

## **Minutes Provincial Integrated Justice System Committee Khaya Lambali 8<sup>th</sup> October 2003**

### **1. Welcome**

Shamila Batohi welcomed everyone present and it was agreed that she would chair the meeting.

#### **Present**

Adv S Batohi  
Mr C Roberts  
Mr R Laue  
Mr E Mzolo  
Mr DSV Ntshangase  
Mr TC Mabaso  
BA Ntanjana  
Ms C Dawson  
Ass Comm PT Brown  
Mr CS Ngcobo  
Mr PD Galvin  
Mr AE Wilms  
Mr Themba Mththwa  
Ms I Matthews

#### **Apologies**

Prov Commissioner Gillingham  
Mr Langenhoven

### **2. Acceptance of minutes**

The minutes were read and accepted

### **3. Agenda**

It was suggested that the agenda be reviewed to allow two presentations to be made at the start of the meeting and to include two additional items. This was agreed and the revised agenda was accepted. Mr C Roberts gave a brief overview of the PIJS in order to ensure that everyone was aware of the history and purpose of the committee. The presentation is attached as *Addendum A*. In discussion following it was noted that a key reason that the previous committee had dissolved was that there was a tendency to delegate attendance to juniors who had no decision making powers thus rendering the PIJS committee ineffective. It was agreed by all that there was full commitment to the highest level of provincial representation and that issues to be discussed would be at a strategic rather than operational level.

The second presentation was by Mssrs A E Wilms and Mr P D Galvin of Durban Municipality concerning the establishment of a municipal court. Mr

Wilms gave a brief background to the concept of municipal courts before giving details of the establishment of this initial court. It is intended that it will be housed at the old SADF Medical Unit building at the corner of NMR and Somtseu Road and will be utilised for the prosecution of certain road traffic offences and contraventions of the municipal by laws. Adv Batohi indicated that she will consider extending the delegation of municipal prosecutors. It was also noted that municipal courts were in fact a division of the magistrates courts dealing in municipal matters. All present supported the establishment of a municipal court and it was agreed that in the set up phase it would be useful for each department to have a liaison person available. The following people were identified for this purpose :

SAPS	Dir F Terblanche	031 325 4816
KZNPA	Ross Stuart	033 845 4407
Judiciary	Ron Laue	031 302 4159

Mr Wilms noted that Judicial officers would be required and while prosecutors and administrative staff would receive payment from the municipal budget, magistrates would be paid from the Department of Justice budget. A municipal budget line had been allocated for judicial officers for one year and the usage of this budget line was currently under discussion with the Department of Justice.

Messrs Galvin and Wilms excused.

### **3. Matters Arising**

- 5.4 Court Orderlies – SAPS reported that the number at Durban Court should be 90 and was 86 at present. The balance are being recruited at present and will then undergo training before being assigned. It was agreed that the position had stabilised at present and the lifting of the moratorium on employment by SAPS had relieved the situation.
- 5.5 Chair of Committee – There was discussion around the appointment of a chair for this committee. It was noted that the Magistrates commission had recommended that a judiciary officer chair court management meetings and there was some discussion as to whether that impacted on this committee. There was also some discussion around the value of having a neutral chair, one who was not a key stakeholder in any formal sense. After some discussion it was proposed that Mr Mabaso act as Chairperson and this was unanimously agreed to with agreement that the committee would be vigilant against possible bias.

Mr Roberts reiterated that he would be unavailable to represent Department of Justice since he falls under a different business unit and Mr Langenhoven would also not be available. After discussion it was agreed to invite Ms C Zwane, Court Manager Durban and Ms Botma, Court Manager Pietemaritzburg would be invited.

It was agreed that administration for the committee would be supported by the IPT who would liaise with Mrs Van Rooyen. This support would include the provision of venues, refreshments and assistance with communication.

- 5.7 Awaiting Trial Prisoners – Although the current statistics of approx 500 are down from the 800 of eighteen months ago, the high rate of juvenile awaiting trial prisoners is an issue of concern. Asst Comm Brown reiterated that he would be able to address the issue from the SAPS side if he could have a list with stations or cas numbers. Mrs Van Rooyen will be asked to forward this list. It was also suggested that a provincial review panel be formed for cases longer than 6 months. Adv Batohi also asked that the Legal Aid Board bring any cases they identified as being long outstanding to the relevant Senior Public Prosecutor.

Following discussion it was agreed that the new Child Justice Bill would have an impact on all role players and the issue needed more discussion than would be possible at this time. It was agreed that a special meeting should be held to examine the impact of this bill on the Criminal Justice Sector role players. A date was set for the 18<sup>th</sup> November and a venue will be arranged. It was agreed that in addition to this committee the following groups would be invited:

Durban Juvenile Court  
SAPHRA  
CLC  
Department of Social Welfare  
LRH

Both Nicro and the NPA SOCA unit are providing information sessions around this bill and Ms Dawson agreed to invite SAPS and KZNPA to workshops which might be held. Adv Batohi would also follow up this issue with the SOCA unit. It was noted that each department had a responsibility to identify their potential role in implementing government legislation and then to inform their staff.

#### **4. New Matters**

**Draft Case Flow Management Document** – Mr Mabaso circulated a draft document which had been developed through ongoing consultation at both a national and provincial level. The committee was asked to review the document within their respective departments and provide input by the next PIJS meeting. It was hoped that this document would provide a vehicle for co operation and co ordination amongst the various role players within courts.

Once the document is agreed upon the committee would discuss an plan for implementation.

It was also requested that SAPS ensure that a senior representative, able to represent both north and south Durban, attends the Lower Court Case Flow Management meetings held at Durban Magistrates Court (next meeting is on

11<sup>th</sup> November). Asst Comm Brown agreed to attend to this as well as to review the current situation around pre-trial services and SAPS court liaison personnel.

**Pre Trial Hearings** – Adv Batohi gave a brief overview of a recent visit to the UK during which she was able to examine their system of Plea and Directions Hearings. This system allowed for much greater roll planning and contributed to improved cycle times. Documentation was shared and after discussion it was agreed that Adv Batohi, Mr Mabaso, Mr Ncgobo and Mr Ntshangase would meet to discuss the viability of implementing a similar process.

## **5. General**

Mr Mabaso distributed two documents for the committee's information, a letter recently received from a group of attorneys and a copy of a speech by Judge Kriegler. Both are attached as *Addendums B and C*.

### **Way forward for PIJS**

It was agreed that the success of this committee depended on the commitment of each person and there was a need to focus on innovation, strategic direction and policy formation. It was vital that the committee guard against discussion of an operational nature and that interdepartmental grievances should be dealt with during day to day operations rather than at this type of meeting.

There was some discussion around participation and the final decision was that this small core group would remain and that representation would be broadened when specific issues needed attention. Adv Batohi agreed to include a Chief Prosecutor in future.

It was also agreed that the minutes would be distributed more widely to ensure greater awareness. Iole Matthews will contact each member for a list of individuals to be included on the distribution list.

Meetings will be held every two months with the next meeting scheduled for the 4<sup>th</sup> December 2003.

## **6. Close**

Adv Batohi thanked everyone for their contribution and the meeting closed at 12.15.