

# **BIBLIOGRAFIE EN WYSE VAN SITASIE**

## **Boeke en bydraes in boeke:**

- |                                                                         |                                                                                                                                                                                                           |
|-------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1997-Hoexterverslag                                                     | Suid-Afrika. Kommissie van Ondersoek na die Struktuur en Funksionering van die Howe in Suid-Afrika. <i>Verslag RP200/1997</i> Staatsdrukker Pretoria 1997                                                 |
| Barnard <i>Nuwe Egskeidingsreg</i>                                      | Barnard, AH <i>Die Nuwe Egskeidingsreg</i> Butterworth Durban 1979                                                                                                                                        |
| Blades <i>Cooperative Divorce Settlement</i>                            | Blades, J <i>Family Mediation: Cooperative Divorce Settlement</i> Prentice-Hall Englewood Cliffs NJ 1985                                                                                                  |
| Bordow & Gibson <i>Evaluation of the Family Court Mediation Service</i> | Bordow, S & Gibson, J Research report: <i>Evaluation of the Family Court Mediation Service</i> Family Court of Australia March 1994                                                                       |
| Bosman in Hoffmann (red) <i>Family Mediation</i>                        | Bosman, F “The Family Advocate and mediation” in Hoffmann, W (red) <i>Family Mediation in South Africa: Present Practices and Future Vision</i> South African Association of Mediators Auckland Park 1992 |
| Brand in CLE-kongresbundel <i>ADR</i> (vol 1)                           | Brand, J “Alternative dispute resolution and the practising attorney” in <i>Continuing Legal Education</i>                                                                                                |

Seminars *Alternative Dispute Resolution* (vol 1) Law Society of SA Pretoria 1991

Christie *Law of Contract in SA* Christie, RH *The Law of Contract in South Africa* (4de uitg) Butterworths Durban 2001

*Cigler Mediation - Its Significance, Technology and Feasibility*

Cigler, E D.Litt. et Phil-proefskrif: *Mediation: Its Significance, Technology and Feasibility in Social Work Services Related to Divorce Issues* RAU Johannesburg 1986

*Cockram Interpretation of Statutes*

Cockram, G-M *Interpretation of Statutes* Juta Cape Town 1987

Cohen in SAAM-kongresbundel *New Trends*

Cohen, C "The Memorandum of Understanding" in South African Association of Mediators-kongresbundel *New Trends in Divorce and Family Dispute Resolution* Johannesburg 1994

Cronje & Heaton *SA Familiereg*

Cronje, DSP & Heaton, J *Die Suid-Afrikaanse Familiereg* Butterworths Durban 1999

Cronje & Heaton *Vonnisbundel* Cronje, DSP & Heaton, J *Vonnisbundel oor die Suid-Afrikaanse Familiereg* Butterworths Durban 1999

Departement van Jusitisie Suid-Afrika. Departement van Justisie. *Pilot Project for 'Family Court'* Pretoria 1997

Dewar in Eekelaar & Nhlapo *Changing Family*

Dewar, J "Reducing discretion in family law" in Eekelaar, J en Nhlapo, T (eds) *The Changing Family: International Perspectives on the Family and Family Law* Hart Publishing Oxford 1998

Faris *Theory and Principles of ADR*

Faris, JA LLD-proefskrif: *An Analysis of the Theory and Principles of Alternative Dispute Resolution* Unisa Pretoria 1995

Hahlo 1975 *Husband and Wife* Hahlo, HR *The South African Law of Husband and Wife* (4de uitg) Juta Cape Town 1975

Hahlo *Husband and Wife* Hahlo, HR *The South African Law of Husband and Wife* (5de uitg) Juta Cape Town 1985

Hahlo & Sinclair *Law of Divorce* Hahlo, HR & Sinclair, JD *The Reform of the South African Law of Divorce* Juta Cape Town 1980

*Hansard: National Assembly Debates*

Suid-Afrika. Parlement. *Hansard. National Assembly Debates*. 13/6/1996

*Harms Civil Procedure in the Supreme Court*

Harms, LTC *Civil Procedure in the Supreme Court* Butterworths Durban 1993

*Hauser Good Divorces, Bad Divorces*

Hauser, J *Good Divorces, Bad Divorces: A Case for Divorce Mediation* University Press of America Inc Lanham 1995

Hechter & Mpelo in AFCC-kongresbundel *Partnership between Policy and Practice*

Hechter, B & Mpelo, T "Rebuilding Family Structure and Empowerment: Multicultural Dispute Resolution in South Africa" in Association of Family and Conciliation Courts-kongresbundel *Examining the Partnership between Practice and Policy* Washington, DC 1998

*Hoexterverslag*

Suid-Afrika. Kommissie van Ondersoek na die Struktuur en Funksionering van die Howe in Suid-Afrika. *Finale Verslag RP78/1983* Staatsdrukker Pretoria 1983

Hoffmann & Zeffertt *SA Law of Evidence*

Hoffmann, LH & Zeffertt, D *The South African Law of Evidence* Butterworths Durban 1988

Johnson *Marriage Counseling*

Johnson, D *Marriage Counseling: Theory and Practice* Prentice-Hall Englewood Cliffs NJ 1961

Kaganas & Budlender *Family Advocate*

Kaganas, F & Budlender, D *Family Advocate* UCT Law, Race and Gender Research Unit 1996

Le Roux in Steyn (red) *Marriage and Family Life in South Africa: Research Priorities*

Le Roux, E "The role of the attorney in matrimonial matters" in Steyn (red) *Marriage and Family Life in South Africa: Research Priorities* HSRC Pretoria 1987

