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**MINISTRY: JUSTICE AND CORRECTIONAL SERVICES**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 3367**

**DATE OF QUESTION: 23 SEPTEMBER 2022**

**DATE OF QUSTION: 07 OCTOBER 2022**

**Mrs Y N Yako (EFF) to ask the Minister of Justice and Correctional Services:**

What (a) steps has he taken recently to resolve the backlog at the Masters Office to allow families of deceased persons to move on with their lives and (b) has he found are the reasons that persons in the Eastern Cape, from as far away as Mt Ayliff, must travel to the Masters Office in Mthatha to have their estates resolved?

**NW4172E**

**REPLY:**

1. Since the advent of democracy the services of Master had to cover all South African citizens, but that happened only some eight years later with the Constitutional Court’s decision in the Bhe-matter, declaring Reg. 200 of the Black Administration Act unconstitutional and ordering that the Master should now deal with all deceased estates in the country.

The Master’s Office received a huge influx of work since then, but the office is properly capacitated. This is where the Masters’ struggle against backlogs started. Years of being understaffed, ever increasing workload, COVID, system and network challenges, to name but a few, as well as lack of sufficient budget, undermine efforts of the Masters offices to function optimally.

In spite of all of this, the clearing of the backlog is included in indicator 5.9 of the approved Annual Performance Plan 2022/23 for the Master’s Branch, as one of the turnaround strategies to be implemented.

During Quarter 1, the offices determined their backlog and created the baseline lists of matters outstanding. During Quarters 2 and 3, the offices will attend to these matters, by also making use of overtime, in order to reach the Masters indicated target of 100% of the determined backlog cleared by 31 December 2022.

It should however be noted that this target can only be achieved in an enabling and stable work environment and can thus be negatively impacted by the following risk factors:

1. Stability and availability of the electricity supply to offices (loadshedding is delaying finalisation of matters even during scheduled overtime periods);
2. The Department stabilizing and improving the IT systems to enable officials to work seamlessly and without downtime and system errors (e.g. for more than a month now, the Department has been experiencing network and hardware related problems, in which is affecting performance and connectivity to the applications used by the Masters – to date this has not been resolved);
3. Stability in the availability of the workforce, mindful of the fact that the wage

 negotiations have not been finalized and Labour Unions may still call on officials to down tools;

1. Finding the critical posts once a scientific determination of appropriate capacity

 for Masters. Some offices are critically understaffed and do not have the luxury of having time on hand to attend to extra work, whilst also adequately assisting the public, queues and correspondence on a daily basis;

1. Successful and speedy procurement of new printers as well as multi-functional

 scanners to ensure better operations.

1. The Eastern Cape has four (4) Master’s Offices, namely Mthatha, Grahamstown, Bisho and Gqeberha.

Furthermore, the Paperless Estates Administration System (PEAS), which computerises the administration process related to deceased estates, has successfully been rolled out and is being used by 290 service points (Magistrate Courts) country wide, of which 27 (**including Mt Ayliff**) falls within the Mthatha Master’s Office jurisdiction, 11 in Grahamstown’s jurisdiction and 8 in Port Elizabeth’s jurisdiction, (please indicate number of Service Points for Bisho as well).

All Magistrate’s Offices are Service Points of the Master, but the rolling out PEAS to Service Points enables those Service Points to do estate of a higher value, as they are linked with the relevant Masters’ offices, who then are able to oversee the appointment process in those Service Points, and thus ensuring that the whole country receives the same service and are able to access the same quality of services provided directly at Master’s Offices, without the need to travel long distances to the 15 Master’s Offices countrywide. This is to bring services to the people and underscore the drive for access to justice.

The following estates may be reported at Service Points (Magistrate Courts):

 - If the value of the assets is, or appears to be, below R125 000, **and the deceased did not leave a will**, it can be reported at any Magistrate’s Court in the region where the deceased resided prior to death;

- If the value of the assets is, or appears to be, below R250 000, **and the deceased did not leave a will**, it can be reported at any Magistrate’s Court in the region where the deceased resided prior to death, where the Paperless Estates Administration System (PEAS) has been rolled out.

All other estates need to be reported at the Master though, but it should be noted

that the reported documents can also be posted or couriered to the Master – the

family need not be physically present at a Masters to report an estate.

Future plan involves the online systems which will cause people with requisite knowledge to report estate from their knowledge to report estate from their homes or offices. Reducing footprint of walk-ins in the Masters offices.

**END**