

IMPORTANT NEWS

1973 MENTAL HEALTH ACT REPEALED

The 2014 Mental Health Amendment Act is now in force – repealing the 1973 Mental Health Act, and enabling the head of the national Department of Health to delegate any power conferred on him/her by the 2002 Mental Health Care Act to a suitably competent person in that department, reports *Legalbrief Policy Watch*.

The provision concerned does, however, exclude certain powers. These are: designating state health establishments as psychiatric hospitals or care and rehabilitation centres; determining the nature of care, treatment and rehabilitation services they provide; disclosing information in order to avoid prejudicing the health of others at those facilities; and designating health establishments that may admit, care for, treat and rehabilitate state patients, including those who are mentally ill.

Source: www.legalbrief.co.za, 01 July 2016

CLARITY PROVIDED ON COPYRIGHT, PERFORMERS' BILLS

Explanatory summaries of the Copyright Amendment Bill and Performers' Protection Amendment Bill was gazetted – providing some insight into two pieces of draft legislation submitted last month to both parliamentary committees concerned, reports Pam Saxby for *Legalbrief Policy Watch*. The Bills are expected to be formally tabled during the course of July. As *Legalbrief Today* has already reported, the two proposed new statutes were processed by the offices of the National Assembly Speaker and the NCOP chair in terms of Joint Rule 159. This allows a piece of legislation approved by Cabinet to be submitted to Parliament regardless of whether it has been 'legally or technically formalised as a proper draft Bill'. Among other things, the Copyright Amendment Bill seeks to provide for: the establishment of an intellectual property tribunal; the fair use of copyright work; the accreditation and registration of collecting societies; the settlement of royalty disputes; the protection of orphan works authorship; the management of digital rights; and the promotion of local content broadcasting. Reference is also made to provisions in the Bill prohibiting certain conduct as this relates to technological protection measures and copyright management information. The Performers' Protection Amendment Bill includes provisions seeking to: 'address issues relating to the payment of royalties to performers'; safeguard the rights of contracting parties; and promote the 'moral and economic rights' of performers featuring in 'audio-visual fixations'. At the time of writing, neither Bill had been made electronically available

Source: www.legalbrief.co.za, 6 July 2016

MORE TIME TO COMMENT ON RACISM ACTION PLAN

The deadline for comment on government's draft national action plan for combatting racism, discrimination, xenophobia and related intolerance has been extended to **31 August**. Announcing this a Department of Justice and Correctional Services media statement confirmed that the eight provincial consultations have been conducted to date on a five-year plan that will be reviewed annually. Its purpose is to complement existing legislation, policies and framework documents – not replace them, writes Pam Saxby for *Legalbrief Policy Watch*.

Source: www.legalbrief.co.za, 7 July 2016

NPO BILL A CAUSE FOR CONCERN

When the new Non-Profit Organisations Bill finally makes its way into Parliament, it has a legislated responsibility to ensure the Bill matches essential prerequisites of democracy and human rights as constitutionally specified, says Charities Aid Foundation SA's Colleen du Toit, in an analysis in *Business Day*. She points out that the Non-Profit Organisations Act (NPO Act) was passed in 1997. Its purpose was to create an enabling environment for organisations to flourish, while maintaining adequate standards of governance and public accountability. Since 2012, the Department of Social Development has intended to revise the NPO Act to 'strengthen the sector' and develop a stronger partnership

between government and NPOs. Du Toit adds that following a national summit with the sector in 2013 – and omitting public consultation – successive drafts on the intended legislative amendments were produced. However, no draft Bill has been tabled in Parliament. The department has been silent on the revisions until May, when ‘an outline of the proposed Bill was presented at a conference organised by the SA Accounting Academy’. Since then there have been media reports on impending legislative restrictions on the NPO sector. Says Du Toit: ‘The contents of the Bill are cause for serious concern as they comprise significantly stronger government control and sanction. These include restrictions on foreign funding and the organisations so resourced.’

Source: www.legalbrief.co.za, 29 June 2016

UNEMPLOYMENT INSURANCE BILL WITH PRESIDENT

The Unemployment Insurance Amendment Bill has apparently completed its passage through Parliament and is now with President Jacob Zuma. This is according to an audio clip featured at least twice on *SAfm News*, in which the UIF’s Makhosonke Buthelezi categorically stated that the Bill is expected to be signed into law ‘soon’, reports Pam Saxby for *Legalbrief Policy Watch*. According to a National Assembly announcements, tablings and committee reports document dated 19 May, a ‘D’ version version of the Bill was passed that day by the House and referred to the NCOP for concurrence. There is nothing to suggest that the NCOP Committee on Economic and Business Development ever met to consider it before rising for a prolonged pre-local government elections constituency period now in progress

Source: www.legalbrief.co.za, 30 June 2016

MINIMUM WAGE TALKS AT ‘A DELICATE STAGE’

National minimum wage negotiations are at ‘a delicate stage’, while talks on pre-strike balloting and ‘other’ labour market reforms are ‘nowhere near closure’, according to Cosatu president S’dumo Dlamini (*Fin24*). He was commenting on a recent Financial Times of London interview with Finance Minister Pravin Gordhan, in which the Minister was reported to have said that government is ‘close’ to making an announcement on these and related issues – including ‘compulsory arbitration so that strikes don’t last forever’. In Dlamini’s view, the Minister’s remarks were ‘premature’, reports Pam Saxby for *Legalbrief Policy Watch*.

As *Legalbrief Today* has already reported, it has been decided in the National Economic Development and Labour Council (Nedlac) that a panel of experts should be appointed to make recommendations on a national minimum wage threshold (Business Day). One of the sticking points in a process that began in Nedlac last August, the issue was apparently behind rumours of a negotiations deadlock between the social partners that could have led to ‘mass action’ by members of its labour constituency. The panel’s composition has yet to be announced.

Source: www.legalbrief.co.za, 5 July 2016

LIQUIDATORS' RIGHT TO PRE-LITIGATION DISCOVERY IN SPOTLIGHT

Liquidators' entitlement to investigate the strength of a potential claim has been put in the spotlight in the recent case of ***Roering NO and Another v Mahlangu and Others***, where the SCA ruled that the legality of a summons issued by a commissioner pursuant to an inquiry in terms of sections 417 and 418 of the Companies Act would be determined by its purpose, and not its effect. In the first of a two part analysis of the judgment on the *Legalbrief Today* site, *Adams & Adams*' Jac Marais and Shanine Viljoen point out that the SCA found that a summons does not constitute an abuse of process merely because the issues canvassed in the examination may overlap with issues in pending or contemplated civil litigation. They add that given the effect that reliance on the Promotion of Access to Information Act could have in contemplated litigation, the courts have applied a narrow interpretation of section 50 of the Act to limit its application. ‘This limitation placed on ordinary civil litigants, it seems, is discordant with the comparative rights afforded to liquidators under sections 417 and 418,’ they add. Marais and Viljoen argue further that the SCA's focus on the purpose – and not the effect – of a summons to determine whether it is an abuse of process is contrary to the usual approach adopted by the courts, which has emphasis on the effect and not the purpose of a process to determine its legality. ‘It would therefore seem that a commissioner's decision to summon a witness in an inquiry will be valid provided that he has observed the principles of procedural fairness in examining the witness, irrespective of other advantages that may accrue to the liquidator in pending or contemplated civil proceedings.’

