



Centre for
**CONSTITUTIONAL
RIGHTS**

CENTRE FOR CONSTITUTIONAL RIGHTS

Upholding South Africa's Constitutional Accord

Patron: The Hon Mr Justice Ian G Farlam

The Honourable Mr L. Landers, MP
Chairperson
Portfolio Committee on Justice and Constitutional Development
Parliament of the Republic of South Africa
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Attention: Mr Vhonani Ramaano

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12 February 2013

Dear Mr Landers

CONCISE SUBMISSION TO THE PORTFOLIO COMMITTEE ON JUSTICE AND CONSTITUTIONAL DEVELOPMENT ON THE LEGAL PRACTICE BILL [B20-2012]

Introduction

1. The Centre for Constitutional Rights (CFCR) is a unit of the FW de Klerk Foundation – a non-profit organisation dedicated to upholding the *Constitution of the Republic of South Africa, 1996* (the Constitution). To this end, the Centre seeks to promote the values, rights and principles provided for in the Constitution, to monitor developments including policy and draft legislation that might affect the Constitution and the values, rights or principles provided therein, to inform people and organisations of their constitutional rights and to assist them in claiming their rights.

A UNIT OF THE FW DE KLERK FOUNDATION

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2. With reference to your call for submissions as published on www.parliament.gov.za, CFCR welcomes the opportunity to make concise submissions to the Committee regarding the Legal Practice Bill [20-2012] and certain aspects of the Bill that we believe require revision or amendment.
3. It is not the purpose or intention of this submission to provide a comprehensive legal analysis of the Bill and all matters related thereto, but rather to draw attention to those aspects and clauses which could likely have a negative impact on the independence of the legal profession – and by implication, on the constitutionally-required independence of the judiciary and the Rule of Law itself.

Rule of Law, Constitutional Prerequisites and International Norms and Standards

Rule of Law

4. The Secretary-General of the United Nations, in a report to the United Nations Security Council, defined the Rule of Law as *"a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency."*¹
5. In a constitutional democracy, a government must subject itself to the supremacy of the law and the sovereignty of the people through the Constitution. If not, such government may be ruling *by* law, although its authority will not be founded upon the Rule of Law. The latter incorporates three principles: That everyone is subject to the law; that the law should be public and applied equally to all; and that the law should be determined by an independent judiciary. Consequently, the independence of the judiciary is of critical importance to the Rule of Law, which can only be upheld by an independent judiciary – and by implication an independent legal profession.
6. This means that judges must have the ability to decide cases on the basis of legal merits only, shielded from any influence by the other branches of government. It also means that legal practitioners must be able to effectively argue cases on behalf of their clients without interference or fear of reprisals, especially from the executive. People must have confidence that legal practitioners will be able to effectively advocate on their behalf – even if either the practitioner or the client is unpopular with the government or represent unpopular views or causes. Furthermore, people must have confidence that judges will apply the law equally against the government and powerful political, financial and other interests, without fear or favour.
7. Justice Michael Kirby, justice of the High Court of Australia, in an address to the Presidents of Law Associations in Asia, argued that *"The rule of law will not prevail without assuring the law's principal*

¹ *The Rule of Law and Transitional Justice in Conflict and Post-conflict Societies*. Report of the Secretary-General to the United Nations Security Council. S/2004/616. 23 August 2004. <http://www.unrol.org/files/2004%20report.pdf>.

actors - judges and practicing lawyers and also legal academics - a very high measure of independence of mind and action".² This sentiment was echoed by former Chief Justice Arthur Chaskalson in his address to the Cape Law Society when he contended that "*Although not specifically mentioned in the Constitution, the judiciary depends on an independent legal profession to enable it to perform its constitutional duty. This is an incident of the Rule of Law which is entrenched in our Constitution.*"³

8. The Rule of Law, the separation of powers and judicial independence, underscored by International Law, are the indispensable cornerstones of a constitutional democracy such as ours.⁴

