

NELSON MANDELA UNIVERSITY



PRIVATE LAW AND SOCIAL JUSTICE CONFERENCE **29 – 30 August 2022**

*Public power, private relations and dismantling
the barriers between private law and public law*

08:45 – 08:55	WELCOME LYNN BIGGS (ACTING EXECUTIVE DEAN OF LAW)
08:55 – 09:00	GENERAL INFORMATION
SESSION CHAIR:	EMILE ZITZKE
09:05 – 09:25	Estie Gresse (North-West University) An analysis of the duty to reasonably accommodate disabled employees: a comment on <i>Jansen v Legal Aid South Africa</i>
09:25 – 09:45	Lerato Rudolph Ngwenyama (North-West University) The application of positive human rights duties to private landowners
09:45 – 10:05	Pieter Badenhorst (Deakin University, Geelong, Australia) William Blackstone and the doctrine of subjective rights
10:05 – 10:25	Phemelo Magau (University of KwaZulu-Natal) and Friedrich Hamadziripi (North-West University) Overview of legislative flaws affecting the promotion of financial education for low-income earners in South Africa
10:25 – 10:40	Q & A
10:40 – 11:00	BREAK
SESSION CHAIR	CJ VISSER
11:00 – 11:25	Keamogetse Motlogeloa (north-West University), Howard Chitimira (North-West university) and Phemelo Magau (University of KwaZulu-Natal) A legal analysis of the regulation of ICT towards the promotion of digital inclusion of the poor and low-income earners in South Africa
11:25 – 11:45	Samantha Huneberg and Michele van Eck (University of Johannesburg) The changing face of discriminatory practices in insurance contracts during the 4IR era of big data
11:45 – 12:05	Siyabonga Sibisi (University of Kwazulu Natal) Interpreting s9 of the Divorce Act 70 of 1979 in the context of polygamous marriages that end through death: <i>Monyepao v Ledwaba</i> (SCA) unreported case 1368/18 of 27 May 2020
12:05 – 12:25	Isabel Magaya (Centre for Child law, University of Pretoria) The hegemonic role of courts and children's rights in Southern Africa: Lessons from South Africa and Zimbabwe
12:25 – 12:40	Q & A

13:00 – 14:00	BREAK
SESSION CHAIR	RAZAANA DENSON
14:00 – 14:20	CJ Visser (University of the Witwatersrand) Human dignity and the human personality: developing an ideological basis for the constitutionalisation of the common law of personality
14:20 – 14:40	Martie Bloem (University of the Free State) Considering the divide between subjective rights and human rights: the conflict between the 'haves' and the 'have-nots'
14:40 – 15:00	Emile Zitzke (University of the Witwatersrand) Delict and the public/private divide
15:00 – 15:20	Joanna Botha and André Mukheibir (Nelson Mandela University) Combating gender based violence through the private law of delict: developing a new standard for police liability
15:20 – 15:35	Q & A
15:35 – 15:50	BREAK
SESSION CHAIR	ANDRÉ MUKHEIBIR
15:50 – 16:10	Yeukai Mupangavanhu (University of the Western Cape) The constitutionalisation and (re)development of Contract Law in South Africa: An analysis of selected cases
16:10 – 16:30	Sue-Mari Viljoen (University of the Western Cape) Regulating the use of public spaces during sustainable housing crises: A resilient property perspective
16:30 – 16:45	Q & A

TUESDAY 30 AUGUST 2022

- 08:50 – 09:00 ANNOUNCEMENTS
- 09:00 – 09:05 **INTRODUCTION OF KEYNOTE SPEAKER – JOANNA BOTHA**
- 09:05 – 09:35 **KEYNOTE ADDRESS – JUDGE AVINASH GOVINDJEE**
The state as litigant: Recent developments from the Eastern Cape
- SESSION CHAIR ELMARIE KNOETZE**
- 09:35 – 09:55 **Cayle Lupton (University of Johannesburg)**
Letters of credit in times of targeted financial sanctions
- 09:55 - 10:15 **Clement Marumoagae (University of the Witwatersrand)**
Transfer of accrued retirement benefits without non-member spouses' consent where spouses are married in community of property
- 10:15 – 10:35 **Muneer Abduroaf (University of the Western Cape)**
An analysis of the application of s 2B of the Wills Act 7 of 1953 to marriages concluded in terms of Islamic law and subsequently dissolved
- 10:35 – 10:45 Q & A
- 10:45 – 11:00 BREAK
- SESSION CHAIR MARTIE BLOEM**
- 11:00 – 11:20 **Thuli Zulu (University of the Witwatersrand)**
Prescription and access to social justice
- 11:20 – 11:40 **Amelia Bongarzone (University Magna Graecia of Catanzaro, Italy)**
The right to water and the right on water from a civil law perspective
- 11:40 – 12:00 **Refilwe Tsatsimpe (North-West University) and Clement Marumoagae (University of the Witwatersrand)**
Parental duty to support major dependent children in South Africa
- 12:00 – 12:20 **Elfas Torerai and Howard Chitimira (North-West University)**
The post COVID-19 pandemic implications of mobile money regulation on financial inclusion for the poor in Zimbabwe
- 12:20 – 12:40 **Legodi Thutse (University of Pretoria)**
The role of bank resolution under the Financial Sector Regulation Act 9 of 2017 in advancing social justice
- 12:40 – 13:00 Q & A

13:00 – 14:00 BREAK

SESSION CHAIR GRAHAM GLOVER

14:00 – 14:20 **Yvette Joubert (University of Johannesburg)**
Pro bono publico: do the recent amendments to the Legal practice Act meaningfully enhance access to justice

14:20 – 14:40 **Razaana Denson (Nelson Mandela University)**
A critical analysis of *Women's Legal Centre Trust v President of the Republic of South Africa* CCT24/21 [2022] ZACC 23

14:40 – 15:00 Q & A

15:00 – 15:15 CLOSURE & VOTE OF THANKS – RAZAANA DENSON (HEAD OF DEPARTMENT, PRIVATE LAW)

