

MEDIA STATEMENT BY THE MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT, RONALD LAMOLA, MP ON THE OCCASION OF THE TABLING OF THE BUDGET VOTE

16 JULY 2019

Ladies and gentlemen

Members of the media,

We have dedicated this year's Budget Policy Statement to a special compatriot, the late Comrade Sindiso Magaqa, the former Secretary-General of the African National Congress Youth League, who was cowardly gunned down two years ago. Last Friday, 12 July 2019, marked the second anniversary of his demise.

In his memory, we continue to advocate for access to justice and equality before the law. For us to achieve these noble Constitutional imperatives, we need an adequate budget. It is within this context that I tabled the Vote for the Department of Justice and Constitutional Development which amounts to R21, 1 billion.

FRAUD AND CORRUPTION

Fighting corruption and fraud forms part of the Department's core mandate. The levels of brazen corruption and avarice we see in our society can and must be halted. The various Commissions of Inquiry currently underway are part of the process of addressing fraud and corruption. The Department will continue to provide the necessary administrative support to enable these Commissions of Inquiry to do their work.

In addition, the Department will also provide budgetary support to the establishment of the Investigative Directorate under the auspices of the NPA, to deal with all cases emanating from these commissions.

The Investigative Directorate will work collaboratively with the Special Investigating Unit (SIU), the SIU Special Tribunal and the Directorate of Priority Crimes Investigation (DPCI) to ensure that perpetrators of acts of fraud and corruption are brought to book speedily. The regulations of the Tribunal will be finalised shortly to enable this important institution to commence with the task of recovering moneys stolen through corruption and maladministration.

The NPA projects a shortfall of R121.5 million for the 2019/20. We will further solicit the support of Parliament to increase this funding through the Adjusted Estimates of National Expenditure in October this year.

ACCELERATING THE MODERNISATION OF THE JUSTICE SYSTEM AND INFRASTRUCTURE DEVELOPMENT

The modernisation of the justice system lies at the heart of the transformation trajectory of the Department. A total of R1.3 billion has been allocated for the Department's modernisation programme.

As such, through the Integrated Justice System (IJS), the Department is driving a multi-department effort to increase the probability of successful investigation, prosecution, punishment and rehabilitation of offenders.

The Court Recording Technology (CRT) system has been rolled out to over 2 000 courts. A further 146 mobile recorders are used in periodical courts. The CRT enables efficient recording and storage of court proceedings. This system will also improve operational efficiencies in courts.

The modernisation efforts extend to the Master's offices where work is underway on the Master's Online project which is scheduled to be implemented by 2020. This project aims to streamline the Trust registration process and will assist in curbing fraud.

The condition of our courts as service points to the public, are a top priority. A total of 25 courts will be part of the total facilities management solution implemented by the Department of Public Works. This will bring relief to users of our facilities as breakdowns in equipment often disrupt court sittings and contribute to delays in the finalisation of cases. The Department is also implementing an in-source model which allows sentenced inmates and participants in the Extended Public Works Programme to be utilized for minor maintenance work.

The Department has allocated R820 million for infrastructure development. Some R200 million will be used for maintenance and upkeep of existing courts.

PROMOTING THE RIGHTS OF VULNERABLE GROUPS

We must ensure that we live and breathe the spirit of our Constitution by protecting the rights of all, especially, the most vulnerable persons in our society. This includes women, children and the LGBTI community. South Africa has one of the highest femicide rates in the world. It is for this reason that we continue to rollout dedicated sexual offences courts. We have 92 of these courts, and a further 16 will be rolled out in the current financial year. In addition, we have created Femicide Watch which is a databank that will enable us to collate data and trends to inform our interventions in this regard. We will also continue to support the implementation of outcomes related to the National Summit on Gender-Based Violence which was held last year.

Through the work of our National Task Team on LGBTI rights, 25% of the pending hate crime cases were finalised with convictions of life imprisonment for both rape and murder. In the 2019/20 financial year, our Department will convene a National Summit on the protection of LGBTI rights in South Africa.

