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*PROCEEDINGS OF NATIONAL COUNCIL OF PROVINCES*

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The Council met at 14:00.

The Chairperson took the Chair and requested members to observe a moment of silence for prayers or meditation.

**ANNOUNCEMENTS**

The CHAIRPERSON OF THE NCOP: Hon delegates, I would like to remind you that the Rules in particular subrule 21,22 and 23 of Rule 103 apply. In accordance with Council Rule 229 subrule 1, there will be no notices of motion or motions without notice.

Hon delegates, before we proceed to questions, I would like to take this opportunity to welcome the Ministers from Peace and Security clusters, specifically the Minister of Correctional Services, as well as the Minister of Justice and

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Constitutional Development. Of course they are also with their Deputy Ministers.

Accordingly, take this opportunity to welcome all the members of the executive council, MECs who are here with us today, the SA Local Government Association, Salga representatives as well as the permanent and special delegates who attended the sitting today.

I would further like to remind delegates that in terms of Rule 229 of the Council Rules, the time for reply by the Ministers to a question is five minutes. Only four supplementary questions are allowed per question. A member who has asked the initial question will then be afforded the opportunity to ask a supplementary question. The time for asking a supplementary question allocated to each member is two minutes. And of course, immediately after that, the supplementary question will then be answered by the Minister within four minutes.

Hon members, I must also indicate that the supplementary question must emanate from the initial question that was posed before the Minister. I now call upon the Minister of Correctional Services to respond to Question 47 as asked by

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the hon Noe. Over to you on hon Minister, you can take the podium.

**QUESTIONS - CLUSTER 1B: PEACE AND SECURITY**

Question 47:

The MINISTER OF CORRECTIONAL SERVICES: Hon Chair, as you can see, it's the first time I appear in this House, the first time I speak here. So, from my side, it is a privilege to be in the National Council of Provinces. Thank you for the words of welcome as well.

Hon Chair, the answer to the question is as follows: The Department of Correctional Services deals with the matter of contrabands in terms of section 119(a) of the Correctional Services Act which stipulates that no person may without authority supply or convey to any offender a document intoxicating liquor, dagga, money or any other article.

Dealing with the smuggling of any contrabands received in attention by performing security operations, supported by the implementation of technologies such as integrated security systems, correctional centres implement security standard

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operating procedures known as SOPs, prevention strategies, security awareness sessions as well as security meetings on a routine basis to prevent and detect the influx of contraband into correctional facilities.

Investigations are instituted by heads of correctional facilities to establish how contrabands are found in correctional facilities. That will normally include root cause analysis as well as the methodology of site actions.

Requisite remedial action is taken resulting from the outcomes of such investigations. Heightened security measures are put in place at access control points, searching and recording of all persons entering or leaving correctional facilities starts from the management area reserved access point.

Management also conducts surprise visits at access control points to monitor compliance. The department is currently investigating the possibility of implementing technologies to deal with and manage the risk associated with electronic communication devices within the prisons of the correctional centres. I Thank you.

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Mr E P NOE: Minister, your last statement is around the follow up question regarding the technology systems that you intend to implement within the prisons. Maybe what one could then ask is whether you have any time frames as to when you think you will be able to have this technology system within the prisons?

The MINISTER OF CORRECTIONAL SERVICES: Hon member, if you are asking for a time frame, I don't have a specific time frame to say from this date to that date, but my answer is as soon as possible. That is what we want. I also want to say that we must remember when it comes to technology unfortunately, it costs quite a lot of money. We have quite sophisticated technology, but we must also remember, for instance, let's take jammers, let's take the Goodwood facility. If you put a jammer in there, then you have complaints from the community because they're close to the facility as well as the highway, on the N1.

So, for instance, if there is an accident in that area, then they say that, well, it's a problem. It's an emergency and they cannot make any calls. But there is quite sophisticated technology that counter that problem, but it costs quite a lot

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of money. Just to inform the House, for the last five years, the budget of Correctional Services was cut with R11,7 billion. We do look at these matters and I want to say again on the time frame, as soon as possible. We're looking at that.

Mr N GOTSELL: Minister yes, with reference to the prison raids your commissioner has recently said that search and seizures are done regularly, but we'd like to get your assurance that these searches happen more frequently and more importantly, that the corrupt officials that enable these items to be smuggled in and out of the prison cells are brought to book.

Will you give an undertaking to this House today to report on the outcomes of the disciplinaries and other processes against the Correctional Services officials and employees who are responsible for the smuggling?

The MINISTER OF CORRECTIONAL SERVICES: Hon member, yes, we are at this moment busy with a project to see that when we have these seizures and these raids, that officials who are involved in that - and I want to put it quite clearly, it's just logic that these contrabands can only enter into our

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facilities when there is colluding with some of the officials and I will give a report on those. I can give you some.

Firstly, if I look at the Free State and the Northern Cape and I refer to the total number of seizures or searches conducted from April 24 to August 24, two officials were caught in possession of a cell phone inside the unit. One official is on suspension and the other official was given a final written warning.

Also, as far as the offender is concerned, one offender was found with a cell phone in his possession, he was segregated, for seven days and lost the amenities. And six offenders were found guilty after the departmental investigation privilege of making calls and visits were stopped for 42 days.

So yes, we are taking steps, and I will from time-to-time update because it is important. And I said it on many times, a priority is that they must be consequence management.

Therefore, we do follow up on some of these. There are some problems. There were cases which I inherited where there were no steps taken, but I will also attend to that as far as that is concerned. Thank you.

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Ms A M SIWISA: The question that I was supposed to ask was asked, but maybe let me rephrase the question that I'm going to ask. Taking into consideration irrespective of whatever the Correctional Service is doing to do a search and seize but for some reason these items still find themselves inside so the department cannot be reactive, but needs to be proactive, which means that there needs to be measures put in place because they are opening up for some of these people that have got access to cell phones because if there were proper measures put in place, we wouldn't be having the issue of Thabo Bester. But leaving that, most of the children are on social media, which means that some of these perpetrators are getting ways of communicating with kids on social media.

So, what measures are going to be put in place who ensure that even those corrupt officials - yes, you're going to take action against corrupt officers but what measures are going to be put in place to ensure that none of these items find themselves in the vicinity of the prisons before they can even reach the cells. The entrance point is where the problem is. So, what measures are going to be put in place? Thank you.

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The MINISTER OF CORRECTIONAL SERVICES: Chair, hon member, you're quite right. And your question is, what measures are we going to take? I think we must be honest towards each other. You will never 100% stop this process because it's part of corruption. The items and the contrabands can only get its way into the facility where you have corrupt officials.

If I look at the measures, as I said security measures, and I've also said, from time to time there are surprise visits to see whether the security measures are executed correctly. But just to say something, I am also informed that even if you have a corrupt official, you discipline, and their services were terminated, they get rewards from some inmates who were connected to this contravention of the contrabands.

Even when they are no longer in service of the department, they get their rewards from the inmate, the criminals in our facilities. So, it's a huge problem. I always say if we know how they go at work to ensure that they get these contrabands then you can start taking steps. But there is one problem. The moment an official is not in the service of the department anymore, there is nothing we can do.

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But what is important is that I will have conferences or meetings with the Minister of Police. I think that there should be some or other system of monitoring these officials when they were fired from the department. And if they are still getting some rewards, then we must ensure that there are specific steps. We must make examples with these people. But that is part of the problem. Thank you, hon Chair.

Ms S M MOKOENA: My question to you, Minister, is regarding the escape of Thabo Bester in one of your prison facilities in Mangaung. My question is what has the department done so far with regards to the service provider that was responsible at the time of his escape. Details please as to - because we heard in the news that the service provider continued working and providing the services. What has happened so far? What has happened to the officials that have been found to have helped him to escape as well? Just put us into confidence about that matter. Thank you.

The MINISTER OF CORRECTIONAL SERVICES: Hon Chair, through you, hon member, let me start by saying that the entire G4S issue and Thabo Bester at this stage, we are in a litigation

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process. So unfortunately, it is like they say, sub judicare, I cannot go into those details.

What I said about the Thabo Bester situation is quite clear that there is an idea, specifically when it comes to the public, that you must outsource to private companies when it comes to ensuring that there's less corruption.

Now I think the Thabo Bester matter proved that that is not necessarily the case as far as privatisation, or using private companies to do that. I also want to put on record, I said the first facility that I want to visit is the Mangaung as well as Grootvlei. I had appointments for two times and unfortunately, I had to cancel that because I said I want to see the chief executive officer, CEO of the private company and I want to hear exactly what they did.

For instance, it is their employee or employees, and not ours and what steps have been taken. So unfortunately, if you ask what steps have been taken, I can't answer you on that but be assured that I want to know that. But also remember it is outside the authority of the Correctional Services. Thank you, hon Chair.

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Question 61:

The MINISTER OF CORRECTIONAL SERVICES: Thank you, hon Chair. Overcrowding is a huge problem, but I first just want to give a perspective. When we talk about overcrowding that we have in our facilities, can I say we have almost 108 000 beds in our facilities, but we have just under 100 000 inmates who had been sentenced. So, when we talk about prisoners who have been sentenced, we have enough space, But our problem is with overcrowding in the terms of remand detainees. They people who are awaiting trial, and that is a process on its own, with its problems. So, if we can deal with that, of course, then we have enough space.

However, let me give you the answer to the question. The Department of Correctional Services, the DCS, is at the front end of the criminal justice system through the detention of remand detainees and tail end through the detention of unsentenced inmates. The department continues to implement the overcrowding reductions strategy, which elaborates on direct and indirect measures to manage overcrowding within correctional facilities.

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Direct measures are those that result in the reduction of inmates; whereas the indirect measures are for facilitating the reduction through co-operation with relevant stakeholders who contribute to overcrowding of implementation of activities. Section 49(g) of the Correctional Services Act, as amended, determines as follows. It says:

The period of incarceration of a remand detainee must not exceed two years, from the initial date of admission into the remand detention facility, without such matter having been brought to the attention of the court concerned in the manner set out in this section, provided that no remand detainee shall be brought before a court in terms of this section if such remand detainee had appeared before a court three months immediately prior to the expiry of such two-year period, and the court during that appearance considered the continued detention of such detainee.

That is what the Act says. The section makes provision for the DCS to refer the remand detainees to court before completing a period of two years for consideration of their detention, and thereafter annually, if the remand detainee remains in detention after the initial referral. The monthly submission

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of section 49(g) referrals to court take place at central level. However, due to the nature of the crime committed, the referral court for consideration of length of detention resulted in a less success.

During the 2023-24 financial year, a total number of 9 667 applications were submitted, and only 274 of those applications were successful, which translates to 2,83% reduction. Can I also say, in terms of section 63, it also allows the accused offender or the prosecutor to approach the court for a review of bail. All the remand detainees qualify for bail review, However, the DCS cannot initiate the process without the permission of the offender.

Submissions, in terms of section 63(a) and 63(1), happen on a monthly basis at central level. For the financial year 2023-24, a total of 19 391 referrals to court were processed, and only 5 091, which is 26%, were successful. So, that is a bit of a problem. Thank you, hon Chair.,

Mr M BILLY: Thank you very much, Chairperson. Look, I think the reality is that the issue of overcrowding cannot only just be resolved by Correctional Services. It is clear from your

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response, Minister, but also, it is quite clear that there isn't any clear plan to deal with this problem. So, my question, Minister, is to ask you: Does the department have a long-term plan to deal with overcrowding in South African prisons; and do those plans include learning, learning from other countries, or learning from other prisons in other parts of the countries in the world, rather - basically, benchmarking the best practices from across developing nations who are successfully dealing with this phenomenon?

As I have correctly said, it is quite clear that our prisons - in fact, more than ten of our prisons in the country - have got an occupancy rate of over 200%. Ultimately, that becomes your problem if there are fires that break out in those presence. If there are issues, it becomes the problem of the Correctional Services.

So, the primary duty lies with Correctional Services, to have a plan in place on how to deal with this problem. So, my question to you is: Are you putting in place a long-term plan, and are you looking elsewhere to see beyond other departments in government on how you, as Correctional Services, are wanting to deal with this problem?

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The MINISTER OF CORRECTIONAL SERVICES: Thank you, hon Chair. Hon member, yes, we do, which include, for instance - as you referred - benchmarking. Yes, we are looking at certain countries, specifically from the South Americans or America in terms of how they dealt with it, because it is no use to go to Denmark or Sweden to see how they deal with overcrowding. It is different situations.

So, when we want to benchmark, we must look at countries that have the similar problems and the types of crime as we have in South Africa. So, that is on the card or on the planning. With that said, however, the whole criminal justice system must, as the different sectors, come together and see how we can address, not only overcrowding when it comes to Correctional Services, but the whole criminal justice system, to give you an idea.

We have remand detainees that could not afford R100 bail, but it is costing the taxpayer R400 per day to keep that person in our facilities. So, I do believe that we must get together, as the cluster or criminal justice system, to look at the reform of sentencing. There should surely be other ways to deal with

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such a case. We have illegal immigrants, numbering about more than 22 000 in our facilities, who I can say are remand detainees awaiting trial.

There should be a process to see how we can deal with those matters and take them out of our facilities. So that is part of the long-term discussions, to see how we can come forward with a new reformed criminal justice system. But, as I have mentioned, it is not only dependent on correctional services. The police are concerned and are also involved there. The Department of Justice is part of that.

I can say that I had a meeting with the Minister of Police, because one of the problems - which is not in terms of overcrowding - is that you have a situation where people, while inside our facilities, are continuing with their criminal work outside the facilities. That makes it difficult for the police. As I said, that is not specifically as far as the crowding is concerned. However, we are working together to see how we can survive.

So, my answer is, yes, there is a long-term - can I say - strategy, on how to solve the overcrowding. Besides, of

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course, we must get this new prison somewhere. It is going to cost quite a lot of money, but we do have projects at existing facility, where we are on our own. In some places, of course, we have public works to expand our space, to create more space for people and bed space, to ensure, in essence, that we can also reduce the overcrowding. Thank you, hon Chair.

Inkosi M NONKONYANA: Chairperson and hon members, good afternoon. Thank you, hon Minister, and good afternoon to all the Ministers and Deputy Ministers. My colleague, Billy, has stolen my thunder, but I understand you, hon Minister, to indicate that there is a need for an integrated approach of the whole sector, to work together.

We know that the awaiting trial prisoners are sometimes being released. Our people, because they are sick and tired of these criminals and ragamuffins which are stealing their fruits of freedom, would therefore take the law into their own hands. The Department of Police has responded positively to arrest many people in the country. Hence there will be a need for the facilities.

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Now, you say you have got a plan. Will you be able, therefore, to present that plan to us with a view to oversee it, to make sure that you are working hand in glove together, including, of course, the Ministry of Justice, because we believe that justice delayed is justice denied? So, if these matters are therefore brought before court sooner, and prisoners are actually caused to undergo their sentences. it would be better. We invite your comment in this regard. Thank you, Chairperson.

