

Justice • Freedom • Security

2008/09



National Prosecuting Authority

Annual Report 2008/09



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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Submission of the Annual Report to the Executive Authority

To: Mr Jeff Radebe, Minister for Justice and Constitutional Development

I have the honour of submitting the 2008/2009 Annual Report of the National Prosecuting Authority in terms of the Public Finance Management Act, 1999



Dr Khotso De Wee

Chief Executive Officer (Acting)

August 2009



Introduction by the National Director of Public Prosecutions

The National Prosecuting Authority (NPA) upholds 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 strive to realise the long term vision of ensuring justice in our society so that people can live in freedom and security. As part of the criminal justice cluster, the NPA co-operated with its partners in the review of the Criminal Justice System (CJS) that is aimed at enhancing all the structures involved in the fight against crime and improving co-operation and co-ordination within the justice system.



Towards the end of 2008, the NPA welcomed the Minister of Justice and Constitutional Development, Mr Mohamed Enver Surty. Although Mr. Surty served for a short period, the NPA valued the support the Minister provided. The organisation as a whole looks forward to establishing a good working relationship with the new Minister, Mr Jeff Radebe.

Last year proved to be an extremely trying period for the NPA, with many high profile events impacting on the image of the organisation. Although the organisation remained firmly resolved not to veer from the path that the Constitution and the NPA Act clearly set out, this transitional period proved to be particularly difficult for those men and women who served in the DSO. The year was marked by continued deliberations regarding the relocation and disbandment of the DSO and many difficult decisions had to be made by executive management. Despite great efforts to manage the impact of these resolutions, individual employees and their families were affected. The NPA wishes to commend those individuals who continued to fulfil their duties diligently and effectively despite the uncertain environment they worked in during this period. We wish those DSO members who have already moved on, success in their endeavours. We are also encouraged by the commitment shown by those who have agreed to transfer to the Directorate of Priority Crime Investigations (DPCI) to make a success of the new unit under the South African Police Service (SAPS).

There were highlights and celebrations in the past year, and good work was done by the NPA in many areas with improvements on the performance of last year. The performance achievements within this period are dividends of the work of dedicated and committed employees led by a strong management and leadership corp.

The NPA celebrated the launch of its organisational values: accountability, credibility, integrity, service excellence and professionalism. In the spirit of these values, employees embraced change and challenge alike, put their heads down and served customers without respite. The operational performance of the NPA improved in several areas. The Asset Forfeiture Unit (AFU) recorded its best year to date in spite of decreased referrals from the DSO. The National Prosecutions Service (NPS) finalised more cases through the controlled use of suitable alternative justice mechanisms. The use of alternatives allowed the courts to focus on cases where full prosecution was the given course of action.

Overall the conviction rate is extremely satisfactory. Specific mention should be made of the work of the Specialised Commercial Crime Unit (SCCU) for achieving a conviction rate of 93, 7% and the DSO for achieving a conviction rate of 98% during a very taxing period. The withdrawals in all courts have been reduced significantly which indicates that the screening of cases improved. When cases are carefully screened, time and effort are significantly reduced. The investment and focused attention in this area paid off and it is an encouraging step in the right direction. Hard work and dedication by all the Criminal Justice Departments also ensured a reduction in the number of awaiting trial detainees.

During the reporting period the NPA ensured that no witnesses on the witness protection programme were harmed or threatened by the parties from whom they were protected. There has been a significant increase in the number of people who walked off the programme. This should be clarified in the context of the amended definition to include all persons who left the programme before testifying.

The NPA established seven Thuthuzela Care Centres (TCCs), bringing the total to 17 in South Africa, in support of the victims of crime, particularly the victims of sexual offences who are mainly women and children. Relations with the Southern African Development Community (SADC) and other African countries were sustained by sharing knowledge acquired in the areas of victim support and human trafficking.

In terms of financial governance, the NPA had challenges in budgeting for operations. These constraints were the result



of the reprioritisation of funds to ensure the implementation of the Occupation Specific Dispensation (OSD) for Legally Qualified Personnel.

Requests for Mutual Legal Assistance

During the reporting period the NPA registered fifty six (56) new applications for Mutual Legal Assistance (MLA), and finalised eighty four (84) applications carried over from the previous financial year. Forty three (43) of the requests were received from a wide range of countries, such as Finland, Brazil, the Czech Republic, Zimbabwe, the Russian Federation, Argentina, Cyprus, Austria, Spain, Malawi, the Netherlands, Germany, the United Kingdom (UK), Luxembourg, Switzerland, Belgium, Tanzania, Canada, Germany, Denmark, Australia, France, the United States of America (USA), the Kingdom of Lesotho, Hong Kong and Thailand.

Thirteen (13) requests for MLA were issued by the NPA to countries such as Zimbabwe, Portugal, Sweden, Belgium, Monaco, the United Arab Emirates (UAE), Switzerland, Lichtenstein and Botswana.

Extraditions


The NPA registered twenty one (21) requests for extradition of individuals from South Africa in the past year. Of these, fifteen (15) requests were received from countries such as Swaziland, Botswana, the UK, Namibia, Ghana, Hungary and Portugal. Six (6) requests for extradition were issued by South Africa to inter alia, Namibia, the UK and the USA. The NPA finalised 25 matters during the year.

Following discussions with the former Deputy Minister of Justice and Constitutional Development a joint DoJ&CD/NPA committee was established to draft terms of reference with regard to future co-operation in all matters relating to MLA and Extraditions. Draft guidelines were received from the DoJ&CD relating to MLA and Extradition matters. These guidelines are being discussed and inputs collated.

In the Quagliani matter the court held that the Extradition Agreement between the USA and the Republic of South Africa was valid and enforceable. This is significant progress and matters that were previously removed from the roll due to the initial judgment which found the treaty to be unenforceable, can be reinstated and pursued. The decision also allowed the NPA to finalise the Goodwin matter which is part of the greater Fidentia investigation. A request for the extradition of Mr Goodwin was addressed to the USA during April 2008 but given the initial decisions on the treaty, he opposed the request and litigation ensued in both South Africa and the USA. However, the abovementioned decision prompted Mr Goodwin to cease his opposition and he returned voluntarily to South Africa where the matter was successfully finalised with a plea agreement which entailed a significant period of imprisonment.

Acknowledgement

I wish to thank all NPA employees for remaining steadfast during the past year. Prosecutors have not allowed the upheaval relating to high profile matters, and the disbandment of the DSO to cause them to falter in delivering a service to our customers. Last year, faced with drafting a similar acknowledgement, I hoped that the coming year would be marked by less turbulence, but that has not been the case. Nonetheless, the NPA has taken significant steps on the road to recovering from the setbacks. Unfortunately the position of the National Director of Public Prosecutions (NDPP) remains unresolved after the dismissal of Adv. Vusi Pikoli and his subsequent court challenge which must still be finalised. Even so, the NPA embraces the change in government leadership and looks forward to rebuilding the NPA. The appointment of Dr Khotso De Wee as the Acting Chief Executive Officer (ACEO) has already aided the organisation in many ways and significant progress has been made in addressing the audit findings of last year under his leadership. He has also managed to regroup Corporate Services (CS). As they put it in nautical terms, full steam ahead, colleagues.



Adv. Mokotedi J Mpshe SC

Acting National Director of Public Prosecutions



Overview of the Service Delivery Environment for 2008/09

The NPA has to deliver services within a complex environment with a very diverse society where there are large disparities in income and access to justice. It is a society where dealing with crime effectively has become one of its major concerns.

The Criminal Justice System (CJS) depends on the co-operation of all the role-players to ensure that justice is delivered effectively to all people. The NPA is one of these key institutions of the State that aims to combat crime and to ensure justice for all. The organisation cannot function without working with its partners in government, the private sector and the South African and global community.

The high crime levels, the continuously changing nature of crime, and the growing sophistication of crime syndicates, perpetrators and their methods, place a huge burden on the CJS. The challenge therefore is to find innovative and smart ways to ensure that the justice system can deal successfully with these demands, but also to find ways to reduce the demands on the system.

The NPA has experienced a great deal of publicity recently and not all has been positive. There appears to be a misconception about the mandate and core function of the NPA, a matter that focuses our communication unit even more to enhance its public education and awareness campaigns.

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 has become a major challenge and a focused recruitment drive has been put in place to alleviate the problem.

In addition to this, the physical infrastructure constraints, particularly at the lower courts, in terms of factors such as accommodation, working conditions and other resources, are reaching serious proportions. These factors impact on the ability of the system and its people to work productively and deal with cases efficiently and effectively.

The organisation faced many challenges in the last few years including high levels of vacancies, audit queries and findings, financial constraints and a general inability to attract and retain staff in senior management positions. The Auditor-General's report for the financial year ending in March 2008 is a great incentive to develop the areas of concern and to build on the areas of excellence.

An amount of R7,206 million was redirected to programme 1 within the Department of Justice and Constitutional Development due to the merging of the DOJ&CD and NPA Internal Audit Unit.

The NPA did not receive any roll-overs from the previous financial year.



Overview of the Organisation Environment for 2008/09

The acting Chief Executive Officer, Ms Beryl Simelane was seconded to the Department of Foreign Affairs and was replaced by Dr Khotso De Wee, seconded in an acting capacity from DoJ&CD. The NDPP position is yet to be filled pending the outcome of the Pikoli matter. He has appealed the decision of the President and the outcome is awaited. The uncertainty continues and several acting appointments have been made within the top echelons of the organisation. However, the organisation has made several appointments in executive manager positions and will continue to do so. The DSO disbandment was announced and negotiations commenced to facilitate the transfer to the SAPS. The impact thereof on the DSO was seen in the decline in the performance of the unit as it started to focus on finalising matters on hand with low staff morale. The other specialist units were also affected through the internal restructuring process that commenced to realign the organisation, post DSO. There were difficulties in implementing the Occupation Specific Dispensation for legally qualified personnel at a number of levels. The NPA did not budget for the implementation and money needed to be re-prioritised, the proposals needed to be negotiated with staff and amendments sought to suit the specific needs of the NPA. Employees threatened with labour action while the negotiations for additional funding were taking place.

The NPA communicated with staff on a regular basis to keep them informed of known developments in the disbandment of the DSO, the finalisation of the OSD and sourcing of funding as well as obtaining ministerial approval. Once the approval was granted and funds secured, teams worked overtime to calculate payments due and to implement the provisions.

Strategic Overview and Key Policy Developments for the 2008/09 Financial Year

National Prosecuting Amendment Act, 2008 (Act 56 of 2008) and South African Police Service Amendment Act, 2008 (Act 57 of 2008)

The amendment of the NPA Act to exclude the DSO and its operations from the structure and functioning of the NPA marks the end of this sub-programme. The effective date has been proposed as 1 July 2009. The South African Police Service Amendment Act provides for the transfer of the finance, assets and relevant people within the NPA to the DPCI. The NPA is in the process of determining how it can assist the DPCI to effectively prosecute matters resulting from investigations.



Information on the Organisation

Institutions reporting to the NPA

There are no institutions reporting to the NPA

Bills Submitted to the legislature during the financial year

None were submitted

Ministerial visits abroad

The National Director of Public Prosecutions made the following overseas visits:

Table 1: Details of Overseas Visits undertaken by the NDPP

Place	Date	Purpose
Mozambique	8-9 August 2008	Africa Prosecutors Association Meeting
Kiev, Ukraine	3-6 October 2008	3rd Annual Conference and General Meeting of the International Association of Anti-Corruption Authorities (IAACA)

Legislative Mandate

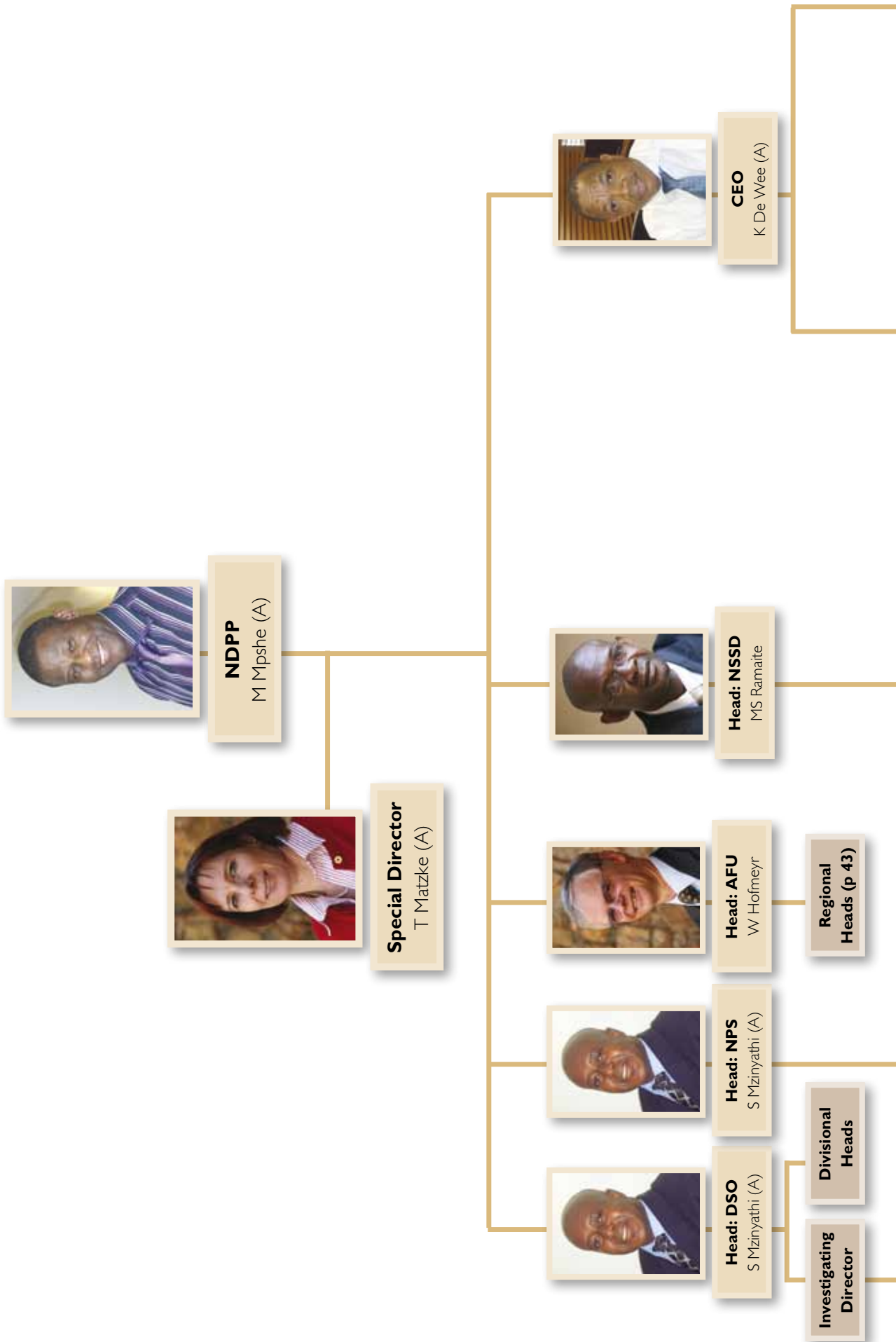
The NPA's legislative mandate is based on Section 179 of the Constitution and is also set out in the NPA Act. The NPA is mandated to institute criminal proceedings on behalf of the State, and to carry out any necessary functions incidental to instituting criminal proceedings. The NPA is programme four within the Justice and Constitutional Development vote. The Director General of the DoJ&CD is the accounting officer for the NPA and the Chief Executive Office (CEO) of the NPA has been delegated certain authority by the accounting officer. The CEO of the NPA is also appointed as the accounting officer for the Directorate of Special Operations (DSO).

The NPA operates within a strict legal framework of which the key legislation and regulations are the following:

- Constitution of the Republic of South Africa, 108 of 1996 (Constitution)
- National Prosecuting Authority Act, 32 of 1998 (NPA Act)
- Public Finance Management Act, 1 of 1999 (PFMA)
- Public Service Act, 1994 (PSA)
- Witness Protection Act, 112 of 1998
- The Treasury Regulations for Departments, trading entities, constitutional institutions and public entities (GN R740 in GG 23463 of 25 May 2002)



ORGANISATIONAL STRUCTURE





*All people reporting to CEO and Deputy CEO are Executive Managers. Under NSSD, all are Special Directors of Public Prosecutions for the respective units (except Head: OWP). Deputy CEO is seconded to Department of Foreign Affairs (now International Relations and Co-operation).

VALUES



Professionalism

Fire-sticks remind us that professionalism rests on skill and discipline and commitment



Service Excellence

The egret is a symbol of a caring and careful worker; one single-mindedly focuses on serving others faithfully and well.





Accountability

The acknowledgement and assumption of responsibility for actions. A mother with her child symbolises the epitome of responsibility: it is a sacred duty.



Integrity

A mirror reflects what stands before it, without distortion or bias or duplicity. Integrity is represented in its true reflection.



Credibility

The Marula Tree symbolises justice that is truly 'out in the open' and transparency, where no agendas are hidden, nor favours solicited, and service is for others not self.





PROGRAMME **PERFORMANCE**



I. Programme Performance

Voted Funds

Appropriation	Main Appropriation	Adjusted Appropriation ¹	Actual Amount Spent	Over/Under Expenditure
	R'000	R'000	R'000	R'000
National Prosecuting Authority	2,122,727	2,111,809	2,071,975	39,834
Public Prosecution	1,693,882	1,658,413	1,625,681	32,732
Witness Protection Programme	112,540	107,764	103,167	4,597
Directorate of Special Operations	260,833	281,386	278,301	3,085
Asset Forfeiture Unit	55,472	64,246	64,246	0
Responsible Minister	Minister of Justice and Constitutional Development			
Administering Dept	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, investigates serious organised unlawful conduct 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.
- 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.
- 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.

The National Prosecutions Service (NPS) carries out the primary responsibility of the NPA. Since the formation of the NPA several business units have been added: the Specialised Commercial Crimes Unit (SCCU), the Priority Crimes Litigation Unit (PCLU), the Sexual Offences and Community Affairs Unit (SOCA), the Office for Witness Protection (OWP), the Directorate of Special Operations (DSO), and the Asset Forfeiture Unit (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 and Indicators

The NPA identified the following organisational measurable objectives:

- Reduce the case backlog and improve the case finalisation rate by increasing the number of cases finalised (including alternative dispute resolutions) from 378 926 in 2006/07 by 5% per year.
- Improve justice services for the victims of sexual offences by establishing five additional Thuthuzela Care Centres to bring the total number to 15 in 2008/09.
- Deter sexual offences by increasing the conviction rate in dedicated sexual offences courts from the current 66% to 68% in 2010/11 by appointing an additional 120 court preparation officers.
- Combat serious organised crime by increasing the number of investigations and prosecutions conducted by the Directorate of Special Operations from 250 in 2007/08 to 440 in 2010/11.
- Contribute to removing the profit from crime by increasing the value of restraint orders obtained from R300 million in 2007/08 to R400 million in 2010/11 (10% per year).

¹The Adjusted Appropriation includes final virement and is referred to as Final Appropriation in the Annual Financial Statements.



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	Output	Measure / Indicator	2008/09			Reason for deviation	
			Target	Actual	Deviation		
I. Public Prosecutions	Reduced case backlogs	Number of backlog cases ²	32 608	42 495	30.3%	The projected performance for 06/07 was not achieved. Targets were based on projected figures and were thus not achievable. Actual growth in backlogs is only 1% which is linked to the 2% growth in new cases.	
	Reduced outstanding court roll	Outstanding court roll at the end of the financial year	186 374	234 483	25.8%	The projected performance for 06/07 was not achieved. Targets were based on projected figures and were thus not achievable.	
	Successfully completed cases	Conviction rate ³ : High courts	86%	86.3%	0.3%		
		Conviction rate: Regional courts	73%	73.7%	0.7%		
		Conviction rate: District courts	87%	88.1%	1.1%		
		Conviction rate: NPS Overall	86%	86.3%	0.3%		
		Number of cases finalised with diversion ⁴ : NPS	417,765	431,601	3.3%		
		Number of cases finalised without diversion ⁵ : NPS	333,506	311,825	-6.5%	Increase on actual performance achieved in previous year. However as the projected performance for 06/07 was not achieved, and the target was based on the projection, it was not achievable.	
		Court preparation services	Number of additional court preparation officers appointed	40	0	-100%	Reprioritisation of the budget impacted on the ability to fill posts in this area.
		Successfully finalised sexual offences prosecutions	Conviction rate: Sexual offences courts	66%	66.7%	0.7%	
	Thuthuzela Care Centres	Number of TCCs in operation	15	17	13.3%		
	Specialised commercial crime prosecutions	Conviction rate: SCCU	94%	93.7%	-0.3%		
		Number of cases finalised: SCCU ⁶	2 767	3 529	27.5%		

² The number of criminal court cases on the outstanding court roll as at 31 March 2009, in which the duration from the date of enrollment in that forum exceeds 6 months in a district court, 9 months in a regional court and 12 months in a high court.

³ Percentage of cases finalized with a guilty verdict against the number of cases finalized without diversion measured at the date of sentence or verdict of not-guilty irrespective of the date when the plea was first entered.

⁴ Criminal court cases finalised in the reporting period by verdict, or through alternatives such as diversion, informal mediations or admission of guilt in terms of Section 57A of the Criminal Procedure Act, irrespective of the date of enrollment.

⁵ Criminal court cases finalised with a verdict in the reporting period irrespective of the date of enrollment

⁶ Criminal court cases finalised by SCCU with a verdict, in which a final decision not to prosecute is made and through the use of suitable alternatives.



Sub-programme	Output	Measure / Indicator	2008/09			Reason for deviation
			Target	Actual	Deviation	
2. Witness Protection	Effective protection and support services to vulnerable and intimidated witnesses	% of witnesses that abandon the witness protection programme ⁷	24%*	16.9%	-7.1%	
		Number of witnesses harmed or threatened ⁸	0	0	0	
3. Special Operations	Disruption of organised crime	Conviction rate: DSO	85%	98.0%	13.0%	
		Number of investigations finalised: DSO	80*	78	-2.5%	The impact of the changes in the environment resulted in fewer investigations being finalised.
		Number of prosecutions finalised: DSO	50*	64	28%	
4. Asset Forfeiture	Disruption of crime by asset forfeiture	Success rate	86%	86.5%	0.5%	
		Number of restraint orders	255	275	7.8%	
		Number of completed forfeiture cases	250	277	10.8%	
		Value of seizures (R million)	330	320	-3%	

⁷ The percentage is calculated at the end of the financial year using the total number of witnesses that remain on the programme plus those that walked off as the denominator.

⁸ Witnesses that are harmed or threatened by a person or persons from whom they are protected

* The ENE targets were adjusted mid-year in terms of the adjusted ENE process of National Treasury





SUB-PROGRAMME I:
PUBLIC PROSECUTIONS



Sub-programme I: Public Prosecutions

Introduction

The NPS provides a prosecutions service 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.

Purpose

General and specialist 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:

- Reduce the case backlog and improve the case finalisation rate by increasing the number of cases finalised (including alternative dispute resolutions) from 378 926 in 2006/07 by 5 per cent a year.
- Increase the number of prosecutors from 2 432 in 2007/08 to 3 814 by 2010/11.
- Improve justice services for the victims of sexual offences by establishing five additional Thuthuzela care centres to bring the total number to 15 in 2008/09.
- Deter sexual offenders by increasing the conviction rate in dedicated sexual offences courts from the current 66 per cent to 68 per cent in 2010/11 by appointing an additional 120 court preparation officers.

National Prosecutions Service (NPS)

Introduction

In terms of section 179(2) of the Constitution, the NPS has the primary national responsibility for instituting criminal proceedings and performing related functions on behalf of the State. The NPS is the largest unit in the NPA and houses the public prosecutors and state advocates manning the nation's District, Regional and High Courts. Apart from the prosecution of cases and arising appeals, the NPS is also responsible for matters involving the resolution of criminal matters outside of the formal trial process. These include diversions, informal mediations and setting of admissions of guilt.

Purpose

To provide an effective prosecutions service

Service Delivery Achievements

A number of key performance indicators for the NPS are reflected in table 2, which tracks performance over a five year period.



Table 3: NPS Service Delivery Performance Indicators 2004/05 to 2008/09

NPA Service Delivery Performance Indicators - 2004/05 to 2008/09								
National Prosecutions Service								
Indicator	2004/05	2005/06	2006/07	2007/08	2008/09	Change over prev year	Change over period	Notes
Total cases finalised incl. ADRM				388 634	431 601	+11.1%		
Admission of Guilt (S57A)				30 115	38 015	+26.2%		Focused approach on ADRM
Informal mediations				15 393	38 032	+147.1%		Measured from April 2007 - increased due to focused approach on ADRM to reduce trial cases
Cases finalised with verdict and through diversion	399 966	411 417	379 034	343 126	355 554	+3.6%	-11.1%	Increase due to increased ADRM and a focused approach on operations. New legislation which came into effect on 1 January 2008, allowing the Regional Courts to impose life imprisonment, has definitely shown a positive impact.
Diversions	18 946	37 422	44 483	46 470	43 729	-5.9%	+130.8%	Fewer diversions as other dispute resolution methods have increased
Cases finalised excl ADRM	381 020	373 995	334 551	296 656	311 825	+5.1%	-18.2%	Increase due to operational focus and internal measures
Cases finalised (Sat & Add crts)	11 751	1 432	1 525	3 503	4 497	+28.4%	-61.7%	National Backlog project with special focus on Regional Courts - due to limited expansion a reduced rate is noted compared to 04/05
New cases	1 084 137	1 069 724	1 062 497	1 037 538	1 058 376	+2.0%	-2.4%	Increased although reduction from 04/05
Decision dockets received - lower crts.	523 169	517 101	489 213	452 997	488 780	+7.9%	-6.6%	Increase due to enhanced screening processes and policy of 'no case no enrollment'
Withdrawals	318 767	311 078	306 050	305 893	286 837	-6.2%	-10.0%	Reduction due to better screening, preparation of cases and internal measure monitored on monthly basis.



Indicator	2004/05	2005/06	2006/07	2007/08	2008/09	Change over prev year	Change over period	Notes
Outstanding roll	206 005	198 990	206 508	232 518	234 483	+0.8%	+13.8%	Increase due to higher inflow of cases. More accused and more counts per case resulted in delayed finalisation of cases and more cases carried forward.
Backlog cases (cases older than 12 mths in HC, older than 9 months in RC, 6 months in DC)	33 595	37 216	36 130	39 736	42 495	+6.9%	+26.5%	Increased although the percentage backlog cases has only increased with 1% compared to the previous year which is actually an improvement compared to the 2% increase in new cases.
Court hours	04:07	04:06	03:58	03:39	03:50	+5.0%	-7.2%	Increase due to improved focus on finalisation rate of cases
Conviction rate	85.1%	85.7%	85.8%	85.9%	86.30%	+0.4%	+1.4%	Maintained target with marginal increase

Highlights of Achievement

During the financial year, 1 621 High and Lower Courts finalised 311 825 cases, with a conviction rate of 86.3%. In addition thereto a further 119 776 cases were finalised by means of Alternative Dispute Resolution methods which include diversions, informal mediations and Section 57A Admission of Guilt. At the end of March 2009, a total of 1 058 376 cases were enrolled of which 638 720 were removed from the roll. The latter includes cases withdrawn, transferred, struck from the roll and warrants issued. All courts managed on average 3h50 hours per day. There has been a 6.2% decrease in the number of cases withdrawn.

From April 2008 to March 2009 a total 1 120 plea agreements were concluded, comprising of 3 735 counts.