Furthermore, to give effect to the Prevention and Combatting of Trafficking in Persons Act, the Department has launched the National Policy Framework on Trafficking in Persons in South Africa which is a tool for implementation, management and monitoring of the Act. We hope that this will combat the increase of trafficking in persons,

especially women and children, and the role played by organised criminal networks in the trafficking of persons globally.

ACCELERATING THE TRANSFORMATION OF THE OFFICE OF THE STATE ATTORNEY AND THE LEGAL PROFESSION

There is on-going work in transforming the Office of the State Attorney. We are giving urgent attention to this area of work and will soon be approaching Cabinet with a business case and a draft Bill in this regard.

An efficient Office of the State Attorney plays a role in relation to the allocation of State legal work or what is loosely termed briefing patterns. In this regard, the Department has increased to 80% the target in the 2019/20 Annual Performance Plan for the allocation of State legal work to Previously Disadvantaged Individuals (Practitioners).

Furthermore, the coming into effect of the Legal Practice Act on 1 November 2018 which, among others, established the Legal Practice Council and provincial councils is a real game changer. The Legal Practice Council, as a new regulatory structure for both advocates and attorneys, is now in place, and provincial council are following suit.

We will be pursuing the development of the Legal Services Charter which will, among others, result in a critical mass of our young graduates entering the profession.

CONTRIBUTING TOWARDS THE ADVANCEMENT OF SOUTH AFRICA'S CONSTITUTIONAL DEMOCRACY

While we acknowledge the 2019 legislative programme is short, we have nonetheless identified key pieces of legislation that must receive immediate attention in the sixth administration. Some of these Bills address deadlines imposed by the Constitutional Court in its judgments, while others will conclude important Bills which were not finalized during the fifth administration:

Some of the legislation to be revived or introduced this year includes:

- (a) The Prevention and Combating of Hate Crimes and Hate Speech Bill.
- (b) The Traditional Courts Bill.
- (c) The Land Court Bill which is aimed at promoting Land Justice and the democratization of land ownership.
- (d) The Recognition of Customary Marriages Amendment Bill.
- (e) The Judicial Matters Amendment Bill.

PROMOTING ACCESS TO JUSTICE

We remain committed to building an accessible justice system. Legal Aid South Africa continues to provide independent, accessible and quality legal aid services in criminal and civil legal matters. In total, 724 000 persons were assisted by the organisation in 2018/19 – of these 16 000 were children.

Our Small Claims Courts improve access to justice and make civil justice inexpensive to those who cannot afford litigation in the ordinary civil courts. Today, we have 415 Small Claims Courts, with an extra 49 additional places of sitting, across the country.

We are continuing to look at ways of increasing access to justice through the creation of community advice offices. The policy framework on community advice offices will be finalised upon the development of a funding model.

SUPPORTING THE WORK OF THE JUDICIARY

It is emphasised in the Budget Policy Statement that one of our functions as the Executive is the provision of support to the Judiciary. As part of broadening access to justice, all nine provinces now have a Division of the High Court, with the recent opening of the Mpumalanga Division of the High Court, which has the main seat in Mbombela and the local seat in Middleburg. This is an achievement for the people of South Africa as they will now be able to access justice services closer to their places of residence.

As an illustration of government unwavering commitment towards the independence of our Judiciary, the budget of the OCJ consists of R3.84 billion for voted funds and R3.54 billion for Judges' remuneration from the National Revenue Fund. The OCJ still remains largely unfunded for the court modernisation processes.

The following is a breakdown of the budget allocation which includes transfers to five entities which form part of this vote:

- R15.6 billion goes to the Department of Justice and Constitutional Development, inclusive of R3.9 billion goes to the National Prosecuting Authority.
- R1.958 billion goes to Legal Aid South Africa.
- R31.4 million to the Office of Public Protector.
- R363 million to the Special Investigating Unit.
- R189.2 million to the South African Human Rights Commission.
- R2.384 billion as a Direct Charge to the National Revenue Fund in respect of Magistrates' salaries.