The MINISTER OF CORRECTIONAL SERVICES: Thank you, hon Chair. Hon member, I want to say that you are actually referring to the situation where we had some amnesty to reduce or, say, low risk prisoners, where the President actually came forward with some reduction of certain sentences and where those people were released. However, that is exceptional.

I, personally, don't believe that just because of overcrowding, we now just have to put people on parole, to ensure that we have more space in our facilities. When it comes to parole, it must be a merit-based decision -it must be objective! That is what we need.

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You asked whether we I will come forward with a plan, and I will. Of course, we are busy with it. We will come forward and we will share it with Parliament, because it is part of our accountability to see how we can solve this problem. However, it is a process, as I said. It involves the other people in the cluster of security - the JCPS - cluster of Cabinet, to see how we can resolve it. Thank you, hon Chair.

Mr V GERICKE: Thank you, Chair and good afternoon, Minister and all other colleagues. Chair, I have a question to read, but I have some difficulty. The difficulty is that we are struggling at the moment to get out of a system, and we are asking the very same people that brought us into the same problem. for answers and for solutions. [Inaudible.]

So, we are sucking this problem because we revert to the same people that oppressed us, that put us in jail and in prison. Now, we are coming out to get answers from the very same people. We are not referring to white people; we are referring to the entire system. So, overcrowding. hon Minister is a major issue in remand centres and facilities, and it has been a significant feature of imprisonment in South Africa for decades.

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So, in light of this, did the management of DCS submit proposals to the NPA and even the Department of Justice, to emphasise the issue of overcrowding and the affordability of bail to many first-time offenders or petty crime perpetrators? If so, please provide details in this regard - in other words, statistics - because you have people in prisons at the moment that cannot afford a mere meagre R100 bail but is in prison.

When he comes out there, he loses his job and becomes another burden on the state and the social system - the social security system. So please supply details to us, Mr Minister, as to the way forward, maybe to alleviate the immediate problem, to release those that cannot afford bail. Thank you very much.

The MINISTER OF CORRECTIONAL SERVICES: Thank you, hon Chair. Hon member, can I put it very clearly: When it comes to prisoners, as far as I am concerned, it is not about white, black, coloured or Indian. They are prisoners, and depending on the sentence, they will serve their sentence. If they can go on parole in an objective way, then they will do so. There is no preference from my side when it comes to race or

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anything like that which you are asking for and you are actually emphasising, but that is what I said: It is a process. You referred to the NPA, and you referred, for instance, to people who cannot afford R100, as I have already said.

If you want to have a submission at this moment, then I can say that we are in a process. However, you will understand, when it comes to sentencing reform - and that's what I said: Sentencing reform includes the NPA, the magistrate courts, to see, for instance, how to solve a problem if a person cannot afford R100 bail. Unfortunately., as the Department of Correctional Services, we cannot make decisions.

We cannot determine that this person's bail should be lowered or should be taken away. That is for the courts. I always say, and you are quite right: If we look at our police, they are doing a good job at the moment. They are arresting a lot of people. In the end, those bad people are going to become my clients, and we have to accommodate them, whether we like it or not.

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As part of the strategies, which I did not mention, and I say this because I have to explore that properly: From 2016, there was a decision that all cells at police stations may not be used for trial awaiting people, or can I say detainees. I think we must go back to that because there are benefits. The spaces is there. Whether you pay the Department of Correctional Services the taxpayers' money, or the police, it doesn't matter.

There is another benefit, if we go back to that system and use the cells at our police stations. When you are in Cape Town and you come to Parliament in the morning, in peak hour, you will find all these blue lights and this van, and everybody must get out of the way because they are on their way to court. I am told that those prisoners or those detainees feel like celebrities, because they say, "We are driven around with blue lights, and everybody must make space for us."

I think those are the issues we will have to address. I have said to my people, and I always use Afrikaans expressions to say,...

*Afrikaans:*

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... dit is die klein jakkalsies wat die wingerde verwoes.

*English:*

Now these blue lights, with detainees and prisoners, are ...

*Afrikaans:*

... klein jakkalsie ...

*English:*

... because they think they are celebrities. They must realise that they are not celebrities; they are prisoners. Thank you, Chair.

Mr H J VAN DEN BERG: Thank you, Chair. Yes, to a large extent, I think we have exhausted this issue, but I also have a question. Maybe I can shed a little bit more of an angle to it. Minister, an effective parole system leads to a situation where experienced criminals can gain access to new and relatively more innocent remand detainees.

How should our parole system find balance between protecting the community by removing the perpetrator and having the prisons serve as a training ground for criminality? Thank you.

The MINISTER OF CORRECTIONAL SERVICES: Thank you, hon Chair. What we do in Correctional Services, is to look at that matter. We had a situation whereby a prisoner was actually removed from KwaZulu-Natal into the Western Cape, and there was an immediate response from the community. I call them the triple-C - it is the Cape Town Crime Crisis Coalition. They immediately phoned me as a Minister or my office and said that this specific criminal, who in fact is now seen as the lord of the gangs, is in Western Cape.

The problem is that in the Western Cape, when it comes to gang violence, it is exactly what you say: It is not only isolated within the prison; but also, actually spills into the community. There are certain orders given. I have never been part of a gang, so I don't know how the orders are even. I was told that this specific prisoner said, ...

*Afrikaans:*

... ek kom bietjie die tuin skoonmaak.

*English:*

I must clean the garden. So, in the language that they have, they know exactly what that means. The triple-C said that it

is actually the community that is paying the price through innocent people getting in crossfires and those sorts of things.

So, that is why we immediately reacted. That person, the next day, was removed out of the Western Cape, actually to C-Max Prison in Pretoria, if I may say it. So, we do look at that because one way to deal with the gangs, if I may say, is to cut off the communication. So, we are looking at that as well. Thank you, hon Chair.

Question 49:

The MINISTER OF CORRECTIONAL SERVICES: The answer to that question is as follows: The Department of Correctional Services has targets on the annual performance plan that seeks to measure the number of socioeconomic opportunities facilitated for victims of crime for 2023-24 financial year. The target was to facilitate 48 victims of crime to benefit from the socioeconomic opportunities and the Department of Correctional Services achieved 470.

In the first quarter of the current financial year the department has achieved 117 against the target of 17. These

achievements are due to increased partnerships with nonprofit organisations, NPOs, and nongovernmental organisations, NGOs. The department has adopted a restorative justice programme with the following objectives: Dialogue or mediation processes for victims and offenders who are interested in repairing the harm caused by offending behaviour; promote healing and restoration of relationships amongst the offenders' families, victims and communities at large whilst correcting offending behaviour.

The programme provides therapy and counseling for identified victims of crime who show willingness to participate in the victim-offender dialogue or mediation programme. This assists the victims to manage their pain and effects of crime and provide aftercare therapy or deep breathing after the victim-offender dialogue, VOD, or encounter. The department also provides a victim empowerment programme with a multidisciplinary approach involving sister departments such as SA Police Service, the Departments of Justice and Constitutional Development, the Department of Education and the Department of Social Development that assist in the reintegration of offenders back into society.

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These programmes are successful in that they prevent victims of crime from pursuing a life of crime out of anger and revenge. They also alleviate poverty and provide income relief to victims of crime and bridge skills gaps as some could not pursue higher education and complete level education. I thank you, hon Chair.

Mr P A PHALA: Good afternoon, Minister. You have partly answered the question. Nevertheless, Minister, there is a strong public perception that the department focuses more on ex-offenders in terms of socioeconomic empowerment. The victims of crime seem not to be assisted. You have put some numbers there, Minister, but I think we need much more in order to assist the victims of crime.

Minister, how can the department make sure that that is done within a short period of time to deal with those public perceptions? Thank you.

The MINISTER OF CORRECTIONAL SERVICES: I want to start by saying that we must just remember when it comes to victims, the department does not have authority over those people to ensure that they, for instance, do participate in a victim -

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can I say - dialogue with the offender. So, we don't have that authority because the victims are citizens of South Africa.

However, we do have control on our offenders, that is true. As I said that there are certain, can I say, agreements as far as NGOs are concerned and public private partners to see how we can assist those victims specifically. I think the problem is that you mentioned a section of people, and I think that perception is created when it comes to bail. We had the last incident of the Van der Westhuizen's case where, for instance, the parole board of Malmesbury, can I say, accept bail for the Van der Westhuizen inmate.

That created an outcry because the victim was actually told that, you must now learn to forgive from one of the parole members on the board. So, that creates the impression that the victims are not hurt. There are certain rules when it comes to parole when it involves victims. From my side I want to see that victims play a bigger role when it comes to parole. I know, the question is about how do we assist them, for instance, in creating jobs for them because many of them after such an offence it is very difficult?

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Nevertheless, I want to say because you have mentioned the perception, so we are looking at that as well. However, we will continue to see if we can get further agreements with more NGOs and public private partnerships, can I say, agreements to those institutions where they can assist specifically when it comes to, can I say, the victims of crime. Thank you.

Ms M KENNEDY: Minister, when someone experience a crime the community expect that they will be supported and that somehow their needs will be met. In the past we may have assumed that those needs related only to the outcomes of prosecution process. However, we have come to understand that victims' needs are varied and that their experiences are also varied. In light of this, what programmes have been put in place to cater for this diversity of needs? Thank you.

The MINISTER OF CORRECTIONAL SERVICES: Hon member, if I understand you correctly you specifically referred for the community. I do understand and I agree, when a member of the community where the victim of, say for instance, an assault with the intent to do gross bodily harm, it is traumatic. It also influence the community. However, we must also understand

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that that is outside the mandate of Correctional Services. Only when the offender has been sentenced where the correctional services department can get involved. What you are mentioning, I think, it's more to Social Services.

I think a good example, these actually are the communities in the Western Cape because of the gang fights where children and innocent people are getting killed in crossfire. Now, I can just imagine, it is actually creating a traumatised community. Again, as far as that is also concerned we will have to take hands. Remember I said it is outside the mandate of the Correctional Services but that is where police can play a role, again that is where Justice can play a role, again that is where Social Services can play a role, even the housing department.

We don't know what the specific circumstances are but suffice to say unfortunately, it is outside our mandate. However, I do think there are certain steps to be taken as I have mentioned. Thank you, hon Chair.

Mr O J MOKAE: Good afternoon to the hon Minister. I just want to throw a spanner in the works, hon Minister. In light of the

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recent Sun City raids does the Minister agree that it is, in fact, not the parolees and ex-offenders but the correctional services employees who are benefiting from economic empowerment initiatives at the expense of victims especially as you mentioned, hon Minister, officials who gets rewarded after they leave the service. Thank you very much, hon Chair.

The MINISTER OF CORRECTIONAL SERVICES: I hear what you say that the real beneficiaries are actually the police, if I understand you correctly, and the officials from the Correctional Services when we talk about raids. You would say that but I am not necessarily agreeing with you because if we can get, can I say, the officials who are part of - and I said it just now when I refer to the contraband - they will pay a price.

I think part of the problem in South Africa, and I say South Africa, it is not only in correctional services, it is impunity. People - like they always say - some people really get away with murder and that is why I say that we have to look at the whole system as such. As I have mentioned, for instance, we are providing victim empowerment programmes, it is not that we ignore the victims.

The victims are very important and I can also say that we are looking at the process when it comes to the reform of the parole system as such. Part of that from my side is to see that victims are playing a bigger part in the final determining of if a person qualifies or can go on parole or not. So, we have our victim empowerment programmes and we will continue with that. Thank you, hon Chair. Suddenly there's a change here.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr P Govender): Thank you, hon Minister. Greetings to the Minister, the Deputy Minister who is here and greetings to all colleagues. Hon Minister, we now move on to the next question.

Question 64:

The MINISTER OF CORRECTIONAL SERVICES: Hon Deputy Chairperson, the answer to Question 64 is as follows: Yes, the department is implementing compulsory education which is aligned to the following legislative framework. The Constitution of the Republic of South Africa read together with chapter 4, section 41 of the Correctional Services Act as amended to the Department of Correctional Services makes provision to

offenders gain access to as full a range of programmes and activities including needs-based programmes as is practical to meet the educational and training needs of sentence offenders.

The Department of Correctional Services ensures that development programmes are marketed to all offenders. The department has a compulsory education, nor the compulsory education for the offenders aged 30 years and below which is incorporated in the standard operating procedures. Part of the sentence plan the compulsory offenders who have not acquired a level of education equivalent to Grade 9 or Abet level 4 to attend Offender Development Programmes at formal education and skills development. The Department of Correctional Services Skills Training Programmes offered are accredited. This means we are providing what is demanded by the market.

In addition, the Department of Correctional Services is supported through partnership with various stakeholders to achieve on the skills training mandate. The National Skills Fund and Safety and Security Sector Education and Training Authority, Sassetta, are major role-players to support the Department of Correctional Services.

Other Sector Education and Training Authorities, Setas, for instance manufacturing, engineering and related service sector and training authority also supports the Department of Correctional Services in the provision of skills training to inmates. The skills that offenders and parolees have acquired, some are involved in community projects where amongst others build houses for community members, renovate schools and school furniture and various other community projects which directly or indirectly benefit victims of crime and indigent families.

The Sassetta continues to fund the training of offenders on Vocational and Occupational Skills Programmes.

In preparation towards the insourcing of the nutrition services, the department has successfully trained more than 352 offenders on the accredited Chef Assistant and Baking Skills Programmes at the previously outsourced management areas. Thank you, Deputy Chairperson.

*Afrikaans:*

Mnr V GERICKE: Ek slaan oor na my moedertaal toe, Minister. U sien, die probleem is toerekeningsvatbaarheid. As jy nie 'n

mate van geleentheid het nie en jy verstaan nie wat jou daad vir die ander ou gaan beteken nie dan steek jy hom met die mes of jy maak hom dood.

*English:*

There is no level of accountability. That is the thing.

*Afrikaans:*

Nou, die vraag hier gaan oor verpligte opleiding. U het genoem dat daar is verplig ... 30 en onder maar aan die anderkant maak die wet ook voorsiening vir 'n opsie in geval die ouens wil deelneem. As die EFF vra ons juis of ons die verpligte opleiding kan kry sodat ons meer produktiewe gevangenes in die gemeenskap terugsit en sodat hulle ook ekonomies kan bydra.

Nou vra ons verder of daar vennootskappe is wat bespreek is. U het genoem van die setas. Ons waardeer wat u sê maar ons dink dat ons die Departement van Hoër Onderwys en selfs ook primêre onderwys betrokke moet kry om opleiding te gee sodat mense begin om te ... U moet onthou dat daar 'n groot groep van ons mense, van my kleur mense, is wat ongeleerd is en wat buite die sisteem val. Ons moet daardie mense in 'n sisteem opvang.

