

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: LEGISLATIVE
PRIORITIES FOR 2007:**

NAME OF BILL	STRATEGIC FOCUS OF BILL	DATE OF SUBMISSION OF BILL TO CABINET	DATE OF SUBMISSION OF BILL TO PARLIAMENT	FINANCIAL IMPLICATIONS	IMPACT
A: BILLS ALREADY PENDING BEFORE THE PORTFOLIO COMMITTEE ON JUSTICE AND CONSTITUTIONAL DEVELOPMENT					
1. Judicial Service Commission Amendment Bill (Will require new regulations)	It will contribute to the transformation of the judiciary by establishing a formal investigative mechanism in respect of complaints about judges.	The Bill evolved from the Judicial Officers Amendment Bill and is being dealt with as a Committee Bill	The Bill evolved from the Judicial Officers Amendment Bill and is being dealt with as a Committee Bill	The Bill was initiated by the Portfolio Committee on Justice and Constitutional Development and has not yet been finalised. It is consequently not possible to indicate the financial implications thereof. It is, however, foreseen that the Bill will have limited financial implications for the State.	The Bill creates a Tribunal and sets out procedures to deal with cases of incapacity, gross incompetence or gross misconduct on the part of judges. It emanates from the Judicial Officers Amendment Bill, 2001 which, among others, was intended to provide for the creation of a complaints mechanism against judges. It was developed by the Portfolio Committee on Justice and Constitutional Development.
2. Superior Courts Bill	The Bill has a bearing on the transformation of the judiciary.	It has already been approved by Cabinet	It has already been approved by Cabinet	As new High Courts will have to be	The Bill provides for the rationalisation of

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(Will require new regulations)		and was introduced in Parliament. (Public hearings have been held and the Committee has commenced its deliberations on the Bill). Although the Superior Courts Bill is presently before Parliament, it can only be processed once the Constitution Fourteenth Amendment Bill referred to below has been introduced. This latter Bill is presently the subject of further consultation with the Judicial Service Commission and other role-players, and Government is to determine the final policy issues on the amendments in question. Such issues should also be informed by the development of the Departmental Policy Paper on the	and was introduced in Parliament. (Public hearings have been held and the Committee has commenced its deliberations on the Bill).	established in Limpopo and Mpumalanga, it has substantial financial implications for the State. The Bill contains transitional provisions allowing these Courts to be established when funds are available, but the Department has already earmarked funds for this purpose.	the structure and functioning of South Africa's Superior Courts, as contemplated in the Constitution. The Bill also regulates the management of the judicial functions of all courts, and deals with the responsibility of the Executive for the administration of all courts, among others.

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		Transformation of the Judiciary, which is presently being prepared with the view to presenting it to Cabinet before the end of 2006.			
3. Child Justice Bill (Will require new regulations)	Protection of vulnerable groups (children)	It has already been approved by Cabinet and was introduced in Parliament. (Public hearings have been held and the Committee has commenced its deliberations on the Bill).	It has already been approved by Cabinet and was introduced in Parliament. (Public hearings have been held and the Committee has commenced its deliberations on the Bill).	The Bill has been costed and funds have been set aside by the Departments which will be responsible for the implementation of the legislation.	The Bill creates a separate criminal justice system for children in trouble with the law, giving effect to section 28 of the Constitution, dealing with the rights of children, among others, the right to be treated in a manner and kept in conditions that take account of the child's age. This Bill will also give effect to South Africa's international obligations as a party to the Convention on the Rights of the Child.
4. Regulation of Interception of Communications and Provision of	Prevention and combating of serious crime.	The Bill has already been approved by Cabinet	The Bill has already been introduced into Parliament and is being considered by	No financial implications for the State	When the Regulation of Interception of Communications and Provision of

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Communication-related Information Amendment Bill (Will require amending regulations)			the Portfolio Committee on Justice and Constitutional Development		Communication-related Information Act came into operation on 30 September 2005, the President deferred the commencement of sections 40 and 62(6) to 30 June 2006 to allow time to amend these sections dealing the information that needs to be obtained and kept by persons who sell cellular phones and SIM cards.
5. Criminal Law (Sexual Offences and Related Matters) Amendment Bill (Will require new regulations)	Protection of vulnerable groups, particularly women and children.	The Bill has already been approved by Cabinet	The Bill has already been introduced into Parliament and is to be dealt with the NCOP at the beginning of 2007	The Bill has considerable financial implications for the State.	The Bill is intended to revise the Sexual Offences Act, 1957, in order to bring it in line with the new Constitutional dispensation. It is seen as a measure that will go a long way in the fight against violence against women.
6. South African Judicial Education Institute Bill	Transformation of the judiciary		The Bill is in the process of being introduced into	Not yet quantifiable	The Bill is intended to regulate the training of judicial officers

