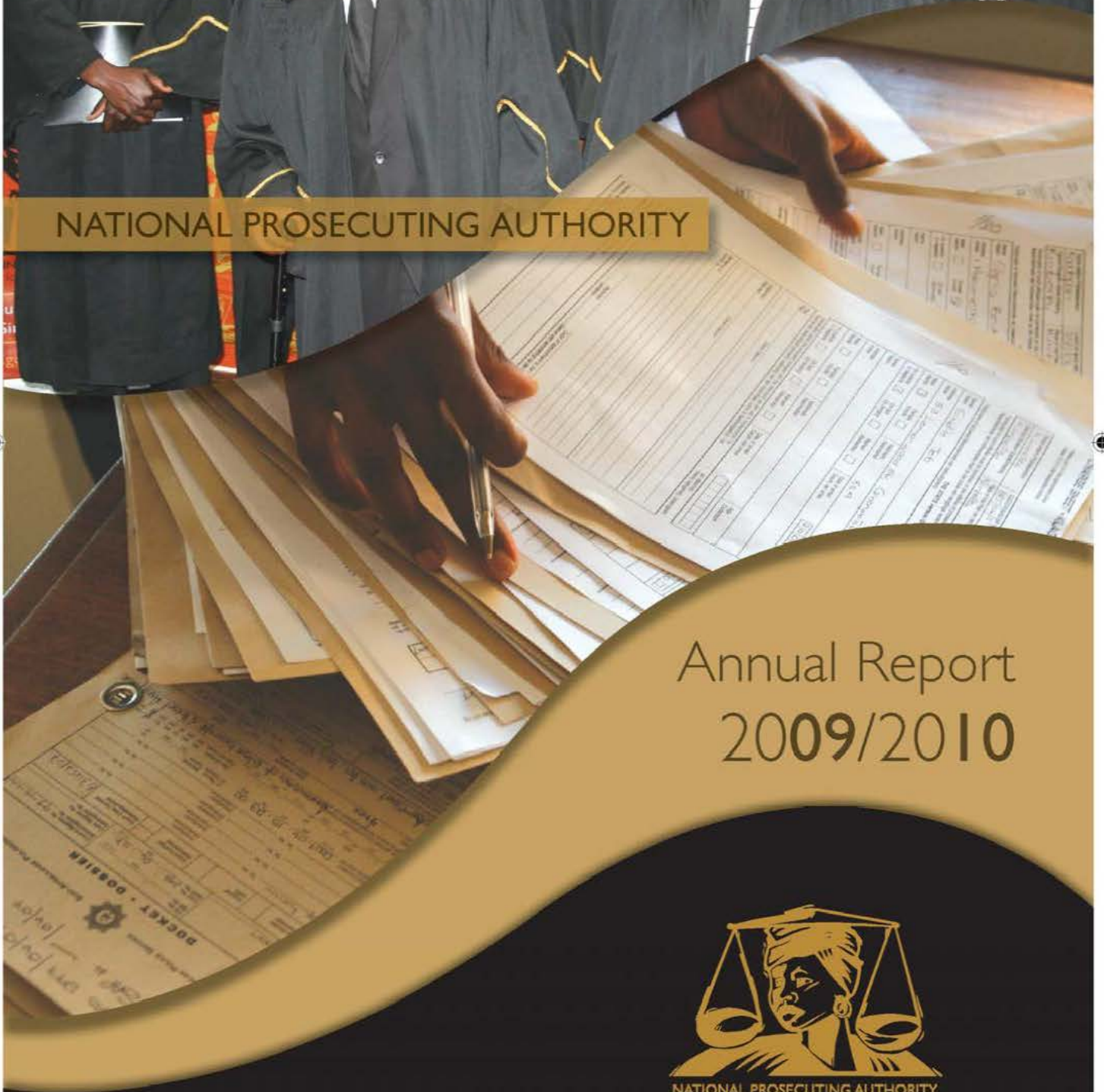


NATIONAL PROSECUTING AUTHORITY



Annual Report  
2009/2010



NATIONAL PROSECUTING AUTHORITY  
South Africa

## VISION

Justice in our society so that people can  
live in freedom and security.



## MISSION

Guided by the Constitution,  
we in the National Prosecuting Authority  
ensure justice for the victims of crime by prosecuting  
without fear, favour or prejudice, and by working  
with our partners and the public to  
solve and prevent crime.



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## I. General Information

# Submission of the Annual Performance Report to the Executive Authority

I have the honour of submitting the 2009/2010 Annual Report of the National Prosecuting Authority in terms of the National Treasury Guidelines.



**Dr Khotso De Wee**

Chief Executive Officer (Acting)

Date: August 2010



**Ms N Msomi**

Director-General: Department of Justice and Constitutional Development

Date: August 2010



## 2. Introduction

The National Prosecuting Authority (NPA) continued in the period under review to uphold Government's vision of a better life for all. In support of this vision and the strategy of the Department of Justice and Constitutional Development (DoJ&CD), the NPA continued to participate in the review of the Criminal Justice System (CJS). The CJS Review is Government's central strategy to address the challenges faced by the CJS. The NPA played a significant role in processes aimed at finalising protocols and legislative changes dealing with, for example, screening of dockets, provision of legal aid, mental health, bail and forensic issues.



The appointment of the National Director of Public Prosecutions (NDPP) with effect from 1 December 2009, brought stability to the NPA. In support of good governance, the NPA established appropriate governance structures and controls. The NPA Strategic Plan 2010-2015 has been submitted to the Minister of Justice and Constitutional Development for approval.

The NPA continued to do good work in many spheres and the improvements and performance achievements in these areas are dividends of a dedicated and committed workforce led by a strong and able team of managers.

Overall, the high conviction rate has been maintained. The Specialised Commercial Crime Unit (SCCU) achieved a conviction rate of 93.66% (0.34% below target). Although the unit's conviction rate is slightly lower compared to the 93.70% achieved in the 08/09 financial year, the achievement remains exceptional. The National Prosecutions Service (NPS) showed a 2.3% improvement on its overall conviction rate by achieving 88.6%. Prosecutorial efficiency was significantly improved which is demonstrated by a 12.5% increase in the number of cases finalised with 12.5%. The unit increased the use of alternative dispute resolution methods (ADRM) with 31.1%. The case backlog reduction project has continued to assist at the regional court centres where additional courts have been established. The project contributed to a 9.7% reduction in the number of backlog cases. A conviction rate of 67.7% (1.6% above target) compared to 66.7% of the previous year was achieved in courts dedicated to deal with Sexual Offences.

The NPA achieved the target of ensuring that 20 Thuthuzela Care Centres (TCCs) are operational throughout the country.

During the reporting period, the NPA ensured again that no witnesses on the Witnesses Protection Programme were harmed for the eighth year in succession.

The Priority Crimes Litigation Unit (PCLU), through the Missing Persons Task Team (MPTT), commenced with four new projects which include the Robben Island Prisoners Project which relates to the tracing of the remains of political prisoners who died while serving their sentences and whose whereabouts are unknown.

The Asset Forfeiture Unit (AFU) has also maintained excellent performance: The value of deposits into the Criminal Assets Recovery Account (CARA) in the year under review was R51.7m (48% above target), orders in favour of the victims of crimes was R52.3m (50% above target), new restraints R49.1m (36% above target) and confiscation or forfeiture orders, R185m (23% above target). The values achieved are the second highest ever and this was the most successful year for the AFU to date.

The NPA vacancy rate is 16.5% which is a significant reduction on the previous financial year's 24.9%. The NPA will continue to focus on further reducing the vacancy rate and specific interventions have been put in place to achieve this.

The NPA hosted the Heads of Prosecuting Agencies Conference (HOPAC) from the 10th to 13th November 2009 in Cape Town with great success. The aim of the conference was to give HOPAC members an opportunity to discuss matters of contemporary significance regarding prosecutions, general principles, operational needs and issues of practical importance and to exchange different points of view.

The placement of prosecutors previously attached to the Directorate of Special Operations (DSO) was finalised whilst that of some of the investigators is still to be finalised. The transfer of the accompanying budget to the South African Police Service (SAPS) was also finalised. The working relationship with the newly established Directorate of Priority Crime Investigations (DPCI), also known as the Hawks, has been established and a dedicated prosecutorial component identified. Continuous engagements will take place to enhance the working relationship in an effort to make an impact in the fight against crime.



## Requests for Mutual Legal Assistance (MLA)

At the end of March 2010 the Office of the NDPP had a total of 105 requests for Mutual Legal Assistance on hand. 58 new requests were received during the reporting period and 68 requests, including requests previously received, were finalised. The majority of requests received were from the United Kingdom (12), the USA, Germany and the Netherlands (5 each) and Brazil and Portugal (4 each). The remaining requests received were from a wide range of countries, including Italy, Argentina, Zambia, Switzerland, Turkey, France, Denmark, the Czech Republic, Israel and Botswana. The NPA issued 10 new requests during this period which were made up of 4 to the USA and the remaining comprising of one each to Australia, Sweden, Singapore, Japan, the Czech Republic and the United Kingdom (UK).

## Extraditions

Whilst a total of 59 extradition applications were still on hand at the end of March 2010, 27 extradition matters were finalized during 2009/10 financial year. 18 applications for extradition were received from requesting countries which included 4 requests from Botswana, 2 each from Swaziland, Lesotho and Poland and the remaining requests being made up of countries such as Portugal, Italy, Germany and the UK. South Africa registered 6 new requests but it should be noted that, of these, 3 have not yet been issued and the applications are still being prepared in two of these matters.

## Acknowledgement

I wish to acknowledge the hard work and dedication of all employees during the past year and look forward to an even more exciting year ahead.



Adv. M Simelane

National Director of Public Prosecutions

Date: August 2010



### 3. Overview of the Service Delivery Environment

The NPA continued to operate in a complex environment with a very diverse society with large disparities in income and access to justice. The work of the NPA is constantly under scrutiny by members of society from all walks of life and it is important that its mission and vision of ensuring a safe South Africa is pursued transparently and without any fear, favour or prejudice. Media attention on the work of the NPA is welcome. However, incorrect reporting of facts can damage the image of the organisation and erode public confidence in the entire CJS. A communication strategy that focuses on public education awareness of the work the NPA does is essential.

Dealing with crime efficiently and effectively remains a major concern to our communities and is indeed one of government's priorities. The NPA continued to recognise the importance of stakeholder relations and engagement in strengthening the fight against crime at all levels. The organisation cannot function without its partners in government, the private sector and the global community.

High levels of crime continue to be a national challenge. Trio crimes and violent crime impact on the quality of life of ordinary citizens while organised crime remains difficult to combat. A prosecution strategy that seeks to strengthen national and regional capacity of the NPA to deal with these and other government crime priorities has been developed.

A need exists for optimal utilisation of resources and skills development to ensure excellent service delivery to all our people. The general skills shortage in the country is also felt by the justice system and particularly so, by the NPA. Filling the vacancies in the organisation became a major challenge and a focused recruitment drive has been put in place to alleviate the problem.

No material variances are reflected in Programme 4: National Prosecuting Authority after virement. However, the following should be noted:

The original budget in respect of Compensation of Employees was reduced with an amount of R111.6 million during the virement process. This saving was as a result of the non-implementation of phase ii of the Occupation Specific Dispensation for the Legally Qualified Personnel (OSD) within the NPA. The funded vacancies within the NPA also contributed to this saving.





## 4. Overview of the Organisational Environment

The NPA continued to operate under an acting NDPP during the first and second quarters. This impacted on other positions in the NPA resulting in a number of acting positions in critical high level positions in the NPA. The appointment of the NDPP in the third quarter of the reporting period brought stability to the NPA and all acting appointments within the first two tiers of leadership were eradicated. Three Directors of Public Prosecutions (DPPs) are in acting positions and two positions are vacant. An acting Special Director of Public Prosecution heads the Office for Witness Protection (OWP) in the place of the suspended head.

Sub-programme 3 (DSO) has been removed from the sub-programme structure and the budget allocation redistributed accordingly. Support services (sub-programme 4) will report directly to the Director-General (DG) and the impact on the budget and amendments to the Estimates of National Expenditure (ENE) will be requested in the adjusted ENE process once all the logistics associated with this move have been addressed. The filling of vacant executive management posts has been put on hold pending the finalisation of this process.

The strengthening of the capacity of the Office of the NDPP will ensure improved performance monitoring and evaluation of the regions. Similarly, the re-alignment of the structure of Offices of the DPPs to provide a co-ordinated prosecution service is conducive to improved service delivery.

Delays in the implementation of the OSD have, to a certain extent, dampened the spirit of prosecutors. This affects production and the NPA has to move with speed and ensure full implementation of the dispensation.

In addition to the above, physical infrastructure constraints, particularly at the Lower Courts, in terms of factors such as accommodation, working conditions and other resources, continue to pose challenges. These factors impact on the ability of the system and its people to work productively and deal with cases efficiently and effectively. Proper funding of the institution to cater for capacity increase and accommodation of prosecutors and other essential services is a requirement to intensify the fight against crime.



## 5. Strategic overview and key policy developments for the 2009/10 financial year

### Policy developments and legislative changes

#### **South African Police Service Amendment Act, 2008 and National Prosecuting Authority Amendment Act**

The NPA Act was amended to abolish the DSO. Provision is now made in terms of an amendment of the South African Police Service Act, 1995 (Act No. 68 of 1995), for the establishment of the DPCI as a division of the SAPS. The provisions of these Acts were implemented with effect from 6 July 2009. The SAPS Amendment Act provides for the transfer of finance, assets and relevant people within the NPA to the DPCI. The budget that follows the function shift was transferred to the SAPS during the Adjustment ENE and the investigators seconded to the Special Investigation Unit (SIU) are NPA officials hence there will be no budget adjustment.

In terms of the legislation the head of the DPCI may request the NDPP to designate a DPP to conduct an investigation in terms of section 28 of the NPA Act. The NDPP must ensure that a dedicated component of prosecutors is available to assist and co-operate with members of the DPCI in conducting its investigations.

A dedicated prosecutorial component has been established in each regional office to support the DPCI to effectively prosecute matters resulting from investigations. A national coordinating function has also been put in place in the Office of the NDPP.

#### **Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007)**

The Act comprehensively and extensively amended all aspects and implementation of the laws relating to sexual offences, and deals with all legal aspects of, or relating to, sexual offences in a single statute.

#### **Child Justice Act, 2008 (Act 75 of 2008)**

This Act impacts on the way child offenders are handled by placing emphasis on diversion and reducing the period of incarceration awaiting trial. The NPA will need to develop minimum standards to ensure parity across the board. The Policy Directives were reviewed to include directives pertaining to inter alia plea bargaining and the Child Justice Act. Training of prosecutors has also been undertaken. Details are contained in the report of the Sexual Offences and Community Affairs (SOCA) Unit discussed below.



## 6. Information on the Organisation

### Institutions reporting to the NPA

There are no institutions reporting to the NPA.

### Bills submitted to the legislature during the last quarter

There are no Bills submitted to the legislature. The NPA commented on the draft Criminal Procedure Act Amendment Bill. This Bill proposes an amendment to section 49 of the Criminal Procedure Act, 1977, relating to the use of deadly force. The NPA's comment was submitted to the DoJ&CD. The NPA also submitted comments on the Judicial Matters Amendment Bill, 2010, and the Magistrates' Courts Amendment Bill, 2010. The object of the Magistrates' Courts Amendment Bill is to amend various provisions of the Magistrates Act, 1944 (Act 32 of 1944).

### Ministerial visits abroad

The NDPP undertook no overseas visits during the past year.

### NPA Vision and Mission

The NPA's vision is: Justice in our society so that people can live in freedom and security.

The vision is supported by the NPA mission: Guided by the Constitution, we in the National Prosecuting Authority ensure justice for the victims of crime by prosecuting without fear, favour or prejudice and by working with our partners and the public to solve and prevent crime.

## 7. Legislative Mandate

The NPA's legislative mandate is based on Section 179 of the Constitution and is also set out in the NPA Act. The NPA is mandated to institute criminal proceedings on behalf of the state, and to carry out any necessary functions incidental to instituting criminal proceedings. The NPA is programme four within the Justice and Constitutional Development vote.

### Functions and Objectives of the NPA

The functions of the NPA include the following:

- Institute and conduct criminal proceedings and to carry out functions incidental thereto;
- Supervise, direct and coordinate specific investigations;
- Carry out any other functions or duties in terms of the law or the NPA Act.

### Accountability Arrangements

The Director-General of the DoJ&CD is the accounting officer of the NPA and the CEO of the NPA has been delegated certain authority by the accounting officer.





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### Our Mission

Guided by the Constitution, we in the National Prosecuting Authority ensure justice for the victims of crime by prosecuting without fear, favour and prejudice and by working with our partners and the public to solve and prevent crime.

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# PROGRAMME PERFORMANCE

## 8. Part 2: Programme Performance

### Voted Funds

Appropriation	Main Appropriation	Adjusted Appropriation	Actual Amount Spent	Over/Under Expenditure
	R'000	R'000	R'000	R'000
National Prosecuting Authority	2,480,084	2,385,473	2,228,715	156,758
Public Prosecution	1,533,591	1,581,402	1,526,853	54,549
Office for Witness Protection	126,140	127,611	120,223	7,388
Directorate of Special Operations	293,090	143,699	102,567	41,132
Asset Forfeiture Unit	71,242	73,475	78,536	-5,061
Support Services	456,021	459,286	400,536	58,750
Responsible Minister	Minister of Justice and Constitutional Development			
Administering Department	Department of Justice and Constitutional Development			
Accounting Officer	Director-General for Justice and Constitutional Development			

### Aim of the Vote

The NPA provides a coordinated prosecuting service that protects certain witnesses, and removes the profit from crime.

### Programme 4: National Prosecuting Authority (NPA)

There are four sub-programmes:

- The sub-programme: **Public Prosecutions** includes general prosecutions and several specialist prosecution units, such as those for priority crimes litigation, sexual offences and community affairs, and specialised commercial crime.
- The sub-programme: **Witness Protection** provides protection, support and related services to vulnerable witnesses and related persons in judicial proceedings.
- The sub-programme: **Asset Forfeiture** seizes assets that are the proceeds of crime or have been part of an offence through a criminal or civil process.
- The sub-programme: **Support Services** provides the NPA and its several components with a wide range of administrative, managerial and support services.

The NPS carries out the primary responsibility of the NPA. Since the formation of the NPA several business units have been added: the SCCU, the PCLU, the SOCA, the OWP, and the AFU. The support services component, Corporate Services (CS), deals with a wide range of aspects including communications, information management, human resources, security, etc.



## Key measurable objectives

The NPA identified the following organisational measurable objectives:

- Improve prosecutorial efficiency by increasing the number of cases finalised by 2 per cent, from 311 488 in 2008/09 to 330 551 in 2011/12.
- Increase the use of alternative ways of delivering justice by increasing the number of cases finalised (including diversion) by 2 per cent per year, from 396 303 in 2008/09 to 420 559 in 2011/12.
- Improve capacity to deal with complex commercial crime by increasing the number of cases finalised by the Specialised Commercial Crime Unit by 2 per cent, from 1 257 in 2008/09 to 1 334 in 2011/12.
- Improve justice services for the victims of sexual offences by establishing five additional Thuthuzela Care Centres to bring the total number to 30 in 2011/12 from the current 15.
- Protect and support vulnerable and intimidated witnesses by ensuring that no witnesses are harmed or threatened while on the witnesses protection programme, thus reducing the percentage of witnesses that walk off the programme from 16 percent in 2008/09 to 10 percent in 2011/12.
- Contribute to reducing the incentive of crime by removing its proceeds from the control of criminals and by increasing the value of freezing orders (court orders to freeze an individual's assets) from R330 million in 2008/09 to R420 million in 2011/12.



The performance in terms of these objectives is contained in the table below:

**Table 2: Key Measurable Objectives for the NPA as reflected in the Estimates of National Expenditure (ENE)**

Sub-programme	Indicator	Target 2009/10	Actual 2009/10	Deviation	Notes
<b>1. Public Prosecutions</b>	Number of backlog cases	40 498 (-2%)	38,563	-0.05%	Target exceeded
	Number of cases finalised: with diversion: NPS	404,229	469,541	16.2%	A significant improvement due to focus on performance management and monitoring
	Number of cases finalised: without diversion: NPS	317,677	350,910	10.5%	A significant improvement due to more courts in session and increased focus on performance management
	Number of cases finalised by means of alternatives	86,552	108,531	20.3%	
	Conviction rate: High courts	86.0%	87.7%	2.0%	
	Conviction rate: Regional courts	74.0%	73.6%	-0.6%	
	Conviction rate: District courts	87.0%	90.5%	3.5%	
	Conviction rate: Sexual offences courts	66.0%	68%	2.6%	
	Number of TCCs	20	20	0.0%	
	Conviction rate: SCCU	94.0%	93.6%	-0.4%	
	Number of cases finalised: SCCU	1,257	1026	-18.4%	A total of 889 cases were finalised by the ten dedicated courts. 137 cases were finalised by SCCU prosecutors in the regions.
<b>2. Witness Protection</b>	Number of witnesses harmed or threatened	0	0	0.0%	
	Percentage of walk-offs	14%	29%	107.1%	The amended definitions as previously reported contributed to this factor. The definition has been amended and submitted for approval
<b>3. Asset Forfeiture</b>	Number of completed forfeiture cases	275	271	-1.5%	Below target but second highest ever achieved
	Number of new freezing orders	280	315	12.9%	
	Value of new freezing orders (R million)	R 360m	R 491m	36.4%	
	Success rate	86.0%	92.4%	7.4%	A good result but not comparable with previous years due to a new definition





## SUB-PROGRAMME I: **PUBLIC PROSECUTIONS**



## 9. Sub-programme I: Public Prosecutions

### Introduction

The NPS provides prosecuting services in the Lower and High Courts in all nine (9) provinces and collaborates with national and international stakeholders where necessary. The PCLU focuses on serious national and international crimes, including treason, sedition, terrorism, sabotage and military crimes committed by mercenaries in foreign countries. The SCCU focuses on serious economic crimes. The SOCA develops strategy and policy, and oversees the management of cases relating to sexual offences, domestic violence, human trafficking, maintenance offences and young offenders. The sub-programme also provides specialist prosecution support to the DPCL.

### Purpose

General prosecution and specialist prosecution that deals with prosecutions in the lower and high courts, alternative dispute resolutions, sexual offences and community affairs, priority crimes litigation and specialised commercial crimes.

### Measurable Objective

Public prosecution is responsible for achieving the following measurable objectives:

- Improve prosecutorial efficiency by increasing the number of cases finalised by 2 per cent from 311 488 in 2008/09 to 330 551 in 2011/12.
- Increase the use of alternative ways of delivering justice by increasing the number of cases finalised (including diversion) by 2 per cent per year, from 396 303 in 2008/09 to 420 559 in 2011/12.
- Improve capacity to deal with complex commercial crimes by increasing the number of cases finalised by the Specialised Commercial Crime Unit by 2 per cent, from 1 257 in 2008/09 to 1 334 in 2011/12.
- Improve justice services for the victims of sexual offences by establishing five additional Thuthuzela Care Centres to bring the total number to 30 in 2011/12 from the current 15.



## National Prosecutions Service (NPS)

### Service Delivery Performance Indicators

**Table 3: Service Delivery Indicators for the NPS- 2005/06-2009/10<sup>1</sup>**

National Prosecutions Service							
Indicator	2005/06	2006/07	2007/08	2008/09	2009/10	Change over prev year	Notes
Total cases finalised incl ADRM			388,634	431,601	469,541	+8.8%	Increase due to focus on operational performance and effective monitoring at all levels
Admission of Guilt (S57A)			30,115	38,015	46,170	+21.5%	Increase due to focused approach
Informal mediations			15,393	38,032	68,270	+79.5%	Increase due to focused approach on ADRM to reduce trial cases
Cases finalised with verdict and through diversion	411,417	379,034	343,126	355,554	401,271	+12.9%	Increase in quarterly progress-internal targets have been achieved
Diversions	37,422	44,483	46,470	43,729	50,361	+15.2%	Increase due to focused approach
Cases finalised excl ADRM	373,995	334,551	296,656	311,825	350,910	+12.5%	Increase due to focused approach on ADRM to reduce trial cases
Cases finalised (Sat & Add crts)	1,432	1,525	3,503	4,497	4,587	+2.0%	National backlog project with special focus on regional courts due to expansion an induced rate is noted compared to 05/06
New cases	1,069,724	1,062,497	1,037,538	1,058,298	1,044,346	-1.3%	Reduction due to better screening process processes
Decision dockets received - lower crts	517,101	489,213	452,997	488,780	554,806	+13.5%	Increase in decision dockets due to enhanced screening process
Withdrawals	311,078	306,050	305,893	286,837	242,103	-15.6%	Reduction due to better screening process processes, preparation of cases and internal measure monitored on monthly basis
Backlog cases (cases older than 12 mths in HC, older than 9 months in RC, 6 months in DC)	37,216	36,130	39,736	42,495	38,563	-9.3%	Reduction due to additional resources focusing on backlog cases in the backlog project
Conviction rate	85.7%	85.8%	85.9%	86.30%	88.60%	+2.7%	Increase due to enhanced screening processes and inclusion of section 57A of the CPA as verdict cases

<sup>1</sup> Definitions of indicators are attached to Annual Report



## Highlights of Achievement

The NPS has shown significant improvement in a number of areas as is reflected in the table above. This could be attributed to an increased focus by the management team on monitoring performance and holding employees accountable for their performance.

Through improved performance, the courts have ensured the attainment of the strategic objectives determined for the 2009/10 financial year. Prosecutorial efficiency was improved by increasing the number of cases finalised significantly with 12.5%, from 311 825 achieved during 2008/09 to a total of 350 910 achieved during 2009/10. An increased use of delivering justice by means of alternative ways was achieved by increasing the cases finalised by means of alternative dispute resolution methods with 31.1%, from 81 761 cases finalised during 2008/09 to 118 631 cases finalised during 2009/10.

The disposal rate of the courts is also indicative of their improved performance. During 2008/09 a total of 1 070 435 cases were disposed, of which 59.7% were removed from the roll by means of withdrawal, issuing of a warrant, transfer, mental referral or struck off the roll, and 40.3% were finalised with a verdict or ADR method. During 2009/10 fewer cases were removed from the roll and more were finalised. A total of 1 065 269 cases were disposed, of which 55.9% were removed from the roll and 44.1% were finalised. This translates to 3.7% increase compared to 08/09.

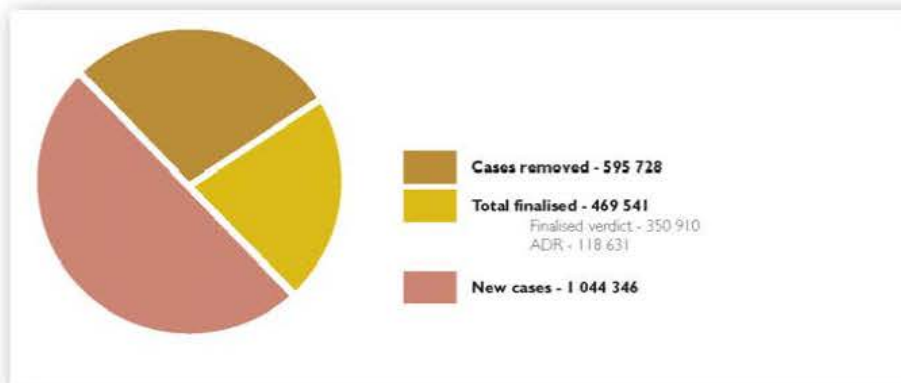
During 2009/10 financial year 990 plea agreements were concluded, comprising of 3 673 counts.

## Strategies, Projects and Initiatives

### Deliver a speedy, quality prosecution within the prescripts of the law

All Lower and High Courts managed a positive clearance ratio of 2%. 1 044 346 new cases were received and 1 065 269 cases were disposed of, 20 923 more cases than received and a 0.8 % increase compared to the previous financial year.

**Figure 1: Case Management: All courts 2009/10**

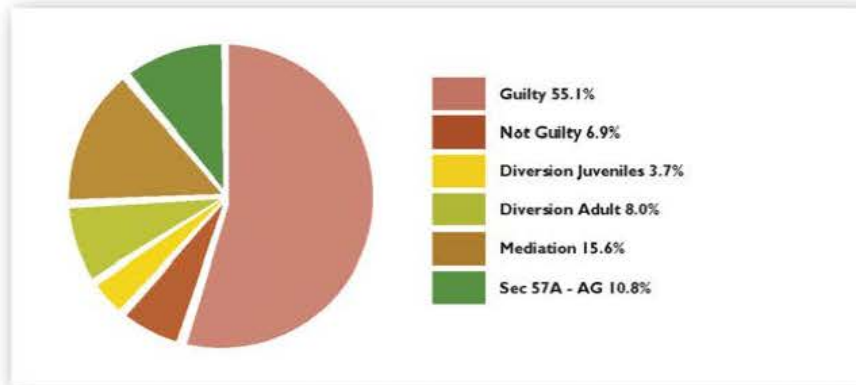


## District Court Performance

The District Courts finalised 427 344 cases comprising 310 823 verdict cases (72.7%) and 116 521 ADRM cases (27.3%). This represents a finalisation rate of 2.4 cases per court per day. Compared to the previous financial year the District Courts have finalised 38 652 more cases (9.9% improvement).



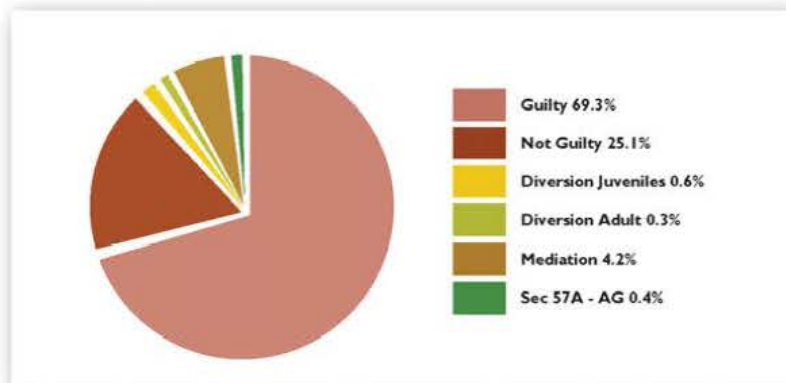
Figure 2: District Courts: Finalised Cases 2009/10



### Regional Courts:

The Regional Courts finalised a total of 40 962 cases comprising 38 852 verdict cases and 2 110 ADRM cases. This represents a finalisation rate of 0.6 cases per court per day. There is slight (0.7%) decrease in the number of cases finalised compared to the previous financial year. The number of cases finalised with a verdict has been marginally reduced with 2.7%, and the use of alternative ways of delivering justice has been increased with 58.8%.

Figure 3: Regional Courts: Finalised Cases 2009/10

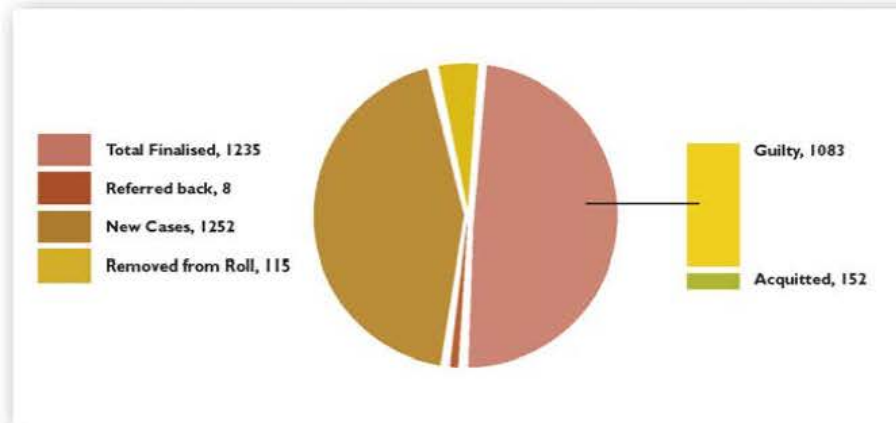


### High Courts

A positive clearance ratio was managed by the High Courts which can be ascribed to the 36% decrease in new cases received (from 1 577 cases to 1 252 cases). The following graph illustrates the input and output of the High Courts.



Figure 4: Case Management in the High Courts, April 2009 to March 2010



### Court and Case Flow Management (CFM)

Provincial and local CFM meetings continued to be held and stakeholders engaged on the performance of the courts. Publication of the new CFM Guidelines is awaited. Reliance for the successful implementation of CFM rests with the judiciary as they have the authority to control the optimum utilisation of court time and to exercise discipline where any role player frustrates the process.

### Case Backlog Reduction Project

The case backlog reduction project continued to contribute to the improved performance of the Regional Court at the 46 additional backlog courts. There is a steady decrease in the number of all regional court backlog cases (i.e. cases longer on the Regional Court roll than 9 months). In June 2006, 20 452 (43%) of the outstanding roll of 47 343 cases were backlog cases. In March 2009 the number of backlog cases were 16 083 (31%) which has been reduced to 16 054 (31.7%) of the outstanding roll of 50 708 cases at the end of March 2010.

The backlog courts finalised 4 587 backlog cases in the financial year and from the inception of the project in November 2006, 13 441 cases were finalised.

### Community Prosecutions Project

Engagements with all the relevant stakeholders, community leaders and communities continued to take place, with the aim to contributing to the prevention and reduction of crime. The project has been running for a few years and although it will be scaled down in the coming year to allow prosecutors to concentrate more on their core function, its successes may open opportunities for similar projects in other areas.



## Dedicated Capacity

### Organised Crime (OC)

The NPA (NPS and AFU) worked in partnership with the SAPS to address organised crime. Training was provided to ensure that the multi-disciplinary project team is adequately empowered. During the past financial year, 48 cases were finalised: 14 racketeering cases of which three involved money-laundering charges, and 32 gang related cases of which two cases had money laundering charges. At the end of the 2009/10 financial year, 40 of the 55 outstanding matters were enrolled for trial.

### Specialised Tax (ST)

The section finalised 292 trial matters with a conviction rate of 98%. From April 2010, the Tax Component resorts under the specialised prosecution work stream in the DPP offices and will continue to work as dedicated prosecutors on tax matters.

### Support and Prepare Witnesses

The Court Preparation Programme continues to offer support services to witnesses, especially women and children on a daily basis. There are 125 against a target of 140 Court Preparations Officers (CPOs) employed at 68 courts countrywide. During the period under review 61 910 witness sessions were conducted by CPOs which is an average of 56 witnesses per CPO, thereby exceeding the target of 40.

### Screening of Cases

A concerted effort is being made to ensure effective screening of cases, as the NPS consistently applies the rule of "no case no enrolment". Screening takes place on Sundays at police stations in some of priority areas. In some areas, internal task teams are being arranged on a regular basis. The mandate of the task teams is to identify and solve recurring challenges and to promote ADRM by screening all current and new cases.

35 Detective Court Case Officers have been appointed in the Western Cape Province to form the Local Screening Mechanisms (LSM) at each Regional Court with screening prosecutors. Through proper management by the LSM, for instance, two murder cases in George were trial ready within six weeks of the arrest of the accused.

### Use Suitable Alternatives to Punitive Justice

The NPS also employs alternatives to punitive justice, which plays an important role in the reduction of court rolls, ensures swifter justice in some cases and plays a decisive role in restorative justice.

During 2009/10, 50 361 cases were diverted of which 32.1% were children in conflict with the law and 67.9% cases involved adult offenders. A 15.2% increase is noted compared to the 43 729 cases diverted in the previous financial year.

Various projects and partnerships were initiated in the regions to employ suitable alternative to punitive justice, examples are:

Two projects were launched at the Wentworth Court. The first involved an **Adult Diversion Project**, founded on a partnership between Khulisa (a non-governmental organization providing community development programmes and reintegration and rehabilitation programmes for youth and young offenders at-risk), local government structures in the form of eThekweni Area Based Management, the local Community Police Forum (CPF), the Department of Correctional Services (DCS) as well as the courts. This project was extremely successful diverting on average 40 adult accused per month.

The second project involved the implementation of a formal mediation initiative at the Wentworth court in December 2009. Five trained mediators were appointed by Khulisa to mediate court cases. To date 85 cases have been formally mediated.

### CJS Review

The CJS Review continues as government's central strategy to address the challenges faced by the system. The NPA actively participated in the process and provided considered input where required to support the DoJ&CD in the execution of its mandate. The NPA also ensures that all initiatives are prioritised and implemented when required. Progress is closely monitored and feedback is provided to the steering committee.