Soos u in die syfers genoem het ... 100 000 gevangenes. Dit is 'n groot mark wat u het en ons moet daardie mark ... werk want daardie mark recycle [herwin] aanhoudend elke jaar.

So, kan u vir ons 'n onderneming gee dat u verder met vennootskappe met alle skills development [vaardigheidsontwikkeling] organisasies, die departement van onderwys, ens sal gaan sodat ons 'n basiese vlak van onderwys by die gevangenes ook kan kry?

Die MINISTER VAN KORREKTIEWE DIENSTE: Agb Voorsitter, die agb lid en ek deel dieselfde moedertaal. Hy het sy vraag in Afrikaans gevra so kom ek sê die volgende vir die agb lid. Ek kan sommer dadelik sê, ja ons sal voort ... Ek is op hierdie stadium met 'n proses besig waar ons probeer om met sekere private instansies 'n plan op die tafel te sit wat betref spesifiek ... en dit gaan saam met selfvoorsiening in die landbousektor. Deel van daardie aspek is dat meeste van ons fasiliteite het landbougrond. Van daardie landbougrond word gebruik om kos vir die instelling te produseer. Daar is selfs plekke waar hulle hoender, eiers en al daardie tipe van goed aan die publiek verkoop. Daar is bakkerye.

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As ek spesifiek na hierdie projek terugkom dan is deel daarvan om aan die einde van die dag 'n sertifikaat te kan uitreik. Kom ek sê byvoorbeeld die persoon het intussen geleer hoe om 'n trekker te bestuur. Dan kry hy 'n sertifikaat wat sê dat hierdie persoon gekwalifiseer het en 'n trekker kan bestuur. Daardie persoon kan met daardie sertifikaat gaan werk doen en gaan hy dalk makliker ... kry.

As dit kom ... U het nou gesê dat soos ek gesê het alle gevangenes 30 jaar en jonger word verplig – en daar is baie van daardie mense wat Graad 3 of Graad 4 het – om wel die onderwys kursus te doen om hulle daarom op die vlak van Graad 9 en selfs verder te kry. Daar is ongelukkig ook van diegene wat bo 30 is, soos wat u in 'n mate verwys het. Baie van hulle ... Jy kan vir my sê nee maar hulle moet nou gaan deelneem aan hierdie proses maar hulle gaan nie slaag nie. Dan kyk ons na ander metodes om te kyk waar 'n mens hul vaardighede ... in terme van praktiese voorbeelde sodat as hulle in die samelewing herintegreer word dat hulle 'n bydra kan lewer.

Kom ek vat byvoorbeeld vroulike gevangenes. Hulle leer byvoorbeeld hoe om hare te doen. Van hulle is uitstekend daarmee. Baie van hulle kom agter dat hulle besondere eienskappe en talente het en dan kry hulle 'n sertifikaat.

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Daar is suksesverhale waar van daardie mense hul eie haarsny besigheid begin het. Ek dink dit is die voorbeelde wat ons na moet kyk om dit verder te bevorder en ek kan dadelik vir die agb lid sê dat ek die onderneming gee dat ons sal voortgaan om te kyk hoe ons dit kan uitbrei en meer ... geleenthede gee want op die einde van die dag dan sê ek ook, kom ons sê 'n gevangene het 10 jaar vonnis gekry. Na 10 jaar is daardie persoon uit ons fasiliteite uit. Korrektiewe Dienste kan nie kom sê, nee, nee jy het jou nie behoorlik gedra nie. Ons dink ons gee jou nog 10 jaar. Ons kan nie. Daarom is daar 'n verantwoordelikheid op Korrektiewe Dienste om te verseker dat die herintegrasie van ons gevangenes suksesvol moet wees want aan die einde van die dag kan hulle weer 'n bydra maak tot die mense van Suid-Afrika en 'n bydra maak om Suid-Afrika te bou.

*English:*

Thank you, hon Deputy Chairperson.

Mr N GOTSELL: Hon Deputy Chairperson and hon Minister, it is indeed very good to hear about all these programmes. It is really heartening to hear that actually there is a programme in place and even for those who perhaps are not as not qualified as others. However, just to say for argument's sake

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one of the main VBS Mutual Bank looters are finally imprisoned for stealing money from the Limpopo granny's stokvel and they now find themselves in orange overalls.

What type of educational programme could your department offer to for an example an educated person or someone who is considered a leader in their community or even someone who is the president of an organisation to assist and compel that person to rehabilitate them to someone who is not only a thief but somebody who is so unscrupulous that he would steal from the poor?

The MINISTER OF CORRECTIONAL SERVICES: Hon Deputy person, let me say I do not want to get into this span down here. I think what you are saying because it is soon you will get well educated people like the chief executive officer, CEO, for instance, I mean what education you will impart to such a person when he is imprisoned to really when it comes to education when it comes to qualifications? However, we do have other services. Let me also say this. When I referred to the educational services and all things it is not something new. It is always being part of correctional services where the correctional services tried to educate people.

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However, coming to your specific category that is when you bring in the psychiatrists, the criminologists and others and they can I say engage with those people. For at the end of the day, a criminal or a prisoner must understand that he or she did was wrong, and it was not in the interest of the people of South Africa. That is not easy because when it comes to parole - I personally must deal with when it comes to the life sentences. What I saw on my table, it is that quite a lot of them are in a state of denial. They do not can I say admit that they have done anything wrong. So that is a big problem. That is more of a psychological issue. We are providing those services to see that well-educated prisoners can also be rehabilitated in a certain sense. Thank you, hon Deputy Chairperson.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr P Govender): Hon colleagues, let me remind you of Rule 46 in our handbook of members passing in between the Speaker as well as the person that is at the podium. Thank you very much.

I now move on to the next follow up question and that is from the hon Ngcobo of the MK party.

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Ms Z N NGCOBO: Hon Deputy Chairperson and hon Minister, there is a high rate of recidivism in the South African prisons with approximately 70% of released prisoners reoffending within two years. Does this indicate a need to reassess or strategise the current transition or educational programmes? If so, how does the department plan to address this issue? Thank you.

The MINISTER OF CORRECTIONAL SERVICES: Hon Deputy Chairperson, let me say this when it comes to recidivism it is a problem. I always say you must identify the problem before you know what steps to be taken. Now firstly, at this moment we do not have an official can I say figure when it comes to recidivism. Some people say reoffenders of the people who got back into society is 88% some say 90% and some say no, it is not that high. I am informed that the world average is round about 30%. So, what we are doing, we are looking into universities who can assist with proper research so that we can have those figures.

However, I have mentioned what programmes we must see if we can get people. That is where rehabilitation comes in. There are specific programmes for rehabilitation. The whole aim for that rehabilitation is to ensure a successful reintegration of the person into society.

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There are different can I say programmes to do that. We will further focus on that because that is one challenge. I want to say that if it may that I have a certain legacy as Minister of Correctional Services I would like to see that when we talk about recidivism that we can bring the number down. For then we can say that we succeeded to ensure that the reintegration process and programmes did work. That would benefit South Africa. Thank you, hon Deputy Chairperson.

Ms O D MEDUPE: Hon Minister, thank you for the response.

Earlier on your response to the hon Gericke partly covered the question that I wanted to ask. On your responses I struggle to pick up as whether the department has a programme that is able to follow the progress of the ex-offenders in using their skills? Thank you very much.

The MINISTER OF CORRECTIONAL SERVICES: Hon Deputy Chairperson, can I say to the hon member to just give you some indication referring to recidivism. On our Adult Education Training Programme, I have here the total number of offenders who participated and that is specifically the compulsory education programme 30 years and below as of June 2024. In total we had - let me quickly say yes in the Eastern Cape a 196, Gauteng

53, Free State and Northern Cape 194 and I can continue. In the end the total people involved were 882 males and 107 females. A grand total of 989 who participated in this specific programme. We do believe with those programmes we will be able when it comes to reoffenders to make a difference. It is a small part and not a complete one but that is part of it. Of course, as I said other programmes which will then be followed. Thank you, hon Deputy Chirperson.

Question 55:

The MINISTER OF CORRECTIONAL SERVICES: Hon Chair, the reply and the answer to the question is as follows. The Department of Correctional Services provides access to development programmes to offenders. The following are the delivery areas offered to offenders leading to a full or a part-time qualification: Adult Education and Training, AET, levels 1 to 4 with an exit certificate obtained from the Department of Higher Education and Training as General Education and Training Certificate. This qualification is equal to the National Qualifications Framework, NQF, Level 1; Further Education and Training, FET, Grade 10 to 12 is offered at the Department of Correctional Services' full-time schools. The exit qualification is Grade 12 which is equal to NQF Level 4;

Technical and Vocational Education and Training, TVET, college programmes; engineering studies N1 to N6; business studies N4 to N6; National Certificate Vocational levels 2 to 4; and occupational and vocational skills programmes accredited by the Sector Education and Training Authority, Seta, and the Quality Council for Trades and Occupations, QCTO.

Offenders can also obtain qualifications as coaches in various sporting codes. The department provides access to development programmes to offenders. The following institutions offer full or part qualifications. The Department of Higher Education and Training to Adult Education and Training, AET, the Department of Basic Education for FET, the Department of Higher Education and Training to TVET colleges, various setas for various accredited skills programmes and various qualifications accredited by sporting federations. The Department of Correctional Services has registered TVET examination centres with the Department of Higher Education and Training and accredited offender workplaces with QCTO and setas.

Yes, on the second part. There are support programmes to assist released parolees and probationers to gain experience in line with qualifications acquired during incarceration. For

instance again ... experience with such qualifications the department has made some strides in order to assist parolees and probationers in search of economic opportunities. That's access to education, training, skills development, guidance, entrepreneurship and employment. The Department of Correctional Services is working closely with various stakeholders to seek opportunities for parolees and probationers to do practical learning and workplace exposure in line with qualifications that parolees and probationers acquired while incarcerated. The Department of Correctional Services conducts community work which provides a platform for parolees and probationers to practise skills acquired during incarceration as a means of rendering community services. It ranges from the building of houses for needy families, the renovation of schools, the refurbishment of school furniture, agriculture, painting, etc.

Where skills gaps are identified, the Department of Correctional Services bridges the gaps by enrolling parolees and probationers on learnerships of skills programmes to prepare and improve their chances of entering the job market. As far as ... [Inaudible.] ... get employment in their fields of study, through the existing partnership with external

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stakeholders, the Department of Correctional Services has made means for qualified parolees and probationers to be employed in their field of study.

However, it is not always possible and therefore they are encouraged to further their studies in order to have a full or complete qualification of what they learnt in correctional centres. They are also encouraged to venture into something new for them. The Department of Correctional Services advocates for entrepreneurship. Given South Africa's unemployment status and to support the idea, the Department of Correctional Services has facilitated new venture creation programmes and learnerships partnered with the Development Bank of Southern Africa and the National Youth Development Agency. Thank you.

*Afrikaans:*

Mnr H J VAN DEN BERG: Minister, daar is 'n Afrikaanse gesegde, naamlik ledigheid is die duiwel se oorkussing.

*English:*

The English version of the saying would probably be idleness is the devil's workshop. It would imply that a mind that is

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kept busy does not have time to degenerate into adverse thoughts.

Minister, my question to you is as follows. Is it perhaps possible that we could be looking at reintegrating prisoners back into employment possibilities, perhaps looking at public building programmes, employing prisoners that are close to parole at the building sites, etc. Should that not be a good programme to get them reintegrated into society? Thank you.

The MINISTER OF CORRECTIONAL SERVICES: Hon Chair, the hon member referred to the devil's workshop. That's a new one. However, that's why we do have workshops in Correctional Services where for instance furniture is manufactured, when it comes for instance to artisans and when it comes to steelworks. I can say to the hon House that all the furniture in my office in Pretoria has been manufactured by prisoners. All the furniture. It's quality. It's good. I have already mentioned that, for instance when it comes to communities, we have prisoners who assist in the building of schools and manufacturing furniture for those schools.

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I would like to see that we expand that. For instance, when it comes to agriculture, I said it's about self-sufficiency so that we can save taxpayers' money to ensure that every facility can get their food from our own production when it comes to agricultural products. So the programmes are there and I can assure the hon member that, yes we see how we can combine it with community projects.

I've mentioned, for instance assisting with the building of schools and the manufacturing of furniture for schools. If you are a prisoner, when it comes to reintegration or rehabilitation, if you feel that you did something positive in giving back to the community by building or assisting in building a school or manufacturing a piece of furniture, I do believe that the rehabilitation process will be enhanced and I do believe that reintegration will be more successful. I thank you, hon Chair.

*Afrikaans:*

Me L H ARRIES: Minister, die program wat tans aangebied word vir gevangenes het blykbaar 'n aantal uitdagings. Daar is huidiglik 'n groot aantal gevangenes wat uit die leer onderrig proses uitval. Dit is as gevolg van ongunstige leeromgewings

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en leerstyle en 'n tekort aan klaskamers. Watter inisiatiewe het u geneem om fasiliteite te herbou en op te knap sodat die rehabilitasie en onderrig behoeftes van gevangenes aangespreek word?

Die MINISTER VAN KORREKTIEWE DIENSTE: Ek het netnou ook gesê en ek verstaan ... en kan ek vir die agb lid sê dat dit hier oor ruimte gaan. U verwys byvoorbeeld na ongunstige omstandighede, byvoorbeeld daar waar die onderrig gegee word is te beknop. Ek het gesê ons het 'n hele paar projekte wat ons tans meer besig is waar ons met uitbreidings by bestaande fasiliteite besig is waar ons dan meer ruimte skep waar ons meer betrokke is. So dit gaan deel kan wees om dit meer gunstig te maak in terme van daardie omstandighede.

Ek verstaan maar ons moet ook vir mekaar sê dat ek dink as jy die hele dag moet sit en niks doen nie – die devil's workshop – al is die omstandighede miskien nie die gunstigste om te kan leer nie, is dit minstens 'n poging om te sê hier is 'n geleentheid. Maak gebruik daarvan.

Mnr N H PIENAAR: Agb Minister, welkom by die opper Huis van die Parlement. Die hoër Huis, dankie. Minister, sal u in

samewerking met ander staatsdepartemente na die moontlikheid kyk om werkgewers wat gevangenes, wat hul tyd gedien het en weer 'n bydra tot die samelewing probeer maak en om die werkloosheid krisis onder beheer te kry, in diens neem, belastingvoordele te gun? Dankie.

Die MINISTER VAN KORREKTIEWE DIENSTE: Agb lid, ja ek sal graag maar dit hang van die Minister van Finansies af want hy bepaal of daar 'n bepaalde afslag op belasting kan wees as jy sekere inisiatiewe neem. Ek onderneem om met hom te praat. Of hy dit gaan toelaat ... Ek sê altyd politici is baie lief om beloftes te maak. Ek is versigtig om beloftes te maak want ek glo as jy 'n belofte maak moet jy dit kan uitvoer. Dit is buite die beheer van Korrektiewe Dienste maar ek hou van die idee.

