

JSC INTERVIEW ROUND: OCTOBER 2022

CANDIDATE: JUDGE ANNA MALEFSANE KGOELE

COURT FOR WHICH CANDIDATE APPLIES: SUPREME COURT OF APPEAL

1. The candidate's tertiary qualifications, professional admissions, honours, and permanent judicial appointments:

1.1. The candidate has the following qualifications:

1.1.1. B Proc: (1987) University of the North;

1.1.2. LLB (2005) UNISA; and

1.1.3. LLM (2008) UNISA.

1.2. The candidate is appropriately qualified.

2. The candidate's integrity and ethics:

2.1. No circumstances are known that would suggest that the candidate is not a person of integrity with a reputation for ethical behaviour or is not a fit and proper person for appointment.

3. Whether the candidate's appointment would help to achieve an appropriate racial and gender composition on the bench:

3.1. There are currently 21 full time judges in the Supreme Court of Appeal, comprising (as far as could be ascertained):

3.1.1. 10 black women (7 African, 2 Indian, 1 Coloured);

3.1.2. 6 black men (5 African, 1 Indian);

3.1.3. 1 white woman; and

3.1.4. 4 white men.

3.2. The candidate is a black African woman.

4. **The maximum time period the candidate could serve if appointed:**

4.1. Section 176(2) of the Constitution provides that all judges other than Constitutional Court judges “*hold office until they are discharged from active service in terms of an Act of Parliament.*” The Act in question is the Judges Remuneration and Conditions of Employment Act 47 of 2001.

4.2. Section 3(2)(a) of the Act provides that, subject to section 4(4), a judge will ordinarily be discharged from active service upon reaching the age of 70 if, by that date, they have completed a period of active service of not less than ten years. If not, they will be discharged from active service after having completed ten years of active service.

4.3. Section 4(4) allows for a judge who reaches the age of 70 to continue serving until the age of 75 if, at the time of turning 70, they have not yet served 15 years’ active service.

4.4. The candidate is 58 and has completed a period of 13 years of active service as a judge.

4.5. If appointed, the candidate could serve up to 12 years actively in office.

5. The candidate's personal commitment to the values of the constitution:

5.1. The candidate's judgments demonstrate a strong commitment to constitutional values.

5.2. The candidate is a member of the South African Chapter of the International Association of Women Judges. The candidate has been a member from the inception of the organisation to date. The organisation is known for promoting Constitutional Rights.

6. The candidate's knowledge of the law, including constitutional law:

6.1. The candidate has served as a Magistrate and Judge for a long time. Had she been given the opportunity, the candidate could have gained more knowledge of constitutional law during her term of office, but her judgments demonstrate a strong commitment to constitutional values.

6.2. The candidate acted a Deputy Judge President in the North West Division of the High Court and Mpumalanga Division of the High Court.

6.3. The Candidate acted in the Supreme Court of Appeal on 1 December 2020 to 30 November 2021. The candidate is currently acting in the Supreme Court of Appeal having started her acting post on 1 June 2022 to date.

7. Judgments of the candidate that have been overturned, upheld or commented on, on appeal:

7.1. The candidate has referred to a number of cases. At the time of preparing this report, we did not verify if there are more cases

overturned on appeal of significant value which the candidate did not mention.

8. The extent and breadth of the candidate's professional experience:

8.1. The candidate has had a long professional career and would be expected to be able to demonstrate concomitant knowledge of the law; communication skills and an ability to manage court proceedings.

8.2. The candidate has not been a Judge in the North West Division since 1 October 2019.

9. The candidate's linguistic and communication skills:

9.1. The candidate is eloquent in both the English and Setswana language.

10. The candidate's ability to produce judgments promptly:

10.1. No adverse reports of delays in delivering judgments have been received.

11. The candidate's ability to conduct court proceedings fairly, efficiently and effectively:

11.1. No adverse comments have been received from any member in this regard.

12. The candidate's independent mindedness:

12.1. The candidate's judgments demonstrate her independent mindedness and objectivity.

13. The candidate's administrative ability (other than in relation to court proceedings):

13.1. The candidate is involved in a number of organisations apart from the judiciary. It shows she can manage her time well.

14. The message that the candidate's appointment would send to the public at large:

14.1. The candidate has demonstrated competency on the bench and in time, no doubt her knowledge on other aspects of the law will expand.

ANNEXURE: LIST OF JUDGMENTS CONSIDERED1. Reported judgments:

1.1. None

2. Unreported judgments:

2.1. None

3. Judgments upheld on appeal:

3.1. None

4. Judgments overturned on appeal:

4.1. None