

Deputy Minister of Correctional Services, Nkosi Phathekile Holomisa;
Deputy Minister of Justice and Constitutional Development; Mr John Jeffrey;
Honourable Chairperson of the Portfolio Committee of Justice and
Correctional Services, Mr Bulelani Magwanishe;
Honourable Members of the Portfolio Committee of Justice and Correctional
Services;
Director General for Justice and Constitutional Development, Advocate Doc
Mashabane;
National Director of Public Prosecutions, Advocate Shamila Batohi;
Secretary General in the Office of the Chief Justice; Ms Memme Sejosengwe;
Head of Special Investigation Unit, Advocate Andy Mothibi;
Inspecting Judge for Judicial Inspectorate for Correctional Services Justice
Cameron
CEO of Legal Aid South Africa; Ms Mantiti Kola;
Acting National Commissioner for Correctional Services, Mr Makgothi
Thobakgale;
Ladies and Gentlemen;

Honourable Chairperson, we meet at a time where the nation is still reeling
from the devastating floods in KwaZulu-Natal and the Eastern Cape.

We are also a society still recovering from the global COVID-19 pandemic.

These acts of God have had the effect of derailing plans in ways which one
could not have anticipated nor imagined.

It is clear that we all have to be conscious and concerned about the imminent
threat of climate change to humanity and society large.

We also have to ensure that our departments and its attendant services are
deeply embedded in our communities to ensure that services are still
accessible in the most severe circumstances.

Honourable members, the state continues to function and discharge its
services to the nation.

One can concede that within the arm of the executive, there have been
challenges which have been laid bare before the judiciary and at times before
this institution, and other watch dog institution (parliament).

In a failed state, parliament is a rubber stamp of the executive and the judicial
independence is virtually nonexistent, this dispels the narrative that we're a
failed state.

This the contrary in our country.

The system of checks and balances still functions well in our country.

One cannot also undermine or understate the role of the fourth estate (media
and civil society) which has also contributed towards upholding the
Constitution, principles of accountability and transparency even when it was
increasingly difficult to do so.

The values enshrined in our constitution continues to be the glue that holds us together.

These values are enshrined in Section 1 of the Constitution and they are as follows:

- (a) Human dignity, the achievement of equality and the advancement of human rights and freedoms;
- (b) Non-racialism and non-sexism; and
- (c) Supremacy of the constitution and the rule of law.

25th Anniversary of the Constitution

During my last political overview, I informed this august house about the celebration of the 25th anniversary of the Constitution. The Department of Justice and Constitutional Development will continue during this year, with more events aimed at celebrating this milestone which will culminate into a symposium on the 25th Anniversary of the Constitution to be held during this financial year.

Entrenching the Rule of Law and Fighting corruption and Fraud

As the Zondo Commission draws to a close, I wish to commend the Chief Justice for the sterling job at the Commission.

We are in full flight in the rebuilding processes of the National Prosecuting Authority. We are as much as possible, directing critical resources to the NPA to ensure that it has the human capital, and financial resources to respond to the many crimes which afflict our communities, despite the challenging fiscal environment we find ourselves in.

For instance, it is quite evident that our biggest challenges as a nation at the moment, is the supply of stable and reliable electricity and the provision of reliable passenger rail transport. Whilst the challenges at Eskom and Prasa are well documented, one of the most obvious factors is cable theft.

One of the indicators we will be monitoring closely in the NPAs performance plan is that of cable theft convictions. This is an act of economic sabotage, now more than ever, the masterminds of those who benefit from plunging communities into darkness and train stoppages must be exposed and the arm of the law must catch up them.

Furthermore, this new injection of resources must enable the NPA to combat organized crime, white collar crime and corruption.

In the past year, there has been progress we can mention without any hesitation. The foundation of the Investigating Directorate was established by a highly skilled black woman in Adv Hermoine Cronje and the transition from her to another highly skilled black woman in Adv Andrea Johnson has been seamless.

And we want to use this opportunity to thank Adv Hermoine Cronje for her service. We also welcome Adv Johnson in her new role.

The investigative directorate has declared 82 investigations and enrolled 20 cases with 65 accused. It has also prioritized 9 corruption matters for enrollment within the next 6 months.

In their own words, Adv Shamila Bathoi and her Deputy Anton Du Plessis, have said that we are nearing a moment of high level prosecutions being executed without fear or favour. We shouldn't second guess them, they are better placed than all of us to tell no lies and claim no easy victories.

The Special Investigation Unit is also proving to be a significant agent in the fight against corruption and maladministration. As it also prepares to mark 25 years of its existence, there is objective proof that it is a vital cog in our accountability and consequence management framework as a state.

