



ANNUAL REPORT ON ACTIVITIES

OF

THE ASSOCIATION OF
REGIONAL MAGISTRATES OF
SOUTHERN AFRICA [ARMSA]

2010



**ASSOCIATION OF REGIONAL MAGISTRATES OF
SOUTHERN AFRICA.**

**VERENIGING VAN STREEKLANDDROSTE VAN
SUIDELIKE AFRIKA**

EXECUTIVE MANAGEMENT COMMITTEE

AC BEKKER (PRESIDENT) LH CLAASSEN (SECRETARY) GN TRAVERS (TREASURER)

16th ANNUAL GENERAL MEETING

**SUN INTERNATIONAL HOTEL
OR TAMBO AIRPORT**

13 NOVEMBER 2010

INFORMATION DOCUMENT

2 NOVEMBER 2010

TO ALL ARMSA MEMBERS

In an effort to defray cost and to streamline the procedures at the National Annual General Meeting [AGM] of The Association of Regional Magistrates of Southern Africa [ARMSA] all documents relevant to the upcoming AGM is supplied to you in advance.

Please note that this document or any annexure will not be distributed again. You are kindly requested to study it in advance, or print your own copy should you feel the need for a hard copy.

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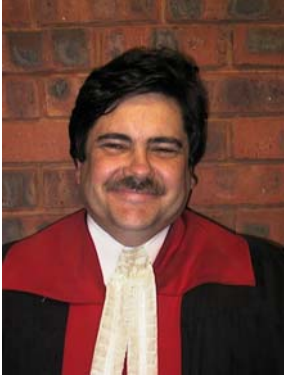


**PRESIDENT: ARMSA
ADRIAAN BEKKER**



**NATIONAL SECRETARY: ARMSA
LOUIS CLAASSEN**

**REPORT BACK ON ACTIVITIES OF THE ASSOCIATION OF REGIONAL MAGISTRATES OF
SOUTHERN AFRICA [ARMSA] BY THE PRESIDENT: ARMSA NOVEMBER 2009 – OCTOBER 2010**



As you all know by now, this is my last annual report as President of ARMSA.

During 2010, 10 monthly newsletters were distributed to you prior to the Annual General Meeting. In those newsletters our activities throughout the year were fully reflected and it is thus pointless to repeat the contents of the newsletters. In my last report I have decided to rather make a few remarks about my term as president, and will also try to identify some challenges awaiting us in the future.

First of all I wish to thank all of you, the members of ARMSA, for your loyal support and the trust you have shown in me throughout the years. Thank you, each and everyone; from Empangeni to Springbok, from Thoyandou to Cape Town, I hope that I did not disappoint you.

Through the years it remained an honour to serve you. Yes there were frustrations, times you felt ARMSA handled situations incorrectly, that we did not do enough. Of course you were and will always be entitled to criticise, because it's your association and your interests which are at stake. Yes we had our differences, but I believe that despite that, we will always respect each other as professional colleagues.

Secondly I wish to thank all the members from the different provinces who have served with me on the National Executive Committee through the years. Thank you for your inputs, guidance and support. Friendships were formed which will last a lifetime.

In the third instance, I wish to thank the Chairpersons of the various standing committees for their efforts throughout the years, most of them served for many years in their respective portfolios. In this regard I wish to mention Lynn Pillay, Jakkie Wessels, Graham Travers and Hein Louw. They ensured through their unwavering

commitment so that their committees always produced work and inputs of the highest quality.

Fourthly I wish to thank the members of the National Executive Management Committee, Louis Claassen and Graham Travers for their hard work for several years. A special word of thanks to Louis, our Webmaster and Secretary who ensured constant and excellent communication between the Executive Committee and members. I believe that his tireless efforts in this regard ensured that our members were always kept well informed. Our electronic newsletter, Ex Tempore, was also his brain child, a very effective way of communicating and reporting on events.

Lastly I wish to thank all the donors over the years who made our annual conferences possible, it was an honour to work with them and I learnt a lot in the process. I believe that our annual conferences exposed our members to new topics of the law in order to broaden their horizons and that training was also provided on relevant topics at the time, such as life imprisonment in 2007 and divorces in 2009.

When I was elected as President of ARMSA in 2001, I was terrified, because I realized that it was a big responsibility which I had decided to take on. So why did I decide to stay for nine years?

To be honest, because I really enjoyed it!! Some people play golf, some have other hobbies, I had ARMSA!! Best of them all! I tried my best to make a difference, to represent you in a responsible and respectful way. Thanks to you I met a variety of persons from all walks of life from the Chief Justice to school children in Soshanguve. You allowed me to enrich my life in so many ways, more than you can ever imagine. Therefore nothing gave me more pleasure than to serve you in return and try to organize a successful annual training conference every year.

I believe that the cancellation of the planned conference on access to justice is a blessing in disguise. It enables us to focus only on ARMSA during the course of the weekend. We need to reflect, to look back and evaluate our 15 years of existence, the

successes and the shortcomings. We must also look ahead and decide how we want to deal with the challenges ahead.

I believe that our greatest strength lies in our unity, our sense of togetherness. I believe no other level of court can even get close to us in this regard. The fact that over 170 of you are attending this short weekend is indicative of the fact that you treasure your bond with your colleagues, you have mutual respect for each other and are proud to be regional magistrates.

It is imperative however those members must get more involved in the affairs of the Association, must provide Management with sufficient inputs when requested. Regional committees also need to be more active in their respective provinces.

You have seen a presentation earlier on our history and our achievements; I am not going to refer to that again We have a lot to be proud of. Let me conclude by highlighting some of the challenges ahead:

SALARIES AND CONDITIONS OF SERVICE INPUTS

Tomorrow at the AGM we will discuss a letter received from the IRC regarding future presentations to it pertaining our salaries and conditions of service. The IRC and the Chief Justice decided, without consultation, that magistrates must make presentations to the Magistrates Commission regarding salary and conditions of service.

The Magistrates Commission must then advise the Chief Justice about the relevant issues in relation to magistrates, he will then consult with the IRC as required in the relevant Act. One gains the impression that the association's position is undermined and ignored by this new approach. We will have to give the new management a clear and strong mandate on how to approach this issue.

PENSION FUND FOR MAGISTRATES

In 2008, the IRC recommended that magistrates should have their own pension fund. Since then no steps have been taken to realize that. We need to try and apply as much pressure as possible for this to start taking shape.

TOOLS OF THE TRADE

The IRC indicated that the Department should deal with this issue, throwing us again into the bizarre and frightening life of office and regional budgets! Currently some provinces are better off than others, some members are better off than others. We need to work together with other role players such as the Regional Court Presidents' Forum to improve the position, the Regional Committees also need to play a much more active role.

SECURITY

Throughout the years we have tried to address this issue and tried to convince the authorities to improve security at court houses and our homes. In the end we have little to show for our efforts, the will is simply lacking to really tackle this issue. We can however not let go of this issue, we must continue to try our best for our members.

STATUS OF THE REGIONAL COURT AND THE NAMING OF OUR PROFESSION

Recently we submitted presentations on the Constitutional Amendment Bill arguing that the Regional Court should be recognized as a separate level of court and that it can not be regarded as a lower court. We await the opportunity to make oral submissions before the Justice Portfolio Committee in due course. We really hope we can convince Parliament to support us. The whole issue of the title of judge will also be raised, also one of the long outstanding and emotional issues within the ranks of the judiciary.

IMPLEMENTATION OF CIVIL JURISDICTION AND CAREERPATHING

The introduction of civil jurisdiction to regional courts a couple of months ago was greeted with a mixed reaction. The implementation on an administrative level was

highly unsatisfactory and disjointed. The preparation of the regional magistrates for the work through proper training was also inadequate.

In March 2008, ARMSA approached the Training Committee of the Magistrates Commission with a properly drafted schedule for the training of all regional magistrates in civil matters over a period of about 18 months.

This was however just ignored by the Magistrates Commission and the Department of Justice, who failed to make funds available for the envisaged training. In the end we all attended courses in our different provinces offered by judges ranging from 3 to 5 days.

Although helpful, it is clearly not sufficient. In 2009 at Gariep Dam we offered training on divorce matters, without the support of the Commission and the Department; we carried the expenses! Providing ongoing training is going to be a challenge seen in the light of the fact that the Judicial Education Institute, which is suppose to take the lead on training issues, is still not functioning properly after two years.

Despite all of this, I still believe that the introduction of civil jurisdiction in the Regional Court is a major milestone in the development of the Regional Court as a separate level of court. It also opens up a realistic new career path to the High Court for suitable and competent members, who will now gain enough experience in criminal and civil matters. In fact according to the preamble of the Jurisdiction of Regional Courts Amendment Act 31 of 2008, one of the purposes of the Act is to:

“Promote the development of judicial experience among the ranks of magistrates with the view to broadening the pool of fit and proper persons qualifying for appointment to the superior courts”

The challenge is thus an exciting one, but it will also be a challenge to allow everyone an equal opportunity to adjudicate in civil matters, seen in the light that there are only certain places of sitting.

HOSTING OF ANNUAL CONFERENCES

Throughout the years it has become more and more difficult to obtain funding to host our annual training conferences. The last 2 years we had to fund it from our own limited funding. As a result some of our members were not able to attend, which is most unfortunate. We have to seriously reconsider our approach to the hosting of conferences; the duration of them etc.

The Regional Court Presidents` Forum in principle approved the fact that there should be an annual conference for regional magistrates. The idea was also that the Department would from this year onwards budget for such an annual conference. The late cancellation of this year's conference on access to justice derailed this possible securing of funding on an annual basis.

I am confident however that the Forum will again in due course raise this issue with the Department. The matter should also be perhaps taken up with the Judicial Education Institute. I believe that we should try our utmost to ensure that our members meet on an annual basis.

These are just a few of the challenges lying ahead. I decided to step down because I believe that it is time for new blood, new ideas and new approaches to some old issues.

Only my best wishes accompany the new President, Executive Management Committee and Chairpersons of the Standing Committees who will be elected tomorrow. Please be assured of my support at all times.

Remember that in the end it is not about you but about the members and their interest. Serve them and you will reap unforeseen and unexpected fruits .

PRESIDENT: ARMSA

ADRIAAN BEKKER

ARMSA AGM REPORT BACK ON ACTIVITIES 2010
SALARIES & CONDITIONS OF SERVICE COMMITTEE
NOVEMBER 2001 – OCTOBER 2010



Previously I have refrained from submitting a report regarding the activities of the office of the National Secretary. Since this will be swan song I will use this opportunity to furnish a broad overview of the history and the activities preceding the past decade.

From its inception in 1995 until the end of 2001 ARMSA had communicated with its members by means of snail mail. This manner was both costly and time consuming.

In urgent matters the Executive had sent faxes to the respective Regional Chairpersons who in turn had communicated the contents of these documents to the Armsa members in the region.

From the ARMSA constitution it is patently clear that the National Secretary has lots of time constraints in the manner he/she conducts the office of the National Secretary. For example the incumbent should give notice to the ARMSA members two (2) months in advance of any meeting planned. The Secretary also had (4) four weeks to furnish members with the agenda and minutes of the Annual General Meeting.

At the time of inception the constitution defined the tasks of the national secretary as follows:

The Secretary shall:

1. be responsible for the writing up of minutes of all management meetings and Congresses;
2. Keep a proper register of members and a list of persons in attendance at meetings;
3. Compile agendas in consultation with the President;
4. Distribute notices and agendas of all meetings in the prescribed manner;

5. handle all correspondence of the Association upon instruction of the President and/or Executive Management Committee and shall keep all relevant and necessary documentation on file; and
6. in consultation with the President shall be responsible for compiling the annual business report of the Association to be tabled at the Congress.

Since 2001/2 the Department of Justice & Constitutional Development [DOJCD] has entered into the realm of electronic media.

Hence since the election of the current President (November 2001) it was envisaged that ARMSA will use the electronic media to communicate with its members. It was initially visualized that ARMSA should have a website and electronic mailing list.

For this purpose I was initially co-opted as Webmaster: Armsa during January 2002.

The fact that I was co-opted was not because I possessed any specific skill or knowledge, but I suspect it was mostly based on the fact that I owned a personal computer at the time.

Due to the slow implementation and supply of computers to magistrates the initial mailing list only consisted of 54 names – mostly those of Regional Magistrates who were in possession of private computers and had private access to the internet.

Around 2003 more than 90% of all regional Magistrates were in possession of official e-mail and computers supplied by the DOJCD. As a result of the accessibility to electronic media ARMSA has increasingly used electronic media to supply all members as a matter of urgency with monthly newsletters, unreported judgments and other documents of importance.

During November 2003 at the Annual General Meeting ARMSA created two new sub-committees, to wit Judicial Education & Community Projects. As a result of the Judicial Education Committee ARMSA for the first time started to conduct peer – to – peer training. As a direct consequence ARMSA also prepared & distributed numerous electronic training guides via E-mail and the ARMSA website.

As a direct consequence of the manner in which ARMSA conducted itself the roll of the National Secretary and webmaster fused and technically become one during 1994.

As a result of unrestricted access to the ARMSA website other legal practitioners including non- members such as Judges, Magistrates, Lawyers and Prosecutors also subscribe to the

mailing list. Although ARMSA represents approximately 290 Regional Magistrates the mailing list currently consists of 550 recipients. The ARMSA website has had more than 13 000 hits since 2005.

Due to the easy & cheap electronic communication available, the volume & frequency of documents transmitted by ARMSA has increased exponentially. The monthly newsletter was initially sent in normal letter format.

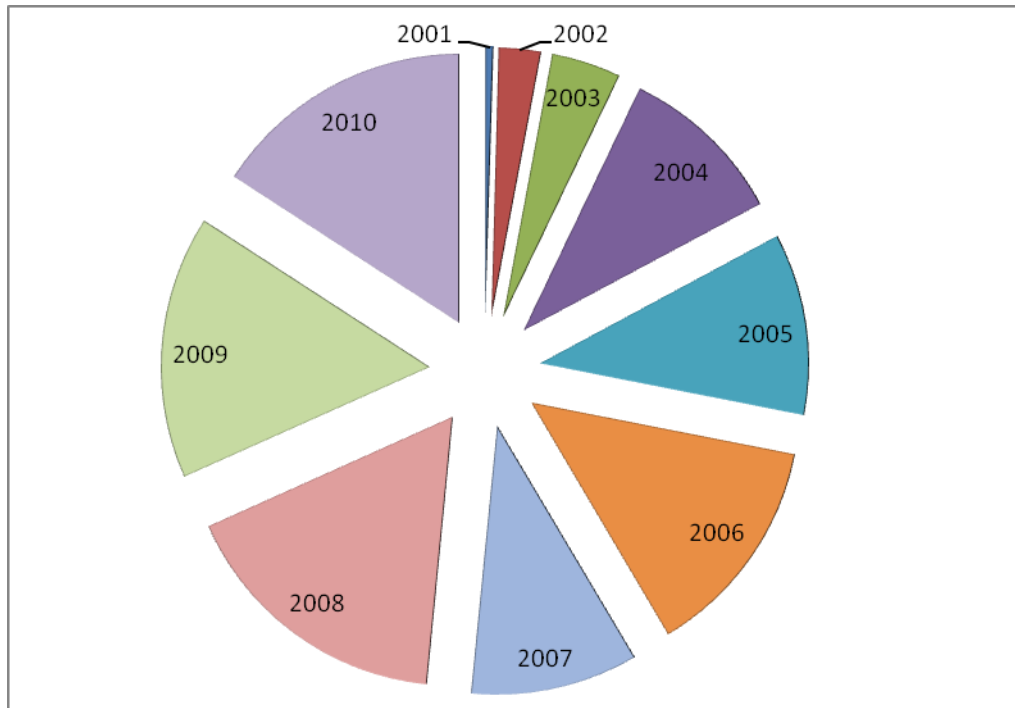
During 2005 in an attempt to enhance the status of the newsletter and to give it an identifiable corporate identity as our own newsletter the news letter was renamed Ex Tempore.