## Indigenous Language at Specific Court

In support of the DoJ&CD strategy of making justice services accessible to all and transforming justice, state and society in line with the democratic values of the Constitution, the NPA actively participates in the establishment of Indigenous Languages Courts. This project has borne positive results for the NPA through increased performance. Court proceedings are significantly shortened due to the fact that no interpretation services are required.

The Indigenous Language Court in Zwelitsha, during October, finalised more cases than any of the other courts in Zwelitsha. Since its inception during 2009 until the end of the financial year 107 cases in isiXhosa were finalised.

In the Western Cape, the isiXhosa Indigenous Language Court has met and consistently exceeded the national targets set for a District Court.

In Limpopo, Dzanani (Tshivenda) the Indigenous language court finalised 40 cases per month, Malamulele 15 and Mutale 26 case.

The Swati Indigenous Language Court is planned at Elukwatini Magistrate's Court.

## 2010 FIFA World Cup

The 2010 FIFA World Cup Administration of Justice National Steering Committee had regular meetings to discuss the status of the project. Discussions focussed on the communication strategy, human resource plan, budget, national infrastructure as well as the FIFA Fan Fests.

The dedicated courts would operate from 28 May to 26 July 2010, 7 days a week, from 07h45 to 23h00, and would also be open to the public. Dedicated prosecutors had been allocated and assigned for these courts.

The South African Banking Risk Intelligence Centre (SABRIC) has also pledged to avail bank investigators to be on standby to assist the NPA and the United Nations Office for Drugs and Crime (UNODC) in investigating bank related crimes

## Community Outreach

Several campaigns were undertaken which focused on subjects such as the release of child offenders into parental custody, diversion, child trafficking and the possible impact of the 2010 FIFA World Cup event on human trafficking.

## Noteworthy Cases

**S v Mhlanga and 2 Others:** The case involved the killing of the world renowned reggae music icon, Lucky Dube following a botched hijacking. All three accused were convicted to life imprisonment plus 39, 37 and 50 years imprisonment respectively.

**S v Sesinyi and Another:** The two accused are Lesotho citizens who committed a farm attack in the Free State and then fled to Lesotho. They were arrested in Lesotho and an extradition application through an informal procedure was launched. The application was successful in a magistrate court in Lesotho whereafter the accused appealed the order in the Lesotho High Court. The appeal was eventually dismissed earlier this year. The NPS assisted the Lesotho Director of Prosecutions and his personnel during the extradition application. The accused were convicted of murder, robbery and rape in the Ficksburg Circuit Court. One accused was sentenced to life imprisonment and the other to an effective term of 23 years imprisonment. This is the first matter concluded after the new extradition treaties were signed.

**State v Giyama and Another** involved the robbery and murder of an elderly male by two youthful males at Maclear. It presents an example of how modern technology can aid the CJS to solve a crime and secure the conviction of perpetrators. The accused accosted the deceased at night and tried to force him at knifepoint to draw money from an auto-teller machine (ATM). They were unsuccessful because they used the deceased's Capitec card to try and draw money from a different bank's ATM. Frustrated and infuriated by their failure they dragged the deceased into an alleyway next to the ATM where they killed him by slitting his throat with a knife. Unbeknown to them, the security cameras at the ATM had captured their attempts to draw money and their threats to the deceased on tape. When appearing in the High Court, they initially pleaded not guilty, but when they were confronted by this evidence, they changed their pleas to guilty and despite their youthful age of 23 and 21 respectively, both were sentenced to life imprisonment on the murder count and 15 years imprisonment on the robbery.



**State v Stander** involved a serial murderer who killed two prostitutes in the Port Elizabeth Central area. The only evidence that linked the accused to the commission of the crimes was the modus operandi he followed in the commission of the murders and the fact that expert evidence was led regarding the scientific proof that the black bag found wrapped around the head of one of the deceased was proved to be the consecutive black bag of the roll which matched that found in the accused's kitchen rubbish bin. This is the first time in South Africa that such evidence had been successfully led and the second case in the world. Two sentences of life imprisonment were imposed.

**S v N van Hai:** Accused, an illegal Vietnamese citizen, was found in possession of several lion carcasses in an upmarket residential property in Brooklyn. The case received extensive media coverage at the time. The accused was a runner in a Vietnamese syndicate operating in the country. He was charged under Section 57 of the National Environmental Management: Biodiversity Act, 2004 and pleaded guilty in terms of Section 105A of the Criminal Procedure Act (CPA). He was sentenced to R160 000 or 5 years direct imprisonment. All items seized were forfeited to the State, including vehicles found on the premises. No other persons were arrested, but the investigations are ongoing.

**S v Moshe and Others.** The case started in 2006. Initially seven accused were charged but one of them passed away during the trial. Charges against the accused related to stock theft. The case was precipitated by high incidents of stock theft in the Ga-Morona Villages in Kuruman. The community was dissatisfied with the manner in which the SAPF, the courts and the prosecutors dealt with the matter. The community became involved in public violence and incidents of arson against the alleged stock-thieves. The DPP met with the community leaders and undertook to investigate the complaints and asked the community to refrain from taking the law into their own hands. An undercover operation in conjunction with the Provincial office of SAPF was arranged by the office of the DPP. On the other hand, the community created the Kgomo Modimo Wa Gae Anti Crime and Stock Theft Unit to look after its own interests. This body received the support of the DPP's office. The undercover operation resulted in the prosecution of the accused. The Kgomo-Modimo wa Gae Project received national recognition for community involvement in the fight against crime. The joint operation with the SAPF earned the respect of the community. The community attended the trial in large numbers. All accused were found guilty.

**S v Mosele and 3 Other:** the deceased in this matter was a prominent Greek businessman in Bloemfontein. Accused 1 (one) was the deceased's domestic worker. She recruited three accused to commit housebreaking at the house of the deceased and to brutally murder him. The Greek community was traumatised by the murder and attended every court sitting en masse. Accused 1 and 2 were convicted of murder and robbery with aggravating circumstances while Accused 3 and 4 were only convicted of robbery. Accused 1 and 2 were sentenced to life imprisonment. Accused 3 and 4 were each sentenced to 16 years imprisonment. The Greek community expressed their gratitude towards the SAPF and the NPA.

**State vs Morné Harmse:** This case has received huge media attention due to the bizarre facts of the matter. It has been referred to in the electronic as well as written media as the "Sword killer"; the "Ninja boy" and the "Slip knot" murder. The accused launched a brutal and vicious attack on the deceased with a sword, a grade 10 learner at the school. After he had hit him behind the neck, he also attacked another learner by hitting him behind his head and attacking two labourers at the school. The deceased was killed on the scene notwithstanding first aid efforts by some teachers and learners. The accused was convicted in the South Gauteng High Court on a count of murder and three counts of attempted murder and was sentenced to an effective period of 20 years imprisonment.

**S v Randitshene:** The accused stood trial in the Modimolle Circuit Court on 46 charges that included rape (15 counts), kidnapping (18 counts), murder (10 counts), indecent assault and illegal possession of a firearm. With one exception the victims were children, varying in ages between 3 and 13 years. The accused pleaded not guilty. The trial was nevertheless concluded within 2 days. The accused was sentenced to an effective 180 years imprisonment.

The DNA evidence collected by the police resulted in the largest mass DNA screening ever carried out in South Africa. 543 DNA samples were tested which resulted in a single match that led to the arrest of the accused.

**S v Javu and Others:** During the past two years a spate of killings of policemen and traffic officers in the Port Elizabeth area. This attracted a lot of public interest and fear. In the matter two policemen responded to a complaint about a motor vehicle accident. As they returned to the police van, the accused started shooting at them, fatally wounding one of them. The accused also robbed both policemen of their firearms. The four accused were convicted and sentenced to life imprisonment.

**S vs Letsoenya:** The accused, a serial rapist, was convicted on inter alia 28 counts of rape and sentenced to inter alia 5 life imprisonments. This brought to an end a six year reign of terror in the Cape flats.

**State v Mafa and Another:** The accused, a commander of the Organised Crime Unit in the Northern Cape, was accused





of stealing money through informers' claims. Both accused were convicted of three counts of theft and sentenced to 5 years imprisonment of which 2 years were conditionally suspended.

## Challenges

- The vacancy rate within the prosecutorial component coupled with the slow turnaround time in the filling of vacancies hampers the productivity of the courts.
- Case flow related problems and the absence of key role players have also impacted negatively on the performance of the courts. It is foreseen that little progress will be made in the overall improvement of the performance of the courts until uniform targets for all role-players are determined and complied with.
- Shortage of skills amongst the prosecutors.
- Lack of buy in for the use of suitable alternatives to punitive justice.
- Slow progress in the use of indigenous languages at specific courts.

## Priority Crimes Litigation Unit (PCLU)

### Introduction

The PCLU continued with the execution of its mandate and provided key legal and technical assistance to various stakeholders.

### Purpose

The PCLU was created by Presidential proclamation to manage investigations and prosecute crimes that impact on State security.

### Service Delivery Achievements

South Africa is a member of the Financial Action Task Force (FATF). The FATF appointed a project team to establish whether guidance is necessary for the offence of proliferation financing as is the case in respect of money laundering and terrorist financing. Due to the fact that this project could impact on South Africa's policy on non-proliferation, government decided that South Africa should actively participate in the project team. The PCLU was appointed to chair this inter-departmental task team which was required to prepare responses on behalf of the South African government. The PCLU was in addition required to represent the task team in the international FATF meetings and to present the case for South Africa.

Not only did South Africa succeed in having many of its positions recognised, but in addition, South Africa was requested to formulate the text for FATF on a number of key topics. The project team tabled its report at the February 2010 FATF plenary meeting. The report was accepted in principle; however, there was an objection by the Russian Federation and therefore, FATF directed the project team to hold bilateral discussions with the Russian Federation in order to resolve the issue. This was scheduled to take place in April 2010.

The FATF appointed its Typology Working Group (TWG) to conduct a Global Threat Analysis (GTA) on the financing of terrorism. The PCLU assisted the NIA and Financial Intelligence Centre (FIC) with a legal opinion on all criminalisation issues relevant to the crime which played a key role in persuading the TWG to reconsider its original position on terror financing. The PCLU was commended by the NIA for its contribution.

In 2009, FATF found that South Africa was only partially compliant in implementing the FATF Special Recommendations relating to terrorism financing. South Africa appears before the FATF Plenary in February 2011 to explain what steps have been taken to address these shortcomings. The FIC has formed a committee on which PCLU serves.

The PCLU continued to work with the FIC in relation to the implementation of FATF's recommendations on money laundering and special recommendations on terrorist financing. Research has been undertaken on the global threat posed by money laundering and whether the existing measures are adequate to combat money laundering.

The PCLU represents the NPA on the Interdepartmental Counter Terrorism Working Group which meets under the auspices of Department of International Relations and Cooperation (DIRCO) and chairs a Sub-Committee on criminalisation issues.



The unit submitted an opinion on the applicability of the Implementation of the Rome Statute of the International Criminal Court Act insofar as it relates to requests for mutual legal assistance and extradition practices. The opinion was to be included in a DoJ&CD manual on international cooperation in criminal matters.

### Missing Persons Task Team (MPTT)

The following project initiatives were undertaken:

- The Robben Island Prisoners Project which relates to the tracing of the remains of political prisoners who died while serving their sentences and whose whereabouts are unknown.
- The Executions Project which is the tracing of the remains of political prisoners who were executed for political offences between 1960 and 1990. Their remains were retained by the State and buried as paupers in locations.
- The Bone DNA Lab, which was created to deal with the complexity of obtaining DNA samples from very old and damaged skeletal remains. As a result the MPTT has established a partnership with the highly experienced International Commission on Missing Persons in Sarajevo, Bosnia who successfully conducted bone DNA tests on several cases.
- Training and support to other African countries engaged in transitional justice initiatives and exhumations, namely Kenya, Uganda and Burundi.
- The initiation of extensive investigations in KwaZulu Natal missing persons.

The team managed to trace the location of the probable burial sites of more than 12 Robben Island prisoners who died while serving their sentences in the 1960s and 1970s and who were buried as paupers by the State. Extensive site analysis, excavation and research is ongoing at an unmarked location in Stikland Cemetery in Cape Town to recover and identify their remains.

The Post Chalmers cases (Pebco 3 and COSAS 2) were finalised and the remains handed over to the five affected families by Minister Radebe on 12 September 2009. The five were reburied in Zwile Cemetery on 3 October 2009 at a funeral attended by President Zuma.

The remains of the 'Langa Six' - the PAC (Poqo) members hanged in 1967 and 1968 for political offences were exhumed at a public exhumation in Rebecca Street Cemetery in Pretoria.

The MPTT successfully investigated the case of missing MK operative Zinto Cele and the exhumation of his remains in Ntuzuma Cemetery outside Durban.

Investigations and excavations in respect of the Sizwe Kondile (1981) and Stanza Bopape (1988) matters were conducted in rural locations near Komatipoort, and at the Mbaleni Cemetery in respect of MK members killed by security forces in 1987 and 1988; and renewed efforts commenced in Winterveld Cemetery to trace the remains of five missing Mamelodi activists abducted and killed by the Northern Transvaal security police in 1986 and 1987.

### Noteworthy Cases

**Import of Conventional Arms from North Korea:** The DPCI received information of a vessel conveying military equipment through the territorial waters of the Republic of South Africa to the Democratic Republic of the Congo (DRC). The control body confirmed that no permits had been issued for the military equipment to be transported through these waters. The PCLU provided the DPCI with guidance concerning the obtaining of a search warrant. Components of a tank were seized. The goods were falsely declared as bulldozer parts. The military equipment was conveyed in contravention of United Nations sanctions imposed against North Korea. The matter is under investigation. A report compiled by the unit was used as a basis by the government to brief the Sanctions Committee. The United Nations (UN) formally commended the South African authorities for their swift action in the matter.

**Alleged smuggling of ammunition by New Generations Ammunitions Pty (Ltd) and Others:** The main suspect, a local manufacturer of ammunition, attempted on two separate occasions to export large quantities of ammunition allegedly destined for UN peace keeping forces in Liberia, Ivory Coast and Burundi, to the DRC without having obtained export permits from the Registry of Firearms and without the prerequisite authority of the National Conventional Arms Control Committee (NCACC). It also attempted to utilise a South African National Defence Force (SANDF) chartered flight to export its private ammunition without having obtained the authority of the Chief of the SANDF, the Minister of Defence and the President of the Republic. As a result the ammunition was seized by the SAPS at OR Tambo International Airport. The ammunition manufacturer was fraudulently assisted by members of the SANDF who acted outside the scope of their



mandate. The Chief of the SANDF, the Minister of Defence and the NCACC were briefed on the matter by the unit. As a result of the briefing the NCACC withdrew the authority it had previously granted to the Firearms Registry to issue export permits to the suspect for the export of the ammunition to the three UN peace keeping forces countries. During February and March 2010, the suspect unsuccessfully brought a number of urgent applications in the North Gauteng High Court to have the ammunition returned, to export same to the DRC as well as a Review application to set aside the decisions by the NCACC and the Firearms Registry which, respectively, revoked its authority to issue the permits and the immediate suspension thereof. Although the NPA was not cited as a party to the proceedings, the unit rendered advice to the legal teams acting for the Ministers of SAPS and the SANDF as well as that of the NCACC in successfully defending all High Court applications. Investigations are at an advanced stage.

## TRC Prosecutions

During the period under review nine cases required attention. Two noteworthy cases are listed below.

**S v Van Zyl & Koole:** (Pebco 3 incident): The NPA withdrew the charges against the two accused, who had been appearing in the Port Elizabeth High Court for a number of years. The reason for the withdrawal was that a review of the refusal of amnesty brought by Accused No 1 had not been finalised and a question arose on the cogency of the evidence against the accused. The PCLU and other senior executives of the NPA met with the families of the victims who were extremely disappointed that a prosecution had not been conducted. The PCLU assisted the DoJ&CD and the State Attorney in taking certain steps to fast-track the outstanding amnesty review. The PCLU also compiled comprehensive advice to the SAPS to address the outstanding investigations.

**Conspiracy to murder Swapo leader, Anton Lubowski:** The deceased's widow requested the prosecution of South African nationals, who had been implicated in an inquest held in Namibia as being part of a conspiracy to kill her husband. The PCLU was required to conduct a detailed analysis of the applicable law, work through the Namibian inquest, an investigation conducted by the D'Oliveira Unit, as well as allegations made by a whistle-blower in Namibia. The PCLU compiled a detailed opinion, advising the ANDPP not to prosecute, which was accepted.

## Stakeholder Engagement

The PCLU met with the Deputy Prosecutor of the International Criminal Court, Fatou Bensouda and discussed matters of mutual interest. The unit attended numerous meetings with DoJ&CD and DIRCO officials on matters relevant to State security, and attended a meeting with representatives of the NCACC where matters of operational concern were discussed. The unit co-hosted a Workshop on International Crimes with the Institute for Security Studies (ISS) during December 2009. Members of the unit presented papers on various topics relevant to the mandate of the unit.

The MPTT held meetings with and conducted joint work and activities with the following organisations and structures:

- **Families and Victim Organisations** such as Khulumani at local level in Gauteng, Cape Town, Durban and Port Elizabeth;
- **Government Structures:** The MTT worked closely with the TRC Unit in the DoJ&CD, the SAPS, Department of Correctional Services, Department of Arts and Culture and the National Archives;
- **Metro Councils** including Tshwane, eThekweni, Nelson Mandela and Cape Town;
- **Heritage and Museum Structures** such as South African Heritage Resource Agency (SAHRA) officials, National Heritage Council (NHC), Freedom Park, Robben Island Museum, Apartheid Museum, Nelson Mandela Foundation, Red Location Museum;
- **DNA laboratories** such as Bode Technologies Inc (USA), Inqaba (Tshwane), Lidmo (Argentina), the New York Forensic Biology Laboratory, and SAPS Forensic Laboratory;
- Non governmental organisations (**NGOs**), namely, Foundation for Human Rights (FHR), the Center for the Study of Violence and Reconciliation (CSV), Khulumani;
- **Embassies**, like the Argentine, Dutch and Kenyan Ambassadors to South Africa and the Argentine and South African Ambassadors to Kenya;
- **International human rights organisations**, namely, the Argentine Forensic Anthropology Team, the Dutch organisation Aim for Human Rights, the International Committee for the Red Cross/Red Crescent, the International Center for Transitional Justice, the International Commission of Jurists;
- **Political organisations**, such as the PAC and ANC in respect of exhumed remains.



The MPTT also provided training to members of the Kenya Truth, Justice and Reconciliation Commission, Kenyan NGOs and Kenyan victim organisations in Nairobi. A brief workshop was also held for visiting members of Ugandan judiciary and NGOs engaged in transitional justice studies, and members of Burundi civil society organisations.

### Challenges Experienced

The absence of a formalised relationship with the DPCI in respect to matters which fall within the mandate of both the DPCI and the PCLU remains a challenge.

For the MPTT the ongoing destruction of documentation by government departments such as the SAPS and the magistrates' courts and the difficulties in tackling cases of persons who disappeared in exile hampers progress in finalising matters. New requests from families with legitimate cases of political disappearances have also increased the MPTT's responsibilities.

TRC cases: The PCLU is required to advise the NDPP in making decisions whether or not to prosecute in cases arising from the TRC process. Matters need to be fully investigated before any final prosecution decision can be made. Since 2003, the NPA has struggled to secure the necessary cooperation in this regard. With the establishment of the DPCI, the responsibility for such investigations was transferred to this unit. The PCLU had to recommence its negotiations de novo. Currently, the DPCI has indicated that it will conduct the necessary investigations, but only after the conclusion of the 2010 FIFA World Cup, due to the fact that it has a number of special responsibilities in connection with this event.

### Forecast

The PCLU will continue to focus on current investigations with the aim of being able to make properly informed and timely decisions and will maintain and develop the existing stakeholder relationships with the aim of enhancing efficiency. It can be predicted that the workload will increase during the World Cup. The MPTT will strive to finalise existing projects, exhumations and investigations.



# Specialised Commercial Crime Unit (SCCU)

## Introduction

The prosecution of complex commercial crime cases has continued to be the primary focus of the SCCU. The involvement of the prosecutor in the case from the start and the ability of the SAPS Commercial Branch to finalise investigations within the set time frame remains key to successful finalisation of cases. The co-location of the SCCU office, the SAPS Commercial Branch and a dedicated Commercial Court is also important and has continued to prove effective.

A number of activities/projects were undertaken to ensure that the SCCU delivers its mandate in an effective and efficient manner. These include inter alia Road Accident Fund (RAF), stakeholder management, prosecutor guided investigation (PGI) project, and quality prosecutions. The SCCU presently has offices in Pretoria, Johannesburg, Durban, Port Elizabeth, Cape Town and Bloemfontein as well as a satellite office in East London. The SCCU also has an office in Randburg which focuses specifically on cases relating to RAF.

## Purpose

To prosecute complex commercial crime cases.

## Service Delivery Achievements

A number of key performance indicators for the SCCU are reflected in table 4, which tracks the performance over a five-year period.

**Table 4: SCCU Service Delivery Performance Indicators-2005/06-2009/10**

SCCU							
Indicator	2005/06	2006/07	2007/08	2008/09	2009/10	Change over prev yr	Notes
Number of courts	4	7	7	9	9	+0.0%	No increase in number of dedicated commercial crime courts
Convictions	857	1 515	1 232	1 408	1 025	-27.2%	
Conviction Rate	94.60%	96.62%	94.10%	93.70%	93.66%	-0.04%	Not on target due to SAPS countrywide vacancies and capacity issues
Cases enrolled for trial	1 431	1 844	1 844	1 919	1 339	-30.2%	Not good due to the high vacancy rate and SAPS capacity issues
Cases disposed of	2 271	3 574	3 031	3 529	2 832	-19.8%	Not good due to the high vacancy rate and SAPS capacity issues

## Highlights of Achievement

The SCCU performed well in a number of areas. The following achievements are noteworthy:

- 186 (62 below target) cases were referred to the AFU with a value of R 250 million. The target set in this regard was 248 referrals and R45 million. Although the target with the cases referred has not been met the monetary target set was exceeded by far.
- A conviction rate of 93.66% (0.34% below target) was attained against a baseline of 94.12%. This is slightly lower compared to the 08/09 financial year but it is still commendable.
- 230 (31%) less cases were withdrawn compared to the previous financial year.
- 140 (136 below target) cases were finalised through the backlog court in Durban. The SCCU should be commended for being able to reduce the number of awaiting trial detainees from 61 in 08/09 to 32 in 09/10 against a target of 58.
- The SCCU conducted 28 (70% above target) joint training sessions with the SAPS.



## Road Accident Fund (RAF) project

The unit has embarked upon a project at the Pretoria Magistrates' Courts in an effort to transfer skills and build capacity in the NPS and lower courts to enable prosecutors to more effectively prosecute commercial crime cases.

## Noteworthy Cases

**S v Ledwaba:** The accused was formerly employed by the NPA. He held the position of the Investigative Director of the former DSO. The DSO had a Confidential Fund (C-Fund) whose purpose was to provide for sensitive operational expenses, which included inter alia the payment of informers.

The accused was charged with 21 counts of fraud and theft, totalling approximately R1,1 million.

The trial has started, with the first witness for the State still testifying. The accused has subsequently brought an application for the recusal of the presiding officer. The matter is still part-heard.

## Challenges Experienced

- The lack of investigative capacity in the SAPS and the unavailability, in many instances, of magistrates who had partly heard matters but were moved away from the dedicated Commercial Crime Courts negatively affected the prosecution of complex commercial crime cases.
- The lack of dedicated courts in some areas impacts negatively on the finalisation of cases.



## Sexual Offences and Community Affairs (SOCA)

### Introduction

The unit continues to carry out its mandate to support the prosecution of cases involving mainly women and children. The strategic objectives that SOCA seeks to fulfil are:

- Improve the conviction rate in gender-based crimes and crimes against children;
- Actively protect vulnerable groups from abuse and violence;
- Ensure access to maintenance support; and
- Systematically reduce secondary victimisation

### Service Delivery Achievements

A number of key performance indicators in dealing with the prosecution of cases involving women and children are reflected in table 5, which tracks the performance over a five-year period.

**Table 5: SOCA Service Delivery Performance Indicators-2005/06-2009/10**

Sexual Offences - NPS and Sexual Offences and Community Affairs							
Indicator	2005/06	2006/07	2007/08	2008/09	2009/10	Change over prev yr	Notes
Number of dedicated courts	67	59	64	50	42	-16.0%	Decline due to approach of regional court magistrates and presidents not to have dedicated courts. Cases are scheduled in terms of CFM principles by the presiding officer
Conviction rate: Dedicated Courts	70%	65%	64%	66.7%	67.7%	+1.5%	Increase due to enhanced screening processes and a focused approach by dedicated personnel
Number of Thutuzela Care Centres	10	10	9	17	20	+17.6%	
Conviction rate: TCC's	80%	83%	75%	61.2%	64.5%	+5.3%	

### Maintenance Matters:

A total of 65 maintenance prosecutors dealt with 120 079 formal & informal maintenance enquiries and finalised 75 717 (63%), which is a 1% increase from 08/09.

### Use suitable alternatives to punitive justice

A National NPA Child Justice Task Team was established with representatives from SOCA and colleagues from various DPP-offices. The process was facilitated by SOCA.

- A training manual on Child Justice (Act 75/2008) was developed for prosecutors, topics were researched and information compiled in comprehensive documents and presentations. Eleven training sessions were delivered and 349 prosecutors attended as well as 26 tutors. The topics included in the manual are the following:
  - o Social context for prosecutors,
  - o Assessments, securing attendance re child offenders and placements,
  - o Diversion,
  - o Preliminary enquiry,
  - o Trial in Child Justice Courts,
  - o Sentencing, different options, sentencing reports,
  - o Legal representations, reviews and appeals,
  - o Process maps and NPA policy directives & DOJCD regulations.
- The Policy Directives in line with the Child Justice Act were compiled and the finalised directives were presented to the



Justice Portfolio Committee and gazetted in time for the commencement of the legislation.

- In the Western Cape (WC), the number of children in custody has dramatically reduced to 34, the lowest recorded number by DCS since stats collation for this category in April 2005 when it was 303. This is a result of a combined effort of all relevant stakeholders in the Child Justice Forum.

## Develop capability to successfully deal with cases affecting mainly women and children

### Sexual offences

Some of the achievements include:

- A **comprehensive training manual for case managers** was developed as part of the TCC model. Several induction training sessions were held for newly appointed case managers over a 4-day period. A session includes a site visit, plus intensive training on sexual offences with process and mind maps, relevant case law, statutory and common law, stakeholder & performance management and work plans.
- A Sexual Offences (SO) Bulletin was developed as a marketing tool.
- Proceeded with Sexual Offences training schedule for prosecutors (inter alia focussing on Act 32/2007), delivered an additional 10 training sessions in this period. In total, 239 against a target of 550 delegates attended the training sessions. Once again, comprehensive training manuals and SO bulletin were distributed per delegate.
- The unit commenced with the process of Integrated Multi-disciplinary training in line with WJEL-program. The task team identified consists of NPA (SOCA) members and the following relevant departments: SAPS, Department of Health (DoH), DoJ&CD, Department of Social Development (DSD) and Department of Correctional Services (DCS). The team from SOCA researched and developed three of the six modules for the comprehensive training manual.

### Domestic Violence (DV)

The following was achieved during the reporting period:

- SOCA in partnership with the National Operations Centre (NOC), DoJ&CD and Stats SA developed the very first Domestic Violence Statistical Tool that is aimed at collecting numerical data of all offences created by section 17 of the DV Act, including all common law and other statutory offences that are domestic violence related.
- The Joint DV Stats Tool Software on the civil part of the Domestic Violence Act, was piloted during January to June 2009 in all magistrates courts as phase I of the programme, Ndabezitha Izimbizo project. This is a SOCA led public awareness and legal education initiative aimed at empowering rural communities on the issues re domestic violence. It is a project that seeks to bridge the gap in service provision between urban & rural communities, but also between men and women, boys and girls. The Ndabezitha Programme is a collaborative initiative between government and civil society to address and end domestic violence in rural areas. 6 provinces have been identified for the Izimbizo-project in this financial year. A Monitoring and Evaluation plan for the implementation of the Safety Plan (as part of the broader Ndabezitha Programme) was developed. The SOCA requested the NPA Research and Policy Information (R&PI) service centre to (i) conduct the evaluation research for the implementation of the newly-developed Personalized Safety Plan for Victims and Survivors of Domestic Violence at the selected 9 lower courts, and also to (ii) develop the Monitoring and Evaluation tool that will be utilised during the pilot and/or the continued implementation of the Safety Plan. Pilot Sites:

### Trafficking in persons

The following was achieved:

- **Training of facilitators and moderators at Validation Workshop held in Johannesburg.** Additionally, a reference group of relevant stakeholders and experts was established, to provide guidance on the training material development process and to assess the accuracy and relevancy of unit standards. **The 'Training of Trainers' process commenced in late August 2009.** The government officials selected to be trained as trainers are determined by International Organisation for Migration (IOM) and each of the five client institutions. Thus far three provinces have received the first (facilitator) and second (assessor) training – 60 and 48 trainees respectively.
- A baseline study report was compiled and finalised by the International Labour Organisation (ILO) to establish awareness levels on human trafficking in five provinces. The target audience was from urban and rural areas, ILO utilised focus group discussions, questionnaires, children at schools, sex workers and truck drivers.





- The Unit hosted the Human Trafficking Awareness week jointly planned with IOM, and other government and civil society partners are also involved. This is an annual national programme to educate the public and raise awareness on human trafficking.

### Increase the number of TCCs

- Additional TCCs were established bringing the total to twenty (20).
- The National Audit of Multi Disciplinary Services report was finalised. The audit report contains recommendations for the establishment of TCCs.
- A TCC Project plan was developed to guide and monitor progress of the TCC roll out.

### Stakeholder Engagement

Various stakeholder engagements and meetings were conducted by the unit at local, provincial, and national level. Some of the interventions that were attended are:

- International Advisory Reference Group (IARG) was held in Cape Town from 5-7 November in addressing sexual and gender-based violence management on an international level with a specific focus towards Africa. The function of the group entails a strategic approach towards the development of country-specific anti-rape strategies. Currently the group consists of International experts in relation to gender based violence; international law and stakeholder liaison.
- The Summit arranged and facilitated by SOCA took place with the assistance of USAID (on behalf of the USA Government) and UNICEF (on behalf of the Danish Government) from 8 - 10 November 2009 in Cape Town. The focus of the summit was to offer delegates an appropriate opportunity to exchange experiences and knowledge on approaches involving multi-sectoral collaboration to address gender based violence, especially against women and children, explore best practices, enhance inter-sectoral approaches towards developing regional gender justice structures, have an African approach to new and emerging crimes such as human trafficking. It was attended by 220 delegates from 11 African countries.





SUB-PROGRAMME 2:  
**WITNESS PROTECTION**

## 10. Sub-programme 2: Witness Protection

### Introduction

The OWP provides a support service to the CJS by giving protection to threatened or intimidated witnesses (and related persons) by placing them under a protection programme, thus ensuring that they will testify in criminal and other defined judicial proceedings.

### Purpose

The OWP provides protection, support and related services to vulnerable witnesses and related persons in judicial proceedings.

### Measurable Objectives

To reduce the number of witnesses who abandon the witness protection programme.

### Service Delivery Achievements

A number of key performance indicators in dealing with witnesses and related persons on the witness protection programme are reflected in table 4, which tracks performance over a five- year period.

**Table 6: Witness Protection Service Delivery Performance Indicators-2005/06-2009/10**

Witness Protection							
Indicator	2005/06	2006/07	2007/08	2008/09	2009/10	Change over prev yr	Notes
Witnesses	220	229	231	218	398	+82.6%	As at 31 March 2010
Total including families	488	497	428	431	743	+72.4%	As at 31 March 2010
Witnesses harmed	0	0	0	0	0	0	Taking into account witnesses and related persons who walked off (old definition), the figure is 6,1%
Walking off program (%)	3%	3%	24%	19.2%	28.0%	+45.8%	
Formal grievances laid (%)	1%	2%	2%	2.4%	0%	+0.0%	

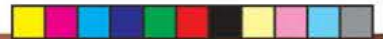
### Highlights of performance

- For eight years in succession there has not been any witness or related person on the programme threatened, harmed or assassinated.
- For the first time in five years, there has not been a formal grievance laid. The reason has been a focus on "people care" by the unit.
- Operation Siyaya was significant in that a large task team was deployed to do court protection in the Cape Town High Court during the trial of notorious gangsters. Despite serious threats of violence no harm was done to any witness.

### Challenges Experienced

- Lack of capacity of manpower remained a challenge; however, a request has been submitted for approval for OWP to increase capacity.





SUB-PROGRAMME 4:  
**ASSET FORFEITURE**

## II. Sub-programme 4: Asset Forfeiture

### Introduction

The purpose of the AFU is to seize criminal assets that are proceeds of crime or have been involved in the commission of an offence either through a criminal or civil process.

### Measurable Objectives

Contribute to reducing the incentive of crime by removing its proceeds from the control of criminals and by increasing the value of freezing orders (court orders to freeze an individual's assets) from R330 million in 2008/09 to R420 million in 2011/12.

### Service Delivery Performance Indicators

**Table 7: AFU Service Delivery Performance Indicators-2005/06-2009/10**

Asset Forfeiture Unit							
Indicator	2005/06	2006/07	2007/08	2008/09	2009/10	Change over prev yr	Notes
New restraint orders (no.)	252	252	223	276	315	+14.9%	A significant increase in past year
Value of new restraints (R'000)	R 344,129	R 1,294,569	R 395,229	R 320,254	R491, 011	+53.3%	Steady upward trend with fluctuations reflecting big cases.
Completed forfeiture cases (no.)	221	242	223	277	271	-2.2%	Steady upward trend with some leveling off in last year
Value of assets forfeited (R'000)	R 106,748	R 100,600	R 127,322	R 271,588	R184,960	-31.9%	Steady upward trend with fluctuations reflecting big cases.
Money paid to CARA	R 18,823	R 19,291	R 45,564	R 65,933	R51,657	-20.9%	Significant upward trend in past 3 years
Success rate (overall)	88%	88%	88%	86.5%	92.4%	+6.8%	A good result but not comparable with previous years due to new definition <sup>2</sup>
Success rate in judgments	72.4%	81.8%	80.0%	63.2%	57.7%	-8.7%	Remains disappointing

### Highlights of Achievement

In terms of its quantitative outputs, the AFU probably had the best year of its existence and managed to achieve excellent performance in the 2009/10 financial year, despite the fact that there was considerable uncertainty in the NPA.

### Number of cases

- 315 new restraints were obtained (276 in 2008/09), 13% above target and the highest ever achieved.
- 1 051 orders in total were obtained (1 018 in 2008/09), 11% above target and the highest ever achieved.
- The number of judgments obtained was 28 (38 in 2008/09) against a target of 33, this is 6.7% below target.

### Value of cases

- The value of new restraints was R491 million (R323 million in 2008/09), 36% above the target and the second highest ever achieved.

<sup>2</sup> The success rate was recalculated to make it consistent with the requirements of the Auditor-General and is now based on all matters finalised, rather than initiated, during the year.



- The value of confiscation or forfeiture orders was R185 million (R271 million in 2008/09), 23% above target and the second highest ever achieved.
- The value of deposits into the CARA was R51.7 million (R65.3 million in 2008/09) against a target of R26m, 48% above target and the second highest ever achieved.
- The value of orders in favour of the victims of crimes was R52.3 million (R42.1 million in 2008/09). This is 50% above target and the second highest ever achieved.

In terms of its qualitative outputs, the AFU also had a very good year, and maintained a very high overall success rate of over 92%. However, the low judgment success rate remains a serious concern.

### Increase the impact of asset forfeiture

Several projects were undertaken to document and improve the business processes in the AFU.

- The AFU continued to implement and refine its Electronic Case Management System (ECMS), and to migrate data.
- A new version of the asset forfeiture business process map was agreed to in March 2010 which clarifies the relationship with the DoJ&CD
- There is also an ongoing project to improve the work flow between the AFU and the Masters Office.

## Stakeholder Engagement

### Prosecutor Placement Programme (PPP)

The programme sponsored by the UNODC to place prosecutors from SADC countries in AFU offices for training continued during 2009/10 with a total of 6 placements from Zimbabwe, Namibia and Botswana working alongside AFU litigators for two months.

### Law Enforcement

The AFU is represented at quarterly meetings of the SAPS National Organised Crime Secretariat.

It has also worked closely with the SAPS Organised Crime Expert Group Meeting to develop a new Financial Investigator strategy for the Hawks.

The AFU also provided four financial investigation training sessions to the Hawks Commanders and Project Managers and other partners.

