

**Figure 3: Racial Composition of the Magistracy as on 30 August 2005**

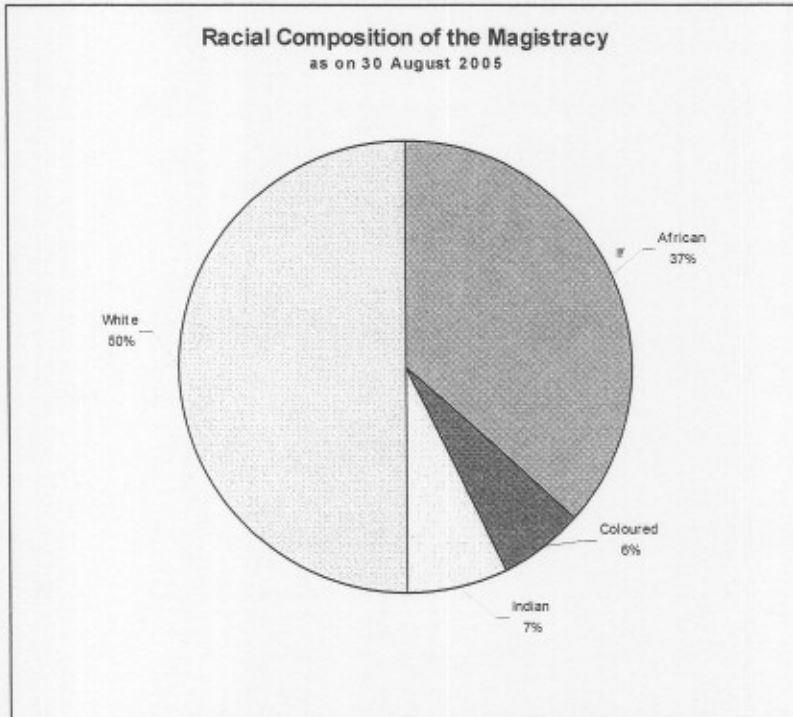
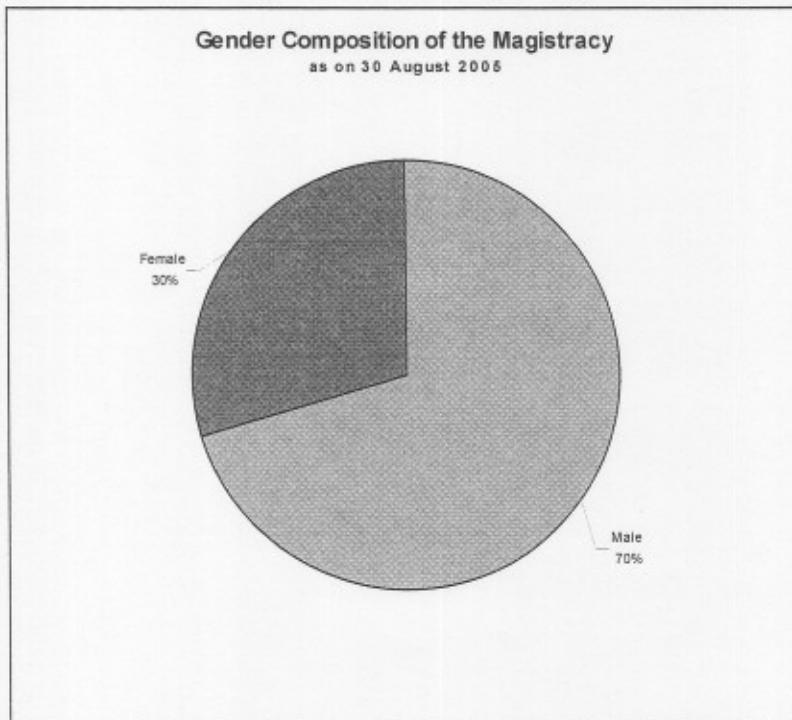


Figure 4 below, shows that in terms of gender, 70% of the magistracy is male and 30% is female.

