

# Other Volumes

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## Editorial

- The *oratio* of Judge Deon van Zyl (currently Inspecting Judge: Inspectorate of Correctional Services) on the *Judiciary as a Bastion of the Legal Order in Challenging Times* appears in this issue at a time when the independence of the judiciary, the structures of the courts and various occurrences involving judges and the rule of law are topical in the public debate in South Africa. The paper was delivered in October 2008 as the annual FW de Klerk Lecture and it closes with the words: ". . . it is what they say and do in good faith and with reference to the moral values of the community they serve, that stimulates public confidence in the judiciary as a bastion of the legal order, however challenging the times may be."
- Gerrit Pienaar of the NWU, Potchefstroom explores aspects of land administration where public funding and interests necessitate the application of good governance practices. The paper concentrates on land restitution through the South African Government's land restitution programme, and tenure reform introduced in 2004 by the *Communal Land Rights Act*. The paper sets the scene for a colloquium with international participation on "Good Governance in Land Administration" to be held in 2010.
- Phoebe Bolton of the University of the Western Cape investigates the working of the committee system for competitive bids in local government for overseeing the different stages of the competitive bidding or tender process for municipal contracts. The necessity of following proper procedures and the importance of the role of municipal managers in this regard are clearly illustrated and emphasized by the fact that failures in this regard lead to very costly litigation.
- Jaco Deacon and FQ Cilliers of the University of the Free State describe the South African situation regarding the limitations on the right of persons employed in the essential services to strike in comparison to the relevant law of the United Kingdom and some other countries. They find that although current South African labour law is well conceived, it can be improved and that its implementation has in this regard not been exemplary.
- Mtendeweka Mhango and Ntombozuko Dyani of the University of the Witwatersrand examine the criteria in South African law under which the boards of management of pension funds may deprive a guardian the right to administer benefits on behalf of minor beneficiaries. They offer arguments in favour of a progressive interpretation of the *Pension Funds Act* as a guideline for practitioners and pension fund boards.



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