NEW COMMISSIONERS

The SALRC has seen some important changes during 2013. In August, President Zuma announced the new members of the Commission; these appointments are effective for five years. The SALRC extends a warm welcome to the new commissioners.

The Chair and Vice Chair are, respectively:
- Judge Mandisa Maya
- Judge Jody Kollapen.

The Commissioners are:
- Prof Pamela Schwikard
- Dr Vinodh Jaichand
- Adv Mahlape Sello
- Mr Irvin Lawrence
- Ms Thina Siwendu.

You can read more about the new appointees on pages 7 to 10.

SECRETARIAT

The previous SALRC Secretary, Mr Michael Palumbo, left at the end of January 2013. He was married in June and has moved to Paarl with his wife. After he left, Ms Kalayvani Pillay was appointed as Acting Secretary of the SALRC, with Ronel van Zyl as Acting Assistant Secretary.

Ms Pillay ceased in this role on 1 August 2013 when she took up the post of Deputy Director General (Legislative Development) of the DOJCD. We congratulate her on this wonderful achievement, and welcome her calm and astute input within this highly responsible position.

The new SALRC Acting Secretary, Adv JB Skosana, introduced himself to the staff on Friday 16 August. The meeting was held at the Commission’s offices.

Mr Skosana spoke of his commitment to the transformation of the judiciary and said the SALRC must be fully involved in this process. He invited SALRC staff to assist him in taking up his new responsibilities at the Commission. His leadership is a welcome addition to the team.

The new SALRC Assistant Secretary is Mr Chris Mfunzana. He took up the post on 1 October and we are delighted to have him on board.

Also within its secretariat, the SALRC appointed an in-house copy editor for the first time. Sue Randall started in the post on 1 June.

A FOND FAREWELL

The SALRC’s two most long-standing staff members left in the first half of the year, having reached retirement age. Read about Anna Mahlangu and Tienie Cronjé on pages 10 and 11.

In July we also said goodbye to law student Amelia Parsons from the University of Maryland (US), who had completed a 5-week internship at the SALRC. We wish her well with her career.
Inaugural Meeting of the Commissioners

Judge Maya stresses the vital role of the SALRC

The first meeting of the new Commission was held on 28 September 2013 at the SALRC offices. Judge Mandisa Maya, Chairperson of the Commission and Judge of the Supreme Court of Appeal, gave a word of congratulations and appreciation to the commissioners.

She welcomed the Acting Secretary of the SALRC, Mr JB Skosana, and Ms K Pillay, the Deputy Director-General of the Branch Legislative Development in the Department of Justice and Constitutional Development, under whose jurisdiction the staff of the Commission resorts.

Judge Maya said that exciting times lie ahead for the Commission and she looks forward to taking the SALRC to a higher level and putting law reform on the map. She is committed to enhancing the visibility of the Commission and making sure that it delivers a real imprint in reforming the law, to improve the lives of all people.

Judge Maya summarised the purpose of the Commission, which is to conduct research in all branches of the law of South Africa and make recommendations for its improvement. Law reform is a key part of the discourse of fulfilling the mandate of the Constitution.

“In essence, we can only bring about social change and build a just, fair and equitable society if we have the necessary legal framework and legislation,” she emphasised. “The law ultimately is the mirror that reflects the character of our society. It has to meet the demands of an ever-changing society.”

Seen in this light, law reform is “the catalyst that turns the views and wishes of society into practical application.”

Judge Maya welcomed the experience of two previous commissioners and the years of experience among the state law advisers. Such experience will help the SALRC to make the most of the exciting challenges that lie ahead.

In closing, Judge Maya repeated that the SALRC is set to become a visible agent of change in carrying out its institutional mandate. The Commission plays a vital role in renewing South Africa’s legal system.

