**Vol 7 No 2** **October 2002**

# SALC BULLETIN

## Newsletter of the South African Law Commission

### New Commission

The Commission's term of office expired on 31 December 2001. The following persons have been appointed as members of the Commission for a period of five years with effect from 1 January 2002:

- Madam Justice Y Mokgoro as Chairperson
- Madam Justice M L Mailula as Vice-Chairperson
- Mr J J Gauntlett SC
- Mr Justice C T Howie
- Professor I P Maithufi as full-time member
- Ms Z Seedat
- Dr W L Seriti

In terms of section 3(2) of the South African Law Commission Act 19 of 1973 the President may appoint one or more additional members if he deems it necessary for the investigation of any particular matter by the Commission. Professor C Hoexter, School of Law, University of the Witwatersrand, was appointed as an additional member of the Commission.

### Issue Papers

Since publication of the previous Bulletin, one Issue Paper has been published for general information and comment.

**Sexual Offences: Adult Prostitution (Issue Paper 19)**

Generally prostitution is regarded as the exchange of sexual acts for reward. While it is often said that prostitution is one of the oldest professions, the legal response to it differs from society to society and over the course of time. Internationally, the topic of prostitution remains an emotive one and opinions on the legal treatment of prostitution are generally strongly polarised. This is no different in South Africa.

The Sexual Offences Act 1957 regulates various aspects of prostitution. The keeping of brothels, the procurement of women as prostitutes, soliciting by prostitutes, and living off the earnings of prostitution inter alia is criminalised. In addition, various other pieces of legislation such as the Liquor Act 27 of 1989 and municipal bye-laws apply to prostitutes. Of particular interest is section 20(1)(aA) of the Sexual Offences Act, 1957 which provides that any person who has unlawful carnal intercourse or commits an

act of indecency with any other person for reward is guilty of an offence. This section was declared inconsistent with the Constitution and therefore invalid in the Transvaal Division of the High Court in *Jordan and others v The State* 2002 (1) SACR 19 (TPD). This finding is currently awaiting confirmation by the Constitutional Court.

This Issue Paper deals with *adult* prostitution and is the first paper of the third leg in the series of the investigation into sexual offences (Project 107). The Issue Paper sets out three legal options in the management of adult prostitution. These options are:

- Criminalise all aspects of adult prostitution.
- Legalise adult prostitution within certain narrowly circumscribed conditions.
- Decriminalise adult prostitution which will involve the removal of laws that criminalise prostitution.

The Commission sets forth the implications should a particular option be adopted and poses questions as to all the options presented. At this stage of the investigation and pending the decision of the Constitutional court in the *Jordan* matter the Commission has decided not to take a particular position as to any of the options. Consequently no draft legislation is proposed at this stage.

The Commission has covered all aspects related to child prostitution in the first two discussion papers (Discussion Papers 85 and 102) in this investigation as well as in Discussion Paper 103 on the Review of the Child Care Act. The Commission's preliminary view is that the conduct of persons who engage in child prostitution should be criminalised whilst the child prostitute should be regarded as a victim in need of care and protection.

*The closing date for comment on Issue Paper 19 is 31 October 2002.*

## Discussion Papers

No discussion papers have been published since publication of the previous Bulletin.

## Reports

The following four reports were submitted to the Minister for Justice and Constitutional Development on 29 August 2002:

**Report on Security Legislation: Terrorism**

The SA Police Service (SAPS) conducted the initial research on terrorism and drafted an Anti-Terrorism Bill which was submitted to the Commission's project committee on security legislation in October 1999. That Bill contained, amongst other things, a clause which provided for detention for purposes of interrogation. The motivation for the legislation was the spate of bombings which occurred during the last half of 1999 in the Western Cape. It was considered by the drafters that detention for interrogation would enable law enforcement to obtain information it would not otherwise be able to obtain.

The SAPS' draft document formed the basis of the discussion paper which was considered by the project committee at meetings held on 12 February and 29 April 2000. The draft document was enhanced by additional research focusing, inter alia, on the issues relating to detention for interrogation. Amendments to the discussion paper and the draft Bill were effected and the working committee of the Commission (which is the executive committee of the Commission) considered and approved the publication of *Discussion Paper 92* for general information and comment on 8 June 2000.

