



DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

BRANCH: COURT SERVICES

**BRIEFING BY MR S JIYANE, DEPUTY DIRECTOR-
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PARLIAMENTARY PORTFOLIO COMMITTEE ON
JUSTICE AND CONSTITUTIONAL DEVELOPMENT**

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CONTENTS OF BRIEFING

TOPIC	PAGE
• The Role of Court Services	2
<ul style="list-style-type: none"> – The Branch Court Services – Linking Budget to Strategy – Intersectoral Alignment – JCPS Cluster Activities – Integration of systems across the IJS 	2-8
• Court Services' Approach for 2007	8
• What we did with the resources: Achievements of 2006	9
<ul style="list-style-type: none"> 1. Access to Justice <ul style="list-style-type: none"> • Addressing processes and systems • Court Performance • Vulnerable Groups • Chief Family Advocate 2. Enhancing organisational efficiency 	9 14 19 34 45 48
• Budget management	61
• Priorities & Planning for 2007	77
• Conclusion	77

1. THE ROLE OF COURT SERVICES

WHO ARE WE?

To assist the Department of Justice and Constitutional Development (DOJCD) to deal with its objectives the [Branch Court Services](#) was established to focus directly on those aspects relating directly to the courts. 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

The **MISSION STATEMENT of Court Services** underpins our objectives, namely:

To provide a responsive, modern and cost-effective court services' environment to ensure delivery of justice with EASE, implying an Efficient, Accessible, Swift and Effective delivery of justice to all court users, thereby creating an environment conducive to the fair and efficient dispensing of justice, and promoting confidence in the rule of law.

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.

FUNCTIONAL COMPONENTS AND RESOURCES: 2007

Court Services has structured its activities (including its budget) according to **five main sub-programmes**, namely:

- Programme Coordination and Court Support Services
- Court Performance
- Vulnerable Groups
- Facility/Infrastructure Management
- Family Advocacy

LINKING BUDGET TO STRATEGY

In line with the DOJCD goals of -

- 1. Ensuring access to justice for all***
- 2. Enhancing Organizational Efficiency and***
- 3. Transforming Justice***

Court Services is dealing with its responsibilities and the funds allocated to it to promote the above goals. The budget and additional funds received enabled Court Services and the Department to deal with, amongst other things, the following –

- ***Ensuring that there are sufficient appropriate court buildings, facilities and infrastructure that support access to justice***
- ***Support to vulnerable groups***
- ***Implementing an effective court management system, including case flow management and ensuring quality and cost-effective court services***
- ***Transforming and improving customer service in keeping with the principles of Batho Pele and promoting greater confidence in the criminal justice system***

See section on Budget management (p) for further funding aspects.

INTERSECTORAL ALIGNMENT

When Court Service's plan or execute its mandate, it does so bearing in mind the priorities of Government (Programme of Action) and in alignment with the focus areas of other departments. For example:

- The department is attending to infrastructural development in each of the urban and rural development nodes. The development centers around new courts, additional accommodation, repair and maintenance of facilities, installation of new or improvement of existing information technology systems together with the upgrading of office furniture and related equipment.
- In as far as possible, all new developments are aligned to the Municipalities IDP and Spatial Development Framework in cases where the municipalities have them.
- There is a close co-ordination with SAPS (169 priority areas) in the planning of locations for new facilities, projects of various nature, and initiatives in general to ensure a more integrated approach.

JCPS CLUSTER ACTIVITIES

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 includes the coordination 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 169 priority contact crime police stations. We are also ensuring we address the 21 development nodes in this regard.

DEVELOPMENT COMMITTEE

Court Services participates in the JCPS cluster activities through both the Development and JOINTS Committees. In relation to the criminal justice system, the following main cluster priorities are receiving attention:

- **Continuation of the implementation of 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 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 sexual offences**

The Development Committee has facilitated, in addition to National intersectoral engagement, the establishment of provincial development committees and local committees. Provincial Case Flow Management Committees and other IJS intersectoral committees such as the Child Justice forums are all operating on provincial level through these provincial development committees. This ensures coordination.

INTEGRATION OF SYSTEMS ACROSS THE IJS

Through the Development Committee – and in particular its IJS Board (which deals with IT aspects across the various IJS departments), the following integration initiatives have been identified as Quick wins for the 2007-2008 financial year:

- **CAS and Workflow system of the Legal Aid Board (LAB)**

- An electronic notification is sent from the CAS (SAPS) system to the Legal Aid Board System notifying them that an accused requires Legal Aid Assistance. On this trigger the Legal Aid Board will arrange for a Legal Aid Officer to take the necessary forms to be completed by the accused to the Police Station whom sent the electronic notification/alert.

- **CAS and E-scheduler**
 - This integration is to facilitate the electronic transfer of docket information (e.g. Particulars of Complainant, the Accused, the charge) from the CAS (SAPS) system to the E-Scheduler (Case Management Solution of DOJ&CD)

- **E-scheduler and Admission & Release (A&R)**
 - This integration will facilitate the electronic transfer of postponement dates for people in prison from the E-Scheduler System to the A&R system of DCS

- **CAS and CRIMM Systems (SAPS)**
 - This is to ensure that there is a link between the CAS system where the case registration particulars are stored and the Crimm System (CRIM) where the criminal history of an accused is stored.

- **Fingerprint systems**
 - Consensus was reached that the tracking of a person through the entire value chain and the verification of the identity of an accused will be done by using the fingerprint of accused persons as the common/unique identifier. The strategy includes the integration of the following solutions -
 - CRIM (SAPS) and Admission & Release (A&R) system of DCS
 - HANIS system (Home Affairs) with the IJS Systems
 - Access to AFIS (Automatic Fingerprint Identity System), NPIS (National Photographic System) and the Live Scan (digitized way of taking fingerprints i.s. o. using ink as is currently the case) will be available to all participating departments to do either fingerprint or mugshot verification

– **IJS BI/MIS System**

- The IJS Business Intelligence (BI)/ Management Information System (MIS) system has been established
- Presently all departments have to regularly update the information relating to 20 questions approved by the IJS Board on this system.
- It is envisaged that once the IJS Cluster has approved the common set of statistical information for the cluster, the information will be extracted from the various departmental BI/MIS solutions and displayed through the IJS BI/MIS system so as to ensure one view of information

– **IJS Transversal Hub**

- An IJS Transversal Hub has been established to operate as the conduit through which the participating departments will send information from their systems to the recipient participating department and also serve as the point through which information will be pulled from other participating departments.
- There will therefore be no direct links to the various systems of the participating departments.

- **Continuation of implementing the MTSF of the DOJCD and activities started in 2006**
- **Re-positioning and capacitating National Office Court Services** to deal with setting policy/ guidelines for implementation at regional and local level – especially regarding projects to improve the efficiency of service delivery at local justice delivery points; and to monitor and evaluate progress of activities and budget expenditure across the spectrum (this includes improving analysis capacity)
- **Focus on specific high level activities (in conjunction with Regions) such as:**
 - Maintenance and child justice aspects
 - Project management and monitoring of activities such as lay assessors; transformation of the sheriff's profession; re-demarcation of magisterial boundaries; Small Claims Courts; Community courts; Commercial crime courts
 - Monitoring and improving Court performance – though finalisation of roll-out of e-scheduler (including scanning solution/ roll-out of backlog reduction project sites / finalisation of roll-out of digital recording services / improving transcription services
 - Facility management projects and RAMP
 - Improving budget expenditure and project management
 - Extending the Family Advocate Services

WHAT WE DID WITH THE RESOURCES

1. Ensuring access to justice for all

Court Services contributes in this regard in making sure that all citizens enjoy the full benefit of citizenship. In carrying out this mandate Court Services concentrates its efforts on previously marginalised groups by making sure that they have access to Justice.

The first step for ensuring access to justice for all is bringing services closer to the people – especially in townships and in rural areas.

The services must reach the poor, the uneducated and the vulnerable – we therefore have to build courts closer to the people and ensure that our services will be delivered in modern user-friendly infrastructures that conform to health and safety regulations and provide a secure environment.

Progress in this regard is as follows:

EXPENDITURE WAS OCCURRED IN THE FOLLOWING REGARD IN ORDER TO IMPROVE THE CONDITIONS AND INFRASTRUCTURE AT SERVICE DELIVERY POINTS

Capital Works	R268 138M
RAMP	R 50 000M
Accommodation Charges	R109 444M
Leases	R114 192M
Municipality Charges	R87 697M
Day to Day Maintenance	R21 500M
GG and Judges Vehicles	R28 836M
Libraries	R2 000M
Upgrading of Infrastructure	R38 315M
TOTAL	R718 845M

The focus of the department has been to improve access to Justice for all. **This includes the provisioning of facilities in areas previously disadvantaged as well as the Rural Areas. To this end there has been a deliberate shift in the allocation**

of resources to cater for such areas. Courts have been made available in the following urban development nodes: Mdantsane, Inanda, Khayelitsha, Mitchell's Plain, Motherwell

A total budget of **R318 mil** was spent on the construction of new facilities and additions to existing facilities as well as on the maintenance of the existing facilities. Two new courts were completed in 2006/07 which are both in the rural/ township areas.

A total budget of R10mil (included in the overall Capital Works budget) was spent on the Provision of the Access for the disabled at 35 facilities.

Major Capital Works Projects Completed In 2006

Centre	Office	Service	Project Cost
Benoni	Magistrate's Office	Extension of Building	R57 400 679
Vredendal	Magistrate's Office	Additional accommodation	R4 324 508
Brixton	Branch Court	Additional accommodation	R4 609 824
Uitenhage	Magistrate's Office	Additional accommodation	R4 194 243
Pretoria-North	Magistrate's Office	Additional accommodation	R41 669 381
Mthatha	High Court	Additional accommodation	R756 848
Heidelberg	Magistrate's Office	Additional accommodation	R3 979 908
Sasolburg	Magistrate's Office	Additional accommodation	R10 417 405

Capital Works Progress

- **2 new facilities completed in Madadeni and Nerina Youth Centre (PE)**

- **6 projects where construction is in progress (multi year projects) – new accommodation:**
 - Daveyton Branch Court
 - Sekgosese MO
 - Motherwell MO
 - Tsakane Brnach Court
 - Polokwane High Court
 - Augrabies MO
- **Major extensions to 6 other court buildings (multi year projects):**
 - Theunissen MO
 - Ceres MO
 - Stanger MO
 - Mitchells Plain MO
 - Colesberg MO
 - Supreme Court of Appeal
- **3 new facilities went out on tender and we are in the process of appointing contractors:**
 - Galeshewe Branch Court – new facility
 - Ekangala MO – new facility
 - Kagiso MO – new facility
- **10 sites acquired for construction of new facilities for courts**
- **Mobile Structures as interim measures to alleviate pressure on existing facilities have been procured for the following centres:**

Barberton, Mabopane, Springs, Springbok, Giyani, Thohoyandou, Chrissiesmeer, Hermanus, Protea, Odi, Galeshewe, Phoenix, Pienaarsrivier, Malebogo, Tzaneen, Skukuza, Lothair, Ermelo, Ikageng, Vanwyksvlei, Kliptown, Mamelodi, Lady Frere, Dimbaza, Tina Falls, Cradock, Humansdorp, Uitenhage, Lehurutshe, Molopo, Bafokeng, Kwa-Mashu, Chartsworth, Vanzylsrus, Rietfontein.

 - 35 new mobile units were purchased
 - Leases for 4 units were renewed
- **35 courts were provided with facilities for people with disability**
- **Improvement of accessibility for people with disability**
 - In construction = 23
 - Site establishment = 8
 - Planning stage (including tender) = 4

RAMP

The objective of RAMP is to improve the status of our facilities to an acceptable level of functionality. For long, the maintenance of facilities were neglected from PWD side, with the result that they deteriorated to a point where costly major rehabilitation was required just to bring them to a level where they as compliant with the safety requirement.

RAMP has to date resulted in the **rehabilitation of a total of 96 facilities**. An additional 205 facilities have been registered on the Works Control System and the status quo reports will be finalized by the end of the financial year. Of the 205 facilities, 80% are in the previously disadvantaged areas.

A total of 301 courts are now registered on RAMP and are in various stages of execution:

- **Status quo reports** : 205
- **Planning to go out on tender** : 12
- **Repair phase** : 6
- **Maintenance (including the follow-on)** : 78

Programmes

New Facilities and Major Additions and RAMP	R258 000 M
RAMP (additional allocation)	R50 000 M
Day To Day Maintenance	R11 000 M
Infrastructure Upgrading	R36,146 M
GG and Judges Vehicle	R27,000 M
Total	R382,146 M

Infrastructure Upgrading

Initial Allocation	R36 000 M
Less: Transfer to Regions:	R11 300 M
Less: Transfer for Coat of Arms	R 5 000 M
Less: Transfer to various offices	<u>R11 300 M</u>
Amount Remaining	R 8 400 M

Security

A Joint planning committee with other stakeholders (SAPS, Correctional Services, NPA) was set up to improve security measures.

To date courts have been provided with the following services:

- Guarding services: 206 courts currently have guarding services
- An additional 167 to be provided with guarding services, bringing to 373 the number of courts with guarding services
- 150 courts have Cash-in Transit services
- The tender has been prepared for cash-in transit to additional 216 courts (to be awarded in 2006 bringing the total to 362 courts with Cash in transit services.
- 135 Courts have Armed Response Alarm Systems
- Physical Security: Service providers for installation of burglar bars in ± 259 courts as part of plan to improve physical security are in process of being appointed.

COURT BUILDINGS IN RESPECT OF WHICH SITES WERE CLEARED FOR PLANNING OF NEW BUILDINGS OR ADDITIONAL ACCOMMODATION AT EXISTING BUILDINGS, COMMENCING IN 2006/07

OFFICE	CENTRE	SERVICE
Orlando	Magistrate's Office	New Building
Mamelodi	Magistrate's Office	New Building
Polokwane	High Court	New Building
Nelspruit	High Court	New Building
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

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

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. Court Services are involved with this activity but it is driven from

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.

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 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 12th Constitution Amendment Act passed in December 2005. **As part of the review process meetings have been held with various role-players in each province to review those cross-border magisterial**

districts in order to agree in principle the way forward. The objective is to finalize the re-demarcation process during the 2007/08 financial year.

Re Aga Boswa

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.

The new Re aga Boswa court management model required new skills, competencies and organizational structure in line with new developments and challenges facing courts. **Consequently the following interventions/programmes as part of the roll out of Re aga boswa were embarked upon:**

❖ Court Management Learnership

- **Initiated in 2005**
- **2 year programme, ending in 2006/7**
- **NQF level 5**
- **100 learners enrolled – 90 serving and 10 unemployed its Skills Dev Legislation**
- **Currently 95 learners are still in the programme**

❖ Long term – Court Management Development Programme will be located at new Justice College

- **Programme to be offered in modules as per needs of the courts from Justice College**

❖ Other developments

- ❖ **A total of 58 Area Court Managers appointed nationally and given orientation about the Department and courts**
- ❖ **A total of 162 Court Managers appointed nationally and given orientation about the Department and courts**
- ❖ **A total of 6 Court Operations Directors appointed in the regional offices to coordinate provincial court management**
- ❖ **Above include dedicated court managers for the high courts**
- ❖ **Legally qualified Registrars now focus on case flow management (under the court managers in the high courts).**
- ❖ **A model organizational structure for courts is developed and being finalized. This will cater for appropriate structure to execute the full mandate of the courts/complete package of all services rendered in the courts, including dedicated capacity for court information management to support courts to manage court performance.**
- ❖ **Additional capacity (clerks) created in the courts to handle new court systems, eg. e-scheduler etc**
- ❖ **New delegations for court managers developed and duly approved.**

Dedicated Courts

Commercial, Community and other dedicated courts are 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.

HATFIELD MODEL COMMUNITY COURTS

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:

Umtata (EC),

Bloemfontein (FS),

Phuthaditjaba (FS) (has since been stopped in view of a lack of enough cases to continue with as a separate court)

Thohoyandou (Limpopo), and

Kimberley (NC).

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

Point (Durban, KZN),

KwaMashu (Ntuzuma, KZN)

Mankweng (Limpopo)

Potchefstroom (NW)

13th court: Hatfield 2 is now also in operation as a pilot site.

There are therefore at present, a total of thirteen (13) operational community courts.

