

**Minister of Justice and Correctional Services, Ronald Lamola, MP Budget Vote
Speech for the Office the Chief Justice 2022 / 23 Delivered Virtual**

Honourable House Chair,

Honourable Bulelani Magwanishe Portfolio Committee Chairperson

Honourable Members

Deputy Minister for Justice and Constitutional Development John Jeffery

Deputy Minister for Correctional Services Patekile Holomisa

Ministers and Deputy Ministers present on the platform

Secretary General of the Office the Chief Justice Mme Sejosengwe

Significant events have occurred in the month of May in our nation.

On the 8th of May 1996, the National Assembly adopted our Constitution. The world at large witnessed the seminal “I am an African” speech by our then Deputy President Thabo Mbeki.

That Constitution which was adopted by the National Assembly has been celebrated across the globe as a model Constitution and beckon of hope for the advancement of democracy and equality.

It is worth noting that President Mbeki’s statement, “I am an African” still eludes today in our daily lives. Many of us black and white remain enchanted by psychological constructs of apartheid. Too many of us think that we can be defined outside of the African continent.

We are Africans, we owe our beings to Queen Nzinga of Angola, King Mansa Musa, to Presidents Kwame Nkrumah, Samora Machel to our very own President Mandela.

At times the calibre of our leadership has had the pioneering effect of creating a new world order.

Incidentally, house chair May is also the month in which history records the passing of a South African academic, an African National Congress leader, lecturer at the University of Fort Hare and Botswana's first ambassador to the United States of America and envoy to the United Nations, Zacharia Keodirelang Matthews.

It was ZK Matthews who was the intellectual engine room behind the creation of the Freedom Charter which became the foundation of our Constitution.

As we celebrate our Constitution, we also celebrate our Judiciary, which derives its authority from section 165 of the Constitution.

We are thankful to the crafters of our Constitution for the protections afforded the Judiciary to allow it to apply the law impartially and without fear, favour, or prejudice.

I take this opportunity to extend warm congratulations to Chief Justice Raymond Zondo, who was appointed the Head of the Judiciary and the Constitutional Court by His Excellency President Ramaphosa, effective 1 April 2022.

We look forward to working with the Chief Justice in our efforts to assist and protect the courts to ensure their independence, impartiality, dignity, accessibility, and effectiveness, in line with section 165(4) of the Constitution.

The judiciary are the guardians of this Constitution. To advance a judicial support we are tabling before this democratic institution a budget of R1.266 billion for voted funds and a further direct charge to the National Revenue Fund of R1.122 billion for Judges' remuneration.

The budget comprises of the OCJ's core Programmes, Superior Courts and Judicial Education and Support, are allocated 79.8% of the total budget.

The budget cutbacks implemented since 2020/21 financial year have reduced the 2022/23 voted budget allocation of the OCJ by R144.4 million (10.2%).

The effect of this resource scaling back means that the compensation of employees' budget of the Department has been reduced by R116.1 million (13%) and the budget of Judges' salaries has been reduced by R183.3 million (14%) for the 2022/23 financial year.

A 5.5% reduction to the operational budget has also been implemented, translating to an effective R28.3 million reduction.

The prioritisation of the national response to the Covid-19 pandemic over the past two years resulted in the scaling back of budgets across Government.

The impact of these budget cuts continues to be felt today. Further, the country's economy has been adversely affected by the ongoing Covid-19 pandemic and it continues to struggle to grow at the desired rate.

However, most key indicators suggest that the country's economy is slowly mending; but the pace of recovery has been too slow to translate into a sustained recovery.

As such, we must be innovative and develop new ways of operating under these constrained conditions for us to keep the courts operational.

The current budget constraints faced by the OCJ necessitate that it finds ways to address its expanding workload by doing more with less and ensure that it delivers the required services despite immediate challenges.

The 2022/23 financial year budget, therefore, considers this important factor and prioritises measures to keep our courts open whilst also ensuring the safety of court users and officials.

The OCJ will continue to reprioritise its budget and operations to ensure that the delivery of core services, namely, support to the courts, is not adversely affected.

The OCJ has put in place measures to ensure that its resources are not misused through fraud and corruption. One of the key priorities of the OCJ is embedding a culture of ethics within its ranks.

To this end, the OCJ has established an Ethics Committee in line with the applicable prescripts. A crucial area of work for this Committee is the monitoring of compliance relating to officials doing remunerative work outside the public service, and officials doing business with the State.

This year marks ten years since the adoption by all parties in Parliament of the National Development Plan 2030, the NDP, which serves as an action plan for securing the future of South Africans as charted in the Constitution.

The OCJ supports the Judiciary in its contribution to Chapter 14 of the NDP: Promoting Accountability and Fighting Corruption. To this end, the focus area for the Judiciary is in strengthening judicial governance and the rule of law.

Honourable Members,

This focus area is fundamental in guiding the development of the strategic priorities as outlined in the 2022/23 OCJ Annual Performance Plan, the APP.

The OCJ's 2022/23 APP therefore articulates key priority areas which are central to improving the governance and efficiency of the Department. They are as follows:

Implementing initiatives that contribute to broadening and improving access to justice and the service of the Superior Courts;

Modernisation and Training:

Improving efficiencies in court administration through modernisation of the system, processes, and infrastructure; and Implementing initiatives to address the impact of COVID-19 on the operations of the courts.

The OCJ will also continue providing training to the Judges and aspirant Judges through the South African Judicial Education Institute (SAJEI), in line with the objective of Chapter 14 of the NDP. Incidentally, SAJEI also marks ten years since it commenced with its operations.

