



Ons onthou hulle...

Adjunkminister van Justisie Gert Benjamin Myburgh

Die vorige Adjunkminister van Justisie, Gert Benjamin Myburgh, is in Maart 1996 oorlede. Sy heengaan word diep betreur deur sy voormalige kollegas en vriende.

Gert Myburgh is aan die begin van Januarie 1995 as Adjunkminister van Justisie aangestel en 'n volledige curriculum vitae verskyn in die April 1995-

uitgawe van *Consultus*.

Wyle mnr Myburgh het voorheen 'n drie-dubbele hartvatomlyningsoperasie ondergaan en herstel. Sy dood was egter onverwags.

Hy word oorleef deur sy vrou, Annatjie, en twee dogters.

Ons betuig ons innige medelye en simpatie teenoor hulle.

The New Law Commission

THE South African Law Commission has a new face. A more representative commission has been appointed by the President with effect from 1 January 1996 after the terms of office of the previous members expired on 31 December 1995. The former members, who held office for approximately four years, were Appellate Division judges Hennie van Heerden (chairman) and Pierre Olivier (vice-chairman), Professor Charles Dlamini, Mr Monty Knoll, Mr Gideon Smit, Professor David Joubert and Mr Jan Venter.

The new commission is chaired by Judge I Mahomed, now the deputy-president of the Constitutional Court, while Judge Olivier has been reinstated as vice-chairman. Judge Olivier is the only member of the previous commission who was reappointed to the present body. The other new members are Judge Yvonne Mokgoro, a constitutional court judge; Advocate Jeremy Gauntlett SC, member of the Cape Town Bar; Ms Zubeda Seedat, an attorney from Durban and council member of the Natal Law Society; Mr Phineas Mojapelo, another attorney from Nelspruit, and Pro-



The new members of the Law Commission are (front) left to right, Judge Mahomed and Judge Olivier with the Minister of Justice Mr Omar (centre), and (back) left to right, Judge Mokgoro, Mr Mojapelo, Prof Nhlapo, Mr Gauntlett SC and Ms Seedat.

fessor Thandabantu Nhlapo, former lecturer at the University of Cape Town. Professor Nhlapo has also been appointed in a full-time capacity and will act as project leader in the new commission's investigations.

In order to inaugurate the new commission, the Minister of Justice, Mr Dullah Omar, hosted a meeting on 2 February 1996 at the Transvaal Law Society's prestigious headquarters in Pretoria. The late deputy-minister, Mr

Gert Myburgh, acted as chairman of the meeting which members of both the old and the new commission attended. Speeches were delivered by the minister, the new chairman and by Judge Olivier on the behalf of the former chairman who could not attend. The minister thanked the members of the old commission for their involvement and expressed his appreciation for the immense contribution they have made to law reform in South Africa. Alluding to the new commission, the minister underlined the importance of its task – described by Judge Mahomed as both challenging and daunting – and stated his opinion that the Law Commission is a key institution whose activities impact upon the community at large. The meeting concluded with a cocktail attended also by the commission's secretariat.

New investigations

At its first meeting on 23–24 February 1996 in Pretoria, the new commission identified the need for a shift in emphasis as far as its activities are concerned. It decided that community orientated investigations should receive priority, and that the inclusion of investigations in the commission's programme which contribute towards correcting the wrongs of the past should be promoted. Examples of investigations recently included in the commission's programme that illustrate its commitment to give effect to these ob-

jectives, are those into juvenile justice, family violence and the review of security legislation.

Investigation into money laundering

During December 1995 the commission submitted a report on international co-operation in criminal matters to the Minister of Justice. The report contains proposals, *inter alia*, to introduce a range of offences to criminalise the laundering of the proceeds of crime. These offences are aimed at all activities by means of which the proceeds of crime are manipulated to obscure its true source.

The commission is of the opinion that it would be ineffective to concentrate any effort to combat money laundering solely on criminal law. The commission therefore decided to undertake an investigation into money laundering focussing on the administrative measures that may be necessary to combat money laundering. These measures will apply to those organisations in the business sector that are in positions to detect and deter money-laundering activities. Such an administrative framework will facilitate the prevention, detection, investigation and prosecution of money laundering. The commission feels that legislation to implement such measures will enhance the government's National Crime Prevention Strategy.

The matters which are being investigated in the course of this project include the following:

- procedures to identify the customers of an organisation effectively;
- procedures to report information on transactions that may involve the proceeds of crime;
- procedures to ensure effective record keeping;
- implementing internal policies such as "know your customer" and staff training; and
- the establishment of an organisation to which information should be reported and which will have to disseminate reported information.

To ensure thorough and widespread debate on this topic the commission released an issue paper in which certain issues were identified and various options for reform regarding each issue were discussed. The closing date for comment on the issue paper was 24 May 1996. Based on the direction indicated by the comments on the issue paper, recommended draft legislation embodying the proposed administrative framework is being formulated. This will be published for general knowledge and comment in the near future. The researcher, who may be contacted for more information, is:

Mr P Smit at the South African Law Commission, Private Bag X668, Pretoria 0001. (Tel: (012) 322-6440; Fax: (012) 320-0936) 

Legal aid

THE Soweto Law Office of the Legal Aid Board was officially opened by the Minister of Justice, Mr Dullah Omar, on 23 January 1996. In his opening address Mr Omar stressed the important pillars of a sound judicial system:

- An independent judiciary which does not pander to the public.
- An independent legal profession.
- Knowledge of rights which can only result from an efficient programme of empowerment.
- The capacity to exercise rights.

The Soweto Law Office of the Legal Aid Board is situated at the NICRO Soweto Offices, 752 Roodepoort Rd, cnr Old Potchefstroom Rd, Mofolo South, Soweto. It has a complement of one principal attorney, three candidate attorneys, a legal aid officer, an assistant legal aid officer and two other administrative personnel. It is anticipated that the public defenders element of the Soweto Law Office will shortly be increased with the appointment of a further seven candidate attorneys.

The enormous Soweto community suffers from a grave shortage of legal practitioners. At the time when the Soweto Law Office was planned, not a single legal practitioner had offices in Soweto. The Soweto Law Office has been established by the Legal Aid Board to begin addressing the demand for legal services by the people of Soweto.

Contact numbers:

The head of the Soweto Law Office is Mr Mashumi K Mzaidume: tel (011) 986-5005/6; fax (011) 986-5172; PO Boz 585 Meadowlands 1852. 