PE to start in April 2006

Other sites receiving attention are:

Upington (NC)

Giyane

Hillbrow, (Gauteng) (started but discontinued in view of prosecutor vacancies – this is receiving attention)

Kanyamazane (Mpumalanga) (awaiting proclamation)

Ikageng, (NW) (awaiting proclamation)

Vosman (Witbank) (awaiting proclamation)

Mhluzi (Middelburg)

Mdantsane (EC),

Dimbaza (EC)

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.

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.

Community court guidelines have been developed and will be workshopped shortly.

Commercial Crime Courts

The first dedicated commercial crime court in South Africa was opened in November 1999 in **Pretoria**. When it was opened it was indicated that the initiative was sparked by the government and business sector after a considerable decline in foreign investment. According to the then Minister of Justice and Constitutional Development, Minister P Maduna, "***The specialised unit funded by the business sector has been set up in Pretoria and comprises members from the fraud unit and commercial crime prosecutors.***" Minister Maduna supported the creation of the commercial courts and said there was a need for such courts throughout the country.

Since then such courts have been officially opened in **Johannesburg** in 2001, **Durban** in November 2004 and in **Port Elizabeth** in June 2005. **New sites at Cape Town and Bloemfontein are earmarked for coming into operation during 2007/08.**

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 **193 permanent judges** and at any given time also a fluctuating number of acting judges.

JUDGES: NUMBER EMPLOYED AND RACE AND GENDER BREAKDOWN AS ON 31 DECEMBER 2006

COURT	A/ MALE	A/ FEMALE	I/ MALE	I/ FEMALE	C/ MALE	C/ FEMALE	W/ MALE	W/ FEMALE	TOTAL
Constitutional Court	6	1	1				2	1	11
Supreme Court of Appeal	5	1	3				13	1	23
High Courts:									
Northern Cape	2				1		1	1	5
Eastern Cape:									
Grahamstown	2	1					7		10
Port Elizabeth		1	2				3		6
Transkei	2						1	1	4
Ciskei	2				1		1		4
Cape Town	4	1	2		2	2	14	1	26
Bophuthatswana	2					2	1		5
Free State	2		1		1		9		13
Transvaal:									
Pretoria	9	1	1		1		15	1	28
Johannesburg	6	4	1	1		1	11	2	26
Venda	1								1
Natal:									
Durban	1		2	2	2	1	4	1	13
PMB	4						4		8
Land Claims Court	2			1			1		4

Labour and Labour Appeal Court	1			1			3	1	6
TOTAL	51	10	13	5	8	6	90	10	193

The Department manages the above higher courts as well as approximately **751 magistrate court houses** (with approximately 1821 court rooms throughout the country) with **1912 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 307 Regional Courts

MAGISTRATES (All levels): NUMBER EMPLOYED AND RACE AND GENDER BREAKDOWN

POST CLASS	African Male	African Female	Indian Male	Indian Female	Coloured Male	Coloured Female	White Male	White Female	Total
Regional Court President	2	2	1	0	0	1	2	0	8
Regional Magistrate	62	25	9	12	10	3	154	32	307
Special Grade Chief Magistrate	0	0	0	0	0	0	0	0	0
Chief Magistrate	7	4	0	2	0	1	7	0	21
Senior Magistrate	69	11	2	3	2	2	44	20	153
Magistrate	377	163	60	65	71	43	437	207	1423
Grand Total	517	205	72	82	83	50	644	259	1912

Data as on 31.10.06

Note: The abovementioned statistics include the following appointments that were recently made by the Minister:

Regional Court President, Free State [appointment made on 1 November 2006]			1						1
Magistrates [64 appointments made with effect from 2 October 2006]	15	21	4	8	4	3	3	6	64

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, 13 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

COURT STATISTICS 2005 / 2006

Court Performance

	2002/03	2003/04	2004/05	2005/06
No of new cases in court	1 117 879	1 117 488	1 084 137	1 074 581
No of withdrawals	414 211	363 391	318 840	311 078
No of diversion	14 808	17 952	18 946	37 422
No of finalised cases	407 530	396 536	381 020	376 860
No of convictions	331 933	329 530	321 418	321 604

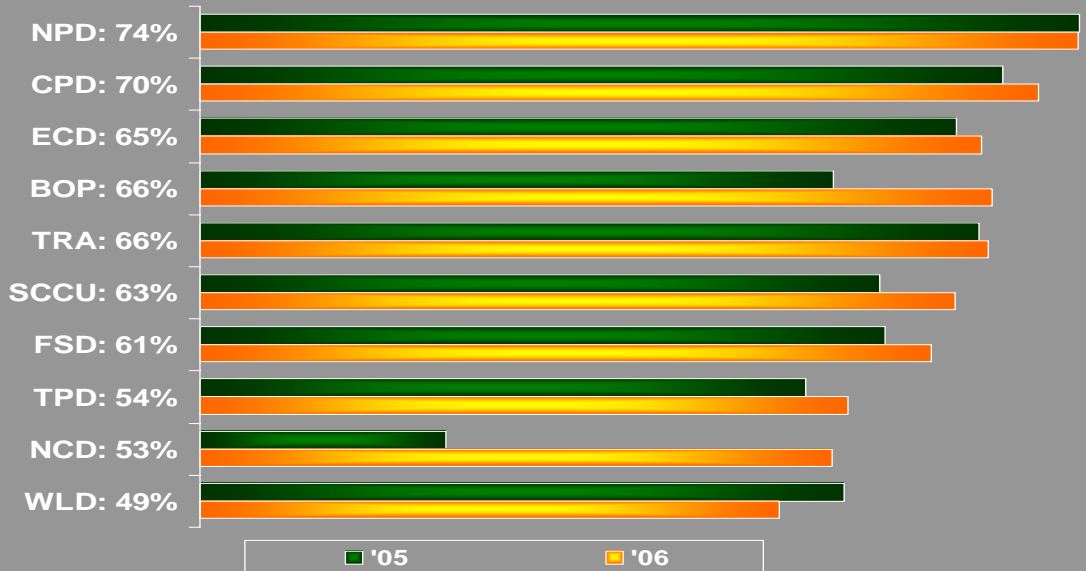
2005	Jan - Dec			
	District	Regional	High	Total
Outstanding beginning	160383	46799	1127	208309
New cases	993498	86828	4070	1084396
Outstanding cases	158642	47038	1227	206907
Finalised Cases	370045	40067	1314	411426
2006	Jan - Nov			
	District	Regional	High	Total
Outstanding beginning	157449	46602	997	205048
New cases	892140	73994	4146	970280
Outstanding cases	139204	46095	1120	186419
Finalised Cases	328848	35084	1253	365185

There has been a reduction of the numbers of children awaiting trial for the most serious offences in Correctional Facilities (prisons), from 2 300 on average per month in June 2003, to 1066 in February 2007.

BACKLOG STATISTICS INDICATE THE FOLLOWING

	30 June 2006 Base line	30 NOV 2006	Jan 2007
<u>Backlogs</u>	34 644 cases constituting 19% of the total of 181 976 outstanding cases	33 435 cases constituting 18% of the total of 185 299 outstanding cases	36 559 cases constituting 17% of the total of 210 685 outstanding cases
High Courts	154 cases (13%) of 1206 outstanding cases	184 cases (16%) of 1 122 outstanding cases	166 cases (15%) of 1115 outstanding cases
Regional Courts	19 874 cases (43%) of 46 219 outstanding cases	19 269 backlog cases (41%) of 46 095 outstanding cases	20 125 backlog cases (42%) of 48 390 outstanding cases
District Courts	14 616 cases (11%) of 134 551 outstanding cases	14 166 backlog cases (10%) of 139 204 outstanding cases	16 268 backlog cases (10%) of 161 180 outstanding cases

% CASES OLDER THAN 6-MONTHS



5 sites Nov 06 – 16 Feb

	CASES FINALISED	CONVICTION RATE	PART HEARD MATTERS	WARRANT	WITHDRAWN	TRANSFER	TOTAL DISPOSED	Ave CRT HOURS	Ave Finalised pc PM
PROTEA 68 CRTS over 10 SAT	102	91%	55	4	2	0	104	4:53	16.2
BELLVILLE 3 CRTS BLUE DOWNS	72	79%	9	48	124	18	196	3:33	8.0
PMB 3 CRTS	61	59%	9	4	29	4	90	2:59	5.1
PTA 2 CRTS	47	81%	71	55	66	0	113	3:14	5.9
PTA N 1 CRTS	30	87%	50	1	11	0	41	3:46	7.5
PE 3 CRTS	55	62%	28	11	26	0	81	3:42	4.6
TOTAL	367	74%	222	123	258	22	625	3:26	3.4

Other Initiatives

- In addition to continuing with the various backlog sites, the following initiatives identified as part of the original backlog project scope are continuously being promoted country-wide at all courts:
 - Provincial Development Committees and CFM Committees to monitor backlog and assist with the backlog projects
 - Fast-tracking the execution of warrants of arrest.
 - **Increasing the number of reception and or bail courts where possible and where required.**
 - Improving witness preparation and getting them to court. In this regard witness fees is a challenge as witnesses are not willing to come to court for the current prescribed witness fees per day. This is receiving attention.
 - Fast-tracking DSD reports.
 - Fast-tracking forensic analysis.
 - Identifying training needs for prosecutors, the judiciary and training court managers and admin staff on court operations management.

APPEAL BACKLOGS

- In view of the large numbers of appeal cases still outstanding, nearly 6000 at the end of 2006, with the majority in the (TPD) Pretoria and (WLD) Johannesburg, these two sites have been the short term focus areas. Further planning in this regard in relation to extra appeal court rolls will be dealt with at these sites through the recalling of retired judges or the appointment of acting judges. Names of retired judges have been provided to the Department by the Honourable Judge President of the TPD. The matter will be discussed with the Judge President and the other role players (NPA, Bar and LAB) in particular, regarding the finalization of a roll for the second session of 2007 and possible special courts for recess periods.
- In the interim, arrangements are being made for 2 special TPD Appeal courts with acting judges (comprising of senior advocates from Pretoria and Johannesburg) to sit every Monday in Pretoria with effect from 26 March 2007. The reason for that date is that the setting up of such an appeal roll requires time and requires various processes including the drafting of heads of argument etc from NPA and LAB side. Furthermore the court rules requires cases to be set down following a specific process which takes time.

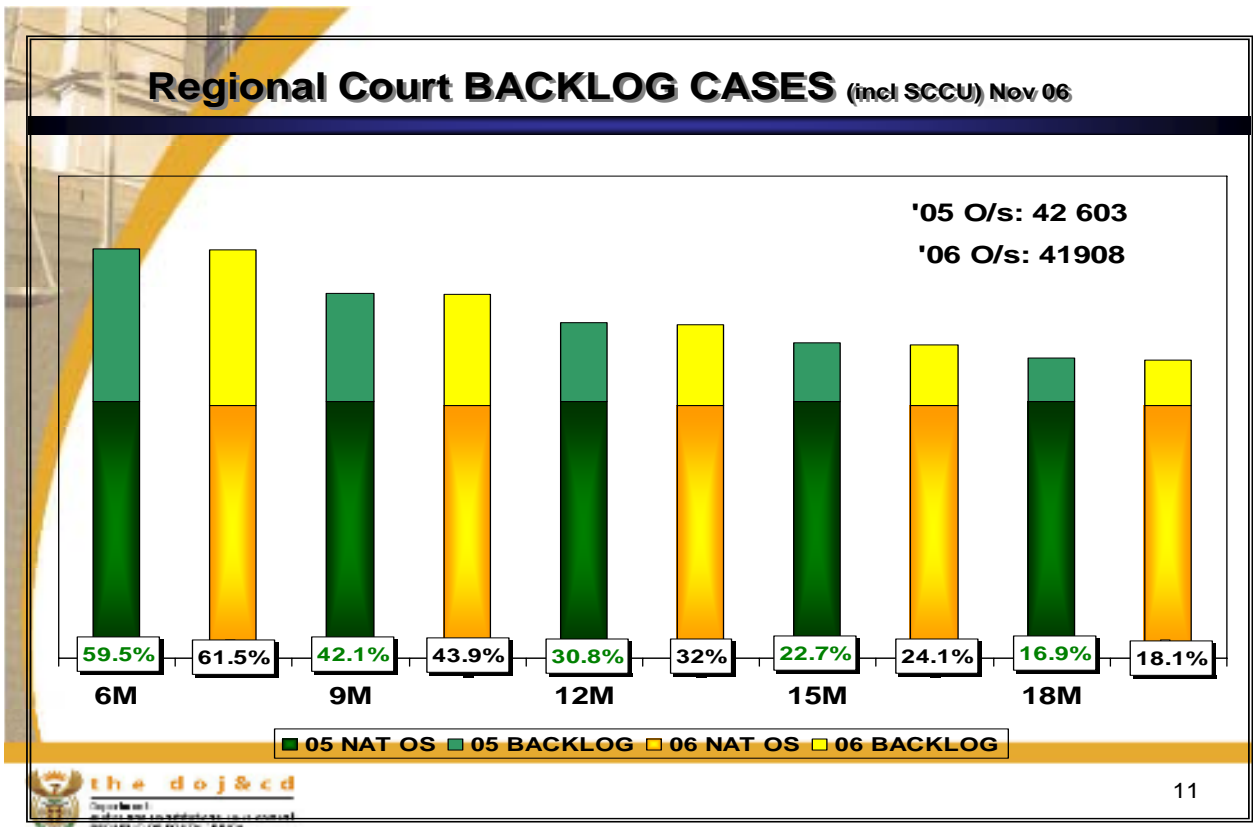
WAY FORWARD:

- In conjunction all JCPS role-players, **IDENTIFY URGENTLY:**
 - NATIONAL HOTSPOTS – regional and district courts and national holistic action plan
 - Identify and use unused accommodation
 - Identify and deal with long cases
 - Identify pool of persons that can be used
 - Increase capacity at all court levels
 - Quick wins

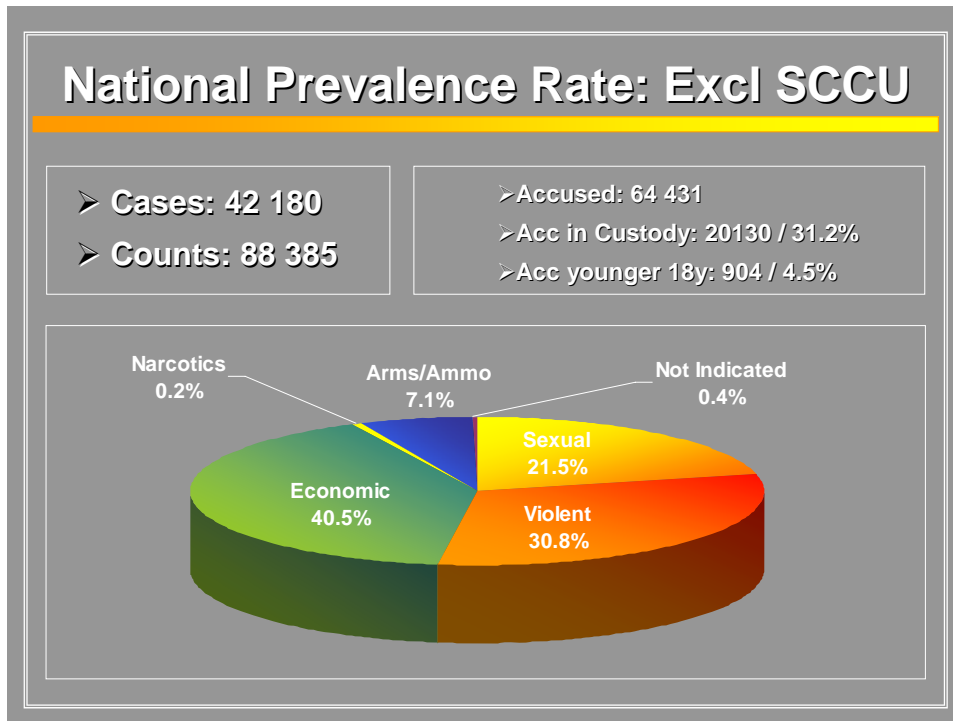
- Revisit definition backlogs

- Improve functioning of current courts

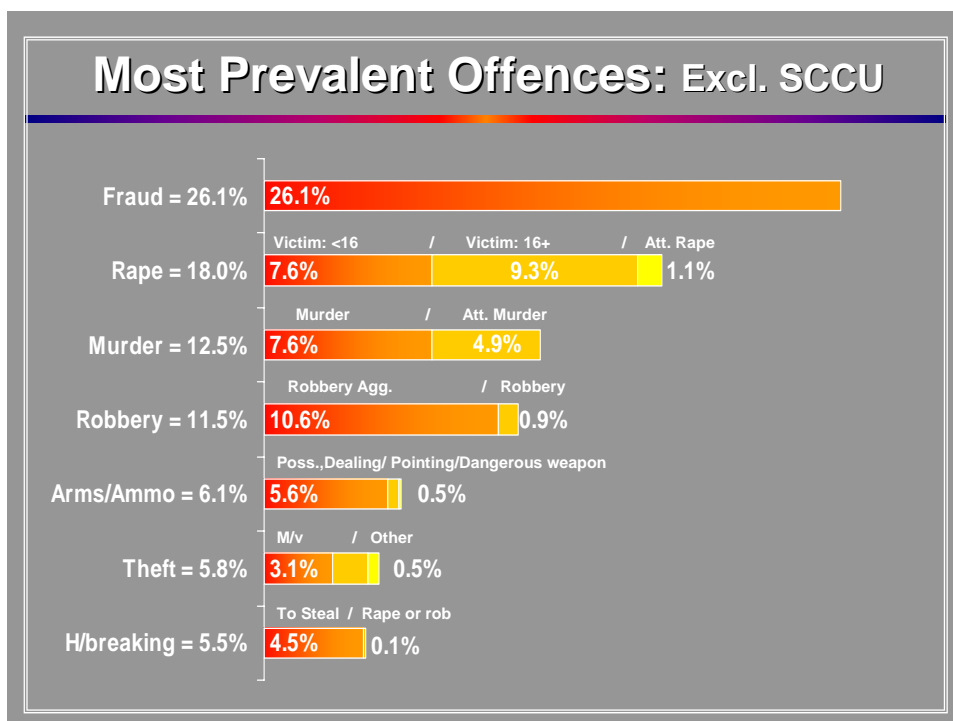
- Improve performance at all courts



Some findings from the recent end of Nov 2006 Audit done by the NPA regarding regional and high court matters on the roll at that point in time:



