

NOTICE OF MISCONDUCT HEARING

DATE: 20 February 2017

1 (600)

NAME OF MAGISTRATE: Ms V T Gqiba

PERSAL NUMBER: 16267605

You are hereby given notice to attend a misconduct hearing in terms of regulation 26(7)(a) of the Regulations for Judicial Officers in Lower Courts, G.N. R.361 of 11 March 1994.

The alleged misconduct charge(s) is/are:

as per the <u>Charge sheet dated 29 September 2016 which was personally served on you on 03 October 2016</u>

(A detailed description of misconduct may be attached)

The hearing will be held at the <u>Boardroom of the office of the Chief Magistrate</u>, <u>Port Elizabeth</u> (place/venue) from 24 to and including 26 April 2017 (date) at 10:00 (time).

If you do not attend and cannot give reasonable grounds for failing to attend, the hearing may be held in your absence.

At the misconduct hearing you will have the right -

- (a) to be personally present and to be assisted or represented by another person (not a magistrate);
- (b) to remain silent;
- (c) to give evidence;
- (d) either personally or through a representative -
 - to be heard;
 - to call witnesses:

- to cross-examine any person called as a witness in support of the charge;
- to have access to documents produced in evidence; and
- to show cause why you are not guilty of misconduct, if the misconduct with which you are charged amounts to an offence of which you were convicted by a court of law.

If the presiding officer finds that you are guilty of misconduct, you may present any evidence in mitigation of a sanction.

Your attention is drawn to the provisions of Part V of the Regulations for Judicial Officers in Lower Courts, G.N. R.361 of 11 March 1994.

SIGNATURE OF PERSON LEADING EVIDENCE

THE MAGISTRATES COURTS
JUDICIARY

2017 -02- 20

JUDICIAL QUALITY ASSUR? "CE MAGISTRATES COMMISSION

SIGNATURE OF MAGISTRATE:

DATE:

SIGNATURE OF WITNESS (if applicable):

DATE:

Eph Av.

MAGISTRATES COMMISSION



LANDDROSTE-KOMMISSIE

P O BOX 9096, PRETORIA, 0001

2 (012) 325 3951

FAX (012) 326 0094

CONFIDENTIAL

٦

L

Ms VT Gqiba c/o The Chief Magistrate Private Bag X 3904 PORT ELIZABETH 6056 Ref: 6/5/5/2 - 202/2014

Enquiries: Mr J Meijer

Date: 29 September 2016

Dear Ms Gqiba

CHARGE OF MISCONDUCT: MS VT GQIBA, CHIEF MAGISTRATE, EAST LONDON: PERSAL NUMBER 16267605

You, VALERIE THABO GQIBA, at all relevant times a magistrate duly appointed in terms of section 10 of the Magistrates Act, No. 90 of 1993 (the Act) read with section 9 of the Magistrates' Courts Act, No. 32 of 1944 and the Judicial Matters Amendment Act, No. 85 of 1995, as amended in respect of whom the Magistrates Commission, instituted in terms of the Act, has jurisdiction, are charged with the following charge of misconduct in that:

- a) Ms Raphahlelo, the Head of the Cluster and Chief Magistrate, Port Elizabeth had arranged a meeting between the members of the Family Court Sub-committee of the Chief Magistrates Forum (CMF), of which you are a member, and the Department of Social Development to be held 23 March 2015
- b) on 13 March 2015 one of the members indicated that he would not be available and requested that an alternative date be arranged
- c) no such date could be arranged and the meeting was therefore cancelled
- d) all the members of the Committee, including yourself were advised accordingly on 18 March 2015

- e) Ms Raphahlelo informed you again on that day that the meeting intended to be held on 23 March 2015 at Pretoria was cancelled
- f) despite having been advised that the meeting was cancelled, you still travelled to Pretoria on State expense, purportedly to attend the meeting, whereas you attended to matters of a personal nature
- g) you did not have official authority from your Head of the Cluster to travel to Pretoria on 23 March 2015
- g) your trip to Pretoria resulted in a total financial loss to the Department to the amount of R6803.87
- h) you submitted a travel and subsistence claim dated 24 March 2015 for R595.87, certifying that the expenditure you incurred were for official purposes, to wit to attend a Child Protection register meeting at Pretoria, well knowing that you did not have any official duties to perform at Pretoria on 23 March 2015
- i) you intentionally misrepresented to the Department of Justice and Constitutional Development that you were entitled to claim the said expenditure in that the expenditure so incurred were for official purposes, well knowing that in truth and in fact the costs incurred were to attend to matter(s) of a personal interests.

