



ASSOCIATION OF REGIONAL MAGISTRATES OF SOUTH AFRICA VERENIGING VAN STREEKLANDDROSTE VAN SUID-AFRIKA

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Executive Management Committee - Uitvoerende Dagbestuur

A C Bekker (President); M M Cook (Secretary/Sekretaris); G N Travers (Treasurer/Tesourier)

Newsletter No. 3

April 2004

TO ALL MEMBERS OF ARMSA

A. MEMBERSHIP NEWS

It seems as if most of the new stop orders have been properly implemented. Please inform us if there are any problems.

We are aware of the fact that the new demarcation of the Regional Divisions from 1 April 2004 will also have an impact on our structure. According to our Constitution each Regional Division must have a Regional Committee. Our members therefore need to elect committees for the Limpopo and Mpumalanga Regional Divisions in the future. Strictly speaking some of our members will also have to fall under different committees, for example some of the members of Southern Transvaal and Northern Transvaal will now fall under the Northwest Province. For the time being, however, the current committees will look after the interests of the members they are serving at the moment until further notice and restructuring.

We also wish to welcome the following new members:

Mr P.V. Madau	-	Thohoyandou	
Me T.E. Simpson	-	Sebokeng	
Me S.I. Smith	-	Wynberg	(Cape Town)

Total members: **233**

B. SALARIES: MEETING WITH THE INDEPENDENT COMMISSION FOR THE REMUNERATION OF PUBLIC OFFICE BEARERS

As indicated in the previous newsletter, the Chief Justice promised to set up a meeting with this Commission. This meeting was duly arranged for 5 April 2004 at Constitutional Hill. The meeting was attended by the following persons:

The Chief Justice: Judge A. Chaskalson
High Court Judges Hlophe, Tshabalala and Bertelsmann
Adriaan Bekker: ARMSA
Cagney Musi: JOASA
Judy van Schalkwyk: LCMC

The newly elected chairperson of the Commission Constitutional Court Judge D. Moseneke and 4 members of this Commission were also present.

Judge Moseneke indicated that they have already appointed consultants C.S. Holdings (after a tender process) to investigate the remuneration of the judiciary. We were informed that we can place our submissions before these consultants for consideration. The consultants will, after studying our submissions and carrying out their own research and work, consult with us about our submissions. After this they will then draft a report with recommendations which will be submitted to the Commission for

consideration. We will again have insight in this report and may make further submissions as a result of it. The Commission will then decide on recommendations regarding our salaries which they will submit to the President for possible promulgation. In the end Parliament will have the final say in approving these recommendations or not.

The Chief Justice emphasised the fact that the first determination of our remuneration will be very important, according to him a "benchmarking exercise". He therefore suggested a proper and full investigation into the remuneration of the judiciary.

It became clear during the discussions that it will not be possible to complete such a proper investigation in time for an appropriate salary increase for this year. It was then suggested that this investigation will start now anyway and that proper recommendations based on it will be done by February 2005 for submission to the President for implementation from 1 April 2005.

For this year, the Commission indicated that they will recommend an appropriate "general increase" by \pm the middle of May 2004 for implementation from \pm June 2004. It is at the time of the drafting of this newsletter not known what percentage increase they are considering recommending. We were also requested to make our submissions to the consultants as soon as possible so that they can start to engage with us. It was also decided that the Commission will consult with the Minister of Justice regarding our remuneration as required by law, and that this will be done on 7 April 2004. The Commission also invited us to join them at this consultation with the Minister. They want to do it now in order to prevent delays when the new Minister is appointed.

Subsequently on 7 April 2004 we did meet with the Minister of Justice. It became clear at this meeting that for 2004 we shall still receive an annual increase from the budget of the Department of Justice, and from no other source. We shall after 2004, be delinked from the Department of Justice as with the judges regarding our salaries. The Minister indicated that we and the judges must consult with him before 27 April 2004 when his term is expiring, about an "across the board" increase. We will also have to consult with the Director-General to find out which possible increase is available. This will all have to be done before \pm 23 April 2004. We are in the process of setting up these meetings as soon as possible with the Department. The recommendation of the Commission about the percentage of increase will then be submitted to the President.

To summarise in essence the outcome of the two meetings:

1. For this year we will receive a general "across the board" increase, most probably inflation-related, from the budget of the Department, but **for the last time**. There is a strong possibility that this will be an increase from 1 April 2004, not July 2004, but this must still be finally approved. The exact percentage of the increase is still not known.
2. The proper and full investigation regarding our remuneration will start immediately, and a provisional report is to be finished by 15 May 2004 by the consultants. After proper consultations and further submissions, it is envisaged that final recommendations of the Commission will be ready by February 2005. Proper recommendation regarding the proper determination of our salaries will be handed to the President for implementation by April 2005.

C.

CELL PHONE ALLOWANCES

As a result of our letter sent to the Director-General of the Department of Justice we did receive a written reply indicating that they are considering our request and that they will discuss it with us in due course. We shall keep you informed.

D. PENSIONS

We have decided to proceed with legal action regarding the calculation of our pensions. The letter of demand drafted by our attorney will be sent by the end of April 2004. We shall keep you informed of the progress of this action.

E.

EDUCATION COMMITTEE

1. SYMPOSIUM ON 22 MARCH 2004: IMPACT OF THE BILL OF RIGHTS ON THE CRIMINAL JUSTICE SYSTEM 1994 - 2004

As you will recall, we hosted this symposium in conjunction with Unisa's Faculty of Law. It was attended by 75 persons which was a more than a satisfactory number seen in the light of the fact that it was a public holiday.

Everything was well organized and the speakers of high quality. Speakers such as *inter alia* Prof C.R. Snyman (of "Strafreg" – text Book - fame), Prof Dawie de Villiers (from RAU, former lecturer at Justice College on Law of Evidence); Prof L. Swanepoel of Unisa (who gave an

interesting lecture on trial by the media) and Judge E. Bertelsmann (of the Transvaal High Court) addressed us. It was a worthwhile and an enriching experience! We hope to see more of you at the next symposium!

This project served to strengthen the bond between us and Unisa and we agreed to engage in similar projects in future.

We also hope to expand this type of symposium to the other regions so that each region can have its own symposium on Human Rights Day in 2005. We hope that the members of the Education Committee from the various regions will start working on such a project in the near future!

The Education Committee must be congratulated with the successful completion of their first project!

2. PUBLICATION ON RESTORATIVE JUSTICE AND GENDER ISSUES

The Judicial Committee received quite a number of contributions for these publications. The editing process regarding the publication on restorative justice will soon start. Contributions for the gender book can still be submitted until 31 May 2004. We are proudly looking forward to the privilege of publishing these books! We shall keep you informed about the progress of these publications.

3. DISTRIBUTION OF RELEVANT CASE LAW AND OTHER LEGAL TOPICS

As indicated in earlier newsletters, the Education Committee undertook to provide such a service to ARMSA's members.

Attached you will find cases for your attention.

If you have any ideas about this service or anything you wish to submit, please contact the chairperson of the Judicial Education Committee, Jakkie Wessels at (012) 319-4170 or e-mail jwessels@justice.gov.za.

4. POSSIBLE IMPLEMENTATION OF MANDATORY USE OF LAY ASSESSORS

The Regional Magistrates in *inter alia* Port Elizabeth, Pretoria, Wynberg and Polokwane were informed on 17 March 2004, that this Act will be put into operation on 18 March 2004 at their offices. The use of lay assessors in all murder, rape and indecent assault cases would be mandatory from 18 March 2004. The same day we

were informed that it would not be implemented the following day. We then came into possession of the regulations to this Act. We then noted an objection against the implementation of the Act as well as pointed out several issues flowing from the Act and the Regulations. Jakkie Wessels, Chairperson of the Judicial Education Committee, drafted a comprehensive document on these issues, which we sent to the State Law Advisors. As a result they decided to delay the implementation of this project until further notice. Copies of the Act, the Regulations, the proposed proclamation and our letter are attached for your information.

F. MEMBERS SUPPORT COMMITTEE

A meeting is planned for the members of this committee possibly for the last weekend in April 2004, to discuss an action plan for the committee and possible implementation. Some regional committees must still nominate members to serve on this committee. After the meeting the planned activities of this committee will be circulated.

G. PROJECT COMMITTEE

It seems as if this committee is starting to move into top gear. Western Cape and Eastern Cape have already started with their projects. Western Cape is hosting a project in previously disadvantaged areas such as Mitchells Plain and Khayalitsha. This will empower schoolchildren in leadership skills and public speaking. Schools from these areas will be involved in a competition relating to public speaking. Members from ARMSA will be involved in managing this project and also in the adjudication of the competition. Western Cape, well done!

The Eastern Cape branch applied for funding as the result of an advertisement in a local newspaper (Delta/Weekend Post) which ran a "kidcare" project. ARMSA Eastern Cape nominated the Sexual Offences Court in Port Elizabeth waiting rooms as a possible recipient of a donation from this project. Our application was chosen as one of six out of 70 applications! R10 000 was awarded to us as a result of the Eastern Cape's nomination. This money can now be used for the upgrading of these rooms and making it more child friendly. ARMSA Eastern Cape will not physically handle or receive the money. They will consult other role players and draft a proposal as to how the money should be spent. The donors will then see to it that the work is done. We wish to

congratulate ARMSA Eastern Cape for the initiative shown.

The proposal regarding the posters on the Minimum Sentence Act referred to in previous newsletters, which we want to distribute countrywide, is finished and was handed over to the National Executive Management Committee. We shall approach the Department of Justice to assist financially if possible in this project. Our date for implementation is still 16 June 2004, (Youth Day).

We are still awaiting proposals for projects from the other provinces. We hope that you are inspired by the projects already in progress!

Please submit your proposals directly to the Chairperson of this Committee, Mr Herman Buhr of George at hwburh@mweb.co.za or cell phone number 082 855 0477.

H. NATIONAL EXECUTIVE COMMITTEE MEETING

The National Executive meeting will take place the weekend of 28 – 30 May 2004. The exact venue will be known by the end of April 2004.

J. ANNUAL CONFERENCE: 2004

We apologise for giving incorrect dates in the previous newsletter. It will be definitely be from 11 – 14 November 2004, depending on availability of funding, otherwise it will only be for one or two days. A proposal for funding was already handed over to donors for consideration. We will inform you as soon as possible as to the outcome of the application.

The topic of the conference will be “The Protection of Human Rights in the Criminal Justice System”. More details shall follow in future newsletters.

A.C. BEKKER
M.M. KEMP
PRESIDENT: ARMSA SECRETARY



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Executive Management Committee - Uitvoerende Dagbestuur

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Newsletter No. 4

May 2004

TO ALL MEMBERS OF ARMSA

A. MEMBERSHIP NEWS

It was with great shock and sadness that we learnt of the untimely death of our beloved colleague Mr W.W.P. (Bill) Moyses (55) who passed away on 25 April 2004 due to a heart attack. At the time of his death he was presiding in the Commercial Courts in Pretoria. On 29 April 2004 a memorial service was held at the Pretoria Magistrate's Court. Many colleagues, attorneys, advocates and staff members attended. His funeral on 30 April 2004 was also well attended. He will be sorely missed. We again wish to convey our sympathy to his family. We will keep them in our prayers.

One of our members, Marilyn Cannon from Empangeni, husband recently secured a business position in Cape Town from the end of July. She found herself now in a position that in order to preserve family unity, she must try and obtain a transfer. If anyone is perhaps interested in a possible cross-transfer, please contact her at:

Work : (035) 772 1771
Cell : 082 875 9868
All hours : (035) 772 7488
E-mail : sjenkins@telkomsa.net

We are aware of the fact that the Magistrates Commission still have to approve such a transfer, but she wants to start as soon as possible to investigate the possibility.

We also wish to welcome the following new members:

Mr K.S. Page	-	Krugersdorp
Me L.R. Mogwera	-	Pietermaritzburg
Me M.P. Jacobs	-	Thaba Nchu
Me M. Viljoen	-	Tohoyandou

Total members: **235**

B. REMUNERATION: CURRENT DEVELOPMENTS

On 19 April 2004 JOASA, ARMSA and the LCMC met with the Department and the Minister.

The Department indicated that they have budgeted for a 6% increase for 2004. The judges indicated to the Minister that they want a 9.9% increase. We (ARMSA, JOASA and LCMC) then decided that we would insist on at least a similar increase to that of the judges for this year only, although in fact we should receive a higher increase to narrow the gap between us and the judges.

We drafted a memo to this effect and handed it to the Department and the Minister on 19 April 2004. We also indicated in this memo that if other public office bearers are to receive more than the proposed figure, that we do not want to receive less than that.

