TUESDAY, 25 AUGUST 2026

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PROCEEDINGS OF VIRTUAL (OR HYBRID) NATIONAL COUNCIL OF PROVINCES

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The Council met at 09:30.

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

The Deputy Chairperson announced that the virtual sitting constituted a sitting of the National Council of Provinces.

QUESTIONS FOR ORAL REPLY

CLUSTERS 1A

PEACE AND SECURITY

Question 94:

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Hon Deputy Chairperson of the National Council of Provinces, good

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morning to you, good morning to members of the NCOP and special delegates. Regulations providing for the payment of the once-off individual reparation grant of R30 000 to victims were published in 2003, and it identified 21 676 persons as victims.

As of 20 August 2026, 17 560 of the 21 676 victims applied for the once-off grant and were paid the R30 000 grant. And this amounts to R498 million overall that has been paid.

Chairperson, what we have done is publish the names of the 4,216 people who had not applied. We did this this year in the newspapers so that the next of kin could come forward if they had not seen the notices. We also published the names in the Government Gazette, on the department's website, and across social media platforms in relation to the 4 216 individuals, because we want to bring this matter to a close.

Chairperson, in terms of the work that we have done, I want to refer to the issue of reparations, as I have already outlined. The second aspect is the Truth and Reconciliation Commission, TRC, Education Regulations that were published. Through these regulations, we have been providing support for grade R,

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general education, which includes grades 1 to 9, and further education, which includes grades 10 to 12. Through this programme, we have been able to support 21 676 beneficiaries.

Chairperson, in the higher education space, I have a detailed written report available should members require it. In terms of higher education, we have funded 2 010 students who qualified for higher education bursaries. That programme will continue until 2030.

Again, another area of work that we have undertaken under the TRC is the implementation of the regulations on exhumation, reburial, and symbolic burial of deceased victims, which were published in 2010. This work continues to be supported through the President's Fund. As part of this programme, we provide subsistence allowances to individuals who accompany the Missing Persons Task Team to help identify victims during the deoxyribonucleic acid, DNA, identification process. We also provide a once-off grant of approximately R17 000 to families for the reburial of victims' remains, and that amount is increased by 5% each year.

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Chairperson, we can confirm that, in terms of the Gallows Project, we have concluded the process of returning all the remains that were under the Gallows and in the custody of the Minister of Justice and Constitutional Development to their respective families.

Chairperson, the work we are currently undertaking, together with the Minister of Sport, Arts and Culture, relates to those whose remains are buried outside the country. The National Prosecuting Authority, NPA, is assisting with identifying and tracing those remains, while also supporting the affected families throughout the process.

Chairperson, what remains outstanding is the medical benefits reparation, which we are still working on as we finalise the regulations. There is a disagreement between us and the Department of Health. The Department of Health's position is that all these benefits should be provided through the public healthcare system, while some beneficiaries argue that there is little value in limiting the benefits to public healthcare facilities.

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As a result, community engagements on this matter are continuing as we work towards finalising the regulations.

On community rehabilitation, we will launch the project this year in December. We have identified 16 of them that are going to go across in terms of those communities. Consultations with communities have been done. We have ring-fenced R500 million for community rehabilitation projects.

Chairperson, in terms of the work being done on the inquests, we can confirm that work has been undertaken on 151 matters.

Of these, seven matters are currently on the criminal court roll, nine inquests have been reopened, 10 inquests have been finalised, three convictions have been secured, and decisions have been taken on 43 matters.

Chairperson, the last area I want to speak to is housing reparations, which we launched with the President earlier this year. We have received 1 711 applications for housing assistance. Of these, 1 693 applications have been verified and are currently being processed, and some beneficiaries have already received their benefits. We continue with the

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verification process, and we have also received appeals, which we are considering, including cases where individuals seek to benefit more than once.

If a house was burned down and the beneficiaries were a husband and wife, but they have since separated or divorced, and you find that both of them are looking for a house reparation. These are some of the matters we are dealing with

Thank you.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr P Govender): I know that you mentioned that you have a comprehensive report, and I'll appreciate it if that report can be submitted to the committee so that they will be fully appraised of your response.

Thank you very much.

Ms J S MANANISO: Minister, thank you for your detailed response. Indeed, I took account of what the department is doing with regard to the TRC matter. However, I've noted as

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well that there are departments that you are working with to ensure that this meter is being fast-tracked.

So, I just want to check in terms of what are other innovations of accelerating the trace, and what are other departments or institutions that you are working with without those that you have mentioned, and if the budget is enough to execute the work that you want to do?

Thank you.

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Hon Mananiso, indeed, there's collaborative work. We do believe that the current funding in terms of the President Fund will be able to attend to our issues in support. You would have seen yesterday with the Steve Biko inquest, that we have taken the initiative to support families not only with their legal services, but I have also given an instruction to the team to ensure that the families are supported in terms of transport and accommodation so that they can be part of the inquest in courts as some of them live quite far from where the matters are taking place.

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Therefore, we want to ensure that family representatives are inside the courtroom, hear exactly what is happening, and are able to be part of the process.

Again, in terms of visits outside the country, we support those initiatives, including those involving political parties, irrespective of which political party it is, as long as they relate to liberation movements whose members were affected during those times, whether in Angola, Zimbabwe, Mozambique, or Zambia.

We support them in travelling with us as government, led by the Department of Sport, Arts and Culture, as we identify the graves. The NPA's Missing Persons Task Team is undertaking grave mapping, and we ensure that they are part of the process so that they can verify and confirm the work that is being done.

Chairperson, the work is extensive, and I know that, in the public domain, people have been saying that we have not done anything. We have done extensive work, and we want to commend the teams and my predecessors who lit the candle for the work that is being done.

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Our responsibility now is to continue and conclude this work, and to ensure that South Africans find peace and are able to find closure after one of the most difficult periods our country has experienced.

Thank you very much.

Mr N GOTSELL: Chairperson, good morning to the Minister and colleagues. Minister, in your 2025 Budget Vote, you reported 180 sets of remains that were recovered, but that only two convictions from 158 TRC-related investigations had taken place. You've now reported on a third conviction, if I heard correctly.

Now, given SA Police Service, SAPS's serious DNA processing delays, will you undertake today in this House to raise the prioritisation of forensic evidence from TRC exhumations with the Minister of Police and that you will report back to Parliament, because delays in SAPS laboratories inevitably delay TRC prosecutions and justice for the families?

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Chairperson, based on the reports before me, I do not have any

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indication that there has been a delay. As you know, our task team has been conducting the DNA identification process, and in the work they have undertaken, including the exhumations and related processes, no delays were reported.

They have been able to complete the mapping. I can give you an example: when there was a concern about the number of people who could be accounted for in the Sharpeville Massacre, the task team went to the site, carried out the mapping, and conducted the DNA process. Their work has not been hampered by the challenges within SAPS.

If there is a report that comes from the NPA task team that is working on this to say there are delays, we'll definitely intervene and ensure that there is a turnaround. But from where I'm sitting, there's currently no need for me to ask the Minister to intervene because there has not been a complaint that relates to this work, particularly of the TRC, hon member.

Thank you.

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Mr K CEZA: Minister, this generation actually was never part of the clandestine, Convention for a Democratic South Africa, Codesa, negotiation that traded justice for reconciliation. Communities such as Nkomazi, Bushbuckridge and KwaZulu-Natal still wait for the exhumation, housing and educational reparations while the state hides behind the bureaucratic delays.

Why do you continue to reduce reparations to symbolic gestures instead of binding constitutional justice? What legislative timelines and forcible budget allocation and statutory guarantees will you commit to, to ensure reparations are delivered as justice and not reconciliation, so that victims' families finally receive material redress?

Thank you very much.

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Hon Ceza, the first issue is that none of us can be creative about what the task is for the Department of Justice. The task is outlined in the seven volumes report by TRC. It specific to what needs to be done, where and which area.

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So, when we say symbolic, that is what the TRC instructed us to do. The Minister of Justice cannot wake up and decide to do what is not allowed or what has not been an instruction. And remember, hon member, those reports were adopted by Parliament, which was a multi-party platform with representatives of the people of South Africa.

So, neither of us can undermine that because if we are to follow constitutional democracy, that's what the people of South Africa wanted and have asked us to do. There is nothing that we camouflaged. We have actually done quite a lot.

Giving the remains to the families can never be underestimated, hon member, especially for some of us who are Africans, where the families would say, I had a person who died and was killed but never managed to bury that person. Being able to take those remains back to that family where they can perform a burial themselves and have a grave for their ancestor. It's a very significant milestone, hon member. As an African child, surely you can agree with me.

Lastly, Chairperson, the issue of what happened at Codesa can be debated. I do not know what the basis is for saying there

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was a sell-out. As the Honourable Member himself said, he was not there. From where I am sitting, we would not have been able to achieve democracy if those who sat at Codesa had not ensured that we were able to make that transition

Hon Ceze, what you and I have to do today is to continue from that baton that has been left in our hands. We have attained political freedom. What you and I and many others need to do as this generation, is to ensure that we sustain the democracy, but we ensure that the benefits of this democracy are spread to all the people, including economic benefit. That is our task, not to blame the forbears while we're folding our arms without playing a role in this democracy.

Thank you.

Mr H J VAN DEN BERG: Minister, does the Minister not agree that this prolonged, open-ended process continues to keep the country focused on the divisions of the past, rather than enabling genuine national closure? When will government set clear time-lines finalisations, can move forward and concentrate on resources and attention on the urgent challenges of the present and future? When will it finish?

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Thank you.

The DEPUTY CHAIRPERSON OF THE NCOP: Hon van den Berg, your audio was breaking up in a few instances, but I just want to check with the hon Minister, did you understand the question, or should I ask the hon van den Berg to repeat?

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: I did grasp the question, Chair.

The DEPUTY CHAIRPERSON OF THE NCOP: Okay, your response, please?

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Chair, I think those who have concerns that the more we talk about reparations, the more people will not be able to heal. But I do think that is correct, hon member. Being able to consistently confront the demons of apartheid in our country not only assists us to move forward, but it lets us know that these are things that should not be done in the future.

So, it assists the new generation to know what the painful past of this country is about and continue to be able to be

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cautious that we should not make the same mistake. So, for me, even if we can complete the reparations, conversations about what this country went through during the apartheid regime must continue in our communities so that all of us are reminded that this is a painful past for South Africa and it should never happen where you have the minority without the will of the people, without any legitimacy, claiming to have authority over the others.

We should never again have women being regarded as perpetual minors in this Women's Month as we celebrate Women's Month. We must be able to look back and say, these are the difficulties that women in this country face.

Young women must understand that seeing black women as Ministers and chief executive officers, CEOs, is a result of the freedom we have achieved. It is something that did not happen in the past, which is why these conversations must continue into the future.

You can look globally, whether you talk about the slavery in the United States, the slavery in Ghana, 100 years down the line, those conversations still happen because elements of

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those continue to rear their ugly head in society. So, it's the checks and balances that we continue.

So, let's be cautious about whether we want to close for the sake of us wanting to forget and cleansing our conscience, because it's not going to help this country.

Thank you very much.

Question 104:

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: House Deputy Chair, I must indicate upfront as I begin to answer this. I found difficulty with this question because it seems to encroach on another Minister’s mandate. My responsibility and the responsibility of National Prosecuting Unit, NPA, is not with the licensing and firearms control. That falls within the purview of the Minister of Police. But I took liberty to answer and I will do so.

The development of the electronic case management system for the high courts is intended to capture the statistics of cases heard in the High Court since the current system only captures statistics in the lower court. Currently, the High Court

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statistics were being captured manually. The implementation of ECMS in the High Court will assist in having a holistic picture of outcomes in both lower and higher courts and therefore enabling proper reporting on the NPA's performance.

The matters referred to the High Court for adjudication are cases where investigations are already finalised and ready for trial. As mentioned in the reply to the National Assembly Question 1948 on 4th April 2026, the reasons for the withdrawal of each specific case are recorded on the individual case docket, which are returned to SA Police Service, SAPS and the NPA does not maintain a record of the reasons for the withdrawal. Details of the reasons for withdrawal of cases thus is not available.

It needs to be mentioned that a substantive number of matters screened by prosecutors were assessed as lacking a reasonable prospect of success, primarily due to if evidentiary deficiencies within the investigative material contained in the docket. These deficiencies in the docket commonly relate to incomplete witness statements, inadequate documentation of searches and seizures, break-ins, the chain of custody of seized firearms, the absence of ballistic or forensic

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confirmations, uncertainty whether the seized items meet the statutory definition of firearm.

It is important to emphasise that decisions not to enrol matters are not indicative of a reluctance to prosecute firearm offenses but rather reflect the constitutional obligation on prosecutors to ensure that criminal proceedings are instituted only where the evidentiary threshold required by law has been satisfied.

The NPA is aware of concerns raised against the backdrop of persistently high levels of violence crimes within the Western Cape, where firearms remains the primary instrument in the commission of murders, attempted murders, and other serious violent crime, particularly within affected areas. The stakeholder environment includes SAPS, provincial structures, civil organisations, and they engage in this area.

The NPA’s role is to independently assess the evidence material placed before it and institute prosecutions only where the threshold of reasonable prospect is affected.

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Mr N GOTSELL: Thank you, Deputy Chair, and thank you, Minister. I think we're basically on the same page. But in a recent parliamentary reply, it was shown that 26,665 firearm cases were withdrawn over five years, whilst the NPA head advocate Mothibi then confirmed to our Select Committee on Security and Justice, that prosecutions are, as you have said, undermined by SAPS investigations, dockets and forensic delays. Now, Advocate Mothibi also reported to the committee that the NPA introduced training interventions for SAPS officials responsible for firearm seizures and investigations.

Now, given that failed firearm prosecutions, as you said, fuel gang crime, something which was addressed by the President' state of the nation addressed, this year. Will you undertake today to report quarterly to our select committee on whether the NPA's interventions are delivering fewer withdrawals and more successful prosecutions?

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Deputy Chair, I think let me start by saying that, when we look at statistics in relation to the work that is being done by the organised crime team, in the Western Cape, we are seeing a decline in terms of numbers since the intervention happened

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and since the President’s state of the nation address. And those statistics have been provided even in the last media briefing by National Joint Operational and Intelligence Structure, NATJOINTS to show that there’s improvement in terms of that and also in terms of the work.

We have committed because as you look at the intervention in terms of the organised crime, there is a coordinated intervention between all stakeholders and also NPA is involved.

As you say, part of the weaknesses have been addressed in terms of seeing, that there is weakness in understanding the process that requires by NPA and training would have been provided specifically to the teams that deals with as an intervention as well, alluded member.

So, the reporting, we report quarterly to everywhere. I don’t think it’s a problem to report, but not only for firearm and not only for Western Cape. We are a national country. So, reporting to Parliament must be aboard to all the other areas. We don’t have gang-related violence only in the Western Cape. We have issues that we are concerned about for the people of

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Gqeberha in the Eastern Cape. We are worried about the people in Gauteng. You would have seen recently, members of the gang-related teams were killed in Reiger Park. So, the reporting can't be, hon member, about Western Cape only. Then it will be like as a country, we care about only one area when many people are affected. So, the accountability and reporting must be about gang related areas across the country and not only specifically, one area. Thank you.

Mr P NOE: Good morning, Minister, good morning hon members. Minister, you have partly covered my question but just for a point of emphasis and maybe later on providing the statistics just for our own understanding of the situation.

The first one is how many of those cases that were enrolled were withdrawn before the court during 2025-2026 financial year and how many accounts for successful prosecutions and based on the available data and the constitutional imperative for cooperative governance? Is there any plan by the NPA assist the SAPS to strengthen their investigative capacity to ensure a high rate of successful prosecutions in these cases? Thank you very much.

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The DEPUTY CHAIRPERSON OF THE NCOP (Mr P Govender): I note that part of your question is of a statistical nature and I'm not sure whether the Minister has that kind of figures to present to you right now but hon Minister it's up to you.

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Deputy Chairperson, I think let me start with ... that's why I made reference to a reply to Question 1948, where we outlined the statistics annually. I think that is available for Members of the NCOP in terms of that.

But secondly, the issue of integrated work, as hon member is asking, is quite important because we are seeing interventions, as I say. When you look at that statistics, you are starting to see that there are adjustments in terms of that. But interventions are related to the issues of training, collaboration, but also ensuring that dockets don't go to court when they are not ready because then you get the cases thrown out or perpetrators walk free or suspects walk free.

That's why the matter of ensuring that preparations are way advanced is important and that's why we want to make sure that collaborative work across the country happens and that's why

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Operation Prosper does not only have members of SAPS and defence, but they do have members or investigators. We've got the Asset Forfeiture Unit involved, from the NPA, because part of the issue is some of the gang activities, you find that they actually have assets that they've acquired wrongly. We've said to them, we must be able to take those assets through AFU so that we don't have them fighting the state utilising stolen goods. Thank you very much.

Ms A M SIWISA: Hon Deputy Chair, the question is supposed to be taken by me. If it's Question 104.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr P Govender): We haven't been informed of any of the changes, hon member. You should know the rules that when there are changes, the Chief Whip need to be informed of it.

Ms A M SIWISA: Deputy Chair, we did inform the Table. I'm not sure what is the problem.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr P Govender): Alright, I haven't been informed about and changes, but you may go ahead.

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Ms A M SIWISA: Greetings, Minister and hon members and staff. Deputy Minister, with reference to your opening remark, you've alluded that you don't deal with statistics of assets of guns and everything. Approximately 2,400 guns were stolen and sold by a convicted Col Chris Lodewyk.

How many cases have been brought for prosecution that are linked to the stolen firearms because Minister, we can't just ignore the issue of stolen guns? And what intervention have you done as the Minister of Justice and Correctional Services in collaboration with the Minister of Police to get an audit of all the guns that are in the asset register of SAPS and the Police department? Thank you very much.

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: I think in relation to this question member is asking, I do not have jurisdiction on. That's purview of the Minister of Police completely. I don't have a role in being involved in recording of firearms or any. Our role as a portfolio is with prosecution only. If I do anything else, I'll be acting illegal. Thanks, Deputy Chair.

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The DEPUTY CHAIRPERSON OF THE NCOP (Mr P Govender): May I be informed if the hon Medupi is on the platform or if she’s having any challenges? All right, since we are not hearing from hon Medupi, I shall then move on to the next question.

Question 95:

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Chairperson, I think this is one of the most critical areas that we've got to work on. The Department of Justice and Constitutional Development, through state attorneys and the Office of the Solicitor-General, has over the years actively advanced the brief of previously disadvantaged individuals, women, and persons with disabilities through adopted briefing patterns, and we clearly define key performance areas, KPAs, and also ask them to be able to report.

Recently, I have had stakeholder engagements with various members of the sector, and we have agreed on the monitoring of this work by both the department and the sector. Just to give some statistics across the country, African females that have been briefed are 1 715, Asian females 17, Coloured females 210, Indian females are 251, and White females are 311. African males are 2 616, Coloured individuals are 186, 247

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males who are Indian, and that total gives us all in terms of briefing patterns of previously disadvantaged individuals to a total of 5 564. And that statistic is important, but also, we continue to work in ensuring that we can be able to transform the sector. Hon members will remember that we are currently opposing a legal challenge that has been instituted against the Legal Sector Code in court. The matters have been argued. We are waiting for the verdict to be issued.

Another issue that we have done in intervention in this area was to instruct the state attorneys to ensure that when we do briefings in terms of the work that we are doing, we must make sure that the junior advocates are given tasks as part of mentoring and development so that they don't remain junior forever and they can also grow to become silk. We have also started a process of ensuring that we I want to say, those who have been with a number of years can compete amongst themselves. Currently, what is happening is that a brief will be sent, and you find that a 20-year experienced advocate is competing with an advocate with five years.

So, we've said that those who are between zero and five must compete amongst themselves and those with high experience must

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compete amongst themselves, so that there's equal opportunity and that there is no one with an added advantage over the other. This is part of the work that we continue to do as part of transformation. Thank you very much, Chair.