In the premises you are charged with:

CHARGE 1

(

That you are guilty of misconduct in terms of regulation 25(i) of the Regulations for Judicial Officers in the Lower Courts, No. R. 361 of 11 March 1994 (the Regulations) read with regulation 26(17) of the Regulations and section 16 of the Act, in that on or about 23 March 2015 and at or near East London you made a false or incorrect statement, knowing it to be false or incorrect, with a view to obtaining any privilege or advantage in relation to your official position or your duties or to the prejudice of the administration of justice.

ALTERNATIVE CHARGE TO CHARGE 1

That you are guilty of misconduct in terms of regulation 25(b) of the said Regulations read with paragraphs 1 and/or 4 of the Code of Conduct for Magistrates as published in Schedule E to the said Regulations in that on or about 23 March 2015 and at or near East London you failed to act with integrity and/or failed to act at all times in a manner which upholds and promotes the good name, dignity and esteem of the office of magistrate and the administration of justice.

CHARGE 2

(

That you are guilty of misconduct in terms of regulation 25(i) of the said Regulations in that on or about 24 March 2015 and at or near East London you submitted/presented to the Department of Justice and Constitutional Development a subsistence and transport claim for travel and allowance expenses, purportedly relating to an official trip to Pretoria on 23 March 2015, well knowing that in truth and in fact the claim you submitted was false in that you travelled to Pretoria to further your personal interests.

ALTERNATIVE CHARGE TO CHARGE 2

That you are guilty of misconduct terms of regulation 25(b) of the said Regulations read with paragraphs 1 and/or 4 of the Code of Conduct for Magistrates as published in Schedule E to the said Regulations in that on or about 24 March 2015 and at or near East London you submitted/presented to the Department of Justice and Constitutional Development a subsistence and transport claim for travel and allowance expenses, purportedly relating to an official trip to Pretoria on 23 March 2015, well knowing that in truth and in fact the claim you submitted was false in that you travelled to Pretoria to further your personal interests. You therefore failed to act with integrity and/or failed to act at all times in a manner which upholds and promotes the good name, dignity and esteem of the office of magistrate and the administration of justice.

You are **invited** in terms of regulation 26(5) of the Regulations to send or deliver a **written** explanation regarding the misconduct with which you are charged in order to establish

which allegations are admitted and which allegations are disputed within ten (10) days after receiving this charge sheet. Such explanation is to be made to the Secretary, Magistrates Commission, Pretoria, by means of facsimile (012 – 326 0094) or alternatively by means of e-mail to jmeijer@justice.gov.za. Should you fail to reply within the stipulated period it will be deemed that you do not wish to submit any explanation.

GIVEN UNDER MY HAND AT PRETORIA THIS 29th DAY OF SEPTEMBER 2016

M F LEGODI

(

(

CHAIRPERSON: MAGISTRATES COMMISSION

I hereby acknowledge receipt of charge sheet on	
Full names and surname of the recipient:	

SIGNATURE: MAGISTRATE

DATE: 3-10-16

Uph A5

PRE-TRIAL CONFERENCE HELD AT THE REGIONAL OFFICE, EAST LONDON ON 06 March 2017 at 10:00

Magistrates Commission's Reference: 6/5/5/2-202/2014

Presence: Ms VT Gqiba, Chief Magistrate, East London, accused magistrate

"J Meijer, Judicial Quality Assurance Magistrate, Magistrates Commission duly appointed as Person Leading the Evidence in terms of regulation 26(6)(a) of the Regulations for Judicial officer in the Lower Courts, 1994

The following admissions were made by Ms Gqiba voluntarily and without undue influence:

