



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

REPORT

Report of the Portfolio Committee on Justice and Constitutional Development on the suspension from office of Magistrate NE Ndamase, dated 13 March 2013

The Portfolio Committee on Justice and Constitutional Development, having considered the report of the Magistrates Commission on the withholding of the remuneration of Magistrate N Ndamase, a Magistrate at Pretoria, reports as follows:

1. Ms Ndamase was found guilty of 11 charges of misconduct. (More information on the charges and the inquiry is contained in the report on her suspension as tabled by the Minister of Justice and Constitutional Development on 1 August 2012). The Presiding Officer recommended that Ms Ndamase be removed from office as a Magistrate.
2. Ms Ndamase was given the opportunity to make written representations to the Magistrate's Commission on the Presiding Officer's findings. The Commission received these representations on 14 May 2012. The Presiding Officer gave additional reasons for his recommendation on 17 May 2012.
3. At its meetings held on 20 and 21 July 2012, the Commission considered the Presiding Officer's findings and recommendation and Ms Ndamase's representations. The Commission was of the view that the conduct for which Ms Ndamase was found guilty was so serious that it justified her removal from office. It, therefore, resolved to accept the recommendation of the Presiding Officer and to recommend to the Minister that Ms Ndamase be removed from office.
4. Having considered the Commission's report on the suspension from office of Ms Ndamase and the Minister's request, the Committee recommended that the National Assembly confirms her removal from office as a Magistrate.
5. Ms Ndamase was invited to show cause why the Commission should not determine to withhold her remuneration in terms of section 13(4A)(a) of the Act. Having considered Ms Ndamase's representations, the Commission determined to withhold Ms Ndamase's remuneration. The Commission is of the view that withholding her remuneration pending the consideration by Parliament of a recommendation for her removal from office is justified.

Recommendation

Having considered the Commission's report on the withholding of Ms Ndamase's remuneration, the Committee recommends that the National Assembly confirms the withholding of the remuneration.