**African Christian Democratic Party**

**9 May 2023

ACDP Parliament
Debate on Budget Vote 27: Office of the Chief Justice
Speech by ACDP Chief Whip, Steven Swart MP**

**ACDP highlights infrastructural challenges at courts that undermine the delivery of justice**

“Chairperson,

The Chief Justice and Judiciary account to the people of South Africa through the Annual Judiciary Report. This as in terms of section 165(2) the courts are subject only to the Constitution and the law. The establishment of the OCJ was envisaged in way back in 2010 as the first phase towards an independent Judiciary-led court administration system in order to fully realise the independence of the judiciary. The OCJ’s core function is to render support to the Chief Justice in executing administrative and judicial powers and duties. It is a state department which accounts directly to Parliament.

The ACDP is deeply concerned about the delays in the policy on judicial governance and court administration. We note the minister’s statement that had now reached the stage where it was ready for engagement with stakeholders. The intention was to finalise these engagements by October this year. The Minister indicated that the outcome of these engagements would inform any necessary legislative amendments. We fully appreciate the Judiciary’s frustration with the lack of finality, given that reports were tabled way back in 2013. Once more, we urge the finalisation of the policy and its accompanying legislation as a priority. Not only is the establishment of a single judiciary a constitutional imperative but also the lack of an appropriate policy and legislative framework contributes to the many inefficiencies and other challenges that our judicial system experiences.

Information technology continues to play an important role in ensuring an efficient court system. The court online system consists of case management and an evidence management (caselines) component. While the ACDP appreciates that the Court Online system is still in a pilot phase, and that the caselines component is subject to litigation, we trust that the whole system will be rolled out to more courts, given the benefits it offers for filing documents electronically, and helping minimise the physical movement of people and paper-based processes in litigation.

The OCJ continues to be affected by the budget cuts that were made to its baseline in 2020/21 as a result of the impact of the Covid-19 pandemic on the economy. This is despite receiving an additional allocation of R39 million in 2022/23 to strengthen the justice system and the courts. The budget cuts have necessitated reprioritisation of resources to support key government priorities, including court modernisation and digitalisation to improve access to justice and the services of the superior courts.

During recent oversight visits to superior and magistrate’s courts countrywide, we witnessed first-hand the many very serious infrastructure and maintenance-related problems. Many courts are dilapidated and some of the court buildings have serious structural challenges, for example, the leaking roofs. The Committee heard from the Judiciary, who are frustrated at being drawn into managing issues around court management rather than attend to their core function, largely because of communication challenges between the Justice Department, the OCJ and DPWI. In summary, the infrastructure problems are undermining the delivery of justice to the people.

Loadshedding is impacting court performance. While the SCA is exempt from loadshedding, and that almost all Superior Courts have generators, challenges remain at magistrate’s courts, or where there is water at High Courts due to loadshedding affecting pumps. This again affects the courts which have to close when there is no water.

Lastly, the ACDP would like to express its appreciation to the judiciary for its hard and committed work under Chief Justice Zondo and to the OCJ for the support it provides under difficult budgetary conditions.

I thank you.”