STRATEGIC PLAN

2015/16 -2019/20

OFFICE OF THE CHIEF JUSTICE
REPUBLIC OF SOUTH AFRICA

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2015/16-2019/20

OFFICE OF THE CHIEF JUSTICE
REPUBLIC OF SOUTH AFRICA

Contents

Foreword by the Minister of Justice and Correctional Services

The year 1994 marked a democratic breakthrough that led to the establishment of constitutional democracy in South Africa. The adoption of the 1996 Constitution provided the necessary framework for democratic governance that enabled our Government to deal with the political and socio-economic inequalities and conflicts of the past. This constitutional framework recognises the roles and responsibilities of three distinct, yet interconnected branches of State, namely, the Executive, Legislature and Judiciary.

All three branches share the responsibility of driving and upholding our constitutional democracy. Due to the historic inequalities, the three branches did not enjoy the same levels of structural independence or institutional support. This was particularly true of the judicial branch of State which had, for many decades, laboured under the doctrine of parliamentary sovereignty. This arrangement included the administration of courts by a Member of the Executive. When our country became a constitutional democracy, it became necessary to align the judicial branch of State with the requirements of a constitutional democracy characterised by an independent Judiciary, constitutional supremacy and the rule of law.

The Constitution recognised the need for all branches of State to be constituted as independent entities. The endeavour to strengthen and promote the independence of the judicial branch of State is an on-going process. The aim is to transform the Judiciary with the view to the development of an independent, efficient, effective and accessible judicial system.

The establishment of the Office of the Chief Justice (OCJ) as a National Department therefore, is part of a transformation initiative to align the Judiciary with the Constitution of our country. The historical background and constitutional imperatives that informed the establishment of the OCJ as a National Department are outlined briefly below.

Between 1909 and 1996, a total of five Constitutions were enacted for our country:

"Lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law."

- The Union of South Africa Act, 1909
- Republic of South Africa Constitution Act, 1961
- Republic of South Africa Constitution Act, 1983
- Constitution of the Republic of South Africa, 1993
- The Constitution of the Republic of South Africa, 1996

The 1909 Constitution placed the administration of justice of the Union of South Africa under the control of a Minister of State (section 139 of the Union of

South Africa Act, 1909). The administration of justice included the management of courts. Likewise, the 1961 Constitution assigned the administration of justice functions to the Minister of Justice at the time (section 95 to the 1961 Constitution). The 1983 Constitution also located the administration of justice under the control of the Minister of Justice (section 69 of the 1983 Constitution).

The 1993 Constitution marked a turning point in the history of our country in that it enshrined constitutional supremacy and the independence of the Judiciary. Likewise, the 1996 Constitution vests the judicial authority of the Republic in the courts and these courts are independent, subject only to the Constitution and the law (section 165 of the Constitution).

In relation to transformation, the 1996 Constitution states that national legislation may provide for any matter concerning the administration of justice that is not dealt with in the Constitution. Moreover, Item 16(6) of Schedule 6 to the Constitution provides for the rationalisation of all courts with a view to establishing a judicial system suited to the requirements of the Constitution. The Schedule assigns the management of the rationalisation of courts to the Cabinet member responsible for the administration of justice acting after consultation with the Judicial Service Commission.

To fulfill the constitutional duty to facilitate the transformation of the Judiciary as contemplated by Schedule 6 to the Constitution, the Department of Justice and Constitutional Development introduced a number of initiatives in the past few years. These initiatives include the establishment of the Office of the Chief Justice (OCJ) as a National Department, and the introduction of the Constitution Seventeenth Amendment Act and the Superior Court Act to Parliament. In consultation with the Chief Justice, I have also committed to a process to facilitate the establishment of an independent court administration model suitable to our constitutional dispensation.

The OCJ was proclaimed as a National Department in August 2010. The department establishes permanent capacity for the Chief Justice to perform his existing functions as mandated in the Constitution and other legislation. In the absence of both tailored legislation for such an office and a self-standing regulatory framework for the judicial branch of State, the proposal to establish a National Department has, of necessity, been crafted in line with current legislation governing the executive branch of State.

The establishment of this office is an important, but transitional first step in the advancement of the independence of the Judiciary. The office should institutionalise all that is necessary for the Chief Justice to properly execute his judicial and administrative functions and as such, the Chief Justice must have the requisite supportive capacity in a permanent structure.

In 2012, the Department of Justice and Constitutional Development introduced two Bills in Parliament; the Constitution Seventeenth Amendment Bill and the Superior Courts Bill. On 23 August 2013, the Constitution Seventeenth Amendment Act was brought into effect through a proclamation by the President. The Constitution Seventeenth Amendment Act designates the Chief Justice as the Head of the Judiciary and also makes the Constitutional Court the highest court in the country in all matters. The Superior Courts Act which was also brought into effect on 23 August 2013, provides for the rationalisation of the Superior Courts and matters related thereto.

The establishment of a fully functional OCJ is a matter of great urgency for the Judiciary and myself. The other two branches of State have extensive capacity to support their respective heads. It is therefore imperative that the Chief Justice receives support which is both adequate for his roles and functions and commensurate with the office and status of the Head of a branch of State.

The Department of Justice and Constitutional Development will continue, as part of its constitutional mandate, to assist in supporting the operationalisation of the OCJ. It is in this way that my department can give practical effect to its constitutional imperative to ensure the independence, impartiality, dignity, accessibility and effectiveness of the courts. The establishment of the OCJ represents a critical intervention to help…

“Lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law.”

.....

Tshililo Michael Masutha, MP (ADV)

Minister of Justice and Correctional Services

Secretary-General's Overview

Being part of a dynamic team charged with the historic task of establishing the Office of the Chief Justice (OCJ) and producing its first Strategic Plan has been a challenging yet intellectually fulfilling assignment.

This Strategic Plan seeks to support the judicial reforms aimed at improving the efficiency and effectiveness of the administration of the courts. The OCJ, as the first step in this journey of ensuring the independence of the Judiciary, has been established to provide support to the Chief Justice in the fulfillment of his functions as the Head of the Judiciary.

On 1 December 2010, the Chief Justice, in consultation with the Minister for the Department of Justice and Constitutional Development appointed a team of six senior officials called the Interim Strategic Management Team (ISMT), supported by a retired Constitutional Court Judge to establish the OCJ as a National Department. In drafting this Strategic Plan, the management of the OCJ was guided by the Framework for Strategic Plans and the Annual Performance Plans developed by the National Treasury.

