

**9 May 2023 F.J Mulder MP FF Plus**

**Report of the Portfolio Committee on Justice and Correctional Services on the Annual Performance Plan for 2022/23 of the Office of the Chief Justice and Vote 27: Office of the Chief Justice**

Honourable Chair

On 2 May 2023, the Minister of Justice and Correctional Services addressed the Committee on the relevant political priorities regarding the Office of the Chief Justice and highlighted that the Office of the Chief Justice will continue to ensure that all South Africans have access to justice.

It should also be noted that the 2023 Budget adopted theme ‘Navigating economic recovery’, acknowledges that budgeting takes place in a challenging global and domestic environment and the report make mention of and that the medium-term fiscal policy aims to achieve a balance between stimulating the economy, maintaining fiscal sustainability and strengthening welfare for vulnerable citizens through the protection of the social wage.

However, the economy has weakened and although revenue performance was better than estimated in the 2022 Budget, at a domestic level, finances are severely constrained.

The report is unfortunately silent and without any reference to the detrimental effect of state capture and the impact thereof on the department and Office of the Chief Justice ability to Only paying lip service without recognizing the direct impact that state capture and corruption still has on the work of the office of the Chief Justice and to fulfill it’s core function to provide administrative support to the judiciary.

I also wish to remind Honourable Minister Ramola who is a firm believer and supporter of Cadre deployment that cadre deployment was instrumental to state capture in the first place.

Honourable House Chair

The current state of the economy of the South African government, state and budget cuts further impact directly on the ability of the Office of the Chief Justice to ensure an efficient court system and provide judicial support and the Office of the Chief Justice already reported that the restricted budget has impacted on the filling of critical posts.

Although the OCJ achieved an unqualified audit, it is alarming that outcome has regressed, largely as a result of various instances of irregular expenditure that occurred in the ICT environment.

The Freedom Front Plus notes the Minister's statement that the policy on judicial governance and court administration had now reached the stage where it was ready for engagement with stakeholders as far as a envisaged transformation to a single judiciary is concerned but Honourable Chair, the Minister should realize with all respect that a single judiciary on it's own will not fix fundamental shortcomings, inefficiencies and other challenges that our judicial system experiences.

Efficient training of prosecutors and aspirant judges is now more important than ever considering the outcome of the JSC interviews that pointed out that the judgments of several of the candidates, delivered while they were acting as judges, were riddled with mistakes ranging from typographical errors to misunderstandings of foundational legal concepts.

The unfortunate turn of events in the Vrede judgement last week in the Freestate High Court where the National Prosecuting authority now wants to appeal against the ruling of acting Judge Gusha in the first state capture is but one example.

State versus state

The hounourable Minister Lamola should critically assess the conduct of the prosecutors and acting judge involved in the failure of this critical trial.

The Office of the Chief Justice should also be held accountable in it's support role in this instance and state negligence can not be tolerated

Thank you House Chair