Deputy Minister welcomes new Commissioners

Deputy Minister Jeffery addressed the Commission at its inaugural meeting on 28 September 2013. He welcomed the appointment of the new commissioners, who assumed office in August 2013 for a 5-year term. He noted that the commissioners bring diverse backgrounds, skills, expertise and insights to this key role at the SALRC. He stressed the importance of law reform and said it is a fundamental step in South Africa’s legislative process.

Mr Jeffery emphasised that one of the main points the SALRC must consider when making recommendations for changes to the law is the practicality of implementing new legislation. This lies at the heart of successful law reform. The SALRC must assess the resources and capacities necessary to give effect to any laws passed by Parliament. He also stressed the need for a timeous response by the SALRC when it receives a proposal for an investigation. Some requests are prompted by urgent circumstances, and if an investigation takes too long then the urgency and importance of the subject matter may fade away. This detracts from the impetus and credibility of the SALRC’s work. The Commission should prioritise the timeframes of an investigation and the subsequent legislative process.

Deputy Minister Jeffery conveyed to all commissioners best wishes from Minister Jeff Radebe, the Minister of Justice and Constitutional Development, who he said was looking forward to meeting with the Commission soon. Mr Jeffery also indicated that Minister Radebe has written to all Ministers, inviting their views for consideration by the Commission when it drafts its law reform programme.

Make your voice heard!

The Commission is required by law to develop a programme of its investigations on law reform. In drafting its programme, the Commission considers the views of Government, stakeholders and individuals.

Minister Jeff Radebe, the Minister of Justice and Constitutional Development, has already invited the views of all Cabinet Ministers. All other individuals and institutions are welcome to submit their views on any matter relating to law reform. The topic should fall within the mandate of the Constitution.

Seize the opportunity!

Make your voice heard by sending your views or comments to the following address, for the attention of the SALRC Secretary.

Email: reform@justice.gov.za.
Fax: 086 677 2136.
http://salawreform.justice.gov.za
CALRAs Conference 2013

By Ronel van Zyl

The Commonwealth Association of Law Reform Agencies (CALRAs) was formed in 2003 and has 29 member organisations, including the SALRC. Its first conference was held in 2005.

Through CALRAs, law reform agencies in Commonwealth countries can learn from each other about this specialised area of law. Law reformers discuss best practices and how to select areas for investigation, what type of research to do, which stakeholders to consult, and how to improve the chances that a proposal to change the law will be accepted. They also discuss how to improve current law reform processes.

Law reform agencies engage with each other through direct communication, study visits between one country and another, and by attending international conferences. Comparative research is also important. Conferences offer people the chance to learn from experts and to network with other law reform agencies.

The CALRAs conference was held in South Africa for the first time in 2013 – only the second time it has been held in Africa. Previous conferences have been held in England in 2005, in Kenya in 2007, in Hong Kong in 2009, and in India in 2011. The SALRC was honoured by the request to cohost the event, which was held at the Commodore Hotel at the V&A Waterfront in Cape Town on the weekend of 13–14 April.

The SALRC secretariat liaised with Mr Michael Sayers (honorary general secretary of CALRAs) to arrange the conference. The event was an opportunity to showcase the SALRC – and South Africa – to other law reform agencies and the international delegates.

The conference was attended by legal practitioners and academics from across the world. The theme was “Law Reform: Common Challenges and Solutions.” The delegates discussed topics of interest to all law reformers.

The keynote address was delivered by Prof Thandabantu Nhlapo (former SALRC commissioner, now Deputy Vice-chancellor of the University of Cape Town). He spoke on the need to balance change and stability in law reform, with reference to examples from South African case law. Other papers included the following:

- Selection criteria to develop a research programme (Prof Cathi Albertyn, professor of law at the University of Witwatersrand);
- International cooperation across borders (Mr Sakeus Shanghala, chair of the Namibia Law Reform and Development Commission; chair of the Association of Law Reform Agencies of Eastern and Southern Africa); and
- Guidelines for getting law reform proposals onto the statute book (Hon Justice Sir Grant Hammond, president of the New Zealand Law Commission).

