Investigation into the Computer Evidence Act 57 of 1983	0 621 17259 6 October 1995
61	63	Review of the law of insolvency: Statutory provisions that benefit creditors	0 621 17297 9 November 1995
62	100	The granting of visitation rights to grandparents of minor children	0 621 17344 4 March 1996
63	93	Speculative and contingency fees	0 621 17353 3 March 1996
64	104	Money laundering and related matters	0 621 17453 X June 1996
65	47	Unreasonable stipulations in contracts and the rectification of contracts	0 621 17503 X August 1996
66	63	Review of the law of insolvency: Draft Bill and explanatory memorandum	0 621 17509 9 August 1996
	63	Review of the law of insolvency: Draft Bill and explanatory memorandum: Executive summary	0 621 17510 2 August 1996
67	96	Apportionment of Damages Act, 1956	0 621 17543 9 October 1996
68	85	Aspects of the law relating to AIDS	0 621 17550 1 October 1996
69	94	International commercial arbitration	0 621 17602 8 December 1996
70	100	Family law and the law of persons: Domestic violence	0 621 17650 8 February 1997
71	86	Euthanasia and the artificial preservation of life	0 621 17724 5 April 1997
72	85	Aspects of the law relating to AIDS: Pre-employment HIV testing	0 621 27350 3 June 1997
73	85	Aspects of the law relating to AIDS: HIV/AIDS and discrimination in schools	0 621 27697 9 August 1997
74	90	Customary law: Customary marriages	0 621 27723 1 September 1997
75	111	Constitutional jurisdiction of magistrates' courts	0 621 27997 8 March 1998
76	90	Customary law: Conflicts of law	0 621 28007 0 April 1998
77	112	Sharing of pension benefits	0 621 28020 8 April 1998
78	105	Review of security legislation: The Interception and Monitoring Prohibition Act 127 of 1992	0 621 28847 0 November 1998
79	106	Juvenile justice	0 621 28851 9 November 1998
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

Serial number of discussion paper	Project number	Title of investigation	ISBN Publication date
81	115	Administrative law	0 621 28895 0 January 1999
82	90	Customary law: Traditional courts and the judicial function of traditional leaders	0 621 29273 7 May 1999
83	94	Arbitration: Domestic arbitration	0 621 29371 7 September 1999
84	85	Aspects of the law relating to AIDS: Compulsory HIV testing of persons arrested in sexual offence cases	0 621 29372 5 September 1999
85	107	Sexual offences: The substantive law	0 621 29374 1 September 1999
86	63	Review of the law of insolvency	0 621 29377 6 September 1999
87	94	Arbitration: Community dispute resolution structures	0 621 29381 4 September 1999
88	109	The review of the Marriage Act 25 of 1961	0 621 29428 4 September 1999
89	73	Simplification of criminal procedure: The right of the Attorney-General to appeal on questions of fact	0 621 29935 9 January 2000
90	101	The application of the Bill of Rights to criminal procedure, criminal law, the law of evidence and sentencing	0 621 29936 7 January 2000
91	82	Sentencing: A new sentencing framework	0 621 30070 5 April 2000
92	105	Review of security legislation: Terrorism: Section 54 of the Internal 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

Serial number of discussion paper	Project number	Title of investigation	ISBN Publication date
100	73	Simplification of criminal procedure: Out-of-court settlements in criminal cases	0 621 31591 5 October 2001
101	59	Islamic marriages and related matters	0 621 31794 2 December 2001
102	107	Sexual offences: Process and procedure	0 621 31809 4 December 2001
103	110	Review of the Child Care Act	0 621 31810 8 December 2001
104	118	Domestic partnerships	0 621 34421 4 August 2003
105	122	Assisted decision-making: Adults with impaired decision-making capacity	0 621 35014 1 January 2004
106	121	Consolidated legislation pertaining to international co-operation in civil matters	0 621 35115 6 June 2004
107	123	Protected disclosures	0 621 35116 4 June 2004
108	130	Stalking	0 621 35379 5 September 2004
109	124	Privacy and data protection	0 621 36326 X October 2005
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
129	25	Discussion Paper 129 – Statutory Law Revision: Review of legislation administered by the Department of Justice and Constitutional Development [Legislation on the legal professions, courts and institutions, civil procedure and evidence, substantive criminal law, substantive civil law, wills, estates and insolvency, constitutional and political legislation]	978 0 621 40490 6 October 2011
130	25	Discussion Paper 130 – Statutory Law Revision: Review of legislation administered by the Department of Justice and Constitutional Development [Legislation on family law and marriage]	978 0 621 40491 3 December 2011

