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THE SOCIETY OF LAW TEACHERS
OF SOUTHERN AFRICA

CONFERENCE Programme 2014

University of the Witwatersrand | 13–15 January 2014

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DAY 1 | Monday, 13 January 2014

08:00–09:00	Registration			
09:00–09:15	Welcoming address: (FNB 101) Prof Vinodh Jaichand, Head of School of Law, Wits Adv Kate Choshi, President of the Society; HOD Private Law, University of Venda			
09:15–10:30	Plenary session: The Judiciary (FNB 101) Plenary note speaker: Prof Kate Malleson, School of Law, Queen Mary University of London Panel members: Prof Cora Hoexter (Chair), Wits; Prof Morné Olivier, Wits			
10:30–11:00	TEA (SLTSA Council meeting: Chalsty Seminar Room)			
11:00–13:00	Sessions 1–4			
	Administrative Law Chair: Prof Cora Hoexter (Wits)	International Trade Law Chair: Prof Engela Schlemmer (Wits)	Human Rights Chair: Prof Zozo Dyani-Mhango (Wits)	Labour Law Chair: Prof George Mpedi (UJ)
	Chalsty Auditorium	LB 143	LB 144	LB 145
11:00–11:30	Prof Chuks Okpaluba, University of Fort Hare The right to be heard: is it available at the preliminary stage of a decision-making or disciplinary process? <i>Hlope, Zuma and Chiluba</i> in retrospect	Mr Jimmy Ngandwe, UNISA The challenges of the SADC foreign investment policy and law	Ms Franaaz Khan, UKZN The Constitutional Court ruling in the case of <i>Head of Department, Department of Education, Free State Province v Welkom High School</i> ; <i>Head of Department, Department of Education, Free State Province v Harmony High School</i> 2013 BCLR 989 (CC)	Dr Ashgar Ali Ali Mohamed & Dr Farheen Baig Sardar Baig, International Islamic University, Malaysia Prevention of sexual harassment: the Islamic law (<i>syariah</i>) perspective
11:30–12:00	Prof Geo Quinot, US Set aside as a discretionary administrative law remedy under the Constitution	Mr B Daniel Hall, Programme Manager, Global Health Corps Fellow, USAID, Uganda (first-time presenter)* International trade law jurisprudence and public health policy space: a game theoretical model	Mr Tumo Maloka, University of Fort Hare The right to open justice and the question of confidentiality of asylum applications in a nascent constitutional democracy	Prof Karin Calitz, US Bargaining councils in crisis
12:00–12:30	Ms Melanie Murcott, UP (first time presenter)* A future for substantive legitimate expectations?	International Law Chair: Prof Garth Abraham (Wits) Mr Werner Nicholaas Nel, Tshwane University of Technology Classifying the persecution of Christians as genocide and crimes against humanity in terms of the Rome Statute: a hypothetical study on the use of international criminal law to combat impunity for religious persecution	Adv Tsietsi Ramatsekisa, University of Fort Hare Legal representation in a commission of enquiry: the Marikana case in the light of the Constitutional Court decision of <i>Mzoxolo Magidiwana v President of RSA</i> (CCT 100/13) [2013] ZACC 27	Mr David Letsoalo, UNISA Employee or independent contractor? The conundrum in professional sport

* The four finalists of the First-Time Presenters' Award will move from their allocated sessions to the formal presentation session on Wednesday, 15 January.

