

PROVINCIAL INTEGRATED JUSTICE FORUM

MINUTES OF 4 APRIL 2007

Held at: The Hilton Hotel at 9H00

Chairperson: Judge A. Jappie

Secretariat: Ms. Noma Chiliza (DOJCD Regional Office)

1. Opening and Welcome:

The chairperson welcomed everybody and declared the meeting duly constituted.

2. Attendance and Apologies

2.1 Attendance:

The list will be provided by Noma.

2.2 Apologies:

Mr. Vela Mdaka - Legal Aid Board
Mr. Hamilton Cele - Regional Court President
Ms. Nirmala - UKZN
Ms. Iole Matthews - IPT

3. Agenda

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

4. Previous minutes

4.1 Amendments to previous minutes

The following amendments were effected:

Page 13 - Last two paragraphs

The Department of Education has a plan for the establishment of Reform and Industrial Schools in KZN.

Page 03 - Second last paragraph

Mr; Ray Sansom meeting with the Justice Personnel (*still not clear*)

Page 11 - Third paragraph

- There are proposed amendments which all DPP's have supported the proposed amendments to the Act
- The last two sentences are to be deleted

Page 16 - Last paragraph

The weather was bad

4.2 Adoption of previous minutes

Mr. Mabaso adopted the minutes and he was seconded by Mr. Ngcobo.

| AGENDA ITEM | DISCUSSION | DECISION |
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| 5. Matters arising: | | |
| 5.1 Case Flow Management | 5.1.1 Mr. Sansom made a presentation on CFM. | The input was appreciated by the house. |
| | 5.1.2 Mr. Mbili confirmed the dissatisfaction of the Natal Law Society about backlogs at the Pietermaritzburg District Courts. Administrative processes from all partners add to the delays experienced at the court. | Details of the challenges will be submitted to the Regional Head, DPP and the CFMMC. A plan to address the issue should be tabled at the next meeting. |
| | 5.1.3 Mr. Hahn said poor investigations, numerous remands and improper service of subpoenas are some of the reasons for delays and backlogs at the Regional Courts. | Snr. Supt. Phillip Nel and Commissioner Brown will attend to issues pertaining to SAPS. |
| | 5.1.4 Unnecessary remands lead to cases being struck off the roll after 54 such remands, according to Mr. Sibeko | There should be stricter Case Flow Management at local level interrogating these issues in time. |

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| <p>5.2 Transfer of cases to the High Court</p> | <p>Some courts transfer cases that are not trial ready to the High Courts.</p> | <p>The Regional Court President is aware of the problems in Pmb, he promised to visit the court more often.</p> |
| <p>5.3 The Backlog Project</p> | <p>5.3.1 According to Mr. Sansom the three additional courts in Pmb have brought about an improvement in backlogs at that court. He suggested that lessons should be learned from an unnamed court in the Port Shepstone cluster.</p> | <p>Progress report on all additional Backlog Courts be reported every PIJF meeting; Mr. Sansom should circulate statistics to all stakeholders through the secretariat. The Legal Aid Board must attend local CFM meetings and should receive criminal court statistics.</p> |
| | <p>5.3.2 Courts do not sit optimally because of delays in filling vacant posts.</p> | <p>DOJCD will approach Head Office with regard to the delays in filling vacant posts of magistrates; The NPA should expedite the filling of Prosecutors' posts.</p> |
| <p>5.4 The Case Flow Management Monitoring Committee</p> | <p>5.4.1 The appointment of another Chairperson for the Committee was discussed and the Regional Court President's name was suggested by the chairperson.</p> | <p>A letter should be written to Mr. Cele informing him of the decision. <i>(Mr. Cele already volunteered to act in the position at the Backlog meeting in Pmb).</i></p> |

