



THE DEPARTMENT OF JUSTICE AND  
CONSTITUTIONAL DEVELOPMENT

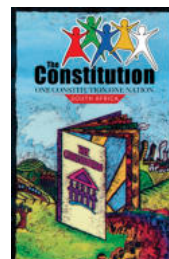
VOTE 25

# ANNUAL REPORT | 2022 2023



**the doj & cd**

Department:  
Justice and Constitutional Development  
REPUBLIC OF SOUTH AFRICA





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# PART A | GENERAL INFORMATION

## 1. Department GENERAL INFORMATION

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## 2. LIST OF ABBREVIATIONS/ACRONYMS

ACRONYM	DEFINITION
ADR	Alternative Dispute Resolution
ADRM	Alternative Dispute Resolution Mechanism
AFU	Asset Forfeiture Unit
AGSA	Auditor General South Africa
APP	Annual Performance Plan
BAS	Basic Accounting System
B-BBEE	Broad-based Black Economic Empowerment
BCMI	Business Continuity Management Instruction
BCSDI	Branch Coordination and Service Delivery Improvement
BEC	Bid evaluation committee
BMS	Building Management Systems
CARA	Criminal Assets Recovery Account
CAT	Convention against Torture
CAVS	Courts Audio-Visual Solution
CDC	Coega Development Corporation
CJS	Criminal justice system
COGTA	Department of Corporate Governance and Traditional Affairs
COJ	City of Johannesburg
CPO	Court Preparation Officer
CRM	Court Recording Machines
CTA	Certificate in the Theory of Accounting
DBSA	Development Bank of South Africa
DCS	Department of Correctional Services
DFI	Departmental Financial Instructions
DG	Director-General
DHA	Department of Home Affairs
DJINI	Department of Justice intranet Information
DMP	Disaster management plan
DNA	Deoxyribonucleic acid
DNDPP	Deputy National Director of Public Prosecutions
DoJ&CD	Department of Justice and Constitutional Development
DPCI	Directorate for Priority Crime Investigation
DPME	Department of Planning, Monitoring and Evaluation
DPP	Director of Public Prosecutions

ACRONYM	DEFINITION
DPSA	Department of Public Service and Administration
DPWI	Department of Public Works and Infrastructure
DSD	Department of Social Development
DWYPD	Department of Women, Youth and Persons with Disabilities
EE	Employment equity
EME	Exempted micro enterprise
EXCO	Executive Management Committee
FATF	Financial Action Task Force
FIC	Financial Intelligence Centre
FMDP	Financial Management Development Programme
FSL	Forensic Science Laboratory
GBV	Gender-based violence
GBVF	Gender-based violence and femicide
GF	Guardian's Fund
GG	Government Gazette
GIAMA	Government Immovable Asset Management Act
GI-TOC	Global Initiative against Transnational Organized Crime
HC	High Court
HR	Human resource
HRD	Human resource development
ICCPR	International Covenant on Civil and Political Rights
ICMS	Integrated Case Management System
ICT	Information and communications technology
ID	Investigating Directorate
IDT	Independent Development Trust
IJS	Integrated Justice System
IMU	Integrity Management Unit
ISM	Information system management
IT	Information technology
JCPS	Justice, Crime Prevention and Security
JYP	Justice Yellow Pages
KPI	Key performance indicator
KZN	KwaZulu-Natal
LAN	Local Area Network
LASA	Legal Aid South Africa
LERMS	Legal and Employee Relations Management Services



ACRONYM	DEFINITION
LGBTQI+	Lesbian, gay, bisexual, transgender, queer and intersex
LLAC	Labour and Labour Appeals Court
LOA/LOE	Letter of Authority / letter of Executorship
LP	Limpopo
LPA	Legal Practice Act
MBA	Master of Business Administration
MEC	Member of Executive Council
MLA	Mutual Legal Assistance
MMS	Middle management services
MOVIT	Master's Own Verification Technology
MTR	Motion to refuse / reconsider / reopen
MTSF	Medium Term Strategic Framework
NAP	National Action Plan
NCOP	National Council of Provinces
NDMC	National Disaster Management Centre
NDoH	National Department of
NDP	National Development Plan
NDPP	National Director of Public Prosecutions
NECOM	National Energy Crisis Committee
NIS	National Intervention Strategy
NOCIMT	National Operation Centre Information Monitoring Tool
NPA	National Prosecuting Authority
NPM	National Preventive Mechanism
NPS	National Prosecutions Service
NRSO	National Register For Sexual Offenders
NSP	National Strategic Plan
NT	National Treasury
NTR	Non-Trial Resolutions
OCJ	Office of the Chief Justice
OCSLA	Office of the Chief State Law Advisor
ODG	Office of the Director General
OEA	Office of Ethics and Accountability
OSD	Occupational-specific dispensation
OSG	Office of the Solicitor General
OWP	Office for Witness Protection
PABX	Private Automatic Branch Exchange

ACRONYM	DEFINITION
PAIA	Promotion of Access to Information Act
PCLU	Priority Crimes Litigation Unit
PDI	Previously disadvantaged individual
PDMC	Provincial Disaster Management Committee
PEC	Public education and communications
PEP	Project Execution Plan
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination Act
PFMA	Public Finance Management Act
PIVA	Person Identification and Verification Application
PMB	Pietermaritzburg
POCA	Prevention of Organised Crime Act
POCDATARA	Protection of Constitutional Democracy against Terrorists and Related Activities Act
PPE	Personal protective equipment
PPP	Private–Public Partnerships
PRVG	Promotion of the Rights of Vulnerable Groups
PSiRA	Private Security Industry Regulatory Authority
PSM	Provincial Security Manager
PTT	Provincial Task Team
PVS	Person Verification Services
QSE	Qualifying Small Enterprise
R&R	Repair and renovation
RICA	Regulation of Interception of Communications Act
RMC	Risk Management Committee
RTMC	Road Traffic Management Corporation
SABC	South African Broadcasting Corporation
SACE	South African Council of Educators
SAHRC	South African Human Rights Commission
SALRC	South African Law Reform Commission
SAMLIT	South African Anti-Money Laundering Integrated Task Force
SAPS	South African Police Service
SARS	South African Revenue Service
SASSA	South African Social Security Agency
SASSETA	Safety and Security, Sector Education and Training Authority
SCA	Supreme Court of Appeal
SCC	Small Claims Court

ACRONYM	DEFINITION
SCCC	Specialised Commercial Crime Court
SCCU	Specialised Commercial Crime Unit
SCM	Supply Chain Management
SCOPA	Standing Committee on Public Accounts
SDIP	Service Delivery and Improvement Plan
SEIAS	Socio-Economic Impact Assessment System
SHERQ	Safety Health Environment Risk & Quality
SITA	State Information Technology Agency
SIU	Special Investigating Unit
SLA	Service Level Agreement
SMS	Senior management service
SOCA	Sexual Offences and Community Affairs
SONA	State of the Nation Address
SOP	Standard operating procedure
SSA	State Security Agency
TCC	Thuthuzela Care Centre
TFMS	Traffic Flow Management System
TID	Technical Indicator Description
TPCA	Trust Property Control Act
TRC	Truth and Reconciliation Commission
TV	Television
UAT	User Acceptance Testing
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
VIS	Victim Impact Statements
VPN	Virtual Private Network
WSP	Workplace skills plan
ZACC	Constitutional Court of South Africa

### 3. FOREWORD BY THE MINISTER

In March 2023, a national conference evaluated the country's progress in fulfilling the Constitution's ideals. The conference aimed to promote constitutionalism, human rights, and the rule of law, especially among the most vulnerable and marginalised groups.

The conference provided an opportunity to reflect on the past 25 years of the Constitution, Nation Building, Gender Equality, and Youth Economic Empowerment. It also addressed issues related to service delivery and social stability while creating a roadmap for harnessing the achievements of democracy.

As we wrap up the 2019-2024 Medium-term Strategic Framework (MTSF) period, we will focus on improving access to justice by addressing challenges and implementing the Department's priorities. We can achieve our goals and build a more just and equitable society.

Although access to justice is not at the required levels, great strides have been made in implementing the Department's priorities. Improving access to justice and building a safer South Africa will remain a top priority in the next MTSF cycle.

Our turnaround strategy began with stabilising the Department's leadership with senior appointments of the Director General, CFO, and key senior management positions. The objective was to integrate capacity and skills into the Department to improve good governance.

We focused on the strategic priorities we had set for ourselves within this administration to realise the Department's vision.

During the initial year of the Medium-Term Strategic Framework (MTSF) period, the Department's performance was at its lowest point. However, the implementation of interventions has resulted in a significant improvement in performance from 51% in 2019/20 to 86% in 2022/2023.

Despite facing persistent challenges, the National Prosecuting Authority (NPA) has exhibited marked performance improvement, rising from 50% to 75% compared to the previous two years. The NPA has



*Minister of the Department of Justice and Correctional Services, Mr Ronald Lamola (MP)*

maintained high conviction rates and significantly increased case finalisation

In South Africa, sexual violence, gender-based violence, and femicide (GBVF) are unacceptable. The DNA project, conducted in collaboration with the South African Police Service (SAPS), has contributed to expeditiously resolving sexual offences matters. Since October 2022 to date, a total of 28,110 DNA reports have been processed. The NPA is committed to dealing with these cases vigorously and placing particular emphasis through the courts on sexual offences cases. The high conviction rate of 74.8% for sexual offences cases demonstrates a firm commitment to delivering justice to victims of sexual offences and GBV.

The Thuthuzela Care Centres (TCCs) footprint has been expanded to facilitate a victim-centred and court-directed approach. In the past three years, the number of TCC sites has increased from 55 to 63 operational areas, and this growth will continue even in this final year of the MTSF period.

The National Prosecuting Authority (NPA) has made noteworthy strides in implementing the Medium-

Term Strategic Framework (MTSF) by achieving successful convictions in cable theft cases, exceeding the five-year target of 80%. Notably, in the 2022/23 fiscal year, an impressive conviction rate of 86.2% was achieved, with 299 convictions out of 347 verdict cases. Despite these achievements, it is evident that there is a need to develop novel apprehension strategies to bring to justice the ringleaders who continue to evade prosecution.

The fight against corruption continues, and the NPA treats this as a strategic priority for the country. Effective responses to corruption cases were devised in collaboration with all partners, with 334 corruption convictions recorded in the 2022/23 financial year.

During the 2022/23 financial year, the capacity of the Investigating Directorate (ID) was significantly expanded, and all operations were institutionalised. The ID enrolled 18 new matters, bringing the total to 34 in the last four years, involving 203 accused individuals and 65 accused entities. Thirteen new matters were authorised, totalling 97 matters authorised in the previous four years.

In close collaboration with the ID, the NPA's Asset Forfeiture Unit (AFU) played a critical part against the scourge of corruption and has delivered significant returns in the past year, showing that crime does not pay. To curb the increase of corruption, the AFU obtained freezing orders to the value of R570 million in corruption or related offences, cumulatively amounting to R10.2 billion over the last four years of the five-year MTSF period.

The finalisation of two high-value corruption cases contributed to the AFU obtaining recoveries in corruption and related matters to the value of R2.83 billion during the financial year. The NPA has recovered R2.55bn in state capture cases alone.

The witness protection programme has maintained the success rate of no persons threatened, harmed or killed whilst on the programme due to an efficient operating model that ensures the safety of witnesses and related persons.

I am incredibly pleased that the Department has received an unqualified audit opinion on its financial statement, which is remarkable. The hard work and dedication of the departmental officials have started to pay off, and I am grateful for their efforts.

Good governance is heavily reliant on thorough processes. To this end, the Department is diligently executing an audit action plan to address any negative

audit findings on performance information. The goal is to progress from an unqualified audit qualification to a clean audit opinion by 2023/2024.

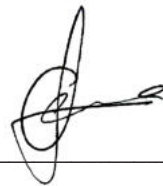
The government is committed to transforming state legal services as part of its key priorities. This will enable the government to build capable state legal services and effectively tackle the challenges faced by the State Attorney environment, particularly regarding state litigation contingent liability.

During the 2022/2023 financial year, the Department finalised six policies, which were subsequently approved by the cabinet and submitted to Parliament for noting. These policies cover a range of areas, including managing state litigation, briefing and outsourcing state legal work, initiating, defending and opposing matters, alternative dispute resolution (ADR State Mediation Policy), state legal representation policy, and State Management contingency Liability.

The Department is actively working to enhance and expedite the implementation of the seven-point plan, which aims to modernise the Criminal Justice System (CJS) and make it more efficient and effective. In this regard, the Department must focus on the digitisation and modernisation of the CJS to enable and digitally integrate end-to-end criminal justice business processes and manage inter-departmental information exchanges related to the CJS.

Eleven (11) government departments/entities are currently connected to the IJS hub, which enables them to exchange information electronically. The integrated departments include SAPS, NPA, DOJ&CD, OCJ, DCS, DSD, Legal Aid SA, DHA, RTMC, PSiRA, and SASSA.

In conclusion, I express my gratitude to the Department of Justice and Constitutional Development officials under the leadership of Adv Doc Mashabane, who are committed to ensuring the Department meets its mandates and obligations. The dedication and commitment of all officials to addressing the adverse outcomes of the audit is beginning to pay off.



**Ronald Lamola (MP)**  
**Minister of the Department of Justice and**  
**Correctional Services**

**Date: 31 July 2023**

## 4. DEPUTY MINISTER STATEMENT

As we are nearing the end of the current Administration, there is a renewed commitment and a sense of urgency to finalize and complete the outstanding initiatives and programmes which we had undertaken to do at the start of this Administration.

Service delivery and access to justice for all remain utmost priorities for our Department. Access to justice is not just access to the courts – it also means access to justice services, to be assisted with dignity by efficient justice officials, to know one’s constitutional rights, how to access these rights and to know where to go when these rights are infringed. Our courts are fundamental for upholding the rule of law, protecting human rights, and ensuring that justice is served in a fair and impartial manner. They play a critical role in interpreting and enforcing the provisions of the Constitution. They are critical to ensuring accountability and transparency in both the government and the private sectors. They are an essential component of our democracy and play a crucial role in protecting rights and freedoms.

It is for these reasons that we must support and strengthen our courts as much as we can. Our Magistrates Courts face a number of challenges on a daily basis. These contribute to case backlogs. Backlog cases are cases which are on the roll for more than six months in the District Courts and more than nine months in the Regional Courts. There are many different reasons why cases are postponed, such as, amongst others, loadshedding, water outages, the unavailability of interpreters, postponements for further police investigations, the unavailability of legal practitioners, prosecutors or magistrates and/or malfunctioning court equipment.

Some of these factors fall within the area of responsibility of our Department, whilst others are the responsibility of other criminal justice stakeholders. All of these reasons for postponements are continuously being tracked and monitored so that appropriate interventions can be made where these they fall within the responsibility of our Department. Where they do not, we engage with the relevant stakeholder.

To combat the challenges of loadshedding and water outages, the Department has introduced a National Facilities Project for the installation of inverters, generators, solar systems, boreholes and water tanks in our courts.



*Deputy Minister of the Department of Justice and Constitutional Development, Mr John Jeffery (MP)*

The Minister of Justice and Correctional Services recently appointed 43 Regional Magistrates for various regional divisions across the country. I, on the recommendation of the Regional Court Presidents and the Chief Magistrates continue to appoint acting magistrates in vacant offices, or in the place of magistrates on leave or on suspension, to ensure that the courts continue to function effectively. This means that where there is a vacancy in a Magistrates post, the post is filled by an acting appointment.

A fully transformed judiciary is a constitutional imperative. The new appointments of regional magistrates will further enhance diversity in our courts in terms of both race and gender, with 57% of the appointments being women and 79% being Black. Of the new appointments, 28% are Black males, 14% are White males, 50% are Black females and 7% White females.

The appointments are an important step in capacitating our judicial officers and our courts so as to enable them to deliver justice for all. Our Magistrates Courts are where most people encounter the justice system for the first time. If the Magistrates Courts work well, it builds trust and confidence in the justice system.

Access to justice also means improving the protection of rights of those who are vulnerable and making it easier for them to access the justice system as well as receiving the necessary support. The recently passed three GBV Amendment Acts, which are now all in effect, have drastically changed the architecture of the legal framework for combatting GBVF.

In the previous financial year, the Department amended the *Minimum Service Standards for the Strategy on Reasonable Accommodations and Measures to Access Justice for Courts Users with Disabilities* in line with these legal developments. Some 70 lower courts were upgraded in line with these Minimum Standards to provide reasonable accommodations and disability-centric support services. A total of 145 disability-centric courts have been established nationwide in the previous two financial years, and in this financial year, the Department plans to upgrade an additional 65 lower courts to offer these reasonable accommodations.

The National Prosecuting Authority has seen significant improvements in the expansion of its Thuthuzela Care Centres (TCCs) whilst maintaining high sexual offences conviction rates, with a current conviction rate of 76%. To date there are 63 operational TCCs located in rural, urban and peri-urban communities nationally. The Jozini TCC in Northern KwaZulu-Natal, which became operational on 1 May 2023, is the most recent addition.

Pursuant to the recent changes introduced by this Parliament in the management of the National Register for Sex Offenders, which were made in response to the demands made by women who marched in 2018 under the umbrella of #TheTotalShutDown Movement, the Department has since 31 July 2022 amended this Register to include particulars of all convicted sex offenders, irrespective of the age and the mental status of the sex crime victim. I therefore urge educators, lecturers and other workers at tertiary institutions, social workers, health care officials, child-care givers, employees at pre-schools and nurseries, employees at civil society organisations, and other persons who offer services directly to vulnerable persons to apply for the NRSO clearance certificates as failure to do so amounts to a punishable offence.

The violence and discrimination faced by the LGBTIQ+ community is rooted in historical and systemic discrimination linked to intolerance in some religious, cultural and traditional beliefs as well South Africa's colonial and apartheid past.

Our Constitution, as well as legislative provisions such as the Promotion of Equality and Prevention of Unfair Discrimination Act, provide explicit protections against violence and discrimination, yet the LGBTIQ+ community continues to face stigmatization, violence and discrimination in their daily lives. Many also report that they have challenges in accessing services from some government and other service providers.

Cabinet has approved the revised National Intervention Strategy (the NIS) on Sexual Orientation, Gender Identity, Expression and Sex Characteristics Matters, so as to ensure that the activities in this NIS continue to meet the needs of LGBTIQ+ people. The revised NIS focuses on prevention programmes to address violence and unfair discrimination on the grounds of SOGIESC, as well as working with faith-based organisations, traditional leaders, human rights organisations, public officials and institutions. It also includes capacity building of officials at service points and service providers in order to address secondary victimization.

Cabinet has also approved the revised National Policy Framework (NPF) against Trafficking in Persons in South Africa in terms of section 40(2)(c) of the Prevention and Combating of Trafficking in Persons Act. Section 40 (1) of the TIP Act provides that the Minister for Justice and Correctional Services must approve the NPF after consultation with the Minister in the Presidency responsible for performance, monitoring and evaluation, the Ministers of Finance, Home Affairs, Health, International Relations and Co-operation, Employment and Labour, Police, Social Development, State Security, Women, Children, Youth and People with Disabilities and the National Director of Public Prosecutions. The NPF must also be tabled in Parliament. We finalised and launched the first NPF in April 2019.

The new revised NPF will further strengthen our hand in the fight against Trafficking in Persons. It comprises of strategic and operational components. The National Anti-Trafficking Strategy identifies the priorities to be pursued in the medium-term three-year goals. The strategy outlines the overall vision of what should be achieved through the NPF and is structured on four pillars, namely prevention, protection, prosecution and partnerships.

These are but some of the many important focus areas of our work in the Department.

As we enter the last year of the current Administration, we do not have a minute to waste. We have one year left of this term in which to make a difference in the lives of people and to ensure that justice is made a reality for all.



John Jeffery (MP)  
Deputy Minister of the Department of Justice and Constitutional Development

Date: 31 July 2023

# 5. REPORT OF THE ACCOUNTING OFFICER

## OVERVIEW OF THE OPERATIONS OF THE DEPARTMENT

Despite several hurdles, the Department's performance improved in the financial year 2022/2023 compared to the previous financial year. The Department achieved 86% of its targets, an 8% increase over the previous year's performance of 79%. This was due to the implementation of strong measures and tight monitoring procedures. It suggests that the performance management discipline that the Department has been developing is bearing fruit.

The improvement in performance reflects ongoing efforts to improve plans and budget alignment. In addition, the establishment of a planning, monitoring and evaluation Exco sub-committee to oversee the development of plans and monitoring of performance indicators and targets implemented contributed to achieving the targets.

Given the focus on modernisation, the Information and Communication Technology (ICT) organisational structure has been revised to give impetus to this key strategic area. ICT will also function as a branch, led by a Deputy Director General. The capacitation of the ICT organisational structure has commenced, in line with the allocated budget. This includes the filling of posts at various levels, including Chief Directors, Directors, Deputy Directors and Assistant Directors. All funded vacant posts are envisaged to be filled in the next first and second quarters of the 2023/2024 financial year. Furthermore, the recruitment process for the DDG: ICT has been finalised and the assumption of office is expected to commence in the first quarter of the 2023/2024 financial year.

The value of information technology (IT) in any organisation is dependent on its infrastructure. IT plays a critical role in maximising productivity and efficiency to increase access to justice services. In line with the



*Director-General of the Department of Justice and Constitutional Development, Adv Doc Mashabane*

objective of using ICT as an enabler, a major IT infrastructure renewal project was undertaken during the financial year under review. Through this project, 3 043 desktops and 2 285 laptops were bought and 176 identified sites' bandwidths have been upgraded. This project will enable the Department to implement operational solutions to increase effectiveness and service.

There have been significant setbacks in the IT environment, including ransomware attacks in September 2021, aging ICT infrastructure, procurement process challenges and capacity issues. The challenges of the procurement process have had an impact on the achievement of modernisation targets. However, the State Information Technology Agency (SITA) has been engaged in resolving delays and the Department is exploring the possibility of being exempt from SITA for other minor services.

Infrastructure maintenance is a continuing challenge



for the Department. A number of areas that need to be addressed have been identified and include budgets, day-to-day maintenance, professional skills required and capacity. A key decision has been made to devolve functions such as infrastructure maintenance, gardening, and cleaning services. The day-to-day maintenance budget delegation has been increased from R100 000.00 to R1 million. It is important for the Department to strengthen its internal capacity to deliver on its projects. A holistic approach to spatial planning is needed to enable departments to contract for shared services.

With the delegation received from the Department of Public Works and Infrastructure (DPWI), the Department has undertaken a pilot project to install inverters/solar energy systems at various service points through minor works.

The Department has implemented various interventions or alternative energy sources to minimise the impact of loadshedding at courts and other service delivery points. These include the procured emergency lights for the cells and all the dark areas of the courthouses and the installation of inverters/solar energy systems. The court staff continue to serve the public during loadshedding, with an emphasis on administrative processes that can be performed manually. These processes are then entered into the Integrated Case Management System (ICMS), MojaPay and other IT systems when power is returned.

The Department is responsible for the administration of the Guardian's Fund, Justice Administered Fund and President's Fund. Collectively these funds administer the fund of R19.9 billion. They have all received clean audit reports.

The issue of fraud cases reported in the Pietermaritzburg office remains a concern. The Department is closely looking at this matter. The Guardian's Fund under the administration of the Office of the Chief Master experienced a fraud incident in Pietermaritzburg office where an amount of R17.8 million was stolen in April 2023. Upon discovery of this incident, an Internal Forensic Investigation was conducted whereby 4 officials were identified as suspects. The 4 officials were placed on precautionary suspension pending the finalisation of all other investigations that were immediately launched. The matter was also reported to the South African Police Service and criminal investigations commenced in earnest. The investigations have thus far assisted in securing an amount of R8.9 million through preservation orders with the assistance of Law Enforcement Agencies. The Law Enforcement Agencies are still continuing to investigate this fraud case and it is believed that the remaining balance will be recovered through the criminal procedures that have been initiated. This fraud incident was reported in the Guardian's Fund annual financial statements for the year ended 31 March 2023 as a non-adjusting post balance sheet event.

## OVERVIEW OF THE FINANCIAL RESULTS OF THE DEPARTMENT:

### *Departmental receipts*

Departmental receipts	2022/2023			2021/2022		
	Estimate	Actual Amount Collected	(Over)/Under Collection	Estimate	Actual Amount Collected	(Over)/Under Collection
	R'000	R'000	R'000	R'000	R'000	R'000
Sale of goods and services other than capital assets	236 095	234 063	2 032	73 088	175 586	(102 498)
Transfers received	-	-	-	3 000	3 906	(906)
Fines, penalties and forfeits	229 558	228 989	569	85 240	161 526	(76 286)
Interest, dividends and rent on land	7 650	2 869	4 781	4 000	4 964	(964)
Sale of capital assets	2 863	7 582	(4 719)		13	(13)
Financial transactions in assets and liabilities	42 304	29 571	12 733	6 700	19 387	(12 687)
<b>Total</b>	<b>518 470</b>	<b>503 074</b>	<b>15 396</b>	<b>172 028</b>	<b>365 382</b>	<b>(195 354)</b>

During the year under review, the Department collected R503 million, an increase of 70, 6 per cent if compared with the revenue collected during the financial year 2021/22 amounting to R365 million. The big share (91 per cent) of the revenue collected emanate from the Masters Office for services rendered on insolvent Estate commission earned for administration and / or liquidation of insolvent and/or deceased Estates as

well as court fines as verdict or admission of guilt and penalties on court order.

The remaining balance comes from untraceable beneficiaries as well as recovery of staff debt from non-contractual obligations accounting for 9 per cent of the revenue collected.

### Programme Expenditure

Programme Name	2022/2023			2021/2022		
	Final Appropriation	Actual Expenditure	(Over)/ Under Expenditure	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
Administration	2 975 465	2 933 492	41 973	2 985 562	2 754 748	230 814
Court Services	7 036 159	7 021 458	14 701	6 751 609	6 680 208	71 401
State Legal Services	1 522 116	1 479 079	43 037	1 457 036	1 372 842	84 194
National Prosecuting Authority	5 027 168	5 013 178	13 990	4 691 159	4 690 923	236
Auxiliary & Associated Services	3 921 116	3 909 286	11 830	3 623 342	3 601 628	21 714
Programme Sub - Total	20 482 024	20 356 493	125 531	19 508 708	19 100 349	408 359
Statutory appropriation: Magistrates' Salaries	2 398 506	2 297 402	101 104	2 396 489	2 174 511	221 978
Total	22 880 530	22 653 895	226 635	21 905 197	21 274 860	630 337

The Department spent 99% or R22.654 billion against the final appropriation amounting to R22.880 billion. The recorded performance is 1,9% above the previous year performance of 97,1%. The reported expenditure benefitted Exempted Micro Enterprises (EME's), Qualifying Small Enterprises (QSE's) and Women owned companies. As at the end of the financial year, the Department had paid a total of R1.1 billion for procurement of goods and services, of which R780 million was paid over to EME's and QSE's. This translated to 71% of the total procurement spent. Included in the R780 million, is an amount of R564 million which was paid to women owned companies which translated to 52% of the procurement spent. The underspending of R226 million mainly relates to salaries due to vacant posts in programmes 1, 3 and 5 as well as vacant magistrates posts. Most of the posts has since been filled and it is anticipated that the Department will have a shortfall in the upcoming financial years, should the Department's baselines not be augmented to cater for Conditions of Living Adjustments.

The Department did not request rollovers during the financial year 2022/23.

The details of the virement made during the year are contained in the appropriation statement from pages 223 to 245.

### Irregular expenditure

The Department has worked tirelessly in dealing with process improvement that prevent Irregular expenditure. The irregular expenditure incurred in the current year amounted to R6.8 million compared to R61.5 million in the previous year. These mainly relates to state legal services which the Department is working closely with National Treasury to find a framework for sourcing state legal services for the state.

In dealing with old cases of irregular expenditure as disclosed on pages 202 to 203, the department resolved a total of twenty-three (23) cases to the value of R2.1 billion. The balance of R872 million relates to two irregular expenditure cases to the value of R667 million which are currently under investigation by Special Investigating Unit for possible fraud and collusion, five cases to the value of R16.9 million of which officials linked to these cases are currently subjected

to disciplinary processes, one case to the value of R5.1 million is with Legal services for determination of legal liability, whilst 45 cases to the value of R183 million are under determination by Internal Control.

### **Fruitless and Wasteful Expenditure**

The fruitless and wasteful expenditure has increased from R57 thousand to R71 thousand in the financial year 2022/23. In dealing with old cases of fruitless and wasteful expenditure as disclosed on pages 203 to 204, the Department resolved a total of sixty two (62) cases to the value of R991 thousand, of which R966 thousand were written off whilst an amount of R45 thousand was recovered. The remaining balance of R77 thousand has been referred to Law Enforcement for determination of legal liability.

### **Strategic focus over the short to medium term period**

- Modernising and increasing access to Justice Services;
- Commitment to build and deepen constitutionalism, respect for human rights and rule of law;
- Review of justice related colonial and apartheid era legislation with the aim of aligning this legislation with the Constitution of the Republic of South Africa, 1996 (Constitution);
- Implementation of the National Action Plan (NAP) to combat Racism, Racial Discrimination, Xenophobia and Related Intolerance in order to advance constitutionalism, human rights and the rule of law;
- Addressing the scourge of gender-based violence and femicide (GBVF) and violence against women and children;
- Transformation of state legal services to improve effectiveness and efficiency through the implementation of the State Attorney Amendment Act, 2014 (Act No.13 of 2014);
- Transformation of the legal profession;
- Provision of facilities (offices/courts/service points) that are accessible to persons with disabilities as required by building regulations;
- Implementation of an integrated education campaign that will profile justice services through the use of variety of multimedia communication mediums to improve citizens' experience of Justice Services;

- Improvement of audit outcomes in respect of the vote account and pre-determined objectives;
- Improving the departmental performance;
- Strengthening the fight against fraud and corruption, by ensuring that the Specialised Commercial Crime Courts (SCCCs) are extended to all provinces in the country which do not yet have a SCCC; and
- Transformation of the Masters services to allow effective and optimal operation.

### **Private–Public Partnerships**

The Department had not concluded any PPP agreements in the financial year under review however the Department is working on the justice precinct over the medium term, it is expected that this will save costs overall for the department.

### **Discontinued key activities/activities to be discontinued**

The Department did not discontinue any activities during the financial year under review.

### **New or proposed key activities**

The Department did not propose any new key activities except key activities aligned to the Department.

### **List of all unsolicited bid proposals concluded for the financial year under review**

The Department did not conclude unsolicited bid proposals for the financial year under review.

### **Supply Chain Management (SCM) processes and systems in place to prevent irregular expenditure**

The Departmental Financial Instructions were reviewed to enhance functionality of bid committees and the review has yielded positive results in the finalisation of bid specification and evaluation processes. To minimise cancellation and readvertisement of bids, all bid specifications and evaluation reports for bids over R10 million were submitted to Internal Audit for quality review. Independent validation and quality review of specification and evaluation reports were also conducted.

To enhance compliance, the Department continued with the implementation of SCM policies, procedures, National Treasury Instruction Notes and checklists. SCM processes were aligned to the Preferential Procurement Regulations 2022. The Department has

bid action and the contract logs which are monitored on a weekly basis. Monitoring of contracts has been enhanced which resulted in service level agreements being finalised within 60 days of award. To improve the delivery of SCM functions, the Department is continuously capacitating SCM officials.

### Challenges experienced in SCM and how they were resolved

Supply Chain Management had a high vacancy rate for critical posts and all these posts were filled. The Department experienced delays in the finalisation of procurement processes for procurement of ICT goods and services by SITA. The relationship with SITA has been enhanced to address turnaround times. Progress in this regard is being monitored.

### Gifts and donations received in kind from non-related parties

Name of Organisation	Nature of gift donation or sponsorship	2022/2023	2021/2022
		R'000	R'000
<b>Received in kind</b>			
COVID-19 decontamination services by Volunteer Ministries Africa		-	3 880
Various donations received by the Department		43 512	18 636
Subtotal		-	-
<b>TOTAL</b>		<b>43 512</b>	<b>22 516</b>

### List the nature of the in kind good and services provided by the Department to or received from parties other than related parties

The in-kind donations received in the current financial year to date amounts to R43.4 million and can be grouped into four broad categories:

- Employee development and capacitation: in kind support was received from local donors, including non-profit organisations and businesses to the value below R10.2 million. This support came in the form of training and skills development as well as workshops and conference attendance by NPA employees.
- Professional services: In-kind support was received from local legal practitioners in the form of pro bono services and corporate support services to the value of R14 million. This support focused largely on accommodation for the co-location of the NPA-lead Task Force on State Capture.
- Thuthuzela Care Centres (TCCs): In-kind support to the value of R13.8 million was received for gender-based violence programmes from local retail businesses.

- Business Leadership South Africa (BLSA): The NPA signed a formal partnership agreement with BLSA to provide tailored support for the rebuilding project of the NPA to the value of R2.9 million. This in-kind support focused on specialized consultancy services, project management support, and capacity development for NPA colleagues working on complex state capture matters. This partnership was mentioned by the President as a positive development in the government's formal response to the Zondo Commission findings.
- A total of R2.5 million was received from various international bodies to which the NPA affiliates for workshops and conferences. The donations were in respect of travel and accommodation

### Exemptions and deviations received from the National Treasury

The Department did not request any exemptions or deviations from National Treasury.

### Events after the reporting date

There are no events reported that meet the requirements of event after balance sheet.

## Conclusion

I hereby reaffirm the Department's commitment to its mandate to enable the administration of justice and advance the constitutional development that will foster the human rights, access to justice and respect for the rule of law. I would like to express gratitude to the Minister of Justice and Correctional Services, Mr. Ronald Lamola, and the Deputy Minister, John Jeffery, for their leadership and support.

Our appreciation goes to the Chairperson and members of Parliament's Portfolio Committee for their oversight of the Department's work. Furthermore, we express our gratitude to a wide range of stakeholders who have made significant contributions to the Department's work through their continuous dedication and commitment.

To conclude, I would like to thank all employees for their concerted effort in ensuring that we deliver services in accordance with the Constitution and precepts of the Public Service.



*Accounting Officer*

**Advocate Doc Mashabane**  
**Director-General: Department of Justice and Constitutional Development**  
**Date: 31 July 2023**



As part of the Justice Learner Campaign, the Department hosted about 90 learners from various schools around Pretoria on 25 May 2022. The schools included Mamelodi High School, Ribanelaka Secondary School and Phelindaba High School from Atteridgeville where learners were exposed in various career opportunities in Justice.

## 6. STATEMENT OF RESPONSIBILITY AND CONFIRMATION OF ACCURACY FOR THE ANNUAL REPORT

To the best of my knowledge and belief, I confirm the following:

All information and amounts disclosed throughout the annual report are consistent.

The annual report is complete, accurate and is free from any omissions.

The annual report has been prepared in accordance with the guidelines on the annual report as issued by National Treasury.

The annual financial statements (Part F) have been prepared in accordance with the modified cash standard and the relevant frameworks and guidelines issued by the National Treasury.

The Accounting Officer is responsible for the preparation of the annual financial statements and for the judgements made in this information.

The Accounting Officer is responsible for establishing and implementing a system of internal control that has been designed to provide reasonable assurance as to the integrity and reliability of the performance information, the human resources information and the annual financial statements.

The external auditors are engaged to express an independent opinion on the annual financial statements.

In my opinion, the annual report fairly reflects the operations, the performance information, the human resources information and the financial affairs of the Department for the financial year ended 31 March 2023.

Yours faithfully



*Accounting Officer*

**Advocate Doc Mashabane**  
**Director-General: Department of Justice and Constitutional Development**  
**Date: 31 July 2023**

# 7. STRATEGIC OVERVIEW

## 7.1 Vision

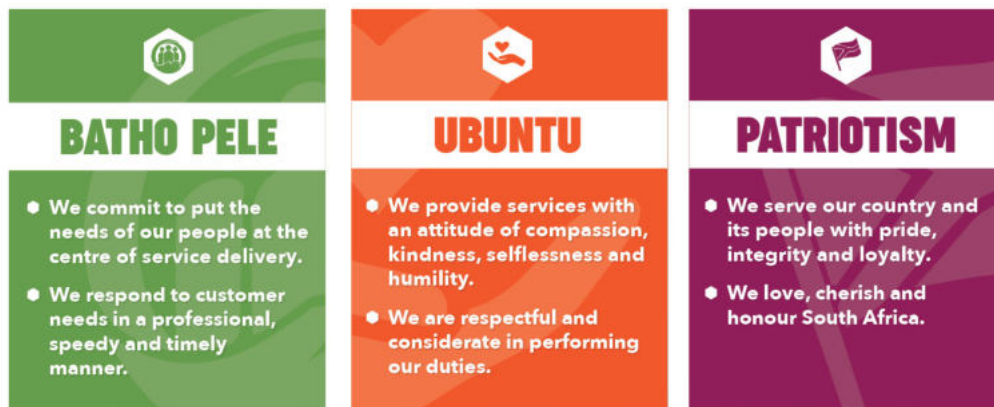
An accessible justice system in a vibrant and evolving constitutional democracy.

## 7.2 Mission

- To enable Access to Justice;
- To promote constitutionalism, rule of law, respect for human rights; and
- To coordinate the state litigation and legal advisory services.

## 7.3 Values

The Department has the following values:



## 8. LEGISLATIVE AND OTHER MANDATES

The Department derives its statutory mandate from a broad range of statutes and legislation. A key constitutional mandate of the Department is derived from Chapter 8 of the Constitution, “Courts and Administration of Justice”.

Specific provisions of the Bill of Rights in the Constitution furthermore give rise to other pieces of legislation which form a significant part of the legislative mandate of the Minister, namely, Section 9 on Equality; Section 12 on Freedom and Security of the Person; Section 14 on Privacy; Section 28 on Children; Section 32 on Access to Information; Section 33 on Just Administrative Action; Section 34 on Access to Courts; and Section 35 on Arrested, Detained and Accused Persons. The legislative mandate of the Department flows from these constitutional provisions, all of which are aimed at advancing and sustaining constitutionalism and the rule of law.

The legislative mandate can be broadly categorised into (i) courts and the administration of justice; (ii) other legislation crucial to the administration of justice and (iii) legislation for the promotion, protection and enforcement of human rights.

### Courts and administration of justice

The Constitution Seventeenth Amendment Act, 2012 affirms the Chief Justice as Head of the Judiciary and assigns to him/her the responsibility to oversee the development and monitoring of norms and standards for the performance of all courts. Performance of courts is therefore the responsibility of the Office of Chief Justice.

The following are legislation providing for the establishment and functioning of superior courts and lower courts, as well as other courts designated to deal with specialised cases which are both at the level of the High Court and Magistrates Courts:

- Superior Courts Act, 2013 (Act 10 of 2013). The Act rationalised, consolidated and amended the laws relating to the Constitutional Court, the Supreme Court of Appeal and the High Court of South Africa. The Act also makes provision for the administration of the judicial functions of all courts and those administrative and budgetary matters relating to the superior courts. The Act provides for assignment of certain functions to the Office of the



Chief Justice (OCJ) which, among others, include support to the Heads of Courts, Judicial Service Commission and the Judicial Education Institute.

- The Magistrates Courts Act, 1944 (Act 32 of 1944). The Act empowers the minister to create various magistrates' court districts, regional divisions and sub districts, and to define their local limits, appoint magistrates, additional magistrates and regional court magistrates as well as persons to act in those offices when necessary and to determine various amounts and fees related to the monetary jurisdiction of the courts, witness fees and others.
- Small Claims Courts Act, 1984 (Act 61 of 1984). The Act empowers the minister to establish small claims courts, determine their seats and areas of jurisdiction, appoint commissioners and determine various amounts related to the jurisdiction of the courts.
- The Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007), aims to comprehensively and extensively review and amend all aspects of the laws and the implementation of the laws relating to sexual offences, and to deal with all legal aspects of or relating to sexual offences in a single statute. This Act provides for the designation of courts to be established as sexual offences courts.
- The Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000), also provides for the designation of courts to sit as equality courts.

#### Other legislation crucial to the administration of justice

The following are key legislation within the administration of justice, with regard to which the Minister of Justice and Constitutional Development has oversight and other responsibilities:

- The National Prosecuting Authority Act, 1998 (Act 32 of 1998), provides for the establishment of a single national prosecuting authority in accordance with the provisions of section 179 of the Constitution. Provision is, among others, made for the structure and composition of a single national prosecuting authority; the appointment, remuneration and conditions of service of members of the prosecuting authority; and the powers, duties and functions of such members.
- The Special Investigating Units and Special Tribunals Act, 1996 (Act 74 of 1996), provides for the establishment, composition, functions and powers of special investigating units for the purpose of investigating serious malpractices or maladministration in connection with the administration of state institutions, state assets and public money as well as any conduct which may seriously harm the interests of the public, and for the establishment of special tribunals through which money owed to the state can be claimed.
- The Prevention of Organised Crime Act, 1998 (Act 121 of 1998), introduces measures to combat organised crime, money laundering and criminal gang activities and prohibits certain activities relating to racketeering activities. Provision is made for the prohibition of money laundering and for an obligation to report certain information. The Act also criminalises certain activities associated with gangs and provides, among other things, for the recovery of the proceeds of an unlawful activity; the civil forfeiture of criminal assets that have been used to commit an offence or assets that are the proceeds of an unlawful activity; and for the establishment of a Criminal Assets Recovery Account.
- Legislation regulating the provisioning of legal services to government departments: the State Attorney Amendment Act, 2014 (Act 13 of 2014) amended the State Attorney Act, 1957 (Act 56 of 1957), to make provision for the establishment of offices of the State Attorney; the appointment of a Solicitor-General and State Attorneys; the powers of the minister relating to the functions of the offices of the State Attorney; and provides for the powers and functions of the Solicitor-General; and matters connected therewith.
- The Legal Practice Act, 2014 (Act 28 of 2014), aims to introduce a legislative framework for the transformation and restructuring of the legal profession in line with constitutional imperatives so as to facilitate and enhance an independent legal profession that broadly reflects the diversity and demographics of the Republic.
- Legislation providing for the establishment of bodies responsible for law reform and rulemaking: the South African Law Reform Commission Act, 1973 (Act 19 of 1973), and the Rules Board for Courts of Law Act, 1985 (Act 107 of 1985).
- Legislation providing for the administration of estates: The legislation provides for the appointment of masters of the High Court and the administration

of the Guardian's Fund and deceased estates (the Administration of Estates Act, 1965 [Act 66 of 1965]), and the making of regulations prescribing the procedure to be observed in connection with insolvent estates and determining policy for the appointment of a curator bonis, trustee, provisional trustee or co-trustee by the Master of the High Court (Insolvency Act, 1936 [Act 24 of 1936]).

### Legislation for the promotion, protection and enforcement of human rights as derived from the Bill of Rights

The following are pieces of legislation, derived from the Bill of Rights, for the promotion and protection of human rights:

- The Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000), gives effect to section 9 of the Constitution by providing for, among other things, the equal enjoyment of all rights and freedoms by every person; the promotion of equality; the values of non-racialism and non-sexism contained in section 1 of the Constitution; the prevention of unfair discrimination and protection of human dignity as contemplated in sections 9 and 10 of the Constitution; and the prohibition of advocacy of hatred, based on race, ethnicity, gender or religion, that constitutes incitement to cause harm as contemplated in section 16(2)(c) of the Constitution.
- The Criminal Procedure Act, 1977 (Act 51 of 1977), regulates aspects relating to criminal procedure in South African law. The Act provides, among other things, for the procedures to be followed in criminal proceedings; arrest and other measures for securing the attendance of accused persons in court; and the release of an accused on warning or bail. It further regulates the laws pertaining to search warrants; seizure and forfeiture of property; and assistance to accused persons. It also regulates the trial process and sentencing options.
- The Protection of Personal Information Act, 2013 (Act 4 of 2013), aims to give effect to the right to privacy by introducing measures to ensure that the personal information of an individual is safeguarded when it is processed by responsible parties. It also aims to balance the right to privacy against other rights, particularly the right to access to information and to generally protect important interests, including the free flow of information within and across the borders of the Republic.
- The Child Justice Act, 2008 (Act 75 of 2008), aims to establish a criminal justice system for children who are in conflict with the law and are accused of committing offences, in accordance with the values underpinning the Constitution and the international obligations of the Republic.
- The Promotion of Access to Information Act, 2000 (Act 2 of 2000), gives effect to section 32 of the Constitution subject to justifiable limitations, including but not limited to limitations aimed at the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance and in a manner which balances the right of access to information with any other rights, including the rights in the Bill of Rights in Chapter 2 of the Constitution.
- The Promotion of Administrative Justice Act, 2000 (Act 3 of 2000), gives effect to the right to administrative action that is lawful, reasonable and procedurally fair and to the right to written reasons for administrative action as contemplated in section 33 of the Constitution.
- Legal Aid South Africa Act, 2014 (Act 39 of 2014), aims to ensure access to justice and the realisation of the right of a person to have legal representation as envisaged in the Constitution and to render or make legal aid and legal advice available; for that purpose, to establish an entity called Legal Aid South Africa with a Board of Directors and to define its objectives, powers, functions, duties and composition; and to provide for the independence and impartiality of Legal Aid South Africa.

# 9. ORGANISATIONAL STRUCTURE



Deputy Minister  
Mr John Jeffery, MP



Minister  
Mr Ronald Lamola, MP



National Director of Public  
Prosecutions:  
Adv. Shamila Batohi



Director-General  
Adv. Doctor Mashabane

Deputy National Directors of  
Public Prosecutions: X4



Chief Financial Officer:  
Ms Irene Singo



DDG: Corporate Services:  
Ms Conny Mametja



Solicitor General:  
Mr Fhedzisani Pandelani



Acting DDG: Constitutional  
Development  
Advocate Lloyd Lotz



Acting DDG: Court Service  
Mr Rodney Isaacs



DDG: Legislative  
Development:  
Ms Kalay Pillay



Chief State Law Advisor:  
Ms Susan Masapu



DDG: Information and  
Communications Technology  
Mr Jabu Hlatshwayo



Acting Chief Master:  
Ms Roberts Penelope



DDG: Institutional  
Development and Support  
Mr Thabiso Thiti



Acting Head of  
Administration: NPA  
Ms Matshidiso Modise

# 10. ENTITIES REPORTING TO THE MINISTER

The table below indicates the entities that report to the Minister of Justice and Correctional Services and are funded through the Department of Justice and Constitutional Development vote account:

Name of entity	Legislative mandate	Financial relationship	Nature of operations
Legal Aid South Africa (LASA)	Legal Aid Act (Act 22 of 1969)	Transfer payment	Renders or makes available legal aid to indigent persons and provides legal representation at the state's expense.
Special Investigating Unit (SIU)	Special Investigating Unit and Special Tribunals Act (Act 74 of 1996)	Transfer payment	Provides professional forensic investigations and litigation services to all state institutions at national, provincial and local level.



# PART B | PERFORMANCE INFORMATION



## 1. AUDITOR GENERAL'S REPORT: PREDETERMINED OBJECTIVES

The AGSA currently performs certain audit procedures on the performance information to provide reasonable assurance in the form of an audit conclusion. The audit conclusion on the performance against predetermined objectives is included in the report to management, with material findings being reported under the predetermined objectives heading in the report on other legal and regulatory requirements section of the auditor's report.

Refer to page 213 of the Report of the Auditor General, published as Part F: Financial Information.

## 2. OVERVIEW OF DEPARTMENTAL PERFORMANCE

### 2.1 Service Delivery Environment

The provision of services is the cornerstone of the improvement of quality of life and human dignity. Access to justice services is closely linked to social inclusion, and the Department's failure to provide services can adversely affect social and economic development.

Infrastructure maintenance and operational challenges have impacted service delivery. These challenges will be addressed through the implementation of service improvement plans that respond to the challenges at service delivery points.

These challenges include network downtime, aging IT infrastructure and power outages/loadshedding cause delays in service delivery. To ensure improvements in service delivery to the public, the Department implemented a variety of interventions, including senior management working closely with frontline staff and an ongoing monitoring system for service delivery.

Below are highlights and challenges of various services delivery areas:



### 2.1.1 The Office of the Family Advocate

There are only 26 sub-offices of the Office of the Family Advocate servicing over 700 courts, including the maintenance courts, divorce courts and domestic violence courts. The office is also plagued by severe capacity constraints as there are only 90 family advocates, 46 family law assistants and 126 family counsellors to provide both the litigation and non-litigation services of the office. This situation still persists despite growing demand for the services and the extension of the regional court seats in all the provinces.

As the Office of the Family Advocate is a creature of statute and consequently had to only act within the prescription of the said legislation, its mandate was limited to the said children only and not any other children, regardless of the harsh and negative circumstances they found themselves in.

The aforesaid mandate was inconsistent with the Constitution of the Republic of South Africa, 1996, and particularly with section 28 (1) (b) and (2) which provides, inter alia, that every child has the right to family care or parental care when removed from the family environment and further that the best interests of the child are of paramount importance in every matter concerning the child.

As a result of the extension of the mandate, the beneficiaries of the services of the office are no longer only children of married parents, but rather all children affected by legal and administrative proceedings regardless of their parents' marital status.

**The extension of the aforesaid mandate resulted in the following:**

- The facilitation and registration of the Parental Responsibilities and Rights Agreement as well as parenting plans;
- The provision of mediation services, thereby promoting amicable dispute resolution;
- The chairing of family group conferences;
- The legislative mandate of the OFA extends to include child abductions matters, and Central Authority services international cases of disputes over abductions and contact. South African international comity is also addressed through this piece of legislation.

The discharge by the Office of the Family Advocate of its mandate also contributes to the government's crime prevention strategy in that it strives to promote family cohesion and a stable environment for children, as opposed to juvenile criminals, which is essential for the healthy development of every child.

### 2.1.2 The Office of Solicitor General

The Solicitor-General is the executive officer of all State Attorney Offices and is responsible for the coordination and management of all litigation in which the state is involved. There are 13 State Attorney Offices situated in all provinces and their function is to perform in court, or in any part of the country, work on behalf of the Government of the Republic that is by law, practice or custom performed by attorneys, notaries or conveyancers.

As at the end of 31 March 2023, a total of 5 head of State Attorney Offices were still vacant, which has a major impact on the performance of the branch. However, HR is in the process of filling the remaining vacancies. The recruitment process for the position of Office Head for State Attorney: Port Elizabeth has been finalised, and the incumbent is expected to assume duty in the 2023/2024 financial year.

**During the period under review, the Office of Solicitor General (OSG) has finalised 6 policies that were approved by cabinet, as listed below:**

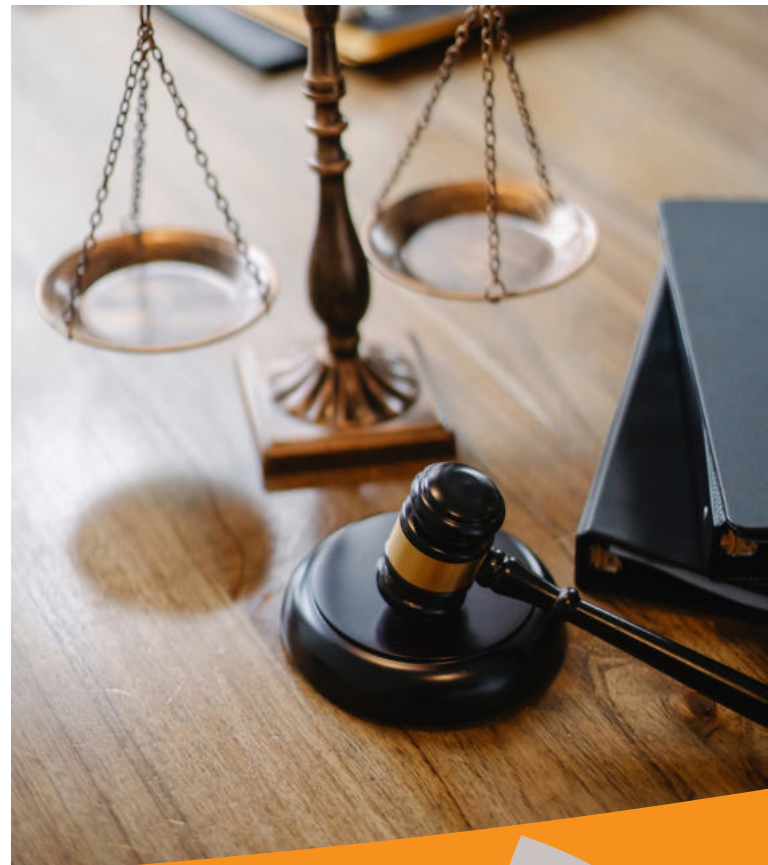
1. Management of state litigation;
2. Briefing and outsourcing of state legal work;
3. Initiating, defending and opposing of matters;
4. Alternative dispute resolution (ADR state mediation policy);
5. State legal representation policy; and
6. State management contingency liability.

The above policies were submitted to Parliament for noting during the 2022/2023 financial year.

The offices of the State Attorney as well as state departments have, for years, been experiencing challenges in the management of state litigation.

The OSG continues to engage stakeholders with the objective of introducing the office, clarifying its mandate, outlining challenges relating to briefing protocols and patterns, procuring legal services and outsourcing state legal work.

During the period under review, a total of 12 stakeholder engagements with legal practitioners in all 9 provinces were held.



# 365 DAYS TO END GENDER-BASED VIOLENCE AND FEMICIDE

Gender-based violence is an issue of great importance in South Africa. Following the enactment of three gender-based violence bills, the Department is working to implement the provisions of these acts.

## 2.2 Improved access for Justice Services

### a) Gender-Based Violence (GBV)

The Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2021 (Act 13 of 2021), which became operational on 31 July 2022, responds to the public call and the Presidential Summit Declaration against Gender-based Violence and Femicide to tighten the protection afforded by the National Register for Sexual Offenders (NRSO), and therefore it:

- extends the ambit of the offence of incest;
- introduces a new offence of sexual intimidation to protect persons from threats of imminent sexual harm;
- substitutes the phrase “person who is mentally disabled” or “persons who are mentally disabled” wherever the phrase appears with the phrase “person or persons with mental disabilities”;
- further regulates the inclusion of particulars of persons in the NRSO;
- extends the list of persons who are to be protected in terms of Chapter 6 of the Act;
- extends the list of persons who are entitled to submit applications to the Registrar of the NRSO;
- further regulates the removal of particulars of persons from the NRSO; and
- further regulates the reporting duty of persons who are aware that sexual offences have been committed against persons who are vulnerable (amending section 54).

Pursuant to the submission of the amended NRSO regulations to Parliament, the Registrar delegated some of the duties, powers and functions to the Provincial Offices to bring the NRSO services closer to the people

and to ensure the speedy issuing of clearance certificates to applicants who work in environments that expose them to vulnerable persons, as defined by the Act. With this progressive change, the office of the NRSO has 9 provincial registrars drawn from the existing capacity in the Department.

In terms of section 51 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007), the Registrar is empowered to receive and process applications for the removal of the particulars of sex offenders from the National Register for Sex Offenders. In this financial year, a total of 115 applications for removal were received and processed.

### b) Master’s services

#### (i) Online Deceased Estate solution

During the period under review, Phase 2 of the online solution with transaction capability was completed by 31 March 2023. The online registration of deceased estates will cut across the population, as both the rich and poor would be and are affected by death. The development and deployment of online registration of the deceased estates will be a practical method that enables people who want to report their deceased estates to do so remotely, in the comfort of their office, home or any other place. This approach will be an effective measure to reduce the number of customers in the Master’s Offices or at the service points and will enhance access to the Master’s services in the country.

Online registration will speed up the registration process and provide faster access to beneficiary and trustee information. The pilot project took place



in Johannesburg and Durban in March and April 2023 respectively. New functionality has been added to the platform to allow customers to book an appointment with the Master's Offices online and receive status updates on their requests via SMS. It envisaged that three Master's Offices will be fully implemented by March 2024, followed by a National roll-out inclusive of service points.

The process to revise and amend the Administration of Estates Act, 1965 (Act 66 of 1965), in its totality, to enable modernisation and the monitoring of developments in the country, which was unavailable at the time of the last amendment to the Act, has already started in the 2022/2023 financial year and it is expected to continue in the 2023/2024 financial year. Due process with respect to legislation amendments is cumbersome and time-consuming in nature.

Self-help computers were installed in all Master's Offices and this enables professional members of the industry to capture new estates themselves, freeing the hands of officials to consider documents and the issuing of appointments.



### (ii) Online Guardian's Fund solution

The development of the Guardian's Funds financial management and administrative system began in the 2021/2022 financial year and it is expected to be finalised and rolled out in the 2023/2024 financial year.

Over the last few financial years, the Department, through the Master's Offices, has deployed Master's Own Verification Information Technology (MOVIT) at 302 points of service, which allowed the applicant to submit the Guardian's Fund application at a Magistrate's Court and the fingerprints are verified by MOVIT. However, when the Department's system was hacked in September 2021, the server linked to beneficiary data and connectivity to the Department of Home Affairs, with respect to MOVIT, was lost.

The server and connectivity have since been restored, but users from all service points must be re-registered and the MOVIT application re-installed. Master's Offices have already registered users at the 15 Master's Offices and 49 service points. For the 2023/2024 financial year, the Department plans to expand the number of service points from 49 to 150 for re-registration.

### (iii) Online Trust solution

The Department is currently working on an online trust solution. This will streamline the trust registration process and help curb fraud as applicants will be able to submit their applications online and it will reduce the workload of the trust sections, as most information will be captured and scanned by applicants. The trust online system is expected to be piloted during the 2023/2024 financial year.

The process to revise and amend the Trust Property Control Act, 1988 (Act 57 of 1988), as a whole to enable modernisation and greater control by the Master has commenced in the 2022/2023 financial year. This will also assist in the rating of the country in the next country peer review and it will enable the Master to obtain and store more information necessary to combat fraud and money laundering through potential beneficial ownerships.

#### 2.2.1 Improvement in administration in support of service delivery

A number of key ICT initiatives have been undertaken to improve administrative efficiencies in support of service delivery. For the financial year under review, these initiatives were largely focused on justice services and the Integrated Justice System. These initiatives are discussed below.

2.2.1.1 Modernisation and digitised justice service platforms

ICT: In line with the Department’s strategic focus on modernising through the use of digital capabilities, the Department continued to implement programmes and initiatives aimed at digitising and increasing access to justice services. These initiatives included the following:

a) Online Services: Phase 2

The following modules have been enhanced with respect to its Phase 2 features and will be piloted during first quarter of the 2023/2024 financial year, after which national rollout will commence:

- Maintenance online services;
- Deceased Estates online services;
- Domestic Violence Protection Orders online services;
- Civil Online Services; and
- Guardian’s Fund Solution.

b) The integration with the JCPS cluster

The integration includes the submission by the Department of court information (e.g. case outcomes) for use by other JCPS departments through the IJS transversal hub. In this regard, the Department has developed and tested 4 ICMS Criminal-related integration messages for the IJS transversal hub, which will be implemented in first quarter of 2023/2024.

2.2.1.2 Integrated Justice System

The programme focuses on 3 priority areas: (1) person management to empower the CJS to identify, verify, track, and where necessary, safeguard all persons moving through the criminal justice system, creating a holistic single view of a person, including accused persons and victims; (2) case integration to facilitate the digitisation of the CJS for the efficient, seamless exchange of electronic case information between IJS member departments; and (3) system-based performance instrumentation and BI reporting on the health status of the South African CJS.

The following delivery highlights were achieved in 2022/2023 across these three priority areas:

a) CJS person Integration Achievements



**3,283,139** APRIL 2016 – MARCH 2023  
 Cases processed electronically from SAPS docket, to NPA enrolment to DOJCD Court Proceedings

The IJS Case Integration work package seeks to realise a streamlined and efficient CJS process with effective case processing and fair outcomes. This is achieved by establishing a robust platform for managing inter-departmental information exchanges across the CJS. Further, CJS departmental capabilities will be enhanced to strengthen and improve the effectiveness of the South African CJS. During the 2022/2023 financial year, 355 273 cases were electronically processed via the IJS Transversal Hub using IJS system integrations between the SAPS, the NPA and the DoJ&CD. Cumulatively, more than 3 283 139 cases have been processed since inception. These electronic information exchanges include associated docket ready notifications, docket requests, electronic charge sheets, and electronic case outcome (postponement date and reasons) integrations.

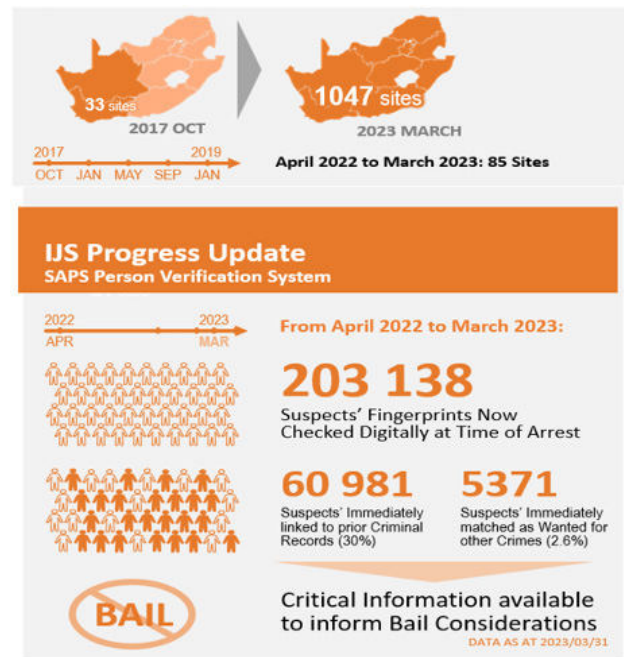
The solution is in operation nationally, with these integrations connecting 1 156 police stations linked to 509 courts across all 9 provinces. These case integrations have significantly reduced time spent on data capturing and have provided valuable business information for the management of the criminal justice system. There has also been extensive management focus on embedding the use of the system applications.

The IJS is actively engaging with the NPA senior management to promote the adoption of the electronic case management system, with the ultimate objective of ensuring docket screening functions are performed.

**b) IJS Case Integration Achievements**

All parties in court are now able to use their own laptops and/or mobile tablets (iPads) to access and refer to digital versions of case materials. The solution has enabled each party to record notes and annotations, highlight and redact content as needed, and choose whether notes and annotations be shared or kept private.

The use of the Person Identification and Verification Application (PIVA) provides a critical person-related function at SAPS stations, enabling the identity of an arrested individual to be verified using their fingerprints and checked against DHA records. In addition, the SAPS officer is provided with immediate feedback as to whether the accused has a prior criminal record, and/or is wanted as a suspect for other police cases. This information about an accused is critical in assisting the NPA to make relevant bail arguments during a suspect’s first court appearance.



For the 2022/2023 financial year the solution was used to check more than 203 138 accused persons, and in near real-time it was determined that over 60 981 of these individuals (30%) have prior criminal records that could be referenced. Further, 5 371 (2.6%) wanted persons could be identified as linked to SAPS circulations as persons of interest for other cases. Given these successes in the identification of persons of interest, it is unfortunate that the utilisation of the solution has been adversely reduced by the impact of the COVID-19 pandemic on SAPS operations. This timeous information is assisting SAPS and the NPA during the subsequent management of the accused and providing data to assist bail considerations.

In future, these verifications will be incorporated into the standard SAPS booking process, to be delivered by the SAPS integrated person management (IPM) project. The current PIVA application is an interim solution, requiring SAPS to check the accused at the time of the arrest. To maximise the solution benefits and embed this into the arrest process, the programme has planned activities to increase awareness of the PIVA report available for use by prosecutors and magistrates during bail considerations.



**SOUTH AFRICAN SOCIAL SECURITY AGENCY INTEGRATES WITH IJS**

**ACHIEVEMENTS & CURRENT STATUS**




- To fight fraud SASSA objective to verify identity of social grant beneficiaries using Home Affairs Database
- IJS enables integration of SASSA to DHA, making near real-time person verification service available
- SASSA has deployed online person verification to 400+ SASSA offices nationally

Verifications of Beneficiaries using biometrics from April 2022– March 2023

	<b>Processed</b>
<b>PIVA = 2 008 763</b>	
<b>PIP = 1 915 647</b>	

STATUS AS AT 31 MARCH 2023

The South African Social Security Agency (SASSA) previously approached the IJS to leverage the IJS PIVA services in its anti-fraud operations. By using PIVA, all beneficiaries of social grants are verified (using biometric fingerprints) against the DHA national population register during enrolment. The IJS continues to support the integration with SASSA, with 400+ SASSA offices currently able to submit biometrics for verification.

SASSA utilises the IJS Transversal Hub to combat fraud and ensure beneficiaries' identities are verified using the IJS Person Verification Services (PIVA & PIP). SASSA verified and identified 2 008 763 and 1 915 647 citizens respectively between April 2022 and March 2023.

A cornerstone of the CJS is the correct identification and tracking of persons across the end-to-end criminal justice system, which includes the various IJS departmental systems involved in this process. Providing a unique IJS identifier for a person is therefore essential for the CJS to obtain a holistic view of a person, their current custody status, and associated case history, whilst combatting any potential identity fraud by suspects, alleged accused and convicted criminals.

### c) Court Online

A strategic IJS-funded modernisation project that seeks to transform the management, handling and sharing of records. The Office of the Chief Justice (OCJ) Electronic Filing System (i.e., court online) provides a platform for law firms and litigants to file documents to the courts electronically, via the Internet. Modernisation of traditionally paper-intensive manual processes confers significant efficiency benefits. Beyond minimising the physical movement of people and paper court documents from parties to the courts, it also leverages the benefits of electronic storage, including faster document filing and retrieval and the eradication of the misplacement of case files, and allows concurrent access for viewing the same case file by different parties.

The first component of the solution enables the digitisation of evidence in the court. This enables a fully digital version of the case bundle (including all filed court documents) to be made available electronically to all the relevant parties.

Development for the second component, which is the main engine (CRM dynamics), was completed successfully in the 2021/2022 financial year, and thereafter, in the 2022/2023 financial year, critical new

requirements were developed, tested, and rolled out into production. Piloting for the end-to-end court online solution in the Johannesburg and Pretoria high courts was conducted and successfully completed in November 2022. National rollout is planned for the 2023/2024 financial year.

### 2.2.1.3 The Office of the Chief State Law Adviser

The Department, through the Office of the Chief State Law Adviser, provides legal advice, representation and legislative drafting services to the Executive, all state departments at both national and provincial levels, municipalities, parastatals and independent or autonomous bodies that may refer work to it.

The State Law Adviser provides:

- legal advice and guidance to the state on its proposals, legislation and international agreements and by ensuring that potential litigation against the state, on constitutional and other legal grounds, is considerably reduced;
- scrutinising, developing, drafting and certifying all primary legislation before it is introduced in the Parliament of the Republic of South Africa; and
- ensuring that it is compatible with the Constitution and other legal instruments and that it will withstand constitutional muster.

In this way, the state law advisers make a significant contribution towards the development of constitutional jurisprudence.

The table below indicates the number of requests completed by this office in the 2021/2022 and 2022/2023 financial years:

Financial year	Total number of cases finalised	Total cases finalised within turnaround period
<b>Legal opinions</b>		
2021/2022	441	392
2022/2023	509	472
<b>Preliminary opinions on draft bills</b>		
2021/2022	96	74
2022/2023	93	84
<b>Certification of bills and other legislative instruments</b>		
2021/2022	189	162
2022/2023	189	166

Financial year	Total number of cases finalised	Total cases finalised within turnaround period
<b>International agreements and accompanying legal opinions</b>		
2021/2022	147	138
2022/2023	240	231
<b>Draft Bills approved by Cabinet</b>		
2021/2022	27	27
2022/2023	26	26
<b>Translations into South African official languages</b>		
2021/2022	127	116
2022/2023	170	168

### 2.2.1.4 Extraditions and Mutual Legal Assistance

The DoJ&CD is one of the departments responsible for ensuring successful implementation of extradition orders. In addition, foreign maintenance orders and service of process for civil matters are undertaken.

The table below shows the number of requests that were processed in the 2021/2022 and 2022/2023 financial years:

Financial year	Total processed
<b>Extradition and mutual legal assistance</b>	
2021/2022	153
2022/2023	117
<b>Foreign maintenance orders</b>	
2021/2022	24
2022/2023	23
<b>Service of process</b>	
2021/2022	114
2022/2023	123

### 2.2.1.5 Expungements and pardons

People convicted of certain categories of crimes may apply for expungement of their criminal records in terms of sections 271B and 271C of the Criminal Procedure Act. This process enables people to be re-integrated into the socio-economic environment.

A new IT system was developed to address challenges relating to complaints from members of the public regarding processing of applications for expungement of criminal records, long turnaround times to process such applications and challenges relating to submission of applications. The new system allows for electronic tracking and capturing of applications, automated

electronic correspondence to applicants during all stages of processing of applications, an electronic and paperless process and online expungement applications. The system was tested and piloted during the 2022/2023 financial year and implementation is scheduled for the 2023/2024 financial year.

### a) Expungement

#### Expungement cases

Financial year	Outstanding applications from previous financial year	New applications received during the financial year	Number of applications finalised
2021/2022	11 968	17 996	25 938
2022/2023	4 026	18 842	14 178
% Change	(66%)	5%	(45%)

### b) Presidential pardons

The President of the Republic may grant pardon to people convicted of crimes, based on issues such as circumstances of the case and public interest. There were 507 new requests for pardons received during

the 2022/2023 financial year and this brought the total cases on file to 1 195. From the 1 195 cases, 476 were finalised, 11 pardons granted and 3 refused.

### c) Presidential pardon cases

Financial year	Outstanding requests from previous financial year	New requests received	Number of requests finalised	Number of requests carried forward to next financial year	Matters forwarded to ministry	Number of pardons granted
2021/2022	807	394	513	688	60	33
2022/2023	688	507	476	719	60	11
% Change	(15%)	29%	(7%)	5%	0%	(67%)

## 2.3 Service Delivery Improvement Plan

The development of the SDIP is guided by processes outlined by the Department of Public Service and Administration (DPSA). The DPSA issued a circular to exempt departments from reporting on current service delivery standards to align the SDIP framework to the strategic planning and annual performance plans framework of the Department of Planning, Monitoring and Evaluation (DPME). Extensive consultation was undertaken to review the plan and is currently in the approval stage.

## 2.4 Organisational Environment

The Department's strategic plan set out the Department's strategic priorities and outcomes. The Annual Performance Plan had to be re-tabled to reflect the service delivery initiatives requested by the Portfolio Committee.

Although the Department has made significant strides since the 2021/2022 financial year in improving performance, with limited financial resources and capacity constraints, and the ever-growing demand for improved services, the Department had to balance the aspirations within those parameters. The other strategy

was to improve the governance of reporting, and this also improved performance.

Modernising justice services through the use of digital capabilities requires a supporting, responsive and stable underlying IT infrastructure. The Department's currently ageing IT Infrastructure does not bode well in this regard. In order to address this challenge, the Department held an ICT Strategic Retreat in December 2021, where, amongst other things, the ageing IT infrastructure was extensively discussed and a plan was devised. This 3-year plan, which will continue to be implemented in 2023/2024, seeks to address challenges with outdated end-user equipment (e.g. computers, laptops, printers, and scanners), networks (e.g. LANs and VPNs) and the datacentre (e.g. servers and storage). The Department endeavours to upgrade and ensure the continuous upkeep of its IT infrastructure, as this will not only impact on the delivery of existing services enabled by technology, but also its modernisation programme. During 2022/2023, the following progress has been made in this regard:

- **Datacentre Upgrade, Email Platform Upgrade and identified Applications Migrated** – the Datacentre equipment (servers and storage) has been upgraded as part of a private cloud capability initiative. Approximately 800 officials have been migrated to the new online email platform thus far. Business applications have begun to be migrated to the new datacentre and include MojaPay (migrated) as well as ICMS and Online Services Portals, which are currently underway. The remaining business applications (DJINI and Itirele) are envisaged to be migrated by the first quarter of the 2023/2024 financial year.
- **Network Upgrade (Bandwidth and Wi-Fi)** – 176 identified sites' bandwidths have been upgraded. The Department is awaiting the SLA from SITA to upgrade more sites. The upgrade is an ongoing process and is undertaken based on continuous network assessments that are performed by the Department per site. Wi-fi equipment for 100 sites has been procured and will be installed by the first quarter of the 2023/2024 financial year.
- **End User Devices (PABX, Laptops, Desktops)** – 283 PABX sites have been upgraded. The procurement for the replacement of 2 285 laptop and 3 043 desktop computers has been completed. The replacement will be carried out in 2023/2024. Further procurement of desktops and laptops will be considered in the 2023/2024 financial year.

- **Cybersecurity** – The Department continues to implement measures to protect against cybersecurity attacks. This includes the undertaking of vulnerability tests, penetration tests, implementing solutions for privileged access management and VPN access.

## 2.5 Key policy developments and legislative changes

### 2.5.1 Policy update

#### Implementation of the Truth and Reconciliation Commission recommendations

There are a number of projects that the Department continues to implement, in line with recommendations made by the Truth and Reconciliation Commission. Progress is indicated within this section.

