

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO**

**JUDICIAL MATTERS
AMENDMENT BILL**

[B 2—2015]

*(As agreed to by the Portfolio Committee on Justice and Correctional Services
(National Assembly))*

[B 2A—2015]

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AMENDMENTS AGREED TO

JUDICIAL MATTERS AMENDMENT BILL

[B 2—2015]

CLAUSE 6

1. Clause rejected.

CLAUSE 15

1. Clause rejected.

NEW CLAUSE

1. That the following be a new Clause:

Amendment of section 65 of Act 32 of 2007

14. Section 65 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, is hereby amended—

(a) by the substitution for subsection (3) of the following subsection:

“(3) The Minister [**must, after consultation with**] and the Cabinet members responsible for safety and security, correctional services, social development and health [**and the National Director of Public Prosecutions**] must, not later than 30 September of every year—

(a) [**within one year**] after the [**implementation**] commencement of section 14 of [**this**] the Judicial Matters Amendment Act, 2015, each submit reports, as prescribed, to Parliament by each Department or institution contemplated in section 63(2) on the implementation of this Act; and

(b) [**every year thereafter submit such reports to Parliament**] report thereon to a committee or committees of Parliament sitting jointly or separately as determined by Parliament.”; and

(b) by the addition of the following subsection:

“(4) The Cabinet members referred to in subsection (3) must, in their individual reports, that are referred to in subsection (3), report on the implementation of the training courses contemplated in section 66.”.

CLAUSE 17

1. Clause rejected.

NEW CLAUSE

1. That the following be a new Clause:

Amendment of section 1 of Act 14 of 2008

16. Section 1 of the South African Judicial Education Institute Act,

2008, is hereby amended—

- (a) by the deletion of the definition of “Director-General”;
- (b) by the substitution for the definition of “Department” of the following definition:

“Department” means the [Department of Justice and Constitutional Development] Office of the Chief Justice;”;
- (c) by the insertion after the definition of “Minister” of the following definitions:
 - “(viii) **‘Office of the Chief Justice’** means the Office of the Chief Justice, proclaimed as a national department in terms of Proclamation No. 44 of 2010 of 23 August 2010;
 - (ix) **‘Secretary-General’** means the Secretary-General of the Office of the Chief Justice;”;
- (d) by the substitution for the definition of “this Act” of the following definition:

“[(viii)] (x) ‘this Act’ includes any guidelines issued under section 16.

NEW CLAUSE

1. That the following be a new Clause:

Amendment of section 12 of Act 14 of 2008

17. Section 12 of the South African Judicial Education Institute Act, 2008, is hereby amended by the substitution for paragraph (c) in subsection (3) of the following paragraph:

“(c) provide quarterly management reports to the [Director-General] Secretary-General.”.

CLAUSE 18

1. On page 11, in line 6, to omit “of the Office of the Chief Justice”.

CLAUSE 19

1. Clause rejected.

NEW CLAUSE

1. That the following be a new Clause:

Amendment of section 96 of Act 75 of 2008

19. Section 96 of the Child Justice Act, 2008, is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) The Cabinet [member] ~~members~~ responsible for the administration of justice, [must, after consultation with the Cabinet members responsible for] safety and security, correctional services, social development, education and health must, not later than 30 September of every year—

- (a) [within one year] after the commencement of [this] section 19 of the Judicial Matters Amendment Act, 2015, each submit reports, as prescribed, to Parliament by each Department or institution referred to in section 94(2) on the implementation of this Act; and

- (b) **[every year thereafter submit those reports to Parliament]** report thereon to a committee or committees of Parliament, sitting jointly or separately, as determined by Parliament.”.

CLAUSE 23

1. On page 12, from line 6, to omit “sections 5, 13, 14, 15, 17, 18 and 19” and to substitute: “sections 5, 12, 13, 14, 16, 17, 18 and 19”.

LONG TITLE

1. On page 2, from the tenth line, to omit: “**to amend the Special Investigating Units and Special Tribunals Act, 1996, so as to further regulate the reporting responsibilities of the head of the Special Investigating Unit;**”.