Mr John Gara (chairman of the Rwanda National Law Reform Commission) and Mrs Ade Adeyemo (executive secretary of the Lagos State Law Reform Commission in Nigeria) discussed the need for a law reform agency and whether new law reform agencies are succeeding. Ms Carmel Rickard, a well-known South African independent legal correspondent, entertained the audience with a witty close-up view of the media and law reform in a democratic society. The Hon Justice Aloysius A Mujulizi (chairman of the Law Reform Commission of Tanzania) and Mr Stuart Stoker (former secretary of the Law Reform Commission of Hong Kong) spoke on the challenges facing modern law reform agencies.

The delegates were privileged to have the company of Mr Andries Nel (then Deputy Minister of Justice and Constitutional Development) at the conference dinner on Saturday evening. Mr Nel addressed the guests on the importance of law reform for the legal community.

The conference ended the following day with a CALRAs general meeting. A number of topics were discussed, including the way forward.
The Commonwealth Law Conference (CLC) is a most prestigious event on the international legal calendar. It offers judges, legal academics and lawyers throughout the Commonwealth the chance to meet and discuss topical legal issues and to learn from each other.

The 18th biennial CLC took place in Cape Town this year, hosted by the Commonwealth Lawyers Association together with the Law Society of South Africa. The conference highlighted the legal, socio-economic and commercial challenges faced by the legal profession in Commonwealth jurisdictions.

The first CLC was held in London in 1955. The 2013 conference was held at the Cape Town International Convention Centre (CTICC) in mid-April and was the first CLC to be held in South Africa. It was the third time the CLC has been held in Africa; previous host countries have been Nigeria in 1980 and Kenya in 2007. The SALRC took full advantage of this wonderful opportunity by sending a number of its state law advisers to CLC 2013.

The event began with a reception on the evening of Sunday 14 April. The following morning, a colourful opening ceremony featuring the Tygerberg Children’s Choir kicked off the conference proper. The keynote address was delivered by Ms Navi Pillay, UN High Commissioner for Human Rights. Then the delegates split into groups according to the four themes of the conference:

- combating bribery and corruption in the corporate world and commercial law
- the legal and judicial profession
- constitutionality, human rights and the rule of law
- other contemporary legal topics.

The parallel sessions featured speakers from across the Commonwealth, who addressed a range of topics. Ample time was given for questions and comments from the delegates.

A conference dinner was held at the Moyo Restaurant (Spier Wine Estate) and gave everyone the chance to socialise. The combination of African and braai cuisine, superb wines, and lively music encouraged even the sternest judge to relax and shake a leg on the dance floor. The buses arrived all too soon to take the party-goers back to the CTICC!

The conference ended on Thursday 18 April with a stirring address by Lord Igor Judge, the Lord Chief Justice of England and Wales. He referred to South Africa’s turbulent history – and his words encouraged us all to take the struggle for justice and equality into the future.
ISMAIL MAHOMED LAW REFORM ESSAY COMPETITION

By Jennifer Joni

In July 2013 the SALRC and Juta Law hosted the prize-giving for the Ismail Mahomed (2011-2012) Law Reform Essay Competition. The event was held at the Constitutional Court foyer in Johannesburg on 19 July.

In attendance were the winners, representatives from the SALRC and Juta, new Deputy Minister of DOJCD the Hon Mr John Jeffery, and Judge President of the Supreme Court of Appeal the Hon Judge Lex Mpati. Mr Jeffery welcomed the guests and Mr Mpati delivered the keynote address.

The Ismail Mahomed Competition was launched in 1999 and has been run during 10 of the 13 years since then. In an active year, submissions are accepted between February and September. The 2011-2012 competition closed in September 2012 and the SALRC received an overwhelming response. Twenty essays were submitted in the LLB category and nine in the LLM category.