Source: www.legalbrief.co.za, 6 July 2016

RECOMMENDED READING

Nkata: The court's interpretation of s 129 of the NCA and the meaning of 'reinstatement', by Harold Smit and Sabina Ismael, [De Rebus](#), July 2016

Alternatives to retrenchment – are employers obliged to save jobs?, by Neil Coetzer, [De Rebus](#), July 2016

Understanding parole – an in-depth discussion, by Dr Llewelyn Gray Curlewis, [De Rebus](#), July 2016

The sins of the fathers: Termination of supply and execution against immovable property for a prior owner's debt, by Chantelle Gladwin and Sean Piveteau, [De Rebus](#), July 2016

Step-by-step guide to residential housing eviction proceedings in the Magistrate's Court, by Tamara Klos, [De Rebus](#), July 2016

Biotech inventions – the impact in South Africa of recent case law in other jurisdictions, by Chyreene Truluck and Waheed Mahomed, [De Rebus](#), July 2016

Claims based on universal partnerships in divorce matters, by Magdaleen de Klerk, [De Rebus](#), July 2016

Unmarried same-sex couples more favourable legal position than heterosexual counterparts, by Bradley Smith; [De Rebus](#), July 2016

Non-compliance with the Domestic Violence Act and vicarious liability, by Yashin Bridgemohan, [De Rebus](#), July 2016

RECENT OTHER JUDGMENTS

PISTORIUS SENTENCING DECISION TAKES HEAVY CRITICISM

Judge Thokozile Masipa unleashed a tidal wave of public criticism yesterday, when, in a judgment heavily favouring his defence, she sentenced Oscar Pistorius to just six years in jail for murdering his girlfriend Reeva Steenkamp, notes *Legalbrief*. It was only one year more than the five-year sentence for culpable homicide she imposed on him in 2014. Unsurprisingly, Pistorius' legal team quickly announced it would not appeal the decision. The NPA has not yet decided on the way forward, saying only it had noted the sentence and would consider its options. According to a *BDrive* report, Masipa said she thought the sentence was fair to the accused, the deceased's family and society at large. Masipa was resentencing Pistorius after his initial conviction in 2014 for culpable homicide was replaced with that of murder by the SCA last year. 'Although a custodial sentence is appropriate, I am of view that long-term sentence will not be appropriate.' Pistorius had served about a year of his initial five-year prison sentence before being released on parole last year. Masipa said the mitigating factors in the case had outweighed the aggravating factors, and that this had led her to depart from the prescribed 15-year minimum sentence for murder. Masipa also remarked on the perception by the public that there was an argument between Pistorius and Steenkamp before she was murdered. 'This was confirmed by the father of the deceased as he let slip this very assertion. Such a perception does exist and cannot be ignored by this court. There is not a shred of evidence placed before the court that supports such assertion.' She also said there was no indication that Steenkamp was in an abusive relationship. 'Had there been such evidence, this would have been an aggravating factor.'

Source: www.legalbrief.co.za, 7 July 2016

LOBOLA PAYMENT NOT ENOUGH TO SEAL MARRIAGE – RULING

In a case which probably has millions of rands at stake, former MTN CEO Sifiso Dabengwa and Joburg City Theatres CEO Xoliswa Nduneni-Ngema clashed in the Gauteng High Court (Johannesburg) over whether the payment of lobola was enough to seal their marriage according to Xhosa customary law, notes *Legalbrief*. Dabengwa argued his R20 000 lobola payment for Nduneni-Ngema did not mean they were married under Xhosa customary law. And Judge Colin Lamont agreed, ruling that although Dabengwa had willingly entered the lobola process he had not given consent to be married. 'As the defendant did not consent to be married and hence did not become married, it is unnecessary to decide what effect of the ceremony of lobola negotiations is,' the judge said. Nduneni-Ngema is planning to appeal, with her lawyer saying that every man married in a Xhosa traditional ceremony who was getting divorced could now say 'in my mind I never intended to get married by custom'. Dabengwa's lawyer Billy Gundelfinger is quoted in the Sunday Times

as saying the ruling was extremely important because it highlighted the fact that marriage under customary law requires far more than the payment of lobola. 'It was a misconception that once lobola was paid nothing further is required'. He added: 'In order for there to be recognition of customary marriage, section 31 (of the Recognition of Customary Marriage Act) says there needs to be consent by both parties. (It must also be) negotiated and entered into or celebrated in accordance with customary law'.

Source: www.legalbrief.co.za, 4 July 2016

SEVERE PENALTY DISHED OUT FOR 'K' WORD INSULT

Bruce Allan (35) – who hurled verbal abuse, including the 'k' word, at a young black woman in a shop in Pinelands, Cape Town, has to pay her R8 000 in compensation for the humiliation he caused her. A report on the *IoL* site says Allan appeared in the Goodwood District Court before Magistrate Sean Lea, who found him guilty on a charge of *crimen injuria*. In addition to the compensatory order he was sentenced to nine months correctional supervision involving six months house arrest. He was also ordered to perform community service for the nine months in the form of cleaning and maintenance at the Parow police station. His punishment also included a course in anger management, as selected by the prison authorities, at his own expense. The magistrate said the courts had a duty to punish offenders severely to end racial bigotry and hate speech. An individual's constitutional rights to dignity and respect were among the most important rights in the country's democracy. The time had come for the courts to send a clear message to society that racism and bigotry would not be tolerated. Lea said the court had seriously considered jailing Allan but preferred the option of correctional supervision involving house arrest without prison.

