

## **CHIEF JUSTICE OF THE CONSTITUTIONAL COURT**

**CANDIDATE: DEPUTY CHIEF JUSTICE MANDISA MURIEL  
LINDELWA MAYA**

**1. Whether the candidate meets the Constitutional requirement of citizenship:**

1.1. Section 174(1) of the Constitution provides that any person appointed to the Constitutional Court must be a South African citizen.

1.2. The candidate is a South African citizen.

**2. The implications of the constitutional mandatory age requirements for discharge from active service of Constitutional Court judges:**

2.1. Section 176(1) of the Constitution provides that a Constitutional Court judge holds office for a non-renewable term of 12 years, or until he or she attains the age of 70, whichever occurs first, unless extended by an Act of Parliament.

2.2. The candidate is 60 years old. She will turn 70 on 20 March 2034.

2.3. The candidate has held a permanent appointment as a Constitutional Court judge since September 2022. By the time the current Chief Justice retires on 31 August 2024, the candidate will have been a permanent judge of the Constitutional Court for a total period of two years.

2.4. The provisions of the Judges Remuneration and Conditions of Employment Act 47 of 2001 do not bear on the candidate's period of office, given her many years of service as a judge.

2.5. The candidate's office as a Constitutional Court judge will therefore terminate on 20 March 2034, just over five months shy of the full term of 12 years.

**3. The candidate's reputation for integrity and ethical behaviour:**

3.1. The candidate has, throughout her judicial career, had an unimpeachable reputation for integrity. On the number of occasions that she has been interviewed by the JSC, no issues to the contrary have arisen.

3.2. The candidate, moreover, has displayed candour and integrity that is above reproach:

3.2.1. In a previous round of interviews the candidate disclosed the traffic fines she had received in her youth to the JSC.

3.2.2. In a JSC interview of (then) Magistrate Daniel Thulare, an audio clip was played in which he could be heard singing the praises of the candidate. The candidate, who sat as a Commissioner in that interview, immediately and without being prompted, requested that he explain her role, if any, in the push by the Judicial Officers Association of South Africa for her candidacy for Chief Justice. It was confirmed that she had played no role whatsoever.

3.2.3. In section 3 of the questionnaire for her nomination to the position of Chief Justice, the candidate disclosed, as a matter

that might cause her embarrassment, an erroneous newspaper report in the Daily Dispatch of a judgment she handed down on 19 June 2002 in respect of which a subsequent retraction and apology were published. The candidate brought this matter to the Commission's attention because the incorrect story remains on the SAPA database, and is also available under her name on the internet, without the apology or retraction.

- 3.3. It is clear from her questionnaire and curriculum vitae, as well as the letters received in support of her nomination, that the candidate is held in high esteem and regarded as a role model. This confirms her reputation as someone who is ethical and of integrity.

**4. The candidate's qualities as an outstanding leading jurist who seeks (and is able to achieve) consensus:**

- 4.1. The candidate has blazed a trail throughout her judicial career, and in particular in judicial leadership. She was appointed permanently as a High Court judge at the relatively young age of 35 years. She was the first woman to be appointed as Deputy President of the Supreme Court of Appeal (SCA), and subsequently as the President of the SCA, and is the first woman to be appointed Deputy Chief Justice. If appointed, she will be the first woman appointed as Chief Justice.

- 4.2. The candidate is highly regarded as a leading jurist who is well versed and skilled in all areas of law. A search of available legal databases reveals the following regarding her judicial career prior to her appointment as President of the SCA:

- 4.2.1. The candidate sat as a judge in approximately 660 matters that were subsequently reported (whether written by the candidate or not).
- 4.2.2. The candidate sat (and in many instances penned judgments) in matters traversing all areas of the law.
- 4.2.3. The candidate sat as a judge in at least 119 matters that were confirmed on appeal (whether written by the candidate or not).
- 4.3. In the period of approximately one year and eight months since her appointment as Deputy Chief Justice, the candidate has authored three unanimous judgments, and concurred in five majority judgments, and one minority judgment. (The other 19 judgments in which she participated were unanimously decided.) The most recent judgment authored by the candidate was handed down on 13 July 2023, in *DA v Public Protector 2023* (11) BCLR 1281 (CC).
- 4.4. The candidate commands the respect of her colleagues and peers and is evidently able to work with and obtain consensus from her colleagues. She is able to foster collegiality. All of the judgments she delivered as Deputy Chief Justice received the unanimous support of members of the apex court.
- 4.5. Regardless of the complexity of the matter at hand, the candidate promptly and timeously hands down judgment. In the SCA, she ordinarily handed down judgment within three months of date of hearing, and in the Constitutional Court, within four months.

