

**Minutes of Provincial Case Flow Management Monitoring Committee Meeting**  
**held at**  
**Cathedral Peak Hotel, 8<sup>th</sup> of February 2007 at 14:00**

**1. Present**

Mr. Ron Laue – Vice Chairperson  
Mr. C Stander – Snr Magistrate Newcastle  
Mr. J. A Venter – Snr Magistrate Ladysmith  
Mr. Louis Radyn – Snr Magistrate Emlazi  
Mr. M. H Cele – Regional Court President Durban  
Mr. E. Gumede – Snr Magistrate Nongoma  
Mr. H. Chirwa – Snr Magistrate Nqutu  
Mr. B. M Khumalo – Snr Magistrate Pietermaritzburg  
Mrs. Iole Matthews – IPT  
Ms. Noma Chiliza - Department of Justice

The meeting was convened by Louis Radyn. In the absence of the chairperson, the meeting is chaired by Ron Laue.

**2. Apologies**

Mr. S.F van Niekerk – Pietermaritzburg (on holiday)  
Mr. A.B Ntshangase – Empangeni (death within the family)

- 2.1. The chairperson welcomes everyone and conveys a special thanks to IPT for organising everything. He also welcomes the Regional Court President, Mr. Cele for attending the Case Flow Management Meeting. Noma Chiliza is also welcomed as the new secretary to the Provincial Case Flow Management Monitoring Committee.

**3. Brief background**

3.1 Mr Ron Laue gives a brief background on how and when this CFM Monitoring Committee started. It was agreed at the PIJF meeting that the two cluster heads should convene a meeting and form a committee to look at the issues relating to Case Flow Management in the province. The two cluster heads then asked Mr Heuer to serve as chairperson of this committee and Mr Ron Laue to sit as the vice-chairperson. The biggest problem was that the Province (KZN) could not access accurate statistics from the National Office. This is the information that was needed:

- Outstanding cases on each court's roll
- Outstanding cases for longer than 6 (six) months on each court's roll
- Outstanding cases for longer than 12 (twelve) months on each court's roll

- Court hours per court

3.2 To this date this information is still not provided. This issue was discussed with Ms. Shabalala. Each court house has a court manager/office manager but there's no administrative manager for the province. Noma (through Ms. Shabalala's office) has now been appointed to look at the stats. Mr. Stander will provide Noma with a copy of a pro forma statistical form that needs to be circulated to be utilized by all magistrates. This will be used as a monitoring tool to identify hotspots. (see **attachment**)

#### **4. Minutes of previous meeting.**

4.1 Amended minutes of the previous meeting are accepted and circulated to everyone.

#### **5. Matters Arising**

5.1 Mr. Heuer has resigned as chairperson of the Case Flow Management Monitoring Committee and the lack of a regional court representative will impact negatively on the effectiveness of the CFM monitoring committee. It is agreed that the matter should be taken to PIJF by the regional court president so that a decision may be taken about who will be the new chairperson.

5.2 It is noted that a comprehensive report had been submitted to the PIJF but there's been no response or acknowledgement of receipt. The previous PIJF minutes also reflects that this report was never fully discussed at the meeting. Mr Venter mentions that there were very important issues in that report in respect of which the CFM monitoring committee is waiting for feedback.

ü It is strongly recommended that the CFM monitoring committee should be represented at the PIJF meetings.

ü In the interim Mr. Cele will be a messenger for this committee to the PIJF on behalf of the committee.

ü Iole will convert the existing report to a power point presentation so that Mr. Cele can present it to the PIJF but it should also be circulated at least 2 (two) weeks before the PIJF meeting to all its members.

ü Both clusters should be represented at the PIJF meetings and Mr. Cele suggested that he will meet with Mr. Mabaso and Mr. Ngcobo to discuss this matter further.

5.3 The issue regarding prosecutors, legal aid and interpreters stands over since there has been no feedback from PIJF.

#### **6. Statistics**

6.1 Noma will link up with Mrs. Phyllis van Rooyen who has been handling the statistics to find out more about how far the process of collecting stats has gone.

- 6.2 The regional court president suggests that prosecutors should not submit stats because the process of employing stenographers or court clerks has started and this support system should be responsible for the collection of statistics.
- 6.3 It is recommendation that both cluster heads and the regional court president should ensure a uniform process in gathering the stats.
- 6.4 The issue regarding the admission of guilt has not been resolved but the committee was informed that the PIJF is to discuss this matter further and Mr. John Schnell will also be part of these discussions. The committee was informed that there will be a meeting on the 16<sup>th</sup> of February 2007 and the regional court president urges those attending to do their homework and ensure consensus before attending that meeting.

## **7. New Matters**

### **7.1 Future of Provincial CFM Monitoring Committee**

- 7.1.1 Louis Radyn poses the question whether a DOJ secretary is really necessary, because he is quite willing to co-ordinate the meetings whilst Iole has declared herself available to take down minutes at meetings.
- 7.1.2 The chairperson (Ron Laue) responds by saying the duties of the CFM secretary is not only about taking minutes but also to gather stats. Ms Shabalala's office has already mandated Noma with this task.
- 7.1.3 Louis Radyn mentions that the CFM monitoring committee has no teeth, they monitor the courts functioning but after that they don't have a mandate to take the matter forward, such as approaching courts that are identified as problematic.
- 7.1.4 Mr. Laue recommends to the regional court president and the cluster heads that they should mandate this committee to approach these courts and enable the committee to take decisions.
- 7.1.5 There is no proper link between the CFM monitoring committee and the PIJF and this issue needs to be addressed as a matter of urgency!!
- 7.1.6 There were discussions earlier about possible hibernation of this committee but everyone in the committee agrees that the committee should continue to exist and the regional court president supports the existence of it.

## **8. Clerks of the Courts and Stenographers.**

8.1 There is discussion around the appointment of personnel to these posts and it is noted that:

- ü Many of the new people who are being appointed as new clerks of the court or stenographers are “total strangers” to the court environment
- ü Experienced clerks who have been loyal to the department are already complaining about the appointment of these people
- ü These “contract” stenographers will be paid more than the normal clerks
- ü There is concern that their appointment is going to disrupt the functioning of the courts

8.2 Senior Judiciary should see to it that this process is done correctly in order to justify the appointment of these court clerks. Everyone agrees that guidance and leadership should be provided in a collaborative effort with designated court support services functionaries.

## **9. Inefficiency of Police Liaison Meetings.**

9.1.1 It was noted that SAPS do not attend meetings and they don't follow the rules of the meetings and being part of them, e.g. accountability and sending out an apology.

9.1.2 Mr. Radyn sent out copies of letters to the area commissioner as well as the national commissioner but there was no response. It is agreed that this issue should be escalated to the PIJF.

9.1.3 The regional court president highlights the fact that there is too much uncertainty amongst judicial officers which prevents them from taking decisions and acting against non performance within the SAPS. He suggested that

- ü a way be found to educate the judiciary about their powers.
- ü an article should be written to e-Mantshi. (Ron Laue to attend)

## **10. Closing.**

10.1 The regional court president, Mr. Cele is given the opportunity to give a vote of thanks and he thanks IPT for the splendid venue and for always doing their best in organising these venues. He also thanks everyone who attended.

## **11. Next meeting.**

11.1 The next Case Flow Management Monitoring Committee meeting will be held on a date and at a venue to be consulted between Louis, Iole and Gerhard (secretary, JETcom). (Note: Subsequently fixed to be held at Redlands Hotel Pietermaritzburg on Friday 8 June 2007 at 10:00)