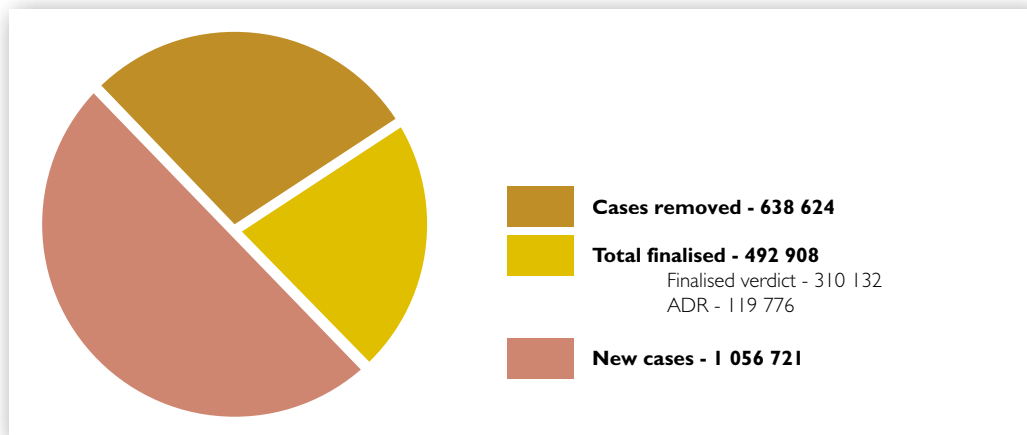
Thus far thirteen (13) Community Courts were established and are fully functional whilst negotiations are underway for the roll-out of a further thirteen (13) courts. The performance of these courts remains on par with a conviction rate of 95% and a total of 9 040 cases finalised with a verdict. An additional 6 853 cases were finalised by means of Alternative Dispute Resolution Mechanisms (ADRM).



Lower Court Performance

A positive clearance ratio was managed by the Lower Courts during the financial year 2008/09. A total of 1 056 721 new cases were received and 1 068 500 cases were disposed which means that 11 779 more cases were disposed than received. Improved screening processes resulted in a reduced withdrawal rate of 6.2% and an increased finalisation rate of 11.1% (See Figure 1 below).

Figure 1: Case Management in the Lower Courts



National Backlog Project

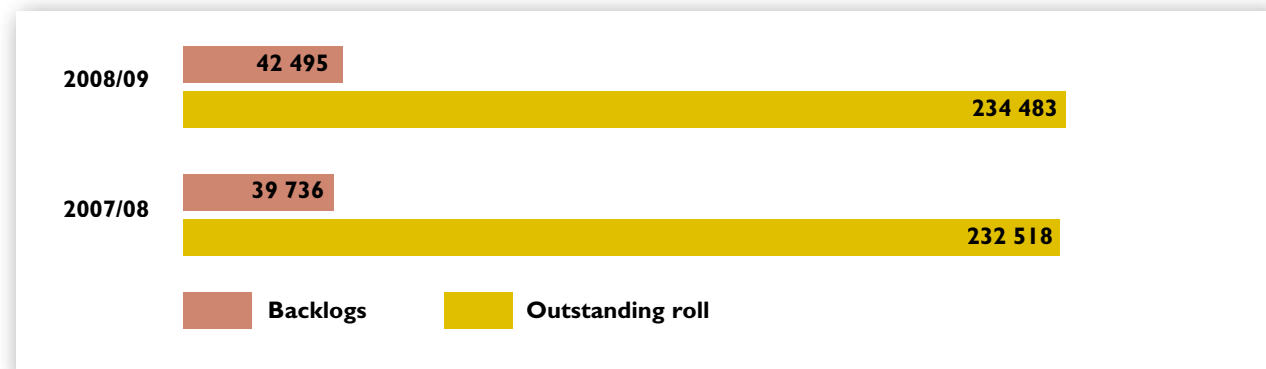
There are currently 38 backlog sites in operation, and more sites are being considered to deal with the large number of backlog cases in the Regional Courts. The backlog courts sat on average 3h40 minutes per day and finalised a total of 4 497 cases.

A study of the performance of the backlog courts has shown a reduction of 9% on backlog cases in all regional courts in the past year.

Reduce Outstanding Court Roll

A total of 234 483 cases were outstanding on all criminal court rolls, of which 18% (42 495) are backlog cases. The outstanding court roll marginally increased by 0.8% compared to the previous year, notwithstanding the higher inflow of cases during the reporting period (see Figure 2 below).

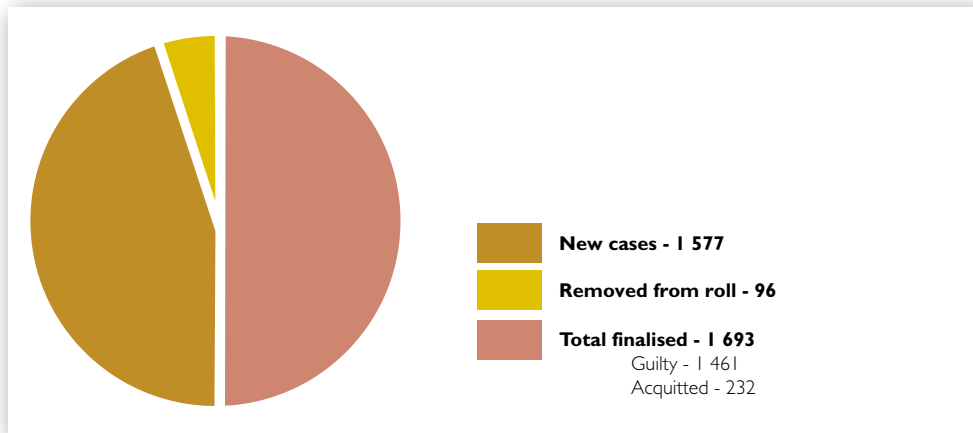
Figure 2: All Courts: Backlogs and Outstanding Court Roll



High Court Performance

The High Courts finalised 410 less cases than the previous year mainly due to decrease in minimum sentences cases due to amended legislation. The finalised trial cases increased from 1 081 to 1 161 and the minimum sentence cases finalised decreased by 490 cases. The total number of new trial cases received decreased from 1 344 to 1 285. The total result has been a decrease in the high court outstanding court roll from 1 325 to 1 192 (See Figure 3 for detailed High Court performance)

Figure 3: Overview of High Court performance - Apr '08 - Mar '09



Improve the Conviction Rate

The high and lower courts have maintained high conviction rates. The District Courts maintained an 88.1% conviction rate. The Regional Courts managed to exceed their target of 73% with 0.7% and the High Courts exceeded their target of 86% with 0.3%.

Organised Crime Section

The Organised Crime Section has managed to successfully prosecute 33 of the 103 cases received. This section focuses on combating serious organised crime and works very closely with the South African Police Service (SAPS). Asset forfeiture is also an important tool in the fight against organised crime.

Improve the use of Restorative Justice Alternatives

Community Prosecution

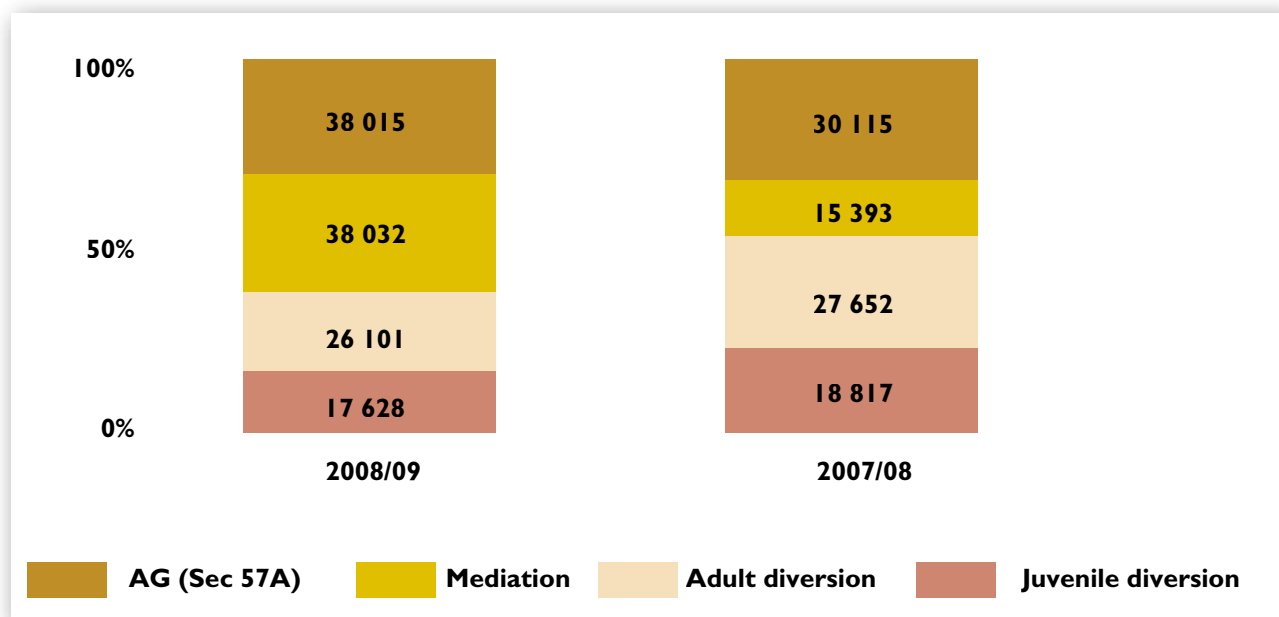
The evaluation results revealed that community prosecutions contributed to reducing crime problems in eight (8) out of the nine (9) provincial sites during piloting between May 2007 and October 2008. The details relating to the implementation are being finalised.



Diversions

A total of 43 729 cases were diverted in 2008/09 representing a total of 17 628 young offenders and 26 101 adult cases (see Figure 4 below).

Figure 4: Lower Courts: ADRM Finalisation Rate



Operations Management

A focused approach on the operations of the courts has had a positive effect as improved performance in certain key performance areas has already been achieved. Internal measures were created and are being monitored monthly and discussed by Senior Managers.

Case Flow Management challenges have been identified and are being addressed. Stakeholder engagement with Legal Aid Board (LAB) and Court Services has also taken place to address the challenges experienced at certain courts.

Lean Thinking Project

The Lean Thinking project has been piloted in Pinetown. It is aimed at focusing work effort on creating value for the customer, making work flow through process, eliminating work that does not create value and continuously improving work processes. The following results have been achieved:

- Improvement of the quality of the first statement (A1) through the development of first statement templates and documenting associated work practices.
- Reduction of first appearance demand peak. A spreadsheet to capture the performance data for generating graphs that would be used for visual performance management was developed. Reports by Senior Prosecutors on the performance outcome of Sunday screening were obtained and impact assessed. However, this aspect of the project has been terminated due to lack of funds for Sunday Screening.
- Improvement of quality of screening for case enrolment. Certification of trial readiness of cases, withdrawal rate and reasons for the withdrawal were monitored and reviewed. Investigation progress was monitored without taking the accused to court and thereby reducing unnecessary court appearances.
- Securing dockets to Court on time. The submission of dockets on time is still a problem. The Court and Case flow management meetings resolved that the date written on the docket must be obtained from the J15 (Charge Sheet) to ensure that the same date is reflected on both J15 and case docket and further that Integrated Justice System (IJS) Clerk must also forward court rolls to all police stations 3 days before the actual court date.
- Courts scheduling. Through the project prosecutors were able to establish root causes of unnecessary remands and reasons for failure to start courts on set dates were established.



Appointment of Court Preparation Officers

A total of 128 Court Preparation Officers (CPOs) are employed at 65 courts countrywide to prepare witnesses for court. An average of 4 522 witnesses/customers is assisted per month. On average each CPO assisted 50 witnesses per month.

Specialisation in Cases Mainly Affecting Women and Children

A total of 50 Regional Courts dedicated to sexual offences finalised a total of 5 300 of which 4 925 were finalised with a verdict. A conviction rate of 66.7% was achieved. 444 cases were finalised by means of Alternative Dispute Resolution methods of which 134 involved young offenders. Regional Court Presidents and Magistrates increasingly do not schedule sexual offence cases in only the dedicated courts even where provision was made for a dedicated court. There has been a significant reduction in the number of dedicated courts.

Noteworthy Cases

State vs Kabi: Mr Kabi and his syndicate bought vehicles, tyres, TV's and liquor from businesses all over the country with false cheques. The damage and potential damage amounted to R13.8 million. He was convicted on charges of racketeering, money laundering and 30 charges of fraud. He was sentenced to 437 years imprisonment in total. He must, however, serve 22 years thereof. The AFU has brought applications to seize his property.

State vs Sono & Others: The accused robbed a Coin Security Depot of more than R1 million and 13 firearms. All five were convicted of armed robbery and illegal possession of firearms. Accused 1,2 and 3 were sentenced to 19 years (each serving an effective term of 12 years) imprisonment; accused 4 was sentenced to 21 years (serving an effective term of 14 years) imprisonment and accused 5 received 13 years imprisonment.

Becker and Others (Waterkloof 4): The accused, four young South Africans from well known families, were convicted and sentenced to 12 years imprisonment for the murder of a homeless man. They unsuccessfully applied to the Constitutional Court for leave to appeal against their conviction and sentence. The case received much local and international media coverage from the beginning. It portrayed the NPA in a positive light and enhanced public confidence in the Criminal Justice System (CJS).

Director of Public Prosecutions v Minister for Justice and Constitutional Development and Others ([2009] ZACC 8): Certain provisions of the Criminal Procedure Act 51 of 1977 dealing with the testimony of child victims and child witnesses in sexual offence cases were declared unconstitutional by the North Gauteng High Court. These were the provisions allowing the holding of criminal proceedings in camera, child witnesses to give evidence by means of closed-circuit television or similar electronic media, the giving of evidence without taking an oath or making an affirmation and the appointment of intermediaries to assist children while testifying. The Constitutional Court, to which the High Court judgment had been referred for confirmation, disagreed that the above-mentioned provisions were unconstitutional.

In State vs Lesejane and 2 Others: Two of the three accused were convicted of ritual murders of several victims and sentenced to life imprisonment. The court also convicted on a count of attempted murder where accused 1 tied his victim to a tree and took out a knife and told the victim that he was ready to do "the job" with reference to how he killed someone. The state successfully argued that these actions amount to attempted murder. Society's confidence in our criminal justice system was certainly enhanced.

State vs Nel: The accused, an 18 year old boy, was charged in the high court and convicted of 4 counts of murder and 11 counts of attempted murder of residents of the Skierlik informal settlement. He received life imprisonment and other short terms of imprisonment. The offences were racially motivated. This was a high profile matter which enjoyed international media coverage. The proper handling of this matter enhanced the profile of the NPA locally and internationally.

State vs Mzwakhe Gule: Standard Bank ATM bombing: Accused was convicted of possession of explosives and unlicensed firearm, attempted theft, and murder and was sentenced to total of 63 years imprisonment.

State vs Najwa Petersen and three others: Najwa Petersen (accused 1) was convicted of the murder of her internationally renowned entertainer husband Taliep Petersen and sentenced to 28 years imprisonment. Two of her co-accused were sentenced to 25 and 24 years imprisonment respectively. The third co-accused, convicted only of armed robbery, received 7 years imprisonment.



State vs Petersen and 2 Others: The deceased, a young girl, was kidnapped, robbed, raped and murdered. All accused were convicted and sentenced to life imprisonment. The case received huge local media coverage.

S vs Faasen: involved the anal rape of a 5 year old boy. When cross-examined about who raped him he said “niemand” and would not budge. The boy had fresh injuries consistent with anal rape and the crime had clearly been perpetrated on the property immediately before the complainant rushed into his mother’s house. The accused was the only male on the property. Despite the denial by the complainant, the trial Judge accepted the argument by the State that the only person who had perpetrated the crime was the accused. The accused was sentenced to life imprisonment.

S vs Fletcher: One of the biggest environmental crime cases (in respect of Rhino horn smuggling) in the world. Two of the accused have already pleaded guilty and were sentenced to 10 years imprisonment, of which two years were suspended and 5 years, of which half was suspended, respectively. Two trucks owned by the accused were also forfeited to the State.

Jeppe Massacre: An armed gang of robbers robbed Pick 'n Pay and its customers. Four policemen were killed in a shoot-out with the gang. Twelve of the 13 accused were convicted of robbery with aggravating circumstances, seven counts of attempted murder, twelve counts of murder and the unlawful possession of the fire-arms and ammunition. They were sentenced to four life terms and a further 35 years imprisonment.

S vs Gorder: The accused was arrested as part of a joint operation dealing with human trafficking from India via South Africa to the United Kingdom. The accused was convicted of racketeering and sentenced to 5 years imprisonment, of which 3 years were conditionally suspended. This is the first racketeering conviction in the South Gauteng High Court.

Stakeholder Engagement

Several joint strategic meetings with the DoJ&CD, SAPS and the Judiciary were held at national and regional levels to identify strategies to deal with xenophobic attack cases resulting in a co-ordinated effort in the prosecution of perpetrators. The NPS finalised 73 cases with convictions.

The NPS is an active participant in the Criminal Justice System (CJS) Review initiative of the Deputy Minister of Justice and works closely with other stakeholders in the CJS.

Prosecutors participate in and attend Community Police Forums meetings to discuss issues that affect local communities in the fight against crime. Senior staff members of the NPS participate in monthly provincial Child Justice Forums where issues relating to children are discussed. Strategy planning sessions with stakeholder departments such as the DoJ&CD are also held. Monthly Case Flow Management Meetings are held with the judiciary to discuss issues that impact on court efficiency.

Resourcing

The NPS currently employs 2 453 prosecutors. The vacancy rate in the professional staff component is 23.5%, including the DSO. The current ratio of prosecutor to court in the district courts is 1.5:1 and in the regional courts 2.1:1. At the end of 2007/08 the NPS ratios in the district court were 1.2:1 and the regional court 1.34:1.

Challenges

There is a need to establish additional capacity to reduce case backlogs in some areas. Accommodation is an acute challenge at sites required.

The non-availability of diversion programmes at all offices is also an area of concern. The implementation of case flow management principles is still a problem. Non-availability of Legal Aid practitioners and other legal practitioners as well as magistrates on some occasions poses a challenge. Case flow steering committee meetings at local and provincial level are not attended by all role players. Court performance is constantly also hampered by the inflow of cases exceeding the resource allocation at certain courts. A need for the expansion of the court establishment has accordingly been identified at certain courts. At various regional courts the judiciary has decided to do away with dedicated courts for sexual offences which may have a negative effect on the specialisation in cases mainly affecting women and children. There are still a number of constraints in the organised crime initiative, most notably capacity constraints. A shortage of experienced members hampers effective and efficient prosecution of criminals.



Priority Crimes Litigation Unit (PCLU)

Purpose

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

Service Delivery Achievements

The Deputy Head of the PCLU was appointed by the South African Government to be its representative at the newly created Proliferation Financing Project established by the United Nations Security Council. South Africa is the only non-superpower represented in the project. He was invited as a technical expert to brief the Security Council of Europe on the topic of Nuclear Terrorism.

The PCLU participated in a workshop arranged by the Department of Foreign Affairs (DFA) to formulate government's proposal for the United Nations (UN) global terrorism strategy.

During June 2008, the Counter-Terrorism Executive Directorate (CTED) of the Security Council of the United Nations visited South Africa to assess the country's implementation of UN Security Council Resolutions 1373 (2001) and 1652 (2005). Because the PCLU represents the NPA in the DFA's Counter-Terrorism Working Group, it was requested to render assistance. CTED commended the PCLU for the quality of its contributions and in fact found that the case study conclusively proved that the country had the necessary capacity to prosecute such offences. It was recommended that this expertise should be shared with other states.

At the request of the DFA, the PCLU provided inputs into the formulation of Government's policy and guidelines on Security Council Resolution 1267.

Due to the PCLU's successful prosecution of one of the world's most serious cases of nuclear proliferation, it was requested to brief the Chairperson of the non proliferation council.

The PCLU represented the government at a conference convened by the International Criminal Tribunal for Rwanda (ICTR) on genocide and crimes against humanity in Arusha, Tanzania. Adv Abrahams delivered a key-note address which proved to be a highlight of the conference.

As a result of a UN Task Team generating a negative report concerning the country's terror financing and money laundering laws and implementation procedures, the PCLU was requested by National Treasury to formulate a detailed response to the report. As a result of this report the PCLU was required to accompany National Treasury to Paris, France to make a presentation to the Task Team in order to persuade them to reconsider their findings.

As a result of a senior member of the PCLU being classified as one of only 15 experts in the field of nuclear terrorism, he was requested by the United Nations Office for Drugs and Crime (UNODC) to provide expert training to senior foreign lawyers at a Small Island Group of Nations' Workshop attended by the Attorneys General of 80 States and to the Security Council of Europe's Workshop attended by the prosecutors and investigators of the Eastern European States.

In August 2008, the PCLU in conjunction with the Institute for Security Studies arranged for a 3-day workshop on terrorism and the International Criminal Court. The workshop provided training to members of the NPA, SAPS, DSO and Financial Intelligence Centre (FIC) on a range of topics relating to these two areas. Members of the PCLU presented certain of the topics themselves.

The unit provided formal mutual legal assistance to Germany, the Director of Public Prosecutions (DPP) of Malawi, the United Kingdom (UK) (in respect of the collection of evidence regarding the London bombings of 7 July 2005), and the French authorities.



Noteworthy Cases

S vs Apex Truck & Trailer (Pty) Ltd: On 15 December 2008, the accused pleaded guilty and was convicted on a charge of exporting an armoured vehicle to the Democratic Republic of Congo (DRC) in contravention of the National Conventional Arms Control Act. The company was sentenced to a R60 000-00 fine, half of which was suspended under appropriate conditions. The court commended the PCLU member for the thoroughness in the presentation of the matter.

S vs Geiges: In November, the Swiss Government repatriated in excess of R1 million, being the proceeds of the crimes in respect of which Geiges had been convicted of earlier in the year. The money was repatriated as a result of a series of requests for mutual legal assistance and as a result of protracted negotiations between the PCLU and the Swiss Attorney-General and Ministry of Justice.

Singh vs the Minister DoJ&CD: Assistance was given to Counsel acting for the Minister to defend the claim which proceeded in October 2008. The Acting NDPP was subpoenaed as a witness. A final order of costs was made against the plaintiff and the action will continue in early 2009. This action is relevant to two other actions brought by the plaintiff against the NPA and has serious implications as regards the NPA's liability for prosecutions.

Missing Persons Task Team (MPTT)

The five families were presented with reports that the MPTT is satisfied that all evidence confirmed that the remains exhumed are those of the Pebco 3 and Siphiso Mthimkulu and Topsy Madaka. Preparation for the handover of remains must now take place through the Truth and Reconciliation Committee (TRC) Unit in the DoJ&CD.

Former Vlakplaas commander Dirk Coetzee accompanied the MPTT to point out sites near Komatipoort where Sizwe Kondile was reportedly killed and burnt. The site of the burning and disposal of the remains of two other Mkonto We-Sizwe members were also pointed out. A plan for the excavation of the Kondile site is being developed.

Donor funds have been secured for the DNA lab at University of the Western Cape (UWC) which processes our DNA bone samples, which will serve as the first human rights DNA lab in Africa. The nature of the partnership with the lab is being finalised through meetings with the relevant parties at UWC and the head of the PCLU and the MPTT.

Stakeholder Engagement

The PCLU was approached by the NIA to render assistance to the latter's Counter Espionage Functional Committee (CEFC) so as to enhance its ability to successfully investigate espionage matters. At the request of Justice College, the PCLU provided specialised training to prosecutors in the fields of Mutual Legal Assistance, Extraditions and the Implementation of the Rome Statute of the International Criminal Court Act, which domestically criminalises genocide, crimes against humanity and war crimes. The PCLU engaged the Department of Minerals and Energy, the Nuclear Energy Corporation of South Africa and the Proliferation Council, the FIC and SAPS. Various foreign investigative agencies have been assisted with requests for Mutual Legal Assistance. The PCLU played a leading role in the formulation of a Memorandum of Understanding between the South African Revenue Service and the Non-Proliferation of Weapons of Mass Destruction council.

The MPTT in conjunction with the Centre for the Study of Violence and Reconciliation (CSVR) made a presentation to a delegation from the Justice Department and NGOs from Uganda. The task team liaises with national and regional heritage structures and participated in the formulation of policy on the repatriation of heritage items from abroad. The South African Heritage Resources Agency (SAHRA) grants exhumation permits. The task team liaises with political parties to whom those exhumed belonged, including the African National Congress (ANC), Azanian People's Organisation (AZAPO) and the Pan Africanist Congress (PAC) and held a meeting with Umkhonto we Sizwe Military Veterans Association (MK MVA) leadership. Joint activities are undertaken with the TRC Unit in the DoJ&CD). Collaboration with NGOs, primarily the CSVR, and with Khulumani Victim Support Group also continues.



Challenges Experienced

The TRC Guidelines were declared unconstitutional and invalid by the North Gauteng Provincial Division of the High Court. A decision to appeal the judgment will be made early in 2009. A further delay in the prosecution of cases emanating from the TRC process is therefore inevitable.

The Cape High Court declared the search and seizure warrants executed by the SAPS in its first official terrorism investigation in terms of Protection of the Constitutional Democracy against Terrorist and Related Activities Act (POCDATARA) unlawful. Leave to appeal has been granted. Should the appeal be dismissed, the evidence obtained as result of the execution of the search and seizure warrants would be inadmissible and would negatively affect a decision to prosecute.

In so far as the MPTT is concerned, DNA testing has been placed on hold pending the finalisation of the donor funding to the DNA lab and the resolution of certain staffing matters. This will delay the finalisation of certain cases.

The issue of the quality of police investigations is on an ongoing basis taken up with senior police management with the aim of improving the turnaround time of such investigations. The investigations are dealt with in terms of Prosecution Guided Investigations (PGI) principles to try and bridge shortcomings.

Forecast

The PCLU will continue to focus on all the investigations which are currently in progress with the aim of being able to make properly informed timely decisions on them. The PCLU will continue to maintain and develop the existing stakeholder relationships and focus on addressing blockages. The MPTT plans to check the missing person's cases against SAPS Criminal Records, as well to as undertake a number of exhumations during the non-rainy winter months.



Specialised Commercial Crime Unit (SCCU)

Introduction

The mandate of the SCCU is to effectively prosecute complex commercial crime cases emanating from the SAPS Commercial Crime Branches in those regions in which they have offices. 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 the Road Accident Fund (RAF). A key element of the SCCU's operations is its methodology of involving a prosecutor in the case from the start of the investigation. Co-location of the SCCU office, the SAPS Commercial Branch and a dedicated Commercial Court/s is also critical. The regular regional stakeholder management meetings with role players (including SAPS, Magistracy and DoJ&CD) also contribute to the success of the unit.

Purpose

To prosecute complex commercial crime cases.

Service Delivery Achievements

A number of key performance indicators for the SCCU are reflected in table 4, tracking the performance for the period 2004/05 to 2008/09

Table 4: SCCU Service Delivery Performance Indicators-2004/05-2008/09

SCCU							
Indicator	2004/05	2005/06	2006/07	2007/08	2008/09	Change over prev yr	Change over period
Number of courts	4	4	7	7	9	+28.6%	+125.0%
Convictions	653	857	1 515	1 232	1 408	+14.3%	+115.6%
Conviction Rate	94.80%	94.60%	96.62%	94.10%	93.70%	-0.4%	-1.2%
Cases enrolled for trial	935	1 431	1 844	1 844	1 919	+4.1%	+105.2%
Cases disposed of	1 772	2 271	3 574	3 031	3 529	+16.4%	+99.2%

Highlights of Achievement

The SCCU attained a high conviction rate of 93.7% which, even though lower than the target of 94%, is still exceptional. The track record of the SCCU in this regard speaks for itself. Commercial crime cases are traditionally renowned for being extremely difficult to prosecute and finalise. The SCCU courts sat 4h22 on average per day against a baseline of 4h14 despite the extended period during which the courts were closed during the December and January holiday period. The unit disposed of 3 529 cases as opposed to 3 031 in the previous year. It should be noted that these cases include cases finalised with verdict, cases declined to prosecute as well as cases withdrawn.

The SCCU offices continue to, upon receipt of a case, send a letter to the complainant in the case informing him or her who the prosecutor and investigating officer are in their case.

The quality of the SCCU's service rendered to the community remains outstanding with:

- The number of awaiting trial detainees has been reduced 52 from 61.
- The average duration of cases on the court roll has increased to 310 days against a target of 233 days. The increase can be attributed to inter alia the following contributing factors: the rotation of magistrates, difficulty in finalising partly heard matters where the magistrate has left the Specialised Commercial Crime Court environment and the lack in capacity of SAPS investigators.
- The number of postponements for further investigation has been reduced. Only 42.57% of cases on the court roll are older than 9 months.
- The average duration from the date of the first report to the date of enrolment or final decision has increased from 143 days to 199 days mainly due to capacity constraints within the SAPS.
- Withdrawals have been decreased by 35.5%.