This five-year Strategic Plan is one of the requirements for operationalising a National Department. Together with the Annual Performance Plan, budget and structure, it lays the institutional framework for an operational OCJ.

This strategic plan is a milestone in the transformation of the Judiciary in our country in that it is the first strategic plan to be developed by the newly proclaimed Office of the Chief Justice.

This five-year Strategic Plan is one of the requirements for operationalising a National Department. Together with the Annual Performance Plan, budget and structure, it lays the institutional framework for an operational OCJ

Upon commencement of my duty as the Secretary-General on 1 April 2013, I embarked on the following initiatives:

- The reconstitution of the Executive Committee of the OCJ
- A needs assessment for the OCJ
- The development of the Strategic Plan
- Presentation to Parliament to introduce the OCJ
- Consultation with internal and external stakeholders

For the next five years, my objective is to provide strategic leadership and direction towards the attainment of the vision of the OCJ. Furthermore, my priority will be to support the Chief Justice and the Judiciary in their efforts to create an independent, transformed and accountable Judiciary; and to ensure that the OCJ is fully capacitated to execute its mandate.

I have the honour to present, in terms of Chapter 1 Part III B.1 of the Public Service Regulations, 2001, the Strategic Plan of the OCJ for 2015 to 2020 to the Honourable Minister of Justice and Correctional Services, as the Executive Authority of the OCJ, for his consideration and approval.

This report provides an overview of the context and substance of the Strategic Planning process of the OCJ.

Ms Memme Sejosengwe

Secretary-General:
Office of the Chief Justice

Official Sign-Off

It is hereby certified that this Strategic Plan:

- Was developed by the management of the Office of the Chief Justice under the guidance of the Minister of Justice and Correctional Services
- Takes into account all the applicable policies, legislation and other mandates for which the Office of the Chief Justice is responsible
- Accurately reflects the strategic outcome oriented goals and objectives which the Office of the Chief Justice will endeavor to achieve over the period 2015 – 2020

Mr Casper Coetzer

Chief Financial Officer:
Office of the Chief Justice

Mr Kumeleng Malao

Head Official Responsible for Planning:
Office of the Chief Justice

Approved by:

Ms Memme Sejosengwe

Secretary-General:
Office of the Chief Justice

Tshililo Michael Masutha, MP (ADV)

Minister of Justice and Correctional Services

PART A
STRATEGIC OVERVIEW

Part A
Strategic Overview

1. Vision, Mission and Values

Vision

A single, transformed and independent Judicial system that guarantees access to justice for all.

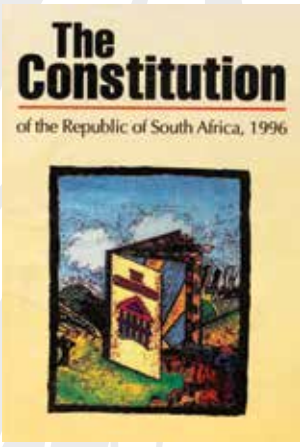
Mission

To provide support to the Judicial system to ensure effective and efficient court administration services.

Values

In ensuring accountability of the Judicial branch of the State to the people of South Africa; and to foster public confidence in the Judiciary; and respect for the rule of law; the Office of the Chief Justice will uphold the following values:

- Respect and protection of the Constitution
- Honesty and integrity
- Openness and transparency
- Professionalism and excellence



2. Legislative and Other Mandates

In discharging its mandate, the Office of the Chief Justice shall be guided by the Constitution, other legislation and policies that constitute the legal framework for the establishment of the office.

2.1 Constitutional Mandates

The Constitution of the Republic of South Africa, 1996 provides for the independence of the Judiciary and protects judicial independence by prohibiting any interference with the functioning of the courts. It further imposes a duty on organs of State to assist and protect the courts to ensure, amongst others, its independence, impartiality and efficiency. Furthermore, the Constitution as amended in 2013, formalises the Chief Justice as the Head of the Judiciary and entrusts him with the responsibility for the establishment and monitoring of norms and standards for the exercise of judicial functions of all courts. It also designates the Constitutional Court as the highest court in all matters.

In order to advance the transformation imperatives of the Constitution, Schedule 6 to the Constitution provides for the rationalisation of all courts and all relevant legislation with the view to establishing a judicial system suited to the requirements of the Constitution.

The Constitution furthermore provides that, after a national election, the Chief Justice is required to convene the first sitting of the National Assembly and to preside over the election of the Speaker of the National Assembly, the President and the Chairperson of the National Council of Provinces.

2.2 Legislative mandates

The Superior Courts Act, 2013 reaffirms the Chief Justice as the Head of the Judiciary responsible for the establishment and monitoring of norms and standards for the exercise of judicial functions of all courts. The Act further empowers the Chief Justice to issue written protocols or directives, or give guidance or advice to judicial officers – (a) in respect of norms and standards for the performance of the judicial functions; and (b) regarding any matter affecting the dignity, accessibility, effectiveness, efficiency or functioning of the courts.

The mandate of the Office of the Chief Justice emanates from a number of statutes including but not limited to the following:

Table: 1

LEGISLATION	KEY MANDATES/ RESPONSIBILITIES
Constitution Seventeenth Amendment Act, 2012	Section 165(6) of the Act designates the Chief Justice as the Head of the Judiciary.
Superior Courts Act, 2013	The Chief Justice exercises responsibility over the establishment and monitoring of norms and standards for the exercise of judicial functions for all courts. The Chief Justice may issue written protocols/ directives/guidance/advice in relation to implementation of norms and standards.
	The Act also regulates the allocation of financial resources to the Office of the Chief Justice and designates the Secretary-General as the Accounting Officer.

2.3 Policy Mandates

The Office of the Chief Justice (OCJ) is a newly established National Department proclaimed by the President of the Republic of South Africa in Government Gazette number 335500, published on 23 August 2010. Subsequent to the proclamation of the OCJ as a National Department, the Minister for Public Service and Administration determined the purpose and functions of the OCJ as follows:

Purpose

To render support to the Chief Justice in executing administrative and judicial powers and duties as Head of the Judiciary and Head of the Constitutional Court.

