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NEWSLETTER

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OSALL

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Editorial

Welcome to the first newsletter of 2012. In March 2011 an OSALL meeting was held in Cape Town at which Juta Senior Editor, Kallie Pauw, gave a talk on the processes, procedures and practice relating to the making of laws. Now a special thank you to Kallie for contributing to this newsletter on the subject.

Also in this newsletter Precious Motha of the Southern Africa Legal Information Institute (SAFLII) summarizes SAFLII's work in 2011 as well as their plans for the year ahead. In lighter vein Olwyn Garratt writes on Bell Dewar's book club, initially initiated to encourage the habit of reading amongst first year candidate attorneys.

Finally, loyal columnist Nico Ferreira keeps us up-to-date with the latest legal publications. Unfortunately this newsletter does not include a delivery of "Dotting the i and crossing the t", Mary Bruce's regular column. However, we hope that Mary will once again join us in the next newsletter.

As this is an election year the OSALL Committee wishes to encourage OSALL members to join the Committee. Joining the Committee affords an opportunity to meet new people, learn new skills and have fun. If you are interested in serving the law library community please get in touch with the Committee well before the OSALL AGM later this year.

Happy reading

Diana

News

HOW LAWS ARE MADE: Acts, action (and inaction) in Parliament

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We cannot understand the law-making process in South Africa without knowing our Constitution and understanding how Parliament functions.

FUNCTIONS OF PARLIAMENT

The term is derived from the French [parlement](#), the action of *parler* (to speak): a *parlement* is a discussion. The term came to mean a meeting at which such a discussion took place. It acquired its modern meaning as it came to be used for the body of people (in an institutional sense) who would meet to discuss matters of state.

- To **make laws** (consider and pass bills);

The **legislative authority of the Republic is vested in Parliament**, which may make laws for the RSA in terms of the Constitution (see **s 42** of Constitution)

- To **scrutinise and oversee the Executive and organs of state** (questions and interpellations; tabling and discussion of annual reports; budget vote discussions; calling departmental officials and Ministers to appear before committees; visiting provinces; etc)
- To **appropriate money** for the running of the country (**budget**);
- **Public forum for debate**;
- To facilitate **public participation** in the running of the country;
- To participate in, promote and oversee **co-operative government**;
- To engage and participate in **international participation** (participate in regional, continental and international bodies).

Object of Parliament: "To substitute argument for fisticuffs" (What about Johnny de Lange's "opstopper" flooring Manie Schoeman in 1998?)

Abbreviations used in this document:

ATC: Announcements, Tablings and Committee Reports (important parliamentary document, published every day)

Constitution: the "Constitution of the Republic of South Africa, 1996" – it does not have an Act number ("Act 108 of 1996") anymore; see "Citation of Constitutional Laws Act 5 of 2005".)

GG: *Government Gazette*

JTM: Joint Tagging Mechanism (this body has to "tag" / "classify" each Bill introduced in Parliament as a s 74/ 75/ 76/ 77 Bill)

MPs: Members of Parliament (both NA and NCOP)

NA: National Assembly

NCOP: National Council of Provinces

PC: Portfolio Committee (NA)

SD(s): State Department(s)

Sel Com: Select Committee (NCOP)

SLA(s): State Law Adviser(s) (a group of SLAs, who are part of Dept of Justice, and are dedicated to scrutinise legislation and sign off / certify all bills coming from the Executive before submission to Parliament for introduction)

Speaker: Speaker of the **NA** (same status (in theory?) as "**Chairperson of the NCOP**") – one uses "Speaker of **Parliament**" at one's peril in the NCOP corridors

...

The Constitution and the law-making process

It is virtually impossible to understand our legislative process without knowing and understanding the relevant provisions of the Constitution, especially ss 73 to 77. In this regard, the Constitution also provides for the powers and duties of (the two Houses of) Parliament (ch 4) and of provincial legislatures (ch 6).

A Bill introduced in terms of **section 74** of the Constitution is a Bill amending the Constitution itself. Such a Bill may only be introduced in the NA but the procedure followed in, and the role of, the two Houses differ depending on which sections of the Constitution the Amendment Bill in question seeks to amend.

A Bill introduced in terms of **section 75** of the Constitution (66% of all Bills?) may also only be introduced in the NA. All Bills that must not be dealt with in terms of sections 74, 76 or 77 of the Constitution must be dealt with in terms of section 75. Such Bills are more of national interest and provinces do not play an important role in the passing of such Bills.

