

APPLICANT: MS ZAAHIRA MOOSA ALLIE TIRY

**COURT FOR WHICH CANDIDATE APPLIES: ELECTORAL COURT
(NON-JUDGE MEMBER)**

1 The candidate's appropriate qualifications

1.1 B.com (2006) Baccalaureans Legum. – 2008 (Nelson Mandela Metro University)

1.2 Magister Legum – 2012 (Nelson Mandela Metropolitan University)

2 Whether the candidate is a fit and proper person

2.1 The candidate has been in the legal profession, first as a judge's clerk, then worked her way through the ranks from being a candidate attorney to being the director of her own firm for over a decade.

2.2 The candidate has not been the subject of any disciplinary proceedings. There is no reason to find that the candidate is not a fit and proper person.

2.3 The candidate served as an Acting Judge for one stint, between April 2019 to June 2019 in the Western Cape division.

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

3.1 No published information could be found on the current composition of the Electoral Court.

3.2 The candidate is a black woman.

4 The candidate's knowledge of the law, including constitutional law

4.1 The candidate has experience of more than 13 years in the law, 11 of those years as the Managing Director of her own law firm.

4.2 The candidate acted as a Judge in the Western Cape Division of the High Court during April 2019 to June 2019. A scrutiny of three judgments appended indicates the candidate's experience in the law, albeit that specific references to the Constitution are not explicit. This is not to be taken as criticism as the context of the Judgments needs to be considered rather than specific references to the Constitution.

5 The candidate's commitment to the values of the constitution

5.1 The candidate's experience as legal practitioner relates to all aspects of the law.

5.2 The candidate is currently a director, since 2017 of South African Black Woman in Law and enhances the values reflected in the Constitution.

6 Whether any judgments have been overturned on appeal

6.1 None could be found.

7 The extent and breadth of the candidate's professional experience

The candidate's professional experience can be summarised as follows:

7.1 The candidate commenced her interest in the law by serving as a judge's clerk from June 2007 to December 2007.

- 7.2 The candidate then practiced as an articled clerk from 2008 and as a Director of ZTA Attorneys from 2009 until date hereof.
- 7.3 The candidate is a registered assessor and moderator with the South African Safety and Security Sector Education and Training Authority since December 2020 and serves on the Eastern Cape Legal Practice Council as an examiner and investigation committee member.
- 7.4 The candidate is also a lecturer in Attorneys Bookkeeping.
- 7.5 The candidate's willingness to be involved in the training of legal practitioners is indicative of her drive to impart knowledge and ensure that the high standards set in the law are attained.

8 The candidate's linguistic and communication skills

- 8.1 Based on the language used in the candidate's judgments and her penmanship, the candidate has good linguistic skills.

9 The candidate's ability to produce judgments promptly

- 9.1 The candidate's judgments appended to her application indicate that her judgments were delivered within a period of about two months.
- 9.2 It is therefore accepted that the candidate is able to produce judgments promptly.

10 The candidate's fairness and impartiality

10.1 Based on the candidate's performance as an Acting Judge, the candidate appeared fair and impartial.

10.2 No adverse comments have been received in this regard.

11 The candidate's independent mindedness

11.1 No adverse comments have been received.

12 The candidate's ability to conduct court proceedings

12.1 As an Acting judge and as a legal practitioner involved in practice for more than 11 years, the candidate has shown that she is able to conduct court proceedings.

13 The candidate's administrative ability

13.1 The fact that the candidate practiced as an Attorney for a number of years and was appointed as assessor and is involved with legal training is indicative of her having excellent administrative ability.

14 The candidate's reputation for integrity and ethical behaviour

14.1 The candidate is well respected by her peers as is evident from the leadership roles that she has played in the Law Society of South Africa, the LPC, Eastern Cape and the non-profit organization, SA Black Woman in Law.

14.2 No adverse comments have been received regarding the candidate.

15 The candidate's judicial temperament

15.1 The members of the Free State Bar had not appeared before the candidate, and we cannot comment on this aspect.

16 The candidate's commitment to human rights, and experience with regard to the values and needs of the community

16.1 The candidate is involved in various areas where human rights and the values of the community play a role.

16.2 The candidate is expected to be committed to the upholding of the constitutional values guaranteeing human right and recognising the community's needs where this crosses her path.

17 The candidate's potential

17.1 The candidate seems eager to learn and partake in various undertakings pertaining to legal practice.

18 The message that the candidate's appointment would send to the community at large

18.1 The candidate is a well-respected woman with experience as a presiding officer. The public at large as well as the legal fraternity itself will welcome her appointment to the Electoral Court.

ANNEXURE: LIST OF JUDGMENTS CONSIDERED

Reported decisions

None

Unreported decisions

Krige N.O. and Others (Ex Parte) Case No 5437/2019 Western Cape Division

R K Thyse v J C Groenewald and Another Case No 2185/2018 (21 June 2019)
Western Cape Division

Judgments upheld on appeal

None found

Judgments overturned on appeal

None found