Source: www.legalbrief.co.za, 27 June 2016

ATTORNEY'S CLAIM AGAINST CCMA COMMISSIONER DISMISSED

A Durban attorney has lost his bid to sue a CCMA commissioner for defamation and overturn a costs order she granted against him because he ought to have known 'the vast difference between acting in the best interests of one's client and lying to serve those interests'. While the attorney, Mondli Nhlangulela, claimed that commissioner Phumla Nondala had made 'baseless and malicious comments about him', KZN High Court (Durban) Judge Mokgere Masipa, in her recent judgment in his R20m defamation claim, said the commissioner was entitled to express her displeasure. According to a report in *The Mercury*, the judge also took issue with the fact that the attorney had not sought to review the commissioner's award (finding that his client was guilty of misconduct and should be dismissed) but had only sought to challenge what he said were the 'defamatory comments' made against him and the costs order. Handing down her ruling at the CCMA hear, Nondala accused Nhlangulela of deliberately delaying the matter and persisting with a 'patently false version, too porous to be believable as probable'. The commissioner said he was an official of the court who took an oath that he would serve South African society with honesty and integrity. 'Instead, he has written the script, through his deplorable and highly unprofessional conduct during the hearing, for my decision to award a cost order against him and/or his legal practice,' she said. Nhlangulela said these utterances were 'untrue and malicious' and an unwarranted personal attack. 'There was nothing to show that I acted unprofessionally or disrespectfully,' he said. The judge ruled: 'It cannot be said that the commissioner directly or indirectly intended to injure his reputation.' She ordered that he pay the costs of the application.

Source: www.legalbrief.co.za, 1 July 2016

FIRED FOR USING MUTI TO INTIMIDATE A COLLEAGUE

Using muti or traditional preparations to intimidate or threaten a colleague constitutes misconduct and is a dismissible offence. Employers have the right to remove such 'purveyors of darkness from their environment'. This, notes a *BDlive* report, is according to a recent finding by the Bargaining Council for the Sugar Manufacturing and Refining Industry. The case arose from Tongaat Hulett's 2014 dismissal of Louis Mngomezulu, a boilermaker, for placing at risk the safety, health and life of the company's HR manager, Nokukhanya Nxele. The company said Mngomezulu did that by knowingly and deliberately placing black, gummy substances on the Nxele's car door, its keyhole, and the ground. Nxele described the substance to a traditional healer she consulted, who believed it was harmful muti. In her finding, commissioner Karen Charles said what was of consequence was what Nxele perceived the substance to be and her reaction to it. ENSafrica, the law firm that acted for Tongaat, said the case embraced the sentiments expressed by the SCA in 2014. In that case, an employee was dismissed after submitting a traditional healer's certificate, rather than a valid medical certificate, as justification for time taken off from work. The SCA dismissed an appeal brought by the employer, holding that, had the

employer appreciated the nature and purpose of the traditional healer's certificate and its import, it could have accommodated the employee's request.

Source: www.legalbrief.co.za, 30 June 2016

BUSINESSMAN CONVICTED OF R250M VAT FRAUD

Cape Town businessman Johan van Staden, who defrauded SARS of more than R250m in fictitious VAT return claims, was convicted yesterday, notes a [BDlive](#) report. The Western Cape High Court found Van Staden guilty of fraud, racketeering, money laundering and reckless trading. Van Staden and five others faced 192 charges for making false tax refund claims worth R280m to SARS between 2005 and 2008, and receiving just over R250m. Only Van Staden was convicted. The court slated him for living large and syphoning the money into his family trust, and even branded him a liar. '(Van Staden) professed that he knew very little of the financial side of the companies,' said Judge Anton Veldhuizen. 'This is not true. He was well aware of every payment the company received from SARS. In all the transactions the hand of (Van Staden) is evident. The part he plays runs like a golden thread through all of them.' The six have been on trial since March last year. Two others were discharged earlier. Meanwhile, the Asset Forfeiture Unit launched a confiscation inquiry to determine how much Van Staden benefited from the crime.

Source: www.legalbrief.co.za, 28 June 2016

COMPANY LIABLE FOR VAT ON PETROL FEES CHARGE

A food delivery company has found itself in trouble with tax authorities, and could suffer a serious financial setback over fees it charged customers for drivers' petrol expenses, says a *Weekend Argus* report. Its efforts to argue its drivers were independent contractors, and it did not benefit from the fees charged, all came to nought when the Tax Court ordered the company, which for legal reasons cannot be named, to hand over VAT for the fees customers paid to drivers. In the case before the court, the company was assessed for unpaid VAT on the basis of its understatement of output tax in its returns for the 2009 to 2011 tax periods. The court confirmed the decision of the tax board and declared the company was accountable for VAT on the delivery charges referred to as 'drivers' petrol money'. The matter was referred back to the SARS commissioner for assessment.

Source: www.legalbrief.co.za, 27 June 2016

EVICTED COUPLE FIGHTS BACK

A couple accused in court papers of 'hijacking' a provincial government-owned flat say they believe they qualify for housing assistance and they will be destitute if they are evicted. A report on the *IoL* site notes that the Department of Human Settlements, as part of its crackdown on alleged corruption in housing allocations, launched a KZN High Court (Durban) application seeking to evict Preston and Samantha Narayandu from the Shallcross flat where they have been living since December last year. In her affidavit, the department's deputy property manager, Shakila Naicker, said: 'Their conduct is tantamount to hijacking and is prejudicial to those on the list.' She asked the court to order their eviction. In his opposing affidavit Preston said: 'I sincerely believe I qualify for the flat. We will be destitute if we have to leave. The department should have tried to mediate and not just rush to court.' The application has been adjourned.

Source: www.legalbrief.co.za, 30 June 2016

MARKET VALUE GIVEN TOO MUCH WEIGHT – RULING

The Land Claims Court has ruled that market value is not the sole determinant for compensation when land was being expropriated for restitution purposes, says a *Business Day* report. Although the judgment remained within the boundaries of the Constitutional Court's and Land Claims Court's earlier approach to expropriation, it emphasised that while market value should be considered, this was not the only factor. Acting Judge Tembeka Ngcukaitobi said that the Constitutional Court and Land Claims Court had adopted a two-stage approach to determine just and equitable compensation: first to determine the market value; then to consider the other factors. However, while this approach of considering multiple factors had been used by a number of courts, in some cases, market value had played 'a disproportionately significant role', the acting judge said. 'In my view, the purpose of expropriation should be given due weight. The recognition of labour tenants' rights is as important as the market value of the property,' said Ngcukaitobi. He added if the Constitution was properly interpreted, compensation below market value could be paid in land-reform cases.

Source: www.legalbrief.co.za, 7 July 2016

BROTHERS' BITTER FEUD OVER PARENTS' ESTATE

Judge Fritz van Oosten, of the Gauteng High Court (Johannesburg), has handed down what a *Sunday Times* report describes as 'a furious judgment' in favour of Richard Penwill, a retired advocate, against his elder brother, Andrew, an ex-stockbroker, to settle a bitter feud over their parents' estate – farms in Limpopo and the Western Cape worth as much as R30m. The report notes Van Oosten began his summation, saying: 'The dispute between the Penwill brothers is embedded in rivalry, jealousy, greed and hatred.' The crux of the brothers' feud is the point at which their mother Pat, who survived husband Douglas by several years, became senile – and whether she was 'unduly pressured' into changing her will to boost Andrew's share. Advocate Jenny Wild, who acted for Andrew, had been picked out in an earlier case around the matter, with Judge Natvarlal Ranchod slamming Andrew and Wild's actions to boost the former's share of the estate as 'an elaborate scam'. Van Oosten has nullified the 2006 wills, reinstating the mother's 2003 version. Andrew will once again inherit one-sixth of the estate, but will also have to pay the costs of Richard's lawsuit. A copy of the judgment has been forwarded to the General Council of the Bar.