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(Will require new regulations)			Parliament		which will be undertaken by the Institute the Bill intends to create.
B: BILLS IDENTIFIED FOR PROMOTION DURING 2006					
1. Customary Law of Succession Amendment Bill (Will require new regulations)	Protection of vulnerable groups, particularly women and children	June 2007	August 2007	No financial implications for the State	The Bill is intended to give effect to the South African Law Reform Commission's legislative recommendations in order to bring the Customary Law of Succession into line with the Constitution, thereby eliminating unfair discrimination in that area of the law. Existing legislation in this regard has already been declared to be unconstitutional by the Constitutional Court. This Bill is intended to confirm the Constitutional Court's order, which will contribute to gender equality, allowing more women and children to share directly in the

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					proceeds of deceased estates.
2. Traditional Courts Bill (Will require new regulations)	Access to justice for all	April 2007	June 2007	No financial implications for the State	The Bill emanates from an investigation by the South African Law Reform Commission and is intended to rationalise the operation and functioning of traditional courts, currently referred to as Chief's Courts. This will facilitate the repeal of sections 12 and 20 of the Black Administration Act, 1927, which currently regulate the judicial powers of traditional leaders. The Bill must be enacted before 30 September 2007, as contemplated in the Repeal of the Black Administration Act and Amendment of Certain Laws Act, 2005, failing which there will be a legal vacuum.
3. Magistrates'	Protection of vulnerable	April 2007	May 2007	No financial	The Bill is intended to

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Courts Amendment Bill (Will require amending regulations)	groups, particularly the indigent and illiterate			implications for the State	prohibit the disposal of immovable property of indigent persons in certain circumstances, eg sales in execution in respect of low cost housing (RDP Houses). This Bill is intended to prevent a recurrence of recent cases which were heard in the Constitutional Court where houses of certain individuals were sold in execution well below their market value in respect of insignificant debts.
4. National Prosecuting Authority Amendment Bill (Will require amending regulations)	Prevention and combating of serious crime.	April 2007	May 2007	Not yet quantifiable	The Bill is intended to give effect to the recommendations of the Khampepe Commission
5. State Liability Amendment Bill (Will require new regulations) An accompanying	Protection of vulnerable groups and access to justice for all	July 2007	August 2007	No financial implications for the State, except where the courts order the State to pay costs,	Because there have been instances where court orders have not been complied with by the State, the Bill is

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Constitutional Amendment Bill is also required				damages	intended to ensure that the State (Government Departments) do comply with court orders made against them, particularly court orders sounding in money.
6. Magistrates (Appointments) Amendment Bill (Will require new regulations)	Transformation of the judiciary	August 2007	September 2007	No financial implications for the State	The Bill is intended to regulate anew the appointment procedure to be followed in respect of magistrates in order to bring it more in line with the appointment of judges. It also brings about amendments to the Magistrates Commission in order to bring it in line with the Judicial Service Commission.
7. Jurisdiction of Regional Courts Amendment Bill (Will require amending regulations)	Access for justice to all	March 2007	May 2007	Although it is thought that there will be no financial implications for the State, this aspect can only be determined once the Bill has been	The Bill is intended to confer civil jurisdiction on Regional Courts as well as jurisdiction to deal with family issues which are currently dealt by the

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				finalised.	Divorce Courts established under section 10 of the Administration Amendment Act, 1929
8. Legal Practice Bill (Will require new regulations)	Transformation of the legal profession, contributing to access to justice for all and access to the legal profession by marginalised groups	December 2007	February 2008	Currently the major sources of funding for the structures of the legal profession are contributions by lawyers and the Attorneys Fidelity Fund. The structures proposed in the Bill at this stage do have financial implications, eg the Legal Services Protector. Although lawyers will contribute towards this, the State may also have to contribute. Because the contents of the Bill still have to be discussed and decided on a proper costing can only be undertaken at a later stage.	The Bill is intended to rationalise the legislation regulating the legal profession. The legal profession is still regulated by different outdated statutes which are in operation in various parts of the national territory.