ANNUAL REPORT 2024

South African Law Reform Commission

TO: MS THEMBISILE SIMELANE, 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 2023 to 31 March 2024.

Yours sincerely

Justice Chris Jafta
Chairperson of the South African Law Reform Commission

SALRC Commissioners (2024-2029 term)

Justice Chris Jafta (Retired)
Chairperson

Professor Wesahl Domingo
Deputy-Chairperson

Dr Nazreen Shaik-Peremanov
Member of the Commission

Adv. Sejako Senatle , SC
Member of the Commission

Dr Keneilwe Martha Radebe
Member of the Commission

Prof Karthigasen Govender
Member of the Commission

Professor Debbie Collier
Member of the Commission

Advocate Jacob Buti Skosana
Member of the Commission

Professor Tshepo Mongalo
Member of the Commission

INTRODUCING THE SALRC - PROFILES

The President of the Republic of South Africa appointed the South African Law Reform Commission (SALRC) to serve a 5-year term on 11 January 2024. The Commission is composed of nine members who have extensive legal experience in practice and academia.

JUSTICE CHRIS JAFTA (RETIRED)

Justice Jafta obtained his BJuris and LLB degrees from the University of Transkei (now Walter Sisulu University) in 1983 and 1987. Justice Jafta started his career as a court interpreter in 1983. He was appointed as a prosecutor of District Court at the beginning of 1984 until December 1985 when his authority to prosecute was withdrawn by the Attorney-General at the instance of the Security Police. He was demoted to the position of an Administrative Clerk. This occurred after he had rejected instructions from the Security Police on how he should conduct prosecutions in some cases and had declined to prosecute people who were arrested for walking in the streets at night in contravention of emergency regulations which were in operation then. He was briefly detained and subjected to an intense interrogation by the Security Police.

In July 1986, he was appointed as a Magistrate. In February 1988, he resigned and joined Mbuqe and Mbuqe, a firm of attorneys, as a candidate attorney. He joined the University of Transkei as a lecturer in August 1988 where he taught Commercial Law and Constitutional Law.

In 1992, he did pupillage at the Johannesburg Bar. Justice Jafta commenced practice in Mthatha in January 1993. His practice focused mainly on Labour and Constitutional matters. In 1997, Justice Jafta was appointed Acting Judge of the High Court (Transkei Division) for four months. In January 1999, he became Acting Judge of the same division until November when he was appointed permanently. In June 2001, Justice Jafta became the Acting Judge President of the Transkei Division until June 2003. In 2003, he was appointed Acting Judge of Appeal at the Labour Appeal Court until June 2004. From June to October 2004, he was Acting Judge of Appeal at the Supreme Court of Appeal in Bloemfontein. In November 2004, he was appointed Judge of Appeal at the same court. In December 2007, Justice Jafta was appointed Acting Justice at the Constitutional Court until May 2008 and later served as a Justice of the Constitutional Court from October 2009 until his retirement in October 2021.

The Chairperson is the Project leader for the Review of the Interpretation Act (Project 139) investigation.

PROFESSOR WESAHL DOMINGO

Professor (Prof) Domingo is the former Executive Dean at the Faculty of Law at the University of Johannesburg (March 2021 – August 2024). She was the Head of the School of Law, University of Witwatersrand where she was an Associate Professor of Law at the same institution and taught for over 16 years. She has taught a variety of subjects, which include Persons and Family Law, Law of Succession, Constitutional Law, Gender and the Law, International Law Jurisprudence and Islamic Law. She holds an LLM from Columbia University and a Doctor of Juridical Science degree from the University of Wisconsin-Madison.

Prof Domingo is serving a second term and currently serves as the Project leader for the Alternative Dispute Resolution: Contact and Care with Children (Project 100A) investigation and Single Marriage Act including measures against sham marriages (Project 144).

DR NAZREEN SHAIK-PEREMANOV

Dr Shaik-Peremanov is an Advocate (Adv) of the High Court. She is a University of South Africa (UNISA) Supervisor: Doctoral Programme (Department of Public, Constitutional and International Law) and taught Public Law at the same institution. She is a former Monash University Head of School. She holds qualifications in BSocSc, LLB LLM (Natal, RSA) LLM (Notre Dame, USA) and a PhD (UNISA).

Dr Shaik-Peremanov teaches Corporate Law, Law of Contract and Law of Delict. She served as a board member of Nuclear Energy Corporation South Africa, the South African Institute of Professional Accountants and the South African Pharmacy Council.

She serves as a project leader for the Advisory Committee (AC) on the Domestication of the United Convention on the Rights of Persons with Disabilities (UNCPRD) and Domestic Violence: The Criminal Law Response.

DR SEJAKO SENATLE SC

Dr Senatle started working as a farm worker and underground mine labourer before joining the public service as a general clerk and court interpreter in 1982. He worked as a public prosecutor in the Magistrate Court and later in the High Court. As a practitioner, he has a general litigation practice focusing on Constitutional Law, Administrative Law, Civil Law and Commercial Law.

He holds a B Juris (University of Bophuthatswana), LLB (University of North West), LLM (Natal University) and LLD (Potchefstroom University). His research topic was, *Indegency and Access to Justice in a Constitutional Dispensation*. He has received training in Constitutional and Clinical Law; International Trial Advocacy (Keble College, London); Advanced Commercial Arbitration; and Medication and is an accredited arbitrator and mediator.

Apart from his practice, Dr Senatle chaired the National Tax Board, Built Environment Appeal Tribunal, National Home Builders Disciplinary Council, Property Evaluation Appeal Board, Rental Housing Tribunal; and Township Appeal Board. Dr Senatle also chaired Senatle Commission and was evidence leader in the Khumalo and Maithufi Commissions. He was a member of the Judicial Service Commission for Lower Courts, Audit Committee, National Transport Appeal Board and Sol Plaatjie University Council. He was also appointed a Senior Military Court Judge. Dr Senatle's other appointments include as a Law Lecturer (Technikon Southern Africa), High Court Reporter for the South African Law Reports, Juta; and Deputy Chair, North West Bar Council. Dr Senatle has published articles in reputable law journals, and read papers locally and internationally.

In 2014, the State President awarded Dr Senatle a *silk* status, for extraordinary and distinguished achievements in the legal profession. In 2017, the North West University bestowed him a prestigious *Alumni of Excellence* for personal and career achievements, as well as adherence to the highest ethical standard in the public service. He is an activist for transforming court litigation to consensual, expeditious and cheaper access to justice. This has been demonstrated in his doctoral thesis; and his professional development in alternative dispute resolution. Dr Senatle, a commercial farmer and a philanthropist.

He is the project leader for the Review of Witchcraft Legislation (Project 135).

PROFESSOR DEBBIE COLLIER

Prof Debbie Collier is professor in the Mercantile and Labour Law Department and director of the Centre for Transformative Regulation of Work, University of the Western Cape. Although her focus in research and teaching is predominantly labour and employment law related, she has a broad range of legal interests and expertise in the fields of mercantile and labour law, social justice, and human rights, with an academic career spanning over two decades.

