



MINISTRY OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

REPUBLIC OF SOUTH AFRICA

TO : ALL MEDIA
ATTENTION : NEWS EDITORS
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EMBARGO : CHECK AGAINST DELIVERY

ADDRESS BY THE MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT, MMAMOLOKO KUBAYI, ON THE OCCASION OF THE BUDGET DEBATE OF THE OFFICE OF THE CHIEF JUSTICE ON 01 JULY 2025 IN PARLIAMENT, CAPE TOWN.

Honourable Chairperson;

Deputy Minister, Andries Nel

Chairperson of the Portfolio, Honourable Xola Nqola and Members of the Portfolio committee

Ministers and Deputy Ministers;

Distinguished Members of the Judiciary;

Heads of Professional Law bodies;

The Acting Secretary General Ms Potgieter and the collective leadership in the Office of the Chief Justice;

Distinguished Guests;

Honourable members,

It has been 30 years since President Mandela first opened the doors of the Constitutional Court on 14 February 2025 on the occasion of its inauguration. On that day, President Mandela said:

“The last time I appeared in court was to hear whether or not I was going to be sentenced to death. Fortunately for myself and my colleagues we were not. Today I rise not as an accused but, on behalf of the people of South Africa, to inaugurate a court South Africa has never had, a court on which hinges the future of our democracy.

It is not just a building that we inaugurate, handsome though it is. It is not a body of wise men and women that we launch on their path, important though we regard their work. It is not just our blessings that we give to their work, confident as we are in their integrity and commitment to justice. It is an institution that we establish – South Africa’s first Constitutional Court.

President Mandela continued:

“The success of the Constitutional Court will depend in large measure on the successful functioning of the ordinary courts. Every court, from the most isolated magistrate’s court to the Appeal Court in Bloemfontein, has a role to play. The letter and the spirit of the Constitution must permeate every aspect of justice in our country.

Honourable Members,

I recount these words to remind us of the responsibility given to us by our forebearers to safeguard, not only the highest Court in our land, but the Judiciary in its entirety. Section 165(4) of the Constitution compels all organs of state, through legislative and other measures, to assist and protect the courts to ensure their independence, impartiality, dignity, accessibility and effectiveness.

I am therefore honoured to stand before this august House to present the OCJ’s programme and budget for the 2025/2026 Financial Year. Through this budget, we are

once again demonstrating our commitment to not only supporting the Office of the Chief Justice, but the entire administration of justice in our country.

Honourable Chairperson,

The OCJ provides direct support to the Judiciary and Superior Courts to ensure that the Judicial Arm of the State functions optimally. As such, the OCJ has been allocated a budget of R2.7 billion for the 2025/2026 Financial Year, which it operationalises through its three Programmes, namely, Administration, Superior Court Services as well as Judicial Education and Support. This allocation also includes the Direct allocation for the remuneration of Judges.

This represents a budget increase of just over 5.5% compared to the previous financial year, which will go a long way in ensuring efficiency and effectiveness of the courts and the judiciary as a whole. In his Budget Speech, Minister of Finance has also made an undertaking to, later this year, make funds available for strengthening capabilities in the Office of the Chief Justice. Despite the budget increase there are still shortfalls for infrastructure related support, security in courts and Capacitation of the Judiciary, so we are therefore looking forward to this adjustment.

Currently, the allocated budget for the voted fund is R1.5 billion of which R1 billion is for compensation of employees, R407 million is for goods and services, R1 million is for transfers and subsidies and R89.7 million is for purchase of capital assets.

The budget allocated from direct allocation is R1.2 billion of which R1.1 billion is for compensation of Judges and R101 million is for transfers and subsidies.

The APP gives practical expression to the OCJ's mandate of supporting the Judicial Branch of the State while demonstrating how the Department will contribute to the priorities outlined in the NDP and the MTDP. In line with this, the following will remain the strategic focus areas of the OCJ:

- Facilitation of training to Judicial Officers;
- Modernisation and digitisation of court systems;

- Strengthen capacity for ensuring Business Continuity Management;
 - Ensure that ICT remains a strategic tool for business efficiency
 - Curbing opportunities for fraud and corruption;
 - Promoting professional ethics within the organisation;
 - Improving the capacity of the Department with more focus on the core functions;
- and
- Ensuring Occupational Health and Safety.

On Modernisation and digitisation of court systems

The modernisation and digitisation of court systems remain key priorities for the OCJ to improve access to justice. The OCJ has continued apace with the roll out of the Court Online system to various Superior Courts, following a successful piloting of the System in the Gauteng Division of the High Court. Court Online provides a platform for Law Firms / Litigants to file documents to the Courts electronically (E-Filing) over the Internet from anywhere, and is now operational in the Gauteng, Western Cape, KwaZulu-Natal, Mpumalanga, Limpopo Divisions and Eastern Cape is currently being rolled out and will be completed by end of July 2025. It is also being progressively implemented at the Land Court and the Labour court and Labour Appeal Court. The envisaged full implementation of Court Online will enhance access to quality justice for all and the effectiveness of the courts.

