

## FACULTY OF LAW RESEARCH OUTPUTS 2012

### ARTICLES PUBLISHED IN ACCREDITED JOURNALS (INDICATE WHETHER INTERNATIONAL JOURNAL)

Badenhorst "Large-scale Expropriation of Mineral Rights in South Africa: The *Agri South Africa* fiasco" (2012) 31 *Australian Resources and Energy Law Journal* 205.

Badenhorst, Olivier and Williams "The final judgment" 2012 *Journal of South African Law* 326-341.

Badenhorst "Publicly owned minerals: Let the truth be spoken - *Cadia Holdings Pty Ltd v State of New South Wales* [2010] HCA 27" 2012 *De Jure* 605-623.

Badenhorst "Paying the Piper (*in absentia*) - *SFF Association v Xstrata* 2011 JDR 0407 (GSJ)" 2012 *Obiter* 436-447.

Badenhorst and Du Plessis "Alienation or disposal of a 'controlling interest' in a prospecting company - *Mogale Alloys (Pty) Ltd v Nuco Chrome Boputhatswana (Pty) Ltd* 2011 (6) SA 96 (GSJ)" 2012 (2) *De Jure* 388-404.

Badenhorst and Olivier "Expropriation of 'unused old order rights' by the MPRDA: you have lost it! *Agri SA v Minister of Minerals and Energy*" 2012 *Journal of Contemporary Roman Dutch law* 329.

Bosch CS "Not Letting Them whistle: The Labour Appeal Court's Approach to the Protected Disclosures Act and Protecting Parliament's Employees" *Obiter* 2012 120 -147

Bosch CS "Labour Dispute Resolution under the 1995 LRA: Problems, Pitfalls & Potential" *Obiter* 2012

Olivier, Williams and **Badenhorst** Review of *Maccsand (Pty) Ltd v City of Cape Town* accepted for publication in the 2012 *Potchefstroom Electronic Journal*\*

Biggs L & Van der Walt A "Aspects of Unfair Suspension at Work" *Obiter* 2011 32 (3) 697 - 711

Delport HJ "[The Impact of the Electrical Installation Regulations, 2009 on the Sale and Lease of Immovable Property](#)" 2012 33.3 *Obiter* 658

Govindjee, A and Taiwo EA "The Implementation of the Right to Education in South Africa and Nigeria Part 1" *Obiter* 2012, vol 33 (1) 93 - 120

Govindjee, A and Taiwo EA "The Implementation of the Right to Education in South Africa and Nigeria Part 2" *Obiter* 2012, vol 33 (2) 203 – 235

Kruger and **Govindjee** "The recognition of unenumerated rights in South Africa" *SA Public Law* (2012, vol 27(1)) 192-206;

Marx FE and Wagenaar T "Needletime: The Long and Wining Road" (2012) *Obiter* 33 (2) 297 - 319

Qotoyi T SHOULD REFUSAL TO WORK FOLLOWING BREACH OF CONTRACT BY THE EMPLOYER REALLY BE A STRIKE? *National Union of Mineworkers on behalf of Employees v Commission for Conciliation Mediation and Arbitration* (2011) 32 ILJ 2104 (LAC) *Obiter* 2012 427-435

Schrage ELJ "Contra Non Valentem Agere, Non Currit Praescripto" TSAR 2012 1 1-19.

Vrancken PHG

V Van der Walt A & Biggs L "Aspects of Unfair Suspension at Work" *Obiter* 2011 32 (3) 697 - 711

Van der Walt A and Van der Walt G Breach of Collective Agreements: Does the LRA Provide a Remedy in S24 – *Minister of Safety & Security v Safety & Security Sectoral Bargaining Council* [2010] 6 BLLR 594 (LAC) *Obiter* 2012 32 3 769 – 775.

Von Bonde J A

Wagenaar T and Marx FE "Needletime: The Long and Wining Road" (2012) *Obiter* 33 (2) 297 - 319

#### **ARTICLES PUBLISHED OR ACCEPTED FOR PUBLICATION IN NON-ACCREDITED JOURNALS**

Govindjee "The role of the courts in addressing poverty, inequality and unemployment in South Africa" in *Socio-Legal Review* (vol 8(2)) (2012) 55-77.

