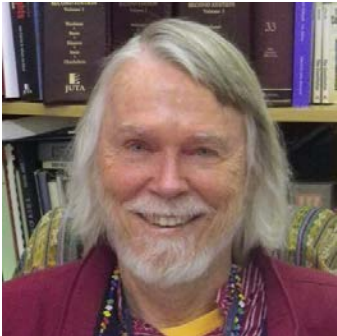






## Provisional Programme Private Law and Social Justice 2013



Keynote Speaker Conference Dinner	Curriculum Vitae
<p>Prof David McQuoid-Mason (UKZN) B Comm (Natal) LLB (Natal) LLM (London) PhD (Natal)</p> 	<p>Professor David J McQuoid-Mason is a Professor of Law based at the Centre for Socio-Legal Studies at the University of KwaZulu-Natal, Durban; Advocate of the High Court of South Africa; the founder of the South African Street Law programme; co-founder of the Democracy for All programme; a former President of AULAI; a former Director of the Practical Training Course for Candidate Attorneys in Durban; former Chairperson of the Durban Chapter of Lawyers for Human Rights; Chairperson of the Durban Medico-Legal Forum; past President of the Society Teachers of Law of Southern African; former member of the Legal Aid Board; former member of the South African Human Rights Commission Trust; President of the Commonwealth Legal Education Association involving over 600 law schools in 54 Commonwealth countries; and a former Vice President of the Academic and Professional Development Committee of the International Bar Association. He is a Fellow of the University of KwaZulu-Natal and was formerly Dean of the Howard College Law School, University of Natal, for 13 years.</p> <p>He established the first law clinic at the University of KwaZulu-Natal in 1973, and the first Street Law programme in South Africa in 1986. He has conducted clinical legal education training programmes for law teachers and clinicians and has taught in continuing legal education courses for the legal profession (attorneys, advocates, judges and academics) throughout South Africa and a number of African countries.</p> <p>He has been a member of the International Bar Association's continuing legal education panel for developing countries and has taught negotiation and mediation skills to law teachers, legal practitioners and paralegals in Southern, Central, East and West Africa. He has visited more than 113 countries where he has done extensive work, <i>inter alia</i> developing workshops on Street Law, Human Rights and Democracy, helping to draft legal aid legislation and advising on the setting up and improving of legal aid schemes and training paralegals. He has helped to develop paralegal advice offices and materials, provided professional legal training and clinical legal education training and conducted medical law workshops. His work also includes the hosting legal aid, clinical legal education and paralegal Study Visits.</p> <p>Professor McQuoid-Mason has published more than 130 articles in law and medical journals. He has contributed more than 50 chapters to books, and co-authored seven books.</p>

Professor McQuoid-Mason has delivered over 115 papers at national and over 170 at international conferences, and runs frequent workshops on human rights and democracy for school teachers, community leaders, youth leaders, women's groups, trade unions, university students and school children. He serves on the boards of several human rights and cultural bodies. On 10 December 2004 he was awarded a Special Mention by UNESCO for his work in human rights education; in October 2008 a DCL (*honoris causa*) by the University of Windsor, Ontario, Canada for his access to justice work around the world; and in April 2009 the Advocate of the Year award by Street Law Incorporated for his work in establishing Street Law legal literacy programmes around the world.

Speaker	Title of Paper	Short CV
<p>Ms Tarryn Bannister</p> 	<p>The Potential Implications of the Socio-Economic Rights within Family Law</p>	<p>Tarryn Bannister graduated from Stellenbosch University in 2007 with her BA Law degree and in 2010, she obtained her LLB. During 2010, Tarryn completed the Practical Legal Training Course through the University of Cape Town and Legal Education and Development. In 2011, Tarryn joined the Overarching Strategic Plan (OSP) Project on Combating Poverty, Homelessness and Socio-Economic Vulnerability under the Constitution at Stellenbosch University. She conducted the research for her LLM thesis on access to health care services for survivors of gender-based violence under the auspices of the Project and received her LLM (cum laude) in 2012.</p> <p>During her LLM studies, Tarryn was afforded the opportunity to attend the Second Annual Conference on Women &amp; Justice (on gender-based violence) in New Delhi, India. She is currently a doctoral candidate at Stellenbosch University. The provisional title of her doctoral dissertation is "Transforming the socio-economic consequences of terminated domestic partnerships for women: The implications of a relational feminist interpretation of</p>

