

**MINISTRY**

**JUSTICE AND CORRECTIONAL SERVICES**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 390**

**DATE OF QUESTION: 24 FEBRUARY 2023**

**DATE OF SUBMISSION: 10 MARCH 2023**

**Mrs Y N Yako (EFF) to ask the Minister of Justice and Correctional Services:[🟊33] [Question submitted for oral reply now placed for written reply because it is in excess of quota (Rule 137(8))]:**

Following his announcement that his department is finalising protocols to allow for private donors to fund the National Prosecuting Authority (NPA), what (a) impact will the private funding of the NPA have on its legislative mandate to prosecute without fear, favour or prejudice and (b) measures will be put in place to ensure that when the private donors violate the law, there would not be impediments preventing the NPA to prosecute them?

**NW414E**

**REPLY:**

Section 36(3) of the National Prosecuting Authority Act, 1998 provides that the Director-General: Justice is, subject to the Public Finance Management Act (PFMA), 1999, charged with the responsibility of accounting for State monies received or paid out for or on account of the prosecuting authority. Treasury Regulations issued in terms of the PFMA provides for the acceptance of gifts, donations and sponsorships. All cash gifts, donations or sponsorships must be paid into the relevant revenue fund. All gifts, donations or sponsorships received during the course of the financial year must be disclosed as a note to the annual financial statements of the institution.

From the above, the framework for the acceptance of private donations in government operates under strict protocols. Further, prosecutors are constitutionally mandated to exercise their prosecutorial powers without fear, favour or prejudice.

In keeping with the PFMA, and the degree of transparency required, oversight over donor funding is exercised by the Office of the Auditor-General as well as the Internal Audit Team. An internal register of all donations is kept centrally and will enable the NPA to disclose these donations in the Annual Financial Statements as per the National Treasury requirements.

The prosecutorial independence of prosecutors ensures that there are no impediments that will prevent the NPA to prosecute private donors who violate the law.

**END**