



**FW de Klerk**  
FOUNDATION

## **FW DE KLERK FOUNDATION WELCOMES INVESTIGATION INTO MINISTER'S LIABILITY**

The FW de Klerk Foundation welcomes the decision of the Constitutional Court to order an investigation into the possibility of the Minister of Social Development's (the Minister) personal liability for the costs of the social grants' case. In a matter which nearly saw the livelihoods of 17 million South Africans dependent on social grants threatened due to the Minister's failure to properly conduct her job, the personal costs order serves as a deterrent to other public officials who fall short of their oversight functions over government departments.

The Public Service Commission Annual Report for 2015/16 stated that the Office of the State Attorney, when litigating, loses as many as 70% of its cases. This figure speaks of ineffective, inefficient and uneconomic use of financial resources, in direct contradiction to the Constitution, which enshrines basic values and principles to undergird public administration.

The final responsibility for the discharge of the constitutional imperative for the state to provide social security rests with the Minister. As such, it is fitting that she be held liable for the ineffectual delivery of the right. That she sought, as the Court pointed out, to blame SASSA officials for the payment crisis, is an indication of a Minister failing to comprehend that the ultimate oversight function over the department rests with the Minister, and no one else.

The order to investigate the Minister's personal liability is a cautious step towards ensuring greater accountability from public officials. It nonetheless is an unprecedented step, which perhaps reveals the Court's (and the Nation's) impatience with recalcitrant public officials.

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