The project committee decided at that stage that it should retain the SAPS' proposal for detention for interrogation in the Bill so as to elicit public comment. It however inserted certain safeguards in the Bill such as the detainee's right to legal representation and communication with and visitation by the detainee's spouse or partner, next of kin, chosen religious counsellor, and chosen

medical practitioner. The project committee pointed out that it considered that the provision would not pass constitutional muster and requested comment on this aspect in particular. The project committee was of the view that insufficient justification was presented to it to justify the infringement which detention without trial posed to the right to freedom and security of the detainee. The committee also questioned whether there was any need for anti-terrorism legislation.

The Commission hosted a media conference on 8 August 2000 to announce the availability of *Discussion Paper 92* for general information and comment. The Bill contained in the discussion paper elicited concerns particularly from members of the Muslim community, mainly from the Western Cape. They considered that the Bill targeted them in particular. They raised concern about the proposed provision criminalising the giving of support to terrorist organisations and financial support in particular. The events of 11 September 2001 in the USA gave rise to an international diplomatic initiative requiring every country to determine whether its legislation could be applied successfully to combat terrorism and to cooperate with other jurisdictions. Internationally the attention shifted to the combating of the financing of terrorism. South Africa is obliged to respond to these developments.

The finalisation of the Commission's investigation into terrorism occurred against this background. The Commission has had the benefit of considering numerous precedents set by other countries which have passed legislation since September 11, 2001.

The Commission ascertained that there are shortcomings in South African legislation and that they should be remedied. The offence of terrorism currently set out in section 54(1) of the *Internal Security Act* of 1982, relates only to terrorism aimed at the South African Government or population. International terrorism is, however, often directed at foreign officials, guests, embassies and the interests of foreign states. The offence of terrorism as it exists in South African law is therefore clearly inadequate as its operation is too narrow. The South African legislation for combating terrorism should be brought in line with the international conventions dealing with terrorism, our law should provide for extra-territorial jurisdiction, and financing of terrorism must be addressed. There is therefore a need for legislation dealing with terrorism.

The Bill recommended in the report differs fundamentally from the one provisionally proposed in the discussion paper. Detention for interrogation no longer forms part of the Bill. In its place it is suggested that provision should be made for investigative hearings which closely resemble the procedure contained in section 205 of the *Criminal Procedure Act* of 1977 in order to obtain information from a person suspected of being in possession of information on terrorist acts. The provisions on investigative hearings are also based on recently introduced Canadian procedure. A brief period of detention is possible under the Bill but provision is made for legal representation and bail may be granted. As many other safeguards as possible have been incorporated to ensure that the Bill can withstand constitutional scrutiny.

Provision is also made in the Bill for preventative measures. This entails that a person suspected of being about to commit a terrorist act can be brought before a court to enter into an undertaking to refrain from certain activities. The Bill provides that the court may impose conditions to ensure compliance, such as that the person be prohibited from possessing any weapon or explosive for any period specified in the undertaking.

The Bill also provides for forfeiture of terrorist property and property used for terrorist purposes. Provision exists currently for asset forfeiture under the *Prevention of Organised Crime Act* of 1998. The provisions on forfeiture of terrorist property are based on these provisions. The recent challenge of the *Prevention of Organised Crime Act* in the case of *Mohamed v NDPP* heard by the Constitutional Court was taken into account when the Bill was formulated. The Court raised concern about owners being heard on applications for forfeiture of

their property. The absence of a rule nisi procedure was also in contention in the *Mohamed* case. The Bill addresses these issues.

The Bill defines a terrorist act as one that is committed (inside or outside the country) for a political, religious or ideological purpose, objective or cause with the intention of intimidating the public with regard to its security, or of compelling a person a government or a domestic or an international organisation to do or to refrain from doing, any act, whether the person, government or organisation is inside or outside the Republic, and which act causes death or serious bodily harm to a person by the use of violence or endangers a person's life, or causes a serious risk to the health or safety of the public, or causes substantial damage to property, or causes serious interference with or serious disruption of an essential service, facility or system. The Bill excludes action taken as a result of lawful advocacy, protest, dissent or stoppage of work that does not involve an activity that is intended to result in the conduct or harm referred to in the Bill. The Bill also excludes conventional military action in accordance with customary international law or conventional international law.

The Bill in addition deals with offences set out in international conventions which identify certain acts as constituting terrorist acts. They are the hijacking of aircraft; endangering the safety of maritime navigation; bombing offences; taking of hostages; the protection of internationally protected persons and the protection of property occupied by foreign governments; offences involving interference with fixed platforms on the high seas and on the continental shelf; and offences with regard to nuclear matter and facilities.