Source: www.legalbrief.co.za, 27 June 2016

COUPLE IN BATTLE TO KEEP ADOPTED CHILDREN

A KZN couple are embroiled in a desperate battle to stop social welfare officials from removing their adopted and foster children because of 'untrue and subjective' allegations that they are involved in child trafficking, says a report in *The Mercury*. An advocate appointed by the High Court to represent the eight children – who range in age from 12 to three – says the children are legally placed with them and it is the Department of Social Welfare's social workers who are traumatising them. Advocate Stuart Humphrey, in his affidavit filed with the KZN High Court (Pietermaritzburg), said he has been reliably informed that the department is adopting an anti-cross-cultural adoption policy – black children being adopted by white families – and is building more children's homes to place those in need in institutional care. But the department has dismissed 'with contempt' any 'racial motivation' – saying many white families adopt black children – and accused him of being biased. The matter came before Judge Rashid Vahed on Friday and was adjourned for more affidavits to be filed.

Source: www.legalbrief.co.za, 27 June 2016

DIFFICULT DAD TAUGHT EXPENSIVE LESSON

A father who spent five months blocking his ex-wife's attempts to get a passport for their son has been taught an expensive lesson by Judge Nolwazi Boqwana, of the Western Cape High Court, who labelled the father 'unreasonable, obstructive, unhelpful and unsupportive'. According to a *Sunday Times* report, she ordered him to pay all the costs of an urgent application the child's mother was forced to bring last year so she could take their son (6) to Mauritius to spend Christmas with his grandparents.

Source: www.legalbrief.co.za, 27 June 2016

COURT UPHOLDS RIGHTS OF GAY PRISONER

The Minister of Correctional Services and the authorities at Johannesburg's Medium B prison have been instructed to allow a gay prisoner to either have a single cell or share a cell with inmates of the same sexual orientation, notes *Legalbrief*. The urgent application before Judge Majake Mabesele came after a request from the prisoner – who was 'harassed and treated as a woman' when forced to share a cell with inmates of a different sexual orientation – to be moved fell on the deaf ears of the authorities. Prison authorities argued that due to overcrowding, it was not always possible to accommodate gay people in separate cells and he may have to sleep on the floor if he were moved. The prisoner said he had no objection to this, and, in any event, was already sleeping on the floor in the cell he occupied. The court held that gays who are in custody are entitled to the same protection afforded to other categories of prisoners in the Correctional Services Act, 'and such protection includes equality'. The court ruled prison authorities were obliged to protect these rights without creating an impression that by protecting such rights they were doing them a special favour.

Source: www.legalbrief.co.za, 04 July 2016

JUDGE REFUSES 'BLANKET INTERDICT' AGAINST STUDENTS

KZN High Court (Durban) Judge Graham Lopes has refused to grant a 'blanket interdict' which was sought against all Durban University of Technology students, aimed at stopping unlawful protests, violence and disruption on any of the

institution's five campuses in the province, says a report in *The Mercury*. The judge also said the police had a duty to protect people and property on campuses. Lopes suggested the overwhelming majority of students were opposed to the use of violence and causing damage to property and there was no basis for 'sweeping up innocent persons in the preventative net of an interdict'. In fact, he said, any such order 'may well invoke a sharp reaction of indignation' from students not identified or named as being involved in the unlawful trouble-making. The interdict application was made by the DUT management earlier this year in order to quell widespread disruption and vandalism on campuses at the time. A total of 13 students were named or identified in some way, but the 14th respondent was 'other students at DUT'. The judge expressed disquiet about granting an order against students not named and against whom no allegations of wrongdoing had been made.

Source: www.legalbrief.co.za, 7 July 2016

COURT ORDER CLOSES PRACTICE OF 'FAKE' ATTORNEY

The KZN High Court (Pietermaritzburg) has granted a final order closing the law practice of 'fake' attorney Stacey Naicker, says a report in *The Witness*. The KZN Law Society alleges Naicker faked her attorney's admissions certificate by copying someone else's certificate and forging the signature of a High Court registrar. Naicker initially said she would defend the interim interdict obtained by the KZN Law Society barring her from representing herself to the public as a legitimate attorney. However she later withdrew her opposition and the interdict has now been made final by the High Court. The court papers revealed that an investigation was launched into Naicker's practice in January when officials from the Attorneys Fidelity Fund visited her offices and became suspicious because of her 'demeanour and lack of knowledge of an attorney's practice'. It was then found that her admissions certificate had the same case number as that of another lawyer. Apart from advertising herself as an attorney on Facebook, Naicker also described herself as a lingerie model and posted many photographs of herself in racy poses on various social media platforms.

Source: www.legalbrief.co.za, 7 July 2016

DISGRACED ATTORNEY'S SUSPENDED FRAUD SENTENCE SLAMMED

Calling the nine-year suspended sentence meted out to disgraced attorney Lionel Jacobs (59) 'too light for a skelm', victims said yesterday they were struggling to put food on the table after being conned by the 'smooth talker'. *The Herald* reports Jacobs was convicted in October on 295 counts of fraud totalling more than R6m and sentenced yesterday by Magistrate Ronel Erasmus. But he returned to Cape Town later after paying bail of R1 000. He will report to a Cape Town police station weekly before he appears in the Joubertina Magistrate's Court on 11 July to provide the court with his application for leave to appeal against his sentence. Erasmus will be presiding over a case in the Langkloof town at that time. Jacobs started EP Consultants, which advertised services including facilitation, negotiation, arbitration and property and business brokering, but used this as a front to con people, predominantly pensioners, into making investments. He was struck off the roll of advocates in 2012.

Source: www.legalbrief.co.za, 28 June 2016

BUTTERWORTHS LABOUR LAW REPORTS - JULY 2016

HEALTH & OTHER SERVICES PERSONNEL TRADE UNION OF SOUTH AFRICA OBO TSHAMBI v DEPARTMENT OF HEALTH, KWAZULU-NATAL [2016] 7 BLLR 649 (LAC)

Collective agreements – Disputes concerning interpretation or application – Employee referring dispute concerning suspension without pay under section 24 of LRA – Arbitration incompetent because no dispute concerning whether collective agreement conferred right to paid suspension – Proper remedy was referral of unfair labour practice dispute.