With the publication of Ex Tempore 11/2010 during November 2010 ARMSA will also reach the milestone 100th Edition of the monthly Newsletter.

NEWSLETTERS ISSUED SINCE NOVEMBER 2001



The graph below also shows clearly the increase in the volume of the news letter in time. It is a well accepted fact that the cost of hard copies to all members would have been exorbitant and unaffordable. A total number of 8565 pages were transmitted in newsletters since November 2001 – October 2010



Due to changing times and demands the role of the National Secretary has change significantly. Not only did this office assist the President and all Chair Persons of all standing committees in the transmission and preparation of all electronic documents, it is also responsible for all communication with all ARMSA members and beyond. The National Secretary also maintains the ARMSA website.

It will be apposite to thank all ARMSA members for their support over the past decade. Those members who actually read the newsletters & resource guides.

A word of thanks to all members who contributed to newsletters, by submitting pictures and reports and all those who submitted unreported judgments. Thank you to all those who

have over the past decade leveled constructive criticism and made positive suggestions; it was appreciated.

The contents of this information document bears proof that ARMSA has evolved during the past 15 years to a fully fledged organization with a social responsibility, a corporate image that is well recognized and respected by both peers and superiors in the legal hierarchy alike.

The constitutional imperatives set during its inception in 1995 have all been partially or fully complied with. ARMSA is recognized as the de facto mouthpiece which has vociferously protected Regional Magistrates in matters that involve their interests and their independence.

This evolution was in large part brought about by the foresight and dedication of the current president and executive.

I am humbled that I could have served as part of such a dynamic team. I am fully conscious to the fact that my contribution was a negligible one, in comparison with my more illustrious colleagues who chaired the relevant standing committees.

To the Executive that will be elected shortly I wish a happy and thriving tenure. The task at hand is an onerous and time consuming one. It is also mostly a rewarding one. It is time for new blood, new ideas and a new approach in general.

NATIONAL SECRETARY: ARMSA.

LOUIS CLAASSEN



INTRODUCTION

The Magistrate's Commission was able to fulfil most of its important tasks this year due to the fact that almost all the members were appointed. There, however, seem to be challenges with regard to the functioning of the various sub-committees.

There are still a range of outstanding and pressing issues that need to be attended to, for example the Regulations that deal with a wide range of issues like leave, tools of trade, appointment procedure and disciplinary issues.

TRAINING

It is also unclear as to what precise role and function the Commission will play when it comes to training of magistrates and whether any input from the Commission is needed.

The precise role of the Training sub-committee of which I am a member is also not clear.

After the Regional Courts had been empowered to deal with civil cases, it seems that the training should now include training in civil adjudication for Regional Magistrates. As far as I know, no training programme for civil adjudication served before the Training sub-committee for approval.

APPOINTMENTS

As far as the Regional Court is concerned, the 26 vacant posts have been filled. The process for the filling of the post of Regional Court President Kwa-Zulu Natal has been started.

It is not clear when the 21 vacant posts for civil will be filled. These posts have not been advertised. At this stage, it seems this will be done a year after the implementation of civil jurisdiction.

It is the view of the chairperson of the Commission as well as the Regional Court President's Forum that although these posts are dedicated for civil work, the incumbents must also do criminal work.

ENLISTMENTS

At this stage, it seems that most divisions have finalised their training for the purposes of enlistment.

All the Regional Magistrates in Gauteng, Northern Cape, Limpopo, Mpumalanga and North West have been enlisted.

Regional Magistrates from Free State, Western Cape, Eastern Cape and Kwa-Zulu Natal who have undergone training still need to be enlisted.

DISCIPLINARY ISSUES

At the last meeting of the full commission in August 2010, quite a few disciplinary matters arose whereby magistrates were involved.

In at least 3 cases a recommendation was made to the Minister to recommend to Parliament that 3 magistrates be removed from office.

In one instance, I am sad to report a Regional Magistrate, was recommended for provisional suspension pending the finalisation of the disciplinary matter.

VACANT POSITION OF REGIONAL MAGISTRATE ON THE COMMISSION

In my capacity as Secretary of the Regional Court Presidents Forum, I have been requested by the office of the Minister to furnish a name of a Regional Magistrate, to be appointed by the President to serve on the Magistrate's Commission.

This is to fill the position left by Judge Beshe after she was appointed to the High Court bench. ARMSA had requested that names be provided by members. A decision was made to recommend Miss Seka Monaledi for this position after a request was made for inputs.

I have spoken to our President – Adriaan Bekker and we agreed that the representative of ARMSA should be a Regional Magistrate. When I was recommended and appointed, I was a Regional Magistrate and did not hold the position of Regional Court President.

Should Miss Monaledi be appointed, I think it will be in the interest of the Regional Magistracy, that when my term comes to an end in 2012, that a Regional Magistrate serve as a representative of ARMSA, rather than a Regional Court President.

CONCLUSION

The Regional Court should have strong representation on the Commission and I am of the view that I have thus far represented the Regional Court to the best of my ability. During the rest of my term, I will still be pro-active and consult the President whenever issues that affects the Regional Court arise.

I am once again grateful for the opportunity given to me to serve the Regional Court in this capacity.

ARMSA MEMBER TO THE MAGISTRATE COMMISSION

R.C.A. Henney

ARMSA AGM REPORT BACK ON ACTIVITIES 2010
EDUCATION - COMMITTEE
NOVEMBER 2009 – OCTOBER 2010



During the period November 2009 – October 2010, ARMSA judicial education was involved in the following activities:

- Monthly case summaries for the Ex Tempore: Dirk Louw is still doing a sterling job to assist all with his monthly summaries.
- The civil team, consisting of F Reynolds, F Hoosen, J Wessels and further assisted by S Gericke, K Behari and T Boonzaaier, had compiled cases, legislation, reference and check lists and flow charts for purposes of civil adjudication that had been distributed to the regional magistrates before the implementation of civil jurisdiction on 9 August 2010.
- The date for civil implementation was 9 August 2010. Training was arranged through the Judges' President for all regional magistrates which resulted in the enlistment of all regional magistrates that attended the training.
- ARMSA in conjunction with the RCPF will assist LEAD again with a criminal judicial skills course for attorneys in November 2010. We are also assisting with an E-learning project on an introduction to adjudication skills for LEAD.
- A number of peer training educational projects were done in various provinces (as reflected in their annual reports).
- The position of the SAJEI is still that though Judge Joffe had been appointed as director, the SAJEI is not yet operational. The SAJEI will be located on three floors in Edura House (next to the Johannesburg Magistrates' Court in Fox street) are currently being furnished.

- Indications are that there will be 7 positions advertised and candidates interviewed to be seconded as the head of and lecturers for lower court training on a regional magistrates' salary scale with a secondment allowance for a period of three years.
- The Director of the SAJEI had indicated that the SAJEI will take over all lower court training from Justice College by April 2011. Training requests for the Regional Court have already been given to the Director of the SAJEI.
- I want to thank all for their assistance and hard work to ensure that we empower ourselves and increase our knowledge and skills.
- Without the selfless teamwork by the regional magistrates, we would never have been able to achieve all that we have over the years in judicial education and in particular in enhancing the concept of peer education.
- A final word of thanks must go to Mr Claassen, who has always and still is doing an excellent job of formatting material for us and distributing it. Without his assistance the material would never have been so professionally presented.

CHAIRPERSON: JUDICIAL EDUCATION

JAKKIE WESSELS



INDEPENDENCE

The Dlamini and Rawheath Matter

ARMSA is the third applicant in this matter. The applicants seek a review of certain decisions of the Ethics Committee of the Magistrates Commission. In addition the applicants seek a declaratory order relating the judicial immunity of (regional) magistrates.

The matter was heard on 2 October 2007 by Judge Preller in the Gauteng North High Court at Pretoria. Counsel, the instructing attorney and I were disappointed at the hearing that we were given by the Court.

The Presiding Judge promised to give his judgment after lunch. After lunch he returned and indicated he required more time to consider the matter and would give judgment on the following morning. The matter was adjourned and on the following morning we sent a junior counsel to note judgment. He reported that the judge was still not ready to give judgment and that the matter had been postponed *sine die*. No judgment has been rendered to date.

The ARMSA AGM in November 2009 resolved that should a judgment not be forthcoming by 31 December 2009 a formal complaint should be laid with the Judicial Service Commission (JSC). No judgment was forthcoming.

Counsel again wrote to the Deputy Judge President (as is laid down in the practice directions) to enquire why judgment was not forthcoming. Although the Deputy Judge President promised to take the matter up with Judge Preller there was still no judgment.

At the meeting of the ARMSA full Executive Committee (held in May 2010) the matter was reported on and discussed. It was resolved that should no judgment be forthcoming by the end of the third high court term for the Gauteng North High Court (Pretoria) then counsel should be instructed to lodge a complaint with the Judicial Service Commission.

When no judgment was forthcoming by the deadline I duly instructed our attorneys to take the necessary action.

However at that stage our instructing attorney (Percy Rudman) began having difficulties reaching counsel (Adv Steven Budlender) in respect of all ARMSA briefs.

Eventually in early October 2010 a decision was taken to terminate all the briefs for ARMSA matters held by Adv S Budlender. This is unfortunate because there can be no complaint about the quality of his work thus far or the value for money we received by briefing him.

Counsel, in accordance with the directions of the Judge President of the Gauteng North High Court (Pretoria), has dealt with this issue up to this point. I am not certain whether in the unusual circumstances in which we find ourselves (without counsel in this matter) it would be proper for the instructing attorney to lodge the complaint with the JSC.

If it were not to be proper for the attorney to lodge such a complaint new counsel would have to be engaged to take the matter further. Any counsel who received such a brief would necessarily have to familiarize him or herself with the developments in the matter up to this point.

At the suggestion of Mr Rudman, this matter, together with other judgments that are outstanding has been drawn to the attention of the Chief Justice. This was done via a committee of the Law Society for the Northern Provinces. No feedback has thus far been received.

Irrespective of whether Mr Rudman is permitted to lodge the complaint with the JSC ARMSA will have to engage another counsel in this matter if and when judgment is forthcoming.

Should the application be dismissed then I have no doubt that, at least on some of the issues involved in the matter ARMSA has an excellent chance of succeeding on appeal. Counsel who argued the matter (Adv S Budlender) was of the same opinion and I have no reason to doubt the quality of his advice on this score.

Judicial immunity is an issue that goes to the very core of judicial independence. Should we fail to pursue this matter up the Constitutional Court if necessary the attacks on the independence of the lower courts will only become greater.

Although our counsel asked at the hearing of the matter that even should our application be dismissed ARMSA not be ordered to pay the respondents' costs there is no guarantee that the judge will accede to counsel's submission.

We may therefore be faced with a costs order which would obviously be suspended should we note an appeal to a higher court (with the necessary leave). The choice of the court to which we lodge any appeal will have to be made with counsel's advice at the time of appealing.

On the other hand should we be successful it is highly likely that the Government would appeal. These were certainly the indications from the respondent's side at the time of the hearing. If the respondents were to appeal it would be up to ARMSA to defend any decision taken in our favour by the court of first instance.

From the foregoing it will be necessary to provide for the expenditure that ARMSA will incur should we prosecute any appeal.

These costs would likely include-

- The costs of counsel's arguing an application for leave to appeal;
- The costs of preparing the necessary petition for leave to appeal to either the President of the Supreme Court of Appeal or the Chief Justice in the case of wanting to appeal to the Constitutional Court, should our application for leave to appeal before the high court be unsuccessful;
- The costs of preparing the heads of argument;
- The costs of arguing the appeal in either the Supreme Court of Appeal or the Constitutional Court;
- The travelling (air tickets) and possibly the accommodation (hotel) costs of counsel and the instructing attorney should we appeal to the Supreme Court of Appeal.

Up until about a month ago funds to cover such anticipated costs had been accumulated over the year. Then the DoJ&CD suddenly withdrew their funding for our meeting in November which was to have been held under the auspices of the Regional Court Presidents' Forum. All monies that had been accumulated (for whatever purpose) were then earmarked to cover the costs of the ARMSA 15th Year Anniversary celebrations and the AGM. These monies will have to again be built up over time.

MANDATE REQUESTED:

The following mandate is sought from the *plenum* (assembled members):

- To have judgment noted (once it is delivered) and have counsel study the implications of the order handed down and the reasons for judgment;
- To prosecute an appeal if so advised by counsel and to decide the appropriate forum (SCA or CC);
- To set aside from members' monthly subscriptions the necessary funds (over time) to cover the anticipated costs which may have to be incurred once judgment is handed down;
- To expend (at the relevant times) such monies that may be necessary to cover the costs of prosecuting such a appeal.

In addition I need to have a mandate to pursue the complaint made against Judge Preller to the JSC (notwithstanding any fallout that there may be). It is not anticipated that any substantial costs will be incurred in connection therewith.

THE CELL PHONE POLICY MATTER

A member from Mpumalanga regional division Dries Lamprecht has for a number of years had a dispute with his regional court president, Mrs Engelbrecht, over the interpretation of the

departmental cellphone policy which is also applicable to regional magistrates who qualify for the cellphone allowance.

As a result of the manner in which Mrs Engelbrecht implements the policy Dries Lamprecht is only entitled to a much reduced cellphone allowance. None of the other regional court presidents interpret the policy in the same manner and ARMSA members in the other provinces receive the full allowance to which the policy entitles them.

Mr Lamprecht has suffered considerable personal loss (in respect of official calls) as a result of how the cellphone policy (allowance) is implemented in Mpumalanga.

Mr Lamprecht lodged a grievance with the Magistrates Commission against Mrs Engelbrecht. After taking an inordinate amount of time to process the grievance the Grievances Committee eventually found against him.

Mr Lamprecht then appealed to the Minister of Justice and Constitutional Development as provided for in the regulations. His appeal was unsuccessful.

Mr Lamprecht then approached ARMSA for assistance in seeking legal redress. The matter was discussed at the meeting of the full executive committee in May. The committee resolved to assist Mr Lamprecht and to that end mandated me to obtain a legal opinion on what legal remedies might be available and what the prospects of successful litigation were.

Mr Lamprecht collated and sent all the relevant documentation to me in Pretoria. Through our attorney, Mr Rudman Adv Steven Budlender was instructed to provide ARMSA with the necessary opinion.

By the second half of June the necessary documentation was in the hands of counsel. However no opinion was ever received. After numerous reminders and indulgences and numerous undertakings by Mr Budlender to provide the opinion his brief had to be terminated in early October.

His brief was not terminated earlier because he had already perused the necessary documentation (he told me so) and therefore ARMSA would be liable for his fees for any work already done.

However once no opinion had been received after approximately three and a half months we were forced to terminate his brief. One of the possible legal remedies is under the Promotion of Administrative Justice Act, 2000 which prescribes time limits for reviews of administrative decisions. Time is of the essence although the delays that have occurred were certainly not foreseen and are beyond ARMSA's control.

In consultation with Mr Bekker a decision was made to brief Adv Matt Chaskalson. To save costs and for convenience I scanned all the documentation into electronic format. The documentation was then emailed to Adv Matt Chaskalson.

Adv Chaskalson has also been briefed regarding those matters falling under the Remuneration and Service Conditions Committee (relating to decisions of the ICRPOB and the interpretation of section 12 of the Magistrates Act, 1993).