To mark this milestone, SAJEI has identified several activities to implement. It has recently held an international webinar under the leadership of the then Acting Chief Justice on judicial training principles attended by 125 representatives from 18 countries, giving SAJEI a regional and international footprint. This is an achievement to be applauded.

SAJEI is also working on a book on judicial training in Africa to mark its tenth anniversary. Other notable achievements by the SAJEI are as follows:

SAJEI publishes a journal on Judicial education related matters annually. To date, SAJEI has published five Issues. The journal is available on the website of the OCJ.

SAJEI launched an annual programme called Human Rights week for Judicial officers during the first week of December. The focus of the programme is on human rights related topics such HIV/TB, AIDS, and Human Rights, LGBTQI+, Gender stereotyping, Judicial Wellness, Socio-Economic Rights, Refugee Rights and Stateless children.

In line with section 5(1) (f) of the SAJEI Act, 2008, which determines that one of the functions of SAJEI is to render such assistance to foreign judicial institutions and courts as may be agreed upon by the SAJEI Council, it has initiated projects in Africa and conducted the following training programmes:

SAJEI initiated the integration of Environmental Law into judicial curricula on the African continent. The initiative led to the establishment of the African Judicial Education Network on Environmental Law (AJENEL), launched in Maputo in 2018.

SAJEI serves as the Secretariat. To date, several institutions in Africa have produced training materials on Environmental Law including on Illegal Wildlife Trade.

SAJEI has invited Judges and Magistrates of foreign judiciaries to its seminars and webinars. For example, members of the judiciary, especially Judicial Educators, were invited to a webinar on implementing training in the new normal times and how to conduct virtual hearings.

The aim of the webinar was to assist in ensuring that training takes place despite the pandemic.

SAJEI has successfully conducted training of newly appointed Judges and Magistrates in Botswana at the request of the honourable Chief Justice of Botswana.

In line with the objectives of the SAJEI Act 14 of 2008, the Institute has called for applications for Aspirant Women Judges programme in January 2022. It is envisaged that the training will be for about a year, including mentoring at various High Courts.

We commend the SAJEI for the sterling work it continues to do in ensuring the capacitation of not only South African Judicial Officers, but of Judicial Officers in other parts of our continent as well.

Honourable Members,

Modernisation and digitisation of the court system remain a key priority for the OCJ to improve access to quality justice for all.

The use of technology to conduct online hearings has proved to be an effective alternative to traditional court sittings, especially during the challenging period of the Covid-19 pandemic.

The OCJ will continue to implement the court modernisation strategy as a tool to enhance speedy access to justice. The OCJ's priority of modernisation and the use of technology will ensure an efficient court system that guarantees access to justice for all.

During the 2022/23 financial year, the OCJ will continue to embrace and leverage on the new technology through digitisation of the court system.

The focus will be to prioritise Court Online and digitization of court records to enable the Judiciary and the courts to continue adjudicating court cases through online platforms even beyond the Covid-19 pandemic.

The now fully developed and piloted Court Online system is meant to fully take advantage of the Information and Communications Technology (ICT) advancement to minimise not just the physical movement of people and paper-based court documents from parties to the courts, but also to leverage the benefits of electronic storage within the courts (i.e. faster document filing and retrieval, eradication of the misplacement of case files, concurrent access to view the same case filed by different parties).

Over the Medium-Term Expenditure Framework (MTEF), the OCJ will continue implementing the Court Online system to all Superior Courts as part of its ICT modernisation initiatives.

Honourable Members,

The Judiciary has an important role in safeguarding and protecting the Constitution and its values and in ensuring the consolidation of democracy and the realisation of a better life for all.

It does this through its constitutionally entrenched judicial authority.

Over the years, the Judiciary has shown a profound understanding of the constitutional imperatives and set out to defend the basic law of the land. This includes many judgments, particularly by the Constitutional Court, that have reflected a progressive interpretation of the Constitution and social rights in particular.

In terms of section 165 (4) of the Constitution, it is incumbent on organs of State to assist and protect the Courts to ensure the independence, impartiality, dignity, accessibility and effectiveness of the courts.

It is vitally important in a democracy that individual Judges and the Judiciary as a whole are impartial and independent of all external pressures and of each other so that those who appear before them and the wider public can have confidence that their cases will be decided fairly and in accordance with the law. When carrying out their judicial function they must be free of any improper influence.

It is in this spirit that we table this Budget Vote today. The Executive arm of the State is doing everything in its power to ensure the constitutionally enshrined independence of the Judiciary.

As the executive we will be analysing the judicial administration model with a view to give expression a practical and functional expression to the notion of judicial independence in its administrative form.

We call on this House to continue working with us to affirm the role of the Judiciary in the protection of human rights and advancement of democracy in our country.

We must all understand that the judiciary are not in a popularity contest their decisions must be respected or challenged within the available framework.

Chairperson and Honourable Members, I therefore present the 2022/2023 Budget Vote 27 of the Office of the Chief Justice for your support and approval.

I wish to take this opportunity to recognise Chief Justice Raymond Zondo, President of the Supreme Court of Appeal, Justice Mandisa Maya, Deputy Judge President Aubrey Ledwaba as the Chairperson of the Magistrates Commission as well as the Heads of Court and all members of our Judiciary for their continued service to people of South Africa.

I also acknowledge the OCJ Audit and Risk Committee for the effective oversight role they continue to play.

Finally, I thank the Secretary General for the OCJ, Ms Memme Sejosengwe, the management team of the OCJ and staff for continuing to serve with distinction.

Thank you.