Constitutional Prerequisites

9. The Rule of Law and separation of powers, including the role of an independent judiciary and by implication the need for an independent legal profession, is entrenched in the foundational values and principles of the Constitution.
10. Section 1 of the Constitution determines that South Africa is founded upon the supremacy of the Constitution and the Rule of Law – a society where every citizen is equally protected by the law and where no one is above the law. It also provides that our constitutional democracy is based on the will of the people, democratic values, social justice and fundamental human rights.
11. Section 2 affirms that the Constitution is the supreme law of South Africa and that any legislation or conduct inconsistent with the Constitution is invalid. This section also determines that all obligations imposed by the Constitution must be fulfilled.
12. Section 7 provides that the Bill of Rights, as encapsulated in Chapter 2, is a cornerstone of our democracy. Accordingly, section 7(2) determines that the state must respect, protect, promote and fulfil the rights in the Bill of Rights. Section 7(3), however, provides that the rights in the Bill of Rights are subject to the limitations contained or referred to in section 36, or elsewhere in the Bill. In turn, section 39 provides, amongst other, that when interpreting the Bill of Rights, a court, tribunal or forum must promote the values that underlie an open and democratic society based on human dignity, equality and freedom and must consider International Law.
13. Section 9 determines that everyone is equal before the law and has the right to equal protection and benefit of the law, whereas section 34 determines that everyone has the right to have any dispute that can be resolved by the application of law, decided in a fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum. In addition, section 35 provides that every accused person has a right to a fair trial, which includes, amongst other, the right to choose, and be represented by, a legal practitioner, and to be informed of this right promptly.

² Kirby M. *Independence of the Legal Profession: Global and Regional Challenges*. Conference of Presidents of Law Associations in Asia. 20 March 2005. http://www.hcourt.gov.au/assets/publications/speeches/former-justices/kirby/kirby_20mar05.html#f01.

³ Chaskalson A. *The Rule of Law: The importance of independent courts and legal professions*. Address to the Cape Law Society. 9 November 2012. http://www.lrc.org.za/images/stories/Papers/2012_11_12_The_Rule_of_Law_-_The_importance_of_independent_courts_and_legal_professions_-_By_Arthur_Chaskalson.pdf.

⁴ *Justice Alliance of SA v President of the RSA and Others and Two Similar Applications* 2011 10 BCLR 1017 (CC).

14. In terms of section 165, the judicial authority of South Africa vests in the courts, which are independent and subject only to the Constitution and the law. The courts must accordingly apply the law impartially and without fear, favour or prejudice. Section 165(3) states that no person or organ of state may interfere with the functioning of the courts. Moreover, in terms of section 165(4), organs of state, through legislative and other measures, must assist and protect the courts to ensure the independence, impartiality, dignity, accessibility and effectiveness of the courts.
15. In terms of section 172, the court must, when deciding a constitutional matter within its power, declare any law or conduct inconsistent with the Constitution as invalid to the extent of its inconsistency.
16. Section 22 establishes that every citizen has the right to freely choose their trade, occupation or profession, but that the practice of a trade, occupation or profession may be regulated by law. However, the Constitution is suffused with the principle of freedom as already reflected in the first foundational value. People individually and collectively enjoy the freedom of opinion, the freedom of expression and the freedom of association. People have the freedom to choose their professions; to form trade unions and employers' organisations as well as organs of civil society. Although the practice of a profession may be regulated by law in terms of section 22, such law and regulations must be consistent with the foundational values and freedoms set out in the Constitution. As will be argued hereunder – the legal profession is, due to its crucial importance in promoting and defending the Rule of Law, a profession *sui generis*. Any legislation aimed at regulating the legal profession must therefore reflect this notion in accordance with the relevant constitutional and International Law provisions.

International norms and standards

17. The international community has over the past decades agreed upon a clear set of norms and standards in relation to independence of the legal profession. The *Basic Principles on the Role of Lawyers* adopted by the *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders*⁵ in 1990 is one such example. The preamble of the *Basic Principles* dictates that "*adequate protection of the human rights and fundamental freedoms to which all persons are entitled, be they economic, social and cultural, or civil and political*" requires "*that all persons have effective access to legal services provided by an independent legal profession...*"
18. Accordingly, Principle 23 of the *Basic Principles* determines that "*Lawyers like other citizens are entitled to association and assembly, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization*".⁶
19. Principle 24 provides that "*Lawyers shall be entitled to form and join self-governing professional associations to represent their interests, promote their continuing education and training and protect their*

⁵ *Basic Principles on the Role of Lawyers*. Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August – 7 September 1990.
<http://www.unrol.org/files/UNBasicPrinciplesontheRoleofLawyers.pdf>.

