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MINI PLENARY - NATIONAL ASSEMBLY

WEDNESDAY, 9 JULY 2025

VOTE NO 25 - JUSTICE AND CONSTITUTIONAL DEVELOPMENT

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PROCEEDINGS OF MINIPLenary - COMMITTEE ROOM M46

Members of the mini-plenary session met at Committee Room M46 at 16:30.

House Chairperson Ms Z Majozi took the Chair and requested members to observe a moment of silence for prayer or meditation.

APPROPRIATION BILL

Debate on Vote No 25: Justice and Constitutional Development:

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: House Chairperson, acknowledging the Deputy Minister of Justice and Constitutional Development, hon Nel, chairperson for the portfolio committee and members of the portfolio committee, hon Xola Nqola, Public Protector of South Africa Adv Gcaleka, National Director of Public prosecutions, Adv Batohi, Head of

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the Special Investigating Unit, SIU, Adv Mothibi, Director-General of Department Justice & Constitutional Development Adv Mashabane together with the chief financial officer, CFO, Chairperson of the Sheriff Board Adv Morgan.

Hon members, as I stand here, let me first take this opportunity to convey my sincere condolences to the Mabuza family, the ANC, the people of Mpumalanga and the country at large after the passing of our former Deputy President who was affectionately known as Bhuti.

We pay tribute to him and appreciate his role in liberating our country and for his developmental approach in governance. He was like a still water in the midst of chaos and a reasonable voice in the midst of confusion.

IsiZulu:

Lala ngokuthula, Mshengu.

English:

This year we also mark the 30th anniversary of the inauguration of the Constitutional Court which is a living

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monument of the victory of the vision of the Freedom Charter which is also 70 years.

The court is a monument of the triumph of the liberation struggle over the barbarism of apartheid and a symbol of our continued effort to create a South Africa in which among others all are equal before the law as proclaimed the Freedom Charter clause that said, all shall be equal before the law.

Hon, members I stand to table Budget Vote 25 and its priorities. The Department will continue to direct all its efforts towards improving not only performance, but also its impact through service delivery.

The most pressing challenge is limited funding, with the department facing a severe budget cut shortfall of approximately R1 billion over the Medium-Term Expenditure Framework period.

For the financial year 2025-26, the department's budget allocation amounts to just over R25,3 billion, of which R13 billion is allocated to compensation of employees, R5,4 billion for goods and services, R3,5 billion for

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transfers and subsidies to public and constitutional entities, R2,6 billion for magistrates' salaries and R652 million for payments for capital assets.

The fiscal environment demands of us to do more with less and to be prudent in our spending. The department will prioritise increasing access in terms of its priorities to justice. The continued implementation of the Truth and Reconciliation Commission, TRC report as adopted by Parliament, the turnaround of the Master's Offices, improved state litigation, the fight against gender-based violence and femicide, fighting fraud and corruption, accelerating transformation of the legal sector, operationalisation of the traditional courts, and review of all apartheid laws.

Hon members, to improve the quality and availability of the services at the Master's Office, we will partner with the private sector and other government agencies such as Sars and home affairs to implement a digital solution that will enable operational efficiency and effectiveness.

The Office of the State Attorney has been experiencing significant operational challenges due to lack capacity and

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systems. The implementation of a turnaround strategy is underway at the state attorney which includes systems overhaul, capacitation of the offices such as special focused teams that will focus on Supreme Court of Appeal, SCA and Constitutional court.

On the TRC matters, the preamble of our Constitution enjoins all of us to work together to heal the divisions of the past. The TRC made recommendations in June 2003. Parliament approved that report granting reparations to TRC verified individuals in respect of final reparation in the form of a once-off grant of R30 000, medical benefits and other forms of social assistance, symbols and monuments, and rehabilitation of communities for purposes of contributing to healing the wounds of the past and restoring human dignity.

The total amount paid to individuals as interim reparations is almost R53 million. The total amount paid for the final once-off individual grants is just below R500 million. The basic education total number of learners funded is 11 934 and the payments made to the beneficiaries in respect of this reparation is about R137 million. The total number of students funded in post-matric qualification is 1 922 and the payments

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made to the beneficiaries in respect of this reparation is R132 million.

Gallows Exhumation Project, a total of 180 remains recovered including missing persons. Gallows and other 76 cases have been handed over to families and we will conclude two that are remaining this year, and this will bring this project to an end as part of fulfilling our obligation.

On TRC related criminal cases and inquest, there is a total of 158 separate investigations of with seven matters on the criminal court roll, seven reopened inquests, 10 formal inquests, six finalised inquests, four pending inquests and two convictions. It's not true when the public says we are not doing anything to ensure that those who committed crimes during apartheid face the might of the law.

Hon members, President Ramaphosa has established a judiciary inquiry into allegations regarding efforts or attempts that were made to stop the investigation or prosecution of the TRC cases to be chaired by retired Constitutional Court Judge Sisi Khampepe and we have committed to support this work as the department.

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Ladies and gentlemen, gender-based violence and femicide continues to devastate individuals and communities. We have a duty to do all that we can to protect the victims of gender-based violence especially women and children. More importantly, prevention will be better than having to deal with the aftermath. In this connection, the department has adopted a victim biased and victim centric approach which puts the victim first to avoid case bungling which gets perpetrators off the hook and secondary victimisation.

Over the 2024-25 period, the National Prosecution Authority, NPA recorded 3 697 convictions in relation to sexual offences with over 79% convicted with direct imprisonment while 44 147 victims were supported at the 66 Thuthuzela Care Centres across the country. Work is currently underway, and we would want to see more in this regard. In collaboration with SA Police Service, SAPS, the deoxyribonucleic acid, DNA project has processed 60 518 DNA samples to track and deal with repeat sexual offenders and serial rapists.

Going forward, we will increase the national footprint of Sexual Offences Courts, particularly in rural communities with additional 16 Sexual Offences Courts to be established in line

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with the recent amendments to the law and two additional Thuthuzela Care Centres, TCCs. The Sexual Offences Courts shall assist to deal with the alarming figures of sexual violence in the country and offer support services that are tailor-made for the survivors of sexual crime.

Additionally, we will ensure that all convicted sex offenders are registered in the National Register for Sexual Offenders, NRSO and initiate a process to review legislation that is currently an inhibitor to the public release of this register. Moreso, we will improve in terms of the turnaround time in responding and issuing court orders, protection orders, and ensuring that they are issued by the clerk of the court within 24 hours.

Hon members, in fighting fraud and corruption, the department will increase efforts towards disrupting and reducing the efforts of organised crime through a multi-stakeholder approach, collaborating closely with key partners, including the SAPS, Directorate for Priority Crime Investigation, DPCI and Sars. The Asset Forfeiture Unit of the NPA successfully recovered over R3,9 billion in ill-gotten gains through the

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implementation of the Corporate Alternative Dispute Resolution mechanism.

In the financial year 2024-25, the SIU recovered a cash value of more than R833 million assets to the value of R1,3 billion, set aside irregular contracts worth R5,6 billion and prevented potential loss to the state to tune R2,7 billion. The establishment of the Special Tribunal has allowed for expedited resolutions and substantial recovery for the state, showcasing the unit's effectiveness.

Further work that will be done in this financial year is the anti-corruption enhancement unit in the SIU, that will be dedicated to do lifestyle audits but also amongst other responsibilities is to look at the issues of whistleblowers and whistleblower protection.

On the front in terms of our work in the global space and what we had to deal with, the NPA will continue to lead efforts to address the weaknesses identified by the Financial Action Task Force, FATF working with all partners. The SIU will continue to support the Department of Public Service and Administration in coordinating the G20 Anti-Corruption Working Group.

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In this regard, SIU Head Adv Mothibi was nominated to chair the G20 Anti-Corruption Working Group this year. Hon members, this work remains critical for us, and we will continue to ensure that our global footprint does not lack.

On transformation, it is clear from the statistics that the legal profession is not transformed. We must ensure that this situation turns. Hon members, that is why our fight against the court judgement brought by Norton Rose must continue and we must fight.

We must ensure that we are changing the environment in which the current black practitioners find themselves where they are unable to find work in complex and specialised areas of law such as commercial law, maritime law, private international law, competition law and others.

Instead, most black and female legal practitioners often practice in the fields of labour, personal injury and family law. This situation must change. We will do our part in ensuring that we utilise state attorney's offices to turn the situation around and improve on the briefing patterns.

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On building a capable state and skills development, the Bridget Mabandla Justice College is currently embarking on a strategic repositioning journey aimed at transforming it into a capable, high-performing organisation that is professional, efficient, and responsive to the needs of the sector.

