



Address by the Minister of Justice and Correctional Services, Mr Ronald Lamola, MP, on the occasion of the Budget Debate of the Office of the Chief Justice on 18 May 2021 in the National Assembly, Cape Town.

Honourable Chairperson;
Ministers and Deputy Ministers;
Honourable Members;
Distinguished members of the Judiciary;
Heads of Professional Law bodies;
Distinguished Guests;
Ladies and Gentlemen

Today I wish to be table the budget of the National department Office of Chief Justice.

The budget consists of R1.211 billion for voted funds and a further R1.118 billion for Judges' remuneration which is a direct charge to the National Revenue Fund.

The Superior Courts and Judicial Education and Support are allocated 81.14% of the total budget. A budget reduction of R30 million on Goods and Services and Payment for Capital Assets was already implemented on the operational budget during the special COVID-19 adjusted budget.

This reduction represents 8.8% of the departments Goods and Services budget, much of which is deployed towards court operations.

Honourable Members

Even though budgets across Government have contracted and resources have been redirected to respond to the national COVID-19 emergency. We have to be innovative and develop new ways of operating in order for us to keep the courts operational under the new normal.

During this period of covid the department has reprioritised its budget and operations in order to ensure that the delivery of core services, that is the support to the courts, is not negatively affected.

This, however, has increased operational pressures in the courts and has necessitated a dynamic approach when implementing the mandate. In the current Medium Term Expenditure Framework budget, the Compensation of Employees budget of the department was reduced by R263.69 million (14.9%) and the budget of Judges' Salaries was reduced by R334.238 million (14.6%). The operational budget experienced further reductions of R 32 742 million representing a further reduction of 3.4%.

In spite of these difficult economic and public health complications we are more than determined to serve our nation and deliver strongly on a Constitutional promise.

This year our nation celebrates the 25th Anniversary of the Constitution of the Republic of South Africa. The first democratically elected Constitutional Assembly adopted this Constitution in 1994 in this House.

The adoption of the Constitution was one of the most critical milestones reached by our beautiful country and we will cherish it forever.

During the adoption of this revered Constitution on 08 May 1996, President Cyril Ramaphosa, in his capacity as the Chairperson of the Constitutional Assembly, as he was then, made the following defining observations, and I quote:

“This Constitution with its Bill of Rights, is the mirror of South African society. It reflects both the history from which we have emerged, and the values we now cherish – human dignity, equality and freedom. It proclaims to the world that we are a society committed to democracy, to the rule of law and the protection of human rights. It proclaims to all South Africans, the landless, the homeless, the women, the workers and the children of this country, that their basic needs and aspirations matter enough to be included the country’s Constitution.”

He went further to state that:

“[t]hrough this Constitution, we hope to transform our society from one that is based on injustice and strife to one based on justice and peace.” Close quote.

Honourable Members,

The celebration of the Constitution with its commitment to the rule of law and the protection of human rights would be insufficient if we did not celebrate our country’s strong and independent Judiciary which delivers justice impartially and without fear, favour or prejudice. The judiciary are without a doubt the guardians of our Constitution.

Our Judiciary is central to ensuring that the constitutional vision of transformation in our society is fulfilled. The Constitution vests judicial authority in the courts and guarantees their independence.

It also compels organs of state, through the necessary means, to assist and protect the courts to ensure their independence, impartiality, dignity, accessibility and effectiveness.

The Office of the Chief Justice, is one of the measures the state has put in place to support our Judiciary in discharging its important responsibility.

“Judicial independence which is foundational to and indispensable for the discharge of the judicial function in a constitutional democracy based on the rule of law. This independence, of which structural independence is an indispensable part, is expressly proclaimed, protected and promoted by subsections (2), (3) and (4) of section 165 of the Constitution.” – This was said by Constitutional Court Justice Ackermann in the *De Lange v Smuts*.

In line with section 165, sub-section 4 of the Constitution, the OCJ has continued to provide support to the Judiciary to ensure effective and efficient court administration services despite the difficult conditions. This has been made possible by the Chief Justice’s Directives and the various measures put in place by Government in response to the COVID-19 pandemic.

The introduction of these measures has ensured that the courts and the public service, including the OCJ, remained functional during this challenging period, whilst also ensuring the safety of both court users and officials.

Honourable Members,

The OCJ continues to contribute to Chapter 14 of the National Development Plan (NDP) priority of strengthening judicial governance and the rule of law by providing training to the Judges and aspirant Judges through the South African Judicial Education Institute (SAJEI).