⁶ *Basic Principles on the Role of Lawyers op. cit.*

professional integrity..." It furthermore provides that "The executive body of the professional associations shall be elected by its members and shall exercise its functions without external interference".

20. Principle 25 stipulates that "Professional associations of lawyers shall cooperate with Governments to ensure that everyone has effective and equal access to legal services and that lawyers are able, without improper interference, to counsel and assist their clients in accordance with the law and recognized professional standards and ethics".⁷
21. Principle 26 of the *Basic Principles* provides that codes of professional conduct for legal practitioners should be established by the legal profession or by legislation, in accordance with national law and custom and recognised international standards and norms.⁸ In turn, Principle 28 of the *Basic Principles* requires disciplinary proceedings against legal professionals to be brought before an impartial disciplinary committee established by the legal profession, before an independent statutory authority, or before a court. The disciplinary body should therefore be free from any influence or pressure from the legislative or the executive branches or any other party: "Ideally, disciplinary bodies should be established by the legal profession itself."⁹
22. The preamble of the *International Bar Association Standards for the Independence of the Legal Profession*¹⁰ also determines that "The independence of the legal profession constitutes an essential guarantee for the promotion and protection of human rights and is necessary for effective and adequate access to legal services". Conversely, Principle 17 of the *International Bar Association Standards* states that these bodies should be "freely elected by all the members without interference of any kind by any other body or person".¹¹
23. In addition, various international and regional treaties,¹² United Nations resolutions¹³ and international statements and principles¹⁴ emphasise the importance of an independent judiciary and legal profession.
24. The creation of the office of the *United Nations Special Rapporteur on the Independence of Judges and Lawyers*¹⁵ is further confirmation of international recognition of the need to develop, protect and strengthen the independence of the legal profession. In a report to the *United Nations General Assembly's Human Rights Commission* on the Independence of Judges and Lawyers, the *Special Rapporteur* stated: "When adopting regulations, decrees or other acts related to the legal profession, the

⁷ *Basic Principles on the Role of Lawyers* op. cit.

⁸ *Basic Principles on the Role of Lawyers* op. cit.

⁹ *Independence of Judges and Lawyers* op. cit.

¹⁰ *International Bar Association Standards for the Independence of the Legal Profession*. 1990. <http://www.ibanet.org/Document/Default.aspx?DocumentUid=F68BBBA5-FD1F-426F-9AA5-48D26B5E72E7>.

¹¹ *International Bar Association Standards for the Independence of the Legal Profession* op. cit.

¹² Article 14(3) of the *International Covenant on Civil and Political Rights*; Article 6 (3) of the *European Convention for the Protection of Human Rights and Fundamental Freedoms*; Article 8 (2) of the *American Convention on Human Rights*; Article 7(1)(c) of the *African Charter on Human and Peoples' Rights*; and Article 16 of the *Arab Charter on Human Rights*.

¹³ UN General Assembly Resolutions 40/32 (29 November 1985) and 40/146 (13 December 1985); UN Commission on Human Rights Resolutions 2004/33 (19 April 2004), 2003/43 (23 April 2003), 2002/43 (23 April 2002), 39/2001 (23 April 2001) and 2000/42 (20 April 2000).

¹⁴ *Basic Principles on the Role of Lawyers* op. cit. and *International Bar Association Standards for the Independence of the Legal Profession*. op. cit.; Also refer to *Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa*; *Recommendation No. R (2000) 21 of the Committee of Ministers of the Council of Europe*; *Suva Statement on the Principles of Judicial Independence and Access to Justice* (2004); *Cairo Declaration on Judicial Independence* (2003); *Bangalore Principles of Judicial Conduct* (2002); *Basic Principles on the Independence of the Judiciary* (1985); *International Bar Association's Minimum Standards of Judicial Independence* (1982); *United Nations Draft Principles on the Independence of the Judiciary* (1981).

