



Strategic Plan

For the period 2011-2016

Annual review 2011/12



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

Department of Justice and Constitutional Development

Strategic Plan for the period 2011 – 2016

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In terms of its Medium Term Strategic Framework (MTSF), the Department of Justice and Constitutional Development (DoJ&CD) remains committed to prioritising its efforts and funding to ensure the delivery of the priorities of government and the department as set out in this Strategic Plan.

The annual strategic review for 2011/12 covers the departmental vision, mission, and goals and how the department plans to achieve its medium-term objectives.

The DoJ&CD has, since the formation of the new non-racial and democratic government in 1994, striven to promote the values enshrined in the Constitution adopted by Parliament in 1996. As enjoined by the Preamble of the Constitution, the department continues to strive to:

*“Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights;
Lay the foundations for a democratic and open society in which Government is based on the will of the people and every citizen is equally protected by law;
Improve the quality of life of all citizens and free the potential of each person; and
Build a united and democratic South Africa able to take its rightful place as a sovereign state in a family of nations.”*

The department continues to ensure that its strategies, policies and priorities are aligned to these imperatives. However, the department has also ensured that its strategic goals and priorities are aligned with the priorities of government, as articulated by the Honourable President, Mr JG Zuma, in his 2011 State of the Nation address.

In relation to the Justice, Crime Prevention and Security (JCPS) Cluster, on 24 October 2010 the department concluded and signed a Cluster Delivery Agreement. The department is fully committed to contributing to the promotion and implementation of the eight outputs of this delivery agreement in order to achieve Outcome 3, which enjoins the department to ensure that *all people in South Africa are and feel safe*.

From a departmental perspective, it will continue to provide support aimed at ensuring the efficient functioning and the proper resourcing of the administration of justice, within the funding allocated.

The department's priorities include strengthening the legislative framework in which the justice system operates. In this regard, it has initiated processes to finalise key legislation, including the Constitution Eighteenth Amendment Bill, the Superior Courts Bill and the Legal Practice Bill. These endeavours are aimed at consolidating the outstanding aspects relating to judicial reform and rationalising the courts and the legal profession with a view to establishing a judicial system suited to the requirements of the Constitution. These bills were approved by Cabinet in December 2010 and will soon be dealt with by Parliament.

The department will continue to build on the progress made thus far in achieving a more effective justice system. It has learned from and will replicate the best practices arising from the coordination role the JCPS Cluster played in relation to the administration of justice in ensuring that the country hosted a successful 2010 World Cup.

The department will prioritise service delivery in relation to its core functions. In terms of Vote 24, the Justice Programme is divided into five programmes. Programme 1 relates to Administration, which deals with the management of the department and the provision of support services in relation to an efficient administration of justice. Programme 2 deals with Court Services and entails the facilitation of the resolution of criminal, civil and family law disputes, through the provisioning of accessible, efficient and quality administrative support to the courts and the management of court facilities. Programme 3 relates to State Legal Services and covers legal and legislative services that are rendered to government as well as the supervision of the administration of the deceased and insolvent estates and the registration of trusts. This programme also deals with the management of the Guardian's Fund as well as the preparation and promotion of legislation and the facilitation of constitutional development. Programme 4 deals with the National Prosecuting Authority (NPA) and prioritises the coordination of a professional prosecuting service that ensures that justice is delivered to the victims of crime through general and specialised prosecutions, the removal of profit from crime through the work of the Asset Forfeiture Unit (AFU), and the protection

of certain witnesses. Programme 5 entails auxiliary and associated services and includes the provision of transferred funds to the South African Human Rights Commission (SAHRC), the Office of the Public Protector, Legal Aid South Africa, the Special Investigating Unit (SIU), the Represented Political Parties' Fund and the President's Fund.

The department will improve access to justice services, specifically to people living in townships and rural areas, improve the quality of services provided and redefine magisterial districts and align them with municipal boundaries.

The department will also continue to promote and implement a variety of initiatives to promote and protect the rights of all vulnerable groups. Departmental and cluster initiatives in implementing, among others, legislation such as the Child Justice Act, 2008, and the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, are supported through the development and implementation of national policy frameworks.

The department's Strategic Plan spells out how it will overcome its current audit challenges and achieve an unqualified audit by 2012/13 and how it will endeavour to turn the services offered by the Master's Branch and maintenance offices around during the 2011/12 financial year.

This Strategic Plan seeks to contribute to the building of a united and democratic South Africa, as our Constitution rightfully demands. However, such a vision can only be realised if all public servants in the department, members of the judiciary, all the department's partners inside and outside government join the department in its efforts to make a difference.

It is my pleasure to indicate that I endorse this Strategic Plan and commit myself to ensuring its implementation.



MR JT RADEBE, MP

MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

It is hereby certified that this Strategic Plan:

- was developed by the management of the Department of Justice and Constitutional Development, under the guidance of the Minister of Justice and Constitutional Development, Mr Jeff Radebe, MP;
- takes into account the relevant policies, legislation and other mandates for which the Department of Justice and Constitutional Development is responsible; and
- accurately reflects the strategic goals and objectives that the Department of Justice and Constitutional Development will endeavour to achieve over the following period 2011–2016.

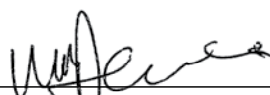
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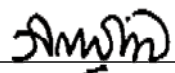
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Deputy Minister of Justice and Constitutional Development

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Mr Jeffrey Radebe, MP
Minister of Justice and Constitutional Development

Signature: 

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1 INTRODUCTION

This document sets out the Department of Justice and Constitutional Development's Strategic Plan as revised for the 2011/12 financial year.

Government has implemented an outcomes-based approach to planning for the effective management of its various programmes. This outcomes-oriented approach measures the impact of government's programmes and is designed to ensure that government is focused on achieving the expected real improvements in the lives of South Africans. In line herewith, government has identified 12 priority outcomes as key focus areas for the period ending 2014. During 2010, departments were informed that they should, with effect from the 2011/12 financial year, deal with their strategic and performance plans in accordance with the Framework for Strategic Plans and Annual Performance Plans issued by National Treasury. The department has largely complied with the framework, except in some strategic objectives where baselines are still under investigation.

In line with the above requirements, the department's Strategic Plan sets out its policy priorities, programmes and project plans for the current five-year planning cycle, as approved, within the scope of available resources, and indicates, among others, its commitment to the following:

- Ensuring that everyone in South Africa is and feels safe.
- Developing policies for protecting the rights of vulnerable groups and victims in our society.
- Prioritising access to justice services for people in poor and rural areas.
- Supporting efforts to increase the finalisation of court cases, as well as an increased use of alternative dispute resolution mechanisms, the diversion of cases and the use of restorative justice processes.
- Administering deceased and insolvent estates efficiently.
- Providing appropriate legal advice and litigation services to organs of the state.
- Promoting legislation and constitutional development to meet the needs of society.
- Managing all funds under the auspices of the Department, including the Criminal Assets Recovery Fund, the Guardian's Fund, the President's Fund and Third Party Funds.
- Creating more jobs in line with government's priorities in this regard and implementing the Employment Plan.

The department's Strategic Plan, as approved during 2010, has undergone revisions related to policy shifts, changes in the service delivery environment and budgetary constraints. One such policy shift is the fact that the department, together with the JCPS Cluster partners, is jointly responsible for delivering on Government's Outcome 3 (All people in South Africa are and feel safe). In this regard, a delivery agreement was signed by the JCPS Cluster Ministers on 24 October 2010 and an implementation plan will be finalised in 2011/12. Relevant outputs of this delivery agreement form part of the department's Strategic Plan. A summary of the delivery agreement is shown in Attachment 2.

In addition to the delivery of Outcome 3, three key priorities discussed under Section 5 were identified for special focus in the 2011/12 financial year to improve service delivery and manage the department more effectively. These are the following:

1. Achieving a No Audit Qualification status by 2012/13.
2. Service turnaround in Maintenance Services.
3. Service turnaround in the Master's Branch.

The Strategic Plan details the goals and objectives that the department has set to achieve over the next five years. Part A provides general background on the department, its legislative mandates, the organisational context and the four goals that have been formulated, while Part B details the strategic objectives and five-year targets, arranged

according to programmes.

Detailed information on the annual and quarterly targets is available in the department's Annual Performance Plan.

2 MISSION, VISION AND VALUES OF THE DEPARTMENT

2.1 Vision

A transformed and accessible justice system, which promotes and protects social justice, fundamental human rights and freedoms.

2.2 Mission

We commit to providing transparent, responsive and accountable justice for all.

2.3 Principles and Values

- *Commitment to constitutional values and a culture of human rights;*
- *Promotion of the Rule of Law;*
- *Batho Pele;*
- *Good governance;*
- *Ubuntu;*
- *Professionalism and continuous improvement;*
- *Transparency.*

3 LEGISLATIVE AND OTHER MANDATES

3.1 Constitutional mandates

Within its broad constitutional mandate, the department's mandate is twofold, namely, to provide a framework for the effective and efficient administration of justice, and to promote constitutional development through the development of legislation and the implementation of programmes that seek to sustain constitutionalism, provide an enabling environment for the judiciary and constitutional institutions to exercise their powers and functions freely and independently, and the implementation of programmes to deepen and nurture our constitutional democracy.

3.2 Legislative mandates

The department derives its statutory mandate from various pieces of legislation in the form of statutes and subordinate legislation. The following are categories of functions, emanating from different legislative instruments that are relevant to the department:

- (i) Legislation providing for the establishment and functioning of the superior courts, magistrate's courts and special courts (the Constitutional Court Complementary Act 1995, the Supreme Court Act, 1959, the Magistrates Courts Act, 1944, and the Small Claims Court Act, 1984).
- (ii) Legislation providing for the appointment of judges and magistrates, their conditions of service, discipline and training (the Judges Remuneration and Conditions of Employment Act, 2001, the Judicial Service Commission Act, 1994 as amended in 2008, the South African Judicial Education Institute Act, 2008, and the Magistrates Act, 1993).
- (iii) Legislation providing for the establishment and functioning of the National Prosecuting Authority, the conduct of criminal proceedings, investigation of organised crime and corruption and the forfeiture of assets obtained through illicit means (the National Prosecuting Authority Act, 1998, the Criminal Procedure Act, 1977, the Prevention of Organised Crime Act, 1998, and the Witness Protection Act, 1998).
- (iv) Legislation providing for the establishment and functioning of bodies responsible for legal aid, law reform and rule-making (the Legal Aid Act, 1969, the South African Law Reform Commission Act, 1973, and the Rules Board for Courts of Law Act, 1985).
- (v) Legislation providing for the appointment of masters of the high courts and the administration of the Guardian's Fund and deceased and insolvent estates (the Administration of Estates Act, 1985, and the Insolvency Act, 1936).
- (vi) Legislation regulating the provisioning of legal advisory services to government departments (the State Attorneys Act, 1957).
- (vii) Legislation relating to the enforcement of people's rights (the Promotion of Administrative Justice Act, 2000, the Promotion of Access to Information Act, 2000, and the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000).
- (viii) Legislation pertaining to the protection of vulnerable groups (the Child Justice Act, 2008, the Children's Act, 2005, the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, the Maintenance Act, 1998, and the Domestic Violence Act, 1998).
- (ix) Legislation providing for the support to Chapter Nine institutions (the Human Rights Commission Act, 1994, and the Public Protector Act, 1994).

3.3 Policy mandates

(a) JCPS Cluster Delivery Agreement

An important Executive function assigned to the Justice and Constitutional Development portfolio is the coordination and the leadership role of the JCPS Cluster, as it was reconstituted under the fourth administration since the advent of democracy. The Government Programme of Action, adopted by the JCPS in July 2009, reinforced through the signing of the Cluster Delivery Agreement in 2010, underpins the JCPS strategy for fighting crime and corruption, which is one of the key priorities adopted by government. Through its leadership of the cluster, the department monitors and coordinates the overall implementation of the strategies and activities of the cluster to realise government's delivery outcomes.

In terms of the 2011/12 financial year, the JCPS Cluster will continue to build on the successes achieved during 2010 and will focus in particular on the following main activities:

- The Cluster will continue to promote greater coordination and interaction between the Cluster role-players

so that crime prevention and the combatting of crime is improved.

- In this regard, there will be a focus on finalising the Social Crime Prevention Strategy and the Restorative Justice Strategy.
- There will be a Diversion Indaba between the various clusters to improve understanding and implementation of diversion and alternative dispute resolution mechanisms.
- Focused crime reduction activities by the law enforcement agencies, coupled with dedicated prosecution and court-related activities will continue.
- There will be a focus on the finalisation of the baseline report on corruption and specific activities to help combat corruption within the JCPS Cluster and in general through a rationalised and integrated approach across the various cluster departments.
- The Survey dealing with crime perceptions from victims of crime will be carried out, coupled to measures addressing gaps indicated by the Survey.
- Border management will be strengthened.
- Measures to protect the identity of South Africans will continue to be implemented.
- The cyber security policy, including a policy on cyber crime will be finalised and implemented.
- Integration of the information communication technology systems across the Cluster to enhance seamless crime fighting will be rolled out.

(b) The Constitution as the basis for the transformation of the justice system

In the South African context, the transformation of the legal system, which includes the transformation of the justice system, is mandated by the Constitution. The Constitution, which is the supreme law of the land, is the source and foundation of policies geared to improve the effectiveness and efficiency of the administration of justice and the transformation of the judiciary as well as the legal profession. Fundamental policy initiatives contemplated for implementation in the current MTSF cycle, focus, among others, on the following areas:

- (i) Transformation of the judiciary, including institutional reforms to enhance the capacity of the Office of the Chief Justice to perform its constitutional mandate;
- (ii) Transformation of the courts and the attainment of a single judiciary. Part and parcel hereof is the envisaged overhaul of the Magistrate's Courts Act, 1944, to ensure it is in line with the principles that underpin the Superior Courts Bill and the Constitution;
- (iii) Strengthening the independence and accountability of the National Prosecution Authority, by providing, among others, a legislative framework that establishes the National Prosecuting Authority as an entity accounting separate from the department;
- (iv) Providing a legislative framework to overhaul the management of monies in trust, including the development and implementation of appropriate policies and legislation to address the current weaknesses in the management of Third Party Funds.
- (v) Strengthening our constitutional development portfolio.
- (vi) Continuation of the implementation of the 7-Point Implementation Plan to transform the Criminal Justice System and improve its efficiency.
- (vii) The review of the civil justice system to improve access to and address the weaknesses in the civil justice value chain.
- (viii) Addressing the department's capacity to provide quality legal advisory services, including the rationalisation and consolidation of the Office of the State Attorney and the department's other functionaries that provide legal advisory services to the state.

