

CURRICULUM VITAE

of

ALEWYN PETRUS JOUBERT SC

[A] University

- Primarius Wilgenhof, Stellenbosch.
- Chairman of the Primarii-Primariae Committee.
- Chairman US Debating Society. Winner of the Debating Competition for all South African Afrikaans Universities.
- Editor of Die Akkerjool, the rag magazine of US.
- Editor-in-Chief of "Die Matie", the student newspaper of Stellenbosch University.
- Obtained the degrees BA LL.B (Stell); MBA (UCT); LL.M in Import and Export Law, cum laude (PU); LL.M in Transnational Commercial Practice (Łazarski, Warsaw)[A+ (i.e.95-100%)] for every course.
- An honorary "Doctor Legum" was conferred upon him by the North-West University on 24 May 2017, *"in recognition of his excellence as an academic and legal practitioner, international status and recognition, contribution to the law and education, community involvement and special connection with the faculty of law at the North-West University."*

[B] Career as an Advocate

- Practising at the Johannesburg Bar since 1980. Letters patent granted on 22 September 1993.
- Acted as counsel in 72 reported cases, 27 of them in the Supreme Court of Appeal; see Annexure "A".
- Appeared as advocate, or consulted as advocate on brief, in several countries, viz. Swaziland, Botswana, Namibia, Lesotho, Mozambique, Zambia, Hong Kong, Australia, Singapore, Taiwan, Britain, Republic of Ireland, France, Germany, The Netherlands, Belgium, United States of America, Crown Colony of Jersey and the People's Republic of China.
- Acting judge of the High Court, from time to time, since 1996. A list of his judgments is attached, see Annexure "A".
- Chairman Johannesburg Bar Council 2001 – 2002; previously served as Vice-Chairman (2000) and the three years preceding as Treasurer of the Bar Council.
- Represented the South African Bar at festivities of the joint Bars of the Netherlands in The Hague (2001).
- Represented Johannesburg Bar at the First International Conference of Barristers and Advocates in Edinburgh (2002).
- Spoke on "Privilege and Confidentiality in South African Law" at the International Bar Association Conference held at Durban (2002).
- Lead counsel for claimant in an arbitration held under the Rules of the International Commercial Court, Paris (2013). The arbitration ran its full course.
- Director of AFSA (Arbitration Foundation of South Africa), 1996 -2002.
- Lecturer to pupils at the Johannesburg Bar on civil trials and cross-examination since 1993.
- Chairman of Management Committee of Maisels Group (consisting of some 100 advocates) since 2006.

[C] Academic Career

- Extraordinary Professor of Public Law, University of Stellenbosch, 1 July 2001 to 30 June 2004.
- Extraordinary Professor of Law, University of Potchefstroom (now North-West) since 2001. (Presents the course on customs and excise law as part of the LL.M in International Trade Law.)
- Guest lecturer from time to time at the Rand Afrikaans University (now University of Johannesburg), University of the Witwatersrand and Pretoria University.
- Visiting lecturer at Tilburg University (Netherlands) during February 2005.
- Visiting Professor of Law, National University of Mongolia, Ulaanbaatar (2007).
- Visiting Professor in the Humanities at the State University of Ryazan (Russia) and visiting Professor in International Trade Law at the Odessa National Law Academy (Ukraine) during 2009. (His experiences are related in "n Maand in die Vreemde", published in serialised form in the "Advocate" of April 2010, December 2010 and April 2011).

- Visiting Professor of Law at the State University of Saint Petersburg (2013).
- Visiting Professor of Law at the Jagiellonian University, Kraków (2017).
- Spoke on "Recognition and Enforcement of Foreign Judgements in South African Law" at the conference hosted by the Center for International Legal Studies at Santiago, Chile (2003).
- Spoke on "Courts and Arbitration Tribunals in South Africa" at the conference hosted by the Centre for International Legal Studies at Whistler B.C., Canada (2005).
- Spoke on "Unlawful Competition in South African Law" at a conference hosted by Centre for International Studies at Alyeska, Alaska (2006).
- Spoke on "Implementation of the Rotterdam Rules" at the International Trade Law Seminar in Teheran (2015) and at a symposium at University of the North-West (2015).