- 1) That she is a magistrate duly appointed by the Minister in terms of the applicable legislation
- 2) That she, on State expense, travelled to Pretoria on 22 March 2015 and returned to East London the following day, 23 March 2015
- 3) That she submitted a Subsistence and Travelling (S&T) claim to the amount of R577,72 for expenses incurred out of her own pocket and that she was reimbursed by the Department of Justice and Correctional Services (the Department) to the amount of R595,87
- 4) That the Department incurred additional costs for her flight ticket and the use of a rented car to the amount of R6208,00
- 5) That the total costs of her trip to Pretoria on 22 and 23 March 2015 amounts to R6803,87
- 6) That she claimed to have attended a Family Sub-Committee (a Committee of the Chief Magistrates Forum (CMF)) meeting at Pretoria for official purposes in respect of a Child Protection Register on 23 March 2015
- 7) That this meeting was however cancelled and that Ms S Raphahlelo, the Chief Magistrate, Port Elizabeth and her Cluster Head advised her accordingly on 18 March 2015 that the said meeting was cancelled
- 8) That she therefore did not have the required official authority from her Cluster Head to travel to Pretoria on 22 and 23 March 2015
- 9) That she in fact had two other commitments to attend to in Pretoria on 23 March 2015 for which she did not have the required official authority
- 10) That she advised her Cluster Head in her response dated 14 April 2015 that "On hindsight, I realise that this was not the smartest thing to do" and during a mediation session, facilitated by the CMF at the request of the Commission's Ethics Committee, advised that "In hindsight I should not have travelled. I concede that I was wrong"
- 11)Consequently, that the statements as set out in paragraphs a) to g) (the second paragraph g), erroneously so marked) are not in dispute and that

potential witnesses who would be able to testify on behalf of the Commission to support these statements will not have to be called at the inquiry.

We are in agreement that the above is a true reflection of what was discussed between us on 06 March 2017.

Signed: Mr J Meijer

Date: 13 March 2017.

Signed: Ms VT Gqiba

Date:

potential witnesses who would be able to testify on behalf of the Commission to support these statements will not have to be called at the inquiry.

We are in agreement that the above is a true reflection of what was discussed between us on 06 March 2017.

Signed: Mr J Meijer

Date: 13 March 2017.

Signed: Ms VT Gqiba

Date: 28 . 03 . 2017

SUBSISIENCE AND TRANSPORT CLAIM



MAGISTRATES COURTS JUDICIARY

Annexure U(i) (MC 7)

ONDON GAL BI

V T GQIBA Name:				
		6	aim Details	
PR/VATE BAG X9010	Persal	No.		 A
EAST LONDON /	Period:	From 3 3		رة الماقر
Postal Code 5200 A	Period	To Dat	1/03/	30110
4	2.033	457-QU	(2472)	111
	AND PRIOCES			
Item Co	de l	sibility	Ob	jective
4777 1 7 1 0436	1 311 3303	01	77.00	
4500104	31137030		20014	030 *
			- 3CU 141	0.30/
			2-111	10.12
7595 87			17	14/15
Amoun	t of Claim			
ARGE A	dunas i	/	,	
Attaces W	dvance	15/10	1118	
Adjustm	ent Tötal This ama		,	
(439387	nent Tötal: This amou	nt must be dec	lucted from Pers	al, on the
Amount	payable Advance, s	unsistence ar	ructed from Pers Id Travel; Deduc	tion Code 0043
	-			
Description Detail C	alm Information	J. Francisco	29.7	
Date	Time Num	ber of	Rate	71 - 11
Left Ferst 2 roll on 22.3.15 13:3:159 R3	To Days		D P/H	Amount
	o 18kuan 1/	1 horse 3	5-0 13-91	1-4-10
. vi l'etoria, to		51.32	1,1-16	401 13
attend 17 metral		115-37		730 81
20,000		-		and the second
and back to				
Don't novyew.				
Potuna 1 malars and				
13/13/13/13/13/13/13/13/13/13/13/13/13/1				
	16.56			145-CO
certify that I was actually and				14-3 50
certify that I was actually and necessarily employed, travelling or detain he period(s) stated above, that the charges are in accordance with auth	ed on official service during			395-87
he period(s) stated above, that the charges are in accordance with authoridental expenses charged have been actually and necessarily disburs	orised rates and that the	'y lotalan	nount of claim	911-101
1		Less Ad	vance ount of claim	
WALL THE	W.R.C.	rect and	of claim	517-79
Signature 480	THEN CHAC	Mores		535-57
Signature of Claimant Date		<u> 14101410</u>	trate	
20%		Designation	/	 -
174	1			
Signature: Checking Official	1			
Date (3-64-/3	Approved by De	Signated Officia	/DELO 440 4	 1
, ag contatepone 1	Date	9-	" (Pri 6 4.10.11.2	2)
		10/3	-04-13	
11/2			_	
Print Name		BC CA	HARU	
	Services and Properties and Control of the Control	Print Nam		!
	THE PERSON NAMED IN COLUMN TWO IS NOT THE OWNER.			
{ _	RE-MINITED ALL) FOL	MO CORRECT		
ĺD	ala: 2015/14/11	The second of th	.]	
↓	44	1	7 6 6	
1 5	dusiner - AC	-	3	