Substantive progress has been made with regard to the following initiatives:

i. Transformation of the judicial system

The transformation of the judicial system entails the following key programmes:

- **Institutional reforms to strengthen the Office of the Chief Justice**

The Constitution Eighteenth Amendment Bill introduces fundamental changes to the judicial system to bring it in line with the Constitution. This bill seeks to provide a constitutional framework for the Chief Justice to exercise his or her judicial leadership role. The enactment of the proposed new section 165(6) of the Constitution is intended to affirm the Chief Justice as the head of the judiciary and confer upon him or her, among others, the responsibility of developing and monitoring the implementation of norms and standards for the exercising of judicial functions of all courts. The amendment will also empower the Chief Justice to exercise oversight over the Judiciary – both in respect of the lower and superior courts. To this end, the necessary systems are being implemented for the Office of the Chief Justice to have its own earmarked funds and the department is working closely with National Treasury to achieve this.

The envisaged institutional reforms are to be finalised in the medium to long term. However, in the interim, measures have been put in place to strengthen the Office of the Chief Justice and enhance its capacity to support the Chief Justice in performing his or her constitutional mandate. As part of these measures the Office of the Chief Justice has been proclaimed as a national department with a view to enhancing its stature. (Proclamation No. 44, 2010 published in *Government Gazette* No 33500, dated 3 September 2010). In this regard there is a need to establish a framework that will promote collaboration, synergy and alignment between the Department of Justice and Constitutional Development and the Office of the Chief Justice in the execution of their respective mandates relating to the administration of justice. The Secretary-General, who is the administrative head of the Office of the Chief Justice, and the Director-General, as the accounting officer of the Department of Justice and Constitutional Development, will be responsible for the coordination of the strategies of the two departments to avoid duplication and overlapping of roles as well as to put protocols in place to facilitate the migration of functions and responsibilities, such as accounting and systems development. In this regard, the primary focus is to enhance the independence of the new department. To this end we will work very closely with National Treasury to achieve these objectives.

Linked to institutional reforms, certain initiatives are being undertaken to strengthen judicial accountability and institutionalise the judicial education programmes which are necessary for establishing and maintaining an independent, effective and efficient judicial system. The necessary legislation (the Judicial Service Commission Amendment Act, 2008) provides for the compilation of a Code of Judicial Conduct which serves as a prevailing standard for judicial conduct, and the Regulations on Judges' Registrable Interests to ensure impartiality and the integrity of judicial processes.

Transformative initiatives to establish a state-funded Judicial Education Institute (JEI) to provide judicial education to aspirant judges and magistrates and continuing education to serving judges and magistrates, have been put in place. A budget of R70 million has been earmarked for the JEI over the MTEF period. The JEI is led by a Council chaired by the Chief Justice, and constituted by representatives of the judiciary, the Minister or his or her nominee, nominees of the legal profession, law deans of the South African universities and representatives of the Institution of Traditional Leadership.

These two new mandates assigned to the Office of the Chief Justice require that the Office of the Chief Justice be adequately resourced and capacitated to meet its transformational objectives.

- **Rationalisation of the superior courts**

The Constitution Amendment Bill and the Superior Courts Bill seek to give effect to item 16(6) of Schedule 6 to the Constitution of the Republic of South Africa, 1996, in terms of which all courts must be rationalised with a view to establishing a judicial system suited to the requirements of the Constitution.

The rationalisation of the courts is therefore a constitutional imperative. The Constitution Amendment Bill seeks to achieve the above transformative goal, among others, by means of the following:

- (i) Affirming the Constitutional Court as the apex court in the Republic in all matters and further regulating the jurisdiction of the Constitutional Court and the Supreme Court of Appeal (SCA). Under the current constitutional framework, the Constitutional Court is the highest court in constitutional matters only, while the SCA is the highest court of appeal except in constitutional matters. Through the envisaged Constitution Amendment Bill, the Constitutional Court will be conferred with general appeal jurisdiction as the final court of appeal, in addition to its constitutional jurisdiction. The amendment is further necessitated by the reality that, in practice, the distinction between constitutional and non-constitutional jurisdiction conferred on the Constitutional Court and SCA respectively has become superfluous.
- (ii) Providing for a single "High Court of South Africa", comprising various divisions with the view to rationalising the current separate high courts. The Superior Courts Bill, 2011, aims to operationalise the constitutional principles envisaged in the Constitution Eighteenth Amendment Bill. Importantly, the Superior Courts Bill provides for the establishment of divisions of the High Court in all provinces and local divisions where it is necessary to enhance access to justice. This will result in the establishment of high courts for Limpopo and Mpumalanga, thereby alleviating the hardship endured by the communities of the two provinces of having to commute to the Gauteng North High Court in Pretoria to access high court services.

- ii **Re-alignment of magisterial districts with municipal districts**

The department continues to implement programmes that seek to correct the old magisterial districts that were based on the racial and geopolitical boundaries of the defunct self-governing and independent states (homelands) and the former RSA territory. The two-pronged programme seeks firstly to transform the branch courts in the traditional black areas and rural villages into proper, adequately capacitated courts to meet the needs of the post-1994 democratic society. The transformation of the branch courts entails the rehabilitation of the branch courts, conferring on them adequate jurisdiction and providing them with sufficient capacity to function as fully fledged courts. Fifteen of the 90 branch courts were converted into full service courts in August 2009 while a further 9 Branch courts converted into full services courts during the 2011/12 financial year. Additional budget is being sourced to convert the outstanding 66 branch courts by 2014.

The significance of the conversion of the branch courts into full-service courts is the elimination of the current fragmented system in terms of which communities in the traditional black areas and rural villages only have access to services relating to the adjudication of criminal cases in the local courts in their vicinity and must, in order to access services relating to civil matters, including maintenance, small claims courts and deceased estates, commute to the remote cities and towns. This programme will continue during the MTSF period until all the branch courts have been upgraded to provide full court-related services.

Secondly, the rationalisation of the lower courts also entails the alignment of the magisterial districts with the municipal boundaries established under the new constitutional dispensation. In terms of this programme, the 384 magisterial districts proclaimed prior to 1994 are being rationalised in accordance with the current 287 municipal boundaries demarcated by the Municipal Demarcation Board through an objective, fair and

equitable process as required by the Constitution. The report containing recommendations of the new rationalised areas of jurisdiction for the lower courts will be finalised during the 2011/12 financial year, while implementation will continue over the rest of the MTSF cycle.

iii. Review of the civil justice system

While the transformation of the lower courts remains a medium- to long-term project, intermediate legislative interventions have been implemented to address some of the pressing gaps in the lower courts. These include the amendment of the Magistrate's Courts Act, 1944, to extend civil and divorce jurisdiction to regional courts. The Jurisdiction of Regional Courts Amendment Act, 2008, which abolished the Administration Amendment Act, 1929, which had created the divorce courts, came into operation on Women's Day, 9 August 2010.

As part of continuing efforts to improve the civil justice system, various new small claims courts were established during the 2009/10 financial year to bring the total number of these courts to 224. The target is to establish a small claims court for each of the 384 magisterial districts by 2014, subject to the rationalisation of the areas of jurisdiction of lower courts as explained above. The reason for the slow pace in the establishment of these courts is the lack of an adequate number of legal practitioners with appropriate experience who are willing to be appointed as commissioners. Legal Aid South Africa (LASA) has agreed to avail its lawyers with sufficient experience to address the shortage of commissioners. Through these interventions, it is hoped that the immediate challenges that confront these important courts, which are geared to ensure that the poor and the indigent have equal access to justice, will be resolved.

Other initiatives that are being undertaken under the Civil Justice Review Programme are the harmonisation and rationalisation of the rules of all courts with a view to simplifying complex court processes and procedures, and the institutionalisation of alternative dispute resolution mechanisms, diversions and mediation to enhance access to justice.

iv. Policy on the language of record

The language of record is the language in which the court proceedings, including processes, summonses, charge sheets, pleadings and judgment is conducted. English and Afrikaans are the only languages in which proceedings are kept in the courts. Although indigenous languages are used by witnesses and accused persons during the proceedings, the testimony is translated by an interpreter into the official language of record for recording purposes. The use of English and Afrikaans as languages of record stems from the pre-1994 constitutional era when these two languages were the only official languages for conducting government business.

The Constitution already provides for eleven official languages, which are freely used in court proceedings and translated into English or Afrikaans. However, for practical reasons and due to the cost implications, English is mainly used as a language of record.

A policy and legislative framework is being developed to address this matter and will be finalised during the 2011/12 financial year. The policy will, among others, provide for instances where any other official language may be used as language of record, provided that, should any appeal or review arise from any such matter, the record shall be translated into English for purposes of prosecuting any such appeal or review.

(c) Relationship with Chapter 9 Institutions

The Constitution requires Chapter 9 institutions to be independent. Section 181(2) of the Constitution provides for the independence of the Chapter 9 institutions and section 181(3) requires that "other organs of state through legislative and other measures, must assist and protect these institutions to ensure the independence, impartiality,

dignity and effectiveness of these institutions”.

The Constitution and the national legislation of each institution sets out the appointment mechanisms, terms of office, mandates, powers, funding and lines of accountability.

Regarding the financial arrangements of these institutions, their expenditure is defrayed from money appropriated by Parliament in the same manner, and subject to the same laws, as in the case of a department of the national government. It is practice to appropriate public funds through a government department and since Chapter 9 institutions like public entities are not departments, they therefore receive their funds through a government department. These funds are transferred by the relevant departments into the bank accounts of the Chapter 9 institutions and therefore do not entail an oversight role on the part of the Executive, but only constitutes a transfer payment to the relevant institutions.

Chapter 9 institutions are invited to attend the Medium Term Expenditure Committee (MTEC) meetings convened by National Treasury to make submissions regarding their budgetary allocations. The Minister for Justice and Constitutional Development represents the interests of Chapter 9 institutions linked to the department at these meetings. This necessitates the need to interact with the Chapter 9 institutions on their strategic plans in order to ensure a better understanding of the work of these institutions, without interfering with their independence.

Furthermore, it is important to note that while the strategic plans of the Chapter 9 institutions are developed independently of government, the work of these institutions complement the government Programme of Action in order to maintain synergy and strengthen constitutional democracy.

The relationship with Chapter 9 institutions was further emphasised by the Chairperson of the SAHRC at the Portfolio Committee on Justice and Constitutional Development on the occasion of a briefing relating to the budget of the SAHRC, where he said that “while we value our independence and regard it as essential to enable us to discharge our mandate, we are mindful that independence does not exist in the air and that we are indeed part of a broader democratic process and accordingly must exist and function in relation to those other actors, must dialogue with them in a substantive way with a view to ensuring that in the discharge of our mandate we take cognisance of the national reality and the broader challenges that face us as a nation. We do not want to work in a fashion that makes us so independent that we function in splendid isolation, while at the same time we are mindful that we are enjoined to discharge our mandate without fear, favour or prejudice and that those who seek our services and assistance must do so in the fullest confidence in our ability to act independently.”

Following the Minister’s decision in 2010, the department established the Constitutional Development branch. In compliance with section 181(3), read with section 196(3) of the Constitution, the branch will, through legislative and other measures, assist and protect Chapter 9 institutions supporting constitutional democracy to ensure their independence, impartiality, dignity and effectiveness.

The branch consists, amongst others, of two components:

- Constitutional Development, which is responsible for the administration of the Constitution of the Republic of South Africa. This includes but is not limited to the creation of public awareness of the Constitution.
- Chapter 9 institutions, which is responsible for promoting, assisting and maintaining the independence and effectiveness of Chapter 9 institutions.

The branch has undertaken to perform the following functions in respect of Chapter 9 institutions:

- Facilitating the budgetary process and assisting with the financial arrangements of Chapter 9 institutions
- Promoting proposals emanating from the reports of those institutions
- Ensuring compliance with section 181(3) of the Constitution
- Evaluating and investigating the legislation establishing Chapter 9 institutions
- Promoting and maintaining communication channels between Chapter 9 institutions and state departments

3.4 Relevant Court Rulings

“On 2 June 2008 the Constitutional Court, in *Nyathi v MEC for Department of Health, Gauteng and Another* 2008 (5) SA 94 (CC) declared section 3 of the State Liability Act, 1957 (Act 20 of 1957) (the Act), to be inconsistent with the Constitution of the Republic of South Africa, 1996 (the “Constitution”). Section 3 prevented the attachment of state property pursuant to court action or proceedings. This period of invalidity was suspended for 12 months, pending the enactment of legislation to provide for the effective enforcement of court orders.

On 9 October 2009 the Constitutional Court, in *Minister for Justice and Constitutional Development v Nyathi and Others, In re: Nyathi v Member of the Executive Council for Health, Gauteng and Another* (Case CCT 53/09), extended the period of suspension of invalidity to 31 August 2011, and provided for an interim order that will regulate the satisfaction of judgment debts against the state until 31 August 2011 or until remedial legislation is enacted.

The State Liability Amendment Bill has been introduced and has been referred to the Portfolio Committee on Justice and Constitutional Development for consideration.”

4 SITUATIONAL ANALYSIS

4.1 Environmental scan

The Socio-economic environment

Demographics

- The population of South Africa has increased from 40.5 million (1996) to 49,9 million (mid-year 2010) according to Statistics SA, resulting in a greater demand for services and on resources in general, specifically with regard to the department and the JCPS Cluster.
- The migration of people from neighbouring countries and the rest of the continent to South Africa as well as internal migration between provinces has a negative effect on the planning, availability of and ability to deliver services.
- A disparity still exists in the availability and the delivery of services between urban and rural areas. The department attempts to address this disparity by prioritising previously disadvantaged areas in infrastructure spending.

Economy

- The global economic situation has had a negative impact on South Africa. As a result, less funding is available to the department to provide the services required.
- Relatively high levels of poverty and unemployment result in an increasing need for free services offered by Legal Aid South Africa.
- Social problems are prevalent as a result of economic strain, moral decay, increased crime and corruption and family violence.
- There will also be an increase in civil matters (default judgements) and increased maintenance enquiries (people defaulting on their maintenance obligations because of financial difficulties). Thus the department has to position itself to responding to this reality.

Environment

- Criminal offences relating to the environment (abalone depletion, poaching for rhino horn) are on the increase leading to additional pressure on the criminal justice system.

Technology

- There has been an increase in the availability of technology, but there are still many people who have limited access thereto and thus may not be able to access help desks, where these can be established.
- Access to broadband is becoming less expensive and therefore more accessible. This, coupled with the rapid developments in terms of information and communication technology (ICT), however, leads to increased cyber threats and cyber crime.
- There is a need to keep pace with technological advances, but budgetary constraints hamper the department's ability to keep up with technological advancements.

Education

- People are becoming more aware of their constitutional rights, in particular, human rights, which obliges the department to position itself more actively to promote these rights.

Legal and justice environment

Crime Statistics

- South African Police Service (SAPS) statistics indicate that serious crime incidents are decreasing. There are, however, still more than two million incidents of crime that are reported to the SAPS annually and this leads to a large number of cases flowing into the courts.

