



Ministry Justice and Correctional Services

Republic of South Africa

**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 9 May 2023
at the Parliament, Cape Town.**

Honourable Chairperson;

Ministers and Deputy Ministers;

Honourable Members;

Distinguished Members of the Judiciary;

Heads of Professional Law bodies;

Ms M Sejosengwe Secretary General (DG) and the collective leadership in the Office of the Chief Justice

Distinguished Guests;

Ladies and Gentlemen;

As we gather here today to table the budget of the National Department, the Office of the Chief Justice, the OCJ.

This is a special day in the history of our country.

It marks the 29th anniversary of the election of our first democratic President by this Parliament.

On May 9, 1994, South Africa's newly elected Parliament chose Mr Nelson Mandela to be the country's first Black President.

We remain grateful and indebted to the father of our nation for his extraordinary leadership and life commitment to the cause of ending apartheid and bringing peace and reconciliation to South Africa.

Many of the problems and the ailments afflicting our nation are an extension of the Mandela generation sacrificed their freedom for.

There is progress inspite of our challenges.

Today we can stand here and say to Victoria Mxenge.

You may not have seen our first black President.

But reassured that your contribution to society is still glowing at a time when we need it the most.

The young man you personally groomed and shaped leads the Judiciary of the Public of South Africa and the Highest Court in the land.

It is also worth noting in a significant way, this year marks the centenary year of women in the legal profession.

The first woman to be admitted as an advocate in South Africa was Irene Geffen in 1923.

23 Years later, the first woman attorney was Constance Mary Hall in 1926.

99 Years later, the Republic of South Africa affirms a black women to be the second in command of the highest office in the judiciary.

Commendable as this maybe, we know all too well, that the journey is far from complete.

Honourable Members,

The OCJ budget we are tabling today comprises R1.305 billion for voted funds and a further direct charge to the National Revenue Fund of R1.125 billion for Judges' remuneration.

79.2% of the total voted budget of the Department is allocated to its core Programmes, namely, Superior Court Services, as well as Judicial Education and Support.

Honourable Members,

Despite our Government having lifted the Coronavirus (COVID-19) restrictions, the effect of the COVID-19 pandemic, coupled with the budget restrictions resulting from a suppressed economic environment, still pose limitations to the operations of Government departments.

The OCJ, like all Government departments, continued to experience budget cuts which hampered its capacity to perform in line with expectations.

Despite these challenges, it remains the OCJ's aim to continue to discharge its constitutional mandate of supporting the Judiciary effectively and efficiently. After rallying in the third quarter of 2022, the South African gross domestic product, the GDP, declined by 1,3% in the fourth quarter (October–December).

Although GDP reached an all-time high in 2022, the economy has only grown by 0,3% from the 2019 pre-pandemic reading of R4,58 trillion¹.

In this constrained environment, the OCJ will have to be innovative and develop new ways of operating to keep the courts operational.

As such, 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.

Important in this regard is ensuring the adequate capacitation of the Department.

The budget reductions implemented since the advent of the COVID-19 pandemic have decreased the 2023/24 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 2023/24 financial year.

¹ Stats SA, 7 March 2023 - [GDP declines in the fourth quarter | Statistics South Africa \(statssa.gov.za\)](https://www.statssa.gov.za/news/2023/03/07/gdp_declines_in_the_fourth_quarter.html)

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

Budget constraints limit the capability of the OCJ to deliver services and support to the Judiciary, and further impacts on key human resource strategies such as recruitment of people with disabilities and women on SMS level.

Despite these inhibitors, the Department will continue striving to maintain the vacancy rate of 10% or lower.

A key consideration in a constrained economic environment such as the one our country finds itself is ensuring that none of our precious resources are misused and misappropriated through fraud and corruption.

The leadership of the OCJ take seriously their fiduciary duty to protect the resources entrusted to them by the South African public.