A Bill introduced in terms of **section 76** of the Constitution is the only kind of Bill that may, in certain cases, be introduced either in the NA or in the NCOP. Such a Bill "falls within a functional area listed in

Schedule 4 to the Constitution ("Functional Areas of Concurrent National and Provincial Legislative Competence"). (See also section 76(3) to (6).)

"A section **76(1)**" Bill is a Bill introduced in the NA and "a **section 76(2)**" Bill is one that is introduced in the NCOP. A Minister may not introduce a Bill in the NCOP but the Rules of the NCOP make provision for a Council member or a committee of the NCOP to introduce a s 76 Bill initiated by the Executive on behalf of the relevant Minister. (**Note:** The Constitution provides that a certain kind of s 76 Bill has to be introduced in the NA: See eg ss 42, 43(2) and 216(3), and Item 13 of Annexure A of Schedule 6 to Constitution.)

Because of the fact that the Constitution envisages different procedures for Parliament to deal with Bills introduced in terms of different sections of the Constitution, it is of crucial importance to make sure that a Bill is correctly classified or "tagged" before the parliamentary process starts. The JTM plays a crucial role in this regard.

A **section 77** Bill (Money Bill) may, since 2009, be amended by Parliament on certain conditions – see Money Bills Amendment Procedure and Related Matters Act 9 of 2009. Only the Cabinet member responsible for national financial matters may introduce a Money Bill.

Although the Constitution expressly makes provision for a member or a committee to introduce legislation in both Houses, at present more than 95% of all Bills introduced are initiated by the Executive and introduced by the relevant Minister.

This summary takes into account the Joint Rules, NA Rules and NCOP Rules, as amended from time to time.

PRE-PARLIAMENTARY PHASE (short summary of possible steps):

- **SD** drafts draft bill (a green paper / white paper may form part of the process – not too often in practice);
- **SLAs** (sometimes) polish and "pre-certify" before Cabinet involvement;
- Publish for comment (many role-players may already be involved: eg Nedlac process);
- SD & SLAs;
- Cabinet approval;
- Parliamentary committees are often briefed by SD before introduction;
- SLAs certify (also to parliamentary rules);
- Submit to Parliament;
- Edit & proofread by Parliament;
- Compliance with parliamentary rules (eg Joint Rule 159)

- Introduction (tabling)

Certain words and expressions are unparliamentary: Churchill had to withdraw the words "You lie!" His reply: *"I unconditionally withdraw, Mr Speaker. The hon member occasionally very uncharacteristically stumbled over the truth, but he always picked himself up hastily and hurried on as if nothing had happened."*

Destroying your political opponent with your words

"He is a sheep in sheep's clothing."

"We know that he has, more than any other man, the gift of compressing the largest number of words into the smallest amount of thought."

PRE-PARLIAMENTARY PROCESS (more detailed explanation)

1. **Initial drafting** of the Bill is responsibility of SD (nowadays sometimes contracted out.). (In terms of the Constitution and parliamentary rules, MPs and parliamentary committees may of course also initiate legislation – see s 73.)
2. Officials of SDs liaise with their Minister and submit a **draft Cabinet memorandum** together with the draft Bill to the Minister for his/her approval.
3. A **draft Bill** is sometimes published in the GG by the SD in question for comment before it is submitted to Cabinet for approval. If the relevant parliamentary committees and/or SDs are proactive there will at this stage presumably already be interaction between them about the draft Bill and (informal) briefing sessions may take place.
4. Legislation may also result from Green Papers and White Papers, which are published by SDs as well. A **Green Paper** (terms like "**draft White Paper**" or "**discussion document**" are sometimes used) is a consultative document and is designed to stimulate responses from the public and interested parties and to pose questions that need to be answered in order for Government to formulate Government policy. A **White Paper** (the term "**policy document**" is sometimes used), on the other hand, is a more final document, requiring Cabinet approval and stating Government policy.

