

In consequence, various important SACOB members (Middelburg, Pietersburg, Richards Bay, and elsewhere) have sought to create local AFSA facilities tailored for their particular needs. This follows the breakdown of effective magistrate court structures for the resolution of civil disputes. There is also a strong wish expressed that disputes be resolved locally without the need to refer to distant high courts. AFSA is in the course of developing programmes to meet these needs which, if successful, will give a further fresh direction to much of its activities.

Corporate pledge

Following USA and UK precedent, AFSA, with the active support of SACOB, is introducing a corporate pledge in which companies will be encouraged to commit publicly to the principle of ADR by signing such pledge and thereafter acting accordingly. There is discernible enthusiasm for such a commitment and it will prove a very useful tool in the marketing of AFSA as an element of good corporate governance.

Education and training

AFSA offers a variety of training courses and, in particular, the Diploma in Alternative Dispute Resolution which is presented in partnership with the University of Pretoria which latter accredits the Diploma. Twenty-five graduates completed the 1999 course and we have little doubt that numbers will increase significantly as the quality of the course becomes generally known.

Regional activity within South Africa

Pretoria has established its own AFSA facility at Momentum Chambers and local arbitrations will be administered by the Pretoria Bar. The facility is well-appointed and should prove popular.

The lack of activity in the Western Cape has been disappointing. Ambitious plans are under discussion to effect a revitalisation of AFSA in the region under the leadership of SF Burger SC. Final arrangements have yet to be made.

Activities in Natal have also been limited and it is intended, as soon as resources permit, to seek ways of expanding in Natal. Pietermaritzburg, in particular, is entitled to assistance from national AFSA and that need will be addressed.

Although AFSA administers isolated cases (some very large) originating elsewhere in the

country, it is yet to establish a formal presence elsewhere. Expansion nationally is still inhibited by lack of finance and personnel.

Regional activity outside South Africa


AFSA has sought from the start to establish a regional network in Southern Africa. At the moment the most active association which we have is with Zambia which is seeking to establish an arbitration movement on the AFSA pattern. Dali Mpofo of the Johannesburg Bar will be attending a conference in Zambia as an AFSA delegate. The purpose of the conference is to explore ways of furthering the arbitration initiative in Zambia. We regard our association with this initiative as a model for more extensive relationships in Southern Africa.

BAC initiative

AFSA was asked to manage and administer a project to provide the attorney-general with the services of private practitioners in complex commercial prosecutions. The project was delayed by funding difficulties but a recent resurgence of interest makes it likely that the project will soon be on stream.

General prospects

The AFSA clauses are now incorporated in a huge variety of contracts both standard and tailor-made. Frequency of incorporation is exponential.

A variety of approaches have been made to AFSA which, if carried through, will have a considerable impact on the AFSA turnover of work. These opportunities are actively investigated and exploited. 

Wette- en Administrasiekomitee

AJ Louw, Pretoriase Balie, sameroeper van die Wette- en Administrasiekomitee.

Verslag is gelewer oor die volgende aangeleenthede:


- Aan die direkteur-generaal, Justisie: *The Domestic Violence Act 116 of 1998*: Commencement and Regulations, 1 April 1998.
- Commencement of the *Contingency Fees Act 1997*, 19 Junie 1998.

Prescription of Costs Orders, 22 Junie 1998.

Commencement of the *Contingency Fees Act 1997*, 5 Augustus 1998.

Implementation of sections 6-9 and 11-15 of the *Judicial Matters Second Amendment Act 1998*, 26 Februarie 1999.

Section 63 of the *Magistrates' Court Act 32 of 1944*, 1 Maart 1999.

- Aan die Suid-Afrikaanse Regskommissie: *Discussion Paper 75: Project 111: Constitutional Jurisdiction of Magistrates' Courts*, 22 Junie 1998.
- *Discussion Paper 80: Project 85: Aspects of the Law relating to Aids: The need for a statutory offence aimed at harmful HIV-related behaviour*, 1 Maart 1999.
- Aan die registrator van versekering: Amendments to the *Insurance Act 27 of 1943*, 22 Junie 1998.
- Aan die voorsitter van die Algemene Balieraad van Suid-Afrika: *The State Attorney and the Admission of Advocates Act*, 25 Junie 1998.
- Aan die Kantoor van die Nasionale direkteur van vervolging: (a) *The Prosecution Policy* and (b) *the Code of Conduct for Members of the National Prosecution Authority*, 10 Desember 1998. 

Parliamentary Committee

LA Rose-Innes SC, Cape Bar, chairperson.

Between 1 June 1998 and 31 May 1999, some 143 Bills were received for consideration. The approach adopted has been as before: as a general principle, the interest of the GCB in parliamentary legislation focuses on its potential impact on the administration of justice generally, and on the interests of the profession in particular.

Of the Bills received, 103 were considered appropriate for closer scrutiny by members of the Parliamentary Committee, or other members (generally members of the Cape Bar). In some 23 instances it was considered appropriate to submit memoranda to Parliament, commenting on aspects which appeared to warrant mention or which gave rise to particular concern. 