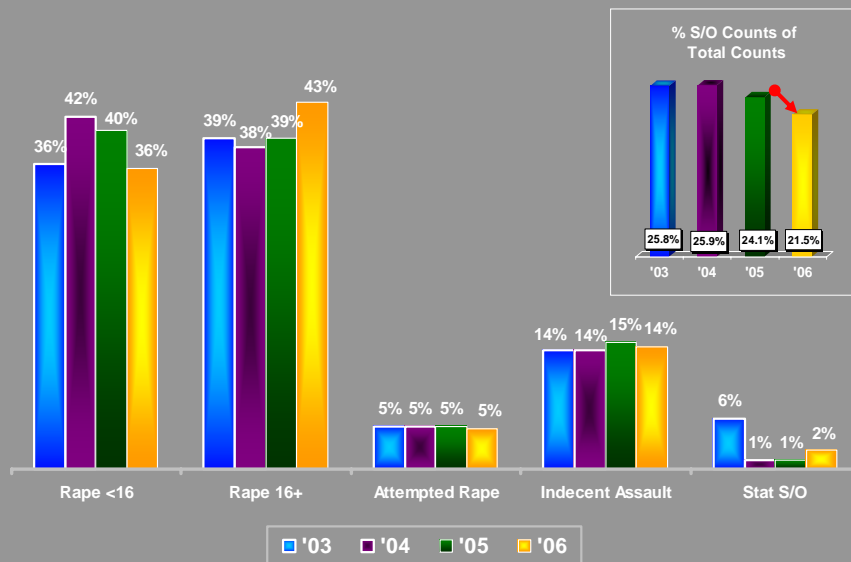
Violent offences (Sexual Offences incl.) comprised 52.3% of all counts - slightly fewer than 57% in '05



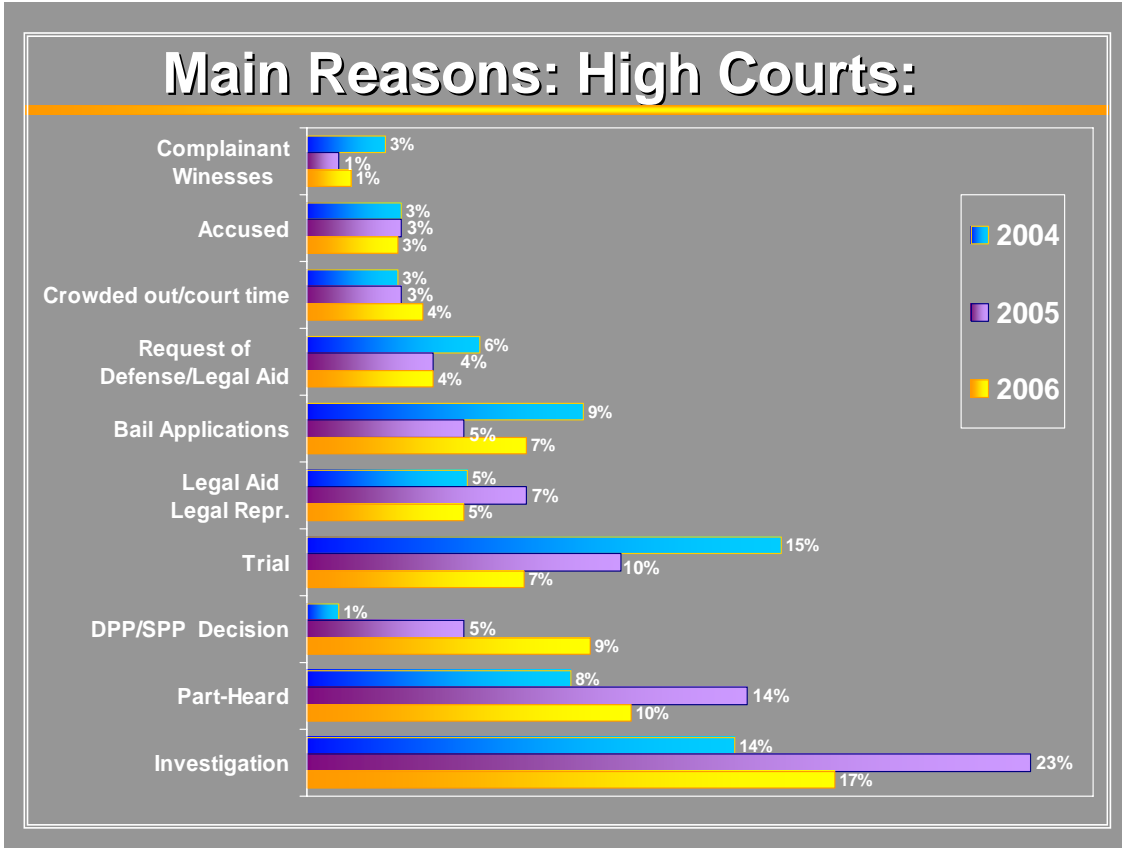
National case overview: Incl. SCCU

Number of:	2003	2004	2005	2006
Cases	42 766	42 159	43 918	43 112
Counts	95 517	87 684	140 210	110 333
Accused	64 324	62 804	66 519	65 840
Acc. in custody		23 954	23 084	20 301

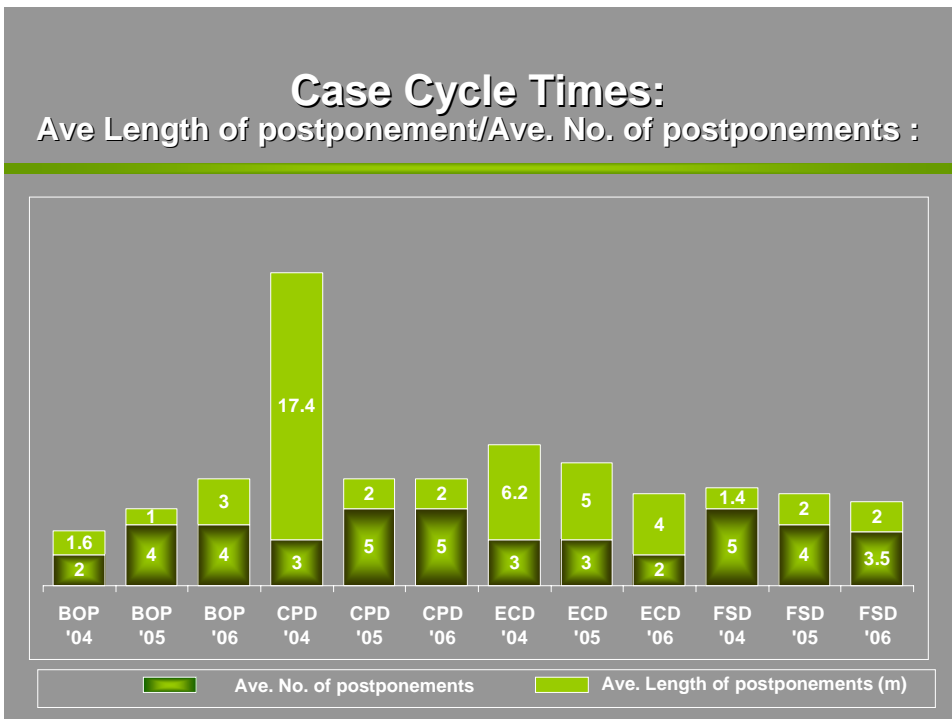
Crime Category: Sexual Offences



Main reasons for postponements

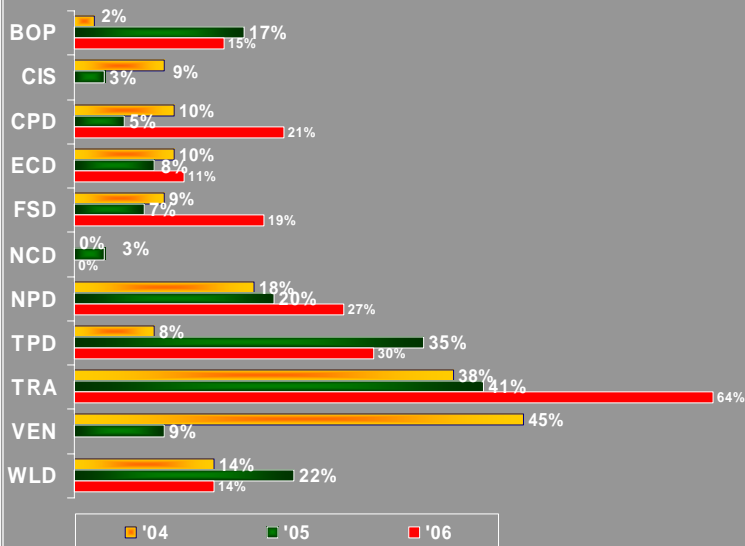


High Court



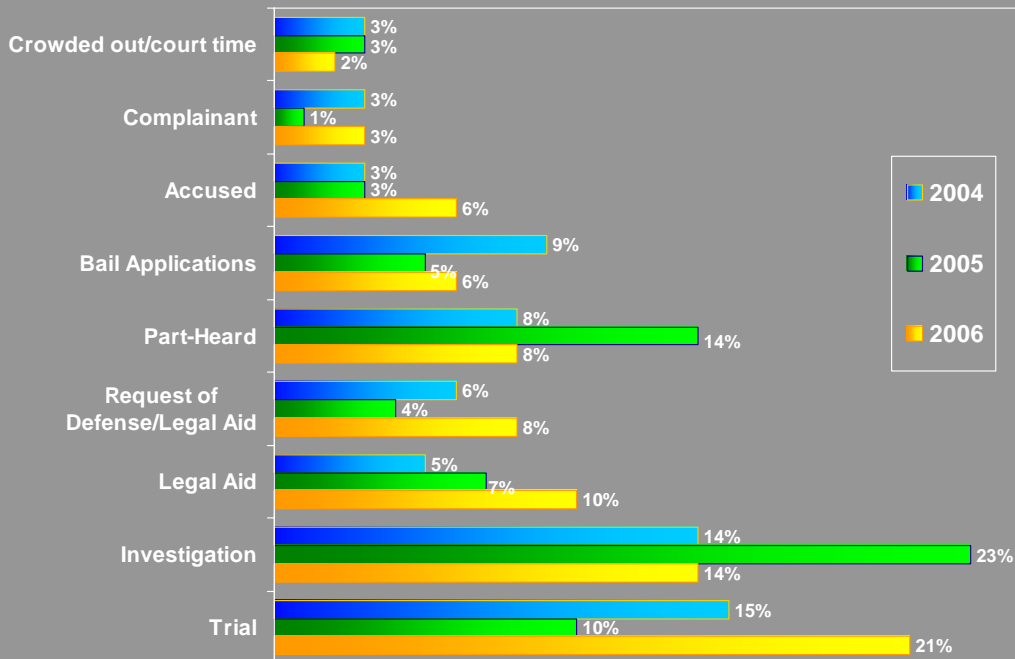
Case Cycle Times: High Courts

% Cases older than 12 months

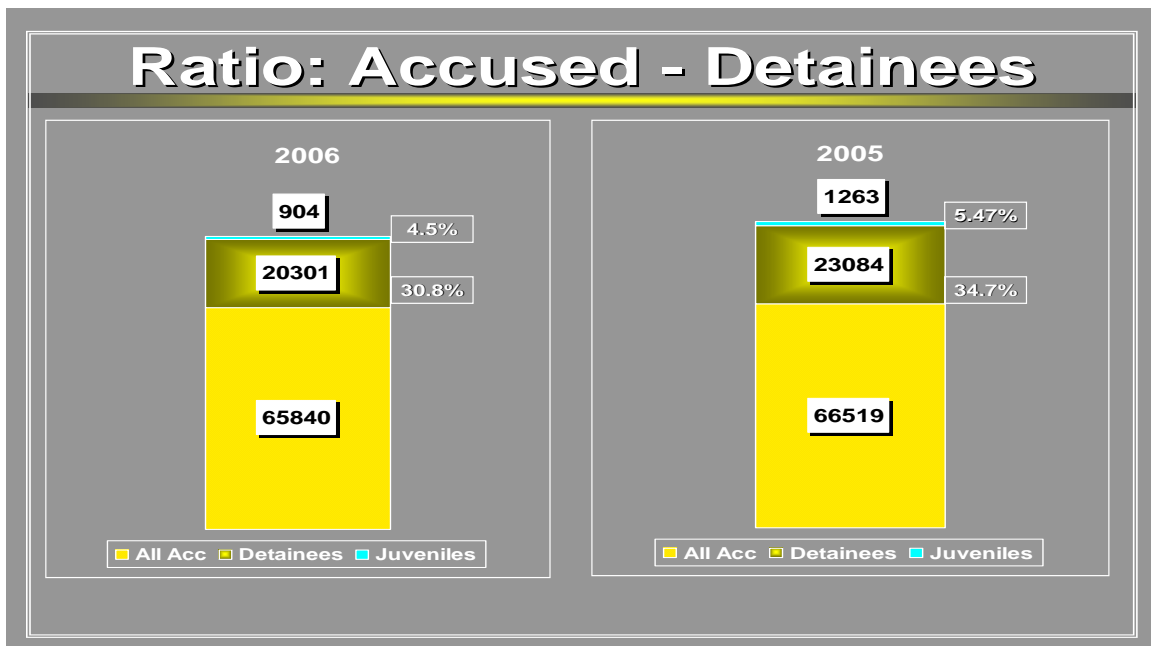
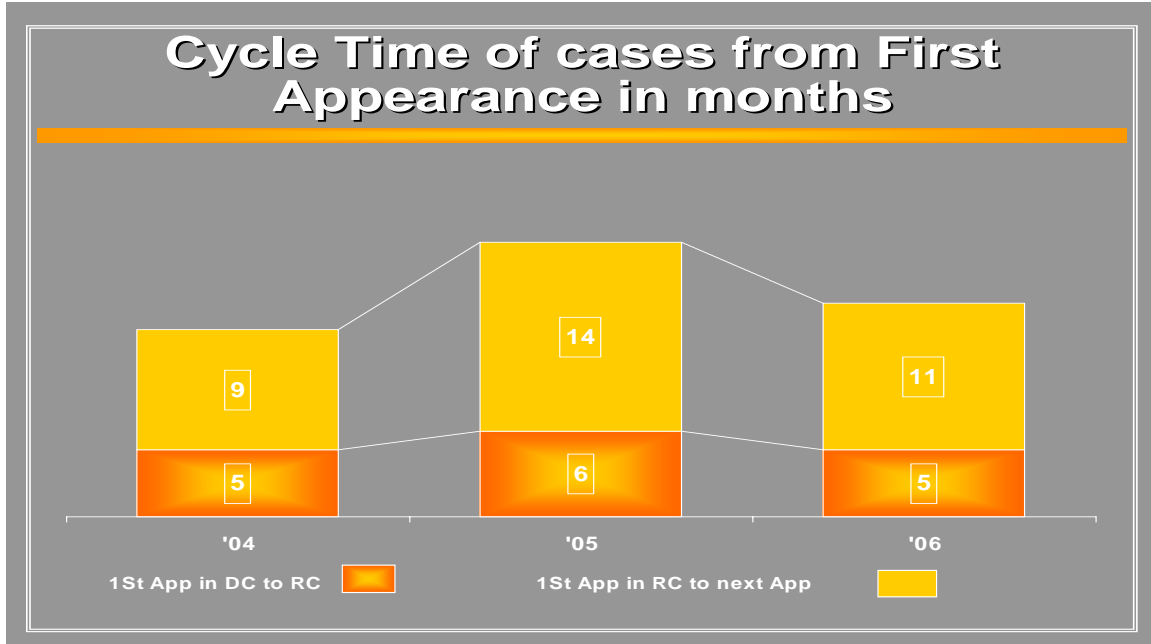


