

2ND CSOS INDABA 2024



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**12-13
SEPTEMBER 2024**

 **BOLIVIA LODGE,
POLOKWANE, LIMPOPO**



Affordable Reliable Justice

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**Promoting Well Governed,
Empowered And Transformed
Community Schemes.**





CSOS OR COURT? PICK YOUR BATTLEGROUND

- Rise of disputes in community schemes due to proximity living.
- Importance of dispute resolution through negotiation, mediation, or adjudication.
- Should disputes be taken to CSOS or the courts first?

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THE PURPOSE OF CSOS

- **Access to Justice**
 - Accessible, cost-effective, dispute resolution mechanism
 - Reduce financial burdens associated with access to courts
- **Judiciary Support**
 - Alleviate pressure on court system
 - Specialised role
 - Comments by Deputy Judge President of Johannesburg High Court



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GOVERNANCE

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KEY CASE LAW

- **The *Manhattan Place Case***
 - Court held that disputes under CSOS's jurisdiction must be referred to the Ombud before going to court.
 - Specialist bodies handling disputes before courts.
- **General Principles**
 - Courts discourage litigation when CSOS can handle the dispute.
 - Judicial intervention allowed only under "*exceptional circumstances.*"

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EXCEPTIONAL CIRCUMSTANCES FOR APPROACHING COURTS FIRST

- **Definition and Application**
- **Sorronto Case**
 - Court ruled that the case should have been referred to CSOS.
 - Reinforces CSOS's primary role in straightforward disputes.
- **Port O'Call Case:**
 - Different outcome: High Court heard the case due to unique facts concerning permanent alterations and urgency.

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CSOS'S ROLE IN ALLEVIATING THE JUDICIAL BURDEN

- **Court Backlogs**
 - Chief Justice Zondo's Judiciary Annual Report 2022/2023
 - Performance stats highlight the urgent need to reduce the case load on the judiciary.
 - CSOS is playing an essential role in ensuring justice is administered efficiently across South Africa.
- **Careful Evaluation by Stakeholders**
- **Risk of Costs Orders and Referral to CSOS**

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CSOS AND JUDICIARY AS A LIVING LEGAL SYSTEM

- **Divergent Views**
 - Just as judges across different court divisions may hold differing views on the same issue, CSOS adjudicators may also have varied interpretations.
- **A Sign of a Working System**
 - Not signs of weakness
 - But always room for improvement

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