Prof Collier has authored and co-authored numerous journal articles, book chapters, and technical reports, and is co-editor of *Labour Law in South Africa: Context and Principles* (2018). She has previous law reform experience in South Africa and the SADC region, and her involvement in this regard includes:

- Member of the research team in an International Labour Organisation/South African LO/ SADC project team that drafted a SADC Model Framework for Labour Dispute Resolution Systems (2023); and the SADC Model Framework for National Social Dialogue Institutions (2021).
- National Minimum Wage Advisory Panel member (2016-2017).
- SALRC AC member and researcher on Project 126 Review of the Law of Evidence, 'Discussion Paper 131 on the review of the law of evidence' (2014).
- Consultant to the ILO on Labour Law reform and related developments in Lesotho (2014-2019); Botswana (2019 - 2022); and on the National Minimum Wage (Namibia, 2018); and developments in the regulation of work in the tobacco industry in Malawi (2022 – 2023).
- AC of the SALRC Project 25 appointed to review legislation administered by the Department of Agriculture (2007).

Prof Collier is the project leader for the Alternative Dispute Resolution (Project 94) investigation.

PROFESSOR KARTHIGASEN (KARTHY) GOVENDER

Prof Govender holds law degrees from England, (LLB - London), from South Africa (LLB – Natal - Summa Cum Laude), and from the USA (LLM Michigan). He is a barrister of the Middle Temple (England) and an advocate of the High Court of South Africa. Prof Govender

won a Fulbright Scholarship to the University of Michigan and was also the recipient of the Colenso fellowship to St. John's College, Cambridge. He has published in the fields of Constitutional and Administrative law and has presented papers and lectured on six continents. He has been a visiting professor at the School of Law at the University of Michigan on some 20 occasions.

Prof Govender was a professor of law at the University of KwaZulu-Natal (UKZN) for more than 20 years. He currently lectures on an ad hoc basis and is a senior research associate at UKZN.

He was appointed to the South African Human Rights Commission by President Mandela in 1995 and re-appointed for a second term in 2002 by President Mbeki. He was the Chairperson of the Film and Publication Appeal Tribunal for 12 years. In addition, he has acted as a judge of the High Court on a number of occasions.

He currently serves on the adjudicatory panel of the Press Council of South Africa and is a senior arbitrator with the South African Local Government Bargaining Council. Prof Govender was appointed in 2019 by President Ramaphosa to serve as a commissioner of the South African Law Reform Commission and was reappointed for a second term in 2024. In 2023, he was appointed by Chief Justice Zondo to the Chief Justice's Committee on Judicial Governance and Administration.

Prof Govender is serving a second term and is the project leader for Medico legal claims (Project 141).

DR MARTHA KENEILWE RADEBE

Dr Martha Keneilwe Radebe is an academic and admitted attorney of the High Court with 13 years lecturing experience at the University of Pretoria. Her teaching and research areas are Constitutional Law, Media Law, and African Customary Law. Her research and publications have focused on the following key issues:

- Judicial transformation in the appointment of judges,
- The conclusion of customary marriages as per the Recognition of Customary Marriages Act,
- The recognition of indigenous languages in the teaching of African Customary Law,

- The Promotion of Gender and recognition of African culture in academia and legal practice,
- The role of Ubuntu in teaching and learning,
- Media censorship challenges in a democracy.

Prior to working as an academic, Dr Radebe served her articles of clerkship at a Law firm in Pretoria and worked for the North West High Court (Mahikeng, Mmabatho) as a Law Researcher.

Dr Radebe has served in various committees (Post graduate, Research and The Selection and Appointments Committees) at the University of Pretoria. Her teaching and research methods promotes diversity and African customary law practices and the Constitution.

Her experience is thus both academic and legal practice focused and promotes the incorporation of human and social sciences in the teaching of law. Her teaching and research is impact driven and focuses on identifying key challenges in the law and making feasible recommendations in the interpretation and application of the law.

Dr Radebe is a member of the AC on the Review of Colonial and Apartheid Legislation (Project 149).

ADVOCATE JACOB BUTI (JB) SKOSANA

Adv JB Skosana has been re-appointed as member of the Commission after serving as a full-member of the Commission for the period February 2022 to October 2023. Prior to his appointment to the Commission in February 2022, he served in various positions within the Department of Justice and Constitutional Development (DOJ&CD) including as a public prosecutor, Magistrate, Deputy Director-General responsible for Court Administration and head of Policy in the Department. He also served as Acting Director-General of the DOJ&CD during the period October 2019 to July 2020. He is enrolled as a practising advocate under the Legal Practice Act 28 of 2014 and also serves as Arbitrator and Mediator Practitioner focusing largely on land matters.

Adv Skosana serves on the AC on the Review of the Criminal Justice System and is the project leader for the AC on the Review of the laws regulating Funeral Parlours, Crematoria, Cemeteries and Related Services Industry (Project 147).

PROFESSOR TSHEPO HERBERT MONGALO

Prof Mongalo is an Associate Professor of Law at Wits University School of Law and a sessional lecturer in Business Law at Wits Business School. Prof Mongalo holds BProc (University of Natal), LLB (University of Natal, LLM (University of Cambridge), PhD (University of Cape Town) with 23 years' experience in teaching Corporate and Commercial law. He has published extensively in Corporate and Commercial law and has law reform experience.

He is the project leader for the Review if Aspects of Matrimonial Property Law (Project 100C).

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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The Secretary	Spooral Park Building	**Fax:** (012) 622 6362
South African Law	2007 Lenchen Avenue	**E-mail:** Reform@justice.gov.za
Reform Commission	South	**Internet:** https://www.justice.gov.za/salrc/
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0001		
Republic of South Africa		

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LIST OF ABBREVIATIONS

AC	Advisory Committee
ADR	Alternate Dispute Resolution
ADV	Advocate
ALRAESA	Association of Law Reform Agencies of Eastern and Southern Africa
APP	Annual Performance Plan
CEO	Chief Executive Officer
CPA	Criminal Procedure Act
DHA	Department of Home Affairs
DOJ&CD	Department of Justice and Constitutional Development
EXCO	Executive Committee
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
SADC	Southern African Development Community
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 Establishment of the Commission

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

B 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.

C 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.

D 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.

E 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 not more than four members of the Commission (section 7A(1)(a) of the SALRC Act). This Committee is serves as the Executive Committee (EXCO) of the Commission.

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.

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 AC appointed by the Minister (section 7A (1) (b) (ii)), or any other person who is neither a Commissioner nor a member of an AC (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 AC.

F 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 together with the Commission itself are 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 is the Assistant Secretary (Director level).

G Research component

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 research component of the Secretariat consists of 18 state law advisers in the approved organogram. Due to resignations, retirement and National Treasury cost-containments that only allows the filling of critical posts, the research component has 11 researchers.

The State Law Advisers are appointed at State Law Adviser, Senior State Law Adviser and Specialist State Law Advisers, with the latter two performing supervisory and some management functions. 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.