MAGISTRATES' COURTS JUDICIARY

ANNEXURE TO SUBSISTENCE AND TRANSPORT CLAIM (FORM MC 7) (Attach approved Form MC 9 - Application: Official Journeys)

N.	V T Gailoo	
Name	e: V Ggiba Persal No: 16767605 1	
A.	DESCRIPTION:	
1 ~	DESCRIPTION: Place from and to which travelled and particulars of objective or service or duty and description of transport and incidental expenses	
- 1	>1: 'TO 1/A/Lada	d/or
- 1	El to Pretbria to attend Child Protection	
i i	region metand	
1		
		ı
		- [
B.	SUBSISTENCE: DOMESTIC (Locality and Alberta)	
B1	SUBSISTENCE: DOMESTIC (Less than 24 hours away from headquarters) AMOUNT	_
] B1 1	PERSAL CODE 0526: FOOD AND BEVERAGE - Without supporting vouchers	- 1
	Depart from (headquarters)	
1	1. Depart from (headquarters)	-1
1	Arrival (headquarters)	
1	Dinner R Beverages R	- 1
	Total:	H
2	P. Depart from (headquarters)	
l .	Arrival (headquarters)	
1	Breakfast R Junch P. at (time) at (time)	ł
l	Breakfast R Lunch R Dinner R Beverages R	1
•	Total:R	
3.	on (date)	ł
	Arrival (headquarters) on (date)	ı
	Breakfast R Lunch R Dinner R Beverages R	
	Total	
	Total: R	1
4.	on (date)	
	On (date)	1
	Breakfast R	1
	Total:	
5	Total:R	
5	Depart from (headquarters) on (date) at (time) at (time)	
	On (date)	
	Breakfast R Lunch R Dinner R Beverages R	1
	Total:	
	R. R.	1

1	PERSAL CODE 0588: FOOD AND BEVERAGE – With supporting vouchers	
1	Depart from (headquarters)	AMOUNT
l	Depart from (headquarters) on (date) at (time) at (time)	
	On (date)	
	Breakfast R Lunch R Dinner R Beverages R	
	Total: R	
	(ateh) on (data)	
	Breakfast R	
	Totals –	
	Total:R	
	3. Depart from (headquarters)	
	On Kdate)	
	Breakfast R Lunch R Dinner R Beverages R	
	Beverages R	
	Total:R	
	4 Depart from (headquarters) on (date) at (time) at (time)	
	Arrival (headquarters)	
	Breakfast R. Lunch R. at (time)	
	Breakfast R Lunch R Dinner R Beverages R	
	Total:	
	5. Depart from (headquarters) on (date) at (time) at (time)	
	Arrival (headquarters)	
	Breakfast R	
_	Totalı -	
	SUBSISTENCE: DOMESTIC (More than 24 hours away from Headquarters)	
1	PERSAL CODE 0436: SUBSISTENCE ALL INCLUSION	
	PERSAL CODE 0436: SUBSISTENCE ALL INCLUSIVE ALLOWANCE (without supporting	
	Depart from (headquarters) work on (date) 09 03 5 at (time) 1130	
	Arrival (based as a late of the second arrival (based as at (time)	
,	Arrival (headquarters) 12-1/20 on (date) 23 03 15 at (time) 12-20 Days rate R 37-00 on (date) 23 13 at (time) 18 LOD	
		27
	= R 335-00 rate R 13-95 43	528
	- R.4	37 78 G
F	PERSAL CODE 0452: SUBDISERVICE	
9	PERSAL CODE 0462: SUBSISTENCE: ACTUAL EXPENDITURE: ACCOMMODATION (with upporting vouchers) (See Part 1.1 of APPENDIX 1)	
		- 1
٨	rrival (headquarters)	- 1
A	rrival (headquarters) at (time) at (time) ccommodation R	