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	Administrative Law Chair: Prof Cora Hoexter (Wits)	International Law Chair: Prof Garth Abraham (Wits)	Human Rights Chair: Prof Zozo Dyani-Mhango (Wits)	Labour Law Chair: Prof George Mpedi (UJ)
	Chalsty Auditorium	LB 143	LB 144	LB 145
12:30–13:00		Ms Tholaine Matadi, University of Zululand <i>(first-time presenter)*</i> The fate of children's rights during recent armed conflicts in the Democratic Republic of the Congo		
12:30–14:00	LUNCH			
14:00–16:00	Sessions 5–8			
	Constitutional Law Chair: Prof Morné Olivier (Wits)	International Law Chair: Prof Garth Abraham (Wits)	Clinical Legal Education Chair: Prof Shaheda Mahomed (Wits)	Labour Law Chair: Prof George Mpedi (UJ)
	Chalsty Auditorium	LB 143	LB 144	LB 145
14:00–14:30	Mr Tumi Mmusinyane & Ms Mmatsi Mooki, UNISA The 1996 constitutional aspirations and the prevailing realities of those demanding access to adequate housing in SA: 20 years later	Mr Servious Hungwe, Cape Peninsula University of Technology Double persecution: a critique of article 31 of the 1951 UN Convention on the Status of Refugees	Prof Jobst Bodenstein, Rhodes University Clinical Law Modules in South Africa: Betwixt a rock and a hard place	Mr Cameron Marojane, Senior Commissioner – Legal, CCMA A critical analysis of the proposed amendments to the Labour Relations Act on the regulation of non-standard employment
14:30–15:00	Mr Tshepang Monare, Legal Aid South Africa Double jeopardy and the Constitution: <i>Plaatjies v DPP, Transvaal</i> (043/2013) [2013] ZASCA 66 as a spectacle	Ms Onthathile Olerile Moeti, Attorney, Botswana Prospects and challenges of prosecuting corruption-related offences as international crimes in Africa	Prof Jonathan Campbell, Rhodes University The use of a topical human rights issue to teach justice education, while at the same time addressing community needs	Mr Mlungisi Tenza, Durban University of Technology The role of the new Dangerous Weapons Act of 2013 in reducing levels of violence during industrial action
15:00–15:30	Prof Nomthandazo Ntlama, UKZN The process of judicial appointments in the transformation of the judiciary in South Africa	Mr Arthur van Coller, University of Fort Hare Direct participation in (asymmetrical) armed hostilities	Legal History Chair: Prof Andrew Domanski (Wits) Mr David Pugsley, University of Exeter A potted history of the compilation of Justinian's Digest	Mr Kwena Kubjana, UNISA E-mail monitoring and privacy at the workplace: my world, my things

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	Chalsty Auditorium	LB 143	LB 144	LB 145
15:30–16:00		<p>Mr Marshal Mapondera, Zimbabwe Institute of Legal Studies <i>(first-time presenter)*</i></p> <p>Ensuring the survival of African women's economic empowerment rights under modern revolutionary constitution-making</p>	<p>Mr Jan-Louis Serfontein, Wits</p> <p>Equity as a source of law: a historical survey</p>	
17:00 – late	<p>Cocktail function hosted by the Wits Law School (Randlords): Come join us for cocktails with a 360-degree view of the sunset over Johannesburg.</p>			

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DAY 2 | Tuesday, 14 January 2014

