

**APPLICANT: ADV NTOMBIZANELE ELIZABETH NDLOKOVANE**

**COURT FOR WHICH APPLICANT APPLIES: MPUMALANGA  
DIVISION OF THE HIGH COURT, MIDDELBURG OR MBOMBELA**

**1. The applicant's appropriate qualifications**

1.1 The applicant is duly qualified, having obtained the following degrees and qualifications:

1.1.1 B.Iuris (University of the Western Cape during 1996);

1.1.2 LLB (University of the Western Cape during 2003);

1.1.3 LLM (University of South Africa during 2007); and

1.1.4 Advanced Certificate in Alternate Dispute Resolution (ADR) during 2015 (AFSA and University of Pretoria).

1.2 The applicant is experienced, having gained the following vocational skills:

<b>Name of employer</b>	<b>Position held</b>	<b>Period</b>
Department of Justice & Constitutional Development, Kimberley	Trainee Registrar	1 June 1998 (9 months)
Department of Justice & Constitutional	Public Prosecutor (Temporary)	1 April 1999 to June 2000

Development, Kimberley Magistrate's Court		
Department of Justice & Constitutional Development, Springbok	Public Prosecutor (Permanent)	1 July 2000 to March 2001
University of Cape Town, Law, Race & Gender Research Unit	Researcher / Trainer	April 2001 to April 2003
Gender Advocacy Programme (GAP)	Social Policy: Project Manager	May 2003 to October 2007
Department of Justice & Constitutional Development: National Office, Pretoria	Senior Legal Administrative Officer	November 2007 to March 2009
United Nations Children Fund (UNICEF & UNDP)	Child Protection Specialist	April 2007 to December 2011
Johannesburg Society of Advocates	Pupillage Programme	January 2012 to December 2012
Johannesburg Society of Advocates	Practicing Advocate	December 2012 to Date

Compensation Fund (Department of Labour)	Chairperson of the Appeal Tribunal	2016 to date (5-year term)
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## 2. **Whether the applicant is a fit and proper person**

2.1 The applicant is a fit and proper person in that:

2.1.1 The Johannesburg Society of Advocates issued a certificate of good standing on 23 October 2019 in support of her application.

2.1.2 The applicant gained vast experience in the legal field. She commenced her career as a Trainee Registrar of the High Court in Kimberley during 1998 and was later seconded as a Public Prosecutor stationed in Kimberley Magistrate's Court.

2.1.3 The applicant also served at the Regional Court Bench as an acting Regional Magistrate in Bethlehem, Free State Province from 1 July 2016 to 30 September 2016.

2.1.4 During October 2016, the applicant was invited to act as an Acting Judge of the High Court, Limpopo Division from 10 October 2016 to 18 December 2016.

2.1.5 The applicant was further invited to act as an Acting Judge of the High Court, Northern Cape Division from 13 March 2017 to 22 September 2017.

2.1.6 During 2019, the applicant presided as an Acting Judge of the High Court, Mpumalanga Division from 28 January 2019 to 15 February 2019 and 15 April 2019 to 9 August 2019.

2.1.7 The applicant has been appointed as Presiding Officer in terms of Section 4(2)(a) of COIDA to preside over Compensation Fund hearings since 2016.

2.2 There do not appear to be any:

2.2.1 complaints or disciplinary proceedings pending against the applicant in her professional capacity;

2.2.2 criminal or civil litigation pending against the applicant in her personal capacity.

2.3 The applicant is not only a member of the Johannesburg Society of Advocates since 3 December 2012, but also participates in various sub-committees which aim to serve the advocacy and community, gender equality as well as to promote transformation, as may be gleaned from the applicant's membership with the following organisations during the past 10 years:

2.3.1 South African Woman Legal Association;

2.3.2 Advocates for Transformation (AFT);

2.3.3 International Association of Woman Judges (IAWJ);

2.3.4 founder of the Educational Scholarship Award of HM Dlikidla Primary School, Beaufort West; and

2.3.5 founder of the Educational Scholarship Award of Mandlenkosi Secondary School, Beaufort West.