##### (i) Basic and Higher Education

During the reporting period, the regulations on basic education and higher education and training were approved for implementation. The object of these regulations is to provide assistance in respect of basic education, adult education and training, further education and training, higher education and training and skills development to TRC-identified victims and their relatives and dependants who qualify for assistance in line with the applicable regulations.

In the previous financial year, TRC-identified victims and their dependants and/or relatives received funding in respect of their basic and higher education needs. For the 2022 academic year, a total of 2 766 applications for basic education were positively verified for victim status (or rightful next of kin in the case of deceased victims) and submitted to the Department of Basic Education for further processing.

With regard to higher education, the number of applications verified for victim status under the higher education and training procedures for the 2022 academic year was 455.

**(ii) Exhumations and Reburials**

The exhumation, handover and reburial of the remains of deceased victims, covering the April 2022 – March 2023 financial period are listed below:

- 26 May 2022 – handover ceremony of the exhumed remains of Bonakele Ngcongolo and Notimba Bozwana at Qamata, Cofimvaba;
- 27 May 2022 – handover and reburial ceremony of the exhumed remains of Phineas Mlotywa at Engcobo;
- 03 June 2022 – reburial ceremony of the exhumed remains of Notimba Bozwana at Cofimvaba; and
- 04 June 2022 – reburial ceremony of the exhumed remains of Bonakele Ngcongolo at Cofimvaba.

The above-mentioned deceased victims were hanged on death row for politically related offences and their remains exhumed in line with the Gallows Exhumation Project.

**2.5.2 Bills processed and some enacted into Acts of Parliament**

The Department assisted the Portfolio Committee on Justice and Correctional Services during the deliberations on some of the bills that were introduced during the previous financial years to ensure that they are finalised or making significant progress in Parliament, as well as to bring into operation those bills that were enacted. These bills are as follows:

Name	Purpose	Progress
a) The Land Court Bill:	<p><b>The broad purpose of the Bill is to</b></p> <ul style="list-style-type: none"> <li>• enhance and promote access to land on an equitable basis;</li> <li>• promote land reform as a means of redressing the effects of past discrimination and facilitate land justice; and for this purpose,</li> </ul> <p><b>The Bill aims to</b></p> <ul style="list-style-type: none"> <li>• establish a Land Court with jurisdiction to grant any order, any other appropriate relief or impose any sanction, as provided for in the Bill or any other law that confers jurisdiction on the Court;</li> <li>• establish a Land Court of Appeal to hear and determine appeals emanating from the judgments and orders of the Court; and</li> <li>• provide for court-ordered mediation or arbitration.</li> </ul> <p>The Bill therefore not only establishes a fully capacitated, permanent Land Court under its own founding legislation with jurisdiction to deal with matters currently dealt with by the Land Claims Court, but also aims to broaden its mandate to adjudicate on matters in respect of other land-related legislation.</p> <p>The Bill incorporates structures that encourage the use of alternative dispute resolution.</p>	<p>The Bill was introduced in Parliament on 19 May 2021 and has since been passed by the National Assembly and referred to the National Council of Provinces. In this regard, the Department has briefed the Select Committee on Security and Justice on October 2022 and will further support the Select Committee during its deliberations on the Bill.</p>



Name	Purpose	Progress
b) Cannabis for Private Purposes Bill	<p><b>The Bill seeks, among other things, to</b></p> <ul style="list-style-type: none"> <li>• address the impermissible constitutional limitations of sections 4(b) and 5(b) of the Drugs and Drug Trafficking Act, 1992 (Act 140 of 1992) (the “Drugs Act”) on the right of privacy of an adult person to use and possess cannabis or cultivate cannabis plants in private for personal use;</li> <li>• remove restrictions on the commercial cultivation, production and retail of cannabis and allow for the enactment of legislation in order to implement a commercial model of cannabis regulation;</li> <li>• regulate the use and possession of cannabis and the cultivation of cannabis plants by an adult for personal use in order to protect other adults and children against the harmful effects of cannabis; and</li> <li>• to protect children against the harms of cannabis through criminal offences.</li> </ul>	<p>The Bill was introduced in Parliament on 1 September 2020 in order to deal with the Constitutional Court in Minister of Justice and Constitutional Development and Others v Prince (Judgment), which declared (a) sections 4(b) (possession) and 5(b) (cultivation) read with Part III of Schedule 2 of the Drugs and Drug Trafficking Act, 1992 (the “Drugs Act”), and (b) section 22A(9)(a)(i) of the Medicines and Related Substances Control Act, 1965 (the “Medicines Act”), read with Schedule 7 of Government Notice No. R. 509 of 2003, unconstitutional on the basis that these sections amounted to an impermissible limitation of the right to privacy (section 14 of the Constitution).</p> <p>The Bill is still under deliberation in Parliament.</p>
c) Prevention and Combating of Hate Crimes and Hate Speech Bill	<p><b>The Bill seeks, among other things, to</b></p> <ul style="list-style-type: none"> <li>• give effect to the Republic’s obligations in terms of the Constitution and international human rights instruments concerning racism, racial discrimination, xenophobia and related intolerance, in accordance with international law obligations;</li> <li>• provide for offences such as hate crimes and the offence of hate speech and the prosecution of persons who commit those offences;</li> <li>• provide for appropriate sentences that may be imposed on persons who commit hate crime and hate speech offences; and</li> <li>• provide for the prevention of hate crimes and hate speech.</li> </ul>	<p>The Prevention and Combating of Hate Crimes and Hate Speech Bill (B-9 – 2018) (the “Bill”), was introduced into Parliament on 13 April 2018. The Bill was approved by the National Assembly on 14 March 2023 and referred to the National Council of Provinces for concurrence.</p>

### 2.5.3 Bills implementing Constitutional Court judgments:

The implementation of judgments of the Constitutional Court in relation to provisions of legislation which were declared unconstitutional is very critical to upholding the rule of law and to affording persons the protection provided for in the Constitution. In this regard the following are noteworthy:

Name	Purpose	Progress
a) The Drugs and Drug Trafficking Amendment Bill:	<p>The Constitutional Court declared section 63 of the Drugs and Drug Trafficking Act, 1992 (Act 140 of 1992) unconstitutional since it argued that the power delegated to the Minister to amend the Schedules of the Act by inserting prohibited substances is within the domain of the Legislature and not the Executive.</p>	<p>A draft Bill was developed and subsequently enacted into an Act of Parliament (Drug and Drug Trafficking Amendment Act, 2022 [Act 14 of 2022]) to emphasise the importance of the constitutional principle of separation of powers, in this instance, between the Legislature and the National Executive, which is an important safeguard against the abuse of power by any arm of government.</p>

Name	Purpose	Progress
<p>b) Judicial Matters Amendment Bill:</p>	<p>A draft Bill has been developed and introduced in Parliament.</p> <p><b>The Bill seeks to</b></p> <ul style="list-style-type: none"> <li>• amend numerous acts, which are administered by the Department. The amendments are largely technical and of a non-contentious nature, and deal with several Constitutional Court Judgments, namely, to repeal section 21(2)(a) of the Matrimonial Property Act, 1984 (Act 88 of 1984) and the Maintenance of Surviving Spouses Act, 1990 (Act 27 of 1990), consequent to the judgment in <i>Sithole and Another v Sithole and Another</i> [2021] ZACC 7, which found section 21(2)(a) to be unfairly discriminatory and not justifiable under section 36 of the Constitution to the extent that it maintains and perpetuates the discrimination created by section 22(6) of the Black Administration Act, 1927 (Act 38 of 1927) by regarding marriages of Black couples entered into under the Black Administration Act before 1988 to be automatically out of community of property.</li> <li>• The Bill also addresses the judgment in <i>Bwanya v Master of the High Court, Cape Town and Others</i> [2021] ZACC 51 wherein the Constitutional Court ruled the omission of a partner in a permanent life partnership (in section 1 of the Intestate Succession Act, 1987 [Act 81 of 1987]), in which the partners have undertaken reciprocal duties of support, from the benefit of inheriting in an intestate estate, unconstitutional.</li> <li>• Furthermore, the Bill amends section 10 of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000) consequent to the CC judgment of <i>Qwelane v the South African Human Rights Commission and Another</i> [2021] ZACC 22.</li> </ul>	<p>The word “hurtful” is deleted from the definition of words “that may be published or propagated”.</p>
<p>c) Regulation of Interception of Communications and Provision of Communication-Related Information Act</p>	<p>A draft Bill is being finalised to address the Constitutional Court judgment in the matter of <i>AmaBhungane Centre for Investigative Journalism NPC and Another v Minister of Justice and Correctional Services and Others; Minister of Police v AmaBhungane Centre for Investigative Journalism NPC and Others</i> [2021] ZACC 3. The Court declared the Regulation of Interception of Communications and Provision of Communication-Related Information Act, 2002 (Act 70 of 2002) (RICA) to be unconstitutional only to the extent that the RICA fails to:</p> <ol style="list-style-type: none"> <li>(a) provide for safeguards to ensure that a Judge designated in terms of section 1 is sufficiently independent;</li> <li>(b) provide for notifying the subject of surveillance of the fact of her or his surveillance as soon as notification can be given without jeopardising the purpose of surveillance after surveillance has been terminated;</li> <li>(c) adequately provide safeguards to address the fact that interception directions are sought and obtained <i>ex parte</i>;</li> <li>(d) adequately prescribe procedures to ensure that data obtained pursuant to the interception of communications is managed lawfully and not used or interfered with unlawfully, including prescribing procedures to be followed for examining, copying, sharing, sorting through, using, storing or destroying the data; and</li> <li>(e) provide adequate safeguards where the subject of surveillance is a practising lawyer or journalist.</li> </ol>	<p>The declaration of unconstitutionality took effect from 4 February 2021, with the judgment, however, being that the declaration was suspended for 36 months (due to expire on 3 February 2024) to afford Parliament an opportunity to cure the defect causing the invalidity. During the period of suspension, RICA was deemed to include certain additional sections.</p>

### 2.5.4 Bills already introduced

Name	Purpose	Progress
a) Amendment of section 6 of the Constitution	The Department has, following the adoption of a resolution by Parliament in 2016 and the pronouncement by the President during his SONA speech in 2020 that South African Sign Language must be recognised as an official language, taken several steps to give effect to this undertaking. This includes an amendment of section 6 of the Constitution, as provided for in the Constitution Eighteenth Amendment Bill, being prepared as well as processing the necessary procedural steps for the required notice in terms of section 74(5) of the Constitution, making known the intention to amend section 6 and the reasons therefor.	The draft Bill was introduced in Parliament on 13 January 2023 and the Department also briefed the Portfolio Committee on Justice and Correctional Services, which subsequently adopted the Bill and submitted it to the National Assembly.
b) Repeal of the Transkeian Penal Code Bill	<p><b>The Bill seeks to</b></p> <ul style="list-style-type: none"> <li>repeal and replace the Transkeian Penal Code, 1983 (Act 9 of 1983) of the former Republic of Transkei, which is still applicable in the former Transkei (falling within the geographical area of the Province of the Eastern Cape).</li> </ul>	The Bill was introduced in Parliament on 15 December 2022 and subsequently passed by the National Assembly and referred to the National Council of Provinces. The Department briefed the Select Committee on Security and Justice on 22 March 2023.

### 2.5.5 Bills in progress

Name	Purpose	Progress
a) The Magistrates Bill and Lower Courts Bill	The Magistrates Act, 1993, emanates from an era before the advent of the new constitutional dispensation in South Africa.	The Magistrates' Courts Act, 1944, has been amended on various occasions but, because it is still archaic, it is necessary to review the whole Act. The Department prepared and published for public comments the two separate bills, which are intended to transform the statutory framework regulating the structure and functioning of the lower courts and the conditions of employment of the lower courts' judiciary. However, the comments raised a number of policy issues, some of which may require amendments to the Constitution. In this regard, the Department supported the Ministry in engaging with the judiciary and policy matters are being considered accordingly.
b) The Extradition Bill	<p>The Extradition Act, 1962 (Act 67 of 1962), is an outdated act, which is not in line with modern law and practices and which does not enable South Africa to comply with all its international obligations relating to extradition in an appropriate manner. A new Bill was prepared, providing for the extradition of persons sought for extraditable offences to and from South Africa to requested states with which South Africa has concluded an agreement and for the surrender of persons sought to international entities having jurisdiction in respect of international crimes (genocide, war crimes and crimes against humanity).</p> <p><b>The Bill also seeks to:</b></p> <ul style="list-style-type: none"> <li>clarify the roles and responsibilities of the different functionaries and to put procedures in place to expedite extradition requests.</li> </ul> <p><b>This Bill is aimed at:</b></p> <ul style="list-style-type: none"> <li>ensuring that South Africa is not a safe haven for criminals or said to act with impunity.</li> </ul>	The Bill has been processed through the relevant clusters and published for comments.
c) The Insolvency Bill	With the assistance of a task team, representing relevant government departments, a draft Bill was prepared. The next stage in the process will be to approach Cabinet to approve that the Bill be published in the <i>Gazette</i> for public consultation.	The Bill was submitted to the Ministry for approval to publish for public comments and inputs from the Ministry are awaited before proceeding with the Bill.

**2.5.6 Old-Era Legislation**

The Department has also prioritised a few other apartheid-era Acts that need to be repealed or repealed and replaced. In this regard the following is to be noted:

Name	Purpose	Progress
a) Criminal Law Amendment Bill (relating to Riotous Assemblies Act)	A draft Bill to repeal the Riotous Assemblies Act, 1956 (Act 17 of 1956) and to make provision for the offence of attempt, conspiracy and inducing another person to commit an offence has been developed in consultation with the relevant key stakeholders. The Bill also addresses the Constitutional Court’s decision in the <i>Economic Freedom Fighters and another vs The Minister of Justice and another (ZACC) 2020</i> , which declared the Act as unconstitutional and invalid insofar as section 18(2) (b) of the Act is concerned.	The revised draft Bill, which incorporates the comments of stakeholders, was submitted to the Office of the Chief State Law Advisor for preliminary certification, and will be taken through further processes before its introduction in Parliament.
b) Unlawful Entering on Premises Bill (to repeal and replace the Trespass Act)	The Trespass Act has been identified as a piece of colonial/apartheid era legislation, as it was originally designed to combat trespass, publications and conduct engendering hostility between certain population groups. The Act has lost its relevance in the constitutional democracy given that its express purpose was to suppress political resistance and to manage interaction between race groups in line with apartheid objectives.	A draft Bill was developed and published for comments. Several comments received are being considered.
c) Regulation of Trusts Bill	<p><b>The Bill seeks to</b></p> <p>a) develop legislation that regulates the establishment of trusts in order to provide for legislative measures that are on par with the current socio-economic, jurisprudential and practical landscapes in which trusts are created and operate.</p> <p><b>The Bill also seeks to</b></p> <p>a) replace the Trust Property Control Act, 1988 (Act 57 of 1988). Certain provisions of the draft Bill were incorporated into the General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Act, 2022 (Act 22 of 2022), in view of the implications of the current legal framework not catering for robust mechanisms to record beneficial ownership details and the use of trusts as a vehicle to launder assets.</p> <p>These amendments assisted South Africa in addressing some recommendations of the Financial Action Task Force (FATF), which is an international body that sets international standards on anti-money laundering, countering the financing of terrorism and countering the financing of the proliferation of weapons of mass destruction. South Africa committed to these standards and has been a member of FATF since 2003.</p>	A draft Bill was submitted to the Office of the Chief State Law Advisor, following consultation with key stakeholders, and will be published for public comments.
d) Repeal of Transkeian Penal Code Bill	The Transkeian Penal Code, 1983 was enacted during the apartheid era and remains in full force and effect, despite the amendments made to it in 1996 and 1997, when certain provisions relating to sexual offences capital punishment were repealed.	A draft Bill to repeal the Penal Code was introduced in Parliament on 15 December 2022 and has since been passed by the National Assembly and is now under deliberation by the Select Committee on Security and Justice.
e) Criminal Law (Sexual Offences and Related Matters) Amendment Bill	The Bill repeals the Sexual Offences Act, 1957 (Act 23 of 1957) as well as section 11 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007) to decriminalise the sale and purchase of adult sexual services.	The Bill was published for public comments from 9 December 2022 to 31 January 2023 and the comments received are being evaluated.

### 2.5.7 Operationalised Legislation

Name	Purpose	Progress
a) GBV legislation	The Criminal and Related Matters Amendment Act, 2021 (Act 12 of 2021), the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2021 (Act 13 of 2021) and the Domestic Violence Amendment Act, 2021 (Act 14 of 2021) aim to ensure delivery on strengthening the criminal justice system, promote accountability across the state, and support victims of gender-based violence and femicide.	The Department has put into operation the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2021 (Act 13 of 2021) and the Criminal and Related Matters Amendment Act, 2021 (Act 12 of 2021) with effect from 26 July and 5 August 2022, respectively, whilst work was underway to finalise the regulations and related directives to implement the Domestic Violence Amendment Act, 2021 (Act 14 of 2021) with effect from 14 April 2023.
b) Legal Practice Act, 2014	The Legal Practice Act, 2014 (Act 28 of 2014) aims to introduce a legislative framework for the transformation and restructuring of the legal profession in line with constitutional imperatives so as to facilitate and enhance an independent legal profession that broadly reflects the diversity and demographics of the Republic.	The Department is in the process of putting into operation the sections relating to the appointment of lay persons to disciplinary committees following the finalisation of the required list of lay persons. The Minister will advise the President to put sections 37(5)(e)(ii), 40(1)(b)(ii) and (7)(b), and 41 into operation during May 2023.

### 2.5.8 The following regulations have been promulgated during the period under review

Name	Purpose	Progress
a) Truth and Reconciliation Commission	The Department is implementing in line with recommendations made by the Truth and Reconciliation Commission the two sets of regulations providing for educational assistance to victims in respect of basic education and higher education and training, which were finalised and published for implementation.	The regulations providing for educational assistance to victims in respect of higher education and training were finalised and published for implementation. These regulations will apply until the 2042 academic year.
b) Trust Property Control Amendment Regulations	<p>The Trust Property Control Act, 1988 (Act 57 of 1988) (the "TPCA") aims to drive and the draft Insolvency Policy on the Appointment of Provisional Liquidators/ Trustees.</p> <p>The Trust Property Control Act, 1988 (Act 57 of 1988) (the "TPCA") has been amended by the General Laws (Anti Money-Laundering and Combating Terrorism Funding) Amendment Act, 2022 (the "GLAA"), and the President determined 1 April 2023 as the date on which amendments pertaining to trusts came into operation. The Minister made regulations relating to a public register of persons who are disqualified from serving as trustees, along with beneficial ownership registers and records of details of accountable institutions by trustees in order to enable the implementation of the amendments.</p>	The Regulations were published on 31 March 2023 for implementation with effect from 1 April 2023.

### 2.5.9 Special Investigating Unit Proclamations

Proclamations by the President authorising the Special Investigating Unit (SIU), established under the Special Investigating Units and Special Tribunals Act, 1996 to carry out investigations into improprieties in respect of the following organs of state were published during the financial year under review:

Nr#	Name	Proclamation number	Date of proclamation
1.	Eastern Cape Department of Health	R. 71 of 2022	8 July 2022 (GG46681)
2.	National and Provincial Departments of Health and Public Health Establishments (medical negligence claims)	R. 74 of 2022	22 July 2022 (GG 47055)
3.	Newcastle Municipality	R. 75 of 2022	22 July 2022 (GG47055)
4.	KZN Dept of Transport	R. 76 of 2022	22 July 2022 (GG47055)
5.	SASSA Eastern Cape (Amendment of Proclamation)	R. 78 of 2022	22 July 2022 (GG47055)
6.	South African Council of Educators (SACE)	R. 77 of 2022	22 July 2022 (GG47055)
7.	OR Tambo District Municipality	R. 80 of 2022	29 July 2022 (GG47107)
8.	Lepelle Northern Water board and Amatola Water board	R. 82 of 2022	5 August 2022 (GG47197)
9.	National Department of Public Works and Infrastructure	R. 83 of 2022	5 August 2022 (GG47199)
10.	University of Fort Hare	R. 84 of 2022	5 August 2022 (GG4719)
11.	Mogale City Local Municipality	R. 85 of 2022	12 August 2022 (GG476700)
12.	National Student Financial Aid Scheme	R. 88 of 2022	26 August 2022 (GG46789)
13.	Eskom - amendment to Proclamation R11 of 2018	R. 97 of 2022	2 December 2022 (GG47634)
14.	Saldanha Bay Local Municipality - amendment to R39 of 2020	R. 95 of 2022	2 December 2022 (GG47634)
15.	Department of Water and Sanitation (DEV 0043 – WTE)	R. 96 of 2022	2 December 2022 (GG47634)
16.	Agriculture, Forestry and Fisheries – Amendment of Proclamation R. 36 of 2019	R. 114 of 2022	17 February 2023 (GG48067)

### 2.5.10 Legal Services

The Department was cited in many matters that were brought against it in various Courts. Some of the judgments assisted the Department in amending the law and developing jurisprudence in South Africa. The following judgments are set out hereunder for purposes of reporting thereon:

#### Constitutional Court Judgments

##### 1. *Women's Legal Centre Trust v President of the Republic of South Africa and Others [2022] ZACC 23*

On 28 June 2022, the Constitutional Court of South Africa handed down judgment in the above matter. This judgment recognises the validity of Muslim marriages and protects the rights of people who marry

according to Muslim rites, especially women and children born of these unions.

The Constitutional Court found that the Marriage Act, 1961 (Act 25 of 1961) (the “Marriage Act”), and the Divorce Act, 1979 (Act 70 of 1979) (the “Divorce Act”), are inconsistent with rights entrenched in the Constitution of the Republic of South Africa, 1996 (the “Constitution”) as they fail to recognise marriages solemnised in terms of Sharia law (Muslim marriages), which have not been registered as civil marriages (as valid marriages) and to regulate the consequences of such recognition.

The Court found that the Marriage Act and Divorce Act unfairly discriminated between people who marry in terms of the Marriage Act and people who marry according to Muslim rites, because it deprives Muslim women and their children of the remedies and

protections that they would be afforded if the marriage had been concluded in terms of the Marriage Act. The President, Cabinet and Parliament were given 24 months to remedy the defective Acts by either amending existing legislation or initiating and passing new legislation.

Pending the finalisation of this legislative process, the following regime will apply in the interim to Muslim marriages:

- (i) Muslim marriages subsisting at 15 December 2014 (being the date when this action was initially instituted in the High Court) or which had been terminated in terms of Sharia law as at 15 December 2014, but in respect of which legal proceedings have been instituted but not been finally determined as at 28 June 2022 (the date of the judgment), may be dissolved in accordance with the Divorce Act as follows:
- (ii) All the provisions of the Divorce Act shall be applicable but Muslim marriages will be treated as if they are out of community of property (except where there are agreements to the contrary).
- (iii) Section 7(3) of Divorce Act shall apply to such a union regardless of when it was concluded.
- (iv) Where a husband is a spouse in more than one Muslim marriage, the court will consider all relevant factors and make any equitable order it deems just and may, *mero motu*, order the joinder of an interested party.
- (v) From 28 June 2022, section 12(2) of the Children's Act, 2005 (Act 38 of 2005), applies to a prospective spouse in a Muslim marriage concluded after that date and for this purpose, the provisions of sections 3(1)(a), 3(3)(a) and 3(3)(b), 3(4)(a) and 3(4)(b), and 3(5) of the Recognition of Customary Marriages Act, 1998 (Act 120 of 1998), shall apply, *mutatis mutandis*, to Muslim marriages.

## 2. *Relebohile Cecilia Rafoneke and Others v Minister of Justice and Correctional Services and Others* [2022] ZACC 29

The applicants have challenged the constitutionality of section 24(2) of the Legal Practice Act, 2014 (Act 28 of 2014) (the "LPA"), to the extent that it precluded foreign nationals who are neither citizens of South Africa nor permanent residents from being admitted and enrolled as non-practicing legal practitioners. The applicants are either Lesotho or Zimbabwean nationals

who have satisfied all the requirements for admission and enrolment as legal practitioners in terms of section 24(2) of the LPA, save for the citizenship and/or permanent residence requirement.

In a unanimous judgment, the Constitutional Court held on 2 August 2022 that section 22 of the Constitution preserves the rights of citizens to choose their trade, occupation or profession freely and that it also empowers the State to enact legislation to regulate freedom of trade, occupation and profession. The Constitutional Court held that section 24(2) of the LPA is legislation that regulates the practice, legally related occupations and the profession in general. The Court reasoned that through the enactment of section 24(2) of the LPA, the regulatory competence of the state has been exercised in a manner that is consistent with a citizen's right to choose their profession. The Court concluded that the regulatory competence exercised cannot be said to extend to non-citizens and their choice of profession. The Court held that the fact that non-citizens do not have rights that accrue under section 22 does not mean they are not entitled to enter into certain categories of professions in South Africa.

The Court held that the differentiation between citizens and permanent residents, on the one hand, and foreign nationals, on the other, does not amount to discrimination which is unfair. The Court held that citizenship is not one of the listed grounds in section 9(3) of the Constitution, nor was the Court convinced that citizenship may be classified as falling under the listed ground of social origin. The Court held that the limitation created by section 24(2) is narrowly tailored to the admission of legal practitioners and does not operate as a blanket ban to employment in the profession. It further does not fall within a sphere of activity protected by a constitutional right available to foreign nationals such as the applicants. As a result, the Constitutional Court dismissed the application of constitutional invalidity on its merits.

## 3. *Centre for Child Law v Director of Public Prosecutions, Johannesburg and Others* [2022] ZACC 35

This matter stems from a special review concerning 4 minor children who tested positive for cannabis during a school-sanctioned drug test. During the proceedings, the High Court of South Africa, Gauteng Local Division, Johannesburg (the "High Court") considered the question of the constitutionality of section 4(b) of the Drugs and Drugs Trafficking Act, 1992 (Act

140 of 1992) (the “Drugs Act”), to the extent that it criminalises the use and/or possession of cannabis by a child. On 31 July 2020, the High Court handed down judgment, in which it held that, because *Minister of Justice and Constitutional Development and Others v Prince [2018] ZACC 30* (the “Prince matter”) does not apply to children, they are left in a position where they are treated as criminals and criminally prosecuted for such behaviour, whereas adults are not held criminally liable. The High Court further held that the impugned provision singles out the child and amounts to unfair discrimination.

**The Constitutional Court considered the following three issues:**

- (a) Whether the Constitutional Court should follow the same approach as in the Prince matter considering the constitutional invalidity of section 4(b) of the Drugs Act to the extent that it criminalises the use and/or possession of cannabis by a child;
- (b) The impact of the criminalisation on a child; and
- (c) Whether the criminalisation places any limitation on a child’s rights, and if so, whether the limitation is justified in terms of section 36 of the Constitution.

The Constitutional Court emphasised that the matter before it was about the consequences of the use and/or possession of cannabis by a child and whether those consequences should be located in the criminal justice system, which is different from what was decided in the Prince matter. The Constitutional Court held that the legalisation of private possession and/or use of cannabis by an adult does not require the use and/or possession of cannabis by a child also to be legalised, but rather that it must be decriminalised. Moreover, the reasoning in the Prince matter should not be imported to this judgment without cognisance of the difference between an adult and a child. The Constitutional Court made it clear that this case does not concern the legalisation and condonation of the use and/or possession of cannabis by a child.

The Constitutional Court handed down judgment on 29 September 2022. The Constitutional Court confirmed the High Court’s order in which section 4(b) of the Drugs Act was declared unconstitutional to the extent that it criminalises the use and/or possession of cannabis by a child. The operation of the order was suspended for a period of 24 months

to enable Parliament to finalise the legislative reform process. During the period of suspension, no child may be arrested and/or prosecuted and/or diverted for contravening section 4(b) of the Drugs Act insofar as it criminalises the use and/or possession of cannabis by a child. A child apprehended for the use and/or possession of cannabis may be referred to civil process, including those found in the Children’s Act, 2005 and the Prevention of and Treatment of Substance Abuse Act, 2008. Where a court has convicted a child of contravention of section 4(b) for the use and/or possession of cannabis, the criminal record containing the conviction and sentence in question of that child in respect of that offence may, on application, be expunged by the Director-General: Justice and Constitutional Development or the Director-General: Social Development or the Minister of Justice, as the case may be, in accordance with section 87 of the Child Justice Act, 2008. If administrative or practical problems arise in the implementation of paragraph 5 of the order, any interested person may approach the High Court for appropriate relief.

**High Court Judgments**

*1. Greyling V Minister of Home Affairs and Others (40023/21) [2022] ZAGPPHC 3*

The applicant filed an application in the Pretoria High Court in which she has challenged the constitutionality of section 7(3)(a) of the Divorce Act, 1979 (Act 70 of 1979) (the Divorce Act) in as far as it limits the operation of section 7(3) to marriages out of community of property entered into before the commencement of the Matrimonial Property Act, 1984.

The applicant argued that section 7(3) of the Divorce Act provides the court with a wide discretion to make a redistribution order to avoid an unjust situation, even where the parties entered into an antenuptial contract electing to keep their finances completely separate. As part of the divorce order, the court may order that any asset or sum of money be transferred from one spouse to the other. However, where parties were married out of community of property after 1 November 1984, section 7(3) does not permit the court to exercise its discretion in any circumstances, regardless of how stark the facts are or how unfair the consequences might be in any particular case.



The applicant and her husband were married out of community of property with the exclusion of the accrual system during March 1988 and, as the law stands, the applicant will not be entitled to apply for a redistribution order under section 7(3) as part of their divorce action, which leaves her with no proprietary claim against her husband after 33 years of marriage. The applicant submits that there is an entire category of spouses who are excluded by the limited reach of section 7(3) and the negative impact thereof is overwhelmingly borne by women. She is of the view that no injustice would be done to anyone if that power was also available to a court in marriages out of community of property that took place after 1984 as well.

The High Court found that section 7(3)(a) of the Divorce Act is inconsistent with the Constitution and invalid to the extent that the provision limits the operation of section 7(3) of the Divorce Act to marriages out of community of property entered into before 1 November 1984 and the words “entered into before the commencement of the Matrimonial Property Act, 1984” in section 7(3)(a) of the Divorce Act are declared inconsistent with the Constitution and invalid and notionally severed.

The consequence of this ruling for future matrimonial matters is that, even if the parties are married out of community of property without the accrual system and after the commencement of the Matrimonial Property Act, 1984, a spouse could still potentially seek an order for the redistribution of assets that is fair under the relevant circumstances. The matter was heard on 9 February 2023 by the Constitutional Court for confirmation of the High Court’s order. Judgment has been reserved.

## 2. *The Haze Club (Pty) Ltd and Others v Minister of Police and Others (2101/2021) [2022] ZAWCHC 269*

In this matter the applicants sought a declaratory order that the conduct of the applicants in relation to the “grow club” model, i.e. a socialised system of cannabis cultivation in terms of which the applicants rent out private space to the members of their club by means of a sublease wherein the members grow their own cannabis for personal consumption, while employing the applicants as professional horticulturalists to attend to the cultivation of the said plants, is lawful and consistent with the 2018 Prince judgment. In the alternative, the applicants challenged the constitutionality of –

- (i) section 4(b) of the Drugs and Drug Trafficking Act, 1992 (Act 140 of 1992) (the “Act”), read with Part III of Schedule 2 thereto and the provisions of section 22A(9)(a)(i) of the Medicines and Related Substances Control Act, 1965, read with Schedule 7 of GN R509 of 2003 to the extent that they make the use or possession of cannabis by an adult person through the “grow club” model, for his or her own consumption, a criminal offence; and
- (ii) section 5(b) of the Act read with Part III of Schedule 2 to the Act and with the definition of the phrase “deal in” in section 1 of the Act to the extent that they prohibit the cultivation of cannabis by an adult in a private place rented out by such person for this purpose and for his or her personal consumption in private as is done through the “grow club” model.

The High Court found, *inter alia*, that by sanctioning the “grow club” model, the court would be sanctioning the large-scale business in terms whereof members pay to have cannabis grown, cultivated and processed on their behalf. This would have the same potential to sanction dealing, just as the sanctioning of the purchase of cannabis would. The court further found that the “grow club” model’s modus is to cultivate cannabis for the consumption of others. This is a characteristic it shares with dealers of cannabis. A further characteristic the model shares with dealers of cannabis is that it cultivates cannabis for the consumption of others in order to generate a profit. It may be that the applicants do not obtain remuneration for supplying the cannabis, but they do earn remuneration from the cultivation thereof. The court also found that the applicants and their customers are not prevented from using and/or cultivating cannabis. They are merely prevented from outsourcing that right. The court ordered that the applicants have not made out a case for the main relief or the alternative relief and dismissed the application. The applicants have subsequently filed an application for leave to appeal at the Supreme Court of Appeal.

### 3. PROGRESS TOWARDS ACHIEVEMENT OF INSTITUTIONAL IMPACTS AND OUTCOMES

The table below provides for the impacts and outcomes as per the Strategic Plan and the progress made towards the achievement of the five-year targets in relation to the outcome indicators.

IMPACT STATEMENT	OUTCOMES	PROGRESS ON THE ACHIEVEMENT OF THE OUTCOMES
Improved public perception, confidence in the justice system and respect for the rule of law	Outcome 1: Modernised and digitised justice services platforms	<p>The Department aims to embrace digital technology by adopting digital transformation of justice services in terms of accessibility and to improve the quality of justice services by the Department to be more intelligent and proactive.</p> <p>The Department has progressed to completing Phase 2 of the Online Solution with transacting capability to improve accessibility of justice services digitally. Phases of Deceased Estates services are also available on the DoJ&amp;CD Internet Portal as the Department completed the Analysis and Design tracking for the case status. Furthermore, the development and testing of the online appointment booking as well as the development of the digitally approved LOA/LOE were undertaken.</p> <p>The Modernisation and Digitisation Strategy, which seeks to re-engineer, automate and integrate business processes across the criminal justice value chain, is approved and in place.</p>
	Outcome 2: Improved organisational capabilities and good governance	<p>The Department has completed 100% of the audit improvement plan during the 2022/2023 financial year.</p> <p>The continued implementation of the audit action plan is envisioned towards obtaining an unqualified audit and restoring public trust in the department's financial management.</p> <p>The Department prioritises organisational capability and good governance. As a result, training and development programmes are in place to enhance service delivery. Through Justice College, the Department has conducted 39 specialised training programmes during the financial year under review.</p> <p>Amongst other priorities of government is the acceleration of economic transformation and job creation. To contribute to this priority, the Department executes procurement spending towards small and medium businesses owned by women, EMEs and QSEs.</p> <p>At the end of the year, 52% of women held senior management positions, while youth made up 23% of the total workforce.</p> <p>Good governance is credited to these noticeable balances of accountability, equity, empowerment, capacity building and inclusiveness that the Department is taking.</p>
	Outcome 3: Improved awareness of justice services and constitutionalism	<p>Promotion of Department services is essential for allowing citizens to be legally empowered in order to equally enjoy their rights and have an understanding of the services available.</p> <p>Efforts to raise awareness are ongoing, as the Constitution remains the bedrock of South African democracy, evidenced by the heightened demand for justice services at various service points.</p> <p>17 LGBTQI+ NIS activities have been conducted, including dialogues and activations, targeting staff and members of the public and promoting and raising awareness of the Constitution.</p> <p>A Constitutional Awareness Day was observed, as was the 25th anniversary of the Constitution, which was celebrated by a successful conference held between 22 and 24 March 2023 under the theme "Reflections on the Constitution: Rule of law, accountability, social and economic justice".</p>

IMPACT STATEMENT	OUTCOMES	PROGRESS ON THE ACHIEVEMENT OF THE OUTCOMES
Improved public perception, confidence in the justice system and respect for the rule of law	Outcome 4: Increased access to justice services	<p>Increasing access to justice for all and enhancing the rule of law continue to be critical priorities for government.</p> <p>The Department is in the process of implementing the Femicide Watch initiative in conjunction with the IJS, which aims to focus on GBV femicide prevention through collection of comparable data on femicide rates at national level. The Femicide Watch will be a repository of all cases of female homicides that are related to gender-based violence, which will be accessible through a user-friendly dashboard that will be utilised by the Department, NPA, SAPS and IJS officials and populated with production (“live”) data.</p> <p>This will be done to assist with shortcomings in the form of a lack of implementation in order to undertake preventive measures.</p> <p>Phase 5 Femicide Watch Dashboard has been approved by the Department in the 2022/2023 financial year. This is an effort to assist to profile GBV-related femicide for appropriate prevention and response.</p> <p>The Department is under an obligation to ensure that persons with disabilities have equal access to its courts in so far as reasonable accommodations and appropriate support and services are concerned. Subsequent to that, 70 courts were upgraded in line with the Minimum Standards to provide reasonable accommodations and disability-centric support services, which include sign language interpretation (upon request), private testifying services, private waiting-room service, a dedicated space for a guide dog, dog bed/mat, dog water bowl, information products accessible to different types of disability (e.g. braille, large-print information booklets, audio-visual and audio information products), court preparation service, intermediary service, witness fee service, etc.</p>
	Outcome 5: Improved Master’s services	<p>The Master’s Office supervises the administration of deceased and insolvent estates, trusts, curatorships and the Guardian’s Fund in accordance with relevant statutory prescripts.</p> <p>Self-service computers are in place in all Master’s Offices.</p> <p>The development of the Master’s online Deceased Estates and Trusts systems provides for a modernised and digitised Master’s Services platform and easy access to all. The online deceased estates registration will be a convenient method that allows people who want to report deceased estates or register trusts to do so remotely. This approach will be an effective move to reduce the number of customers in the offices of the Masters’ or at the service points, and will enhance access to the Masters’ services in the country.</p> <p>Online registration will speed up the registration process and ensure quicker availability of the details/particulars of the beneficiaries and trustees.</p> <p>The Master’s Office has further rolled out MOVIT (fingerprint verification) to 302 service points, which allows applicants to lodge their Guardian’s Fund applications at Magistrate’s Courts and have their fingerprints verified.</p> <p>The development of the Guardian Fund’s financial management and administrative system began in the 2021/2022 financial year and it is expected to be finalised and rolled out in the 2023/2024 financial year.</p>
	Outcome 6: Colonial/ apartheid era justice-related legislation reviewed and replaced	<p>As part of the transformation of the justice system, the Department has prioritised the review of justice-related colonial and apartheid era legislation with the aim of aligning this legislation with the Constitution of the Republic of South Africa, 1996 (the “Constitution”).</p> <p>The new pieces of legislation will ensure improved and equal access to justice services that will cater for all, including vulnerable groups such as women, children, and people with disabilities, so as to create a transformed society that is freed from the divisions of the past.</p>

IMPACT STATEMENT	OUTCOMES	PROGRESS ON THE ACHIEVEMENT OF THE OUTCOMES
Improved public perception, confidence in the justice system and respect for the rule of law		<p>The following bills were reviewed and prepared in the period under review—</p> <ul style="list-style-type: none"> <li>• Unlawful Entering on Premises Bill, 2022: Request for Comments;</li> <li>• Introduction of Draft Conspiracy and Inducement to Commit a Serious Offence Bill, 2022;</li> <li>• Repeal of the Transkeian Penal Code Bill;</li> <li>• Criminal Law (Sexual Offences and Related Matters) Amendment Bill (repeals Sexual Offences Act, 1957 [Act 23 of 1957])</li> </ul>
	Outcome 7: Transformed state legal services	<p>The transformation of state legal services to improve effectiveness and efficiency has been prioritised through the implementation of the State Attorney Amendment Act, 2014 (Act 13 of 2014).</p> <p>The Department, through the Office of the Chief State Law Advisor (OCSLA), has the responsibility of providing legal advice, representation and legislative drafting services to the Executive. It further provides legal advice and guidance to the State on its proposals, legislation and international agreements and ensures that potential litigation against the State, on constitutional and other legal grounds, is considerably reduced.</p> <p>The Department finalised 240 international agreements within 30 days from date of receipt in the year under review. The scrutiny of international agreements assists the government in entering into agreements that will not negatively impact the government and its citizens.</p>
	Outcome 8: Transformed legal profession	<p>In an effort to foster social cohesion and stimulate equality amongst legal professionals both in the public and private sector. The Minister has approved the Briefing and Outsourcing of State Legal Work Policy, which is on-route to be presented to Cabinet.</p> <p>The Department further aims to transform the legal profession by ensuring that there is a 2% increase of previously disadvantaged individuals legal practitioners who are briefed and a 10% increase of previously disadvantaged individuals legal practitioners that are conferred as senior counsel annually.</p>
	Outcome 9: Advanced constitutionalism, human rights and the rule of law	<p>Section 7(2) the Constitution of South Africa, 1996, provides, “The state must respect, protect, promote and fulfil the rights in the Bill of Rights”. The objective of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000) is to: prevent and prohibit unfair discrimination and harassment and promote equality and eliminate unfair discrimination, to prevent and prohibit hate speech and to provide for matters connected therewith.</p> <p>The Department plays a role in Priority 6: Social Cohesion and Safe Communities, of which the outcomes and indicators are included in the Strategic Plan and Annual Performance Plan that are fully aligned with the government’s Programme of Action and the Medium-Term Strategic Framework (MTSF).</p> <p>The Department had 5 Equality Engagements with the public. In addition, in terms of the Department’s mandate as the custodian of constitutionalism, there have been collaborations with the Department of Sport, Arts and Culture (DSAC) for all National Days. This includes collaborating to conduct several build-up events and activities aimed at promoting respect for human rights, constitutionalism and the rule of law over the relevant MTSF period to date.</p> <p>This is done in order to comply with international obligations arising out of core human rights treaties, such as the International Covenant on Civil and Political Rights (ICCPR), and the International Convention against Torture and Other Cruel or Degrading Treatment or Punishment (CAT).</p>

IMPACT STATEMENT	OUTCOMES	PROGRESS ON THE ACHIEVEMENT OF THE OUTCOMES
<p>Improved public perception, confidence in the justice system and respect for the rule of law</p>	<p>Outcome 10: Crime and corruption reduced through effective prosecution</p>	<p>The NPA successfully maintained high conviction rates and recorded a marked increase in case finalisation. In most of the high-impact cases, an increase in verdict cases was noted.</p> <p>In the anti-corruption sphere, the capacity of the Investigating Directorate (ID) was significantly expanded, and its operations were institutionalised as an integral part of the NPA. The ID has enrolled 18 new matters this financial year, amounting to a total of 34 matters that were enrolled with 203 accused over the last four years. Thirteen new investigations were authorised, totalling 97 matters authorised over the last four years.</p> <p>In collaboration with its partners, the NPS played a key role in addressing corruption, with a special emphasis on the recommendations of the Zondo Commission regarding corruption and maladministration in various sectors of society. Effective responses to corruption cases were devised, with 338 corruption convictions recorded in the 2022/2023 financial year.</p> <p>The AFU continued to play a critical part in fighting against the scourge of corruption and has delivered significant returns in the past year, showing that crime does not pay. In its strategy to curb the increase of corruption and to pursue the monies stolen by the perpetrators of corruption and the enablers and facilitators of state capture, the AFU obtained freezing orders to the value of R570 million in corruption or related offences. Recoveries to the value of R2.83 billion were obtained in corruption and related matters.</p> <p>The NPA continued to do good work and performed well in many spheres, through the prioritisation of crime types. All the performance successes and improvements were achieved as a result of the prosecutors' commitment to and passion for fighting crime in South Africa and are proof of a dedicated and committed workforce within the NPA, led by a strong and competent leadership team.</p>



The Department, in partnership with the Departments of Correctional Services and Social Development, the South African Police Service (SAPS), as well as the local Non-Governmental Organisations (NGOs) hosted a 5 km walk from Ikageng Magistrate's Court to Madiba Banquet Hall in Potchefstroom on 6 March 2023.

## 4. PROGRAMME PERFORMANCE INFORMATION

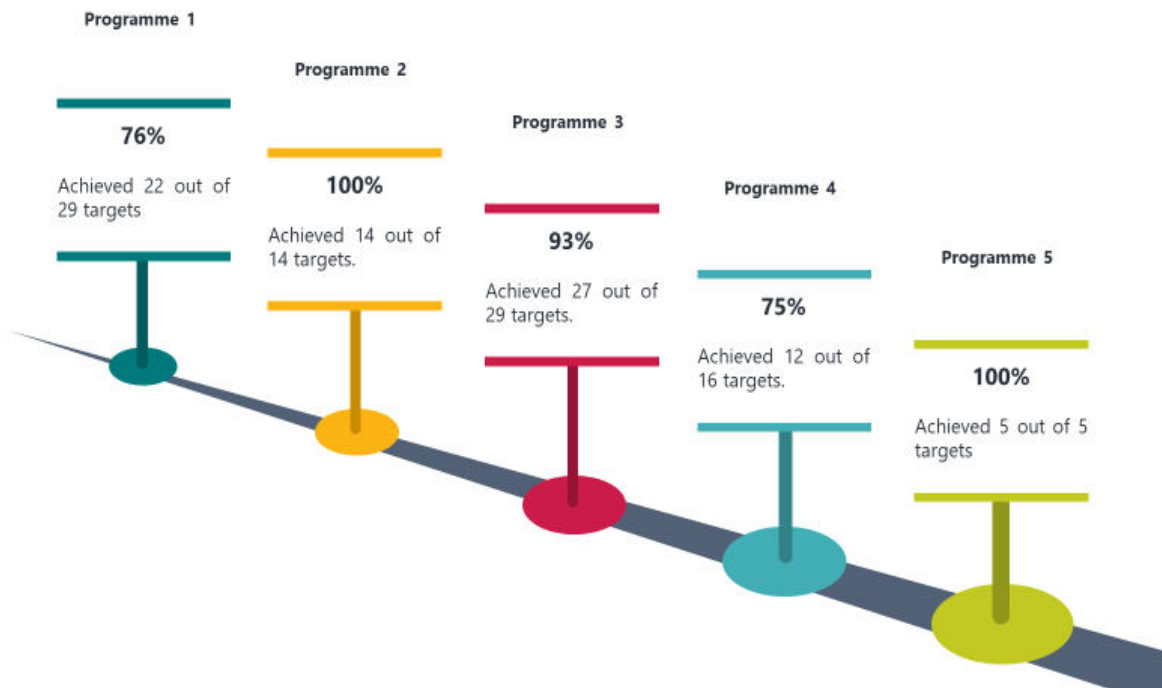
The 2022/2023 Annual Performance Plan had been amended and re-tabled as outlined below:

- #A. Original 2022/2023 APP from April 2022 – June 2022
- #B. Revised 2022/2023 APP from July 2022 – December 2022
- #C. Final Revised 2022/2023 from Jan 2023 – March 2023

The key mandate of the Department is to support the administration of justice in line with the constitution. This is done by implementing an effective and efficient court administration system and providing legal services to the country. Further, the Department provides effective support services that are in line with

good governance. The Department also implements the transformational agenda of the government on matters relating to access to justice and empowerment of previously disadvantaged individuals.

In the 2022/23 financial year, the Department has been striving to implement initiatives that contribute to the broadening and improvement of the justice system services by ensuring efficiencies in administration through the implementation of various modernisations of systems processes. The Department achieved 86% for overall performance (80 targets achieved from the 93 planned targets). A summary of the Departmental efforts is provided below:



### Programme 1: Administration

Under Programme 1, a total of 22 out of 29 targets were achieved, which translates to 76% performance of planned targets.

### Modernisation of Justice Services

The targets for Trusts services, Deceased Estates services and Expungement of Criminal Records services available on the DOJ Internet Portal (online) were not achieved. This was due to additional system enhancements requested during the initial testing of the system and ICT Infrastructure downtime, and hence the projects were delayed.

The target to analyse and design the NRSO Integration Solution with SAPS for NRSO removal applications was not met due to capacity constraints.

The target to develop solution specifications for number of sites rolled-out with the Courts Audio-Visual Solution (CAVS) was not achieved due to cluster-wide needs that neither formed part of the initial scope of the project, nor were previously raised by the cluster departments at the onset of the project's inclusion in the IJS Plan, thereby delaying the project.

### Corporate Services

The Department was able to keep the vacancy rate at SMS level at 9%, compared to the aim of 10%. A total of 98/189 vacancies for women in senior management services and LP 10 positions were filled, representing a 52% success rate. The Department went above and beyond the original aim, obtaining 23% of the 22% target position for youth. Furthermore, a total of 15 931 labour positions were occupied, with 340 of those relating to people with disabilities. The 2.1% objective was maintained by the Department.

### Office of CFO

The aim of paying 100% of undisputed and valid invoices within 30 days of receipt was not met. Performance is currently at 99%. The target of 40% of Discretionary Procurement Rand Value allocated to women was met by reaching 52%.

The Department reduced fruitless and wasteful expenditure by 91% for the fiscal year under review, while the value of irregular expenditure was reduced by 70% for the financial year 2022/2023.

### Programme 2: Court Services

This programme met all of the targets specified for the financial year under review.

The Department completed Phase 5 of the Femicide Watch Dashboard as planned and dealt with maintenance issues and exceeded the performance targets by achieving 88% and 96%, respectively. In total, 3 127 clearance certificates were issued from the NRSO backlog, exceeding the target of 3 000.

### Programme 3: State Legal Service

Under the Programme State Legal Services, 27 out of 29 targets were achieved, which translates to 93% performance of planned targets. The two indicators not achieved are:

- The percentage of expungements completed within 3 months of receipt of complete application could not be fully reached due to severe capacity constraints.
- The number of interventions from the Master's Turnaround Strategy could not be reached as planned, due to budgetary restrictions, the intended training session could not be completed. The development of the Guardian's Fund system was halted due to system and design issues. The inability of offices to access systems and networks has stopped them from tackling the backlog. As a result, performance suffered.

### Programme 4: National Prosecuting Authority

This programme met 12 of the 16 planned targets specified for the 2022/2023 financial year under review.

- 10.5.1 Conviction rate in complex commercial crime – The target of 90% was missed, with only 87.1% achieved due to lengthy investigation processes;
- 10.5.5 Number of cases concluded with a verdict involving money laundering – The planned target of 100 cases with a verdict including money laundering was missed, with only 85 finalised cases for the year under review;
- 10.6.1 The monetary value of completed forfeiture cases – In comparison to the target of 550 million, 495 million forfeiture cases were completed. The target was missed due to delays in serious corruption and high-value cases.
- 10.6.2 Value of freezing orders obtained from corruption or related offences – The target was not achieved due to delays in the finalisation of trials and obtaining freezing orders in high-value cases

### Programme 5 Auxiliary and Associated Services

The Department achieved all of its targets for the Integrated Justice System.

## 4.1 PROGRAMME 1: ADMINISTRATION

### a) Purpose

Provide strategic leadership, management and support services to the Department.

### b) Description of sub-programmes:

- i. **Ministry:** Provides leadership and policy direction to the DoJ&CD.
- ii. **Management:** Provides strategic leadership and overall management through the following sub-programmes: Branch Coordination and Service Delivery Improvement (BCSDI), including the management of the complaint-handling mechanism (Call Centre); Policy Development and Coordination; and Strategic Planning, Monitoring and Evaluation.
- iii. **Corporate Services:** Provides integrated business solutions in human resource (HR) management and human resource development (HRD), information and systems management (ISM), which is responsible for information and communication technology (ICT), the coordination of the DoJ&CD's Legal and Employee Relations Management Services (LERMS), and Public Education and Communications (PEC); and justice-related training, practical legal training and empowerment programmes across the justice sector provided through the Justice College.

iv. **Financial Administration:** Provides financial services to the DoJ&CD with respect to financial resource allocation and management to aid in the fulfilment of the Department's goals and objectives as well as supply chain management functions.

v. **Internal Audit and Risk Management:** Assists the accounting officer in maintaining efficient and effective controls and evaluates those controls' ability to determine their effectiveness and efficiency, in order to develop recommendations with regard thereto as well as management of risks.

vi. **Office Accommodation:** Provides for accommodation charges, lease agreements and municipal rates.

### c) Institutional outcomes that the programme contributes towards

- i. Outcome 1: Modernised and digitised justice services platforms
- ii. Outcome 2: Improved organisational capabilities and good governance
- iii. Outcome 3: Improved awareness of justice services and constitutionalism

## OUTCOME 1: MODERNISED AND DIGITISED JUSTICE SERVICES PLATFORMS

The table below provides an overview of the performance against predetermined objectives (APP indicators), in terms of outcomes, outputs, output indicators, planned targets and actual achievements:

### B) Revised Annual Performance Plan: April 2022 – December 2022

Output	Output indicator	Audited actual achieved performance 2020/2021	Audited actual achieved performance 2021/2022	Planned annual target 2022/2023	Actual achievement 2022/2023 until date of re-tabling 16-January 2023	Deviation from planned target to actual achievement for 2022/2023	Reasons for deviations	Reasons for revisions to the outputs/output indicator/annual targets
1.1 Justice Services accessible via digital channels	1.1.1 Phases of Maintenance services available on the DOJ Internet Portal completed (online) by target date	-	Maintenance services piloted on the DoJ Internet Portal (online) by 28 February 2022	Phases 2 (online solution with transacting capability completed by 31 March 2023	-	(50%)	Target not achieved due to capacity constraints and delays in the implementation of SmartGov project	To prioritise the Solution development to strengthen the enforcement maintenance orders



Output	Output indicator	Audited actual achieved performance 2020/2021	Audited actual achieved performance 2021/2022	Planned annual target 2022/2023	Actual achievement 2022/2023 until date of re-tabling 16-January 2023	Deviation from planned target to actual achievement for 2022/2023	Reasons for deviations	Reasons for revisions to the outputs/output indicator/annual targets
1.3 Approved Modernisation and Digitisation Strategy	1.3.1 Modernisation and Digitisation Strategy approved by target date	-	-	Modernisation and Digitisation Strategy approved by 31 December 2022	Modernisation and Digitisation Strategy approved by 31 December 2022	-	Target achieved	Further consultations were required for the Modernisation and Digitisation Strategy

### Changes to the Annual Performance Plan 2022/2023

Annual Plan version	Output Indicator	Amendments and Performance
Revised Annual Performance Plan: April – December 2022	Output indicator 1.1.1 Justice services accessible via digital channels	Quarter four target was revised from “Application for Variation Orders completed, Electronic Receipt of documents by Sheriffs for serving completed, Phase 2 (Online solution file with transacting capability) completed by 31 March 2023” to “Application for Emoluments Orders completed, Electronic Receipt of documents by Sheriffs/Maintenance Investigators for serving completed, Phase 2 (Online solution with transacting capability) completed by 31 March 2023” in order to prioritise the Solution development to strengthen the enforcement maintenance orders.
Revised Annual Performance Plan: April – December 2022	Output 1.3. Modernisation and Digitisation Strategy approved by target date	The annual target was revised from “Modernisation and Digitisation Strategy approved by 31 December 2022” to “Modernisation and Digitisation Strategy approved by 31 March 2023”. To align with the annual target, quarter three was revised from “Modernisation and Digitisation Strategy approved by 31 December 2022” to “Modernisation Strategy and Digitisation Strategy workshops completed”. Quarter four was revised from “-” to “Modernisation and Digitisation Strategy approved by 31 March 2023”.

### C) Final Revised Annual Performance Plan: April 2022 – March 2023

Output	Output indicator	Audited actual achieved performance 2020/2021	Audited actual achieved performance 2021/2022	Planned annual target 2022/2023	Actual achievement 2022/2023	Deviation from planned target to actual achievement for 2022/2023	Reasons for deviations
1.1 Justice services accessible via digital channels	1.1.1 Phases of Maintenance services available on the DOJ Internet Portal completed (online) by target date	-	Maintenance services piloted on the DoJ Internet Portal (online) by 28 February 2022	Phase 2 (Online solution with transacting capability) completed by 31 March 2023	-	(50%)	Target not achieved due to capacity constraints and delays in the implementation of Smart-Gov project

Output	Output indicator	Audited actual achieved performance 2020/2021	Audited actual achieved performance 2021/2022	Planned annual target 2022/2023	Actual achievement 2022/2023	Deviation from planned target to actual achievement for 2022/2023	Reasons for deviations
1.1 Justice services accessible via digital channels	1.1.2 Phases of Deceased Estates services available on the DOJ Internet Portal (online) by target date	-	Deceased estates services piloted on the DOJ Internet Portal (online) by 28 February 2022	Phase 2 (Online solution with transacting capability) completed by 31 March 2023	Phase 2 (Online solution with transacting capability) completed by 31 March 2023	-	Target achieved
1.1 Justice services accessible via digital channels	1.1.3 Phases of Protection Order services available on the DOJ Internet Portal (online) by target date	-	Phase 1 (for legally represented complainants) developed and tested	Phase 2 (Online solution with transacting capability) completed by 31 March 2023	-	(50%)	Target not achieved due to changes emanating from legislative processes, changes to the scope requirements and SAPS integration delays
1.1 Justice services accessible via digital channels	1.1.4 Phases of NRSO services available on the DOJ Internet Portal (online) by target date	-	NRSO clearance and removal services available on the DOJ Internet Portal (online) by 31 March 2022	Phase 2 (Online solution with transacting capability) completed by 31 March 2023	-	(67%)	Target not achieved due to the changes in the scope of work related to SAPS integration
1.1 Justice services accessible via digital channels	1.1.5 Phases of State Attorneys Services available on the DOJ Internet Portal (online) by target date	-	-	Phase 1 (Legal practice management solution i.e. case management component) piloting completed by 31 March 2023	-	(100%)	Development of legal practice management solution halted due to pending decision on a donated system, therefore target not achieved
1.2. Justice services accessible via Virtual Platforms	1.2.1 Number of courtrooms rolled-out with the Courts Audio-Visual Solution (CAVS)	-	Bid specifications completed and approved for publication through SITA.	85 courtrooms	0	(100%)	Target not achieved due to SITA / DoJ&CD procurement processes delays
1.3 Approved Modernisation and Digitisation Strategy	1.3.1 Modernisation and Digitisation Strategy approved by target date	-	-	Modernisation and Digitisation Strategy approved by 31 March 2023	Modernisation and Digitisation Strategy submitted and approved	-	Target achieved

## OUTCOME 1: MODERNISED AND DIGITISED JUSTICE SERVICES PLATFORMS

The Department aims to intensify its efforts in utilising ICT as a strategic enabler, with the objective of digitising access to justice services and internal operations, thus creating a smart justice system. These improvements will be through the use of online channels and mobile applications where services can be initiated, processed and tracked through these online channels without the public having to physically obtain these services from a service point (e.g. court). Furthermore, the Department will endeavour to exploit the efficiencies brought about by the Fourth Industrial Revolution.

### Output: Justice Services Accessible via Digital Channels

During the financial year under review, the analysis and design and tracking for the case status was completed. The development of payment status tracking and of emolument orders is in progress. The development of the Sherriff Portal has not started due to business unavailability for design session, however, it is anticipated to be finalised during the 2023/2024 financial year. This performance relates to the planned target of implementing the Phases of Maintenance services available on the DOJ Internet Portal (online) completed by target date.

In respect of Phases of Deceased Estates services available on the DOJ Internet Portal (online) completed by target date, the Department completed the analysis and design, and tracking for the case status. Furthermore, the Department undertook the development and testing of the online appointment booking as well as the development of the digitally approved LOA/LOE.

The Protection Order services analysis and design has been completed, including the enhancement and testing of solutions in line with the requirements of the envisaged Gender Based Violence Act as well as the Rules and Regulations. The Development and testing of E-Judiciary workspace is in progress and it is anticipated to be finalised during the 2023/2024 financial year.

There had been delays emanating from changes in legislative processes (e.g. updated forms, rules etc.), the initial de-prioritisation of E-Workspace for Protection Orders by the business (CD: PRVG) due

to the interpretation of the regulations, delays in the involvement of the SAPS technical team and additional requirements on the scope (the Judiciary is now involved, resulting in different views of the systems design). This subsequently led to the Integration of the SAPS online portal and the development of integration with the Sherriff Portal being placed on hold, however, the Department projects that this will be finalised in the 2023/2024 financial year.

In light of the above challenges, the implementation of the NRSO services available on the DOJ Internet Portal (online) has also been affected as it is dependent on advanced digital signature SAPS involvement.

With regards to the Phases of State Attorneys Services available on the DOJ Internet Portal (online) by target date, the SCM process (bid specifications) were at a publishing stage, however, the SITA was requested to stop the publishing. The OSG accepted a donated system from the Mpumalanga Premier's Office with the understanding that the system will be customised and configured to meet the requirements of the OSG. The OSG has since indicated that the donated system will not fully meet their case management requirements.

The planned target of rolling out CAVS in courtrooms did not occur due to SITA and DoJ&CD procurement delays.

The Modernisation and Digitisation Strategy, which seeks to re-engineer, automate and integrate business processes across the criminal justice value chain, has been submitted to the DG for approval.



## OUTCOME 2: IMPROVED ORGANISATIONAL CAPABILITIES AND GOOD GOVERNANCE

The table below provides an overview of the performance against predetermined objectives (APP indicators), in terms of outcomes, outputs, output indicators, planned targets and actual achievements:

### A) Original Annual Performance Plan: April 2022 – June 2022

Output	Output indicator	Audited actual achieved performance 2020/2021	Audited actual achieved performance 2021/2022	Planned annual target 2022/2023	Actual achievement 2022/2023 until date of re-tabling 7 July 2022	Deviation from planned target to actual achievement for 2022/2023	Reasons for deviations	Reasons for revisions to the outputs / output indicator/ annual targets
2.2. Appointment of people with disabilities	2.2.1 Percentage of total workforce positions occupied by people living with disability	-	2%	2%	2%	-	Target achieved	The Portfolio Committee suggested a higher target.
2.7 Undisputed and valid invoices paid within 30 days	2.7.1 Percentage of undisputed and valid invoices paid within 30 days from date of receipt	99%	99%	98%	99%	1%	The target was exceeded due to the effort to ensure that suppliers are paid with 30 days.	The Portfolio Committee suggested a higher target.
2.14 Disciplinary hearings for misconduct backlogs resolved	2.14.1 Number of backlogs on disciplinary hearing cases for misconduct resolved	-	119	30	11	(63%)	The complexity of the cases was the determining factor for the target not to be achieved.	The target aligned with the number of misconduct cases recorded in the register.
2.15 Grievances on backlog resolved	2.15.1 Number of grievances backlog resolved	-	113	28	9	(68%)	The complexity of grievances delayed the finalisation of cases.	The target aligned with the number of grievances recorded in the register.

## B) Revised Annual Performance Plan: April 2022 – December 2022

Output	Output indicator	Audited actual achieved performance 2020/2021	Audited actual achieved performance 2021/2022	Planned annual target 2022/2023	Actual achievement 2022/2023 until date of re-tabling 16-January 2023	Deviation from planned target to actual achievement for 2022/2023	Reasons for deviations	Reasons for revisions to the outputs /output indicator/ annual targets
2.5 Percentage of fruitless and wasteful expenditure reduced	2.5.1 Percentage of fruitless and wasteful expenditure reduced	-	80%	85%	31%	(64%)	The target was not achieved due to delays in the submission of Annexure K.	The output indicator definition was revised and aligned to the method of calculation.
2.6 Irregular expenditure reduced	2.6.1 Percentage of irregular expenditure reduced	-	43%	65%	3% decrease	(95%)	The target was not achieved due to NT backlog in processing condonation requests.	The output indicator definition was revised and aligned to the method of calculation.
2.7 Undisputed and valid invoices paid within 30 days	2.7.1 Percentage of undisputed and valid invoices paid within 30 days from date of receipt	99%	99%	100%	99%	(1%)	The target was not achieved due to JYP and BAS systems inaccessible.	The output indicator definition was revised and aligned to the method of calculation.
2.9 Procurement allocated to EME and QSE	2.9.1 Percentage of rand value of Discretionary Procurement allocated to exempted micro enterprises (EMEs) and qualifying small enterprises (QSEs)	30%	40%	40%	50%	25%	Target Exceeded. Continuous monitoring and ensuring that procurement officers and end-users allocate discretionary procurement to EME and QSE suppliers	The output indicator definition has been revised from "This indicator measures the percentage of discretionary procurement allocated to EMEs and that support QSEs" to "This indicator measures the percentage of discretionary procurement allocated to EMEs and QSEs".
2.11 disciplinary cases finalised within 90 days from the date of opening the matter	2.11.1 Percentage of disciplinary cases finalised within 90 days from the date of opening the matter	-	63%	70%	71%	1%	Target achieved	The output indicator definition was revised and aligned to the method of calculation.

### Changes to the Annual Performance Plan 2022/2023

Annual Plan version	Output/Output Indicator	Amendments and Performance
Revised Annual Performance Plan: April 2022 – December 2022	Outcome 2: Improved organisational capabilities and good governance	The outcome in the annual and quarterly targets table was revised from “Improved organisational capability and good governance” to “Improved organisational capabilities and good governance”.
Original Annual Plan April – June 2022	Output 2.2.1. People living with disabilities	The desired performance in the TID was revised from “2%” to “2.1%” to align with the annual target. During the quarter under review, there were 329 posts occupied by people living with disability out of 16 073 posts in the department.
Original Annual Plan April – June 2022	Output 2.7.1 Undisputed and valid invoices paid within 30 days	The target for indicator “percentage of undisputed and valid invoices paid within 30 days from date of receipt” was increased from 98% to 100%. During the quarter under review, the Department processed 7 891 undisputed and valid invoices while 7 818 of these invoices were paid within 30 days
Original Annual Plan April – June 2022	Output 2.14.1 Backlogs on disciplinary hearing cases for misconduct resolved	The 2022/2023 target for the outputs indicator “Number of backlogs on disciplinary hearing cases for misconduct resolved” were reduced as there was only 30 backlog misconduct cases not resolved by 31 March 2022. During the quarter under review, a total of 11 backlogs on disciplinary hearing cases for misconduct were resolved.
Original Annual Plan April – June 2022	Output 2.15.1 Backlogs on grievances resolved	The 2022/2023 target for the outputs indicators “Number of grievances backlog resolved” was reduced as there were only 28 grievance cases not resolved by 31 March 2022. A total of 9 backlog cases on grievances were resolved during the quarter under review.
Revised Annual Performance Plan: April 2022 – December 2022	Output 2.5.1 Percentage of fruitless and wasteful expenditure reduced	<p>The output indicator definition was revised from “This indicator measures the percentage reduced in fruitless and wasteful expenditure as compared to the fruitless and wasteful expenditure incurred in the previous financial year (year-on-year percentage change)” to “This indicator measures the percentage reduction in the fruitless and wasteful expenditure balance in the reporting period as compared to the fruitless and wasteful expenditure balance in the previous financial year (year-on-year percentage change)”.</p> <p>The method of calculation was revised “Percentage = (Amount of fruitless and wasteful expenditure incurred in the current year – Amount of fruitless and wasteful expenditure incurred in the previous year) / Amount of fruitless and wasteful expenditure incurred in the previous year) *100” to “Percentage = (Fruitless and wasteful expenditure balance of the previous financial year – Fruitless and wasteful expenditure balance of the reporting period) / Fruitless and wasteful expenditure balance of the previous financial year ) *100”.</p> <p><b>Quarter 3 performance:</b></p> <ul style="list-style-type: none"> <li>• The 2022/2023 financial year opened with a balance of R357 001 and 53 cases still under investigation.</li> <li>• The Department’s Fruitless and Wasteful Expenditure has increased with 23 cases to the value of R57 194.09</li> <li>• 53 cases to the value of R166 730.86 were resolved.</li> <li>• The net effect in a decrease of R166 730.86, which reduced the balance to R247 464.64 and 23 cases currently under investigation. This has decreased the Fruitless and Wasteful Expenditure by 31%.</li> </ul>

Annual Plan version	Output/Output Indicator	Amendments and Performance
Revised Annual Performance Plan: April 2022 – December 2022	Output 2.6.1 Percentage of irregular expenditure reduced	<p>The output indicator definition was revised from “This indicator measures the percentage of irregular expenditure reduced as compared to the irregular expenses incurred in the previous year (year-on-year percentage change)” to “This indicator measures the percentage reduction in the irregular expenditure balance in the reporting period as compared to the irregular expenditure balance in the previous financial year (year-on-year percentage change)”.</p> <p>Method of Calculation/Assessment was revised from “Percentage = (Amount of irregular expense incurred in the current year) – Amount of irregular expenses incurred in the previous year/ Amount of irregular expenses incurred in the previous year) *100” to “Percentage = (Irregular expenditure balance of the previous financial year – Irregular expenditure balance of the reporting period)/ Irregular expenditure balance of the previous financial year) *100”.</p> <p><b>Quarter 3 performance:</b></p> <ul style="list-style-type: none"> <li>• The 2022/2023 financial year opened with a balance of R2.907 billion for 67 cases.</li> <li>• The department’s irregular expenditure has increased with R7.4 million with one case incurred in the current financial year to the value of R684 956 and prior financial year expenditure to the value of R6.72 million in respect of appointment of counsel by State Attorney Offices.</li> <li>• A total of 9 cases valued at R79 892 million have been resolved and removed from the Lead Schedule, which is a 2,5% reduction in the value of irregular expenditure for 2022/2023.</li> <li>• Balance of 59 cases to the value of R2 835 billion. This has decreased irregular expenditure by 2,5% for the financial year.</li> </ul>
Revised Annual Performance Plan: April 2022 – December 2022	Output 2.7.1 Percentage of undisputed and valid invoices paid within 30 days from date of receipt	<p>The output indicator definition was revised from “This indicator measures the percentage of undisputed and valid invoices received for which payment was done within 30 days from date of receipt” to “This indicator measures the percentage of undisputed and valid invoices paid within 30 days from the date of receipt”.</p> <p>Method of Calculation/Assessment was revised from “Percentage = (Number of undisputed and valid invoices received and paid within 30 days from date of receipt/total number of undisputed and valid invoices received) *100” to “Percentage = (Number of undisputed and valid invoices paid within 30 days from date of receipt/total number of undisputed and valid invoices received) *100”.</p> <p>The Department processed 13 358 undisputed and valid invoices while 13 282 of these invoices were paid within 30 days.</p>
Revised Annual Performance Plan: April 2022 – December 2022	Output 2.9.1 Percentage of discretionary procurement allocated to exempted micro enterprises (EMEs) and qualifying small enterprises (QSEs)	<p>The output indicator definition has been revised from “This indicator measures the percentage of discretionary procurement allocated to EMEs and that support QSEs” to “This indicator measures the percentage of discretionary procurement allocated to EMEs and QSEs”.</p> <p>During the quarter under review, the Department paid a total of R220 729 352.81 to contracts and request for quotation suppliers, of which R111 177 866.52 was paid over to exempted micro enterprise (EME) and qualifying small enterprise (QSE) suppliers. This translated to a performance of 50%.</p>
Revised Annual Performance Plan: April 2022 – December 2022	Output 2.11.1 Percentage of disciplinary cases finalised within 90 days from the date of opening the matter	<p>The output indicator definition was revised from “This indicator measures the percentage of disciplinary cases opened in the reporting period which were finalised within the prescribed timeframe of 90 days from the date opening the matter” to “This indicator measures the percentage of disciplinary cases opened in the reporting period which were finalised within the prescribed timeframe of 90 days from the first day of set down of the hearing”.</p> <p>A total of 28 disciplinary cases have been finalised and 20 of those cases were finalised within 90 days.</p>

## C) Final Revised Annual Performance Plan: April 2022 – March 2023

Output	Output indicator	Audited actual achieved performance 2020/2021	Audited actual achieved performance 2021/2022	Planned annual target 2022/2023	Actual achieved performance 2022/2023	Deviation from planned target to actual achievement for 2022/2023	Reasons for deviations
2.1 Women occupying Senior Management Services (SMS) and LP10 positions	2.1.1 Percentage of women occupying Senior Management Services (SMS) and LP10 positions	-	50%	50%	52%	4%	Target exceeded due to internal processes and control measures put in place to monitor the recruitment plans and monthly posting EE targets on DJINI
2.2 Appointment of people with disabilities	2.2.1 Percentage of total workforce positions occupied by people living with disability	-	2%	2.1%	2.1%	-	Target achieved
2.3 Appointment of youth	2.3.1 Percentage of total workforce positions occupied by youth	-	20%	22%	23%	5%	Target exceeded due to internal processes and control measures put in place to monitor the recruitment plans and monthly posting EE targets on DJINI
2.4 Reported corruption cases investigation for officials finalised	2.4.1 Percentage of reported corruption cases investigated for officials finalised	27%	75%	85%	89%	5%	Target exceeded due to additional capacity assisting in the investigation of corruption cases
2.5 Fruitless and wasteful expenditure reduced	2.5.1 Percentage of fruitless and wasteful expenditure reduced	-	80%	85%	91%	7%	Target exceeded. Cases were resolved and removed from the register.
2.6 Irregular expenditure reduced	2.6.1 Percentage of irregular expenditure reduced	-	43%	65%	70%	8%	Target exceeded. Cases were resolved and removed from the register.
2.7 Undisputed and valid invoices paid within 30 days	2.7.1 Percentage of undisputed and valid invoices paid within 30 days from date of receipt	99%	99%	100%	99%	(1%)	Target not achieved due to JYP and BAS systems being inaccessible
2.8 Discretionary procurement allocated to women	2.8.1 Percentage of discretionary procurement allocated to women	-	60%	40%	52%	30%	Target exceeded. Circular 064 of 2022 was issued to advise Provinces and Branches to relook at their selection of suppliers on the Central Supplier Database (CSD) for the issuance of request for quotations (RFQs) wherein a targeted approach was undertaken to select suppliers that comply to the performance target



Output	Output indicator	Audited actual achieved performance 2020/2021	Audited actual achieved performance 2021/2022	Planned annual target 2022/2023	Actual achieved performance 2022/2023	Deviation from planned target to actual achievement for 2022/2023	Reasons for deviations
2.9 Procurement allocated to EME and QSE	2.9.1 Percentage of Discretionary Procurement allocated to exempted micro enterprises (EMEs) and qualifying small enterprises (QSEs)	71%	31%	40%	71%	78%	Target exceeded due to continuous monitoring and ensuring that procurement officers and end-users allocate discretionary procurement to EME and QSE suppliers.
2.10 Vacancy rate at SMS level	2.10.1 Percentage of vacant posts at SMS level	-	15%	10%	9%	10%	Target achieved
2.11 Disciplinary hearing finalised within prescribed time frame	2.11.1 Percentage of disciplinary cases finalised within 90 days from the date of opening the matter	-	63%	70%	70%	-	Target achieved
2.12 Improved audit outcomes	2.12.1 Percentage of audit improvement plans implemented	25%	68%	100%	100%	-	Target achieved
2.13 Grievances resolved	2.13.1 Percentage of grievances resolved within 90 days from the date of opening the matter	-	88%	65%	82%	26%	Target exceeded due to additional capacity to address grievances provided to assist provinces
2.14 Disciplinary hearings for misconduct backlogs resolved	2.14.1 Number of backlogs on disciplinary hearing cases for misconduct resolved	-	119	30	25	(17%)	Target not achieved due to complexity of grievances delayed the finalisation of cases
2.15 Grievances on backlog resolved	2.15.1 Number of grievances on backlog resolved	-	113	28	28	-	Target achieved
2.16 Specialised training programmes	2.16.1 Number of specialised training programmes conducted by Justice College	-	-	32	39	22%	Target exceeded. The Department received more training requests than anticipated.

