**National Assembly**

**Tuesday, 17 May 2022**

**Budget Vote 25: Justice and Constitutional Development**

**Hon. Prof. CT Msimang, MP**

Hon. Speaker,

Access to justice for the ordinary man on the street is not a lofty ideal. At its core, it relates to efficient, cost-effective means to resolve disputes. It relates to capable and competent institutions serving the public, such as the Master’s Office and the Deeds Office.

Grand promises of modernising and increasing access to justice - as the Department envisions in its Annual Performance Plan - mean very little in face of the reality of the extensive backlog experienced in our criminal courts, the ageing infrastructure and the dire state of the Office of the Master of the High Court.

According to the latest Judiciary Annual Report, as of the end of March 2021, only 41% of the criminal case backlog - representing cases older than 12 months in the High Court - was reduced. This reality causes a massive delay in justice, and we cannot continue to use the pandemic as an excuse. We need to interrogate the reasons for these delays, as justice delayed is justice denied.

The Master’s Office, which experienced a serious blow due to cyber-attacks last year, performs critical functions for the public, including administering the estates of deceased persons, and administering the Guardian’s Fund. Any delay in its operations has a dire effect on the public. The situation prompted the Portfolio Committee to demand action and report backs from the Department on the situation. However, despite clear deadlines provided, the Department failed miserably to provide the Committee with such reports. This omission cannot and should not simply be tolerated. As a Portfolio Committee, we are being denied the means to effectively fulfil our constitutional oversight duty. The IFP strongly endorses the Portfolio Committee’s sentiment that this failure also denied the Committee the opportunity to properly consider and interrogate the Department’s Budget.

Finally, in light of the massive task the National Prosecuting Authority faces in prosecuting State Capture cases, the IFP welcomes the much-needed increase in its budget. However, the stark reality is that considering the scale of corruption laid bare in the Zondo Commission reports, much more funding will be needed over the next two years to ensure the Authority has any chance in successfully prosecuting these complex cases.

The IFP will furthermore closely monitor the progress of the Investigative Directorate’s prosecution of the nine corruption cases relating to State Capture, which the Directorate has set out to complete over the next six months. These cases will serve an important measurement of the Directorate’s ability to prosecute such cases and the outcome thereof will be critical in restoring the public’s faith in the NPA.

May this year be the one where we as a country finally see justice being served, and those implicated in State Capture finally being prosecuted.

The IFP accepts the Budget Vote.