

An amount of R308 million was allocated for capital works. As a result of continuous careful planning the budget is fully committed and 100% spending is anticipated in the current financial year.

**MAJOR CAPITAL WORKS PROJECTS COMPLETED IN 2005/2006 ARE THE FOLLOWING:**

OFFICE	CENTRE	SERVICE
Ceres	Magistrate's Office	Additional Accommodation / Courts
Benoni	Magistrate's Office	Extension of building / Courts
Vredendal	Magistrate's Office	Additional Accommodation / Courts
Randburg	Magistrate's Office	New Building
Brixton	Branch Court	Additional Accommodation
Uitenhage	Magistrate's Office	Additional Accommodation / Courts
Atteridgeville	Magistrate's Office	New Building
Pretoria-North	Magistrate's Office	Additional Accommodation / Courts
Polokwane	High Court	Conversion and refurbishment of the old building / Courts
Umtata	High Court	Additional Accommodation
Sasolburg	Magistrate's Office	Additional Accommodation / Courts
Heidelberg (GP)	Magistrate's Office	Additional Accommodation / Courts

The majority of buildings in which the Department's offices are accommodated, especially the magistrate's court buildings, have not been properly maintained over many years. A repair and maintenance programme was embarked upon and progress made in 2005/2006 is as follows:

Buildings in Maintenance Phase (All repairs completed)	48
Buildings in Repair Phase	44
<b>Total</b>	<b>92</b>

- **The second step for ensuring access to justice for all is to address processes and systems**

**Programme & Cluster Coordination (JCPS/Social)**

❖ **JCPS**

The Office of the DDG: Court Services is responsible for the coordination and alignment of court-related strategies and programmes within the JCPS and the Social Cluster. This include the coordination of of project initiated at cluster level such as the Review of the Criminal Justice System and Integrated Court Information Management.

Within the Department we are aligning all our activities to correspond to the 63 priority contact crime police stations – which have now been

increased to 169. We are also ensuring we address the 21 development nodes in this regard.

❖ **Alignment of cluster fora meetings through the Development Committee**

The DDG Court Services as chair of the Development Committee is guiding and assisting the establishment of provincial and local integrated justice fora. This is receiving attention.

❖ **Review of the CJS**

The primary objective of this cluster project is to investigate the current system, identifying its shortcomings and suggest reform and an appropriate model evaluate the CJS on regular intervals. Intensive research will be undertaken through subject matter experts with broad stakeholder consultation.

The DoJCD has drafted a project plan to take forward the review process and this will be presented to the JCPS cluster during its meeting on 7 February 2006. In the interim, cluster departments have been requested to submit names of nominees who would form part of the review team to commence with the review process. The target date for the commencement of the review is 01 March 2006.

➤ **Social Cluster**

Social crime prevention is receiving attention in our interaction with the Social Cluster.

**(Program 1)**

➤ **Rationalisation of the High courts**

The Superior Courts Bill proposes the establishment of a High Court for Mpumalanga and Limpopo respectively. Provision has been made in the budget for 2006\06 to begin with the planning process for the accommodation of the two additional High Courts. An additional personnel budget for the two courts has been provided.

➤ **Re-demarcation of Magisterial Districts**

The initial recommendations of the magisterial districts are being reviewed in relation to the areas that were affected by the 12<sup>th</sup> Constitution Amendment Act passed in December 2005. The review

process, which will also take into account the proposals made in the Superior Courts Bill in relation to the jurisdictions of the various divisions of the High Court, will be completed by August 2006. Upon the completion of the review an implementation plan will be drawn to guide the rationalisation of the courts in terms of the new demarcations.

### ➤ **Re Aga Boswa**

The refined version of *Re Aga Boswa* was **approved by the Minister during October 2005**. The project seeks to affirm the principle of separation of powers enshrined in the Constitution which dictate that the administration of the courts is the preserve of the Minister who exercises such responsibility through the Department. This will ensure that magistrates and judges who are Heads of courts are relieved of administrative functions to concentrate on their judicial work. These will increase court productivity and improve the quality of judgments as most senior judicial officers, who traditionally performed administrative functions, will be able invest their time in judicial work.

Through *Re Aga Boswa*, court managers' positions have been created at district courts and High courts to manage court operations. There are 366 districts, 51 detached courts and 7 high courts which require court managers and of the required 424 managers only 217 have been created in the 2005/6 financial year. There is still a need to create a further 207 posts to build adequate capacity. This will happen in the 2006/7 financial year.