Daar is natuurlik sekere projekte wat byvoorbeeld tans in werking is waar werkgewers, veral as dit by die jeug kom, sekere subsidies kry. Die agb lid verwys nou spesifiek na byvoorbeeld verminderde belasting. Ek is nie bewus dat daar verminderde belasting is nie maar daar is byvoorbeeld subsidies wat dit betref. Soos ek sê dit bestaan juis alreeds, veral wat die jeug betref. Dit kan 'n goeie idee wees dat 'n mens dit dan kan uitbrei na, byvoorbeeld gevangenes wat dan

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weer in die samelewing kom om dit ook op hulle van toepassing te maak.

Aan die agb lid, ek onderneem dat ek die saak verder sal opneem. Ek hou van die idee.

*IsiXhosa:*

Inkosi M NONKONYANA: Sekela Sihlalo, namalungu ale Ndlu ahloniphekileyo, ndiyabulisa.

*English:*

The MINISTER OF CORRECTIONAL SERVICES: Sorry, hon Chair, I just want to get ... because ...

The DEPUTY CHAIRPERSON OF THE NCOP (Mr P Govender): Hon member, can you please take your seat?

The MINISTER OF CORRECTIONAL SERVICES: ... I just want to make sure that there is an interpreting service. I don't see it here. I am on two now. Yes, okay. Sorry, hon member. You can speak in your mother tongue. That's no problem.

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The DEPUTY CHAIRPERSON OF THE NCOP (Mr P Govender): Sorry, Hon member. Can I ask the Table Staff to reset the clock, please?

*IsiXhosa:*

Inkosi M NONKONYANA: Uya kundiqaphelisa ke, Sekela Sihlalo.

*English:*

The DEPUTY CHAIRPERSON OF THE NCOP (Mr P Govender): Okay, hon member. You may start.

*IsiXhosa:*

Inkosi M NONKONYANA: Sekela Sihlalo, ndifuna ukubulela kumalungu ale Ndlu ahloniphekileyo athe afaka le mibuzo neempendulo ezithe zafumaneka kuwe Mphathiswa. Enyanisweni, kumnandi kuthi ukuqaphela ukuba, ukulungiswa kwezimilo nokutyalwa kwezakhono kumabanjwa ezintolongweni ukuze abelulutho eluntwini kubalulekile. Kodwa ke, loo nto iza kufuna ukuba ningayipapashi kakhulu kube ngathi kumnandi ngaphakathi ezintolongweni. Kufuneka abantu bayibone intolongo njengendawo engalunganga ukuze bangaphuli umthetho.

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Siyaqaphela ukuba amanye amabanjwa aphuma engabefundisi beenkonzo. Siyayincoma le ndima idlalwa leli sebe. Ndifuna ukuqonda ukuba ezi zakhono nizinika amabanjwa zincedisa njani phaya ezilalini ukuphucula kwimveliso yemisebenzi? Loo nto iya kwenza ukuba babe lulutho kule mfazwe siyilwayo yokunqongophala kwemisebenzi ukuze abantu bakowethu babenempilo engcono. Camagu.

*English:*

The MINISTER OF CORRECTIONAL SERVICES: Hon Chair, I answered the other people in Afrikaans because it's also my mother tongue but I did follow the hon member. So thank you for the question and thank you for the good words spoken.

In terms of your question as to how specifically in your region people benefitted and how they were reintegrated, if I understood you correctly, I do not have the specific figures here. If I listened to the hon member, you must assist me. Are you from KwaZulu-Natal?

*IsiXhosa:*

Inkosi M NONKONYANA: Ndicela ukukunceda. Mphathiswa, andibuzi ngaloo nto. Into ebendiyicacisa kukuba...

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*English:*

The MINISTER OF CORRECTIONAL SERVICES: Sorry, there is no interpreting service. Okay, it is back.

*IsiXhosa:*

Inkosi M NONKONYANA: Hayi, Mphathiswa, bendingabuzi ngaloo nto. Andisuki KwaZulu-Natal, mna ndisuka eMaMpondweni phaya kwela Phondo leeNgqwele, iMpuma Koloni. Bendincoma ubuhle bento eniyenzayo yokufundisa amabanjwa izakhono ukuze xa ephumile abelulutho kuMzantsi Afrika jikelele. Ndithethela phantsi kwegama lombutho weANC, andithetheli amaMpondo. Xa silapho ke, kuyafuneka kukhangelwe ukuba ingaba bayasancedisa kusini na kweli phulo lethu lesizwe lokuvelisa imisebenzi, indlala igxothwe ukuze abantu bahlale ngokonwaba elizweni loobaw'omkhulu bethu. Camagu.

*English:*

The DEPUTY CHAIRPERSON OF THE NCOP (Mr P Govender): Thank you for the explanation, hon member. I didn't want to stop the hon member because I can't stop Inkosi when he's speaking, especially if he's got his stick in his hand. So I allowed you. Hon Minister, your response please.

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The MINISTER OF CORRECTIONAL SERVICES: Hon Chair and hon member, no, what we do is if we give these people skills, depending on what this type of skill is ... I've mentioned there are different skills, for instance when it comes to artisans ... educational, and you would have noticed when I gave some of the other courses, there are also people that can graduate when it comes to engineering and all those, and even in business.

So we do that, and if they are reintegrated into society they can contribute. However, of course we must also say the moment the prisoners go back and are reintegrated, they can go wherever they are or want to go. And what we do as part of our rehabilitation is also to see how that specific inmate can be assisted by the community where he or she comes from. I've referred, for instance when it comes to parole of lifers, one of the questions I also ask is what are the possibilities for this specific prisoner, if he or she gets parole, how he will be integrated into the community? Does he have family support? That is also very important. I do understand it must be all over South Africa but it is their free choice where they want to then apply those skills. We do believe that when it comes,

for instance to unemployment in South Africa we can contribute because we must remember that one of the main aims, specifically when it comes to the government of national unity, is to ensure that we build the economy, and by that ensure that we reduce the level of unemployment.

So in this sense, Correctional Services is trying its best to contribute to ensure that they have skilled people who are in a position to get a job and not become part of unemployment statistics. Thank you, hon Chair.

Question 50:

The MINISTER OF CORRECTIONAL SERVICES: Hon Chair, the answer to the question is, yes, through the existing social reintegration framework, the Department of Correctional Services has managed to achieve the following: Hosting of Izimbizo. This gave communities the platform to engage on issues of reintegration of offenders and encourage participatory approach. Imbizo is also used to improve community education on the mandate of the department. I think it also link to what the other hon member has asked.

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When it comes to the performance achieved, a performance of 55 out of a target of 18 on Imbizo for quarter one 2024-25, partnership with multiple stakeholders on a formal and informal basis for the benefit after the release, probation and victims of crime. To establish and maintain community corrections forum and community participation to afford community-based organisations, non-profit organisation, non-governmental organisations, faith-based organisations, traditional leaders and councils, institutions of learning, government departments, state-owned entities, privately-owned business and families to contribute positively to crime prevention, prevention of reoffending, rehabilitation and reintegration.

We have a memorandum of understanding, MoU, signed by the National Youth Development Agency, National House of Traditional Leaders, National Institute for Crime Prevention and the Reintegration of Offenders, National Electronic Media Institute of South Africa further to look on communities of poverty. Therefore, we achieve the performance of 5 135 out of a target of 1 700 for quarter one, 2024-25.

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I can say communities of poverty alleviation activities such as building of houses for the poor or vulnerable and refurbishment to schools to facilitate economic opportunities which seeks to deliver employability of parolees, probations and victims of crime thereby ensuring that some are employed, on learnership and skills development to enhance the chances of employment or to venture into entrepreneurship. On that, we achieved the performance of 158 out of a target of 30 on parolees and probations that benefitted on economic opportunities, achieved the performance of 125 out of a target of 30 on victims of crime. I say again, victims of crime that benefitted from socio economic opportunities for quarter one this year. Further, to conduct restorative justice programmes, victims of offender dialogue or mediation as a way of restoring relationships and repair harms causes by criminal activity provided platform for dialogue, mediation between victims and offenders for healing and closure from the crime committed.

We achieved the performance of 3 535 out of a target of 1 325 on victims of crime that participated in the restorative justice programmes. We achieved the performance of 1 172 out

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of the target of 1 000 of offenders, parolees and probations that participated in the restorative justice programme.

When it comes to corrections community officers, community correction officers have been decentralised in order to ensure that services are accessibly to communities where the offenders are residing especially in rural and remote areas.

The establishment of service points promotes partnership with different stakeholders for successful reintegration of offenders since the establishment of the service points. The number of violations has significantly decreased resulting in adherence to parole condition by offenders.

When it comes to family support, the families of offenders are a potential source of support and assistance when they re-enter the community.

Offenders who have greater family support are better in terms of obtaining employment and having greater stability in employment than those who have less or no support. I thank you.

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*Setswana:*

Moh J S MANANISO: Modulasetilo, ere ke leboge, ke lebogise Tona mo karolong ya gagwe e ntšhwa.

*English:*

I want to wish you well, Minister, because I can see as you are responding, it really shows that you took time in terms of understanding how far did the hon member, the Minister, who came before you have went, and I really appreciate the passion of speaking about this integration programmes that you have in the department and one would want to say that you must continue where he has left and exceed where he has left.

One thing that you have just highlighted now hon Minister is the fact that the department has exceeded its target. I want to know where the department has exceeded its target? Does this particular outcome speak to minimisation of repeat offenders or its just targets that are met but yet there is no positive response? In terms of minimising that, repetitive offenders, they come to jail time and again. I thank you.

The MINISTER OF CORRECTIONAL SERVICES: Hon Chair, let me say this as the hon member would have heard that we do have follow

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ups and we have already determined, for instance, when we have offenders, and they were reintegrated in their communities the more acceptance there is from the community the better the specific person is becoming as a contributor to the community. Where they have large families then we have the situation that we follow as part of a research as far as that is concern that they get much easier and employment where they can also ensure that they are not becoming part of the unemployed.

So, yes, we have our own targets. We are looking to see that we always least make sure that we are going and ensure we are on target. In this case as you mentioned, we are aware of our targets. I think that is also inspirational from Correctional Services when it comes to the employees of Correctional Services that they can see that there is progress in a specific department where people are to say successful reintegrated into their communities. I thank you.

Mr M BILLY: Good afternoon, Chairperson. The question to the Minister is: a further objective of the framework is to ensure public safety with the number of parolees who commit further crimes. Do you think there is a need for the department to revisit the framework and the way it has been operationalised? And what do you plan do in this regard, hon Minister?

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The MINISTER OF CORRECTIONAL SERVICES: There is always space to ensure improvement. As the hon member has said that we have our targets and what we envisage when it comes to this business and when it comes to the fact of rehabilitation and reintegration because that actual what the hon member is referring to. Then I say, yes, we are open. I said that we are busy with a process of reforming. We are also looking at the Correctional Services system as such to see how we can improve. The areas the hon member has mentioned will be part of that and if we can improve that because of good ideas or results. I can assure the hon member, we will use them because anything that can improve the system as such will be a benefit and at the end to the people of South Africa. I thank you.

Ms L H ARRIES: Minister, to what extent are the victims of those who are socially integrated included in the process particularly that rendered to parolees?

The MINISTER OF CORRECTIONAL SERVICES: Sorry, hon Chair, can she explain again the last part of her question.

Ms L H ARRIES: Can I repeat it.

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The DEPUTY CHAIRPERSON OF THE NCOP (Mr P Govender): Yes, repeat the last part.

Ms L H ARRIES: To what extent are the victims of those who are socially integrated included in the process and particularly that rendered to parolees?

The MINISTER OF CORRECTIONAL SERVICES: Part of that is that when it comes to parole, we do ask the question, what is the family support. We also ask, what is a situation of the victims as the hon member is referring to. And that's part of the victim dialogue with the offender. It's known as Victim Offender Dialogue, VOD.

Of course, you get a situation where the victim is not interested in such a dialogue. So, if he or she does not want to participate in such VOD then the department cannot do anything about it. But we do from our side encourage the victims what the problem is. And that is that victims when it comes to parole that they had to register to be part of the hearing when the Parole Board has to make a decision. Yes, I must admit that there is a problem in this sense that you have

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victims who have registered because they must register at the Parole Board in the area where the prisoner is. And what then happens is that the prisoner is transferred to another prison outside the areas where there are 52 Parole Boards and then the victim is not informed about the change. I said we must look into that. That's part of the parole reforms that there should be an electronic system, the IT programme, that if a victim registered to be part and to be heard on the parole board then that victim must immediately by means of a system be informed that the personnel has now been transferred to another prison. Of course, that is also then to ensure that when parole has been given that the victims are correctly informed. Thank you, hon Chair.

Mr M M PETER: Good afternoon, Deputy Chair.

*Afrikaans:*

Goeiemiddag, agb Minister. Ek is vandag so bly.

*English:*

I am so happy today, Minister, that the dream of our grandfather Nelson Rolihlahla Mandela and our stalwart

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Bantubonke Holomisa has emerged that today black and white are governing this country. I thank you.

My follow up question, Minister, is: one of the objectives of social reintegration programme is to provide offenders with assistance and supervision that they may need to desist from crime to successfully reintegrate into the community and to avoid a relapse into criminal behaviour. Despite that it is estimated, Minister, that between 80% and 94% of released prisoners reoffend. This is attributed to ex-convicts being ostracized in the job market. Whether has your department considered other effective alternatives to prevent ex-offenders from relapsing into criminal acts? I thank you, Minister.

The MINISTER OF CORRECTIONAL SERVICES: I think the election has determined that there must be change in South Africa. So, we are all part. Everyone sitting here is part of the change in South Africa for the better future. Make no mistake as far as that is concern.

What I want to say is the following and I actually in a certain sense dealt with the question in previous answers to

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say that you will never get a 100%. Well, I say never but I can't see you will get the 100% rehabilitation of inmates that will prevent them from reoffending. You always have that risk. What is important, I am also told that part of our crime problems in South Africa is that you have a culture of criminality in a family, and it is said that you have families their whole life their income was based on crime. I call it a family culture. So, when it comes to rehabilitation when it comes to reintegration, and I said it many times and that's beyond the extent of Correctional Services. Communities must also play an important role.

Yes, if a person lives in our facilities there is also an obligation on the community to ensure that that person is successfully rehabilitated. Everyone needs another chance, a second chance. And to ensure that second chance I would from my side appeal to the families, to the communities when we released prisoners to start reintegration in the communities let's take hands and let's work together to ensure a successful reintegration without reoffending of the prisoners. I thank you.

