

CONSOLIDATED REPORT

1. BACKGROUND

The term of office of members of the National Council for Correctional Services (NCCS) who were appointed in terms of Section 83 of the Correctional Services Act, Act No 111 of 1998 ("the Act") with effect from 1 March 2010 were due to expire on 28 February 2015. This period was extended until 31 May 2015 due to the fact that the appointment of a new National Council had not been finalized timeously.

2. STATUTORY REQUIREMENTS

In terms of Section 83 of the Act:

- (1) The Minister must appoint a National Council.
- (2) The National Council consists of:-
 - (a) Three Judges of the Supreme Court of Appeal of South Africa or of the High Court of South Africa appointed after consultation with the Chief Justice;
 - (b) A Magistrate of a Regional Division appointed after consultation with the Chairperson of the Magistrates Commission;
 - (c) A Director or Deputy Director of Public Prosecutions appointed after consultation with the National Director of Public Prosecutions;
 - (d) Two members of the Department, of or above the rank of Director appointed after consultation with the National Commissioner;
 - (e) A member of the South African Police Service, of or above the rank of Director, appointed after consultation with the National Commissioner of the South African Police Service;
 - (f) A member of the Department of Welfare, of or above the rank of Director, appointed after consultation with the Director-General of Welfare;
 - (g) Two persons with Special Knowledge of the Correctional System who are not in full-time service of the State; and
 - (h) Four or more persons, not in the full-time service of the State appointed as representatives of the Public in consultation with the relevant Parliamentary Committees.

3. CALL FOR NOMINATIONS

An advert was published in the Sunday media on 15 February 2015 calling for nominations for persons to be appointed to the NCCS in terms of sections 83(2) (g) and (h) of the Act. The closing date for applications was 27 February 2015.

Twenty nine (29) applications were received and assessed.

4. APPOINTMENT PROCESS

4.1 Initial sifting process

The twenty nine applications received were assessed according to relevance of qualifications, life experience, institutional memory, continuity and fresh expertise.

4.2 Shortlisting process:

A panel consisting of three of my Special Advisors assisted with the shortlisting of the following persons:

4.2.1 Two persons with Special Knowledge of the Correctional System who are not in full-time service of the State,

- (i) Prof. Charl Hauptfleisch Cilliers, a Penologist with the University of South Africa who is a specialist in correctional system matters. He has served on the National Council for the past 20 years; and**
- (ii) Dr Hema Keshavlal Hargovan, of the University of KwaZulu Natal. She is a Criminologist with a passion for victims and the community. Dr Hargovan is serving for a second term.**

4.2.2 Four or more persons, not in the full-time service of the State, appointed as representatives of the Public. The following nine persons were identified:

(i) CRIMINOLOGIST:

Dr. Vanitha Chetty:

Dr Vanitha Chetty is a retired lecturer from the University of Durban Westville. She has a BA, BA Honors, Masters and Doctorate in Criminology. She has lectured for more than thirty one (31) years in this field. She has held a number of leadership positions throughout her career. She has participated in various organizations throughout her career, including but not limited to:

- South African Society for the Prevention of Child Abuse and Neglect
- Advice Desk for Abused Women
- Street Children resource Association
- Criminological Society of South Africa
- Durban Children Society

President of the Durban Morningside Rotary Club

- Member of the Criminology and Criminal Justice SGB
- Member of the Editorial board: Acta Criminologica

Ms Chettys' specialty, specifically during the parole consideration process by the NCCS, is the identification of criminogenic factors within offenders profiles and whether such needs have been address before such offender can be released back to society.

(ii) ATTORNEY:

Ms. A Vilakazi

Ms Amanda Vilakazi is a practicing attorney and Director of Buthelezi Vilakazi Inc, a firm of attorney based in Sandton. She specializes in Criminal law, Labour matters, Family Law, Evictions and deceased Estate. Her specialty on the council is that of ensuring compliance with applicable legislation (Constitutional Act, Criminal Procedure Act and the Correctional Services Act). She has

also been tasked by the NCCS members to consider relevant legislation and see how the Department can strengthen the role and support of victims within our parole consideration process. She will be presenting her findings at the NCCS's policy conference scheduled on the 18th – 22nd January 2016.

(iii) COMMUNITY DEVELOPERS AND EDUCATORS:

Ms. Nondumiso Gwayi.

Ms. Gwayi has a BA Honors Degree from the University of the North as well as a Master of Science in Community Development from Edinburg University. She is currently the Executive Chair of a "His Grace Restored", a Non-Profit Organization. She has held a number of executive and decision making positions, including but not limited to: being an Adviser for the Eastern Cape Public Administration Project, Deputy Chair of the Municipal Demarcation Board, a Chief Director in the Eastern Cape Department of Housing, Local Government and Traditional Affairs, Regional Director for IDASA and a Chief Development Officer at the University of Fort Hare.

