



JOASA



NEWSLETTER



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President's greetings



Dear Colleagues,

In order to keep you updated of events the May newsletter will attempt to inform you of some events that have already happened and others which are still to occur.

JOASA Greetings

Dario Dosio
President of JOASA

Contact e-mail addresses of the provincial chairpersons:

Province	Chairperson	e-mail
EASTERN CAPE	Mrs T. Olivier	TOLivier@justice.gov.za
FREE STATE	Mr T.J Mamburu	ThMamburu@justice.gov.za
GAUTENG	Mr C Nethengwe	CNethengwe@justice.gov.za
KWAZULU NATAL	Mr A. Ntshangase	ANtshangase@justice.gov.za
LIMPOPO	Mrs B Dzivhani	BDzivhani@justice.gov.za
MPUMALANGA	Mr M. Essa	MEssa@justice.gov.za
NORTH WEST	Mr B. Chulu	BChulu@justice.gov.za
NORTHERN CAPE	Mr F. Erasmus	FErasmus@justice.gov.za
WESTERN CAPE	Mr P. Govender	PGovender@justice.gov.za



AGENDA OF EVENTS TO COME



The Gender Standing Committee

Women’s day – Aug 2009 – (outreach to women) Simplify the legal procedure for woman to assist them with domestic violence orders and maintenance orders.

December 2009 – (Outreach to women and children) 16 days of activism emphasizing the assistance available by the department to women and children

If you wish to partake in the planning of any of these projects in your province please send an e-mail to CParks@justice.gov.za

Gauteng Province

An event addressing the role of HIV and the courts will be held in conjunction with Jhpiego at the Pretoria North Court on the 29th of May (from 10h00 – 16h00)

A seminar addressing Immigration law is to be held on 29 May in Pretoria in the afternoon at Diep n’ Berg.

If you wish to attend any of the planned seminars in Gauteng please send an e-mail to CNethengwe@justice.gov.za or NMncube2@justice.gov.za.

Eastern Cape Province

JOASA in conjunction with Jhpiego is hosting a workshop at Mpekweni Beach Resort as from 15 May 2009 to 17 May 2009

If interested to attend please send an e-mail to TOLivier@justice.gov.za

Mpumalanga Province

JOASA in conjunction with Jhpiego is hosting a workshop in a venue still to be announced from 5 to 7 June 2009.

The Provincial AGM dates are:

- Kwazulu Natal is 26 June
- Gauteng is 26 June
- Western Cape is 19 June
- Northern Cape is 21 May
- Free State is 12 June.
- Eastern Cape is 19 June
- Limpopo is 26 June
- Mpumalanga is 6 June
- North West is 19 June

The National AGM will be from:

30 October to 1 November 2009

Draft Regulations Workshop for Magistrates:

19 May to 21 May 2009

Members will be informed of the outcome.

JOASA WEBSITE

The website is being updated daily and members are urged to make use of the website to update themselves in respect to recent legislation, recent case law, headline news, and matters pertaining to cross-transfers, training and salaries. The website address is www.joasa.org.za



*Vice President
and Webmaster
Mr Vincent Ratsibivumo*



SECRETARIAT

*National Secretary
Mosidi Moleleki*

The secretariat ensures that the interests of members

is dealt with and resolved. Please continue to keep the National Secretary and the provincial secretaries informed of your work related concerns in order that we may seek ways to address these issues.

The e-mail address of the National Secretary is MMoleleki@justice.gov.za

The two assistant secretaries are: Zeenat Carelse ZCarelse@justice.gov.za and Nozipho Mncube NMncube2@justice.gov.za

TREASURY

The National Treasurer has embarked on a national audit of the provincial bank accounts in order to ensure that the same accounting principles are adopted and followed by all nine provinces.



*National Treasurer
Colleen Collis*

EVENTS THAT HAVE BEEN HELD IN THE VARIOUS PROVINCES*Limpopo Province*

The Chairperson of the Limpopo province together with the pec of Limpopo organised a workshop concentrating on the "RECOGNITION OF CUSTOMARY MARRIAGES ACT 120 OF 1998". This was held on 4 April 2009 at the Vuwa Lodge in Polokwane.