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The DEPUTY CHAIRPERSON OF THE NCOP (Mr P Govender): Hon Minister, we thank you for spending this time with us in the NCOP. You did say in the outset that this is your first time in the NCOP. We want to welcome you again and congratulate you on your responses as well as congratulation to your department for the success you are achieving. We invite to stay with us if you have the time but if you want to leave you may do so. Thank you very much, hon Minister.

The MINISTER OF CORRECTIONAL SERVICES: Thank you, hon Chair. I can say that it was a privilege for me to make use of this opportunity and I do believe we will see each other again. Thank you. I appreciate.

Question 51:

The DEPUTY MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Deputy Chairperson, thank you very much. Unlike the hon Minister of Correctional Services it is not my first time in this House, but it is my first time since I have been recycled into this portfolio. The first question by the hon Noe is about the small claims courts. I thank the member very profusely for asking a very, very relevant question which is also very dear to my heart. Small claims courts have been one

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of our Justice success stories, and they have contributed very, very significantly to the attainment of access to justice for all.

When the Small Claims Courts Act commenced in 1985, the value of the monetary jurisdiction, that those small claims courts had was only R1 000. Today, that monetary jurisdiction stands at R20 000. I think there is a good reason why we should seriously consider an upward revision of the jurisdiction. But I think what it means is that there are more South Africans who have easier access to justice. Also, very significant is that in 1994, there were only 120 small claims courts in South Africa. These were mostly in predominantly white and urban areas. Today, this is no longer the case. The vast majority of new courts and places of sittings are in rural and historically black areas.

As part of our commitment to access to justice for all, the government has made a significant effort and succeeded in rolling out a functioning small claim court in every magisterial district of our country. Today, we have 415 small claims courts around the country. Each magisterial district

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court now has a small claims court, and we also have 48 additional places of sittings.

Small claims courts are our frontline courts, courts that are at the very coalface of our peoples' needs on an accessible and user-friendly justice system. Accessible justice system must be inexpensive, it must be easy to understand and it must deliver results speedily. These is exactly what our small claims courts do. They are speedy, simple and cost-effective way to resolve disputes. The most possible aspect of the small claims courts is that they level the playing fields between the litigants. It is a court in which you represent yourselves. It doesn't matter how much money you have you are welcome. Your senior counsel is not welcome. And where a person is not familiar with the laws and the process, the cloak of the court is there to assist.

I think one of the very, very heartening futures of the small claims court is that it gives expression to volunteerism on the part of the legal profession because the commissioners of the small claims courts are really the backbone of these courts. The commissioners and the advisory board members play

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a very, very important role and the fact is that they do it on a voluntary basis.

I want also to mention that there are magistrates who also serve as small claims commissioners. The small claims courts mostly sit after hours, and these commissioners assist on a voluntary basis without any compensation. Their compensation is the rewarding knowledge that they serve society and the course of justice, and we thank them for their contributions.

The clerks of courts and interpreters serve as officers of the small claims courts. Most of the small claims courts sit after hours but in certain areas, the more predominantly urban areas, increasingly they are also sitting during office hours.

Deputy Chair, regrettably that's the end of my initial time.

Mr E P NOE: Thank you, Deputy Chair. Thank you, Deputy Minister. Indeed, you gave us a very elaborative answer as far as the small claims courts are concerned. There are a number of areas in your areas in your response which will give us time to follow through especially around the appointment of commissioners and their availability and access to the courts.

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Indeed, as you said they play a very important role in resolving conflicts among those who are not wealthy and therefore unable to afford lawyers. However, for the purpose of today, we would like to know whether the department has a programme which will ensure that the courts get more publicity as far as their work is concern amongst those who need their assistance? Thank you.

The DEPUTY MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT:  
Thank you very much, hon member for a very relevant question. Yes, indeed, justice is justice and it must not only be done but seem to be done in order for it to be seen, and to be done it must be known by the people and therefore the Department of Justice does put quite a lot of efforts into explaining the role, the function, the jurisdiction and the ways in which people can access the small claims courts. That is done both through social media, through advertisements on radio and community radio and in the general work, the role of the department in the execution of its constitutional development and education mandate.

I, for example, recently at the Presidential imbizo at Ekurhuleni had the privilege of walking around the stalls of

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different government departments and visited the Department of Justice's stall as well. There was a wide range of information material there, from the call services offered by the department, copies of the Constitution and also informational pamphlets on small claims courts and how they can be accessed.

Also, in a number of unannounced court visits that I have done, I have always made a point of checking on the small claims office and to make sure that the signage in our courts is also clear and point people to where they can find the office of the cloak of the small claims court.

Having said that, I think your question can only serve as an encouragement to us to do more by way of publicising this very valuable mechanism of access to justice. I thank you.

Mr J H P BRITZ: Hon Deputy Minister, listen to a piece of useless information. Many, many years ago during your first stint at the department, you have signed my appointment as a commissioner of the small claims courts. Both you and I seem to have become older. Deputy Minister, bearing in mind that the small claims courts are dependent on a pro bona services of legal practitioners, serving commissioners. Are there

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enough eligible legal practitioners in rural areas, especially those who are willing and able to serve as commissioners of the small claims courts? And if not, what alternative plans are in place to ensure that these courts function efficiently in rural areas? The reason why I'm asking this is that I was the only commissioner in the rural areas, and as I have come here I think there is a problem. What is in place?

The DEPUTY MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT:

Thank you very much, Chairperson and thank you very much, hon member. Indeed, you are bringing back a very, very fond memories. I must engage with the leadership of your party and reprimand them for removing you from that important responsibility. On a serious note, obviously, you are very, very familiar with the small claims courts and that question that you asked is clearly born out of your experience. It is the experience which I have as well as you put it that in my first stint.

What in many cases held us back from the establishment of the small claims courts was exactly finding commissioners to serve on those courts, and secondly probably less of the problem, the advisory panel members. We have engaged with the organised

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profession to get them to encourage their members to avail themselves and in many cases, and in many cases members have responded very positively. The challenge that you pointed to is that in some of the small communities there are very few practicing lawyers in those cases. I think we would need to give considering to approaching magistrates to see whether they would avail themselves obviously within the confines of a very already onerous tasks.

Beyond that, but I don't want to engage in speculations, I think that there is a broader discussion to be held about the reform of our justice system in general, and our civil justice system in particular, to see whether there are elements of the small claims courts dispensations which can be incorporated into our mainstream justice system that provides much simpler, easier and cost-effective mechanisms for dispute resolutions. Until such time we must just persist in finding good citizens like yourselves to come forward and volunteer. Thank you.

Ms L H ARRIES: Thank you, Chair. I will take the question. Minister, what measures have you put in place to ensure that small claims courts located in areas of periphery of measure

towns are adequately staffed and resourced both financially and in terms of human resources to handle the caseloads effectively?

The DEPUTY MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT:

Thank you very much, hon member for your question. As we indicated in the reply to the main question, small claims courts are staffed and supported by the staff of our magistrates' courts. The clerks, the interpreters and the security personnel all are employees of the Department of Justice and serve to support the work of our magistrates' courts and the small claims courts ride on that infrastructure. Really, the capacitation of the small claims courts is intimately tied with the capacitation of our courts more generally. We believe that by capacitating those courts we would also be capacitating the small claims courts. Thank you very much.

Ms S M MOKOENA: Thank you very much, Chair. My question is very simple. How is the department ensuring that there is provision of skilled language interpreters to facilitate court proceedings? In many times you find that our people cannot understand English. There's usually a fine line within line

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between them getting it completely wrong, the interpretation of the processes of the courts, etc, and it could cause a disruption on how the case actually end up. How far are you facilitating and making sure that the people that are interpreting are skilled in all the languages of various languages that we have in South Africa? Thank you.

The DEPUTY MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT:  
Thank you very much, hon member. Again, it's a very relevant question, but it's a question that also spills over in to the general operation of our courts. The issue of interpreters plays a very, very central role in a multilingual and a multicultural society such as South Africa where in addition the 12 languages are recognised by our Constitution. We are also the host of so many, many people across the continent and the world. That pose soe very significant challenges.

The department is investing a lot of effort and resources in the training of interpreters. The Bridget Mabandla Justice College is playing a very important role in both upgrading the skills of our interpreters and also making a contribution to giving that very important profession the recognition and the

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status that it deserves. That then obviously also provides support to the work of small claims courts.

Hon member, just to illustrate the problem that you alluded to by a way of a slightly more light hearted anecdote the wonder. I visited the small claims court in eThekweni. The matter that was being heard was an IsiZulu speaking woman who had a complaint against the owner of a cellphone repair shop who, if I recall correctly, was from Pakistan. I think he was a Hindi or Urdu speaking - but I forget. Her complaint was that this cellphone repair shop owner had spoken to her in a language that was not very nice - a rude and abusive language. When the cellphone shop owner's time came to testify, the small claims commissioner wanted to swear him in. He said, Mr so and do you swear the oath? And he said, no, no, no, me not swear, me not swear! So, the point a taken that a Hindu interpreter should form a very central role in the functioning of our justice system. It is something that we take seriously, and we are investing in enhancing peoples' capacities.

Let me just say, I know it's not relevant to direct relevant to this matter. But at some stage this House and the select committee we really have to give attention to our overall

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policy with regard to interpretation because very often one has accused people demanding interpretation services of the most sure kind. Very often those interpreters also refuse to interpret on a hybrid or virtual platforms. They insist on being paid the fees and assistance allowances in whatever to go and interpret. It adds huge costs to our justice system, and it often delays the processes very significantly. But that's another discussion for another day. Thank you.

Question 58:

The DEPUTY MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT:  
Thank you very much, Chairperson. The hon member Gotsell has asked a question about the prosecution of persons implicated in the Zondo Commission report. We agree with the hon member that those accused of corruption and other crimes in general and arising from the Zondo Commission report in particular must be brought to book. However, it must also be noted that it is the National Prosecuting Authority, NPA, and not the department as referred to in the question which is responsible for prosecuting and instituting criminal proceedings on behalf of the state. I don't want to be pedantic, but I do think that we must be very rigorous in our use of language because, and I

am not suggesting that the members think it's sloppy, but very often the loose use of language leads to loose thinking.

So, the answer to the question that asks whether her department will prosecute is no, because the Department of Justice does not prosecute people. It is the National Prosecuting Authority that prosecutes people, and they do so in terms of the Constitution. They are bound to exercise their functions without fear, without favour, without prejudice. Prosecutorial independence and prosecutorial impartiality are a cornerstone of the rule of law and a functioning constitutional democracy.

As part of its prosecutorial independence, the NPA not only follows evidence which points to criminal conduct. The NPA will then objectively regard the evidence before it and prosecute a matter based on such evidence and the facts of the investigation, not on the status standing, or any other politically related fact or related to an individual. Since its inception, the investigating directorate of the NPA has done extensive work to address the recommendations of the Zondo Commission. The investigating director has authorised 115 investigations and out of these investigations, 37 cases

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have been enrolled and 178 are at various stages of investigation.

The 37 court cases enrolled followed the arrest of 208 accused and the summons of 67 entities. Many of these cases involve high-profile persons in the private sector and public service, including high level and senior politicians and government officials and former members of parliament. The fact that such persons have and are being prosecuted shows the level of prosecutorial independence and its evidence of the fact that the NPA will prosecute offences regardless of the person committing them. I thank you.

The HOUSE CHAIRPERSON (Mr B A Radebe): Thank you, Deputy Minister. The next supplementary question will come from the hon Gotsell.

Mr N GOTSELL: Thank you, Chair. Deputy Minister, you said that the NPA, and sorry, I apologise for my very loose phrase there. So, I'll break this question down very slowly and very succinctly, I hope. You said that the NPA must objectively consider any evidence, but your department has for two years now delayed the permanent establishment of the independent

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directorate and for two years now you've been blocking full access to vital state capture evidence. South Africans already know who is responsible for the large-scale looting of our state-owned entities. Even Fikile Mbalula admitted that Parliament was lied to in order to protect the Gupta enabler, the looter-in-chief and accused number one, Jacob Zuma.

So, it's suspicious that the Zondo files have yet to be handed to the NPA, let alone that the people of South Africa have not seen some of the main looters prosecuted. What is more suspicious, in light of the fact that our Justice Minister's integrity has been severely compromised without the swift action of the President. So, Deputy Minister ...

The HOUSE CHAIRPERSON (Mr B A Radebe): ... on that one, hon Gotsell, I think you are referring to the Minister who was part of the prosecution here. I think that if you want to bring anything around her, bring it in the form of a substantive motion, please. Disrespect the Rules.

Mr N GOTSELL: Minister, given the latest damning evidence highlighting the severity of the conflict of interest in which the Justice Minister finds herself, when will the handover of

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all Zondo Commission files to the NPA happen? Will it be before or after the Justice Minister resigns?

The DEPUTY MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT:

Thank you, member, for your follow-up question. Maybe just to deal with things one at a time, the first is in relation to my colleague, the Minister of Justice. She is on record, and that was immediately after those allegations were made against her that she would co-operate fully with all relevant law enforcement agencies and other constitutional bodies.

Secondly, she has indicated that she will account to the relevant structures in Parliament that is scheduled to take place this coming Friday. Thirdly, the President is on record when he said that he has requested the Minister to provide a comprehensive report on the allegations.

I think there is no effort at all to hide anything from anyone to shirk accountability. I think that should suffice for now.

Secondly, hon member, you have corrected the inexactitudes in your original question, but you seem intent on perpetrating them in your follow-up question. You made the statement that the Department of Justice has blocked the formation of the Investigating Directorate for two years. I am very curious to

know how that was done when the Investigating Directorate was established by proclamation when the Zondo Commission was still sitting.

In fact, the Zondo Commission's regulations pertaining to access to evidentiary material was amended to allow the Investigative Directorate to access them and to start prosecutions when the commission was still busy with its work before it had completed its final report. So, it cannot be the establishment of the Investigative Directorate. What has taken time and needed this Parliament to adopt legislation was to amend the Prosecuting Authority Act to provide for the Investigative Directorate to be a permanent structure, able to bring on board permanent capacity and staff. That has been finalised.

I do not know whether the hon member might not have seen ... You didn't see that that was proclaimed and that it is now a permanent structure, and that people like Advocate Paul Pretorius and Matthew Chaskalson and Terry Motau have been brought on board. You did see that. Okay. Well, I do not know how, because the legislation was before Parliament. I am not sure how the department would have passed the legislation when

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it was with Parliament, but okay, there's issue of access to the records.

I do not think that there is no... The hon member is misstating the issue. The NPA has not asked for all of the Zondo Commission records, which I am told amount to one petabyte of information, to be handed over lock, stock and barrel. They accept the fact that the Zondo Commission was a commission administered with the assistance of the department, and that those records would be kept in custody by the department on behalf of all law enforcement agencies. The question is the level of access. At the moment, the NPA does apply and has been given, upon application, the information, the dockets, the evidentiary material that they want. The NPA has made out a very strong and cogent ...