Her main focus and interest is the importance of family and community support as a key element in the successful reintegration of offenders into society.

Mr. Richard Mzoxolo Bhunga Mgudu

Mr. Mgudu is an educationist by profession. He has served the Department of Education in various capacities for more than 24 years, ranging from being a Teacher, High School Principal, Head of Curriculum, District Manager and a Director for the Department. Mr Mgudu is currently a Rector of All Saints for the Ntafufu parish in Lusikisiki. He has an Honours in Bachelor of Arts from Walter Sisulu University, a Masters of Philosophy in Theology from Natal University and a Doctorate of Philosophy.

His interest, by virtue of his profession, in the skilling, rehabilitation programmes and academic development of offender.

Ms. Busi Ngobeni

Ms. Ngobeni is an educator by profession, with a Secondary Teachers and a Higher Education Diploma. She has previously worked as a teacher, trainer, facilitator, coach, moderator, national examiner and project manager. She is the owner and Managing Director of CONTRA-LIT, specializing in cost recovery research, training and project management. Ms. Ngobeni has been serving as a member of the NCCS since 2010 and has over the years facilitated training conducted by NCCS members to Social Workers, Psychologists and Parole Boards.

She has previously served on the following Boards:

- Bushbuckridge Water Board (Appointed by Minister of Water Affairs & Forestry) 2002 to 2009
- Member of the Advisory Committee on Dam Safety South Africa (Appointed by Minister of Water Affairs & Forestry)
- Board Member of Themba Hospital (Appointed by the MEC of Health and Social Development 2009 to 2012)
- Member of the National Council for Correctional Services (NCCS) 2005 to 2010 by Minister Balfour, 2010 to 2015 by Minister Maphisa-Nqakula and currently appointed from the 1st June 2015

Ms Ngobeni is also a recipient of the following Awards:

- South African Business Woman of the Year in the Professional Category, 2001
- Women in Water Award, National Finalist, Education and Communication Category, 2004
- Good Practice Award, National Training Provider category, W & R SETA – 3rd prize

(iv) SOCIAL WORKER:

Ms. D Van Biljon

Ms. Daleen van Biljon is a Social Worker by profession. She has a BA Honours in Social Work and a Masters Degree in Forensic Social Work from the University of Potchefstroom. Her career as a social worker, dating back to 1996, covers the following areas:

- Child and Family Care
- Restorative Justice
- Diversion Programmes
- Employee Management and Career Development
- Monitoring and Evaluation of Programmes and Service Diversion, Community Development, prevention and Protection programmes on HIV/Aids.

Ms. Van Biljon has held the following decision making positions:

- Supervisor, Department of Social Development 1998 to 2008
- Khulisa Social Solutions, Regional Manager, North West Province 2008 to June 2013
- Programme Manager, Ondersteuningsraad, North-West, July 2013 to date.

She also served on the following committees:

- Victim Empowerment coordinator
- Vice Chairperson of the crisis Centre
- Chairperson of the Welfare/Justice Committee
- Community Policing Forum
- Child Justice Forum
- Restorative Justice Forum

(v) CLINICAL PSYCHOLOGIST

Ms. Teboho Monyamane

Ms. Monyaname has an Honours degree in Psychology and a Masters degree in Clinical Psychology from the University of Johannesburg. She is an independent practitioner registered with

the Health Professions Council of South Africa. She has previously worked with the following institutions:

- Tara Psychiatric Hospital – March 2008 to October 2008
- Chris Hani Baragwana Hospital – Adult Psychiatry, July 2009 to December 2009
- Helen Joseph Hospital – Community Service Psychologist, July 2011 to July 2012
- Midrand Graduate Institute – Lecturer, 2014 to date
- The Smile Foundation - pre and post-surgical counseling, January 2013 to date
- Private practice – individual psychotherapy, couple, group and family therapy, psychological assessments and workshops.

Mr. Ivan Leander de Klerk

Honours degree in Psychology from the University of Pretoria as well as Masters in Psychology from the University of Free State. He is currently in private practice

He has previously worked in the following organizations:

- Unitas Hospital – Radiographer assistant, December 2003 to June 2005
- Vista Clinic – Ward Administrator, June 2005 to August 2008
- Synovate SA – Junior Research Executive, September 2008 to January 2009
- Weskoppies Psychiatric Hospital - Clinical Psychology Intern, January 2010 to December 2010
- Department of Correctional Services – Clinical Psychologist, January 2011 to April 2014

Mr. de Klerk had previously worked in the Department as a clinical psychologist. He is passionate about the treatment of mentally ill offenders as well as specialized rehabilitation programmes geared at this category. He has, since his appointment taken upon himself to research further on systems that could be developed to assess and assist mentally ill offenders that cannot be catered for in mentally institutions.