Serial number of discussion paper	Project number	Title of investigation	ISBN Publication date
131	126	The review of the law of evidence	978 0 621 42894 0 December 2014
132	138	The Practice of *Ukuthwala*	978 0 621 42949 7 1 September 2014
133	25	Statutory Law Revision: Review of legislation administered by the Department of Home Affairs	978 0 621 43280 0 20 January 2015
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
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 15 February 2018

Serial number of discussion paper	Project number	Title of investigation	ISBN Publication date
148	100D	Alternative Dispute Resolution in Family Matters	978-0-621-47270-7 18 November 2019
149	107	Sexual Offences (Pornography and Children	978-0-621-47287-5 11 April 2019

ANNEXURE C

INVESTIGATIONS INCLUDED IN THE COMMISSION'S PROGRAMME SINCE ITS ESTABLISHMENT

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

Project number	Title	Year of report	Reference number of published report	Result
12	Review of the law of divorce			
	Report	1977	RP 57/1978	Divorce Act 70 of 1979 enacted – see also Project 40.
	Section 7(3) of Act 70 of 1979	1991	ISBN 0 621 14140 2	Divorce Amendment Act 44 of 1992 enacted – see also Projects 100 and 114.
13	Investigation into the right of recourse of spouses in respect of contributions towards necessaries for the joint household	1974	RP 79/1975	Matrimonial Affairs Amendment Act 13 of 1976 enacted, since repealed – see also Project 15.
14	The prescribing of a rate of interest in respect of debts where no rate of interest applies in law	1974	Not published	Prescribed Rate of Interest Act 55 of 1975 enacted.
15	The matrimonial property law with special reference to the Matrimonial Affairs Act, 1953, the status of the married woman, and the law of succession in so far as it affects the spouses	1982	RP 26/1982	Matrimonial Property Act 88 of 1984 enacted – see also Projects 41 and 51.
16	Investigation into the application of set-off in insolvency	1975	Not published	No legislation recommended – see Project 63.
17	Examination of the convention on the form of an international will	1975	Not published	No legislation recommended – see Project 22.
18	Investigation into the enforceability of foreign arbitration awards in the Republic	1975	Not published	Recognition and Enforcement of Foreign Arbitral Awards Act 40 of 1977 enacted.
19	Investigation into the shifting of the onus of proof in bribery charges	1975	Not published	No legislation recommended – see Project 75.
20	Investigation into the substitution of petition proceedings in superior courts	1975	Not published	Petition Proceedings Replacement Act 35 of 1976 enacted.
21	Limitation of the institution of legal actions against the State	1977	Not published	No legislation recommended – see also Project 42.
22	Review of the law of succession			
	Intestate succession	1985	ISBN 0 621 09611 3	Intestate Succession Act 81 of 1987 enacted.
	Legitimate portion or right to maintenance	1987	Not published	Maintenance of Surviving Spouses Act 27 of 1990 enacted.
	Formalities of a will, alteration and revocation of wills, disqualification from inheriting, substitution and the succession rights of adopted children	1991	ISBN 0 621 14189 5	Law of Succession Amendment Act 43 of 1992 enacted.

