

Judicial Service Commission interviews

07 October 2015, afternoon session

Free State Division of High Court

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Interview of Ms SC Mia

Deputy Chief Justice Dikgang Moseneke: Ms Mia, firstly we will like to apologise for the late starting of the interview as I know it is difficult to wait for something in a state of nervousness. Where were you born?

SC Mia: I was born in Johannesburg.

Moseneke: I see you still live in Johannesburg.

Mia: Yes, I studied in Cape Town and then ended up in Cape Town for about 20 years, and then I moved back to Johannesburg, so I moved where my work is taking me.

Moseneke: What kind of primary education did you have?

Mia: I attended primary and secondary school in Lenasia.

Moseneke: What is your recollection of your primary school? Was it beset with challenges?

Mia: I think it was beset with challenges.

Moseneke: What kind of challenges?

Mia: Growing up in a community that I did, there was a lot of stepping to each other. It was a mixed community. I grew up in an Indian community and growing up in school, there was student protests and it wasn't a quiet upbringing.

Moseneke: I missed that part about mixed background and challenges.

Mia: Yes, it was challenging.

Moseneke: Explain, please.

Mia: I'm from a mixed background, I grew up in Lenasia which is essentially an Indian community and having to deal with that diversity and I don't believe that at that stage our communities were equipped to deal with that diversity.

Moseneke: How did you get to university? I see you went to the University of Cape Town (UCT) and University of Western Cape (UWC).

Mia: Yes, I left Johannesburg to study in Cape Town in order to be my own person, coming from a very conservative background, I was asked to study away from home and this afforded me an opportunity to see the rest of the country and experience a different experience to the one I had, growing up. I studied at UCT because I wanted to do an LLB that focused on my particular interest.

Moseneke: I see that you did an LML at UWC and then LLB at UCT, is that correct?

Mia: Yes, that's correct.

Moseneke: During that time at UCT, our country was migrating from a very difficult past into creating an inclusive future. How did all that affect you?

Mia: I think it did, student protests were normal part of students at that time. The protests cultivated more strength from students in terms of personalities.

Moseneke: After the LLB, you went to Legal Aid South Africa. Why did you?

Mia: I think that there were more opportunities for women at that stage, and I had applied for a number of law firms, and Legal Aid South Africa at that time was more progressive and this was the reason I joined Legal Aid South Africa.

Moseneke: I noticed you were a Magistrate in 2002. Why did you become a Magistrate?

Mia: From my own experience, at that time it was about how people were treated and therefore it was a desire to be able to make a difference in that regard.

Moseneke: I see you didn't take a route that is financially lucrative, when I look from 1996-2015 and it's a route in the public space. Why is that so? I am not saying that this is wrong; I just want to understand the rationale behind that decision.

Mia: I think there was a time that I grew up and just observing such a lot of injustice happening, particularly against women and my vision had also been to be in a position to make a difference around that perspective. The passion for women and children was always there for me.

Moseneke: I noticed you then started a new trajectory where you acted in various posts and I'm just struck by how varied the divisions are that you acted in. Why is that so? Starting with the Land Claims Court.

Mia: I was in Johannesburg at that time and the Land Claims Court came up as the first opportunity and then I realised that I needed more than Land Claims Court to move on to the next level, then Cape Town presented an offer and I accepted it. I remained in Cape Town because my son was in matric at that time, he has now since matriculated, and when the offer came to move to Free State, I will do so.

Moseneke: You've also acted in Gauteng High Court for nearly about 7 weeks and that's small.

Mia: Yes, that's correct.

Moseneke: Why don't you become a Judge? I know you've acted in various posts but you are also well qualified and have great achievements.

Mia: In the previous background, I've acted in the Land Claims Court and High Court in the Western Cape as well as in the Free State. I particularly enjoyed the work for the values that I hold as a woman.

Moseneke: What value is National Association of Democratic Lawyers (NADEL) or International Institution of Women in Juries to you as a profession?

Mia: NADEL was formed in my organisation in the law, when I was younger and that is a value that I hold there. As far as Internal Institution of Women in Juries, that is the organisation that I choose to express myself in terms of my humanitarian and my philosophical work and in terms of developing women in the legal profession. I am passionate about the programmes that we rollout for the communities.

Judge President Molemela: I noticed you also applied for the post in Gauteng and tell us about your prompt withdrawal there. Do you think collegiality is important? Where Judges could mingle with each other?

