

The proper functioning of any country's justice system is a precondition for investor confidence and economic growth

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The proper functioning of the justice system of any country is a precondition for the type of investor confidence and economic growth our country desperately needs so that jobs can be created, poverty could be reduced and, in simple terms so that hunger and destitute can be prevented.

This debate takes place not only within this context but also within the context of a very serious regression during the state capture years, in the capacity and performance of every single institution, except for Legal Aid South Africa, benefiting from this budget vote. Three years into our current five-year term it, unfortunately, would seem that we are only seeing a tinkering around the edges of crumpled, keeled over and ever ailing institutions.

A few examples:

Problem number one: A fiasco of bad advice, poor litigation outcomes, money wastage, and possible corruption at the state law advisers.

The identified solution: Appoint a solicitor-general, heads of offices and ensure policy reform. The outcome: appoint only an acting solicitor-general, causing hesitancy and preventing bold, decisive moves, appoint heads of offices, but hamstring them by showing no urgency on policy reform.

Problem number two: the near-collapse of Masters' Offices. The identified solution: Appoint a new chief master and heads of offices, seemingly without agreeing on relevant and urgent interventions.

The continued outcome: long queues, lost documentation, non-responsiveness and poor communication, massive delays and in many cases a state of paralysis in the administration of specifically deceased estates.

Problem number 3: Court Buildings countrywide operating in a state of near physical collapse while Court Managers, other justice officials and Public Works officials all continuously busy themselves with the identification of the need for major maintenance projects, the implementation of which is as rare as Bafana Bafana qualifying for a soccer world cup tournament.

The consequences: Groundhog day for officials who continue to work in an environment not fit for purpose, while continuously wasting time re-identifying urgent maintenance needs and pleading for implementation.

The identified solution: The Minister is, of that he has assured us himself, on a continuous basis having talks about talks with his counterpart at the Department of Public Works.

Problem number four: Millions of rands have been thrown towards the development of an electronic Integrated Justice System over the last fifteen years—a project which languishes from one insignificant lateral milestone to the next.

The identified solution: Colleagues have no fear. An IJS Board, comprising of the very same stakeholders that have been part of the project from the start, has been established, which will, the Minister strongly believes, ensure that this system will now rise like a Phoenix and soar like an eagle.

Problem number five: an implosion of governance on management level at the Department of Justice.

The identified intermediate solution: the appointment of new director-general, unfortunately without any parallel process to identify the gravest of risks facing the department and act on them.

Latest outcomes: A massive cyber-attack, a hack, complete annexation and lockout from the online system of the Department, followed a few months later by the contract for the maintenance and operation of electronic court recording technology coming to an abrupt, but foreseen and avoidable end - causing wholesale damage to case-flow, the ballooning of the criminal court backlog roll, frustration, suspicion and secondary trauma to victims of crime.

The further identified solutions: In respect of the IT systems: At first a frank admission by the DG that systems will need to be rebuilt from scratch, partly due to the impact of the hack and partly due to the inadequacy of the systems previously introduced. But, then followed, only a few months later, with an assurance and an insistence that all data has been recovered, all functionality has been restored and that the old system is really not a bad one.

The Court Recording Technology: After this system being in a self-induced coma for nearly a year the previous contractor is now reviving and nursing it temporarily. Why no emergency extension of the initial contract was entered into with this contractor remains a mystery wrapped in a riddle.

Minister, this is the reality. The backward slide of the Department is too big to think that you can tinker it into success. Wholesale structural changes need to be made in respect of how we maintain and manage court buildings and collateral facilities, and how we manage contracts. A real sense of urgency will have to become part of the executive and management culture of this department.