

## **It is clear that the Department of Justice was on the brink of collapse**

By **Werner Horn MP** - DA Shadow Deputy Minister of Justice and Constitutional Development

Towards the end of last year it was clear that the Department of Justice was on the brink of collapse.

This was the case despite the fact that it kept on spending close to 100% of its budget every year.

When assessing this year's budget and APP it is therefore very important to ask whether it assists the type of change that will make real improvements a reality.

On this score we are still very worried, Minister, about the state of affairs at the State Legal Services.

We also take note of the plans to turn around the Master of the High Court. We hope these will work, but here is the difficulty: Neither the slow response time of the Master in respect of milestones other than the issuing of letters of appointment, nor the perennial unavailability of personnel when widows and orphans are in need of assistance - some of the real issues plaguing this office - are addressed by the targets the department has set itself.

Therefore, we can only hope that the appointment of Heads of Office at the different offices will translate into improved services where it really matters – the APP will not.

Speaking of high level interventions: We are thankful that a new director-general has finally been appointed for the Department of Justice. The fact that the person appointed was up to now your special adviser, Minister, of course makes a bit of a mockery of your argument that your hands are tied when it comes to the continued appointment of the National Commissioner of Correctional Services.

We see you minister and we don't like your obfuscation on the matter of Mr Fraser being kept in office in the face of what objectively speaking is information that should preclude him from ever again being allowed near any public funds.

We know you have real influence on who your senior officials are: Just like you clearly had your way with the appointment of Advocate Doctor Mashabane as the new DG of Justice you can do the right thing in respect of Mr Fraser if you really want to.

Nonetheless, we wish Mr Mashabane well in this role as DG of Justice and have noted, with interest, that he has already spent some time listening to officials.

Hopefully he has learnt that one of the ways in which both staff wellness and the delivery of quality frontline services should be enabled is through the proper support of the functions of this department by management.

Simple things like the proper management of contract services, so that magistrates offices are not forced to operate without access to outgoing telephone lines for months on end, or

the judiciary without access to online case law, and timely reaction to simple requests for basic maintenance of court buildings will go a long way.

That is of course in addition to improving financial management and access to justice for specifically the vulnerable: long suffering parents who are dependent on our courts to get their pappeld from sometimes unwilling co-parents, victims of domestic violence, victims of sexual crimes, victims of other violent crimes and commercial crimes, all while doing what should be done to strengthen the resolve of all involved in the fight against corruption.

A tall order, but a mission you chose to accept, Mr Mashabane. Please make us proud. This budget vote of course also includes the Public Protector and the Human Rights Commission.

Both of these institutions have suffered serious reputational damage over the last years because of the way in which they have discharged their duties.

In the case of the Public Protector anything more complex than ordinary bread and butter matters, like pension disputes, which pits individual South Africans against government in some way or form, has turned out to be a mountain too high and a valley too low for the incumbent.

As a country which is still at a critical juncture in our fight back against state capture and endemic corruption we deserve much better from this institution, once described by our Constitutional Court as one of the most invaluable constitutional gifts to our nation in the fight against corruption.

The Human Rights Commission is doing no better. Until the Human Rights Commission acts, for example, as forcefully against the failure of local governments in the Free State to give all residents uninterrupted basic access to water (an issue it has been asked to deal with and in respect of which it has done nothing more than issue advisory reports, all while hundreds of thousands of poor and mostly rural Free Staters still do not have proper access to water), until it shows the same urgency and force in matters like these than when it deals with the alleged shortcomings of the City of Cape Town and the Western Cape government it will be viewed as nothing more than a special branch of the ANC.

This brings me to another important institution which receives its budget via this budget vote: The Information Regulator. The Regulator is due to become very busy on 1 July this year when its duty to oversee and enforce the protection of our personal information comes into effect.

We are very worried that it is not yet positioned to deal with this task properly. The fact that it, on its own account, is struggling to recruit the right type and number of experts poses a grave danger to its own functionality.

If one considers this against the stated intent of the regulator to use all powers available to it from the 1st of July it needs no special insight to know that there is a grave danger that this body is at risk of also operating on a selective, inconsistent manner and that it may also soon find that it is viewed with some scepticism by South Africans. It should guard against this.