## Develop jurisprudence

### Noteworthy cases

Many of the cases decided in the 2009/10 financial year continue to deal with the interface between POCA and other areas of law.

The complex interface between the proprietary consequences of marriage and the economics of crime featured in two cases:

In **Du Preez v NDPP** the husband committed fraud and, after prosecution commenced, transferred the family house to the wife in terms of a divorce settlement. The NDPP claimed the house was an affected gift, but the court held that it was bound by the divorce order and that it was incumbent upon the NDPP to first set aside the divorce order before the house could be attached.

The rights of concurrent creditors to execute against restrained property were considered in **Rollex (Pty) Ltd v NDPP**. Following *Fraser v Absa Bank Ltd 2007 (3) SA 484 (CC)*, the court held that a restraint order puts the restrained assets beyond the reach of concurrent creditors, and that their interests are only to be considered at realisation.

**Bosch** conducted a brothel from her house, but the trap evidence to substantiate a criminal prosecution was illegally obtained. In an application to forfeit the house as an instrumentality of crime, the court held that the rules of criminal procedure regulating illegally obtained trap evidence did not apply to civil proceedings, and set out factors which a civil court would consider in allowing such evidence. The house was declared forfeit.



The relationship between the International Cooperation in Criminal Matters Act and the POCA was considered in **Alexander Falk 3**. Falk was charged before a German court of rigging share prices and a German restraint order was registered in South Africa against an amount of EUR5,2 million held in a bank account and various shares. Falk was eventually convicted but the German court refused a final confiscation on the grounds that Falk did not benefit, and lifted its own restraint. The prosecution appealed. The German court suspended its lifting of the restraint pending the appeal. Falk now applied in South Africa to set aside the second restraint on the basis that section 17(b) of the POCA provides that once a defendant is sentenced without making a confiscation order, the proceedings are concluded and any restraint lapses. The NDPP contended that the variation of the restraint was to be determined under section 26 of the International Cooperation in Criminal Matters Act. The court did not decide this question, but held that there was an appeal pending in Germany and on any interpretation the restraint remained in force.

There have also been a number of cases interpreting the requirements of instrumentality and proportionality for a forfeiture under Chapter 6. Most of the decided instrumentality cases concerned the use of cars in crime. In **Mncube**, a Hi-ace and BMW used merely to transport stolen money after a cash-in-transit robbery were held to be instrumentalities of the continuing crime of theft. However, in **Maisela**, the court held that a car used to travel to meetings to set up a bribe and eventually to deliver the documents and receive the bribe was only incidental to the crime of corruption and in **Borotho**, accepting the owner's evidence that he acted opportunistically, the court held that a car used to load manhole covers and remove them from a University's premises was likewise used incidentally.

The issue of proportionality again appeared in the case of **Van der Merwe 2**, whose only income was derived from a second home which the court found she knew was being used as a drug house but had taken some steps to control in the past. The court held that it would be disproportionate to deprive her of the house.

### Other noteworthy cases

The **Tannenbaum** matter relates to an alleged Ponzi or pyramid scheme involving over 782 investors nationally and internationally. The returns that were offered to them were 15% to 20% over a period of 12 to 15 weeks. It appears that initially funds were invested according to the presentations made to investors. Soon, false orders and invoices were produced and the money of new investors was used to pay older investors. The estimated value involved is R4 billion and increasing. A high-level joint task team was established between the SA Reserve Bank, SARS, the FIC and NPS to work together on the matter and to liaise with counterparts in Switzerland, Australia and the United States. A preservation order for R45m was granted on 31 July 2009.

### Emerging crime types

The AFU has also worked with the SAPS and others to take action in a number of areas where traditional law enforcement penalties are low but the profits are high. The result has been a significant increase in the organised commission of crime in these areas including cigarette and rhino horn smuggling, stealing cable and illegal mining.

The **Mastermind** matter involved the manufacture of cigarettes for the local and export market and the submission of fraudulent documentation that defrauded Customs of more than R48 million in customs and excise duties, and more than R8 million in VAT. A confiscation order was obtained for R60 million, of which R27 million was paid to SARS as the victim. A confiscation order for R175 000 was also obtained against Mr Mahbeer who transported the cigarettes.

The AFU in several provinces has taken action against those involved in rhino horn smuggling, including a number of vehicles and monies paid as bribes.

The AFU has also taken action in a number of cases of theft of cables or other non-ferrous metals, mainly seizing the vehicles used to transport the stolen goods. They involved Eskom copper cables, electrical copper cables from a mine and Transnet metal railway sleepers.

Theft of gold from the gold mines in the Mpumalanga province is also a major problem. The AFU worked with the Mpumalanga SAPS Organised Crime Unit and obtained several preservation orders.

### Corruption

The AFU dealt with a number of corruption matters involving provincial and local government in Mpumalanga and Free State provinces.





## SUB-PROGRAMME 5: **SUPPORT SERVICES**



## 12. Sub-programme 5: Support Services

### Office of the Chief Executive Officer (CEO)

The mission of the Office of the CEO is to provide support to the core prosecutorial function of the NPA through the delivery of governance and resourcing. The CEO ensures that Corporate Services (CS) functions are well coordinated in delivering these services.

The Office of the CEO was engaged in many endeavours and projects to improve CS support to the core business units of the NPA. These include amongst others, Operation Recruitment, the development of a Service Delivery Improvement Plan, Lean Thinking, Change Management and CS Restructuring. Some of these are currently on hold due to the plan to integrate CS into DoJ&CD.

### Strategy Office

The NPA Strategic Plan 2010-2015 was developed and submitted to the Minister and approval is awaited. The plan was developed through an interactive process with members of Exco which constitutes the DPPs and Deputy National Directors of Public Prosecution. The R&PI Service Centre played a significant role in the development of the Strategic Plan by providing an in depth situation analysis report which informed the drafting of the Strategic Plan. Annual Plans for all business units have been developed and their moderation completed. Annual plans are used to cascade the strategic plan to the regions and ensure alignment with the individual performance contracts as well. In this way the NPA ensures that all employees work towards a single goal and clearly understand their role in achieving it.

### Enterprise Performance Management

The first three Quarterly performance reviews were submitted on time in accordance with the National Treasury guidelines. The NPA continues with its best practice of reviewing enterprise performance through a dedicated committee. The impact of the committee on improving performance in the NPA through oversight has been visible in the reporting period.

### Enterprise Risk Management (ERM)

Risk assessments were conducted for all units and service centres. Action plans were identified and documented for all risks classified as "high" and "medium" from a residual risk perspective. The top risks register has been developed and was submitted to the office of the NDPP and approval is awaited. A fraud and corruption risk assessment was finalised. The fraud and corruption risk register will inform the revision of the NPA's response plan.

**ERM Framework:** the NPA developed a draft ERM Framework. However National Treasury indicated at the 9th National ERM Forum that it prefers for public entities to align their frameworks to that of the recently enhanced Public Sector Risk Management Framework. The NPA is in the process of attending to this.

During the period under review, the ERM and Internal Audit function fostered a closer working relationship, in order to enhance the internal control environment of the NPA. The Joint Audit Committee continues to provide oversight in terms of risk management.

### Programme Management Office (PMO)

The PMO focuses on assisting the organisation to implement its strategy through projects. The following projects were undertaken:

#### Optimal Capacity Project

The NPA is in the process of developing a scientific forecasting model that is intended to improve resource planning (capacity planning) within the organisation. The research has been completed and appropriate methodologies agreed upon. The prosecution sub-model of the resourcing component has been developed.



## Customer Management

The development of the Training Manual and Minimum Standards for Court Preparation Officers was completed. The design, editing and layout of the manual and the standards are in progress.

## Lean Thinking Project

Lean thinking as a method to improve operational efficiency of the NPA has been piloted within CS. The Lean Learning Group (LLG) comprising of 20 NPA employees was established to create in-house capacity and reduce reliance on contractors. The LLG received training on lean thinking at the Nelson Mandela University. Plans are underway to secure the services of a permanent Lean Thinking resource.

## Integrity Management Unit (IMU)

Accordingly, three pillars or programmes were identified as a means to foster integrity in the NPA, namely, organisational integrity strengthening, integrity promotion and employee integrity enhancement.

### Organisational Integrity Strengthening

The Unit conducted reviews on state housing, management of sick leave, vetting, implementation of the performance management and development system, policy management and the Gift Policy Implementation. All these policy reviews were finalised and forwarded to the respective parties. The IMU submitted the Compliance Management Framework which was endorsed by Exco.

### Integrity Promotion

An extensive Integrity Promotion campaign which focused on ethics and values was launched. Ten workshops were conducted across the organisation. The component also hosted the annual International Anti-corruption Day on 9 December 2009.

### Employee Integrity Enhancement

The IMU initiated the development of an Automated Early Warning System as a tool to enhance and monitor employees' conduct. A total of 100 individual integrity assessments were completed. Of the 82 cases of misconduct received, 58 were investigated and finalised. The component also conducted 37 verifications in terms of the Remunerative Work Outside the NPA Policy. By direction of the Acting CEO the component facilitated the establishment of a Complaints Structure in terms of the NPA Act (section 22 (5)). A research report, a document which establishes the complaints structure, and a document which outlines the procedures and processes as well as the regulations were finalised and submitted to the NDPP and Acting CEO. The component also facilitated the development of Fraud and Corruption Response Plan which has since been approved.

A Whistle Blowing Policy has been drafted and endorsed by the Bargaining Council.



## Communications Unit

The focus of the Communication Unit was on improving public education and awareness of the work of the NPA, and generally about the CJS.

### Community outreach and public relations interventions included:

**National Road Shows:** The NPA conceptualised the national road show plan, which involved each DPP office identifying rural communities with a high instance of reported cases on domestic violence and sexual abuse. As the initial pre-visits were carried out to determine the extent of the need for public education and awareness about the work of the NPA, it emerged that these often remote community areas do not only need empowerment through information, but also access to government. This opened up an opportunity to approach these community outreach interventions as cluster events in a service faire format. Many cluster departments including the SAPS, DoJ&CD, DHA, and Legal Aid South Africa participated in the community outreach event. The first of these was hosted at Dududu Municipality in Vulamehlo, KZN in November 2009, as part of the 16 Days of Activism theme. Approximately 1 500 people from the municipality and surrounding areas attended. Subsequent events of a similar nature are planned for roll-out during 2010/11 in all provinces.

### **Tsireledzani : Public Education and Awareness Campaign Against Human Trafficking in Southern Africa:**

The communication unit provided key support and communication advice in the development and implementation of the *Tsireledzani* campaign, the European Union funded public education and awareness campaign on human trafficking implemented by the ITC-ILO on a two-year contract basis. On final exit by the service provider at the end of April 2010, the campaign will be handed over to NPA Communication for sustainable implementation.

**Project Ndabezitha Izimbizo: Public Education and Awareness on Domestic Violence Act:** The objectives of the izimbizo were to raise awareness among rural men and boys on domestic violence and the Domestic Violence Act and to educate people in rural communities on sexual violence and human trafficking, particularly in instances linked to domestic relationships. The izimbizo were hosted in rural communities in six provinces between January and March 2010, reaching a target audience of over 900 community members.

**Public Education on Criminal Law Amendment (Sexual Offences) Act:** A campaign aimed at raising awareness about the provisions of the Sexual Offences Amendment Act was rolled out as a focus area during the TCC launches. The TCC launches were hosted in the format of community izimbizo to attract as many community members as possible. Adv Kombisa Mbakaza (SOCA) addressed the communities in their own language and explicitly explained the provisions of the Act, the implications for criminal prosecution and victims' rights.

**Public Exhibitions:** The NPA participated at major public exhibition events, e.g. the Grahamstown Arts Festival, Royal Show, Pretoria Show, Rand Show and Macufe. At these events members of the public have an opportunity to engage with prosecutors and to access more information about the work of the NPA. Various public information materials were developed to support the education campaigns, the most popular and impactful being the "Understanding the Criminal Justice System" booklet that was printed in all 11 languages.

## Media Relations

The key to achieving public confidence in the NPA is to increase awareness about the work of the NPA and to explain the important prosecutorial decision taken daily. The NPA recognises the important role that the media, as the Fourth Estate, plays in providing a channel of information flow between the organisation and its publics. The media relations team continued to effectively manage media liaison and provide better access to the work of the NPA through its official media communicators. The NPA media policy was amended in February 2010 to emphasise the need to enhance proper organisational communication channels with the media, by providing that all prosecutors' engagement with the media about the work of the NPA must be agreed to by the DPPs for their respective jurisdictions.

## Internal Communications

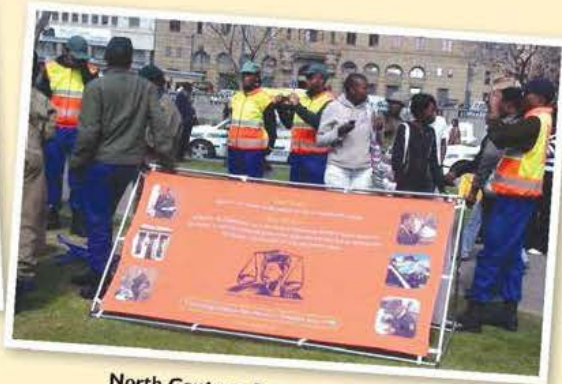
The key highlight for internal communication was increasingly using the NPA newsletter, *Khasho* as the platform for prosecutors to share their prosecutorial successes and challenges with the rest of the organisation and external stakeholders who have access to the newsletter. The focus was also on improving internal communication channels to close the organisational communication gap experienced by prosecutors based in remote offices and courts.



# Public Education and Awareness



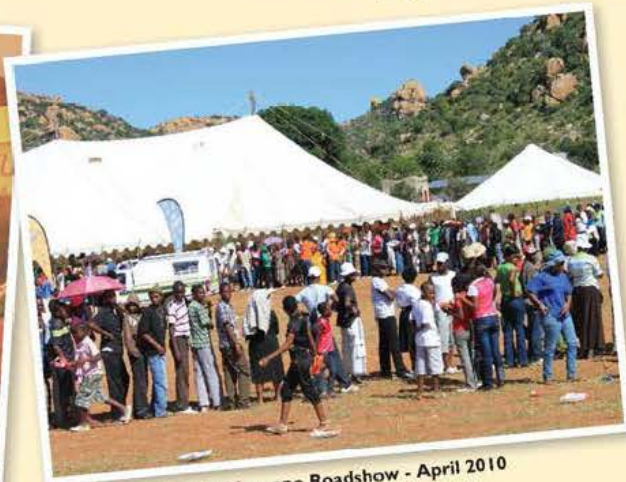
The Communications team at Vulamehlo



North Gauteng Awareness Campaign



Community event at Vulamehlo



GaMatlala Limpopo Roadshow - April 2010



Distributing educational material



Grahamstown Arts Festival - 2009





Launch of Tsireledzani Majokweni and Shabangu



Roadshow at Vulamehlo - November 2009



Service fair at Vulamehlo



Take a girl child to work 2009



Women's Month Celebration, Church Square - August 2009



## Human Resource Management and Development (HRM&D)

### Human Resource Management

During the latter part of 2009 a strategy to reduce the high vacancy rate in the NPA particularly for prosecutors was engaged. A project named Operation Recruitment Drive (ORD) was launched which saw the NPA advertising employment opportunities with the aim to attract as many suitable potential candidates from outside of government as possible. The project proved to be much larger and complicated than anticipated and it is expected to be brought to conclusion during the first half of the 2010/11 financial year. The relevant memorandums are currently being prepared after the selection process.

### Vacancy rate as at 31 March 2010

The NPA vacancy rate has been reduced from 24, 9% as on 31 March 2009 to 16, 5% as at 31 March 2010. The current vacancy rate for Prosecutors is 15%.

### Implementation of phase II of OSD

The OSD for the NPA has not been approved and therefore the OSD Phase II implementation has not started. The full implementation of the OSD is still outstanding.

### Human Resource Development

A number of training interventions have been undertaken. These include the following: Executive Development Programme (Palama), Emerging Management Development Programme, Leadership for Women in Law, Policy Development Programme, Diversity Management, Asset Management, Gender Mainstream Course, Financial Management Training Programmes, Project Management, Advanced Management Development Programme, Franklin Covey Workshop, Policy Development, Massified Induction Programme, Computer Training programmes, Occupational Health and Safety training programmes, Inductions sessions, Compliance index training, Minute taking, Business Etiquette, Labour Law Conference, Asset Disposal, Mentorship, Lean Best Practice, Speed of Trust, Presentation course, Labour Relations, Corporate Governance, Assetware Training, Occupational Learning System, Pre-Employment Screening workshop and Compliance Index Workshop. A total of 1 037 NPA officials participated in the programmes listed above.

There are currently 30 Interns employed in various business units and service centres.

In this period the NPA also awarded 194 bursaries for undergraduate and post graduate qualifications.

## Workplace Transformation

### Employment Equity

Awareness workshops were conducted on the provisions of the Employment Equity Act. The process of setting up Employment Equity Forums and the National Employment Equity Forum continued. A number of Employment Equity workshops were conducted. Terms of Reference were also drafted for the Regional and National Employment Equity Forums.

### Employee Health and Wellness

A number of initiatives took place in the NPA to mitigate the impact of ill health and psycho-social problems on productivity and to promote healthy lifestyles amongst NPA employees. These initiatives are: psycho-social counselling and trauma management services, physical wellness, pro-active wellness workshops, health awareness, education and management of HIV & AIDS in the workplace. The implementation of the above wellness initiatives was informed by the trends identified from counselling services, 2004 NPA Trauma Survey, GEMS health screening reports and Health Risk Managers' (PILIR) reports.

594 employees were assisted through face to face and telephonic counselling sessions to help them deal with a variety of psycho-social problems, including mental health, relationship problems, physical illness and sexual harassment in the workplace.



Employees dealing with sexual offences are frequently exposed to psychological trauma. Trauma management group sessions were therefore offered to 64 NPA employees who are frequently exposed to sexual offences cases, especially in the Thuthuzela Care Centres.

196 employees benefitted from health promotion and education initiatives aimed at promoting effective management of lifestyle diseases.

There has been an overall increase in attendance of EWP and HIV & Aids interventions from the previous year. GEMS offered individual health screening and risk assessment services to 422 employees. Pro-Active Wellness interventions such as stress management, relationship building and personal financial wellness workshops were successfully presented to 145 employees.

73 prosecutors working in Lower Courts attended the HIV&AIDS and the law workshops aimed at raising awareness on the possible impact of HIV&AIDS in court work. 72 Peer Educators were trained in all the DPP offices to enhance HIV&AIDS prevention, care and support services in the NPA. 160 employees utilized VCT services offered during the commemoration of national HIV&AIDS events.

### Labour Relations

During the reporting period there was:

- A decrease of 3% in formal disciplinary matters.
- An increase of 49% in external disputes.
- An increase of 30% in grievances compared to the same period last year.
- An increase of 20% in the utilisation of the alternative dispute resolution (ADR) mechanism.
- A success rate of 91% in external disputes compared to 75% in the previous year.



## Finance & Procurement

### Introduction

The financial statements of the NPA for the 2008/09 financial year were qualified by the Auditor General for a number of reasons. These include the absence of a complete and reliable asset register, the inability to properly account for leave, the overstatement of prepayments, the separate disclosure of the finance cost element of lease expenditure, the failure to clear a third party transport account, and understating irregular expenditure. Various interventions and measures were implemented during the year to address these weaknesses.

### Highlights of Achievement

The Asset Ware system has been introduced in the NPA and the tangible asset register was completed with values. In this register, all acquisitions in the year under review are accounted for by invoice (value), asset description, location, custodian and bar code. Asset verification processes were conducted and many sites around the country were visited to assist offices with asset verification. The NPA is confident that systems are now in place to effectively manage and account for the assets. What remains problematic is the confirmation of the accuracy of the opening balances reflected in the previous financial statements.

Budget management has improved significantly and 99.4% of the NPA voted funds were spent. Quarterly budget reviews were conducted where expenditure patterns were interrogated and after which funds were reprioritised. Budget vs expenditure reports were submitted to management and Exco on a monthly basis and budget coaches interacted daily with the respective business units.

The amount disclosed as irregular expenditure in the financial statements in respect of prior years decreased following the condonation of some of this expenditure (R113 million) by the Accounting Officer and the resolution of the CFM matter. In respect of the latter, the Accountant General ruled that the expenditure relating to the VGM lease is not irregular. A forensic audit was conducted into the Rentworks sale-and-leaseback transaction; the report is expected in May 2010. An Irregular Expenditure Control Committee was appointed to investigate cases of possible irregular expenditure and to make recommendations on corrective action, including disciplinary action, to be taken.

Since a decision was taken for the DSO to be transferred to the SAPS, the following transactions that relate to the unit were successfully managed:

- All the C-Fund bank accounts that were utilised by the ex-DSO have been swept and closed. Credit balances which were found in the accounts were transferred to the main NPA Bank Account and allocated to the Revenue Account.
- The petty cash bank accounts for all the ex-DSO offices have been successfully reconciled and closed.
- Severance packages, merit awards and pay progressions for the ex-DSO members have been paid timeously.

96% (2 839 against 3 069) of subsistence & travel claims and advances of officials were paid within the turnaround time of 4 working days. This contributes to the improvement of service delivery in the organisation. The unit continued to improve on management of Subsistence and Travel Advances Account since the balance for this financial year decreased from R432, 313 to R334, 597 (22.6% decrease). The balance mainly includes S & T Advances issued towards end of the financial year.

There is a significant improvement on management of Donor Funding in the NPA. Compliance levels have improved in terms of the ODA Guidelines, e.g. all funds received from Foreign Donors were channelled through the Reconstruction and Development Programme Fund, VAT charged on foreign donors expense is claimed from SARS and monthly reconciliations are performed.





## Security & Risk Management (S&RM)

Security and Risk Management provides protective security to the NPA personnel as well as the threatened employees, subject to threat assessments.

### Protection of NPA Personnel and Stakeholders

The service centre registered 19 projects for threatened employees, in terms of the NPA Employees Assistance and Protection Policy. No person was harmed after the implementation of the protection.

Two NPA principals are receiving VIP protection services.

### Protection of Sensitive Information

- 308 files for vetting applications in different levels were received and registered in the vetting sub component. The S&RM conducted vetting field work for 45 top secret, and 140 confidential vetting. The component conducted 2 835 pre-employment screenings for the NPA short listed candidates. 150 clearance certificates were received from NIA.
- The S&RM conducted 17 Technical Surveillance Counter Measures (TSCM) sweepings in the NPA events, high profile case venues and courts.

### Implementation of Occupational Health and Safety (OHS) Measures

The S&RM rolled out the implementation of OHS program in Head office and six regions where in committees were established and officials are being trained.

### Protection of NPA Assets

SRM investigated 333 reports of both financial and asset loss lodged with the unit during this financial year.

## Information Management Service Centre (IMSC)

### ICT Governance

Version 3 of the SISP was completed. This version focuses on the revised timelines for the completion of projects and the inclusion of critical requirements in the projects' portfolio for the next three financial years. Enhanced visibility of ICT Infrastructure related projects.

Implement Microsoft Operations Framework (ITIL):

- The Team Foundation Server has been deployed.
- Portfolio management based on the ITIL life cycle has been introduced for the management of IMSC projects and change imperatives.

The internal and external audit results for IMSC have been drastically improved resulting in substantiating the improved performance and practices in IMSC.

### Systems Development

The development of ECMS NPS for pre-adjudication was completed in accordance with the instruction from the DG. Integration between the SAPS and NPA was achieved.

The Electronic Document and Records Management System (EDRMS) has been successfully rolled out in four more regional offices - Cape Town, Bloemfontein, Grahamstown and Mthatha.

The Prosecutorial Work Bench system was deployed. This application forms part of the Prosecutorial Preparation Capability of the NPA IJS and provides the prosecutors with a one-stop web-based portal to access legal information from various sources (e.g. Lexis Nexis, Jutastat, Unreported Case Law) to prepare for prosecutions.



## ICT Infrastructure

The lead time for desktop support was reduced to an average of 93%. Network availability was maintained at an average uptime of 92%. The major challenge that impeded on this performance was the failure of the obsolete firewall equipment that is due for replacement.

Connectivity was established between the NPA and the prosecutors and other NPA staff that are located at the lower courts. The direct line between DoJ&CD and NPA was installed. All prosecutors at the Lower Courts were granted access to Ithala (NPA's intranet) and email for the NPA.

The investigation for the implementation of Voice over Internet Protocol (VOIP) was completed. The implementation of VoIP is planned for the next financial year.

## Telecommunications

IMSC provided the NPA with a full range of telecommunication infrastructure, such as ensuring telephone connectivity, providing telephone and fax, rightfax facilities, a switchboard and video conferencing facilities and the Proteus Telephone Management System.

The telephone systems at various regional offices were upgraded and removed at offices that were closed down.

## Records Management

The backlog in the Document Centres has been drastically decreased as a result of the allocation of additional resources to assist with the removal of the backlog.



# Research & Policy Information

## Service Delivery Achievements

### Research

Major achievements for the period include:

- The primary research conducted at 47 sites across the country to inform the development of the User Asset Management Plan (UAMP) for the organisation.
- Findings of the third annual (2008/09) Crime and Criminal Justice Survey (CCJS) were presented to Exco and other management forums.
- Compiling a Situation Analysis Report which is used as the foundation for developing the organisational strategy.

### Monitoring and Evaluation (M&E)

The M&E Framework was revised and is now the M&E Guidelines. The report was finalised and delivered.

### Determine value realised

The proposed Measurement Model for Value Realisation (VR) for the organisation was finalised. Information regarding the value added by strategic projects within the PMO is included in a report.

## Library Services

The component continued to provide library services and information by ensuring that employees are provided with up to date relevant information. Key achievements include:

- An overall increase in the use of all library services was recorded in comparison to the previous financial year. A total of 1 483 and 2 927 new items were added to the NPA head office and regional offices libraries respectively.
- Provided training on updating loose leaf publications to the aspirant prosecutors.
- Provided individual training sessions daily on request for employees at the head office (VGM) Building.

### Systems Improvement

The quality control on the library system is ongoing.

- The Library Sharepoint documentation was continuously updated.
- Commercial Crimes documentation was added to the Prosecutorial Workbench.

### Collection Building

58 new items were added to the NPA head office library.

A total of 760 items in regional offices were added to the system. The high number can be contributed to transfer of books following the stock take.

### Asset Management

The annual library stock take was finalised and the final report submitted. Follow up actions on material not accounted for has started.

The request for disposal of redundant library books was granted. The books will be redistributed to Legal Aid South Africa.



### 13. Departmental revenue, expenditure, and other specific topics

#### Collection of departmental revenue

The revenue received by the NPA during the financial year relates to non-tax revenue and financial transactions i.e recoveries from previous years. Generally, there is an increase in the total revenue received during 2009/10 and this is mainly as a result of correction of expenditure allocations which led to an increase of 380.23% in financial transactions. Non-tax revenue decreased with 2.96% as compared to the target. This is due to the fact that revenue collected during 2009/10 in respect of receipts for interest and rental for state houses decreased. Deposits received were less than originally anticipated and rental on state houses received was transferred to the DoJ&CD as these houses are managed by the Department.

**Table 8: Collection of Department Revenue in the NPA**

	2006/07 Actual R'000	2007/08 Actual R'000	2008/09 Target R'000	2008/09 Actual R'000	2008/09 Actual R'000	% Deviation from target
<b>Tax revenue</b>	0	0	0	0	0	0%
<b>Non-tax revenue</b>	<b>1,209</b>	<b>2,904</b>	<b>1,494</b>	<b>1,827</b>	<b>1,773</b>	(2.96%)
Interest	358	544	296	665	253	
Sales by market establishments	307	374	513	456	62	
Other Sales	509	578	664	706	1,052	
Transfers received: local & foreign	35	1,408	21		-406	
<b>Sales of capital assets (Capital Revenue)</b>	0	0	0	0	0	0%
<b>Financial transactions (Recovery of loans and advances)</b>	<b>5,640</b>	<b>1,678</b>	<b>2,770</b>	<b>1,954</b>	<b>9,384</b>	<b>380.23%</b>
<b>TOTAL DEPARTMENTAL RECEIPTS</b>	<b>6,849</b>	<b>4,582</b>	<b>4,264</b>	<b>3,781</b>	<b>11,157</b>	<b>195%</b>

#### Departmental Expenditure

Before virement, the NPA showed a significant saving on Compensation of Employees

(R123 million) and Goods and Services (R53 million). These savings are as a result of the delays in filling vacancies and the failure to fully implement OSD for legally qualified personnel. A special project (ORD) was initiated to prioritise the filling of vacancies in the prosecution services. This project will only impact on expenditure in the new financial year.

**Table 9: Departmental Expenditure**

Details per Sub-Programme	Voted for 2009/10	Roll-overs and adjustments	Virement	Total voted	Actual Expenditure	Variance
	R'000	R'000	R'000	R'000	R'000	R'000
Public Prosecution	1,532,847	74,721	(69,604)	1,537,964	1,526,853	11,111
Witness Protection Programme	130,056	(1,509)	(8,324)	120,223	120,223	-
Directorate Of Special Operations	298,600	(204,700)	8,667	102,567	102,567	-
Asset Forfeiture Unit	68,468	18,210	(8,142)	78,536	78,536	-
Support Services	450,113	18,667	(66,208)	402,572	400,536	2,036
<b>Total</b>	<b>2,480,084</b>	<b>(94,611)</b>	<b>(143,611)</b>	<b>2,241,862</b>	<b>2,228,715</b>	<b>13,147</b>



## Transfer payments (if applicable)

*Not applicable to the NPA.*

## Conditional grants and earmarked funds

The NPA received additional funding during the 2007 MTEF process for the reduction of case backlogs (R45m for 2007/08; R80m for 2008/09 and R108m for 2009/10). These funds were earmarked for this project. There are currently 46 backlog sites in operation. The backlog courts sat on average 03h37 per day and disposed of a total of 8 740 cases of which a total of 4 587 cases were finalised in the year under review.

## Capital investment, maintenance and asset management plan

The DoJ&CD reports on this under Programme 2 of the Vote.

## Asset Management

Immovable assets are under the control of the DoJ&CD. The NPA provides inputs into the Department's UAMP.

As far as movable assets are concerned, the NPA conducted a comprehensive Annual Stock Take during February 2010. 801 letters were dispatched to Magistrates Offices requesting confirmation relating to NPA assets at their offices. The teams visited 700 sites including the NPA main offices. The stock take data as an "as is" position of assets was loaded into AssetWare, the asset management system procured by the NPA. Discrepancies identified are now in the process of being investigated. These include: missing assets, duplicates and location and description variances.

It was previously reported that a major challenge was experienced in that the NPA was unsuccessful in obtaining the past years' financial data from National Treasury in order to test the completeness of the manual process followed and to balance back to the accounting system. This data was received during the middle of the 2009/10 financial year. The data was used to identify the payment batches for the financial years 2004 -2008. These batches (1 299) were then drawn from the archives, copied and the data captured. Only 11 payment batches could not be located. This resulted in a database of 25 766 entries.

The result was less than satisfactory in that the invoice descriptions and delivery addresses were in most instances of such a nature that they rendered the matching of the data with the physical assets impossible. The NPA will now follow a process of indirect matching and fair value of the assets based on the prescripts.

The NPA performed quarterly asset verifications with business units and an annual stock take in line with SCM Framework. However, in many areas the third verification and the stock take overlapped. Reconciliations with invoices, uniquely identifying assets and balancing back to the accounting system (TB) were performed for the 2008/09 and 2009/10 financial years. Corporate Managers and Asset Controllers in the NPA were trained. Refresher training will be conducted prior to the first verification being due by the end of June 2010. Disciplinary action is being investigated in respect of offices where poor compliance was identified.



## Indicator Definitions

### Key Concepts

**Alternative Dispute Resolution Mechanism:** Alternative dispute resolution encompasses diversion and information mediation as methods of resolution of disputes between the parties:

**Diversion:** Diversion is one of the alternative ways of delivering justice. It is the process of electing, in suitable and deserving criminal court cases, a manner of disposing of a criminal court case other than through normal court proceedings. It usually implies the withdrawal of the charges against the accused person, after the accused person participates in particular certified programmes. After the offender has completed the diversion programme, the social worker submits a report to the prosecutor. If it is clear that the offender has co-operated and benefited from the programme, the matter is withdrawn and recorded as a diverted case on the daily statistics. These figures are totalled on the last court date of each calendar month. Separate statistics are recorded for children (younger than 18 years) and adult diversions.

**Informal mediation:** is the process by which a prosecutor, duly authorised thereto and within the ambit of the restorative justice guidelines, while acting as a mediator between the victim and the offender, resolves the conflict which resulted in the criminal court case or addressed the harm caused in a manner that does not require formal justice but seeks to deliver justice. The matter is withdrawn.

**Case:** In the NPA a case includes criminal court cases and civil court cases. These concepts are defined as:

**Criminal Court Case:** A criminal court case is a matter that has been enrolled in a criminal court of South Africa regardless of the forum. At present, excluded from criminal court cases are traffic matters, domestic violence cases, maintenance inquiries, appeals, civil motions, inquests, decision dockets, reviews and ex parte applications. A criminal court case may have multiple counts and or accused and can involve multiple police dockets. A single docket may result in multiple court cases.

**Civil Court Case:** A civil court case is a civil matter that has been enrolled in a court of South Africa regardless of the forum. This includes ex parte applications or applications on Notice. It includes motion and trial proceedings. Examples are restraint, preservation, forfeiture and confiscation applications. It also includes interlocutory applications relating to living and legal expenses and curators in civil matters.

**Walk-offs:** Witnesses on the witness protection programme that, during the reporting period, either voluntarily left the programme before testifying, were given notice to leave the programme due to misconduct or left the safe-house without prior notice.



## Definitions of Measures/Indicators

### Cases finalised (including ADRM)

Number of Criminal Court Cases finalised in the reporting period by verdict, or through the use of alternatives such as diversion or informal mediation, irrespective of the date of enrolment. The Criminal Court Case is measured as finalised on the date on which the verdict of not guilty is given (including stopping of prosecution in terms of section 6(b) of Act 51 of 1977 (CPA)) or sentence is imposed in the case of a guilty verdict, and includes cases dealt with in terms of section 57A of the CPA. Should there be multiple accused, the case is only counted upon conclusion of the case against all accused.

### Cases finalised

Criminal Court Cases finalised in the reporting period irrespective of the date of enrolment, by verdict and are measured on the date that the verdict of not guilty is given, or sentence is imposed in the case of a guilty verdict, and includes cases dealt with in terms of section 57A of the CPA. Should there be multiple accused, the case is only counted upon conclusion of the case against all accused.

### Backlog cases

Number of criminal court cases on the outstanding court roll in which the duration from the date of enrolment in that forum exceeds six months in a District Court, nine months in a Regional Court and 12 months in a High Court.

### Conviction rate

Percentage of cases finalised with a guilty verdict (including Sec 57 of the CPA) divided by the number of cases finalised (i.e. excluding ADRM). Conviction rate is measured at the date of sentencing or verdict of not-guilty irrespective of the date when the plea was first entered.

### Witnesses harmed or threatened

Number of witnesses that were harmed or threatened during the reporting period by a person or persons from whom they were protected either directly or through an agent, while on the Witness Protection Programme.

### Percentage of walk-offs

Percentage of witnesses that walked off the programme against the average number of witnesses on the programme, measured on the last day of the reporting period. The average number of witnesses is calculated by adding the total number of witnesses on the programme each day of the reporting period and dividing it by the total number of days in the reporting period.

### New completed forfeiture cases

Number of asset forfeiture cases enrolled in which a final order has been obtained or the court refused to make an order in the reporting period regardless of when the matter was enrolled.

### New freezing orders

Number of cases enrolled in which freezing orders were obtained in the reporting period. An order is counted only once for each case, at the time when the initial order was obtained or refused. Return dates and appeals are therefore not counted (they are counted as other orders). When an obtained order is reversed on the return date or on appeal, this is not counted as a negative order for the reporting period in which it occurred. It is reflected in the AFU success rate.





## Value of new freezing orders

Total value of assets frozen by court orders obtained in the reporting period, reported in rands and estimated on the best available evidence on the date when the order is obtained. This does not necessarily refer to the value of the freezing order as determined by the court, but to the value of the actual assets frozen. The value of orders that are refused are not counted unless the decision is later reversed. When an order is reversed it is not counted as a negative value for the reporting period in which it was reversed.

## Success rate

Number of enrolled cases finally won as a percentage of all cases which were finally won or lost. Cases are finally won or lost when a final order is obtained in favour of or against the NPA, i.e. after all appeal processes have been finalised. It is measured at the date when the case was finally won or lost irrespective of the date when the matter was enrolled. Cases finally lost include cases abandoned after an order was obtained. Cases re-done will be taken into account separately.





