

Select Committee on Security and Constitutional Affairs

**Presentation by Mr. S Jiyane,
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STRUCTURE OF PRESENTATION

- **The role of Court Services**
 - Who are we?
 - What do we do?
 - Functional Components and Resources 2005
 - What we did with the Resources allocated
 - Challenges met and how we seek to deal with them
- **Priorities**
- **Planning for 2006 and budget**
- **Conclusion**

THE BRANCH COURT SERVICES

Branch Court Services

WHO ARE WE?

- To assist the Department to deal with its objectives, the Branch Court Services was established several years ago to focus directly on those aspects relating directly to the courts. This came about after intense deliberation on how to focus attention on our core functions relating to the administration of justice through courts and the fragmented approach across various branches in the past.
- In brief our goal is to develop and implement measures to support and assist the courts and to ensure their independence, impartiality, dignity, accessibility and effectiveness in accordance with the Constitution

WHAT DO WE DO?

- Court Services' **core function** can be viewed as:
- The facilitation of the adjudication of criminal matters, the resolution of civil disputes, the addressing of family law related matters, improving the situation of vulnerable groups and the management of courts facilities;
- The coordination and alignment of departmental strategies and programmes in relation to courts within the JCPS and Social clusters; and
- The monitoring and evaluation of the implementation of departmental policy in relation to courts.

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Overview regarding court services

- In practice this entails that we assist in the provision of integrated court services to the people of South Africa including –
 - The establishment and maintenance of court facilities
 - The provision of security to court facilities
 - Promoting cost-effective quality court services
 - Promoting effective management of the flow of cases through the court system
 - Ensuring the provision of appropriate human resources to staff the court services, including judicial, prosecutorial and administrative staff
 - Promoting participation in the integrated justice system within the cluster system of Government
 - Promoting communication with stakeholders and communities

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PRIORITIES OF THE JCPS CLUSTER

In relation to the criminal justice system, the following priorities should be noted:

- Continuing to implement the IJS programmes, predominantly in respect of modernising the justice system and improving the management of persons and cases through the justice system chain;
- Improving the effectiveness of the courts;
- Improving the effectiveness of the Criminal Justice System, in part, through a review of the Criminal Justice System;
- Reducing the backlog of cases pending trial and the related problem of awaiting trial detainees;
- Dealing with over-crowding in terms of awaiting trial detainees;
- Dealing with sexual offences;
- JCPS: Development Committee and JOINTS (2 JCPS sub-committees)
 - We have created co-ordinating structures to enhance the service delivery in the justice system at both provincial and local level where all role players are involved to address the effectiveness and efficiency of the Criminal Justice system

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Assistance to Traditional Leaders

- We will continue from Court Service's side to assist the Traditional Leaders with training
- During the past year we have been assisting them in the following ways:
 - TRAINING THEM AS **COMMISSIONERS OF OATHS** IN ALL THE PROVINCES
 - **DECENTRALISED TRAINING** ON THE FOLLOWING ASPECTS, IN CONJUNCTION WITH **JUSTICE COLLEGE** :
 - HUMAN RIGHTS
 - LAW OF EVIDENCE
 - JURISDICTION
 - SOCIAL CONTEXT
 - INTESTATE SUCCESSION
 - REVIEWS AND APPEALS(THIS TRAINING IS STILL CONTINUING IN ALL PROVINCES)
 - **DECENTRALISED TRAINING**, TOGETHER WITH THE **NATIONAL PROSECUTION AUTHORITY** (SOCA UNIT), REGARDING:
 - DOMESTIC VIOLENCE
 - SOCIAL CONTEXT ON DOMESTIC VIOLENCE
 - RESTORATIVE JUSTICE
 - CONFLICT RESOLUTION ON DOMESTIC VIOLENCE(THIS TRAINING IS BEING DEALT WITH IN PHASED APPROACH AND IS CONTINUING)

