



JUDGES MATTER

Judicial Service Commission interviews

04 April 2017.

North-West Division of the High Court (Deputy Judge President)

Interview of Judge R D Hendricks

DISCLAIMER: These detailed unofficial transcripts were compiled to the best of the abilities of the monitor. However due to capacity constraints they have not been fully edited. We have therefore made the video recordings available that were taken during the interviews available. Those wishing to cite or quote from the transcript are encouraged to check accuracy with reference to the video file.

CJ M. Mogoeng: For how many years have you been a judge now?

Mr Hendricks: For 13 years, this is now my 14th year.

CJ M. Mogoeng: This is your 14th year.

Mr Hendricks: 14 years, Chief Justice.

CJ M. Mogoeng: Same High Court?

Mr Hendricks: Same High Court, Chief Justice.

CJ M. Mogoeng: What kind of matters does the division generally do?

Mr Hendricks: There is criminal matters, civil, both motion and civil trials, Chief Justice, Road Accident Fund matters those are the matters.

CJ M. Mogoeng: And are you still enjoying yourself there or do you wish you could be moved elsewhere?

Mr Hendricks: No, I'm enjoying myself. I'm settled in the division and I am very happy.

CJ M. Mogoeng: Have you acted in the Labour Court at some stage?

Mr Hendricks: Yes, Chief Justice. I acted in the Labour Court as well as in the Labour Appeal Court.

CJ M. Mogoeng: In the Labour Court for how long?

Mr Hendricks: For a year in the Labour Court.

CJ M. Mogoeng: Yes.

Mr Hendricks: And for half a year in the Labour Appeal Court.

CJ M. Mogoeng: How were you able to cope with Labour Court work, because I seem to recall that that is not your area?

Mr Hendricks: Yes, by the end Judge President, of that time was Judge Zondo who called me, and for an acting stint, and I was introduced to Labour Law and I had to study the jurisprudence of Labour Law. I found my feet and I enjoyed it.

CJ M. Mogoeng: Yes. Now, are there backlogs, generally in the division?

Mr Hendricks: In our division?

CJ M. Mogoeng: Yes.

Mr Hendricks: Generally, there are not, no serious backlogs.

CJ M. Mogoeng: Yes.

Mr Hendricks: But there are cases that are on the roll for considerable long periods of time. Now, these cases need to be case manage judicially so in order to finalise them as expeditiously as possible.

CJ M. Mogoeng: Are they both civil and criminal, or do you have a problem only with criminal matters?

Mr Hendricks: No, it's more civil inclined than criminal.

CJ M. Mogoeng: Yes.

Mr Hendricks: There is a concerted effort by the Judge President and other Judges in order to address the matters that are older than 12 months in order to conform to the norms and standards.

CJ M. Mogoeng: And on average how does it take a case that has been enrolled, a criminal case that has been enrolled to be finalised. How long do your trials take on average? As judges that is not you as an individual.

Mr Hendricks: Chief Justice, when a matter is enrolled the JP will monitor, you know, the finalisation of the matter. It is the practice in our division not to postpone matters willy-nilly but to see to it that matters are finalised. And it all depends, personally, I would prefer not to have parted matters, because not only is it cumbersome upon myself but also to the litigants, even the accused. Sometimes the accused are in custody and they are jeopardised if the trial is postponed unnecessarily.

CJ M. Mogoeng: So, on average, how long does it, how many months does it take a case to be finalised from the date of the commencement of the trial?

Mr Hendricks: On average, Chief Justice, it you know it depends from case and it differs from case to case, but on average within a month or two the matter will be finalised.

CJ M. Mogoeng: Yes. And how many part-heard matters do you have?

Mr Hendricks: I have only one, Chief Justice. Which I picked-up last week when I was on circuit in Rustenburg.

CJ M. Mogoeng: And when is it going to be finalised you envisage?

Mr Hendricks: It is postponed until next week, the 11th and 12th set down for the defence case in order for me to finalise the matter.

CJ M. Mogoeng: Yes.

Mr Hendricks: What happens if I pick up a parted matter during the term, I arrange with the Judge President that the matter proceeds during recess so that the matter can be finalised as expeditiously as possible.

CJ M. Mogoeng: I thought that was the system before I left the division?

Mr Hendricks: It was, it's all along.

CJ M. Mogoeng: Yes.

Mr Hendricks: The system.

CJ M. Mogoeng: What about civil matters? On average how long does it take to finalise them?

Mr Hendricks: Well it depends on the involvement of the case itself, Chief Justice.

CJ M. Mogoeng: All right. I ask all these questions just trying to make sure that you are relaxed and now the atmosphere is not at all intimidating. Let me come to the real questioning. In your own words, tell us why you believe you are the right person for this position? What your vision is. What are the challenges? How do you hope to contribute to the resolution of those problems if appointed? Just in your own words just give us a brief explanation but if you need to go into more details I will leave you to do so.

Mr Hendricks: Thank you, Chief Justice. Chief Justice as I stated I am 14 years now on the Bench. I have acted as Judge President in the absence of the Judge President on 3 occasions. The longest period that I acted as Judge President was during 2014. There were some challenges that I experienced, first of all by then there were a lot of appeal matters and what happened is the composition of our court, we are 6 judges; in order to deal with it I then set down the appeals on Fridays where 3 courts consisting of 2 judges each sat and deal with the appeal matters. By so doing we managed the backlog that existed then, to address the backlog that existed then. The reason why I think that I am the right person to be appointed to this position is not only am I experienced but I have also made some contributions. I've worked hand in hand with the Judge President in order to ensure the efficient and effective running of our division. What I also learned during my acting stint is now you are not only confined to the High Court, but the Judge President is the head of the judiciary in the Province which includes the Magistracy as well that is the Regional Magistrate as well as the District Court Magistrates. And as such, it is a much broader spectrum and it entails much more. I see myself in the role as a Deputy Judge President to assist the Judge President in the administration of the judiciary in the province. My vision is to work hand in hand in order to address any challenges or problems that may arise. Not only in the High Court but in all the courts; the Regional Court as well as the Magistrate Court.

CJ M. Mogoeng: Over five years ago when I was Judge President there, we already had problems with courtroom space in Rustenburg and Ga-Rankuwa. Flowing from what you've just said about the Judge President's oversight role and relation to the entire judiciary what suggestions, if any, do you have about addressing this problem that has been there almost forever? Cause when I left they said SARS is vacating

premises next to the Magistrates Court, nothing seems to have happened. I was actually embarrassed the other day to learn that the Court was shut down, the Labour Department had condemned it because of all sorts of things. So, what should be done and to address this problem ones and for all? So that this case backlog, let me just add

Mr Hendricks: Yes.