Again to save costs it was decided that the consultation with Adv Chaskalson that was envisaged would cover all matters on which Adv Chaskalson had been briefed (obviating the need for separate consultations).

Such a consultation has not yet taken place to date and is unlikely to take place before the AGM.

Funds had been set aside to (at least) obtain a legal opinion regarding this matter. Then the withdrawal of funding by the DoJ&CD for our conference necessitated that all available funds be utilized to cover the costs of holding the AGM.

Funds will once again have to be set aside over time to cover the costs involved in this matter.

Once a legal opinion has been obtained and depending on the advice given a decision will have to be taken as to how to pursue the matter further.

MANDATE REQUESTED

The Judicial Independence and Ethics Committee will require a mandate to obtain the necessary legal opinion, to decide what further action needs to be taken and for funds to be available to cover the costs of the legal opinion and any further legal action decided upon.

THE REDUCTION OF PENSION BENEFITS MATTER

Sometime towards the end of August I was reviewing the legal material relating to this matter when further information came to light which may have a bearing on the legal remedies that may be available to members of ARMSA and the prospects of success of any litigation.

I then explored these issues further. I have since drafted a comprehensive memorandum (approximately 200 pages) covering all the issues relating to the reduction in 1997 of the pension benefits of magistrates.

In the memorandum I analyse the relevant provisions of the Magistrates Act, the Constitution of the Republic of South Africa, 1993 (Act 200 of 1993) (the *Interim Constitution*) and the Constitution of the Republic of South Africa, 1996.

I also extensively analyse the provisions of the Government Employees Pension Fund Law (1996) and the Rules (both before and after the changes under consideration).

I trace the changes that occurred in regard to public servants in regard to labour rights, starting with the Public Service Labour Relations Act of 1993 and ending with the present Labour Relations Act, 1995.

I review the constitutional principles and requirements relating to how the pension benefits of judicial officers ought to be determined and changed and how these differ from those applicable to employees of the State (public servants).

I deal with the different provision made in the *Interim Constitution* for future changes to the service conditions of judicial officers on the one hand and public servants on the other.

I look at the appropriateness for judicial officers of the mechanism for making and changing the Rules of the GEPF as set out in the *GEPFL*.

I conclude that magistrates cannot be said to have acquiesced to the detrimental changes made to their pension benefits; that a different structure for a pension fund for magistrates (set up by legislation) is necessary to comply with the constitutional requirements for the service benefits of magistrates; that the structure created by the *GEPFL* is wholly inappropriate for magistrates and that magistrates' pension benefits should never have been regulated by the *GEPFL* in its present form and that magistrates had no meaningful participation in the process that culminated in an agreement between the public service unions and the State as employer to reduce our pension benefits.

I drafted the memorandum with a view to obtaining a legal opinion from Adv Chaskalson regarding the further information/legal issues that had come to my attention.

I have since provided Adv Chaskalson with the memorandum and with some further information and documentation that he requested.

In the memorandum I also look at the effect of the changes to the Rules of the GEPF made in 1997 (principally to the definition of final salary). I calculate the benefits payable on discharge, resignation, retirement and death in service using the pre-1997 definition of *final salary* and the definition after the changes.

This exercise reveals conclusively that magistrates were prejudiced by the changes made in 1997. The percentage by which the benefits will decrease depends on the extent of the last two increases (percentage increase) prior to the discharge, retirement, resignation or death of the magistrate and on the month of the year of such discharge, retirement, resignation or death.

Based on increases of about 7 percent for each of the years preceding the occurrence of the event the benefits are reduced in each case by a minimum of just over 3% and to a maximum of just over 9% depending on the month of the event.

As no consultation has yet taken place with Adv Chaskalson there has been no discussion with him on this issue. Until a consultation takes place he will not be able to provide any advice on this matter.

As long as magistrates remain part of the GEPF and our pension benefits are regulated by the *GEPFL* and the Rules of the GEPF the real danger exists that detrimental changes will once again be made to our pension benefits while we watch powerlessly from the sidelines.

I have therefore asked Adv Chaskalson to cast the net of possible legal remedies as widely as possible. The aim is to find an appropriate remedy that at least rectifies the current situation where magistrates are completely at the mercy of the public service labour unions and the State as employer regarding any possible changes to their pension benefits.

If it is at all possible I would aim for the situation where the pension benefits of magistrates revert back to what they were prior to the change to the definition of *final salary* in 1997.

In addition a separate defined benefit pension fund for magistrates, established by law, must be set up with a structure that meets the requirements of judicial independence.

In particular any mechanism for reducing the pension benefits of magistrates must require that such a change be made only upon the positive recommendation of an independent body and be based on objectively justifiable facts. Such a recommendation must only be made after magistrates or their representative organisations have had a proper opportunity of making inputs before any recommendation is made and after having received all the information necessary to make such inputs.

Due to the elapse of time since the changes were made in 1997 we are in danger of being barred from litigation on this issue. It is important that we obtain, for once and for all an authoritative legal opinion on our possible legal remedies.

Should Adv Chaskalson advise that we have a legal remedy and that the prospects of succeeding in any litigation are reasonable I would strongly urge that we proceed with litigation as a matter of urgency.

I had provided funds to cover the costs of obtaining a legal opinion on this matter but these funds will be now be used for the AGM.

MANDATE REQUESTED:

The Judicial Independence and Ethics Committee will require a renewed mandate to obtain the necessary legal opinion, to decide what further action needs to be taken and for funds to be available to cover the costs of the legal opinion and any further legal action decided upon.

ETHICS

There were no specific developments regarding judicial ethics.

CHAIR: JUDICIAL INDEPENDENCE AND ETHICS COMMITTEE

GRAHAM TRAVERS

31 OCTOBER 2010

ARMSA AGM REPORT BACK ON ACTIVITIES 2010
PROJECTS COMMITTEE
NOVEMBER 2009 – OCTOBER 2010



INTRODUCTION:

Wow! Another successful year... I am overwhelmed by the growth of community projects and the enthusiasm shown by the respective regions over the years.

I have come to end of my race and I am honoured to have served as National Projects Chairperson for the last seven years or so.

To all the members across SA who initiated and/or participated in community projects I want to say 'thank you champions' An act of generosity inspires gratitude. I trust that you will continue to be involved and make a difference in our country.

PROJECTS NOVEMBER 2010

NATIONAL PROJECT:

Fund Raising: At the November 2009 Conference an amount of R15 000 was raised in order to assist at least one orphanage in each province. The money was allocated to the respective Provinces (see below for details)

REGIONAL PROJECTS NOVEMBER 2009 – 25 OCTOBER 2010

KWA ZULU NATAL:

Christmas party in Kwanzimakwe

ARMSA with the help of the Rotary Club, Rotary Anns of Port Shepstone, local business people and the South Coast Herald newspaper held a Christmas party at the HELP Foundation clinic in KwaNzimakwe 16 December 2009. This day was chosen in

conjunction with Day of Reconciliation. Adults and children were given goodies including food, drinks and toiletries.

Donations Ngwavuma effort:

R10 000 awarded to ARMSA as part of a Nedbank Local Heroes competition. The formal presentation took place at ARMSA National office where the ARMSA executive was given the presentation cheque by Nedbank Pretoria Office. ARMSA is still awaiting payment of the R10 000 into ARMSA'S Bank account.

Human Rights Day Event: Glendale Kwa-Dukuza

On 24 March 2010, ARMSA in partnership with Justice hosted a celebratory and access to justice information day to assist the rural communities that have difficulties in accessing information and services provided by courts and other institutions. Provincial Health Department set up a mobile primary care clinic facility at the same venue thereby helping elderly women and infants. The community was addressed by the various role players and the success of the event is attributed to the combined effort of all including the interested public participants. (Press Release available regarding the event)

FREE STATE:

Party in Bloemfontein:

On 18 December 2009 a luncheon hosted for a group of orphans living at the Talitha Cum Children's home at Heidedal. The children were aged between 3 to 10 years and for many of them it was their first proper Christmas luncheon. They were treated to a scrumptious meal and received Christmas crackers and hats.

Human Rights Day Project in Bloemfontein:

Human Rights Day was commemorated by inviting 20 learners from President Steyn High School to visit the Regional Courts at Bloemfontein. The learners ranged from

grade 8 to 11. They were given a tour of the sexual offences courts and sat in on court proceedings in the other regional courts. The learners were addressed by the various role players in the legal profession and they participated in a question and answer session. ARMSA members provided snacks and drinks for the learners.

Boshof Community Meeting:

On 9 December held a meeting with the women in the community and discussed the following issues: the new maintenance system, accessing counseling centres for victims of domestic violence and HIV awareness. The community was addressed by Court officials, SAPS and legal aid officers.

Freedom Day Celebrations in Dealesville:

On 7 May 2010 Grade 12 learners celebrated Freedom day at Kgolosego Secondary School. The students were addressed by members of the court preparation staff from Bloemfontein Magistrate's court. They were informed about the court process and the role of the court preparation staff. They were also given an opportunity of speaking about their own views of what Freedom day meant to them. A Career Day Expo will be planned for the learners as part of Youth Day celebrations.

EASTERN CAPE:

Christmas Party in PE:

A very successful Christmas party was held at the EP Children's Home with the generous financial contribution by ARMSA as well as several colleagues.

WINTER HOPE PROJECT

On 6 May 2010 our flagship project was held at the Fish River Sun We decided to support Mr Boo in the Mount Frere area as a worthy cause for our project. Our

members donated blankets, clothing and cash which will be distributed to a charity in need.

Mr Lawrencece Booie initiated the following projects in Mt Frere:

- **Blood Donation** 6 April 2010
- **Freedom Day** 26 April 2010: On this occasion Freedom Day was celebrated at Southridge Park. The guest speaker Mr Myeko encouraged children and their parents with pearls of wisdom.
- **Entrepreneurship Convention:**__Mr Booie ,in partnership with the Department of Social Development, sponsored a convention of Transkei mothers at which they were encouraged to improve their own lot by involving themselves in small businesses eg sewing , baking etc._sector

NORTH WEST:

Human Rights Day Celebration: Temba

There were 60 grade 12 learners and 10 educators, who represented 9 high schools from the Mmamethlake area that joined in the celebration in honour of human rights day. Various role players including Judges, Regional Magistrates and other court officials addressed the learners on the theme of 'culture and human rights.'

CANSA Court in Brits

CANSA Court was set up at Brits in aid of raising funds for the organization. More than R69000 was raised at this event.

WESTERN CAPE:

Christmas Party in Paarl:

On 9 December 2009 RAPCAN at the Paarl office held a Christmas party for a number of indigent children between the ages of 5 and 15. Approximately 20 children attended. ARMSA contributed by donating presents and money for wrapping of the presents.

Christmas Party in Stellenbosch

On 15 December 2009, with the generous financial contribution by several colleagues a very successful Christmas party was held at Lindelani Place of Safety. Approximately sixty boys between the ages 11 and 16 years are housed there. Gifts were given to the boys. The members presented talks about choices and that crime doesn't pay. The manager of the boys' home submitted his heartfelt thanks to ARMSA members.

Visit to Children's Home in Athlone

On the 26th February 2010 ARMSA members visited St. Francis' Children's Home. The home houses about 30 boys from the age of 4 - 18 years old. These children come from dysfunctional homes and have been removed from their parents. The home at present is funded by two Trusts and receives a small amount from Government. ARMSA members presented each child with a gift pack containing candy and toiletries.

Blood Drive: Wynberg

A very successful blood drive was held on 3 November 2009. Colleagues from other officers supported the event. The WP Blood Transfusion Service was grateful to receive the blood before the festive season. The blood service poster said 'Ordinary People can do Extraordinary Things'

Book Donation: Western Cape Library Services

ARMSA members received a donation of several boxes of library books from the Western Cape Library Service. These books were donated to Pollsmoor Prison which has no proper library for inmates. The books were fetched by Pollsmoor Prison and ARMSA members received a letter of thanks from Mrs Maqanda-Louw.

Kids Protection High Tea Day: Paarl

The Regional Magistrate in Paarl addressed the community at the child protection high tea held by Paarl Child Welfare. Aspects that were covered included the new child Act and human trafficking.

Fun walk Cape Town

ARMSA Members and their families participated in the annual Blisters for Bread Charity Fun Walk on 29/8/2010. A total amount of R960 was contributed by colleagues who did not have the energy to walk. The proceeds of the fun walk were donated to the Peninsula School Feeding Association.

Old Age Home Project Hanover Park

ARMSA members wanted to conduct a project at an old age home when they learnt of a frail care centre that was desperate for adult diapers. They generously donated these diapers to the centre.

GAUTENG:

Welfare effort Tembisa:

Over 150 families were left desolate towards the end of January 2010, when they lost their homes due to heavy rains in Tembisa. Groups of people gathered together to give hope to these families. ARMSA National generously contributed in a small way to this worthy cause by donating canned foods to assist the families in trouble. The can foods were handed over to "ACTS OF LOVE" on Sunday 31 January 2010, for distribution in Tembisa.

Blanket Drive Pretoria

A blanket drive was conducted at Pretoria Magistrate Court from 10-24 May 2010. A total of 100 blankets were collected and donated to 'Acts of love' to assist the community of Tembisa.

World Cup Project Pretoria

A world cup project was arranged by ARMSA members and Pretoria Magistrates Court. A support drive was conducted outside the building in favour of the National Soccer Team Bafana Bafana. An open bus was hired and used to drive around the court building allowing staff to visibly show their support to the team. It was a resounding success and a good team effort from all sections at the court.

School Program Pretoria

ARMSA, Golden Eagle Spur and Garsfontein Primary School joined hands in conducting a project at the Soshanguve High Schools. Golden Eagle Spur & Garsfontein Primary donated 50 soccer balls to three Soshanguve high schools. ARMSA members & Prosecutors addressed the learners at this formal ceremony on 3/8/2010

LIMPOPO:

Christmas Party with a Difference in Polokwane:

The administration staff at the Samaritan Centre indicated that their biggest challenge is the lack of a bigger washing machine. Instead of buying toys for the children, ARMSA bought a washing machine, basket ball set and a portable swimming pool. The staff and children at the Samaritan Centre really appreciated ARMSA gesture.

16 Days Activism: Mankweng

On 8 December 2009 ARMSA member addressed a 16 days activism crime awareness campaign arranged by SAPS Mankweng in partnership with IEC. The ARMSA member covered the topic of sexual offences and the definitions thereto.

World Aids Day: Polokwane

Polokwane Magistrate court commemorated World Aids Day on 1 December 2009. All staff members were dressed in red and white and wore red and white ribbons. Court officials addressed the staff on HIV and Aids. The staff was encouraged to wear white ribbons up until 10 December 2009 and the red ribbons throughout the month of December 2009 in support of child abuse and HIV/AIDS respectively. Booklets and brochures were handed to staff members during this session.

Children's Week Drive

Children's clothes, books, new blankets and new scientific calculators were collected and handed over to Thohoyandou Children's Home on 2/6/2010

Bela Bela

ARMSA Limpopo donated blankets and clothing for operation hygiene program held from 1/8/2010-31/8/2010. Items were handed to SAPS Bela Bela for distribution.

LAST WORD:

I want to repeat this: Thank you again to all the champions, leaders and participants for your valuable contribution towards community projects

Remember "it takes team work to make a dream work" – John C Maxwell

LYNN PILLAY**ARMSA NATIONAL PROJECTS CHAIRPERSON****2010**

ARMSA AGM REPORT BACK ON ACTIVITIES 2010
SALARIES & CONDITIONS OF SERVICE COMMITTEE
NOVEMBER 2009 – OCTOBER 2010



In many ways the past year was a year of triumph for the regional courts – the most important hereof is the civil jurisdiction that has been bestowed upon us.