The court managers recruited should have strong financial and management competencies and must possess multiple competencies relating to leadership, resource (people and financial) management, conflict resolution, coordination and planning. Court Managers are appointed at Assistant Director (level 10) as per the outcome of the job evaluation process. The 751 high and magistrates' courts (including branch courts) have been clustered into 71 areas country-wide and Area Court Managers are being appointed to coordinate the courts within their clusters. Area Court Managers and Court Managers of the High Courts are appointed at a higher level and their competencies and qualifications are higher as they have higher responsibilities of coordinating a number of courts within their clusters. Area Court Managers are coordinated provincially by the Senior Manager appointed in the office of the Regional Head. The Senior Manager (Director: Court Operations) assisted by Area Court Managers will mainly be responsible for the management of court resources and the management relevant statistical data relating to the delivery of services at the court level.

Appropriate delegations in relation to the procurement of goods and services and performance management have been devolved to Court Managers to ensure prompt decision-making.

It should be noted that the delegations to all Regional Heads have also been adapted, through the Organisational Designed process undertaken by the office of the Chief Operational Officer, to provide for their new functions in the regions and to address the situation that in the past the Regional Offices were frustrated by a lack of authority.

The redefinition of the functions of the Registrars and Clerk of courts have been finalized to ensure that the said officers play a critical role in improving the management of cases through the court system.

### **Relationship between the Head of Court and Court Manager**

The matter was discussed at a meeting of the Magistrates Commission held on 25 November 2004. It is resolved that the Secretary should determine from all Heads of administrative regions where problems regarding the relationship between the head of court and court manager are experienced within their respective regions. The particulars should be provided to the Department of Justice and Constitutional Development to allow it to target those areas apart from their general programme to consult with Heads of administrative regions, Heads of office and Court Managers.

The secretary to the Magistrates Commission subsequently requested all Cluster Heads and Regional Court Presidents to provide him before 21 January 2005 with particulars, if any, of those magistrates' offices within their administrative regions where problems regarding the relationship between the head of court and court manager are experienced to enable him to provide the particulars to the Department as was resolved by the Magistrates Commission. According to the secretary of the Magistrates Commission very little feedback was received from the magistracy. The Cluster Heads and Regional Court Presidents indicated the problems relate to operational issues and are being dealt with at local level. Since the request from the commission to provide particulars of problems relating to the relationship between the magistracy and the administration, the Magistrates Commission did not receive any complaints from the magistracy.

Problems from the following magistrates' offices were reported and dealt with: Alberton, Germiston, Cullinan, Atlantis, Malmesbury, Paarl,

George, Atamelang and Ennambithi.

The rollout programme will be dealt with at the briefing.

➤ **Dedicated Courts**

Commercial, Community and other dedicated courts will be continued with as part of the strategy to ensure that courts focus on productivity as a measurement of success. Our strategy is to deal with these courts as part of our court structure and to ensure that the other courts also receive additional attention and resources so that all courts can deliver improved services.

The current model of community courts is to be integrated into the original concept intended to focus on enhancing community justice through strengthening traditional courts in rural areas and relevant structures in the townships.

In addition to the original Hatfield court, the establishment of three Western Cape Community Courts (at Cape Town, Mitchells Plain and Gugulethu) was approved by the Minister on 17 November 2004.

Hereafter, **five (5) projects** commenced by the end of October 2004:

- 1) Umtata (EC),
- 2) Bloemfontein (FS),
- 3) Phuthaditjaba (FS),
- 4) Thohoyandou (Limpopo), and
- 5) Kimberley (NC).

Since then **four (4) more** commenced:

- 1) Point (Durban, KZN),
- 2) KwaMashu (Ntuzuma, KZN)
- 3) Hillbrow, (Gauteng)
- 4) Orlando (Gauteng)

14<sup>th</sup> court: Mabopane (Odi) has recently been approved as a site.

15<sup>th</sup> court: Hatfield 2 has recently been approved as a pilot site.

