



**Ministry of Justice and Constitutional Development
Republic of South Africa**

**Address by the Minister of Justice and Constitutional Development, Ms
Thembi Simelane, MP, on the occasion of the Budget Debate of the Office of
the Chief Justice on 11 July 2024 in 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 (SG) and the collective leadership in the Office
of the Chief Justice

Distinguished Guests;

Ladies and Gentlemen;

It has been 30 years Since President Mandela judiciously echoed that the sun shall
never set on so glorious a human achievement.

Our democratic project is a glorious human achievement that would never
experience a sunset moment, for as long as we of Mandela's movement are alive.

On the solemn occasion of his inauguration as the first democratically elected
President of our country, President Mandela proceeded to say that "*out of the*

experience of and extraordinary human disaster that lasted too long, must be born a society of which all humanity will be proud.”

Today, I can say without a fear of being contradicted, that our judiciary has been in the forefront of knitting this very society that President Mandela envisaged.

It is significantly because of the role played by our judiciary over the last 30 years of our freedom that our democracy is maturing and faster than its global counterparts.

Our judiciary continues to play an immeasurable role in the growth and development of our democracy.

Our judiciary is revered and admired as robust, fair and independent.

Those who paid attention, would have notice the impeccable role of our judiciary, led by the Chief Justice, during the recent period of transition following our National General Election.

The duty for lawmakers and those of us in the Executive, is to ensure that our judiciary is always well supported so that it can remain effective, efficient, fair and independent.

Our allocation of budgetary resources to this equally important arm of the state should always appreciate the imperative to build a resilient judiciary that can and should withstand any sort of influence.

There is no doubt that the all-important work of ensuring access to justice requires sufficient budgetary support.

I am immensely proud, to stand in this august House to present the Department's programme and budget for the year.

Through this budget, we are once again demonstrating our commitment to not only supporting the Office of the Chief Justice, but the entire administration of justice in our country.

Even in this day of shrinking budgets and competing priorities, we remain committed to adequately support the Office of the Chief Justice to discharge its legislated obligations.

Our government is committed to assisting in the protection of our courts. We are committed to the independence, impartiality, accessibility and effectiveness of our courts.

The programmes and activities of the Department continue to be guided by the National Development Plan – Vision 2030, the NDP.

The NDP mandates us to put in place a well-functioning criminal justice system. This is a criminal justice system in which the police, the judiciary and correctional services work together to ensure that suspects of criminal acts are caught, prosecuted, convicted if found guilty.

As required by the constitution and the NDP, we are further committed to achieving the common goal of judiciary-led court administration model.

The OCJ, by virtue of its mandate, contributes to a number of key Priorities of the NDP.

In contributing towards attainment of *Priority 1: A capable, Ethical and Developmental State*, the OCJ has committed itself to addressing issues of:

- fraud and corruption;
- promoting an ethical culture;
- Ensuring adherence to corporate governance principles;
- improving court systems; and
- modernising court systems and processes.

In ensuring the attainment of *Priority 2: Economic Transformation and Job Creation*, the OCJ will continue to implement equity programmes that target the empowerment of youth, women, and people with disabilities. This will also be done in both the recruitment and procurement processes.

Furthermore, the Department will endeavour to support SMMEs, through its procurement processes in line with the Preferential Procurement Regulations, 2022.

Finally, the OCJ contributes to *Priority 6: Social Cohesion and Safer Communities* by ensuring swift and fair resolution of disputes among members of the society. OCJ ensures safer communities by ensuring that dangerous criminals are removed from the society.

For our society to function properly, it is imperative that citizens feel protected by the law. Our street should once again belong to an ordinary men and women, and not mobs and thugs.

In its planning for the 2024/2025 Financial Year, the OCJ reaffirmed the commitment made in the NDP to strengthen judicial governance and the rule of law. One of the critical priorities of the NDP is the promotion of accountability and fighting corruption. The OCJ contributes to this priority by strengthening judicial governance and the rule of law in the following ways:

- Accelerating reforms to implement a Judiciary-led court administration model;
- Ensuring an efficient court system;
- Reducing court administration inefficiency; and
- Ensuring access to justice

In implementing its mandate of providing administrative support to the Judiciary, the OCJ will be guided by the NDP and the Medium-Term Strategic Framework (MTSF) priorities of Government. The OCJ recommits itself to contributing to the priorities of the NDP, inclusive of Chapter 13 (building a capable and developmental State), by ensuring good governance in the administration of the Department.