The **Constitution** is the **supreme law** of the country (see s 2 of Constitution)

CABINET ROLE

5. Once the Minister has approved the Bill and Cabinet memorandum, those documents are sent to the relevant **Cabinet committee**, which considers the Bill and memorandum. Nowadays the SLAs often pre-certify a Bill before it is submitted to Cabinet.
6. Liaison between the Cabinet committee and the relevant SD often takes place before the committee takes a decision on the Bill.
7. The recommendations of the Cabinet committee are submitted to the **full Cabinet** for consideration.
8. Once Cabinet has given the go-ahead (all Bills to be introduced by a member of the Executive need Cabinet approval) –
 - (1) the Bill is referred to the **SLAs** (attached to the Department of Justice), who finalise the drafting thereof and *inter alia* check that it does not conflict with existing laws, including the Constitution. They more specifically look at the Bill from a legal point of view while the SD is often more concerned about the principle and content of the Bill. In practice SLAs nowadays sometimes (informally?) get involved in the drafting process of a bill before it is sent to Cabinet.

PARLIAMENT'S INVOLVEMENT BEFORE INTRODUCTION

- (2) The relevant (Deputy) Minister must "as soon as possible submit to the Speaker and the Chairperson of the NCOP ... the draft of the proposed Bill as approved by Cabinet, whether or not the draft has been legally or technically formalised as a proper draft Bill and a memorandum explaining the objects of the proposed legislation" (*Joint Rule 159*).
 - (3) The Speaker and Chairperson must refer the draft to the relevant PC and Sel Com, as well as the provincial legislatures, to enable those role-players to plan their work and to develop positions with regard to the proposed legislation.
9. As soon as the SD and the SLAs are satisfied with the Bill, the SLAs furnish the Legislation Unit of Parliament (LU) with the electronic data and a certified hard copy of the Bill, and proofs are printed in the correct format for editing and proofreading (parliamentary staff, SLAs and SDs should all be involved).

Note: Cabinet requires certification of at least an English text of the Bill. "Uncertified" Bills have, however, been introduced where SLAs refused to certify because of reservations about the (constitutionality of) proposed legislation or a lack of time to scrutinise it thoroughly. The SLA then

indicates that he/she has only "checked" the draft Bill. The relevant parliamentary committees dealing with the Bill should take note of such concerns or reservations.

10. Final editing and proofreading: Parliamentary staff members do not have the same (legal) background knowledge about the Bill that the SDs and SLAs have, but edit and proofread to propose changes with regard to language/grammar, look for spelling/typing errors, check the style and layout of the Bill and compare the "official text" and "official translations" of the Bill. The SD and the SLA consult before the SLA discusses the Bill with a member of LU. Once they have finished the discussions and the SLAs and the SD have given the green light to the parliamentary staff, the Bill is allocated a Bill number and it is printed. The introduction of the Bill (by the Minister) is announced on the ATC and it is distributed electronically and manually.
11. The Bill as published is introduced either in the NA or, only in the case of certain s 76 Bills, in the NCOP, and referred to the relevant PC/Sel Com (reflected on both Order Papers under "Bills referred to Committees") of the House in question. (eg [B 14 - 2012] - ie Bill No 14 of 2012). The Bill as published has to include a memorandum explaining its objects. At present this explanatory memorandum must contain an opinion by the SLA concerned on whether it is a section 74, 75, 76 or 77 Bill. The Bill is also referred to the JTM for tagging.

NB: Section 74, 75 and 77 Bills may only be introduced in NA.

It is 14:00 on a Saturday afternoon in the late 1980s and the House of Assembly is sitting long hours in order to finish business before the winter recess. In the middle of a dry, uncontroversial debate an MP of the NP suddenly and without any apparent reason or provocation shouts to the CP member who was speaking: "Jy lieg en jy weet dit!" – this is totally unparliamentary, and can never be condoned. The Speaker wakes up: "The hon member has to withdraw it unconditionally and apologise". "I am not prepared to do that, Mr Speaker." "That leaves me no option but to request the hon member to leave the chamber and the premises of Parliament for the remainder of the day's proceedings." The NP member gathers his papers, bows and as he leaves the chamber, escorted by the Serjeant-at-Arms, the Speaker remarks: "The hon member is hopefully aware that the rugby at Newlands only starts at 17:00 this afternoon. . . ."

PARLIAMENTARY PROCESS AFTER INTRODUCTION

12. When introduced a Bill is automatically **referred to the relevant PC/Sel Com** of the House (NA or NCOP) in which it has been introduced. In any such committee the following procedure is usually followed:

- (a) An **informal discussion** takes place during which the **subject or principle of the Bill** is discussed.
- (b) Officials of the SD usually have the opportunity to elaborate on the memorandum on the objects of the Bill, and thereafter members have the opportunity to put questions to the officials.
- (c) Interested parties may submit **representations** on the subject of the Bill and the committee may decide on the basis of those representations to hear **oral evidence**.

