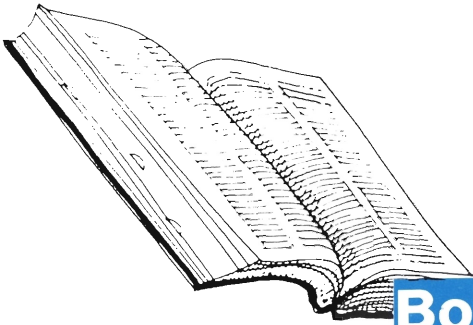


landdros verskyn op aanklagte weens oortredings van die Wet op Seevisserye, 1973. Hy het onder andere 'n klomp krewes wederregtelik vervoer en besit. Dit was sy tweede soortgelyke oortreding. Die landdros het met die kantoor van die hoofvisseryebeheerbeampte in verbindig getree in verband met die moontlikheid van gemeenskapsdiens, en die instelling was bereid om die beskuldigde aan diens te plaas en oor hom toesig te hou. Die beskuldigde is toe gevonnissen tot een jaar gevangenisstraf op elke aanklag. Die vonnis is opge-

skort op voorwaarde, onder andere, dat die beskuldigde een week lank daaglik by die Tak: Marinebeheer van die Departement Natuur- en Omgewingsbewing aanmeld en algemene dienste in die kantore, store of koelkamergeriewe verrig.

Verdere voorbeelde is te vinde in: *S v Mangcola and others* 1987 3 SA 791(K); *S v Khumalo* 1984 4 SA 629(W); *S v Ferreira* 1975 1 SA 448(0); *S v C* 1973 1 SA 739(K); en *S v Bock* 1963 3 SA 163(GW).



Boekbesprekings

***Judge and be judged*, Adrienne E van Blerk
Juta & Kie Bpk – Kaapstad/Wetton/Johannesburg 1988.
196 Bladsye. Prys R48 plus VB**

In hierdie hoogs leesbare boek kyk prof Van Blerk met 'n kritiese oog na die kritiek wat deur die jare, en veral in die laaste dekade of twee, op die Suid-Afrikaanse regbank uitgespreek is. In verskeie gevalle, en aan die hand van baie deeglike navorsing, toon sy aan dat hierdie kritiek oordrewe is, of ten minste nie heeltemal billik nie.

Die rol en optrede van die pers, akademici, die regsprofesie en lede word onder die loep geneem wat betref hul kommentaar op die optrede en gehalte van die regbank, onder meer oor sake soos die kwessie van ras as 'n faktor in vonnisoplegging, die houding van die regbank teenoor sekuriteitsaangeleenthede, en aanstellings op die regbank. In die proses is daar onder meer hoogs interessante en gedetailleerde besprekings van die vervolging van wyle prof Barend van Niekerk in die vroeë jare sewentig, die debat wat deur Edwin Cameron aangevoer is oor Hoofregter L C Steyn se bydrae tot ons regspraak, en die omstrede aanstellings deur die jare op die regbank. Prof Van Blerk se vernaamste gevolgtrekking is dat die regbank in die laaste paar dekades minder sensitief geword het vir kritiek, maar dat baie van die kritiek wat in hierdie tyd teen die regbank gerig is, veel dikwels nie billik was nie, en heel dikwels daarom onnodige skade aan die aansien van die regbank aangerig het.

Prof Van Blerk se boek is gegrond op haar doktorstesis en toon die grondslag van deeglike akademiese navorsing. Desondanks is dit in 'n hoogs leesbare vorm aangebied en is dit feitlik verpligte leesstof vir enigeen wat belangstel in die werking en rol van die Suid-Afrikaanse regbank.

(Terloops, op bladsy 105 lyk dit of die skryfster, ondanks haar nougesette aandag aan detail, Williamson AR met Williamson R verwar het.)

T D POTGIETER, Kaapse Balie

THE NEW LABOUR RELATIONS ACT – The Law after the 1988 Amendments.

**By Cameron, Cheadle and Thompson. Juta & Co Ltd 1989.
Price: R58,00.**

In South Africa no field of law has ever undergone a more rapid and extensive development than the field of Labour Law has in the past decade. Seldom has any subject been more relevant to the daily existence of by far the greater part of the population. The need for proper literature to equip the participants in this field with the knowledge and skill they need, is obvious. It is for this reason that one cannot but have respect for the authors of this book in not contenting themselves with their monumental contributions in "The New Labour Law", Brassey, Cameron, Cheadle and Olivier, in 1987, but in again taking the lead in supplying the Labour Law-community with a book which, for the present, is indispensable.

Now, to the book itself: The second part of the title, "The Law after the 1988 Amendments", might be somewhat misleading as the book does not encompass the whole field of Labour Law. What it does do, however, is to address the 1988 amendments to the Labour Relations Act and to provide an overview of salient features of the law as it stands, taking into account the said amendments.

The book can be divided into two parts: First, the text, which comprises six chapters over 129 pages, and secondly, the Labour Relations Act with annotations to the 1988 amendments, and the Regulations.

In the first chapter, "Introduction to the Act", (p 1-6), the broad scheme of the Act is described. The principle of industrial self-government, collective bargaining and the collective bargaining forums, the role of strikes and lock-outs as integral features of collective bargaining, the regulatory role of the Industrial Court and the inroads into the individual employment relationship, are discussed in a succinct, lucid and competent manner.