CJ M. Mogoeng: I just got a report last week Thursday from the JP and the cluster head that the backlog problem has become even more serious now because at some stage they had to move the Court to the Tlhabane Magistrates Court where the space is not enough already.

Mr Hendricks: Yes.

CJ M. Mogoeng: And Ga-Rankuwa you know the facilities that they are using I've got pictures there. It's unbelievable. So how can that be resolved?

Mr Hendricks: Chief Justice the easy answer would be that new court buildings be erected. But now there are some financial constraints. And I think as a short-term solution alternative accommodation should be sourced even if other buildings need to be rented in the meantime to accommodate courts. I may just mention that I've learned that right in Ga-Rankuwa the possibility was explored to look at an old building that existed previously as a Magistrate Court but apparently that won't solve the problem. It is true that Ga-Rankuwa is experiencing overcrowding and facilities are inadequate. In Rustenburg, there is a possibility of looking at an old Magistrate Court also to accommodate most probably the High Court when we sit there or and/or the Regional Court. So, there is a possibility of addressing the problem.

CJ M. Mogoeng: Isn't there an underutilised Magistrates Court around Roslyn? That was available for some time. Isn't it still available as a possibility to explore while the money is not there?

Mr Hendricks: It is a possibility to explore, Chief Justice. Hence, I say any form of alternative accommodation will be welcome. Especially in the Ga-Rankuwa area.

CJ M. Mogoeng: How did, all right, sorry.

Mr Hendricks: Yes, where there are even what they call Porter Camp, you know, temporary facilities in which courts are hosted. And maybe that can also be increased although, it's not ... [interjects]

CJ M. Mogoeng: No, but they are there. There are Porter Camp there.

Mr Hendricks: Yes.

CJ M. Mogoeng: Some of them already dilapidated.

Mr Hendricks: Ja. Infrastructure is a problem in Ga-Rankuwa as well as in Rustenburg.

CJ M. Mogoeng: Yes.

Mr Hendricks: And that adds to the problem, Chief Justice.

CJ M. Mogoeng: Now, what about case management? Because Ga-Rankuwa already had case management challenges, Temba also at the Magistrate's Court level and a number of Magistrates Courts in the province. What can be done to help the Magistracy cope better with the workload? How can, what is it that needs to be done differently? What is it that needs to be done more so that people don't have to wait as long as they have become used to before their cases are finalised?

Mr Hendricks: Yes, Chief Justice, you know if one looks at the statistics it tells a very bleak story. It is not good at all. If cases are case managed better surely that can be an improvement. But there are other challenges also, maybe the shortage of Magistrates and if Magistrates can be more and more conscientised with regard to

managing cases effectively and not postpone matters for the flimsiest of reasons that would add to, that would contribute or help in order to address the backlogs.

CJ M. Mogoeng: Have you engaged with the Magistrates in preparation for this interview to familiarise yourself with the current problems related to court performance that they are experiencing so that you can formulate a possible solution to propose to them and the Judge President in that regard?

Mr Hendricks: I had the occasion to sit in a PEEC meeting where these statics and problems were raised and addressed. It wasn't recent in preparation for this interview. But it addresses the problems and the Judge Present conscientise even the Chief Magistrate with regard to case management of cases.

CJ M. Mogoeng: What about monitoring commitment to work. There was a stage when a particular Magistrate, and I am focusing on one, I won't mention a name, he or she was hardly ever there. We didn't have, JP's did not have an oversight role to play in the Magistracy, but the person was hardly ever at court. Others were carrying the workload and sometimes the person would be said to be somewhere in Gauteng, you'd contact Gauteng, the Gauteng says she is in the North West, but she is not. He or she is not in the North West.

Mr Hendricks: Ja. Yes, Chief.

CJ M. Mogoeng: Has that ceased to be the problem?

Mr Hendricks: Chief Justice would ... [interjects]

CJ M. Mogoeng: Have you picked that up in preparation for this interview or don't you know?

Mr Hendricks: No, I didn't pick it up in preparation for this interview, Chief Justice. But I am aware of such challenges and with an oversight role perhaps it will be prudent if visits are paid to these Magistrate's Courts by the Judge President or the Deputy Judge President to familiarise oneself with what is the true state of affairs. It

is one thing to get on paper the statistics but it's something different to go there in person in order to see for oneself what the challenges are and whether or not all the Magistrates pull their weight.

CJ M. Mogoeng: Have you done that? I popped into Ceres the other day, to familiarise myself with the situation. Have you been popping into these Magistrates Court to find out?

Mr Hendricks: Coincidentally, not so long ago I had a circuit court in Rustenburg and the Judge President asked me because of the challenges faced with the civil backlog to attend to the problem. To look into it and I had a discussion with the Chief Magistrate as well as the Magistrate in charge of civil matters and I reported back to the Judge President about it.

CJ M. Mogoeng: What leadership or managerial strengths would you say you have?

Mr Hendricks: Judge President ... [interjects]

CJ M. Mogoeng: I am no longer Judge President.

[laughter]

Mr Hendricks: I beg your pardon. Chief Justice, ja, I do have managerial skills. I have shown over the years and proved myself to have it. I've acted as I said previously as Judge President and I was also, I am also involved in community leadership. Leadership at the court itself. It is now for 13 years that I have been mentoring acting judges who come to acting, who are called upon to act in our division.

CJ M. Mogoeng: What is it which according to you, ought to satisfy a listener when he or she is told this person is a good leader because he or she has this that or the other strength. What are those strength that explains good leadership, what are those strengths, that explain that you have the requisite managerial capacity for a judicial leadership post?

Mr Hendricks: Judge President, Chief Justice, sorry.

CJ M. Mogoeng: No, I understand I was your Judge President.

Mr Hendricks: Ja I am still used to it. Chief Justice, you know as a leader you have to lead by example. You have to get physically involved in showing and leading the way. Let me make an example, some time ago there was the challenge that we need to had a case file audit in the High Court; the Judge President asked to assist, I volunteered, and I was physically involved. Meaning leaving my chamber upstairs and going downstairs with the staff of the Registrar's office I order to do the case flow audit. By doing so you demonstrate to those who you need to lead what is actually expected of a leader. You have to get your hands dirty at times and roll up your sleeves and get involved in order to lead the way.

CJ M. Mogoeng: What else? What else ought to satisfy any observer or listener that this one is a good judicial leader?

Mr Hendricks: I think to add to that you have to give guidance to the people that you are leading. If there are challenges to come up with solutions or possible solutions to the problem. But to work hand in hand with them forming a team in order to work together to face the challenges head-on.

