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NATIONAL COUNCIL OF PROVINCES

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PROCEEDINGS OF THE NATIONAL COUNCIL OF PROVINCES

The Council met at 09:00.

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

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

CONSIDERATION OF REPORT OF SELECT COMMITTEE ON SECURITY AND JUSTICE ON THE DRAFT NOTICE AND SCHEDULE DETERMINING THE RATE, WITH EFFECT FROM 1 APRIL 2025, AT WHICH SALARIES, ALLOWANCES AND BENEFITS ARE PAYABLE TO CONSTITUTIONAL COURT JUDGES AND OTHER JUDGES ANNUALLY, FOR APPROVAL BY PARLIAMENT IN TERMS OF SECTION 2(3) OF THE JUDGES' REMUNERATION AND CONDITIONS OF EMPLOYMENT ACT, 2001 (ACT NO. 47 OF 2001), DATED 30 JANUARY 2026

and

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CONSIDERATION OF REPORT OF SELECT COMMITTEE ON SECURITY AND JUSTICE ON THE DRAFT NOTICE AND SCHEDULE DETERMINING THE RATE, WITH EFFECT FROM 1 APRIL 2025, AT WHICH SALARIES, ALLOWANCES AND BENEFITS ARE PAYABLE TO MAGISTRATES ANNUALLY, FOR APPROVAL BY PARLIAMENT IN TERMS OF SECTION 12(3) OF THE MAGISTRATES ACT, 1993 (ACT NO. 90 OF 1993), DATED 30 JANUARY 2026

Ms J S MANANISO: Hon Chairperson, I would like to indicate that I've been muted by those who are the co-hosts. Let me start by appreciating your opening remarks and stand on the same established protocol as well. I want to thank all the members of the select committee for ensuring that we bring this matter before the House. The reports were referred to the select committee by the Council on 27 January 2026. The Council requested the committee to urgently meet to consider the matter.

The committee hosted a virtual meeting on 30 January 2026 to consider the increases of magistrates and judges. During the Seventh Parliament, the committee engaged extensively with the Magistrates Commission, the Independent Commission for the Remuneration of Office Bearers, the Department of Justice and Constitutional Development, the Judicial Officers Association of South Africa, and the Association of Regional Magistrates of

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South Africa on various issues, including remuneration, benefits, and working conditions.

On 29 October 2025, the committee met with the Independent Commission for the Remuneration of Office Bearers to determine whether the major review report was ready for implementation. At that stage, there were further consultations that still needed to be done and attended to, and the report would then be submitted to the President. We are hoping that the major review report will address many of the challenges currently faced by magistrates to improve their salaries, benefits, and conditions of employment.

It is for this reason that the increase being discussed today is important in advancing the cause of magistrates especially, as well as for the judges. The committee considered that on the meeting that was held on January 2026, the Independent Commission for the Remuneration of Office Bearers recommended certain increases for magistrates and judges. These increases have been confirmed by the President.

In respect of the magistrates, the proposal is for magistrates to receive an increase in respect of salaries, allowances and

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benefits of 4,1% from 01 April 2025. This rate was confirmed by the President for approval by Parliament in terms of section 12(3) of the Magistrates Act of 1993.

In respect of Constitutional Court judges and judges of other courts, the proposal was for an increase in respect of salaries, allowances, and benefits of 4,1% from 01 April 2025, for approval by Parliament in terms of section 2(4)(a) of the Judges' Remuneration and Condition of Employment Act of 2001. The increase includes traditional leaders and members of independent constitutional institutions. The increase of 3,8% applies to members of the national executive, Members of Parliament, members of provincial executive councils, and members of provincial legislatures.

In terms of the decision of the committee, the committee had no objection to the increases and welcomed the increases as a good step towards ensuring parity and equity within the judiciary. The committee will continue to conduct the necessary oversight over the working conditions of magistrates and the safety in the courts. The committee reiterated the importance of the role of all judicial officers in our courts of law in enforcing the rule

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of law and ensuring that the justice is not delayed nor denied to those who need it the most.

In terms of remuneration of judges as I said, the Select Committee on Security and Justice, having considered the draft notice and schedule determining the rate with effect from 01 April 2025, at which salaries, allowances, and benefits are payable to Constitutional Court judges and judges annually, for approval by Parliament in terms of section 2(3) of the Judges Remuneration and Condition of Employment Act, Act 47 of 2001, referred to the committee on 27 January 2026, recommends that the Council approve the draft notice and schedule.

In terms of magistrates, the Select Committee on Security and Justice having considered the draft notice and schedule determining the rate with effect from 01 April 2025, at which salaries and benefits are payable to magistrates annually for approval by Parliament in terms of Section 12(3) of the Magistrates Act, Act 90 of 1993, referred to the committee on 27 January 2026, recommends that the Council approve the draft notice and schedule.

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I put here before you these two reports for adoption by the Council. Thank you, hon Chairperson.

Debate concluded.

Declaration of Vote:

Mr M BILLY (KwaZulu-Natal): Hon Chairperson, we support the President's signing of the 2025-26 remuneration determination for judges and magistrates. This increase is necessary and long overdue, and it must be acknowledged. However, this decision did not come in a vacuum. It follows sustained pressure from magistrates themselves, including the picketing that we saw in Durban and in Parliament in Cape Town by the magistrates, and the persistent parliamentary oversight that demanded accountability from the executive after prolonged delays in implementing the recommendations of the Independent Remuneration Commission.

While we support the proposed increases in judges' remuneration as a necessary measure to attract and retain the highest calibre legal minds, this adjustment again highlights a persistence and unjustifiable disparity between judges of the higher courts and magistrates in the lower courts. Magistrates continue to be

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classified as ordinary state employees for remuneration and benefit purposes, despite performing independent judicial functions.

This distinction is increasingly untenable. Magistrates carry immense responsibility, are first and most direct point of contact between the public and the justice system and play a central role in ensuring access to justice across South Africa. This increase while welcomed, does not address the fundamental challenges faced by magistrates. They continue to work in unsafe and dilapidated courts with failing infrastructure, rising security threats, and ongoing uncertainty about long-term regulation reform.

The time has come to urgently address this inequity, to move towards a unified judicial remuneration and institutional framework under the Office of the Chief Justice. A credible, independent, and fair justice system requires consistent treatment of all those who serve on its benches. Our oversight responsibility does not end with this determination only. We will continue to press for lasting reforms that restore dignity, fairness, safety, and institutional coherence across South Africa's judiciary. I thank you, Chairperson

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Question put: That the Report of Select Committee on Security and Justice on the draft notice and schedule determining the rate, with effect from 01 April 2025, at which salaries, allowances and benefits are payable to Constitutional Court judges and other judges annually, for approval by Parliament in terms of section 2(3) of the Judges' Remuneration and Conditions of Employment Act, Act 47 of 2001, dated 30 January 2026, be adopted.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report adopted in accordance with section 65 of the Constitution.

Question put: That the Report of Select Committee on Security and Justice on the draft notice and schedule determining the rate, with effect from 1 April 2025, at which salaries, allowances and benefits are payable to magistrates annually, for approval by Parliament in terms of section 12(3) of the Magistrates Act, 1993, Act 90 of 1993, dated 30 January 2026, be adopted.

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IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report adopted in accordance with section 65 of the Constitution.

The CHAIRPERSON OF THE NCOP: Hon members, that then brings us to the conclusion of our business today. I wish to take this opportunity and thank all permanent delegates, our MECs and all other delegates that have joined in today's sitting. We really appreciate that. Enjoy your day further. The sitting stands adjourned. Thank you very much.

The Council adjourned at 09:24.