**Figure 4: Gender Composition of the Magistracy as on 30 August 2005**



**1. The following impact on policy on the transformation of the judiciary**

- Re-demarcation of magisterial districts & jurisdictions (including addressing the impact of elimination of cross boundaries municipalities on the courts) – *this has been dealt with earlier*
- Rationalisation of the lower courts to align them with the Superior Courts (district/branch/periodical courts) – *this has been dealt with earlier*
- Integration of specialised courts (Divorce Courts established in terms of the repealed Black Administration Act, Small Claims Courts) and Dedicated courts (Sexual Offences Courts, Maintenance Courts, Commercial Crimes Courts) – *A workshop was held during 2005 to assist with the development of a framework in this regard and work in this regard is continuing.*

**2. Leadership role of the Heads of Courts**

- The Constitution Amendment Bill and the Superior Courts Bill give judicial administrative authority to the Chief Justice to manage the judiciary and the Judges President to manage their respective divisions of the High Court.
- National Treasury has provided funding for the establishment of a limited administrative structure in the Office of the Chief Justice to provide administrative capacity to assist the Chief Justice in his judicial leadership role. The position of Executive Director (Chief Director) has been created and filled and positions of Manager for the coordination of judicial education and the Judicial Service Commission will be filled before the end of the current financial year.
- The Judges President have an extended responsibility of managing lower courts within their divisions
- Regional Court Presidents/Chief Magistrates/Cluster Heads manage their respective lower courts. The re-grading of Heads of lower courts, Cluster Heads/Regional Court President/Chief Magistrates / Senior Magistrates will be addressed with the review of the lower court structure.

**3. Governance / regulatory framework** (Being dealt with in conjunction with the Minister and the Heads of Courts)

- Discussion are underway to consider the alignment/integration of the work of the Judicial Service Commission and the Magistrates Commission as part of ensuring single judiciary. (this exercise could

take the form of integrating the Magistrates Commission to be a substructure of JSC (Form and structure)

#### **4. Complaints Handling mechanism for judicial officers**

- The Judicial Service Commission Amendment Bill, The Magistrates Commission Amendment Bill and the Judicial Conduct Tribunal Bill which seek to establish a uniform complaints handling mechanism for judges and magistrates are being discussed with the judiciary. The Bills are scheduled to be submitted to Cabinet in April and to Parliament during the second quarter of this year.

#### **5. Framework for judicial education** (Being dealt with in conjunction with the Minister and the Heads of Courts)

- A policy position has been taken to provide for the Chief Justice to assume the responsibility for judicial education while Justice College is being restructured to provide legal and administrative training to justice officials. Judicial education will integrate the training of judges and magistrates.

#### **6. Transforming the Sheriff's profession**

- A project has been established within the Department to coordinate to the transformation of the Sheriffs with the Board for Sheriffs.

#### **7. Promotion of multilingualism in court processes & court proceedings**

- A joint task team comprising the Department, PANSALB and the Department of Arts and Culture has been established to develop a language policy suited for the courts. A draft policy document will be completed by 31 March 2006 upon which a consultative forum will be organised to further discuss the document. The final policy document is expected to be finalised by August 2006. The policy document will provide, among others:
  - Language of record & proceedings
  - Interpretation & translation (including sign language)
  - Access to records for persons with disability

#### **LEARNERSHIP DEVELOPMENT: COURT INTERPRETING**

The proposed qualification, National Certificate: Court Interpreting completed its public comment phase during November 2005. Accordingly, the design team has embarked on the development of the learning material for the legal unit standards.

## LAY ASSESSORS

Six pilot sites have been identified to facilitate the development and implementation of a lay assessors system envisaged by the Magistrate Court Amendment Act, 1998. Once the regulations are proclaimed the project will be extended to other sites to be identified.

