REPORT ON ACTIVITIES OF THE SOUTH AFRICAN LAW REFORM COMMISSION

2022 / 2023

South African
Law Reform Commission

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OF THE
SOUTH AFRICAN LAW REFORM COMMISSION
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TO: MR R LAMOLA, MP

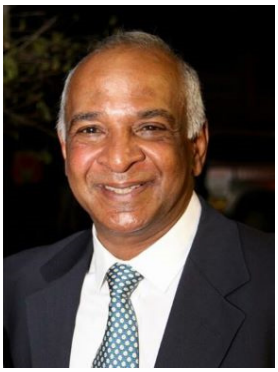
MINISTER OF JUSTICE AND CORRECTIONAL SERVICES

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 2022 to 31 March 2023.

Yours sincerely

Justice Jody Narandran Kollapen
Chairperson of the South African Law Reform Commission

SALRC Commissioners (2018-2023 term)



Chairperson
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Justice of the Constitutional Court of South Africa

Vice-Chairperson
Mr IBW Lawrence
Practicing Attorney: Durban

Prof. M Budeli-Nemakonde
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UNISA College of Law

Adv. HJ de Waal, SC
Advocate of the High Court
Cape Bar

Prof. W Domingo
Executive Dean (Faculty of Law)
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Prof. K Govender
Advocate and retired
Professor of Law
University of KwaZulu-Nata

Adv. HM Meintjes SC
Advocate of the High Court
Retired DDPP (resigned December 2022)

Adv. JB Skosana
Full-time Commissioner

Adv. LT Sibeko SC
Advocate of the High Court
Johannesburg Bar

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 these values:

- Equality
- Integrity
- Inclusiveness
- Professionalism
- Impartiality
- Excellence
- Responsiveness
- Efficiency, and
- Respect for the dignity of others.

The address of the South African Law Reform Commission is as follows:

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Republic of South Africa		

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LIST OF ABBREVIATIONS

ADR	Alternate dispute resolution
ALRAESA	Association of Law Reform Agencies of Eastern and Southern Africa
APP	Annual Performance Plan
CEO	Chief Executive Officer
CRL Rights Commission	Commission for the Promotion and Protection of Cultural, Religious and Linguistic Communities
DHA	Department of Home Affairs
DOJ&CD	Department of Justice and Constitutional Development
GBVF	Gender based violence and femicide
GBV	Gender based violence
KZN	KwaZulu-Natal
NPA	National Prosecuting Authority
NGO	Non-Governmental Organisation
NPO	Non-Profit Organisation
NSP	National Strategic Plan
OP	Operational Plan
Prof	Professor
SALRC	South African Law Reform Commission
SAPS	South African Police Service
SEIAS	Socio-economic impact assessment
UCT	University of Cape Town
UKZN	University of KwaZulu-Natal
UNISA	University of South Africa
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
WC	Working Committee

CHAPTER 1: OBJECTS, CONSTITUTION AND FUNCTIONING

A Introduction

The internal and external environment factors have a major impact on the work of the South African Law Reform (SALRC). This section gives a high level overview of these factors and their impact on the SALRC's performance both financially and in terms of its annual performance plan (APP) target.

Within the internal environment, there are a number of factors that impact on the SALRC's turnaround times to complete its investigations at proposal (pre-investigation), issue and discussion paper, and report stages of our working methods.

1 Unfilled vacancies

During the performance period, four vacancies of State Law Advisers negatively impacted on the SALRC research capacity, directly impacting on some of the investigations progress (refer to Chapter 2A). Due to insufficient research capacity to conduct research, some investigations are in abeyance as the SALRC continuously prioritises other investigations over others for varied reasons. Such reasons may arise out of urgent external developments linked to an investigation. Principal State Law Advisers positions have been vacant for a number of years due to an embargo imposed on this level due to Occupational Specific dispensation (OSD) changes that are effected by the Department of Public Administration (DPSA).

2 Access to Research material

Access to both physical and digital archive and current legal resources in South Africa as well as foreign jurisdictions is critical as this informs the quality and depth of legal research that is conducted by the SALRC. Accessing some material online due to the information and communication technology challenges (ICT) linked to the Department of Justice and Constitutional Development's (DOJ&CD) ongoing work on its ICT infrastructure that the SALRC utilises continues to be a challenge. A strong and reliable ICT infrastructure determines our ease and ability to facilitate virtual engagements and to participate when invited to do so for both local and international engagements.

From a library perspective, the acquisition of library software that makes it easier to catalogue, circulate, and configure and streamline the workflow, outreach and report generation, communication, outreach and acquisition and replacement of titles remains a missed opportunity. This software is envisaged to improve our library service offering, which is currently limited to the physical library at our premises in Centurion. In the digital

and information era, it is important that our library services reaches users in whatever format they choose to retrieve and engage with our legal resources. In this context, accessibility is key.

Factors in the external have also negatively impacted on the SALRC overall performance despite having met targets in the APP in the period under review. These are largely in our working methods sphere in so far as it relates to public consultations and engagements.

3 Impact of COVID-19 pandemic

Although the National State of Disaster that was declared by the Government in South Africa to manage the Covid-19 pandemic on 15 March 2020 was lifted on 05 April 2022 during the performance period, the impact on large gatherings such as community engagement workshops have been impacted. On one level, there are sections of the population that remain reluctant to attend large gatherings due to the risk of contracting Covid-19. More so, virtual meetings that replaced in-person meetings continue as some people prefer this option as it is more cost effective. In South Africa, this has always to be utilised in the context of load shedding as well as access to ICT services when dealing with stakeholders in the rural areas. From the SALRC perspective, this requires deploying varying public engagement formats that will enable engagements informed by the nature of investigation and those who are directly impacted by it, whether it be implementing government departments or the public as beneficiaries. The SALRC public relation activities are influenced by the ability of our various stakeholders to engage with our work whether in person or virtually. Chapter 3 outlines the various SALRC public relations activities.

Another aspect of the impact of the Covid-19 pandemic is the impact that the pandemic has had on the availability of donor funding that is critical to the non-governmental organisations (NGOs) stakeholder grouping. These are often agenda driven and contribute immensely to the SALRC's body of work through their own research and submissions that inform our work and subsequent recommendations for law reform. Without adequate funding for the research and advocacy of grassroots and lobby NGOs, this negatively impacts on the outputs during the public consultation and engagement phases of the law reform process.

B Establishment of the Commission

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

C 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.

D 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.
- Due to the resignation of Adv Retha Meintjes in December 2022, there were only seven Commissioners at the end of the reporting period.

E 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, however, be submitted to the Minister of Justice and Correctional Services (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.

F 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 to harness academic, governmental and civil society expertise to collaboratively seek context specific solutions to matters on the SALRC programme. Both types of committees perform functions that the Commission assign and are subject to the Commission's directives.

1 Working Committee

Under the first category of committee, the Commission has established a Working Committee (WC) 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 WC 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 WC may exercise all functions of the Commission, excluding the approval of reports. The WC 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. The WC met three times under the period of review.

2 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 B**.

3 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.

G Secretariat of the Commission

A Secretary and full-time Secretariat consisting of officials employed by the DOJ&CD 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 is the Secretary of the Commission. Ms Aifheli Makhwanya was appointed as Assistant Secretary with effect from 11 November 2022.

H Research component

The research component of the Secretariat consists of 14state 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 SALRC Research component is composed of the following state law advisers:

Ms Veruksha Bhana	State Law Adviser
Ms Dellene Clark	Principal State Law Adviser
Ms Theresa Häderli	State Law Adviser
Mr Simon Maphanga	State Law Adviser
Mr Fanyana Mdumbe	Principal State Law Adviser
Mr Linda Mngoma	State Law Adviser
Ms Aura Mngqibisa	State Law Adviser
Ms Maite Modiba	State Law Adviser
Ms Maureen Moloi	Principal State Law Adviser
Ms Tania Prinsloo	State Law Adviser
Ms Lowesa Roberts	Principal State Law Adviser
Mr Pierre van Wyk	Principal State Adviser
Ms Ronel van Zyl	State Law Adviser
Ms Mosenyehi Molapo	State Law Adviser

During the period under review, four posts of State Law Advisers were vacant.