CJ M. Mogoeng: Here and there, there are tendencies to come across factionalism within a court setting. How does a court leader anticipate that possibility and crush it before it even emerges?

Mr Hendricks: Chief Justice, I think the best solution is to call such a person in and to engage with such a person or persons in order to resolve maybe an impasse where that are, or a misunderstanding that occurred. I believe that you have to do it on a personal level and not through correspondence.

CJ M. Mogoeng: Yes, well I'll hand over. My last question. It is not unheard of that there are the JP's favourites and those that the JP does not favour. During my early

years in that court, those who were not favourites of the JP would always be on circuit court. And it won't be around Rustenburg because then you'll sleep at Sun City. They will take you to a place where accommodation is too terrible you will feel it that you are being punished, so what does one, what should one do to avoid that scenario developing inadvertently or deliberately?

Mr Hendricks: Chief Justice collegiality is the keyword. Working hand in hand as a team that is also very key. There will, because we are different people, from time to time be misunderstandings. But that need to be addressed as quickly and as soon as possible in order not to allow it to snowball and get bigger than it ought to be. So, I think in such an instance as a leader you would address the problem. Address the challenge that you face.

CJ M. Mogoeng: JP over to you.

JP M. Leeuw: Yes, thank you. I am going to ask you about the workload that you carry in the division as far as, not necessarily criminal but this one is civil matters are concerned. Whenever you go on circuit especially the Ga-Rankuwa or where there are more than one accused person. When you are allocated circuit I would usually allocate three to four matters for you. Can you explain to the commissioners how you manage to finalise those cases where there is a full trial, but you come back having finalised the cases?

Mr Hendricks: Thank you, Judge President. First of all, when I go on circuit, circuit is not a holiday. Circuit is meant to work. Especially loaded circuits where there are three cases or more on the roll. And much depends on time management. I start early with my cases on circuit preferably 9 o'clock if it accommodates counsel and adjourn for lunchtime only for 15 minutes in order to maximise the time available. And I will also in order not to delay and let certain witnesses wait for days on end and at the end of the day, the matter is postponed cause two matters to run parallel with each other. One in the morning, one in the afternoon, in order to accommodate and try accommodate everybody. As soon as a matter is finalised, more often than not I will immediately give judgement extempore try and finalise the matter so much

depends on case management, on time management during circuits. And that is why I manage to finalise so many cases on circuit.

JP M. Leeuw: Now, in respect of allocation of civil matters as well as motion court matters, that is in Mmabatho, do I well there was a decision taken that we are all now going to share both motion as well as unopposed motion.

Mr Hendricks: Yes.

JP M. Leeuw: Now, that decision was it taken by the division as a whole or was it just an instruction to say from now on you only, we are going to share? Or how was this issue discussed?

Mr Hendricks: It was resolved because the practice used to be that only one judge, the judge that is doing motion court in the past do unopposed as well as opposed matters. With the increase in jurisdiction and the workload, more and more post opposed matters came to the floor, were enrolled. And it was a collective decision that the opposed motions be divided amongst the judges who doesn't do the unopposed matters but if there are too many opposed matters even the judge who is doing unopposed are sometimes called upon to do opposed matters.

JP M. Leeuw: Yes, where you picked out as a judge to do pre-trial matters with me or as it a general invitation that was made to all the judges?

Mr Hendricks: What happened Judge President you asked all the judges to be involved in judicial case management and to do pre-trial matters. It was at first, distributed amongst all the judges, not all the judges bought into case management, especially pre-trials. Practitioners, some colleagues will tell practitioners to go and hold their own pre-trial, some even thought that the freedom of the practitioners was taken away by the fact that we as judges now take over the pre-trial and manage it. So not all bought into it and that is, it came to the fore at that even the system was manipulated to a certain extent. People will be asked to do pre-trial conferences, conduct pre-trials and matters even the pre-trials will be postponed or removed from the roll.

JP M. Leeuw: Yes, and are aware of the fact that as a result of that kind of conduct from some colleagues, I don't want to mention names, but there were some colleagues who were doing that it resulted in us now, each time a matter has been postponed or each time a matter has been removed for us to say now we, our secretaries to say this matter should be, we send out a status letter and the matter is again case managed. Are you aware of that?

Mr Hendricks: Yes. Yes, Judge President. What happened is such a matter stays on, on the roll. It is a vicious circle it will come back and if it is not properly case managed it won't be attended to and it won't get out of the system. From pre-trial stage up until the finalisation of the matter. What happened not so long ago, if I may give an example, first of all, let me state; it was also decided that if a trial matters is allocated to a judge and the matter is postponed for or other reason, that judge would be ceased with the matter in order to case manage it to finality. If I may give an example, not so long ago on the 7th of February a matter served before me it had a 2010 case number. I directed the parties to the pre-trial conference and set out time limits. I arranged for a preferential date, the date was the 22nd and 23rd of March. The matter came before me and I heard the evidence and thereafter reserve judgment which judgment will be handed down next week. So yes, to answer your question, it is that from time to time such matters do come back status letters will be issued the matter will recur and it doesn't get, there is not progress in such matters.

CJ M. Mogoeng: Well before the JP comes in and for the benefit of colleagues who may not be familiar with this thing by case manage you mean, in short, clearing all possible hurdles that could delay the trial. Allowing the parties and the supervision of a Judge to remove everything so far as possible that could cause the trial longer than it should and making sure that everything is ready by the time the trial begins.

Mr Hendricks: That is exactly correct, Chief Justice.

CJ M. Mogoeng: Yes, JP proceed.

JP M. Leeuw: And one last other, one last matter. You send it that when we conduct our pre-trials every day?

Mr Hendricks: Pre-trials are conducted especially in the mornings between half-past eight and ten. Either by yourself Judge President or by myself and sometimes Judge Khata as well on a daily basis.

JP M. Leeuw: Thank you CJ.

CJ M. Mogoeng: Thank you JP, just something quickly that dawned on me about these pre-trials. Is that system in terms of which attorneys would hold a pre-trial alone and then attorneys putting questions to himself and then answering and submitting what he said at a pre-trial conference still there? Or has it been successfully dealt with?

Mr Hendricks: Sometimes it recurs, you get, you come across such, you know, practice but it is very rare now. The usual of standard practice, the questions for pre-trial are usually asked and answered and that pre-trial minute is brought to court. But that does not impact so good on the case management of it. There is also a need for a judge to case manage.

CJ M. Mogoeng: No, no, I am talking about an individual attorney, the opponent is not even there. He says how long will trial take? And then he answers himself. And then sighs and said the other person was not here.

Mr Hendricks: I think ... [interjects]

CJ M. Mogoeng: Has it been completely eliminated now?