The SALRC Research component is composed of the following state law advisers:

Ms Veruksha Bhana	State Law Adviser
Dr Dellene Clark	Principal State Law Adviser
Mr Simon Maphanga	State Law Adviser
Mr Fanyana Mdumbe	Principal State Law Adviser
Mr Linda Mngoma	Senior State Law Adviser (as of 01 December 2023)
Ms Aura Mngqibisa	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, the following changes occurred in the Research component of the SALRC:

- Ms Theresa Haderli resigned on 01 March 2024
- Ms Maureen Geraldine Moloi retired on 01 October 2023
- Ms Joleen Richter was appointed as Senior State Law Adviser effective from 02 January 2024
- Mr Linda Mngoma was appointed as Senior State Law Adviser (previously State Law Advisor) effective from 01 November 2023

H Administrative component

The Administrative component of the Secretariat is responsible for the provision of Administrative and Secretariat services to the Commission. These include library, project management, finance, human resources, and procurement services with some of these being centralised at the DOJ&CD.

The Assistant Secretary is responsible for managing the Administrative component of the SALRC with the support of the following Administrative staff:

Ms Johanna Msiza	Assistant Director
Mr Rivoningo Ndhambi	Copy Editor
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 Reitumetse (Tumi) Mofoka	Administration Clerk

Mr Koos Mahlangu	Machine Operator
Mr Mpolokeng Ledwaba	Food Service Aid
Mr Gift Mpho Sambo	Messenger

The following cross transfers occurred in the Administrative component of the SALRC in terms of the provisions of section 14(2) of the Public Service Act:

- Mr Jabulani Chauke was transferred from the SALRC to National office (Finance) effective from 02 January 2024 while Ms Dipuo Nkosi from National Office (Finance) moved to the the SALRC effective from 02 January 2024.
- Ms Nomfundo Mhambi (Administrative) was seconded to the Legislative Development and Implementation Chief Directorate with effect from 01 September 2023 for a period of two years.

I 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 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 May 2023. The SALRC UNISA special library membership was also renewed in May 2023. On 17 November 2023, the Committee recommended the acquisition of publications for the library.

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: Ma A Makhwanya 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.	Members of the Committee attended a Safety, Health, Environment and Risk Policy & Procedures information session.

J Financing of the SALRC

The SALRC's budget for the financial year commencing 1 April 2023 to 31 March 2024 was R39 319 000, broken down as follows:

- Personnel expenditure R31 132 000.00
- Current expenditure R7 694 000.00
- Capital expenditure R388 000.00
- Household R105 000.00

K Research Programme

It is the responsibility of the Commission from time to time, to draw up a programme of investigations, which is subject to the Minister's approval. The SALRC also receives proposals for law reform from any person or body. 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.

L Working Methodology

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, AC (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.

M Commission papers and Working Committee papers

Commission papers and committee papers are internal documents that are not ordinarily made accessible outside Commissioners. 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.

N 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 2023/24 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, clarify its aim and scope, and 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

The purpose of a consultation paper is 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 consumption.

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.

O Various meetings of the Commission

1 Meetings of the Commission

During the performance period, the Commission met three 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 that count towards the achievement of targets.

There was no meeting was held during quarter (October - December 2023) as there was no Commission during this period. The hybrid meetings were held on the following dates:

- 24 June 2023
- 30 September 2023
- 24 February 2024

2 Meetings of the Working Committee

The WC met three times in the last two quarters of the period under review. The meetings took place on 26 May, 28 July and 17 August 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 and noting at each meeting of the Commission. The WC does not consider and/or approve any of the submissions of papers.

3 Meetings of Advisory Committees

A number of meetings were held in person and virtually with members of the various advisory committees appointed in respect of the SALRC's research programme. The meetings were as follows:

PROJECT NAME	MEETING DATE	NUMBER OF THE ATTENDEES
Alternative Dispute Resolution: Generic Mediation Act	23 April 2023	4
Alternative Dispute Resolution: Generic Mediation Act	22 August 2023	4
Alternative Dispute Resolution: Generic Mediation Act	23 November 2023	5
Domestication of the UNCRPD	27 September 2023	4
Domestication of the UNCRPD	27 October 2023	4
Domestication of the UNCRPD	14 November 2023	4
Domestication of the UNCRPD	2-3 March 2024	3
Care and Contact with Children: Alternative Dispute Resolution in Family Matters	12 February 2024	5
Review of Aspects of Matrimonial Property	22 May 2024	7
Review of Colonial and Apartheid Era Legislation	24 August 2023	3
Criminal Procedure Reform Project – Review of Bail Dispensation	23 January 2024	4
Criminal Procedure Reform Project – Pre-trial Conference	22 January 2024	6
Project 141: Medico-Legal Claims	14 August 2023	5

CHAPTER 2: 2023/4 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 of South Africa in June 2013. The term of the Commission will ended in the third quarter of the 2023/24 financial year on 04 October 2023. The new Commission has since adopted the research programme.

One part of the annual report focuses on the performance – the activities that were undertaken from 01 April 2023 until 31 March 2024. 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, the 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 (Until 31 May 2023)	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	Dr Dellene Clark
100D	Relocation with reference to minor children	Prof Wesahl Domingo	Ms Aura Mngqibisa
100E	Review of Aspects of Matrimonial Property Law	Prof Tshepo Mongalo/ Prof Helen Kruuse	Ms Joleen Richter
100B	Review of the law of	Mr Irvin Lawrence/ Prof	Ms Maite Modiba

	Maintenance	de Jong	
100F	Domestic violence: the criminal response	Prof Wesahl Domingo/ Adv Retha Meintjes SC (until December 2022)	Dr 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	Adv Sejako Joseph Senatle SC	Mr Linda Mngoma
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	Prof 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	Prof Mpfariseni Budeli-Nemakonde	Mr Linda Mngoma
144	Single Marriage Statute including measures against sham marriages	Prof Wesahl Domingo / Prof Christa Rautenbach	Mr Pierre van Wyk
145	Investigation into a Model to Enforce Decisions of Minmec for Social Development	Adv Tshepo Sibeko SC (Until September 2023)	Mr Fanyana Mdumbe
146	Review of Regulatory, Compliance and Reporting Burden Imposed on Local Government by Legislation	Adv Tshepo Sibeko SC (Until September 2023)/ Prof 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) (until December 2022)/ Adv Johan De Waal (SC)	Ms T Prinsloo
149	Review of Colonial and Apartheid Legislation (Laws Administered by the DOJ&CD Impacting on Expressive Rights)	Adv Ishmael Semenya SC/ Prof Shannon Hoctor/ Dr Keneilwe Radebe	Mr Fanyana Mdumbe
150	Review of the Civil Justice System	No AC appointed by the Minister yet	Mr Linda Mngoma
151	Criminal Procedure Reform Project (Review of the Criminal Procedure Act. 1977)	Judge MF Legodi/ Adv JB Skosana	Mr Fanyana Mdumbe Ms Lowesa Roberts Ms Aura Mqqibisa
152	Criminal Liability of Healthcare Professionals	Prof Karthigasen Govender	Ronel van Zyl

1 Project 94: Alternative Dispute Resolution (ADR): Generic Mediation Act

An AC meeting was held on 23 April 2023 to plan the activities of the committee to revive the investigation, which was practically dormant after the retirement of the previous researcher allocated to the project. The AC met on 22 August 2023 to consider a first draft of the discussion paper on a generic mediation legal framework. A further draft was considered at the AC meeting that took place on 23 November 2023. The last AC meeting of this performance cycle was held on 12 February 2024 to consider an augmented discussion paper. Work continued on the discussion paper until 31 March 2024 and will continue in 2024.