Provision is also made for the proscription of terrorist organisations by the Minister, for revocation of proscription by the Minister and for the Minister's decisions to be taken on review by the High Court.

Following the events of 11 September 2001, there has been nationally and internationally a significant number of false alarms involving packages or letters containing apparently hazardous material, which have highlighted the need to have specific offences on the statute book and for tough penalties to deter such malicious and irresponsible action.

Finally, extradition procedures are also incorporated in the Bill.

**Report on Simplification of Criminal Procedure: A More Inquisitorial Approach to Criminal Procedure: Police Questioning, Defence Disclosure, The Role of Judicial Officers and Judicial Management of Trials**

The Commission's recommendations include the following:

- Police questioning of the suspect/accused, its legitimacy, effectiveness and the right to silence and its consequences

The report considers the extent to which a suspect/accused could legitimately be questioned and hence used as a source of evidence at the different stages of the criminal justice process (from pre-trial to the trial phase); different options to make police questioning more effective, including by bringing it under control of codes of conduct, or under judicial control, or by legislating police questioning; the consequences of and constitutional implications of police questioning having due regard to the right to silence; and the different admissibility requirements for admissions and confessions.

The Commission recommends that legislation be introduced in terms of which a suspect is placed under a duty to disclose particular matters to the police at the risk that a court might in due course draw an adverse inference from his or her failure to do so, in the following circumstances:

(a) Where a suspect is questioned by the police in the course of their investigations and fails to disclose a matter that is subsequently relied upon in his or her defence.

Although the proposals raise a concern that to encourage the questioning of suspects by

the police carries with it the danger that suspects would be overreached, it must be borne in mind that the present proposal does not introduce an innovation in that respect. There is nothing to prevent the police from questioning suspects, and from thereby securing admissions or confessions, which might be admissible in evidence against the accused if the grounds for such admissibility are established. The proposal does no more than to place the suspect under the risk that if he or she fails to disclose something to the police which is later relied upon in support of the defence, a court might disbelieve the accused. Moreover, a court is not obliged to draw an adverse inference against a suspect, even where it is justified, and it will be open to a court to exclude evidence of what occurred during questioning if it is not satisfied that the accused was fairly treated.

The proposal is also moderated by limiting its application to questioning which has taken place substantially in accordance with a Code of Conduct promulgated in terms of the Police Act.

(b) Where, upon arrest, a suspect is asked to account for objects, substances or marks found on or in the suspect's possession.
(c) Where, upon arrest, the suspect is asked to account for his or her presence at the place where he or she was found.

The Commission concludes that there appears to be no substantial objection to a court drawing an adverse inference if the person fails to provide an explanation of his or her possession of objects, substances or marks at the time of arrest, or the failure of the suspect to explain at the time of arrest his or her presence at the scene of a crime, nor does the Commission believe that to permit a court to do so will open the way to police misconduct.

- Admissibility of admissions and confessions

Our law draws a distinction between admissions (whether by words or by conduct) and confessions in determining the "threshold" requirements for admissibility. The significance of the distinction is that the requirements for admissibility are more onerous for confessions than for admissions. For an admission to be admitted into evidence it must be established that it was made "voluntarily", and that term has been restrictively interpreted. An admission is not voluntary if it has been induced by a promise or threat proceeding from a person in authority. A confession may be admitted into evidence only if it was made "freely and voluntarily" by the accused in his "sound and sober senses and without undue influence". If the confession was made to a peace officer other than a magistrate or justice, the confession must be reduced to writing and confirmed in the presence of a magistrate or justice.

The report considers a proposal that there should be common requirements for the admissibility of confessions and admissions and concludes that the proposal is largely uncontroversial. What is contentious is whether incriminatory statements made to police officers should be dealt with on a different basis. Bearing in mind that incriminating statements will be admissible only if it is established by the prosecution that the statement was made freely and voluntarily, while the person was in his or her sound and sober senses, and without having been unduly influenced thereto, the Commission is of the view that no purpose is served by an additional requirement that such statements made to the police should be reduced to writing. The Commission recommends that the Criminal Procedure Act be amended to provide for common requirements for the admissibility of all statements or conduct of the accused which might be self-incriminatory, without distinguishing between police officers and others.