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| | <p>5.4.2 Ms. Shabalala suggested that the Monitoring Committee be expanded to include other partners like the NPA, LAB, DCS, DOJCD and the Natal Law Society.</p> | <p>The following people were advised to be part of this sub committee: Commissioner Brown (SAPS) Mr. Ray Sansom (NPA) Mr. Vela Mdaka (LAB) KZN Law Society Director Zulu (DCS) Director: Court Operation (DOJCD)</p> |
| | <p>5.4.3 Ms. Shabalala further suggested that the CFMMC extends its mandate to oversee and monitor all projects implemented to enhance Case Flow Management like the E-scheduler, Digital Court Recording System etc and the functioning of dedicated courts like the Community Courts, Sexual Offences Courts etc.</p> | <p>Draft Terms of Reference will be tabled at the next meeting on 8 June 2007 for consideration by the Committee.</p> |
| | <p>5.4.4 It was also suggested that CFMMC's Report be put on the agenda of the PIJF permanently so that the PIJF can act on and take up recommendations of the Committee.</p> | <p>The matter will be discussed at the next meeting on 6 June 2007.</p> |
| <p>6. New Matters:</p> | | |
| <p>6.1 Presentation on the Service Charter for Victims of Crime.</p> | <p>Ms. Webster, accompanied by Adv. Joyce Maluleke did the presentation on the Service Charter. The Department of Community Safety & Liaison and SAPS have done work with communities on the Charter. The minimum standards have included complaints mechanisms and each department should develop its own mechanism.</p> | <p>Training should be extended by DOJCD to other service providers and Amakhosi; and there should be consistency in the messages that are conveyed to the public. Inputs about the Charter must be forwarded to NAOMI at nwebster@justice.gov.za</p> |

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| <p>6.2 Report on the Visit of the Select Committee on Security and Constitutional Affairs - Ms. Shabalala</p> | <p>The Committee's main focus was to see the extent to which government departments cooperated in the Criminal Justice System and their involvement with communities. Shortcomings were highlighted and the Committee promised to take them up with the various departments at a national level.</p> | <p>A summary of the Committee's findings in DOJCD and a plan to address shortcomings has been submitted to the Committed and the National Development Committee.</p> |
| <p>6.3 Report by the Child Justice Sub-Committee - Ms. Moodley</p> | <ul style="list-style-type: none"> - The Committee continues to monitor Children Awaiting Trial and Children sentenced to Reform Schools; - DCS submits statistics late, they are requested to improve on this aspect to facilitate the tracing of the children and release where appropriate; - SAPS do not attend meetings, their attendance is critical; there is a need to monitor children kept in police cells as well. | <ul style="list-style-type: none"> - DCS should submit statistics timorously and assist in tracing children held in correction centres. - Follow-up on the provision of Reform Schools by DOE and Secure Facilities by DSW. |
| <p>6.4 Restorative Justice - Ms. Moodley</p> | <p>The Department of Justice will be hosting a Restorative Justice on 19 - 29 April 2007 at Richards Bay. Invitations are being distributed.</p> | <p>The announcement was noted.</p> |
| <p>6.5 Offer by the Natal Law Society - Mr. Mbili</p> | <p>Mr. Mbili informed the meeting that their members have expressed a willingness and desire to assist the Pietermaritzburg District Courts by presiding over cases/ petty offences to alleviate its backlog.</p> | <p>Mr. Ngcobo asked for a list of the interested attorneys. The initiative was welcome by the members of the PIJF.</p> |
| <p>6.6 Diversions</p> | <p>The meeting was informed that the Department of Social Development has withdrawn its funding to Khulisa resulting in backlogs at courts where the NGO operates.</p> | <p>DSD should be invited to the next meeting to shed more light on this matter.</p> |

7. General

- 7.1 The NPA is looking at greater crime prevention strategies and being pro active is very important and makes the restorative justice system work easy. Victims must feel that they've received justice as well. Petty offence must be diverted from the courts.
- 7.2 The Department of Health, Department of Social Development and Department of Education should be invited to the next meeting and get their commitment to being part of this forum.
- 7.3 A list of Judicial Officers and Prosecutors that are on bail duty and their contact numbers should be left with the Registrars of the High Court in Durban and Pietermaritzburg.

8. Date for the next meeting:

The next meeting will be held on the 6th July 2007 at the Hilton Hotel.

9. Closure:

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



the doj&cd

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

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