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Court Demographics

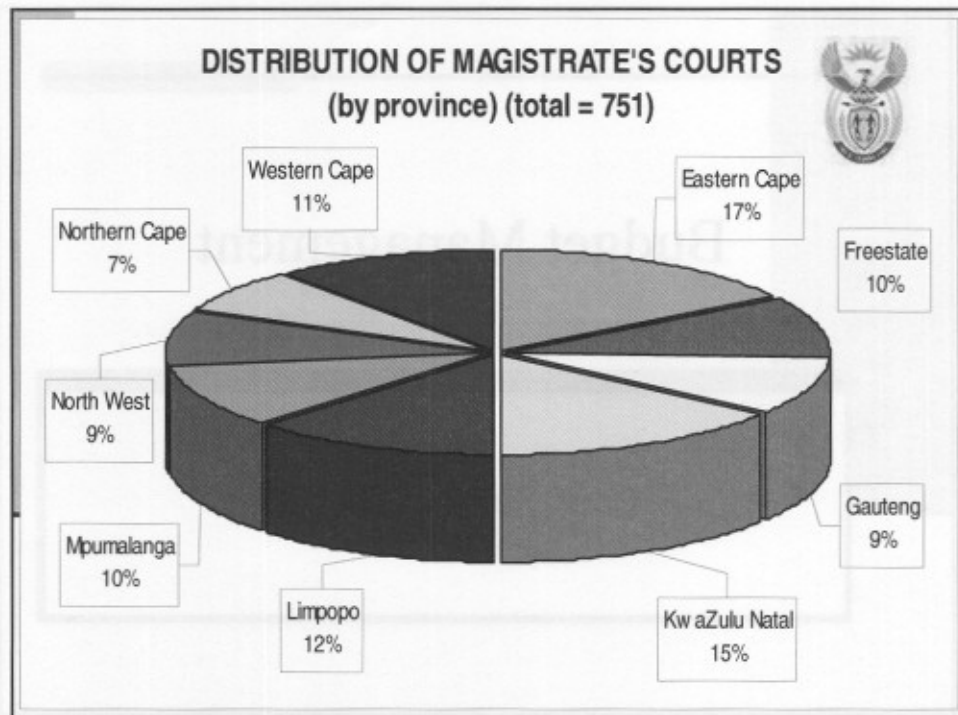
The Department manages close to 780 courts throughout the country, including –

- The Constitutional Court, Supreme Court of Appeal, and 13 divisions of the High Court
- 751 Magistrates District Court centres (366 magisterial districts each with its own main office as well as 51 detached offices, 104 branch courts and 230 periodical courts) and at those 751 court centres also 270 Regional Courts (on a daily basis on average 1063 court rooms are used and 556 regional court rooms)

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**

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STRATEGIC FOCUS

- Linking budget to strategy - DOJCD goals are:
 1. **Ensuring access to justice for all**
 2. **Enhancing Organizational Efficiency and**
 3. **Transforming Justice**

- Court Services is dealing with the above goals and the funds allocated to it through the courts and the following Programmes at National Office:
 - Programme Planning and Support Services
 - Court Performance
 - Vulnerable Groups
 - Facility/Infrastructure Management
 - Family Advocacy

Budget Management

Court Services Branch

Courts Services: Programme MTEF Allocations 2002/03 – 2008/09

Court Services	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
Constitutional Court	13,656	17,322	14,896	26,520	28,360	29,767	31,255
Supreme Court of Appeal	8,023	11,013	10,965	13,189	14,099	14,804	15,544
High Courts	136,296	170,048	184,808	140,806	155,522	163,291	171,456
Specialised Courts	17,709	19,089	16,779	36,166	40,661	45,596	47,875
Lower Courts	817,947	1,017,405	990,678	1,514,231	1,845,856	2,110,925	2,344,753
Family Advocates	15,744	21,034	28,452	34,490	36,870	38,713	40,649
Magistrate's Commission	4,322	5,451	10,959	4,990	5,334	5,601	5,881
Government Motor Transport	15,064	15,749	8,956	27,000	28,863	30,306	31,821
Capital Works	271,138	244,739	243,523	317,975	268,134	293,622	306,303
Administration of Courts	157,407	167,454	176,938	174,210	186,067	195,359	205,127
TOTAL	1,456,306	1,689,304	1,686,954	2,289,577	2,609,746	2,927,983	3,202,664
Year on Year growth		16.0%	-0.1%	35.7%	14.0%	12.2%	9.4%

Expenditure is expected to continue to rise rapidly, at an average annual rate of 11,8 per cent between 2005/06 and 2008/09, from R2,3 billion to R3,2 billion. This increase will provide for the rehabilitation and day-to-day maintenance of court buildings, management capacity at court level, integrated case flow management and the provision of business productivity solutions (IT).

