

NEWS

2007 marks the changing of the guard in the Ombudsman's office in two major respects:

Firstly, the Ombudsman, Judge Nienaber, retired with effect from 31 May 2007 to be succeeded by Judge Brian Galgut on 1 June 2007.

Secondly, Judge Gerald Friedman retired at the Council's last meeting on 13 April 2007. The new chairperson is Ms Dawn Mkhobo who was herself a member of the Ombudsman's Council since 1999 and served as its vice-chairperson.

- Judge Nienaber was a former professor of law, a member and leader of the Pretoria Bar, a judge of the Natal Provincial Division and the Supreme Court of Appeal from which he retired in 2002. Since the beginning of 2003 he served as the Ombudsman.
- Judge Brian Galgut served as Deputy Judge President of the Natal Provincial Division of the High Court from 2001 until he elected to go off active service as a judge in 2004. Judge Galgut attended Pretoria Boys High School and the Universities of Stellenbosch and Pretoria. He was admitted as an advocate and a member of the Pretoria Bar in 1961. He took silk in 1979 and relocated to Durban in 1985 when he was appointed as a judge of the Natal Provincial Division. After retirement Judge Galgut was active in alternative dispute resolution, not only in presiding in various arbitrations but also in acting, by agreement with SARS, as the facilitator between parties in appeals in terms of the Income Tax Act of 1962 or the Value-Added Tax Act of 1991. Judge Galgut was a sportsman of note in his younger days. He earned first team colours at cricket and golf at Stellenbosch University and played briefly for the first team at rugby. He also played provincial cricket for Northern Transvaal (then called North-Eastern Transvaal). Judge Galgut is married to Ethelene and has three children from a previous marriage including the well-known novelist Damon Galgut.
- Judge Gerald Friedman was a colleague of Judge Nienaber on the Supreme Court of Appeal before returning to the Cape as Judge President in 1992. He served as the chairperson of the Ombudsman's Council from its inception in 1999. (The Ombudsman's Council was established as a body completely independent from the industry to appoint the Ombudsman, the Deputy Ombudsman and approve the budget and the Annual Report and to monitor the performance of the Ombudsman's office. Only one Council member, the chairperson of the Ombudsman's Committee, represents the industry on the Council. The Committee is a separate body consisting of senior representatives from the industry. Its function is to interact with the office and the Council on matters of direct concern to the industry.)

- Ms Dawn Mokhobo has served on the Council from its inception as its vice-chairperson. She is active in the commercial world, as a shareholder and executive deputy chairperson of Partnership Investments; chairperson of Fedics; shareholder of Nozala Investments; director of companies, non-executive director of Massmart and Engen.

Judge Galgut will be the fifth retired High Court judge to occupy the position of Ombudsman since the start of the office on 1 January 1985. The others were Judge Petrus Wessels (1985 – 1986), Judge Gie Kotzé (1986 - 1997), Judge Jan Steyn (1997 – 2003) and Judge Peet Nienaber (2003 – 2007). As far as we know this situation is unique. The advantages of appointing a retired judge as the ombudsman have been summarised as follows by Judge Friedman in his foreword to the 2003 Annual Report:

“The value of such an appointment is four-fold. First, it demonstrates that the office is independent of the control of the industry. Secondly, it emphasises the office’s impartiality and integrity. Thirdly, it brings to the office the wealth and quality of experience commanded by such an incumbent in determining disputes. Fourthly, it adds to the status of the office in the eyes of the consumer public.”

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