## PERFORMANCE AGAINST PREDETERMINED OBJECTIVES (APRIL 2022 – MARCH 2023)

### OUTCOME 2: IMPROVED ORGANISATIONAL CAPABILITIES AND GOOD GOVERNANCE

The Department remains committed to the achievement of an effective and efficient Internal Control environment, thereby enabling improved audit outcomes, eliminating wasteful, fruitless and irregular expenditure in the long term. Furthermore, it is committed to achieving improved organisational capabilities and good governance outcomes through the Human Resources management unit in building a capable state, which requires human capabilities, institutional capacity, service processes and technological platforms to deliver on the Department's priorities.

#### Output 2.1 Women occupying SMS and LP10 positions

A total of 98/189 positions were filled relating to women occupying senior management services and LP 10 positions, which translates to 52% achieved.

#### Output 2.2 Appointment of people with disabilities

A total of 15 931 workforce positions were occupied, of which 340 relate to people living with disabilities. The Department registered a 2.1 % achievement.



#### Output 2.3 Appointment of youth

A total of 15 931 workforce positions occupied, of which 3 641 relate to youth positions. This achievement translates to 23% achievement.

#### Output 2.4 Reported corruption cases investigation for officials finalised

The reported corruption cases investigated for officials were 189 cases, of which 171 were finalised, amounting to an 89% performance.

#### Output 2.5 Percentage of fruitless and wasteful expenditure reduced

#### Output 2.5 Percentage of fruitless and wasteful expenditure reduced

Fruitless and wasteful expenditure occurs when expenditure was made in vain and could have been avoided had reasonable precautions been taken. During the 2022/2023 financial year, the Department improved internal controls in reducing fruitless and wasteful expenditure. Part of the controls included recovery of fruitless and wasteful expenditure from officials who committed the transgressions and continuous training of officials.

The fruitless and wasteful expenditure has increased from R57 thousand to R71 thousand in the financial year 2022/23. The department resolved a total of sixty two (62) cases to the value of R991 thousand, of which R966 thousand were written off whilst an amount of R45 thousand was recovered. The net effect in a decrease of R914 thousand reduced the balance to R77 thousand and only 22 cases are currently under investigation. This has decreased the fruitless and wasteful expenditure by 91% for the financial year under review.

#### Output 2.6 Irregular expenditure reduced

The Department's concerted effort was put into reducing irregular expenditure balances emanating from historical cases. Procurement process weaknesses were identified to be the cause of irregular expenditure.

The DFI was reviewed accordingly and officials serving in BID committees were trained on BID processes. This effort contributed to cases of irregular expenditure being resolved and removed from the register. The department resolved a total of twenty-three (23) cases to the value of R2.1 billion which was a 70% reduction in the value of irregular. The balance of R872 million relates to two irregular expenditure cases to the value of R667 million which are currently under investigation by Special Investigating Unit for possible fraud and collusion, five cases to the value of R16.9 million of which officials linked to these cases are currently subjected to disciplinary processes, one case to the value of R5.1 million is with Legal services for determination of legal liability, whilst 45 cases to the value of R183 million are under determination by Internal Control.

#### **Output 2.7 Undisputed and valid invoices paid within 30 days**

The payment of valid invoices within 30 days remains a priority for the Department as it has a serious economic impact on small businesses.

During the financial year under review, the Department processed 46 894 undisputed and valid invoices while 46 644 of these invoices were paid within 30 days. This translated to a performance of 99%. This target has not been achieved, due to JYP and BAS systems' inaccessibility.

#### **Output 2.8 Discretionary Procurement allocated to women**

Amongst government's other priorities is the acceleration of economic transformation and job creation. To contribute to this priority, the Department directs procurement spending towards small and medium businesses owned by women, EMEs and QSEs.

The Department paid a total of R1 092 368 629.49 to contracts and request for quotation suppliers, of which R564 267 147.59 was paid over to women. This translated to a performance of 52% **discretionary procurement allocated to women**.

#### **Output 2.9 Procurement allocated to EME and QSE procurement**

With regards to EME and QSE procurement, the Department paid a total of R1 092 368 629.49 to contracts and request for quotation suppliers, of which R780 084 390.40 was paid over to **exempted micro enterprise (EME) and qualifying small enterprise (QSE) suppliers**. This translated to a performance of 71%.

#### **Output 2.10 Vacancy rate at SMS level**

Through proper recruitment strategies, the Department had 15 vacant positions out of 160 posts for Senior Management Services (SMS) level, resulting in a **SMS vacancy rate of 9%** as at the end of the financial year. These targets fluctuate monthly based on appointments and terminations, and the achievements depend on the management's commitment to adhere to targets set during recruitment processes.

#### **Output 2.11 Disciplinary hearing finalised within prescribed time frame**

A total of 127 **disciplinary cases were resolved** by the department, with 89 of those cases being resolved within 90 days. This resulted in a 70% performance. Despite the good performance, the targets continue to be challenged by delays caused by complexities of individual cases.

#### **Output 2.12 Improved audit outcomes**

With the progress made in implementing the **audit action plan**, the Department is on course to receive an unqualified audit. This will help to restore public trust in the Department's financial management. During the financial year under review, 100% of the audit improvement plan has been completed.

### Output 2.13 Grievances resolved

A total of 233 grievances were handled by the department, with 190 of them resolved within 90 days from the date of opening the matter. This equated to an 82% performance.

### Output 2.14 Disciplinary hearings for misconduct backlogs resolved

At the end of the reporting period a total of 25 disciplinary hearings for misconduct backlogs were resolved.

### Output 2.15 Grievances on backlog resolved

At the end of the reporting period a total 28 grievances for misconduct backlogs were resolved as planned.

### Output 2.16 Specialised training programmes

The Department prioritises the objective to ensure that training and development programmes are in place to enhance service delivery. Therefore, during the financial year under review, the Department, through Justice College, conducted 39 specialised training programmes.

## OUTCOME 3: IMPROVED AWARENESS OF JUSTICE SERVICES AND CONSTITUTIONALISM

The table below provides an overview of the performance against predetermined objectives (APP indicators), in terms of outcomes, outputs, output indicators, planned targets and actual achievements:

### A) Original Annual Performance Plan: April 2022 – June 2022

Output	Output indicator	Audited actual achieved performance 2020/2021	Audited actual achieved performance 2021/2022	Planned annual target 2022/2023	Actual achievement 2022/2023 until date of re-tableting 7 July 2022	Deviation from planned target to actual achievement for 2022/2023	Reasons for deviations	Reasons for revisions to the outputs /output indicator/ annual targets
3.6. A national conference to celebrate the 25 <sup>th</sup> anniversary of the Constitution	3.6.1 A national conference to celebrate the 25 <sup>th</sup> year of the coming into effect of the Constitution held by target date	-	2 reports on the implementation of programmes to commemorate the 25 <sup>th</sup> anniversary of the Constitution were submitted to the Minister for approval.	A national conference to celebrate the 25 <sup>th</sup> year of the coming into effect of the Constitution held by 31 March 2022	-	(50%)	The target was not achieved by the end of the third quarter as it was expected to be achieved by the end of the fourth quarter.	The financial year for the planned target was erroneously captured in the APP.

### Changes to the Annual Performance Plan 2022/2023

Annual Plan version	Output/ Output Indicator	Amendments and Performance
Original Annual Plan April – June 2022	Output 3.6.1 A national conference to celebrate the 25 <sup>th</sup> year of the coming into effect of the Constitution held by target date	The target date for this indicator was erroneously captured as 31 March 2022 instead of 31 March 2023. The target for Q1 was achieved which related to the Concept Note developed.

## C) Final Revised Annual Performance Plan: April 2022 – March 2023

Output	Output indicator	Audited actual achieved performance 2020/2021	Audited actual achieved performance 2021/2022	Planned annual target 2022/2023	Actual achieved performance 2022/2023	Deviation from planned target to actual achievement for 2022/2023	Reasons for deviations
3.1 Public education awareness sessions	3.1.1 Number of public education and communication activities conducted in enhancing justice services (Criminal, Civil and Family Law Services)	-	394	250	533	113%	Target Exceeded. 2022 was declared the “Year of the Community”, which led to an increase in the number of community engagements implemented throughout the provinces. The operationalisation of the 3 GBV Amendment Acts and the Child Justice Act resulted in heightened awareness through various media platforms, i.e. radio, TV, social media interviews/ engagements. Wills week also had an increased number of media interviews.
3.2 Trafficking in Persons awareness campaigns	3.2.1 Number of Trafficking in Persons campaigns conducted in collaboration with other departments and role-players	4	5	4	4	-	Target achieved
3.3 Sustained and visible anti-xenophobia campaigns conducted	3.3.1 Number of sustained and visible anti-xenophobia campaigns conducted in collaboration with other departments and role-players	6	7	6	8	33%	Target Exceeded. The Department collaborated with stakeholders who conducted campaigns based on their funding requirements.
3.4 Events organised to celebrate the 25 <sup>th</sup> anniversary of the Constitution	3.4.1 Number of public education activities conducted to create awareness of the anniversary of the Constitution and promote constitutional rights education	-	371	150	188	25%	Target Exceeded. The celebration of 25 years of coming into effect of the Constitution led to an increased number of communication-related activities/ engagements/activations.
3.5 Lesbian, gay, bisexual, transgender, queer, intersex plus (LGBTQI+) National Intervention Strategy (NIS) activities conducted	3.5.1 Number of LGBTQI+ NIS activities implemented in collaboration with other departments and role-players	18	17	12	17	42%	Target was over-achieved as during the PTT meetings there were issues raised that necessitated additional meetings with provinces, which contributed positively to the target.

Output	Output indicator	Audited actual achieved performance 2020/2021	Audited actual achieved performance 2021/2022	Planned annual target 2022/2023	Actual achieved performance 2022/2023	Deviation from planned target to actual achievement for 2022/2023	Reasons for deviations
3.6 National conference to celebrate the 25 <sup>th</sup> Anniversary of the Constitution	3.6.1 A national conference to celebrate 25th Year of the coming into effect of the Constitution held by target date	-	2 reports on the implementation of programmes to commemorate the 25 <sup>th</sup> anniversary of the Constitution were submitted to the Minister for approval.	A national conference to celebrate the 25 <sup>th</sup> year of the coming into effect of the Constitution held by 31 March 2023	A national conference to celebrate the 25 <sup>th</sup> year of the coming into effect of the Constitution held by 31 March 2023	-	Target achieved

### OUTCOME 3: IMPROVED AWARENESS OF JUSTICE SERVICES AND CONSTITUTIONALISM

In an effort to improve the departmental image and expand access to justice for all, the Department's work is supported by a diversity of communication platforms and approaches, including media outreach, social media, communications product development and events, among others. Through these platforms, the Department continues to implement the National Action Plan (NAP) to combat Racism, Racial Discrimination, Xenophobia and Related Intolerance in order to advance constitutionalism, human rights and the rule of law. At the centre of social transformation is social cohesion, which will end exclusion, separateness and embody the spirit of inclusion that will guide national efforts aimed at building a united society.

#### Output 3.1 Public education awareness sessions

The Department conducted 533 public education activities on justice services (Civil, Criminal and Family Law services).

#### Output 3.2 Trafficking in Persons awareness campaigns

A total of 4 trafficking in persons campaigns were conducted in collaboration with other departments and role-players by the end of the financial year. The events were mainly to commemorate the World Day against Trafficking and ensuring the effective coordination of the established structures in the provinces (Provincial Task Teams) and at national level, ensuring that all relevant role-players are empowered in respect of their roles and responsibilities.

#### Output 3.3 Sustained and visible anti-xenophobia campaigns conducted

With regards to the number of sustained and visible anti-xenophobia campaigns, the Department successfully conducted 8 campaigns in collaboration with other departments and role-players.

#### Output 3.4 Events organised to celebrate the 25<sup>th</sup> constitution

A total of 188 events were organised and celebrated by the Department to commemorate the anniversary of the Constitution.

#### Output 3.5 Lesbian, Gay, Bisexual, Transgender, Queer, Intersex Plus (LGBTQI+)

A total of 17 LGBTQI+ NIS activities have been conducted in collaboration with other departments and role-players to date. These activities were aimed at ensuring the effective coordination of the established structures in the provinces (provincial task teams), consisting of civil society organisations, key government departments and Chapter Nine Institutions.

**Output 3.6 National Conference to celebrate the 25<sup>th</sup> anniversary of the Constitution**

The implementation of programmes to commemorate the 25<sup>th</sup> anniversary of the coming into effect of the Constitution during 2022/2023 focused on reviewing how far the nation has progressed in achieving the ideals of the Constitution, and to provide impetus to increase and deepen constitutionalism, respect for

human rights and the rule of law, especially amongst the most vulnerable and marginalised.

The Department held a successful conference from 22–25 March 2023 under the theme, “Reflections on the Constitution: Rule of law, accountability, social and economic justice”.

**Strategies to Overcome Areas of Underperformance**

The table below provides an overview of the strategies to overcome areas of underperformance against predetermined objectives (APP indicators)

Output Indicator Description		Reason for underperformance	Strategy to overcome areas of underperformance
1.1.1	Phases of Maintenance services available on the DOJ Internet Portal (online) completed by target date	The target was not achieved due to capacity constraints and delays in the implementation of the SmartGov project.	<p><b>The following interventions will be implemented:</b></p> <p><b>Case status tracking:</b></p> <ul style="list-style-type: none"> <li>•UAT testing</li> <li>•Piloting date</li> </ul> <p><b>Payment status tracking:</b></p> <ul style="list-style-type: none"> <li>•Development date</li> <li>•UAT testing</li> <li>•Piloting date</li> </ul> <p><b>Emolument Orders:</b></p> <ul style="list-style-type: none"> <li>•Development date</li> <li>•UAT testing</li> <li>•Piloting date</li> </ul>
1.1.3	Phases of Protection Order services available on the DOJ Internet Portal (online) by target date	The target was not achieved due to changes emanating from legislative processes, changes to the scope requirements and SAPS integration delays.	<p><b>The following interventions will be implemented:</b></p> <p>Enhancement and testing of solution in line with the requirements of the envisaged Gender Based Violence Act, <b>Rules and Regulations:</b></p> <ul style="list-style-type: none"> <li>•Development date</li> <li>•UAT testing</li> <li>•Piloting date</li> </ul> <p><b>E-Judiciary workspace</b></p> <ul style="list-style-type: none"> <li>•Development date</li> <li>•UAT testing</li> <li>•Piloting date</li> </ul>
1.1.4	Phases of NRSO services available on the DOJ Internet Portal (online) by target date		Engagement with SAPS is ongoing to ensure SAPS is prepared for system integration.
1.1.5	Phases of State Attorneys Services available on the DOJ Internet Portal (online) by target date	The development of legal practice management solution was halted due to pending decision on a donated system.	The OSG and ICT to revisit and validate the specifications for a system that needs to be procured, including the funding.

Output Indicator Description		Reason for underperformance	Strategy to overcome areas of underperformance
1.2.1	Number of courtrooms rolled out with the Courts Audio-Visual Solution (CAVS)	SITA & DoJ&CD procurement delays	The DG delegation met with SITA in February 2023 to discuss the procurement delays. SITA has made a commitment to accelerate the process and DoJ&CD to strengthen the team. SITA to report to the DG on a regular basis.  Timelines to complete the project can only be provided once the procurement is finalised as implementation timelines will form the bidder's responses.
2.14.1	Number of backlogs on disciplinary hearing cases for misconduct resolved	Complexity of grievances delayed the finalisation of cases.	Employee Relations national office will conduct weekly meeting to facilitate the finalisation of matters and ensure responsible parties are available to proceed.

### Linking performance with budgets

The Programme's overall expenditure for the financial year amounted to R 2.933 billion against the budget of R 2.975 billion, resulting in an underspending of R 42 million.

The underspending is mainly attributed to delays in filling of vacant posts as well as lower than anticipated payment for SASSETA levies.

### Sub-programme expenditure

Sub- Programme Name	2022/2023			2021/2022		
	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
Ministry	37 597	37 176	421	34 289	30 588	3 701
Management	66 634	66 634	-	57 087	54 827	2 260
Corporate services	1 016 344	982 103	34 241	1 060 482	1 034 624	25 858
Financial administration	223 970	219 786	4 184	205 367	203 665	1 702
Internal audit	106 178	103 051	3 127	100 515	95 113	5 402
Office accommodation	1 524 742	1 524 742	-	1 527 823	1 335 931	191 892
<b>Total</b>	<b>2 975 465</b>	<b>2 933 492</b>	<b>41 973</b>	<b>2 985 563</b>	<b>2 754 748</b>	<b>230 815</b>





## 4.2 PROGRAMME 2: COURT SERVICES

### a) Purpose

To facilitate the resolution of criminal and civil cases and family law disputes by providing accessible, efficient and quality administrative support to the lower courts and managing court facilities.

### b) Description of sub-programmes:

- i. **Lower Courts:** Coordination and management of an effective and efficient criminal and civil justice system; Protection of the Rights of Vulnerable Persons, which is responsible for the establishment of sexual offences courts and the development and implementation of measures to reduce gender-based violence and femicide and the protection of children; Special Tribunals and Commissions of Inquiry, which focuses on the facilitation and coordination of the Special Tribunals and Commissions of Inquiry appointed in terms of the Commissions of Inquiry Act, 1947 and other applicable legislation.
- ii. **Family Advocate:** Relates to services of the Office of the Family Advocate in respect of litigation and mediation services affecting children and child and spousal maintenance services.
- iii. **Magistrates Commission:** Established in terms of the Magistrates Act, 1993, and which regulates the appointment, tenure and discharge of magistrates.
- iv. **Facilities Management:** Focuses on the provision and management of facilities in respect of the Ministry, the DoJ&CD, Office of the Chief Justice (OCJ), National Prosecuting Authority (NPA), Courts and justice service points; Justice Security Services focuses on the provision and management of Security Services in respect of all offices of the DoJ&CD, Office of the Chief Justice, National Prosecuting Authority (NPA), courts and justice service points.
- v. **Administration of Lower Courts:** Focuses on the coordination of the administration of justice services at the nine provincial offices of the Department.

### c) Institutional outcomes that the programme contributes towards

- i. Outcome 4: Increased access to justice services
- ii. Outcome 10: Crime and corruption significantly reduced through effective prosecution

### OUTCOME 4: INCREASED ACCESS TO JUSTICE SERVICES

The table below provides an overview of the performance against predetermined objectives (APP indicators), in terms of outcomes, outputs, output indicators, planned targets and actual achievements:

#### A) Original Annual Performance Plan: April 2022 – June 2022

Output	Output indicator	Audited actual achieved performance 2020/2021	Audited actual achieved performance 2021/2022	Planned annual target 2022/2023	Actual achievement 2022/2023 until date of re-tabling 7 July 2022	Deviation from planned target to actual achievement for 2022/2023	Reasons for deviations	Reasons for revisions to the outputs /output indicator/ annual targets
4.3 NRSO Clearance Certificates issued in 10 days	4.3.1 Percentage of NRSO Clearance Certificates issued within 10 days from date of receipt of the application	100%	82%	55%	84%	53%	Target Exceeded. NRSO Registrar worked overtime	The Portfolio Committee suggested a higher target.
4.6 Courts compliant with the strategy on universal access for persons with disabilities	4.6.1 Number of courts compliant with the strategy on universal access for persons with disabilities	-	78	27	0	(100%)	Target not achieved due to revised minimum standards	The Portfolio Committee suggested a higher target.

#### B) Revised Annual Performance Plan: April 2022 – December 2022

Output	Output indicator	Audited actual achieved performance 2020/2021	Audited actual achieved performance 2021/2022	Planned annual target 2022/2023	Actual achievement 2022/2023 until date of re-tabling 16 January 2023	Deviation from planned target to actual achievement for 2022/2023	Reasons for deviations	Reasons for revisions to the outputs /output indicator/annual targets
4.5 Sexual offences courts established at designated courts	4.5.1 Number of sexual offences courts established at designated courts	0	0	80	0	(100%)	Target not achieved as the Regulation Gazette to designate the courts was withdrawn.	Output indicator changed because there is no legal provision for sexual offences courts to be established at designated courts.

Output	Output indicator	Audited actual achieved performance 2020/2021	Audited actual achieved performance 2021/2022	Planned annual target 2022/2023	Actual achievement 2022/2023 until date of re-tabling 16 January 2023	Deviation from planned target to actual achievement for 2022/2023	Reasons for deviations	Reasons for revisions to the outputs /output indicator/annual targets
4.10 Maintenance investigations finalised	4.10.1 Percentage of maintenance investigations finalised within 90 days of receipt of instruction by the maintenance officer or referral by the clerk of the Maintenance Court	-	-	30%	0%	(100%)	Target was not achieved due to unavailability of data	Output indicator wording was corrected from maintenance officer and clerk of the court to maintenance investigator
4.12 Criminal cases postponed due to unavailability of court administration staff	4.12.1 Percentage of criminal cases postponed due to administration support services	<0.3%	<0.3%	<1%	<0.62%	-	-	The output was revised from "Criminal cases postponed due to unavailability of court administration staff" to "Criminal cases postponed due to administration support services" in order to align it to the output indicator.
4.13 Refurbishment and upgrading of court facilities through minor capital works	4.13.1 Number of court facilities refurbished through minor capital works	-	-	60	0	(100%)	The target was not achieved due to the delays in the approval of the DFI.	The target was revised because the formal communication regarding the DPWI daily maintenance threshold increase was received in October. This target was dependent on receiving the revised threshold from DPWI in April, however it was only received in October.

### Changes to the Annual Performance Plan 2022/2023

Annual Plan version	Output/ Output Indicator	Amendments and Performance
Original Annual Plan: April – June 2022	Output 4.3.1 NRSO Clearance Certificates issued	The target for this indicator was increased from 55% to 65% for the APP 2022/2023. During the quarter under review, the NRSO has received 609 applications submitted by the South African Counsel of Educators (SACE) in respect of confirming for individuals that would be in contact with children in the course of their employment, and processed 513 within 10 days.
Original Annual Plan: April – June 2022	Output 4.6.1 Courts compliant with the strategy on universal access for persons with disabilities	The target for indicator “number of courts compliant with the strategy on universal access for persons with disabilities” was increased from 27 to 70.  During the quarter under review, the amended minimum standard for courts in compliance with the strategy on universal access for persons with disabilities was approved.
Revised Annual Performance Plan: April – December 2022	Output 4.5.1 Sexual offences courts established at designated courts	The output indicator was revised from “Number of sexual offences courts established at designated courts” to “Number of sexual offences courts established”. The output was revised from “Sexual offences courts established at designated courts” to “Sexual offences courts established”.
Revised Annual Performance Plan: April – December 2022	Output 4.10.1 Maintenance investigations finalised	The output indicator was revised from “Percentage of maintenance investigations finalised within 90 days of receipt of instruction by the Maintenance Officer or Referral by the Clerk of the Maintenance Court” to “Percentage of maintenance investigations finalised by the Maintenance Investigator within 90 days from the date of receipt of instruction/ referral”.
Revised Annual Performance Plan: April – December 2022	Output 4.12.1 Percentage of criminal cases postponed due to administrative support services	The output was revised from “Criminal cases postponed due to unavailability of court administration staff” to “Criminal cases postponed due to administration support services” in order to align it to the output indicator. During the quarter under review, 775 cases from the outstanding roll of 124 264 cases were postponed due to the unavailability of court administration staff, translating to 0,62% performance. This target has been achieved for the quarter.
Revised Annual Performance Plan: April – December 2022	Output 4.13.1 Number of court facilities refurbished through minor capital work	Quarter three target was revised from “Commencement of construction work” to “awarding of contract”. The quotations and purchase orders by SCM was finalised during the quarter under review.

### C) Final Revised Annual Performance Plan: April 2022 – March 2023

Output	Output indicator	Audited actual achieved performance 2020/2021	Audited actual achieved performance 2021/2022	Planned annual target 2022/2023	Actual achieved performance 2022/2023	Deviation from planned target to actual achievement for 2022/2023	Reasons for deviations
4.1 Established phases of Femicide Watch	4.1.1 Phases of Femicide Watch completed as required by article 15 of Presidential Summit Declaration against GBVF, 2019, and the National Strategic Plan (NSP) on GBVF	Phase 3 of the Femicide Watch Dashboard report completed and published to stakeholders	Phase 4: Functional Femicide Watch Dashboard with available data	Phase 5: Approved report on additional data metrics for Phase 5 Femicide Watch Dashboard	Phase 5: Approved report on additional data metrics for Phase 5 Femicide Watch Dashboard	-	Target achieved

Output	Output indicator	Audit- ed actual achieved performance 2020/2021	Audited ac- tual achieved performance 2021/2022	Planned annual target 2022/2023	Actual achieved perfor- mance 2022/2023	Devia- tion from planned target to actual achieve- ment for 2022/2023	Reasons for deviations
4.2 Finalised child justice preliminary inquiries within 90 days after date of first appearance	4.2.1 Percentage of child justice preliminary inquiries finalised within 90 days after date of first appearance	90%	94%	90%	94%	4%	Target exceeded. Regular oversights and monthly data verification meetings to address discrepancies and risks
4.3 NRSO Clearance Certificates issued in 10 days	4.3.1 Percentage of NRSO Clearance Certificates issued within 10 days from date of receipt of the application	100%	82%	65%	84%	29%	Target exceeded. NRSO Registrar worked overtime
4.4 NRSO Clearance Certificates issued from backlog cases	4.4.1 Number of NRSO clearance Certificates issued from backlog cases	-	-	3 000	3 127	4%	Target exceeded. NRSO Registrar worked overtime and two (2) Human Resources appointments
4.5 Sexual offences courts established	4.5.1 Number of sexual offences courts established	0	0	80	83	4%	Target exceeded. To increase access to sexual offences courts
4.6 Courts compliant with the strategy on universal access for persons with disabilities	4.6.1 Number of courts compliant with the strategy on universal access for persons with disabilities	-	78	70	70	-	Target achieved
4.7 Family Advocate litigation matters finalised within 12 months from the date of opening the matter	4.7.1 Percentage of Family Advocate litigation matters finalised within 12 months from the date of opening the matter	85%	90%	80%	94%	18%	Target was overachieved due to effective performance monitoring
4.8 Family Advocate non-litigation matters finalised within 6 months from the date of opening the matter	4.8.1 Percentage of Family Advocate non-litigation matters finalised within 6 months from the date of opening the matter	81%	92%	80%	97%	21%	Target was overachieved due to effective performance monitoring

Output	Output indicator	Audit- ed actual achieved performance 2020/2021	Audited ac- tual achieved performance 2021/2022	Planned annual target 2022/2023	Actual achieved perfor- mance 2022/2023	Devia- tion from planned target to actual achieve- ment for 2022/2023	Reasons for deviations
4.9 Maintenance matters finalised within 90 days from the date of proper service of process	4.9.1. Percentage of maintenance matters finalised within 90 days from the date of proper service of process	85%	91%	75%	88%	17%	Target was overachieved due to information workshops held and continuous engagements with frontline staff for the pilot sites
4.10 Maintenance investigations finalised	4.10.1 Percentage of maintenance investigations finalised by the Maintenance Investigator within 90 days from the date of receipt of instruction/ referral	-	-	30%	96%	220%	Target was overachieved due to information workshops held and continuous engagements with frontline staff for the pilot sites
4.11 Social Compact concept developed	4.11.1 Social Compact between the Executive, Judiciary and Legislative tiers of government implemented	-	Social Compact discussion document submitted to the Minister for approval by 31 March 2022	Social Compact discussion document submitted to Cabinet by 31 March 2023	Social Compact discussion document submitted to Cabinet	-	Target achieved
4.12 Criminal cases postponed due to unavailability of court administration staff	4.12.1 Percentage of criminal cases postponed due to administration support services	<0.2%	<0.13%	<1%	<0.44%	-	Target achieved
4.13 Refurbishment and upgrading of court facilities through minor capital works	4.13.1 Number of court facilities re- furbished through minor capital works	-	-	60	69	15%	Target exceeded. There were a large number of projects identified. Most of the com- pleted projects' specifications for the works to be undertaken did not require spe- cialised expertise. The budget has been provided for the imple- mentation of the projects.

**Outcome 10: Crime and corruption reduced through effective prosecution**

Output	Output indicator	Audited actual achieved performance 2020/2021	Audited actual achieved performance 2021/2022	Planned annual target 2022/2023	Actual achieved performance 2022/2023	Deviation from planned target to actual achievement for 2022/2023	Reasons for deviations
10.1 Dedicated specialised commercial courts (serious economic crimes courts)	10.1.1 Number of dedicated specialised commercial crime courts capacitated	6	3	2	7	250%	Target exceeded due to availability of funds and identified needs determined by envisaged case load and existing resources



**During the 2022/2023 financial year, information workshops and engagements with frontline Maintenance officials assisted in an overachievement of 96% of Maintenance investigations finalised.**

## PERFORMANCE AGAINST PREDETERMINED OBJECTIVES (APRIL 2022 – MARCH 2023)

### OUTCOME 4: INCREASED ACCESS TO JUSTICE SERVICES

#### Output 4.1 Established Phases of Femicide Watch

Phase 5 of Femicide Watch entailed the establishment of a workable, functioning, accessible and user-friendly dashboard to be utilised by the Department of Justice and Constitutional Development (DoJ&CD), National

Prosecuting Authority (NPA), South African Police Service (SAPS) and Integrated Justice System (IJS) officials, populated with production (“live”) data.



Following the recommendation by the United Nations Special Rapporteur on Violence against Women that South Africa establish a Femicide Watch, the IJS programme has continued to work with the DoJ&CD to prepare and refine the requirements for an interactive dashboard to support the Department in analysing trends and profiles of offenders and victims.

In this regard, a report on additional data metrics for Phase 5 Femicide Watch Dashboard was approved during the year under review.

#### Output 4.2 Finalised Child Justice Preliminary inquiries within 90 days after date of first appearance

The DoJ&CD administers the Child Justice Act, 2008 (Act 75 of 2008) (the “Act”) and it is the Department’s responsibility to lead the intersectoral monitoring of the implementation of the Act. Section 94 of the Act further established the Intersectoral Committee for Child Justice and identifies the Director-General of Justice and Constitutional Development as the chair of the Directors-General Intersectoral Committee for Child Justice.



During this reporting period, the **Department registered 10 217 child justice preliminary inquiries** and finalised 9 563 within 90 days after the date of first appearance. This resulted in 94% of the target to be achieved.

#### **Output 4.3 NRSO Clearance Certificates issued within 10 working days**

Chapter 6 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007) came into effect in 2009. The main requirement for the Department is to implement a National Register for Sexual Offenders (NRSO), wherein all the convicted sex offenders against children and mentally disabled persons are to be registered. A total of **4 005 NRSO clearance certificates were issued**, of which 3 359 were issued within 10 days, and this translates to 84% achievement.

#### **Output 4.4 NRSO Clearance Certificates issued from backlog cases**

The Department accumulated a backlog in applications for clearance certificates during the malware attack in the 2021/2022 financial year. In addressing this challenge, an APP indicator was developed to finalise 3 000 backlog applications in the 2022/2023 financial year. Against this annual target, the **NRSO processed and issued 3 127 from backlog cases**, which was above the projected target for the financial year.

#### **Output 4.5. Sexual Offences Courts established**

The Sexual Offences Courts provide a victim-centric support service catalogue intended to eliminate the secondary victimisation from the court system, while improving prosecution and also speeding up the finalisation of cases of sexual offences.

The Department upgraded 83 courts into section 55A sexual offences courts in line with the regulations relating to Sexual Offences Courts *Gazette* No 11504 issued on 31 October 2022 to designate courts for the regional divisions.

#### **Output 4.6 Courts Complaint with the Strategy on Universal Access for Persons with Disabilities**

Sections 7, 9 and 34 of the Constitution of South Africa provide for non-discrimination and inequality and access to courts. South Africa ratified the United

Nations Convention on the Rights of Persons with Disabilities in March 2007 and cabinet approved the National White Paper on the Rights of Persons with Disabilities in December 2016. The DoJ&CD is therefore under an obligation to ensure that persons with disabilities have equal access to the courts in so far as reasonable accommodations and appropriate support and services are concerned.

A total of **70 courts** were upgraded in line with the **Minimum Standards** to provide reasonable accommodations and disability-centric support services, which include sign language interpretation (upon request), private testifying services, private waiting room services, a dedicated space for a guide dog, dog bed/mat, dog water bowl, information products accessible to different types of disability (e.g. braille, large-print information booklets, audio-visual and audio information products), court preparation services, intermediary services, witness fee services, etc.

#### **Output 4.7 Family Advocate litigation matters finalised within 12 months from the date of opening the matter**

The Department, through the office of the Family Advocate, continues to provide professional legal and family-related services to children in families with conflict and other difficulties.

During the period under review the Department recorded **9 085 litigation family law matters** and 8 556 of these matters were finalised within 12 months, which translates into 94% achievement.

#### **Output 4.8 Family Advocate non-litigation matters finalised within 6 months from the date of opening the matter**

The Department had recorded **8 110 non-litigation family matters** and finalised 7 891 within six months from the date of opening the file by the end of the financial year. This translated into a performance of 97%.

#### **Output 4.9 Maintenance matters finalised within 90 days from the date of proper service of process**

The Department is responsible for the implementation of the Maintenance Act, 1998 (Act 99 of 1998), whose sole purpose is to ensure that children and dependents

are paid maintenance by those with the obligation to support them. The elevation of Maintenance Services is a demonstration of the Department's commitment to compliance to making real the rights of children, as required in terms of section 28 (1) (b) and (2) of the Constitution of the Republic of South Africa, 1996 as amended. These provisions are the basis of the duty to support, in terms of which parents have the obligation to support their children or persons with the obligation to support others do so.

By the end of the financial year the **Department processed 36 085 maintenance cases** where defendants were served with proper service of process at 240 pilot sites, while 31 850 of these maintenance cases were finalised within 90 days after proper service of process. This translated to performance of 88%.

#### **Output 4.10 Maintenance investigations finalised**

By the end of the financial year the **Department processed 463 maintenance investigations**, of which 445 were finalised within 90 days. This translated to a performance of 96%.

#### **Output 4.11 Social compact concept developed**

The MTSF (2019–2024) proposed a social compact and engagement between the three spheres of government with the fundamental outcome of “improved leadership, governance and accountability”. The Department envisages that the finalisation of a social compact will strengthen the vision that a developmental state must be embedded in society, building constructive relations and collaboration with sectors of society and empowering citizens to be active agents of change in communities. Thus the envisaged social compact between the three branches of state is intended to foster and strengthen the constitutional relationship between the respective arms of state and provide a platform for a constructive interface where matters of mutual interest can be ventilated. This process will provide a structured interface to address the policy reforms pertaining to the judiciary.

The Social Compact discussion document was submitted to Cabinet.

#### **Output 4.12 Criminal cases postponed due to unavailability of court administration staff**

The Department strives to ensure that the necessary administrative support required for the functioning of the courts is always available. At the end of the financial year a total of **705 cases** from the 159 593 on the outstanding roll were **postponed due to the unavailability of court services**, which translates to 0.44% performance.

#### **Output 4.13 Refurbishment and upgrading of court facilities through minor capital works**

From the 115 courts identified, **69 courts** were completed and completion certificates submitted as proof.

#### **Output 10.1. Dedicated Specialised Commercial Courts (Special Economic Crime Courts)**

The target is in the MTSF (2019–2024), which speaks to the **establishment of five new SCCCs** within the current MTSF period in order to ensure that every region has at least one SCCC to expedite the hearing of serious commercial crime and corruption matters, especially in light of the surge in corruption during the Covid-19 pandemic.

During the reporting period seven (7) SCCCs have been capacitated

#### **Strategy to overcome areas of underperformance**

This programme achieved all targets against predetermined objectives (APP indicators) for the financial year under review.

#### **Linking performance with budgets**

The programme's overall expenditure for the financial year amounted to R7.021 billion against the budget of R7.036 billion, resulting in an underspending of R15 million. The underspending is due to lower than anticipated expenditure for security services.

*Sub-programme expenditure*

Sub- Programme Name	2022/2023			2021/2022		
	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
Lower courts	5 587 052	5 572 351	14 701	5 232 916	5 232 916	
Family advocate	269 975	269 975	-	263 877	248 595	15 282
Magistrate's commission	10 658	10 658	-	12 755	11 575	1 180
Facilities management	532 575	532 575	-	688 390	633 578	54 812
Administration of lower courts	635 899	635 899	-	553 671	553 544	127
<b>Total</b>	<b>7 036 159</b>	<b>7 021 458</b>	<b>14 701</b>	<b>6 751 609</b>	<b>6 680 208</b>	<b>71 401</b>



Around 300 officials with disabilities from all over the nine provinces recently gathered at the Willows Resorts in Gqeberha (formerly known as Port Elizabeth) to acknowledge, celebrate and enjoy some festivities as part of commemorating International Day of Persons with Disabilities.

## 4.3 PROGRAMME 3: STATE LEGAL SERVICES

### a) Purpose

The aim of this programme is to: provide legal and legislative services to government; supervise the registration of trusts, and the administration of deceased and insolvent estates and estates undergoing liquidation; manage the Guardian's Fund; prepare and promote legislation; and facilitate constitutional development and undertake research in support of this.

### b) Description of sub-programmes:

- i. **State Law Advisory Services:** Provides legal advisory services by the Office of the Chief State Law Adviser to the Executive, all state departments, state-owned enterprises and autonomous government bodies.
- ii. **Litigation and Legal Services:** Provides state litigation services which relate to the functions of the Solicitor-General and Offices of the State Attorney, including conveyancing and notary services in respect of all government departments and other organs of state as may be determined in terms of the State Attorney Amendment Act.
- iii. **Legislative Development and Law Reform:** Conducts research, prepares and promotes new legislation and amends existing legislation.
- iv. **Master of the High Court:** Responsible for functions relating to the administration of deceased and insolvent estates, trusts, curatorship and the Guardian's Fund performed through the various offices of the Master countrywide.
- v. **Constitutional Development:** Coordinates the implementation of constitutionally mandated legislation such as the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000) and the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000); coordinates the preparation and submission of country reports; coordinates the implementation of the National Action Plan (NAP) to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance; and conducts research on various constitutional related matters.

### c) Institutional outcomes that the programme contributes towards

- i. Outcome 2: Improved organisational capability and good governance
- ii. Outcome 5: Improved and transformed Master's services
- iii. Outcome 6 Colonial/apartheid era justice-related legislation reviewed and replaced
- iv. Outcome 7: Transformed state legal services
- v. Outcome 8: Transformed legal profession
- vi. Outcome 9: Advanced constitutionalism, human rights and the rule of law
- vii. Outcome 10: Crime and corruption reduced through effective prosecution

**OUTCOME 5: IMPROVED MASTER'S SERVICES**

The table below provides an overview of the performance against predetermined objectives (APP indicators), in terms of outcomes, outputs, output indicators, planned targets and actual achievements:

**B) Revised Annual Performance Plan: April – December 2022**

Output	Output indicator	Audited actual achieved performance 2020/2021	Audited actual achieved performance 2021/2022	Planned annual target 2022/2023	Actual achievement 2022/2023 until date of re-tabling 16-January 2023	Deviation from planned target to actual achievement for 2022/2023	Reasons for deviations	Reasons for revisions to the outputs / output indicator /annual targets
5.1 Liquidation and distribution accounts in large estates (>250 000) examined within 21 days from receipt of all required documents	5.1.1 Percentage of liquidation and distribution accounts in large estates (>250 000) examined within 21 days from receipt of all required documents	71%	74%	75%	80%	8%	Target exceeded. The over-achievement was as a result of Estate Controllers prioritising the examination of accounts during system downtime.	The outputs indicator was changed to remove the value.
5.3 Beneficiaries in receipt of services within 40 days from receipt of all required documents (Guardian's Fund)	5.3.1 Percentage of beneficiaries in receipt of services within 40 days from receipt of all required documents (Guardian's Fund)	89%	80%	80%	83%	4%	Target exceeded	Alignment of output with output indicator and method of calculation

## Changes to the Annual Performance Plan: 2022/2023

Annual Plan version	Output Indicator	Amendments and Performance
Revised Annual Performance Plan: April – December 2022	5.1 Liquidation and distribution accounts in large estates (>250 000) examined within 21 days from receipt of all required documents	<p>The output was revised from “Liquidation and distribution accounts in large estates (&gt;250 000) examined within 21 days from receipt of all required documents” to “Liquidation and distribution accounts in deceased estates where letters of executorship have been issued, examined within 21 days from receipt of all required documents”. The output indicator was revised from “Percentage of liquidation and distribution accounts in large estates (&gt;250 000) examined within 21 days from receipt of all required documents” to “Percentage of liquidation and distribution accounts in deceased estates where letters of executorship have been issued, examined within 21 days from receipt of all required documents”.</p> <p>The method of calculation was revised from “Percentage of accounts examined within 21 days = (number of accounts examined within 21 days/total number of accounts examined) x 100. Number of days to examine = date of examination minus date of receipt of all required documentation, public holidays and weekends excluded, inclusive of the first and last day” to “Percentage of accounts in deceased estates where letters of executorship have been issued, examined within 21 days = (number of accounts examined within 21 days/total number of accounts examined) x 100. Number of days to examine = date of examination minus date of receipt of all required documentation, public holidays and weekends excluded, inclusive of the first and last day”.</p> <p>During the period under review, 44 793 liquidation and distribution accounts in large estates were examined, of which 36 050 of these accounts were examined within 21 days from receipt of all required documents.</p>
Revised Annual Performance Plan: April – December 2022	5.3 Beneficiaries in receipt of services within 40 days from receipt of all required documents (Guardian’s Fund)	<p>The output was revised from “Beneficiaries in receipt of services within 40 days from receipt of all required documents (Guardian’s Fund)” to “Guardian’s Fund applicants paid within 40 days from date of receipt of all required documents”.</p> <p>To align with the output, the output indicator was also revised from “Percentage of beneficiaries in receipt of services within 40 days from receipt of all required documents (Guardian’s Fund)” to “Percentage of Guardian’s Fund applications paid within 40 days from date of receipt of all required documents”.</p> <p>The definition in the TID was revised to align with the revised output indicator from “This indicator measures the percentage of beneficiaries who received payment on their application within 40 days from lodging all the required documents to enable the Master to proceed with payment” to “This indicator measures the percentage of Guardian’s Fund applications paid within 40 days from lodging all the required documents to enable the Master to proceed with payment”.</p> <p>The method of calculation in the TID was revised from “Percentage achieved (percentage of beneficiaries in receipt of service) = (number of payments made within 40 day/total number of payments made) *100. Number of days to payment = date of payment minus date of receipt of all required documentation, public holidays and weekends excluded, inclusive of the first and last day” to “Percentage achieved (percentage of applicants whose payments were authorised on our system) = (number of payments authorised within 40 day/total number of payments authorised) *100. Number of days to authorisation = date of authorisation minus date of receipt of all required documentation, public holidays and weekends excluded, inclusive of the first and last day”.</p> <p>Desired performance was revised from “All beneficiaries of the Guardian’s Fund receive services with 40 days” to “All Guardian’s Fund applicants receive payment within 40 days”.</p> <p>During the period under review, 28 243 certificates of appointment in all bankruptcy matters were issued and 23 428 of these appointments were issued within 40 days from receipt of all required documents.</p>

## C) Final Revised Annual Performance Plan: April 2022 – March 2023

Output	Output indicator	Audited actual achieved performance 2020/2021	Audited actual achieved performance 2021/2022	Planned annual target 2022/2023	Actual achieved performance 2022/2023	Deviation from planned target to actual achievement for 2022/2023	Reasons for deviations
5.1 Liquidation and distribution accounts in deceased estates where letters of executorship have been issued, examined within 21 days from receipt of all required documents	5.1.1 Percentage of liquidation and distribution accounts in deceased estates where letters of executorship have been issued, examined within 21 days from receipt of all required documents	71%	74%	75%	79%	5%	The overachievement was as a result of Estate Controllers prioritising the examination of accounts during system downtime.
5.2 Letters of appointment issued in deceased estates within 21 days from receipt of all required documents	5.2.1 Percentage of letters of appointment issued in deceased estates within 21 days from receipt of all required documents	75%	78%	70%	83%	19%	The overachievement was a result of the implementation of self-help kiosks that allowed Assistant Masters to speedily assess and approve the registered matter.
5.3 Guardian's Fund applicants paid within 40 days from date of receipt of all required documents	5.3.1 Percentage of Guardian's Fund applications paid within 40 days from date of receipt of all required documents	89%	80%	80%	80%	-	Target achieved
5.4 Certificates of appointment issued in all bankruptcy matters within 10 days from receipt of all required documents	5.4.1 Percentage of certificates of appointment issued in all bankruptcy matters within 10 days from receipt of all required documents	87%	87%	80%	90%	13%	The overachievement was as a result of the Department receiving less applications than anticipated, which also allowed for backlog matters to be timeously resolved.

Output	Output indicator	Audited actual achieved performance 2020/2021	Audited actual achieved performance 2021/2022	Planned annual target 2022/2023	Actual achieved performance 2022/2023	Deviation from planned target to actual achievement for 2022/2023	Reasons for deviations
5.5 Liquidation and distribution accounts in bankruptcy matters examined within 15 days from receipt of all required documents	5.5.1 Percentage of liquidation and distribution accounts in bankruptcy matters examined within 15 days from receipt of all required documents	82%	88%	85%	92%	8%	The overachievement was as a result of Estate Controllers prioritising the examination of accounts.
5.6 Letters of authority issued in trusts within 21 days from receipt of all required documents	5.6.1 Percentage of letters of authority issued in trusts within 21 days from receipt of all required documents	68%	62%	65%	77%	18%	The increase in days contributed to the exceed target.
5.7 Letters of appointment issued in curatorship estates within 15 days from receipt of all required documents	5.7.1 Percentage of letters of appointment issued in curatorship estates within 15 days from receipt of all required documents	92%	94%	85%	95%	12%	The overachievement was a result of some offices being fully capacitated and having implemented adequate measures to circumvent the effects of load-shedding.
5.8 Policy on appointment of Insolvency Practitioners	5.8.1 Policy on appointment of Insolvency Practitioners submitted to the Minister for approval by target date	-	-	Policy on appointment of Insolvency Practitioners submitted to the Minister for approval by 31 March 2023	Policy on appointment of Insolvency Practitioners submitted to the Minister for approval by 15 September 2022	-	Target achieved



Output	Output indicator	Audited actual achieved performance 2020/2021	Audited actual achieved performance 2021/2022	Planned annual target 2022/2023	Actual achieved performance 2022/2023	Deviation from planned target to actual achievement for 2022/2023	Reasons for deviations
5.9 Master's Turnaround Strategy implemented	5.9.1 Number of interventions from the Master's Turnaround Strategy implemented	-	-	4	1	(75%)	The scheduled training session could not be completed due to budgetary constraints. The development of the Guardian's Fund system was not completed due to system- and design-related challenges. Accessibility to systems and networks has prevented offices from addressing the backlog. It resulted in under-performance.

## OUTCOME 5: IMPROVED MASTER'S SERVICES

The Office of the Master of the High Court serves the public in respect of deceased estates, liquidations, administration of the Guardian's Fund, curators and registration of trusts, amongst other things. It strives to protect the financial interest of persons whose assets or interests are, for various reasons, being managed by others.

The Master of High Court appoints an official to deal with the assets of the deceased, to take control of the assets and obtain all details of creditors and heirs. They ensure that the estate devolves in terms of the will, or if there is no will, in terms of the Intestate Succession Act.

The Department understands the absolute importance that these appointments be issued as soon as possible to enable heirs of the deceased to pay the debts of the deceased, maintain the family, transfer assets to the rightful heirs, etc.

### Output 5.1 Liquidation and distribution accounts in deceased estates where letters of executorship have been issued, examined within 21 days from receipt of all required documents

A total of **59 784 accounts** were examined, of which **47 088** were examined within 21 days from receipt of all required documents by the end of the financial year. This translates into a 79% achievement.

### Output 5.2 Letters of appointment issued in deceased estates within 21 days from receipt of all required documents

The Master's Offices issued **170 340 letters of appointment in deceased estates** of which **140 959** appointments were issued within 21 days from receipt of all required documents. The performance in this regard represents 83% achievement.

### Output 5.3 Guardian's Fund applicants paid within 40 days from date from receipt of all required documents

The Guardian's Fund is a statutory trust established in terms of Chapter V of the Administration of Estates Act, 1965 (Act 66 of 1965). The Guardian's Fund consists of all moneys received by the Master of the High Court under the Administration of Estates Act or any other law, or pursuant to an order of court or any money accepted by the Master in trust for any known or unknown person. The Master must, on application of any person who has become entitled to receive money from the fund, pay that money to the applicant, whether it be inheritance applications and payments to persons entitled thereto or payments to natural guardians, tutors and curators required for maintenance, education or other benefit.

During the reporting period the Master's Offices issued **39 216 certificates applications** and **31 552** of these appointments were issued within 40 days from receipt of all required documents, which is an 80% achievement.

#### **Output 5.4 Certificates of appointment issued in all bankruptcy matters within 10 days from receipt of all required documents**

In order to deal with the assets of an insolvent person or liquidated business, it is of absolute importance that the Master of the High Court issue these appointments as soon as possible to enable the liquidator to start with the administration process, consider creditors' claims, locate and safeguard assets and ensure that the estate is finalised.

The Department issued **10 221 certificates of appointments in all bankruptcy matters** and **9 230** of these appointments were issued within 10 days from receipt of all required documents, which amounts to 90% performance for the financial year under review.

#### **Output 5.5 Liquidation and distribution accounts in bankruptcy matters examined within 15 days from receipt of all required documents**

In terms of the Insolvency Act, 2014, the appointed person should take control of the assets and obtain all details of creditors and their claims to ensure that the assets are dealt with and divided. As at the end of the 2023/22 financial year a total of **6 206 liquidation and distribution accounts in bankruptcy matters** were examined, of which **5 687** were examined within 15 days from receipt of all required documents, registering a 92% achievement.

#### **Output 5.6 Letters of authority issued in trusts within 21 days from receipt of all required documents**

The Master formally appoints trustees by way of issuing a letter of authority so that those trustees act lawfully on behalf of the trust. Trusts play an important role in the economy as the trust is a commonly used structure in financial planning in a regulated environment. Timely registration of trusts facilitates free and efficient economic activity.

The Department registered a 77% achievement, where **23 881 of 30 859 letters of authority in trusts** were issued within 21 days from receipt of all required documents.

#### **Output 5.7 Letters of appointment issued in curatorship estates within 15 days from receipt of all required documents**

When a person is declared incapable of managing their own affairs or becomes incapacitated to do so, the interested parties can apply to court to have a curator appointed for that person to take financial decisions on their behalf. For a curator to be able to do this, they need to be formally appointed to do so by the Master of the High Court. A total of 95% achievement was registered, derived from **1 208** letters of appointment issued in curatorship, of which **1 147** were issued within 15 days from receipt of all required documents for the term under review.

#### **Output 5.8 Policy on appointment of Insolvency Practitioners**

In an attempt to find solutions and to engage with stakeholders, the Department has made efforts to enhance engagements with legal practitioners and insolvency practitioners in the Master's Offices. A Policy on the Appointment of the Insolvency Practitioners was developed and submitted to the Minister for approval on 15 September 2022.

#### **Output 5.9 Master's Turnaround Strategy implemented**

With regards to implementing interventions plans from the Master's Turnaround Strategy, the **self-help computers were installed** in all Master's Offices.

A total of 10 779 backlog matters were listed, of which only **1 980** were cleared. Out of 220 Assistant Masters officials, only a total of 30 in the branch underwent FMDP training.

The development of the Guardian's Fund financial system commenced in the 2021/2022 financial year and it is envisaged that it will be finalised and rolled out in the 2023/2024 financial year.

## OUTCOME 6: COLONIAL/APARTHEID ERA JUSTICE-RELATED LEGISLATION REVIEWED AND REPLACED

The table below provides an overview of the performance against predetermined objectives (APP indicators), in terms of outcomes, outputs, output indicators, planned targets and actual achievements:

### B) Revised Annual Performance Plan: April – December 2022

Output	Output indicator	Audited actual performance 2020/2021	Audited actual performance 2021/2022	Planned annual target 2022/2023	Actual achievement 2022/2023 until date of re-tabling 16-January 2023	Deviation from planned target to actual achievement for 2022/2023	Reasons for deviations	Reasons for revisions to the outputs /output indicator /annual targets
6.1 Bills and regulations approved by Minister	6.1.1 Number of bills and regulations submitted to the Minister for approval	5	8	4	7	75%	Some of the bills and regulations that were drafted overlapped from the previous financial year to the period under review.	The output and outputs indicator wording changed from “Minister” to “Ministry” and the cumulative quarter targets were aligned with the annual target.
6.2 Colonial/ apartheid era justice-related legislation submitted to the Minister for repeal or replacement	6.2.1 Number of colonial/ apartheid era justice-related legislation submitted to the Minister for repeal or replacement	3	1	3	4	33%	Some of the colonial/ apartheid era justice-related legislations drafted overlapped from previous financial year to the period under review.	The output and outputs indicator wording changed from “Minister” to “Ministry” and the cumulative quarter targets were aligned with the annual target.
6.3 Court rules approved by the Board	6.3.1 Number of rules of court submitted to the Board for consideration and approval	20	33	20	21	5%	One rule, <i>MC Rule 64 (procedure for securing the attendance of witnesses in criminal cases)</i> , overlapped from the previous financial year to the period under review.	The cumulative quarter targets were aligned with the annual target.

Output	Output indicator	Audited actual achieved performance 2020/2021	Audited actual achieved performance 2021/2022	Planned annual target 2022/2023	Actual achievement 2022/2023 until date of re-tabling 16-January 2023	Deviation from planned target to actual achievement for 2022/2023	Reasons for deviations	Reasons for revisions to the outputs /output indicator /annual targets
6.4 Research papers approved by the Commission	6.4.1 Number of research papers submitted to the South African Law Reform Commission for consideration and approval	11	11	10	7	(30%)	The Advisory Committee was not convened to deal with the discussion paper.	The cumulative quarter targets were aligned with the annual target.
10.2 Bills, regulations, notices and proclamations	10.2.1 Number of bills, regulations, notices and proclamations to strengthen the anti-corruption architecture of South Africa submitted to the Minister for consideration and approval	-	-	3	2	(33%)	The remaining target was expected to be achieved in the fourth quarter.	The output Indicator wording changed from "Minister" to "Ministry".
10.3 Plan to implement recommendations of the Commission on State Capture	10.3.1 Plan for the implementation of the recommendations of the Commission on State Capture developed and submitted to the Minister for consideration and approval by target date	-	-	Plan for the implementation of the recommendations of the Commission on State Capture developed and submitted to the Minister for consideration and approval by 30 September 2022	Plan for the implementation of the recommendations of the Commission on State Capture developed and submitted to the Minister for consideration and approval by 22 July 2022	-	Target achieved	The output Indicator wording changed from "Minister" to "Ministry"

## Changes to the Annual Performance Plan 2022/2023

Annual Plan version	Output Indicator	Amendments and performance
Revised Annual Performance Plan: April – December 2022	6.1 Bills and Regulations approved by the Minister	<p>Output was revised from “Bills and Regulations approved by the Minister” to “Bills and Regulations approved by Ministry”.</p> <p>Output indicator was revised from Number of Bills and Regulations submitted to the Minister for approval” to “Number of Bills and Regulations submitted to Ministry for approval”.</p> <p>Quarter three target was revised from “4” to “3”.</p> <p>Quarter four target was revised from “-” to “4”.</p> <p><b>For the period under review, the following bills/regulations were submitted to the Minister for approval:</b></p> <ol style="list-style-type: none"> <li>Proposed Amendment of Regulations Pertaining to Judges Leave: Consultation with Judiciary; and</li> <li>Regulations on Housing (TRC-related).</li> </ol>
Revised Annual Performance Plan: April – December 2022	6.2 Colonia/ Apartheid-era justice-related legislation submitted to the Minister for repeal or repeal and replacement	<p>The output was revised from “Colonial/apartheid era justice-related legislation submitted to the Minister for repeal or repeal and replacement” to “Colonial/apartheid era justice-related legislation submitted to the Ministry for repeal or repeal and replacement”.</p> <p>The Output indicator was revised from “Number of Colonia/apartheid era justice-related legislation submitted to the Minister for repeal or repeal and replacement” to “Number of Colonia/apartheid era justice-related legislation submitted to Ministry for repeal or repeal and replacement”.</p> <p>Quarter three targets was revised from “3” to “-”.</p> <p>Quarter four target was revised from “-” to “3”.</p> <p><b>During the period under review, the following regulations were submitted to the Minister for approval:</b></p> <ol style="list-style-type: none"> <li>Unlawful Entering on Premises Bill, 2022: Request for Comments;</li> <li>Introduction of Draft Conspiracy and Inducement to Commit a Serious Offence Bill, 2022;</li> <li>Repeal of the Transkeian Penal Code Bill;</li> <li>Criminal Law (Sexual Offences and Related Matters) Amendment Bill (repeals Sexual Offences Act, 1957 [Act 23 of 1957]).</li> </ol>
Revised Annual Performance Plan: April – December 2022	6.3 Court rules approval by the Board	<p>Quarter three targets were revised from “20” to “18”.</p> <p>Quarter four targets were revised from “-” to “20”.</p> <p><b>The following rules/set of rules were submitted to Rules Board for final approval during the period under review:</b></p> <ol style="list-style-type: none"> <li>Uniform Rule 67A (new costs rule);</li> <li>Uniform Rule 69 (tariff for legal practitioners who appear in the Superior Courts);</li> <li>Uniform Rule 70 (tariff for urgent applications);</li> <li>Magistrates’ Courts Rule 33 and Part I of Table A of Annexure 2 to the Magistrates’ Courts Rules (tariff for urgent applications); and</li> <li>Uniform Rule 45 and Uniform Rule 46 (On-line auctions).</li> </ol>
Revised Annual Performance Plan: April – December 2022	6.4 Research papers approved by the Commission	<p>Quarter three targets were revised from “10” to “8”.</p> <p>Quarter targets were revised from “-” to “10”.</p> <p><b>During the period under review, the following research paper was submitted to the South African Law Reform Commission for consideration and approval:</b></p> <ol style="list-style-type: none"> <li>Issue Paper on the Repeal of Apartheid/Colonial Era DOJ &amp; CD Legislation impacting on Expressive Rights in the Constitution.</li> </ol>

Outcome 10: Crime and corruption reduced through effective prosecution		
Revised Annual Performance Plan: April – December 2022	Output 10.2 Bills, regulations, notices and proclamations	<p>The output indicator was revised from “Number of bills, regulations, notices and proclamations to strengthen the anti-corruption architecture of South Africa submitted to the Minister for consideration and approval” to “Number of bills, regulations, notices and proclamations to strengthen the anti-corruption architecture of South Africa submitted to Ministry for consideration and approval”.</p> <p>The output indicator definition was revised “This indicator measures the number of bills and regulations prepared and submitted to the Minister for consideration and approval with the view to: introducing a bill into Parliament; obtaining approval from the Minister to subject a bill or a set of regulations or notices to a public consultation process; or promulgating regulations, obtaining approval from the Minister to submit proclamations to the approving authority for approval and ensuring the finalisation of bills and regulations, notices and proclamations, as required and where specified, within the time frames set” to “This indicator measures the number of bills and regulations prepared and submitted to Ministry for consideration and approval with the view to: introducing a bill into parliament, obtaining approval from Ministry to subject a bill or a set of regulations or notices to a public consultation process; or promulgating regulations, obtaining approval from Ministry to submit proclamations to the approving authority for approval, ensuring the finalisation of bills and regulations, notices and proclamations, as required and where specified, within the time frames set”.</p> <p>During the period under review, the following regulations to strengthen the anti-corruption architecture of South Africa were submitted to the Minister for consideration and approval:</p> <ol style="list-style-type: none"> <li>1. Appointment of Peace Officers in Terms of Section 334 of the Criminal Procedure Act, 1977: National Prosecuting Authority Investigating Directorate Investigators; and</li> <li>2. Regulations on NPA Investigative Directorate on Summon and Oath.</li> </ol>
Revised Annual Performance Plan: April – December 2022	Output 10.3 Plan to implement recommendations of the Commission on State Capture	<p>The output indicator was revised from “Plan for the implementation of the recommendations of the Commission on State Capture developed and submitted to the Minister for consideration approval by target date” to “Plan for the implementation of the recommendations of the Commission on State Capture developed and submitted to the Ministry for consideration and approval by target date”.</p> <p>Plan for the implementation of the recommendations of the Commission on State Capture developed and submitted to the Minister for consideration and approval by 30 September 2022.</p>

## C) Revised Annual Performance Plan: April 2022 – March 2023

Output	Output indicator	Audited actual achieved performance 2020/2021	Audited actual achieved performance 2021/2022	Planned annual target 2022/2023	Actual achieved performance 2022/2023	Deviation from planned target to actual achievement for 2022/2023	Reasons for deviations
6.1 Bills and regulations approved by Ministry	6.1.1 Number of bills and regulations submitted to Ministry for approval	5	8	4	9	125%	Several bills and regulations which were drafted overlapped from previous financial year to the period under review. <ol style="list-style-type: none"> <li>1. Domestic Violence Regulations, 2022</li> <li>2. Legal Practice Act: Regulations relating to Community Service</li> <li>3. Legal Practice Act: Regulations relating to Elections of Council</li> <li>4. Promotion of National Unity and Reconciliation Act: Regulations Relating to Housing Assistance to Victims</li> <li>5. Promotion of National Unity and Reconciliation Act: Regulations Relating to Community Rehabilitation</li> <li>6. Judicial Matters Amendment Bill, 2023</li> </ol>
6.2 Colonial/apartheid era justice-related legislation submitted to the Ministry for repeal or replacement	6.2.1 Number of colonial/apartheid era justice-related legislation submitted to Ministry for repeal or replacement	3	1	3	4	33%	A colonial/apartheid era justice-related legislation drafted overlapped from previous financial year to the period under review.
6.3 Court rules approved by the Board	6.3.1 Number of rules of court submitted to the Board for consideration and approval	20	33	20	21	5%	A rule of court overlapped from the previous financial year to the period under review. One rule, MC Rule 64 (procedure for securing the attendance of witnesses in criminal cases), overlapped from the previous financial year to the period under review.
6.4 Research papers approved by the Commission	6.4.1 Number of research papers submitted to the South African Law Reform Commission for consideration and approval	11	11	10	10	-	Target achieved

## C) Revised Annual Performance Plan: April 2022 – March 2023

Output	Output indicator	Audited actual achieved performance 2020/2021	Audited actual achieved performance 2021/2022	Planned annual target 2022/2023	Actual achieved performance 2022/2023	Deviation from planned target to actual achievement for 2022/2023	Reasons for deviations
2.17 Criminal records of qualifying candidates cleared	2.17.1 Percentage of expungements finalised within 3 (three) months after receipt of complete application	-	67%	80%	75%	(6%)	Severe capacity constraints and finalising backlog matters had a negative impact on performance.
10.2 Bills, regulations, notices and proclamations	10.2.1 Number of bills, regulations, notices and proclamations to strengthen the anti-corruption architecture of South Africa submitted to the Ministry for consideration and approval	-	-	3	4	33%	Trust Property Control Act – the regulations were drafted and proclamation published for commencement on 31 March 2023.
10.3 Plan to implement recommendations of the Commission on state Capture	10.3.1 Plan for the implementation of the recommendations of the Commission on State Capture developed and submitted to the Ministry for consideration and approval by target date	-	-	Plan for the implementation of the recommendations of the Commission on State Capture developed and submitted to the Minister for consideration and approval by 30 September 2022	Plan for the implementation of the recommendations of the Commission on State Capture developed and submitted to the Minister for consideration and approval by 22 July 2022	-	Target achieved



## OUTCOME 6: COLONIAL/APARTHEID ERA JUSTICE-RELATED LEGISLATION REVIEWED AND REPLACED

### Output 6.1 Bills and regulations approved by Ministry

The number of regulations developed are aimed at ensuring the effective implementation of the legislation they are made under. For instance, the set of regulations in respect of the Promotion of National Unity and Reconciliation Act will ensure that the benefits due to the victims and their beneficiaries continue to be conferred through the higher education and training benefit, along with the housing and community rehabilitation benefits. Furthermore, the achievement of the targets ensures that the Department implements the judgments of the Constitutional Court in relation to provisions of legislation which were declared unconstitutional as this is critical to upholding the rule of law and to affording persons the protection provided for in the Constitution.

A total of 9 bills and regulations were submitted to Ministry for approval in the financial year under review.

1. Domestic Violence Regulations, 2022
2. Legal Practice Act: Regulations relating to Elections of Council
3. Legal Practice Act: Regulations relating to Community Service
4. Drugs and Drug Trafficking Amendment Bill
5. National Prosecuting Authority Act: Regulations for Office of Ethics and Accountability
6. Judges Remuneration and Conditions of Employment Act: Amendment Regulations on Judges Leave
7. Promotion of National Unity and Reconciliation Act: Regulations Relating to Housing Assistance to Victims
8. Promotion of National Unity and Reconciliation Act: Regulations Relating to Community Rehabilitation
9. Judicial Matters Amendment Bill, 2023

### Output 6.2 Colonial/apartheid era justice-related legislation submitted to the Ministry for repeal or repeal and replacement

The review of the pieces of colonial/apartheid era legislation is aimed at aligning the legislation with the Constitution of the Republic of South Africa, 1996 (Constitution). The new legislation will ensure improved and equal access to justice services that will cater for all, including vulnerable groups such as women, children, and people with disabilities, so as to create a transformed society which is freed from the divisions of the past.

**The following Bills were reviewed and prepared in the period under review and submitted to Ministry for repeal or repeal and replacement:**

1. Unlawful Entering on Premises Bill, 2022: Request for Comments;
2. Introduction of Draft Conspiracy and Inducement to Commit a Serious Offence Bill, 2022;
3. Repeal of the Transkeian Penal Code Bill.
4. Criminal Law (Sexual Offences and Related Matters) Amendment Bill (repeals Sexual Offences Act, 1957 [Act 23 of 1957]).

### Output 6.3 Court rules approved by the Board

The Rules Board is a statutory body which reviews, amends or repeals court rules and, where necessary, makes new rules which regulate the procedure in courts and which seek to achieve the efficient and effective functioning of the Superior Courts, the Magistrates' Courts and the Small Claims Courts. The continuous review of the rules of the Supreme Court of Appeal, the High Courts and the alignment of Magistrates' Courts rules, where possible, with the Superior Court rules as well as the review of the Small Claims Courts rules are functions which the Rules Board performs as part of its statutory mandate.

In the period under review the number of amendments in respect of rules of court submitted to the Board for consideration and final approval amounted to 21 and are listed below:

1. Uniform Rules 8, 18, 21, 59, 69 and 71: Amendment of reference to outdated terminology;
2. Forms 1, 3, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 19 and 20 of the First Schedule of the Uniform Rules of Court and Forms A, B, C, E, F, H, I and J of the Second Schedule: Amendment of outdated terminology. Subpoenas and subpoenas duces tecum (Forms 16 and 16A);
3. Subpoenas and subpoenas duces tecum (Forms 16 and 16A);
4. Magistrates' Courts Rule 43(7)(b)(ii): Execution against immovable property on-line auctions;
5. Uniform Rules – Various rules: Provision for service address;
6. Magistrates' Courts Rules: (on-line auctions);
7. Magistrates Court R 64 (Procedure for securing the attendance of witnesses in criminal cases);
8. UR68A, MCR34A, Table E of Annexure 2 of the MCR- Intermediaries; Form 24 (Subpoena) and Form 24A (Subpoena duces tecum); and
9. Supreme Court of Appeal Rule 18 (Attorney's fees);
10. (a) Uniform Rule 68: Increase to tariff for sheriffs; (b) Uniform Rule 70: Increase to tariff for sheriffs and attorneys; and (c) Uniform Rule 67: Charge for photocopies.
11. (a) Tables A and B of Annexure 2 to the Magistrates' Courts Rules: Increase to tariffs for attorneys; and (b) Table C of Annexure 2 to the Magistrates' Courts Rules and Part II of Annexure 2 to the Small Claims Courts Rules: Increase to tariffs for sheriffs.
12. Uniform Rule 4(1)(a): Service on a domicilium address;
13. Uniform Rule 36(9): Inspections, Examinations and Expert Testimony;
14. Magistrates' Courts Rules 18(8); 43A (4); (6)(d); 52A (1) and (2); 58(2) and (3)(b): Provision of a physical address for service of documents inter partes;
15. Magistrates' Courts Forms 1B; 2; 2A; 2B; 2C; 3; 4; 38A; 42 and 59: Provision of a physical address inter partes;
16. Magistrates' Courts Rule 51: Appeals in civil cases.
17. Uniform Rule 67A (new costs rule);
18. Uniform Rule 69 (tariff for legal practitioners who appear in the Superior Courts);
19. Uniform Rule 70 (tariff for urgent applications);
20. Magistrates' Courts Rule 33 and Part I of Table A of Annexure 2 to the Magistrates' Courts Rules (tariff for urgent applications); and
21. Uniform Rule 45 and Uniform Rule 46 (On-line auctions).

#### **Output 6.4. Research papers approved by the Commission**

Although recommendations contained in the SALRC reports are a result of extensive research and wide consultation, they are only recommendations for law reform. It remains the responsibility of the relevant ministers to consider and implement the recommendations.

**As at the end of the financial year, ten (10) research papers were submitted to the South African Law Reform Commission for consideration and approval, as indicated below:**

1. Report Project 100D on Relocation of Families with Reference to Minor Children and;
2. Draft Report on Project 144 Single Marriage Statute.
3. Draft Report: Project 143 – Maternity and Parental Benefits for Self-Employed Workers (Commission Paper 11/2022);
4. Proposal Paper on the Reform of the Civil Justice System (Commission Paper 12 /2022);
5. Proposal Paper on the Reform of the Criminal Justice System (Commission Paper 13 /2022);
6. Draft Discussion Paper: Project 147 – Review of Laws Regulating Funeral Parlours and Related Industry (including Code of Conduct) (Commission Paper 14 /2022);
7. Review of Colonial and Apartheid era Legislation Project 149;
8. Proposal Paper on Electronic Wills;
9. Proposal Paper on Culpable Homicide on the Health Care Setting; and
10. Proposal Paper on the Review of the Law relating to Deceased Estates and the Reporting thereof.

## **OUTCOME 2: IMPROVED ORGANISATIONAL CAPABILITIES AND GOOD GOVERNANCE**

### **Output 2.17 Criminal records of qualifying candidates cleared**

The Department deals with the expungement of certain criminal records in respect of individuals who are eligible under the law. These individuals' criminal records are expunged, improving their reintegration into the socioeconomic environment.

During the 2022/2023 financial year, 18 842 applications for the expungement of criminal records were finalised and 14 178 of those were finalised within 90 days, which translated into 75% performance.

### **Output 10.2 Bills, regulations, notices and proclamations**

The achievement of the target will have a positive impact in the fight against corruption, as, amongst other things, the set of regulations relating to the Investigating Directorate will deal with and close the lacuna created when section 43(7)(b) of the Act was repealed in 2008, by enabling the investigators to summon any person who is believed to be able to furnish any information on the subject of the investigation or to have in his or her possession or under his or her control any book, document or other object relating to that subject, to appear before the Investigating Director at a time and place specified in the summons, to be questioned or to produce that book, document or other object.