[D] Education of Youth

- Chairman of the Board of Governors of Jan Cilliers Primary School since 2005. The school is generally regarded as one of the foremost pre-primary and primary schools in South Africa.

[E] Farmer and Breeder of Thoroughbreds

- Breeding thoroughbreds since 1987. Established stud farm, "Riethuiskraal" since 2000.
- Breeder of "**Lambarina**", the 1993 Highveld Champion 3 year old filly and winner of the classic South African Oaks.
- Breeder of "**Crimson Palace**", winner of Beverly D Stakes Gr 1 in USA (2004). The victory in the Beverly D was the first Gr1 race won by a South African bred filly on the American continent. She was also the first South African bred horse to win a Graded Stakes race in England, the Middleton Stakes Gr 3. First winner of the prestigious Equus Award for South Africa International Breeder of the Year (2005) for achievements of Crimson Palace.
- Breeder of "**National Colour**", winner of 3 x Gr1 races and Joint Winner of the Equus Award for South African Horse of the Year (2006). Highest rated sprinting filly in the Southern Hemisphere in 2005. Broodmare of the Year in NSW, Australia (2017).
- Breeder of the filly "**Flirtation**", winner of the Summer Cup Gr1 (2010), one of South Africa's three "major" races. Only 11 fillies have won this race, first run in 1887.
- Established **olive farms** "Birdsong", "Muffets", "Milkwood" and "Drie Heuwels" (since 2001). The olive farms are jointly called "Kransfontein". The farm's "intense" Coratina olive oil won the SA Olive Award for producing one of the five best olive oils produced in South Africa in both 2015 and 2016. The "Top 5 Awards" were changed to a "Top 10 Awards" in 2017. Kransfontein won it again. Kransfontein's Frantoio oil won the coveted Marco Zichella Award for the best olive oil produced in South Africa in 2016 in the "medium" category.

[F] Administrator in Thoroughbred Industry

- Chairman of South Africa's Thoroughbred Breeders' Association (2005-2011). Elected Honorary Life Member of the TBA (2012). Lead South African delegation at the International Breeders' Meeting in Tokyo (2006) and delivered one of the key note addresses at the conference. Also lead the South African delegation at the International Breeders' Meetings in Melbourne (2008), Paris (2009) and Calgary (2010) and at the Asian Racing Conferences held in Dubai (2007) and Sydney (2010).
- Chairman of Racing South Africa (2006 – 2008). This umbrella organisation represented all breeders, owners and operators in South Africa and was responsible, amongst others, for creating the infrastructure to facilitate exports from South Africa and to market the South African thoroughbred internationally.
- Chairman of National Horseracing Authority of South Africa (2013-2015). The NHA (formally called the Jockey Club of SA) is the controlling body of racing in South Africa. Lead the South African NHA delegation at the Asian Racing Conference in Hong Kong (2014) and at the International Conference of Horse Racing Authorities in Paris (2014).

[G] Restaurateur

- Consecutive co-owner of the following restaurants: L'Escargot, Melville; rated one of South-Africa's top 10 restaurants. Established "Questionmark", Melville (1991); established "Full Stop Café", Melville (1995); established "Full Stop Café", Parkhurst (2000). Each of the last three restaurants, on occasion, won "The Star" award for the best Al Fresco restaurant in Johannesburg. The restaurants were owned consecutively; the last one was sold in 2005.

[H] Ventures in the World of Medicine

- Established as co-owner three complete oncology units viz. Karl Bremer, Bellville; Vergelegen, Somerset West; and MediClinic Hospital, Nelspruit (1999 - 2004). Also co-owner of engineering company which serviced and installed oncology units locally and elsewhere. These oncology units and the engineering company were sold during January 2004.
- Joint creator (with his brother) and joint owner of the Heart of Cape Town Museum. The museum opened in 2007 and is, in the main, dedicated to the first heart transplant operation performed in 1967. It is situated in Grootte Schuur Hospital, Cape Town. This was done, mostly, in honour of his father, once a partner of Prof Chris Barnard. The Heart of Cape Town Museum was honoured with an Experts' Choice Award for 2016 from TripExpert (New York City), which rates hotels, restaurants and attractions around the world based on reviews from journalists and professional travel writers. Endorsements include Frommer's, Lonely Planet and Time Out making it one of the highest rated attractions in Cape Town on TripExpert.com.