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

The object of the Project 100A (formerly Project 100D) investigation is to develop an integrated approach to the implementation of family law in South Africa with specific reference to disputes relating to care and contact with minor children after a relationship breakdown. The investigation focuses on the broader issues of process including the role of

alternative dispute resolution in family law disputes. The interests of all children, including children from customary and religious marriages and children living in rural areas are being considered.

This investigation was held in abeyance subject to the publication of the Project 100F Discussion Paper on Domestic Violence: the Criminal Law Response and the public participation process on the proposals contained in the discussion paper which were conducted in September 2023. Work resumed on Project 100A from December 2023 and an AC meeting was held on 12 February 2024 to discuss the collated comments received from stakeholders during the workshops on the Discussion Paper 148 on Alternative Dispute Resolution in Family Matters and the framework of the draft Bill. A draft report is being developed.

3 Project 149: Review of Colonial and Apartheid Legislation

In October 2023, the Commission published an issue paper (Issue Paper 43) containing the Commission's preliminary findings and views on whether pre-democratic era laws falling within the mandate of the DOJ&CD are compatible expressive rights in the Constitution.

This initial review suggested that a handful of these laws, including the so-called "Sunday Observance Laws"; Commissions Act of 1947; the Riotous Assemblies Act of 1956; Prohibition of Disguises Act of 1969, were at variance with the Constitution; incompatible with social, economic and constitutional developments; deficient is some or other way; or had become spent, obsolete or redundant. For example, the Sunday Observance Laws, including the Prohibition of Exhibition of Films on Sundays and Public Holidays Act of 1977, restrict economic, public entertainment and other activities on Sundays and thus compels the observance of Christian Sabbath. The Commission's Act is silent on the exercise of power to appoint a commission of inquiry by a premier of a province and seems to criminalise predictions of outcomes of commissions of inquiry.

In accordance with its policy to consult widely and to involve the public in law reform process, the Commission published the aforesaid issue paper for general information and comments. The closing date for comments was 15 January 2024.

The Commission received detailed and invaluable comments, particularly from the DOJ&CD and Cape Bar Council, which endorsed the Commission tentative findings and proposals.

4 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.
> (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.

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[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.

On 18 August 2023, the Minister approved the inclusion of Project 150: Review of the Civil Justice System in the Commission's research programme. At its meeting held on 24 February 2024, the Commission took a decision to suspend the investigation due to lack of capacity to undertake the project. This decision meant that no AC for the project could be appointed until such time that vacant positions in the establishment of the Secretariat of the Commission are filled.

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

The report has been finalised pending sign off by the Commission for forwarding to the Minister.

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

The Commission considered the draft discussion paper and approved it for publication on 24 June 2023. On 16 August 2023, Discussion Paper 160 and a media statement were published for general information and comment on the SALRC website. By mid-September 2023, the SALRC had received numerous requests to extend the deadline for comments for Discussion Paper 160. The initial closing date for comments was 30 September 2023, however, it was extended to 30 November 2023.

On 7 and 8 September 2023, the researcher and the AC attended the Family Law Colloquium 2023 at the University of Johannesburg. One session was dedicated to Discussion Paper 160. On 17 November 2023, the LSSA and the AC held a Webinar where Discussion Paper 160 was explained to participants.

The AC held workshops in December 2023 as follows:

- On 4 December 2023: Review of Aspects of Matrimonial Property Law: Project 100E with a particular focus on Religious Marriages
- On 6 December 2023 Review of Aspects of Matrimonial Property Law: Project 100E with a particular focus on Customary Marriages
- On 7 December 2023 Review of Aspects of Matrimonial Property Law: Project 100E General Aspects

At these workshops, the chairperson announced that the committee is still accepting written comments until the end of January 2024. Following the retirement of Ms Maureen Moloi in September 2023, Ms Joleen Ritcher took over the investigation upon her appointment in January 2024. As at the end of March 2024, the researcher focused on the collation of comments received towards the drafting of a report which will continue into the 2024/5 performance period.

7 Project 100F: Domestic Violence: the Criminal Law Response

This investigation is framed against the background of significant changes to the legislative framework dealing with gender-based violence (GBV). The purpose of which is to among others, extend additional protection to vulnerable groups, improve the pathway of services to victims of GBV; prevent secondary victimisation, address legislative gaps and remove implementation barriers. Law reform was identified as one of the vehicles through which clear and effective steps could be taken to address the seemingly endemic nature of gender-based violence and femicide (GBVF) in South Africa.

The need for a specific crime of domestic violence is being investigated against the backdrop of the recommendation contained in the 2017 Report of the High Level Panel on the Assessment of Key Legislation and The Acceleration of Fundamental Change, and the finding in 2021 by the United Nations Committee on the Elimination of Discrimination against Women that South Africa was guilty of a systematic violation of rights under the Convention on the Elimination of Discrimination against Women (CEDAW) for knowingly omitting to, among other omissions, specifically criminalise domestic violence and femicide and implement ex officio prosecutions. A discussion paper was approved by the Commission at its meeting held on 24 June 2023. Following the publication of the discussion paper on 4 August 2023, a national in-person workshop was held on 5 September 2023 followed by a virtual workshop on 6 September 2023 Subsequent to the collation of the comments received on the discussion paper, the focus of the researcher will shift to the Project 100A investigation of Care and Contact with children.

8 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. The Commission approved the recommendations made in the proposal paper,

namely to include the investigation in the SALRC programme under Project 100 in October 2011.

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.

The researcher, Mr Mngoma attended the Maintenance Working Session organised by the DOJ&CD held in Bloemfontein on 8-9 June 2023. The draft report was considered by the Commission at its meeting held on 30 September 2023 and approved for publication. The Commission's final report was approved by the Minister on 4 March 2023. The report was published for general information on 26 March 2024.

9 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 between and a workshop on the proposed bill in the 2022/23 performance period. Mr Mngoma took over this investigation on 1 October 2023 and has developed a draft report which incorporated all comments received to Discussion Paper 158; analysing public responses to the questionnaires and conducting further research to update the information contained in the discussion paper.

10 Project 139 – Review of the Interpretation Act

We reported in previous annual reports that the evaluation by the DOJ&CD of the Commission's recommendations made in our draft report was receiving the attention of the DOJ&CD. The evaluation of the Commission's recommendations was not submitted to the Minister by 31 March 2024. It is envisaged that the evaluation of the draft report will be submitted to the Ministry for its consideration in the 2024 – 2025 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.

