

MANDATE cont.

1. **Natural Fathers of Children born out of Wedlock Act, 1997**
 2. **Recognition of Customary Marriages Act, 1998**
 3. **Divorce Courts Amendment Act 1998**
 4. **Domestic Violence Act, as amended by the Judicial Matters Second Amendment Act 2005 (JMSAA)**
 5. **Maintenance Act, also as amended by the JMSAA**
 6. **The Hague Convention on the Civil Aspects of International Child Abduction Act, 1996**
- The High Court as upper guardian of all minor children, refers any matter it deems necessary to the F.A.
 - Inter-country Adoption matters brought before the High Court

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SERVICE DELIVERY POINTS

The following offices have been established:

- Gauteng- Pretoria, Johannesburg
- Free State – Bloemfontein
- Western Cape- Cape Town, George
- Eastern Cape – P.E, Mthatha, Buffalo City
- Limpopo – Lebowakgomo
- Mpumalanga – Nelspruit
- Northern Cape – Kimberly
- Kwazulu –Natal – Durban, Pietermaritzburg
- North West - Mafikeng

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FAMILY COUNSELLORS

- Since its inception the office of the Family Advocate has been dependant on the department of Social Development to second social workers to be appointed as Family Counsellors. Such appointments are made by the Minister of Justice and Constitutional Development in terms of Section 3 of the "Principal Act".
- To date only 19 such secondments have been made, in respect of 4 provinces. No secondments are available in the Western Cape, Mpumalanga, Limpopo, Northern Cape and North West.
- In an endeavour to alleviate the problem, a new post class: Family Counsellor was created on the F.A. establishment. Thirty eight out of forty posts have been filled.
- An additional 10 posts will be created during 2006 / 7 financial year.

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ANNUAL STATISTICS

Name of office	No of F.A.	No of F.C.	High Court Pleading	Divorce Court Pleading	Settlements Agreement	Enquiries Requested by parties	Enquiries Initiated by F.A.	Enquiries by Court	Correspondence		Enquiries finalised	Reconciliation
									In	Out		
1. Bloemfontein												
2. Buffalo City	1	1	1006	935	83	76	256	8	1241	1184	350	12
3. Cape Town	5	4	9689	5196	2108	831	164	325	6931	18146	1570	58
4. Durban	4	5	937	2550	857	884	4	53	2382	7741	691	22
5. Port Elizabeth	2	3	2164	1853	573	226	147	196	4830	3977	755	11
6. George	1	1	617	353	250	161	60	78	1639	1702	185	43
7. Johannesburg	5	4	1565	797	2083	522	0	470	3028	2807	698	29
8. Kimberly	1	1	377	367	199	95	90	10	3147	2623	207	0
9. Mafikeng	1	1	24	197	115	83	4	13	226	249	63	0
10. Mthunzi	1	1	273	221	4	62	17	1	948	1012	135	2
11. Nelspruit	1	1	203	144	25	36	0	12	258	169	51	4
12. Pietermaritzburg	1	2	428	517	527	215	179	100	634	4702	884	89
13. Polokwane	1	1	939	197	63	160	0	95	364	91	96	28
14. Port Elizabeth	2	3	2164	1853	573	226	147	196	4830	3977	755	11
15. Pretoria	5	4	3710	1518	2355	682	0	259	7235	2036	754	184
Total	33	32	22724	15696	9962	4259	1132	1662	36810	4982	6842	482

FUTURE EXPANSION PLAN						
AVAILABLE				NEEDED		
Province	F/A	F/C	SERVICE DELIVERY POINT	F/A	F/C	PROPOSED ADDITIONAL SERVICE DELIVERY POINTS
1. Gauteng	5 5	5 5	Johannesburg Pretoria	10	10	Soweto Hammanskraal Soshanguve
2. Free State	4	3	Bloemfontein	5	7	Phuthaditjaba, Welkom
3. North West	1	1	Mafikeng	4	6	Thabane Potchefstroom
4. Western Cape	5	7	Cape Town George	10	12	Worcester Vredendal Mitchells Plain Khayelitsha Beaufort West
5. Eastern Cape	5	6	Port Elizabeth Buffalo City Umtata	5	7	Graaffreinet Queenstown
6. Limpopo	1	1	Letibolegomo	4	7	Mkopane Louis Trichard Nylstroom
7. Mpumalanga	1	1	Nelspruit	5	7	KwaMhlanga Barberton
8. Northern Cape	1	1	Kimberly	4	7	Uptington Springbok
9. KwaZulu-Natal	5	7	Durban Pietermaritzburg	8	10	NewCastle, Ntuzuma Kokstad Nongoma
TOTAL	33	37		55	73	