4.6. The candidate has written more than 200 reported judgments during her tenure as a judge. The judgments traverse a variety of areas of law, each significant in their own right. The candidate's significant judgments include:

4.6.1. *DA v Public Protector 2023 (11) BCLR 1281 (CC)*

Coram: Maya DCJ, Baqwa AJ, Madlanga J, Majiedt J, Mathopo J, Mbatha AJ, Mhlantla J, Rogers J, and Tshiqi J.

Judgment: Maya DCJ (unanimous)

Timeline: Heard on 24 November 2022. Judgment delivered on 13 July 2023.

The judgment dealt with three related matters concerning the President's decision to suspend the former Public Protector, pending a section 194 inquiry in the National Assembly into her fitness to hold office. In a unanimous judgment, which upheld the lawfulness of the President's conduct, the Constitutional Court held that there was a rational basis for the precautionary suspension of the Public Protector.

4.6.2. *Speaker of the National Assembly and Others v New Nation Movement NPC and Others [2023] ZACC 12*

Coram: Zondo CJ, Maya DCJ, Kollapen J, Madlanga J, Majiedt J, Mathopo J, Mhlantla J, Rogers J and Tshiqi J.

Judgment: Maya DCJ (unanimous)

Timeline: Order granted on 20 January 2023; reasons issued on 20 April 2023.

This matter concerned an application for a second extension of an order suspending a declaration of constitutional invalidity – made on 11 June 2020 in *New Nation Movement II* – in respect of the Electoral Act 73 of 1998. That Act was declared to be unconstitutional to the extent that it required that adult citizens may be elected to the National Assembly and Provincial Legislatures only through their membership of political parties.

The original order of invalidity was suspended for 24 months (until 10 June 2022) to afford Parliament an opportunity to remedy the defect. On 10 June 2022, pursuant to an urgent application to the Court, the suspension order was extended for a further period of six months (to 10 December 2022). Four days before the expiry of the further suspension period, the applicants again approached the Court, on an urgent basis, for a further extension of the suspension (until 28 February 2023).

In a unanimous judgment, the Court noted that the power to extend the period of suspension of a declaration of invalidity is to be exercised sparingly. On the facts of the case before it, the Court held that the matter transcended the interests of the parties, and implicated the interests of the general public and our democracy. Therefore, these factors warranted the granting of the extension as a just and equitable remedy, in the interests of justice.

4.6.3. *AfriForum NPC v Chairperson of the Council of the University of South Africa & Others* [2020] ZASCA 79

Coram: Maya P, Petse DP, Leach JA, Koen and Eksteen AJJA.

Judgment: Maya P (unanimous).

Timeline: Heard on 27 November 2019. Judgment delivered on 30 June 2020.

The judgment dealt with the language policy of the University of South Africa. It found that the decision to replace the policy with an “*English-only policy*” – on the facts of the case – infringed the principle of legality, and was consequently unlawful. Maya P (as she then was) wrote the judgment in both English and isiXhosa, a first for an appellate court. This demonstrates *inter alia* the candidate’s understanding of the importance of language (and by extension cultural identity) to our constitutional democracy.

Appeal: The appeal was unanimously dismissed by the Constitutional Court, which wrote a mirror judgment in Afrikaans.

4.6.4. *Sandvliet Boerdery (Pty) Ltd v Mampies & Another* 2019 (6) SA 409 (SCA)

Coram: Maya P, Zondi, Dambuza and Makgoka JJA, and Rogers AJA.

Judgment: Maya P (unanimous).

Timeline: Heard on 23 November 2018. Judgment delivered on 8 July 2019.

The judgment dealt with the right to bury a deceased family member on a privately owned farm that had been worked for generations by the respondents' family. It held, on the facts of the case, that the respondents had such a right. The judgment demonstrates the candidate's understanding that our constitutional democracy requires due deference to the cultural practices of all who call South Africa home.

4.6.5. *Minister of Safety and Security v F* [2011] ZASCA 3

Coram: Nugent, Maya, Snyders and Bosielo JJA, and Pillay AJA.