Collective agreements – Disputes concerning interpretation or application – Phrase "interpretation of application" not to be read disjunctively – Minimum requirement for dispute referred under section 24 is that parties dispute meaning or application of collective agreement – Such dispute not established merely because claim flows from collective agreement.

Collective agreements – Disputes concerning interpretation or application – Reference of dispute under section 24 of LRA permissible only when there is genuine dispute about meaning or application of collective agreement – Arbitration under section 24 not competent merely because right flows from collective agreement.

Collective agreements – Disputes concerning interpretation or application – While arbitrators may grant substantive relief

in dispute referred under section 24 of LRA, such relief competent only when parties in dispute about interpretation and application of agreement.

Dispute resolution – Time limits – Merely because provision of LRA does not expressly set time limit for referral of dispute not meaning that employees can do so with impunity after unreasonable delay – Referrals under section 24 of Act to be made within reasonable period.

MAWETHU CIVILS (PTY) LTD AND ANOTHER v NATIONAL UNION OF MINeworkERS AND OTHERS [2016] 7 BLLR 661 (LAC)

Appeal – Mootness – Employer appealing against judgment on dispute resolved by legislative amendment – Issue not moot because dispute between parties still live.

Strikes – Requirements for protection – Employees striking in support of demand for paid leave on day succeeding public holiday – Strike unprotected because issue in dispute concerning “benefit” as contemplated in unfair labour practice definition.

Unfair labour practice – Benefits – Practice of working in time in exchange for public holiday constituting “benefit” as contemplated by definition of “unfair labour practice”.

PE v IKWEZI MUNICIPALITY AND ANOTHER [2016] 7 BLLR 723 (ECG)

Sexual harassment – Employer’s liability – Employee sexually harassed by superior during working hours and employer failing to take reasonable steps to protect employee from consequences – Although harasser’s conduct not serving interests of employer, employer vicariously liable because of inherent risk created by relationship between superior and subordinate employee.

PETERSEN v Meltrade 123 CC T/A SILVERTREE RESTAURANT AND OTHERS [2016] 7 BLLR 667 (LC)

Labour Court – Jurisdiction – Court having jurisdiction to issue garnishee order against judgment debtor, but only after creditor obtains writ of execution.

Practice and procedure – Enforcement of judgments – Employee seeking enforcement of judgment debt against debtor of former employer– Order enforceable, but only after writ issued.

SOLIDARITY OBO MEMBERS v South AFRICAN POLICE SERVICE AND OTHERS [2016] 7 BLLR 671 (LC)

Affirmative action – Equity plan – Employer replacing equity plan with new plan based on national demographics although Labour Court had pronounced preceding plan null and void – Employees entitled to interim order prohibiting implementation of new plan until matter resolved on appeal.

SOLIDARITY OBO PRETORIUS v CITY OF TSHWANE METROPOLITAN MUNICIPALITY AND ANOTHER [2016] 7 BLLR 685 (LC)

Affirmative action – Employer countermanding appointment of recommended candidate solely because he was white male, but not having affirmative action plan in place – Employee victim of unfair discrimination.

Affirmative action – Plans – EEA requiring employers to have equity plan setting measurable targets before excluding candidates for appointment on grounds of race or gender – Exclusion of white male without plan constituting unfair discrimination.

Discrimination – Employer countermanding appointment of recommended candidate solely because he was white male, but not having affirmative action plan in place at time – Employee victim of unfair discrimination.

SOUTH AFRICAN TRANSPORT AND ALLIED WORKERS UNION v ALGOA BUS COMPANY (PTY) LTD AND OTHERS [2016] 7 BLLR 711 (LC)

Practice and procedure – Condonation – Union seeking condonation for late filing of application for leave to appeal against default order refused because default order not final in nature and not subject to appeal – Condonation refused.

Practice and procedure – Condonation – Union seeking condonation for late filing of application to rescind default order

awarding employer R10m for damages caused by unprotected strike – Condonation refused because delay self-created.

SUPERCARE SERVICES GROUP (PTY) LTD v DU PLESSIS NO AND OTHERS [2016] 7 BLLR 717 (LC)

Commission for Conciliation, Mediation and Arbitration – Arbitration award – Review – Commissioner finding employer failed to prove employee guilty of theft by focusing on minor contradictions in evidence of employer’s witnesses without considering inherent probability of truth of employer’s bald denial – Award set aside.

Source: <http://legalbrief.co.za>

BUTTERWORTHS ARBITRATION LAW REPORTS - JULY 2016

GENERAL INDUSTRIES WORKERS UNION OF SOUTH AFRICA OBO MEMBERS v CLOVER SA (PTY) LTD AND OTHERS [2016] 7 BALR 671 (CCMA)

Dismissal – By client of temporary employment service – Client of TES cancelling service agreement and undertaking to permanently employ all TES employees, but requiring them to apply for posts – Interviews ill-disguised attempt to evade treating them as permanent employees – Dismissal unfair.

Dismissal – Proof of – Dismissal in terms of section 198A(4) of LRA – Employer requiring former employees of TES to apply for posts after cancelling agreement with TES – Dismissal of unsuccessful candidates proved as employer seeking to evade taking them into permanent employment.

GUMEDE v CRIMSON CLOVER 17 (PTY) LTD T/A ISLAND HOTEL [2016] 7 BALR 676 (CCMA)

Discrimination – Arbitrary grounds – Employee accused of uncleanness by employer and dismissed – Accusation amounting to unfair discrimination for which compensation justified.

HATTINGH v EOH ABANTU (PTY) LTD T/A HIGHVELD PFS [2016] 7 BALR 685 (CCMA)

Dismissal – Proof of – Dismissal by temporary employment service – TES terminating services of employee because client no longer requiring his services – Reliance on “automatic termination” clause in contract constituting dismissal, which was unfair because employer failed to comply with LRA.

KGAREYA v ELDOCRETE (PTY) LTD [2016] 7 BALR 693 (CCMA)

Dismissal – Substantive fairness – Appropriate penalty – Direct evidence required that employment relationship has been destroyed by employee’s misconduct.

Dismissal – Substantive fairness – Insubordination – Employee refusing to report to manager to discuss unauthorised absence – Dismissal fair.

MANANA V UNIVERSITY OF SOUTH AFRICA [2016] 7 BALR 702 (CCMA)

Dismissal – Constructive – Employee resigning then changing mind and seeking to retract resignation – Attempted retraction inconsistent with claim of constructive dismissal – Dismissal not proved.

Dismissal – Proof of – Employee resigning then changing mind and seeking to retract resignation – Employer’s refusal to allow retraction not amounting to dismissal.