¹⁵ <http://www.ohchr.org/EN/issues/Judiciary/Pages/IDPIndex.aspx>.

executive branch should be especially careful in not to affect the independence of lawyers and the legal profession. Instances have been recorded in which Governments adopted executive acts that substantively amended or even replaced legislation guaranteeing the independence of the legal profession."¹⁶ The Special Rapporteur also recorded many attempts to install "*individuals close to the executive branch as heads of professional associations*". He fittingly expressed concern at the competency of a Ministry of Justice to nominate or designate a chairperson and other positions and contended that such competency "*clearly represents overreaching on the part of the executive branch in the establishment and functioning of the legal profession*".¹⁷

25. Legal professional associations must be independent from the executive. Both the *United Nations Human Rights Committee* as well as the *Committee against Torture* previously expressed their concerns over provisions compelling legal professionals to form part of a "*centralized State-controlled body*" and "*subordination of lawyers to the control of the Ministry of Justice and an obligatory membership in a State-controlled Collegium of Advocates*".¹⁸
26. The Special Rapporteur has criticised the conditioning and control by the executive over access to the legal profession by means of licensing procedures.¹⁹ According to him, the most common form of executive control over the legal profession is a licensing regime administered by a Ministry of Justice or an equivalent ministry.²⁰ In the view of the Special Rapporteur, "*the legal profession is best placed to determine admission requirements and procedures and should thus be responsible for administering examinations and granting professional certificates.*"²¹ He also noted in this regard that "*The arbitrary withdrawal of lawyers' licences, registration or practicing certificates is a measure applied by the executive branch that the Special Rapporteur has also noted frequently throughout his mandate. This happens particularly often where lawyers take on politically sensitive cases and are perceived by the authorities as being identified with their clients' interests.*"²² Governments thus have a duty to support the establishment and work of professional associations of legal professionals – without interfering in these processes. According to the Special Rapporteur, however, during his years of tenure, he had to "*criticize the existence of State-controlled associations with compulsory membership owing to the fact that such a stipulation seriously undermines the independence of lawyers*".²³

¹⁶ *Independence of Judges and Lawyers*. Report by the Special Rapporteur on the Independence of Judges and Lawyers. United Nations General Assembly. A/64/181. 28 July 2009.

¹⁷ *Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development*. Report of the Special Rapporteur on the Independence of Judges and Lawyers. Human Rights Committee. A/HRC/11/41/Add.1. 24 March 2009.

¹⁸ *Concluding Observations of the Human Rights Committee*. CCPR/C/79/Add.86. 19 November 1987. [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/2de5588688777380802565530050ac48?_OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/2de5588688777380802565530050ac48?_OpenDocument); and *Annual Report of the Committee against Torture*. A/56/44. 26 June 1999. <http://daccess-ods.un.org/TMP/6214522.71938324.html>.

¹⁹ *Independence of Judges and Lawyers op. cit.*

²⁰ *Independence of Judges and Lawyers op. cit.*

²¹ *Independence of Judges and Lawyers op. cit.*

²² *Independence of Judges and Lawyers op. cit.*

²³ *Independence of Judges and Lawyers op. cit.*

Key Concerns regarding the Bill

Proposed South African Legal Practice Council and independence of the legal profession