BUDGET

- The total allocation for the F.A for 2005/6 was R34,4m. Current personnel expenditure is R31,8m
- No over/under expenditure is anticipated in the current financial year, due to scaled down activities in the provinces
- An additional allocation of R29m towards personnel expenditure will make the efficient execution of our mandate possible



COURT PERFORMANCE (PROGRAM 2)

Court Performance

Backlog of cases / Monitoring Court Performance

- **It is clear that court performance is not only dependant on additional resources, but on management at court level**
(and here the judiciary have a crucial role)
- Additional measures to assist in clearing the backlogs include:
 - RAB as support mechanism to capacitate courts and improve court management
 - Integrated Case Flow Management Centres
 - Dedicated Courts (Commercial crime; environmental; community courts)
 - Additional capacity/courts
 - Review of CJS
 - Court Nerve Centre

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REVIEW OF CRIMINAL JUSTICE SYSTEM

This is a JCPS initiative led by DOJCD and based on approved Terms of Reference :

- Review Team for political guidance, to be constituted by the Minister
- Research Team to be constituted by April 2006, by the DG
- A scoping session on the Review to be conducted by April 2006 so as to develop an integrated plan

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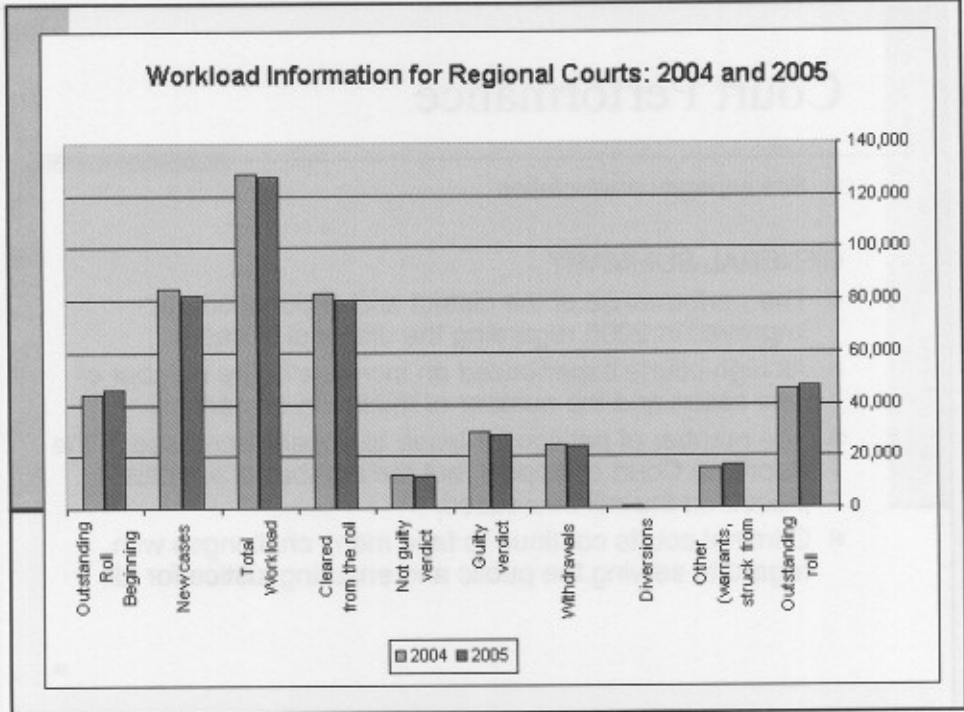
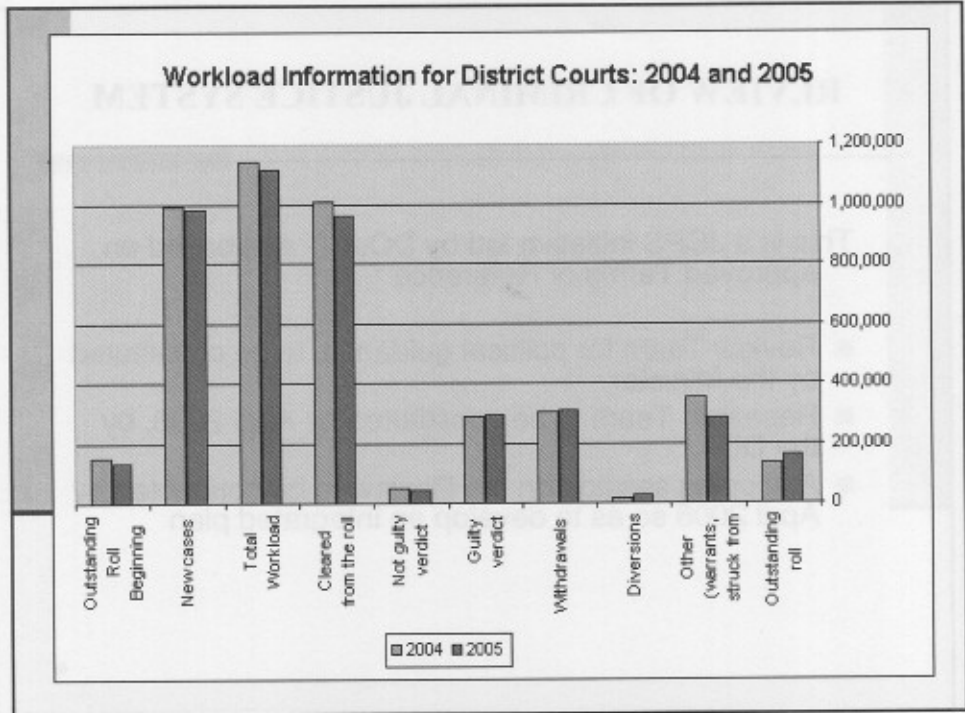
Court Performance

