

NATIONAL COUNCIL OF PROVINCES

BUDGET VOTE SPEECH

BY THE

Minister of Justice and Correctional Services

Honourable Michael Masutha (MP)

on

29 JULY 2014

Honourable Chairperson,

Honourable Ministers,

Deputy Ministers of Justice and Correctional Services,

Other Deputy Ministers present,

Honourable Chairperson and Members of the Portfolio Committee,

Members of Parliament,

Distinguished guests

Ladies and gentlemen,

Good Afternoon

I stand before this august House today to reaffirm our unequivocal commitment to the realisation of the goals of the National Development Plan and the Government's Programme of Action of building safer communities and a just society. As a Government we would have lost touch with the legacy of our selfless icon and world statesman, the late President Nelson Mandela if we fail to advance his unrelenting desire of creating a democratic and a just society that he strived for all his life. We are also alive to the NCOP's constitutional mandate of ensuring that provincial interests are factored in our national sphere of government.

Honourable members,

With regard to the Justice sector I would like to acknowledge the strides made by my predecessor Dr Radebe and others before him, who laid a solid

foundation for the transformation of the sector. Under his leadership the Office of the Chief Justice was liberated into a separate administrative entity to support an independent Judiciary; the Judicial Service Commission and the Magistrates Commission broadened opportunities for the appointment of Black and women judicial officers. In the High Courts the number of Black judges have, for the first time in our history, exceeded that of White judges whilst the gap between White and Black magistrates has narrowed significantly. The Constitution Seventeenth Amendment Act and the Superior Courts Act were finalised after they were in the making for almost 15 years. The processing of the Legal Practice Bill is at an advanced stage.

The development and improvement of courts constitute the primary mandate of the Department of Justice and Constitutional Development. It is for this reason that the bulk of the budget allocated for the Justice and Constitutional Development vote is allocated to the Court Services programme. Of the budget totalling R17,9 billion allocated to the Justice Department, R6,1 billion has been allocated to the Court Services and R3,2 billion to the National Prosecuting Authority. This implies that R9,3 billion, which is more than half of the department's annual budget, is used for services that are directly related to the functioning of the courts. An amount of R2,1 billion is allocated to Chapter 9 institutions under the justice sector including the Public Prosecutor and South African Human Rights Commission to carry out their constitutional mandates of promoting accountability, good governance and the advancement of human rights.

Our Access to Justice Programme entails in the main, the construction of new courts and the rehabilitation of the dilapidated ones; the conversion of Branch Courts into full services' courts, the realignment of courts' jurisdictions with municipal boundaries and our Small Claims Courts. Our court infrastructure constitutes our greatest capital investment. We have 763 magistrates' courts and 13 High Courts country-wide of which 45 magistrates' courts were built in the past 20 years of our democracy. In the past 20 years we have built, on average, 2 courts per annum which is a remarkable milestone taking into account that Government spends, on average, between R330m and R350m towards the construction of a new court. The construction of the Limpopo and Mpumalanga High Courts is earmarked for completion by 2015 and 2016 respectively. A further 4 magistrates' courts are contemplated by the end of

2016/17 financial year, and these will be built in Booyens, Mamelodi, Plettenburg Bay and Richards Bay.

Chairperson, Honourable Members,

In the past 4 years, 29 out of 90 Branch Courts were revamped and proclaimed as full services. A further 4 Branch Courts will be converted into full services in the current financial year.

We are also accelerating the alignment of magisterial districts with municipal boundaries with a view to ensuring that there is a magistrate's court in each municipality. This process also seeks to redress the past geo-spatial injustices through which the majority of Africans were attached to far flung courts in self-governing territories and Homelands. They were barred from accessing courts in the towns and cities where they worked. Implementation of this long outstanding exercise will be gradual, and Gauteng and North West are earmarked for implementation by 1 December 2014 and consultations with affected stakeholders and communities in the latter provinces are underway.

Child maintenance and deceased estates are the important service delivery outcomes that we have prioritized over the years. We are pleased that many child maintenance beneficiaries are opting to receive payment through the Electronic Funds Transfer (EFT) and bank system. A staggering figure of 9, 5 million transactions to the value of R3 billion are registered annually in our system and of this R2 billion was paid to maintenance beneficiaries in the past three years. As of March 2014, 98% maintenance beneficiaries are receiving their monthly payments via EFT (This translates into 243 271 of the 248 000 monthly payments).