		socio-economic rights” Tarryn is also currently working as a research assistant and a teaching assistant to Professor Sandra Liebenberg.
Prof Deeksha Bhana (Wits)	The constitutional interplay between freedom of contract and the right to freedom of religion, belief and opinion	
Prof Trynie Boezaart (UP) 	The role of a curator ad litem and access to the courts for children	<p><b>Trynie (CJ) Boezaart</b> (previously Davel) is professor in, and Head of the Department of Private Law at the University of Pretoria. She was the founder of the Centre for Child Law at the University of Pretoria in 1998 and Director thereof until 2008. In 2008 she acted as a Judge in the North Gauteng High Court. She still serves on the Board of the Centre for Child Law and is the chairperson of the Board of the Centre for Education Law and Policy (CELP).</p> <p>Trynie Boezaart specialises in Child Law and the Law of Persons. Her publications include textbooks such as <i>Law of Persons</i> (5<sup>th</sup> ed in 2010), various chapters in books and articles in peer reviewed journals. She is the editor of and contributed a chapter in <i>Child Law in South Africa</i> (2009) and the co-editor of and contributor to <i>Commentary on the Children’s Act</i> (2007).</p>
Ms Joanna Botha (NMMU)	Hate Speech as a Limitation to Freedom of Expression	
Mr Monray Botha (UJ)	Corporate Social Responsibility and the Advancement of Employee Rights	Mr Monray Marsellus Botha is a senior lecturer in the Department of Mercantile Law and holds the degrees BLC, LLB, LLM and BCom (Hons) from the University of Pretoria and the MCom degree from the University of Johannesburg. He is currently enrolled for his LLD at the University of Johannesburg. He also completed the AIPSA

		<p>(Association of Insolvency Practitioners South Africa) diploma in 1999, the AFSA (Arbitration Foundation of South Africa) diploma in 2002 as well as the Diploma in Corporate Law in 2011. He has taught subjects such as Labour Law, Business Law, Commercial Law, International Trade Law (Transnational Business Law), Alternative Dispute Resolution, Law of Contract and Roman Law. His research interests are corporate governance, company law, labour law and tax law.</p>
<p>Prof Marita Carnelley (UKZN)</p>	<p>Towards social justice for heterosexual cohabittees – a relaxation of the strict interpretation of the common law rules?</p>	
<p>Dr Howard Chitimira (NMMU)</p> 	<p>Overview of the Available Remedies for Market Abuse Victims under The Financial Markets Act 19 Of 2012</p>	<p>Dr. Howard Chitimira is currently a Research Administrative Assistant to the Dean, Faculty of Law, at NMMU. He holds LLB (Hons) <i>Cum Laude</i>; LLM degrees from Fort Hare University and an LLD degree from NMMU. Howard has taught various courses in Departments such Private Law; Public Law; Mercantile Law at University of Fort Hare from January 2004 to February 2009. He also taught Commercial Law and Law of Contracts under the Department of Practical Business Law, at the University of Johannesburg from March 2009 to December 2010. His current research interests includes, <i>inter alia</i>, corporate law, financial markets law, banking law, securities regulation, property law, intellectual property law and international trade law</p>
<p>Adv Razaana Denson (NMMU)</p>	<p>The law relating to domestic partnerships before and after <i>Butters v Mncora</i> (181/2011) [2012] ZASCA</p>	

	29 (28 March 2012)	
<p>Dr Elmien du Plessis</p> 	How to determine “just and equitable” compensation	
<p>Prof Sieg Eiselen (Unisa)</p> 	Assessing the Impact of the NCA – The First 7 Years	<p>Sieg Eiselen is professor in Private Law at the University of South Africa, Pretoria. He lectures in general contract law, unjustified enrichment law, international trade law and information technology law. He holds a doctorate of law in contract law from the University of Potchefstroom. He also initiated a masters of law in international trade law at the University of Potchefstroom. He has a litigation practice in commercial law and has been a member of the Johannesburg Bar since 1999. He is co-author with Albert Kritzer of Pace Law School, New York, of the International Contact Manual Volumes IV and V (Thomson West). He is also co-author with Proff Dana van der Merwe, Anneliese Roos and Tana Pistorius of Information Technology Law (LexisNexis). He is currently the secretary of the CISG Advisory Council. He has published widely on general South African contract law, unjustified enrichment law, international trade law and harmonisation, information technology law and consumer law.</p>
<p>Prof Graham Glover (Rhodes)</p>	Lumping or Splitting? Improperly Obtained Consensus in Contract Law and the Value of Institutional Doctrine	<p>Prof Glover is an Associate Professor in the Faculty of Law, Rhodes University where he has lectured since 1998.</p> <p>He has taught a broad array of subjects, but his</p>



main teaching work has been in the field of private law, particularly general principles of contract, the special contracts of sale and lease, and the law of unjustified enrichment. He has supervised several LLM and PhD students.