Among other things, the Bridget Mabandla Justice College, BMJC has already established specialised schools and trainings as follows. The School of Prosecutions, the Forensic and Cybercrime Academy, and Sheriffs Introductory Course Programme.

This directorate will also establish the following schools by August 2025. Alternative Dispute Resolution; Legal Interpreting and Language Studies; Constitutionalism, Human Rights and GBV; Masters and Family Law training; Paralegal Studies; and Trial Advocacy and Forensic Investigation Techniques amongst others. This is the work that we must encourage to continue to do as it builds state capacity.

On review of legislation, the department remains committed and will continue to prioritise the review of justice-related colonial and apartheid-era legislation to align them with the

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Constitution of the Republic. All legislation that will be reviewed will look into ensuring that we improve and promote access to justice. This will go in the format of looking at all those that need to be abolished in terms of an Omnibus Bill that will abolish those legislations. We will amend those that need to be amended and look into those that need comprehensive review.

Hon members, let me conclude with the words of Nelson Mandela from the speech he delivered at the inauguration 30 years ago, he said.

"We have fought hard for the basic principles enshrined in the Constitution. The rights and freedoms it proclaims are not simply words taken from hallowed texts in other parts of the world. They represent our endeavours, and our dreams of a free and just society."

Hon members, as the Minister of Justice and Constitutional Development, I have the pleasure to table Budget Vote No 25 for your approval. Thank you very much.

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Mr X NQOLA: Hon House Chair, the Minister and the Deputy Minister of the Department of Justice and Constitutional Development, all of the heads of the institutions that belong within the Department of Justice portfolio and hon members, let justice be done though heavens may fall.

In 2017, the nation was confronted with the devastating news of the shooting of the former secretary-general of the ANC Youth League and a dedicated public servant, Comrade Sindiso Magaqa. He was robbed of his right to life as enshrined in the Constitution. His family was robbed of a son, a brother, a father and we were robbed of a true patriot who was committed to the advancement of his country.

On Monday, Justice Mlaba handed down a 25-year sentence to Sibusiso Ncengwa after he pleaded guilty to the charge of murder. We applaud the investigating and prosecutorial teams. Lawlessness should never be allowed to thrive. While the wheels of justice may appear to turn slowly, they never stopped turning. May Comrade Sindiso Magaqa's soul rest in peace.

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House Chair, Budget Vote 25 on Justice and Constitutional Development contains five programmes, as well as a direct charge for magistrates' salaries. The department is accountable for the administration of court services, state legal services, the National Prosecuting Authority programmes, Programme 5, auxiliary and associated services, also contains transfer payments to the Legal Aid South Africa, the Special Investigating Unit, Information Regulator, the Office of the Legal Services Ombud, the SA Human Rights Commission and Public Protector South Africa.

Chairperson, for 2025 year the allocated budget is R25,4 billion for 2025-26 financial year, including a direct charge for magistrate salaries of R2,6 billion. In real terms the Vote allocation increased by 0,3% when compared to 2024-25 financial year. The main key costs drivers for 2025-26 are the compensation of employees which amounts to R15,57 billion or 62% of the budgeted expenditure. Goods and services which is R5,4 billion or 21% of the total Vote allocation. Transfers and subsidies, which is R3,6 billion or 14% of the total Vote allocation. Payments for capital assets which is R652,4 million or 0,4% of the total Vote allocation.

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Programme 2, lower court services facilitates the resolution of criminal and civil cases by providing accessible, efficient and quality administrative and quasi legal support to the lower courts and justice service point. New performance indicators have been added include a target of 70% of convicted sex offenders registered in the National Register for Sex Offenders within 10 days from the date of receipt of the conviction order.

The target of District Courts updated in line with the minimum standards for domestic violence support services and the target of less than 1% of criminal cases postponed due to unavailability of court administrative support services. These targets are inextricably linked with the objectives of the gender-based violence Acts this House passed.

Under Programme 3, on the State Legal Services, the department has added new performance indicators including a 20% target of the implementation of the Legal Sector Code to ensure participation of previously disadvantaged individuals. A target of 20% of briefs allocated to previously disadvantaged individuals, a target of 30% of fees paid to female legal practitioners.

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The State Legal Services Programmes is allocated R1,9 billion for 2025-26 financial year, compared to the R1,7 billion of the previous financial year. This is a 5,7% budget increase. The department's commitment to transformation of legal profession and leveling the playing fields is welcomed. The National Prosecuting Authority receives R6,3 billion compared to R5,7 billion from the previous financial year. This is a 2,5% increase in real terms. The ... [Inaudible.] ... budget allocation increases by 9%.

Chair, the committee has raised grave concern about Legal Aid South Africa's budget decrease of 2,1% especially because of the entity's expanded mandate. Last week I touched on the importance of the Land Court Act in light of the land justice. Section 16 of the Land Court Act 2023, provides that the party in legal proceedings has the right to appear and get legal representation. Where the party cannot afford to pay the matter must be referred to Legal Aid South Africa.

During the Budget Vote on the Office of the Chief Justice, we raised our concerns once again on the issue of security in courts. This issue was raised during the committee's oversight visit to KwaZulu-Natal. An incident such as the shooting which

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took place in the Wynberg Magistrate Court should never take place ever again. Lawlessness should never be allowed to reign supreme. Appropriate measures should be put in place.

The 2025-26 annual performance plan indicates the department's client to implement the security strategy to create a safer environment for all personnel and citizens who come to courts daily, targeting 20% implementation of the strategy in 2025-26. Details regarding the strategy are scant, which will make it difficult for the government to assess the implementation of the 20%. The committee suggested that the department consider amending its annual performance plan, APP, to include specific measurables for this indicator.

The department reported that it will implement the court recording audio-visual solution in 2025 to replace the outdated court recording or the court recording technology, CRT, system. Targeting the rollout of the court recording audio-visual solutions, Cravs, to 50% of courts in 2025-26. We are aware of the department's reliance on the State Information Technology Agency, Sita, and the challenges there to. We have requested the report on the status of the process to procure Cravs by 31 July 2025.

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Increasing evidence suggests that the success of the criminal justice system in dealing with crime depends on its ability to mobilise support from the community. The community involvement by reporting crime, identifying perpetrators to testifying in court and assisting in the reintegration of ex-offenders. This is a challenge that faces criminal justice systems in many countries.

As we continue to advocate for additional funds to be allocated to service delivery, justice may be compromised. Communities must be placed at the center of all our endeavors of having a just, equitable, safe and peaceful society. The Budget Vote 25 on Justice and Constitutional Development has been Tabled by the Minister. House Chair, I recommend that the House approves it. Thank you.

Mr S NOMVALO: House Chair, hon members, we just want to place it on the record that we vehemently reject this budget and part of our reasons is what the Minister has also spoken about. About the inability of the department to transform the legal profession. Hon Minister, if you can go to Durban, if you can go to Denor House, go to metropolitan building, go to

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embassy building, you will find that many offices are occupied by legal firms which are directed by young and black people.

But there is little financial support that they get from the Department of Justice, and for that reason we're not going to support this budget because it doesn't have strategic and innovative interventions that it makes in that regard.

Hon members, today we want to start our debate by quoting a very significant legal principle which says: "Let justice be done, though heavens may fall". Following the aforesaid as the MKP we rise to pledge our unwavering support to Lt Gen Mkhwanazi for his bravery and fearlessness that he demonstrated in the past few days.

We further support his sentiments that the task team of political killings, which was established in 2018, must continue doing its work without any fear of prejudice and all dockets thereof must swiftly be taken from Gen Sibiya, who has a questionable credibility, character and integrity, and be brought back to the task team for political killings, to enable it to effect arrest where instructions of such were already given.

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Subsequent to that, we further make a clarion call that further investigations about prosecutors and magistrates who have been alleged to have participated in rescuing drug syndicate in Johannesburg must be made by the Office of the Public Protector and Special Investigating Unit, SIU swiftly. These institutions must expedite such investigations so that we do not embrace rotten potatoes, which will exacerbate an undesirable administrative turmoil presently facing state institution in the Police Department and the Department of Justice.

We stand here today to salute the KwaZulu-Natal, KZN, Commissioner, we say to him, South Africans are with you. Never give your expensive and rich attention to ...

IsiZulu:

... ongqimu nojahidada ...

English:

... of the ANC youth league, who are trying to be popular by launching weak political onslaughts against you, using the media. We know that you will never be moved by any political brouhaha and hullabaloo. [Applause.]

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Hon members, we want to state it precisely and firmly once again, that we are not supporting this budget for reasons we're advancing here under, which explained terrible circumstances under which entities falling in the Department of Justice and Constitutional Development operate.