To date, the SIU has enrolled cases worth R 77 billion in the Special Tribunal and High Court. We are now seized with how we strengthen the co-operation between the SIU and other law enforcement agencies such as the Directorate for Priority Crimes Investigation and NPA, having learnt lessons from the methodology adopted in the fusion center.

Honourable Members, over and above all this work, in these plans, we are also mindful of the imminent and the already released Zondo Commission reports. Special Commercial Crimes Courts have been established in every province and the one in Palmridge and Pretoria have been expanded to enable them to cope with the work that might their way.

Consultations are underway with internal stakeholders to ensure that the review of South Africa's anti-corruption architecture is a collective product. This review proposes envisages an incremental approach with immediate action, to short term proposals, medium term proposals and long-term proposals.

We also have a team working on the implementation plan of the various findings of Zondo recommendations which fall within scope of their work. This plan will be presented at the appropriate time, to enable us to respond appropriately to the corruption cancer.

Former President Mandela warned us about corruption when he delivered his State of the Nation Address on 05 February 1999 by saying:

"Our hope for the future depends also on our resolution as a nation in dealing with the scourge of corruption. Success will require an acceptance that, in many respects, we are a sick society."

Fight Against Gender Based Violence

Honorable Chairperson, I would like to commend this committee for the manner in which it processed the three GBV bills which have since been assented to by President Cyril Ramaphosa.

Once again with your assistance, we are building the machinery to combat and address yet another pervasive and almost invisible pandemic in the form of gender-based violence.

The three (3) GBV Acts, namely: the Criminal Matters Amendment Act, 2021; the Domestic Violence Amendment Act, 2021; the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2021 cannot be ornaments which have no impact in our communities. In this financial year, we will be implementing these acts across the board.

We will be unveiling a programme of action which is based on the various justice needs of communities across the country.

In this month, we will launch our programme of action as a Ministry which will ensure that Justice Services are at the heart of our communities. Our programme of action is called the year of the community, as we respond and implement President Ramaphosa's rallying call of "no one must be left behind".

Carolina in Mpumalanga and Delft in the Western Cape have been identified as communities which we will start with this programme during the month of May to assess the state of our Justice Services, improve the level of integration in the justice system and assess the Gender Based Violence infrastructure with a specific focus on the new acts and the National Strategic Plan on Gender Based Violence and Femicide.

Review and Repeal Justice related Apartheid era Legislation

Three bills will be introduced in this financial year, the Lower Courts Bill and the Magistrates' Bill will replace the current Magistrates' Courts Act, 1944 and the Magistrates' Act, 1993. The Regulation of Trusts Bill will be introduced to replace the current Trust Property Control Act, 1957.

The Trust Property Control Bill is the latest action to ensure that we improve our anti-money laundering regime. Under the current regime, trusts are used to hide assets.

As a result, law enforcement agencies struggle to obtain accurate information on who are the real beneficiary of assets in trusts.

The Trust Property Control Bill will address this issue to ensure that our anti-money laundering legal dispensation is in line with the recommendations of the financial action task force and international best practice.

The Transkei Penal Code and the Riotous Assemblies Act will also be repealed. The latter Act will be replaced with the proposed Criminal Matters Amendment Bill.

These wide-ranging amendments seek to update legislation with the new constitutional order.

Modernising justice services

The Covid-19 pandemic and the ransom ware attack on the Department of Justice and Constitutional Development IT systems, although with devastating consequences, presented the Department with an opportunity to fast track the modernisation of the justice services as well as the overhaul of its IT infrastructure to make it fit for purpose.

During this financial year, the Department intends to implement Phase 2 of the online services in Maintenance, Protection Orders, Deceased estate, and National Register on Sexual Offences and commence with Phase 1 of the State Attorneys online services.

Court Administration Model

Honorable members, as you are aware, the Judiciary has proposed a particular system of court administration informed by their own research.

The Executive has conducted its own research and I intend during this financial year, to approach Cabinet on the Executive's response to the Judiciary's Institutional Model.

The Executive's response would also be part of the measures we intend to take towards implementing the recommendation of the National Planning Commission to accelerate reforms to implement a Judiciary-led independent court administration.

Office of the Chief Justice

In this financial year, the Office of the Chief Justice as a national Department will be evaluated in the main on three strategic outcomes as set out in the Department's 2022/23 Annual Performance Plan. These are:

1. Effective and efficient administrative support;
2. Improved court efficiency; and
3. Enhanced judicial performance.

To achieve the above outcomes, OCJ will expand and evaluate initiatives such as rolling out the Court Online solution to 5 Superior Courts. I am delighted to report that the development of the Court Online case management solution is complete!