I Administrative component

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

Ms Johanna Msiza	Assistant Director
Mr Rivoningo Ndhambi	Copy Editor
Ms Nomfundo Mhambi	Senior Secretary
Ms Nelisiwe Moledi	Secretary
Mr Jacob Kabini	Administrative Officer
Ms Patricia Moumakwe	Administrative Officer
Ms Khomotso Mogotlane	Administrative Officer
Ms Rosinah Nkuna	Principal Librarian
Ms Portia Bobodo	Senior Librarian
Ms Chantelle Krebs	Administration Clerk
Ms Edith Louw	Administration Clerk
Mr Vusi Mavuso	Administration Clerk
Ms Tumi Mofoka	Administration Clerk
Ms Nonkanyiso Ngejane	Administration Clerk (resigned in November 2022)
Mr Koos Mahlangu	Machine Operator
Mr Mpolokeng Ledwaba	Food Service Aid
Mr Gift Mpho Sambo	Messenger

J Internal committees

Three internal committees have been established to assist the SALRC with the execution of its functions.

1 Library Committee

Members	Purpose	Activities
Mr P van Wyk (Chairperson) Mr T.N Matibe Ms S Nkuna Ms P Bobodo Ms M Moloi Ms V Bhana 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.	The SALRC membership to the Association of Family and Conciliation Courts, which is based in the United States of America, was renewed in April 2022. The SALRC UNISA special library membership was renewed in May 2022. In September 2022, the committee considered the acquisition of eight publications and recommended their acquisition to the head of the office, who approved their acquisition.

2 Occupational Health and Safety Committee

Members	Purpose	Activities
Chairperson: Mr T.N Matibe Mr J Chauke Ms K Mogotlane Mr R Ndhambi Ms M Mosenyehi Mr G Sambo Ms R Seepi Ad hoc: Ms D Clark Ad hoc: Mr L Mngoma Ad hoc: Ms J Msiza Ad hoc: Ms N Moledi	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.	On 20 October 2021, with the approval of the Secretary the SALRC, the OHS Committee was revived. On 7 April 2022, the OHS Committee updated the emergency details of all officials at the SALRC. On 14 June 2022, the OHS Committee reported a break-in of three offices at the SALRC and facilitated the taking of statements by SAPS and obtaining a CAS number. The OHS Committee further engaged with DOJ&CD Safety Health and Environmental Risk in respect of loss of assets and the heightened risk of the facility. Subsequently the perimeter palisade fencing was repaired and a better positioned guard hut is in the process of being built. The OHS Committee facilitated training of staff through the Employee Health and Wellness Program on stress management on 3 February 2023, and on financial management of personal finances on 17 February 2023. Both the aforementioned presentations were well attended and received. On 15 March 2023, the OHS Committee met with the DOJ&CD Security delegation to address security and safety concerns. The delegation were taken on a physical walk-about through and around the building. The OHS Committee submitted a list of "quick wins" to the team from Corporate Services on 17 March 2023.

3 Facilities Management Committee

Members	Purpose	Activities
Chairperson (vacant) 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 meetings of this Committee were held during the year under review.

K Financing of the SALRC

The SALRC's budget for the financial year commencing 1 April 2022 to 31 March 2023 was R29 281 000, broken down as follows:

- Personnel expenditure R27 028 000.00
- Current expenditure R1 617 000.00
- Capital expenditure R538 000.00
- Household R98 000.00

1 Donor Funds

The SALRC did not receive any donor funding for the 2022/3 financial year.

L 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.

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.

M 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.

N 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.

O Commission publications

In the course of its activities, the Commission publishes various documents. **Annexure A** contains a list of publications that the SALRC published during the 2022/23 performance period. The document series of the Commission is as follows:

1 Issue papers

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 and to involve the community actively at an early stage of an investigation.

2 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.

3 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.

4 Annual report

The SALRC annual report is compiled every financial year in terms of section 7(2) of the SALRC Act 19 of 1973. The annual report is submitted to the Minister. The annual report is also submitted to Parliament.

5 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.

6 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.

7 How to obtain Commission publications

The SALRC documents are available to the public free of charge and are obtainable from the Commission's offices. In addition, all documents published since 1996 are available on the SALRC website (https://www.justice.gov.za/salrc/). Additionally, the SALRC has a library at its premises in Centurion.

P Various meetings of the Commission

1 Meetings of the Commission

During the period under report, the Commission met four times to consider and approve the 10 papers that the SALRC had committed to achieve during the performance period. The meetings of the Commission are scheduled towards the end of each quarter to consider and approve the papers for each quarter. The meetings were held physically at the SALRC offices on the following dates:

- 30 June 2022
- 24 September 2022
- 09 December 2022
- 25 March 2023

Meetings of the Commission are held on Saturdays to ensure that Commissioners are quorate due to conflicting schedules during the week for those who are practising advocates, in academia as well as the Chairperson who is a sitting judge at the Constitutional Court.

2 Working Committee

The WC met three times in the last two quarters of the period under review. The meetings took place on 11 November 2022, 04 February and 17 March 2023. The meetings considered and dealt with research programme related challenges as well as agenda setting for the meetings of the Commission. The WC report is tabled for information at each meeting of the Commission for information and noting. The WC does not consider and approve any of the submissions of papers.

3 Advisory Committee meetings

A number of meetings were held in person and virtually with members of the various project advisory committees as follows:

PROJECT NAME	MEETING DATE	NUMBER OF THE ATTENDEES
Single Marriage and including Sham Marriages	24/05/2022	9
Single Marriage and including Sham Marriages	09/06/2022	8
The Review of the Witchcraft Suppression	06/09/2022	6
Domestication of the UNCRPD	6-7/04/2022	7
Domestication of the UNCRPD	20-21/04/2022	7
Domestication of the UNCRPD	04/05/2022	7
Domestication of the UNCRPD	07-08/12/2022	4
Domestication of the UNCRPD	04/02/2023	11
Alternative Dispute Resolution in Family Matters O4/05/2022	04/05/2022	4
Alternative Dispute Resolution in Family Matters	01/06/2022	8
Alternative Dispute Resolution in Family Matters	08/06/2022	8
Alternative Dispute Resolution in Family Matters	22/08/2022	4
Review of the Maintenance Act 99 of 1998	14/05/2022	6
Review of the Maintenance Act 99 of 1998	21/06/2022	6
Domestic Violence the Criminal Law response (PR 100)	08/11/2022	3
Domestic Violence the Criminal Law response (PR 100)	28/11/2022	3
Maternity and Parental Benefits for self- employed workers in the informal Economy	14/09/2022	6
Maternity and Parental Benefits for self- employed workers in the informal Economy (PR 143) Virtual Meeting	08/11/2022	5
Review of Aspects of Matrimonial Property	30/09/2022	6
Relocation of Families with reference to Minor Children	25/04/2022	6
Relocation of Families with reference to Minor Children	08/07/2022	8
The Review of the Witchcraft Suppression	29/03/2023	7
Review of the Maintenance Act 99 of 1998	29/03/2023	5

CHAPTER 2: 2022/3 PERFORMANCE REPORT

A Research programme of the SALRC

The SALRC research programme for 2018 to 2023 commenced when a new Commission was appointed by the President of the Republic in June 2013. The term of the Commission will end in the third quarter of the 2023/24 financial year on 04 October 2023.

One part of the annual report focuses on the performance – the activities that were undertaken from 01 April 2022 until 31 March 2023. It must be noted that due to the resignation and retirement of some researchers, some of the projects have been in abeyance. These are marked with an asterix (*). As such, there report does not contain any narrative as no project activities were undertaken.

