



17 May 2017

Media Statement

OFFICE OF THE CHIEF JUSTICE: BUDGET VOTE 2017

This afternoon I will be tabling the budget vote of the Office of the Chief Justice (OCJ), marking the third anniversary of its existence as a fully-fledged separate department with its own budget vote (Vote 22).

The OCJ was proclaimed as a National Department by the President of the Republic of South Africa in 2010 with the mandate to provide support to the Chief Justice in executing his administrative and judicial powers and functions in his capacity as Head of the Judiciary.

Guided by section 174(2) of the Constitution, we continue through the Judicial Service Commission (JSC), to make strides in transforming the Judiciary to reflect the racial and gender composition of the South African society. Out of the 246 Judges in active service, 159 (66%) are male and 87 (34%) are female of which 160 (65%) Judges are black and 86 (35%) Judges are white.

Our quest to rationalise all relevant legislation with a view to establishing a judicial system that is suited to the requirements of the Constitution as required by Item 16(6) of Schedule 6 of the Constitution continues. In this regard, some work has been done on the revision of the Magistrates Court Act and the draft Lower Courts Bill which are expected to be finalised and circulated for public comment during the current financial year.

Chapter 8 of the Constitution which deals broadly with the justice system in the country defines the role of the cabinet member responsible for the administration of justice and further

enjoins other organs of state to defend the judiciary as per the current legal and constitutional provisions.

Currently the Constitution Seventeenth amendment and Superior Courts Act of 2013 provide the legal framework which defines and vests the judicial functions of courts in the judiciary.

The project to establish a Judiciary-led Court Administration Model has commenced, and engagement with the Chief Justice is underway. This work is undertaken by the Inter-Ministerial Committee under the leadership of the Deputy President and is considering the views of the Judiciary regarding the end state of the Court Administration Model. The ongoing institutional reforms is part of the ongoing discourse on separation of powers the interpretation and application of which has largely evolved through jurisprudence.

One of the important functions of the Judicial Service Commission is to ensure judicial accountability. The Commission is seized with a number of complaints against judges which have taken time to complete. This requires that we engage with the Chief Justice and the Judiciary to look at the effectiveness of the current complaints handling mechanism. The complaints range from delayed judgments and alleged racist remarks. As part of the effort to safeguard the fundamental constitutional principles of judicial independence and judicial accountability, the Registrar of Registrable Interests located within the OCJ is seized with a responsibility of registering the registrable interests of Judges in active service as required by law. All Judges in active service by 31 March 2017 had complied with the requirement period for disclosure, except one who could not do so because she was ill disposed.

With regards to improving access to justice, the Mpumalanga High Court is to be completed during this financial year following the successful launch and operationalization of the Limpopo High Court in November 2016. This milestone is proof of our concerted effort to realize the goal to establish a high court in every province in the Republic. We are also implementing a number of other infrastructure related projects which I will outline in greater detail when I present the budget of the Department of Justice and Constitutional Development. This will also include aspects of security, which amongst other will address the recent security breach at the National offices of the OCJ.

The South African Judicial Education Institute (SAJEI), located under the OCJ, continues to offer training courses to Judicial Officers. During the 2016/17 financial year, 90 judicial education courses which include, basic and advanced courses for newly appointed

magistrates and aspirant Judges, were offered to serving and aspiring judicial officers, which exceeded the set target of 70. In this 2017/18 financial year, the number of judicial education courses to be offered by the Institute is 77. The funds allocated for training of judicial officials has increased from R30,2 million in 2016/17 to R49 million in 2017/18. A total amount of R154,94 million has been allocated to conduct about 246 judicial education courses over the Medium Term Expenditure Framework period.

We are on course to reinforce the staff compliment of the OCJ to enable it to carry out its mandate. In the 2016/17 financial year, the OCJ had 1486 staff members transferred from the Department of Justice and Constitutional Development. This number has increased and now stands at 1700 staff members.

With regards to OCJ finances, the expenditure on the 2016/17 budget at the end of the financial year stood at 98%. This budget spending was in line with the allocation and budget prescripts, meaning there was no overspending. The department obtained an unqualified audit outcome on the financial statements in the maiden year of operating with its own budget vote.

Over the three year Medium Term Expenditure Framework period, the OCJ has been allocated a total budget of R6,32 billion. For the 2017/18 financial year the allocated budget amounts to R1,984 billion. Of this amount, R966,06 million is allocated to Judges' remuneration and benefits. This means that the OCJ will have an operating budget of R1,018 billion.

Judicial Support and Court Administration has been allocated the bulk of the budget as it forms part of the key mandate of the OCJ. An amount of R737,47 million (77,3% of the budget) will be utilized to improve the court system through an effective and efficient case flow management system, which includes the capacitation of the OCJ Provincial Centres which will provide administrative support to the Superior Courts.

The nomination, by the President, of the first ever woman to the position of President of the Supreme Court of Appeal who is also Black (African) namely Justice Mandisa Maya, is a cause for celebration. I also wish to congratulate Honourable Justice Zondo on his nomination to the office of the Deputy Chief Justice of the Republic of South Africa. May I take this opportunity to thank Justice Nkabinde for her continued enthusiasm and sterling work done as acting Deputy Chief Justice,

Let me further express appreciation to the two Judges President Kgomo and Sangoni of the Northern Cape High Court and Eastern Cape High Court respectively who will retire in the current year.

The OCJ Annual Performance Plan for the 2017/18 financial year is available at www.judiciary.org.za.

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