It is perhaps important to emphasise that

according to law, we must be remunerated from State Revenue. The fact that the Department only budgeted for 6% is therefore not decisive, because we must be paid from State Revenue and not the Budget of the Department. The Independent Commission for the Remuneration of Public Office Bearers will make the recommendations regarding our salaries, and no one else. It may well be that they find a higher percentage increase for us to be appropriate and not the 6%. This will have to be paid from State Revenue.

On 24 April 2004 we (ARMSA, JOASA and LCMC) had a meeting with the consultants who were appointed by the Commission to draft a report regarding our salaries. It was a fruitful meeting and it was clear that they studied our submissions properly and were alert to all the crucial issues, for example the large gap, salary-wise, between us and the Regional Court Presidents. The meeting was basically to make sure that they understand all the issues and we again emphasised the important points from our side. The consultants will also make recommendations regarding 2004 salary increases. We again conveyed to them our feelings regarding this as reflected in the memo to the Minister, and that the gap needs to be narrowed between us and the Regional Court Presidents and Judges.

The consultants had to have a draft report ready by 5 May 2004, regarding our salaries for 2004, and had also to convey to the Commission all the key issues which need further reporting on, for example the unacceptable gap between various ranks, pension benefits etc. The report was handed to the Commission on 5 May 2004.

The Commission indicated to us at an earlier meeting that we will be granted an opportunity to peruse this report and react to it if necessary prior to their meeting on 24 May 2004. Unfortunately we were not furnished with a copy of this report prior to the meeting of the Commission on 24 May 2004, despite several attempts to obtain it. The Secretary of the Commission indicated to us that she had no mandate from the Commission to hand us a copy. We then approached the Chief Justice but were unable to obtain a copy prior to 24 May 2004. The Commission subsequently met on 24 May 2004 and apparently discussed the report.

On 25 May 2004 we contacted the Secretary of the Commission to obtain possible information about the outcome of the meeting on 24 May 2004 (originally it was indicated to us that the Commission will make final recommendations on 24 May 2004). She indicated that she was not at liberty to discuss any decisions or recommendations made the previous day. ARMSA's chairperson then phoned the Chief Justice (on request also of JOASA and LCMC).

The Chief Justice indicated that he had an electronic copy of the report of the consultants. He sent it to us on the same day. A copy of the full report is attached only to the electronic version of the newsletter, due to cost implications.

He also undertook to send any relevant information he received from the Commission immediately for our attention.

He also informed us that the Commission must still consult with the Minister of Finance in June 2004 regarding their recommendations and that it is therefore unlikely that they have made any final recommendations. In fact, according to the Act they can only make their recommendations after consulting with the Minister of Finance.

Our view is that the report of the consultants is a well drafted one, which also emphasized the important points we made in our submissions. We made our submissions. We welcome the report. Our own report will become even more relevant once the Commission decide that a proper job evaluation will have to be done regarding the whole judiciary (we think they will make such a decision). In fact our document already contains an expert job evaluation of the post of regional magistrate. It also contains a proposed model which can be used to evaluate the whole judiciary. We feel that our document will in the end be to the benefit of all and of great value in the whole process.

We will however consider approaching the Commission through the Chief Justice to clarify a few aspects and to meet with us before they made their final recommendations.

Due to the magnitude of the report of the consultants, only the executive summary of their report is attached to the printed newsletter.

If you have any inputs, questions or remarks regarding the report and the process, please contact the Chairperson of ARMSA as soon as possible.

Once the Commission has made its final recommendations, it will be sent to the President. He will then, after studying their recommendations, decide on an appropriate increase and draft a notice containing our salaries for 2004, but it will only be published in the Gazette and become implementable after Parliament has approved this notice as well. Parliament may decide to amend this notice or to reject it. At this stage it is speculative what percentage increase we will eventually receive.

I would again like to caution against unrealistic expectations regarding this issue. We shall keep you informed about further developments.

C. NATIONAL EXECUTIVE MEETING: 4 – 6 JUNE 2004

The Executive Meeting will be held from 4 – 6 June 2004. An agenda for the meeting will be sent to the members attending before the date. If any member wishes to put anything on the Agenda, please inform your Regional Chairperson accordingly so that we can discuss it at the meeting.

This meeting will be attended by all the members of the Executive Management Committee (in other words the Chairperson, Secretary and Treasurer), all the chairpersons of the various Regional Committees, as well as the chairpersons of the various Standing Committees.

We will give a full report back on the meeting in the next newsletter.

D.

JUDICIAL EDUCATION COMMITTEE

D1 – SYMPOSIUM: 16 JUNE 2004

The Judicial Education Committee is planning a symposium on the “Child and the Justice System” in Pretoria and Cape Town on 16 June 2004, National Youth Day. Invitations to these symposiums are attached for your information.

Please respond on or before the dates as reflected in the invitations. We need your support and inputs!

D2 – MEETING WITH JUSTICE COLLEGE ON 6 MAY 2004

On 6 May 2004 the President of ARMSA, the Chairperson of the Judicial Education Committee (Jakkie Wessels) and a member of the said Committee, Seka Monaedi, attended a meeting with the Director of the College and some of their staff members. The discussions centred mainly around training for regional magistrates specifically pertaining to the annual refresher course for regional magistrates and the course for aspirant regional magistrates.

The College indicated that the refresher course will be from 6 – 10 September 2004. They originally thought that due to budgetary constraints they can only accommodate 30 magistrates on the course but foresaw at the meeting that they will be able to accommodate

40. We discussed the unsatisfactory position that only a small number of regional magistrates do receive training each year, and that there is a definite need to increase the number of refresher courses through the year. They indicated that for next year they envisaged to have at least two refresher courses – one in the “South” and one in the “North”. This will at least enable more regional magistrates to attend. Perhaps more refresher courses can be scheduled in future – depending on attendance and available funding.

We also conveyed our willingness to give proper inputs regarding the contents of the refresher course to the College to enable them to present a relevant and worthwhile course to the participants. We also request all of you, whether you are going to attend the refresher or not, to supply us with any topics you feel may be relevant to discuss at the refresher by 30 June 2004. Please contact Jakkie Wessels at (012) 319-4170 or e-mail Jwessels@justice.gov.za.

If anyone of you is still interested in attending the refresher course, please try and arrange this with your Regional Court President as soon as possible. As indicated, only 40 magistrates can be accommodated.

Regarding the course for the aspirant regional court magistrates, it was agreed that a sub-committee will be formed comprising of some of our members and the College to look into detail as to all the topics which should be covered with the aspirants during the month the course is scheduled for (August 2004).

We will assist and advise the College on this as well as practical ideas for the evaluation of the candidates. We feel that we have a responsibility to contribute to the process to ensure that the aspirants receive relevant and necessary training to equip them for their work as regional magistrates. If you have any ideas about topics/issues which should be covered during this course, please contact Jakkie Wessels not later than 30 June 2004. Please assist us to ensure that this course is a huge success!

During the meeting we were also referred to an impact assessment report drafted by consultants at the request of the College. From this report it became clear that some magistrates are not in favour of being lectured to by, for example, policemen who could perhaps testify in their courts at a later stage. This may also perhaps infringe on judicial independence. Examples are police experts on ballistic evidence or fire-arms. Are you comfortable with such lecturers or not? If not, how can this expert knowledge be brought

across? Please send your comment on or before 30 June 2004 to the Chairperson of the Judicial Education Committee. The whole concept of peer-training was also discussed, and the College seems to be in favour of some regional magistrates giving guest lectures during both courses to a limited extent. Please inform us if you are willing to present a lecture on a specific topic you feel is relevant so that the attendees of the course can benefit from your experience. Please do not be shy! We need you to promote high quality training. If you are interested please contact Jakkie Wessels on or before 30 June 2004! The meeting was a fruitful one, and hopefully ties between us and the College will become even stronger in future to ensure high quality training for all of us.

Attached to this newsletter you will also find relevant case law distributed by the Judicial Education Committee.

E. PROJECT COMMITTEE

Recently members of Gauteng and Eastern Cape linked with UNISA, University of Pretoria and UPE's Street Law Projects. The idea is that we will get involved in these projects, which entail in essence that law students reach out to disadvantaged communities to explain basic concepts to them about the law, and their rights. We will get involved in the lectures to the students who will then host workshops for the communities. We will also be involved in the actual workshops.

If you are interested in getting involved in such projects (regardless of which province you are residing in) please contact the Chairperson of the Project Committee, Mr Herman Bühr, at 0828550477 or e-mail hwbuhr@mweb.co.za as soon as possible.

The community project in the Western Cape referred to in the previous newsletter involving equipping school children with leadership skills, was officially launched on 15 May 2004. The launch was a huge success and the project is well on its way.

Congratulations and thanks to all the members who are participating in this project!

F. ARMSA MAILING LIST

It has come to our attention that there are certain members who do have access to the Internet and e-mail but do not receive any mail from the ARMSA mailing list. This can be due to a number of reasons to wit:-

1. The e-mail address we have is incorrect or has changed.
2. Your mail server has a filter that blocks mail from ARMSA.

3. You have not subscribed to the ARMSA-mailing list yet. As we strive to reach and inform as many members as possible, it is imperative that we have your correct particulars.

If you don't receive e-mail for what ever reason please contact the ARMSA Webmaster as a matter of urgency. You can do so by:

1. Sending an e-mail to praetor@ananzi.co.za or;
2. Sending him a sms containing your name and e-mail address to 0823260164 or;
3. You can phone him between 07h00 – 00h00 for any enquiries or burning questions. In the alternative you can also register on the ARMSA website as well as on the homepage www.armsa.org.za

By subscribing to the mailing list you will receive your newsletters and all the other urgent communications "hot off the press". It must also be mentioned that the fuel allowances set down by the Department of Transport are forwarded to all members on the mailing list on a monthly basis. In this regard we supercede the Department of Justice's snail mail by at least 60 days.

G. ANNUAL CONFERENCE

We again confirm that the dates for this conference are 11 – 14 November 2004. Please make arrangements timeously for your attendance, in order to prevent any disruptions at your court. We are still awaiting the outcome of our proposal regarding funding for the conference. We will keep you informed. The venue will be in Gauteng, North West or Limpopo!

H. APOLOGY

We apologize that the newsletter is reaching you later than is usually the case. We held the publication back to report on the meeting of the Commission on 24 May 2004, so as to update you as far as possible.

A.C. **BEKKER**
M.M. KEMP
PRESIDENT: ARMSA SECRETARY



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Executive Management Committee - Uitvoerende Dagbestuur

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Newsletter No. 5

June 2004

TO ALL MEMBERS OF ARMSA

A. MEMBERSHIP NEWS

We wish to welcome the following new members who have joined our ranks since the drafting of the previous newsletter:

Mr M.W. Mangweni	Kuilsriver
Ms S. Maphumulo	Durban
Mr D. Mhango	Johannesburg
Mrs S.J. Benade	Odi
Me B.S. Lefenya	Welkom
Mr E.K. Patterson	Pretoria
Mr T.E. Anna	George
Mr H.S. Mashimbye	Germiston

Total members: **242**

B. EXECUTIVE MEETING: 4 – 5 JUNE 2004

Attached you will find the agenda for this meeting. The meeting started on the Friday night and continued the next day. The meeting lasted between 10 – 11 hours. It is obviously impossible to report back on all the inputs given by the members during the course of the meeting. The meeting was a fruitful one and definitely worthwhile. The following summary of the meeting we believe captures the essence of the discussions and resolutions taken:

POINT 3: MEMBERSHIP ISSUES

3.1 FEES

The various regions were informed that their proportionate share of the membership fee was

paid over to them at the end of May 2004.

The meeting was also reminded that the membership fee will stay at R80-00 until further notice; due to reasons already furnished in previous newsletters. The issue of preparing proper budgets for each year's activities was also discussed. The Standing Committees were requested to hand in budgets on or before 15 October 2004

3.2 & 3.3: CURRENT POSITION: MEMBERSHIP AND RECRUITING OF NEW MEMBERS: LIST

The meeting was informed that at the time of the meeting we had 241 members. The continued growth of our membership is encouraging. A list was handed to each Regional Chairperson containing the names of the newly appointed group of magistrates, who will be on probation. The Chairpersons were requested to approach these magistrates an attempt to recruit them.

Of the new group, ± 12 magistrates had already been recruited.

3.4 NEW REGIONS: TO SELECT COMMITTEES

The meeting was informed that the Mpumalanga and Limpopo Provinces will each have to select their own Regional Committee according to our constitution prior to the Annual General Meeting in November 2004.

The National Executive Management Committee will try to organize meetings in these provinces prior to the Annual General Meeting. Funding for these meetings could be a problem.