Criminal Justice System

- The implementation of the Cabinet-approved 7-Point Implementation Plan following the CJS Review is continuing. The 7-Point Implementation Plan has been incorporated into the JCPS Delivery Agreement and substantial progress has been made in various areas such as improved coordination across the CJS, improvement of court processes and the development of various protocols aimed at enhancing access to justice services.
- However, there remains a shortage of courts and the court infrastructure is outdated in some cases. Budgetary and cash flow constraints impact negatively on improving the situation as speedily as required, leading to an approach of progressive realisation of targets.
- There remains a significant backlog in the finalisation of cases in the courts. The countrywide situation regarding outstanding- and backlog cases per court level as at the end of December 2010 was as follows:

Outstanding and backlog cases: 31 December 2010				
	Outstanding cases	Backlog cases	Percentage of backlog cases	Backlog cases removed on Backlog Project
District courts	167 920	19 585	11.7	6 613 (April 2010–December 2010)
Regional courts	50 959	16 071	31.5	6 089 (April 2010–December 2010)
High courts	1 281	311	24.3	0
Total all courts	220 160	35 967	16.3	12 702 (April 2010–December 2010)

Correctional Services

- There is still significant overcrowding of the detention facilities of the Department of Correctional Services (135.05%) and this requires the attention of all the JCPS departments, including the department and the Judiciary in relation to sentencing generally but more specifically in relation to the speed with which cases are finalised, thereby reducing the number of awaiting trial detainees held in correctional facilities and the time period they are detained.

Civil Justice System

- The workload of the magistrate's civil courts, family (divorce) courts and high courts has increased substantially.
- The increased civil jurisdiction of regional courts will assist in the provisioning of more services in civil matters.
- The civil justice review is underway and will lead to the identification of gaps and improvement to the civil law system. In May 2010 Cabinet approved the terms of reference for the review which in the main seeks to overhaul the civil justice system to provide for expeditious; less cumbersome and more affordable means of resolving civil disputes. The enactment of the Traditional Courts Bill, currently being considered by Parliament, will provide for the diversion of less serious civil disputes from the overburdened magistrate's courts. The Traditional Courts Bill incorporates the traditional justice value system, based on restorative justice and reconciliation, which enhances access to justice and promotes social cohesion.

Information systems environment

The department has struggled to manage the ICT budget allocated to it to improve ICT integration within the JCPS environment. There are a number of challenges pertaining to the relationship between the Integrated Justice System (IJS) and the State Information Technology Agency (SITA), which are currently being addressed to meet the Cluster demands.

4.2 Organisational Context

The organisational context has been arranged under four areas, namely, financial, internal processes, customers and people, as discussed below:

(a) Financial

The departmental operational budget was reduced by over R2.1 billion for the MTEF period from 2009/10

onwards. This has resulted in major spending pressures across the organisation. Although spending adjustments have been made in line with the budget cuts, the following areas have been affected adversely:

i. Information and Communication Technology

Investment in IT has been identified as one of the key enablers for the department. A number of key IT-related projects have been implemented through the past few years and a good number are currently underway. The budget cuts severely affected the maintenance plan of IT infrastructure resulting in the following problems:

- Ageing servers and other infrastructure;
- Out of warranty servers that pose a high operational risk;
- An inadequate business continuity plan; and
- Slow network impacting negatively on the turn-around in service delivery.

ii. Escalating safety and security costs

The department has been faced with various incidents relating to serious crime perpetrated against staff members or the public on its premises, such as intimidation, murder, theft of state assets, theft of case dockets and court records, escapes and robberies with aggravating circumstances.

There is an urgent need to increase security at the department's service points and this has drastically increased security costs. To curb these costs, a decision was taken to explore the possibility of using the South African National Defence Force (SANDF) to secure the department's service points. Discussions are underway and are expected to be concluded during the tenure of the current security contracts. This is also in line with the recent Cabinet Lekgotla decision on the JCPS Cluster departments providing their own security to minimise security exposure.

iii. Infrastructure and expansion of justice services

Prior to 1994, most of the court buildings were situated outside the townships and rural areas. When the department decided to increase the number of services to the previously excluded areas, the facilities were not suitable, resulting in the need for major refurbishments.

The impact of this disparity in the provision of court facilities gave rise to the establishment of periodical courts. These courts were created in an attempt to increase access to justice in some areas providing only for criminal courts. Today these courts sit on a daily basis, which is indicative of a need for this service.

The major challenge facing the department is to address the historical imbalances of the court infrastructure. This challenge is complicated by the following additional realities that need to be addressed:

- Escalation of infrastructure costs above inflation, which means the cash flow for building new courts is often insufficient and results in postponements in the construction of envisaged courts.
- Balancing the need for additional courts with the maintenance and accessibility programmes of existing courts.
- Using infrastructure budget for additional accommodation where necessary.
- The growth in the establishment numbers and new areas of services.

To address the above challenges, the department will explore alternative funding methods, such as build, operate and transfer (BOT) and public-private partnerships (PPP), for discussion with the Department of Public Works and National Treasury. In a nutshell, there is a need for major recapitalisation of the justice infrastructure in specifically identified areas.

iv. Litigation against the state

The department, through the Office of the State Attorney, provides legal services to national and provincial departments. A significant increase in litigation against the state has been noted as a result of the following factors:

- Progressive realisation of rights by citizens due to increased awareness of their rights.
- Opportunistic litigation against the state by certain legal practitioners who exploit loopholes in legislation, such as those seen in matters against the Department of Home Affairs (deportation matters, ID applications) and the Department of Social Development (social grants' applications).
- Fragmented approach in the management of state litigation.
- Lack of an effective framework to invoke alternative dispute resolution mechanisms.

During the MTSF period, the following interventions will be implemented to curb the spiralling cost of litigation:

- Develop a policy framework for the efficient management of state litigation.
- Capacitate and enhance the Office of the State Attorney by increasing resources (human, financial and infrastructure).
- The preparation and implementation of standardised fee structures for the payment of private counsel.
- Development of an alternative dispute resolution process to either avert litigation or enable the settlement of matters outside the formal court process.

v. Other financial pressure points

Other areas that have been severely affected by budgetary constraints are the following:

- Increasing the establishment of the lower courts and providing the Judiciary with adequate tools of trade.
- Expansion of the support personnel establishment in the courts (interpreters, finance and supply chain management personnel) as well as the personnel who perform quasi-legal functions such as default judgments, court orders, warrants of execution, etc.
- Implementation costs of new and proposed legislation.
- Document and record management.
- Adequate provision of library services to the various courts and support services to the Judiciary.
- Enhancement of constitutional development programmes.

(b) Internal processes

i. Financial Management

In the last few years, the Auditor General has expressed qualified opinions relating to financial management and non-compliance with procedures. An assessment aimed at improving the financial management of Third Party Funds, supply chain management and asset management, as well as compliance in the department, was conducted to ensure a non-qualified audit. From this assessment,

the following underlying problems were determined:

- **Governance issues:** The department has a poor reputation pertaining to service delivery, non-compliance, ineffective reporting capability, delayed staff response and inefficient systems;
- **People issues:** Insufficient capability, staffing and skills as well as unclear roles and responsibilities and lack of direct supervision; and
- **Methods and practices:** Unaligned policies, procedures, processes and work practices, lack of monitoring, reporting and information unavailability and poor system performance;

During 2009/10, a financial turnaround project was initiated to address some of the issues. This included, among others, the filling of posts and retention of key personnel in strategic positions such as finance, internal audit and risk management. Strategy is another area that needs to be fully capacitated to enhance planning and execution as well as monitoring of performance.

In 2008/09 the department had a qualification on five issues, Third Party Funds, assets, leases, leave and irregular expenditure (finance leases). This improved from five to only two issues, Third Party Funds (repeated) and irregular expenditure (PPPFA compliance) during the 2009/10 audit. Indications are that the department may have a repeat finding on the Third Party Fund for the 2010/11 financial year. The department is, however, aiming for an unqualified audit finding in 2012/13. Specific initiatives will be rolled out during the MTEF period to ensure that the department reaches its targets.

ii. Fraud and corruption

The forensic investigating unit in the department has experienced an increase in the number of fraud and corruption cases in comparison to the previous two financial years. The department is committed to the implementation of the Minimum Anti-corruption Capacity Requirements (MACC) set as a public service anti-corruption standard, approved by Cabinet, to give effect to the Public Service Anti-corruption Strategy. The department has consequently conducted various activities to give effect to this, including the following:

- The department is reporting its statistics and progress in relation to the above to the Office of the Public Service Commission on a regular basis.
- A number of perpetrators have been dealt with in accordance with the disciplinary code of the department and the criminal elements have also been reported to the SAPS for further investigation and appropriate action.
- The department is involved in the anti-corruption structures of the government, including the Anti-Corruption Coordinating Committee (ACCC), the Governance and Administration Working Group on implementing the anti-corruption action plan of the Public Service to address initiatives identified by government, and the National Anti-corruption Forum (NACF).
- The department also participated in the development of an anti-corruption course for anti-corruption practitioners in the Public Service. The course has been accredited at NQF level 4 and is intended to assist officials in the department to implement measures to report, prevent, detect and monitor corruption-related behaviour.

The department intends to increase its investigating capacity to be able to meet the demands in this regard. Furthermore, the department will increase its capacity in enterprise risk management so as to deal with fraud risk assessments and conduct more environmental scans in order to assist individual managers to manage their risks in an improved manner.

iii. **Vetting**

The vetting of employees and suppliers has been a challenge, mainly due to a lack of systems and capacity in terms of vetting investigators.

The department has engaged the National Intelligence Agency (NIA) to install an electronic system, SVIS, and allocate an NIA external vetting advisor who will assist with the handling of vetting fieldwork files until there is enough capacity in the department. There have been further discussions with the NIA to assist with a pilot project for a personnel suitability check in the department. At least two vetting investigators will be recruited at the beginning of the new financial year.

Officials are required to complete financial disclosure forms, oath of secrecy forms, confidentiality and declaration of interest forms, supply chain management checklists, etc. Some of these forms are the requirements of the Minimum Information Security Standards, Treasury Regulations, Protection of Information Act, etc.

(c) **Customers**

i. **Masters' Services**

Co-operation agreement between DoJ&CD and Legal Aid South Africa on the estates of minors

The department entered into an agreement with Legal Aid South Africa (LASA) to assist in the administration of the estates of child-headed households, firstly to minimise deceit and fraud against minor heirs; secondly to improve the speedy access of minors to the benefits of the estate to alleviate their suffering; and thirdly to limit the exposure of small estates involving minors to legal fees. LASA is appointed as the Master's representative in these estates and assists the minors in finalising the estates by getting a legal guardian appointed, free of charge. Estimations were made, using information provided by the masters in Bloemfontein and Durban, indicating that approximately 19 000 such estates are reported annually with the Master's branch. The participation of LASA is therefore very strategic and important to the heirs.

The co-operation agreement with LASA was signed on 7 July 2010 and the service has now been rolled out countrywide. The cooperation agreement is part of the department's drive to continuously identify measures to ensure the protection of the vulnerable and the poor, especially in the administration of estates.

MOVIT Project (Master's Branch)

In the identification of claimants against the Guardian's Fund, the online verification of individuals has become essential to improve service delivery. The Home Affairs National Identification System (HANIS) has been adapted through the Integrated Justice System (IJS) to suit the Master's environment. In the Master's environment, this technology is referred to as the Master's Own Verification Information Technology (MOVIT). The use of this technology has substantially improved the turnaround time of payments.

In addition, the Integrated Case Management Systems (ICMS) has been deployed to all 402 magistrate's offices that deal with deceased estates. Officials have been trained to capture and scan the estate cases. More than 200 000 deceased estate cases have been captured on the system. There is a plan to improve

technology in the supervision of deceased estates.

The challenges around fraud and corruption in the Masters' environment relates largely to fraud relating to the identity of beneficiaries when payments are claimed from the Guardian's Fund. When funds are received, it is invariably from a source other than the owner (beneficiary) thereof. When payments are made, it is mostly to caretakers as opposed to the owner (beneficiary) of the funds.

When the owner or beneficiary claims the money, it is often the first time that the owner interacts with the Guardian's Fund.

In addition to these challenges, the Master's Branch has had to rely on a manual card system. Some of these processes have been automated in terms of the fund administration, but not the accounting processes. This interim period creates risks of fraud. Mitigation measures are being put in place in this regard.

ii. Maintenance Services

The main objective of the Maintenance Act, 1998, is to secure maintenance monies from parents and/or other persons legally required to support the child. To facilitate the legal enforcement of maintenance for children, the Maintenance Act, 1998, strives to facilitate the improvement of maintenance services in the maintenance courts. The maintenance courts provide support to obtain maintenance monies for children by way of the civil enforcement of maintenance orders, which can be obtained by way of an emoluments attachment order, a warrant of execution and/or a warrant of attachment in relation to a debt owed by the maintenance defaulter. Recently, the courts have also started enforcing the attachment of a maintenance defaulter's pension money to ensure that maintenance monies are paid before the maintenance defaulter can disappear with his or her pension and leave the children stranded.

The table below shows the volume of maintenance cases received/opened versus the volumes that get processed.

Maintenance applications for the 2009/10 financial year

New applications received	Enquiries received	Orders by default	Section 31	Emolument attachment orders	Attachments of debt	Warrants of execution
200 786	280 843	8 486	21 862	30 475	1 916	2 737

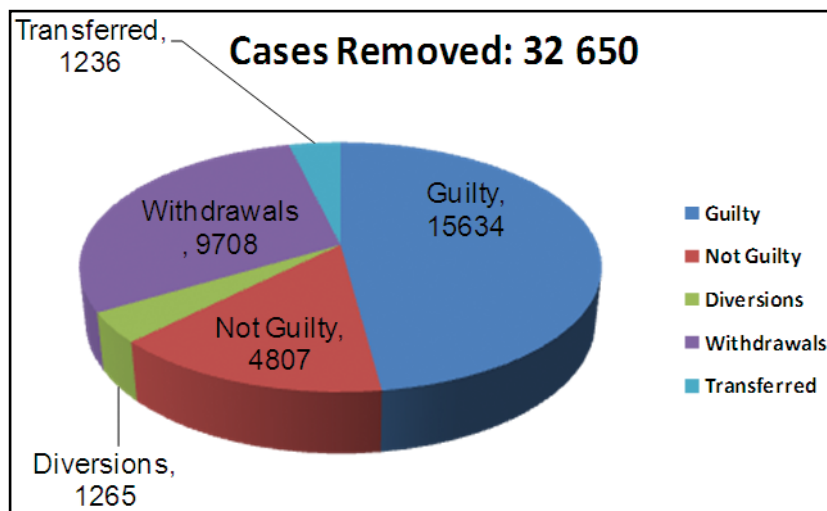
In 2011/12, a turnaround plan for maintenance services will be implemented. This includes expediting application procedures, application processing, payments and punitive measures for defaulting parents.

iii. The Case Backlog Project

The case backlog reduction intervention, which is aimed at reducing the number of backlog cases in the regional and district courts, has provided additional capacity to the backlog priority sites. The aim of the backlog intervention is to ensure that the inflow of the number of new cases is balanced by the number of matters concluded. Backlog cases are all those cases that have been on the district court roll for longer than six months, on the regional court roll for longer than 9 months and on the High Court roll for longer than 12 months.