Unfortunately past year to quote the Queen of England was an "*annus horribilis*" in respect to our remuneration and our endeavour to promote a single judiciary.

We requested information from the following institutions:

- The Presidency
- The Independent Remuneration Commission
- The Department of Justice
- The Department of Finance
- The Department of Public Service and Administration.

The responses were as follows- the Presidency, Departments of Public Service and Finance gave us nothing. The Department of Justice referred us to the Magistrates Commission. The IRC gave us 247 pages of documents of which more than 80% emanating from either Joasa or Armsa. Most of the rest were irrelevant to our request.

We are none the wiser as to why the recommendations were made and what they took into consideration to reject our proposals. It is my personal opinion that they have not properly applied their mind to our proposals and will not be able to prove same.

As a result of a mandate that I received at the planning meeting of ARMSA during January 2010 we wrote letters to the Chief Justice, and the Director General of Justice. Such was distributed to you in Ex Tempore 2/2010 and 3/2010.

The IRC has despite verbal assurances, failed to give us further documentation. On pointing this out to Mr Makapan he stated that we should enforce our rights if we so wish by means of formal means. We took that to mean that we should enforce our rights by means of High court application. They did however state that they would discuss this and our other concerns with a meeting of a sub-committee of that IRC and that they will thereafter revert back to us. They did not revert back to us.

The subcommittee met and it was decided to engage with the Chief Justice. We do not know what was on the agenda and what was indeed discussed. Mr. Peter Makapan made it clear that the commission will not (in the normal course) meet with the Lower Court Judiciary other than the mandatory communications with the Chief Justice. I will deal with this further hereunder.

Mr. Makapan told us that the IRC, after reconsidering the interpretation of the Act, changed their view on the tools of the trade, stating that it is not within their mandate to make recommendations in this respect. (We highlighting of this fact to them as far back as June 2007.)

Inference to draw from their requests and pronouncements over the past years may include: they did not study the act or alternatively (for the cynical amongst us) to draw our attention away from the recommendations that they made. We are again at the mercy of a department that does not or cannot provide us with the most basic tools of trade.

We are inundated with reports of a lack of paper, cd's not to speak of computer, printing and library facilities. The stated opinion of the Magistrates Commission was that they are not going to deal with the issue since in their redrafting of magistrates regulations since it falls in the "mandate" of the IRC.

The NEC meeting's reflects the following:

"Mr. Louw proposes that ARMSA should consider a court action whereby ARMSA applies that the process the IRC, The President, & Chief Justice followed in the determination of the benchmark for salaries for Magistrates be reviewed.

The meeting takes note that during November 2010 there will be a change of Exco Members as the President, National Secretary, Chair: Salaries & Conditions of Service & and Chair: National Projects will be replaced by new office bearers. To ensure continuance of this process it is resolved that:

- A task team consisting of Mr. Bekker & Louw is established with the mandate to drive this initiative irrespective of who will be elected as President or Chair of the Salaries & Conditions of Service Committee.
- The task team is mandated to co-opt any member they deem necessary to assist them in this task,
- The task team obtain a legal opinion as to ARMSA's chances of success should the matter go to court.
- Should this opinion be favorable, proceed and appoint counsel to deal with this application to the High Court."

We will shortly after the drafting of this document meet with Matthew Chaskalson. We will no doubt have to discuss this and other steps to attain our objectives.

THIS YEARS "ADJUSTMENT"

On the 7th of May we received a request from the Magistrates Commission to respond to a letter dated 6 April 2010 under the hand of Judge Seriti addressed to the Chief Justice regarding the recommendations. The deadline left us only with 5 days to respond. Again we have raised all the points of concern. See annexure B of Ex Tempore 4. There is as of writing this no news as to the 2010 Salary adjustment.

COMMUNICATION WITH THE IRC

On the 23 September 2010 the IRC informed ARMSA that they have met with The Chief Justice and reported inter alia as follows:

- “3. The Judiciary Subcommittee consulted with the Chief Justice on 14 September 2010. The purpose of the meeting was to establish a way forward on the process of communication with the Judiciary and to inform the Chief Justice of the submissions received from the Judiciary.
4. The request for access to information was discussed and it was stated that documents were availed to ARMSA in terms of the provisions of the Access to Information Act, 2000.
5. It was agreed at the meeting with the Chief Justice as follows:
 - 5.1 that the Commission is statutorily obliged to consult with the Chief Justice on matters of the Judiciary;
 - 5.2 that submissions on matters of remuneration of Magistrates should be forwarded to the Magistrates' Commission; and
 - 5.3 that the Magistrates' Commission will accordingly inform the Chief Justice of any issue from Magistrates which needs consultation with the Commission.
6. The Commission resolved that it would send final letters to ARMSA in terms of the correspondences previously received and that in the future the process as agreed with the Chief Justice will be the process followed by the Judiciary.”

It is my opinion that we have moved seven years back in time. All our efforts have come to naught. Time for talking is unfortunately past. The only question is which action you will mandate the new committee to take.

Chair: Salary and Service condition Committee
Hein Louw

ARMSA AGM REPORT BACK ON ACTIVITIES 2010
EASTERN CAPE REGION
NOVEMBER 2009 – OCTOBER 2010

MEMBERSHIP NEWS

Total number of regional magistrates in region: 38: All but one are ARMSA members. Eugene Moss, who resigned in protest due to perceived lack in security arrangements available to regional magistrates.

MEETINGS

Louis Claasen and myself attended a planning meeting held in Pretoria from 8 - 10 January 2010. The main point of discussion was the status of the Regional Court and the finalization of a memorandum on this issue. ARMSA (Eastern Cape) held a meeting on 5 February 2010 (Port Elizabeth) and 6 May 2010 (Fish River Sun). No real business of any consequence was discussed.

PROJECTS

According to a previous decision the regional committee is divided into three regional committees with R. Esterhuyse, E Moss, and N. Xintolo as project representatives. Their duty was to identify projects, to work out a plan of action and to convene members for a specific projects.

CHRISTMAS PARTY

A Christmas party was held on 14 December 2010 at the EP Children's home. Twenty children who did not have a home for the December holidays were entertained with our own Father Christmas and all.

WINTER HOPE PROJECT

On 6 May 2010 our flagship project was held at the Fish River Sun. We decided to support Mr Boo in the Mount Frere area as a worthy cause for our project. Our members donated blankets, clothing and cash which will be distributed to a charity in need.

Special mentioning of Mr Booï's tireless and selfless efforts must be made. We salute Lawrence Booï who kept our flag flying . Mr Booï initiated the following projects:

- Blood Donation 6 April 2010
- Freedom Day 26 April 2010: On this occasion Freedom Day was celebrated at Southridge Park. The guest speaker Mr Myeko encouraged children and their parents with pearls of wisdom.
- Entrepreneurship Convention: Mr Booï ,in partnership with the Department of Social Development, sponsored a convention of Transkei mothers at which they were encouraged to improve their own lot by involving themselves in small businesses eg sewing , baking etc.

EDUCATION

- 5 Regional Magistrates attended a strategic planning meeting as preparation for the civil and divorce jurisdiction. (T.Beshe, H.Pieters, S.Dunywa, M.Jawcu and L.Booï)
- Regional Magistrates L.Claasen, H.Pieters, K.Cooney and T.Gerber were actively involved in the Judicial Skills Workshop for aspirant Regional Magistrates. However the planned training in East London and Mthatha had to be scrapped due to a lack of funds.
- During the 6 May meeting Dewald Allers introduced us all to the new Child Justice Act, discussing the impact on the Regional Court.

CORRESPONDENCE

- On a national level most of our time is dedicated to compiling a memorandum on the status of the Regional Court. A working document has been prepared and after finalization at the planning meeting, presented to the Chief Justice.
- The demarcation issue in the Eastern Cape has finally been resolved.

CHAIRMAN ARMSA (EASTERN CAPE)

HERMAN PIETERS



ARMSA (EASTERN CAPE) ANNUAL GENERAL MEETING 27 AUGUST 2010

1. H.Pieters welcomes and thanks everybody for their presences.
2. Present: H Pieters, K Cooney, R Esterhuyse, D Allers, L Claassen, R Erasmus, W Monk, J Potgieter, T Gerber, J van der Vyver, I Kitching, D. De Waal, B Kovu, N Ngcongolo, I Poni, E Vellem, S Jacobs, PA Pretorius, D Rossouw, S Dunywa, L Booie, M Odendal, N Conywa, N Mfobo, A Pretorius, N Xintolo,

Apologies: P Campbell

3. Minutes of previous AGM adopted: N.Kitching and R.Erasmus

4. Matters arising:

None

5. New Matters

- 5.1 Chair points out that general meeting of Regional Magistrates clearly indicates that ARMSA should intervene in matters like:

PARMED
DEDICATED COURTS FOR REGIONAL COURTS
ACCOMMODATION & SERVICE DELIVERY ISSUES

(See minutes of general meeting)

- 5.2 We decided to support the nomination of Adriaan Bekker as the Regional Magistrates representative on the Magistrate's Commission.
- 5.3 Nobody shows any interest to serve on ARMSA's national executive. Members are warned that this is a serious issue that needs careful consideration before the National AGM.

- 5.4 A change in the ARMSA constitution to reward existing ARMSA members for dedicated support and loyalty is supported.
- 5.5 S.Dunywa and Me Xintolo remains on the Judicial Service Commission with H.Pieters and R.Erasmus as alternate members.
- 5.6 Judge Beshe indicated that she wants to remain an ARMSA member. Our interpretation is that our constitution allows her to remain a member.
6. Reports
- 6.1 Financial Report
- D.Louw reports that we have R672.71 in our bank account. Dirk submits full Income/Expenditure report.
- 6.2 Chairman's Report
- The report is attached.
- 7 Election of office bearers
- Unopposed elected:
- Chairperson: H.Pieters
Secretary: Ms Jacobs
Treasurer: D.Louw
Co-opted to be in charge of projects: L.Booi
8. Dates for meetings:
- 3/2/2011 and AGM on 25/8/2011.
9. L.Booi closes proceedings

HB PIETERS
CHAIR: ARMSA EASTERN CAPE

ARMSA AGM REPORT BACK ON ACTIVITIES 2010
FREE STATE - REGION
NOVEMBER 2009 – OCTOBER 2010

I wish at the outset to thank all of you for the trust you bestowed on me by electing me as your Chairperson for a third term. I know that I did not deserve that trust, and that I did nothing to justify it.

MEMBERSHIP

It is always pleasing to report that all 26 Regional Magistrates in our province are members of our Association. I hope that the position will remain the same even after new people are appointed. It is incumbent upon each one of you to make it a point that new appointees understand how effective our organization is in its endeavour to see to it that we are treated in line with the huge responsibilities that we carry on our shoulders.

WORKSHOPS AND CONFERENCES

On the 21st and 22nd May I attended an EXCO meeting in Pretoria where a number of issues were discussed, all with a view to improving the lot of Regional Magistrates, as well as to lay the ground work for the national conference in November.

PROJECTS

CHRISTMAS PARTY

On the 18th December 2009 Armsa Free State using the funds made available by Armsa National hosted a group of orphans to lunch at Bloemfontein Child Welfare. A luncheon was prepared for the children and they thoroughly enjoyed themselves.

BOSHOF COMMUNITY MEETING

On 9 December 2009 a meeting was held with members of the community to discuss issues pertaining to domestic violence. Members of the SAPS were present to offer advice on how victims should go about laying a charge of Domestic violence. Members from Clerk of the court also advised ladies on applying for a protection order. This was done to observe the 16 days of activism against woman and children abuse. Various complaints were raised by the community i.r.o lack of co-operation from the police on these issues. A follow-up meeting is planned for 2010 to discuss these issues with the station commander at Boshof.

DEALESVILLE COMMUNITY MEETING

On 14 January 2010 a meeting was arranged between ladies in the community and Mr Rudman, the Head of office at Dealesville, by Free State Armsa. The reason for the meeting was that the maintenance payout system had changed drastically from previous years viz. the new JDAS system was now being used. Many woman were frustrated because they did not know how to access their maintenance as a result of the new system. Mr Rudman explained what they need to do and offered assistance in referring them to the local banks in order to open up their accounts. This was a good meeting because the women felt empowered and understood the new maintenance payout system a little better, especially in a rural area like Dealesville.

Follow-up meetings will be held to determine if they are still coping or not.

HUMAN RIGHTS DAY CELEBRATIONS

During the month of March a visit to the court was arranged by Free State Armsa for learners from President Steyn school in Bloemfontein. The learners were addressed by various role-players in the criminal justice system and they were also given an opportunity of asking questions. They were taken to the sexual offences unit and shown how the CCTV system worked when taking evidence of minor complainants. They did enjoy themselves.

MOOT COURT 2010-2011

It was a good effort made by Free State schools to put forward their participation in the National Moot Court competition to be held in Pretoria by the University of Pretoria. I attended a seminar at the University of Pretoria hosted by Judge Theron and the American Embassy and at the said meeting obtained the relevant information to pass on to our schools in Bloemfontein as to how to participate in the National Moot Court competition. Thus far as part of the Armsa project 11 schools have already indicated their willingness to participate. The project is still going on and we wish them luck.

GENERAL

I once more wish to extend a special word of thanks to the team that I was privileged to lead this region with. I will be failing if I do not make special mention of Dawn for having organized the projects mentioned in her report in spite of the burden of her own judicial work. I must also mention my concern that in general we did not give her the support that

we should have given her. The fact also that no projects have been organized in the Eastern and Northern centers is serious cause for concern. I really hope that we will see something emanating from those areas in the coming year.

As we all know our finances have been in good hands with Marina as the treasurer and Ollie as the internal auditor. I wish to thank both of them for the good work that they have done over the past year.

Finally, I thank each one of you for remaining loyal to the organization, thereby making life easy for me. As I start a new life I wish every-one of you success with the added responsibilities that are coming your way, which in due course will lead to the realization of the single judiciary that ARMSA has been fighting for since its inception. I wish the incoming committee a fruitful year, and the organization nationally strength.

CHAIR FREE STATE
MORAOLE MENONG



Meeting held at the Bloemfontein High Court on the 29 September 2010.

Chairman : M Menong
Secretary : D Soomaroo
Treasurer : M Voges
Auditor : J Koekemoer
Project Manager and Training Officer : D Soomaroo

Meeting declared open

Attendance

Members present: Koekemoer Joseph; Voges Marina; Menong Moraole; Gela Nosipho; Soomaroo Dawn; Matthews Rasheed; Daya Mahendra; Greyvenstein Jan; Sepato Rosina; DaRocha-Boltney Paulette; Jacobs Magda; Khuduga Motshedisi; Mali Gorha; Van Niekerk Hein; Mahlatsi Bassie; Human Jurie; Ludidi Bongani; Lefenya Botsile; Ramdeyal Thiloshni; Meintjies Susan; Visagie Johan; Smith Isak; KMLalbahadur.

Apologies: Ms. P Ngewu, Mr. P Visser

Previous minutes read and approved.

Proposed as correct by R Sepato and Seconded by R Matthews

Issues arising out of minutes – None

Issues added to agenda

CIVIL LAW

Ms Soomaroo requested clarity on the time when the Regional Court Magistrates in Bloemfontein are going to adjudicate civil matters. Mr. Lalbahadur indicated that the Civil Court Rules for Regional Magistrates have been published but the date of operation is still to be promulgated.

He added that he would like all Regional Court Magistrates in the Free State to be accredited to do civil work and will request the Judge President of the Free State, Mr Justice HM Musi to make such a recommendation to the Magistrates Commission.

He said that the Central Divorce Courts are still operating and divorce matters have already been enrolled by the registrar for adjudication.