3.5 TIES: NEW ORDER: OTHER IDEAS

The meeting was informed that there are virtually no membership ties left for distribution to new members. The National Executive Management Committee approached one of our members, Mr Ian Colditz of Newcastle who was involved in the designing of the tie in 1999 – 2000, to obtain an estimation of the cost should we order new ties. He informed the National Executive Management Committee that a tie will cost R72-96. A minimum of 100 must be ordered. After some discussions the following resolutions were taken:

- (a) The members must be approached about the question whether they want to retain the current tie (in navy and black) or whether they want a totally new design. If there is a new design, more ties will have to be obtained ± 250, in order to provide the “old members” with the new tie as well. The cost implications will virtually be double in comparison with the mere repeating of the original order.

We request you to please inform us on or before 30 July 2004 of your view regarding the retaining of the current tie. Please convey this to your Regional Chairperson on or before abovementioned date. We request the Chairpersons to establish the views of the members and send them to us by 7 August 2004. We will have to abide by the view of the majority.

- (b) The lack of any visible token/gift for ladies who joined our ranks was also discussed. Some suggestions were in the line of, for example, a good quality pen with our emblem on or perhaps a scarf. Please let us now about any ideas/suggestions you have for the ladies on or before 30 July 2004. Please inform your Regional Chairpersons about this as well. We request the Regional Chairpersons to send us this information together with the information about the ties.

3.6 COMMUNICATION

Mr Claassen, our webmaster, urged everyone again to provide him with e-mail addresses of members to put on ARMSA’s mailing list.

It was decided that we should compare the mail list of Mr Claassen with the membership list of ARMSA to see who does receive the newsletter in electronic form. We can achieve a substantial

saving if we don’t send hardcopies of the newsletter to members who receive it electronically in any event.

We request everyone to indicate to your various Regional Chairpersons on or before 30 July 2004 whether you want to receive a hardcopy of the newsletter or not. We request the various Regional Committees to gather this information and send it to us in the first week of August 2004.

In the meantime we will continue to send the newsletter electronically as well as a hardcopy to each member.

POINT 4: ANNUAL CONFERENCE (4.1 – 4.3)

The meeting was informed that some members, mostly from Natal will Celebrate “Deepavali” (a Hindu festival day) on 12 November 2004, and would therefore not be able to attend the conference. They requested, if possible, that the conference be move to another date.

The issue was discussed and the meeting was informed that the date of 11 – 14 November 2004 for the Conference was announced in the last two newsletters and no one noted any objections. Provisional bookings for one or two possible suitable venues were already made for 11 – 14 November 2004. Many members already booked these days and decided not to place any cases for these days. The dates will also coincide with training days for the Eastern Cape regional court prosecutors, which meant that the Regional Magistrates were already available on these dates. The minimum court days will be lost because all of them will not be available during the same period 11 – 14 November 2004.

The meeting, as a result, decided that the dates will stay the same, 11 – 14 November 2004. This decision was taken with regret seen in the light of the position of the members celebrating “Deepavali”. The Chairperson of ARMSA was instructed to approach them to convey our apology and to see in which possible ways they can still be accommodated during the weekend.

The venue will be in Gauteng. (See paragraph H for final venue).

The meeting was told that the Chairperson of ARMSA visited and investigated ± 20 venues in Limpopo, North West and Gauteng in an attempt to find a suitable venue.

Funding for the event was secured, and the format will be more or less the same as last

year.

Regarding the Annual General Meeting of ARMSA, it was decided that it will be held on Thursday night, 11 November 2004. It was also decided that, depending on funding, the National Executive Committee will meet prior to the Annual General Meeting, (on the Wednesday night) to iron out issues in an attempt to perhaps shorten the Annual General Meeting.

5. STANDING COMMITTEES

5.1 REMUNERATION AND CONDITIONS OF SERVICE COMMITTEE (POINT 5.1.1 – 5.1.10)

Regarding all the issues as stipulated under point 5.1 a lengthy discussion took place. The report of CS Holdings was also discussed as well as our expert's view on it. In the end the following decisions were taken:

- (a) The Chairperson was instructed to draft further submissions/comments as a result of the report of CS Holdings to be tabled before the Remuneration Commission. The submissions must refer to the fact that an across the board increase will only increase the gap between us and the Regional Court Presidents and the Judges, and that the date of implementation for the annual increase must be 1 April 2004, and not July 2004. He was also instructed to mention in the submissions that we strongly support the recommendations by the consultants that a proper job evaluation must be done with the purpose of addressing the unacceptable gaps in salaries by next year and also that our pension benefits must be totally reviewed and investigated to make them more equitable in comparison to that of the judges.
- (b) It was also decided that the Standing Committee will draft a comprehensive document on all other conditions of service issues which will not be addressed by the Remuneration Commission, for instance leave, long leave, the long service recognition system, S&T (must be same for judges and magistrates), medical aid etc.

This document must also include a possible approach/proposal regarding an alternative pension dispensation. This document will serve as a possible policy document on all these issues. The Committee was instructed to have this document finalized by 30 September 2004. They will divide the work amongst themselves. It will then be circulated to the members one month before the Annual General Meeting. We can then discuss

this document at the Annual General Meeting regarding all these issues and hopefully accept it. We can then promote this document and convey to other role-players our stance regarding all these issues.

- (c) Regarding the security issue and the cell phone allowance, the meeting was informed by the Chairperson that he has been trying for months, to get a meeting with the Director-General of Justice to discuss these issues. They started to evaluate some houses of Regional Magistrates in Pretoria and the Western Cape, but progress is painstakingly slow. Security at court is still unacceptable at many offices and no progress is visible. This will all be taken up with the Director-General, hopefully in the near future. The Chairperson was instructed to keep up the pressure regarding these issues.

The meeting also noted with appreciation a letter drafted by Mr H.R. Louw (one of our members), addressed to the South African Revenue Services, regarding our status as office bearers. Currently there were no reference to us in the Income Tax Act, and we can perhaps receive certain tax benefits if we are included.

5.1.6 LEGAL OPINION: TRANSPORT OF OTHER PERSONS IN OUR OFFICIAL MOTOR VEHICLE

The meeting discussed the problem raised by a member in the Eastern Cape, about sometimes having no choice but to transport a stenographer to court. What will the legal implications be if they are in an accident with his car? The meeting felt that one should refuse to transport the people even if a court session is not possible as a result. Why take the risk? The meeting decided that we should approach the Department as well to find out if they will cover for such an occurrence at all. A decision was taken not to obtain a legal opinion at this stage.

5.2 JUDICIAL INDEPENDENCE COMMITTEE

5.2.1 PROGRESS OF LEGAL ACTION REGARDING CALCULATION OF PENSION

The Committee was informed that the letter of demand was sent out by our attorneys, and that the legal action started formally. We have a responsibility towards all members and ex-members to continue with this legal action.

Robert Henney and Mr Menong of Free State are willing to assist Graham Travers in Judicial Independence matters.

5.3 JUDICIAL EDUCATION COMMITTEE (POINT

5.3.1 – 5.3.6)

The Chairperson of this Committee handed in a report which summarized the past and current activities of this Committee, as well as future activities.

A copy of it is attached for your information. The topics in the report of this Committee were discussed at length. It was clear that the following activities are planned by this Committee in the near future:

- (a) Symposium on the Child in the Criminal Justice System on 16 June 2004 in Cape Town and Pretoria.
- (b) A workshop on 28 August 2004 in Gauteng in co-operation with RAU on Law of Evidence, specifically on *inter alia* documentary and computer-generated evidence. This will be facilitated by Dr Dawie de Villiers, well known lecturer on law of evidence. It will be sponsored by RAU. We hope to perhaps expand it later to other provinces.
- (c) The various regions were also requested at the meeting to have some activities on 9 August 2004, National Woman's Day. They were also informed that some of the universities will be keen to get involved.
- (d) A proposal was handed to the Department of Justice regarding funds for workshops in all the provinces towards the end of this year and next year. These workshops will deal with Sexual Offences, possibly the Sexual Offences Act if in operation, social context issues relating to it and will also focus on stress management. It will involve all Regional Magistrates. We are awaiting the outcome of this proposal.

The lack of resources were also discussed and the fact that many members don't receive the South African Criminal Law Reports at all. The fact that the Bench book of Justice College is not really relevant for Regional Courts was also discussed. The Committee indicated that they will take it up with the College to see whether a Regional Courts version can be drafted to be utilized by Regional Magistrates in future.

The meeting also endorsed the decision of Committee to be involved in the contents of the courses to be presented to the Aspirant Regional Magistrates in August 2004. Our responsibility in this regard was stressed and everyone, as in the previous newsletter, was invited to make submissions about the contents of this course as well as the refresher course. Members of the meeting were also invited to make themselves available to lecture on a specific topic they feel they have sufficient knowledge about.

If anyone wishes to get involved or have suggestions contact the Chairperson, Jakkie Wessels on or before 15 July 2004.

The meeting also decided that it is not proper that policemen who could testify in our courts at a later stage, lecture us on topics such as ballistics. You can still obtain this information, if needed, by the evidence of the expert in the court itself.

It is also not acceptable that some of the members of the Asset Forfeiture Unit (prosecutors) lecture us on the relevant Act interpretations. It is for the magistrate to decide how the Act must be interpreted and not for a prosecutor to suggest how it should be interpreted.

The Committee was requested to take up these issues with the College, bearing in mind the contents of courses in the future.

The issue regarding lay assessors was also discussed as a result of the Committee's substantive document on the Act and the regulations which was sent to the State Law Advisors.

The Regional Court Presidents Forum also did not respond to a document drafted by ARMSA in February 2004, in which we discussed the whole mentor system in the Regional Courts and the current deficiencies in the system. The meeting found their lack of response disappointing. It was decided that each Regional Committee must approach their Regional Court President about the contents of the document and his/her review regarding it. Possibly some of it can be implemented in the divisional setup.

5.4 PROJECT COMMITTEE (5.4.1 – 5.4.5)

The Chairperson of this committee, Mr Herman Buhr of George reported back about the committee's activities.

The current projects in Cape Town and George are a great success and the members involved benefited greatly on a personal level due to their involvement in the project. The gala evening for the Cape Town project will be on 17 July 2004 and in Thembalethu (George) on 26 June 2004. These projects focus on developing leadership skills for the youth in the townships in these areas. They are joint projects with the International Toastmasters Organisation. Our members are involved in a supportive role, organizing the events and are also present on Saturday mornings to assist and support the pupils. The leadership skills part of the project is handled by the Toastmasters. The Department of Justice also sponsored the projects and even provides transport for the pupils to attend.

The lack of other community projects

(regardless of their contents) in the other provinces was discussed at length.

It was emphasized that participation in these types of projects will always be voluntary and no member should be pressurized to get involved. In fact the true value of the projects is to involve those who want to be involved and feel attracted to such projects.

It was decided that in order to identify those members who want to get involve the Regional Committees must establish from their members who will be interested in getting involved in projects like the one in the Western Cape or any other project e.g. speaking at schools about the law and informing people about the working of the courts etc. It was decided that the committees compile a list of members who are interested and send it to the chairperson of the project committee no later than 31 July 2004. We also request members who are interested to contact your Regional Chairperson or Mr Buhr as soon as possible to furnish them with your particulars.

The regions, who did not nominate any members to serve on this committee, were requested to do so on or before 31 July 2004 and to send the name through to the Chairperson of this committee. Once again planning and co-ordination will be easier if we can have one contact person per region.

Herman Buhr and Robert Henney, Chairperson of the Western Cape, were requested to draft a full report about the projects in Cape Town and George once it has been finalized.

In the report they must identify the problems experienced in the project, the budget needed for such a project, and how much manpower will be needed. The report must be ready by 15 August 2004. The Toastmasters already indicated that they are keen to expand this project to other provinces with us as partners.

Once we received the report we will study it and make plans for the future involving the Toastmasters. By then we will know which members will be willing to be involved and we can then plan properly.

The Chairperson of ARMSA indicated that it is important to get involved in community projects, even if in a very simple way. The key remains voluntary and enthusiastic participation of members regardless of the number involved. Sharon Marks' "project" serves as an example – she invited girls from a local primary school to attend her court and also discussed the working of the court with them. The value of such a project cannot be underestimated.

The poster project was discussed. We wanted to

launch this project containing information about the Minimum Sentence Act earlier, however, due to a lack of funding this project is on hold for the moment. The Department of Justice was unable up to now to assist us in this regard. We shall keep on trying to obtain funding for this project.

The proposed project of the Eastern Cape was also discussed, involving the National Educational Theatre for Schools who present plays to school children which focus on courts. The proposal is to get involved in the contents of the plays to ensure that what they portray regarding courts is correct and informative. No objections were raised and this project can continue.