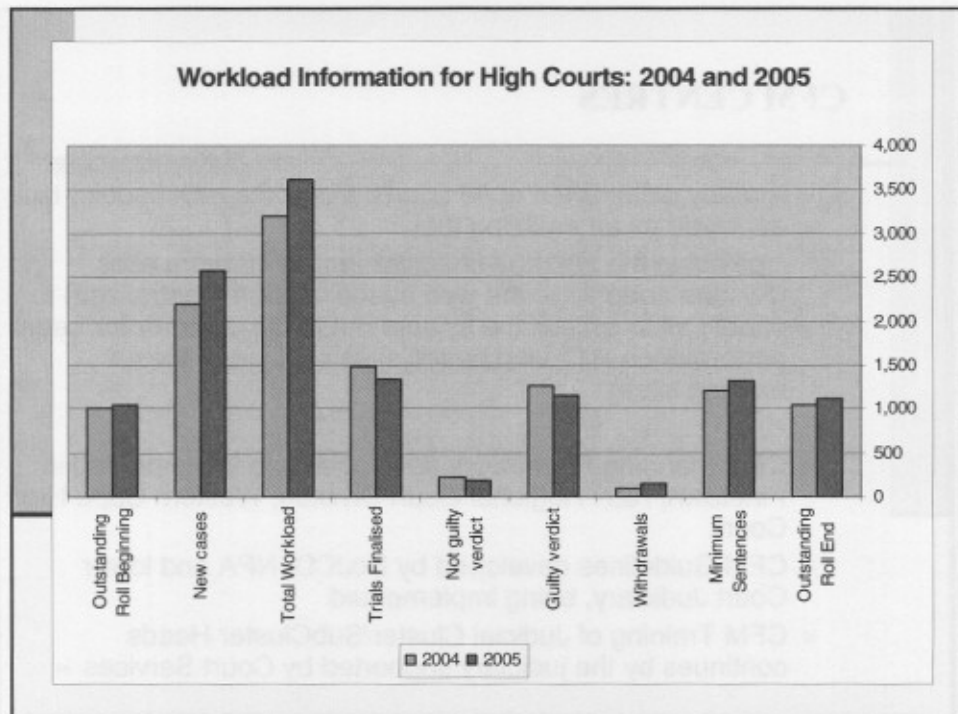
- See separate presentation

GENERAL SUMMARY

- The performance of the district and regional courts improved in 2005 regarding the disposal of cases.
- All high courts experienced an increase in the number of new cases and the number of minimum sentences.
- The number of petition for leave to appeal increased in the Supreme Court of Appeal, but the number of appeals placed on the roll decreased.
- Criminal courts continue to face many challenges with regard to serving the public and ensuring justice for all.

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CASE FLOW MANAGEMENT (CFM)

- CFM is overseen by an National Integrated CFM National Committee – all partners represented
- Established CFM governance structures - Provincial & Local Integrated Case Flow Management Forums in some courts chaired by the Judiciary (magistrates/judges)

CFM CENTRES

- Already established at 44 courts where the e-Scheduler is deployed as an enabling tool
 - roll out in the 2006/07 financial year to 40 more sites (System adapted to the web based version (centralized) to enable all to access the system database centrally for better performance – 17 web based sites in place of the 44 existing sites)
- CFM Planning Framework developed and implemented in Pinetown, KZN Regional Court Division, Western Cape High Court.
- CFM Guidelines developed by DoJCD, NPA and lower Court Judiciary, being implemented
- CFM Training of Judicial Cluster/SubCluster Heads continues by the judiciary supported by Court Services ⁹¹

AUDIO VISUAL CASE REMAND SYSTEM

- Exploiting technology to remove security risks and logistical nightmare associated with daily transportation of ATD's between court and prison, and free time & resources in the system for trial ready cases.
- Currently being piloted in Durban, Pinetown & Westville prison in KZN since Oct 05
- Targeting only remand cases where no juveniles are involved
- Continuously optimizing procedures to operate the system between court & prison

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AUDIO VISUAL CASE REMAND SYSTEM cont.

- Number of cases processed through the system since implementation/piloting of the system in Oct 05 :
 - October 05 – 87 cases
 - November 05 – 437