- Case loads average less than 55 cases per prosecutor compared to 74 last year
- Victims of crime were compensated for their loss, where appropriate, to an amount of more than R112m.

District Court 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.

RAF Project

The NPA/RAF project is proceeding well. A contract DDPP post was created and advertised. The interviews have been held and the appointment is awaited.

Noteworthy Cases

The matter of S vs Ghalalas: (fraud to the amount of R 400 million) was finalised by way of a plea bargain. The accused repaid R18 million to the pensioners who had been defrauded and has agreed to testify for the State in forthcoming trials against other co-accused in the same matter.

Former world renowned athlete **Sydney Maree** was convicted of two counts of fraud and sentenced to 10 years imprisonment of which 5 years was conditionally suspended. He was granted leave to appeal both the conviction and sentence.

S vs Craucamp: is a matter of an attorney who was convicted of 75 counts of fraud and sentenced to 15 years imprisonment.

S vs Regent Life Insurance: was the first conviction recorded in terms of the Long Term Insurance Act.

In **S vs Jacques Hau (Pty) Ltd** the accused company pleaded guilty to violations of the International Trade & Administration Act and fraud relating to rebates received from SARS. The company received fines amounting to R1.2 million part of which was conditionally suspended. A confiscation order in the amount of R1.4 million, relating to rebates was obtained in favour of SARS.

Stakeholder Engagement

Scheduled meetings with stakeholders at regional level, and where necessary on national level took place as planned.

Challenges Experienced

- The unit has had to suspend certain operational activities as well as the filling of vacancies due to severe budgetary constraints.
- The tendency of magistrates to move away from the Commercial Crime Courts back to the mainstream courts has affected the finalisation rate and court utilisation.
- There are serious staff and capability shortages within the SAPS to conduct complex commercial crime investigations. SAPS has also had a moratorium in place with regard to the appointments and transfers of investigators. This has resulted in an additional burden being placed on prosecutors in their efforts to assist the SAPS.
- The accessibility of the SCCU in areas where it does not have offices has also been negatively impacted as a result of the budgetary constraints. Prosecutors have been unable to assist outside courts with complex commercial crime prosecutions.

SCCU Regional Heads



Port Elizabeth
TC Goosen



Bloemfontein
A Coetzee



Cape Town
M Govender



Durban (Acting)
N Heeralal



Pretoria
G Breytenbach



Johannesburg
G Nkoana



Sexual Offences and Community Affairs (SOCA)

Introduction

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 broad outcomes that SOCA seeks to achieve are to:

- 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

Purpose

SOCA develops strategy and oversees the management of cases relating to sexual offences against women and children.

Service Delivery Achievements

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

Table 5: Service Delivery Performance Indicators-2004/05-2008/09

Sexual Offences - NPS and Sexual Offences and Community Affairs								
Indicator	2004/05	2005/06	2006/07	2007/08	2008/09	Change over prev yr	Change over period	Notes
Number of dedicated courts	53	67	59	64	50	-21.9%	-5.7%	A decline in the number of courts is noted due to the decision by Regional court Magistrates/ Presidents not to have dedicated courts anymore - SO cases are scheduled between all available courts i.t.o CFM principles.
Conviction rate: Dedicated Courts	63%	70%	65%	64%	66.7%	+2.7%	+5.9%	Increased due to enhanced screening processes.
Number of Thuthuzela Care Centres	5	10	10	9	17	+88.9%	+240.0%	
Conviction rate: TCC's	80%	80%	83%	75%	61.2%	-18.4%	-23.5%	



Highlights of Achievement

Sexual Offences

In line with the establishment of the Thuthuzela Care Centres (TCCs) and to ensure effective and efficient sexual offences management, the need for a stakeholder consultative conference was identified to achieve synergy in the implementation of rape care management between departments and civil society. This resulted in a Sexual Offences Indaba which was held in April 2008 attended by 384 delegates including Non-Governmental Organisation (NGO) sectors. The SOCA Unit headed the Local Organising Committee (LOC) that hosted the 10th internal Conference for International Association for the Treatment of Sexual Offenders (IATSO) in Cape Town from 26 - 30 August 2008, which was attended by an estimated three hundred (300) delegates. The LOC was responsible for designing and compiling the programme, organising the conference and SOCA members also presented papers and facilitated relevant sessions.

In relation to Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 a Task Team (comprising of members from SOCA and NPS) designed, drafted and compiled a comprehensive training manual, consisting of (amongst others), process maps, mind maps, draft directives, training notes etc. The Task Team delivered 13 training sessions nationally attended by 406 prosecutors.

The SOCA Unit in conjunction with Africa Prosecutors Association (APA) hosted the APA conference during November 2008; 23 African countries were represented. The TCC-model was presented to the delegates and six countries will be given technical assistance by the Unit (funding provided by the Danish Government) with respect to the management of sexual violence.

A delegation of SOCA attended the 3rd World Congress against Sexual Exploitation of Children and Adolescents in Brazil. The team also presented a paper (on gender-based violence) and participated in panel discussions.

Representatives attended an "Expert meeting, investigation and prosecution of gender based crimes" at the International Criminal Court (ICC), The Hague, Netherlands where they presented a detailed paper on "The South African experience on the management of gender based violence", and participated in panel discussions.

A delegation of the unit attended with the Minister in the Office of the Presidency an international conference on the status of women at the United Nations Convention centre in New York, which included participating in discussion groups & deliberations with Ministerial delegation on actions and way forward.

SOCA presented three papers at the Victim Empowerment Conference, hosted by the Department of Social Development (DSD). The unit also took the responsibility for the development and presentation of the Conference Resolutions.

Domestic Violence (DV)

The translation of the Domestic Violence Act (DVA) and Regulations into indigenous languages is undertaken in conjunction with the National Office of the Department of Arts and Culture. To date the DVA has been translated into IsiNdebele, IsiSwati, IsiXhosa, XiTsonga, TshiVenda, and SePedi & SeTswana whilst the DV regulations were translated into 8 languages (Sesotho, IsiXhosa, SeTswana, XiTsonga, TshiVenda, IsiSwati, Sepedi, and IsiZulu).

In partnership with Ethiopian Women's Lawyers Association (EWLA), the team developed a cutting edge documentary on domestic violence, showcasing strides undertaken by the NPA towards reducing domestic violence incidences. The documentary, "It's Time: African Women Join Hands against Domestic Violence" was nominated in the category "Best short documentary" at the Los Angeles Pan African Film Festival in January 2009.

The development of a Safety Plan for victims of domestic violence - a groundbreaking initiative in South Africa. For the first time, victims of domestic violence will be assisted to compile their Personalised Safety Plan to enhance their protection against domestic violence. This plan will be provided to victims who are either living in violent relationships or exposed to further violent attacks. The SOCA unit finalised the development of the Safety Plan in August 2008. A decision has also been taken by the Family Law Learnership Committee to include this plan in the recently developed Domestic Violence learning material.



Human Trafficking

The unit embarked on an extensive training programme in cooperation with International Organisation for Migration (IOM) on a multidisciplinary level. Members of the unit are included in the training team, as presenters / trainers and provided inputs / drafted sections of the learning material. In total 1 048 officials were trained.

The unit also presented a paper on the South African legislation at the Southern African Network against Trafficking and Abuse of Children (SANTAC) conference in Maputo. A paper was also presented at the UN Convention on Transnational Organised Crime in Vienna, Austria about the SA perspective on Human Trafficking. SOCA hosted the "Tsireledzani : towards an integrated human trafficking national action plan" conference in Durban, attended by 200 delegates. The aim was to develop SA's national action plan to counter human trafficking. The unit also participated at the conference on cross-border strategies to fight human trafficking, Mpumalanga and represented the NPA in the Southern African Immigration Liaison (SAIL) meeting on counter-trafficking efforts.

Skills Development

The total number of delegates trained in sexual offences, human trafficking, domestic violence and maintenance was 2 329.

Public Awareness/Education

The unit reached the community through various initiatives throughout the country. Presentations were made on the areas in which the unit specializes. School going children, students, community members, taxi drivers and commuters and even correctional officers were reached. SOCA participated in the Grahamstown Art Festival, showcasing SOCA promotional material and holding information sessions with members of the public, and appeared on Special Assignment regarding Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007. The SOCA contributed to Amnesty International 'Know your Rights' booklet on Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007. In collaboration with the SAPS for the Kathorus region a public awareness campaign was held in Vosloorus for a thousand (1000) community members, broadcast live via Khwezi FM (focus was on domestic violence and sexual abuse). Together with United Nations Children's Fund (UNICEF) established a Taxi-talk project during the 16-days activism campaign, to focus on gender based violence matters. Participated in the Ministerial Imbizo held at KwaCwija, Flagstaff (Eastern Cape) in response to media reported abductions & early marriages of young girls.

Roll out of Thuthuzela Care Centres (TCCs)

For this year seven additional TCCs were established and operational bringing the total to 17. A total of 10 213 matters were reported at the TCCs.

Maintenance Matters

The 63 maintenance prosecutors dealt with 113 603 formal and informal maintenance enquiries and finalised 70 399 (62%) enquiries.



Stakeholder Engagement

- Local Project Oversight Committees based at all Sexual Offences Courts, feeding into the provincial Gender Justice Forum – mandate for sexual offences, domestic violence and maintenance – monthly meetings at all Sexual Offences Courts.
- Monthly Implementation and Stakeholder Meetings at TCCs in the provinces to ensure effective and efficient stakeholder cooperation.
- The NPA Child Justice Bill Implementation Task Team, commenced with DoJ&CD and other relevant departments with the development of mind maps and process maps for the Child Justice Bill.
- Participated in the development of a National Policy Framework (with DoJ&CD) on sexual offences management.
- Alignment of activities, projects and initiatives between SOCA and DoJ&CD in relation to the Promotion of Rights of Vulnerable Groups to ensure synergy between the role players.
- Finalised terms of reference and operational plans for the Provincial Gender forums. This will be presented to relevant provincial departments and for approval to the Provincial Integrated Justice Forum.
- The Unit (representing the NPA) attended and presented at the Victim Empowerment Strategy Development Workshop, led by the Department of Social Development.

Challenges Experienced

Continuous involvement and coordination of relevant stakeholders is crucial to ensure effective cooperation, and notwithstanding this the unit still experiences either a lack of commitment, involvement or cooperation in some instances.

SOCA Regional Heads



Western Cape
Bronwyn Pithey



Eastern Cape
Adv Maggie Tserere

Kwa-Zulu Natal
Adv Kombisa Mbakaza





SUB-PROGRAMME 2:
WITNESS PROTECTION

Sub-programme 2: Witness Protection

Introduction

Witness protection deals with the safekeeping of identified and intimidated witnesses and related persons requiring prosecution whilst testifying in cases being prosecuted.

Purpose

The Office for Witness Protection (OWP) provides a support service to the criminal justice system by the protecting threatened or intimidated witnesses (and related persons) and by placing them under protection, thus ensuring that they will testify in criminal and other defined proceedings.

Measurable Objectives

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

Service Delivery Achievements

A number of the key performance indicators in dealing with witnesses and related persons on the witness protection programme are reflected in Table 6, which tracks performance over a five-year period.

Table 6: Service Delivery Performance Indicators-2004/05-2008/09

Witness Protection							
Indicator	2004/05	2005/06	2006/07	2007/08	2008/09	Change over prev yr	Change over period
Witnesses	247	220	229	231	218	-5.6%	-11.7%
Total including families	499	488	497	428	431	+0.7%	-13.6%
Witnesses harmed	0	0	0	0	0	+0.0%	+0.0%
Walking off program (%)	6%	3%	3%	24%	16.9%	-29.6%	+181.7%
Formal grievances laid (%)	3%	1%	2%	2%	2.4%	+20.0%	-20.0%

Highlights of Achievements

No witnesses or related person on the programme were threatened, harmed or assassinated in the past seven (7) years. The definition of a walk-off was amended in this year (2009/10) to include all persons who voluntarily left the programme before testifying, were given notice to leave the programme due to misconduct or who left the safe-house without prior notice*. The unit had 431 witnesses, including family members, on the programme at the end of 31 March 2009. The unit had 218 witnesses on the programme as at the 31 March 2009. Forty four (44) witnesses walked off the programme during the year.

A witness stabbed his wife to death and then committed suicide by hanging himself while on the programme. Another witness drowned at sea while swimming in Durban. A witness and her baby were injured while being transported. The programme intends to protect witnesses from outside threats or attacks. For this reason these incidents are not included in the figures as reported above as deaths or harm inflicted.

A significant achievement of the unit is a saving of R3 004 896 that resulted from a decision to eliminate and reduce luxury and unnecessary accommodation allegedly used for operational purposes.

Air transport for witnesses and extended family members has been successfully phased in at regional office level.

* Percentage is calculated at the end of the financial year using the total number of witnesses that remain on the programme plus those that walked off as a denominator.



Stakeholder Engagement

All stakeholders within the CJS are engaged with on a regular basis and representatives of the OWP attend joint meetings at national and regional level.

Resourcing Plan

The ratio of protector to witnesses protected is much lower than international best practice. An additional 153 posts are required to meet these standards. The unit also urgently requires the professional services of psychologists to evaluate witnesses on the programme in order to identify witnesses who are at risk of causing injury to themselves or others due to emotional factors. The budget of the unit is insufficient in this regard. These funds are critical to ensure that incidents of suicide and murder are prevented, or where they do occur, they are managed with counselling.

Challenges Experienced

The unit requires additional funding to increase its capacity in order to comply with standards set by the United Nations (UN).

The establishment of an operational control room is still a serious challenge and is required for the safety of witnesses and protection teams in transit. While the plan is at an advanced stage however, it requires sufficient funding.

Forecast

The co-operation and liaison with relevant partners and stakeholders will underpin the strategy of the OWP in 2009. Protectors will be available on a 24/7 hour basis to expeditiously meet the demand for services. The turnaround times will be closely monitored and mechanisms put in place to improve thereon. A holistic approach to protect witnesses will be followed, taking care of both their physical and mental wellbeing. Factors that can lead to witnesses walking off the programme will be identified and dealt with speedily. Intervention by investigators and prosecutors will always happen on neutral ground to prevent places of safety being compromised. The OWP will ensure that the witness is timeously brought to court (or other forum) to testify.





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SUB-PROGRAMME 3:
DIRECTORATE OF SPECIAL OPERATIONS

Sub-programme 3: Directorate of Special Operations

Introduction

This sub-programme deals with the disruption and prosecution of serious, complex and organised crime.

Purpose

The DSO has the authority and flexibility to source multi-faceted crime information, in particular on the trail of money, drugs and people in syndicated organised crime. The purpose of the directorate is to gather and analyse information, investigate and prosecute particular serious crimes, organised crimes and crimes of national interest which threaten democracy and the economy. Focus areas include financial crime, organised public sector corruption, syndicated organised crime, racketeering, money laundering and human trafficking.

Measurable Objectives

Combat serious organised crime by increasing the number of investigations and prosecutions conducted and maintaining a very high conviction rate

Service Delivery Achievements

A number of the key performance indicators for the DSO are reflected in Table 7 below, which tracks performance over a five-year period.

Table 7: Service Delivery Performance Indicators: 2004/05-2008/09

Directorate of Special Operations							
Indicator	2004/05	2005/06	2006/07	2007/08	2008/09	Change over prev yr	Change over period
Investigations finalised (no. of cases)	325	318	267	178	78	-56.2%	-76.0%
Investigations new (no. of cases)	334	380	368	111	55	-50.5%	-83.5%
Arrests (no of persons)	471	447	617	144	126	-12.5%	-73.2%
Prosecutions finalised (no. of cases)	234	243	214	182	64	-64.8%	-72.6%
Conviction rate	88%	82%	85%	94%	98%	+4.3%	+11.4%
Restraint orders with AFU (R'000)	R 180,000	R 236,000	R 550,000	R 45,425	R 17,021	-62.5%	-90.5%
Contraband seized (R'000)	R 2,460,000	R 445,000	R 956,580	R 4,084,775	R 35,571	-99.1%	-98.6%



Highlights of Achievement

The NPA and DSO management were extremely busy with the Government's decision to transform the CJS and more specifically, to disband the DSO in its current format and the establishment of DPCI unit within SAPS. The negotiations and drafting of the NPA and SAPS bills, establishments of joint task teams, the NPA task teams, sub-committees, Joint Operational Management Committees, audit processes, the drafting and tabling of reports and task team meetings drained energy and valuable operational time from NPA and DSO management during the reporting time.

The NPA team responsible for the negotiations and drafting of the legislation was fairly successful in their endeavours to build reasonable to good relationships with other role-players in the process.

The operational progress of the DSO regarding casework was influenced by the drawn-out process of finalising the SAPS and NPA Bills, the impending appointment of the Head of DPCI and the smooth transformation process of staff to their respective new destinations.

The exceptional conviction rate of the DSO is testimony of its integrated approach to investigation, crime analysis and prosecutions. The DSO focussed on finalising cases instead of taking on new cases.

In spite of this, a number of cases or projects were dealt with that are worth mentioning:

S vs Mokoena and Others: The five accused were convicted of fraud and sentenced to between five (5) and 15 years imprisonment. All the accused were declared unfit to possess a firearm in the near future.

S vs Makhafola: The accused was sentenced to 10 years imprisonment on a charge of fraud.

Programme Guanxi: Two accused were arrested. 3 611 dried abalone with a weight of 283kg value at R340 572-00 were seized. The matter was placed on the roll and finalised within one month. The abalone was forfeited to Marine and Coastal Management. A further five suspects were arrested and 658 kg of dried abalone to the value of R 789 600 was seized. Two vehicles, an Isuzu Truck and Mercedes Benz to the value of R 155 000 were also seized. During another operation 9 750kg of shucked abalone and 4 167 abalone valued at R262 500 were seized. During a further operation the team confiscated 81 bales of counterfeit clothing and leather jackets to the approximate value of R 25 million.

S vs Masolompane: The accused was convicted on eight counts of fraud, one count of theft and obstructing the course of justice and five counts of unlawful possession of altered documents. He was sentenced to an effective 20 years imprisonment.

S vs Hughes: Accused 1 was convicted for fraud and two counts of corruption and sentenced to 15 years imprisonment for fraud and 16 years imprisonment for corruption. Accused 2 was convicted of fraud and sentenced to 15 years imprisonment. Accused 3 was convicted of fraud and sentenced to 10 years imprisonment and accused 5 was convicted for fraud and sentenced to five years imprisonment.

S vs Brits: The accused was found guilty on seven counts of fraud and one of section 4 of the Prevention of Organised Crime Act (POCA) and was sentenced to 15 years imprisonment suspended for 5 years and an amount of R100 000 was paid into the Criminal Asset Recovery Account (CARA).

Project Yogurt: 1.5 tons of contraband tea worth R1.5 million and 833 cartons of counterfeit cigarettes worth R166 600 was confiscated.

Project Zone 14: One suspect was arrested for dealing in drugs. The team confiscated 22.824 kg of compressed cannabis with an estimated value of R 2,718,794.

S vs Abader: The accused was convicted of murder and sentenced to 18 years imprisonment.

S vs Goodwin: One accused was convicted of 36 counts involving fraud, corruption and money laundering and sentenced to a total of 50 years imprisonment. The accused and others misappropriated approximately R200 million TETA investment funds, corrupt payments of approximately R4.6 million, and the money laundering of approximately R 90 million through his entities. The sentences are structured as follows: One count of fraud, 20 years imprisonment of which 10 years is suspended on certain conditions. Two counts of corruption, 15 years imprisonment of which five years is suspended. Thirty three counts of money laundering, 15 years imprisonment of which seven years is suspended. All the sentences will run concurrently.



S vs Manyoni: The accused was convicted for 46 counts of fraud and sentenced to 10 years imprisonment.

S vs Fick: the accused was convicted of 124 counts of fraud and one count of money laundering and sentenced to five years imprisonment. The amount of R2, 4 million in compensation was paid to the victim.

S vs Heckroodt and 4 Others: Four accused were convicted of 931 counts of fraud and eight statutory charges in respect of the Banks Act with an amount involved of R54 million. Accused 1-3 received sentences of 15 years imprisonment of which portions were conditionally suspended. The fourth accused was sentenced to 10 years imprisonment of which six years were conditionally suspended.

Training Division

A number of training interventions took place dealing with the areas of focus of the DSO.

Stakeholder Engagement

Members of the DSO liaised with various state departments such as SAPS, South African Revenue Service (SARS), Financial Intelligence Centre (FIC), National Intelligence Agency (NIA), Department of Health and South African Secret Service (SASS). They also liaised with the UN, Interpol (South Africa, United Kingdom and France), Serious Organised Crime Agency (UK) and international justice departments. The DSO was represented at an international workshop on illicit trade in Cape Town together with 123 delegates (police, custom officials and prosecutors) from international law enforcement agencies from Sub-Sahara countries, the Middle East, UK, United States of America, Turkey, Interpol, Japan and private partners.

The DSO also continues to interact with international law enforcement agencies from Hong Kong, UK, Namibia, USA and Australia within the parameters of the legal framework.

Challenges Experienced

The DSO continues to lose staff. In this quarter 19 people resigned. The current vacancy rate in the unit is 51.8 % and it is a challenge to get all the work done.

Currently the biggest challenge for the DSO is to manage the relocation of staff to SAPS effectively.

Forecast for the Next Quarter

The NPA, DSO and NPA Task Team will focus on ensuring that the transition to the new unit in SAPS is smooth and without prejudice to the successful investigation and prosecution of cases. The management will continue to motivate the staff to provide a world-class service to the DSO clients despite the reduced personnel. The DSO will focus on speeding up the finalisation of outstanding investigations and prosecutions.





SUB-PROGRAMME 4:
ASSET FORFEITURE

Sub-programme 4: Asset Forfeiture

Introduction

The Asset Forfeiture Unit (AFU) ensures that the powers in the Prevention of Organised Crime Act of 1988 to seize criminal assets are used effectively to remove the profits of crime. The unit focuses on restraining and forfeiting the proceeds of crime or the property used to commit crime. Chapter 5 of POCA provides for the forfeiture of assets from a person convicted of an offence. Chapter 6 provides for a civil process that is not dependent on criminal prosecution for forfeiting assets that are the proceeds of crime, or have been involved in the commission of crime. Forfeited money is paid into the Criminal Assets Recovery Account (CARA), unless there is an identified victim of the crime, in which case the victim is compensated first. Applications in terms of POCA are civil in nature and are mostly conducted in the High Court. The AFU therefore occupies a unique position in the NPA as essentially a specialist civil litigation unit.

Purpose

The sub-programme: Asset Forfeiture seizes criminal assets that are the proceeds of crime or have been involved in the commission of an offence either through a criminal or civil process.

Measurable Objectives

Contribute to removing the profit of crime through increasing the value and number of orders and the success thereof.

Service Delivery Achievements

A number of the key performance indicators for the AFU are reflected in Table 8, which tracks performance over a five-year period.

Table 8: Service Delivery Performance Indicators-2004/05-2008/09

Asset Forfeiture Unit							
Indicator	2004/05	2005/06	2006/07	2007/08	2008/09	Change over prev yr	Change over period
New restraint orders (no.)	161	252	252	223	275	+23.3%	+70.8%
Value of new restraints (R'000)	R 234,406	R 344,129	R 1,294,569	R 395,229	R 320,254	-19.0%	+36.6%
Completed forfeiture cases (no.)	151	221	242	223	277	+24.2%	+83.4%
Value of assets forfeited (R'000)	R 172,855	R 106,748	R 100,600	R 127,322	R 271,588	+113.3%	+57.1%
Money paid to CARA	R 24,500	R 18,823	R 19,291	R 45,564	R 65,933	+44.7%	+169.1%
Success rate (overall)	87%	88%	88%	88%	86.5%	-1.5%	-0.5%
Success rate in judgments	65.2%	72.4%	81.8%	80.0%	63.2%	-16.8%	-2.0%



Highlights of Achievements

In the past year the AFU made a significant impact in the fight against crime. The AFU had a good year in terms of the value of its cases and exceeded most of its targets. It had the best year ever for the number and value of deposits into CARA at R66m, the highest ever number of seizures and total orders, the highest ever numbers for forfeitures applied for and forfeitures completed.

Below is the AFU's performance over the past financial year:

- 275 seizures (restraint and preservation orders) against a target of 255 (7.8% above target and 23.3% above previous year)
- 277 completed cases (confiscation and forfeiture orders) against a target of 250 (10.8% above target and 24.2% above previous year)
- 459 other orders against a target of 400 (15% above target and 20% above previous year)
- Seized and froze assets to the value of R320.3m against a target of R330m (3% below target and 19% below previous year)
- Completed cases (confiscation and forfeiture) to the value of R271.6m against a target of R120m (126% of target and 113.3% above previous year)
- 34 judgments against a target of 30 (13% above target)
- Deposited R65.9m into CARA against a target of R25m (164% above target and 44.7% above previous year)
- Returned about R29m to the victims of crime against a target of R20m (45% above target)

The AFU undertook a number of community interest cases. In the Eastern Cape a restraint order was granted for R28m against seven officials from the Mt. Ayliff Municipality in a corruption/tender fraud case. A beach front property was confiscated in Port Elizabeth where absentee owners allowed letting agents to rent out to tenants engaged in criminal activity including drug dealing, prostitution, cigarette and car syndicates.

A joint SAPS, City Council and AFU project targeting council owned houses used as drug outlets or shebeens was established in Cape Town. The purpose of the project is to identify council property used for drug dealing and the unlawful sale of liquor. Tenants are evicted and the AFU brings applications to forfeit assets in the properties and the proceeds generated from the activities at these premises. The council properties are then re-allocated.

The AFU is making a significant contribution to South Africa's anti-piracy efforts with a number of successful CD/DVD piracy related forfeitures. In the Eastern Cape a counterfeiter was convicted and a fine of R100 000 was imposed and R24 395 forfeited to CARA. Forfeiture is under way of a property in Pretoria used to produce illegal CD/DVDs. A property in Johannesburg used to manufacture and copy DVDs and CDs in a large counterfeiting operation was forfeited.



Development of Jurisprudence

The AFU had 34 contested cases with a success rate of 63.2% in the financial year under consideration. A number of noteworthy cases are the following:

The Constitutional Court dealt with the **Schabir Shaik** matter and dealt specifically with the interpretation of the word “benefit” in s18 of POCA. The Court found in favour of the NPA that the word “benefit” should not be limited to net proceeds of crime. The Court found that a Court of Appeal should only interfere with a confiscation order granted if the Court is satisfied that the Court which determined the amount acted un-judicially or misdirected itself or where the Appeal Court is of the view that the amount considered is disturbingly inappropriate.

“Affected gifts” were considered for the first time by the Supreme Court of Appeal (SCA) in the matter of **NDPP vs Procopos**. The daughter of the Respondent used her mother’s bank account to receive payments from investors. The court was concerned with the question whether the Respondent indeed received an affected gift from the Defendant, her daughter, when she took possession of the money in her bank account. The case of the Respondent was that she was a mere conduit, and therefore did not receive an affected gift. The SCA found that the standard of proof of a balance of probability applies when dealing with affected gifts. The court indicated that before the deeming provision in s16 of POCA can take effect, (1) there has to be a transfer of property by the Defendant to another person. (2) This supply by another person of some consideration to the Defendant and (3) proof that such counter-consideration was worth significantly less than the property in respect of which it was transferred. The Court found that the NDPP’s reliance on the fact that the Appellant paid the bank charges and the Appellant allowed her credit worthiness to be used did not trigger the operation of s16. In this case the matter was referred back to the High Court for oral evidence to be heard.