Disraeli: "If Gladstone falls into the Thames, it will be a disaster; if he gets out of the river alive again, it will be a calamity."

This Treasury paper, by its very length, defends itself against the risk of being read.

The Times is speechless, and takes three columns to express its speechlessness.

- (d) An informal **clause-by-clause debate** follows.
- (e) Amendments proposed are drafted in proper legal form by officials of the SD and certified by the SLA.
- (f) After the completion of the informal consideration a motion is adopted that the legislation is desirable and then the committee proceeds to the formal consideration of the Bill. Amendments to the clauses are formally put and, if necessary, voted upon. Once the Bill has been formally agreed to, the committee adopts a report, often simply stating that it "begs to report the Bill with/without amendments". This report is published under the relevant heading in the ATC. A Committee may not report on a Bill before the JTM has

published its finding on the tagging of the Bill.

- (g) The Bill (as amended) is presented to the relevant House. The amendments of the committee are published as [B 14A - 2012] and the Bill, as amended, is called [B 14B - 2012] (consolidated version of 14 + 14A = 14B).
- (h) In the case of an *amendment Bill* the committee's scope of enquiry is much more restricted than in the case of an "ordinary Bill" (a Bill in respect of which there is no principal Act). In the case of the former, the committee is supposed to confine itself to those sections of the principal Act that are addressed in the Bill and that are relevant to the subject of the Bill.

SECOND READING DEBATE IN NATIONAL ASSEMBLY (AS FIRST HOUSE)

- 13. The objects and the principles of the Bill are discussed by the House in question (**Second Reading debate**) in a plenary meeting. In the NA Bills or Votes are sometimes discussed in EPCs (Extended Public Committees), where voting may not take place because meetings of different EPCs often take place simultaneously.
- 14. The **Bill can be referred back to the relevant committee if amendments are placed on the Order Paper** by any member of the House concerned before the House has taken a decision on the Second Reading of the Bill. If referred back, the committee may further amend the Bill and agree to eg [B 14C - 2012], and [B 14D - 2012] will be debated in the House.
- 15. The NA votes on the Bill after the 2nd reading debate.

TABLING IN NCOP

- 16. The Bill **as agreed to** by the NA is **tabled in the NCOP** (as eg [B 14 - 2012], [B 14B - 2012] or [B 14D - 2012]). A message from the NA to the NCOP in this regard is printed on the ATC.
- 17. The Bill is **referred to the relevant Sel Com of the NCOP** where the same procedure as in the case of the first House (item 12) is followed.

NCOP does not deal with section 75 and section 76 Bills in the same way:

Section 76 Bills in NCOP:

- 18. If [B 14D - 2012] is tabled in the NCOP and the Sel Com agrees to further amendments, there may

therefore be a [B 14E - 2012] (amendments) and a [B 14F - 2012] (Bill as amended a third time).

Section 75 Bills in NCOP:

19. If [B 14D - 2012] is tabled in the NCOP and the Sel Com agrees to **proposed amendments**, those amendments are **printed as part of the Sel Com's report in the ATC**.

CONSIDERATION OF BILL IN NCOP

20. The Bill is then discussed / considered by the **NCOP**.
21. Should any member put **further amendments on the Order Paper** the Bill will be **referred back** to the Sel Com and if any of those amendments are agreed to by the Sel Com, there may therefore, in the case of –
- (1) a section 76 Bill (theoretically) be a [B 14G - 2012] and [B 14H - 2012], although amendments during all the stages (14A, 14C, 14E and 14G) are **highly** unlikely.
 - (2) a section 75 Bill (theoretically) be further proposed amendments.
22. The NCOP has different voting procedures for s 75 and s 76 Bills [s 75: one vote per member; s 76: one vote per province].
23. If passed by the NCOP it is the end of the parliamentary road for the Bill unless the NCOP agrees to any amendments (s 76 Bills) or proposes amendments (section 75) that were not part of the Bill adopted by the NA.
24. In such a case the **Bill, as amended by the NCOP (section 76), or the amendments proposed by the NCOP (section 75) have to be sent back to the NA for decision**. If the NA agrees to the amended Bill (section 76) or decides on the amendments proposed by the NCOP (section 75) the Bill will be enacted.
25. **Mediation:** If there is a **dispute between the two Houses** on a s 76 Bill (see sections 76(5) and 78 of Constitution and Joint Rules 70 - 75).