The National Prosecuting Authority, NPA, is currently in shambles because of the incapable incumbent, which has a responsibility to supervise its work. Amicable solutions, which can rescue the NPA from the reputational crisis it is currently engulfed with, are written on the wall. But Mr Ramaphosa refuses to espouse them because he doesn't want to offend those who protect him against legal repercussions for hiding dollars under mattress, while ordinary South Africans are swimming in poverty.

The first solution is that the President, as the appointing authority, must fire advocate Shamila Batohi with immediate effect for her incompetency. She has not only run the NPA like she's running a saloon but has equally failed to supervise the prosecution of prominent cases like the Omotoso case, Sindiso Magaqa case, Gupta extraditions, Senzo Mewiya, Cwecwe, state capture cases and many more.

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Another solution is that the NPA must stop enrolling cases wherein investigations have not been completed. On top of the case backlogs, which denies justice by delaying it, the NPA continues to enrol cases with incomplete investigations. Some of those cases get withdrawn and suspect get acquitted at a later stage because of insufficient evidence.

The taxpayers are on the receiving end of that prosecutorial demise because victims of unlawful arrest and detainment take legal actions for civil damages incurred during the unlawful arrest and detainment.

Hon members, the NPA proves it every day that equality before the law and justice are just emit in South Africa, hence criminals who thrive through extortion, drugs, heist and so on and so forth are richer than academics, entrepreneurs and professionals. There is no justice for the poor. It is only for the rich, the politically connected and corrupt politicians.

The magistrates in this country continue to work under deplorable circumstances. Every day they work under severe threats in court because there are no security personnel,

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designated for their safety. Notwithstanding the fact that they pass through criminals every day in court. Some of whom are out on bail. When we did oversight in KZN we made gruesome discoveries. The scanners in the course were not working properly and the infrastructure was severely dilapidated.

The Annual Performance Plan, APP, of the department does not inspire confidence. It is not inspirational. It doesn't propose any paradigm or radical shift. It is just full of semantics. It doesn't even raise concerns about the safety and well-being of magistrates.

While the magistrates continue to do their work with due diligence, their salaries are unjustifiably low. Their benefits are ludicrous, and their safety is at risk inside and outside their work place.

As the MKP we are extremely disturbed to learn that 30 years after democracy, this directionless government of national unity, GNU, is still leasing offices in the state attorney in Durban and other provinces. We know that this backwardness is deliberate because there are people who aren't fully benefit from it.

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Why is it so difficult for this government to procure buildings for government entities dealing with serious and very sensitive job, and which keep delicate state information and records like the state attorney? As the MK party we know that such is happening because there is no political will and it opens a window for unethical and corrupt deals.

The environment under which human personnel work in the state attorney is catastrophic. It makes workers to be unproductive and inefficient. Each attorney Minister is allocated 1000 and something files. Surely this is irrational. We are on record, hon members, making a submission to this committee, that part of what precipitates a crisis in the state attain is the inability ... [[Time expired.] [Applause.]

Mr J ENGELBRECHT: House Chairperson, this is the vote that directly affects justice, fairness and safety in our country. This budget pertains to the department buckling under the pressure of decades, long underfunding with poor service delivery as a direct result.

Today's debate must be centred on ensuring that the Department of Justice and Constitutional Development is properly funded

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and promote access to justice for all South Africans. The department has been allocated R25,4 billion for the 25-26 financial year. I hope that this is a budget that can propel the South African justice system on a path towards recovery.

However, I must stress that it is equally important that we spend the money we have wisely and deliver the best possible service to South Africans. We need our courts to function just as much as we need our ... [Inaudible.] ... to function. We need to ensure that the criminal who goes through the justice system comes out a better person.

An important cog in the justice system is the effective management of caseloads at courts. Court backlogs are a problem that negatively affects all South Africans and their perception on the rule of law. If the department wants to reduce criminal case backlogs by 70%, as the department stated it would. It needs to appoint more magistrates, increased court hours and fast track delays caused by forensic bottlenecks. This must be provided for in a budget.

The department has to slash its 53,000 criminal case backlog, urgently. The intrinsic link between our courts and our

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presence cannot be ignored. The crisis in our presence feeds on the crisis in our justice system and vice versa.

The systemic problems in the criminal case in the justice system are driving overcrowding in our prisons. Over 50,000 people are behind bars awaiting trial, some for months, even years. Because the courts cannot hear their cases. For example, at the Krugersdorp Correctional Centre, designed for 1296 inmates, over 3300 people are incarcerated. In the remand section, over 75 people are cramped inside a cell that was built for 32 people. One official is often tasked to watch over 650 detainees, on his own. This is inhumane, it is dangerous and threatens the safety of inmates and officials alike, and it risks the total collapse of our correctional system.

House Chairperson, this budget must be spent in ending the revolving door between correctional services and the Department of Justice. If the latter fails, the former will fall with it.

This budget is not without shortcomings. It is problematic that we see real term cuts in three critical budget areas.

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Court services are cut by 0,4%. Facilities management, which handles court buildings, drops by 12,5%. And the administration program is done by nearly 6%.

The department plans to drive modernisation, anti-corruption and digitization within the department. It is, however, worrying that only 0,4% of the budget will be spent on capital investment.

House Chairperson, the DA believes in the justice system that works for everyone. Not just in theory, but in practice. That means courts that sit full days. Magistrates who are properly supported. And budgets that match the task at hand.

Improving service delivery in the Justice Department is a prerequisite to fixing all the departments, which is linked to it. Until the department fixes its internal dysfunction, Correctional Services will remain a dumping ground for people caught in the cracks of a broken justice system.

Victims deserve faster trials. Accused person deserves fair process. South Africa deserves a criminal justice system that rehabilitates criminals, we prosecute and incarcerate. Our

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correctional officers deserve relief from the unbearable pressure caused by this department.

I hope that spending this budget carefully and wisely can result in significant improvements in our justice system. But if we waste money through corruption, fruitless spending and bad governance, we risk losing the rule of law. That is one thing we cannot afford. Thank you. [Applause.]

Sepedi:

Moh M R MOHLALA: Modulasetulo, Maloko a Palamente, bahlabani le batho kamoka ba Afrika Borwa, EFF e ganana le Boutu 25 ya Kgoro ya Toka le Tlhabollo ya Molaotheo. Tekanyetšo ye ga se ya toka efela ke ya go šireletša bao ba amanago le dipolotiki. E hlohleletša gore batho ba robe molao, gomme ya dira gore go hloka molao go bonagale okare ke setlwaedi.

English:

The R25,3 billion allocation is not a blueprint for justice; it is a firewall against accountability. It deliberately fails to empower prosecutors, protect whistleblowers, support anticorruption work or defend victims of political violence. This failure is not accidental, but structured. The office of

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the Public Protector remains underfunded at R376 million. There is no growth, no plan to expand regional capacity, no digitise investigations, and no support for whistleblowers, despite their ongoing assassinations while government hosts workshop and delivers speeches.

The National Prosecuting Authority meant to be the cornerstone of justice remains a sub-programme under this Vote. It is politically and financially tied in the same executive it must prosecute. One-hundred and six million was stripped from the Investigative Directorate while cases like the Phala Phala, National Lottery scandal, and the Gupta extradition remain frozen.

Just over a month ago, the National Director of Public Prosecution, Shamila Batoyi, admitted on national television that the National Prosecuting Authority, NPA, is infiltrated. Instead of facing this reality, the Minister rushed to defend her, saying she used the wrong word. That is not leadership is a co-ordinated cover up. The truth is the NPA will never prosecute powerful politicians while it is funded and controlled by them. This budget keeps the NPA on a financial leash and corruption off the hook.

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In this same climate of protection, we must locate today's revelation. Lieutenant General Mkhwanazi confirmed that the Minister of Police, Senzo Mchunu, solicited funding from a businessman worth R3 billion in subcontract. Mchunu denied knowing the man, but evidence proves otherwise. Mchunu also disbanded the political killing task team in KwaZulu-Natal and froze posts in crime intelligence. These are not blunders, they are tactics to collapse accountability. Yes, Mchunu is not under this Vote, but the Department of Justice is the gatekeeper to prosecution and this budget gives it no tool to act. There's no funding for high-risk corruption cases, no whistleblower protection, no independence for the NPA.

Justice dies like this, not because of firing of bullets, but through budget that stuff the truth. The Special Investigating Unit, SIU, is expected to fight elite corruption with a real increase of just 0,7%. The SIU tribunal is still temporary. There is no amendment to allow SIU to litigate independently, no civil recovery strategy; it is a paper tiger intentionally caged. State capture continues quietly. The public investment co-operation remains a looting ground for the elite.