The OCJ will continue to support interventions on the modernisation of business processes in the Public Sector. Amid the country's challenging economic climate, the OCJ will continue to contribute to national priorities by, amongst others:

- Intensifying measures against fraud and corruption;
- Promoting an ethical culture and professionalism;
- Ensuring access to a safe and secure environment in the Courts;
- Capacitating and resourcing the Courts to empower them to execute their mandate effectively; and
- Facilitating the training of Judicial Officers.

Honourable Chairperson,

The efficient functioning of the Constitutional Court, the Supreme Court of Appeal and all the other Superior Courts is integral to upholding the Constitution of the Republic of South Africa and the Rule of Law. This is achieved through the work of our nation's 252 permanently appointed Judges, who are at times supplemented with acting Judges.

The OCJ provides direct support to the Judiciary and Superior Courts to ensure that the Judicial Arm of the State functions optimally. As such, the OCJ has been allocated a budget of R2 397 642 000 for the 2024/2025 Financial Year, which it operationalises through its three Programmes, namely, Administration, Superior Court Services as well as Judicial Education and Support. This allocation also includes the Direct Charge / Revenue Fund for the remuneration of Judges.

This budget allocation represents a 13% decrease in the Department's budget relative to the previous financial year. The budget regression necessitates ongoing innovation in the implementation of the Department's expanding programmatic scope in order to keep the Superior Courts operational.

The OCJ commits to ensuring the continued implementation of its 2024/2025 programme through optimal utilisation of its limited resources. The OCJ will continue to focus on the following strategic areas, in line with its mandate:

- Supporting the Chief Justice and the Judiciary in ensuring judicial accountability;
- Broadening and improving access to justice and services of the Superior Courts;
- Ensuring an efficient court system and providing judicial support; and
- Reducing inefficiencies in court administration through modernisation and digitalisation of the systems, processes and infrastructure.

Honourable Members,

The OCJ has throughout the 6th Administration been seized with unlocking efficiencies in the Superior Courts to improve both access and quality of justice. A key programme in this regard is the implementation of the OCJ's Digital Transformation Strategy, which seeks to integrate technology into all areas of the Courts and OCJ business. Critical in the implementation of this Strategy is the modernisation of the courts through the implementation of the Court Online system.

In the previous Medium-Term Strategic Framework, the OCJ planned for the development and rollout the Court Online System in the Superior Courts. This project is part of the Integrated Justice Systems, funded and monitored through that programme.

The Court Online System has since been developed, piloted, and rolled out in the North Gauteng High Court, Pretoria, and the South Gauteng High Court, Johannesburg.

The OCJ had planned to roll out the Court Online system in seven (7) Courts in the 2023/2024 Financial Year. However, this target was not met due to system

instabilities. Considerable work has however taken place to stabilise the system, which should enable the planned roll out of the Court Online System.

Honourable Chairperson,

In terms of section 165(6) of the Constitution and section 8(2) of the Superior Courts Act, 2013, the overall responsibility of managing judicial functions and overseeing the implementation of the Norms and Standards for the performance of judicial functions of all courts, vests in the Chief Justice as the Head of the Judiciary.

The Superior Courts Act, Act 10 of 2013, further stipulates that the management of the judicial functions of each court is the responsibility of the Head of that Court, and for the co-ordination of the judicial functions of all Magistrates' Courts falling within the jurisdiction of the Division.

The OCJ supports the Judiciary by providing human resources and performance monitoring systems and tools to collect and collate the performance data required by the Chief Justice to produce the Reserved Judgment Report and the Annual Judiciary Report.

This information allows the Heads of Court to monitor Judicial performance in their respective Courts. In the spirit of a single Judiciary, the Judicial Court Performance for both the Superior Courts and Magistrates' Courts are incorporated in the Annual Judiciary Report.

Honourable Members,

The OCJ is also mandated, through the South African Judicial Education Institute Act, Act 14 of 2008, to promote the independence, impartiality, dignity, accessibility and effectiveness of the courts by providing judicial education for judicial officers.