Mindful of its critical role to the country’s priority and the importance of scaling up judicial training, SAJEI has put in place measures to mitigate the impact of COVID-19 on SAJEI operations.

SAJEI introduced online training platform through the use of MS Teams and Zoom. In addition, SAJEI has introduced SAJEI-online portal for the easy access to training materials by Judicial officers.

Adhoc training programmes resulting from requests from the leadership of the Judiciary based on the identified needs have been implemented and as a result 123 judicial education courses for Judicial Officers were conducted during the period under review, and the courses were attended by 3 297 delegates.

In line with the objectives of SAJEI Act 14 of 2008, the Institute will be working on a programme specifically for Aspiring women Judges in order to contribute towards transformational judicial education and training.

In his State of the Nation Address of 11 February 2021, President Cyril Ramaphosa reiterated Government's commitment to fighting corruption and strengthening the State.

The diagnostic report of the NDP on corruption observed that South Africa suffers from high levels of corruption that undermine the rule of law and hinder development and socio-economic transformation.

This observation still finds relevance today and points to the need for a strong and independent Judiciary that will adjudicate without fear or favour on corruption. The Judiciary remains an indispensable weapon in the fight against corruption.

Honourable Members,

Part of the work of the OCJ is providing secretariat support to the Judicial Service Commission, the JSC. Among other responsibilities, the JSC Secretariat coordinates the JSC sittings for interviewing candidates for vacant judicial positions.

Members will remember that during the previous financial year, the JSC sittings which were scheduled to take place in April and October 2020 were postponed to the current financial year due to COVID-19 lockdown restrictions.

The OCJ, through the JSC Secretariat, recently organised an extended hybrid sitting – a physical and virtual sitting – on which candidates for vacant judicial positions in various Superior Courts were interviewed.

The support provided to the JSC in this regard has ensured that it keeps in step with its mandate to ensure judicial vacancies in the courts are filled by competent Judicial Officers that also contribute to the transformation agenda of the Judiciary.

Honourable Chairperson

The modernisation of the courts and digital transformation remain crucial for improving service delivery. The COVID-19 pandemic has necessitated that the OCJ move with speed to leverage digital platforms and make digital transformation a reality in the courts.

The OCJ has partially implemented the Court Online system in the Gauteng Division of the High Court. Case lines, as a stand-alone solution for evidence management, was successfully piloted in at the courts in this Division.

The Court Online system is an advanced cloud-based collaboration that is aimed at providing a platform to legal practitioners and / or litigants to file documents to the courts electronically (e-Filing) over the Internet.

The OCJ aims to continue the rollout of this electronic platform to other Service Centres during the Medium Term Strategic Framework (MTSF) period in order to contribute to the Government's goal of broadening access to justice.

Honourable Members,

The importance of the Judiciary cannot be overemphasised if our democracy is to continue to flourish. It is the Judiciary that ensures our celebrated Constitution is upheld.

Allow me to close with a quote from former Chief Justice Chaskalson when he addressed the Cape Law Society in 2012 on the importance of an independent Judiciary. He said, and I quote,

“The supremacy of the Constitution and the rule of law 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 guardian of the Constitution – this is the role of courts in a constitutional democracy. This is in line with modern democratic theory which recognises that respect for fundamental rights and the rule of law are essential components of a democratic system of government.” Close quote.

For our part as the Executive, we are doing all we can, through the OCJ and other avenues, to support and promote a robust Judiciary that delivers with aplomb on the constitutional promise for uncompromising rule of law. We call on this House to stand with us on this mission.

Chairperson and Honourable Members, I therefore present the 2020/2021 Budget Vote 27 of the Office of the Chief Justice for your support and approval.

As I step off the podium, allow me to convey our profound gratitude to the Chairperson of the Portfolio Committee and his entire Committee for their continued support and guidance.

Allow me also to extend a word of appreciation to the Chief Justice of the Republic of South Africa, Chief Justice Mogoeng Mogoeng, as he retires in October 2021, for his astute leadership of the Judiciary and wish him well for the future.

I acknowledge Acting Chief Justice Raymond Zondo for the work he continues to do as the Chairperson of the Judicial Commission of Inquiry into Allegations of State Capture.

May I also recognise Acting Deputy Chief Justice Sisi Khampepe, President of the Supreme Court of Appeal, Justice Mandisa Maya, Deputy Judge President Ledwaba as the head of Magistrates Commission as well as the Heads of Court and all members of our Judiciary for their continued service to people of South Africa.

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

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

I thank you.