Project number	Title	Year of report	Reference number of published report	Result
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.
	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.
	Legislation administered by the Department of Energy	2011	Posted on SALRC website April 2012 ISBN 978-0-621-41666-4	Under consideration by the Department of Energy
	Legislation administered by the Department of Human Settlements	2011	To be published	Under consideration by the Department of Human Settlements
	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	Posted on SALRC website April 2012 ISBN 978-0-621-41667-1	Under consideration by the Department of Mineral Resources
	Legislation administered by the Department of Public Works	2011	To be published	Under consideration by the Department of Public Works
	Legislation administered by the Department of Rural	2011	To be published	Under consideration by the Department of Rural

Project number	Title	Year of report	Reference number of published report	Result
	Development and Land Reform			Development and Land Reform
	Legislation administered by National Treasury	2011	To be published	Under consideration by the National Treasury
	Legislation administered by the Department of Defence	2014	To be published	Defence Laws Repeal and Amendment Act 17 of 2015 enacted.
	Legislation administered by International Relations and Cooperation	2014	Posted on SALRC website May 2016 ISBN 978-0-621-47449-7	Under consideration by the Department of International Relations and Cooperation
	Legislation administered by the Department of Tourism	2015	Not published	Recommendations regarding legislation not implemented. A new Tourism Act 3 of 2014 enacted.
	Legislation administered by the Department of Communications	2016	To be posted on SALRC website ISBN 978-0-621-45234-1	The Department of Telecommunications and Postal Services has responded that it will amend relevant legislation.
	Legislation administered by the Department of Home Affairs	2016	To be posted on SALRC website ISBN 978-0-621-45235-8	Under consideration by the Department of Home Affairs
	Legislation administered by the Department of Justice and Constitutional Development-Report (3)	2016	To be published	Under consideration by the Department of Justice and Constitutional Development
	Legislation administered by the Department of Trade and Industry	2017	To be published	Under consideration by the Department of Trade and Industry
	Legislation administered by the Department of Justice and Constitutional Development	2018	To be published	
	Legislation administered by the Department of Public Service and Administration	2018	ISBN 978-0-621-445916-6	
	Legislation administered by the Department of Social Development	2019	ISBN 978-0-621-461138	

Project number	Title	Year of report	Reference number of published report	Result
	Legislation administered by the Department of Health	2018	ISBN: 978-0-621-47055-0	Under consideration by the Department of Health
26	Criminal law consolidation: Theft and house-breaking	1977	Not published	Recommendations regarding legislation not implemented.
27	Abolition of civil imprisonment	1976	Not published	Abolition of Civil Imprisonment Act 2 of 1977 enacted – see also Project 54
28	Investigation into leases in respect of movables	1976	Not published	No legislation recommended.
29	Investigation into the application of *mens rea* in statutory offences	1982	GP-S 300	No legislation recommended.
30	Investigation into an unlimited right of appeal for convicted persons in criminal proceedings	1976	RP 73/1977	No legislation recommended.
31	Investigation into the law relating to presumption of death	1977	Not published	Dissolution of Marriages on Presumption of Death Act 23 of 1979 enacted.
32	Review of the law of admiralty	1982	RP 12/1983	Admiralty Jurisdiction Regulation Act 105 of 1983 enacted.
33	Review of the law of prize	1987	-	Recommendations not implemented.
34	Examination of the legal consequences of artificial insemination and the duty of support in respect of certain adulterine children	1978	Not published	No legislation recommended – see also Project 38.
35	Negligent use of fire-arms	1978	Not published	No legislation recommended.
36	Investigation into delictual liability in cases of misrepresentation	1983	Not published	No legislation recommended.
37	Review of preferent claims in insolvency	1984	ISBN 0 621 090840 X	Recommendations not implemented – see Project 63.
38	Investigation into the legal position of illegitimate children	1985	ISBN 0 621 10205 9	Children's Status Act 82 of 1987 enacted, since repealed and re-enacted in the Children's Act 38 of 2005.
39	Investigation into the legal consequences of suspensive conditions in contracts of sale	1985	ISBN 0 621 11350 6	No legislation recommended.
40	Evaluation of the effect of the Divorce Act 70 of 1979	1983	Not published	No legislation recommended.
41	The division of pension benefits on divorce			
	Report	1986	ISBN 0 621 11357 3	Divorce Amendment Act 7 of 1989 passed.