Govindjee and Mpedi, LG “The role of courts in shaping South African social policy” *University of Ibadan Law Journal* (vol. 1, no. 1) (Oct 2011 but published in April 2012) 183-199;

### **BOOKS PUBLISHED, WHETHER AS SOLE OR CO-AUTHOR (PLEASE SPECIFY)**

Bosch CS Section 197 of the Labour Relations Act: The Next Generation Malherbe K & Sloth- Nielson (eds) (Juta 2012)

Olivier, **Govindjee**, Nyenti, Cheong, Azman *SOCSO Return to Work Programme in Malaysia: A Handbook 2012* (Perkeso, IISLP, 2012);

Govindjee and Dupper “Constitutional perspectives on unemployment security and a right to work in South Africa” in Liebenberg and Quinot (eds) *Law and Poverty: Perspectives from South Africa and Beyond* (Juta, 2012);

Van der Walt, le Roux and **Govindjee** (eds) *Labour Law in Context* (Pearson Publishers 2012);

Vrancken PHG

### **REVISION OF CHAPTERS IN BOOKS PUBLISHED BEFORE 2008**

[Delpont, HJ SA Property Practice and the Law 18th Revision Service 2012](#)

### **PAPERS DELIVERED AT INTERNATIONAL CONFERENCES**

Govindjee A “Biodiversity and canned lion hunting in South Africa” presented by invitation at the International Law Conference on Conservation of Forests, Wildlife and Ecology (Kerala, India, 15-17 December 2012);

Govindjee A “Strategies in creating a sustainable social security system” presented by invitation at the *SOCSO National Return to Work Conference* (Kuala Lumpur, Malaysia, June 2012);

Govindjee A “Return-to-work and Disability Management in the Developing World: Developments in South Africa and Malaysia” co-authored but presented by Prof M Olivier at the *International Labour and Employment Relations Association Conference* (Philadelphia, USA, 2-5 July 2012);

### **PAPERS DELIVERED AT NATIONAL/LOCAL CONFERENCES**

Badenhorst P ‘Large scale expropriation of mineral rights in SA: The Agri SA fiasco’ presented at the Private Law and Social Justice Conference at NMMU in August 2012

Botha J 'Hatred, secrecy and prior restraint – is freedom of expression at risk?' presented at the Emerging Researchers Conference at UWC in January 2012.

Coetzee L Social Justice in Action Part 2' presented at the Private Law and Social Justice Conference at NMMU in August 2012

Christoffels E 'The Municipality Property Rates Act 6 of 2004 and s18(3) Estates' presented at the Private Law and Social Justice Conference at NMMU in August 2012

Denson R 'The Muslim Marriages Bill – To be or not to be? That is the Question' presented at the Private Law and Social Justice Conference at NMMU in August 2012

Govindjee A "Combinative governance: revisiting the separation of powers doctrine in search of poverty alleviation, equality and employment" presented as part of the CSSEIP Occasional Lecture Series at the National Law School of India University (Bangalore, India, 20 December 2012);

Govindjee A "Legal strategies for a 'second-phase' transition in South Africa", *Inaugural Lecture* (NMMU, 13 August 2012);

Govindjee A "The role of health and safety in sustaining human capital" presented by invitation at the *25<sup>th</sup> Annual Labour Law Conference* (Johannesburg, South Africa, 1-3 August 2012);

Govindjee A "Dispute resolution and the Labour Law Amendment Bills" presented at a seminar arranged by Francois le Roux Attorneys and the LSSLU, NMMU (June 2012);

Govindjee A "Misconduct outside the workplace: Lessons from the cases" presented at a series of workshops at various campuses of *NMMU and at the Legal Practitioners Conference* (NMMU, South Africa, March 2012);

Govindjee A "Dealing with jurisdiction and certificates of outcome" presented by invitation at a *CCMA / NMMU Labour Law Seminar* (NMMU, South Africa, 17 February 2012);

Mukheibir A and van der Walt A 'Vicarious Liability for the Vicar' presented at the Private Law and Social Justice Conference at NMMU in August 2012

Schrage ELJ 'Gain-based damages' presented at the Private Law and Social Justice Conference at NMMU in August 2012

Van der Walt and A Mukheibir A 'Vicarious Liability for the Vicar' presented at the Private Law and Social Justice Conference at NMMU in August 2012

Van der Walt. G:

Wagenaar T 'Performers' rights: A fable with no moral' presented at the Private Law and Social Justice Conference at NMMU in August 2012