Mr Hendricks: I think that has been effectively dealt with, Chief Justice.

CJ M. Mogoeng: MEC Motsware

MEC Motsware: Thank you, Chief Justice. Good afternoon, Judge Hendricks.

Mr Hendricks: Good afternoon, Commissioner.

MEC Motsware: Judge Hendricks, what will be your efforts to encourage competent qualified persons especially women to avail themselves to act as judges in order for them to acquire experience?

Mr Hendricks: Thank you, Commissioner. Commissioner, there is what is called an Aspirant Judges training course which is offered by CJ. Now in order to identify certain candidates with potential, they can forward a curriculum vitae to the Judge President and I would facilitate if I am approached in order to get the curriculum vitae and then hand it over to the Judge President. And also, to motivate and encourage more women to make themselves available to go on this Aspirant Judges training course in order for them to be equipped for future appointments to the Bench.

MEC Motsware: Thank you. Judge Hendricks what are problems experienced by the High Court in matters relating to government departments as parties to the proceedings and if ever there are such problems what can be done to curb them?

Mr Hendricks: I've come across some of the government departments contracts that were terminated and that led to the government department being sued for the cancellation of these contracts and sued for damages. I think perhaps it would be prudent if the government department goes about the right way in terminating a contract.

MEC Motsware: The last one. The province North West its undated with traditional leadership disciplines which are frequently taken to High Court the reality is often the disputes are not venting intact by the relevant structure that is the Royal House. How can the High Court help to help those matters and that squabble within the spirit of the North West Traditional Leadership and Governance Act?

Mr Hendricks: When such a matter end up in the High Court Commissioner then looking at what it entails and what the problems are the matter may be referred to the commission. There is a commission that deals with it, but the Premier also has a

role to play and the matter should be referred back so that it can be dealt with and the right procedure to be followed.

MEC Motsware: Thank you.

CJ M. Mogoeng: Thank you MEC. Commissioner Notyesi?

COMM Notyesi: Thank you, CJ. Good afternoon.

Mr Hendricks: Good afternoon, Commissioner.

COMM Notyesi: I'm just hiking on the questions by the MEC. Just a follow-up. There is an outcry by the Department of Health for instances, Minister Motsoaledi saying that billions of money are spent in paying for medical negligence and generally this is something that is trapping all over. Do you have such cases? And if you do how to ensure that such cases are dealt with in a manner that is fair and that does not have loopholes for people to manipulate the systems?

Mr Hendricks: Thank you, Commissioner. Commissioner, there are indeed medical negligence cases in our division. To ensure that such cases are dealt with one needs to go in to and find out whether there any manipulation of the matters and that will depend on the evidence presented in such a matter.

COMM Notyesi: Also, there is a problem around the road accident cases which inflate or hike up the roll of trials and other divisions. I am not too sure whether you do have such cases, but my question would be how do you, or what mechanism can be introduced to ensure that these matters are timely dealt with and settled at an early stage before a lot of costs are being escalated. Because they have just settled two days before the hearing or at the doorstep of the trial. How can you help or what suggestions can you bring in that regard?

Mr Hendricks: Thank you, Commissioner. The Road Accident Fund held a workshop where they invited me to address them on the challenges. And one of the things that I raised is specifically that cases, Road Accident Fund cases especially these

pedestrian cases where the merits can be settled way before. Why they are always settled on the day of trial that remains a mystery. We are trying in our division to case manage these cases. They are enrolled on a regular basis in order to ensure that these cases are dealt with effectively. We engage the attorneys who are on the panel of the Road Accident Fund and we work hand in hand with them in order to try and manage these cases. So that it can be settled way before even the day of trial. Unfortunately, it still remains a challenge.

COMM Notyesi: My last question then, there has been a suggestion that court orders are being, there are some fraudulent court orders. People manufacture court orders, and this is a serious, serious matter which has been raised, it occurs in other divisions I am not too sure whether in your division it be, I mean you've experienced it. But if it does happen what mechanism would you put in place to ensure that this thing which would undermine even the administration of justice and the judiciary itself is stopped? Or don't you think we must bring them as themselves to intervene in this matter?

Mr Hendricks: Yes, thank you, Commissioner. You know at the end of the day the court order is the order of the judge. And perhaps the judge must ensure that a correct order is stamped and signed by the Registrar and sent out. By doing that this problem of fraudulent court orders may well be addressed.

COMM Notyesi: Thank you CJ.

CJ M. Mogoeng: Thank you. While we are there when the parties present you with a settlement. And there is the figure 600 million Rands what, is there anything that a judge can do. Or must a judge just make a court order?

Mr Hendricks: No, it's not just the making or the signing of a court order. What we do, for instance in the Road Accident Fund cases we even verify with the Road Accident Fund through a letter, there must be a letter confirming the amount and confirming that that matter is settled on this particular terms. So, the practitioners can't just come with an agreement and which will be made an order of court.

CJ M. Mogoeng: Is there a way to determine the reasonableness or otherwise of the figure. Say somebody has punched me and sue the police. Now it is not the Road Accident Fund because there is something about the police, arrest and detention as well, they punched me, and I lost two teeth and I sue the Department of 1 billion rands and there is a settlement that says 1 billion rands, is there anything that the court can do, or is it a question of the parties have agreed, it is none of your business.

Mr Hendricks: No, no not at all. It's not a question that the parties agree on an amount and it will be made an order of court. A court can investigate and determine whether or not such an amount is reasonable under the circumstances. If it is not reasonable I won't grant that order.

CJ M. Mogoeng: I'm asking the question because it is one of the problems that there exists now. People agree, even representatives of a government department to amounts that they ought not to agree to because there are other considerations. Is the division vigilant about those issues or is it a question of lawyers are officers of the court we trust them? If they say there is an agreement and departmental official are there, that's it.

Mr Hendricks: No, I think we are vigilant Chief Justice with regard to this.

CJ M. Mogoeng: Yes, thank you. Professor Ntlama?

PROF N. Ntlama: Thank you CJ. Good afternoon Judge Hendricks.

Mr Hendricks: Good afternoon Commissioner.

PROF N. Ntlama: I am an academic let me also ride on the shoes of the MEC. There is a perception that the disputes emanating from Customary Law are disputes between Customary Law and Human Rights. So, my question is whether Customary Law is with the Human Right? Because that perception is also evident in the judgments that are coming out from the courts where Customary Law will not be used as a primary source of law in resolving a particular dispute. Secondly the

question of the participation of preferable women in the judiciary where you made mention of the SAJEI programme, the invitation as far as I know, at this stage, it is still not open, it is still limited to the JP nominating you to come to attend the programme. So, coming from my constituency who might not be exposed to you how do we ensure that there is much more transparency and participation in the programme because we are not within the entourage of the judiciary where you must know there is the particular candidate that has the potential to partake in the programme. Because I am not within your circles as opposed to the academy who is somewhere there who has the desire and aspiring to become a judge tomorrow.