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In 2011, Dubai World and London Regional sold the V&A Waterfront to the Public Investment Corporation, PIC. To this day, South African beneficiaries have received nothing. The matter is in court but the judiciary delays with the corrupt, enjoys the returns. This department has made no effort to budget for Forensic Litigation Unit, no anti-fraud recovery team, no specialised legal office to fight back. There's always money to protect corruption but nothing to prosecute it.

The South African Human Rights Commission is on life support. Its budget has dropped by over 20% in real term since 2023. Key programmes like human rights - a ... [Inaudible.] ... environmental litigations are erased, rural outreach is dead, and this Budget says nothing about the rebuilding. The Information Regulator is becoming a Schedule 3A Entity, but without rural rollout, mobile reporting or cyber security, the working class remains excluded by design.

Women return to maintenance court five or six times to enforce one order. There's no funding for tracing officers, no digitised system, even if gender-based violence, GBV, is declared a national crisis, there's still no dedicated funding

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to fast-track gender-based violence cases, no trauma support in every court, and no rural based GBV prosecutors to ensure survivors get the justice they deserve.

As I close, the Legal Aid SA is stretched beyond breaking point. Rural offices are forgotten, extradition fail, economic fugitive enjoys VIP passport. There's no cross-border prosecution strategy, no multilingual teams, and no international co-ordination. Why? Because this department refuses to fund one.

This budget is not neutral, is complicit. The EFF demand the following: A stand-alone vote for the NPA by 2026 with full budget and legislative independence, urgent tabling of the Whistleblower Protection Bill with funded legal aid and trauma support, amendment of the SIU Act, permanent tribunal appointments and independent litigation funding, a Forensic Litigation Unit to investigate corruption linked to PIC, and national maintenance plan with code based investigators and digital system.

Sepedi:

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Go fihlela kgoro e aba tšhelete ya go šireletša nnete, Palamente e swanetše go gana tekanyetšo ye. EFF ka mehla e tla lwatšha toka yeo e šireletšago barui e otla bahlaki. Ke nako ya gore re fediše bomenetša mo nageng ya gaborena. Naga ya gaborena e na le bomenetša.

English:

Until Shamila Batohi leaves, we will never rest as the EFF. Thank you so much. [Applause.]

The HOUSE CHAIRPERSON (Ms Z Majozi): Hon members, please. Can we allow members on the podium to also debate.

Mr T M LANGA: House Chair, greetings to the Minister, the Deputy Minister, the department leadership lead by the SG, ...

The HOUSE CHAIRPERSON (Ms Z Majozi): Hon members. Sorry, hon Langa. I have requested that ... In fact, this plenary is very small for us to shout. So please, can we respect one another and stop shouting. Hon Langa, please continue.

Mr T M LANGA: Thank you very much, House Chair. I was still greeting the department led by the Director-General, hon

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members and fellow South Africans. The IFP acknowledges that while it demands placed on the Department of Justice and Constitutional Development are immense, they are not insurmountable. As a key component of the Justice Cluster, the department must fulfil its role in building safer communities, promoting accountability, combating corruption and strengthening traditional governance and the rule of law.

Minister, no reasonable investor will invest in a country backed by corruption, high crime and most critically, a low conviction rate. Foreign direct investment is vital for developing economies to overcome structural challenges. White policymaker's designer tactic incentive packages to draw investors. Internet issues like rampant crime undermine these efforts. Criminal activity not only raises the cost of doing business but also reduces demand in high crime areas, deterring potential investment altogether.

The department plays a pivotal role in creating a conducive environment to realise the Medium-Term Development Plan. Its failure undermines the strategic priorities of inclusive growth and job creation, poverty reduction and building a capable, ethical and developmental stage. The IFP notes with

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concern the department's budget allocation. While we recognise the constrained fiscal space and need for trade-offs, this department is too vital. Therefore, such trade-offs risk delayed or denied justice.

While the whistleblower protection framework remains delayed, whistleblowers are dying. There's a growing lack of confidence in the state's ability to protect them, and out of fear, many choose to turn a blind eye to corruption. This reflects impunity with which criminal operates, knowing that arrests are rare and accountability is unlikely. The IFP shares the public concern that little is being done to hold those implicated in state capture accountable. While it remains a stated priority, there is no clear direction. Continued delays in prosecution risk undermining the value of Commissions of Inquiry, which may ultimately be seen as fruitless expenditure if they yield no consequences.

Public confidence in the NPA is at an all-time low. However, the work of the NPA is not always viewed holistically. While challenges remain, there is also commendable work being done. The greatest concern lies in the failure to convict high-

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ranking individuals, which fosters the perception that those in powerful positions are above the law.

We are hoping with the recent saga alleged to be involving the Minister of Police and high-ranking police officials, that justice will take its course. Minister, the NPA cannot afford to fail. We hope that despite current financial constraints, sufficient reprioritization will be made to safeguard this critical institution in its recovery. The IFP supports the budget.

IsiZulu:

Ngiyathokoza.

Mr A SAULS: Hon House Chair, greetings in the wonderful name of our Lord and Saviour, Jesus Christ.

NIuu:

!Honkia u huniki.

English:

The Justice and ... Development Vote No 25 allocation increases by 3% when compared to the 2024-25 ... With such a

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high unemployment rate, we find it disappointing that the National Prosecuting Authority, NPA, has 1 098 vacant posts as at the 31st of January 2025.

Afrikaans:

Nee vader! Skrik tog, al is dit wakker. Mense soek span hier buite.

English:

The department's strategic plan 2025 to 2030 includes nine outcome statements. I want to zoom into three.

Outcome seven ... fighting crime and corruption through prosecution. We support the budget, hoping that outcome seven will be achieved when we think of the selfless life of Det Clint Skippers from Macassar, Cape Town, who like a real-life hero risked his life in a shootout with 12 cash-in-transit criminals. One died, and because of him the rest were arrested, but he walked away with five bullets in his back. He didn't just take a bullet for his country. He took five and still walks around with two in his back, and how does the justice system thank him? Instead of a promotion or a medal or even a payout, he rather has to pray for a way out.

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After he protected his family against a housebreaking attempt, a case of self-defence was changed to murder after a year. In this justice system of ours, such a hero gets arrested, thrown into jail with hardened criminals he gave 16 years of his life to arresting.

We support this budget so that outcome seven must be achieved to deal with the corruption in the system against many like Det Clint Skippers. If not, then we cannot help but wonder, is this justice?

The Justice Department received an allocation of R25,4 billion, including a direct charge of R2,6 billion for the salaries of magistrates. We are making sure that the salaries for magistrates are secured, yet magistrates like Judge Morolong in Kimberley today gave an illegal immigrant who murdered three young South African people, Omphile Jonas, Mikayla Booysen and Cavino Matthews, a mere five years running concurrently, with two years suspended. ... [Inaudible.] ... we must ask, is this justice?

Outcome eight ... apartheid era justice-related legislation reviewed and replaced, and as it relates to constitutional

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development, apartheid's racial classification of the Khoi and San, coloureds, Indians and one segment of white South Africans being legislatively considered black in general but not African in particular must be reviewed and totally erased, otherwise we must ask again, is this justice or just ice in the glass of expensive whisky enjoyed by the deep state when they say cheers to a corrupt system they alone benefit from? The PA supports.

Afrikaans:

Moenie baiza nie, Minister. Saluut!

Mrs H DENNER: House Chairperson, the importance of this department, its mandate, its entities and their respective mandates, cannot be overemphasised. This department and its entities play a pivotal role in ensuring the stability of our democracy.

To quote the report of the portfolio committee, an efficient justice system is crucial to a functioning democracy as it upholds the rule of law, protects individual rights and ensures fair and equal justice for all citizens.

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Sadly, we are not there yet. I say yet because this goal is attainable if the necessary will, political and otherwise, means, management and co-operation across the department's entities, as well as other departments are leveraged towards the goal of realising an effective justice system.

However, first we have to start with the basics such as indicators from the strategic objectives that emanate from the Medium-Term Development Plan that have been omitted from the department's annual performance plan, APP, as identified by the Auditor-General. These include very important aspects such as whistle-blower protection legislation to be introduced in Parliament, and to report on the review of South Africa's anticorruption architecture as implemented, as well as the annual report on the implementation of the Child Justice Act to be submitted to Parliament by the target date, the annual report on the implementation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act submitted to Parliament by the target date and the percentage reduction in the criminal case backlog on the court roll.