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

Project number	Title	Year of report	Reference number of published report	Result
52	Investigation into the legal consequences of sexual re-alignment and related matters	1995	RP 32/1996 ISBN 0 621 17334 7	Alteration of Sex Description and Sex Status Act 49 of 2003 enacted.
53	Investigation into the amendment of section 26 of the Insolvency Act 24 of 1936	1983	Not published	Insolvency Amendment Act 84 of 1984 enacted – see also Project 63.
54	Committal to prison in respect of debt	1985	ISBN 0 621 11346 8	See Project 74.
55	Removal of certain restrictions in respect of land	1984	Not published	No legislation recommended.
56	Submission of a question of law to the Appellate Division of the Supreme Court relating to the calculation of finance charges under the Limitation and Disclosure of Finance Charges Act 73 of 1968	1976	Not published	*Ex parte Minister of Justice* 1978 2 SA 572 (A)
57	Anton Piller type of orders	1987	Not published	Recommendations not implemented.
58	Group and human rights			
	Interim report	1991	Report: ISBN 0 621 14128 3 Summary: ISBN 0 621 14127 5	Constitution of the Republic of South Africa Act 200 of 1993 enacted, since repealed. Constitution of the Republic of South Africa, 1996 enacted.
	Final report	1994	RP 66/1995 ISBN 0 621 16727 4	Made available to the Constitutional Assembly.
59	Islamic marriages and related matters	2003	RP 210/2003 ISBN 0 621 34989 5	Report under consideration by Department of Justice and Constitutional Development – report submitted to the Department in July 2003.
60	Domicile	1991	ISBN 0 621 14255 7	Domicile Act 3 of 1992 enacted
61	Enduring powers of attorney and the appointment of curators for mentally incapacitated persons	1988	ISBN 0 621 12107 X	Mentally Ill Persons' Legal Interests Amendment Act 108 of 1990 enacted.
62	The protection of a purchaser of shares			
	Report	1993	ISBN 0 621 16287 6	Recommendations not implemented.
	Supplementary report on section 138 of the Companies Act 61 of 1973	1994	RP 152/1995 ISBN 0 621 16847 5	Companies Amendment Act 35 of 1998 passed.
63	Review of the law of insolvency			
	Interim report: Section 34 of the Insolvency Act 24 of 1936	1990	Not published	Section 1 of the Insolvency Amendment Act 6 of 1991 enacted.

Project number	Title	Year of report	Reference number of published report	Result
	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.
66	Reform of the South African law of bail			
	Report	1992	Not published	Referred back for consideration
	Report	1994	RP 82/1995 ISBN 0 621 16746 0	Criminal Procedure Second Amendment Act 75 of 1995 enacted.
67	The Usury Act and related matters	-	-	Struck off
68	Access to police dockets	1992	ISBN 0 621 15349 4	Not implemented in view of the access to information provisions in the 1993 and 1996 Constitutions.
69	The acquisition and loss of ownership of game	1991	ISBN 0 621 14138 0	Game Theft Act 105 of 1991 enacted.
70	Limitation of civil liability of professional persons	-	-	Struck off
71	The protection of child witnesses	1991	ISBN 0 621 14139 9	Criminal Law Amendment Act 135 of 1991 enacted.
72	The alienation of personal servitudes	-	-	Struck off
73	The simplification of criminal procedure			
	First interim report: Appeal procedures	1994	-	Recommendations not implemented.
	Second interim report: The simplification of criminal procedure	1995	RP 70/1996 ISBN 0 621 17405 X	Criminal Procedure Amendment Act 86 of 1996 enacted.

Project number	Title	Year of report	Reference number of published report	Result
	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
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.
85	Aspects of the law relating to AIDS			
	First interim report: Health related aspects	1997	RP 106/1997 ISBN 0 621 27345 7	Regulations on Hazardous Biological Agents promulgated on 27 December 2001.
	Second interim report: Pre-employment HIV testing	1998	RP 120/1998 ISBN 0 621 28049 6	Recommendations incorporated in the Employment Equity Act 55 of 1998.
	Third interim report: HIV/AIDS and discrimination in schools	1998	RP 121/1998 ISBN 0 621 28048 8	Department of Education promulgated Commission's draft National Policy on HIV/AIDS for Learners in Public Schools on 10 August 1999.
	Fourth interim report: Compulsory HIV testing of persons arrested in sexual offence cases	2000	RP 40/2001 ISBN 0 621 30618 5	Recommendations regarding victims' need for information on their alleged offenders' HIV status have been included in Chapter 5 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007.
	Fifth interim report: The need for a statutory offence aimed at harmful HIV-related behaviour	2001	RP 78/2001 ISBN 0 621 30750 5	No legislation recommended
86	Euthanasia and the artificial preservation of life	1998	RP 186/1999 ISBN 0 621 29831 X	Report under consideration by Department of Health – report submitted to the Department in 1999.