Mr Hendricks: Yes, thank you, Commissioner. First of all, Customary Law is an integral part of our law and my view and my take on it is it has an important role that it still has played and are still playing in our society. It is not that Customary Law is in conflict with Human Rights. To come to the second question about women, it is my view that perhaps more workshops can be conducted. Maybe on a provincial level where persons are identified with the necessary potential. Especially women to be appointed to the Bench. The structure now is that such names be forwarded through the office of the Judge President to CJ. And it may well be expanded, and the possibility is it can be done.

PROF N. Ntlama: Okay, now that the process can be made open I am just looking at the how part, cause, of course, can be open but how to open it? That is the question that I need to hear.

Mr Hendricks: Maybe through advertisement, Commissioner.

PROF N. Ntlama: Okay, and then with the question of Customary Law. Customary Law its still subordinated to Common Law if I may put it that way. Because the issue that I have is Customary Law is reduced to being a subordinate because it is not a stand-alone system of law that can resolve those disputes that emanate from Customary Law itself. Because as I argue as an academic as this Judges argue as well when they make decisions around Customary Law they look at as a conflict between Customary Law and Human Rights. Why not deal with the practice that is contrary to Customary or principles itself and deal with this matter in the light of

Customary Laws principles and values and then test that against the Constitution if needs be.

Mr Hendricks: Commissioner my view is that I don't think that we should view Customary Law in isolation. It is not a stand-alone law and I still maintain that as far as possible Customary Law can be used in order to resolve disputes.

CJ M. Mogoeng: Thank you, Professor. Commissioner Nayambi?

COMM A.J. Nayambi: Thanks, CJ. Afternoon Judge Hendricks.

Mr Hendricks: Afternoon Commissioner.

COMM A.J. Nayambi: In your life have you ever encountered travesty of justice?

Mr Hendricks: Generally speaking now?

COMM A.J. Nayambi: As a judge.

Mr Hendricks: As a judge.

COMM A.J. Nayambi: Ja.

Mr Hendricks: Yes, you come across.

COMM A.J. Nayambi: If you can share one experience.

Mr Hendricks: You come across cases where for instance Human Rights are infringed and which is a travesty.

COMM A.J. Nayambi: How, normally how do you deal with that?

Mr Hendricks: It all depends on the evidence that is presented, and you are called upon to make a decision at the end of the day and give a judgement as far as that is concerned.

COMM A.J. Nayambi: Maybe if you can tell us what you consider to be the attributes of the most significant or the most effective, efficient Deputy Judge President the attributes?

Mr Hendricks: First of all, it should be a person that has leadership potential. Secondly, hardworking. Thirdly, working hand in hand with the Judge President in order to ensure the effective and efficient running of the administration.

COMM A.J. Nayambi: My last question to you, Judge Hendricks. Your strength and weaknesses? Share with us.

Mr Hendricks: My strengths as far as leadership are concerned, I have the ability to take lead to provide guidance to assist when necessary. My strength is also the fact that I am a good listener and can attend to problems and try and resolve it. I can't think of weaknesses at hand.

COMM A.J. Nayambi: You can't think at hand or you don't have any weaknesses?

Mr Hendricks: No, no, no nobody is perfect, Commissioner. I do have also my weaknesses. Maybe I would say to a certain level one can be driven to lose one's patience, but you need to manage it. Especially when you are in a position of leadership. You need to know that you should not lose it all.

COMM A.J. Nayambi: Thank you, CJ.

CJ M. Mogoeng: Thank you very much Commissioner Nayambi. Commissioner Nkosi Thomas?

COMM Nkosi Thomas: Thank you, Chief Justice. Good afternoon Judge Hendricks.

Mr Hendricks: Good afternoon Commissioner.

COMM Nkosi Thomas: So good to see you again after so many years.

Mr Hendricks: Yes.

COMM Nkosi Thomas: You disappeared to the province of North West you don't come to this side of the world. You made mention of a 2010 case, and I listened with interest when you spoke about that because if it is, the case number is a 2010 case number is it correct that the proceedings should have instituted in 2010?

Mr Hendricks: It is correct.

COMM Nkosi Thomas: And the matter was resolved this year through your intervention although the judgement is still pending.

Mr Hendricks: Yes.

COMM Nkosi Thomas: It is a matter of concern to this Commission that there tends sometimes to be delay in the delivery of justice as it were. That being the service that we deliver because it goes to the heart of accountability, judicial accountability and those related issues. Now why, why did this matter take 7 full years to resolve, do you now?

Mr Hendricks: There were interlocutory applications, there was an application to join the third party. But that in itself maybe contributed to the delay, but it is not the sole cause of the delay. Sometimes it is the practitioners that would not enrol the matters or apply for trial dates when they are supposed to do it. It is only when these cases are brought to the fore, like this one came before me in a pre-trial matter, that one realised that this is an old matter. And it could have been handled better if it was earlier detected and if there was judicial intervention at an earlier stage.

COMM Nkosi Thomas: What I must ask perhaps is, is there a system in place to ensure that matters such as this are detected at an earlier opportunity. I mean if the

plaintiff is slack and the plaintiff does not want to pursue the matter to finalisation then they must take it out of our system and withdraw the matter. But don't keep it in there forever and a day and suffocate our roll as it were.

Mr Hendricks: Yes Commissioner. There is a system that they can be detected. What happens is such a matter is then brought to the attention of the Judge President or to a designated Judge. That matter is dealt with at a pre-trial stage. Sometimes it is removed from the roll but then it will recur at a later stage. So, it is not out of the system totally. It may well be that the parties at a later stage set down the very same matter or apply for a trial date in that matter. After they have delayed it for a considerable period of time.

COMM Nkosi Thomas: Last question goes to access to justice. The province is vast and as far as criminal litigation is concerned we do have circuit courts and all that. But do you have a similar, do you have circuit courts that deal with civil matters, motion court, civil you know, civil matters caused, you know what I am talking about. Thanks, Justice.

Mr Hendricks: No, not at the present moment. There are not, you know, civil cases are not dealt with on circuit court. But that possibility exists, and it can be explored and implemented.

COMM Nkosi Thomas: Is it on the table?

Mr Hendricks: I think what is now on the table, first of all, is the rationalisation and bringing in the other areas to form part the North-West Province and thereafter there a possibility exists maybe to have circuit courts also in the new areas which will deal with criminal as well as civil matters. Alternatively, that a local division be established in some of the areas.