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Reports however can be rectified much easier than the large-scale challenges our justice system and this department has to face.

Funding constraints have always been a problem and continue to be. Dilapidated court infrastructure is another seemingly insurmountable interdepartmental challenge that significantly contributes to the breakdown in access to justice. The reduction in the allocation for the department's capital works programme is therefore especially worrying and the performance of the Department of Public Works in turn is lamentable to say the very least.

Afrikaans:

Dit en verskeie ander faktore soos 'n tekort aan die nodige toerusting, tolkdienste, personeel, voorsittende beamptes en ander hulpbronne het 'n domino-effek op die ganse regstelsel. Dit gee aanleiding tot oorbevolking in ons tronke waar verhoorafwagendes direk vir die tekort aan beddens in ons korrektiewe fasiliteite verantwoordelik is.

In verskeie howe kan 'n mens vir die aanhoor van siviele sake eers 'n datum in 2031 kry, om maar enkele voorbeelde te noem,

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om nie eers oor die toestand by die kantore van Meesters te praat nie.

English:

Our Chapter 9 institutions are underfunded, uncapacitated and overburdened, and institutions such as the SA Human Rights Commission have their own specific internal challenges to deal with on top of that.

Many have lamented the NPA and the failure to give effect to Special Investigating Unit, SIU, findings and the slow-pacing Zondo prosecutions. Most of these remarks, not all of them, should be taken seriously, but first and foremost, the way of working in silos should be addressed with urgency.

The effect of failure within one part of the justice system is not felt in silo. It is felt across the spectrum. Greater co-operation and co-ordination within the Peace and Security cluster and across government is needed to ensure accountability and an entire justice system that truly contributes to our democracy. It's been said many times and I will say it again, because it's even more true in the context of the South African justice system. Here, justice delayed is

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indeed justice denied, because it is within the control of the powers that be to change the status quo. Not doing so is an injustice to all. I thank you.

Mr R A P TROLLIP: House Chairperson, the Department of Justice and Constitutional Development that allowed the disbandment of the Directorate of Special Operations, the Scorpions, to protect senior government individuals and led to their incorporation into the SAPS, and called the emasculated Scorpions, the Hawks, should be ashamed.

Action SA has long advocated for the establishment of specialised corruption courts to fast-track the prosecution and conviction of corruption cases. The urgency has never been more clear, especially in light of the exposé by commissioner Mkhwanazi.

The Zondo Commission recommended over 1 400 individuals, companies and government entities to be investigated for their roles in state capture. In a written reply to Action SA, the Directorate for Priority Crime Investigation said only 200 recommendations have been prosecuted or prioritised. These have led to just 12 court cases, addressing only 38 of the

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1 400 recommendations, a mere 2,7%. If this department and this government of national unity, GNU, has no appetite to prosecute these cases, we do.

If I can adapt and borrow from the words of William Shakespeare in *Julius Caesar* and say, I have not come here to praise the NPA. I've come here to expose it. The NPA has failed with the Zizi Kodwa case. The NPA collapsed the Estina Dairy ... case. The NPA botched the Cholota extradition ... in the R255 million asbestos case involving Ace Magashule. They did that in spite of the fact that there was a recent Constitutional Court ruling in the Schultz matter, two months before the extradition, where it made it clear that the Minister had to authorise extradition. When the NPA was asked if they had discussed that, they said, yes they did but their lawyers had not been present. Aren't you all supposed to be lawyers? The Bushiri saga ... also botched. He's at large five years later, entertaining the former secretary-general, SG, of the MK Party and now president of Mayibuye as a hero in Malawi. After eight years, the Timothy Omotoso case ... botched ... released. What has the prosecutor who botched it done? He has been assigned to the Fort Hare case, where people

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have been murdered ... assassinated ... corruption
racketeering ... not ... serious.

Action SA will soon introduce the Zero-Tolerance Corruption Bill to break the cycle of impunity in this Parliament, with mandatory minimum sentences for corruption, and permanent bans for political office bearers and convicted individuals.

In China today, a civil servant – a former public official – Mr Wang Yong, was sentenced to death for accepting a R38 million bribe.

IsiXhosa:

Bazimisele eChina malunga nabantu abarhwaphilizayo ...

English:

... but we're not serious in this country. If we were, many people who are making laws in this Parliament wouldn't be here today. If we took this seriously and adequately funded the criminal justice system, maintained our court infrastructure, paid judicial, magisterial and prosecutorial staff appropriately, we would have more prosecutions and fewer

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corrupt criminal Members of Parliament and the executive running our country.

Action SA cannot support this budget until criminal legislators and members of this executive and in the ranks of the opposition are put behind bars. Thank you.

The DEPUTY MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Chairperson, hon members, I join in the salutations and condolences extended by the Minister. The theme for the 2025 state of the nation address delivered by President Cyril Ramaphosa was: "A nation that works, for all" A nation that works for all needs an accessible and well-functioning justice system that works for all. That is what this budget is about. It means the protection of human rights, an independent judiciary, well-functioning courts, fair and speedy trials, and efficient justice services.

It means translating the vision of the Freedom Charter and the Constitution, of a society in which all are equal before the law - into a lived reality for all, not a privilege for the few. This year, we celebrated Freedom Day under the theme: "United in Resilience for the Defence of Our Freedom and

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Democracy". This is a clarion call given the increasingly strident assaults on the judiciary, the rule of law, and the very notion of a constitutional democracy.

We support Judge President Dunstan Mlambo when he cautioned that, I quote:

Powerful people criticise the courts with unsubstantiated cases, powerful people who criticise the courts, who impute corruption and other negative imputations on this judiciary are a threat to our rule of law.

Strengthening the institutional independence of the judiciary must proceed hand in hand with the establishment of a single judiciary. It is vital that the independence, capacity and resources of the small claims courts, the district and regional courts are enhanced. We are committed to expedite the development and introduction of the lower courts and Magistrates Bills in consultation with the judiciary, led by Chief Justice Mandisa Maya.

There are 1 717 permanently appointed magistrates, the majority of whom are black 77% and female 54%. We remain

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concerned by the delays in filling vacant positions and finalising disciplinary processes. We have raised these matters with the Magistrates' Commission. We will also issue revised guidelines for the appointment of acting magistrates. Both the Minister and I continue to visit courts regularly, announced and unannounced to ascertain, first hand, how we can support the judiciary in dealing with the many challenges they face.

My constituency in Mitchells Plain continues to experience both crime and the socioeconomic causes of crime. I am working with my counterparts, the Deputy Ministers of Police and others, to address the spate of recent horrific killings. The Integrated Justice System programme seeks to strengthen the fight against crime by enabling the many departments and entities in the criminal justice system to work together more effectively through the efficient exchange of information.

Recently, I experienced the accuracy of the new Integrated Person Management system during a demonstration at the Mitchells Plain Police Station. I am very happy to share with this house that when I entered my own biometric details, it indicated that I was not being sought by the police. We

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commend the Rules Board for Courts of Law, led by Justice Nabitha Dambuza, for their consistent and excellent work. The recently finalised e-Justice Rules will contribute to the modernisation of our justice system.

We are also fighting crime through our legislative programme. The Whistle-Blower Bill and the Protected Disclosures Bill will improve the protection for persons who blow the whistle on crime. The Extradition Bill and the International Co-operation in Criminal Matters Bill will both modernise the law relating to extradition and enhance the fight against crime across our borders.

Our outdated Criminal Procedure Act of 1977 is being reviewed by the SA Law Reform Commission to bring it into line with the Constitution and to make it more effective. We commend the Commission, under the leadership of Justice Chris Jafta for their sterling work. Turning to the civil justice system, small claims courts make a huge contribution to the accessible, affordable and expeditious resolution of civil disputes involving claims of R20 000 or less.

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Nearly 37 000 small claims cases were registered countrywide during the 2024-25 financial year. The value of these claims is over R253 million. We call upon more legal practitioners and judicial officers to volunteer to serve as Small Claims Court Commissioners. This year marks the 40th anniversary of the introduction of small claims courts in 1985. In addition to increasing the monetary jurisdiction of small claims courts, we are also reviewing the Small Claims Court Act.

We commend the Council for Debt Collectors for their important role in the administration of justice. Legal Aid South Africa led by Deputy Judge President Mbhele, plays an active vital role in ensuring access to justice by providing legal representation to indigent persons at state expense. Legal Aid SA's mandate continues to expand and now also covers legal representation in land disputes. This mandate cannot remain underfunded.