The HOUSE CHAIRPERSON (Mr B A Radebe): Hon Deputy Minister. Watch your clock.

The DEPUTY MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Okay. If I can have just ten seconds. The NPA has made out a very cogent request to be able to have unfettered access to search those databases. That is what the department and the

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NPA are working on to make sure that we have a protocol that covers both the access by the NPA as well as taking care of other constitutional and statutory measures. I am very happy to engage further, but there is no question of obstructing the NPA in its work, quite to the contrary.

Ms O D MEDUPE: Thank you very much, hon Chair. Hon Deputy Minister, indeed, we went to town in giving response to this august House. Hon Minister, I want you to assure the citizens of this country whether the Constitution of this country allows courts to use their political affiliation on individuals in deciding actions that should be taken. Lastly, it's my appreciation to the hon Minister who has availed herself to co-operate with the law enforcement agencies and not hesitate to be there. I really appreciate, hon Minister. Thank you very much.

The DEPUTY MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Hon member, thank you very much for your question. Both the courts as well as the prosecution and, dare I say, this Parliament - all of us are subject to the Constitution of the Republic of South Africa and our behaviour must be consistent with the provisions of the Constitution. The Constitution

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enjoins our courts to act with fairness and impartiality without reference to the political affiliations of any litigant or accused person that appears before it. Similarly, the Constitution enjoins the National Prosecuting Authority to discharge its prosecutorial duties without fear, favour, or prejudice. So, there can be no place for considering the political affiliation of any accused person, either in the decision to prosecute or in the adjudication of such a matter. I thank you.

The HOUSE CHAIRPERSON (Mr B A Radebe): Thank you, hon member.

The next follow-up question comes from the EFF. (12:48)

Mr V GERICKE: Thank you, Chair, and thank you, Deputy Minister, and good afternoon. The EFF has long asserted that the Zondo Commission was never intended for the effective prosecution of corrupt politicians. Instead, it was just a tool used to fight factional battles within the ANC. This is evident in how the commission's report was finalised and handed over to the President. Yet today we see selective prosecutions and manipulation of justice. Does the state have the willingness and the capacity to bring all implicated, including those that are in Cabinet now, to court, and if not,

what other alternatives will be pursued to assist with prosecutions? Thank you.

The DEPUTY MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT:

Thank you very much, hon member, for your question. It goes back to the point I was making earlier about the importance of being precise in our language and our concepts. So, when you say that you've long maintained that the Zondo Commission was not meant to prosecute, indeed, that is correct. Commissions of inquiry are not established to prosecute. They are established to inquire, and that the commission did.

Once the commission has done its inquiries, of course, then it's up to the prosecuting authority to take the evidence and the recommendations and to take that forward. And that, as we indicated in our reply in chief, so to speak, that the investigating directorate has conducted 115 investigations. 37 cases have been enrolled, 78 are at various stages of investigation, and 208 people have been accused and 67 entities have been summoned. Now, if that doesn't represent a legitimate and a serious attempt to give effect to the recommendations of the Zondo Commission, and to take that evidentiary material and transform it into prosecutions, then

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I don't know, maybe the hon member could assist me to better understand.

The reality is that many of these cases, as the hon member would know, involve very serious and very complex, often very technical, commercial, and criminal activity. Those investigations and prosecutions don't happen overnight. So, to say that because we are working our way to getting there, there's no allegation that somehow there's favouritism, there's factionalism, you called it, I mean, that's clearly untrue. The result is those investigations and those prosecutions are ongoing, they will continue, and those who are guilty, I can assure you, will be brought to book. Thank you.

The HOUSE CHAIRPERSON (Mr B A Radebe): Thank you, hon Deputy Minister. The next follow-up question is from the FF Plus. Hon Van Den Berg.

Mr H J VAN DEN BERG: Thank you, Chair. Well, it's my time now to stand before you and get my whipping, I don't hope so. The findings contained in the Zondo Commission are still very relevant today. It came at a great financial cost paid by the

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taxpayer. Now, often these days, the message to criminals out there is that you can buy yourself out of prosecution by frustrating and dragging out the process. Deputy Minister, do you think that this could happen here? And is there any way to mitigate dragging out this process?

The DEPUTY MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT:

Thank you very much, hon member, for a very relevant question that is not deserving of any whipping. In fact, it's your question that whips us forward to carry out and bring those processes to finality. No, you're very right. The Zondo Commission demonstrated to us as a country the nature, the extent and the gravity of the state capture phenomenon that beset our country, and the huge damage that it has caused both financially to the fiscus, but equally seriously to the undermining of our institutions, including the prosecution authority.

The work to rebuild the integrity and the capacity of those institutions is a major national challenge. But in their very nature, those crimes, as we said earlier, are complex. They require a very high degree of prosecutorial capacity. And that is exactly what an institution like the Investigating

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Directorate is meant to achieve - to have the prosecutorial guided investigations, to bring on board some of the top legal brains in our country to assist in dealing with those cases. The likes of Advocate Terry Motau, the likes of Advocate Matthew Chaskalson, Paul Pretorius, who also played an instrumental role in the work of the Zondo Commission.

So, if anyone knows those cases inside out, it's those practitioners. In answer to your question, yes, it is an unfortunate characteristic of many of these systems that people engage in the proverbial Stalingrad tactics, throw everything in the bath sink or the kitchen sink and whatever to stall those processes. I think we can but hope that the capacity which Advocate Batohi and Advocate Andrea Johnson are now bringing to bear on this problem will serve some degree of mitigation. We hope that the criminals would have met their match when this formidable team gets to work on them. Thank you.

Question 52:

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT:

Chairperson, I'm not on a holiday, but equally at work. Much appreciated for the question on the shortage of judges in

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various courts, which is in twofold, actually. Firstly, it looks into a response from the Office of the Chief Justice, OCJ, and secondly, the National Prosecuting Authority, NPA, now they deal with the matters. Firstly, in terms of the shortages of judges, the executive and the judiciary falls within different amplitude and macro policies are involved, and the Minister is responsible amongst all for the administration of justice as the executive in line with the Constitution, and we have also started the process led by the retired Deputy Chief Judge, Justice Moseneke, which was about the rationalisation of areas and work under the jurisdictions of the High Court.

You will know that the High Courts are in the Office of the Chief Justice, OCJ. There is also a shortage of researchers, which was the second part of the question in relation to the superior courts, which we appreciate that the challenge emanates and hence the rationalisation, firstly, from the compensation of employees' budget which was cut and a ceiling which was imposed by the department over a number of years, which made it difficult to recruit and appoint. However, at the end of August 2024, the capacity of the Office of the Chief Justice, OCJ, in in superior courts is now comprised of

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101 researchers, 92 law research post and 9 senior law research post, which is at about 56%. Of course, we still have a 35% shortage, and we are currently trying to fill some of those positions, but they may not all be filled due to austerity measures.

With regards to the portion of the NPA which is related to the Commercial Crimes Court, which is mostly in the regional environment and regional court environment, you know, hon our members that due to the charges and the intricacy of public interest, the National Efficiency and Enhancement Committee, NEEC, which is chaired by Chief Justice as well, it includes the Judge President on matters that are allocated and transferred for trial to the right courts or on ad hoc basis, to the Director of Public Prosecutions, DPPs. Having consulted with the Judge President of that particular province, either Gauteng, Limpopo or Mpumalanga. So, currently, there are 28 cases enrolled in High Court relating to corruption and commercial crimes in the 10 High Courts divisions, but also due to budget constraints particularly during the period of 2016 to 2020, there was a shortage of capacity and experience with regard to serious crimes unit.

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However, as of 2023, the NPA undertook a comprehensive review in terms of development of the prosecution and related skills and capabilities of staff, which are specialised in five areas, and Deputy Minister was here speaking about, for example, the Investigative Directorate, ID, but the Asset Forfeiture Unit, AFU, the Organised Crime Component, OCC, the Serious Crime Commercial Unit, SCCU, have also been enhanced in terms of the development of those... Currently, the establishment has 217 posts that are dealing with the serious commercial crimes across the country and the dedicated courts with also regional courts as well as High Courts. Thank you.

Mr E P NOE: House Chair, I thought you will assist me as I have requested, regarding the temperature in the room. I looked for the rule, but I couldn't find it. Hon Boshoff complained about it yesterday, she was uncomfortable, and today it's our turn. We are very uncomfortable with this temperature in the House, Chair. Thank you very much, Minister, for the elaborative response you gave. I want to believe that the small claims court also, as far as the shortage of Commissioners, is affected in this question. Hon Britz would avail his three hours to be a Commissioner, and I will avail my services as a court interpreter to address that,

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because that's my previous role. So, you have two officials already.

However, Minister, the question relating to the review of the establishment whether is there any plan by the department in trying to address the budget constraints that the department might be facing to address the judicial establishment as of now? Thank you very much.

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: The rationalisation committee that I spoke about headed by Deputy Chief Justice Moseneke, amongst his task besides the rationalisation process, was also to try and cost what it will relatively be, and we're hoping that the report will be concluded by the end of this month of September. But the short-term and the long-term plan are coupled with the work that has already been done and the Office of the Chief Justice, OCJ, has already begun engaging with National Treasury with regards to the top up, and hopefully, from that we could be able to get additional funds to be able to start with the implementation of the rationalisation committee output to ensure that.

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Then there is proper staffing both at the appointment of judges for both High Courts, lower courts and the rationalisation of the work that will make it research and all support staff possible. Thank you.

Mr N GOTSELL: Minister, thank you for joining us. Your colleague seemed to be a little bit, what's the word? Anyway, he seems to think that the Western Cape members are struggling to formulate questions, so I hope this one is a bit more understandable for you. Minister, the delays in the justice system is failing our people and it's depriving them of their basic human rights to access of justice. Expected trial dates are scheduled for five years from now, which means that crucial evidence can get lost, witnesses could die before matters can be heard and all South Africans who need financial support could go hungry.

Just last week, Judge Robert Henney announced that several Western Cape gang-related murder trials could not proceed because there were simply not enough judges available to schedule these trials. So, I heard what you said now about the top up and about the budget, but this is not a new problem.

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The judiciary has been pleading for this to be addressed for years. The leadership of the Pretoria division have gone so far as to publicly pronounce on this matter. It requires an urgent, pragmatic response.

So, Minister, may I ask, when will you provide a timeline and report back to the Select Committee on Security and Justice to detail your department's plan to address the issue?

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Thanks for the question, hon member. I've detailed that we anticipate the conclusion of the report at the end of the month of September. But secondly, that goes with then the submission to National Treasury. We would hope to get the allocation of more resources, but it remains a hope on what assist us to implement. Deputy Minister and I on 8 August sat with the Deputy Judge President and the Judge President Milambo of Gauteng, specifically, to try and deal with the court roll, where some of the matters were reported to even be rolled into 2027 and try to see how best we could maximise on the facilities, utilities and the budget that we currently are controlling.

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So, the department is taking the matter seriously, but we are dependent on what becomes allocated to us from the fiscus, and we all know that the fiscus has shrunk and it does not make an indication that Department of Justice has not taken matters seriously, but it's a fiscus that is unable to cover all our plans. However, we maximise on what we are having. Thank you.

Mr B J FARMER: Chairperson, firstly, my apologies for being late, I had a doctor's appointment and things extended a bit than we have envisaged. I don't share the former speaker's idea of what the Deputy Minister tried to do with regards to Western Cape delegates, me coming from the Western Cape did not have that experience. If the Minister allows me, I would like to extend the original question a bit further, and I will accept if you feel that it's a bit too far, but the shortage of judges and how it affects the High Court, I would like to extend to the magistrates' courts with regards to the backlog of cases, the impact it has on crime in general and also the state of our prisons. Maybe the question is, how do you plan to deal with the issue of backlogs in the in the magistrates' courts? Thank you, Minister.

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The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Just on Friday, Deputy Minister sat with the Magistrates' Commission, this past Friday, in trying to also do the very same thing, because we all appreciate that what is happening on the higher courts also happens on the lower courts with regard to congestion, difficulties, whether it's infrastructure, it's facilities and it's allocation of judges, interpreters, policy etc. So, it was a whole two-day meeting which was trying to also rationalise the allocation of magistrates, the appointment of acting magistrates, which we seized with on a day-to-day to close the gap where the appointments had not happened, to make sure that the Magistrates' Courts also are able to run optimally on a day-to-day basis.

The appointment of interpreters. The Department of Public Service and Administration has approved a funded structure for the department. I may not recall the figures exactly with regard to the Magistrates' Courts which assist us overall from a maintenance clerk or a maintenance officer, interpreter and all that, and I may come back, hon member, with those figures, House Chair, to ensure that I bring, collect valid data which could be utilised by the NCOP in trying to enhance and develop the areas that you are talking about with regard to the

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Magistrates' Courts. As I'm indicating, the same approach just last Friday, the Deputy Minister was busy with that rationalisation process as well. Thank you.

The HOUSE CHAIRPERSON (Mr D R Ryder): Thank you, Minister. Hon members, the next question I see it's allocated to the hon Siwisa. I see she's not in the House. Hon Ceza.

Mr K CEZA: I will be taking it on her behalf, Chair. Minister, the roads meet again, we meet here. Thank you very much, Chair. Could the Minister provide specific timelines and milestones for the implementation of the department's plans and measures put in place to ensure that the quality of justice is not compromised, particularly as it relates to this period of shortage. Thank you very much.

The HOUSE CHAIRPERSON (Mr D R Ryder): Thank you, hon Ceza, I'm sorry for butchering your name. Hon Minister.

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Thank you very much for the question, hon Ceza, it's good to meet again. We are making all the measures possible to ensure the quality of justice. The Deputy Minister responded, for

example, in terms of the stalling rights, the processes that get to be delayed in court. We've got difficulties with ensuring that the entire value chain makes it easy for a court to sit, whether at the magistrate level or at a higher court level. There are various programmes which ensures that quality of justice from an infrastructure point of view, it will be the repair of courts from a policy change and direction, it will be establishment of domestic violence or gender-based violence and femicide, GBVF, related types of cases which are user-friendly to victims to capacity building, availing of interpreters, availing of a court clerk and duty officials who are supposed to make sure that the entire access to justice and equality is attained.

There may be various challenges in one area to the other, but the strategy is so comprehensive because it tries to ensure that the little that we have from the fiscus almost cover everything, would it be a generator for the court so that they don't run out of power, would it be a pole in a rural magistrate so that they've got provision of water. So, there will be all those numbers on what we do to ensure that there is quality of justice. I don't want to claim that, overall, it's good, it's the best and it's equal to what is needed. For

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example, if you are now on almost court 100 in terms of ensuring that is the number of courts which have already been upgraded to be part of the master plan of fighting gender-based violence, GBV, you can see that there is progress. Yes, there's quite a number of goods that are available in the country, but if you look into that milestone, you'll see a bit of progress. If you look into the 62 that you're allocating to do boreholes at magistrate level and relatively in rural areas, it may not be enough, but it's making a point to move forward to ensure that, overall, we give access and quality of the justice to our citizens. Thank you, hon Chair.