In the **Braun matter** a BMW X5 was used as a venue in which sexual offences with young girls were committed and as a means to transport the girls to and from other venues where such offences were committed. In 2005, Braun fled South Africa and left his BMW X5 at Windhoek airport. The NDPP obtained a preservation order in respect of the BMW X5. This order was set aside on reconsideration whereupon the NDPP brought a second application for a preservation order. In the meantime the DPP requested the Namibian authorities to repatriate the vehicle to South Africa for purposes of evidence. Braun was not notified of this request, despite having requested notice, as the DPP was of the opinion that he had no entitlement to notice. The Court was faced with the question whether the failure to notify the Namibian authorities of the application for reconsideration and of Braun’s request to be informed of an application to repatriate the vehicle to South Africa fell short of the constitutional standard and if so, whether the NDPP should not be non-suited. The Court found that the NDPP must always act with the utmost good faith which means that all material facts must be disclosed. The Court found that not all the relevant facts were disclosed in this matter and that the action of the NDPP did not comply with the constitutional requirements for fair administrative action and a fair public hearing. The Court however found that despite this, a decision not to entertain the application for a new preservation would be too severe a sanction since Braun committed very serious offences and the NDPP’s conduct had not caused him irreparable harm or prejudice. The Court thus found that an appropriate sanction would be to deprive the NDPP of a cost order.

In a further Braun application the NDPP obtained a preservation order in respect of immovable property belonging to Braun on the basis that Braun used it to commit unlawful sexual acts with children younger than 16 during a two year period. The Court found that the fact that an offence was committed on the property does not necessarily mean that the property is concerned in the commission of an offence. Evidence of a close connection is required. The Court found that on the facts, the property had little or no connection with Braun’s offences. Many, if not the majority of the crimes took place elsewhere – many in public places.



In the matter of the **NDPP vs Walsh**, there was an application for a restraint order. The order was provisionally granted, coupled with a rule nisi which was extended on several occasions. On the final extended return day the NDPP discovered that the court file was missing. The matter was not called in open court and no further date was set for the extension or discharge of the rule nisi. In view of the above, the NDPP applied for a revival of the rule nisi. The Court found that the rule nisi is not in itself an interdict, but simply an order directed to particular persons, calling upon them to appear in court on a certain fixed date, showing why the rule should not be made final. The Court found that POCA intended the provisional restraint order to operate like an interim interdict constrained temporally by the time frame of the rule nisi and thus rejected the notion that the rule nisi endured beyond the extended return date and accepted that it lapsed and was discharged by default of the NDPP's appearance. The court however found that it is possible to reverse the effect of the lapsing of such an order by reviving the rule. The court was satisfied that the NDPP had a strong case for revival of the rule nisi and revived the rule.

In the matter of the **NDPP vs Motaung** the NDPP obtained a restraint order, but the Defendant was discharged in the criminal trial. As a result of this the NDPP applied for and obtained a rescission of the restraint order in terms of the provisions of POCA. The only issue was the cost of the restraint proceedings and of the rescission application. The Court found that different considerations apply when a Court must exercise its discretion in respect of costs involving statutory and quasi judicial bodies and public offices than would normally be the case when civil matters are considered. The Court ultimately concluded that an appropriate cost order in respect of the restraint proceedings would be to make no cost order at all. In respect of the rescission application, each party was ordered to pay their own costs.

In the matter of the **NDPP vs Van der Burg** the matter dealt with an unlicensed shebeen run from a residence by the Respondent for several years. The issue arose whether the preservation order was fatally flawed if it was not personally served on the Respondent within the 90 day period prescribed by section 40. The court found that evidence that the forfeiture application was filed within 90 days of the preservation order being published in the Government Gazette, is sufficient to hold that the forfeiture application is in order. It was further held that evidence of the undeterred sale of liquor without a license for years, together with storage of liquor throughout the premises, and adaptations to the premises, are enough to find the property an instrumentality of an offence. Undeterred sale of liquor from premises together with a lack of other satisfactory methods to counter the commission of offences make forfeiture proportionate.

In the **De Vries matter** the question was considered whether under POCA there is any basis for the NDPP to seize any additional property as a result of the previous transfers of property by the first and second Defendant. In order to confiscate property held by a third party the Applicant must establish that such a person received property from a defendant without being a bona fide purchaser of such property. The Applicant may be able to confiscate the immovable property from a wife or ex wife of a defendant if the Applicant has proof that she could not have paid for the property because of her lack of income to do so or that adequate compensation was not given by the wife for the transfer. The Applicant may also be able to confiscate other property she holds to satisfy such an order.



Stakeholder Engagement

The AFU has strong regional and international relationships. The AFU has attended to requests for assistance from Germany, the United Kingdom, the Botswana Director of Public Prosecutions (DPP) and Swaziland, Namibian prosecutors and High Court Judges

South Africa participated in a mutual evaluation process initiated by the Financial Action Task Force on money laundering (FATF). Concerns were expressed about terror financing and the effectiveness of the implementation of South Africa's anti-money laundering laws. The South African asset forfeiture regime's compliance with the FATF Recommendations was confirmed.

South Africa was represented by the AFU at its first country review conducted in terms of the 1997 Organisation for Economic Co-operation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions in Paris. The AFU participated in a discussion by a panel of experts on international asset forfeiture law and practise organised by the Basel Institute's International Centre for Asset Recovery (ICAR) in Lausanne, Switzerland. ICAR assists developing countries in building capacity to use international mutual legal assistance in criminal matters to recover stolen assets sequestered abroad.

The Asset Recovery Inter-Agency Network of Southern African (ARINSA) was launched under the auspices of United Nations Office on Drugs and Crime (UNODC) to create an informal gateway to share best practice, coordinate the work of law enforcement and judicial authorities in the field of asset seizure. It is modelled on the Camden Asset Recovery Inter-Agency Network (CARIN). The ARINSA secretariat will be based at the AFU for the first three years.

The AFU has undertaken training of NPA prosecutors, particularly the aspirant prosecutors, magistrates as well as members of the SAPS, to build awareness.

Challenges

The uncertainty of the future of the DSO resulted in a reduction of referrals to the AFU. Historically the DSO provided the source of the majority of high value cases for the AFU. Relying on other partner agencies has meant undertaking a higher number of lower value cases to meet the targets. The quality and value of SAPS Organised Crime referrals have not matched the previous referrals from the DSO. Organised crime cases are complex and time-consuming and it is often difficult to link kingpins to the crime. Resource and capacity constraints hampered the effectiveness of efforts to fight bigger criminals and syndicates.

The establishment and consolidation of the Directorate for Priority Crimes Investigation will address some of the questions around sourcing our future referrals. Strategies to address our partner relationships continue to be developed.

AFU Regional Heads



Pretoria
Richard Chinner



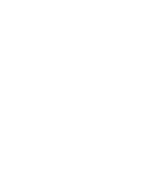
Johannesburg
W da Silva



Durban
M Moodley



Port Elizabeth
W Kingsley



Cape Town
H Cronje





**GOVERNANCE
AND RESOURCING**

Governance and Resourcing

Purpose

Provide strategic support to the NPA, giving managerial leadership to the work of the department.

Measurable Objective

The sub-programme aims to ensure effective leadership, management and administrative support to the NPA through continuous refinement of the organisational strategy and structure in compliance with appropriate legislation and best practice.

Governance

Office of the Chief Executive Officer

The Office of the CEO is responsible for the co-ordination of all corporate services and to ensure that these services are directed to support and enable the NPA to fulfil its mandate.

The CEO, members of his office and a number of Executive Managers visited all regions of the NPA to identify constraints to service delivery, build an understanding of the core function and improve communication. Various pressing issues were identified and an action plan developed to address these. The structure of Corporate Service is being reviewed to ensure better integration and service delivery improvement.

Governance Structures

Executive Management (Exco) met on a weekly basis and supported the NDPP in directing the affairs of the NPA. Exco members also participated in the Ministerial Management Meeting.

The NPA National Management Meeting (NMM) met on a bi-monthly basis and remains the forum for information sharing in the NPA. The Corporate Services Management Committee (MANCO) meetings were held regularly and the key focus has been to address the Audit Action Plan.

Strategy

A three year strategic plan was developed and approved. The strategic plan was informed by research undertaken in the areas of the political, economic, socio economic, technological, legislative, ecological, internal NPA and crime environment. Senior managers were consulted and a one day workshop was held with primary partners. The session was well attended and confirmation of the strategic direction of the NPA and constructive inputs were received. Stakeholder engagement in respect of integrated strategic planning with SAPS, LAB and DoJ&CD was also initiated. The Strategic Plan 2009-2012 was finalised and approved by Exco.

Enterprise Performance Management

The NPA continued to deliver its quarterly performance review reports on time to National Treasury. Quarterly internal reviews of the performance were conducted by business units and the Enterprise Performance Management Committee. The first two quarters were combined due to the lag in the collection of performance information. This has significantly improved and is not expected to be repeated in the next cycle.

The NPA has been allocated an additional sub-programme called Support Services which will allow it to better account for spending and performance in the next financial year. Baseline prediction was also significantly improved ensuring that target setting in the NPA is more realistic and based on past performance and trends.

A charter was developed and approved for the Exco Sub-Committee on Enterprise Performance Management.



Enterprise Risk Management

Risk assessments were conducted for all units and service centres. No risk assessments were conducted with Exco as a group; however, Exco members were consulted during the risk assessments for the business units under their leadership and management. Action plans were identified and documented for all risks classified as “high” and “medium” from a residual risk perspective.

BarnOwl, a risk management software tool, was successfully implemented within the NPA making it possible for the NPA to enhance its risk management methodology to include amongst others the following:

- Determining of residual ratings for ‘impact’ and ‘probability’ of a risk after taking into account the effectiveness and adequacy of existing controls per risk.
- Determining of control effectiveness per individual control as opposed to a single rating for all controls.
- The introduction of control adequacy per risk and the classification of controls in terms of their timing.

These changes enhance the organisation's ability to better manage its risk(s) by being able to determine appropriate responses and mitigation strategies.

During the year, the Office of the Accountant General, undertook a survey to establish the extent to which national departments institutionalised risk management. A six level maturity model was used, with level 3 being the level that indicates compliance to legislative requirements. The outcome of the survey indicated that the NPA is at maturity level 3.

Internal Audit

The NPA has a shared service with the DoJ&CD in regard to internal auditing functions. It is set to assist the Audit Committee and management at all levels in effectively discharging their responsibilities. The scope of Internal Audit's work is to review the adequacy and efficiency of the NPA's network of control processes, to report findings and make recommendations to improve shortcomings.

Internal Audit is set to achieve this through enhancing the skills of team members, consistently adapt our technologies and processes to meet NPA expectations and also enhance communication with all stakeholders.

Programme Management Office

The following projects were dealt with during the year:

- **Governance Centre:** An electronic Governance Calendar that schedules all governance events and provides a macro view of governance in the organisation.
- **MyNPAMyValues:** The NPA successfully defined its values and launched them. The institutionalisation of the values and the impact on service delivery will be managed by the Integrity Management Unit and Communications.
- **Customer Management:** A training manual for the Court Preparation Officers is being finalised. The NPA is also applying for SAQA accreditation for the programme.
- **Crime and Criminal Justice Survey:** The second annual survey was undertaken by the NPA to measure customer satisfaction. The findings from the survey provide key inputs to the strategy of the organisation and key delivery outputs.
- **Operations Management (OMS):** The NPA is capturing all the information from the Electronic Case Management System (ECMS) to the OMS. The NPA is also piloting the use of Lean Thinking principles at two sites (as reported by the NPS) - the Pinetown Magistrates Court and the recruitment section of HRM&D. The pilot in Pinetown has shown significant success and the project team has been invited to make a number of presentations to different platforms as a way of sharing the success. The HRM&D pilot is also progressing fairly well with some performance improvement being noted. The NPA aims to develop a programme for the implementation of Lean.
- **2010 FIFA World Cup Administration of Justice:** The implementation of the operational plans for all key areas continues with the focus on the Confederation Cup taking place in 2009. The DoJ&CD is the lead department and the NPA actively participates to ensure that all cases resulting from the event are dealt with speedily.



- **Optimal Capacity Model:** The NPA is in the process of developing a scientific forecasting model that will allow it to improve resource planning at a strategic level. The CSIR is the service provider and significant progress has been made.

Integrity Management Unit (IMU)

The Unit has commenced a review of the state owned housing allocated to NPA officials as well as the implementation of the performance management system. Both the reviews are in advanced stages. It is important the organisation is assured that these processes are ethical and have high levels of integrity. Reviews were also conducted of the supply chain management process, the official use of NPA stamps and submission of financial declarations.

The IMU coordinated three Integrity Management Meetings with all Integrity Owners. The Terms of Reference for the meeting were developed, approved and adopted. The forum also approved and adopted the Fraud and Corruption Response Implementation Plan on 29 August 2008.

In its quest to support the organisation the IMU also developed integrity standards for NPA. Guidelines for gifts, remunerative work and sponsorships were also distributed. The Unit also updated the existing application forms for gifts, remunerative work and sponsorships on the intranet.

The Unit successfully developed the NPA Code of Ethics document and launched it on the 9th of December 2008. The code sets out the ethical values, standards, guidelines or principles for employees to observe during the execution of their duties.

Nationally 67 integrity champions underwent Basic Integrity Champions training conducted by Ethics SA. They also signed the pledge to making the NPA an ethically sound environment. The IMU also held 23 education and awareness sessions across the organisation.

The unit successfully coordinated the celebration of International Anti-Corruption day for the first time in the history of the NPA. The event is celebrated annually on the 9th of December each year.

A total of 100 cases were investigated for the financial year of which 23 were reported on the Service Delivery Hotline Directory. The unit finalized 80 of these investigations and completed 217 integrity assessments.

Communications Unit

The Communications Unit worked closely within the government communications framework, participating in all planning and implementation sessions in the JCPS communication cluster – a process that is led by the Government Communication & Information System (GCIS). The regional communication managers work closely with the cluster government departments in the provinces.

Community Outreach and Public Relations

The communications team participated in major public exhibitions such as the Rand Easter Show, Royal Show, Pretoria Show, Grahamstown Arts Festival and academic institutions' career fairs, engaging with the public and providing information about the work of the NPA. The unit also provided event and communication support to all DPP offices with respect to their community outreach activities. The team also managed the organisation's 10-year anniversary events throughout the country. These events incorporated the launch of the organisation's values and were covered extensively in the media, with publicity focusing on key NPA achievements over the ten years. The website is also a platform that is being used increasingly to open access to the public and to improve communication with that stakeholder.

Media Relations

The NPA was seized with a significant number of high profile matters as well as key prosecutions and convictions that captured public attention. These were addressed efficiently in the print and broadcast media through interviews, media statements and participation in current affairs programmes. The unit also ensured media publicity on all major events and



activities of the organisation. The media team hosted a media roundtable session for editors (SANEF) NPA leadership participated and shared information about the work of their respective units.

The NPA spokesperson, Tlali Tlali was nominated and was runner-up for the Government Communicators' Awards in the National Bua category for government spokespersons, in recognition of his excellent media and communication management.

Internal Communication

Internal communication is a very important element of the communication strategy and the communications unit continued to focus on enhancing the effectiveness of the internal communication channels and tools to manage internal communication and information flow, including the internal newsletter and the intranet.

Resourcing

Human Resource Management & Development (HRM&D)

Establishment

Significant progress was made with the verification of the establishment. The first phase entailed confirming funded posts and abolishing those that are unfunded. The PERSAL records were also rectified and updated accordingly.

HR Plan

The draft HR Plan was submitted to the Department of Public Service Administration at the end of August 2008. An approved HR Plan was submitted during March 2009.

Delegations

The amended HRM&D delegations were submitted to the Department of Justice & Constitutional Development for the DG's approval.

State Guarantees

A task team was established to audit all state guarantees previously issued and ensure that proper and correct information is available. Correspondence was forwarded to financial institutions and individual employees for verification of state guarantee status. The state guarantee database was improved for better control and management.

Process re-design was informed by the Department of Public Works State Guarantee Regulations, which includes ensuring that definite responsibilities are appropriately allocated for each step involved and that control and check measures are built into the process. There was also better and more regular correspondence with affected employees.

Leave Management

A full leave audit was launched to address the challenges highlighted in the Auditor-General's report last year. During this period 2 097 files out of a total of 4 046 (51%) were audited up to various stages.

Due to the moratorium by National Treasury on the development of all transversal systems, the NPA will not proceed with the e-leave system at this stage. A leave policy is in place as part of the Conditions of Service Policy, and the unit is currently reviewing the leave policy and procedures with the view of establishing it as a stand-alone policy document. Roles were also identified and clarified to improve the management of leave in the organisation.



Recruitment

The NPA advertised 683 posts. 582 appointments and promotions were approved with 33 appointments outstanding. There were 97 internal transfers and 94 inter-departmental transfers, 153 resignations and 16 dismissals. 92 applications for temporary incapacity leave have been approved. The current vacancy rate is 24.9% inclusive of the DSO and contract employees. The vacancy rate for permanent posts excluding DSO is 22%, an improvement to the 27.4% reported last year.

Human Resource Development

Various training interventions have been undertaken in line with the training programme of the NPA. 474 employees have undergone training this year in competencies including leadership and management development programmes, computer training, HR practices, project management, finance management, transformation and change management, legal writing and statistical analysis. In the last financial year there were 312 bursaries awarded to staff. The cost of bursary payments was just over R2m. There are currently 33 interns employed in various business units and service centres.

Employee Wellness Programme

A number of initiatives were held to build awareness and promote health in the NPA. These included stress management, mental illness, prostate and breast cancer, substance dependency, diabetes, eye screening, health screening, HIV and Aids. At least 585 employees benefited from these initiatives. 316 employees benefitted from telephonic counselling and care services and 488 from face-to-face counselling.

HIV&AIDS Work Place Programmes

A total of 235 employees attended the HIV & AIDS awareness workshops aimed at promoting a positive attitude towards HIV positive people and access to VCT by people living with HIV. On-site testing and counselling services were conducted during the reporting period and more than 226 employees were tested and counselled for HIV. Presentations on the effect of Anti Retrovirals were offered to employees during the Candlelight memorial and World Aids Day events.

Employment Equity

Awareness workshops were conducted on the provisions of the Employment Equity Act. The setting up of Employment Equity Forums was facilitated. An action plan was developed for the implementation of Affirmative Actions measures and targets, and implementation was monitored.

Grievances and other Disciplinary Action

There was an increase of 27.8% in formal disciplinary matters, disputes and grievances compared to the same period last year as well as an increased utilisation of informal processes (Alternate Dispute Resolution). All backlog appeals were received back from the Minister's office. The following matters were dealt with by Bargaining Council:

- OSD for the legally-qualified staff in the NPA in terms of Public Service Coordinating Bargaining Council (PSCBC) Res. 1 of 2008
- Dissolution of the DSO
- Minimum services agreements



Finance & Procurement

Various interventions and measures were implemented during the year to address the weaknesses highlighted by the Auditor-General in the previous annual report. Some of the interventions put in place and achievements are outlined below.

Irregular Expenditure and supply chain management

The supply chain management environment was stabilised through the up-skilling of relevant staff members. Internal controls were strengthened and governance processes mapped out to clarify and align functions. The supplier database was approved and all procurement was made strictly with service providers registered on the database. A supply chain management forum was established, the purpose of which is to facilitate interaction between business units and the SCM unit, and to provide advice and guidance on the procurement process. There has been a significant decrease in the number of noted cases as a result of more compliance to policy and procedure. Supplier performance management and contract management remain areas of concern, and more attention was focused on improving these processes.

The amount disclosed as irregular expenditure in the financial statements in respect of prior years is set to decrease following the condonation of some of this expenditure (R113 million) by the Accounting Officer (DG) and the resolution of the Corporate Facilities Management (CFM) matter. In respect of the latter, the Accountant General ruled that the expenditure relating to the Victoria & Griffiths Mxenge building (VGM) lease is not irregular.

Financial Management

Budget management has improved significantly and 98% of the NPA voted funds were spent. This achievement is remarkable given the fact that phase I of OSD was implemented in October 2008 without additional funding being made available for this purpose. Quarterly budget reviews were conducted where expenditure patterns were interrogated and after which funds were reprioritised. Joint budget and strategy meetings were held with the Department of Justice and Constitutional Development to discuss the alignment of budget to strategy. Budget vs. expenditure reports were submitted to management and EXCO on a monthly basis and budget coaches interacted regularly with the respective business units.

Tangible Assets

The Asset Ware system has been introduced in the NPA and the roll out will be completed during the 2009/10 financial year. The tangible asset register was completed with monetary values. Asset verification processes were conducted and many sites around the country were visited to assist offices with asset verification. Systems are now in place to effectively manage and account for the assets going forward. What remains problematic is the confirmation of the accuracy of the opening balances reflected in the previous financial statements. The NPA has engaged National Treasury in order to obtain data to enable the completeness test to be conducted.

Subsistence & Travel (S&T)

Turnaround times in respect of S&T payments were met and as a result there are no backlogs and the number of S&T queries has decreased. There is also a significant improvement on the Travel and Subsistence Advances Account. The balance decreased from just over R1m to R432,313 (57% decrease). The current balance consists mainly of advances issued in the last three months and is managed effectively.

The SARS deadline for submission of the NPA's Tax Reconciliation was met. This helped to prevent a 10% penalty for late submission and also led to timeous issuing of IRP5's.

Donor Funding

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



Security & Risk Management (S&RM)

The service centre registered eleven (11) employee protection projects for threatened employees, in terms of the NPA Employees Assistance and Protection Policy. No one was harmed after the implementation of protection measures. The total cost of the protection is R3,3m.

The centre received 204 applications for vetting field work from the DoJ&CD, and 345 from NPA business units. 135 Clearance certificates were received from the National Intelligence Agency (NIA) and 502 applications were forwarded to NIA for finalisation.

The centre received and investigated 20 losses. The centre conducted 3 169 pre-employment screening for the NPA short listed candidates. Service providers were screened before being contracted to the NPA. The centre assessed NPA planned events as well as high profile cases to strengthen the protection services.

The centre rolled out the implementation of Occupational Health and Safety (OHS) Programme in Head Office and three regions, where committees were established and participants received training in different categories. In order to strengthen identification in the NPA environment, 200 NPA identification cards and 250 access cards were issued to NPA employees. Technical security systems in two NPA regional offices were installed for 2008/9 financial year. The centre currently oversees guarding and special services rendered by private security service providers in all NPA facilities.

Information Management Service Centre (IMSC)

A significant saving of R24 000-00 per month was accomplished by linking the DSO Promat building to the VGM network. A national server memory upgrade was conducted at 56 servers in total. The Microsoft ISA (firewall) was migrated from Internet Security Accelerator (ISA) 2004 to ISA 2006 at all sites including the VGM building.

Strategic Information System (SISP) – The SISP has been developed and approved through two cycles of continuous improvement. The SISP is the official corporate ICT strategic plan that governs the renewal and maintenance of Information and Communications Technology (ICT) for the NPA and includes the establishment of the ICT Intangible Asset Management Policy.

Infrastructure

It is a constant challenge to ensure that the IT infrastructure of the organisation remains up to date. All network switches throughout the country were replaced with the latest technology thus ensuring continued high levels of service and availability.

The Wide Area Network (WAN) Optimisation was rolled out successfully throughout the country. This means that the links between the offices are encrypted further enhancing security, improving efficiency and delaying the expensive upgrading of the networks, to cater for increased usage by at least a year.

The Microsoft Systems Centre Configuration Manager Proof of concept was completed successfully. This application will replace the outdated Radia application.

Five offices were converted from normal telephone lines to Voice over Internet Protocol (VOIP). When the whole system is implemented it will mean that inter branch phone calls are routed over the Network resulting in a free call – a further cost saving measure for the organisation.

Progress on IT Projects

Prosecutorial Preparation: This project consists of three sub projects, namely Prosecutorial Workbench (PWB), Unreported Case Law (UCLS) and Prosecutorial Support Expert Data Base (PSED) respectively. The functions of the sub-projects are:

- Prosecutorial Workbench provides a one stop web-based portal for prosecutors who need access to legal information required for prosecutorial preparation, as well as providing access to systems such as Lexis Nexis, Jutastat, UCLS, PSED and other judiciary systems.



- Unreported Case Law is a system that provides a capability for capturing cases that are not reported or published in the major case law publications such as Jutastats or LexisNexis. Although not land-mark cases or cases that have new, different or unusual interpretations of specific law, UCLS provides prosecutors with as many cases as possible that do not fit into the aforementioned categories, but still provides valuable information to the prosecutor.
- Prosecutorial Support Expert Database provides prosecutors with access to information regarding experts that may be able to assist with the prosecution of a case. Details of the areas of expertise of these people, their contact details, comments on their abilities and an indication of their general availability and cost are provided. There are requirements to extend this functionality in the future. The development on this project was completed in 2008/09. User acceptance testing is currently being done on the system. The system contributes to more rapid case preparation thereby shortening the case cycle. There is potential for better case preparation since all legal information is readily available, to the prosecutor, from a single point of reference.

Electronic Case Management System (ECMS) This project consists of a number of modules, one for each business unit involved with case management. The modules assist the prosecutors to capture and record all information related to a case, including all formal documentation related to the case. ECMS is a modular system that allows for the incorporation of new case processes to allow for the variation in case types and prosecutorial unit procedures. Workflow provides for alerts that ensure that key dates related to cases are not missed by the prosecutor.

The SCCU module development and the NPS module technical documentation were completed.

The system will provide:

- A secure, portal environment where details of all cases can be recorded and tracked
- Tracking by date, of all key events of a case to ensure that accurate and detailed management information can be extracted
- Prompts and alerts to ensure that the prosecutor does not miss crucial dates applicable to the case
- Case/investigation diary functions linked to tasks

Electronic Document and Records Management (EDRMS) This project provides documents, content and record repository compliant with the necessary Government Acts and Directives. A further objective of the system is to enable the user to track, manage changes and the approval cycle to content. All classification, filing, archiving and disposal of records must be in compliance with the directives of the National Archives. The EDRMS is to be interfaced with the ECMS such that all documentation related to cases is stored in the EDRMS.

Information Exchange Service (IES) - this project was initially called the Prosecutorial Process Flow Management (PPFM) system because its origin related to providing the Integrated Justice System (IJS) with information on the flow of cases through the NPA. In view of the developments within the IJS, the definition was broadened to include all instances of inter-operability between the NPA and other government departments as this is enabled through the IJS Transversal. The IES is a secure single point within the NPA which communicates with the IJS Transversal. All IJS system-to-system inter-operability will go through the IES which will, where necessary, re-format information and ensure correct system routing within the NPA environment.

All project technical documentation was drafted and signed off. Information Control Document (ICD) and Information Design Document between SAPS and NPA were drafted, signed off and development commenced.

This system allows NPA systems to communicate safely and securely with systems of other Departments through the IJS Transversal.



Research & Policy Information

The component conducts primary research including evaluative research as part of the monitoring and evaluation capability.

The component developed and continuously updated the network database of key research stakeholders. Achievements of the component include the following:

- The literature review (benchmark) for HRM&D was finalised.
- Research and evaluation of the Lean Implementation Project in Pine Town and HR continues
- The Situational Analysis Report (SAR) was finalised in preparation for the organisational strategic review for 2009/2010.
- The Knowledge Information Management (KIM) Officers continue to assist with the development of the Strategic Information System Plan (SISP). Requirements of the programme of Action (PoA) are addressed when and if required.
- The study of the constraints on economic growth in SA is continuing and the Survey on the Minimum Standards for Essential Services was finalised during November.

Information and Knowledge management

The component creates information through research, and the value of information and knowledge management is essential to successful research.

Crime and Criminal Justice Survey (CCJS)

The CCJS was conducted for the second time in 2008/2009. The overall goals of this survey were to inform the NPA's annual review of its strategy, and to assist the organisation in measuring and understanding the impact of its work. The 2008/2009 survey measured customer satisfaction; this will specifically assist the NPA in measuring and understanding the factors that influence inter alia; the costs incurred by victims as a consequence of crime, levels of awareness and knowledge of the NPA and its business units etc.

Monitoring and Evaluation

The R&PI team has been exploring the concept of measuring value realised within the organisation for an extended period. To this end various documentations have been compiled, such as the Value Realisation (VR) Concept Document and VR Indicators Report.

The learning and knowledge gained during this process including the evaluation of the strategic projects and initiatives informed the design and development of the VR Measurement Model and Process maps. The Measurement Model for VR with its supporting processes has been tested. A report to this effect is available. M&E was conducted in line with the needs of the Programme Management Office (PMO).