#### **A total of 4 regulations, notices and proclamations were submitted in the financial year under review:**

1. Declaration as Peace Officers: Investigating Directorate
2. National Prosecuting Authority Act: Regulations on Summons and Oath
3. Proclamation: Commencement of certain provisions of the General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Act, 2022
4. Trust Property Control Act: Amendment Regulations

### **Output 10.3 Plan to implement recommendations of the Commission on state Capture**

The Department had planned to investigate and prosecute identified serious, complex and high-profile corruption and related cases falling within its mandate (including those identified in the Judicial Commission of Inquiry into Allegations of State Capture and other commissions of inquiries), and will recover assets identified to be the proceeds of corruption.

The plan for the implementation of the recommendations of the Commission on State Capture was developed and submitted to the Minister for consideration and approval by 22 July 2022.

## OUTCOME 7: TRANSFORMED STATE LEGAL SERVICES

The table below provides an overview of the performance against predetermined objectives (APP indicators), in terms of outcomes, outputs, output indicators, planned targets and actual achievements:

### C) Final Revised Annual Performance Plan: April 2022 – March 2023

Output	Output indicator	Audited actual achieved performance 2020/2021	Audited actual achieved performance 2021/2022	Planned annual target 2022/2023	Actual achieved performance 2022/2023	Deviation from planned target to actual achievement for 2022/2023	Reasons for deviations
7.1 Policies to implement the State Attorney Amendment Act, 2014	7.1.1 Number of policies to implement the State Attorney Amendment Act, 2014 implemented	-	2 policies (briefing and outsourcing of legal work; initiating, defending and opposing of matters) were submitted and approved by the Minister	5 policies submitted to Parliament for approval	6 policies submitted to Parliament for approval	20%	Target exceeded due to additional 6 <sup>th</sup> policy. Management of Contingency Liability was later included, as a result of pressure to reduce the contingent liability of the state.
7.2 Litigation cases settled	7.2.1 Percentage of litigation cases settled	61%	64%	55%	63%	15%	Target exceeded due to ongoing training of all staff members.  Stakeholder engagements
7.3 Finalised Legal opinions	7.3.1 Percentage of legal opinions finalised within 30 days from date of receipt of the instructions	97%	89%	75%	93%	24%	On many occasions departments request that OCSLA deal with the matters on an urgent basis.
7.4 Finalised suggested bills and subordinate legislations	7.4.1 Percentage of suggested bills and subordinate legislation finalised within 30 days from the date of receipt of the instructions	94%	86%	75%	88%	17%	On many occasions departments request that OCSLA deal with the matters on an urgent basis.
7.5 Finalised international agreements	7.5.1 Percentage of international agreements finalised within 30 days from the date of receipt of the instructions	-	-	75%	96%	28%	On many occasions departments request that OCSLA deal with the matters on an urgent basis.

## OUTCOME 7: TRANSFORMED STATE LEGAL SERVICES

The transformation of state legal services is aimed at improving the effectiveness and efficiency that has been prioritised through the implementation of the State Attorney Amendment Act, 2014 (Act 13 of 2014).

### Output 7.1 Policies to implement the State Attorney Amendment Act, 2014

The policies to implement the State Attorney Amendment Act, 2014 ensure effective and efficient management of state litigations. The Department submitted 6 policies to Parliament in the 2022/2023 financial year for approval:

1. Defending and Opposing of Matters on behalf of the State Policy;
2. Management of State Litigation;
3. State Mediation Policy;
4. State Legal Representation Final MTR;
5. Briefing and Outsourcing of State Legal Work; and
6. Policy on Management of State Litigation Contingent Liability.

### Output 7.2 Litigation cases settled

The Department, through the State Attorney Offices, finalised a total of 974 litigation cases, of which 613 cases were finalised through settlement by the end of the financial year. This translates into 63% performance.

### Output 7.3 Finalised legal opinions

The State Law Advisers scrutinise, develop, draft and certify all primary legislation before it is introduced in the Parliament of the Republic of South Africa. It is the responsibility of the State Law Advisers to ensure that it is compatible with the Constitution and other legal instruments and that it will withstand constitutional muster. In this way, the State Law Advisers make a significant contribution towards the development of constitutional jurisprudence.

During the period under review the OCSLA finalised a total number of 509 requests for legal opinions, of which 472 were finalised within the set timeframe for delivery of the legal opinions, which is 30 days from the date of receipt. This translates into 93% performance.

### Output 7.4 Finalised suggested bills and subordinate legislations

In terms of bills and other legislative instruments, the office finalised 189 pieces of work, of which 166 were finalised within the set timeframe of 30 days from the date of receipt. This translates into 88% performance.

### Output 7.5 Finalised International Agreements

In order to comply with international obligations arising out of core human rights treaties, such as the International Covenant on Civil and Political Rights (ICCPR), and the International Convention against Torture and Other Cruel or Degrading Treatment or Punishment (CAT).

The office finalised a total of 240 international agreements, of which 231 were finalised within the set timeframe of 30 days from the date of receipt. This translates into 96% performance.

## OUTCOME 8: TRANSFORMED LEGAL PROFESSION

The table below provides an overview of the performance against predetermined objectives (APP indicators), in terms of outcomes, outputs, output indicators, planned targets and actual achievements:

### A) Original Annual Performance Plan: April 2022 – June 2022

Output	Output indicator	Audited actual achieved performance 2020/2021	Audited actual achieved performance 2021/2022	Planned annual target 2022/2023	Actual achievement 2022/2023 until date of re-tabling 7 July 2022	Deviation from planned target to actual achievement for 2022/2023	Reasons for deviations	Reasons for revisions to the outputs /output indicator/annual targets
8.3 Briefs allocated to female legal practitioners	8.3.1 Percentage of briefs allocated to female legal practitioners	-	40%	41%	40%	(2%)	The number of female legal practitioners in various associations is lower than that of men, therefore the pool is not sufficient.	The target reduction was due to the limited number of female legal practitioners.

### Changes to the Annual Performance Plan 2022/2023

Annual Plan version	Output Indicator	Amendments and Performance
Original Annual Plan April – June 2022	Output 8.3 Briefs allocated to Female Legal Practitioners.	The 2022/2023 annual target for the indicator “Percentage of briefs allocated to previously disadvantage female legal practitioners” was revised from 41% to 40%. The empowerment of female counsel remains the priority for the Department in order to redress the imbalances of the past. During the period under review, a total of 1 873 briefs were allocated, of which 758 briefs were allocated to female counsel.

### C) Final Revised Annual Performance Plan April 2022 –March 2023

Output	Output indicator	Audited actual achieved performance 2020/2021	Audited actual achieved performance 2021/2022	Planned annual target 2022/2023	Actual achieved performance 2022/2023	Deviation from planned target to actual achievement for 2022/2023	Reasons for deviations
8.1 Value of briefs allocated to PDI legal practitioners	8.1.1 Percentage of value of briefs allocated to PDI legal practitioners	80%	83%	83%	86%	4%	<p>Target exceed. Establishment of the briefing committees in all Offices of the State Attorney to ensure fair distribution of state legal work.</p> <p>Stakeholder engagements conducted in all 9 Provinces to create awareness on the implementation of the State Attorney Amendment Act.</p> <p>Continuous training offered to attorneys and admin staff.</p>

Output	Output indicator	Audited actual achieved performance 2020/2021	Audited actual achieved performance 2021/2022	Planned annual target 2022/2023	Actual achieved performance 2022/2023	Deviation from planned target to actual achievement for 2022/2023	Reasons for deviations
8.2 Value of briefs allocated to female legal practitioners	8.2.1 Percentage of value of briefs allocated to female legal practitioners	29%	29%	28%	30%	7%	Target exceeded due to establishment of the briefing committees in all Offices of the State Attorney to ensure fair distribution of state work to private legal practitioners in line with the strategic objectives of the Branch.
8.3. Briefs allocated to female legal practitioners	8.3.1 Percentage of briefs allocated to female legal practitioners	-	40%	40%	42%	5%	Target exceed due to establishment of the briefing committees in all Offices of the State Attorney to ensure fair distribution of state work to private legal practitioners in line with the strategic objectives of the Branch.



**The Department had 6 645 of briefs allocated, of which 2 776 briefs were allocated to female legal practitioners, which translated into a performance of 42% by the end of the financial year.**

## OUTCOME 8: TRANSFORMED LEGAL PROFESSION

As an effort to foster cohesion and stimulate equality among those in the legal profession, both in the public and private sector, by developing legal expertise. The Department had planned to allocate at least 40% of briefs to female legal practitioners. In addition, over the medium term, it sought to monitor the rand value of briefs allocated to previously disadvantaged legal practitioners, with the target set for PDIs at 83%, and the target for female legal practitioners set at 28%.

### Output 8.1 Value of briefs allocated to PDI legal practitioners

The Department briefed counsel on matters to the value of R1 263 613 619.95, of which R1 087 099 084.40 was paid to **previously disadvantaged legal practitioners**, which translated into **86%** performance for the financial year.

### Output 8.2 Value of briefs allocated to female legal practitioners

The total value briefs allocated to female legal practitioners amounts to the value of R1 263 613 619.95, of which of R374 153 779.34 was paid to **female legal practitioners**, and this translated into 30% performance.

### Output 8.3 Briefs allocated to female legal practitioners

The Department had **6 645** of briefs allocated, of which **2 776** briefs were allocated to female legal practitioners, which translated into a performance of **42%** by the end of the financial year.

## OUTCOME 9: ADVANCED CONSTITUTIONALISM, HUMAN RIGHTS AND RULE OF LAW

The table below provides an overview of the performance against predetermined objectives (APP indicators), in terms of outcomes, outputs, output indicators, planned targets and actual achievements:

### A) Original Annual Performance Plan: April 2022 – June 2022

Output	Output indicator	Audited actual achieved performance 2020/2021	Audited actual achieved performance 2021/2022	Planned annual target 2022/2023	Actual achievement 2022/2023 until date of re-tabling 7 July 2022	Deviation from planned target to actual achievement for 2022/2023	Reasons for deviations	Reasons for revisions to the outputs /output indicator/annual targets
9.2 Treaty report tabled	9.2.1 Number of country reports submitted to Minister for approval for submission to Cabinet	3	1	2	0	(100%)	The target was not achieved by the end of the third quarter as it was expected to be achieved by the end of the fourth quarter.	The reduction of the target is due to the change in the submission date of the country report on the ICCPR.



## B) Revised Annual Performance Plan: April – December 2022

Output	Output indicator	Audited actual achieved performance 2020/2021	Audited actual achieved performance 2021/2022	Planned annual target 2022/2023	Actual achievement 2022/2023 until date of re-tabling 16-January 2023	Deviation from planned target to actual achievement for 2022/2023	Reasons for deviations	Reasons for revisions to the outputs /output indicator/annual targets
9.2 Treaty report tabled	9.2.1 Number of country reports submitted to Minister for approval for submission to Cabinet	3	1	1	0	(100%)	The target was not achieved by the end of the third quarter as it was expected to be achieved by the end of the fourth quarter.	Q3 and Q4 targets were revised to align with the annual target.

## Changes to the Annual Performance Plan 2022/2023

Annual Plan version	Output Indicator	Amendments and Performance
Original Annual Performance Plan: April – June 2022	9.2. Treaty report tabled	<p>The target for output indicator 9.2.1 “Number of country report submitted to Minister for approval for submission to Cabinet” has been reduced from 2 to 1. The reduction of the target is due to the change in the submission date of the country report on the International Convention on Civil and Political Rights (ICCPR) from March 2023 to 2025. The Department was initially informed that the country report was due in March 2023. However, due to COVID-19 challenges that have significantly delayed the 8-year review calendar of the Committee on Civil and Political Rights, South Africa is now expected to submit its second periodic report in 2025. This means that the work on this country report should be shifted forward to the 2024–2025 APP.</p> <p>During the Period under review, the First Draft of Degrading Treatment or Punishment (CAT) Report has been compiled based on available data.</p>
Revised Annual Performance Plan: April – December 2022	9.2. Treaty report tabled	<p>Quarter three was revised from “Final draft of the country report consulted with Government Clusters and Civil Society Organisations” to “2<sup>nd</sup> Draft Country Report circulated to government departments for validation of inputs”.</p> <p>Quarter four was also revised from “1 Final Draft of the Country Report submitted to Minister for approval for submission to Cabinet” to “Draft Country report consulted with Government Clusters and Civil Society Organisations and chapter 9 institutions; 1 Country Report submitted to Minister for approval for submission to Cabinet”.</p> <p>During the quarter under review, the second draft of the country report was prepared with inputs received from DCS, NDoH, SAPS, DWYPD, DHA and SAHRC/NPM.</p>

## C) Final Revised Annual Performance Plan: April 2022 – March 2023

Output	Output indicator	Audited actual achieved performance 2020/2021	Audited actual achieved performance 2021/2022	Planned annual target 2022/2023	Actual achieved performance 2022/2023	Deviation from planned target to actual achievement for 2022/2023	Reasons for deviations
9.1 Framework for virtual repository data collection of disaggregated statistical data	9.1.1 Framework for the virtual repository on disaggregated statistical data for the measurements of racism, racial discrimination, xenophobia and related intolerance submitted to the Minister for approval by target date	-	Datasets identified for the development of a virtual repository by 31 March 2022	Framework for the virtual repository on disaggregated statistical data for the measurements of racism, racial discrimination, xenophobia and related intolerance developed by 31 March 2023	Framework for the virtual repository on disaggregated statistical data for the measurements of racism, racial discrimination, xenophobia and related intolerance developed by 31 March 2023	-	Target achieved
9.2 Treaty report tabled	9.2.1 Number of country reports submitted to Minister for approval for submission to Cabinet	3	1	1	1	-	Target achieved
9.3 Valid requests for extradition and mutual legal assistance in criminal matters processed and submitted	9.3.1 Percentage of valid requests for extradition and mutual legal assistance in criminal matters processed and submitted to the Director-General within 20 working days from the date of receipt	84%	57%	80%	97%	21%	Target exceeded due to management working tirelessly to ensure timeous submission to the ODG.
9.4 Engagement with stakeholders	9.4.1 Number of engagements held with stakeholders towards the promotion of Equality Courts	-	-	4	5	25%	Collaborations with other units on the same human rights activities led to the over-achievement of the target.
9.5 Framework for Participatory Democracy	9.5.1 National Framework for Participatory Democracy submitted to DG for approval by target date	-	-	National Framework for Participatory Democracy submitted to DG for approval by 31 March 2023	National Framework for Participatory Democracy submitted to DG for approval by 30 March 2023	-	Target achieved



## OUTCOME 9: ADVANCED CONSTITUTIONALISM, HUMAN RIGHTS AND RULE OF LAW

Section 7(2) the Constitution of South Africa, 1996, provides, “The state must respect, protect, promote and fulfil the rights in the Bill of Rights”. The objective of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000) is to prevent and prohibit unfair discrimination and harassment and promote equality and eliminate unfair discrimination; to prevent and prohibit hate speech and to provide for matters connected therewith. The Department strives to improve public awareness and increase access to justice services through the equality legislation and Equality Courts through continuous and various engagements with the public.

### Output 9.1 Framework for Virtual repository data collection of disaggregated statistical data

The Framework for the virtual repository on disaggregated statistical data for the measurements of racism, racial discrimination, xenophobia and related intolerance has been developed and was approved by the Minister on 30 March 2023.

In terms of its direct responsibility and role as a focal agency for the overall coordination of the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (NAP), the Department developed a framework for the development of a virtual data repository for disaggregated statistics in support of the NAP during this period.

### Output 9.2 Treaty report tabled

It is through the process of writing the country report and undergoing the review process by the relevant international committee that government is able to consider its compliance with international human rights and the imperatives of fundamental freedom, and that it is able to evaluate what still needs to be done.

During the financial year under review, the final draft of the country report was submitted to the Minister for approval for submission to Cabinet on 30 March 2023.

### Output 9.3 Valid requests for extradition and mutual legal assistance in criminal matters processed and submitted

By the end of financial year, the Department had received 117 valid requests for extradition and mutual legal assistance, whilst 114 requests were submitted to the Director-General within the prescribed time period of 20 working days from date of receipt. This translates into 97% performance.

The processing of mutual legal assistance in criminal matters is done with the purpose of ensuring effective collaboration with other states in the fight against crime.

### Output 9.4 Engagement with stakeholders

The Constitution of South Africa, 1996 Section 7(2), provides, “The state must **respect, protect, promote** and **fulfil** the rights in the Bill of Rights”. The objective of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000) is to:

- a) prevent and prohibit unfair discrimination and harassment;
- b) promote equality and eliminate unfair discrimination; to prevent and prohibit hate speech and to provide for matters connected therewith.

To improve awareness to the public and increase access to justice services through the equality legislation and Equality Courts, the Department had **5 Equality Engagements with the public** during the 2022/2023 financial year.

### Output 9.5. Framework for participatory democracy

The National Framework for Participatory Democracy has been developed and approved by the Director General during the 2022/2023 financial year.

The National Framework for Participatory Democracy will guide and detail how different stakeholders, including government and community organisations, will promote active citizenship and integrate programmes across national government departments and local government.

## Strategies to Overcome Areas of Underperformance

The table below provides an overview of the **strategies to overcome areas of underperformance** against predetermined objectives (APP indicators)

Output Indicator Description		Reason for underperformance	Strategy to overcome areas of under-performance
2.17.1	Percentage of expungements finalised within 3 (three) months since receipt of complete application	Severe capacity constraints and finalising backlog matters had a negative impact on performance.	Monitor process to ensure sufficient performance. Capacitate the Directorate by appointing contract workers to process the ever-increasing number of applications. Implement the electronic system for the processing of expungements.

Output Indicator Description		Reason for underperformance	Strategy to overcome areas of underperformance
5.9.1	Number of interventions from the Master's Turn-around Strategy implemented	The scheduled training session could not be completed due to budgetary constraints. The development of the Guardian's Fund system was not completed due to system- and design-related challenges. Accessibility to systems and networks has prevented offices from addressing the backlog. It resulted in underperformance.	A proposal to establish dedicated teams in offices to address the backlog will be discussed with all Heads of Offices.

### Linking performance with budgets

The Programme's overall expenditure for the financial year amounted to R 1.479 billion against the budget of R 1.522 billion, resulting in an underspending of R 43 million. The underspending is mainly due to delays in the filling of vacant posts.

#### *Sub-programme expenditure*

Sub- Programme Name	2022/2023			2021/2022		
	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
State law advisors	67 052	67 052	-	79 486	69 425	10 061
Litigation and legal services	659 740	653 755	5 985	586 073	564 409	21 664
Legislative development and law reform	103 186	98 719	4 467	160 612	131 691	28 921
Master of the high court	602 604	581 059	21 545	557 530	543 268	14 262
Constitutional development	89 534	78 494	11 040	73 335	64 049	9 286
Total	1 522 116	1 479 079	43 037	1 457 036	1 372 842	84 194



Deputy Minister John Jeffery, together with the National Prosecuting Authority (NPA) led a march against the scourge of bullying at the Durban beachfront, KwaZulu-Natal on 3 December 2022.

#### 4.4 PROGRAMME 4: NPA

The purpose of this programme is to provide a coordinated prosecuting service that ensures justice is delivered to the victims of crime through general and specialised prosecutions. It removes profit from crime, and protects certain witnesses.

The programme consists of the following five sub-programmes:

- a) **National Prosecutions Service:** Primarily responsible for general and specialised prosecutions and appeals that might follow, which include resolving criminal matters outside of the formal trial process through alternative dispute resolution mechanisms, settling admissions of guilt for minor offences and considering dockets brought by the police where persons have not been charged. This sub-programme further deals with priority crimes litigation, sexual offences and community affairs and specialised commercial crime.
- b) **Asset Forfeiture Unit:** Seizes assets that are the proceeds of crime or have been part of the offence through a criminal or civil process.

- c) **Office for Witness Protection:** Provides for protection, support and related services to vulnerable, intimidated witnesses and related persons in judicial proceedings in terms of the Witness Protection Act (1998).
- d) **Investigating Directorate:** As a dedicated project, will investigate and prosecute identified serious, complex and high-profile corruption and related cases falling within its mandate (including those identified in the Judicial Commission of Inquiry into Allegations of State Capture, also known as the Zondo Commission) and that of other commissions of inquiry, and will recover assets identified to be the proceeds of corruption.
- e) **Support Services:** Provides corporate support services to the National Prosecuting Authority in terms of finance, human resources, ICT, strategy support, integrity, security, communication and risk management.

##### List of Outcomes

The Programme contributes to the following outcomes:

- Outcome 4: Increased access to justice services
- Outcome 10: Crime and corruption significantly reduced through effective prosecution

## OUTCOME 4: INCREASED ACCESS TO JUSTICE SERVICES

The table below provides an overview of the performance against predetermined objectives (APP indicators), in terms of outcomes, outputs, output indicators, planned targets and actual achievements:

### Part C) Final Revised Annual Performance Plan: April 2022 – March 2023

Output	Output Indicator	Audited Actual Performance 2020/2021	Audited Actual Performance 2021/2022	Planned Annual Target 2022/2023	Actual Achievement Performance 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/2023	Reasons for deviations	Reasons for revisions to the outputs / output indicator/Annual Targets
4.13 Victim-centric services enhanced	4.14.1 Total number of Thuthuzela care centres	55	60	4 <sup>1</sup>	62	0%	Target achieved due to availability of essential service providers	n/a
	4.14.2 Conviction rate in sexual offences	75,8% (2 539)	74,3% (3 402)	70%	74,8% (3 459)	5%	Target exceeded due to cases continuously screened from enrolment to ensure prosecutor-guided investigations and consultations with victims conducted at the earliest opportunity	n/a
	4.14.3 Number of public awareness sessions conducted	293	419	300	307	2%	Target exceeded due to public awareness sessions conducted through, <i>inter alia</i> , social media, presentations, school outreaches, television and radio	n/a

### Output 4.14 Victim-centric services enhanced

Victims in South Africa are given the opportunity to participate in the criminal justice system (CJS) through victim impact statements (VIS) when they are affected by the decisions to resolve a matter through alternative dispute resolution mechanisms (ADRM) or by testifying before the court. In its efforts to enhance the court experience of witnesses and victims, the National Prosecuting Authority (NPA) employs court preparation officers (CPOs), who not only attend to the needs of victims of crime but ensure that they are given a greater role in the process of achieving justice. A total of 128 774 witnesses were assisted by the CPOs, of which 107 545 were adult witnesses and 21 229 were witnesses under the age of 18. During the period under review 9 404 victim impact statements (VIS) were facilitated.

The NPA is obligated to facilitate access to justice, safety and protection in response to the needs of gender-based violence (GBV) victims using legislation, policies,

and international and regional protocols, and through addressing the infrastructural and resourcing challenges that obstruct the optimal delivery of justice to survivors. This is achieved through the Thuthuzela care centres (TCCs), which improve access to survivor support services and victim-centric criminal justice services by being sensitive to and meeting victims' needs.

#### Output 4.14.1: Total number of Thuthuzela care centres

The TCC model aims to provide a more effective and victim-centric approach to reporting sexual offences. The TCCs continued to be fully operational, providing a victim-centric service to reduce the trauma associated with sexual offences. Progress was, however, made in establishing two additional sites, bringing the total to 62 operational TCCs.

<sup>1</sup> Indicator target was inaccurate, since it should have been stated as 62

The courts have continued to impose more severe sentences. During the current reporting period 591 accused were sentenced for rape offences, 128 accused were sentenced to life imprisonment, 83 accused were sentenced to 20–25 years imprisonment and 207 accused were sentenced to imprisonment between 10–19 years.

The proposed inclusion of sign-language as an official language will go a long way in addressing the marginalisation of the deaf community. SOCA collaborated with the deaf community and produced a video for deaf victims who seek help at a TCC. The video empowers deaf victims to utilise the services of the TCCs. Collaborations have commenced to introduce a basic sign language course for all TCC officials.

#### Output 4.14.2: Conviction rate in sexual offences

The fight against violent crime, particularly murder and rape, has recently been undermined by the challenges around the management of forensic DNA due to shortages of essential chemicals required for DNA analysis. This has resulted in a national backlog of these cases being prosecuted in courts. The Sexual Offences and Community Affairs (SOCA) unit and South African Police Service (SAPS) Forensic Science Laboratory (FSL) continued with their partnership to reduce the backlog in DNA processing. The DNA Backlog Project entails the prioritisation of long-outstanding DNA results, monitored weekly in collaboration between SOCA officials and members

from the SAPS FSL. The initial focus on gender-based violence and femicide (GBVF) matters was expanded in August 2022 to include murder matters. The project has reaped large successes, with 19 556 reports distributed to the various Director of Public Prosecutions (DPP) offices during the reporting period. Further to this, a total of 28 110 DNA reports were distributed since the inception of the project in October 2020.

A substantial increase in verdict cases related to the conviction rate in sexual offences was recorded, from 4 584 in the previous financial year to 4 627 verdicts in the year under review. The number of convictions also significantly increased from 3 402 in the previous financial year to 3 460 convictions in the year under review. The conviction rate of 74,8% is a clear indication of the commitment of the NPA to act decisively in these cases, curbing violence against women, children and the vulnerable.

#### Output 4.14.3: Number of public awareness sessions conducted

The NPA conducted 307 public awareness sessions during the financial year, exceeding the annual target of 300 by 2%. These public awareness sessions were conducted through, *inter alia*, social media, presentations, school outreaches, television and radio on topics such as gender-based violence and trafficking in persons, amongst others.

### OUTCOME 10: CRIME AND CORRUPTION SIGNIFICANTLY REDUCED THROUGH EFFECTIVE PROSECUTION

Output	Output Indicator	Audited Actual Performance 2020/2021	Audited Actual Performance 2021/2022	Planned Annual Target 2022/2023	Actual Achievement Performance 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/23	Reasons for deviations	Reasons for revisions to the outputs / output indicator/Annual Targets
10.4 Effective prosecutions conducted	10.4.1 Conviction rate in High Court	93,8% (542)	91% (648)	87%	89,2% (705)	2 %	Target exceeded due to early consultation with witnesses	n/a



Output	Output Indicator	Audited Actual Performance 2020/2021	Audited Actual Performance 2021/2022	Planned Annual Target 2022/2023	Actual Achievement Performance 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/23	Reasons for deviations	Reasons for revisions to the outputs / output indicator/Annual Targets
	10.4.2 Conviction rate in Regional Court	82,6% (13 352)	80,6% (16 433)	74%	82,6% (17 196)	9%	Target exceeded due to effective stakeholder engagement with the aim of increasing successful prosecutions	n/a
	10.4.3 Conviction rate in District Court	95,9% (116 230)	93,9% (124 152)	88%	94,5% (139 979)	7%	Target exceeded due to cases continuously screened from enrolment	n/a
	10.4.4 Conviction rate in cable theft	81,5% (119)	92% (193)	80%	86,2% (299)	6%	Target exceeded due to proactive policing, close cooperation with the private sector and during lockdown restrictions, more accused were arrested on crime scenes	n/a
	10.4.5 Number of witnesses and related persons threatened, harmed or killed while on the witness protection programme	0	0	0	0	0%	Effective operations model and planning	n/a
10.5 Fraud and corruption dealt with	10.5.1 Conviction rate in complex commercial crime	90,2% (277)	90,5% (344)	90%	87,1% (364)	(3%)	Target not achieved due to cases taking longer to be finalised since properly investigated cases often require expert witnesses and specialised investigating techniques	Complex commercial crime cases will be expedited nationally, as well as provincially, and progress of these cases will be closely monitored
	10.5.2 Number of persons convicted of corruption and/or offences related to corruption	233	339	334	338	1%	Target exceeded due to a special focus that was placed on corruption by all the regions	n/a
	10.5.3 Number of investigations authorised	n/a	n/a	11	13	18%	Target exceeded due close collaboration and effective alignment with other internal stakeholders	n/a

Output	Output Indicator	Audited Actual Performance 2020/2021	Audited Actual Performance 2021/2022	Planned Annual Target 2022/2023	Actual Achievement Performance 2022/2023	Deviation from Planned Target to Actual Achievement for 2022/23	Reasons for deviations	Reasons for revisions to the outputs / output indicator/Annual Targets
	10.5.4 Number of state capture matters enrolled	n/a	n/a	9	18	100%	Target exceeded due to close collaboration and effective alignment with other internal stakeholders	n/a
	10.5.5 Number of cases finalised with a verdict involving money laundering	44	86	100	89	(11%)	Target not achieved due to trials that are protracted, with several legal challenges	Money laundering cases are being prioritised and closely monitored prosecutors
10.6 Freezing of money and assets that are the proceeds of crime	10.6.1 Value of completed forfeiture cases	R550m	R550m	R550m	R495m	(10%)	Target not achieved due to delays in the finalisation of trials in serious corruption and high-value matters	The AFU is continuously collaborating with stakeholders and participating in prioritisation initiatives to ensure that new cases are sourced
	10.6.2 Value of freezing orders obtained from corruption or related offences	R611m	R5.5bn	R2.4bn	R570m	(76%)	Target not achieved due to delays in the finalisation of trials and obtaining freezing orders in high-value cases	Close collaboration with internal stakeholders to ensure serious corruption matters are being prioritised
10.7 Recovery of money and assets that are the proceeds of crime	10.7.1 Value of recoveries relating to corruption or related offences	R3m	R117m	R1.4bn	R2.63bn	88%	Target exceeded due to close collaboration with the ID	n/a

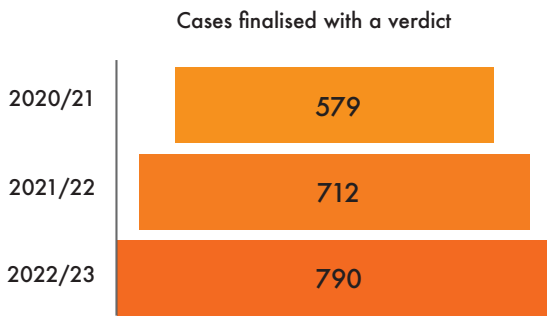
## Output 10.4 Effective prosecutions conducted

### Output 10.4.1 Conviction rate in high courts

The number of new cases enrolled in the high courts increased and 83 fewer cases were enrolled compared to the previous year (11%). Case finalisation significantly improved over the last three years in the high courts, as depicted in the figure below. During the current financial year 790 cases were finalised with a verdict,

which is a significant increase of 36% (211 verdict cases) compared to the 2020/21 financial year. Similarly, 705 convictions were obtained during the current financial year, which is an increase of 30% (163 convictions) compared to the 2020/21 financial year.

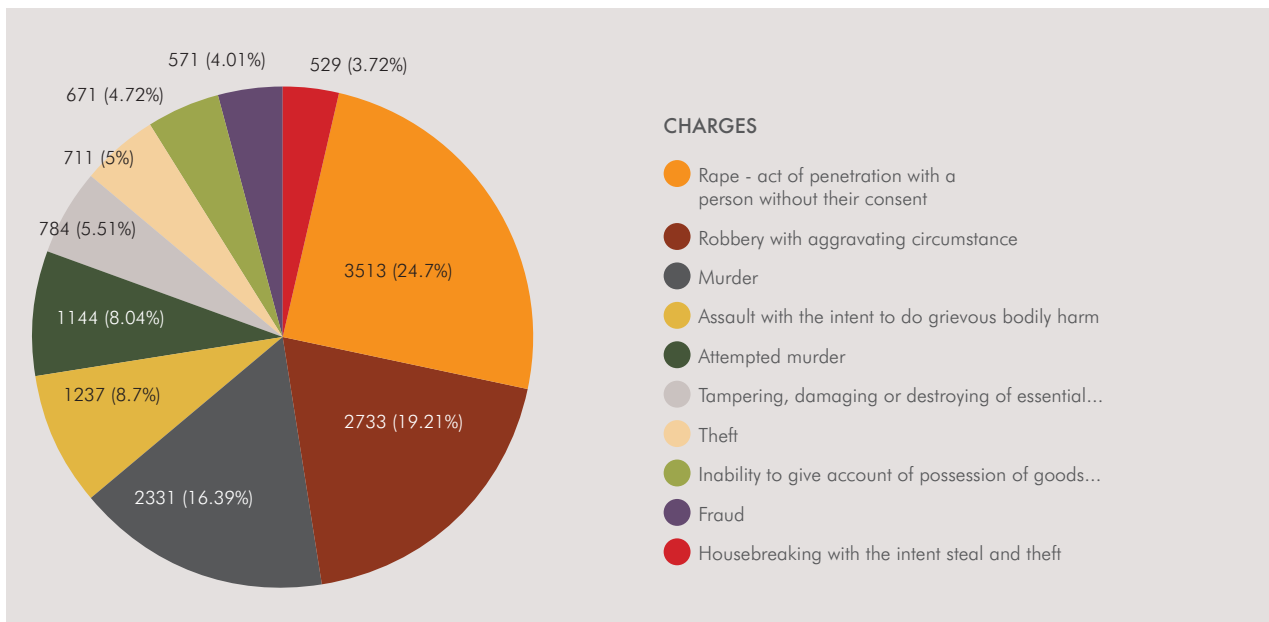
*Finalised cases over three years in the high courts*



**Output 10.4.2 Conviction rate in regional court**

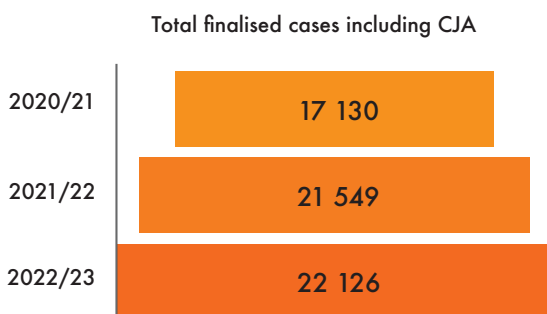
Serious crime cases are enrolled in the regional courts. During the financial year the number of new cases enrolled in the regional courts increased from 42 972 to 45 942 in the year under review.

*New cases received in regional courts (top 10 crime types)*



The regional court prosecutors still effectively impacted on serious crime by finalising 22 126 cases, of which 20 824 were by way of a verdict and 1 302 through the ADRM. A total of 17 196 convictions were obtained.

*Finalised cases over three years in the regional courts*

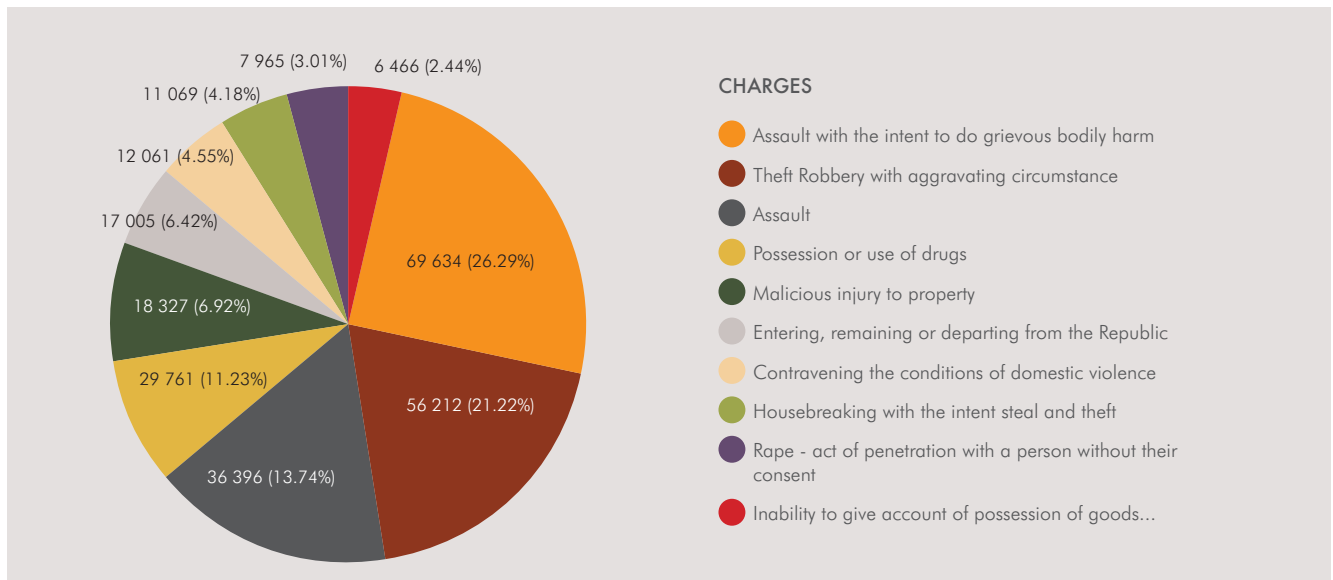


The conviction rate in the regional courts is lower than the district courts as the crimes frequently relate to offences committed by perpetrators unknown to the victims, such as cases of rape, robbery and murder.

**Output 10.4.3 Conviction rate in district court**

The new cases received by the district courts are significantly higher than the regional and high courts, with the number of new cases enrolled increasing from 512 020 to 546 208 (7%) in the current financial year.

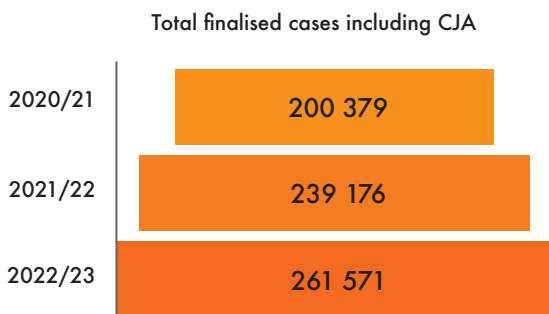
*New cases received by district courts (top 10 crime types)*



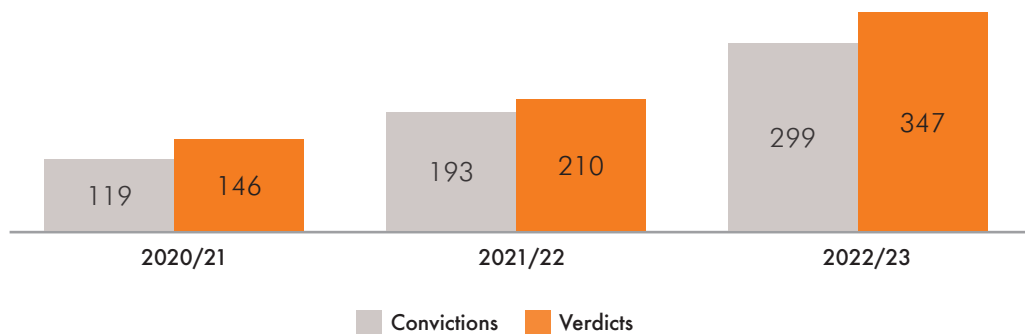
The courts finalised 261 571 cases, of which 148 186 were finalised with a verdict and 113 385 were finalised by means of the ADRM. Due to less serious charges, the cases disposed of by means of the ADRM in the district courts are much higher than in the other courts.

**Output 10.4.4 Conviction rate in cable theft**

Cable theft is not merely a petty crime; it is a form of organised crime that has a significantly negative impact on businesses, communities and the economy. The NPA continued with the successful prosecution of cable theft matters, already significantly exceeding the five-year Medium-Term Strategic Framework (MTSF) target of 74%. During the 2022/23 financial year, a high conviction rate of 86.2% was obtained by achieving 299 convictions from 347 verdict cases. Significant increases in conviction rates and verdict cases were recorded respectively over the last three years, as illustrated in the figure below:



Comparison over 3 years: Number of convictions and number of verdict cases



#### Output 10.4.5 Number of witnesses and related persons threatened, harmed or killed while on the witness protection programme

The OWP maintains a high-level, 24/7, internationally acclaimed operating model, ensuring that no witnesses and related persons were threatened, harmed or killed while on the witness protection programme.

##### Effectiveness of the programme:

- No witnesses and related persons were threatened, harmed or killed whilst on the witness protection programme;
- Three witnesses and one related person walked off the witness protection programme (the main reasons for witnesses and/or related persons signing-off and walking-off are the isolation, being away from family and friends, and the amount paid for allowances); and
- 100% of witnesses attended the 272 judicial proceedings.

##### Victim-centric services enhanced:

- 63 witnesses and 47 related persons (100%) were successfully discharged and resettled; and
- 100% (2) complaints lodged were resolved.

#### Output 10.5 Fraud and corruption dealt with

High corruption levels disrupt society's ability to operate fairly and efficiently, as well as the state's ability to deliver on its development mandate. The National Development Plan (NDP) identifies corruption as one of the key challenges facing South Africa, and proposes the building of a resilient anti-corruption system.

The NPA plays a critical role in the fight against corruption by prosecuting those who have committed corruption in the public or private sectors. The organisation is also prioritising high-level corruption matters, underpinned by a comprehensive implementation plan that includes: a focus on capacitating the NPA; skills development; internal and external collaboration; increased impact of asset recovery; effective communication on corruption cases; and raising staff morale to enhance employee productivity.

The NPA works in close collaboration with other stakeholders on corruption and other serious and complex commercial crime matters. The Specialised Commercial Crime Unit (SCCU) actively participated in the Fusion Centre, which serves as a good example of stakeholder collaboration. As a result, 34 cases of fraud and related offences related to COVID-19 and South African Social Security Agency grants have been enrolled in the past year. The activities of the Fusion Centre have resulted in 51 court cases involving 186 accused persons. Convictions were secured in 45 of the court cases, with only three acquittals.

#### Output 10.5.1 Conviction rate in complex commercial crime

Complex commercial crime cases require a multi-disciplinary approach to investigate and successfully prosecute. With the assistance of the Chief Justice and the DoJ&CD's Capacity Enhancement Committee, the SCCU set up dedicated serious commercial crime courts (SCCC) in regions that did not have such courts. There are currently 22 dedicated courts throughout the country.

The NPA has narrowed its focus to the more serious and complex commercial crime cases, finalising 418 cases with a verdict, which is 38 more than the previous year, and obtaining 364 convictions. The conviction rate in the prosecution of these cases has remained outstanding and an improvement (6% – 20 cases) in performance was noted compared to the previous financial year.

Despite the improvement in the number of verdicts and convictions, the conviction rate of 87,1% was marginally (2,9%) below the target of 90%. Various factors contributed to the non-achievement of the target such as, *inter alia*, failing memory, uncertainty in evidence, contradictions and uncorroborated evidence. The finalisation of complex commercial crime cases takes longer to be finalised since the cases often require expert witnesses and specialised investigating techniques.

#### **Output 10.5.2 Number of persons convicted of corruption and/or offences related to corruption**

In collaboration with the ID, the NPS plays a key role in addressing corruption, with a special emphasis on the recommendations of the Zondo Commission regarding corruption and maladministration in various sectors of society.

At the end of the current financial year, the NPA convicted 338 persons of corruption and/or offences relating to corruption, exceeding the target of 334 persons by 1%. The intensified focus that was placed on corruption affected the output in this area and contributed to a major improvement in the finalisation of corruption cases over the last three years. The number of persons convicted, however, declined slightly (by one) compared to the previous financial year.

*Progress on number of persons convicted of corruption in the past three years*

Financial Year	Number of persons convicted of corruption and/or offences relating to corruption
2020/21	233
2021/22	339
2022/23	338

The NPA, in collaboration with all partners and stakeholders, will continue to prioritise the finalisation of these cases and closely monitor progress.

#### **Output 10.5.3 Number of investigations authorised**

The Investigating Directorate (ID) continues to lead the NPA's response to complex and high-level corruption matters. The work of the ID is focused on 13 major investigation categories covering the public and private sectors, some of which include sections of and/or individuals in the following entities: Transnet, Eskom, Bosasa, Estina Company (Pty) (Ltd), SAPS, the NPA, the State Security Agency (SSA), Bain (SARS), McGowan, Alexkor, South African Airways and the Public Investment Corporation. Several of these matters are already enrolled in court, whilst others are still under investigation.

The ID authorised 13 new investigations for the 2022/23 financial year, bringing the total number of investigations authorised since the establishment of the ID in 2019 to 97.

#### **Output 10.5.4 Number of state capture matters enrolled**

During the financial year, the ID made significant inroads in the investigation and enrolment of alleged state capture matters. In this regard, a significant portion (32%) of all authorised matters relate to investigations into alleged state capture, whilst 50% of all enrolled matters relate to state capture. Accused individuals standing trial in state capture matters also constitute 13% of the total number of accused persons, whilst accused entities constitute 20% of all accused entities before court.

The ID enrolled 18 matters in the year under review. These court enrolments arose from authorised investigative work that led to the arrest of 77 individuals during the financial year, most of whom are high-profile individuals. Since the inception of the ID to date, 34 matters involving 203 accused individuals and 65 accused entities have been enrolled.

### **Output 10.5.5 Number of cases finalised with a verdict involving money laundering**

Money laundering and terror financing are key concerns of investment partners and are renewed areas of focus for our country, especially in light of the findings of the Financial Action Task Force (FATF).

Key areas for the NPA to address include: demonstrating a sustained increase in outbound mutual legal assistance (MLA) requests; timely follow up on MLA requests, particularly with regard to money laundering, terror financing and asset forfeiture; a sustained increase in proactive requests for financial intelligence from the Financial Intelligence Centre (FIC) in the case of money laundering and terror financing investigations; and a sustained increase in the prosecution of serious and complex money laundering cases, particularly money laundering networks, professional enablers, third party laundering and foreign predicate offenders, as well as the identification, seizure and confiscation of proceeds of crime and instrumentalities of offences.

South Africa must also review its terror financing risk assessment, update and implement the Counter Terror Financing Strategy, and enhance the capacity of entities such as the NPA to address terror financing. Dedicated human capacity, financial resources and training would allow South Africa to demonstrate a sustained increase in the identification, investigation and prosecution of terror financing related activities.

During the period under review, the NPA finalised 89 cases with a verdict involving money laundering. A significant improvement of 45 verdict cases was recorded over the last three years.

### **Output 10.6 Freezing of money and assets that are the proceeds of crime**

#### **Output 10.6.1 Value of completed forfeiture cases**

Confiscation and forfeiture orders: Confiscation orders are obtained in terms of Chapter 5 of POCA on conviction of the accused, targeting the benefit derived from those crimes. Forfeiture orders are obtained in terms of Chapter 6 of POCA, following a preservation having been obtained. Forfeitures target the proceeds

and instrumentalities of crime. During the financial year, the AFU obtained 521 completed confiscation and forfeiture orders to the value of R495 million. Despite the underachievement of performance of R55 million (10%), the AFU was rewarded with a restraint order of R583.8 million after the finalisation of a case on 6 April.

#### **Output 10.6.2 Value of freezing orders obtained for corruption or offences relating to corruption**

In the reporting period, freezing orders to the value of R570 million were obtained, 76% below the target of R2.4 billion. High-value cases are taking too long to be finalised due to the timeframes required to finalise the criminal trials, which contributed to the underachievement of the target. Despite concerted efforts to fast track the cases, the extent and complexity of the cases require a vast amount of investigative and forensic work in order to advance to a stage where the prosecution of and asset forfeiture in these cases can proceed.

Notwithstanding the underachievement of the annual target, it is important to note that the AFU is close to achieving the 5-year Medium Term Strategic Framework (MTSF) target of this indicator. The AFU has obtained freezing orders for corruption or offences relating to corruption to the value of R10.2 billion, against the 5-year MTSF target of R10.4 billion. The AFU thus only needs to obtain corruption freezing orders to the value of R200 million in the last year of the MTSF period to achieve the target.

To improve performance, the AFU will continue to ensure that cooperation and collaboration with relevant internal and external stakeholders are improved, and that the unit will also participate in prioritisation initiatives to ensure that cases are sourced and finalised. In addition to this, the AFU is also participating in several new initiatives to recover money from foreign jurisdictions and large corporates. The process on obtaining approval for the non-trial resolutions (NTRs) is almost finalised. The implementation of the NTRs will assist in improving the performance of this indicator.

## Output 10.7 Recovery of money and assets that are the proceeds of crime

### Output 10.7.1 Value of recoveries relating to corruption or related offences

Once a confiscation or forfeiture order is obtained, the AFU can proceed with the recovery of the assets. The recoveries are counted once the money has been deposited into the Criminal Assets Recovery Account (CARA) or the account of the victim. The value of assets, other than cash, is also included in the indicator once such assets are returned to the victim.

The AFU obtained recoveries in the amount of R2.63 billion in corruption matters. A large recovery was made by using Alternative Dispute Resolution Mechanisms (ADRM), which contributed to the significant improvement in performance over the last four years.

### Progress on the value of recoveries relating to corruption or related offences

Financial Year	Value of recoveries relating to corruption or related offences
2019/20	R3 million
2020/21	R3 million
2021/22	R117 million
2022/23	R2.63 billion

### Sub-programme expenditure

Sub- Programme Name	2022/2023			2021/2022		
	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
National Prosecuting Services	3 827 049	3 827 049	-	3 750 948	3 750 948	-
Investigative Directorate	192 524	178 534	13 990	-	-	-
Assets Forfeiture Unit	219 560	219 560	-	173 441	173 441	-
Office for Witness protection	213 693	213 693	-	197 136	197 136	-
Support Services	574 344	574 344	-	569 634	569 398	236
Total	5 027 168	5 013 178	13 990	4 691 159	4 690 923	236

The Programmes overall expenditure for the year amounted to R 5.013 billion against the budget of R 5.027 billion, resulting in an under spending of R 14 million. The under spending is due to delays in the

finalisation and approval of the post establishment for the Investigative Directorate which subsequently affected its spending on operational budget.





## PROGRAMME 5: AUXILIARY AND ASSOCIATED SERVICES

### a) Purpose

The purpose of this programme is to provide a variety of auxiliary services associated with the Department's purpose: funding the interdepartmental justice modernisation programme, the President's Fund, and the Information Regulator, and providing transfer payments to public entities and constitutional institutions.

Description of sub-programme:

- a) Legal Aid South Africa: Funds Legal Aid South Africa, which provides legal aid to indigent people and legal representation at the state's expense, as set out in the Constitution.
- b) Special Investigating Unit: Funds the Special Investigating Unit, which provides professional forensic investigating and litigation services to all state institutions at the national, provincial and local levels to combat maladministration, corruption and fraud; and protects state assets and public funds.
- c) Public Protector of South Africa: Funds the Public Protector of South Africa, which investigates any alleged improper conduct in state affairs, public administration or any sphere of government, as well as any conduct that results in impropriety or prejudice.
- d) South African Human Rights Commission: Funds the South African Human Rights Commission, which promotes and monitors the observance of human rights in South Africa.
- e) Justice Modernisation: Implements IT infrastructure and networks, and funds the Integrated Justice System programme, which seeks to re-engineer, automate and integrate business processes across the criminal justice value chain.
- f) President's Fund: Provides funding for reparations flowing from the findings of the Truth and Reconciliation Commission.
- g) Information Regulator: Funds the Information Regulator, which is responsible for the promotion and protection of the right to privacy as it relates to the protection of personal information and the right of access to information, enshrined in the Protection of Personal Information Act, 2013 and the Promotion of Access to Information Act, 2000.

### Institutional outcomes that the programme contributes toward

- i. Outcome 1: Modernised and digitised justice services platforms

## OUTCOME 1: MODERNISED AND DIGITISED JUSTICE SERVICES PLATFORMS

The table below provides an overview of the performance against predetermined objectives (APP indicators), in terms of outcomes, outputs, output indicators, planned targets and actual achievements:

### C) Final Revised Annual Performance Plan: April 2022 –March 2023

Output	Output indicator	Audited actual achieved performance 2020/2021	Audited actual achieved performance 2021/2022	Planned annual target 2022/2023	Actual achieved performance 2022/2023	Deviation from planned target to actual achievement for 2022/2023	Reasons for deviations
1.4 Inter-departmental information exchange platform	1.4.1 Number of government departments and/or entities connected to transversal platform and exchanging information electronically	9	1	1	1	-	Target achieved
1.5 KPIs completed on the Integrated Justice System dashboard	1.5.1 Number of KPIs completed on the Integrated Justice System dashboard	-	-	1	1	-	Target achieved
1.6 Criminal Justice System (CJS) digitised and integrated	1.6.1 Number of SAPS Police stations where Person Verification Services (PVS) are deployed	-	-	40	85	113%	Target Exceeded. The roll-out of PIVA has been accelerated for Integrated Person Management planned for the third quarter of the 2023/24 financial year.
1.7 Effective IJS governance systems	1.7.1 Number of IJS governance intervention sessions held	IJS governance structure approved by 31 March 2021	4	14	14	-	Target achieved
1.8 IJS Assessment Report recommendations implemented	1.8.1 Number of IJS DPME Assessment Report recommendations implemented	IJS Assessment Report finalised by 31 March 2021	7	6	6	-	Target achieved

## OUTCOME 1: MODERNISED AND DIGITISED JUSTICE SERVICES PLATFORMS

### Output 1.4 Inter-departmental information exchange platform

As an integral part of enabling interdepartmental integration, the successful implementation of the IJS Transversal Hub will provide a comprehensive integration architecture and platform on which the underlying criminal justice business process can be integrated.

Currently, eleven (11) government departments/entities are connected to the IJS Transversal Hub and able to electronically exchange information. These

information exchanges are implemented by means of signed interface control definitions. The integrated departments include SAPS, NPA, DoJ&CD, OCJ, DCS, DSD, Legal Aid SA, DHA, RTMC, PSiRA and SASSA. In addition, the Road Traffic Management Corporation (RTMC) and the SASSA are also connected for the purposes of IJS person verification services, that is, Person Identity verification (PIVA) against the SAPS and also Person Identity profile against the DHA database.

One new entity was connected to the IJS Transversal Hub. Connectivity between IJS and PSiRA was established in quarter 4. IJS continued to maintain IJS Transversal Hub operations (including daily, weekly, and monthly maintenance and support functions).



One new KPI was added onto the IJS's 28 KPIs dashboard. Analysis of KPIs to include bail pending appeal as part of the reoffending calculation was completed. Definition and calculation confirmed with stakeholders concerned.

### Output 1.5 KPIs completed on the Integrated Justice System dashboard

The 27 KPI was finalised on the integration of the Justice System dashboard. The Department will continue to increase the number of government departments and entities connected to the transversal platform and exchanging information electronically, implement the remaining IJS DPME Assessment Report recommendations and work on the 28 KPI dashboard.

### Output 1.6 Criminal Justice System (CJS) digitised and integrated

The Department aims to achieve a well-functioning, integrated criminal justice system in which the police, prosecution, judiciary and correctional services work together to ensure that suspects are arrested, prosecuted, convicted if guilty, and securely incarcerated.

As at 28 February 2023, PIVA had been nationally deployed to 85 police stations.

### Output 1.7 Effective IJS governance systems

During the financial year under review, 14 IJS governance interventions sessions were conducted.

The effective governance of the IJS programme aims at clarifying and strengthening the roles of the Director-General (DG) as the accounting officer of the

programme, and that of the Minister for Justice and Correctional Services as the executive authority of the programme.

### Output 1.8 IJS Assessment Report Recommendations Implemented

The Department implemented 6 IJS Assessment Report recommendations in an effort to assess whether the IJS programme is being implemented/delivered in an effective and efficient manner across all CJS member departments.

### Strategies to Overcome Areas of Underperformance

All targets were achieved against predetermined objectives (APP indicators) for this programme.

### Linking performance with budgets

The programme expenditure for the financial year amounted to R 3.909 billion against the budget allocation of R 3.921 billion, resulting in an underspending of R 12 million. The underspending is due to vacancies as well as delays in the procurement of computer equipment.

#### Sub-programme expenditure

Sub-Programme Name	2022/2023			2021/2022		
	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
Legal Aid South Africa	2 184 471	2 184 471	-	2 033 188	2 033 188	-
Special Investigating Unit	452 060	452 060	-	437 878	437 878	-
Public Protector of South Africa	377 928	377 928	-	359 860	359 860	-
South African Human Rights Commission	208 467	208 467	-	195 031	195 031	-
Justice Modernisation	597 580	597 447	133	597 383	575 671	21 712
Information Regulator	100 609	88 913	11 696	-	-	-
President's fund				1	-	1
<b>Total</b>	<b>3 921 116</b>	<b>3 909 286</b>	<b>11 830</b>	<b>3 623 341</b>	<b>3 601 628</b>	<b>32 917</b>

## 5. TRANSFER PAYMENTS

Public entities receive sizeable transfer payments from government and are often the frontline providers of services on behalf of government. It is therefore important to understand the impact of these services on the community.

### 5.1. Transfer payments to public entities

The table below reflects the transfer payments made to public entities for the period 1 April 2022 to 31 March 2023:

Name of Public Entity	Key Outputs of the public entity	Amount transferred to the public entity	Amount spent by the public entity	Achievements of the public entity
Legal Aid South Africa	Provides legal aid to indigent people and legal representation at the state's expense, as set out in the Constitution	2 184 471	2 184 471	<ul style="list-style-type: none"> <li>Ensured access to justice through the provision of legal services to a total of 581,430 people in new criminal and civil matters, as well as legal advice services.</li> <li>Dealt with 322,337 (87%) new criminal matters; 48,805 (13%) new civil matters and 326 new land matters. General legal advice was provided to 209,962 persons, including through the Legal Aid Advice Line which can assist clients in all 11 languages and through an upgrade in technology is able to provide telephony advice services remotely.</li> <li>Finalised a total of 355,384 legal matters, comprised of 308,490 criminal matters, 46,885 civil matters and nine land matters.</li> <li>Took on 15 new strategic litigation matters; 15 strategic litigation matters were finalised during 2022/23 with a 90% success rate in these matters.</li> <li>Provided legal services to 13,167 children – 7,161 children in criminal matters and 6,006 children involved in civil matters.</li> <li>Maintained a high recruitment level of 93.6% and low turnover of 4.5%.</li> </ul>
Special Investigating Unit	Provides professional forensic investigating and litigation services to all state institutions at the national, provincial and local levels to combat maladministration, corruption and fraud; and protects state assets and public funds.	452 060	452 060	<ul style="list-style-type: none"> <li>R846 million of potential cash and/ or assets recovered.</li> <li>R389 million of actual cash and/or assets recovered.</li> <li>R300 million of contract(s) and/or administrative decision(s)/action(s) set aside or deemed invalid.</li> <li>R2.167 billion of potential loss prevented.</li> <li>A total of 376 referrals made for disciplinary action against officials.</li> <li>67 087 referrals made for executive and/or administrative action.</li> <li>680 referrals were made to the relevant prosecuting authority.</li> </ul>

Name of Public Entity	Key Outputs of the public entity	Amount transferred to the public entity	Amount spent by the public entity	Achievements of the public entity
Special Investigating Unit	Provides professional forensic investigating and litigation services to all state institutions at the national, provincial and local levels to combat maladministration, corruption and fraud; and protects state assets and public funds.	452 060	452 060	<ul style="list-style-type: none"> <li>70 537 investigations closed under a published proclamation.</li> <li>R2.471 billion of matters in respect of which evidence was referred for the institution or defence/opposition of civil proceedings.</li> <li>A total of 35 cases issued in the Special Tribunal</li> <li>A total of 21 reports submitted to the Presidency.</li> <li>100% of allegations centrally registered for electronic tracking</li> <li>100% of centrally registered allegations assessed by the Assessment Committee</li> </ul>

## 5.2. Transfer payments to all organisations other than public entities

The table below reflects the transfer payments made for the period 1 April 2022 to 31 March 2023

Name of transferee	Type of organisation	Purpose for which the funds were used	Did the dept. comply with section 38 (1) (j) of the PFMA	Amount transferred (R'000)	Amount spent by the entity	Reasons for the funds unspent by the entity
The Public Protector of South Africa	Constitutional entity	To investigate any alleged improper conduct in state affairs, public administration or any sphere of government, as well as any conduct that results in impropriety or prejudice	No	377 928	377 928	
The South African Human Rights Commission	Constitutional entity	To promote and monitor the observance of human rights in South Africa	No	208 467	208 467	-
Municipalities	Municipalities	Renewal of vehicle licence disks	N/A	844	844	-
South African Revenue Service	National Public Entity	Fines and penalties	N/A	26	26	-
International Criminal Court	Foreign government and international organisations	Annual subscriptions	N/A	14 959	14 959	-
Hague Conference on Private International Law	Foreign government and international organisations	Annual subscriptions	N/A	1 233	1 233	-
International Institute for the Unification of Private Law	Foreign government and international organisations	Annual subscriptions	N/A	377	377	-
South Africa Broadcasting Corporation Limited	Major public entity	Annual payment made to the SABC to obtain/renew a television licence	N/A	108	108	-
Households	Households	Payments for leave gratuity	N/A	89 646	89 646	-

Name of transferee	Type of organisation	Purpose for which the funds were used	Did the dept. comply with section 38 (1) (j) of the PFMA	Amount transferred (R'000)	Amount spent by the entity	Reasons for the funds unspent by the entity
Households	Households	Claims against the state	N/A	10 445	10 445	-
Safety and Security, Sector Education and Training Authority	National public entity	Payments for training in the public service	N/A	29 551	29 551	-

## 6. CONDITIONAL GRANTS

### 6.1. Conditional grants and earmarked funds paid

There were no conditional grants paid by the Department.

### 6.2. Conditional grants and earmarked funds received

There were no conditional grants paid by the Department.

## 7. DONOR FUNDS

### 7.1. Donor Funds Received

The Department has not received donor funds during the financial year.

## 8. CAPITAL INVESTMENT

### 8.1 Capital investment, maintenance and asset management plan

The Department of Justice and Constitutional Development (DoJ&CD), through the Facilities Management Unit, is responsible for the provision of office and court accommodation and the maintenance thereof. This is done through Infrastructure Management, through the building of new courts and expansion of existing facilities or through Property Management by leasing of accommodation for use as offices or courts. All these services are executed by the Department of Public Works and Infrastructure (DPWI), as the custodian of government immovable

assets. The Department is the fund holder of the facilities and infrastructure programme servicing the DoJ&CD, NPA, OCJ, State Attorney and Masters of the High Court.

The routine capital maintenance of all government-owned immovable assets is the responsibility of the DPWI and also the fund holder, while the DoJ&CD funds capital projects through its budget, which over the years has been reduced and impacts negatively as government facilities are not maintained as required. The 2022/2023 capital budget allocation was R566,710 million. The budget is used for projects under implementation by the DPWI and final accounts for projects implemented by the Independent Development Trust (IDT). Total expenditure to date is R468,174 million, or 83%, and the balance is R98,535 million, or 17%.

The Department has registered several projects with the DPWI for implementation. These projects are at different project stages, such as feasibility, planning, implementation and completion. Most of the projects take time at the feasibility stage due to delays in town planning relating to site clearance certificates.

The infrastructure projects are multi-financial years and, therefore, no project was planned to be completed in the current financial year. The projects' under implementation will continue in the next financial year.

The DPWI has increased the delegation from R100 000 to R1 million per incident. The increase in the threshold allowed the provinces to execute minor works and improve the court conditions.

### Infrastructure projects that are currently in progress:

Project Name	Progress
1. Limpopo: High Court: Construction of a new building, including additional parking project	The additional parking structure was completed in February 2018. Integration (network, security and BMS) of the Court block 'A', Administration block 'B' and the parkade remains outstanding and it will form part of the TFMS scope. The TFMS rollout will take place in the 2023/2024 financial year.
2. Mpumalanga: High Court: Construction of a new building project	The High Court was completed in May 2019, with a secondary access road on Samora Machele Drive. The High Court was officially opened on 8 November 2019 by the President of the Republic. The primary access road tender was awarded to Thenjwa Engineers & Projects. Overall progress to date is 81%. The perimeter wall fencing, guard house, boom gate, turnstile, street lights, and landscaping are still under construction. The TFMS rollout will take place in the 2023/2024 financial year.  The delay was as a result of the unsatisfactory degree to which the contractor had completed the job. The contractor is redoing some work at his cost as a result of poor workmanship.
3. Limpopo: Thohoyandou High Court: repair and renovation project	The court is scheduled to undergo a repair and renovation (R&R) undertaken by the DPWI by April 2023. The contractor is expected on site in September 2023.
4. Gauteng: Pretoria High Court Heritage: Repairs, upgrading and/or overhauling existing air conditioners project	The project reached practical completion by 30 November 2022 and is currently on one-year defects liability period until October 2023. The delay was as a result of the unsatisfactory degree to which the contractor had completed the job.
5. KwaZulu-Natal: Durban High Court: Additional accommodation and refurbishment project	The project will be done in phases and is expected to be completed in November 2025. The project has progressed to 35% completion to date. Parking and admin building are progressing well.
6. KwaZulu-Natal: Pietermaritzburg MB High Court: R&R and Additional Accommodation Project.	The PMB HC is scheduled for repair and renovation the scope of which was compiled by IDT. A PI was issued for the installation of a generator for the court. A PEP is expected from the region in April 2023.
7. KwaZulu-Natal: Durban Labour and Labour Appeals Court new building	The DPWI are still in engagements with the Department of Defence (DoD) to acquire the property located on Anton Lembede Street in the High Court precinct. The LLAC will remain at the MTN Building and the DPWI will continue with all maintenance and repairs required to ensure that the court is functional.
8. Eastern Cape: Bisho High Court: Refurbishment and additional accommodation project	A Tender was advertised and closed on 24 January 2023. The project is currently under adjudication.
9. The Palace of Justice: Security measures upgrade project.	The security measures upgrade work has progressed to 95%. Completion is anticipated in the 2023/2024 financial year.
10. Gauteng: Constitutional Court: Replacement of the generator project	Approval has been granted by the DoJ&CD for the replacement of the generator. The existing unit generator will be upgraded to a larger-capacity unit. The DPWI are expected to issue a PEP for the project in May 2023.
11. Gauteng: Justice College: Refurbishment project	The project progress is 95% complete. Practical completion is anticipated in July 2023.
12. Mpumalanga: Middelburg Local Seat: Renovation and refurbishments	Phases one, two and three had been completed by November 2022. The DPWI will proceed with the R&R project as an interim measure to address the roof repair, electrical system and sewer repairs.
13. Mpumalanga: Kwa-Mhlanga Local Seat	The project was completed in December 2022.
14. Limpopo: Polokwane burnt Magistrate's Office	The practical completion was achieved on 07 March 2023, however, the ICT work is outstanding and being attended to currently.
15. Gauteng: Pretoria Magistrate's Court: Refurbishment of burnt building	The project progress stands at 37%. The project was re-advertised and it is at an adjudication stage.
16. Gauteng: Soweto Magistrate's Office: Construction of a new court	The project has been registered and land identified by the DPWI which belongs to the City of Johannesburg; Dlamini Erf 1802. The DPWI is engaging the COJ on the acquisition of the land. There has been a lack of progress due to the unavailability of suitable land for construction.



Project Name	Progress
17. Gauteng: Orange Farm land acquisition	The identified land will be sub-divided for both government and the ZCC church. The DPWI is currently processing the sub-division of the land.
18. Gauteng: Ga-Rankuwa Magistrate's Office: Additional accommodation	The R&R project is ready for sketch plan. Planning for additional accommodation will commence once the site has been cleared.
19. Gauteng: Mamelodi Magistrate's Office: Construction of a new building	The project progress stands at 73%. The tenders for 2 specialist contracts closed on 2 August 2022, and are under adjudication.
20. Gauteng: Soshanguve Magistrate's Office	The project is at 69% complete. Anticipating completion by December 2023.
21. KwaZulu-Natal: Port Shepstone Magistrate's Office: Construction of a new building	The project is 88% complete. Anticipating to achieve practical completion by May 2023.
22. KwaZulu-Natal: Vulamehlo Magistrate's Court: Repairs and Renovations to office buildings	Construction progress on site is 92% complete. Contractor was placed on hold by the DPWI for non-performance with the intention for cancellation.
23. Eastern Cape: Grahamstown (Makanda): R&R and additional accommodation	The court is scheduled for repair and renovation with additional accommodation through acquisition of land behind the court. The additional accommodation is to accommodate the courts administration. The condition assessment is under review to ensure that all challenges at the court are addressed.
24. Eastern Cape: Mqanduli burnt Magistrate's Office: Additional accommodation	The need certificate for the construction of a new court was submitted to the DPWI and the site clearance by the DPWI is underway.
25. East Cape: East London: Old SARS building	The tender was re-advertised and closed on 15 June 2021. The project is currently on 25% construction progress.
26. North West: Klerksdorp/Jouberton Magistrate's Office: additional accommodation	The project is at 25% complete. Practical completion is anticipated in November 2024.
27. North West: Rustenburg Magistrate's Office: Refurbishment and additional accommodation	The site was handed over to the contractor on 22 September 2022. The contractor resumed with the works on 13 February 2023 after approval of required documents by the Safety Agent. The project is progressing well.

The Department of Justice and Constitutional Development (DoJ&CD), through the Facilities Management unit, is responsible for the maintenance of service points/offices and court buildings. In leased accommodation facilities, the maintenance becomes the responsibility of the landlord as per the lease agreement.

There are two types of maintenance that the Department embarks on in maintaining facilities: day-to-day maintenance and planned maintenance. The day-to-day maintenance is executed by the provinces

of the Department and the planned maintenance is executed by the Department of Public Works and Infrastructure (DPWI).

Annually, the DoJ&CD provinces are allocated funding to execute day-to-day maintenance and upgrading of infrastructure. The day-to-day maintenance allocation addresses incidents relating to daily breakdowns. Day-to-day maintenance refers to maintenance of an unforeseen nature, e.g. blocked pipes, toilets, burst water pipes, broken window panes, etc.

The provincial allocations for Facilities Management (Day-to-day maintenance and upgrading of infrastructure) for 2022/2023 are as follows:

NO.	REGION	ALLOCATION AMOUNT	EXPENDITURE
1.	Eastern Cape	R3 800 000	R3 367 532
2.	Free State	R2 747 000	R2 277 470
3.	Gauteng	R10 733 000	R16 667 019
4.	KwaZulu-Natal	R4 285 000	R9 327 407

NO.	REGION	ALLOCATION AMOUNT	EXPENDITURE
5.	Limpopo	R4 306 000	R1 178 609
6.	Mpumalanga	R2 706 000	R6 015 277
7.	North West	R5 740 000	R6 000 933
8.	Northern Cape	R2 152 000	R5 407 398
9.	Western Cape	R2 935 000	R10 992 994
<b>TOTAL BUDGET</b>		<b>R65 565 000</b>	<b>R63 451 283</b>

In assisting the Provinces to respond timeously to the day-to-day maintenance incidents at court level, the Department is embarking on the term contracts approach for three key disciplines: general building works, wet works (plumbing) and fire services. The fire services term contract will primarily focus on provision and servicing of fire-fighting equipment. This is a focus area given the recent burning of courtrooms and buildings in general. A major contributing factor in these incidents is the equipment that is not working and not being serviced. The term contracts will be piloted in one cluster in a few provinces.

The planned maintenance focuses on major repairs and refurbishments. The programme is implemented on behalf of the DoJ&CD through the DPWI, who in turn utilise the services of other implementing agents like the Development Bank of South Africa (DBSA), the Coega Development Corporation (CDC) and the Independent Development Trust (IDT) to implement these projects.

The Department is funding a portion of the planned maintenance through the user accommodation charges devolved budget. The DoJ&CD was previously using its budget to assist the DPWI in carrying out the maintenance requirements. Because of the budget cuts, the DoJ&CD is experiencing budget shortfall and unable to effect planned maintenance on all of the facilities. The DoJ&CD is assisting the DPWI by co-funding projects where there are user-specific requirements, e.g. security installations, ICT, air conditioners and generators.

1. The DPWI has set aside R240,022 million to implement 122 planned maintenance projects on DoJ&CD facilities. The amount is for both consultants and contractors. The projects are at different project stages, e.g. feasibility (30), planning (48), implementation (22) and completion (22).
2. The following is the summary of the portfolio of planned maintenance projects across the country:
  - 2.1. Mthatha Magistrate's Office: Repairs and renovation: The practical completion took place in July 2022.
  - 2.2. Mount Frere Magistrate's Office: Condition-based maintenance: The project progress still stands at 68%. The project will be re-advertised.
  - 2.3. Lusikisiki Magistrate's Office: Condition-based maintenance: The progress on site is at 43%. The contract was terminated on 12 February 2020. The replacement contractor was handed over on 09 November 2022. The contractor has continued with the construction activities and is progressing well. Practical completion is anticipated in January 2024.
  - 2.4. Elliot Magistrate's Office: Repairs and renovations: Coega is busy with the project's scope planning and funds were confirmed by the DoJ&CD. Co-funding for the repairs and maintenance with the additional capital scope items has been confirmed with the DPWI to continue with implementation. The site clearance certificate for the project has been completed.
3. Mt Fletcher Magistrate's Office: Repairs: The project achieved sectional practical completion. The contractor was given a notice for termination due to non-performance. The contract was cancelled on 7 October 2021. The tender was re-advertised in September 2022 and is under adjudication.
4. Umlazi Heritage: Repair and renovation to office building: phase one and phase two are completed. Project completion is anticipated in June 2023.
5. Hlabisa Magistrate's office: Various building repairs: Progress is 98% complete. The contractor is addressing the snag list.

