

African National Congress



Speaking Notes

Nomasonto Motaung MP

Debate on Budget Vote 27

Office of the Chief Justice

1 July 2025

Honourable Chairperson;

Members of the Executive;

Members of the Legislature;

Members of the Office of the Chief Justice

Compatriots and Friends.

The belief of the separation of powers is rooted in the philosophy that aims to keep power from consolidating in any single person or entity. The aim of separating powers is to avoid accumulation of the different functions of government. Philosophers understood that the consolidation of the legislative, executive and judicial powers in the same hands would be equal to establishing dictatorship resulting to abuse of power. The belief of the separation of powers requires interdependence among the three arms of government to ensure checks and balances between the different arms of government to enhance accountability, responsiveness and openness.

While this belief is not expressly provided for in the Constitution, it is a clear part of our constitutional order. It assists in fostering accountability of government to its citizens. It fosters respect for the rule of law, balances public power, gives the government legitimacy and contributes to economic development and social stability¹. Against this backdrop, it is important to remind ourselves of what former Chief Justice, Arthur Chaskalson had to say:

¹ Radebe S, Interrogating Political Attacks on the Judiciary in South Africa, Africa Insight.

“Judicial independence is a requirement demanded by the Constitution, not in the personal interests of the judiciary, but in the public interest, for without that protection judges may not be, or be seen by the public to be, able to perform their duties without fear or favour.”

Chairperson,

The Office of Chief Justice, as a separate department, was established as a measure to promote and reaffirm the principle of judicial independence, as guaranteed by section 165 of the Constitution.

This budget vote contributes to a just and peaceful society by rendering support to the Chief Justice in executing their administrative and judicial powers and duties as Head of the Judiciary and Head of the Constitutional Court. This Vote provides support to judicial education through the South African Judicial Education Institute which is responsible for the education and training of judicial office. South African Judicial Education Institute (SAJEI) offers courses on judgment writing, case management and constitutional rights.

An amount of R2.7 billion is allocated to the OCJ for the 2025/26 financial year. R1.5 billion is allocated to the Vote, and R1.2 billion is a Direct Charge for Judges' salaries.

Over the medium term, an additional R880.8 million is allocated to the OCJ. We are concerned about the shortfalls. As the ANC, we have consistently raised the issues of safety of judges and court officials. We have consistently raised issues of infrastructure

and ICT challenges which must be resolved as they speak directly to the question of access to justice.

The Committee on the Rationalisation of Areas Under the Jurisdiction and Judicial Establishments of the Divisions of the High Courts which was chaired by former Deputy Chief Justice Moseneke concluded that the judiciary was in a state of crisis which was a result of many years of the non-appointment of permanent judges to meet the rising caseloads. The committee concluded that the shortage of judges had led to significant delays in the handling of cases thereby creating backlogs and that this had severely hampered on the access to justice. The department of justice and OCJ need to consider and implement the recommendations which were made by the Moseneke committee.

Chairperson,

As our democracy matures and as we increasingly rely on technology, the OCJ should continue to focus on digitisation. We appreciate that the Court Online system has been introduced in the Superior Courts to ensure electronic filing to enhance access to the people of South Africa whilst increasing efficiency and reducing paperwork. The Court Online system allows legal practitioners to file documents electronically without having to be physically present at court. The system also enables managing court appearance diaries and court evidence immediately online without hassle. We believe that this will contribute to significantly reducing case backlogs. The Office of Chief Justice has set a target of rolling out Court Online to 15 superior courts over the next five years. It will be implemented with an additional R98.2 million over the medium term allocated in the Administration programme.

It has been reported that the civil online system functions in more than half of the High Courts, with full rollout expected by the end of 2025/26. A system for managing criminal cases is being developed and will be introduced over the next two financial years².

Chairperson,

Institutions, like the judiciary, which hold and use public power are struggling at their service. The importance of a strong and independent judiciary cannot be overstated. It is part of the transformation enterprise and the democratic project to make our country reflect the text and living spirit of our Constitution³. The need to safeguard judicial integrity and the belief of the separation of powers in South Africa must be the top priority of all concerned citizens and all three branches of government.

Speaking at the 30th anniversary of the Constitutional Court, President Ramaphosa reaffirmed government's commitment to judicial independence despite South Africa's tightening fiscal environment. As the ANC, we too reaffirm our commitment to the independence of the judiciary. Judicial independence is not a privilege — it is a pillar of our constitutional democracy. **The African National Congress supports the budget vote 27 on the Office of the Chief Justice.**

² <https://groundup.org.za/article/hundreds-of-court-judgments-are-late/>.

³ Moseneke D, All Rise, 2020.