[I] International Trade in Antique Furniture

- Co-Owner of Old Johannesburg Warehouse (Pty) Ltd, a company that buys antique furniture overseas and sells them in South Africa. The business was created during October 2004. During the partnership some 30 x 40' containers of antique furniture were imported from mainly England, Western and Eastern Europe and South America. Sold his half-share in the business to his partner during October 2007.

[J] Sport

- Captained both the Boland Schools cricket and tennis teams.
- Bisley champion of his high school.
- Played first team tennis and chess for Stellenbosch University.
- Represented Boland and South African Armed Forces in tennis at senior level.
- Climbed Kilimanjaro (2000).
- Represented South Africa in the Lawyers' Cricket World Cup held in Cambridge, England (2009).

"A"

A. REPORTED CASES

- 1 S v Sam 1980 (4) SA 289 (T)
 2 S v Ramaligela en 'n Ander 1983 (2) SA 424 (V)
 3 Rauties Transport (Edms) Bpk v Voorsitter, Plaaslike Padvervoerraad, Johannesburg, en 'n Ander 1983 (4) SA 146
 (W)
 4 Anderson Transport (Pty) Ltd v Chairman, National Transport Commission and Others 1985 (2) SA 97 (C)
 5 Eljomo Vervoer (Edms) Bpk v Voorsitter, Nasionale Vervoerkommissie en Ander 1985 (2) SA 199 (T)
 6 Heavy Transport and Plant Hire (Pty) Ltd and Others v Minister of Transport Affairs and Others; South North
 Haulage (Pty) Ltd and Another v South African Transport Services 1985 (2) SA 597 (W)
 7 Suid-Afrikaanse Vervoerdienste v Voorsitter, Nasionale Vervoerkommissie en 'n Ander 1985 (3) SA 531 (NC)
 8 Olgar v Chairman, National Transport Commission, and Another 1985 (3) SA SA 1030 (D)
 9 South African Transport Services v Olgar and Another 1986 (2) SA 684 (A)
 10 Voorsitter, Nasionale Vervoerkommissie, en 'n Ander v Sonnex (Edms) Bpk 1986 (3) SA 70 (A)
 11 Mokoena v Minister of Law and Order 1986 (4) SA 42 (W)
 12 S A Freight Consolidators (Pty) Ltd v Chairman, National Transport Commission, and Another 1987 (4) SA 155
 (W)
 13 South African Transport Service v Chairman, Local Road Transportation Board, Cape Town, and Others;
 Unicorn Lines (Pty) Ltd v Chairman, Local Transportation Board, Cape Town, and Others 1988 (1) SA 665 (C)
 14 S A Freight Consolidators (Pty) Ltd v Chairman, National Transport Commission, and Another 1988 (3) SA 485
 (W)
 15 LTA Construction BPK v Administrateur, Transvaal 1992 (1) SA 473 (A)
 16 Tieber v Commissioner for Customs and Excise 1992 (4) SA 844 (A)