Courts Services 2005/06 :Budget Division

Budget Allocation per Standard Item	2005/06	2006/07	Growth
Current payments			
Compensation of employees	1,050,950,000	1,286,373,000	22.4%
Goods and services	638,580,000	766,276,000	20.0%
Total current payments	1,689,530,000	2,052,649,000	21.5%
Current transfers			
Provinces and municipalities	3,290,000	6,317,000	92.0%
Departmental agencies and accounts			
Universities and technicians			
Foreign governments & international organisations			
Public corporations & private enterprises			
Total Transfers and Subsidies	3,290,000	6,317,000	92.0%
Payments for capital assets			
Buildings and other fixed structures	317,975,000	287,934,000	-9.4%
Machinery and equipment	97,168,000	92,182,000	-5.1%
Cultivated assets		-	
Software and other intangible assets	243,000	275,000	13.2%
Land and subsoil assets		-	
Total payments for capital assets	415,386,000	380,391,000	-8.4%
TOTAL BUDGET	2,108,206,000	2,439,357,000	15.7%

Treasury Programme 2: Courts Services Final expenditure (Unaudited) : 2005/06

Programme 2 Court Services	Budget Allocation	Final Expenditure	Variance
BUILDINGS & OTHER FIX STRUCT	317,975,000.00	291,326,938.14	26,648,061.86
COMPENSATION OF EMPLOYEES	1,021,901,353.00	972,927,266.93	48,974,066.07
DEPARTMENTAL AGENCIES & ACCOUN		(8,300.00)	8,300.00
FIN TRANS IN ASSETS&LIABILITIE		-	-
FOREIGN GOV&INTERNATIONAL ORGA		83,840.36	(83,840.36)
GOODS AND SERVICES	846,527,224.00	587,959,913.97	258,567,310.03
TRANSFER TO HOUSEHOLDS		6,766,746.24	(6,766,746.24)
MACHINERY & EQUIPMENT	111,404,329.00	79,072,027.97	32,332,301.03
PROVINCIAL AND LOCAL GOVERNMEN	3,615,000.00	2,992,424.35	622,575.65
SOFTWARE & OTHER INTANGIBLE AS	243,000.00	334,632.31	(91,632.31)
UNAUTHORISED EXPENDITURE		(200.00)	200.00
Grand Total	2,301,665,966.00	1,941,455,319.27	360,210,595.73

Overall expenditure is relatively low (at 84.35 per cent), mainly because of under spending on

- Compensation of employees, (95, 2%)
- Goods and Services (69.5 per cent),
- Machinery and equipment (71,0 per cent) and
- Buildings and other fixed structures (91,6 per cent).

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Court Services: Reasons for under spending

Compensation of employees (R48,8 million)

- The department had previously experienced under funding of personnel for the court services programme. In order to address this shortfall the department rationalised the extension of the establishment and with additional Treasury allocations managed to stay within the budget allocation.
- The department can only now continue to extend the establishment in a managed process without the risk of incurring unauthorised expenditure.
- Government and departmental priorities not yet finalised such as the finalisation of the Children Bill, the Child Justice Bill, the Sexual Offences Bill, appointment of lay assessors and extension of role of the family advocate and strengthening the maintenance system can now be addressed

Goods and services (R258 Million)

- Delays in the finalisation of the money's in trust projects
- Government transport expenditure – Outstanding claims from Provincial Transport Departments
- The significant cost saving impact of savings because of the reduction in subsistence and travelling cost (and concurrently cost of accommodation and transport expenditure)
- Savings in operational cost because of delays in the establishment of certain offices (Court Management capacity for which court manager post were advertised in that are currently in process to be filled etc)

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Court Services: Reasons for under spending cont.

