

NELSON MANDELA  
UNIVERSITY



PRIVATE LAW AND SOCIAL JUSTICE  
CONFERENCE 2019

*Moral Dilemmas in a Post-Constitutional  
Private Law: Negotiating the Chasm*



## MONDAY 19 AUGUST 2019

**08:00 – 08:45**    **REGISTRATION (FOYER)**  
**COFFEE AND TEA**

**08:45 – 08:55**    **WELCOME – CONFERENCE THEATRE**  
**DR LYNN BIGGS**  
**DEPUTY DEAN, FACULTY OF LAW, NELSON MANDELA UNIVERSITY**

**08:55 – 09:00**    **GENERAL INFORMATION**

**SESSION**        **PROF DALEEN MILLARD**  
**CHAIR**

**09:05 – 09:25**    **Dr Jennifer Hall (University of Johannesburg)**  
The potential of delictual litigation to enhance the realisation of environmental rights: a reflection on trends, emerging issues and opportunities

**09:25 – 09:45**    **Dr Emile Zitzke (University of the Witwatersrand)**  
Age-related capacity in delict – a transformative approach

**09:45 – 10:05**    **Ms Martie Bloem (University of the Free State)**  
Life after Life Esidimeni: where does it leave us?

**10:05 – 10:25**    **Prof Graham Glover (Rhodes University)**  
Can you believe a dustbin? Dilemmas with the test for fraud

**10:25 – 10:40**    **Q&A**

**10:40– 11:00**    **TEA AND COFFEE - FOYER**

**SESSION**        **PROF ELMARIE KNOETZE**  
**CHAIR**

**11:05 – 11:25**    **Prof Andrew Hutchison (University of Cape Town)**  
Stokvels and the dilemma of whether to formalise the informal economy

**11:25 – 11:45**    **Mr Siraaj Khan (North West University)**  
Should “loot boxes” be banned in the South African gaming industry?

- 11:45 – 12:05**     **Dr Samantha Huneberg and Mr Sershiv Reddy (University of Johannesburg)**  
The use of social media platforms by insurers in assessing the validity of claims: a moral and a legal concern?
- 12:05 – 12:25**     **Prof Daleen Millard (University of Johannesburg)**  
The fairest in the land? Micro-insurance and the balance between macro and micro power relationships
- 12:25 – 12:40**     **Q & A**
- 13:00 – 14:00**     **LUNCH**
- SESSION CHAIR**     **PROF GRAHAM GLOVER (RHODES UNIVERSITY)**
- 14:00 – 14:20**     **Mrs Helen Kruuse (Rhodes University)**  
Acting radically but ethically: refusing to raise a prescription defence in public and private law matters
- 14:20 – 14:40**     **Mr Christo Fritz**  
Equal treatment and opportunities: employees' silent war
- 14:40 – 15:00**     **Prof Monray Botha (University of Pretoria)**  
In search of sustainable employment: can employment be sustainable in South Africa? The chasm between social justice, business and collective bargaining in a post-constitutional dispensation
- 15:00 – 15:15**     **Q & A**
- 15:15 – 15:30**     **TEA AND COFFEE – FOYER**
- 15:30 – 15:50**     **Prof Howard Chitimira, Menelisi Ncube (LLD candidate), Oyesola Animashaun (Post-doc candidate and Phemelo Magau (LLM Candidate) (North West University)**  
The challenges of effecting financial inclusion in South Africa
- 15:50 – 16:10**     **Dr Michelle van Eck (University of Johannesburg)**  
The future state of contractual dispute resolution: moral dilemma or evolutionary progression
- 16:10 – 16:25**     **Q & A**

## TUESDAY 20 AUGUST 2019

**08:30 – 09:00 COFFEE AND TEA FOYER**

**SESSION CHAIR PROF MONRAY BOTHA (UNIVERSITY OF PRETORIA)**

**09:00 – 09:20 Dr Ernst Marais (UJ) and Dr Gustav Muller (UP)**  
Reconsidering counter-spoliation as a remedy in the eviction context in view of the single-system-of-law principle: a reply to Scott

**09:20 – 09:40 Mr Kenneth Kulundu (University of Pretoria)**  
The regulation of property rights for housing's sake: is it time for equality to replace adequacy in some instances?

**09:40 – 10:00 Prof Enyinna Nwauche and Nqobizitha Ndlovu (UFH)**  
Communal ownership and management of property towards social justice for indigenous peoples in Kenya, South Africa and Zimbabwe

**10:00 - 10:20 Prof Warren Freedman (UKZN)**  
The judgment in Meyer v Trustees for the time being of the Aurum Mykel Trust [2019] ZAWHC 44

**10:20 – 10:35 Q&A**

**10:35 – 11:00 TEA AND COFFEE – FOYER**

**SESSION CHAIR DR RAZAANA DENSON (NELSON MANDELA UNIVERSITY)**

**11:00 – 11:20 Mrs Prinslean Mahery (University of the Witwatersrand)  
Dr Wiedaad Slemming (University of the Witwatersrand)**  
Why we should not wait to force parents to vaccinate: legalising mandatory immunisation in South Africa

**11:20 - 11:40 Mr Mkhululi Khumalo (Unisa)**  
Critical views on the indigency requirement for the claim for loss of support by de facto parents.

**11:40 - 12:00 Mr Clement Marumoage (University of the Witwatersrand)**  
Payment of child maintenance from retirement benefits is in the best interests of the child

- 12:00 – 12:20**    **Mr Patrick Matsemela (University of South Africa)**  
Proposed solutions for challenges experienced with establishment and functionality of the regional office of the family advocate: a case study of Tshwane
- 12:20 – 12:40**    **Q&A**
- 12:40 – 12:55**
- 13:00 – 14:00**    **LUNCH**
- 14:00 – 14:20**    **Ms Brenda Njoko (UWC)**  
The admissibility of criminal findings in civil matters – the re-evaluation of the Hollington Rule
- 14:20 – 14:40**    **Ms Lorette Arendse (University of Pretoria)**  
The meaningful engagement principle in education law jurisprudence: Is the Constitutional Court abdicating its duty to enforce the right to basic education effectively?
- 14:40 – 15:00**    **Mathabo Baase (University of Cape Town)**  
The Right to freedom of religion: a critical analysis
- 15:00 – 15:15**    **Q&A**