Pauking Expenditure

c # _		
C3	PERSAL CODE 0588: SUBSISTENCE: ACTUAL EXPENDITURE DRY CLEANING (win supporting vouchers) (See Part 1.2 of APPE	E: MEALS, LAUNDRY AND ENDIX 1)
	Depart from (headquarters) on (date)	at (time)
	Arrival (headquarters) on (date)	at (time)
	Meals R Laundry R Dry	a a
C4	PERSAL CODE 0436: SUBSISTENCE: INCIDENTAL ALLOWAN expenses are claimed)	CE (applicable when actual
	expenses are claimed)	
l	Depart from (headquarters) on (date)	at (time)
	Arrival (headquarters)on (date)	at (time)
	Days Hours	rate R
	= R	= R
	Talvagan	
D.	TRANSPORT: DOMESTIC	
D1	PERSAL CODE 0463: GENERAL PUBLIC TRANSPORT (with supp	porting vouchers)
	By Air: Date: Amoun	nt
	Du Tavili	ıt
		t
		t:
<u> </u>	Excess Baggage: Date: Amoun	t
50		
D2	PERSAL CODE 0464: PARKING EXPENDITURE (Record whinvoice or separate receipt – attach separate receipts pasted on a	ether on accommodation separate page)
	Date: 23.03.15 Amount: 145.00 Date:	Amount:
	Date: Amount Date:	
	Date: Date:	The state of the s
		RI.T.S U.O. /
D3	PERSAL CODE 0465: TOLL FEES (attach supporting vouchers par	sted on a separate page)
	Date: Date:	
	Date: Amount: Date:	Amount:
	Date: Date:	
		R
<u> </u>		THE PARTITION OF THE PA
_		GRAND TOTAL R. TTO
	Wigher.	2015 0 . 71 575 876
VX 184	AMT SIGNATURE	24. D3: HE
2	AND SIGNATURE	DATEARY
GNA	TUDE: CHECKING OFFICE	13-04-2015
	TURE: CHECKING OFFICIAL	DATE



