**NATIONAL ASSEMBLY**

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**QUESTION FOR WRITTEN REPLY**

**QUESTION NO. 2221**

**DATE OF PUBLICATION: Friday, 2 June 2023**

**INTERNAL QUESTION PAPER 21 – 2023**

**2221. Mr A C Roos (DA) to ask the Minister of Home Affairs:**

With reference to the contingent liabilities of his department that were R2,189 billion as at 31 March 2020 and the 13 extra lawyers who were employed later in 2020 to deal with the specified cases, what (a) were the total contingent liabilities at (i) 31 March 2021, (ii) 31 March 2022 and (iii) 31 March 2023 and (b) was the total cost of the lawyers hired to deal with contingent liabilities in the period 1 April 2020 to 31 March 2023? NW2518E

**REPLY:**

(a)(i) **31 March 2021**: As per the Departmental Annual Report 2021/22, the total contingent liabilities reported was: **R2,358,451,000.00** of which R2,152,423,000.00 was for legal claims;

(a)(ii) **31 March 2022:** As per the Departmental Annual Report 2022/23, the total contingent liabilities reported was: **R2, 338,966,000.00** of which R2,107,068,000.00 was for legal claims;

(a)(iii) **31 March 2023**: As per unaudited Annual Financial Statements (AFS) submitted as at 31st May 2023, the Department has re-stated its assessment of its contingent liabilities following receipt of a commissioned technical report advising the Department on how to disclose its contingent liabilities on legal matters. The Department has therefore re-assessed its disclosed contingent liability amount to **R239,500,000.00** which excludes legal matters. The amount of R2,171,242,664.07 for legal claims is recognised as a note and annexure to the AFS. This amount was not included in the main total because it cannot be reliably estimated as the “possible settlement” amount.

(b) There is no direct correlation between the recruitment of the referred 13 legal resources, and the reduction of the stated contingent liabilities. These officials were employed by the Department to handle all litigation matters emanating from the Department and their employment has no direct bearing on the reduction of the amount disclosed within the contingent liability register, as amounts disclosed are the amounts claimed by the Plaintiffs.

From April 2020 to March 2023, the Department employed one Senior Legal Administration Office who is on level 12 and 7 Legal Administration Officers who are on level 9. The cost of these officials is prescribed as per their level of appointment based on remuneration scales determined by the Department of Public Service Administration (DPSA).

**END**