11 Project 141: Medico-Legal Claims

Project 141: Medico-Legal Claims was included in the SALRC's research programme pursuant to requests from the National Department of Health and the Minister of Justice and Correctional Services to the SALRC to conduct an investigation into medico-legal claims, especially claims against the State. No legislation currently exists in South Africa to specifically address legal claims in the medical field, which means that claims based on medical negligence are dealt with under the common law. The investigation into medico-legal claims has identified the need for law reform in this area of the law.

Excessive medico-legal litigation against the State is impacting on the constitutional right of access to health care services, especially in relation to vulnerable groups (women, children, persons with disabilities, low income groups, rural households and older persons) who utilise public health care services. The huge outflow of money from provincial departments of health to pay for medico-legal claims, mostly medical negligence claims, is severely affecting the quality of public health care services and the budget available for public health care service delivery.

The Commission approved the Report on Medico-Legal Claims at the Commission meeting of 30 September 2023 subject to amendments. The initial impact assessment to comply with the Socio-Economic Impact Assessment System (SEIAS) was submitted to the SEIAS Desk in the Office of the President on 31 March 2024.

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

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. The report was approved by the Minister on 16 May 2023. Copies of the report were forwarded to the Ministers of Employment and Labour and Social Development respectively for their information.

The report was published for general information on 13 September 2023. Interviews on the report were conducted by Mr Mngoma on both television and radio with Power FM; Radio 2000; Umhlobo Wenene and SAFM and by Dr Janine Hicks on eNCA during October and November 2023.

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

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.

14 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. Focus was on the finalisation of the draft discussion paper and Bill during the performance period.
The membership of the AC changed with the resignation of Prof Ngwena and the addition of Justice D Pillay. Dr Nazreen Shaik-Peremanov was appointed as a project leader in February 2024.

15 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.

The Minister of Justice and Correctional Services appointed the AC for the Review of the Criminal Justice System in November 2023. Of the nine members that were appointed, only eight members took office after one resignation upon appointment. A media statement was released by the Department and the SALRC announcing the appointment on 13 December 2023. They are:

- Judge F Legodi (Chairperson)
- Prof Nina Mollema

- Prof Lukas Muntingh
- Prof Tina Lorizzo
- Dr Mabona Mokoena
- Ms Colette Ashton
- Mr John Baloyi
- Ms Matshego Ramagaga

The AC's appointment and resumption of its duties took place during the period when there was no Commission in place. This was after the expiry of the 5-year term of the then Commission on 04 October 2023 until the appointment of the current Commission on 11 January 2024.

During the performance period, the AC was inducted and an updated project plan was developed including the hosting of a national conference during the 4th quarter of the year being one of the milestones. Several meetings of the AC were held between December 2023 and February 2024 to deliberate and consider various thematic area focusing on the pre-trial stage.

A draft discussion paper on the Review of the CPA and ADR in Criminal Matters were tabled before the Commission on February 2024 to seek approval for its preliminary findings and recommendations dealing with arrest, bail, and non-trial resolutions for release in the public domain for the national conference. The conference was held on 27-29 February 2024 and attracted delegates from local and international stakeholders representing civil society, local, provincial and national government, academia, legal profession, international and local crime fighting agencies and the British High Commission in South Africa. Expert presentations were given by Google South Africa, African Union, Integrated Justice System, and the Institute of Security Studies. The keynote address was given by the Deputy President, Mr Paul Mashatile with DOJ&CD Minister Ronald Lamola opening the conference. Other Ministers from the JCPS cluster who were in attendance and gave a report were Minister Bheki Cele and National Police Commissioner, Mr Warren Masemola.

Several submissions were received from members of the public and project partners (National Prosecuting Authority, South African Police Service, Legal Aid South Africa, Integrated Justice System).

16 Project 152: Criminal Liability of Healthcare Professionals

The SALRC received a letter dated 28 October 2022 from a coalition of nine health-care bodies requesting 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 coalition consists of the Medical Protection Society (MPS); Association of Surgeons of South Africa (ASSA); Federation of South African Surgeons (FoSAS); Radiological Society of South Africa (RSSA); South African Medical Association (SAMA); South African Medico-Legal Association (SAMLA); South African Private Practitioners Forum (SAPPF); South African Society of Anaesthesiologists (SASA); and the South African Society of Obstetricians and Gynaecologists (SASOG). The coalition was later joined in their request by EthiQal, an insurance company providing medical risk protection.

A proposal paper setting out the merits of the request against the SALRC selection criteria served at the Commission meeting of 25 March 2023 for consideration. The Commission resolved to support the request for a new investigation into criminal liability of healthcare professionals with a view to the possible expansion of the investigation to other dangerous professions, depending on the comments received on the issue paper to be published as the first step in the investigation. The Commission further resolved to request the possible expansion of Project 141: Medico-Legal Claims, currently focusing on claims against the state, to claims against private healthcare professionals as a second leg of Project 141.

The Minister approved the inclusion of this investigation in the SALRC research programme on 27 June 2023. The investigation was included in the SALRC research programme as Project 152: Criminal Liability of Healthcare Professionals.

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, the 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 Visits by foreign delegations

(a) Visit by the Vietnam Delegation

The SALRC received a request from the Minister to host a visiting Vietnam delegation led by the H.E Mr Nguyen Khanh Ngoc, Vice Minister of Justice of the Socialist Republic of Vietnam. The delegation was in South Africa from 16-20 September 2023. The purpose of the visit was to strengthen the cooperation between the two Ministries and to exchange measures to strengthen cooperation in the legal and judicial fields.

The meeting on 20 September 2023 at the SALRC offices was attended by Adv Skosana, the Secretary, and the research team. The Vietnamese delegation was led by the

ambassador of Vietnam in South Africa, Mr Hoang Sy Lueng. H.E Mr Nguyen Khanh Ngoc, Vice Minister of Justice was accompanied by five officials from the Ministry of Justice.
Adv Skosana made a presentation that covered the SALRC processes and South African legislative development processes. Key issues of discussions were on whether the legislative process is centralised or not.

(b) Visit by Police Executives from Canada

The SALRC hosted a delegation of five police executive from Canada on 16 April 2023. The purpose of their visit in South Africa was to conduct research for a course sponsored by the Canadian Association of Chiefs of Police. Their study visit in South Africa included an engagement with the DOJ&CD on the interaction of the police and youth. The delegation composed of Superintendent Sean Gormlet, Superintendent Tracy Dobbin, Inspector Houston, Inspector Kelly Risebrough and Inspector Stephanie Carlisle.

The SALRC coordinated a joint meeting attended by DOJ&CD entities with representatives from the Gender Unit, Special Investigations Unit, the South African Police Directorate of Priority Crimes Investigations, and SALRC Commissioner Adv JB Skosana and officials.

Presentations gave examples of programmes within the various units represented on the contact and engagement with the youth by the police. The SALRC presented on two aspects, Adv Skosana presented on the implementation of the Child Justice Act and lessons learnt while Dr Dellene Clark presented findings from the Sexual Offences report.

