**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 2562**

**DATE OF QUESTION: 31 OCTOBER 2018**

**DATE OF SUBMISSION: 14 SEPTEMBER 2018**

**Ms D Carter (Cope) to ask the Minister of Justice and Correctional Services:**

With reference to the alleged corrupt collusion between the State Attorney’s office and claimants of supposed malpractice in the Health Department, (a) what were the circumstances that resulted in this form of fraud to be committed over a protracted period of time without detection, (b) who should have been exercising oversight and (c) what measures have been put in place to ensure this form of fraud does not happen in future?

**NW2852E**

**REPLY:**

1. I have made a request to the President by means of issued a proclamation for the Special Investigating Unit (SIU) to investigate the said allegations.

The State Attorney`s Office is extermelly under-capacitaed in respect of human resources. Many cases were settled on teh door-steps of the court. It may have been a matter of skills and knowledge fo the law in respect of medical negligence cases. The investigation of the SIU will cover the manner of operation of officials in teh various institutions, namely teh State Attorney`s Offices, teh officials at teh courts, the Department of Health,the Attorneys in Private Prctice and the Advocates. The investigationwill study the case files and all its information to check actual information, the bills of cost and payments done in State Attorney`s offices.

Therefore, the DoJ&CD will only be in a better position to respond to this question once the SIU has finalised the investigation regarding the alleged fraudulent activities.

1. Oversight of files in offices is managed by way of file audits, performance management and stakeholder meetings. Management of files by individual attorneys, who are members of the Law Society governed by the relevant ethical rules, exercises oversight.
2. The establishment of the specialised units in offices is aimed at ensuring that there is improved and effective management and co-ordination of state litigation services.