REMUNERATION

Mr Daya proposed that Free State table the issue of remuneration on par with judges at the national Conference. He submitted that the increased jurisdiction and responsibilities justifies a remuneration package equal to that of High Court Judges.

Mr Matthews seconded such a proposal and added that a previous inquiry by the Magistrate's Commission recommended a closing of the gap between the salaries of Judicial Officers, while such gaps have in fact been widened

All members present agreed that the time has come for the Chief Justice to be engaged with our expectations and that such a resolution be tabled at the ARMSA General Meeting.

Additional Points:

- Members indicated that they would like to participate in peer training with the Judges of the High Court on a continuous basis. Mr. Lalbahadur indicated that JP HM Musi is agreeable to such a training programme.

- All members are in favour of putting forward a resolution to the National Executive of ARMSA that Mr. M Menong be granted the status of Honorary membership of ARMSA.

Financial Reports:

Read out by Mrs. M Voges. Proposal for acceptance by Mr. R Matthews. Seconded by Mr Koekemoer.

Chairman's Report:

Read out by Mr. M Menong.

Proposal for acceptance by Mr Mahlatsi.

Seconded by Mr van Niekerk.

Judicial Training Report

Read by members previously.

Proposed acceptance by Mr. Matthews.

Seconded by Mr van Niekerk.

Mr. Menong thanked everyone for their trust placed in him during his term of office. He will not be eligible for re election as he is to retire at the end of the month. Mr. Lalbahadur thanked him on behalf of all members for his dedicated service to ARMSA over a number of years.

Election of Office Bearers for the period 2010 to 2011:

Chairperson : Ms Soomaroo

Two candidates proposed were R.Matthews and D.Soomaroo.

Ms Soomaroo was chosen by a decisive majority.

Secretary : Mr Matthews

Elected unopposed

Projects Managers for Salaries, conditions of service and Judicial Education

Ms R.Sepato and Mr. M. Daya

Elected unopposed

Assistant Project Managers co-opted by agreement:

- K .Motshedisi and Magda Jacobs for the area of Botshabelo
- Lefenya Botsile for Welkom and and Viginia
- Bassie Mahlatsi for Bethlehem
- Mr. S. Isak and J Visagie for Kroonstad
- Ruben G Mali for Putaditshaba

ARMSA representative at the Magistrates Commission - R Matthews.

Next Meeting: Date to be determined.

Meeting Closed.

R Matthews

Secretary

D Soomaroo

Chairperson

ARMSA AGM REPORT BACK ON ACTIVITIES 2010
GAUTENG REGION
NOVEMBER 2009 – OCTOBER 2010

MEMBERSHIP NEWS

The South Gauteng region has forty three Regional Magistrates who are full members of ARMSA. Only nine (9) Regional Magistrates are currently not members of ARMSA.

May I also take this opportunity to say a special farewell to Mr. Sidney Badenhorst who retired on the 31st May 2010. He was a Regional Magistrate in Vooslorus for a number of years. He is held in high esteem. We wish him a healthy, happy and peaceful retirement.

EDUCATION AND TRAINING

A Judicial skills workshop, organized by ARMSA and the Regional Court Presidents forum, took place in Johannesburg during the period 8 May until 19 June 2010. Mr. Louw was the co-coordinator of the workshop. A number of distinguished lecturers from the University of Johannesburg accepted our invitation to lecture on various topics. Dr. D. De Villiers lectured on confessions, admissions etc.

PROJECTS

Very few members have responded positively to our request to become involved in projects. ARMSA members in Johannesburg were supposed to host an **Open Day** for high school learners on the 19 August 2010. Unfortunately due to industrial action by public servants, the event was cancelled.

**CHAIR: SOUTH GAUTENG REGION
SIMON RADASI.**



**MINUTES OF THE FIFTEENTH ANNUAL GENERAL MEETING OF THE SOUTH GAUTENG
REGION OF THE ASSOCIATION OF REGIONAL MAGISTRATES OF SOUTHERN AFRICA HELD
AT IL FORNO RESTAURANT ON 1 OCTOBER 2010**

1. WELCOME

The chairman welcomes the members who are present. A special word of welcome goes to a former member Mr Paul du Plessis who attends the meeting on invitation.

2. ATTENDANCE

11 Members are present. 4 Proxies were received. A quorum is established.

3. APOLOGIES

12 Members tendered apologies. Mr Johan van Zyl raises his concern about the number of absent members. He suggests that future meetings be held at the Johannesburg Magistrate's Court. The secretary remarks that many members are on leave because of the school holidays.

4. IN JOY AND SORROW

The chairman informs the meeting of the passing away of a former member Mr P J du Plessis. Mr Bertie Roux is congratulated on his daughter's wedding.

5. MINUTES OF THE PREVIOUS MEETING

The minutes are unanimously adopted as correct.

6. MATTERS ARISING FROM THE PREVIOUS MINUTES

Mr Bertie Roux wants to know why salary increases cannot be implemented in April. Mr Hein Louw reports that the Chief Justice does not want to consult directly with magistrates about salaries. The Chief Justice holds the view that liaison between himself and the magistrates must be via the Magistrates Commission. ARMSA is presently considering legal action against the President of the RSA and the IRC and is awaiting a legal opinion from senior counsel.

The meeting unanimously accepts a proposal that Mr Roux's concern be raised at the National AGM.

7. **ITEMS FOR DISCUSSION UNDER GENERAL**

(i) Projects.

8. **REPORTS**

The chairman and treasurer present their reports. Both reports are accepted.

9. **NOTICE OF THE NATIONAL ANNUAL GENERAL MEETING**

The chairman gives notice that the ARMSA AGM will be held at the Southern Sun Hotel, OR Tambo Airport on 11 November 2010.

10. **GENERAL**

(i) **Projects**

Ms Ruby Matthys reports that she is not aware of any other projects launched during the past year except for projects steered by members of Roodepoort Court. She suggests that a dedicated member be identified at every office to initiate projects and that such members should report back to the regional AGM. The members of Roodepoort Court are prepared to oversee projects.

11. **ELECTION OF OFFICE BEARERS FOR 2011**

The following Committee Members are unanimously elected:-

Chairman	-	Ms Delize Smith
Secretary	-	Ms Ruby Matthys
Treasurer	-	Mr Jonathan Ratshibvumo

12. CLOSURE

Mr Van Zyl thanks the outgoing committee for their dedicated work. The meeting is declared closed by the chairman.

CHAIRMAN

S RADASI

TH CARSTENS

SECRETARY

ARMSA AGM REPORT BACK ON ACTIVITIES 2010
KWAZULU NATAL REGION
NOVEMBER 2009 – OCTOBER 2010

MEMBERSHIP NEWS

Total number of regional magistrates in region: 50 All are Armsa members.

ACTIVITIES: PROJECT COMMITTEE:

16 DECEMBER 2009:

A Christmas party was held for mentally disabled and underprivileged persons at a clinic in Port Shepstone, initiated by Johann Bester, Regional Magistrate Port Shepstone. Each person was provided with a meal, a goodie box containing food, savouries and cool drinks, as well as a bag of toiletries. Each child was given a toy. Johann enlisted the help of the local Rotary club and businessmen for this project, who thereafter also provided a Christmas Lunch for this clinic.

23 DECEMBER 2010

Steve Mundhree together with an ex-prisoner formed the Sekusile Development Centre at Ingwavuma, a non-profit organization aimed at conducting rehabilitative programmes for the children, youth and adults and training ex-offenders in different skills.

MARCH 2010

Steve Mundhree, celebrated Human Rights Day by presenting the Station Commissioner at Ingwavuma with learning materials for life skills and mathematics in order to teach the children in the surrounding area of Ingwavuma.

3 MARCH 2010

Nedbank "Local Heroes" awarded a R10 000 donation to Steve Mundhree in recognition of his assistance to the underprivileged community in Ingwavuma. The money is to be utilized for community projects.

HUMAN RIGHTS DAY 24 MARCH 2010

A Human Rights day celebration was held at Glendale, Kwa Dukuza hosted by Betty Rawheath together with the Department of Justice, focusing on access to justice.

01 JUNE 2010

Steve Mundhree donated 10 bin bags of assorted clothing to the Department of Social Welfare and Pensions.

24 SEPTEMBER 2009

Heritage Day celebrations in Ingwavuma: Steve Mundhree provided lunch for 1000 people. Various activities were arranged including net ball, volleyball, soccer, stick fighting and traditional dancing. Trophies sponsored by ARMSA were given to the winners of the soccer tournament.

9 OCTOBER 2010

Clothing was handed over to the Station Commissioner at Ingwavuma for distribution to the poor and needy by Steve Mundhree.

Steve Mundhree in his constant endeavours to assist the underprivileged, has throughout the year assisted impoverished members of the community in various ways, e.g. by buying them clothes and shoes, arranging employment, buying school uniforms, and liaising with schools to waive the school fees of underprivileged scholars.

He also has intentions of assisting Cedar House, a non-profit organization that assists 65 orphans in furthering their aims and objectives.

Steve has also negotiated with primary schools in Kwa Mashu and Umlazi to host educational functions.

ACTIVITIES: EDUCATION COMMITTEE:

No programmes were held as no funding was available for planned workshops which were subsequently cancelled.

CONCLUSION & GENERAL REMARKS

During the course of this year we lost one of our members, Mr H Sithole due to illness.

Our sincere condolences to his family were conveyed by the acting Regional Court President, Fred Heuer. Steve Mundhree has officially retired but he still serves the Regional court in a temporary capacity.

We thank him for his commitment to uplift the underprivileged communities and wish him well in his future endeavours. Steve and Basil King have been nominated for honorary membership of ARMSA by the KZN branch of ARMSA.

Les Wilkins has been proposed as the ARMSA representative on the Magistrates Commission.

A heartfelt thank you to my management team, Anand Maharaj and Ste Maphumulo, for their assistance in the executive committee.

All the current members of the executive are available for re-election to the regional executive for the coming year. Nominations must be made as to persons in charge of the projects and Education portfolios. A nomination must also be made for one of the office-bearers to serve on the National Executive Committee of the Association.

**CHAIR ARMSA: KWA-ZULU NATAL
FARIEDHA MOHAMED**



22 October 2010

MINUTES OF ANNUAL GENERAL MEETING (KWAZULU-NATAL REGION) HELD AT DURBAN REGIONAL COURT CONFERENCE ROOM ON 22 OCTOBER 2010 at 13H40

EXECUTIVE COMMITTEE MEMBERS PRESENT: Fariiedha Mohamed (Chairperson)

MEMBERS PRESENT: Abrahams G; Levitt T; Otto N; Singh N; Turner D; Naidoo L; Mundhree S; Visagie, HB; Colditz, T; Gumede S; Asmal, B; Prinsloo M; Nzimande E; Le Grange E; Gwala M; Hlope,SS; Mngomezulu, S; Hadebe KQ ;Dlamini AN; Pillay J Rawheath P; Ngesi, T; Hlope SS.

APOLOGIES: M De Klerk; L Wilkins; S Marks; Z Nkosi; F Heuer; G Botha; S Luthuli; K Leat; F De Beer; R Mogwera; M Maharaj.

Welcome by Chairperson.

Determination of Agenda : No new matters added.

Minutes of last provincial meeting circulated. Accepted as correct.

Proposer N Otto , Seconded by H Visagie.

Nothing arising out of last year's minutes.

Presentation of Chairperson's report including projects committee: See Annexure A attached

Treasurer's report Accepted. Proposed: H Visagie and seconded by Prinsloo M.

ELECTION OF NEW OFFICE BEARERS

All present members available for re-election. No other candidates. Proposal by Ms Otto that current executive be re-elected in their respective positions. Seconded by Mr Prinsloo. Unanimous re-election of present members in their respective portfolios. In addition, B Rawheath is elected to chair the Projects Committee in KZN. G Abrahams is elected to chair the Education Committee in KZN. F B Mohamed (chairperson) elected as KZN representative on the National Executive Committee.

Meeting declared closed at 14H00.

Dated at Durban this 22 Day of October 2010.

Certified Correct.

FB MOHAMED
CHAIRPERSON

S MAPHUMULO
SECRETARY

ARMSA AGM REPORT BACK ON ACTIVITIES 2010
LIMPOPO REGION
NOVEMBER 2009 – OCTOBER 2010

INTRODUCTION:

The Limpopo ARMSA members have been very active this past year on the education and projects front. We have a number of acting regional court magistrates assisting in backlog courts, some of whom have also been active in ARMSA initiatives although they are not members of the organization.

MEMBERS NEWS

MEMBERS

All regional magistrates in the Limpopo region are still members of ARMSA and the newly appointed Ms. Puni Modipane will in all likelihood join ARMSA shortly.

EDUCATION COMMITTEE

The education committee was extremely busy this year. A special word of thanks is extended to Jakkie Wessels and her team for their efforts.

NICRO WORKSHOP IN LIMPOPO ON 4 MARCH 2010

On 4 March 2010 NICRO held a workshop dealing with alternative sentencing for the district court magistrates in Limpopo at Bolivia Lodge in Polokwane. Presentations were made by NICRO, DCS and Jakkie Wessels, Chairperson of ARMSA`s Education Committee, conducted a session dealing with a practical approach to sentencing.

CHILD JUSTICE ACT

On the 26 March 2010 the members attended a workshop on the Child Justice Act, 75 of 2008, which ensured that all members were confident in the application of said legislation which came into operation on 1st April 2010

SEXUAL OFFENCES WORKSHOPS

Louis Trichardt - 14 May 2010

Mr Pandelani Mudau reports that the seminar was a huge success. 69 delegates from the Lower Court Judiciary, the Prosecution, Legal Aid, Police Service, private legal practitioners and NGO`s attended.

Tzaneen - 28 May 2010

ARMSA, in conjunction with the Regional Court Presidents' Forum, held an open invitation seminar on the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 32 of 2007 at the Joint Operations Centre in Tzaneen, Limpopo on 28 May 2010. The response was overwhelming and members from SAPS, the NPA, Department of Health and Social Development, Judiciary and attorneys attended. The seminar was facilitated by Ms. Jakkie Wessels and all attendees agreed it was excellent. A special word of thanks to Ms. Carol Honwana, who coordinated the arrangements, and Ms Jakkie Wessels for the outstanding presentation - 73 persons attended the seminar.

Modimolle - 25 June 2010

On 25 June 2010 a Seminar on the Criminal Law (Sexual Offences And Related Matters) Amendment Act, 32 Of 2007 was presented by ARMSA with the co-operation of the Attorneys Association of Nylstroom. The seminar was presented at Koro Creek Golf Estate in Modimolle by the Regional Court President of the Limpopo Division, Ms Jakkie Wessels and was attended by magistrates, attorneys and members of SAPS. Reaction to the seminar was positive and we wish to thank Mr Tinus Boonzaaier, an acting regional magistrate for organizing the event.

JUDICIAL SKILLS COURSE: POLOKWANE:

28 March - 29 May 2010 & 14 August – 18 September 2010

ARMSA Limpopo, in conjunction with the Regional Court President Limpopo, held two highly successful judicial skills courses for participants from the judiciary and private practice.

COURT REPORT WORKSHOP FOR SOCIAL WORKERS:

9 JUNE 2010: POLOKWANE

The Regional Court President of Limpopo, together with NICRO, organized a court report writing workshop for Social Workers and Probation Officers. The aim of the workshop was to address concerns raised by judicial officers and prosecutors regarding the standard of reports submitted. The workshop was sponsored by the

Alumni of the United States Embassy's International Visitors Leadership Program, through the Regional Court President and Chief Magistrate. ARMSA was by requested the US Embassy to secure a venue and also to oversee and manage the budget provided by them for the event. The workshop was facilitated by the Regional Court President, who represented the judiciary, with the assistance of Mrs T.J Phiri (both ARMSA members), Regional Magistrate and Regional Court Control Prosecutor, representing the state. Important aspects from various Acts such as the Children's Act and the Child Justice Act as well as sentencing options and dealing with minimum sentences were discussed. The practical elements of the workshop went a long way towards assisting participants in identifying errors.

