

Media Statement



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TO: ALL MEDIA

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RE: NDPP ordered to pay maintenance arrears in the matter between Sandra Venter and Mark Venter

SOUTH GAUTENG DIVISION-

The Acting Chief Magistrate and Sub-Cluster of Kempton Park court, Daniel Thulare issued an order against the National Director of Public Prosecutions on Tuesday, 10 June 2014 to pay a sum of R21 600 in a matter involving the support of children against Mr Mark Venter.

The Director of Public Prosecutions South Gauteng, Adv Chauke was tasked with the responsibility to represent the NDPP in the maintenance hearing, subsequent to a provisional order requesting the NDPP to furnish the court with reasons why the order should not be made permanent.

Advocate Chauke argued that maintenance cases are quasi-judicial. That it is 'irregular' to issue an order against an individual who was not party to the court proceedings. That the presiding officer **did not have jurisdiction to hear the matter and to make decisions against persons or parties who are not party to the proceedings. He argued that the magistrate was supposed to be issuing an order against Mr Venter who has able means to pay. He further argued that there has been no negligence or failure of the prosecution to help the applicant and it is unfair for the magistrate to infer that prosecutors are refusing to help the victims of maintenance. The magistrate argued that the matter should have been heard in Germiston where the complainant resides, but Adv Chauke indicated that if that is the case then the magistrate was wrong to have entertained the matter since he would lack jurisdiction.** He acknowledged the need to deal with the shortage of maintenance personnel and to address these issues through the relevant platforms so as to alleviate the crisis regarding maintenance enquiries.

The commitment and responsibility of prosecutors to uphold the rights and values of citizens as entrenched in the Constitution was emphasised during his court address. However challenges, hindering the processes of service delivery through a well-functioning maintenance recovery system could not be left unattended if justice was to be equally disseminated to all

cases of maintenance. A plea with the court was to allow urgent mechanisms and forums such as Case flow Management, stakeholder meetings, to deal with these critical aspects in order to enable the legal frameworks to operate effectively in improving service delivery in Kempton Park.

We are appealing the matter.

Note: The NPA's media statements are available on the website:
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