6. Seshego Magistrate's office: Repair and renovations: Progress is 97% complete. The project is progressing very slowly due to lack of accommodation.
7. Giyani Magistrate's Office: Repair and renovations: Practical completion was achieved on 9 March 2023.
8. Messina Magistrate's Office: Repair and renovations, installation of fire equipment to comply with building regulations, drilling and equipment of borehole: The contract was terminated due to poor performance. The project is to be re-advertised.
9. Groblersdal Magistrate's Office: Repair and renovations of building: The contractor was terminated in May 2019. The project is to be re-advertised.
10. Atteridgeville Magistrate's Court: Full R&R project was registered with the DPWI for repairs on the roof. The procurement instruction was issued on 20 February 2023. The project manager visited the site on 13 March 2023 for the assessment.
11. Boksburg Magistrate's Court: Tender documents are ready. The project is estimated to be advertised in May 2023.

The maintenance projects are funded by the DPWI as per the GIAMA mandate. The 2022/2023 Capex allocation was R566 million. The budget has been used for the planning, monitoring, implementation and

completion of current projects under construction. Projects currently under implementation will proceed as planned, e.g. Mamelodi, Port Shepstone, Mpumalanga HC access road, Durban HC, Jouberton, Kroonstad, Soshanguve, Polokwane, Vulamehlo, Rustenburg and East London Old SARS Building. Other projects under planning are Thohoyandou HC, Jan Kempdorp, Keimoes and Pofadder.

Due to the increased maintenance budget cuts, the DPWI is unable to keep up with the maintenance demands backlog. In assisting the Provinces to respond timeously to the day-to-day maintenance incidents at court level, the Department is embarking on the term contracts approach for three key disciplines: general building, wet works (plumbing) and fire services. The fire services term contract will primarily focus on provision and servicing of fire-fighting equipment. This is a focus area given the recent burning of courtrooms and buildings in general. A major contributing factor in these incidents is the equipment that is not working and not being serviced. The term contracts will be piloted in all provinces.

The planned maintenance focuses on major repairs and refurbishments. The programme is implemented on the DoJ&CD through the DPWI, who in turn utilised the services of other agents like the Development Bank of South Africa, the Coega Development Corporation and the Independent Development Trust (IDT) to implement these projects.

The provinces are utilising the R1 million delegation threshold to attend to new minor capital projects in addressing the maintenance backlog.

Infrastructure projects	2022/2023			2021/2022		
	Final appropriation R'000	Actual expenditure R'000	(Over)/Under expenditure R'000	Final appropriation R'000	Actual expenditure R'000	(Over)/Under expenditure R'000
New and replacement assets	471 638	471 638	-	663 658	605 611	58 047
Existing infrastructure assets	54 155	54 155	-	25 206	25 206	-
- Upgrades and additions	4 334	4 334	-	3 778	3 778	-
- Rehabilitation, renovations and refurbishments	-	-	-	-	-	-
- Maintenance and repairs	49 821	49 821	-	21 428	21 428	-
Infrastructure transfer						
- Current	-	-	-	-	-	-
- Capital	-	-	-	-	-	-
Total	525 793	525 793	-	688 864	630 817	58 047

# PART C | GOVERNANCE



## 1. INTRODUCTION

The Department's commitment to maintaining the highest standards of governance is fundamental to the management of public finances and resources. Users want assurance that the Department has good governance structures in place to effectively, efficiently and economically utilise state resources, which are funded by the taxpayer.

## 2. RISK MANAGEMENT

The Department has reviewed the Risk Management Policy and Strategy that was approved by the accounting officer in the 2022/2023 financial year. The Department held a strategic risk assessment session where the strategic risks were identified in alignment with the strategic outcomes. Over thirty operational risk assessments were conducted with branches and provincial offices to review and identify emerging risks. Furthermore, the Department conducted an employee's fraud and corruption perception survey in order to guide risk-management efforts in conducting fraud risk assessments.

The Risk Management Committee (RMC) held 4 meetings during the financial year. The RMC advises management on the overall system of risk management, especially the mitigation of unacceptable levels of risks. The Department has also established provincial risk management committees in various provinces. The quarterly risk management reports were presented to the Audit Committee to monitor, advise, and enhance the effectiveness of risk management in the Department.

There has been a notable improvement on the management of risks and this has been seen in the improvements on the Department's performance. The Risk Management Unit has been strategically placed in the Department within the Office of the Director General and risk management is a standing item at the Executive Committee meetings.

## 3. FRAUD AND CORRUPTION PREVENTION

The Ethics Management Strategy is in place and will be reviewed in the next financial year, in line with the Anti-Corruption and Ethics Management Policy. In general, the strategy addressed issues of misconduct related to employees conducting business with state institutions, reporting of audit queries where employees were found to have performed outside remunerative work without permission, and pre-employment screening of candidates in accordance with the recruitment, selection and vetting policies.

The vetting of employees in critical positions is ongoing, particularly in relation to senior managers, supply chain officials and finance officials. The vetting compliance for SMS, supply chain officers and finance officials is over 90%.

### **Mechanisms in place to report fraud and corruption:**

The Department has an approved Anti-Corruption and Ethics Management Policy that provides mechanisms for reporting fraud and corruption as well as investigating reported cases.

In addition, the Department has reviewed the whistleblowing policy in line with the DPSA guidelines and relevant legislative amendments. The circular on protected disclosure on reporting improprieties and unethical conduct policy was issued in April 2022. Other mechanisms in place include the establishment of the Department's dedicated Forensic Audit Unit that is responsible for investigating reported cases internally by officials and those from the Public Service Commission National Anti-corruption hotline.

### **How cases are reported:**

The allegations are reported to the head of the Forensic Audit Unit and through the Public Service Commission National Anti-Corruption hotline. In all instances officials are guaranteed anonymity and confidentiality if they choose so. Once the allegation is investigated, a recommendation report will be compiled and submitted to the relevant branch head or HR labour relations unit in order to take appropriate action. Where allegations require reporting to the police, the Director: Forensic Audit Unit will directly report to the police, or the relevant manager who requested an investigation may

directly report to the police and keep a police case number. If the allegations of a possible misconduct have been established, the Department will institute disciplinary action against the implicated officials.

#### 4. MINIMISING CONFLICT OF INTEREST

The Department has the recruitment and selection policies, including the supply chain management policy to minimise conflict of interest. The Department's financial instructions require all stakeholders who participate in supply chain management processes to read and sign the Code of Conduct and this takes place prior to a member being appointed to any SCM committee. A verification is conducted through the National Treasury Central Supplier Database, to establish the official's status in relations to any company they are registered with that does business with the any organ of the state. The findings of this exercise are subsequently referred to the Forensic Audit Unit for investigation and appropriate recommendations.

#### 5. CODE OF CONDUCT

The Department is using the code of conduct as stated under Chapter 2 (regulations 11 to 14) of the Public Service Regulations of 2016. When there is a breach of the code of conduct, the matter is dealt with through departmental disciplinary processes.

There is a partnership between the Department's Labour Relations Unit, Forensic Unit, Integrity Management Unit and Enterprise Unit to jointly inculcate a culture of ethics in order to prevent and effectively address unethical behaviour prior to it becoming a specific form of corrupt activity and to mitigate its risks. As part of the combined assurance function, the awareness sessions are conducted to cover the employees' code of conduct and ethics.

#### 6. HEALTH, SAFETY AND ENVIRONMENTAL ISSUES

The Department considers its staff as its most valuable asset and commits to maintaining the health and safety of all staff, stakeholders and members of the public through a SHER Management System that is monitored and evaluated for continual improvement and effective control of workplace health and safety hazards.

The Department is able to monitor compliance on the implementation of SHER policy and procedures at all service delivery points, which is in line with the Occupational Health and Safety Act and Regulations, 1993 (Act 85 of 1993, as amended), through the National Operation Centre Information Monitoring Tool (NOCIMT), and reports on the status of compliance of all offices/service delivery points countrywide can be generated.

The Department continues to identify workplace hazards through SHER inspections conducted by National Office and the provincial offices. A total of 24 SHER inspections were conducted by National Office in addition to the ones conducted by the provincial offices.

The annual target of eighteen (18) SHER inspections for National Office in the 2022/2023 Financial Year was achieved and exceeded by 6. Furthermore, to promote the culture of a healthy and safe working environment, a total of nine (9) SHER awareness campaigns were conducted by National Office, which 114 officials attended. The target set for the 2022/2023 financial year for the Directorate: SHERQ was achieved in this regard.

Although COVID-19 is no longer declared a National Disaster, the Directorate: SHERQ continued its support and ensure that circulars are available to direct employees on how to best manage the spread of COVID-19 in the workplace. The statistics of COVID-19 infections have significantly dropped during 2022/2023 financial year. The Department continued to supply employees with personal protective equipment (PPE) (face masks, face-visors/shields, overalls and hand gloves). It also provided 70% alcohol hand sanitisers and liquid soaps, as and when required.

### Business Continuity Management

The Department continuously renewed its commitment and dedication to continuing with service delivery under adverse circumstances caused by natural and unnatural events that might disrupt services delivery. The Department, like any other government department, was faced with numerous incidents, such as floods, load shedding, riots, etc., resulting in disruption of services at affected service delivery points/offices of the Department.

**To sustain a business-continuity culture, the Department embarked on the following interventions:**

- The Ministry and Director-General convened meetings with employees and stakeholders throughout the Department, promoting best practices and continuity of services at all service delivery points/offices in line with the Departmental prescripts and the Disaster Management Act, 2002 (Act 57 of 2002, as amended);
- A national state of disaster in respect of the impact of severe electricity supply constraints was issued on 9 February 2023, inclusive of the Regulations. The Department continued to monitor and develop business-continuity strategies to resolve energy supply constraints at prioritised service delivery points/offices with the aim of sustaining business continuity to promote continual improvement; and
- With the termination of the national state of disaster for impact of severe electricity supply constraints officially proclaimed by the Minister of Corporate Governance and Traditional Affairs on 5 April 2023, the Department continued in rendering services under adverse conditions.

To maintain an oversight of business continuity, Management, Branch Heads, Chief Director: Safety and Security Management, Provincial Heads, Director: Court Operations, Director: SHERQ, Deputy Director: Business Continuity Management and Quality Management and the Deputy Directors: Provincial Security Managers (PSM) of the provinces ensured that designated officials are capacitated on the implementation of BCMI, Circular 92 of 2013, with the assistance of the Justice College and NOC. The aim was to empower officials to minimise or mitigate risks

threatening service delivery and to proactively respond administratively during and post disruption/disaster. Consequently, 16 BCMI awareness sessions and 46 BCMI assessments sessions were conducted, with a total of 240 Heads of Offices and officials attending.

The effort placed on the output mentioned above was to test and prepare the Department's readiness in respect of the disruption/disaster response in the event of eventualities.

The Department continued to support the effort taken by the National Disaster Management Centre (NDMC) through participating in their planned meeting(s), including the National Energy Crisis Committee (NECOM) and Provincial Disaster Management Committee (PDMC) virtually. The NDMC is mandated with the task of oversight of the implementation of Section 25(1)(a-g) of the Disaster Management Act, 2002 (Act 57 of 2002, as amended) that stipulates the process for establishing the Disaster Management Plan (DMP) by national departments countrywide. The DoJ&CD complied with the processes of developing a draft DoJ&CD's DMP, aligned with the relevant legislative frameworks, and has reached the final phase for approval by the Director-General. The respective draft DoJ&CD's DMP has been declared critical for 26 national government departments in which all departments are obliged to comply with the above-mentioned legislative framework. The development of the draft DoJ&CD's DMP has been included in the Annual Performance Plan (APP) to be monitored and controlled by the Department of Planning, Monitoring and Evaluation (DPME) during the 2023/2024 financial year.

## 7. PORTFOLIO COMMITTEES

The Department of Justice and Constitutional Development appeared before the following Parliamentary Committees to brief Parliament on various issues during 1 April 2022 and 31 March 2023. The table below includes details of meetings relating to the Department of Justice and Constitutional Development, National Prosecuting Authority and Office of the Legal Service Ombudsman.

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised
1) Select Committee on Security and Justice	20 April 2022	Briefing by the Department on the amendments to the regulations of the Child Justice Act	<ul style="list-style-type: none"> <li>Whether there are any remaining concerns in respect of the amendments to the regulations as presented</li> <li>Why one of the legal terms was written as a magistrate when that it is the lowest area of intervention in terms of the law. He noted that the words need to be amended and clarified to be clearer and more straightforward.</li> </ul>	<ul style="list-style-type: none"> <li>No other amendments are outstanding and there are no concerns from the Department.</li> <li>The Child Justice Amendment Act has removed the term “inquiry magistrate” from several provisions and this was replaced with “the Child Justice Court” to bring the regulations and the Child Justice Amendment Act into alignment.</li> </ul>
2) Portfolio Committee on Justice and Correctional Services	06 May 2022	Briefing by the Department of Justice and Constitutional Development on the 2022/2023 Annual Performance Plan	The Committee members were dissatisfied with their interaction with the Department and questioned the credibility of the Annual Performance Plan.	The Department informed and assured the Committee that the Annual Performance Plan was tested by DPME and DPME was comfortable with the APP.
3) Portfolio Committee on Justice and Correctional Services	10 May 2022	Briefing by the National Prosecuting Authority on the 2022/2023 Annual Performance Plan	(a) The Committee questioned AFU’s recovery target of R2 billion for the financial year, when the public is expecting recovery of the estimated R1.5 trillion looted from the state coffers.	NDPP agreed that the current targets would not lead to NPA recovering all the money lost to state capture. All the targets are part of the five-year strategy, which is from 2019 to 2024. When she took office, the AFU was not capacitated. The NPA will, however, revise its targets for this financial year, but it might be too late. The prosecution of big-value cases is dependent on mutual legal assistance with international law enforcement agencies, along with government and non-government agencies.
			(b) The Committee asked how the NPA measures how well it has done in its protection of vulnerable and intimidated witnesses. Further, the Committee asked how the witness protection programme is set up and what its plan is. It also asked for an update on the protection of whistle-blowers involved in exposing alleged corruption.	On the setup of the Office for Witness Protection (OWP), the NPA indicated that there are ongoing discussions with the Director-General of the DoJ&CD on whether the unit will continue to reside with the NPA. In the interim, the NPA is working to ensure that the unit is capacitated and effectively run and was pleased to report that no witnesses under protection have ever been intimidated or killed.  Regarding how it measures the effect of its support to victims and witnesses, this is done by evaluating the various witness support and court preparation officer programmes it has.
			(c) What is being done to improve the NPA’s capability to prosecute cybercrime cases?	Referring to cybercrime, the NPA admitted that the institution is still lagging behind and it is looking to work with the private sector to capacitate prosecutors with cybercrime and forensic skills.



Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised
3) Portfolio Committee on Justice and Correctional Services	10 May 2022	Briefing by the National Prosecuting Authority on the 2022/2023 Annual Performance Plan	(d) The committee asked for an explanation regarding the (alleged) financial arrangement the NPA made with ex-AFU head Knorx Molelle – who was in the midst of a disciplinary hearing and has now since left the Authority – particularly as it is the subject of a confidentiality clause.	The NPA responded that there had been no deal between Mr Molelle and the organisation. It was an internal disciplinary process that was handled by external counsel. As it was an internal matter affecting an employee, the NPA committed to submit a detailed written response on the matter.
			(e) The Committee highlighted that FATF stated that the AFU places emphasis on its civil forfeiture powers under the Prevention of Organised Crime Act (POCA), but less on the criminal confiscation of property of equivalent value. Is this statement correct, and what is the NPA doing to ensure the confiscation of property owned by criminals?	Referring to FATF's findings, DNDPP: AFU indicated that the unit looks to ensure that there is no dissipation of company assets by following Chapter 6 of POCA. When the FATF assessments were done, the assessors looked into the R1.6 billion irregularly paid by Eskom to McKinsey and the rehabilitation of Optimum Coal Mine. To date, the AFU has seized R5.9 billion worth of assets related to state capture. Of this amount, R2.3 billion refers to the Albertine matter; R1.4 billion to the Eskom vs Tlhakudi matter, which is currently in court; and the R500 million uncapped restraining order of Gupta assets in the Nulane matter; as well as the funds related to the Free State Asbestos matter. These are all orders obtained on criminal matters and therefore the unit has performed well.
			(f) The Committee asked whether the skills assessment had been completed and, if it had been, what was revealed. Further, it asked whether anything has been done to address the skills shortages.	DNDPP: SOC confirmed that the NPA has completed the first round of its skills assessment, and that it is looking at international benchmarking on what skills are needed regionally and internationally to prosecute high-level and complex corruption cases. This process is almost complete and, once it is, it will inform the capacitation and training initiative, as well as the prioritisation of how to utilise internal skills. The NPA would be willing to share the results of the first round with the Committee.
			(g) The Committee was concerned that the NPA has some static targets, the first being the value of completed forfeiture cases, which will remain at R550 million this financial year. This is inconsistent with the NPA's goal of ensuring that all proceeds of state capture are recovered. Additionally, the value of freezing orders obtained from corruption will remain at R2.4 billion, yet the estimated amount looted during the state capture years stands at R1.5 trillion.	Adv Rabaji-Rasethaba explained that the MTEF targets for the value of freezing orders in corruption cases and the value of recoveries in corruption cases were set up for five years from 2019 to 2024 (MTSF). During the drafting of the plans, it was expected that the R2.4 billion and the R1.2 billion would be yearly accumulative targets for five years.

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised
4) Portfolio Committee on Justice and Correctional Services	17 May 2022	Public Hearings on the Prevention and Combating of Hate Crimes and Hate Speech Bill – Day 1	Interested parties, among others, proposed: <ul style="list-style-type: none"> <li>(a) amendments to the definitions of “harm”, “intersex” and “social harm”;</li> <li>(b) amendments to section 10 of PEPUDA (hate speech), which provides sufficient remedies in respect of hate speech, and recommended that the hate speech provision should be removed from the Bill;</li> <li>(c) that hate speech provision would be disproportionate to freedom of expression.</li> </ul>	The Department responded to the comments by interested parties on 7 September 2022.
5) Portfolio Committee on Justice and Correctional Services	18 May 2022	Public Hearings on the Prevention and Combating of Hate Crimes and Hate Speech Bill – Day 2	See remarks in respect of 17 May meeting	
6) Portfolio Committee on Justice and Correctional Services	24 May 2022	Response by the Department on public hearings/submissions relating to the Cannabis for Private Purposes Bill	The Committee heard oral submissions on the Bill.	The Department will be able to brief the Committee on 31 May on its responses to the submissions.
7) Portfolio Committee on Justice and Correctional Services	25 May 2022	Response by the Department on public hearings/submissions relating to the Land Court Bill	The public expressed concern about the ousting of the High Court’s ordinary jurisdiction over property and land disputes.  The reference to “law and equity” was queried in public submissions, as it created the impression that “law” was something opposed to “equity”.	The Department stated that the jurisdiction of the High Court could not be ousted unless the Act in question gave the Land Court exclusive jurisdiction.  The Department indicated that the interpretation of section 39 of the Constitution was correct but that it did not preclude the Legislature from emphasising the intended character of the Court.
8) Portfolio Committee on Justice and Correctional Services	31 May 2022	(a) Cannabis for Private Purposes Bill: response to public submissions	The Committee heard responses to public comments.	The Department briefed the Committee on its responses to public comments.
		(b) Land Court Bill working document	The Committee awaited the Department’s response on some of the other matters relating to the Land Court Bill.	The Department took the members through the working document.

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised
9) Portfolio Committee on Justice and Correctional Services	1 June 2022	Progress report by the NPA on the Truth and Reconciliation Commission prosecutions	The Committee raised the issue of the delays in dealing with these matters and that for the past 25 years there was very little progress and a lack of prosecutions. Who should be held accountable for these delays?	The NDPP responded that, since she took office in 2019, she and colleagues had been dealing with an NPA which did not have any dedicated capacity. The PCLU had very few members dealing with TRC matters and was dealing with a range of other priority matters, such as terrorism and international crimes. Likewise, in the DPCI, there was no dedicated capacity to deal with TRC matters before. It was only in 2021 that dedicated investigative capacity was created in the DPCI, and it was in the past 18 months that full investigative capacity was in place in the provinces. The NPA could not do much without investigations, as that is where the process starts. There were very difficult and complex investigations, due to the age of the matters, and the need to reconstruct records in some instances. The NPA was not where it wanted to be, and it was “cold comfort” for the families who had been waiting for over 40 years for justice; however, she wanted to give the families the assurance that the NPA was doing everything it could and hopefully more families would receive justice as a result of the increase in dedicated capacity in the DPCI and NPA.
			The Committee wanted to know about the training that the NPA referred to, when the committee had been hoping that the cases were being worked on. Who was conducting the training?	The NPA assured the Committee that the training was not because prosecutors did not know what to do, and that whilst training was happening, nothing was going on. The NPA had experienced prosecutors who knew how to deal with those matters. Dealing with matters involving atrocities of the apartheid era required a different approach because they were very old, which meant that the NPA needed to go into the archives. The NPA also involved investigators in the process, to look at certain strategies that needed to be followed in the investigation of those matters. The NPA tried to give the teams involved assistance and support in litigation strategies and shared best practices. It was not training that started from scratch and it would not delay the matters.
			The Committee wanted to know if there had been political interference at the NPA, which caused the significant delays in dealing with TRC cases and the lack of prosecutions.	The NDPP indicated that there had been no political interference since she had taken office. However, she indicated that, if the committee read the affidavit of the previous NDPP, Adv Vusi Pikoli, it was clear where the interference came from. She urged members to read Adv Pikoli’s affidavit in this regard.
10) Portfolio Committee on Justice and Correctional Services	7 June 2022	(a) Deliberations on the Land Court Bill		The Department briefed the Committee on the second working document on the Bill. The document detailed new proposed amendments in light of the previous discussions with the Committee. One of the amendments was clause 3, the “Establishment of the Court”. Another general amendment was the removal of the word “prescribed” from the Bill.

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised
11) Portfolio Committee on Justice and Correctional Services	23 August 2022	Deliberations on the Land Court Bill	Several interested parties had expressed their concern regarding the jurisdiction of the Land Court of Appeal as a court of final instance, to the exclusion of the Supreme Court of Appeal; the compulsory arbitration which was currently contained in the Land Court Bill; and the possibility of bringing the Expropriation Bill under the exclusive jurisdiction of the Land Court.	<p>Land Court of Appeal: A submission was made, among others, indicating that the Supreme Court of Appeal may decide appeals in any matter arising from the High Court of South Africa or a court of a status similar to the High Court of South Africa, except in respect of labour or competition matters, to such extent as may be determined by an act of Parliament.</p> <p>The Department recommended that the Committee should consider not proceeding with the establishment of a Land Court of Appeal.</p> <p>Jurisdiction of the Land Court over the Expropriation Bill: The Department explained that they were not in a position technically to insert proposed amendments in the schedule to the Land Court Bill referring or proposing an amendment to a Bill which was at that stage still being considered in Parliament.</p> <p>Arbitration: The reference to compulsory arbitration in the Bill would be removed if the Committee agreed with the Department's recommendation.</p> <p>Law and equity: The Committee was referred to section 33(c) of the Restitution of Land Rights Act, 1994 (Act 22 of 1994), which established the existing Land Claims Court and provides that "in considering its decision in any particular matter, the Court shall have regard to the following factors:</p> <ul style="list-style-type: none"> <li>• The desirability of providing for restitution of rights in land to any person or community dispossessed as a result of past racially discriminatory laws or practices;</li> <li>• the desirability of remedying past violations of human rights;</li> <li>• the requirements of equity and justice."</li> </ul>

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised
12) Portfolio Committee on Justice and Correctional Services	30 August 2022	Briefing by the Department on bills with Constitutional Court deadlines	<ul style="list-style-type: none"> <li>• There are already two bills that had Constitutional Court deadlines which have gaps in the law, with no reading-in, and Parliament would not be in a position to finalise.</li> <li>• Bills are kept for long and only introduced when Parliament was left with little time to pass those bills – then the Courts would identify Parliament, and not the Executive, as having failed to meet the Constitutional Court deadlines.</li> <li>• Clarity on the South African Sign Language Bill: if it will be before the Committee before the term of office expires.</li> <li>• The presentation does not provide details on the progress made on the draft bills – the most urgent is the Drugs and Drug Trafficking Amendment Bill, as the deadline was 17 December 2022, meaning there was four months for the Bill to be passed – the Department must submit bills to Parliament within a reasonable time.</li> <li>• The Department did not follow any public or stakeholder engagement process on the Drugs Bill – it's an interesting question as to whether that was a necessity in order to pass valid laws; that the Department must, prior to tabling, follow such a process – views of the Department required.</li> <li>• The presentation confirms that the drafting unit is very busy – but is its organogram and capacity enough to serve the country properly? A new system must be set up in which Parliament can properly manage and keep oversight over whether legislation initiated by the Executive does not create trouble for Parliament.</li> </ul>	<ul style="list-style-type: none"> <li>• There are two types of court orders. The most usual one was that the court would do a reading-in provision and give Parliament two years to effect an amendment, failing which the reading-in would continue. In some instances the provision may be struck down (Extradition and Drugs acts, as an example), with no read-in provision. In the Extradition case, the Department continued for two years without the read-in provision.</li> <li>• The provision in the Drugs and Drug Trafficking Act was struck down for granting the Minister penal powers (Parliament could not delegate such power) and therefore the Bill was to correct that and there was nothing new to the existing law, hence it was not published. The delay was because the official working on the Bill wanted to revise the whole Act and the process followed took time. The official was also affected by COVID-19 badly and was out of work for some time.</li> <li>• An apology was made for the lateness of the submission of the Drugs and Drug Trafficking Amendment Bill.</li> <li>• Regarding other Bills, Parliament was not going to make a deadline for the Cannabis Bill. The Department would prepare the Human Rights Bill (revision of the whole Act), which the SAHRC was satisfied with. Then there was a new Commission that did not agree to it and wanted further amendments. Some of the amendments were in the Judicial Matters Amendment Bill. Examples of other amendments were provided.</li> <li>• There is no constitutional obligation for the Department to publish draft bills for comment – the requirement is with Parliament and that was where matters were struck down – not aware of any cases relating to lack of consultation by the Department.</li> <li>• The capacity issue relates to some officials passing away and a number of them retired and new staff were brought in – legislative drafting is a specific exercise. The Department would welcome the Committee looking at the Branch particularly. Initiatives taken by the Department to capacitate the new officials (training) were provided.</li> </ul>

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised
13) Portfolio Committee on Justice and Correctional Services	31 August 2022	Briefing by the Department on two (2) international conventions: International Convention on the Suppression of Apartheid, and the International Convention for the Protection of all Persons from Enforced Disappearance	There are no outstanding issues on this matter. All matters were discussed during the meeting.	The two (2) Conventions were adopted by the Committee.
14) Portfolio Committee on Justice and Correctional Services	2 September 2022	Briefing by the Department on the Drugs and Drug Trafficking Amendment Bill	<ul style="list-style-type: none"> <li>The Chairperson enquired about the delay in the submission of the Bill to the Committee.</li> <li>Was scientific expertise solicited to assist in the placement of the drugs in the Schedules to the Bill?</li> <li>What will be the consequences of not passing the Bill on time, before 7 December 2022?</li> </ul>	<ul style="list-style-type: none"> <li>The previous Bill was prepared before the CC judgment, which made a ruling that necessitated the change in the said Bill.</li> <li>The Bill does not change the drugs that were already listed in the Schedules, which would have been so listed after following the necessary consultations.</li> <li>The result of not passing the Bill on time would be that the drugs listed in the Schedules will fall away, and that the period of invalidity that has been suspended, as per the court order, would apply retrospectively to when the judgement was handed down in 2020, thus placing all prosecutions during that period in jeopardy.</li> </ul>
15) Portfolio Committee on Justice and Correctional Services	6 September 2022	Briefing by the Department on the proposed amendments to the Land Court Bill	Members requested amendments to the Schedule of the Bill.	The Department took the Committee through the proposed amendments to the Bill.
16) Portfolio Committee on Justice and Correctional Services	7 September 2022	Response by the Department on the submissions received regarding the Prevention and Combating of Hate Crimes and Hate Speech	The Committee decided to process the Bill further at its next meeting.	The Department presented the latest working document of the Bill to the Committee.
17) Portfolio Committee on Justice and Correctional Services	9 September 2022	Response by the Department on the excluded public input relating to the Prevention and Combating of Hate Crimes and Hate Speech Bill	The Committee decided to postpone the meeting in order to provide the Department an opportunity to respond to additional submissions that were made.	The Department was given the opportunity to prepare the required summary.

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised
18) Portfolio Committee on Justice and Correctional Services	13 September 2022	Deliberations on the Land Court Bill		The working document that was submitted to the Committee was a continuation of the previously used working document. The Department had inserted new amendments as per the direction of the Committee.
19) Portfolio Committee on Justice and Correctional Services	14 September 2022	Finalisation of the A-list on the Land Court Bill		The Department presented the latest working document on the Land Court Bill. It included amendments to the following clauses: Clause 8, which dealt with the appointment of judges to the Land Court; and clause 17, which dealt with appeals.
20) Portfolio Committee on Justice and Correctional Services	20 September 2022	(a) Oral Submissions on the Drugs and Drug Trafficking Bill	The Committee heard oral submissions on the Bill.	The Committee dealt with oral submissions on the Bill.
		(b) Department's Response on the Drugs and Drug Trafficking Amendment Bill	Why did the CC find section 63 to be unconstitutional, as the Minister was following the international conventions when amending the Schedules?	The Constitution gives Parliament the power to amend or repeal legislation. However, even though the Minister was giving effect to international conventions that require legislation to be passed to criminalise drugs, the Minister did so under a power that was delegated unlawfully.
21) Portfolio Committee on Justice and Correctional Services	21 September 2022	Briefing by the Department on the Drugs and Drug Trafficking Amendment Bill	No matters were raised, and the Committee adopted the Bill.	Adoption of the Bill noted.
22) Select Committee on Security and Justice	21 September 2022	Briefing by the Department on the accession to the International Convention on the Suppression and Punishment of the Crime of Apartheid, and the International Convention for the Protection of All Persons from Enforced Disappearance treaties	No outstanding matters on this issue.	The two (2) conventions were adopted by the Committee.
23) Select Committee on Security and Justice	12 October 2022	Briefing by the Department on the Drugs and Drug Trafficking Amendment Bill and the Land Court Bill	What were the delays in tabling the Bill in Parliament and what level of consultation was taken by the Department when tabling this Bill?	A bill has to go through certain SEIAS steps and certification by Chief State Law Adviser that take 1 month each to finalise. The DGs meeting, which was cancelled, resulted in a one-month delay. The Department consulted with SAPS and drugs experts.

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised
24) Portfolio Committee on Justice and Correctional Services	14 October 2022	Briefing by the Department of Justice and Constitutional Development on its 2021/2022 Annual Report	The Committee made comments and requested that the Department submit a report in response to each request made by the Committee.	The Budgetary Review and Recommendation Report responding and submitting progress on each request made by the Committee was submitted to the Committee.
25) Portfolio Committee on Justice and Correctional Services	25 October 2022	Briefing by the NPA on its 2021/2022 Annual Report	The issue of the possible FATF greylisting was raised, especially in the context of the NPA having not met its targets for prosecuting money laundering cases. The FATF issued a deadline on those prosecutions. The Committee needed more information on how the NPA intended to improve money-laundering and terror-financing convictions.	<p>The NDPP indicated that progress was being monitored on the action plan that was developed by various entities in government to try and avoid greylisting.</p> <p>With respect to the questions raised by the Committee on money-laundering cases and terror-financing matters, the NDPP indicated that there were a number of money-laundering cases that had been prosecuted. Those cases predominantly involved the person that was responsible for the predicate offence and was also the money launderer. Such cases did not deal with so-called “professional money launderers” (e.g. banks, estate agents, and lawyers who used trust funds, etc. to launder money). That was where South Africa had been found to be lacking. This related both to money laundering and terror financing, where the financial sector played a very important role. The FIC, working with law enforcement, the banks and the private sector, played a crucial role in this regard. It was only with good financial intelligence that law enforcement would be able to properly deal with those matters. When it came to high-level interventions, the NPA had been engaging with the FIC, was also looking at engaging in the various fora, such as the South African Anti-Money Laundering Integrated Task Force (SAMLIT), where the banks were also represented. The NPA had been engaging with the Director of the FIC, Adv Xoli Khanyile, to look at how the NPA and law enforcement could get better financial intelligence that they could act on.</p> <p>Adv De Kock (DNDPP: NPS) emphasised that it was important to recognise that South Africa’s response to the FATF mutual evaluation report was not just an NPA response, but a whole of government’s response, led by Treasury and the FIC. The NPA was largely responsible for three of the outcomes from the FATF report.</p> <p>A workstream had been created to address the issues of intelligence, investigations, and prosecutions. As a result of the work within that workstream, the NPA had identified that since the evaluation report was done in the country until the end of March 2022, when it submitted information to the FATF, the NPA had finalised 534 money-laundering cases, which spoke to the collaboration between the FIC, the DPCI, and the prosecution. A lot had been done to address the issue of money laundering, but more needed to be done to address the issue of stand-alone money laundering. That was where the NPA charged individuals with money laundering counts as stand-alone counts, as opposed to charging individuals on money laundering in relation to cases that involved other offences (predicate offences). With investigating and prosecuting money-laundering offences, the NPA had also created the Money Laundering Desk, which coordinated the work of all its business units, including the AFU.</p> <p>As far as terror-financing aspects were concerned, those matters were led by the intelligence agencies of South Africa.</p>



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25) Portfolio Committee on Justice and Correctional Services	25 October 2022	Briefing by the NPA on its 2021/2022 Annual Report	<p>The issue of the possible FATF greylisting was raised, especially in the context of the NPA having not met its targets for prosecuting money laundering cases. The FATF issued a deadline on those prosecutions. The Committee needed more information on how the NPA intended to improve money-laundering and terror-financing convictions.</p>	<p>The NPA was participating in the relevant workstreams. The NPA had a significant conviction since the last FATF evaluation, among others, State v Thulsie and Another, which involved twin brothers who were South African citizens being charged with 12 counts relating to contraventions of South Africa's primary counter-terrorism legislation, POCDATARA.</p> <p>Adv. de Kock further said that if one looked at South Africa's progress holistically, it had made significant progress.</p>
			<p>A similar issue was raised around low convictions on complex commercial crimes by the SCCU, despite the increased number of specialised commercial crime courts. A specific example was made of the lack of prosecution in the Steinhoff case, with the committee lamenting the long time it has taken for any meaningful progress on Steinhoff.</p>	<p>Adv. de Kock indicated that, on the Steinhoff case, the NPA and the DPCI had put great effort into trying to get that matter to a state of readiness required for the purposes of a criminal prosecution. At a national level, organisations were meeting to receive reports from the prosecution team. He reassured the members that the Steinhoff matter was getting the necessary attention that it deserved. Prosecutors were focused on ensuring that the required evidence necessary for supporting a successful prosecution of the envisaged preferred charges was being secured. There were a number of outstanding pieces of chain evidence that needed to be gathered and there were outstanding mutual legal assistance (MLA) requests from foreign jurisdictions that the NPA also needed to finalise. There were still outstanding MLA requests to seven countries, from which the NPA needed to obtain information urgently.</p>
			<p>The committee observed that organised crime was "alive, well and thriving" in South Africa. The Global Initiative against Transnational Organized Crime (GI-TOC) Risk Index found that South Africa was not meeting expectations. Despite having a strong legal framework for the prevention and prosecution of money laundering and other crimes, law enforcement agencies, including the NPA, had failed to check the expansion and evolution of organised crime. The committee wanted more details on how the NPA planned to combat organised crime referred to in the GI-TOC report.</p>	<p>Adv de Kock reported that the NPA worked in partnership with the police, who are mandated to investigate organised crime and to ensure that cases are brought to the NPA for prosecution. The NPA worked collaboratively with the DPCI to ensure that a holistic organised crime strategy was crafted. The NPA has various strategies to deal with specific aspects of organised crime. For example, the NPA had a gang strategy, a rail theft strategy, a non-ferrous metal theft strategy, and an Eskom strategy (and challenges relating to Eskom, etc.). But the NPA did not have an overarching strategy to deal with organised crime in particular. The NPA felt that, in light of the GI-TOC report, one of the key points that came out of that discussion was that the NPA would engage with its police counterparts to develop such a strategy, in consultation with some of the experts in that field. In the interim, at an operational level, the NPA focused on specific crime types, such as essential infrastructure. It also had another initiative looking at Eskom – looking at cases that had been referred for investigation, so that it could ensure that those investigations are finalised as speedily as possible.</p>

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised
			<p>The Committee requested more information on the progress of the establishment of the Office for Ethics and Accountability, especially against the background of reported officials that were responsible for “state capture”, and what progress was being made – if any – on holding those people to account?</p>	<p>Adv du Plessis (DNDPP: SOC) reported that there had been extensive progress on the establishment of the Office of Ethics and Accountability (OEA). Organisational design was done and there was a significant amount of internal engagement, training, and preparation for it. The NPA could not finalise the process and appoint staff to the OEA until the regulations had been signed off. The NPA was at the final stage of that process and hoped it would be finalised before the end of the financial year. The Minister of Justice had also committed to that timeframe. Once the regulations are in place, there would be a process to appoint the new leadership and team. It is a transition process from the Integrity Management Unit (IMU). There was also a lot of engagement with the bargaining council. It is a complicated process, but well advanced, and the NPA was hoping that from early in 2023 the structures would be in place.</p>
25) Portfolio Committee on Justice and Correctional Services	25 October 2022	Briefing by the NPA on its 2021/2022 Annual Report	<p>The Committee requested a progress update on the long-outstanding issue of occupational-specific dispensation (OSD), which caused low morale among senior prosecutors.</p> <p>The committee enquired about mechanisms for whistle-blower protection. It was highlighted in the NPA’s report, and it highlighted the challenges with the safety of whistle-blowers in high-ranking police matters.</p> <p>The Committee was also aware that the issue was mentioned. What would the NPA be doing to enhance the Office for Witness Protection, and did the NPA anticipate proposing legislative changes to the Protected Disclosures Act?</p>	<p>The issue is broader than just OSD; it also involves the Deputy Directors’ salary. There was ongoing litigation related to the matter. There were “a lot of moving parts”, but the NPA had engaged with the Department of Public Service and Administration (DPSA), which concurred with the NPA’s proposal for a new salary dispensation for the affected employees (DDPPs and certain Chief Prosecutors). The final decision was not in the NPA’s hands; it had to be signed off by the Minister of Finance. The NPA was also engaging with the Director-General (DG) of Finance. The Minister of Justice was also very supportive. The final step was to take the proposal back to the Treasury. That was happening in the context of a very complicated wage negotiation, and broader discussions around the issue of the OSD and the LP10. The perception that nothing had been done about it was incorrect; the matter had been a major priority for the NPA and it, unfortunately, involved sign-offs from other departments.</p> <p>A decision was taken that there would be a review of the Witness Protection Act and the Protected Disclosures Act to make sure that both pieces of legislation were bolstered, in light of the priority that had to be given to whistle-blowers. The NPA has held engagements with civil society actors in this regard and contributed to the legislative reform process. A decision must be taken as to the final placement of the Office for Witness Protection (OWP), which is currently based within the NPA. It should be under the DoJ&amp;CD. South Africa also had to move the process of witness protection forward to include whistle-blower protection. That would involve not just government, but also engagements with the private sector.</p>

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised
			The Committee wanted to know how long the process of finalising the permanent structure of the ID would be, after the President made the announcement about the ID's permanence. The Committee requested a project plan on when the NPA anticipated that structure being finalised.	The announcement by the President of the permanent structure of the ID was a key step, but legislation would need to be amended. Section 7 of the NPA Act needs to be amended. It was not just about the permanence of the ID, but also about the expanded powers, particularly amending section 30 of the NPA Act to create a new entity within the NPA with additional powers. Such an entity would require new protocols, new procedures, and very important changes in the ID's operational model. The NPA's intention was to finalise the plan as soon as the legislation was amended.
25) Portfolio Committee on Justice and Correctional Services	25 October 2022	Briefing by the NPA on its 2021/2022 Annual Report	The presentation referenced bank statements from financial institutions, mainly for Transnet and Eskom, which were delaying matters. The Committee sounded concerned about the reported delays and wanted to know to what degree was the information and digital evidence presented at the Zondo Commission collated, and were the Commission analysts also transferred across to the NPA? What were the challenges when it came to the absence of the capacity to analyse, process, and present digital evidence? How could the Committee assist with that?	Adv Andrea Johnson, Head of the Investigating Directorate (ID), advised that the NPA was in communication with the Secretary of the Zondo Commission. The digital lab was an "impressive piece of equipment", but it required some upgrading to both the hardware and software. The NPA was in the process of procuring what it needed to set up its digital lab within the NPA premises in Silverton. The NPA had also onboarded the staff from the Zondo Commission. In the main, it would be those who accessed the data, did data analysis, and the person who had access to all of the Zondo Commission data. Those people (14) were currently in the ID space, and their contracts would be extended for a further 12 months. Engagements with the Committee Secretary and the Ministry had indicated that it might be best, now that Judge Zondo had presented his final report, that the database be under the NPA, so that the ID could have unrestricted access, and was still able to allow controlled access to other law enforcement agencies and interested parties.
			The Committee mentioned the Bokgabo Poo murder that was reported in the media, where a girl was brutally murdered by a man who had reportedly raped a 9-year-old girl while out on bail. The committee wanted to know if it was correct that the NPA did not oppose bail and, if so, why. What would happen to the team that was working on that case, if the information was true?	Adv Batohi indicated that she had requested a report after she read about this matter in the media. She had asked for a report from the DPP and the NPA would submit same to the Committee when received.
			The Committee wanted to know what interventions the NPA would employ to address the issue that the AFU's target on value of recoveries was not met.	Adv Rabaji-Rasethaba (DNDPP: AFU) indicated that a lot of interventions had occurred, including that the NPA had over 25 DPCI investigators co-locating with the AFU. That was a "game-changer" and would help the AFU to speedily deal with investigations of the proceeds of crime, to ensure there was no dissipation of assets. The AFU is working closely with a task team that includes DPCI and prosecution colleagues on a matter related to corruption or related offences. Whatever strategies that the task team or the ID has put in place, as far as dealing with corruption is concerned, the AFU would then be able to deal with that matter.

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised
26) Portfolio Committee on Justice and Correctional Services	26 October 2022	Department's comparative research briefing on the Prevention and Combating of Hate Crimes and Hate Speech Bill		The Department presented its research note in response to the Portfolio Committee Chairperson's question about hate crime legislation in other jurisdictions.
27) Portfolio Committee on Justice and Correctional Services	4 November 2022	Deliberations on the Prevention and Combating of Hate Crimes and Hate Speech Bill	The Committee continued deliberations on the Bill. A point of debate concerned the categories in respect of which hate crimes can be committed.	The Department responded to the concerns that were raised, as far as possible.
28) Portfolio Committee on Justice and Correctional Services	8 November 2022	Deliberations on the Prevention and Combating of Hate Crimes and Hate Speech Bill	The issue of the offence of <i>crimen injuria</i> was raised.	The Department felt that the current legislation on <i>crimen injuria</i> in relation to hate speech was insufficient to address the level of egregiousness of hate speech and crimes.
29) Portfolio Committee on Justice and Correctional Services	9 November 2022	Briefing by the Office of the Legal Services Ombudsman on its capacitation and funding	Development of 5-year Strategic Plan, Service delivery Model, Annual Performance Plan, and Organisational Structure	These were developed and approved by the Office of the Legal Services Ombudsman.
30) Select Committee on Security and Justice	9 November 2022	Department's response on public submissions relating to the Drugs and Drug Trafficking Bill	There was only one comment received on the Bill.	It is a submission on the rewards for the public for informing law enforcement about the activities of drug dealers and drug sellers; increased sentences for senior government officials involved in drugs and drug trafficking; the suggestion that a person in the country illegally needed to be deported upon receiving a sentence for a drug-related crime; and the suggestion of using a "drug detector machine" to detect drugs on people within a certain radius of the machine.

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised
31) Portfolio Committee on Justice and Correctional Services	15 November 2022	Deliberations on the Cannabis for Private Purposes Bill – Part 1	<ul style="list-style-type: none"> <li>The Department was required to clarify the tagging of the Bill, and because the Bill was changed and significantly differed from the version introduced in the beginning, the Committee might have to re-consider the tagging before the second reading of the Bill.</li> <li>The Committee enquired whether the Bill would mention the types of law enforcement measures to be put in place to deal with cultivation in rural areas.</li> <li>Whether the National House of Traditional and Khoi-San Leaders meant that the Bill should confine the religious ground only to the Rastafarians, and not consider other religious sectors that might be using cannabis.</li> </ul>	<ul style="list-style-type: none"> <li>Since the Bill touched upon the cultural and customs aspects which fell under schedule 4 of the Constitution, the tagging of the Bill had thus changed to a section 76 Bill.</li> <li>The Minister may impose certain measures on a particular community to restrict access to land and to ensure children do not have access to cannabis.</li> <li>There is the need for the long title of the Bill to be amended to deal equally with cultural and religious exemptions.</li> </ul>
32) Portfolio Committee on Justice and Correctional Services	16 November 2022	Deliberations on the Cannabis for Private Purposes Bill – Part 2	The Chairperson said that as the Chief State Law Advisor took the Committee through the working draft of the Bill with the proposed amendments, members could comment, ask questions or raise objections.	The Department took the Committee through the working draft of the Bill with the proposed amendments as well as options for the Committee to decide on.
33) Portfolio Committee on Justice and Correctional Services	18 November 2022	Briefing by the Department on the research made regarding the Prevention and Combating of Hate Crimes and Hate Speech Bill	The Committee requested time to read the research document.	The Department presented the requested research on the inclusion of the list of characteristics and grounds and whether the list passed the proportionality test and the limitations test in section 36 of the Constitution.

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised
34) Portfolio Committee on Justice and Correctional Services	23 November 2022	Deliberation on the new proposal on commercial hemp activities in the Cannabis for Private Purposes Bill	<ul style="list-style-type: none"> <li>The Committee Chairperson asked as to why the new hemp clause could not be amended to make a specific reference to the MECs for Agriculture, given their executive role in provinces.</li> <li>It was asked if it would be more appropriate that Parliament should be involved in the consultative process of the regulations.</li> <li>It was asked if sub-clause (4) is still needed because this process is already in place in the Plant Improvement Act. He wanted to understand the linkage between that Act and the Bill.</li> <li>A concern was raised as to whether the penalty amount set at R100 000 or maximum 12-month imprisonment which was applied to financial institutions would be applied to individuals as well.</li> </ul>	<ul style="list-style-type: none"> <li>The designation function normally starts from the national office, which directs the power to provincial government.</li> <li>Subsection (3) makes provision for that, specifically making it an obligation that all the regulations must go through Parliament.</li> <li>The current permits issued in terms of the PIA cover all the plants and processes, including the dealings with hemp, but the Bill is more specific in addressing hemp commercialisation, of which purpose is not covered in the PIA.</li> <li>The Bill will be amended to rather state that the fine amount should not exceed R100 000. Even though the clause was to mainly deal with medium to large businesses, it must be noted that small business people would be trading in the cannabis industry.</li> </ul>
35) Portfolio Committee on Justice and Correctional Services	25 November 2022	Briefing by the NPA on the TRC prosecutions	Committee members asked about the engagements with the families of victims and if all of them have been traced.	Adv De Kock advised that there have been increased engagements with families and stakeholders. TRC accountability sessions have been increased to track progress and challenges in the provinces.
			The Committee sought clarity on media reports that a Cradock Four family member (Mr Calata) had complained that there was no feedback about the NPA's decision. Did engagements with the family cover the imminent decision that the NPA promised to make on whether it will prosecute? Why was it taking so long? What were the current hindrances?	Adv Barry Madolo, Eastern Cape Director of Public Prosecutions, said that he could confirm that he and his team had met with the families of the Cradock Four. The engagement occurred on 4 November. If there was any assertion that the NPA did not engage with them, it would have been before the meeting. In the engagement a lot of issues were raised about the delay and obstacles and how the NPA would overcome these. It was due to meet the family again the following week. That was a follow-up meeting. It had decided to take the family into confidence and work with them throughout the process and brief them on the legal issues, so they were all on board. So, there had been ongoing engagements with the families of the Cradock Four until reaching a final decision.

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			The Committee asked about the S v Marais (Nyoka) case and the legal opinion and also asked for an explanation for the overturned verdict on the Dr Neil Aggett inquest.	The initial inquest held that Dr Aggett had committed suicide. After the application for reopening the inquest was made, the court found, on 4 March 2022, that Dr Aggett did not commit suicide but that he had been killed and certain special branch members had been directly implicated in his death.
			There was an undertaking that resources would be ring-fenced from the budget. Over the last 20 years, there have been excuses from different ministers that there is no money to carry out the instructions of the TRC. Many cases have been reopened. Has there been an actual ring fencing of resources? There are over 1 000 victims and to date only 10% of the cases have been dealt with. This means that there are over 900 cases pending.	The NPA has applied to National Treasury for a deviation to appoint prosecutors who have been doing the work on the TRC cases and there is a ring-fenced budget within the Prosecutions Service for this. DPCI also has its own allocated budget. This is over and above the normal budget the NPA has. Prosecutions has motivated for a permanent capacity to deal with TRC matters. The NPA is hoping to complete these cases within three to five years and it is doing its best to move the matters as fast as it can.
			The TRC referred 300 cases to the NPA. The NPA has now confirmed that it has been working on 129 cases. This leaves 171 cases. Are the 64 new cases part of the 171 cases? Will the NPA still investigate those that are left until all 300 cases are completed?	There were indeed 300 cases referred and 129 matters are being dealt with. The NPA is currently going through the TRC records to identify all the referrals made. Some matters were dealt with and some were not, which brings the balance to 171. Previously, decisions were made not to deal with those matters, and it is subject to review. The approach that the NPA followed is that even if a decision had been made previously on any of these matters by any prosecutor, the NPA will relook at them. This is being done on an urgent basis.
			The Committee asked about the S v Marais (Nyoka) case on the decision by the Director of Public Prosecutions about a charge of crime against humanity.	Adv De Kock said that the NPA had not made a final decision on the crime against humanity. A legal opinion had been obtained and it had been shared with the Director of Public Prosecutions. It was clear from the legal opinion that it must be done on a case-by-case basis.
36) Portfolio Committee on Justice and Correctional Services	29 November 2022	Deliberations on the Prevention and Combating of Hate Crimes and Hate Speech Bill – Day 1	The Committee disagreed with the inclusion of a number of characteristics in the Bill.	The Department addressed the Committee on the definition of “characteristics” in clause 1. It was clarified that clause 3 dealt with the “characteristics” for hate crimes and clause 4 dealt with the “grounds” for hate speech.
37) Portfolio Committee on Justice and Correctional Services	30 November 2022	Deliberations on the Prevention and Combating of Hate Crimes and Hate Speech Bill – Day 2	The Committee continued its deliberation on “characteristics” of hate crimes.	The Department provided inputs as and when requested to do so.

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised
38) Portfolio Committee on Justice and Correctional Services	12 December 2022	Briefing by the NPA on progress in the forfeiture of the Optimum Coal Mine, once owned by the Guptas, and progress in the inquiry into the tragic death of three workers at the Lily Mine in Mpumalanga in 2016	<p>The Committee appreciated the fact that there was an inquest into the Lily Mine matter but asked why it had taken so long. Why did there appear to be a lack of synergy between the NPA and the SA Police Service in the Lily Mine matter?</p>	<p>Adv De Kock informed Members that the tragedy at the Barberton Lilly Mine occurred on 1 February 2016. At that point, SAPS did not open an investigation into the matter. In April 2019, the family members of the missing miners engaged with SAPS and an inquiry docket was opened. SAPS stated that originally the case was not reported to them, either by the mine management or the Department of Mineral Resources and Energy. The DPP office in Pretoria requested that documentation be presented to it so that the matter could be considered for an inquest and it appeared that a formal case docket was only opened in October 2020. The decision was then taken by the DPP office to prepare the matter for an inquest to determine whether any individual or institution was responsible for the tragedy that occurred at the mine and, on the assumption that the miners were deceased, whether any person could be held responsible for the deaths of the miners. The date of 10 February 2023 had been set aside at Barberton Magistrate's Court for closing arguments.</p>
			<p>The Committee commended the NPA on the two preservation orders, which were the biggest in the history of the NPA. However, they enquired about why it appeared that there was a contradiction between the positions of the National Union of Mine-workers (NUM) and COSATU when it came to the forfeiture of assets acquired during state capture?</p>	<p>Adv Rabaji-Rasethaba, DNDPP: AFU indicated that the objective was to finalise the forfeiture proceedings so that the curator could sell the mine as speedily as possible, at market value, and for operations to start as soon as possible as many people sought employment, but it was a highly contested space. Various forms of litigation were delaying the forfeiture application. Two freezing order applications were launched on 23 March 2022, which was two days before the business rescue practitioners intended handing the mine back to the Guptas for literally R1.00. The NDPP was successful in both preservation applications, and a preservation order in each application was granted. As the law requires, within 90 days of obtaining a preservation application, the NPA filed for future proceedings on 1 July 2022 and filed papers on the purchase the following day.</p> <p>Since then, several parties, including the Business Rescue Practitioners, Templar, Liberty Coal and Tegeta, and others, had filed appeals against the preservation application. NUM had also filed an application of appeal. NUM's appeal of the preservation order seemed to contradict the stated position of COSATU that it was supporting all measures to tackle corruption and state capture and recover stolen assets. However, most of the parties had not yet filed their papers and the indications were that they were engaging in a delaying tactic. Important was the fact that the AFU alleged that the mine was bought using the proceeds of crime. No one had filed an affidavit to dispute that allegation.</p>



Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised
39) Portfolio Committee on Justice and Correctional Services	27 January 2023	Briefing on the Constitution Eighteenth Amendment Bill and the Repeal of the Transkeian Penal Code (RTPC) Bill	<p>(a) Constitution Eighteenth Amendment Bill – The Committee heard oral submissions of the Bill on 7 March 2023.</p> <p>(b) RTPC Bill – The Bill was welcomed as it repealed colonial and apartheid-era legislation; questioned why it had taken so long to be introduced; asked whether the Transkeian Penal Code was still being used in the former Transkei and whether there were convictions in terms thereof, and how many</p>	<p>(a) Constitution Eighteenth Amendment Bill – The Department responded to comments/submissions on 14 March 2023.</p> <p>(b) RTPC Bill – The Bill had been developed for a long time; officials leaving and new officials; continuity issues; advised that we would communicate with the NPA regarding the statistics regarding the Transkeian Penal Code and revert</p>
40) Portfolio Committee on Justice and Correctional Services	31 January 2023	Deliberations on the Prevention and Combating of Hate Crimes and Hate Speech Bill – Day 1	The Committee had to decide whether the options in the working document of the Bill were captured correctly and decide which options were preferred.	The Department explained the content of the different options to the Committee.
41) Portfolio Committee on Justice and Correctional Services	01 February 2023	Deliberations on the Prevention and Combating of Hate Crimes and Hate Speech Bill – Day 2	During the deliberation on the Bill, there were several issues where members significantly differed.	The Department responded to questions as and when requested to do so.
42) Portfolio Committee on Justice and Correctional Services	10 February 2023	Consideration and adoption of the Repeal of the Transkeian Penal Code Bill	The Bill was unanimously adopted by the Committee.	The Department reverted with letter from the DPP: Eastern Cape regarding statistics on the Transkeian Penal Code, following question asked by the Committee during the briefing on 27 January 2022.
43) Portfolio Committee on Justice and Correctional Services	21 February 2023	Finalisation of the Prevention and Combating of Hate Crimes and Hate Speech Bill	The Committee discussed the finalisation of the Bill. The Committee was taken through and voted on the final version of the Bill.	The Department took the Committee through the final version of the Bill.

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44) Portfolio Committee on Justice and Correctional Services	7 March 2023	Public hearings on the Constitution Eighteenth Amendment Bill	Public hearings – No specific issues raised by the Committee for the Department	None
45) Portfolio Committee on Justice and Correctional Services	8 March 2023	Briefing from the Department of Justice and Constitutional Development on legal practice regulations	<ul style="list-style-type: none"> <li>As the annual hours of service are now 8 hours, instead of 40 hours, was consideration given to the growing need for such service? – Would there be monitoring of the candidate attorneys?</li> <li>Was there a possibility for community structures to improve supervision (certificate of attendance – access to justice)? – Were there criteria to ensure that everyone receives the services?</li> <li>Institutions at which legal services could be afforded or rendered as part of community service – There is specific mention of the SAHRC – Was it intended to be a closed list? – Why not broadened like at PANSALB, Commission for Gender Equality, Public Protector or even at the SIU?</li> <li>Definition of community service should centre around the client's financial needs and public interest.</li> <li>Seems there is no perfect alignment of the concept of community service and pro bono services.</li> <li>Nothing in the regulations prevents the practitioner from agreeing to a reduced fee of 40 hours.</li> </ul>	<ul style="list-style-type: none"> <li>Candidates are currently not paid and if they were paid, they were paid a minimal amount to enable them to get to the office and receive valuable training. The 8 hours is reasonable considering that they may not be able to reach certain places with the money they receive. The 40 hours is for admitted legal practitioners.</li> <li>The principal takes responsibility to train the candidates properly – The principal has to provide an affidavit that they complied with what was expected.</li> </ul> <p>The Legal Practice Council has encouraged practitioners to do <i>pro bono</i> work.</p> <ul style="list-style-type: none"> <li>Section 29(2)(e) of the Legal Practice Act empowers the Minister to approve any other service which the candidate wanted to perform. There is a mechanism to make specific application to the Minister to provide legal services within the community.</li> <li>This would narrowly define the concept of community service.</li> <li>The difference between community service and pro bono is that community service refers to provision of service at a reduced rate whilst pro bono means rendering free services for the public good.</li> </ul>

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised
46) Portfolio Committee on Justice and Correctional Services	14 March 2023	Department's responses to public submissions made in respect of the Constitution Eighteenth Amendment Bill	<ul style="list-style-type: none"> <li>• Was Prof du Plessis making inputs on behalf of the University of the Free State, since we are aware that the University has been lobbying for the SASL?</li> <li>• What are we making official – is it English-based Sign Language?</li> <li>• Are there not any other consequential amendments recommended on the Bill?</li> </ul>	<ul style="list-style-type: none"> <li>• No, in his personal capacity – indicated in his submission</li> <li>• The question was first answered by Member of Parliament (Ms Newhoudt-Druchen), who explained the historical developments of the SASL.</li> <li>• Based on comments received, there is no need to make consequential amendments.</li> </ul>
47) Portfolio Committee on Justice and Correctional Services	15 March 2023	Response by the Department on the proposed amendments to the Maintenance Act, 1998	<ul style="list-style-type: none"> <li>• Does it mean that there will be a new Bill to review the current Act?</li> <li>• The overhaul of the Maintenance regime has been promised since 2016 and to date there has been no sign of a final product.</li> <li>• The delay should not be further extended – money was spent to develop the private Member's Bill.</li> <li>• Is the Department aware as to how important the Bill is? – Disturbing that they have been working on the Report for many years and women and children are suffering.</li> <li>• How long will it take to table the Bill in Parliament?</li> <li>• Email Discussion Paper (of SALRC) to Secretariat</li> <li>• Is there anything in the Bill that the Department agrees with that can be processed?</li> <li>• It is unacceptable for Reports (SALRC) to take long – The Committee is dissatisfied with the SALRC (example of time taken to review/research the Transkeian Penal Code).</li> <li>• If the Report is not finalised by June 2023, the Committee will review its position – It is noted that the Department's comments on the ADR are conceded.</li> </ul>	<ul style="list-style-type: none"> <li>• This will mostly be the case, but will depend on the review – it can be an Amendment Bill or new Bill altogether.</li> <li>• The comments is noted and will accordingly raise the concerns regarding the delays in finalising the investigation with the SALRC.</li> <li>• The Bill will certainly be introduced after the elections as there may not be enough time to process it in the current Administration.</li> <li>• The Discussion Paper was emailed on 15 March 2023.</li> <li>• The issues raised require further investigation</li> <li>• The concerns will be raised with the SALRC.</li> <li>• The decision is noted.</li> </ul>

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised
48) Select Committee on Security and Justice	15 March 2023	Department's response to Public Comments on the Land Court Bill	The Committee did not raise any substantive issues during the meeting.	The Department presented an extensive summary to the Committee.
49) Portfolio Committee on Justice and Correctional Services	17 March 2023	Briefing by the Department and input from SAPS on the Certificate of Exemption request in terms of section 46 of RICA	<ul style="list-style-type: none"> <li>Why was there a delay in tabling the Exemption?</li> <li>How has the SAPS been functioning without the exemption? – Has this not had an effect on their operations and what is the impact thereof?</li> <li>There should be no retrospective application of the exemption – Has this not had anything to do with the 2017 Grabber incident? Abuse of exemption – will it not be there?</li> <li>Who is responsible for the permission of drones to fly around? – There have been complaints raised at the Airport.</li> </ul>	<ul style="list-style-type: none"> <li>The delay was occasioned by certain departments or ministers disagreeing with the request due to overlapping mandates.</li> <li>The SAPS has equipment (from 2017 and some was for the Scorpions and handed to the DPCI) and will endeavour to comply with the law.</li> <li>The exemption will not apply retrospectively and where there has been abuse and it has been brought to the attention of the SAPS, such abuse will be investigated. There will be control measures in place and assurance to comply is given.</li> <li>The drones are not part of the request – regulated by the Civil Aviation Authority</li> </ul>
50) Select Committee on Security and Justice	22 March 2023	Briefing from the Department of Justice and Constitutional Development on the Repeal of the Transkeian Penal Code Bill	The Department presented the Bill – Chair of Committee asked why it had taken so long, said that they would engage with the principals	The Department explained regarding continuity issues of staff retiring/leaving and new officials, and that Bill started development a long time ago

## 8. SCOPA RESOLUTIONS

There are no SCOPA resolutions to the vote under the financial year under review.

## 9. PRIOR MODIFICATIONS TO AUDIT REPORTS

Nature of qualification, disclaimer, adverse opinion and matters of non-compliance	Financial year in which it first arose	Progress made in clearing / resolving the matter
Qualification- Contingent liability	2017/18	The audit qualification was addressed in financial year 2022-2023.
<b>Qualification - Performance information</b> Inaccurate and incompleteness of reported information.	2016/17	Measures for checking the quality of performance information continue to be implemented to ensure that the information is accurate and complete.

## 10. INTERNAL CONTROL UNIT

The Internal Control unit is responsible for oversight in relation to potential non-compliance with internal control measures implemented to prevent or detect realisation of risks timeously. The unit also ensures that appropriate consequence management is implemented, i.e. where the control systems are not adequately designed, the system is amended and where controls are not complied with, appropriate progressive disciplinary action is taken. The following activities were performed during the 2022/2023 financial year.

### Irregular Expenditure:

Irregular expenditure incurred by the Department is mainly attributable to procurement and other transactions that are non-adherent to policies and prescripts.

Irregular expenditure cases amounting to R89.4 million were reported during the financial year 2022/23 of which R6.8 million relates to the current financial year whilst R82.6 relates to prior year. These cases are either under investigation by the Department or external Forensic Investigators.

Transgression	Amount	R'000
Non-compliance with SCM processes on the procurement of Legal Services		65 100
Services rendered without valid contracts		2 400
Variation orders exceeding 15 percent		756
Sourcing of service through one quotation		20 200
Other: Expired Lease vehicle contracts, non-approval for deviations and emergency procurement		959
<b>Total</b>		<b>89 415</b>

In dealing with old cases of irregular expenditure, the Department resolved a total of twenty-three (23) cases to the value of R2.1 billion. The balance of R872 million relates to two irregular expenditure cases to the value of R667 million which are currently under investigation by Special Investigating Unit for possible fraud and collusion, five cases to the value of R16.9 million of which officials linked to these cases are currently subjected to disciplinary processes, one case to the value of R5.1 million is with Legal services for determination of legal liability, whilst 45 cases to the value of R183 million are under determination by Internal Control.

### **Fruitless and Wasteful Expenditure:**

Fruitless and wasteful expenditure is expenditure incurred in vain. For the 2022/2023 financial year, fruitless and wasteful expenditure incurred is attributed to no shows by travellers for pre-booked official trips. All cases identified as potentially fruitless and wasteful expenditure are investigated and, based on the results of the investigation, monies are recovered from officials who are found responsible. The aforementioned processes hold officials accountable.

The fruitless and wasteful expenditure has increased from R57 thousand to R71 thousand in the financial year 2022/23. In dealing with old cases of fruitless and wasteful expenditure, the Department resolved a total of sixty two (62) cases to the value of R991 thousand, of which R966 thousand were written off whilst an amount of R45 thousand was recovered. The remaining balance of R77 thousand has been referred to Law Enforcement for determination of legal liability.

## **11. INTERNAL AUDIT AND AUDIT COMMITTEES**

Internal audit is an independent, objective function established within the Department to provide assurance and advisory services to management and the audit committee on risk management, controls and governance processes. It follows a risk-based approach to ensure optimal use of resources. Internal audit operates under the audit charter, which has been approved by the audit committee as prescribed by the PFMA framework.

### **Key activities and objectives of the internal audit**

The internal audit function is responsible for providing independent assurance to the Department regarding the adequacy, efficiency, economy and effectiveness of the network of risk management, internal controls, and governance processes as designed and implemented by departmental management for ensuring that they are adequate and functioning effectively with regard to the achievement of objectives.

### **Summary of the audit work completed**

Internal audit operates in terms of the internal audit charter and follows an approved risk-based audit plan, which is approved by the Audit Committee. During the reporting period, internal audit completed the audit plan as approved by the Audit Committee. Significant findings were reported to management and the Audit Committee respectively.

### **Key activities and objectives of the Audit Committee**

The Audit Committee provided oversight on the Department and also advised the Accounting Officer and management to ensure that significant risks that may impact on the Department are mitigated to an acceptable level.

The Audit Committee also directs the functioning of the internal audit through ensuring that the function provides effective assurance and that it also operates in terms of its charter. Attendance of Audit Committee meetings by Audit Committee members.

The table below discloses relevant information on the Audit Committee members:

Name	Qualifications	Internal or external	If internal, position in the department	Date appointed	Date Resigned	No. of Meetings attended
Ms. Besky- Maluleka- Ngunjiri	BCompt-Honours, Certificate in the Theory of Accounting (CTA) and BCompt	External		01 October 2021		5 3 (special)
Mr Eric Nwendo	Magister Philosophiae (M. Phil), Master's in Labour Law and Employment Relations, Baccalaureus Artium (BA HONS in Labour Relations), Bachelor of Laws (LLB), Baccalaureus Procuratoris (B. Proc)	External		01 October 2021		4 3 (special)
Mr Moholola Johannes Makgokolla	MBA, Programme in Corporate Governance, M. com Taxation, B. Acc, B. com	External		01 October 2021		5 3 (special)
Ms Gabisile Simelane	B. Com Accounting, (CTA), B. Com Accounting	External		01 October 2021		5 3 (special)
Mr. Ashley Latchu	Master of Science (Computing), Bachelor of Science, Bachelor of Science Honours,	External		01 October 2021		5 3 (special)
Dr Lebogang Mphahlele-Ntsasa	Doctor of Business Leadership, Master of Business, Administration, Diploma in Datametrics, B.Sc (Chemistry)	External		01 October 2021		5 3 (special)

## 12. FINAL REPORT OF THE AUDIT COMMITTEE ON DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

### 1. Report of the Audit Committee

We are pleased to present our report for the financial year ended 31 March 2023

The responsibility of the Audit Committee is to provide oversight on the Department of Justice and Constitutional Development's compliance with applicable laws and regulations, risks, governance processes, financial reporting, performance and directing the functions of the Internal Audit Unit.

#### 1.1 Audit Committee Members and Attendance

The Audit Committee consists of the members listed below and is required to meet at least four times per annum as per its approved terms of reference. During the year, four (04) meetings and two (02) special meetings were held as indicated below.

Name of members	Number of meetings attended	Number of special meetings attended	Status
Ms. Besky Maluleka-Ngunjiri (Chairperson)	4	2	Appointed 01/10/2021
Mr Eric Nwedo	4	2	Appointed 01/10 /2021
Mr Moholola Johannes Makgokolla	4	2	Appointed 01/10 /2021
Ms Gabisile Simelane	4	2	Appointed 01/10 /2021
Mr. Ashley Latchu	4	2	Appointed 01/10 /2021
Dr Lebogang Mphahlele-Ntsasa	4	2	Appointed 01/10 /2021
Mr Thabo Sakasa	2	0	Resigned 30/06//2022

#### 1.2 Audit Committee Responsibility

The Accounting Officer and Management are responsible for designing and implementing an effective system of internal controls to mitigate risks and control deficiencies.

The system of internal control is designed to provide cost effective assurance for achievement of the Department's objectives and these controls are required to be effective throughout the year.

The Audit Committee had noted a significant improvement in the mitigation of risks and audit deficiencies after the appointment of the CFO and fully strengthening of the Finance Branch by the Accounting Officer.

We are pleased with the turnaround initiative which the Accounting Officer and Management have implemented as this has resulted in the achievement of positive audit outcomes for the year under review.

In this regard, the Audit Committee commends the Accounting Officer and Management for the achievement of an unqualified audit opinion which had been elusive for the past few years.

The Audit Committee will continue to assist the Department in ensuring the sustainability of the positive audit outcomes and continuous improvement in the mitigation of risks.



#### 1.4 Internal Audits

The Internal Audit unit has provided the Audit Committee and management with independent assurance and advice on the effectiveness of the controls. We are satisfied that Internal Audit has discharged its responsibilities as per the Internal Audit charter informed by the risk assessment processes.

#### 1.5 Auditor-General's report

The Audit committee accepts the audit outcome of the AGSA on the Annual Financial Statements of Department of Justice and Constitutional Development for the year ended 31 March 2023.

The Audit Committee further commends the AGSA in the constructive and value-adding engagements they had with Management and Audit Committee.

#### 1.6 Reports

##### 1.6.1 The quality of in-year management and monthly/quarterly reports submitted in terms of the PFMA

We are satisfied with the content and quality of monthly and quarterly reports prepared by the Accounting Officer of the Department during the year under review.

##### 1.6.2 Evaluation of financial statements

We have reviewed and discussed the audited annual financial statements with management and also reviewed the Department's compliance with legal and regulatory provisions.

We have also reviewed the Auditor-General South Africa's final management letter and the audit report and also management's responses thereof.



**B Maluleka- Ngunjiri**  
Chairperson of the Audit Committee  
Date: 31 July 2023

### 13. B-BBEE COMPLIANCE PERFORMANCE INFORMATION

The following table has been completed in accordance with the compliance to the B-BBEE requirements of the B-BBEE Act of 2013 and as determined by the Department of Trade, Industry and Competition.

Has the Department / public entity applied any relevant code of good practice (B-BBEE Certificate Levels 1 – 8) with regards to the following:		
Criteria	Response Yes / No	Discussion
Determining qualification criteria for the issuing of licences, concessions or other authorisations in respect of economic activity in terms of any law?	No	This requirement is not applicable to the Department of Justice and Constitutional Development as it does not issue any licences, concessions or other authorisations in respect of economic activity in terms of the law.
Developing and implementing a preferential procurement policy?	Yes	The Department developed an internal preferential procurement circular and DFI which regulated the procurement of goods and services in line with the Preferential Procurement Regulations 2017 issued by National Treasury on empowerment of emerging entities.  The Department further developed a Preferential Procurement Policy and reviewed the DFI in line with Preferential Procurement Regulations 2022 issued by National Treasury on empowerment of emerging entities. The policy came into effect on 16 January 2023.
Determining qualification criteria for the sale of state-owned enterprises?	No	This requirement is not applicable to the Department of Justice and Constitutional Development
Developing criteria for entering into partnerships with the private sector?	No	The Department relies on the National Treasury Private-Public Partnership guidelines on PPP Projects
Determining criteria for the awarding of incentives, grants and investment schemes in support of Broad-Based Black Economic Empowerment?	No	This requirement is not applicable to the Department of Justice and Constitutional Development

PART D |  
HUMAN RESOURCE  
MANAGEMENT



## 2.6 PART D: HUMAN RESOURCE MANAGEMENT

The information provided in this part is prescribed by the Minister for the Public Service and Administration for all departments in the Public Service.

### 2.6.1 Introduction

The management of human resources is strategically placed at an executive level through the Office of the Deputy Director General: Corporate Services. At operational level, human resources services are rendered through the Chief Directorates: Human Resource Strategy and Policy, Customer Management Centre, whilst Justice College focussed on legal and other related training programmes. In addition, the National Prosecuting Authority [NPA] has a separate Chief Directorate that provides a full range of HR functions.

#### 2.6.1.1 Overview of HR matters at the department

The following focus areas were identified during the 2022–2023 period:

- Creating a sound employer–employee relationship;
- Developing and designing an enabling structure informed by the strategic objectives of the Department;
- Providing opportunities for a balanced and healthy workforce through employee health and wellness programmes;
- Capacitating employees to improve skills deficiencies;
- Monitoring implementation of the Employment Equity Plan; and
- Capacitating the Department through HR Management.

