

Court lack skills - Mogoeng



GOIS

Chief Justice Mogoeng Mogoeng addresses the Judicial Officers Association of South Africa Gala dinner at the Kopanong conference centre in Benoni.

Chief Justice Mogoeng Mogoeng has admitted that the judiciary is not efficient and pleaded with judicial officers to embrace quality and speedy service delivery.

Mogoeng told magistrates attending the Judicial Officers Association of South Africa (Joasa) gala dinner at the Kopanong Conference Centre in Benoni, east of Joburg, on Friday that he was shocked at the level of inefficiency in the judiciary.

Joasa, the representative body of magistrates, held its annual general meeting this weekend.

“There are a number of factors influencing the performance and under-performance of the judiciary. The under-performance of one or two courts undermines public confidence in the entire court system.”

Mogoeng warned: “We can’t afford to be associated with absenteeism, any form of irresponsibility or dereliction of duty or poor performance.”

He said court interpreters were poor and that the judiciary should take over the interpreting services from the Justice Department.

“People lose cases because of interpretation. That is a serious problem,” he said. “I don’t know who trains these people.”

Mogoeng also said the quality of police investigations caused delays of cases in court.

He slammed cops who continued to investigate cases when they were already in court.

According to Mogoeng, while judges and magistrates were independent when it came to taking decisions on cases before them, they were not free to take as long as they wanted to finalise cases and deliver reserved judgments.

“The South African judiciary will never be as effective and efficient as it can be, for as long as it is still not a single unified unit,” Mogoeng said.

A single judiciary would mean one governance framework for judges and magistrates, application of a uniform complaint handling mechanism and streamlining courts to establish a unitary system.

Last year, some of the country's more than 2 000 magistrates embarked on an unprecedented strike over wages.

Mogoeng said magistrates' dignity had to be enhanced, and remuneration packages and employment benefits should match their enormous responsibilities.

"Significant improvement is required in the provision of resources necessary to raise their performance levels," he said.

Mogoeng promised to work towards a salary dispensation that reduced the salary gap between judges and magistrates.

"I'm not running for any office, I'm not a populist. I'm not saying things so that you can clap hands," he assured magistrates.

Earlier, Deputy Justice Minister John Jeffery said it was not feasible to extend judges' benefits to magistrates.

Magistrates earn between R700 000 and just above R1 million a year based on seniority, while judges are paid between R1.5m and R2.4m, in Mogoeng's case.

Judges are also guaranteed a salary for life, which is not the case with magistrates.

"No country has an unlimited public purse," he said.

Jeffery urged magistrates to engage the Independent Commission for the Remuneration of Public Office Bearers rather than go on strike. "Industrial action is improper, judicial officers are not employees," said Jeffery, adding that magistrates' demands had to be resolved through positive engagement.

Jeffery pleaded with magistrates to improve productivity of courts to eradicate backlogs.

He said average court times had dropped in magistrate's and high courts despite administrative functions being removed from judicial officers.