



**To: Mr K Williams
Unit Manager: Committee Section**

**From: Mr T Manele
Committee Secretary: AD Hoc Committee on Code of Judicial Conduct
and the Regulations on Judges' Disclosure of Registrable Interests**

Date: 05 June 2012

**RE: ADMINISTRATIVE AND SECRETARIAT PROCESS: PUBLIC HEARINGS
IN FREE STATE AND GAUTENG PROVINCES**

Unit Manage

The above-matter refers:

1. Purpose:

- 1.1. To provide process report on public hearings conducted in Free State Province on 23 May 2012 and Gauteng Province on 24 May 2012

2. Background

- 2.1. The NCOP established the AD Hoc Committee on Code of Judicial conduct and the Regulations on Judges' Disclosure of Registrable Interests. The AD Hoc Committee resolved as part of ensuring public participation to conduct public hearing in Free State on 23 May 2012 and in Gauteng on 24 May 2012.

3. Decision to Conduct Public Hearing

- 3.1 The formal decision to conduct Public Hearings in Free State Province and Gauteng Province was made on 30 April 2012 after failed public hearing scheduled by the National Assembly Ad Hoc Committee

4. Management Recommendations

- 4.1. The Unit Manager met the Chairperson of the committee on 30 April 2012 and advised on the basis of the failed public hearing scheduled by the NA Ad Hoc not to conduct public hearings in the provinces but to hold them in parliament, especially since the identified stakeholders, being judges and retired judges should be in a position to bring themselves to Parliament. Holding public hearings at Parliament would therefore be more cost-effective and would conserve tax-payers' money.
- 4.2. The Chairperson indicated that the NCOP public hearings were targeting stakeholders who will not be able to pay for their travelling costs and the committee should conduct the hearings in the provinces.

4.3. The Chairperson suggested that in addition to placing of adverts, the secretariat should send invitations and copies of the adverts to stakeholders within the legal fraternity and civil society.

4.4. The Unit Manager then indicated that a political application should be submitted for approval by the House Chairperson; Committees.

5. Notification of Provincial Legislature

5.1. In line with co-operative governance, inter-governmental relations and institutional protocols, the Secretariat sent notifications to the Chair of Chairs of the Free State and Gauteng Provincial Legislatures notifying them of the hearings.

5.2. The purpose of notification was to inform the Chair of Chairs of the proposed dates for public hearings, to request the Public Participation Offices to secure venues for public hearings and to provide a database of catering service providers, as well as a PA system. (See Annexure A

6. Political Approval

6.1 The Secretariat submitted the political application on 08 May 2012 and it was politically approved on 10 May 2012 (See Annexure B)

7. Public Hearings' Media Adverts

7.1. The Secretariat submitted draft media advert on the 04 April 2012 (See Annexure C)

7.2. The purpose of the submission was to source quotations for placement of adverts in Afrikaans, English, Sotho and Zulu in national newspapers like Sunday Times, Sowetan, Beeld, the Star and local newspapers

7.3. Due to delays of confirmation of venues in both the provinces, translation of adverts into Afrikaans, Sotho and Zulu, the committee could not meet the media deadline of placing adverts in Sunday times and Sowetan (See Annexure D)

7.3. The Secretariat sent communication to Public Participation Offices in Free State and Gauteng Provincial legislature to request for speedy confirmation of public hearings venues. (See Annexure E)

8. Confirmations of Venues for Public Hearing

- 8.1. Although the request for booking of venues for public hearings in Free State and Gauteng provinces was done on 04 May 2012
- 8.2. The Public Participation Office of the Free State Provincial Legislature managed to confirm booking of Braam Fischer Building on 15 May 2012 (See Annexure F)
- 8.3. The Public Education Office of Gauteng Provincial Legislature only confirmed the venue of public Hearings on 16 May 2012 (See Annexure G)

8. Funding Application for Media Adverts

- 8.1. The Secretariat submitted funding application on 14 May 2012 for approval (See Annexure H)
- 8.2. Due to uncertainty on budget allocation there was a delay in the placing of adverts since the application could not be recommended until certainty was obtained on the availability for funds for the hearings. This was to prevent fruitless and wasteful expenditure in the event of the hearings not being able to take place due to lack of funds for them.
- 8.3. The Section Manager made every effort to resolve the uncertainty around the budget by attempting to meet with the House Chairperson: Committees on this issue. Communication was only successful after a number of days since the House Chairperson of Committees was heavily preoccupied with Parliamentary work.
- 8.4. It is our humble submission that the above explains the time that elapsed between the obtaining of political approval on 10 May and obtaining of approval for the funding of the advertisements on 17 May 2012. (See Annexure I)

9. Invitation of Stakeholders to the Public Hearings

- 9.1. Invitation to stakeholders to submit written and oral presentations was extended respectively on 17 & 18 May 2012. (See annexure J)
- 9.2. The delay in the call for these submissions can also be attributed to the uncertainty as to whether the hearings would in fact take place given the lack of a budget for this committee as was mentioned above.

- 9.3. The legal stakeholders whom the Committee invited were the same stakeholders who were invited to make submissions by the National Assembly Ad Hoc Committee on the very same subject. Therefore the delay in the issuing of the invitation by this committee should not be seen as having a great impact.

9. General Overview of Public Hearings

- 9.1. On the 23 May 2012, the Committee conducted public hearing in Free State Provincial Legislature in Bloemfontein. During the proceedings of the public hearings, the Committee received oral and written submissions from the representatives of the Judges of the Supreme Court of Appeal, the Botshabelo Economic Forum and Botshabelo Socio-economic Forum
- 9.2. On the 24 May 2012, the Committee conducted public hearing in Gauteng City Hall. During the proceedings of the public hearings, the Committee received oral Community Development Worker

Mr T Manele

Committee Secretary Ad Hoc Committee on Code of Judicial Conduct and the Regulations on Judges' Disclosure of Registrable Interests