08:30–10:00	<p>Plenary discussion: The future of the LLB (FNB 101)</p> <p>Panel chair: Prof Vinodh Jaichand, Head of School of Law, Wits</p> <p>Panel members: Prof Jonathan Campbell, Dean, Rhodes University – ‘The role of law faculties and law academics: academic education or qualification for practice?’; Prof Geo Quinot, US – ‘The LLB between profession and higher education’; Mr Nic Swart, CEO Law Society of SA, Director: LEAD – ‘LLB education: attorneys’ needs’</p>				
10:00–10:30	TEA				
10:30–12:00	SLTSA Annual General Meeting (FNB 101)				
12:00–13:00	LUNCH				
13:00–15:00	Sessions 1–4				
	Constitutional Law Chair: Prof Morné Olivier (Wits)	Legal Education Chair: Prof Geo Quinot (US)	Civil Procedure Chair: Prof Constantine Theophilopoulos (Wits)	Social Security Chair: Prof Kitty Malherbe (UWC)	Jurisprudence Chair: Prof Karin van Marle (UP)
	Chalsty Auditorium	LB 143	LB 144	LB 145	LB 146
13:00–13:30	<p>Prof Tushar Kanti Saha, National University of Lesotho</p> <p>Arab spring and its implications for democratisation in sub-Saharan Africa</p>	<p>Ms Andrea Bauling, UNISA</p> <p>Rethinking the LLB curriculum: the role of the final-year dissertation as capstone module</p>	<p>Ms Heléne Davidtsh, UP</p> <p>Should one give notice of intended legal action against an organ of state in a debt-related case?</p>	<p>Dr MAT Nyenti, UJ</p> <p>Realising the right of access to social security for the indigent in South Africa: the need for an integrated and coordinated framework</p>	<p>Ms Isolde de Villiers, UP</p> <p>‘We need new names’: name changes and rogue urbanism in Pretoria’s lawscape</p>
13:30–14:00	<p>Mr Marius van Staden, UJ</p> <p>The status of South Africa’s common-law bill of rights</p>	<p>Mr Eben van der Merwe & Prof David Mcquoid-Mason, UKZN</p> <p>The four-year/five-year LLB debate, entry to the legal profession and community service</p>	<p>Prof Wouter de Vos, Emeritus professor, UCT, Research fellow, Institute for Dispute Resolution in Africa, UNISA</p> <p>Recent developments regarding class actions in South Africa</p>	<p>Ms Yvette Wiid, UWC</p> <p>The right to social protection and persons with disabilities</p>	<p>Ms Yvonne Oyieke, UP</p> <p>Contesting archives in post-apartheid South Africa – Law, memory and the quest for justice</p>
14:00–14:30	<p>Mr Ahmed S Garba, Visiting Scholar, University of Iowa College of Law (first-time presenter)*</p> <p>Nigeria’s state–religion questioned: an appraisal</p>	<p>Prof Geo Quinot, US</p> <p>The potential of a capstone course in addressing perceived shortcomings in LLB training in South Africa</p>	<p>Ms Patricia Erasmus, UP</p> <p>Some consumers are more equal than others – the enforcement of consumer rights in the South African context of economic diversity</p>	<p>Ms Puseletso Thejane, Wits</p> <p>The proposed incorporation of the business judgment rule into the South African pension law: is it ripe?</p>	<p>Ms Anri Heyns, UNISA</p> <p>The inoperative community of law students: rethinking the foundations of legal culture</p>

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	Constitutional Law Chair: Prof Morné Olivier (Wits)	Legal Education Chair: Prof Geo Quinot (US)	Evidence Chair: Prof Constantine Theophilopoulos (Wits)	Social Security Chair: Prof Kitty Malherbe (UWC)	Jurisprudence Chair: Prof Karin van Marle (UP)
	Chalsty Auditorium	LB 143	LB 144	LB 145	LB 146
14:30–15:00		Mr Theo Broodryk, US <i>(first-time presenter)*</i> Writing intensive courses across the curriculum: developing students' critical thinking and writing skills	Prof Constantine Theophilopoulos, Wits State privilege, the Protection of State Information Bill and legal proceedings		Ms Lorette Arendse, UP Beyond Rivonia: transformative constitutionalism and the public education system
15:00–15:30	AFTERNOON TEA				
15:30–17:30	Sessions 5–8				
	Environmental Law Chair: Prof Michael Kidd (UKZN)	Property Law Chair: Prof Juanita Pienaar (US)	Evidence Chair: Prof Constantine Theophilopoulos (Wits)	Social Security Chair: Prof Kitty Malherbe (UWC)	Jurisprudence Chair: Prof Karin van Marle (UP)
	Chalsty Auditorium	LB 143	LB 144	LB 145	LB 146
15:30–16:00	Ms Deborah Brand, Wits Access limited: Aarhus Convention standards of access to information in South African environmental legislation	Dr Desan Iyer, University of Zululand Is the determination of compensation a prerequisite for the constitutional validity of expropriation: <i>Haffejee NO and others v Ethekwini Municipality and others</i>	Prof Dawie de Villiers, UJ Objectivity in litigation and science – easy in theory, difficult in practice	Prof George Mpedi, UJ Paying the price for being a careless employer or simply rewarding a myopic employee: <i>Malatji v Gauteng Building Provident Fund and others</i>	Mr Jan-Harm de Villiers, UNISA Moving beyond the language of equality
16:00–16:30	Prof Tracy Humby, Wits Law and resilience	Ms Ebrezia Johnson, US Exploring the missing link between housing policy and legislation in South Africa and the impact of evictions on it	Ms Kanagie Naidoo, University of Zululand Exercising the right to remain silent	Prof Kitty Malherbe, UWC Retirement reform in South Africa: lessons from (and for) Chile	Prof Karin van Marle, UP Poverty and justice, technology and science
16:30–17:00	Prof Michael Kidd, UKZN Authorisations in environmental law and transformation	Prof Jean Sonnekus, UJ Die inhoud van die saaklike ooreenkoms en ontbrekende beskikkingsbevoegdheid vir vestiging van saaklike sekerheidsregte		Mr Clement Marumoagae, NWU Non-member's spouse's share of the pension interest on divorce (<i>first-time presenter</i>)*	Ms Lizelle le Roux, UP Supporting the arts: fact, fiction or ideal