5.5 MEMBERS SUPPORT COMMITTEE (5.5.1 – 5.5.3)

Mr Themba Ndwandwe, the Chairperson of this committee, led the discussions. The Regional Committees were urged to nominate members to serve on this committee, if they have not done so yet. The deadline for submitting names to the chairperson of this committee is 31 July 2004. Mr Ndwandwe stressed the importance of looking after our members wellbeing-emotional, mental, spiritual and physical. We will also have to focus on stress management. ARMSA did approach the Department of Justice in 2003 with a detailed proposal for funding to facilitate workshops, regarding stress management. Unfortunately we were unable to obtain funding.

The nationwide workshops envisaged by the education committee regarding sexual offences and social context will also have a component allocated to give attention to stress management. If we are successful in obtaining the funding for these workshops we can at least start to look at stress management. The need for more time to be spent on stress management may be identified during these workshops which will surely serve as strong motivation to have proper workshops, focusing only on stress management in the future.

The need for a confidential, easily reachable hotline was also expressed. Paul du Plessis offered to investigate this possibility as there are similar services, for example at Netcare.

The need for long leave (3 months) to manage stress was also discussed. It was decided to refer this matter to the Remuneration Committee for inclusion in their draft document about conditions of service discussed earlier. Currently some Regional Court Presidents do allow magistrates to go on "long leave" but we need a formal approval of such form of leave to enable all Regional Magistrates to benefit

from such leave.

5.6 ETHICS COMMITTEE (5.6.1 AND 5.6.2)

Paul du Plessis is currently the only member of this committee. He indicated that it is imperative that we should show our commitment to ethics and we must promote ethical conduct from our members at all times.

He proposed that we must try to obtain funding for workshops (even if it is a one day workshop to start off with) to focus on ethical matters. This will create awareness amongst members about the importance of ethical behaviour at all times. It can also stimulate debate regarding ethical issues.

He also felt that there is a need for us to have our own ethical code as Regional Magistrates, regardless of what will be formalized, by for example, the Magistrates Commission. He offered to draft such a code and hopes to distribute it before the Annual General Meeting of ARMSA for discussion and possible approval. We can then hopefully associate ourselves proudly with such a code. Mr Pretorius of Umtata and Mr Visser of Bethlehem indicated their willingness to serve on this committee and Paul will contact them in due course. Mr Pretorius has in fact already drafted a provisional code which was distributed in the newsletter of August 2003.

6. MAGISTRATES COMMISSION

Mr Trevor Levitt our representative on the Magistrates Commission had little to report on due to the fact that the Commission did not sit just prior to and after the election as scheduled. This was due to the fact that only a few politicians who served on the Commission were present at the meeting prior to the election and therefore no quorum was established. After the election they were not appointed in time to attend the first meeting after the election. Hopefully they will meet somewhere in July 2004. Concern was expressed about people who are serving apparently endless terms on the Commission without making any real contributions on behalf of the Magistracy.

7. WORKSHOP: 18 – 19 JUNE 2004

At the time of the meeting the Department of Justice wanted to facilitate a workshop for the Lower Court Judiciary regarding *inter alia* the items mentioned in 7.1 – 7.7. However, after our meeting this workshop was postponed and no date in the near future is expected for this workshop.

The meeting discussed the points as reflected in the agenda and we will just very briefly summarize the discussions regarding it.

7.1 TRAINING

The importance of the fact that the judiciary should be in control of their own training was discussed. It is therefore essential that we all become involved in the training of, for example, the Regional Magistrates on probation and consider peer education and involving judges in our training.

7.2 SPECIALIZED COURTS

The meeting stressed the importance of magistrates rotating on a regular basis in the specialized courts. Concerns were raised about some members of the Prosecution Authority expecting magistrates to preside permanently in these courts for example the sexual offences courts. It is essential for Regional Magistrates to preside over all types of cases in order to enhance their skills and be balanced in their approach. The lack of a proper rotation system in certain regions was discussed. Members were advised to insist on a proper rotation system.

7.3 LANGUAGE OF RECORD

A lengthy debate on this issue was held. It was clear that there were various valid points of view about this sensitive issue. The meeting was therefore not able to decide on a specific stance regarding this issue. In the end a policy decision by Government is needed to finally put this issue to rest.

7.4 CASE FLOW MANAGEMENT

The importance of the fact that we should take control over our court rolls was discussed with approval.

7.5 RELATIONSHIP WITH JUDGES

The meeting discussed the possibility of trying to establish some relationship with judges of the High Court. Perhaps one should start at an informal level and also invite judges more often to address or lecture us, thereby building bridges between us. The various Regional Committees were requested to investigate possibilities in this regard in their various regions.

7.6 SUPERVISION BY THE DEPARTMENT OF JUSTICE

We all agreed that any form of supervision of our work by the Department is unacceptable.

7.7 SINGLE JUDICIARY

A general discussion regarding the concept

was held.

8. CMJA-MEETING: 20 – 23 SEPTEMBER 2004

The meeting was informed that a Commonwealth Magistrates and Judges Association Conference will be held from 20 – 23 September 2004. It will be hosted by the Judiciary of Jersey, one of the islands near England. The possibility of sending some of our members to attend was discussed. Indications are that the cost to send one member will be more or less R15 000-00 (4 nights accommodation and air ticket included). The meeting discussed the program of the conference which mainly focuses on lay magistrates. It was decided, depending on funding, that we shall send only one member to attend. There is a possibility that the Department may assist and that more members could attend, but that seems very unlikely.

At the meeting a copy of the March edition of the newsletter of the CMJA was handed over to all regional chairpersons. You can contact your regional chairperson if you want to study it or make copies.

If you are interested in attending the conference please inform the Chairperson of ARMSA on or before 30 July 2004. We cannot promise anything but will try to send more than one member, depending on the funding.

9. INVITATION TO PARLIAMENT: ARMSA'S CHAIRPERSON: 11 JUNE 2004

The meeting instructed the Chairperson to bring to the attention of the Justice Portfolio Committee the issues of (a) lay assessors and our view regarding them, (b) the need for proper tools to do our work, in other words to have more power to enforce orders we make.

10. FINANCIAL POSITION

Mr Graham Travers, the National Treasurer, informed us that at the time of the meeting we had R25 000-00 available in our account.

11. ADDITIONAL POINTS FOR DISCUSSION

11.1 GENDER EQUALITY

It was removed from the agenda and not discussed.

11.2 INTERNET ACCESS

Unhappiness was voiced about the fact that members do not have access to internet and Jutastat. The Chairperson of ARMSA was requested to investigate the problem.

11.3 MERIT AWARDS

The member who put this point on the agenda in fact wanted to refer to honorary membership posthumously and reminded the meeting that it was decided at the Annual General Meeting of 2003 that guidelines should be drafted that can be followed when considering an application for such membership. The Chairperson of ARMSA undertook to look into it and draft guidelines for distribution and comment in due course.

11.4 QUALITY ASSURANCE

Although this practice is not relevant for the regional courts, some concerns were raised about it being conducted in the district courts. Some members at the meeting felt that this practice was undesirable. However no decision was taken on the issue.

11.5 LAY ASSESSORS

No additional discussions took place because the issue was discussed earlier in the meeting.

11.6 CIVIL JURISDICTION

The issue of receiving training for equality courts and access to information courts was discussed. Some regional magistrates are designated to sit in such courts but are not utilized. We should also insist on training in divorce court matters to empower us even more. Jakkie Wessels was tasked to draft a letter in this regard to discuss this matter with the various Regional Court Presidents.

11.7 VERIFICATION OF BANKING PARTICULARS

All the regions were reminded that banks require from their clients to verify their personal particulars before the end of June 2004, otherwise accounts will be frozen.

11.8 MR GRAHAM TRAVERS AND THE NPA

The matter of Mr Graham Travers, one of our members, was discussed in detail after he was requested to leave the meeting. Earlier the NPA decided not to place any new cases before him as presiding officer, the reason being, according to them, his low finalization rate in court. There is currently no misconduct hearing pending against him, nor did the Magistrates Commission decide to suspend him pending any enquiry. The Magistrates Commission originally decided to hold a competency enquiry but in the meantime decided to suspend it, pending further discussions with Mr Travers on 7 July 2004. Despite several attempts from our side, including taking it up with the Chief Justice, the NPA still stand by their decision not to place

any new cases before him. We feel that the decision infringes on the principal of judicial independence, because the NPA is in effect suspending him by refusing to place new cases before him. Eventually once his partly heard cases are finalized, he will not go to court at all. Only the Magistrates Commission can suspend a magistrate. In the end Mr Travers decided to approach the High Court to obtain a court order to force the NPA to revoke their decision. The meeting instructed the Chairperson of ARMSA to file a supporting affidavit in this case and to join ARMSA as a party to the matter if necessary. The meeting also decided to look at possible financial assistance to cover Mr Travers's litigation costs.

C. VISIT TO PARLIAMENT ON 11 JUNE 2004 BY THE CHAIRPERSON OF ARMSA

On 11 June 2004 the judiciary met with the ad hoc committee on justice at parliament. The Chief Justice, the Deputy Chief Justice, the Chairperson of the LCMC, the Vice President of JOASA and the President of ARMSA represented the judiciary.

None of the 9 – 10 members from parliament who attended the meeting have been appointed as yet to serve on the Justice Portfolio Committee.

The Chief Justice spoke for quite a while. The essence of his speech regarding resources for the courts is very well reflected in an article in the Sunday Tribune of 13 June 2004. A copy is attached for your information.

He also indicated that it is essential that the Judiciary has a direct say in or control over the budget for the courts. Only then can the needs of the Judiciary and the courts properly be addressed. He also indicated that there needs to be a closer relationship between the Higher and the Lower Courts. However, up until now no proper office has established for the Chief Justice, which would enable him to act as the head of the whole Judiciary. There is an indication that a post for a Chief Director of the office of the Chief Justice will be advertised soon. He also referred to the possibility that a closer relationship between the Lower and the Higher Courts could perhaps start at a provincial level and that a structure should be put in place to achieve it.

He also conveyed his dissatisfaction about legislation which is long overdue but is still not passed e.g. the Supreme Court Bill and legislation regarding the complaints mechanism regarding judges. Legislation is also needed to restructure the Lower Courts.

The Deputy Chief Justice concentrated in his address on the transformation of the Judiciary.

He indicated that some progress has been made in the last 10 years, but much must still be done. He emphasized the importance of the existence of a substantial and large enough pool to draw appropriate candidates to the High Court Bench. He also indicated that training for all judicial officers is of vital importance. He also referred to the possibility that Justice College could become independent and function as a statutory body. They could perhaps assist in training potential judges, because according to him there is a shortage of people who are ready to be appointed as judges. He also indicated that magistrates are also a pool from which they can draw for appointment to the High Court Bench. He specifically referred to Regional Magistrates who have vast experience in serious criminal matters but lack sufficient civil law experience. The granting of civil jurisdiction to them should be seriously considered according to the Deputy Chief Justice.

From the Lower Court Judiciary's side we also emphasized the lack of resources as one of the main concerns, especially in some rural areas.

The need to get more authority to enforce our orders (Section 342A) was also raised. The question was also asked when the cost orders provided for in Section 342A will be put into operation. The fact that we cannot effectively enforce our orders impacts negatively on service delivery and case flow management.

The frustratingly long delay in appointments of magistrates made by the Minister of Justice and the consequences of it on service delivery was also highlighted. The norms used to decide when a new post for a magistrate should be created were also discussed and described as outdated. The fact that courts are still not accessible to some South Africans was also raised.

The specialized courts were also discussed and it was mentioned that it happens sometimes that they are put in place without proper planning and consultation with magistrates. The fact was also stressed that Regional Magistrates are appointed as Regional Magistrates for a specific division and not as a designated magistrate for a specific specialized court. The need for magistrates to rotate in these courts was also stressed.

The unacceptable position regarding security at courts and for magistrates was also discussed and we conveyed our dismay about this. This does not seem to be a priority for the authorities. No real progress has been made regarding this issue over the last 2 years.

Lastly, the conflict between the court managers and the judiciary was also pointed out. It seems as if the role of the court managers is still not sorted out. They should fall under the authority of the judiciary and no one else.

D. SALARIES: LATEST UPDATE

After our meeting with the Ad Hoc Committee of Justice on 11 June 2004, the Chief Justice conveyed to the Chairperson of ARMSA that according to his knowledge the Remuneration Commission must still consult with the Minister of Finance. He foresaw at that stage that it would most probably not be before the end of June 2004.

In the meantime we have made further submissions to the Commission as instructed by the Executive Committee at the meeting of 4 – 6 June 2004.

We shall keep you informed.

E. SYMPOSIUMS ON 16 JUNE 2004

On 16 June 2004, Youth Day, we held two symposiums on the topic of the Child and the Criminal Justice System. This was done in Pretoria in conjunction with the Centre for Child Law at the University of Pretoria. 45 Persons attended it and the quality of the contributions was excellent! We wish to thank the Education Committee for its efforts and Seka Monaledi who acted as chairperson.