CIVIL JURISDICTION OF REGIONAL COURTS

PHALABORWA - 20 August 2010

Mr Nkuna held a briefing on the civil jurisdiction of the Regional Courts attended by local attorneys, advocates, the media and other interested parties from Phalaborwa, Lulekani and Namakgale.

MOKOPANE 14-15 October 2010

All Regional Court Magistrates in Limpopo as well as some from other regions attended a strategic planning workshop on civil jurisdiction, held at the Park Hotel, Mokopane. Emphasis was placed on practical application and all participants considered the session as extremely productive and informative.

PROJECT COMMITTEE

16 DAYS OF ACTIVISM AWARENESS CAMPAIGN.

Mrs Joyce Phiri was a guest speaker at a 16 Days of Activism Crime Awareness Campaign on 8 December 2009 at Mankweng organized by the SAPS Mangkweng in partnership with the Independent Electoral Commission (IEC). Mrs Phiri explained aspects regarding sexual offences and the new definitions

CHRISTMAS PARTY WITH A DIFFERENCE:

DECEMBER 2009

Mrs. Phiri, with the help of a peer educator, visited the Samaritan Centre in Polokwane to arrange for a visit by members of ARMSA. The administration staff at

the Samaritan Centre indicated that their biggest challenge is the lack of a bigger washing machine. Instead of buying toys for the children, ARMSA bought a washing machine, basket ball set and a portable swimming pool. The staff and children at the Samaritan Centre really appreciated ARMSA's contribution

WORLD AIDS DAY: POLOKWANE

Polokwane Magistrate court commemorated World Aids Day on 1 December 2009. All staff members were dressed in red and white and wore red and white ribbons. Court officials addressed the staff on HIV and Aids. The staff was encouraged to wear white ribbons up until 10 December 2009 and the red ribbons throughout the month of December 2009 in support of child abuse and HIV/AIDS respectively. Booklets and brochures were handed to staff members during this session

CHILDREN'S WEEK DRIVE/PROJECT: LIMPOPO

One of our members, Mr. Pandelani Mudau, reports as follows:

Kindly be informed that we collected the following items for the project:, children's clothes, children's books, new blankets and new scientific calculators. These items were handed over to Thohoyandou Children's Home on 2 June 2010.

COMMITTEE MEMBERS

The members elected the following persons to serve on the Provincial Committee:

Chairperson	:	A Lamminga
Secretary	:	M Viljoen
Treasurer	:	No treasurer as we have no bank account
Education	:	P Nkuna & J Wessels
Ethics	:	P Mudau
Projects	:	J Phiri
Salaries	:	P Nkuna

CHAIR ARMSA LIMPOPO

ANTOLIZE LAMMINGA



**MINUTES OF ARMSA LIMPOPO AGM
MOKOPANE
14 OCTOBER 2010**

1. Opening and welcome:

The chairperson opened the meeting and welcomed all present.

2. Attendance:

Fanie Reynolds

Carol Honwana

Violet Semanya

Joyce Phiri

Stiaan Gericke

Antolize Lamminga

Marie Viljoen

Pandelani Mudau

S E Manasoe

Paul Nkuna

3. New matters

Election of Regional Committee:

The chairperson calls for nominations. Marie Viljoen states that she is not available for re-election, but later agrees to be available. The following persons elected by unanimous decision:

Chairperson	-	Antolize Lamminga
Secretary	-	Marie Viljoen
Projects	-	Joyce Phiri
Treasurer	-	No appointment as this position is redundant
Education	-	Paul Nkuna & Jakkie Wessels
Ethics	-	Pandelani Mudau
Salaries	-	Paul Nkuna

Arrangements for national AGM

The chairperson circulated a list to be completed by all to indicate their attendance and accommodation preferences.

Closing

Nothing was reported back by any of the committee members and all undertook to send written reports to the Chairperson by 18 October 2010. Meeting closed by chairperson.

**CHAIR ARMSA LIMPOPO
ANTOLISE LAMINGA**

ARMSA AGM REPORT BACK ON ACTIVITIES 2010
MPUMALANGA - REGION
NOVEMBER 2009 – OCTOBER 2010

BACKGROUND:

As newly elected chairperson for the Mpumalanga region, I am still finding my feet in this new position. I however realize how difficult it is for colleagues of a region with small numbers where we have only 2 centres with 3 and 4 colleagues respectively in office to do outreaches. However it is not impossible and everything possible will be done in future to do our part in this region in this regard.

PROVINCIAL AGM:

On 17 September 2010 we held our Provincial AGM. It was unanimously decided that the committee will remain unchanged:

- Chairperson: Andre Geldenhuys,
- Secretary: Bon Mene,
- Treasurer: Deon Minnie

OUTREACH BY REGIONAL MAGISTRATES:

The Regional Magistrates accepted a proposed initiative by Ms. Engelbrecht, The Regional Court President of Mpumalanga, to participate in an outreach to girl children and women in August 2010, during a meeting earlier this year. As a result we worked hard in planning outreach programme to different offices in Mpumalanga. We intended the following visits:

- 2 August 2010- Elukwatini
- 9 August 2010-Delmas
- 19 August 2010-Siyabuswa
- 26 August 2010-Balfour
- 27 August 2010-Secunda

We did succeed in presenting a presentation at Elukwatini on 2 August 2010. The day was a joint venture between the Regional Court Judiciary of Mpumalanga and the

Department of Justice. From the magistracy was present: Ms. Engelbrecht, Marlene Greyvenstein and Andreas Masteroudes. We invited 20 scholars from a school in Elukwatini and their female guardians. Twenty scholars attended the event.

Unfortunately the children arrived late and adjustments had to be made to the programme. We handed out the program and purple ribbons to all our guests. Ms. Engelbrecht opened the proceedings. I presented a paper on how women and children can be accommodated in the Criminal Justice System and what the Judiciary can do to accommodate women and children in the Criminal Justice System.

The children were taken on a tour of the Magistrate's court. We held a mock trial. The Department of Justice presented a paper on maintenance issues. Andreas would have supplemented the presentation with input from the Judiciary; however, as a result of time constraints it did not materialize. Deon Minnie also would have presented a paper on human trafficking, but it was also left out due to time constraints.

The children were then presented with a goodie bag sponsored by the Department of Justice. It contained stationery and pamphlets.

Photos were taken by the Communications Division of the Department of Justice (Mr. Mthimunye, Ms Shange)

All the other sessions were unfortunately cancelled due to the strike that followed.

STUDENTS: PRACTICAL TRAINING:

I had 2 students in my court recently for a few days. Both are in their final LLB year at the University of Pretoria. They were very keen to learn more about the practical events in a criminal court room, and I also had a number of discussions with them after we've furnished every day's court role.

They appreciated especially the general discussions in my office afterwards, and thanked me for all the information. According to them they learnt a lot about the criminal procedure, evidence and the way in which a court runs in general.

WORKSHOP

No other workshops materialized.

AJ Geldenhuys
Chairperson
ARMSA: Mpumalanga
15/10/2010



ARMSA MINUTES - MPUMALANGA PROVINCE

PROVINCIAL AGM

Date: 17 September 2010

Time: 12h00

Venue: Magistrates Office, Nelspruit

Minutes:

1. **Opening and Welcome:** Andries Geldenhuys
2. **Apologies:** None
3. **Purpose of Meeting:** Election of new committee for 2010/11 term
4. **Tabling of prospective workshops or outreaches by members during the coming term:** To stand over till next meeting
5. **Problems encountered by members:** None

6. **Annual National Conference ARMSA (12-13/11/2010):** The majority of our members will attend the Gala Dinner and AGM. No non members will be attending.

7. **Nominations for Honorary Membership of ARMSA:** JA Le Roux and W Wilken. All in favour that both members will be retiring soon be nominated for honorary membership. Unanimously decided that committee remains unchanged:
Chairperson: Andre Geldenhuys, Secretary: Bon Mene, Treasurer: Deon Minnie

8. Closure

AJ Geldenhuys
Chairperson
ARMSA: Mpumalanga

ARMSA AGM REPORT BACK ON ACTIVITIES 2010
NORTH WEST REGION
NOVEMBER 2009 – OCTOBER 2010

MEMBERSHIP

The membership is still at 23 as no new appointments have been made. We are proud to say all Regional Magistrates are ARMSA members. We intend keeping it that way even with the new appointments.

EDUCATION AND TRAINING

In November 2009 we had training at Gariep Dam Resort on adjudication of Divorce Matters. The training was facilitated by ARMSA with the assistance of Judge Legodi. In January, February and March 2010 there was training for coordinators on Case Flow Management incorporating Civil Jurisdiction.

The training on Civil Jurisdiction for all Regional Magistrates in the province was conducted by the Judge President Leeuw , Judge Hendricks and Judge Landman. This was from 12 July to 16 July 2010. The training was well organized and very informative. We even got an opportunity to sit in at the Motion court and thereafter discuss the cases on the roll.

We also continue to be grateful for the case updates and material from the National Secretary and the Education and training Chairperson. This is what makes ARMSA an association to be reckoned with.

PROJECTS

This has not been a good year for us as far as projects are concerned. It might be that we were all anxious with the implementation of the civil jurisdiction that we were just reading and reading. However thanks to Sarena Benade who on behalf of ARMSA took part in a fundraising project with CANSA (Cancer Association of South Africa) and they were able to raise an amount of R60 000-00 (Sixty thousand rand). The event was a huge success and Ms Benade's contribution is really applauded.

On the 19th August 2010 a mock trial for learners around Mafikeng was disturbed by the public servants strike; however I wish to thank the Mmabatho Regional Court staff for their commitment and assistance.

The training for Probation Officers in the province on Pre-sentence reports was completed in February by Tebogo Djaje. It was a success and thank you for all the inputs received from Regional Magistrates.

GENERAL

On a sad note during the months of July and August three of our colleagues lost their beloved parents, may the good Lord continue to assure them of his sympathy mercy and grace.

It has now become standard practice by agreement that contribution for immediate family members (parents, children and spouses) of colleagues be made and I wish to thank members for their corporation in that regard.

It has been an honor and privilege to serve as Chairperson and it could not have been easy without the support and assistance of other committee members especially Stefaan our secretary. He was always available to attend meetings on my behalf even at last minute request. Thank you Stefaan.

I wish to thank all the members for the support and commitment I received during my tenure and I wish that it continues with the incoming Chairperson.

**CHAIR: ARMSA NORTH WEST
TEBOGO DJAJE**



ARMSA NORTH WEST PROVINCE MINUTES OF MEETING HELD AT LICHTENBURG ON 2 SEPTEMBER 2010

1. Opening and welcoming

The chairperson, Me Djaje welcomes all present and thanks everyone for attending.

2. Attendance

2.1. Present

S Nzimande	A Juries
A O Pako	H Sevlall
J Fourie	B van Wijk
S Monaledi	C Nel
L Matthee	S du Toit
E Mametse	T Djaje
L Mabile	I Taljaard
B Makabanyane	B Mtebele
A Sephoti	D Mogotsi
S Benade	H Motsomane
E Humphries	D Nel
C Oosthuizen-Senekal	

2.2. Apologies

B van Wijk
B Mabuza

3. Minutes of the previous meeting

3.1. Acceptance

The minutes of the previous meeting is accepted, with one correction. - Surname of Mr Mametse spelled incorrectly.

3.2. Matters arising from previous minutes

3.2.1. Contributions: Ms Djaje still to facilitate. Contributions to be made for H Sevlall and D Mogotsi

3.2.2. "Massage chairs". Magistrates do not have access to the "massage chairs". Ms Djaje to enquire from Ms Kenosi at regional office.

4. Reports

4.1. Ms Djaje reads out her report. The report includes reports in respect of Education and Training and Projects. Ms Djaje mentions that (still) all Regional Magistrates in North West are members of ARMSA. She thanks everyone for their co-operation.

4.2. There are no other reports. There is no financial report as no funds were requested or received. There were no expenditures.

5. New matters

None.

6. Election

Ms Monaledi acts as chairperson.

The following members were unanimously elected:

6.1. Chairperson:
Mr S Nzimande

6.2. Secretary:
Mr B Mtebele

6.3. Treasurer:
No treasurer elected.

6.4. Committees:

Education and training: Ms C Oosthuizen-Senekal

7. Closure

Mr Nzimande closes the meeting with a word of thanks for the vote of confidence in him and other members of the executive committee. He commits himself to do more projects.

**CHAIRPERSON
TEBOGO DJAJE**

**SECRETARY
STEPHAN DU TOIT**

ARMSA AGM REPORT BACK ON ACTIVITIES 2010
NORTHERN CAPE - REGION
NOVEMBER 2009 – OCTOBER 2010

MEMBERSHIP NEWS

There are currently 12 regional court magistrates (Including Regional Court President) and two (2) backlog court magistrates. Eight (8) of these are ARMSA members.

Mr. Danie Schneider resigned as ARMSA member. Mr. C.T.G Jacobs also gave notice he resigns effective 1 July 2010. It will bring our membership down to seven (7) members. Due to the resignation of Mr. Danie Schneider we had a meeting on 30 April 2010 where Mrs. Tsotsa- Mashego was elected as treasurer.

MEETINGS

Due to the vastness of the province it is very difficult to arrange meetings. We usually make use of workshops to meet as ARMSA members. Our annual general meeting will be held at the stakeholders meeting for this province – a Regional Presidents initiative which will be held during September – October 2010.

EDUCATION AND TRAINING (JUDICIAL)

Mrs. Amanda Venter (De Aar) is the person responsible for any educational project-peer education and also where needed at other Departments e.g. Social, Police etc. She regularly emails information to all regional magistrates in the province and I thank her for this prompt dedication. She had such workshop on New Child Justice Bill with the police and others. She's planning on a workshop for regional magistrates in the province.

A judicial training will take place during the stakeholders meeting during September-October 2010

PROJECTS

UPINGTON

We are planning a project for Jogobet Children's House Upington for the month of June 2010 (Youth Day) – celebrations.

There are no projects for the period November 2009 – October 2010 at:

- Springbok (Namaqualand)
- Upington (Gordonia) and
- Kimberley (Francis Baard)

De Aar (Amanda Venter) had a couple of projects. Due to lack of information I can't expand on these projects. I await project planning from De Aar in making use of some of the funds in our account.

Hopefully members are planning more projects for June-October 2010 before the next national ARMSA general meeting.

**CHAIR: NORTHERN CAPE PROVINCE
MALCOLM VIEWE**

ARMSA AGM REPORT BACK ON ACTIVITIES 2010
WESTERN CAPE REGION
NOVEMBER 2009 – OCTOBER 2010

Membership News:

We made great progress regarding ARMSA membership in this region. Of the 42 posts filled, 36 colleagues are ARMSA members. The only non-members are Nkosinathi Dywili, Joe Govuza, Daleen Greyvensteyn, Monde Samela, Sabrina Sonnenberg and JB Swanepoel.

Activities Project Committee:

The Western Cape has set a good example of involvement in community projects since 2004. After winning the Project Trophy last year, there was extra pressure on Kalai Pillay and her team to keep up the good work. All offices were requested to organise a HOPE project as requested by Lynn Pillay. The following projects materialised since November 2009:

1. A very successful **blood drive** was held at Wynberg court on 3 November 2009. Colleagues from other offices also attended and certainly saved a life before the festive season.
2. On 9 December 2009 RAPCAN held a **Christmas party** for a number of indigent children between the ages of approximately 5 and 15 years at **Paarl** court. These were children that either had the trauma of appearing in court as witnesses in sexual offences matters or children who simply will not have the opportunity to be part of the Christmas spirit. Approximately 20 children attended. ARMSA contributed to this by donating presents and money for the wrapping of the presents. Patrick Ross secured the presents for us. RAPCAN was particularly thankful for this as they had a problem securing such presents. Paarl colleagues attended the party.

