



**Ministry of Justice and Constitutional Development
Republic of South Africa**

**Address by the Minister of Justice and Constitutional Development, Hon
Mmamoloko Kubayi, on the occasion of the Budget Debate of the Office of the
Chief Justice on 13 May 2026 in Parliament, Cape Town.**

Honourable Chairperson;

Deputy Minister Andries Nel

Chairperson of Portfolio Committee on Justice and Constitutional Development Hon
Xola Nqola and Members of the portfolio committee

Minister and Deputy Ministers

Adv M Potgieter, Acting Secretary General (SG) and the collective leadership in the
Office of the Chief Justice

Distinguished Guests;

Hon Members

Thirty years ago on the 8th May, the Constitutional Assembly adopted our country's world-renowned Constitution. When the founding father of our democratic nation, President Nelson Mandela, spoke on the day when our Constitution was adopted, he called to attention that through our Constitution our nation had found a way to turn our diversity into a source of strength.

He pointed to the many fundamental rights that were previously denied to so many in our nation in the past, now enshrined in the Bill of Rights, he joyously declared that "the right of each and every person to the basic necessities of life – shelter; food;

water; health care and education – has by consensus, become one of our fundamental guarantees” through our Constitution. Since that day in 1996, various administrations representing the will of the people have pursued the constitutional injunction to respect, protect, promote and fulfil the rights in the Bill of Rights.

The Constitution gives our courts the authority to apply the Constitution and the law impartially without fear, favour or prejudice in fulfilment of the right to access to the courts as outlined in section 34 of the country’s basic law. Section 39 provides further detail in regards to the manner in which our courts should interpret the Bill of Rights to ensure the rights are respected, protected, promoted and fulfilled. In particular, section 39 provides that, “when interpreting any legislation, and when developing the common law or customary law, every court, tribunal or forum must promote the spirit, purport and objects of the Bill of Rights.

The Constitution recognises the importance of the role of the courts in the fulfilment of the Bill of Rights and the functioning of our democracy and, as such, instructs all organs of state, through various measures, to assist and protect the courts to ensure their independence, impartiality, dignity, accessibility and effectiveness.

Regarding the development of jurisprudence, the Constitutional Court, established in 1994, has delivered numerous landmark judgments that have transformed the legal landscape, upholding fundamental rights and democratic principles. Key cases include Certification of the Constitution in which the court ruled on whether the new constitution complied with agreed principles, paving the way for South Africa's constitutional democracy, ruling that the death penalty unconstitutional in *S v Makwanyane*, enforcing the right to housing in the *Grootboom* case, *August v Electoral Commission* which upheld the rights of prisoners to vote, confirming the universal right to suffrage, and legalizing same-sex marriage in *Minister of Home Affairs v Fourie*. These cases often centre on socioeconomic rights, equality, and accountability which has reaffirmed our transformative Jurisprudence and constitutional supremacy.

Significant progress has also been made on the transformation of the South African judiciary, which focuses on diversifying judicial appointments, guided by the Constitution, to create a non-racial, non-sexist, and accessible legal system. At the

advent of our democracy in 1994, our Judiciary comprised of 165 Judges of which 160 were white males, three black men, two white women and no black women. For the past thirty years there has been a deliberate elevation of black and female judges, and the judiciary is now composed of approximately 50% African, 11% Coloured, 8.6% Indian, and 30.3 % White judges. Of these 49% are black women of whom there were none in 1994.

Honourable Members, the Budget vote of the Office of the Chief Justice, the OCJ, must therefore be understood within this context.

The OCJ plays a critical role in supporting the Chief Justice in the exercise of her constitutional and leadership responsibilities over the Judiciary. In this regard, the budget allocation to the OCJ is not merely an administrative provision, but a strategic investment in judicial governance, the effective functioning of the Superior Courts, and the advancement of an independent and capable system of court administration.