Essays were received from students at the following Universities: Cape Town, KwaZulu-Natal, Limpopo, Pretoria, Stellenbosch, South Africa, Western Cape, and Witwatersrand, as well as Varsity College.

A panel was appointed in December 2012 to evaluate the essays and select the winners. The panel members were as follows: chair, Prof Cathi Albertyn (Wits University; former part-time commissioner at SALRC); Prof Vivian Lawack (Dean of Faculty of Law, Nelson Mandela Metropolitan University); Prof Managay Reddi (Dean of Faculty of Law, UKZN); and Prof Pamela Schwikkard (Dean of Faculty of Law, UCT; former and current commissioner at SALRC).

The panel unanimously agreed that the prize for the 2011-2012 Ismail Mahomed Competition should be awarded only in the LLB category. Prizes were awarded to the following students:

- Mr D Mackintosh, UCT (winner)
- Mr Marc Schulman, Wits (runner-up)
- Mr T Mothulwe, Wits (runner-up)
- Mr SW Burger, Stellenbosch (runner-up).

The prizes were sponsored by Juta Law. The winner received an Incredible Connection or book voucher for R20 000 or a year’s subscription to Juta’s *South African Law Reports* from 1947 to present (on CD-ROM).

Each runner-up received an Incredible Connection or book voucher for R10 000 or a year’s subscription to Juta’s *Statutes and Regulations of South Africa* (CD-ROM).

Credit vouchers worth R2 500 were given to the supervisors and law faculties of the winner and all runners-up.
Kenya: Study Visit

By Simon Maphanga

On 13 August 2013 the SALRC hosted five delegates from the Kenya Law Reform Commission (KLRC). The meeting was held at the SALRC offices in Centurion, Pretoria.

The purpose of the KLRC visit was to compare the working methods of the two law reform commissions, and for the legal researchers to exchange ideas and learn from each other.

The secretary of the KLRC, Mr Joash Dache, stated that in addition to its ongoing role of keeping under review all the laws of Kenya, the KLRC has recently been tasked with preparing all new legislation in line with Kenya’s new Constitution, 2010. This is a daunting task that has tight timeframes.

Mr Dache also explained that the KLRC has recently started work on an exciting project, which is similar to the SALRC’s Project 25.

In 2004 the SALRC included in its law reform programme an investigation into statutory law revision. The investigation aims to align the South African statute book with the principles of the Constitution of the Republic of South Africa, 1996, especially the right to equality. The result will be a statute book that does not contain any laws that are out of date or unnecessary, or that are not in line with section 9 of the Constitution.

The KLRC expressed its hope that it would be able to learn some lessons from the SALRC’s success with Project 25 by implementing their own Kenyan project along the same lines.

In August 2013, the SALRC was also visited by legal professionals from Zambia who were interested in learning more about law reform. The SALRC usually hosts between three and five study visits from other countries each year.

SALRC legal researchers and members of the Kenyan delegation outside the SALRC offices, Centurion. (August 2013)
THE NEW SALRC APPOINTEES

MANDISA LINDELWA MAYA
*Chair of the SALRC*

Judge Maya is a judge of the Supreme Court of Appeal.

She completed her BProc degree at the University of Transkei, an LLB at the University of Natal, and an LLM at Duke University Law School (North Carolina, USA). She was an intern at the Smithsonian in Washington DC, and was involved in legal policy council and lobbying for the Women’s Legal Defense Fund in that city.

Her South African past roles include having worked as an assistant attorney’s clerk, legal assistant, court interpreter, prosecutor, assistant state law advisor, and law lecturer. She served her pupillage at the Johannesburg Bar and was an investigator for the IEC in the 1994 election.

Judge Maya was a practising advocate before becoming an acting judge and judge in various divisions of the High Court. She was Acting Judge in the labour court and Supreme Court of Appeal (SCA) before her appointment as SCA Judge. She also served as Acting Judge in the Constitutional Court and as Acting Judge of Appeal in Windhoek, Namibia.

