

VACANCY: JUDGE OF THE NORTHERN CAPE DIVISION OF THE HIGH COURT

Candidate: Andries Daniel Olivier

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

- B.Iuris University of the Free State (1990)
- LLB, University of the Free State (1997)

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

- admitted as an advocate in 1998
- started practice as an advocate in 2010

1.3. The candidate has acted in the following roles:

- Acting Judge, Northern Cape Division, 21 August 2023 to 1 December 2023
- Acting Judge, Northern Cape Division, 24 March 2025 to 20 June 2025
- Acting Judge, Northern Cape Division, 21 July 2025 to 4 December 2025
- Acting Judge, Northern Cape Division, 28 April 2026 to 19 June 2026

2. The candidate's integrity and ethics
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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.

2.2. On the contrary, the candidate is known in the legal fraternity as a person whose ethics and integrity are beyond reproach.

3. The racial and gender composition of the bench
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3.1. As far as could be ascertained, there are currently 7 permanent judges of the Northern Cape Division of the High Court, Kimberley:

- 3 black women (2 African, 1 Coloured)
- 2 black men (2 African)
- 1 white woman
- 1 white man

3.2. According to the questionnaire, the candidate is a white man.

4. The maximum period the candidate could serve if appointed

4.1. At the time of the interviews, the candidate will be approximately 58 years and 2 months old. If appointed, the candidate would be eligible to complete a period of up to 15 years of active service as a judge, if his cumulative acting stints of approximately 1 year are not taken into account.

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

- 5.1. The candidate is committed to the Constitution, and the values thereof, as is clear from the judgments prepared by him and referred to in his application, as well as cases undertaken by him.
- 5.2. The candidate's commitment to the values of the constitution, particularly that of human dignity, equality, non-racialism and non-sexism, is evident from the way he interacts with practitioners, litigants and witnesses.

6. The candidate's knowledge of the law, including constitutional law¹

- 6.1. The candidate has a very broad range of knowledge of the law, as a result of his background, which includes his experience as a Legal Advisor and Provincial Head of Legal Services of the Department of Correctional Services, and Legal Advisor and Provincial Head of Legal Services SEESA Ltd, and his practice as an advocate since 2010 to date, and his exposure to numerous areas of the law as detailed in his completed questionnaire and curriculum vitae.
- 6.2. The candidate included three judgments penned by him in the nomination pack.

¹ Note from the editor: Sections 6, 8, and 13 of the comments for all three candidates shortlisted for appointment to the Northern Cape Division contained/contain near identical, formulaic responses. It does not appear that the candidates' judgments were critically analysed by the reviewers.

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

- 7.1. None of the candidate's judgments have been taken on appeal, as far as the reviewers were able to ascertain.

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

- 8.1. The candidate has practiced as an advocate for more than 16 years.
- 8.2. The candidate's curriculum vitae indicates experience across wide-ranging fields, including labour law, all aspects of High Court litigation, and administrative law, corporate law, consumer law, contract law.
- 8.3. The candidate has acted in the Northern Cape Division for four terms.

9. The candidate's linguistic and communication skills

- 9.1. The candidate's judgments are written in clear and concise language and address the issues of fact and principles of law in a logical and well-reasoned manner.

10. The candidate's ability to produce judgments promptly
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- 10.1. The candidate indicated that three judgments were outstanding at the time of completing the questionnaire.
- 10.2. The reviewers did not independently verify the candidate's ability to produce judgments promptly.

11. The candidate's ability to conduct court proceedings fairly, efficiently, and effectively
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- 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. There is no reason to believe that the candidate, if appointed, would not bring an independent mind to bear on issues presented for judicial determination, nor that the candidate would be unduly influenced in any way, including by the executive or legislative branches of government.

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

- 13.1. As appears from the candidate's curriculum vitae, he has served in the public domain as a member of the local church council, the chairperson of a local swimming club and trustee of the Magersfontein Memorial Golf Estate's Homeowners Association.
- 13.2. The candidate has a wide field of experience, having served as the Legal Advisor and Provincial Head of Legal Services for the Department of Correctional Services, Legal Advisor and Provincial Manager of SEESA Ltd, and as a member (and additional member of the Executive Committee) of the Northern Cape Society of Advocates.

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

- 14.1. In view of the facts as set out above, the candidate is not only a fit and proper candidate to be appointed to the bench, but his appointment would also be an asset to the bench.

ANNEXURE: LIST OF JUDGMENTS CONSIDERED

Reported judgments

1. *ABSA Bank Ltd v Saunderson* 2024 (4) SA 552 (NCK) also reported as [2024] 2 All SA 364 (NCK)

Unreported judgments

2. *Smith N.O. and Others v Van der Ryst* (1316/2023) [2024] ZANCH 11 (9 February 2024)
3. *Sol Plaatje University v T & M Moyo Projects (Pty) Ltd* (2180/2023) [2025] ZANCHC 100 (19 September 2025)
4. *Emietjo v S* (A2025-218266) [2025] ZANCHC 129 (5 December 2025)
5. *Mthombeni v S* (CA&R 55/23) [2023] ZANCHC 96 (8 December 2023)
6. *Metswe v S* (CA&R 50/2025) [2026] ZANCHC 60 (3 July 2026)
7. *Mothibi and Another v S* (CA&R 77/2024) [2026] ZANCHC 37 (4 May 2026)
8. *Bomani v Minister of Police* (972/2020;635/2021) [2023] ZANCHC 83 (10 November 2023)
9. *Jonker v De Wee and Others* (1859/2023) [2023] ZANCHC 73 (3 November 2023)
10. *Kotze v GWK Welvaart Prosperity (Pty) Ltd* (1522/2023) [2023] ZANCHC 66 (13 October 2023)
11. *MACP Construction (Pty) Limited v Joe Morolong Local Municipality* (680/2024) [2026] ZANCHC 62 (26 June 2026)
12. *R.B and Another v Y.V.N and Another* (2026-095198) [2026] ZANCHC 45 (15 May 2026)

Judgments upheld on appeal

13. None

Judgments overturned on appeal

14. None.

Academic writings

15. None.