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

Project	Title	Project leaders & Chairpersons of Advisory Committees	Responsible researcher
94	Alternative dispute resolution	Prof Wesahl Domingo (since 25 June 2022) Judge President Dunstan Mlambo	Mr Pierre van Wyk
100	Family Law and Law of Persons		Various
100A	Care and contact with minor children	Prof Wesahl Domingo / Judge Deon van Zyl	Ms Dellene Clark
100D	Relocation with reference to minor children	Professor Wesahl Domingo	Ms Aura Mngqibisa
100E	Review of Aspects of Matrimonial Property Law	Mr Irvin Lawrence	Ms Maureen Moloi
100B	Review of the law of Maintenance	Mr Irvin Lawrence/ Prof de Jong	Ms Maite Modiba
100F	Domestic violence: the criminal response	Adv Retha Meintjes SC (resigned December 2022) Professor Wesahl Domingo	Ms Dellene Clark
107	Sexual offences • Pornography and children	Adv. 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	Ms Mosenyehi Molapo

Project	Title	Project leaders & Chairpersons of Advisory Committees	Responsible researcher
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	-	-
141	Medico-Legal Claims	Professor Karthigasen Govender	Ms Ronel Van Zyl
142	Legal Fees, including Access to Justice and Other Interventions	Judge Jody Kollapen	Mr Linda Mngoma
143	Maternity and Parental Benefits for Self-employed Workers in the Informal Economy	Professor Mpfariseni Budeli-Nemakonde	Mr Linda Mngoma
144	Single Marriage Statute including measures against sham marriages	Professor Wesahl Domingo / Professor Christa Rautenbach	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. JB Skosana	Mr Simon Maphanga
148	Domestication of the United Nations Convention on the Right of Persons with Disabilities	Adv. Retha Meintjes (SC) / Adv Johan De Waal (SC)	Ms T Prinsloo
149	Review of Colonial and Apartheid Legislation	Adv. Anthea Platt/ Prof Shannon Hoctor	Mr Fanyana Mdumbe

1 Project 100A: Care of and Contact with Minor Children

An Advisory Committee meeting was held on 4 May 2022 to plan for the holding of the remainder of the workshops on the discussion paper on Alternative Dispute Resolution in Family Matters. Virtual workshops were held on 1 and 8 June 2022. The deadline for comment was extended until 31 July 2022. A request for further extension was granted to some key stakeholders until mid-August 2022.

2 Project 149: Review of Colonial and Apartheid Legislation

In October 2021, the Commission prepared and submitted to the Minister of Justice and the Deputy President a detailed draft guidelines to assist national departments in the review of pre-1994 legislation falling within their respective mandates. Furthermore, to enable the general public to participate in this law reform initiative, the Commission in collaboration with the Department of Justice issued a call for submission on 5 May 2021, inviting interested parties to make written submissions in respect of these vestiges of our past, particularly laws that impede, restrict or criminalise conduct associated with the exercise of mutually supportive expressive rights contained in sections 15-19 of the Constitution.

Respondents also urged the Commission to initiate the repeal of the Transkei Penal Code. The Commission's investigation revealed that with few exceptions, the offences and defences contained in the Code overlap with or have counterparts in the common law or heterogeneous statutory framework applicable to the rest of the Republic, resulting in legal dualism and legal uncertainty. Other provisions of the Code have been superseded by more recent legislation rendering these provisions redundant at best or at worst impliedly repealed. On the basis of these findings, the Commission has published a discussion paper, Discussion Paper 156, recommending that the Code be repealed in its entirety and replaced with appropriate common law and relevant statutes that are generally applicable in South Africa. In December 2022, the Department of Justice published a Bill giving effect to the Commission recommendations.

An issue paper, which focused on the scourge of violent protests (causes, problems arising therefrom, legal framework and its deficiencies); exposition of laws impacting on expressive rights (inter alia the Riotous Assemblies Act, Indemnity Act, Prohibition of Disguises Act, and Intimidation Act); and relevant international law and foreign jurisprudence was tabled at the Commission meeting of 9 December 2022 for consideration and approval. The Commission did not approve the issue paper as there were several changes that they requested the researcher to attend to and thereafter resubmit for its approval.

3 Reform of the Civil Justice System of South Africa

In his letter dated 31 March 2021, the Minister of Justice and Correctional Services, Mr Ronald Lamola, MP, requested the SALRC to review the civil justice system.[1] The Minister's letter was accompanied by draft terms of reference prepared by the DOJ&CD for this purpose. Paragraph 3.2 of the Draft Terms of Reference for the Civil Justice Reform Project states as follows:

"3.2 The Scope of the Civil Justice Reform Project

The review will extend to, but not be limited to the following:

(a) Development of a legislative framework to regulate substantive civil law, including the development of common law in line with constitutional imperatives.

(b) Alternative dispute resolution mechanisms and the legislative reform to support it, particularly with regard to the dissolution of marriages entered into in terms of customary law.

1 In his letter to the Chairperson of the SALRC, Justice Kollapen, the Minister enclosed the terms of reference for both the civil and criminal justice systems for consideration by the Commission.

(c) The e-Justice System, modernisation, E-Rules, Case-lines and virtual hearings.

(d) Personal injury cases and the impact of the policy on restructuring of the Road Accident Fund on a no-fault basis to curb the spiralling cost of cases arising from vehicle accidents which contribute to the congestion of the court roll in the High Courts.

(e) Family law disputes, including divorce and matrimonial disputes, which are prolonged by the fragmented court system.

(f) The role and the jurisdiction of Small Claims Courts and the Traditional Courts in relation to certain civil disputes.

(g) Debt management/ administration including liquidations, insolvencies and the administration orders and the overall impact of the National Credit Act, 2005 on the adjudication of civil disputes.

(h) Medical injuries claims against government, which needs to investigate the challenges that huge pay-outs are made to parents and in some instances children die a short while later whereas the payment to the family was *in lieu* of the cost of specialised medical care for the child's estimated lifetime.

(i) The administration of wills and deceased estates; and

(j) Legislative framework for (legal) representation *in-person* in civil matters."

A proposal paper on the reform of the civil justice system was approved by the Commission at its meeting held on 24 September 2022, subject to the development of an issue paper that clearly defines the scope of this investigation and the availability of funds to undertake such reforms. On 20 October 2022, a memorandum requesting approval for inclusion of this investigation in the Commission's research programme was submitted to the Minister for approval.

4 Project 100D: Relocation of Families with Reference to Minor Children

The Commission approved this report on 5 December 2022 via round robin. The certificate of exemption from socio-economic impact assessment (SEIAS) requirements was obtained on the 28 March 2023. The Commission will report on the recommendations made in this report in the next financial year, once the report has been referred to the Minister of Social Development and once the Department of Social Development has had an opportunity to study the Commission's recommendations.

5 Project 100E: Review of Aspects of Matrimonial Property Law

When the Matrimonial Property Act 88 of 1984 (the Matrimonial Property Act) was passed, it was seen as a significant and long-awaited step to address shortcomings in matrimonial property law at the time. However, the Matrimonial Property Act is almost 40 years old. In this time, South Africa has undergone significant social change. In light of the significant social change, and to ensure that section 9 of the Constitution is realised

in the relationship sphere, this discussion paper makes a variety of proposals. These proposals are made to ensure that legislation around matrimonial property distribution is not discriminatory on the basis of, among others, sex, gender, sexual orientation, race, religion and marital status.

Issue Paper 41 explains how certain default statutory provisions in South Africa's matrimonial property law apply to all marriages unless the spouses enter into antenuptial contracts. However, it notes that the applicable rules often result in substantive gender inequality, leaving women (and the children for whom they are responsible) destitute at the end of the marriage.

By March 2022, there were substantive submissions which were received after the extended date. The Committee and the project leader felt that the SALRC should give additional time to the stakeholders to comment. Most of these comments were from the Muslim communities who were not happy about the single marriage investigation catering only for the registration of relationships and not for their consequences. By April 2022, the Committee had received more than 50 substantive responses from individuals affected by divorce, family law practitioners, accountants, NGOs, banking and pension fund institutions.

In April 2022, the advisory committee dealt with the *Greyling* case which was the main topic among family lawyers and academics. The Committee held a meeting on 30 September 2022 to consider the draft discussion paper. The discussion paper will be published during the second quarter of 2023.

6 Project 100B: Review of the Law of Maintenance

On 1 February 2011, the SALRC received a request from the then Minister of the DOJ&CD (the Minister) to include in its law reform programme an investigation into the Maintenance Act of 1998. After receiving this request from the Minister, the SALRC subjected the request to the SALRC's internal processes. A preliminary investigation was conducted to determine whether the requested investigation should form part of the SALRC programme. The preliminary investigation culminated in the development of a proposal paper, which made recommendations on the inclusion of an investigation in the SALRC's programme and the priority rating to be accorded to the proposed investigation in line with the Minister's request.

The proposal paper was presented to the Commission for approval at its meeting on 22 October 2011. The Commission approved the recommendations made in the proposal paper, namely to include the investigation in the SALRC programme under Project 100.

The SALRC published an issue paper to announce the investigation to the public, clarify the aim and the extent of investigation, and suggest the options available for solving existing problems pertaining to maintenance. Submissions were received from various stakeholders, who made comments that assisted the SALRC in understanding the dynamics on the ground, especially from the point of view of the people who administer the Act directly. Those submissions, together with extensive research, formed the basis for the discussion paper, which was published on 31 May 2022.