From the inception of the backlog reduction intervention in November 2006 until the end of December 2010, 32 650 criminal cases were disposed of in these additional backlog courts (comprising 21 706 cases finalised with a verdict, 9 708 cases withdrawn and 1 236 cases transferred), as illustrated below. Cases removed indicates the total number of cases that the additional backlog courts dealt with through verdicts (guilty and not guilty), cases transferred to higher courts and cases withdrawn (for example, witnesses untraceable). For the achievement of this performance, the department provided resources in the form of infrastructure, personnel, the judiciary, finances, etc.

Cases disposed through the backlog project since 2006



For the 2010 financial year (April to December 2010), the total number of cases disposed of by the district and regional court rolls was 12 702. The backlog interventions are continuing in 2011/2012.

iv. Implementation of the JCPS delivery agreement and the CJS Seven-point Implementation Plan

The cluster has adopted an integrated and coordinated, holistic approach to the fight against crime, and will continue to improve prevention, detection, investigation and prosecution through integrated policies and frameworks and increased capacity. This has led to a decrease in serious crime. The crime statistics released recently show a clear decrease in most crime levels, particularly trio and contact crimes. According to the crime statistics for the period between 2003/04 and 2009/10, murder declined by 7,2%, while assault cases showed a decline of 20%.

Various protocols have received attention in terms of the implementation of the Seven-point Plan to ensure the effectiveness of the CJS, such as a Court Screening Protocol and a Legal Aid Court Protocol to improve coordination of the work between the NPA and Legal Aid representatives. Court screening has been developed to ensure case readiness and improve case scheduling. This is currently being piloted in the Western Cape in preparation for the national implementation that will commence in the new financial year. Better screening processes have been implemented countrywide, leading to less cases being placed on the court rolls unnecessarily. The number of withdrawals also decreased by 8.9% until September 2010.

The cluster is continuing with the prioritisation of crimes against women and children, and providing support through the Thuthuzela care centres.

The cluster has established an Anti-corruption Task Team (ACTT), which is working in collaboration with other government institutions (for example, the Governance and Administration Cluster, National Treasury and the Department of Public Service and Administration) to fight corruption.

Technology and modernisation programmes are continuing in the cluster, and include a focus on the alignment and integration of systems where appropriate. The cluster is further focusing on the development of a cyber security policy and implementation plan to combat cyber crime activities, as well as the integration of ICT systems in the JCPS cluster for improved service delivery.

In addition to the improved collaboration between the JCPS cluster departments, the cluster is striving towards maximising the utilisation of the collective capacity in its institutions.

Monitoring and reporting requirements, the establishment of proper baselines and the automation of monitoring systems will continue during 2011.

In addition to what was indicated above under Organisational Context, under the Legal and Justice Environmental scan, the following challenges are being addressed as part of the implementation of the Seven-point Plan and the cluster delivery agreement. It should, however, be noted that some of the issues fall outside the ambit of the department and require the attention of role-players such as the Judiciary:

- Stakeholders in the CJS are perceived to be inefficient and criminals are perceived to go unpunished.
- Court processes such as bail are not understood, with the community complaining that people are back on the street soon after arrests.
- The service delivery at court level has received negative media reporting, particularly regarding delays in finalising criminal and civil matters, lost files, transcription of records issued and court administration challenges.
- Case flow management is still not as effective as required.
- There remains a high rate of case withdrawal due to no reasonable prospects, insufficient screening of cases and a lack of proper investigations.
- Department of Health budgetary constraints have led to significant backlogs in relation to their forensic analysis of blood and toxicology.
- There remains a shortage of skilled personnel in the criminal justice sector.

These challenges are being addressed and reported on at cluster level.

v. Customer Complaints

The Presidential Hotline was launched by the Presidency in response to the service delivery complaints that members of the public have against national, provincial and local government departments.

The department is currently strengthening its capacity to address the complaints from the Presidential Hotline, and those received are being attended to.

(d) People

The Department of Justice and Constitutional Development, like other components in the Public Service, faces the daunting challenge of recruiting officials with the right skills, work ethic and motivation to serve the people of South Africa with pride.

There is, however, a challenge in attracting senior managers and retaining them in their positions. This is especially true of those with professional and specialised skills, like specialist litigation, legal drafting and

legal advisory services. The department also lacks specialised legal skills in maritime law and cyber law to name just a few. While the occupation-specific dispensation for legally qualified personnel has mitigated some of this, it has by no means eliminated the challenge. Other areas that are faced with challenges regarding skills are Internal Audit, Risk Management and the Forensics Investigation Unit. However, the department is looking at developing these specialised skills in-house by looking at, amongst others, training and developing internship programmes.

The constant movement of staff at the middle management level, within the department, inter-departmentally, and between the public and private sector presents challenges as it threatens to erode institutional memory. This has challenged the department to consider skill-retention strategies.

Attracting women to senior management positions, and people with disabilities in the department has generally proved to be a serious challenge. Job advertisements specifically state that preference shall be given to these groups, but very few apply. Even where head-hunting is tried it has not always been successful. The department is therefore seized with developing more effective strategies to bring people from these groups into its fold.

However, there has been a significant improvement in the filling of vacancies, with the department's vacancy rate now hovering between 8% and 9% nationally. Many of the appointees, however, are not always job ready, which means there is a lag between assumption of duty and an increase in productivity.

The labour relations environment in the department is highly adversarial. In part this is reflected in the high number of grievances.

In summary, people challenges are largely centred around:

- i. Shortage of skills in key areas;
- ii. Oversupply of personnel in certain areas;
- iii. Under-representation of women and people with disabilities, particularly at senior management level; and
- iv. Low productivity and low morale.

4.3 Stakeholders

Donor funding for unfunded priorities

Every year, the department identifies unfunded priorities and requests donor organisations to assist with the shortfall. An annual conference of donor organisations is held to build relationships and to identify areas of common interest.

The generosity of the donor community has made the projects listed below possible.

List of donors and projects funded

Branch	Donor and contact	Project title	Agreed amount	Contract end date
Corporate Services	European Union (1) Royal Netherland Embassy (2)	Replacement of out-of-warrantee computers in North West	R7.5m	30 March 2011
	European Union (1) Royal Netherlands Embassy (2)	Replacement of out-of-warrantee servers in the National Office	R3m	30 March 2011
Court Services	United Nations	Strengthening the integrity and capacity of courts in South Africa	US\$191 224	
	European Union (1) Royal Netherland Embassy (2)	Court Records Management Project	R5m	28 February 2011
	Government of Swiss Confederation	Reengineering of the small claims courts	R4.25m	28 February 2015
	The Federal Republic of Germany (GTZ)	Delivering justice and services	Technical assistance	
	European Union	Access to Justice and Promotion of Constitutional Rights Programme	€25m	31 November 2011
Office of the Director-General	United States Agency for International Development	Gender Justice Programme in three SADC member states (a preliminary study)	US\$150 000	February 2010
	United States Agency for International Development	Capacity and institution-building project for the Southern Sudan Judiciary and Legal Affairs	US\$150 000	31 November 2011

4.4 Description of the strategic planning process

It is mandatory for departments to produce a five-yearly strategic plan at the beginning of the five-year political mandate. Following the national elections in 2009, senior managers of the department gathered in November 2009 to review the strategic plan of the department for the period 2010–2015. This gathering included the newly appointed Minister of Justice and Constitutional Development and the Chief Justice. The priorities stipulated by the Minister, cluster outputs and the core mandate of the department were included in the Strategic Plan that was approved by Parliament in April 2010.

In August 2010, a two-day workshop was held by senior management to begin the process of reviewing the strategy and begin the implementation of the new framework of strategic planning proposed by National Treasury. During this meeting, the strategic goals and objectives were confirmed. At the beginning of November 2010, a number of workshops were held with the different branches to begin the compilation of the Annual Performance Plan. Contributions to the draft Strategic Plan and Annual Performance Plan were made during a two-day session held in February 2011 for finalisation and tabling in Parliament during the month of March.

The strategic plan takes into account the mandates, key challenges, risks and opportunities as discussed by the management of the department.

4.5 Strategic goals of the department

The key mandate of the department is to support the administration of justice and uphold the Constitution. This is performed by implementing an effective and efficient court system and through the provision of quality legal services to the citizens and the state. In addition to these goals, the department needs to have effective support services that are in line with good corporate governance and implement the transformational agenda of government on issues of access and empowerment of previously disadvantaged individuals.

During the strategic planning session held in February 2011, an additional goal on the co-ordination of the cluster was identified. This is due to the importance of the delivery of Outcome 3 in Government's Programme of Action.

The four strategic goals of the department are:

Goal 1	Increased accountability, effectiveness and efficiency of the Department of Justice and Constitutional Development
Goal statement	Improved compliance with legal and good practice requirements in respect of governance across all branches and structures towards an unqualified audit.

Goal 2	Improved effectiveness and efficiency in the delivery of justice services
Goal statement	Courts and justice service points supported to improve the finalisation rates, efficiencies and backlogs in respect of all criminal, civil and family matters.

Goal 3	Transformed legal services to protect and advance the interests of government and citizens and promote constitutional development
Goal statement	The exposure of government to legal risk is reduced, citizens have access to quality guardian and probate services, the state has access to legal advice and services and constitutional development is promoted.

Goal 4	Effective coordination of the JPCS Cluster in the delivery of Outcome 3
Goal statement	Provision of effective coordination of the cluster to enable the achievement of the eight outputs that will result in the successful delivery of Outcome 3: All people in South Africa are and feel safe.

5 PROGRAMME STRATEGIC OBJECTIVES

Seventeen strategic objectives were identified during the strategic planning sessions held by branches in November 2010. This includes three key priorities that were identified during the February 2010 strategic planning session, for increased focus during the 2011/12 financial year. The criteria that were used to arrive at the priority projects were:

- Substantial impact on the functionality of the department;
- Substantial impact on the public; and
- Outputs largely dependent on the staff of the department, rather than the Judiciary or the Prosecution.

The key priorities identified are the following:

Priority 1: Achieve a “No Audit Qualification” in 2012/13

Although audit outcomes have improved in the 2010/11 financial year, increased efforts are needed to achieve a clean and a sustainable audit outcome. Financial management and other internal business processes need to be improved and entrenched. The following activities are under consideration and are being implemented:

- Implementation of accounting systems that will enable the department to produce more credible financial statements;
- Implementation of human resources systems that will improve the management of leave, performance, etc;
- Implementation of policies, processes and procedures to improve controls across the department;
- Appointment of staff to implement financial processes and procedures, particularly at court level;
- Implementation of internal audit processes that will provide early warning and carefully monitor high risk areas; and
- Full use of the support offered by National Treasury to improve the financial maturity of the department.

Priority 2: Service turnaround in Maintenance Services

A large proportion of clients that interact with the department require maintenance services. Around 80% of third party funds managed by the department are maintenance funds held on behalf of children. Improvement of services in the maintenance area will therefore assist parents (mostly mothers) who struggle to obtain maintenance for their children. Many of these parents are employed full-time and find it difficult to attend to maintenance processes during working hours.

A project has been initiated to look at the maintenance value chain, identify opportunities to improve services and make an impact on the lives of children. These include expediting application procedures, application processing, payments and punitive measures for defaulting parents. In addition, during the MTSF period, the project will prioritise the following:

- Investigating the possibility of Saturday courts for maintenance and other matters related to family law;
- Introducing mediation services in maintenance matters;
- Facilitating skills training for maintenance line managers and front line staff on maintenance norms and standards (Service Etiquette) and the Maintenance Act, 1988;
- Appointing and training additional maintenance investigators over a period of three years;
- Facilitating the appointment of maintenance complaints managers to fast-track maintenance complaints received from the Presidential Hotline and other sources;
- Launching an improved media and awareness campaign;
- Launching the Maintenance Guidelines for the Judiciary;
- Introducing initiatives to address delays in the service of maintenance process documents; and
- Facilitating proposals for the urgent amendment of the Maintenance Act to make provision for future maintenance, role clarification of maintenance officers and maintenance prosecutors and a more effective way of enforcing maintenance orders.

Priority 3: Service turnaround in the Masters' Branch

The Master of the High Court delivers services required at a time when people are vulnerable. These services include the winding up of deceased estates, the administration of insolvent estates and payments from the Guardian's Fund.

The turnaround project will focus on both the softer issues of working with clients in distress and the hard issues related to the speedy finalisation of matters. Activities that will be prioritised during 2011/12 are the following:

- Online databases to address the credibility of the administration of insolvent estates.
- Automation of Master's services completed with appropriate delegations to allow the approval of matters by assistant masters in different locations.
- Appointment of frontline staff who can resolve a wide variety of enquiries without escalations.
- Implementation of training and the entrenchment of a client-driven approach.
- Improved professionalism.
- Implementation of a communication strategy that will help change perceptions of Master's offices, such as the negative impression around fraud and corruption.

The seventeen objectives of the department are listed as follows per programme:

5.1 PROGRAMME 1: ADMINISTRATION

5.1.1 Introduction

The aim of this programme is to manage the department, develop policies and strategies for the efficient administration of justice and provide centralised support services.

The budget of the programme, as detailed in the Medium-term Expenditure Framework (MTEF), is shown below. Although the budget has been increasing at a steady rate, it did not manage to cover the needs of the department in full during 2010/11. Areas of funding pressure include the following:

- Underfunding for information and communication technology to address ageing infrastructure and modernise the department.
- Increased office accommodation challenges as the department responds to government's directive of filling all vacant posts and increasing employment in the public sector.
- Escalating security costs.

In addition to the budget constraints, capacity constraints in Strategy, Internal Audit, Risk Management and the financial environment have a negative impact on the effectiveness of the services offered.

Budget for Programme 1

Subprogramme	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate		
	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14
R thousand							
Ministry	18 940	20 884	33 691	32 080	25 804	27 143	28 560
Management	219 820	47 816	51 458	70 296	82 554	86 617	90 900
Corporate Services	572 591	722 986	497 510	816 388	893 160	920 896	971 455

Subprogramme							
	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate		
R thousand	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14
Office Accommodation	352 863	393 642	448 941	508 620	623 662	694 202	742 167
Total	1 164 214	1 185 328	1 031 600	1 427 384	1 625 180	1 728 858	1 833 082
Change to 2010 Budget estimate				(21 135)	52 544	69 897	82 876

Administrative and other subprogramme expenditure may in addition include payments for capital assets as well as transfers and subsidies.

