

**NELSON MANDELA**  
UNIVERSITY



**PRIVATE LAW AND SOCIAL JUSTICE CONFERENCE**  
**7 – 8 August 2023**

*Rights, relationships, resources and remedies*



## MONDAY 7 AUGUST 2023

- 08:45 – 08:55**      **WELCOME: LYNN BIGGS (EXECUTIVE DEAN OF LAW)**
- 08:55 – 09:00      **GENERAL INFORMATION**
- SESSION CHAIR:**      **ELTJO SCHRAGE PANEL**  
**ANDRÉ MUKHEIBIR**
- 09:05 – 09:25      **Pieter Badenhorst (Deakin University, Geelong, Australia)**  
Nature of rights, permissions and permits under the MPRDA:  
Subtraction from the *imperium* test
- 09:25 – 09:45      **Marita Carnelley (North-West University)**  
Gambling regulation: A comparison between the Roman and South  
African gambling laws
- 09:45 – 10:05      **Shannon Hocter (University of Stellenbosch)**  
The private law roots of the common purpose doctrine
- SESSION CHAIR: MARTIE BLOEM**
- 10:05 – 10:25      **Leo Boonzaier (University of Cape Town)**  
What is the point of constitutional damages?
- 10:25 – 10:45      **Emile Zitzke (University of the Witwatersrand)**  
Hyperlink sharing and defamation: South Africa and the European  
Union
- 10:45 – 11:05      Q & A
- 11:05 – 11:20      **COFFEE AND TEA BREAK**
- SESSION CHAIR: ELMARIE KNOETZE**
- 11:20 – 11:40      **Muneer Abduroaf (University of the Western Cape)**  
An analysis of the application of s 1(6) of the Intestate Succession Act  
81 of 1987 to a surviving spouse who was married in terms of Islamic  
law
- 11:40 – 12:00      **Najma Moosa (University of the Western Cape)**  
A critical analysis of a recent *fatwa* issued by black *Ulama* regarding the  
relation of *nikahs* to the African traditional marriage practice of *lobolo*
- 12:00 – 12:20      **Siyabonga Sibisi (University of KwaZulu-Natal)**  
The dissolution of customary marriages where the defendant is  
mentally ill or continually unconscious

12:20 – 12:40 **Mmaphuti Tuba (Unisa)**  
The interplay between common law and customary law pertaining to family house disputes: *Shomang v Motsose N.O.* (6990/2022)

12:40 – 13:00 Q & A

### **LUNCH – UMVELANI SOUTH CAMPUS**

**SESSION CHAIR EMILE ZITZKE**

14:00 – 14:20 **Nomfundo Mthembu (University of KwaZulu-Natal)**  
The right to found a family for infertile couples and individuals in South Africa: A social justice lens

14:20 – 14:40 **Razaana Denson (Nelson Mandela University)**  
The exclusion of parental rights and responsibilities for unmarried parents of children conceived via artificial insemination finally remedied: *VJV v Minister of Social Development* [2023] ZACC 21

14:40 – 15:00 **Graham Glover (Rhodes University)**  
The legality and enforceability of non-disclosure agreements

15:00 – 15:20 Q & A

15:20 – 15:35 **COFFEE AND TEA BREAK**

**SESSION CHAIR MARTIE BLOEM**

15:35 – 15:50 **Warren Freedman (University of KwaZulu-Natal)**  
The right to privacy and the law of neighbours in South Africa: Should overlooking be included in the concept of a nuisance?

15:50 – 16:10 **Lerato Ngwenyama (North-West University)**  
Improving an existing or erecting a new or additional structure by ESTA occupiers: The principles set out in *Daniels v Scribante* 2017 4 SA 341 (CC)

16:10 – 16:30 **Zuko Ndzoyiya (Eduvos)**  
Walking the tightrope between the right to access to housing and individuals' right to their property during eviction

16:30 – 16:50 Q & A

19:00 **CONFERENCE DINNER – Hussar Grill, 6<sup>th</sup> Avenue, Walmer, Gqeberha**

## TUESDAY 8 AUGUST 2023

08:50 – 09:00      **ANNOUNCEMENTS**

**SESSION CHAIR**      **FRANS MARX IT LAW PANEL**  
**EMILE ZITZKE**

09:00 – 09:20      **Sizwe Snail ka Mtuze (Snail Attorneys)**  
Cryptocurrency in South Africa: An ever changing regulatory landscape

09:20 – 09:40      **Katlego Mashiane (North-West University)**  
Examining the impact of artificial intelligence on the legal system and the challenges of ensuring social justice and fairness in AI decision-making

09:40 – 10:00      **Monray Botha (University of Johannesburg)**  
The potential pitfalls, risks, and dangers of social media marketing: Need for better regulation in South Africa?

**SESSION CHAIR**      **ANDRÉ MUKHEIBIR**

10:00 – 10:20      **Martie Bloem (University of the Free State)**  
What are we expecting of the courts? Perhaps it is just sympathy

10:20 – 10:40      **Michele van Eck (University of Johannesburg)**  
Public policy and the subsidiarity principle: Two sides of the same coin?

10:40 – 11:00      **Amelia Bongarzone (Magna Graecia University, Catanzaro, Italy)**  
Negotiating autonomy and social well-being

11:00 – 11:15      Q & A

11:15 – 11:30      **COFFEE AND TEA BREAK**

**SESSION CHAIR**      **GRAHAM GLOVER**

11:30 – 11:50      **Vivienne Lawack and Brighton Mupangavahu (University of the Western Cape)**  
Consumer protection of financial consumers of central bank digital currencies

11:50 – 12:10      **Phemelo Magau (University of Pretoria)**  
Overview and analysis of the role and mandate of the Consumer Goods and Services Ombud under the Consumer Protection Act 68 of 2008

12:10 – 12:30 **Howard Chitimira and Keamogetse Motlogeloa (North-West University)**

A statutory analysis of the regulation and use of financial technology to promote social justice and financial inclusion in South Africa

12:30 – 12:50 **Howard Chitimira and Elfas Torerai (North-West University)**

Constitutional aspects of financial inclusion from a payments perspective in South Africa

12:50 – 13:05 Q & A

**LUNCH – UMVELANI SOUTH CAMPUS**

**SESSION CHAIR ANDRÉ MUKHEIBIR**

14:00 - 14:20 **Howard Chitimira and Sharon Munedzi (North-West University)**

Fostering financial innovation for social justice in South Africa: Opportunities and challenges

14:20 – 14:40 **Estie Gresse (North-West University)**

Sick leave abuse: A comment on *Woolworths v CCMA* (PA12/2020) 2021 ZALAC; *NEHAWU obo Matras v Commission for Conciliation, Mediation and Arbitration* (JR1970/17) [2021] ZALCJHB 285 (8 September 2021)

14:40 – 15:00 **Unathi Nxokweni (University of South Africa)**

Protection of informational privacy in the workplace given the advancement in technology

15:00 – 15:15 Q & A

15:15 – 15:20 **ANNOUNCEMENT OF THE AWARD FOR BEST PAPER AND VOTE OF THANKS: RAZAANA DENSON (HOD PRIVATE LAW)**



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