

Service Delivery Charter



for the Department of Justice and
Constitutional Development



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA



It is hereby certified that this **Service Delivery Charter**:

- Was developed in consultation with the Executive Management, Regional Heads and Batho Pele Coordinators of the Department of Justice and Constitutional Development
- Takes into account all policies, legislation and other mandates for which the Department of Justice and Constitutional Development is responsible
- Reflects a Statement of Public Service Commitment of the Department of Justice and Constitutional Development

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Chief Director: Programme Support and Administration

Signature



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Director-General: Justice and Constitutional Development

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Deputy Minister of Justice and Constitutional Development

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Approved by

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Minister of Justice and Constitutional Development

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Who are we?

The Department of Justice and Constitutional Development is an organ of the South African Government. Its mandate is to uphold and protect the Constitution and the rule of law. The Department is responsible for overseeing the administration of justice in the interests of a safer and more secure South Africa. The core functions of the Department are ensuring equitable access to justice services; protecting and promoting the rights of children, women, the aged and people with (physical and mental) disabilities; improving the efficiency of the courts; developing legislation and promoting the Constitution; administering deceased and insolvent estates and the Guardian's Fund; providing **prosecution** and **legal aid services**, providing legal advisory services and protecting the organs of the state from damaging litigation.

Who benefits from this Service Charter?

This Charter sets out the standard of service you can expect from the staff of the Department in the offices of the various Court Centres / Service Points and Master's Offices resorting under the Department, such as the:

- Constitutional Court;
- Supreme Court of Appeal;
- High Courts;
- Magistrates' Courts, which include services relating to;
 - Criminal cases, heard in Regional Courts and District

Courts;

- Civil cases, heard in Regional Courts and District Courts; and
- Family Law cases, including the following;
 - ☒ Divorce matters, at 68 designated Regional Courts;
 - ☒ Children's Courts for children in need of care and protection, at all Magistrates' Courts;
 - ☒ Maintenance Courts, at all Magistrates' Courts; and
 - ☒ Domestic Violence Courts, at all Magistrates' Courts.
- Master of the High Court

This Charter does not cover the professional functions delivered by the Judiciary or the National Prosecuting Authority, who are independent from the Department, or services provided by people outside the Department, such as non-governmental organisations.

This Charter also does not cover the service of criminal, civil and family law processes by sheriffs, who are appointed as independent service providers to the courts in terms of the Sheriffs Act, 1986. Complaints and questions regarding the service of processes by sheriffs can be addressed to the SA Board for Sheriffs, Private Bag 5454, Cape Town, 8000, e-mail: contact@sheriffs.org.za.

Our Vision

A transformed and accessible justice system which promotes and protects social justice, fundamental human rights and freedom.

Our Mission

We commit to provide transparent, responsive and accountable justice for all.

Our Strategic Objectives

- a. Improve the administration of justice through special emphasis on good governance and accountability;
- b. Provide effective and efficient justice services through facilitating the resolution of criminal, civil and family law disputes; and
- c. Provide a transformed legal service that advances the interests of government and the people of South Africa.

COMMITMENT TO CONSTITUTIONAL VALUES AND TO A CULTURE OF HUMAN RIGHTS:

The Department recognises the supremacy of the Constitution and the rule of law and apply all laws fairly and uniformly to ensure equal protection of human dignity, achievement of equality and the advancement of human rights and freedom, non-racialism and non-sexism for the people of the Republic of South Africa.

BATHO PELE: We are committed to providing quality services to both our internal and external customers by meeting and exceeding their expectations and needs. We commit to all Batho Pele principles:

- a. **Consultation** – Department of Justice will have regular consultations with relevant stakeholders including the public regarding the quality of service provided by the department.
- b. **Service Standards** – Setting service standards specifying the quality of services to be expected.
- c. **Access** – Increasing access to services especially to those who are historically disadvantaged. More than 800 courts are currently available to give quality service to the public.
- d. **Courtesy** – Ensuring higher levels of courtesy by adhering to set standards for the treatment of customers.
- e. **Information** - Providing more and relevant information and advice about services so that customers have the necessary information to make informed decisions.

- f. **Openness & Transparency** - Increasing openness and transparency about how services are delivered.
- g. **Redress** – Addressing failures and mistakes so that problems are resolved or dealt with positively.
- h. **Value for Money** – Rendering our services to the satisfaction of our customers.

UBUNTU: The Department upholds human dignity and ensures equal opportunities and fairness in its interactions in order to engender a spirit of trust and unity. The Department promotes tolerance and respect for the diversity of its employees and the citizens of this country and draws strength from such diversity.