Library Services

The component is responsible for the delivery of library and information services to the NPA employees by providing up to date relevant information. This was achieved through the following activities:

- An overall increase in all library services was recorded in comparison to the previous financial year.
- The library management system was grown by 30 000 records and is standing on 37 530 items. The library system contributed to improved asset management
- Intensified training was conducted on all library systems to employees
- The resourcing of prosecutors with up to date material continued in that new editions and updates were distributed.



Corporate Services Forecast

Corporate Services needs to re-establish itself as a strategic partner to the core function of the NPA. A service delivery improvement plan for Corporate Services will be coordinated from the office of the CEO. The plan will attempt to design and build a centre of excellence that is flexible and delivers a quality service, speedily. Successful implementation with demonstrative results will require a longer period.

A re-structuring process within Corporate Services commenced last year and will be finalised in 2009/10. Acting positions will then be filled and critical capacity built in a number of areas identified in the new structure.

Departmental revenue, expenditure, and other specific topics

Collection of Departmental Revenue

The core functions of National Prosecuting Authority are to provide a coordinated prosecuting service, protect certain witnesses, investigate serious organised unlawful conduct and remove the profit of crime. Therefore the organisation does not generate revenue in its functions. However, the significant revenue received during 2008/09 financial year is in relation to financial transactions i.e. recoveries from previous years. The total revenue received for 2008/09 financial year decreased with 6.9% compared to the previous year and this is paid over to the National Revenue Fund via Department of Justice & Constitutional Development.

Figure 5: Collection of Department Revenue in the NPA

	2005/06 Actual R'000	2006/07 Actual R'000	2007/08 Actual R'000	2008/09 Target R'000	2008/09 Actual R'000	% Deviation from target %
Tax revenue	0	0	0	0	0	0%
Non-tax revenue	569	1,209	2,904	930	1,494	0
Interest	180	358	544		296	60.60%
Rental residential & non-residential	199	307	374		513	
Commission	138	469	531		624	
Photocopies & Faxes	0	0	0		6	
Assets less than R5000	0	0	0		4	
Publications	52	40	47		30	
Transfers received local & foreign	0	35	1,408		21	
Sales of Capital assets (Capital Revenue)	21,899	0	0	0	0	0%
Financial transactions(Recovery of loans and advances)	282	5,640	1,678	200	2,770	1285%
Total Departmental Receipts	22,750	6,849	4,582	1,130	4,264	277.30%



Departmental Expenditure

Figure 6: Departmental Expenditure

Programmes	Voted for 2008/09 R'000	Roll-overs and adjustments R'000	Virement R'000	Total voted R'000	Actual Expenditure R'000	Variance R'000
Sub-Programme 1 : Public Prosecution	1,693,882	-7,206	-28,263	1,658,413	1,625,681	32,732
Sub-Programme 2 : Witness Protection Programme	112,540	0	-4,776	107,764	103,167	4,597
Sub-Programme 3 : Directorate of Special Operations	260,833	0	20,553	281,386	278,301	3,085
Sub-Programme 4 : Asset Forfeiture Unit	55,472	0	8,774	64,246	64,246	0
Total	2,122,727	-7,206	-3,712	2,111,809	2,071,395	40,414

Conditional Funds and Earmarked Funds

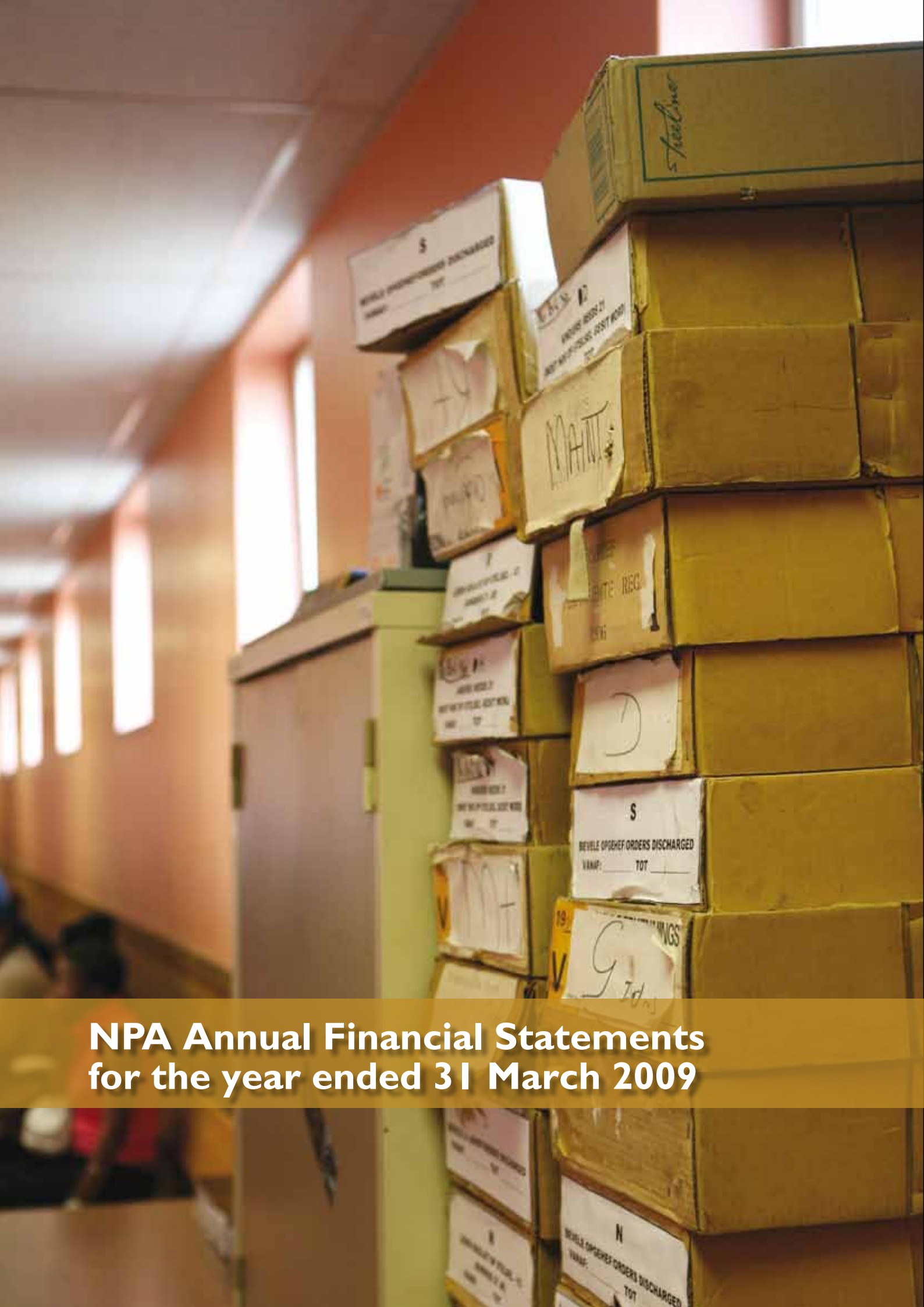
The NPA received additional funding during the 2007 MTEF process for the reduction of case backlogs (R45m for 2007/08; R80m for 2008/09 and R108m for 2009/10). These funds were earmarked for this project. There are currently 38 backlog sites in operation, and more sites are being considered to deal with the large number of backlog cases in the Regional Courts. The backlog courts sat on average 3h40 minutes per day and finalised a total of 4 497 cases.

A study of the performance of the backlog courts has shown a reduction of 9% on backlog cases in all Regional courts in the past year.

Capital investment, maintenance and asset management plan

The DoJ&CD reports on this in Programme 2 of the vote.





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for the year ended 31 March 2009**

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NATIONAL PROSECUTING AUTHORITY

VOTE: JUSTICE AND CONSTITUTIONAL DEVELOPMENT

REPORT OF THE ACCOUNTING OFFICER

For the year ended 31 March 2009

I. General review of state of financial affairs

The Chief Executive Officer (CEO) continued to act as the Accounting Officer of the NPA, on the basis of a delegation of authority from the Director-General of the Department of Justice and Constitutional Development (DoJ&CD). The CEO of the National Prosecuting Authority (NPA) is also the Accounting Officer of the Directorate of Special Operations (DSO) in terms of the National Prosecuting Authority Act.

The NPA received a qualified audit opinion in the 2006/07 financial year and the Auditor-General issued a disclaimer of opinion in respect of the 2007/08 financial year. The basis for the disclaimer is listed as the poor supply chain environment, ineffective asset management, poor leave management, the absence of a comprehensive software and intangible asset policy, overstatement of prepayments and advances, and the absence of a system of control to ensure the accuracy and completeness of housing guarantees. These audit findings were addressed through the development of an action plan and implementation of the National Treasury monitoring tool.

The NPA is programme four within the Justice Vote. A R3,712 million virement was made to the DoJ&CD to cover over-expenditure in other programmes. National Treasury granted the DoJ&CD approval for the virement.

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

	2008/09	2007/08
	R'000	R'000
Total revenue	2,117,881	1,868,712
Less		
Total expenditure	2,076,852	1,886,336
Current expenditure	2,067,295	1,817,046
Transfers and subsidies	5,648	3,268
Capital assets	3,909	66,022
Surplus / (deficit) for the year	41,029	(17,624)

The NPA spent 98, 1% of its appropriation as at the end of the financial year. Current payments were fully expended, but capital expenditure was low at 6, 5%. The low spending in respect of the capital is as a result of delays in the tender process for the furniture and equipment for the offices of the DPP: Johannesburg, the standardisation project for office accommodation, the uncertainty regarding the relocation of the DSO, and forced savings to cover the Occupational Specific Dispensation for Legally Qualified Personnel (OSD) implementation.

Fruitless and wasteful expenditure relating to the current financial year amounts to R264 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.

It must be noted that in respect of budgetary matters, the NPA does not administer the full budget for lower court prosecutors. The NPA only administers the personnel budget of these prosecutors. The administration of the remainder of this budget remains with the DoJ&CD. This issue has been unresolved for some time along with the NPA accountability and reporting status.



The Chief Financial Officer (CFO), Mr. Brian Graham, resigned at the end of December 2008. The post has been advertised and a suitable candidate has been identified.

A separate set of financial statements will be published for the Criminal Assets Recovery Account (CARA) as agreed with the Office of the Accountant-General.

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.
- 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.

2.3 Inventories

A stock take was conducted on 31 March 2009. The value of inventory at that date was determined to be R12, 063 million. The basis of the valuation was invoice cost.

3 Capacity Constraints

The NPA advertised 683 posts. 582 appointments and promotions were approved. There were 285 terminations and transfers.

The NPA continued to experience considerable difficulty to attract and retain staff. The overall vacancy rate on 31 March 2009 was 24, 9%. In this regard, it must be pointed out that during the year under review several senior positions were filled by acting appointments for considerable periods of time – these include the positions of the National Director of Public Prosecutions, the CEO, deputy CEO; Head: Witness Protection Unit; Head: DSO; Head: NPS, and CFO. In addition, the NPA struggled to attract staff and retain managers with the necessary skills and experience, specifically African females. Within the prosecuting services, the high staff turnover results in inexperienced prosecutors being promoted too quickly into more senior positions. Prosecutors also continue to leave for the magistracy, because of the salary differentiation.

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. In order to address these challenges, the NPA embarked on a recruitment drive and prioritised the filling of vacancies.

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 Africa 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 within 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	Women 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. Baseline funding should be provided to ensure sustainability.

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 important for the successful delivery on its mandate and its obligation to deliver value to its stakeholders. In support of this, the NPA follows a structured and systematic risk management process that is embedded in existing management responsibilities and procedures, so as to recognise and deal with uncertainty and its associated risk effectively. This includes both upside and downside risks. The Enterprise Risk Management service centre is located within the Office of the CEO and reports to the Joint Audit Committee from an oversight perspective. In the period under review, the NPA enhanced its risk management capability, employing additional suitably qualified and skilled staff, and the successful implementation of BarnOwl, a risk management software tool. It can also be reported that risk assessments have been conducted for the organisation (excluding the DSO) and that action plans are in place and in progress for all significant risks.

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 Integrity Management 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, providing them an opportunity to comment and provide inputs to a Code of Ethics. This consultative drive paid off, with the NPA Code of Ethics being developed, adopted and launched at the International Anti-Corruption Day held in December last year. In terms of combating initiatives, the unit registered 100 Investigations of which 80 were completed during the financial year.

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.



In addition, the NPA has developed a Code of Ethics that compliments the codes of conduct for members of the NPA and for the public service.

The Security & Risk Management Service Centre continued to provide threatened employees with protection in terms of the NPA's Employee Protection Policy. This continues to be a key part of the risk management strategy of the NPA.

Delays experienced with the integration of the NPA and DoJ&CD Internal Audit Units negatively affected effectiveness and output. The Audit Committee, which operates in terms of its own charter, continued to hold regular meetings. The Audit Committee effectively fulfilled its mandate.

As previously reported, the NPA Executive Management established a Budget Review Committee which 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. In order to improve budget planning and coordination, a Joint NPA DoJ&CD budget task team was established. This task team met regularly during the year under review.

6 Discontinued activities / activities to be discontinued

The NPA will transfer the investigative capacity and cases of the Directorate of Special Operations (DSO) (the Scorpions) to the South African Police Service (SAPS) on a date to be determined. This follows the decision to disband the Scorpions and the promulgation of the National Prosecuting Authority Amendment Act and South African Police Services Amendment Act. The placement of the DSO prosecutors will be finalised and administrative staff will be incorporated into other business units of the NPA. Discussions with the SAPS are continuing and joint operating task teams have been established to ensure cases, operations and prosecutions are not compromised during the interim period. The amount of budget that is to be transferred to SAPS during the Adjustment Estimates will be negotiated and will be based upon the personnel budget for DSO investigators plus a proportion of goods and services taking due cognisance of the respective liabilities and operating needs of SAPS and the NPA.

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 is pleased to report progress with asset management. Quarterly asset verifications were conducted and the systems are now in place to effectively manage and account for assets. However, some challenges remain. These challenges include:

- Accounting for installation cost and linking of secondary assets (table legs, brackets, etc). National Treasury was requested to provide guidance on this matter.
- The opening balances for major and minor assets for the prior financial year are not confirmed. In order to show completeness, the transactional data for the last five financial years must be analysed to determine accurately the value of assets acquired in the prior financial years. We are now focussing on maintaining control over assets and accounting fully for acquisitions while fixing the prior years.
- The NPA shares accommodation with DoJ&CD at many lower courts. Asset management is difficult at such sites and assets are frequently found with two tags – one from the NPA and one from DoJ&CD. The NPA is engaging DoJ&CD on this matter with a view to transfer all NPA assets at the lower courts to DoJ&CD.

The intangible asset policy was finalised.



9 Events after the reporting date

No events, favourable and unfavourable, occurred after the reporting date and the date of approval of the Annual Financial Statements.

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	Findings on progress
Sixth Report of SCOPA adopted by the National Assembly on the 08 February 2008		
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	This is a matter still requiring political decision. A submission was forwarded to the previous Minister for Justice & Constitutional Development recommending that the NPA be listed as a separate constitutional entity. No decision could be reached. During March 2006, the NPA approached the Minister for Justice and Constitutional Development (Ms. Bridget Mbandla). The matter is currently being considered by the newly appointed Minister.
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	During the 2008/2009 financial year 582 appointments and promotions were approved and there were 285 terminations and transfers. A number of contract appointments were also made while the filling of permanent posts is addressed. The vacancy rate at the NPA decreased from 27.4% in the 2007/08 financial year to 24.9% in the 2008/09 financial year.
Par 3 (3.3) SCOPA recommends that: <ul style="list-style-type: none"> a system or process is put in place to enable CARU to fulfil its mandate, policies and procedures are implemented and vacancies are filled 	Criminal Assets Recovery Account	<p>The Electronic Case Management System (ECMS) is being successfully used by the Asset Forfeiture Unit in the NPA. The ECMS is being further developed to incorporate the needs of CARA. The ECMS will be piloted during the 2009/10 for CARA and will be implemented after final changes have been effected.</p> <p>The draft policies and procedures have been developed.</p> <p>The Ministerial Criminal Assets Recovery Committee made recommendations on the draft policies and procedures at the meeting held on 17 February 2009.</p> <p>The final approval by the new Ministerial Criminal Assets Recovery Committee of the policies and procedures will be finalised in the 2009/10 financial year.</p>



Reference to previous audit report and SCOPA resolutions	Subject	Findings on progress
Third Report of SCOPA adopted by the National Assembly on the 08 February 2008		
<p>Paragraph 5 page 63 of the Auditor General Report for 2007/08: SCOPA recommends that;</p> <ul style="list-style-type: none"> The Accounting Officer ensures that the outcome of the investigation is submitted to the Committee and; Action is taken to avoid discrepancies with regard to the above-mentioned issues. 	Irregular, fruitless and wasteful expenditure	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. Chairpersons and Employer Representatives have been appointed. The AG will be informed of the final outcome.
<p>Paragraph 6 page 64 of the Auditor General Report for 2007/08: SCOPA recommends that;</p> <ul style="list-style-type: none"> An updated asset register is in place and reviewed by management regularly; Policies that are related to financial reporting must be communicated throughout the entity. 	Tangible assets	<p>The NPA Asset Register is in the process of completion and will be implemented in order to comply with relevant prescripts.</p> <p>The NPA will perform quarterly asset verifications with Business Units.</p> <p>Reconciliations & Values will be performed on the assets.</p> <p>The need for training has been identified and will be conducted with Corporate Managers and Asset Controllers in the NPA.</p>
<p>Paragraph 12 page 65 of the Auditor General Report for 2007/08: SCOPA recommends that;</p> <ul style="list-style-type: none"> The information on PERSAL is updated on a daily basis and management should make sure that policies and procedures are implemented. 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. 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. 	Housing guarantees	<p>Management of the Housing Loan Guarantees is progressing well and consultation with the relevant banking institutions is taking place.</p> <p>Housing Guarantee register is being updated and is monitored by the operations manager on a monthly basis.</p> <p>Feedback is received from employees; Persal and the personnel files are updated accordingly.</p> <p>Monitoring and control measures are being put in place with a communication that the employees must twice a year submit letters from the banks on outstanding value of guarantees.</p>



<p>Paragraph 7 page 64 of the Auditor General Report for 2007/08: SCOPA recommends that;</p> <ul style="list-style-type: none"> •Policies, guidelines and procedures are in place and management must monitor the implementation of these policies; •Leave forms must be completed, approved by relevant managers and be captured on the PERSAL system on a daily basis. 	<p>Leave entitlement</p>	<p>Monitoring, Reviews & Reconciliations are performed. Various circulars have been distributed with regards to leave management. Meetings were held with management on leave management, leave related issues and concerns were discussed and solutions identified. Management and monitoring of leave will now be included in the performance agreements of Corporate Managers.</p>
<p>Paragraph 16 page 66 of the Auditor General Report for 2007/08: SCOPA recommends that;</p> <ul style="list-style-type: none"> •Control activities are developed with consideration of their cost and potential effectiveness in mitigating risks to the achievement of financial reporting objectives 	<p>Financial management</p>	<p>The joint budget committee reviews expenditure patterns timeously and quarterly budget review meetings with BU's to address prioritization of funds spent against budget has already been instituted. Expenditure is been monitored in line with the draw-downs on a monthly basis to ensure that requests for virements & reprioritization of funds are adequately addressed. The NPA Finance Unit will provide effective and efficient communication and support to BU's to ensure effective management of expenditure.</p>
<p>Paragraph 10 page 64 of the Auditor General Report for 2007/08: SCOPA recommends that;</p> <ul style="list-style-type: none"> •Management lead by example in terms of being competent, independent and support the achievement of effective internal control over financial reporting. •The entity complies with Procurement policies, Supply Chain Management Practices and applicable legislation. •Disciplinary procedures must be instituted against officials responsible for any tender irregularities. 	<p>Non-compliance with the Preferential Procurement Policy Framework Act and Supply Chain Management Practice</p>	<p>The NPA management monitor and perform reviews to ensure compliance with SCM pertaining to the procurement of goods and services. 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 service. The NPA undertook that NPA officials will be kept abreast of Practice notes and circulars issued by National Treasury. Weekly training sessions will be conducted with the SCM staff.</p>
<p>Fifteenth Report of SCOPA adopted by the National Assembly on the 11 December 2001</p>		
<p>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.</p>	<p>Joint Investigation Report into the Strategic Defence Procurement Packages</p>	<p>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.</p>



12 Prior modifications to audit reports

The audit disclaimers emanating from the previous financial year were addressed through the development of an audit action plan and implementation of the monitoring tool of the National Treasury. 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. Governance processes were defined, processes mapped, circulars issued, and training and information sessions held to strengthen capability and address the inefficiencies identified.

The IMU conducted an investigation into the Supply Chain Management (SCM) environment and proposed certain interventions and disciplinary action. These matters are taking their course. The NPA made an application to the National Treasury and the Director-General to condone the irregular expenditure. In this regard, the Director-General approved a condonation request in the amount of R1 16 million. However, written confirmation of the outcome of the request for condonation to National Treasury is still outstanding.

The steps taken to address the ineffective asset management were addressed above.

Leave records were captured and a leave audit was performed. Unfortunately, the leave audit could not be completed before financial year end and additional interventions will be required. Financial institutions were requested to confirm State Housing Guarantees. In this regard, the statement of financial guarantees issued shows guarantees repaid / cancelled / reduced / released during the financial year in the amount of R1, 757 million. The closing balance on 31 March 2009 now reflects R3, 976 million (R5, 436 million on 1 April 2008).

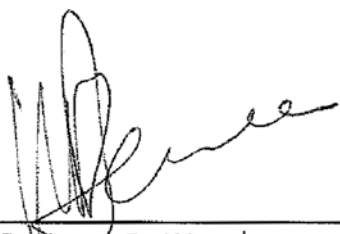
Records management and follow through on consequence management remain challenges, but these matters will receive additional focus in the new financial year.

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 Approval

The Annual Financial Statements set out on pages 31 to 85 have been approved by the Accounting Officer.



Dr Khetso De Wee
Acting CEO: NPA

Date: 29/8/09.



Adv. Menzi Simelane
Director-General: DoJ&CD

Date:



REPORT OF THE AUDIT COMMITTEE

We are pleased to present our report for the financial year ended 31 March 2009.

Audit Committee members and attendance

The Audit Committee is the same as that of the Department of Justice and Constitutional Development and consists of the members listed below. It is required to meet four times a year as per its approved terms of reference. During the current year nine meetings were held, some concurrently with the meetings of the Department of Justice and Constitutional Development.

Name of Member	Number of meetings attended
Stewart Patterson (Chairperson)	9
Ms. Catharina Sevillano-Barredo	9
Cedric Boltman	7
Ms. Ntombi Langa-Royds	6
Motsamai Karedi	6

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 No.1 of 1999 and Treasury Regulation 3.1. We further report that we conducted our affairs in compliance with the charter.

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. In certain instances the matters reported previously have not been fully and satisfactorily addressed.

Internal Audit

Due to high staff turnover, especially at supervisory and management levels, delays occurred in the finalisation of audit reports and certain projects in the operational plan were rolled over to 2009/10 with the agreement of the audit committee. We are advised that audit findings were, however, communicated to management through draft reports. The draft audit reports have since been finalised and we are satisfied that the internal audit function is operating effectively and that it has addressed the risks pertinent to the department in its audits in accordance with its operational plan.

Auditor-General South Africa

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

The quality of in year management and monthly/quarterly reports submitted in terms of the PFMA

We are satisfied with the content and quality of monthly and quarterly reports prepared and issued by the Accounting Officer of the Department during the year under review.



Evaluation of Financial Statements

We have:

- 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 thereto;
- Reviewed the department's compliance with legal and regulatory provisions;
- 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.



Chairperson of the Audit Committee

4 August 2009



REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON THE FINANCIAL STATEMENTS AND PERFORMANCE INFORMATION OF THE NATIONAL PROSECUTING AUTHORITY FOR THE YEAR ENDED 31 MARCH 2009

REPORT ON THE FINANCIAL STATEMENTS

Introduction

1. I have audited the accompanying financial statements which comprise the statement of financial position as at 31 March 2009, and the statement of financial performance, the statement of changes in net assets and the cash flow statement for the year then ended, and a summary of significant accounting policies and other explanatory notes, as set out on pages 76 to 121.

The accounting officer's responsibility for the financial statements

2. The accounting officer is responsible for the preparation 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 to the financial statements and in the manner required by the Public Finance Management Act, 1999 (Act No. 1 of 1999) (PFMA) and the National Prosecuting Authority Act, 1998 (Act No. 32 of 1998) and for such internal control as the accounting officer determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

The Auditor-General's responsibility

3. As required by section 188 of the Constitution of the Republic of South Africa, 1996 read with section 4 of the Public Audit Act, 2004 (Act No. 25 of 2004) (PAA) and section 36(4) of the National Prosecuting Authority Act, 1998 (Act No. 32 of 1998), my responsibility is to express an opinion on these financial statements based on my audit.
4. I conducted my audit in accordance with the International Standards on Auditing read with *General Notice 616 of 2008*, issued in *Government Gazette No. 31057 of 15 May 2008*. 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.
5. 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 and fair presentation 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.
6. 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

7. 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 R138,7 million at year-end as disclosed in note 29 to the financial statements and minor assets amounting to R65,9 million as disclosed in note 29.3 to the financial statements as a result of the following matters:
 - Neither the opening balance of movable tangible assets amounting to R134,8 million as disclosed in note 29 to the financial statements nor the opening balance of minor assets amounting to R62,5 million as disclosed in note 29.3 to the financial statements could be supported by an asset register. I was unable to confirm or verify by alternative means the existence, completeness, valuation and rights and obligations of the assets in question.



- The existence of movable tangible capital assets, both major and minor, purchased during the year under review amounting to R4,3 million (60% of total additions) could not be confirmed due to the asset register pertaining to additions being incomplete. The National Prosecuting Authority's records did not permit the application of adequate alternative audit procedures to verify the existence of these current year additions.

Intangible capital assets

8. The opening balance of intangible capital assets amounting to R40 million as disclosed in note 30 to the annual financial statements could not be supported by an asset register.
9. An asset register was provided for the year under review however the balance of the register amounting to R16,1 million could not be reconciled to current year additions amounting to R12 000 reflected in the financial statements.
10. I was unable to execute alternative audit procedures and consequently, I was unable to satisfy myself as to the existence, completeness, valuation and rights and obligations of intangible capital assets amounting to R40 million as reflected in note 30 to the financial statements.

Immovable Tangible Capital Assets

11. In the absence of an asset register, I was unable to confirm or verify by alternative means the existence, completeness, valuation and rights and obligations of immovable tangible capital assets amounting to R30,3 million as disclosed in note 31 to the financial statements.

Employee benefits

12. 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)(i) of the PFMA, resulting in a significant number of leave forms not being captured on PERSAL as at 31 March 2009. 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 R68,4 million and capped leave commitment of R1 19,6 million as disclosed in note 22 to the financial statements.

Prepayments and advances

13. Included in note 11 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.
14. 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 as required by section 11(i)(a) of the PFMA.

Finance lease expenditure

15. The National Prosecuting Authority has a number of leases that constitute finance leases in terms of Treasury Regulation 13.2.2, due to the significant risks and rewards incidental to ownership being transferred to the National Prosecuting Authority at the end of the agreements. The disclosure for finance leases requires that the finance cost element of the lease expenditure be disclosed separately from the capital portion.
16. Finance lease expenditure in respect of buildings and other fixed structures amounting to R94,3 million (31 March 2008: pertaining to the total of finance lease expenditure amounting to R101 million) was not disclosed in terms of this requirement.
17. I was unable to confirm or verify by alternative means the classification of finance lease expenditure included in note 23.1.2 to the financial statements between the capital and the finance cost element thereof. Accordingly, I was not able to determine the amounts of adjustments that might have been necessary to the amounts shown in the financial statements for finance lease expenditure.

Cash and cash equivalents

18. The third party transport account amounting to R6,8 million, which forms part of the Consolidated Paymaster General Account amounting to R35,2 million reflected in note 10 to the financial statements, was not reconciled and cleared at year-end as required by Treasury Regulation 17.1.2.
19. I was unable to confirm by alternative means the rights and obligations and existence related to this account. Furthermore, as a result of the aforementioned I was unable to determine the impact of this matter on the goods and services line



item in the statement of financial performance.

