

Addressing backlogs

- A framework for the establishment of additional courts where required is receiving attention by the Department together with the NPA and the Magistracy. This is to ensure that the Department is now able to account for the investment of these resources and monitor the returns through a proper mechanism to monitor the impact/performance of such courts.

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Programme and Judicial Support (PROGRAM 1)

Re aga Boswa

- Refined version of *Re Aga Boswa* approved by the Minister during October 2005.
- **Aim of Project:**
- Affirms the principle of separation of powers and ensure that magistrates and judges are relieved of administrative functions to concentrate on their 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. Area court managers are on deputy director level and Court Managers are appointed at Assistant Director (level 10) as per the outcome of the job evaluation process.

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Re aga Boswa cont.

- **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 are being devolved to Court Managers to ensure prompt decision-making. It should be noted that the delegations to all Regional Heads have also been adapted, to provide for their new functions in the regions.
- The **redefinition of the functions of the Registrars and Clerk of courts** are receiving attention to ensure that the said officers play a critical role in improving the management of cases through the court system.

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Re aga Boswa cont.

- Roll out to go hand in hand with-
 - **Court Management and Operations Training** (Project manager has being appointed and a project plan scoped with a training program starting in April 2006). Funding from USAID (R3,2m)
 - **Parallel to the training a skills audit process** will take place regarding the approximately 9000 admin support staff, and
 - a **change management program** will be implemented

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RE-DEMARCATON OF MAGISTERIAL DISTRICTS

1. **IMPACT OF THE CONSTITUTION TWELFTH AMENDMENT ACT, 2005**

- THE AIM OF THE ACT IS RE-DETERMINING THE GEOGRAPHICAL AREAS OF THE NINE PROVINCES OF THE REPUBLIC OF SOUTH AFRICA. AS A CONSEQUENCE: WE NEED TO PROVIDE FOR MEASURES TO REGULATE, WITHIN A REASONABLE TIME, THE LEGAL, PRACTICAL AND ANY OTHER CONSEQUENCES OF THE RE-DETERMINATION.
- ALL PROVINCIAL RE-DEMARCATON REPORTS AND GIS MAPS TO BE ALIGNED IN ACCORDANCE WITH THE CONSTITUTION TWELFTH AMENDMENT ACT, 2005 AND THE CROSS-BOUNDARY MUNICIPALITIES LAWS REPEAL AND RELATED MATTERS ACT, 2005 (ACT NO. 23 OF 2005) IN ALL AFFECTED AREAS AND PROVINCES, SUCH AS, UMZIMKULU, MATATIELE (EASTERN CAPE AND KWAZULU-NATAL), PAMPIERSTAD (NORTH WEST AND NORTHERN CAPE), EKANGALA (MPUMALANGA AND GAUTENG), GROBLERSDAL (MPUMALANGA AND LIMPOPO), MAPULANENG AND MHALA (LIMPOPO AND MPUMALANGA), OBERHOLZER, KHUTSONG (GAUTENG AND NORTH WEST), GA-RANKUWA AND TEMBA (NORTH WEST AND GAUTENG), LYDENBURG (MPUMALANGA AND LIMPOPO)
- **Western Cape and Free State to be dealt with first.**

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Lay Assessors

Purpose of the project

- Establishment of Lay Assessors Committees
- Identify further rollout sites
- Fast-track the implementation of regulations

Pilot Sites

- Cape Town - R1,170 000.00
- Emlazi - R448 615.00
- Polokwane - R746 000.00
- Port Elizabeth - R1,100 000.00
- Pretoria - R3, 186 468.00
- Protea North - R1,170 000.00
- Uptington - R255 820.00

Way Forward

- Increase the number of pilot sites in the next financial year
- Further rollout will be the following offices: Germiston, Kempton Park, East London, Mitchells Plain, Nelspruit, Middelburg, Tzaneen and Bloemfontein.

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Lay Assessors cont.

Budget for Further Rollout

- R10m set aside for the pilot project
- Each court room will be serviced by two assessors
- One lay assessor will be paid to a maximum of R36 000 PA
- In addition to allowances for lay assessors, infrastructure costs is expected
- Projected amounts in the first and second year do not take into account possible increases in fees.

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Restorative Justice

- We are bound by our strategic objectives to deal with restorative justice in an increased manner. This entails the use of ADR mechanisms such as:
Diversion of minor offences and disputes to ease court backlogs; family mediation services at all offices of the Family Advocate and Family Court Centres

OUTPUT: Fifty percent (50%) of minor offences cases to be diverted by 2007/08; Fifty percent (50%) of cases involving children in conflict with the law diverted by 2007/08; Alternative Dispute Resolution mechanism mainstreamed within the community and traditional courts by 2007/08

- In order to deal with the matter in a holistic sense, we are busy strengthening capacity in the DOJCD to drive a process whereby we develop a National Action Plan on Restorative Justice.

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CHALLENGES

- Aligning the court structure with the Constitution
- Reducing case backlogs
- Extending access to justice to the poorest and most remote areas
- Re-engineering the maintenance system and the effective implementation of the Domestic Violence Act
- Increasing capacity among Justice personnel in order to effect service delivery excellence, in line with the principles of *Batho Pele* (People First)
- The infrastructure of the courts, especially the lower courts, at many places still leaves much to be desired
- Much still has to be done to change the way the courts operate, but also to change the mind-set and attitude of people serving at the courts.

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Priorities for 2006

- Creation of court capacity
- Roll out RAB
- Improving court support services
- Improved facility management
- CJS Review
- Security
- Monitoring court performance

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Court performance – some good news...

Review of performance of the criminal justice system indicate that:

- There is a continuous increase in active court hours
- Once prosecuted, most accused are convicted
- *Improved conviction rates are evident. The conviction rates stand at -*
 - *an average of 87% for the district courts,*
 - *71% for the regional courts and*
 - *86% for the high courts*
- *Decrease in number of withdrawals (-23% to 318 767)*

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Good News(cont.)

- There has been a positive shift in the ratio of sentenced and other prisoners, owing to overall improvements in court efficiency.
 - Unsented: From a high of 57535 (in 2000) to 44936 (Aug 2005)
 - Sentenced: From an all time high of 136436 (2004) to 110736 (Aug 2005)

- The number of children in prison awaiting trial has also come down by 50 %

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THANK YOU FOR YOUR ATTENTION



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