- National Family Mediation and Family Mediators' Association *A code of practice*  
 National Family Mediation and Family Mediators'  
 Association *A Code of Practice for Family Mediators*  
 1993
- Neumann *Divorce Mediation* Neumann, D *Divorce Mediation: How to Cut the Cost  
and Stress of Divorce* Henry Holt New York 1989
- New Zealand Law Com *Family Court Dispute Resolution*  
 New Zealand Law Commission *Family Court Dispute  
Resolution - a Discussion Paper* New Zealand Law  
 Commission Wellington 2002
- Nxumalo in SAAM-kongresbundel *New Trends*  
 Nxumalo, A "Family mediation at grass roots level" in  
 South African Association of Mediators-kongresbundel  
*New Trends in Divorce and Family Dispute Resolution*  
 Johannesburg 1994
- O'Gorman *The Role of the Family Advocate*  
 O'Gorman, MC LLM-verhandeling: *The Role of the  
Family Advocate* Unisa Pretoria 1991
- Palmer in Keightley R (red) *Children's Rights*  
 Palmer, A "The best interests criterion: An overview of  
 its application in custody decisions relating to divorce in  
 the period 1985-1995" in Keightley, R (red) *Children's  
Rights* Juta Kenwyn 1996

Parkinson in SAAM-kongresbundel *New Trends*

Parkinson, L "New trends in divorce and family mediation" in South African Association of Mediators-kongresbundel *New Trends in Divorce and Family Dispute Resolution* Johannesburg 1994

Pearce & Geddes *Statutory Interpretation in Australia*

Pearce, DC & Geddes, RS *Statutory Interpretation in Australia* Butterworths Sydney 1988

Popenoe, Ricci & Barnes in AFCC-kongresbundel *Partnership between Practice and Policy*

Popenoe, D, Ricci, I & Barnes, F "Marriage, Separation and Divorce: Back to the Future?" in Association of Family and Conciliation Courts-kongresbundel *Examining the Partnership between Practice and Policy* Washington, DC 1998

Pretorius in CLE-kongresbundel *ADR* (vol 1)

Pretorius, P "Processes of ADR in practice" in Continuing Legal Education Seminars *Alternative Dispute Resolution* (vol 1) Law Society of SA Pretoria 1991

Pretorius in CLE-kongresbundel *ADR* (vol 2) Bylae ("ADR roadmap")

Pretorius, P "Processes of ADR in practice" in Continuing Legal Education Seminars *Alternative Dispute Resolution* (vol 2) Law Society of SA Pretoria 1991

SA Regskomm *ADR*

Suid-Afrikaanse Regskommissie *Alternative Dispute Resolution* Besprekingsdokument 8 Projek 94 Pretoria 1997

*SA Regskomm Verslag oor Egskeidingsreg*

Suid-Afrikaanse Regskommissie *Verslag betreffende die Egskeidingsreg en Aangeleenthede wat daarmee Verband hou* Projek 3 Pretoria 1978

*SAAM Mission Statement*

South African Association of Mediators “SAAM Mission Statement” in South African Association of Mediators-kongresbundel *New Trends in Divorce and Family Dispute Resolution* Johannesburg 1994

Salem & McQuiod-Mason in *CLE-kongresbundel ADR* (vol 1)

Salem, D & McQuiod-Mason, D “Mediation Workshop” in Continuing Legal Education Seminars *Alternative Dispute Resolution* (vol 1) Law Society of SA Pretoria 1991

*Schäfer Family Courts in SA*

Schäfer, ID PhD-proefskrif: *The Concept of Family Courts in South Africa* Universiteit van Natal Durban 1981

*Sinclair Law of Marriage*

Sinclair, JD assisted by Heaton, J *The Law of Marriage* (vol 1) Juta Cape Town 1996

*Stewart A-Z of Counselling*

Stewart, W *An A-Z of Counselling Theory and Practice* Stanley Thornes Cheltenham 1997

*Street Counselling for Family Problems*

Street, E *Counselling for Family Problems* Sage London 1994

Van der Steege *Divorce Mediation Training Course Bylae*

Van der Steege, M *Weekend/Evening Training Course in Divorce and Family Mediation* [S.l.:s.n.:s.a.]

Van Niekerk *Interaction of Indigenous Law and Western Law in SA*

Van Niekerk, GJ LLD-proefskerif: *The Interaction of Indigenous Law and Western Law in South Africa: a Historical and Comparative Perspective* Unisa Pretoria 1995

Van Zyl *Divorce mediation and the best interests of the child*

Van Zyl, L *Divorce Mediation and the Best Interests of the Child* HSRC Pretoria 1997

Van Zyl in CLE-kongresbundel *Family Law*

Van Zyl, GJ "The role and functions of the family advocate" in Continuing Legal Education-kongresbundel *Family Law* Law Society of SA Pretoria 2001

Van Zyl in CLE-kongresbundel *Child in Divorce Practice*

Van Zyl, GJ "The practical application of the Mediation in Certain Divorce Matters Act, 24 of 1987" in Continuing Legal Education-kongresbundel *The Child in the Divorce Practice* Law Society of SA Pretoria 2002

Venter ea *Regsnavoring*

Venter, F, Van der Walt, CFC, Van der Walt, AJ & Pienaar, GJ *Regsnavoring - Metode en Publikasie* Juta Kenwyn 1990

**Tydskrifartikels:**

Altobelli 1997 *Australian Dispute Resolution Journal*

Altobelli, T "New South Wales ADR legislation: the need for greater consistency and co-ordination" *Australian Dispute Resolution Journal* 1997 200-207

Altobelli 1997 *Australian Journal of Family Law*

Altobelli, T "Mediation: primary dispute resolution 1996: mandatory dispute resolution in 2000?" *Australian Journal of Family Law* 1997 55-67

