# NATIONAL ASSEMBLY QUESTION FOR WRITTEN REPLY

**PARLIAMENTARY QUESTION NO: 2752 DATE OF QUESTION: 03 DECEMBER 2021**

**DATE OF SUBMISSION: 20 DECEMBER 2021**

**Ms N N Chirwa (EFF) to ask the Minister of Justice and Correctional Services:**

What (a) is the recourse for a parent who seeks legal intervention from maintenance courts and the respondent from whom they are seeking maintenance resources does not receive a court summons to appear in court, (b) steps is his department taking to mitigate this situation and (c) number of times has this situation occurred (i) in the 2020-21 financial year and (ii) since 1 April 2021? NW3267E

**REPLY:**

1. The Department takes a holistic approach to the protection of the inalienable Constitutional provision in respect of the interests of the children. In order to alleviate the problem of prolonged frustration of the maintenance system by persons liable to maintain who can either not be served or are deliberately avoiding service of process, resource for the applicant can found in the provisions of section 6 and 7 of the Maintenance Act 99 of 1998. The said sections provides that whenever a Maintenance officer becomes seized with a complaint he/she should investigate such complaint and can obtain statements under oath or affirmation of persons who may provide relevant information of the person being sought, or gather information concerning the identification or whereabouts of such person as well as their financial position.
2. The Department employs Maintenance Investigations who have the powers to take necessary steps to locate the person being sought. Furthermore, the department uses the Track and Trace system which has access to various online

databases and/ or “ information hubs” that enables the Maintenance Investigator to find alternative addresses, details of properties such as businesses, motor vehicles, ect. Which have been registered in the name of the person being sought so that they can use the information to secure their attendance at court.

1. The reporting system remains inaccessible since the September 2021 cyber- attack on the department, hence, no accurate information can be provided at this point in time and can be provided as soon as possible after the system is restored.

# END

**REPLY:**

The National Prosecuting Authority (NPA) is yet to finalise criminal prosecutions against government officials on charges of corruption regarding personal protective equipment. Therefore, no convictions in this regard have as yet been attained.

However, although no such criminal prosecutions have been finalised, the NPA has initiated criminal prosecutions in respect of the following number of government officials:

|  |  |
| --- | --- |
| National Departments | 1 |
| Provincial Departments | 9 |
| Local Municipalities | 2 |

It is important to note that by 1 December 2021, the number of cases enrolled from the referrals by the Fusion Centre amount to forty-two (42) cases involving ninety (90) accused persons. Apart from the forty-two (42) enrolled, another sixteen (16) were finalised in court, fifteen (15) convictions and one (1) acquittal. These cases do not all relate to corruption charges in terms of the Prevention and Combatting of Corrupt Activities Act, Act 12 of 2004, but include charges of fraud, theft and contraventions of other legislation regarding maladministration related to COVID-19 funds, procurement and allocated funding.