**NATIONAL ASSEMBLY**

**FOR WRITTEN REPLY**

**QUESTION 1797**

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**(INTERNAL QUESTION PAPER 17 OF 2021)**

**Prof C T Msimang (IFP) to ask the Minister of Justice and Correctional Services:**

1. Following the announcement by his department earlier in the year regarding the action plan to trace maintenance defaulters and potentially ease dependency on social grants (details furnished), what are the relevant details of the progress that has been made with the specified plan;
2. What obstacles has his department encountered in carrying out the plan?

**NW2014E**

**REPLY:**

1. The Department has conducted an investigation into the trend of the maintenance defaulters and found that most defaulters do not want to be found so as to avoid the maintenance inquiry processes and further that when they are found they conceal their means or distort the extent thereof so as to appear indigent and become exonerated from the liability to pay maintenance.

The investigation further revealed that there are two forms of economies in South Africa being Formal and Informal economies and as such most defaulters who claimed not to have means to pay for maintenance are within the informal economy. The business concerns are not registered for tax and the defaulters do not have bank accounts in their own names and thus making it difficult for the Maintenance Courts to process the maintenance cases.

In light of the aforesaid, the Maintenance Defaulters Track and Trace System was introduced. Initially it was introduced through the service provider who provided information of the defaulters such as full names, contact details, property ownership and business ownership.

The Department decided to strengthen the Maintenance Defaulters Track and Trace System by training the Maintenance Officers and Maintenance Investigators on the electronic system and investigation processes. So far Maintenance Investigators and Maintenance Officers in the Western Cape, Limpopo and Kwazulu-Natal provinces have been trained on Track and Trace System. Such training remains ongoing.

The officials in the Northern Cape Province were trained on 30 August to 3 September 2021.

The Department is developing a framework through which the concealment of income and assets gained in the informal economy can be traced for the courts to be able to grant maintenance orders in such cases.

1. The following challenges/ obstacles were encountered in implementing the plan:
   1. The Department had advertised a tender for a service provider to provide On-line/Electronic Tracing Services. The Department received the bids from prospective service providers and the said bids were found to be way above the funds available on the budget for this purpose. This resulted in the tender process being suspended so as to enable the Department to approach National Treasury for additional funding of the project.
   2. Covid-19 related challenges which resulted in the planned trainings being cancelled owing to officials going on sick leave, quarantine and self-isolation. Inter-provincial travel ban was also implemented in Gauteng and as such trainers who are based in Gauteng could not travel out of Gauteng to other provinces.
   3. Lack of civil enforcement capacity and forensic investigation skills and capability.
   4. Lack of tools of trade such as laptops, cellphones and motor vehicles which are necessary for Maintenance Investigators to conduct physical investigation of cases.
   5. Introduction of the Protection of Personal Information (POPI) Act 4 of 2013 which resulted in the training format being revised.
   6. Justice College was also approached to develop a Forensic Investigation Training for Maintenance Investigators and Officers with the objective to further strengthen the System. Justice College has advised that they will have to procure the services of the curriculum expert to assist accordingly.