- Defence disclosure before and during the trial

The proposals for reform fall into three distinct groups:

(a) Disclosure by the defence of specific defences

The Commission concludes that there is merit in the proposal with regard to the

disclosure of specific defences and the intention to call expert evidence and recommends an amendment to the Criminal Procedure Act to this effect. The sanction that is sought to be imposed for failure to make such disclosure is that the accused will not be permitted to raise the particular defence, or call the expert witness, as the case may be, without the leave of the court. The proposal provides specifically, however, that the court may not refuse such leave if the accused was not informed of his or her obligations.

The Commission's recommendations are confined to specific defences, in respect of which the accused in any event has a duty either to introduce or disclose the defence. It is already well established in our law that an alibi might be regarded with scepticism if it is not disclosed in advance. A defence raising justification for otherwise unlawful conduct, or suggesting that the accused was not criminally capable at the time the offence was committed, must also be raised by the defence before the prosecution is required to exclude it. Moreover, there can be little doubt that where such an issue is raised by the defence at a late stage of the trial, the prosecution will be permitted a postponement, or be permitted to reopen its case if necessary, in order to deal with the issue. Similar considerations apply in relation to the calling of expert evidence. Accordingly the proposals are not radical and merely seek to ensure that these matters are raised timely so as to avoid delays in the trial.

(b) Codifying prosecution disclosure

The Commission recommends that legislation be introduced in terms of which the prosecution is obliged to provide the defence with documents which tend to exculpate the accused; statements of witnesses, whether or not the state intends to call them; and any material which is reasonably required to enable the accused to prepare his or her defence. In addition the circumstances under which the prosecution may withhold information are outlined, for example, where it is not required in order to enable the accused to exercise his or her right to a fair trial; where disclosure of the information could lead to the disclosure of the identity of an informer or state secrets; and where there is reason to believe that disclosure of the information would prejudice the course of justice.

(c) Providing for reciprocal disclosure by the defence and the prosecution

The Commission does not support the proposal for reciprocal disclosure by the defence and the prosecution and is of the view that the proposal for reciprocal disclosure would be workable only if a distinction were to be made between those accused who are represented and those who are not. Such a distinction is not desirable, and to make such a distinction would in any event pave the way for the legislation to be circumvented.

- A greater role in the criminal justice process by judicial officers

The Commission recommends that the Criminal Procedure Act be amended to provide that, at the commencement of the trial, the judicial officer be placed in possession of the material which by that stage already is in the hands of both parties, and which will enable him or her to evaluate how to conduct the trial. One of the functions of the judicial officer is to control the conduct of the trial and this proposal does not purport to introduce any innovation in that respect: it merely aims at equipping the judicial officer to perform that task more effectively.

- Possible ways of enhancing judicial management of trials and case management

The report considers whether provision should be made for pre-trial conferences and, if so, the extent to which legislation are necessary. The purpose of such a conference is to attempt to limit the issues in the trial and generally to facilitate the efficient disposal of the matter.

There are at least some cases in which a pre-trial conference could be of material assistance in the conduct of the trial. Bearing in mind that the holding of such a conference will not be compulsory, but in the

discretion of the judicial officer, the Commission is of the view that it is desirable to provide a formal structure for that to take place. The Commission therefore recommends that statutory provision be made for pre-trial conferences. In terms of the proposal the presiding officer may on application of the prosecutor or the accused direct the prosecutor and the accused to appear before him or her to consider matters which may aid in the disposal of the trial, for example, the identification of issues not in dispute; the possibility of obtaining admissions of fact with the aim to avoid unnecessary evidence; and the disclosure of sufficient details where the defence intends to raise a special defence such as an alibi.

The Commission also recommends that section 115 of the Criminal Procedure Act be amended to oblige the presiding officer to inform an accused of the right to silence; of the consequences of remaining silent; that he or she is not obliged to make any confession or admission; and to ask him or her whether he or she wishes to make a statement indicating the basis for defence. It also obliges the presiding officer to question an accused where the accused fails to disclose the basis of the defence.

**Report on Simplification of Criminal Procedure: Out-of-Court Settlements in Criminal Cases**

The report considers whether there is a need in South Africa to develop procedures that provide for the settling of criminal cases without having to go to court, and if so, the best way in which this can be achieved within the South African context.