Reasons for postponements Regional courts

Main Reasons: Regional Courts:



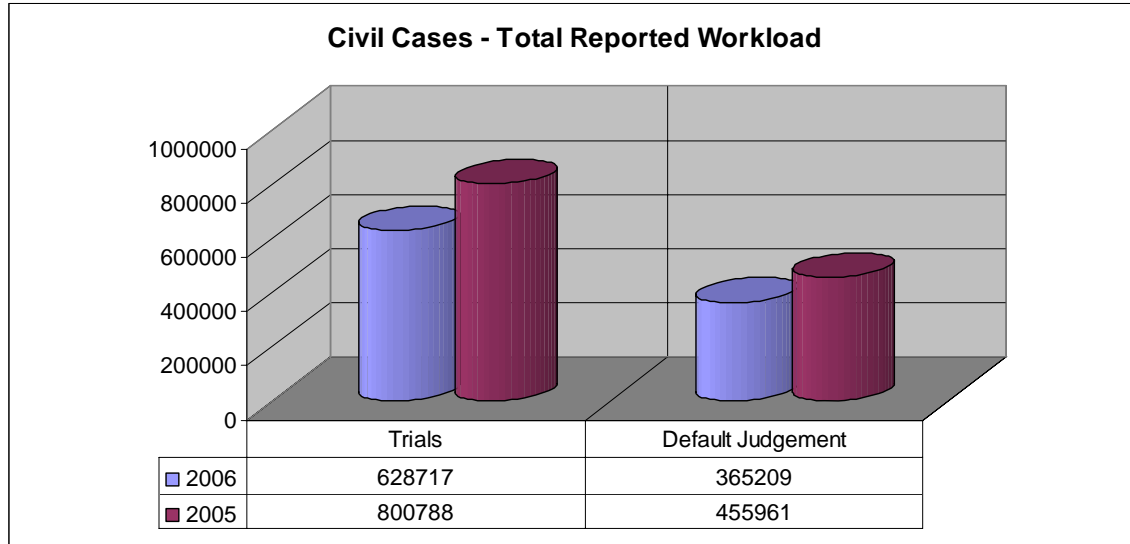
Regional court



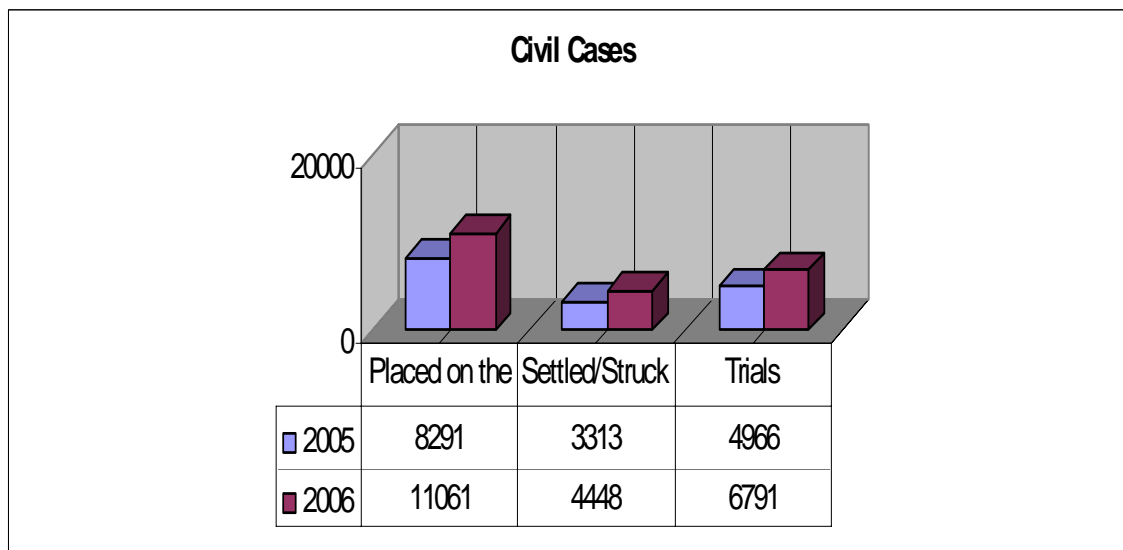
- More counts and more accused per case have impacted negatively on the cycle times of cases: 2.6 Counts per case and 1.5 accused per case
- The number and length of postponements have on average increased hence the increase of case cycle times
- Only 30.8% of accused are in custody – significant reduction from 35% in '05 and 38% in '04.
- 30% of detained accused are in custody for a period longer than 12 months.

CIVIL AND FAMILY LAW

Lower courts



High Courts



WITHDRAWAL OF CRIMINAL CASES

Statistics relating to the reasons for withdrawal of criminal cases are not available. These statistics are not being kept and there are no plans to design the data collection tool to reflect the reasons for withdrawals. The reasons for withdrawal is not always reflected in the charge sheet or made known to the court. It is therefore not available to the clerk of the court. A recent judgement dictates that “up until the point where a plea has been formally tendered and duly entered, the prosecutor is the master of the suit (dominis litis). The court has no control over the prosecutor’s actions and they have the authority to decline to prosecute an accused person, even when a prima facie case had

been made out against the accused.” (See North Western Concrete CC and Another v Director of Public Prosecutions, Western Cape 2000 SA 78 (C)). In many cases there is a duty of secrecy on the prosecutor not to make information available. (See **Hyundai Motor Distributors (Pty) Ltd and Others v Smit NO and others 2000 (2) SA 934 (T)**). For these reasons many prosecutors do not provide reasons for withdrawals.

The National Prosecuting Authority indicated that, from their experience, the most common reasons for withdrawals are:

- No prima facie case against the accused;
- Witnesses cannot be traced;
- On request of the complainant;
- Further investigation incomplete and court refuses further postponements. In this instance the charges are withdrawn until the investigation is complete. Criminal proceedings are then instituted by way of a summons.

INFLUENCE OF THE APPOINTMENT OF TWO PROSECUTORS PER COURT

The matter was discussed with the National Operations Executive of the Legal Aid Board, Mr Brian Nair. He indicated that the appointment of two prosecutors per court will have a huge impact on the demands to the Legal Aid Board as the appointment of more prosecutors will have the result that more cases are trial ready per day. The current capacity of the legal aid practitioners will not be able to manage the same output as the prosecutors. This will eventually lead to them being responsible for delays at the courts.

IMPLEMENTATION OF THE LAY ASSESORS SYSTEM

A pilot project for Lay Assessors is currently running at six sites, namely, Pretoria, Polokwane, Port Elizabeth, Protea North Upington and Cape Town. The object thereof is to comply with the Constitutional mandate relating to involvement of communities in judicial matters other than judicial officers in court decisions. It is important to further entrench and promote community participation in the administration of justice in order to restore the legitimacy of the courts in the eyes of the public. The Department is busy finalizing the draft regulations on the Magistrate’s Courts Amendment Act 67 of 1998.

INTERPRETING SERVICES

A new management structure for court Interpreters has been implemented at National Office. The purpose of the management structure is to monitor, give support to courts to improve service delivery, look into issues of policy around interpretation services and implement strategies to transform the quality of interpretation services into a professional service. A Learnership for Court Interpreting has been registered with South African Qualification Authority. The Learnership is aimed at fast tracking

qualified/experienced interpreters to acquire a minimum qualification. This training program will be rolled out during the 2007/08 financial year.

Casual and foreign language interpreters

The Department is currently developing a Data Bank for foreign language interpreters. The Data Bank will be available to the courts to access a list of available foreign language practitioners. A module will also be developed for performing scheduling of foreign language interpreters in line with case scheduling. In order to improve access to courts we are currently investigating the possibility of extending the Language Service unit by providing foreign language interpreters on the permanent establishment at judicial cluster levels.

Improvement of Condition of Service

The upgrading of salaries for court interpreters has been finalized. Court interpreters who were on level 2 - 4 were upgraded to level 5. Senior Court Interpreters on level 5 - 6 were upgraded to level 7. Principal Interpreters on level 7 were absorbed to level 8 subsequent to satisfactory performance, while the Inspectors of Interpreters were upgraded to salary level 9.

Industrial Action

It is with pride to report that during the year under review no industrial action was reported within Court Interpreters division. Most of the disputes declared in the Departmental Bargaining have been resolved amicably

Transforming the Sheriff's profession

A project has been established within the Department to coordinate the transformation of the Sheriff's profession with the Board for Sheriffs.

Traditional Courts

The process of the transformation of the judicial system includes the transformation of the Traditional Courts. Traditional Leaders are conferred criminal and civil jurisdiction to exercise judicial authority in respect of certain offences and claims. The conferment is by virtue of sections 10 and 20 of the Black Administration Act of 1927. Since the said

Act is not consistent with the current constitutional dispensation it was repealed in November 2005. Only sections 12 and 20 which deal with the establishment and functioning of Traditional Courts were kept in operation until 31 August 2007. This extension is with a view to allow the Department to formulate policy on the role of the Traditional Leaders under a democratic dispensation, which would be followed by appropriate legislation to replace the repealed sections.

Accordingly, the Minister has appointed a Task Team comprising of officials of the Departments of Justice and Constitutional Development, Provincial and Local Government and Land Affairs to draft the required policy. The participation of and contribution by the regions where the traditional court dispensation applies, in the formulation of the desired policy, is vital.

VULNERABLE GROUPS

Successes

Maintenance:

- **Developed an implementation plan to facilitate successful implementation of Operation Isondlo;**
- **updated the Isondlo statistical template for information management,**
- **83 legal interns appointed to assist at court level;**
- **Maintenance complaints referred to Regional Heads;**
- **training for 68 newly appointed legally qualified Maintenance Officers facilitated**

Family Courts

- **Intensified programmes to set up Family Courts by capacitating the courts with Human Resources;**
- **devolved budgets to Regions for appointment of 68 Maintenance Officers and 108 Administration Clerks for Family Law Services;**
- **Facilitated the development of the Family law Learnership (100 learners)**

- **Developed guidelines for Domestic Violence cases**

ADR and RJ

- **ADR mechanisms and Restorative Justice (RJ) practices promoted and training facilitated;**
- **Facilitated alternative sentencing sessions for lower court judiciary, including regional court magistrates, in 9 Provinces as well as the incorporation into Justice College of training in this regard.**

Small Claims Courts

- **Small Claims Court (SCC) pamphlets in all 11 languages distributed to all small claims courts;**
- **Small Claims Courts extended to other areas;**
- **SCC Project in WC under leadership of Dep Min**

Children's Courts

- **Drafted action plan and phased-in costing for implementation of Children's Act, 2005;**
- **Training for Children's Court Clerks facilitated;**
- **Facilitated establishment of 124 Administration Clerk-posts for Children's Courts in provinces and**
- **devolved budgets to provinces for such services**

Children in conflict with law

- **Continued with monitoring of children in conflict with the law at meetings on National (ISCCJ) and provincial level;**
- **Inter-sectoral ISCCJ Action Plan to remove all children from Correctional Facilities (prisons) and police cells in place;**
- **Interim Protocol on Management of Children Awaiting Trial workshopped with Regional Heads and Provincial Child Justice Fora;**
- **Interim Protocol on Sentenced Learners (Children sentenced to Reform Schools) in place**

- **Policy Framework for National, provincial and local Child Justice Monitoring and fast-tracking of children awaiting trial, in place and**
- **9 provinces visited for strengthening/ establishment of Provincial Child Justice Fora and local Case Review Task Teams**

A separate Children Awaiting Trial Task Team has been established under Chair of the Inspecting Judge of Prisons, to feed into the National Inter-sectoral Steering Committee on Child Justice monthly monitoring meetings, to track, follow-up, fast-track and prioritise the cases of children awaiting trial in Correctional Facilities (Prisons). Name-lists of children awaiting trial in Correctional Facilities (Prisons) received on a monthly basis from the Department of Correctional Services (Prisons), are submitted to the Office of the Inspecting Judge of Prisons, the Legal Aid Board, the National Prosecution Authority and the Department of Social Development on a National basis; and to the Regional Heads of the Department of Justice and Constitutional Development as Chairs of the Provincial Child Justice Fora, with the request to track, fast-track and prioritise the cases of these children through the Criminal Justice System and to provide reasons for long delays in the finalisation of their cases.

The Child Justice system is working well, and is monitored on a monthly basis by the National Inter-sectoral Steering Committee on Child Justice (ISCCJ); and the 9 Provincial Child Justice Fora. This has resulted in a reduction of the numbers of children awaiting trial for the most serious offences in Correctional Facilities (prisons), from 2 300 on average per month in June 2003, to 1066 in February 2007. In a parallel process the ISCCJ is trying to ensure that the children who are arrested do not end up in police cells, but are diverted as much as possible from the mainstream criminal justice system and / or are placed into Secure Care Facilities or their parents or guardians' care.

The numbers of children awaiting trial in correctional facilities (prisons) for the most serious crimes have decreased and the numbers of children on diversion programmes and awaiting trial in secure care facilities and on home-based supervision, have increased.

We are confident that the National Prosecution Authority and the Legal Aid Board are tracking the children awaiting trial in correctional facilities (prisons). Some of the reasons for delays received from the NPA and the Legal Aid Board, are that children are facing serious charges such as murder, rape and aggravated robbery with adults; that investigations take long to finalise; that some of the persons alleging that they are under the age of 18, are in fact over the age of 18 when the information is verified; and that parents and/or guardians do not accept responsibility for children accused of crimes or their parents cannot be found and because of the seriousness of the charges, the children cannot be kept in secure care facilities.

The Department has facilitated discussions with and extra funding for the Legal Aid Board, for the appointment of Children's Units in the larger of the 58 Justice Centres, countrywide, for the purposes of representing children in both criminal child justice matters and family law-related matters, especially in children's court and maintenance cases. The Legal Aid Board has waived the means-clause for representing children, because children apart from their parents/ guardians/ caregivers in general, do not have an income.

The Legal Aid Board has further launched a Children Awaiting Trial Project where the Justice Centre executives physically go and search for the children in Correctional Facilities (prisons), to ensure that they have the requisite legal representation.

