

**MINISTRY**

**PUBLIC WORKS**

**REPUBLIC OF SOUTH AFRICA**

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**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION NUMBER: 1267 [NO1634E]**

**INTERNAL QUESTION PAPER NO.: 22**

**DATE OF PUBLICATION: 19 JUNE 2020**

**DATE OF REPLY: 24 JULY 2020**

**1267. Ms S J Graham (DA) asked the Minister of Public Works and Infrastructure:**

In view of the fact that a virement of approximately R3 million was transferred from Programme 4: Property and Construction Industry Policy to Programme 1: Administration to be allocated to Legal Services, what are the (a) specific matters to which the money was allocated; (b) programmes that will be impacted by the virement of funds and (c) costs for legal counsel associated with each matter? **NW1634E**

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**REPLY:**

**The Minister of Public Works and Infrastructure:**

1. I am informed by the Department of Public Works and Infrastructure that the money was initially earmarked in 2019 for appointment of Legal Counsel to advise on the Expropriation Bill, however due to less claims having been received for work done by Advocates on the Expropriation Bill through the Office of the State Attorney during the period September 2019 to March 2020, and as well as consultation with National Economic Development and Labour Council (NEDLAC) on the Bill, which took about three months starting from 5 December 2019 till 14 March 2020. Consequently, the anticipated legal advice from the NEDLAC outcome was delayed thereof. The funds were then used by the Legal Services to augment the over-spending in the area of legal costs recoverable by the Office of the State Attorney. These are the payments made and recoverable by State Attorney from the DPWI against payments made to advocates and other service providers involved in various litigious and non-litigious matters for and against the (DPWI).
2. No programmes were affected by the virement of funds from Programme 4 to Programme 1, as the adjusted budget was declared after a review of the goods and services during the financial year.
3. There was only one claim received from the Office of the State Attorney with specific reference to legal advice on the Expropriation Bill in the amount of R13 110.00 in respect of legal fees of Senior Counsel during the period September 2019 to March 2020 and it was paid by the Department of Public Works & Infrastructure. However, the balance of the amount adjusted was used to defray the claims for legal costs paid by the Office of the State Attorney to advocates and other service providers involved in other litigious and non-litigious matters for and against the DPWI as follows:

**BREAKDOWN COSTS OF LEGAL FEES PAID TO OFFICE OF STATE ATTORNEY**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Advocate Fees**  | **Sheriff Fees**  | **Printing Services** | Taxed Costs Taxed Costs  | **Professional Technical**  | **Expert Deeds Fees**  | **Witness Fees** | **Tracing Services** |
| R3 759 527.87 | R3 089.05  | R11 600.84 | R131 190.64  | R 945 668.18 | R15 842.00  | R16 240.06  | R4R400.00 |

**Total of Legal Fees for period October, November 2019 and February 2020:** R4 883 558.64