Judgment: Nugent JA with Snyders JA and Pillay AJ (majority). Maya JA with Bosielo JA (minority).

Timeline: Heard on 11 November 2010. Judgment delivered on 22 February 2011.

The judgment dealt with whether the (then) Minister of Safety and Security was vicariously liable for a rape perpetrated by an off-duty policeman using an unmarked police vehicle. The candidate, in her minority judgment, found that the Minister was so liable.

Appeal: The Constitutional Court upheld an appeal against the majority judgment of the SCA, favouring the legal analysis and assessment of the matter by the candidate in her dissenting judgment.

4.6.6. *Lebowa Platinum Mines Ltd v Viljoen* [2008] ZASCA 163



Coram: Farlam, Cameron, Jafta, Maya JJA and Mhlantla AJA.

Judgment: Maya JA (unanimous).

Timeline: Heard on 17 November 2008. Judgment delivered on 1 December 2008.

The judgment dealt with the interpretation of “*occupier*” under the Extension of Security of Tenure Act 62 of 1997 (“ESTA”). The candidate held that ESTA has its origins, *inter alia*, in the provisions of s 25(6) of the Constitution, which entitles a person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress.

The judgment was subsequently applied in *Kiepersol Poultry Farm (Pty) Ltd v Phasiya* 2010 (3) SA 152 (SCA)

4.6.7. *Department of Correctional Services & Another v Police and Prisons Civil Rights Union (POPCRU) & Others* [2013] ZASCA 40.

Coram: Nugent, Maya and Pillay JJA, Plasket and Mbha AJJA.

Judgment: Maya JA (unanimous)

Timeline: Heard on 19 February 2013. Judgment delivered on 28 March 2013.

The matter related to the Department’s dress-code prohibiting the wearing of dreadlocks by male correctional officers, and

whether the dismissal of the Rastafari and Xhosa respondents for refusing to cut their dreadlocks – worn in observance of their religious and cultural beliefs – was discriminatory and automatically unfair on grounds of religion, culture and gender, in terms of section 187(2)(a) of the LRA.

The candidate held that a policy that effectively punishes the practise of a religion and culture degrades and devalues the followers of that religion and culture in society. The policy infringed followers' dignity by reflecting that their religion or culture is not worthy of protection. The impact was devastating because the respondents' refusal to yield to an instruction at odds with their sincerely held beliefs cost them their employment.

- 4.7. These, and the other decisions identified by the candidate, demonstrate her excellent grasp of constitutional issues, both in relation to technical concerns and Bill of Rights issues. In particular, her judgments demonstrate a consistent understanding of the need to balance the enforcement of constitutional rights against the need for government to be able to perform its functions efficiently.
- 4.8. The candidate, moreover, has a finely developed sense of the need to deal with social issues that disproportionately affect the poor and marginalised, particularly women and children.
- 4.9. In short, the candidate has an excellent legal mind, and a well-rounded knowledge of the law.
- 4.10. The candidate holds the following academic qualifications that show that she is suitably qualified:

- 4.10.1. B Proc from the University of the Transkei (now Walter Sisulu University), 1986;
- 4.10.2. LLB from the University of Natal, Durban (now the University of KwaZulu-Natal), 1988; and
- 4.10.3. LLM (Labour Law, Alternative Dispute Resolution and Constitutional Law) from Duke University School of Law, 1990.
  
- 4.11. The candidate has been awarded honorary doctorates in law, in recognition of her contribution to the development of South African jurisprudence, as well as the empowerment of women in the legal profession and the judiciary, by:
  - 4.11.1. Nelson Mandela University, 2018;
  - 4.11.2. Walter Sisulu University, 2019;
  - 4.11.3. University of Fort Hare, 2020; and
  - 4.11.4. University of South Africa, 2023.
  
- 4.12. The candidate is the recipient of the 2020 Duke Law International Law Alumnus Award which recognises and honours international graduates of the Duke University School of Law who have exemplified the highest standards of professional excellence, personal integrity, and concern for the common welfare in their own profession and home country.
  