27. Although we support the Bill's aim to further race and gender transformation, ensure equal access to the legal profession and promote access to justice, certain overarching aspects of the Bill clearly infringe on the independence of the legal profession:
28. Ad clauses 4 - 6: The Bill proposes the establishment of the South African Legal Practice Council (the Council) and Regional Councils, which will exercise control over all legal practitioners. The Council and Regional Councils will replace all existing Law Societies and Bar Councils and will be the regulating body for the advocates and attorneys professions. The Council will have extensive regulatory powers as provided for in clause 6, ranging from determining ethical and professional norms and standards for both legal professions, to disciplinary powers and maintaining a reasonable fee structure for legal professionals. The Council will be responsible for day-to-day functioning of the legal profession, but will also *"advise the Minister with regard to matters concerning the legal profession and legal practice"*.
29. Ad clause 7: In terms of the Bill, the Council shall comprise 21 members. 10 members must be elected by attorneys, whilst six members are to be elected by advocates. In addition, three *"fit and proper"* members must be nominated by the Minister *"who, in the opinion of the Minister and by virtue of their knowledge and experience, are able to assist the Council in achieving its objectives"* whilst *"legal academics or organisations representing law teachers or legal academics"* must nominate one *"teacher of law or legal academic"*. Finally, Legal Aid South Africa must nominate one *"person"*.
30. The establishment of a single council in terms of legislation is, in principle, not contentious by itself. The composition of the Council, however, is of concern. The fact that the Minister may appoint three members (who also do not necessarily have to be legal practitioners) is of concern. Additionally, it appears to be unclear who or what the *"organisations representing law teachers or legal academics"* may be and it appears as if Legal Aid South Africa may appoint any *"person"*, regardless of qualification, profession or experience. As such, the Bill fails to respect those international norms and standards, which entitle legal professionals to form and join self-governing professional associations that represent their interests, promote their continuing education and training, protect their professional integrity and exercise of its functions without external interference – especially by the executive.
31. Ad clause 14: The Minister may dissolve the Council, subject to the provisions of clause 14(2), if he *"on good cause shown, loses confidence in the ability of the Council to perform its functions effectively and efficiently or on any reasonable grounds"*. Although the Minister must in terms of clause 14(2) appoint a retired judge to investigate the Council's conduct, the Minister will not be bound by the recommendations of the judge and can nevertheless dissolve the Council regardless of the judge's recommendations. If the Minister dissolves the Council, he must in terms of clauses 14(4) and 14(5) respectively, *"appoint an interim Council, consisting of at least seven persons"* for up to a period of six months, and must *"from among the members of the interim Council, designate a chairperson of the interim Council"*. Since the Council has extensive regulatory powers as discussed above, the Minister could effectively through an

interim Council and chairperson, potentially effect undue pressure on the legal profession and individual legal practitioners.

32. The relevant provisions in the Bill provide for a Council which is partially to be appointed by the Minister, must advise the Minister and can be dissolved by the Minister on fairly wide grounds. In addition, a number of the powers and functions of the Council are to be fulfilled in consultation with the Minister – with the Minister having a final decision over matters such as fee structures, vocational training requirements and community service.
33. The Bill fails to recognise those international norms and principles requiring the executive body of legal professional associations to be elected by its members. Any council established to regulate the legal profession must be comprised of suitably qualified members of the legal profession only and must be able to function without interference by the Minister or other organs of state. It is contended that the Minister should not be able to appoint any member to the Council and should certainly not be empowered to dissolve the Council or to appoint an interim Council as these competencies would diminish the independence of the legal profession. In addition, the Council should not function as an advisory body to the Minister as this assumes an obligation to the Minister and the executive that may negate the best interests of the legal profession and consequently, the independence of the profession.

Proposed Ombud and independence of the legal profession

34. Ad clauses 46 – 48: The Bill makes provision for the establishment of the Legal Services Ombud to be appointed by the President. The purpose of the Ombud, as reflected in the Bill, is to protect and promote the public interest in relation to the rendering of legal services; to ensure fair, efficient and effective investigations into complaints of alleged misconduct against legal practitioners; to promote high standards of integrity in the legal profession; and to promote the independence of the legal profession.
35. Ad clause 49: The Ombud is vested with extensive powers to fulfil his or her functions. The latter is, in terms of the Bill, amongst others, empowered to conduct investigations into the legal profession, review decisions of investigations by the Council and its disciplinary committee and make recommendations to the Council and the Minister on any matter deemed to be affecting the integrity and independence of the legal profession. The Ombud must also report failures of the disciplinary committees to the Council and in turn, the Council must report to the Ombud on remedial measures taken in relation to such committees. If the Ombud is not satisfied by the Council's response, the former may report the Council to the Minister and may make recommendation to the Minister on how to act. The Minister may upon the information received from the Ombud even decide to dissolve the Council and instate an interim Council and chairperson.
36. The establishment of an independent Ombud is, in principle, a good oversight mechanism, which could greatly assist in guarding against a legal profession that may act out self-interest only. However, the Ombud must then be sufficiently independent to ensure good governance within the legal profession, as well as prevent undue interference by the Minister and other organs of state. Even though the Bill appears to be providing for an independent Ombud who should exercise his or her powers without fear,