During the current financial year an amount of R10M has been set aside for the implementation of the pilot project. The amount has been transferred to the pilot sites as follows:

Cape Town	R1, 170 000.00
Emlazi	R 448, 615.00
Polokwane	R 746 000.00
Port Elizabeth	R1, 100,000.00
Pretoria	R3, 186,468.00
Protea North	R1, 170,000.00
Uppington	R 255,820.00

### ▪ CHALLENGES MET AND HOW WE SEEK TO DEAL WITH THEM

The main challenge for Court Services remains a lack of human resource capacity and the backlog in this regard since the 1997/98 financial years. The review of the capacity needs including the staffing norms and appropriate structures is expected to be completed by July 2006. This exercise is conducted in collaboration with DPSA and National Treasury and a joint task team has been established for the purpose. National Treasury has allocated sufficient funds for the 2006 to enhance capacity at the courts.

The following areas still require attention:

- Security
- Lay assessors (less than 20 courts covered)
- Maintenance Investigators (conservative approach)
- Court capacity (limited to creating posts in an incremental approach based on pressure points)
- Family Advocacy roll out
- Monitoring of court performance
- Legislative implementation in the past and future

#### **Other Challenges:**

#### **Challenges regarding Re-demarcation**

In dealing with the re-demarcation process we encountered several challenges –

- The finalization of the re-demarcation reports in order to reflect the new municipal boundaries.
- The finalization of the maps of each province and certification as correct by the Offices of the Surveyor-General.
- The adequate re-deployment of human resources in terms of the *Re Aga Boswa* Project and in line with the re-demarcation process to ensure effective and efficient service delivery at the courts.

We will deal with this through the allocation of more resources.

### **Challenges regarding Vulnerable Groups**

In dealing with family law related matters we encountered several challenges –

- Lack of capacity in this area result in the backlog of maintenance cases and impact hugely on poverty alleviation for millions of children who are dependent on maintenance for their livelihood. Similar challenges exist in relation to domestic violence cases.
- Operation Isondlo has generated public interest and as a result many people are flocking to the courts to access family law services. This in turn put a strain on the already over-stretched administrative capacity at the courts and the capacity will have to be increased to meet customer expectations. The needed capacity will have to take into consideration the budget constraints.

To deal with this additional resources have been appointed as set out above.

### **Challenges regarding the Family Advocates**

In dealing with the functions of the family advocate we encountered several challenges –

- Capacity problems nationally, prevent the rendering of a holistic family mediation service, thus causing families to receive services in a fragmented manner.
- The offices in the provinces are not able to cope with the demand for the service especially in the domestic violence courts due to the high volume of matters.

- The lack of adequate family counselor capacity prolongs case cycle times, in urgent applications.

To deal with this additional resources have been appointed as set out above.

## II. PRIORITIES FOR 2006

### 2006/07 budget

#### Budget Per Program 2006/07

<b>PROGRAMME 1 (Strategic Management Support and Policy Development)</b>	
Facilitation of the transformation of the Judiciary	10 000 000
Redemarcation of Magisterial Districts	2 000 000
Language Services	6 900 000
Court Nerve centre	2 000 000
Re Aga Boswa	50 000 000
Capicitation of the Office of the Chief Justice	3 780 000
Appointments of Magistrates & Norms	
Salaries and Allowances of the Judges & Magistrates	
Lay assessors	19 000 000
High Court researchers	
Arbitration & ADR	3 000 000
Transformation of the Sheriffs	2 000 000
<b>TOTAL</b>	<b>98 680 000</b>

<b>PROGRAMME 2 (Court Performance)</b>	
Registrars	6 750 000
High Court Researchers	6 000 000
Case flow management	15 000 000
Court Managers Development	2 400 000
CFM Centres	4 700 000
Court Intership	
Tariff Increase: Expert witnessess	3 000 000
Additional Courts	15 000 000
Witness Fees	7 250 000
Review Criminal Justice System	5 000 000
Quality Management Framework	
Minimum Sentences	
Community courts & Commercial Crime Prevention	
Restorative Justice	
Court Integrity	
<b>TOTAL</b>	<b>65 100 000</b>