In Cape Town, ARMSA hosted a symposium in conjunction with the Community Law Centre of the University of the Western Cape. ± 90 Persons attended. From the feedback we received this occasion was also extremely well organized and the contributions were of high quality. The Regional Office of the Department of Justice also contributed financially to secure its success. Thank you! We also wish to thank all our members in the Western Cape for their hard work to ensure the success of this event.

F. UPDATE OF RECENT CASE LAW

Attached you will find the monthly compilation from the Education Committee regarding Case Law.

G. SYMPOSIUM/LECTURE ON 28 AUGUST 2004: RAU

As indicated earlier in the discussion of the activities of the Education Committee (see paragraph B point 5.3 on Agenda), a symposium will be held on 28 August 2004 at RAU. The lecturer will be Dr Dawie de Villiers, well-known lecturer on Law of Evidence. He will deal *inter alia* with documentary evidence and computer generated evidence. If you wish to attend please

RSVP on or before 13 August 2004 at Anél Botha at (012) 319-4137 between 07h45 – 16h00.

No fee will be payable and lunch will be served.

H. ANNUAL CONFERENCE 2004

The date will be 11 – 14 November 2004. It will be at the Indaba Hotel, Fourways, Sandton, Gauteng. Funds have been secured for the event.

Please inform your Regional Committee on or before 30 August 2004 whether you will be attending or not. The members from Gauteng are also specifically requested to indicate whether you are going to be a day visitor or not. (In other words whether you are going to make use of the accommodation or not). Members are encouraged to share rooms. Only a limited number of single rooms will be available, with an additional cost of R220-00 per person per night. This money will be payable on or before 30 August 2004 at your Regional Treasurer. Air tickets will be purchased for members who need to travel by air due to the distance.

The list of people attending must be forwarded to the National Executive Management Committee on or before 7 September 2004.

Kind regards.

A.C. BEKKER

M.M. COOK



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Executive Management Committee - Uitvoerende Dagbestuur

A C Bekker (President); M M Cook (Secretary/Sekretaris); G N Travers (Treasurer/Tesourier)

Newsletter No. 6

July 2004

TO ALL MEMBERS OF ARMSA

A. MEMBERSHIP NEWS

We welcome the following new members who have joined us recently:

Me M. Stander	Wynberg,	Cape Town
Me P.J. Ngewu	Sasolburg	
Mr P.H. Cloete	Lebowakgomo	
Me N. Conjwa	Umtata	
Mr M.E. Mbiyo	Cape Town	
Me N.R. Jakuja	Mitchell's Plain	

Total members: **248**

B. SALARIES: UPDATE

The Independent Commission for the Remuneration of Public Office Bearers met with the Chief Justice on 14 July 2004. On 21 July 2004 the Chief Justice informed us what transpired at the meeting. This took place by means of a telephonic conversation with JOASA's President, Mr C.J. Musi. We wish to thank Mr Musi for making a summary of the conversation with the Chief Justice available for distribution. The contents are self-explanatory. The Commission met with the Department of Finance on 23 July 2004. We were informed on 26 July 2004 that the Commission will also meet with the Minister of Justice as soon as possible to finalize recommendations for 2004.

C. JUDICIAL EDUCATION COMMITTEE

C1 UPDATE OF RECENT CASE LAW

Attached you will find the monthly compilation from the Education Committee regarding recent case law. Thanks to Mr Dirk Louw of Uitenhage for his excellent work!

C2 SYMPOSIUM ON 28 AUGUST 2004: RAU

Attached you will find an invitation to this symposium as well as a map to the venue. All the necessary information is contained in the invitation. Please note that only **60** persons can be accommodated. The principle of first come, first serve will therefore apply.

C3 SEMINAR FOR ACTING REGIONAL MAGISTRATES: 2 – 27 AUGUST 2004

Some of our members will participate in this seminar by giving practical inputs during lectures. This is a first for us and Justice College. We wish to thank the members participating for their willingness and the Regional Court Presidents who made them available for the days they are needed. We shall report fully on their participation in the next newsletter.

D. PROJECT COMMITTEE

D1 GALA EVENING: CAPE TOWN: 17 JULY 2004

The gala evening of a community project in

conjunction with the International Toastmasters and the Department of Justice was a great success. To the Western Cape members who have participated, well done! It is good to know that we made a difference in the lives of the children participated in the project. Attached to the electronic format of the newsletter you will find various photo's reflecting this special occasion. The Toastmasters again expressed their willingness to join us in similar projects in other provinces. We hope that we can achieve this! The Department of Justice funded this project mildly to secure the success of it. We wish to thank them! A full report on this project will be distributed later.

A similar project in Thembalethu, George was also successfully concluded on 26 June 2004. Attached to the hard copy of the newsletter you will find two newspapers articles regarding this project, successfully managed by Herman Buhr of George.

If anyone wishes to participate or has any ideas for future projects, please contact us. Mr Herman Burh is the chairperson of this committee: Cell number 082 855 0477.

D2 PROJECTS AT INGWAVUMA, NATAL

Mr Steve Mundhree, Natal representative on the Project Committee is doing excellent work in the rural community of Ingwavuma where he is stationed. He is serving on the local Hospital Board; and is also a member of the newly formed Community Forum. He in fact initiated this forum. He also played a leading role in organizing the celebrations on Human Rights Day and Youth Day in the community. On Youth Day a large number of school children were present and the focus was on crime prevention and the danger of crime. Mr Mundhree delivered a speech at this gathering. He is currently involved in the planning of the celebrations on National Womens' Day on 9 August 2004.

We wish to congratulate and applaud him for his efforts! He is also never shy to reveal his relationship with us and that he is also doing everything as a member of the Project Committee of ARMSA.

If anyone of you are perhaps busy with something similar, especially in rural areas, please inform us so that we can perhaps try and assist you in your efforts!

E. ETHICS COMMITTEE

Mr Paul du Plessis, the chairperson of this committee, attended a one day planning meeting in Cape Town regarding training on ethical issues. A short report compiled by him is attached for your information. We shall keep you informed about the progress of this project.

F. ANNUAL GENERAL MEETING: GAUTENG

Attached you will find an invitation to the Annual General Meeting of Gauteng. Members from Pretoria, Pretoria North and Soshanguve are reminded that they must attend this meeting due to the new demarcation of the Regional Divisions since April 2004.

G. ANNUAL CONFERENCE: ARMSA: 2004 (GAUTENG)

Members are reminded to indicate to their Regional Committees their attendance on or before 30 August 2004. Single rooms are limited, an additional R220 per person per night will be payable.

H. SECTION 103 ACT 60/2000: FIRE ARMS CONTROL ACT

Attached you will find a "pro-forma" of the notification in terms of section 103(3) of the Act as well as explanatory notes regarding the enquiries to be held by the court in terms of section 103 and when such enquiries will be needed.

This excellent document was drafted by one of our members, Mr Piet du Plessis of Boksburg, who kindly allowed us to distribute it for your information and possible use. We wish to thank him for that!

If you have any similar "pro-formas" or any other notes on specific sections of statutory law, please provide them to us so that we can learn from each other.

I. CENTRE FOR CHILD LAW

Attached you will find registration forms for two courses to be held by the Centre for Child Law at the University of Pretoria. If you are interested to attend you can make use of it to register.

Kind regards

A.C.

BEKKER

M.M. KEMP

PRESIDENT: ARMSA

SECRETARY



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Executive Management Committee - Uitvoerende Dagbestuur

A C Bekker (President); M M Cook (Secretary/Sekretaris); G N Travers (Treasurer/Tesourier)

Newsletter No. 7

August/September 2004

TO ALL MEMBERS OF ARMSA

A. MEMBERSHIP NEWS

We wish to welcome the following new members:

Mr V. Smith	Kimberley
Mr M. Viewe	Upington
Mr R.G. Mali	Phuthaditjaba
Mrs M.D. Khaduga	Botshabelo

Total members: **252**

One of our members, Seka Monaedi, Regional Court President of the North West was recently invited by the United States Government to visit the United States of America on an international visitor program. This invitation was handed to her by the Ambassador of the United States in South Africa. She has accepted the invitation and will leave for the USA in November 2004. We wish to congratulate her on this invitation; she was selected from ± 70 nominated candidates!

B. SALARIES: UPDATE

On 21 August 2004 representatives of ARMSA, JOASA and LCMC met with 3 judges regarding the salary issue. We shared a common frustration that there are no proper channels of communication with the Remuneration Commission. We decided to mandate Judge Bertelsmann of the Transvaal Provincial Division to meet with Judge Moseneke, the Chairperson of the Commission as soon as possible. He will

also enquire from him about the recommendations for 2004 which have apparently (we could not verify the correctness of this) been sent to President Mbeki. It is also not clear what will happen with regard to next years salary proposals. We are awaiting the response from Judge Bertelsmann. We will keep you informed.

C. EDUCATION COMMITTEE

C1 COURSE FOR ASPIRANT REGIONAL COURT MAGISTRATES: 2 – 27 AUGUST 2004

A number of our members participated in this course as facilitators and by giving practical input during lectures. This is a new innovation; it was done for the first time ever. Obviously it needs more refinement in future. It was important to start with such a venture which shall hopefully become a fixed institution in due course. It is the first small step towards developing a proper peer training program.

We wish to thank all of our members who have participated for their commitment and input. Well done!

C2 SEMINAR ON LAW OF EVIDENCE – RAU: 28 AUGUST 2004

This seminar, organized by ARMSA in conjunction with the Faculty of Law of RAU, was attended by approximately 50 judicial

officers from Gauteng and North West. As always Professor Dawie de Villiers lecture on the law of evidence was informative and educational. We again wish to thank him and RAU for the opportunity to receive training of such high quality.

The planning of a similar seminar in the Western Cape on 6 November 2004 is already in progress. Attached you will find an invitation to this seminar.

C3. MONTHLY UPDATE

Attached you will find the monthly update of recent case law compiled by Dirk Louw of Uitenhage.

D. MINISTERS' SPEECH AT MAGISTRATES COMMISSION ON 25 AUGUST 2004

Attached you will find a copy of a speech delivered by our new Minister of Justice at the Commission. Unfortunately we do not have it in electronic form. Please bear in mind that the references made by the Minister regarding our salaries are with respect not factually correct. Also bear in mind that the salary packages she referred to is only reflecting your current salary position.

E. INTERNATIONAL ASSOCIATION OF WOMEN JUDGES (IAWJ)

The South African chapter of this international organization was launched over the weekend of 6 – 9 August 2004 in Boksburg. We wish to congratulate the Chairperson of our Education Committee, Jakkie Wessels (Regional Magistrate, Pretoria) on her election as Deputy President of this organization. Several other members of ARMSA were also elected to serve on various committees and regional structures. Judge Mailula was elected as President. If you need any more information you can contact Jakkie Wessels at (012) 319-4170 or 082 755 1366.

F. PENSIONS: LEGAL ACTION

The notice of motion in regard to our legal action concerning the calculation of our pension benefits will be served on the other parties in the second week of September 2004. The law will then take its course. We shall keep you informed.

G. THE GRANTING OF HONORARY MEMBERSHIP

As indicated in previous newsletters we deemed it necessary to discuss possible conditions to comply with before the Annual General Meeting can bestow honorary membership on someone. According to our constitution it can also be bestowed upon someone posthumously.

To prevent this honour becoming "cheap" by merely requesting it verbally at a Annual General Meeting, we have decided that the following should be regarded as conditions to be complied with in order to facilitate the whole process:

Should anyone want to nominate someone for honorary membership it must be done at least 30 days before the Annual General Meeting (for 2004 on or before 11 October 2004). The nomination must be done in writing and must be sent to the National Executive Committee. The nomination must fully motivate why this particular person should receive honorary membership. It is clear from clause IV of our Constitution that 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 be invited to become an honorary member.

Only a nomination which complies with the above mentioned criteria will be tabled and recommended at the Annual General Meeting.

H. CONDITIONS OF SERVICE DOCUMENT

You will recall that the Salaries and Conditions of Service Committee was mandated at the Executive Meeting in June 2004 to draft a position paper on all our other conditions of service for example leave, pension, etc. The work is well underway and the first draft of this document should be complete by the end of September 2004. We hope to present this paper at the Annual General Meeting in November 2004.

I. TOAST MASTER PROJECT

Attached you will find a document outlining this project for participation by any interested member. All the necessary information is contained in the document.

J. ANNUAL CONFERENCE: 11 – 14 NOVEMBER 2004

We are still awaiting some of the lists of members attending from the various provinces. We need this urgently in order for us to draft the budget for the conference. Please send it through as soon as possible and not later than 7 September 2004.