Structure of the programme:

The table below shows the relationship between the programmes (as listed in the MTEF above) and branches to illustrate the units funded under this programme.

Programme structure

Sub-Programme	Branch/Area	Chief Directorate
Minister Deputy Minister	Ministry Public Education and Communication	Public Education and Communication Chief Directorates
Management and Corporate Services	Office of the Director-General	Internal Audit International Legal Relations
	Office of the Chief Operations Officer	Risk Management Strategy, Monitoring and Evaluation Programme Management Support Post Truth and Reconciliation Commission Unit
	Corporate Services	Human Resources Management Office of the Chief Financial Officer Information and Systems Management Office of the Deputy Information Officer
	Justice College	Corporate Services Learning Faculty
Office Accommodation	All branches	

5.1.2 Strategic objectives¹

The list of objectives, indicators and targets for the five-year period are listed below.

Objective 1	Increased compliance with prescripts to achieve and sustain an unqualified audit.
Objective statement	Full implementation of audit and quality assurance systems to achieve and sustain an unqualified audit.
Indicators	Unqualified audit.
Baseline	Audit qualification (2009/10) due to Third Party Funds and irregular expenditure.
Justification	This output will contribute to improving corporate governance and the management of state resources and enhanced service delivery.
Links	Strategic Goal 1: Increased accountability, effectiveness and efficiency of the Department of Justice and Constitutional Development; Priority 1: Achieve a "No Audit Qualification" in 2012/13.
Risk / risk factor analysis	Inadequate financial management functionality for Third Party funds, Guardian's Fund and CARA Fund; Inadequate prevention, detection and reaction mechanisms in terms of financial non-compliance; High staff turnover rate and capacity constraints in specific areas such as Third Party Funds and Guardian's Fund management, Enterprise-wide Risk Management, Internal Audit and Quality Management; Misalignment of the MTSF and the MTEF and lack of understanding of MTSF cycle.
Risk mitigation	Implementation of a general ledger with accompanying information systems and accounting controls; Automation of financial systems and training thereof; Proper management of losses per codified instructions and updating thereof; Full implementation of departmental prescripts and policies (Departmental Financial Instructions, Departmental Financial Procedure Manual, Guardian's Fund Manual and relevant Codified Instructions); Mapping of business processes and elimination of non-value adding activities; Implementation of a skills/staff retention strategy and consideration of learnership programmes in specific areas; Conducting strategy workshops for better understanding of the departmental strategy and the National Treasury requirements; Costing of the objectives and implementation of transparent allocation of resources.

Objective 2	Improved management of fraud and corruption cases.
Objective statement	Speedy conclusion of cases of fraud and corruption (forensic investigations followed by relevant human resources processes).
Indicators	Increased finalisation of fraud and corruption cases (specific targets will be finalised after the review of definitions).
Baseline	Definitions of forensic investigations, fraud, corruption, financial misconduct and measurements will be reviewed in 2011/12.

¹ Indicator definitions are shown on Attachment 1
Activities/Outputs and related indicators are detailed in the Annual Performance Plan

Objective 2	Improved management of fraud and corruption cases.
Justification	In addition to the Vote account, the department manages Third Party Funds, the President's Fund and the Criminal Assets Recovery Account. The effective management of fraud and corruption is crucial in building credibility and improving public confidence in the department's ability to manage these funds.
Links	<i>Strategic Goal 1:</i> Increased accountability, effectiveness and efficiency of the Department of Justice and Constitutional Development; <i>Output 3 of Outcome 3:</i> Corruption in the JCPS Cluster combatted to enhance its effectiveness and ability to serve as deterrent against crime.
Risk/ risk factor analysis	Inadequate implementation and communication of the Fraud Prevention Plan; Delays in forensic investigations; and High staff turnover rate.
Risk mitigation	Effective communication of the Fraud Prevention Plan, coordination of work performed by all relevant structures, appointment and training of ethics champions. This will help to improve compliance with the Public Service Anti-corruption Strategy; Establishing well functioning regional anti-fraud and risk management committees; Improving management of conflict of interests and related party transactions; Capacitation of the relevant units to improve turnaround times in respect investigations; and Automation of systems to reduce chances of fraudulent or corrupt activities.

Objective 3	Improved human resources service delivery to all DoJ&CD customers.
Objective statement	Deliver human resources services that meet the service standards of the department.
Indicators	Percentage human resources services that meet full service standards. (specific target will be determined after the baseline)
Baseline	Determine service standards and baseline during 2011/12.
Justification	The human resources service is a key enabling service to help the organisation achieve its objectives.
Links	Strategic Goal 1: Increased accountability, effectiveness and efficiency of the Department of Justice and Constitutional Development.
Risk/ risk factor analysis	Inadequate capacity, skills and resources and a high staff turnover rate in specific areas; Possible non-compliance with Employment Equity (EE) Policy; and Delays in labour related investigations and long outstanding appeals.
Risk mitigation	Implementation of a staff retention strategy, expansion of learnership programmes, increased capacity for all the affected areas and improve recruitment cycles; Prioritising training needs, conducting a skills audit and implementing the recommendations; Ensure allocation of resources to implement the EE Plan, performance agreements of senior managers to include EE targets and communicate the EE Plan to all employees; Training supervisors and managers in areas from which the majority of grievances emanate and holding managers accountable; and Increasing the number of investigators and improving turnaround times in respect of corrective and resolution mechanisms.

Objective 4	Increased optimisation of systems (automated and manual).
Objective statement	Completion of the five-year plan by Information and Systems Management to modernise justice services.
Indicators	Implementation of 11 systems identified in the Information Technology Plan.
Baseline	12 Systems implemented.
Justification	Modernisation of justice systems will enable the department to decrease the cost of service and improve reporting and the monitoring of services.
Links	<i>Strategic Goal 2:</i> Improved effectiveness and efficiency in the delivery of justice services.
Risk/ risk factor analysis	Budgetary constraints to support all planned projects; Project slippages as a result of non-availability of users for training
Risk mitigation	Subject to budget availability, provide funding to support project plans and roll-out of systems; Monitor all project deliverables; and Compile training schedules in consultation with regions and monitor utilisation of the systems.

Objective 5	Increased percentage of outstanding Truth and Reconciliation Commission (TRC) victims with access to reparations per TRC recommendations.
Objective statement	Improved tracing of beneficiaries to increase the pace of finalisation of reparations.
Indicators	Complete 90% of outstanding cases of living beneficiaries and 40% of deceased beneficiaries by the end of five years.
Baseline	Outstanding living beneficiaries: 367 Outstanding deceased beneficiaries: 502.
Justification	Finalisation of TRC recommendations is complicated by the traceability of victims, the family dynamics in cases where initial beneficiaries are deceased and the reliance on other government departments (for example Basic and Higher Education and Health) to implement the recommendations. The finalisation of this process has become urgent.
Links	<i>Strategic Goal 1:</i> Increased accountability, effectiveness and efficiency of the Department of Justice and Constitutional Development and improving the quality of life of the victims of apartheid
Risk/risk factor analysis	Delays in the finalisation of relevant regulations; Lack of cooperation among the relevant role players; and Difficulty in tracing beneficiaries (TRC victims and families).
Risk mitigation	Finalisation of all relevant regulations and submission to Cabinet; Increased cooperation among all relevant government departments, for example e.g. Rural Development, Social Development, NPA, Basic and Higher Education, Military Veterans, Home Affairs and Health; and Consultation with civil society

5.2 PROGRAMME 2: COURT SERVICES

5.2.1 Introduction

The purpose of this programme is to facilitate the resolution of criminal, civil and family law disputes by providing accessible, efficient and quality administrative support to the courts and manage court facilities.

This programme represents around 70% of the departmental budget and is the core of the delivery of justice. Despite the size of the budget spent, the following spending pressures were identified:

- Financial constraints in the implementation of key legislation such as the Child Justice Act;
- Insufficient capacity of the courts contributing to service delivery challenges; and
- Insufficient budget and cash flow to implement capital projects needed to address the growing service needs of the department.

Budget for Programme 2:

The budget for this programme, as detailed in the Medium Term Expenditure Framework 9 (MTEF), is shown below.

Programme 2 budget

Programme 2: Court Services							
Subprogramme	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate		
R thousand	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14
Constitutional Court	45 008	61 805	70 818	102 440	117 061	121 030	126 891
Supreme Court of Appeal	12 891	12 053	20 564	14 223	17 165	17 850	18 557
High Courts	226 387	246 342	310 149	274 174	283 502	294 593	306 063
Specialised Courts	24 580	26 850	34 482	30 376	31 136	32 358	33 620
Lower Courts	1 645 335	1 824 550	2 601 996	2 461 070	2 635 408	3 013 952	3 210 191
Family Advocate	67 286	85 212	100 777	104 558	112 160	115 383	119 798
Magistrate's Commission	7 645	7 447	9 857	10 274	10 599	11 291	11 777
Government Motor Transport	27 786	17 271	18 511	35 397	28 628	26 409	48 023
Facilities Management	361 128	479 458	590 125	631 435	759 391	1 104 970	1 161 690
Administration of Courts	266 196	322 333	329 821	330 220	346 614	358 286	372 103
Total	2 684 242	3 083 321	4 087 100	3 994 167	4 341 664	5 096 122	5 408 713
Change to 2010 Budget estimate				99 980	72 199	510 260	570 628

Structure of the programme

The table below shows the relationship between the programmes (as listed in the MTEF above) and branches to illustrate the units funded under this programme.

Programme structure

Subprogramme	Chief Directorate
Courts	Court Operations (all courts)
Facilities	Facilities Management
Judicial and Court Administration	Promotion of Rights of Vulnerable Groups
	Policy Coordination and Research
	Regional Offices
Family Advocacy	Family Advocacy

The list of courts funded under the programme and services offered are listed in the table below.

Court facilities management by the department

Court	Number	Province	Services
Constitutional Court	1	Gauteng	It is the highest court in all constitutional matters. It may decide only constitutional matters and issues connected with these.
Supreme Court of Appeal	1	Free State	It hears and decides on appeals against any decision of a High Court.
High Courts	14	All provinces except Mpumalanga	It deals with matters that are beyond the jurisdiction of the magistrate's courts (civil and criminal).
(Criminal) Regional Magistrate's Courts	248	All provinces	It adjudicates over serious criminal matters.
(Civil) Regional Magistrate's Courts	62	All provinces	It adjudicates over civil disputes of between R100 000 and R300 000 and family disputes, including divorce matters.
District Courts	476	All provinces	It adjudicates over less serious criminal matters and civil disputes of less than R100 000, and family matters, including maintenance.
Small Claims Courts	224	All provinces	It adjudicates over civil disputes, the value of which is less than R12 000.

5.2.2 Strategic objectives

The list of objectives, indicators and targets are listed below.

Objective 6	Improved coordination of the JCPS Cluster towards the delivery of Outcome 3.
Objective statement	Coordination of cluster meetings and performance in terms of agreed targets
Indicator	Meetings are held as per the pre-agreed schedule and ad hoc meetings as per demand
Baseline	As per the February 2011 Cluster Report; Baselines are still being developed by the Cluster on some outputs i.e. 3, 5 and 8 to inform the targets
Justification	DoJ&CD does not only contribute to the outputs of the delivery agreement, but also coordinates the cluster deliverables
Links	<i>Outcome 3 of the delivery agreement: "All people in South Africa are and feel safe"</i> <i>Strategic Goal 4: Effective coordination of the cluster towards the delivery of Outcome 3.</i>
Risk/risk factor analysis	Inadequate coordination among relevant departments and availability of stakeholders; and Delays in the finalisation of the baseline reports and thus delays in target setting.
Risk mitigation	Involving and engaging the relevant departments to improve the coordination and reporting in the cluster; and Executive involvement at cluster level and monitoring of implementation of cluster resolutions.

Objective 7	Improved finalisation of activities in support of the outputs of Outcome 3.
Objective statement	Promotion of activities relating to the achievement of the outputs relevant to the department (Output 1, 2, 3, 4, 5 and 8)
Indicator	Achievement of targets set against each activity in the delivery agreement
Baseline	Per the February 2011 Cluster Report; Baseline reports to be developed to inform the basis of the targets.
Justification	All JCPS cluster departments contribute to the achievement of government's outcome on safety and security.
Links	<i>Outcome 3 Delivery Agreement: "All people in South Africa are and feel safe".</i>
Risk/ risk factor analysis	Delays in the finalisation of the baseline reports and thus delays in target settings.
Risk mitigation	Capacitation of vetting unit and automation of vetting processes; and Involvement of NIA for the installation and training in terms of the vetting system and vetting fieldwork.

Objective 8	Improved delivery of maintenance services
Objective statement	Implement turnaround project to improve the delivery of services to maintenance clients
Indicator	All maintenance service points meet service standards stipulated
Baseline	Service standards developed during by the 2010/11 financial year

Objective 8	Improved delivery of maintenance services
Justification	Effective management of maintenance will make a substantial impact on the delivery of services to maintenance clients.
Links	<i>Strategic Goal 2: Improved effectiveness and efficiency in the delivery of justice services</i> Priority 2: Service turnaround in Maintenance Services Section 4.3: Maintenance challenges Section 4.3: Customer complaints and performance in terms of the Presidential Hotline
Risk/risk factor analysis	Lack of adequate budget to meet the project deliverables or to implement legislation fully; and Inadequate training of maintenance investigators and prosecutors.
Risk mitigation	Allocate budget aligned with the project deliverables / project milestones; Create awareness around projects and closely monitor the impact of the projects in terms of service delivery; Communicate the successes of the projects and improvements in maintenance services; Make the training plan/ schedule available at Justice College and on the intranet (DJINI); Provide relevant training for the maintenance investigators and prosecutors.

Objective 9	Increased protection of the rights of vulnerable groups
Objective statement	Implement policies and legislative initiatives to promote and protect the rights of vulnerable groups
Indicator	100% of policies and initiatives relating to legislation affecting vulnerable groups finalised.
Baseline	Child Justice and Restorative National Policy Frameworks are being implemented
Justification	This objective will contribute to the protection and promotion of the rights vulnerable groups
Links	<i>Strategic Goal 2: Improved the effectiveness and efficiency in the delivery of justice services</i>
Risk /risk factor analysis	Inaccurate information captured on the National Register for Sex Offenders; Backlog in vetting processes can lead to a sexual offender being appointed to work with children or mentally disabled persons; Inadequate accommodation for child justice centres; Inadequate training for sexual offences, domestic violence and child law; and No court preparatory officers to support the victims of crime.
Risk mitigation	Verification of historic information captured against the source documents to ensure accuracy and completeness of information on the Sex Offenders' Register; Tighten internal controls especially the checking of data captured (improve supervisory controls); Capacitation of vetting unit and automation of vetting processes; Public education/awareness on justice and constitutional matters; Staff undergoing internal training to comply with legislative duties and a skills audit to be conducted; Monitoring of set service standards and addressing non-conformance or complaints; Job evaluation processes to be considered and capacitation of family law services.

