

CANDIDATE: ADVOCATE CHRISTINA PRINSLOO

COURT FOR WHICH CANDIDATE APPLIES: LABOUR COURT

1. The candidate's appropriate qualifications

1.1. The candidate has the following qualifications:

1.1.1. BLC – 1993 (University of Pretoria);

1.1.2. LLB – 1995 (University of Pretoria); and

1.1.3. LLM – 2005 (University of Pretoria).

1.2. The candidate is appropriately qualified.

2. Whether the candidate is a fit and proper person

2.1. The Applicant is an admitted, practicing advocate. A certificate of good standing has been issued by the Pretoria Society of Advocates and the candidate has no pending disciplinary matters.

3. Whether the candidate's appointment would help to reflect the racial and gender composition of South Africa

3.1. The candidate is a white woman and this would be favourable to the gender composition of the Labour Court. However, it may be preferable that a black or coloured woman be appointed to balance both the racial and gender composition of the court, although there is no competing black or coloured woman candidate.

3.2. This must be considered together with the other possible contributions the candidate would make if appointed.

CANDIDATE: ADVOCATE C PRINSLOO

4. The candidate's knowledge of the law, including constitutional law

4.1. The candidate has extensive knowledge of labour law. She was admitted as an advocate in 2006 and her practice consists 90% of labour law matters. She has been an acting judge in the Labour Court since 2013.

4.2. She is the co-author of a book on Labour Law.

5. The candidate's commitment to the values of the Constitution

5.1. The applicant states in her application that she values the principles of our constitution and respects the rights of citizens. She strives to enforce those values in the way she runs her practice. She acts for indigent clients on a pro bono basis so as to ensure that justice is not denied due to a lack of funds. No judgments containing substantive constitutional issues were found.

6. Whether any judgments have been overturned on appeal

6.1. No judgments could be found that had been overturned on appeal.

7. The extent and breadth of the candidate's professional experience

7.1. The candidate was the Deputy Director of the Department of Rural Development and Land Reform. She has lectured at the University of Pretoria, Faculty of Law. The candidate is a practicing advocate.

8. The candidate's linguistic and communication skills

8.1. The candidate's judgments are structured, logically and comprehensively argued and display a proper command of language.

CANDIDATE: ADVOCATE C PRINSLOO

9. The candidate's ability to produce judgments promptly

9.1. The candidate produces judgements promptly with an average turnaround time of 2 weeks. The longest period to deliver a judgment was 1 year. This is a matter of some concern.

10. The candidate's fairness and impartiality

10.1. From a review of the candidate's judgments, she appears to be fair and impartial in handling of cases. No adverse comments have been received from counsel that appeared before her.

10.2. One member of the Bar who specialises in labour law and is familiar with both candidates for the Labour Court said the following:

"I support fully the appointment of both of these persons to the LC bench. I have read a number of their judgments. They are highly competent and experienced labour practitioners and have always displayed the utmost professional and courteous conduct towards me."

11. The candidate's independent mindedness

11.1. From a review of the judgments attached to the applicant's application as well as other judgments sourced by the review panel, it appears that the candidate is independent. Likewise, no adverse comments have been received.

12. The candidate's ability to conduct court proceedings

12.1. No concerns appear from the available judgments.

CANDIDATE: ADVOCATE C PRINSLOO

12.2. No adverse comments have been received in this regard.

13. The candidate's administrative ability

13.1. The fact that the candidate functioned in a senior managerial capacity at the Department of Rural Development and Land Reform is an indication that she has administrative and management capacity. The fact that she functioned in this position whilst studying part time for a Master's degree is a further indication of her managerial and administrative abilities.

14. The candidate's reputation for integrity and ethical behaviour

14.1. A certificate of good standing has been issued by the Pretoria Society of Advocates. This certificate together with the letters of nomination and the support of her nomination indicates that she is held in high regard not only at the Bar but also in the academic world.

14.2. No adverse comments have been received in this regard.

15. The candidate's judicial temperament

15.1. Comments received from counsel that have appeared before her indicate that she is fair, competent and efficient in the handling of cases and in the operation of the court that she sits in.