The international trend to have some criminal cases dealt with out of court is based mainly on two considerations: to increase the cost-efficiency of the criminal justice process through simplified and streamlined procedures, and to deal with mass crime outside of the traditional criminal process, so that the courts have more time to deal adequately with increasingly complex cases.

An out of court settlement is defined as an agreement between the prosecution and the defence in terms of which the accused undertakes to comply with conditions as agreed upon between the parties, in exchange for the prosecutor discontinuing the particular prosecution. Such conditional discontinuation of prosecution results in the diversion of the matter from the trial process. An out of court settlement needs to be distinguished from other pre-trial procedures and agreements. It is distinct from *sentence* and *plea agreements* in that these follow upon a decision by the prosecutor to institute a prosecution. The agreement may affect the offences for which the accused is finally charged, but it invariably results in the conviction and sentence of the offender. Therefore, such offender will have been put through the entire criminal process and will end up with a criminal record. An out of court settlement does not involve the entire criminal process, does not lead to a conviction and does not result in a criminal record.

The Commission concludes that the formal recognition of a procedure to settle criminal cases out of court will have particular advantages for the criminal justice process in South Africa. Such a process will, among other things -

- contribute to saving precious court time and costs, since cases can be finalised without going to court, and without the time-consuming task of settling factual disputes;
- improve the public's perception of the administration of justice;
- give the accused person certainty regarding the outcome of the case, provided the conditions of the agreement are complied with;
- give the accused person the opportunity not to end up with a record of previous convictions, a factor which often prompts people to dispute a criminal charge;
- provide ample opportunities for the application of restorative justice initiatives as an outcome of an out-of-court settlement; and
- protect victims from publicity, and from having to be subjected to cross-examination, while giving them the benefit from compensation or restitution by the accused.

It is recommended that the legislation provide for the following principles:

- The prosecutor may, before evidence has been adduced against the accused and considering all the facts at his or her disposal, enter into an out of court settlement with the accused if he or she is satisfied that it is in the public interest to do so and that the court would upon conviction impose a sentence other than imprisonment or imprisonment for a period not exceeding one year. In considering whether it will be in the public interest to enter into an out of court settlement, the prosecution must inter alia have regard to –
    - whether the accused poses a significant threat to the community and is likely to benefit from the settlement;
    - the effect of a conviction on the accused;
    - whether, in the case of an accused with two or more previous convictions for the same or similar offences or an accused who has entered into a settlement on two or more occasions for the same or similar offences, there are substantial and compelling circumstances meriting the settlement; and
    - the interests of the victim of the crime.

- In terms of the settlement the prosecution may undertake to discontinue the prosecution on condition that the accused complies with the conditions as agreed upon in the settlement.

- An out of court settlement can only be entered into once a charge sheet, setting out the offence or offences for which the accused is being charged, has been served on the accused (through the accused's legal representative, if the accused is legally represented); and if the prosecution is satisfied that there is sufficient evidence to warrant the prosecution of the accused.

- In exercising its discretion the prosecution must, if circumstances permit, obtain the views of the victim of the offence, and must consider such views, before entering into a settlement with the accused.

- An out of court settlement is, for a period as agreed upon between the parties, but not more than two years, subject to one or more of the following conditions:
    - Compensation.
    - The rendering to the person aggrieved of some specific benefit or service in lieu of compensation for damage or pecuniary loss.
    - The performance without remuneration of some service for the benefit of the community under the supervision or control of an organization or institution which, or person who, promotes the interests of the community.
    - Payment of an amount of money of not more than the amount prescribed from time to time by the Minister in the *Gazette*, to the State or a state agency as directed by the prosecution.
    - Submission to instruction or treatment.
    - Submission to supervision or control of a probation officer.
    - The compulsory attendance or residence at some specified centre for a specified purpose.
    - Referral to community dispute resolution structures that have been put into place in terms of an Act of Parliament.

- The terms of the out of court settlement must be in writing and

must be signed by the prosecutor and the accused. In order to address the risks of fraud and abuse it is proposed that the settlement has to be approved by the Director of Public Prosecutions having jurisdiction. It is also proposed that a settlement should be subject to review and that the settlement may be amended on good cause shown.

- If the accused fails to comply with any of the conditions of the out of court settlement and the prosecutor is satisfied that such failure was beyond the accused's control, the prosecutor may, having due regard to the extent to which the conditions of the prior settlement has been complied with, enter into a further out of court settlement.