Atkin 1986-87 *Journal of Family Law*

Atkin, B "New Zealand: reflections five years after reform" *Journal of Family Law* 1986-87 191-197

Barratt 2002 *THRHR*

Barratt, A "The child's right to be heard in custody and access determinations" *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 2002 556-573

Bagshaw 1997 *Australian Dispute Resolution Journal*

Bagshaw, D "Mediation of family law disputes in Australia" *Australian Dispute Resolution Journal* 1997 182-189

Barnard & Van Aswegen 1981 *THRHR*

Barnard, AH & Van Aswegen, A "Egskeiding - Wet 70 van 1979 - onherstelbare verbrokkeling van die huwelik - rol van gedrag by vasstelling van onderhoud deur hof -

koste" *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 1981 199-204

Bonthuys 1994 *Stell LR* Bonthuys, E "Awarding access and custody to homosexual parents of minor children" *Stellenbosch Law Review* 1994 298-313

Bosman 1996 *Career Success* Bosman, F "Mediation: an alternative to divorce litigation" *Career Success* 1996 21

Bridge 1997 *New Zealand Universities Law Review*

Bridge, C "Family mediation and legal process: an unresolved dilemma" *New Zealand Universities Law Review* 1997 231-253

Brown 1994 *De Rebus* Brown, H "A visitor's perspective on South African mediation" *De Rebus* 1994 61-64

Burman, Dingle & Glasser 2000 *SALJ*

Burman, S, Dingle, E & Glasser, N "The new Family Court in action: an initial assessment" *South African Law Journal* 2000 111-124

Burman & McLennan 1996 *Acta Juridica*

Burman, S & McLennan, F "Providing for children? The Family Advocate and the legal profession" *Acta Juridica* 1996 69-81

Burman & Rudolph 1990 *SALJ* Burman, S & Rudolph, D "Repression by mediation: mediation and divorce in South Africa" *South African*

*Law Journal* 1990 251-278

- |                                      |                                                                                                                                            |
|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| Clark 1993 <i>THRHR</i>              | Clark, B "No holy cow - some caveats on family mediation" <i>Tydskrif vir Hedendaagse Romeins-Hollandse Reg</i> 1993 454-462               |
| Clark 1994 <i>THRHR</i>              | Clark, B "Comment on the Magistrates' Courts Amendment Act 120 of 1993" <i>Tydskrif vir Hedendaagse Romeins-Hollandse Reg</i> 1994 636-641 |
| Clark & Van Heerden 1995 <i>SALJ</i> | Clark, B & Van Heerden, B "Joint custody: perspectives and permutations" <i>South African Law Journal</i> 1995 315-323                     |
| Coertse 1987 <i>De Rebus</i>         | Coertse, CJ "Huwelike, kinders, egskeidings, huwelike" <i>De Rebus</i> 1987 525-532                                                        |
| Cohen 1992 <i>De Rebus</i>           | Cohen, CH "Mediation: giving law a human face" <i>De Rebus</i> 1992 126-128                                                                |
| Cohen 1993 <i>De Rebus</i>           | Cohen, CH "Mediation: terminology is important" <i>De Rebus</i> 1993 221-222                                                               |
| Cohen 1993 <i>De Rebus</i>           | Cohen, CH "The many faces of arbitration: why not use it for property disputes in divorce?" <i>De Rebus</i> 1993 642-643                   |
| Cohen 1994 <i>De Rebus</i>           | Cohen, CH "Mediation and hostile attorneys: a vexing problem" <i>De Rebus</i> 1994 652                                                     |

- Daniels 1995 (Okt) *SAAM News* Daniels, E "Reshaping a vision of family mediation" *SAAM News* 1995 (Okt) 1-2
- De Jong 1999 *THRHR* De Jong, M "New trends regarding the maintenance of spouses upon divorce" *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 1999 75-87
- De Vos 1994 *SALJ* De Vos, P "The right of a lesbian mother to have access to her children: some constitutional issues" *South African Law Journal* 1994 687-694
- Dearlove 2000 *Australasian Dispute Resolution Journal*  
Dearlove, G "Court-ordered ADR: sanctions for the recalcitrant lawyer and party" *Australasian Dispute Resolution Journal* 2000 12-24
- Dewar 2001 *Australian Journal of Family Law*  
Dewar, J "Out of the maze: pathways to the future for families experiencing separation" *Australian Journal of Family Law* 2001 175-178
- Dorf, Handler & Alion 1995 *Maryland Bar Journal*  
Dorf, PA, Handler, MG & Alion, RG "Mediating Family Law disputes" *Maryland Bar Journal* 1995 18-24
- Doyle 2001 *Australasian Dispute Resolution Journal*  
Doyle, FM "Developing models of family mediation to promote multiculturalism" *Australasian Dispute Resolution Journal* 2001 44-53

Dwane-Alpman 1996 (Apr) *Community Mediation Update*

Dwane-Alpman, P "Vision for community justice"  
*Community Mediation Update* 1996 (Apr) 11-13

Faris 1994 *De Jure*

Faris, JA "Exploring the alternatives in alternative dispute resolution" *De Jure* 1994 331-340

Faris 1996 (Apr) *Community Mediation Update*

Faris, JA "ADR, community dispute resolution and the court system" *Community Mediation Update* 1996 (Apr) 7-9

Faulks & Claremont 1997 *Australian Dispute Resolution Journal*

Faulkes, W & Claremont, R "Community mediation: myth and reality" *Australian Dispute Resolution Journal* 1997 177-181

Field 1996 *Australian Dispute Resolution Journal*

Field, R "The use of litigation and mediation for the resolution of custody and access disputes: a survey of Queensland Family Law solicitors" *Australian Dispute Resolution Journal* 1996 5-19