The SALRC held workshops on the discussion paper on 02, 04 and 06 July 2022. The discussion paper was published on 31 May 2022. The SALRC received comments in those workshops, as well as written comments.

One of the chapters of the discussion paper deals with inclusion of retirement annuity as an asset of a maintenance debtor, especially if he or she has a history of defaulting on his or her maintenance obligations.

The Institute for Retirement Funds Africa (IRFA) representatives attended the workshops that were held in July 2022 and requested a separate meeting with the advisory committee members so that this issue can be discussed in detail for them to comment effectively.

After some delays, IRFA sent their submission on 09 February 2023, three months after the meeting of 27 October 2022 with the advisory committee. Mr Stephen Collins, who in the workshop indicated that he will send his written comments, which are essential for the chapter dealing with attachment, only sent his submission on 17 January 2023. The advisory committee meeting was held on 29 March 2023 to discuss the IRFA and Mr Collins's submissions and to consider the draft bill.

7 Project 135: Review of Witchcraft legislation

The revised discussion paper was published on 24 June 2022 for public comments. The SALRC held various national community workshops to solicit input from community stakeholders. These were held in the following areas:

- 19 September 2022, community workshop was held at Acornhoek in Mpumalanga
- 12 October 2022, meeting with executive traditional council in Moletjie, Limpopo
- 13 October 2022, community workshop attended by traditional health practitioners and traditional executive council was held in Moletjie, Limpopo
- 14 October 2022, community workshop with victims of harmful supernatural practices was held in Helena village, Limpopo
- 26 October 2022, community workshop attended by traditional health practitioners and traditional leaders was held in Matatiele in the Eastern Cape
- 28 October 2022, community workshop attended by traditional health practitioners was held at Manguzi Kwazulu-Natal
- 01 November 2022, community workshop attended by traditional health practitioners was held in Tabong, Welkom, Free State

The workshops were facilitated by a team from the SALRC, the Commission for the Promotion and Protection of the rights of Cultural, Religious and Linguistic Communities (CRL Commission) and the Traditional Healers Organisation. The advisory committee met on 5 September 2022 to discuss the Draft Bill as well as inputs received from stakeholders and formulated responses. Changes were made accordingly in the working Draft Bill. It was envisaged that the draft report would be tabled for the consideration and approval by the Commission at the 25 March 2023 meeting. The researcher will conduct a workshop with various stakeholders to seek consensus on the draft report with a focus on the Bill.

8 Project 139: Review of the Interpretation Act

The evaluation of the Commission's recommendations was not submitted to the Minister by 31 March 2023. It is envisaged that the evaluation of the draft report will be submitted to the Ministry for its consideration in the

2023 – 2024 financial year and that the Ministry will then be able to provide comment to the Commission on its draft recommendations. The Commission will at that stage be able to frame its final recommendations, evaluate the comment by the Ministry and consider a draft report to finalise this investigation.

9 Project 144: Enacting a Single Marriage Statute including measures against Sham Marriages

The advisory committee met virtually on 9 June 2022 to consider and take final decisions on aspects of the draft report. Further amendments were then effected to the draft report. On 25 June 2022, the Commission approved the report subject to amendments being effected for submission to the Minister of Justice and Correctional Services for referral to the Minister of Home Affairs.

On 25 June 2022, the Commission approved this report subject to a number of amendments. The Commission will report on the recommendations made in this report in the next financial year, once the report has been referred to the Minister of Home Affairs and once the Department of Home Affairs had opportunity to study the Commission's recommendations.

The Commission developed an initial SEIAS report which was submitted to the Policy and Research Services section of the Presidency on 22 October 2022. The Policy and Research Services section of the Presidency submitted their Socio-Economic Assessment Quality Assurance Sign-off Form (Initial Impact Assessment) to the DOJ&CD in November 2022. The Commission submitted the Project 144 Report and sign-off form to the DOJ&CD on 15 November 2022. Pursuant to the Commission's involvement in this project, the DOJ&CD requested the Commission in March 2023 to provide input to the DOJ&CD on the Commission's draft Bill and the draft Marriage Bill of the Department of Home Affairs (DHA), which served at a cabinet committee in February 2023. The Commission provided input to the DOJ&CD in March 2023 as requested. The researcher also participated in a workshop the DHA colleagues hosted on 28 March 2023 about the issues identified in the DHA Marriage Bill by the cabinet committee. On 28 March 2023, the researcher provided an overview to the attendees at the workshop about the Commission's proposals made in its report. It is envisaged that the Commission's report will be referred to the Minister of Home Affairs in the next financial year and that the report will be published for general information shortly thereafter once that Ministry has had opportunity to study the Commission's report.

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

Project 148 seeks to give effect to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), which makes a provision for the protection and inclusion of the rights of disables persons into society at large and the obligations that are imposed on State Parties. South Africa is a signatory to the UNCRPD and has also signed and ratified the Protocol on the UNCRPD. As a State Party, South Africa is obliged to comply with the reporting obligations imposed by Article 35(1) of the UNCRPD. Notably, neither the UNCRPD nor the Optional Protocol of the Convention have been incorporated into South African law.

As a context, the SALRC has been working on this project after the DOJ&CD requested an investigation into the necessity for legislation for the domestication of the UNCRPD.

The following activities were undertaken during the year under review:

- An advisory committee meeting took place from 6 - 7 April 2022 to discuss a draft discussion paper.
- A meeting with the United Nations Committee on the Rights of Persons with Disabilities and the advisory committee took place on 16 November 2022 to discuss the general content of the Convention.
- The advisory committee met over two days on 7 and 8 December 2022.
- On 4 February 2023, the advisory committee met to discuss the way forward on the discussion paper and whether or not an umbrella bill or should be prepared.

11 Review of the Criminal Justice System

The Minister of Justice and Correctional Services, in a letter dated 26 August 2020, addressed a request to the Chairperson of the SALRC to include the review of both the criminal and civil justice systems in its programme. The Criminal Procedure Reform (CPR) Project, in particular, seeks to transform and modernise the Criminal Procedure Act 51 of 1977 (CPA) to bring it in line with the Constitution and its values.

Principles and values guiding the Criminal Procedural Law Reform are summarised as follows:

(a) Advancement of equality and respect for human rights;

(b) Advancement of social justice imperatives;

(c) Access to Justice;

(d) Speedy resolution of criminal trials;

(e) A victim-centred system that focuses on the vulnerable, especially women, children, and people living with disabilities;

(f) The infusion of policies and principles emanating from the National Development Plan Vision 2030 including policy imperatives aimed at the establishment of a victim friendly and gender compliant criminal justice system.

During the performance period, the SALRC's activities were geared towards consensus building with DOJ&CD on two key areas. Firstly, the approach that the CPA project would be implemented and the role of the SALRC in the approach that would be agreed. The Commission discussed various aspects of these two issues at all of its Commission meetings that were held during the 2022/3 performance period.

The Commission resolved at the meeting of 24 September 2022 that the Criminal Procedure Act Review project will be included in its research programme. The WC considered a number of proposals that were taken to the Commission for decision making. At the end of the financial year, the Commission and DOJ&CD had agreed that:

- In order to give effect to the Commission's in principle approval to include the project in its programme, subject to the development of issue papers that clearly define the scope of the investigation in respect of each issue paper and the availability of funds to undertake such reforms, the following should be considered:
    - Two proposals were discussed in respect of how the project could be implemented. In consequence, the Commission distinguished between an accelerated approach that would entail dispensing of the Commission's methodology while aspects not covered in this approach would be covered in a residual process that would include the areas not covered in the accelerated approach. The accelerated process was adopted to ensure delivery of a new Criminal Procedure Bill to be introduced by March 2024, marking the end of the 2019-2024 Medium Term Strategic Framework and performance of an important Ministerial strategic goal.
    - For the expedited process, the Commission agreed that the Commission's advisory committee (experts/content advisors) will be identified to match all the themes of the project. The advisory committee should comprise of key stakeholders in the criminal justice value chain, including representatives from the relevant government departments and institutions, the legal profession, and academics who possess vast practical experience and expert knowledge of criminal law and procedure, and related matters. These advisory committee members will contribute to the discussion paper that the Commission will consider in September 2023. The development of issue papers have been dispensed with and replaced by stakeholder engagement sessions, leading to a draft discussion paper. Furthermore, there will be collaboration between the Department and the SALRC advisors regarding the drafting of the Bill. Collaboration envisaged includes judicial officers, South African Police Service (SAPS), National Prosecuting Authority (NPA), the Department of Correctional Services, Legal Aid South Africa and academia.