Question 62:

The DEPUTY MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT:  
That was a metaphoric statement, of course. Now, Chairperson, thank you very much. And maybe to just indicate that I sincerely hope that no offense was taken by any members, that is not my style of engagement. I do value robust and open engagement, but there was no attempt to undermine any member. That is just not how I would like to relate, and I hope that Members accept the apology if any offense was taken.

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The hon member Gericke has asked a very pertinent question and one which featured strongly in the deliberations earlier today when the Minister of Correctional Services was answering questions, and it revolves around the issue of thousands of remand detainees that cannot afford bail of less than R1000,00 and other implications of that for our criminal justice system. So, in reply, we must say at the outset that there are two types of bail, namely the so-called police bail and bail which is granted by a judicial officer in a court proceeding and after a bail application has been brought. In the latter instance, the discretion as to whether to grant bail lies with the presiding officer, and there are usually several factors, which are considered to determine whether bail is granted or not. Whilst there are provisions in the Criminal Procedure Act that directly address this issue, in particular section 63(2) (B) and section 63(1). The issue and the need to reform the bail regime to ensure its affordability is central to the overhaul and the review of the Criminal Procedure Act, which is currently underway. The financial standing of an indigent accused in pretrial detention is one of the factors that should be considered when monetary bail is set. Whilst there are existing provisions in law to address the problems of a person being granted bail but not being able to pay it,

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various innovative law reform proposals are being mooted, such as including pledging property, security for bail, and release of the accused on variations of bail decision on the grounds of the indigence, automatic review of bail decisions, consideration of adult diversion schemes for offenders and the restorative justice measures aimed at the accused person appearing at trial and not arrested pretrial, and prescribing pretrial detention in respect of certain offenses. Then the Justice, Crime Prevention and Security cluster has set up a task team to deal with matters relating to causes of overcrowding in correctional facilities, to interrogate the implementation of existing legislation, and to propose plans to address these matters. There will be engagements with the judiciary in this regard without compromising the independence of the judiciary. One might also just add that in 2009 the Ministers of Justice, Correctional Services, Police, and the National Director of Public Prosecutions, NDPP, did enter a bail protocol, which is meant to spell out the roles of the components of the criminal justice system to provide mechanisms for co-ordination for dispute resolution, etc. It is very clear that whilst that protocol has helped, it has not addressed these problems in their totality. As the Minister of Justice and Correctional Services indicated, we are trying

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within the context of the JCPS cluster to ensure that our departments are more closely aligned and that we explore ways of dealing with this pressing issue. Thank you.

Mr V GERICKE: Chairperson, let me first ask the Deputy Minister: Why don't you afford me the opportunity to ask the beautiful female Minister a question just for the soft touch, and instead, you opted to protect her? In any way, Deputy Minister, the bail conditions of the provisions of bail should not be punitive at all. And therefore, the question, and you used a beautiful word 'reform', and we welcome that word or that process and we want to ask your employer to expedite that process because it is about overcrowding now. And news that are being made about money spent on inmates and the taxpayer that must foot the bill. So, the EFF is very concerned about the ... [Inaudible.] ... and we want to ask if your department has made calculations on how much money will be saved if some of the trespassers will be released on bail and alleviate the burden on the taxpayer? And if so, just provide details in that regard. If you cannot provide details in that regard today, please give this House an undertaking that you will give us or provide us with a written report. It is important information so that we can see. We are not opting to release

criminals amass, this is not what we are saying. We serve the interest of the taxpayer, and therefore the question? Thank you very much.

The DEPUTY MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT:  
Thank you very much hon member for that follow-up question, but maybe just to reassure the hon member that the Minister of Justice does not need the Deputy Minister's protection, she is more than capable of defending herself. If you doubt my word, try her. [Interjections.]

So, I, unfortunately, do not have those figures off the top of my head, but we will request those figures to be made available and to be provided to the hon member and to the relevant select committee. Just to say that ... two main things: Firstly, is that we are busy reviewing the Criminal Procedure Act and we are doing that as a Justice, Crime Prevention and Security cluster and the Department of Justice is playing a leading role in that process. What we hope to achieve out of that would be to look at some of the provisions of the Criminal Procedure Act, and that through the lapse of time and the change in circumstances, some things have become obsolete, and in certain instances, they are more of a

hindrance to the combating of crime than taking it forward, including institutionalizing and legislating, co-ordination and co-operation between the different components of our criminal justice system, the police, the Justice Department, Correctional Services, and prosecution. And whilst they are not part of the criminal justice system, the courts play a major role.

Secondly, is that whilst that process is underway, we are also looking at other measures that in the short or shorter term can make a difference, for example, the Minister and I, in our engagement with the magistracy discussed the use of audiovisual linkages between prisons, police holding cells, and the courts. And I mean that was raised with us very sharply when we visited the court in Khayelitsha and when I attended the Regional Court President's Forum last week in eThekweni. The provincial office of the Department of Justice gave a very inspiring input on how they had taken some of their old laptop computers, which were still completely usable but were somewhat outdated, they had agreed with Correctional Services there that they would provide those laptops and thereby establish a link between the prison and the courts so that this ... how did the Minister of Correctional Services

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put this blue light convoy of convicts? It is rendered unnecessary. And I mean it is things like that that I think can go a long way in at least mitigating the severe overcrowding by remand detainees. Chairperson, I do not know, my screen has gone blank. So, I don't know how much time I still have?

The HOUSE CHAIRPERSON (Mr D R Ryder): Your time is up.

The DEPUTY MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT:  
Then I will tell my story in the next round.

The HOUSE CHAIRPERSON (Mr D R Ryder): Hon members, before we continue, I do find it necessary to once again remind members about the decorum of the House and to point out, again, Rule 46 details the rules around movement within the Chamber and implore or instructs that a delegate may not pass between the officer presiding and the delegate addressing the Chair. Hon members, when you re-enter the House after you have been out, please have the courtesy to look around and see who is speaking before you proceed to your chair. Thank you very much.

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Inkosi M NONKONYANA: Chairperson and hon members, thank you, Deputy Minister, but I must also thank the Minister, I think it is wonderful that she showed that all the Ministers in the ANC, GNU-led government could share. Deputy Minister and the Minister could share, and it has been very valuable. Thank you very much, hon Minister, I hope your colleagues will be able to follow your wonderful example.

Secondly, the ANC believes, as everyone in this country believes, in the independence of judiciary. And we also trust the duty entrusted to the judicial officers in granting bail, and in refusing bail. You quite correctly stated that they do not do that arbitrarily. It is based on the application and on the facts before them. Therefore, before my question, again, I must take this opportunity to say we appreciate. I wonder if the hon Minister would convey this, that we now have a female head of judiciary in the country and would like to ...

The HOUSE CHAIRPERSON (Mr D R Ryder): Your question, please, hon Nonkonyana.

Inkosi M NONKONYANA: Okay, my question is: Is it appropriate - I understand what you are saying in terms of amending the

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Criminal Procedure Act - for us to prescribe the judicial officers, what they need to do and particularly because we know that they are trained to do what is just based on the facts before them? Thank you, Chair.

The DEPUTY MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT:  
Thank you hon member for that question. I think maybe just to amplify your message that at least - I mean when it comes to Justice, the future is female, the Minister, the Chief Justice, the President of the Supreme Court of Appeal, the National Director of Public Prosecutions, the head of the Investigative Directorate, and so on. Thank you very much Inkosi Nonkonyana for your question because it gives me an opportunity to share the anecdote that I wanted to share previously. In my previous stint in this portfolio, 2009, it was around the time that the bail protocol was formulated and there was a very strong move on the part of both the department, as well as other role-players in the criminal justice system to discourage the detention of those with less than a thousand rand or less bail, and the then Minister of Justice, which was Minister Jeff Radebe addressed the media conference and he announced this approach. I then, either on the same day or the next day went and did an unannounced visit

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to a magistrate's court in Lenasia in Gauteng. And I was sitting at the back of the court. Not quite minding my own business, but just sitting quietly observing the proceedings, and bail matters were coming up. There was one matter that fell straight into or directly into these circumstances. Someone with a thousand rand or less, the prosecutor stood up and said to the magistrate, well, the Minister of Justice said that those with a thousand rand or less must be released. The magistrate promptly adopted a very scowling face and said, Mr prosecutor, I just want to tell you, I do not have a Minister. I am independent. Okay, during the tea break, I went to the magistrate's office, greeted and introduced myself, and I said, Your Worship, I am the Deputy Minister, that you do not have. She was very apologetic, but at the same time, I think the point was well made that we must be respectful of judicial independence, we must whilst, in legislation, Parliament can give a framework and give guidance. I think we must be careful not to impinge upon that judicial independence and discretion because I think, as we all know. It is very difficult to legislate for every eventuality, and if we become too rigid in our approach, it has the potential to result in injustice. So, thank you very much.

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Mr J S MAJOLA: Chairperson of session good afternoon, hon Deputy Minister, there has been a lot that has been drawn from your pot Deputy Minister regarding this matter as you rightfully said, it has been ... Sorry ... [Laughter.] ... So, it was discussed on Question 61 when we were talking about overcrowding. This is related to that because at some stage we will agree that one can interpret this as wasteful expenditure, because if you speak of one person who has been granted a thousand-rand bail, and then spends four days at a cost of R400 in prison. Then within two days, well, he has already exceeded far above what the bail costs hon Deputy Minister. At some stage, this will be regarded as a wasteful expenditure. You mentioned that there will be a task team, which I believe will be comprised of the entire security cluster, Police, Correctional Service ... Can you maybe give us an assurance when one might expect clear guidance on this matter, well, just to avoid this matter escalating further? Thank you.

The DEPUTY MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT:

Thank you very much, hon member, for the question, I think all I can say is that I wholeheartedly share your sentiments. The seriousness of this matter impacts on the functioning of our

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criminal justice system, and the tremendous burden that it places on your correctional facilities, which then leads to several ancillary problems, and it also undermines the ability of correctional services to play the rehabilitating role that it should be playing because of the very adverse conditions in prisons because of overcrowding. Yes, you are correct. We are reviewing the Criminal Procedure Act and the Justice, Crime Prevention and Security cluster in government is very seized with this matter, and fostering greater co-ordinate and collaboration between the Police, Correctional Services, and the prosecution, and engaging with the judiciary, I would be loath to hazard an estimate of the time suffice to say that we regard it as a matter of considerable seriousness. Thank you.

Mr P A PHALA: Chair of the session, and hon Deputy Minister, it is crystal clear that there is a challenge to strike a balance between the fight against crime and bail affordability. This challenge, Deputy Minister, brings about enormous complexities in our country and society. In a country, which is characterized by higher levels of crime, amid the high rate of poverty and unemployment. Has the department done a comprehensive assessment, Deputy Minister, on looking at these high levels of demand detainees to

investigate a workable solution, a deliberate attempt, and a systematic alleviation to deal with affordability to ensure that those who cannot afford should not be unfairly prejudice? Deputy Minister, the high numbers of remand detainees is worrisome. Are there any justifiable legal reasons, or nefarious reasons which may be used by the detainees to remain in custody? Deputy Minister, I am asking these questions because if we do not investigate this phenomenon or behaviour, the department will not be able to make the correct policy choices regarding to this matter. Thank you.

The DEPUTY MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT:

Thank you very much, hon member, for your follow-up question.

I think firstly, just to reiterate our appreciation of the seriousness of this matter, both as it impacts on the functioning of the criminal justice system, and I think the Minister of Correctional Services has spelled out in detail both the nature, the magnitude, and the impact that that has on the functioning of the correctional system. The knock-on effect of that is felt throughout the criminal justice system because it leads to a clogging of our courts. It means all those remand detainees need to be brought from correctional facilities or police facilities, and they need to be

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transported to court, and that occasions delay with trials that provide - as the Minister of Correctional Services indicated - opportunities for remand detainees to acquire contraband at the courts, where the security might be less tight than in the facilities themselves to smuggle that contraband back into to prison. The question of the matter ... I mean is it just and fair that someone is kept and is deprived of their liberty merely because they cannot afford ... because the ultimate objective of bail is not to be a punishment. Bail is there to ensure that someone appears and stands trial. Now, if we are satisfied that someone does not present a flight risk or the risk of interfering with witnesses, or the investigation, what is the reason for keeping that person in prison at cost to the taxpayers? So, I think the problem has been well-investigated and is well-understood. The challenge is how to balance those different imperatives. How do you not infringe upon judicial independence? How do you ensure that the facts and the circumstances of each case are given proper consideration by a judicial officer but at the same time, how does that happen within a system, and that must function effectively? Those are the challenges that collectively we are trying to find answers to. And we are confident that we will. I think that is about

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as far as I can take it at this stage. But thank you very much, hon member

Question 59:

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: House Chair, the action plan of Financial Action Task Force, FATF, indicates that South Africa needs to be able to demonstrate that competent authorities have timely access, adequate, accurate and up-to-date beneficial ownership information with regard to legal persons and arrangements. This generates from the General Laws Amendment Act of 2022, which was assented to in December 2022. Subsequently amended the regulation of beneficial ownership for the Trust Property Control Act of 1988 so that it could be able to make provision for mandating the Master of the High Court, which we generally call masters, to create the beneficial ownership register on trust and collect beneficial ownership information that is designed to address existing deficiencies that are highlighted by FATF.

So these regulations came into effect in 2023, on the 1 April to be precise. Currently, we've established an online system for submission for beneficial ownership data which has been in operation since October 2023. Directives were prepared also by

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the chief master to guide trustees on how to utilise the system. The ... [Inaudible.] ... players as well were registered on how to be able to engage with the system if you are assisting a claimant or a beneficiary - the importance of complying with the regulation.

Of course, there will always be constant improvement that needs to be made on compliance, particularly with regard to the submission of ownership data consideration into the settling a deadline of compliance and penalties which could be imposed on related issues that are not well taken. In this regard, the masters will also shortly be engaging on a communication drive on all our master offices to address this. To set a deadline also so that beneficiaries can submit their ownership data on the beneficiary system.

So various entities are permitted access for the beneficial ownership of the data. Currently, we have 69 officials from various entities and law enforcement agencies that have been granted direct access to the registers. This is in line with the FATF registers which we then develop and can be requested and get to satisfy the requirement of the FATF action plan and the report mechanism.

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We continue to work towards the meeting of the requirements set up by FATF in order to exit the grey list. In fact, at the end of September, it will be an evaluation by our peers. So our team from all the departments which are aligned, Home Affairs, ourselves, police, NPA, National Treasury, will be going for evaluation and again in January/February 2025.