Functions

- To provide and coordinate legal and administrative support to the Chief Justice
- To provide communication and relationship management services and inter-governmental and international coordination
- To develop courts administration policy, norms and standards
- To support the development of Judicial policy, norms and standards
- To support the Judicial function of the Constitutional Court
- To support the Judicial Service Commission in the execution of its mandate

Furthermore, as part of the transitional arrangements, the relevant policies of the Department of Justice and Constitutional Development shall continue to be of full effect to the OCJ until such time that the OCJ develops its own policies.

2.4 Relevant Court Rulings

The following Constitutional Court cases dealt with the independence of the Judiciary, the separation of powers between the three branches of the State and the role of the Judiciary in the administration of justice. As such, it bears direct relevance to the operations of the OCJ.

The Constitutional Court has on various occasions considered the doctrine of separation of powers and the independence of the Judiciary. The Court has highlighted that this constitutional doctrine would evolve over time and requires a delicate balancing of the boundaries between the different branches of State so as to facilitate the workings of the State.

- *In Re: Certification of the Constitution of the Republic of South Africa, 1996* (4) SA 744 (CC) (First Certification judgment) at paragraphs 112 and 113

In terms of the Constitution of the Republic of South Africa, 1993, the Constitutional Court was tasked to consider, evaluate and certify whether the new constitutional text was in line with the constitutional principles as contained in the 1993 Constitution. With respect to the doctrine of separation of powers, the court stated *inter alia* that:

1. In democratic systems of government where checks and balances impose restraints by one branch of State on another, there is no separation of powers that is absolute.
2. The South African model of separation of powers should reflect the history of our country's constitutional development.
3. An essential part of the separation of powers is an independent Judiciary that functions independently of the Legislature and the Executive, and enforces the Constitution and the law impartially.

- *De Lange v Smuts* 1998 (3) SA 785 (CC) at paragraph 59.

The Constitutional Court indicated that judicial independence is foundational to and indispensable for the discharge of the judicial function in a constitutional democracy based on the rule of law.

The Court considered and referred to the leading Canadian case of *R v Valente* (1986) 24 DLR (4th) 161 (SCC), which defined the content of judicial independence. The Canadian Court held that there were three essential conditions of judicial independence, namely, security of tenure, financial security and institutional independence. The Canadian Court held further that institutional independence would necessarily include judicial control over the administrative decisions that bear directly and immediately on the exercise of the judicial function.

- *S v Dodo* 2001 (3) SA 382 (CC) at paragraph 16

The Constitutional Court discussed the nature of the interaction between the three branches of State and in this regard said the following:

"…it anticipates the necessary or unavoidable intrusion of one branch on the terrain of another; this engenders interaction, but does so in a way which avoids diffusing power so completely that government is unable to take timely measures in the public interest."

- *Van Rooyen and Others v The State and* Others 2002 (8) BCLR 810 (CC) at paragraph 29

In the Van Rooyen case, the Constitutional Court held that the notion of institutional judicial independence is not subject to any limitation. The Court also drew attention to other key aspects of judicial independence mentioned in *Valente's* case. They are, in particular, the requirements that judicial officers have security of tenure, a basic degree of financial security, and institutional independence concerning matters that relate directly to the exercise of the judicial function, as well as judicial control over administrative decisions 'that bear directly and immediately on the exercise of the judicial function.'

At a minimum, the Constitutional Court has held that judicial independence requires that the Judiciary be, and be seen to be, institutionally, financially and administratively independent. In his speech delivered at Stellenbosch University, for the 2013 Annual Human Rights Lecture, Chief Justice Mogoeng Mogoeng emphasised the above principles of judicial independence as outlined by the Constitutional Court and stated that:

"Institutional independence concerns the day-to-day operations of courts and is required to ensure that they are not directly or indirectly controlled or seen to be controlled by other arms of government. It is to this end that the phased transformation of court administration is directed, and this underscores the urgency and critical importance of judicial self-governance."

2.5 Planned Policy Initiatives

The following are the key policy initiatives that the OCJ plans to pursue during the life of the strategic plan:

4.1 Policy relating to the designation of the Chief Justice as the Head of the Judiciary.

4.2 Policy to regulate the transfer of court administration functions from the Department of Justice and Constitutional Development to the Judiciary.

4.3 Policy to operationalise the establishment of the Office of the Chief Justice as a National Department.

4.4. Judicial Accountability Policy.

4.5 Policy to clarify the constitutional obligations of organs of State to assist and protect courts to ensure their independence, accessibility, dignity and effectiveness.

4.6. The Judicial Handbook for Judges' benefits.

3. Situational Analysis

3.1 Performance Environment

The Office of the Chief Justice (OCJ) was established to render support to the Chief Justice in exercising administrative and judicial powers and duties as the Head of the Judiciary and the Head of the Constitutional Court.

Section 165 of the Constitution, 1996, provides that the judicial authority of the Republic of South Africa is vested in the courts. These courts are responsible for adjudication and resolution of disputes relating to constitutional, civil and criminal matters. Previously, services relating to these courts were provided by the Department of Justice and Constitutional Development.

The constitutional mandate of these courts is to ensure that access to justice is provided. Section 34 of the Constitution provides that everyone has the right to have any dispute that can be resolved by the application of law decided in fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum.

Before the proclamation of the OCJ as a National Department, the Chief Justice was not properly capacitated to execute his functions adequately without relying on the Executive. This arrangement had the potential to undermine judicial independence and the doctrine of separation of powers. It is for that reason that the Executive initiated a process to introduce reforms contemplated by the Constitution with the twin goals of improving administration and ensuring the independence of the Judiciary.

In order to facilitate the achievement of these goals the OCJ was established to provide a platform for the implementation of the judicial reforms that will improve service delivery and address the administrative challenges that have pre-occupied the Judiciary in South Africa.

Over the years, the performance of the Superior Courts has been characterised by various service delivery challenges. Although some of the courts have discharged their constitutional mandate effectively and demonstrated sterling performance, the majority of the courts still underperform.

The majority of the challenges are attributed to continuing case backlogs, culture of postponement of cases, lack of adherence to trial dates, and reserved judgments, to name a few.

To address these challenges, the OCJ has established external structures and developed internal controls to improve service delivery in the Superior Courts. External structures comprise of forums such as the Judicial Case Flow Management Committee (JCFMC) which aims to facilitate the improvement of case flow management in the Superior Courts. Internally the OCJ has developed controls such as the court performance system to ensure that case flow is monitored and managed effectively to deliver judgments timeously.