Vervolg op bladsy 46

juriste voorberei, nie wetskenner nie, en daar word regs wetenskaplike werke geskryf, nie wetskompilaties nie. Terselfdertyd trag hy om hom aan te pas by 'n snel veranderende omgewing en om sy menslike en penneprodukte bruikbaar te maak in die moderne Suid-Afrika. Hierdie veranderings word gereflekteer in die fakulteit se studentekorps en in sy leerplanne. Daar is bv damesdosente en 'n aansienlike persentasie damestudente. Die fakulteit beywer hom nog altyd vir die Afrikaanse regstaal en trek die meeste van sy studente uit die Afrikaanse gemeenskap; maar hy het ook oor die jare

aansienlike getalle Engelssprekendes opgelei, en het nou ook sy eerste studente uit ander kultuurgemeenskappe begin trek. Vakke soos Arbeidsreg, Arbitrasiereg, Deeltitels, Maatskappy-oornames en Mense-regte word nou as vakkeuses aangebied. Daar bly egter steeds een deurlopende maatstaf waaraan die fakulteit homself meet: uitmuntendheid.

Voetnote

¹ Vir die gegewens oor die fakulteit se eerste vier dekades is ruimskoots gebruik gemaak van twee bronne, waaraan met dank erkenning gegee word. Die eerste is 'n artikel van

prof W M van der Westhuizen in 'n bylae tot *Die Burger* van 28 September 1966 ter geleentheid van die 100-jarige viering van hoër onderwys op Stellenbosch. Die tweede is bl 489 - 492 van die gedenkboek wat by dieselfde geleentheid verskyn het onder die titel *Stellenbosch 1866 - 1966. Honderd Jaar Hoër Onderwys* (hierna 100 jaar).

² In 1988 *THRHR* 4,11.

³ 1961 *Acta Juridica* 58, 80 - 81.

⁴ Vir 'n lewenskets, sien die huldeblyk deur hoofregter L C Steyn in 1964 *THRHR* 1.

⁵ W M van der Westhuizen in *Die Burger* van 28 September 1966.

⁶ 'n Navolgenswaardige voorbeeld vir hedendaagse regs dosente?

⁷ 100 jaar 490.

⁸ 100 jaar 490.

⁹ Sien A H van Wyk in 1988 *THRHR* 2,3.

Boekbesprekings

Vervolg vanaf bladsy 37

Chapter 2, "Collective Bargaining", (p 7-43), deals firstly with the role and function of the dispute resolving mechanisms created by the Act, ie the Industrial Councils and the Conciliation Boards. Then follows, with reference to paragraphs (d) and (j) of the definition of "unfair labour practice", a very intricate and complex discussion of the bargaining rights and obligations between employers and trade unions. This last part of the chapter is clearly not for casual perusal but requires careful study. As practitioners are increasingly being required to advise on aspects of collective bargaining and recognition, this chapter serves as the necessary stimulant for further study in this regard.

Chapter 3, "Dispute Procedures and Court Structure", (p 44-68), is a necessary chapter as it deals with aspects most frequently used in everyday practice. Background knowledge of the subject is, however, a prerequisite as the chapter to a large degree merely discusses the effects of the amendments to the Act. This does detract to a limited degree from the usefulness of the chapter. A further difficulty with this chapter is the many references to the discussions in the commentary to the Act and in "The New Labour Law", without a page or other appropriate reference. The chapter is further marred by smaller typographical and other errors which need not be referred to here. It must, however, not be forgotten that the amendments to the Act came into operation on 1 September 1988 and that the preface to this book was signed on 31 December 1988!

Chapter 4, "Industrial Action: Strikes and Lock-outs", (p 69-95), brings an involved topic within the easy grasp of anyone reading it. The style is relaxed and the approach is practical. Although one can take issue with some of the contentions made by the authors in this and the other chapters, and would have liked to see other areas elaborated on, their contribution is extremely valuable to the development of this part of the law. This chapter alone makes this book a worthy addition to one's library.

Chapter 5, "Collective Bargaining and the role of the Court", (p 96-106), primarily discusses the distinction between disputes of right and disputes of interest and the role of the Court in each situation. As does Chapter 2, this chapter calls for careful study and requires insight into the relevant problems and is not for quick reference in the heat of the moment. This type of discussion, in a textbook which will

become a standard reference used by all, is certainly to be welcomed.

In Chapter 6, "Unfair Dismissal", (p 107-129), the new definition of the unfair labour practice, insofar as it relates to dismissals, is meticulously dissected and blended into the existing jurisprudence that has developed in relation thereto over the years. Although the authors regard this chapter as an overview of the law of dismissal, it does, to my mind, present the reader with quite an extensive insight into this part of the law. The paragraphs dealing with retrenchment merit special mention. Proper references to the relevant discussions in the commentary to the Act are made and this is a chapter for easy reference in any situation.

The second part of the book comprises the Act, commentary on the latest amendments and the Regulations. The commentary is what this part of the book is all about and it complements much of what is contained in the first part of the book and should be read in conjunction therewith. Apart from typographical and other errors which unfortunately found their way into this part of the book, and the difficulty with which the text of the Act can be discerned, the idea of having the text of the Act together with commentary thereto, is to be welcomed. In future editions, commentary might be extended to all the sections of the Act.

Last but not least, the most important part of the book: the index. Much was done to facilitate access to this book and the inclusion of a "words and phrases" is particularly helpful.

To sum up: If the authors set out to address the 1988 amendments to the Act, they eventually achieved much more. The book should and, I submit, would find its place in the library (and briefcase) of every participant in the field of labour relations. One word of caution though: labour relations is inextricably related to the concept of fairness. Fairness again cannot properly be evaluated without reference (either expressly or subconsciously) to socio-economic and political realities. The authors obviously have their own views in this regard and intend to provide a stimulation in the "right" direction, but unfortunately, for the less discerning and less critical reader, the distinction between what the law is, and what it should be according to the authors, is not always that easily ascertainable.

Carl-Pierre Rabie, Pretoria Bar