**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 1145**

**DATE OF QUESTION: 25 MARCH 2022**

**DATE OF SUBMISSION: 08 APRIL 2022**

**Mr W Horn (DA) to ask the Minister of Justice and Correctional Services:**

With reference to the closure of the Rustenburg Magistrates Court on 25 February 2022 due to health and safety considerations, what (a) are the reasons that his department failed to ensure that the necessary steps were taken in respect of the maintenance and refurbishment of the building to prevent its closure and (b) steps have been taken since the closure of the building to restore the right to occupy and use of the building?

**NW1397E**

**REPLY:**

1. The Department of Justice and Constitutional Development (DoJ&CD) did not fail to ensure that necessary steps are taken in respect of the maintenance and refurbishment of the building to prevent the closure of Rustenburg Magistrate’s Court.

The Department has a delegation of R100 000.00 per incident as part of the day-to-day maintenance guidelines to ensure that the challenges experienced at the court are addressed. Below are the day-to-day maintenance issues addressed by the Department through the North West Regional Office:

* Leaking pipes;
* Repairs to ablution facilities;
* Repairs to ceilings;
* Security and office lights; and
* Air conditioners.

However, the Rustenburg Magistrate Court was served with a prohibition notice by Bojanala Platinum District Municipality for reasons listed below:

* Failure to provide the facility users (public and staff members) with an environment that is not harmful to their health and well-being.
* Exposing facility users to asbestos fibre material that were found to be dripping from the ceiling within the facility passage and court area.
* Exposing facility users to unsafe structural conditions of falling ceiling boards with asbestos lining, and failure to provide adequate ablution facilities for public and staff members.
* Ignoring and allowing continued use of non-functional ablution facilities and use of same toilet facilities by both genders.

Therefore, the efforts made by the North West Regional Office delegation were not sufficient to address all the challenges highlighted above.

1. Rustenburg Magistrate Court is old and dilapidated, and there will always be facility issues and structural challenges due to aging of the building. After the closure of the court, an action plan monitored on weekly basis was developed to address the issues raised. Since the court reopened, service providers to attend to unhygienic toilets and contractors to fix the ceilings were appointed, and the facility is cleaned.

The Bojanala Platinum District Municipality confirmed that the Department has rectified the issues that were raised, lifted the notice and the court is currently operational.

**Permanent solution of the maintenance challenges to the court:**

The long-term solution for the court is to repair and renovate the building to eliminate unhygienic conditions of the premises that pose a health risk and nuisance to public health and safety.

* The Rustenburg project started in March 2007 as a Repair and Renovations (planned maintenance) project registered and funded by Department of Public Works and Infrastructure (DPWI). The project went out on tender in 2012. The tender lapsed without the appointment of a service provider by DPWI. The DPWI did not fund the project in the 2013/14 financial year due to budget cuts.
* The DPWI requested DoJ&CD to fund the project under capital budget in May 2013, and the DoJ&CD agreed to the proposal in July 2013, on condition that additional accommodation vacated by SARS at the adjacent building be added to the project, upgrading of the old court and all security measures and ICT requirements be included.
* The project scope included:
* Conversion of existing offices to accommodate officials within the court, including adjacent Public Protector and Family Advocate at Old SARS building;
* Additional Family Courts at the Old SARS building;
* Walk way adjoining the main court building to the Old SARS building;
* Guardhouse;
* Access for people living with disability;
* Covered and uncovered Parking around both buildings;
* Air-conditioning system;
* Ablution facilities;
* Plumbing system;
* Repairs to walls, windows, doors, roof and floor skirting;
* Installation of a lift at the main building; and
* CCTV, alarm, PABX, Control Room and Server Room.
* A Pre-Design Information Request (PDIR) was issued to the DPWI’s Town Planning Services (TPS) in September 2014 for purposes of clearing the site. The site clearance was issued in March 2015.
* A Sketch Plan Committee meeting which was scheduled for 4 October 2016 turned into a technical meeting because the DPWI Professional Services Quantity Surveyor was not happy with the high project estimate/high building cost.
* The project was re-advertised on 20 September 2019 and closed on 23 October 2019, the briefing meeting was held on 4 October 2019. The project validity period expired before appointment was concluded.
* The project was re-advertised on 01 April 2021 and closed on 05 May 2021. The bid has been going back and forth between DPWI Regional Office and National Bid Adjudication Committee (NBAC). To date, no contractor is recommended or appointed. The bid evaluation process is underway at DPWI.

In light of the above, this is what the Department has been trying to do over the years but due to the procurement processes of DPWI, the DoJ&CD find itself in a dire situation.

The DPWI is currently going through the evaluation process for the third time, and DoJ&CD hopes that the contractor will be appointed in the 2022/23 financial year for the refurbishment of the court to be completed.

**END**