The newly developed information and communication technology (ICT) infrastructure for the OCJ is also envisaged to bring about innovation in the way the Superior Courts conducts their business. The OCJ is furthermore embarking on a process of court modernisation. The project on Superior Courts modernisation is expected to improve the day-to-day operations of courts, thus ushering a new era of courts automation in South Africa.

3.2 Organisational Environment

The OCJ is now well positioned to give effect to the strategic and operational direction of the Secretary-General (SG) who has been in the position for the past 12 months. The appointment of the SG has brought about stability in the management of the OCJ.

Since her appointment, the SG has devoted effort and attention towards strengthening of OCJ's internal controls, building capacity and preparing a road map geared towards enhancing service delivery in the Superior Courts. The SG and the management of the OCJ have been working tirelessly to strategically position the OCJ to deliver on its mandate, particularly with regard to improving the turnaround times related to finalising cases in the Superior Courts.

While the OCJ acknowledges the challenging journey ahead, transitional plans and mechanisms have been put in place to ensure that service delivery in the Superior Courts is enhanced through case flow management and the development of performance monitoring systems. The service delivery model developed by the OCJ provides a roadmap upon which service delivery could be enhanced.

Collaboration with other role-players remain a strategic anchor for the OCJ and a key step in ensuring that the objectives of the OCJ are attained. The National Efficiency Enhancement Committee (NEEC) established by the Chief Justice is one of the structures committed to efficiency and effectiveness of the functioning of the courts. The OCJ remains committed to improving access to justice for all.

3.3 Description of the Strategic Planning Process

The management of OCJ gathered on the 15 - 16 May 2014, and the purpose of the two-day workshop was to develop the first Strategic Plan for the OCJ for the period 2015-2020, in line with the new Framework for Strategic Plans and Annual Performance Plans as prescribed by the National Treasury.

4. Strategic Outcome-Oriented Goals of the Institution

The mandate of the Office of the Chief Justice (OCJ) is to support the Chief Justice in executing administrative and judicial powers and duties as Head of the Judiciary and Head of the Constitutional Court. In ensuring that the department lives up to its mandate, the OCJ is committed to ensuring the provision of an effective and efficient integrated judicial system that guarantees access to justice and contributes towards ensuring that all people in South Africa are and feel safe (Outcome 3 of the government-wide outcomes). The establishment of the OCJ as a National Department was a necessary step to give practical content to the independence of the Judiciary.

The National Development Plan (NDP) calls for the strengthening ofw judicial governance and the rule of law (Chapter 14). To give effect to this imperative, the OCJ commits to strengthening judicial governance and the rule of law, thus ensuring its contribution towards the achievement of Vision 2030. Structures such as the NEEC were established to provide an effective and efficient integrated judicial system.

In ensuring efficient and effective criminal justice system, the OCJ has aligned its strategic plan with Outcome 3 as outlined in the Minister's Performance Delivery Agreement.

Over the Medium-Term Strategic Framework (MTSF) period, the OCJ will ensure effective implementation of the Superior Courts Act, 2013 and the Constitution Seventeenth Amendment Act, 2012 and align its plans towards the realisation of the objectives of the NDP.

The three strategic goals of the OCJ are as follows:

Table: 2

STRATEGIC OUTCOME-ORIENTED GOAL 1	Capacitate the Office of the Chief Justice.
Goal Statement	Secure adequate human resources for the OCJ to enable it to carry out its mandate effectively by attracting and recruiting competent personnel.
STRATEGIC OUTCOME-ORIENTED GOAL 2	Support the Chief Justice in the fulfillment of his functions as the Head of the Judiciary.
Goal Statement	Enable the Chief Justice as the Head of the Judiciary to deliver on his Constitutional mandate by providing administrative support.
STRATEGIC OUTCOME-ORIENTED GOAL 3	Render effective and efficient administration and technical support to the Superior Courts.
Goal Statement	Support the efficiency of the Superior Courts in the provision of their services of improving case finalisation rates and reducing case backlogs by providing continuous administrative and technical support.