Irregular expenditure

20. 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 a proper tendering process not having been followed in all instances, irregular expenditure as disclosed in note 24 to the financial statements may be understated with a potential R29,5 million.

Qualified opinion

21. In my opinion, except for the possible 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 2009 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 to the financial statements and in the manner required by the PFMA and, section 36(4) of the National Prosecuting Authority Act, 1998.

Emphasis of matters

I draw attention to the following matters on which I do not express a qualified opinion:

Basis of accounting

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

Irregular expenditure

23. As disclosed in note 24 to the financial statements, irregular expenditure to the amount of R526,6 million was incurred, as a proper tender process had not been followed.

Restatement of corresponding figures

24. As disclosed in the following disclosure notes to the financial statements, the corresponding figures for 31 March 2008 have been restated as a result of an error discovered during 2009 in the financial statements of the National Prosecuting Authority at, and for the year ended, 31 March 2008:
- Note 19, Contingent liabilities
 - Note 22, Employee benefits
 - Note 24, Irregular expenditure
 - Note 26, Related party transactions

Other matters

I draw attention to the following matters that relate to my responsibilities in the audit of the financial statements:

Non-compliance with applicable legislation

25. Public Finance Management Act:
- The National Prosecuting Authority did not submit their annual report pertaining to the 2007-08 financial year to the National Assembly within one month after the accounting officer received the audit report as required in terms of section 65(1)(a).
 - The assignment of powers and duties by accounting officers was not adhered to in respect of the approval of journal entries, as required by section 44 of the PFMA.
26. Public Service Regulations (PSR):
- A formal Human Resource plan approved by the executive authority, which complies with the requirements of the PSR Chapter 1 part III D.1, was not in place during the 2008-09 financial year.
 - The National Prosecuting Authority did not have an approved updated organisational structure, as required by PSR, Part III B 2(a), in place for the year under review.
 - PSR Chapter 1, Part III, I.1 and I.2 require the department to have clear job descriptions and job titles for each post or



group of posts. Furthermore, it requires the department to review the job descriptions and job titles at least every three years. The National Prosecuting Authority has not fully complied with this aspect of the PSR.

27. Treasury Regulations:

- The persons in charge at the respective pay points did not in all instances certify on the date of payment that all employees listed on the payroll reports were entitled to payment as required in terms of Treasury Regulation 8.3.4.
- Treasury Regulation 8.2.3 states that unless determined otherwise in a contract or other agreement, all payments due to creditors must be settled within 30 days from receipt of an invoice.

28. National Prosecuting Authority Act

- Instances were found where security clearances have not been obtained for special investigators. In terms of section 19B(1) of the National Prosecuting Authority Act, 1998 no person may be appointed as a special investigator unless information with respect to that person has been gathered in a security screening investigation by the National Intelligence Agency established by section 3 of the Intelligence Service Act, 1994 and the National Director, after evaluating the gathered information, is satisfied that such person may be appointed as a special investigator without the possibility that such person might be a security risk or that he or she might act in any way prejudicial to the objectives of the Directorate of Special Operations.

Governance framework

29. The governance principles that impact the auditor’s opinion on the financial statements are related to the responsibilities and practices exercised by the accounting officer and executive management and are reflected in the internal control deficiencies and key governance responsibilities addressed below:

Internal control deficiencies

30. Section 38(1)(a)(i) of the PFMA states that the accounting officer must ensure that the department has and maintains effective, efficient and transparent systems of financial and risk management and internal control. The table below depicts the root causes that gave rise to the deficiencies in the system of internal control, which led to the qualified opinion. The root causes are categorised according to the five components of an effective system of internal control. (The number listed per component can be followed with the legend below the table.) In some instances deficiencies exist in more than one internal control component.

Par. no.	Basis for qualified opinion	CE	RA	CA	IC	M
7	Movable tangible capital assets	6				
8	Intangible capital assets	6				
11	Immovable Tangible Capital Assets	6				
12	Employee benefits			3		
13	Prepayments and advances			6		
15	Finance lease expenditure	6				
18	Cash and cash equivalents			3		
20	Irregular expenditure	6				

Legend	
CE = Control environment	
The organisational structure does not address areas of responsibility and lines of reporting to support effective control over financial reporting.	1
Management and staff are not assigned appropriate levels of authority and responsibility to facilitate control over financial reporting.	2
Human resource policies do not facilitate effective recruitment and training, disciplining and supervision of personnel.	3
Integrity and ethical values have not been developed and are not understood to set the standard for financial reporting.	4
The accounting officer/accounting authority does not exercise oversight responsibility over financial reporting and internal control.	5
Management’s philosophy and operating style do not promote effective control over financial reporting.	6
The entity does not have individuals competent in financial reporting and related matters.	7



RA = Risk assessment	
Management has not specified financial reporting objectives to enable the identification of risks to reliable financial reporting.	1
The entity does not identify risks to the achievement of financial reporting objectives.	2
The entity does not analyse the likelihood and impact of the risks identified.	3
The entity does not determine a risk strategy/action plan to manage identified risks.	4
The potential for material misstatement due to fraud is not considered.	5
CA = Control activities	
There is inadequate segregation of duties to prevent fraudulent data and asset misappropriation.	1
General information technology controls have not been designed to maintain the integrity of the information system and the security of the data.	2
Manual or automated controls are not designed to ensure that the transactions have occurred, are authorised, and are completely and accurately processed.	3
Actions are not taken to address risks to the achievement of financial reporting objectives.	4
Control activities are not selected and developed to mitigate risks over financial reporting.	5
Policies and procedures related to financial reporting are not established and communicated.	6
Realistic targets are not set for financial performance measures, which are in turn not linked to an effective reward system.	7
IC = Information and communication	
Pertinent information is not identified and captured in a form and time frame to support financial reporting.	1
Information required to implement internal control is not available to personnel to enable internal control responsibilities.	2
Communications do not enable and support the understanding and execution of internal control processes and responsibilities by personnel.	3

M = Monitoring	
Ongoing monitoring and supervision are not undertaken to enable an assessment of the effectiveness of internal control over financial reporting.	1
Neither reviews by internal audit or the audit committee nor self -assessments are evident.	2
Internal control deficiencies are not identified and communicated in a timely manner to allow for corrective action to be taken.	3

Key governance responsibilities

31. The PFMA tasks the accounting officer with a number of responsibilities concerning financial and risk management and internal control. Fundamental to achieving this is the implementation of key governance responsibilities, which I have assessed as follows:

No.	Matter	Y	N
Clear trail of supporting documentation that is easily available and provided in a timely manner			
1.	No significant difficulties were experienced during the audit concerning delays or the availability of requested information.	X	
Quality of financial statements and related management information			
2.	The financial statements were not subject to any material amendments resulting from the audit.		X
3.	The annual report was submitted for consideration prior to the tabling of the auditor's report.	X	
Timeliness of financial statements and management information			
4.	The annual financial statements were submitted for auditing as per the legislated deadlines section 40 of the PFMA.		X
Availability of key officials during audit			
5.	Key officials were available throughout the audit process.	X	
Development and compliance with risk management, effective internal control and governance practices			
6.	Audit committee		
	•The department had an audit committee in operation throughout the financial year.	X	
	•The audit committee operates in accordance with approved, written terms of reference.	X	
	•The audit committee substantially fulfilled its responsibilities for the year, as set out in section 77 of the PFMA and Treasury Regulation 3.1.10.	X	



7.	Internal audit		
	•The department had an internal audit function in operation throughout the financial year.	X	
	•The internal audit function operates in terms of an approved internal audit plan.	X	
	•The internal audit function substantially fulfilled its responsibilities for the year, as set out in Treasury Regulation 3.2.		X
8.	There are no significant deficiencies in the design and implementation of internal control in respect of financial and risk management.		X
9.	There are no significant deficiencies in the design and implementation of internal control in respect of compliance with applicable laws and regulations.		X
10.	The information systems were appropriate to facilitate the preparation of the financial statements.	X	
11.	A risk assessment was conducted on a regular basis and a risk management strategy, which includes a fraud prevention plan, is documented and used as set out in Treasury Regulation 3.2.	X	
12.	Powers and duties have been assigned, as set out in section 44 of the PFMA.	X	
Follow-up of audit findings			
13.	The prior year audit findings have been substantially addressed.		X
14.	SCOPA/Oversight resolutions have been substantially implemented.		X
Issues relating to the reporting of performance information			
15.	The information systems were appropriate to facilitate the preparation of a performance report that is accurate and complete.	X	
16.	Adequate control processes and procedures are designed and implemented to ensure the accuracy and completeness of reported performance information.		X
17.	A strategic plan was prepared and approved for the financial year under review for purposes of monitoring the performance in relation to the budget and delivery by the NPA against its mandate, predetermined objectives, outputs, indicators and targets (Treasury Regulations 5.1, 5.2 and 6.1)		X
18.	There is a functioning performance management system and performance bonuses are only paid after proper assessment and approval by those charged with governance.	X	

Investigations

32. Various allegations of financial misconduct and irregularities are currently being investigated. Two investigations have been finalised during the 2008-09 financial year relating to irregularities at the Witness Protection Unit and social grant fraud respectively. The NPA is in the process of taking the necessary action in terms of the outcomes of these investigations.



REPORT ON OTHER LEGAL AND REGULATORY REQUIREMENTS

Report on performance information

33. I have reviewed the performance information as set out on pages 9 to 55.

The accounting officer's responsibility for the performance information

34. The accounting officer has additional responsibilities as required by section 40(3)(a) of the PFMA to ensure that the annual report and audited financial statements fairly present the performance against predetermined objectives of the department.

The Auditor-General's responsibility

35. I conducted my engagement in accordance with section 13 of the PAA read with *General Notice 616 of 2008*, issued in *Government Gazette No. 31057 of 15 May 2008*.

36. In terms of the foregoing my engagement included performing procedures of an audit nature to obtain sufficient appropriate evidence about the performance information and related systems, processes and procedures. The procedures selected depend on the auditor's judgement.

37. I believe that the evidence I have obtained is sufficient and appropriate to provide a basis for the findings reported below.

Findings on performance information

Non-compliance with regulatory requirements

38. The accounting officer of the NPA did not prepare a strategic plan that is consistent with the period covered by the medium-term expenditure framework for approval by the relevant executive authority, as required by Treasury Regulation 5.1.1.

39. The accounting officer of the NPA did not provide Parliament or the relevant legislature with the strategic plan at least 10 days prior to the discussion of the department's budget vote, as required by Treasury Regulations 5.2.1 and 5.2.2.

Usefulness and reliability of reported performance information

40. The following criteria were used to assess the usefulness and reliability of the information on the department's performance with respect to the objectives in its strategic plan:

- Consistency: Has the department reported on its performance with regard to its objectives, indicators and targets in its approved strategic plan?
- Relevance: Is the performance information as reflected in the indicators and targets clearly linked to the predetermined objectives and mandate. Is this specific and measurable, and is the time period or deadline for delivery specified?
- Reliability: Can the reported performance information be traced back to the source data or documentation and is the reported performance information accurate and complete in relation to the source data or documentation?

The following finding relates to the above criteria:

Reported performance information not reliable

41. The source information or evidence provided to support the reported performance information with regards to the Public Prosecution sub-programme did not adequately support the accuracy and completeness of the facts. Differences between the information as per the prosecutor's daily court returns, court books and excel summaries were noted.



APPRECIATION

42. The assistance rendered by the staff of the NPA during the audit is sincerely appreciated.

Pretoria

31 July 2009

Auditor-General



AUDITOR - GENERAL
SOUTH AFRICA

Auditing to build public confidence



APPROPRIATION STATEMENT for the year ended 31 March 2009

APPROPRIATION STATEMENT	Appropriation per programme						2007/08		
	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
I.NATIONAL PROSECUTING AUTHORITY									
Current payment	2,066,045	-	(1,969)	2,064,076	2,063,128	948	100.0%	1,806,166	1,805,015
Transfers and subsidies	8,937	-	(1,743)	7,194	5,648	1,546	78.5%	3,350	3,268
Payment for capital assets	40,539	-	-	40,539	2,619	37,920	6.5%	51,750	51,750
TOTAL	2,115,521	-	(3,712)	2,111,809	2,071,395	40,414	98.1%	1,861,266	1,860,033
Reconciliation with Statement of Financial Performance									
ADD									
Departmental receipts				4,264	-			4,582	-
Aid assistance				1,808	-			2,864	-
Actual amounts per statement of financial performance (total revenue)				2,117,881	-			1,868,712	-
ADD									
Aid assistance					5,457				26,303
Actual amounts per statement of financial performance (total expenditure)					2,076,852				1,886,336





APPROPRIATION STATEMENT for the year ended 31 March 2009

Appropriation per economic classification									
2008/09					2007/08				
	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
Current payments									
Compensation of employees	1,555,395	-	1,170	1,556,565	1,556,566	(1)	100.0%	1,231,885	1,230,642
Goods and services	510,650	-	(3,463)	507,187	506,237	950	99.8%	573,321	573,437
Financial transactions in assets and liabilities	-	-	324	324	325	(1)	100.3%	960	936
Transfers and subsidies									
Provinces and municipalities	-	-	-	-	-	-	-	92	-
Departmental agencies and accounts	1,240	-	-	1,240	1,073	167	86.5%	-	-
Households	7,697	-	(1,743)	5,954	4,575	1,379	76.8%	3,258	3,268
Payments for capital assets									
Buildings and other fixed structures	-	-	-	-	-	-	-	57	57
Machinery and equipment	36,272	-	-	36,272	2,607	33,665	7.2%	47,982	47,982
Software and other intangible assets	4,267	-	-	4,267	12	4,255	0.3%	3,711	3,711
TOTAL	2,115,521	-	(3,712)	2,111,809	2,071,395	40,414	98.1%	1,861,266	1,860,033

APPROPRIATION STATEMENT for the year ended 31 March 2009

Details per sub-programme	2008/09					2007/08			
	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
I.1 Public Prosecution									
Current payment	1,532,630	107,459	(19,735)	1,620,354	1,619,986	368	100.0%	1,420,334	1,419,183
Transfers and subsidies	6,112	645	(1,193)	5,564	4,018	1,546	72.2%	2,391	2,309
Payment for capital assets	22,037	10,493	(35)	32,495	1,677	30,818	5.2%	27,614	27,614
I.2 Special Operations									
Current payment	346,979	(88,935)	18,725	276,769	276,189	580	99.8%	248,603	248,603
Transfers and subsidies	2,614	(614)	(472)	1,528	1,528	-	100.0%	924	924
Payment for capital assets	13,257	(10,168)	-	3,089	584	2,505	18.9%	22,768	22,768
I.3 Witness Protection									
Current payment	115,109	(7,569)	(4,734)	102,806	102,806	-	100.0%	77,968	77,968
Transfers and subsidies	85	(5)	(42)	38	38	-	100.0%	5	5
Payment for capital assets	5,245	(325)	-	4,920	323	4,597	6.6%	1,345	1,345
I.4 Asset Forfeiture Unit									
Current payment	71,327	(10,955)	3,775	64,147	64,147	-	100.0%	59,261	59,261
Transfers and subsidies	126	(26)	(36)	64	64	-	100.0%	30	30
Payment for capital assets	-	-	35	35	35	-	100.0%	23	23
TOTAL	2,115,521	-	(3,712)	2,111,809	2,071,395	40,414	98.1%	1,861,266	1,860,033



NOTES TO THE APPROPRIATION STATEMENT for the year ended 31 March 2009

1. Detail of transfers and subsidies as per Appropriation Act (after Virement):

Detail of these transactions can be viewed in note 7 (Transfers and subsidies) 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 1 (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 note 6 (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	Actual Expenditure	Variance	Variance as a % of Final Appropriation
	R'000	R'000	R'000	%
National Prosecuting Authority	2,111,809	2,071,395	40,414	1,9%

4.2 Per Economic classification:	Final Appropriation	Actual Expenditure	Variance	Variance as a % of Final Appropriation
	R'000	R'000	R'000	R'000
Payments for capital assets:				
Machinery and equipment	36,272	2,607	33,665	7.2%
Software and other intangible assets	4,267	12	4,255	0.3%

The low spending in respect of capital budget is as a result of:

- the standardisation project in respect of the allocation of furniture,
- delays in the tender process,
- uncertainty regarding the relocation of the Directorate of Special Operations (DSO) and
- forced savings to cover Occupation Specific Dispensation (OSD) implementation.



STATEMENT OF FINANCIAL PERFORMANCE

for the year ended 31 March 2009

	Note	2008/09 R'000	2007/08 R'000
REVENUE			
Annual appropriation	1	2,111,809	1,861,266
Departmental revenue	2	4,264	4,582
Aid assistance	3	1,808	2,864
TOTAL REVENUE		2,117,881	1,868,712
EXPENDITURE			
Current expenditure			
Compensation of employees	4	1,556,566	1,230,642
Goods and services	5	506,237	573,437
Financial transactions in assets and liabilities	6	325	936
Aid assistance	3	4,167	12,031
Total current expenditure		2,067,295	1,817,046
Transfers and subsidies			
Transfers and subsidies	7	5,648	3,268
Total expenditure for Transfers and subsidies		5,648	3,268
Expenditure for capital assets			
Tangible capital assets	8	3,897	62,311
Software and other intangible assets	8	12	3,711
Total expenditure for capital assets		3,909	66,022
TOTAL EXPENDITURE		2,076,852	1,886,336
SURPLUS/(DEFICIT) FOR THE YEAR		41,029	(17,624)
Reconciliation of Net Surplus / (Deficit) for the year			
Voted funds		40,414	1,233
Departmental revenue	2	4,264	4,582
Aid assistance	3	(3,649)	(23,439)
SURPLUS / (DEFICIT) FOR THE YEAR		41,029	(17,624)



STATEMENT OF FINANCIAL POSITION

as at 31 March 2009

ASSETS		2008/09	2007/08
	Note		
Current Assets		75,317	66,638
Fruitless and wasteful expenditure	9	2,844	3,021
Cash and cash equivalents	10	35,915	95
Prepayments and advances	11	20,017	22,914
Receivables	12	15,935	39,999
Aid assistance receivable	3	609	609
TOTAL ASSETS		75,317	66,638
LIABILITIES			
Current Liabilities		71,939	64,336
Voted funds to be surrendered to the Revenue Fund	13	40,414	1,233
Departmental revenue to be surrendered to the Revenue Fund	14	20,443	22,692
Bank overdraft	15	-	29,091
Payables	16	4,168	757
Aid assistance repayable	3	908	-
Aid assistance unutilised	3	6,006	10,563
TOTAL LIABILITIES		71,939	64,336
NET ASSETS		3,378	2,302
Represented by:			
Recoverable revenue		3,378	2,302
TOTAL		3,378	2,302



STATEMENT OF CHANGES IN NET ASSETS for the year ended 31 March 2009

NET ASSETS	2008/09	2007/08
	R'000	R'000
Recoverable revenue		
Opening balance	2,302	2,324
Transfers:		
Debts raised	1,076	(22)
Closing balance	3,378	2,302
TOTAL	3,378	2,302

CASH FLOW STATEMENT for the year ended 31 March 2009

CASH FLOW	Note	2008/09	2007/08
		R'000	R'000
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts		2,117,881	1,868,712
Annual appropriated funds received	1	2,111,809	1,861,266
Departmental revenue received	2	4,264	4,582
Aid assistance received	3	1,808	2,864
Net (increase)/decrease in working capital		30,549	(20,244)
Surrendered to Revenue Fund		(7,746)	(54,136)
Current payments		(2,067,295)	(1,817,046)
Transfers and subsidies paid		(5,648)	(3,268)
Net cash flow available from operating activities	17	67,741	(25,982)
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments for capital assets	8	(3,909)	(66,022)
Net cash flows from investing activities		(3,909)	(66,022)
CASH FLOWS FROM FINANCING ACTIVITIES			
Increase/(decrease) in net assets		1,076	(22)
Net cash flows from financing activities		1,076	(22)
Net increase/(decrease) in cash and cash equivalents		64,908	(92,026)
Cash and cash equivalents at the beginning of the period		(28,996)	63,030
Cash and cash equivalents at end of period	18	35,912	(28,996)



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.

ACCOUNTING POLICIES **for the year ended 31 March 2009**

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

Total appropriated funds are presented in the Statement of Financial Performance.

Unexpended appropriated funds are surrendered to the National/Provincial Revenue Fund. Amounts owing to the National/Provincial Revenue Fund at the end of the financial year are recognised in the Statement of Financial Position.

2.2 Statutory Appropriation

Statutory appropriations are recognised in the financial records on the date the appropriation becomes effective. Adjustments to the statutory appropriations made in terms of the adjustments budget process are recognised in



the financial records on the date the adjustments become effective.

Total statutory appropriations are presented in the Statement of Financial Performance.

Unexpended statutory appropriations are surrendered to the National/Provincial Revenue Fund. Amounts owing to the National/Provincial Revenue Fund at the end of the financial year are recognised in the Statement of Financial Position.

2.3 Departmental revenue

All departmental revenue is paid into the National/Provincial Revenue Fund when received, unless otherwise stated. Amounts owing to the National/Provincial Revenue Fund at the end of the financial year are recognised in the Statement of Financial Position.

Amounts receivable at the reporting date are disclosed in the disclosure notes to the annual financial statements.

2.3.1 Tax revenue

Tax revenue consists of all compulsory unrequited amounts collected by the department in accordance with laws and or regulations (excluding fines, penalties & forfeits).

Tax receipts are recognised in the Statement of Financial Performance when received.

2.3.2 Sales of goods and services other than capital assets

The proceeds received from the sale of goods and/or the provision of services is recognised in the Statement of Financial Performance when the cash is received.

2.3.3 Fines, penalties & forfeits

Fines, penalties & forfeits are compulsory unrequited amounts which were imposed by a court or quasi-judicial body and collected by the department. Revenue arising from fines, penalties and forfeits is recognised in the Statement of Financial Performance when the cash is received.

2.3.4 Interest, dividends and rent on land

Interest, dividends and rent on land is recognised in the Statement of Financial Performance when the cash is received.

2.3.5 Sale of capital assets

The proceeds received on sale of capital assets are recognised in the Statement of Financial Performance when the cash is received.

2.3.6 Financial transactions in assets and liabilities

Repayments of loans and advances previously extended to employees and public corporations for policy purposes are recognised as revenue in the Statement of Financial Performance on receipt of the funds.

Cheques issued in previous accounting periods that expire before being banked are recognised as revenue in the Statement of Financial Performance when the cheque becomes stale. When the cheque is reissued the payment is made from Revenue.

Forex gains are recognised on payment of funds.

2.3.7 Transfers received (including gifts, donations and sponsorships)

All cash gifts, donations and sponsorships are paid into the National/Provincial Revenue Fund and recorded as revenue in the Statement of Financial Performance when received. Amounts receivable at the reporting date are



disclosed in the disclosure notes to the financial statements.

All in-kind gifts, donations and sponsorships are disclosed at fair value in an annexure to the financial statements.

2.4 Aid assistance

Local and foreign aid assistance is recognised as revenue when notification of the assistance is received from the National Treasury or when the department directly receives the cash from the donor(s).

All in-kind local and foreign aid assistance are disclosed at fair value in the annexures to the annual financial statements

The cash payments made during the year relating to local and foreign aid assistance projects are recognised as expenditure in the Statement of Financial Performance. The value of the assistance expensed prior to the receipt of the funds is recognised as a receivable in the Statement of Financial Position

Inappropriately expensed amounts using local and foreign 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 current or capital expenditure in the Statement of Financial Performance.

Inappropriately expensed amounts using CARA funds and any unutilised amounts are recognised as payables in the Statement of Financial Position.

3. Expenditure

3.1 Compensation of employees

3.1.1 Short-term employee benefits

Salaries and wages comprise payments to employees (including leave entitlements, thirteenth cheques and performance bonuses). Salaries and wages are recognised as an expense in the Statement of Financial Performance when final authorisation for payment is effected on the system (by no later than 31 March of each year). Capitalised compensation forms part of the expenditure for capital assets in the Statement of Financial Performance (this accounting policy is only relevant where the department elects to capitalise the compensation paid to employees involved on capital projects).

All other payments are classified as current expense.

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 Position.

3.1.2 Post retirement benefits

The department provides retirement benefits (pension benefits) for certain of its employees through a defined benefit plan for government employees. These benefits are funded by both employer and employee contributions.

Employer contributions (i.e. social contributions) to the fund are expensed when the final authorisation for payment to the fund is effected on the system (by no later than 31 March of 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/Provincial Revenue Fund and not in the financial statements of the employer department.

The department provides medical benefits for certain of its employees. Employer contributions to the medical



funds are expensed when final authorisation for payment to the fund is effected on the system (by no later than 31 March of each year).

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. These amounts are not recognised in the Statement of Financial Performance or Position.

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 services were used for a capital project or an asset of R5000 or more is purchased. All assets costing less than R5000 will also be reflected under goods and services.

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 underspending of appropriated funds. The write off occurs at year-end or when funds are available. No provision is made for irrecoverable amounts but amounts are disclosed as a disclosure note.

Forex losses are recognised on payment of funds.

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 discovered 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 recognised in the Statement of Financial Performance when the unauthorised expenditure is approved and the related funds are received. Where the amount is approved without funding it is recognised as expenditure, subject to availability of savings, 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. 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 in the Statement of Financial Performance.

3.9 Expenditure for capital assets

Payments made for capital assets 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).

4. Assets

4.1 Cash and cash equivalents

Cash and cash equivalents are carried in the Statement of Financial Position at cost.

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.

Pre-payments 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.

Receivables outstanding at year-end are carried in the Statement of Financial Position at cost plus any accrued interest.

4.5 Investments

Capitalised investments are shown at cost in the Statement of Financial Position. Any cash flows such as dividends received or proceeds from the sale of the investment are recognised in the Statement of Financial Performance when the cash is received.

Investments are tested for an impairment loss whenever events or changes in circumstances indicate that the investment may be impaired. Any loss is included in the disclosure notes.



4.6 Loans

Loans are recognised in the Statement of Financial Position at the nominal amount when cash is paid to the beneficiary. Loan balances are reduced when cash repayments are received from the beneficiary. Amounts that are potentially irrecoverable are included in the disclosure notes.

Loans that are outstanding at year-end are carried in the Statement of Financial Position at cost.

4.7 Inventory

Inventories purchased during the financial year are disclosed at cost in the notes.

4.8 Capital assets

4.8.1 Movable assets

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 R1.

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.

4.8.2 Immovable assets

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 R1 unless the fair value for the asset has been reliably estimated.

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 Voted funds to be surrendered to the Revenue Fund

Unexpended appropriated funds are surrendered to the National/Provincial Revenue Fund. Amounts owing to the National/Provincial Revenue Fund at the end of the financial year are recognised in the Statement of Financial Position.

5.2 Departmental revenue to be surrendered to the Revenue Fund

Amounts owing to the National/Provincial Revenue Fund at the end of the financial year are recognised in the Statement of Financial Position at cost.

5.3 Direct Exchequer receipts to be surrendered to the Revenue Fund

All direct exchequer fund receipts are recognised in the Statement of Financial Performance when the cash is received.

Amounts received must be surrendered to the relevant revenue fund on receipt thereof. Any amount not surrendered at year end is reflected as a current payable in the Statement of Financial Position.



5.4 Bank overdraft

The bank overdraft is carried in the Statement of Financial Position at cost.

5.5 Payables

Recognised payables mainly comprise of amounts owing to other governmental entities. These payables are recognised at historical cost in the Statement of Financial Position.

5.6 Contingent liabilities

Contingent liabilities are included in the disclosure notes to the financial statements.

5.7 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.

5.8 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.

5.9 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.

5.10 Lease commitments

5.10.1 Finance leases.

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 the interest portions. The finance lease liability is disclosed in the disclosure notes to the Financial Statements.

5.10.2 Operating leases.

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 Statements.

6. Receivables for departmental revenue

Receivables for departmental revenue are disclosed in the disclosure notes to the annual financial statements.

7. Net Assets

7.1 Capitalisation reserve

The capitalisation reserve comprises of financial assets and/or liabilities originating in a prior reporting period but which are recognised in the Statement of Financial Position for the first time in the current reporting period. Amounts are transferred to the National/Provincial Revenue Fund on disposal, repayment or recovery of such



amounts.