(c) Chief Justice Pius Langa Legal Essay Writing Competition 2022 and 2023 Seasons

The SALRC Legal Essay Writing Competition was established in 1999 as the Ismail Mahomed Law Reform Essay Writing Competition, 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 with South Africa's priorities. The competition is open to all LLB and LLM students registered at a South African university.

The SALRC has partnered with Juta & Co who sponsor the prizes for the winners and runners-up for both the LLB and LLM categories. The awards ceremony took place on 29 September 2023 at the Southern Sun Hotel in Pretoria. The Deputy Minister, Mr John Jeffery delivered a keynote address and thanked the outgoing Commission for its work.

The winning essays were as follows:

LLB CATEGORY

- Njilo Innocent Khuselo (University of South Africa) - Critical examination of the discretion allowed with the appointment of the Chief Justice.
- Bonolo Seakamela (University of South Africa) - Setting qualification standard for the appointment of the Ministers.

LLM CATEGORY

- Tafadzwa Mavindidze (Rhodes University) – The inadequately married: Developing the reputative marriage doctrine to assist vulnerable parties in valid customary marriages.
- Fezekile Makeleni (University of Johannesburg) - The core rationale behind unlawful competition protection: defining the scope of trademark protection and advancing for a careful scrutiny of section 16 of the Constitution of the RSA, 1996.

The awards ceremony was attended by Commissioners, members of the Langa family, officials from the DOJ&CD, Juta and Co guests, SALRC staff, some competition entrants, and winners and their families.

The 21st edition of the competition was launched on the day with a closing date of 07 April 2024 (extended).

(d) National conference on the Integrated Criminal Justice System and the Review of the Criminal Procedure Act, 1977

The DOJ&CD, in conjunction with the SALRC hosted a three-day national conference with a focus on the review of the Integrated Criminal Justice System (ICJS) and the Criminal Procedure Act, 1977 (Act No.51 of 1977) (Project 151). The review of the Criminal Justice System (CJS) is a Justice, Crime Prevention and Security (JCPS) cluster driven initiative which is multi-faceted, multi-layered and involves a wide range of stakeholders and role-players across the JCPS cluster. As part of this evolution and government's efforts to deliver an effective and efficient CJS for all, in 2008 the Justice, Crime Prevention and Security (JCPS) 7-Point Plan was adopted by Cabinet as a package of measures to review and modernise the CJS to reflect a system that would enable alignment and efficient functioning

of all its parts through effective overall coordination, integration of cross-functional business processes, and the availability of robust and accurate business information at all levels of the CJS.

The conference was hosted on 27 February–29 February 2024 at Birchwood Conference Centre in Benoni, Gauteng. It was attended by delegates from the public sector; legal profession; judiciary; organized business; civil society, non-government and public interest organizations; academic and research institutions; chapter nine institutions; statutory bodies; law clinics and juristic entities providing access to justice services. The Deputy President, Mr Paul Mashatile delivered the keynote address while Minister RO Lamola opened the conference while closing remarks. Minister of Police, Mr Bheki Cele presented some of the challenges that the South African Police Service faces with provisions of the Criminal Procedure. National Commissioner of Police, Mr Fanie Masemola detailed provisions on bail and arrest that the SALRC should consider as part of the review.

The second day of the conference focused on the presentation of preliminary findings and recommendations on the Review of the Criminal Procedure Act followed by breakaway sessions. The SALRC was given detailed feedback which the AC took on board. At the end of March 2024, a draft conference report had been compiled for further input.

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 AC 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 AC 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 SALRC attendance of University of Limpopo Research Day

The Faculty of Law and Management at the University of Limpopo invited the SALRC to attend its 8th Annual Research Day which took place from 12-14 September 2023 at the Ranch Hotel in Polokwane. This is one of the ongoing engagements with the University to forge formal working relationships.

Ms Aifheli Makhwanya (Assistant Secretary) attended the research day on 12-13 September 2023. It was agreed that the SALRC would be invited in October 2023 to engage with law students.

The programme covered extensive research topics from governance, the Fourth Industrial Revolution, Small and Medium enterprises papers that students from Law, Commerce and

Management at honours, master and doctorate level presented and engaged with audiences. For the SALRC, it was encouraging that two of the papers engaged with previous and current SALRC investigations.

- M Mhlongo (Doctor of Laws) – Legalising Physician Assisted- Suicide in South Africa: The Path to realising The “Right To Die”
- Mukhithi M (Master of Laws)- A Critical Analysis of the Maternity Protection Afforded to Women in the Informal Economy

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.

(a) Project 141: Medico-Legal Claims

- Met with expert on trusts about lack of oversight and the abuse of trusts created for minors who are victims of medical negligence on 18 April 2023.
- Met with the Secretary of the Superior Courts and ADR Committees of the Rules Board about court rules relevant to medical negligence claims on 26 June 2023.
- Meeting on 6 July 2023 with an expert on delictual damages to discuss the proposals put forward in Discussion Paper 154 was held on 06 July 2023.
- Presented Project 141: Medico-Legal Claims as part of the Actuarial Society of South Africa Public Interest Webinar on 13 July 2023.
- Presented and consulted with Solicitor-General and heads of State Attorneys’ offices on 11 July 2023 at their Branch Management Committee meeting on the recommendations pertaining to state attorneys to be put forward in the final report on medico-legal claims.
- Held a meeting on 19 July 2023 with state attorneys from across the country dealing with medico-legal litigation against the State.
- Held a meeting on 20 July 2023 with officials from National Treasury about the financial and budgetary implications of the proposed draft legislation and the recommendations to be put forward in the final report on medico-legal claims.
- Attended Intergovernmental National Litigation Forum Conference hosted by the Solicitor-General with the theme “Coordinated approach to the Management of State Litigation” on 26 and 27 July 2023.

- Hosted SALRC workshop with National Treasury and the national and provincial Departments of Health on 7 August 2023 on the proposed draft legislation and recommendations to be put forward in the final report on medico-legal claims.
- Attended a workshop on Medico-Legal Claims hosted by the National Department of Health on 8 August 2023.
- Held a meeting on 15 August 2023 about their experience of dealing with medico-legal claims with medico-legal adviser from the Western Cape Department of Health and Wellness.
- Meeting on with financial forensic investigator from the Eastern Cape Province about abuse of trusts on 04 September 2023.
- Participated in the Eastern Cape Province medico-legal seminar on 10 and 11 October 2023.
- Met with research specialist from the Financial and Fiscal Commission on Project 141 and medico-legal litigation against the State on 08 February 2024.

(b) Project 152: Criminal Liability of Healthcare Professionals

The researcher engaged with the Medical Protection Society (MPS) about a request for a new investigation into culpable homicide in a healthcare setting and Chief Executive Officer (CEO) of the South African Private Practitioners Forum. Ms van Zyl attended the MPS roundtable discussion on culpable homicide and delivered a presentation on the SALRC criteria for new investigations. Other activities include:

- Engagement with Communications Officer from the SAPS about SAPS practices on media liaison with regard to arrests, specifically in relation to medical practitioners.
- Discussion with EthiQal about the SALRC criteria for new investigations in relation to culpable homicide in a healthcare setting.

