Address by the Minister for Justice and Correctional Services, the Honourable, Mr. Ronald Lamola (MP), on the occasion of the Budget Vote Debate of the Department of Justice and Constitutional Development, in the National Council of Provinces, Parliament, Cape Town, 23 July 2019

Honourable Chairperson;  
Honourable Members of the NCOP  
Ministers and Deputy Ministers               
Senior Department officials present

It is with a sense of immense honour that we are here today to present Budget Vote 21 for the financial year 2019 / 2020 to the National Council of Provinces. The budget allocation of the Department of Justice and Constitutional Development amounts to R21,1 billion. Part of the mandate of this budget amongst others is to fight corruption and ensure that Justice is not only done, but also seen to be done.

This profound, mandate Honourable members, prompted me to dedicate my maiden budget policy statement to the late Sindiso Magaqa and many others in our communities who were killed by callous individuals. This corruption fighting budget is dedicated to all the victims of crime, in our communities. The late Sindiso Magaqa in particular, will always be remembered for his tireless and fearless fight against corruption.

As Honourable members would know, we are in a transitional phase towards a new Medium Term Strategic Framework (MTSF). The new MTSF will infuse the priorities that were identified by South Africans during the robust electioneering season that we have just emerged from.  These priorities have been succinctly and unambiguously outlined by the President, His Excellency Mr. Matamela Cyril Ramaphosa, in his recent State of the Nation Address (SONA). The areas of emphasis and overall outcomes of the Cabinet Lekgotla and the President’s articulations in the SONA form the basis of our strategic objectives and priorities as we begin our jouney into the next Five years.

Honourable Chairperson,

The various Commissions of Inquiry have shown us that the levels of fraud, corruption and greed in our country are sophisticated and unacceptably high. The large amounts of monies involved, no doubt, constitute a serious affront to our twenty-five-year old constitutional democracy. Accordingly, pending the finalisation of the Adjustments to the Estimates of National Expenditure, the Department of Justice and Constitutional Development has made contingency budgetary support arrangements to enable the **establishment of the Investigative Directorate**under the auspices of the NPA.

The Investigative Directorate will work collaboratively with a range of entities including, the SIU, the Special Tribunal and the South African Police Services, in particular the Directorate of Priority Crimes Investigation (DPCI), the Financial Intelligence Centre (FIC) and the South African Revenue Service (SARS), to ensure that perpetrators of fraud and corruption are brought to book speedily.

In order to rebuild the human resource capacity at the NPA and to keep the courts working, we have approved the appointment of prosecutors in 19 identified one-person stations. We have also resuscitated the Aspirant Prosecutors Programme to draw new capacity into the NPA. For this year, we have an intake of 97 people from the Department of Justice and Constitutional Development and the NPA combined. The programme commences on 12 August 2019 and those who successfully complete it will be eligible for appointment as prosecutors.

We have taken note of the serious concerns about the NPA’s budgetary constraints. The Department and the NPA will submit a request for unforeseeable and unavoidable expenditure in respect of the capacitation of the Specialist Units of the NPA.

Honourable Members we will do all we can to resource the NPA from the fiscus. As is the case with the rest of government, will continue to explore the additional sources of funding, including the well-established practice of utilizing donor funding in government. We will maintain the central role of Treasury in order to insulate our institution from a perception of possible external influence.

Honourable Chairperson,  
We have to seize the opportunities that are upon us in the advent the 4th Industrial Revolution. Through this budget vote we will make a significant investment in the modernisation of the criminal justice value chain.

The Justice, Crime Prevention and Security cluster is implementing the **Integrated Justice System,** which is a cutting edge multi-departmental modernisation programme, aimed at enhancing the efficiency and effectiveness of our criminal justice system.

The Integrated Justice System is designed to enhance the efficacy of our criminal justice system by increasing the probability of successful crime investigation, the robust prosecution of suspects and the sentencing and rehabilitation of offenders.

This system also includes, the **Court Recording Technology (CRT)** which is an important link in the criminal justice system and it enables the Department to track court hours and the Chief Justice to monitor court performance. To date this system has been rolled out in over 2000 court rooms across the country. In addition, 146 mobile recorders are being used in periodical courts across the country.

Honourable Members,  
Our modernisation journey also extends to a suite of services being rendered in the Offices of the Master.  In this regard, the Master’s Own Verification Information Technology (MOVIT) has been rolled out to 292 Magistrates’ Courts.