3. With the generous financial contribution by several colleagues a very successful **Christmas party** was held at **Lindelani Place of Safety** (near Stellenbosch) on Tuesday 15 December 2009. Almost sixty boys between the ages 11 and 16 years are housed there. Gifts (comprising various items such as soccer balls, puzzles, electronic games, playing cards etc), sweets, chocolates and cold drinks were given to the boys. Several Regional Magistrates attended the party and the smiles on the boys' faces will not soon be forgotten. Patrick Ross gave a very encouraging talk to the boys. In a heart-warming letter of thanks received from Lindelani, their manager stated that history was made as this was the first time ever these boys received a gift from anybody.

4. On 26 February 2010 we went to **St. Francis' Children's Home** in **Athlone** where about 30 boys from dysfunctional homes, from the age of 4 years to 18 years old, are housed. The children themselves also have their own problems as a result of their upbringing. These children attend main stream schools so that they can interact with children of various backgrounds. We presented each child with a gift pack containing a toothbrush, toothpaste, face-cloth, deodorant, body cream, sweets, chips and chocolates. The appreciation that these children showed us is beyond words.

5. Our Project Coordinator, Kalai Pillay, received a donation of several boxes of library books from the Western Cape Library Service. These books were donated by us to Pollsmoor Prison which has no proper **prison library** for inmates. The books were fetched by Pollsmoor Prison in March 2010 and we received the following letter of thanks from Mrs Maqanda-Louw (Area Finance Coordinator at Pollsmoor): "...The books are currently stored at our school where we are preparing a room that will be utilised as a library. Photos will be taken before, during and after completion of the library. This will be forwarded to your office as evidence of utilization of your donation". Thank you to Gavin du Plessis who played a major role in organising the donation.

6. Paarl Child Welfare took the initiative by hosting a Child Protection **High Tea**. Families of surrounding areas attended this successful event. Regional Magistrate

Patrick Ross, one of our members in Paarl, elaborated in detail on the new Child Justice Act which recently came into operation. He stressed the importance of the communities to protect the rights of vulnerable children. He also expressed his gratitude for all the foster parents and NGO, who are looking after the interests of our children. He also gave them insight into human trafficking. We wish to congratulate Patrick on his efforts.

7. Wynberg and Paarl Regional Courts planned to participate in the annual Cell C "Take a **girl child** to work day" on 19 August 2010. Everything (including food and drinks) was in place at these courts to welcome the girls when we were informed on 18 August that the project was postponed by Cell C due to the teachers' strike action.
8. Regional Magistrates from various offices (and their families) participated in the annual Blisters for Bread charity **fun walk** on Sunday 29 August 2010. Several more colleagues, who did not have the energy to participate, contributed financially to this worthy cause. The amount of R960 was donated by colleagues. The proceeds of this fun-event are donated to the Peninsula School Feeding Association which provides nutritious meals daily to hungry school children.
9. The Western Cape wanted to support an **Old Age Home**. After discussions with the GH Starck Centre (a frail care centre for the aged and Alzheimer's patients in Hanover Park), it was clear that they were in desperate need of adult diapers. Kalai Pillay bought these with funds from our account and handed them over to the Centre on 1 October 2010. The Management expressed their sincere appreciation for this practical gift at a time when their finances did not allow them to deliver an adequate service to the elderly in their home.

Activities Education Committee:

Members were requested to make suggestions regarding topics on which we need further education.

On 2 September 2010 ARMSA's Training Coordinator, Anne-marie Immelman, arranged a training session for all colleagues in Cape Town with the assistance of the Regional Court President. Anne-marie, Eric Louw and I facilitated the training on the contents of Probation and Correctional Officers' reports and the Child Justice Act. Representatives from the Probation Officers and Correctional Services were also invited. The Department of Correctional Service expressed their gratitude for the information shared.

Conclusion & General Remarks:

There is a general negative feeling amongst many colleagues at various courts as a result of the poor service delivery by several organs of State (including the Department's staff at courts). This negative mood unfortunately spills over to ARMSA's activities. My sincere thanks to Secretary Melinda Retief, Treasurer Sue Smith, Projects Coordinator Kalai Pillay, Training Coordinator Anne-marie Immelman and all the members who attend our meetings, made financial contributions and are willing to assist in achieving ARMSA's objectives. We wish the new Regional Committee a very successful term.

**Chair: Western Cape
Jackie Redelinghuys
4 October 2010**



ASSOCIATION OF REGIONAL MAGISTRATES OF SOUTHERN AFRICA

VERENIGING VAN STREEKLANDDROSTE VAN SUIDELIKE AFRIKA

Western Cape Regional Committee / Wes-Kaap Streekkomitee
J Redelinghuys (Chairperson/Voorsitter); M Retief (Secretary/Sekretaresse); S Smith (Treasurer/Tesourier)

MINUTES OF ANNUAL GENERAL MEETING OF ARMSA WESTERN CAPE HELD ON 4 OCTOBER 2010 AT 16:00 AT CAPE TOWN

1. **Welcome**

The Chairperson welcomes everybody at the AGM. Almost all members are present.

2. **Supplementing agenda**

The Regional Court President adds discussion points.

3. **Minutes of previous meeting**

The minutes were circulated by the Secretary and are accepted as correct.

4. **Matters arising from previous meeting**

- a) The Chairperson has written letters to the RCP and the President of ARMSA regarding our long service recognition. An email from the Magistrates' Commission to the Western Cape Regional Office has been circulated to all members last week.

- b) Marius Fourie will bring the Projects Trophy to the next Co-ordinators meeting.

5. Discussion points:

- a) **Representatives on Magistrates' Commission:** The RCP reminds members that Ms Beshe's position on the Commission is currently vacant. The RCP will stay on as ARMSA's representative until 2012.
- b) **Libraries:** The RCP has sent out an email requesting members' input regarding library facilities at courts.

6. Annual reports:

a) Chairperson

The chairperson delivers a summary of his annual report. The report will be sent to all members with the minutes of the AGM.

b) Treasurer

The treasurer's report will also be circulated to members with the minutes of the AGM.

7. Election of Regional Committee:

The following people are elected unanimously:

a) Chairperson (to serve on Executive Committee of ARMSA)

Anne-marie Immelman

b) Secretary

Patrick Ross

c) Treasurer

Norma Smile

8. Election of members co-opted for:

a) Salaries and conditions of service

Bruce Langa

b) Projects

Ivan Munnick

c) Judicial education

Karel Meyer

9. Next meeting

The new committee will inform members of the date of the next meeting which will probably coincide with the RCP's AGM on 25 November 2010.

10. Closure

The AGM is closed at 16:20 with a vote of thanks to the outgoing Committee by Bruce Langa.

**CHAIR ARMSA WESTERN CAPE
JACKIE REDELINGHUYS**



MINUTES

15TH ANNUAL GENERAL MEETING OF ARMSA ON 13 NOVEMBER 2009 HELD AT THE FOREVER RESORT GARIEP DAM

1. **WELCOME**

The Chairperson welcomes members to the 15th AGM especially new members who are attending for the first time, and also bids farewell to those who are attending their last meeting.

2. **ATTENDANCE / IN MEMORIAM**

As per attendance list circulated.

3. **APOLOGIES**

D. Lamprecht, J Redelinghuys, F. Mohamed, N Dlamini, B. Ludidi, J Fourie
L Mathee, DV Mathebula, M van Wyngaard, B Mabuza, M Daya, P Visser,
R Meintjes, D Smith, J Ratshibvumo, H. Sithole, D. Snyman, S. Radasi, H
Motsomane, D Minnie, H Combrinck, G Botha, E Schutte, S Gericke J.
Phiri, T. Beshe, I Poni, E. Vellem, C. Jacobs ,S. Tsotsa, B. Mahalelo, P Da
Rocha Boltney, A Laubscher.

4. **MINUTES OF THE PREVIOUS MEETING**

Already circulated via e-mail to all members.

Accepted as correct. Proposed by H van Niekerk, Seconded Hein Louw.

5. **REPORTS** (all reports already circulated prior to the meeting via e-mail for perusal) (Annexure "A")

5.1 PRESIDENT

5.2 MAGISTRATES COMMISSION

5.3 JUDICIAL EDUCATION COMMITTEE

5.4 PROJECTS COMMITTEE

5.6 SALARIES AND CONDITIONS OF SERVICE COMMITTEE

Mr. Louw informs the meeting that he & the President of ARMSA had a meeting with the IRC on 9 November 2009. The meeting was both frustrating & disappointing. The IRC did not function for the better part of the year. Armsa has made an application for access to information previously which resulted in this meeting.

Judge Seriti, the new Chairperson of the IRC, met with us and stated that the purpose of the meeting is to foster better relations between ARMSA & IRC and to see if we can't find common ground without following the access to information route. We however indicated at the meeting that we are still standing by our original request to obtain the information from the IRC.

We listed all our problems & the non-consultative process regarding our salaries. ARMSA was not required to make any submissions. The Judge stated it categorically that there is no duty on him to

consult with us as he is only required in terms of the Act to consult with the Ministers & the Chief Justice. He also stated that it also does not imply that he may not request input from us.

Mr. Louw submits that the time has perhaps arrived that there should be a single consultative body resorting under the Chief Justice. Mr. Louw also submits that we consult with the DG & Minister regarding the issues such as the tools of the trade & the 500km issue.

Mr. Louw proposes that we should seek a meeting with the Chief Justice to discuss the way forward pertaining to submissions to the IRC.

The matter is discussed at length.

The meeting resolves that the Salary committee be mandated to:

- Seek a meeting with the Director General, Minister & Chief Justice.
- Proceed with ARMSA`s application in terms of the Access to Information Act.
- Convey to The Chief Justice that the process of receiving our increase only in December is to the detriment of the Magistracy as well as the non-political office bearers.

5.7 TREASURER (FINANCIAL REPORT) - circulated & approved.

5.8 JUDICIAL INDEPENDENCE COMMITTEE

Mr. Travers indicates that the call for resolutions relating to transfers and "effective suspensions" in the Report of the Judicial Independence and

Ethics Committee (page 75 of Ex Tempore No. 10 of 2009) drafted by Mr. Travers is withdrawn.

Mr. Travers reads out a joint statement on behalf of Mr. F. Heuer, Mrs. Marx & himself:

Re: Dispute between Mr de Bruyn and Ms Marks

It has come to my attention that in forming my opinion that Ms Marks had "effectively suspended" Mr de Bruyn (now retired and a former member of ARMSA) I did not have all correspondence and documentation relating to the matter, although I had requested the same from Mr de Bruyn.

I ultimately aligned myself with the finding in the "Djaje" (grievance investigation committee) report in good faith. It has now been brought to my attention that there were always disputes of fact relating to Mr de Bruyn's grievance.

I (Graham Travers) acknowledge that I did not have all the facts at my disposal. I apologize for having created the impression in my report that Ms Marks either acted unlawfully or that she had "effectively suspended" Mr de Bruyn.

Re: the dispute between Mr de Bruyn and Mr Heuer

After discussions between myself (Graham Travers) and Mr Heuer there is a difference of interpretation of the concept of "transfer".

It was on the basis of my interpretation of "transfer" that I concluded that Mr Heuer's conduct was unlawful. I recognise that a different

conclusion may be reached depending on the interpretation of the word "transfer". We respect one another's opinions.

Re: Mr Travers

Ms Marks and Mr Heuer apologise for alleging in their email that Mr Travers "undermined the legitimacy of the magistracy and its Office Bearers".

The Rawheath – Dlamini Matter:

This matter is still not resolved. ARMSA through its lawyers has raised the matter with the Judge President. We still await the outcome of the matter after 2 years. It is resolved by the meeting that another letter be written. Should this be unsuccessful and a judgment not forthcoming by the end of December 2009, Mr. Travers is mandated to raise the matter with the JSC

Judicial Quality Assurance Office:

The status of this office is raised by the meeting. It is of concern that persons holding the ranks of magistrate are working at this office, yet they never go to court. It is resolved that EXCO should raise this issue with the relevant authorities.

5.9 REGIONS

(All reports already circulated prior to the meeting via e-mail for perusal)
(Annexure "A")

6. MEMBERSHIP ISSUES:

6.1 MEMBERSHIP FEES – no change

6.2 HONORARY MEMBERS no proposals received.

7. ADDITIONAL DISCUSSION POINTS:

7.1 Name change from Magistrate to Judge (Status of Regional Court)

Mr. Pieters Chairperson of the Status Committee reports that he had drafted a substantive document setting out the position.

The document was circulated to provincial chairpersons for input. No input has been made by any chairpersons. This document is still in draft format and as soon as it is finalized then it will be circulated to all members for their input.

Mr. Henney informs the meeting that he is aware that there are discussions on the go to refer to all judicial officers as judges and that amendments to the Constitution are also under consideration to facilitate this process.

Mr. Colditz proposes that we de-link the name change issue from the status of the court-issue as the change of the status of the court seems to be a long term goal, whilst the name change seems imminent. This is accepted by the meeting and EXCO mandated to follow up on the information revealed by Mr. Henney. The meeting appoints Mr. Johan Van Zyl to drive the name change – issue and to assist EXCO in this regard.

7.2 AMENDMENT TO THE CONSTITUTION (GAUTENG SOUTH)

The Chairperson informs the meeting that the proposal meets the requirements as required by the Armsa constitution. Due to the large number of members and logistical problems it seems appropriate that the Gauteng region be divided according to the boundaries of the old Northern Transvaal & Southern Transvaal regions. Mr. Carstens suggests that the constitution should read as follows:

It is proposed that Clause VII Paragraph B. 2. of the Constitution of the Association of Regional Magistrates of Southern Africa (ARMSA) be amended and substituted with the following paragraph:

"Region" means each Regional Division in the Republic of South Africa and shall bear the name of the Province of the Region.

In the case of the Gauteng Province there shall be two sub regions known as the North Gauteng Region and the South Gauteng Region respectively (italics to be inserted in current constitution)

The motion is passed. Constitution amended in order for the Gauteng Region to be divided into two sub regions. The boundaries to be determine by EXCO

7.3 **Position of members in Mpumalanga**

The members in Mpumalanga are experiencing administrative problems. It is resolved that EXCO should meet with the Mpumalanga region to try and resolve the problems.

7.4 **Attending of Training Courses since 2008**

Ms. Mupumulo informs the meeting that regional magistrates have been barred by Regional Presidents from attending any course at Justice College. District court magistrates still attend these

training workshops. Mr. Henney Secretary Regional Presidents Forum replies that Regional Magistrates have not been barred from attending courses except the attendance of the Equality Court Course as presiding officers in this court are appointed by the Chief Magistrate / Cluster Head. Since Regional Magistrates cannot then preside in these forums it seems superfluous for them to attend these courses.

7.5 Functioning of Institute

It is common cause that the Training Institute is not functioning yet. The Curriculum committee chaired by Judge President Ngoepe will meet next week and hopefully training courses for 2010 will then be approved. ARMSA has already submitted a training plan in May 2008 for the civil training of regional magistrates.

Due to the fact that a director & chief financial officer have not been appointed yet the Institute could not be approached for funding for training such as the current training conference on Divorces or any other training.

7.6 Status of regional magistrates See point 7.1 supra.

7.7 Protocol for Regional Courts: Several Members have made written inputs regarding the protocol. The Chairperson is mandated to convey these inputs and concerns to the RCPF.