COMM Nkosi Thomas: Thank you, Judge. Thanks, Chief Justice.

CJ M. Mogoeng: Thank you, Advocate Nkosi Thomas SC. But wasn't there a stage when civil matters, at least some of them were heard on circuit? Ga-Rankuwa, Temba? Unopposed? Am I mistaken?

Mr Hendricks: I can't recall.

CJ M. Mogoeng: You are not aware of that?

Mr Hendricks: I can't recall that Chief Justice.

CJ M. Mogoeng: Oh, okay. Maybe it was just a thought. Commissioner Masuku?

COMM T. Masuku: Thank you, Chief Justice. Good afternoon Judge.

Mr Hendricks: Good afternoon Commissioner.

COMM T. Masuku: Earlier on you spoke about the fact that you've been involved in mentoring Acting Judges. Am I correct that you did say that?

Mr Hendricks: Yes, that is correct, Commissioner.

COMM T. Masuku: How exactly did you mentor Acting Judges? I mean sorry, Acting Judges how is it? How did you do it?

Mr Hendricks: When Judges are, Acting Judges are appointed, you know what will happen is you will give guidance and mentor them with regard to for instance how to conduct motion court if the person is not acquainted to motion court. About judgment writing, about any or every aspect concerning a judge and the work of a judge.

COMM T. Masuku: Thank you. And then you spoke about arrangement, you proposed that perhaps a workshop could be arranged to attract women judges, am I correct.

Mr Hendricks: Yes.

COMM T. Masuku: Now, what in that workshop would you specifically deal with that would be a magnet for women to aspire to be judges?

Mr Hendricks: I beg your pardon?

COMM T. Masuku: So, this workshop, this workshop can you tell us what the detail of that workshop would entail? What would be the topics that you deal with? What is it that this workshop would in practice actually deal with that would inspire women to become judges?

Mr Hendricks: Maybe in that workshop, in such a workshop we can inform the women what it is all about. What the work of a judge entails. Furthermore, maybe give practical experiences and guidance and workshop them on certain aspects of the judiciary.

COMM T. Masuku: Last question, do you think that our law or our legal culture has sufficiently transformed to meet the constitutional demands that are set out in Constitution. In other words, do you think the public trust our system of law to address the socio-economic and political conditions they find themselves in?

Mr Hendricks: I think generally speaking that the public perception is that there is sufficient trust in the judiciary as an independent third arm of government. Yes, I believe it is.

COMM T. Masuku: Thank you, Chief Justice.

CJ M. Mogoeng: Thank you Commissioner Masuku. Talking about a certain trust I was abroad a few weeks ago, I was confronted by one of our Consult General and she said what is wrong with you judges, you are always finding against the government. Are you anti-government? Does it not show that the members that the members of the public think differently about the judiciary?

Mr Hendricks: Chief Justice it may well be a question of perception, but generally speaking justice in South Africa our courts do conform to what is expected from it Constitutionally.

CJ M. Mogoeng: But is it true that most of the time we find against judgment or is it only sensational judgements that the public gets to know about?

Mr Hendricks: No there are judgments in favour of government and maybe they don't attract so much media attention like the others.

CJ M. Mogoeng: Commissioner Motimele?

COMM Motimele: Thanks, CJ. Good afternoon, Judge Hendricks.

Mr Hendricks: Good afternoon Commissioner.

COMM Motimele: May I disclose before this Commission that you and I are known to each other.

Mr Hendricks: Yes.

COMM Motimele: We sat together in a full Bench, more than ones.

Mr Hendricks: That's correct.

COMM Motimele: And we were taken on appeal twice, and twice were overturned. Would that be correct?

Mr Hendricks: That is a full disclosure. And the last occasion the Court was not so very nice with us.

COMM Motimele: Yes. Using phrases like, "the Court is let no wiser after reading this judgement." Yes, but that's in a light tone. You acted as an Acting Judge President for more than ones and the longest of this period were in 2014, you said.

Mr Hendricks: Yes.

COMM Motimele: How long was that?

Mr Hendricks: For five months.

COMM Motimele: For five months. The concept of a single judiciary falling under the office of the Chief Justice, do you support that. And if so why, and if you don't why?

Mr Hendricks: I'm in support of a single judiciary, under the auspices of the office of the Chief Justice. I think by so doing there will be uniformity. There will be enhancement of access to justice and speedy resolution of disputes as well as a better monitoring system that can be implemented. Yes, I am in favour of a single judiciary.

COMM Motimele: Yes, the differences between the uniform rules of Court and the Magistrate Court Rules, which rules do you think need to be harmonised in order to achieve the uniformity and better access to justice?

Mr Hendricks: I think the two sets of rules should be compared with each other. The uniform rules of court can be maybe amended to accommodate the cases in the Magistrate's Court as well.

COMM Motimele: Are there specific rules you want to use by way of example?

Mr Hendricks: Maybe Rule 37, the pre-trial Rule 37(8).

COMM Motimele: In what way?

Mr Hendricks: Which can be amended, and which can also be applicable, made applicable to Magistrate Court. Where case management is cases are managed from its inception and where necessary judicial case management is required that a presiding Magistrate case manage the matter to finality.

COMM Motimele: Are there any suggestion in term bringing before the Rules Board for Courts of Law other than what is presently before the Rules Board in relation to case flow management?

Mr Hendricks: Not that I can think of, but I can look into it.

COMM Motimele: Last question. In reply to the Chief Justice question about the settlement between the parties, the figure of 6 million was used, plus add a zero ...
[interjects]

CJ M. Mogoeng: 600.

COMM Motimele: 600. Let's add another zero, yes, to make it an interesting figure. If the summons, the particulars of claim mention that amount and the parties the defendants agree, and they come to you to make an order of court; you said you would still investigate. Did I hear you correctly?

Mr Hendricks: You still have to look at whether the amount claim is reasonable. Depending on what is the nature of the claim, for instance, the example which the Chief Justice made, a blow to the head you can't be suing for 600 hundred ...
[interjects]

CJ M. Mogoeng: No, I said one, I said 1 billion.

Mr Hendricks: Oh, 1 billion, you can't be. It, it I think it is mind-boggling, to say the least, so you can't just rubber stamp such an agreement.

COMM Motimele: You'd say go and make it a settlement, but if you want to make it an order of court I'd suggest an amount.

Mr Hendricks: That may be an option, Commissioner.

CJ M. Mogoeng: Well, on a lighter note Commissioner Motimele and other advocates and attorneys I've tried to have rules harmonised, got two different judges they keep on dropping out. If you are volunteering your services, please we need to have the rules harmonised. Commissioner Modise? If you could switch off the mike, please Commissioner Motimele? Thank you.