The OCJ has been allocated a budget of almost R3.4 billion for the 2026/27 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 approximately R1.4 billion from the Direct Charges allocation for the remuneration of Judges. The OCJ will further leverage a once-off allocation for the 2026/27 Financial Year from the Criminal Assets Recovery Account (CARA) to the amount of R127 million as an additional funding mechanism to strengthen safety, security and proper court administration. This funding will complement existing resources to enhance operational capacity and support the continued modernisation and efficient functioning of the courts.

Demonstrating the Government's commitment to strengthening the capacity of the courts, the OCJ has received additional financial support for the 2026/27 Financial Year. In this regard, R883.8 million is being transferred from the DoJ&CD to the OCJ over the medium term to allow the Judiciary greater control over its own administrative and financial functions. In addition, R687 million has been allocated to increase judicial capacity, aimed at improving court operations, administrative support and the efficiency of the court system.

Transition towards Judicial Institutional Independence

This financial allocation must also be understood in the context of the phased in approach transition towards single and Judiciary-led court administration. President Cyril Ramaphosa, has committed to transforming the Judiciary into a fully independent arm of state, comparable to the Executive and Legislature. This includes recognising the Judiciary as institutionally separate from the Executive; ending the current arrangement where court administration is controlled by the Department of Justice; and affirming that judicial independence is a constitutional necessity and not optional.

Government remains committed to advancing judicial institutional independence in a manner that is responsible, orderly and sustainable. In this regard, consultations have commenced with relevant stakeholders with the view to fully realising the provisions of section 165 of the Constitution. This transition is not about disruption or abrupt structural change. Rather, it is about building stable, credible and accountable administrative, governance and financial capabilities required to support a stronger and more independent institutional model, while ensuring continuity in court operations and maintaining public confidence in the court system.

Phase 1 of the transition to Institutional Independence took effect on 1 April 2026 and marked a significant milestone in the transfer of retained and shared services relating to the Superior Courts from the DoJ&CD to the OCJ. The services transferred to the OCJ with effect from that date include Security Services, comprising guarding services in the Superior Courts, close protection services to Judges facing threats to their lives, repairs and maintenance of security infrastructure in courts, cash-in-transit services, and reimbursement of Judges for security measures installed at their private residences. The transfer also included Facilities Management Services, such as day-to-day maintenance, planned maintenance, minor capital works, lease management, municipal services, and user changes on state-owned facilities.

In addition, Library Services, including access to Juta, LexisNexis and Sabinet online publications, were transferred, together with Information and Communication Technology services relating to Court Recording Technology (CRT) and the Sexual Offences System (SOS), as well as Transcription Services.

This transitional arrangement will further inform and be incorporated into the broader organisational structure review process. The transferred shared services have been provided to the OCJ within the framework of a Service Level Agreement (SLA) and a Memorandum of Understanding (MOU) concluded between the two organisations.

Phase 2 will focus on the promulgation of enabling legislation to establish the Judiciary as a co-equal branch of government alongside the Executive and the Legislature, and this process is expected to be completed during the 2026/27 Financial Year.

Court Modernisation and Digitisation

Court Online

The implementation of the Court Online system remains a key priority of the OCJ as part of the broader modernisation of court administration services. The system provides a platform for the public, legal practitioners and litigants to file court documents electronically from anywhere in the world, thereby improving access to justice, strengthening record management, reducing reliance on paper-based processes and minimising the physical movement of people to courts.

The OCJ successfully rolled out Court Online to 21 Superior Courts by the end of the 2025/26 Financial Year. The remaining three – Thohoyandou High Court, Constitutional Court, Superior Court of Appeal – will be rolled out during the 2026/27 Financial Year. To further strengthen this initiative, the OCJ is advancing the development of the Criminal Module, while ensuring that court systems are securely rolled out and sustainably maintained across jurisdictions. The focus now is on deepening implementation, improving system utilisation, strengthening user support, and embedding Court Online as a core enabler of efficient, transparent and modern court processes.

