

one who was squirming under hostile fire. Fly heard how the government was merely trying to draw practically necessary lines between administration and judicial functions, and how it desperately wished to relieve the courts of the embarrassment of having to authorise contractors to fix the air-conditioning. Fly heard that the Department was striving for an approach that would give further expression to the separation of powers. Fly also heard a guffaw or two. The DG even recognised the wisdom in a theme raised by Judge of Appeal Bob Nugent, namely the danger, for future purposes, of constitutionally entrenching (as opposed to merely seeking to enact) a relationship of dependence between the judiciary

and the executive as far as the administration of the courts was concerned. 'I hear you', he seemed to be saying. Fly will have to wait and see.

Fly was heartened to hear Chaskalson, Kriegler and Chief Justice Langa confirm, nay stress, that the current moves had nothing whatsoever to do with promoting transformation. Lest there be any room for opportunistic doubt.

After Mtshaulana had added what he advertised in anticipation would be a 'small comment', and Bizo had weighed in with (inter alia, of course) a point *in limine* that appeared to Fly to have been well taken (the absence of any consultation with the Judicial Services Commission as required by section 16(6)(a) of Schedule 6 of the

Constitution), it was a relief to have matters turn to a less charged discussion of the question of the 'Apex Court of Appeal' and the twists and turns taken in debates between the LAC and the SCA about which Deputy President of the new twin court would enjoy seniority when and why exactly.

The abiding feeling that accompanied Fly when he left was that of having heard people of immense insight deliver the message 'Mene Mene Tekel Ufarsin.' We know what happened to the Kingdom shortly after the hand wrote thus on the wall. Fly hopes his government is able to pull back from the brink. If not, it will certainly not be because the judiciary said nothing. ☐

Ode to Maternity Tax

Oh at 621 babies were raining
 Amidst all the working and training,
 Then klip in die bos
 Yon Shanee did toss
 And many men insight were feigning.

It seems from the reams of debate
 That the klip in die bos did create
 That we pay quite a bunch
 For the dinner and lunch
 And we're shibboleth-prone too of late.

But the warmth and the fuzz and the glow
 That so heartily all did bestow
 Upon Égalité
 And Fraternité
 Brought a tear to the eye too, you know.

In the meantime yon Ish seems to think
 That some chess mixing in with the drink
 Would the brothers transform
 To Utopian norm
 While a-plotting bad bishops to sink

Now my feeling about this is such
 That the chessgames will render us much
 More proficient at chess
 And, yes, perhaps less
 Inclined to move pawns we don't touch.

It seems, getting back to the mom,
 That we'd better pitch in with the tom
 After all, as they say
 We can choose if we pay
 For a kid or a calorie bomb.

Frank Snyckers, Johannesburg Bar

Understanding the judicial system

'But the rationale given for this amendment of the Constitution, mark you, not just legislative interference, we're amending our Constitution ... says the Memorandum setting out the objects: "In order to provide that the Chief Justice is the head of the judicial authority and exercises responsibility over the establishment and monitoring of norms and standards for the exercise of the judicial functions of all courts."

To which my only comment can be, Ye Gods! Who the hell wrote this? It is guff, it is rubbish, it is twaddle. The Chief Justice has never been responsible for the establishment and monitoring of norms and standards for the exercise of the judicial functions of all courts. Courts don't function like that and whoever wrote this just doesn't understand how the South African judiciary functions.'

Former CC Justice Johann Kriegler at the GCB's conference on 'The Justice Bills, Judicial Independence and the Restructuring of the Courts.'
 The transcript of the conference is available at: <http://www.sabar.co.za> ☐

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