PART B

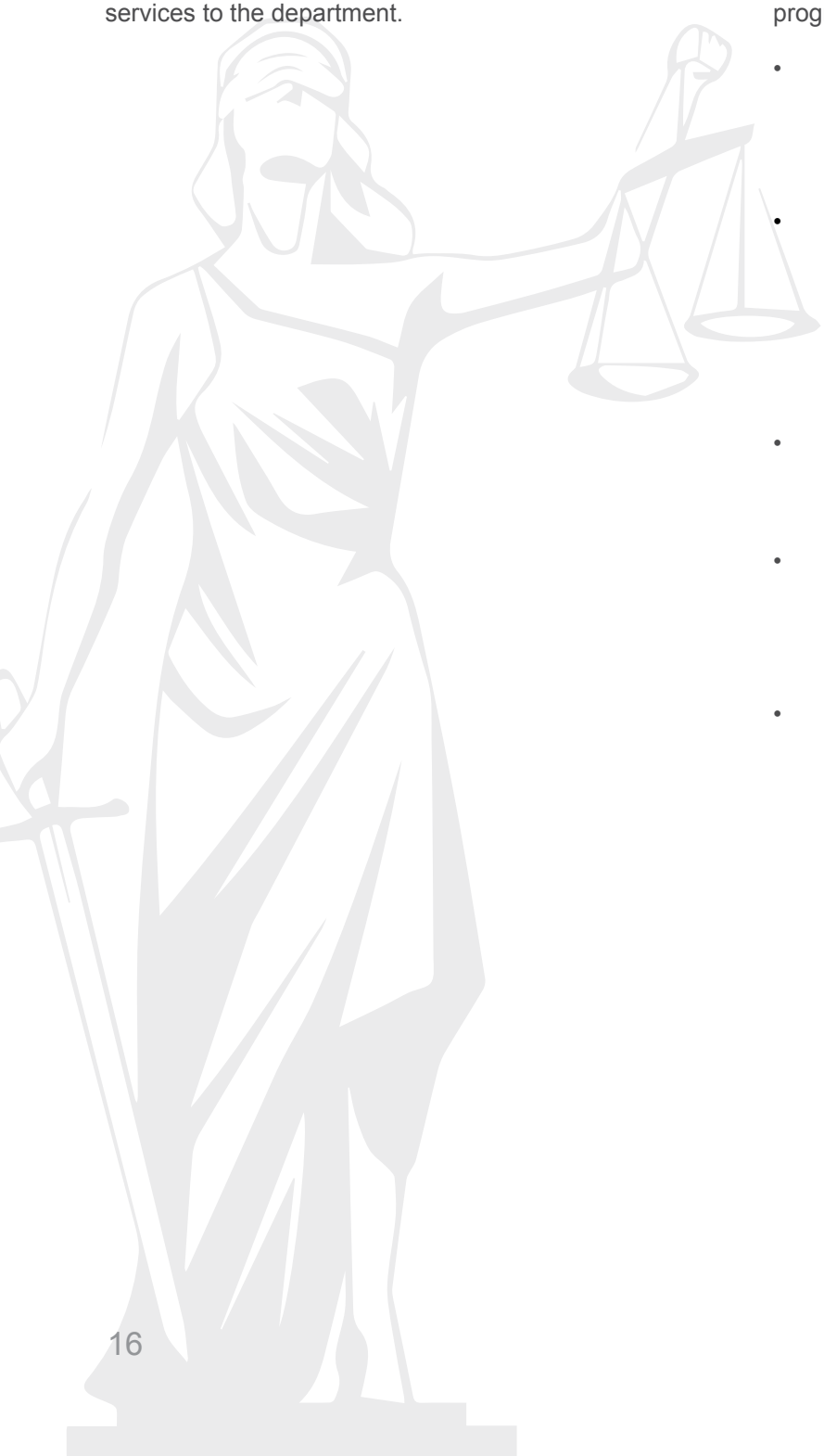
STRATEGIC OBJECTIVES

Part B
Strategic Objectives

5. Programme 1: Administration

Purpose

Provide strategic leadership, management and support services to the department.



Description

The programme consists of the following sub-programmes:

- **Management** provides administrative, planning, monitoring, evaluation and reporting functions necessary to ensure effective functioning of the department.
- **Corporate Services** provides an integrated Human Resources Management (HRM), Information & Communication Technology, Security Management and Communication support services to the Judiciary and the department.
- **Finance Administration** provides overall financial, asset and supply chain management services to the Judiciary and the department.
- **Internal Audit and Risk Management** provides overall internal audit and risk management services to the department and the Superior Courts.
- **Office Accommodation** provides for acquisition of office accommodation for the department.

5.1 Sub-programme 1: Management

The list below details the strategic objectives, indicators and annual targets in relation to the Management sub-programme:

Table 3:

STRATEGIC OBJECTIVE 1	Ensure effective and efficient management and overall administration of the department.					
OBJECTIVE STATEMENT	Provide strategic leadership to the department in order to function optimally and deliver effectively on the OCJ mandate by convening 10 Executive Management meetings per annum and ensure timeous submission of Annual Performance Plans to National Treasury (NT) and Department of Performance Monitoring and Evaluation (DPME).					
JUSTIFICATION	This objective will enable the department to render effective support to the Chief Justice in executing administrative and judicial powers as Head of the Judiciary and Head of the Constitutional Court.					
LINKS TO GOVERNMENT PRIORITIES	Outcome 12: An efficient, effective development orientated public service.					
PERFORMANCE INDICATORS	**BASELINE 2014/2015**	**TARGETS PER ANNUM**				
		2015/2016	**2016/2017**	**2017/2018**	**2018/2019**	**2019/2020**
Number of Executive Management meetings convened	10	10	10	10	10	10
OCJ Annual Performance Plans finalised and submitted to DPME and NT as per National Treasury timelines	Draft Annual Performance Plan (2015/16)	OCJ Annual Performance Plan (2015/16) finalised and submitted to DPME and NT as per National Treasury timelines	OCJ Annual Performance Plan (2016/17) finalised and submitted to DPME and NT as per National Treasury timelines	OCJ Annual Performance Plan (2017/18) finalised and submitted to DPME and NT as per National Treasury timelines	OCJ Annual Performance Plan (2018/19) finalised and submitted to DPME and NT as per National Treasury timelines	OCJ Annual Performance Plan (2019/20) finalised and submitted to DPME and NT as per National Treasury timelines

5.2 Sub-programme 2: Corporate Services

The list below details the strategic objectives, indicators and annual targets in relation to Corporate Services sub-programme:

Table 4:

STRATEGIC OBJECTIVE 2	Render effective corporate support services to the Judiciary and the department.					
OBJECTIVE STATEMENT	Provide human capital management to the department by filling 90% of the identified critical funded posts and train officials in line with the skills development plan; improve the ICT support services by developing and implementing the ICT Master System Plan; and implement 12 communication activities in line with the communication strategy.					
JUSTIFICATION	This objective will ensure provision of adequate human resources capacity and put systems in place to enhance the functioning of the department.					
LINKS TO GOVERNMENT PRIORITIES	Outcome 12: An efficient, effective and development orientated public service.					
PERFORMANCE INDICATORS	**BASELINE 2014/2015**	**TARGETS PER ANNUM**				
		2015/2016	**2016/2017**	**2017/2018**	**2018/2019**	**2019/2020**
Number of officials trained in line with workplace skills plan (WSP)	20	150	200	260	300	340
Percentage of identified critical funded posts filled	80% (32)	90%	90%	90%	90%	90%
Number of Employee Wellness Programmes conducted (EWP)	2	4	4	4	4	4
ICT Master System Plan developed and implemented within the OCJ	Draft ICT Master Plan	ICT Master Plan developed	ICT Master System Plan implemented within the OCJ	N/A	N/A	N/A
Number of communications activities implemented in line with Communication Strategy	8	12	12	12	12	12

5.3 Sub-programme 3: Finance Administration

The list below details the strategic objectives, indicators and annual targets in relation to Finance Administration sub-programme:

Table 5:

STRATEGIC OBJECTIVE 3	Render financial, supply chain and asset management services to the Judiciary and the department.
OBJECTIVE STATEMENT	Ensure 100% compliance with the Public Finance Management Act (PFMA) and other prescripts by producing 12 financial performance reports per annum, processing 100% of received invoices within 30 days, and increasing assets verification from 95% in 2014/15 to 100% per annum over the strategic plan period.
JUSTIFICATION	This objective will ensure efficient and effective utilisation of financial resources, and enable the department to be transparent and accountable.
LINKS TO GOVERNMENT PRIORITIES	Public Finance Management Act.