The Department is constantly reviewing internal measures to curb fraud and corruption. Important in this regard are the lessons the organisation continues to learn through the process of accounting in this House.

We are also pleased to report progress on how we are mitigating loadshedding in all our superior courts.

We have installed generators in 18 superior courts. 5 courts are earmarked to receive generators and one more is earmarked to service a solar system.

On behalf of the OCJ, I wish to extend our gratitude for the guidance the Department has received from Members of this House during the various oversight engagements held.

Honourable Members,

As alluded to earlier, this year marks the 29th anniversary of South Africa's first democratic elections that ushered in an equal, representative, non-racial society.

Although we have made remarkable progress since 1994 in many endeavours of national importance, the spectre of inequality, poverty and unemployment remains one of the most glaring impediments to South Africa's goal of national unity and social cohesion.

We also dare not forget the terrible past from which we have come, nor should we forget the many sacrifices made by patriots to ensure our democracy and freedom.

Through the democratic dispensation we enjoy today, we have a world-renowned Constitution that anchors our society.

The Constitution has created institutions to ensure that the State is accountable to the citizenry. It transformed all arms and organs of State into institutions that serve all the people of the country on the basis of democratic values, social justice and fundamental human rights.

It guarantees the basic freedoms and rights of all citizens, such as the freedoms of expression, association, equality amongst others.

Our Judiciary, as one of the three Arms of State, derives its mandate and authority from our Constitution. All South Africans have the constitutional duty to respect the role of the Judiciary in our society and ensure that it is protected from unwarranted attacks in the exercise of its judicial authority.

As the Executive Arm of State, we reaffirm our commitment to the doctrine of the separation of powers and to the constitutional directive to assist and protect the courts to ensure their independence, impartiality, dignity, accessibility and effectiveness.

I am certain this House will agree with me when I declare that we have a Judiciary that is committed to the rule of law and the protection of human rights.

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.

We will open engagements with the judiciary and the public on the judicial governance model.

Honourable Members,

I take this opportunity to extend warm congratulations to Madam Justice Mandisa Maya, who was appointed the Deputy Chief Justice of the Republic by His Excellency President Ramaphosa, effective 1 September 2022.

The appointment of Deputy Chief Justice Maya to the highest echelons of the leadership of the Judiciary bodes well for our efforts to transform the Judiciary. Announcing the appointment of Deputy Chief Justice Maya, President Ramaphosa said:

“Justice Maya will contribute to the ongoing transformation process of the Judiciary. Her ascendancy to the apex court will serve as a beacon of hope for scores of young women and make them believe that South Africa is a country of possibilities regardless of gender, social or economic circumstances.”²

We look forward to a long and fruitful relationship with the Deputy Chief Justice as we continue the work to improve the efficiencies of our justice system.

Honourable Members,

Only seven years remain before the year 2030, the year in which we hope to have achieved many of our national goals as laid out in the National Development Plan – Vision 2030. Since its launch in August 2012, the National Development Plan has served as an action plan for securing the future of South Africans as described 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.

This focus area is fundamental in guiding the development of the strategic priorities as outlined in the 2023/24 OCJ Annual Performance Plan, the APP. The OCJ's 2023/24 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 services of the Superior Courts;

² Media Statement – President Cyril Ramaphosa appoints Judge Maya to the Constitutional Court

- Ensuring an efficient court system;
- Improving efficiencies in court administration through modernisation of systems, processes and infrastructure;
- Implementing initiatives to address the impact of COVID-19 on the operations of the Courts; and
- Contributing towards the revival of our economy and job creation.

To enhance service delivery, the education and training for both serving and aspirant Judicial Officers will continue to be a priority for the OCJ in the 2023/24 Financial Year. This will contribute towards the transformation of the Judiciary.

Increasing the number of Judicial Officers on the bench in conformity with constitutional obligations remains a priority.

In this regard, the resourcing and capacitation of the South African Judicial Education Institute, SAJEI, remains crucial in ensuring that available education and training courses are offered to serving and aspirant Judicial Officers.

