**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 553**

**DATE OF QUESTION: 08 MARCH 2019**

**DATE OF SUBMISSION: 25 MARCH 2019**

**Mr J J McGluwa (DA) to ask the Minister of Justice and Correctional Services:**

1. Whether his department has engaged with the Department of Public Works at any time during the past five financial years up to the latest specified date for which information is available with regard to the severe lack of maintenance at the Klerksdorp Magistrates Court which is housed at the PC Pelser Building in the Matlosana Local Municipality; if not, why not; if so, for each engagement with Public Works, (a) what issues were brought to the attention of the Department of Public Works, (b) what undertakings were made, (c) what actions followed and (d) what is the current status of each issue identified;
2. what is the annual rent payable to the Department of Public Works for the tenancy of the Klerksdorp Magistrates Court for the past five financial years up to the latest specified date for which information is available;
3. whether he has been informed of the dilapidated, unhygienic and unsafe status of the PC Pelser Building; if not, will he investigate the matter; if so, what steps will he take to ensure that the building adheres to the stipulations of the Occupational Health and Safety Act, Act 85 of 1993, in order to ensure an environment conducive to the administration of justice?

**NW676E**

**REPLY:**

1. The Department of Justice and Constitutional Development (DoJ&CD) has indeed engaged with the Department of Public Works (DPW) on various occasions, during the past five (5) financial years, in respect to the severe lack of maintenance at the Klerksdorp Magistrates Court housed at the PC Pelser Building.
2. Major challenges relate to malfunctioning lifts, aircons (HVAC, heating, ventilation and cooling system), constant tripping of power and plumbing.
3. The Mafikeng Regional office of the Department of Public Works will, after receiving the call log, appoint contractors to attend to the incidents at the court. With regards to the HVAC and electricity challenges, DPW undertook to appoint a contractor for major repairs and refurbishments of both services. DPW further undertook to replace the lifts.
4. In June 2014, the Mafikeng Regional office of Department of Public Works appointed Sebushi Somo Construction and Projects to execute a repair electrical reticulation and mechanical installation project to the value of R39 500 000. This project was for the rewiring and upgrading of the electricity, and for the installation and reticulation of new HVAC system.

Regarding the lifts, there was a project that was on site from 14 September 2016 to 02 October 2017, this was a maintenance project of lifts in the North West. DPW Regional Office used this short term contract to service the lifts of the Court. Since its expiry, it has been a challenge for the lifts to be serviced to a point where the Department of Labour has now issued a contravention notice. The internal Engineers of DPW have recommended that all lifts be replaced since they have reached their life span. Given that the processes of replacing the lifts will take longer, DPW opted to run two processes where a service provider will be appointed to, in the interim, fix the lifts and also appoint Engineers to start with the planning for the major project of replacing the lifts.

A plumbing project will be registered by DPW to attend to all challenges of blocked sewerage pipes and toilets, as well as leaking reticulation pipes.

1. The contractor for the electrical reticulation and mechanical installation is still on site working on the electricity and HVAC systems.

A service provider has since been appointed by DPW to repair lifts in the short term whilst a project to replace all lifts is being registered as a long term solution. An advert has been placed by DPW for the appointment of the Engineers for the long term solution of replacing the lifts. These Engineers will then start with the planning and design of the project in the 2019/20 financial year.

A separate project, relating to all the plumbing challenges at the Court including the basement water spring, is being registered by DPW for planning in the 2019/20 financial year.

1. The PC Pelser Building is a state owned building, and therefore the DoJ&CD pays what is referred to as accommodation charges from the devolved budget. The DoJ&CD is paying DPW accommodation charges on quarterly basis an amount in the tune of approximately R92 million without any breakdown per property from DPW as per Devolution of Budget Framework of 2006. National Treasury has given DPW an exemption to invoice client departments on accommodation charges without supporting documents because DPW has not yet finalised government immovable asset register. The quarterly amount mentioned above is for the entire state owned portfolio currently occupied or utilised by the DoJ&CD, and not per individual building. This payment is meant to pay for property rates, maintenance and rehabilitation/refurbishment, and for the provision of professional services provided by the DPW.
2. The DoJ&CD is aware of the conditions at PC Pelser Building as this project is on the portfolio of the Department. The Regional Office of DoJ&CD together with the National Office have been attending site meetings at the Court to resolve the maintenance challenges. After the Department of Labour issued the contravention notice regarding the lifts, the matter was escalated to the Deputy Directors-General and professionals within DPW. This led to numerous visits to the Court by the DoJ&CD’s Chief Director: Facilities Management and the professional team from DPW National Office. The visits were between June and November 2018 where it was agreed that a service provider be appointed in the interim whilst a major project for the replacement of the lifts is being planned.

I will further engage the Minister of Public Works on our bilateral meetings to ensure that the projects regarding lifts and plumbing works at this Court are expedited.