Hon members, we commend the Human Rights Commission led by Rev Chris Nissen, and the Public Protector, Adv Kholeka Gcaleka, for the work that they do in supporting our constitutional democracy. We are committed to strengthening the powers and institutional independence of both these important

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institutions through legislative review. Cabinet has approved the designation of the Human Rights Commission as the National Preventive Mechanism in terms of the Optional Protocol to UN Convention Against Torture. This requires commensurate resources for the Commission.

The Human Rights Commission is also supporting Caster Semenya in her case before the European Court of Human Rights. The ruling will be delivered tomorrow. We eagerly await justice. We commend the Information Regulator, led by Adv Pansy Tlakula, for its work in protecting private information. In 2024-25 the regulator dealt with 1727 reports of security compromise incidents. The regulator is in dire need of additional resources.

Our Constitution is premised on the right to equality. We are resuscitating the National Task Team on Sexual Orientation, Gender Identity, and Sex Characteristics Rights to combat hate crimes against the lesbian, gay, bisexual, transgender, queer, intersex and asexual community, LGBTQIA+ community. We urge Parliament to expedite the nomination of a representative to serve on the Equality Review Committee established in terms of

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the Promotion of Equality and Prevention of Unfair Discrimination Act.

Hon members, the Freedom Charter commits that:

South Africa shall strive to maintain world peace and the settlement of all international disputes by negotiation, not war.

We re-affirm our support for the International Court of Justice and International Criminal Court. We support the steps currently underway to strengthen the International Criminal Court, ICC's jurisdiction over the crime of aggression. We are deeply concerned that judges, prosecutors and staff of the ICC are being threatened with sanctions, and that the provisional measures issued by the International Court of Justice in South Africa's case of genocide against Israel are flagrantly ignored and violated.

Former President Nelson Mandela said:

Our own continent has suffered enough horrors emanating from the inhumanity of human beings towards human beings. Who

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knows, many of these might not have occurred, or at least been minimised, had there been an effectively functioning International Criminal Court.

Hon members, dialogue is central to our being as a nation. It is an affirmation of our commitment to human dignity, the conviction that we exist in relation to each other, and that wisdom is a shared, cocreated good, not a possession on which some have a monopoly. It is no accident that the Constitutional Court's logo is the mighty baobab tree under whose protective branches, disputes have, for generations, been settled in a participatory manner through dialogue.

We call upon all South Africans to participate in the forthcoming National Dialogue, to eschew our arrogance, and to remember that we exist with and through other people, and that they do not exist for us and our privilege. I thank you.

Mr S N SWART: House Chair, there's a massive shaking taking place in our nation, and this follows the explosive revelations by Lieutenant-General Mkhwanazi, of crime and corruption at the highest level of SA Police Service, SAPS, even at the Ministerial level, with the tentacles of organized

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crime reaching out into Parliament, the National Prosecuting Authority, NPA, and even the judiciary.

The ACDP believes that Almighty God is indeed hearing the cries and prayers of crime-ravished society, crying out for justice in communities where crime is so rampant. There's a shaking taking place and it will expose the rot and corruption. But thankfully, we are given a kingdom that will not be shaken.

Rot and corruption are being shouted from the rooftops. And we need to have more whistleblowers. We need better protection for those whistleblowers.

But following these explosive revelations, the question arises as to: Who is to guard the guards?

Latin:

Quis custodiet ipsos custodes?

English:

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It falls on us as parliamentarians to exercise oversight over the SAPS, over the NPA and even over our own Members of Parliament, MPs.

These shocking revelations need to be tested as soon as possible, either by an independent body of experts or even an ad hoc committee of Parliament.

Crime-ravaged communities demand better policing and accountability. They demand justice. So should we.

The ACDP has taken note of the criticism of the National Director of Public Prosecutions, NDPP and the NPA, and whilst there are correct concerns about many judgments such as the Omotoso, the ... [Inaudible.] ... matters, we can and should also celebrate the NPA's many successes.

In this regard, we commend Adv Zelda Swanepoel for the ground-breaking conviction and sentencing to life imprisonment of Appollis, van Rhyn and Smith for the kidnapping and human trafficking of little Joshlin Smith, whose whereabouts are still today unknown. This case received international attention. And we as the ACDP also commend Justice Nathan

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Erasmus for hearing this case in the Saldanha Multipurpose Centre, allowing justice to be seen, to be done.

We trust that these heavy sentences will serve as a deterrent to other perpetrators and instil a sense of hope and public confidence in the NPA and the judicial system.

Lastly, the ACDP wishes to thank all the officials, prosecutors and members of the judiciary who, every day, under very difficult circumstances, provide justice to our people. I thank you. [Applause.]

IsiZulu:

Mnu S M GANA: Anikhathali ukugwaza MK?

Xitsonga:

Mutshamaxitulu, ...

English:

Hon members, fellow South Africans, there is that famous saying that says that justice delayed is justice denied, and today, too many South Africans are denied justice because the wheels of justice are grinding far too slowly.

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This department is meant to be the centre of justice for victims of violent crime, for communities plagued by corruption and for the many ordinary South Africans seeking fairness and accountability. But what we see is a system that is buckling under pressure and at times paralyzed.

Take the Senzo Meyiwa trial, a national tragedy that has dragged on for years with no end in sight. Televised court proceedings might inform the public, but when they contribute to procedural delays, we must reassess their value. Justice is not a performance, it is a right.

We do acknowledge as Rise Mzansi, we acknowledge that the budget is inadequate for the volume of cases enrolled. But we also believe that the department can do much better. Too many prosecutors in lower courts are overwhelmed, under-resourced and some, and we need to be honest, they are corrupt. They accept bribes to oppose or not to oppose bail. The result? People who should be behind bars are out on the streets and those who should be free remain behind bars. Some, because they can't afford bail as low as R500. This cannot be justice, and this cannot be acceptable.

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Hon members, this budget must prioritise the efficiency and integrity of the justice system that starts with a well-trained, well supported and honest prosecutors. Those who are those who are unwilling to serve with integrity should be shown the door.

And last week, hon Groenewald, Minister, wanted to open the door that was closed, and he wanted us to discuss corporal punishment. And as Rise Mzansi we reject the return of corporal punishment. It is regressive and unconstitutional.

Instead, let us promote community services as alternative centres to petty crimes. This will include cleaning public spaces, maintaining schools and cemeteries. We need to free up space in our overcrowded prisons and restore dignity to our justice system.

And finally, we must move with urgency to protect whistleblowers. As long as billions are looted and whistleblowers are left exposed and in fear, the rot will continue. Justice must not only be done, it must be seen to be done.

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Xitsonga:

Ndza khensa, Mutshamaxitulu.

Setswana:

Rre M A MAIMANE: Bagaetsho dumelang.

English:

I think all of us as South Africans have been treated quite extensively by the revelations that General Mkhwanazi raises. The old dictum that says innocent until proven guilty. I want to, in this instance, make it clear that we believe General Mkhwanazi until he's been proven to be dishonest. And that requires a process of thorough investigation.

What General Mkhwanazi is stating is the feeling that we all have. That the fact of the matter is that your probability of finding a conviction after having convicted a murder is one in five. For rape, that number becomes even less. This is something that is deeply worrying.

General Mkhwanazi confirms for all of us what we've all felt that state capture has not quite stopped. That it is something

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that is continuing and we all feel it in our day-to-day lived experiences.

General Mkhwanazi tells us that we are fast shifting away from the rule of law to the rule of man. The idea that political decisions trump, in fact, what should happen in terms of the rule of law.

Hon members, it is time for us to be deliberate and act, now. We will soon be asked to declare the state capture report as wasteful and fruitless expenditure, until we soon see prosecutions that must take place.

So, hon Minister, I have a number of points I want to raise with you. In February, your Ministry committed to making the National Register of Sex Offenders public. We have to see progress in this. Because in truth, for our teachers, only 7% of the nearly 500 000 educators have been screened against this. I take my kids to school, I'm sure hon members do the same. We can't put them at such risk.

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For police, as of now, only 245 SAPS personnel have faced scrutiny in this regard. This is a significant risk in a country that is facing such a chronic issue of violence.

Hon Minister, you promised the whistleblowers protection and legislative reform. I'm sure we can come here today and we've got to make a commitment to expedite that issue. Because more people take their lives to risk to tell us what is going on, they need protection and they need protection from you.

So, I welcome the decision by Parliament to put together an investigation.

The last point I want to make, Minister, is that as the end of the term of the current National Director of Public Prosecutions, let us codify into law the appointment of the next. Begin now, and make sure we get a candidate who will replace Adv Batohi.

Justice cannot be allowed to be subjected to the rule of men. So, let's make sure we act now, fund properly and deliver justice system that works for all citizens.