Further achievements of this distinguished judge include:

- Fulbright scholarship
- Fellow of the Georgetown University Gender and Law Policy Fellowship programme
- Fellow of the Commonwealth Foundation Fellowship
- recognised by the SA Women Lawyers Association programme in history and icons.

Judge Maya is or has been a member of the following:

- General Council of the Bar
- Transkei Society of Advocates
- Black Lawyers Association
- National Democratic Lawyers Association
- International Association of Women Judges (SA Chapter)
- Advisory Board of the Walter Sisulu University Law Journal.

Her extra-judicial membership includes being a patron of Lawyers Against Abuse and a trustee of the SA Institute for Advanced Constitutional, Public, Human Rights and International Law (SAIFAC).

NARANDRAN (JODY) KOLLAPEN
*Vice-Chair of the SALRC*

Judge Kollapen is a judge of the North Gauteng High Court (Pretoria). His past roles include:

- Chair of the SA Human Rights Commission (2002 to 2009)

Judge Jody Kollapen

Judge Kollapen obtained his Bachelor of Laws and Baccalaureus Procurationis degrees from the University of the Witwatersrand. He was a practising attorney and worked on many high profile cases. He was a member of the panel that selected the commissioners for the TRC.

He joined the SA Human Rights Commission in 1996, after having worked for five years at Lawyers for Human Rights.

Judge Kollapen has served on various boards and statutory bodies. These include the National Advisory Council of Correctional Services, the International Board of Article 19 (London), the Legal Resources Trust, and the Foundation for Human Rights.

The SALRC welcomes Judge Kollapen as the new Vice-chair, and we hope he finds his term here most fulfilling.
PAMELA SCHWIKKARD  
SALRC Commissioner

Prof Schwikkard completed a BA at Wits University before embarking on her LLB, which was awarded with distinction. She began teaching in 1987 as a contract lecturer at the University of Natal (School of Law) and later became a senior lecturer. She left in 1998 to take up a professorship at Rhodes University Law Faculty.

She completed her LLM with distinction at the University of Natal, and in 1999 completed her LLD at the University of Stellenbosch. She was admitted as an attorney of the Supreme Court of SA in 1990.

Dr Jaichand is a professor in law and Head/Dean of the School of Law at the University of the Witwatersrand, Johannesburg. He is the former National Director of the NGO Lawyers for Human Rights.

He obtained his doctorate and an LLM in international human rights law from the Centre for Civil and Human Rights at the University of Notre Dame, Indiana; both degrees were awarded with distinction. He holds further degrees from the Universities of Miami, Natal, and Durban-Westville.

Dr Jaichand has been a human rights educator for more than 22 years and has trained police, lawyers, prosecutors, and judges in South Africa, China, Slovenia, Slovakia, Hungary, Ireland, Ethiopia, Nepal, India, Malta, and Italy.

Vinodh Jaichand

MAHLAPE SELLO  
SALRC Commissioner

Adv Mahlape Sello is an advocate of the High Court of South Africa and a member of the Johannesburg Society of Advocates. She holds an MA Law (1986) from Voronezh State University in Russia and an LLB (1993) from Wits University.

Adv Sello’s distinguished CV includes the following experience:

- legal practitioner, Maseru (Lesotho), 1986 to 1989
- member of Wits Vaal Peace Secretariat, 1993 to 1994
- in charge of business development and social responsibility at Barloworld Ltd, 1994 to 2001
- legal and human resources Director at Renapet (Pty) Ltd, 2001 to 2002
- member of the Construction Industry Development Board, 2000 to 2004

continued on next page
NEW APPOINTEES (CONTINUED)

MAHLAPE SELLO
(cont. from previous page)

- business representative in the development chamber of NEDLAC, 1995 to 2000
- acting Director of the Wits Vaal Peace Secretariat, 2004
- represented the government in the Ginwala Enquiry, 2007
- acting Chair of the Advisory Committee on Licensing of Private Hospitals, 2010.