On Strengthening capacity for ensuring Business Continuity Management

As of the end of the 2024/25 Financial Year, the overall implementation of the OCJ's Business Continuity Management System Project was at 95%, with the Business Continuity Plan compilation being at 90%. The Business Continuity Management System is designed to ensure that the Department is continuously customer-oriented and promotes excellence in the delivery of services. This excellent delivery of services is meant to be a reality even in the event of possible disruptions, including disaster situations.

On Curbing opportunities for fraud and corruption

In line with the organisation's zero tolerance to fraud and corruption approach, the OCJ will implement the Department's Fraud Prevention and Anti-Corruption Policy and Strategy during 2025/2026 Financial Year. This policy creates a mechanism for reporting anonymously within the Department and through the National Anti-Corruption Hotline amongst others things.

We can inform members that following the reports of corruption in Mthatha high Court, the OCJ has commenced with Lifestyle Audits of all employees over and above the work that is done by law enforcement agencies. Furthermore 4 officials have been suspended in Pretoria High court following allegations fraud and corruption.

On improving the capacity of the Department with more focus on the core functions

The OCJ aims to finalise quasi-judicial matters within prescribed timeframes; monitor the enhancement of court order integrity and the implementation of Judicial Case Flow Management to improve court efficiency through its core function under Programme 2: Superior Court Services. The finalisation of quasi-judicial matters by Registrars within the prescribed timeframes and support to the Judiciary in implementing case-flow management ensure that court users receive the services in the most efficient manner, which also contributes to improved public trust and confidence in the court system. To improve court efficiency, the Department will ensure that quasi-judicial matters are finalised within the expected timeframes, as informed by the court rules.

Honourable Members

In this financial year, we will commence with the process of placing the Judiciary on the path to full institutional independence which will enable the judiciary to be a fully-fledged Arm of the State. In line with the constitution, judicial governance and court administration will be placed under the authority of the Judiciary itself. Accordingly, this model will entail structural independence which includes financial independence and operational independence. With the vision to establish a single Judiciary, the administration of the Lower Courts including the Magistrates Commission will also be transferred the OCJ.

In terms of the proposed model, the Chief Justice will become the Executive Authority of the Office of the Chief Justice. The Secretary General will be accounting authority of the Judiciary. The OCJ will then be re-established outside the public service and be capacitated to appoint its staff in line with its own prescripts, human resource framework tailored to judicial operations and principles of independence.

To carry out this process, a Task team comprising of senior officials of the Department of Justice and Constitutional Development, Presidency, Office of the Chief Justice, National Treasury, DPSA and the DPWI has been established to chart a way for the institutional independence of the Judiciary. The Task Team was given until end of August to provide a progress report to be presented to Cabinet on the institutional independence of the Judiciary.

In the end, as envisaged by the founders of our democracy, we want to create a single judiciary that is an equal Arm of the State.

Honourable Members,

It is opportune that as we celebrate fifteen years of the OCJ that we reflect on the achievements of the organisation in support of the Judiciary. The following are some of the successes of the OCJ since its establishment:

- The Department moved from 74% achievement of its targets in 2015/16, to 86% in 2023/24 Financial Year;
- Improvement in the audit outcome moved from unqualified audit outcome in 2016/17; through to clean audit outcome in two consecutive financial years (2017/18 and 2018/19); then experienced regression but recovered back to Clean Audit Outcome for 2023/24 Financial Year.
- Two percent (2%) representation of people with disabilities as of the end of the 2023/24 Financial Year;
- Fifty-three percent (53%) women representation in senior management service (SMS) as of the end of the 2023/24 Financial Year;

- The operationalisation of the Limpopo Division of the High Court; Mpumalanga Division of the High Court and the recently established Land Court as part of improving access to justice for all.
- Enhancing access to justice to the people of South Africa through the roll out of the Court Online system to 16 Superior Courts.

Honourable Members,

As President Mandela stated in February of 1995, the Judiciary is the guardian of our nation's fundamental rights and justice that must not be broken. It is the task of the Judiciary to ensure that the values of freedom and equality which underlie our constitution are nurtured and protected so that they may endure.

I would like to extend a word of appreciation to the Chief Justice of South Africa, Chief Justice Mandisa M L Maya, for her judicious leadership of the Judiciary. And all the Heads of superior Courts in our land for their tireless work towards efficient administration of justice.

I also wish to recognise the Acting Deputy Chief Justice of South Africa, Justice M Madlanga, who takes retirement later this year. We thank Justice Madlanga for his service and wish him a happy and restful retirement.

The constructive oversight role played by the Audit and Risk Committee of the OCJ should also be acknowledged.

Last, but not least, I thank the Acting Secretary General of the OCJ, the management team of the OCJ and staff for their dedicated efforts in serving the people of South Africa.

I thank the Deputy Minister and the Portfolio Committee for the guidance and support as always. I hereby Chairperson table the budget for the OCJ for approval by the house.

Thank you.

**ISSUED BY THE MINISTRY OF JUSTICE AND CONSTITUTIONAL
DEVELOPMENT OF THE REPUBLIC OF SOUTH AFRICA**