**PROGRAMME 3 (Vulnerable groups)**

Family Courts	25 579 337
Child Justice	13 715 000
Maintenance	31 650 000
Equality Court	12 660 000
Domestic Violence	3 000 000
Sexual Offences Courts	11 628 380
Small Claims Court	527 500
Victim Support Programmes	15 825 000
Court Intermediaries	7 912 000
Service Charter for victims (Courts aspects)	
Family Revitalisation	
<b>TOTAL</b>	<b>122 497 217</b>

**PROGRAMME 4 (Facilities management)**

Libraries	2 000 000
Upgrading a Maintenance of Court infrastructure	<b>38 315 000</b>
Security & Security for Judges	
Departmental & Judges Vehicles	28 863 000
Rehabilitation of Courts	50 000 000
Capital Works	268 134 000
IT interface JDAS/MMT	
<b>TOTAL</b>	

**PROGRAMME 5 (Family advocates)**

Family Councillors	7 500 000
Extension of the Family Advocacy	15 000 000
<b>TOTAL</b>	<b>22 500 000</b>
<b>Grand total</b>	

Further funding aspects will be covered at the briefing.

- Planning for 2006

**Facility Management****Budget Breakdown for 2006/2007**

	Budget
Infrastructure Development	
Capital Works	R268 134 M
RAMP	R 50 000 M
Accommodation Charges	R109 444 M ***
Leases	R114 892 M ***
Municipal Services	R 87 697 M ***
Day to Day Maintenance	R 21 500 M ***

Upgrading of Infrastructure	R 38 315 M
GG and Judges Vehicles	R 28 863 M
Libraries / High Courts	R 2 000 M
<b>Sub-Total</b>	<b>R718 845 M</b>
<b>Security</b>	
Guarding Services	R 40 000 M
Cash In Transit	R 50 000 M
Physical Security Infrastructure	R 17 865 M
Sub-Total	R107 865 M
<b>TOTAL</b>	<b>R826 710 M</b>

\*\*\* Budget transferred from the Department of Public Works as part of Devolution of Budget

<b>Planned Projects for 2006/2007</b>
<ul style="list-style-type: none"> <li>▪ All courts to be provided with Cash-in Transit services</li> <li>▪ Improve physical security in all courts by ensuring that all courts have proper fencing and lights to improve visibility.</li> <li>▪ Further security audit to be conducted to identify additional need for physical security</li> </ul>
<ul style="list-style-type: none"> <li>▪ New Courts are planned for the following URP nodes: <ul style="list-style-type: none"> <li>○ <u>Motherwell</u>: New building in construction – completion date 1 December 2006.</li> <li>○ <u>Galeshewe</u>: A suitable site has been obtained and planning of new building commenced.</li> <li>○ <u>Ntuzuma</u>: A suitable site was identified for a new building and negotiations for purchase underway.</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>▪ 100 new courts to be registered on RAMP bringing to 360 total number of courts on the programme.</li> <li>▪ Improving sanitation in Rural Areas</li> <li>▪ Provide new coat of arms to remaining 701 courts nationwide.</li> </ul>
<ul style="list-style-type: none"> <li>▪ A total of 10 new court buildings to be constructed in the financial year 2006/2007 (see attached annexure)</li> <li>▪ These are all in disadvantaged areas</li> <li>▪ Major additions planned for 7 court buildings</li> </ul>
<ul style="list-style-type: none"> <li>▪ A total of R10m is to be spent on improving accessibility for the disabled to courts</li> </ul>

**MAJOR CAPITAL WORKS PROJECTS TO BE COMPLETED OR IN RESPECT OF WHICH CONSTRUCTION WILL BE IN PROGRESS IN 2006/2007 FINANCIAL YEAR**