MAGISTRATES' COURTS JUDICIARY APPLICATION TO UNDERTAKE AN OFFICIAL JOURNEY

PARTIC	ID Ame -				AVE WW OLL			
Name & Surname	arvita C	F MAGISTRAT	E AND	TRIP DETAILS		RIP ALITH	ORITVE	30/2015
- 1 APRIL 1 STORES		7 14 14 14		THE MES			STATE INC.	30/2015
Rank CHIEF	MACIOTO	annon/082508	4			ellular No.	1 00000	
	1 6 60 00	AIE Per	al No.	18267606	i C	ontact No.		9757
İ	- 1	PRETORIA: N	ATIVALA	1.050\002	8	tationed at		28021
Purpose of journer		MATIONIA		r OFFICE		THE TREATMENT	EAST :	ONDON MAG
place/s to visit	y and [ANTIONAL CH	LD PRO	TECTION REG	10000			223 100 100
haces to Alai	t [TOTALEG	IS I EK WEEL!	NG		
	~ L							
i Daniel I	133	2-23						
Penod of official jour								
		MARCH 2	2015					
Make MERC BENZ	1.00	# AFMICTE						
4 4	1.4.00	Xel : E 250		Sporter or				
Destination: EAST LC	OVERNIA		- }	Engine capaci PETROL	Y 250 CC	Pan		
3. TAXII SHOP	CHUCK A	URPORT		TEIRUL		, verbu	MATERION NO	: HOT 296 EC
Forward Date	TILE SE	RPORT RVICE REQUIR	(PD					
Journey Date	Time	T I	lenado		-	-		
Contraction of the contraction o	1		-varure	Address	1		-	
Journey Date	Time		-			<u>D</u>	estination	
	,		Sentine	Accress	-			
TICKET REC	VENE	VT9				De	stration	
Tickets Requi	red							
		Airci	eft	Bus	7			
Place of Departure: E	ASTIC	X		300	Train		Single	
Forward Journey	101 10			Sec.	1			Return
	· -	Date	D	epart Tirie	netion: JOHA	NESD S	6	X
Return Journey		22/03/15			Arrival 1	lime		
wouldey	_	Date	'T' 'K	15:00			<u>-</u>	ight No.
S. VEHICLE REN		23/03/15		epart Time	Artival T	ime +		
Name Government Gar Vehicle size (Engine can	TAL	7.5		Q:130	77774		FI	ght No.
/ablat	age or Va	hide Him E				——. <u></u>		
Vehicle size (Engine cap	SCHV sod	Coe nue rim						
ace of Collection: Alia	KIDO AND	AHESE COOR)	1		Vag			
ace of Collection: JHB	UNU AIR	PORT	1	Clair on see	Partition by annual			
				Date :22 MAR	H 2015	7:		
ACCOMMODAT	HON			Date 23MARC	H 2015	HITTE	ACCORD	WITH FLYGHT
ate vi						Time:	ACCORD	WIH FLIGHT
too VI				Town/Cit				CHURT
moking Room				Date out				
AUTHORIZATIO	N			Van G		T		
& JOUTINY & Brain AL	77			T MOUT STILL	dng Room	1	, 	
777	wary, and	in the interest	OF fine and	/=/=/a-	***	-		
DE JOLETIANIE) INVANTA NACON	quan		n ta 90	anunistration of	ustice		100 100	truit of the
				•	į.	144213	. 1,0 ° 14	
Signature: App		San			ŕ	* *		\$
						30 T	3× + 3	2
ids are available. Yes/Ne	D				Dete	- 16 To 1 (1)		9
(40/M	- Kasp	onsibility 31	132020	Office of the last		2016		<u> </u>
B =				AnimonAS: 30	A Comment	COLUMN TO	3.63	
				3007403	0	1.1. 36.364	1 2 7 7 7	and the second
161 18C C				-00 14U0	017	a self-self-transfer	- commence	to the
COLCOURT MORNING		The Avenue of th						
PURCHET BROKERS .		The Avenue of th	4 /200					ł
PURCHET BROKERS .		The Avenue of th	(1)		- 6015	- 03	- 1 6	Ì
PURCHET BROKERS .		The Avenue of th	(ii))	and 400	BOIS .	GISTO	- 16	
journey(s) stare approvits, 1903 and the Policy is	d of Office and in termination in	The Avenue of th	(d)) 06 47(1)	and 48(d) of	Rejuitable	GISTR	-16	
journey(s) mare approving, 1903 and the Policy is	d of Office and in termination in	e (DFI 8.4.10.5 ha of regulation terms thereof	1 (ii)) ns 47(1)	and 48(d) of	Reja Rejutations	GISTRA for High	Officers in	Wa I course
journey(s) mare approving, 1903 and the Policy is	d of Office and in termination in	e (DFI 8.4.10.5 ha of regulation terms thereof	1 (ii)) ns 47(1)	and 48(d) of	Réjundaça.	in Andre	Officers in	Vis Lower
calCourt Banageri teac journe/(s) sy'are approvits, 1983 and the Policy i	d of Office and in termination in	e (DFI 8.4.10.5 ha of regulation terms thereof	1 (ii)) ns 47(1)	and 48(d) of	Réjundaça.	in Andre	Officers in	Vis Lower
journey(s) stare approvits, 1903 and the Policy is	d of Office and in termination in	e (DFI 8.4.10.5 ha of regulation terms thereof	1 (ii)) ns 47(1)	and 4810) of	Réjundaça.	GISTRA Inc. III	Officers V	To Lower
journey(s) stare approvits, 1903 and the Policy is	d of Office and in termination in	e (DFI 8.4.10.5 ha of regulation terms thereof	1 (ii)) ns 47(1)	and 4810) of	2015	GISTAL STATE OF THE STATE OF TH	Officers V	Va Lower
journey(s) stare approvits, 1903 and the Policy is	d of Office and in termination in	e (DFI 8.4.10.5 ha of regulation terms thereof	1 (ii)) ns 47(1)	and 4810) of	2015	GISTAL STATE OF THE STATE OF TH	Officers v	Vis Lower
journey(s) mare approvits, 1903 and the Policy is	d of Office and in termination in	e (DFI 8.4.10.5 ha of regulation terms thereof	1 (ii)) ns 47(1)	and 4810) of	2015	GISTAL STATE OF THE STATE OF TH	Officers v	Ve Lower
journey(s) mare approvits, 1903 and the Policy is	d of Office and in termination in	e (DFI 8.4.10.5 ha of regulation terms thereof	1 (ii)) ns 47(1)	and 4810) of	Réjundaça.	GISTAL STATE OF THE STATE OF TH	Officers v	V Lower