#### 2.6.1.2 Human Resources Priorities for the year under review

No	HR Sub-programmes	Impact in the Department and NPA
1.	Developing and designing an enabling structure informed by the strategic objectives of the Department	Reviewed the organisational macro-structure to support the departmental strategy and government provincial integrated strategy/policy, which resulted in: <ul style="list-style-type: none"> <li>• Whilst it is early to measure the impact of the structure on the integrated provincial planning, the Department has established a central point that would engage the Department to partake in the provincial and local planning as mandated by government policy.</li> <li>• The alignment of the macro-structure has simplified the line of service delivery by merging components that are homogeneous in servicing the communities.</li> </ul>
2.	Enhance change-management programmes	<ul style="list-style-type: none"> <li>• Increased participation in the change initiatives of the Department to create synergy and a productive work environment.</li> <li>• Minimised the impact of resistance to change by the employees during various change/project implementation phases.</li> <li>• The results of the Culture Survey have given management an optic view of the Department's cultural dynamics.</li> </ul>
3.	Enhance employee health and wellness programmes (EHWP)	<ul style="list-style-type: none"> <li>• The Department has implemented a set of employee wellness programmes that have impacted positively on the mental and physical health of employees.</li> </ul>
4.	Improve compliance with PMDS	<ul style="list-style-type: none"> <li>• Mechanisms that were set in place resulted in improved compliance with PMDS prescripts.</li> </ul>
5.	Improve compliance with employment practices	<ul style="list-style-type: none"> <li>• The processes that were set in place during this period had a significant impact on containing the number of grievances from the inconsistent treatment of employees and the reduced number of audit queries as well as adding value to the strategic outcome on "Improved organizational capabilities and good governance".</li> </ul>
6.	Implement HRD Strategy	<ul style="list-style-type: none"> <li>• The capacitating and empowering programmes that were developed improved skills deficiency by providing employees with the skills required to excel in their performance.</li> </ul>

No	HR Sub-programmes	Impact in the Department and NPA
7.	Monitor effective functioning of employee relations in line with relevant prescripts	· The focus on the turnaround time on resolving matters as prescribed during this performance cycle saw the Department reducing labour-relation costs and the number of audit queries.

### 2.6.1.3. Workforce Planning and Key Strategies to Attract and Recruit a Skilled and Capable Workforce

By the end of March 2023, the Department had a total workforce (excluding magistrates) of 16 063. The analysis of the workforce showed the following results:

- A total of 3 641 (22.9%) employees fall in the youth category;
- A total of 12 700 (79.06%) employees were concentrated in Programme 2 (Court Services), which is the Department's core business, and of these, 290 (22.83%) fall in the youth category (aged 21-35);
- A total of 1 574 (9.79%) members of the workforce are in the retirement age category (between 55 and 64 years). Of these, 1 274 (80.94%) are concentrated in Programme 2 (Court Services);
- 26.99% of members of the SMS are in the retirement age category (between 55 and 64 years); and
- 59.01% of the workforce is concentrated at salary level 5, which is the entry level where the majority of employees are placed. Of these, 28.79% fall in the youth category (aged 21 to 35 years).

By the end of March 2023, the NPA had a total workforce of 5 353 permanent employees. The analysis of the workforce showed the following results:

- A total of 1 218 (22.8%) employees fall in the youth category;
- A total of 3 495 (65.3%) employees were concentrated in prosecutions, which is the organisation's core business, and of these, 835 (23.89%) fall in the youth category (aged 21-35);
- A total of 529 (9.9%) members of the workforce are approaching retirement age (between 55 and 64 years);
- 87/215 (40.46%) members of the SMS are in the retirement age category (between 55 and 64 years); and

- 530 (9.9%) members of the workforce are concentrated at salary level 5, which is the entry level where the majority of employees are placed. Of these, 3.8% fall in the youth category (aged 21 to 35 years).

### 2.6.1.4 Employee Performance Management

In respect of overseeing performance management compliance, the Department has achieved the following:

- At the NPA, 99% of the employees concluded their performance agreement during the period; and
- For the DoJ&CD, 98% of SMS members and 97% of levels 3-12 concluded performance agreements for the 2022/2023 performance cycle.

	SMS LEVEL	Level 1-12
Performance Agreements	98%	97%
Performance Reviews	93%	85%
Performance Assessments	88%	78%

### 2.6.1.5 Highlights of Achievements

- The 65% APP target set for grievance cases was exceeded by 13%.
- Approval of the Department's organisational macro-structure.
- The Department has achieved the set EE targets: 50% women at SMS levels and 2.1% of PWD.
- Overall vacancy rate was maintained at 6.5%, which is below the set target of 10%, and at SMS levels was reduced from 16.9% as at 31 March 2022 to 9.4% as at 31 March 2023.
- Improved employees' skills through various training and development interventions;
- 9 570 employees were trained in line with WSP over an annual target of 3 000;

- 400 youth placed through internship and learnership programmes, of which 160 were appointed permanently (40%); and
- 250 employees awarded bursaries to address departmental critical and scarce skills.
- In April 2022, the NPA embarked on a Capacity Enhancement Initiative (Capability Review). The focus is on strengthening the capabilities of the specialised units and staff tasked with investigations, prosecution and asset recovery relating to complex corruption, organised crime and commercial crime cases. In Phase 1, a study was done focusing on the capabilities of the AFU, ID, SCCU, OCC and STU. Its purpose was to establish a reliable foundation of detailed information to enable the NPA to undertake planning relating to current capabilities of employees, as well as the intake of skills into specialised units through recruitment, promotions, etc.
- During the period 1 April 2022 to 28 February 2023, through the recruitment drive, 308 positions were filled with external appointments and 369 positions were filled from promotions and transfers. During the same period, 242 Ex-Aspirants were permanently absorbed into vacancies and 152 Ex-Aspirants were absorbed on contract pending suitable permanent vacancies and placement. A total of 80 new contract appointments were made. During February 2023, the new Aspirant intake started with a total of 341 Aspirants. A total of 657 permanent posts were advertised.
- Over the period the overall vacancy rate was reduced from 21% to 17% and the prosecutor vacancy rate was reduced from 17% to 13%. This reduction happened even with a large number of permanent posts being created during the same period.
- Employee Wellness: The traumatic and stressful nature of court-related work on the health and wellness of employees cannot be ignored. This will adversely affect the capacity of the NPA to function at an optimal level as the psychosocial wellbeing of individual employees is key.
- In the 2022/2023 financial year, the NPA designed the Stress Trauma Risk Management (STRiM) flagship programme to provide employees with the knowledge, tools, and resources to manage and mitigate the negative effects of the work-related trauma, stress, compassion fatigue, and burnout, ultimately promoting their resilience and well-being. One thousand, two hundred and eighty-five (1 285) employees benefited from the full-

day sessions and the ongoing debriefing sessions provided during the period under review. A total of 67 sessions were conducted in eight regions and two Head Office business units, targeting prosecutors, advocates, court preparations officers, support personnel and personnel stationed at the Thuthuzela care centres.

#### 2.6.1.6 Challenges faced by the Department

- The high-profile labour relations cases have led to delays in timeous resolution thereof and as such had a cost effect.
- Postponements in cases scheduled due to the charged employees who continuously bring medical certificates, has resulted in prolonging finalisation.
- Network challenges impacted on virtual training, backlog on leave management.
- Non-accredited courses do not provide employees with an opportunity to obtain credits in specific qualifications and career-paths applicable to their function's specialisations.
- Poor attendance on scheduled training and awareness sessions.
- While the Department has managed to reduce vacancies in SMS levels, the coming of new members brought new cultural dynamics that posed a challenge.
- Delays in the timeous finalisation of misconduct cases at the NPA due to non-availability of chairpersons and initiators.
- Delays in the recruitment process at the NPA due to non-availability of panel members.

#### 2.6.1.7 Future HR Plans/Goals

- Implementation of the organisational structure.
- Develop a framework to deal with high-profile cases and labour court matters.
- Align provincial structures, the district development model and service points.
- Develop and implement talent management and retention framework.
- Review and implement departmental MTEF 2023/2026 Human Resource Plan.
- Improved efficiency in the management of recruitment at NPA.

- Management of organisational structure and processes to support the NPA Strategic Plan.
- Improved capacity through skills-development programmes.
- Sound and functional employment relations.
- Transformed workplace and improved employee well-being.

### 3.1 PERSONNEL-RELATED EXPENDITURE

The following tables summarise the final audited personnel-related expenditure by programme and by salary bands. In particular, they provide an indication of the following:

- Amount spent on personnel; and
- Amount spent on salaries, overtime, homeowner's allowance and medical aid.

Table 3.1.1 – Personnel expenditure by programme for the period 1 April 2022 to 31 March 2023

Programme	Total Expenditure (R'000)	Personnel Expenditure (R'000)	Training Expenditure (R'000)	Professional and Special Services Expenditure (R'000)	Personnel Expenditure as a % of Total Expenditure	Average Personnel Cost per Employee (R'000)
Assets and liabilities	0	0	0	0	0.0	0
Administration	2933492	603807	0	0	20.6	519
Auxiliary and Associated Services	3909286	64003	0	0	1.6	577
Court Services	7021458	4665349	0	0	66.4	338
Direct charge against the NRF	2297402	2257530	0	0	98.3	1183
State Legal Services	1479079	1130503	0	0	76.4	541
National Prosecuting Authority	5013178	4262084	0	0	85.0	706
<b>Total as on Financial Systems (BAS)</b>	<b>22653895</b>	<b>12983276</b>	<b>0</b>	<b>0</b>	<b>57.3</b>	<b>517</b>

Table 3.1.2 – Personnel costs by salary bands for the period 1 April 2022 to 31 March 2023

Salary Band	Personnel Expenditure including Transfers (R'000)	% of Total Personnel Cost	Average Personnel Cost per Employee (R)	Number of Employees
Lower skilled (Levels 1-2)	1561	0.0	173 444.00	9
Skilled (Levels 3-5)	4531163	34.9	428 317.00	10579
Highly skilled production (Levels 6-8)	2375940	18.3	450 842.00	5270
Highly skilled supervision (Levels 9-12)	2194174	16.9	447 791.00	4900
Senior management (Levels >= 13)	3219853	24.8	1 616 392.00	1992
Other	12983	0.1	43 568.00	298
Contract (Levels 3-5)	25967	0.2	60 954.00	426
Contract (Levels 6-8)	25967	0.2	107 745.00	241
Contract (Levels 9-12)	38950	0.3	332 905.00	117
Contract (Levels >= 13)	51933	0.4	1 731 104.00	30
Contract Other	441431	3.4	1 081 940.00	408
Periodical Remuneration	64916	0.5	80 334.00	808
Abnormal Appointment	0	0.0	0.00	21

<b>TOTAL</b>	<b>12984837</b>	<b>100.0</b>	<b>517 335.00</b>	<b>25099</b>
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Table 3.1.3– Salaries, Overtime, Home Owner Allowance and Medical Aid by programme for the period 1 April 2022 to 31 March 2023

Programme	Salaries (R'000)	Salaries as a % of Personnel Costs	Overtime (R'000)	Overtime as a % of Personnel Costs	HOA (R'000)	HOA as a % of Personnel Costs	Medical Aid (R'000)	Medical Aid as a % of Personnel Costs
Administration	508486	82.0	1952	0.3	18640	3.0	29400	4.7
Auxiliary and Associated Services	51425	86.4	564	0.9	1120	1.9	964	1.6
Court Services	3638236	76.1	6591	0.1	206927	4.3	415756	8.7
Direct Charges	2044873	87.9	0	0.0	22003	0.9	14273	0.6
State Legal Services	932830	82.0	2540	0.2	30929	2.7	60132	5.3
Administration of Law	82449	79.4	3469	3.3	2173	2.1	4991	4.8
National Prosecuting Authority	3623158	86.6	3792	0.1	41053	1.0	118555	2.8
<b>TOTAL</b>	<b>10881457</b>	<b>82.3</b>	<b>18908</b>	<b>0.1</b>	<b>322845</b>	<b>2.4</b>	<b>644071</b>	<b>4.9</b>

Table 3.1.4 Salaries, Overtime, Home Owner Allowance and Medical Aid by salary bands for the period 1 April 2022 to 31 March 2023

Salary Band	Salaries (R'000)	Salaries as a % of Personnel Costs	Overtime (R'000)	Overtime as a % of Personnel Costs	HOA (R'000)	HOA as a % of Personnel Costs	Medical Aid (R'000)	Medical Aid as a % of Personnel Costs
Lower skilled (Levels 1-2)	1577	68.4	0	0.0	182	7.9	327	14.2
Skilled (Levels 3-5)	2358887	74.0	5718	0.2	170210	5.3	348330	10.9
Highly skilled production (Levels 6-8)	1795589	79.0	5800	0.3	76060	3.3	159612	7.0
Highly skilled supervision (Levels 9-12)	3831816	85.9	7287	0.2	48659	1.1	116275	2.6
Senior management (Levels >= 13)	2230898	86.5	0	0.0	27562	1.1	19206	0.7
Other	6346	89.8	0	0.0	14	0.2	32	0.5
Contract (Levels 3-5)	85302	99.6	21	0.0	0	0.0	0	0.0
Contract (Levels 6-8)	61022	99.2	70	0.1	0	0.0	0	0.0
Contract (Levels 9-12)	118965	98.8	11	0.0	0	0.0	88	0.1
Contract (Levels >= 13)	46576	95.5	0	0.0	158	0.3	201	0.4
Contract Other	302779	98.4	1	0.0	0	0.0	0	0.0



Salary Band	Salaries (R'000)	Salaries as a % of Personnel Costs	Overtime (R'000)	Overtime as a % of Personnel Costs	HOA (R'000)	HOA as a % of Personnel Costs	Medical Aid (R'000)	Medical Aid as a % of Personnel Costs
Periodical Remuneration	41699	52.6	0	0.0	0	0.0	0	0.0
Abnormal Appointment	1	0.2	0	0.0	0	0.0	0	0.0
<b>TOTAL</b>	<b>10881457</b>	<b>82.3</b>	<b>18908</b>	<b>0.1</b>	<b>322845</b>	<b>2.4</b>	<b>644071</b>	<b>4.9</b>

### 3.2 EMPLOYMENT AND VACANCIES

The tables in this section summarise the position with regard to employment and vacancies.

The following tables summarise the number of posts in the establishment, the number of employees, the vacancy rate, and whether there are any staff that are additional to the establishment.

This information is presented in terms of three key variables:

- programme
- salary band
- critical occupations

Table 3.2.1 Employment and vacancies by programme, 31 March 2023

Programme	Number of posts on approved establishment	Number of posts filled	Vacancy Rate	Number of posts filled additional to the establishment
Administration of Law	148	134	9.5	0
National Prosecuting Authority	6573	5904	10.2	698
Administration	1277	1164	8.8	123
Court Services	13428	12700	5.4	27
State Legal Services	2354	2089	11.3	11
Auxiliary and Associated Services	114	110	3.5	23
<b>SUB-TOTAL: EXCLUDING JUDICIARY</b>	<b>23894</b>	<b>22101</b>	<b>7.5</b>	<b>882</b>
Magistrates	2337	1870	20.0	0
<b>TOTAL (INCLUDING JUDICIARY)</b>	<b>26231</b>	<b>23971</b>	<b>8.6</b>	<b>882</b>

Table 3.2.2 Employment and vacancies by salary band, 31 March 2023

Salary band	Number of posts on approved establishment	Number of posts filled	Vacancy Rate	Number of posts filled additional to the establishment
Lower skilled (Levels 1-2)	141	140	0.7	117
Skilled (Levels 3-5)	11640	10982	5.7	382
Highly skilled production (Levels 6-8)	6005	5533	7.9	242

Salary band	Number of posts on approved establishment	Number of posts filled	Vacancy Rate	Number of posts filled additional to the establishment
Highly skilled supervision (Levels 9-12)	5623	5017	10.8	104
Senior management (Levels 13-16)	462	406	12.1	15
Magistrates	2337	1870	20.0	0
Other	23	23	0.0	22
<b>TOTAL</b>	<b>26231</b>	<b>23971</b>	<b>8.6</b>	<b>882</b>

Table 3.2.3 Employment and vacancies by critical occupation, 31 March 2023

Occupations	Number of posts on approved establishment	Number of posts filled	Vacancy Rate	Number of posts filled additional to the establishment
Administrative related	1271	1101	13.4	21
Advocates	961	834	13.2	49
Attorneys	421	387	8.1	82
Building and other property caretakers	2	1	50.0	0
Bus and heavy vehicle drivers	7	7	0.0	0
Cleaners in offices workshops hospitals etc.	84	59	29.8	18
Client inform clerks (switchboard reception information clerks)	131	116	11.5	0
Communication and information related	44	43	2.3	1
Crime investigators	82	80	2.4	30
Finance and economics related	296	268	9.5	0
Financial and related professionals	357	312	12.6	0
Financial clerks and credit controllers	484	447	7.6	1
Food services aids and waiters	19	16	15.8	0
General legal administration & rel. professionals	828	717	13.4	0
Human resources & organisational development & relate prof	68	57	16.2	0
Human resources clerks	298	283	5.0	0
Human resources related	261	239	8.4	4
Information technology related	42	39	7.1	0
Language practitioners interpreters & other communication	462	422	8.7	0
Legal related	236	193	18.2	0
Librarians and related professionals	30	23	23.3	0
Library mail and related clerks	318	295	7.2	1
Light vehicle drivers	6	6	0.0	0
Logistical support personnel	55	47	14.5	0
Magistrates	2337	1870	20.0	0
Material-recording and transport clerks	87	78	10.3	0

Occupations	Number of posts on approved establishment	Number of posts filled	Vacancy Rate	Number of posts filled additional to the establishment
Messengers porters and deliverers	412	376	8.7	53
Other administrative & related clerks and organisers	8845	8498	3.9	60
Other administrative policy and related officers	916	851	7.1	1
Other information technology personnel.	21	21	0.0	0
Prosecutor	3642	3310	9.1	539
Protection services	85	83	2.4	0
Risk management and security services	34	28	17.6	0
Secretaries & other keyboard operating clerks	643	588	8.6	4
Security guards	7	7	0.0	0
Security officers	256	238	7.0	1
Senior managers	458	402	12.2	15
Social sciences related	1	1	0.0	0
Social work and related professionals	133	119	10.5	0
Translators and air traffic communicators	1591	1509	5.2	2
<b>TOTAL</b>	<b>26231</b>	<b>23971</b>	<b>8.6</b>	<b>882</b>

### 3.3 FILLING OF SMS POSTS

The tables in this section provide information on employment and vacancies as it relates to members of the Senior Management Service by salary levels. It also provides information on advertising and filling of SMS posts, reasons for not complying with prescribed timeframes and disciplinary steps taken.

Table 3.3.1 SMS posts information as on 31 March 2023

SMS level	Total number of funded SMS posts	Total number of SMS posts filled	% of SMS posts filled	Total number of SMS posts vacant	% of SMS posts vacant
Director-General/Head of Department	1	1	100.0	0	0.0
Salary level 16, but not HOD	7	6	85.7	1	14.3
Salary level 15	36	26	72.2	10	27.8
Salary level 14	238	207	87.0	31	13.0
Salary level 13	179	165	92.2	14	7.8
<b>Total</b>	<b>461</b>	<b>405</b>	<b>87.9</b>	<b>56</b>	<b>12.1</b>

Table 3.3.2 SMS posts information as on 30 September 2022

SMS level	Total number of funded SMS posts	Total number of SMS posts filled	% of SMS posts filled	Total number of SMS posts vacant	% of SMS posts vacant
Director-General/Head of Department	1	1	100.0	0	0.0
Salary level 16, but not HOD	9	8	88.9	1	11.1
Salary level 15	35	28	80.0	7	20.0
Salary level 14	268	188	70.1	80	29.9
Salary level 13	189	155	82.0	34	18.0
<b>Total</b>	<b>502</b>	<b>380</b>	<b>75.7</b>	<b>122</b>	<b>24.3</b>

Table 3.3.3 Advertising and filling of SMS posts for the period 1 April 2022 to 31 March 2023

SMS	Advertising	Filling of posts	
	Number of vacancies per level advertised in 6 months becoming vacant	Number of vacancies per level filled in 6 months of becoming vacant	Number of vacancies per level not filled in 6 months but filled in 12 months
Director-General/ Head of Department	0	0	0
Salary level 16	0	0	0
Salary level 15	4	0	0
Salary level 14	16	0	0
Salary level 13	9	2	3
<b>Total</b>	<b>29</b>	<b>2</b>	<b>3</b>

Table 3.3.4 Reasons for not having complied with the filling of funded vacant SMS – Advertised within 6 months and filled within 12 months after becoming vacant for the period 1 April 2022 to 31 March 2023

Reasons for vacancies not advertised within six months:
1. Departmental reconfiguration
2. Unavailability of JE panel members
3. Focus was on the filling of lower-level posts as the NPA was no in a position to fill posts for over a period of three years due to budget constraints
Reasons for vacancies not filled within 12 months:
1. Departmental reconfiguration
2. Unavailability of panel members
3. Vacancies re-advertised due to difficulty in getting suitable candidates
4. Focus was on the filling of lower-level posts as the NPA was no in a position to fill posts for over a period of three years due to budget constraints

Table 3.3.5 Disciplinary steps taken for not complying with the prescribed timeframes for filling SMS posts within 12 months for the period 1 April 2022 to 31 March 2023

None

### 3.4 JOB EVALUATION

Within a nationally determined framework, executing authorities may evaluate or re-evaluate any job in their organisation. In terms of the regulations, all vacancies on salary levels 9 and higher must be evaluated before they are filled.

The following table summarises the total number of jobs that were evaluated during the year under review. The table also provides statistics on the number of posts that were upgraded or downgraded.

Table 3.4.1 Job Evaluation by salary band for the period 1 April 2022 to 31 March 2023

Salary band	Number of posts on approved establishment	Number of Jobs Evaluated	% of posts evaluated by salary band	Posts upgraded		Posts downgraded	
				Number	% of posts evaluated	Number	% of posts evaluated
Lower skilled (Levels 1-2)	160	0	0.0	0	0.0	0	0.0
Skilled (Levels 3-5)	11640	0	0.0	0	0.0	0	0.0
Highly skilled production (Levels 6-8)	6005	7	0.1	0	0.0	0	0.0
Highly skilled supervision (Levels 9-12)	5627	29	0.5	0	0.0	0	0.0
SMS Band A	178	21	11.8	0	0.0	0	0.0
SMS Band B	239	5	2.1	0	0.0	0	0.0
SMS Band C	36	5	13.9	0	0.0	0	0.0
SMS Band D	9	0	0.0	0	0.0	0	0.0
<b>TOTAL</b>	<b>23894</b>	<b>67</b>	<b>0.3</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>

The following table provides a summary of the number of employees whose salary positions were upgraded due to their posts being upgraded. The number of employees might differ from the number of posts upgraded since not all employees are automatically absorbed into the new posts and some of the posts upgraded could also be vacant.

Table 3.4.2 Profile of employees whose posts were upgraded 1 April 2022 to 31 March 2023

Beneficiaries	African	Asian	Coloured	White	Total
Female	0	0	0	0	0
Male	0	0	0	0	0
Total	0	0	0	0	0
Employees with a disability					0

The following table summarises the number of cases where remuneration levels exceeded the grade determined by job evaluation. Reasons for the deviation are provided in each case.

*Table 3.4.3 Employees with salary levels higher than those determined by job evaluation by occupation for the period 1 April 2022 to 31 March 2023*

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Accounting Clerk	1	5	6	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Accounting Clerk	1	5	6	Resolution 3 of 2009: Grade progression
Accounting Clerk Chief	2	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Accounting Clerk Chief	13	7	8	Resolution 3 of 2009: Grade progression
Administration Clerk	42	5	6	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Administration Clerk	110	5	6	Resolution 3 of 2009: Grade progression
Administration Clerk	1	5	7	Resolution 3 of 2009: Grade progression
Administration Clerk	1	5	8	Resolution 3 of 2009: Grade progression
Administrative Clerk	60	5	6	Clerks Co-ordination
Administrative Clerk	2	5	7	Circular 25 of 2009
Administrative Clerk	12	5	6	Resolution 3 of 2009: Grade progression
Administrative Clerk: Supervisor	11	7	8	Clerks Co-ordination
Administrative Clerk: Supervisor	8	7	8	Resolution 3 of 2009: Grade progression
Administrative Clerk: Supervisor	2	7	8	Circular 25 of 2009
Chief Administration Clerk	1	5	7	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Chief Administration Clerk	3	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Chief Administration Clerk	19	7	8	Resolution 3 of 2009: Grade progression
Administration Head	1	9	10	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Administrative Officer	4	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Administrative Officer	27	7	8	Resolution 3 of 2009: Grade progression
Snr Administrative Officer	2	7	8	Resolution 3 of 2009: Grade progression
Area Court Manager	8	11	12	Resolution 3 of 2009: Grade progression
Assistant Director	1	11	9	Employee retained in lower level post in terms of PSR V.C.R
Assistant Director	25	9	10	Circular 17 of 2006

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Assistant Director	1	9	10	Lowering in rank
Assistant Director	1	9	10	Translation in rank
Assistant Director	1	9	10	Post downgraded
Assistant Director	17	9	10	Circular 61 of 2006
Assistant Director	4	9	10	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Assistant Director	35	9	10	Resolution 3 of 2009: Grade progression
Cleaner	2	2	3	Resolution 3 of 2009: Grade progression
Court Interpreter	11	5	6	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Court Interpreter	148	5	6	Resolution 3 of 2009: Grade progression
Court Interpreter	2	5	7	Resolution 3 of 2009: Grade progression
Principal Court Interpreter	5	7	8	Resolution 3 of 2009: Grade progression
Deputy Director	1	12	13	Translation in rank
Deputy Director	2	11	12	Translation in rank
Deputy Director	3	11	12	Transfer to a lower level post
Deputy Director	5	11	12	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Deputy Director	31	11	12	Resolution 3 of 2009: Grade progression
Driver	1	4	5	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Driver	7	4	5	Resolution 3 of 2009: Grade progression
E-Scheduler Clerk	1	5	7	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
E-Scheduler Clerk	1	5	6	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
E-Scheduler Clerk	54	5	7	Resolution 3 of 2009: Grade progression
Executive Administrative Assistant	1	7	9	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Executive Administrative Assistant	1	9	10	Resolution 3 of 2009: Grade progression
Finance Clerk	2	5	6	Clerks Co-ordination
Finance Clerk	1	5	6	Resolution 3 of 2009: Grade progression
Finance Clerk Supervisor	2	7	8	Resolution 3 of 2009: Grade progression
Finance Clerk Supervisor	5	7	8	Clerks Co-ordination
Financial Investigator	2	9	10	Post downgraded
Human Resource Clerk	4	5	6	Clerks Co-ordination
Human Resource Clerk	1	5	6	Resolution 3 of 2009: Grade progression

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Human Resource Officer	29	5	6	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Human Resource Officer	1	5	6	Resolution 3 of 2009: Grade progression
Human Resource Officer	1	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Human Resource Practitioner	2	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Human Resource Practitioner	1	7	8	Resolution 3 of 2009: Grade progression
Law Lecturer	4	10	12	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Legal Secretary	2	5	6	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Legislative Language Practitioner	3	7	10	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Library Assistant Snr	2	4	5	Resolution 3 of 2009: Grade progression
Maintenance Co-ordinator	1	5	7	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Maintenance Investigator	44	7	8	Resolution 3 of 2009: Grade progression
Maintenance Investigator	6	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Messenger	1	3	4	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Office Manager	1	9	10	Resolution 3 of 2009: Grade progression
Office Manager	1	11	12	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Personal Assistant	3	5	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Personal Assistant	1	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Provisioning Administration Clerk	1	5	6	Resolution 3 of 2009: Grade progression
Provisioning Administration Officer/ Snr	3	7	8	Resolution 3 of 2009: Grade progression
Provisioning Administration Officer/ Snr	1	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation



Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Registry Clerk/ Snr	3	5	6	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Registry Clerk/ Snr	3	5	6	Resolution 3 of 2009: Grade progression
Registry Clerk/ Snr	3	5	7	Resolution 3 of 2009: Grade progression
Chief Registry Clerk	2	7	8	Resolution 3 of 2009: Grade progression
Secretary/ Snr	2	5	6	Resolution 3 of 2009: Grade progression
Secretary/ Snr	3	5	7	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Secretary/ Snr	1	5	7	Resolution 3 of 2009: Grade progression
Secretary/ Snr	2	5	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Secretary/ Snr	4	5	8	Resolution 3 of 2009: Grade progression
Security Officer	1	3	5	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Security Officer	2	3	6	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Security Officer Chief	3	7	8	Resolution 3 of 2009: Grade progression
Snr Auditor	8	9	10	provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Snr Court Interpreter	3	5	7	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Snr Court Interpreter	6	5	8	Resolution 3 of 2009: Grade progression
Snr Court Interpreter	108	7	8	Resolution 3 of 2009: Grade progression
Snr Court Interpreter	6	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Snr Human Resource Officer	16	7	8	Resolution 3 of 2009: Grade progression
Snr Human Resource Practitioner	3	7	8	Resolution 3 of 2009: Grade progression
State Accountant/ Snr	8	7	8	Resolution 3 of 2009: Grade progression
Telecom Operator/ Snr	7	4	5	Resolution 3 of 2009: Grade progression
Telecom Operator/ Snr	1	5	6	Resolution 3 of 2009: Grade progression
Vetting Administrator	3	7	8	Resolution 3 of 2009: Grade progression
Chief Work Study Officer	3	9	10	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Human Resource Clerk: Supervisor	4	7	8	Clerks Co-ordination

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Human Resource Clerk: Supervisor	1	7	8	Resolution 3 of 2009: Grade progression
Human Resource Development Practitioner	2	7	8	Resolution 3 of 2009: Grade progression
Human Resource Practitioner	6	7	8	Resolution 3 of 2009: Grade progression
Library Assistant Snr	1	5	7	Clerks Co-ordination
Library Assistant Snr	1	5	6	Clerks Co-ordination
Librarian	1	7	8	Resolution 3 of 2009: Grade progression
Office Administrator	1	7	9	Circular 25 of 2009
Office Administrator	1	7	8	Circular 25 of 2009
Personal Assistant	6	7	8	Circular 25 of 2009
Personal Assistant	1	7	8	Resolution 3 of 2009: Grade progression
Personal Assistant	1	7	9	Circular 25 of 2009
Personal Executive Assistant	1	11	12	Resolution 3 of 2009: Grade progression
Protector	1	9	10	Circular 17 of 2006
Registry Clerk	2	5	6	Resolution 3 of 2009: Grade progression
Registry Clerk	13	5	6	Clerks Co-ordination
Registry Clerk Supervisor	1	7	8	Resolution 3 of 2009: Grade progression
Registry Clerk Supervisor	1	7	8	Clerks Co-ordination
Special Investigator	3	4	10	Translation from NPA Act to PSA
Supply Chain Clerk	5	5	6	Clerks Co-ordination
Supply Chain Clerk Supervisor	1	7	8	Resolution 3 of 2009: Grade progression
Switchboard Operator	1	4	5	Resolution 3 of 2009: Grade progression
System Administrator	1	7	8	Resolution 3 of 2009: Grade progression
Vetting Processor	2	7	8	Resolution 3 of 2009: Grade progression
<b>TOTAL</b>	<b>1076</b>			

The following table summarises the beneficiaries of the above in terms of race, gender, and disability.

Table 3.4.4 Profile of employees who have salary levels higher than those determined by job evaluation for the period 1 April 2022 to 31 March 2023

Beneficiaries	African	Asian	Coloured	White	Total
Female	453	32	71	103	659
Male	335	17	33	32	417
Total	<b>788</b>	<b>49</b>	<b>104</b>	<b>135</b>	<b>1076</b>
Employees with disability	<b>18</b>	<b>0</b>	<b>4</b>	<b>5</b>	<b>27</b>

### 3.5 EMPLOYMENT CHANGES

This section provides information on changes in employment over the financial year. Turnover rates provide an indication of trends in the employment profile of the department. The following tables provide a summary of turnover rates by salary band and critical occupations. It should be noted that these tables do not take into account upgrade/downgrade of posts/movement of employees between levels (promotion), translation to another rank without a change in salary level.

A total of 640 employees were promoted to a higher salary level, and 1 076 employees are carried out of adjustment against another post (refer to Table 3.4.3 above). The personnel movements regarding appointments and terminations do not reflect the changes mentioned.

Table 3.5.1 Annual turnover rates by salary band for the period 1 April 2022 to 31 March 2023

Salary Band	Number of employees at beginning of period – April 2022	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate
Lower skilled (Levels 1-2), Permanent	11	1	1	9.1
Skilled (Levels 3-5), Permanent	10409	875	398	3.8
Highly skilled production (Levels 6-8), Permanent	4975	528	338	6.8
Highly skilled supervision (Levels 9-12), Permanent	4893	259	300	6.1
Senior Management Service Band A	149	13	12	8.1
Senior Management Service Band B	170	14	11	6.5
Senior Management Service Band C	17	4	1	5.9
Senior Management Service Band D	4	0	1	0.0
Magistrates	1704	0	89	5.2
<b>SUB-TOTAL: PERMANENT EMPLOYEES</b>	<b>22332</b>	<b>1694</b>	<b>1151</b>	<b>5.2</b>
Contracts (including interns)	1448	1379	1503	53.2
<b>SUB-TOTAL: CONTRACT EMPLOYEES</b>	<b>1448</b>	<b>1379</b>	<b>1503</b>	<b>53.2</b>
<b>TOTAL</b>	<b>23780</b>	<b>3073</b>	<b>2654</b>	<b>11.2</b>

Table 3.5.2 Annual turnover rates by critical occupation for the period 1 April 2022 to 31 March 2023

Occupations	Number of employees per at beginning of period – April 2022	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate
Administrative related	1008	135	78	7.7
Advocates	662	81	69	10.4
Attorneys	307	23	30	9.8
Building and other property caretakers	1	0	0	0.0
Bus and heavy vehicle drivers	7	0	0	0.0
Cleaners in offices workshops hospitals etc.	46	3	7	15.2
Client inform clerks (switchboard information clerks)	108	27	6	5.6
Crime investigators	75	29	10	13.3
Communication and information related	40	2	0	0.0
Finance and economics related	268	6	9	3.4
Financial and related professionals	303	21	22	7.3
Financial clerks and credit controllers	434	44	31	7.1
Food services aids and waiters	16	1	0	0.0
General legal administration & rel. professionals	727	61	57	7.8
Human resources & organisational development & relate prof	61	0	4	6.6
Human resources clerks	271	31	16	5.9
Human resources related	209	35	20	9.6
Information technology related	22	14	0	0.0
Language practitioners interpreters & other communication	415	14	18	4.3
Legal related	181	9	17	9.4
Librarians and related professionals	22	1	0	0.0
Library mail and related clerks	295	24	14	4.7
Light vehicle drivers	6	0	0	0.0
Logistical support personnel	45	2	6	13.3
Magistrates	1704	0	89	5.2
Material-recording and transport clerks	77	11	7	9.1
Messengers porters and deliverers	291	42	20	6.9
Other administrative & related clerks and organisers	8338	597	345	4.1
Other administrative policy and related officers	824	33	63	7.6
Other information technology personnel.	22	0	0	0.0
Prosecutor	3274	815	557	17.0
Protection services	78	7	0	0.0
Risk management and security services	25	4	3	12.0
Secretaries & other keyboard operating clerks	587	45	36	6.1
Security guards	8	0	1	12.5

Occupations	Number of employees per at beginning of period – April 2022	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate
Security officers	226	34	11	4.9
Senior managers	345	34	26	7.5
Social sciences related	1	0	0	0.0
Social work and related professionals	121	12	15	12.4
Translators and air traffic communicators	1489	106	71	4.8
Contracts	841	770	996	61.8

The table below identifies the major reasons why staff left the department.

Table 3.5.3 Reasons why staff left the department for the period 1 April 2022 to 31 March 2023

Termination Type	Number	% of Total Resignations
Death	112	4.2%
Resignation	640	24.1%
Expiry of contracts	1503	56.6%
Retirement due to ill health	23	0.9%
Dismissal-misconduct	55	2.1%
Retirement	239	9.0%
Transfer to other public service departments	82	3.1%
<b>TOTAL</b>	<b>2654</b>	<b>100.0</b>
<b>Total number of employees who left as a % of total employment</b>		

Table 3.5.4 Promotions by critical occupation for the period 1 April 2022 to 31 March 2023

Occupation	Employees as at 1 April 2022	Promotions to another salary level	Salary level promotions as a % of employees by occupation	Progressions to another notch within a salary level	Notch progressions as a % of employees by occupation
Administrative related	1023	54	5.3%	566	55.3%
Advocates	662	68	10.3%	443	66.9%
Attorneys	440	15	3.4%	156	35.5%
Building and other property caretakers	1	0	0.0%	1	100.0%
Bus and heavy vehicle drivers	7	0	0.0%	5	71.4%
Cleaners in offices workshops hospitals etc.	47	0	0.0%	31	66.0%
Client inform clerks (switchboard information clerks)	108	2	1.9%	57	52.8%
Communication and information related	40	1	2.5%	33	82.5%
Crime investigators	75	4	0.0%	7	0.0%
Finance and economics related	269	4	1.5%	196	72.9%
Financial and related professionals	303	15	5.0%	208	68.6%

Occupation	Employees as at 1 April 2022	Promotions to another salary level	Salary level promotions as a % of employees by occupation	Progressions to another notch within a salary level	Notch progressions as a % of employees by occupation
Financial clerks and credit controllers	440	8	1.8%	326	74.1%
Food services aids and waiters	16	0	0.0%	12	75.0%
General legal administration & rel. professionals	731	6	0.8%	422	57.7%
Head of department/chief executive officer	1	0	0.0%	0	0.0%
Human resources & organisational development & relate professional	63	0	0.0%	42	66.7%
Human resources clerks	271	3	1.1%	151	55.7%
Human resources related	213	8	3.8%	126	59.2%
Information technology related	27	4	14.8%	15	55.6%
Language practitioners interpreters & other communication	415	11	2.7%	325	78.3%
Legal related	181	24	13.3%	120	66.3%
Librarians and related professionals	22	0	0.0%	16	72.7%
Library mail and related clerks	295	2	0.7%	205	69.5%
Light vehicle drivers	6	0	0.0%	4	66.7%
Logistical support personnel	45	8	17.8%	25	55.6%
Magistrates	2001	2	0.1%	0	0.0%
Material-recording and transport clerks	77	1	1.3%	62	80.5%
Messengers porters and deliverers	601	2	0.3%	209	34.8%
Other administrative & related clerks and organisers	8349	55	0.7%	6 550	78.5%
Other administrative policy and related officers	842	49	5.8%	541	64.3%
Other information technology personnel.	22	0	0.0%	17	77.3%
Prosecutor	3274	215	6.6%	1 400	42.8%
Protection services	78	4	5.1%	22	28.2%
Risk management and security services	25	3	12.0%	11	44.0%
Secretaries & other keyboard operating clerks	594	13	2.2%	354	59.6%
Security guards	8	0	0.0%	5	62.5%
Security officers	228	0	0.0%	124	54.4%
Senior managers	368	37	10.1%	224	60.9%
Social sciences related	1	0	0.0%	1	100.0%
Social work and related professionals	121	3	2.5%	60	49.6%
Translators and air traffic communicators	1490	19	1.3%	1 063	71.3%
<b>TOTAL</b>	<b>23780</b>	<b>640</b>	<b>2.7%</b>	<b>14 135</b>	<b>59.4%</b>

Table 3.5.5 Promotions by salary band for the period 1 April 2022 to 31 March 2023

Salary Band	Employees 1 April 2022	Promotions to another salary level	Salary bands promotions as a % of employees by salary level	Progressions to another notch within a salary level	Notch progression as a % of employees by salary band
Lower skilled (Levels 1-2) (including interns)	196	0	0.0	1	0.5
Skilled (Levels 3-5)	10874	34	0.3	8249	75.9
Highly skilled production (Levels 6-8)	5307	191	3.6	2624	49.4
Highly skilled supervision (Levels 9-12)	5029	368	7.3	3035	60.3
Senior Management Service (Level 13 – 16)	373	45	12.1	226	60.6
Magistrates	2001	2	0.1	0	0.0
<b>TOTAL</b>	<b>23780</b>	<b>640</b>	<b>2.7</b>	<b>14135</b>	<b>59.4</b>

### 3.6 EMPLOYMENT EQUITY

The tables in this section are based on the formats prescribed by the Employment Equity Act, 1998 (Act 55 of 1998).

Table 3.6.1 Total number of employees (including employees with disabilities) in each of the following occupational categories as on 31 March 2023

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Magistrates	485	119	81	225	492	120	116	232	1870
Legislators, senior officials and managers	147	18	14	35	105	19	23	35	396
Professionals	2549	254	95	333	2519	439	264	534	6987
Clerks	3259	324	83	76	6616	814	200	441	11813
Service and sales workers	198	30	9	59	116	13	3	10	438
Plant and machine operators and assemblers	9	2	1	1	0	0	0	0	13
Labourers and related workers	268	28	2	7	137	10	0	3	455
Technical and associated professions, permanent	602	62	23	33	1035	124	28	92	1999
<b>TOTAL</b>	<b>7517</b>	<b>837</b>	<b>308</b>	<b>769</b>	<b>11020</b>	<b>1539</b>	<b>634</b>	<b>1347</b>	<b>23971</b>
Employees with disabilities	139	17	7	22	132	15	8	31	371

Table 3.6.2 Total number of employees (including employees with disabilities) in each of the following occupational bands as on 31 March 2023

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Magistrates	485	119	81	225	492	120	116	232	1870
Top Management	11	2	0	1	11	3	4	2	34
Senior Management	138	16	15	34	100	16	18	35	372
Professionally qualified and experienced specialists and mid-management	1617	181	84	343	1221	251	187	500	4384
Skilled technical and academically qualified workers, junior management, supervisors, foremen	1993	174	53	91	2971	406	142	336	6166
Semi-skilled and discretionary decision making	3241	344	75	74	6104	737	167	240	10982
Unskilled and defined decision making	1	0	0	0	8	0	0	0	9
Other	4	0	0	1	1	17	0	0	23
Interns	27	1	0	0	96	6	0	1	131
<b>TOTAL</b>	<b>7517</b>	<b>837</b>	<b>308</b>	<b>769</b>	<b>11004</b>	<b>1556</b>	<b>634</b>	<b>1346</b>	<b>23971</b>

Table 3.6.3 Recruitment for the period 1 April 2022 to 31 March 2023

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Co-loured	Indian	White	
Magistrates	231	29	9	55	151	38	19	61	593
Top Management	3	0	0	0	3	0	0	1	7
Senior Management	16	1	0	3	12	2	0	1	35
Professionally qualified and experienced specialists and mid-management	137	8	3	11	121	5	11	10	306
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	266	27	3	9	371	55	18	17	766
Semi-skilled and discretionary decision making	422	44	3	4	743	73	12	10	1311
Unskilled and defined decision making	3	0	0	0	17	0	0	0	20
Interns	6	0	0	0	25	4	0	0	35
<b>Total</b>	<b>1084</b>	<b>109</b>	<b>18</b>	<b>82</b>	<b>1443</b>	<b>177</b>	<b>60</b>	<b>100</b>	<b>3073</b>
Employees with disabilities	6	1	0	2	5	1	0	0	15



Table 3.6.4 Promotions for the period 1 April 2022 to 31 March 2023

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Magistrates	1	0	0	0	1	1	1	1	5
Top Management	15	2	0	2	12	3	1	5	40
Senior Management	0	0	0	0	1	1	0	0	2
Professionally qualified and experienced specialists and mid-management	140	17	3	16	135	7	11	39	368
Skilled technical and academically qualified workers, junior management, supervisors, foremen	56	5	3	1	114	10	0	2	191
Semi-skilled and discretionary decision making	13	1	0	1	17	2	0	0	34
Unskilled and defined decision making	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>225</b>	<b>25</b>	<b>6</b>	<b>20</b>	<b>280</b>	<b>24</b>	<b>13</b>	<b>47</b>	<b>640</b>
Employees with disabilities	6	0	0	1	3	1	0	1	12

Table 3.6.5 Terminations for the period 1 April 2022 to 31 March 2023

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management	4	0	0	0	2	1	1	0	8
Senior Management	9	3	1	6	5	0	0	3	27
Magistrates	253	33	10	76	162	39	23	73	669
Professionally qualified and experienced specialists and mid-management	149	14	3	30	113	14	9	41	373
Skilled technical and academically qualified workers, junior management, supervisors, foremen	219	15	5	6	296	41	11	46	639
Semi-skilled and discretionary decision making	284	48	6	9	412	58	16	15	848
Unskilled and defined decision making	0	0	0	0	3	0	0	0	3
Interns	27	1	0	0	59	0	0	0	87
<b>TOTAL</b>	<b>945</b>	<b>114</b>	<b>25</b>	<b>127</b>	<b>1052</b>	<b>153</b>	<b>60</b>	<b>178</b>	<b>2654</b>
Employees with disabilities	11	3	0	3	6	1	0	5	29

Table 3.6.6 Disciplinary action for the period 1 April 2022 to 31 March 2023

	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Disciplinary action	117	7	1	1	46	10	3	3	188

Table 3.6.7 Skills development for the period 1 April 2022 to 31 March 2023

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	98	8	19	23	84	8	8	15	263
Professionals	1307	177	111	163	1057	203	87	203	3308
Technicians and associate professionals	127	35	4	17	156	20	1	8	368
Clerks	5459	642	88	199	2940	382	56	54	9820
Service and sales workers	93	11	3	10	93	9	5	12	236
Plant and machine operators and assemblers	3	0	0	0	14	0	0	0	17
Elementary occupations	10	0	0	0	0	0	0	0	10
Labourers and related workers	44	1	0	0	189	27	0	2	263
<b>Total</b>	<b>7141</b>	<b>874</b>	<b>225</b>	<b>412</b>	<b>4533</b>	<b>649</b>	<b>157</b>	<b>294</b>	<b>14285</b>
Employees with disabilities	0	0	0	0	0	0	0	0	0

### 3.7 SIGNING OF PERFORMANCE AGREEMENTS BY SMS MEMBERS

All members of the SMS must conclude and sign performance agreements within specific timeframes. Information regarding the signing of performance agreements by SMS members, the reasons for not complying within the prescribed timeframes and disciplinary steps taken are presented here.

Table 3.7.1 Signing of performance agreements by SMS Members as on 31 May 2022

SMS Level	Total number of funded SMS posts per level	Total number of SMS members per level	Total number of signed performance agreements per level	Signed performance agreements as % of total number of SMS members per level
Salary level 16	2	2	2	100
Salary Level 16 (not HOD)	7	4	4	100
Salary Level 15	26	20	19	95
Salary Level 14	208	205	201	98
Salary Level 13	164	151	148	98
Total	407	382	374	97.9

Table 3.7.2 Reasons for not having concluded performance agreements for all SMS members as on 31 May 2021

- 2 employees on suspension and 1 did not comply
- Others were appointed towards the end of the year

Table 3.7.3 Disciplinary steps taken against SMS members for not having concluded performance agreements as on 31 May 2022

Letters were forwarded to line managers to institute disciplinary action on non-compliance.

### 3.8 PERFORMANCE REWARDS

To encourage good performance, the Department has granted the following performance rewards during the year under review. The information is presented in terms of race, gender, and disability, salary bands and critical occupations.

Table 3.8.1 Performance rewards by race, gender, and disability for the period 1 April 2022 to 31 March 2023

	Beneficiary Profile			Cost	
	Number of beneficiaries	Total number of employees	% of total within group	Cost (R'000)	Average cost per employee
<b>African</b>	19	17292	0.1	283	16 631.23
Male	6	6894	0.1	137	22 852.77
Female	13	10398	0.1	146	13 759.75
<b>Asian</b>	2	730	0.3	9	7 550.09
Male	1	220	0.5	9	9 100.17
Female	1	510	0.2	0	6 000.00
<b>Coloured</b>	1	2107	0.0	0	-
Male	1	703	0.1	40	39 928.98
Female	0	1404	0.0	0	-
<b>White</b>	5	1608	0.3	0	-
Male	0	524	0.0	0	-
Female	5	1084	0.5	194	38 721.75
<b>Employees with disability</b>	0	364	0.0	0	-
<b>TOTAL</b>	<b>27</b>	<b>22101</b>	<b>0.1</b>	<b>565</b>	<b>20 912.27</b>

Table 3.8.2 Performance rewards by salary bands for personnel below Senior Management Service for the period 1 April 2022 to 31 March 2023

Salary Bands	Beneficiary Profile			Cost		Total cost as a % of the total personnel expenditure
	Number of beneficiaries	Number of employees	% of total within salary bands	Total Cost (R'000)	Average cost per employee	
Lower skilled (Levels 1-2)	0	140	0.0	-	0.00	0
Skilled (Levels 3-5)	4	10982	0.0	6	5 957.26	0.8
Highly skilled production (Levels 6-8)	6	5533	0.1	106	17 679.15	4.8
Highly skilled supervision (Levels 9-12)	9	5041	0.2	338	37 590.12	22.3
<b>TOTAL</b>	<b>19</b>	<b>21696</b>	<b>0.1</b>	<b>468</b>	<b>24 642.90</b>	<b>6.7</b>

Table 3.8.3 Performance rewards by occupations

Occupations	Beneficiary Profile			Cost	
	Number of beneficiaries	Number of employees	% of total within occupation	Total Cost (R'000)	Average cost per employee
Administrative related	2	1102	0.2%	25	12 680.00
Advocates	1	837	0.1%	55	55 367.70
Attorneys	2	387	0.5%	70	35 170.15
Building and other property caretakers	0	1	0.0%	0	-
Bus and heavy vehicle drivers	0	7	0.0%	0	-
Cleaners in offices workshops hospitals etc.	0	59	0.0%		-
Client inform clerks (switchboard information clerks)	0	116	0.0%	0	-
Communication and information related	0	42	0.0%	0	-
Crime investigators	0	81	0.0%	0	-
Finance and economics related	1	268	0.4%	24	24 414.21
Financial and related professionals	0	311	0.0%	0	-
Financial clerks and credit controllers	0	447	0.0%	0	-
Food services aids and waiters	0	16	0.0%	0	-
General legal administration & rel. professionals	1	720	0.1%	40	39 928.98
Head of department	0	1	0.0%	0	-
Human resources & organisational development & relate prof	0	57	0.0%	0	-
Human resources clerks	2	283	0.7%	22	11 080.51
Human resources related	1	239	0.4%	0	-
Information technology related	1	38	2.6%	29	28 934.10
Language practitioners interpreters & other communication	0	423	0.0%	0	-
Legal related	3	193	1.6%	115	38 442.04
Librarians and related professionals	0	23	0.0%	0	-
Library mail and related clerks	0	295	0.0%	0	-
Light vehicle drivers	0	6	0.0%	0	-
Logistical support personnel	0	47	0.0%	0	-
Material-recording and transport clerks	0	78	0.0%	0	-
Messengers porters and deliverers	0	376	0.0%	0	-
Other administrative & related clerks and organisers	5	8498	0.1%	40	8 092.71
Other administrative policy and related officers	1	851	0.1%	12	11 944.80
Other information technology personnel.	0	22	0.0%	0	-
Prosecutor	2	3309	0.1%	8	4 000.00
Protection services	0	83	0.0%	0	-
Risk management and security services	0	28	0.0%	0	-
Secretaries & other keyboard operating clerks	1	588	0.2%	20	19 717.03

Occupations	Beneficiary Profile			Cost	
	Number of beneficiaries	Number of employees	% of total within occupation	Total Cost (R'000)	Average cost per employee
Security guards	0	7	0.0%	0	-
Security officers	0	238	0.0%	0	-
Senior managers	3	395	0.8%	96	32 138.65
Social sciences related	0	1	0.0%	0	-
Social work and related professionals	0	119	0.0%	0	-
Translators and air traffic communicators	1	1509	0.1%	6	6 257.52
<b>TOTAL</b>	<b>27</b>	<b>22101</b>	<b>0.1%</b>	<b>565</b>	<b>20 912.27</b>

Table 3.8.4 Performance-related rewards (cash bonus), by salary band, for Senior Management Service for the period 1 April 2022 to 31 March 2023

Salary Band	Beneficiary Profile			Cost		
	Number of beneficiaries	Number of employees	% of total within band	Total Cost (R'000)	Average cost per employee	Total cost as a % of the total personnel expenditure
Band A	2	164	1.7	40	20 081.41	0.0
Band B	2	208	2.1	56	28 126.58	0.0
Band C	0	26	0.0	0	-	0.0
Band D	0	7	0.0	0	-	0.0
<b>TOTAL</b>	<b>4</b>	<b>405</b>	<b>1.7</b>	<b>90</b>	<b>24 103.99</b>	<b>0.0</b>

### 3.9 FOREIGN WORKERS

The tables below summarise the employment of foreign nationals in the department in terms of salary bands and by major occupation.

Table 3.9.1 Foreign workers, 1 April 2022 to 31 March 2023, by salary band

Salary band	01 April 2022		31 March 2023		Change	
	Number	% of total	Number	% of total	Number	% Change
Skilled (Levels 3-5)	1	1.0	1	1.0	0	0.0
Highly skilled production (Levels 6-8)	1	1.0	1	1.0	0	0.0
Highly skilled supervision (Levels 9-12)	4	4.0	4	3.8	0	0.0
Senior management (Levels 13-16)	0	0.0	0	0.0	0	0.0
Other	94	94.0	99	94.3	5	100.0
<b>TOTAL</b>	<b>100</b>	<b>100.0</b>	<b>105</b>	<b>100.0</b>	<b>5</b>	<b>100.0</b>

Table 3.9.2 Foreign workers, 1 April 2022 to 31 March 2023, by major occupation

Major occupation	01 April 2020		31 March 2021		Change	
	Number	% of total	Number	% of total	Number	% Change
Administrative office workers	94	94.0	99	94.3	5	100.0
Elementary occupations	0	0.0	0	0.0	0	0.0
Professionals and managers	6	6.0	6	5.7	0	0.0
<b>TOTAL</b>	<b>100</b>	<b>100.0</b>	<b>105</b>	<b>100.0</b>	<b>5</b>	<b>100.0</b>

### 3.10 LEAVE UTILISATION

The Public Service Commission identified the need for careful monitoring of sick leave within the public service. The following tables provide an indication of the use of sick leave and disability leave. In both cases, the estimated cost of the leave is also provided.

Table 3.10.1 Sick leave, 1 January 2022 to 31 December 2022

Salary Band	Total Days	% Days with Medical Certification	Number of Employees using Sick Leave	% of Total Employees using Sick Leave	Average Days per Employee	Estimated Cost (R'000)
Lower skilled (Levels 1-2)	121	93.40	10	0.10	12	75
Skilled (Levels 3-5)	107225	82.30	9874	50.80	11	105918
Highly skilled production (Levels 6-8)	44987	80.80	4622	23.80	10	69250
Highly skilled supervision (Levels 9-12)	37305	84.60	3992	20.50	9	121776
Senior management (Levels 13-16)	2165	85.40	260	1.30	8	11132
Contract (Levels 3-5)	1159	72.50	282	1.40	4	967
Contract (Levels 6-8)	837	63.60	193	1.00	4	784
Contract (Levels 9-12)	608	80.40	93	0.50	7	1924
Contract (Levels 13-16)	80	76.30	14	0.10	6	422
Contract Other	528	67.40	108	0.60	5	169
Other	6	66.70	1	0.00	6	6
<b>TOTAL</b>	<b>195021</b>	<b>82.30</b>	<b>19449</b>	<b>100.00</b>	<b>10</b>	<b>312423</b>

Table 3.10.2 Incapacity leave (temporary and permanent), 1 January 2022 to 31 December 2022

Salary Band	Total Days	% Days with Medical Certification	Number of Employees using Disability Leave	% of Total Employees using Disability Leave	Average Days per Employee	Estimated Cost (R'000)
Skilled (Levels 3-5)	9493	100.0	196	48.3	48	9 255
Highly skilled production (Levels 6-8)	4887	100.0	101	24.9	48	7 534
Highly skilled supervision (Levels 9-12)	5909	100.0	95	23.4	62	21 433
Senior management (Levels 13-16)	583	100.0	10	2.5	58	3 088
Contract (Levels 3-5)	61	100.0	2	0.5	31	12
Contract (Levels 6-8)	48	100.0	1	0.2	48	13
Contract Other	24	100.0	1	0.2	24	9
<b>TOTAL</b>	<b>21005</b>	<b>100.0</b>	<b>406</b>	<b>100.0</b>	<b>52</b>	<b>41 344</b>

The table below summarises the utilisation of annual leave. The wage agreement concluded with trade unions in the PSCBC in 2000 requires management of annual leave to prevent high levels of accrued leave being paid at the time of termination of service.

Table 3.10.3 Annual leave, 1 January 2022 to 31 December 2022

Salary Band	Total Days Taken	Average per Employee	Number of Employees using Annual Leave
Lower skilled (Levels 1-2)	285	24	12
Skilled (Levels 3-5)	268435	25	10835
Highly skilled production (Levels 6-8)	132476	24	5564
Highly skilled supervision (Levels 9-12)	130321	25	5146
Senior management (Levels 13-16)	9112	24	385
Contract (Levels 3-5)	5054	11	448
Contract (Levels 6-8)	2474	14	180
Contract (Levels 9-12)	373	10	36
Contract (Levels 13-16)	463	15	30
Contract Other	2236	13	175
Other	125	8	16
<b>TOTAL</b>	<b>551355</b>	<b>24</b>	<b>22827</b>

Table 3.10.4 Capped leave, 1 January 2022 to 31 December 2022

Salary Band	Total days of capped leave taken	Average number of days taken per employee	Average capped leave per employee as at 31 December 2020	Number of Employees who took Capped leave
Skilled (Levels 3-5)	65	1	33	112
Highly skilled production (Levels 6-8)	458	8	83	54
Highly skilled supervision (Levels 9-12)	232	5	69	43
Senior management (Levels 13-16)	17	3	85	5
<b>TOTAL</b>	<b>772</b>	<b>8</b>	<b>35</b>	<b>102</b>

Table 3.10.5 Leave payouts for the period 1 April 2022 to 31 March 2023

The following table summarises payments made to employees as a result of leave that was not taken.

Reason	Total Estimated Amount (R'000)	Number of Employees	Estimated Average per Employee (R)
Annual – discounting with resignation (working days)	12077	357	33 829.00
Annual – discounting: contract expiry working days	712	39	18 256.00
Annual – discounting: unused vacation credits	828	13	63 692.00
Annual – gratuity: death/retirement/ medical retirement	9407	220	42 759.00
Capped – gratuity: death/retirement/ medical retirement	16858	136	123 956.00
<b>TOTAL</b>	<b>39882</b>	<b>765</b>	<b>52 133.00</b>

### 3.11 HIV/AIDS & HEALTH PROMOTION PROGRAMMES

Table 3.11.1 Steps taken to reduce the risk of occupational exposure

Units/categories of employees identified to be at high risk of contracting HIV & related diseases (if any)	Key steps taken to reduce the risk
The Department does not have categories of employees identified to be at risk of being exposed to HIV infection due to the nature of their occupations.	Upon disclosure of their status and the request for reasonable accommodation, employees are being provided according to their needs.
NPA: as determined in the HIV/AIDS National Strategic plan – young female employees, and those located in provinces with high prevalence rate.	On-site voluntary testing and referral for treatment and care.



Table 3.11.2 Details of health-promotion and HIV and AIDS programmes (tick the applicable boxes and provide the required information)

Question	Yes	No	Details, if yes
1. Has the Department designated a member of the SMS to implement the provisions contained in Section 55 of the Public Service Regulations, 2016? If so, provide her/his name and position.	Yes		Kedibone Tsolo Director: EHW NPA: Ms GB Dlodla: Director HR Transformation
2. Does the Department have a dedicated unit or has it designated specific staff members to promote the health and wellbeing of your employees? If so, indicate the number of employees who are involved in this task and the annual budget that is available for this purpose.	Yes		Directorate: Employee Health and Wellness <ul style="list-style-type: none"> <li>• 1x Director</li> <li>• 1x Deputy Director</li> <li>• 2x Assistant Directors</li> <li>• 9x Regional EAP Coordinators</li> </ul> NPA: Employee Health and Wellness Unit <ul style="list-style-type: none"> <li>• 1x Director</li> <li>• 1x Deputy Director</li> <li>• 3x Assistant Directors</li> <li>• 1x Practitioner</li> <li>• Outsourced service provider with a national presence</li> </ul>
3. Has the department introduced an Employee Assistance or Health Promotion Programme for your employees? If so, indicate the key elements/services of this Programme.	Yes		Directorate: EHW Key elements <ul style="list-style-type: none"> <li>• Proactive psychosocial services</li> <li>• Remedial psychosocial services</li> <li>• Quality of work life (physical activities)</li> </ul> NPA: An integrated Employee Health and Wellness Programme is in place, consisting of HIV&AIDS and TB Management, Wellness Management and Health and Productivity Management
4. Has the Department established (a) committee(s) as contemplated in Section 55(6)(d) of the Public Service Regulations, 2016? If so, please provide the names of the members of the committee and the stakeholder(s) that they represent.	Yes		<ul style="list-style-type: none"> <li>• Mr I Koto (Deputy Director: EHW)</li> <li>• Mr S Matshika (Deputy Director: EE)</li> <li>• Ms R Toka (Deputy Director: Quality of work life)</li> </ul> NPA: The Committee consists of the representatives from all the 10 regions and members from other key internal stakeholders. Names: Licky Dlodla – HRT, Anthony Bean – Eastern Cape, Mankung Mashiloane – Mpumalanga, Nthabeleng Tukani – Free State, Prince Matidza – Limpopo, Nobekezela Madikizela – Mthatha, Flora Kalakgosi – North West, Mdumaneko Mkela – Northern Cape, Asewa Fundi – South Gauteng, Fiona Ross – Western Cape, Thabisile Radebe – Pietermaritzburg, Pertunia Moagi – Integrity Management, Nanki Shihlane – EHWP, FP Semenya –EHWP.

Question	Yes	No	Details, if yes
5. Has the Department reviewed its employment policies and practices to ensure that these do not unfairly discriminate against employees on the basis of their HIV status? If so, list the employment policies/practices so reviewed.	Yes		HIV and TB Management Policy; Health and Productivity Management Policy and Wellness Management Policy were reviewed in 2022 to ensure integrated support services to all NPA employees.
6. Has the Department introduced measures to protect HIV-positive employees or those perceived to be HIV-positive from discrimination? If so, list the key elements of these measures.	Yes		An HIV, AIDS and TB policy is in place and in the process of being reviewed  EAP services available to all employees  The NPA HIV/AIDS Policy seeks to promote fairness and non-discrimination as well as support for affected and infected employees.  Ongoing counselling and support is available through the 24/7 EAP Call Centre.  The NPA conducted an HIV&AIDS awareness session in various offices in commemoration of World Aids Day.
7. Does the Department encourage its employees to undergo Voluntary Counselling and Testing? If so, list the results that you have achieved.	Yes		<ul style="list-style-type: none"> <li>Stakeholder relations established with GEMS, whereby health screening days are arranged for employees to undergo voluntary counselling and testing</li> <li>The NPA implemented quarterly onsite clinics in partnership with GEMS to promote employees' access to HIV Counselling and Testing (HCT).</li> </ul>
8. Has the Department developed measures/indicators to monitor & evaluate the impact of its health promotion programme? If so, list these measures/indicators.	Yes		<ul style="list-style-type: none"> <li>Sick leave analysis report</li> <li>Number of employees utilising the EHW services</li> <li>NPA: Monthly, quarterly and annual reports are utilised to track performance</li> <li>Trend analysis reports to determine organisational health risk factors</li> </ul>

### 3.12 LABOUR RELATIONS

Table 3.12.1 Collective agreements, 1 April 2022 to 31 March 2023

Total collective agreements	None
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The following table summarises the outcome of disciplinary hearings conducted within the Department for the year under review.

Table 3.12.2 Misconduct and disciplinary hearings finalised for the period 1 April 2022 to 31 March 2023

Outcomes of disciplinary hearings	Number	% of total
Acquittal	4	2%
Demotion	0	0%
Deceased	0	0%
Dismissal	45	25%
Resignation	13	7%
Section 17 deemed dismissal	2	1%
Suspended	41	22%
Suspension without pay	8	4%
Verbal warning	3	2%
Written warning	28	15%
Final warning	27	15%
Case closed	8	4%
Withdrawn	4	2%
<b>TOTAL</b>	<b>183</b>	<b>100.0%</b>

Table 3.12.3 Types of misconduct addressed at disciplinary actions/hearings for the period 1 April 2022 to 31 March 2023

Type of misconduct	Number	% of total
Absenteeism	3	1.4%
Abscondment	5	2.3%
Abuse of leave	8	3.7%
Abuse of state property	2	0.9%
Alcohol abuse	5	2.3%
Assault	2	0.9%
Bribery	2	0.9%
Corruption	6	2.8%
Damage to state property	2	0.9%
Bringing the name of the NPA into disrepute	5	2.3%
Dishonesty	14	6.5%
Gross dishonesty/corruption	2	0.9%
Financial disclosure	4	1.9%
Fraud	14	6.5%
Gross negligence	4	1.9%
Insubordination	11	5.1%
Gross insubordination	1	0.5%
Improper conduct	9	4.2%
Insolent behaviour	1	0.5%
Mismanagement of funds	1	0.5%

Type of misconduct	Number	% of total
Loss of state money	1	0.5%
Maladministration	2	0.9%
Misrepresentation	4	1.9%
Negligence	14	6.5%
Non-compliance with policy	3	1.4%
Non-compliance with lawful instruction	1	0.5%
Poor performance	0	0.0%
Sexual harassment	6	2.8%
Theft	13	6.0%
Unauthorised absence	32	14.9%
Unethical behaviour	14	6.5%
Intimidation	1	0.5%
Insolence/unbecoming conduct	8	3.7%
Misuse of state vehicle	5	2.3%
Dereliction of duty	7	3.3%
Remunerative work	1	0.5%
Racism	0	0.0%
Unacceptable conduct	2	0.9%
<b>TOTAL</b>	<b>215</b>	<b>100.0%</b>

Table 3.12.4 Grievances lodged for the period 1 April 2022 to 31 March 2023

Grievances	Number	% of total
Number of grievances resolved	182	75%
Number of grievances not resolved	48	20%
Withdrawn	13	5%
<b>Total number of grievances</b>	<b>243</b>	<b>100%</b>

Table 3.12.5 Disputes lodged with councils for the period 1 April 2022 to 31 March 2023

Number of dispute outcome	Number	% of Total
Settlement	9	6.7%
Withdrawn	26	19.3%
In favour of employee/s	16	11.9%
In favour of employer	41	30.4%
Dismissed	35	25.9%
Applicant did not pursue case further	8	5.9%
<b>TOTAL</b>	<b>135</b>	<b>100.0%</b>

Table 3.12.6 Strike actions for the period 1 April 2022 to 31 March 2023

Total number of person working days lost	71
Total cost (R'000) of working days lost	R76 839
Amount (R'000) recovered as a result of no work no pay	R76 839

Table 3.12.7 Precautionary suspensions for the period 1 April 2022 to 31 March 2023

Number of people suspended	35
Number of people whose suspension exceeded 30 days	32
Average number of days suspended (All cases)	310 days
Cost of suspension (R'000) (All cases)	R 26 572

### 3.13 SKILLS DEVELOPMENT

This section highlights the efforts of the Department with regard to skills development.

Table 3.13.1 Training needs identified 1 April 2022 to 31 March 2023

Occupational category	Gender	Number of employees as at 1 April 2022	Training needs identified at start of the reporting period			
			Learnerships	Skills programmes & other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	163	0	87	0	87
	Male	200	0	84	0	84
Professionals	Female	3437	0	1040	0	1040
	Male	3031	0	881	0	881
Technicians and associate professionals	Female	1162	0	124	0	124
	Male	690	0	25	0	25
Clerks	Female	7826	0	1011	0	1011
	Male	3692	0	797	0	797
Service and sales workers	Female	129	0	57	0	57
	Male	286	0	103	0	103
Plant and machine operators and assemblers	Female	9	0	0	0	0
	Male	13	0	0	0	0
Elementary occupations	Female	314	0	4	0	4
	Male	350	0	5	0	5
Labourers and related workers	Female	302	0	31	0	31
	Male	326	0	31	0	31
Sub Total	Female	13342	0	2354	0	2354
	Male	8588	0	1926	0	1926
<b>Total</b>		<b>21930</b>	<b>0</b>	<b>4280</b>	<b>0</b>	<b>4280</b>

Table 3.13.2 Training provided 1 April 2022 – 31 March 2023

Occupational category	Gender	Number of employees as at 1 April 2022	Training provided within the reporting period			
			Learnerships	Skills programmes & other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	163	0	148	0	148
	Male	200	0	115	0	115
Professionals	Female	3437	0	1883	0	1883
	Male	3031	0	1425	0	1425
Technicians and associate professionals	Female	1162	0	284	0	284
	Male	690	0	84	0	84
Clerks	Female	7826	0	6498	0	6498
	Male	3692	0	3322	0	3322
Service and sales workers	Female	129	0	100	0	100
	Male	286	0	136	0	136
Plant and machine operators and assemblers	Female	9	0	3	0	3
	Male	13	0	14	0	14
Elementary occupations	Female	314	0	0	0	0
	Male	350	0	10	0	10
Labourers and related workers	Female	302	0	45	0	45
	Male	326	0	218	0	218
Sub Total	Female	13342	0	8961	0	8961
	Male	8588	0	5324	0	5324
<b>Total</b>		<b>21930</b>	<b>0</b>	<b>14285</b>	<b>0</b>	<b>14285</b>

### 3.14 INJURY ON DUTY

The following tables provide basic information on injury on duty.

Table 3.14.1 Injury on duty for the period 1 April 2022 to 31 March 2023

Nature of injury on duty	Number	% of total
Required basic medical attention only	28	87.5
Pending investigation	2	6.3
Temporary total disablement	0	0.0
Permanent disablement	2	6.3
Fatal	0	0.0
<b>Total</b>	<b>32</b>	<b>100.0</b>

### 3.15 UTILISATION OF CONSULTANTS

The following table relates information on the utilisation of consultants in the Department.

In terms of the Public Service Regulations, “consultant” means a natural or juristic person or a partnership who or which provides in terms of a specific contract on an ad hoc basis any of the following professional services to a department against remuneration received from any source:

- (a) The rendering of expert advice;
- (b) The drafting of proposals for the execution of specific tasks; and
- (c) The execution of a specific task which is of a technical or intellectual nature, but excludes an employee of the Department.