Adv Inkosi M NONKONYANA: Thank you, Comrade Minister. It is indeed gratifying to hear that the department is adhering to the ANC's transformation agenda for this sector. Arising from your response, Comrade Minister, is there any structured interface between the department and key stakeholders as a feedback and monitoring mechanism for the monitoring of the briefing patterns in line with the Legal Sector Code? Secondly, what is the level of transparency in briefing by the state attorneys to ensure that there is no favouritism in the briefing patterns? Thank you, Deputy Chair.

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Chairperson, indeed, we've agreed with our stakeholders that each state attorney across the country must have quarterly stakeholder meetings in their area. If it's in Mthatha, the state attorney in Mthatha must have quarterly engagements with the stakeholders in Mthatha, for example, to be able to receive feedback, to be able to look at the gaps and ensure

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that we co-monitor the work that we have committed to do. Another thing that we do, hon Nonkonyana, which I really thank this work as well, is that we currently publish the statistics on our website. So, it allows for transparency. It allows for us to be held accountable as a department because the issue of transformation has to be consciously driven and deliberately driven. If we don't do that and leave it to automatically happen, it doesn't happen because you can end up with a particular drive of ensuring that a particular people benefit.

Another issue that we started paying attention to, it was also making sure that there are benefits between the advocates and the attendees. You would have noted with the commissions that we are doing that all of them we've balanced between the commissioners, where you have commissioners in terms of those who are presiding, but also even evidence being led by attorneys. This is also part of the redress of the sector, ensuring that there's a balance and there is no other profession or any that feels more important than the other chair. Thank you very much.

Ms J M ADRIAANSE: Thank you, hon Chairperson. Minister, the government tells us that 88% of the value of state briefs

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already goes to previously disadvantaged practitioners. Yet this question itself acknowledges the continued underrepresentation in specialised areas of law. How then are you measuring whether transformation is giving young and previously disadvantaged practitioners access to complex career-building work, rather than simply meeting briefing targets on paper?

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Thank you very much, hon Adriaanse. I think that's a hardcore matter around transformation. And when you look at our argument where we want to ensure that the sector transforms, it's all those areas where you find previously disadvantaged individuals getting similar patterns, for example, labour matters, and you'd find the majority of our previously disadvantaged individuals, especially women, you'll find them in labour and also in divorce issues. And that's why family advocate type of work. And that's why the issue of transformation, not only in terms of what we are doing as a state, as we look at it, how we intend going forward, dealing with that, is to be able to allow state attorneys to take the responsibility of state-owned entities because these complex cases are particularly sitting with our state-owned entities. If you look at the

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lottery, if you look at the Industrial Development Corporation, IDC, if you look at the Development Bank of Southern Africa, DBSA, and you look at the Public Investment Corporation, PIC. And when we look at their briefing patterns, they are worrying us, in terms of transformation, and we have started that engagement; we are taking a memo to Cabinet this financial year to request that Cabinet give us responsibility for state-owned entities, so that those briefings of complex matters can be given to a previously disadvantaged area because currently it's not the same. What we deal with in terms of departments, in terms of matters, it's those common ones that everybody's at and not giving them exposure that we think will add value, and this is the work that we'll start doing in this financial year. Thank you.

Ms A MATSHOBENI: Hon Chair, oh, I've lost network. Which question, hon Chair?

The DEPUTY CHAIRPERSON OF THE NCOP: You are supposed to be responding to it, hon member. You should be aware of which question you are supposed to ask. I don't know which question you are asking.

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Ms A MATSHOBENI: No, I am just asking, are we on Question 95 or what? Because I was cut off by the network. I am trying to get in.

The DEPUTY CHAIRPERSON OF THE NCOP: Oh, I see. Yes, we are dealing with Question 95.

Ms A MATSHOBENI: Thank you very much, hon Chair. Greetings, hon Chair, hon members and hon Minister. Minister, given that large commercial firms are using the courts to block the 50% black ownership targets of the Legal Sector Code while black junior counsel continue to exit the profession in droves. Why is the state relying on empty court defences instead of immediately cutting ties with all lucrative state advocate and state attorney contracts with any large law firm that refuses to transform? Thank you very much, hon Minister.

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Chair, my apologies, can I ask the member to repeat? It is the network. I don't know whether it's mine or hers, but I couldn't hear properly.

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The DEPUTY CHAIRPERSON OF THE NCOP: Okay, hon Matshobeni, can you please repeat your question for clarity?

Ms A MATSHOBENI: Okay! Hon Chairperson, I'm saying, Minister, given that large commercial firms are using the court to block the 50% black ownership targets of the Legal Sector Code while black junior counsel continue to exit the profession in droves. Why is the state relying on empty court defences instead of immediately cutting ties with all lucrative state advocate and state attorney contracts with any large law firm that refuses to transform? Thank you very much, hon Chair.

The DEPUTY CHAIRPERSON OF THE NCOP: Hon, Minister, did you get the question now?

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Yes, I did. Chair, what the hon member is asking me to do will be illegal. We can't do that. Similarly, the hon member would have seen, even at the court, you had black advocates representing these big law firms. So, it's a very complex matter to want to state and say, no, you're going to cut ties. It means even those who represented this law firms will have

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to cut ties with them. And I don't think it will be within the Constitution. Thank you.

Mr S A ZULU: Thank you very much, Deputy Chairperson, ...

IsiZulu:

... ngikubingelele nabahlonishwa ...

English:

... on the call, ...

IsiZulu:

... ngikubingelele nawe, Ngqongqoshe, sawubona.

[Ubuwelewele.]

English:

What enforceable consequences will apply to an organ of state that persistently fails those transformation targets? Thank you very much.

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Thank you very much, hon Zulu. At least on this one, because the state attorneys are the ones that are working with clients, we

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can call them client departments, so they are able to ensure that the patterns are there, and they have been insisting on departments receiving briefs where a Minister or a department insist on previously advantaged individuals over the other and overreliance on them. There has been pushback and refusal to appoint those. So, at least with the powers of the state attorneys, they've been able to enforce the targets and they've been able to enforce the briefing patterns they are expected to do, and with the quarterly monitoring, it assists us to be able to see if there's a particular office that is assisting in terms of what needs to be done, and if the office is not compliant itself, then as the Minister, I have the authority to be able to take those officials to task. Thank you very much.

Question 112:

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Deputy Chairperson and hon member, the applicant in the matter approached the court with two parts to his application. Part A, seeking an interdict against the Minister of Justice and Constitutional Development and the Magistrates' Commission to prohibit the withholding of his salary, which is still under consideration by Parliament pending the finalisation of the

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review of Part B, which he seeks to review the decision to suspend him and the determination to have his remuneration withheld. It would be therefore improper for me to comment publicly about this matter because the matter is currently sub judice.

It would be premature for the department to take any position on the matter because the matter will proceed in terms of Part B of the papers. However, at present, the Magistrates' Commission deals with and provides oversight regarding disciplinary measures against magistrates in terms of the Magistrates' Act 1993. Thank you very much, Chairperson.

Ms A M SIWISA: Chair, thank you again for the opportunity. Minister, the Magistrates Commission is a powerful body regulating the affairs of judicial officers. Their recommendation is in the blows matter to withhold salaries is far-reaching and was defeated by the High Court ruling of appeal.

It was a basic legal argument and a constitutional insight to know that the recommendations of the Magistrates' Commission are unconstitutional and undermine the rule of law. If

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seasoned magistrates on the Commission resolve to support unconstitutional recommendations, must we still accept their competency levels are beyond reproach, and can they still be trusted in such powerful positions? Thank you, Deputy Chair.

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: I think hon member needs to be careful because when you look at the composition of the Magistrates Commission, you have Members of Parliament who are sitting there. Indirectly, the hon member is impugning on the character of Members of Parliament who are members of NCOP and NA, have representation at the Magistrates Commission.

But also, because those committees are subject, if they are to be dissolved or any of them are to be removed, it needs Parliament. So, to reflect on their character as well, it’s in violation of the Rules of Parliament. I think a member needs to be cautious about that.

I want to deal with the issue in terms of whether the Magistrates Commission has the powers or not, and that’s one of the things that is before court. But the rationale does

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make sense, hon member. You have a member that is suspended and it takes years before the matter is resolved.

When you look at the past, you'll find that when a magistrate is suspended, then they do delaying tactics, and you can finish a year or two. While they are receiving their salaries, there is no incentive for them to ensure that their disciplinary committee, DC, is concluded. So, that's a bit of a problem.

So, when you can have the DC concluded in time, then it means, you have resources that are utilised where you need people, but the person can't be there. So, it's cars, secretaries, and salary. When you appoint an active magistrate, it's additional resources to the state that you do not have.

So, the rationale around suspension and withholding salaries was a mechanism to encourage those who are going through DC to ensure that the DC process actually concludes properly and faster. Because once they are reinstated, then they are able to get their money back. As you say, the courts have a different perspective, but I don't think the rationale and the intention can be undermined and ... it was not out of malice.

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Because if we look at the number of magistrates going through DC, and you can imagine if you have about 50 magistrates on DC, it means you're paying 50 salaries of people who are suspended, sitting at home, doing nothing but receiving salaries. That has an impact on not only the fiscal point of view, but also access to justice, because you have 50 or fewer magistrates to hear cases, and therefore the backlog will be part of the problems that we face. Thank you, Chairperson.

Mr P NOE: Chair, has your paper been updated so that I'll be replacing hon Phala?

Adv Inkosi M NONKONYANA: Sorry, sorry, sorry, Deputy Chair!

The DEPUTY CHAIRPERSON OF THE NCOP (Mr P Govender): Yes, hon Nonkonyana.

Adv Inkosi M NONKONYANA: It has been brought to my attention that the Table Staff gave you the list yesterday, yet we did give them a revised list this morning. Can they please give you the revised list? Our apologies, Deputy Chair and indeed, hon Noe, has substituted hon Phala. Thank you.

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The DEPUTY CHAIRPERSON OF THE NCOP: All right. I will try and get hold of the revised list. Go ahead, hon member.

Mr P NOE: Deputy Chair and Minister, thank you once again. Just based on the question that you just provided, I mean the answer following on that, why we should acknowledge that the matters of disciplinary sanctions of magistrates indeed fall within the powers and functions of the Magistrates' Commission, which enjoins organisational and operational independence. On the basis of the case that we are dealing with here, what are the lessons? Just a second, I just lost me.

What lessons has the department learnt from this case for future policy and legislative reforms? Also, is the Minister aware of any plan by the Magistrates' Commission to address the challenges of protracted leave of absence by the magistrate? And if so, what are the relevant details? Thank you very much, Minister.

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Hon members, just to indicate, it's something that we'll have to look at. You'd remember previously when the Magistrates'

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Commission would suspend individuals, they would not withhold the salaries. Over time, when they realised that there's a gap, which leads to people undermining the work of the Magistrates' Commission regarding delaying tactics, not co-operating with the DC process, and therefore they brought in the issue of withholding of the salary. What then became a trend is that then we got more of them, and once you start withholding the salary, they resign.

Now, still the question is: How to hold them accountable when they decide to resign? We got a legal opinion recently, where we were told that no, the Minister has no powers to do anything. When a person resigns, the Minister cannot reject the resignation.

That's part of what we'll have to look at when we deal with the legislative framework broadly as part of the single and independent judiciary. However, we are doing that review to look at all that compared to what the JSC is doing and show that we can be able to have a seamless process. So that will be addressed as part of that process, hon member. Thank you.

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Mr J H P BRITZ: Hon Deputy Chair and to the Minister, I'm also a commissioner representing Parliament on the Commission, and I also take a serious issue with the statement by the hon Siwisa. But Minister, given the constitutional separation of powers between the executive and the judiciary, including the Magistrates' Commission, and bearing in mind that you will overstep that constitutional boundary, should you issue directives to the Commission, on what other legal basis would you issue directives to the Commission on disciplinary decisions concerning magistrates, rather than only ensuring that the legislative framework itself is constitutionally sound? Thank you, Deputy Chair.

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: I do agree with hon Britz that we're always advocating for the single and independent judiciary, but also in the current format as well, without interference by the executive.

Hence, even when I started, I said the advice to the Minister comes from the Magistrates' Commission. Even the issues that we have got would have been advised by the Commission. That's why even the issue of resignation would have been, as well, a legal opinion to say you can't refuse.

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We always interact. So, in relation to the DC and the work that is being done on magistrates, it's driven by the Magistrates Commission. Hence, I said, going forward in the legislative framework, because that policy development still remains the responsibility of the Executive Authority.

That's why, as we consult the judiciary, both in terms of magistracy, heads of courts, and the superior courts, we are ensuring that the legislative amendments can make sure that those issues are covered. Thank you very much. Thank you very much, hon Minister.

Mr M M PETER: Good day, hon Chair, ...

IsiZulu:

... sawubona ...

English:

... Minister.

IsiZulu:

UNGQONGQOSHE WEZOBULUNGISWA NOKUTHUTHUKISWA KOMTHETHO-SISEKELO: Sawubona.

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English:

Mr M M PETER: Section 1C and section 9, Subsection 1 of the Constitution of the Republic of South Africa, established that the rule of law is supreme and that everyone is equal before the law, meaning that no person, including any judicial officer, is above the law. It is equally important that the process used to hold judicial officers accountable is fair, consistent and does not undermine the functioning of the South African courts. As of 31 March 2024, there were 2 422 approved magistrate posts, but only 1 878 were filled, leaving a vacancy rate of 22,5%. This means that our courts are already operating under a significant shortage of magistrates.

The department must consider whether ongoing disputes and uncertainty around disciplinary and remuneration matters are affecting those who remain in the system. Has the department considered whether these issues are affecting the morale of magistrates, making it difficult to retain experienced magistrates, or affecting their independence when carrying out their deed duties? Given the existing capacity challenges in our courts, what is the department doing to make sure that these disputes do not further affect the functioning of our justice system?

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IsiZulu:

Ngiyabonga Ngqongqoshe.

English:

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Hon Peter, I think the first issue is the respect for the separation of powers between the executive and the judiciary. Secondly, I agree with you. Judicial officers as well are not above the law and are not above the Constitution. So, the issue of them being able to hold themselves to the most ethical and high standard remains important.

Also, as executives, allowing the Magistrate Commission to be able to do their work and exercise their authority by ensuring the functioning of the judiciary. More so, it’s within their purview as Magistrate Commission that they are able to look at, for example, where vacancies are, how they fill them. Since I’ve been on the portfolio, I can say they’ve been doing quite well in ensuring that the vacancies are closed to deal with the backlog, but also where the turnaround time has been improved.

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Also, regarding the vacancies that are closed, one can proud themselves to say, we've been able to see quite a lot of women rising to the top, to ensure that they can be appointed at Magistrate. So, the issue for us is to always remind ourselves, hon members, within the boundaries of what we can do and what we can't do as the department. Thank you.

Question 109:

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Hon Deputy Chairperson and the hon Zulu, as of 7 August 2026, 84 proclamations were gazetted since the 1st of April 2024. It is important that the question is responded holistically, with the necessary context and an explanation on how the civil litigation and the recovery process of the Special Investigating Unit, SIU, are practically implemented. This is one of those hon Deputy Chairperson that are very detail. If I cannot finish it, I will also hand it over.

The question is about understanding the actual cash amount recovered and paid indirectly to the National Treasury. Payments take place directly into bank accounts of the relevant state institutions against the actual cash amount due to the state which is still subject to litigation. In this

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regard, the question is premised on an understanding of a classic traditional debt recovery system whereby an identified amount is known upfront as due and payable, has not been paid on demand which necessitates the institution of civil litigation proceeding to recover the amount due and payable.

In terms of this tradition, recovery system we are expected to add all amounts due and payable to the state identified actual cash recovered and pay to National Treasury against the determined cash amounts still subject to litigation. The above traditional recovery model is not followed by the SIU.

Secondly, the SIU's recovery model is one based on legality reviews, consideration of a just and equitable remedy and the no less no profit principle. Legality reviews are based on impugning a decision made based on irregular and or unlawful conduct. It is intended to have the impugned decision reviewed and set aside. Thereafter, declare the subsequent action on contracts unlawful and invalid from date of inception.

In most instances where favourable judgements are granted, a debitment process is undertaken to determine expenditure incurred and the profit margins earned by the beneficiary of a

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reviewed decision. In most but not all cases the beneficiaries of the decision impugned decision are ordered by the court or a special tribunal to repay the amount determined as profit back to the state institution which made the reviewed and set aside the decision.

The second recovery model, it is apparent that in most cases litigants only know the profit margins recoverable to the state after the department process has been determined the profit earned either through a special tribunal or a court order agreement reached.

So, this is the process and it is not the same and that is what we are explaining. The amount recoverable to the state under the process amounts to R1,3 million in potential cash to be recovered as of the 31st of March 2026 to date. In very limited instances cases the SIU does receive favourable judgements sounding in money and with no pending appeals. The total amount in the category amounts to R670 million as of 31st of March 2026. Thus, according to the SIU records the total amount of two figures amounts to R2 billion which is the total potential of recoveries to be still received in cash as of 31st of March.

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Of the recovery funds, the following payments were made directly to the relevant state institutions in line with section 13(1) of Public Finance Management Act for the following: 1 April 2024 to 31 March 2025 is R1,4 billion, 1 April to 31 March 2026, R981 million.

No payments to state institutions were made after the 31st of March. Payments will be made during the second quarter of the financial year ending 30 September.

So, hon Deputy Chairperson, in terms of the number of referrals to the National Prosecuting Authority, NPA, has been 1 949, number of successful prosecution and convictions, 18. They declined 13. Pending cases that are still under investigation 1 794. Description of growing gap between SIU findings and criminal accountability is that the SIU conducts investigations with the view of making referrals to NPA and those referrals and to institute civil action and therefore evidence is gathered and handed over to NPA. Therefore, NPA look at the evidence in front of them to determine if there is further information or further evidence needed or further investigation to be able to go to court at the success rate. There is a need to look at the existing legislation to

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harmonise the Special Investigating Unit Act, Criminal Procedure Act and the evidence laws. This includes the Electronic Communication and Transection Act and the regulation of interception. Thank you. [Time expired.]

The DEPUTY CHAIRPERSON OF THE NCOP (Mr P Govender): Hon Minister, yes, you may also email the document to the committee for a full response of yourself. Thank you very much.

We now go to the follow up, the hon Zulu.

Mr S A ZULU: Hon Deputy Chairperson, once again good morning to the hon Minister. Hon Minister, the SIU reported 912 referrals to the prosecuting authority in 2024-25 financial year alone. Yet even the SIU annual report says that more referrals must end in successful prosecutions.

Will you give this House a firm deadline by which the SIU, NPA and the Hawks will maintain and publish one reconciled case tracking register showing for every SIU criminal referral whether it is under investigation, enrolled for prosecution, declined, withdrawn, finalised or has resulted in conviction

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and if you will not, hon Minister, how can Parliament hold any one accountable for the referral to conviction gap? Thank you very much, hon Deputy Chairperson and hon Minister.

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Hon Deputy Chairperson, indeed we have raised concerns about a number of referrals that literally leads to individuals who end up appearing before court. What was explained firstly to me was that you find that in one case you have several referrals. So, it is not let us say for example you take the Lottery matter. The Lottery investigation in it will have multiple referrals. So, 1 971 must be read in that context. So, you can have one matter investigated by SIU but in the referral because if it is individual then it becomes individual cases. Let us say you have five people that must be referred for prosecution then those individuals because of those cases because they are not interlinked then they become multiple cases. That is the first thing so that we understand that statistics. It is not a huge gap as it looks like, hon member, but we still want to see successful prosecution. So, I just thought let me start there.

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Secondly, that is what we said to Adv Mothibi as he moved from SIU to NPA. We said the quick wins is to be able to pull from the work that he has done at SIU where the frustration that he has experienced of prosecution to be able to understand. However, my understanding is that the two teams have met to look at the areas of investigation for NPA to give feedback to SIU on the areas of their concern but also to ensure that those that are referred are not dealt with.

From my side what I have done is to ensure that there is no duplication of investigations and there is no duplication of work amongst the institutions. So, for an example if something has been started by Investigating Directorate Against Corruption, IDAC, or even NPA then we say to SIU you cannot go into the same area. There must be collaboration if there is information before SIU that NPA or the commercial crime team can utilise we want to make sure that it is done. If the matter is started by SIU, the NPA must not pull it. We are ensuring the collaboration so that we can have success convictions.

