

Media statement by the Minister of Justice and Correctional Services, Michael Masutha, MP (Adv), on the occasion of the Budget Vote Debates of Justice and Constitutional Development (Vote 24) and of the Office of Chief Justice (Vote 22), Tuesday 19 May 2015, Imbizo Centre, Parliament

19 May 2015

Members of the Media,
Ladies and Gentlemen.

The budget votes that I will present later today in the National Assembly are historic for various reasons. They take place in the midst of a justice landscape that is rapidly transforming. The strides we have already made in shifting the boundaries of the integrated justice system will be given new impetus in the year ahead through a dedicated focus on transforming the justice system and the legal profession, reviewing State litigation and forging ahead with initiatives to create access to justice for all.

Last year, the President signed into law the Legal Practice Act and its implementation commenced on 1 February 2015. We initiated and convened the first meeting of the National Forum on the Legal Profession on 31 March 2015 at which Advocate Kgomoitso Moroka was appointed as Chairperson of the Forum. A total budget of R18 million was allocated to the National Forum. The Forum will focus on levelling the ground for enhancing opportunities of access to the profession and to legal services for those who cannot afford the cost of litigation.

Simultaneously, we are putting measures in place aimed at consolidating the State Attorney's office and revitalising its operations to turn it into a legal firm of choice for the State and all its institutions, including local government and paralegals. We will soon table in Parliament urgent amendments to the State Attorney's Act to allow for the appointment of a Solicitor-General, who will assume the role of a National Director of State Litigation, at the level of a judge. We will also be submitting a draft policy to transform the practice of briefing patterns which is a sore point to legal practitioners and to institutionalise the use of Alternative Dispute Resolution in handling claims against the State. This is with a view to reducing the litigation bill and the ever increasing exposure of the State to civil liability resulting from variety of causes including but not limited to administrative inefficiencies that occur in the provision of various government services.

Our efforts to transform the Sheriff's profession over the past 3 years are also starting to bear fruit. At the end of 2012 the Sheriffs Amendment Act was passed. Last year a new Pledge and Code of Conduct as well as new regulations for sheriffs were adopted. In March 2015, I appointed 11 members to serve on the newly constituted South African Board of Sheriffs. The board is broadly representative in respect of race, gender and geographical composition, comprising six male and five female members from various provinces in the country.

While the transformation process continues, we are also striving to ensure that we continue to do more effectively with the resources at our disposal. Together with other departments in the Justice Crime Prevention and Security Cluster (JCPS) we continue to build an integrated criminal justice system. The outcomes of these efforts are beginning to be visible in the work of our law enforcement agencies.

The National Prosecuting Authority continues to improve on its set performance target. During the 2014/2015 financial year, the NPA achieved 91% conviction rate in the High Courts, 76,6% in Regional Courts and 94,2% in the district courts. Conviction rates on sexual offences and complex commercial crimes stood at 69% and 94,3% respectively. A conviction rate of 95% was achieved in respect of cybercrime.

Our efforts to deal with corruption, which threatens to reverse the gains of our freedom, continue to yield positive results. Working together with the Anti-Corruption Task Team (ACTT), the Asset Forfeiture Unit (AFU) was able to recover assets valued at R1,717 million, which is deposited into the Criminal Assets Recovery Account (CARA).

Measures are being put in place to increase the capacity of the Special Investigating Unit and thereby reduce its turn-around times for investigations to less than 6 months from the date of a proclamation being granted.

Access to justice is the essential mandate of our existence. We aim to redress the imbalances of the past and ensure that more people have access to justice. A number of initiatives are being implemented to ensure that we realise our constitutional obligation to broaden access to justice.

Access to justice entails bringing court services closer to the people. To address the situation of people having to travel long distances for justice services, the Department has embarked on a process of realigning magisterial districts with municipal boundaries so that communities can access justice services in areas where they live. The project was successfully implemented in Gauteng and the North West in December 2014 and will roll out to Limpopo and Mpumalanga later this year.

We continue to build courts in the outskirts of the towns and cities as well as in rural villages to expand justice services to previously marginalised communities. We hope to maintain the norm of building on average 2 new courts per year so that we can reduce the backlog of court infrastructure in many parts of the country. During 2015, we will proudly open the doors of the first High Court in Limpopo and a high court in Mpumalanga will follow.

We are also piloting the court-annexed mediation rules in selected courts in the Gauteng and North West provinces. There is great potential to increase access to justice through the use of mediation, and thereby avoid the exorbitant costs and time delays associated with litigation.