Adv Sello served on the Johannesburg Bar Council for five years and currently serves on some Council committees.

She has practised as an advocate at the Johannesburg Bar since 2003, doing general litigation (mostly related to administrative, commercial, and constitutional law and statutory interpretation). She has been a chair or member of numerous committees, trusts, and organisations over the years.

Adv Sello is a returning commissioner at the SALRC, with her previous term having been from 2007 to 2011. We welcome her back.

IRVIN LAWRENCE
SALRC Commissioner

Mr Lawrence obtained a BA from Rhodes University, and his LLB and LLM (corporate law) from the University of KwaZulu-Natal. He has been admitted as an attorney of the High Court of South Africa and is a director at Edward Nathan Sonnenbergs (ENS).

Mr Lawrence has 23 years’ experience as an employment attorney, specialising in employment and constitutional law. He has conducted arbitrations and mediations and has appeared in the High Court, Labour Court, and Labour Appeal Court. He has litigated for corporate clients and has advised bargaining councils and executive employees.

He has experience in restructuring businesses and conducting sales or transfers of a business as a going concern.

Another area in which he specialises is economic empowerment, especially the structuring of transactions to optimise an organisation’s scores in broad-based black economic empowerment (BBBEE).

Mr Lawrence has represented the Ship Owners’ Association of South Africa and the Association of Ships Agents in South Africa in their respective contributions to the Department of Transport’s Sector Charter in the maritime sector. He also served as Arbitrator of the Court of Sport in Lausanne, Switzerland from 2003 to 2006.

THINA SIWENDU
SALRC Commissioner

Ms Siwendu obtained a BA (Hons) in social science from the University of Cape Town in 1988, followed by her LLB at the University of Natal in 1991. She was employed as a Fellow by the Centre for Applied Legal Studies at Wits University in 1992.

From 1993 to 1995 she served her articles at Cheadle, Thompson & Haysom. In 1996 she became a partner of Thina Siwendu & Associates. In 2003, she became Director and head of corporate/commercial law at Siwendu & Partners Inc.

Ms Siwendu qualified as an accredited arbitrator in 1997 through the Independent Mediation Services of South Africa. Since 2007 she has been a senior research Fellow at the Centre for Corporate Governance in Africa at Stellenbosch.
**THINA SIWENDU**

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Business School (USB). She obtained a GFD Certificate from Wharton Business School in 2010 and has experience in commercial transactions, public-private partnership, and corporate governance.

She has served on numerous boards and committees and is a member of the KZN Law Society and the African Leadership Initiative (Aspen Institute).

In 2004 Ms Siwendu received the Regional Business Achiever Award (professional category) from the Business Women’s Association, and from 2009 to 2011 she was a panelist for the Top 100 Business and Lifetime Achievers Award run by the Sunday Times.

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**FAREWELL TO ANNA MAHLANGU**

By Johanna Msiza & Jacob Kabini

Mrs Anna Mahlangu started her career at the SA Law Reform Commission in January 1982, and retired in June 2013. During this period she held the post of Food Service Aid. Her duties included checking the cutlery each month, serving tea and refreshments during meetings and workshops, preparing and cleaning up the Commission’s meeting rooms, and helping to keep the kitchens clean. She also assisted with switchboard, filing, and distributing of bulk mail.

Mrs Mahlangu took pride in her work and got on well with everyone. She was a capable, efficient and organised employee, and her friendly nature and helpful attitude were an asset to the SALRC.

We feel privileged to have been able to work with her, share ideas and laugh with her. Many commission staff saw her as a mother figure. She was one of the first people to arrive in the morning and served with a smile, and was always willing to go the extra mile. When we heard that she was due to retire we were shocked as she did not look like she had reached retirement age.

The Commission and staff will miss Mrs Mahlangu and we wish to extend our sincere good wishes for a restful retirement after her hard work.