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We do believe this year at the end of the financial year, hon member, we will see improvement in statistics. Thank you very much.

Mr P NOE: Hon Deputy Chairperson and again hon Minister, in your first response, you will answer my question where unfortunately you could not finish due to time. Maybe this will give you chance to complete what you explained in there.

Firstly, my follow up question will start by saluting the SIU for the sterling work they continue to do of recovering billions of the public funds lost due to corruption in the public sector. It is said based on the available data: What are the common causes of the delays in the finalisation of matters that are before the courts for adjudication and - this is the aspect of where you were explaining to this House what is it that is being done to address the delays amongst others - whether the department has any planning consultation with the judiciary to remedy this situation to ensure speedy finalisation of this matters? Thank you, Deputy Chairperson and hon Minister.

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The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Hon Noe, indeed the issue of SIU and the NPA covers to the issue of us having to look at existing legislations to harmonise so that we can be able to have successful convictions. For example, the Special Investigating Unit Act, being reviewed. The Criminal Procedure Act, that needs to be reviewed. The National Prosecuting Act that needs to reviewed and also looking at the Electronic Communications and Transections Act together with the regulation of interceptions of communication and provisions of Communication Related Information Act. All these Acts needs to be reviewed. When they are reviewed, they will assist the SIU in terms of the gathered information. The challenge currently is when the SIU collects this information, and when it goes there in terms of their evidence, it is not readily admissible for criminal courts. So, that is why the SIU have called for all these amendments. I can assure hon members that with we are currently in the process. We started the process of amending the Special Investigating Unit Act. We have started the process of amending the Criminal Procedure Act and also the National Prosecuting Authority Act.

All those as well will do. We have in terms of Regulation of Interception of Communications and Provision of Communication-

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Related Information Act have raised the issue in terms of the review of that legislation. That also will come handy to assist and support this work. We do believe with the sterling work done by SIU, and I must say hon member, thank you very much hon Noe, because from SIU we get bashed as Ministers and as the executive when institutions are not doing well. However, we never get commended when institutions are doing well. We do believe that the public sees the good work done by SIU. It remains one of the exemplary and as we sit now, I mean they are currently regarded as one of the best employers in the country. So, it means not only in terms of their work that they are doing but also, they are regarded as one of the best employers in the country. So, people wanting to be part of the SIU because of the brand, image, ethics in terms of that organisation but the ability to be able to deliver the results. That is what we want to see in many of our organisations especially within the justice and criminal sector. Thank you.

Mr O J MOKAE: Hon Deputy Chairperson, Les Govender, good morning hon members, hon Minister and all on the call. Hon Minister, given to the astronomical number of the Special Investigating Unit referrals, compared to the shockingly no

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number of subsequent convictions you know we have these referrals but the numbers of convictions are very, very low by the National Prosecuting Authority: Do you agree that the NPA lacks the capacity to prosecute complex matters and will you accordingly support the DA Anticorruption Commission Bill? If not, why not? Thank you very much, hon Deputy Chairperson.

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: I think the hon Mokae you are exaggerating when you say astronomical disaster. There is no such. The prisons will not be full if the NPA did not have capacity to convict individuals. It is not correct to say the NPA has no capacity to deal with complex crimes. There have been successful prosecutions. There are quite a number of them. There have been able to fight them in court. Quite a number of them are before court. They have been able to pay attention. We have built capacity in terms of specialised teams. We have built capacity. We continue to build that capacity in terms of ensuring that we can be able to deal including the financial analysis and also in terms of prosecutor for example financial analysis and analytics that are there to help in analysing and tracking the money. There has been training of prosecutors in partnership with global institutions in terms of digital

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forensic investigations but also prosecutions to be able to analyse those.

So, capacity continues to be built but also it has been there, and it is now there. So, there is no issue we need to deal with.

The Bill you are referring to, I wish I have more time. It is lagging in many areas and ill informed. I do think that we can make time where I can give you feedback about that Bill. However, I do not think in its current format does respond to what this country needs. I think the drafter does need some little bit of research engaging with what are the weaknesses.

So, we will bring something that responds to where the gaps are. If you can hon member look at a National Anticoraption Advisory Council, Nacac Report, it will assist. What the DA has put on the table does not even meat the surface of what is required. Thank you.

Mr K CEZA: Hon Deputy Chairperson and hon Minister, we want to ask this question within the context of the section 106 of the

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Municipal Systems Act in which the SIU commonly respond to investigations as complex and voluminous recycling ...

[Interjections.]

Mr P NOE: Hon Deputy Chairperson, on a point of order.

Mr K CEZA: Can you ...

Mr P NOE: Can the hon member switch on the camera.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr P Govender): Hon Noe!

Mr K CEZA: The camera is on!

The camera is on from my side. I am experiencing serious glitches here and I have changed my device. It is on.

Mr P NOE: Yes, I was just saying for the sake of your background.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr P Govender): Hon members, I am chairing this meeting. So, please

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Ms M MAKESINI: However, hon Noe stop what you are doing. Allow the Deputy Chairperson, we cannot be abused by you.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr P Govender): Hon members, please! I am chairing this meeting. So, if you have any comments please raise your hand, I will recognise you. Do not just interrupt another member who is on the platform.

Hon Ceza, please continue.

Mr K CEZA: Alright, thank you very much hon Deputy Chairperson.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr P Govender): I am sorry, one moment I see the hand of the hon Noe.

Hon member, what is your point of order?

Mr P NOE: I am sorry hon Deputy Chairperson. It was just my request for the decorum of the House that the hon Ceza we have seen his face for the sake of the decorum he can switch off the camera we have seen the background. Thank you, hon Deputy Chairperson.

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The DEPUTY CHAIRPERSON OF THE NCOP (Mr P Govender): There is no reason for him to put off his camera if it is not affecting the reception. I do not see how his background is affecting the decorum, but hon Ceza, you should have the background of Parliament. So, I will then ask you to switch off your camera so that you may continue.

Mr K CEZA: Apologies, hon Deputy Chairperson. I was saying that we want to ask this question within the section 106 of the Municipal Systems Act in which the SIU commonly responds to us in the community about the investigations being complex and voluminous and therefore recycling failure in municipalities for officials who were found complicit?

Can you commit to tabling a comprehensive performance audit of the Special Investigating Unit since its inception detailing its structural successes, systemic failures and total financial gains versus asset recovery losses and explicitly state what specific vetting and recruitment measures ensure that our most highly qualified investigators are assigned to complex and high-stakes corruption cases? Thank you, Deputy Chairperson.

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The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: I think where I am sitting hon Ceza, SIU has built capacity to be able to deal with this. I think mainly, I am not so sure what was the context of the discussion. However, mainly my understanding is that it would be in the time where people are raising how long it takes for them to be able to conclude an investigation. So, you find that when a proclamation is done then you have one person expecting that within three to six months there would be an outcome, and you find that it does not happen that way. Depending and this depends on the nature and complexity of the investigation.

Now one of the areas we have identified that we needed to close the gap, which I have gone to Cabinet and raised which they have asked us to look at the legislation and address, it is on matters that relates to secondment. When SIU is done with what we call secondment in let say a municipality there were couple of municipalities that I picked up that people were saying SIU was here. I went back to SIU to look at it whether it is Ekurhuleni, Johannesburg and Machabeng, and then you find that these were secondments. Secondments are on the basis of agreement by that particular body. So, the mayor and the municipal manager, MM, would identify a weakness and then

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approach the SIU, the SIU will do secondment. It is an agreement. They are present in that institution on the basis of being welcomed. Then you find that when there is a reshuffle or a vote of no confidence, against the mayor and the MM is fired, then an incoming one or the MM coming then terminates the secondment without the investigation concluded.

One of the gaps we are closing is that one, to say once there is a secondment no person should be able to withdraw the secondment and to stop the investigation in that institution without the permission of the President. We want to ensure that it is done so that the secondment does not collapse because we do believe that if we have done so many of these areas where secondments were done, we would actually have saved some of these institutions and looking at what happens for example at the Madlanga Commission. We think that if those investigations were seen to the end, we would not have these municipalities where they are today. That is the gap we re closing in terms of legislation and policy. Thank you very much, Deputy Chairperson.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr P Govender): Thank you, hon Minister.

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Question 97:

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Deputy Chairperson, the department has begun a phased-in-approach transfer of court administration functions to the office of the Chief Justice Department, supported by a task team composed of both departments. So, we've set up task team between the two departments. The OCJ shared the following services with the Department of Justice in terms of service level agreement; it was library services, transcript services, security services and facilities. These services were managed by and paid for by the Department of Justice.

Phase one of the transfer which took over from the 1st of April meant that these shared services were transferred fully with the budget to the Office of the Chief Justice, as also announced by the President and Minister of Finance. So, we can confirm that this has happened and OCJ is currently building capacity to be able to deal with this. It's a phase in approach, reviewing their structure as well to be able to respond to this need.

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And we continue to support, monitor in terms of where there are gaps and that's why some of the funds were supported to the OCJ through Criminal Assets Recovery Account, CARA.

Enabling legislation from initial drafting through to proclamation is deliberate and often lengthy process. It must follow established constitutional and parliamentary procedures to ensure legitimacy, transparency, and compliance with the rule of law.

Each stage policy development, drafting, consultation, tabling in Parliament, committee review debates, and final assent serves as a safeguard to balance efficiency with accountability.

Whilst the intent to strengthen judicial independence is clear, the timeline for full implementation depends on the navigation of these procedural requirements. Respecting due process is essential to ensuring that the result in framework is both durable.

The transition to full independence will inter alia, ensure realisation as enshrined in the Constitution. Among the risks

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that we are facing is the challenge, failure to govern transition to judicial independence, failure to enact enabling legislation, adequacy in terms of requisite funding and management of available resources, and adequate buy-in of the transition by affected staff members.

So, we have started with the drafting of the legislation. The team last week had a workshop, and they have a draft that they are bringing. The flagged areas of policy development or policy clarity that must be looked at, which we will be engaging in the next heads of courts, but also engaging with the magistracy. We have held consistent meetings, both with the magistracy and with the heads of court. There are still areas of disagreement between the two magistracy and heads of courts, once those are cleared, we'll be able to finalise the legislation and submit it to Cabinet for approval and that will be transitioning to Parliament.

The last area that we want to raise in this issue, is the issue of ensuring that we also engage with the staff. We have not started with staff engagement because hon members will note that currently the staff that works for OCJ are public service and administration staff. Now moving into the

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transition, we'll have to engage them as they leave public service, whether they are willing and voluntarily willing to move, and those who are not willing to move, how do we deal with that, it will be another phase in terms of that? It's very complex, it's not going to be easy.

The other area that we're dealing with, is transfer of functions out of the Department of Justice, especially that relates to magistracy or what is commonly known, I know the magistrates don't love this, lower courts. And that also is going to be tedious. And we have now started to put a project team that will monitor the work that is being done by the department to departments, to ensure independence oversight, but ensuring that this is done in a fair and transparent manner.

Hon members, I can assure you, as the executive, we remain committed to ensuring that this happens and the transition happen, giving effect to the constitutional requirement. So, the legislation we still expected within this financial year in terms of ... before the 31st of March 2026. Thank you very much, Deputy Chair.

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Ms O D MEDUPE: Greetings to you, Minister. Indeed, this was a comprehensive response from the Minister. Hon Minister, I'm sure you will agree that the transition towards full institutional, financial and operational independence of judiciary requires a structured and robust human, financial, operational planning. In this regard, has any benchmarking exercise been conducted from the international best practice model? If so, what are the relevant details? Whether the department has any plan in place for this transition? And if so, what are the key milestone of these plans? Thank you very much, Deputy Chair.

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Thanks, hon Modupe. I think the work that we are doing is quite extensive. We've looked at various countries, what models do they have and what will work better, and especially the area of accountability. So, part of the issue that we've got to respond to is, for example, when we look at the model of Parliament, because we've got to look at the three arms of the state. The first one is the executive that accounts to Parliament. The second one is the head or Ministers become executive authorities, Directors General, DGs, become accounting officers so that there's checks and balances

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because all of us, when we use state resources and public funds, they've got to be accounted for.

Now, the judiciary currently is the Chief Justice who delivers the Judicial Day report annually, particularly on judicial matters. But on the financial and administrative part, we do need accountability. And currently, it's the Minister as the executive authority and the secretary general as the accounting officer.

Now, going forward with the legislation, what we need to answer, does the Chief Justice become the executive authority? And what will that mean for the country and the state? And there are different views around that. But when we look at models, whether you look at Canada, you look at United States, US, you look at on the continent, different models appear and different models have its own benefits and its own risks. So, we've got to take our path in terms of ensuring.

I mean, some of the issues that are raised is that, is it ideal to have the executive authority being the Chief Justice, meaning tomorrow you can have chief justice being charged or, for example, issues of administration taken to court for

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administrative powers or even corruption, because a tender would have happened under their watch and therefore maybe oversight has not been done, because even as executive, we are taken to account. So, it's those things. How do we safeguard the interest of the republic as we deal with those?

So, I would not want to say this is my favourite or this is my preferred area, hon Modupe, but to say this models provide and which we can share with Members of Parliament, provides an opportunity for us to reflect and when we introduce the legislation, Parliament as well can look at those issues and do interact with it and give guidance and maybe have a view about it. Thanks, Deputy Chair.

Mr J H P BRITZ: Minister, after years of discussing judicial independence, how can government claim to be advancing a fully independent single judiciary while magistrates remain treated as ordinary state employees outside the Office of the Chief Justice and without equivalent judicial pension and medical benefits after 30 years of the Constitution proclaiming the independence of the judiciary? Minister, will you commit today a clear time frame for bringing magistrates into a genuinely unified judiciary in accordance with the Constitution?

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The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: I think hon Britz knows where the power of the Minister starts and ends. And as we dealt with the last question, he was the one who was reminding all of us that Minister can encroach on powers that she doesn't have. Now he is giving me powers that I don't have in terms of declaring the conditions of employment of magistrates. Remember, that is within the purview of the Judicial Remuneration Committee. So, what we do, we simply implement what we are told to do.

So, all those things in terms of their packages, their benefits, where they belong, pensions and all that is the determination to be made by the remuneration committee that advises the President.

If you look at that statutory process, Minister does not have a role at all - Minister of Justice. Even when they send, they send to say we are consulting like everybody else. And I make a submission on the basis of the work; we have made our own submission to raise the issues that magistrates have raised with us. And that's where my powers end in terms of those. So that can be articulated to us as the executive because that board is chaired by judge, hon member.

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So, the second area as well, where you are saying that, how can we confirm that we are serious about this? We are giving here a timeframe, faced in approach that have definitely happened. The executive started with establishment of the OCJ. That's progress that we must note, hon member. And in terms of that, having that office where it's superior courts and given. And then second phase, we are now at the point where we've given their shared services, all of them. I would transfer if I had the powers to today, but there's no legislative framework that would allow me to transfer the magistracy currently, to the OCJ. So that's why the legislative amendment is critical so that we can be able to do that. But I can't do that without consultation with the heads of courts and the judiciary itself.

So, as I reported, hon member, currently, the heads of courts and the magistrates are not on the same position or same view in terms of how this process should go ahead. So, we've decided to allow them to find each other. So that we can implement what is agreed to.

So, if I go and implement something, it will be unilaterally and something that I have not been able to be mandated to do.

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So, this has to be done in consultation with the stakeholders who are critical and agreement. If you engage the magistrates, they will tell you we've gone to consult, I've gone to consult, I've brought them in and they were never in the process involved. And we've also forced to say they must have conversation, the OCJ has agreed, the Chief Justice has agreed to engage with them and they've asked us to give them space to finalise matters where they are differing, so that when we do legislation, when we do the policy and we go forward, we do that on the basis of their agreement.

The last head of court that I attended, had representatives of magistrates, which was good because the matter then was dealt with and areas of ... still working was identified. So, we continue in that format, we remain committed as the executive but guided by the judiciary themselves, because we can't do it without them. Nothing for them without them. Thank you.

Ms A MATSHOBENI: Let me first appreciate the response by the hon Minister. My question, Minister, was when will you hand over a full budget and administrative control to the Chief Justice and stop executive gatekeeping? As the Minister alluded on, she confirms that the budget has been transferred.

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I would love if the Minister monitor where the gaps are. Thank you very much, hon Deputy Chair.

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Hon Matshobeni is contradictory in this statement. I'll leave it there because you can't say that I've confirmed transfer, but you are saying I'm gatekeeping. I'm not gatekeeping, hon member. I've agreed to transfer the responsibility, and I say this every time. I would be happy to hand over, including the executive authority power to the Office of the Chief Justice, to whoever that needs to be. All we need is to be told who should be able to do that because I should not be reckless in my job. But also, you will ask us who's going to account. I don't think members will agree that money of the public is being spent, but there's no one who's coming before because if I do that, I transfer. It means you can't call me to account for the financial and administrative accountability for the OCJ. And if there's no one coming, you would ask me, but why did you head over when there's no one who's coming to account?

Where there are weaknesses, we've done an analysis, where there are gaps, that's why we were able, when we tabled our financial plans, we were able to highlight that we are closing

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some of the gaps utilizing the CARA funding, to be able to support the Judiciary in its fulfilment of its obligation.

I remain committed to supporting the Judiciary and ensuring that they are able to do their work we give them space they can give you feedback hon member, in terms of us being there for them to support them, but to make sure that they are able to do their work.

There's no complaint from the Judiciary about what Minister is doing in terms of her work because there's no interference and there's no gatekeeping. Thank you very much.

Mr H J VAN DEN BERG: The reality is that full institutional, financial and operational independence of the judiciary has been discussed, promised and delayed for well over a decade. My question, like most of the previous participants, was around, when? I think I'm covered as I wait for the next decade for the regulation to pass. Thank you, Deputy Chair.

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Deputy Chair, I think sometimes we do understand that not all of us trust in terms of efficiency and effectiveness. I can assure

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you, hon member, I'm not an inefficient and incompetent person. So, what I commit is what I deliver. I committed last year that by the 1st of April; we'll transfer the shared services. By 1st of April, the shared services were transferred. I'm committing again by the end of the financial year subject ... and you can hear that it's not in my powers. If I had the power, you'd have the legislation before you, as we speak.

Now, I can't develop the legislation without the inputs of the judiciary and having them agree to. So, I'm hoping that in the next meeting of the heads of court, I will have a go ahead so that they can sign off the legislation and I introduce it before the 31st of March. Once that is done, they will start engaging the staff, ensuring that they are starting the process of labour. And I can assure you quite a lot of work has been done. Go check in terms of the implementation. In this few years I've been here, I'm less than two years, hon member. There is a track record of successes in the work that I've done. Thank you.

The HOUSE CHAIRPERSON OF THE NCOP (Mr B A Radebe): Thank you, hon Minister of Justice, for the eloquent way in which you

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responded to all the questions. But good morning, everyone on the platform, good morning, delegates. We have come to the end of the question to the Minister of Justice and Constitutional Development. I would like to thank the Minister for availing herself to answer the questions as usual.

Question 99:

The ACTING MINISTER OF POLICE (Prof F Cachalia): Good morning hon Chairperson, and good morning to the members of the National Council of Provinces, NCOP, and good morning to Ms Medupe. The Acting National Commissioner Lt-Gen Dimpane has indeed been vetted and issued with the top-secret security clearance valid until 30 July 2029. The Acting National Commissioner has not been implicated in any matters of impropriety that are currently being investigated by the Madlanga Commission. Thank you.

Ms O D MEDUPE: Hon Chairperson and hon Minister, once again the appointment by the President of the Acting National Commissioner has demonstrated the persistence of patriarchy in some political quarters that do not value women as fit and proper for the leadership. In this regard hon Acting Minister, I just want to find out whether the Acting National

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Commissioner is fit and proper person for the position? You have already covered the fact that she is not implicated on anything with regard to the Madlanga Commission. Thank you very much.

