

Exco meeting

The chair of the General Council of the Bar, Jeremy Gauntlett SC, reports that at its first meeting in 2000, held at Irene on 17 and 18 March, the GCB National Executive – including representatives from all nine Bars – resolved:

- To adopt two reports relating to the judiciary. The first was prepared by a committee chaired by Willem van der Linde SC of the Johannesburg Bar, and comprises a detailed criticism of the White Paper on the Judiciary released by the Planning Unit of the Department of Justice last year. The report criticises proposals advanced in the White Paper as destructive both of the independence of the judiciary and its capacity to serve the administration of justice. The second (prepared by Pretoria senior counsel, Gerrit Grobler) focuses on separate legislative proposals for a mechanism to discipline judges for misconduct. The report again focusses on serious deficiencies likely to undermine the independence of judges, and calls instead for an independent body comprising senior judges to carry out the task. Both reports will be available through the GCB secretariat
- To follow up new initiatives relating to transformation by discussing restructuring proposals with BLA and NADEL members of Bars, with a view to a re-
- port-back to constituent Bars and the consideration of appropriate action.
- To deplore continued chronic mal-administration of legal aid services by the Legal Aid Board, and to call upon the Board to cease applying funding received in respect of accumulated liabilities to new instructions. It was noted that the LAB had once more expressed its optimism that yet further promised administrative capacity – this time, new software and new consultants – would improve matters, but that it feared renewed cash flow constraints within months. The concern was expressed that the LAB was acting quite irregularly in issuing instructions for new work well-knowing that in all likelihood it would be unable to pay for these. It was also noted that Bars had given permission to members to sue the Board direct, and to discontinue appearances in appropriate circumstances, given the Board's conduct in not honouring even its unilateral arrangements.
- To adopt new initiatives relating to its national bursary scheme, to enhance access to legal practice.



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- To express serious concern as regards the spate of recent assaults and hijackings in which judges were targets, and to ask the Minister of Justice urgently to investigate whether these were purely random, and whether the personal safety of judges (like that of senior members of government) requires special measures.
- To note current developments in advocacy training, including a special assistance programme to be offered shortly by the GCB in Lesotho.
- To announce an international law conference to be hosted by the GCB in April next year in Cape Town (elaw@cape town.za) to study the impact on law by IT. Eminent foreign experts have been invited to address the conference, and it is expected that practitioners from around the world will attend. 

The Satchwell Commission: the GCB views

The three-person Road Accident Fund Commission ("the Satchwell Commission") was appointed in terms of the Road Accident Fund Commission Bill to enquire into the nature of the existing system of road accident compensation and to make recommendations to the President on "a reasonable, equitable, affordable and sustainable system for the payment by the Road Accident Fund of compensation or benefits, or a combination of compensation and benefits, in the event of the injury or death of persons in road accidents in the Republic".

A GCB delegation consisting of Nesor SC, Ancer SC, Schwartz and Mullins attended certain of the hearings of the Commission (in particular, the hearings into the financial state of the Road Accident Fund and the presentation of the South African Insurance Association) and drafted submissions, and members of this delegation attended a sitting in Pretoria on Monday 4 October 1999 at which the GCB submissions were debated and discussed with the Commission.

In outline the GCB submissions were:
(a) The fuel levy whereby the Fund is funded

should be seen not as a tax, but as a premium. Viewed thus, it offers an exceedingly cheap form of socially useful insurance cover to both motorists and pedestrians.

- (b) The present system has proved to be fairly reasonable, equitable, affordable and sustainable.
- (c) Before changes to the system and method of compensation are made, careful thought and statistical prognosis is required. The GCB is concerned about the

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