NATIONAL EDUCATION, HEALTH AND ALLIED WORKERS’ UNION OBO ZUMA v KZN LEGISLATURE [2016] 7 BALR 710 (CCMA)

Dismissal – Proof of – Employee’s line manager instructing employee to resign after expressing concerns about her disciplinary record – Dismissal proved.

NILAND v GREGORY ERNEST HARVEY T/A WILDSCHUTSBERG GAME RESERVE [2016] 7 BALR 716 (CCMA)

Dismissal – Constructive – Employee resigning after claiming he had been taunted by employer about employer’s past

affair with employee's wife – Constructive dismissal not proved.

PADAYACHEE v DURBAN UNIVERSITY OF TECHNOLOGY [2016] 7 BALR 730 (CCMA)

Unfair labour practices – Promotion – University lecturer overlooked for appointment as HOD because ineligible candidate appointed – Unfair labour practice proved.

RADITLHALO v UNIVERSITY OF SOUTH AFRICA [2016] 7 BALR 739 (CCMA)

Dismissal: Substantive fairness – Misconduct – Sexual harassment – Lecturer writing suggestive letter to colleague and refusing to apologise – Dismissal fair.

SCHARNECK v LIFE HEALTHCARE [2016] 7 BALR 744 (CCMA)

Dismissal – Proof of – Employee's line manager instructing employee to resign after expressing concerns about her disciplinary record – Dismissal proved.

SOUTH AFRICAN MUNICIPAL WORKERS' UNION OBO NHLANHLA AND OTHERS v HIBISCUS COAST MUNICIPALITY [2016] 7 BALR 751 (CCMA)

Discrimination – Unequal pay – Employees paid less than colleagues performing same work – Discrimination irrational and unfair.

SOUTH AFRICAN PRIVATE SECURITY WORKERS' UNION OBO NOMAVILA v BOSASA OPERATIONS (PTY) LTD [2016] 7 BALR 759 (CCMA)

Dismissal – Incapacity – Employee dismissed after being deprived of security clearance by third party which rendered it impossible for her to work – Dismissal unfair because employer made insufficient attempts to find alternative post.

VAN HEERDEN v WALTER SISULU UNIVERSITY [2016] 7 BALR 766 (CCMA)

Unfair labour practices – Benefits – Employer revoking approval of child study grant after learning that employee was contract worker – Unfair labour practice not proved because employer consistently declined to grant the subsidy to temporary employees.

VAN SCHALKWYK v THORNBURN SECURITY (SOUTHERN REGION) [2016] 7 BALR 772 (CCMA)

Dismissal – Substantive fairness – Employee dismissed solely on strength of failing routine polygraph tests – Dismissal unfair, even though passing polygraphs term of employee's contract of employment.

VAN WYK v ABSA BANK LTD [2016] 7 BALR 781 (CCMA)

Dismissal– Procedural fairness – Employee charged with "misrepresentation" and gross negligence pleading guilty only to negligence, and presiding officer convicting and dismissing employee without hearing evidence – Dismissal unfair.

Dismissal – Substantive fairness – Misrepresentation – Bank official sanctioning unauthorised use of client's signature to correct subordinate's error – Misconduct not amounting to serious offence as official acted in good faith.

Source: <http://legalbrief.co.za>

BILLS

LIQUOR PRODUCTS AMENDMENT BILL, 2016	Notice of intention to introduce and explanatory summary published for comment	GG 40110 (01.07.16)
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PROCLAMATIONS AND NOTICES

STATISTICS SOUTH AFRICA	Consumer Price Index, Rate (Base Dec 2012 = 100): May 2016: 6,1 published	GG 40110 (01.07.16)
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HEALTH PROFESSIONS ACT 56 OF 1974	Regulations relating to the registration by emergency care practitioners of additional qualifications amended	GG 40106 (30.06.16)
	Exception regarding registration of specialists in family medicine published	GG 40110 (01.07.16)
	Draft regulations relating to the:	
	<ul style="list-style-type: none"> • qualifications for the registration of emergency care specialists published for comment in GN R107 in GG 37324 of 13 February 2014 • registration of student emergency care consultants and student emergency care specialists published for comment in GN R61 in GG 37278 of 28 January 2014; and • relating to the qualifications for the registration of emergency care consultants published for comment in GN R101 in GG 37319 of 11 February 2014 	
	withdrawn	GG 40106 (30.06.16)
LABOUR RELATIONS ACT 66 OF 1995	Motor Industry Bargaining Council (MIBCO):	
	Extension to non-parties of the Consolidated Amending Administrative Collective Agreement published with effect from 11 July to 31 August 2016	GG 40116 (01.07.16)
	Extension to non-parties of the Autoworkers' Provident Fund Agreement published with effect from 11 July 2016 to 31 August 2019	GG 40116 (01.07.16)
	Extension to non-parties of the Motor Industry Provident Fund Agreement published with effect from 11 July 2016 to 31 August 2019	GG 40116 (01.07.16)
	Renewal of period of operation of the Motor Industry Provident Agreement (GenN 803 in GG 39064 of 7 August 2015) published with effect from 1 July 2016 to 31 August 2019	GG 40116 (01.07.16)
	Renewal of period of operation of the Administrative Collective Agreement (GN R656 in GG 39036 of 31 July 2015, GN R39 in GG 39610 of 22 January 2016 and GN R69 in GG 39627 of 29 January 2016) published with effect from 1 July to 31 August 2016	GG 40116 (01.07.16)
	Renewal of period of operation of the Autoworkers' Provident Agreement (GenN 802 in GG 39072 of 7 August 2015) published with effect from 1 July 2016 to 31 August 2019	GG 40116 (01.07.16)
COMMISSION ON GENDER EQUALITY ACT 39 OF 1996	Commission for Gender Equality: Complaints Handling Procedures Manual published	GG 40111 (01.07.16)
COMPETITION ACT 89 OF 1998	Notice of designation of petroleum industry in terms of s. 10 (3) (b) (iv) until 30 September 2016 published	GG 40104 (30.06.16)