Similarly, we have improved services relating to deceased estates. In 2012/13, government made 37 000 payments totalling R1,006 billion to Guardian's Fund beneficiaries, the majority of whom are children.

The Court-annexed mediation rules which will introduce mediation into our system will be implemented with effect from 1 December 2014. This will speed up the settling of maintenance and other civil claims and reduce the cost of litigation.

A total of 680 interns and 200 unemployed youth with LLB or paralegal qualifications are placed in the various courts and other sections of the

Department. This is an unprecedented number of interns at any given time with a view of imparting knowledge and work experience that they require to enter the job market.

Honourable Members,

The promotion of the rights of vulnerable members of our society remains our priority. My predecessor launched the National Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Programme which is aimed at the protection of the LGBTI community against crimes based on sexual orientation.

We are also forging ahead with the establishment of dedicated sexual offences courts to eliminate gender-based violence. By the end of 2015/2016 we must have upgraded 57 Regional Courts into Sexual Offences Courts. To date, 22 Sexual Offences Courts have been designated. These courts guarantee high conviction rates in view of the specialised skills deployed to these courts.

Before I turn to the Correctional Sector, let me reflect briefly on the Traditional Courts which attracted huge interest during the previous administration. We are considering all comments made before this parliament with a view to drafting a revised bill that addresses all concerns that had been raised.

The use of indigenous languages is another long-outstanding matter that we aim to address in the next few months. The Constitution demands parity of languages and we must earnestly start to devise measures through which the indigenous languages can be developed over time to be at par with English and Afrikaans.

Honourable Members

With regard to Correctional Services, on the 16th of July 2014, I tabled our Budget Vote to Parliament where I highlighted our plans for the financial year ahead. The Department's budget for the 2014/15 financial year is R19, 721 billion. I indicated that amounts totalling R72,6 million in 2014/15; R72,8 million in 2015/16 and R77,9 million in 2016/17 have been reprioritised within the 2014 MTEF baseline from non-core Goods and Services items for spending on the following policy priorities:

Implementation of Victim-Offender Dialogues;

Purchasing of Security Equipment;

Replacement of dilapidated Workshop and Agricultural Machinery Equipment; and an Integrated Inmate Management System (IIMS).

The Department is presently managed around six regions with Regional Commissioners. These are Gauteng, KwaZulu-Natal, Western Cape, Eastern Cape, Free State/Northern Cape (FSNC), and Limpopo-Mpumalanga-North West (LMN).

This is a department that has a national funded staff complement of 42006 posts and we are in a process of filling 2403 vacant posts. We have 243 Correctional facilities in the country and have the following regional profile:

Gauteng had 8335 officials, 35 503 inmates and a budget of R3 087 591 000. The Eastern Cape had 5303 officials, 18 896 inmates and a budget of R1996 751 000. The Western Cape, had 7672 officials, 27 140 inmates and a budget of R2 746 297 000. Limpopo/Mpumalanga/North West had 5656 officials, 23 321 inmates and a budget of R2 019 842 000. Free State/Northern Cape had 5631 officials, 22 143 inmates and a budget of R1 981 829 000, and KwaZulu Natal had 6483 Officials, 27 372 inmates and a budget of R2 361 949 000. Gauteng has the highest inmate numbers followed by KwaZulu Natal, Western Cape, LMN, FSNC and EC.

Honourable Members

In 2013 there were about 36 000 offenders without a qualification equal to grade 9 or adult education and training level 4. More than 5000 of this category were classified as illiterate offenders. I am glad to report to the NCOP that currently, we have placed more than 50% of the illiterate offenders in our literacy programme and more than 30% of offenders without a qualification equal to grade 9 or adult education and training level 4, have been placed in the general educational programme.

We should celebrate the fact that the number of full-time correctional centre schools registered with the Department of Education increased from one in 2009 to fourteen in 2014. These are as follows: St Albans and Cradock in the Eastern Cape; Tswelopele (Kimberley) and Groenpunt in the Free State and Northern Cape; Emthonjeni Youth and Johannesburg Med C in Gauteng; Usethubeni Youth, Qalakabusha and Ekuseni in KZN; Barberton Youth,

Barberton Maximum and Rustenburg Youth in LMN; as well as Brandvlei Youth in the Western Cape.