16. The candidate's commitment to human rights, and experience with regard to the values and needs of the community

16.1. The candidate in her practice does pro bono matters from time to time in order to ensure that justice is not denied due to a lack of funds.

CANDIDATE: ADVOCATE C PRINSLOO

17. The candidate's potential

17.1. The applicant appears to have potential to develop further as a Judge.

18. The message that the candidate's appointment would send to the community at large

18.1. The candidate is a white woman, which is favourable for gender transformation but not for racial transformation.

18.2. The candidate has been an Advocate for 9 years in the field of Labour Law. The candidate has acted as a judge in the Labour Court intermittently for a period of 2 years.

CANDIDATE: ADVOCATE C PRINSLOO

ANNEXURE: LIST OF JUDGMENTS CONSIDERED

Reported decisions

Scaw South Africa (Pty) Ltd v National Union of Metalworkers of South Africa and Others (J 911/2013) [2013] ZALCJHB 102

Pikitup Johannesburg (Soc) Ltd v South African Municipal Workers Union and Others (J 920/2013) [2013] ZALCJHB 75; (2014) 35 ILJ 188 (LC)

South African Airways Technical (SOC) Ltd v South African Transport And Allied Workers Union and Another (J 1960/2013) [2013] ZALCJHB 306; (2014) 35 ILJ 1638 (LC)

National Union of Mineworkers v Commission for Conciliation Mediation and Arbitration and Others (JR 2729/2007) [2013] ZALCJHB 52; (2013) 34 ILJ 2913 (LC)

Member of the Executive Council, Department of Sport, Recreation, Arts And Culture, Eastern Cape v General Public Service Sectoral Bargaining Council and Others (P206/2013) [2015] ZALCPE 41

Unreported decisions

Macuvele v Kensington Ridge Primary School (JS20/2013) [2014] ZALCJHB 74

Ngwenya and Others v Adminicle Trading 17 CC (JS1229/2009) [2014] ZALCJHB 37

Feni v Pan South Africa Language Board (J 859/13) [2013] ZALCJHB 285

Radiant Group (Pty) Ltd v Naicker and Another (J592/2013) [2013] ZALCJHB 175

SABAWO obo Members and Others v Staffgro (Pty) Ltd (J2192/08) [2013] ZALC 2

Metrorail v Commission for Conciliation Mediation And Arbitration and Others (D869/2011) [2014] ZALCD 61

CANDIDATE: ADVOCATE C PRINSLOO

Gunn v Bidvest Prestige Cleaning Services (Pty) Ltd (JS 830 /2012) [2015] ZALCJHB 166

Lawrence v Mutual and Federal (Pty) Ltd and Another (JR 3308/2011) [2014] ZALCJHB 244

Moseleni v DHL Supply Chain (SA) (Pty) Ltd (JS 156/2011) [2013] ZALCJHB 283

Lowies v University of Johannesburg (JS 1062/2009) [2013] ZALCJHB 284; (2013) 34 ILJ 3232 (LC)

Numsa Obo Dali and Others v Twin Structures Steel Construction (Pty) Ltd (JS 1051/2012) [2015] ZALCJHB 170

Harmony Gold Mining Company Limited v Commission for Conciliation, Mediation And Arbitration and Others (JR 385/2012) [2015] ZALCJHB 153

Transport And Allied Workers Union of South Africa and Others v RP Logistix (Pty) Ltd (JS664/2012) [2014] ZALCJHB 42

Engen Basson's Service Station v Vanqa (J 1508/2013) [2013] ZALCJHB 343; (2014) 35 ILJ 1568 (LC)

South African Police Service v Safety And Security Sectoral Bargaining Council and Others (JR 1881/2010) [2013] ZALCJHB 315

National Union of Mineworkers and Another v Commission for Conciliation Mediation and Arbitration and Others (JR2016/2009) [2013] ZALCJHB 47

Judgments upheld on appeal

Nkuna v Eskom Holdings Ltd (JR 1698/2011)

Judgments overturned on appeal

None