We are pleased to announce that Judge Navi Pillay of the International Criminal Court in Den Hague will deliver a keynote address during the conference. The Chief Justices of some neighbouring countries were also invited to address us. We shall try to furnish you with the full programme in the next newsletter.

We hope to have a proper gala evening on the Friday night, making it a special night for our members. We are trying to get one or perhaps two high profile speakers to address us at the gala evening. We are also considering live entertainment for the evening!

Kind regards

A.C.

PRESIDENT

ARMSA

M.M. KEMP

SECRETARY

BEKKER



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Executive Management Committee - Uitvoerende Dagbestuur

A C Bekker (President); M M Cook (Secretary/Sekretaris); G N Travers (Treasurer/Tesourier)

Newsletter No. 8

September 2004

TO ALL MEMBERS OF ARMSA

A. MEMBERSHIP NEWS

The following new members joined us recently since the previous newsletter. Welcome!

Me M. Naik-Mestry	Evander
Me M.V. Semanya	Mokerong
Me D. Turner	Durban
Mr T.S. Ngesi	Esikhawini
Mr A.M. Mahlangeni	Randfontein
Mr G.S. Nzimande	Klerksdorp

Total members: **258**

We also want to congratulate the Limpopo Province with the election of their first ever Regional Committee. The Committee comprises of the following members:

Chairperson - Mr L.H. Claassen (Tzaneen)
Secretary - Mrs M. Viljoen (Thohoyandou)
Treasurer - Mr M.C. Mthombeni (Thohoyandou)

B. ANNUAL GENERAL MEETING OF ARMSA

The Annual General Meeting will be on 11 November 2004 at 19h30 at the Indaba Hotel. Attached you will find the minutes of the previous Annual General Meeting on 13 November 2003 at the Summerstrand Inn Hotel, Port Elizabeth for your perusal.

If you wish to place any matters on the Agenda for this year, please contact us on or before 22

October 2004 with the information. Any proposal(s) to amend the Constitution must reach us on or before 11 October 2004 for it to be tabled at the Annual General Meeting.

We urge members to attend the Annual General Meeting, participate and deliberate about our association and the way forward for the next year. We can only be effective if we know what you what you want us to do.

If you as member or any of the regions wish to nominate members to serve on the National Executive Management Committee (Dagbestuur) in the place of the current one, please do so on or before 22 October 2004, by sending the nominations through to us.

C. CONFERENCE ON HUMAN RIGHTS: 11 – 13 NOVEMBER 2004: INDABA HOTEL

The planning of this conference is still on track. We will hopefully be in a position to book the air tickets for this conference ± in the week of 11 – 15 October 2004. We will try our best to get them to you well before your departure. Transport will be available to and from Johannesburg International Airport free of charge. If there are any problems or uncertainties regarding the conference, please contact us! The program for the conference will be included in the next newsletter towards the end of October 2004.

We are hoping to have high profile speakers to address us at the gala dinner on the Friday

night.

D. SEXUAL OFFENCES WORKSHOP – WESTERN CAPE: 16 – 19 SEPTEMBER 2004

ARMSA's Education Committee in conjunction with the Law, Race & Gender Unit from UCT held a highly successful workshop in the Western Cape (Hermanus). We wish to thank everyone for their efforts, especially those who have participated as facilitators. The contents of this workshop was designed by regional magistrates themselves, therefore ensuring that it is relevant and useful.

We hope to have similar workshops in all the other provinces by the end of next year. We are still awaiting the outcome of a proposal drafted by us for funding in this regard. We shall keep you posted.

E. SEMINARS ON LAW OF EVIDENCE

We are pleased to announce that Professor Dawie de Villiers of RAU, who gave a seminar on Law of Evidence in Johannesburg on 28 August 2004, will give similar lectures in Port Elizabeth, Durban, Bloemfontein and Cape Town in October and early November 2004. Invitations in this regard have already been sent out. Attached to this newsletter you will find invitations to some of these seminars.

F. ETHICS COMMITTEE

The National Executive Committee received a proposal from Mr Paul du Plessis, Chairperson of this committee, which entails that a few regional magistrates per province be trained in and sensitized about judicial ethics; and that they will in turn facilitate further training for regional magistrates in their provinces. Obviously this will require funding. The National Executive Committee will try to obtain funding for this purpose so that we all can benefit and learn from each other about proper ethical behaviour as judicial officers.

G. PROPOSED LLM – CHILD WITNESS

The Unit for Child Witness Research and Training is in the process of developing an LLM degree for all role-players wanting to specialize in child witness issues. The LLM will take the format of a multi-disciplinary coursework masters with 3 contact sessions per year of two weeks each, over a period of two years. They are currently canvassing to see how many people would be interested in registering for this degree. In order to start offering it in 2005, they need a core group of students (minimum of 10). All interested applicants must have a recognized 4 year degree or equivalent 3 year undergrad and honors.

If anyone is interested you can contact Karen Hollely at the Nelson Mandela Metropolitan University @ (041) 408-3320 or 083 304 0570 or e-mail KarenAnne.Hollely@nmmu.ac.za.

You will remember her as one of the lecturers at the Conference in 2002 in Cape Town on the Judicial Officer and the Child Witness.

H. RECENT CASE LAW

Attached you will find the monthly update regarding recent case law.

I. SALARIES UPDATE

A meeting was scheduled with the chairperson of the Independent Remuneration Commission on 17 September 2004. Unfortunately this meeting was cancelled due to, with respect, indecision on the side of JOASA and LCMC who to send to represent them. In the meantime we received a letter from Judge Moseneke (Chairperson of the Commission) informing us that they have finalized their recommendations for this years salary increases. A copy of the letter is attached. Their recommendations were gazetted on the 5th of October 2004 in Government Gazette No. 26868. A copy of this gazette is attached. Parliament must still approve these recommendations before it can be implemented.

Kind regards

A.C.

PRESIDENT

ARMSA

M.M. KEMP

SECRETARY

BEKKER



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Executive Management Committee - Uitvoerende Dagbestuur

A C Bekker (President); M M Cook (Secretary/Sekretaris); G N Travers (Treasurer/Tesourier)

Newsletter No. 9

October 2004

TO ALL MEMBERS OF ARMSA

A. MEMBERSHIP NEWS

We wish to welcome the following new members:

Mr M. Maharaj	Durban
Mr R.E. Rasefate	President North Eastern Divorce Court
Ms Zelda Moletsane	President Central Divorce Court Johannesburg

Total members: **261**

You would have deduced from the above that we have invited the presiding officers in the Divorce Courts to join us as members. Act 9 of 1929 (the Administration Amendment Act) was recently amended stating that the presiding officers of the Divorce Courts will be regarded as magistrates appointed for Regional Divisions in other words, regional magistrates. There is no need for us therefore to amend our Constitution before inviting them to join us as members. We hope that their relationship with us will be a fruitful one.

We also wish one of our members, Mr Hugo Wolmarans from Johannesburg, a happy retirement from the end of October 2004. He served as chairperson of ARMSA in the then "Southern Transvaal Regional Division" for several years. Thank you for all your hard work and contributions over the years!

B. CONFERENCE ON HUMAN RIGHTS: 11 – 14 NOVEMBER 2004: JOHANNESBURG

(i) AIR TICKETS

If you are going to attend and you are travelling by air; please check that your name appears on the list. If not, please contact us immediately. The list is attached to the newsletter as **Annexure "A"**. Please take note that the persons as per **Annexure "B"** to the newsletter will have to pick up their tickets at the airports. They must just furnish the reference number as indicated in annexure "B". They must also produce their identity documents to obtain their tickets. They can do this prior to the departure date or on the day of their departure. We shall send the rest of the tickets to your various Regional Committees for distribution before the date of departure.

Please take note that the times of the flights cannot be changed at this stage. The flights were booked in such a way as to stay within our budget and to make them as affordable as possible.

If you are not satisfied with your flight's time, you must change it at your own costs and through your own effort.

Please inform us if you do change your ticket, because we are making travelling arrangements free of charge from the airport to the hotel and back based on your current arrival and departure times.

(ii) STARTING TIME AND REGISTRATION

On your arrival at the hotel you will book in and must also at the same time register for the conference on Human Rights. We will be at hand to register the participants as they arrive. Registration will start from 10h00 – 14h00. During registration you will also receive the full programme, a conference bag with relevant notes and a nametag. Please display your nametag throughout the conference so that we can also start to know each other better. Please hand it back on your departure.

We will have lunch available from 12h00 – 14h00. The official opening will be at 14h30.

(iii) DRESS CODE

The dress code will be smart casual (**no shorts**) throughout the conference. Please note however that for the Gala evening on Friday night the dress code will be a day suit or traditional attire.

(iv) ATTENDANCE OF CONFERENCE

We humbly request everyone to please stick to the programme and be punctual at all times – we are a large group of people. You are expected to attend **all** the sessions of the Conference.

(v) ACCOMMODATION

All the accommodation and meals are paid for. Any extra expenditure e.g. liquor, room service, laundry, telephone etc are for your own account.

We again request the various Regions to collect the additional amount payable for single rooms as soon as possible, and to pay it into the National Account before the start of the conference.

(vi) TOURS ON SATURDAY AFTERNOON:
13 NOVEMBER 2004

We are planning a tour to the new Constitutional Court and/or the Apartheid Museum on 13 November 2004 from 14h00. Transport will be available to and from the venues. The tour of the

Constitutional Court will be free of charge and will last ± 60 – 90 minutes. The entrance fee for the Apartheid Museum will be ± R30-00 per person. The tour will last for ± 2 hours.

If you are interested to go on one or both of the tour(s), please indicate to your Regional Committee on or before 3 November 2004 whether you are interested or not. We request the Regional Committees to furnish us with the names on or before 5 November 2004 so that we can make the necessary arrangements.

More information will be furnished at the conference.

(vii) ROUTE TO VENUE OF
CONFERENCE:
INDABA HOTEL, FOURWAYS

Attached you will find a map to the Hotel. If you need any more information about the route, please contact the Hotel at (011) 840-6600.

(viii) NON-ARMSA MEMBERS

We request the various Regional Committees to convey all the information contained in the newsletter about the conference to the non-members in your region.

C. ANNUAL GENERAL MEETING

Our Annual General meeting will take place on Thursday 11 November 2004 at 19h30. It will be in the same hall in which the conference is held. We shall forward the Agenda to you electronically by 5 November 2004. Due to the fact that ARMSA also contributed financially to the conference, we will not be able to have a Executive Committee Meeting the day before the Annual General Meeting. The Executive Committee will meet at 18h00 on 11 November 2004 just to finalize the agenda.

We hope that depending on funding, an Executive Meeting will be held as soon as possible after the Annual General Meeting to plan properly for 2005. This meeting should take place before the end of the year, if at all possible.

C. CASE LAW UPDATE

The monthly update is attached for your information.

Kind regards

A.C. BEKKER
PRESIDENT: ARMSA

M.M. KEMP
SECRETARY



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Newsletter No. 10

November/December 2004

TO ALL MEMBERS OF ARMSA

A. MEMBERSHIP NEWS

We wish to welcome the following new members who have joined our ranks since the publication of the last newsletter. We are happy and privileged to have you!

Me T.J. Masiane	Mmbatho
Me N.E. Denge	Pretoria North
Me M.B. Mahalelo	Sebokeng
Me F.G. Luvuno	Durban Divorce Court
Mr I.Z. Poni	Butterworth
Mr G.J. Madern	North Eastern Divorce Court, Durban
Mr A.S. Shilubana	Boksburg

Total members: **269**

We also wish the following members (there could be more but they are the only ones we are aware of) a happy retirement: Mr P.B. Luyt – Roodepoort (November 2004); Mr W.A. du Plessis (Regional Court President) and N.J. Theron – Bloemfontein (December 2004).

B. CONFERENCE ON HUMAN RIGHTS: 11 – 13 NOVEMBER 2004: INDABA HOTEL

This conference was, according to us, a great success. We wish to thank all of you who have attended for your positive attitude and contributions during the discussion sessions. We also wish to thank you for attending the

conference throughout in such good numbers and being punctual at all times. We trust that you have enjoyed the conference and that it was worth your while.

An issue which will have to be addressed in future however, is members cancelling their attendance at the last moment (or week). You must realize that \pm two weeks prior to each conference; we must give the final number of persons attending the conference to the hotels. We are then responsible to pay for that specific number of people, regardless of whether people cancel or not. It reflects negatively on us if these cancellations are revealed during discussions with the donor. Cancellation of air tickets also leads to wasted costs. In the end ARMSA will have to bear the cost. We will consider drafting a policy regarding cancellations for future conferences; holding people responsible for costs if they do not cancel in time and without good reasons.