We also want to ensure that more languages are used in our courts as required by the Constitution and the Use of Official Languages Act. In this regard, we have published a policy that seeks to promote the use of indigenous languages in all our service points. A separate legislative framework is being finalised to promote the use of languages in court proceedings.

The department continues to improve the maintenance system to reduce long queues and to ensure that rightful beneficiaries receive their money in time and directly in their bank accounts. More maintenance beneficiaries are using the Electronic Fund Transfer (EFT) and receive their money directly in their bank accounts. In financial year 2014/15, a total of R1.97 billion was paid to maintenance beneficiaries through the EFT.

In addition, we have tabled the Maintenance Amendment Bill before Parliament to deal decisively with maintenance defaulters.

We have also enhanced the management of our Guardian's Fund and improved our service particularly to orphans who are dependent on the proceeds of the Fund for their livelihood. In 2012/13, government made 37 000 payments totalling R1,006 billion to Guardian's Fund beneficiaries, the majority of whom are children. During 2013/14 this increased to 60 675 beneficiaries being serviced to the amount of R1.130 billion.

Small claims courts are an important vehicle through which people continue to access justice speedily and at no cost. We are pleased to report that the number of small claims courts increased from 68 in 2009 to 340 in 2014/2015. We are very close to achieving our target of 384 small claims courts – (one per magisterial district).

The department continues to implement the recommendations of the TRC. This year the President signed regulations for educational assistance, which will drastically improve the socio-economic condition of apartheid victims who were identified by the TRC. The process of identifying beneficiaries of the educational assistance programme is done and payments will be

administered soon. We received 750 applications for educational assistance. Of the 750, 596 have been verified, 331 are for basic education and 256 are for higher education and training.

One of the national priorities flowing from the NDP is the need for youth employment. A youthful population gainfully employed contributes directly to the lessening of inequality in incomes and access to opportunity, thereby enhancing the prospects for social coherence and stability and reducing socially motivated crime.

For the current financial year, we have targeted an intake of 800 graduates into our internship programme, which is a 100% increase from the 400 interns we absorbed into various components of the Department last year. In addition the Department has targeted 100 employees and a further 100 unemployed persons into a Learnership Programme. Through these measures we are contributing to the Government's programme aimed at reducing unemployment amongst the youth.

In 2010 we initiated the process of appropriately positioning the Office of the Chief Justice as the head of the judiciary by tabling the Constitution Seventeenth Amendment Bill and the Superior Courts Bill. These Bills were subsequently enacted as law with effect from 23 August 2013.

Subsequent to their passing, these Acts led to the transfer of administrative functions and staff of the Superior Courts from the Department of Justice and Constitutional Development to the Office of the Chief Justice as from October 2014. This important precedent for our Constitutional democracy continues to gain strength and today, I will have the singular honour to present the historic first budget vote of the Office of the Chief Justice before Parliament.

Chapter 8 of the Constitution provides that the judicial authority of the Republic is vested in the courts. We have always maintained that as the Executive, we are guardians of our Constitutional democracy and are obliged to ensure that no person or organ of State interferes with the functioning of the courts. We are also expected to ensure that these organs of State, through legislative and other measures, support and protect the courts to ensure the independence, impartiality, dignity, accessibility and effectiveness of the courts as required by Section 165 (4) of the Constitution.

We have noted the anxiety, in particular amongst the Magistracy to have the administration pertaining to Magistrates' Courts transferred to the new OCJ. I need to remind all that the transfer of the administrative functions relating to the Superior Courts was facilitated through the Superior Courts Act. Similarly, legislative reforms are necessary to achieve the same purpose in relation to relation to the Magistrates' Courts. We have embarked on a process to develop a concept framework that will culminate in the enactment of an appropriate legislation to replace

the outdated Magistrates Court Act of 1944. We are confident that the contemplated Lower Courts Act will take a much shorter time to complete as it will assume the broad framework adopted in the Superior Courts Act.

The establishment of the Office of the Chief Justice to provide administrative support to the Superior Courts provides an opportunity for the Department to focus primarily on policy and legislative reform that is necessary to accelerate change within the justice landscape with the primary objective of restoring public confidence in the justice system.

A total budget of R16,9 billion has been allocated to the Department for the 2015/16 financial year. Of this budget allocation R5,5 billion has been allocated to the Court Services programme, R3, 4 billion is for the NPA and R2, 2 billion for Public Entities, the South African Human Rights Commission and the Public Protector.

Over the three year Medium Term Expenditure Framework period, the OCJ has been allocated a total budget of R5, 2 billion. For the 2015/16 financial year the allocated budget amounts to R1, 616 billion.

I thank you.

Issued by the Ministry of Justice and Constitutional Development