Don't spare your political opponent

"An empty taxi arrived and out of it stepped Zuma/Zille/Buthelezi."

"If you wanted nothing done at all, X/Y/Z was the man for the job."

"There is less there than meets the eye." (referring to an opponent)

THE LAST FORMAL PROCEDURE

26. [In the case of a procedural shortcoming in the legislative process (eg s 75 Bill dealt with as a s 76 Bill) the President of the Republic has to refer the Bill in question back to the NA for further consideration. (eg Bill 16F of 2012)].
27. The President of the Republic assents to and signs the Act.
28. The Act is **enrolled in the Constitutional Court in Johannesburg**.
29. The Act is **promulgated in the Government Gazette** stating the date on which it comes into operation (different dates are possible for different provisions).
30. The Act comes into operation.
31. If an Act has to be amended in future, it has to go through the whole procedure again.

Hansard in the past 30 years

"The hon member Dr Marius Barnard must visit his brother Chris; he urgently needs a **political heart transplant**."

"The landmines on the farm were **donated** by an American tourist."

"Ek vertrou my pleidooie vir tehuise vir gestremde **dowes** het op **oop ore** geval".

The "Bill before the House" was reported by Hansard as the "builder of the House".

"We'll **double-cross** that bridge when we come to it."

"Dis die ding wat begin opgehou gaan word."

"It is no use closing the stable after the horse has bolted it."

"Eating my own words has never given me indigestion."

High medical costs: "n Gewone man kan nie meer bekostig om siek te word en dood te gaan nie – hy moet sommer begin spook sonder om siek te word en dood te gaan."

A Scottish MP who was a member for 20 years had never made a speech – he only yawned. One day he allegedly said: "Hear hear!" That was reported as his maiden speech.

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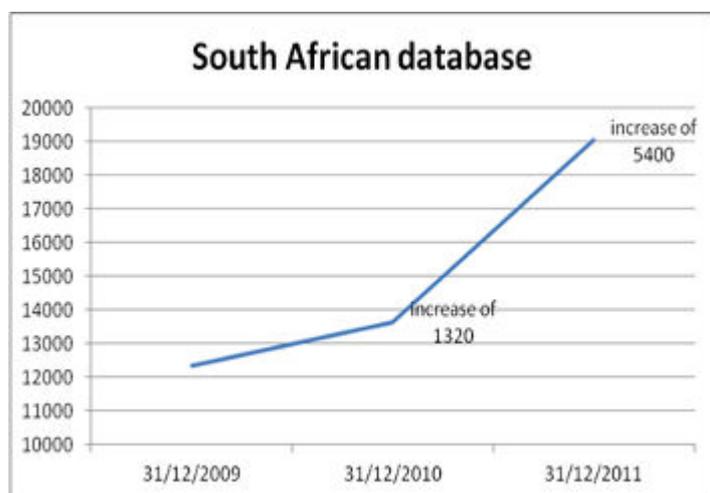
By Precious Motha
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Since it was established in 2002, the Southern African Legal Information Institute (SAFLII) has been a pioneer in the movement toward *Free Access to Law* in Africa, particularly in the south and eastern sub-continent.

SAFLII's primary objective is to collect case-law from source and make it available for free access to the public. In so doing it invites public scrutiny of the judicial process and promotes transparency and judicial accountability.

In 2011, SAFLII's RSA collection grew by 5,400 judgments to 19,054, and its regional collections by 3,259 judgments to a total of 15,651. The positive growth results from a renewal or strengthening of relations with content providers, being Judges, Registrars and Law Librarians at the various courts and tribunals published on SAFLII. In South Africa, these include the Constitutional Court, the Supreme Court of Appeal, the High Court in its various divisions, the Labour Court, Competition and Tribunal and others. Since October 2011, SAFLII has also published decisions of the National Consumer Tribunal.