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	Chalsty Auditorium	LB 143	LB 144	LB 145	LB 146
17:00–17:30	<p>Prof Willemien du Plessis, NWU</p> <p>New developments in mining and gas legislation: to be confused or more confused?</p>	<p>Mr Gino Frantz & Ms Heleen van Niekerk, UJ</p> <p>The nature of prospecting rights and mining rights under the Mineral Petroleum Resources Development Act 28 of 2002</p>			

18:00 for 18:30 LexisNexis function – Killarney Country Club

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DAY 3 | Wednesday, 15 January 2014

08:30–10:00	<p>Plenary session: Business rescue – <i>Oakdene</i> and beyond (FNB 101)</p> <p>Plenary note speaker: Prof Paul Omar, Nottingham Trent University</p> <p>Panel members: Prof Anneli Loubser (chair), UNISA; Prof André Boraine, UP</p>				
10:00–10:30	TEA (SLTSA Council Meeting: Chalsty Seminar Room)				
10:30–12:30	Sessions 1–4				
	<p>Oxford University Press First-Time Presenters' Award</p> <p>Panel members: Adv Kate Choshi (University of Venda); Prof Caroline Nicholson (UP); Prof Deeksha Bhana (Wits)</p>	<p>Family Law</p> <p>Chair: Prof Jackie Heaton (UNISA)</p>	<p>Criminal Procedure</p> <p>Chair: Prof Annette van der Merwe (UP)</p>	<p>Company Law</p> <p>Chair: Prof Philip Sutherland (US)</p>	<p>Intellectual Property Law</p> <p>Chair: Prof Coenraad Visser (UNISA)</p>
	Chalsty Auditorium	LB 143	LB 144	LB 145	LB 146
10:30–11:00	*	<p>Ms Lizelle Calvino, University of Zululand</p> <p>The application of the Civil Union Act: a perpetuation of the marginalisation of marriages?</p>	<p>Mr Adriaan Anderson, University of Limpopo</p> <p>What to do about AARTO? A comparative analysis</p>	<p>Mr Simphiwe Bidie, University of Fort Hare</p> <p>The regulation of dividend payments: an evaluation of developments in the protection of stakeholder interests from a comparative perspective</p>	<p>Ms Verine Etsebeth, Wits</p> <p>Tweet now, pay later – the legal implications of social networking sites for prospective employees</p>
11:00–11:30	*	<p>Ms Carmel van Niekerk, UWC</p> <p>Section 294 of the Children's Act: Do roots really matter?</p>	<p>Ms Neetu Chetty, Programme coordinator, Varsity College in partnership with the University of the Free State</p> <p>Enter the DNA Bill. South Africa's new crime fighter in cases of rape?</p>	<p>Dr Howard Chitimira, NWU</p> <p>Overview of the market abuse regulation under the Financial Markets Act 19 of 2012</p>	<p>Mr Vuyisile Hobololo, NMMU</p> <p>The adequacy of compliance requirements of the IPR Act on higher education institutions for commercialisation of intellectual property from publicly funded research</p>
11:30–12:00	*	<p>Ms Rani Pillay, UKZN</p> <p>The right of donor-conceived children to information concerning the nature of their conception</p>	<p>Dr Nina Mollema, UNISA</p> <p>The legal response to combating human trafficking in South Africa: a critical appraisal of the Trafficking in Persons Bill</p>	<p>Ms Tebogo Morajane, UP</p> <p>The regulation of insider trading in South Africa. Will current legislation curb the insider trading offence and ensure fair, efficient and transparent financial markets?</p>	<p>Mr Pieter Koornhof, UWC</p> <p>The status of digital rights management in South Africa</p>