*Chairperson of
JOASA Limpopo*

The Chairperson of Limpopo Benedict Dzivhani reports as follows:

"The PEC conducted a survey by means of a questionnaire to try and ascertain training needs amongst JOASA members. Members indicated that they needed training in the following areas of the law:

Customary Law

PIE and Esta Act

HIV/AIDS

Immigration law

The PEC embarked on a mission to put together a training on Customary Law, most especially on the Recognition of Customary Marriages, ACT 120 of 1998.

Sourcing suitable presenters

This process was easier than we had anticipated. We simply conducted a skills audit amongst our members in order to find out who specializes in this topic. We identified Mr. Mphanama who is a senior magistrate at Dzanani Magistrate office. He is a regular guest on radio Phalaphala and he covers mostly the topic at hand. We then contacted him. He was very eager to come aboard. He prepared a very interesting and a very enlightening paper on this topic.

We then contacted the Department of home affairs. We managed to get hold of Mr. Jimmy Malemale, head of marriages at the mentioned Department. We also got hold of Advocate Tsietsi Sebelemeja who is currently the acting director, legal services also from the said Department.

Sourcing a venue

We managed to get three quotations from different institutions and the cheapest was at the



from The Department of home affairs. Mr Mphanama presented a very powerful paper and Mr. Malema and Advocate Sebelemetja also trained the members on the above mentioned topic.

Members were also given an opportunity to field questions. We were also given study material on the topic. We have enough material for those who did not attend.

abovementioned lodge. Limpopo is a vast area so we had to secure accommodation for members who drove more than 100 km to attend the workshop.



Presents

The chair person was so pleased that she gave presents to the presenters

on behalf of JOASA, from her own pocket.

All in all the workshop was a success. See attached photos. This just shows that everything is possible, if you put your mind to it.”

The workshop

The workshop started at 10h00AM. Attendance was very good. We had five officials



Gauteng Province

On the 7th of February 2009, the Gauteng Chairperson with the assistance of the Gauteng pec arranged a seminar on structuring of salaries and the workings of the Johannesburg Stock Exchange. There were 48 magistrates that attended. This was a great success.

The chairperson of Gauteng states:-

“Dear JOASA members

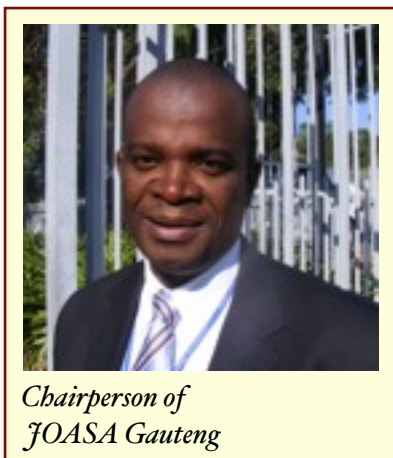
The Johannesburg Stock Exchange (JSE) has approached JOASA to see if judicial officers are interested in being educated on the workings of the JSE. In order to determine the interest, a survey has to be completed.

A questionnaire is available on request. The process of completing the questionnaire should not take more than five minutes and the questions are easy to answer. It is important that judicial officers complete the questionnaire because the JSE will decide thereafter whether they will roll out the training programs, throughout the country in association with JOASA. The training will involve educating judicial officers about investing in the JSE and other related matters. We urge all judicial officers to take some time off their busy schedules to complete the questionnaire. This exercise will be beneficial in the future to all judicial officers.”

- (i) Historical development of the JSE
- (ii) What is the stock exchange, also including purpose and benefits of an exchange.
- (iii) How is the JSE regulated
- (iv) Method of trading
- (v) Explaining 4 different markets and products.