SAFLII continued to grow its user base during 2011. Hits increased from 18,1 to 25,2 million (39%), visits from 1,6 to 1,96 million (22%), unique visits from 876,789 to 935,702 (7%) and bandwidth from 706 GB to 892 GB (26%). Bandwidth is an indication of materials downloaded from the website. Most significantly, the number of pages viewed increased from 9 to 17 million (a growth of 89%) and the average time per visit from 7 to approximately 7.5 minutes.

As Legal Information Institutes established elsewhere in the region take responsibility for their own case-law, SAFLII is able to put more effort into growing and improving its South African collection in 2012. SAFLII strongly supports current initiatives by the University of Pretoria's O R Tambo Law Library to produce consolidated version of South African statutes for free public access.

BELL DEWAR BOOK CLUB – THE JOURNEY CONTINUES

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The Bell Dewar Book Club was proposed by Bell Dewar's Managing Director, Blaize Vance, as an initiative for first year candidate attorneys to promote the habit of reading. At the first meeting the group were given set pieces to read from *Freakonomics* (Levitt & Dubner) and *What the Dog Saw* (Gladwell) and these formed the basis for a discussion on looking beyond the obvious in any given situation. This meeting was followed by a couple of sessions at which we looked at topical business issues and the media coverage on each.

The meetings were interesting but not every member was fully engaged and after some discussions we moved the focus to local (South African) books that included biographies of Chris Hani, Steve Biko and Julius Malema, and current affairs stories like *Killing Kebble* and *Bang Bang Club*. The success of this strategy became obvious in the enhanced enthusiasm of presenters at the meetings and the fact that some of these books passed from person to person without making it back to the library shelves.

In one of the final group sessions a club member identified *An Inconvenient Youth; Julius Malema and the 'new' ANC* as the book that had the most impact on her. This prompted us to contact publisher PanMacmillan and arrange for Fiona Forde to come to Bell Dewar. An open session was held and a number of senior practitioners attended.

Fiona's talk was riveting, and prompted active response by the assembled group, many of whom found it sobering to be instructed about the South African political scene by a new resident. Tough questions were asked about nationalisation, about the economic prospects for South Africa, about the ANC leadership debate, and the answers to some of these questions silenced the audience. The book club members were entranced and it was an exhilarating culmination to the 2011 book journey.

The presentation put the Bell Dewar Book Club on the corporate radar and led to a number of requests to extend membership to the wider community.

This naturally presents some challenges for 2012: sustaining a programme that catches the attention of first year candidate attorneys while at the same time growing this into a forum that will interest the wider Bell Dewar family.

We are starting the year with our first year CAs in much the same way as we did in 2011, with the “hidden side of everything” as a contrast to conventional wisdom and self-help style business books. We have a schedule of upcoming meetings but we keep this flexible in order to provide for newly published material, particularly with regard local books.

Suggestions for relevant material are always welcome, both from our Bell Dewar readers and also from professional colleagues.

How about it OSALL?

PULP LAUNCHES OPEN ACCESS JOURNAL: DE JURE

The Pretoria University Law Press (PULP) recently launched its first fully-fledged open access online law journal, De Jure.

All the articles, case law and book announcements are fully searchable (HTML) and downloadable in PDF format free of charge.

Visit this open access journal at www.dejure.up.ac.za

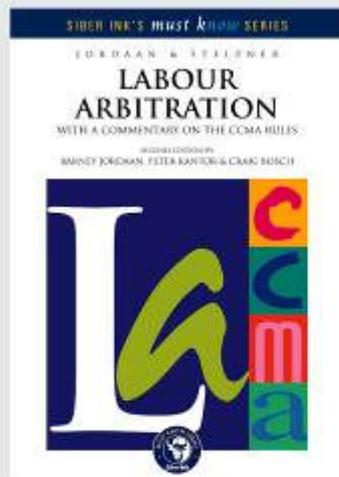
PULP GUIDE: FINDING LEGAL INFORMATION IN SOUTH AFRICA

Shirley Gilmore has updated Finding Legal Information in South Africa and the 2nd edition is available free of charge at: <http://www.pulp.up.ac.za/>

Published by the Pretoria University Law Press the publication is aimed at assisting researchers who have an interest in South African law to access the sources of the law. It explains in clear terms how to use printed as well as electronic material on the South African common law, legislation and law reports. In addition, the use of secondary sources such as encyclopaediae, books and law journals, and also some of the sources on international and comparative law, is explained.