PERFORMANCE INDICATORS	BASELINE 2014/2015	TARGETS PER ANNUM				
		2015/2016	2016/2017	2017/2018	2018/2019	2019/2020
Number of financial performance reports produced in line with the PFMA	12	12	12	12	12	12
Percentage of received invoices paid within 30 days	80%	100%	100%	100%	100%	100%
Percentage of assets verified	95%	100%	100%	100%	100%	100%

5.4 Sub-programme 4: Internal Audit & Risk Management

The list below details the strategic objectives, indicators and annual targets in relation to Internal Audit sub-programme:

Table 6:

STRATEGIC OBJECTIVE 4	Ensure good governance in the administration of the department.
OBJECTIVE STATEMENT	Implement and monitor the internal audit strategy and enterprise risk management framework by increasing the number of internal audit reviews from 6 in 2014/15 to 10 in 2019/20, conduct 4 risk assessments per annum and investigate 100% of fraud cases reported within 60 days.
JUSTIFICATION	This objective will reduce and mitigate the internal risks of the department, and also manage the department's risk management processes.
LINKS TO GOVERNMENT PRIORITIES	Public Finance Management Act.

PERFORMANCE INDICATOR	BASELINE 2014/2015	TARGETS PER ANNUM				
		2015/2016	2016/2017	2017/2018	2018/2019	2019/2020
Number of internal audit reviews conducted	6	10	10	10	10	10
Number of risk assessments conducted	4	4	4	4	4	4
Percentage of reported fraud cases investigated within 60 days	100% (5)	100%	100%	100%	100%	100%

5.5 Sub-programme 5: Office Accommodation

The list below details the strategic objectives, indicators and annual targets in relation to Office Accommodation sub-programme:

Table 7:

STRATEGIC OBJECTIVE 5	Ensure sound acquisition of office accommodation for the department.
OBJECTIVE STATEMENT	Acquire office accommodation through the Department of Public Works' (DPW) procurement processes to enable the department to function optimally and deliver effectively on its mandate.
JUSTIFICATION	This objective will enable the department to discharge its administrative functions effectively.
LINKS TO GOVERNMENT PRIORITIES	Outcome 12: An efficient, effective and development orientated public service.

PERFORMANCE INDICATOR	BASELINE 2014/2015	TARGETS PER ANNUM				
		2015/2016	2016/2017	2017/2018	2018/2019	2019/2020
Office accommodation for the department acquired by 2015	Temporary office accommodation	Office accommodation acquired	N/A	N/A	N/A	N/A

6. Programme 2: Judicial Support and Court Administration[1]

Purpose

Provide judicial support and court administration services to the Superior Courts, including secretariat and administrative support services to the Judicial Service Commission.

Description

The programme consists of the following sub-programmes:

- **Administration of Superior Courts** provides administrative and technical support to the Superior Courts, monitors the overall performance of the Superior Courts, and enhances judicial stakeholder relations.
- **Judicial Service Commission** provides secretariat and administrative support services to the Judicial Service Commission to effectively perform their constitutional and legislative mandates.
- **Constitutional Court** adjudicates on constitutional matters and any other matter that is of general public importance.
- **Supreme Court of Appeal** adjudicates appeals in any matters arising from the High Court of South Africa or a court of a status similar to the High Court.
- **High Courts** adjudicate and provide resolutions on criminal and civil disputes and hear any appeals from the Lower Courts.
- **Specialised Courts** adjudicate over various types of matters excluded from the jurisdiction of the Divisions of High Courts and Magistrate Courts. These include adjudication on labour, land, electoral and competition matters.

[1] All the information relating to sub-programmes 3, 4, 5 and 6 from 2011/12 to 2014/15 was provided by DoJ&CD. Furthermore it is important to note that the targets of these sub-programmes are dependent on the Judiciary

6.1 Sub-programme 1: Administration of Superior Courts

The list below details the strategic objectives, indicators and annual targets in relation to Administration of Superior Courts sub-programme:

Table 8:

STRATEGIC OBJECTIVE 6	Ensure effective and efficient administration of the Superior Courts.
OBJECTIVE STATEMENT	Enhance effective and efficient administration of the Superior Courts services by coordinating18 judicial meetings per annum; producing 3 Superior Courts performance monitoring reports in 2015/16 and 5 per annum from 2016/17 to 2019/20 as well as producing 3 monitoring reports on Judicial Norms and Standards in 2015/16 and 5 per annum from 2016/17 to 2019/20 financial years. The objective also seeks to ensure that Registrars grant 75% of default judgments by 2019/20, finalise 70% of taxations by 2019/20 and ensure that customer service improvement plan is developed and implemented over the period of the strategic plan.
JUSTIFICATION	This objective will improve the performance of the Superior Courts services, and ensure effective and efficient court administration services.
LINKS TO GOVERNMENT PRIORITIES	Chapter 14 of the NDP Vision 2030: Strengthen judicial governance and the rule of law.

PERFORMANCE INDICATORS	BASELINE 2014/2015	TARGETS PER ANNUM				
		2015/2016	2016/2017	2017/2018	2018/2019	2019/2020
Number of judicial meetings coordinated	18	18	18	18	18	18
Number of Superior Courts performance monitoring reports produced	1	3	5	5	5	5
Number of monitoring reports on Judicial Norms and Standards produced	1	3	5	5	5	5
Percentage of Default Judgments granted by Registrars	-	55%	60%	65%	70%	75%
Percentage of taxations finalised	-	62%	64%	66%	68%	70%
Customer service improvement plan developed and implemented in all Superior Courts	-	Customer service improvement tool developed and piloted in 6 Superior Courts	Customer survey conducted in all Superior Courts	Customer service improvement plan developed	Customer service improvement plan implemented	Customer service improvement plan implemented

6.2 Sub-programme 2: Judicial Service Commission

The list below details the strategic objectives, indicators and annual targets in relation to Judicial Service Commission sub-programme:

Table 9:

STRATEGIC OBJECTIVE 7	Render secretariat and administrative support services to the Judicial Service Commission.
OBJECTIVE STATEMENT	Enhance the overall functioning and governance of the Judicial Service Commission (JSC) by coordinating 2 judicial sittings per annum; produce 2 JSC reports in 2015/16 and 3 from 2016/17 to 2019/20 financial years.
JUSTIFICATION	This objective will enhance the overall performance of the Judicial Service Commission in executing its mandate of recommending candidates for judicial appointment and investigating complaints lodged against Judicial Officers.
LINKS TO GOVERNMENT PRIORITIES	Chapter 14 of the NDP Vision 2030: Strengthen judicial governance and the rule of law.