C. CONFERENCE STATEMENT

At the end of the conference, all present unanimously accepted the following as the conference statement:

“Lest we forget the diverse inputs and great sacrifice of the men and women that shaped our moral, social, and legal concepts of fairness and justice; we the Regional Magistrates of South Africa, solemnly re-affirm our oath of office and undertake not just to

uphold fairness as a legal concept, but to actively seek the true spirit of justice and fairness; and the courage to apply it.”

D. ANNUAL GENERAL MEETING: 11 NOVEMBER 2004

We wish to thank you for attending the Annual General Meeting in such good numbers. A total of ± 150 members attended. Attached you will find a copy of the agenda as well as a copy of the Annual Report of the Chairperson.

The minutes of the meeting will be available in due course. Please allow us in the meantime however, to just highlight a few issues emanating from the meeting:

(i) Membership issues

The Annual General Meeting mandated the Executive Management Committee to increase membership fees to R95-00 per member per month if we deem it necessary to do so. Last year we received a similar mandate, but did not increase the fees. We will only do so if really necessary.

The meeting also mandated us to link up with Regional Magistrates in Namibia who want to share knowledge and expertise with us. We will investigate this further.

We will also study the responses received at the Annual General Meeting about a possible new tie, and will take a decision on it in the new year.

(ii) Salaries

The Chairperson of ARMSA was mandated at the Annual General Meeting to seek a meeting with the Independent Commission for the Remuneration of Public Office Bearers to find out what exactly the road ahead is for 2005.

(iii) Civil Jurisdiction for Regional Courts

The chairperson of ARMSA was mandated to form an ad hoc Standing Committee to drive the issue of civil jurisdiction for the regional courts. Any member who wants to serve on this committee, please contact the chairperson of ARMSA on or before 30 December 2004.

(iv) Discussion Documents on Leave and Pensions

Attached you will find copies of these documents which were tabled at the Annual General Meeting. We need all of you to comment on them so that we can finalize a proposal paper on these issues.

Please send your comments on the documents to the Chairperson of the Salaries and Conditions of Service Committee on or before 14 January 2005. The Chairperson is Mr Hamilton Cele from Durban. His telephone number is 082 441 8705; e-mail HCele@justice.gov.za.

The Annual General Meeting also mandated the Executive Committee to engage the services of experts to draft a proper provisional document on pensions. These will be experts similar to those who drafted our salary document.

(v) Stenographers

The meeting again emphasized the need for the stenographers in the Regional Courts to be utilized also as at least clerks of the Regional Court, or of the specific Regional Magistrate, and that they should be appointed permanently. The Executive Committee was also mandated to take this issue further and actually promote it.

(vi) Cellular Phones

Dismay was expressed in the way the new cellular phone policy came about; creating the impression that we are civil servants and to be treated separately from judges. Unhappiness was also expressed that the LCMC, without any consultation with the regional magistrates, decided to “accept the new cellular phone policy”. The Executive Management Committee will take this issue further.

E. MEETING WITH JUDGES; GENERAL COUNCIL OF THE BAR (GCB) AND THE LAW SOCIETY: 23 OCTOBER 2004

The following points were discussed at the meeting:

- (1) Transformation
- (2) Civil jurisdiction of regional courts
- (3) Rationalisation of the courts
- (4) Rules of court
- (5) Dress in court
- (6) Form of address of presiding officers
- (7) Judicial education
- (8) Delays in court process
- (9) Appointments to the Judiciary
- (10) Legal Practice Bill
- (11) Prison’s Court
- (12) Acting appointments in Magistrates Court

It was for the first time that ARMSA, JOASA and the LCMC were invited to attend this

meeting. It was also decided that these meetings will continue in the future, just prior to the meetings of the Heads of High Courts and the Judicial Service Commission. We will be included in future meetings. We are grateful that we can also interact on this level.

The following persons were present at the meeting:

Deputy Chief Justice – P. Langa

Judge President of Transvaal Provincial Division – B. Ngoepe

Judge President of the Supreme Court of Appeals – C. Howie

Bar
Adv N. Arendse (SC) – General Council of the

A.C. Bekker – President of ARMSA

Mr J. Stemmet – Law Society

Mr S. Nkanunu – Law Society

C.J. Musi – President of JOASA

S. Maumela – Vice President of JOASA

L. Nqadala – Chairperson of the LCMC

General discussions took place; the meeting does not have any decision-taking powers in any event. The meeting lasted from 14h00 – 18h00. The following is just a short summary of discussions:

(1) Transformation

Regarding transformation it was stated that the bench needs to be more representative of the population. The need for some sort of a summit regarding the issue of racism and the role of the judiciary is also discussed. The Deputy Chief Justice will take this issue further. Social context training is also essential, as well as looking at sentencing patterns. We as the judiciary also need to interact with *inter alia* NGO's to understand what they think about us as the judiciary.

(2) Civil Jurisdiction

All parties present agreed that to extend civil jurisdiction to the regional courts is imperative, for a variety of reasons, *inter alia* for career advancement.

(3) Rationalisation of courts

Frustration is experienced as a result of the fact that the Superior Court Bill is still not finalized, allowing the High Courts to

rationalize and Specialized Courts to fall away.

(4) Rules of Court

The Deputy Chief Justice indicated that the Rules Board should fall only under the authority of the Chief Justice and no one else. However this view is opposed by the executive powers. There is a still lot of work to be done to establish similar rules for all courts.

(5) Dress in court

The issue relating to a possible new dress code for the attorneys in the High Court was discussed. We raised the issue about the fact that advocates do not wear their gowns when appearing in the regional courts. Why not? Are we regarded as lesser courts? The GCB promised to take up this issue in November 2004 at their Annual General Meeting. The dress code issue will be referred back to the meeting of the Heads of Courts.

(6) Form of address of presiding officers

It was suggested that to address Judges as "my lord" is outdated. There was a suggestion that we should have a uniform address such as "Judge" or "Justice". The words "your worship" was also discussed and doubts expressed about its applicability. This issue will also again be discussed at the next Heads of Court meeting.

(7) Judicial Education

It was the general view of the meeting that judicial education for the judiciary should fall under the control of the Chief Justice. The judges seem to be in favour of one section of Justice College falling under the auspices of a judge, as the so called "Dean of the Faculty – which will only do training for judicial officers. The judiciary itself must establish and decide the curriculum's for the training of judicial officers.

(8) Delays in court process

A general discussion took place about the issue.

(9) Appointment to the Judiciary

A general discussion took place about criteria suitability and possible pools of candidates, e.g. the Regional Court Bench for appointment to the High Court Bench.

(10) Legal Practice Bill

It was noted that the Bill is still not finalised.

(11) Prison's Court

The point on the agenda was in fact wrongly worded – it was really a discussion about the possibility to postpone cases from court via electronic devices, without prisoners being brought from prison – saving costs and time in the process. All present felt that such an option must be investigated, if at all possible.

Concerns were also raised about prison courts and the fact that our independence should not be compromised in the process. Many of these courts are not always accessible enough to the public; and the court is therefore not “open” as it should be to the public.

(12) Acting appointments in Magistrates Courts

The need to fill vacant posts as soon as possible was again emphasized and the undesirability of persons being appointed on contract highlighted.

F. MEETING WITH THE MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: 18 NOVEMBER 2004

On 16 November 2004 ARMSA, JOASA and LCMC were informed that the Minister wishes to see us on 18 November 2004 at 14h00. Up until our arrival no agenda was given to us. At the start of the meeting an agenda was given to us, but it was not really followed during the meeting.

The Minister used the meeting basically as a starting point to engage with us. She briefly outlined her vision of the transformation of the judicial system in the next 4 – 5 years. She also indicated that hopefully we will be able to meet again in future to discuss issues with her. She prefers however to discuss issue of substance and not operational issues.

She started out by expressing her satisfaction about the fact that our remuneration is now being dealt with by the “Independent Commission for the Remuneration of Public Office Bearers (ICR) and not the Department. She felt that we as public office bearers should not be left to beg in an undignified manner for proper remuneration.

She also explained that the Department is still experiencing budgetary problems e.g. a recurrent debt of R400 million annually. This obviously impacts on service delivery. She wants everyone to know in the next 4 – 5 years what the costs are for proper justice in this country. The whole of South Africa must know this. She put together a task team comprising the Department and the Treasury to look in to the budget and to fund it properly. The core function of the Department must be to serve the people to the best of its ability.

She indicated that the phrase “transformation of the judicial system” is becoming a “cliché”, but that she sees the following as part of it:

- (a) Efficient delivery of service to all people without favour.
- (b) Establishing a proper infrastructure.
- (c) Establishing good working conditions, as far as possible; she indicated however that to be part of the judiciary must be a calling for us, and not just a job.
- (d) She emphasized the need to enhance the status and prestige of the office of the magistrate – as part of the transformation process; we must restore and enhance our credibility so that the community can look up to us.
- (e) She emphasized the need for proper training for us, indicating that one sector of Justice College will fall under the control of a judge and that we as the judiciary can decide upon the curriculum of our courses. She was hopeful that enough money will be available for the proper running of the training for judicial officers. It must be a true institution of learning.
- (f) She also indicated that perceptions and stereotyping amongst certain people that magistrates cannot become judges, must be rectified, and that a “paradigm shift” is necessary.

She then discussed her impressions on the meeting of the Judicial Service

Commission, and indicated that matters of substance should be discussed at such meetings and not issues of general importance.

After her address, we referred her to the fact that we had taken certain resolutions as the lower court judiciary, at Bela Bela in November 2002, and also in July 2004 in Benoni. Copies of these resolutions outlining our way of thinking about the judicial system in the lower courts were handed to her for her information. We hope that she will study them and give her comments. We then briefly went through some of the resolutions, while the Minister commented on some of the resolutions.

Issues such as the fact that the Magistrates Commission should be part of the Judicial Service Commission, the need for proper judicial control over the current Directorate Court Services of the Department (they must fall under the authority of the Judiciary); the extension of civil jurisdiction to the regional courts; proper training for judicial officers; dedicated courts and the need for control by the judiciary over these courts were discussed.

The Minister indicated that Justice College is regarded as an State asset and that it will not be disposed of. She indicated that she is excited about the fact that it will be revamped; allowing a separate "faculty" for judicial officers training under control of the Judiciary for issues such as the curriculum. She also seemed reluctant to accept our view that Court Services should fall under the judiciary because we should then be accountable for financial expenses which is not ideal for our independence. She was shocked to hear that some acting regional court appointments in the dedicated courts were funded by the NPA.

Mr Jiyane of Court Services indicated that they are looking at the whole setup in dedicated courts and that he will also engage us early in the new year on the issue of the management of these courts which seems to be becoming a problem nationwide.

The Minister in conclusion indicated that the misconduct cases relating to magistrates she has studied are shocking and harm the reputation and image of our profession. We must urge our members to uphold their oaths of office. She also requested us to synchronise our efforts as the various associations where possible, and to work together.

It was indeed insightful to meet with her and be allowed to hear her view on the judicial system. We hope that we can meet in the future and that a good, positive working relationship will follow.

G. VISIT TO CONSTITUTIONAL COURT ON SATURDAY, 13 NOVEMBER 2004

We are sure that all of you who have visited the court after the closing of the Conference, would agree that it was a fitting end to the Conference. Justice Albie Sachs took us on a special tour of the building, enriching our lives; it was a visit not easily forgotten. At the end, he gave us a free copy of his latest book: The free diary of Albie Sachs".

He wrote the following words on the first page:

*"For ARMSA,
Colleagues in the wonderful enterprise called Justice."*

H. CASE LAW UPDATE

Attached you will find the recent case law update provided by the Education Committee for your information.

I. SALARIES: LATEST NEWS

On 30 November 2004 we were contacted by the Secretary of the Remuneration Commission informing us that Deloitte and Touche was appointed as consultants for the 2005 salary review and evaluation. It seems as if they will meet us in December 2004 or early January 2005 to hear our submissions. Hopefully the gaps between us and the judges can now be addressed. We shall keep you informed.

J. SEXUAL OFFENCES WORKSHOPS

We have been successful in obtaining ± R600 000 from the Department of Justice to host 3 workshops on Sexual Offences (which will include sessions on stress management) before the end of the current financial year (end of March 2005).

The workshop will be:

- (a) 3 – 6 February 2005: For Regional Magistrates in the North West and Limpopo Provinces.
- (b) 17 – 20 February 2005: Kwazulu Natal.
- (c) 3 – 6 March 2005: Gauteng (maximum 40).

We hope that in the remainder of 2005 we will be able to host similar workshops in the rest of the provinces, and another one for the rest of our members in Gauteng. These workshops will start at 18h00 on the Thursday up until ± 13h00 on Sunday. The exact venues will be known in early January 2005. They are official workshops and your

vehicles must be used according to our motor vehicle scheme for transport purposes. The rest of the costs will be covered by the money received from the Department, which will be managed by us. The LAW, Race and Gender Unit of UCT will also be involved in facilitating the workshop. The contents however, was designed by Regional Magistrates, mainly at the first workshop in the Western Cape in September 2004.