“**You were given three special gifts when you were born: The gift of life, the gift of love, and the gift of laughter. May your retirement allow you to share these gifts with the rest of the world – and have the rest of the world play merrily with you.”**

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**MASIBULELE CHRIS MFUNZANA**

*Assistant Secretary, SALRC*

Masibulele Chris Mfunzana was schooled in the Eastern Cape and received his LLB through the University of the Western Cape. He went on to gain a BSc(Hons) degree in policy and development studies from the University of KwaZulu Natal. He is currently completing his Masters in Public Administration through the University of Pretoria. He also holds numerous university certificates related to law and business.

Before his appointment at the SALRC, Mr Mfunzana worked at the National Department of Social Development (Independent Tribunal for Social Assistance Appeals). He was a provincial manager and appeals case analyst. He also has experience in law research gained at the DOJCD, the Institute for Democracy in South Africa, and the Cape Bar Council.

With his background in legal research and skills in public administration, Mr Mfunzana provides a most welcome addition to the SALRC team. He brings a wealth of experience and expertise to the senior management of the Secretariat.

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Chris Mfunzana
Farewell to Tienie Cronjé
Recently retired Principal State Law Adviser

By Anna-Marie Havenga

This is not a tribute to Tienie’s extraordinary work in the fields of deceased estates and insolvency law. He is well-known in these fields internationally and throughout the Commonwealth jurisdictions, and other people have made numerous tributes to him. My note serves more to wish a dear colleague well in his retirement.

I have known Tienie since my first day as a researcher at the SALRC many years ago. Tienie’s calm, professional and friendly manner has always impressed me. I will remember and respect him for his wide general knowledge in legal matters – which was always available to tap into; for his helpfulness and willingness to assist and guide; and for his dry, wry sense of humour.

And for his love of his family … from the time I first knew him, when his two young daughters would sometimes spend a few minutes in the office, until later years when Tienie would circulate photos of his beloved granddaughter by email to his colleagues and friends. The pictures often included “Ouma Joy” and always came with a funny or cute caption.

I will also remember Tienie for his wonderful curiosity about new technology and his eagerness to embrace this. He always wanted to check out the newest ways of doing things on the computer, and was enthusiastic about sharing the results. He never let slip an opportunity to patiently show you his latest tricks, even if you weren’t skilled enough to apply that knowledge!

I have benefited from his insight and knowledge over the years and am truly thankful for that. I feel certain that Tienie will find much pleasure in retirement, exploring new and adventurous interests, enjoying his children and grandchild, travelling to his heart’s content, and along the way savouring his passion for everything technical.

New and Proposed Legislation

Protection of Personal Information Bill (PPI)

The Protection of Personal Information Bill [B9D-2009] has been passed by the National Assembly and the National Council of Provinces. The Bill was discussed at length by both Houses of Parliament and the committees, and will be sent to President Zuma for his approval once the Afrikaans translation has been finalised.

The Bill will then be signed into law, and it will become an Act of Parliament.

The Bill began with the Privacy and Data Protection investigation (Project 124) of the SALRC. The Bill provides a framework to protect personal information in South Africa, and will bring South African standards in line with international obligations (prescribed adequacy requirements) in this area.

Another key aspect of the Bill is that it will allow the government to set up an Information Regulator. This body will oversee both the PPI Bill and the Promotion of Access to Information Act.

You can read the Bill at http://pmg.org.za or ask for it from Parliament, the government printers, or the SALRC.
NEW AND PROPOSED LEGISLATION (CONTINUED)

PROJECT 130: STALKING

Freedom Day (27 April) 2013 was a special day for South Africa, as President Zuma signed The Protection from Harassment Act 17 of 2011 into effect. The SALRC drafted the Bill for this Act as part of its study on Stalking (Project 130). The legal meaning of “stalking” has changed with the times and now includes harassment on social media platforms such as Facebook, Twitter and Mxit. The SALRC used the word “harassment” rather than “stalking” when drafting the Act.

