**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 380**

**DATE OF QUESTION: 16 FEBRUARY 2018**

**DATE OF SUBMISSION: 2 MARCH 2018**

**[Adv A de W Alberts (FF Plus) to ask the Minister of Justice and Correctional Services:†**

1. What number of cases between state legal advisors acting as representatives of the State on all three levels of government and the public were (a) settled and (b) brought into question as arrangements made without sufficient power of attorney since 1 January 2010;
2. (a) what number of cases were settled in (i) his department and (ii) each provincial department in total respectively since 1 January 2010 and (b) what was the total amount for each year from 2010?

**NW402E]**

**REPLY:**

1. I wish to request the Honourable Member of Parliament to please clarify what specific information, the MP requires in this regard. The Office of the Chief State Law Adviser provides legal opinions to the National Executive and National Departments, as to the constitutionality and legality of draft Bills and international legal agreements. The Offices of the various State Attorneys act as Attorney of Record for the National Executive as well as National Government Departments.

If the terminology of “state legal advisors” is interpreted as “state attorney”, I am further informed that if the interpretation of the question is to mean “where the state attorney settled the matter without a power of attorney from the client Department”, that the Offices of the State Attorney do not keep such detailed statistics as these matters are kept in general with the statistics of settled matters. If the information is to be sought now, the Office of the Acting Chief Litigation Officer would have to request the various State Attorneys’ Offices to search their files individually as far back as 2010, which would mean an enormous amount of human resources and time would have to be expended in the search, as some of the files have already been closed and archived.

1. (a) (i) I am informed that the Department of Justice and Constitutional Development (DoJ&CD) does not have a readily available database from 2010 until the current financial year in respect to the number of cases settled by the DoJ&CD. However, the information on the amounts claimed and settled is provided in **Table B** below.

(ii) **Table A** below provides details of the total number of cases that were settled for each provincial department during the 2015/16, 2016/17 and 2017/18 financial years:

**TABLE A: Number of cases settled: Provincial Departments**

| **Province** | **2015/16** | **2016/17** | **2017/18** |
| --- | --- | --- | --- |
| Eastern Cape | 62 | 36 | 11 |
| Free State | 42 | 28 | 5 |
| Gauteng | 342 | 251 | 105 |
| Kwa-Zulu Natal | 386 | 412 | 119 |
| Limpopo | 27 | 14 | 7 |
| Northern Cape | 2 | 3 | 1 |
| North West | 28 | 15 | 4 |
| Western Cape | 80 | 28 | 2 |
| **Grand Total** | **969** | **787** | **254** |

(b) **Tables C** below provide details of the total amounts settled for each provincial department.

(i) **TABLE B: Total amount claimed and finalised by the DoJ&CD during the 2014/15, 2015/16 and 2016/17 financial years**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **2014/15** | | **2015/16** | | **2016/17** | |
| **Amount Claimed** | **Amount Finalised** | **Amount Claimed** | **Amount Finalised** | **Amount Claimed** | **Amount Finalised** |
| R 3 647 779 462 | R 3 698 400 | R 6 987 912 594 | R 1 072 417 | R 7 077 064 221 | R 4 622 146 |

(ii) **TABLE C: Total amounts settled: Provincial Departments for the 2015/16, 2016/17 and 2017/18 financial years**

| **Province** | **2015/16** | **2016/17** | **2017/18** |
| --- | --- | --- | --- |
| Eastern Cape | R 31 862 260 | R 62 168 730 | R 92 646 921 |
| Free State | R 1 734 752 | R 3 711 829 | R 236 593 |
| Gauteng | R 337 926 657 | R 58 104 197 | R 86 649 443 |
| Kwa-Zulu Natal | R 27 295 033 | R 195 124 853 | R 169 469 778 |
| Limpopo | R 6 529 173 | R 1 357 058 | R 235 325 |
| Northern Cape | R 17 264 | R 234 900 | R 120 000 |
| North West | R 24 149 652 | R 25 157 373 | R 6 071 163 |
| Western Cape | R 24 235 753 | R 1 495 369 | R 12 500 000 |
| **Grand Total** | **R 453 750 543** | **R 347 354 311** | **R 367 929 223** |

**Note:**

The Province of Mpumalanga does not have a State Attorney’s Office. The Provincial Government of Mpumalanga is assisted by the State Attorney Office in Pretoria.