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| **PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA**  **NATIONAL ASSEMBLY** |

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 483**

**DATE OF QUESTION: 23 AUGUST 2019**

**DATE OF SUBMISSION: 06 SEPTEMBER 2019**

**Mr J Selfe (DA) to ask the Minister of Justice and Correctional Services:**

(1) By what date will he introduce amending legislation to section 136(1) of the Correctional Services Act, Act 111 of 1998, as ordered by the Constitutional Court in its judgement in the case of *Phaahla v. Minister of Justice and Correctional Services, CCT 44/18 [2019] ZACC 18* in Parliament;

(2) whether (a) he and/or (b) his department has considered the implications of the specified judgement; if not, in each case, why not; if so, what are the relevant details of his and the department’s findings in this regard? **NW1476E**

**REPLY:**

(1) A draft amendment of the section 136(1) of the Correctional Services Act 1998 (Act No. 111 of 1998) has been initiated. Thereafter, the due process of legislative amendment will be complied within the 24 months time-frame set by the Constitutional Court. A process to identify eligible offenders has also been initiated.

(2) (a) and (b)

Yes, the Department has considered the implications of the judgment. An action plan to implement the judgment has been developed. An audit of the implications on offenders affected by the judgement has been conducted and preliminary findings indicate that:

1. Minimum detention periods of lifers and offenders serving fixed sentences to be reviewed,
2. Offenders who are eligible to benefit from the judgment should be subjected to relevant rehabilitation and correctional programmes and considered as and when they become due or reached their minimum detention period.