Folb & De Bruyn 1994 SALJ

Folb, S & De Bruyn, M "Attorneys' attitudes to divorce mediation and the development of a collaborative approach with a social-work agency" *South African Law Journal* 1994 316-327

Freeman 1978 *Current Legal Problems*

Freeman, MDA "When marriage fails: some legal

responses to marriage breakdown" *Current Legal Problems* 1978 109-147

Freeman 2000 *University of Detroit Mercy Law Review*

Freeman, MB "Divorce mediation: sweeping conflicts under the rug, time to clean house" *University of Detroit Mercy Law Review* 2000 67-96

Gee 1998 *Australian Dispute Resolution Journal*

Gee, T "Family mediation: a matter of informed personal choice" *Australian Dispute Resolution Journal* 1998 179-190

Glasser 2002 *THRHR*

Glasser, N "Can the Family Advocate adequately safeguard our children's best interests?" *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 2002 74-86

Goldberg 1995 *THRHR*

Goldberg, V "Family Courts in South Africa and the implication for divorce mediation" *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 1995 276-288

Goldberg 1996 *THRHR*

Goldberg, V "The right of access of a father of an illegitimate child: further reflections" *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 1996 282-294

Goldberg 1996 *TSAR*

Goldberg, V "Family mediation is alive and well in the United States of America: a survey of recent trends and developments" *Tydskrif vir die Suid-Afrikaanse Reg* 1996 358-371

- Goldberg 1998 *TSAR* Goldberg, V "Practical and ethical concerns in alternative dispute resolution in general and family and divorce mediation in particular" *Tydskrif vir die Suid-Afrikaanse Reg* 1998 748-760
- Greatbatch & Dingwall 1999 *International Journal of Law, Policy and the Family* Greatbatch, D & Dingwall, R "The marginalization of domestic violence in divorce mediation" *International Journal of Law, Policy and the Family* 1999 174-190
- Green 1990 *Publico* Green, I "Advokaat vir kinders" *Publico* 1990 20-21
- Grobler 1990 *Consultus* Grobler, N "The Mediation in Certain Divorce Matters Act, 1987" *Consultus* 1990 133
- Grobler 1991 *De Rebus* Grobler, T "Die Transvaalse Prokureursorde hou gesprek met die Gesinsadvokaat" *De Rebus* 1991 367-370
- Haffejee 1994 *De Rebus* Haffejee, R "The new dispensation: dissolution of marriage by divorce" *De Rebus* 1994 777-780
- Hahlo 1954 *SALJ* Hahlo, HR "First impressions of the Matrimonial Affairs Act, 1953" *South African Law Journal* 1954 32-38
- Hahlo 1963 *SALJ* Hahlo, HR "Fighting the dragon divorce" *South African Law Journal* 1963 27-45
- Hahlo 1984 *SALJ* Hahlo, HR "A bad bill" *South African Law Journal* 1984 706-707

- Heaton 1990 *THRHR* Heaton, J "Some general remarks on the concept 'best interests of the child'" *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 1990 95-99
- Hechter 1995 (Apr) *Community Mediation Update* Hechter, B "The Office of the Family Advocate and mediation" *Community Mediation Update* 1995 (Apr) 6-8
- Hiemstra 1970 *THRHR* Hiemstra, VG "Egskeiding: 'n nuwe benadering" *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 1970 277-280
- Hirschowitz 1995 (Okt) *SAAM News* Hirschowitz, L "Mediation: a review: the choices mediators make in a mediation context" *SAAM News* 1995 (Okt) 9-12
- Hoffmann 1987 *Social Work Practice* Hoffmann, W "Divorce Mediation: An approach to family conflict resolution" *Social Work Practice* 1987 8-13
- Hoffmann 1989 *Social Work* Hoffmann, W "Divorce mediation and custody evaluation: fundamental differences" *Social Work* 1989 105-110
- Jardine 1996 *Australian Dispute Resolution Journal* Jardine, EJ "Alternative dispute resolution in the Japanese court system" *Australian Dispute Resolution Journal* 1996 205-217

Kaganas & Piper 1994 *Journal of Social Welfare and Family Law*

Kaganas, F & Piper, C "Domestic violence and divorce mediation" *Journal of Social Welfare and Family Law* 1994 265-278

Khan, Jooste & Moosa 1996 (Apr) *Community Mediation Update*

Khan, G, Jooste, A & Moosa, E "Proposals from the Coordinating Committee: the State's initiatives" *Community Mediation Update* 1996 (Apr) 2-3

Kelly 1991 *Family Law Practice* Kelly, JB "Mediated and adversarial divorce resolution processes" *Family Law Practice* 1991 382-388

King 1999 *Australasian Dispute Resolution Journal*

King, D "Specialists in Family Law resolution" *Australasian Dispute Resolution Journal* 1999 63-74

Klug 1997 *Australian Dispute Resolution Journal*

Klug, M "ADR: trends and directions in commercial disputes" *Australian Dispute Resolution Journal* 1997 172-176

Klynsmith 1993 *De Rebus*

Klynsmith, I "Egskeidings in die laerhowe: die neem van die reg na die mense" *De Rebus* 1993 732

Kruk 1998 *International Journal of Law, Policy and the Family*

Kruk, E "Power imbalance and spouse abuse in divorce disputes: deconstructing mediation practice via the simulated client technique" *International Journal of Law, Policy and the Family* 1998 1-14

Lancaster & Nxumalo 1996 (Apr) *Community Mediation Update*

Lancaster, K & Nxumalo, A "Community courts: what role for justice centres?" *Community Mediation Update* 1996 (Apr) 14-15

