



JUDICIAL CONDUCT COMMITTEE

Ref no: JSC/117/01/2025

In the matter between:

SIBONGILE THELMA ZIMEMO

COMPLAINANT

and

DEPUTY JUDGE PRESIDENT PATRICIA GOLIATH RESPONDENT

Date: 13 July 2026

Decision: The appeal is dismissed.

RULING

**JUDICIAL CONDUCT COMMITTEE (MLAMBO DCJ, JAFTA J AND
SALDULKER JA)**

INTRODUCTION

[1] The complainant, Ms S T Zimemo, lodged a complaint with the Judicial Conduct Committee (Committee) against the respondent, Deputy Judge President Goliath of the Western Cape Division of the High Court, Cape Town, (High Court). The Acting Chairperson of the Committee considered the complaint and dismissed it in terms of section 15(2)(d)¹ of the Judicial Service Commission Act 9 of 1994, (the Act) on the ground that it lacked substance.

[2] Dissatisfied with that decision, the complainant filed this appeal, seeking to set aside the decision of the Acting Chairperson. Various grounds have been advanced in support of the appeal. Before considering those grounds, it is necessary to examine the complaint.

Complaint

[3] The complainant lodged the complaint in terms of section 14(4)(e)² of the Act. It arises from correspondence exchanged between the complainant and various officials of the High Court concerning her request for access to the Equality Court. The complaint is supported by a lengthy affidavit and numerous annexures. In broad terms, the essence of the complaint is that the respondent failed to facilitate the complainant's access to the Equality Court at the Western Cape High Court. The complainant alleges that the respondent improperly endorsed advice given by the Chief Registrar and other court officials that the complainant pursue her relief elsewhere, which was prejudicial to her. Additionally, she contends, *inter alia*, that the respondent referred the complaint to the incoming Judge President, in order to avoid accountability for decisions

¹ Section 15(2)(d) provides: "A complaint must be dismissed if- (d) is frivolous or lacking in substance.

² Section 14(4)(e) provides: "The grounds upon which any complaint against a judge may be lodged, are any one or more of the following:

(e) Any other wilful or grossly negligent conduct, other than conduct contemplated in paragraph (a) to (d), that is incompatible with or unbecoming the holding of judicial office, including any conduct that is prejudicial to the independence, impartiality, dignity, accessibility, efficiency or effectiveness of the courts.

taken during her tenure as Acting Judge President and engaged in a course of conduct designed to frustrate the complainant's attempts to litigate in the Equality Court, thereby intentionally denying her access to justice.

[4] Similar allegations were raised in the grounds of appeal by the complainant. The complainant contends, *inter alia*, that the conduct of the respondent amounted to wilful or grossly negligent conduct, infringed her constitutional rights, and was malicious and unlawful.

[5] The Code of Judicial Conduct (Code) serves as the prevailing standard of judicial conduct. Section 14(4)(e) of the Act covers any wilful or grossly negligent conduct that is incompatible with, or unbecoming of judicial office, including conduct prejudicial to the independence, impartiality, dignity, efficiency, accessibility or effectiveness of the courts. Accordingly, for a complaint of judicial misconduct to succeed against the respondent, there must be evidence of wilful or grossly negligent conduct or conduct otherwise incompatible with judicial office.

[6] Having carefully considered the complaint, it is apparent that much of the complaint concerns disputes regarding administrative procedures, access to particular court processes, communications from court officials, and the complainant's dissatisfaction with the responses received from the office of the Judge President and the office of the Chief Registrar. These matters do not constitute evidence of judicial misconduct.

[7] The complainant attributes improper motives to the respondent, including evasion of accountability, and deliberate obstruction of access to justice. These allegations are serious. However, they are not substantiated by any objective facts capable of establishing judicial misconduct on the part of the respondent.

Rather, they remain speculative conclusions drawn by the complainant from correspondence and administrative decisions made by the court officials with which she disagrees. The complaint also seeks to challenge broader institutional arrangements concerning the functioning of the Equality Court at the High Court. Whatever their merit, these concerns fall outside the scope of judicial conduct proceedings and cannot form the basis for a finding of misconduct on the respondent's part.

[8] In substance, the complaint amounts to dissatisfaction with administrative decisions, communications and advice relating to the complainant's attempts to pursue litigation in the Equality Court. I am satisfied that the Acting Chairperson correctly dismissed the complaint against the respondent on the basis that it was lacking in substance. An alleged error of judgment or incorrect administrative advice does not, without more, constitute judicial misconduct. In any event, there is no evidence that the respondent engaged in conduct that was prejudicial to the effective and expeditious administration of the business of the Court.

[9] Accordingly, the appeal is dismissed.



JUDICIAL CONDUCT COMMITTEE