(B) Buying of shares;

- (i) What are shares
- (ii) Investors’ financial circumstance – disposal income and stock market investment risk
- (iii) Shopping around for a suitable broking firm – bearing in mind costs versus services offered, disposition towards individual/institutional investors
- (iv) Maiden investors step-by-step broking interaction, relevant questions to ask the brokers, broking charges, opening of trading account
- (v) Importance of reading reports about listed companies, general economic reports, regulation of industries, etc



Chairperson of JOASA Gauteng

Waldemar Budeli from the stock exchange writes:

“Topics envisaged to be covered during the proposed seminars are:

- (A) Workings of the Johannesburg Stock Exchange (JSE)



The Johannesburg Stock Exchange Entrance

- (C) Factors which influence the investment
- (i) International economies – global economic events, exchange rate, etc.
 - (ii) Company profits
 - (iii) Local economy
 - (iv) Share Empowerment schemes – explaining rationale behind (in general), purposes, listed versus unlisted shares, etc.

Each day's duration is envisaged to be 2 and half hours (150 minutes)

We hope to include additional topics of interest (to be presented by specialists in their respective fields), e.g. Financial planning,

introduction of bonds investment, personal income tax issues, and such other topics suggested by JOASA for us to find specialists to talk to JOASA members about.

The JSE will provide refreshments & notes to attendees

Subject to the success of seminars in Johannesburg, the JSE will consider to take these seminars to other major centres – e.g. Cape Town, Port Elizabeth, Durban, Bloemfontein, etc. “

If you are interested to partake in the JSE survey please send an e-mail to:
CNethengwe@justice.gov.za or
NMncube2@justice.gov.za

Eastern Cape Province

The Chairperson of the Eastern Cape together with the pec of Eastern Cape organised an event with the Department of Justice, Social Development, SASA, the Department of Health and various NGO's.

Twanet Olivier (Chairperson of Eastern Cape) reports as follows:

“On 16 April 2009 , JOASA, Eastern Cape, in conjunction with the Department of Justice, Social Development, SASA, and department of Health, and various NGO's operating in the area conducted a campaign at Zwelitsha Magistrate's Court on the Child Care Act, and the rights of Children in our country. Ms Kobo, addressed the people on the Child Care Act, and I addressed them on the Rights of Children in our country.

The event was well attended and various schools in the area, allowed the pupils to attend in full school uniform. The event was also attended by the Regional Head of the area. Photo's and video footage was taken by the department of Justice and will be posted on Djini.

The event was a huge success and aimed as a “out-reach” to our community regarding the rights of children and the access to the judicial system and steps that should be followed.

JOASA, will further continue to work closely with the said departments and NGO's especially the Khanyisa Outreach Program to mention but one.”

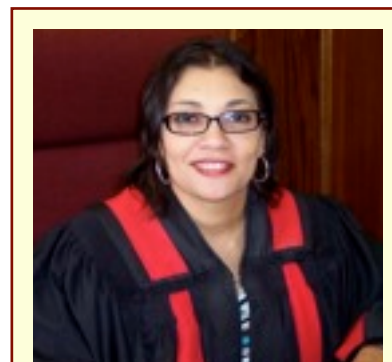
Free State Province

On the weekend of the 6th to the 8th of March 2009, JOASA Gauteng together with the collaboration of the respective Chief Magistrates and magistrates of the Free State, the Centre for the Study of Aids (CSA) and Jhpiego held a HIV workshop. This was a great success.

Carmen Parks, secretary of JOASA Free State reports as follows:

“The workshop was hosted by the Centre for the Study of Aids (CSA) based at the University of Pretoria in association with JHPIEGO.

The workshop started on Friday 6th March at 16h30 with registration. Everyone introduced themselves and the workshop's objectives and the participant's expectations were shared with each other.



*Chairperson of
JOASA Free State*

On Saturday, the morning discussion was done by Jason Wessenaar, who is the Project Director- Siyazi Counselling and Testing Project of JHPIEGO.

