

07 July 2007
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**SUMMARY OF COMMENTS ON
SOUTH AFRICAN JUDICIAL EDUCATION
INSTITUTE BILL [B 4-2007]**

CLAUSE 1

Rhodes University (Prof De Vos)	1. It is suggested that the terms 'judicial officers' and 'aspiring judicial officers' be defined.
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CLAUSE 5

Rhodes University (Prof De Vos)	1. Clause 5(2) – Functions of Institute Subs (a) – (d) appointment of Director, Registrar, Operations Officer and Teaching and Academic Staff by Council of the Institute, rather than by Institute. Question is thus whether the Institute and Council are to be viewed as single entity. Subs (e) – (g) look as if they have more to do with the day-to-day work of the Institute – devising curriculum, networking etc which would be appropriate to be performed by faculty (or whatever it is to be called) of the Institute. Sub (h) seems to be a task for the Director, Council and management of the Institute with input from faculty. The division of tasks seems to be unclear.
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CLAUSE 7

Rhodes University	1. Clause 7(1)(n) – Members of Council: It is unclear who is to appoint the members of public who is to serve on the Council. It is suggested that they should be appointed by the Council at its first meeting. The terms 'appoint' and 'nominate' are both used. The difference between the two processes is unclear. Consistent use of one of the terms is suggested.
SA Catholic Bishops' Conference	1. Clause 7(2) – "any nominee": It needs to be specified that the nominated person should be suitably qualified with the authority to make decisions. The nominee should be able to make decisions on behalf of the member of the council.

CLAUSE 9

SA Catholic Bishops' Conference	1. Clause 9(2): The Bill should elucidate what the powers and duties of the executive committee entail.
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CLAUSE 11

Rhodes University	1. Clause 11(3)(b) – Responsibilities of Director: It is suggested that the Director should not have the sole responsibility for the appointment of staff. The Council should assist in this task. While supervision of staff is a task to be performed by the Director, guidance in this should be provided by the Council especially in view of the Committee system proposed for the Council in clause 9.
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CLAUSE 12

SA Catholic Bishops' Conference	1. Finances and accountability: The measures in the Bill must ensure that the Institute has sufficient financial independence from the Minister and the Department.
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CLAUSE 14

Rhodes University	1. Clause 14 – Annual Report: It is suggested that the Annual Report be submitted to the National Assembly directly. The Judicial Service Commission submits its report to Parliament without involving the Minister (see Judicial Service Commission Act 9 of 1994 section 6) and the Institute should be required to do the same. The submission of an annual report to the Minister creates the impression that the Institute and its Council are subject to the authority of the Minister.
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CLAUSE 15

Rhodes University	1. Clause 15 – Guidelines: It is suggested that the Guidelines for the Institute should be prepared by the Chief Justice in concurrence with existing members of the bench and not the Minister. The input of the President of the SCA, JPs, designated judges and magistrates should be required. No provision is made for revision of the Guidelines and it is suggested that the Guidelines be reviewed every 5 years.
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CLAUSE 16

SA Catholic Bishops' Conference	1. Clause 16(2): Members should only be reimbursed for their <u>reasonable</u> expenses.
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