Project number	Title	Year of report	Reference number of published report	Result
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.
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. Finalised by Portfolio Committee on Justice and Correctional Services on 6 March 2019, and voted on by the National Assembly on 12 March 2019. Will only be dealt with by the NCOP after the May 2019 elections.
	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.

Project number	Title	Year of report	Reference number of published report	Result
91	The review of the offences created by sections 36 and 37 of the General Law Amendment Act 62 of 1955, and section 1 of Act 50 of 1956 and related matters.	-	-	Struck off
92	The re-evaluation of the offence created by section 1 of Act 1 of 1988.	-	-	Struck off
93	Speculative and contingency fees.	1996	RP 37/1997 ISBN 0 621 17648 6	Contingency Fees Act 66 of 1997 enacted
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
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

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

Project number	Title	Year of report	Reference number of published report	Result
				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.
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
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
145	Investigation into a Model to Enforce Decisions of Minmec for Social Development	-	-	See Chapter 3

Project number	Title	Year of report	Reference number of published report	Result
146	Review of Regulatory, Compliance and Reporting Burden Imposed on Local Government by Legislation	-	-	See Chapter 3
147	Review of the laws regulating Funeral Parlours, Crematoria, Cemeteries and Related Services Industry	-	-	See Chapter 3
148	The Domestication of The United Nations Convention on The Rights of Persons with Disabilities (UNCRPD)	-	-	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 18/07/2018 05/10/2018 to date
Vice-Chairpersons	
Judge President N James	28/09/1973 to 13/07/1977
Judge G Viljoen, Judge of Appeal	22/09/1977 to 27/09/1982
Judge H J O van Heerden, Judge of Appeal	30/09/1982 to 30/11/1988
Judge P J J Olivier, Judge of Appeal	01/12/1988 to 31/12/1998
Judge Y Mokgoro, Judge of the Constitutional Court	01/01/1999 to 02/11/2000
Judge M L Mailula, Judge of the High Court	01/01/2002 to 31/12/2006
Judge W L Seriti, Judge of the High Court	01/01/2007 to 31/12/2011
Judge JN Kollapen, Judge of the High Court	19/07/2013 to 31/03/2016
Mr IBW Lawrence, Attorney	05/10/2018 to date
Full-time members	
Mr G G Smit	01/01/1982 to 31/12/1995
Judge P J J Olivier	01/02/1986 to 31/03/1995
Prof R T Nhlapo	01/01/1996 to 30/09/2000
Prof I P Maithufi	26/03/2001 to 31/12/2006
Ms T Madonsela	01/01/2007 to 14/10/2009
Members	
Mr D J du P Geldenhuys	28/09/1973 to 31/10/1975
Mr C P Joubert SC	28/09/1973 to 20/08/1974
Mr J E Knoll	28/09/1973 to 31/12/1995
Mr D D van Niekerk SC	28/09/1973 to 31/01/1979
Prof A D J van Rensburg	28/09/1973 to 30/08/1982
Mr H J O van Heerden SC	30/09/1974 to 11/08/1976
Mr J C Ferreira SC	22/09/1975 to 31/10/1979
Mr M Bliss QC	07/10/1976 to 24/02/1977
Mr F H Grosskopf SC	01/07/1977 to 21/11/1980
Mr G G Smit	01/02/1979 to 01/01/1982