He discussed the basic facts of HIV and AIDS namely modes of transmission; HIV distinguished from AIDS; risk and likelihood of transmission; specific vulnerabilities to women; increased susceptibility to HIV during rape, anal sex etc. He also discussed HIV testing and counselling of JHPIEGO; the experience of stigma and understanding the basics of stigma. With regards to the stigma the following were discussed: the social history of stigma and AIDS; multiple epidemics; impacts of race, class, sex, sexuality and gender; the roots and reasons for the stigma, internalized stigma and specific vulnerabilities.

The afternoon session was done by Nyasha Chingore, who is the Project Manager for the training of judicial and court officials on HIV and AIDS, human rights and the law project at the CSA, University of Pretoria. She discussed HIV/AIDS and human rights and the SA Bill of Rights. Which included the legal context at the global level (UN): binding treaties and non-binding standards and guidelines; at the regional level (AU); at sub-regional level (SADC) and the domestic level: the Constitution. The role of international law at the domestic level; other sources of law; policy and guidelines; recent cases Hoffmann V SAA 2000(11) BCLR 1211 (C); Jansen Van Vuuren v Kruger 1993 (4) SA 842 (A); Haindongo Nghidipohamba Nanditume v Minister of Defence 2000 No LC 24/98.

The Sunday morning session was convened by Nyasha Chingore and the following topics were discussed:

HIV/AIDS and judicial contexts;

Bail: role of HIV and AIDS in pre-trial detention;

Rape: access to post-exposure prophylaxis, mandatory testing of rape suspects;

Sentence: the role of HIV status or AIDS in sentencing, sentencing of HIV positive-perpetrators, conditions for HIV positive persons, other inmates in prison. (S v Magida 2005 (2) SACR 591 (SCA); S v C 1996 SACR 503(T); S v Cloete 1995 (1) SACR 367 (W); S v Mahachi 1993 (2) SACR 36 (Z); Mnguni v Minister of Correctional Services and Others 2005 (12) BCLR 1187 (CC); Chauke v S (1997) JOL 1270 (T)

Family Law context: role of HIV in marriage, HIV and adoption, domestic violence applications

Law of delict; defamations (stigma, hate speech); delictual claim for damages

HIV and the criminal justice setting: The role of criminal law in combating HIV and AIDS; offences by an HIV positive person: possible common law offences such as assault, assault with the intent to grievous bodily harm, rape attempted murder, culpable homicide, and murder. Offences against an HIV positive person such as assault, crimen injuria; relationship with hate crimes, especially against gays and lesbians.”

ANNUAL GENERAL CONFERENCE OF JOASA HELD AT BIRCHWOOD HOTEL 1ST NOVEMBER 2008

The Annual General Conference of JOASA together with the training that was sponsored by Airports Company of South Africa, was held at the Birchwood hotel last year from the 31st of October to the 1st of November.

It was a great success. On the next page you'll see photos taken at the conference, together with an article that appeared in the ACSA magazine.



Extract of the "PRIDE"
Newsletter by ACSA



Far left: Security managers from all airports were also in attendance. Left: Cecilia Galetlole, Duty Manager: Landside presenting tokens of appreciation to Ms Judith van Schalkwyk – President of JOASA and Chief Magistrate of Kempton Park.

Will. A competent witness is any person who is 14 years or older who is competent to give evidence in a Court of Law.

In conclusion

It is important to take note of the abovementioned formalities, especially with the illiteracy percentage of in our country at more than 60%. Every person has the right to dispose of their property or belongings as they wish; this is called 'freedom of testation'. There are, however, a few limitations such as the ones imposed by the Maintenance of Surviving Spouse Act of 1990 and maintenance of children out of marriage.

The Careways Group is employed by ACSA to assist with your queries. Their helpline is toll free and they are always there to discuss your health and wellbeing. It is the responsibility of every individual who has dependants to have a Will in place to take care of their affairs when they pass on. Act now and call Careways on 0800 004 770.

Disclaimer

"Without Prejudice" is published for general information and is not intended as legal advice. As every situation depends on its own facts and circumstances, professional advice should be sought.