Our target on the remaining areas which still need improvement is that we should be - by March 2025 - indicating to the country that we have met about 80-90% of the FATF requirements that we need to meet in order for the country to exit the grey listing. The President was very precise in the last Cabinet, not the today one, that we need to exit as a country to improve our rating and even our economic outlook so that we could be able to attract funds or business and investment from other countries. Thank you, House Chair.

Mr N GOTSELL: Chair if I may, just say to the Deputy Minister that I appreciate his apology. I had an Afrikaans teacher with a name Andries. He was Andries Lowe, and he was quite strict on us, but it turned out for the best. I just want to say, Minister, I agree with advocate Inkosi Nonkonyana that it's

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very good to see the two Minister and Deputy Ministers taking collective responsibilities for matters relating to South Africa's justice system.

Minister, what you propose are all practical and logistical steps that must be taken and implemented for us to be removed from the grey list. This of course is easy to commit to. The difficulty is that when the world looks at us from outside, they see a country that is very tolerant when senior public figures are implicated in possible corruption.

While South Africa wants to portray itself as a country that is trying to rid itself of any form of corruption, would you agree that your refusal to vacate office after having been connected with the VBS saga, will only serve to strengthen the perception that as a country, we really don't care that senior public figures are implicated in possible wrongdoing?

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT:

Firstly, FATF as a country, we have a master plan which targets on key identified areas and the areas which are regulatory which the requirements that each and every country which is a member of the FATF would need to meet and our

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targets are very directional with regard to achievement. Hence, I'm saying in September we've got deliverables which will be reporting on, and again in the beginning of 2025.

We are a law-abiding country. As ... [Inaudible.] ... law-abiding country from the Constitution which gives each and every individual a right to be heard on an allegation that would have been made against him or her. I have availed myself and still will avail myself to the justice portfolio committee, to the meeting that the President has requested and a report to respond to the allegations that have been made against me. I am not sure where does the issue of vacating of office arise from because I serve at the behest of the President who has mandated me with the responsibilities to perform. I am sure he will be able to do that when he thinks that it is necessary. Thank you very much, House Chair.

Mr V GERICKE: Minister, is your department satisfied and administratively and politically capable to manage the situation in light of this Cabinet's failure to combat terrorism, illegal firearms and international syndicates? And if so, how? Thank you very much.

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The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: As I have indicated that, and Minister Mchunu went at length in his address yesterday at the National Assembly, but equally in terms of the rollout of the strategy on how to combat terrorism amongst other areas of responsibilities that SAPS is dealing with the criminal justice cluster jointly which we are sitting together on. He is also ready to prepare a plan which encompasses all the areas and strategies that assist the country - not only to fight terrorism - but to fight crime in the country from the illicit use of drugs, terrorism, extortion, human trafficking, which are the key areas that the crime master strategy does.

The capability, if you look in the past month or two, is clearly being demonstrated on how our police in the service is ready to really deal with the aspects of crime. Yes, not at the level of where we want it to be, but there's action that is happening from the foundation of this very same plan coming from the sixth administration. Thank you.

Mr J S MAJOLA: Minister, in order for the Master of the High Court to play a critical role in implementing the anti-money laundering measures, do we have any policies, any procedures

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that have been reviewed for us to be in line with FATF? If there are, maybe the Minister can share with us what are those procedures and policies for us to come out on this grey area status. Thank you.

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: I indicated in my initial response that under general laws which are emanating from 2022, having been upgraded from the 1988 general laws, the regulation to a developed which have got the guidelines on how the country needs to comply and reporting mechanisms together with reporting deadlines or timelines to ensure that in this instance, for example of the masters, what are we supposed to do. We are moving, for example, as one of the guidelines digitization, so there is no ... of course it relates too much into the question that I will be dealing with in the next one. But it relates to ensuring that there's easy access. There's beneficial information that could - besides being assessed - be analysed. You could be able to report back. You can even check the timeline in which the matter was opened, or the matter was closed. And how long did it take for the matter to be dealt with.

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So there will be an entire beneficial ownership register that ultimately the law enforcement agencies and bodies are able to have. It needs to be of quality, and it needs to ensure that it is reliable. When I respond into the next question, I will show for example, how are we going to do that. We have created pins that each and every person has access security pin so that we minimise, in terms of corruption, and the difficulties that are happening at the masters' office. Thank you.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr P Govender): Thank you, hon Minister. We now move on to the fourth follow up question from the hon Phala from the ANC. Hon Phala, your follow up question. Do you still want to pose that question?

Mr P A PHALA: No, I don't have a follow up on that question. Thank you.

Question 54:

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: House Chair, in April 2024 the Special Investigating Unit, SIU submitted the report to the department after a proclamation that was signed by the President, recommending disciplinary action to 14 Master's officials.

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The report included 21 referrals with some officials being implicated in multiple matters. Of the 14, three are no longer employed by the department, which means disciplinary action couldn't take place. The department is looking into other mechanisms and measures to ensure that accountability is maintained. The 11 employees include one senior manager and 10 middle managers and a junior staff member.

The department addresses as per the SIU recommendations. The allegations rather included, amongst others, misconduct, intimidation and threats, the contravention of section 2 of the Administration of Estates and the contravention of section 386 of the Companies Act of 2008.

In addition to the findings and the SIU report, the department took proactive measures by commissioning an internal forensic and audit unit to conduct thorough investigations into the conduct of several Master's officials. These investigations were initiated to address serious allegations that had surfaced, including claims of misconduct, impropriety and breaches of public service code.

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The forensic and audit unit's involvement signifies our commitment as a department to maintaining highest standard of integrity and accountability. House Chair, by launching this investigation, the department sought to ensure comprehensive examination.

If you also look closely into the 14 that I've spoken to besides the three, one has already been found guilty and was summarily dismissed. Another one who is at senior management service, SMS level tendered a resignation recently, just two days before the commencement of the scheduled disciplinary action.

It is important to mention that the resignation doesn't prevent the department from proceeding with other potential consequence management related proceedings that we are looking into undertaking.

Another official was also found guilty and received a sanction of three months suspension without pay, underscoring the seriousness of the transgressions. But ultimately, as the department was relooking into some of the other matters, additional charges against the same official were filed and

are going to be undertaken as well regarding the established procedures.

On the disciplinary processes for the anticipated remaining eight, we hope we'll finish and conclude them at the end of November 2024. Significant progress has been made to complete a nationwide roll-out of our online deceased estate registration system in all our 16 Masters offices and it has been piloted. So, it's a web-based application which enables customers to register deceased estates from their home or at the comfort of work or anywhere else where they will be, even globally, not necessarily having to physically visit the Master's Office.

Chair, over the past five years, we must say there has been fraudulent manipulation. I earlier on indicated the measures of the quick response which we call QR code, which is linked to the master system, which allows for verification, validation of authenticity of the appointment letter, but also of the person who's in the system or behind the system to print that letter.

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This reduces queues and it also addresses service delivery complaints. Now clients can also book online on the very same system. You don't have to physically go into the Master's Office to be told your appointment is next month. You can book and arrive at the time of that appointment.

So, the self-service skills have also been introduced where you could be able to do on the system yourself if you are able to register and deal with the issue. So, quite a lot of capacity building initiatives have also been undertaken. Thank you Chair.

Ms S J MANANISO: Deputy Chair, let me acknowledge the address or responses by the Deputy Minister and the Minister, to say it is very informative in terms of the progress that has been outlined. I think you've partly covered my question with regard to what has been done with those who are offenders within the system. You have so comprehensively and simply deliberated on what has been done.

Minister, I just want to check if there's an appetite in your department to name and shame these people, because at times we get to know about what is being done in terms of consequence

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management when we are in this august House. South Africans who have lost hope in terms of the system and the work that we are doing as public servant, they don't think that there's work that has been done in terms of correcting each other.

So, I want to check if there's appetite of introducing such so that we name and shame those who are corrupt within the system. Thank you.

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: I think the appetite is there. One may have to revisit or rather look into the possibilities possibly of creating a register or a process that is legally sound, that will allow the department to be able to undertake a process that informs or communicates on the outcomes of the disciplinary hearings or the recoveries that would have been made in instances where losses from the beneficiary savings might have occurred.

So, I think in short Chair, I am saying yes, the appetite is there but one obviously has to be cautious and make sure that proper systems that are legally sound are put in place for us to be able to undertake that. But I do believe it can be done. Thank you.

Ms L H ARRIES: The department instituted rescue plan in 2023 that was meant to alleviate the issues in the Master's Office, in relation to the protection and interest of minors and people deemed legally incapable of administering their affairs. Has the department addressed the backlog and how does the department plan to manage this aspect going forward?

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: I've indicated the digitisation process that the department has undertaken in all our Master's offices. The backlog for starters, was by a physical visit into a Master's Office, which are only 13 in the country.

Firstly, it is also laborious for people to move in rural areas to come to city centres, to register there. That is why it was creating a lot of queues starting from early hours in the morning for people to arrive there just to register their cases, get their appointments and go back and return again on a date that would have been set by the system.

Secondly, they couldn't even follow up with regard to without physically visiting. While now, if you have already registered

and got a beneficiary reference number, you could be able to get an appointment. As they are processing your file you can be able to log into the system and check the progress. The department also developed a YouTube link which is even assisting community members to be able to know how to follow up and actually be in the system to do the follow-ups.

We have trained around 2 308 legal practitioners, fiduciary professionals and accountants through a webinar that we had, so that they could be fastness and promptness on stakeholders that assist beneficiaries who need that. The link for example for the Companies Intellectual Property Commission, the verification, the validity or the validation of the legal practitioner's standing, the information which needs to be sought from the Department of Home Affairs. Clients no longer need to do a physical walk, but there is an integrated link which makes the application process to be much faster, quicker and be responsive.

That's how the strategy of the department to minimise or rather reduce the backlog has been going. Yes, we do have hon member a challenge with regard to the strength of our network in terms of durability. Sometimes it does get slower in some

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other areas, particularly when they are power or inclement weather patterns which makes it difficult for the system to operate. Otherwise, it has now been piloted and it is showing us signs that it is helpful to make sure that we maximise on the time and speeding up the application for beneficiaries. Thank you.

*IsiXhosa:*

Mnu M M PETER: Sihlalo, ndiyakhumsha namhlanje mama, ndezela ukuba ningasokoli. Ndiyabona ukuba ndiyanisokolisa.

*English:*

Hon Minister, the state is formed by three legs. One of those three legs is your department, the judiciary. Once the judiciary is paralysed, the entire nation is paralysed. Let me go to my follow-up question.

In light of the suspension of 13 senior managers and other officials at Master's Office due to maladministration - Minister, this maladministration is bad - alleged remuneration of officials who are employees at the Master's offices, appointment and services provided, incurring an unauthorised,

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irregular, fruitless and wasteful expenditure in respect of travel, subsistence and accommodation costs.

Does the department have a plan to implement due diligence with the future employment of personnel to ensure that Master's office is not a net for corruption? If yes, what are the relevant details? If not, why, Minister, I thank you.

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: As indicated earlier, firstly, we do have the appetite of ensuring that we deal with the matters which are creating challenges, because the Master's Office, by its very own nature, is servicing vulnerable people. Either children through the Guardian's Fund, either it's the estate, which means it is a beneficiary who has lost a partner or a life partner. Something which by its very own nature is traumatic.

You will need a system that nurtures and cares for you rather than a system that has a secondary victimisation or give more challenges on how the system is running in terms of ensuring that you are well taken care of. The judiciary has very strong and firm systems that the department has put in place. The director-general in the past week or so, made an announcement

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of all the cases that they have finalised, which are outside even the Master's Office.

They were running into their 60s or 70s in terms of personnel or homebodies that have undergone disciplinary the processes. The department is committed into continuing further to deal with matters of that nature to ensure that we have got employees who respect the rules and the regulations and in case they do not and there is admin maladministration, direct and priority will be given in to ensuring that the system is credible and respects the rights.

I also want to caution, not necessarily caution hon members, to know that we have got a system which also recognises the right of employees. So, you cannot just wake up and say there is a suspicion that you did one, two and three, therefore, it ends here. You have got to undertake the entire process to ensure that you arrive at a credible outcome that will not be challenged, that will also not be compromising the department further that it is responsible as the other arm of the state, to ensure judicial responsibility for others, but it doesn't practice it.

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So, I think we are doing a good job. Of course, we don't need to have them in the first place, but they do happen, and action does take place.

*IsiZulu:*

Uthe uyahumusha. Nami ngiyahumusha.

Mr N H PIENAAR: Good afternoon, Minister. I hope you all well and enjoying your session here in the NCOP. Luckily, this is the last question, and I hope I will get a proper answer. Minister, with great fanfare last September-October, you announced the digitisation of your department of the Master's Office. Yes, there's been some progress and some portals have been created.

As you're saying, there's a pilot project going on. At the end of the day, the reality on the ground is we are still very far from a completely digitized Master's Office. People are still standing in queues; the clerks still have to stand in line on a daily basis.

Minister, I want you to commit to this House today with a timeline of when we can expect and when the country can expect

our Masters Office to be digitised. Please think carefully before you give me that answer because I will hold you accountable to the timeline you give me today, because we expect great things from you, Minister. Thank you very much, Chairperson.

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: When the programme was launched, it had its own timeline, which was a three-year timeline if I recollect very well. I did indicate that, yes, the launch has happened, the pilot is on, there are still challenges which I openly mentioned to the House, particularly with regard to the network, the connectivity and the amount of work on the two programmes, which are different. One is to ensure connectivity and registration. The other is to ensure that you digitise the records even of the previous beneficiaries, so that they can be uploaded and be online.

Hon House Chair, I may not be able at this moment to precisely say exactly when will the entire Master's offices be online and not necessarily online, but the pilot be concluded. I will request that I return to the House in a written reply to ensure that we look at the department closely on what we could do, what is missing and in what areas. For example, other

offices because of their location have got better advantages than the others.

So, it really wants a proper formulated response which I'm committing to the House that, we will be able to bring it in a form of a written reply if possible so that we commit ourselves and we can be held accountable. But this afternoon, we're committing ourselves to this House to make sure that all the programmes that we run, we try to make a change in them, and we'll come back repeatedly to come and explain to the House the progress on any of the areas that we are working on.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr P Govender): Thank you very much, hon Minister, we will look forward to that written response. I want to say to the to the hon Minister and hon Deputy Minister, thank you very much for spending the afternoon with us. And since the both of you are running this department so well, I don't think you'll have any problem in managing the microphone each time you swap. [Laughter.]

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: I am just going to grow.

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The DEPUTY CHAIRPERSON OF THE NCOP (Mr P Govender): Thank you very much and thank you very much to all the delegates that are here. Hon members, thank you for your presence right till the end of the session. I think we've done very well in terms of managing this session. I wish you all a good evening and travel safe. Thank you very much. The session is now closed.

The Council adjourned at 17:54.