JUDICIAL CONDUCT COMMITTEE

Ref No: JSC/07/02/2026

In the matter between:

GODFREY DOCTOR NOVEMBER **COMPLAINANT**

and

JUDGE EDWIN TSHIDISO TLHOTLHALEMAJE **RESPONDENT**

Date: 12 November 2026

Decision: **The appeal is dismissed.**

RULING

THE JUDICIAL CONDUCT COMMITTEE (JAFTA J, MAJIEDT J AND SALDULKER JA)

Introduction

[1] This is an appeal in terms of section 18(1), read with section 15(5) of the Judicial Service Commission Act, 9 of 1994, as amended (the Act), against a dismissal of a complaint. The Acting Chairperson of the Judicial Conduct Committee (the Committee) dismissed the complaint in terms of section 15(2)(*c*)

and *(d)* of the Act.[1] Under the Act, complaints against Judges must be lodged with the Committee. At the first stage, the Committee's Chairperson must determine which provisions of the Act apply to each complaint.[2] Lesser complaints may be summarily dismissed under section 15, as has happened here.

[2] The complaint was lodged by Mr Godfrey Doctor November (the complainant) against Judge Edwin Tshidiso Tlhotlhalemaje of the Labour Court (the respondent). The complaint relates to the main judgment in Labour Court Case Number JR 2597/18, handed down on 8 February 2021, and the subsequent judgment on leave to appeal, handed down on 2 August 2021. The respondent signed them on behalf of Acting Judge Deane, and he handed them down on the said dates. The complainant was the applicant in a review application before the Labour Court. It was filed outside the prescribed 6-week period, and he did not apply for condonation. For that reason, the Court dismissed the review application, holding that absent a condonation application, it lacked jurisdiction. Leave to appeal was refused because there were no reasonable prospects of success and no other compelling reason to grant leave.

The complaint

[3] In essence, the complaint was that the respondent signed the judgments in a matter in which he did not preside. The complaint also alleged that the court documents had been mishandled and misfiled in the court file. According to the

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[1] Section 15(2)(*c*) and (*d*) provides:
"(2) A complaint must be dismissed if it —
(a) ...;
(b) ...;
(c) is solely related to the merits of a judgment or order;
(d) is frivolous or lacking in substance…"

[2] Section 14(2) of the Act provides:
"When a complaint is lodged with the Chairperson in terms of subsection (1), the Chairperson must deal with the complaint in accordance with section 15,16 or 17, but in the event of a complaint falling within the parameters of section 15, the Chairperson may designate a Head of Court to deal with the complaint, unless the complaint is against the Head of Court".

complainant, this raised concerns about judicial integrity and procedural fairness. As stated, the complaint was summarily dismissed. On appeal, the complainant repeats his earlier averments and submissions. No evidence is adduced to support the complaint that the respondent committed any irregularity or fraud. The complaint rests solely on the allegation that the respondent signed and delivered the judgment on behalf of Acting Judge Deane.

The respondent's response

[4] The respondent submits that the complaint is frivolous and vexatious. He points out that it is standard practice in all courts for permanently appointed Judges to sign judgments on behalf of other Judges, including acting Judges. This is to expedite the delivery of judgments when the Judge who drafted the judgment may not be readily available.

[5] The respondent says that, in practice, the Judge who signs a judgment on behalf of another never interferes with its content or substance. He describes the complainant's suggestion that there was some sort of irregularity or fraud in simply signing and delivering the two judgments on behalf of Acting Judge Deane as extraordinary. The respondent consequently submits that the appeal should be dismissed as it is devoid of merit.

Evaluation

[6] The complaint is ill-conceived. The respondent is correct. Judges routinely sign and hand down judgments on behalf of their colleagues who wrote the judgment and who are unavailable, for whatever reason. It is simply a practical measure to ensure judgments are handed down expeditiously. That practice aligns with Article 10 of the Code of Judicial Conduct (the Code), which requires

judgments to be handed down within acceptable norms and standards.[3] The established norm is that a judgment must be delivered within the same court term in which it was heard, or, with the leave of the Head of that Court, in the following term.

[7] The appeal has no merit. The complaint was correctly dismissed under section 15(2)*(d)* of the Act as lacking in substance and frivolous. The second ground of dismissal under section 15(2)*(c)* relates to the complainant's implicit allegation that the respondent interfered with the merits of the judgment. There is no evidence of irregular or fraudulent conduct by the respondent. The complaint is only that he signed judgments in a case in which he did not sit. That is a complete misunderstanding of how Judges work.

[8] The appeal must be dismissed. The following ruling is made:
The appeal is dismissed.



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[3] In terms of section 12(5) of the Act, the Code serves as the prevailing standard of judicial conduct, and Judges are required to adhere to it.