The ACTING MINISTER OF POLICE (Prof F Cachalia): Thank you hon member for the follow up question. The appointment of Gen Dimpane who is female, by the President is an indication first of all of our commitment to the empowerment of women in our society. Many of the top leaders in the SA Police Service are indeed women. That is a record we are extremely proud of.

Gen Dimpane is also a person of probity who has demonstrated integrity, competence and professionalism. Those were the factors that we took into account in making this appointment.

Let me also perhaps take this opportunity to clear up a matter that I have seen reflected on in the public domain which has suggested that because Gen Dimpane was the chief financial officer, CFO, she was remiss in her responsibilities with respect to the Medicare contract. Nothing can be further from the truth. It is important to understand that in a large organisation like the SA Police Service, SAPS, there is a

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separation of responsibilities between those of the CFO and supply chain. The CFO is not involved in any stage in the awarding of the contract. In fact, Gen Dimpane only became involved once the audit committee had made findings of irregular expenditure in terms of that contract. She then stopped payment on invoices and ensured that irregular expenditure was properly recorded in the financial statements and advocated then the establishment of a comprehensive forensic enquiry on the Medicare contract which resulted in its cancellation. Thank you, hon member for the question.

Mr O J MOKAE: Hon Radebe, thank you very much for the opportunity. Good morning, hon Acting Minister of Police, the hon Cachalia. Hon Minister, thank you for assuring this House that the Acting Police Commissioner is properly vetted. Yet in a reply to a DA parliamentary question recently, you admitted that 28 of the 64 SAPS senior managers especially in the Western Cape, including its only Lt Gen did not hold valid security clearances aligned to their positions. If proper vetting including lifestyle audits is important enough for the Acting National Commissioner, why is the SA Police Service comfortable allowing almost half of its senior management in the Western Cape to occupy sensitive positions without the

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necessary security clearance their jobs require? Thank you very much, hon Radebe.

The ACTING MINISTER OF POLICE (Prof F Cachalia): Thank you hon member for the follow up question. I think the hon member is indeed correct to point to weaknesses in this area. That is why both security vetting and lifestyle audits are being prioritised by the Ministry as part of what I have publicly called the reset agenda. There are capacity weaknesses in the carrying out the lifestyle audits which are very intensive. We need to do better.

The vetting exercises are carried out by the State Security Agency, SSA, and there has been considerable improvement in that area over in recent months. Thank you.

The HOUSE CHAIRPERSON OF THE NCOP (Mr B A Radebe): Hon Montwedi!

Is there any one from the EFF who is going to ask a follow up in the absence of the hon Montwedi from the platform?

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Ms M MAKESINI: He is the only on hon House Chairperson tasked, if he is not on the platform you can pass.

Mr S A ZULU: Good morning, hon House Chairperson and Acting Police Minister.

Hon Acting Minister, is there any outstanding disciplinary or criminal process that could materially affect her fitness to hold that office? Thank you.

The ACTING MINISTER OF POLICE (Prof F Cachalia): Thank you hon member for the question. No indeed there are none. I want once again want to emphasize it was Gen Dimpane's independence of mind, her professionalism and the fact that she has an untainted record of public service which were among the considerations that influenced the decision of the President to appoint her to the important position of Acting National Commissioner in this moment when the SA Police Service is under scrutiny before the Madlanga Commission. We had to make sure that the person was appointed act was a person who has right attributes to assist also with the reset agenda which includes re-establishing or confirming integrity of the leadership of the SA Police Service. Thank you, hon member.

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Question 105:

The ACTING MINISTER OF POLICE (Prof F Cachalia): Thank you, hon member, for this important question. I have travelled across the country visiting many police stations since my appointment, and in many of the police stations, station commissioners have raised concerns about availability of vehicles and the performance of the government garages.

The HOUSE CHAIRPERSON (Mr B A Radebe): Hon Montwedi, please ...

Mr M K MONTWEDI: My apologies, Chairperson.

The ACTING MINISTER OF POLICE (Prof F Cachalia): Yeah, thank you, Chairperson. So, this is indeed an area that requires attention because it has an impact on frontline policing, a very negative impact on frontline policing.

As I understand it, the current position is the following: About 70% of repairs are carried out in SAPS garages. In addition, so that is insourcing.

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In addition, there is an outsourced contract to bring in specialist skills when required. That is the current position. In recognition of the fact that this is an area that requires attention, the SA Police Service recently adopted, by the end of June, a fleet management strategy.

So, for the first time, the SA Police Service now has in place a fleet management strategy that is in the process of being implemented. It has not yet been presented to me, and I would encourage the portfolio committee to take the opportunity to require the SA Police Service to present that strategy to the committee as well as to me.

Now, I have been advised, even if the strategy has not been presented to me in detail yet, that the fleet management strategy is aimed at reducing turnaround times. I have been advised that there has been improvement since June. But as I indicate, the strategy has not yet been presented to me. It is an area that I am prioritising as part of the recent agenda, because it is clearly a critical matter.

Now, as regards the suggestion in the question that the solution is to decentralise decision making to station level,

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I have the following to say. First of all, it is the case, in fact, that provincial commissioners have a discretion to procure from local suppliers in terms of the existing contractual arrangements. So, it is not entirely correct that the approach to vehicle management is currently centralised.

Secondly, the suggestion in the question that the solution is to decentralise to the level of the station commissioner contains considerable risk in the light of the problems we are experiencing with procurement, fraud, and so forth. So, the arrangements that are currently being persisted with require station commissioners, provincial commissioners to act within nationally established contractual arrangements, and to comply with procurement prescripts. So, I think that decentralisation, as suggested by the question, could create even more problems than we are currently experiencing. Thank you for the question.

Mr O J MOKAE: Thank you very much, hon Radebe, House Chair, and thank you to the Minister for your response. Hon Minister, indeed, the situation is dire across provinces, where a number of vehicles are standing on bricks, idle, and gathering dust

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while they are desperately needed in communities to prevent crime.

While I was conducting oversight at a number of garages in the various provinces, KwaZulu-Natal, my home province, the Northern Cape, I did one in North West, in Gauteng, the situation at our government garages and the police garages is very dire.

Hon Minister, I think it is important that while there is now this strategy, we should really look at the centralisation of the contracts. Yes, the stations might have discretions but be subject to purchasing from those approved service providers under the RT25 and RT45 contracts.

So, my main follow up would be we should look and maybe the Minister can give this undertaking. I know there might be risk with decentralising to stations, but at least to provinces are provincial Supply Chain Management, SCM, to make sure that the turnaround of procuring parts, repairing vehicles is shortened because the current system is not assisting our police to fight crime.

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So, I would want to get an undertaking from the Minister to this august House that we should probably look at assisting the decentralisation at provincial level to assist in the turnaround time because now the situation they rely on those two service providers and I do not think it is assisting the entire country when we come to this issue of fixing cars. Thank you very much, hon Radebe.

The ACTING MINISTER OF POLICE (Prof F Cachalia): Thank you, hon Chair and hon Mokae for the question. So, we are in agreement, hon member, that the current situation needs improvement. That is why I have committed to focusing on this matter as part of the recent agenda. Already in June, a fleet management strategy has been adopted, which has not yet been presented to me.

Now, my commitment is to work also with the committee. I would suggest that the committee receives the presentation on the fleet management strategy as well. In this process, we can work together to look at the model.

As I have indicated, I think that the question about the balance to be struck between centralisation, which is

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essential for accountability and some form of decentralisation, which may contribute to efficiency and responsiveness, is something perhaps we should look at.

It is my understanding, however, that in fact, the provincial commissioners do exercise a discretion within the framework established nationally. So, the current model does envisage a form of decentralisation.

The bottom line, however, is that SAPS was required to adopt a fleet management strategy in recognition that the current situation is very serious. My understanding is from the information provided to me by the SA Police Service that out of 42 648 vehicles, so we are dealing with a substantial challenge. SAPS is a national organisation.

Six thousand nine hundred and twenty-five vehicles were recently recorded as unavailable due to maintenance and repair requirements. So, you know, that is a considerable number. So, I think the challenge before us is clear, that we have to improve fleet management, because that will contribute to improve service delivery on the frontline. So, thank you for the question.

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Adv Inkosi M NONKONYANA: Thank you, Chair, and congratulations to you. Comrade Acting Minister, thank you very much for reminding me that the DA will not have Provincial Police Service. We do have only SA Police Service. Arising from what you have said, Acting Minister, the Ministry has any plan to strengthen vehicle management in the most cost-effective manner? One, is there any plan or intentions by the department to institute forensic investigations in the procurement of the goods and services by the SA Police Service based on the revelations in the Madlanga Commission, and some matters that are in the public domain currently before courts as well? Whether, lastly, the Minister has any plan to strengthen the oversight and monitoring of the procurement processes in the SA Police Service? Thank you, Acting Minister. Thank you, Chair.

The ACTING MINISTER OF POLICE (Prof F Cachalia): Thank you, hon Inkosi. So, I can confirm again that the SA Police Service has just adopted, that is at the end of June, a fleet management strategy to be implemented as part of efforts to strengthen vehicle management in a cost-effective, accountable and sustainable manner. The strategy is structured over a 36-month implementation period, and is intended to improve

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vehicle availability, operational efficiency, strengthen accountability, and support frontline policing.

Now, as regards procurement in the SA Police Service, yes, the service institutes forensic audits, integrity investigations, and were warranted criminal investigations in cooperation with the Directorate for Priority Crime Investigation, Independent Police Investigative Directorate, Ipid, and the National Prosecuting Authority.

Under the leadership of Lieutenant-General Dimpane, who is, you know, a highly skilled professional in this area, we are taking steps to strengthen probity, efficiency, and accountability in the procurement space.

Since her appointment, the GTAC, the Government Technical Advisory Centre, a highly competent and expert structure in the National Treasury, has been commissioned to conduct a comprehensive investigation into procurement.

The project is a supply chain management revamping renewal project. The project aims to revise supply chain processes through a phased approach, beginning with a diagnostic phase,

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which we are currently in, which will be followed by the implementation of interventions proposed by this team in order to embed sustainable reforms in the procurement space.

So, we have taken lessons from the Medicare debacle. We are watching the Madlanga Commission with interest. We are waiting for the proposals for reform by the end of the year. Colleagues would have noted that as far as action that the commission proposed after its first and second reports that the SA Police Service established a specialised team to investigate specific matters and that they have effected arrests to support the work of the commission. That is my answer. Thank you.

Ms M KENNEDY: Thank you, hon sitting Chair. Thank you, Minister. Hon Minister, how can you claim to prioritise visible policy when your department forces local stations to wait for many months for centralised national approvals just to buy a brake fluid and a to fix a patrol car? Why this protection of a rigid centralised contract until 2028 instead of immediately decentralising repair budget to local station so that they can fix their vehicles locally, support township mechanics and get police back on our streets? Thank you.

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The ACTING MINISTER OF POLICE (Prof F Cachalia): Thank you, hon member. I think to some extent I have already had to answer this question. So, what I have indicated is that there must be agreement, because I too have visited police stations, that the issue of fleet management, vehicle repair, is a critical factor which bears on policing and crime prevention operations in communities across the country. It is certainly a matter that requires attention. There can be no dispute about that.

So, I am happy that this question was asked. In response, I have indicated also in my previous answer that a fleet management strategy has been adopted, because the SA Police Service has recognised that this is a problem which requires a remedy. They have not yet presented the strategy to me. I have indicated though that this is a priority for me. I have also suggested that the committee, that I would welcome scrutiny of the strategy by the committee.

Now, the only question that I think remains outstanding is what steps will be taken, what model should be implemented to replace or to deal with the challenges we have experienced over a period of time with fleet management. The suggestion

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that, with respect, that simple decentralisation to the level of the station, I would say is too risky. The assumption that this solution will improve service delivery and efficiency, I think it may be open to question, because I think there are too many risks of, in fact, of compounding problems of fraud in the procurement space.

But I will keep an open mind. I think the committee perhaps should also keep an open mind. Let us present the strategy for scrutiny. Examine what model, what we need to do in order to improve vehicle management in the SA Police Service. Thank you for the question.

Mr H J VAN DEN BERG: Thank you, Chair. Minister, if the explained cost-effective centralised model continues to result in prolonged vehicle done time. While still appreciating budget constraints, what plan and budget allocation exist to procure sufficient additional vehicles in the following financial periods, so that the net operational fleet, after accounting for vehicles in workshops, still meets operational requirements, and perhaps picking up damaged vehicles to repair centrally while delivering another repaired vehicle in the same exchange? Thank you.

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The ACTING MINISTER OF POLICE (Prof F Cachalia): Thank you, hon Van Den Berg. So, I think, again, I am not entirely sure what, I know these questions are pre-prepared, but I have indicated that the SA Police Service now has adopted a fleet management strategy, and that strategy reviews the current arrangements, and that I would welcome an engagement with the members of the National Council of Provinces on the new strategy. The strategy is aimed at reducing turnaround times.

I have been advised that one of the elements of the strategy is to procure vehicles which are fit for purpose, because one of the problems we are experiencing currently is that the vehicles that are being procured break down. They do not seem to be fit for the kind of work that the police have to undertake, often in rural communities, across difficult terrain, and so forth.

So, I am indicating in agreement with the assumptions of the question that this is a matter that requires attention. My answer is that it is receiving attention and that I am happy to work with the committee to examine whether the strategy that the SA Police Service is proposing will provide the solutions that both I and the committee and our public desire.

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Question 100:

The ACTING MINISTER OF POLICE (Prof F Cachalia): Hon Chair, I can confirm that the SA Police Service has benefited and communities have benefited from the deployment of the SA Defence Force in a supporting role. Communities have expressed - especially in the areas affected by gang violence - the Cape Flats - support for these interventions; for appreciation for the deployment of the army. We have seen increased arrests through these interventions, and it certainly is providing us with some additional capabilities to deal with the scourge of gang violence in our communities.

We said from the very beginning that the deployment of the SA National Defence Force, SANDF, in the supporting role is not a panacea and is not a long-term solution. So, in the meantime, we have, in addition, adopted an organised crime strategy. The strategy is funded through the Criminal Assets Recovery Funds, CARA. An amount of R1 billion has been made available for the implementation of the organised crime strategy. The strategy is a multidisciplinary strategy. It brings together detectives, prosecutors. It brings together national agencies - the Special Investigating Unit, SIU, the Asset Forfeiture Unit AFU, tax authorities, the National Prosecuting Authority,

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and so forth because the approach to organised crime requires this elevated approach, which is currently being implemented.

Thirdly, we've strengthened the Anti-Gang Unit across the country. And we've seen, for instance, in Reiger Park, how quickly we were able to bring those culprits to book.

Fourthly, we extended the powers of the Political Killings Task Team, PKTT. We saw yesterday in Mfuleni four arrests. PKTT has an expanded mandate, which includes now Gauteng and other parts of the country.

Fifthly, we've addressed a leadership challenge by appointing General Mkhwanazi to head the National Priorities Committee in the National Joint Operational and Intelligence Structure, NATJOINTS, to deal with organised crime.

I will shortly be announcing an appointment to head the Directorate for Priority Crime Investigation, DPCI. I expect to be able to do that in the coming weeks, all in an effort to strengthen our approach to organised crime.

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I have engaged with communities. The Cape Crime Crisis Coalition, C4, group that has emerged in response to gang violence in Western Cape, I continue to work closely with them and other community groups and leaders. Similarly, in Reiger Park, I've done the same thing because I believe that part of the response to the problem of gang violence requires that we restore a sense of community agency in the fight against the gangs.

Next, I am establishing shortly a National Stakeholder Council to deal with organised crime. That council will be a Multi-Stakeholder Council. It will have access to open-source information on the gangs. I think that initiative should help us deal particularly with the illicit economy issues, but also provide additional sources of information about the cartel structures and so forth, which is essential if we're going to deal with the cartels.

Finally, I want to make this point. The gang violence in our communities has deep, historical and socioeconomic roots. We should be under no illusion that those development challenges, issues around education, youth development, these are matters that should be part of the national debate about how to deal

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with gang violence, which, as I have always said, has deep historical roots, but is now evolving into a form of transnational crime. Thank you, Chair. [Time expired.]

Mr P NOE: Good day, hon Acting Minister. You have largely covered my question. I will only probably just ask one part which is left and very important, maybe to assist the country to have an understanding of the deployment itself as far as attempting to deal with the issues you have covered. However, allow me firstly, hon Acting Minister, to inform this House that recently the portfolio committee and the select committee visited Mitchells Plain, where there is largely this deployment, and we will be later on engaging with the departments or the Ministers affected in this deployment. But just to say, our engagement with the communities in the Cape Flats, there was an overwhelming support for the deployment of the SA National Defence Force, especially with regard to significant increase in the arrests which have been made by the SAPS, as well as SANDF.

Now, the follow-up question is, what are the other long-term strategic interventions has the department taken to strengthen the anti-gang violence and organized crimes? And this is

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largely the part you have covered, Minister. But the last one is whether, by design, is the deployment of the SANDF a temporary short-term stabilization strategy or a long-term intervention against organized crime? This question is as a result of other statements by people probably thinking that there is an intention not to continue with such deployments. So, it is important for the Acting Minister to assist. Thank you, House Chair.

The ACTING MINISTER OF POLICE (Prof F Cachalia): Thank you, hon Noe for the question. Yes, so I think your characterization of the purpose of the intervention, Operation Prosper, is correct. It is a temporary stabilization strategy intended to give us the space to develop and implement the organized crime strategy, and I have indicated that, indeed, we have done so.

We are implementing the organized crime strategy. That is why we have appointed General Mkhwanazi to lead the implementation. He accompanied me to Reiger park. He accompanied me to Knysna where I am answering these questions from. So he is already hands-on. And as I have indicated, we will be making other leadership changes in the coming weeks.

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We have strengthened the Anti-Gang Units. Members of the NCOP will know that two of the - and this is why it was very upsetting – recently deployed in Reiger Park, members of the Anti-Gang Units, a 27 and a 28-year-old were killed in Reiger Park, precisely because we strengthened the Anti-Gang Unit.

I have also indicated that I think we must start to have a conversation in the country. A serious conversation about what to do in communities affected by gang violence because I believe that the long-term solutions lie in development. Let's give the young people of Mitchells Plain, Nyanga, Gugulethu, Reiger Park hope and alternatives to participating and joining the gangs.

Ms J M ADRIAANSE: Hon Minister, with R823 million allocated to deploy 2200 soldiers across five provinces, including North West, how many gang leaders, extortion kingpins, and illegal mining syndicate bosses have actually been convicted? In the absence of any convictions, what measurable reduction in violent crime has been achieved in Cape Town and communities such as Stilfontein and Matlosana? And when will government invest in properly resourced intelligence-led policing instead

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of expecting soldiers to compensate for a failing SAPS? Thank you.

The ACTING MINISTER OF POLICE (Prof F Cachalia): Thank you, hon member for the question. But I have to say, I'm not sure that the hon member has listened to my answers to previous questions. I made it very clear that the organized crime strategy is being funded. We allocated R1 billion for implementing the organized crime strategy. That 1 billion is not only for the police. That funding is available for this comprehensive, multidisciplinary, cross-departmental strategy which is in the process of being implemented. So there can be no dispute that there are currently weaknesses in investigations and in prosecutions of the cartel leaders. And until we get to that point, we cannot say that we are winning the fight against the gangs because I've made the point many times that what we are now dealing with is organized transnational crime. Only the other day, a lab somewhere in Gauteng, set up by Mexican cartels, was dismantled by the police. They are manufacturing drugs inside our country. So we've had to adjust our strategy and build our capabilities.

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I've also made it clear in response to the previous question that the deployment of the army is not a panacea. It is not a long-term approach. We have brought the army in on a short-term stabilization strategy to create the stabilized communities, improve safety in the short to medium term, while we are implementing the organized crime strategy.

I don't think it's helpful to mischaracterize the purposes of Operation Prosper. And I put it to you, hon member, that the conversation must also focus on the developmental deficits of communities in the Western Cape. Why is gang violence the problem in Mitchells Plain or Langa or Nyanga? Why? It's got to do with the socioeconomic situation. And it troubles me why that important matter is being left out of the conversation. And I wonder why.