Figure 1a: Statistics of Children Awaiting Trial in Correctional Facilities (Prisons):

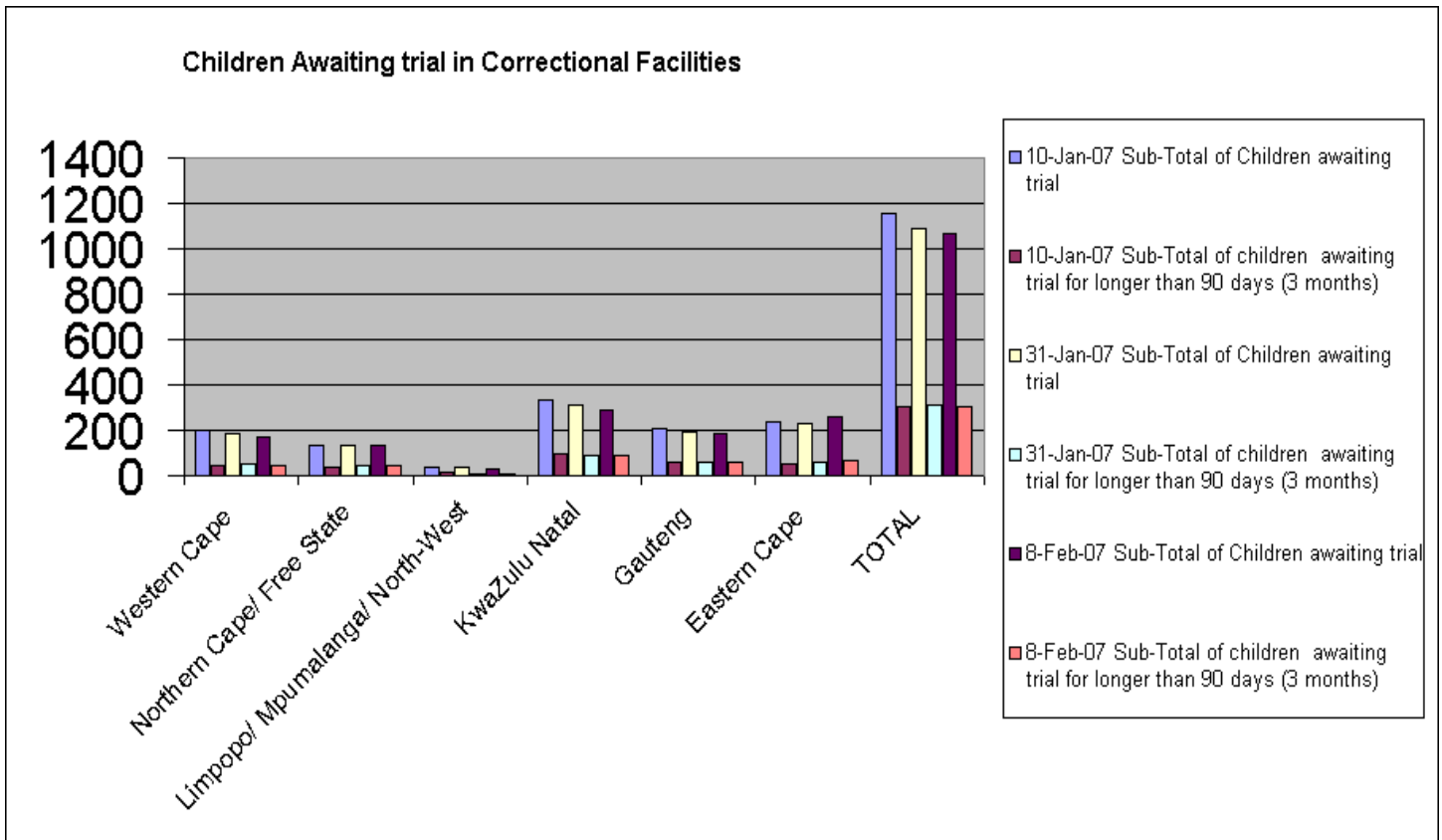


Figure 1b: Statistics of Children Awaiting Trial in Correctional Facilities (Prisons):

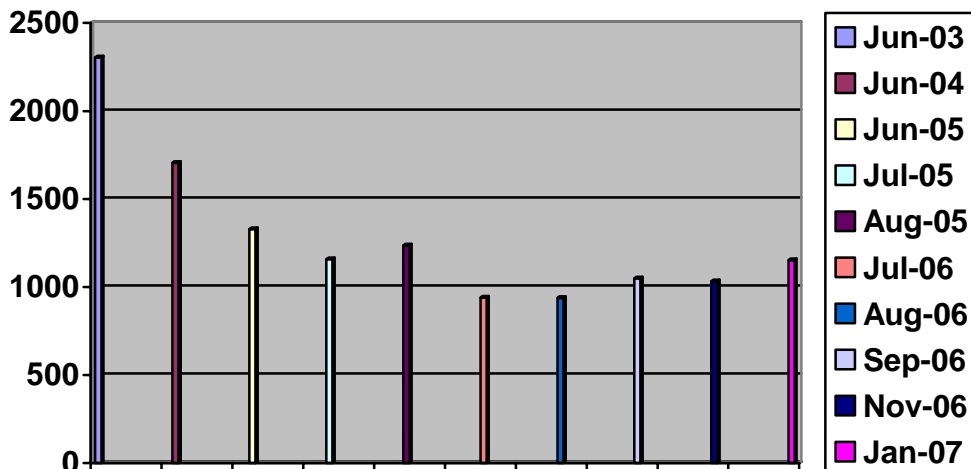
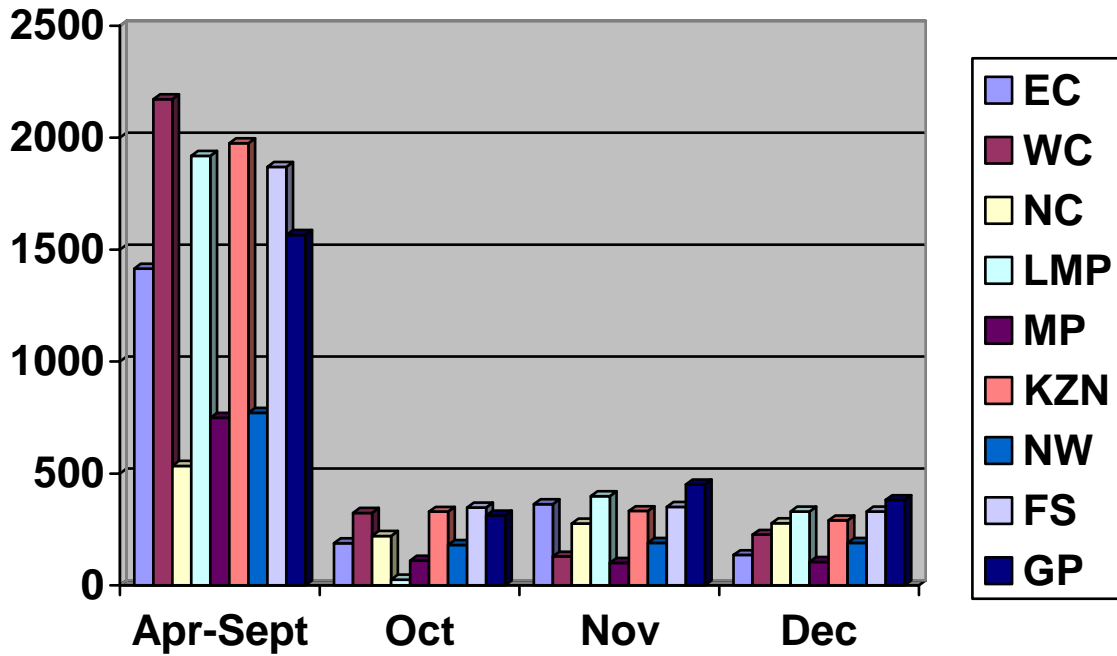
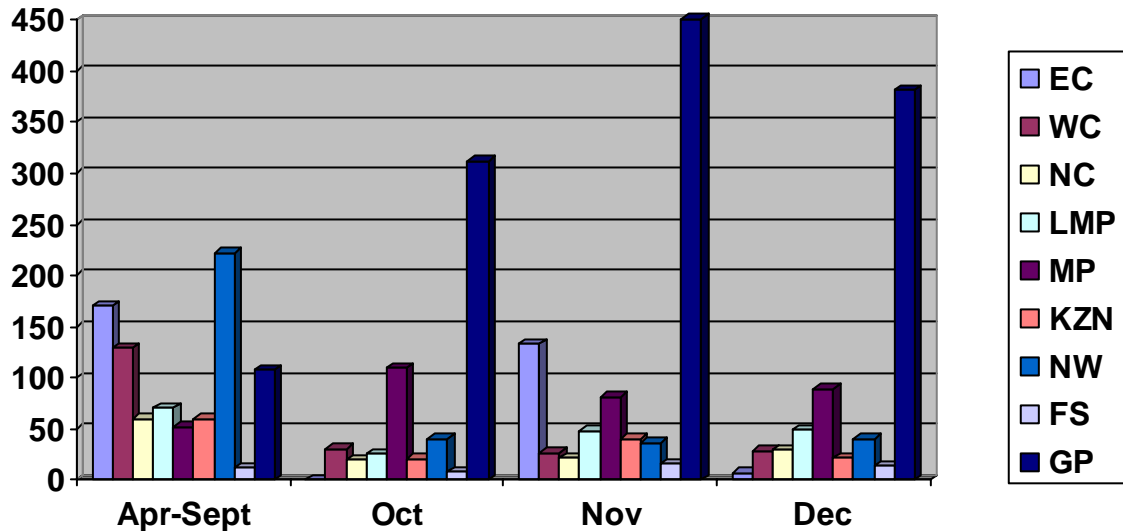


Figure 2: Children on diversion programmes:



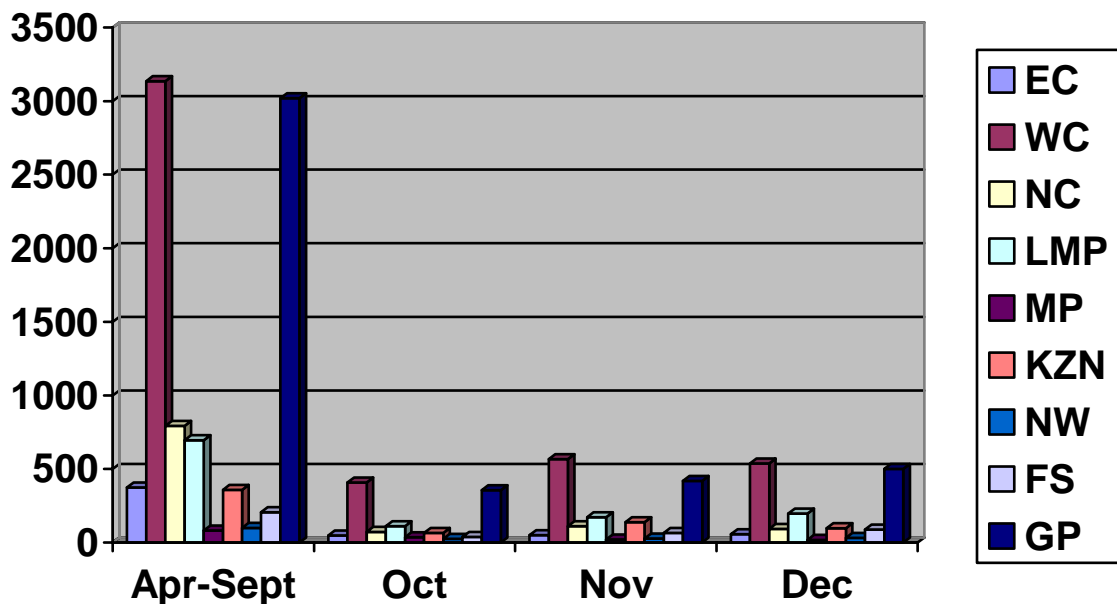
Source: Department of Social Development

Figure 3: Children on Home-based Supervision:



Source: Department of Social Development

Figure 4: Children in Secure Care Facilities:



Source: Department of Social Development

According to the National Prosecution Authority, diversions increased from 2003/04, to December 2006, as follows:

- 2003/2004: 17 737;
- 2004/2005: 18 615;
- 2005/2006: 37 132;
- April to September 2006: 11 333.

The NPA has thus far, not been differentiating between the diversion of children and the diversion of adults, but has agreed to do so from April 2007, until that disaggregation occurs we will not be able to determine that 50% of children are diverted. We have established an Information Management System Task Team to ensure an effective system with disaggregated information in line with the UN Indicators which includes diversion of children.

DOMESTIC VIOLENCE

The Department and in particular the Chief Directorate for Promotion of Rights of Vulnerable Groups facilitated the -

- development of rights education material for Domestic Violence;

- Translation of Domestic Violence material in various languages;
- Distributed material in support of the 16 Days of No-Violence Against Women and Children to Regions;
- Convened a stakeholder consultative meeting on the development of Minimum Standards for Domestic Violence;
- Facilitated finalization of Domestic Violence Guidelines for the Judiciary;
- Coordinated training of Domestic Violence clerks and the Judiciary in the Western Cape.
- The training is in a process of being rolled-out to other provinces during 2007.

Sexual Offences Courts

- Funds for permanent appointment of support staff for sexual offences courts were transferred to regions;
- The Sexual Offences Bill was costed;
- Six training sessions for Magistrates on Sexual offence were funded

VULLNERABLE GROUPS PLANS FOR 2007:

The portfolios within Vulnerable Groups are the Specialised Courts (Equality, Small Claims and Sexual Offences Courts), Victim Support and Family law (Children, Child Justice, Domestic Violence, Marital law and its related consequences such as custody, access and maintenance)

The Chief Directorate Promoting the Rights of Vulnerable Groups located within Court Services will commencing this financial year, adopt a multi-pronged approach and the operations of the Chief Directorate will have a major shift towards developing policy to ensure regarding all the above mentioned portfolios that there are:

- Improved Service Delivery
 - Training and refresher courses for Court Personnel
 - Awareness and Communication
 - Co-ordination of Services
 - Developing Information Management and Complaints Management Systems
 - Annual/Periodic Roundtables in relevant areas

- Research/Transformation
 - Analysis/Assessment of Current trends/processes/services in Courts
 - Research local and international comparative jurisdiction
 - Overhauling/amendments/legislative proposals

One of the major areas that will be dealt with is the incorporation of restorative justice principles. Principles of restorative justice acknowledging the dignity and worth of human beings and entrenched within indigenous and religious systems which for far too long were denied, form the foundation of the restorative justice model that will seek to resolve disputes through a non-adversarial model. This will permeate the civil as well as the criminal justice system. **It must be noted that the Department is developing the restorative justice programme to divert as many matters as possible from litigation.** This programme will be **especially applicable to matters in the family law** sphere and will seek to retain the integrity of the family structure by addressing disputes through mediation, conciliation, anger management and other related techniques. The impact of a successful restorative justice programme will ensure community involvement and prevent children and other vulnerable groups that are processed through the criminal justice system from being sanctioned with custodial sentences.

With respect to the **Equality Courts**, having been established in the new dispensation, monitoring systems are currently been developed to ensure that they function optimally. At present they are facing many challenges. Furthermore it is noted that the seats of the Equality Courts have been mostly located within the previous main Magistrates Courts. This means that branch and periodical courts have not been designated as Equality Courts. In addition, to improving services as will be noted in all of the portfolios that interdepartmental fora have been setup or are in the process of being set up to ensure that services are co-ordinated. With respect to Equality Courts, a C9 forum has been set up. For this year the forum will focus on developing benchmarks for reducing discrimination, addressing litigation and related matters, training on Equality legislation and general services supporting the Equality Courts.

DOJ&CD is the convenor of the **Inter-sectoral Committee on Child Justice**. This Committee includes government departments, Office of the Inspecting Judge and some NGOs. The Committee has since expanded to include the Chapter Nine institutions, the Youth Commission and National NGOs such as Child Welfare. For its plan for 2007 the Inter-Sectoral Committee will ensure the facilitation of a **Child Justice Information Management System, have set up a task team monitoring and tracking children awaiting trial, will host a round table to address issues of prevention, recidivism and to further set benchmarks/indicators.**

The process re-engineering the **Small Claims Courts** will quicken its pace for this year as a further 106 courts are designated. In addition to strengthening training and developing support for these courts, amendments to the Act for the interim will be considered. Transforming the Small Claims Courts to mainstream services, pursuing mediation with respect to certain disputes will be considered.

In supporting victims of the **Sexual Offences Courts**, the programme will consider expert witness testimony in regard to forensic evidence and trauma experienced by victims of sexual offences. These aspects will be considered against the backdrop of gender inequality not only of the courts but also of the discriminatory premise upon which the criminal procedure act is based. The situation of intermediaries will be addressed during this year. Aspects such as expanding those persons designated by proclamation will be considered to include paralegals and psychologists and members of the legal profession. Training learnerships will be develop to address the current inadequacy and lack of appreciation of interviewing children within the current accusatorial system, The main area of focus will be the mainstreaming of the Sexual Offences Courts.