The implementation will take place in the 2023/4 financial year including the appointment and adoption of terms of reference for advisory committee members.

12 Proposal Paper on the Review of the Law relating to Deceased Estates and the Reporting thereof

In 2022, Mr Duane Moodley approached the SALRC with a request to consider conducting a review of the law relating to deceased estates, together with the reporting thereof. In this respect, he raised a number of concerns; including the possibility of under-reporting of assets in deceased estates as reflected in the preliminary inventory and concerns about the way in which the Master: Durban goes about considering prospective buyers of fixed property. To this end, he proposed that the Administration of Estates Act 66 of 1965 be radically transformed. The request was examined against the Commission's screening and selection criteria to establish whether it should be included on its programme. After an evaluation of all laws impacting on the issues raised, including the rights contained in the Bill of Rights; the laws pertaining to death notices, wills and inventories together with reporting responsibilities and the laws pertaining to executors and with their liquidation and distribution responsibilities, a recommendation was made and presented to the Commission at a meeting held 25 March 2023 that it not consider including the request on its research programme. This was based on the fact that the laws contained in the Administration of Estates Act fully addressed areas closing gaps to underreporting so that persons with reporting responsibilities acting with the intention to undervalue

estate assets and any other responsible persons (including executors and the relevant Master) failing to take action in this regard could be prosecuted. It was explained to the Commission that in respect of Mr Moodley's other concerns, these were of the nature that required reporting to the relevant oversight authorities for further investigation and the institution of corrective action, including training, if needed be. It was explained that these were not issues pointing to gaps in the law or the absence of laws but rather to instances of correct implementation of existing law. An undertaking was made to the Commission that Mr Moodley would be guided on how to go about reporting these matters to the relevant oversight authorities.

13 Proposal Paper on the Amendment of Wills Act No. 7 of 1953 so as to provide for Electronic Walls

The SALRC received a proposal from Mr David Thompson for the recognition of electronic wills. Mr Thompson makes the following suggestions regarding his proposal:

(a) The Wills Act, 1953 (Act No. 7 of 1953)("the Wills Act) should be amended so as to include encrypted electronic documents.

(b) Section 4(4) of the Electronic Communication and Transaction Act, 2022 (Act No. 25 of 2002)[2] must be deleted so as to allow for electronic signatures.

(c) Electronic signatures must be capable of being validated against the identity of the signatory, including through an audit trail. Biometrics and other modern forms of verification such as those adopted by the banking sector may be used.

(d) Section 2(ii) of the Will's Act, which requires the presence of two witnesses, should be amended so as to include another secure method of verifying the testator's signature.

(e) Audio-visual communication must be allowed as a means of remote witnessing.

After undergoing the SALRC three-pronged phase, the proposal paper was tabled for consideration and approval at the Commission meeting of 25 March as follows:

It was recommended that the request for an investigation to consider the possible amendment of the Wills Act so as to allow for the recognition of electronic wills be dealt with as follows:

- The request should form part of the SALRC's investigation: Reform of the Civil Justice System in South Africa (awaiting the Minister's approval.) It is recommended that the administration of wills and estates should be reviewed. In this context, the Wills Act will be reviewed and amended where necessary. The subject of electronic wills as proposed by the requestor should therefore be dealt with under the investigation: Reform of the Civil Justice System in South Africa.
- The requestor should be advised that his request will be dealt with within the context of the investigation: Reform of the Civil Justice System in South Africa.

2 (4) This Act must not be construed as giving validity to any transaction mentioned in Schedule 2. Schedule 2 (3) refers to the execution, retention and presentation of a will or codicil as defined in the Wills 1953 (Act No. 7 of 1953).

- Furthermore, the SALRC should, once the investigation: Reform of the Civil Justice System in South Africa, has been approved by the Minister to form part of the SALRC programme, inform the Office of the Master of the High Court that the SALRC is conducting an investigation which includes the review of the Wills Act, so as to avoid duplication of mandates.

The Commission approved the above recommendations.

14 Proposal Paper: Request for a new investigation on culpable homicide in a health care setting

The researcher dealing with the investigation into Project 141: Medico-Legal Claims, noted newspaper reports published in November 2021 about a letter sent to the Minister of Justice and Correctional Services by a coalition of nine healthcare bodies (the coalition) "to request that the SALRC conduct an investigation into the possible review of the law of culpable homicide and the application thereof in a health care setting". The Ministry of Justice and Correctional Services never forwarded the letter to the SALRC and the researcher eventually followed the matter up with the Policy and Public Affairs Officer of the Medical Protection Society (MPS), who was indicated as the person to be contacted for further inquiries. On explaining the SALRC Act and SALRC processes to the MPS, the coalition subsequently redirected the letter to the Chairperson of the SALRC. The SALRC received the letter dated 28 October 2022 on 9 November 2022.

The coalition requested the SALRC to consider conducting a review into culpable homicide law and its application in a healthcare setting. In the letter, reference is made to

> a very low threshold in South African law for blame-worthiness when a patient dies while under medical care. Culpable homicide is classified as negligence on the part of an individual healthcare profession which results in the unlawful killing of a human being. Healthcare professionals can and have been convicted regardless of their intent. Errors of judgement, in fast moving and potentially hazardous healthcare environments, are at risk of being criminalised.

The requestors indicated the need for a long-term solution regarding the wider problem of how criminal law is applied to healthcare practice.

Two researchers were invited to a roundtable discussion on culpable homicide in South Africa, hosted by MPS, which was held on 23 November 2022. MPS and other professional health bodies undertook to provide additional information based on the SALRC's selection criteria for requests for new investigations for the purpose of this proposal paper and the Commission's consideration of their request.

The following recommendations were tabled for consideration and approval by the Commission at the meeting held on 25 March 2023:

- that SALRC do not include an investigation into culpable homicide in a healthcare setting in its programme at this stage;
- that the Commission consider either or both the possibilities that the medical fraternity should be invited

to the planned conference on the Review of the Criminal Justice System of South Africa to make a presentation on their request for an investigation into culpable homicide in a healthcare setting for possible inclusion under the criminal justice system review; and/or

- an investigation, as part of the review of the criminal justice system, to possibly develop the common law to recognise different degrees of negligence in South African criminal law.

15 Project 143: Maternity and Paternity and Parental Benefits for Self-employed Workers

The Draft Report was approved by the advisory committee on 14 September 2022 for submission to the Commission. The Commission approved the report subject to amendment of recommendation 4, which deals with amendment of the Basic Conditions of Employment Act. The Solidarity Centre, in Washington commissioned the socio-economic research on the cost of introducing a maternity support grant for pregnant women on behalf of the SALRC, which was conducted by Mr Conrad Barnard and his team from Cornerstone Economic Research. The Commission approved the Project 143 Report, which was accompanied by the socio-economic research which costed how much it would cost the implementing department to provide a maternity support grant for pregnant women and SEIAS Report at its meeting held on 09 December 2022. On 19 January 2023, the report was submitted to the Minister for approval of the referral of the report to the Ministers of Employment and Labour and Social Development respectively.

16 Project 147: Review of Laws Regulating Funeral Parlours and Related Services Industry

The project 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 a code of conduct for funeral services practitioners in order to protect and promote consumer rights.

A draft discussion paper and Code of Conduct for funeral directors on Project 147 - Review of Laws Regulating Funeral Parlours and Related Services Industry was tabled for consideration and approval by the Commission on 23 June 2022. The paper was not approved.

In September 2022, the Commission adopted the recommendations of the advisory committee to develop a draft code of conduct for funeral services practitioners. The researcher revised the draft code of conduct and re-submitted it to the advisory committee and subsequently to the Commission for approval through round-robin. The draft discussion paper was not considered by the Commission during its meeting of 9 December 2022. In March 2023, the Commission requested certain amendments to the draft code of conduct for funeral services practitioners.