Objective 10	Increased access to justice services by underserved communities
Objective statement	There is a need to increase access to services through existing facilities and building of more courts.
Indicator	Increased utilisation of justice services by underserved communities
Baseline	752 service points
Justification	The department needs to continue to find creative ways of using existing facilities to serve more people (efficiency) and to increase reach in underserved communities.
Links	<i>Strategic Goal 2: Improved effectiveness and efficiency in the delivery of justice services</i>
Risk/risk factor analysis	Lack of funding may lead to poor service delivery; Historical imbalances relating to court infrastructure affect the number of courts that need to be converted to full service courts;
Risk mitigation	Subject to budget availability, allocation of funds for the leasing/building courts to improve infrastructure and consideration of alternative sources of funding for accommodation needs. Continuous usage of the established periodical courts to improve access to justice.

Objective 11	Improved functionality of justice service points
Objective statement	Develop key attributes that a well-functioning service point should possess and to work towards making improvements where necessary.
Indicator	Percentage of justice service points meeting functionality standards.
Target	To be confirmed during 2011, once baseline information is available.
Baseline	Gather baseline information during the 2011/12 financial year
Justification	The department needs to provide a well-functioning justice infrastructure to enable the effective delivery of services. This indicator will assist the department to determine the extent of resources needed to bring service points to the required standards over five years.
Links	<i>Strategic Goal 2: Improved effectiveness and efficiency in the delivery of justice services</i>
Risk /risk factor analysis	Lack of funding to ensure that the facilities meet the required standards; Inadequate training of frontline personnel.
Risk mitigation	Provide funding to ensure that there are proper facilities and that the facilities meet the standards of safety and security; and Awareness sessions to be conducted regarding the new service standards and quality statements.

Objective 12	Improved delivery of services at the courts
Objective statement	Increased turnaround times in quasi-legal services such as default judgments and court orders.
Indicator	Percentage of courts meeting the stipulated turnaround times in quasi-judicial services
Baseline	Baseline information to be gathered in 2011/12 to assist in setting the five-year target

Objective 12	Improved delivery of services at the courts
Justification	There are a number of services that the department can deliver with little or no involvement of the Judiciary and Prosecution. It is important to ensure that the level of delivery of these services is properly monitored to assist with resource management and capacitation.
Links	<i>Strategic Goal 2:</i> Improved effectiveness and efficiency in the delivery of justice services
Risk /risk factor analysis	Lack of a standard operating model in the department; Inadequate research conducted around the standards set; and Inadequate training in quasi-legal services.
Risk mitigation	Approval of the service charter and quality statement and adoption thereof by all employees; Ensure completion of the mapping of business processes and automation of systems to enhance organisational efficiency; Engagement with contractors/service providers regarding the new standards of services and quality policy of the department; Funding of the approved structures for the Presidential Hotline; and Training of officials on the new service standards in order to address non-conformance and ensure continuous improvement.

5.3 PROGRAMME 3: STATE LEGAL SERVICES

5.3.1 Introduction

The term "State Legal Services" has been retained for consistency with the Estimates of National Expenditure and these services include those of the Master's, which are offered to the members of the public. The aim of this programme is to provide legal and legislative services to government, supervise the administration of deceased and insolvent estates as well as the liquidation of juristic persons, registration of trusts and management of the Guardian's Fund.

Budget for Programme 3

The budget shown in the table below has assisted in delivering the basic services required by the programme. However, the following challenges have been identified:

- Insufficient capacity to meet the legal services requirements of all state organs, including provincial and local governments, Chapter 9 institutions and other state owned entities;
- Increasing litigation costs; and
- Shortfall for participatory democracy programmes, which are funded by the European Union.

Programme 3 budget

Subprogramme	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate		
	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14
R thousand							
State Law Advisors	22 867	30 068	33 936	46 849	48 133	50 241	52 481
Litigation and Legal Services	146 675	198 100	215 300	239 225	257 695	270 399	284 007
Legislative Development and Law Reform	26 351	29 896	36 577	53 120	55 806	58 328	60 961
Master of the High Court	186 631	267 208	251 135	317 375	324 361	341 203	359 281
Constitutional Development	7 760	12 099	11 616	65 491	64 657	61 981	49 398
Total	390 284	537 371	548 564	722 060	750 652	782 152	806 128
Change to 2010 Budget estimate				51 829	44 319	40 328	23 504

This programme consists of the following:

State Law Advisors, who provide legal advisory services to the executive, all state departments, parastatals and autonomous government bodies;

Litigation and Legal Services, which provides services rendered by attorneys, conveyancing and notary public services to the executive, all state departments and parastatals;

Legislative Development, which prepares and promotes legislation and conducts research;

Master of the High Court which supervises the administration of deceased and insolvent estates, trusts, curatorship and the Guardian's Fund; and

Constitutional Development, which promotes constitutional development and education on a culture of human rights.

5.3.2 Strategic objectives

The strategic objectives of Programme 3 (State Legal Services) are linked to Strategic Goal 3: Transformed legal services to protect and advance the interests of government and citizens and promote constitutional development.

The objectives, indicators and targets are listed below.

Objective 13	Improved service delivery at the Master's service points
Objective statement	Improve the services delivered by the Master's branch through proper capacitation of frontline staff, automation of key services and eliminating opportunities for fraud and corruption.
Indicator	100% of Master's service points fully capacitated and automated by 2015/16
Baseline	20% of people capacitated and systems completed.
Justification	A service turnaround programme has been identified as one of the department's key priorities.
Links	<i>Strategic Goal 3:</i> Transformed legal services to protect and advance the interests of government and citizens and promote constitutional development; Priority 3: Service Turnaround in the Master's Branch. Section 4.3: Customer complaints
Risk/risk factor analysis	Lack of a standard operating model within the Master's environment; Potential for non-adherence to quality management principles and service standards because of lack of awareness of new service and quality standards; Potential for fraud and corruption; and Due to capacity constraints and the fact that employees work under pressure, the information provided to the public may be inaccurate e.g. insolvency practitioner information, appraiser information.
Risk mitigation	Automation of systems and updating of the standard operating procedures in line with codified instructions to strengthen the internal controls, to improve service delivery and minimize chances of fraud and corruption. Ongoing training of Master's officials in terms of the new service standards; ethics and special skills; Continuous improvement to address non-conformances to standards and complaints from the members of the public; Conduct a risk environmental scan exercise for the Master's Office and establish a task team to work on the recommendations; and Ensure that information shared with the public is accurate, verified and complete by improving supervisory controls.

Objective 14	Increased efficiency in the provision of services to beneficiaries of the Guardian's Fund, trusts, as well as insolvent and deceased estates
Objective statement	Increased finalisation of deceased and insolvent estates, the Guardian's Fund, trusts and curatorships.
Indicator	100% of Guardian's Fund, trusts, insolvency and deceased estate matters finalised within time frames stipulated.
Baseline	Average 90% of matters are stipulated within defined timeframes

Objective 14	Increased efficiency in the provision of services to beneficiaries of the Guardian's Fund, trusts, as well as insolvent and deceased estates
Justification	Increased finalisation of Master's services is important to service delivery
Links	<i>Strategic Goal 3:</i> Transformed legal service to protect and advance the interests of government and citizens and promote constitutional development;
Risk/risk factor analysis	Project slippages as a result of non-availability of users for training and budgetary constraints. This will also affect automation processes; and Delays in sign-off of systems and non-availability of chief users and stakeholders to participate in joint application development (JAD) sessions and testing.
Risk mitigation	Compile project and training schedule in consultation with regions and close monitoring and reporting on project deliverables; Encourage teamwork between the Master's offices and national office to avoid delays in project implementation; Effective utilisation of systems should improve efficiency in delivering master's services.

Objective 15	Promote constitutional development and strengthen participatory democracy to ensure respect for fundamental human rights.
Objective statement	A well-established Constitutional Development branch and the implementation of a justice and human rights programme on participatory democracy.
Indicator	Completion of the five-year programme on constitutional development.
Baseline	European Union participatory democracy project launched (5% completion).
Justification	Elevation of constitutional development has been identified as a priority for 2010/11. This branch will assist the state to grow the human rights culture that is an imperative for a well-established democracy.
Links	<i>Strategic Goal 3:</i> Transformed legal services to protect and advance the interests of government and citizens and promote constitutional development.
Risk /risk factor analysis	Capacity constraints and inadequate skills; Lack of budget to implement the protection of constitutional development and human rights.
Risk mitigation	Capacitate the Constitutional Development Unit; Ensure funding is aligned with the mandate of the Constitutional Development Unit; Awareness sessions and or training sessions on compliance with PAJA. This will assist in streamlining of PAJA into the business processes of departments.

Objective 16	Provision of legal services to state organs
Objective statement	Improved capacitation of state legal services to offer effective and efficient services to organs of state
Indicator	Level of capacitation of legal service branches (target depends on the baseline study to be determined in 2011/12)
Baseline	Baselines to be determined during the 2011/12 financial year.
Justification	This indicator will contribute towards improving the quality and turnaround times of legal services offered to state organisations.

Objective 16	Provision of legal services to state organs
Links	<i>Strategic Goal 3:</i> Transformed legal service to protect and advance the interests of government and citizens and promote constitutional development
Risk/risk factor analysis	Potential for provision of poor quality legal opinions; Client departments not issuing timeous and adequate instructions; Default judgments and non-compliance with prescriptions (clients of attorneys); and Limited number of qualified Deputy Information Officers affects compliance with PAIA by other State Organs and officials.
Risk mitigation	Ensure implementation of the developed blueprint to manage state litigation nationally and provincially and to improve communication among government departments; Signing of the service level agreements between clients and the State Attorney's Office; and On-the-job training and mentoring. Constant development of skills and continuous professional development is encouraged among all legal professionals.

Objective 17	Improved policy and legislative framework for effective and efficient delivery of justice services
Objective statement	To finalise legislation that facilitate the delivery of effective and efficient justice services.
Indicator	Submission of all stipulated policy frameworks, legislation, regulations, rules and research publications.
Baseline	Refer to indicator definition under Annexure 1.
Justification	Legislative development assists with the processes and procedures to develop legislative instruments. These instruments allow for a transformation of the legislative framework and society in general.
Links	<i>Strategic Goal 3:</i> Transformed legal services to protect and advance the interests of government and citizens and promote constitutional development.
Risk/risk factor analysis	Delays in approval of the relevant legislation; and Dependency on other role-players.
Risk mitigation	Wide consultation with civil society and relevant departments to ensure acceptance as well as coordinated planning and execution thereof.

5.4 PROGRAMME 4: NATIONAL PROSECUTING AUTHORITY

Introduction

The National Prosecuting Authority contributes to the administration of justice through the following sub-programmes. These are as follows:

- *Public Prosecutions*, which provides for general prosecutions and several specialised prosecution units, such as those for priority crimes litigation, sexual offences and community affairs as well as specialised commercial crime.
- *The Office for Witness Protection*, which provides for the protection, support and related services to vulnerable witnesses and related people in judicial proceedings.
- *The Asset Forfeiture Unit*, which seizes assets that are the proceeds of crime or have been part of an offence through a criminal or civil process.
- *Support Services*, which provides corporate support services including finance, human resources, ICT, supply chain and risk management.

Although the NPA is funded through the Justice and Constitutional Development Vote account with the Director-General as the accounting officer, the Constitution entrenches the independence of the prosecutorial decisions taken.

Objectives and measures

- Improve prosecutorial efficiency by increasing the number of cases finalised (excluding alternative dispute resolution mechanisms) from 350 910 in 2009/10 to 446 866 in 2013/14.
- Increase the use of alternative ways of delivering justice by increasing the number of cases finalised through alternative dispute resolution mechanisms from 118 631 in 2009/10 to 151 991 in 2013/14.
- Contribute to improving the effectiveness of the criminal justice system by ensuring that no witness is harmed or threatened while on the Witness Protection Programme.
- Remove the proceeds of crime from the control of criminals by increasing the value of assets frozen through court orders from R491 million in 2009/10 to R600 million in 2013/14.
- Contribute to combatting corruption in the JCPS cluster by ensuring the conviction of 63 people and freezing assets to the value of R6 million by 2013/14.
- Contribute to improving investor perceptions, trust and willingness to invest by convicting and freezing the assets of 100 people who have assets of more than R5 million obtained through illicit means by 2013/14.

Expenditure estimates

Subprogramme	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate		
	2007/08	2008/09	2009/10		2010/11	2011/12	2012/13
R thousand							
Public Prosecutions	1 183 933	1 427 855	1 582 516	1 972 671	1 900 765	1 996 431	2 098 603
Office for Witness Protection	79 594	103 592	120 376	130 745	137 842	144 298	152 011
Asset Forfeiture Unit	59 776	64 513	78 640	106 589	106 074	111 327	117 127
Support Services	396 394	330 942	406 678	474 258	495 576	518 669	546 859
Total	1 719 697	1 926 902	2 188 210	2 684 263	2 640 257	2 770 725	2 914 600

5.5 PROGRAMME 5: AUXILIARY AND ASSOCIATED SERVICES

There are four entities funded through the Department of Justice and Constitutional Development's Vote account: Two are Chapter 9 institutions, namely the South African Human Rights Commission and the Office of the Public Protector. The other two are public entities reporting to the Minister, namely Legal Aid South Africa and the Special Investigating Unit (Programme 5). These are fully independent and draw their mandates from legislation and the Constitution. For this reason, they discharge their mandates independently of the Department of Justice and Constitutional Development.

Name of public entity	Mandate	Outputs	Current annual budget (R'000)
Legal Aid South Africa	To provide legal aid to indigent people and legal representation at the state's expense to eligible people, in terms of the Constitution	1. Finalisation of criminal and civil matters 2. Provision of legal aid practitioners per court	1 097 434
Special Investigating Unit	To provide professional forensic investigations and litigation services to all state institutions at national, provincial and local level	1. Cash recoveries 2. Preparation of cases for civil litigation, criminal litigation and disciplinary action.	301 084
The South African Human Rights Commission	To support constitutional democracy by promoting, protecting and monitoring human rights.	1. Finalisation of human rights complaints 2. Initiation of the litigation process for identified cases 3. Submissions regarding proposed legislation 4. Workshops and seminars to promote awareness on legislative matters	82 900
Office of the Public Protector	To investigate any conduct in state affairs or public administration that is alleged or suspected to be improper or to result in impropriety or prejudice.	Investigate and finalise complaints levelled against public entities	132 700

6 LONG-TERM INFRASTRUCTURE PLAN

Over the MTEF period a number of large departmental projects will be completed including:

- Polokwane High Court: new High Court,
- Johannesburg High Court: additional accommodation
- Ntuzuma Magistrate Office: new Magistrate's Court and
- Katlehong Magistrate Court: new Magistrate's Court

Provision has also been made to continue with the department's accessibility programme in 2012/13, subject to construction and escalation costs. Construction will commence for new court facilities at the Nelspruit High Court, as well as the facilities at Port Shepstone, Orlando, Mamelodi, Richard's Bay, Plettenberg Bay, Jan Kempdorp, Garies, Bityi and Dimbaza, and extensions to existing court facilities at the Port Elizabeth High Court, as well as facilities at Soshanguve, Humansdorp, Calvinia, KwaMbonambi, Umtata, Whittlesea, Riversdale and Umbumbulu, among others.