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Setswana:

Ke a leboga bagaetsho.

Mr V ZUNGULA: Chairperson, there will never be justice with the foundational legal framework of the country, which is the Constitution, that is the result of negotiation and compromise.

We must address the constitutional development aspect to ensure we have a Constitution that is informed by the aspirations of the majority that was colonised and oppressed for over 400 years.

Section 25 is central to the amendments to be made. The current cut-off date of 1913 for addressing land dispossession ignores the centuries of colonial theft that began in 1652.

By starting in 1913, the Constitution sidelines the original dispossession of indigenous people, limiting land reform to a narrow slice of history. This perpetuates injustice as it fails to address the root cause of today's inequalities.

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We must shift the cut-off date to 1652 to encompass the full scope of colonial land grabs. This change acknowledges the original sin of dispossession, paving the way for comprehensive land reform that restores dignity, economic power, to those whose ancestors were stripped of their birthright.

Section 25 of the Constitution must be amended to prohibit foreign nationals from owning land in South Africa. This ensures that land remains in the hands of South African citizens, prioritizing national sovereignty and economic empowerment.

Foreign ownership risks inflating land prices, limiting access for locals, undermining efforts to address the historical land dispossession.

We need to further amend section 25 of the Constitution to mandate the nationalization of the strategic resources such as minerals, ensuring that they are owned and managed by the state for the benefit of all citizens.

It is an injustice that a country ...

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The CHAIRPERSON (Mr W M Douglas): Hon member, would you just take a seat for a second! I have a hand.

What is your point of order? And which rule? What is your point of order?

AN HON MEMBER: Chair, on the grounds of relevance, may I just remind hon Zungula that the debate on land was yesterday!

The CHAIRPERSON (Mr W M Douglas): Sorry, that's not a valid point of order. [Interjections.]

Please continue, hon member!

Mr V ZUNGULA: It's very disappointing to find a black person fighting another black person who's fighting for true land reform. [Interjections.] [Applause.]

It is an injustice that a country so rich in mineral resources is heavily indebted, more than 55% of its citizens living in poverty. It is not normal and we must never normalize it.

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Countries that own their mineral wealth do not have the high poverty and unemployment rates that we have.

Section 1, which is the name of the country. The name South Africa is rooted on colonial history and geographical description, does not reflect the self-determined identity of our people. All African countries got rid of their colonial names and had names with meaning and purpose. Hence Thomas Ankara changed Upper Volta to Burkina Faso.

We'll never support a budget that does not address the core fundamental issues in our legislative framework. Thank you.

[Applause.]

Adv G BREYTENBACH: Hon Chairperson and hon members in order to critically engage with the 2025-26 Budget Vote of the Department of Justice and Constitutional Development it is important to scrutinise the allocation and utilisation of resources to ensure that they are aligned to delivering justice. While the small increment of this budget is commendable it remains way fully insufficient to ensure good administration of justice.

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Hon members, let us be honest our criminal justice lies in tartars. The fact that any work at all is done successfully is nothing short of miraculous. Thanks to a dedicated core of officials and prosecutors who still do their best under the circumstances that have become impossible.

Court infrastructure is generally adequate but only just. Many courts are in a dreadful state of disrepair with little to no maintenance done for three decades. To fix it is not a simple task it takes a lot of time and huge resources. Inadequate working conditions do not encourage hard work or dedication. The lack of even basic hygienic bathroom facility is a disgrace and leaves members of the public in desperate situation.

A lack of an often no filing or storage facilities leads to vital documents being damaged, lost and sometimes destroyed. A visit to any court Masters Office or department office for review document of any nature piling in no particular order in offices and sometimes in passages and stairways. It is little wonder that members of the public are desperate for assistance and if Masters Offices have all but cease to function. Even the most routine documents take months to

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obtain putting untold hardships to the most vulnerable members of the public.

The department's progressing operationalising in the Limpopo and Mpumalanga divisions of the High Court along with the establishment of the Land Court in the ... [Inaudible.] ... to justice.

Additionally, the roll out of the court online systems to 16 superior courts demonstrates commitment to ... [Inaudible.] However, commitment without implementation is no progress at all.

Despite small pockets of progress major challenges persist. Many Magistrates Courts especially in rural areas continue to grapple with inadequate infrastructure, staff shortages and limited resources. Those citizens who need the most continue to be treated the worst.

The digital divide further exacerbates disparities. These Communities lacking Internet cannot benefit from online systems. The comprehensive strategies require to address these

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infrastructure and technological gaps to ensure equitable access to justice at all levels.

A word of praise for the Regional Court President and her colleagues in the judiciary in Polokwane who have pioneered a system of making life court judgements available to the public on the virtual platform and making proceedings accessible to everyone ensuring that interested parties can follow at a venue suitably resourced is a great initiative and should be rolled out.

Similarly Judge Nathan Erasmus should be loudly commended for taking the tragic trial of Joshlin Smith to the area that was affected most by the crime making possible for the people of Saldanha to follow the proceedings and to participate.

A key question that needs answering is however how very small budget allocation would address these issues more effectively. If the budget remains the same what would be done differently within the department with the same funds to reach the stated goals?

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Nearly 2 000 in the National Prosecuting Authority, NPA, remain vacant but with only a 2,5% inflation and adjusted budget increase, filling these posts will be impossible. While the NPA is hamstrung by the Department of Justice controlled budget nothing will ever improve. An independent anticorruption body with prosecutorial and investigative powers is existential.

The Department of Justice and Constitutional Development has strides in certain areas. Significant challenges persist. Addressing these issues requires a multifaceted approach and encompasses adequate funding something we are not going to see in this budget.

Hon members, while I have some time left, I would like to leave you with this thought, on the 2nd of July, a woman of 102-years-old was raped and murdered in her own home in Butterworth in the Eastern Cape. This behaviour speaks of a state of mind so depressed that I am unable to fully grasp it. All the money in the world and the best criminal justice system in the world will not fix this. Our crime epidemic cannot be blamed on a dysfunctional police service or the

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National Prosecuting Authority. It is a societal issue. It needs urgent attention.

The Minister referred to a free and just society envisioned by President Nelson Mandela but this is not it. The Deputy Minister spoke of fair and speedy trials, and the hon Nqola celebrated the conviction of the perpetrator for the murder of Sindiso Magaqa, yet the time lapsed from the murder in 2017 to a conviction after pleaded guilty in 2025 is eight years. There is nothing speedy or fair about that. For the relatively uncomplicated murder matter, simply not good enough and is certainly not fairness for the family and friends of the victim.

So, we have a problem, hon members. I do not know what is wrong with the men of South Africa who think that to rape a 102-year-old woman, and I thank you. [Applause.]

Mr O M MATHAFA: Hon Chairperson, hon members and fellow South Africans, maybe I think going back to what the hon Swart was saying in terms of some of the successes that the National Prosecuting Authority, NPA, and they are not making the headlines. We need to welcome the R14 billion that has been

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frozen from corrupt assets and the successful recovery of R6 billion that has been closed back into the Criminal Assets Recovery Account, Cara, account.

If you look at the Department of Home Affairs is benefitting from the Cara account with the drones that are actually hyping about are bought from the R6 billion that was recovered by the NPA. To add to that the successes in the Gauteng division on the conviction rates on organised crime cases and intimate partner femicide cannot be ignored. We agree there might be structural and operational challenges. However, to say that it is a crisis is factually incorrect. It did make headlines, but it did not last long enough as the time that it was actually lost the Nolan case. The NPA had it successfully reversed in the Supreme Court of Appeal, SCA. As we speak, they are busy putting the charges together as we speak to enrol the case.

So, the call for the National Director of Public Prosecutions NDPP, given those statistics I do not think they are warranted.

Hon Chairperson, this year marks 30 years since the Constitutional Court adjudicated its first case on the *State*

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vs Makwanyane. The court explicitly acknowledged *ubuntu* as a fundamental principle informing the interpretation of the Bill of Rights and other areas of South African law. The court unanimously declared that the death penalty was unconstitutional in its judgement.

Justice Langa expressed during violent conflicts and times when violent crime is rife distraught members of society decry the loss of *ubuntu*. Thus heinous crimes are the antithesis of *ubuntu* treatment that is cruel, inhumane or degrading is bereft of *ubuntu*.

Justice Langa made a call for a return to *ubuntu*. The court made this response against the background of the loss of respect for human life as had been carried out by the apartheid government.

Hon Chairperson, the fourth quarter crime statistics reflect the antithesis of the philosophy of *ubuntu*. While some progress in current reduction is noted, we remain deeply concerned about the increase in sexual offences including rape and contact sexual offences and commercial crime.