The NDP recognises that the independence of the Judiciary relies on the continuous improvement of the quality of Judges and scaling up of judicial training.

In this regard, the South African Judicial Education Institute, SAJEI, has continued to offer in-person and virtual judicial training. However, virtual training has been negatively impacted by inconsistent power supply and resultant connectivity challenges.

During the previous Financial Year, SAJEI conducted one hundred and twenty-two (122) judicial education courses attended by three thousand three hundred and three (3 303) participants.

SAJEI also reintroduced the Aspirant Women Judges' Programme – renamed by Chief Justice R M M Zondo, the Brigitte Mabandla Aspirant Women Judges' Programme – with a cohort of delegates from the attorneys' profession, advocates profession and Magistracy.

The programme commenced in January 2023 with in-person sessions of one week per month until May 2023. This was followed by a mentorship programme at the various High Courts from July to September 2023.

In addition, SAJEI conducted other courses for aspiring Judicial Officers and also offered support to foreign judicial institutions. The 2024 Brigitte Mabandla Aspirant Women Judges' Programme will commence in August 2024.

Going forward, the resourcing and capacitation of SAJEI remains crucial for ensuring that available education and training programmes are offered to serving and Aspirant Judicial Officers as espoused in the NDP.

These training programmes enhance service delivery by promoting the effectiveness of the Courts. These interventions will remain a priority for the OCJ in the 2024/2025 Financial Year to improve the quality of Judicial Officers in line with Chapter 14 of the NDP.

Honourable Chairperson,

The fight against corruption in both the public and private sectors is one of Government's priorities. To this end, the OCJ continues to strengthen its internal controls to fight this scourge that undermines service delivery. The promotion of a culture of professionalism, ethics and good governance also remains a priority for the OCJ.

The vision of our Constitution is centred on the need to transform South Africa into a society based on democratic values, social justice and fundamental human rights for everyone irrespective of, amongst others, race, gender and sex.

One of the fundamental human rights that is guaranteed in section 9 of the Constitution of the Republic of South Africa, 1996, is the right to equal protection and benefit of the law, including the full and equal enjoyment of all rights and freedoms. This, therefore, also guarantees equal treatment on the basis of gender, with the view to reversing past gender discrimination.

Section 9 of the Constitution further emphasises that measures must be taken to promote the achievement of equality in all spheres of society. To give effect to this constitutional imperative of transformation concerning fundamental human rights, the OCJ, through its recruitment and procurement processes remains committed to extending opportunities to persons from previously disadvantaged backgrounds, particularly women and people with disabilities.

The OCJ has continued to prioritise the appointment of women at senior management level. In this regard, we are pleased to report that as at the end of the 2023/2024 Financial Year, 53% of senior management level employees in the OCJ were women, while 47% were men, thus exceeding the target by 3%.

The Department also continues with efforts to forge partnerships with various Non-Governmental Organisations in order to attract people with disabilities. It is also pleasing to note that the organisation met the target of 2% for the employment of people with disabilities as at the end of the 2023/24 Financial Year.

Honourable Members,

The Judiciary, as an independent Arm of State, is critical for the success of our constitutional democracy. It is the Judiciary that ensures our Constitution and other law of the country are upheld.

For our part as the Executive, we are doing all we can, through the OCJ and other avenues, to support and promote an independent Judiciary that is subject only to the Constitution and the law. We call on this House to support us in this goal.

Chairperson and Honourable Members, I therefore present the 2024/2025 Budget Vote 27 of the Office of the Chief Justice for your support and approval.

Before I vacate the podium, allow me to convey heartfelt congratulations to the incoming Chairperson and Members of the Portfolio Committee on their appointment, being entrusted with this important responsibility. We are looking forward to your support and guidance.

Please allow me also to extend a word of appreciation to the Chief Justice of South Africa, Chief Justice R M M Zondo, who retires in August 2024. We thank the Chief Justice for his wise leadership of the Judiciary throughout his tenure as the Head of the Judiciary. We wish him well for the future.

I also wish to recognise the Deputy Chief Justice of South Africa, Deputy Chief Justice M M L Maya and the entire Judiciary at large for its continued support to the people of South Africa.

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

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

Thank you.