- If the accused fails to comply with any of the conditions of the out of court settlement the criminal proceedings against the accused on that charge can be resumed from the point when the out of court settlement was entered into.

Once the accused has complied with the conditions of the out of court settlement, the charge is considered finalised and no prosecution resulting from the same offence may be instituted.

**Report on The Publication of Divorce Proceedings: Section 12 of The Divorce Act 70 of 1979**

The report, containing draft legislation aimed at amending section 12 of the Divorce Act, 1979, has been submitted to the Minister for Justice and Constitutional Development on 29 August 2002.

The South African media are, in terms of sec 12 of the Divorce Act 70 of 1979, currently prohibited from publishing any particulars of a divorce action or any information which comes to light in the course of such an action other than the names of the parties to a divorce action, the fact that a divorce action between the parties is pending in a court of law and the judgment or order of the court. The prohibition does not apply to the publication of particulars or information for the purposes of the administration of justice, in a bona fide law report, or for the advancement of or use in a particular profession or science.

However, since the provision does not have extra-territorial operation, the foreign media who are allowed to attend proceedings in courts are unrestricted in their reportage of South African divorce proceedings. Since South African citizens have access to the foreign media and the press, the whole purpose of the prohibition is defeated.

There are furthermore clear indications that at present sec 12 of the Divorce Act is simply being defied by the South African media. An important reason why the section is not enforced is that it is seen as being unconstitutional. South Africa has a Constitution with a Bill of Rights which entrenches, amongst others, the right to freedom of speech, freedom of information and the rights to privacy and dignity. These rights are interactive and have to be balanced. Sec 28(2) of the Constitution furthermore specifically protects the rights of children.

During its deliberations the Commission found unanimous support for its view that sec 12, as it stands, is unlikely to survive constitutional scrutiny. The section is overly broad in that it imposes a blanket ban without giving the court any discretion to determine whether or in what respects the case should be held in camera or whether media disclosure should be permitted or prohibited. Since the section is also largely ineffectual for various reasons, it was clear that the section had to be either amended or repealed.

The Commission's investigation revealed four possible options for reform which were set out for comment in a discussion paper, published last year. In evaluating the response received to the discussion paper it was clear that most commentators felt that the privacy of parties to a divorce should be respected as far as possible; that in the context of divorce, it would be appropriate for the press to have to make out a case for publication; and that children involved in

divorce cases stand in need of special protection.

In its report the Commission therefore recommends that section 12 of the Divorce Act, 1979 be amended to allow a court the discretion to -

- make an order to lift the general ban on publication and to grant leave to any party to publish such particulars of a divorce or such information or evidence which has come to light in the course of such an action, as the court may deem fit;
- protect the anonymity of parties in specific circumstances; and
- close the court at any stage of the proceedings where there is a likelihood that harm may result to a child as a result of the hearing of any evidence.

The amended section will also make it an offence to furnish particulars of a divorce action or any information or evidence which emerges during the course of such an action unlawfully to third parties.

**The Reports are available on the Internet at the address mentioned below.**

## Programme of the Commission

The following projects on the Commission's programme are currently receiving attention:

25 Statute law: The establishment of a permanently simplified, coherent and generally accessible statute book
59 Islamic marriages and related matters
82 Sentencing
90 Customary law
94 Arbitration
96 The Apportionment of Damages Act, 1956
107 Sexual offences
110 Review of the Child Care Act
113 The use of electronic equipment in court proceedings
118 Domestic partnerships
119 Uniform national legislation on the fencing of national roads
121 Consolidated legislation pertaining to international cooperation in civil matters
122 Incapable adults
123 Protected disclosures
124 Privacy and data protection
125 Prescription periods
126 Review of the rules of evidence

## Invitation

The public are invited to submit proposals for law reform to the Commission and to give information in respect of any of the projects of the Commission.

The Commission is housed in the Sanlam Centre (12th Floor), c/o Andries and Schoeman Streets, Pretoria.

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## Internet

Most of the Commission's documents are also available on the Internet. The site address is:
**http://www.law.wits.ac.za/salc/ salc.html**

Subscribe to listserv on the site address to be notified by email whenever there are new SA Law Commission publications. (Note that this is not a discussion group.)

Send e-mail to **majordomo@sunsite.wits.ac.za**. Leave the Subject line **blank** , and type in **subscribe salcnotify** in the body of the message. Type **end** on a **new line**, then send the message. You will soon receive a welcome message from the listserv.