With respect to **Maintenance and Project Isondlo** it needs to be noted that this was a crucial area of attention for 2006 and remains the priority for this year. A major tracing project is currently underway to trace beneficiaries and defaulters in an attempt to reduce the current backlog. More than reducing the backlog project, facilitating the development of an effective and sustainable information management system will be one of the key areas of focus in an attempt to prevent such backlogs from occurring in

the future. As part of its research and transformation; the five family courts will be assessed; current maintenance as it applies to pensions will be explored with the possibility of proposing amendments to the Act; comparative international research is being undertaken to explore the formula based system coupled with restorative justice principles to prevent further acrimony when families separate.

Family Court project

The primary focus of the family court project was to strengthen the five identified pilot sites in terms of the strategic priorities espoused in the implementation plan of the Family Court Blueprint. Some of the priorities achieved to date as been extended to areas beyond the realm of the pilots, into other courts, identified “hot-spot” areas and Presidential nodal points.

The focus this financial year included the permanent appointment of appropriately skilled personnel, to give fruition to the envisaged service delivery platform, hence rendering of substantive legal advice, and alternate dispute mechanisms. This included the appointment of permanent Maintenance Officers as envisaged by the Maintenance Act 98 of 1998.

Implementation of the Service Charter for Victims at Courts:

Service Charter publications, pamphlets and posters, have been printed in all official languages and Braille.

Training and briefing sessions for Court managers and other personnel were held in 9 provinces.

A needs analysis for courts has been conducted for implementation in the new financial year.

OFFICE OF THE FAMILY ADVOCATE

The office of the Family Advocate (F.A.), in accordance with relevant legislation, renders a specialized service to the High Court, Lower Court and Divorce Courts in matters affecting the best interests of minor dependant children. In the execution of this function, legislation requires that the Family Advocate be assisted by a Family Counsellor / Social Worker, who provides, an expert report on the psycho-social issues around the best interests of such children, and is also the Family Advocate's expert witness at the hearing of the matter.

The family advocate is also required by legislation to render family mediation in issues of custody, access and guardianship, which they cannot provide currently due to capacity problems.

The Chief Family Advocate is the country's designated Central Authority under the International Child Abduction Act.

The office of the F.A. continues to render services to all levels of court in accordance with relevant legislation, details whereof appear in the slide presentation of the CFA. The core mandate of the Family Advocate remains to be to protect the best interests of minor and dependant children in civil disputes in terms of domestic law and the Hague Convention on the Civil Aspects of International Child Abduction.

Between April and 31 December 2006, 38 new applications were received from the different signatory countries. Thirteen of the applications have been resolved through mediation; two appeals to the Supreme Court of Appeals are still pending, while litigation in the High Court continues regarding the rest. An increase has been noted in the number of new applications, as more countries have accepted the ratification of the RSA. The popular destinations with abducting parents appear to be Cape Town and Johannesburg. This has brought about a need to increase capacity in both offices so as to assist our country in discharging its obligations under the Convention efficiently.

It has, however, been noted that most participating countries in this Convention are predominantly Western Europe, members of the Commonwealth, American states, etc. The African continent, and more particularly, our immediate neighbours, does not participate in the application of this treaty. In an endeavour to extend protection to all children moved unlawfully across our national frontiers, the office of the CFA will prioritize efforts to secure co-operation in the Region along similar principles to the International Child Abduction and other relevant Treaties during 2007.

With regard to the mandate under domestic law, 8 770 new matters were received, 6975 matters were finalized, and 13 150 settlement agreements were facilitated as at 31 December 2006.

These achievements were made possible by the slight increase in the capacity of different offices. **Additional appointments made during 2006 have increased the staff establishment of Family Advocates to 45, Family Counselors to 65. Furthermore, a Principal Family Advocate has been appointed to each of the 9 provinces, thus increasing managerial capacity.**

The backlogs have been reduced as follows:

- Cases outstanding for more than twelve months from 1841 to 1 109
- Cases outstanding for 9 - 12 months from 3049 to 2800
- Cases outstanding for 6 - 9 months from 5228 to 4 008.

The appointment of Family Counselors has helped in improving both cycle times and quality of reporting. Family Advocates are able to source reports speedily from the Family Counselors in their respective offices, and have expert witnesses readily available in trial matters. Family Counselors also assist with the function of Intermediaries in the different Regional and High Courts. The office of the CFA together with the Chief Directorate: Vulnerable Groups continue to monitor and evaluate the service closely, with an endeavor to determine the nature, extent, and consequently the best location of the service. This effort will receive priority during 2007.

The increased capacity has made it possible to increase the number of satellite and periodic offices that serve rural and township communities. Service delivery points have been set up in Newcastle, De Aar, Soweto, Klerksdorp and Welkom. The existing satellite offices are also continue to operate. A work study report has been obtained from HR, which indicates that 1269 posts are required for the F.A to fulfill their current mandate envisaged by existing statutes. It is envisaged that the recommendations emanating from such report will be implemented on an incremental basis over the next MTEF cycle.

The impending Children's Act poses a challenge to the lack of resources to meet the additional duties arising there from. The departmental task team is currently looking into, inter alia, a costing exercise with the assistance of the CFO's office so as to ensure preparedness of the department when the legislation becomes effective. The Act presents a few substantive issues likely to affect the business of the Family Advocate.

- ❖ Joint Custody will become the norm. In our current law joint custody has been an exceptional award, if specific circumstances so required. There is no specific model of joint custody in our jurisdiction. Research needs to be facilitated in this regard with a view of developing best models for RSA
- ❖ The Act seeks to alleviate acrimonious litigation in Family Disputes Awareness needs to be raised for the public, relevant organized professions and other role players.
- ❖ Available mediation models need to be compared, with a view to develop a suitable RSA model for family disputes covered under the Act

Other future plans include the involvement of Family Advocates in the country's crime prevention initiatives, through the preservation of Family Relationships, ADR mechanisms in the resolution of Family Disputes, and increased awareness of parental rights and responsibilities, which will impact positively on compliance with court orders. The foregoing stems from the premise that by reducing the numbers of emotionally fractured youth in our societies, the lesser the numbers of youth available to be drawn into the ranks of criminals.

2. Enhancing Organizational Efficiency

To deliver affordable services the courts have to be modernised. This entails harnessing technological innovation, rationalizing and streamlining processes and procedures and serving through a diverse and multi-skilled workforce. However, technology alone would not ensure effectiveness and efficiency; systems, processes and procedures need attention to ensure a seamless cheaper and faster service delivery. Equally, human resource development across the whole sector is important to raise standards of performance. The provision of modern accessible justice services is predicated on a quest for value for money.

IT DEVELOPMENT AT COURTS

A major exercise providing judges, magistrates, prosecutors and administrative personnel with such equipment has been completed.

Coordination of Courts to Be Supplied With Networks

- 750 Courts were supplied with computers, printers and IT cabling to ease direct electronic communication with National Office as well as their Regional Offices and among themselves,
- 2 Courts are currently on the wireless pilot and testing will be completed before the end of the Financial Year
- In order to improve the efficiency of the courts we are rolling out connectivity to all courts. Currently there are 230 remaining courts which have been prioritized in the next six months. This will complete the connectivity of all our courts. **Connectivity has been concluded to a total of 556 courts and 31 courts remain unconnected due to construction and renovations**

Automation process

- JDAS CBT training KIT tool still in progress and sign-off of the project will be completed before Financial Year end, and
- High Court Civil Case electronic solution have been supplied to all High Courts with an exception of Mmabatho High Court which had network response problems.

Supply of Electronic Law Reports to Courts

- All courts (750) have been supplied with quarterly renewable Jutastat Law Reports, and the licenses cost a total amount of 7,5 million Rand per annum, and
- Family Advocate Offices were also supplied with this Law Reports.

Case Flow Management

We have established an integrated case flow management system approach across the criminal justice value chain to ensure greater participation and cooperation by all stakeholders

CFM Guidelines were developed and made available to all lower courts for distribution amongst all role players. Judiciary clusters and Regional Heads are being capacitated through training workshops to implement case flow management based on the guidelines. We have in the past year facilitated change management on Case Flow Management for the court system stakeholders and support implementation processes at court level. Various workshops were conducted.

Templates have been developed to assist courts in developing their own Case Flow Management plans and to monitor their performance. Guidance are provided to the Heads of Office, Sub Cluster and Cluster Heads to establish CFM stakeholder forums and align same with provincial and local JCPS forums

The E-Scheduler: The e-scheduler is one of the most prominent IT innovations of the Department. It is said to make a dynamic impact on service delivery. This application is used to register criminal court information for court environment. The application allows the court to schedule cases, thereby determining when the future court diary is available. This daily court roll is available for printing, perusal and to address queries from the public and SAPS in some instances.

The e-Scheduler has been deployed to 332 (60%) sites and user access granted as follows:

- Judiciary 517
- Prosecution 547
- Court Support Services 1774
- **Total 2838**

E-scheduler Roll Out per month

48	Number of courts e-scheduler implemented prior to 30September 2006
16	Number of courts e-scheduler implemented during October 2006
22	Number of courts e-scheduler implemented during November 2006
71	Number of courts e-scheduler implemented during December 2006
68	Number of courts e-scheduler implemented during January 2007
107	Number of courts e-scheduler implemented during February 2007
332	Total – Balance of courts to be concluded by July 2007

Regions	# of national trained users since 1/10/06	
Eastern Cape	24	
Free State	22	
Gauteng	42	
KwaZulu-Natal	60	
Limpopo	43	
Mpumalanga	36	
Northern Cape	24	
North West	51	
Western Cape	32	
Total	334	

E-scheduler Roll out per Province: As on 23 February 2007

#	Eastern Cape	Free State	Gauteng	KwaZulu-Natal	Limpopo	Mpumalanga	Northern Cape	North West	Western Cape
332	63	42	21	44	37	25	25	30	45
1.	East London	Bloemfontein	Benoni	Empangeni	Polokwane	Ermelo	Kimberley	Klerksdorp	Khayelitsha
2.	New Brighton	Kroonstad	Germiston	Ixopo	Tzaneen	Kabokweni	Upington	Potchefstroom	Mitchells Plain
3.	Port Elizabeth	Welkom	Vanderbijlpark	Kokstad	Naphuno	Middelburg	Springbok	Wolmeransstad	Stellenbosch
4.	Queenstown	Bethlehem	Vereeniging	Ladysmith	Thabamooop	Nelspruit	Kakamas	Lichtenburg	Simonstown
5.	Zwelitsha	Brandfort	Oberholzer	Madadeni	Hlanganani	Witbank	Port Nolloth	Ottosdal	Goodwood
6.	Uitenhage	Thaba Nchu	Sebokeng	Newcastle	Praktiseer	Bethal	Garies	Ditsobotla	Bishop Lavis
7.	Umtata	Excelsior	Brakpan	Pinetown	Nylstroom	Carolina	De Aar	Pampierstad	Paarl
8.	Engcobo	Boshof	Alberton	Port Shepstone	Warmbad	Eerstehoek	Groblershoop	Schweizer Reneke	Oudtshoorn
9.	Humansdorp	Dealesville	Pretoria	Scottburgh	Bochum	Evander	Pofadder	Christiana	Athlone
10.	Butterworth	Koffiefontein	Pretoria North	Verulam	Seshego	Piet Retief	Victoria West	Taung	Cape Town
11.	Bizana	Ladybrand	Johannesburg	Vryheid	Phalale	Nkomazi	Kenhardt	Delareyville	Bluedowns
12.	Willowvale/Gatyana	Trompsburg	Soweto	Umlazi	Ellisras	Amersfoort	Prieska	Coligny	Kuilsrivier

#	Eastern Cape	Free State	Gauteng	KwaZulu-Natal	Limpopo	Mpumalanga	Northern Cape	North West	Western Cape
332	63	42	21	44	37	25	25	30	45
13.	Umzimkulu	Bothaville	Kempton Park	Chatsworth	Giyani	Ekangala	Williston	Bloemhof	Knysna
14.	Mdantsane	Botshabelo	Roodepoort	Stanger	Malamulela	Moutse	Sutherland	Vryburg	Atlantis
15.	Tsolo	Dewetsdorp	Westonaria	Weenen	Vuwani	Kwamhlanga	Kuruman	Fouchville	Strand
16.	Mount Frere	Jacobsdal	Mamelodi	Escourt	Namakgale	Hendrina	Colesburg	Madikwe	Somerset West
17.	Luskisiki	Petrusburg	Thembisa	Nqutu	Lulekani	Morgenzon	Hanover	Ventersdorp	Calitzdorp
18.	Alexandria	Reddesburg	Meadowlands	Ezakeni / Emnambithi	Nebo	Mkobolo	Warreton	Atamelang	Ladismith
19.	Lady Frere	Rouxville	Lenasia	Enseleni	Louis Trichart	Standerton	Richmond	Groot Marico	Parow
20.	Grahamstown	Smithfield	Kliptown	Kwamsane	Messina	Lydenburg	Noupoort	Ganyesa	Prins Albert
21.	Cathcart	Phuthaditjaba	Orlando	Mtubatuba	Mankweng	Waterval Boven	Frazerburg	Bafokeng	Mosselbaai
22.	Stuterheim	Philippolis		Hlabisa	Phalaborwa	Graskop	Phillipstown	Swartruggens	Albertinias
23.	Ezibeleni	Edenburg		Bergville	Potgietersrus	Amsterdam	Carnarvon	Brits	Worcester
24.	Sterkstroom	Marquard		Ndwedwe	Mokerong	Barberton	Keimoes	Stilfontein	Swellendam
25.	Molteno	Parys		PMBurg	Dzanani	Balfour	Kathu	Molopo	Uniondale
26.	Whittlesea	Harrismith		Howick	Mutale			Koster	Heidelberg

#	Eastern Cape	Free State	Gauteng	KwaZulu-Natal	Limpopo	Mpumalanga	Northern Cape	North West	Western Cape
332	63	42	21	44	37	25	25	30	45
27.	Steynsburg	Kestell		Impendle	Thohoyandou			Orkney	Riversdale
28.	Tarkastad	Ficksburg		Ubombo	Tshitale			Kudumane	George
29.	Hofmeyer	Bultfontein		Himeville	Tshilwanusiki			Odi/Garankuwa	Bellville
30.	Burgersdorp	Springfontein		Richmond	Naboomspruit			Moretele	Laingsburg
31.	Venterstad	Winburg		Emzumbe	Mapulaneng				Ceres
32.	Sterkspruit	Sasolburg		Umbumbulu	Thabazimbi				Robertson
33.	Aliwal North	Memel		New Hanover	Tiyani				Montagu
34.	Jamestown	Steynsrus		Msinga	Mhala				Bredasdorp
35.	Barkley East	Lindley		Richardsbay	Ritavi				Bonnievale
36.	Lady Grey	Reitz		Dannhauser	Bolobedu				Hermanus
37.	Cala	Hobhouse		Kranskop	Sekhukune				Wellington
38.	Indwe	Virginia		Paulpietersburg	Complete				Malmesbury
39.	Dordrecht	Bethulie		Eshowe					Laaipek
40.	Cofimvaba	Petrus Steyn		Greytown					Clanwilliam
41.	Alice	Ventersburg		Nongoma					Vanrhynsdorp

#	Eastern Cape	Free State	Gauteng	KwaZulu-Natal	Limpopo	Mpumalanga	Northern Cape	North West	Western Cape
332	63	42	21	44	37	25	25	30	45
42.	Middledrift	Theunissen		Simdlangentsha					Caledon
43.	Fort Beaufort			Louwsburg					Hopefield
44.	Komga			Dundee					Vredenburg
45.	Keiskamahoek								Piketberg
46.	King Williamstown								
47.	Peddie								
48.	Bedford								
49.	Port Alfred								
50.	Somerset East								
51.	Pearson								
52.	Cradock								
53.	Adelaide								
54.	Graaff Reinet								
55.	Tabankulu								
56.	Middelburg								

#	Eastern Cape	Free State	Gauteng	KwaZulu-Natal	Limpopo	Mpumalanga	Northern Cape	North West	Western Cape
332	63	42	21	44	37	25	25	30	45
57.	Joubertina								
58.	Hankey								
59.	Steytlerville								
60.	Jansenville								
61.	Aberdeen								
62.	Willowmore								
63.	Kirkwood								

Video postponements (pilot in KZN) - The Video Postponement project commenced at the Durban Westville Correctional Centre which is linked to the Durban and Pinetown Magistrates Courts. The project is based on the use of closed circuit television (now video conferencing) in the court environment to facilitate the postponement of cases in which the accused is an awaiting trial detainee, without the detainee leaving the Correctional Centre facility. The first live postponements were conducted on 7 October 2005 and to date 4899 postponements have been concluded. The initial pilot was scheduled to run for six months, based on the success it was extended and is still being operated.

