

**MINISTRY: JUSTICE AND CORRECTIONAL SERVICES**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 1783**

**DATE OF QUESTION: 06 MAY 2022**

**DATE OF SUBMISSION: 20 MAY 2022**

**Adv G Breytenbach (DA) to ask the Minister of Justice and Correctional Services:**

With regard to the recent meeting in April 2022 between the Portfolio Committee on Justice and Correctional Services and the Judiciary at the Supreme Court of Appeal, for oversight purposes where his Chief of Staff was present, (a) upon whose invitation or request was his Chief of Staff present, bearing in mind that this is a flagrant blurring of the lines between legislative oversight and Executive encroaching on territory it has no legitimate interest in and (b) why did he not ensure proper separation of powers?

**NW2112E**

**REPLY**:

As regards question (a), I received a letter (the letter), dated 07 April 2022, from the Chairperson of the Portfolio Committee on Justice and Constitutional Development, Honourable Mangwanishe. The letter states that the Committee would embark on oversight visits to courts and correctional centres from 19 April 2022. The letter states further that *“[t]he Committee requests that relevant departmental officials be part of the visits”*. In response to and in honour of the Committee’s request, I requested the Chief of Staff from the Ministry and other officials from the Department to be part of the visit.

I would like to point out that the Chief of Staff and the other officials from the Department were not part of the Committee’s oversight visit so as to interfere with, take over or usurp the Committee’s functions during the visit. But, as indicated above, were there in response to the Committee’s invitation. It is not only unfair, but also unjustifiable to suggest that the Chief of Staff’s presence during the oversight visit was a “flagrant blurring of the lines between legislative oversight and Executive encroaching on territory it has no legitimate interest in”.

To the best of my knowledge, the Chief of Staff did not interfere or encroach on, or influence any one or structure that was visited by the Committee. I wish to point out that the Chief of Staff has, following the oversight visit, provided me with valuable feedback on how we, as a Department and Ministry, can improve services delivery based on the issues highlighted by the Committee.

As regards question (b), the question assumes that the Chief of Staff violated the separation of powers. This is incorrect because, as indicated above, the Chief of Staff’s presence was in response to and in honour of the invitation from the Chairperson of the Committee. To the best of my knowledge, there are no functions of the Committee that the Chief of Staff usurped or took over thereby encroaching on the principles of the separation of powers. There is no failure that can be attributed to me that I failed to ensure proper separation of powers because there was no encroachment on the separation of powers by the Chief of Staff’s presence during the Committee’s oversight visit.

**END**