Key Services rendered by Department of Justice and Constitutional Development

The department works in close collaboration with all Safety and Security Cluster departments, especially the South African Police Services, Department of Correctional Services, and Department of Social Development. There are Justice Service Points situated across the Republic of South Africa and they comprise of courts and Master of the High Court. **The key services offered are as follows:**

1. Court Services

The service to the public deals with the provision and management of the courts. Its purpose is to facilitate the

resolution of criminal, civil and family law disputes by providing accessible, efficient and quality administrative support to the courts throughout the country. It also includes working in collaboration with other government departments in the Safety and Security Cluster to promote and protect the rights of children, women, the aged, people with disabilities, and other vulnerable groups in the country. The following are services rendered at any South African Court of law:

- a. Criminal Courts
- b. Civil Courts
- c. Childrens' Court
- d. Maintenance Courts
- e. Small Claims Courts
- f. Sexual Offences Courts
- g. Domestic Violence
- h. Equality Courts
- i. Estates (where the estate value is less than R50 000.00)
- j. Child Justice Court

2. Master of the High Court Services

This service entails the administration of the Guardian's Fund, deceased estates, insolvent estates, curatorships and registration of trusts.

- a. Administration of estates
 - i. Under R125 000.00 – issuing of letters of authority
 - ii. Above R125 000.00 – issuing of letters of executorships

- b. Administration of guardian's funds
- c. Administration of insolvent estates
- d. Registration of all trusts
- e. Supervision of administration of estates of persons incapable of managing their own affairs

3. State Law Advisory Services

This service entails the following:

- a. Furnishing legal opinions;
- b. Scrutinising of International Agreements;
- c. Drafting, scrutinising and certification of legislation;
- d. Translation of legislation.

4. State Legal Services

This programme is aimed mainly at transforming Justice, State and Society. It deals with five major functions:

- a. Constitutional development;
- b. Legislative development including conducting legal research;
- c. Provision of legal advisory services to other organs of state, including Parliament;
- d. Providing litigation services to protect the organs of state; and
- e. Provision of probate services, administration of Guardian's Fund, and regulation of insolvency and liquidation systems.

Mandate of the Department

The Department of Justice and Constitutional Development's mandate is to uphold and protect the Constitution and the rule of law. The department is also responsible for overseeing the administration of justice in the interests of a safer and more secure South Africa.

The core function of the Department of Justice and Constitutional Development is to give effect to the constitutionally mandated requirement that South Africa has a fair, equitable and accessible system of justice. In addition, the Department provides certain legal services to government.

What you can generally expect at a Service Point/Court/ Master's Office

We acknowledge that your visit might be related to a traumatic and stressful experience. All our personnel are committed to making every effort to make your attendance a simple and worthwhile experience.

You can expect the following standards of treatment when you visit our courts / service points / Master's Offices -

You can expect the personnel to:

- a. deal with you professionally and accord you fair and equal treatment irrespective of your race, gender,

socio-economic status, disability and other social attributes;

- b. identify themselves by name and to wear a name badge for identification;
- c. address you directly, with respect and due regard for your human dignity and other human rights; and
- d. treat you courteously and provide you with an apology and an explanation if things go wrong.

When you arrive at any service point / court / Master's office you can expect:

- a. to be kindly directed to a waiting area or the court room where your case will be heard;
- b. to be provided with information which will help you find your way around the premises easily;
- c. to be served by independent, accountable and impartial judicial officers who conduct their work with integrity and without bias;
- d. our processes to be transparent, fair and reliable; and
- e. facilities to be safe, accessible and convenient to use by all, including people with disability.

If you phone us, you can expect personnel to:

- a. answer the phone courteously, identify the centre and provide you with their names;

- b. be helpful and deal with your inquiries promptly;
- c. transfer your call to the appropriate area/person, where necessary.

If you write you can expect to:

- a. receive a courteous and clear reply within fourteen (14) working days;
- b. receive an acknowledgement of receipt within seven (7) working days and detailed correspondence in fourteen (14) working days if your matter is complex;
- c. be sent correspondence in simple language and where possible, in your preferred language.

When you are requested to come to court you can expect the following:

- a. to be provided, in advance, with clear information as to the time and place of your court appearance and what will happen in court;
- b. the language used in the court to be simple and where possible, your preferred language.

There are some things that you can do to help us deliver quality service:

- a. **Arrive** at the court in time for your case;
- b. **Provide** any information you have that is relevant to your enquiry;

- c. **Provide** any relevant documents and reference numbers;
- d. **Follow** instructions sent or given to you by court officials as soon as possible;
- e. **Tell** us in advance when you cannot get to court on time or carry out other requirements;
- f. **Tell** us without delay of any change of address or change in circumstances relevant to your dealing with us;
- g. **Tell** us in advance if you have special needs, for example, if you have a disability or if you require the assistance of an interpreter. We will endeavour to assist you according to our mandate; and
- h. **Treat** other court users, court officials and the court buildings with respect and dignity.

How can you lodge a complaint?