Landau 1996 (Nov) *SAAM News*

Landau, B "OAFM, standards for assessing presence of abuse and whether mediation may be appropriate" *SAAM News* 1996 (Nov) 7-8

Levy & Mowatt 1991 *De Jure*

Levy, MH & Mowatt, JG "Mediation in the legal environment" *De Jure* 1991 63-76

Lind 1989 *Businessman's Law*

Lind, C "The changing face of divorce (1): background" *Businessman's Law* 1989 149-152

Lind 1989 *Businessman's Law*

Lind, C "The changing face of divorce (2): real reform?" *Businessman's Law* 1989 163-165

Loots 1985 *De Rebus*

Loots, C "Divorce procedure - suggested modification to the proposed amendments" *De Rebus* 1985 572-573

Loots 1993 *ALR*

Loots, C "Restructuring the courts" *African Law Review* 1993 20-22

Marinus 1993 *De Rebus*

Marinus, C "Siviele streek- en egskeidingshowe nie 'n goeie idee nie" *De Rebus* 1993 442

McCurdie 1993 *Developing Justice Series*

McCurdie, J "Family Courts" *Developing Justice Series* 1993 9-11

McCurdie 1994 SA *Journal of Child and Adolescent Psychiatry*

McCurdie, J "The interface between the legal and mental health professions with particular reference to the Office of the Family Advocate" *Southern African Journal of Child and Adolescent Psychiatry* 1994 12-16

McEwen, Mather & Maiman 1994 *Law and Society Review*

McEwen, CA, Mather, L & Maiman, RJ "Lawyers, mediation and the management of divorce practice" *Law and Society Review* 1994 149-186

McEwen, Rogers & Maiman 1995 *Minnesota Law Review*

McEwen, CA, Rogers, NH & Maiman, RJ "Bring in the lawyers: challenging the dominant approaches to ensuring fairness in divorce mediation" *Minnesota Law Review* 1995 1317-1411

Mnookin & Kornhauser 1979 *Yale Law Journal*

Mnookin, RH & Kornhauser, L "Bargaining in the shadow of the law: the case of divorce" *Yale Law Journal* 1979 950-997

Mo 1997 *Australian Dispute Resolution Journal*

Mo, JS "Probing Chinese mediation" *Australian Dispute Resolution Journal* 1997 43-56

Moodley 1994 CILSA

Moodley, S "Mediation: the increasing necessity of incorporating cultural values and systems of empowerment" *Comparative and International Law Journal of Southern Africa* 1994 44-51

- Mowatt 1987 *De Rebus* Mowatt, JG "The Mediation in Certain Divorce Matters Act 1987: news, but nothing new" *De Rebus* 1987 611-613
- Mowatt 1988 SALJ Mowatt, JG "Are we ready to mediate?" *South African Law Journal* 1988 314-321
- Mowatt 1988 TSAR Mowatt, JG "Divorce mediation: the Mediation in Certain Divorce Matters Act, 1987" *Tydskrif vir die Suid-Afrikaanse Reg* 1988 47-56
- Mowatt 1989 SALJ Mowatt, JG "Mediation and Chinese legal theory" *South African Law Journal* 1989 349-357
- Mowatt 1991 TSAR Mowatt, JG "The Family Court and divorce mediation" *Tydskrif vir die Suid-Afrikaanse Reg* 1991 289-299
- Mowatt 1992 CILSA Mowatt, JG "Alternative dispute resolution: some points to ponder" *Comparative and International Law Journal of Southern Africa* 1992 44-58
- Naude 1991 *De Rebus* Naude, SN "Gesinsadvokaat meng onnodiglik in" *De Rebus* 1991 598
- Nygh 2000 *Australian Journal of Family Law* Nygh, P "The Federal Magistrates Court" *Australian Journal of Family Law* 2000 65-68
- Pearson 1993 *Family Law Quarterly* Pearson, J "Ten myths about family law" *Family Law*

*Quarterly* 1993 279-299

Pearson & Thoennes 1984 *Family Law Quarterly*

Pearson, J & Thoennes, N "Mediating and litigating custody disputes: a longitudinal evaluation" *Family Law Quarterly* 1984 497-524

Powell 2000 *New Zealand Law Journal*

Powell, C "Mediation legislation: will we follow Australia?" *New Zealand Law Journal* 2000 21-22

Powell 2000 *New Zealand Law Journal*

Powell, C "Mediation training" *New Zealand Law Journal* 2000 419-420

Robinson 1992 *TSAR*

Robinson, JA "Rule 43 of the uniform rules of court and the Family Advocate" *Tydskrif vir die Suid-Afrikaanse Reg* 1992 725-727

Robinson 1994 *Stell LR*

Robinson, JA "A Family Court for South Africa - some general remarks" *Stellenbosch Law Review* 1994 176-186

Rogers & Palmer 2000 *St Mary's Law Journal*

Rogers, MR & Palmer, JP "A speaking analysis of ADR legislation for the divorce neutral" *St. Mary's Law Journal* 2000 871-948

Schäfer 1984 *De Rebus*

Schäfer, ID "The role of the attorney in the divorce process" *De Rebus* 1984 16-24