The system alleviates security risks with escapes and danger to officials as well as saving resources and administrative burden of transporting awaiting trial detainees to and from courts. It is used for awaiting trial detainees and exclude juvenile cases. Local stakeholders in the province are on board. The legislation is still in the processing stage.

JDAS: It is a financial and case management system that administers all monies kept in trust within the magistrates' courts (current version 4 to be rolled out to all DNS sites in 2007/08). It is aligned with the Governments approach of Batho Pele (*Peoples First*) and is aimed at improving the social and economic standing of South Africa, especially that of women and children who count under the poorest of the poor. This is achieved by ensuring that monies kept in trust, such as maintenance and bail, are available and paid to the beneficiaries in time to alleviate waiting in long queues and undertaking unnecessary trips to court.

Transcription services – Each Region has been provided with dedicated service provider for transcription of court proceedings to expedite the finalization of cases.

Document Management System – Criminal court business process analysis conducted - focus on defining technology to provide total solution for electronic document management/archiving.

Scanning solution – enhanced system supporting e-scheduler to capture/filed documents electronically.

JDAS - financial case management system that administers all monies kept in trust within the magistrates' courts (current version 4 to be rolled out to all DNS sites in 2007/08)

High Court Tool – Is an Administration System for all Civil Matters. It is used to log capture a case/matters. It allocates Court Dates, Court Rooms and also Judges for specific Cases/Matters per Court. It has the ability to produce Notices of Enrollment, and these can either be faxed or emailed. At the it produces Court Rolls and also once matters have been finalized, it produces Court Order(s). All information pertaining to that particular case/matter gets stored on the Central Database at the NOC.

It is currently running in 13, of the 14 High Courts in the Republic of South Africa. These are Johannesburg, Pretoria Bloemfontein, Kimberley, Pietermaritzburg, Durban, Mthatha, Bisho, Grahamstown, Port Elizabeth, Thohoyandou, and Cape Town. Mmabatho is still pending.

Virtual Library – Is an electronic library system created by the Department and housed at the Constitutional Court to meet the constitutional mandate that provides courts with a gateway to information that will empower Judges, Magistrates, Prosecutors ,and other relevant role players to access legal information for the promotion of the improvement of research, thus enhancing quality service delivery to the Judiciary and legal environment in SA.

The application provides an integrated subscription-based internet access to an extensive Law Library Catalogue, Local and International online databases and access to a South African judgments database.

Digital Court Recording System - Transition of the court recording system from analogue to digital systems across all courts as uniform solution. All High Courts have been concluded and the roll-out is being implemented at the lower courts.

Court Nerve Centre:

The centre has been established as a mechanism to monitor and measuring court performance.

The Balanced Scorecard approach was adopted to collect and collate integrated court information based on *inter alia* measures/variables such as, court time, disposal rate, etc and also provides for a predictive model.

The Court Nerve Centre develop and maintain performance and service standards for courts and monitor the extent to which courts are meeting set standards and strategic objectives. Standards are set in consultation with court users, court stakeholders and all relevant criminal justice role-players.

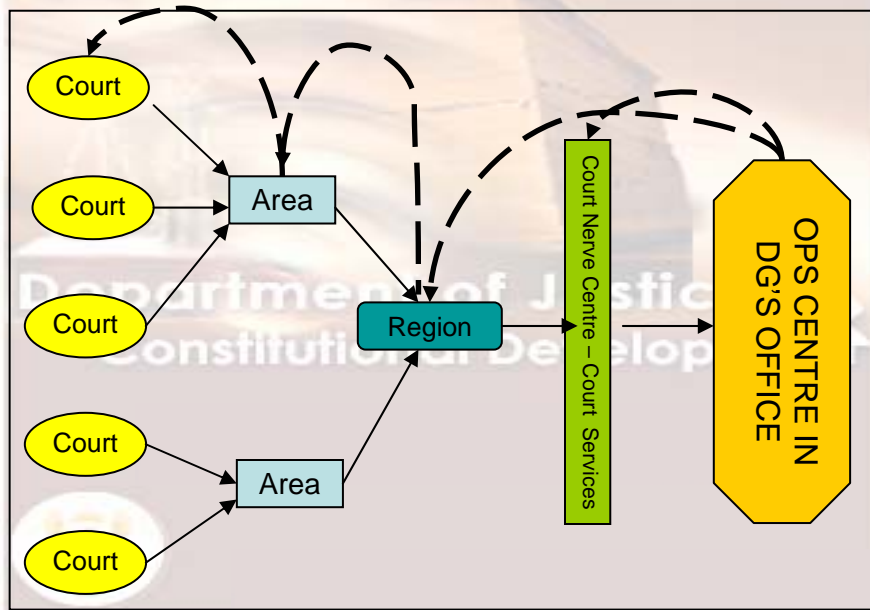
As a long term solution, the Department has embarked on the design and building of a Justice Information Management System (JMIS) to do away with the paper-based system that is in place.

Existing systems like eScheduler feeds information into JMIS, where electronic information is not available the information is obtained through the utilization of monthly returns.

This information will be collated by the Court Nerve Centre as shown in the diagram below:

Diagram 1: The Flow of Information in the Department of Justice and Constitutional Development.

INFORMATION FLOW



Court Management Development Programme

To improve the performance of court operations an initiative was taken to capacitate Court Managers in management competencies.

- We facilitated the completion Court Management Learnership Programme which was completed in December 2006,
- Coordinated capacity development for mentorship and assessment to support the Learnership Programme in respect of all newly appointed area court managers (deputy directors),
- Facilitated the placement of the Court Management Development Programme as part of the restructured Justice College.

Additional Courts

A framework for the establishment of these courts is being developed 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 proper mechanism to monitor the performance of these courts. The purpose of establishing additional courts is to reduce case backlogs. The additional courts at present have mainly been continued with regards to part heard matters

Redefinition of the New Registrars Dispensation

Based on a job evaluation process that was conducted a new Registrars dispensation for the High Courts is in the process and implementation has commenced.

BUDGET MANAGEMENT

MTEF Allocations: Key Observations

- Expenditure is expected to continue to rise rapidly, at an average annual rate of **10,7 per cent** between 2006/07 and 2009/10, from R2,7billion to R3,5 billion. This increase will provide for the departmental projects to reduce the criminal case backlogs, integrated case flow management rehabilitation and day-to-day maintenance of court buildings and management capacity at court level.
- Over the MTEF, expenditure on the **Lower Courts** subprogramme, which accounts, on average, for 66 per cent of this programme's budget, increase from R1,9 billion in 2005/06 to R2,5 billion in 2009/10, an average annual rate of 8,2 per cent.
- The growth in the budget allocation of the **Family advocate** over the MTEF period is earmarked for the appointment of additional family advocates and family counsellors.
- The increase in expenditure on the **Capital Works** subprogramme, from R268,1 million in 2006/07 to R569,3 million in 2008/09 at an annual average growth rate of 28,3 is to fund the building of new courts and the rehabilitation of existing court infrastructure.

Additional Allocations approved by National Treasury

2006 MTEF (2006/07 – 2008/09)

- Alternative Dispute Resolution Mechanism - R3 m,R5 m,R10m
- Implementation of Children Bill - R10 m,R15 m,R20 m
- Facilities management- R10 m,R20 m,R30 m
- Management Capacity Courts- R10 m,R12 m,R35 m
- Integrated Case flow management- R10 m,R12 m,R20 m

Total R43 m, R64 m, R115m

2007 MTEF (2007/08 – 2009/10)

- Capital works (Infrastructure)- R40 m,R60 m,R80m
- Reduction of Criminal case backlog- R30 m,R70 m,R92 m

Total R70 m, R130 m, R172 m

MTEF Budget Allocations: **Per Economic Classification**

	2006/07	2007/08	2008/09	2009/10
BUDGET	-	-	-	-
Current payments	-	-	-	-
Compensation of employees	1,237,963,000	1,369,218,000	1,554,619,000	1,751,342,040
Goods and services	719,693,000	952,189,000	1,044,789,000	1,174,930,000
Total current payments	1,957,656,000	2,321,407,000	2,599,408,000	2,926,272,040
Transfers and subsidies to:	-	-	-	-
Current transfers	-	-	-	-
Provinces and municipalities	1,213,000	-	-	-
Households	-	7,988,000	8,487,000	9,034,000
Total Transfers and Subsidies	1,213,000	7,988,000	8,487,000	9,034,000
Payments for capital assets	-	-	-	-
Buildings and other fixed structures	287,934,000	333,622,000	368,303,000	422,000,000
Machinery and equipment	83,838,000	48,866,000	56,341,000	55,501,000
Cultivated assets	-	-	-	-
Software and other intangible assets	275,000	100,000	125,000	150,000
Land and subsoil assets	-	-	-	-
Total payments for capital assets	372,047,000	382,588,000	424,769,000	477,651,000
	2,330,916,000	2,711,983,000	3,032,664,000	3,412,957,040

MTEF Budget Allocations:
Sub Programme Division

Court Services	2006/07	2007/08	2008/09	2009/10
Constitutional Court	28,350,000	46,267,000	49,968,000	55,465,000
Supreme Court of Appeal	14,099,000	15,942,000	17,242,000	18,232,000
High Courts	155,522,000	175,482,000	189,687,000	200,535,000
Specialised Courts	20,701,000	20,577,000	22,221,000	23,491,000
Lower Courts	1,558,358,000	1,625,258,000	1,859,360,000	2,136,659,040
Family Advocate	56,780,000	72,309,000	78,210,000	83,185,000
Magistrate's Commission	5,334,000	6,948,000	7,372,000	7,852,000
Government Motor Transport	28,863,000	30,306,000	31,821,000	34,366,000
Facilities Management	268,134,000	466,902,000	508,703,000	569,350,000
Administration of Courts	194,775,000	251,992,000	268,080,000	283,822,000
TOTAL	2,330,916,000	2,711,983,000	3,032,664,000	3,412,957,040

MTEF Budget Allocations:
Regional Budget Division

Court Services	2006/07	2007/08	2008/09	2009/10
KWAZULU NATAL	260,104,000	294,107,000	323,098,000	334,989,000
EASTERN CAPE	282,485,000	299,126,000	323,444,000	342,242,000
GAUTENG	317,208,000	349,781,000	377,967,000	399,866,000
MPUMALANGA	98,883,000	108,844,000	117,470,000	124,268,000
LIMPOPO	160,890,000	171,265,000	184,053,000	194,701,000
WESTERN CAPE	162,712,000	212,381,000	229,685,000	242,666,000
FREESTATE	135,764,000	155,972,000	165,184,000	174,540,000
NORTHERN CAPE	60,036,000	66,665,000	70,661,000	74,664,000
NORTH WEST	121,064,000	137,454,000	146,396,000	154,833,000
NATIONAL OFFICE	731,770,000	916,388,000	1,094,708,000	1,370,188,000
TOTAL	2,330,916,000	2,711,983,000	3,032,666,000	3,412,957,000

Major Project Funding Earmarked: National Treasury Allocations

Project Funding	2007/08	2008/09	2009/10
Available Project Funding	128,415,000	241,079,000	429,150,040
	-	-	-
Transformation	19,700,000	52,300,000	59,410,000
Alternative Dispute Resolution Mechanisms	5,000,000	10,000,000	12,000,000
Women in Justice Education, Victim Charter, etc	2,600,000	15,100,000	16,610,000
Transformation of the Judiciary	5,000,000	15,000,000	16,500,000
Review of the Criminal and Civil Justice System	5,000,000	10,000,000	12,000,000
Redemarcation of Magisterial Districts	2,100,000	2,200,000	2,300,000
Human Resource capacity	17,115,000	42,779,000	189,540,040
Court Personnel (New High Courts)	5,300,000	5,600,000	5,900,000
Court Managers Development	2,500,000	2,600,000	2,700,000
General Capacity	9,315,000	34,579,000	180,940,040
Vulnerable groups	33,800,000	39,400,000	48,800,000
Family Courts	1,200,000	1,300,000	1,400,000
Maintenance	2,900,000	3,000,000	6,500,000
Equality Courts	7,100,000	7,500,000	8,200,000
Sexual Offences	2,100,000	2,200,000	2,300,000
Domestic Violence	1,100,000	1,200,000	1,300,000
Victim support	10,100,000	10,700,000	11,300,000
Small Claims Court	900,000	1,000,000	1,200,000
Implementation of Children Bill	7,000,000	11,000,000	15,000,000
Child Justice	1,400,000	1,500,000	1,600,000
Case flow management and reducing backlogs	57,800,000	106,600,000	131,400,000
Integrated Case flow management	57,800,000	106,600,000	131,400,000

Property and Facilities Management Allocations

	2006/07	2007/08	2008/09	2009/10
Property Management	309,782,000	344,942,000	369,372,000	424,281,000
<i>Of Which</i>				
<i>Accommodation Charges</i>	<i>107,193,000</i>	<i>125,630,000</i>	<i>134,212,000</i>	<i>165,605,000</i>
<i>Leases</i>	<i>114,892,000</i>	<i>124,138,000</i>	<i>133,994,000</i>	<i>147,393,000</i>
<i>Municipal Services</i>	<i>87,697,000</i>	<i>95,174,000</i>	<i>101,166,000</i>	<i>111,283,000</i>
Facilities Management	268,134,000	466,902,000	508,703,000	569,350,000
<i>Of Which</i>				
<i>Capital Works</i>	<i>268,134,000</i>	<i>333,622,000</i>	<i>368,303,000</i>	<i>422,000,000</i>
<i>Day To Day Maintenance</i>		<i>22,000,000</i>	<i>23,100,000</i>	<i>24,200,000</i>
<i>Rehabilitation</i>		<i>71,000,000</i>	<i>75,000,000</i>	<i>78,750,000</i>
<i>Upgrading of Infrastructure</i>		<i>40,280,000</i>	<i>42,300,000</i>	<i>44,400,000</i>
Administration of Courts	45,912,000	51,537,000	55,612,000	58,740,000

PRIORITIES AND PLANNING FOR 2007

2007 ACTION PLAN : ALIGNED TO THE DOJCD MTSF

Strategic Objective	Deliverables	Activities for 2007
<p>Strategic Goal 1:- Access to Justice</p> <p>Strategic Objective 1: Bringing justice services closer to all with emphasis on rural areas</p>	<p>New court facilities</p> <p>Major Additions to existing courts</p> <p>Maintained Justice Facilities</p>	<ul style="list-style-type: none"> • Construction of new facilities / new Courts and major additions • Acquisition of sites for new Courts • Planning for the construction of new court and major additions to existing courts • Maintenance of existing courts • Continue to provide secured facilities that meets requirements • Develop a departmental Costed Maintenance Plan • Develop a detailed User Asset Management Plan and implement accordingly
	<p>Provision of justice service delivery point in areas of need</p>	<ul style="list-style-type: none"> • Secure accommodation and infrastructure for identified satellite offices. • Provide space as and when required in the form of mobile units or leased accommodation. • 18 Mobile Units ordered and to be delivered before 31 March 2007
	<p>Redemarcation of magisterial boundaries</p>	<ul style="list-style-type: none"> • Liaise with ODG re planning and discussions with Municipal Demarcation Board; • Conduct needs assessment for infrastructure resulting from the re-demarcation process
	<p>Small claims courts devolved and national roll out of 106 Small Claims Courts</p> <p>National and provincial task teams to improve service delivery in Small Claims courts</p> <p>Transformation of the</p>	<ul style="list-style-type: none"> • Develop and facilitate the implementation on a national plan to accelerate the establishment of 106 Small Claims Courts in the Regions - especially in the rural areas • Facilitate the setting up and strengthening of provincial and national task teams to monitor the establishment and functioning of the Small Claims courts • Investigation and research to

