

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 2342**

**DATE OF QUESTION PAPER: 28 OCTOBER 2016**

**DATE OF SUBMISSION: 11 NOVEMBER 2016**

**Ms N I Tarabella Marchesi (DA) to ask the Minister of Justice and Correctional Services:**

1. What are the detailed reasons for the National Prosecuting Authority’s (NPA) court hours declining by 7% in the 2015/16 financial year;
2. whether any measures have been put in place to address the specified decline of the NPA’s court hours; if not, why not; if so, what are the relevant details;
3. whether the reduction of the NPA’s court hours needs to be addressed in conjunction with the (a) magistracy and/or (b) judiciary; if not, what is the position in this regard; if so, what are the relevant details of all steps taken to date in each case?

**NW2677E**

**REPLY:**

1. The National Prosecuting Authority has informed me that the detailed reasons for court hours declining by 7%, are as follows: The NPA had indicated in the Annual Report that an analysis of the court time spent on criminal matters in court, was conducted. More court days are being utilised as shown by the increase of 3.5%. However, the efficient use of those increased days is not reflected in the actual court hours used for criminal cases, which impedes all attempts to ensure speedy justice. The average court hours fell by 7.0% from an average of 3h31 maintained during 2014/15 to 3h16 during 2015/16. A total of 32 863:49 hours were lost compared to the previous reporting period.

Table 4: Progress on criminal court hours

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FORUM** | **AVE HOURS**  **2014/15** | **Total Court Hours** | **AVE HOURS**  **2015/16** | **Total Court Hours** | **Progress** |
| **HIGH COURT** | 03:04 | 25798:15 | 02:48 | 26976:20 | -8,7% |
| **REGIONAL COURT** | 03:38 | 260785:48 | 03:26 | 254333:54 | -5,2% |
| **DISTRICT COURT** | 03:29 | 590284:31 | 03:13 | 562694:30 | -7,7% |
| **ALL** | **03:31** | 876868:34 | 03:16 | 844 004:44 | -7.0% |

Unfortunately, the NPA does not record the reasons for loss of court hours and it does not reflect all court hours as only criminal court hours are recorded. The judiciary are keeping record of the hours as well as the reasons for loss of hours and these are discussed at case flow management meetings where problems in this regard are being addressed.

2) In the Annual Report, the NPA indicated that the effective performance of the NPA is directly linked to the effective performance of the other role players within the criminal justice system. Ensuring that cases proceed when they are set down for trial remains a primary challenge that the system has not adequately addressed. The implementation of pre-trial hearings identified by the NPA, Legal Aid South Africa and the Office of the Chief Justice as one of the solutions to prevent remands of trial ready cases has been slow in gaining traction, particularly in the lower courts. This has been compounded by the placing of too few trial cases on the court rolls, resulting in wasted court hours. The norms and standards issued by the Chief Justice have not yet led to increased court hours. Inadequacies of role-players in the system remain a concern as they impact on the finalisation of case. However, these are monitored and reported at the Provincial Efficiency Enhancement Committee (PEEC) meetings, which are chaired by the Judges President of every province.

3) This is partly answered by the paragraphs under answer (2) above, particularly with regard to the need for pre-trial hearings and the placing of sufficient trial cases on the court rolls.