**3. Whether the applicant's appointment would help to reflect the racial and gender composition of South Africa**

3.1 The candidate is a black woman.

3.2 The candidate's appointment would help to transform the racial and gender composition of the bench.

**4. The applicant's knowledge of the law, including constitutional law**

4.1 The applicant is well-versed in the law in that:

4.2 She has practiced in a variety of different fields of the law and has given judicially sound judgments as an Acting Judge. In particular, the applicant gained experience in the following fields:

4.2.1 Family Law;

4.2.2 Labour Law;

4.2.3 Medical mal-practice;

4.2.4 Personal injury litigation;

4.2.5 Commercial Law; and

4.2.6 Criminal Law.

4.3 There is no indication that the applicant is experienced in Constitutional Law.

**5. The applicant's commitment to the values of the Constitution**

5.1 The applicant is committed to the values of the Constitution as it appears, among others, from her involvement in:

5.2 mentoring pupils undertaking pupillage programmes in both the Polokwane and Johannesburg Bar;

5.3 providing financial and technical support in the establishment of Thuthuzela Care Centres; and

5.4 providing financial and technical support in the development of guidelines for the Child Justice Act and establishment of training to Probation Officers through South Africa.

**6. Whether any of her judgments have been overturned or upheld on appeal**

6.1 The applicant only has one judgment which was taken on appeal, but it was not overturned on appeal. The details of the relevant judgment are as follows:

6.1.1 *Greater Tubatse Municipality v Mphaphuli Construction (Pty) Ltd* – Case number 4624/2016.

**7. The extent and breadth of the applicant's professional experience**

7.1 The applicant is a proficient lawyer, as may be gathered from:

7.2 Her 21 years' experience in the law comprising:

7.2.1 1 year and 3 months experience as a Public Prosecutor (1 April 1999 to 1 July 2000);

- 7.2.2 2 years' experience as a researcher / trainer at the University of Cape Town (April 2001 to April 2003);
- 7.2.3 1 year and 5 months experience as a Senior Legal Administration Officer at the Department of Justice and Constitutional Development (November 2007 to March 2009); and
- 7.2.4 7 years' experience as a practicing advocate (December 2012 to date).

7.3 The various fields of law lectured and practiced.

## 8. **The applicant's linguistic and communication skills**

8.1 The applicant is proficient in the English language and communication skills, as is apparent from:

8.1.1 the fact that she was a trainer at the University of Cape Town (April 2001 to April 2003) and is currently the Chairperson of the Appeal Tribunal of the Compensation Fund;

8.1.2 her well defined and accessible judgments; and

8.1.3 the manner in which she drafted her submission in support of her nomination.

## 9. **The applicant's ability to produce judgments promptly**

9.1 The applicant is able to produce judgments promptly; and

9.2 the applicant has held Acting appointments for approximately 13 months between 2016 to 2019 and there is no indication of a single judgment outstanding.

**10. The applicant's fairness and impartiality**

10.1 There are no reservations or concerns regarding the applicant's impartiality and fairness.

**11. The applicant's independent mindedness**

11.1 There are no reservations or concerns regarding the applicant's independent mindedness.

**12. The candidate's ability to conduct court proceedings**

12.1 No adverse comments have been received.

**13. The applicant's administrative ability**

13.1 The applicant is administratively proficient, as may be gleaned from her career record.

**14. The applicant's reputation for integrity and ethical behaviour**

14.1 The applicant's integrity and ethical behaviour are incontrovertible.

**15. The applicant's judicial temperament**

15.1 The applicant's integrity is undisputable, having regard to her appointment as Magistrate, Acting Judge and Chairperson of the Appeal Tribunal of the Compensation Fund for prolonged periods.

**16. The applicant's commitment to human rights, and experience regarding the values and needs of the community**

16.1 The applicant's commitment to human rights, and experience regarding the values and needs of the community, appear from her involvement in the activities and committees previously mentioned.

**17. The applicant's potential**

17.1 The applicant demonstrates potential to contribute to the judiciary, having regard to her experience, capabilities, and demeanour.

**18. The message that the applicant's appointment would send to the community at large**

18.1 If the applicant is appointed, it will convey to the community at large that the judiciary:

18.1.1 consists of judges that are competent, experienced, proficient, fair, just, and open minded; and

18.1.2 judges are involved in and understand the needs of the community.

## **ANNEXURE: LIST OF JUDGMENTS CONSIDERED**

### **Reported decisions**

None

### **Unreported decisions**

*The State v TJ Pieterse*, case number: KS15/2017 (heard on 13 September 2017, judgment delivered on 14 September 2017);

*Changing Tides 184 (Pty) Ltd v Motrade 40 (Pty) Ltd & 3 Others*, case number: 2069/2017 (heard on 1 August 2019, judgment delivered on 19 September 2019);

*MM Sekele v JN Sekele* appeal case number: HCA/2015, court a quo number: P352/2010 (heard on 21 October 2016, judgment delivered on 28 October 2016);

### **Judgments upheld on appeal**

*Greater Tubatse Municipality v Mphamphuli Construction (Pty) Ltd* – Case number 4624/2016.

### **Judgments overturned on appeal**

None.