

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO.: 115**

**DATE OF QUESTION: 11 FEBRUARY 2016**

**DATE OF REPLY: 26 FEBRUARY 2016**

**115. Ms B S Masango (DA) to ask the Minister of Justice and Correctional Services:**

(1) What methods and/or processes are followed to track beneficiaries of the Guardian Fund?

(2) whether there are any beneficiaries who are not aware of money (a) allocated and (b) payable to them; if not, why not; if so, what are the relevant details;

(3) whether there is any legislation that allows private investigators to work on a commission basis to assist beneficiaries of the specified Fund, as is common practice currently; if not, what is the position in this regard; if so, (a) are private investigators allowed to trace eligible beneficiaries and (b) are the specified investigators allowed to receive a percentage-based commission from the specified beneficiaries once they receive their money? NW115E

**REPLY:**

1. I wish to inform the Honourable member that I have been informed that the Master relies on the details submitted at the time funds are paid into the Guardians Fund. The Master ensures that all available details at the time are recorded on the Guardians Fund System. These details are therefore used to track the beneficiaries of the Fund.
2. (a) and (b) Yes. It is the Master’s experience that the vast majority of beneficiaries are aware of the funds held for them, and most have been receiving regular payments during their minority. However, there are beneficiaries who are not aware of their dues. The funds so due are termed unclaimed moneys. The Master deals with the advertising of unclaimed moneys of beneficiaries in the manner prescribed in terms of Section 91 of the Administration of Deceased Estates Act in the Government Gazette. In addition to the advertisement of unclaimed moneys, a list of such unclaimed moneys is published on the Departmental website under the Masters’ Branch. The Master’s Office has noticed 550 to 600 monthly visits to the advertised unclaimed moneys on the web page. In addition, during Izimbizo the communities are informed on how to claim monies from the Guardian’s Fund. Radio is also used widely to educate.
3. (a) and (b) No. The tracing of Guardians Fund beneficiaries, has been an area of serious exploitation in the past. Statutory intervention was made through the provisions of Section 51(1)(f) of the Consumer Protection Act, 2008 (Act No 68 of 2008) which deals with some of the challenges experienced. It is the Department’s view that a tracing agent may not charge commission for work relating to a claim against the Guardian’s Fund.