7 CONDITIONAL GRANTS

No conditional grants were issued by the department.

8 PUBLIC ENTITIES

Refer to Section 5.5

9 PUBLIC-PRIVATE PARTNERSHIPS

No private-public partnerships are presently funded by the department.

Table 15: Long-term infrastructure plan

Project name	Type of infrastructure ¹	Service delivery outputs ²	Current project stage ³	SCOA item	Total project cost	Medium-term expenditure estimates		
						2011/12	2012/13	2013/14
1	2	3	4	5	6	11	12	13
1 Mega projects (over R330 million per year for a minimum of three years, or R1 billion total project cost)								
2 Large projects (cost between R330 and R70 million per year within a given MTEF)								
Nelspruit High Court	High Court	New High Court building in the province	Design	Non-residential buildings	406 315	-	129 305	217 197
Polokwane High Court	High Court	New High Court building in the province	Construction	Non-residential buildings	478 602	201 718	100 000	-
Ntuzuma Magistrate Office	Magistrate Office	New magistrate office building	Construction	Non-residential buildings	267 879	89 601	18 773	-
Port Shepstone Magistrate Office	Magistrate Office	New magistrate office building	Design	Non-residential buildings	226 796	-	66 318	123 501
Johannesburg High Court	High Court	Extensions to the existing building	Construction	Non-residential buildings	333 767	62 259	37 308	-
Accessibility Programme: Phase 2	Magistrate Office	Provision of accessibility to court facilities	Feasibility	Non-residential buildings	150 000	-	75 000	80 019
3	Small projects (cost less than R70 million per annum)							
45 different courts								
1 966 421						244 937	507 737	561 918

ANNEXURE 1: INDICATOR DESCRIPTIONS**Indicator Definitions: Strategic Objectives**

Objective 1	Increased compliance with prescripts to achieve and sustain an unqualified audit
Indicator title	Unqualified audit
Purpose/importance	This indicator shows progress towards achieving an unqualified audit.
Source /collection of data	Internal audit reports; Auditor-General reports
Method of calculation	The department will either receive a qualified audit or an unqualified audit.
Data limitations	None
Type of indicator	Output
Calculation type	Non-cumulative
Reporting cycle	Annual
Desired performance	A decrease in the number of audit findings leading to an unqualified audit.
Indicator responsibility	Chief Financial Officer

Objective 1	Increased compliance with prescripts to achieve and sustain an unqualified audit
Indicator title	Full implementation of audit and quality assurance systems to achieve and sustain an unqualified audit
Purpose/importance	This indicator shows progress towards implementation of audit plans and quality management systems.
Source /collection of data	Project report from Chief Directorate: Risk Management; Audit plan from Chief Directorate: Internal Audit
Method of calculation	Provide evidence of progress on implementation of quality management systems; Provide a signed audit plan and progress against the plan.
Data limitations	None
Type of indicator	Output
Calculation type	Cumulative
Reporting cycle	Annually
Desired performance	A decrease in the number of audit qualifications leading to an unqualified audit.
Indicator responsibility	Chief Operations Officer

Objective 2	Improved management of fraud and corruption cases
Indicator title	Increased finalisation of fraud and corruption cases
Purpose/importance	Speedy conclusion of fraud and corruption cases increases chances of recovery of any funds (if applicable) and serves as a warning to other members of staff
Source /collection of data	Management report from Forensic Investigations Unit; Management reports from the Human Resources Unit
Method of calculation	Year-on-year calculation on the increase in the number of fraud and corruption cases recorded
Data limitations	None
Type of indicator	Activity
Calculation type	Non-cumulative
Reporting cycle	Annual
Desired performance	A year-on-year improvement in the rate of finalisation of fraud and corruption cases
Indicator responsibility	Chief Director: Risk Management Chief Director: Human Resources

Objective 3	Improved human resources service delivery
Indicator title	Percentage human resources services that meet full service standards
Purpose/importance	A well-resourced human resources unit is a key enabling service to help the organisation achieve its objectives.
Source /collection of data	Human Resources reports
Method of calculation	Baseline information on service standards will be determined.
Data limitations	None
Type of indicator	Output
Calculation type	Cumulative
Reporting cycle	Annual
Desired performance	All human resources services meet the minimum service standards
Indicator responsibility	Chief Director: Human Resources

Objective 4	Increased optimisation of systems (automated and manual)
Indicator title	Implementation of 11 systems identified in the Information Technology Plan
Purpose/importance	To track the completion of modernisation of justice systems
Source /collection of data	Project Report from Chief Directorate: Information and Systems Management

Objective 4	Increased optimisation of systems (automated and manual)
Method of calculation	<p>Simple count of the number of sites where systems are fully implemented and functional.</p> <p>2011/12 systems: ICMS Lower Courts Criminal - Child Justice Phase 1: At all lower courts ICMS High Courts Criminal Phase 1: At all high courts ICMS Family Courts – Family Advocates Phase 1; At all family courts; ICMS Family Courts – Children’s Courts Phase 1: At all children’s courts ICMS Family Courts – Domestic Violence Phase 1: At all family Courts; ICMS Supreme Court of Appeal Phase 1</p> <p>2012/13: To be confirmed and signed off; 2013/14: To be confirmed and signed off; 2014/15: To be confirmed and signed off; 2015/16: To be confirmed and signed off;</p>
Data limitations	None
Type of indicator	Output
Calculation type	Cumulative;
Reporting cycle	Annual
Desired performance	All systems implemented on schedule
Indicator responsibility	Chief Director: ISM - System Management & Optimisation

Objective 5	Increased percentage of Truth and Reconciliation Commission victims with access to reparations per TRC recommendations
Indicator title	Complete 90% of outstanding cases of living beneficiaries and 40% deceased by the end of 5 years
Purpose/importance	To track the completion of TRC recommendations
Source /collection of data	Evidence of payment to be provided by the Chief Directorate: Post Truth and Reconciliation Commission Unit
Method of calculation	List of outstanding beneficiaries as at 1 April to be provided by the TRC Unit at the beginning of the financial year Evidence of payment to victims submitted when required.
Data limitations	None
Type of indicator	Output indicator
Calculation type	Non-cumulative
Reporting cycle	Annual
Desired performance	Beneficiaries tracked and paid according to plan
Indicator responsibility	Chief Director: Post Truth and Reconciliation Commission Unit

Objective 6	Improved coordination of the JCPS cluster towards delivery of Outcome 3
Indicator title	Meetings held as per agreed schedule and ad hoc meetings as per demand
Purpose/importance	The DoJ&CD does not only contribute to the outputs of the delivery agreement, but also leads the cluster towards this achievement.
Source /collection of data	Minutes of the JCPS cluster
Method of calculation	Meetings meet the following criteria (targets to be confirmed) 1. Percentage of meetings with a quorum 2. Percentage of scheduled meetings cancelled 3. Percentage of scheduled reports tabled
Data limitations	None
Type of indicator	Activity indicator
Calculation type	Cumulative
Reporting cycle	Annual
Desired performance	All subcommittee of the JCPS are functional
Indicator responsibility	Chief Director: Criminal Justice Review

Objective 7	Improved finalisation of activities in support of the outputs of Outcome 3
Indicator title	Achievement of targets set against each activity in the Delivery Agreement
Purpose/importance	All JCPS cluster departments contribute to the achievements of the government's outcome on safety and security. It is imperative for DoJ&CD, as a member, to include this objective in the strategic plan.
Source /collection of data	Monthly cluster reports
Method of calculation	Progress against the following <ul style="list-style-type: none"> • Conduct integrity competency (vetting) of all Senior Management Service members • Increased case finalisation through increased capacity (court support staff and Judiciary) • Develop an integrated business information system that will provide the JCPS Cluster with current performance measurement information by 2014 • Develop and implement Cyber Security Policy by target date
Data limitations	Baseline figures need to be determined through cluster initiatives
Type of indicator	Activity indicator
Calculation type	Cumulative;
Reporting cycle	Annual
Desired performance	Increased progress towards the completion of all activities
Indicator responsibility	Chief Director: Criminal Justice Review

Objective 8	Improved delivery of Maintenance Services
Indicator title	All maintenance service points meet the service standards stipulated
Purpose/importance	Effective management of maintenance will make a substantial impact on the delivery of services to children
Source /collection of data	To be confirmed
Method of calculation	Service standards to be determined and signed off during 2011/12.
Data limitations	To be confirmed
Type of indicator	Output indicator
Calculation type	Cumulative
Reporting cycle	Annual
Desired performance	All maintenance service points perform fully against stipulated standards
Indicator responsibility	Chief Director: Promotion of Rights of Vulnerable Groups

Objective 9	Increased protection of the rights of vulnerable groups			
Indicator title	100% of policies and initiatives relating to legislation affecting vulnerable groups finalised.			
Purpose/importance	Implement policies and legislative initiatives to promote and protect the rights of vulnerable groups			
Source /collection of data	Policies and legislative instruments tabled in Parliament;			
Method of calculation	Calculation: Number of policies and legislative instruments tabled/ total number of policies and legislative instruments on the approved list			
	List of legislative instruments:			
	Activity	Activity Indicator	Chief Directorate	Target date
	Develop legislative framework to deal with the Prevention and Combating of trafficking in persons	Regulations facilitating implementation of the Act finalised by target date	Legislative Development	March 2012
Develop legislative framework to provide protection to harassment victims	Regulations facilitating implementation of the Act finalised by target date	Legislative Development	March 2012	

Objective 9	Increased protection of the rights of vulnerable groups			
Method of calculation (cont.)	Develop legislative framework to provide for statutory recognition of Muslim marriages	Tabling of the bill in Parliament by target date	Legislative Development	March 2012
	Develop legislative framework to criminalise hate speech and related intolerance	Tabling of the bill in Parliament by target date	Legislative Development	December 2011
	Conduct an investigation into assisted decision-making: adults with impaired decision-making capacity	Submit report on assisted decision-making: adults with impaired decision-making capacity to South African Law Reform Commission for approval by target date	South African Law Reform Commission	March 2012
	Conduct an investigation into sexual offences: adult prostitution	Submit report on sexual offences: adult prostitution to South African Law Reform Commission for approval by target date	South African Law Reform Commission	September 2012
	Conduct an investigation into custody of and access to children	Submit report on custody of and access to children to South African Law Reform Commission for approval by target date	South African Law Reform Commission	March 2013

Objective 9	Increased protection of the rights of vulnerable groups			
Method of calculation (cont.)	Review High Court Rule 17 (3) and other corresponding rules, to amend the requirement for litigants to append an address within 8 kilometres of the court registrar's office on summonses and other pleadings or notices	Submit draft rule amendments to Rules Board for approval by target date	Rules Board	March 2012
Data limitations	None			
Type of indicator	Output			
Calculation type	Cumulative;			
Reporting cycle	Annual			
Desired performance	Legislative instruments tabled per schedule			
Indicator responsibility	Deputy Director General: Legislative Development			

Objective 10	Increased access to justice services by under-serviced communities			
Indicator title	Increased utilisation of justice services by under-serviced communities			
Purpose/importance	The need to increase access to services through existing facilities to serve more people (efficiency) and through building more courts.			
Source /collection of data	Court Services reports			
Method of calculation	Number of new sites opened above the 2009 baseline of 752.			
Data limitations	Pending investigation			
Type of indicator	Output			
Calculation type	Cumulative;			
Reporting cycle	Annual			
Desired performance	Increase in the number of service points offering a full list of justice services and increasing the number of courts			
Indicator responsibility	Deputy Director General: Court Services			

Objective 11	Improved functionality of justice service points
Indicator title	Percentage of justice service points that meet functionality standards
Purpose/importance	The department needs to provide a well-functioning justice infrastructure to enable effective delivery of services. This indicator will assist the department to determine the extent of resources needed to bring service points to required standards over five years.
Source /collection of data	Determination of functionality of service points and a baseline will be finalised in 2011/12
Method of calculation	
Data limitations	None
Type of indicator	Input
Calculation type	Cumulative;
Reporting cycle	Annual
Desired performance	An increasing number of service points fully functional
Indicator responsibility	Chief Director: Facilities Management

Objective 12	Improved delivery of services at the courts
Indicator title	Percentage of facilities meeting the stipulated turnaround times in quasi-judicial services
Purpose/importance	There are a number of services that the department can deliver with little or no involvement of the Judiciary and Prosecution. It is important to ensure that the level of delivery of these services is properly monitored to assist with resource management and capacitation.
Source /collection of data	Baseline information to be determined in 2011/12 to assist in setting the 5-year target
Method of calculation	Cumulative
Data limitations	None
Type of indicator	Output
Calculation type	Cumulative
Reporting cycle	Annual
Desired performance	An increasing number of courts with acceptable turnaround times in quasi-judicial services
Indicator responsibility	Deputy Director General: Court Services

Objective 13	Improved service delivery at the Master's service points
Indicator title	100% of Master's service points fully capacitated and automated by 2015/16
Purpose/importance	A service turnaround programme has been identified as one of the department's key priorities.
Source /collection of data	Baseline and five-year targets to be determined during 2011/12.
Method of calculation	Use a checklist to determine the extent to which a service point is fully automated and capacitated
Data limitations	None
Type of indicator	Output
Calculation type	Cumulative;
Reporting cycle	Annual
Desired performance	Increasing number of Master's service points meeting the facility and service standards which include systems, staff and facilities
Indicator responsibility	Chief Master

Objective 14	Increased efficiency in the provision of services to beneficiaries of the Guardian's Fund, trusts, insolvency and deceased estates.
Indicator title	100% Guardian's Fund, trusts, insolvency and deceased estate matters finalised within stipulated time frames
Purpose/importance	Increased finalisation of Masters' services is important to service delivery
Source /collection of data	Information drawn from ICMS Masters; Justice Management Information System
Method of calculation	Report drawn from ICMS (Percentage of matters finalised within the stipulated time frames)
Data limitations	Risk of incomplete data on ICMS due to network availability.
Type of indicator	Output
Calculation type	Non-cumulative
Reporting cycle	Annual
Desired performance	100% of cases completed on time by the end of five years
Indicator responsibility	Chief Master