# Glossary

## List of Acronyms

<b>ACEO</b>	Acting Chief Executive Officer
<b>ADRM</b>	Alternative Dispute Resolution Mechanism
<b>AFU</b>	Asset Forfeiture Unit
<b>AIDS</b>	Acquired Immune Deficiency Syndrome
<b>ANC</b>	African National Congress
<b>BMI</b>	Body Mass Index
<b>CTICC</b>	Cape Town International Convention Centre
<b>CARA</b>	Criminal Assets Recovery Account
<b>CCJS</b>	Crime and Criminal Justice Survey
<b>CEO</b>	Chief Executive Officer
<b>CFM</b>	Court and Case Flow Management
<b>CFM (F&amp;P)</b>	Corporate Facilitates Management
<b>CPA</b>	Criminal Procedure Act
<b>CJS</b>	Criminal Justice System
<b>CPO</b>	Court Preparation Officer
<b>CS</b>	Corporate Services
<b>DCS</b>	Department of Correctional Services
<b>DG</b>	Director- General
<b>(DIRCO)</b>	Department of International Relations and Cooperation
<b>DNA</b>	Deoxyribonucleic Acid
<b>DoH</b>	Department of Health
<b>DoJ&amp;CD</b>	Department of Justice and Constitutional Development
<b>DPCI</b>	Directorate for Priority Crimes Investigation
<b>DPP</b>	Director of Public Prosecutions
<b>DPW</b>	Department of Public Works
<b>DRC</b>	Democratic Republic of the Congo
<b>DSD</b>	Department of Social Development
<b>DSO</b>	Directorate of Special Operations (Scorpions)
<b>DV</b>	Domestic Violence
<b>EAP</b>	Employee Assistance Programme
<b>ECMS</b>	Electronic Case Management System
<b>EDRMS</b>	Electronic Document and Records Management System
<b>EEP</b>	Employment Equity Plan
<b>EIE</b>	Employee Integrity Enhancement
<b>ENE</b>	Estimated National Expenditure
<b>ERM</b>	Enterprise Risk Management
<b>Exco</b>	Executive Committee
<b>FATF</b>	Financial Action Task Force on money laundering
<b>FIC</b>	Financial Intelligence Centre
<b>FNB</b>	First National Bank
<b>GEMS</b>	Government Employees Medical Scheme
<b>HIV</b>	Human Immunodeficiency Virus
<b>HOPAC</b>	Heads of Prosecuting Agencies Conference
<b>HR</b>	Human Resources
<b>HRM&amp;D</b>	Human Resource Management and Development



<b>ICC</b>	International Criminal Court (former Yugoslavia)
<b>ICT</b>	Information and Communication Technologies
<b>IJS</b>	Integrated Justice System
<b>ILO</b>	International Labour Organisation
<b>IMSC</b>	Information Management Service Centre
<b>IMU</b>	Integrity Management Unit
<b>IOM</b>	International Organisation for Migration
<b>IARG</b>	International Advisory Reference Group
<b>ISCCJ</b>	Inter-sectoral Child Justice Committee
<b>IT</b>	Information Technology
<b>ITIL:</b>	Implement Microsoft Operations Framework
<b>JCPS</b>	Justice, Crime Prevention and Security
<b>KZN</b>	Kwazulu- Natal
<b>LOC</b>	Local Organising Committee
<b>LSM</b>	Local Screening Mechanism
<b>M&amp;E</b>	Monitoring and Evaluation
<b>MLA</b>	Mutual Legal Assistance
<b>MPTT</b>	Missing Persons Task Team
<b>NAP</b>	National Action Plan
<b>NCACC</b>	National Conventional Arms Control Committee
<b>NDPP</b>	National Director of Public Prosecutions
<b>NGO</b>	Non-governmental Organisation
<b>NIA</b>	National Intelligence Agency
<b>NOC</b>	National Operations Centre
<b>NPA</b>	National Prosecuting Authority
<b>NPS</b>	National Prosecutions Service
<b>OC</b>	Organised Crime
<b>ODA</b>	Official Development Assistance
<b>OHS</b>	Occupational Health and Safety
<b>OIS</b>	Organisational Integrity Strengthening
<b>ORD</b>	Operation Recruitment Drive
<b>OSD</b>	Occupation Specific Dispensation for Legally Qualified Personnel
<b>OWP</b>	Office for Witness Protection
<b>PAC</b>	Pan Africanist Congress
<b>PCLU</b>	Priority Crimes Litigation Unit
<b>PFMA</b>	Public Finance Management Act
<b>PGI</b>	Prosecution Guided Investigation
<b>PMO</b>	Programme Management Office
<b>POCA</b>	Prevention of Organised Crime Act
<b>PPP</b>	Prosecutor Placement Programme
<b>PWB</b>	Prosecutorial Work Bench
<b>PSED</b>	Prosecutorial Support Expert Data Base
<b>RAF</b>	Road Accident Fund
<b>RDP</b>	Reconstruction and Development Programme
<b>R&amp;PI</b>	Research and Policy Information
<b>RJ</b>	Restorative Justice
<b>S&amp;T</b>	Subsistence and Travel
<b>SABRIC</b>	South African Banking Risk Intelligence Centre



<b>SADC</b>	Southern African Development Community
<b>SAFACT</b>	South African Federation against Counterfeit Theft
<b>SAHRA</b>	South African Heritage Resources Agency
<b>SANDF</b>	South African National Defence Force
<b>SAPS</b>	South African Police Service
<b>SAQA</b>	South African Qualifications Authority
<b>SAR</b>	Situation Analysis Report
<b>SARS</b>	South African Revenue Service
<b>SCA</b>	Supreme Court of Appeal
<b>SCCU</b>	Specialised Commercial Crimes Unit
<b>SCM</b>	Supply Chain Management
<b>SISP</b>	Strategic Information System Plan
<b>SLA</b>	Service Level Agreement
<b>SO</b>	Sexual Offences
<b>SOCA</b>	Sexual Offences and Community Affairs (Unit)
<b>TCC</b>	Thuthuzela Care Centre
<b>TRC</b>	Truth and Reconciliation Commission
<b>TSCM</b>	Technical Surveillance Counter Measures
<b>UAE</b>	United Arab Emirates
<b>UCLS</b>	Unreported Case Law System
<b>UK</b>	United Kingdom
<b>UN</b>	United Nations
<b>UNICEF</b>	United Nations Children's Fund
<b>UNODC</b>	United Nations Office for Drugs and Crime
<b>USA</b>	United States of America
<b>USAID</b>	United States Agency for International Development
<b>UAMP</b>	User Asset Management Plan
<b>VAT</b>	Value Added Tax
<b>VGM</b>	Victoria & Griffiths Mxenge building
<b>VIP</b>	Very Important Person
<b>VOIP</b>	Voice Over Internet Protocol
<b>VR</b>	Value Realisation
<b>WAN</b>	Wide Area Network
<b>WC</b>	Western Cape



# Media Coverage

# Judge Simelane on how he does his job



## Mathe's life of violent crime, daring escapes

Notorious houdini sent to 54 years behind bars

**BALTIMORE, MARYLAND**  
**O**n AUGUST 28, 1988 a slightly built Mozambican broke into the home of Anne and Albert Mathe, meeting off with their music centre and so on.

Mathe was recently convicted on his criminal record including multiple rapes, sexual molestation, robbery with a knife, and other violent crimes.

He also killed 10 dogs with poison before entering the home of his victim before raping her, and disappearing with their jewellery and cash.

is centred - Ginywa's findings about Simelane's testimony at the Commission and the subsequent Public Service Commission inquiry - even though the critics of Simelane's appointment still refuse to be convinced. Others are following the legal route to challenge the appointment, but we cannot be expected to just hold our breath while all this is under way.

In the meantime, the NPA moves from the perspective of finally having a permanent NDPP after more than two years of uncertainty and protracted forward one step at a time.

Advocate Simelane has a vision of a prosecutions service that is able to focus on the core of general prosecutions, while also building the capacity to specialise in priority crime areas. The organisation must be able to reinvent itself around the specific community needs of the day. The NPA of the future will have as much capacity to prosecute civil matters as it does criminal cases.

He wants a greater focus on co-operative governance with other state departments, especially partner departments in the Justice, Crime Prevention and Security cluster.

This means that there will have to be a stronger focus on stakeholder relationship management within government, including other crime fighting agencies and organisations in the private sector.

He also has a deep commitment to ensuring organisational transformation and employment equity in line with the government's priorities. Watch this space, and judge him as an NDPP on the basis of his performance and conduct in that role.

**Bulewa Mabeke**  
 Executive Manager: Communications, NPA

## Two finally found guilty of diamond dealing

**Herold Hirsch**  
**RECEIVED CORRUPTION**

**TWO** Port Elizabeth businessmen were found guilty of receiving stolen goods valued at R200 000.

Both were convicted on a number of charges of receiving stolen goods in the criminal justice system. Their court appearances followed on 18 October 2009 when members of the good and honest South African Police Service (SAPS) arrested a group of about 10 people in the Port Elizabeth area.



The court ordered that a suspended sentence report be completed before sentencing on September 22.

It is also a deep commitment to ensuring organisational transformation and employment equity in line with the government's priorities. Watch this space, and judge him as an NDPP on the basis of his performance and conduct in that role.

## R44m of Tannenbaum's alleged sidekick frozen

**ROB ROSE**  
**A**UTHORITIES have swooped on Barry Leigh, the former lawyer accused of being one of the architects of Barry Tannenbaum's R2-billion Ponzi scheme.



I GAVE YOU MY WORD: Barry Tannenbaum, alleged Ponzi scheme kingpin

On Friday, a government task force led by the Asset Forfeiture Unit got an order in the Pretoria High Court, freezing R44 million in the bank accounts of Leigh and the Barry Leigh Trust.

attention, with most interest focused on a service in the London courts between a Qatar-based property firm, Barwa, and Rose.

restricted to 100 people, which has since proven to be a highly false, and that it operated on absolute trust.

## Six in R250m fraud case now face racketeering charge

**RACKETEERING** has been added to the charges against six men in the R250 million Indo-Atlantic fraud case, the National Prosecuting Authority (NPA) said yesterday.

committed from September 2005 to October 2008. The five who appeared are Indo-Atlantic director Johannes van Staden, auditor Marc Schoeman, senior Indo-Atlantic employees Gerhard Botha and Jan du Preez, and attorney Gary Newmark.

## Convicted rapist pleads for change to sentence

**FATIMA SCHROEDER**  
 High Court Judge

**A** 36-YEAR-old man serving a seven-year prison sentence for gang rape has told the Cape High Court that he has learnt his lesson the hard way and will never again commit crime.

whereabouts. Pheffle was responding to a question from Meier on how the court could believe that he was sincere when he had lied to the court during his trial.

ment and they were each sentenced to seven years in jail. James has since appealed against his conviction and sentence, and judgment was reserved. Pheffle did not appeal.

day that he realised that what he had committed was rape because the complainant did not consent to sex.

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# Reitz Four want to say 'sorry' to victims

Restorative justice process pondered as rector meets government

KAPPA KAPPA KAPPA

**T**HE RECTOR OF the University of the Western Cape, Dr. Pieter Dordik, has met with the four members of the Reitz Four who were convicted of the 1997 murder of a student. Dordik is expected to meet with the four members of the Reitz Four again on Monday.



Dr. Pieter Dordik, rector of the University of the Western Cape, meets with the four members of the Reitz Four who were convicted of the 1997 murder of a student.

Dordik is expected to meet with the four members of the Reitz Four again on Monday. The Reitz Four were convicted of the murder of a student in 1997. Dordik is expected to meet with the four members of the Reitz Four again on Monday.

# Eagle eyes on the law

MZWANDILE KOBIZO-KWAKHE and NORMAN MASUNGWINI

BE AFRAID to be very afraid.

That's the message from new national director of public prosecutions Muzi Simelane to all prosecutors in his team.

Speaking to Sunday World in an exclusive interview on Thursday after resuming a regional prosecution which his team concurred with and so I decided to reintroduce the case.

According to the case in December 1997 Johannes Ndlovu and his friend George Nkomo were walking along a farm road in Wolmarston, North West, when they were attacked by six white males and later detained in the local police cells.

One man's hearing was so severe that he lost his eyesight and spent six weeks in hospital under police guard.

The two later opened a case of assault, but two senior prosecutors declined to prosecute for lack of evidence.

Now Simelane, after receiving representations from the two men and reviewing their dossier, has decided to charge the assailants and has approved the charge to attorneys.

"I also ordered the two prosecutors to give me the reason for their initial decision in writing," he says.

Simelane says after reviewing the case and concurring to the decision that he'd prosecute, he gave the dossier to two senior prosecutors in his office for their decision.

"Each concurred with me and so I decided to reintroduce the case."

"It shouldn't matter if white, what is important is that we must all be active for the administration of justice."

Simelane says he knows 1.2 million cases withdrawn from the legal system.

"But I'm watching and what I require is the integrity of the decisions we make to be beyond question."

"Yes, if you take the same set of facts to 10 different lawyers you may get different responses, but they must be based on sound reasons. We carry the hope of the people."

Simelane promises that once he's done, there will be no place to hide for racists and other bigots.



JUSTICE FOR ALL: Muzi Simelane watching the courts

# Hit-and-run: Zulu will have his day in court

IRENE KUPPAN

**DURBAN** businessman and socialite Prince Sifiso Zulu has repeatedly claimed that he was not driving his vehicle in March last year when it was involved in an accident that left two people dead.

He has also claimed that the police were out to tarnish his name and reputation by spreading false stories about his involvement in the accident.

On Monday Zulu is expected to have his day in court when he stands trial in the Durban Regional Court on charges relating to the hit-and-run accident.

The charges stem from an incident in March 2008 when Zulu's BMW X5 allegedly



PRINCE SIFISO ZULU  
PICTURE: SHERELEE CLARKE

hit a car in a parking garage, killing two people and injuring others.

# 'Blood on their hands'

COURT: Alleged rhino poachers get R10 000 bail

IRISID OLLERMAN

**FOUR** alleged rhino poachers who were caught "red handed" with blood on their hands in a poaching case in the Durban Regional Court on Monday.



Alleged rhino poachers Shoy Ngweni, Mkhogolewa Khakh, Mkhogolewa Mkhogolewa, Mkhogolewa Mkhogolewa and Mkhogolewa Mkhogolewa.

The four men were charged with the murder of a rhino and the possession of rhino horns. They were granted bail of R10 000 each.

# Selebi from the sidelines

Selebi from the sidelines

Selebi from the sidelines



Selebi from the sidelines

# Call to jail warders for life for deaths of three inmates

KALWYN HOUMA

**THE PROSECUTOR** in the trial of three Kroonburg warders found guilty of killing three inmates in the previous judge to tell them that.

With Johannesburg High Court Acting Judge Mabile Mabese due to pass his verdict on Monday, the court is expected to impose a minimum sentence of 10 years on each member of the jury.

essential circumstances justifying a sentence less than the prescribed life term.

In June, Judge Mabese ruled that the three - Captain Stephen Shabangu, 30, Dan Ndlovu, 30, and Mkhogolewa Mkhogolewa, 30 - were responsible for the deaths of three inmates who died in a fire at Kroonburg Hospital on April 14 2007.

# I can't forgive him, says sword-killer victim's mom

CALL OFFERED

**PICTURE:** A child killer keeps the victim's body in a cold storage unit for months.



I can't forgive him, says sword-killer victim's mom

I can't forgive him, says sword-killer victim's mom

I can't forgive him, says sword-killer victim's mom

# Media Coverage

## Top cop in bomb case to lose bakkie

A HIGH-ranking police officer accused of selling a bomb was set to lose his bakkie worth R80 000 following an order by the high court in Pretoria, the National Prosecuting Authority said yesterday.

"On January 11 the North Gauteng High Court granted a forfeiture order in terms of the Prevention of Organised Crime Act in respect of a Daewoo Lanos bakkie valued at R80 000 belonging to Senior Superintendent Noko Johannes Mothupi," NPA spokesperson Mithunzi Mhaga said.

The bakkie would be confiscated by the State as it was allegedly used to commit a crime.

Mothupi, a senior member of the Silverton police station, has been dismissed from the service.

He allegedly used his bakkie to transport and conceal a Russian military bomb. He was arrested on June 5, 2008, in a sting operation after he allegedly attempted the bomb for R6 million under pretext that it was enriched uranium. The device was analysed by the South African Nuclear Energy Corporation but was not known how Mothupi obtained the bomb.

His criminal case would open on April 8. He was out on bail. — Sapa

## Former advocate Visser found guilty of sexual crimes

PRETORIA: Former advocate Cassim Visser was not under anyone's power or control when she participated in the sexual abuse of young girls and women, a High Court judge said yesterday.

Judge Chris Coetzee convicted Visser on charges of defrauding a 16-year-old girl to commit sexual acts, indecently exposing a girl aged 11 and sexually assaulting two adult women, being a party to another young girl being sexually abused and possession of pornography.



OVER Cassim Visser is hugged by a friend in court. Picture: ETENANZ CREUX

"Visser probably strived to eventually dominate her, but there is no indication that she was totally under his power and control during the commission of the crimes."

The diagnosis of a clinical psychologist that she suffered from hysterical conversion syndrome was mainly based on what she said her mother told the psychologist, without reference to the background of the charges.

"There's no basis for a finding that during the commission of the crimes her ability to distinguish between right and wrong had been lost or blurred as she and her mother made out to the court."

"It can not be any manner be regarded as grounds for justification (of her actions)," he said.

The judge referred to numerous discrepancies in Visser's evidence and said he was particularly struck by Visser's tendency to give others, such as her father and Prinsloo, the blame for her actions.

He said it would be interesting to hear what Prinsloo had to say about all of the accusations against him.

He is currently under arrest in Belarus as a suspect in a botched bank robbery after Durban, South Africa.

Sensational proceedings will commence on December 8. — Sapa

## Gang-rapist 'disrespectful'

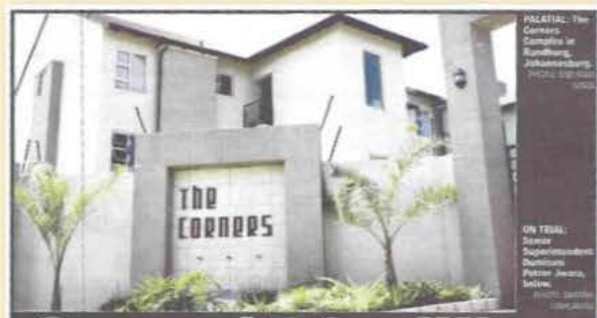
PRETORIA: A gang-rape victim's father said the court should be disrespectful to the victim's father.

The father of a 17-year-old girl who was gang-raped in a taxi in Pretoria said the court should be disrespectful to the victim's father.

He said the court should be disrespectful to the victim's father.



A YEAR OF HIGH DRAMA IN THE COURT



## 3 cops' R8million properties seized

PRETORIA: Three senior police officers have had their R8 million worth of properties seized by the National Prosecuting Authority (NPA) in Johannesburg.

The NPA has seized the properties of three senior police officers in Johannesburg.

The NPA has seized the properties of three senior police officers in Johannesburg.

## Ex-cop who shot kids dead gets 24 years

PRETORIA: A former police officer who shot two children dead in a township in 1994 has been sentenced to 24 years in prison.

But he gets bail and leave to appeal against 3 murder convictions.

The former police officer who shot two children dead in a township in 1994 has been sentenced to 24 years in prison.



## NPA explains state of case

THE article Long trial annoys the victim's father (DD, August 10) refers. The National Prosecuting Authority has noted the tone and impression created by the article and feel compelled to explain to the readers and members of the public who may have been misled by this tone.

The case referred to is being heard in the high court in Mithatha before the judge mentioned in the

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# EL truck driver guilty on 14 counts

Collision killed 10 children, four teachers



By [Name]

An EL truck driver whose truck collided with a school bus... guilty on 14 counts

The truck driver... guilty on 14 counts... collision killed 10 children, four teachers

# Eskom pre-paid comen face racketeering charges

THREE Eskom credit card users will face racketeering charges... THE National Prosecuting Authority said yesterday

spokesman Mthunzi Mngisa said in a statement... Eskom pre-paid comen face racketeering charges

which are linked to Eskom's computers... Eskom could only reverse the sale of electricity to the machines

investigation by the police's Organised Crime Unit... existence of an organised human trafficking structure

# Human traffickers found guilty at last

Nambisa Tshisela THE National Prosecuting Authority has secured first... existence of an organised human trafficking structure

# Majali heads for court once more



UP IN ARMS: The bail hearing of Jub Jub and his co-accused... court in Swaziland yesterday

# Accused 'safety is not guaranteed'

Mthunzi Mngisa... safety is not guaranteed... accused

Another KCP member... safety is not guaranteed... accused



... on bail of R30 000 and R5 000 each... Unit confiscated R19 700 belonging to the accused

# Jub Jub has to protect himself

Jub Jub has to protect himself... R10 000 bail... NPA

... on bail of R30 000 and R5 000 each... Unit confiscated R19 700 belonging to the accused

# COURTS SHOW NO MERCY TO OFFENDERS



Killers, rapists, burglars and even artists jailed

COURTS SHOW NO MERCY TO OFFENDERS... killers, rapists, burglars and even artists jailed

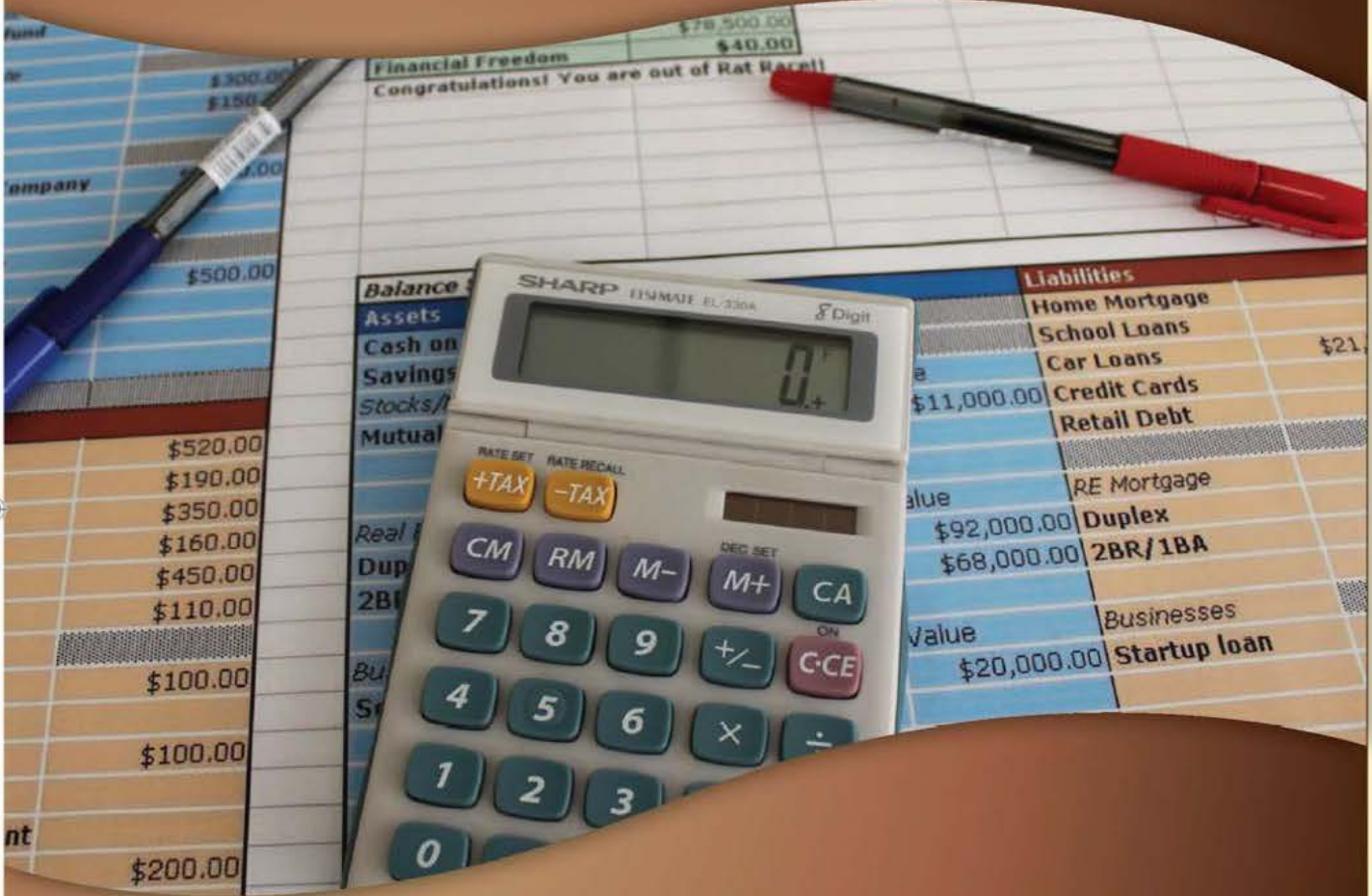
# King of Bling's fight with the law hogs headlines

King of Bling's fight with the law hogs headlines... headlines



... King of Bling's fight with the law hogs headlines

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# NPA Annual Financial Statements for the year ended 31 March 2010



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# NATIONAL PROSECUTING AUTHORITY (NPA): VOTE 21

## REPORT OF THE ACCOUNTING OFFICER

for the year ended 31 March 2010

### Report by the Accounting Officer to the Executive Authority and Parliament of the Republic of South Africa.

#### I. General review of state of financial affairs

The legislative mandate of the NPA is to institute criminal proceedings on behalf of the State, and to carry out any necessary functions incidental to instituting criminal proceedings. This mandate is derived from section 179 of the Constitution and the National Prosecuting Authority Act. The purpose of the NPA is to provide a co-ordinated prosecuting service that ensures that justice is delivered to the victims of crime through general and specialised prosecutions, protect certain witnesses, and removes the profit from crime.

The Accounting Officer of the NPA is the Director-General of the Department of Justice and Constitutional Development (DOJ&CD). The Chief Executive Officer (CEO: NPA) continued to act as the Accounting Officer of the NPA on the basis of a delegation of authority from the Director-General: DOJ&CD.

Adv Menzi Simelane was appointed as the National Director of Public Prosecutions (NDPP) in December 2009. Since his appointment, the NDPP launched several initiatives to improve service delivery. The focus of these initiatives is for the NPA to focus on its core function which is prosecution. The NPA Strategic Plan 2010-2015 was reviewed and steps were taken to restructure and align business units such as the Special Commercial Crimes Unit (SCCU) and Corporate Services. This restructuring process has been put on hold by the Minister. The NPA Strategic Plan 2010-2015 is currently being considered by the Ministry. The NPA EXCO was reconstituted to include the Directors of Public Prosecutions.

The sub-programme: Directorate of Special Operations (DSO) was closed down following the enactment of the National Prosecuting Authority Amendment Act, 2008. The majority of the DSO investigators accepted the transfer to the South African Police Service (SAPS). The transfer resulted in a budget shift of R 153 million to SAPS during the Adjustment Estimates.

The Criminal Assets Recovery Unit (CARU) was transferred to DOJ&CD with effect from 1 December 2009. In the past, the NPA accounted for the Criminal Assets Recovery Account (CARA) in its financial statements.

The NPA received a qualified audit opinion in the 2008/09 financial year. The basis for the qualified opinion was a lack of a complete and accurate asset register, poor leave management, the overstatement of prepayments with R 19,2 million, the failure to reconcile and clear the third party transport account amounting to R 6,8 million, and the understating of irregular expenditure with a potential R 29,5 million. These audit findings are being addressed through the audit action plan that has been developed.

While progress has been made in addressing the audit qualification on assets by creating and managing assets on the asset register, the valuation of assets acquired before 2008/09 remains problematic. Proving existence and completeness of the asset register proved challenging in an environment where facilities are often shared. However, processes are currently underway to ensure completeness and fair value these assets which should then address this audit qualification. The qualification of leave entitlements should also be finally addressed in the new financial year. In this regard, it is intended to fully decentralise the management of leave which will allow for better control. The take-on of incomplete leave records from other departments is the main contributing factor for the delay in finalising the leave audit.

Two other problematic areas are the accounting for a 2005/06 sale-and-leaseback transaction and the restatement of the irregular expenditure figures following the condonement of the CFM lease and the conclusion of the forensic audit on the sale-and-leaseback transaction. The forensic audit on the sale-and-leaseback was concluded very late in the financial year and



its impact has not been discounted in these financial statements. National Treasury and the Audit-General will be engaged to resolve this outstanding qualification issue.

The NPA is programme four within the Justice Vote. The original budget in respect of Compensation of Employees was reduced with an amount of R 111,6 million during the virement process. This saving was as a result of the non-implementation of Occupational Specific Dispensation (OSD) phase ii for legally qualified professionals in the NPA and the delays in filling funded vacancies. The necessary approvals were requested to implement OSD phase ii and a special project (Operation Recruitment Drive) was launched to fast-track the filling of vacancies in prosecutions. The virement was approved.

**Table I: NPA Financial Performance for the year ended 31 March 2009**

	<b>2009/10</b>	<b>2008/09</b>
	<b>R'000</b>	<b>R'000</b>
Total revenue	2,262,019	2,117,881
Less		
Total expenditure	2,236,677	2,076,852
Current expenditure	2,146,967	2,032,785
Transfers and subsidies	19,327	5,648
Capital assets	70,383	38,419
<b>Surplus / (deficit) for the year</b>	<b>25,342</b>	<b>41,029</b>

The NPA spent 99% of its appropriation as at the end of the financial year (after virement).

Fruitless and wasteful expenditure relating to the current financial year amounts to R 158,000. The analysis shows that the bulk of this expenditure relates to non-arrival charges (no shows) followed by car accident repairs. Steps were taken to recover the fruitless and wasteful expenditure. An Irregular Expenditure Control Committee was established to consider cases of possible irregular expenditure and make recommendations.

The NPA only administers the personnel budget of prosecutors at the lower courts. The administration of the remainder of this budget remains with the DOJ&CD. This issue has been unresolved for some time.

## 2. Service rendered by the NPA

### 2.1 In broad terms, the NPA renders the following services:

- The sub-programme: **Public Prosecutions** includes general prosecutions and several specialist prosecution units.
- The sub-programme: **Witness Protection** provides protection, support and related services to vulnerable witnesses and related persons in judicial proceedings.
- The sub-programme: **Directorate of Special Operations** deals with complex and organised crime. This sub-programme was closed down during the year under review.
- The sub-programme: **Asset Forfeiture** seizes the assets that are the proceeds of crime or have been involved in the commission of an offence either through criminal or civil process.
- Corporate Services provides the following support functions:
  - o Finance and Procurement;
  - o Human Resource Management and Development;
  - o Information Management and Technology;
  - o Research and Policy Development Management;
  - o Security Management;
  - o Communication and Public Awareness;
  - o Strategy and Risk Management;
  - o Programme and project management;
  - o Integrity Management.



## 2.2 Tariff policy

The NPA does not charge tariffs for services rendered, but is contemplating the introduction of service charges for photocopies made and parking. The draft policies were submitted for approval.

## 2.3 Free services

The NPA has the constitutional mandate to institute criminal prosecutions of the State and to carry out any necessary functions incidental to instituting criminal proceedings. It therefore does not render free services that would have yielded significant revenue had a tariff been charged.

## 2.4 Inventories

A stock take was conducted on 31 March 2010. The value of inventory at that date was determined to be R 5,338,107.38. The basis of the valuation was invoice cost, while the inventory in the Logis store at VGM (R 111,700.09) was determined using the weighted average cost.

## 3. Capacity Constraints

The vacancy rate at the NPA decreased from 27,4% in the 2007/08 financial year to 24,9% at the end of the 2008/09 financial year and to 16,5% at the end of the 2009/10 financial year. A project (Operation Recruitment Drive) was launched in 2009 to fill vacancies. Through Operation Recruitment Drive all general prosecutorial posts were advertised – the interviews for all prosecutorial posts have been finalised. The full impact of Operation Recruitment will only become evident in the new financial year (2010/11).

The NPA continued to experience considerable difficulty to attract and retain staff. The lack of capacity is compounded by the inability to speed up the recruitment process and the fact that most vacancies are filled by internal candidates.

Accommodation for prosecutors remains a constraint. At some lower courts, prosecutors do not have offices or share offices. At other courts, prosecutors are accommodated in temporary accommodation. The lack of suitable accommodation and the appalling state of some courts are not conducive to an environment where victims are treated with dignity or respect. The NPA continues to engage the DOJ&CD to address these concerns.

## 4. Utilisation of donor funds

The following projects were funded through donations during the current financial year:

Donor	Project	Short description
European Union	Human trafficking – Sexual Offences and Community Affairs (SOCA)	Assistance to South African Government to prevent and react to human trafficking.
Royal Danish Commission	Ndabezitha project – SOCA	Resolving domestic violence in rural communities.
UNICEF	Thuthuzela project – SOCA	To roll out Thuthuzela Care Centres.
CARA	Various projects with the NPA	Assistance to law enforcement agencies in fighting organised crime.
US Presidency	Support of PEPFAR: Thuthuzela Care Centres	Compliance assessment of the Thuthuzela Care Centres with National Dept of Health guidelines.
USAID	Woman Justice and Empowerment Initiative (WJEI)	To upgrade and expand one stop Thuthuzela Care Centre network.

**Please refer to Annexure ID of the Annual Financial Statements for further details in regard to donor funding.**

The NPA is fortunate to continue attracting donor funding for its projects. The nature of these projects, the relationships developed over time with the donors involved, and shared ownership and management of the projects, where appropriate, contribute to the success of our interaction with the donor community. It is a concern that some of these projects that focus on addressing crimes against women and children in particular may not be sustainable in the long term. In this regard, R 6 million were reprioritised during the financial year to enable SOCA to appoint 4 Case Managers, 4 Site Coordinators and 5 Victim Assistant Officers (Level 6) on the permanent establishment. Additional permanent appointments will be made in the new financial year.



## 5. Corporate governance arrangements

The NPA has established specialised units in the area of governance and enterprise risk management. These include the Integrity Management Unit and Enterprise Risk Management and the Security & Risk Management Service Centres.

The NPA views enterprise risk management as an imperative for the successful delivery on its mandate and its obligation to deliver value to its stakeholders.

Risk assessments were conducted for all units and service centres. For all risks classified as "high" and "medium" from a residual risk perspective, action plans were identified and documented. The identified top risks, were reviewed by the NPA Management Committee (MANCO), these were then forwarded to NPA Executive Committee to be reviewed and rated, with finalisation expected in 2010/2011. A fraud and corruption risk assessment was finalised in the final quarter of 2009/10. The fraud and corruption risk register will inform the revision of the NPA's response plan.

During the period under review, the NPA's Enterprise Risk Management and Internal Audit function fostered a closer working relationship in order to contribute to enhance the internal control environment of the NPA. The deployment of BamOwl, the risk management software tool, implemented in the previous financial year was supported by providing relevant functionality training to all risk owners and participants of risk assessments.

The Audit Committee continues to provide oversight in terms of risk management for the NPA.

The NPA views the Integrity Management Unit as an important business tool to ensure that the organisation is regarded by its employees and stakeholders alike, as an organisation that acts with integrity when executing its mandate. The Unit continued its work on integrity promotion, prevention of unethical conduct and combating of integrity breaches. To this effect, awareness sessions were held with numerous NPA employees. The Unit hosted the annual International Anti-corruption Day on the 9th of December 2009 as part of raising awareness about the effects of corruption and ways to fight it. The Unit also conducted 37 verifications in terms of the remunerative work outside the NPA policy. Following the completion of the process to develop the Values for the organization, the Unit embarked on an exercise to develop benchmarks for the internalization of the values in the NPA. Various reviews were conducted to strengthen organizational integrity. The Unit initiated the development of an Automated Early Warning System as a tool to enhance and monitor employees' conduct. The system is up and running. In terms of combating initiatives, the unit registered 82 investigations of which 58 were completed during the financial year under review.

As part of the prevention initiative, the IMU established a service delivery hotline that operates 24 hours on a toll free service basis. It is aimed at enabling the public and members of the NPA to report wrongdoings or transgressions with the NPA values in respect of the services the NPA renders to the public. In supporting the organisation's efforts to detect and prevent unethical conduct, the IMU has developed a draft whistle blowing policy. This policy is aimed at protecting the whistle blower against victimisation. Failure to report on acts of fraud, corruption, theft, maladministration and such, is regarded in terms of the policy as misconduct. The policy was endorsed by the bargaining council and has been forwarded to the Acting CEO for approval. The Unit also facilitated the development of Fraud and Corruption Response Plan which has since been approved.