- 4.13. The candidate has delivered a plethora of public addresses and conference papers, including:

- 4.13.1. *“Transforming the South African Judiciary”* – Black Lawyers Association Annual General Meeting on 25 October 2003.
- 4.13.2. *“The Structure and Function of the South African Courts”* – SCA Open Day on 30 May 2007.
- 4.13.3. *“Rule of law, Constitutionalism and Separation of Powers in South Africa”* – Konrad Adenauer Foundation Women Judges Study Programme on Application of International and Regional Law in National Law on 9 April 2015.
- 4.13.4. *“Strengthening the Rule of Law”* – J20 Judicial Conference of the Highest Courts of the G20 on 8 October 2018.
- 4.13.5. *“Judicial and Legal Responses to Gender Based Violence and Femicide”*: delivered at the Presidential Gender Violence and Femicide Summit in Pretoria (1 November 2018). There the candidate stated that:

*“while there has been a marked ideological shift in the ways Judges adjudicate matters relating to gender-based violence and femicide in recent times ... the fate of these victims should not be left to the off-chance that the individual Judges hearing their cases will be attuned to the sensitivities. There should be a formalization and standardization of these norms so that it is incumbent on the Courts to pay particular attention to the treatment of victims in these cases.”*

This statement is now quoted in the UN Handbook for the Judiciary on the Effective Criminal Justice Responses to Gender-based Violence against Women and Girls (2019).

- 4.13.6. *“The role of women in the advancement of the judiciary: Women: tilting the scales of judicial transformation?”*: delivered at the University of KwaZulu-Natal (12 August 2016).
- 4.13.7. *“Ethics, Integrity and the Courts”*: delivered at the plenary of the National Association for Court Management at the International Association for Court Administration Joint International Conference, Arlington, Virginia (10 July 2017).
- 4.13.8. *“The role of the Judiciary and other key institutions in safeguarding the South African constitutional democracy and the Rule of Law”*: keynote address delivered at 2019 NADEL AGM and Conference (15 March 2019).
- 4.13.9. *“Women Empowerment: A Shawl and Shield in the fight against Sexual and Gender Based Violence”*: opening address delivered at the SAC-IAWJ AGM and Conference at the University of Mpumalanga, Mbombela (8 August 2019).
- 4.13.10. *“Judicial Leadership”*: delivered at the International Association of Women Judges’ Association Biennial Conference in Auckland, New Zealand (9 May 2021).

**5. The candidate’s experience in court administration and leadership or similar roles:**

5.1. The candidate has extensive experience in court administration and positions of leadership. She is at present the Deputy Chief Justice.

5.1.1. In addition to her ordinary duties as a permanent judge of the Constitutional Court, she is responsible for assisting the Chief Justice in the efficient running of the Court, and the supervision of the entire judiciary. She holds various key positions in the leadership and management structures of the judiciary and various legal bodies.

5.1.2. Since 2015, the candidate has represented the judiciary at national and international fora, together with – and sometimes in the place of – the Chief Justice.

5.1.3. The candidate is the acting chairperson of the JSC’s Judicial Conduct Committee, and also acts as chairperson of the JSC and the “small” JSC in the absence of the Chief Justice.

5.1.4. The candidate chairs the Judicial Accountability Committee, which is mainly responsible for setting the judiciary’s key performance indicators and targets (which are articulated in the Judicial Annual Performance Plan).

5.2. Before her elevation to her current position of Deputy Chief Justice, the candidate was the President of the SCA.

5.2.1. In the 2020/2021 year of assessment, the SCA exceeded its performance target of finalising 80% of its matters timeously.

It also finalised 99% of the applications and petitions timeously.

5.2.2. The candidate was able to write and deliver judgments timeously while attending to her functions as President of the SCA. This includes her being responsible for preparing the roll (an exacting administrative task requiring an equitable distribution of the workload amongst the 25 judges).

5.2.3. The candidate also put in place several mechanisms to resolve concerns relating to collegiality on the SCA bench. She is credited for introducing a more equitable case allocation system that facilitates the exposure of junior judges of appeal to writing judgments in complex niche areas of law, and initiating a diversity training conference.

5.3. The candidate, moreover, occupies an array of leadership roles in legal bodies, including as:

5.3.1. commissioner of the JSC;

5.3.2. council member of the South African Judicial Education Institute, which is responsible for the training and continuing education of judges and magistrates,

5.3.3. chairperson of the South African Judicial Education Institute's Finance and Budget Subcommittee; and

5.3.4. member and adjudicator of the National Bar Examination Board.

