

EXECUTIVE SUMMARY

It's November already, but that doesn't mean anything is slowing down just yet. We have just moved premises to Upper Grayston Office Park and have some fascinating snippets of legal news in our latest eFile. Both the Updated Electronic Communications Amendment Bill and the new Companies Act have been published, and a new Hate Speech Bill is set to make a serious impact on reckless social media slurring.

For further details on any of these stories, check out [our Web site](#). You can also find out more about our innovative [Legal Lite](#) solution and how we can help fast-track your commercial transactions by providing timely, on-demand advice.

HARTY RUSHMERE MOVES TO THE HEART OF SANDTON

Harty Rushmere has recently moved offices, to updated, modern premises in Upper Grayston Office Park, Sandton. We are excited to be even more conveniently situated for our clients, and to grow our business in this exciting new space. You can find us on the first floor of Block A in Upper Grayston Office Park, just off Grayston Drive near the M1 onramp.

UPDATED ELECTRONIC COMMUNICATIONS AMENDMENT BILL PUBLISHED

The much-anticipated Electronic Communications Amendment Bill (ECA) has recently been published by The Ministry of Telecommunications and Postal Services in the Government Gazette.

The Bill sheds light on the Ministry's plans to roll out and license a national wholesale open access network (WOAN) and also clarifies new legislation for radio frequency spectrum trading and sharing.

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HOW SA'S NEW HATE SPEECH LAW AFFECTS YOUR BUSINESS

More and more, we are seeing cases of businesses getting into hot water when an employee behaves inappropriately on social media. Hate speech can damage a brand's image in an instant and now, as a result of a new South African bill which is not yet passed into law, it may get companies into legal trouble as well. Last month, the South African legislature circulated the Prevention and Combatting of Hate Crimes and Hate Speech Bill.

The Bill differs from the Promotion of Equality and Prevention of Unfair Discrimination Act in that it makes it a criminal offence for an individual to intentionally disseminate material that constitutes hate speech, including on social media platforms. If someone is convicted of hate speech, they are liable for a fine or to a term of imprisonment not exceeding three years.

Employers could be held vicariously liable for their employees' actions and also suffer damage to their reputation as a result of an employee's misuse of social media during office hours.

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MAJOR CHANGES TO THE COMPANIES ACT AND THEIR IMPACT ON CORPORATE SA

The Companies Amendment Bill, published in September this year, has proposed significant changes to the Companies Act, which became law in 2011. As the deadline for submitting comments to the Department of Trade and Industry has been extended to 14 December this year, it is a good time to reflect on the impact the Bill will have on business in South Africa. Among the more significant changes are: increased powers of the Companies Tribunal to adjudicate cases referred to it by the B-BBEE commission; the mandatory public disclosure of the remuneration of prescribed officers, including directors; certain companies will be obliged to set up a social and ethics committee; share buybacks from a director, a prescribed officer or a person related to them will need to be approved by special resolution; and a special resolution will also be necessary where a company grants financial assistance to a subsidiary.

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LEGAL LITE

We have created a simple, convenient way to get expert commercial legal advice. Every business needs professional legal counsel at various stages in its growth. These legal decisions prepare the path forward and have an ongoing impact. With *Legal Lite*, you can now access the Harty Rushmere team as a sounding board via telephone, e-mail or even instant messaging channels. Any available resource on our team will respond promptly and provide critical insight, helping you make an informed decision before committing to agreements or deals. There is no need to enter into complex instructions or consultations, although these can be arranged as a follow-up if required. It's the same as having an in-house legal advisor, at the fraction of the cost.

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