The Security & Risk Management Service Centre continued to provide physical security services in the NPA facilities, and threatened employees are provided with protection in terms of the NPA's Employee Protection Policy. This continues to be a key part of the security management strategy of the NPA. Various interventions were held to focus on organisational compliance to occupational health and safety issues and the roll out of such program was done successful, six evacuation drills were performed in different NPA building facilities. The unit further facilitated the training of safety representatives appointed for OHS program.

Delays were experienced with the appointment of a new Audit Committee. The Internal Audit Unit completed 16 audits and 4 follow up audits relating to the NPA during the year under review.

The Budget Review Committee held quarterly budget review meetings with the heads of all business units. During these reviews, spending patterns are examined and funds are reprioritised, should it be necessary. This review process is now well established in the NPA. The NPA expenditure reports were presented to the DOJ&CD EXCO on a monthly basis.



## 6. Discontinued activities / activities to be discontinued

The NPA transferred the investigative capacity and cases of the Directorate of Special Operations (DSO) (the Scorpions) to the South African Police Service (SAPS) on 6 July 2009. This followed the decision to disband the Scorpions and the promulgation of the National Prosecuting Authority Amendment Act and South African Police Services Amendment Act. The majority of the former DSO investigators accepted the transfer to the South African Police Service. Those investigators that chose not to transfer to SAPS were given the alternative placement option of the Special Investigating Unit (SIU). Nine investigators opted for severance packages.

The placement of the former DSO prosecutors was finalised and the administrative staff was incorporated into other business units of the NPA. The R 153 million budget transfer to SAPS was finalised during the Adjustment Estimates process. The transferred amount relates to the budget allocation for the last 9 month for the financial year. The expenditure incurred by the NPA during the first three months together with the budget remains within the NPA financial records.

A proposal to integrate the NPA Corporate Services with that of DOJ&CD is under consideration. Should this proposal be accepted, the sub-programme Corporate Services on the NPA programme will cease to exist.

## 7. New / proposed activities

The NPA does not intend to commence any new activities that will have an effect on the operations of the organisation.

## 8. Asset management

The NPA conducted comprehensive annual asset verification towards financial year end. Confirmation was requested from all Magistrates Offices regarding NPA assets at their offices. The teams visited 700 sites including the NPA main offices as part of the verification process. Challenges experienced include assets with NPA and DOJ&CD barcodes, duplicates and location and description variances.

The asset verification data as an "as is" position of assets were loaded into AssetWare, the asset management system procured by the NPA. Discrepancies identified are being investigated. The NPA was previously qualified for its inability to produce a complete and accurate asset register – the successful loading of Assetware attempts to overcome this hurdle. The next phase in the asset management process is to attach values to these assets as per the asset register. Since 2008/09 acquisitions are captured at cost.

## 9. Events after the reporting date

The following events occurred after the reporting date and the date of approval of the Annual Financial Statements:

- Gazetting of cost-of-living adjustments for prosecutors below SMS level.
- Finalisation of forensic report on Rentworks sale-and- leaseback 2005/06 transaction.

## 10. Performance information

Performance information is collected by the respective business units and analysed on a monthly basis. Quarterly performance reviews are conducted, the results of which are presented to the Enterprise Performance Management Committee. Progress is reported against the targets set in the ENE and the annual plans of business units. Quarterly performance reports are prepared for National Treasury.



## 11. SCOPA resolutions

The NPA responded to the following SCOPA resolutions:

Reference to previous audit report and SCOPA resolutions	Subject	Progress
<b>Sixth Report of SCOPA adopted by the National Assembly on 08 February 2010</b>		
Par. 3(3.1) SCOPA recommends that these matters are finalised as a matter of urgency to ensure that the NPA realises its mandate	Accountability governance status of the NPA	No progress
Par 3(3.2) SCOPA recommends that vacant posts are filled to ensure that strategic objectives are achieved and the operations of the NPA runs smoothly.	Capacity and people related issues	<p>The vacancy rate at the NPA decreased from 27,4% in the 2007/08 financial year to 24,9% at the end of the 2008/09 financial year and finally to 16,5% at the end of the 2009/10 financial year.</p> <p>A project (Operation Recruitment Drive) was launched in 2009 to fill vacancies. Through Operation Recruitment Drive all general prosecutorial posts were advertised – the interviews for all prosecutorial posts have been finalised. The full impact of Operation Recruitment will only become evident in the new financial year (2010/11).</p> <p>Although the filling of the NDPP post reduced the number of acting positions in the areas of the core business of the NPA, the restructuring process has to an extent halted the further finalisation of the vacancies.</p> <p>With regard to Corporate Services management positions, three of the positions occupied by acting incumbents could not be filled. Although efforts were initiated to fill the vacancies, the lack of suitable qualified candidates halted the process until the process was overtaken by events relating to integration. The position of CEO falls within this category as well.</p>
Par 3 (3.3) SCOPA recommends that: <ul style="list-style-type: none"> <li>• a system or process is put in place to enable CARU to fulfil its mandate,</li> <li>• policies and procedures are implemented and vacancies are filled</li> </ul>	Criminal Assets Recovery Account	NAQ for 2008/09 Unit transferred to DOJ&CD wef 1 December 2009
<b>Third Report of SCOPA adopted by the National Assembly on 08 February 2010</b>		
Paragraph 5 page 63 of the Auditor General Report for 2007/08: SCOPA recommends that: <ul style="list-style-type: none"> <li>• The Accounting Officer ensures that the outcome of the investigation is submitted to the Committee and;</li> <li>• Action is taken to avoid discrepancies with regard to the above-mentioned issues.</li> </ul>	Irregular, fruitless and wasteful expenditure	<p>Investigations were conducted into the SCM unit. Three reports were finalised and submitted to the ACEO. The reports were referred to the Labour Relations Unit to institute disciplinary action against the officials involved. Final written warnings were issued to three senior managers.</p> <p>Other investigations are continuing.</p>



Reference to previous audit report and SCOPA resolutions	Subject	Progress
<p>Paragraph 6 page 64 of the Auditor General Report for 2007/08: SCOPA recommends that;</p> <ul style="list-style-type: none"> <li>An updated asset register is in place and reviewed by management regularly.</li> <li>Policies that are related to financial reporting must be communicated throughout the entity.</li> </ul>	Tangible assets	<p>Asset management is now done on AssetWare, the NPA's electronic asset register. The register is reviewed by management on a regular basis and attempts are being made to ensure the register is accurate and complete. The next phase requires the valuation of the assets on the register. It is planned to complete the valuation process in 2010/11.</p> <p>During February 2010 the NPA conducted comprehensive annual asset verification. 801 letters were dispatched to Magistrates Offices requesting confirmation re NPA assets at their offices. The teams visited 700 sites including the NPA main offices.</p> <p>The asset verification data as an "as is" position of assets were loaded into AssetWare the asset management system procured by the NPA. Discrepancies identified are now in the process of being investigated. These include: missing assets, duplicates and location and description variances.</p> <p>It was previously reported that a major challenge was experienced in that the NPA was unsuccessful in obtaining the past years financial year's data from National Treasury in order to test the completeness of the manual process followed and to balance back to the accounting system. This data was received during the middle of the 2009/2010 financial year.</p> <p>The data was used to identify the payment batches for the financial years 2004/2008. These batches (1,299) were then drawn from the archives, copied and the data captured. Only 11 payment batches could not be located. This resulted in a database of 25,766 entries. The result was less than satisfactory in that the invoice descriptions and delivery addresses were in most instances of such a nature that it rendered the matching of the data with the physical assets difficult if not impossible.</p> <p>The NPA will now follow a process of indirect matching and fair value of the assets based on the prescripts.</p> <p>The NPA did perform quarterly asset verifications with Business Units and an Annual Stock Take in line with SCM Framework. However in many areas the third verification and the Stock take overlapped.</p> <p>Reconciliations with invoices, uniquely identifying assets and balancing back to the accounting system (TB) were performed for the 2008/2009 and 2009/2010 financial years.</p> <p>Corporate Managers and Asset Controllers in the NPA were trained. Refresher training will be conducted prior to the first verification being due by the end of June 2010.</p>
<p>Paragraph 12 page 65 of the Auditor General Report for 2007/08: SCOPA recommends that;</p> <ul style="list-style-type: none"> <li>The information on PERSAL is updated on a daily basis and management should make sure that policies and procedures are implemented.</li> </ul>	Housing guarantees	<p>The Housing Guarantee register and information on Persal is continuously updated.</p> <p>Monitoring and control measures are in place with a communication that the employees must twice a year submit letters from the banks on outstanding value of guarantees.</p> <p>Information on housing guarantees was provided to Parliament.</p> <p>A report was submitted to Parliament on wrong appointments made by the NPA.</p>





Reference to previous audit report and SCOPA resolutions	Subject	Progress
<ul style="list-style-type: none"> <li>Information on housing guarantees with names of people who were transferred to other departments must be submitted to Parliament within 60 days after the adoption of this recommendation by the house.</li> <li>Written report to be submitted to Parliament on wrong appointments made by the NPA on all consequent issues as raised by the Auditor-General within 60 days after the adoption of this recommendation by the House.</li> </ul>		
<p>Paragraph 7 page 64 of the Auditor General Report for 2007/08: SCOPA recommends that;</p> <ul style="list-style-type: none"> <li>Policies, guidelines and procedures are in place and management must monitor the implementation of these policies;</li> <li>Leave forms must be completed, approved by relevant managers and be captured on the PERSAL system on a daily basis.</li> </ul>	Leave entitlement	<p>Policies and procedures on leave management are in place.</p> <p>Various circulars have been distributed with regards to leave management. Monitoring, reviews &amp; reconciliations are performed.</p> <p>Meetings were held with management on leave management, leave related issues and concerns were discussed and solutions identified.</p> <p>Leave audit is continuing. For the first part of the audit which includes the period up to 2008 the audit is currently 80% complete. The second part of the audit for the period 2009 will commence shortly and once the full audit is completed, the management of the leave will be fully decentralised to ensure better management. National office will focus on the monitoring thereof to ensure compliance with all the policies.</p>
<p>Paragraph 16 page 66 of the Auditor General Report for 2007/08: SCOPA recommends that;</p> <ul style="list-style-type: none"> <li>Control activities are developed with consideration of their cost and potential effectiveness in mitigating risks to the achievement of financial reporting objectives</li> </ul>	Financial management	<p>Quarterly budget review meetings are held with business units to address prioritization of funds spent against budget.</p> <p>Expenditure is being monitored in line with the draw-downs on a monthly basis to ensure that requests for virements &amp; reprioritization of funds are adequately addressed.</p> <p>The NPA Budget office provides detailed monthly expenditure reports to all business units to ensure effective management of expenditure.</p> <p>NPA spent 99% of its budget during the 2009/10 financial year (unaudited and after virements).</p>
<p>Paragraph 10 page 64 of the Auditor General Report for 2007/08: SCOPA recommends that;</p> <ul style="list-style-type: none"> <li>Management lead by example in terms of being competent, independent and support the achievement of effective internal control over financial reporting.</li> <li>The entity complies with Procurement policies, Supply Chain Management Practices and applicable legislation.</li> <li>Disciplinary procedures must be instituted against officials responsible for any tender irregularities.</li> </ul>	Non-compliance with the Preferential Procurement Policy Framework Act and Supply Chain Management Practice	<p>IMU finalised a review of SCM processes in the NPA. Management responded by addressing the weaknesses.</p> <p>The NPA management monitor and perform reviews to ensure compliance with SCM pertaining to the procurement of goods and services.</p> <p>Pre-awarding of all tenders is thoroughly checked and calculations will be adequately performed at Senior Management level to ensure that the correct bidder is awarded the bid.</p> <p>Weekly training sessions are conducted with the SCM staff.</p> <p>Disciplinary action was taken against three senior managers for tender irregularities.</p>



Reference to previous audit report and SCOPA resolutions	Subject	Progress
<b>Fifteenth Report of SCOPA adopted by the National Assembly on the 11 December 2001</b>		
SCOPA recommended an independent and expert forensic investigation to, "prove or disapprove once and for all", the allegations of corruption relating to the procurement process.	Joint Investigation Report into the Strategic Defence Procurement Packages	The NPA submitted a report to SCOPA on the 26 January 2009. The committee reviewed the report and highlighted the need for further interaction with the NPA to seek clarity on certain matters related to the report. The investigation was handed to SAPS with the dissolution of the DSO.

## 12. Prior modifications to audit reports

The audit qualifications emanating from the previous financial year were addressed through the development of an audit action plan. Responsibility for actions was assigned and progress reported to the Audit Committee, National Treasury and EXCO on a regular basis. The monitoring is specifically aimed at improving internal controls and ensuring adherence to policies and procedures.

## 13. Exemptions and deviations received from the National Treasury

No exemptions from the Public Finance Management Act (PFMA) or Treasury Regulations or deviations from the financial reporting requirements were received for the current and or prior financial year.

## 14. Other

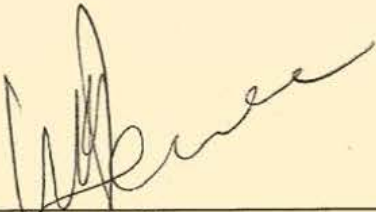
During the previous financial year the NPA received a qualification on the split between capital and interest for finance lease transactions. During the current financial year the figures for 2008/09 related to finance lease transactions were restated. The restatement affected the following: Appropriation Statement, Interest and Rent on Land, Expenditure for Capital assets and Goods and Services.

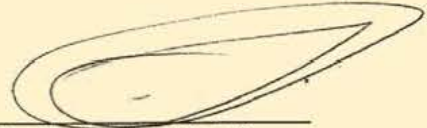
The NPA did not purchase any FIFA 2010 soccer tickets during the financial year.

There is no other material fact or circumstance which may have an effect on the understanding of the financial state of affairs not addressed elsewhere in this report.

## 15. Approval

The Annual Financial Statements set out on pages 78 to 123 have been approved by the Accounting Officer.

  
 Dr Khotso De Wee  
 Acting CEO: NPA  
 Date: 31/5/2010

  
 Ms. Nonkululeko Msomi  
 Director-General: DOJ&CD  
 Date: 31/5/2010



# NATIONAL PROSECUTING AUTHORITY AUDIT COMMITTEE REPORT

## REPORT OF THE AUDIT COMMITTEE

### I. Report of the Audit Committee

We are pleased to present our report for the financial year ended 31 March 2010.

#### I.1 Audit Committee members and attendance

The Audit Committee consists of the members listed below and is required to meet at least four times per annum as per its approved terms of reference. During the current year six meetings were held.

Name of member	Number of meetings attended	Status
Mr Steward Patterson (Chairperson)	5	Retired 31/08/2010
Ms Catharina Sevillano-Barredo	4	Retired 31/08/2010
Mr Cedric Boltman	5	Reappointed 15/12/2009
Ms Ntombi Langa-Royds	3	Retired 31/08/2010
Mr Motsamai Karedi	6	Reappointed 15/12/2009
Ms Bajabulile Luthuli	2	Appointed 15/12/2009
Ms Matshego Ramagaga	2	Appointed 15/12/2009
Ms Zodwa Manase	2	Appointed 15/12/2009
Mr Wilson Ramabulana	2	Appointed 15/12/2009

#### I.2 Audit Committee responsibility

We report that we have adopted appropriate formal terms of reference in our charter in line with the requirements of section 38(1)(a) of the Public Finance Management Act, 1999 (Act No 1 of 1999) and Treasury Regulations 3.1. We further report that we conducted our affairs in compliance with the charter except that due to a change of the Accounting Officer during the year, there was a delay in the appointment of Audit Committee members, resulting in a meeting not taking place during the third quarter of the year.

#### I.3 The effectiveness of internal control

The system of internal control was not entirely effective for the year under review. During the year under review, several deficiencies in the system of internal control were reported by the internal auditors and the Auditor General South Africa. Although the department managed to resolve some audit qualifications on repeat audit findings, in certain instances, the matters reported previously have not been fully and satisfactorily addressed.

#### I.4 Internal audit

Internal Audit had done some work; however, capacity constraints were experienced during the year largely due to high staff turnover. Despite the challenges, audit reviews were conducted on the plan and findings and recommendations were communicated to management.

Management has committed to giving an unqualified support to Internal Audit to ensure that its objectives are met. In this regard, the Department's Accounting Officer and Audit Committee have already started to implement measure to ensure that Internal Audit operates optimally within NPA and these will be monitored on an ongoing basis.



## 1.5 Auditor-General South Africa

We have met with the Auditor-General South Africa to ensure that there are no unresolved issues.

### 1.5.1 The quality of in-year management and monthly/quarterly reports submitted in terms of PFMA

We are satisfied with the content and quality of monthly and quarterly reports prepared and issued by the Accounting Officer of the Department during the year under review; however, we have noted the Auditor General's concerns relating to the NPA's reporting on performance information in terms of the required auditing standards.

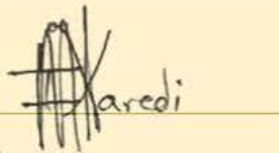
Management has undertaken to effect the recommended improvements and Audit Committee will monitor progress to ensure that the NPA is adequately prepared for an audit on performance information.

### 1.5.2 Evaluation of financial statements

We have done the following:

- Reviewed and discussed the audited annual financial statements to be included in the annual report with the Auditor-General South Africa and the Accounting Officer;
- Reviewed the Auditor-General South Africa's management letter and management's response to it;
- Reviewed the department's compliance with legal and regulatory provisions; and
- Reviewed significant adjustments resulting from the audit.

We concur and accept the conclusions of the Auditor-General South Africa's report on the annual financial statements and are of the opinion that the audited annual financial statements should be accepted, read together with the report of the Auditor-General South Africa



M Karedi

Chairperson of the Audit Committee

05 August 2010



# NATIONAL PROSECUTING AUTHORITY (NPA): VOTE 21

## REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON THE FINANCIAL STATEMENTS OF THE NATIONAL PROSECUTING AUTHORITY FOR THE YEAR ENDED 31 MARCH 2010

### REPORT ON THE FINANCIAL STATEMENTS

#### Introduction

I have audited the accompanying financial statements of the National Prosecuting Authority, which comprise the appropriation statement, the statement of financial position as at 31 March 2010, and the statement of financial performance, statement of changes in net assets and cash flow statement for the year then ended, and a summary of significant accounting policies and other explanatory information, as set out on pages 78 to 114.

#### Accounting Officer's responsibility for the financial statements

The accounting officer is responsible for the preparation and fair presentation of these financial statements in accordance with the modified cash basis of accounting determined by the National Treasury, as set out in accounting policy note 1 and in the manner required by the Public Finance Management Act of South Africa. This responsibility includes: designing, implementing and maintaining internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

#### Auditor-General's responsibility

As required by section 188 of the Constitution of South Africa and section 4 of the Public Audit Act of South Africa, my responsibility is to express an opinion on these financial statements based on my audit.

I conducted my audit in accordance with International Standards on Auditing and *General Notice 1570 of 2009* issued in *Government Gazette 32758 of 27 November 2009*. Those standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.



## Basis for qualified opinion

### Movable tangible capital assets

In terms of section 40(1)(a) of the PFMA and Treasury Regulations 10 and 17.2.3 the accounting officer must take full responsibility and ensure that proper control systems exist for the accounting of assets and the department must maintain full and proper records in respect of these assets. I was unable to satisfy myself as to the existence, completeness, valuation and rights and obligations of movable tangible capital assets amounting to R13,451 million (2009: R138,7 million) at year-end as disclosed in note 29 to the financial statements and minor assets amounting to R50,536 million (2009: R65,9 million) as disclosed in note 30.1 to the financial statements as a result of the following matters:

- Neither the opening balance of movable tangible assets amounting to R138,713 million (2009: R134,8 million) as disclosed in note 29 to the financial statements nor the opening balance of minor assets amounting to R65,858 million (2009: R62,5 million) as disclosed in note 30.1 to the financial statements was supported by a complete, updated asset register.
- No supporting documentation for adjustments amounting to R128,127 million made to movable tangible capital assets could be obtained.
- Although a significant number of assets have been transferred to South African Police Service (SAPS) none was indicated in the disposals column. Due to the lack of asset barcodes and the lack of a complete asset register it could not be confirmed if all the assets transferred to SAPS are in fact accounted for. I was unable to confirm or verify by alternative procedures the existence, completeness, valuation and rights and obligations of the assets in question.

### Employee benefits

The entity previously did not have adequate policies or procedures in place to address the capturing and submission of leave forms, as required by section 38(1)(a)(i) of the PFMA, resulting in a significant number of leave forms not being captured on PERSAL as at 31 March 2010. The National Prosecuting Authority's records did not permit the application of adequate alternative audit procedures, consequently I did not obtain sufficient appropriate audit evidence to satisfy myself as to the completeness and valuation of the leave entitlement amounting to R67,020 million (2009: R68,4 million) and capped leave commitment of R105,009 million (2009: R119,6 million) as disclosed in note 22 to the financial statements.

### Irregular expenditure

Section 38(1)(a)(iii) of the PFMA requires the accounting officer to implement an appropriate procurement and provisioning system which is fair, equitable, transparent, competitive and cost effective.

As a result of prescribed supply chain management processes not having been followed in all instances, irregular expenditure amounting to R560,786 million disclosed in note 24.1 to the financial statements may be understated with a estimated R108,435 million, while it is uncertain whether R17,553 million included in the disclosed balance of R560,786 million was indeed irregular due to the required investigations into these transactions not having been conducted.

### Prepayments and advances

Included in note 12 to the financial statements, is an irrecoverable amount of R19,2 million, originating from a sale and leaseback transaction during the 2005-06 financial year. Consequently the prepayments disclosed in the statement of financial performance are overstated with R19,2 million.

Section 11(1)(a) of the PFMA stipulates that all money received by the national government must be paid into the Fund, except money reasonably excluded by this Act or another Act of Parliament. As a result of the abovementioned transaction, departmental revenue to be surrendered of R19,2 million has to date not been surrendered to the National Revenue Fund.



### Fruitless and wasteful expenditure

Section 38(1)(h)(iii) of the PFMA requires that the accounting officer for a department, trading entity or constitutional institution must take effective and appropriate disciplinary steps against any official in the service of the department, trading entity or constitutional institution who makes or permits an unauthorised expenditure, irregular expenditure or fruitless and wasteful expenditure.

It could not be confirmed that the NPA instituted the necessary actions described in the preceding paragraph pertaining to fruitless and wasteful expenditure. The latter resulted in there being no movement in the amount disclosed in the statement of financial position amounting to R2,844 million and virtually none pertaining to the opening balance disclosed in note 25.1 to the financial statements of R1,232 million.

Furthermore, fruitless and wasteful expenditure amounting to an estimated R1,674 million has not been disclosed in the financial statements.

### Qualified opinion

In my opinion, except for the effects of the matters described in the Basis for qualified opinion paragraphs, the financial statements present fairly, in all material respects, the financial position of the National Prosecuting Authority as at 31 March 2010, and its financial performance and its cash flows for the year then ended in accordance with the modified cash basis of accounting determined by the National Treasury, as set out in accounting policy note 1 and in the manner required by the PFMA.

### Emphasis of matter

I draw attention to the matters below. My opinion is not modified in respect of these matters:

#### Basis of accounting

The NPA's policy is to prepare financial statements on the modified cash basis of accounting determined by the National Treasury, as set out in the accounting policy note 1.

#### Restatement of corresponding figures

As disclosed in the financial statements the corresponding figures for 31 March 2009 have been restated as a result of either new disclosure requirements or errors discovered during 2010 in the financial statements of the National Prosecuting Authority at, and for the year ended, 31 March 2009 as follows:

- Statement of financial performance and Appropriation Statement, Capital expenditure
- Statement of financial performance and Appropriation Statement, Current expenditure
- Note 5, Operating leases
- Note 9, Expenditure for tangible capital assets
- Note 17, Net cash flows available from operating activities
- Disclosure note 22, Performance awards
- Disclosure note 24, Irregular expenditure
- Disclosure note 19, Contingent liabilities

#### Additional matter

I draw attention to the matter below. My opinion is not modified in respect of this matter:

#### Unaudited supplementary schedules

The supplementary annexures 1 to 5 as set out on pages 115 to 123 does not form part of the financial statements and is presented as additional information. I have not audited these schedules and accordingly I do not express an opinion thereon.



## REPORT ON OTHER LEGAL AND REGULATORY REQUIREMENTS

In terms of the PAA of South Africa and *General notice 1570 of 2009*, issued in *Government Gazette No. 32758 of 27 November 2009* I include below my findings on the report on predetermined objectives, compliance with the PFMA and financial management (internal control).

### Findings

#### Predetermined objectives

- **Reliability of reported performance information**

The following criteria were used to assess the usefulness of the planned and reported performance:

- **Validity:** Has the actual reported performance occurred and does it pertain to the entity i.e. can the reported performance information be traced back to the source data or documentation?
- **Accuracy:** Amounts, numbers and other data relating to reported actual performance has been recorded and reported appropriately.
- **Completeness:** All actual results and events that should have been recorded have been included in the reported performance information.

The following audit finding relate to the above criteria:

#### **Reported indicators not complete when compared to source information**

For sub-programme 1: Public Prosecutions, 22% of the reported indicators were not complete on the basis of the source information or evidence provided to support the reported indicators.

#### Compliance with laws and regulations

##### **PFMA**

- **Non-adherence**

- Contrary to the requirements of section 42 of the PFMA the accounting officer of the NPA did not draw up an inventory of all assets and liabilities transferred to SAPS.
- Contrary to the requirements of sections 38(1)(a)(ii) and 76(4)(e) and Treasury Regulation 3.2.11 the internal audit function did not assist the accounting officer by evaluating internal controls related to compliance with laws, regulations and controls, and by developing recommendations for their enhancement and improvement.
- Contrary to the requirements of sections 38(1)(f) and 76(4)(b) of the PFMA and Treasury Regulation 8.2.3 the NPA did not settle all payments due to creditors within 30 days of receipt of invoice taking into account instances where it was determined otherwise in a contract or other agreement.

##### **Public Service Regulations (PSR)**

- **Non-adherence**

- Contrary to PSR 4/III/B1 and chapter four of the SMS handbook, certain senior managers did not enter into performance agreements by 31 July 2009.
- Contrary to the Chapter 3 of the PSR certain officials did not declare their financial interests, while the submitted forms were only submitted to the Public Service Commission by the Executive Authority on 16 July 2010. In terms of the PSR they should have been submitted by no later than 30 days of receipt thereof.





## INTERNAL CONTROL

I considered internal control relevant to my audit of the financial statements and the report on predetermined objectives and compliance with the PFMA, but not for the purposes of expressing an opinion on the effectiveness of internal control. The matters reported below are limited to the deficiencies identified during the audit.

- **Leadership**

Management's philosophy and operating style does not in all instances promote effective control over reporting. This is evidenced by the fact that significant external audit findings from prior years have not been addressed and SCOPA resolutions have not been substantially implemented as at the time of issuing this report.

- **Financial and performance management**

Adequate manual or automated controls are not designed to ensure that all leave transactions have occurred, are authorised, and are completely and accurately processed.

The NPA is currently utilising a manual system to facilitate the preparation of the performance report, this system is prone to human error and therefore not adequate to ensure the reporting of complete actual performance in all instances.

- **Governance**

Internal audit did not fulfil its responsibilities as set out in legislation and in accordance with accepted best practice and standards.

In addition to the aforementioned, as a result of there not having been an audit committee in operation for a significant part of the financial year, the newly formed committee was not able to sufficiently monitor the implementation of external audit recommendations.

## OTHER REPORTS

### Investigations

Various allegations of financial misconduct and irregularities are currently being investigated. An investigation was conducted into the sale and leaseback transaction concluded during the 2005-06 financial year, the impact of the report issued during July 2010 is currently under consideration.

*Auditor-General*

Pretoria

31 July 2010



AUDITOR - GENERAL  
SOUTH AFRICA

*Auditing to build public confidence*



## APPROPRIATION STATEMENT for the year ended 31 March 2010

Appropriation per programme									
APPROPRIATION STATEMENT	2009/10							2008/09	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>I. NATIONAL PROSECUTING AUTHORITY</b>									
Current payment	2,358,156	(62,628)	(143,611)	2,151,917	2,139,005	12,912	99.4%	2,064,076	2,028,618
Transfers and subsidies	9,503	10,059	-	19,562	19,327	235	98.8%	7,194	5,648
Payment for capital assets	17,814	52,569	-	70,383	70,383	-	100.0%	40,539	37,129
<b>Subtotal</b>	<b>2,385,473</b>	<b>-</b>	<b>(143,611)</b>	<b>2,241,862</b>	<b>2,228,715</b>	<b>13,147</b>	<b>99.4%</b>	<b>2,111,809</b>	<b>2,071,395</b>
<b>Reconciliation with statement of financial performance</b>									
<b>ADD</b>									
Departmental receipts				11,157				4,264	-
Aid assistance				9,000				1,808	-
<b>Actual amounts per statement of financial performance (total revenue)</b>				<b>2,262,019</b>	<b>-</b>			<b>2,117,881</b>	<b>-</b>
<b>ADD</b>									
Aid assistance					7,962				5,457
<b>Actual amounts per statement of financial performance (total expenditure)</b>					<b>2,236,677</b>				<b>2,076,852</b>





## DETAIL PER PROGRAMME for the year ended 31 March 2010

Appropriation per economic classification									
	2009/10							2008/09	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Current payments</b>									
Compensation of employees	1,775,407	-	(111,596)	1,663,811	1,651,829	11,982	99.3%	1,556,565	1,556,566
Goods and services	582,149	(87,567)	(32,015)	462,567	461,637	930	99.8%	507,187	463,756
Interest and rent on land	600	24,520	-	25,120	25,120	-	100.0%	-	7,971
Financial transactions in assets and liabilities	-	419	-	419	419	-	100.0%	324	325
<b>Transfers and subsidies</b>									
Departmental agencies and accounts	1,415	-	-	1,415	1,181	234	83.5%	1,240	1,073
Households	8,088	10,059	-	18,147	18,146	1	100.0%	5,954	4,575
<b>Payments for capital assets</b>									
Building and Other fixed structures	-	21,046	-	21,046	21,046	-	100.0%	-	8,784
Machinery and equipment	16,043	33,294	-	49,337	49,337	-	100.0%	36,272	28,333
Software and other intangible assets	1,771	(1,771)	-	-	-	-	-	4,267	12
<b>Total</b>	<b>2,385,473</b>	<b>-</b>	<b>(143,611)</b>	<b>2,241,862</b>	<b>2,228,715</b>	<b>13,147</b>	<b>99.4%</b>	<b>2,111,809</b>	<b>2,071,395</b>

## DETAIL PER PROGRAMME for the year ended 31 March 2010

Details per sub-programme	2009/10							2008/09	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>I.1 Public Prosecution</b>									
Current payment	1,573,773	(10,059)	(45,083)	1,518,631	1,508,682	9,949	99.3%	1,305,428	1,304,232
Transfers and subsidies	5,571	9,553	-	15,124	15,124	-	100.0%	4,262	2,716
Payment for capital assets	2,058	990	-	3,048	3,048	-	100.0%	2,953	1,442
<b>I.2 Special Operations</b>									
Current payment	142,247	-	(41,974)	100,273	100,273	-	100.0%	276,769	276,184
Transfers and subsidies	201	1,968	-	2,169	2,169	-	100.0%	1,528	1,528
Payment for capital assets	1,251	(1,126)	-	125	125	-	100.0%	3,089	584
<b>I.3 Witness Protection</b>									
Current payment	125,361	-	(13,985)	111,376	111,376	-	100.0%	102,806	93,564
Transfers and subsidies	85	492	-	577	577	-	100.0%	38	38
Payment for capital assets	2,165	6,105	-	8,270	8,270	-	100.0%	4,920	9,611
<b>I.4 Asset Forfeiture Unit</b>									
Current payment	73,319	4,888	-	78,207	78,207	-	100.0%	64,147	63,766
Transfers and subsidies	156	(44)	-	112	112	-	100.0%	64	64
Payment for capital assets	-	217	-	217	217	-	100.0%	35	426
<b>I.5 Support Services</b>									
Current payment	443,456	(57,457)	(42,569)	343,430	340,467	2,963	99.1%	314,926	290,872
Transfers and subsidies	3,490	(1,910)	-	1,580	1,345	235	85.1%	1,302	1,302
Payment for capital assets	12,340	46,383	-	58,723	58,723	-	100.0%	29,542	25,066
<b>TOTAL</b>	<b>2,385,473</b>	<b>-</b>	<b>(143,611)</b>	<b>2,241,862</b>	<b>2,228,715</b>	<b>13,147</b>	<b>99.4%</b>	<b>2,111,809</b>	<b>2,071,395</b>



## NOTES TO THE APPROPRIATION STATEMENT for the year ended 31 March 2010

1. **Detail of transfers and subsidies as per Appropriation Act (after Virement):**  
Detail of these transactions can be viewed in the note on Transfers and subsidies, disclosure notes and Annexure I (A-B) to the Annual Financial Statements.
2. **Detail of specifically and exclusively appropriated amounts voted (after Virement):**  
Detail of these transactions can be viewed in note I (Annual Appropriation) to the Annual Financial Statements.
3. **Detail on financial transactions in assets and liabilities**  
Detail of these transactions per programme can be viewed in the note on Financial transactions in assets and liabilities to the Annual Financial Statements.
4. **Explanations of material variances from Amounts Voted (after Virement):**

4.1 Per Programme:	Final Appropriation R'000	Actual Expenditure R'000	Variance R'000	Variance as a % of Final Appropriation
<b>National Prosecuting Authority</b>	2,241,862	2,228,715	13,147	0.59%

No material variances are reflected in Programme 4: National Prosecuting Authority after virement. However, the following should be noted:

The original budget in respect of Compensation of Employees was reduced with an amount of R 111,6 million during the virement process. This was as a result of the non-implementation of Occupation Specific Dispensation (OSD) phase II for the legal Qualified officials within the NPA. The funded vacancies also contributed to this saving.

The Directorate of Special Operations (DSO) function was transferred to the South African Police Services (SAPS) on the 6th of July 2009. This resulted in a budget shift of R 153 million from the NPA to SAPS during the Adjustment of National Estimates of Expenditure. The amount relates to the budget allocation for the last 9 months of the financial year. The expenditure incurred by the NPA during the first three months together with the budget remains within the NPA financial records. Prior year's expenditure was not adjusted in this regard.

Prior years finance lease expenditure was restated as per National Treasury SCOA Circular 4 of 2008/09. The relevant expenditure was shifted from Current Payments (Goods and Services) to Payment for Capital Assets.

