



**REPUBLIC OF SOUTH AFRICA
OFFICE OF THE CHIEF JUSTICE**

*Opening Remarks and Welcome at the Occasion to
Mark the Handing Over of the List of Persons Elected to the
National Assembly and the Provincial Legislatures from the
Independent Electoral Commission to the Chief Justice and
Secretary to Parliament*

Honourable Chief Justice of the Republic of South Africa, Chief Justice Mogoeng
Mogoeng

Honourable Judge President Judge President of the North West Division of the
High Court Madam Justice Monica Leeuw

Honourable Judge President of the Eastern Cape Division of the High Court, Mr
Justice Themba Sangoni

Honourable Acting Judge President of the Free State Division of the High Court,
Mr Justice Mojalefa Rampai

Honourable Deputy Judge President of the Gauteng Division of the High Court,
Mr Justice Phineas Mojapelo

Honourable Deputy Judge President of the Gauteng Division of the High Court,
Mr Justice Aubrey Ledwaba

Honourable Judge of the Electoral Court, Mr Justice Stanley Moshidi

Chairperson of the IEC, Adv Pansy Tlakula

IEC Commissioners Present

IEC CEO, Mr Mosotho Moepya and the IEC Management

Secretary General in the Office of the Chief Justice, Ms Memme Sejosengwe

Deputy Secretary to Parliament, Ms Baby Tyawa

Secretary to the National Assembly, Mr Masibulele Xaso

Secretary to the NCOP, Adv Modibedi Phindela

CEO of Constitution Hill, Ms Petal Thring

OCJ Officials

Members of the Media

Distinguished Guests, Ladies and Gentlemen

As I rise to welcome you all to this occasion I find it necessary that we remind ourselves of an important provision in our Constitution, Section 165. That Section is explicit that the Judicial Authority in this country lies with the courts. A related

consideration is the role of the Judiciary as the Third Arm of the State. Without the Judiciary there can be no State or Government and therefore no Rule of Law.

The rule of law and the supremacy of the Constitution require everybody in our country, including parliament and the executive, to obey the law, and to respect and uphold the provisions of the Constitution. Our Constitution is explicit about this obligation, and courts are mandated to be the guardians of the Constitution – a critical role of courts in a constitutional democracy such as ours.

We have once more held National and Provincial elections and by all accounts the elections were above reproach. Having finalized the electoral process it is necessary that the business of the State should move forward. Hence we gather to bear witness to the handing over of the lists of persons elected to the National Assembly and the Provincial Legislatures by the Independent Electoral Commission to the Chief Justice. This gathering marks yet another important milestone in the run up to the establishment of our country's Fifth Democratic Parliament. It is our role as members of the Judiciary to oversee the legitimization of the incoming National Assembly and Provincial Legislatures. The Judiciary through the Chief Justice is the gateway through which those elected to the National Assembly and the Provincial Legislatures must pass for them to be legitimately in office. It is also a sombre reminder to them that their conduct in their official capacities is always under the spotlight and liable to be brought to the courts should society view such as out of line. I want to also emphasize that despite the right of anyone to challenge and question decisions and actions of

the State, as the Judiciary we will do our work fully aware and with due regard to the doctrine of separation of powers.

It is, to me, a fitting moment that this occasion takes place at these premises. The Constitutional Court is the ultimate judicial authority as now decreed by the Superior Courts Act. To me this is a symbolic demonstration of a functioning Democracy. The Flame of Democracy – just outside the doors here in the courtyard – continues to burn as a reminder that we should all continue to work tirelessly to ensure that our Democracy lives on.

The Leader of the Judiciary in this country, Chief Justice Mogoeng Mogoeng, our host today, has placed on the national agenda the institutional independence of the judiciary. Parliament and the Executive should be mindful of this call and should be encouraged to engage meaningfully with the Judiciary leadership under the Chief Justice. This is of critical importance as it will ensure that the Judiciary is properly located and enabled, through the courts to dispense justice in a manner that engenders confidence in the justice system to ensure a healthy Democracy and a thriving Rule of Law. This occasion and the legitimization processes scheduled to take place in the coming days solidifies the Key role of the Judiciary as the third arm of the State.

I therefore welcome you all and trust that as you participate in this ceremony you will remember the poignancy of the occasion.

Thank you.

Judge President Dunstan Mlambo, Judge President of the Gauteng Division of
the High Court.