	Western Cape Citrus Producers Forum: Notice of granting of conditional exemption published	GG 40114 (01.07.16)
NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998	Draft Generic Environmental Management Programme (EMPR) published for comment	GG 40110 (01.07.16)
	Identification of the Minister as competent authority for the consideration and processing of environmental authorisations and amendments thereto for activities related to the Integrated Resource Plan (IRP) 2010-2030 published	GG 40110 (01.07.16)
NATIONAL HERITAGE RESOURCES ACT 25 OF 1999	Declaration of the South African National Memorial; Delville Wood as a National Heritage Site published	GG 40100 (28.06.16)
PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000	Department of Water and Sanitation: Section 14 manual published	GG 40116 (01.07.16)
LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT 32 OF 2000	Total remuneration packages payable to municipal managers and managers directly accountable to municipal managers published with effect from 1 July 2016	GG 40117 (01.07.16)
DIPLOMATIC IMMUNITIES AND PRIVILEGES ACT 37 OF 2001	Erratum notice regarding the recognition of and the conferring on the seventeenth meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, and the 67th and 68th meetings of the CITES Standing Committee of certain immunities and privileges published in GN 577 in GG 40021 of 27 May 2016 published	GG 40110 (01.07.16)
PRIVATE SECURITY INDUSTRY REGULATION ACT 56 OF 2001	Improper Conduct Enquiries Regulations, 2003 amended with effect from 9 July 2016	GG 40116 (01.07.16)
	Code of Conduct for Security Service Providers, 2003 amended with effect from 9 July 2016	GG 40116 (01.07.16)
NURSING ACT 33 OF 2005	Fees payable to the South African Nursing Council published with effect from 1 January 2017	GG 40102 (29.06.16)
NATIONAL QUALIFICATIONS FRAMEWORK ACT 67 OF 2008	Competency Framework for Career Development Practitioners in South Africa published	GG 40115 (01.07.16)
	South African Qualifications Authority (SAQA): Proposed recognition of professional body Southern African Institute for Business Accountants (SAIBA) and registration of designation of Certified Business Accountant (SA) on the NQF published for comment	GG 40113 (01.07.16)
NATIONAL LAND TRANSPORT ACT 5 OF 2009	National Public Transport Regulator (NPTR) established with effect from 29 July 2016	GG 40110 (01.07.16)
USE OF OFFICIAL LANGUAGES ACT 12 OF 2012	Language Policy of the Performing Arts Centre of the Free State (PACOFs) published	GG 40112 (01.07.16)

FINANCIAL MARKETS ACT 19 OF 2012	Notice of publication for comment of proposed amendments to the JSE Listings Requirements Published	GG 40110 (01.07.16)
	Notice of publication for comment of proposed amendments to the JSE Debt Listing Requirements published	GG 40110 (01.07.16)
MENTAL HEALTH CARE AMENDMENT ACT 12 OF 2014	Date of commencement: 1 July 2016	GG 40107 (30.06.16)
	Inserts s. 72A in the Mental Health Care Act 17 of 2002 and repeals the Mental Health Act 18 of 1973	

PROVINCIAL LEGISLATION

Eastern Cape

Local Government: Municipal Property Rates Act 6 of 2004	Matatiele Local Municipality: Promulgation of property rates levied for the financial year 2016/2017 published with effect from 1 July 2016	PG 3692 (27.06.16)
Local Government: Municipal Structures Act 117 of 1998	Notices of proposals to amend and repeal the existing establishment notice in respect of Ikwezi, Camdeboo and Baviaans Local Municipalities and establish a new municipality: Dr Beyers Naude Local Municipality; Give effect to changes in the boundaries of the Amathole District Municipality; Amend and repeal the existing establishment notice in respect of Gariep and Maletswai Local Municipalities and establish a new municipality: Walter Sisulu Local Municipality; Amend and repeal the existing establishment notice in respect of Nxuba and Nkonkobe Local Municipalities and establish a new municipality: Raymond Mhlaba Local Municipality; and Amend and repeal the existing establishment notice in respect of Inkwanca, Tsolwana and Lukhanji Local Municipalities and establish a new municipality: Enoch Mgijima Local Municipality published for comment	PG 3693 (27.06.16)

Free State

Free State Finance Management Amendment Act 4 of 2016	Date of commencement: 29 June 2016	PG 36 (29.06.16)
Local Government: Municipal Systems Act 32 of 2000 and Local Government: Municipal Property Rates Act 6 of 2004	Setsoto Local Municipality: Budget and assessment rates tariffs for the 2016/17 financial year published	PG 37 (29.06.16)

Gauteng

Local Government: Municipal Systems Act 32 of 2000	Randfontein Local Municipality: Amendment of Tariffs: Assessment rates in respect of financial year 1 July 2016 to 30 June 2017; Amendment of Tariffs of Charges: Cemeteries; Hiring of Halls in Randfontein; Issuing of Certificates and Furnishing of Information; Electricity Tariffs; Land Development Applications; Library Services; Refuse Removal Tariffs; Sewer	PG 233 (29.06.16)
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	Tariffs; Hiring of Sporting Facilities; and Water Supply Tariffs as published under LANs 1201-1211 in PG 285 of 3 July 2015 published with effect from 1 July 2016	
Local Government: Municipal Systems Act 32 of 2000 and Local Government Ordinance 17 of 1939	Randfontein Local Municipality: Amendment of Tariffs of Charges: Sundry Sanitation Services published with effect from 1 July 2016	PG 233 (29.06.16)
Constitution of the Republic of South Africa, 1996; Rationalisation of Local Government Affairs Act 10 of 1998; Local Government: Municipal Systems Act 32 of 2000 and Local Government: Municipal Property Rates Act 6 of 2004	City of Tshwane: Property Rates Policy By-laws published and previous by-laws as published under LAN 1494 in PG 164 of 25 June 2008 repealed with effect from 1 July 2016	PG 230 (29.06.16)
	City of Tshwane: Property Rates Policy published with effect from 1 July 2016	PG 230 (29.06.16)
Local Government: Municipal Systems Act 32 of 2000 and Local Government: Municipal Property Rates Act 6 of 2004	City of Tshwane: Withdrawal and determination of various fees, charges, tariffs and property rates and taxes payable for the period 1 July 2016 to 30 June 2017 published with effect from 1 July 2016	PG 230 (29.06.16)
Kwazulu-Natal		
Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000	KwaDukuza Local Municipality: Credit Control and Debt Collection By-laws published and previous by-laws repealed with effect from 1 July 2016	PG 1696 (30.06.16)
	Umzimkhulu Local Municipality: Tariff By-law published with effect from 1 July 2016	PG 1696 (30.06.16)
Umdoni Local Municipality	Amendment to the Credit Control and Debt Collection Policy published with effect from 1 July 2016	PG 1696 (30.06.16)
Local Government: Municipal Property Rates Act 6 of 2004	Nkandla; Umzimkhulu; and uPhongolo Local Municipalities: Resolution levying property rates for the financial year 1 July 2016 to 30 June 2017 published	PG 1696 (30.06.16)
	Umzimkhulu Local Municipality: Municipal Property Rates By-laws published with effect from 1 July 2016	PG 1696 (30.06.16)
Local Government: Municipal Systems Act 32 of 2000	Umzimkhulu Local Municipality: Credit Control and Debt Collection By-law published with effect from 1 July 2016	PG 1696 (30.06.16)
Spatial Planning and Land Use Management Act 16 of 2013	eThekweni Metropolitan Municipality: Notice of adoption of the Municipal Spatial Development Framework 2016-2017 published	PG 1696 (30.06.16)
Limpopo		
Local Government: Municipal Property Rates Act 6 of 2004	Greater Tubatse Municipality: Resolution levying property rates for the financial year 1 July 2016 to 30 June 2017 published with effect from 1 July 2016	PG 2728 (30.06.16)