4.2 Per Economic classification:	Final Appropriation R'000	Actual Expenditure R'000	Variance R'000	Variance as a % of Final Appropriation R'000
<b>Current payments:</b>				
Compensation of employees	1,663,811	1,651,829	11,982	0.72%
Goods and services	462,567	461,637	930	0.20%
Interest and rent on land	25,120	25,120	-	0.00%
Financial transactions in assets and liabilities	419	419	-	0.00%
<b>Transfers and subsidies:</b>				
Departmental agencies and accounts	1,415	1,181	234	16.54%
Households	18,147	18,146	1	0.01%
<b>Payments for capital assets:</b>				
Building and other Fixed structure	21,046	21,046	-	0.00%
Machinery and equipment	49,337	49,337	-	0.00%



## STATEMENT OF FINANCIAL PERFORMANCE for the year ended 31 March 2010

	Note	2009/10 R'000	2008/09 R'000
<b>REVENUE</b>			
Annual appropriation	1	2,241,862	2,111,809
Departmental revenue	2	11,157	4,264
Aid assistance	3	9,000	1,808
<b>TOTAL REVENUE</b>		<b>2,262,019</b>	<b>2,117,881</b>
<b>EXPENDITURE</b>			
<b>Current expenditure</b>			
Compensation of employees	4	1,651,829	1,556,566
Goods and services	5	461,637	463,756
Interest and rent on land	6	25,120	7,971
Financial transactions in assets and liabilities	7	419	325
Aid assistance	3	7,962	4,167
<b>Total current expenditure</b>		<b>2,146,967</b>	<b>2,032,785</b>
<b>Transfers and subsidies</b>			
Transfers and subsidies	8	19,327	5,648
<b>Total expenditure for Transfers and subsidies</b>		<b>19,327</b>	<b>5,648</b>
<b>Expenditure for capital assets</b>			
Tangible capital assets	9	70,383	38,407
Software and other intangible assets	9	-	12
<b>Total expenditure for capital assets</b>		<b>70,383</b>	<b>38,419</b>
<b>TOTAL EXPENDITURE</b>		<b>2,236,677</b>	<b>2,076,852</b>
<b>SURPLUS/(DEFICIT) FOR THE YEAR</b>		<b>25,342</b>	<b>41,029</b>
<b>Reconciliation of Net Surplus / (Deficit) for the year</b>			
Voted funds		13,147	40,414
Annual appropriation		13,147	40,414
Departmental revenue	15	11,157	4,264
Aid assistance	3	1,038	(3,649)
<b>SURPLUS / (DEFICIT) FOR THE YEAR</b>		<b>25,342</b>	<b>41,029</b>



## STATEMENT OF FINANCIAL POSITION as at 31 March 2010

<b>ASSETS</b>	Note	<b>2009/10 R'000</b>	<b>2008/09 R'000</b>
<b>Current Assets</b>			
Fruitless and wasteful expenditure	10	2,844	2,844
Cash and cash equivalents	11	122,272	35,912
Prepayments and advances	12	19,545	20,017
Receivables	13	12,125	15,935
Aid assistance receivable	3	609	609
<b>TOTAL ASSETS</b>		<b>157,395</b>	<b>75,317</b>
<b>LIABILITIES</b>			
<b>Current Liabilities</b>			
Voted funds to be surrendered to the Revenue Fund	14	13,147	40,414
Departmental revenue to be surrendered to the Revenue Fund	15	26,190	20,443
Payables	16	109,237	4,168
Aid assistance repayable	3	-	908
Aid assistance unutilised	3	5,237	6,006
<b>TOTAL LIABILITIES</b>		<b>153,811</b>	<b>71,939</b>
<b>NET ASSETS</b>		<b>3,584</b>	<b>3,378</b>
<b>Represented by:</b>			
Recoverable revenue		3,584	3,378
<b>TOTAL</b>		<b>3,584</b>	<b>3,378</b>



## STATEMENT OF CHANGES IN NET ASSETS for the year ended 31 March 2010

<b>NET ASSETS</b>	<b>2009/10</b>	<b>2008/09</b>
	<b>R'000</b>	<b>R'000</b>
<b>Recoverable revenue</b>		
Opening balance	3,378	2,302
Transfers:	206	1,076
Debts raised	206	1,076
<b>Closing balance</b>	<b>3,584</b>	<b>3,378</b>
<b>TOTAL</b>	<b>3,584</b>	<b>3,378</b>

## CASH FLOW STATEMENT for the year ended 31 March 2010

<b>CASH FLOW</b>	<i>Note</i>	<b>2009/10</b>	<b>2008/09</b>
		<b>R'000</b>	<b>R'000</b>
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Receipts</b>		<b>2,262,019</b>	<b>2,117,881</b>
Annual appropriated funds received	1.1	2,241,862	2,111,809
Departmental revenue received	2	11,157	4,264
Aid assistance received	3	9,000	1,808
Net (increase)/decrease in working capital		109,351	30,549
Surrendered to Revenue Fund		(45,824)	(7,746)
Surrendered to RDP Fund/Donor		(2,715)	-
Current payments		(2,146,967)	(2,032,785)
Transfers and subsidies paid		(19,327)	(5,648)
<b>Net cash flow available from operating activities</b>	<b>17</b>	<b>156,537</b>	<b>102,251</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Payments for capital assets	9	(70,383)	(38,419)
<b>Net cash flows from investing activities</b>		<b>(70,383)</b>	<b>(38,419)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
Increase/(decrease) in net assets		206	1,076
<b>Net cash flows from financing activities</b>		<b>206</b>	<b>1,076</b>
Net increase/(decrease) in cash and cash equivalents		86,360	64,908
Cash and cash equivalents at the beginning of the period		35,912	(28,996)
<b>Cash and cash equivalents at end of period</b>	<b>18</b>	<b>122,272</b>	<b>35,912</b>





## ACCOUNTING POLICIES for the year ended 31 March 2010

The Financial Statements have been prepared in accordance with the following policies, which have been applied consistently in all material aspects, unless otherwise indicated. However, where appropriate and meaningful, additional information has been disclosed to enhance the usefulness of the Financial Statements and to comply with the statutory requirements of the Public Finance Management Act, Act 1 of 1999 (as amended by Act 29 of 1999), and the Treasury Regulations issued in terms of the Act and the Division of Revenue Act, Act 2 of 2006.

### 1. Presentation of the Financial Statements

#### 1.1 Basis of preparation

The Financial Statements have been prepared on a modified cash basis of accounting, except where stated otherwise. The modified cash basis constitutes the cash basis of accounting supplemented with additional disclosure items. Under the cash basis of accounting transactions and other events are recognised when cash is received or paid.

#### 1.2 Presentation currency

All amounts have been presented in the currency of the South African Rand (R) which is also the functional currency of the department.

#### 1.3 Rounding

Unless otherwise stated all financial figures have been rounded to the nearest one thousand Rand (R'000).

#### 1.4 Comparative figures

Prior period comparative information has been presented in the current year's financial statements. Where necessary figures included in the prior period financial statements have been reclassified to ensure that the format in which the information is presented is consistent with the format of the current year's financial statements.

#### 1.5 Comparative figures - Appropriation Statement

A comparison between actual amounts and final appropriation per major classification of expenditure is included in the Appropriation Statement.

### 2. Revenue

#### 2.1 Appropriated funds

Appropriated funds comprises of departmental allocations as well as direct charges against revenue fund (i.e. statutory appropriation).

Appropriated funds are recognised in the financial records on the date the appropriation becomes effective. Adjustments made in terms of the adjustments budget process are recognised in the financial records on the date the adjustments become effective.

The total appropriated funds received during the year are presented in the statement of financial performance.

Unexpended appropriated funds are surrendered to the National/Provincial Revenue Fund. Any amounts owing to the National/Provincial Revenue Fund at the end of the financial year are recognised as payable in the statement of financial position.



## 2.2 Departmental revenue

All departmental revenue is recognised in the statement of financial performance when received and is subsequently paid into the National/Provincial Revenue Fund, unless stated otherwise.

Any amount owing to the National/Provincial Revenue Fund is recognised as a payable in the statement of financial position.

No accrual is made for the amount receivable from the last receipt date to the end of the reporting period. These amounts are however disclosed in the disclosure note to the annual financial statements.

## 2.3 Aid assistance

Aid assistance is recognised as revenue when received

All in-kind aid assistance is disclosed at fair value on the date of receipt in the annexures to the Annual Financial Statements

The cash payments made during the year relating to aid assistance projects are recognised as expenditure in the statement of financial performance when final authorisation for payments is effected on the system (by no later than 31 March of each year)

The value of the assistance expensed prior to the receipt of funds is recognised as a receivable in the statement of financial position.

Inappropriately expensed amounts using aid assistance and any unutilised amounts are recognised as payables in the statement of financial position.

All CARA funds received must be recorded as revenue when funds are received. The cash payments made during the year relating to CARA earmarked projects are recognised as expenditure in the statement of financial performance when final authorisation for payments effected on the system (by no later than 31 March of each year)

Inappropriately expensed amounts using CARA funds are recognised as payables in the statement of financial position. Any unutilised amounts are transferred to retained funds as they are not surrendered to the revenue fund.

## 3. Expenditure

### 3.1 Compensation of employees

#### 3.1.1 Short-term employee benefits

The cost of short-term employee benefits are expensed in the statement of financial performance when financial authorisation for payment is effected on the system (by no later than 31 March each year)

Short-term employee benefits that give rise to a present legal or constructive obligation are disclosed in the disclosure notes to the financial statements. These amounts must not be recognised in the statement of financial performance or position.

Employee cost are capitalised to the cost of a capital project when an employee spends more than 50% of his/her time in the project. These payments form part of expenditure for capital assets in the statement of financial performance.



### 3.1.2 Post retirement benefits

Employer contributions (i.e. social contributions) are expensed in the statement of financial performance when the final authorisation for payment is effected on the system (by no later than 31 March each year).

No provision is made for retirement benefits in the financial statements of the department. Any potential liabilities are disclosed in the financial statements of the National Revenue Funds and not in the financial statements of the employer department.

Social contribution (such as medical benefits) made by the department for certain of its ex-employees are classified as transfers to households in the statement of financial performance.

### 3.1.3 Termination benefits

Termination benefits such as severance packages are recognised as an expense in the statement of financial performance as a transfer (to households) when the final authorisation for payment is effected on the system (by no later than 31 March of each year).

### 3.1.4 Other long-term employee benefits

Other long-term employee benefits (such as capped leave) are recognised as an expense in the statement of financial performance as a transfer (to households) when the final authorisation for payment is effected on the system (by no later than 31 March of each year).

Long-term employee benefits that give rise to a present legal or constructive obligation are disclosed in the disclosure notes to the financial statements.

## 3.2 Goods and services

Payments made for goods and/or services are recognised as an expense in the statement of financial performance when the final authorisation for payment is effected on the system (by no later than 31 March of each year).

The expense is classified as capital if the goods and/or services were acquired for a capital project or if the total purchase price exceeds the capitalisation threshold (currently R5, 000). All other expenditures are classified as current.

## 3.3 Interest and rent on land

Interest and rental payments are recognised as an expense in the statement of financial performance when the final authorisation for payment is effected on the system (by no later than 31 March of each year). This item excludes rental for the use of buildings or other fixed structures. If it is not possible to distinguish between payment for the use of land and the fixed structures on it, the whole amount should be recorded under goods and services.

## 3.4 Financial transactions in assets and liabilities

Debts are written off when identified as irrecoverable. Debts written-off are limited to the amount of savings and/or under spending of appropriated funds. The write off occurs at year-end or when funds are available. No provision is made for irrecoverable amounts but an estimate is included in the disclosure notes to the financial statements amounts.

All other losses are recognised when authorisation has been granted for the recognition thereof.



### 3.5 Transfers and subsidies

Transfers and subsidies are recognised as an expense when the final authorisation for payment is effected on the system (by no later than 31 March of each year).

### 3.6 Unauthorised expenditure

When confirmed unauthorised expenditure is recognised as an asset in the statement of financial position until such time as the expenditure is either approved by the relevant authority, recovered from the responsible person or written off as irrecoverable in the statement of financial performance.

Unauthorised expenditure approved with funding is derecognised from the statement of financial position when the unauthorised expenditure is approved and the related funds are received.

Where the amount is approved without funding it is recognised as expenditure in the statement of financial performance on the date of approval.

### 3.7 Fruitless and wasteful expenditure

Fruitless and wasteful expenditure is recognised as expenditure in the statement of financial performance according to the nature of the payment and not as a separate line item on the face of the statement. If the expenditure is recoverable it is treated as an asset until it is recovered from the responsible person or written off as irrecoverable in the statement of financial performance.

### 3.8 Irregular expenditure

Irregular expenditure is recognised as expenditure in the statement of financial performance. If the expenditure is not condoned by the relevant authority it is treated as an asset until it is recovered or written off as irrecoverable.

## 4. Assets

### 4.1 Cash and cash equivalents

Cash and cash equivalents are carried in the statement of financial position at cost.

Bank overdrafts are shown separately on the face of the statement of financial position.

For the purposes of the cash flow statement, cash and cash equivalents comprise cash on hand, deposits held, other short-term highly liquid investments and bank overdrafts.

### 4.2 Other financial assets

Other financial assets are carried in the statement of financial position at cost.

### 4.3 Prepayments and advances

Amounts prepaid or advanced are recognised in the statement of financial position when the payments are made and where the goods and services have not been received by year end.

Prepayments and advances outstanding at the end of the year are carried in the statement of financial position at cost.



## 4.4 Receivables

Receivables included in the statement of financial position arise from cash payments made that are recoverable from another party or from the sale of goods/rendering of services.

Receivables outstanding at year-end are carried in the statement of financial position at cost plus any accrued interest. Amounts that are potentials irrecoverable are included in the disclosure notes.

## 4.5 Inventory

Inventories that qualify for recognition must be initially reflected at cost. Where inventories are acquired at no cost, or for nominal consideration, their cost shall be their fair value at the date of acquisition.

All inventory items at year-end are reflected using the weighted average cost or FIFO cost formula.

## 4.6 Capital assets

### 4.6.1 Movable assets

#### **Initial recognition**

A capital asset is recorded on receipt of the item at cost. Cost of an asset is defined as the total cost of acquisition. Where the cost cannot be determined accurately, the movable capital asset is stated at fair value. Where fair value cannot be determined, the capital asset is included in the asset register at RI.

All assets acquired prior to 1 April 2002 are included in the register RI.

#### **Subsequent recognition**

Subsequent expenditure of a capital nature is recorded in the statement of financial performance as "expenditure for capital asset" and is capitalised in the asset register of the department on completion of the project.

Repairs and maintenance is expensed as current "goods and services" in the statement of financial performance.

### 4.6.2 Immovable assets

#### **Initial recognition**

A capital asset is recorded on receipt of the item at cost. Cost of an asset is defined as the total cost of acquisition. Where the cost cannot be determined accurately, the immovable capital asset is stated at RI unless the fair value for the asset has been reliably estimated.

#### **Subsequent recognition**

Work-in-progress of a capital nature is recorded in the statement of financial performance as "expenditure for capital asset". On completion, the total cost of the project is included in the asset register of the department that legally owns the asset or the provincial/national department of public works.

Repairs and maintenance is expensed as current "goods and services" in the statement of financial performance.



## 5. Liabilities

### 5.1 Payables

Recognised payables mainly comprise of amounts owing to other governmental entities. These payables are carried at cost in the statement of financial position.

### 5.2 Contingent liabilities

Contingent liabilities are included in the disclosure notes to the financial statements when it is possible that economic benefits will flow from the department, or when an outflow of economic benefits or service potential is probable but cannot be measured reliably.

### 5.3 Contingent assets

Contingent assets are included in the disclosure notes to the financial statements when it is possible that an inflow of economic benefits will flow to the entity.

### 5.4 Commitments

Commitments are not recognised in the statement of financial position as a liability or as expenditure in the statement of financial performance but are included in the disclosure notes.

### 5.5 Accruals

Accruals are not recognised in the statement of financial position as a liability or as expenditure in the statement of financial performance but are included in the disclosure notes.

### 5.6 Employee benefits

Short-term employee benefits that give rise to a present legal or constructive obligation are disclosed in the disclosure notes to the financial statements. These amounts are not recognised in the statement of financial performance or the statement of financial position.

### 5.7 Lease commitments

#### **Finance lease**

Finance leases are not recognised as assets and liabilities in the statement of financial position. Finance lease payments are recognised as an expense in the statement of financial performance and are apportioned between the capital and interest portions. The finance lease liability is disclosed in the disclosure notes to the financial statements.

#### **Operating lease**

Operating lease payments are recognised as an expense in the statement of financial performance. The operating lease commitments are disclosed in the disclosure notes to the financial statement.

### 5.8 Provisions

Provisions are disclosed when there is a present legal or constructive obligation to forfeit economic benefits as a result of events in the past and it is probable that an outflow of resources embodying economic benefits will be required to settle the obligation and a reliable estimate of the obligation can be made.



## 6. Net Assets

### 6.1 Recoverable revenue

Amounts are recognised as recoverable revenue when a payment made in a previous financial year becomes recoverable from a debtor in the current financial year. Amounts are either transferred to the National/Provincial Revenue Fund when recovered or are transferred to the statement of financial performance when written-off.

## 7. Related party transactions

Specific information with regards to related party transactions is included in the disclosure notes.

## 8. Key management personnel

Compensation paid to key management personnel including their family members where relevant, is included in the disclosure notes.



# NOTES TO THE ANNUAL FINANCIAL STATEMENTS for the year ended 31 March 2010

## I. Annual Appropriation

### I.1 Annual Appropriation

Included are funds appropriated in terms of the Appropriation Act (and the Adjustments Appropriation Act) for National Departments (Voted funds):

	Final Appropriation	Actual Funds Received	Funds not requested/ not received	Appropriation received 2008/09
	R'000	R'000	R'000	R'000
National Prosecuting Authority	2,241,862	2,241,862	-	2,111,809
<b>Total</b>	<b>2,241,862</b>	<b>2,241,862</b>	<b>-</b>	<b>2,111,809</b>

## 2. Departmental revenue

	Note	2009/10 R'000	2008/09 R'000
Sales of goods and services other than capital assets	2.1	1,114	1,178
Interest, dividends and rent on land	2.2	253	296
Financial transactions in assets and liabilities	2.3	9,384	2,769
Transfer received	2.4	406	21
Total revenue collected		<b>11,157</b>	<b>4,264</b>
<b>Departmental revenue collected</b>		<b>11,157</b>	<b>4,264</b>

### 2.1 Sales of goods and services other than capital assets

	2009/10 R'000	2008/09 R'000
<b>Sales of goods and services produced by the department</b>	<b>1,114</b>	<b>1,178</b>
Sales by market establishment	114	544
Other sales	1,000	634
<b>Total</b>	<b>1,114</b>	<b>1,178</b>

### 2.2 Interest, dividends and rent on land

	2009/10 R'000	2008/09 R'000
Interest	253	296
<b>Total</b>	<b>253</b>	<b>296</b>





## 2.3 Financial transactions in assets and liabilities

	2009/10 R'000	2008/09 R'000
Stale cheques written back	4	39
Other Receipts including Recoverable Revenue	9,380	2,730
<b>Total</b>	<b>9,384</b>	<b>2,769</b>

## 2.4 Transfers received

	2009/10 R'000	2008/09 R'000
Public corporations and private enterprises	406	21
<b>Total</b>	<b>406</b>	<b>21</b>

# 3. Aid assistance

## 3.1 Aid assistance received in cash from other sources

	2009/10 R'000	2008/09 R'000
<b>Local</b>		
Opening Balance	(609)	(609)
Revenue	-	-
Expenditure:	-	-
Current	-	-
Capital	-	-
Transfers	-	-
Sumrendered to the donor	-	-
<b>Closing Balance</b>	<b>(609)</b>	<b>(609)</b>

	2009/10 R'000	2008/09 R'000
<b>Foreign</b>		
Opening Balance	1,727	2,150
Revenue	9,000	1,808
Expenditure:	(7,755)	(2,231)
Current	(7,755)	(2,231)
Capital	-	-
Transfers	-	-
Sumrendered to the donor	(2,715)	-
<b>Closing Balance</b>	<b>257</b>	<b>1,727</b>



### 3.2 Aid assistance received in cash from CARA Fund

	2009/10 R'000	2008/09 R'000
Opening Balance	5,187	8,413
Revenue	-	-
Expenditure	(207)	(3,226)
Current	(207)	(1,936)
Capital	-	(1,290)
Transferred to retained funds	-	-
<b>Closing Balance</b>	<b>4,980</b>	<b>5,187</b>

### 3.3 Total assistance

	2009/10 R'000	2008/09 R'000
Opening Balance	6,305	9,954
Revenue	9,000	1,808
Expenditure	(7,962)	(5,457)
Current	(7,962)	(4,167)
Capital	-	(1,290)
Surrendered / Transferred to retained funds	(2,715)	-
<b>Closing Balance</b>	<b>4,628</b>	<b>6,305</b>

	2009/10 R'000	2008/09 R'000
<b>Analysis of balance</b>		
Aid assistance receivable	<b>(609)</b>	<b>(609)</b>
Other sources	(609)	(609)
Aid assistance unutilised	<b>5,237</b>	<b>6,006</b>
Other sources	257	819
CARA Fund	4,980	5,187
Aid assistance repayable	-	<b>908</b>
Other sources	-	908
<b>Closing balance</b>	<b>4,628</b>	<b>6,305</b>

Previous year figure restated to correct calculation error.



## 4. Compensation of employees

### 4.1 Salaries and Wages

	2009/10 R'000	2008/09 R'000
Basic salary	1,170,403	1,093,463
Performance award	23,479	20,140
Service Based	667	695
Compensative/circumstantial	11,133	8,750
Other non-pensionable allowances	249,394	249,350
<b>Total</b>	<b>1,455,076</b>	<b>1,372,398</b>

### 4.2 Social contributions

	2009/10 R'000	2008/09 R'000
<b>Employer contributions</b>		
Pension	147,877	139,057
Medical	48,771	45,015
Bargaining council	105	96
<b>Total</b>	<b>196,753</b>	<b>184,168</b>

<b>Total compensation of employees</b>	<b>1,651,829</b>	<b>1,556,566</b>
Average number of employees	4,632	4,691



## 5. Goods and services

		2009/10	2008/09
	Note	R'000	R'000
Administrative fees		1,535	715
Advertising		4,955	2,158
Assets less than R5,000	5.1	11,439	2,780
Bursaries (employees)		1,729	1,979
Catering		1,537	1,410
Communication		40,210	33,617
Computer services	5.2	56,685	47,737
Consultants, contractors and agency/outsourced services	5.3	78,888	105,237
Entertainment		138	117
Audit cost – external	5.4	4,849	5,033
Inventory	5.5	20,999	20,537
Operating leases		16,018	49,446
Owned and leasehold property expenditure	5.6	75,326	35,281
Travel and subsistence	5.7	87,448	92,046
Venues and facilities		7,042	9,086
Training and staff development		3,577	3,313
Other operating expenditure	5.8	49,262	53,264
<b>Total</b>		<b>461,637</b>	<b>463,756</b>

Previous year's figures have been restated to reflect the adjustment in respect of the finance lease transactions capital / interest split.

### 5.1 Assets less than R5,000

	2009/10	2008/09
	R'000	R'000
<b>Tangible assets</b>	<b>11,439</b>	<b>2,780</b>
Machinery and equipment	11,439	2,780
Intangible assets	-	-
<b>Total</b>	<b>11,439</b>	<b>2,780</b>

### 5.2 Computer services

	2009/10	2008/09
	R'000	R'000
SITA computer services	10,823	14,745
External computer service providers	45,862	32,992
<b>Total</b>	<b>56,685</b>	<b>47,737</b>



### 5.3 Consultants, contractors and agency/outsourced services

	2009/10 R'000	2008/09 R'000
Business and advisory services	28,076	50,856
Infrastructure and planning	3,170	7,705
Legal costs	28,962	29,339
Contractors	3,501	2,907
Agency and support/outsourced services	15,179	14,430
<b>Total</b>	<b>78,888</b>	<b>105,237</b>

### 5.4 Audit cost – External

	2009/10 R'000	2008/09 R'000
Regularity audits	4,849	5,033
<b>Total</b>	<b>4,849</b>	<b>5,033</b>

### 5.5 Inventory

	2009/10 R'000	2008/09 R'000
Learning and teaching support material	1,812	1,206
Food and food supplies	156	159
Fuel, oil and gas	9,318	8,482
Other consumable materials	959	707
Maintenance material	171	50
Stationery and printing	8,577	9,849
Medical supplies	6	2
Military stores	-	82
<b>Total</b>	<b>20,999</b>	<b>20,537</b>

### 5.6 Owned and leasehold property expenditure

	2009/10 R'000	2008/09 R'000
Municipal services	511	146
Property management fees	49,726	5,716
Other	25,089	29,419
<b>Total</b>	<b>75,326</b>	<b>35,281</b>



## 5.7 Travel and subsistence

	2009/10 R'000	2008/09 R'000
Local	84,450	87,546
Foreign	2,998	4,500
<b>Total</b>	<b>87,448</b>	<b>92,046</b>

## 5.8 Other operating expenditure

	2009/10 R'000	2008/09 R'000
Professional bodies, membership and subscription fees	81	56
Resettlement costs	4,739	5,321
Other	44,442	47,887
<b>Total</b>	<b>49,262</b>	<b>53,264</b>

## 6. Interest and rent on land

	2009/10 R'000	2008/09 R'000
Interest paid	25,120	7,971
<b>Total</b>	<b>25,120</b>	<b>7,971</b>

Previous year's figures have been restated to reflect the adjustment in respect of the finance lease transactions capital / interest split.

## 7. Financial transactions in assets and liabilities

	Note	2009/10 R'000	2008/09 R'000
Debts written off	7.1	419	325
<b>Total</b>		<b>419</b>	<b>325</b>

### 7.1 Debts written off

	2009/10 R'000	2008/09 R'000
<b>Nature of debts written off</b>		
Staff debt written off	419	325
<b>Total</b>	<b>419</b>	<b>325</b>



## 8. Transfers and subsidies

	Note	2009/10 R'000	2008/09 R'000
Departmental agencies and accounts	Annex 1A	1,181	1,073
Households	Annex 1B	18,146	4,575
<b>Total</b>		<b>19,327</b>	<b>5,648</b>

## 9. Expenditure for capital assets

	Note	2009/10 R'000	2008/09 R'000
<b>Tangible assets</b>		<b>70,383</b>	<b>38,407</b>
Buildings and other fixed structures	32.1	21,046	8,784
Machinery and equipment	29.1	49,337	29,623
<b>Software and other intangible assets</b>		<b>-</b>	<b>12</b>
Computer software	31	-	12
<b>Total</b>		<b>70,383</b>	<b>38,419</b>

Previous year's figures have been restated to reflect the adjustment in respect of the finance lease transactions capital / interest split.

### 9.1 Analysis of funds utilised to acquire capital assets – 2009/10

	Voted funds R'000	Aid assistance R'000	Total R'000
<b>Tangible assets</b>	<b>70,383</b>	<b>-</b>	<b>70,383</b>
Buildings and other fixed structures	21,046	-	21,046
Machinery and equipment	49,337	-	49,337
<b>Total</b>	<b>70,383</b>	<b>-</b>	<b>70,383</b>

### 9.2 Analysis of funds utilised to acquire capital assets – 2008/09

	Voted funds R'000	Aid assistance R'000	Total R'000
<b>Tangible assets</b>	<b>37,117</b>	<b>1,290</b>	<b>38,407</b>
Machinery and equipment	37,117	1,290	38,407
<b>Software and other intangible assets</b>	<b>12</b>	<b>-</b>	<b>12</b>
Computer software	12	-	12
<b>Total</b>	<b>37,129</b>	<b>1,290</b>	<b>38,419</b>



## 10. Fruitless and wasteful expenditure

### 10.1 Reconciliation of fruitless and wasteful expenditure

	2009/10 R'000	2008/09 R'000
Opening balance	2,844	3,021
Less: Amounts condoned	-	-
Current	-	-
Capital	-	-
Transfers and subsidies	-	-
Less: Amounts transferred to receivables for recovery	-	(177)
<b>Fruitless and wasteful expenditure awaiting condonement</b>	<b>2,844</b>	<b>2,844</b>
<b>Analysis of awaiting condonement/recovery or write off per economic classification</b>		
Current	2,844	2,844
<b>Total</b>	<b>2,844</b>	<b>2,844</b>

This Fruitless and Wasteful expenditure relates to expenditure allocated to the suspense account awaiting investigation and recommendation for recovery or to expense. The financial reporting framework policy changed during the 2008/09 financial year and subsequent fruitless and wasteful expenditure is now reported under note 25.1.

## 11. Cash and cash equivalents

	2009/10 R'000	2008/09 R'000
Consolidated Paymaster General Account	122,113	35,229
Cash on hand	159	683
<b>Total</b>	<b>122,272</b>	<b>35,912</b>

## 12. Prepayments and advances

	2009/10 R'000	2008/09 R'000
Travel and subsistence	335	433
Prepayments	19,210	19,584
<b>Total</b>	<b>19,545</b>	<b>20,017</b>





## 13. Receivables

	Note	2009/10			2008/09	
		R'000 Less than one year	R'000 One to three years	R'000 Older than three years	R'000 Total	R'000 Total
Claims recoverable	13.1 Annex 3	488	5	22	515	4,565
Recoverable expenditure	13.2	-	21	199	220	407
Staff debt	13.3	1,745	1,570	7,770	11,085	10,798
Other debtors	13.4	147	158	-	305	165
<b>Total</b>		<b>2,380</b>	<b>1,754</b>	<b>7,991</b>	<b>12,125</b>	<b>15,935</b>

### 13.1 Claims recoverable

	2009/10 R'000	2008/09 R'000
National departments	515	4,565
<b>Total</b>	<b>515</b>	<b>4,565</b>

### 13.2 Recoverable expenditure (disallowance accounts)

	2009/10 R'000	2008/09 R'000
Sal: Disallowance Account: CA	64	188
Disallowance Miscellaneous	156	219
<b>Total</b>	<b>220</b>	<b>407</b>

### 13.3 Staff debt

	2009/10 R'000	2008/09 R'000
Debt Account: CA	10,740	10,631
Sal: Tax Debt: CA	285	37
Private Telephone	42	26
Sal: Reversal Control	-	40
Irregular Expenditure: Dept Vote Account	13	32
Sal: Medical Aid	4	31
Sal: Official Union: CL	1	1
<b>Total</b>	<b>11,085</b>	<b>10,798</b>



### 13.4 Other debtors

	2009/10 R'000	2008/09 R'000
VAT Clearing	305	165
<b>Total</b>	<b>305</b>	<b>165</b>

### 14. Voted funds to be surrendered to the Revenue Fund

	2009/10 R'000	2008/09 R'000
Opening balance	40,414	1,233
Transfer from statement of financial performance	13,147	40,414
Paid during the year	(40,414)	(1,233)
<b>Closing balance</b>	<b>13,147</b>	<b>40,414</b>

### 15. Departmental revenue to be surrendered to the Revenue Fund

	2009/10 R'000	2008/09 R'000
Opening balance	20,443	22,692
Transfer from Statement of Financial Performance	11,157	4,264
Paid during the year	(5,410)	(6,513)
<b>Closing balance</b>	<b>26,190</b>	<b>20,443</b>



## 16. Payables – current

Description	Note	2009/10 Total	2008/09 Total
Clearing accounts	16.1	109,175	4,112
Other payables	16.2	62	56
<b>Total</b>		<b>109,237</b>	<b>4,168</b>

### 16.1 Clearing accounts

Description	2009/10 R'000	2008/09 R'000
Sal: Reversal Control	15	-
Sal: Pension Fund	222	28
Sal: Income Tax	1,291	239
Sal: ACB Recalls	16	4
Sal: Pension Debt CA	20	84
Disallowance Miscellaneous	107,611	3,756
Sal: Insurance Deduction	-	1
<b>Total</b>	<b>109,175</b>	<b>4,112</b>

### 16.2 Other payables

Description	2009/10 R'000	2008/09 R'000
Claims: PACE (IJS)	62	56
<b>Total</b>	<b>62</b>	<b>56</b>



## 17. Net cash flow available from operating activities

	2009/10 R'000	2008/09 R'000
Net surplus/(deficit) as per Statement of Financial Performance	25,342	41,029
<b>Add back non cash/cash movements not deemed operating activities</b>	<b>131,195</b>	<b>61,222</b>
(Increase)/decrease in receivables – current	3,810	24,064
(Increase)/decrease in prepayments and advances	472	2,897
(Increase)/decrease in other current assets	-	177
Increase/(decrease) in payables – current	105,069	3,411
Expenditure on capital assets	70,383	38,419
Surrenders to Revenue Fund	(45,824)	(7,746)
Surrenders to RDP Fund/Donor	(2,715)	-
<b>Net cash flow generated by operating activities</b>	<b>156,537</b>	<b>102,251</b>

## 18. Reconciliation of cash and cash equivalents for cash flow purposes

	2009/10 R'000	2008/09 R'000
Consolidated Paymaster General account	122,113	35,229
Cash on hand	159	683
<b>Total</b>	<b>122,272</b>	<b>35,912</b>



## DISCLOSURE NOTES TO THE ANNUAL FINANCIAL STATEMENTS for the year ended 31 March 2010

These amounts are not recognised in the Annual Financial Statements and are disclosed to enhance the usefulness of the Annual Financial Statements.

### 19. Contingent liabilities and contingent assets

#### 19.1 Contingent liabilities

Liable to	Nature	Note	2009/10	2008/09
			R'000	R'000
Housing loan guarantees	Employees	Annex 2A	3,881	3,976
Claims against the department		Annex 2B	280,687	196,743
Other departments (interdepartmental unconfirmed balances)		Annex 4	2,200	1,230
<b>Total</b>			<b>286,768</b>	<b>201,949</b>

The previous year's amount in respect of Claims against the department was restated to reflect the estimated liability amount instead of the summons amount as required in the National Treasury Financial Reporting Framework.

#### 19.2 Contingent assets

Nature of contingent asset	2009/10	2008/09
	R'000	R'000
Labour Court Ruling	2,205	-
<b>Total</b>	<b>2,205</b>	<b>-</b>

### 20. Commitments

	2009/10	2008/09
	R'000	R'000
<b>Current expenditure</b>		
Approved and contracted	66,623	517,798
Approved but not yet contracted	-	-
	<b>66,623</b>	<b>517,798</b>
<b>Capital expenditure</b>		
Approved and contracted	348	155
Approved but not yet contracted	-	-
	<b>348</b>	<b>155</b>
<b>Total Commitments</b>	<b>66,971</b>	<b>517,953</b>



## 21. Accruals

Listed by economic classification	2009/10			2008/09
	30 Days	30+ Days	Total	Total
Goods and services	16,533	6,559	23,092	29,011
Interest and rent on land	281	23	304	-
Transfers and subsidies	3	-	3	16
Machinery and equipment	21	-	21	-
<b>Total</b>	<b>16,838</b>	<b>6,582</b>	<b>23,420</b>	<b>29,027</b>

Listed by programme level	2009/10	2008/09
	R'000	R'000
Public Prosecution	5,808	20,425
Special Operations	-	1,349
Witness Protection	2,449	6,933
Asset Forfeiture Unit	1,437	320
Support Services	13,726	-
<b>Total</b>	<b>23,420</b>	<b>29,027</b>

	Note	2009/10	2008/09
		R'000	R'000
Confirmed balances with other departments	Annex 4	75	16,275
Confirmed balances with other government entities	Annex 4	-	90
<b>Total</b>		<b>75</b>	<b>16,365</b>

## 22. Employee benefits

	2009/10	2008/09
	R'000	R'000
Leave entitlement	67,020	68,401
Service bonus (Thirteenth cheque)	43,262	40,624
Performance awards	26,929	25,623
Capped leave commitments	105,009	119,588
Other	17,382	4
<b>Total</b>	<b>259,602</b>	<b>254,240</b>

The comparative figure for Performance awards is restated to be in line with the Financial Reporting Framework.

Included in the leave entitlement is a negative pro-rata leave balance amounting to R 2,423,509.47 (2008/09: R 2,479,204).



## 23. Lease commitments

### 23.1 Operating leases expenditure

	Vehicles R'000	Buildings and other fixed structures R'000	Machinery and equipment R'000	Total R'000
<b>2009/10</b>				
Not later than 1 year	-	2,563	-	2,563
Later than 1 year and not later than 5 years	-	2,696	-	2,696
Later than five years	-	-	-	-
<b>Total lease commitments</b>	<b>-</b>	<b>5,259</b>	<b>-</b>	<b>5,259</b>

	Vehicles R'000	Buildings and other fixed structures R'000	Machinery and equipment R'000	Total R'000
<b>2008/09</b>				
Not later than 1 year	-	6,192	8,109	14,301
Later than 1 year and not later than 5 years	-	22,504	3,212	25,716
Later than five years	-	12,401	-	12,401
<b>Total lease commitments</b>	<b>-</b>	<b>41,097</b>	<b>11,321</b>	<b>52,418</b>

### 23.2 Finance leases expenditure<sup>\*\*</sup>

	Vehicles R'000	Buildings and other fixed structures R'000	Machinery and equipment R'000	Total R'000
<b>2009/10</b>				
Not later than 1 year	23,930	7,675	13,849	45,454
Later than 1 year and not later than 5 years	54,319	41,773	16,845	112,937
Later than five years	-	20,759	-	20,759
<b>Total lease commitments</b>	<b>78,249</b>	<b>70,207</b>	<b>30,694</b>	<b>179,150</b>
LESS: finance costs	(10,558)	(18,375)	(3,118)	(32,051)
<b>Total present value of lease liabilities</b>	<b>67,691</b>	<b>51,832</b>	<b>27,576</b>	<b>147,099</b>

	Vehicles R'000	Buildings and other fixed structures R'000	Machinery and equipment R'000	Total R'000
<b>2008/09</b>				
Not later than 1 year	4,355	16,900	16,479	37,734
Later than 1 year and not later than 5 years	851	61,383	10,968	73,202
Later than five years	-	16,090	-	16,090
<b>Total lease commitments</b>	<b>5,206</b>	<b>94,373</b>	<b>27,447</b>	<b>127,026</b>
LESS: finance costs	(425)	-	(4,811)	(5,236)
<b>Total present value of lease liabilities</b>	<b>4,781</b>	<b>94,373</b>	<b>22,636</b>	<b>121,790</b>



## 24. Irregular expenditure

### 24.1 Reconciliation of irregular expenditure

	2009/10 R'000	2008/09 R'000
Opening balance	450,540	412,077
Add: Irregular expenditure – relating to prior year	-	58,661
Add: Irregular expenditure – relating to current year	164,810	99,418
Less: Amounts condoned	(54,564)	(119,616)
<b>Irregular expenditure awaiting condonation</b>	<b>560,786</b>	<b>450,540</b>

#### Analysis of awaiting condonation per age classification

Current year	164,810	99,418
Prior years	395,976	351,122
<b>Total</b>	<b>560,786</b>	<b>450,540</b>

Irregular Expenditure relating to the 2008/09 financial year was restated.