<b>OFFICE</b>	<b>CENTRE</b>	<b>SERVICE</b>
Kagiso	Branch Court	New Building
Colesberg	Magistrate's Office	New building
Stanger	Magistrate's Office	Additional Accommodation and courts
Johannesburg	High Court	Additional judge's chambers and courts
Butterworth	Magistrate's Office	Additional Accommodation and courts



Galeshewe	Branch Court	New Building
Augrabies	Community Safety Centre	New Building
Thabong	Community Safety Centre	New Building
Daveyton	Branch Court	New Building
Tsakane	Branch Court	New Building
Motherwell	Magistrate's Office	New Building
Pietermaritzburg	Magistrate's Office	Additional Accommodation / Courts and Installations
Bloemfontein	Supreme Court of Appeal	Additional Accommodation / Courts
Port Elizabeth	Child Justice Centre	Additional Accommodation / Courts
Mitchell's Plain	Magistrate's Office	Additional Accommodation / Courts
Sekgosese	Magistrate's Office	Refurbishment / Relocation
Madadeni	Magistrate's Office	New Building
Ekangala	Magistrate's Office	New Building

### **COURT BUILDINGS TO BE RENOVATED IN 2006/2007**

Buildings in Maintenance Phase (All repairs to be completed)	59
Buildings in Repair Phase	76
<b>Total</b>	<b>135</b>

The department is in the process of making formal arrangements with National Department of Public Works for the execution of Maintenance work. This is in line with the decision to devolve the Maintenance budget to the clients department. To overcome the capacity problem with regard to the technical skills require in the management of the Maintenance, it is the intention of thus department to sign a Service Level Agreement (SLA) with the Department of Public Works. This will be on the bases that DPW remains responsible for the project Management function on behalf of the Department of Justice.

However the department will be responsible for the planning and management of the budget including prioritization of both Capital Works and Maintenance.

To this regard, the department intends to capacitate the Facilities Management section to enable it to handle the Co-ordination function as well as the planning. This will include the functional training as well as appointment of Regional Facilities Managers who will act as liaisons with the Regional Public Works at Regional level.

### **MAJOR CAPITAL WORKS PROJECTS TO BE COMPLETED OR IN RESPECT OF WHICH CONSTRUCTION WILL BE IN PROGRESS IN 2006/2007 FINANCIAL YEAR**

<b>OFFICE</b>	<b>CENTRE</b>	<b>SERVICE</b>
Kagiso	Branch Court	New Building
Colesberg	Magistrate's Office	New building
Stanger	Magistrate's Office	Additional Accommodation and courts
Johannesburg	High Court	Additional judge's chambers and courts
Butterworth	Magistrate's Office	Additional Accommodation and courts

Buildings in Repair Phase	76
<b>Total</b>	<b>125</b>

<b>Nelspruit</b>	<b>High Court</b>	<b>New Building</b>
Garies	Magistrate's Office	New Building
Kathlehong	Magistrate's Office	New Building
Keimoes	Magistrate's Office	New Building
Hankey	Magistrate's Office	New Building
Ntuzuma	Branch Court	New Building
Ashton	Periodical Court	New Building
Bityi	Periodical Court	New Building
Humansdorp	Magistrate's Office	Additional Courts
Soshanguve	Magistrate's Office	Additional Courts
Lutzville	Periodical Court	New Building
Inkanyesi	Magistrate's Office	New Building
Vulindlela	Magistrate's Office	New Building
Bredasdorp	Magistrate's Office	Additional Court
Hermanus	Magistrate's Office	New Building
Chrissiesmeer	Periodical Court	New Building
Davel	Periodical Court	New Building
Gilead	Periodical Court	New Building

Lothair	Periodical Court	New Building
Grootvlei	Periodical Court	New Building
Port Shepstone	Magistrate's Office	New Building

## Other Activities

### ▪ Plans regarding Vulnerable Groups :

An additional budget allocation will enable the department to appoint more Maintenance Officers, Investigators and Administration Officers with legal and paralegal qualifications. This is an attempt to enhance the caliber of personnel who work in Family law which will in turn improve the quality of service in accordance with the principles of Batho Pele.