,,,	ALLOWANCES DEDUCTIONS	& FRINGE BENEFITS	2013-04-1 09:09:55.
PAY DATE. SAL-EFF-D	.: 16267605 01 VT GQIBA .: 20150420 AT: 20150415 9 SMS PROF.(70.00%) PE: SUPPLEMENTARY	MAGISTRATE GROSS SALARY: DEDUCTIONS: NET SALARY:	12114 .CHIEF S1 595.8
CODE	ALLOW/DEDUCT/BENEF REFERENCE ALLOWANCES	ARREARS	595.8 ====== AMOUN
56-0464	S&T ALLOWANCE 1 S&T:PARKING EXP 1 NO DEDUCTIONS NO FRINGE BENEFITS		450.8 145.0

CHOICE: (1=BASIC; 3=IRP5; 4=OBJECTIVE; 5=ADDITIONAL; 6=TAX; 7=DEPEND.; 8=MEDICAL

Date: 2015/04/16 Time: 9:09:52 AM

40 LU. UH-1 6.08.10(LS) INSTATE SUBSISTENCE AND TRAVELLING PAYMENT

12:32:01. PERSALNO: 16267605 01 VT GQIBA

MAGISTRATE. CHIEF S COMPONENT: 231301 SUBCOMPONENT: 000001 PAYPOINT: 000067

CLAIM BEGIN DATE: 20150322 CLAIM END DATE: 20150323 ENTER FOR MORE DATA

ALLOW ALLOW KM - RATE/ ALLOWANCE CODE AMOUNT KM DESCRIPTION CODE INST REFERENCE RESP OBJE 0436 450.87 0464 145.00 S&T ALLOWANC A577 4401 SET: PARKING A577 4401

VEHICLE REGISTRATION NO: VEHICLE CATEGORY:

12/231301 STATUS: AWAITING AUTHORISAT DIST: 122020 SPN: 2 BATCH: 03357 SEQ: 24

Date: 4/15/2015 Time: 12:32:02 PM

Meijer Johannes

Exh B2.

From:

Hartman Andries

Sent:

25 May 2016 08:50 AM

To:

Meijer Johannes

Cc:

Mguqulwa Vuyani; Bosman DeVilliers; Maleyana Shirley

Subject:

RE: DIRECTIONS FROM THE MAGISTRATES COMMISSION TO REFUND THE

DEPARTMENT: MS V GQIBA, CHIEF MAGISTRATE AT EAST LONDON: MC

REFERENCE 6/5/5/2- 202/2014

Attachments:

DOJ Client Report_Valerie Thabo Ggiba_Mar '15.xlsx; S&T claim Ggiba.pdf

Good morning

Attached is the documentation, as requested:

- Costs incurred TWF (note that TWF have indicated that no accommodation costs were incurred)
- Costs incurred S&T claim

Please note that, per the DFI (Departmental Financial Instructions) fruitless and wasteful expenditure is defined as ...Expenditure that was made in vain and would have been avoided had reasonable care been exercised..."(a good example is payment of interest on an overdue account). It then follows that, if the attached costs were incurred to further Ms Gqiba's own private interests at the expense of the state you cannot classify this as wasteful expenditure and can only view this as fraud/theft, with the consequences attached thereto.

