Speech on Budget Vote 25: Justice and Constitutional Development  
By Steven Swart MP, ACDP Whip

ACDP asks the Financial Intelligence Centre and Reserve Bank to play a role in preventing illicit capital outflows

“Chairperson,

The ACDP would like to extend its condolences to the families and friends of those in the justice family that have passed during this time. Our thoughts and prayers are with you all.

We also note that the proposed budget adjustments are far less severe than expected, albeit that the amount is R460million. This we welcome, given the importance of a stable, well-functioning justice system for the country’s economic growth, and in the fight against crime and corruption. We share the deep concerns about the impact of COVID-19 on our courts, which are only able to hear criminal and civil matters on a restricted basis. At some stage, additional resources will be needed to address the fast increasing backlogs in order to prevent a collapse in our legal system. We do not support any future cuts to the budget vote, as this would be counterproductive to the maintenance of the rule of law.

The Committee has, in the past, expressed itself very clearly on the need for additional resources to address the NPA’s capacity challenges which constrain, even threaten, its ability to successfully pursue prosecutions.

The ACDP supports the NPA in its ‘corruption busting’ role and, notes the NDPP’s comments that the Asset Forfeiture Unit has been undermined by a lack of capacity and resources. This must be given urgent attention, given its key role in freezing assets and the recovery of stolen state funds.

We commend the speedy action that was taken to arrest suspects and freeze 28 bank accounts following the theft of R5.7 million UIF funds meant for 14 000 workers recently. This illustrates how quickly steps can be taken.

It is also particularly disheartening that state attorneys and private advocates have been embroiled in corrupt activities. These are officers of the court and it is disgraceful that they are involved in corruption. We insist that speedy action is taken in this regard.

We also question how the staggering figure of R107bn can leave the country through illicit capital outflows. What role does the Financial Intelligence Centre and Reserve Bank play in preventing these outflows?

The ACDP appreciates the work that the Department and NPA do to combat gender-based violence, under very difficult conditions. In this regard, we are pleased that the rollout of further dedicated sexual offences courts and Thuthuzela Care Centres are not affected by budget cuts. In addition, the Department is to introduce three amendment Bills aimed at curbing gender-based violence.

The ACDP notes the OCJ’s concern regarding the risk to service delivery posed by the proposed cuts to its Goods and Services budget. These cuts are in addition to reprioritizations that have already occurred to fund new emerging priorities as a result of COVID-19. We agree that, as the largest part of the OCJ’s budget is committed to Compensation of Employees budget, further pressure on its Goods and Services budget as a result of the proposed cut of 8.8% poses a very real risk to the OCJ’s ability to operate.

A particular concern is how priority projects relating to court modernisation and digitisation will be affected. A further concern is that addressing the significant increase in case backlogs caused by the restricted court roll as a result of COVID-19 will require the allocation of further additional resources not planned for.

The ACDP shares the Committee’s deep concern that the OCJ may not be able to procure the necessary PPE going forward, especially as many judges and officials fall within the risk category, namely over 60 years of age and with co-morbidities. The Committee needs to engage further with the OCJ on this going forward as a matter of urgency.

I thank you.”