- Schäfer 1988 *THRHR* Schäfer, ID "Alternative divorce procedures in the interests of children: some comparative aspects" *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 1988 297-316
- Scott-MacNab 1988 *SALJ* Scott-MacNab, D "Mediation in the family context" *South African Law Journal* 1988 709-726
- Scott-MacNab 1989 *De Rebus* Scott-MacNab, D "Mediation: the procedure of the future" *De Rebus* 1989 211-214
- Scott-MacNab 1992 *SALJ* Scott-MacNab, D "Mediation and family violence" *South African Law Journal* 1992 282-290
- Scott-MacNab & Mowatt 1986 *De Jure* Scott-MacNab, D & Mowatt, JG "Mediation and arbitration as alternative procedures in maintenance and custody disputes in the event of divorce" *De Jure* 1986 313-324
- Scott-MacNab & Mowatt 1987 *De Jure* Scott-MacNab, D & Mowatt, JG "Family mediation: South Africa's awakening interest" *De Jure* 1987 41-52
- Shah-Kazemi 2000 *International Journal of Law, Policy and the Family* Shah-Kazemi, SN "Cross-cultural mediation: a critical view of the dynamics of culture in family disputes" *International Journal of Law, Policy and the Family* 2000 302-325

- Sinclair 1983 *Acta Juridica* Sinclair, J "Marriage: is it still a commitment for life entailing a lifelong duty of support?" *Acta Juridica* 1983 75-96
- Sourdin 2001 *Australasian Dispute Resolution Journal* Sourdin, T "Legislative referral to alternative dispute resolution processes" *Australasian Dispute Resolution Journal* 2001 180-194
- Spencer 2000 *Australasian Dispute Resolution Journal* Spencer, D "Mandatory mediation and neutral evaluation: a reality in New South Wales" *Australasian Dispute Resolution Journal* 2000 237-253
- Trengove 1975 *De Rebus* Trengove, JJ "Die howe se rol by egskeidings" *De Rebus* 1975 259-264
- Trengove 1984 *De Rebus* Trengove, JJ "Divorce law reform" *De Rebus* 1984 353-357
- Van der Merwe 1994 (Jun) *Community Mediation Update* Van der Merwe, H "Mediation in a free South Africa" *Community Mediation Update* 1994 (Jun) 1-2
- Van der Merwe 1995 (Apr) *Community Mediation Update* Van der Merwe, H "Overview of the South African experience" *Community Mediation Update* 1995 (Apr) 1-4
- Van der Merwe 1996 (Nov) *SAAM News* Van der Merwe, H "Family mediation: too white, too elite" *SAAM News* 1996 (Nov) 1-2

Van der Merwe & Twigg 1996 (Apr) *Community Mediation Update*

Van der Merwe, H & Twigg, A "Community justice: a restorative vision" *Community Mediation Update* 1996 (Apr) 5-7

Van der Steege & Henig 1997 (Sept) *SAAM News*

Van der Steege, M & Henig, L "Overcoming resistance encountered during divorce mediation" *SAAM News* 1997 (Sept) 2-15

Van Heerden & Clark 1995 *SALJ*

Van Heerden, B & Clark, B "Parenthood in South African law: equality and independence? Developments in the law relating to guardianship" *South African Law Journal* 1995 140-151

Van Loggerenberg 1987 *De Rebus*

Van Loggerenberg, D "Die hof vir klein eise: adversatief of inkwisiories?" *De Rebus* 1987 343-346

Van Onselen 1992 *De Rebus*

Van Onselen, D "Amend Divorce Mediation Act to provide for ordered mediation" *De Rebus* 1992 427

Van Westing 1995 *TSAR*

Van Westing, A "Faktore vir die verlening van 'n bevel van gesamentlike toesig en beheer na 'n egskeiding" *Tydskrif vir die Suid-Afrikaanse Reg* 1995 605-617

Van Zyl 1994 *De Rebus*

Van Zyl, L "*Whitehead v Whitehead*: fair comment on the Family Advocate?" *De Rebus* 1994 469-470

- Van Zyl 2000 *De Rebus* Van Zyl, GJ "A watching brief" *De Rebus* 2000 27
- Van Zyl 2000 *Obiter* Van Zyl, GJ "The Family Advocate: 10 years later"  
*Obiter* 2000 372-393
- Vivier 1997 *De Rebus* Vivier, S "Black divorce courts to be de-racialised to form Family Courts" *De Rebus* 1997 144
- Wan 1999 *Dispute Resolution Journal*  
Wan, PF "Mediating family property disputes in New Zealand" *Dispute Resolution Journal* 1999 70-79
- Webster 1996 (Apr) *Community Mediation Update*  
Webster, N "A gender perspective on the role and status of tribal courts" *Community Mediation Update* 1996 (Apr) 16-18
- Williams 1987 *Civil Justice Quarterly*  
Williams, R "Should the State provide alternative dispute resolution services?" *Civil Justice Quarterly* 1987 142-152
- Winks 1980-81 *Journal of Family Law*  
Winks, PL "Divorce mediation: a nonadversary procedure for the no-fault divorce" *Journal of Family Law* 1980-81 615-653
- Whittle 1994 *De Rebus* Whittle, B "The Family Advocate: overcoming obstacles and facing new challenges" *De Rebus* 1994 711-712

Whittle 1995 *De Rebus*

Whittle, B "Family Courts still on the drawing board" *De Rebus* 1995 258

Young 1998 *Australian Dispute Resolution Journal*

Young, S "Cross-cultural negotiation in Australia: power, perspectives and comparative lessons" *Australian Dispute Resolution Journal* 1998 41-58

#### **Internetbronne:**

Adams ea *Family Law Service*

Adams, J et al *Family Law Service: Commentary*

Internet-adres:

<http://butterworthsonline.com/lpBin20/lpext.dll//bw/L11/163/fl-com/>

[besoek op 4 Augustus 2002]

*About LEADR*

*About LEADR*

Internet-adres:

<http://www.leadr.com.au/about.html>

[besoek op 4 April 2002]

*Australian Law Online: Australian Family Law - the Constitutional Framework*

Internet-adres:

<http://www.familycourt.gov.au/education/html/constitution.html>

[besoek op 9 Februarie 2002]

