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# Constitutional Court Review

## EDITORIAL COMMITTEE

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Cora Hoexter (Wits)  
Andrew Konstant (SAIFAC)  
Ngwako Raboshakga (ENS)  
Mkhululi Stubbs (JHB Bar)  
Linette du Toit (SAIFAC)  
Khomotso Moshikaro (SAIFAC)

## CONFERENCE SCHEDULE: THURSDAY 3 DECEMBER 2015

**9:00 – 9:30 Registration, coffee and welcome by Stu Woolman (Wits)**

**9:30 – 12:00 Symposium I: Administrative Justice**

*Minister of Defence and Military Veterans v Motau* (Minister's decision to dismiss two members of the Board of the Armaments Corporation of South Africa constituted executive action.)

*MEC for Health, Eastern Cape v Kirland*: (Unlawful decision has to be set aside by a court, cannot be withdrawn by state.)

*Khumalo v MEC for Education, KZN*: (Unlawful promotions ought to have been reviewed in terms of Public Service Act, not in terms of PAJA.)

*Turnbull-Jackson v Hibiscus Coast Municipality* (relying on *Walele*, challenge to decision to approve building plans dismissed.)

*Trencon Construction (Pty) Ltd v Industrial Development Corporation of SA Ltd* (exceptional circumstances to justify the High Court substituting a tender award with its own decision.)

*Alpay Consolidated Investments Holdings (Pty) Ltd v CEO of SASSA* (just and equitable remedy after tender for provision of social grants was set aside.)

1. **Melanie Murcott (Pretoria) & Werner van der Westhuizen (Bowman Gilfillan)**
2. **Leo Boonzaier (Oxford)**
3. **Andrew Konstant (SAIFAC)**
4. **Lauren Kohn (Cape Town)**
5. **Geo Quinot (Stellenbosch)**

Moderator: Cora Hoexter (Wits)

**12:00 – 13:00 Lunch**

**13:00 – 14:10 Case Comments: *J v National Director of Public Prosecutions*** (Unjustifiable limitation of child offender's interests to add them to the National Register for Sex Offenders)

1. **Ann Skelton (Centre for Child Law, Pretoria)**
2. **Prinslean Mahery (Wits) & Wesahl Domingo (Wits)**

Moderator: David Bilchitz (Johannesburg/SAIFAC)

**14:10 – 15:00 Case Comment: *Mukaddam v Pioneer Foods (Pty) Ltd*** (standard for granting a class action is the interests of justice.)

1. **Khomotso Moshikaro (SAIFAC)**

Moderator: Jason Brickhill (LRC)

**15:00 – 15:30 Coffee Break**

**15:30 – 16:40 Symposium II: Common Law / Application**

*Loureiro v iMvula Quality Protection (Pty) Ltd* (security company vicariously liable because an employee allowed impostors dressed as police officials access to guarded premises.)

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*H v Kingsbury Foetal Assessment Centre (Pty) Ltd* (child's claim for damages for misdiagnosis of high risk of Down syndrome may potentially exist in principle.)

*Country Cloud Trading CC v MEC, Department of Infrastructure Development, Gauteng* (Department's cancellation of contract which caused loss to a third party not unlawful interference with a contract.)

*Botha v Rich* (relied on principles of reciprocity and good faith to order transfer of immovable property to defaulting purchaser who had paid half the purchase price. Purchaser also orders to pay full price.)

1. Emile Zitzke (Pretoria)
2. Deeksha Bhana (Wits)

Moderator: Khomotso Moshikaro (SAIFAC)

## CONFERENCE SCHEDULE: FRIDAY 4 DECEMBER 2015

**9:00 – 9:30 Arrival and coffee**

### **9:30 – 10:40 Symposium III: Restitutionary Justice**

*SAPS v Solidarity obo Barnard* (implementation of a restitutionary measure, which resulted in a decision not to appoint recommended candidate and to leave position vacant does not amount to unfair discrimination.)

*Florence v Government of the RSA* (Consumer Price Index is the appropriate measure to convert past loss into present-day monetary terms for the calculation of financial compensation in terms of Restitution Act.)

1. Samantha Vice (Wits)
2. Chris McConnachie (JHB Bar)

Moderator: Ngwako Raboshakga (ENS)

### **10:40 – 11:30 Symposium IV: Unconstitutional Governance**

*South African Informal Traders Forum v City of Jhb* (interim interdict granted to prevent City from evicting lawful traders from the city centre.)

*Zulu v eThekweni Municipality* (residents of informal settlement granted leave to intervene in High Court proceedings in order to challenge an interim order which authorized their eviction.)

1. Irene de Vos (SERI) & Dennis Webster (SERI)

Moderator: Linette du Toit (SAIFAC)

**11:30 – 12:00 Tea break**

**12:00 – 13:10 Case Comments:** *Southern Africa Litigation Centre v Minister of Justice* (Extent to which SAPS has a duty to investigate crimes against humanity allegedly committed in Zimbabwe.)

1. Lilian Chenwi (Wits) & Franziska Sucker (Wits)
2. Salim Nakhjavani (Wits)

Moderator: Michael Bishop (Cape Town Bar)

**13:10: Lunch, general discussion about journal logistics and formal farewell**