Objective 15	Promote constitutional development and strengthen participatory democracy to ensure respect for fundamental human rights		
Indicator title	Completion of the five year programme on participatory democracy		
Purpose/importance	Elevation of constitutional development has been identified as a priority for 2010/11. This branch will assist the state to grow the human rights culture that is an imperative for a well-established democracy.		
Source /collection of data	Project report;		
Method of calculation	Percentage completion of the programme against the project plan below:		
	Improved access to justice, including restorative justice mechanisms for vulnerable and marginalised groups		
		Year 1	Year 2
	1 .New community advice offices established in township/rural areas	15	45
	2. Service level agreements signed with existing advice offices based organisations in order to improve capacity	20	50
	3. New equality courts established nationally	31	61
	4. Development of a national programme to promote PEPUDA	Programme developed	Programme implemented
	5. Number of new cases diverted to alternative dispute resolution	6600	7600
	Greater awareness and knowledge of constitutional rights for vulnerable and marginalised groups		
	1. New audience reached by constitutional rights awareness programme	1 million	2 million
	2. Service level agreements signed with community based organisations to implement constitutional rights programmes	60	120
	3. Number of refugees, asylum seekers and undocumented migrants having benefited from support services	10000	35000
	Enhanced participatory democracy through public policy dialogue and strengthening the capacity of community-based organisations		
	1. Number of forums between CBOs and government on human rights issues	4	9

Method of calculation (cont.)	2. Number of CBOs benefiting from capacity building	1200	2400
	3. Number of CBOs participating in public policy dialogues	80	150
	Targets for year 3,4 and 5 are still to be determined.		
Data limitations	None		
Type of indicator	Output		
Calculation type	Cumulative		
Reporting cycle	Annual		
Desired performance	Progress made towards completion of the participatory democracy work		
Indicator responsibility	Chief Director: Constitutional Development		

Objective 16	Improved provision of legal services to the state organs		
Indicator title	Level of capacitation of legal service branches (target depends on the baseline study to be determined in 2011/12)		
Purpose/importance	This indicator will contribute towards improving the quality and turnaround times of legal services offered to state organisations.		
Source /collection of data	Baselines to be determined during the 2011/12 financial year.		
Method of calculation			
Data limitations	None		
Type of indicator	Input		
Calculation type	Cumulative		
Reporting cycle	Annual		
Desired performance	Increased capacitation of legal services to serve more areas of government		
Indicator responsibility	Chief State Law Advisor; Chief Litigation Officer		

Objective 17	Improved policy and legislative framework for effective and efficient delivery of justice services				
Indicator title	Submission of all stipulated legislation, regulations, rules and research publications on the five year programme				
Purpose/importance	To research, prepare and submit priority legislative instruments.				
Source /collection of data	List of legislative instruments:				
	Activity	Activity indicator	Chief Directorate	Target date	
	Appointment of the CEO/National Director of Public Prosecutions as accounting officer of the National Prosecuting Authority	Tabling of the bill in Parliament by target date	Legislative Development	June 2011	
	Align legislative framework dealing with the South African Human Rights Commission with the Constitution	Tabling of the bill in Parliament by target date	Legislative Development	June 2011	
	Review of statute book for redundancy, obsolescence and constitutionality (section 9 of the Constitution) of legislation	Number of reports of departmental statutes reviewed by target date	South African Law Reform Commission	Five departments by March 2012*	Three departments by March 2013*
	Develop legislative framework to provide for the proper enforcement of court orders against the State	Bill implemented by target date	Legislative Development	August 2011	
	Develop legislative amendments streamlining and improving sheriff services	Tabling of the bill in Parliament by target date	Legislative Development	May 2011	

Objective 17	Improved policy and legislative framework for effective and efficient delivery of justice services			
Source /collection of data (cont.)	Develop legislative amendments to ensure the provisioning of legal aid to deserving cases and to improve the application of the Act	Tabling of the bill in Parliament by target date	Legislative Development	March 2012
	Develop legislation giving effect to the RSA's obligations in terms of the Convention against Torture and other cruel and inhuman or degrading treatment or punishment	Tabling of the bill in Parliament by target date	Legislative Development	March 2012
	Develop legislative amendments to expedite the finalisation of criminal cases	Tabling of the bill in Parliament by target date	Legislative Development	March 2012
	Develop legislative framework for the establishment of a court agency	Tabling of the bill in Parliament by target date	Legislative Development	March 2012
	Develop legislative framework rationalising the structures and functioning of the Constitutional Court, the Supreme Court of Appeal and the Higher Court	Tabling of the bill in Parliament by target date	Legislative Development	April 2011
	Develop legislative framework to rationalize the legal profession	Tabling of the bill in Parliament by target date	Legislative Development	September 2011
	Develop legislative framework to rationalize traditional courts	Bill implemented by target date	Legislative Development	December 2012

Objective 17	Improved policy and legislative framework for effective and efficient delivery of justice services			
	Develop legislative framework to protect personal information of the public	Bill implemented by target date	Legislative Development	March 2012
	Align legislative framework dealing with arrest with the Constitution	Bill implemented by target date	Legislative Development	August 2011
	Review High Court Rule 31(5) dealing with granting of default judgments by registrars, to ensure judicial oversight in matters involving primary residences of defendants.	Submit draft rule amendments to Rules Board for approval by target date	Rules Board	March 2013
	Review the scale of costs and fees in Annexure 2 of the Magistrates' Courts' Rules to create an appropriate costs scale for civil Regional Courts	Submit draft rule amendments to Rules Board for approval by target date	Rules Board	March 2014
	* 5 departments to be completed by March 2012: : Rural Development & Land Reform; Human Settlements; Energy; Cooperative Governance & Traditional Affairs; Labour *3 by March 2013: National Treasury: non-tax legislation; Defense; Public Works			
Method of calculation	Calculation: Number of policies and legislative instruments tabled/ Total number policies and legislative instruments on the approved list			
Data limitations	None			
Type of indicator	Input			
Calculation type	Cumulative			
Reporting cycle	Annual			
Desired performance	Increased capacitation of legal services to serve more areas of government			
Indicator responsibility	Deputy Director General: Legislative Development			

ANNEXURE 2: SUMMARY OF THE OUTCOME 3 DELIVERY AGREEMENT

Output 1: Reduce the overall levels of serious crimes, in particular contact and trio crime	
Output and sub-output descriptions	<ul style="list-style-type: none"> • Overall crime: Reduction in the total number of reported serious crimes registered per annum (measured as the number of crimes reported per 100 000 people). • Contact crime: Reduction in contact crimes registered per annum (measured as the number of crimes reported per 100 000 people). • Trio crimes: Reduction in trio crimes registered per annum (measured as the number of crimes reported per 100 000 people).
Indicators and targets	<ul style="list-style-type: none"> • Overall serious crime: By 2014, reduce reported serious crime from 3 924 (1 910 847 crimes) to at least 3 767 per 100 000 people. • Contact crime: By 2014, reduce contact crimes from 1 407 (685 185 crimes) to 930 per 100 000 people. • Trio crimes: By 2014, reduce trio crimes from 97.1% (47 273 crimes) to 67% per 100 000 people. This figure is based on an estimated population of 48 687 300.

Output 2: An effective Criminal Justice System	
Output and sub-output descriptions	<ul style="list-style-type: none"> • Increase contact crime detection rate • Increase trio crime detection rate • Establish a court-ready docket rate • Increase the number of finalised criminal cases by 2% per annum • Reduce case backlogs of all cases • Increase cases finalised through diversion and alternate dispute resolution mechanisms • Reduction of average length of time in remand detention • Increased percentage of parolees without parole violations • Increase offender involvement in rehabilitation programmes

Output 2: An effective Criminal Justice System	
Indicators and targets	<ul style="list-style-type: none"> • By 2014, increase the contact crime detection rate from 52, 5% to 57, 5%. • By 2014, increase the trio crime detection rate from 13.5% to 34%. • By 2011, establish a court-ready docket monitoring mechanism for all contact crime. • By 2014, achieve 35% court-ready dockets. • Reduce case backlogs of all cases by 10% (by 2014). Number of outstanding criminal backlog cases to be dealt with in backlog courts, district, regional and high courts. Baseline 2008/09 number of backlog cases 42 682 and target is 38 414 by 2014. • Increase cases finalised through diversion and alternate dispute resolution mechanisms by 20% (by 2014). From 2008/09: 118 631 cases to 142 357 by 2014. • Reduction in average length of time in remand detention from 150 to 120 days (by 2014). • Increase percentage of parolees without parole violations from 71.9% (baseline of 211) to 80% (227) by 2014. • Increase offender involvement in rehabilitation programmes. <ul style="list-style-type: none"> Formal care programmes: – from 85 239 to 93 762 (by 2014) Informal care programmes – from 31 200 to 34 320 (by 2014). Correctional programmes – from 17 250 to 18 000 (by 2014). Development programmes – Formal: from 55 047 to 60 551 (by 2014). Informal: from 76 157 to 83 772 (by 2014).
Output 3: Corruption within the JCPS Cluster combatted to enhance its effectiveness and its ability to serve as deterrent against crime	
Output and sub-output descriptions	Compile a Corruption Baseline Report with detailed data for the 2009/10 financial year.
Indicators and targets	<ul style="list-style-type: none"> • Submit a Corruption Baseline Report by 31 December 2010 containing detailed data for the period 1 April 2009 to 31 March 2010. <p>Database to include the following:</p> <ul style="list-style-type: none"> Number of dockets security improved Number of fraudulent parole decisions eliminated Number of erroneous releases eliminated Number of warrant of arrests manipulation eliminated Number of JCPS Cluster personnel detected for corruption Number of JCPS personnel arrested for corruption Number of JCPS personnel convicted for corruption Value of the assets-linked corruption aid fraud restrained and seized

Output 4: Perceptions of crime among the population managed and improved	
Output and sub-output descriptions	Promote trust in the Criminal Justice System by improving support to victims of crime and increasing engagement with the community on security awareness and crime prevention.
Indicators and targets	<ul style="list-style-type: none"> • Annually publish statistics reflecting the percentage of persons that reported crime of those who were victims of crime. Annual statistics of number of victims reporting crime published by (for example, 2011). • Organise regular workshops and seminars with the community and the Community Safety Forum on security awareness, crime prevention and the effects of crime on society. • Increase number of Thuthuzela care centres from 20 to 35 by 2014. • Increase number of victim-friendly facilities at police stations for sexual offences and trafficking of humans, currently at 802 to 1 116 by 2014. • Increase number of victims who attend parole hearings from 265 in 2010/11 to 1 060 by 2014.

Output 5: Investor perception trust and willingness to invest in South Africa improved	
Output and sub-output descriptions	Successfully convict 100 people who have assets of more than R5 million obtained through illicit means.
Indicators and targets	<ul style="list-style-type: none"> • By 31 December 2010, submit a detailed plan to successfully investigate, seize/restrain the assets and prosecute 100 people who have accumulated assets through illicit means of at least R5 million. • By 2012, initiate investigations against at least 100 persons. • By 2013, initiate criminal proceeding against at least 75 people. • By 2014, convict 100 persons.

Output 6: Effective and integrated border management (subject to review and additional addendum)	
Output and sub-output descriptions	Establish a Border Management Agency
Indicators and targets	<ul style="list-style-type: none"> • Establish a Border Management Agency Interim Structure by 2011. • Effective management of borders under the direction of the Head of the Border Management Agency by 2012. • Deployment of SANDF in the borders to be in four phases: Zimbabwe, Mozambique, Swaziland, Lesotho, Botswana and Namibia by 2013. • Establish a Border Management Agency as a single structure by 2014.

Output 7: Integrity of identity and status of citizens and residents secured

Output and sub-output descriptions	<ul style="list-style-type: none"> • Ensure the registration of birth as the only entry point to the National Population Register and that the birth of all citizens is registered. • Increase the percentage of newborn children registered before their first birthday. • Current late birth registration process replaced by a new stringent procedure. • Issue IDs to all citizens 16 years of age and above. • Implement a new Immigration Act. • Implement a new policy and regulations to manage economic migrants and asylum seekers. • Immigration systems are integrated with the Home Affairs National Identification System (HANIS).
Indicators and targets	<ul style="list-style-type: none"> • A new procedure with a supporting regulatory framework has been implemented by March 2011 to effectively deal with the late registration of births. • Ensure the issuing of IDs to 99% of citizens 16 years and above who are in possession of birth certificates by 2013. • Ensure the issuing of IDs to 99% of citizens turning 16 years of age is reached through outreach campaigns by 2013. • Review and implement applicable civic services legislation by 2012 pertaining to births, deaths, citizenship and identification, including revised penalties. • Implementation of revised immigration policy and regulatory frameworks with respect to managing economic migration and asylum seekers by 2013. • Develop a new immigration policy and implement the new Immigration Act by 2013. • Immigration systems integrated and linked with HANIS by 2013. • Increase the percentage of newborn children registered before their first birthday from the approximately 30% currently to 95% by 2014.

Output 8: Cyber security threats and cyber crime combatted

Output and sub-output descriptions	<ul style="list-style-type: none"> • Development and implement a cyber security policy. • Development of capacity to combat and investigate cyber crime.
Indicators and targets	<ul style="list-style-type: none"> • By 2011, develop a cyber security policy. • By 2011, develop a detailed implementation plan to effectively manage cyber security. • By 2012, develop a detailed plan to combat and investigate cyber crime.

ACCC	Anti-corruption Coordinating Committee
AFU	Asset Forfeiture Unit
BCP	business continuity plans
BOT	build, operate and transfer
CBO	Community-Based Organisation
CGE	Commission on Gender Equality
CJS	Civil Justice System
DoJ&CD	Department of Justice and Constitutional Development
EE	Employment Equity
GRAP	Generally Recognised Accounting Practice
HANIS	Home Affairs National Identification System
ICMS	Integrated Case Management System
ICT	information and communication management
IJS	Integrated Justice System
ISM	Information and System Management
IT	information technology
JCPS	Justice, Crime Prevention and Security
JEI	Judicial Education Institute
JMIS	Justice Management Information System
LASA	Legal Aid South Africa
MACC	Minimum Anti-corruption Capacity
MOVIT	Master's Own Verification Information Technology
MTEC	Medium-term Expenditure Committee
MTEF	Medium-term Expenditure Framework
MTSF	Medium-term Strategic Framework
NACF	National Anti-corruption Forum
NIA	National Intelligence Agency
NPA	National Prosecuting Authority
PAIA	Promotion of Access to Information Act
PAJA	Promotion of Administrative Justice Act
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination Act
PFMA	Public Finance Management Act
PPP	public-private partnership
SAHRC	South African Human Rights Commission
SALRC	South African Law Reform Commission
SANDF	South African National Defence Force
SAPS	South African Police Service
SCA	Supreme Court of Appeal
SITA	State Information Technology Agency
SIU	Special Investigating Unit
TRC	Truth and Reconciliation Commission

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