Although SAJEI has successfully implemented virtual judicial training, the challenge is that loadshedding has adverse impact on the delivery of training. It is therefore imperative to consider adjusting the budget of the Institute in order not to lose the momentum of enhancing judicial skills.

We express our sincere gratitude to Chief Justice Zondo for resuscitating the Aspirant Women Judges' Programme started by the first woman Minister of Justice in democratic South Africa, Ms Brigitte Mabandla, and aptly naming the programme after her.

The Brigitte Mabandla Aspirant Women Judges' Programme aims to address the under-representation of women in the Judiciary by creating a pool from which women Judges can be appointed.

Through this training programme for aspirant women Judges, women practitioners with potential to be appointed as women Judges are identified, enrolled and exposed to a specially designed judicial education programme to enhance their opportunity for appointment to the bench. We look forward to positive feedback from the Programme.

In order to achieve enhanced judicial performance, the Department will ensure that an increased number of judicial education courses are conducted, that research monographs, monitoring reports on the management of litigations and reports on secretariat support provided to the JSC, are produced.

To further accelerate the provision of judicial education and training, SAJEI will also leverage technology by conducting some of the courses through virtual platforms.

Honourable Members,

The OCJ continues to embrace the advantages that technology presents and leverages on it. The modernisation and digitalisation of court systems remain key priority areas for the OCJ to improve access to justice for all by utilising technology in court hearings.

The use of technology in court proceedings has proven an invaluable tool in ensuring access to justice and the safety of court users during the COVID-19 pandemic. As such, the OCJ will continue to prioritise the use of technology through the roll-out of its Court Online system. This system is meant to take advantage of the digital transformation initiatives that seeks to reduce the need for physical infrastructure ownership, and leverage on existing technology platforms that includes cloud computing and electronic document management to address the current storage space challenges in Courts.

Honourable Members,

The role of the Judiciary and the administration of justice in our society is a complex one as, more than just being adjudicators of disputes, the Judiciary has to respond to broader social needs.

For our courts to be effective in delivering justice, the general public must have confidence in their ability to do so. This implies some important questions relating to Judges' legitimacy and public trust, judicial accountability, and efficient administration of justice, which are essential conditions for Judges to effectively and efficiently serve society.

Our Judiciary has over the years shown a profound understanding of this imperative as captured in our constitution. This includes many judgments, particularly by the Constitutional

Court, that have reflected a progressive interpretation of the Constitution for the advancement of human rights and the improvement of the socio-economic condition of all South Africans.

One aspect of the role of the Judiciary is to ensure that everyone is treated equally and protected by the law, regardless of their gender, religion, or the colour of their skin. An independent Judiciary ensures that everyone, including minorities, can access their rights as captured in the Bill of Rights and that these can never be taken away from them.

It is incumbent on all organs of State, therefore, to assist and protect the Judiciary to ensure its continued independence, impartiality, dignity, accessibility and effectiveness.

An important part of this responsibility for organs of State is ensuring that the Judiciary is adequately resourced to undertake its constitutional mandate.

The office of the OCJ has filed and issued papers to review the contract awarded to Thomson Reuters UK LTD in relation to case line. The office will ensure accountability.

Honourable members,

We present the Budget of the OCJ to you today in this spirit. Supporting this Budget Vote is a means to ensuring the constitutionally enshrined independence of the Judiciary. We call on this House to continue cooperating with us to affirm the role of the Judiciary in the protection of human rights and advancement of democracy in our country.

Chairperson and Honourable Members, I therefore present the 2023/2024 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, the Acting President of the Supreme Court of Appeal, Justice Xola Petse, 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 oversight role play.

Finally, I thank the Secretary General of the OCJ, Ms Memme Sejosengwe, the management team of the OCJ and staff for their unwavering commitment to service and for always raising the bar higher.

Thank you.