The new Act means that if you are harassed you can take court action against the other person. If someone makes abusive comments to you or about you, including on Facebook or other electronic forums, you can go to your local magistrate’s court and apply for a protection order against them. The new Act also covers sexual harassment, stalking, and bullying at school.

PREVENTION AND COMBATING OF TRAFFICKING IN PERSONS

On 29 July 2013, President Zuma signed the long-awaited Trafficking Bill into law. This bill is now called the Prevention and Combating of Trafficking in Persons Act 7 of 2013. This Act started with an SALRC investigation into the trafficking of persons. The new law is a big step forward in fighting the trafficking of people in South Africa or across the country’s borders.

In the past, cases of trafficking could only be prosecuted under laws that were fragmented. The new Act provides for the prosecution and sentencing of traffickers, and also allows victims of trafficking to be protected.

With sentences of up to life imprisonment and fines of up to R100 million, people who might be tempted to sell other human beings in any way should think twice because of Act 7 of 2013.

ARBITRATION BILLS

On 12 August 2013, the SALRC and DOJCD jointly hosted an experts’ meeting on international and domestic arbitration. The meeting was held at the SALRC offices and was attended by representatives from all South African arbitration institutions. Other stakeholders also attended, including the LSSA, NADEL, and Advocates for Transformation. The experts spoke about proposed updates to the International Arbitration Bill and the Domestic Arbitration Bill, which were drafted more than 10 years ago as part of the SALRC’s investigation into Arbitration (Project 94). The DOJCD is now considering submitting these two draft bills to Parliament after the elections in 2014. The experts were asked to send their written comments on the proposed changes to the SALRC by 6 September 2013. Members of the public will also have a chance to comment once the Bills have been published and before they are submitted to Parliament. They have not yet been published for public comment.
# CURRENT SALRC PROJECTS


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<th>Project number</th>
<th>Title</th>
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| 25             | The establishment of a permanently simplified, coherent and generally accessible statute book  
|                | • Statutory law revision: redundancy, obsoleteness and constitutionality of legislation  
|                | • Review of the Interpretation Act                                    |
| 94             | Arbitration  
|                | • Role of ADR in civil practice                                     |
|                | • ADR and criminal law                                               |
| 100            | Family law and the law of persons  
|                | • Custody of and access to minor children                            |
|                | • Review of aspects of matrimonial property law                      |
|                | • Hindu marriages                                                    |
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| 107            | Sexual offences  
|                | • Sexual offences: adult prostitution                               |
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|                | • Hearsay and relevance                                              |
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| 127            | Review of administration orders                                      |
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| 135            | Review of witchcraft legislation                                     |
| 136            | Multi-disciplinary legal practices                                    |
| 137            | Expungement of certain criminal records                              |
| 138            | The practice of *ukuthwala*                                          |
Mandela Day

By Portia Bobodo

Nelson Mandela has spent 67 years making the world a better place.

On 18 July 2013, SALRC staff honored Mr Mandela’s birthday by visiting Botshabelo Day Care in Midrand. Staff members devoted 67 minutes of their time by donating groceries, stationery and nappies to those less fortunate.

Botshabelo had aimed to fill 67 square meters with donations, and it was an awesome sight by the end of the day – a true tribute to Mr Mandela.

Michelle Hinrichsen (Botshabelo’s fundraising coordinator) gave us a warm welcome when we arrived. She also gave us a tour around the building and there were kids aged from birth to 6 years.

We didn’t have the opportunity of talking and playing with them because we arrived at their lunch time. But we saw the children and their rooms and the coordinator’s office.

We were glad to honour the legacy of Tata Mandela in a most generous way. Thanks to all colleagues who made this day a success with your generous contributions.

Call for submissions
Submit your comments and proposals on law reform to the SALRC Secretary. See page 2 for more details.

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