We want to ensure that from this financial year, at least 64% of offenders' complete correctional programmes and that an 80% participation rate of offenders enrolled in education and skills development programmes is maintained.

We want our Correctional Centres to produce excellent results and our ex-offenders to be role models and ambassadors against crime. We are proud that last year, a copy of the novel, "KWAKUNGEKE KUBE NJE", was handed to its author, Celimpilo Cele, an inmate at Qalakabusha Correctional facility. The novel won the KwaZulu-Natal Provincial Literature Writing Competition, and was published by Oxford University Press.

Honourable Members, overcrowding remains a persistent challenge at our facilities. We are addressing this problem through the strengthening of diversion programmes, alternative sentencing, building of additional bed spaces, improving the management of the parole system and the promotion of successful social re-integration.

We are moving closer to the ideal international target of 25% of all inmates being remand detainees. Since the year 2000, remand detainees have been reduced by 31.9% from 63 954 to 41 690 in June 2014. Interventions include the tracking of the category of remand detainees for periodic referral to courts. Part of the solution to overcrowding is the construction of 5900 additional bed spaces by 2019, broadening of the use of electronic monitoring of inmates and their placement under community corrections.

Fighting corruption, enabling organizational effectiveness and efficiency of our operations through strict governance and compliance requirements continue to be our key priority. The department is assisted in the execution of its operations by a number of oversight bodies, such as the Judicial Inspectorate of Correctional Services (JICS) under the leadership of Judge Vuka Tshabalala, and the National Council for Correctional Services (NCCS) led by Judge Sirai Desai, and the Portfolio Committee on Justice and Correctional Services led by Dr. Mathole Motshekga. We shall continue to ensure that nothing inhibits the ability of these bodies to provide their constitutionally guaranteed judicial oversight on Correctional Services.

As evidence of our aggressive stance in the fight against corruption, in the first quarter of this financial year, we obtained a 100% success rate in securing convictions for many offences involving 26 of our officials.

The Department also deployed a special task team at Mangaung (Free State) and at St. Albans (EC) for purposes of ensuring that there is law and order at these Correctional Centres, and that the security and safety of offenders, officials, and members of the public is assured.

As per the National Framework on Offender Labour, the Department is increasing the number of offenders who participate in offender labour and skills development programmes. On 12th February 2013, the Department signed a Memorandum of Understanding with the Department of Basic Education to use offender labour to build schools, supply furniture, rehabilitate school furniture, and establish school gardens.

Honourable members, a number of our facilities still reflect the colonial and apartheid architecture of authoritarianism and punishment. The goal of rehabilitation is absent in their make and orientation. Some of the infrastructure is generally old and dilapidated and bears the risk to compromise safety and security of both our officials and offenders. This has seen our capital works budget expenditure move from R753 641 000 in 2011/12 to R862 354 000 in 2013/14.

Currently the major projects underway are following ones:

- Vanrhynsdorp and Ceres-Warmbokkeveld centres here in the Western Cape Region. These are 99% complete with a capacity to provide 610 additional bed spaces;
- Tzaneen Correctional centre in Limpopo/Mpumalanga/North West (LMN) region which is 94% complete with capacity to provide additional 435 bed spaces;
- Pretoria – C Max Correctional Centre in Gauteng which is 75% complete and will provide additional 12 bed spaces;
- Matatiele and Escourt (KZN) Correctional centers which are 71% and 26% complete respectively and will provide 331 additional bed spaces; and
- Standerton in LMN that was started in December 2013 and currently 11% complete and will provide 787 additional bed spaces.

Honourable Chairperson

The President's decision to integrate the two departments into one Ministry of Justice and Correctional Services will strengthen our efforts of ensuring that we have an integrated criminal justice system that strives for an equitable justice system.

A word of appreciation goes to my two deputies Mr John Jeffrey and Mr Thabang Makwetla, Director General, Ms Nonkululeko Sindane and Acting National Commissioner, Mr Zach Modise for their unreserved support and leadership in these two departments. To all in the legal fraternity, the Portfolio Committee on Justice and Correctional Services, men and women in uniform and all employees in both departments, thank you for the respective roles played in ensuring that we dispense justice and together we can do more.

I thank you.