Table 3.15.1: Report on consultants appointments using appropriated funds for the period 1 April 2022 to 31 March 2023

Project title	Total number of consultants that worked on the project	Duration: Work days	Contract value in Rand
-	-	-	-
<b>Total number of projects</b>	<b>Total individual consultants</b>	<b>Total duration: Work days</b>	<b>Total contract value in Rand</b>
-	-	-	-

Table 3.15.2 – Analysis of consultant appointments using appropriated funds, in terms of historically disadvantaged individuals (HDI) for the period 1 April 2022 to 31 March 2023

Project title	Percentage ownership by HDI groups	Percentage management by HDI groups	Number of consultants from HDI groups that work on the project
-	-	-	-

Table 3.15.3 Report on consultant appointments using donor funds for the period 1 April 2022 to 31 March 2023

Project title	Total number of consultants that worked on the project	Duration: Work days	Contract value in Rand
-	-	-	-
	<b>Total individual consultants</b>	<b>Total duration: Work days</b>	<b>Total contract value in Rand</b>
-	-	-	-

Table 3.15.4 Report on consultant appointments using donor funds, in terms of historically disadvantaged individuals (HDIs) for the period 1 April 2022 to 31 March 2023

Project title	Percentage ownership by HDI groups	Percentage management by HDI groups	Number of consultants from HDI groups that work on the project
-	-	-	-

### 3.16 SEVERANCE PACKAGES

Table 3.16.1 Granting of employee-initiated severance packages for the period 1 April 2022 to 31 March 2023

Salary Band	Number of applications received	Number of applications approved	Number of applications supported by MPSA	Number of packages approved by Department
Lower skilled (Levels 1-2)	0	0	0	0
Skilled (Levels 3-5)	0	0	0	0
Highly skilled production (Levels 6-8)	0	0	0	0
Highly skilled supervision (Levels 9-12)	0	0	0	0
Senior management (Levels 13-16)	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>



PART E |  
PFMA COMPLIANCE  
REPORT



## 1. IRREGULAR, FRUITLESS AND WASTEFUL, UNAUTHORISED EXPENDITURE AND MATERIAL LOSSES

### 1.1. Irregular expenditure

#### a) Reconciliation of irregular expenditure

Description	2022/2023	2021/2022
	R'000	R'000
Opening balance	2 990 267	2 063 657
Add: Irregular expenditure confirmed	6 858	961 696
Less: Irregular expenditure condoned	-414 188	0
Less: Irregular expenditure not condoned and removed	-1 711 105	-33 466
Less: Irregular expenditure recoverable		-1 594
Less: Irregular expenditure not recovered and written off		-4
Closing balance	871 831	2 990 288

#### Reconciling notes

Description	2022/2023	2021/2022
	R'000	R'000
Irregular expenditure that was under assessment in 2021/2022		98 644
Irregular expenditure that relates to 2021/2022 and identified in 2022/2023		961 696
Irregular expenditure for the current year	6 858	
<b>Total</b>	<b>6 858</b>	<b>1 060 340</b>

#### b) Details of current and previous year irregular expenditure (under assessment, determination, and investigation)

Description	2022/2023	2021/2022
	R'000	R'000
Irregular expenditure under assessment		98 644
Irregular expenditure under determination	6 858	961 696
Irregular expenditure under investigation		
<b>Total</b>	<b>6 858</b>	<b>1 060 340</b>

#### c) Details of current and previous year irregular expenditure condoned

Description	2022/2023	2021/2022
	R'000	R'000
Irregular expenditure condoned	-414 188	
<b>Total</b>	<b>414 188</b>	

## d) Details of current and previous year irregular expenditure removed – (not condoned)

Description	2022/2023	2021/2022
	R'000	R'000
Irregular expenditure NOT condoned and removed	-1 711 105	-33 466
<b>Total</b>	<b>-1 711 105</b>	<b>-33 466</b>

## e) Details of current and previous year irregular expenditure recovered

Description	2022/2023	2021/2022
	R'000	R'000
Irregular expenditure recovered	-	-1 594
<b>Total</b>	<b>-</b>	<b>1 594</b>

## 1.2. Fruitless and wasteful expenditure

## a) Reconciliation of fruitless and wasteful expenditure

Description	2022/2023	2021/2022
	R'000	R'000
Opening balance	998	2 415
Add: Fruitless and wasteful expenditure confirmed	71	272
Less: Fruitless and wasteful expenditure written off	-946	-1 678
Less: Fruitless and wasteful expenditure recoverable	-45	-11
<b>Closing balance</b>	<b>77</b>	<b>998</b>

## Reconciling notes

Description	2022/2023	2021/2022
	R'000	R'000
Fruitless and wasteful expenditure that was under assessment in 2021/2022		-
Fruitless and wasteful expenditure that relates to 2021/2022 and identified in 2022/2023		272
Fruitless and wasteful expenditure for the current year	71	
<b>Total</b>	<b>71</b>	<b>272</b>

## b) Details of current and previous year fruitless and wasteful expenditure (under assessment, determination, and investigation)

Description	2022/2023	2021/2022
	R'000	R'000
Fruitless and wasteful expenditure under assessment		
Fruitless and wasteful expenditure under determination		272

Description	2022/2023	2021/2022
	R'000	R'000
Fruitless and wasteful expenditure under investigation	71	
<b>Total<sup>6</sup></b>	<b>71</b>	<b>272</b>

c) Details of current and previous year fruitless and wasteful expenditure recovered

Description	2022/2023	2021/2022
	R'000	R'000
Fruitless and wasteful expenditure recovered	-45	-11
<b>Total</b>	<b>-45</b>	<b>-11</b>

d) Details of current and previous year fruitless and wasteful expenditure not recovered and written off

Description	2022/2023	2021/2022
	R'000	R'000
Fruitless and wasteful expenditure written off	-946	-1 678
<b>Total</b>	<b>-946</b>	<b>-1 678</b>

e) Details of current and previous year disciplinary or criminal steps taken as a result of fruitless and wasteful expenditure

Disciplinary steps taken

### 1.3. Unauthorised expenditure

a) Reconciliation of unauthorised expenditure

Description	2022/2023	2021/2022
	R'000	R'000
Opening balance	0	0
Add: unauthorised expenditure confirmed	0	0
Less: unauthorised expenditure approved with funding	0	0
Less: unauthorised expenditure approved without funding	0	0
Less: unauthorised expenditure recoverable	0	0
Less: unauthorised not recovered and written off	0	0
<b>Closing balance</b>	<b>0</b>	<b>0</b>

**b) Details of current and previous year unauthorised expenditure (under assessment, determination, and investigation)**

Description	2022/2023	2021/2022
	R'000	R'000
Unauthorised expenditure under assessment	0	0
Unauthorised expenditure under determination	0	0
Unauthorised expenditure under investigation	0	0
<b>Total</b>	<b>0</b>	<b>0</b>

The Department did not incur unauthorised expenditure during the period under review.

**1.4. Additional disclosure relating to material losses in terms of PFMA Section 40(3)(b)(i) &(iii)**

**a) Details of current and previous year material losses through criminal conduct**

Material losses through criminal conduct	2022/2023	2021/2022
	R'000	R'000
Theft	0	0
Other material losses	0	0
Less: Recovered	0	0
Less: Not recovered and written off	0	0
<b>Total</b>	<b>0</b>	<b>0</b>

The Department did not incur any material loss during the period under review.

**b) Details of other material losses**

Nature of other material losses	2022/2023	2021/2022
	R'000	R'000
<i>(Group major categories, but list material items)</i>	0	0
<b>Total</b>	<b>0</b>	<b>0</b>

The Department did not incur any material loss during the period under review.

**a) Other material losses recovered**

Nature of losses	2022/2023	2021/2022
	R'000	R'000
<i>(Group major categories, but list material items)</i>	0	0
<b>Total</b>	<b>0</b>	<b>0</b>

The Department did not incur any material loss during the period under review.

### b) Other material losses written off

Nature of losses	2022/2023	2021/2022
	R'000	R'000
<i>(Group major categories, but list material items)</i>	0	0
<b>Total</b>	<b>0</b>	<b>0</b>

The Department did not incur any material loss during the period under review.

## 2. LATE AND/OR NON-PAYMENT OF SUPPLIERS

Description	Number of invoices	Consolidated Value
		R'000
Valid invoices received	57 162	3 706 844
Invoices paid within 30 days or agreed period	46 644	3 631 196
Invoices paid after 30 days or agreed period	250	75 648
Invoices older than 30 days or agreed period ( <i>unpaid and without dispute</i> )		
Invoices older than 30 days or agreed period ( <i>unpaid and in dispute</i> )	209	4 722

The Department has effected 57 162 payments within 2022/2023, 46 644 payments were paid within 30 days and 250 payments were effected after 30 days due to Branches/ Regions/ Offices a) experiencing challenges with BAS/ JYP systems inaccessibility and the effect of load shedding.

## 3. SUPPLY CHAIN MANAGEMENT

### 3.1. Procurement by other means

Project description	Name of supplier	Type of procurement by other means	Contract number	Value of contract R'000
Appointment of a Service Provider for the ICT Security Support for a period of two (2) months.	Full stream Business Services	Single Source	Not Applicable	1 600
<b>Total</b>				<b>1 600</b>

## 3.2 Contract variations and expansions

Project description	Name of supplier	Contract modification type (Expansion or Variation)	Contract number	Original contract value	Value of previous contract expansion/s or variation/s (if applicable)	Value of current contract expansion or variation
				R'000	R'000	R'000
Rendering of guarding and specialised services in various offices of Department of Justice and Constitutional Development, National Prosecuting Authority and Office of the Chief Justice  1. Maborwane Security Services 2. Fidelity Security Services 3. Phepha MV Security Services 4. Vhugi Protection Services 5. Zack Business Enterprise  Expansion RFQ 2020 27				749 586	191 913	127 898
Rendering of guarding and specialised services in various offices of Department of Justice and Constitutional Development, National Prosecuting Authority and Office of the Chief Justice	1. Maborwane Security Services 2. Fidelity Security Services 3. Phepha MV Security Services 4. Vhugi Protection Services 5. Zack Business Enterprise	Expansion	RFQ 2020 27	749 586	191 847	191 913
Rendering of guarding and specialised services in various offices of Department of Justice and Constitutional Development, National Prosecuting Authority and Office of the Chief Justice	1. Maborwane Security Services 2. Fidelity Security Services 3. Phepha MV Security Services 4. Vhugi Protection Services 5. Zack Business Enterprise	Expansion	RFQ 2020 27	749 586	131 352	191 913
Rendering of guarding and specialised services in various offices of Department of Justice and Constitutional Development, National Prosecuting Authority and Office of the Chief Justice	1. Maborwane Security Services 2. Fidelity Security Services 3. Phepha MV Security Services 4. Vhugi Protection Services 5. Zack Business Enterprise	Expansion	RFQ 2020 27	749 586	68 026	131 352

Project description	Name of supplier	Contract modification type (Expansion or Variation)	Contract number	Original contract value	Value of previous contract expansion/s or variation/s (if applicable)	Value of current contract expansion or variation
				R'000	R'000	R'000
Procurement of court recording system and sexual offences system hardware (spare parts and IMACD services) for Department of Justice and Constitutional Development	Datacentrix	Variation	Not Applicable	26 220	3 000	-
Provision of maintenance and support of the Court Recording Technology (CRT) inclusive of the sexual offenses system (SOS) for the DOJ&CD on a month to month basis not exceeding three months	Datacentrix	Expansion	Not Applicable	26 220	16 555	-
Application Development Services to the Department of Justice and Constitutional Development	IT Related	Expansion	RFQ 2019 01	34 388	3 181	-
Provision of offsite storage services	Metrofile	Expansion	Not Applicable	1 611	2 470	-
Procurement of SITA services for Network Connectivity and Hosting of IJS Transversal Datacentres (Production and Disaster Recovery)	State Information Technology Agency	Expansion	Not Applicable	17 154	785	-
Appointment of a Travel Agency for the Department of Justice and Constitutional Development and National Prosecuting Authority	1. Wings Naledi 2. Travel With Flair 3. Nexis Travel	Expansion	HO 2/2019	Rate based contract	75 000	60 209
Provision of ICT Security Support Services for the Department of Justice and Constitutional Development	Fullstream Business Solution (Pty) Ltd	Expansion	Not Applicable	1 600	3 200	-
Provision of ICT Security Support Services for the Department of Justice and Constitutional Development	Fullstream Business Solution (Pty) Ltd	Expansion	Not Applicable	1 600	800	-
Appointment of service provider for ICT Central Support for a period of 3 months	Jicho Consulting	Expansion	Not Applicable	12 392	6 196	6 196
Appointment of service provider for ICT Central Support for a period of 3 months	Jicho Consulting	Expansion	Not Applicable	12 392	6 196	-
Appointment of service provider for ICT Central Support for a period of 1 month	Jicho Consulting	Expansion	Not Applicable	12 392	2 065	-



Project description	Name of supplier	Contract modification type (Expansion or Variation)	Contract number	Original contract value	Value of previous contract expansion/s or variation/s (if applicable)	Value of current contract expansion or variation
				R'000	R'000	R'000
Appointment of an OEM accredited KOFAX service provider for the implementation, maintenance and support of KOFAX scanning solution for the DOJ&CD for a period of three (3) years	Highbury Solutions (Pty) Ltd	Expansion	RFB 2019 09	11 950	790	-
Rendering of guarding and specialised services in various offices of Department of Justice and Constitutional Development, National Prosecuting Authority and Office of the Chief Justice	1. Mabotwane Security Services 2. Fidelity Security Services 3. Phepha MV Security Services 4. Vhugi Protection Services 5. Zack Business Enterprise	Expansion	RFQ 2020 27	749 586	191 913	127 898
Rendering of guarding and specialised services in various offices of Department of Justice and Constitutional Development, National Prosecuting Authority and Office of the Chief Justice	1. Mabotwane Security Services 2. Fidelity Security Services 3. Phepha MV Security Services 4. Vhugi Protection Services 5. Zack Business Enterprise	Expansion	RFQ 2020 27	749 586	191 847	191 913
Rendering of guarding and specialised services in various offices of Department of Justice and Constitutional Development, National Prosecuting Authority and Office of the Chief Justice	1. Mabotwane Security Services 2. Fidelity Security Services 3. Phepha MV Security Services 4. Vhugi Protection Services 5. Zack Business Enterprise	Expansion	RFQ 2020 27	749 586	131 352	191 913

Project description	Name of supplier	Contract modification type (Expansion or Variation)	Contract number	Original contract value	Value of previous contract expansion/s or variation/s (if applicable)	Value of current contract expansion or variation
				R'000	R'000	R'000
Rendering of guarding and specialised services in various offices of Department of Justice and Constitutional Development, National Prosecuting Authority and Office of the Chief Justice	1. Mabotwane Security Services 2. Fidelity Security Services 3. Phepha MV Security Services 4. Vhugi Protection Services 5. Zack Business Enterprise	Expansion	RFQ 2020 27	749 586	68 026	131 352
Procurement of court recording system and sexual offences system hardware (spare parts and IMACD services) for Department of Justice and Constitutional Development	Datacentrix	Variation	Not Applicable	26 220	3 000	-
Provision of maintenance and support of the Court Recording Technology (CRT) inclusive of the sexual offenses system (SOS) for the DOJ&CD on a month to month basis not exceeding three months	Datacentrix	Expansion	Not Applicable	26 220	16 555	-
Application Development Services to the Department of Justice and Constitutional Development	IT Related	Expansion	RFQ 2019 01	34 388	3 181	-
Provision of offsite storage services	Metrofile	Expansion	Not Applicable	1 611	2 470	-
Procurement of SITA services for Network Connectivity and Hosting of IJS Transversal Datacentres (Production and Disaster Recovery)	State Information Technology Agency	Expansion	Not Applicable	17 154	785	-
Appointment of a Travel Agency for the Department of Justice and Constitutional Development and National Prosecuting Authority	1. Wings Naledi 2. Travel With Flair 3. Nexis Travel	Expansion	HO 2/2019	Rate based contract	75 000	60 209
Provision of ICT Security Support Services for the Department of Justice and Constitutional Development	Fullstream Business Solution (Pty) Ltd	Expansion	Not Applicable	1 600	3 200	-

Project description	Name of supplier	Contract modification type (Expansion or Variation)	Contract number	Original contract value	Value of previous contract expansion/s or variation/s (if applicable)	Value of current contract expansion or variation
				R'000	R'000	R'000
Provision of ICT Security Support Services for the Department of Justice and Constitutional Development	Fullstream Business Solution (Pty) Ltd	Expansion	Not Applicable	1 600	800	-
Appointment of service provider for ICT Central Support for a period of 3 months	Jicho Consulting	Expansion	Not Applicable	12 392	6 196	6 196
Appointment of service provider for ICT Central Support for a period of 3 months	Jicho Consulting	Expansion	Not Applicable	12 392	6 196	-
Appointment of service provider for ICT Central Support for a period of 1 month	Jicho Consulting	Expansion	Not Applicable	12 392	2 065	-
Appointment of an OEM accredited KOFAX service provider for the implementation, maintenance and support of KOFAX scanning solution for the DOJ&CD for a period of three (3) years	Highbury Solutions (Pty) Ltd	Expansion	RFB 2019 09	11 950	790	-
<b>Total</b>				<b>3 156 266</b>	<b>703 377</b>	<b>709 481</b>

PART F |  
FINANCIAL STATEMENTS



# REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON VOTE NO. 25: DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

## REPORT ON THE AUDIT OF THE FINANCIAL STATEMENTS

### Opinion

1. I have audited the financial statements of the Department of Justice and Constitutional Development set out on pages 223 to 278, which comprise the appropriation statement, statement of financial position as at 31 March 2023, statement of financial performance, statement of changes in net assets, and cash flow statement for the year then ended, as well as notes to the financial statements, including a summary of significant accounting policies.
2. In my opinion, the financial statements present fairly, in all material respects, the financial position of the Department of Justice and Constitutional Development as at 31 March 2023, and its financial performance and cash flows for the year then ended in accordance with the Modified Cash Standard (MCS) prescribed by National Treasury (NT) and the requirements of the Public Finance Management Act 1 of 1999 (PFMA).

### Basis for opinion

3. I conducted my audit in accordance with the International Standards on Auditing (ISAs). My responsibilities under those standards are further described in the responsibilities of the auditor-general for the audit of the financial statements section of my report.

4. I am independent of the Department in accordance with the International Ethics Standards Board for Accountants' *International code of ethics for professional accountants (including International Independence Standards)* (IESBA code) as well as other ethical requirements that are relevant to my audit in South Africa. I have fulfilled my other ethical responsibilities in accordance with these requirements and the IESBA code.
5. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

### Emphasis of matters

6. I draw attention to the matters below. My opinion is not modified in respect of these matters.

Material impairment - receivables

7. As disclosed in the note 12.5 to the financial statements, material impairment of R1 541 218 000 (2022: R1 602 275 000) were reported. This was due to financial constraints of client departments.

### Restatement of corresponding figures

8. As disclosed in note 34 to the financial statements, the corresponding figures for 31 March 2022 were restated as a result of an error in the financial statements of the Department at, and for the year ended, 31 March 2023.

### Other matters

9. I draw attention to the matters below. My opinion is not modified in respect of these matters.

### National Treasury Instruction Note No. 4 of 2022-23: PFMA Compliance and Reporting Framework

10. On 23 December 2022 National Treasury issued Instruction Note No. 4: PFMA Compliance and Reporting Framework of 2022-23 in terms of section 76(1)(b), (e) and (f), 2(e) and (4)(a) and (c) of the PFMA, which came into effect on 3 January 2023. The PFMA Compliance and Reporting Framework also addresses the disclosure of unauthorised expenditure, irregular expenditure and fruitless and wasteful expenditure. Among the effects of this framework is that irregular and fruitless and wasteful expenditure incurred in previous financial years and not addressed is no longer disclosed in the disclosure notes of the annual financial statements, only the current year and prior year figures are disclosed in note 25 to the financial statements. The movements in respect of irregular expenditure and fruitless and wasteful expenditure are no longer disclosed in the notes to the annual financial statements of Department of Justice and Constitutional Development. The disclosure of these movements (e.g. condoned, recoverable, removed, written off, under assessment, under determination and under investigation) are now required to be included as part of other information in the annual report of the auditees. I do not express an opinion on the disclosure of irregular expenditure and fruitless and wasteful expenditure in the annual report.

### Unaudited supplementary schedules

11. The supplementary information set out on pages 279 to 284 does not form part of the financial statements is presented as additional information. I have not audited these schedules and, accordingly, I do not express an opinion on them.

### Responsibilities of the Accounting Officer for the financial statements

12. The accounting officer is responsible for the preparation and fair presentation of the financial statements in accordance with the MCS prescribed by NT and the requirements of the PFMA; and for such internal control as the accounting officer determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.
13. In preparing the financial statements, the accounting officer is responsible for assessing the Department's ability to continue as a going concern; disclosing, as applicable, matters relating to going concern; and using the going concern basis of accounting unless the appropriate governance structure either intends to liquidate the Department's or to cease operations, or has no realistic alternative but to do so.

### Responsibilities of the auditor-general for the audit of the financial statements

14. My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error; and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with the ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.
15. A further description of my responsibilities for the audit of the financial statements is included in the annexure to this auditor's report.

## Report on the audit of the annual performance report

16. In accordance with the Public Audit Act 25 of 2004 (PAA) and the general notice issued in terms thereof, I must audit and report on the usefulness and reliability of the reported performance against predetermined objectives for selected programme presented in the annual performance report. The accounting officer is responsible for the preparation of the annual performance report.

17. I selected the following programmes presented in the annual performance report for the year ended 31 March 2023 for auditing. I selected two programmes that measure the Department's performance on its primary mandated functions and that are of significant national, community or public interest.

Programme	Page numbers	Purpose
State legal services	84-109	Programme 3 provide legal and legislative services to government. Supervise the registration of trusts, and the administration of deceased and insolvent estates and estates undergoing liquidation. Manage the Guardian's Fund. Prepare and promote legislation. Facilitate constitutional development and undertake research in support of this.
National Prosecuting Authority	110-120	Programme 4 provides a co-ordinated prosecuting service that ensures that justice is delivered to victims of crime through general and specialised prosecutions. Furthermore, it removes profit from crime and protects certain witnesses

18. I evaluated the reported performance information for the selected programmes against the criteria developed from the performance management and reporting framework, as defined in the general notice. When an annual performance report is prepared using these criteria, it provides useful and reliable information and insights to users on the Department's planning and delivery on its mandate and objectives.

19. I performed procedures to test whether:

- the indicators used for planning and reporting on performance can be linked directly to the Department's mandate and the achievement of its planned objectives
- the indicators are well defined and verifiable to ensure that they are easy to understand and apply consistently and that I can confirm the methods and processes to be used for measuring achievements
- the targets can be linked directly to the achievement of the indicators and are specific, time bound and measurable to ensure that it is easy to understand what should be delivered and by when, the required level of performance as well as how performance will be evaluated
- the indicators and targets reported on in the annual performance report are the same as what was committed to in the approved initial or revised planning documents
- the reported performance information is presented in the annual performance report in the prescribed manner
- there are adequate supporting evidence for the achievements reported and for the reasons provided for any over- or underachievement of targets.

20. I performed the procedures for the purpose of reporting material findings only; and not to express an assurance opinion.

21. The material findings on the performance information of the selected programmes are as follows:

### Programme 3: State Legal Services

22. Based on audit evidence, the actual achievements for two indicators did not agree to what was reported. I could not determine the actual achievements, but I estimated them to be materially less. Consequently, the targets were not achieved, the under achievements on the targets were more than reported and the achievements against the targets were lower than reported.

Indicator	Target	Reported achievement
Indicator 5.1.1 (Initial APP) Percentage of Liquidation and distribution accounts in large estates (>250 000) examined within 21 days from receipt of all required documents	75%	80%
Indicator 5.1.1 (Final Revised APP) Percentage of Liquidation and distribution accounts in deceased estates where letters of executorship has been issued, examined within 21 days from receipt of all required documents	75%	79%

#### Indicator 7.2.1 Percentage of litigation cases settled

23. An achievement of 63% was reported against a target of 55%. However, the audit evidence did not support this achievement. I could not determine the actual achievement, but I estimated it to be materially more than reported. Consequently, it is likely that the achievement against the target was better than reported.

#### Programme 4: National Prosecuting Authority

24. Based on audit evidence, the actual achievements for four indicators did not agree to what was reported. I could not determine the actual achievements, but I estimated them to be materially less. Consequently, the targets were not achieved, the under achievements on the targets were more than reported and the achievements against the targets were lower than reported.

Indicator	Target	Reported achievement
Indicator 10.4.3. Conviction rate in District Court	88%	94.5%
Indicator 10.5.2. Number of persons convicted of corruption and/or offences related to corruption	334	338
Indicator 10.5.4. Number of state capture matters enrolled	9	18
Indicator 4.14.2. Conviction rate in sexual offences	70%	74,8%

25. Based on audit evidence, the actual achievements for two indicators did not agree to what was reported. I could not determine the actual achievements, but I estimated them to be materially more. It is likely that the achievements against the target was better than reported.

Indicator	Target	Reported achievement
Indicator 10.5.5. Number of cases finalised with a verdict involving money laundering	100	89
Indicator 4.14.3. Number of public awareness sessions held	300	307

#### Other matters

26. I draw attention to the matters below.

#### Achievement of planned targets

27. The annual performance report includes information on reported achievements against planned targets and provides explanations for over- and underachievement's. This information should be considered in the context of the material findings on the reported performance information.



### Material misstatements

28. I identified material misstatements in the annual performance report submitted for auditing. These material misstatements were in the reported performance information for the selected programmes. Management did not correct all of the misstatements and I reported material findings in this regard.

### Report on compliance with legislation

29. In accordance with the PAA and the general notice issued in terms thereof, I must audit and report on compliance with applicable legislation relating to financial matters, financial management and other related matters. The accounting officer is responsible for the Department's compliance with legislation.

30. I performed procedures to test compliance with selected requirements in key legislation in accordance with the findings engagement methodology of the Auditor-General of South Africa (AGSA). This engagement is not an assurance engagement. Accordingly, I do not express an assurance opinion or conclusion.

31. Through an established AGSA process, I selected requirements in key legislation for compliance testing that are relevant to the financial and performance management of the Department, clear to allow consistent measurement and evaluation, while also sufficiently detailed and readily available to report in an understandable manner. The selected legislative requirements are included in the annexure to this auditor's report.

32. The material findings on compliance with the selected legislative requirements, presented per compliance theme, are as follows:

### Revenue management

33. Effective and appropriate steps were not taken to collect all money due, as required by section 38(1)(c)(i) of the PFMA.

### Other information in the annual report

34. The accounting officer is responsible for the other information included in the annual report. The other information referred to does not include the financial statements, the auditor's report and those selected programmes presented in the annual performance report that have been specifically reported on in this auditor's report.

35. My opinion on the financial statements, the report on the audit of the annual performance report and the report on compliance with legislation, do not cover the other information included in the annual report and I do not express an audit opinion or any form of assurance conclusion on it.

36. My responsibility is to read this other information and, in doing so, consider whether it is materially inconsistent with the financial statements and the selected programmes presented in the annual performance report, or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

37. The other information I obtained prior to the date of this auditor's report are disclosure on Irregular, Fruitless and Wasteful expenditure and the Deputy Minister and Ministers foreword, Human resource oversight, accounting officer's report and audit committee report are expected to be made available to us after 31 July 2023. If, based on the work I have performed on the other information that I obtained prior to the date of this auditor's report, I conclude that there is a material misstatement of this other information, I am required to report that fact.

38. When I do receive and read the minister's foreword, accounting officer's report and audit committee report, if I conclude that there is a material misstatement therein, I am required to communicate the matter to those charged with governance and request that the other information be corrected. If the other information is not corrected, I may have to retract this auditor's report and re-issue an amended report as appropriate. However, if it is corrected this will not be necessary.

### Internal control deficiencies

39. I considered internal control relevant to my audit of the financial statements, annual performance report and compliance with applicable legislation; however, my objective was not to express any form of assurance on it.
40. The matters reported below are limited to the significant internal control deficiencies that resulted in the basis for the opinion and the material findings on the annual performance report and the material findings on compliance with legislation included in this report.
41. Management did not adequately prepare accurate and complete financial and performance reports that are supported and evidenced by reliable information.
42. Management did not review and monitor compliance with applicable laws and regulations which resulted in material non-compliance with key legislation.
45. The president of the country has, in terms of SIUSTA, authorised the Special Investigating Unit to investigate the affairs of the Department of Justice and Constitutional Development in so far as it relates to the all Masters Offices across the country. This investigation was still in progress at the date of this auditor's report.

*Auditor-General*

Pretoria  
31 July 2023



AUDITOR - GENERAL  
SOUTH AFRICA

*Auditing to build public confidence*

### Other reports

43. I draw attention to the following engagements conducted by various parties. These reports did not form part of my opinion on the financial statements or my findings on the reported performance information or compliance with legislation.
44. The president of the country has, in terms of the Special Investigating Units and Special Tribunals Act 74 of 1996 (SIUSTA), authorised the Special Investigating Unit to investigate the affairs of the Department of Justice and Constitutional Development in so far as they relate to the Office of the State Attorney and all its branches. This investigation, which covers the period 2012-13 to 2018-19, was still in progress at the date of this auditor's report.

## ANNEXURE TO THE AUDITOR'S REPORT

### The annexure includes the following:

- the auditor-general's responsibility for the audit
- the selected legislative requirements for compliance testing.

### Auditor-general's responsibility for the audit

#### Professional judgement and professional scepticism

As part of an audit in accordance with the ISAs, I exercise professional judgement and maintain professional scepticism throughout my audit of the financial statements and the procedures performed on reported performance information for selected programmes and on the Department's compliance with selected requirements in key legislation.

#### Financial statements

In addition to my responsibility for the audit of the financial statements as described in this auditor's report, I also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error; design and perform audit procedures responsive to those risks; and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations or the override of internal control
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Department's internal control
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made

- conclude on the appropriateness of the use of the going concern basis of accounting in the preparation of the financial statements. I also conclude, based on the audit evidence obtained, whether a material uncertainty exists relating to events or conditions that may cast significant doubt on the ability of the Department to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements about the material uncertainty or, if such disclosures are inadequate, to modify my opinion on financial statements. My conclusions are based on the information available to me at the date of this auditor's report. However, future events or conditions may cause a department to cease operating as a going concern
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

### Communication with those charged with governance

I communicate with the accounting officer regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

I also provide the accounting officer with a statement that I have complied with relevant ethical requirements regarding independence and to communicate with them all relationships and other matters that may reasonably be thought to bear on my independence and, where applicable, actions taken to eliminate threats or safeguards applied.

### Compliance with legislation – selected legislative requirements

The selected legislative requirements are as follows:

Legislation	Sections or regulations
Public Finance Management Act No.1 of 1999 (PFMA)	Sections 1; 38(1)(a)(iv); 38(1)(b); 38(1)(c); 38(1)(c)(i); 38(1)(c)(ii); 38(1)(d); 38(1)(h)(iii); 39(1)(a); 39(2)(a); 40(1)(a); 40(1)(b); 40(1)(c)(i); 43(4); 44; 44(1) and (2); 45(b)
Treasury Regulations for departments, trading entities, constitutional institutions and public entities (TR)	Treasury Regulations 4.1.1; 4.1.3; 5.1.1; 5.2.1; 5.2.3(a); 5.2.3(d); 5.3.1; 6.3.1(a); 6.3.1(b); 6.3.1(c); 6.3.1(d); 6.4.1(b); 7.2.1; 8.1.1; 8.2.1; 8.2.2; 8.2.3; 8.4.1; 9.1.1; 9.1.4; 10.1.1(a); 10.1.2; 11.4.1; 11.4.2; 11.5.1; 12.5.1; 15.10.1.2(c); 16A3.1; 16A3.2; 16A 3.2(a); 16A6.1; 16A6.2(a), (b) & (e); 16A6.3(a); 16A6.3(a)(i); 16A6.3(b); 16A6.3(c); 16A6.3(d) ; 16A6.3(e); 16A6.4; 16A6.5; 16A6.6; 16A7.1; 16A7.3; 16A7.6; 16A7.7; 16A8.2(1) and (2); 16A8.3; 16A8.3(d); 16A8.4; 16A9; 16A9.1; 16A9.1(b)(ii); 16A9.1(c); 16A9.1(d); 16A9.1(e); 16A9.2; 16A9.2(a)(ii) & (iii); 16A9.1(f); 17.1.1; 18.2; 19.8.4
Division of Revenue Act No. 5 of 2022	Section 16(1)
Public Service Regulation (PSR)	Regulations 13(c); 18; 18(1) and (2); 25(1)(e)(i); 25(1)(e)(iii)
Prevention and Combating of Corrupt Activities Act No.12 of 2004 (PRECCA)	Sections 29; 34(1)
Construction Industry Development Board Act No.38 of 2000 (CIDB)	Section 18(1)
Construction Industry Development Board Regulations	Regulations 17; 25(1); 25(5) & 25(7A)
Preferential Procurement Policy Framework Act No 5 2000 (PPPFA)	Sections 1(i); 2.1(a); 2.1(b); 2.1(f)
Preferential Procurement Regulations 2017 (PPR)	Regulations 4.1; 4.2; 5.1; 5.3; 5.6; 5.7; 6.1; 6.2; 6.3; 6.5; 6.6; 6.8; 7.1; 7.2; 7.3; 7.5; 7.6; 7.8; 8.2; 8.5; 9.1; 9.2; 10.1; 10.2; 11.1; 11.2; 12.1 and 12.2
Preferential Procurement Regulations 2022 (PPR)	Regulations 3.1; 4.1; 4.2; 4.3; 4.4; 5.1; 5.2; 5.3; 5.4
State Information Technology Agency Act No 88 of 1998 (SITA)	Sections 7(3); 7(6)(b); 20(1)(a)(I)
State Information Technology Agency regulations	Regulations 8.1.1(b); 8.1.4; 8.1.7; 9.6; 9.4; 12.3; 13.1(a); 14.1; 14.2
PFMA SCM Instruction no. 09 of 2022/2023	Paragraphs 3.1; 3.3(b); 3.3(c); 3.3(e); 3.6
National Treasury (NT) Instruction No.1 of 2015/16	Paragraphs 3.1; 4.1; 4.2
NT SCM Instruction Note 03 2021/22	Paragraphs 4.1; 4.2 (b); 4.3; 4.4; 4.4(a); 4.4(c) - (d); 4.6; 5.4; 7.2; 7.6
NT SCM Instruction 4A of 2016/17	Paragraph 6
NT SCM Instruction Note 03 2019/20	Paragraphs 5.5.1(vi); 5.5.1(x);

Legislation	Sections or regulations
NT SCM Instruction Note 11 2020/21	Paragraph 3.1; 3.4(a) and (b); 3.9; 6.1; 6.2; 6.7
NT SCM Instruction note 2 of 2021/22	Paragraphs 3.2.1; 3.2.2; 3.2.4(a) and (b) ; 3.3.1; 3.2.2; 4.1
PFMA SCM Instruction 04 of 2022/23	Paragraphs 4(1); 4(2); 4(4)
Practice Note 5 of 2009/10	Paragraph 3.3
PFMA SCM instruction 08 of 2022/23	Paragraphs 3.2; 4.3.2 and 4.3.3
NT instruction note 4 of 2015/16	Paragraph 3.4
NT instruction 3 of 2019/20 – Annexure A	Paragraphs 5.5.1(iv) and (x)
Second amendment of NTI 05 of 2020/21	Paragraphs 4.8; 4.9 ; 5.1 ; 5.3
Erratum NTI 5 of 2020/21	Paragraph 1
Erratum NTI 5 of 2020/21	Paragraph 2
Practice note 7 of 2009/10	Paragraph 4.1.2
Practice note 11 of 2008/9	Paragraphs 3.1; 3.1(b)
NT instruction note 1 of 2021/22	Paragraph 4.1
Public Service Act No. 103 of 1994	Section 30 (1)

# ANNUAL FINANCIAL STATEMENTS FOR The Department OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

For the year ended 31 March 2023

The financial Statements set out from Page 223, which have been prepared on a going concern basis, were approved and Signed by the accounting officer on 31 May 2023.



*Adv Doctor Mashabane Accounting Officer*

Appropriation per programme										
Programme	2022/23					2021/22				
	Adjusted Appropriation R'000	Shifting of Funds R'000	Virement R'000	Final Appropriation R'000	Actual Expenditure R'000	Variance R'000	Expenditure as % of final appropriation %	Adjusted Appropriation R'000	Actual Expenditure R'000	
1. Administration	3 049 845	-	(74 380)	2 975 465	2 933 492	41 973	98.6%	2 985 563	2 754 748	
2. Court Services	7 019 426	-	16 733	7 036 159	7 021 458	14 701	99.8%	6 751 609	6 680 208	
3. State Legal services	1 416 002	-	106 114	1 522 116	1 479 079	43 037	97.2%	1 457 036	1 372 842	
4. National Prosecuting Authority	4 956 986	-	70 182	5 027 168	5 013 178	13 990	99.7%	4 691 159	4 690 923	
5. Auxiliary and Associated Services	4 039 765	-	(118 649)	3 921 116	3 909 286	11 830	99.7%	3 623 341	3 601 628	
<b>Subtotal</b>	<b>20 482 024</b>	<b>-</b>	<b>-</b>	<b>20 482 024</b>	<b>20 356 493</b>	<b>125 531</b>	<b>99.4%</b>	<b>19 508 708</b>	<b>19 100 349</b>	
<b>Statutory Appropriation</b>	<b>2 398 506</b>	<b>-</b>	<b>-</b>	<b>2 398 506</b>	<b>2 297 402</b>	<b>101 104</b>	<b>95.8%</b>	<b>2 396 489</b>	<b>2 174 511</b>	
Magistrates' salaries	2 398 506	-	-	2 398 506	2 297 402	101 104	95.8%	2 396 489	2 174 511	
<b>TOTAL</b>	<b>22 880 530</b>	<b>-</b>	<b>-</b>	<b>22 880 530</b>	<b>22 653 895</b>	<b>226 635</b>	<b>99.0%</b>	<b>21 905 197</b>	<b>21 274 860</b>	

	2022/23		2021/22	
	Final Appropriation	Actual Expenditure	Final Appropriation	Actual Expenditure
Reconciliation with statement of financial performance				
<b>ADD</b>				
Departmental receipts	503 042		365 382	
Aid assistance	-		18 900	
<b>Actual amounts per statement of financial performance (total revenue)</b>	<b>23 383 572</b>		<b>22 289 479</b>	
<b>ADD</b>			<b>21 292 863</b>	
Aid assistance		8 516		18 003
<b>Actual amounts per statement of financial performance (total expenditure)</b>		<b>22 662 411</b>		



Appropriation per economic classification									
2022/23					2021/22				
Economic classification	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Economic classification</b>									
<b>Current payments</b>	18 690 932	(4 323)	(241 179)	18 445 430	18 251 782	193 648	99.0%	17 569 266	17 010 828
Compensation of employees	13 161 736	-	(2 652)	13 159 084	12 983 276	175 808	98.7%	12 551 240	12 211 482
Salaries and wages	11 389 296	(33 522)	(49 016)	11 306 758	11 227 717	79 041	99.3%	10 780 882	10 573 995
Social contributions	1 772 440	33 522	46 364	1 852 326	1 755 559	96 767	94.8%	1 770 358	1 637 487
Goods and services	5 529 196	(4 323)	(238 527)	5 286 346	5 268 506	17 840	99.7%	5 018 026	4 799 346
Administrative fees	32 756	(2 224)	(239)	30 293	30 293	-	100.0%	25 221	25 221
Advertising	24 898	(8 483)	(6)	16 409	16 409	-	100.0%	17 054	17 054
Minor assets	43 846	(9 424)	(214)	34 208	34 208	-	100.0%	19 228	19 229
Audit costs: External	42 999	86 644	(4 540)	125 103	125 103	-	100.0%	55 394	55 394
Bursaries: Employees	8 895	5 503	-	14 398	14 398	-	100.0%	9 332	9 332
Catering: Departmental activities	8 662	(517)	-	8 145	8 145	-	100.0%	2 469	2 469
Communication	137 933	(14 948)	5 277	128 262	128 262	-	100.0%	120 720	120 720
Computer services	1 236 054	(119 187)	(430 288)	686 579	685 529	1 050	99.8%	879 604	857 891
Consultants: Business and advisory services	90 361	35 529	(6 764)	119 126	117 037	2 089	98.2%	161 030	159 543
Laboratory services	1 913	(1 008)	-	905	905	-	100.0%	694	694
Legal services	126 706	(51 441)	84 866	160 131	160 131	-	100.0%	275 802	272 213
Contractors	172 837	(44 735)	15 785	143 887	143 887	-	100.0%	128 043	128 043

Appropriation per economic classification									
Economic classification	2022/23					2021/22			
	Adjusted Appropriation R'000	Shifting of Funds R'000	Virement R'000	Final Appropriation R'000	Actual Expenditure R'000	Variance R'000	Expenditure as % of final appropriation %	Final Appropriation R'000	Actual expenditure R'000
Agency and support / outsourced services	213 523	19 077	-	232 600	232 600	-	100.0%	144 603	144 603
Entertainment	371	(368)	(1)	2	2	-	100.0%	3	3
Fleet services	67 849	21 230	(441)	88 638	88 638	-	100.0%	63 772	63 772
Inventory: Fuel Oil and Gas		1 111	-	1 111	1 111	-	100.0%	79	79
Inventory: Other supplies	-	97	-	97	97	-	100.0%		
Consumable supplies	32 605	(2 707)	(693)	29 205	29 205	-	100.0%	26 574	26 574
Consumable: Stationery printing and office supplies	246 225	(61 008)	-	185 217	185 217	-	100.0%	188 400	188 400
Operating leases	1 026 983	14 559	115 083	1 156 625	1 156 625	-	100.0%	1 056 394	930 790
Property payments	1 407 039	(5 184)	(46 115)	1 355 740	1 341 039	14 701	98.9%	1 392 581	1 326 293
Transport provided: Departmental activity	125	(109)	-	16	16	-	100.0%	-	-
Travel and subsistence	283 862	136 527	(523)	419 866	419 866	-	100.0%	280 334	280 334
Training and development	50 958	(36 138)	(1 874)	12 946	12 946	-	100.0%	5 943	5 943
Operating payments	255 449	24 226	22 570	302 245	302 245	-	100.0%	157 258	157 258
Venues and facilities	11 794	11 120	-	22 914	22 914	-	100.0%	6 663	6 663
Rental and hiring	4 553	(2 465)	-	2 088	2 088	-	100.0%	831	831
<b>Transfers and subsidies</b>	<b>3 365 428</b>	<b>-</b>	<b>22 653</b>	<b>3 388 081</b>	<b>3 370 075</b>	<b>18 006</b>	<b>99.5%</b>	<b>3 195 266</b>	<b>3 179 180</b>
Provinces and municipalities	1 009	(45)	(119)	845	845	-	100.0%	664	664
<b>Municipalities</b>	<b>1 009</b>	<b>(45)</b>	<b>(119)</b>	<b>845</b>	<b>845</b>	<b>-</b>	<b>100.0%</b>	<b>664</b>	<b>664</b>

Appropriation per economic classification										
2022/23										2021/22
Economic classification	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure	
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000
Municipal bank accounts	1 009	(45)	(119)	845	845	-	100.0%	664	664	664
Municipal agencies and funds										
<b>Departmental agencies and accounts</b>	<b>3 234 935</b>	<b>(18)</b>	<b>20 042</b>	<b>3 254 959</b>	<b>3 252 610</b>	<b>2 349</b>	<b>99.9%</b>	<b>3 056 613</b>	<b>3 054 093</b>	<b>3 054 093</b>
Departmental agencies and accounts	3 234 935	(18)	20 042	3 254 959	3 252 610	2 349	99.9%	3 056 613	3 054 093	3 054 093
Foreign governments and international organisations	20 655	-	(4 000)	16 655	16 569	86	99.5%	16 715	13 703	13 703
<b>Households</b>	<b>108 829</b>	<b>63</b>	<b>6 730</b>	<b>115 622</b>	<b>100 051</b>	<b>15 571</b>	<b>86.5%</b>	<b>121 274</b>	<b>110 720</b>	<b>110 720</b>
Social benefits	101 036	1 243	3 039	105 318	89 747	15 571	85.2%	116 364	105 958	105 958
Other transfers to households	7 793	(1 180)	3 691	10 304	10 304	-	100.0%	4 910	4 762	4 762

Appropriation per economic classification										
	2022/23					2021/22				
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure	
Economic classification	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	
Payments for capital assets	823 925	-	157 094	981 019	966 038	14 981	98.5%	1 093 644	1 037 831	
Buildings and other fixed structures	571 509	-	(95 537)	475 972	475 972	-	100.0%	664 201	609 389	
Buildings	568 710	-	(95 017)	473 693	473 693	-	100.0%	660 799	609 153	
Other fixed structures	2 799	-	(520)	2 279	2 279	-	100.0%	3 402	236	
Machinery and equipment	252 192	(4 648)	63 308	310 852	295 871	14 981	95.2%	287 270	286 269	
Transport equipment	89 318	(3 529)	3 494	89 283	88 007	1 276	98.6%	86 280	85 958	
Other machinery and equipment	162 874	(1 119)	59 814	221 569	207 864	13 705	93.8%	200 990	200 311	
Software and other intangible assets	224	4 648	198 913	203 785	203 785	-	100.0%	142 173	142 173	
Payments for financial assets	245	4 323	61 432	66 000	66 000	-	100.0%	47 021	47 021	
Total	22 880 530	-	-	22 880 530	22 653 895	226 635	99.0%	21 905 197	21 274 860	

Programme 1: Administration		2022/23							2021/22	
		Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	
<b>Sub-programme</b>										
1. Ministry	39 767	(2 299)	129	37 597	37 176	421	98.9%	34 289	30 588	
2. Management	63 733	2 616	285	66 634	66 634	-	100.0%	57 087	54 827	
3. Corporate Service	1 077 873	(2 014)	(59 515)	1 016 344	982 103	34 241	96.6%	1 060 482	1 034 624	
4. Financial Administration	235 432	(1 350)	(10 112)	223 970	219 786	4 184	98.1%	205 367	203 665	
5. Internal Audit	104 852	3 047	(1 721)	106 178	103 051	3 127	97.1%	100 515	95 113	
6. Office Accommodation	1 528 188	-	(3 446)	1 524 742	1 524 742	-	100.0%	1 527 823	1 335 931	
<b>Total for sub-programmes</b>	<b>3 049 845</b>	<b>-</b>	<b>(74 380)</b>	<b>2 975 465</b>	<b>2 933 492</b>	<b>41 973</b>	<b>98.6%</b>	<b>2 985 563</b>	<b>2 754 748</b>	
<b>Economic classification</b>										
Current payments	3 011 662	(606)	(259 707)	2 751 349	2 711 724	39 625	98.6%	2 924 648	2 696 116	
Compensation of employees	691 926	-	(48 494)	643 432	603 807	39 625	93.8%	633 914	597 274	
Salaries and wages	603 466	1 763	(41 754)	563 475	524 271	39 204	93.0%	553 247	523 233	
Social contributions	88 460	(1 763)	(6 740)	79 957	79 536	421	99.5%	80 667	74 041	
Goods and services	2 319 736	(606)	(211 213)	2 107 917	2 107 917	-	100.0%	2 290 734	2 098 842	
Administrative fees	6 324	462	(239)	6 547	6 547	-	100.0%	4 546	4 546	
Advertising	16 704	(7 094)	(6)	9 604	9 604	-	100.0%	12 161	12 161	

Programme 1: Administration	2022/23						2021/22		
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Minor assets	2 152	(35)	(214)	1 903	1 903	-	100.0%	1 010	1 010
Audit costs: External	42 999	86 644	(4 540)	125 103	125 103	-	100.0%	55 394	55 394
Bursaries: Employees	8 018	2 100	-	10 118	10 118	-	100.0%	6 813	6 813
Catering: Departmental activities	2 570	(13)	-	2 557	2 557	-	100.0%	698	698
Communication	16 207	(4 146)	(329)	11 732	11 732	-	100.0%	11 647	11 647
Computer services	552 915	(59 344)	(200 815)	292 756	292 756	-	100.0%	454 581	454 581
Consultants: Business and advisory services	11 462	(5 125)	(61)	6 276	6 276	-	100.0%	105 760	105 760
Laboratory services	3	(3)	-	-	-	-	-	3	3
Legal services	3 677	2 168	-	5 845	5 845	-	100.0%	44 472	44 472
Contractors	8 450	(2 944)	(4)	5 502	5 502	-	100.0%	3 661	3 661
Agency and support / outsourced services	338	(295)	-	43	43	-	100.0%	263	263
Entertainment	8	(6)	-	2	2	-	100.0%	3	3
Fleet services	2 799	(128)	(441)	2 230	2 230	-	100.0%	1 841	1 841
Consumable supplies	1 775	119	(40)	1 854	1 854	-	100.0%	775	775
Consumable: Stationery printing and office supplies	14 353	(4 961)	-	9 392	9 392	-	100.0%	7 976	7 976
Operating leases	991 262	(1 829)	111 914	1 101 347	1 101 347	-	100.0%	101 4807	889 203
Property payments	540 073	(10)	(115 659)	424 404	424 404	-	100.0%	515 338	449 050
Transport provided: Departmental activity	75	(59)	-	16	16	-	100.0%	-	-
Travel and subsistence	57 640	5 866	(559)	62 947	62 947	-	100.0%	36 253	36 253

Programme 1: Administration		2022/23						2021/22		
		Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure
		R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Training and development		17 577	(13 010)	-	4 567	4 567	-	100.0%	1 725	1 725
Operating payments		15 661	350	(220)	15 791	15 791	-	100.0%	7 345	7 345
Venues and facilities		5 515	804	-	6 319	6 319	-	100.0%	3 351	3 351
Rental and hiring		1 179	(117)	-	1 062	1 062	-	100.0%	311	311
<b>Transfers and subsidies</b>		22 355	-	1 673	24 028	21 680	2 348	90.2%	22 355	23 398
Provinces and municipalities		49	(9)	-	40	40	-	100.0%	47	47
<b>Municipalities</b>		49	(9)	-	40	40	-	100.0%	47	47
Municipal bank accounts		49	(9)	-	40	40	-	100.0%	47	47
Municipal agencies and funds		-	-	-	-	-	-	-	-	-
<b>Departmental agencies and accounts</b>		20083	(22)	26	20087	17739	2348	88.3%	19411	17128
Departmental agencies and accounts		20083	(22)	26	20087	17739	2348	88.3%	19411	17128
<b>Households</b>		2 223	31	1 647	3 901	3 901	-	100.0%	6 223	6 223
Social benefits		2 223	31	1 647	3 901	3 901	-	100.0%	5814	5814
Other transfers to households		-	-	-	-	-	-	-	409	409
<b>Payments for capital assets</b>		15 764	-	183 654	199 418	199 418	-	100.0%	34 959	34 959
<b>Buildings and other fixed structures</b>		-	-	-	-	-	-	-	-	-

Programme 1: Administration		2022/23						2021/22		
		Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure
		R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Machinery and equipment</b>		15 585	(3 299)	9 687	21 973	21 973	-	100.0%	33 800	33 800
Transport equipment		4 563	(2 143)	(116)	2 304	2 304	-	100.0%	5 186	5 186
Other machinery and equipment		11 022	(1 156)	9 803	19 669	19 669	-	100.0%	28 614	28 614
Software and other intangible assets		179	3 299	173 967	177 445	177 445	-	100.0%	1 159	1 159
<b>Payments for financial assets</b>		64	606	-	670	670	-	100.0%	275	275
<b>Total</b>		<b>3 049 845</b>	<b>-</b>	<b>(74 380)</b>	<b>2 975 465</b>	<b>2 933 492</b>	<b>41 973</b>	<b>98.6%</b>	<b>2 985 563</b>	<b>2 754 748</b>



Programme 2: Court Services		2021/22									
		2022/23									
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure		
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000		R'000
<b>Sub-programme</b>											
1. Lower Courts	5 446 453	42 515	98 084	5 587 052	5 572 351	14 701	99.7%	5 232 916	5 232 916		5 232 916
2. Family Advocate	293 717	(23 742)	-	269 975	269 975	-	100.0%	263 877	248 595		248 595
3. Magistrate's Commission	15 686	(4 823)	(205)	10 658	10 658	-	100.0%	12 755	11 575		11 575
4. Facilities Management	635 574	(7 462)	(95 537)	532 575	532 575	-	100.0%	688 390	633 578		633 578
5. Administration of Courts	627 996	(6 488)	14 391	635 899	635 899	-	100.0%	553 671	553 544		553 544
<b>Total for sub-programmes</b>	<b>7 019 426</b>	<b>-</b>	<b>16 733</b>	<b>7 036 159</b>	<b>7 021 458</b>	<b>14 701</b>	<b>99.8%</b>	<b>6 751 609</b>	<b>6 680 208</b>		<b>6 680 208</b>
<b>Economic classification</b>											
<b>Current payments</b>	<b>6 317 078</b>	<b>(172)</b>	<b>105 409</b>	<b>6 422 315</b>	<b>6 407 614</b>	<b>14 701</b>	<b>99.8%</b>	<b>5 968 617</b>	<b>5 952 028</b>		<b>5 952 028</b>
Compensation of employees	4 637 122	-	28 227	4 665 349	4 665 349	-	100.0%	4 430 987	4 414 398		4 414 398
Salaries and wages	3 996 893	(155 905)	3 558	3 844 546	3 844 546	-	100.0%	3 661 951	3 645 988		3 645 988
Social contributions	640 229	155 905	24 669	820 803	820 803	-	100.0%	769 036	768 410		768 410
Goods and services	1 679 956	(172)	77 182	1 756 966	1 742 265	14 701	99.2%	1 537 630	1 537 630		1 537 630
Administrative fees	7 071	(434)	-	6 637	6 637	-	100.0%	4 584	4 584		4 584
Advertising	4 516	(2 312)	-	2 204	2 204	-	100.0%	885	885		885
Minor assets	25 927	(2 467)	-	23 460	23 460	-	100.0%	13 132	13 132		13 132
Audit costs: External	-	-	-	-	-	-	-	-	-		-
Catering: Departmental activities	3 239	(1 153)	-	2 086	2 086	-	100.0%	884	884		884

Programme 2: Court Services									
2022/23					2021/22				
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Communication	86 222	(12 887)	-	73 335	73 335	-	100,0%	77 608	77 608
Computer services	1 402	(1 197)	-	205	205	-	100,0%	149	149
Consultants: Business and advisory services	33 625	(1 450)	-	32 175	32 175	-	100,0%	27 324	27 324
Laboratory services	1 910	(1 005)	-	905	905	-	100,0%	691	691
Legal services	31 909	(246)	-	31 663	31 663	-	100,0%	25 983	25 983
Contractors	97 577	(35 966)	-	61 611	61 611	-	100,0%	98 274	98 274
Agency and support / outsourced services	87 797	51 688	-	139 485	139 485	-	100,0%	69 421	69 421
Entertainment	363	(362)	(1)	-	-	-	-	-	-
Fleet services	49 829	11 196	-	61 025	61 025	-	100,0%	43 168	43 168
Consumable supplies	24 132	(3 150)	-	20 982	20 982	-	100,0%	22 276	22 276
Consumable: Stationery printing and office supplies	178 932	(57 995)	-	120 937	120 937	-	100,0%	101 297	101 297
Operating leases	2 941	(2 186)	-	755	755	-	100,0%	204	204
Property payments	766 186	7 121	77 183	850 490	835 789	14 701	98,3%	797 527	797 527
Transport provided: Departmental activity	50	(50)	-	-	-	-	-	-	-
Travel and subsistence	146 935	89 096	-	236 031	236 031	-	100,0%	175 751	175 751
Training and development	25 925	(20 317)	-	5 608	5 608	-	100,0%	1 745	1 745
Operating payments	99 361	(17 242)	-	82 119	82 119	-	100,0%	75 620	75 620
Venues and facilities	1 976	2 772	-	4 748	4 748	-	100,0%	671	671
Rental and hiring	2131	(1626)	-	505	505	-	-	436	436
<b>Transfers and subsidies</b>	<b>32 789</b>	<b>-</b>	<b>(8 758)</b>	<b>24 031</b>	<b>24 031</b>	<b>-</b>	<b>100,0%</b>	<b>29 807</b>	<b>29 807</b>
Provinces and municipalities	905	(4)	(119)	782	782	-	100,0%	595	595

Programme 2: Court Services		2022/23						2021/22		
		Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure
		R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
<b>Municipalities</b>		905	(4)	(119)	782	782	-	100.0%	595	595
Municipal bank accounts		905	(4)	(119)	782	782	-	100.0%	595	595
Municipal agencies and funds		-	-	-	-	-	-	-	-	-
Departmental agencies and accounts		52	8	-	60	60	-	100.0%	29	29
Departmental agencies		52	8	-	60	60	-	100.0%	29	29
<b>Households</b>		31 832	(4)	(8 639)	23 188	23 188	-	100.0%	29 183	29 183
Social benefits		29 786	1 180	(8 639)	22 327	22 327	-	100.0%	29 123	29 123
Other transfers to households		2 046	(1 184)	-	862	862	-	100.0%	60	60
<b>Payments for capital assets</b>		669 508	-	(83 389)	586 119	586 119	-	100.0%	750 618	695 806
<b>Buildings and other fixed structures</b>		571 509	-	(95 537)	475 972	475 972	-	100.0%	664 201	609 389
Buildings		568 710	-	(95 017)	473 693	473 693	-	100.0%	660 799	609 153
Other fixed structures		2 799	-	(520)	2 279	2 279	-	100.0%	3 402	236
<b>Machinery and equipment</b>		97 999	(16)	12 148	110 131	110 131	-	100.0%	86 417	86 417
Transport equipment		46 657	(3 616)	4 127	47 168	47 168	-	100.0%	46 229	46 229
Other machinery and equipment		51 342	3 600	8 021	62 963	62 963	-	100.0%	40 188	40 188
Software and other intangible assets		-	16	-	16	16	-	100.0%	-	-
<b>Payments for financial assets</b>		51	172	3 471	3 694	3 694	-	100.0%	2 567	2 567
<b>Total</b>		7 019 426	-	16 733	7 036 159	7 021 458	14 701	99.8%	6 751 609	6 680 208

Programme 3: State Legal Services									
2022/23					2021/22				
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Sub-programme</b>									
1. State Law Advisors	85 875	(391)	(18 432)	67 052	67 052	-	100.0%	79 486	69 425
2. Litigation and Legal Services	544 037	(6 883)	122 586	659 740	653 755	5 985	99.1%	586 073	564 409
3. Legislative Development and Law Reform	103 699	(774)	261	103 186	98 719	4 467	95.7%	160 612	131 691
4. Master of the High Court	584 903	12 003	5 698	602 604	581 059	21 545	96.4%	557 530	543 268
5. Constitutional Development	97 488	(3 955)	(3 999)	89 534	78 494	11 040	87.7%	73 335	64 049
<b>Total for sub-programmes</b>	<b>1 416 002</b>	<b>-</b>	<b>106 114</b>	<b>1 522 116</b>	<b>1 479 079</b>	<b>43 037</b>	<b>97.2%</b>	<b>1 457 036</b>	<b>1 372 842</b>
<b>Economic classification</b>									
<b>Current payments</b>	<b>1 368 640</b>	<b>(3 539)</b>	<b>42 033</b>	<b>1 407 134</b>	<b>1 364 183</b>	<b>42 951</b>	<b>96.9%</b>	<b>1 372 090</b>	<b>1 292 057</b>
Compensation of employees	1 216 875	-	(43 421)	1 173 454	1 130 503	42 951	96.3%	1 218 853	1 143 896
Salaries and wages	1 045 824	(924)	(39 962)	1 004 938	970 199	34 739	96.5%	1 042 542	986 233
Social contributions	171 051	924	(3 459)	168 516	160 304	8 212	95.1%	176 311	157 663
Goods and services	151 765	(3 539)	85 454	233 680	233 680	-	100.0%	153 237	148 161
Administrative fees	1 645	382	-	2 027	2 027	-	100.0%	1 176	1 176
Advertising	1 406	867	-	2 273	2 273	-	100.0%	3 550	3 550
Minor assets	4 978	(2 742)	-	2 236	2 236	-	100.0%	1 964	1 964
Bursaries: Employees	-	-	-	-	-	-	-	107	107
Catering: Departmental activities	1 185	(801)	-	384	384	-	100.0%	195	195
Communication	11 614	(1 781)	-	9 833	9 833	-	100.0%	10 542	10 542

Programme 3: State Legal Services	2022/23										2021/22	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure			
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000	R'000	
Computer services	223	(192)	-	31	31	-	100.0%	-	1 787	1 787		
Consultants: Business and advisory services	2 841	(1 446)	-	1 395	1 395	-	100.0%	-	4 438	4 438	2 951	
Legal services	36 350	(16 762)	85 418	105 006	105 006	-	100.0%	-	81 961	81 961	78 372	
Contractors	556	770	-	1 326	1 326	-	100.0%	-	217	217	217	
Agency and support / outsourced services	274	(209)	-	65	65	-	100.0%	-	235	235	235	
Fleet services	3 580	571	-	4 151	4 151	-	100.0%	-	2 427	2 427	2 427	
Consumable supplies	1 691	(332)	-	1 359	1 359	-	100.0%	-	1 059	1 059	1 059	
Consumable: Stationery printing and office supplies	16 594	3 839	-	20 433	20 433	-	100.0%	-	15 450	15 450	15 450	
Operating leases	462	173	-	635	635	-	100.0%	-	3 412	3 412	3 412	
Property payments	630	(265)	-	365	365	-	100.0%	-	1 414	1 414	1 414	
Transport provided: Departmental activity	-	-	-	-	-	-	-	-	-	-	-	
Travel and subsistence	14 373	20 679	36	35 088	35 088	-	100.0%	-	17 552	17 552	17 552	
Training and development	-	-	-	-	-	-	-	-	935	935	935	
Operating payments	49 436	(8 453)	-	40 983	40 983	-	100.0%	-	4 076	4 076	4 076	
Venues and facilities	3 039	2 760	-	5 799	5 799	-	100.0%	-	666	666	666	
Rental and hiring	888	(597)	-	291	291	-	100.0%	-	74	74	74	
<b>Transfers and subsidies</b>	29 595	-	618	30 213	30 127	86	99.7%	-	26 512	26 512	23 352	
Provinces and municipalities	53	(32)	-	21	21	-	100.0%	-	22	22	22	
<b>Municipalities</b>	53	(32)	-	21	21	-	100.0%	-	22	22	22	

Programme 3: State Legal Services										
	2022/23						2021/22			
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure	
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	
Municipal bank accounts	53	(32)	-	21	21	-	100.0%	22	22	
Departmental agencies and accounts	7	(4)	-	3	3	-	100.0%	1	1	
Departmental agencies and accounts	7	(4)	-	3	3	-	100.0%	1	1	
Foreign governments and international organisations	20 655	-	(4 000)	16 655	16 569	86	99.5%	16 715	13 703	
<b>Households</b>	8 880	36	4 618	13 534	13 534	-	100.0%	9 774	9 626	
Social benefits	3 133	31	3 410	6 574	6 574	-	100.0%	6 494	6 494	
Other transfers to households	5 747	5	1 208	6 960	6 960	-	100.0%	3 280	3 132	
<b>Payments for capital assets</b>	17 637	-	6 114	23 751	23 751	-	100.0%	19 545	18 544	
<b>Machinery and equipment</b>	17 592	6	6 114	23 712	23 712	-	100.0%	19 069	18 068	
Transport equipment	4 761	2 088	1 237	8 086	8 086	-	100.0%	8 752	8 430	
Other machinery and equipment	12 831	(2 082)	4 877	15 626	15 626	-	100.0%	10 317	9 638	
Software and other intangible assets	45	(6)	-	39	39	-	100.0%	476	476	
<b>Payments for financial assets</b>	130	3 539	57 349	61 018	61 018	-	100.0%	38 889	38 889	
<b>Total</b>	1 416 002	-	106 114	1 522 116	1 479 079	43 037	97.2%	1 457 036	1 372 842	

Programme 4: National Prosecuting Authority									
2022/23									
2021/22									
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Sub-programme</b>									
1. National Prosecutions Service	3 753 114	9 988	63 946	3 827 048	3 827 048	-	100.0%	3 750 948	3 750 948
2. Investigating Directorate	243 558	-	(51 034)	192 524	178 534	13 990	92.7%		
3. Assets Forfeiture Unit	212 426	1 524	5 609	219 559	219 559	-	100.0%	173 441	173 441
4. Office for witness Protection	219 850	(8 281)	2 124	213 693	213 693	-	100.0%	197 136	197 136
5. Support Services	528 038	(3 231)	49 537	574 344	574 344	-	100.0%	569 634	569 398
<b>Total for sub-programmes</b>	<b>4 956 986</b>	<b>-</b>	<b>70 182</b>	<b>5 027 168</b>	<b>5 013 178</b>	<b>13 990</b>	<b>99.7%</b>	<b>4 691 159</b>	<b>4 690 923</b>

Economic classification									
Current payments	4 848 657	-	87 128	4 935 785	4 933 696	2 089	100.0%	4 601 002	4 601 002
Compensation of employees	4 200 875	-	61 209	4 262 084	4 262 084	-	100.0%	3 923 514	3 923 514
Salaries and wages	3 705 670	26 753	29 315	3 761 738	3 761 738	-	100.0%	3 468 183	3 468 183
Social contributions	495 205	(26 753)	31 894	500 346	500 346	-	100.0%	455 331	455 331
Goods and services	647 782	-	25 919	673 701	671 612	2 089	99.7%	677 488	677 488
Administrative fees	17 390	(2 561)	-	14 829	14 829	-	100.0%	14 913	14 913
Advertising	745	242	-	987	987	-	100.0%	451	451
Minor assets	4 127	1 210	-	5 337	5 337	-	100.0%	3 061	3 061
Bursaries: Employees	727	3 518	-	4 245	4 245	-	100.0%	2 412	2 412
Caring: Departmental activities	1 633	1 465	-	3 098	3 098	-	100.0%	686	686
Communication	23 427	3 326	5 606	32 359	32 359	-	100.0%	20 923	20 923
Computer services	90 963	17 560	(4 014)	104 509	104 509	-	100.0%	133 261	133 261
Consultants: Business and advisory services	32 525	(17 595)	(6 703)	8 227	6 138	2 089	74.6%	9 958	9 958

Programme 4: National Prosecuting Authority									
	2022/23					2021/22			
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Legal services	53 025	(37 537)	(552)	14 936	14 936	-	100.0%	123 386	123 386
Contractors	62 624	(6 437)	15 789	71 976	71 976	-	100.0%	25 891	25 891
Agency and support / outsourced services	24 660	4 942	-	29 602	29 602	-	100.0%	19 923	19 923
Fleet services	11 271	9 897	-	21 168	21 168	-	100.0%	16 336	16 336
Inventory: Fuel Oil and Gas	-	1 111	-	1 111	1 111	-	100.0%	79	79
Inventory: Other supplies	-	97	-	97	97	-	100.0%	-	-
Consumable supplies	4 424	688	(653)	4 459	4 459	-	100.0%	2 003	2 003
Consumable: Stationery printing and office supplies	35 695	(2 228)	-	33 467	33 467	-	100.0%	63 609	63 609
Operating leases	27 651	18 777	3 169	49 597	49 597	-	100.0%	37 971	37 971
Property payments	98 030	(10 928)	(7 639)	79 463	79 463	-	100.0%	78 302	78 302
Travel and subsistence	61 479	21 745	-	83 224	83 224	-	100.0%	50 748	50 748
Training and development	5 335	(1 263)	(1 874)	2 198	2 198	-	100.0%	1 538	1 538
Operating payments	90 696	(9 512)	22 790	103 974	103 974	-	100.0%	70 217	70 217
Venues and facilities	1 000	3 608	-	4 608	4 608	-	100.0%	1 810	1 810
Rental and hiring	355	(125)	-	230	230	-	100.0%	10	10
<b>Transfers and subsidies</b>	<b>22 225</b>	<b>-</b>	<b>8 947</b>	<b>31 172</b>	<b>31 172</b>	<b>-</b>	<b>100.0%</b>	<b>34 791</b>	<b>34 555</b>
Departmental agencies and accounts	11 866	-	16	11 882	11 882	-	100.0%	11 214	10 978
Departmental agencies and accounts	11 866	-	16	11 882	11 882	-	100.0%	11 214	10 978



Programme 4: National Prosecuting Authority									
2022/23									
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Households</b>	10 359	-	8 931	19 290	19 290	-	100.0%	23 577	23 577
Social benefits	10 359	-	6 448	16 807	16 807	-	100.0%	22 007	22 007
Other transfers to households	-	-	2 483	2 483	2 483	-	100.0%	1 570	1 570
<b>Payments for capital assets</b>	<b>86 104</b>	-	<b>(26 505)</b>	<b>59 599</b>	<b>47 698</b>	<b>11 901</b>	<b>80.0%</b>	<b>50 076</b>	<b>50 076</b>
<b>Machinery and equipment</b>	<b>86 104</b>	-	<b>(26 505)</b>	<b>59 599</b>	<b>47 698</b>	<b>11 901</b>	<b>80.0%</b>	<b>50 076</b>	<b>50 076</b>
Transport equipment	32 987	492	(1 754)	31 725	30 449	1 276	96.0%	26 113	26 113
Other machinery and equipment	53 117	(492)	(24 751)	27 874	17 249	10 625	61.9%	23 963	23 963
Software and other intangible assets	-	-	-	-	-	-	-	-	-
Payment for financial assets	-	-	612	612	612	-	100.0%	5 290	5 290
<b>Total</b>	<b>4 956 986</b>	<b>-</b>	<b>70 182</b>	<b>5 027 168</b>	<b>5 013 178</b>	<b>13 990</b>	<b>99.7%</b>	<b>4 691 159</b>	<b>4 690 923</b>

Programme 5: Auxiliary and Associated Services									
2022/23					2021/22				
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Sub-programme</b>									
1. Legal Aid South Africa	2 184 471	-	-	2 184 471	2 184 471	-	100.0%	2 033 188	2 033 188
2. Special Investigation Unit	452 060	-	-	452 060	452 060	-	100.0%	437 878	437 878
3. Public Protector of South Africa	357 928	-	20 000	377 928	377 928	-	100.0%	359 860	359 860
4. South African Human Rights Commission	208 467	-	-	208 467	208 467	-	100.0%	195 031	195 031
5. Justice Modernisation	736 229	-	(138 649)	597 580	597 447	133	100.0%	597 383	575 671
6. President's Fund	1	-	-	1	-	1	-	1	-
7. Information Regulator	100 609	-	-	100 609	88 913	11 696	88.4%	-	-
<b>Total for sub-programmes</b>	<b>4 039 765</b>	<b>-</b>	<b>(118 649)</b>	<b>3 921 116</b>	<b>3 909 286</b>	<b>11 830</b>	<b>99.7%</b>	<b>3 623 341</b>	<b>3 601 628</b>
<b>Economic classification</b>									
<b>Current payments</b>	<b>801 832</b>	<b>(6)</b>	<b>(225 632)</b>	<b>576 194</b>	<b>567 445</b>	<b>8 749</b>	<b>98.5%</b>	<b>358 937</b>	<b>337 225</b>
Compensation of employees	71 875	-	(173)	71 702	64 003	7 699	89.3%	-	-
Salaries and wages	63 281	-	(173)	63 108	58 010	5 098	91.9%	-	-
Social contributions	8 594	-	-	8 594	5 993	2 601	69.7%	-	-
Goods and services	729 957	(6)	(225 459)	504 492	503 442	1 050	99.8%	358 937	337 225
Administrative fees	326	(73)	-	253	253	-	100.0%	2	2
Advertising	1 527	(186)	-	1 341	1 341	-	100.0%	7	7
Minor assets	6 662	(5 390)	-	1 272	1 272	-	100.0%	61	62
Audit costs: External	-	-	-	-	-	-	-	-	-
Bursaries: Employees	150	(115)	-	35	35	-	100.0%	-	-
Catering: Departmental activities	35	(15)	-	20	20	-	100.0%	6	6

Programme 5: Auxiliary and Associated Services	2022/23						2021/22		
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Communication	463	540	-	1 003	1 003	-	100.0%	-	-
Computer services	590 551	(76 014)	(225 459)	289 078	288 028	1 050	99.6%	289 826	268 113
Consultants: Business and advisory services	9 908	61 145	-	71 053	71 053	-	100.0%	13 550	13 550
Legal services	1 745	935	-	2 680	2 680	-	100.0%	-	-
Contractors	3 630	(157)	-	3 473	3 473	-	100.0%	-	-
Agency and support / outsourced services	100 454	(37 049)	-	63 405	63 405	-	100.0%	54 761	54 761
Fleet services	370	(306)	-	64	64	-	100.0%	-	-
Consumable supplies	583	(32)	-	551	551	-	100.0%	461	461
Consumable: Stationery printing and office supplies	651	337	-	988	988	-	100.0%	68	68
Operating leases	4 667	(376)	-	4 291	4 291	-	100.0%	-	-
Property payments	2 120	(1 102)	-	1 018	1 018	-	100.0%	-	-
Travel and subsistence	3 435	(859)	-	2 576	2 576	-	100.0%	30	30
Training and development	2 121	(1 548)	-	573	573	-	100.0%	-	-
Operating payments	295	59 083	-	59 378	59 378	-	100.0%	-	-
Venues and facilities	264	1 176	-	1 440	1 440	-	100.0%	165	165
<b>Transfers and subsidies</b>	<b>3 203 021</b>	<b>-</b>	<b>20 173</b>	<b>3 223 194</b>	<b>3 223 193</b>	<b>1</b>	<b>100.0%</b>	<b>3 025 958</b>	<b>3 025 957</b>
Provinces and municipalities	2	(1)	-	1	1	-	100.0%	-	-
Municipalities	2	(1)	-	1	1	-	100.0%	-	-
Municipal agency and funds	2	(1)	-	1	1	-	100.0%	-	-
Departmental agencies and accounts	3 202 927	-	20 000	3 222 927	3 222 926	1	100.0%	3 025 958	3 025 957

Programme 5: Auxiliary and Associated Services									
2022/23					2021/22				
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Departmental agencies and accounts	3 202 927	-	20 000	3 222 927	3 222 926	1	100.0%	3 025 958	3 025 957
Households	92	1	173	266	266	-	100.0%	-	-
Social benefits	92	1	173	266	266	-	100.0%	-	-
<b>Payments for capital assets</b>	<b>34 912</b>	<b>-</b>	<b>86 810</b>	<b>121 722</b>	<b>118 642</b>	<b>3 080</b>	<b>97.3%</b>	<b>238 446</b>	<b>238 446</b>
Machinery and equipment	34 912	(1 339)	61 864	95 437	92 357	3 080	96.8%	97 908	97 908
Transport equipment	350	(350)	-	-	-	-	-	-	-
Other machinery and equipment	34 562	(989)	61 864	95 437	92 357	3 080	96.8%	97 908	97 908
Software and other intangible assets	-	1 339	24 946	26 285	26 285	-	100.0%	140 538	140 538
Payment for financial assets	-	6	-	6	6	-	100.0%	-	-
<b>Total</b>	<b>4 039 765</b>	<b>-</b>	<b>(118 649)</b>	<b>3 921 116</b>	<b>3 909 286</b>	<b>11 830</b>	<b>99.7%</b>	<b>3 623 341</b>	<b>3 601 628</b>

Direct Charges										
2022/23										
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure	
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000
<b>Sub-programme</b>										
1. Magistrates' Salaries	2 398 506	-	-	2 398 506	2 297 402	101 104	1	2 396 489	2 174 511	
<b>Total for sub-programmes</b>	<b>2 398 506</b>	<b>-</b>	<b>-</b>	<b>2 398 506</b>	<b>2 297 402</b>	<b>101 104</b>	<b>95.8%</b>	<b>2 396 489</b>	<b>2 174 511</b>	
<b>Economic classification</b>										
Current payments	2 343 063	-	-	2 343 063	2 257 530	85 533	96.3%	2 343 972	2 132 400	
Compensation of employees	2 343 063	-	-	2 343 063	2 257 530	85 533	96.3%	2 343 972	2 132 400	
Salaries and wages	1 974 162	94 791	-	2 068 953	2 068 953	(0)	100.0%	2 054 959	1 950 358	
Social contributions	368 901	(94 791)	-	274 110	188 577	85 533	68.8%	289 013	182 042	
Transfers and subsidies	55 443	-	-	55 443	39 872	15 571	71.9%	52 517	42 111	
Households	55 443	-	-	55 443	39 872	15 571	71.9%	52 517	42 111	
Social benefits	55 443	-	-	55 443	39 872	15 571	71.9%	52 517	42 111	
<b>Total</b>	<b>2 398 506</b>	<b>-</b>	<b>-</b>	<b>2 398 506</b>	<b>2 297 402</b>	<b>101 104</b>	<b>95.8%</b>	<b>2 396 489</b>	<b>2 174 511</b>	

## NOTES TO THE APPROPRIATION STATEMENT

### 1. Detail of transfers and subsidies as per Appropriation Act (after Virement):

Detail of these transactions can be viewed in the note on Transfers and subsidies, disclosure notes and Annexure 1 (A-I) to the audited annual financial statements.