(c) Project 100A: Care of and contact with children

- The researcher for the investigation attended the University of Johannesburg Family Law Colloquium on 7 and 8 September 2023.

(d) Project 100F: Domestic violence: The Criminal Law Response

The SALRC was represented by Dr Clark, the researcher for the project on the following:

- The NSP pillar 3 meetings held on 24 April 2023; 26 May 2023; 29 May 2023; 27 June 2023; 26 September 2023; 30 January 2024; and 29 February 2024.
- The Violence Prevention Forum (VPF) Driver Group on 04 April 2024 in preparation of the 16th VPF meeting of May 2023.
- Webinar on Explaining the substantive content of socio-economic rights: Should the Constitutional court change tack? Hosted by the Dullar Omar Institute and the University of the Western Cape on 24 April 2024.
- International Society for the Prevention of Child Abuse and Neglect Inter Cap Webinar Medical Child Abuse/ fabricated or induced illness to gain insight into domestic violence against children on 16 May 2023.
- Meeting with Dr Chandre Gould of the Institute of Security Studies regarding the development of a catalytic grant proposal aimed at violence prevention and improving services for survivors of domestic violence and sexual violence which took place on 12 May 2023.
- Webinar hosted by the Children's Institute at the University of Cape Town and Boston University on preventing violence against young children in low-and middle-income settings: a scoping review on 27 June 2023.11 July 2023 attended the Webinar from Data to Action: Empowering Change and Addressing Technology-Facilitated Gender-Based Violence (TFGBV) hosted by UN Women on 11 July 2023.
- Interviewed by a History Masters student from University of Pretoria on the history of laws to address GBV on 18 July 2023.
- Webinar on Realising the Socio-Economic Rights of Refugees and Asylum Seekers in Africa – Dullah Omar Institute UWC on 27 July 2023.
- Virtual symposium hosted by Just Detention International entitled "I Did Not Ask for This!" Film Launch & Rethinking Justice to Create Alternative Global Futures Symposium, which inter alia interrogated the value of the penal system in addressing violence held on 22 August 2023.
- Children's Institute dialogue on "Engagement on the intersections of violence against women and children" – hosted by the Ford Foundation on 30 November 2023
- The foundational scoping meeting of a multi-stakeholder coalition against GBV, hosted by Brands on a Mission, in partnership with UNFPA and Nonzero Africa "Harnessing the Power of Multi-Sector Collaboration to Dismantle GBV – Innovate for Impact: Towards a GBV-Free South Africa held on 20 March 2024 attended.
- The VPF driver group meetings held on 04 June 2023 and 03 November 2023 and 17th VPF driver group which took place on 22-23 February 2024.

- On 16 February 2024 attended the Task Team for the Development of Category of Crimes constituting FF meeting.

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

Dr Clark attended meetings with the DOJ&CD regarding the Constitutional Court challenge by the Centre of Child Law to section 51(2A) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 in the October 2023 and March 2024.

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

- Attended the meeting of the South African National Aids Council (SANAC) Government Task Team on the implementation of the SANAC NSP 2023 – 2028 on 30 August 2023. This was followed by the SANAC Government Task Team meeting to report on achievement of Objective 1.5 of the SANAC NSP "enhance non-discriminatory legislative frameworks through law and policy review and reform" which took place on 26 February 2024. Other SANAC meetings took place on 5 November (Inter Ministerial Committee) SANAC Extended Plenary on 28 November 2023.
- On 28 June 2023 attended the Webinar: The Right to Public Spaces and Informal Work: Key considerations for Law & Policy-Making hosted by Dullar Omar Institute, WIEGO and ACJR.
- Foundation for Professional Development Webinar: Unveiling the connection: Bridging the Gap in HIV programs for severe mental health conditions FPD Webinar which took place on 11 October 2023.

(g) Project 107 Sexual Offences: Pornography and Children

- Attended the Association of Internet Hotline Providers (INHOPE) Building employee resilience in Trust and Safety on 05 April 2023 and Summit that took place on 19 September 2023.
- Report on Sexual Offences (Pornography and Children) was presented to the study tour from the Royal Canadian Mounted Police on 26 April 2023.
- Attended the African Union Commission monitoring preparation meeting on 25 July 2023.

- Provided input to the UN Special Rapporteur on the sale, sexual exploitation and sexual abuse of children-Special Procedures-Office of the United Nations High Commissioner for Human Rights in respect of the entertainment industry on 25 August 2023.
- Participated in a virtual meeting with the NPO, Jelly Beanz in respect of their endeavour to compile a book on children's online world and the impact of harmful content, particularly pornography, on children on 09 November 2023.
- Attended the Doctors for Life 2023 annual general meeting on 17 August 2023. .
- Attended the Webinar on Child Rights in the Digital Environment in Africa which was held on 18 October 2023.
- Attended the Webinar Session on "The Value of Multidisciplinary Approaches to Child Abuse Prevention: Best Practices and Sustainable Applications from Greece" held on 08 November 2023.
- Attended the 5 Rights Online Event: What does the Online Safety Act mean for children? on the new UK Online Safety Act which took place on 04 December 2023.
- Attended the UN sitting on the CRC on 25 January 2024.
- On 19 March 2024 attended the ISPCAN/Elsevier 2022 Paper of the year – published in Child Abuse & Neglect Webinar.
- Attended meetings on the Accelerated Programme of Action for Children in the Presidency: Thematic Working Groups (Developing) hosted by Dr Rose September, sub-group violence against children on 9 October 2023; and attended a meeting of the sub-group Prevention and early intervention of the Safety, child protection, child justice and special protection measures working group on 10 October 2023 virtually.
- Attended the Accelerated Programme of Action for Children in the Presidency: Thematic Working Groups (Developing) - Game Changers and Drafting of ANPACA meeting virtually on 01 December 2023.
- 19 March 2024: Meeting on Governance Discussion Document: Legislation Group convened by Dr September.

(h) 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.

(i) Project 135: Review of the Witchcraft Suppression Act, 1957 (Act No.3 of 1957)

Stakeholder workshop was held at SALRC Offices in Centurion on 5 May 2023 to discuss the draft report as well as input received from provincial community workshops held between September – November 2022.

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 appreciation to the various project leaders and AC 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 the Commission's advisory committees is valued.

The SALRC would like to acknowledge the support of the various Chief Directorates within Legislative Development and Legal Services 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 AC 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.

The assessment of the LLB and LLM essays are done by legal practitioners and lecturers, a task considering the different topics that entrants write about. The SALRC extends its gratitude to Mr Enerst Nemusimbori of Enerst Nemusimbori Attorneys Incorporated, Prof Omphemetse Sibande, Executive Dean of the Faculty of Law at the University of Limpopo and Ms Shandukani Muthugulu-Ugoda, lecturer at the University of Fort Hare.