His research work mirrors his teaching interest in private law. He has published 25 sole-authored articles in accredited law journals, produced and edited two books (Essays in Honour of AJ Kerr (2006) and Law and Transformative Justice in Post-Apartheid South Africa (with Patrick Osode, 2010)), and written a number of book chapters. He is currently working on the next edition of Kerr's The Law of Sale and Lease (due to be published in 2014).

Prof Glover the editor in chief of the South African Law Journal, a position he has held since November 2009, and he is on the editorial board of the THRHR.

Dr Suvianna Hakalehto-Wainio



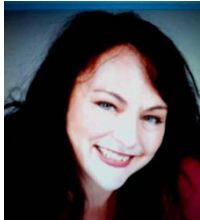
Suvianna Hakalehto-Wainio is a specialist counsel, doing advocacy work for children's rights at Mannerheim League for Child Welfare (the oldest and biggest NGO promoting children's rights in Finland).

Suvianna obtained the LLD degree from the University of Helsinki in 2009. Her PhD was on tort liability of public authorities. She has been working at the University of Helsinki since 1996 as a researcher, lecturer in public law, acting professor in constitutional law and post-doctoral researcher.

Suvianna's research interests lie in children's rights, especially in the Convention on the Rights of the Child (CRC). She has recently published several articles on the importance of the CRC on national

		level. She has published also on tort law, education law, compensation human rights violations as well as on the university pedagogy. Suvianna is interested in child law and children's rights in Southern Africa. She is currently involved with the development project concerning rights of girls at school in Malawi and looking for possibilities to get involved in research projects in South Africa. From the beginning of 2014 Suvianna has been the chair of the Finland South Africa Association.
Prof Shannon Hoctor (UKZN)	Owners, Hunters and Wild Animals	
Ms Janine Howard (UCT)	Half-hearted Regulation: Corporate Social Responsibility in the Mining Industry	
Ms Helen Kruuse (Rhodes University) BA LLB LLM PGDHE (Rhodes)	Comparing Apples and Pears?: Arbitrary Recognition of Conscientious Objection in the Public Sphere in South Africa –The Solemnisation of Same-Sex Unions and Terminations of Pregnancy	Helen is an admitted attorney of the High Court, South Africa, and a senior lecturer at the Faculty of Law, Rhodes University. She has spent a short time practicing locally and abroad (2001-2004), as well as lecturing at both the University of Cape Town and the University of the Western Cape (UWC) (2011-2012). Her current research interests include the 'siloed' architecture of intimate partnerships, child law and legal ethics. She has been a research associate of the Community Law Centre, UWC and the technical editor of the accredited journal <i>Speculum Juris</i> . She is currently an editor of the <i>South African Law Journal</i> .
Prof Vivienne Lawack (NMMU)	International remittances: a trade-off between financial inclusion and financial integrity	



<p>Oscar Matsemela (Unisa) and Mooki Mmatsie</p>	<p>The effect of the Constitution on freedom of testation: A reflection on BoE Trust Limited NO &amp; others</p>	
<p>Prof Daleen Millard (UJ) BIUR LLB LLM (UP) LLD (UJ)</p> 	<p>Hello, Popi? on Cold Calling, Financial Intermediaries and Advisors and the Protection of Personal Information Bill</p>	<p>Daleen Millard (née van der Nest) matriculated in Pretoria. She obtained the LLD degree from the University of Johannesburg in 2005/06. She also obtained the degrees BIUR, LLB and LLM from the University of Pretoria and a diploma in Insolvency Law from the Association of Insolvency Law Practitioners.</p> <p>She passed her bar exams in 2003 and was admitted as an advocate in the same year. She was a full member of the Pretoria Society of Advocates and had subsequently changed her membership status to associate member. She is currently employed as a professor of law in the Department of Private Law, University of Johannesburg and she specialises in Law of Delict, Law of Damages, Insurance Law and Law of Third Party Compensation.</p> <p>She is the author and co-author of various national and international articles in accredited journals. She is the author of the recently published <i>Modern Insurance Law</i> (Juta, Cape Town, 2013) the co-author of the <i>The FAIS Act Explained</i> (LexisNexis Butterworths, Durban, 2010) and the <i>FAIS Multilingual Glossary</i> (LexisNexis Butterworths, Durban, 2013). She has presented various papers both locally and internationally and is the co-author of the South African Chapter of AIDA (Association Internationale de Droit des Assurances</p>
<p>Adv Lefuno Nevondwe (Limpopo)</p>	<p>The protection of children from</p>	<p>Adv Lefuno Nevondwe is a Senior Lecturer in the</p>





exposure to child pornography: A comparative study between South Africa and Australia