**ADD: Irregular expenditure – relating to prior year** (2008/09) was reduced with R 76,745 m and

**ADD Irregular expenditure – relating to current year** (2008/09) was increased with R 658 thousand. This adjustment of R 76,087 m is a correction of amounts duplicated in the calculations of 2008/09.

### 24.2 Details of irregular expenditure – current year

Incident	Under Investigation for further action	2009/10 R'000
Rentworks	Forensic investigation completed.	11,592
Noted Cases	All cases were reviewed by Irregular Expenditure Control Committee and recommendations have been made to acting CEO.	33,501
Kimberley lease	All cases were reviewed by Irregular Expenditure Control Committee and recommendations have been made to acting CEO.	7,189
Soft Services	Case was reviewed and recommendations made for disciplinary action	168
Witness Protection Travel Agency	All cases were reviewed by Irregular Expenditure Control Committee and recommendations have been made to acting CEO.	1,240
Overtime paid by NPA	All cases were reviewed by Irregular Expenditure Control Committee and recommendations have been made to acting CEO.	1,106
2008/09 Management Letter Irregular Expenditure	All cases were reviewed by Irregular Expenditure Control Committee and recommendations have been made to acting CEO.	27,320
Cost of Living Adjustment (below SMS)	Condonation will be requested. Refer to note * below.	81,922
Finance lease expenditure not condoned by Practice Note 5 of 2006/07	This amount was identified during the 2009/10 audit and it will be reviewed by Irregular Expenditure Control Committee and recommendations will be made to the acting CEO.	772
<b>Total</b>		<b>164,810</b>

\* Contrary to the requirements of section 18(1) of the National Prosecuting Authority Act, 1998 (Act No. 32 of 1998) the cost of living adjustment of prosecutors was not timeously approved. This oversight was subsequent approved and published in the Government Gazette.





## 24.3 Details of irregular expenditure condoned

Incident	Condoned by (condoning authority)	2009/10 R'000
CFM expenditure from Nov 2002 to March 2007	OAG	54,564
<b>Total</b>		<b>54,564</b>

## 25. Fruitless and wasteful expenditure

### 25.1 Reconciliation of fruitless and wasteful expenditure

	2009/10 R'000	2008/09 R'000
Opening balance	1,232	-
Fruitless and wasteful expenditure – relating to prior year	14	996
Fruitless and wasteful expenditure – relating to current year	158	264
Less: Amounts transferred to receivables for recovery	(12)	(28)
<b>Fruitless and wasteful expenditure awaiting condonation</b>	<b>1,392</b>	<b>1,232</b>
<b>Analysis of awaiting condonation per economic classification</b>		
Current	1,392	1,232
Capital	-	-
Transfers and subsidies	-	-
<b>Total</b>	<b>1,392</b>	<b>1,232</b>

### 25.2 Analysis of Current year's fruitless and wasteful expenditure

Incident	Under investigation for further action	2009/10 R'000
Accident Repairs	Investigation by Loss Control completed; recommends either recovery or write-off's.	93
Cancellation fees	Investigation by Loss Control completed; recommends either recovery or write-off's.	5
Damages / losses	Investigation by Loss Control completed; recommends either recovery or write-off's.	5
Early Departure	Investigation by Loss Control completed; recommends either recovery or write-off's.	2
No show	Investigation by Loss Control completed; recommends either recovery or write-off's.	52
Traffic fines	Investigation by Loss Control completed; recommends either recovery or write-off's.	1
<b>Total</b>		<b>158</b>



## 26. Related Party Transactions

Payments made	2009/10	2008/09
	R'000	R'000
Goods and services	16,349	15,554
<b>Total</b>	<b>16,349</b>	<b>15,554</b>

Year end balances arising from revenue/payments	2009/10	2008/09
	R'000	R'000
Payables to related parties	-	2,230
<b>Total</b>	<b>-</b>	<b>2,230</b>

Other	2009/10	2008/09
	R'000	R'000
Employee compensation for Ex DSO officials seconded to SIU	1,726	-
<b>Total</b>	<b>1,726</b>	<b>-</b>

The NPA is a programme (Programme 4) on the vote of the Department of Justice and Constitutional Development. The relevant Executive Authority is the Minister for Justice and Constitutional Development. As such the NPA transacts with entities falling under this vote on a regular basis. These transactions are not necessarily conducted at arm's length as most services are rendered on a no-cost or recovery basis. The entities include the Family Advocate, State Attorneys, State Law Advisers, Master of the High Court, Office for the Control of Interception and Monitoring of Communication, South African Human Rights Commission, Commission on Gender Equality, Magistrate's Commission, President's Fund, Board of Sheriffs, Rules Board for the Labour Court, Equality Review Committee, Debt Collectors' Council, Public Protector, Criminal Assets Recovery Committee, Represented Political Parties' Fund, Rules Board for Courts of Law, Judicial Service Commission, South African Law Reform Commission, Special Investigating Unit, Legal Aid Board and the NCPS.

The transfer to the State Attorney is on a reimbursement basis for legal expenditure incurred on behalf of the NPA.

In addition, the NPA transacts on the same basis inter alia with the Department of Public Works, SARS, SAPS, and the Department of Foreign Affairs.

## 27. Key management personnel

	No. of Individuals	2009/10	2008/09
		R'000	R'000
Officials:			
Level 15 to 16	11	17,563	19,875
Level 14 (incl. CFO if at a lower level)	10	7,120	11,100
<b>Total</b>	<b>21</b>	<b>24,683</b>	<b>30,975</b>

Key Management Personnel expenditure is limited to those officials whom constitute EXCO and MANCO.

The acting CEO's expenditure is carried by the Department of Justice and Constitutional Development and therefore not included in this note.



## 28. Provisions

	2009/10 R'000	2008/09 R'000
<b>Potential irrecoverable debts</b>		
Staff debtors	4,101	5,680
<b>Total</b>	<b>4,101</b>	<b>5,680</b>

## 29. Movable Tangible Capital Assets

### MOVEMENT IN MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2010

	Opening balance R'000	Curr Year Adjustments to prior year balances R'000	Additions R'000	Disposals R'000	Closing Balance R'000
<b>MACHINERY AND EQUIPMENT</b>	<b>138,713</b>	<b>(128,127)</b>	<b>2,865</b>	<b>-</b>	<b>13,451</b>
Computer equipment	53,219	(53,084)	241	-	376
Furniture and office equipment	33,980	(25,932)	1,358	-	9,406
Other machinery and equipment	51,514	(49,111)	1,266	-	3,669
<b>TOTAL MOVABLE TANGIBLE CAPITAL ASSETS</b>	<b>138,713</b>	<b>(128,127)</b>	<b>2,865</b>	<b>-</b>	<b>13,451</b>

### 29.1 Additions

#### ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2010

	Cash R'000	Non-cash R'000	(Capital Work in Progress current costs and finance lease payments) R'000	Received current, not paid (Paid current year, received prior year) R'000	Total R'000
<b>MACHINERY AND EQUIPMENT</b>	<b>49,337</b>	<b>-</b>	<b>(46,472)</b>	<b>-</b>	<b>2,865</b>
Transport assets	23,004	-	(23,004)	-	-
Computer equipment	19,812	-	(19,571)	-	241
Furniture and office equipment	5,255	-	(3,897)	-	1,358
Other machinery and equipment	1,266	-	-	-	1,266
<b>TOTAL ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS</b>	<b>49,337</b>	<b>-</b>	<b>(46,472)</b>	<b>-</b>	<b>2,865</b>



## 29.2 Movement for 2008/09

### MOVEMENT IN MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2009

	Opening balance	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000
<b>MACHINERY AND EQUIPMENT</b>	<b>134,816</b>	<b>3,897</b>	<b>-</b>	<b>138,713</b>
Computer equipment	52,306	913	-	53,219
Furniture and office equipment	32,817	1,163	-	33,980
Other machinery and equipment	49,693	1,821	-	51,514
<b>TOTAL MOVABLE TANGIBLE ASSETS</b>	<b>134,816</b>	<b>3,897</b>	<b>-</b>	<b>138,713</b>

## 30. Minor Assets

### 30.1 Minor assets - 2009/10

#### MINOR ASSETS OF THE DEPARTMENT AS AT 31 MARCH 2010

	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
	R'000	R'000	R'000	R'000	R'000
Minor assets	-	-	50,536	-	50,536
<b>TOTAL</b>	<b>-</b>	<b>-</b>	<b>50,536</b>	<b>-</b>	<b>50,536</b>

	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
Number of R1 minor assets	-	-	8,735	-	8,735
Number of minor assets at cost	-	-	32,023	-	32,023
<b>TOTAL NUMBER OF MINOR ASSETS</b>	<b>-</b>	<b>-</b>	<b>40,758</b>	<b>-</b>	<b>40,758</b>

### 30.2 Minor assets - 2008/09

#### MINOR ASSETS OF THE DEPARTMENT AS AT 31 MARCH 2009

	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
	R'000	R'000	R'000	R'000	R'000
Minor assets	53	-	65,805	-	65,858
<b>TOTAL</b>	<b>53</b>	<b>-</b>	<b>65,805</b>	<b>-</b>	<b>65,858</b>

	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
Number of minor assets	48	-	41,148	-	41,196
<b>TOTAL NUMBER OF MINOR ASSETS</b>	<b>48</b>	<b>-</b>	<b>41,418</b>	<b>-</b>	<b>41,196</b>



## 31. Intangible Capital Assets

### MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2010

	Opening balance	Current Year Adjust- ments to prior year balances	Additions	Disposals	Closing Balance
	R'000	R'000	R'000	R'000	R'000
CAPITALISED DEVELOPMENT COSTS	9,342	(9,342)	-	-	-
COMPUTER SOFTWARE	24,679	(24,679)	-	-	-
PATENTS, LICENCES, COPYRIGHT, BRAND NAMES, TRADEMARKS	5,986	(5,986)	-	-	-
<b>TOTAL INTANGIBLE CAPITAL ASSETS</b>	<b>40,007</b>	<b>(40,007)</b>	<b>-</b>	<b>-</b>	<b>-</b>

The NPA does not own the source or object codes for the software purchased. These items are therefore classified as current expenditure and subsequently removed from the asset register.

### 31.1 Movement for 2008/09

### MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2009

	Opening balance	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000
CAPITALISED DEVELOPMENT COSTS	9,342	-	-	9,342
COMPUTER SOFTWARE	24,667	12	-	24,679
PATENTS, LICENCES, COPYRIGHT, BRAND NAMES, TRADEMARKS	5,986	-	-	5,986
<b>TOTAL INTANGIBLE CAPITAL ASSETS</b>	<b>39,995</b>	<b>12</b>	<b>-</b>	<b>40,007</b>



## 32. Immovable Tangible Capital Assets

### MOVEMENT IN IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2010

	Opening balance	Curr Year Adjust- ments to prior year balances	Additions	Disposals	Closing Balance
	R'000	R'000	R'000	R'000	R'000
BUILDINGS AND OTHER FIXED STRUCTURES	30,393	(30,393)	-	-	-
Other fixed structures	30,393	(30,393)	-	-	-
<b>TOTAL IMMOVABLE TANGIBLE CAPITAL ASSETS</b>	<b>30,393</b>	<b>(30,393)</b>	<b>-</b>	<b>-</b>	<b>-</b>

The amount of R 30,393 m was erroneously included as NPA asset in the previous year's financial statements and has been adjusted.

### 32.1 Additions

#### ADDITIONS TO IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2010

	Cash	Non-cash	(Capital Work in Progress current costs and finance lease payments)	Received current, not paid (Paid current year, received prior year)	Closing Balance
	R'000	R'000	R'000	R'000	R'000
BUILDINGS AND OTHER FIXED STRUCTURES	21,046	-	(21,046)	-	-
Other fixed structures	21,046	-	(21,046)	-	-
<b>TOTAL ADDITIONS TO IMMOVABLE TANGIBLE CAPITAL ASSETS</b>	<b>21,046</b>	<b>-</b>	<b>(21,046)</b>	<b>-</b>	<b>-</b>

### 32.2 Movement for 2008/09

#### MOVEMENT IN IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2009

	Opening balance	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000
<b>BUILDINGS AND OTHER FIXED STRUCTURES</b>	<b>30,393</b>	<b>-</b>	<b>-</b>	<b>30,393</b>
Other fixed structures	30,393	-	-	30,393
<b>TOTAL IMMOVABLE TANGIBLE ASSETS</b>	<b>30,393</b>	<b>-</b>	<b>-</b>	<b>30,393</b>



# Annexures to the Annual Financial Statements for the year ended 31 March 2010

## ANNEXURE IA

### STATEMENT OF TRANSFERS TO DEPARTMENTAL AGENCIES AND ACCOUNTS

DEPARTMENT/ AGENCY/ ACCOUNT	TRANSFER ALLOCATION				TRANSFER		2008/09
	Adjusted Appropriation Act	Roll Overs	Adjust- ments	Total Available	Actual Transfer	% of Available funds Transferred	Appro- priation Act
	R'000	R'000	R'000	R'000	R'000	%	R'000
Safety & Security Sector SETA	1,415	-	-	1,415	1,181	83%	1,240
<b>Total</b>	<b>1,415</b>	<b>-</b>	<b>-</b>	<b>1,415</b>	<b>1,181</b>		<b>1,240</b>



## ANNEXURE 1B

### STATEMENT OF TRANSFERS TO HOUSEHOLDS

HOUSEHOLDS	TRANSFER ALLOCATION				EXPENDITURE		2008/09
	Adjusted Appropriation Act	Roll Overs	Adjust- ments	Total Available	Actual Transfer	% of Available funds Transferred	Appro- priation Act
	R'000	R'000	R'000	R'000	R'000	%	R'000
<b>Transfers</b>							
Social Benefits	8,088	-	2,285	10,373	10,372	100%	5,954
Other Transfers (Claims against the State)	-	-	7,774	7,774	7,774	100%	-
<b>Total</b>	<b>8,088</b>	<b>-</b>	<b>10,059</b>	<b>18,147</b>	<b>18,146</b>		<b>5,954</b>





## ANNEXURE IC

### STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS RECEIVED

Name Of Organisation	Nature of gift, donation or sponsorship	2009/10	2008/09
		R'000	R'000
<b>Received in cash</b>			
Rand Water	Cash to buy equipment.	-	21
The Council of Europe	Refund S&T expenditure to NPA.	-	33
Meeting with Norway task team	Refund S&T expenditure to NPA.	-	34
FSB	Funds donated to cover expense for outside counsel	406	-
<b>Subtotal</b>		<b>406</b>	<b>88</b>
<b>Received in kind</b>			
CFM	Lunch for MANCO members	-	15
International Ass of Prosecutors	Sponsor trip to Singapore.	-	38
Khaya FM	Various donations	-	1
Pricewaterhousecoopers (PWC)	Various donations	2	1
Brand SA	200 Flags, Caps and vuvuzelas	10	-
Gedeon	Bus Hire	2	-
Various	Donations below R 1001	15	7
<b>Subtotal</b>		<b>29</b>	<b>62</b>
<b>TOTAL</b>		<b>435</b>	<b>150</b>



## ANNEXURE 1D

## STATEMENT OF AID ASSISTANCE RECEIVED

Name of Donor	Purpose	Opening Balance R'000	Revenue R'000	Expenditure R'000	Closing Balance R'000
<b>Received in cash</b>					
European Union	Assistance to SA Government to prevent and react tot human trafficking	534	9,000	(9,558)	(24)
Foundation for Human Rights	Implementation of recommendation of the TRC	(609)	-	-	(609)
Royal Danish Commission	Ndabezzitha Project	285	-	(4)	281
WKKELOGG	Thuthuzela training	908	-	(908)	-
CARA	To assist in various projects managed by NPA Business Units	5,187	-	(207)	4,980
<b>Subtotal</b>		<b>6,305</b>	<b>9,000</b>	<b>(10,677)</b>	<b>4,628</b>
<b>Received in kind</b>					
UNICEF	Child and woman's protection through prevention and response to violence and HIV/ AIDS	23,704	19,305	(17,506)	25,503
US Presidency	Support of PEPFAR: Thuthuzela care centres	6,373	7,478	(6,146)	7,705
USAID	Woman Justice and Empowerment Initiative	93,226	-	(14,396)	78,830
<b>Subtotal</b>		<b>123,303</b>	<b>26,783</b>	<b>(38,048)</b>	<b>112,038</b>
<b>TOTAL</b>		<b>129,608</b>	<b>35,783</b>	<b>(48,725)</b>	<b>116,666</b>

The donor funding figures in respect of donations in kind were exchanged from US dollars to ZAR. The average exchange rates used for donations received in kind are as follows:

DONOR	PERIOD	AVERAGE EXCHANGE RATE
UNICEF	April 2009 to March 2010	R 7.9
USAID	September 2008 to March 2009	R 9.3
USAID	April 2009 to March 2010	R 7.9





## ANNEXURE 2A

## STATEMENT OF FINANCIAL GUARANTEES ISSUED AS AT 31 MARCH 2010 – LOCAL

Guarantor institution	Guarantee in respect of Housing	Original guaranteed capital amount	Opening balance 1 April 2009	Guarantees draw downs during the year	Guarantees repayments/ cancelled/ reduced/ released during the year	Revaluations	Closing balance 31 March 2010	Guaranteed interest for year ended 31 March 2010	Realised losses not recoverable i.e. claims paid out
		R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
ABSA		-	1,609	120	(483)	-	1,246	-	-
BOE Bank Limited		-	13	-	-	-	13	-	-
First National Bank		-	229	-	(39)	-	190	-	-
First Rand Bank		-	752	-	(276)	-	476	-	-
Nedbank		-	635	-	(109)	-	526	-	-
Nedbank Limited		-	319	-	-	-	319	-	-
NP Development Corporation		-	44	111	-	-	155	-	-
Old Mutual Finance Limited		-	450	-	(86)	-	364	-	-
People's Bank		-	41	-	(14)	-	27	-	-
Standard Bank		-	585	-	(115)	-	470	-	-
VBS Mutual Bank		-	21	-	(21)	-	-	-	-
Ithala		-	19	-	-	-	19	-	-
Unique		-	32	-	(16)	-	16	-	-
Nedcor Investment		-	60	-	-	-	60	-	-
<b>TOTAL</b>		-	<b>4,809</b>	<b>231</b>	<b>(1,159)</b>	-	<b>3,881</b>	-	-

The opening balance of the Financial Guarantees (Housing Guarantees) has been restated as per PERSAL report (7.11.15 - State Guarantee Liability)

## ANNEXURE 2B

### STATEMENT OF CONTINGENT LIABILITIES AS AT 31 MARCH 2010

Nature of Liability	Opening Balance 1 April 2009	Liabilities incurred during the year	Liabilities paid/ cancelled/ reduced during the year	Liabilities recoverable (Provide details hereunder)	Closing Balance 31 March 2010
	R'000	R'000	R'000	R'000	R'000
<b>Claims against the department</b>					
Fleet Management	80,000	-	-	-	80,000
Occupation /specific Dispensation (OSD)	86,062	65,473	-	-	151,535
Outstanding Law suits (CS, AFU, WPU and PCLU)	28,130	14,890	(1,400)	-	41,620
Pending Employee Relation Matters	2,551	1,601	(1,411)	-	2,741
Special Investigators cost-of- living 1 July 2009	-	2,932	-	-	2,932
SMS NPA Act (Level 13 and 14) cost-of-living 1 January 2010	-	1,859	-	-	1,859
<b>Total</b>	<b>196,743</b>	<b>86,755</b>	<b>(2,811)</b>	<b>-</b>	<b>280,687</b>

The opening balance in respect of Outstanding Law suits and Pending Employee Relations Matters were restated to reflect the estimated liability amount instead of the summons amount as required in the National Treasury: Financial Reporting Framework.



## ANNEXURE 3

### CLAIMS RECOVERABLE

Government Entity	Confirmed balance outstanding		Unconfirmed balance outstanding		Total	
	31/03/2010	31/03/2009	31/03/2010	31/03/2009	31/03/2010	31/03/2009
	R'000	R'000	R'000	R'000	R'000	R'000
<b>Department</b>						
Department of Art and Culture	-	31	-	-	-	31
Department of Correctional Service	-	-	-	(12)	-	(12)
Department of Health PTMF	-	5	-	-	-	5
Department of Home Affairs	14	-	-	24	14	24
Department of Justice and Constitutional Development	-	-	64	2,781	64	2,781
Department of Public Works	-	-	-	12	-	12
Department of Transport	-	-	22	22	22	22
Department of Minerals and Energy	-	22	-	-	-	22
Statistic South Africa	-	-	-	42	-	42
Department of International Relations and Cooperation	-	-	-	461	-	461
MP: Department of Economic Development	-	9	-	-	-	9
MP: South African Social Security Agency	-	-	-	8	-	8
Department of Defence	-	-	2	-	2	-
Department of Transport: KZN	-	-	360	-	360	-
Department of Water Affairs	30	-	-	-	30	-
GP: Department of Education	-	-	9	-	9	-
South African Police Services (SAPS)	-	-	10	-	10	-
<b>Subtotal</b>	<b>44</b>	<b>67</b>	<b>468</b>	<b>3,338</b>	<b>511</b>	<b>3,405</b>
<b>Other Government Entities</b>						
North West Province	-	-	1	1	1	1
Office of the Public Protector	-	-	3	3	3	3
Business Against Crime	-	-	-	1,156	-	1,156
<b>Subtotal</b>	<b>-</b>	<b>-</b>	<b>4</b>	<b>1,160</b>	<b>4</b>	<b>1,160</b>
<b>Total</b>	<b>44</b>	<b>67</b>	<b>472</b>	<b>4,498</b>	<b>515</b>	<b>4,565</b>



## ANNEXURE 4

### INTER-GOVERNMENT PAYABLES

Government Entity	Confirmed balance outstanding		Unconfirmed balance outstanding		TOTAL	
	31/03/2010	31/03/2009	31/03/2010	31/03/2009	31/03/2010	31/03/2009
	R'000	R'000	R'000	R'000	R'000	R'000
<b>DEPARTMENTS</b>						
<b>Current</b>						
Department of Agriculture	11	-	-	-	11	-
MP: Department of Public Works, Roads and Transport	21	-	-	-	21	-
GP: Department of Health	-	-	1	-	1	-
South African Police Service (SAPS)	-	13	131	117	131	130
Department of Transport and Public Works	-	14,533	1,673	555	1,673	15,088
Department of Justice and Constitutional Development	-	1,729	75	501	75	2,230
Department of International Relations and Cooperation	-	-	80	43	80	43
Department of Correctional Services	43	-	-	14	43	14
<b>Total</b>	<b>75</b>	<b>16,275</b>	<b>1,960</b>	<b>1,230</b>	<b>2,035</b>	<b>17,505</b>

<b>Other Government Entity</b>						
<b>Current</b>						
Public Administration Leadership and Management Academy	-	80	230	-	230	80
South African Social Security Agency	-	10	10	-	10	10
<b>Total</b>	<b>-</b>	<b>90</b>	<b>240</b>	<b>-</b>	<b>240</b>	<b>90</b>



## ANNEXURE 5

### INVENTORY

	Quantity	2009/10 R'000
<b>Inventory</b>		
Opening balance	-	20,537
Add/(Less): Adjustments to prior year balance	-	(20,353)
Add: Additions/Purchases - Cash	-	20,999
Add: Additions - Non-cash	-	-
(Less): Disposals	-	-
(Less): Issues	-	(15,845)
Add/(Less): Adjustments	-	-
<b>Closing balance</b>	-	<b>5,338</b>

The manual stock take (R 5,226,407.29) is based on invoice cost whilst the total for the LOGIS store (R 111,700.09) was determined using the weighted average cost.





# HR OVERSIGHT REPORT



**TABLE 2.1 - Personnel costs by Programme**

Programme	Total Voted Expenditure (R'000)	Compensation of Employees Expenditure (R'000)	Training Expenditure (R'000)	Professional and Special Services (R'000)	Compensation of Employees as percent of Total Expenditure	Average Compensation of Employees Cost per Employee (R'000)	Employment
SP 1: Public Prosecutions	1,526,853	1,376,322	114	7,418	90.14%	343	4,007
SP 2: Witness Protection	120,223	44,544	77	33	37.05%	328	136
SP 3: Special Operations	102,567	81,957	255	5,598	79.91%	0	0
SP 4: Asset Forfeiture	78,536	61,134	65	3,364	77.84%	377	162
SP 5: Support Services	400,536	87,873	3065	17,478	21.94%	260	338
<b>Z=Total as on Financial System (BAS)</b>	<b>2,228,715</b>	<b>1,651,830</b>	<b>3,576</b>	<b>33,891</b>	<b>74.12%</b>	<b>1,308</b>	<b>4,643</b>

\* The actual expenditure for the Directorate of Special Operations is for the period before the employees were transferred to SAPS and other units within the NPA.

**TABLE 2.2 - Personnel costs by Salary band**

Salary Bands	Compensation of Employees Cost (R'000)	Percentage of Total Personnel Cost for Department	Average Compensation Cost per Employee (R)	Total Personnel Cost for Department including Goods and Transfers (R'000)	Number of Employees
Lower skilled (Levels 1-2)	959	0.1	87,182	1,680,529	11
Skilled (Levels 3-5)	30,830	1.8	130,084	1,680,529	237
Highly skilled production (Levels 6-8)	158,907	9.5	196,911	1,680,529	807
Highly skilled supervision (Levels 9-12)	1,162,408	69.2	407,291	1,680,529	2,854
Senior management (Levels 13-16)	231,013	13.7	689,591	1,680,529	335
Contract (Levels 1-2)	219	0	0	1,680,529	0
Contract (Levels 3-5)	11,943	0.7	67,858	1,680,529	176
Contract (Levels 6-8)	23,454	1.4	173,733	1,680,529	135
Contract (Levels 9-12)	25,893	1.5	327,759	1,680,529	79
Contract (Levels 13-16)	4,172	0.2	463,556	1,680,529	9
Abnormal Appointment	303	0	5,316	1,680,529	57
<b>TOTAL</b>	<b>1,650,101</b>	<b>98.2</b>	<b>351,085</b>	<b>1,680,529</b>	<b>4,700</b>

\* The information provided in this table is based on PERSAL / Vulindlela information for transactions captured on PERSAL during the reporting period.



**TABLE 2.3 - Salaries, Overtime, Home Owners Allowance and Medical Aid by Programme**

Programme	Salaries (R'000)	Salaries as % of Personnel Cost	Overtime (R'000)	Overtime as % of Personnel Cost	HOA (R'000)	HOA as % of Personnel Cost	Medical Ass. (R'000)	Medical Ass. as % of Personnel Cost	Total Personnel Cost per Programme (R'000)
National Prosecuting Authority	1,329,462	79.1	8,275	0.5	11,072	0.7	48,657	2.9	1,680,529
<b>TOTAL</b>	<b>1,329,462</b>	<b>79.1</b>	<b>8,275</b>	<b>0.5</b>	<b>11,072</b>	<b>0.7</b>	<b>48,657</b>	<b>2.9</b>	<b>1,680,529</b>

\* Total personnel cost also includes amongst other: performance rewards, service bonus, leave discounting, periodical payments and pension contribution. These are not included in the table above. The purpose of this table is to indicate the % of specific identified conditions of service.

**TABLE 2.4 - Salaries, Overtime, Home Owners Allowance and Medical Aid by Salary Band**

Salary bands	Salaries (R'000)	Salaries as % of Personnel Cost	Overtime (R'000)	Overtime as % of Personnel Cost	HOA (R'000)	HOA as % of Personnel Cost	Medical Ass. (R'000)	Medical Ass. as % of Personnel Cost	Total Personnel Cost per Salary Band (R'000)
Lower skilled (Levels 1-2)	624	65	3	0.3	33	3.4	155	16.1	960
Skilled (Levels 3-5)	21,053	68.1	357	1.2	1,176	3.8	3,037	9.8	30,906
Highly skilled production (Levels 6-8)	116,876	73.2	2,044	1.3	2,963	1.9	9,559	6	159,586
Highly skilled supervision (Levels 9-12)	928,672	78.4	5,454	0.5	6,511	0.5	31,901	2.7	1,184,242
Senior management (Levels 13-16)	196,599	82.4	115	0	391	0.2	4,006	1.7	238,707
Contract (Levels 1-2)	219	99.1	0	0	0	0	0	0	221
Contract (Levels 3-5)	11,871	99.3	70	0.6	0	0	0	0	11,957
Contract (Levels 6-8)	23,243	98.7	197	0.8	0	0	0	0	23,540
Contract (Levels 9-12)	25,830	99.6	35	0.1	0	0	0	0	25,923
Contract (Levels 13-16)	4,172	99.9	0	0	0	0	0	0	4,178
Abnormal Appointment	303	97.7	0	0	0	0	0	0	310
<b>TOTAL</b>	<b>1,329,462</b>	<b>79.1</b>	<b>8,275</b>	<b>0.5</b>	<b>11,074</b>	<b>0.7</b>	<b>48,658</b>	<b>2.9</b>	<b>1,680,530</b>

\* Total personnel cost also includes amongst other: performance rewards, service bonus, leave discounting, periodical payments and pension contribution. These are not included in the table above. The purpose of this table is to indicate the % of specific identified conditions of service.



**TABLE 3.1 - Employment and Vacancies by Programme at end of period**

Programme	Number of Posts	Number of Posts Filled	Vacancy Rate %	Number of Posts Filled Additional to the Establishment
National Prosecuting Authority, Permanent	5,562	4,643	16.5	398
<b>TOTAL</b>	<b>5,562</b>	<b>4,643</b>	<b>16.5</b>	<b>398</b>

**TABLE 3.2 - Employment and Vacancies by Salary Band at end of period**

Salary Band	Number of Posts	Number of Posts Filled	Vacancy Rate %	Number of Posts Filled Additional to the Establishment
Lower skilled (Levels 1-2), Permanent	11	11	0	1
Skilled (Levels 3-5), Permanent	321	237	26.2	0
Highly skilled production (Levels 6-8), Permanent	1,092	807	26.1	0
Highly skilled supervision (Levels 9-12), Permanent	3,378	2,854	15.5	0
Senior management (Levels 13-16), Permanent	361	335	7.2	0
Contract (Levels 3-5)	176	176	0	176
Contract (Levels 6-8)	135	135	0	134
Contract (Levels 9-12)	79	79	0	78
Contract (Levels 13-16)	9	9	0	9
<b>TOTAL</b>	<b>5,562</b>	<b>4,643</b>	<b>16.5</b>	<b>398</b>



**TABLE 3.3 - Employment and Vacancies by Critical Occupation at end of period**

Critical Occupations	Number of Posts	Number of Posts Filled	Vacancy Rate	Number of Posts Filled Additional to the Establishment
Administrative related	1,211	955	21.1	69
Advocates	658	597	9.3	8
Cleaners in offices workshops hospitals etc.	10	10	0	1
Client inform clerks(switchb recept inform clerks)	19	14	26.3	1
Communication and information related	4	1	75	0
Financial and related professionals	3	3	0	0
Financial clerks and credit controllers	2	2	0	1
General and special investigations	89	76	14.6	6
Head of department/Chief Executive Officer	2	0	100	0
Human resources & organisat developm & relate prof	3	2	33.3	1
Human resources clerks	13	12	7.7	0
Human resources related	1	1	0	0
Information technology related	1	1	0	0
Library mail and related clerks	16	14	12.5	0
Logistical support personnel	4	4	0	0
Messengers porters and deliverers	38	34	10.5	0
Military personnel	1	1	0	0
Other administrative policy and related officers	1	0	100	0
Prosecutor	3,069	2,568	16.3	303
Protection services	119	105	11.8	0
Risk management and security services	4	1	75	0
Saps	11	9	18.2	0
Secretaries & other keyboard operating clerks	11	5	54.5	0
Senior managers	272	228	16.2	8
<b>TOTAL</b>	<b>5,562</b>	<b>4,643</b>	<b>16.5</b>	<b>398</b>



**TABLE 4.1 - Job Evaluation**

Salary Band	Number of Posts	Number of Jobs Evaluated	% of Posts Evaluated	Number of Posts Upgraded	% of Upgraded Posts Evaluated	Number of Posts Downgraded	% of Downgraded Posts Evaluated
Lower skilled (Levels 1-2)	11	0	0	0	0	0	0
Contract (Levels 3-5)	176	0	0	0	0	0	0
Contract (Levels 6-8)	135	0	0	0	0	0	0
Contract (Levels 9-12)	79	0	0	0	0	0	0
Contract (Band A)	6	0	0	0	0	0	0
Contract (Band B)	3	0	0	0	0	0	0
Skilled (Levels 3-5)	321	0	0	0	0	0	0
Highly skilled production (Levels 6-8)	1,092	0	0	0	0	0	0
Highly skilled supervision (Levels 9-12)	3,378	0	0	0	0	0	0
Senior Management Service Band A (Level 13)	240	0	0	0	0	0	0
Senior Management Service Band B (Level 14)	101	0	0	0	0	0	0
Senior Management Service Band C (Level 15)	13	0	0	0	0	0	0
Senior Management Service Band D (Level 16)	7	0	0	0	0	0	0
<b>TOTAL</b>	<b>5,562</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**TABLE 4.2 - Profile of employees whose positions were upgraded due to their posts being upgraded**

Beneficiaries	African	Asian	Coloured	White	Total
Female	33	1	13	4	51
Male	0	0	0	0	0
<b>Total</b>	<b>33</b>	<b>1</b>	<b>13</b>	<b>4</b>	<b>51</b>
Employees with a Disability	0	0	0	0	0

**NOTE:** Positions upgraded emanated from a Job Evaluation conducted in the previous financial year.



**TABLE 4.3 - Employees whose salary level exceed the grade determined by Job Evaluation [i.t.o PSR I.V.C.3]**

Occupation	Number of Employees	Job Evaluation Level	Remuneration Level	Reason for Deviation	No of Employees in Dept
Specialist Office Administrator	5	7	8	The deviations are as a result of the review of the Secretary job evaluation	
Executive Secretary	15	7	9	The deviations are as a result of the review of the Secretary job evaluation	
Personal Assistant	2	7	10	The deviations are as a result of the review of the Secretary job evaluation	
<b>Total</b>	<b>22</b>				
Percentage of Total Employment	0.5				4,643

**TABLE 4.4 - Profile of employees whose salary level exceed the grade determined by job evaluation [i.t.o. PSR I.V.C.3]**

Beneficiaries	African	Asian	Coloured	White	Total
Female	13	2	2	5	22
Male	0	0	0	0	0
<b>Total</b>	<b>13</b>	<b>2</b>	<b>2</b>	<b>5</b>	<b>22</b>
Employees with a Disability	0	0	0	0	0



**TABLE 5.1 - Annual Turnover Rates by Salary Band**

Salary Band	Employment at Beginning of Period (April 2009)	Appointments	Terminations	Turnover Rate %
Lower skilled (Levels 1-2), Permanent	11	1	0	0
Skilled (Levels 3-5), Permanent	229	21	5	2.2
Highly skilled production (Levels 6-8), Permanent	831	107	26	3.1
Highly skilled supervision (Levels 9-12), Permanent	3,102	76	89	2.9
Senior Management Service Band A, Permanent	165	2	7	4.2
Senior Management Service Band B, Permanent	19	1	3	15.8
Senior Management Service Band C, Permanent	3	0	2	66.7
Senior Management Service Band D, Permanent	1	0	1	100
Other, Permanent	5	0	0	0
Contract (Levels 1-2)	0	14	14	0
Contract (Levels 3-5)	154	208	188	122.1
Contract (Levels 6-8)	116	173	143	123.3
Contract (Levels 9-12)	70	127	120	171.4
Contract (Band A)	2	8	5	250
Contract (Band B)	2	0	1	50
Contract (Band C)	1	0	0	0
<b>TOTAL</b>	<b>4,711</b>	<b>738</b>	<b>604</b>	<b>12.8</b>