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

- Mr Lusani Mulaudzi and Mr Gregory Whittaker from the Actuarial Society of South Africa.
- Mr Jonatan Davén from the Directorate: Public Finance (Health), National Treasury.
- Dr Anban Pillay from the National Department of Health.
- Ms Ronel Berg from the Department of the Premier of the Western Cape and Dr Anke Nitzsche from the Directorate Assurance: Medico-Legal Unit of the Western Cape Department of Health and Wellness.
- Mr Gregory Howes from the Forensic Audit Unit of the Eastern Cape Provincial Treasury.
- The Provincial Treasury and the Department of Health of the Eastern Cape Province.
- Mr Jayanth Balkishun, the Secretary of the Superior Courts and ADR Committees of the Rules Board (until his retirement on 31 December 2023).
- Prof HB Klopper, an expert in delictual damages.

The work of the project leader and the members of the AC for Project 141: Medico-Legal Claims, who provided expert guidance in the preparation of this report, is also highly valued.

The SALRC wishes to thank Mr Traver Mudzonga for the design of the cover and end pages of the annual report.

The work of the Commission would not be possible without the service provided by the Secretariat staff in the Administration and Research components. administrative staff members are thanked for their contributions, which are indispensable for the success of the law reform process.

ANNEXURE A: 2023/2024 PUBLICATIONS

Discussion Papers (DP)

DP No	Pr No	Project Names	ISBN	Publication date	Closing date for comments
160	100E	Review of Aspects of Matrimonial Property Law	978-0-621-51268-7	June 2023	31 January 2024

Reports

Pr No	Project Names	ISBN	Publication date
143	Maternity and Parental Benefits for Self-Employed Workers	978-0-621-50823-9	13 September 2023
100B	Review of the Maintenance Act, 1998 (Act No.99 of 1998)	978-0-621-51574-9	26 March 2024
161	Domestic Violence: the Criminal Law Response	7978-0-621-51291-5	June 2024

ANNEXURE B: AC COMMITTEES AND MEMBERS

Project	Members	Organisation
Project 94 Alternate Dispute Resolution	Judge President Dunstan Mlambo (Chairperson) (Until 31 May 2023)	Judge President, Gauteng Division of the High Court of South Africa
	Prof Wesahl Domingo (Project leader) since June 2022 until 4 October 2023 Prof Debbie Collier-Reed (Project leader) since 24 February 2024	Executive Dean of the Law Faculty, University of Johannesburg Professor in the Mercantile and Labour Law Department and director of the Centre for Transformative Regulation of Work, University of the Western Cape
	Judge Zukisa Tshiqi (Until 28 September 2023)	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 (until 20 April 2023)	Attorney
	Prof David Butler	Emeritus Professor, US
	Adv Hendrik Kotze	Director, Nuvalaw
	Adv P Pretorius SC	Johannesburg Bar

Project	Members	Organisation
Project 100A 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)	Executive Dean of the Law Faculty, University of Johannesburg: SALRC Commissioner
	Adv Francis Bosman SC	Advocate of the High Court Former Chief Family Advocate
	Ms Neliswa Cekiso	Department of Social Development
	Prof Madeleen de Jong	Mediator, Retired Professor, UNISA
	Ms Karabo Ozah	Centre for Child Law, University of Pretoria
	Prof Tshepo Mosikatsana (until May 2019)	University of the Witwatersrand
	Prof Mohamed Paleker (until 31 December 2022)	University of Cape Town
Project 100 Review of aspects of matrimonial property law	Mr I Lawrence (project leader	SALRC Commissioner
	Prof Lea Mwambene	University of the Western Cape
	Prof Anthony Diala	University of the Western Cape
	Prof Waheeda Amien	University of Cape Town
	Prof 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- University of KwaZulu-Natal
	Ms L Mbatha	National Movement for Rural Women
	Mr D Thulare	Chief Magistrate, Cape Town
	Adv T Magano	Advocate of the High Court

Project	Members	Organisation
Project 100F Domestic Violence: the criminal response	Adv HM (Retha) Meintjes, SC (Project Leader) (until 31 December 2021) Prof Wesahl Domingo (Project Leader)	Advocate of the High Court SC; Retired Director of Public Prosecutions: NPA: SALRC Commissioner Executive Dean of the Law Faculty, University of Johannesburg: SALRC Commissioner
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 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	Members	Organisation
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 Commissioner
	Ms Janine Louise Hicks	Project leader Lecturer at University of KwaZulu-Natal
	Dr Meryl du Plessis	Senior Lecturer, School of Law, Wits University
	Ms Phumzile Xulu	Self-employed
	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 November 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 144 Enacting a Single Marriage Statute including measures against sham marriages	Chairperson: Prof 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	Members	Organisation
	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
	Prof Elsje Bonthuys	Law School, University of the Witwatersrand
	Prof Christa Rautenbach	Law Faculty, North-West University
	Prof Amanda Barratt	Law Faculty, University of Cape Town
	Judge of Appeal Mahomed Solomon Navsa since 22 August 2018	Supreme Court of Appeal
Project 145 Investigation into a Model to Enforce Decisions of Minmec for Social Development	Prof Victoria Lynn Bronstein	Law School, University of the Witwatersrand
	Prof Ethel Denise Malherbe	Faculty of Law, University of the Western Cape
	Dr Tlogane Douglas Mailula	Faculty of Law, UNISA
	Prof Ramos Emmanuel Mabugu	School of Economic and Management Sciences, Sol Plaatje University

Project	Members	Organisation
	Adv Tshepo Sibeko SC (Commissioner assigned to the project Until 04 October 2023)	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 Tshepo Sibeko SC (Until 04 October 2023)	SALRC
Project 147: Review of the laws regulating Funeral Parlours, Crematoria, Cemeteries and Related Services Industry	Mrs Hlaleleni Kathleen Matolo-Dlepu	Molefe Dlepu Inc
	Prof David Warren Freedman	Faculty of Law, University of KwaZulu-Natal
	Prof 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 148: Domestication of the UNCRPD	Adv HJ De Waal, SC (Project Leader until 4 October 2023)	Commissioner of the SALRC Cape Bar Association

Project	Members	Organisation
	Dr Nazreen Shaik-Peremanov (Project Leader since 24 February 2024)	Commissioner of the SALRC Senior Lecturer, University of Fort Hare
	Justice D Pillay (AC member since 2 August 2023)	(Retired Justice)
	Mr AK Dube (Chairperson)	CEO - Africa Disability Alliance
	Prof C Ngwena (until 2 August 2023)	Centre for Human Rights – University of Pretoria
	Prof I Grobbelaar – Du Plessis	Associate Professor – Department of Public Law - University of Pretoria Faculty of Law
	Ms C Fransolet	Member & Founder – UN Inclusive Design Company
	Ms P Strasheim	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 Stellenbosch
	Adv Ishmael Semenya, SC	Pitje Chambers, Johannesburg
	Dr Keneilwe Radebe	University of Pretoria
Project 150: Review of the Civil Justice System	Not yet appointed	N/A

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