At any service point / court / Master's Office

- a. Ask for the Court Manager/ Office Manager and lodge your complaint. Ensure that you take down his/her name and leave your contact details; and/or
- b. Write your complaint and put it in the complaints box at the entrance of the service point or court;

- c. Submit your complaint to our customer care e-mail address –
- Court/Service Points:
servicedelivery@justice.gov.za
 - Master's Offices: **chiefmaster@justice.gov.za**

If dissatisfied with the response, you can:

- a. contact the Office of the Regional Head of the Province in which the service point or court is situated. Telephone numbers and contact details are available at the service point / court;
- b. contact the Office of the Chief Master. Telephone numbers and contact details are available at the Master's office

Or

- c. Write to:
- The Director General,
Department of Justice and Constitutional
Development;
Service Delivery Improvement Directorate
Private Bag X81, Pretoria, 0001**

When you lodge a complaint you can expect:

- a. an impartial, speedy and effective complaints handling procedure;
- b. an apology and appropriate redress when you are not treated well or standards have not been met.

Customer's obligation

We count on a strong partnership with you for the realisation of the promises in this Charter. We also count on you to be courteous towards our staff and treat them with respect.

Let us have your views

We value your views regarding the Department of Justice and Constitutional Development's services. Please let us have your views through the following:

- ☒ Website **www.justice.gov.za**
- ☒ E-mail address: Courts / Service Points:
 servicedelivery@justice.gov.za or
 Master's Offices:
 chiefmaster@justice.gov.za
- ☒ Facsimile: Courts / Service Points: **086 641 4487**
 or Master's Offices: **086 544 4893**
- ☒ Complaints and suggestion boxes at service points/
 courts/ Master's Offices
- ☒ Participation in regular Customer Opinion Surveys

Departmental pledge to maintain service delivery standards

The Department of Justice and Constitutional Development pledges to uphold and protect the Constitution and rule of law; and to render accessible, fair, speedy and cost effective administration of justice, in the interest of a safer and more secure South Africa. To do this, the department will:

- Promote constitutional democracy;
- Provide appropriate legal services;
- Manage courts and alternative dispute resolution mechanism;
- Protect your privacy and confidentiality, subject to any legal duties or powers providing for the disclosure of information.

SERVICE STANDARDS FOR SPECIFIC SERVICES RENDERED AT OUR SERVICE POINTS / COURTS / MASTER'S OFFICES WE COMMIT TO ADHERE TO:

1. Domestic Violence Services

- Client will not spend more than two (2) hours in the queue before being attended to.
- Interim order will be issued within a day granted.
- Final Protection Order will be granted within sixty (60) working days, after the date of the issuing of the Interim Protection Order.

2. Maintenance Services

- Customer will not spend more than two (2) hours in the queue before being attended to.
- Where there is proper service of process, the maintenance order will be finalized within ninety (90) days
- Return of non-service of process will be communicated to the client within seven (7) working days of receipt
- Where there is proper service of process, all applications for variation orders will be finalised within ninety (90) days
- On completion of investigations on a reported maintenance default, the department will communicate to the client within seven (7) working days.
- All cash payments will be ready for payout to customers within four (4) working days after receipt of the schedules

from employers or payments from individual obligors.

3. Estate Services (At Magistrate Court Service Points)

- Consultation and processing of new applications will be done within forty five (45) minutes;
- Letters of authority for all cases will be issued within twenty four (24) hours;
- All estates under R50 000.00 will be finalized at the court within three (3) months;
- All estates above R50 000.00 will be referred to the Master of High Court within twenty four (24) hours.

4. Master of the High Court services

Administration of Estates

- Estates under R125 000.00: If all the documents are lodged, letters of authority will be issued within fourteen (14) working days;
- Estates above R125 000.00: Matters will be followed up to finalisation within twelve (12) months.

Administration of guardian's fund

- New applications will be paid within forty (40) working days, if all necessary documents and fingerprint verification have been received.

5. Presidential Hotline complaints and queries

- Simple cases will be resolved in fourteen (14) days of receipt.

- On complex cases, progress report will be provided to the complainant in fourteen (14) days and will be resolved within reasonable time.

6. *Victim Support Service*

- All services and processes as stipulated by the Service Charter for Victims of Crime, will be adhered to.

7. *Language Interpreting Services in Court*

- Interpreting services for all languages will be made available on request.

8. *Litigation Services*

- Process and finalise expungement applications within eight (8) to twelve (12) weeks of receipt of all necessary information; and
- Process pardon and other applications required in terms of the Criminal Procedure Act, 1977, the Debt Collectors Act, 1998, and section 23 of the Supreme Court Act, 1959, effectively and efficiently.

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462 3135

30 Queen Victoria Street,
Cape Town, 8000

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Town, 8000

NORTHERN CAPE

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832 7428

c/o Stead & Knight Streets,
New Public building, Kimberly.
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MPUMALANGA

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752 2666

24 Brown Street, Nedbank
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GAUTENG

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333 0656

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Streets, Schreiner Chambers,
Johannesburg (opposite South
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Johannesburg, 2000

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