**3. Report of the Portfolio Committee on Justice and Correctional Services on the provisional suspension of Mr L Zantsi, an aspirant magistrate at Laingsburg, dated 8 March 2016**

The Portfolio Committee on Justice and Correctional Services, having considered the report of the Minister of Justice and Correctional Services on the provisional suspension of Mr L Zantsi, an aspirant magistrate at Laingsburg, pending the outcome of an investigation into his fitness to hold the office as a magistrate, as required by section 13(3)(b) of the Magistrates Act, 1993 (Act 90 of 1993), reports as follows:

1. Mr Zantsi was appointed as aspirant magistrate in the vacant post of Magistrate (Judicial Head of Office) at Laingsburg from 4 November 2013. Before his appointment, Mr Zantsi had been acting magistrate at Laingsburg since 3 May 2010.
2. Following complaints against him, the Magistrates Commission resolved to extend Mr Zantsi's probation period for a period of six months from 1 December 2014 to 31 May 2015, or until the investigation into the complaints have been concluded.
3. Following a preliminary investigation, the Magistrates Commission resolved to charge Mr Zantsi with 14 counts of misconduct. Among others, he is alleged to have:

* Reported on duty while he was under the influence of intoxicating liquor/drugs.
* Consumed alcohol, which had the effect of preventing him from reporting for duty and performing his duties.
* Been absent from duty without valid cause and without notifying his Cluster Head, which meant that no substitute magistrate was appointed to act in his place, creating a situation where judicial service delivery at the Laingsburg Court House was left unattended.
* Uttered abusive words towards a female member of the South African Police Service.
* Been arrested for driving under the influence of an intoxicating liquor and allegedly used abusive language in the police station.
* Failed to pay monies owed to Laingsburg Caltex Garage for fuel obtained and failed to settle his debt resulting in Laingsburg Caltex Garage demanding payment from him.
* Consumed alcohol in a public place and left behind his empty liquor/alcohol bottles and drove his motor vehicle after consuming alcohol.
* Arrived at work smelling of liquor, arriving late and leaving early.
* Held parties over weekends and during the week and played loud music until 03:00 with his neighbour having to phone the SAPS to intervene.

1. Mr Zantsi's mentor, the Acting Senior Magistrate, Worcester frequently had to drive from Worcester to Laingsburg to attend to the court work at Laingsburg.
2. Mr Zantsi has admitted to the Acting Senior Magistrate that he drinks excessively and is in no state to face the public. He has also indicated to the investigating officer from the Commission that he was willing to go for rehabilitation but only once the Minister had confirmed his appointment to the bench permanently.
3. Mr Zantsi was given the opportunity to comment on the desirability of the provisional suspension in a letter dated 27 January 2015. He responded on 13 February 2015.
4. On 24 June 2015, Having considered Mr Zantsi’s response, the Magistrates Commission resolved to recommend that Mr Zantsi be provisionally suspended from office in terms of section 13(3)(a) of the Magistrates Act, pending the investigation into his fitness to hold office. The Commission is of the view that the existing evidence against Mr Zantsi is of such a serious nature that it is inappropriate for him to perform the functions of a Magistrate while the allegations are being investigated.
5. The Minister agreed with the Magistrates Commission’s recommendation and provisionally suspended Mr Zantsi from office pending the outcome of an investigation into his fitness to hold such office.

**Recommendation**

Having considered the Magistrates Commission’s report and the Minister’s recommendation, the Committee recommends that the National Assembly confirms Mr L Zantsi’s provisional suspension from office of magistrate.

**Report to be considered.**