Mr M K MONTWEDI: House Chairperson, I want to remind South Africans that we once had a Minister of Intelligence who was not aware that his wife was involved in the business of drugs in South Africa. Therefore, intelligence services remain a serious concern because they are unable to pick up issues even before they happen.

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Minister, our recent oversight visit to the SANDF and SAPS in gang-infested Mitchells Plain had exposed a number of challenges and shortcomings. It points to a lack of command integration, intelligence co-ordination, and a general confusion of who must do what. This is a grossly worrying concern to all of us as it results in inefficiency and no control over crime.

Now, Minister, why are you relying on military deployments to do basic police work instead of building a permanent specialized anti-extortion and intelligence unit to permanently dismantle these syndicates? And when will you admit that this strategy is failing and give our communities a sustainable long-term safety plan?

Setswana:

Ntate Radebe ke go lebogile thata ka nako e o mphileng yone, Mong wa me.

English:

The ACTING MINISTER OF POLICE (Prof F Cachalia): Thank you to hon Montwedi for the question. I think the challenge of dealing with organized crime and what is required to deal with

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organized crime is that a consensus is developing in our society across party lines to deal with what is a very serious challenge.

In my answers, I try to indicate where I think the problems are and to indicate what steps have been taken. I've given fairly comprehensive answers. I'm not sure if it's very helpful to repeat what I've admitted to or what is clear to everyone that we have to strengthen our intelligence capabilities. This is one of the central challenges we face.

Now, I pointed to the steps we've taken to develop and strengthen an organized crime strategy. I mentioned in my earlier response that I will shortly be announcing leadership changes in the DPCI. The DPCI is supposed to be that elite unit within the SA Police Service fighting organized crime, and it does have problems, but it also has considerable experience and capabilities already in place.

We have a lot to work from. We have some strong capabilities and foundations on which to build the capabilities that the country needs to fight organized crime. I am hopeful, and I have reason to be hopeful that the changes that have been made

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over recent months, leadership changes, strategic changes, organizational changes that are funded, I have gone through specifically in detail how we are responding to the problem of organized crime.

Intelligence needs to be strengthened. One way in which I also indicated we're responding is to set up this Multi-Stakeholder Council with an observatory that has the ability to assess where the gangs are functioning, how they're functioning, what their cartel structures are like, which parts of the economy and the state they're seeking to infiltrate, and so forth. Rome was not built in a day, but if we're going to deal with organized crime, we have to build Rome.

Ms O D MEDUPE: Hon Minister, whilst we welcome the significant increase in the arrests resulting from the joint operation between SAPS and SANDF, the ultimate victory against gang syndicate lies in the successful prosecution. How is the Department of Police collaborating with the National Prosecuting Authority and the broader justice crime prevention and security cluster to ensure that this arrest in high conviction rates, particularly for the high-ranking gang

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leaders and extortion kingpins, drive organized crime in the country? Thank you very much.

The ACTING MINISTER OF POLICE (Prof F Cachalia): Thank you, hon Medupe. I have indicated that the organized crime strategy is a multidisciplinary, cross-departmental strategy, which requires, among other things, detectives, prosecution-led investigations. The investigators must work together with prosecutors from the beginning with each case.

One of the reasons why we decided to keep the PKTT and to extend its mandate is that, that model brings together detectives and prosecutors, as well as other agencies from the very beginning in investigating cases. I think you can already see, respectfully. I can say that in recent weeks, we've seen how quickly the police have been able - here in Knysna, in Reiger Park - to identify suspects, charge them and bring them to court with confidence that they will be able to secure convictions.

So, I can only agree with you, hon Medupe, that this critical link between investigations, which is a police function, and prosecutions, which lies in the Department of Justice, is a

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crucial link in the chain that has to be strengthened. I am confident that somebody like Andy Mothibi is going to make a big difference as the former head of the SIU. I also worked closely with him when I was heading up National Anti-Corruption Advisory Council, NACAC. So I understand that he is also committed to ensuring that this approach of bringing together investigators and prosecutors will be strengthened. But there's still a lot of work to do. Thank you, hon member for the question.

Question 111:

The ACTING MINISTER OF POLICE (Prof F Cachalia): Hon member, thank you for the question. So, the building of a police station in Duncan Village has been identified by the police service as a need that must be addressed and is scheduled for building in the 2027-28 financial year in accordance with the approved integrated development plan. I have been advised, however, that the site that was identified for the building of the police station was not approved by the Buffalo City Municipality on town planning grounds, basically, due to, and more specifically, concerns about transport considerations.

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So, at this point, I am unable to give a fuller answer. Clearly, the town planning issues are going to have to be addressed, but Duncan Village needs a police station. I am hoping that we will be able to sort the town planning issues out with the local authority so that a station can indeed be built next year.

Ms A MATSHOBENI: Hon Chairperson, greetings to you and greetings to the hon Minister. I will not go further with my questions because the hon Minister stated that really the Duncan Village needs a police station.

So, I will not go further with my question because he said it will be provided under this financial year 2027. So, I will not go further, hon Chair. We will wait for that. Then I will follow up if there is nothing that is going on. Thank you very much.

The ACTING MINISTER OF POLICE (Prof F Cachalia): Thank you, hon Matshobeni for the question. Well, just to emphasise again, because what I said is that the issue of site identification remains outstanding. At the Buffalo City Municipality, apparently, because my answer is based on

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information provided by the Sn Police Service, is that they have not received planning permission from the Buffalo City Municipality and that they have not been able in that overcrowded area to identify a suitable site. Of course, the town planning issues have to be resolved before a police station can be built. But I have also indicated that this has been planned for and provided for in the SAPS infrastructure plan for 2027-28.

You know, I do not know if the hon member lives in Buffalo City or has access to that area, but perhaps you could be of assistance in engaging with the Buffalo City Municipality also to assist in addressing the planning issues. Thanks for the question.

Ms J S MANANISO: Thank you, hon Chairperson and the Acting Minister. Thank you for the swift response and taking us in detail in terms of what you are doing in your office as an executive.

But my question then in terms of the follow up is that with regards to these plans, hon Minister, what is your working relations with the Department of Trade and Industry? Because I

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know some of the work that needs to be done with regards to this upgrading of police station and as well renovations of this police station would be better placed and be advanced when you are working with this department.

So, what is your working relation now? Because we know that from our side you are really working together. But what is it in place that you have put that at least you would be able to monitor from our side that your framework that you have is really working? If you can take us in confidence and just give us as well specific police stations that you are working on. Thank you.

The HOUSE CHAIRPERSON (Mr B A Radebe): Thank you, hon Mananiso. Although I would like the delegates to refrain from using acronyms because the ordinary people on the ground, they might not know them. The meaning that because you speak about DTI, of which I think that the ordinary members of the community might not understand that. But over to you, Minister, and expatiate on what hon Mananiso has raised.

The ACTING MINISTER OF POLICE (Prof F Cachalia): Thank you, hon Mananiso for the question. I think I am going to take the

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opportunity perhaps to also share additional information on infrastructure plans. So, the hon member is correct that the Department of the SA Police Service relies substantially on the Department of Infrastructure to build and maintain police stations. Over a long period of time, this model often has not worked optimally because we have a situation where many communities either have a very old police station, like Daveyton for instance, which is not adequate for that community, especially as the community is expanded in numbers over a period of time.

There are stations across the country that are not properly maintained. So, we have a real challenge with respect to infrastructure in the SA Police Service.

Now, but let me, as I said, take some opportunity here to deal with a few matters. The construction and upgrading of police stations forms part of the Capital Works and Infrastructure Delivery Programme, which is implemented in cooperation with the Department of Public Works and Infrastructure.

The current infrastructure development plan, this is mainly for what we are talking about maintenance of the existing

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infrastructure. I will talk about the new plans for new police stations.

The current infrastructure development plan reflects 38 identified projects across the 2026-27 and 2028-29 Medium-Term Expenditure Framework, comprising 10 police stations and 28 security upgrade projects. Security upgrade would include things like fences, for instance. In addition to the build environment, attention is being paid to increase improving technology-related infrastructure, telephony, 10-111 centres and so forth.

So, in addition to the physical infrastructure, attention is also being paid to technology upgrades. Then as regards the demand, the need is for 205 new stations, which is currently in the planning process. That comprises 169 satellite police stations and 36 fully-fledged police stations.

Now, out of the 36, we are currently engaging with the Department of Finance, Minister Godongwana, on applying a Public Private Partnership, PPP, model precisely because, as I have indicated, the difficulty that we have been experiencing

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over the years with the departmental model, if you like, the Department of Infrastructure.

So, there are plans. I expect that the Minister and I will be able to announce this perhaps in the next month, 20 new police stations to be built through innovative new financing mechanisms. [Time expired.]

Mr N GOTSELL: Thank you, Chair, and good afternoon to you, Minister. Minister, it was indeed interesting to hear the issues that you are experiencing with the Buffalo City Metro in achieving your objectives with the Duncan Village station. But before that, you referred to SAPS successes in Emfuleni here in Cape Town and the four arrests.

Now, Emfuleni is exactly where the City of Cape Town has made municipal premises available to SAPS and where Mayor Jordan Hill-Lewis has offered the city land for a new police station. Do you welcome this assistance from the City in expanding SAPS capacity? Thank you.

The ACTING MINISTER OF POLICE (Prof F Cachalia): Hon member, my experience both with the provincial government and with the

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mayor has been very positive. You are quite right that after we visited Emfuleni together, and the premier was particularly forthcoming in identifying land for the building of a police station, which was needed in that community. Of course, both the community and I were very appreciative of his support for our efforts.

Mr M M PETER: Thank you, Chair. Good afternoon, Chair and the Minister. Minister, Duncan Village continues to endure significant crime levels, ranging from serious to violent crimes. Between April 2025 and March 2026, the latest crime statistics shows 1 878 reported crimes in Duncan Village, which includes 306 assault cases with intent to do bodily harm, 27 murders and 89 sexual offences.

In addition, hon Minister, three men who were shot and killed in a triple murder in the area in May 2026 highlight the seriousness of the situation. Given the continued crime challenges in Duncan Village, what concrete steps has the department taken towards the proposed new police station? Can you give us just your timeframe, Minister?

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My last one, Chair. What other interim measures or policing strategies are in place to strengthen police visibility while the situation remains outstanding?

IsiXhosa:

Ndiyabulela, Sihlalo weNdlu. [Thank you, House Chair.]

English:

The ACTING MINISTER OF POLICE (Prof F Cachalia): Thank you, hon member for your question. I have indicated in previous responses that we agree that a station is needed and that that provision has been made in our plans for 2027-28, that the building of the police station is being upheld because we have been unable to resolve with the Buffalo City Municipality the outstanding town planning issues. So those need to be addressed. They are planning issues not within the control of the police service.

We are anxious to build a police station there because, as you point out, there is a need. The levels of crime in the area are high. The community needs a police station, and the SA Police Service is committed to addressing that need by building a police station.

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But of course, we cannot do so without the site identification and the town planning issues being resolved, which is not within the control of the police service. Thank you.

Question 108:

The ACTING MINISTER OF POLICE (Prof F Cachalia): Let me just find the question, Chairperson. Hon member, thank you for the question. Firstly, we identify priority stations which depend on crime statistics for resource allocation, because clearly the areas that suffer from the most crime require the most resources.

We've identified a total of 35 contact crime stations, which are currently operating below minimum staffing norms. As of the 6th of May, a total of 537 vehicles allocated to these high-contact crime stations were nonoperational, which speaks to the question that was asked earlier. The primary reasons for these vehicles being out of service relate to mechanical repairs, accidental damage, delays in the availability of spare parts and funding constraints affecting turnaround times.

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Front line policing remains the priority in the allocation of resources. The majority of the SAPS' personnel are deployed within provincial and operational environments, with only a small proportion allocated to national support functions. However, within existing budgetary constraints, pressures remain in certain high-crime areas, which require ongoing reprioritisation.

However, with regard to the supplementary question, I say respectfully that the current situation does not constitute a failure of resource prioritisation, but reflects the operational demands and fiscal constraints within which the organisation and all departments must function. Within these constraints, provincial commissioners are empowered to allocate personnel and vehicles to address pressures at high-crime stations.

In addition, dedicated budget allocations are made annually to support the top 35 contact crime stations, although this remains insufficient to fully meet all the resourcing requirements in those areas.

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Mr S A ZULU: Acting Minister, please name the deadline by which no high-crime police station will be operating below the minimum staffing and vehicle norms. If there is no deadline, are you effectively conceding that the department has no measurable plan to correct the imbalance? Thank you.

The ACTING MINISTER OF POLICE (Prof F Cachalia): Thank you for the question, hon Zulu. I think we should recognise that resources ... there's always a mismatch between resources and needs.

The needs exceed the available resources. So, that's why I made the point that the department has to function within a Fiscal Framework. So, I cannot commit to making commitments which the department doesn't have the funds for.

However, what I have indicated is that, first of all, the approach is to prioritise the high-crime stations for resource allocation. That's personnel and vehicles. That is how the SAPS approaches the task.

Secondly, in agreement and in discussion with the provincial governments, a month ago we identified 140 priority stations.

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So, working with the provincial governments ... If we take the Eastern Cape for instance, the expectation is that the MEC in that province will identify the stations in the Eastern Cape that must be prioritised. We already have that list. I can make that list available to the committee.

Through the enhanced oversight process then, working with station commissioners and provincial governments, as well as local authorities, we're hoping that we can improve the efficiency and accountability of resource allocation.

So, it's not only about the overall resource envelope which is constrained, but there are questions about the efficient utilisation of resources, which is why I have prioritised strengthening oversight, not only at national level but by working closely with the provincial governments. I can perhaps ... I don't know if I still have time, hon Chairperson.

The HOUSE CHAIRPERSON (Mr B A Radebe): Yes, you do have, Minister.

The ACTING MINISTER OF POLICE (Prof F Cachalia): We are also trying to strengthen front line capacity by implementing a

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range of human resource interventions during the 2026-27 financial year. This includes two intakes of 5 500 recruits each, the advertisement of 2 815 promotion posts, a further 315 posts within the Directorate for Priority Crime Investigation and the re-enlistment of 200 former SAPS members to strengthen the detective services.

External appointments will also be undertaken for 371 members in professional and skills categories in terms of the police Act and 1 618 Public Service employees in support functions based on identified organisation workforce requirements.

My point, hon member, is that as part of the reset agenda, we have to address the question that you are raising. How do we address the mismatch between needs and resources within a set of fiscal constraints?

We are taking steps to strengthen how we recruit members, how we train members, how we deploy members in different support functions, how we recruit members with different capabilities, strengthening oversight to improve efficiency. Thank you, Chairperson.

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Adv Inkosi M NONKONYANA: Thank you, hon Minister, and ... for enlightening the MK Party and also the nation ...

Mr S A ZULU: [Inaudible.]

Adv Inkosi M NONKONYANA: ... just elaborate on what you have said. Is the strategy of the department in prioritising high-crime areas both in terms of human, financial and logistical resources in the light, of course, of the current declining state of the national fiscus? If you can just elaborate on that. That's number one.

Secondly ... whether there is any targeted plan to strengthen the effective and efficient upkeep, maintenance and resourcing of high-crime priority police stations in the country? Thank you, Chair.

The ACTING MINISTER OF POLICE (Prof F Cachalia): Thank you for the question, hon Chief Whip. Yes, indeed, the approach of the SA Police Service is to identify priority stations for resource allocation, human resources, technological resources, infrastructure and so forth.

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We start with the so-called 35 plus five stations. We have added 105 to that list. A total of 140 stations have now been prioritised. That list can be made available. I'm hoping that once we ... We will announce that priority list to the public at large, because I think it would be of importance and interest to the communities in those areas.

Secondly ... working with the provincial governments to strengthen oversight over those stations that fall within their jurisdiction. The idea then is that at station level, we must be able to hold the station commissioners to account — working with community police forums, CPFs, and patrollers — on identified criteria for performance in relation to the safety challenges in their precinct.

Indeed, that is a targeted approach, given our resource constraints, to address the challenge of crime. Obviously, that list will change as crime patterns change. If we are successful, we are able to deploy resources in those areas where crime picks up, and so forth.

So, it is a rational, scientific approach to resource allocation, which is really part of the key. Secondly, then

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making sure that the resources that are allocated as far as possible are utilised efficiently at station level.

Mr F J BADENHORST: Minister, let me congratulate you. You've now been serving as the Acting Minister of Police for 389 days, which must place you in a special type of record somewhere between ... I don't know ... I think Thulas was a little bit shorter than you. Anyway, that's not really a compliment. It just means that there's another Minister that's sitting at home being paid the same salary as you, doing nothing.

Now, Minister, the question begs; you've now been in the chair for 389 days. So, at what point does operating a police station below minimum staffing and vehicle requirements become unacceptable to you? Can you give us a measurable minimum standard and a deadline by which those stations will actually meet it? Thank you very much.

The ACTING MINISTER OF POLICE (Prof F Cachalia): Thank you, hon Badenhorst. I understand that you have to ask that question, but I think that the question should also be underpinned by a fair consideration of the reality of resource

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constraints within a Fiscal Framework. I understand your party is a stickler for fiscal discipline. So, I would ask you what exactly you mean when you put a question which assumes there's not the scarcity of resources but that they are unlimited.

I can only repeat that we prioritise high-crime areas for resource allocation, but we are not currently able to meet the needs fully, even of those high-crime stations that we've identified. However, their needs are more fully addressed than those of stations that have not been prioritised.

Until the economy grows and the tax uptake increases, I can't see that we'll be able to do everything that we need to do and want to do.

Mr K CEZA: Minister, it is an absolute disgrace that working-class communities are left at the mercy of violent criminals due to front line police stations operating at less than 50% capacity with broken vehicles. Your department continues to spend billions protecting elite politicians with luxury VIP suits and maintaining bloated headquarters.

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How do you justify prioritising the safety of a few politicians over millions of ordinary citizens? And, when will you immediately slash the VIP protection budget to deploy personnel and fix vehicles at front line stations? Thank you very much.

The ACTING MINISTER OF POLICE (Prof F Cachalia): Thank you, hon member, for the question. I do not agree with the premise of your question. You are seeking to suggest that the SA Police Service is informed by a class prejudice. That’s not the case.

Our resources are in fact prioritised for the poorest communities, for the communities that are most affected by high levels of crime. Those priorities are reflected in the way resources are allocated, in the way operations are planned. I believe that when the crime statistics are released we will be able to demonstrate once again that we are working hard in the poorest communities, where we are prioritising our operations and prioritising operational resource allocation.

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So, with respect, the premise of your question is not right. I understand why you might want to create that impression, but I think it is without foundation.

Question 101:

The ACTING MINISTER OF POLICE (Prof F Cachalia): Hon Chairperson, Operation Shanela is a good example of the work that the SA Police Service is doing on behalf of our communities, in those communities that are most affected by high levels of crime, including illegal mining.

These operations are high-intensity operations supported also by intelligence-driven deployments in multidisciplinary teams dealing, among other things, with gender-based violence and femicide, murder and attempted murder, aggravated robbery, including business and residential robberies, illegal possession and trafficking of firearms and ammunition, drug-related crimes, vehicle-related crimes and illegal immigration.

Provincial commissioners have been directed to ensure the sustained execution of Operation Shanela through regular crime-battling operations, roadblocks, stop-and-search

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operations, compliance inspections, tracing of wanted suspects and disruptions of criminal networks. The operation continues to yield positive results through arrests, the recovery of illegal firearms, the confiscation of drugs and the apprehension of undocumented persons.

In addition to Operation Shanela, SA Police Service continues to implement a range of policing strategies aimed at addressing high levels of violent crime in the country. This includes intelligence-led and evidence-based policing interventions, the deployment of specialised units to deal with organised crime, strengthening detective services, enhanced crime intelligence collection and analysis capabilities and increased visibility of policing through targeted deployments in high crime areas.

The Community Policing Five-Year Plan addresses policing through crime prevention interventions and enhanced public safety through collaboration between SA Police Service and a broad spectrum of community partners. One of the areas that I’m particularly interested in and committed to is, supporting the community police forums and expanding the patroller

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programme, which is being implemented in some provinces but not others. We are making progress.