Mr P A J Kotzé	01/11/1979 to 30/10/1988
Mr P M Nienaber SC	14/06/1981 to 27/07/1982
Mr P J J Olivier SC	30/09/1982 to 01/12/1988
Prof J T Delport	30/09/1982 to 27/05/1987
Prof D J Joubert	21/12/1987 to 31/12/1995
Dr W G M van Zyl	01/11/1988 to 31/10/1991
Mr R P McLaren SC	24/07/1989 to 31/10/1990
Prof C R M Dlamini SC	08/05/1991 to 31/12/1995
Mr J A Venter	12/03/1992 to 31/12/1995
Judge Y Mokgoro	01/01/1996 to 31/12/1998
Mr J J Gauntlett SC	01/01/1996 to 31/12/2006
Mr P Mojapelo	01/01/1996 to 31/12/2001
Ms Z Seedat	01/01/1996 to 31/12/2006
Judge M L Mailula	01/01/1999 to 31/12/2001
Prof C E Hoexter	27/10/1999 to 31/12/2004
Judge C T Howie	03/11/2000 to 31/12/2006
Judge W L Seriti	01/01/2002 to 31/12/2006
Prof C Albertyn	01/01/2007 to 31/12/2011
Judge D Davis	01/01/2007 to 31/12/2011
Mr T Ngcukaitobi	01/01/2007 to 31/12/2011
Mr D Ntsebeza SC	01/01/2007 to 31/12/2011
Prof P J Schwikkard	01/01/2007 to 31/12/2011 12/08/2013 to 01/2014
Ms M Sello	01/01/2007 to 31/12/2011 12/08/2013 to 18/07/2018
Prof V Jaichand	12/08/2013 to 18/07/2018
Mr IBW Lawrence	12/08/2013 to 18/07/2018
Ms NT Siwendu	12/08/2013 to 18/07/2018
Prof AW Oguttu	02/01/2015 to 18/07/2018
Prof M Carnelley	02/01/2015 to 18/07/2018
Prof Mpfariseni Budeli-Nemakonde	05/10/2018 to date
Adv Johan De Waal, SC	05/10/2018 to date
Prof Wesahl Domingo	05/10/2018 to date
Prof Karthy Govender	05/10/2018 to date
Adv Hendrina Magaretha Meintjes, SC	05/10/2018 to date
Adv Anthea Platt, SC	05/10/2018 to date
Adv Leon Tshepo Sibeko, SC	05/10/2018 to date

ANNEXURE E

CURRENT ADVISORY COMMITTEES AND MEMBERS

Project	Members	Organisation
Project 94 ADR	Judge President Dunstan Mlambo (Chairperson)	Judge President, Gauteng Division of the High Court of South Africa
	Adv Anthea Platt SC (Project leader)	SALRC
	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
Project 100 Family law and the law of persons Care of and contact with minor children	Judge Deon van Zyl (Chairperson)	Former Judge of the Western Cape High Court
	Prof Wesahl Domingo (Project leader)	SALRC
	Adv Francis Bosman SC	Advocate of the High Court Former Chief Family Advocate
	Ms Neliswa Cekiso	Department of Social Development
	Dr Madeleen de Jong	Mediator, Retired Professor, UNISA
	Ms Karabo Ozah	Centre for Child Law, University of Pretoria
	Prof Tshepo Mosikatsana	University of the Witwatersrand
	Prof Mohamed Paleker	University of Cape Town
Project 100 Review of aspects of matrimonial property law	Judge D van Zyl (Chairperson)	Retired Judge of the Western Cape High Court
	Mr I Lawrence (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