**TABLE 5.2 - Annual Turnover Rates by Critical Occupation**

Occupation	Employment at Beginning of Period (April 2009)	Appoint-ments	Termi-nations	Turnover Rate %
Administrative related	761	172	133	17.5
Advocates	445	31	22	4.9
Attorneys	2	0	0	0
Cleaners in offices workshops hospitals etc.	9	1	0	0
Client inform clerks(switchb recept inform clerks)	14	4	2	14.3
Communication and information related	1	0	0	0
Custodian personnel	1	0	0	0
Custodian personnel	1	0	0	0
Engineering sciences related	1	0	0	0
Finance and economics related	9	0	1	11.1
Financial and related professionals	13	0	0	0
Financial clerks and credit controllers	9	1	1	11.1
General and special investigations	291	9	24	8.2
General legal administration & rel. professionals	86	0	0	0
Head of department/chief executive officer	1	0	0	0
Human resources & organisat developm & relate prof	6	3	2	33.3
Human resources clerks	15	0	0	0
Human resources related	6	0	0	0
Information technology related	1	0	0	0
Language practitioners interpreters & other commun	2	0	0	0
Library mail and related clerks	14	2	1	7.1
Logistical support personnel	1	0	0	0
Magistrates	3	0	0	0
Messengers porters and deliverers	26	2	0	0
Military personnel	1	0	0	0
Other administrat & related clerks and organisers	28	0	1	3.6
Other administrative policy and related officers	9	0	1	11.1
Other occupations	99	0	3	3
Prosecutor	2,535	499	391	15.4
Protection services	102	0	2	2
Rank: Unknown	2	0	0	0
Risk management and security services	1	0	0	0
Saps	6	2	2	33.3
Secretaries & other keyboard operating clerks	33	0	1	3
Security officers	1	0	0	0
Senior managers	175	12	17	9.7
Trade/industry advisers & other related professio	1	0	0	0
<b>TOTAL</b>	<b>4,711</b>	<b>738</b>	<b>604</b>	<b>12.8</b>





**TABLE 5.3 - Reasons why staff are leaving the department**

Termination Type	Number	Percentage of Total Resignations	Percentage of Total Employment	Total	Total Employment
Death, Permanent	19	3.1	0.4	604	4,711
Resignation, Permanent	99	16.4	2.1	604	4,711
Expiry of contract	459	76	9.7	604	4,711
Transfers, Permanent	6	1	0.1	604	4,711
Discharged due to ill health, Permanent	2	0.3	0	604	4,711
Dismissal-misconduct, Permanent	3	0.5	0.1	604	4,711
Retirement, Permanent	16	2.6	0.3	604	4,711
<b>TOTAL</b>	<b>604</b>	<b>100</b>	<b>12.8</b>	<b>604</b>	<b>4,711</b>

**Resignations as % of Employment**

12.8



**TABLE 5.4 - Promotions by Critical Occupation**

Occupation	Employment at Beginning of Period (April 2009)	Promotions to another Salary Level	Salary Level Promotions as a % of Employment	Progressions to another Notch within Salary Level	Notch progressions as a % of Employment
Administrative related	761	91	12	110	14.5
Advocates	445	193	43.4	7	1.6
Attorneys	2	2	100	1	50
Cleaners in offices workshops hospitals etc.	9	0	0	0	0
Client inform clerks(switchb recept inform clerks)	14	0	0	2	14.3
Communication and information related	1	1	100	0	0
Community development workers	0	1	0	0	0
Custodian personnel	1	1	100	0	0
Custodian personnel:	1	0	0	0	0
Engineering sciences related	1	0	0	0	0
Finance and economics related	9	2	22.2	2	22.2
Financial and related professionals	13	2	15.4	3	23.1
Financial clerks and credit controllers	9	1	11.1	1	11.1
General and special investigations	291	26	8.9	25	8.6
General legal administration & rel. professionals	86	31	36	1	1.2
Head of department/chief executive officer	1	1	100	0	0
Human resources & organisat developm & relate prof	6	4	66.7	1	16.7
Human resources clerks	15	0	0	5	33.3
Human resources related	6	5	83.3	1	16.7
Information technology related	1	0	0	0	0
Language practitioners interpreters & other commun	2	1	50	1	50
Library mail and related clerks	14	0	0	3	21.4
Logistical support personnel	1	1	100	2	200
Magistrates	3	2	66.7	0	0
Messengers porters and deliverers	26	2	7.7	7	26.9
Military personnel	1	0	0	0	0
Other administrat & related clerks and organisers	28	0	0	1	3.6
Other administrative policy and related officers	9	1	11.1	1	11.1
Other occupations	99	3	3	1	1
Prosecutor	2,535	540	21.3	1	0
Protection services	102	2	2	9	8.8
Rank: Unknown	2	0	0	0	0
Risk management and security services	1	0	0	0	0
Saps	6	1	16.7	0	0
Secretaries & other keyboard operating clerks	33	1	3	2	6.1
Security officers	1	0	0	0	0
Senior managers	175	19	10.9	14	8
Trade/industry advisers & other related profession	1	0	0	0	0
<b>TOTAL</b>	<b>4,711</b>	<b>934</b>	<b>19.8</b>	<b>201</b>	<b>4.3</b>



**TABLE 5.5 - Promotions by Salary Band**

Salary Band	Employment at Beginning of Period (April 2009)	Promotions to another Salary Level	Salary Level Promotions as a % of Employment	Progressions to another Notch within Salary Level	Notch progressions as a % of Employment
Lower skilled (Levels 1-2), Permanent	11	0	0	0	0
Skilled (Levels 3-5), Permanent	229	14	6.1	20	8.7
Highly skilled production (Levels 6-8), Permanent	831	55	6.6	115	13.8
Highly skilled supervision (Levels 9-12), Permanent	3,102	648	20.9	39	1.3
Senior management (Levels 13-16), Permanent	188	204	108.5	27	14.4
Other, Permanent	5	0	0	0	0
Contract (Levels 3-5)	154	7	4.5	0	0
Contract (Levels 6-8)	116	3	2.6	0	0
Contract (Levels 9-12)	70	3	4.3	0	0
Contract (Levels 13-16)	5	0	0	0	0
<b>TOTAL</b>	<b>4,711</b>	<b>934</b>	<b>19.8</b>	<b>201</b>	<b>4.3</b>



**TABLE 6.1 - Total number of Employees (incl. Employees with disabilities) per Occupational Category (SASCO)**

Occupational Categories	Male, African	Male, Coloured	Male, Indian	Male, Total Blacks	Male, White	Female, African	Female, Coloured	Female, Indian	Female, Total Blacks	Female, White	Total
Legislators, senior officials and managers, Permanent	39	7	7	53	70	21	1	9	31	19	173
Professionals, Permanent	1,246	136	59	1,441	349	678	161	142	981	476	3,247
Technicians and associate professionals, Permanent	210	28	5	243	23	438	72	24	534	70	870
Clerks, Permanent	17	0	0	17	1	56	15	4	75	20	113
Service and sales workers, Permanent	59	15	9	83	47	32	2	4	38	19	187
Elementary occupations, Permanent	21	4	0	25	2	20	2	3	25	1	53
<b>TOTAL</b>	<b>1,592</b>	<b>190</b>	<b>80</b>	<b>1,862</b>	<b>492</b>	<b>1,245</b>	<b>253</b>	<b>186</b>	<b>1,684</b>	<b>605</b>	<b>4,643</b>
Employees with disabilities	1	0	0	1	2	1	0	0	1	0	4



**TABLE 6.2 - Total number of Employees (incl. Employees with disabilities) per Occupational Bands**

Occupational Bands	Male, African	Male, Coloured	Male, Indian	Male, Total Blacks	Male, White	Female, African	Female, Coloured	Female, Indian	Female, Total Blacks	Female, White	Total
Top Management, Permanent	7	2	0	9	5	3	0	1	4	0	18
Senior Management, Permanent	50	9	13	72	121	26	7	16	49	75	317
Professionally qualified and experienced specialists and mid-management, Permanent	1,076	141	54	1,271	324	583	129	126	838	421	2,854
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent	239	20	7	266	13	377	72	18	467	61	807
Semi-skilled and discretionary decision making, Permanent	70	6	0	76	2	117	21	9	147	12	237
Unskilled and defined decision making, Permanent	0	0	0	0	0	11	0	0	11	0	11
Contract (Senior Management)	1	0	0	1	5	3	0	0	3	0	9
Contract (Professionally qualified)	28	4	2	34	10	11	6	7	24	11	79
Contract (Skilled technical)	54	4	1	59	5	52	4	4	60	11	135
Contract (Semi-skilled)	67	4	3	74	7	62	14	5	81	14	176
<b>TOTAL</b>	<b>1,592</b>	<b>190</b>	<b>80</b>	<b>1,862</b>	<b>492</b>	<b>1,245</b>	<b>253</b>	<b>186</b>	<b>1,684</b>	<b>605</b>	<b>4,643</b>



**TABLE 6.3 - Recruitment**

Occupational Bands	Male, African	Male, Coloured	Male, Indian	Male, Total Blacks	Male, White	Female, African	Female, Coloured	Female, Indian	Female, Total Blacks	Female, White	Total
Senior: Management, Permanent	1	0	0	1	0	2	0	0	2	0	3
Professionally qualified and experienced specialists and mid-management, Permanent	26	7	0	33	7	15	3	5	23	13	76
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent	45	4	1	50	5	39	5	4	48	4	107
Semi-skilled and discretionary decision making, Permanent	7	0	0	7	0	13	0	0	13	1	21
Unskilled and defined decision making, Permanent	0	0	0	0	0	1	0	0	1	0	1
Contract (Senior Management)	1	0	0	1	2	5	0	0	5	0	8
Contract (Professionally qualified)	40	10	3	53	13	21	10	15	46	15	127
Contract (Skilled technical)	65	5	1	71	6	68	9	5	82	14	173
Contract (Semi-skilled)	73	4	4	81	7	82	16	5	103	17	208
Contract (Unskilled)	10	0	0	10	0	4	0	0	4	0	14
<b>TOTAL</b>	<b>268</b>	<b>30</b>	<b>9</b>	<b>307</b>	<b>40</b>	<b>250</b>	<b>43</b>	<b>34</b>	<b>327</b>	<b>64</b>	<b>738</b>



**TABLE 6.4 - Promotions**

Occupational Bands	Male, African	Male, Coloured	Male, Indian	Male, Total Blacks	Male, White	Female, African	Female, Coloured	Female, Indian	Female, Total Blacks	Female, White	Total
Top Management, Permanent	1	0	0	1	0	0	0	0	0	0	1
Senior Management, Permanent	48	10	12	70	64	21	8	15	44	52	230
Professionally qualified and experienced specialists and mid-management, Permanent	257	19	19	295	86	134	32	38	204	102	687
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent	61	4	4	69	3	71	15	0	86	12	170
Semi-skilled and discretionary decision making, Permanent	12	2	0	14	0	17	0	1	18	2	34
Contract (Professionally qualified)	1	1	0	2	0	1	0	0	1	0	3
Contract (Skilled technical)	0	0	0	0	0	3	0	0	3	0	3
Contract (Semi-skilled)	1	0	0	1	0	6	0	0	6	0	7
<b>TOTAL</b>	<b>381</b>	<b>36</b>	<b>35</b>	<b>452</b>	<b>153</b>	<b>253</b>	<b>55</b>	<b>54</b>	<b>362</b>	<b>168</b>	<b>1,135</b>

	Male, African	Male, Coloured	Male, Indian	Male, Total Blacks	Male, White	Female, African	Female, Coloured	Female, Indian	Female, Total Blacks	Female, White	Total
Employees with disabilities	0	0	0	0	3	0	0	0	0	0	3



**TABLE 6.5 - Terminations**

Occupational Bands	Male, African	Male, Coloured	Male, Indian	Male, Total Blacks	Male, White	Female, African	Female, Coloured	Female, Indian	Female, Total Blacks	Female, White	Total
Top Management, Permanent	1	0	0	1	1	0	0	0	0	1	3
Senior Management, Permanent	2	0	1	3	1	2	1	0	3	3	10
Professionally qualified and experienced specialists and mid-management, Permanent	30	6	2	38	13	13	3	2	18	20	89
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent	10	1	1	12	0	6	1	0	7	7	26
Semi-skilled and discretionary decision making, Permanent	3	0	0	3	1	0	1	0	1	0	5
Contract (Senior Management)	0	0	0	0	2	4	0	0	4	0	6
Contract (Professionally qualified)	39	10	4	53	14	22	7	13	42	11	120
Contract (Skilled technical)	61	5	0	66	2	51	10	4	65	10	143
Contract (Semi-skilled)	61	4	2	67	10	76	13	5	94	17	188
Contract (Unskilled)	10	0	0	10	0	4	0	0	4	0	14
<b>TOTAL</b>	<b>217</b>	<b>26</b>	<b>10</b>	<b>253</b>	<b>44</b>	<b>178</b>	<b>36</b>	<b>24</b>	<b>238</b>	<b>69</b>	<b>604</b>

**TABLE 6.6 - Disciplinary Action**

Disciplinary Action	Male, African	Male, Coloured	Male, Indian	Male, Total Blacks	Male, White	Female, African	Female, Coloured	Female, Indian	Female, Total Blacks	Female, White	Total	Not Available
TOTAL	47	6	1	54	5	7	1	3	11	2	72	0





**TABLE 6.7 - Skills Development**

Occupational Categories	Male, African	Male, Coloured	Male, Indian	Male, Total Blacks	Male, White	Female, African	Female, Coloured	Female, Indian	Female, Total Blacks	Female, White	Total
Legislators, Senior Officials and Managers	157	17	17	191	44	190	17	22	229	45	509
Professionals	61	2	2	65	14	62	5	11	78	5	162
Technicians and Associate Professionals	21	1	4	26	4	12	1	4	17	3	50
Clerks	0	0	0	0	0	0	0	0	0	0	0
Service and Sales Workers	0	0	0	0	0	0	0	0	0	0	0
Skilled Agriculture and Fishery Workers	0	0	0	0	0	0	0	0	0	0	0
Craft and related Trades Workers	0	0	0	0	0	0	0	0	0	0	0
Plant and Machine Operators and Assemblers	0	0	0	0	0	0	0	0	0	0	0
Elementary Occupations	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>239</b>	<b>20</b>	<b>23</b>	<b>282</b>	<b>62</b>	<b>264</b>	<b>23</b>	<b>37</b>	<b>324</b>	<b>53</b>	<b>721</b>
Employees with disabilities	0	0	0	0	0	0	0	0	0	0	0



**TABLE 7.1 - Performance Rewards by Race, Gender and Disability**

Demographics	Number of Beneficiaries	Total Employment	Percentage of Total Employment	Cost (R'000)	Average Cost per Beneficiary (R)
African, Female	164	1244	13.2	2,614	15,939
African, Male	185	1591	11.6	4,104	22,183
Asian, Female	60	186	32.3	1,760	29,330
Asian, Male	18	80	22.5	582	32,336
Coloured, Female	57	253	22.5	1,117	19,601
Coloured, Male	30	190	15.8	761	25,352
Total Blacks, Female	281	1683	16.7	5,491	19,541
Total Blacks, Male	233	1861	12.5	5,446	23,375
White, Female	201	605	33.2	6,167	30,683
White, Male	162	490	33.1	5,885	36,329
Employees with a disability	1	4	25	40	39,828
<b>TOTAL</b>	<b>878</b>	<b>4643</b>	<b>18.9</b>	<b>23,030</b>	<b>26,230</b>

\* The cost total does not include payments to employees who already left the service as they were not paid through PERSAL.

**TABLE 7.2 - Performance Rewards by Salary Band for Personnel below Senior Management Service**

Salary Band	Number of Beneficiaries	Total Employment	Percentage of Total Employment	Cost (R'000)	Average Cost per Beneficiary (R)
Lower skilled (Levels 1-2)	1	11	9.1	5	5,000
Skilled (Levels 3-5)	61	237	25.7	499	8,180
Highly skilled production (Levels 6-8)	170	807	21.1	2,066	12,153
Highly skilled supervision (Levels 9-12)	527	2854	18.5	15,273	28,981
Contract (Levels 3-5)	0	176	0	0	0
Contract (Levels 6-8)	0	135	0	0	0
Contract (Levels 9-12)	1	79	1.3	21	21,000
Abnormal Appointment	0	57	0	0	0
<b>TOTAL</b>	<b>760</b>	<b>4356</b>	<b>17.4</b>	<b>17,864</b>	<b>23,505</b>



**TABLE 7.3 - Performance Rewards by Critical Occupation**

Critical Occupations	Number of Beneficiaries	Total Employment	Percentage of Total Employment	Cost (R'000)	Average Cost per Beneficiary (R)
Administrative related	205	859	23.9	2,756	13,444
Advocates	104	457	22.8	4,352	41,846
Attorneys	1	3	33.3	33	33,000
Cleaners in offices workshops hospitals etc.	1	10	10	5	5,000
Client inform clerks (switchboard reception inform clerks)	1	13	7.7	6	6,000
Communication and information related	0	2	0	0	0
Custodian personnel	1	1	100	25	25,000
Custodian personnel:	0	1	0	0	0
Finance and economics related	1	8	12.5	25	25,000
Financial and related professionals	5	12	41.7	98	19,600
Financial clerks and credit controllers	5	9	55.6	53	10,600
General and special investigations	44	76	57.9	1,341	30,477
General legal administration & rel. professionals	23	83	27.7	940	40,870
Head of department/ chief executive officer	0	1	0	0	0
Human resources & organisational development & related professions	2	7	28.6	68	34,000
Human resources clerks	7	15	46.7	108	15,429
Human resources related	2	9	22.2	63	31,500
Information technology related	0	1	0	0	0
Language practitioners interpreters & other communication	0	2	0	0	0
Library mail and related clerks	2	16	12.5	22	11,000
Logistical support personnel	0	3	0	0	0
Magistrates	1	2	50	33	33,000
Messengers porters and deliverers	6	28	21.4	39	6,500
Military personnel	0	1	0	0	0
Other administrative & related clerks and organisers	6	26	23.1	58	9,667
Other administrative policy and related officers	6	8	75	140	23,333
Other occupations	7	15	46.7	150	21,429
Prosecutor	380	2,660	14.3	10,667	28,071
Protection services	13	102	12.7	289	22,231
Risk management and security services	0	1	0	0	0
Saps	1	7	14.3	22	22,000
Secretaries & other keyboard operating clerks	16	32	50	220	13,750
Senior managers	38	172	22.1	1,517	39,921
Trade/industry advisers & other related professions	0	1	0	0	0
<b>TOTAL</b>	<b>878</b>	<b>4,643</b>	<b>18.9</b>	<b>23,030</b>	<b>26,230</b>



**TABLE 7.4 - Performance Related Rewards (Cash Bonus) by Salary Band for Senior Management Service**

SMS Band	Number of Beneficiaries	Total Employment	Percentage of Total Employment	Cost (R'000)	Average Cost per Beneficiary (R)	% of SMS Wage Bill	Personnel Cost SMS (R'000)
Band A	10	223	4.5	325	3,250	0.2	139,837
Band B	32	103	31.1	1,292	4,038	1.6	80,408
Band C	6	13	46.2	259	4,317	5	5,199
Band D	0	5	0	0	0	0	0
<b>TOTAL</b>	<b>48</b>	<b>344</b>	<b>14</b>	<b>1,876</b>	<b>3,908.3</b>	<b>0.8</b>	<b>225,444</b>

**TABLE 8.1 - Foreign Workers by Salary Band**

Salary Band	Employment at Beginning Period	Percentage of Total	Employment at End of Period	Percentage of Total	Change in Employment	Percentage of Total	Total Employment at Beginning of Period	Total Employment at End of Period	Total Change in Employment
Skilled (Levels 3-5)	1	50	1	50	0	0	2	2	0
Highly skilled production (Levels 6-8)	0	0	1	50	1	0	2	2	0
Highly skilled supervision (Levels 9-12)	1	50	0	0	-1	0	2	2	0
<b>TOTAL</b>	<b>2</b>	<b>100</b>	<b>2</b>	<b>100</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>6</b>	<b>0</b>

**TABLE 8.2 - Foreign Workers by Major Occupation**

Major Occupation	Employment at Beginning Period	Percentage of Total	Employment at End of Period	Percentage of Total	Change in Employment	Percentage of Total	Total Employment at Beginning of Period	Total Employment at End of Period	Total Change in Employment
Professionals and managers	2	100	2	100	0	0	2	2	0
<b>TOTAL</b>	<b>2</b>	<b>100</b>	<b>2</b>	<b>100</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>0</b>



**TABLE 9.1 - Sick Leave for Jan 2009 to Dec 2009**

Salary Band	Total Days	% Days with Medical Certification	Number of Employees using Sick Leave	% of Total Employees using Sick Leave	Average Days per Employee	Estimated Cost (R'000)	Total number of Employees using Sick Leave	Total number of days with medical certification
Lower skilled (Levels 1-2)	90	98.9	9	0.3	10	17	3,180	89
Skilled (Levels 3-5)	1338	80.2	194	6.1	7	377	3,180	1,073
Highly skilled production (Levels 6-8)	4,446	83.1	627	19.7	7	1,979	3,180	3,695
Highly skilled supervision (Levels 9-12)	13,487	86.1	2,017	63.4	7	15,960	3,180	11,615
Senior management (Levels 13-16)	1307	82.2	200	6.3	7	3,342	3,180	1,074
Contract (Levels 1-2)	9	55.6	4	0.1	2	2	3,180	5
Contract (Levels 3-5)	107	65.4	23	0.7	5	32	3,180	70
Contract (Levels 6-8)	2205	82.1	57	1.8	4	107	3,180	181
Contract (Levels 9-12)	157	77.1	44	1.4	4	144	3,180	121
Contract (Levels 13-16)	17	70.6	5	0.2	3	44	3,180	12
<b>TOTAL</b>	<b>21,178.5</b>	<b>84.7</b>	<b>3,180</b>	<b>100</b>	<b>7</b>	<b>22,004</b>	<b>3,180</b>	<b>17,935</b>

**TABLE 9.2 - Disability Leave (Temporary and Permanent) for Jan 2009 to Dec 2009**

Salary Band	Total Days	% Days with Medical Certification	Number of Employees using Disability Leave	% of Total Employees using Disability Leave	Average Days per Employee	Estimated Cost (R'000)	Total number of days with medical certification	Total number of Employees using Disability Leave
Skilled (Levels 3-5)	227	100	6	9.5	38	59	227	63
Highly skilled production (Levels 6-8)	112	100	8	12.7	14	48	112	63
Highly skilled supervision (Levels 9-12)	910	100	46	73	20	1,309	910	63
Senior management (Levels 13-16)	57	100	3	4.8	19	153	57	63
<b>TOTAL</b>	<b>1,306</b>	<b>100</b>	<b>63</b>	<b>100</b>	<b>21</b>	<b>1,569</b>	<b>1,306</b>	<b>63</b>



**TABLE 9.3 - Annual Leave for Jan 2009 to Dec 2009**

Salary Band	Total Days Taken	Average days per Employee	Number of Employees who took leave
Lower skilled (Levels 1-2)	214	19	11
Skilled (Levels 3-5)	4,726	20	237
Highly skilled production (Levels 6-8)	15,335	18	832
Highly skilled supervision (Levels 9-12)	60,730.48	20	3,034
Senior management (Levels 13-16)	8,444.6	23	365
Contract (Levels 1-2)	36	7	5
Contract (Levels 3-5)	343	10	36
Contract (Levels 6-8)	684.92	7	102
Contract (Levels 9-12)	570	9	63
Contract (Levels 13-16)	103	15	7
<b>TOTAL</b>	<b>91,187</b>	<b>19</b>	<b>4,692</b>

**TABLE 9.4 - Capped Leave for Jan 2009 to Dec 2009**

Salary Band	Total days of capped leave taken	Average number of days taken per employee	Average capped leave per employee as at 31 December 2009	Number of Employees who took Capped leave	Total number of capped leave available at 31 December 2009	Number of Employees as at 31 December 2009
Skilled (Levels 3-5)	6	6	27	1	655	24
Highly skilled production (Levels 6-8)	181	10	37	19	4,804	131
Highly skilled supervision (Levels 9-12)	678	5	44	124	51,617	1,186
Senior management (Levels 13-16)	228	7	69	31	20,419	297
<b>TOTAL</b>	<b>1,093</b>	<b>6</b>	<b>47</b>	<b>175</b>	<b>77,495</b>	<b>1,638</b>

**TABLE 9.5 - Leave Payouts**

Reason	Total Amount (R'000)	Number of Employees	Average Payment per Employee (R)
Capped leave payouts on termination of service for 2009/10	675	51	13,235
<b>TOTAL</b>	<b>675</b>	<b>51</b>	<b>13,235</b>

**TABLE 10.1 - Steps taken to reduce the risk of occupational exposure**

Units/categories of employees identified to be at high risk of contracting HIV & related diseases (if any)	Key steps taken to reduce the risk
The NPA did not conduct a prevalence study but relied on the findings of the South African National HIV Prevalence, Incidence, Behaviour and Communication Survey, 2008.	Condoms were made accessible at the workplace to promote safe and protective sexual behaviour.



**TABLE 10.2 - Details of Health Promotion and HIV/AIDS Programmes**

Question	Yes	No	Details, if yes
1. Has the department designated a member of the SMS to implement the provisions contained in Part VI E of Chapter 1 of the Public Service Regulations, 2001? If so, provide her/his name and position.	Yes		Ms Matshidiso Modise Executive Manager: HRM&D
2. Does the department have a dedicated unit or have you designated specific staff members to promote health and well being of your employees? If so, indicate the number of employees who are involved in this task and the annual budget that is available for this purpose.	Yes		The NPA has an Employee Wellness Programme with three permanent staff qualified in the field of Psychology and Social Work. Counselling and Trauma management services are being outsourced to external service providers to ensure availability of the service to employees in all its regions. The budget was approximately R2 million.
3. Has the department introduced an Employee Assistance or Health Promotion Programme for your employees? If so, indicate the key elements/ services of the programme.	Yes		The NPA has an Employee Wellness Programmes that provides Psycho-social counselling and support services. Health promotion and education initiatives and Pro-Active Wellness Works such as Stress Management and Relationship Building Workshops. EAP training is offered to managers and employees at all levels of operations.
4. Has the department established (a) committee(s) as contemplated in Part VI E5 (e) of Chapter 1 of the Public Service Regulations, 2001? If so, please provide the names of the members of the committee and the stakeholder(s) that they represent.	Yes		The NPA has established an EWP Action Committee constituting of employees representing various Business Units. Mona Moerane                      Communication unit Moipone Khaeane                NPS Tshiamo Moela                    PCLU Mokgadi Bokaba                 AFU Phuthi Semanya                 Employee Wellness Programme (HRM&D) Mmathapelo Molefe              Employee Wellness Programme Mamokete Ramoshaba         IMU Mncedisi Sineke                 HR.
5. Has the department reviewed the employment policies and practices of your department to ensure that these do not unfairly discriminate against employees on the basis of their HIV status? If so, list the employment policies/practices so reviewed.	Yes		The policy on HIV&AIDS was signed signed off in 2007 by the NPA.
6. Has the department introduced measures to protect HIV-positive employees or those perceived to be HIV-positive from discrimination? If so, list the key elements of these measures.	Yes		Seventy three (73) prosecutors working in lower courts attended the HIV&AIDS Human Rights and the Law workshops to address amongst others issues of stigma and discrimination in the workplace. The HIV and AIDS policy does make a statement that prevents discrimination against people living with HIV&AIDS.  Seventy two (72) Peer Educators were trained nationally to ensure continuous training on HIV&AIDS. Workshops and group discussions were organised to educate employees about HIV&AIDS and to destigmatise it amongst NPA employees. Involvement of people living with HIV in all our national events.
7. Does the department encourage its employees to undergo Voluntary Counselling and Testing? If so, list the results that you have achieved.	Yes		A Memorandum of Understanding was signed with JHPIEGO to offer worksite VCT and referral services. One hundred and sixty one (161) employees were tested for HIV between May 2009 and February 2010. People Living with HIV&AIDS were involved in all NPA National AIDS Commemorations Day events to encourage employees to go for testing.
8. Has the department developed measures/ indicators to monitor & evaluate the impact of your health promotion programme? If so, list these measures/indicators.	Yes		Quarterly reports are used to monitor the utilization rate of HIV&AIDS and other health and Wellness services, Workshops and training evaluation forms are used to measure employees' perception and attitude towards rendered services.



**TABLE 11.1 - Collective Agreements**

Subject Matter	Date
None	

**TABLE 11.2 - Misconduct and Discipline Hearings Finalised**

Outcomes of disciplinary hearings	Number	Percentage of Total	Total
Dismissal	10	14%	
Termination for incapacity (medical boarding)	1	1%	
Demotion / transfer	2	3%	
Suspension without pay	2	3%	
Warning (written/final)	10	14%	
Resignation	2	3%	
Not guilty	1	1%	
Withdrawn / set aside	10	14%	
Counselling	11	15%	
Finalised	49	68%	
Pending	23	32%	
<b>TOTAL</b>	<b>72</b>	<b>100%</b>	<b>72</b>

**TABLE 11.3 - Types of Misconduct Addressed and Disciplinary Hearings**

Type of misconduct	Number	Percentage of Total	Total
Theft, bribery, corruption, defeating the ends of justice, dishonesty and fraud	27	38%	
Improper, disgraceful and unacceptable conduct at work	5	7%	
Negligence	1	1%	
Poor performance / incapacity	3	4%	
Racism	2	3%	
Failure to follow procedures	4	6%	
Mis-management	3	4%	
Dereliction of duty	6	8%	
Misrepresentation	2	3%	
Assault	2	3%	
Bringing the organisation into dis-repute / prejudicing the administration/efficiency	7	10%	
Absenteeism	2	3%	
Abuse of state property	4	6%	
Under influence of alcohol	1	1%	
Sexual harassment	1	1%	
Financial misconduct	1	1%	
Unauthorized possession	1	1%	
<b>TOTAL</b>	<b>72</b>	<b>100%</b>	<b>72</b>





**TABLE 11.4 - Grievances Lodged**

Number of grievances addressed	Number	Percentage of Total	Total
Finalised	106	61%	
Pending	69	39%	
<b>TOTAL</b>	<b>175</b>	<b>100%</b>	<b>175</b>

**TABLE 11.5 - Disputes Lodged**

Number of disputes addressed	Number	% of total
Upheld	3	2%
Dismissed / withdrawn / settled	87	62%
Pending	51	36%
<b>TOTAL</b>	<b>141</b>	<b>100%</b>

**TABLE 11.6 - Strike Actions**

Strike Actions	
Total number of person working days lost	0
Total cost(R'000) of working days lost	0
Amount (R'000) recovered as a result of no work no pay	0

**TABLE 11.7 - Precautionary Suspensions**

Precautionary Suspensions	
Number of people suspended/ special leave	21
Number of people whose suspension exceeded 30 days	21
Average number of days suspended	80
Cost (R'000) of suspensions (approximate)	4,114



**TABLE 12.1 - Training Needs identified**

Occupational Categories	Gender	Employment	Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	50	0	274	0	274
	Male	123	0	235	0	235
Professionals	Female	1,457	0	79	0	79
	Male	1,790	0	83	0	83
Technicians and associate professionals	Female	604	0	30	0	30
	Male	266	0	20	0	20
Clerks	Female	95	0	0	0	0
	Male	18	0	0	0	0
Service and sales workers	Female	57	0	0	0	0
	Male	130	0	0	0	0
Skilled agriculture and fishery workers	Female	0	0	0	0	0
	Male	0	0	0	0	0
Craft and related trades workers	Female	0	0	0	0	0
	Male	0	0	0	0	0
Plant and machine operators and assemblers	Female	0	0	0	0	0
	Male	0	0	0	0	0
Elementary occupations	Female	26	0	0	0	0
	Male	27	0	0	0	0
Gender sub totals	Female	2,289	0	383	0	383
	Male	2,354	0	338	0	338
<b>Total</b>		<b>4,643</b>	<b>0</b>	<b>721</b>	<b>0</b>	<b>721</b>



**TABLE 12.2 - Training Provided**

Occupational Categories	Gender	Employment	Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	50	0	274	0	274
	Male	123	0	235	0	235
Professionals	Female	1,457	0	79	0	79
	Male	1,790	0	83	0	83
Technicians and associate professionals	Female	604	0	30	0	30
	Male	266	0	20	0	20
Clerks	Female	95	0	0	0	0
	Male	18	0	0	0	0
Service and sales workers	Female	57	0	0	0	0
	Male	130	0	0	0	0
Skilled agriculture and fishery workers	Female	0	0	0	0	0
	Male	0	0	0	0	0
Craft and related trades workers	Female	0	0	0	0	0
	Male	0	0	0	0	0
Plant and machine operators and assemblers	Female	0	0	0	0	0
	Male	0	0	0	0	0
Elementary occupations	Female	26	0	0	0	0
	Male	27	0	0	0	0
Gender sub totals	Female	2,289	0	383	0	383
	Male	2,354	0	338	0	338
<b>Total</b>		<b>4,643</b>	<b>0</b>	<b>721</b>	<b>0</b>	<b>721</b>



**TABLE 13.1 - Injury on Duty**

Nature of injury on duty	Number	% of total
Required basic medical attention only	0	0
Temporary Total Disablement	36	97.3
Permanent Disablement	0	0
Fatal	1	2.7
<b>Total</b>	<b>37</b>	<b>100</b>

**TABLE 14.1 - Report on consultant appointments using appropriated funds**

Project Title	Total number of consultants that worked on the project	Duration: Work days	Contract value in Rand
HRM&D	17	01 April 2009 to 31 March 2010	Refer to total below
AFU	5	01 April 2009 to 31 March 2010	Refer to total below
PMO	9	01 April 2009 to 31 March 2010	Refer to total below
FLEET & FACILITIES MANAGEMENT	8	01 April 2009 to 31 March 2010	Refer to total below
SUPPLY CHAIN MANAGEMENT	6	01 April 2009 to 31 March 2010	Refer to total below
FINANCE	1	01 April 2009 to 31 March 2010	Refer to total below
NPS	1	01 April 2009 to 31 March 2010	Refer to total below
DOCUMENT CENTRE	12	01 April 2009 to 31 March 2010	Refer to total below
DSO	2	01 April 2009 to 31 March 2010	Refer to total below
IMU	1	01 April 2009 to 31 March 2010	Refer to total below
<b>Total number of projects</b>	<b>Total individual consultants</b>	<b>Total duration: Work days</b>	<b>Total contract value in Rand</b>
10	62	01 April 2009 to 31 March 2010	17,353,679



**TABLE 14.2 - Analysis of consultant appointments using appropriated funds, i.t.o. HDIs**

Project Title	Percentage ownership by HDI groups	Percentage management by HDI groups	Number of Consultants from HDI groups that work on the project
HRM&D	100% Tipp Focus & SGI, 76,1% Faranani	100% Tipp Focus & SGI 77% Faranani	13
AFU	100% Tipp Focus & SGI 76,1% Faranani	100% Tipp Focus & SGI 77% Faranani	1
PMO	100% Tipp Focus & SGI 76,1% Faranani	100% Tipp Focus & SGI 77% Faranani	4
FLEET & FACILITIES MANAGEMENT	100% Tipp Focus & SGI 76,1% Faranani	100% Tipp Focus & SGI 77% Faranani	7
SUPPLY CHAIN MANAGEMENT	100% Tipp Focus & SGI 76,1% Faranani	100% Tipp Focus & SGI 77% Faranani	5
FINANCE	100% Tipp Focus & SGI 76,1% Faranani	100% Tipp Focus & SGI 77% Faranani	1
NPS	100% Tipp Focus & SGI 76,1% Faranani	100% Tipp Focus & SGI 77% Faranani	1
DOCUMENT CENTRE	100% Tipp Focus & SGI 76,1% Faranani	100% Tipp Focus & SGI 77% Faranani	11
DSO	100% Tipp Focus & SGI % Faranani	100% Tipp Focus & SGI 77% Faranani	0
IMU	100% Tipp Focus & SGI 76,1% Faranani	100% Tipp Focus & SGI 77% Faranani	1

**TABLE 14.3 - Report on consultant appointments using Donor Funds**

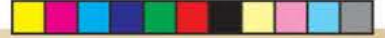
Project Title	Total number of consultants that worked on the project	Duration: Work days	Donor and Contract value in Rand
Accelerating child protection through prevention and response to sexual violence and HIV/AIDS in SA	6	13 December 2007 to 31 March 2011	R 50,000,000.00
Women Justice and Empowerment Initiative	3	22 September 2008 to 30 September 2011	R 11,700,000.00

**TABLE 14.4 - Analysis of consultant appointments using Donor funds, i.t.o. HDIs**

Project Title	Percentage ownership by HDI groups	Percentage management by HDI groups	Number of Consultants from HDI groups that work on the project
Accelerating child protection through prevention and response to sexual violence and HIV/AIDS in SA	NGO	UNICEF	6
Women Justice and Empowerment Initiative	NGO	USAID	1







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