I would like that to be a national programme implemented by all the provincial governments. Focused interventions to combat gender-based violence and femicide are aligned with SA Police Service's gender-based violence and femicide action plan and the SA Police Service action plan on turning the tide on gender-based violence and femicide. The action plan strengthens law enforcement capacity, expansion of sexual offences courts, improved shelter to availability and survivor-centred support.

Action plans also reinforce South Africa's commitment to ensuring measurable co-ordinated and accountable action to safeguard the lives, dignity and rights of women and children and all vulnerable groups. Integrated operations with other government departments and law enforcement agencies to address illegal immigration, illicit trafficking and organised crime, and the outlined utilisation of technology and digital policing capabilities to enhance crime detection and prevention. Thank you, Chairperson.

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Mr P NOE: Thank you, Minister. I'm sure that we will agree that there is a link between substance abuse and gender-based violence, as you have just narrated. So, in the light of this, I just want to establish, Minister, on one issue that is a contributing factor to the gender-based violence which carries an abuse of women.

The taverns and the operation of taverns, whether the justice police and criminal justice system has considered probably to introduce some management in terms of imposing time limits on when and what time can the taverns be managed to close, especially those which are found to be close to schools and areas or amenities where there is a high number of activity for the communities? As for others, Ministers, you have already covered, but this aspect is very important to be attended to within our communities. Thank you.

The ACTING MINISTER OF POLICE (Prof F Cachalia): Thank you, hon Noe. I can only agree with you that this is a very important matter. The evidence is clear that there is a clear link between alcohol consumption, substance abuse and crime, particularly contact crime in our communities, assault, murder, attempted murder, rape, other sexual violence and

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domestic violence. This is a matter that indeed has to be focused on.

This is why when I met with the provincial governments in the Minmec recently, we focused specifically on this matter because one has to get the provincial governments and the local governments involved in dealing with this matter. You will know that in provincial governments, for instance, there's a Department of Community Safety that approaches the matter from a safety point of view, as you are suggesting. Then, there are other departments that are responsible for regulation and licensing and economic development that might take a slightly different view.

I think it's very important for the provincial governments and the local authorities which have the responsibility for bylaw enforcement to really tackle this matter. Let me just reinforce that point by pointing out that provinces have substantial authority to regulate liquor matters within their jurisdiction. It's a Schedule 5 matter. So, it really is a matter falling within the exclusive jurisdiction of provincial governments.

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The provincial governments have all adopted legislation, but they have adopted their own legislation. There isn't uniformity on the provincial legislation. And so, they make different decisions on trading hours and so forth. I really do think this is an area that the National Council of Provinces could be of tremendous assistance because you are the House where the provincial governments are more directly represented.

Furthermore, the Liquor Act of 2003, is administered by the Department of Trade, Industry and Competition not by the SA Police Service. So, the regulatory functions fall outside of the control of the Police Service. However, my message to the police has been very clear, as well as the position that we took at the Minmec, which is to say that we have to ensure from the police point of view that we shut illegal outlets. Nevertheless, we are not in a position to decide where licenses are issued, for instance.

Of course, we have situations where we have liquor outlets close to schools and close to churches. In many communities, there are already too many illegal outlets and that creates enormous pressures on the Police Service, whose resources are

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indeed overstretched. The police understand the impact that this has on community safety, as well as in policing.

I can only agree with you that it's a matter that requires much more attention. It's an endless source of frustration to me that we have been talking about this problem for the last 30 years but not achieving as much progress as communities need and deserve. Thank you, Chairperson.

Mr N GOTSELL: Thank you Chair and good afternoon again, Minister. It's good to hear that you are focusing on gender-based violence related matters. You know that is a matter very close to my heart. Minister, but Operation Shanela is basically robbing Peter to pay Paul. It shifts already scarce SA Police Service resources from one community to another.

Now, recently, right here in Philippi East, I did an oversight and found that only three SA Police Service vehicles were serving the community of about 250 000 people. Similarly, I have found that detectives have hundreds of documents on their desks, they have limited laptops and cell phones, as well as a scarcity in vehicles.

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I must ask you, Minister, why do you not accept the help of capable local governments who offer help with resource constraints when we can certainly use it? And when, for example, these can help investigate gang-related crime in all provinces in the country? Thank you, Chairperson.

The ACTING MINISTER OF POLICE (Prof F Cachalia): Thank you hon Gotsell for the question. So, I do not agree that Operation Shanela is not working. I think we have seen sustained improvements in visible policing in high-crime areas, the arrest of large numbers of suspects for serious and violent crime, the recovery of illegal firearms and ammunition, the confiscation of illegal drugs, the enforcement and compliance, indeed, of liquor and second-hand goods outlets. There are police operations every day under Operation Shanela.

These interventions contribute to the disruption of criminal activity, the removal of dangerous weapons and narcotics and improved operational responsiveness in areas most affected by crime. Let me indicate to you, that you might remember, actually, or not, that when I was appointed, I expressed reservations about high density visible policing operations. I think I was right, because I think the country recognises that

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what we need in dealing with organised crime is intelligence-driven policing.

However, I can tell you that I was also proven wrong because if you look at the crime statistics over the last two years, and they will be confirmed when I release the crime statistics on Friday, there is a significant reduction of contact crime. I think that this is probably attributable to high-visibility policing such as Operation Shanela. I think we should start to have that conversation.

To what extent are the policing strategies being implemented succeeding? We know where they're failing, but the question is also where they're succeeding. Chairperson, have I run out of time?

The HOUSE CHAIRPERSON (Mr B A Radebe): Not yet.

The ACTING MINISTER OF POLICE (Prof F Cachalia): Not yet. Then, hon Gotsell, I have said many times, I know that the DA-led provincial government and local authority and have made it part of their election manifesto to call for the decentralisation of investigative powers, as I understand it,

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not to deal with gang violence, but to deal with things like traffic offences and so forth. I have said that I have an open mind on this matter. However, I had an advice, number one, that there are statutory and constitutional constraints.

So, this proposal will require a constitutional amendment, which, as you know, requires a two-thirds majority in Parliament. The DA is represented in the National Parliament, and to the extent that, in addition to being a legal question, it is a policy and political question, why do we not work towards building a consensus on what kinds of powers should be and could be productively decentralised?

Nevertheless, I cannot be expected to address this question, which is a policy priority of the DA, outside of the national constitutional framework, and outside of the national legislative process. You are aware that currently, in the portfolio committee before in Parliament, in the National Assembly, there is a SA Police Service Amendment Bill, which inter alia deals with these questions.

There’s nothing precluding the members of the DA in that committee from tabling amendments to that legislation. If they

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are able to convince their colleagues from other parties to support this proposal, there's certainly going to be no opposition from me. Thank you.

Ms M MAKESINI: House Chairperson, honestly speaking, Minister, maybe the Operation Shanela is doing the work. We are not convinced as a country, because the work that is doing, we just have a feeling that they are just looking on the minor offenses, while the community has been terrorised by the syndicate and terrorised by this group of the gangsters.

Why are you only relying on this temporary headline scraping stance instead of going after the actual syndicates flooding our streets with illegal guns? When will you drop this public relations, PR, and give us a permanent intelligence-led plan that will actually keep the people of South Africa safe? Thank you, Chair.

The ACTING MINISTER OF POLICE (Prof F Cachalia): Thank you to the member for her question. It's a little bit frustrating, I have to admit, that the questions and the observations appear to be repeated, even when I have been at pains to explain that

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Operation Shanela is not being exclusively relied upon to deal with organised crime.

That’s why we needed to introduce an organised crime strategy, which is a multidisciplinary intelligence-driven strategy. We have appointed General Mkhwanazi to lead the implementation of the strategy, which is in its early stages. So, do we have a consensus in the country that organised crime needs a new strategy? Operation Shanela is not an organised crime strategy. It’s a high visibility, high density approach to dealing with contact crime, which is bearing some fruit.

Nevertheless, remember that even the contact crime in our communities have deep roots. Policing is not the only response. We need to ask some fundamental questions about the conditions, the lived conditions experienced by our people. What else needs to be done to empower people to build community and to strengthen communities? The police have a residual role, but these high visibility operations are worthwhile. There’s no ... I think you’re complaining that they’re able to announce successes, but, of course, that’s what they should be doing if they have successes. That’s not a publicity stunt.

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Furthermore, I have said repeatedly from the beginning in this session that we need an organised crime strategy, and I've explained at length what we're doing to develop and implement such a strategy, strengthening the antigang units and strengthening the leadership units. That's an organised crime strategy. It will take time to achieve results.

If the Members of Parliament and the NCOP are simply going to exploit the gap that exists between where we are now and where we need to develop by pointing out what everyone knows to be the case, that we haven't yet succeeded in our ability to dismantle the cartels, which are now operating across borders, then what we have is a simplistic media-driven conversation about a serious matter that is affecting the country's national security. I think we should have a more serious discussion. Thank you, Chairperson.

Mr H J Van Den BERG: Chair, hopefully, I won't let the Minister off too easily. Minister, given that the original question was posed by the Free State member, can the Minister indicate whether the Free State's high crime stations are fully included in the 140 priority precincts? What specific additional resources have been directed there? And, whether

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any Free State stations are still experiencing resource or capacity shortfalls that hinder Shanela implementation, as you yourself, have stated that it's a visibility project. And then, what would the state of affairs be in the Northern Cape, the province that I represent? Thank you.

The ACTING MINISTER OF POLICE (Prof F Cachalia): Thank you hon member for the tough questions that you're putting to me. You're certainly not trying to let me off easily. However, they are important questions. The 140 stations, you will recall that SA Police Service identified the so-called "30 plus five" priority stations for resource allocation.

I thought that, that is not sufficient if we are really going to make an impact on the levels of crime in our country. So, we've increased the number to 140 stations, which includes stations in the Free State. We will be announcing the 140 stations soon. The 140 stations have been identified in discussions with the provincial governments. I'm expecting the provincial MECs to ensure that the stations in their areas of jurisdiction receive enhanced attention, once they have been identified as part of the 140 priority list.

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The 140 list does not mean directly and immediately that we will be able to increase resources in those stations. We will start with an assessment. The question that we want to ask and ensure that is asked for each of those 140 stations, which are also identified based on the crime stats is: What needs to be done to reduce crime and improve safety in that priority station.

It might be a question about the leadership of the station. It might be a question about detective services, whether we need to increase the deployment of detectives. It might be an infrastructure issue. It might be an issue that doesn't require further resource allocations, but more efficient allocation of resources.

What I'm planning to do is to ensure that the station commissioners understands the safety priorities agreed to by the community, together with the provincial and government leadership on the priorities in that area. So, that way we get an alignment of energy, of work, of focus in each of those 140 stations. I'm hoping in that way, we can reduce crime and improve the feeling of safety in each of those identified 140

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stations, which includes the Free State and the Northern Cape, by the way, from which where you come. Thank you.

The HOUSE CHAIRPERSON (Mr B A Radebe): Thank you, hon Minister, for the eloquent way in which you have answered the questions. We have now come to the end of the question to the Acting Minister of Police. I would like to thank the hon Acting Minister for availing himself to answer the questions. Hon delegates, I now suspend the proceedings. The House will resume at 14 hours. Thank you, everyone.

The ACTING MINISTER OF POLICE (Prof F Cachalia): Thank you very much.

BUSINESS SUSPENDED AT 13:06 AND RESUMED AT 14:00.

The HOUSE CHAIRPERSON (Mr D R Ryder): Good afternoon, hon delegates, welcome back to the House. In keeping with our traditions, I will now bow to the House. Before we proceed with the questions, I would like to take this opportunity to welcome the Minister of Correctional Services to the House. Welcome, Minister.

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CLUSTER 1B

PEACE AND SECURITY

Question 118:

The MINISTER OF CORRECTIONAL SERVICES: Good afternoon, hon Chair and hon members. I am not going to repeat the question, but I will reply unless you want me to repeat it.

The HOUSE CHAIRPERSON (Mr D R Ryder): No, Minister, you can go straight in and begin with your response.

The MINISTER OF CORRECTIONAL SERVICES: I know procedures differ a bit in the NCOP. Firstly, my reply is as follows: The department is making progress in strengthening the Department of Correctional Services, DCS, infrastructure and technology to address the smuggling and proliferation of cellphones and other contraband. Firstly, challenges include a shortage of trained security personnel; limited financial resources to roll out security systems to more centres; repairs and maintenance of current security systems; and regulatory constraints regarding cellphone jamming. There, we need to deal with the Independent Communications Authority of South Africa, Icasa, regulations.

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Secondly, the implemented measures include utilisation of body scanners in some correctional centres and walk-through metal detectors to improve the detection of cellphones and other contraband, and unannounced searching operations. DCS has upgraded eight correctional centres through repairs and maintenance of the existing integrated security system, usually referred to as digital ISS, which comprises cameras, intercoms, automated doors, alarm scanners and control rooms. Currently, all these components are operational, and the security is stable.

These centers include, for instance, Ebongweni Maximum Correctional Centre, Kokstad Medium B Correctional Centre and some other Correctional Services centres. In addition, analog access control systems comprising cameras, intercoms, scanners and controlled gates at 27 correctional centres have been operational, as repairs and maintenance were undertaken, and this will continue to be maintained under contract management for the coming years.

I also want to say that all new facilities are handed over to the department with the latest security system installations,

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such as the newly completed Burgersdorp Correctional Centre, as one example. Thank you.

Ms J S MANANISO: Hon Chairperson, I think one agrees indeed that it is through automation and digitalisation that we need to respond to this challenge. My question is: How long will this pilot project take, and when will the department roll out the system in other centres? I have taken note of what you said in your response on where this particular system has already been deployed. Thank you.

The MINISTER OF CORRECTIONAL SERVICES: Hon Chair, hon member, let us start with the last part about where and if it will continue to be maintained at these 27 correctional centres. Who are they? Where are they? Firstly, it is Johannesburg Medium A, B and C, females; Kgosi Mampuru Local; Modderbee Correctional Services, B-1; Barberton Medium; St Albans Medium Correctional Centre; Westville Medium A, B and C; the youth and the female at uMzinto; Groenpunt Maximum; Goedemoed Correctional Centre; Kroonstad Medium B and C and D; L S Smith; Goodwood Correctional Centre; Pollsmoor Prison, Medium A, B and C, and female remand. There are five of them.

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So, what I want to say is, yes, unfortunately, it takes time, and also the training. There are some of these centers where we did not have personnel who were trained to, can I say, operate the systems. And the question is how long it will take. Well, in terms of further upgrades and future processes, of course, it also depends on our budget. But I think the most important thing is that we have already received the equipment for the new facilities.

However, we must now ensure that we have the people, for example, at the Burgersdorp Correctional Centre. Unfortunately, I will not be able to give a specific date, because if I give a date, I know I must comply with that. And, I cannot say this at this moment. Thank you.

Afrikaans:

Mnr N GOTSELL: Goeiemiddag, Minister.

English:

I must say I was quite surprised to hear Goodwood amongst those centers because just two weeks ago, one of the wardens was about to smuggle 600 Mandrax tablets and several cell phones into that center. But, anyway, that is not my question.

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Almost a year ago, mayor Geordin Hill-Lewis offered you the City of Cape Town's assistance to address the unlawful use of cell phones in correctional centers. He told me this weekend that there has been no movement despite Vodacom indicating that workable measures are indeed possible. Now, given that smuggling fuels the gang and drug war on the Cape Flats, will you commit to this House today to accepting mayor Hill-Lewis's offer and working with the mayor to implement a solution in Cape Town prisons? Thank you.

The MINISTER OF CORRECTIONAL SERVICES: Hon Chair.

Afrikaans:

Goeie middag, agb lid.

English:

Yes, it is true. I met with the Mayor of Cape Town and the Premier of the Western Cape, and we said specifically that it was about what assistance we can get from the private sector and the budget. Firstly, we said that there had been follow-up meetings, including with Vodacom. They wanted certain information. We wanted certain information. And in the end, it was going to take too long. And I announced in my Budget

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Speech that, about the whole process of cell phone detectors, signal jammers, and everything like that, we will start a new policy where not even wardens or employees will be allowed to have a cell phone with them when they go into the facility.

That is the fastest and, can I say, more effective way to deal with it. So, yes, I can also confirm that, when it comes to gangs and everything, cell phones are a problem, but we also had many raids, specifically at Pollsmoor. And, in our last financial year, we have confiscated more than 37 500 cell phones all over the country. So, we are confiscating these cell phones.

I must also be honest: I said in one of my meetings to Mr Geordin Hill-Lewis ... He used the whole incident for political gain in the sense that he wrote a letter to me as the Minister, informing me that we should do certain things, whereas what he was asked ... And then he went to the media and published the letter he had written to me. He actually referred to a matter which I already referred to in the previous year. I said that we were in a process. And I must be quite honest: I don’t want Correctional Services to become an

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instrument for political party campaigns. I am straightforward on that.

But yes, if we can receive assistance from other people, they can. And, can I say, the Office of Mr Geordin Hill-Lewis also contacted me and asked for follow-up meetings, and I responded. So, at this moment, we are in the process of taking cell phones even from employees, and we will see if we can really afford it. And Vodacom is still welcome. If they have certain proposals, I am still waiting for them. They can come forward. Thank you.

The HOUSE CHAIRPERSON (Mr D R Ryder): Hon members, I note that the next opportunity falls to hon Montwedi, who is once again absent from the House. Is there another member of the EFF who would like to pose the question on behalf of hon Montwedi? Sorry about that. I note that no hands and no one is forthcoming, so we will go straight to hon Van den Berg for the next supplementary question.

Afrikaans:

Mnr H J VAN DEN BERG: Voorsitter, Minister, baie welkom in die Huis hier by die NRVP. En ek wil net vandag vir u noem dat u

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vantevore gesê het dat van die personeellede baie keer by die smokkel van hierdie contraband [onwettige goedere] betrokke is, maar dat daar baie effektief en konsekwent met hulle gehandel word. Ek wil graag by u weet: Hoe is dit dan moontlik dat u departement so effektief is met, wat ons in Engels beskryf as, consequence management [gevolgbestuur], maar dit is so moeilik vir plaaslike regerings en ander departemente? Baie dankie.

Die MINISTER VAN KORREKTIEWE DIENSTE: Agb Voorsitter, en goeie middag aan die agb Van den Berg. Kom ek sê so: Dit is ’n proses. Die vraag is: Hoe is dit dat ons effektief daarmee kan omgaan? Die antwoord is dat wanneer daar ’n bepaalde oortreding is, moet daar ’n politieke wil wees dat daar wel gevolgebestuur moet plaasvind. Dis die eerste stap.

En ons moet dan ook vir mekaar sê, en ek is nie tevrede nie. Die agb lid sê dat dit baie effektief is. Ja, ons is, maar nie so effektief soos ek dit wil hê nie, want die, kan ek amper sê, arbeidswetgewing in Suid-Afrika het baie sterk en streng voorwaardes wat nagekom moet word. En met so iets, behalwe as jy byvoorbeeld ’n werknemer direk in besit van smokkelware vang, kan jy optree.

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Ons het byvoorbeeld nou onlangs by die Goodwood gevangenis in die Wes-Kaap, ’n geval gehad waar daar ’n bewaarder met ’n groot hoeveelheid smokkelware in sy voertuig gevang is. Maar laat ek dadelik vir u sê, dit was ’n gesamentlike intelligensie-operasie van Korrektiewe Dienste saam met die Suid-Afrikaanse Polisie en ander intelligensie-agentskappe. En baie keer is ons bewus van iemand, maar soos hulle sê, dan moet ons die groot vis vang. En in hierdie geval het ons die groot vis gevang.

So, dit is ’n frustrerende proses. Dit vat tyd, maar ons moet daarmee volhou. En dan wil ek sê ja, om effektief te wees, moet jy die politieke wil hê. Jy moet sorg dat jy genoegsame bewyse het en dan moet jy sorg dat dit deurgevoer word, want dan is jy effektief. Baie dankie.