 - December 05 – 404
 - January 06 – 363
- Draft legislation to be with Minister 1st quarter of 2006
- Outcome of the pilot - impact assessment will be conducted after 6 months – May 06
- Excellent court stakeholder cooperation must be applauded in KZN for the testing of this system

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Court Nerve Centre

- The Court Nerve Centre was established to provide a framework for measuring court performance that will reflect the court system as a system of closely interlinked processes and tasks in the integrated justice system.
- For this purpose all court managers are required to submit monthly returns to the respective area court managers. In this process District Court Managers, appointed at main seats of court, are responsible for the collection of information from the main seat and the courts linked to the main seat (i.e. branch and periodical courts)

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JUSTICE MANAGEMENT INFORMATION SYSTEM (JMIS)

- To improve efficiency in the collection, capturing, storing and analysing of court information, we embarked on the design of a Data Capture Application as part of the JMIS.
- This will replace the current system of capturing court statistics.
- This application consists of two modules:
 - Manual Data Capture Module, and
 - Administration Module.
- The Manual Data Capture Module will be accessed by office managers and will enable them to enter the variable data for their responsibility areas.
- The Administration Module will be utilised by the Court Nerve Centre to manage the application.
- The main benefit is that the application will be web-based. Users will access the data capture webpage through the Departmental Intranet Initiative Portal (DJINI).
- This will establish a single data source for justice at the courts.

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DEDICATED COURTS

- Commercial, Community and other dedicated courts are being 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.
- A comprehensive draft document on a framework for the lower courts structure – including the role of dedicated courts etc will receive priority attention in April and May 2006

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