Please update the Regional Head, Mr Mguqulwa, with any developments in this regard.

Regards

Andries Hartman

From: Meijer Johannes

Sent: 24 May 2016 11:06 AM

To: Hartman Andries

Cc: Bosman DeVilliers; Maleyana Shirley

Subject: DIRECTIONS FROM THE MAGISTRATES COMMISSION TO REFUND THE DEPARTMENT: MS V GOIBA,

CHIEF MAGISTRATE AT EAST LONDON: MC REFERENCE 6/5/5/2- 202/2014

∞ear Mr Hartman

Our telephonic conversation earlier this morning refers.

The Magistrates Commission's Ethics Committee at its meeting held on 19 and 20 May 2016 was advised that Ms V Gqiba, Chief Magistrate at East London, on 23 May 2015 travelled to Pretoria to further her own private interests on the expense of the State. The costs incurred for this unauthorized trip was paid by the Department of Justice and Constitutional Development and are regarded as wasteful expenditure. The Ethics Committee therefore resolved that the details of the expenditure incurred by the Department, in respect of the unauthorized travel of Ms Gqiba to Pretoria upon or about 23 March 2015, should be obtained and that Ms Gqiba be ordered to repay the amount to the Department.

In order to give effect to the Committee's resolution would it be appreciated if you could provide me with the total costs/expenditure incurred by the Department to cover the expenses Ms Gqiba incurred when she travelled to Pretoria on or about 23 March 2015. This would include any physical claim she submitted for meals, allowances, parking etc. and also all travel and accommodation expenditures arranged via, and paid by an agent (TWF?). The Ethics Committee will further attend to the matter once the amount has been established and your response has been received. Kindly regard this matter as urgent.

Please do not hesitate to me a call should you have any enquiries.

J Meijer

Magistrate: Judicial Quality Assurance Ethics Division/Magistrates Commission PO Box 9096 PRETORIA

0001

Tel: 012 325 3951 Cell: 082 929 4314 Fax: 012 326 0094

Fax2email: 086 688 1304

Passenger Spend
Dept of Justice
Isgr: Ms V T Gqlba
Period: Mar 15



Period

(All)

Client 3rd Ref	Tvi Date	Route Details
31132030(Lc East London)	22/03/2015	Avis Rent A Car
		Avis Rent A Car Total
	1	Doc Pax Charge
	A Colonia ili	Doc Pax Charge Total
		Els/Jnb
		Els/Jnb Total
	22/03/2015 Total	
	24/03/2015	Jnb/Els
		Jnb/Els Total
	24/03/2015 Total	I.

&f 32030(Ec Eqsi London) Tolqi

Grand Total

Category	Trns	Net Fare	Taxes	Supplier Vat	Tot Fare	% Split
Car Hîre (Car)	1	944	0	121	1 065	17.2%
The state of the s	1	944	0	121	1 065	17.2%
Air Reservation Fee Domestic (Ard)	1	75	0	10	85	1.4%
Car Hire Reservation Fee (Crf)	1	39	0	6	45	0.7%
Hub/Back Office/Bill Back Fee (Hub)	2	132	0	18	150	2.4%
	4	246	0	34	280	4.5%
Domestic Air Travel (Dom)	1	1 470	751	206	2 427	39.1%
	1	1 470	751	206	2 427	39.1%
	6	2 659	751	361	3 772	60.8%
Domestic Air Travel (Dom)	1	1 470	760	206	2 436	39.2%
	1	1 470	760	206	2 436	39.2%
	1	1 470	760	206	2 436	39.2%
PARTIES AND THE PARTIES.	. 7	4 129	1 512	567	6 208	10,0.0%
	Į.					¬
	7	4 129	. 1 512	567	6 208	100.0%

3 - 1

i