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	Oxford University Press First-Time Presenters' Award Panel members: Adv Kate Choshi (University of Venda); Prof Caroline Nicholson (UP); Prof Deeksha Bhana (Wits)	Family Law Chair: Prof Jackie Heaton, (UNISA)	Criminal Procedure Chair: Prof Annette van der Merwe (UP)	Company Law Chair: Prof Philip Sutherland (US)	Intellectual Property Law Chair: Prof Coenraad Visser (UNISA)
	Chalsty Auditorium	LB 143	LB 144	LB 145	LB 146
12:00–12:30	*	Ms Camilla Pickles & Ms Debbie Labuschagne, UP Pregnancy, foetal individuation, and claims to another's body: a relational response	Prof James Grant, Wits Common purpose: Thebus, Marikana and unnecessary evil	Mr Tshego Kgarabjang, UNISA The meaning of artificial price: lessons from Australia	
12:30–13:30	LUNCH				
13:30–15:30	Sessions 5-8				
	Law of Obligations Chair: Prof Jean Sonnekus (UJ)	Family Law Chair: Prof Jackie Heaton (UNISA)	Criminal Procedure Chair: Prof Annette van der Merwe (UP)	Company Law Chair: Prof Philip Sutherland (US)	Intellectual Property Law Chair: Prof Coenraad Visser (UNISA)
	Chalsty Auditorium	LB 143	LB 144	LB 145	LB 146
13:30–14:00	Ms Ray de Villiers, US Reflections on the requirement of certainty: does relational contract theory offer a solution to the problem of uncertainty in long-term contracts?	Prof Caroline Nicholson, UP Parental child abduction: peremptory return vs best interests of the child	Mr PR Msaule, University of Limpopo Of bail and schedules	Prof Tshepo Mongalo, Wits One step forward, two steps backward and one step forward: yet another failure of the US statutory corporate constituency measures to empower non-shareholder corporate constituencies: lessons from South Africa	Mr Lonias Ndlovu, University of Zululand The theory and practice of the Public Health WTO TRIPS Flexibilities in the SADC region
14:00–14:30	Ms Michéle Schoeman, NWU 'Adjudication' of disputes in terms of the GCC 2010	Ms Devina Perumal, UKZN Keeping women in their place: the legal non-recognition of Hindu religious marriages and the promise of gender equality in South African law	Prof Annette van der Merwe, UP Section 76(3) of the Child Justice Act 2008: a disguised route to prison or an incentive for a child to improve and be able to benefit through an early release?	Ms Helena Stoop, UCT Unintended consequences: the position of a director facing delinquency in terms of s 162 of the Companies Act 71 of 2008	Mr Gideon Rossouw, NWU From Gutenberg to cyborg: 21st century challenges to copyright law
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	Chalsty Auditorium	LB 143	LB 144	LB 145	LB 146
14:30–15:00	<p>Mr Cornelius Visser & Ms Christin Kennedy-Good, Wits</p> <p><i>Lee v Minister of Correctional Services</i> 2013 (2) SA 144 (CC): The emergence of a 'flexible' <i>conditio sine qua non</i> test for factual causation?</p>	<p>Ms Willene Holness, UKZN (<i>first-time presenter</i>)*</p> <p>Unfit mothers: the need for law reform to address the removal of children from parents with intellectual disabilities in South Africa</p>		<p>Ms Elzemari Temperman, UP</p> <p>Concurrent creditors' liability to contribute: a vulture culture?</p>	<p>Ms Sebo Tladi, UNISA</p> <p>A decade of legislative measures: lessons South Africa can learn from abroad regarding the regulation of spam</p>
15:00–15:30	<p>Dr Aimite Jorge, UWC</p> <p>Fruits and enrichment liability: a comparative analysis of South African and Brazilian law</p>			<p>Mr Benjamin Kujinga, Monash South Africa School of Business and Economics (<i>first-time presenter</i>)*</p> <p>Factors that limit the efficacy of general anti-avoidance rules in income tax legislation: a study of Australia, Canada and South Africa</p>	
15:30–16:00	Announcement of the OUP First-Time Presenters' Award winner & closing (Chalsty Auditorium)				
18:00 for 18:30	Juta Gala Dinner – The Wanderers Club				
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