ACSA Leads The Legal Way

ACSA in conference with the Judicial Officers Association of Southern Africa

In partnership with the Judicial Officers Association of Southern Africa, ACSA organised the first-ever Aviation Law conference in the region, attended by 160 delegates in Johannesburg late last year.

The conference theme of Aviation Law was well received by the attending magistrates and papers were presented by leading law lecturers on the subject. The ACSA speakers included Monhla Hlahla, Rishi Thakurdin and Sagie Govender.

The Human Rights Commission delivered a paper on Rights, Limitations and the Constitution, focusing on our treatment of disabled passengers, inadmissible aliens and discriminatory practices. The SAPS also presented an informative and eye-opening paper on the difficulties in the enforcement and prosecution of offenders at our airports.

The two-day conference culminated in a visit to O.R. Tambo International Airport, where participants were exposed to the entire passenger handling and baggage processing systems. They were also introduced to various airport terminologies and situations, to broaden their understanding of specific criminal activity that occurs at our airports.

The conference succeeded in its aim of sensitising our magistrates to our challenges and to the impact that cases concerning baggage theft, loitering, touting, drug smuggling and the like have on the image of our country.

The conference was a great success and ACSA has subsequently experienced excellent co-operation. We have also facilitated video footage evidence in the Kempton Park Magistrate's Court. Cecilia Galetlole, Duty Manager: Landside and Louis Venter, Shift Control Officer (both of O.R. Tambo International Airport) have reported that the initiative in prosecuting offenders is gaining momentum.

What participants had to say:

"ACSA is a smart organisation lead by a brilliant MD."

"We did not realise that the airport business is so complex and managed by brilliant leaders."

"The ACSA presenters are obviously experts in the field of Aviation Law."

"We now understand the difficulties of your security managers and police."



Pictures from the Annual General Conference



*Rishi Thakurdin,
Group Manager
Legal Services
ACSA*



The Strategic Planning workshop held on 8 March 2009

A strategic planning workshop was held at the Joburg Civic theatre on the 8th of March to address the way forward for 2009.

The meeting was attended by various chairpersons of the provinces. A mission statement was compiled which will be forwarded to the members. The enthusiasm of the members was evident from the initiatives that are being planned in the various provinces.



Ex-president of JOASA Mr. T Maumela addressing the Chairpersons on the relationship between JOASA and the Magistrate Commission at the strategic planning workshop held on the 8th of March



The ex-national secretary Mr Oberholzer was also thanked for his hard work and commitment to JOASA at the strategic workshop.





INTERNATIONAL CONFERENCES

African Regional Group meeting of the International Association of Judges

The next meeting of the African Regional Group of the IAJ, which is being organised by the Syndicat National des Magistrats d'Algérie is to be held in Algiers (Algeria), from 28th to 30th June 2009.

The arrival of delegates is expected on 27th June 2009 and the departure on 1st July 2009.

The meeting will be held in Algiers. Delegates will stay at the hotel Aurassi, in the civic center of Algiers.

The 52nd Annual Meeting of the International Association of Judges

The 52nd annual meeting of the IAJ will take place in **Marrakech from 11 to 15 October 2009** at the Hotel Mansour Eddahbi – Palais des Congrès in Marrakech.

The delegates are expected to arrive on Sunday 11th October 2009 and are expected to leave on Thursday 15th October in the afternoon.

CMJA 2009

The 15th Triennial Commonwealth Magistrates and Judges conference entitled "Justice for the Next Generation" will take place at the Club Med Turquoise, **26 September to 3 October 2009**.

Should any member be interested in attending any of these conferences please submit the relevant form to the chairperson of your province on or before the 4th of May 2009.

The forms will be submitted to the Magistrate Commission who will submit the names of the selected members attending to the office of the Chief Justice who will be paying for the travel and accommodation expenses. Please note that preference will be given to the members who have not attended previous international conferences.

The forms attached to this e-mail must be completed by yourself and your Chief Magistrate or Regional Court President.