CHAPTER 3: PUBLIC RELATIONS

A Public consultation

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

B Interaction with foreign law reform bodies and institutions

1 Swaziland

The SALRC has been a founding member of both the Association of Law Reform Agencies of Eastern and Southern Africa (ALRAESA) and current Treasurer. Besides its founding member status, the SALRC Chairperson Justice Kollapen is the current President of the Commonwealth Association of Law Reform Agencies (CALRAs). These associations provide for a platform for formalised framework for cooperation between law reform agencies in terms of which members can usefully learn from each other's experience. These relationships also foster the sharing of experiences between members on methods and best practice for carrying out of law reform. The SALRC plays a leading role in assisting other law reform agencies establish themselves and in providing the necessary training.

Although the Law Reform Unit of the Kingdom of Eswatini is not yet a member of either ALRAESA or CALRAs as the unit has just been established, officials from the Attorney-General's office have participated in the activities of these associations. Ms Thabisile Langa, Head of the Law Reform Unit at the Attorney General Office, Eswatini visited the SALRC and was attached at the SALRC from 08 August – 17 September 2022.

2 Visits by foreign delegations

During the year under review, no foreign delegates visited the SALRC.

3 Chief Justice Pius Langa Legal Essay Writing Competition 2021 Season

The South African Law Reform Commission Legal Essay Writing Competition is a project that is sponsored by Juta and Company. 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 SALRC, 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 SALRC, in partnership with Juta, hosted the award ceremony on 24 February 2023 at Anew Hotel, Centurion. The event was attended by Commissioners of the SALRC, Deputy Minister for DOJ&CD, Mr John Jeffery, Retired Judge Bernard Ngoepe SC, the late Chief Justice Langa family, Juta and Company representatives, winners and runners-up, supervisors of the Winners (Prof Hellen Kruuse, Rhodes University and Prof Jacqueline Heaton, University of South Africa) and Department of Justice officials (which includes SALRC officials). The event was attended by 48 guests (excluding two security personnel from DOJ&CJ) out of an expected 60 guests excluding two security personnel. The reduced the number was due to last minute cancellations.

The winner in the LLB Category was Mr Hugh Harnett from Rhodes University for his essay titled "Should Career Assets be Catered for Upon Divorce? The Case for the Inclusion of Career Assets as Property in a Spouse's Marital Estate". The runners-up in the LLB category was Mr Wesley Justin January from University of the Western Cape for his essay titled "A Call for Reform on the South African Critical Work Visa".

The winner in the LLM Category was Mr Jemillo Adriaan from the University of South Africa for his essay titled "The Guardian's Fund as the Appropriate Receptacle of Lump-Sum Future Maintenance for Children". The runner-up in the LLM category was Mr Tsogo Jozi Rampolokeng from the University of Cape Town for his essay titled "Developing a Single Marriage Statute with Pockets of Diversity within the South African Legal System".

The Sponsor of the SALRC Legal Essay Writing Competition for 2021, Juta Law, offered the following prizes;

- The winners in both the LLB and LLM categories each received a prize voucher to the value of R20 000.00.
- The runners-up each received a prize voucher to the value of R10 000.
- Each of the winners' supervisors each received credit vouchers to the value of R2 500.00 and the same amount to the winners' law faculty.

C 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. These include other government departments, NGOs and institutions. 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.

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

The Secretary of the Commission deals with enquiries from various stakeholders about the work of the SALRC on a regular basis. While some are dealt with through his office, there are other enquiries that are delegated to researchers that are project specific that may require such researchers to attend engagement that take many forms.

1 1st International Digital Roundtable hosted by the Law Commission of England and Wales

The Secretary and Assistant Secretary of the SALRC attended the 1st International Digital Roundtable hosted by the Law Commission of England and Wales. It took place virtually on 20 February 2023. Most of the attendees were Commissioners from both provincial and national law reform commissions in the United Kingdom, Australia, and Netherlands. The SALRC was the only African law reform commission that participated.

The main purpose of the roundtable was to have a general discussion about institutional matters including, independence; how we go about conducting reform projects and the possibilities for cooperation relating to making available consultee evidence, assisting with comparative analysis, etc. Attendees were expected to introduce their respective law reform commission and how they relate to government and contribute to a general discussion on how law reform commissions can improve liaison and cooperation among each other.

It was agreed that law reform commissions would their respective research programme and we are waiting for the office of the England and Wales Law Reform Commission to share a template. The next roundtable will take place on the 06th of June 2023.

2 Engagements with stakeholders

Engagements with stakeholders is a key part of the processes and procedures of the SALRC. Although some of the investigation have been long completed the SALRC provides after sales services which entails expert presentations as and when requested by various stakeholders.

Project 141: Medico-Legal Claims

- Discussion with Chief Director: Health and Social Development (National Treasury) about National Treasury input to Discussion Paper 154 on Project 141: Medico-Legal Claims and the organisational support and structures required for the implementation of the Discussion Paper 154 (DP 154) proposals.
- Virtual presentation on DP 154 proposals during webinar with Norton Rose Fulbright Attorneys and their clients.
- Virtual meeting with officials from National Treasury, the national Department of Health and the DO & CJ on DP 154 proposals, in particular proposals on compensation, as well as the organisational support and structures required for implementation of DP 154 proposals.
- Participate in webinar hosted by the Vascular Society of South Africa with project leader. Project leader delivered presentation on development of case law on "once and for all" rule.
- Engagement with Gauteng Branch of the Legal Practice Council about attorneys' fees and oversight of trusts established for management of compensation for medico-legal claims paid out for minors.
- Discussion with representatives from the Actuarial Society of South Africa (ASSA) about workable compensation options for medico-legal claims, problems with trusts for minors and lack of transparency about money paid to plaintiff attorneys and eventually by attorneys into trusts for minors.
- Engagement with officer from the Medico-legal Unit of the Western Cape Department of Health about budgeting for medico-legal claims, compensation methods, legal fees and cost of offering services to medico-legal claimants versus cost of paying for private medical care.
- Virtual meeting with officials from the medico-legal unit of the Western Cape Department of Health about dealing with medico-legal claims and management of large compensation awards to minor claimants.
- Virtual meeting with officials from National Treasury, the national Department of Health and the DO & CJ about compensation methods, management of periodic payments and the State Liability Amendment Bill, 2018.
- Meeting with official from the Legal Practice Council about attorneys' fees and oversight of funds transferred into trusts set up for minors for management of compensation awards to minor claimants.
- Deliver presentation on DP 154 proposals to post-graduate medical students (Obstetrics and Gynaecology) at the University of Pretoria.
- Correspond with journalist from Bhekisisa about DP 154.
- Correspond with journalist from Bhekisisa and state law adviser from Legislative Development about the State Liability Amendment Bill, 2018.
- Discussion with Chief Executive Officer (CEO) of the South African Private Practitioners Forum (SAPPF) about the status of the Project 141: Medico-Legal Claims investigation.

- Participate in ASSA webinar about the cost of cerebral palsy caregiving.
- Correspond with journalist from Spotlight about Project 141: Medico-Legal Claims.
- Correspond with NGO about court case decided in favour of province with regard to rendering of services by public health sector as part of compensation award.
- Attend Limpopo Department of Health Medico-Legal Conference at venue near Tzaneen, Limpopo Province. Deliver presentation and provide inputs.
- Discussion with Secretary of the Superior Courts and ADR Committees of the Rules Board about court rules relevant to medical negligence claims.

Project 152: Criminal Liability of Healthcare Professionals

- Correspond with the Medical Protection Society (MPS) about a request for a new investigation into culpable homicide in a healthcare setting.
- Correspond with MPS about culpable homicide in a healthcare setting and attending a roundtable discussion on the topic.
- Correspond and telephone discussion with the CEO of the South African Private Practitioners Forum about a new investigation into culpable homicide in a healthcare setting.
- Attend MPS roundtable discussion on culpable homicide and deliver presentation on SALRC criteria for new investigations.
- Engagement with communications officer from the SAPS about SAPS practices on media liaison with regard to arrests, specifically in relation to medical practitioners.
- Correspond with CEO of South African Private Practitioners Forum on SALRC criteria for new investigations in relation to culpable homicide in a healthcare setting.
- Discussion with EthiQal about the SALRC criteria for new investigations in relation to culpable homicide in a healthcare setting.

Project 100A: Care of and contact with children

- Virtually attended the Miller du Toit Family Law Conference.
- Meeting with an advisory committee member and an international expert resident in Canada, Ms Nicole Kopping-Pavers to engage on developments in Canada and internationally.