School of Law, University of Limpopo. He obtained his LLB and LLM degrees from the University of Venda. He is currently a Council Member for Films and Publication Board and this role has developed his interest in the protection of children from exposure to harmful materials and child pornography. He is the author of three books and has published more than seventy articles in journals nationally and internationally. He is a regular presenter of papers at conferences

Prof Chuks Okpaluba (Fort Hare)



State Liability for Failure to Prevent Harm to a Prisoner: Highlighting the Tension between Constitutional and Delictual Damages in Ventilating Breaches of Fundamental Rights

Chuks Okpaluba, born in Nigeria and educated in the Universities of London, Toronto and the West Indies is currently, Adjunct Professor, Nelson Mandela School of Law, University of Fort Hare. He was, until recently, Professor of Law, National University of Lesotho, prior to which he was Professor of Jurisprudence and Director, School of Law, University of the North and Professor of Law, University of Swaziland. In his country, Nigeria, he was Professor and Dean of Law, Nnamdi Azikiwe University and, founding Dean, Faculty of Law, University of Jos. At the early stages of his academic career in the West Indies, Chuks Okpaluba specialised in Labour Law in which he published several books and articles. Since returning to the continent, his contributions to contemporary legal scholarship have been in the fields of Constitutional Law, Social Security Law and Administrative Law. These include his well-known series on both "Justiciability and Constitutional Adjudication" and "Constitutional Damages" published in Law Journals in South Africa. In addition to the books written by Professor Okpaluba on West Indian Labour Law (1975-80) and those on aspects of Constitutional Law in Nigeria (1982-96), his books in the Southern

		African region include: (a) Human Rights in Swaziland: The Legal Response (co-edited 1997); Law & Contemporary South African Society (ed. 2004); and (c) Government Liability: South Africa & the Commonwealth (co-authored 2010).
<p>Dr Alistair Price (UCT)</p> 	State Liability and Accountability	Alistair is a senior lecturer in the Department of Private Law at UCT where he teaches delict, contract, and jurisprudence. He has worked as a law clerk for former Chief Justice Pius Langa and holds law degrees from UCT, Oxford and Cambridge. His research interests include the law of obligations and constitutional law.
<p>Prof Eltjo Schrage (emeritus Professor University of Amsterdam; honorary professor NMMU)</p> 		
CI Tshoose (Unisa)	The relevance of Social Banking in Poverty Alleviation: A South African Perspective	<p><u>CI Thoose</u> Clarence Itumeleng Tshoose, Senior Lecturer at the College of Law, University of South Africa. His highest qualification is LLM in Labour and Social Security Law (North West University, South Africa). His academic and research interests include labour law, social security law, and occupational health and safety law. He has written and published a number of articles in academic journals, and</p>



MD Tuba (Unisa)



presented papers at national and international conferences. He has also co-authored chapters in books. Mr Tshoose is currently working on his doctoral studies in Social Security law at Unisa.

MD Tuba

Mmaphuti David Tuba is a lecturer in the Department of Mercantile Law at the University of South Africa (UNISA) where he teaches subjects in the area of banking law and commercial law. Prior to joining UNISA, he worked as a deeds examiner at the Registrar of Deeds and as an estate controller at the Master of the High Court both in Pretoria. He obtained his LLB degree from the University of the Witwatersrand in 2006 with distinction in Criminal law and Practical Legal studies, among others. He also obtained an Advanced Certificate in Deeds Office Practices and Procedure from the University of Pretoria in 2010. Mmaphuti is currently completing his Masters degree at UNISA with his main focus being banking law. His dissertation deals with whether money laundering regulations in South Africa are effective to prevent the risks posed by the electronic methods of payment. Maphuti has published two article in an accredited journals and a chapter in a conference proceeding. He has presented research papers at both national and international Conferences.