Mr. Zamo Mbele

Mr. Mbele has a Masters degree in Clinical Psychology and is currently registered for his Doctor of Philosophy at the University of Witwatersrand. He is currently the founder and Director of the MH Foundation, a Director of the South African Depression and Anxiety Group (SADAG), a supervisor and trainer at the African Leadership Academy and a Clinical Psychologist at the Tara H Moross Academic Hospital. Mr Mbele has the following past experience:

- Tutor – Wits University 2009
- Private Clinical Practice Administrator – 2010
- Tara H Moross Hospital & Charlotte Maxeke Johannesburg Academic Hospital – Intern 2011
- Chris Hani Baragwana Academic Hospital – Community Service 2012
- Part-time Lecture – Wits University, 2012 to 2014

Members will note that these appointments comprise of experts and a few young professionals. This combination favors continuity, the preservation of institutional memory and fresh expertise.

Colleagues will note that the members I have appointed are from a legal and social science environment. This was a conscious decision to appoint members from this group, in order to assist me achieve specific assignments for this department. Furthermore, this current board has, for the first time, a large concentration of clinical psychologists. My assignment to this group is for them to assist myself and the Department in the development of scientifically proven risk assessment tools. These tools, in my opinion, will assist in properly diagnosing offenders upon admission into our facilities and enable us to develop offender specific rehabilitation pathways. Secondly, the international norms and standards on the release of offenders on parole are purely based on risk tools that assess rehabilitation and behavior change. I am expecting this group of experts, by virtue of their occupation and skill, to assist in developing scientifically proven tools that will be used by our boards and professionals in assessing rehabilitation.

The primary function of the NCCS is to advise me on policy matters relating to the correctional system. Historically, the Department has received contributions from the NCCS on issues pertaining to the following:

- Overcrowding;
- Amendment of the 1959 Department of Correctional Services Act;
- The White Paper on Correctional Services;
- Remand Detention;
- Issues around Youth and Children;
- Parole Reviews; and
- Currently, it is considering offenders sentenced to life in terms of the Van Wyk judgment

4.3 Issuing of letters of Appointment:

Due to the fact that the extension of the appointment of the members of the previous National Council was expiring on 31 May 2015, an increase in litigation by offenders who qualified for consideration in terms of the Van Wyk Judgment and my vision of overhauling the current Parole Administration system there was an urgency to finalize the appointment of members of the National Council.

The following factors influenced the urgent appointment of a new National Council:

(i) Backlog

There were more than 2258 profiles of offenders sentenced to life imprisonment who currently qualified to be considered for release on parole. The Van Wyk judgment (Case No 40915/10, North Gauteng High Court, Pretoria) is the main reason for the backlog. This court judgment resulted in the number of years for consideration for parole of offenders serving terms of life imprisonment being reduced from a minimum of 20 years to a period of twelve (12) years and ten (10) months. This reduction has resulted in a large number of offenders qualifying for the right to be considered for parole after reaching this minimum detention period. In terms of section 136 (3)(b) of the Act, the National Council must make recommendations to myself regarding the placement of all offenders serving life sentences.

(ii) **Litigation**

The Department is currently experiencing an increase in litigation by offenders compelling myself to make a decision regarding their placement on parole. When I assumed office in May 2014, I was welcomed by a court order that was compelling me to make a decision within thirty (30) days in the case of Offender Eugene De Kock. The timeous consideration of these profiles and the adherence of the minimum detention period are of the utmost importance. The failure at times leads to the Judiciary exercising an administrative process.

At the outset, I must state it clearly that this is a category which I nominated candidates based on their strengths and background in assisting me and the department in achieving the various goals I would like to achieve during my tenure. I am currently reviewing the Departments parole administration system in its entirety. This is a process where I want the NCCS to advise me on the effectiveness of the current system. Furthermore, the role of the offended within our criminal justice system needs to be elevated. It is important to create systems in place within Corrections, to ensure that the offended is also supported, through information, empowerment and participation as required by the Service Charter for Victims of Crime and the Minimum Standards.

I appointed this new National Council with effect from 1 June 2015 for a period of twelve (12 months). My intention is to professionalize the work of our parole boards and I have appointed a task team to research on the effectiveness of the current system on parole and advise me. I will be coming at a later stage to brief members on these developments. The period of twelve (12) months maybe extended depending on whether we retain the current system on parole administration or overhaul it in its entirety.