7.8 CMJA Enquiry into independence of magistrates

Mr. Travers informs that at a recent CMJA conference it was decided that an enquiry will be launched as to the independence of

the Judiciary in the Commonwealth. Judge Leonra Theron was appointed to conduct the survey in South Africa. Mr. Travers indicates that he will submit a report to the Exco Planning meeting in January 2010 regarding our independence. Mr. Travers calls for inputs in this regard. It is resolved that inputs should be forwarded to the national Secretary on or before the 15/1/2010.

7.9 Ethical Duty of magistrates pertaining to judicial independence Document attached for information.

7.10 Position of Divorce Courts Presiding Officers

Ms. Luvuno informs the meeting that the status & position of the Divorce Court presiding officers is unclear. The question arises what would happen to them should the new acting magistrates be appointed.

Mr. Henney informs the meeting that there are only two permanent appointees to the divorce courts Ms. Z Moletsane (Gauteng) and Mr. JJ Claassen (Eastern Cape). These magistrates would all automatically become regional magistrates resorting under the **Regional Magistrate President of those regions.**

It is resolved that ARMSA will take up the matter with the relevant authorities to determine the status of Ms. Luvuno, Mr. Rasefate & Madern, who are all acting as divorce court presiding officers and are not permanently appointed.

7.11 Misconduct procedures

A policy document on the misconduct of magistrates was circulated earlier. The contents of this document drawn up by the ethics

committee of the Magistrates Commission is rejected by the meeting and it is resolved that ARMSA shall formally respond to this document. Mr. Travers has already drawn up a document indicating our displeasure.

Mr. Henney indicates that it appears that this document was never distributed to all role-players. It is resolved that Mr. Henney will also pursue the matter further. This document was also never submitted to the committee drafting the new regulations.

7.12 Security

Ms Marks indicates that since 2001 several reports have been submitted regarding security and the psychological impact of threats on Magistrates.

Mrs. Marks requests that our previous reports be submitted to the relevant authorities. Mr. Henney informs the meeting that the RCPF had compiled a report & raised it with the Deputy Minister of Justice. There will be severe cost implications. The Deputy Minister undertook to look into the matter. The president indicated that he had raised the issue with the Department. The current policy document from the Department on security was circulated to all members. It seems as if our suggestions pertaining to the approach to death threats made against magistrates are to a certain extent incorporated in the new policy document.

8. FINANCIAL INSTRUCTIONS OF THE DEPARTMENT OF JUSTICE:

Removed from Agenda

9. ELECTION OF OFFICE BEARERS

The Chair informs the meeting prior to the election of the new office bearers that this would be the last year that the:

- President,
- National Secretary & Webmaster,
- Chair Salaries & Conditions of Service Committee,
- Chair Project Committee & probably also the
- Chair Judicial Education Committee will be available for re – election.

In order to prevent a situation at the next AGM in 2010 that the meeting is surprised or caught unaware by the unavailability of these functionaries the meeting is therefore alerted to these pending departures

To ensure that there will be a smooth transition to a new Executive Committee, all members are urged to give due consideration to this fact.

Members are called upon to identify suitable candidates who may be willing to lead Armsa into a new era.

Members are also requested to make them available for election to these positions.

THE FOLLOWING MEMBERS ARE ELECTED UNOPPOSED:

ELECTION OF CHAIRPERSONS OF STANDING COMMITTEES

Salaries & conditions of Service – Hein Louw

Education: Jakkie Wessels

Judicial independence Graham Travers

Projects: Lynn Pillay

10. ELECTION OF NATIONAL EXECUTIVE MANAGEMENT COMMITTEE

Treasurer : Graham Travers

Secretary : Louis Claassen

President : Adriaan Bekker



PRESIDENT: ARMSA
AC BEKKER



NATIONAL SECRETARY ARMSA
LH CLAASSEN

13 NOVEMBER 2009



ASSOCIATION OF REGIONAL MAGISTRATES OF SOUTHERN AFRICA
VERENIGING VAN STREEKLANDDROSTE VAN SUIDELIKE-AFRIKA

AGENDA

16TH ANNUAL GENERAL MEETING OF ARMSA ON 13 NOVEMBER 2010 HELD AT THE SOUTHERN SUN HOTEL OLIVER TAMBO AIRPORT

- 1. WELCOME**
- 2. ATTENDANCE / IN MEMORIAM**
- 3. APOLOGIES**
- 4. MINUTES OF THE PREVIOUS MEETING**
- 5. REPORTS**
 - 5.1 PRESIDENT**
 - 5.2 MAGISTRATES COMMISSION**
 - 5.3 JUDICIAL EDUCATION COMMITTEE**
 - 5.4 PROJECTS COMMITTEE**
 - 5.5 SALARIES AND CONDITIONS OF SERVICE COMMITTEE**
 - 5.6 TREASURER (FINANCIAL REPORT)**
 - 5.7 JUDICIAL INDEPENDENCE COMMITTEE**
 - 5.8 REGIONS**
- 6. MEMBERSHIP ISSUES**
 - 6.1 AMENDMENT TO THE CONSTITUTION**
 - 6.2 HONORARY MEMBERS**
- 7. ADDITIONAL DISCUSSION POINTS**
 - 7.1 STATUS OF THE REGIONAL COURT – WESTERN CAPE**

7.2 SALARIES – FREE STATE

7.3 CIVIL JURISDICTION AND TRAINING FOR REGIONAL MAGISTRATES

7.4 CROSS TRANSFERS LIST - FREE STATE

7.5 CANCELATION ACCESS TO JUSTICE WORKSHOP – EASTERN CAPE /
WESTERN CAPE

7.6 _____

7.7 _____

7.8 _____

8. ELECTION OF CHAIRPERSONS OF STANDING COMMITTEES

9. ELECTION OF NATIONAL EXECUTIVE MANAGEMENT COMMITTEE

10. CLOSURE



PRESIDENT: ARMSA
AC BEKKER



NATIONAL SECRETARY
LH CLAASSEN

PROPOSED AMENDMENT TO THE ARMSA CONSTITUTION:

Ratio: The Armsa constitution makes no provision for any form of official recognition regarding ARMSA Members who render exceptional service to the Association. The constitution makes only provision for the allocation of Honorary Membership in the following conditions:

HONORARY MEMBERS:

(a) **Qualifications:**

Any person who has made a significant contribution to the Regional Court or who has had a past or existing close relationship with the Regional Court, may, on recommendation of the Executive Committee and following approval at the general meeting, be invited to become an honorary member of the Association or be bestowed with honorary membership posthumously.

(b) **Privileges:**

Honorary members of the Association are entitled to attend meetings of the Association, to participate in discussions and to be co-opted, but may not vote or be elected to office

From the above it is clear that this recognition for significant contributions was aimed at **NON ARMSA** members.

- ▶ Honorary members also does not contribute to any membership fees;
- ▶ and cannot vote or be elected to office.

It is there fore proposed that the constitution of ARMSA be amended and that the the following be inserted to make prosvision for official recognition of ARMSA members who have made significant and extended contributions to ARMSA

Proposal:

It is proposed that the ARMSA constitution be ammended by inserting the following text:

CLAUSE XV: SECRETARY

The Secretary shall:

1. be responsible for the writing up of minutes of all management meetings and Congresses;
2. keep a proper register of members and a list of persons in attendance at meetings;
3. **[keep a proper register of all honorary members and recipients of honorary colours]**
4. Compile agendas in consultation with the President;
5. Distribute notices and agendas of all meetings in the prescribed manner;

6. Handle all correspondence of the Association upon instruction of the President and/or Executive Management Committee and shall keep all relevant and necessary documentation on file; and
7. In consultation with the President shall be responsible for compiling the annual business report of the Association to be tabled at the Congress

CLAUSE IV B: Official Recognition of Members:

Honorary Colours:

(a) **Qualifications:**

Any ARMSA member who has made a significant contribution to the benefit of ARMSA or its members for a prolonged period of time, may on recommendation of the Executive Committee and following approval at the general meeting, be awarded honorary colours of the Association.

(b) **Privileges:**

Any ARMSA member upon whom honorary colours have been bestowed will be entitled to adorn the honorary coat of arms of the Association.

The Name of the recipient, and reason for the honorary citation, will also be recorded on the Armsa Honorary Roll.

On behalf of the Eastern Cape ARMSA Region

LH CLAASSEN

24 September 2010

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Complimentary Airport Shuttle

Z h#e#s#h#u#v#h#e#h#h#h#k#x#w#h#h#u#y#e#h#e#h#g#g#h#u#p# #k#h#D#l#s#r#u#d#W#k#r#h# v#h#y#e#h#h#h#d#y#d#l#e#d#h#e#7#2#:#d#g#g#k#h#k#x#w#h#h#x#q#v#h#u#l# #h#8#p# l#q#x#h#v#l#W#k#h# s#e#n#o#s#h#e#r#l#q#v#h#v#l#e#d#h#g#h#e#h#k#l#g#h#k#h#h#q#h#P#r#q#v#h#q#v#d#k#r#h#d#h#k#h# e#x#v#h#k#x#w#h#h#u#p# l#q#d#h#u#p# #k#h#h#q#v#h#q#v#d#h#q#d#k#r#p# h#v#e#h#D#u#y#d#o#v#h# v#h#p# l#q#d#o#v#h#k#h#D#l#s#r#u#y#h#p# s#o#j#h#i#r#o#z# #k#h#h#e#s#x#e#d#e#h#u#d#q#v#s#r#u#d#h#v#j#q#d#j#h# z#k#l#k#h#e#l#s#k#d#h#h#l#r#x#h#s#d#v#h#k#h#P#d#u#k#l#h#h#h#f#v#h#q#d#g#h#e#q#v#e#k#h#h#k#x#w#h#h# v#h#p# l#q#d#d#.



Wireless Internet Access

K#l#k#h#v#s#h#g#h#q#v#h#u#h#W#D#f#h#v#v#h#h#d#f#h#v#v#e#h#e#h#d#k#r#h#d#j#x#h#v#w#h#7#0#k#r#x#u#h# d#h#g#d#|#h#s#h#s#d#l#g#h#r#x#E#h#u#r#h#d#h#h#d#l#e#d#h#1



Gym

W#h#h#U#|#p# #h#v#h#o#f#d#w#g#h#q#h#k#h#k#r#h#d#h#g#g#h#e#i#h#u#h#d#f#d#h#v#h#e#h#d#d#j#x#h#v#w#1



Business Centre

W#k#l#r#h#k#d#v#h#d#h#i#x#o#j# #h#t#x#l#s#h#g#h#e#x#v#l#q#h#v#h#h#q#w#h#1



Pool

W#h#h#e#x#g#r#r#u#l#s#r#d#h#h#q#r#w#k#h#w#g#h#e#x#w#h#h#o#f#d#w#g#h#e#q#h#k#h#k#r#h#d#h#s#u#p# #h#v#1

Nearby Facilities

- U#h#v#d#x#u#d#g#w#h#
- V#k#r#s#l#j#h#p#d#a#h#

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Hotel Portfolio

 Download the Southern Sun Hotel Portfolio

Comfortable, spacious hotel rooms near the airport are convenient, and furnished to include all modern comforts, Southern Sun O.R Tambo International Airport allows guests to enjoy a peaceful night's sleep without disturbances from the airport or nearby traffic. Guests can choose from a selection of rooms including luxurious Executive Suites that include a comfortable working and meeting area which is ideal for travelling businessmen.

Smoking rooms and wheelchair accessible rooms are available on request.

Room Types

Rooms | Type of Room

- 4 H{hfxwlyh#h#N lqj #Ehg#Q r#p rnlqj
- 2 H{hfxwlyh#h#N lqj #Ehg#p rnlqj
- 44 Vwqgdug#h#N lqj #Ehg#Q r#p rnlqj
- 52 Vwqgdug#E#G rxeoh#Ehgv#Q r#p rnlqj#
- 90 Vxshulru#h#N lqj #Ehg#E k#Vkrz hu#Q r#p rnlqj
- 47 Vxshulru#h#N lqj #Ehg#E k#Vkrz hu#p rnlqj
- 82 Vxshulru#E#G rxeoh#Ehgv#Q r#p rnlqj
- 43 Vxshulru#E#G rxeoh#Ehgv#p rnlqj
- 2 Z khhdKdl#Dffhvveoh#p rnlqj#

366 | Total Rooms

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A unique experience awaits you at Southern Sun O.R. Tambo International Airport. Enjoy warm professional and efficient service, and unwind in one of our 366 spacious rooms. Considered the hub for international and local business travellers, either resting between flights or attending same-day meetings, the Southern Sun O.R Tambo International Airport offers brilliant business services and facilities, including conferencing rooms and services.

The professional and efficient conferencing facilities offer guests a host of solutions for groups of all sizes. Including a unique Score Boardroom for teambuilding.

Iqwhuqdwirqddp e Inq fh



Hqre | #kch#rwhoviz dup #krvsldak| #iqg# wch#y'leudqwip e Inq fh lli urp #kch#eavv | # EhuqrxadivU hvdxudqwe#kch#erp iru# r3h| rxu#arcp /#hyhu| #ghad ldkdvlehhq wnhq#Bqe #Erqvghudwq#e:#qvxuh#| rxu# p rvw#dadvdq#nd | 1

Iqgxcj h#iq #d#fxdqdu| #hndvw



EhuqrxadivU hvdxudqwe: iihuv#d#j uhdw# g dq j #h (s huilq f h e k h u h # x u h s u r u h # | #h/# w:#qvxuh#j xhvwh#Edq#h#d# | #dqg#Bqe: | # txdak| #irrg1



General Manager: Meki dq #y dq #K h u g h q
Tel: . 5 : #4 #e : : #6 9 3 3
Fax: . 5 : #4 #e : 8 #3 5 8 ;
Email Us

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Everything you need to know about visiting local attractions near Southern Sun O.R. Tambo International Airport.

Attractions



OR Tambo International Airport
 The airport is the largest in Africa and is one of the busiest in the world. It is located 23 km from the city center and is the main gateway to Johannesburg. It has a long history and has been a major hub for air travel in South Africa for many years.



Gautrain Station
 The Gautrain is a rapid rail system that connects the city center to the airport. It is a convenient and fast way to travel between the two locations. The system is modern and efficient, and it has helped to reduce traffic congestion in the city.



Serengeti Golf Course
 The Serengeti Golf Course is a beautiful and challenging golf course. It is located in a scenic area and offers a unique golfing experience. The course is well-maintained and has a rich history.



Arwyp Medical Centre
 The Arwyp Medical Centre is a modern and well-equipped medical facility. It provides a wide range of services and is staffed by experienced medical professionals. It is a trusted name in the local healthcare community.



Germiston Stadium
 The Germiston Stadium is a large and modern sports stadium. It has a long history and has hosted many major sporting events. It is a popular venue for football and other sports.



Eastgate Mall
 The Eastgate Mall is a large and modern shopping center. It offers a wide range of retail and dining options. It is a popular destination for shoppers and is well-served by public transport.



East Rand Mall
 The East Rand Mall is a large and modern shopping center. It offers a wide range of retail and dining options. It is a popular destination for shoppers and is well-served by public transport.



Caroline's Day Spa and Beauty Salon
 Caroline's Day Spa and Beauty Salon is a relaxing and rejuvenating spa and beauty salon. It offers a wide range of services and is staffed by experienced professionals. It is a perfect place to unwind and pamper yourself.

H: 27°		Johannesburg		L: 15°		28°	
SUN	MON	TUE	WED	THUR	FRI	SAT	SUN
27°	26°	24°	22°	21°	20°	19°	18°
15°	14°	13°	10°	10°	10°	10°	10°

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