Project	Members	Organisation
	Ms S Erasmus	NPA- KZN
	Ms L Mbatha	National Movement for Rural Women
	Mr D Thulare	Chief Magistrate, Cape Town
Project 107 Sexual offences Pornography and children	Prof AW Oguttu (Project Leader until 18 July 2018) Adv HM (Retha) Meintjes (SC) (Project Leader from 5 October 2018)	SALRC
	Mr I Chetty (until 25 January 2016) (ret)	KINSA (South Africa)
	Mr D Cull	Internet Service Providers Association
	Ms J van Niekerk (Chairperson)	Childline; Past President International Society for the Prevention of Child Abuse and Neglect
	Brigadier A Pienaar (ret)	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 125 Prescription Periods	Adv HJ De Waal SC	Commissioner of the SALRC Cape Bar Association
	Prof M Loubser	Professor *Emeritus:* University of Stellenbosch Cluver Markotter Attorneys
	Adv L Abrahams	Johannesburg Bar Association
	Mr M Cronje	Official of the SALRC (retired)
	Adv T Ngcukaitobi	Johannesburg Bar Association
	Adv H Ngomane	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 N Mhlantla	Judge of the Eastern Cape High Court
	Prof T Pistorius	University of South Africa
Project 127 Review of administration orders	Judge J Kollapen (Project leader)	SALRC
	Prof Andrê Boraine	Dean of the Faculty of Law, University of Pretoria

Project	Members	Organisation
	Mr Hein Viana	Magistrate Johannesburg Central Magistrates Court: Civil Section
	Prof Hermie Coetzee	Associate Professor Department of Mercantile Law, Faculty of Law, University of Pretoria
	Ms Lebogang Raborife-Nchabeleng	Magistrate: Morebeng,
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 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
	Mr Morne Oosthuizen	Deputy Director, Development Policy Research Unit, University of Cape Town
Project 143 Maternity and Paternity Benefits for Self-employed Workers	Prof Mpfariseni Budeli-Nemakonde (Chairperson)	SALRC
	Ms Janine Louise Hicks	Lecturer University of KwaZulu-Natal, Project Leader
	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	Project leader: Prof Marita Carnelley until 21 April 2018; Prof Ronald Thandabantu Nhlapo from 21 April to 10 Nov 2018; Prof Wesahl Domingo from 10 Nov 2018	Law Faculty, North West University Emeritus Professor of law & and former Senior Deputy Vice-Chancellor University of Cape Town Dean, Law School, University of the Witwatersrand
	Professor Ronald Thandabantu Nhlapo (Chairperson since 21 April 2018)	Emeritus Professor of law and former Senior Deputy Vice-Chancellor 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
	Judge of Appeal Mahomed Solomon Navsa since 22 August 2018	Supreme Court of Appeal
Project 145 Investigation into a Model to Enforce Decisions of Minmec for Social Development	Adv Tshepo Sibeko SC (Commissioner assigned to the project)	SALRC
	Prof Victoria Lynn Bronstein	Law School, University of the Witwatersrand
	Prof Ethel Denise Malherbe	Faculty of Law, University of the Western Cape
	Dr Tlogane Douglas Mailula	Faculty of Law, Unisa
	Prof Ramos Emmanuel Mabugu	School of Economic and Management Sciences, Sol Plaatje University
Project 146 Review of Regulatory, Compliance and Reporting Burden Imposed on Local Government by Legislation	Adv Tshepo Sibeko SC (Commissioner assigned to the project)	SALRC
	Prof Anél du Plessis	Faculty of Law, North-West University
	Prof Mbuzeni Mathenjwa	College of Law, Unisa
	Prof Jacobus Wilhelm (Jaap) de Visser	Community Law Centre/Dullar Omar Institute, University of the Western Cape
	Prof Nicolaas Christiaan Steytler	Community Law Centre/Dullar Omar Institute, University of the Western Cape

ANNEXURE F

CURRENT PROGRAMME OF THE COMMISSION

Project number	Title
94	• Alternative Dispute Resolution
100	Family law and the law of persons • Care of and contact with minor children (including Family dispute Resolution) • Relocation with reference to minor children • Review of aspects of matrimonial property law • Review of the law of maintenance • Hindu marriages
107	Sexual offences • Pornography and children
125	Prescription periods
127	Review of administration orders
135	Review of witchcraft legislation
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
145	Investigation into a Model to Enforce Decisions of Minmec for Social Development
146	Review of Regulatory, Compliance and Reporting Burden Imposed on Local Government by Legislation
147	Review of the laws regulating Funeral Parlours, Crematoria, Cemeteries and Related Services Industry
148	Domestication of The United Nations Convention on The Rights of Persons with Disabilities (UNCRPD)

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
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

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