Machinery and equipment (R32, 3 Million)

- The non filling of vacant posts to stabilise the personnel budget resulted in savings in the facilities allocation for office equipment and refurbishing.

Buildings and other fixed structures (R26,6 million)

- Delays were experienced in the finalisation of certain capital projects – New court buildings and additional accommodation (For example the courts at Kagiso and Stanger) and
- Upgrading of infrastructure projects still in progress - Supply and installation of Burglar proofing, X- ray machines and Metal detectors, Installation of court system in sexual offences courts (Wynberg Court) and shelving for record rooms and archives in Pretoria Magistrate Office.

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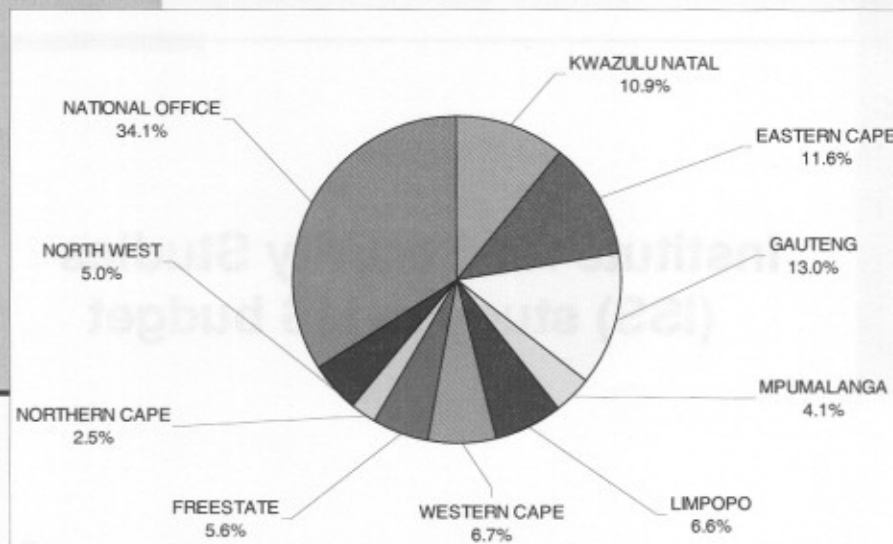
Courts Services - Regional Budget Allocation

	2005/06	2006/07	Growth
KWAZULU NATAL	202,280,000	265,303,000	31.2%
EASTERN CAPE	229,260,000	282,785,000	23.3%
GAUTENG	240,460,000	317,208,000	31.9%
MPUMALANGA	71,810,000	98,883,000	37.7%
LIMPOPO	128,010,000	160,890,000	25.7%
WESTERN CAPE	122,200,000	163,512,000	33.8%
FREESTATE	107,770,000	135,764,000	26.0%
NORTHERN CAPE	38,200,000	61,331,000	60.6%
NORTH WEST	85,790,000	121,064,000	41.1%
NATIONAL OFFICE	882,426,000	832,617,000	-5.6%
TOTAL BUDGET	2,108,206,000	2,439,357,000	

Please note: The budget makes provision for substantial allocations to the regions for project implementation

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Courts Services Proportional Budget Division



Courts Services Project Funding to Regions

PROVINCE	Amount
EASTERN CAPE	27,886,000.00
FREE STATE	14,787,000.00
GAUTENG	59,167,000.00
KWAZULU NATAL	41,997,000.00
LIMPOPO PROVINCE	22,063,000.00
MPUMALANGA	19,473,000.00
NORTH WEST PROVINCE	27,213,000.00
NORTHERN CAPE	17,230,000.00
WESTERN CAPE	25,104,000.00
TOTAL	254,920,000.00

This slide represents the additional allocations to regions to fund departmental projects such as Re-Aga Boswa implementation, Appointment of Maintenance investigators, Lay assessors, upgrading of infrastructure etc

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Institute for Security Studies (ISS) study re IJS budget

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