Question 126:

The MINISTER OF CORRECTIONAL SERVICES: Hon Chair, the reply is that the total legal bill, to date, for the dispute for the Integrated Inmate Management System, IIMS, project is R1 742 878,43. I can give a complete breakdown. The senior counsel was R844 084,38. The junior counsel cost us R45 492,50. The arbitrator cost us R403 301,55. A total of

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R1 742 878,43. The reason for the delay is as follows; In 2023, the parties could not reach a settlement. On 23 June 2023, the Department of Correctional Services, through their legal representative, wrote a letter to the Integritron Integrated Solution, IIS, proposing that the parties withdraw their claims against each other and each party to bear their own costs. No response was received from the Integritron Company, IIS. In 2025, the arbitration was further placed in abeyance by agreement to facilitate negotiations, again, during the pre-arbitration convened by the arbitrator. That was Advocate Ferreira on 6 August 2025.

The parties, through their representatives, have reached the consensus to settle the dispute and withdraw counterclaims, and each party to bear its own legal costs. The Department of Correctional Services and IIS have reached a mutual agreement to withdraw all claims against each other. A formal settlement agreement is currently being processed by the department. Upon conclusion of this process, the Department of Correctional Services will task the State Information Technology Agency to manage the contract and oversee the validation and sign-off on all remaining project deliverables. This is to ensure

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compliance with the State Information Technology Agency Act in terms of what we need. So that is then the answer.

The HOUSE CHAIRPERSON (Mr D R Ryder): Thank you very much, Minister. I can see the hon Mokae already has his video on. He is keen to ask you a supplementary question. Hon Mokae.

Mr O J MOKAE: Hon House Chair Ryder, ...

Afrikaans:

... welkom, weer eens, Minister, by die Nasionale Raad van Provinsies — ’n warm welkom. [Welcome, once again, Minister, to the National Council of Provinces — a warm welcome.]

English:

Minister, your department relies on an interim Department of Home Affairs platform, but the Auditor-General of South Africa warns that the lack of a unique IIMS identifier cripples inmate identity verification. Given that the IIMS is stalled, what is a concrete Plan B in the interim to ensure that proper biometric tracking and integration take place in the criminal justice system, and to ensure that we track and reliably verify inmates in all correctional facilities?

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Afrikaans:

Baie dankie, Voorsitter. [Thank you, Chairperson.]

English:

The MINISTER OF CORRECTIONAL SERVICES: Hon Chair, good afternoon to the hon member, ...

Afrikaans:

Goeiemiddag. [Good afternoon.]

English:

And it is a pity we can't see each other face to face. I always prefer face to face. But now we are on a virtual platform. Now, firstly, let me say that we have a lot of problems with the implementation of the IIMS programme. And yes, it is also part of the Justice Department. We must remember that we have the Integrated Justice System, IJS, and IIMS plays a major role in terms of correctional services when it comes to the IJS. I am frustrated because with the implementation, there are different role-players, and it does not progress, can I say, fast enough as far as I'm concerned. So, in the meantime, we have a double system. In certain facilities, we do have the IIMS, but not all - well, it's a

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few that have that. But then we also have, can I say, the old manual, can I say, operation; we have the standard operating procedure, which, for instance, is confirmed: when there's an inmate, there are certain procedures of identification, fingerprints, also biometrics, and everything is on a file. And the file always moves with the inmate.

So, we do have that system. It is the old system. And therefore, we make sure that we have proper records in terms of the inmates. But, I mean, we live in 2026, and this also has the effect, for instance, on our parolees. If you have the Integrated Justice System, to give an example, and you have a parolee, then if something happens, say, for instance, the parolee committed another crime, if the police pick up or catch this activity and you put it on the Integrated Justice System, everybody - the Department of Correctional Services, the Department of Home Affairs, and everyone will know then. Firstly, that this person is on parole. Secondly, that he or she contravened again and the processes after that. I hope that there will be faster and more progress on the IJS as far as that is concerned. And can I say, coming back to the question on legal fees and everything, it's coming a long way, and it is quite frustrating. I just said at one stage, but we

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cannot continue like this. Even if I can refer to the electronic, can I say, bands, bracelets? We have a similar situation. We have long legal actions as far as completing a certain process. And we cannot continue like that. We can't be held to ransom because of a process. We must continue. Thank you.

Mr P NOE: Good afternoon, House Chair. Good afternoon, Minister. A very brief follow-up question, Minister: it seems as if the legal impasse between the department and the company is close to being resolved. Does the department have a programme to immediately start to roll out the project as soon as the impasse is resolved? Thank you, House Chair.

The MINISTER OF CORRECTIONAL SERVICES: House Chair, Good afternoon, hon member. Yes, we have. It is also part of our standard operating procedures. So, it is there, and we only await the green light, and then we will continue.

Mr S A ZULU: Thanks a million, hon Ryder. Good afternoon, hon Minister. Hon Minister, R259 million has reportedly already been spent on this system, yet only 44 of 243 sites were rolled out before the project became trapped in arbitration. A

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contractor cannot approve its own deliverables and authorise payments to itself. Who inside your department certified those deliverables and authorised those payments? How many officials have subsequently been disciplined or referred for criminal investigation, and what is the total cost to the taxpayers of this failed project when legal fees and alternative systems are included? Thanks, House Chairperson.

The HOUSE CHAIRPERSON (Mr D R Ryder): Thank you very much, hon Zulu. Minister, there were a number of follow-up questions there, although we normally limit it to one. And that's asking for some fairly intricate details. If I can ask you to reply as best you can, please.

The MINISTER OF CORRECTIONAL SERVICES: Thank you, hon Chair. Afternoon, hon member. Now, let me quickly say yes, it is costing the taxpayers quite a lot of money, but as you can see, the cost was R259 million, with only 44 of the 243 sites ever rolled out, and frozen because of the arbitration. The moment we can continue, we will see how we can recover if we do not continue with the same suppliers. But in the end, we have to see that we save the taxpayers' money. Unfortunately, we saw the figures that litigation is very expensive, but then

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sometimes you have no other option. The consequence management for the specific employees is coming over quite a time, as you saw. I don't have the figures, but we can follow up and then send you the answer on that.

Question 119:

The MINISTER OF CORRECTIONAL SERVICES: Hon Chair, it’s a long answer that I have. Maybe it’s a short question, but it’s a long answer. I’m not going to read everything. We are submitting our official responses anyway. But suffice to say that the Department of Correctional Services is obliged by a legislative mandate to ensure that there is humane and safe incarceration of all inmates, whilst enforcing sentences imposed by the courts through a warrant of detention or committal.

Correction and rehabilitation are key mandates in the strategic direction of the Department of Correctional Services. The correctional system finds its purpose in contributing to the maintenance of a just and safe society. Overcrowding in our corrections environment is a complex issue, which is regarded as a problem created through the

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implementation of country solutions for dealing with another societal wicked problem, called crime.

Now, let me say the following, and I can give you the latest figures. At the moment, we have, for instance, 62% overcrowding. Part of this situation is that we must also indicate that it has a negative impact directly and indirectly on the following area, correctional facilities like bed space. Correctional facilities are built to accommodate a particular number of inmates. At this moment, we have 107,064 beds.

The ability of the Department of Correctional Services to manage overcrowding and promote the reduction of overcrowding is impacted directly and indirectly by the high number of lifers incarcerated in the Department of Correctional Services. At this moment, we have just over 20 000 lifers, and we must remember that legislation has been amended. There are certain crimes like murder and rape. It is determined by legislation that such criminals must get a life sentence.

I think it is important to note that many people think that if you say a person received a life sentence, it is 25 years. That was before 1994. The Act has been amended, and since

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October 2004, if a person receives a life sentence, it means for life. Such a person is only eligible for parole after 25 years. So, you can imagine yourself, those people are there for life, and they are in our facilities. So, I think at this stage, I can say that it is playing a major role in terms of our overcrowding.

I can also mention the fact of foreigners in our facilities. At the moment, we have around about 30 000 foreigners in our facilities. Just last Friday, I signed a memorandum of understanding, MOU, with Zimbabwe, where we can have interstate transfer of foreigners. I also have a previous MOU with Botswana, as well as Namibia, all three of them in this year have been concluded. Thank you.

Adv Inkosi M NONKONYANA: Hon Chairperson, good afternoon to you and to hon members. Thank you, hon Minister, for the response, and I also appreciate your undertaking to provide us with the other material that you could not cover during your time. Arising from what you have told us today, is the Integrated Multi-Sectoral Justice Cluster Strategy succeeding in its task of assisting to manage overcrowding in the centres?

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Also, does your department have any plans of engaging with the Department of Public Works and Infrastructure to address the needed infrastructure development that you and us saw when we visited Pollsmoor Prison and you were part of us there? Thank you, Chair.

The MINISTER OF CORRECTIONAL SERVICES: Hon Chair and hon members, good afternoon. Firstly, yes, we have. Can I say, for instance, in the Justice, Crime Prevention and Security, JCPS, cluster, criminal justice cluster, we even have a specific subcommittee, dealing with overcrowding. That committee is very important because the role players like, for instance, Home Affairs, Justice Department, Police, they are all involved in that.

So, it’s not a matter that when we talk about overcrowding, that it is only the Department of Correctional Services that is looking at the problem. Everyone is aware of that problem. Now, firstly, if we talk about facilities, the Minister of Finance announced at the beginning of this year that R2 billion has been budgeted for two new facilities.

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I know that the one will be in Kirkwood in the Eastern Cape, and the other one will be in Nigel in Gauteng, similar to eBongweni facilities. But we all know that those types of projects are taking quite time to finish. I don't think it will be finished in my term. But besides that, we are looking at our own infrastructure projects, where we can extend certain facilities to make space where we can accommodate beds.

So, we are doing our best from the Department of Correctional Services on its own, but we do join hands with other departments, and with that also, I must mention, when it comes to the Department of Public Works, we always say that, and I think all departments, and I do believe that the hon members are aware of the challenges the different departments have in terms of public works, that must be done. Thank you.

Mr O J MOKAE: Hon House Chair, Mr Ryder, thank you, once more, for the opportunity. Minister, in your engagements within the JPCS cluster, and particularly, I am referring to your counterpart in the Department of Justice. Have you looked at the issue of the court backlogs, because you know that it is

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also a primary driver of overcrowding in your facilities and is underpinned by thousands of remand detainees.

In respect to your engagements in this committee, what engagements can you share with the House, particularly with the Minister of Justice, to deal with the case backlogs, and particularly, dealing with the remand detainees? Thank you very much, hon House Chair.

The MINISTER OF CORRECTIONAL SERVICES: Hon Chair and hon member, yes, indeed, I can confirm that I do consult with my counterpart, the Minister of Justice, and you're quite correct. To give you an indication, at this moment we have just over 63 000 remand detainees in our facilities. The sentenced inmates are just over 110 000, and that is where we get to an overcrowding figure of 62%. Now, we had numerous engagements with the Minister of Justice, and as the hon member has mentioned, also in the JCPS cluster.

On the issue of the foreigners, they are around about 30 000, as I've mentioned. If we can take certain steps to ensure that we can have interstate transfer, then we can reduce it. We have also had meetings where I requested that they must look

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at the whole process of sentencing of people. We have, for instance, around about 3 000 remand detainees who could not afford a bail of less than R1 000. But it is costing the taxpayer. At this moment, it has increased from R462 to R482 per day, per inmate. That is cost to company.

So, we have discussions in terms of, can we look at the bail situation? Now, I know that with the previous inspecting judge, Judge Cameron, they started the bail fund from private sector, but it has not been implemented yet. We really have people who couldn't afford a bail of R100 or R500. Unfortunately, as the Correctional Services, we have no choice. If the court decided that such a person, if he or she cannot pay the bail, they have to go to Correctional Services, we have to accommodate them.

So, there are conversations and there are meetings to see how we can deal with these matters. So, in the end, just to give an indication, we have at this moment, about 14 remand detainees awaiting trial more than 10 years, and you hear me correctly, more than 10 years. So, this is a huge problem, and I will keep on engaging whoever my counterparts will be, who can contribute at solving this problem. Thank you.

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Ms A M SIWISA: Hon Chairperson, Mr Ryder, greetings, Minister. Minister, given that the correctional facilities are severely overpopulated at an average of 157% capacity, with critical hotspots reaching a staggering 193%. For how long do you think you intend to hide behind the lazy excuses of court backlogs and unamended immigration frameworks for the inflation of inmates' numbers?

When will you stop blaming your failures on other government clusters and present to us a clear, time-bound infrastructure budget to expand bed spaces and protect overwhelmed correctional staff from rampant prison violence? Thank you, Chairperson.

The HOUSE CHAIRPERSON (Mr D R Ryder): Hon members, after two and a half years, I should not have to be reminding you to turn your video on when you are addressing the House. Hon Minister, if you can reply to the question, please.

The MINISTER OF CORRECTIONAL SERVICES: Hon Chair and hon member, I take note of your words, laziness, shifting of blame and all that sort of things. Let me say this to the hon member, if it was in my jurisdiction and my power to sentence

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people, then I would have been able to do it. If I did not have to go through the Department of Public Works and Infrastructure, which is the custodian of all government assets, if I didn't have to do that, then I would have done quite a lot of things. So, I don't think that the hon member is fair with her remarks.

It is not blame shifting; it is a reality. It's an inconvenient truth, and if you don't have money, then you don't have money. If legislation determines that you have to follow certain procedures, and if legislation determines that a specific department has a domain and has the obligation to foresee that there are certain actions taken, it is still law, and I cannot break the law because I don't want to become an inmate. I would prefer to stay the Minister for Correctional Services. I thank you.

Mr P NOE: Hon House Chair, Minister, sorry that you are likely to be the next prisoner. My follow-up question, hon Minister, what are the numbers of the re-offenders in terms of categories of crimes committed among the parolees, and what impact does the parole system have in the overall structure of rehabilitation and development? Thank you.

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The HOUSE CHAIRPERSON (Mr D R Ryder): Hon Noe, you are asking for specific details, but please reply, hon Minister.

The MINISTER OF CORRECTIONAL SERVICES: Hon Chair, as I've said, I got the specific details we can provide. But to ask, what effect does the parole system have, it's a very important impact and it is part of rehabilitation. We must remember that the whole aim of the parole system is to have an inmate or an offender going back into society, and also to ensure that there is a smooth transition from correctional services to becoming a good citizen in the community.

Now, firstly, I must say, as far as the recidivism or the reoffending is concerned, I know that in the public domain, there are institutions that use certain figures. Some people say even more than 80% of reoffenders, when it comes to people, not only parolees, but also people who've completed their sentences. Now, I have also said to those institutions, please provide me with the statistics on what research you base your allegation, and they don't come forward.

Now, what I did in the department is, we keep track of the people who go on parole and also the people who are going out

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of the system, who have completed the sentences. Now, let me say on the parolees, it is much easier to keep control and have more reliable statistics, and that brings the recidivism percentage around about 12 to 13% over the last five years. So, I have those statistics.

Sometimes it is difficult when a person or an offender that has completed his or her sentence, because the moment they are committing another crime, the system from police to correctional services and all that sort of things are not that well, I will admit that. Where I referred, previously, to the integrated justice system, that will make it much easier. So, let me say this. We do have certain figures, and we also have the crimes committed by parolees, and interestingly, well, it differs from time to time.

At the moment, I can say that the three top offences are rape, murder and also robbery. So, these are dangerous people going out, but there is no scientific proof of the real offending percentage, but we're working on it. Thank you.

Question 129:

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The HOUSE CHAIRPERSON (Mr D R Ryder): Hon members, we now move on to Question 129 on the questions paper. It was originally posed by the hon Gericke but in terms of Rule 228(6), he offered his apologies today and requested the hon Matshobeni to stand in for him.

The question, Minister, relates to reasons for occupation of your office. If I could ask you to reply to Question 129 please, Minister.

The MINISTER OF CORRECTIONAL SERVICES: Hon Chair, can I say this? I am not a hindrance to transformation. I have a long list of transformations that I have initiated. Can I say that if the hon member is not satisfied, if I look at his question, I will say to the hon member, write a letter to the President and try to convince him to end my service as the Minister of Correctional Services. It’s his prerogative.

In 2023, the Department of Correctional Services approved a new structure with an intention to focus on rehabilitation and development. This resulted in introducing criminologists. Currently, there are certain rehabilitation programmes that we want to review to ensure that they are targeted at various

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groups and criminal behaviour conducted. Implementation of the organisational structures include an increase in the number of professionals like psychologists and the introduction of criminologists. These professionals will, in due course, ensure that specific newly conceptualised or reviewed programmes are introduced. My policy and view are that if something is working, don't try to reinvent the wheel. But, of course, we're in 2026.

There is progress and there are some new programmes that can be used. There is new technology to do certain things. We have already advertised positions for more psychologists and criminologists. To give the hon member an indication, when it comes to the parole of lifers, in the end, it ends with me as the Minister who can approve or not approve. I make more use of criminologists because they have different methods and tools to determine what the chances are of an offender reoffending? It's very important.

At this moment, there are also tools to determine the risk of reoffending. My policy is that if an offender and the risk of reoffending is moderate to high, because you have low,

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moderate or high, then I do not approve parole for such a person. So that's something different that I brought in.

Yes, it contributes to overcrowding in the end because the lifers are not going out. Overall, we know that there are more strict rules when it comes to receiving parole. My view is that you cannot use parole as an instrument to decrease overcrowding, because that will be unjust towards the community. The community must be protected, therefore my strict approach when it comes to the risk of reoffending, and I will continue with that. Thank you.

Ms A MATSHOBENI: Hon Chair, greetings to you and the hon Minister. Hon Minister, let's be honest. This committee hasn't seen a single new programme come out of your office since you took over your department. Since you took over, your department has just been recycling the same old strategies that you have been running for years and clearly, they aren't working anymore.

Can you tell this Council right now, have you introduced any new programmes since you became Minister? If you have, where are they running? Do you have any proof that they are working

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or are you content to just baseline manage all the policies while the system bends? Thank you very much, hon Chair.

The MINISTER OF CORRECTIONAL SERVICES: Afternoon, hon member. Now, firstly, let me say this. When it comes to policy and the updating of that, as I said, then I want to say that you will see it in the standard operating procedures managed and overseen by the National Commissioner of Correctional Services.

There is a long list of standard operating procedures that have been updated on various issues. For instance, escapes, and the training of our people. We are looking, for instance, to upgrade if we get recruits. I already said that I want more upgrades in the curriculum when it comes to, for instance, gangs. There was a time when that was a very important subject and we have to look at that.

The professional behaviour of all our employees is also part of the policy. Part of the other fact, which I personally implemented, is that we started with the presenting of service medals for long service. I implemented the service medals for 10 years, 20 years, 30 years and 40 years. This is to uplift

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and recognise the good work and the morale of our employees. We also changed the rank system. It sustained position in terms of legislation, but we also changed the insignia in terms of the personnel and officers, and to ensure that we have discipline as far as that is concerned.

I also enhanced the agricultural sector. At this moment, I'm busy with certain memorandums of understanding to certain organisations. If the hon member goes and looks at the financial years, you will see that in the previous financial year, we saved R202 million in terms of certain processes that we then upgraded. The other thing is that I want to expand, for instance, the bakeries. At this moment, we need another seven. The moment that we have the seven, then we will be 100% self-sufficient when it comes to that.

There are many issues and matters. I brought some change and I can continue with that. But in the end, if it comes to programmes, we also look at that with the psychologists and criminologists. We are also in the process of reviewing the parole system, where we bring these people in to see how we can improve the programmes. Thank you.

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Mr P A PHALA: Good afternoon, Chair, Minister and fellow hon members. Minister, I heard you saying that the 2023 model is working. Minister, the current democratic National Development Plan, as per that adopted in the 2023 Rehabilitation and Development Model, meant to change the behaviour of offenders to become good, credible and respectful citizens. Therefore, the model should include professionals such as psychologists, occupational therapists, social workers and educators in various fields of studies. Minister, we keep on seeing revolving syndrome, in and out of offenders with more harm towards citizens.

The question is: Minister, does the department have multidisciplinary professionals to ensure the successful rehabilitation and development of offenders? Thank you, Chair.

