

## **VOTE 17: JUSTICE AND CONSTITUTIONAL DEVELOPMENT**

### **Budget Debate Vote Speech**

**By Hon. Inkosi E.M. Buthelezi MP**

**Spokesperson on Justice and Constitutional Development**

**Delivered at Parliament in the National Assembly**

Honourable Chairperson,

“Pro Bono Publico” For the public good, in the sense of a public service, and for the development of a just, fair, accessible and corruption free legal system for all” – this is the underlying mandate of this Department.

In South Africa, no person should be above the law, and no person should derive benefits or rights greater than another.

Chairperson,

Allow me to be frank in saying – Our courts appear to only serve the wealthy as the cost of legal protection in our country is exorbitant and fail the poorest of the poor in seeking legal relief. While Legal Aid which services communities are bogged down in administration and suffer severe case backlogs, the poor are most affected.

Rural communities are unaware of legal advice and mostly find themselves either out of pocket or left with no representation and behind bars.

This department must seek to drive down costs of legal services to the most vulnerable communities in our country.

Whilst the IFP supports this Department and its leadership the following areas of concern must urgently be addressed:

In respect of the National Prosecuting Authority, there have been many well documented leadership failures that have beset this body and perhaps it is high time that an amendment is brought to the National Prosecuting Authority Act, and in particular in respect of the current process with regards to the appointment of the National Director of Public Prosecutions as this process has proven to be flawed, the office is weak and has become subject to much controversy.

The IFP is of the considered opinion that in order to enhance the appointment process and to affirm the independence of the NPA, as well as restore public confidence in South Africa’s prosecutorial abilities, that Section 10 of the NPA Act be amended to reflect a similar appointment process to that of the Public Protector and other Chapter 9 Institutions in terms of section 193(5) of the Constitution.

Chairperson, our justice system should be free, fair and impartial yet the scourge of corruption appears to be on the rise at our courts and includes presiding officers, court officials, prosecutors and attorneys.

As an example we received correspondence which shows on the face of it, corruption by a particular magistrate in KwaZulu Natal who was presiding over a major rhino poaching matter in the province.

The Deputy Minister, I believe is aware of this particular matter and I understand that investigations are already underway and that the case has already been moved to another court.

Trust – in our courts and our judicial system which has been lost, is incredibly difficult to restore.

Lastly, in respect of court infrastructure, while there are improvements, much work needs to be done in some jurisdictions which remain in a critical state of disrepair.

Chairperson, the IFP supports this budget.

I thank you.