PERFORMANCE INDICATORS	BASELINE 2014/2015	TARGETS PER ANNUM				
		2015/2016	2016/2017	2017/2018	2018/2019	2019/2020
Number of Judicial Service Commission sittings coordinated	2	2	2	2	2	2
Number of Judicial Service Commission Reports produced	2	2	3	3	3	3

6.3 Sub-programme 3: Constitutional Court

The list below details the strategic objectives, indicators and annual targets in relation to Constitutional Court sub-programme:

Table 10:

STRATEGIC OBJECTIVE 8	Enhance efficiency and timeous delivery of judgments at the Constitutional Court.
OBJECTIVE STATEMENT	Enhance the delivery of judgments of the Constitutional Court by monitoring the implementation of norms and standards and producing performance reports that supports the court to achieve 80% finalisation of cases.
JUSTIFICATION	This objective will ensure that the Constitutional Court effectively pursues its constitutional mandate of delivering judgments relating to Constitutional matters and any other matter that is of general public importance.
LINKS TO GOVERNMENT PRIORITIES	Chapter 14 of the NDP Vision 2030: Strengthen judicial governance and the rule of law.

PERFORMANCE INDICATOR[2]	BASELINE 2014/2015	TARGETS PER ANNUM				
		2015/2016	2016/2017	2017/2018	2018/2019	2019/2020
Percentage of cases finalised[3]	60%	80%	80%	80%	80%	80%

[2] It is impossible to predict the number of cases to be lodged in court, hence indicators for sub-programme 3,4,5 and 6 are crafted in percentages.

[3] Finalised cases refer to any case that has either been withdrawn, judgment has been delivered or settlement has been reached.

6.4 Sub-programme 4: Supreme Court of Appeal

The list below details the strategic objectives, indicators and annual targets in relation to Supreme Court of Appeal sub-programme:

Table 11:

STRATEGIC OBJECTIVE 9	Enhance efficiency and timeous delivery of judgments at the Supreme Court of Appeal.
OBJECTIVE STATEMENT	Enhance the delivery of judgments of the Supreme Court of Appeal by monitoring the implementation of norms and standards and producing performance reports that supports the court to achieve 80% finalisation of cases.
JUSTIFICATION	This objective will ensure timeous finalisation of cases at the Supreme Court of Appeal.
LINKS TO GOVERNMENT PRIORITIES	Chapter 14 of the NDP Vision 2030: Strengthen judicial governance and the rule of law.

PERFORMANCE INDICATOR	BASELINE 2014/2015	TARGETS PER ANNUM				
		2015/2016	2016/2017	2017/2018	2018/2019	2019/2020
Percentage of cases finalised	70%	80%	80%	80%	80%	80%

6.5 Sub-programme 5: High Courts

The list below details the strategic objectives, indicators and annual targets in relation to High Courts sub-programme:

Table 12:

STRATEGIC OBJECTIVE 10	Enhance efficiency and timeous delivery of judgments at the High Courts.
OBJECTIVE STATEMENT	Enhance the delivery of judgments of the High Courts by monitoring the implementation of norms and standards and producing performance reports that support the courts to reduce criminal case backlogs from 281 in 2014/15 to 6 in 2019/20; finalise criminal cases from 60% in 2014/15 to 70% in 2019/20 and civil cases from 52% in 2014/15 to 60% in 2019/20 and ensure 70% finalisation of reserved judgments at the High Courts.
JUSTIFICATION	This objective will reduce case backlogs, increase finalisation rates of both the criminal cases and civil cases in the High Courts.
LINKS TO GOVERNMENT PRIORITIES	Chapter 14 of the NDP Vision 2030: Strengthen judicial governance and the rule of law. Outcome 3: All people in South Africa are and feel safe.

PERFORMANCE INDICATORS	BASELINE 2014/2015	TARGETS PER ANNUM				
		2015/2016	2016/2017	2017/2018	2018/2019	2019/2020
Number of criminal cases on the backlog roll[4]	281	206	156	106	56	6
Percentage of criminal cases finalised with verdicts	60%	62%	64%	66%	68%	70%
Percentage of civil cases finalised [5]	-	52%	54%	56%	58%	60%
Percentage of reserved judgments finalised	-	70%	70%	70%	70%	70%

[4] The targets on this indicator for 2015/16 to 2018/19 differs from those listed in Outcome 3 of the 2014-2019 MTSF, since it is expected that the number of criminal cases on the backlog roll will be reduced much quicker than originally anticipated, following the issuance of judicial norms and standards in February 2014.

[5] Information from 2011/12 to 2014/15 relating to finalisation of civil cases and reserved judgments could not be provided by DoJ&CD.

6.6 Sub-programme 6: Specialised Courts

The list below details the strategic objectives, indicators and annual targets in relation to Specialised Courts sub-programme:

Table 13:

STRATEGIC OBJECTIVE 11	Enhance efficiency and timeous delivery of judgments at the Specialised Courts.
OBJECTIVE STATEMENT	Enhance the delivery of judgments of the Specialised Courts by monitoring the implementation of norms and standards and producing performance reports that support the finalisation of cases in the Labour Courts from 50% in 2014/15 to 60% in 2019/20, Land Claims Court from 50% in 2014/15 to 60% in 2019/20, Electoral Court by 90% in 2019/20 and Competition Appeal Court by 72% in 2019/20.
JUSTIFICATION	This objective will ensure timeous finalisation of cases at the Specialised Courts.
LINKS TO GOVERNMENT PRIORITIES	Chapter 14 of the NDP Vision 2030: Strengthen judicial governance and the rule of law.

PERFORMANCE INDICATORS	BASELINE 2014/2015	TARGETS PER ANNUM				
		2015/2016	2016/2017	2017/2018	2018/2019	2019/2020
Percentage of labour cases finalised	50%	52%	54%	56%	58%	60%
Percentage of land claims cases finalised[6]	50%	52%	54%	56%	58%	60%
Percentage of electoral cases finalised	-	90%	90%	90%	90%	90%
Percentage of competition appeal cases finalised	-	72%	72%	72%	72%	72%

[6] No baseline information was provided by DoJ&CD in relation to Land Claims Court, Electoral Court and Competition Appeal Court.