favour or prejudice, the Ombud still reports to the Minister and his or her budget is allocated from the budget of the Department of Justice & Constitutional Development, requiring further reporting obligations to the department. Justice Chaskalson argued in this regard that since the Ombud and the Minister are both appointed by the President, "*members of the executive have significant powers to control important aspects of the functioning of the legal profession*" resulting in a proposed structure "*which opens the door to important aspects of the profession being controlled by the executive...inconsistent with an independent legal profession*".²⁴ One possible solution could be for the Ombud to be appointed by and to report to the Chief Justice.

Powers of the Minister to Regulate

37. The Bill appears to be providing the Minister with wide and general powers to make regulations. This is evident from clause 24(3) in relation to admission and enrolment of foreign legal practitioners; clause 94 in relation to everything from jurisdiction of Regional Councils and compulsory post-qualification professional development, to fee structures and "*any other ancillary or administrative matter that is necessary to prescribe for proper implementation or administration of this Act*"; as well as clause 108 in relation to the recommendations of the Transitional Council. Although the Minister has to consult the Transitional Council and subsequent Council on matters to be regulated in terms of clause 108, the Minister, ultimately, has the final decision in making these regulations as he sees fit.
38. It is contended that the Minister's extensive powers to regulate on a wide range of matters further encroaches on the ability of the legal profession to regulate itself on matters which could affect its independence.

Conclusion

39. The independence of the judiciary and the legal profession are central pillars of our constitutional democracy. Although section 22 of the Constitution provides that the practice of a trade, occupation or profession may be regulated by law, the legal profession is a profession *sui generis* – a key component of those constitutionally protected mechanisms aimed at promoting and defending the Rule of Law and separation of powers. As such, legislation promulgated by virtue of section 22 should undoubtedly ensure that legal practitioners are appropriately qualified and duly admitted to practice law. It should also ensure equal access to the profession and access to justice for all citizens. Such legislation may, however, not infringe upon the internationally accepted norms and standards of an independent legal profession. It is therefore crucial for the legal profession to regulate itself within a wider constitutional and legal framework.
40. Independent associations of legal practitioners are, in principle, established to protect and strengthen the integrity, independence and credibility of the legal profession and to safeguard the professional interests of legal practitioners. Interference in, or possible sanction (or even threat of sanction) of professional associations or individual legal practitioners by the executive, severely impedes the independence of the

²⁴ Chaskalson A *op. cit.*

legal profession, and could render it completely ineffective. The independence of the legal profession serves two purposes: First, it ensures a pool of suitably qualified and independent professionals from the ranks of whom independent and credible judges will be appointed to the bench. It is thus not possible to ensure a suitably independent judiciary if the legal professionals to be appointed to the judiciary are not able to function with "*a very high measure of independence of mind and action*" - thus without fear or favour and independent of interference by the executive. Secondly, in order for every person to be represented equally before the law, it is important for legal practitioners to be able to represent any client or cause, without fear of possible persecution by the executive.

41. The Bill in its current form vests extensive power to control essential aspects of the legal profession in the Minister of Justice & Constitutional Development – in our opinion, powers well beyond constitutional parameters and international norms and principles. This is untenable in our constitutional democracy. It is therefore submitted that the relevant matters of concern be seriously considered by the Committee aimed at alignment with constitutional requirements and international norms and standards, in context of effective transformation and improved access to justice as required by the Constitution.

42. CFCR would like to contribute positively to the promotion and protection of our constitutional democracy by ensuring that the legal profession remains sufficiently independent so as to promote and protect our constitutional values, rights and principles. In this regard and if required, CFCR will be available to engage in oral submissions to the Committee in order to elaborate on this submission, whether during public hearings or at any such time as the Committee may see it fit.

43. We trust that our submission will be of assistance in guiding the Committee's deliberations on the Bill.

Yours sincerely



Adv Johan Kruger
Director