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**Department:  
Justice and Constitutional Development  
REPUBLIC OF SOUTH AFRICA**

## **KZN CASE FLOW MANAGEMENT MONITORING COMMITTEE MEETING**

**MINUTES OF 8 JUNE 2007**

Held at: The Redlands Hotel, Pietermaritzburg

Time: 10H00

**Chairperson:** Ms. Sharon Marks

**Secretariat:** Ms. Noma Chiliza (DOJCD Regional Office)

### **1. Opening and Welcome:**

The chairperson welcomed everybody and declared the meeting duly constituted. After a brief deliberation over the chairpersonship of the meeting in the absence of the Regional Court President, the house agreed that the Acting Regional Court President, Ms. S Marks should chair the meeting.

### **2. Attendance and Apologies**

#### **2.1 Attendance:**

The list is attached.

#### **Apologies:**

Mr. Hamilton Cele - Regional Court President  
Mr. Masoka Chirwa - Nqutu Cluster  
Mr. Krishen Shah - Legal Aid Board

### **3. Agenda**

Additional new items were put on the Agenda and it was approved.

### **4. Previous minutes**

The previous minutes were read and adopted.

AGENDA ITEM	DISCUSSION	DECISION
5. Matters arising:		
5.1 Appointment of the Chairperson of Case Flow Management Monitoring Committee	51. Ms. Shabalala indicated that at a Backlog meeting that was held in Pietermaritzburg, the Regional Court President had volunteered to chair the Case Review Monitoring Committee therefore there was no need for her office to write to Mr. Cele in this regard.	It was agreed that Mr. Cele would be the Chairperson of the Committee and his Deputy would be the Chief Magistrate, Durban or his proxy.
5.2 The future and Composition of the Case Flow Management Monitoring Committee	<p>Mr. Sansom gave a brief explanation of the PIJF's original directive that the Committee be established as a Sub-Committee of that structure. The process was followed by the creation of the Case Flow Judicial Monitoring Committee which did not include other stakeholders.</p> <p>Ms. Shabalala explained the need to expand the composition of the Committee. Mr. Mbili requested that the Law Society be included as members of the Committee. She emphasized that the structure is a Sub-Committee of the PIJF.</p> <p>Local Case Flow Management Committees will feed into this structure.</p>	<p>The house agreed to the expansion of the composition of the Committee to include the following;</p> <p><i>The Judiciary</i>  <i>The Prosecution</i>  <i>DOJ&amp; CD</i>  <i>SAPS</i>  <i>The Legal Aid Board</i>  <i>The Law Society</i>  <i>Correctional Services</i></p>
5.3 Recommendations of the CFMMC to the PIJF	The Regional Head tabled an Action Plan that seeks to address issues raised; however, more information was required to enable the Secretariat to take the issues forward.	The Action Plan will be forwarded to Mr. Laue to put additional information on it.

<p><b>5.4 The appointment of Court Clerks</b></p>	<p>There is a need for a complete job profile for the Court Clerks as most of them are total strangers to the Court environment. A Job Description and Training Programme is necessary to introduce and induct the clerks into the court environment.</p> <p>Clerk cannot dictate that they will only do court recording because they are earning far more than the other clerk.</p>	<p>A Task Team led by the Judiciary and the Area Court Managers must be constituted to give effect to this need. The Regional Office will take this matter forward.</p>
<p><b>5.5 The inefficiency of Police Liaison meetings.</b></p>	<p>5.5.1 There is no need for a proliferation of structures and meetings to deal with common problems that affect case flow at the courts.</p> <p>5.5.2 Local Case Flow Management Meetings should be regarded as the only official structures where departments must be represented by senior official. Issues raised at the meetings must be taken up a local level, failing which; they must be escalated to the Case Flow Management Monitoring Committee. If the problems persisted, the Chairperson of the latter will raise them at the PIJF and to the JCPS Cluster if all fails.</p>	<p>[a] The Secretariat must finalize the audit iro the established Local Case Flow Management Committees and their CFM Plan. A list of offices where the above has not taken place must be submitted at the next meeting.</p> <p>[b] The Terms of Reference for the CFMMC should be used for the Local Committees as well.</p> <p>[c] The CSM Report from the Inanda Cluster should be used by all other local CFM structures.</p>

## 6. New Matters:

<p><b>6.1 Court Case Flow Management - NPA, Mr. Ray Sansom</b></p>	<p>Mr. Sansom briefed the meeting about the NPA's project to train Prosecutors on the CFM Guidelines to improve on their case preparation and day to day productivity. He said the cooperation of the legal fraternity is required to meet this objective. He went on to give the provincial statistics vis a vis the national stats.</p>	<p>His input was welcomed.</p>
<p><b>6.2 Terms of Reference of the CFMMC.</b></p>	<p>The Regional Head tabled Draft Terms of Reference for consideration by members of the Committee. A few amendments were made. A copy of the document is attached.</p>	<p>The document was well received by all parties as it will give direction to the work of the Committee.</p>
<p><b>6.3 Backlog Courts in Pietermaritzburg, Kokstad and Izingolweni</b></p>	<p><u>6.3.1 Pietermaritzburg:</u> The courts are not performing as they should be. Pilot courts should be reviewed every three months. The Case Review Task Teams should also look at cases sitting at Reception Courts</p>	<p>The management in Pmb will look into this matter at their next CFM meeting.</p>
	<p><u>6.3.2 Kokstad and Izingolweni:</u> The courts are finalizing between 12 - 16 cases per month. They are very productive; the only fear is that the project may come to an end and there will be no staff to carry on with the work.</p>	<p>The Acting Regional Court President will communicate her needs to the Regional Office, if there is a need to continue beyond the project phase.</p>
	<p><u>6.3.4 Maluti:</u> The court falls under the Eastern Cape, administratively, while it is manned by the KZN Judiciary and Prosecution. It is not productive at all.</p>	<p>Ms. Marks will convene a meeting shortly to discuss the future of holding court at Maluti.</p>
<p><b>6.4 The State and Arthur Khalema and 5 other cases/special review judgement 06 June 2007</b></p>	<p>This judgement pertains to the referral of cases to the Regional before they are trial ready. There was a general discussion on the case and its implications.</p>	<p>The article should be distributed as widely as possible.</p>

**8. Date for the next meeting:**

The date for the next meeting will fall two week before the next meeting of the PIJF at a venue to be announced.

**9. Closure:**

The Chairperson thanked everybody for their attendance and adjourned the meeting.

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