Strategic Objective	Deliverables	Activities for 2007
	Small Claims Courts	facilitate the amendment and / updating of the Small Claims Act and its regulation; to mainstream Small Claims Court services
	Expansion of Family Advocate services throughout the provinces	<ul style="list-style-type: none"> • Establishment and maintaining of satellite/periodical offices in Worcester, Klerksdorp, Newcastle, Soweto, Vereeniging, Welkom, Rustenburg, Mitchells Plain, Khayelitsha, Lebowakgomo, Thohoyandou, Witbank and Barberton. (2 Satellite offices per province.)
	Lay assessors	Finalisation of draft regulations and policy
	2010 Soccer event	Continue with planning in this regard and regular interaction re court processes between NPA/ SAPS / LAB
Strategic Objective 2: Facility management	Well Maintained Court Facilities	<ul style="list-style-type: none"> • Continue with the RAMP • Develop a departmental Costed Maintenance Plan • Develop a detailed User Asset Management Plan and implement accordingly
	Provide leased accommodation for use as Service Delivery points	<ul style="list-style-type: none"> • Compile needs analysis for accommodation of Family Advocate's new service delivery points • Provide accommodation in leased property and manage the lease agreements accordingly • Compile needs analysis for accommodation of Family Advocates, Masters Of the High Court, the State Attorney and other DOJ agencies
Strategic Objective 3: Security health and safety improvement	Secure workplaces and facilities meeting all applicable regulations	<ul style="list-style-type: none"> • Install new Fire Fighting equipments in all Facilities and service all existing to comply with Regulations • Install perimeter fencing in identified sites • Install security lights in identified sites • Commission service providers to conduct an audit on air conditions in all courts to develop

Strategic Objective	Deliverables	Activities for 2007
		<p>maintenance plans well as entering into maintenance contracts for the same.</p>
<p>Strategic Objective 4 Communicating Justice Services to all, especially to the youth, the poor and other vulnerable groups</p>	<p>Quality educational materials for effective outreach programmes</p>	<ul style="list-style-type: none"> • Engagements with PEC on development and implementation of relevant, user friendly, contextual, promotional and educational material on aspects impacting on vulnerable groups eg Small Courts, Equality courts and sexual offences and family law
<p>Strategic Objective 5 Educating the public on procedure to access justice services</p>	<p>Quality educational materials for effective outreach programmes</p>	<ul style="list-style-type: none"> • Development of a mechanism to facilitate comprehensive communication services and procedures for victims of crime so as to access relevant services
<p>Strategic Objective 7: Providing services in all official languages</p>	<p>Meet needs for professional interpretation</p>	<ul style="list-style-type: none"> • Develop a database accessible to all within court services/ department. • Provision of pamphlets for the Family Advocate and other court services aspects for court users in all official languages and Braille.
<p>Strategic Objective 8: Ensuring access to vulnerable groups</p>	<p>Maintenance</p> <ul style="list-style-type: none"> • Operation Isondlo -reduced backlog -economic empowerment -information management system -complaints management system -co-ordination of services 	<ul style="list-style-type: none"> • Tracing project • Facilitate discussions with private sector to ensure sustainability for beneficiaries • Facilitate the development of an information and complaints management system • Facilitate the establishment of provincial fora on maintenance • Support of Maintenance Investigators and provision of the necessary tools
<p>Strategic Objective 5 Educating the public on procedure to access justice services</p>	<p>Quality educational materials for effective outreach programmes</p>	<ul style="list-style-type: none"> • Development of a mechanism to facilitate comprehensive communication services and procedures for victims of crime so as to access relevant services
<p>Strategic Objective 7: Providing services in all official languages</p>	<p>Meet needs for professional interpretation</p>	<ul style="list-style-type: none"> ○ Develop a database accessible to all within court services/ department. ○ Provision of pamphlets for the Family Advocate and other court

Strategic Objective	Deliverables	Activities for 2007
		<p>services aspects for court users in all official languages and Braille.</p>
<p>Strategic Objective 8: Ensuring access to vulnerable groups</p>	<p>Maintenance</p> <ul style="list-style-type: none"> • Operation Isondlo -reduced backlog -economic empowerment -information management system -complaints management system -co-ordination of services 	<ul style="list-style-type: none"> • Tracing project • Facilitate discussions with private sector to ensure sustainability for beneficiaries • Facilitate the development of an information and complaints management system • Facilitate the establishment of provincial fora on maintenance • Support of Maintenance Investigators and provision of the necessary tools
		<ul style="list-style-type: none"> • Facilitate establishment of Maintenance Investigators' forum • Hold a National roundtable for Maintenance Investigators Conduct an audit of all maintenance forms • Facilitate the decentralization of ITC in the courts and training of investigators thereon. • Consult with experts / practioners in the field and facilitate the updating of the forms • Facilitate the amendment and updating of maintenance forms
	<p>Research/Transformation of the Maintenance System</p>	<ul style="list-style-type: none"> • Conduct Comparative research of other international systems regarding formula based systems / and systems where there is a combination of inquisitorial (coupled with mediation and other Dispute Resolution Methods) and adversarial systems to promote amicable solutions and retain family integrity on separation • Facilitate research on the impact of Maintenance on poverty alleviation/reduction; on the determination of Quantum; and other related matters
<p>Strategic Goal 9:- Children</p>	<p>Children's Act 2005 (Act No 38 of 2005) costed and implemented</p>	<ul style="list-style-type: none"> • Facilitate the drafting of regulations for the Children's Act • Facilitate a strategy to reduce backlog

Strategic Objective	Deliverables	Activities for 2007
	<p>Foster Care backlog reduced</p> <p>Child Justice Improved Service Delivery</p> <p>Inter-sectoral protocol/ guidelines on the management of Children being Used by Adults to Commit Crimes (CUBAC)</p> <p>Finalised Interim Protocol on Sentenced Learners (Children sentenced to Reform Schools)</p> <p>Costed Bill B49 of 2002: and implementation plan</p>	<ul style="list-style-type: none"> • Develop a plan to enhance service delivery in Children’s Courts; • Convene Children’s Courts Roundtable; develop policy on Child Participation • Convene the Inter-Sectoral Committee on Child Justice and through it - <ul style="list-style-type: none"> – Facilitate the development of an Information management system – tracking of awaiting trial children – facilitate development of non-custodial sanctions – Facilitate Interim Practice Guidelines for the Management of One Stop Child Justice Centres – Facilitate evaluation of pilot project in Mangaung – Facilitate launch of Nerina One Stop Child Justice Centre – Facilitate development of Minimum Standards for transportation of Sentenced Children – Facilitate a Roundtable for Child Justice – Facilitate a strategy to attend to cases involving children sentenced to life imprisonment – Facilitate the development of Inter-sectoral protocol/ guidelines on the management of Children being Used by Adults to Commit Crimes (CUBAC) – Facilitate the finalisation of an Interim Protocol on Sentenced Learners (To Reform Schools) • Facilitate updated implementation plans and costing for Child Justice Bill

Strategic Objective	Deliverables	Activities for 2007
Family courts	Family Courts Information management system for family courts	<ul style="list-style-type: none"> Facilitate the development of an information management system
	User friendly and available forms	<ul style="list-style-type: none"> Facilitate the amendment of Divorce forms Facilitate the development of an information Brochure on Divorce
	Improved service delivery	<ul style="list-style-type: none"> Facilitate training for all levels of court personnel on family law Facilitate implementation of the family law Learnership Facilitate development of case law updates for Family law Facilitate development of a Bench book on Divorce Facilitate appointment of Divorce Court Presiding officers and acting additional Magistrates in the family law sections
	Synergised integrated interventions	<ul style="list-style-type: none"> Establish National intersectoral forum on Family Law to ensure effective coordination of Family Court matters
	Transformation of family courts	<ul style="list-style-type: none"> Facilitate research on different marital regimes in South Africa as they access the Courts
	<p>Extension of Family Advocates' services to all lower courts to ensure compliance with the Judicial Matters Second Amendment Act 2005 and the Children's Act of 2005.</p> <p>Resourcing the CFA office to assist with the enforcement of the International Hague Convention on the Abduction of Children</p> <p>Resourcing the Family Advocate's role in the Children's Act</p>	<ul style="list-style-type: none"> The appointment of family law assistants and paralegals for every office of the Family Advocate and the appointment of senior family advocates at two satellite offices per province. Implementation of the next phase of the BPI process in respect of administrative support and appointment of staff and resources in the CFA office to assist with the application of this legislation. Strengthening provincial structures to render support to the Hague Convention. Participating and initiating workshops nationally and with the SADEC countries regarding the Hague Convention. Conduct inter-sectoral meetings in this regard. Develop an implementation plan and costing of the Family Advocates role

Strategic Objective	Deliverables	Activities for 2007
		in terms of the Children's Act.
	Improved assistance to child victims via the allocation of intermediaries	<ul style="list-style-type: none"> • Re-evaluate and costing intermediary services with a view to determining the location of, nature and extent of the service, then roll-out
Strategic Goal 9: Children	Resourcing the Family Advocate's role in the Children's Act	<ul style="list-style-type: none"> • Develop an implementation plan and costing of the Family Advocates role in terms of the Children's Act. • Creating infrastructure and appoint staff to render support to the Children's Act. • Provide training in terms of the Children's Act.
		<ul style="list-style-type: none"> • Develop as part of the civil court jurisdiction for Regional Courts, Divorce/ Family courts aligned to the Framework document for court structures of ODG/Ministry
Strategic Goal 10: The disabled and the elderly (Equality)	Designation of the remaining 146 Equality courts Promotion of Equality and prohibition of discriminatory practices	<ul style="list-style-type: none"> • Develop and facilitate the implementation on a national plan to accelerate the designation of the remaining Equality Courts in the Regions • Facilitate the setting up and / or strengthening of provincial and national task teams to monitor the designation and functioning of the Equality courts • Investigation and research to facilitate the amendment and / updating of the Promotion of Equality and Prevention of Unfair Discrimination Act and its regulation;
	Increased Accessibility for people with Disability	<ul style="list-style-type: none"> • Continue providing facilities for people with disability in identified courts (additional 20 courts targeted for the financial year(07/08)
Strategic Objective 13: ADR Mechanisms/ Restorative Justice	Trained and sensitized personnel in Child Justice Children's Courts; and sensitized Magistrates. Programmes for Non-custodial sanctions	<ul style="list-style-type: none"> • Finalise policy re ADR / Traditional justice and national action Plan re restorative justice in conjunction with ODG and Framework document for court structures • Visits re Indian / African models • Focus on researching and creating a model for mediation that is relevant to South African reality

Strategic Objective	Deliverables	Activities for 2007
		<ul style="list-style-type: none"> • Training of magistrates and other court role –players, including training for Family Advocate personnel on mediation
	<p>Reduction of court backlogs also through providing family mediation services at all offices of the family advocate/ chief Family Advocate</p>	<ul style="list-style-type: none"> • Providing resources for training and outsourcing of mediation services • Streamlining matters for mediation • Creation of Family Advocate’s posts in accordance with BPI report
<p>Vulnerable Groups: Effective management of sexual offences and Domestic Violence</p>	<p>Implementation of the Sexual Offences Act and sustained and improved functioning of courts hearing sexual offences cases Minimum standards and protocols for judiciary National strategy and policy developed for domestic violence Accessible, standardised and efficient management of DV for all relevant role players in the criminal justice system</p>	<ul style="list-style-type: none"> • Facilitate the development of information management system for sexual offences/domestic violence matters • Facilitate round table on expert witness testimony /forensic evidence • Facilitate the setting up / strengthening of provincial and national oversight committee to monitor the functioning of courts hearing sexual offences cases, provide support to guide strategy and facilitate the implementation of the Sexual Offences Act and matters connected thereto; • Development of guidelines and policy framework to facilitate the integration of sexual offences courts and intermediary services into the mainstream courts • Facilitate the finalisation and approval of guidelines for the judiciary
<p>Implement victim support programmes for victims of crime</p>	<p>Implementation of the Service Charter for Victims of Crime</p>	<ul style="list-style-type: none"> • Development and implementation of a national plan to strengthen and sustain the roll out of the implementation of the Service Charter • Development and facilitate the implementation of standards for the provision of victim support and referral services in court; • Facilitate the development and implementation of a uniform

Strategic Objective	Deliverables	Activities for 2007
		<ul style="list-style-type: none"> • automated complaints management and automated system; • Promote linkages to Restorative Justice
Vulnerable Groups: Effective management of sexual offences and Domestic Violence	Implementation of the Sexual Offences Act and sustained and improved functioning of courts hearing sexual offences cases Minimum standards and protocols for judiciary National strategy and policy developed for domestic violence Accessible, standardised and efficient management of DV for all relevant role players in the criminal justice system	<ul style="list-style-type: none"> • Facilitate the development of information management system for sexual offences/domestic violence matters • Facilitate round table on expert witness testimony /forensic evidence • Facilitate the setting up / strengthening of provincial and national oversight committee to monitor the functioning of courts hearing sexual offences cases, provide support to guide strategy and facilitate the implementation of the Sexual Offences Act and matters connected thereto; • Development of guidelines and policy framework to facilitate the integration of sexual offences courts and intermediary services into the mainstream courts • Facilitate the finalisation and approval of guidelines for the judiciary
Implement victim support programmes for victims of crime	Implementation of the Service Charter for Victims of Crime	<ul style="list-style-type: none"> • Development and implementation of a national plan to strengthen and sustain the roll out of the implementation of the Service Charter • Development and facilitate the implementation of standards for the provision of victim support and referral services in court; • Facilitate the development and implementation of a uniform automated complaints management and automated system; • Promote linkages to Restorative Justice
Strategic Goal 2: Enhancing Efficiency Strategic Objective 2: Case Flow Management	Institutionalize the integrated case flow management system in the courts.	<ul style="list-style-type: none"> • Support regions and courts to implement and sustain case flow management concept in the courts by <ul style="list-style-type: none"> - establishment of CFM governance - developing and maintain CFM plans - implement CFM guidelines - implementation of CFM systems

Strategic Objective	Deliverables	Activities for 2007
		- CFM change management support
	Modernization/automation of court and case management systems	<ul style="list-style-type: none"> National facilitation of the development and implementation of case management systems.
	Roll out of the e-scheduler to all district criminal courts	<ul style="list-style-type: none"> Support courts and regions to implement and manage the e-scheduler. Monitor the usage of the system and the performance of the courts
	Resources mobilized for the Court Nerve Centre	<ul style="list-style-type: none"> Implement the Balanced Scorecard to measure court performance. Capacitate the Court Nerve Centre Develop integrated court performance reporting tool in conjunction with National Operations Centre
	Monitor the institutional performance of courts for decision support	<ul style="list-style-type: none"> Develop capacity and relevant skills at court, region and national level to manage and monitor court performance Develop regular reporting framework
	Minimum performance standards for courts developed	<ul style="list-style-type: none"> Development and implementation of various service standards for courts and monitoring of compliance.
	Document Management Solution developed and performance tested at 5 pilot sites	<ul style="list-style-type: none"> Document management business process flow completed Solution designed and tested
	Digital Recording system installed in all courts	<ul style="list-style-type: none"> Manage the implementation/roll out of the DCRS solution and stabilize the system in all courts. Explore enhancement of DCRS - central archiving, LAN's and servers for lower courts and human resource capacity
	Courts capacitated to deliver on case backlog reduction	<ul style="list-style-type: none"> Interface with stakeholders to identify backlog sites, define backlog, develop integrated plan to capacitate courts manage the backlog reduction and monitor performance.
	Re aga Boswa rolled out	<ul style="list-style-type: none"> Appointment of Area/Court managers and Court Operations Directors to support court management

Strategic Objective	Deliverables	Activities for 2007
		<ul style="list-style-type: none"> • Development of a model organizational structure to execute a full package services delivered by courts • Delegations training for court managers & induction/orientation of new court managers • Integrated court management training/development for court staff
	<p>Community / Commercial courts/ other dedicated court services to deal with backlogs and improve court efficiency</p>	<ul style="list-style-type: none"> • Monitoring and evaluation of the performance of these courts • Implementation of such dedicated services to be aligned to policy framework • Community courts guidelines distributed workshopped, launched and implemented

CHALLENGES MET AND HOW WE SEEK TO DEAL WITH THEM

The main challenge for Court Services and the courts in general 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 continuing in 2007. This exercise is conducted in collaboration with DPSSA and National Treasury and a joint task team has been established for the purpose. National Treasury has allocated additional sufficient funds for 2007 to enhance capacity at the courts.

OUR MAIN PRIORITIES WILL INCLUDE DEALING WITH THE FOLLOWING:

- Security
- Facility Management
- Access to justice – especially rural areas
- Lay assessors
- Maintenance
- Child Justice
- Service Charter for Victims
- Small Claims Courts
- Equality Courts
- 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
- Roll out *Re Aga Boswa*
- Transformation of judiciary including alignment JSC and MC
- Criminal Justice (and later Civil) Review
- Improving court support services

CONCLUSION

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