Project 100F: Domestic violence: The Criminal Law Response

- Gender based violence and femicide (GBVF) National Strategic Plan (NSP) Pillar 3 virtual meetings.
- Virtual meeting with Ruth Graham Goulder of United Nations Children's Fund (UNICEF UK and Linda Mngoma (SALRC).
- 14th Institute for Security Studies Violence Prevention Forum meeting.
- Higher Education & Training and SAPS GBVF virtual workshop.

- Webinar Dr Lina Digolo: Psychological First Aid: Gender Based Violence (GBV) Prevention Collaborative.
- United Nations Office on Drugs and Crime (UNODC): Strengthening Access to Justice with a view to a gender responsive criminal justice system.
- Virtual meeting with DOJ&CD on the draft regulations on the Domestic Violence Act
- The Domestic Violence Regulations: Simplified Webinar.
- International Development Law Organisation Justice for Survivors of Gender-Based Violence in Complex Situations: Delivering on the 2030 Agenda for Women and Girls.
- Virtual release of the Commission for Gender Equality Report on the readiness of SAPS to address GBV.
- GBVF NSP Pillar 3 Webinar Department of Social Development: Psycho-social services.
- GBVF NSP Pillar 3 Webinar DoJ&CD: Abuse of older persons.
- GBVF NSP Pillar 3 Webinar on Minimum sentences.
- GBVF NSP Pillar 3 Webinar: The 3 GBVF Amendment Acts: Accountability is Not an Option.
- GBVF NSP Pillar 3 Webinar by Karen Muller of the Children's Institute on the benchbook for the Judiciary on disabilities in the courtroom.
- GBVF NSP Pillar 3 Webinar on the Thuthuzela Care Centre.
- GBVF NSP Pillar 3 Webinar on the Epigenetic, and Environmental Provocation with regards to Teen perpetration of Violence by Francesca Fondse of WiiN.
- GBVF NSP Pillar 3 Webinar on social context in domestic violence by Ms Kerryn Rehse of MOSAIC.
- GBVF NSP Pillar 3 Webinar on Economic Impact of GBVF.
- Virtual meeting on implementation of the GBV Bills including the DVA Amendment Act with the DOJ&CD costing unit.
- The ISS Roundtable Webinar: Using social media tools and methodologies to understand and dismantle gender-based violence.
- UNODC Regional Office for Southern Africa hybrid side event, on "Strengthening the Response to Cyber Violence against Women and Girls in the SADC Region". This side event was organized by the Permanent Mission of South Africa and UNODC Regional Office for Southern Africa. The event launched the newly drafted handbook on Children and Vulnerable Working Group for Criminal Justice Practitioners.
- Presidential Summit Two on GBVF.
- GBVF NSP Pillar 3 Webinar Domestic Violence at Institutions of Higher Learning Webinar Facilitated by Ronel Stevens of MOSAIC.
- GBVF NSP Pillar 3 Webinar Supporting and Protecting Children Exposed to Violence by Childline.
- Webinar on Justice in Crisis - IDLO Partnership Forum 2022.
- OECD Podcast Truth hurts: The unknown brain injuries of domestic violence survivors by Monika Queisser and Eve Valera, Associate Professor in Psychiatry at Harvard Medical School.
- Webinar on Sexual and Reproductive Justice Panel, Columbia University.
- Mentoring of Kader Asmal Foundation mentee.

Project 107 Sexual Offences: Criminal Law (Sexual Offences and Related Matters Amendment Act) 32 of 2007: Adult Prostitution

- General and specific enquiries from internal and external stakeholders.
- Virtual South African National AIDS Council (SANAC) Government Task Team (GTT) consultation process on the NSP 2023 – 2028; and the End-Term Review of the National Strategic Plan for HIV, Tuberculosis and Sexually Transmitted Infections 2017-2022.
- Virtual SANAC Plenary; and extended SANAC Plenary.
- SANAC GTT on the 2022 World AIDS Day Planning meeting.
- Commission for Gender Equality Section 6 Meetings.

Project 107 Sexual Offences: Criminal Law (Sexual Offences and Related Matters Amendment Act) 32 of 2007: Pornography and Children

- Interview on DSTV Channel FM 818 regarding the recommendations in the report.
- CESE Africa Webinar.
- Comment on child sexual abuse and exploitation and child marriage compiled for Ignite Philanthropy: Out of the Shadows Index developed by Economist Impact.
- Film and Publications Board (FPB) live Webinar for Child Protection Week
- Virtual launch of the University of Cape Town's Children's Institutes Child Gauge on mental health.
- Virtual "Out of the Shadows" Message Training – Shining a Light on Policies to Combat Child Abuse hosted by Ignite Philanthropy.
- Presentation of the recommendations contained in the Report to the Africa Summit on Child Exploitation and Sexual Exploitation.
- The International Centre for Missing and Exploited Children Webinar "words matter – child protection Terminology 101".
- Roundtable on online child protection hosted by the FPB in partnership with INHOPE.
- Virtual meeting with Jelly Beans and End Child Prostitution in Asian Tourism to comment on the draft fact sheet on access to justice by children affected by sexual exploitation and abuse.
- The INHOPE Exploitation is Abuse European Virtual Forum.

Project 90: Customary Law

- The researcher attended to enquiries by members of the legal profession and the public on the Recognition of Customary Marriages Amendment Act 1 of 2021, whether the changes discriminate against women's marital property rights.

Project 100E: Review of Aspects of Matrimonial Property Law

- Prof Kruuse and Prof Mwambene participated and presented papers relating to the Review of Aspects of Matrimonial Property Law, at the webinar hosted by the University of the Western Cape and Miller, Du Toit, Cloete Incorporated on 09 March 2023.

Project 94: Alternative Dispute Resolution

- Prof Wesahl Domingo, the project leader and the researcher attended a meeting with National Prosecuting Authority colleagues to discuss mediation in criminal matters and deferred prosecutions agreements.

Project 105: Interception of communications

- The researcher responded to an enquiry submitted to the Commission by Ms Heidi Swart, a reported at the Daily Maverick, regarding the Commission's 1998 report on interception of communications.

Project 144: Single Marriage Statute

- In July 2022, the researcher provided a status report to the DHA Policy and Strategic Management Unit who were responsible for the development of the DHA Green and White Papers on the DHA marriage policy.
- The researcher attended and participated in the webinar the Policy and Strategic Management Unit of the DHA hosted on the DHA White Paper on marriages in South Africa.
- The researcher participated in a workshop the DHA hosted and which was attended by DHA, DOJ&CD and Social Development colleagues on the DHA Marriage Bill of 2021, where he provided an overview of the proposals made in the Commission's project 144 report.
- The researcher provided information to DHA, DOJ&CD and Social Development colleagues on the February 2023 judgment of the German Constitutional Court on the unconstitutionality of the 2017 German Act to Prevent Child Marriages. The German Court held that the legislation was incompatible with the German Constitution due to the failure of the statute addressing the legal consequences of the invalid child marriages entered into by minors under the age of 16 invalid and the lack of recognition such marriages enjoy once the minor concerned has reached the age of majority.

CHAPTER 4: ACKNOWLEDGEMENTS

During the period under review, the SALRC was assisted by individuals and institutions for specific or general invitations by the Commission to comment on particular issues or to assist it with its activities in some respect.

The Commission also wishes to express its appreciation to the various project leaders and advisory committee members, both within and outside the Commission, for providing advice and direction. Thank you for your input in evaluating the research and for the guidance you have given the SALRC in compiling various documents and reports. The willingness of individuals and organisations to serve on advisory committees of the Commission is valued.

The SALRC would like to acknowledge the support of the various Chief Directorates within Legislative Development and others for the support on the various engagements on performance related activities.

The SALRC would like to express their gratitude to the following entities for sharing their expertise and experience, as well as providing insights and information, to support the investigation into Project 141: Medico-Legal Claims:

- Directorate: Public Finance (Health), National Treasury
- Directorate Assurance: Medico-Legal Unit of the Western Cape Department of Health and Wellness
- Forensic Audit Unit of the Eastern Cape Provincial Treasury
- Actuarial Society of South Africa.

The work of the Advisory Committee which provided expert guidance in the preparation of this report is highly valued. The SALRC would also like to thank all stakeholders, including the Office of the Family Advocate, Legal Aid South Africa, legal practitioners and members of the public for their participation in the SALRC's consultative process in this investigation and for the valuable inputs that were received during this process and which have been incorporated into the draft Children's Amendment Bill, 2023.

