

JSC INTERVIEW ROUND: OCTOBER 2024

VACANCY: JUDGE, LIMPOPO DIVISION OF THE HIGH COURT, THOHOYANDOU

MS JANE TSAKANE NGOBENI

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

1.1. The candidate holds the following tertiary qualifications:

1.1.1. B Proc., University of Limpopo (1994)

1.1.2. LLB, University of Limpopo (2004)

1.1.3. LLM, University of Limpopo (2013).

1.2. The candidate holds the following professional admissions and honours:

1.2.1. public prosecutor 1 September 1995

1.3. The candidate was permanently appointed to the following judicial roles:

1.3.1. Magistrate on 1 May 2003

1.3.2. Regional Magistrate on 1 September 2016.

1.4. The candidate has indicated that she has acted as a judge in the Limpopo Division during the following periods:

1.4.1. 1 May 2024 to 23 June 2024

1.4.2. 22 July 2024 to 16 August 2024.

2. The candidate's integrity and ethics

2.1. No circumstances are known to the reviewers 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. The racial and gender composition on the bench

3.1. There are currently 7 permanent judges of the Limpopo Division of the High Court:

3.1.1. 1 African woman

- 3.1.2. 4 African men
- 3.1.3. 1 white woman
- 3.1.4. 1 white man
- 3.2. It appears that 3 judges are assigned to the Thohoyandou seat of the division. They are all African men.
- 3.3. According to the questionnaire, the candidate is an African woman.

4. The maximum period the candidate could serve if appointed

- 4.1. At the time of the interviews, the candidate will be approximately 54 years and 3 months old. It appears that she has acted in the High Court for a period of less than a month.
- 4.2. If appointed, the candidate would be eligible to serve as a judge for approximately 15 years and 8 months until the age of 70.

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

- 5.1. The candidate participates in and initiates community outreaches and empowerment projects. Between 2003 and 2011, she was involved in community outreaches at different schools in the Limpopo Province on awareness campaigns on the consequences of being in conflict with the law as a young person.
- 5.2. During 2011 until 2014 she was also involved in mediation programmes that she initiated with the University of Limpopo. This saw students at the University of Limpopo studying Alternative Disputes Resolution and being given an opportunity to mediate real cases in the Small Claims Court at Mankweng. She supervised the process for two days a week when the Small Claims Court sat after hours.
- 5.3. From 10 February 2024 until 16 March 2024 the candidate has facilitated the Judicial Skills Course to qualified attorneys, advocates, prosecutors, and district Magistrates who are aspiring to become regional Magistrates, every Saturday for six weeks.

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

- 6.1. The candidate appears to have knowledge of law especially criminal law. She has some knowledge of civil law, but she seems not to have been involved in any constitutional matters.

6.2. She has had a short period of time as acting judge in the High Court. She has not been exposed much to the other fields of law such as administrative law, mining law and constitutional law, which mostly dominate litigation in the Limpopo Province.

7. Judgments of the candidate that have been taken on appeal

7.1. The candidate has disclosed no judgments that have been taken on appeal even though she has been a Magistrate for more than 20 years.

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

8.1. The candidate's experience as a Magistrate is significant.

8.2. She is relatively inexperienced acting in the High Court.

9. The candidate's linguistic and communication skills

9.1. The candidate's judgments are written in English.

9.2. Nothing in the judgments and other writings considered by the reviewers indicates that the candidate's linguistic and communication skills are not adequate.

10. The candidate's ability to produce judgments promptly

10.1. The candidate indicated that one judgment is outstanding at the time of completing the questionnaire.

10.2. As far as could be ascertained at the time of completing this review, no judgments are known to be still outstanding.

10.3. Of the 3 judgments of the candidate considered by the reviewers, 2 were handed down more than three months after hearing.

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

11.1. The reviewers received no adverse comments from colleagues relating to the candidate's ability to conduct court proceedings fairly, efficiently, and effectively.

12. The candidate's independent-mindedness

12.1. The reviewers received no adverse comments from colleagues relating to the candidate's independent-mindedness.

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

13.1. The candidate has undoubtedly acquired some administrative skills in her period as a Magistrate. Between 7 June 2010 and 25 October 2013, she acted, on various occasions, as the senior Magistrate in Mankweng.

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

14.1. Although the candidate has some experience as a prosecutor, her appointment under circumstances where she has had little experience acting as a judge in the High Court would send a message that experience is not necessary to be appointed as a judge.

ANNEXURE: LIST OF JUDGMENTS CONSIDERED

Reported judgments

1. None

Unreported judgments

2. *Mureri Ailwei Other UAAC & Others*
3. *Daniel Johannes Smit (Snr) & Others v Annelize Smit & Another*
4. *Khutso Klaas Ntsoane v The State*

Judgments upheld on appeal

5. None

Judgments dismissed on appeal

6. None

Academic writings

7. “*Precautionary Suspension in the Workplace and the Employees’ Right to be Heard*”, published in the Mediterranean Journal of Social Science, MCSER Publishing, Rome Italy, Volume 14, November