The final solution has been piloted in the Gauteng Division of the High Court and the systematic roll out to all other Superior Courts will commence this financial year.

The project has also established a centralised Court-Online helpdesk to provide support to both internal stakeholders (judges and court officials) and external stakeholders (legal practitioners).

I am informed that the Leadership of the Magistracy expressed their intention to request the Department of Justice and Constitutional Development to pursue a limited implementation of this solution in selected Magistrates' Courts.

Eventual implementation of this solution in the Superior Courts and Magistrates' Courts will ensure true integration of our electronic, paperless court processes.

The OCJ remains committed to its constitutional mandate of supporting the Judiciary and government mandate as outlined in the National Development Plan and the Revised Medium Term Strategic Framework.

In supporting the Judiciary, the OCJ will continue to prioritise the capacitation of the South African Judicial Education Institute, SAJEI.

The Department will continue implementing new ways to deliver training services to serving and aspirant Judicial Officers.

Part of this will involve ensuring that the operational model of SAJEI is adjusted to take advantage of available online platforms, and that SAJEI's judicial educators are capacitated to operate under the new operational model.

The impact of the budget cuts resulting from the prioritisation of the national response to the Covid-19 pandemic over the past two years continues to be felt to this day.

As such, the OCJ has to be innovative and develop new ways to operate under these constrained conditions in order for us to keep the Courts operational.

To this end, the OCJ will continue to reprioritise its budget and operations to ensure that the delivery of core services, namely, support to the Courts, is not adversely affected.

Department of Correctional Services

When the devastating floods in Kwa-Zulu Natal wreaked havoc in communities, inmates through the Department of Correctional Services' Self Sufficiency and Sustainability Model, contributed towards the social relief efforts.

Vegetables, eggs, meat, milk, bread, which were produced by inmates were donated to needy families and these brought much needed relief to communities. The donation demonstrates that inmates can contribute positively towards society when given an opportunity.

While inmates are incarcerated, the department encourages them to adopt a positive outlook towards life and to acquire skills. This enables them to contribute positively to the social and economic lives of society upon their release.

We are also pleased that correctional services will implement a new programme that will extend correctional and rehabilitation programmes to Remand Detainees who spend more than two months in our care.

Honourable Chairperson, through self-sufficiency, we have been able to take off items such as eggs and pork on our procurement lists in the past financial year, we will add more items in this list. Most of our Management areas produce enough vegetables and bread for inmates rations, we will vigorously implement this programme so that we can continue saving millions for the fiscus like we did in the last financial year.

We are also encouraged that the national Treasury has approved 100% retention of revenue we generate through self sufficiency. This is a major boost to the programme as we will reinvest resources towards its growth.

Our workshops have also been capacitated with latest technology to enable them to produce inmate uniform, staff uniform and shoes in large quantities.

Honourable Members, we are happy that you recently conducted an oversight visit to correctional centres and courts. In your visits, you also went to Mangaung and Kutama Sinthumule Private Correctional Facilities. We manage contracts of Public Private Partnership correctional facilities in line with the Correctional Services Act. These private facilities are contractually obliged to contribute towards the purpose of the correctional system by maintaining and protecting a just and peaceful society.

The Department of Correctional Services has indicated that when these contracts lapse, they will not be renewed, the department will take over the running of the facilities. There are already regulatory meetings to fulfil this objective, we have also started with inspection of facilities to ensure they remain in good condition.

We have met with the Ministry of Public Works and Infrastructure to look at how we can through offender labour, respond to minor maintenance at courts like installation of ramps for people living with disabilities, cleaning and minor renovations. We will continue engaging our counterparts and pilot several projects to find innovative ways to deliver infrastructure.

We are fully aware that our work in correctional services will ring hallow if we do not instil a culture of consequence management in correctional services.

On 12 April 2022, Mr Stephen Maribulu Somo, who was stationed at Johannesburg Correctional Facility, was sentenced to five years imprisonment by the Johannesburg Regional Court for aiding an escape.

In the 2020/21 financial year, 94 Correctional Services officials were dismissed amongst those who were subjected to disciplinary action. DCS is intensifying its campaign and processes to systematically and comprehensively prevent corruption and mismanagement, as well as ensure consequence management.

We hope to achieve this through tightening of management systems, increasing compliance with policy and controls, internal investigation and sanction as well as referral to external law enforcement agencies where appropriate.

Honourable members as we conclude, we want to commit ourselves to work towards ensuring that all departments and entities under our ministry meets their objectives. We will be focusing more on the Department of Justice and Constitutional Development to ensure that we turn around this department and resolve its challenges, some of which we inherited.

No effort will be spared, effective consequence management will be implemented, those who fail to do what they get paid for, will face the consequence of their actions.

I thank you!