7.2 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.

8. Related party transactions

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

9. 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 2009

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) and Provincial Departments:

	Final Appropriation	Actual Funds Received	Funds not requested/ not received	Appropriation received 2007/08
	R'000	R'000	R'000	R'000
National Prosecuting Authority	2,111,809	2,111,809	-	1,861,266
Total	2,111,809	2,111,809	-	1,861,266

2. Departmental revenue

	Note	2008/09 R'000	2007/08 R'000
Sales of goods and services other than capital assets	2.1	1,178	952
Interest, dividends and rent on land	2.2	296	544
Financial transactions in assets and liabilities	2.3	2,769	1,678
Transfer received	2.4	21	1,408
Total revenue collected		4,264	4,582
Departmental revenue collected		4,264	4,582

2.1 Sales of goods and services other than capital assets

	2008/09 R'000	2007/08 R'000
Sales of goods and services produced by the department	1,178	952
Sales by market establishment	544	421
Other sales	634	531
Total	1,178	952

2.2 Interest, dividends and rent on land

	2008/09 R'000	2007/08 R'000
Interest	296	544
Total	296	544



2.3 Financial transactions in assets and liabilities

	2008/09 R'000	2007/08 R'000
Stale cheques written back	39	14
Other Receipts including Recoverable Revenue	2,730	1,664
Total	2,769	1,678

2.4 Transfers received

	2008/09 R'000	2007/08 R'000
Foreign governments	-	1,271
Public corporations and private enterprises	21	137
Total	21	1,408

3. Aid assistance

3.1 Aid assistance received in cash from other sources

	2008/09 R'000	2007/08 R'000
Local		
Opening Balance	(609)	(660)
Revenue	-	-
Revenue Adjustment	-	51
Expenditure	-	-
Current	-	-
Capital	-	-
Transfers	-	-
Closing Balance	(609)	(609)
Foreign		
Opening Balance	2,150	2,253
Revenue	1,808	2,813
Revenue Adjustment	908	-
Revenue	900	2,813
Expenditure	(2,231)	(2,916)
Expenditure Adjustment	-	(1,712)
Current	(2,231)	(1,204)
Closing Balance	1,727	2,150

The Revenue Adjustment of R 908 000 relates to WK KELOGG Donor Funding which was surrendered to the National Revenue Fund (NRF) during 2007/08 financial year. In 2008/09 financial year the Revenue Account was reduced with the same amount and allocated to the Donor Funding account in order to be refunded to the Donor.



3.2 Aid assistance received in cash from CARA Fund

	2008/09	2007/08
	R'000	R'000
Opening Balance	8,413	31,800
Revenue	-	-
Expenditure	(3,226)	(23,387)
Current	(1,936)	(9,115)
Capital	(1,290)	(14,272)
Transfers	-	-
Closing Balance	5,187	8,413

3.3 Total assistance

	2008/09	2007/08
	R'000	R'000
Opening Balance	9,954	33,393
Revenue	1,808	2,864
Expenditure	(5,457)	(26,303)
Current	(4,167)	(12,031)
Capital	(1,290)	(14,272)
Transfers	-	-
Closing Balance	6,305	9,954

Analysis of balance

Aid assistance receivable

Other sources	609	609
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Aid assistance unutilised

Other sources	819	2,150
CARA Fund	5,187	8,413

Aid assistance repayable

Other sources	908	-
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Closing balance

	7,523	11,172
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4. Compensation of employees

4.1 Salaries and Wages

	2008/09	2007/08
	R'000	R'000
Basic salary	1,093,463	894,566
Performance award	20,140	21,646
Service Based	695	625
Compensative/circumstantial	8,750	10,071
Other non-pensionable allowances	249,350	154,509
Total	1,372,398	1,081,417

4.2 Social contributions

	2008/09	2007/08
	R'000	R'000
Employer contributions		
Pension	139,057	112,765
Medical	45,015	36,341
UIF	-	19
Bargaining council	96	100
Total	184,168	149,225

Total compensation of employees	1,556,566	1,230,642
Average number of employees	4,691	4,268



5. Goods and services

	Note	2008/09 R'000	2007/08 R'000
Administrative fees		715	-
Advertising		2,158	9,718
Assets less than R5,000	5.1	2,780	10,718
Bursaries (employees)		1,979	1,371
Catering		1,410	985
Communication		33,617	38,663
Computer services	5.2	47,737	35,547
Consultants, contractors and agency/outsourced services	5.3	103,466	119,795
Entertainment		117	622
Audit cost – external	5.4	5,033	3,604
Inventory	5.5	12,063	23,379
Maintenance, repairs and running costs		-	3,715
Operating leases		104,703	118,454
Owned and leasehold property expenditure	5.6	34,046	37,264
Transport provided as part of the departmental activities		-	1,293
Travel and subsistence	5.7	90,750	90,609
Venues and facilities		9,086	9,687
Training and staff development		3,313	5,257
Other operating expenditure	5.8	53,264	62,756
Total		506,237	573,437

5.1 Assets less than R5,000

	2008/09 R'000	2007/08 R'000
Tangible assets	2,780	10,668
Machinery and equipment	2,780	10,668
Intangible assets	-	50
Total	2,780	10,718

5.2 Computer services

	2008/09 R'000	2007/08 R'000
SITA computer services	14,745	8,655
External computer service providers	32,992	26,892
Total	47,737	35,547



5.3 Consultants, contractors and agency/outsourced services

	2008/09	2007/08
	R'000	R'000
Business and advisory services	50,856	57,096
Infrastructure and planning	7,705	15,535
Legal costs	29,339	35,192
Contractors	2,907	115
Agency and support/outsourced services	12,659	11,857
Total	103,466	119,795

Prior year's comparative figure for Legal costs has been restated due to reclassification of items.

5.4 Audit cost – External

	2008/09	2007/08
	R'000	R'000
Regularity audits	5,033	3,604
Total	5,033	3,604

5.5 Inventory

	2008/09	2007/08
	R'000	R'000
Learning and teaching support material	1,206	-
Food and food supplies	159	1
Fuel, oil and gas	8	1
Other consumable materials	707	984
Maintenance material	50	85
Stationery and printing	9,849	21,936
Medical supplies	2	1
Military stores	82	371
Total	12,063	23,379

5.6 Owned and leasehold property expenditure

	2008/09	2007/08
	R'000	R'000
Municipal services	146	-
Property management fees	4,481	3,283
Other	29,419	33,981
Total	34,046	37,264



5.7 Travel and subsistence

	2008/09 R'000	2007/08 R'000
Local	86,250	85,595
Foreign	4,500	5,014
Total	90,750	90,609

5.8 Other operating expenditure

	2008/09 R'000	2007/08 R'000
Professional bodies, membership and subscription fees	56	2
Resettlement costs	5,321	6,108
Other	47,887	56,646
Total	53,264	62,756

The line item "Other" mentioned under Operating expenditure includes items such as courier services, printing and publication services and protective custody of witnesses.

Prior year's comparative figure for "Other" has been restated due to re-classification of items.

6. Financial transactions in assets and liabilities

	Note	2008/09 R'000	2007/08 R'000
Debts written off	6.1	325	936
Total		325	936

6.1 Debts written off

	2008/09 R'000	2007/08 R'000
Bad debt written off	325	936
Total	325	936

7. Transfers and subsidies

	Note	2008/09 R'000	2007/08 R'000
Departmental agencies and accounts	<i>Annex IA</i>	1,073	-
Households	<i>Annex IB</i>	4,575	3,268
Total		5,648	3,268



8. Expenditure for capital assets

	Note	2008/09 R'000	2007/08 R'000
Tangible assets		3,897	62,311
Buildings and other fixed structures	30.1	-	57
Machinery and equipment	28.1	3,897	62,254
Software and other intangible assets		12	3,711
Computer software	29.1	12	3,711
Total		3,909	66,022

In 2008/09 financial year Departments were required to split finance lease payments into current (interest) and capital expenditure. However, the NPA could not apply the requirements due to the fact that the lease agreements entered into in prior years were not structured to provide the necessary information to comply with the NT guide. Therefore the expenditure for Capital Assets is understated because the amount for finance leases forms part of the current expenditure.

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

	Voted funds R'000	Aid assistance R'000	Total R'000
Tangible assets	2,607	1,290	3,897
Machinery and equipment	2,607	1,290	3,897
Software and other intangible assets	12	-	12
Computer software	12	-	12
Total	2,619	1,290	3,909

8.2 Analysis of funds utilised to acquire capital assets – 2007/08

	Voted funds R'000	Aid assistance R'000	Total R'000
Total assets acquired	51,750	14,272	66,022



9. Fruitless and wasteful expenditure

Reconciliation of fruitless and wasteful expenditure

	2008/09 R'000	2007/08 R'000
Opening balance	3,021	2,797
Less: Amounts condoned	-	236
Current	-	236
Less: Amounts transferred to receivables for recovery	(177)	(12)
Fruitless and wasteful expenditure awaiting condonement	2,844	3,021
Analysis of awaiting condonement per economic classification		
Current	2,844	3,021
Total	2,844	3,021

10. Cash and cash equivalents

	2008/09 R'000	2007/08 R'000
Consolidated Paymaster General Account	35,229	-
Cash on hand	683	95
Total	35,912	95

11. Prepayments and advances

	2008/09 R'000	2007/08 R'000
Travel and subsistence	433	1,015
Prepayments	19,584	21,899
Total	20,017	22,914



12. Receivables

	Note	2008/09			2007/08	
		R'000 Less than one year	R'000 One to three years	R'000 Older than three years	R'000 Total	
Claims recoverable	12.1	4,516	21	28	4,565	28,858
	Annex 3					
Recoverable expenditure	12.2	42	20	345	407	514
Staff debt	12.3	1,018	2,785	6,995	10,798	10,473
Other debtors	12.4	39	51	75	165	154
Total		5,615	2,877	7,443	15,935	39,999

12.1 Claims recoverable

	2008/09 R'000	2007/08 R'000
National departments	4,565	28,858
Total	4,565	28,858

12.2 Recoverable expenditure (disallowance accounts)

	2008/09 R'000	2007/08 R'000
Sal: Disallowance Account: CA	188	205
Disallowance Miscellaneous	219	309
Total	407	514

12.3 Staff debt

	2008/09 R'000	2007/08 R'000
Debt Account: CA	10,631	10,271
Sal: Tax Debt: CA	37	26
Private Telephone	26	96
Sal: Reversal Control	40	15
Irregular Expenditure: Dept Vote Account	32	33
Sal: Medical Aid	31	32
Sal: Official Union: CL	1	-
Total	10,798	10,473



12.4 Other debtors

	2008/09 R'000	2007/08 R'000
VAT Clearing	165	154
Total	165	154

13. Voted funds to be surrendered to the Revenue Fund

	2008/09 R'000	2007/08 R'000
Opening balance	1,233	49,703
Transfer from statement of financial performance	40,414	1,233
Paid during the year	(1,233)	(49,703)
Closing balance	40,414	1,233

14. Departmental revenue to be surrendered to the Revenue Fund

	2008/09 R'000	2007/08 R'000
Opening balance	22,692	22,543
Transfer from Statement of Financial Performance	4,264	4,582
Paid during the year	(6,513)	(4,433)
Closing balance	20,443	22,692

15. Bank Overdraft

	2008/09 R'000	2007/08 R'000
Consolidated Paymaster General Account	-	29,091
Total	-	29,091



16. Payables – current

Description	Note	30 Days	30+ Days	2008/09 Total	2007/08 Total
Clearing accounts	16.1	3,980	132	4,112	757
Other payables	16.2	54	2	56	-
Total		4,034	134	4,168	757

16.1 Clearing accounts

Description	2008/09 R'000	2007/08 R'000
Sal: Reg Service Council	-	49
Sal: Pension Fund	28	86
Sal: Income Tax	239	424
Sal: ACB Recalls	4	15
Pension Recoverable Account	84	112
Disallowance Miscellaneous	3,756	47
Telephone Erroneous Interface Acc: CL	-	24
Sal: Insurance deduction	1	-
Total	4,112	757

16.2 Other payables

Description	2008/09 R'000	2007/08 R'000
Claims PACE (IJS)	56	-
Total	56	-



17. Net cash flow available from operating activities

	2008/09	2007/08
	R'000	R'000
Net surplus/(deficit) as per Statement of Financial Performance	41,029	(17,624)
Add back non cash/cash movements not deemed operating activities	26,712	(8,358)
(Increase)/decrease in receivables – current	24,064	(20,055)
(Increase)/decrease in prepayments and advances	2,897	331
(Increase)/decrease in other current assets	177	(224)
Increase/(decrease) in payables – current	3,411	(296)
Expenditure on capital assets	3,909	66,022
Surrenders to Revenue Fund	(7,746)	(54,136)
Net cash flow generated by operating activities	67,741	(25,982)

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

	2008/09	2007/08
	R'000	R'000
Consolidated Paymaster General account	35,229	(29,091)
Cash on hand	683	95
Total	35,912	(28,996)

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



DISCLOSURE NOTES TO THE ANNUAL FINANCIAL STATEMENTS for the year ended 31 March 2009

19. Contingent liabilities

		Note	2008/09	2007/08
			R'000	R'000
Liable to	Nature			
Motor vehicle guarantees	Employees	Annex 2A	-	-
Housing loan guarantees	Employees	Annex 2A	3,976	5,436
Claims against the department		Annex 2B	694,039	432,249
Other departments (interdepartmental unconfirmed balances)		Annex 4	1,230	14,636
Total			699,245	452,321

An amount of R 107,032,553 in respect of Claims against the department for 2007/08 which relates to NPA (NPS) is reported in the DoJ & CD Annual Financial Statements. This has been excluded in the NPA AFS. The comparative figure for Other Departments was restated to include the unconfirmed payable balance of R 14,533 m. Furthermore, the comparative figure of R 4,743m for Housing loan guarantees is adjusted to R 5,436m as per PERSAL report (#7.11.15). The amount of R 156,000 reflected in the previous year for Motor vehicle guarantees were removed since the officials were transferred.

20. Commitments

	2008/09	2007/08
	R'000	R'000
Current expenditure		
Approved and contracted	517,798	680,823
Approved but not yet contracted	-	4,961
	517,798	685,784
Capital expenditure		
Approved and contracted	155	798
Approved but not yet contracted	-	-
	155	798
Total Commitments	517,953	686,582



21. Accruals

	2008/09			2007/08
	R'000			R'000
Listed by economic classification				
	30 Days	30+ Days	Total	Total
Compensation of employees	4	-	4	371
Goods and services	21,688	7,323	29,011	40,207
Transfers and subsidies	9	7	16	491
Machinery and equipment	-	-	-	132
Total	21,701	7,330	29,031	41,201

	2008/09	2007/08
	R'000	R'000
Listed by programme level		
Public Prosecution	20,429	31,059
Special Operations	1,349	7,082
Witness Protection	6,933	1,743
Asset Forfeiture Unit	320	1,317
Total	29,031	41,201

	Note	2008/09	2007/08
		R'000	R'000
Confirmed balances with other departments	Annex 4	16,275	201
Confirmed balances with other government entities	Annex 4	90	-
Total		16,365	201

22. Employee benefits

	2008/09	2007/08
	R'000	R'000
Leave entitlement	68,401	64,061
Thirteenth cheque	40,624	34,779
Performance awards	-	-
Capped leave commitments	119,588	108,009
Total	228,613	206,849

The Performance award amount of R 22,367,490 for the 2007/08 financial year was adjusted and the Employee benefits total restated. This was done to ensure the comparative information figures presented is consistent with the format of the current year's financial statements. Included in the leave entitlement are the negative pro-rata leave balance for 2008 of R 1,743 and the negative leave credit balance for 2008 of R 2,479,204.



23. Lease commitments

23.1.1 Operating leases expenditure

	Vehicles R'000	Buildings and other fixed structures R'000	Machinery and equipment R'000	Total R'000
2008/09				
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
Total lease commitments	-	41,097	11,321	52,418

	Vehicles R'000	Buildings and other fixed structures R'000	Machinery and equipment R'000	Total R'000
2007/08				
Not later than 1 year	-	4,861	-	4,861
Later than 1 year and not later than 5 years	-	22,907	-	22,907
Later than five years	-	17,211	-	17,211
Total lease commitments	-	44,979	-	44,979

23.1.2 Finance leases expenditure**

	Vehicles R'000	Buildings and other fixed structures R'000	Machinery and equipment R'000	Total R'000
2008/09				
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
Total lease commitments	5,206	94,373	27,447	127,026
LESS: finance costs	425	-	4,811	5,236
Total present value of lease liabilities	4,781	94,373	22,636	121,790

	Vehicles R'000	Buildings and other fixed structures R'000	Machinery and equipment R'000	Total R'000
2007/08				
Not later than 1 year	11,616	9,918	19,509	41,043
Later than 1 year and not later than 5 years	3,238	34,509	22,255	60,002
Total lease commitments	14,854	44,427	41,764	101,045
LESS: finance costs	-	-	-	-
Total present value of lease liabilities	14,854	44,427	41,764	101,045



24. Irregular expenditure

24.1 Reconciliation of irregular expenditure

	2008/09 R'000	2007/08 R'000
Opening balance	412,077	186,689
Add: Irregular expenditure – relating to prior year	135,406	-
Add: Irregular expenditure – relating to current year	98,760	228,619
Less: Amounts condoned	(119,616)	(11)
Less: Amounts not recoverable (not condoned)	-	(3,220)
Irregular expenditure awaiting condonation	526,627	412,077

Analysis of awaiting condonation per age classification

Current year	98,760	228,619
Prior years	427,867	183,458

Total	526,627	412,077
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The comparative amount for Irregular Expenditure was adjusted with R 19,227,362 for Motor Transport claims which were erroneously included. The comparative figure for current year irregular expenditure was increased with R 7,838 m for overtime paid without a NPA policy in place.

24.1 Details of irregular expenditure – current year

Incident	Disciplinary steps taken/criminal proceedings	2008/09 R'000
Rentworks payments	Submission referred to DG for condonation.	42,986
Noted cases	Irregular Committee to review and make recommendations.	20,655
Tender irregularity	Irregular Committee to review and make recommendations.	104
CFM additional service	Irregular Committee to review and make recommendations.	5,283
X-pert group	Irregular Committee to review and make recommendations.	959
PASCO	Irregular Committee to review and make recommendations.	7,097
Photostat charges	Irregular and condoned ito Practice Note 5 of 2006/07	3,437
Colposcopes bought for SOCA	Irregular Committee to review and make recommendations	404
Harvey World	Irregular Committee to review and make recommendations	2,680
SITA payments without Order	Irregular Committee to review and make recommendations	8,417
Overtime paid without a policy	Overtime policy to be created and implemented	6,738
Total		98,760

24.2 Details of irregular expenditure condoned

Incident	Condoned by (condoning authority)	2008/09 R'000
Delegation of powers for approval of tenders	Director-General (Department of Justice and Constitutional development)	(113,311)
Finance lease (Photostat machines)	Condoned as per NT practice note 5 of 2006/07	(2,868)
Photostat machines	Condoned ito Practice Note 5 of 2006/07	(3,437)
Total		(119,616)



25. Fruitless and wasteful expenditure

25.1 Reconciliation of fruitless and wasteful expenditure

	2008/09
	R'000
Fruitless and wasteful expenditure – relating to prior year	996
Add: fruitless and wasteful expenditure – relating to current year	264
Less: Amounts condoned	-
Less: Amounts transferred to receivables for recovery	(28)
Fruitless and wasteful expenditure awaiting condonation	1,232
Analysis of awaiting condonation per economic classification	
Current	1,232
Total	1,232

25.2 Analysis of Current year's fruitless and wasteful expenditure

Incident	Disciplinary steps taken/criminal proceedings	2008/09
		R'000
No shows	Referred to loss control – under review	141
Car accident repairs	Referred to loss control – under review	100
Conference cancellations	Referred to loss control – under review	21
Car Rental	Referred to loss control – under review	2
Total		264

26. Related Party Transactions

Payments made	2008/09	2007/08
	R'000	R'000
Goods and services – Office of the State Attorney	14,686	15,632
Goods and services – Special Investigation Unit	868	117
Total	15,554	15,749

	2008/09	2007/08
Year end balances arising from revenue/payments		
Payables related to the Office of the State Attorney	2,230	-
Total	2,230	-

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	2008/09 R'000	2007/08 R'000
Political office bearers (provide detail below)	0	-	-
Officials:			
Level 15 to 16	23	19,875	21,139
Level 14 (incl. CFO if at a lower level)	16	11,100	9,896
Family members of key management personnel		-	-
Total		30,975	31,035

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

28. Provisions

	2008/09 R'000	2007/08 R'000
Potential irrecoverable debts		
Staff debtors	5,680	3,093
Total	5,680	3,093



MOVABLE TANGIBLE CAPITAL ASSETS

29. Movement in Movable Tangible Capital Assets per asset register for the year ended 31 March 2009

	Opening balance	Curr Year Adjust-ments to prior year balances	Additions	Disposals	Closing Balance
	R'000	R'000	R'000	R'000	R'000
MACHINERY AND EQUIPMENT	134,816	-	3,897	-	138,713
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
TOTAL MOVABLE TANGIBLE CAPITAL ASSETS	134,816	-	3,897	-	138,713

The opening balance of Movable Capital Assets is not confirmed.

The number of television sets owned by the NPA during the 2008/09 financial year is 134.

29.1 Additions

ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2009					
	Cash	Non-cash	(Capital Work in Progress current costs and finance lease payments)	Received current, not paid (Paid current year, received prior year)	Total
	R'000	R'000	R'000	R'000	R'000
MACHINERY AND EQUIPMENT	3,897	-	-	-	3,897
Computer equipment	913	-	-	-	913
Furniture and office equipment	1,163	-	-	-	1,163
Other machinery and equipment	1,821	-	-	-	1,821
TOTAL ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS	3,897	-	-	-	3,897



29.2 Movement for 2007/08

MOVEMENT IN MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2008				
	Opening balance	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000
MACHINERY AND EQUIPMENT	83,739	51,077	-	134,816
Computer equipment	30,583	21,723	-	52,306
Furniture and office equipment	25,182	7,635	-	32,817
Other machinery and equipment	27,974	21,719	-	49,693
TOTAL MOVABLE TANGIBLE ASSETS	83,739	51,077	-	134,816

Vehicles and specialised assets to the amount of R 14,272 m purchased with CARA funds for DSO were not reflected on the Asset Register as Additions for 2007/08.

29.3 Minor assets

MINOR ASSETS OF THE DEPARTMENT FOR THE YEAR ENDED 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
TOTAL	53	-	65,805	-	65,858
	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
Number of minor assets	48	-	41,148	-	41,196
TOTAL	48	-	41,148	-	41,196



30. Intangible Capital Assets

MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2009					
	Opening balance	Current Year Adjustments 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	24,667	-	12	-	24,679
PATENTS, LICENCES, COPYRIGHT, BRAND NAMES, TRADEMARKS	5,986	-	-	-	5,986
TOTAL INTANGIBLE CAPITAL ASSETS	39,995	-	12	-	40,007

30.1 Additions

ADDITIONS TO INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2009					
	Cash	Non-Cash	(Development work in progress – current costs)	Received current year, not paid (Paid current year, received prior year)	Total
	R'000	R'000	R'000	R'000	R'000
COMPUTER SOFTWARE	12	-	-	-	12
TOTAL ADDITIONS TO INTANGIBLE CAPITAL ASSETS	12	-	-	-	12

30.2 Movement for 2007/08

MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2008				
	Opening balance	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000
CAPITALISED DEVELOPMENT COSTS	-	9,342	-	9,342
COMPUTER SOFTWARE	20,956	3,711	-	24,667
PATENTS, LICENCES, COPYRIGHT, BRAND NAMES, TRADEMARKS	-	5,986	-	5,986
TOTAL	20,956	19,039	-	39,995



31. Immovable Tangible Capital Assets

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

	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
TOTAL IMMOVABLE TANGIBLE CAPITAL ASSETS	30,393	-	-	-	30,393

31.1 Movement for 2007/08

MOVEMENT IN IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2008

	Opening balance	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000
BUILDINGS AND OTHER FIXED STRUCTURES	30,336	57	-	30,393
Other fixed structures	30,336	57	-	30,393
TOTAL IMMOVABLE TANGIBLE ASSETS	30,336	57	-	30,393



Annexures to the Annual Financial Statements for the year ended 31 March 2009

ANNEXURE IA

STATEMENT OF TRANSFERS TO DEPARTMENTAL AGENCIES AND ACCOUNTS

DEPARTMENT/ AGENCY/ ACCOUNT	TRANSFER ALLOCATION				TRANSFER		2007/08
	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	1,240	-	-	1,240	1,073	87%	-
Total	1,240	-	-	1,240	1,073	87%	-



ANNEXURE 1B

STATEMENT OF TRANSFERS TO HOUSEHOLDS

HOUSEHOLDS	TRANSFER ALLOCATION				EXPENDITURE		2007/08
	Adjusted Appropriation Act	Roll Overs	Adjustments	Total Available	Actual Transfer	% of Available funds Transferred	Appropriation Act
	R'000	R'000	R'000	R'000	R'000	%	R'000
Transfers							
Social Benefits	7,697	-	(1,743)	5,954	4,575	77%	3,258
Provinces and Municipalities	-	-	-	-	-	-	92
Total	7,697	-	(1,743)	5,954	4,575	77%	3,350



ANNEXURE IC

STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS RECEIVED

Name Of Organisation	Nature of gift, donation or sponsorship	2008/09	2007/08
		R'000	R'000
Received in cash			
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	-
Subtotal		88	-
Received in kind			
CFM	Lunch for MANCO members	15	-
International Ass of Prosecutors	Sponsor trip to Singapore	38	-
Khaya FM	Concert tickets	1	-
Pricewaterhousecoopers	Golf day gifts	1	36
Drakes & Packwells Luggage group	Soccer bags	-	2
Manhattan Hotel	Accommodation, soccer tickets	-	2
S&G Consulting (Pty) Ltd	Soccer jerseys	-	6
Troika Trust	Teambuilding	-	5
US Department of Treasury	Training: Anti corruption	-	1,000
USAID	Training: Financial investigation	-	603
Various	Donations less than R 1000	7	-
Subtotal		62	1,654
TOTAL		150	1,654





ANNEXURE ID

STATEMENT OF LOCAL AND FOREIGN AID ASSISTANCE RECEIVED

Name of Donor	Purpose	Opening Balance R'000	Revenue R'000	Expenditure R'000	Adjustment R'000	Closing Balance R'000
Received in cash						
European Union	Assistance to SA Government to prevent and react to human trafficking	2,108	-	(1,574)	-	534
Foundation for Human Rights	Implementation of recommendation of the TRC	(609)	-	-	-	(609)
Royal Danish Commission	Ndabezitha Project	42	900	(657)	-	285
WKKELOGG	Thuthuzela training	-	-	-	908	908
CARA	To assist in various projects managed by NIPA Business Units.	8,413	-	(3,226)	-	5,187
Subtotal		9,954	900	(5,457)	908	6,305
Received in kind						
UNICEF	Child and woman's protection through prevention and response to violence and HIV / AIDS	-	30,303	(6,599)	-	23,704
US Presidency	Support of PEPFAR: Thuthuzela care centres	-	9,663	(3,290)	-	6,373
USAID	Woman Justice and Empowerment Initiative	-	93,226	-	-	93,226
Subtotal		-	133,192	(9,889)	-	123,303
TOTAL		9,954	135,000	(15,346)	908	129,608

Funds received from CARA have been included in this annexure since it forms part of Aid assistance.

The donor funding figures in respect of UNICEF and USAID were exchanged from US Dollars to ZAR. The exchange rate used for UNICEF and USAID is R 8.13270 dated 01 April 2008 and R 7.9650 dated 22 September 2008 respectively.