*Australian Law Online: Australian Law on Divorce - Brief historical background*

Internet-adres:

[http://familycourt.gov.au/education/html/divorce\\_law.h  
tml](http://familycourt.gov.au/education/html/divorce_law.html)

[besoek op 8 April 2002]

*Australian Law Online: Family Court in Australia - Marriage, families and separation*

Internet-adres:

[http://www.familycourt.gov.au/forms/html/separation.h  
tml](http://www.familycourt.gov.au/forms/html/separation.html)

[besoek op 9 Februarie 2002]

*Australian Law Online: The Family Court of Australia*

Internet-adres:

[http://www.familycourt.gov.au/education/html/the\\_cou  
rt.html](http://www.familycourt.gov.au/education/html/the_court.html)

[besoek op 9 Februarie 2002]

*Australian Law Online: Family Court of Australia - A separate Family Court of Australia*

Internet-adres:

[http://www.familycourt.gov.au/education/html/separat  
e.html](http://www.familycourt.gov.au/education/html/separat<br/>e.html)

[besoek op 9 Februarie 2002]

*Australian Law Online: Family Court of Australia - Change of terminology*

Internet-adres:

[http://www.familycourt.gov.au/education/html/terminol  
ogy.html](http://www.familycourt.gov.au/education/html/terminol<br/>ogy.html)

[besoek op 9 Februarie 2002]

*Australian Law Online: Family Court of Australia - Mediation: Pathway to agreement*

Internet-adres:

<http://www.familycourt.gov.au/forms/html/mediation.html>  
[besoek op 9 Februarie 2002]

Dept vd PG *Additional counselling and mediation dispute resolution services for families*  
Australia. Department of the Attorney-General

*Additional counselling and mediation dispute resolution  
services for families*

Internet-adres:

[http://www.ag.gov.au/aghome/agnews/1999newsag/counselling\\_99.htm](http://www.ag.gov.au/aghome/agnews/1999newsag/counselling_99.htm)

[besoek op 8 Februarie 2002]

Dept vd PG *Arbitration now a reality*

Australia. Department of the Attorney-General

*Arbitration now a reality for family law matters*

Internet-adres:

[http://www.ag.gov.au/aghome/agnews/2001newsag/933\\_01.htm](http://www.ag.gov.au/aghome/agnews/2001newsag/933_01.htm)

[besoek op 8 Februarie 2002]

Dept vd PG *Coalition to expand primary dispute resolution services*

Australia. Department of the Attorney-General

*Coalition to expand primary dispute resolution services*

Internet-adres:

[http://www.ag.gov.au/aghome/agnews/1998newsag/479\\_htm](http://www.ag.gov.au/aghome/agnews/1998newsag/479_htm)

[besoek op 8 Februarie 2002]

Dept vd PG *Consultation on a Quality Framework for PDR*

Australia. Department of the Attorney-General

*Consultation on a Quality Framework for Primary Dispute Resolution under the Family Law Act 1975*

Internet-adres:

<http://www.ag.gov.au/aghome/commaff/fllad/primarydispute/consultation.htm>

[besoek op 27 Januarie 2002]

Dept vd PG *Delivery of PDR Services*

Australia. Department of the Attorney-General

*The Delivery of Primary Dispute Resolution Services in Family Law*

Internet-adres:

<http://law.gov.au/publications/familypdrs.htm#anchor405247>

[besoek op 17 November 1997]

Dept vd PG *Family Law Reforms* Australia. Department of the Attorney-General *Family Law Reforms*

Internet-adres:

<http://www.ag.gov.au/aghome/agnews/2001newsag/familylawfact.htm>

[besoek op 8 Februarie 2002]

Dept vd PG *Future Challenges for the Family Court*

Australia. Department of the Attorney-General

*Future Challenges for the Family Court - minimising family law litigation*

Internet-adres:

<http://www.ag.gov.au/ministers/attorney-general/articles/familycourtspeech.html>

[besoek op 8 Februarie 2002]

Dept vd PG *More money to help separating families*

Australia. Department of the Attorney-General

*More money to help separating families*

Internet-adres:

[http://www.ag.gov.au/aghome/agnews/2001newsag/992\\_01.htm](http://www.ag.gov.au/aghome/agnews/2001newsag/992_01.htm)

[besoek op 8 Februarie 2002]

Dimopoulos *Fairness and Justice in ADR*

Dimopoulos, M *Issues of Fairness and Justice in Alternative Dispute Resolution* 1998

Internet-adres:

<http://www.ag.gov.au/aghome/advisory/nadrac/submissions/anesbwa.htm>

[besoek op 8 Februarie 2002]

Federal Magistrates Service *Submission to FLPAG*

Federal Magistrates Service *Submission to the Pathways Advisory Group*

Internet-adres:

<http://www.fms.gov.au/pubs/html/pathways.html>

[besoek op 7 April 2002]

*FLPAG Report*

Family Law Pathways Advisory Group *FLPAG Report: overview and recommendations*

Internet-adres:

<http://familylaw.gov.au/publications>

[besoek op 19 Oktober 2002]

Grierson *Mediation*

Grierson, S *Mediation comes in different sizes*

Internet-adres:

<http://www.findlaw.co.nz/articles/default.asp?task=read&id=358&site=CN>

[besoek op 11 Februarie 2002]

*Mediate Today*

*Mediate Today*

Internet-adres:

<http://www.mediate.com.au/company.htm>

[besoek op 7 April 2002]

Street *Family Law - past, present and future*

Street, L *Family Courts of Australia 25<sup>th</sup> Anniversary Conference: Family Law - past, present and future 2001*

Internet-adres:

<http://www.ag.gov.au/ministers/attorney-general/articles/family.html>

[besoek op 8 Februarie 2002]