The Chief Justice Pius Langa Legal Essay Writing Competition is made possible with the support of our partner, Juta and Company. We would like to thank Mr Wayne Staples, Ms Marlinee Chetty, Ms Malifa Moloi, Ms Trinisha Vayendar and Ms Sinah Motaung. Our gratitude goes to the Langa family, who continuously attend the awards and lend their voice to support the competition in honour of the late Chief Justice Pius Langa. The competition would not grow without the support from the Deans of Faculties of Law in the various university in South Africa that help promote the competition. We also recognise and thank Prof Hellen Kruuse (Rhodes University) and Prof Jacqueline Heaton (University of South Africa) for supervising two of the students whose essays were awarded prizes for excellent student's contribution to legal reform in South Africa. We would like to thank retired Judge Ngoepe for his very detailed keynote address at the awards ceremony.

Project 143 would have not been completed without the support of Ms Ziona Tanzer from Solidarity Center, Washington in the United States of America's for the generous assistance in commissioning and funding the socio-economic research on the cost of introducing a maternity support grant for pregnant women on behalf of the SALRC. The latter study was conducted by Cornerstone Economic Research in South Africa (Pretoria). We would like to extend our gratitude to Mr Conrad Barberton: Senior Development Economist and Policy Researcher at Cornerstone Economic Research.

The SALRC wishes to acknowledge and thank Mr Obed Semono from the CRL Rights Commission, as well as officials from the Traditional Health Organisation for their assistance in helping the SALRC facilitate the workshops on the Review of the Witchcraft Suppression Act No. 3 of 1957. The workshops which were attended largely by traditional health practitioners and the victims of harmful supernatural practices were held between September and November in Limpopo; Mpumalanga; KwaZulu-Natal; Eastern Cape and Free State.

The SALRC thanks Dr Chandre Gould and the Violence Prevention Forum under the auspices of the Institute for Security Studies, for the provision of fully sponsored facilitation training for Ms Dellene Clark. This included a number of masterclasses focussed on power and rank; trauma, healing & breaking cycles of trauma; and on visual facilitation.

In conclusion, the SALRC thanks the Secretariat staff (research and admin) for their contributions towards the achievement of the Commission's targets for the 2022/3 performance period.

ANNEXURE A: 2022/2023 PUBLICATIONS

Discussion Papers

For the publications dated March 2022, performance is reported in Chapter 2 of the annual report in relation to the comments that were received under the performance period.

DP No	Pr No	Project Names	ISBN	Publication date	Closing date for comments
156	149	Repeal of Apartheid and Colonial Era Legislation – Repeal of the Transkei Penal Code, 1983 (act 9 of 1983)	978-0-621-50203-9	March 2022	31 July 2022
157	100B	Review of the Maintenance Act 99 of 1998	978-0-621-50365-4	May 2022	30 June 2022
158	135	The Review of the Witchcraft Suppression Act 3 OF 1957	978-0-621-50404-0	June 2022	31 October 2022

Reports

Although all the reports below were published in March 2022, the SALRC continues to provide after sale services that are reported and discussed in Chapter 2.

Pr No	Project Names	ISBN	Publication date
107	Sexual offences (Child pornography)	978-0-621-49625-3	March 2022
125	Prescription periods	978-0-621-49078-7	March 2022
138	The practice of ukuthwala	978-0-621-46355-2	March 2022
142	Legal Fees	978-0-621-50196-4	March 2022

ANNEXURE B

CURRENT ADVISORY COMMITTEES AND MEMBERS

Project	Members	Organisation
Project 94 Alternate Dispute Resolution	Judge President Dunstan Mlambo (Chairperson)	Judge President, Gauteng Division of the High Court of South Africa
	Prof Wesahl Domingo (Project leader) since June 2022	Executive Dean of the Law Faculty, University of Johannesburg
	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	Members	Organisation
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	Mr I Lawrence (project leader	SALRC Commissioner
	Professor Lea Mwambene	University of the Western Cape
	Professor Anthony Diala	University of the Western Cape
	Professor Waheeda Amien	University of Cape Town
	Professor Helen Kruuse (Chairperson)	Rhodes University
	Prof E Bonthuys	University of the Witwatersrand
Project 100 Review of the Maintenance Act	Prof M de Jong (Project Leader)	University of Limpopo
	Mr I Lawrence	Commissioner: SALRC
	Ms S Erasmus	NPA- KZN
	Ms L Mbatha	National Movement for Rural Women
	Mr D Thulare	Chief Magistrate, Cape Town
	Adv T Magano	Advocate of the High Court
Project 100 Domestic Violence: the criminal response	Adv HM (Retha) Meintjes, SC (Project Leader) Prof Wesahl Domingo (Project Leader)	SALRC SALRC

Project	Members	Organisation
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
	Dr 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 Robbertse	State Law Adviser, DoJ&CD
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, SC	Johannesburg Bar Association
	Adv H Ngomane	Johannesburg Bar Association
	Adv S Poswa-Lerotholi, SC	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	Members	Organisation
Project 135 Review of the Witchcraft Suppression Act	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
	Judge J Kollapen	Judge of the North Gauteng High Court
Project 141 Medico-legal Claims	Prof Karthy Govender (Project leader)	SALRC
	Dr David Bass	Former head of the Medico-legal Unit, Department of Health, Western Cape Province.
	Prof Ames Dhai	Visiting Professor – School of Clinical Medicine, Faculty of Health Sciences, University of the Witwatersrand.
	Ms Trudy Kaseke	Attorney and former nurse who had worked in both capacities in the public and private health sectors.
Project 142 Investigation into legal fees, including Access to Justice and Other Interventions	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	Members	Organisation
Project 143 Maternity and Parental Benefits for Self-Employed Workers in the Informal Economy	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
	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

Project	Members	Organisation
Project 144 Enacting a Single Marriage Statute including measures against sham marriages	Chairperson: Professor Ronald Thandabantu Nhlapo (21 April 2018 to Aug 2020) Chairperson: Prof Christa Rautenbach (since Sept 2020)	Emeritus Professor of law and former Senior Deputy Vice-Chancellor, University of Cape Town Law Faculty, North West University
	Project leader: Prof Marita Carnelley (2015 until Aug 2018); Project leader: Prof Wesahl Domingo (since Nov 2018)	Law Faculty, North West University Until 28 Feb 2021 Dean, Law School, University of the Witwatersrand and since 1 March 2021, Executive Dean, Faculty of Law, University of Johannesburg
	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	Members	Organisation
Project 145 Investigation into a Model to Enforce Decisions of Minmec for Social Development	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
	Adv Tshepo Sibeko SC (Commissioner assigned to the project)	SALRC
Project 146 Review of Regulatory, Compliance and Reporting Burden Imposed on Local Government by Legislation	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 Nicolas Christiaan Steytler	Community Law Centre/Dullar Omar Institute, University of the Western Cape
	Advocate Anthea Platt SC (resigned 2022)	SALRC
Project 147: Review of the laws regulating Funeral Parlours, Crematoria, Cemeteries and Related Services Industry	Mrs Hlaleleni Kathleen Matolo-Dlepu	Molefe Dlepu Inc
	Professor David Warren Freedman	Faculty of Law, University of KwaZulu-Natal
	Professor Tanya Ann Woker	Faculty of Law, University of KwaZulu-Natal
	Advocate Thembelihle Sibusiso Sidaki	Member of the Cape Bar
	Ms Thembela Nqini	Rooth and Wessels Inc
	Adv HJ De Waal, SC	SALRC

Project	Members	Organisation
Project 148: Domestication of the United Nations Convention on the Rights of Persons with Disabilities	Adv HM (Retha) Meintjes, SC (resigned in December 2022)	SALRC
	Mr AK Dube (Chairperson)	CEO - Africa Disability Alliance
	Prof C Ngwena	Centre for Human Rights – University of Pretoria
	Dr I Grobbelaar – Du Plessis	Senior Lecturer – Department of Public Law - University of Pretoria Faculty of Law
	Ms C Fransolet	Member & Founder – UN Inclusive Design Company
	Ms P Strassheim	Managing Consultant – DLM Advisors & Consultants – Johannesburg
	Mr B Palime	Department of Women, Youth and Persons with Disabilities
Project 149: Review of Colonial and Apartheid Era Legislation	Prof Shannon Hoctor	University of KwaZulu-Natal
	Adv Ishmael Semenya, SC	Pitje Chambers

Legal Essay Writing Competition Awards

Legal Essay Writing Competition Awards

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