Small Claims courts will be extended to rural and peri-urban areas thus extending the service to poor communities who cannot afford attorneys' fees.

Regulations will be revisited with view of transferring the management of Small Claims Courts from the Advisory Committees, who happen to be attorneys to Court Managers.

### ▪ Re-demarcation

The Department will continue with its efforts to finalize the re-demarcation process in accordance with the new legislation and also in conjunction with the Re Aga Boswa Project.

### ▪ Case Flow

We will continue with the work of establishing an integrated case flow management system approach across the criminal justice value chain to ensure greater participation and cooperation. Activities being planned, include the following:

- Facilitate change management on Case Flow Management for the court system stakeholders and support implementation processes at court level through conducting workshops at Sub Cluster and Cluster level.
- Facilitate the development of Case Flow Management plans according to the approved templates at court level and monitor the performance of courts.
- Facilitate the establishment of CFM stakeholder forums and align same with provincial and local JCPS forums.

### **Integrated Case Flow Management Centres**

- Roll out of the Integrated Case Flow Management Centre concept to 40 additional lower criminal courts.

### **E-Scheduler**

- Convert the existing courts operating the e-scheduler to the latest version.
- Roll out of the e-scheduler to 40 additional lower criminal courts

### **Audio-visual postponement of criminal cases in the lower courts**

- Monitor the functionality of the equipment/infrastructure being utilized
- Enhance the functionality of the equipment/infrastructure and processes where possible
- Project impact study to be conducted and tabled at the end of April 2006
- Draft legislation to amend the Criminal Procedure Act to make provision for video remands
- Further roll out of the concept according to the approved project plan

### **Court Management Development Programme**

- Facilitate the completion of the currently running Court Management Learnership Programme scheduled to be completed by December 2006.
- Facilitate and coordinate capacity development for mentorship and assessment to support the Learnership Programme in respect of all newly appointed area court managers (deputy directors)
- Facilitate roll out of the Learnership Programme to further 100 Court Managers/Administrative Control Officers
- Facilitate the placement of the Court Management Development Programme as part of the restructured Justice College
- Finalise the development of and facilitate the implementation of court interpreting services learnerships

### **Additional Courts**

- Determine guidelines for the establishment of additional courts and participate in the identification of needy courts and continuously monitor and report on the performance of these courts

#### **Redefinition of the Registrars Dispensation**

- Investigate, develop and implement a new Registrars dispensation to support CFM in the lower court environment
- Initiate policy development for Registrars in the lower courts
- Initiate process to review the regulatory framework to facilitate CFM

#### **Lay assessors Priorities for 2006/07**

- Establishing lay assessors committees in some of the pilot sites.
- Providing office space to lay assessors.
- Finalise regulations.
- Implimentation of the outstanding sections of the Act.
- Monitoring implementation of the lay assessor system.

#### **Court Performance Monitoring and dealing with the analysis of info**

- The capacitation of court managers and the Court Nerve Centre will receive high priority this year.
- Dealing with case backlogs will be a JCPS cluster priority and the department will take a lead in this regard.

#### **OUR MAIN PRIORITIES WILL INCLUDE DEALING WITH THE FOLLOWING:**

- Roll out *Re Aga Boswa*
- Audit resource capacity at the courts to implement appropriate structures
- Transformation of judiciary including alignment JSC and MC
- Criminal Justice (and later Civil) Review
- Implementation of Legislation relating to courts
- Access to justice through inter alia facility management
- Security
- Improving court support services
- Monitoring court performance

### **III. CONCLUSION**

Though there are resource constraints, we are ready and determined to meet the challenges of the 21<sup>st</sup> century and beyond.