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In respect of sexual offences, rape increased. The Gauteng and KwaZulu-Natal contributing 19,1% and 19,9% respectively to the national total. Guised as statistics behind the number are people [Abantu.] who are entitled to *ubuntu*.

The Department of Justice and Constitutional Development is the lead stakeholder in the implementation of the objects of pillar three of the Gender-Based Violence and Femicide, GBVF, National Strategic Plan 2020 to 2030. Recognising the difficulty witnesses experience in testifying about intimate details of these crimes. The department saw the necessity of establishing and rolling out Sexual Offences Court and having special facilities such as private special consultation rooms.

Our government recognise the impact of sexual abuse on victims especially child victims which often has far reaching short term and long-term physical, emotional, psychological and developmental effects. To this end the department will continue establishing 16 Sexual Offences Courts in the 2025-26 financial year. It has been reported that an additional 90 Sexual Offences Court will be established in communities with the highest incidents of sexual offences to ensure a dedicated focus on these cases and provide for a victim friendly court

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model and support systems. The Sexual Offences and Community Affairs Unit plans to increase a number of Thuthuzela Care Centres to 74 over the strategic cycle.

In response to one of the Public Protector's remedial actions to the department, a simplified and shorter version of the application form for a protection order will be introduced. We appreciate that the undertaking that the department will continue to encourage the vetting of persons who work with or conduct business that give direct exposure to vulnerable persons against the National Register for Sexual Offenders. We welcome the Ministers commitment that this register will definitely be made public.

All these efforts are critical because the true measures of any society is found in how it treats its most vulnerable members.

Hon Chairperson, a Vote in favour of this budget reflects our commitment to fighting crime and corruption. There are contestant meanings of state capture. Transparency International describes state capture as and I quote, to be:

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One of the most pervasive forms of corruption where companies and institutions of powerful individuals use corruption such as buying laws, amendments, decrease or sentences as well as illegal contributions to political parties and candidates to influence and shape a country's policy, legal environment and economy to their own interest.

As we deal with the dire consequences of state capture, we note the progress made which include asset recovery link to state capture with the value of R11 billion by March 2025. Four State Capture Commission cases have been concluded all with guilty verdict.

Now the argument here initially was that there is no effort. The wheels of justice have stalled. The four as much as we are not entirely happy with its an indication that work is been done and work will continue to be done, and we are very grateful for that. We recommend all the work being done to continue.

The National Treasury imposed a 10-year on Bain and Company on doing business with the state which Bian is challenging in court. The establishment of their investigating directorate

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against corruption which is a permanent entity within the National Prosecuting Authority, NPA, and received its allocation from this budget. The National Anticorruption Advisory Council has concluded research into the institutional reform recommendations of the State Capture Commission. While the wheels of justice may be said to be turning slowly, they certainly do turn.

Hon Chairperson, in the state of the nation address, President Ramaphosa committed that the Whistleblower Protection Framework would be finalised, and a Bill introduced in Parliament in 2025-26. We are of the view that the legislation reforms are needed to strengthen whistleblower protection. We know the important role of whistleblowers as well as the grave risk attached thereto. Whistleblowers are often ceased with serious repercussions such as the loss of jobs career prospects compromises to their safety and all their loved ones. In some cases, whistleblowers even risk their own lives. Some have lost their lives.

We echo the sentiments of our former Chief Justice whistleblowers help to stop state capture, and they must be duly protected.

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A Vote in favour of this budget ensures that the Special Investigating Unit continue with its investigation. It saved government of approximately R8 billion in the 2023-24 financial year. The Vote ensures that the NPA is capacitated well to successfully prosecute without fear, favour or prejudice. It ensures that the Asset Forfeiture Unit continues to hit criminals where it hurts the most by removing profit from crime.

Hon Chairperson, a Vote in favour of this budget will ensure that indigent litigants are afforded proper legal representation in line with the dictates of justice. The Vote ensures that the Public Protector and the SA Human Rights Commission are capacitated and protected and protect our constitutional democracy and the magistrates are compensated.

This Vote ensures that courts are capacitated and run efficiently ensuring that justice is served to all people in our country.

Hon Chairperson, as I sit down on these serious allegations that by Lieut General Mkhwanazi, we will support the process initiated by the Speaker of the National Assembly that a

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thorough going enquiry should be undertaken to get to the bottom of these allegations. As such we will not be drawn to enter the debate because the allegations must be tested and once, they are tested the three committees put together will report to Parliament and there we will debate and make our recommendations known. The ANC support this Budget Vote. I thank you. [Applause.]

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: House Chairperson, let me appreciate the inputs, though some of the members might not have supported our budget, but issues that they have raised are what concerns South Africans, and we will take them on. Let me start, firstly, around the issues that have been raised and thank you, hon Mathafa, for just to flag that. I think as the portfolio, we avail ourselves to the joint committee that has been established by the Speaker to deal with issues that have been raised by General Mkhwanazi. We will avail ourselves to be able to be facing the scrutiny. I think we must applaud the Speaker for that swift process but also, we are awaiting to be able to be guided by the head of state who said he will be dealing with this matter, and we will leave it at that.

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Second issue that I want to deal with hon members is dealing with the performance of National Prosecuting Authority, NPA. Factually, this is what is happening in terms of the issues of the Zondo Commission. Of the cases, 82 recommendations comprising of 20 cases are still under investigations, 23 recommendations comprising of nine cases are before courts, four recommendations comprise of two cases have been finalised, 11 recommendations comprising of five cases are under consideration for authorization within the system. I then decided not to prosecute one case involving one recommendation. I did also go beyond the recommendation and looked at specific areas where there was no specific recommendation. Out of this, 57 cases have been identified out of the report, 28 cases are before court, 23 under investigations and six are being considered for authorization. It's not correct to say that no work has been done on the state capture investigations. Work continues.

Again, what has been progress and important progress that I highlighted in my speech was the work that is done by the Asset Forfeiture Unit, the companies that have been involved in state capture, who are made to pay back the money.

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Building investment confidence is important and that's why fighting crime and corruption does have a role because investors look at one of the areas around our ability to be able to fight crime and corruption, and that's why we remain committed. You'll note, hon members that we have announced that in the portfolio we will be embarking on lifestyle audit across. In state attorneys, all of them starting from the bottom to the top and prosecutors all of them. We're starting with senior management. In Master's Office, all of them. In Legal Aid, that work has started and I've received the report and all of them, including the department, all of them are submitting. All entities are submitting quarterly reports in terms of progress so that I can look at how far they are going and what is happening. So, the first reports have come, and I do write to them to say I need the first report. So, we will continue with this where I must acknowledge, hon members.

Our work around whistleblowing protection intervention in the country is not sufficient. That I must say. We've acknowledged this and that's why the President announced that we will be doing the review and the work that has started by Special Inveestigating Unit, SIU, will enhance. It is not correct to see in the news to hear families losing loved ones who have

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been committed as public servants. In the portfolio, we have intervened to say we want ethical and capable employees. I have upfront said to the team, we will do everything in our powers to ensure that we build that, and we do believe that it is possible, it is capable because those who serve the state and those who decide to join public servants must know it's about saving, is not about lavish lifestyle and better things and we've said that those who want to own the Ferraris with no trust funds from their parents means they can't be in state because otherwise they'll end up doing wrong things. We have dismissed officials since I've been here literally almost every week, we are dismissing more than 10 officials in the justice portfolio because we are ensuring that we are operating with no tolerance in terms of ensuring that people can do right. If somebody has taken money fraud irrespective of R1 000, we are dismissing them. That I can assure you. Those officials who are maintenance officers who are redirecting money out of the accounts of children to themselves, we've dismissed them, and we continue to dismiss them. This is an ethical drive that we are driving in the portfolio, and we do believe that it will change the situation.

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Hon members, on the issue of amendment of the Constitution and the budget structure, those powers lie with you. The issue that I want to speak to as I conclude is the Gender-Based Violence Femicide, GBVF. We need all society to be involved to fight the scourge. What hon Breitenbach has said about a 102-year-old woman being raped and killed, but a toddler less than a year being raped. This can't continue in our country. It just says something about us as a society. I don't know whether we need prayers, or we need ancestors, but something has to give because we can't continue like this. It's not just about justice, it's about prevention because once they are raped, they can't recover. We come at the end, we come to ensure that the court can give sentences, but that child who's been raped is destroyed for life. That child who has been molested destroyed for life and that's why we are calling NGOs, churches, everybody, let's work together to stop GBV. Thank you. [Applause.]

The mini-plenary session rose at 18:19.