7. Programme 3 : Judicial Education and Research

Purpose

Provide education programmes to Judicial officers, including policy development and research services for the optimal administration of justice.

Description

The programme consists of the following sub-programmes:

- **South African Judicial Education Institute (SAJEI)** provides continuing judicial education for judicial officers and training of aspirant judicial officers.
- **Judicial Policy and Research** provides advisory opinions on policy development, research and regulatory support services to enhance the functioning of the Judiciary.

7.1 Sub-programme 1: South African Judicial Education Institute

The list below details the strategic objectives, indicators and annual targets in relation to SAJEI sub-programme:

Table 14:

STRATEGIC OBJECTIVE 12	Capacitate serving and aspirant judicial officers to perform optimally.
OBJECTIVE STATEMENT	Enhance the performance of judicial officers by increasing judicial education courses from 60 in 2014/15 to 85 in 2019/20 financial years.
JUSTIFICATION	This objective will ensure the provision of effective support by the South African Judicial Education Institute in executing its mandate of ensuring continuous development of judicial officers.
LINKS TO GOVERNMENT PRIORITIES	Chapter 14 of the NDP Vision 2030: Strengthen Judicial governance and the rule of law.

PERFORMANCE INDICATORS	BASELINE 2014/2015	TARGETS PER ANNUM				
		2015/2016	2016/2017	2017/2018	2018/2019	2019/2020
Number of judicial education courses conducted	60	65	70	75	80	85

7.2 Sub-programme 2: Judicial Policy and Research

Table 15:

STRATEGIC OBJECTIVE 13	Enhance the governance of the Judiciary and the OCJ.
OBJECTIVE STATEMENT	Provide administrative support to the Judiciary by increasing the number of opinions on policy development and regulatory services from 10 in 2014/15 to 15 in 2019/20 financial years and monitor the percentage compliance in relation to the disclosure of Judges' Registrable Interests.
JUSTIFICATION	This objective will enhance the performance of the Judiciary to effectively execute their judicial functions.
LINKS TO GOVERNMENT PRIORITIES	Chapter 14 of the NDP Vision 2030: Strengthen judicial governance and the rule of law.

PERFORMANCE INDICATORS	BASELINE 2014/2015	TARGETS PER ANNUM				
		2015/2016	2016/2017	2017/2018	2018/2019	2019/2020
Number of advisory opinions on policy development and regulatory services provided	10	14	15	15	15	15
Percentage of disclosures for Judges' Registrable Interests	80%	100%	100%	100%	100%	100%

8. Resource Considerations

Given the newness of the department, the Office of the Chief Justice (OCJ) requires physical, financial, human and technical resources to effectively deliver on its mandate. Over the coming years, the department will work tirelessly to ensure that all structures are in place to enhance the performance of the Superior Courts and realise its strategic objectives.

The budget which has been identified amounts to R1 616 165 000 in 2015/16, R1 724 375 000 in 2016/17 and R1 815 983 000 in 2017/18.

9. Risk Management

Section 51(1) (a) (i) of the Public Finance Management Act, 1999 compels an Accounting Authority to maintain effective, efficient and transparent systems of financial and risk management and internal control. In compliance with section 51, the OCJ has established a unit Internal Audit and Risk Management whose key functions are, amongst others, effective and efficient risk management.

The following were identified as key risks:

Table 16:

RISK MANAGEMENT PER PROGRAMME		
PROGRAMME 1: ADMINISTRATION	**RISKS**	**MITIGATION INTERVENTION**
Provide strategic leadership, management and support services to the department.	Inadequate human capacity and concomitant resources to optimally operationalise the OCJ under new SuCA dispensation.	• Recruitment and retention of a skilled and knowledgeable management team to steer OCJ towards achievement of its mission and vision. • A structured process undertaken to delegate powers and functions at the Superior Courts from DoJ&CD to OCJ (including PSA & PFMA powers).
PROGRAMME 2: JUDICIAL SUPPORT AND COURT ADMINISTRATION	**RISKS**	**MITIGATION INTERVENTION**
Provide judicial support and court administration services to the Superior Courts, including secretariat and administrative support services to the Judicial Service Commission.	• Transitional challenges as a result of transfer of functions from DoJ&CD to OCJ. • Inadequate system to measure court performance.	• On-going stakeholder engagement to ensure phased-in approach and adequate control measures. • Develop court performance systems.
PROGRAMME 3: JUDICIAL EDUCATION AND RESEARCH	**RISKS**	**MITIGATION INTERVENTION**
Provides education programmes to judicial officers, including policy development and research services for the optimal administration of justice.	Inadequate capacity to provide training to the judicial officers.	• Develop e-Learning system. • Partnership with relevant stakeholders.

To mitigate the above identified risks, the OCJ has developed a risk management plan and the Audit & Risk Committee has been established to manage the department's risk management processes.

PART C

LINKS TO OTHER PLANS

Part C
Links to other plans

10. Long Term Infrastructure and Other Capital Plans

When the OCJ was proclaimed a National Department in 2010, a decision was made to temporarily accommodate it at the SAJEI office facilities. To ensure that the OCJ discharges its mandate optimally, efforts have been initiated to secure dedicated accommodation for the newly established department.

11. Conditional Grants

Not Applicable.

12. Public Entities

Not Applicable.

13. Public-Private Partnerships

Not Applicable.

14. Acronyms and Abbreviations

Table 50:

ADV	Advocate
CFO	Chief Financial Officer
CONSTITUTION	Constitution of the Republic of South Africa, 1996
DOJ&CD	Department of Justice and Constitutional Development
DOJ&CS	Department of Justice and Correctional Services
DPSA	Department of Public Service and Administration
ICT	Information Communication and Technology
ISMT	Interim Strategic Management Team
JCFMC	Judicial Case Flow Management Committee
JSC	Judicial Service Commission
MP	Member of Parliament
MSP	Master System Plan
MTEF	Medium Term Expenditure Framework
MTSF	Medium Term Strategic Framework
NDP	National Development Plan
NEEC	National Efficiency Enhancement Committee
OCJ	Office of the Chief Justice
PEEC	Provincial Efficiency Enhancement Committee
SAJEI	South African Judicial Education Institute
SG	Secretary- General

Notes

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RP120/2015
ISBN: 978-0-621-43502-3