Please make arrangements timeously for court rolls purposes and informing your Regional Court President as soon as possible. If you wish to attend (it is official) please inform your Regional Committee on or before 14 January 2005. Attached you will find an information form.

K. SEASON GREETINGS

On behalf of the National Executive Committee of ARMSA we wish you and your family a joyful and peaceful festive season. May the New Year be a prosperous one for you and your family!

Kind regards

A.C. BEKKER
PRESIDENT

M.M. KEMP
SECRETARY



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ANNUAL REPORT OF CHAIRPERSON OF ARMSA: 2004

During the year 2004, nine newsletters were distributed to you. In these newsletters our activities throughout the year were fully represented and it thus seems senseless to report the contents of the newsletters. Please allow me therefore to cover only a few topics of general importance.

A. MEMBERSHIP

We were all shocked to hear of the deaths of our beloved colleagues Mr Hardus Landman (and his wife) and Mr Bill Moyses, two very popular and loyal members of ARMSA. I was in the privileged position of being able to attend both funerals. It was clear at their funerals that both were well respected and highly acclaimed in legal circles. We shall miss them.

Our membership numbers increased significantly from **216** at our last Annual

General Meeting to the current **262**: 46 new members – a record!

I wish to formally welcome all the new members attending their first Annual General Meeting. Please feel welcome and get involved in the activities of our association.

Very recently we have also invited the Presiding Officers in the Divorce Courts to join our ranks. Three of them have already joined our ranks! They are regarded by law as magistrates appointed for a Regional Division and no amendment to our Constitution is therefore necessary to accept their application for membership. In fact, we are proud to have them as members; and feel honoured by their decision to join us. We undertake to be a mouthpiece also for their cause and to support them fully.

We hope that you find our communication with you by means of the newsletters sufficient and informative. We try our best to keep you updated. ± 170 members have e-mail facilities, and the electronic version of the newsletter ensures that news can be distributed swiftly. I wish to thank our webmaster, Mr Louis Claassen for his excellent and efficient running of our e-mail system. Your job is a thankless one, but you do it with unbelievable enthusiasm and commitment.

Please inform us if you acquire an e-mail address or change it or your postal address, or if you experience problems receiving the newsletter.

I want to urge you again as members to get involved in the activities of the various committees if at all possible. ARMSA belongs to us all!

B. SALARIES

2004 was a year of great frustration and irritation regarding our salaries. The Independent Commission for the Remuneration of Public Office Bearers (ICR)

could only start their activities after the appointment of their new chairperson. The Honourable Justice Dikgang Moseneke was only appointed as chairperson on 1 April 2004. Strictly speaking we should have received our annual increase for 2004 in April 2004. Needless to say, the ICR was well behind the schedule

for 2004. From the start they made it clear that only a "general, across the board" adjustment was to be expected for 2004, and that no structural changes were envisaged to the current salary scales.

We made our submissions when requested and the consultants (CS Holdings) appointed by the ICR, referred extensively to our submissions (and expert report) in their report to the ICR.

However after we made the submissions to CS Holdings, everything went to put it mildly, horribly wrong. Communication with the ICR was impossible. We were deprived of any information about the proposal of the ICR in order to finalize their recommendations for 2004. The judges experienced the same frustrations. In the end, after being mandated by the National Executive in June 2004 I made additional submissions directly to the ICR, again emphasizing the fact that we should receive an increase backdated to April 2004 and those July 2004. I again highlighted the unacceptable gap between our salaries and that of the judges, and the fact that "an across the board increase" will only widen the gap.

In the end as you know in early October 2004 the ICR made their recommendation of a 7% across the board increase, backdated to April 2004.

This led to an outcry from trade unions who suggested to the President that he can not support these recommendations and that all public office bearers should receive the same increase as the workers in the public sector.

As we all now by know the President approved a 6.2% increase for us on the 4th of November 2004.

I will seek a mandate from you later on to allow me to urgently seek a meeting with the ICR to firstly discuss proper communication channels for the future, and

secondly to establish the way forward. It is clear from their report to Parliament that they want to conduct a job evaluation of all public office bearers' posts. We welcome such an evaluation; in fact our expert document already contains a job evaluation of the job of the regional magistrate. We can present this at any stage when requested. We are hopeful that if a proper job evaluation is done, it will find that the gap between us and the judges (and Regional Court Presidents) must be narrowed substantially as suggested in our expert report.

However it seems as if the time allowed for the job evaluations in terms of the time table of the ICR is too short. It is also not clear who will do the job evaluation; will it be CS Holdings or anyone else who will receive the tender to do so?

We shall never shy away from our responsibility to convey and fight for your cause regarding the narrowing of the gap between our salaries and those of the judges. We have no option, we must stay positive and focussed and must make sure that our views come across and are taken into account. Unfortunately the final decision rests with other people. We hope that 2005 will see the long awaited changes in the salary structures and not another "across the board" increase.

C. PENSIONS

The litigation process regarding the calculation of our pensions has started, and we are awaiting the opposing affidavit from the Pension Fund. We will keep you informed about the progress of this litigation. We waited for a while earlier in this year, before we proceeded with the legal action, due to financial constraints and the possibility that the ICR would perhaps order an investigation into the pension issue. It did not materialize. It seems that if there are to be changes to our pension benefits, that they could take a couple of years to materialize.

In the meantime many magistrates are negatively affected as a result of the way they calculate our final pension benefits. We have therefore decided to proceed with legal action.

D. SECURITY

The start to the year was promising when the Department of Justice and the Police Services started to evaluate regional magistrates' houses in Pretoria for possible upgrading of security. In fact some of the magistrates received very comprehensive reports as a result of the evaluations. The whole procedure however slowed down until no new evaluations started. No upgrading of any houses took place up until today.

It was conveyed to us that the particular unit of the police dealing with this evaluations only has 7 – 8 members, who must also perform other duties. They have received a list of all our names (or most of us) and also the names of judges from the Department. They indicated that with their current staff it will take up to 3 years to complete the evaluations countrywide. This is of course unacceptable.

We raised this with the Department and requested them to find other experts to do the evaluation to speed up the process. They are reluctant to do so.

They are now again suggesting and considering (although surprisingly enough there is now funding for this!) to allocate a certain amount of money (for e.g. R50 000) to each of us, to use to upgrade the security of our houses.

We will keep up the pressure about this issue, but there seems to be no political and departmental will to deal with the issue effectively. We shall continue shouting from the rooftops about the unacceptable way the Department is dealing with this issue.

At many magistrates offices no real upgrading of security has taken place, and security at many offices is still as pathetic and inadequate as it was in the past. Again, there is no real commitment to address this issue from the authorities. "Budgetary constraints" is always the standard excuse.

E. CELL PHONES

It seems that the main problem regarding the receiving of cell phones allowances is experienced in KwaZulu Natal and Gauteng.

We did not succeed in convincing the Department of Justice that we are ex officio entitled to an allowance. We must therefore apply for an allowance, according to the new policy (of 2004), it must be recommended by your Regional Court President and the funding must be available for the allowance. Needless to say however, if it was not budgeted for, you will not receive such an allowance.

I request the various Regional Committees whose members are experiencing problems with this, to deal with the matter on regional level and to liaise and co-operate with your Regional Court Presidents and Regional Offices to ensure that the allowances are introduced. The Department does not see it as a real "allowance" anymore, but as a "work facility".

The change of the policy regarding cell phone allowance also caused confusion and uncertainty. If you need assistance in this regard please brief us in order for us to help you if at all possible.

F. COURT STRUCTURES: CIVIL JURISDICTION FOR REGIONAL COURTS

We all know that for years now there have been talks about extending civil jurisdiction to regional courts. It is once again very pertinently under discussion. It seems that there is now general consensus amongst all role players that it should be introduced as soon as possible. We hope that this time around, the political will, will be present and that legislation will be tabled as soon as possible to make it possible.

On 23 October 2004, ARMSA, JOASA & the LCMC had a meeting with the Deputy Chief Justice, the President of the Supreme Court of Appeal, the Chairperson of the Magistrates Commission and representatives of the Law Society and the General Council of the BAR (GCB). Many issues were discussed and I will report back on that meeting fully in the next newsletter. One of the topics was extending civil jurisdiction to the regional courts. **All** the parties present were in favour of this and as soon as possible.

I will seek a mandate from you later on, to gather an ad hoc standing committee (4 – 5 members) to deal with and focus primarily on the issue of civil jurisdiction for regional courts. I think we should put pressure on Government and the Department to realize this by the end of next year at the latest. This committee will receive a mandate to make representations and to get involved in discussions on the issue. The National Executive will obviously oversee this process. We need members with a strong civil law background to serve on this committee, and we should also considering involving one of the Divorce Court members on this committee. I ask you to make yourself available to serve on this committee, should you feel you can make a significant contribution. This committee will have to meet as soon as possible.

G. JUDICIAL INDEPENDENCE

I think we should always be alert to any possible interference with our judicial independence.

From time to time we do receive reports from members that the National Prosecution Authority allegedly acts beyond the scope of their own authority and interferes or tries to interfere with judicial independence.

Because they have their own mandate, they are statistics-driven and productivity-driven. It seems sometimes, with respect, that only the final number of cases finalized is important and not the quality of the work done by the presiding officer. For us, the quality of our work should be everything, and "statistics" can never be a yardstick. Because of these conflicting approaches to judicial work friction can be expected from time to time. We should not compromise on this.

The case of Mr Graham Travers of Pretoria is currently sub judice and I don't want to dwell on it. I believe that, unfortunately, this is an example where the NPA acted outside any possible authority they could have had, and "unlawfully" and effectively removed him from the bench, by refusing to start new trial matter before him. We must guard against any possible moves to "remove" magistrates from the bench because they are not productive enough according to the criteria set down by the NPA. This could create a dangerous precedent and must be opposed strongly.

If anyone feels that a regional magistrate is not competent, there are channels to follow through the Magistrates Commission. A competency enquiry must be held, and then only Parliament can remove a magistrate permanently from the bench.

The effective removal of a magistrate from the bench by the NPA in any other way will not be tolerated and I will resist it passionately. Please support me in this.

H. THE ACTIVITIES OF THE STANDING COMMITTEES

The various standing committees will report back on 2004 in due course. Please allow me to thank the chairpersons and the members of these committees for their hard work and effort. We must also bear in mind that they are (unfortunately) not in the permanent employment of ARMSA but must perform many of their tasks after hours. I think that in general they have done great work, and I urge you again to get involved in the committees and by doing so enhance the service they are providing to the members. At least one representative of each region should serve on each of these committees.

I. RELATIONSHIP WITH OTHER ASSOCIATIONS AND ENTITIES

During 2004 we maintained a good working relationship with JOASA. We tackled the salary issue together and no friction was experienced. I think it is important to maintain and build a good relationship with them, seeking more areas of co-operation and avoid conflict where possible.

We successfully linked with various organisations and universities during the course of the year, due to the activities of especially the Education Committee and the Project Committee. Experience has shown that one link usually leads to another.

We are committed to making positive, strong contribution wherever we think it is necessary to do so, and if it is the interest of our members to do so.

J. CONFERENCE ON HUMAN RIGHTS

This entire weekend is sponsored by the Swiss Agency for Development and Cooperation. ARMSA is also contributing to the budget, which needless to say entails a couple of hundred thousand rand (\pm R700 000).

The aim of this conference is to create awareness about the importance of the proper protection of human rights in the criminal justice system and the role we can play in it. We also want to give you a broader international and African perspective on the issue. We hope that this conference will enrich you as judicial officer and will equip you better in your daily task. We also hope that you will enjoy interacting with your colleagues.

I urge you to attend all the sessions of the conference. It reflects negatively on our image as judicial officers if some of us elect to stay away from certain sessions. Poor attendance of some of the sessions will also endanger any possible sponsorship in the future.

K. PRIME AREAS OF ACTIVITIES IN 2005

- (a) The extending of civil jurisdiction to the regional courts.
- (b) To realise the narrowing of the gap between us and the judges to ensure appropriate remuneration.
- (c) The litigation in the pension matter.
- (d) To start negotiating about a new leave and pension dispensation.
- (e) To continue promoting ARMSA as a professional and responsible association, which is relevant and a vital role-player in the justice system.

- (f) To strengthen the work of the standing committees further to ensure that they serve the members properly and cater for their needs.

L. VOTE OF THANKS

Please allow me in conclusion to thank all the members of the National Executive Management Committee and the National Executive Committee for their hard work. Also a word of thanks to all the Regional Committees for their hard work and support. To all the members: Thanks for your support and faith in us. We appreciate it!

A.C. BEKKER

PRESIDENT: ARMSA