Mpumalanga

Mpumalanga Ingoma Act 3 of 2011	Draft Mpumalanga Ingoma Regulations, 2015 published	PG 2707 (30.06.16)
Emakhazeni Local Municipality	By-laws on Accommodation Establishments; Street Trading Bylaws and By-laws on Waste Management published and previous by-laws repealed	PG 2708 (01.07.16)
	By-laws on Credit Management and Outdoor Advertising and Signage published	PG 2708 (01.07.16)
Constitution of the Republic of South Africa, 1996 and Water Services Act 108 of 1997	Emakhazeni Local Municipality: Water Supply and Sanitation Services By-laws published and previous by-laws repealed	PG 2708 (01.07.16)
Constitution of the Republic of South Africa, 1996: Emakhazeni Local Municipality	Highlands Livestock Market By-laws; Highlands Heritage Resources and Cultural Institutions By-laws; Highlands Fences and Fencing By-laws, 2005; Nuisances and Offensive Conditions By-laws, 2005; Barber, Hairdressers and Beauticians By-law, 2005 published and previous by-laws repealed with effect from a date determined by the Council	PG 2708 (01.07.16)

Northern Cape

Local Government: Municipal Property Rates Act 6 of 2004	Sol Plaatje Local Municipality: Resolution levying property rates for the financial year 1 July 2016 to 30 June 2017 published with effect from 1 July 2016	PG 2023 (27.06.16)
	Richtersveld Local Municipality: Amendment of tariffs for 2016/2017 published with effect from 1 July 2016	PG 2023 (27.06.16)
Spatial Planning and Land Use Management Act 16 of 2013	Namakwa District Municipality: Notice of commencement of operations for the District Municipal Planning Tribunal published	PG 2023 (27.06.16)

North West

Moses Kotane Local Municipality	Amendment of Property Rates By-law published with effect from 1 July 2016	PG 7661 (28.06.16)
Local Government: Municipal Systems Act 32 of 2000 and Local Government: Municipal Property Rates Act 6 of 2004	Moses Kotane Local Municipality: Notice of Property rates and of fixed day for payment in respect of the financial year 1 July 2016 to 30 June 2017 published	PG 7661 (28.06.16)
	Kgetlengrivier Local Municipality: Notice of determination of property rates tariffs for the financial year 1 July 2016 to 30 June 2017 published	PG 7661 (28.06.16)
Local Government: Municipal Systems Act 32 of 2000	Moses Kotane Local Municipality: Determination of fees, charges and tariffs for the financial year 2016/2017 published	PG 7661 (28.06.16)
Tswaing Local Municipality	Tariffs for the financial year 2016/2017 published	PG 7662 (28.06.16)
Local Government:	Greater Taung Local Municipality: Notice of general rate	PG 7663 (28.06.16)

Municipal Property Rates Act 6 of 2004 or rates and/or fixed day for payment in respect of the financial year 1 July 2016 to 30 June 2017 published

Western Cape

Local Government: Municipal Property Rates Act 6 of 2004	Matzikama Local Municipality: Declaration of property tax rates for the financial year 2016/2017 published	PG 7636 (24.06.16)
Constitution of the Republic of South Africa, 1996: Hessequa Local Municipality	Credit Control and Debt Collection By-law published and Credit Control and Debt Collection By-law as published under LAN 59686 in PG 7406 of 19 June 2015 repealed with effect from 1 July 2016	PG 7636 (24.06.16)
	Tariff By-law published and Property Rates By-law as published under LAN 59688 in PG 7406 of 19 June 2015 repealed with effect from 1 July 2016	PG 7636 (24.06.16)
	Property Rates By-law published and Property Rates By-law as published under LAN 59688 in PG 7406 of 19 June 2015 repealed with effect from 1 July 2016	PG 7636 (24.06.16)
Local Government: Municipal Property Rates Act 6 of 2004: Hessequa Local Municipality	Resolution levying property rates: 1 July 2016 to 30 June 2017 published with effect from 1 July 2016	PG 7636 (24.06.16)
	Langeberg Local Municipality: Rates Policy published and the chapter of the Council's tariff policy dealing with rates repealed with effect from the date on which the first valuation roll compiled in terms of the Act takes effect	PG 7636 (24.06.16)
	Kannaland Local Municipality: Resolution on levying property rates published with effect from 1 July 2016	PG 7636 (24.06.16)
Constitution of the Republic of South Africa, 1996: Bergrivier Local Municipality	Draft Fire Safety By-law published	PG 7637 (24.06.16)

SEMINARS

NAME OF SEMINAR	DATES	PRESENTER
BEE SIMPLIFIED FOR YOUR PRACTICE	Cape Town: 12 July 2016 Durban: 5 August 2016 Port Elizabeth: 23 August 2016 Midrand: 4 October 2016	Adv Jane Appasamy
EVICTIONS AND LANDLORD-TENANT DISPUTE	Durban: 19 July 2016	Cilna Steyn
CCMA UPDATE	East London: 25 July 2016 Midrand: 26 July 2016 Cape Town: 28 July 2016 Durban: 29 July 2016	Adv Moksha Naidoo
COMMERCIAL DRAFTING	Cape Town: 26 & 27 July 2016	Adv Ismail Hussain SC

COURSE

MEDICAL MALPRACTICE LITIGATION	Bloemfontein: 29-30 July 2016 Midrand: 26-27 August 2016	Dr Henry Lerm & R du Plessis
UPDATE ON THE NATIONAL CREDIT ACT 2016	Port Elizabeth: 1 August 2016 East London: 2 August 2016 Pretoria: 15 August 2016 Johannesburg: 16 August 2016 Bloemfontein: 19 August 2016 Cape Town: 26 August 2016	Frans Haupt
SOUTH AFRICAN LABOUR LAW REPORTS' - 32 ANNUAL SEMINAR	Bloemfontein: 1 August 2016 Cape Town: 2 August 2016 Johannesburg: 4 August 2016 Pretoria: 5 August 2016 Port Elizabeth: 15 August 2016 Durban: 17 August 2016	Dr Brian van Zyl
DECEASED ESTATES UPDATE	Midrand: 15-16 September Durban: 20-21 October 2016 Cape Town: 10 -11 November 2016	Ceris Field
INTER-VIVOS TRUSTS	Cape Town: 24 October 2016 Durban: 25 October 2016 East London: 21 November 2016 Midrand: 23 November 2016	Prof Willie M van der Westhuizen

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