COMM T. Modise: Thank you, CJ. Good afternoon Judge Hendricks.

Mr Hendricks: Good afternoon, Commissioner.

COMM T. Modise: I hope it doesn't rain too much at home.

[laughter]

COMM T. Modise: Judge Hendricks what do you, what is your vision of the South African judicial system. I am asking you to dream because we've got in front of parliament now a bill that looks at the Traditional Courts and we come from a province, you and I, where we are inundated with cases disputes, around chieftainships and things like that and disputes over land and so on. So just if you were to dream up of a good judicial system, what would you say, what is wrong with the current one and what must we look at into the future?

Mr Hendricks: Thank you, Commissioner. Commissioner one has to have regard to the Customary Law to the traditional courts, the practices and how to better the system. If one can dream it would be ideal if there are, first of all, enough available resources in order to have these Courts and have the access to these Courts readily available that people can access these Courts at, without any difficulty. So ja, it will be a judicial system where even the traditional Courts play the role, effective role, in dispute resolution at that level and the Magistrates Court and Regional Court, as well as the High Courts, can still be in, being what they are and play the roles that they are playing.

COMM T. Modise: Have you, during any of your court sittings observed anybody being represented by an ill-prepared lawyer or an inefficient lawyer and what have you done about it if you have witnessed such?

Mr Hendricks: Yes, I did come across instances where some of the legal practitioners are not up to standard, especially in criminal matters. You would give guidance, you would even inform the attorney if he doesn't ask relevant questions, to ask relevant questions pertaining to the matter. And even assist in asking certain questions from witnesses in order to ensure that the accused have a fair trial. Similarly, in civil matters you will, I will raise certain issues with the practitioner in order to make him or her aware of the fact that important issues are not addressed.

CJ M. Mogoeng: Thank you, Chairperson. Minister?

MIN F. Muthambi: Good afternoon.

Mr Hendricks: Good afternoon, Commissioner.

MIN F. Muthambi: Are you well?

Mr Hendricks: I am well, thank you.

MIN F. Muthambi: There is a document that's called; feedback from Law Bodies.

Mr Hendricks: Yes.

MIN F. Muthambi: Are you having it there, that's over?

Mr Hendricks: If I may just check, Commissioner. Yes, I do.

MIN F. Muthambi: Normally I refer recent issues with candidates on the JCB, but now on this one, it is like you are clean. Then can we go to objections?

Mr Hendricks: Yes.

MIN F. Muthambi: Objections.

Mr Hendricks: Yes, I am at objections.

MIN F. Muthambi: The document, I think the one that I have the pages are not numbered.

Mr Hendricks: Ja.

MIN F. Muthambi: Ja, but let's say maybe the front cover it's 1, 2, 3 let's go to page 4. In fact, we'll start at 2.

Mr Hendricks: Yes.

MIN F. Muthambi: On page 2, there is an objection and it reads: "*this objection is as the result of the press that involves Hendricks J, which are aiming to destroy my legal career before it started.*" And then it further goes, "*be advised that in this objection there are suspicious people who act directly and indirectly involved and their involvement will be outlined under the heading of each, whereby when investigations commence they should be the first people to be investigated*". And then you are number 2 on the list.

Mr Hendricks: Yes.

MIN F. Muthambi: Then you page to page 4. And that is where the indicating before Rodney, Hendricks J?

Mr Hendricks: Yes.

MIN F. Muthambi: In the matter that happened that happen, you know the case number, is it?

Mr Hendricks: Yes.

MIN F. Muthambi: And then you are alleged to have refused the appearance of someone there despite relying on Section 28 of, 38(C) of the 1996 Constitution; though the Court Order with his name was issued. Do you see that?

Mr Hendricks: Yes.

MIN F. Muthambi: And then it alleged you've failed to issue a *rule nisi*; you've failed to issue a *rule nisi* and the Court Order. Can you share with us what is it that you have done that made you now to be objected to be appointed as a Deputy Judge President?

Mr Hendricks: Yes. First of all, Commissioner I, this was brought to my attention and may I just outline a bit what happened. When I received this objection, I wanted to verify with, what is contained in the case record because it is a matter five years ago, which came before me five years ago. By then the contents was uplifted. I could not, you know, go into the file and see what it was all about. I had to leave on circuit court. But before doing so I addressed a letter, I don't know whether it forms part of this bundle in which I explained that I am on my way to circuit, contents of the court file was uplifted, and I could not at that stage, you know, familiarise myself with the contents in order to answer to these allegations. But, upon further perusal, I went, and I looked at, from my old Bench book in which this matter appeared. And I realised that certain reasons for judgement was handed down. I don't know whether that is circulated and whether the Commissioners have had sight of the reasons for judgment. Now, in reference to this complaint, it is stated first of all that I did not afford the objector a hearing in court, an audience which is not correct. In terms of the Bench book, in terms of the Court Order, in terms of the reasons for judgment that was provided it is indeed very clear that an audience was granted to him. He argued the matter on behalf of the applicant and I took a decision and I gave my reasons therefor. I only, when I returned on Friday, discovered that the, an application was made on behalf of the applicant to the Supreme Court of Appeal against my orders and reasons for judgments. Which application for leave to appeal was dismissed with cost. So, in order to address that, the merits of the matter it is

extensively dealt with in the reasons for judgment. The reasons why I failed to grant the requisite relief. Furthermore, yes ... [interjects]

CJ M. Mogoeng: The reason why you refused?

Mr Hendricks: Refused?

CJ M. Mogoeng: To grant relief?

Mr Hendricks: The relief.

CJ M. Mogoeng: Yes.

Mr Hendricks: Yes. The relief, Chief Justice. It is correct, Chief Justice that, Commissioner, that I am second on the list, though the name is spelt incorrectly it is me. But the objector also referred to a transcript and I went through the file, and I couldn't find the transcript. The transcript which was forwarded to me concern Acting Judge Djaje who also at one stage had a dealing with this matter. And it seems that everybody had had a dealing with these matters are part of a suspicious, a part of the group of suspicious people. Not only myself and Judge Djaje but there is also Judge Khata and attorney Mr Sithole, advocate Tswaro and low and behold also our Judge President. So, the objector did have an audience, I did make a decision, I provided reasons and he had a right to appeal which he exercised without any success.

MIN F. Muthambi: Okay. Are you a team leader?

Mr Hendricks: Come again, Commissioner.

MIN F. Muthambi: Are you a team leader?

Mr Hendricks: A team leader?

MIN F. Muthambi: Team player, call it ...