**There are therefore at present, a total of fourteen (14) operational community courts.**

Other sites being considered are:

- Port Elizabeth (EC),
- Mankweng (Limpopo),
- Mabopane (Odi) (NW),
- Potchefstroom (NW)

- Kanyamazane (Mpumalanga),
- Ikageng, (NW)
- Vosman (Witbank);
- Mhluzi (Middelburg)
- Mdantsane (EC),
- Hatfield Court Nr. 2 (Gauteng)

Challenges have been not enough magistrates to sit as presiding officers in Mpumalanga and North West in particular. The Odi/ Garankuwa site in North West was about to start when the cross border issue arose, with that part now going to Gauteng.

Although full statistics are not available regarding each and every community court at the moment – we are working on a reporting template and mechanism – some of the evaluation studies carried out shows very good performance rates. For example, since the start of the first such court (Hatfield) in 2004, the average conviction rate is 96%.

A recent study conducted by the University of the Western Cape indicated that the community courts are making a valuable contribution to justice in the areas they serve.

#### ➤ **Court Performance**

### **GENERAL DEMOGRAPHICS**

- The Higher and Supreme Court houses, (i.e. the Constitutional Court, Supreme Court of Appeal, Labour and Labour Appeal Court, Land Claims Court, Competition Appeal Court) and the 13 divisions of the High Court, uses approximately 198 court rooms on a permanent basis; and a further approximate 72 lower court rooms on a circuit/ temporary basis at the various magistrates district court houses. There are 218 permanent judges and at any given time also a fluctuating number of acting judges.
- The Department manages the above higher courts as well as approximately 751 magistrate court houses (with approximately 1821 court rooms throughout the country) with 1865 magistrates in those courts.
- The 751 Magistrates District Court houses comprises:
  - 366 magisterial districts each with its own main court house
  - 51 detached court houses,
  - 104 branch court houses and
  - 230 periodical court houses)

- The 751 court houses also accommodates 303 Regional Courts
- We also deal in addition to the criminal matters with civil matters and family law matters (maintenance, domestic violence), including children's matters at the above-mentioned magistrate court houses
- In addition to the above, we also provide presiding officers and other support to courts such as municipal/traffic courts, tax courts, and other dedicated courts (63 Sexual offences courts, 5 family court centres, Divorce courts, 14 community courts, 4 commercial crime courts, and a number of additional courts to help deal with the workload)
- In terms of access to district courts, each of the above main, detached and branch court centres serve, on average, 95 361 people (country population 44.8 million people)
- Furthermore, there is currently approximately one court centre per 1 176 square km (South Africa extends over 1 219 090 square km).
- 56.3% of the population are living in urban areas and 43.7% in rural areas

To assist with the work, 40 new magistrates' posts (15 at regional court level) were created in 2005. The plans is to fill all created positions before the end of the current financial year. Heads of Courts have been encouraged to made acting appointments against the newly created positions to manage the workload.

#### **PROVINCE**

Gauteng	Roodepoort	1
	Protea	1
	Sebokeng (Vereeniging)	1
	Brakpan (Tsakane)	1
	Alberton	1
	Atteridgeville	1
	Soweto	1
	Alexandra	1
	Kagiso	1
	Tembisa	1
Mpumalanga	Middleburg	1
	Nelspruit	1

Eastern Cape	Mthatha (Umtata)	1
	Butterworth	1
	Mount Frere	1
	Zwelitsha	1
	Mdantsane	1
Limpopo	Sekhukhune	1
	Mankweng	1
	Thohoyandou	1
	Seshego	1
Northern Cape	Upington	1
	Kimberley	1
North West	Tlhabane (Bafokeng)	1
	Ikageng	1
	Rustenburg	1
Western Cape	Paarl	1
	Bellville	2
	Wynberg	1
	Khayelitsha	2
	Somerset West	1
	Wynberg (Phillipi)	1
	Bluedowns	1
	Themba	1
Kwazulu-Natal	Ixopo (Pungashe)	1
	Ntuzuma	1
	Pinetown	1
		<b>40</b>

### Supreme Court of Appeal – statistics

The Supreme Court of Appeal received 166 appeals against civil judgments compared to 176 in 2004. In respect of criminal judgments 31 appeals were lodged with the SCA. The number of criminal appeals finalised by the full bench of the divisions of the high courts are 184. The Supreme Court of Appeal also received 671 petitions for leave to appeal in 2005 compared to 667 in 2004.

**Nine cases were outstanding and 13 new cases were registered for 2005 resulting in a work load of 22.** Thirteen cases were heard and 18 judgments were handed down.