

MANUAL IN TERMS OF SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

INTRODUCTION

In terms of section 14(1) of the Promotion of Access to Information Act 2 of 2000, the information officer of a public body must compile in at least three official languages a manual containing certain specified information.

The South African Law Reform Commission derives its powers from the South African Law Commission Act 19 of 1973. The Law Reform Commission is a public body as contemplated in paragraph (b)(ii) of the definition of “public body”, namely an institution exercising a public power of performing a public function in terms of any legislation. The Law Reform Commission therefore manages the access to its own records.

GUIDE ON HOW TO USE THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

In terms of section 10 of the Promotion of Access to Information Act 2 of 2000 the Human Rights Commission must compile in each official language a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in this Act.

The particulars of the Head Office of the Human Rights Commission are as follows:

Private Bag 2700
Houghton 2041
JOHANNESBURG

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STRUCTURE AND FUNCTIONS OF THE SOUTH AFRICAN LAW REFORM COMMISSION

Establishment of the Commission

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

The objects of the Commission

The objects of the Commission are set out as follows in section 4 of the 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 continuous basis.

Constitution of the Commission

The members of the Commission are appointed by the President.

In terms of section 3(1)(a) of the Act the Commission is constituted as follows:

- A judge of the Constitutional Court, the Supreme Court of Appeal or a High Court, 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.

In terms of section 3(2) of the Act the President may appoint one or more additional members if he deems it necessary for the investigation of any particular matter by the Commission.

Committees

Section 7A of the 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 latter are appointed by the Minister. The object of the second category of committees is to utilise the expertise of persons outside the Commission and to ensure direct community involvement in the activities of the Commission.

Committees of the Commission perform the activities assigned to them by the Commission and are subject to the Commission's directives. Activities performed by committees are deemed to be performed by the Commission and for the purposes of remuneration members of committees are deemed to be members of the Commission.

Working Committee

Under the first category of committees the Commission has established a Working Committee which consists of members of the Commission co-opted for meetings according to their availability.

The Working Committee may be considered the executive committee of the Commission. In accordance with the Commission's directives, this Committee attends on a continuous basis to routine matters and other matters that require urgent attention. The Working Committee may exercise all the functions of the Commission excluding the approval of Reports. The Committee also considers the inclusion of new investigations in

the Commission's programme. Furthermore, the Working Committee plans and manages the activities of the Commission's Secretariat.

Project committees

Project committees fall under the second category of committees. The Commission follows the practice of instituting project committees consisting of experts to assist with investigations and to advise the Commission if a specific investigation in the Commission's programme so requires.

Secretariat of the Commission

The Commission is assisted in its task by a full-time Secretariat consisting of officials on the establishment of the Department of Justice and Constitutional Development. The Secretariat consists of an administrative component and a professional component.

Programme

The Act provides that the Commission must from time to time draw up programmes listing the matters which in its opinion require consideration in order of priority. The Commission's programme is subject to the Minister's approval.

DOCUMENTS PUBLISHED AND PRODUCED BY THE COMMISSION

In the course of its activities the Commission publishes a variety of documents. The document series of the Commission consists of the following:

Issue Papers

In order to involve the community actively at an earlier stage, the Commission publishes Issue Papers for appropriate investigations as the first step in the consultation process. The purpose of an Issue Paper is to announce an investigation, to clarify the aim and extent of the investigation, and to suggest the options available for solving existing problems.

Issue Papers are available free of charge on request.

Discussion Papers

Discussion Papers, previously referred to as Working Papers, are documents in which the Commission's preliminary research results are contained. In most cases Discussion Papers also contain draft legislation. The main purpose of these documents is to test public opinion on solutions identified by the Commission. Discussion Papers are numbered serially as they are published.

Discussion Papers are available free of charge on request.

Reports

The Act requires the Commission to prepare a full Report on any matter investigated by it and to submit such Report together with draft legislation, if any, to the Minister for consideration.

All Reports of the Commission are official, but not all are published. Reports that have not been published, are available free of charge on request. Reports that have been published can be purchased from the Government Printer.

In addition to the Reports on particular investigations, the Act provides that the Commission must annually submit to the Minister a Report on all its activities during the previous year. The Annual Report can be purchased from the Government Printer.

Research Papers

Papers in the Commission's research series which have not been published, are available free of charge on request. Research Papers that have been published can be purchased from the Government Printer.

Bulletins

Bulletins are periodical newsletters of the Commission which are available free of charge on request.

The abovementioned documents are placed on the Law Commission's Website shortly after publication: <http://www.doj.gov.za/salrc/index.htm>

Commission Papers, Committee Papers and Minutes of meetings

Commission Papers and Committee Papers are internal documents that are not published. In these papers suggestions for the inclusion of matters in the Commission's programme, research results for the information of or consideration by the Commission, draft Issue Papers, Discussion Papers and Reports as well as a variety of other matters are dealt with. The papers are numbered in sequence as they serve before the Commission.

Minutes of Commission, Working Committee and project committee meetings are kept.

PUBLIC PARTICIPATION IN THE LAW REFORM PROCESS

The process of law reform begins with the submission to the Commission of a law reform proposal. Any person or institution is at liberty to approach the Commission with a request to investigate a particular branch or aspect of the law which ostensibly is in need of reform.

The execution of the Commission's mandate depends on establishing a comprehensive process of consultation with South Africans to ensure that its work is accessible and promotes the democratic values of the Constitution. All parties with an interest in the proposals for law reform propounded in Issue Papers and Discussion Papers are invited to comment in writing. The Commission will consider motivated requests for the submission of oral representations. The comment forms a vital part of the Commission's consultation process and informs the development of final recommendations.

CONTACT DETAILS

The Secretary of the Commission is the information officer of the Commission. The Assistant Secretary has been designated as the deputy information officer.

The offices of the South African Law Reform Commission are situated in the Sanlam Centre (12th floor), corner of Andries and Schoeman Streets, Pretoria.

The postal address is as follows:

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