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FROM SIBER INK



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"The new, expanded edition will prove to be even more invaluable for arbitrators and practitioners alike. It is written in plain English and contains practical advice on all stages of arbitration...No labour law practitioner or trade union representative should be without this book."

— Judge Anton Steenkamp, Judge of the Labour Court

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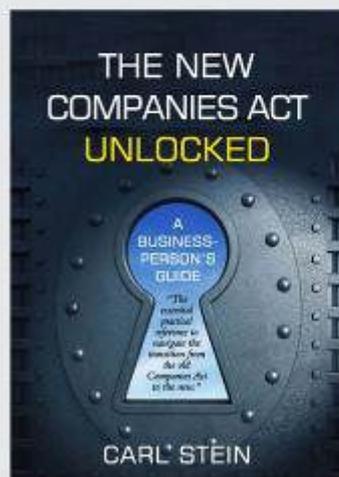
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Fletcher School of Law and Diplomacy, Massachusetts, USA

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— Judge Dennis Davis

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Publications Noted

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JOURNAL ARTICLES

Akakandelwa, A. An exploratory survey of the SADC e-government web sites, *in* LIBRARY REVIEW, vol. 60, no. 5, 2011, p. 421 - 431.

Arko-Cobbah, A. Intellectual freedom and academic freedom: some challenges and opportunities for academic libraries in Africa, *in* MOUSAION, vol. 29, no. 1, 2011, p. 76 - 95.

Baro, E.E. *et al.* A survey of information literacy education in library schools in Africa, *in* LIBRARY REVIEW, vol. 60, no. 3, 2011, p. 202 - 217.

Hart, G. The role of an academic library in research: researchers' perspectives at a South African University of Technology, *in* SOUTH AFRICAN JOURNAL OF LIBRARY & INFORMATION SCIENCE, vol. 77, no. 1, 2011, p. 37 - 50.

Hirst, M. Hearsay, confessions and mobile telephones, *in* JOURNAL OF CRIMINAL LAW, vol. 75, no. 6, 2011, p. 482 - 502.

Mollema, N. Incorporating Africanness into the legal curricula: the case for criminal and procedural law, *in* JOURNAL FOR JURIDICAL SCIENCE, vol. 36, no. 1, 2011, p. 49 - 66.

Naidoo, K. Compulsory HIV testing of alleged sexual offenders: a human rights violation, *in* SOUTH AFRICAN JOURNAL OF BIOETHICS AND LAW, vol. 4, no. 2, 2011, p. 95 - 101.

Ndulo, M. African customary law, customs, and women's rights, *in* INDIANA JOURNAL OF GLOBAL LEGAL STUDIES, vol. 18, no. 1, 2011, p. 87 - 120.

Ngulube, P. *et al.* Disaster preparedness and the strategic management of public records in South Africa: guarding against collective cultural amnesia, *in* INFORMATION DEVELOPMENT, vol. 27, no. 4, 2011, p. 239 - 250.

Peekhaus, W. Biowatch South Africa and the challenges in enforcing its constitutional right to access to information, *in* GOVERNMENT INFORMATION QUARTERLY, vol. 28, no. 4, 2011, p. 542 - 552.

Raju, R. *et al.* A crack in the 'dam(ned)' wall?: cooperation and collaboration among higher education

libraries in South Africa, *in* INNOVATION, June 2011, p. 79 - 97.

Toteng, B. *et al.* Information literacy and law students at the University of Botswana, *in* MOUSAION, vol. 29, no. 1, 2011, p. 56 - 75.

BOOKS

Adams & Adams. Practitioner's guide to intellectual property law. 2011. LexisNexis. ISBN 9780409050226 ZAR 679.44

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De Grandbois, Y. Service science and the information professional. 2012. Chandos. ISBN 9781843346494 USD85.00 [Demonstrates to information professionals that this new discipline (service science) exists and why it is relevant to them.]

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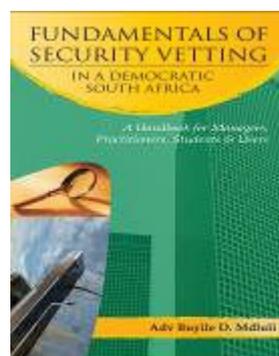
Yanou, M.A. Labour law: principles and practice in Cameroon. 2011. Langaa RPCIG, Cameroon. ISBN 9789956726424 GBP24.95



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