Improved Court technology and functional courtroom systems

Through once-off funding allocated from the Criminal Assets Recovery Account (CARA), the OCJ will refresh court recording technology and support the further installation of the Scheduling and Operations Support (SOS) in identified courts. This

is aligned to the CARA mandate of supporting victims, strengthening law enforcement capability and combating crime. In the 2026/27 Financial Year, the OCJ will also prioritise the maintenance of reliable and secure courtroom operations through the assessment, maintenance and repair of existing CRT equipment across court facilities. These measures are intended to minimise downtime, support uninterrupted court proceedings, enhance the safety of Judicial Officers and court users, and improve overall service delivery.

Strengthened security

Security in the Superior Courts is increasingly challenged by a combination of rising threats and intimidation directed at Presiding Officers, particularly in matters involving organised crime, gang-related activity, and high-profile litigation. These risks are exacerbated by inconsistent and often reactive protective measures, which may not adequately address the sustained nature of threats. In addition, infrastructural weaknesses across court facilities, including limitations in access control and perimeter security, together with growing cybersecurity vulnerabilities linked to digital case management systems, continue to heighten the overall risk environment.

In response to these challenges, the OCJ is developing a comprehensive Security Strategy aimed at strengthening the protection of Judicial Officers and court infrastructure. This Strategy will introduce targeted initiatives to address both physical and digital security risks, with a particular focus on improving consistency in protection measures. The OCJ will also monitor and track the implementation of these initiatives to ensure accountability and the effective enhancement of security across the Superior Courts.

Improved Efficiency in Superior Court services

The OCJ will continue to improve the efficiency of Superior Court services by ensuring the timely finalisation of quasi-judicial matters within prescribed timeframes and by strengthening support for Judicial Case Flow Management. This includes the processing of default judgments, taxation of opposed and unopposed bills of costs, warrants of liberation, and the production of performance reports that help to monitor the movement of cases through the system, reduce delays and ease operational

bottlenecks. To support this work, the OCJ will also advance the digitisation of legacy court records in prioritised Courts in order to strengthen records management, improve access to Judicial information and support more efficient case management.

The OCJ will further continue implementing business continuity measures to ensure that Superior Courts remain operational during municipal service interruptions through alternative power and water solutions, routine maintenance and timely response mechanisms. Collectively, these interventions will contribute to more efficient, reliable and resilient Superior Court services, while strengthening public trust and confidence in the administration of justice.

Gender mainstreaming

In alignment with this framework, the OCJ has prioritised the establishment of a permanent Gender Desk within the Private Office of the Chief Justice to provide strategic leadership, coordination, and oversight on gender-related matters within the Judiciary. Informed by national and international best practice, the Gender Desk is envisaged as a dedicated institutional mechanism to strengthen accountability, promote a gender-sensitive working environment, support complainants, monitor sexual harassment matters, and facilitate access to psycho-social support. While the formal establishment of the permanent structure is planned for the forthcoming financial year, an interim Gender Desk has been instituted to provide immediate support and ensure continuity in advancing gender mainstreaming objectives.

South Africa continues to face high levels of gender-based violence and femicide, prompting Government to classify the crisis as a national disaster and strengthen coordination through mechanisms such as the National Council on Gender-Based Violence and Femicide Act. In response, the OCJ will advance the establishment of the permanent Gender Desk, implementing the Judiciary's Sexual Harassment Policy, and utilising the interim structure to monitor compliance.

Progress has also been made in advancing gender representation within the OCJ, with women comprising 52.38% of Senior Management Service positions as at the third quarter of the 2025/26 Financial Year. Building on this, the OCJ will continue to

implement mentorship initiatives to empower women at middle management level, while strengthening measures to attract, retain, and advance women in senior leadership positions.

Honourable Members,

The Judiciary, as an independent arm of the State, is indispensable to the success of our constitutional democracy. It is entrusted with safeguarding and enforcing the Constitution and all other laws of the Republic.

As the Executive, we remain committed to supporting and strengthening a Judiciary that operates independently and is accountable only to the Constitution and the law. Through the OCJ and other mechanisms, we continue to advance this objective, and we call on this House to join us in upholding and protecting judicial independence.

Chairperson and Honourable Members, I therefore present the 2026/2027 Budget Vote 27 of the Office of the Chief Justice for your support and approval.

Thank you.