Mia: It must be recalled that in the second term, Gauteng had offered me a term for six weeks and I was informed afterwards that the Minister had assigned for the fourth term for me. The JP at Gauteng had not been aware of this and I thought the acting JP at that stage had informed that the Minister had already assigned for the fourth term for the Free State. He asked "when I would be available then for an acting term in the fourth term" and I responded that I would be available, immediately. Since I had not heard from Gauteng, I thought that they wouldn't consider me, and because I had applied for Free State and I was short-listed and I thought it was appropriate to accept that provision. I informed the JP at Gauteng that I had accepted the fourth term for Free State and this communication was to ensure that there is an understanding that I was willing give up the offer in Free State in order to honour the agreement with Gauteng, and Gauteng had found somebody else in the interim position.

Moseneke: Are you willing to relocate to the Free State?

Mia: Yes, I'm willing to relocate to Free State.

Mr CP Fourie: You acted for the first time in Free State from April to end of September 2015 and your permanent position is actually being a Magistrate and you've acted on and off since 2009. How would you act in the position of Magistrate for permanent? How would you perform in a permanent position as a Magistrate?

Mia: It was prior to April this year. I would request to be released to work in the High Court, if the offer can accommodate that.

Fourie: In your CV, it says "experienced High Court Judge (acting)"; do you think this is an appropriate comment to be put in your profile?

Mia: No.

Fourie: Then why did you put in your CV?

Mia: I took my CV to a company to have it done and I had looked through all of the other aspects but I think I missed this one.

Dr M Motshekga MP: The Legal Aid is the training ground for lawyers who would develop social cohesion through taking the law to the poorest of the poor and therefore making justice available or accessible to the people. Would you then agree that Legal Aid team should be properly resourced and participate in compulsory community services?

Mia: Yes, I would agree to that.

Judge President Kgomo: Is it true that you wrote a judgement for another acting Judge?

Mia: No, I didn't write the judgement for a particular presiding officer as I was just consulted by the person, then read through the judgement and then made corrections.

Kgomo: Were you a Magistrate at that particular time?

Mia: Yes.

Kgomo: So at that time that presiding officer was an acting Judge?

Mia: Yes. It must be corrected that I did not write the judgement for the person but only made corrections to the judgement.

Kgomo: Was there a problem that needed to be corrected?

Mia: I didn't think the acting Judge had an experience at that particular time and I didn't think there was something wrong in making the corrections with regard to comments.

Senior Counsel Advocate Michael Hellens: Have you ever worked in Kempton Park?

Mia: Yes, I have.

Hellens: Why did you not disclose in your CV that you've worked in Kempton Park?

Mia: I didn't say I worked at Kempton Park in my CV because I was appointed to Johannesburg Magistrate Court and I was only helping out or assisting in Kempton Park. I didn't think it was necessary to specify that I've worked in Kempton Park as that would mean I would have to mention that I worked in Wynberg Court as well.

Hellens: How long were you in Kempton Park?

Mia: For almost a year.

Hellens: The allegations that have been raised by JP Kgomo is that you have assisted in writing a judgement for another acting Judge in Kempton Park.

Mia: I don't follow the question you are asking me?

Hellens: Are you aware that there is a pending case against the acting Judge in Kempton Park and the matter under the microscope is whether or not you wrote the judgment for the acting Judge at the time?

Mia: No, I'm not aware of such case.

Moseneke: The Free State Vice Councillors said all the wonderful things about you, they recall your interest in the issues affecting women and children rights and then they go on to talk about your judgements, the judgements are often well considered and through the point. They also added that as far as the personality, Ms Mia is very quiet and dignified and she is able to work in a team and they did not raise any objection in your judgements. Was there anything you wanted to say about that?

Mia: I welcome that. I am happy that they said all the positive things about me and this is a reflection of who I am.

Minister Michael Masutha: Was the person you assisted with the judgement acting in the position of a Judge?

Mia: Yes, that is correct.

Masutha: How long did you work in Kempton Park, again?

Mia: Under a year, I've previously assisted in Kempton Park for a short period and also assisted in 2009, so this was probably less than 12 months.

Masutha: How would you describe your relationship with the person that is alleged you wrote judgement for him?

Mia: It was a cordial relationship; I travelled with the person from time to time and I don't think the confusion has been clarified, the person in Free State and Kempton Park are two different people.

Masutha: Yes, I am aware of that. Would you describe the relationship with that particular individual as professional?

Mia: Yes, it was a professional relationship.

Moseneke: I would now afford you an opportunity to make closing remarks and why should we appoint you as a JP in Free State.

Mia: I enjoy the work I am doing and also committed to the profession and the work I am doing. I don't think there would be any problem for me in relocating from Cape Town to Free State. It's time for me to change the places and I'm ready for that move.

Moseneke: Thank you so much for coming to the interview, you will hear today on the outcomes of this deliberation. Thank you.

Mia: Thanks for the opportunity.