 17 Commissioner for Customs and Excise v C I Caravans (Pty) Ltd 1993 (1) SA 138 (N)
 18 Purnell v Purnell 1993 (2) SA 662 (A)
 19 Commissioner of Customs and Excise v Bank of Lisbon International Ltd and Another 1994 (1) SA 205 (N)
 20 Administrateur, Transvaal v Van der Merwe 1994 (4) SA 347 (A)
 21 Transnet Bpk h/a Coach Express en 'n Ander v Voorsitter, Nasionale Vervoerkommissie, en Andere 1995 (3) SA
 844 (T)
 22 Crown Chickens (Pty) Ltd v Minister of Finance and Others 1996 (4) SA 389 (E)
 23 Minister of Finance v Ideal Fastners Corporation CC 58 (1996) SATC 145; also in [1996] 1 All SA 373 (C)
 24 Joseph and Another v Air Tanzania Corporation 1997 (3) SA 34 (W)
 25 Unitrans Passanger Bpk v Voorsitter NVK; Transnet Bpk v Voorsitter NVK 1997 (4) SA 663 (T)
 26 Interkaap Ferreira Busdiens (Pty) Ltd v Chairman NTC 1997 (4) SA 687 (T)
 27 Beier Industries (Pty) Ltd (formerly OTH Beier Company (Pty) Ltd) v Commissioner for Customs and Excise 1998
 (4) SA 345 (N); also reported in 60 (1998) SATC 39
 28 The Minister of Finance and Others v EBN Trading (Pty) Ltd 1998 (2) SA 319 (N); also in [1997] 3 All SA 481 (N).
 29 Society of Advocates of South Africa (Witwatersrand Division) v Edeling 1998 (2) SA 852 (W)
 30 Ward and Another v Smit and Others: In Re Gurr v Zambia Airways Corporation Ltd 1998 (3) SA 175 (SCA)
 31 S v Valashiya 1998 (1) SACR 713 (NKA)
 32 Tina Cosmetics (Pty) Ltd v Commissioner for Customs and Excise 60 (1998) SATC 220 (W)
 33 Commissioner of Customs and Excise v Strauss and Others 1998 (4) SA 593 (T); also in [1998] 3 All SA 104 (T)
 34 Klopper en Andere NNO v Engelbrecht en Andere NNO 1998 (4) SA 788 (W)
 35 Commissioner for Customs and Excise v Capital Meats CC 1999 (1) SA 570 (SCA); also [1999] 61 SATC 1 (SCA)
 36 Commissioner for Customs and Excise v Container Logistics (Pty) Ltd; Commissioner for Customs and Excise v
 Rennies Group Ltd t/a Renfreight 1999 (3) SA 771 (SCA); also 1999 (8) BCLR 833 (SCA); also [2000] 62 SATC 138
 (SCA).
 37 Unitrans Passenger (Pty) Ltd t/a Greyhound Coach Lines v Chairman, National Transport Commission and
 Others; Transnet Ltd (Autonet Division) v Chairman, National Transport Commission and Others [1999] 3 All SA
 365 (SCA); also reported as 1999 (4) SA 1 (SCA)
 38 EBN Trading (Pty) Ltd v Commissioner of Customs and Excise and Another 1999 (3) JTTLR 45 (N)
 39 EBN Trading (Pty) Ltd v Commissioner of Customs and Excise and Another 2001 (2) SA 1210 (SCA); also (2001) 63
 SATC 363 (SCA)

