

**MINISTRY OF DEFENCE & MILITARY VETERANS**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**2320. Mr B H Holomisa (UDM) to ask the Minister of Defence and Military Veterans:**

(1) Whether, in respect of the Auditor-General’s 2015-2016 Annual Financial Report and with specific reference to her department, and in view of the general perception that public servants find it easy to be involved in fruitless litigation cases mainly because the State funds the cases and not the individuals behind them, there is a policy regulating the management of the litigious matters of her department; if so, who is responsible for litigation processes within her department;

(2) how does her department account for the amount of R205 million regarding potential liability;

(3) how many court cases is her department involved in;

(4) whether her department conducts a risk profiling of the cases in order to assess their chances of success;

(5) whether a cost-benefit analysis is done when cases are allowed to go to court; if not, why not; if so, what are the relevant details? NW2653E

**Question 1**: Whether, in respect of the AG’s 2015-2016 Annual Financial Report and with specific reference to her department, and in view of the general perception that public servants find it easy to be involved in fruitless litigation cases mainly because the State funds the cases and not the individuals behind them, there is a policy regulating the management of litigious matters of her department; if so, who is responsible for litigation processes within the department?

**Answer 1**:

Yes, the department has a *“Policy on the Management and Administration of Civil Claims (Including Legal Representation and Legal Opinion) in the Department of Military Veterans”*. The Director Legal Services is responsible for litigation processes within the department.

**Question 2**: How does her department account for the amount of R205 million regarding potential liability?

**Answer 2**: It is reported as a contingent liability in Note 16.1 to the 2015/16 Annual Financial Statements.

**Question 3**: How many court cases is the DMV involved in?

**Answer 3**: The DMV is involved in eight court cases; Of the eight cases, two relate to labour relations and six are contract related.

**Question 4**: Whether the department does conduct a risk profiling of the cases to assess chances of success?

**Answer 4**: Legal Services does determine the merits of each case and also attempts to mediate a matter in order to resolve it amicably without having to resort to litigation. This is done in conjunction with the State Attorney, where applicable.

**Question 5**: Whether there is a cost benefit analysis done when cases are allowed to go to Court, if so, what are the relevant details, if not, why not?

**Answer 5**: Yes a cost benefit analysis is done for all cases involving the department. The cost benefit analysis is also addressed in the mediation process where the department attempts to settle matters amicably without resorting to court. When a letter of demand is received the process starts to resolve the matters without court processes. Where summons was issued and parties have entered into a settlement agreement, the settlement agreement is then made an Order of Court. It is only in exceptional cases where matters are referred to Court for a decision.