

**MINISTRY**

**PUBLIC WORKS AND INFRASTRUCTURE**

**REPUBLIC OF SOUTH AFRICA**

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**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION NUMBER: 1819 [NW** **NW2070E]**

**INTERNAL QUESTION PAPER NO.: 16 of 2023**

**DATE OF PUBLICATION: 19 MAY 2023**

**DATE OF REPLY: 05 JULY 2023**

**1819. Mr P A van Staden (FF Plus) asked the Minister of Public Works and Infrastructure:**

Whether, with reference to Mr P A van Staden’s email enquiries to him on 3 and 20 April 2023 and subsequent Whatsapp messages on 26 April 2023 and 3 May 2023, he is now in a position to indicate when Mrs Jana Janse van Rensburg of the farm Altar, also known as farm Diepkloof 44/23 and 3 JS in the district of Groblersdal, Limpopo, may expect payment of outstanding compensation from his department for firebreaks done by the specified person to state-owned land bordering her land during the period 1 January 2021 until 31 October 2022, as a result of his department’s failure to maintain fire control measures in accordance with the National Veld and Forest Fire Act, Act 101 of 1998, and sections 17 and 18 of the Fire Brigade Services Act, Act 99 of 1987; if not, why not; if so, what are the relevant details? **NW2070E**

**REPLY:**

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

1. The Department received a letter of demand from Geo Louw (representing Jana Van Rensburg).
2. The region had already obtained a legal opinion from State Attorney.
3. In terms of the legal opinion obtained from the State Attorney, the complainant should not be paid unless if there is a court order to that effect**.** The complainant as per the legal opinion provided, is not being disadvantaged, but in the event they believe in their case, they may proceed and test their case before a competent court of law as they did by way of issuing a letter of demand, hence litigation starts by issuing a letter of demand and the subsequent process shall follow thereafter.
4. It may also pose a challenge with the auditors in the sense that the Department may not have valid grounds as to why it deviated from the legal opinion provided, which legal opinion was accordingly requested by the same Department to guide the Department with the further handling of the matter in question.