As a result, members of the public no longer have to travel to the 6 Masters’ Offices to lodge applications for deceased estate benefits. The Paperless Estate Administration System (PEAS), has also been rolled out to 278 Magistrates’ Offices, making it possible for the deceased estates with a value of R250 000-00 to be reported at local service points which are closest to where the majority of people live. Through these initiatives, access to justice has become a reality for many of our citizens, particularly the poor and those who live in far flung rural areas.

Honourable Chairperson,  
In the 2018/2019 financial year, the Department of Justice and Constitutional Development paid an estimated amount of **R1,3 billion in cash to** **maintenance beneficiaries**.

Despite this commendable achievement, our magistrates’ court are now faced with the risks associated with the manual handling of such large amounts. We therefore encourage parties to opt for electronic payment of their maintenance benefits rather than collect cash from our courts premises.

Honourable Members,  
The **Department’s capital works programme** is an important element of our Access to Justice Programme.  The President will soon open the Mpumalanga seat of the High Court in Mbombela which displays magnificent aesthetic beauty of its architecture. This Province is the last to get its own High Court, thus completing the full cycle of High Courts in all provinces.  In addition, we will be opening a Magistrate’s Court in Dimbaza in the Eastern Cape. Added to this we will ensure that the construction of the Mamelodi Magistrates Court, in the City of Tshwane Gauteng Province reaches finality by the end of this financial year. It has come to my attention that the Port Shepstone Magistrate’s Court has not been completed as previously planned due to an impasse between the Department of Public Works and a contractor who was placed under business rescue just when the construction was nearing 90% completion. We will continue to encourage the Department of Public Works to attend the speedy resolution of this impasse.

The **maintenance of the courts is of great concern** to the Department. A total of 25 courts, including all Superior Courts, will be part of the Total Facilities Management solution implemented by the Department of Public Works. This solution which will focus mainly on the repairs of the lifts and air-conditioning, which break down often and thereby cause disruptions to court sittings and contribute to the delay in the finalisation of cases.

House Chairperson  
There is on-going work in transforming the **Office of the State Attorney**. Given the unprecedented levels of litigation against the State, at both National and Provincial levels, we need to ensure that government has an efficient and capable legal representation. In this regard we will approach Cabinet with a Business Case and Draft Bill containing recommendations that will take the Department and the country forward.

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).

Honourable Members,  
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.

I have already met with the Council and have agreed on measures and mechanisms that will foster cooperation in respect of matters that require our joint action and intervention, among these is the **Legal Services Charter.** Transformation challenges are highlighted by the fact that only 53 of the total number of 549 silks are women and a mere 11 of them are African.

Honourable Members,  
As part of its legislative programme, the Department will revive and introduce into Parliament the following Bills this financial year:

* The Prevention and Combating of Hate Crimes and Hate Speech Bill.
* The Traditional Courts Bill,
* Land Court Bill, which is aimed at promoting land justice and the democratisation of land ownership. Through this Bill, we aim to address some of the challenges that have been experienced with the current Land Claims Court dispensation;
* The Recognition of Customary Marriages Amendment Bill; and
* The Judicial Matters Amendment Bill.
* Cyber Crimes Bill;
* Child Justice Amendment Bill; and
* International Crimes Bill.

Honourable Chairperson,   
The budget allocation for **Compensation of Employees** for the Department’s staff complement which is in excess of 15,000 is the Department’s largest cost driver. This headcount excludes the 1880 permanent magistrates and about 300 acting magistrates whose compensation is a direct charge against the National Revenue Fund.

The following is a breakdown which includes transfers to the five entities and is part of the R21, 1 billion allocation to the Department:

* 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.
* R272.9 million specifically allocated for the Commission of Inquiry into State Capture.

Honourable Members,  
The people of South Africa have, through the 6th democratic elections, bestowed on all of us the historic responsibility to champion the speedy resolution of the perennial challenges of poverty, unemployment and inequality which are clearly identified in the National Development Plan Vision 2030 (NDP).  Our efforts and, by extension, the health of our nascent democracy will be measured by the degree of progress we make towards building an inclusive economy, the substantial reduction of unemployment, especially amongst the youth, the eradication of gender based violence and the creation of a conducive environment for the advancement of the Rule of Law.

I also wish to take this opportunity to thank the Select Committee for its constructive engagement, the support received so far from the Office of the Chief Justice and all entities reporting to the Ministry Allow me also to thank officials from the Department of Justice for the work they have put in making this occasion a success.

I thank you!