5.4. The candidate's leadership has also been recognised by her appointment as:

5.4.1. the second Chancellor of the University of Mpumalanga (from December 2021);

5.4.2. Regional Director for West and Southern Africa of the International Association of Women Judges (which has affiliates in 82 countries);

5.4.3. President of the South African Chapter of the International Association of Women Judges (SAC-IAWJ); and

5.4.4. trustee of The South African Institute for Advanced Constitutional, Public, Human Rights, and International Law (SAIFAC).

5.5. The candidate has been involved in regional and international legal bodies – many of which were established to promote gender representation – and educational institutions.

5.6. These experiences would prove invaluable and enriching to the candidate's role as Chief Justice, were she to be appointed.

**6. Whether the candidate possesses the qualities required to be a leader of the judiciary in effectively defending, protecting, and upholding the Constitution:**

6.1. The candidate holds an LLM in Constitutional Law from Duke University in the United States. The candidate therefore has excellent academic qualifications to enable her to fulfil the role of Chief Justice.



6.2. The candidate has delivered many judgments involving constitutional issues that demonstrate an excellent appreciation of the need for judges to ensure that constitutional values are applied appropriately within the complex social context in which legal disputes invariably arise.

6.3. Finally, the candidate has pursued a decisively transformative agenda during her time as President of the SCA, tackling issues of collegiality, ensuring development of ‘junior’ judges, and addressing the perception of antagonism by the members of the Court.

**7. Whether the candidate possesses the qualities required to be a leader of the judiciary in fearlessly asserting its independence and respect for separation of powers:**

7.1. In many of her judgments, the candidate has held government accountable while giving due regard to the separation of powers. In this regard, the following are notable:

7.1.1. *Director-General, Department of Home Affairs & Another v Islam & Others* [2018] ZASCA 48, where the candidate, writing for a unanimous court, held that the High Court had no authority to order the Department of Home Affairs to allow a foreign national admission to the Republic where he was deemed a prohibited person. Such an order, the SCA held, would violate the separation of powers.

7.1.2. *Ngomane and Others v City of Johannesburg and Another* 2020 (1) SA 52 (SCA), where the candidate, writing for a unanimous court, found that the conduct of the City of

Johannesburg in destroying property belonging to the appellants was unconstitutional, and ordered it to pay compensation.

7.1.3. *Democratic Alliance v President of South Africa and Others* 2013 (1) SA 248 (CC), where the candidate concurred with the majority of the Constitutional Court that the appointment of Menzi Simelane as National Director of Public Prosecution was irrational.

7.2. The candidate has, on several occasions, publicly addressed these (and related) issues in papers presented at various local and international fora. These addresses are dealt with elsewhere, with several others forming part of the candidate's application.

7.3. During the JSC interview in June 2022 that led to her appointment as Deputy Chief Justice, the candidate expressed the view that judges ought to speak through their judgments, and refrain from entering into policy discussions. She stated that where judges do speak on public platforms, this should be confined to educating the public about the law and related matters. The candidate's own public statements and the positions she occupies have been faithful to this ethos, which augurs well for appointment to the most senior role in the judiciary.

**8. Whether the candidate possesses the qualities required to be a leader of the judiciary in pursuing a transformative jurisprudence geared for the advancement of social justice and access to justice:**

8.1. The candidate has delivered several papers on issues pertaining to the advancement of social justice. The following are noteworthy:

- 8.1.1. *“Implementing Children’s Rights in South Africa”* – 12<sup>th</sup> International Conference of Chief Justices of the World Judiciary Summit Lecture on 1 December 2011;
- 8.1.2. *“The role of women in the advancement of the judiciary: Woman: tilting the scales of judicial transformation”* – University of KwaZulu-Natal on 12 August 2016;
- 8.1.3. *“Judicial and Legal Responses to Gender Based Violence and Femicide”* – Presidential Gender Violence and Femicide Summit on 1 November 2018;
- 8.1.4. *“Leave No Woman or Girl Behind”* – SAC-IAWJ Annual Gala Dinner on 23 February 2019; and
- 8.1.5. *“Woman Empowerment: A Shawl and a Shield in the fight against Sexual and Gender Based Violence”* – Opening Address at SAC-IAWJ AGM on 8 August 2019.
- 8.2. On 30 November 2022, the candidate delivered the *7th Archbishop Thabo Makgoba Development Trust Annual Lecture on Ethical and Moral Leadership* at the University of Mpumalanga, during which she highlighted the importance of the independence of the judiciary for South Africa’s democracy. She stressed that the independence of the judiciary must be protected, and that organs of state and individuals should refrain from interfering with the functioning of the courts. She also emphasised the need for the judiciary to control its administration in addition to its functions.
- 8.3. The candidate is a member/patron of several organisations that seek to protect and advance the rights of women and children, including:

- 8.3.1. Lawyers Against Abuse;
  - 8.3.2. South African Black Women in Law;
  - 8.3.3. International Association of Women Judges;
  - 8.3.4. Commonwealth Association of Law Reform Agencies; and
  - 8.3.5. Duke Law / Bolch Judicial Institute of Leadership.
- 8.4. The candidate has previously received several letters of recommendation from various women's groups, both locally and internationally, in support of her nomination, attesting to her commitment to gender transformation in the legal fraternity. These include *inter alia*:
- 8.4.1. South African Chapter of the International Association of Women Judges;
  - 8.4.2. Dr Jagdish Gandhi, Convener, International Conference of Chief Justices of the World, City Montessori School (CMS) Society;
  - 8.4.3. Professor David Bilchitz, University of Johannesburg;
  - 8.4.4. South African Black Women in Law (SABWIL); and
  - 8.4.5. International Association of Judges.
- 8.5. Lastly, the candidate has penned many judgments that have appropriately demonstrated her desire to pursue transformative jurisprudence. These include *inter alia*:

- 8.5.1. *Mbungela & Another v Mkabi & Others* [2019] ZASCA 134, where she dealt with the requirements of a customary marriage;
- 8.5.2. *Minister of Safety and Security v F* [2011] ZASCA 3, where she dealt with the liability of the Minister of Police in respect of a rape committed by a police officer on standby duty; and
- 8.5.3. *Hewitt v S* [2016] ZASCA 100, where she upheld the sentence handed down by the High Court following a conviction of rape and indecent assault.
- 8.6. These judgments demonstrate the candidate's willingness to effect tangible transformation within the judiciary and South African society more broadly.

**9. Whether the candidate possesses the leadership qualities required to instil a judicial culture and work ethic that will meet acceptable judicial performance standards and standards of accountability:**

- 9.1. The candidate, as evidenced by some of her earliest decisions (notably *S v Sithiyo* [2001] JOL 8239 (Tk) and *Mzaza v Stisila* [2001] JOL 8934 (Tk)), has long held the view that justice delayed is justice denied.
- 9.2. The candidate delivers judgments promptly, in many cases within a month, and on average within four months, if regard is had to the decisions mentioned in her application.
- 9.3. During her interview for the position of Chief Justice in February 2022, the candidate laid out the following vision and goals for her tenure as Chief Justice:

- 9.3.1. to hold a judges' conference, which had not been held since 2009. (Such a conference was held from 4-7 December 2023);
- 9.3.2. to review the Constitutional Court Work Practice Manual;
- 9.3.3. to only set matters down that are ripe for hearing and in respect of which the record is complete;
- 9.3.4. to have panels of seven judges allocated to a case which would allow two courts to run instead of the Court sitting en banc (as it currently does). This would assist with more matters being finalised at a faster rate, given the increasing caseload of the Constitutional Court;
- 9.3.5. to modernise the judiciary to ensure CaseLines and Court Online functions in all jurisdictions; and
- 9.3.6. to address the lack of a sexual harassment policy within the judiciary. (To this end, the candidate has set up a committee to draft a sexual harassment policy for the judiciary.)
- 9.4. The candidate has also ensured, during her tenure as President of the SCA, that that court remains one of the most efficient courts in the country. In the Judiciary Annual Reports for the relevant periods, the following is evident:
  - 9.4.1. 2020/2021: The SCA exceeded its performance target of finalising 80% of its matters timeously. It timeously finalised 81% of all matters, and 99% of all petitions and applications.
  - 9.4.2. 2019/2020: The SCA exceeded its performance target of finalising 80% of its matters timeously. It finalised 86% of all

matters on time. It also had no judgments reserved for longer than six months.

9.4.3. 2018/2019: The SCA exceeded its performance target, finalising 93% of all its matters timeously. It also timeously finalised 97% of all applications and petitions.

9.5. These achievements, particularly in the 2020/2021 period, are noteworthy considering the impact that Covid-19 had on the operations of all courts.

9.6. There can be no doubt that the candidate possesses the qualities required to be an effective and efficient Chief Justice.