Mr Hendricks: In what sense?

CJ M. Mogoeng: Are you able to work with a team? Are you the kind of person who works with the team or are you one of those who hoards all the power? Don't even delegate?

Mr Hendricks: No, no, no. I am definitely a team leader, I like to cooperate in a group and work together although I would be in the leading position.

MIN F. Muthambi: Okay. You know I am raising it, there is also a recommendation. I've just missed the place for you by the MPA, there in the folder that I've gone through. But, ja, it talks good about you.

Mr Hendricks: Thank you, Commissioner.

MIN F. Muthambi: Which is good.

Mr Hendricks: Thank you, Commissioner.

MIN F. Muthambi: Then, also earlier I just want your comment on this one, that is why I am saying are you a team leader. In fact, I am interested on your conflict resolution style. You are aware definitely you are aware of your other colleagues' relationship with your Judge President? You have acted in this position, how would you successfully manage maybe to mediate, if it is relationship it's a work thing, you know what I am talking about? So, I want to see your team leader skills you referred you have to because you've seen the conflict. Between your immediate supervisor and your colleague, at time you had to act at that position, and then I know you were have been aware of the challenges. I don't want to mention it, but I wanted to see how have you gone about to assist the process.

Mr Hendricks: Yes, Thank you, Commissioner. Commissioner, I have a very colligiale and cordial relationship with all my colleagues coming from my side. Yes, I

am aware of some tension between the Judge President and one of the colleagues. I spoke to the person that, the applicable person.

JP F. Kgomo: Chief, Chief Justice. Is it fair? They are competitors? Ja, and Judge Hendricks immediately supervisor is in here, the perception may be that he might wish to carry favour. I know him personally and I, in fact, I mean Mr, Judge Hendricks asked him to leave the DDP office to join us at the Bar but, so I'm saying I know he is a man of character, but I would ask the Chief Justice maybe if the Minister would not insist on this?

CJ M. Mogoeng: Minister, now I see the JP's point. The other person involved is a candidate.

MIN F. Muthambi: Okay.

CJ M. Mogoeng: And just speaking widely the JP has a vote. What if the JP is wrong, what can he say? Sitting here as a candidate. When he says the one whose vote I need is a bad person. She should have done this if I were the JP I would have done x, y, z which he had failed to do. It compromises everybody. Maybe we should, it is fundamentally a good question, but the challenge is another candidate is involved and a JP. Maybe we should drop it, Minister.

MIN F. Muthambi: But I think hypothetically because I wanted to test his conflict resolution mechanism. Also, to check without, maybe I should rephrase that to say not to reflect the particular, there is always in the workplace this conflict amongst colleagues that is the point that I am trying to say to see how has he rose above occasional occasion to make sure that in terms of the, you remember being a team leader you are being perceived, you seem to be somebody who is fair, who is influential to say also if it a respect for an office. I am giving you a typical example. I wanted to test that capability of him being a team leader.

CJ M. Mogoeng: Try the hypothesis.

MIN F. Muthambi: Yes.

CJ M. Mogoeng: You are a leader in your church, are you not?

Mr Hendricks: I am.

CJ M. Mogoeng: Now, when there is conflict in your church as a way of demonstrating that you're a team leader, you're a team worker. How, do you go about resolving conflict? Because even in churches there are conflicts?

Mr Hendricks: Yes, Chief Justice. You know we are all human beings and we do have, from time to time, differences amongst us and the best way to resolve it is to address it not to allow, you know, it to go astray. I could call the persons involved to a meeting and to mediate between them and to discuss the problem and also possible solutions and try and solve whatever challenges or problems they may be amicable and that is how I would go about.

MIN F. Muthambi: Okay, it suffices, I wanted to hear that.

Mr Hendricks: Thank you. Thank you, Commissioner.

MIN F. Muthambi: Recess, I had reason to believe that recess is time for Judges to rest and relax, go on holiday, have time with their family.

Mr Hendricks: Recess is not at all a holiday. It is a time when judges need to catch-up with the writing of maybe reserve judgments, finalise cases that are part-heard and to do research. It is not a holiday, I must emphasise that. For that, we do have leave and you take leave and you go on leave. That is the time for your holidays and your visits.

MIN F. Muthambi: Okay.

Mr Hendricks: Yes, Commissioner.

MIN F. Muthambi: Then afforded an opportunity to be the Deputy Judge President how will you make sure that you then capacitate especially there have been issues in relation to the Magisterial Districts to say at time you'd find you'd visit a Magistrate's area you will find that the Magistrate is nowhere to be found. How would you make sure that then you'd find the Magistrates doing their work? I am raising it also based on the fact that on the 31st of March we published a notice in the Gazette at the Department of Justice which seeks to align the jurisdiction of the North-West Division to the provincial boundaries and then also you know, in your area of operation you are affected while you are dealing with that, the answer that I've asked the question. I want to also understand what is your view on the suggestion of establishing a local seat of the division in Matlosana for hearing both the criminal and civil cases arising from the surrounding districts.

Mr Hendricks: Yes, thank you, Commissioner. First of all, with regard to the first question, I think it is advisable and that either the Judge President or the Deputy Judge President visit these Magistrate Courts on a regular basis, maybe to ensure that justice is delivered, and that people are doing what they are supposed to do. If there is better control, I believe we will enhance delivery of service to our people. Secondly, with regard to a local division, the feasibility thereof need to be determined and depending on the need therefor a local division can be established. Either in Klerksdorp or Potchefstroom now that the jurisdiction will be increased. It will make access to justice, it will enhance access to justice and in actual fact bring justice to the people.

CJ M. Mogoeng: Thank you, Minister. But doesn't the greater volume of work come from Rustenburg and the surrounding areas? Why would you want to take a local division to an area that doesn't generate enough work?

Mr Hendricks: Hence I said the feasibility needs to be investigated. A local division can also be established at Rustenburg to make it, access to justice even more, easily.

CJ M. Mogoeng: Yes.

Mr Hendricks: Easily.

CJ M. Mogoeng: Yes minister?

MIN F. Muthambi: Need to add on that, isn't that we wanted to align it with the provincial boundary, you see most of the work that referring to Matlosana its still being exercised, supervised at South Gauteng High Court in the Eastern Gauteng. Whereas it is in, but nevertheless.

CJ M. Mogoeng: No, I know, even about the move to establish a local division in Matlosana, it is a, it may be an ill-conceived, but anyway. Thank you very much, Judge Hendricks. You're excused.

Mr Hendricks: Thank you very much, Chief Justice and Commissioners, for allowing me this opportunity to attend this interview, I thank you.

CJ M. Mogoeng: We apologise for keeping you waiting for too long.