### 2. Detail of specifically and exclusively appropriated amounts voted (after Virement):

Detail of these transactions can be viewed in note 1 Annual appropriation to the audited annual financial statements.

### 3. Detail on payments for financial assets

Details of these transactions per programme can be viewed in the note on Payments for financial assets to the audited annual financial statements.

### 4. Explanations of material variances from Amounts Voted (after Virement):

#### 4.1 Per programme

Figures in Rand thousand	Final Appropriation	Actual Expenditure	Variance	Variance as a % of Final Appropriation
Administration	2 975 465	2 933 492	41 973	1 %
Court Services	7 036 159	7 021 458	14 701	- %
State Legal Services	1 522 116	1 479 079	43 037	3 %

**Administration:** The under spending is mainly due to vacant posts within the programme, which accounts for 94% of the total underspending of the programme

**Court Administration:** The under-spending is mainly due to vacant posts within the programme, which accounts for 100% of the total underspending of the programme.

**State Legal Services:** The under spending is mainly due to vacant posts within the programme, (Masters – R22 million, Constitutional Development – R10 million, Solicitor General – R6 million and Legislative Development – R5 million) which accounts for 100% of the total underspending of the programme.

National Prosecuting Authority	5 027 169	5 013 179	13 990	- %
Auxiliary and Associated Services	3 921 116	3 909 286	11 830	- %

**National Prosecuting Authority:** The underspending is mainly due to less than anticipated spending of the earmarked budget for Investigative Directorate budget which accounts for 100% of the total underspending of the programme.

**Auxiliary and Associated Services:** The underspending is mainly due to less than anticipated spending of the earmarked budget for Information Regulator budget, which accounts for 100% of the total underspending of the programme.

## 4.2 Per economic classification

Figures in Rand thousand	Final Appropriation	Actual Expenditure	Variance	Variance as a % of Final Appropriation
<b>Current payments</b>				
Compensation of employees	13 159 084	12 983 276	175 808	1 %
Goods and services	5 276 756	5 258 916	17 840	- %
<b>Transfers and subsidies</b>				
Provinces and municipalities	845	845	-	- %
Departmental agencies and accounts	3 254 959	3 252 610	2 349	- %
Foreign governments and international organisations	16 655	16 569	86	1 %
Households	115 622	100 051	15 571	13 %
<b>Payments for capital assets</b>				
Buildings and other fixed structures	475 972	475 972	-	- %
Machinery and equipment	310 852	295 871	14 981	5 %
Intangible assets	203 785	203 785	-	- %
<b>Payments for financial assets</b>	66 000	66 000	-	- %
<b>Total</b>	<b>22 880 530</b>	<b>22 653 895</b>	<b>226 635</b>	<b>1 %</b>

The under spending is due to low spending of the Compensation of Employees budget, which accounts for 72%, less than anticipated expenditure on Goods and Services which accounts for 14%, Lower than anticipated spending on Transfers and Subsidies budget, which accounts for 2% of the total underspending, and lower than anticipated spending of the Payment for Capital Assets budget, which accounts for 12% of the total underspending.

## STATEMENT OF FINANCIAL PERFORMANCE

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
<b>Revenue</b>			
Annual appropriation	1	20 482 024	19 508 708
Statutory appropriation	2	2 398 506	2 396 489
Departmental revenue	3	503 042	365 382
Aid assistance	4	-	18 900
<b>Total revenue</b>		<b>23 383 572</b>	<b>22 289 479</b>
<b>Expenditure</b>			
<b>Current expenditure</b>			
Compensation of employees	5	12 983 276	12 211 485
Goods and services	6	5 348 062	4 799 343
Aid assistance	4	6 807	16 489
<b>Total current expenditure</b>		<b>18 338 145</b>	<b>17 027 317</b>
<b>Transfers and subsidies</b>			
Transfers and subsidies	8	3 370 076	3 179 181
<b>Total transfers and subsidies</b>		<b>3 370 076</b>	<b>3 179 181</b>
<b>Expenditure for capital assets</b>			
Tangible assets	9	684 404	897 174
Intangible assets	9	203 785	142 173
<b>Total expenditure for capital assets</b>		<b>888 189</b>	<b>1 039 347</b>
Payments for financial assets	7	66 001	47 018
<b>Total expenditure</b>		<b>22 662 411</b>	<b>21 292 863</b>
<b>Surplus for the year</b>		<b>721 161</b>	<b>996 616</b>
<b>Reconciliation of Net Surplus/(Deficit) for the year</b>			
<b>Voted funds</b>			
Annual appropriation		125 531	408 359
Statutory appropriation		101 104	221 978
		<b>226 635</b>	<b>630 337</b>
Departmental revenue and NRF Receipts	14	503 042	365 382
Aid assistance	4	(8 516)	897
<b>Surplus for the year</b>		<b>721 161</b>	<b>996 616</b>



## STATEMENT OF FINANCIAL POSITION AS AT MARCH 31, 2023

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
<b>Assets</b>			
<b>Current Assets</b>			
Cash and cash equivalents	10	9 944	9 653
Prepayments and advances	11	14 641	12 098
Receivables	12	3 834 437	3 131 292
		<b>3 859 022</b>	<b>3 153 043</b>
<b>Total Assets</b>		<b>3 859 022</b>	<b>3 153 043</b>
<b>Liabilities</b>			
<b>Current Liabilities</b>			
Voted funds to be surrendered to the Revenue Fund	13	226 641	630 336
Departmental revenue and NRF Receipts to be surrendered to the Revenue Fund	14	32 137	27 478
Bank overdraft	15	3 527 481	2 430 424
Payables	16	18 311	9 077
Aid assistance repayable	4	(44)	(44)
Aid assistance unutilised	4	23 307	31 823
		<b>3 827 833</b>	<b>3 129 094</b>
<b>Total Liabilities</b>		<b>3 827 833</b>	<b>3 129 094</b>
		<b>31 189</b>	<b>23 949</b>
<b>Represented by:</b>			
Recoverable revenue		31 189	23 949
<b>Total</b>		<b>31 189</b>	<b>23 949</b>

## STATEMENT OF CHANGES IN NET ASSETS

Figures in Rand thousand	Note	2022/2023	2021/2022
<b>Recoverable revenue</b>			
Opening balance		23 949	23 491
Transfers:			
Debts revised		(196)	(906)
Debts recovered (incl. in dept. receipts)		(4 014)	(5 961)
Debts raised		11 450	7 325
<b>Closing balance</b>		<b>31 189</b>	<b>23 949</b>

## CASH FLOW STATEMENT

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
<b>Cash flows from operating activities</b>			
<b>Receipts</b>			
Annual appropriated funds received	1.1	20 482 024	19 508 708
Statutory appropriated funds received	2	2 398 506	2 396 489
Departmental revenue received	3	492 591	360 405
Interest received	3.3	2 869	4 964
Aid assistance received	4	-	18 900
		<b>23 375 990</b>	<b>22 289 466</b>
Net (increase)/ decrease in working capital		(696 454)	(104 256)
Surrendered to Revenue Fund		(1 128 713)	(1 487 922)
Surrendered to RDP Fund/ Donor		-	(1 132)
Current payments		(18 338 145)	(17 027 317)
Payments for financial assets		(66 001)	(47 018)
Transfers and subsidies paid		(3 370 076)	(3 179 181)
<b>Net cash flow available from operating activities</b>	17	<b>(223 399)</b>	<b>442 640</b>
<b>Cash flows from investing activities</b>			
Payments for capital assets	9	(888 189)	(1 039 347)
Proceeds from sale of capital assets	3.4	7 582	13
<b>Net cash flows from investing activities</b>		<b>(880 607)</b>	<b>(1 039 334)</b>
<b>Cash flows from financing activities</b>			
Increase/ (decrease) in net assets		7 240	458
<b>Net cash flows from financing activities</b>		<b>7 240</b>	<b>458</b>
Net increase/ (decrease) in cash and cash equivalents		(1 096 766)	(596 236)
Cash and cash equivalents at beginning of year		(2 420 771)	(1 824 535)
<b>Cash and cash equivalents at the end of the year</b>	18	<b>(3 517 537)</b>	<b>(2 420 771)</b>

## ACCOUNTING POLICIES

### Summary of significant accounting policies

The audited annual financial statements have been prepared in accordance with the following policies, which have been applied consistently in all material aspects, unless otherwise indicated. Management has concluded that the audited annual financial statements present fairly the Department's primary and secondary information.

The historical cost convention has been used, except where otherwise indicated. Management has used assessments and estimates in preparing the audited annual financial statements. These are based on the best information available at the time of preparation.

Where appropriate and meaningful, additional information has been disclosed to enhance the usefulness of the audited annual financial statements and to comply with the statutory requirements of the Public Finance Management Act (PFMA), Act 1 of 1999 (as amended by Act 29 of 1999), and the Treasury Regulations issued in terms of the PFMA and the annual Division of Revenue Act.

#### 1. Basis of preparation

The audited annual financial statements have been prepared in accordance with the Modified Cash Standard.

#### 2. Going concern

The audited annual financial statements have been prepared on a going concern basis.

The overdraft is caused by the delivery of legal services through the Office of the State Attorney. In terms of the State Attorney Act 1957 the State Attorney is the attorney of record for all National and Provincial Departments. By virtue of the Minister of Justice and Constitutional Development being the Executive Authority over the Office of the State Attorney the Department is responsible to settle all accounts in the course of defending the state. Claims recoverable are reflected in note 15 and overdraft is reflected in note 20.

#### 3. Presentation currency

Amounts have been presented in the currency of the South African Rand (R) which is also the functional currency of the Department.

#### 4. Rounding

Unless otherwise stated, financial figures have been rounded to the nearest one thousand Rand (R '000).

#### 5. Comparative information

##### 5.1 Prior period comparative information

Prior period comparative information has been presented in the current year's audited annual financial statements. Where necessary, figures included in the prior period audited annual financial statements have been reclassified to ensure that the format in which the information is presented is consistent with the format of the current year's audited annual financial statements.

##### 5.2 Current year comparison with budget

A comparison between the approved, final budget and actual amounts for each programme and economic classification is included in the appropriation statement.

#### 6. Revenue

##### 6.1 Appropriated funds

Appropriated funds consists of departmental allocations as well as direct charges against the revenue fund (i.e. statutory appropriation).

Appropriated funds are recognised in the statement of financial performance on the date the appropriation becomes effective. Adjustments made in terms of the adjustments budget process are recognised in the statement of financial performance on the date the adjustments become effective.

The net amount of any appropriated funds due to / from the relevant revenue fund at the reporting date is recognised as a payable / receivable in the statement of financial position.

## 6.2 Departmental revenue

Departmental revenue is recognised in the statement of financial performance when received and is subsequently paid into the relevant revenue fund, unless stated otherwise.

Any amount owing to the relevant revenue fund at the reporting date is recognised as a payable in the statement of financial position.

## 6.3 Accrued departmental revenue

Accruals in respect of departmental revenue (excluding tax revenue) are recorded in the notes to the audited annual financial statements when:

- it is probable that the economic benefits or service potential associated with the transaction will flow to the Department; and
  - the amount of revenue can be measured reliably.
- Additional text

The accrued revenue is measured at the fair value of the consideration receivable.

Accrued tax revenue (and related interest and / penalties) is measured at amounts receivable from collecting agents.

Write-offs are made according to the Department's debt write-off policy.

## 7. Expenditure

### 7.1 Compensation of employees

#### 7.1.1 Salaries and wages

Salaries and wages are recognised in the statement of financial performance on the date of payment.

#### 7.1.2 Social contributions

Social contributions made by the Department in respect of current employees are recognised in the statement of financial performance on the date of payment.

Social contributions made by the Department in respect of ex-employees are classified as transfers to households in the statement of financial performance on the date of payment.

### 7.2 Other expenditure

Other expenditure (such as goods and services, transfers and subsidies and payments for capital assets) is recognised in the statement of financial performance on the date of payment. The expense is classified as a capital expense if the total consideration paid is more than the capitalisation threshold.

### 7.3 Accruals and payables not recognised

Accruals and payables not recognised are recorded in the notes to the audited annual financial statements at cost at the reporting date.

### 7.4 Leases

#### 7.4.1 Operating leases

Operating lease payments made during the reporting date are recognised as current expenditure in the statement of financial performance on the date of payment.

The operating lease commitments are recorded in the notes to the audited annual financial statements.

The operating lease commitments of the Department relate to building leases entered into by the Department of Public Works on our behalf. Therefore the disclosure of these leases is disclosed by the Department of Public Works.

#### 7.4.2 Finance leases

Finance lease payments made during the reporting period are recognised as capital expenditure in the statement of financial performance on the date of payment.

The finance lease commitments are recorded in the notes to the audited annual financial statements and are not apportioned between the capital and interest portions.

Finance lease assets acquired at the end of the lease term are recorded and measured at the lower of:

- cost, being the fair value of the asset; or
- the sum of the minimum lease payments made, including any payments made to acquire ownership at the end of the lease term, excluding interest.

## 8. Aid assistance

### 8.1 Aid assistance received

Aid assistance received in cash is recognised in the statement of financial performance when received. In-kind aid assistance is recorded in the notes to the audited annual financial statements on the date of receipt and is measured at fair value.

Aid assistance not spent for the intended purpose and any unutilised funds from aid assistance that are required to be refunded to the donor are recognised as a payable in the statement of financial position.

### 8.2 Aid assistance paid

Aid assistance paid is recognised in the statement of financial performance on the date of payment. Aid assistance payments made prior to the receipt of funds are recognised as a receivable in the statement of financial position.

## 9. Cash and cash equivalents

Cash and cash equivalents are stated at cost in the statement of financial position.

Bank overdrafts are shown separately on the face of the statement of financial position as a current liability.

For the purposes of the cash flow statement, cash and cash equivalents comprise cash on hand, deposits held, other short-term highly liquid investments and bank overdrafts.

## 10. Prepayments and advances

Prepayments and advances are recognised in the statement of financial position when the Department receives or disburses the cash.

Prepayments and advances are initially and subsequently measured at cost.

Prepayments and advances are expensed when the recipient department/entity provides the evidence of expenditure.

## 11. Loans and receivables

Loans and receivables are recognised in the statement of financial position at cost plus accrued interest, where interest is charged, less amounts already settled or written off. Write-offs are made according to the Department's write-off policy.

## 12. Financial assets

### 12.1 Financial assets (not covered elsewhere)

A financial asset is recognised initially at its cost, plus transaction costs that are directly attributable to the acquisition or issue of the financial asset.

At the reporting date, a department shall measure its financial assets at cost, less amounts already settled or written-off, except for recognised loans and receivables, which are measured at cost plus accrued interest, where interest is charged, less amounts already settled or written-off.

### 12.2 Impairment of financial assets

Where there is an indication of impairment of a financial asset, an estimation of the reduction in the recorded carrying value, to reflect the best estimate of the amount of the future economic benefits expected to be received from that asset, is recorded in the notes to the audited annual financial statements.

The impairment of claims receivables relates to long-outstanding balances owed by various client departments for legal fees paid through our State Attorney offices on their behalf. These balances have been impaired after taking into consideration the Debt Prescription Act of 1969 as well as the payment history and financial situation of each client department.

### 13. Payables

Payables recognised in the statement of financial position are recognised at cost.

### 14. Capital assets

#### 14.1 Immovable capital assets

Immovable assets reflected in the asset register of the Department are recorded in the notes to the audited annual financial statements at cost or fair value where the cost cannot be determined reliably. Immovable assets acquired in a non-exchange transaction are recorded at fair value at the date of acquisition. Immovable assets are subsequently carried in the asset register at cost and are not currently subject to depreciation or impairment.

Subsequent expenditure of a capital nature forms part of the cost of the existing asset when ready for use.

Additional information on immovable assets not reflected in the assets register is provided in the notes to audited annual financial statements.

#### 14.2 Movable capital assets

Movable capital assets are initially recorded in the notes to the audited annual financial statements at cost. Movable capital assets acquired through a non-exchange transaction is measured at fair value as at the date of acquisition.

Where the cost of movable capital assets cannot be determined reliably, the movable capital assets are measured at fair value and, where fair value cannot be determined – the movable assets are measured at R 1.

All assets acquired prior to 1 April 2002 (or a later date as approved by the OAG) may be recorded at R 1. Movable capital assets are subsequently carried at cost and are not subject to depreciation or impairment. Biological assets are subsequently carried at fair value. Subsequent expenditure that is of a capital nature forms part of the cost of the existing asset when ready for use.

#### 14.3 Intangible assets

Intangible assets are initially recorded in the notes to the audited annual financial statements at cost. Intangible assets acquired through a non-exchange transaction are measured at fair value as at the date of acquisition.

Internally generated intangible assets are recorded in the notes to the audited annual financial statements when the Department commences the development phase of the project.

Where the cost of intangible assets cannot be determined reliably, the intangible capital assets are measured at fair value and where fair value cannot be determined – the intangible assets are measured at R 1.

All assets acquired prior to 1 April 2002 (or a later date as approved by the OAG) may be recorded at R 1. Intangible assets are subsequently carried at cost and are not subject to depreciation or impairment. Subsequent expenditure of a capital nature forms part of the cost of the existing asset when ready for use.

#### 14.4 Project costs: Work-in-progress

Expenditure of a capital nature is initially recognised in the statement of financial performance at cost when paid.

Amounts paid towards capital projects are separated from the amounts recognised and accumulated in work-in-progress until the underlying asset is ready for use. Once ready for use, the total accumulated payments are recorded in an asset register. Subsequent payments to complete the project are added to the capital asset in the asset register.

Where the Department is not the custodian of the completed project asset, the asset is transferred to the custodian subsequent to completion.

### 15. Provisions and contingents

#### 15.1 Provisions

Provisions are recorded in the notes to the audited annual financial statements when there is a present legal or constructive obligation to forfeit economic benefits as a result of events in the past and it is probable that an

outflow of resources embodying economic benefits or service potential will be required to settle the obligation and a reliable estimate of the obligation can be made. The provision is measured as the best estimate of the funds required to settle the present obligation at the reporting date.

### 15.2 Contingent liabilities

Contingent liabilities are recorded in the notes to the audited annual financial statements when there is a possible obligation that arises from past events, and whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not within the control of the Department or when there is a present obligation that is not recognised because it is not probable that an outflow of resources will be required to settle the obligation or the amount of the obligation cannot be measured reliably.

### 15.2 Contingent assets

Contingent assets are recorded in the notes to the audited annual financial statements when a possible asset arises from past events, and whose existence will be confirmed by the occurrence or non-occurrence of one or more uncertain future events not within the control of the Department.

### 15.3 Capital commitments

Commitments (other than for transfers and subsidies) are recorded at cost in the notes to the audited annual financial statements when there is a contractual arrangement or an approval by management in a manner that raises a valid expectation that the Department will discharge its responsibilities, thereby incurring future expenditure that will result in the outflow of cash.

## 16. Unauthorised expenditure

*Unauthorised expenditure incurred and confirmed in the current financial year must be recorded in statement of changes in net assets and annual financial statements disclosure, and that such unauthorised expenditure incurred must be in the current financial year, with a one financial year comparative analysis.*

*Unauthorised expenditure for the previous financial year (comparative amounts) must be recognised in the period in which they occurred as follows:*

- (a) unauthorised expenditure incurred and confirmed in the previous financial year;*
- (b) unauthorised expenditure that was under assessment in the previous financial year and confirmed in the current financial year; and*
- (c) unauthorised expenditure that was not discovered in the previous financial year and identified and confirmed in the current financial year.*

*Additional information relating to unauthorised expenditure under assessment, determination, investigation, narratives, and the process of dealing with unauthorised expenditure must be recorded in the annual report of the relevant department as provided for in Chapter 8 of this Annexure.*

## 17. Fruitless and wasteful expenditure

*Fruitless and wasteful expenditure when incurred and confirmed is recorded in the annual financial statements disclosure. This relates to fruitless and wasteful expenditure incurred in the current financial year, with a one previous financial year comparative analysis.*

*Fruitless and wasteful expenditure for the previous financial year (comparative amounts) must be recognised in the period in which they occurred as follows:*

- (a) fruitless and wasteful expenditure incurred and confirmed in the previous financial year;*
- (b) fruitless and wasteful expenditure that was under assessment in the previous financial year and confirmed in the current financial year; and*
- (c) fruitless and wasteful expenditure that was not discovered in the previous financial year and identified and confirmed in the current financial year*

*Additional information relating to fruitless and wasteful expenditure under assessment, determination, investigations, narratives and a process of dealing with the concerned fruitless and wasteful expenditure must be recorded in the annual report of the relevant institution as provided for in Chapter 8 of this Annexure.*

### 18. Irregular expenditure

*Irregular expenditure when incurred and confirmed is recorded in the annual financial statements disclosure. This relates to irregular expenditure incurred in the current financial year, with a one financial year comparative analysis.*

*Irregular expenditure for the previous financial year (comparative amounts) must be recognised in the period in which they occurred as follows:*

- (a) *irregular expenditure incurred and confirmed in the previous financial year;*
- (b) *irregular expenditure that was under assessment in the previous financial year and confirmed in the current financial year; and*
- (c) *irregular expenditure that was not discovered in the previous financial year and identified and confirmed in the current financial year.*
- (d) *irregular expenditure payments relating to multi-year contracts that was not condoned or removed.*

*Additional information relating to irregular expenditure under assessment, determination, investigation, narratives, and the process of dealing with the irregular expenditure must be recorded in the annual report of the relevant institution as provided for in Chapter 8 of this Annexure.*

### 19. Changes in accounting policies, accounting estimates and errors

Changes in accounting policies that are affected by management have been applied retrospectively in accordance with MCS requirements, except to the extent that it is impracticable to determine the period-specific effects or the cumulative effect of the change in policy. In such instances the Department shall restate the opening balances of assets, liabilities and net assets for the earliest period for which retrospective restatement is practicable.

Changes in accounting estimates are applied prospectively in accordance with MCS requirements.

Correction of errors is applied retrospectively in the period in which the error has occurred in accordance with MCS requirements, except to the extent that it is impracticable to determine the period-specific effects

or the cumulative effect of the error. In such cases the Department shall restate the opening balances of assets, liabilities and net assets for the earliest period for which retrospective restatement is practicable.

### 20. Events after the reporting date

Events after the reporting date that are classified as adjusting events have been accounted for in the audited annual financial statements. The events after the reporting date that are classified as non-adjusting events after the reporting date have been disclosed in the notes to the audited annual financial statements.

### 21. Departures from the MCS requirements

The Department has complied with all the MCS requirements.

### 22. Recoverable revenue

Amounts are recognised as recoverable revenue when a payment made in a previous financial year becomes recoverable from a debtor in the current financial year. Amounts are either transferred to the National/Provincial Revenue Fund when recovered or are transferred to the statement of financial performance when written off.

### 23. Related party transactions

Related party transactions within the Minister/MEC's portfolio are recorded in the notes to the audited annual financial statements when the transaction is not at arm's length.

The number of individuals and the full compensation of key management personnel is recorded in the notes to the audited annual financial statements.

### 24. Inventories

At the date of acquisition, inventories are recognised at cost in the statement of financial performance.

Where inventories are acquired as part of a non-exchange transaction, the inventories are measured at fair value as at the date of acquisition.



Inventories are subsequently measured at the lower of cost and net realisable value or where intended for distribution (or consumed in the production of goods for distribution) at no or a nominal charge, the lower of cost and current replacement value.

The cost of inventories is assigned by using the weighted average cost basis.

#### **25. Employee benefits**

The value of each major class of employee benefit obligation (accruals, payables not recognised and provisions) is disclosed in the Employee benefits note.

## NOTES TO THE AUDITED ANNUAL FINANCIAL STATEMENTS

### 1. Annual appropriation

#### 1.1 Annual appropriation

Figures in Rand thousand	2022/2023		2021/2022	
	Final budget	Actual funds received	Final budget	Appropriation received
<b>Programmes</b>				
Administration	2 975 465	2 975 465	2 985 563	2 985 562
Court Services	7 036 159	7 036 159	6 751 609	6 784 827
State Legal Services	1 522 116	1 522 116	1 457 036	1 481 819
National Prosecuting Authority	5 027 168	5 027 168	4 691 159	4 621 956
Auxiliary and Associated Services	3 921 116	3 921 116	3 623 341	3 634 544
<b>Total</b>	<b>20 482 024</b>	<b>20 482 024</b>	<b>19 508 708</b>	<b>19 508 708</b>

Figures in Rand thousand	Note	2022/2023	2021/2022
<b>2. Statutory appropriation</b>			
Magistrates Salaries		2 398 506	2 396 489
Actual statutory appropriation received		2 398 506	2 396 489
<b>3. Departmental revenue</b>			
Sales of goods and services other than capital assets	3.1	234 031	175 586
Fines, penalties and forfeits	3.2	228 989	161 526
Interest, dividends and rent on land	3.3	2 869	4 964
Sales of capital assets	3.4	7 582	13
Transactions in financial assets and liabilities	3.5	29 571	19 387
Transfers received	3.6	-	3 906
<b>Total revenue collected</b>		<b>503 042</b>	<b>365 382</b>

#### 3.1 Sales of goods and services other than capital assets

Sales by market establishment	2 743	2 937
Administrative fees	12	49
Other sales	230 840	172 450
<b>Sales of goods and services produced by the Department</b>	<b>233 595</b>	<b>175 436</b>
Sales of scrap, waste and other used current goods	436	150
<b>Total</b>	<b>234 031</b>	<b>175 586</b>

Included in "Other sales" is services rendered by the Masters' Office relating to insolvent estates amounting to R214, 6 million.

#### 3.2 Fines, penalties and forfeits

Fines	202 186	125 560
Penalties	31	34
Forfeits	26 772	35 932
<b>Total</b>	<b>228 989</b>	<b>161 526</b>

"Fines" mainly consist of the various fines issued through the courts and "Forfeits" mainly consist of unclaimed monies.

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
<b>3.3 Interest, dividends and rent on land</b>			
Interest		2 869	4 964
<b>3.4 Sales of capital assets</b>			
<b>Tangible assets</b>			
Machinery and equipment		7 582	13
<b>3.5 Transactions in financial assets and liabilities</b>			
Receivables		3 979	7 626
Other receipts including recoverable revenue		25 592	11 761
<b>Total</b>	<b>3</b>	<b>29 571</b>	<b>19 387</b>

“Other receipts” mainly consists of unallocated credits R9.8 million and revenue recovered relating to various debts from previous years R15.5 million.

### 3.6 Transfers received

Public corporations and private enterprises		-	3 906
<b>3.6.1 Donations received in-kind (not included in the main note)</b>			
COVID 19 Decontamination Services by Volunteer Ministries Africa		-	3 880
Various Gifts and Donations received by Department		43 512	18 636
<b>Total</b>	<b>3</b>	<b>43 512</b>	<b>22 516</b>

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
<b>4. Aid assistance</b>			
Opening balance		31 779	32 014
Transferred from statement of financial performance		(8 516)	897
Paid during the year		-	(1 132)
<b>Closing balance</b>		<b>23 263</b>	<b>31 779</b>
<b>4.1 Analysis of balance by source</b>			
Aid assistance from RDP		(44)	(44)
CARA		23 307	31 823
<b>Closing balance</b>	<b>4</b>	<b>23 263</b>	<b>31 779</b>
<b>4.2 Analysis of balance</b>			
Aid assistance unutilised		23 307	31 823
Aid assistance repayable		(44)	(44)
<b>Closing balance</b>	<b>4</b>	<b>23 263</b>	<b>31 779</b>

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
<b>4.2.1 Aid assistance prepayments (expensed)</b>			
2022/2023			
<b>4.3 Aid assistance expenditure per economic classification</b>			
Current		6 807	16 489
Capital	9	1 709	1 514
<b>Total aid assistance expenditure</b>		<b>8 516</b>	<b>18 003</b>

The aid assistance expenditure mainly consists of CARA-funded projects which are conducted through the NPA and other branches within the Department.

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
<b>5. Compensation of employees</b>			
<b>5.1 Salaries and wages</b>			
Basic salary		8 979 123	8 417 120
Performance award		4 062	34 280
Service based		19 358	9 449
Compensative/circumstantial		46 423	59 930
Periodic payments		48 104	39 944
Other non-pensionable allowances		2 130 648	2 013 275
<b>Total</b>		<b>11 227 718</b>	<b>10 573 998</b>
<b>5.2 Social contributions</b>			
<b>Employer contributions</b>			
Pension		1 121 076	1 041 101
Medical		632 305	594 377
UIF		3	5
Bargaining council		2 174	2 004
<b>Total</b>		<b>1 755 558</b>	<b>1 637 487</b>
<b>Total compensation of employees</b>		<b>12 983 276</b>	<b>12 211 485</b>
Average number of employees		25 187	24 247
<b>6. Goods and services</b>			
Administrative fees		30 294	25 221
Advertising		16 409	17 054
Minor assets	6.1	34 212	19 229
Bursaries (employees)		14 398	9 332
Catering		8 142	2 469
Communication		128 263	120 717
Computer services	6.2	685 531	857 891
Consultants: Business and advisory services		117 037	159 542
Laboratory services		905	694

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
Legal services		160 130	272 212
Contractors		143 895	128 045
Agency and support / outsourced services		232 600	144 602
Entertainment		2	2
Audit cost – external	6.3	125 103	55 394
Fleet services		88 639	63 772
Inventory	6.4	1 208	79
Consumables	6.5	214 416	214 971
Operating leases		1 245 770	930 790
Property payments	6.6	1 341 042	1 326 295
Rental and hiring		2 088	831
Transport provided as part of the Departmental activities		16	-
Travel and subsistence	6.7	419 860	280 335
Venues and facilities		22 912	6 662
Training and development		12 945	5 945
Other operating expenditure	6.8	302 245	157 259
<b>Total</b>		<b>5 348 062</b>	<b>4 799 343</b>

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
<b>6. Goods and services (continued)</b>			
<b>6.1 Minor assets</b>			
<b>Tangible assets</b>			
Machinery and equipment		34 212	19 229
		<b>34 212</b>	<b>19 229</b>
<b>6.2 Computer services</b>			
SITA computer services		366 749	464 577
External computer service providers		318 782	393 314
<b>Total</b>	6	<b>685 531</b>	<b>857 891</b>
<b>6.3 Audit cost – external</b>			
Regularity audits		37 831	39 374
Investigations		87 272	16 020
<b>Total</b>	6	<b>125 103</b>	<b>55 394</b>
Investigations relate Forensic Investigations which were outsourced to External Service Providers.			
<b>6.4 Inventory</b>			
Fuel, oil and gas		1 111	79
Other supplies		97	-
<b>Total</b>	6	<b>1 208</b>	<b>79</b>

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
<b>6.5 Consumables</b>			
Uniforms and clothing		3 429	281
Household supplies		5 520	10 666
Building materials and supplies		2 482	4 106
Communication accessories		168	234
IT consumables		2 343	1 894
Other consumables		15 257	9 391
<b>Consumable supplies</b>		<b>29 199</b>	<b>26 572</b>
Stationery, printing and office supplies		185 217	188 399
<b>Total</b>	<b>6</b>	<b>214 416</b>	<b>214 971</b>
<b>6.6 Property payments</b>			
Municipal services		410 218	427 723
Property management fees		65 148	-
Other		865 676	898 572
<b>Total</b>	<b>6</b>	<b>1 341 042</b>	<b>1 326 295</b>
<b>6.7 Travel and subsistence</b>			
Local		417 751	280 233
Foreign		2 109	102
<b>Total</b>	<b>6</b>	<b>419 860</b>	<b>280 335</b>
Travel and subsistence has increased mainly due to the lifting of travel restrictions which were previously limited by COVID-19 regulations.			
<b>6.8 Other operating expenditure</b>			
Professional bodies, membership and subscription fees		42 838	7 974
Resettlement costs		5 406	6 029
Other		254 001	143 256
<b>Total</b>	<b>6</b>	<b>302 245</b>	<b>157 259</b>

“Other” consists mainly of printing and publication expenditure R29, 6 million, storage services R59, 1 million, witness fees R68, 8 million and protective custody of witnesses (NPA) R68, 4 million.

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
<b>7. Payments for financial assets</b>			
Theft	7.4	656	-
Other material losses	7.1	6 303	8 226
<b>Material losses through criminal conduct</b>		<b>6 959</b>	<b>8 226</b>
Debts written off	7.3	59 042	38 792
<b>Total</b>		<b>66 001</b>	<b>47 018</b>
<b>7.1 Other material losses</b>			
<b>Nature of other material losses</b>			
Irrecoverable losses		6 303	2 741
Damages to vehicles		-	195
Uneconomical and prescribed salary-related debt		-	5 290
<b>Total</b>	<b>7</b>	<b>6 303</b>	<b>8 226</b>

Information on any criminal or disciplinary steps taken as a result of such losses is included in the annual report under PFMA Compliance Report.

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
<b>7.2 Other material losses written off</b>			
<b>7.3 Debts written off</b>			
<b>Nature of debts written off</b>			
<b>Other debt written off</b>			
Staff debts		626	-
State legal services debts written off		58 416	38 792
<b>Total</b>		<b>59 042</b>	<b>38 792</b>
<b>7.4 Details of theft</b>			
<b>Nature of theft</b>			
Theft		656	-

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
<b>8. Transfers and subsidies</b>			
Provinces and municipalities	36	844	664
Departmental agencies and accounts	Annexure 1B	3 252 611	3 054 093
Foreign governments and international organisations	Annexure 1E	16 569	13 703
Households	Annexure 1G	100 052	110 721
<b>Total</b>		<b>3 370 076</b>	<b>3 179 181</b>

#### 8.1 Donations made in kind (not included in the main note)

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
<b>9. Expenditure for capital assets</b>			
<b>Tangible assets</b>			
Buildings and other fixed structures	33	475 972	609 388
Machinery and equipment	31	208 432	287 786
		<b>684 404</b>	<b>897 174</b>
<b>Intangible assets</b>			
Software	32	203 785	142 173
<b>Total</b>		<b>888 189</b>	<b>1 039 347</b>

#### 9.1 Analysis of funds utilised to acquire capital assets - 2022/2023

Figures in Rand thousand	Voted funds	Aid assistance	Total
<b>Tangible assets</b>			
Buildings and other fixed structures	475 972	-	475 972
Machinery and equipment	206 723	1 709	208 432
	<b>682 695</b>	<b>1 709</b>	<b>684 404</b>

Figures in Rand thousand	Voted funds	Aid assistance	Total
<b>Intangible assets</b>			
Software	203 785	-	203 785
<b>Total</b>	<b>886 480</b>	<b>1 709</b>	<b>888 189</b>

### 9.2 Analysis of funds utilised to acquire capital assets - 2021/2022

<b>Tangible assets</b>			
Buildings and other fixed structures	609 388	-	609 388
Machinery and equipment	286 272	1 514	287 786
	<b>895 660</b>	<b>1 514</b>	<b>897 174</b>
<b>Intangible assets</b>			
Software	142 173	-	142 173
<b>Total</b>	<b>1 037 833</b>	<b>1 514</b>	<b>1 039 347</b>

### 9.3 Finance lease expenditure included in expenditure for capital assets

<b>Tangible assets</b>		
Machinery and equipment	-	88 835

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
<b>10. Cash and cash equivalents</b>			
Consolidated paymaster general account		18	53
Cash receipts		4	51
Disbursements		792	49
Cash on hand		9 130	9 500
<b>Total</b>		<b>9 944</b>	<b>9 653</b>
<b>11. Prepayments and advances</b>			
Travel and subsistence		82	(13)
Prepayments (Not expensed)	11.2	1 500	1 000
Advances paid (Not expensed)	11.1	13 059	11 111
<b>Total</b>		<b>14 641</b>	<b>12 098</b>
<b>Analysis of total prepayments and advances</b>			
Current prepayments and advances		14 641	12 098



## 11.1 Advances paid (Not expensed)

Figures in Rand thousand	Note	Balance as at April 1, 2022	Less: Amount expensed in current year	Add: Current year advances	Balance as at March 31, 2023
National departments		11 111	(9 536)	11 484	13 059

Figures in Rand thousand	Note	Balance as at April 1, 2021	Less: Amount expensed in current year	Add: Current year advances	Balance as at March 31, 2022
National departments		25 007	(146 677)	132 781	11 111

## 11.2 Prepayments (Not expensed)

Figures in Rand thousand	Note	Balance as at April 1, 2022	Add: Current year prepayments	Balance as at March 31, 2023
Listed by economic classification				
Goods and services		1 000	500	1 500
<b>Total</b>	11	<b>1 000</b>	<b>500</b>	<b>1 500</b>

Figures in Rand thousand	Note	Balance as at April 1, 2021	Balance as at March 31, 2022
Listed by economic classification			
Goods and services		1 000	1 000
<b>Total</b>	11	<b>1 000</b>	<b>1 000</b>

## 12. Receivables

Figures in Rand thousand	Note	2022/2023		2021/2022	
		Current	Total	Current	Total
Claims recoverable	12.1	3 768 649	3 768 649	3 034 426	3 034 426
Staff debt	12.3	57 307	57 307	46 457	46 457
Other receivables	12.4	8 481	8 481	50 409	50 409
<b>Total</b>		<b>3 834 437</b>	<b>3 834 437</b>	<b>3 131 292</b>	<b>3 131 292</b>

## 12.1 Claims recoverable

National departments		1 414 200	1 041 126
Provincial departments		2 354 449	1 993 300
<b>Total</b>	12	<b>3 768 649</b>	<b>3 034 426</b>

## 12.2 Recoverable expenditure (disallowance accounts)

## 12.3 Staff debt

Out Service		47 106	38 479
In Service Debt		10 201	7 978
<b>Total</b>	12	<b>57 307</b>	<b>46 457</b>

Figures in Rand thousand	2022/2023			2021/2022	
	Note	Current	Total	Current	Total
<b>12.4 Other receivables</b>					
Fruitless and wasteful expenditure		-		-	2
		-		-	-
Disallowance accounts		5 960		48 126	48 126
Damages and vehicles		210		161	161
Salary Suspense account		2 311		2 063	2 063
Travel and substance control account		-		-	57
<b>Total</b>			12	<b>8 481</b>	<b>50 409</b>

The impairment of claims receivables amounting to R1.5 billion relates to long-outstanding balances owed by various client departments for legal fees paid through our State Attorney's offices on their behalf. These balances have been impaired after taking into account the payment history and financial situation of the client departments. The impairment also takes into account instances where there is a dispute which is a further indication of impairment.

#### 12.5 Impairment of receivables

Estimate of impairment of receivables	1 541 229	1 602 275
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#### 13. Voted funds to be surrendered to the Revenue Fund

Opening balance	630 336	1 076 504
Transferred from statement of financial performance (as restated)	226 635	630 337
Paid during the year	(630 330)	(1 076 505)
<b>Closing balance</b>	<b>226 641</b>	<b>630 336</b>

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
<b>14. Departmental revenue and NRF Receipts to be surrendered to the Revenue Fund</b>			
Opening balance		27 478	73 513
Transferred from statement of financial performance (as restated)		503 042	365 382
Paid during the year		(498 383)	(411 417)
<b>Closing balance</b>		<b>32 137</b>	<b>27 478</b>
<b>15. Bank overdraft</b>			
Consolidated paymaster general account		3 527 481	2 430 424
<b>16. Payables - current</b>			
Clearing accounts	16.1	17 819	8 456
Other payables	16.2	492	621
<b>Total</b>		<b>18 311</b>	<b>9 077</b>
<b>16.1 Clearing accounts</b>			
Salary Control Account		17 819	8 456

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
<b>16.2 Other payables</b>			
Salary ABC recalls		248	128
Disallowance accounts		226	304
Unclaimed Monies (Justice Administered Funds)		18	189
<b>Total</b>	16	<b>492</b>	<b>621</b>

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
<b>17. Net cash flow available from operating activities</b>			
Net surplus as per Statement of Financial Performance		721 161	996 616
<b>Add back non cash/ cash movements not deemed operating activities</b>			
(Increase)/ decrease in receivables		(703 145)	(108 278)
(Increase)/ decrease in prepayments and advances		(2 543)	13 943
Increase/ (decrease) in payables – current		9 234	(9 921)
Proceeds from sale of capital assets		(7 582)	(13)
Expenditure on capital assets		888 189	1 039 347
Surrenders to Revenue Fund		(1 128 713)	(1 487 922)
Surrenders to RDP Fund/Donor		-	(1 132)
<b>Net cash flow generated by operating activities</b>		<b>(223 399)</b>	<b>442 640</b>

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
<b>18. Reconciliation of cash and cash equivalents for cash flow purposes</b>			
Consolidated paymaster general account		(3 527 463)	(2 430 371)
Cash receipts		4	51
Disbursements		792	49
Cash on hand		9 130	9 500
<b>Total</b>		<b>(3 517 537)</b>	<b>(2 420 771)</b>

Figures in Rand thousand		Note(s)	2022/2023	2021/2022
<b>19. Contingent liabilities and contingent assets</b>				
<b>19.1 Contingent liabilities</b>				
<b>Liable to</b>	<b>Nature</b>			
Housing loan guarantees	Employees	Annexure 3A	136	136
Claims against the Department		Annexure 3B	565 391	569 028
Intergovernmental payables (unconfirmed balances)		Annexure 5	38	1 039
Other		Annexure 3B	6 219	4 436
<b>Total</b>			<b>571 784</b>	<b>574 639</b>

The Department established a new process for assessing claims against the Department relating to summonses in the current year under

review. The assessment process is a continuous assessment that requires each claim to be assessed as a remote, contingent liability, contingent asset or provision and the best estimate of the claim determined in line with the accounting requirements. This assessment process applies specific criteria to determine the appropriate assessment. This new method is different to the method applied in previous reporting periods, where a factor was applied to determine the amount of claims arising from malicious prosecution. The previous method did not consider the merits of each case, and did not meet the requirements of the standards as there was no continuous assessment. Subsequently, the Department's new assessment process was applied retrospectively to assess the opening balance of its claims. The impact of the above change is that the opening balance has been adjusted accordingly to reflect the new assessment of claims against the Department. This resulted in a significant decrease in the claims amount where the Department found that a significant portion of its claims should have been reported as remote and not contingent liabilities.

The legal costs have not been included in the above disclosure as it is impossible to make a reliable estimate of these.

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
<b>19.2 Contingent assets</b>			
<b>Nature of contingent asset</b>			
Occupational specific dispensation related		9 934	7 735
Counter-claims		9 354	-
<b>Total</b>		<b>19 288</b>	<b>7 735</b>

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
<b>20. Capital commitments</b>			
Machinery and equipment		135 563	67 550

Figures in Rand thousand	Note(s)	2022/2023	2021/2022	
<b>21. Accruals and payables not recognised</b>				
<b>21.1 Accruals</b>				
Figures in Rand thousand				
Listed by economic classification	30 Days	30+ Days	Total	Total
Goods and services	60 666	52 369	113 035	70 868
Transfers and subsidies	-	-	-	38
Capital assets	162	-	162	45 213
Other	7	-	7	-
<b>Total</b>	<b>60 835</b>	<b>52 369</b>	<b>113 204</b>	<b>116 119</b>
<b>Listed by programme level</b>				
Programme 1: Administration			96 362	29 710
Programme 2: Court Services			3 876	78 582
Programme 3: State Legal Services			1 769	-
Programme 4: National Prosecuting Authority			11 197	7 827
<b>Total</b>			<b>113 204</b>	<b>116 119</b>

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
<b>21.2 Payables not recognised</b>			
Figures in Rand thousand Listed by economic classification			
	30 Days	30+ Days	Total
Goods and services	39 546	271 963	311 509
Transfers and subsidies	344	-	344
Capital assets	3 914	-	3 914
Other	277	44	321
<b>Total</b>	<b>44 081</b>	<b>272 007</b>	<b>316 088</b>
<b>Listed by programme level</b>			
Programme 1: Administration			81 292
Programme 2: Court Services			173 902
Programme 3: State legal Services			651
Programme 4: National Prosecuting Authority			60 243
<b>Total</b>			<b>316 088</b>
<b>Included in the above totals are the following:</b>			
Confirmed balances with other departments	Annexure 5	171 287	45 063
Confirmed balances with other government entities	Annexure 5	41 754	70 598
<b>Total</b>		<b>213 041</b>	<b>115 661</b>

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
<b>22. Employee benefits</b>			
Leave entitlement		582 250	504 051
Service bonus		339 676	323 183
Capped leave commitments		760 295	812 187
Other		57 947	56 598
<b>Total</b>		<b>1 740 168</b>	<b>1 696 019</b>

Included in the "leave entitlement for employees" is an amount of R 14.6 million which represents negative leave credits. This is due to the timing difference between leave accrual periods and actual leave periods as per the leave policy.

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
<b>23. Lease commitments</b>			
<b>23.1 Operating leases</b>			
<b>2022/2023</b>			
Figures in Rand thousand		Machinery and equipment	Total
Not later than 1 year		71 877	71 877
Later than 1 year and not later than 5 years		115 568	115 568
<b>Total lease commitments</b>		<b>187 445</b>	<b>187 445</b>

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
<b>2021/2022</b>			
Figures in Rand thousand		Machinery and equipment	Total
Not later than 1 year		55 367	55 367
Later than 1 year and not later than 5 years		10 217	10 217
<b>Total lease commitments</b>		<b>65 584</b>	<b>65 584</b>

The lease commitment disclosed herein relate to leasing of government garage vehicles and photocopier machines. The leases entered into by the Department do not have any renewal, purchase options as well as any escalation clauses. The Department as the lessee is not responsible for any enhancement repairs and maintenance. These are solely the responsibility of the lessor.

### 23.2 Finance leases \*\*

<b>2022/2023</b>			
Figures in Rand thousand		Machinery and equipment	Total
Not later than 1 year		33	33
<b>2021/2022</b>			
Figures in Rand thousand		Machinery and equipment	Total
Not later than 1 year		35	35

### 23.3 Operating lease future revenue

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
<b>24. Accrued departmental revenue</b>			
Fines, penalties and forfeits		27	27
Other		9 721	10 110
<b>Total</b>		<b>9 748</b>	<b>10 990</b>
<b>24.1 Analysis of accrued departmental revenue</b>			
Opening balance		10 990	5 998
Less: Amounts received		(10 742)	-
Add: Amounts recognised		9 500	4 992
<b>Total</b>		<b>9 748</b>	<b>10 990</b>

### 24.2 Accrued department revenue written off

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
<b>25. Unauthorised, Irregular and Fruitless and wasteful expenditure</b>			
Irregular expenditure		6 858	61 500
Fruitless and wasteful expenditure		71	57
<b>Total</b>		<b>6 929</b>	<b>61 557</b>

## 26. Related party transactions

## In kind goods and services provided/received

List in kind goods and services between the Department and the related party

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
Compensation of employees		29 916	97 508
Goods and services		2 163	415
<b>Total</b>		<b>32 079</b>	<b>97 923</b>

## List related party relationships and the nature thereof

Related Party	Nature of relationship
Guardian's Fund	Under common Ministry
Legal Aid Board	Under common Ministry
President's Fund	Under common Ministry
Special Investigating Unit	Under common Ministry
The Human Rights Commission	Under common Ministry
The Public Protector	Under common Ministry
Justice Administered Funds	Under common Ministry
Department of Correctional Services	Under common Ministry
Office of the Chief Justice and Judicial Administration	Under common Ministry

## 27. Key management personnel

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
Level 15 to 16		61 356	56 860
Level 14		25 636	23 185
<b>Total</b>		<b>86 992</b>	<b>80 045</b>

## 28. Provisions

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
Curator		387 392	192 769
Claims Against the State		102 908	-
<b>Total</b>		<b>490 300</b>	<b>192 769</b>

Curator fees and expenditure becomes an obligation to the state when a curator is appointed by the court. The curator must possess, manage and care for assets within seized estates. Obligations are payable based on court proceedings in terms of the POCA Act. Uncertainty is in respect of the timing of the finalisation of court proceedings.

Included in the provisions are amounts that relate to claims against the Department where the timing of the settlement is not known with certainty. The Department has determined the best estimate of these claims using the new assessment method that considers the amount stated in the court judgement/order or other similar cases per counsel decision.

## 28.1 Reconciliation of movement in provisions - 2022/2023

Figures in Rand thousand	Curator	Claims Against the State	Total provisions
Opening balance	192 769	-	192 769
Increase in provision	250 685	102 908	353 593
Settlement of provision	(14 456)	-	(14 456)
Change in provision due to change in estimation of inputs	(41 606)	-	(41 606)
<b>Closing balance</b>	<b>387 392</b>	<b>102 908</b>	<b>490 300</b>

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
<b>28.2 Reconciliation of movement in provisions - 2021/2022</b>			
Figures in Rand thousand		Provision 1	Total provisions
Opening balance		200 796	200 796
Increase in provision		19 671	19 671
Settlement of provision		(3 940)	(3 940)
Change in provision due to change in estimation of inputs		(23 758)	(23 758)
<b>Closing balance</b>		<b>192 769</b>	<b>192 769</b>

### 29. CARA Transactions

The Department administers the CARA-related transactions on behalf of the National Revenue Fund. These transactions are disclosed below:

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
<b>CRIMINAL ASSETS RECOVERY ACCOUNT (CARA)</b>			
Opening Balance CARA		738 027 000	696 865 000
Plus cash received during the year		2 667 199 000	71 577 000
Less cash paid out		(15 617 000)	(30 415 000)
<b>Cash on hand (CARA - SARB)</b>		<b>3 389 609 000</b>	<b>738 027 000</b>
Contingent assets		6 016 000	2 636 000
Inventory		99 086 000	52 816 000
Receivables		100 662 000	117 007 000
Provisions		105 768 000	119 453 000

Cash and cash equivalents consist of cash at the South African Reserve Bank managed by the National Revenue Fund in the National Treasury. All monies deposited into the Reserve Bank for the CARA represents the net proceeds of cases after related expenses are deducted from the proceeds by curators in charge of each case where applicable.

Receivables amounting to R 101 million at 31 March 2023 consist of the gross value of confiscation orders and gross value of forfeited cash held by curators and custodians pending the approval of their fees and expenses by the Master's office. Also included in receivables is cash held by curators after realisation forfeited property before funds are deposited into CARA.

Contingent assets of R 6.0 million are those assets such as as motor vehicles, property furniture, equipment etc. that have been forfeited to the state in accordance with Chapter 6 of the Prevention of Organised Crime Act. During the objection period as per the court order (usually 45 days), the assets attached are treated as Contingent assets. Where the values of the assets cannot be determined, a nominal value of R1 is allocated to the item.

Forfeited assets valued at R 99 million at 31 March 2023 are classified as inventory as they will be realised, and the net proceed after deduction of curator or fees and expenses will be deposited into CARA.

Inventory	Opening Balance (1 April 2022)	Adjustments	Additions	Disposals	Column heading	Closing Balance (31 March 2023)
Motor Vehicles	25 282	(7 717)	33 678	(22 802)	-	28 441
Land and Buildings	26 255	-	3 650	(717)	-	29 188
Other	1 279	(93)	40 304	(33)	-	41 457
	<b>52 816</b>	<b>(7 810)</b>	<b>77 632</b>	<b>(23 552)</b>	<b>-</b>	<b>99 086</b>



### Provision

Provisions are disclosed when there is a present legal or constructive obligation to forfeit economic benefits as a result of events in the past and it is probable that an outflow of resources embodying economic benefits will be required to settle the obligation and a reliable estimate of the obligation can be made. Provisions amounted to R 106 million at 31 March 2023.

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
<b>CARA Allocations</b>			
Department of Home Affairs		26 768	40 453
Department of Justice and Constitutional Development		23 000	23 000
Anti-Corruption Task Team		5 000	5 000
Department of Environmental Affairs		10 000	10 000
State Security Agency		41 000	41 000
		<b>105 768</b>	<b>119 453</b>

### Revenue received for agency activities

Figures in Rand thousand	Note(s)	2022/2023	2021/2022
<b>Name of principal entity</b>			
National Revenue Fund –Criminal Assets Recovery Account (CARA) with Oversight and disbursement approving authority resides in the Criminal Asset Recovery Committee. CARA receives proceeds in cash, property, motor vehicles equipment and other assets from the enforcement of court orders granted in terms of the Prevention of Organised Crime Act (Act 121 of 1998) as amended, and the Financial Intelligence Act(Act 38 of 2001).The proceeds are deposited into CARA which is an account in the National Revenue Fund.	71 577	-	71 577

### Reconciliation of agency funds and disbursements

Heading	Total agency funds received	Amount remitted to the principal	Variance between amounts received and amounts remitted	Total
National Revenue Fund (CARA)	71 577	(71 577)	-	-

### Inventory

Heading	Opening Balance(1 April 2021)	Adjustments	Additions	Disposal	Column heading	Closing Balance(31 March 2022)
Motor Vehicles	4 782	(1 145)	22 263	(618)	-	25 282
Land and Buildings	27 462	(1 301)	866	(772)	-	26 255
Other	1 249	(7)	191	(154)	-	1 279
	<b>33 493</b>	<b>(2 453)</b>	<b>23 320</b>	<b>(1 544)</b>	<b>-</b>	<b>52 816</b>

## 30. Money collected by the State Attorney on behalf of Government Institutions

The below monies are collected through the offices of the State Attorney in	2022/23	2021/22
behalf of other Government institutions:		
-Conveyance	9 661	27 790
-Debt Collection	7 261	2 818
-Provisional Asset Forfeiture	4 244	5 846
	<u>21 166</u>	<u>36 454</u>

## 31. Movable tangible capital assets

Movement in movable tangible capital assets per asset register for the year ended March 31, 2023

Figures in Rand thousand	Opening balance	Additions	Disposals	Closing balance
<b>Heritage assets</b>				
Heritage assets	458	-	-	458
<b>Machinery and equipment</b>				
Transport assets	213 225	10 750	23 310	200 665
Computer equipment	1 338 692	128 776	156 408	1 311 060
Furniture and office equipment	276 445	19 272	3 876	291 841
Other machinery and equipment	672 335	47 327	7 771	711 891
	<u>2 500 697</u>	<u>206 125</u>	<u>191 365</u>	<u>2 515 457</u>
<b>Total movable tangible capital assets</b>	<u>2 501 155</u>	<u>206 125</u>	<u>191 365</u>	<u>2 515 915</u>

## Movable tangible capital assets under investigation

Figures in Rand thousand	Value
Included in the above total of the movable tangible capital assets per the asset register are assets that are under investigation:	
Machinery and equipment	7 941

## 31.1 Movement for 2021/2022

Movement in movable tangible capital assets per asset register for the year ended March 31, 2022

Figures in Rand thousand	Opening balance	Additions	Disposals	Closing balance
<b>Heritage assets</b>				
Heritage assets	458	-	-	458
<b>Machinery and equipment</b>				
Transport assets	200 873	12 617	265	213 225
Computer equipment	1 261 639	156 595	79 542	1 338 692
Furniture and office equipment	265 925	13 652	3 132	276 445
Other machinery and equipment	659 721	19 371	6 757	672 335
	<u>2 388 158</u>	<u>202 235</u>	<u>89 696</u>	<u>2 500 697</u>
<b>Total movable tangible capital assets</b>	<u>2 388 616</u>	<u>202 235</u>	<u>89 696</u>	<u>2 501 155</u>

## 31.1.1 Prior period error

Figures in Rand thousand	Note	2021/2022
<b>Nature of prior period error</b>		
Relating to 2021/2022		
Transportation cost for ITC assets procured prior year and paid during current financial year		2 218
Non Cash Additions		872
Assets procured in prior year not added to Assets Register.		179
		<u>3 269</u>

## 31. Intangible capital assets (continued)

## 31.2 Minor assets

Movement in minor capital assets per the asset register for the year ended as at March 31, 2023

Figures in Rand thousand	Intangible assets	Machinery and equipment	Total
Opening balance	36	892 628	892 664
Additions	-	33 971	33 971
Disposals	-	20 579	20 579
<b>Total minor capital assets</b>	<b>36</b>	<b>906 020</b>	<b>906 056</b>

Figures in Rand thousand

Number of minor assets at cost

Machinery and equipment	Total
105 480	105 480

**Minor capital assets under investigation**

Figures in Rand thousand	Value
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Included in the above total of the minor capital assets per the asset register are assets that are under investigation:

Machinery and equipment	3 216
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Movement in minor capital assets per the asset register for the year ended as at March 31, 2022

Figures in Rand thousand	Intangible assets	Other machinery and equipment	Total
Opening balance	36	889 924	889 960
Additions	-	20 946	20 946
Disposals	-	18 242	18 242
<b>Total minor capital assets</b>	<b>36</b>	<b>892 628</b>	<b>892 664</b>

Figures in Rand thousand

Number of minor assets at cost

Other machinery and equipment	Total
105 523	105 523

## 31.2.1 Prior period error

Figures in Rand thousand	Note	2021/2022
Nature of prior period error Relating to 2021/2022 Assets Procured in prior year under incorrect allocations		1 041

## 32. Intangible capital assets

Movement in intangible capital assets per asset register for the year ended March 31, 2023

Figures in Rand thousand	Opening balance	Additions	Disposals	Closing balance
Software	374 020	15 006	-	389 026
Patents, licences, copyright, brand names, trademarks	45 788	192 775	27 440	211 123
<b>Total intangible capital assets</b>	<b>419 808</b>	<b>207 781</b>	<b>27 440</b>	<b>600 149</b>

## Intangible capital assets under investigation

## 32.1 Movement for 2021/2022

Movement in intangible capital assets per asset register for the year ended March 31, 2022

Figures in Rand thousand	Opening balance	Additions	Disposals	Closing balance
Software	337 785	104 468	68 233	374 020
Patents, licences, copyright, brand names, trademarks	13 508	32 280	-	45 788
<b>Total intangible capital assets</b>	<b>351 293</b>	<b>136 748</b>	<b>68 233</b>	<b>419 808</b>

## 32.2 Intangible capital assets: Capital work-in-progress

Capital work-in-process for the year ended as at March 31, 2023

Figures in Rand thousand	Note	Opening balance	Current year capital WIP	Ready for use (Assets to the AR) / Contracts terminated	Closing balance
Intangible assets		23 150	-	-	23 150

## 33. Immovable Tangible Capital Assets

Movement in immovable tangible capital assets per asset register for the year ended March 31, 2023

Figures in Rand thousand	Opening balance	Additions	Disposals
<b>Buildings and other fixed structures</b>	-	-	-
Dwellings	-	475 972	(475 972)
Non-residential buildings	-	475 972	(475 972)

## 33.1 Movement for 2021/2022

## Movement in immovable tangible capital assets per asset register for the year ended March 31, 2022

Figures in Rand thousand	Opening balance	Additions	Disposals
<b>Buildings and other fixed structures</b>			
Non-residential buildings	-	609 388	(609 388)

## 33.1.1 Prior period error

## 33.2 Capital Work-in-progress

## Capital Work-in-progress as at March 31, 2023

## 34. Prior period errors

## 34.1 Correction of prior period errors

Figures in Rand thousand	Note	Amount bef error correction	2021/22 Prior period error	Restated amount
Intangible assets	29	10 233	(123)	10 110
<b>Liabilities</b>				
Contingent liabilities - Claims against the state		7 055 410	(6 486 382)	569 028
Minor Assets		891 623	1 041	892 664
Capital Assets		2 497 878	3 269	2 501 147
Payables not recognised		142 292	2 278	144 570
Intangible Assets		337 785	11 785	349 570
<b>Net effect</b>		<b>10 924 988</b>	<b>(6 468 009)</b>	<b>4 456 979</b>

The Department established a new process for assessing claims against the Department relating to summonses in the current year under review. The assessment process is a continuous assessment that requires each claim to be assessed as a remote, contingent liability, contingent asset or provision and the best estimate of the claim determined in line with the accounting requirements. This assessment process applies specific criteria to determine the appropriate assessment. This new method is different to the method applied in previous reporting periods, where a factor was applied to determine the amount of claims arising from malicious prosecution. The previous method did not consider the merits of each case, and did not meet the requirements of the standards as there was no continuous assessment. Subsequently, the Department's new assessment process was applied retrospectively to assess the opening balance of its claims. The impact of the above change is that the opening balance has been adjusted accordingly to reflect the new assessment of claims against the Department. This resulted in a significant decrease in the claims amount where the Department found that a significant portion of its claims should have been reported as remote and not contingent liabilities.

## 35. Inventory (Effective from date determined in a Treasury Instruction)

## 35.1 Inventory for the year ended March 31, 2023

Figures in Rand thousand	Insert major category of inventory	Total
Opening balance	465	465
(Less): Issues	(43)	(43)
Closing balance	<b>Annexure 6</b>	<b>422</b>

## Inventory for the year ended March 31, 2022

Opening balance	487	487
(Less): Issues	(22)	(22)
Closing balance	<b>Annexure 6</b>	<b>465</b>

## 36. Statement of conditional grants and other transfers to municipalities

Figures in Rand thousand	2022/2023		2021/2022	
	Grant allocation		Expenditure	
Name of municipality	Adjustments	Total Available	Actual Transfer	Actual Transfer
Municipal Vehicle Licences	844	844	844	664

## 37. COVID 19 Response Expenditure

Goods services	318	16 819
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## ANNEXURES TO THE AUDITED ANNUAL FINANCIAL STATEMENTS

### Annexure 1A

#### Statement of conditional grants and other transfers to municipalities

Figures in Rand thousand	Transfer		2021/2022	
	Actual transfer	Reallocations by National Treasury or National Department	DoRA and other transfers	Actual transfers
Name of municipality				
Municipal Vehicle Licences	844	844	844	664

### Annexure 1B

#### Statement of transfers to Departmental Agencies and Accounts

Figures in Rand thousand	Transfer allocation		Transfer		2021/2022	
	Adjusted budget	Total available	Actual transfer	% of Available funds transferred	Final budget	Actual transfer
Departmental Agency/ Account						
Legal Aid South Africa	2 184 471	2 184 471	2 184 471	100 %	2 033 188	2 033 188
Special Investigating Unit	452 060	452 060	452 060	100 %	437 878	437 878
Public Protector of South Africa	377 928	377 928	377 928	100 %	359 860	359 860
South African Human Rights Commission	208 467	208 467	208 467	100 %	195 031	195 031
Dept Agency: Fines and Penalties	-	-	-	- %	61	61
Communication Licenses	108	108	108	100 %	57	82
Skills Development Levy	29 551	29 551	29 551	100 %	19 342	17 059
SARS	26	26	26	100 %	11 195	10 934
<b>Total</b>	<b>3 252 611</b>	<b>3 252 611</b>	<b>3 252 611</b>		<b>3 056 612</b>	<b>3 054 093</b>

### Annexure 1E

#### Statement of transfers to foreign government and international organisations

Figures in Rand thousand	Transfer allocation		Expenditure		2021/2022	
	Adjusted budget	Total available	Actual transfer	% of Available funds transferred	Final budget	Actual transfer
Foreign government/ International organisations						
<b>Transfers</b>						
Hague Conference International Law	1 233	1 233	1 233	100 %	1 300	1 188
International Criminal Court	14 959	14 959	14 959	100 %	15 015	12 170
International Institutional Unification	463	463	377	81 %	400	345
	<b>16 655</b>	<b>16 655</b>	<b>16 569</b>		<b>16 715</b>	<b>13 703</b>

## Annexure 1G

## Statement of transfers to households

Figures in Rand thousand	Transfer allocation		Expenditure		2021/2022	
	Adjusted budget	Total available	Actual transfer	% of Available funds transferred	Final budget	Actual transfer
<b>Transfers</b>						
Employee Social Benefits	105 318	105 318	89 747	85 %	105 957	105 957
Claims Against the State	10 305	10 305	10 305	100 %	4 764	4 764
	<b>115 623</b>	<b>115 623</b>	<b>100 052</b>		<b>110 721</b>	<b>110 721</b>

## Annexure 1H

## Statement of gifts, donations and sponsorships received

Figures in Rand thousand		2022/2023	2021/2022
Name of organisation	Nature of gifts, donations and sponsorships		
<b>Received in kind</b>			
COVID 19 Decontamination		-	3 880
Services by Volunteer by Ministries Africa			
Various Gifts and Donation received by Department		43 512	18 636
<b>Subtotal</b>		<b>43 512</b>	<b>22 516</b>

## Annexure 1I

## Statement of aid assistance received

Figures in Rand thousand		Opening balance	Expenditure	Closing balance
Name of donor	Purpose			
<b>Received in cash</b>				
European Union	Sectorial budget support	(44)	-	(44)
CARA	Domestic Violence	21 067	4 178	16 889
CARA NPA	Various Projects	10 756	4 338	6 418
<b>Subtotal</b>		<b>31 779</b>	<b>8 516</b>	<b>23 263</b>



## Annexure 3A

## Statement of financial guarantees issued as at March 31, 2023 - Local

Figures in Rand thousand		Opening balance April 1, 2022	Closing balance March 31, 2023
Guarantor institution	Guarantee in respect of		
	<b>Housing</b>		
Northern Province Development Corporation		111	111
Green Start		25	25
	<b>Subtotal</b>	<b>136</b>	<b>136</b>

## Annexure 3B

## Statement of contingent liabilities as at March 31, 2023

Figures in Rand thousand	Opening balance April 1, 2022	Liabilities incurred during the year	Liabilities paid/ cancelled/ reduced during the year	Closing balance March 31, 2023
<b>Nature of liabilities</b>				
<b>Claims against the Department</b>				
Summons	569 028	46 871	55 230	560 669
Supplier Discrepancies (Disputed Invoices)	44 227	-	39 505	4 722
	-	-	-	-
<b>Subtotal</b>	<b>613 255</b>	<b>46 871</b>	<b>94 735</b>	<b>565 391</b>
<b>Other</b>				
Third Party theft, Losses and Dishonoured cheques	4 436	1 783	-	6 219
<b>Total</b>	<b>617 691</b>	<b>48 654</b>	<b>94 735</b>	<b>571 610</b>

## Annexure 4

## Claims recoverable

Government entity	Confirmed balance outstanding	Unconfirmed balance outstanding		Total	Cash in transit at year end 2022/2023	
	2022/2023	2022/2023	2021/2022	2022/2023	2021/2022	Amount
<b>Department</b>						
National Departments	386 157	400 085	738 247	786 242	738 247	55 471
Limpopo	94 040	48 257	185 545	142 297	185 545	4 971
Mpumalanga	-	38 617	37 436	38 617	37 436	83
KwaZulu-Natal	23 716	2 954	36 882	26 670	36 882	20 574
Gauteng	593 350	67 342	565 428	660 692	565 428	3 352

Government entity	Confirmed balance outstanding	Unconfirmed balance outstanding		Total	Cash in transit at year end 2022/2023	
		2022/2023	2021/2022		2022/2023	2021/2022
North West	4 516	95 399	130 987	99 915	130 987	1 287
Free State	1 919	27 827	34 920	29 746	34 920	631
Western Cape	3 970	7 650	7 681	11 620	7 681	14
Eastern Cape	865 287	147 912	909 301	1 013 199	909 301	3 362
Northern Cape	245	8 139	7 184	8 384	7 184	-
Agency Services Control Account	-	940 887	574 952	940 887	574 952	-
PACE	-	1 008	1 008	1 008	1 008	-
Salary Recoverable Account	-	488	2 123	488	2 123	-
OCJ	-	8 884	8 880	8 884	8 880	-
<b>Subtotal</b>	<b>1 973 200</b>	<b>1 795 449</b>	<b>3 240 574</b>	<b>3 768 649</b>	<b>3 240 574</b>	<b>89 745</b>

## Annexure 5

## Inter-government payables

Government entity	Confirmed balance outstanding		Unconfirmed balance outstanding		Total	
	2022/2023	2021/2022	2022/2023	2021/2022	2022/2023	2021/2022
<b>Departments</b>						
<b>Current</b>						
National School of Governance	-	-	-	1 037	-	1 037
Public Works	43 829	45 063	-	-	43 829	45 063
South African Social Security Agency (SASSA)	-	-	-	2	-	2
Department of Public Admin	44	-	35	-	79	-
Department of Health - EC	127 414	-	3	-	127 417	-
<b>Subtotal</b>	<b>171 287</b>	<b>45 063</b>	<b>38</b>	<b>1 039</b>	<b>171 325</b>	<b>46 102</b>
<b>Other government entity</b>						
<b>Current</b>						
SIU	11 694	70 598	-	-	11 694	70 598
SITA	30 060	-	-	-	30 060	-
<b>Subtotal</b>	<b>41 754</b>	<b>70 598</b>	<b>-</b>	<b>-</b>	<b>41 754</b>	<b>70 598</b>
<b>Total Inter-government payables</b>	<b>213 041</b>	<b>115 661</b>	<b>38</b>	<b>1 039</b>	<b>213 079</b>	<b>116 700</b>

## Annexure 6

## Inventories

## Inventory for the year ended March 31, 2023

Figures in Rand thousand	Note	Insert major category of inventory	Total
Opening balance		465	465
(Less): Issues		(43)	(43)
Total		422	422

## Inventory for the year ended March 31, 2022

Figures in Rand thousand	Note	Insert major category of inventory	Total
Opening balance		487	487
(Less): Issues		(22)	(22)
Total		465	465

## Annexure 7

## Movement in capital work-in-progress

## Movement in capital-work-in progress for the year ended March 31, 2023

Figures in Rand thousand	Opening balance	Closing balance
Computer software		
Computer software	23 150	23 150

## Movement in capital work-in-progress for the year ended March 31, 2022

Figures in Rand thousand	Opening balance	Current year Capital WIP	Closing balance
Computer software			
Computer software	-	23 150	23 150

## Annexure 8A

## Inter-entity advances paid (note 11)

Entity	Unconfirmed balance outstanding		Total	
	2022/2023	2021/2022	2022/2023	2021/2022
<b>National departments</b>				
GCIS	10 421	8 278	10 421	8 278
DIRCO	2 638	2 668	2 638	2 668
National Treasury	-	165	-	165
<b>Subtotal</b>	<b>13 059</b>	<b>11 111</b>	<b>13 059</b>	<b>11 111</b>

## Annexure 11

## COVID 19 response expenditure

Per quarter and in total								
Figures in Rand thousand					2022/2023			
Expenditure per	April	May	Jun	Subtotal Q1	Jul	Aug	Sep	Subtotal Q2
Goods services								
CONS	-	16	4	20	3	4	-	
SUPP:MEDICAL								
SUPPLIES								
CONS HOUS	3	4	2	9	30	-	12	4
SUP:WASH/CLEAN								
DETE								
CONS MAT&SUP:	-	-	1	1	-	-	-	
HARDWARE								
P/P: PEST	-	7	39	46	-	15	1	1
CNTRL/FUMIGATION								
SER								
P/P: MANAGEMENT	-	-	-	-	-	-	-	
FEE								
P/P: CONTRCTD	-	-	-	-	-	-	-	
MAIINT PROP								
CONS HOUS SUP:	-	-	-	-	-	-	-	
DIS PAPER/PLAST								
CONS HOUS SUP:	-	15	15	30	21	9	4	3
TOILETRIES								
CONS:	-	-	-	-	-	-	-	
COMMUNICATION								
ACCESSORIES								
CONS SUPP:	-	-	-	-	-	-	-	
UNI/PROT								
CLTH&CLOTHES								
	3	42	61	106	54	28	17	9





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