Walton *Family Court*

Walton, T *The Family Court*

Internet-adres:

<http://findlaw.co.nz/articles/default.asp?task=read&id=946&site=CN>

[besoek op 11 Januarie 2002]

Walton *Family Court Counselling* Walton, T. *Family Court Counselling*

Internet-adres:

<http://findlaw.co.nz/articles/default.asp?task=read&id=1226&site=CN>

[besoek op 11 Februarie 2002]

**VONNISREGISTER****1 Suid-Afrika**

- Archer v Archer* 1989 2 SA 885 (OK)  
*B v S* 1995 3 SA 571 (A)  
*Coetzee v Singh* 1996 3 SA 153 (D)  
*Davids v Davids* 1991 1 SA 191 (W)  
*Fletcher v Fletcher* 1948 1 SA 130 (A)  
*Grobler v Havenga* 1964 3 SA 522 (N)  
*Harris v Harris* 1949 1 SA 254 (A)  
*Jackson v Jackson* 2002 2 SA 303 (HHA)  
*Levy v Levy* 1991 3 SA 614 (A)  
*Naidoo v Naidoo* 1985 1 SA 366 (T)  
*Peter v Minister of Law and Order* 1990 4 SA 6 (OK)  
*Pinion v Pinion* 1994 2 SA 725 (D)  
*Richies v Richies* 1981 1 PH B4 (K)  
*Schwartz v Schwartz* 1984 4 SA 467 (A)  
*Seedat's Executors v The Master (Natal)* 1917 AD 302  
*Swart v Swart* 1980 4 SA 364 (O)  
*Terblanche v Terblanche* 1992 1 SA 501 (W)  
*Van Rooyen v Van Rooyen* 1994 2 SA 325 (W)  
*Van Vuuren v Van Vuuren* 1993 1 SA 163 (T)  
*Whitehead v Whitehead* 1993 3 SA 72 (SOK)

**2 Nieu-Seeland**

*Lawson v Lawson* [1986] 4 NZFLR 380

*Lucena v National Mutual Life Association of Australia* (1911) 31 NZLR 481 (CA)

*P v P* [1984] NZ RL 342

*Parsons v Mathieson* [1991] NZFLR 262

**3 Australië**

*Capolingua v Phylum Ltd (as for the Genoe Family Trust)* (1989) 5 WAR 137

*Centacare Central Queensland and Downing v G and K; Attorney-General of the Commonwealth (Intervener)* (1998) 23 Fam LR 476

*Marriage of Marshall* (1983) 9 Fam LR 43

*Re Wakely and Hanns; Director of Court Counselling (Intervener)* (1993) 17 Fam LR 215

*Relationships Australia v Pasternak* (1996) 20 Fam LR 604

## **LYS VAN WETGEWING**

### **1 Suid-Afrika**

Administrasie Wysigingswet 9 van 1929

Egskeidingswette Wysigingswet 32 van 1935

Grondwet van die Republiek van Suid-Afrika 108 van 1996

Huwelikswet 25 van 1961

Nasionale Padverkeerswet 93 van 1996

Wet op Arbeidsverhoudinge 28 van 1956

Wet op Arbitrasie 42 van 1965

Wet op Bejaarde Persone 81 van 1967

Wet op Bemiddeling in Sekere Egskeidingsaangeleenthede 24 van 1987

Wet op Bevordering van Toegang tot Inligting 2 van 2000

Wet op die Hooggereghof 59 van 1959

Wet op die Meerderjarigheidsouderdom 57 van 1972

Wet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums 41  
van 1971

Wet op die Reg op Verskyning in Howe 62 van 1995

Wet op die Toelating van Advokate 74 van 1964

Wet op Egskeiding 70 van 1979

Wet op Erkenning van Gebruiklike Huwelike 120 van 1998

Wet op Geestesgesondheid 18 van 1973

Wet op Gesinsgeweld 116 van 1998

Wet op Kindersorg 74 van 1983

Wet op Natuurlike Vaders van Buite-egtelike Kinders 86 van 1997

Wet op Onderhoud 99 van 1998

Wet op Prokureurs 53 van 1979

Wetsontwerp op Gesinshowe 62 van 1985

Wysigingswet op Egskeidingshowe 65 van 1997

Wysigingswet op Bemiddeling in Sekere Egskeidingsaangeleenthede 121 van 1991

Wysigingswet op Landdroshowe 120 van 1993

Wysigingswetsontwerp op Egskeiding 63 van 1985

Wysigingswetsontwerp op Egskeiding 40 van 1992

## **2 Australië**

*Courts Legislation Amendment Act 1995*

*Family Law Act 1975*

*Family Law Amendment Act 2000*

*Family Law Reform Act 1995*

*Federal Magistrates Act 1999*

*Matrimonial Causes Act 1959*

*Supreme Court Amendment (Referral of Proceedings) Act 2000*

## **3 Nieu-Seeland**

*Adoption Act 1955*

*Children, Young Persons, and Their Families Act 1989*

*Domestic Actions Act 1975*

*Domestic Violence Act 1995*

*Domestic Proceedings Act 1968*

*Family Courts Act 1980*

*Family Proceedings Act 1980*

*Guardianship Act 1968*

*Guardianship Amendment Act 1991*

*Law Reform (Testamentary Promises) Act 1949*

*Marriage Act 1955*

*Matrimonial Property Act 1976*

*Mental Health (Compulsory Assessment and Treatment) Act 1992*

*Property (Relationships) Act 1976*

*Protection of Personal Rights and Property Act 1988*

*Social Security Act 1964*

#### **4 Internationale instrumente**

*United Nations Convention on the Rights of the Child (UN Doc A/44/49 (1989))*