The HOUSE CHAIRPERSON (Mr D R Ryder): Hon Phala, I'm struggling to see the link to the question, but if you can, reply as best you can, Minister.

The MINISTER OF CORRECTIONAL SERVICES: Hon Chair and hon member, of course, we have a multi-discipline approach because rehabilitation is not possible if you only have one approach.

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You need a multi-discipline programme. Let us also understand that when it comes to rehabilitation, there are successes with people who are fully rehabilitated. There are examples as far as that is concerned. Of course, if I go back and say, for instance, I refer to self-sufficiency. Let's take the bakeries again.

A good example is, besides the programmes, when a person completes his or her sentence working in a bakery, we give the inmate a certificate certifying that he or she has proved their skills when it comes to bread or baking bread. That also empowers them that if they go back into civilian life, they can even start their own bakery. We have workshops, for instance, metalwork, woodwork, all that sort of things and other agricultural activities.

It is a multi-discipline approach when it comes to that. So, it is a matter of, yes, we have to take hands as different role players to see that we try to rehabilitate our people. Thank you.

The HOUSE CHAIRPERSON (Mr D R Ryder): My apologies to the hon Phala; there was a very clear link to the second part of the

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original question. Please accept my apologies, hon Phala, as we go on to the hon Gotsell for the next supplementary question.

Afrikaans:

Mnr N GOTSELL: Goeiemiddag weer, agb Voorsitter en Minister. Die EFF vra inderdaad interessante vrae vanmiddag.

English:

Minister, Correctional Services is understandably close to the EFF's heart, given that their leader has been criminally convicted and will soon start a prison sentence. So, Minister, with the EFF now questioning your reasons to occupy office and senior ANC leaders like Nomvula Mokonyane openly questioning the future of the Government of National Unity, GNU, do you think the EFF is really concerned about your performance as Minister, or are they simply measuring the curtains in the office? [Interjections.]

Ms A MATSHOBENI: We are out of order ... [Interjections.].

Mr M M MAMPURU: Hey! ... we must ask questions ... [Interjections.].

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The HOUSE CHAIRPERSON (Mr D R Ryder): If I can have order, please, thank you very much. Thank you for your question, hon Gotsell. [Interjections.]

Mr Mampuru, please ...

Minister, I think you managed to hear the question before the interruptions. If I can ask you to reply to the question, please.

The MINISTER OF CORRECTIONAL SERVICES: Hon Chair, I thought it was always very peaceful and smooth in the National Council of Provinces, NCOP, but I'm glad to see there that there is some robust debating as well. That is what Parliament is about, robust debating.

Hon Gotsell, I will not respond with a yes or a no. You know as good as I do, that is a political question. Hon Chair, I know we have an upcoming local government election, but I'm not going to be part of that. He has his views and I can clearly see that there are some other views, but I'm not going to say yes or no. Thank you.

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Ms A MATSHOBENI: You even caused the system to freeze ... [Interjections.].

The HOUSE CHAIRPERSON (Mr D R Ryder): Order! Hon Matshobeni, please. Order! You had your opportunity already. Let's go now to the hon Peter from the UDM to ask a supplementary question.

Afrikaans:

Mnr M M PETER: Goeiemiddag, Voorsitter.

English:

... and the Minister as well. Hon Minister, over the years, there have been many concerns and critics of the structural failures of the current rehabilitation model, such as bad conditions and treatment of inmates, overcrowding, violence, poor health care, lack of psychologists for counselling and skill programmes to prepare them for life outside prison. These problems led to many inmates coming out of prison unchanged and not rehabilitated, leading 80% to 94% of released prisoners to reoffend, a trend which is often caused by their inability to secure gainful employment after serving their sentences.

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Have you considered a different approach to a correctional rehabilitation model, which will focus on implementing humane prison conditions, social integration and skills programmes, including individualised rehabilitation plans? What partnership does your department have with business and the private sector to employ former inmates with criminal records, to reform and make them full members of society? Thank you, Chair.

The MINISTER OF CORRECTIONAL SERVICES: Firstly, the hon member referred to 80 to 84% reoffending. I said in one of the previous answers that I questioned that percentage and the scientific research on that. I've mentioned that our figures show 12% to 13% but whatever it may be, the issue is that we want to prevent reoffending. And the question is, do we have other role players? Let me say, yes, we have.

There are different role players playing a big role in reintegration, specifically when it comes to certain religious groups playing a big role in terms of programmes. We are open to those organisations to become part of the rehabilitation process. I will give the hon member one example, with our limited time. At this moment, I am in far progress, where we

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are going to have a memorandum of understanding with the organisation known as the Southern African Agri Initiative, Saai.

It is an organisation concerning agriculture. It is not going to cost the taxpayer or Correctional Services any money. They will get involved in the training of inmates in the agricultural sector. When they finish, they will give them certificates of whatever skills they have obtained. This organisation, part of it, is to ensure and see to it that when the people are released and have completed their sentences, that they can obtain jobs.

I also want to say to the hon member, I also get criticism from the public saying, well, Correctional Services must ensure that people leaving prison get jobs. Then the community asked me, well, in South Africa, it works like that. If you want a job, you commit a crime, you go to prison, they will train you and give you some skills. When you complete it, then they must see to it that you have a job. There are quite a lot of people who criticise Correctional Services when we are busy with certain programmes.

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They say that we are entering the commercial market. To give you an example, I would very much like to use inmates to fill up and repair potholes. But then you get people from the community saying, no, they're taking the jobs out of our hands. So, it's a balancing act. Let me say this to the hon member. Yes, of course, I will look into that and I've used one example. Thank you.

Question 132:

The MINISTER OF CORRECTIONAL SERVICES: Hon Chair, firstly, I want to start by saying, the allegations that suggest that correctional supervision and parole board members were involved in the acts of bribery, are unfounded. There are no specific allegations that have been brought to the department's attention. I can say to the hon member, if you have specifics or proof of these allegations, please bring them forward. No parolees were placed on parole with negative risk assessments in 2024-25 financial year.

The decisions of the parole board are not authorised by a singular person, but are taken by the entire board, which is made of a minimum of three members; the chairperson, the vice chairperson, the secretary and a community member to form a

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quorum to enable decision making. Let me say that the parole board consists of six members, where four members are members of the community. Based on the departmental policies, procedures and strategies and relevant processes are followed.

For instance, investigations are conducted and parolees who violated said conditions, including alleged committal of serious offences, are revoked based on the outcome decision of the investigations. Case numbers are requested from the SA Police Service, SAPS, statements from relevant stakeholders, including support system and family, are complied, and internal investigations are conducted and so forth. So, we also do some personality-suitable checks on the members.

We look at the financial integrity and the credit health of the members, and we also look at the citizen and the right to work on firms and the legal standing of the applicant. We have also identity verification, ensuring that all provided documents are valid and authentic. Then, of course, qualification and experience verification are also done, therefore, we do our best to ensure that we appoint members of parole boards with integrity. Thank you very much.

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Mr S A ZULU: Good afternoon, House Chairperson, and good afternoon, Minister, once again. Minister, can you guarantee this honourable House that every offender whom your department presently records as being under active community corrections supervision, can physically be located by your officials today? Yes or no, hon Minister? Thank you, Chair.

The MINISTER OF CORRECTIONAL SERVICES: The short answer to the question, yes or no, is no, and the reason is that we have absconders and there was a long debate on absconding. So, I cannot guarantee that they will not be absconding. Thank you.

Mr P NOE: House Chair, I think there was confusion earlier on during my follow-up question. I have already asked this follow-up question. I confused the follow-up question earlier on. My apologies. May I allow the Minister to proceed? He had already answered this question. Thank you, Chair.

The HOUSE CHAIRPERSON (Mr D R Ryder): Yes, hon Noe, they were not very different.

Afrikaans:

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Mr J H P BRITZ: Huisvoorsitter en agb Minister, goeiemiddag. [House Chairperson and hon Minister, good afternoon.]

English:

Minister, the fact that there are 312 parolees who have received negative risk assessments before being released on parole after they have committed serious violent crimes again, it means that there is something seriously wrong in the system. That leaves the question, have those responsible for overruling the risk assessments been held accountable? Thank you.

The MINISTER OF CORRECTIONAL SERVICES: Hon Chair ...

Afrikaans:

Goeiemiddag, agb lid. [Good afternoon, hon member.]

English:

... the hon member is correct in the sense that we must distinguish in terms of offenders that received a life sentence, I call them the lifers, and I have referred to them as such. The legislation determines that there is a process wherein the parole board makes a recommendation, and it goes

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to the National Council of Correctional Services, NCCS, and they make a recommendation with a complete file of psychologist's reports, other reports and case management committee, and all that sort of things. I then make the final decision.

Now, I've already said that I'm very strict when it comes to the risk of reoffending. If it is moderate or high, I do not approve, for good reasons. But then, all the other offenders and their parole applications are determined, handled and managed by the parole boards. I will be the first one to admit that we do have problems with some of the parole boards. We are also in the process to fill in certain vacancies, to ensure that they are fully functional.

There are certain requirements and qualifications that the members must have to become a member. I also set out a memorandum to say that they must look at the risk of reoffending. But the only power I have as a Minister is that, if a parole board approved parole for a specific offender, and I go through the file, though I don't go through each and every one because they are just too many. But it usually happens with high-profile offenders.

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I can then do a request to the parole review board to review the decision of the parole board in terms of the legislation. It happened a couple of times. I can use examples of the Marius Van der Westhuizen and the Griekwastad issues, if I can quickly think now of certain matters. We must remember from the parole board consisting of maximum, six members, four of which are from the community, the application is then referred to the parole review board that is compiled from the National Council of Correctional Services, NCCS, and the chair is a judge.

So, there is a system or a mechanism that if there is doubt, I can be able to use that. The commissioner can also do that. I know that the commissioner then instated a review committee on the parole boards, that if they approve parole before it is enacted, the review panel will also look at it. Therefore, you will find that there are quite a number of parole applications that in the end, their applications were not successful. Thank you.

Mr M K MONTWEDI: Minister, the much-credited National Police Commissioner, General Mkwanazi, said that correctional facilities are a breeding ground for gangs under the

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Government of National Unity, GNU. Thank you, Minister, for acknowledging that the cost of feeding criminals has increased by 20 rand per inmate, as opposed to fake news circulating on social media under the GNU.

Minister, you just acknowledged, now, that your department is mass-approving parole, even for high-risk offenders with negative risk assessment, simply to dump them back into the society as a cheap way to hide your chronic overcrowding crisis. Can you tell this Council today directly what percentage of parole releases in the 2024-2025 financial year, were driven purely by desperate capacity limits, rather than the actual rehabilitation and readiness.

Lastly, what plans do you have to construct new correctional facilities to permanently end this overcrowding.

Setswana:

Ke lebogile thata, Modulasetilo.

English:

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The HOUSE CHAIRPERSON (Mr D R Ryder): Again, there were several follow-up questions there, Minister. Some asking for detail, but if you can respond as best you can.

The MINISTER OF CORRECTIONAL SERVICES: Let me first say the straightforward answer is zero, on your question. How many has been released to address the overcrowding? Zero. I heard that the hon member only joined now. I don't know whether the member heard the previous questions and my responses. I said that part of my view and the reforms is that we cannot use parole to reduce the overcrowding problem in our prisons.

So, I'm quite clear on that. We just don't do it. I'm not going to repeat what I've already said. So, therefore, I want to say to the hon member, maybe you can go back and see what I said on that issue. But again, short and sweet, zero.

Question 120:

The MINISTER OF CORRECTIONAL SERVICES: Hon Chair, firstly, I want to say the Department of Correctional Services is indeed making progress in addressing contract management, as it has implemented a full contract management system that operates on

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its own governance structure in line with the National Treasury guidelines.

The Department of Correctional Services has reduced on outsourcing its responsibilities, aiming to enhance its operational efficiency, reducing costs, and to regain control over its core correctional functions.

Additionally, a consulting reduction strategy has been developed and will be implemented to further improve internal capacity. Just to give you an example, in the 2024-25 financial year, the budget spent for consultancy was R119 million, while in the 2025-26 financial year, it dropped to R40 million, resulting to 66% savings. Therefore, this indicates that the strategy is producing results.
Thank you.

Setswana:

Moh O D MEDUPE: Ke a leboga, motl Modulasetulo.

English:

Hon Minister, thank you for the response to my question. When will the consulting reduction strategy be fully implemented by

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the department, and will the department be able to build enough internal capacity in order to do the work with the current status quo?

Thank you very much.

The MINISTER OF CORRECTIONAL SERVICES: Hon Chair, the policy and the approach to this is that we ask ourselves, why do we have consultants if we have people in certain positions getting high salaries who are supposed to do the work? I can say that the view is that if you have officials in certain positions and they are not performing and are unable to do job, you must replace them, because it is the taxpayer that iss paying the bill in the end.

My view is very clear that we must reduce the consultants. As I have mentioned, the hon member will notice, I became the Minister on the 3rd of July 2024, and in the 2024-25 financial year, we spent more than R119 million. Last year, it dropped to R40 million.

I will continue with that because I am also of the opinion that you do have some officials who are able do the work that

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the consultants are doing, and I think in some cases, consultants became an instrument of money siphoned through departments to private companies, which is, for me, not a good practice.

Thank you.

Ms J M ADRIAANSE: Hon Minister, we welcome your steps taken thus far for contract management. However, how did your department initially approve cooking oil at R726 per litre and gravy powder at R3 735, and have those responsible been suspended, prosecuted or required to repay taxpayers?

The MINISTER OF CORRECTIONAL SERVICES: Hon member, firstly, your reference to the oil, you must just follow it. Let me firstly say what the process is. In terms of the Public Finance Management Act, PFMA, a Minister is not permitted to be involved in any phase of a tender, not at all. It is to prevent corruption.

The only time a Minister can ask questions is after the tender had been awarded and finalised and want to implement them. Now, in this specific case, it was also the same with the

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bread, that we realised, and I said all those contracts must be reviewed. The oil one was part of certain goods. And it was not correct. We did not purchase the price. It was prevented due to the fact that I already said that all the contracts must be reviewed. It's the same with the bread.

When I looked at all these contracts, we paid R24,50 for a loaf of bread. I said, well, it's impossible because that is the highest price for a loaf of bread, if you were to go to any retailor to buy a loaf of bread. It is nutritious and so forth. I reviewed and requested a review of that.

In the end, we have then lowered and decreased the price to about R15 a loaf of bread. We produce a loaf of bread for R8. That is why I am in the process to see that we can get seven more bakeries, so that we can be 100% independent.

Now, just to give you an indication of what happens with these sorts of things. In the case of the bread, the person who had that tender when we opened certain bakeries, that person's contract came to an end. And I was informed that the person who received the tender received a million rand a month for bread and yet he does not own a bakery.

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What they do is they get subcontractors to produce a loaf of bread for R15 and the R10 goes into the pocket of the successful bidder. We stopped that practice.

That's the same with the oil. There were also other products. We looked into those specific matters and stopped it. We are now paying the correct price.

Thank you.

Mr M M MAMPURU: Minister, you speak a lot on cutting down on outsourcing, reducing unnecessary expenditure, and bringing core prison services back to government’s hands. But the reality is that private contractors are still bleeding the taxpayers dry. Other than those who were contracted for bread and cooking oil, which other contractors or contracts have you actually reviewed, cancelled, or renegotiated since you took over as the Minister?

How much have you saved us as the state? Which services have you actually brought back in-house? And finally, what real consequences, like being fired or blacklisted, have the corrupt officials and useless service providers faced for

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wasting public funds or is this all just empty talk while private companies are running the prisons dry?

Thank you.

The MINISTER OF CORRECTIONAL SERVICES: Hon member, I can provide a list, a more detailed list. I don't have everything with me now, but the list is available for the revising of certain contracts. We can add up the savings as far as that is concerned. I just mentioned the bread. Can I say also that I did not mention the oil, it was incorrect. We ended up paying R29. Now you can make your own calculations as far as that is concerned. But I will provide the list and check how much we saved.

Let me say that there are investigations. We even asked the Hawks to get involved to see what happened with these tenders. As I've mentioned, I think the hon member agrees with me, that is why he is asking the question as to what happened and what are the consequences because it just doesn't make sense that you pay so much for oil.

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It is quite obvious that there is corruption involved. So, we're in the processes of investigations. But again, I want to say, it's not that simple to just say, well, you were part of this process. What did you contribute to the corrupt contract, if I can put it that way, you must have proof. And that's not always that easy and that simple. But the moment we are able to prove, when it comes to officials, of course, their services are immediately terminated. And in certain cases, there are even criminal charges against them.

Thank you.

Afrikaans:

Mnr H J VAN DEN BERG: Voorsitter, Minister, ek kon nou nie mooi hoor of die agb Noe na u verwys as moontlike President of prisonier nie, maar deesdae raak die onderskeid tussen die twee ook maar dun, dink ek. In verband met die vermindering van uitkontraktering deur selfvoorsiening - en u het al vroeër hierna verwys - wat is die padkaart en befondsingsplan om ’n moontlik 100% selfvoorsiening in terme van brood, vars produkte te bereik, en miskien ook die kapasiteit van ’n produksiewerkswinkels te verhoog, deur die maak van uniforms, meubels, banke, ensovoorts? Baie dankie.

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Die MINISTER VAN KORREKTIEWE DIENSTE: Voorsitter, agb lid, ja, ek sal nie kommentaar op die eerste opmerkings lewer nie. Daar is ’n program waarna ons kyk, maar nou moet ek onmiddellik sê: Kom ons vat byvoorbeeld werkswinkels, landbou aktiwiteite, houtwerke. Dit het ongelukkig ook begrotings nodig. Kom ons vat die landbou aktiwiteite. Gaan vra vir enige boer as jy jou produksie wil verhoog, wat die kosteimplikasies daarvan is. En ons het ’n beperkte begroting.

Dis hoekom ek die voorbeeld gemaak het dat ons ’n memorandum van verstandhouding met Saai moet sluit. Hulle dra die kostes. Natuurlik moet die prisoniers, wat die werk kan doen, sekere werk verskaf. Daar is moontlikhede om dit op ’n sekere manier te doen.

Ons is ook tans besig in van die provinsies besig om byvoorbeeld skoolbanke teen ’n baie laer koste te restoureer. Ek het al in 2024 ’n skrywe aan elke staatsdepartement gerig, aan elke Minister en gesê dat ons oor die volgende fasiliteite beskik. Ons kan metaalwerk doen, ons kan houtwerk doen, ons kan klere doen, ensovoorts. En julle is welkom om asseblief van ons gebruik te maak.

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Die voordeel as jy van Korrektiewe Dienste gebruik maak ... Kom ons vat meubles. My kantoormeubles in Kaaapstad is alles self deur prisoniers en van ons werkswinkels vervaardig. Enige een is welkom. Dit is duursame hout, meubels en dit vertoon goed. Dit is professioneel.

Die voordeel vir ’n staatsdepartement om by Korrektiewe Dienste ’n bestelling te plaas, is dat jy hoef om tenders na buite te gaan vra nie. Die proses en die wet maak voorsiening. Jy kan ’n direkte versoek rig. Ons kan´’n prys tender wat natuurlik goedkoper sal wees en daardeur sal ons baie geld vir die belastingbetaler spaar. Ek moedig hulle aan om gebruik te maak van ons.

Dit is ook ongelukkig so om uit te brei – en ek wil dit graag groter maak en meer uitbrei, en kan ek sê, meer versoeke kry, maar dit kos ook ongelukkig geld. Ons doen ons bes en daar is al ’n dramatiese verandering.

Ek kan byvoorbeeld sê dat ons in verlede jaar se finansiële jaar net op daardie produkte alleen R175 miljoen bespaar het. Dankie.

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The HOUSE CHAIRPERSON (Mr D R Ryder): Hon delegates, I'd like to thank the Minister, all permanent delegates, the member of executive council, MECs, and special delegates, as well as the SA Local Government Association, Salga, representatives who availed themselves for the sitting today especially in light of the fact that it was a longer sitting that started in the morning. Hon delegates, that concludes the business of the day, and the House is therefore adjourned. Have a good evening!

The Council adjourned at 15:31.

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