- 40 **Union Finance Holdings Ltd v I.S. Mirk Office Machines II (Pty) Ltd and Another** 2001 (4) SA 842 (W)
- 41 **Henbase 3392 (Pty) Ltd v Commissioner, South African Revenue Service,**
and **Another** 2002 (2) SA 180 (T); also [2002] 64 SATC 2003 (T).
- 42 **Woodlands Dairy (Pty) Ltd v Parmalat SA (Pty) Ltd** 2002 (2) SA 268 (ECD)
- 43 **Henbase 3392 (Pty) Ltd v Commissioner, SARS and Another** 2002 (3) SA 26 (SCA); also [2003] SATC 133 (SCA)
- 44 **Biotech Laboratories (Pty) Ltd v Beecham Group PLC and Another** 2002 (4) SA 249 (SCA)
- 45 **Commissioner for South African Revenue Service v Nutec Southern Africa (Pty) Ltd** [2002] 64 SATC 260 (SCA)
- 46 **Telkom SA v Nedtel Cellular (Pty) Ltd and Others** 2004 (2) SA 324 (T)
- 47 **Kevin and Lasia Property Investment CC and Another v Roos NO and Others** 2004 (4) SA 103 (SCA)
- 48 **Soil Fumigation Services Lowveld CC v Chemfit Technical Products (Pty) Ltd** 2004 (6) SA 29 (SCA)
- 49 **Orange River Export (Pty) Ltd v TDC International Fruit Fraiss du Monde Inc** 2005 (1) All SA 764 (NC)
- 50 **Valunet Solutions Inc t/a Dinkum USA and Another v eTel Communications Solutions (Pty) Ltd** 2005 (3) SA 494 (W)
- 51 **Geyserv Nedbank Ltd and Others: In Re Nedbank Ltd v Geyserv** 2006 (4) SA 544 (W)
- 52 **Geyserv Nedbank Ltd and Others: In Re Nedbank Ltd v Geyserv** 2006 (5) SA 355 (W)
- 53 **Distell Limited and Another v Commissioner for South African Revenue Service and Another** [2007] 69 SATC 15 (T)
- 54 **Colgate Palmolive (Pty) Ltd v Commissioner, South African Revenue Services** 2007 (1) SA 35 (N); also [2007] 69 SATC 43 (N)
- 55 **Lodhi 2 Properties Investments CC and Another v Bondev Developments (Pty) Ltd** 2007 (6) SA 87 (SCA)
- 56 **Western Flyer Manufacturing (Pty) Ltd v Dewrance and Others NNO : In Re Dewrance and Others NNO v Northwest Transport Investments (Pty) Ltd (Under Judicial Management) and Others** 2007 (6) SA 459 (B)
- 57 **Oosthuizen's Transport (Pty) Ltd and Others v MEC, Road Traffic Matters, Mpumalanga, and Others** 2008 (2) SA 570 (T)
- 58 **Minister of Finance and Another v Paper Manufacturers Association of South Africa** 2008 (6) SA 540 (SCA); also [2008] 70 SATC 267 (SCA)
- 59 **Commissioner for SARS v Duro Pressings (Pty) Ltd** 71 SATC 88, 2008 (T)
- 60 **National Lotteries Board v Bruss NO and Others** 2009 (4) SA 362 (SCA)
- 61 **Nedbank Ltd v Master of the High Court, WLD and Others** 2009 (3) SA 403 (W)
- 62 **LG Electronics SA (Pty) Ltd v Commissioner for South African Revenue Service** 71 SATC 275, 2009 (T)
- 63 **Espag and Another v Hattingh** 2010 (3) SA 22 (SCA) (Drew Heads of Argument, not available for presentation of argument)
- 64 **Pahad Shipping CC v Commissioner for South African Revenue Service** [2010] 72 SATC 35 (SCA)
- 65 **Distell Ltd v Commissioner for South African Revenue Service** [2011] 73 SATC 265 (NGP)
- 66 **Distell Ltd v Commissioner for South African Revenue Service** [2011] 1 All SA 225 (SCA); also [2011] 73 SATC 148 (SCA)
- 67 **Commissioner for South African Revenue Service v Multichoice Africa (Pty) Ltd and Another** [2011] 73 SATC 209 (SCA)
- 68 **Commissioner for South African Revenue Service v LG Electronics SA (Pty) Ltd** 2012 (5) SA 439 (SCA); also [2011] 73 SATC 326 (SCA)
- 69 **Commissioner for South African Revenue Service v Colgate-Palmolive (Pty) Ltd** [2012] 74 SATC 157 (SCA)
- 70 **Distell Ltd v Commissioner, South African Revenue Service** 2012 (5) SA 450 (SCA); also [2012] 74 SATC 272 (SCA)
- 71 **Commissioner for South African Revenue Service v Smith Mining Equipment (Pty) Ltd** [2012] 74 SATC 312 (NGP)
- 72 **Smith Mining Equipment (Pty) Ltd v Commissioner for South African Revenue Services** [2013] 75 SATC 49 (SCA)

B. JUDGMENTS

- 1 **S v Opperman** 1997 (1) SACR 285 (W)
- 2 **S v Badenhorst** 1997 (1) SACR 311 (W)
- 3 **S v Oosthuizen** 1997 (1) SACR 315 (W)
- 4 **Faiga v Body Corporate of Dumbarton Oaks and Another** 1997 (2) SA 651 (W); also in [1997] 1 All SA 367 (W)
- 5 **Tudoric-Ghemco v Tudoric-Ghemco** 1997 (2) SA 246 (W)