ANNEXURE 2A

STATEMENT OF FINANCIAL GUARANTEES ISSUED AS AT 31 MARCH 2009 – LOCAL

Guarantor institution	Guaranteee in respect of Housing	Original guaranteed capital amount	Opening balance 1 April 2008	Guarantees draw downs during the year	Guarantees repayments/ cancelled/ reduced/ released during the year	Revaluations	Closing balance 31 March 2009	Guaranteed interest for year ended 31 March 2009	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		-	1,907	232	766	-	1,373	-	-
BOE Bank limited		-	13	-	-	-	13	-	-
First National Bank		-	191	-	26	-	165	-	-
First Rand Bank		-	676	-	40	-	636	-	-
Nedbank		-	692	14	105	-	601	-	-
Nedbank limited		-	252	-	-	-	252	-	-
NP Development Corporation		-	43	-	-	-	43	-	-
Old Mutual Finance Limited		-	295	-	19	-	276	-	-
People's Bank		-	11	-	-	-	11	-	-
Standard Bank		-	1,275	-	801	-	474	-	-
VBS Mutual Bank		-	81	-	-	-	81	-	-
Ichala		-	0	19	-	-	19	-	-
Unique		-	0	32	-	-	32	-	-
Total		-	5,436	297	1,757	-	3,976	-	-

The amount of R 156,000 reflected in the previous year for Motor vehicle guarantees were removed since the officials were transferred. The opening balance of the Financial Guarantees issued has been restated as per PERSAL report (7.11.15 – State Guarantee liability).



ANNEXURE 2B

STATEMENT OF CONTINGENT LIABILITIES AS AT 31 MARCH 2009

Nature of Liability	Opening Balance 01/04/2008	Liabilities incurred during the year	Liabilities paid/ cancelled/ reduced during the year	Liabilities recoverable (Provide details hereunder)	Closing Balance 31/03/2009
	R'000	R'000	R'000	R'000	R'000
Claims against the department					
Fleet Management	80,000	-	-	-	80,000
DSO litigation	1,000	-	(1,000)	-	-
Occupation Specific Dispensation (OSD)	83,951	86,062	(83,951)	-	86,062
Outstanding Law suits (CS, AFU, WPU and PCLU)	267,298	215,969	-	-	483,267
Pending Employee Relation Matters	-	44,710	-	-	44,710
Total	432,249	346,741	(84,951)	-	694,039



ANNEXURE 3

CLAIMS RECOVERABLE

Government Entity	Confirmed balance outstanding		Unconfirmed balance outstanding		Total	
	31/03/2009	31/03/2008	31/03/2009	31/03/2008	31/03/2009	31/03/2008
	R'000	R'000	R'000	R'000	R'000	R'000
Department						
Department of Art and Culture	31	-	-	-	31	-
Department of Community Safety Gauteng	-	8	-	-	-	8
Department of Correctional Services	-	-	(12)	-	(12)	-
Department of Defence	-	-	-	13	-	13
Department of Education	-	11	-	-	-	11
Department of Health PTMF	5	-	-	5	5	5
Department of Home Affairs	-	-	24	-	24	-
Department of Justice and Constitutional Development	-	27,309	2,781	760	2,781	28,069
Department of Public Works	-	-	12	12	12	12
Department of Transport	-	-	22	22	22	22
Department of Minerals and Energy	22	-	-	-	22	-
Statistic South Africa	-	-	42	-	42	-
Department of Foreign Affairs	-	-	461	-	461	-
Gauteng Department of Health	-	10	-	-	-	10
Gauteng Department of Sport, Art, Culture and Rec	-	-	-	14	-	14
Gauteng Department of Social Development	-	-	-	7	-	7
MP: Department of Economic Development	9	-	-	-	9	-
MP: South African Social Security Agency	-	-	8	-	8	-
Subtotal	67	27,338	3,338	833	3,405	28,171
Other Government Entities						
Independent Complaints Directorate	-	-	-	61	-	61
North West Province	-	-	1	1	1	1
Office of the Public Protector	-	-	3	3	3	3
Other	-	-	-	4	-	4
Business against Crime	-	-	1,156	618	1,156	618
Subtotal	-	-	1,160	687	1,160	687
Total	67	27,338	4,498	1,520	4,565	28,858



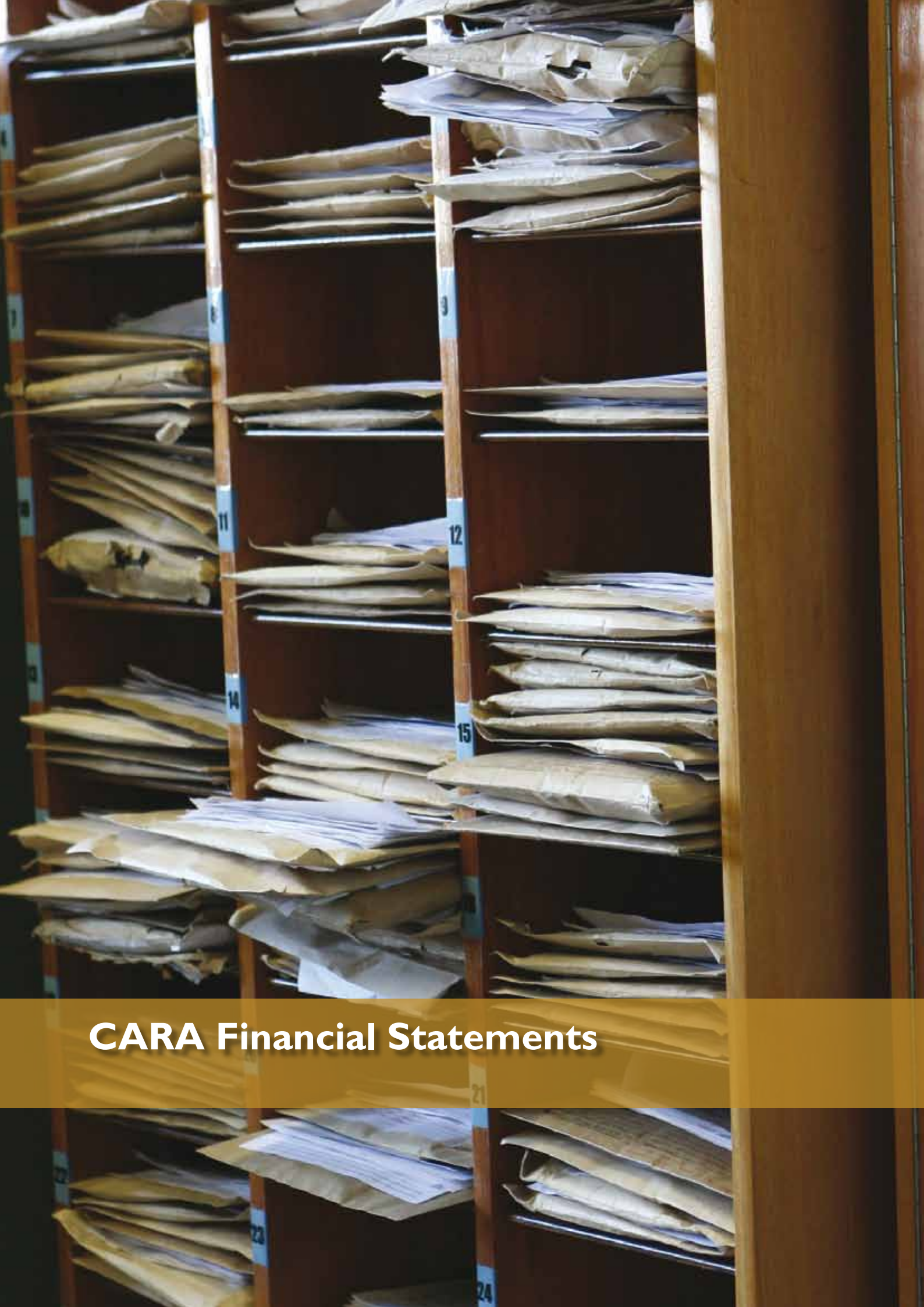
ANNEXURE 4

INTER-GOVERNMENT PAYABLES

Government Entity	Confirmed balance outstanding		Unconfirmed balance outstanding		TOTAL	
	31/03/2009	31/03/2008	31/03/2009	31/03/2008	31/03/2009	31/03/2008
	R'000	R'000	R'000	R'000	R'000	R'000
DEPARTMENTS						
Current						
Department of Minerals and Energy	-	1	-	-	-	1
Department of Economic Development and Tourism	-	1	-	-	-	1
Department of Health	-	20	-	-	-	20
National Treasury	-	13	-	-	-	13
Department of Safety and Security	13	166	117	103	130	269
Department of Transport and Public Works	14,533	-	555	14,533	15,088	14,533
Department of Justice and Constitutional Development	1,729	-	501	-	2,230	-
Department of Foreign Affairs	-	-	43	-	43	-
Department of Correctional services	-	-	14	-	14	-
Total	16,275	201	1,230	14,636	17,505	14,837

Government Entity	Confirmed balance outstanding		Unconfirmed balance outstanding		TOTAL	
	31/03/2009	31/03/2008	31/03/2009	31/03/2008	31/03/2009	31/03/2008
	R'000	R'000	R'000	R'000	R'000	R'000
Other Government Entity						
Current						
Public Administration Leadership and Management Academy	80	-	-	-	80	-
South African Social Security Agency	10	-	-	-	10	-
Total	90	-	-	-	90	-





CARA Financial Statements

The Criminal Assets Recovery Account (CARA)

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ACCOUNTING OFFICER REPORT

FOR THE YEAR ENDED 31 MARCH 2009

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

1. The Criminal Assets Recovery Account (The CARA)

The Criminal Assets Recovery Account (CARA) is a separate account within the National Revenue Fund (NRF) into which monies and property are deposited following a judicial forfeiture or confiscation order. The confiscation and forfeiture processes, as well as the establishment of the CARA, are legislated in terms of the Prevention of Organised Crime Act (POC Act) of 1998.

The underlying hypothesis of asset forfeiture legislation is that, by confiscating or forfeiting the profits or proceeds of crime, the incentive for committing specific crimes is reduced.

Section 64 of the Act regulates the constitution of the CARA. In particular section 64(a) is of importance to the criminal asset recovery process as it determines that all confiscated and forfeited monies and property are to be deposited into the CARA.

64. Finances of Account.--The Account shall consist of--

- a. *all moneys derived from the fulfilment of confiscation and forfeiture orders contemplated in Chapters 5 and 6; [Para. (a) substituted by section 35 (a) of Act No. 24 of 1999.]*
(aA). all property derived from the fulfilment of forfeiture orders as contemplated in section 57; [Para. (aA) inserted by section 35 (b) of Act No. 24 of 1999.]
- b. *the balance of all moneys derived from the execution of foreign confiscation orders as defined in the International Co-Operation in Criminal Matters Act, 1996 (Act No. 75 of 1996), after payments have been made to requesting States in terms of that Act;*
- c. *any property or moneys appropriated by Parliament, or paid into, or allocated to, the Account in terms of any other Act; [Para. (c) Substituted by section 35 (c) of Act No. 24 of 1999.]*
- d. *domestic and foreign grants;*
- e. *any property or amount of money received or acquired from any source; and [Para. (e) Substituted by section 35 (d) of Act No. 24 of 1999.]*
- f. *all property or moneys transferred to the Account in terms of this Act. [Para. (f) substituted by section 35 (e) of Act No. 24 of 1999.]*

2. Purpose of the CARA

Section 69A of the Act regulates for what purpose the monies and property in the Account may be utilised:

- 69A. *Utilisation of Account and accountability.--(1) The property and money allocated to, or standing to the credit of, the Account may be utilised by Cabinet, after considering the recommendations of the Committee, for—*
- a. *the allocation of property and amounts of money from the Account to specific law enforcement agencies;*
 - b. *the allocation of property and amounts of money from the Account to any institution, organisation or fund contemplated in section 68(c); and*
 - c. *the administration of the Account.*

3. The Criminal Assets Recovery Committee (CARC)

Section 65 of the Act establishes a Criminal Assets Recovery Committee (CARC) which is responsible for providing Cabinet with recommendations on the utilisation of the Account and providing advice on specific issues related to the criminal assets recovery process.

The Committee consists of:

Mr E Surty, Minister for Justice and Constitutional Development (Chairperson)

Mr T Manuel, Minister of Finance



Mr G Doidge, Minister of Public Works
Mr N Balfour, Minister of Correctional Services
Ms S Shabangu, Deputy Minister of Safety and Security
Adv M Mpshe, Acting National Director of Public Prosecutions

Section 69 of the POC Act provides that monies and property in the CARA may only be distributed to beneficiaries on recommendation by the CARC and after approval by National Cabinet.

As at 31 March 2009, R158, 8 million was available in the CARA at the end of 31st March 2009 (R99, 8 million in 2008). The committee did not allocate any funds or assets in the past financial year. The South African Police Service have not utilised R3, 7 million of a previous allocation of R33,7 million as at 31 March 2009. The South African Police Service has indicated to CARU that the funds will be requested in the 2009/10 financial year in terms of their revised business plans.

4. The CARA Financial Statements

The financial statements for the year ended 31 March 2009 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 in accordance with the Office of the Accountant General's annual financial and asset management guidelines.

There are 224 cases that affects 2008/09 financial year end for CARA to the value of R66 million of which 30 (R35 million) are court ordered Confiscations and , 165 (R15 million) are for Forfeitures orders and 29 (R387 thousands) are for other type cases.

5. 2009 CARA Project

Audit and Accounting Issues

In their last review of the CARA the auditors expressed doubt over the completeness of the Assets Forfeiture Unit's (AFU) Case registers. This finding had grave implication for the CARA because AFU cases/matters become CARA cases on conclusion.

Other matters noted by the auditors that detracted from the reliability of the CARA financials were that:

- (i) Previous Financials did not adequately disclose Monies due to The CARA from Curators;
- (ii) Assets pending realisation were not adequately valued and disclosed in the CARA Financials;
- (iii) The CARA had not distributed funds to law enforcement agencies and/or victims of crime as intended per legislation;
- (iv) Inadequate or missing documentation;
- (v) Numerous outstanding or poor quality Curator Reports for CARA cases under management by Curators;

To address the above shortcomings, a multi-disciplinary task team was appointed to a 2009 CARA Project. The 2009 initiative is engaged in activities designed to formulate and implement a legally sound operating environment supported by well documented processes and policies underpinned by a robust electronic system.

The most immediate task for the project was the definition of an accounting stream for the preparation and submission of revised Three Year Financials 2005/6 through to 2008/9.

To address the issues of doubt over accuracy of opening balances given the previous Disclaimers of opinion, the 2009 CARA Project Team has re-compiled the CARA Financial statements for the last three years up to and including the current year 2008/09.

Further related activities envisaged to comprehensively address the financial and management shortcomings of the CARA were scoped around the need to:

- (i) Finalise updated CARA Processes and Policies and ensure change management principles and extensive skills transfer are emphasised to ensure that processes and policies are implemented and utilised.
- (ii) Formulate inputs for the implementation of modules relating to financial management of the Electronic Case Management system (ECMS).
- (iii) Allocation of CARA funds as intended by the legislation (support role to the Inter-Ministerial Committee – CARC - headed by the Minister for Justice and Constitutional Development)



6. Payments made direct to Victims

In the financial year ended 31 March 2009, a total of 83 cases with court ordered gross awards amounting to R191 million were made directly to victims (in 2007/8 Financial year 69 cases with victim awards amounting to R64 million).

7. Standing Committee on Public Accounts (SCOPA)

SCOPA commented on the lack of an “electronic system” and the unavailability of documented policies for the management of the CARA, to date the following has been started to address these:

- (i) Development and implementation of an electronic case management system to monitor, amongst other priorities, the assets under the care of curators. The Criminal Asset Recovery Unit (CARU) reporting and accounting requirements are also being incorporated in the system design. CARU envisages to implement the system effectively in the new financial year 2009/10.
- (ii) Draft policies and procedures are under development and will be tabled for approval during the 2009/10 Financial Year.

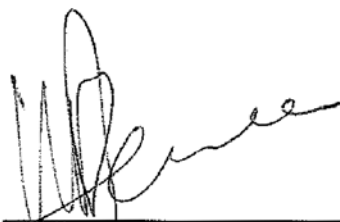
8. Conclusion

We are optimistic that all the initiatives underway in CARU will proactively address the currently identified challenges and will result in more effective management of the CARA.


9. Acknowledgements

Our appreciation towards the loyal support and valuable contributions of the various stakeholders is hereby acknowledged.

The Financial Statements set out on pages 131 to 139 have been approved by the Accounting Officer.



Dr Khotso De Wee
Acting CEO: NPA
Date: 29/5/09.



Adv. Menzi Simelane
Director-General: DoJ&CD
Date:



REPORT OF THE AUDIT COMMITTEE FOR THE YEAR ENDED 31 MARCH 2009

We are pleased to present our report for the financial year ended 31 March 2009.

Audit Committee responsibility

The administration and accountability for CARA falls within the responsibilities of the National Prosecution Authority of South Africa. Accordingly as the duly constituted Audit Committee of the National Prosecution Authority of South Africa, we have reviewed to the extent considered necessary the financial statements of CARA.

The effectiveness of internal control

The system of controls is designed to provide cost effective assurance that assets are safeguarded and that liabilities and working capital are efficiently managed.

In line with the PFMA, internal audit provides the audit committee and management with assurance that the internal controls are appropriate and effective. This is achieved by means of the risk management process as well as the identification of corrective actions and suggested enhancements to the controls and processes. From the various reports of the internal auditors, the audit report on the annual financial statements and the management letter of the Auditor-General South Africa, we noted that no significant or material non-compliance with prescribed policies and procedures were reported. Accordingly, we can report that the system of internal controls for the year under review was efficient and effective.

Internal Audit

Due to high staff turnover in the Department of Justice and Constitutional Development's internal audit unit, especially at supervisory and management level, delays occurred in the finalisation of audit reports. We are advised that audit findings were, however, communicated to management through draft reports. The draft audit reports have since been finalised and we are satisfied that the internal audit function is operating efficiently and that it has addressed the risks pertinent to CARA in its audits in accordance with its operational plan.

Evaluation of Financial Statements

We have:

- 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 thereto;
- Reviewed the Fund's compliance with legal and regulatory provisions;
- Reviewed significant adjustments resulting from the audit.

We concur and accept 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 and read together with the report of the Auditor-General South Africa.



Chairperson of the Audit Committee
4 August 2009



REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON THE FINANCIAL STATEMENTS OF THE CRIMINAL ASSETS RECOVERY ACCOUNT FOR THE YEAR ENDED 31 MARCH 2009

REPORT ON THE FINANCIAL STATEMENTS

Introduction

1. I have audited the accompanying financial statements which comprise the statement of financial position as at 31 March 2009, and the statement of financial performance, the statement of changes in net assets and the cash flow statement for the year then ended, and a summary of significant accounting policies and other explanatory notes, as set out on pages 131 to 139.

The accounting officer's responsibility for the financial statements

2. 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 note 2(i) to the financial statements and in the manner required by the Public Finance Management Act, 1999 (Act No. 1 of 1999) (PFMA) and for such internal control as the accounting officer determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

The Auditor-General's responsibility

3. As required by section 188 of the Constitution of the Republic of South Africa, 1996 read with section 4 of the Public Audit Act, 2004 (Act No. 25 of 2004) (PAA), my responsibility is to express an opinion on these financial statements based on my audit.
4. I conducted my audit in accordance with the International Standards on Auditing read with *General Notice 616 of 2008*, issued in *Government Gazette No. 31057 of 15 May 2008*. 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.
5. 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 and fair presentation 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.
6. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Opinion

7. In my opinion the financial statements present fairly, in all material respects, the financial position of the CARA as at 31 March 2009 and its financial performance and its cash flows for the year then ended, in accordance with modified cash basis of accounting determined by the National Treasury, as set out in note 2(i) to the financial statements and in the manner required by the PFMA.

Emphasis of matters

Without qualifying my opinion, I draw attention to the following matters on which I do not express a qualified opinion:



Basis of accounting

8. The entity's policy is to prepare financial statements on modified cash basis of accounting, as set out in note 2(i) to the financial statements.

Restatement of corresponding figures

9. As disclosed in note 11 to the financial statements, the corresponding figures for 31 March 2008 have been restated as a result of certain matters having been clarified by the National Treasury during the year under review.

Other matters

Without qualifying my opinion, I draw attention to the following matters that relate to my responsibilities in the audit of the financial statements:

Governance framework

10. The governance principles that impact the auditor's opinion on the financial statements are related to the responsibilities and practices exercised by the accounting officer and executive management and are reflected in the key governance responsibilities addressed below:

Key governance responsibilities

11. The PFMA tasks the accounting officer with a number of responsibilities concerning financial and risk management and internal control. Fundamental to achieving this is the implementation of key governance responsibilities, which I have assessed as follows:

No.	Matter	Y	N
Clear trail of supporting documentation that is easily available and provided in a timely manner			
1.	No significant difficulties were experienced during the audit concerning delays or the availability of requested information.	X	
Quality of financial statements and related management information			
2.	The financial statements were not subject to any material amendments resulting from the audit.		X
3.	The annual report was submitted for consideration prior to the tabling of the auditor's report.	X	
Timeliness of financial statements and management information			
4.	The annual financial statements were submitted for auditing as per the legislated deadlines section 40 of the PFMA.		X
Availability of key officials during audit			
5.	Key officials were available throughout the audit process.	X	
Development and compliance with risk management, effective internal control and governance practices			
6.	Audit committee		
	• The entity had an audit committee in operation throughout the financial year.	X	
	• The audit committee operates in accordance with approved, written terms of reference.	X	
	• The audit committee substantially fulfilled its responsibilities for the year, as set out in section 77 of the PFMA and Treasury Regulation 3.1.10.	X	
7.	Internal audit		
	• The entity had an internal audit function in operation throughout the financial year.	X	
	• The internal audit function operates in terms of an approved internal audit plan.	X	
	• The internal audit function substantially fulfilled its responsibilities for the year, as set out in Treasury Regulation 3.2.		X
8.	There are no significant deficiencies in the design and implementation of internal control in respect of financial and risk management.	X	



9.	There are no significant deficiencies in the design and implementation of internal control in respect of compliance with applicable laws and regulations.	X	
10.	The information systems were appropriate to facilitate the preparation of the financial statements.	X	
11.	A risk assessment was conducted on a regular basis and a risk management strategy, which includes a fraud prevention plan, is documented and used as set out in [Treasury Regulation 3.2/27.2]/[section 62(c)(i)/95(c)(i) of the MFMA].	X	
12.	Powers and duties have been assigned, as set out in section 44 of the PFMA.	X	
Follow-up of audit findings			
13.	The prior year audit findings have been substantially addressed.	X	
14.	SCOPA/Oversight resolutions have been substantially implemented.		X

APPRECIATION

12. The assistance rendered by the staff of the CARU and CARA task team during the audit is sincerely appreciated.

Pretoria

31 July 2009

Auditor-General



AUDITOR - GENERAL
SOUTH AFRICA

Auditing to build public confidence



STATEMENT OF FINANCIAL PERFORMANCE (SPR) FOR THE YEAR ENDED 31 MARCH 2009

		2009	2008
		R'000	R'000
Revenue			
Net proceeds from forfeited assets	4	65,862	44,427
Less: expenditure			
CARC allocations		0	0
		65,862	44,427
Other operating expenses/(income)		0	0
Surplus/(deficit) for the year		65,862	44,427



STATEMENT OF FINANCIAL POSITION (SPO) AS AT 31 MARCH 2009

	Notes	2009 R'000	2008 R'000
ASSETS			
Current assets			
Cash and cash equivalents	6	158,760	99,805
Total assets		158,760	99,805
LIABILITIES			
Current liabilities			
Trade and other payables	5	3,758	10,665
CAPITAL AND RESERVES			
Total net assets			
Accumulated surplus	7	155,002	89,140
Total net assets and liabilities		158,760	99,805



STATEMENT OF CHANGES IN NET ASSETS AS AT 31 MARCH 2009

	Notes	2009 R'000	2008 R'000
Accumulated Surplus			
Balance as at 1 April		89,140	44,713
Plus: Surplus/ (deficit) for the year		65,862	44,427
Balance as at 31 March	7	155,002	89,140



CASH FLOW STATEMENT AS AT 31 MARCH 2009

	Notes	2009 R'000	2008 R'000
CASH FLOWS FROM OPERATING ACTIVITIES			
Cash receipts on behalf of beneficiaries		65,862	44,427
Cash paid to beneficiaries and creditors		-6,907	-23,097
Cash generated from/(utilised in) operations	8	58,955	21,330
Investment income received		0	0
Net cash inflows/ (outflows) from operating activities		58,955	21,330
CASH FLOWS FROM INVESTING ACTIVITIES			
Net cash flows from investing activities		0	0
CASH FLOWS FROM FINANCING ACTIVITIES			
Net cash flow financing activities		0	0
Net increase/(decrease) in cash and cash equivalents		58,955	21,330
Cash and cash equivalents at the beginning of the year		99,805	78,475
Cash and cash equivalents at end of the year		158,760	99,805



NOTES TO THE FINANCIAL STATEMENTS

31 MARCH 2009

1. General information

The Criminal Assets Recovery Account (The CARA) receives proceeds in cash or property from the enforcement of the Prevention of Organized Crime Act 121 of 1998 by the Asset Forfeiture Unit (AFU).

The Annual 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 Annual 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.

2. Principal accounting policies

The principal accounting policies applied in the preparation of these financial statements are set out below. These policies have been consistently applied to all the years presented, unless otherwise stated.

(i) Basis of preparation

The Financial Statements have been prepared on a modified cash basis of accounting. 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.

(ii) Presentation currency

The Financial statement are presented in South African Rand.

(iii) Rounding

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

(iv) Comparative figures

Prior year comparative financial information has been presented in the current year's financial statements. Where necessary, comparative figures 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.



3. Summary of significant accounting policies

3.1. Revenue

(i) Definition of Revenue

All monies deposited into the South African Reserve Bank for the CARA represent the net proceeds of the Court Orders after the deduction of curator fees and other related expenses from the proceeds.

(ii) Revenue recognition

Revenue is recognised on the cash basis when the forfeited assets have been disposed of for cash, and actual deposits have been received into the CARA account.

(iii) Unidentified deposits

Deposits received in the CARA account at the South African Reserve Bank that are not related to cases under management, are classified as unidentified deposits, and are not recognised as revenue until identified.

3.2. Expenditure

Section 69 of the Prevention of Organised Crime (POC) Act provides that monies and property in the CARA may only be distributed to beneficiaries on recommendation by the Criminal Asset Recovery Committee (CARC) and after approval by National Cabinet.

Actual curator, investigation and other relevant expenses and fees are not recognised as CARA expenditure, but are disclosed in the notes to the financial statements.

The expenditure therefore, represents the property and monies allocated to specific law enforcement agencies, any institution, organisation or fund established with the objective of rendering assistance in any manner to victims of crime and for the administration of the Account in terms thereof.

3.3. Cash and cash equivalents

Cash and cash equivalents consist of cash deposited in the CARA account at the South African Reserve Bank.

3.4. Contingent assets and liabilities

All assets (including cash) forfeited to the state in pursuance of court orders, for cases finalised but not yet fulfilled, are not recognised as "Revenue" but disclosed as "Contingent Assets", pending their realisation and deposit into the CARA account.

Contingent assets are disclosed at the latest available curators valuation less estimated curator expenditure. A notional value of R1 will be allocated to each of those assets where a curators valuation is not available and a reasonable estimate cannot be determined.

3.5. Payables

Payables comprise amounts approved by the National Cabinet for distribution to identified beneficiaries as defined in the POC Act, and any amounts incorrectly deposited into the CARA account.



DISCLOSURE NOTES TO THE FINANCIAL STATEMENTS 31 MARCH 2009

	2009	2008
	R'000	R'000
4. Revenue		
Confiscation orders	34,549	24,536
Forfeitures orders	14,887	19,233
Interest received	16,049	563
Other	377	95
	65,862	44,427



	2009 R'000	2008 R'000
5 Trade and other payables		
South African Police Service	3,700	10,600
Unidentified deposits	58	38
Victims payments incorrectly deposited into CARA	0	2
	3,758	10,665

	2009 R	2008 R
6 Cash and cash equivalents		
South African Reserve Bank		
Opening balance as at 1 April	99,805	78,475
Plus: Funds received during financial year	65,914	45,561
	165,719	124,036
Less: Funds repaid during financial year	6,959	24,231
	158,760	99,805

7 Accumulated surplus/(deficit)		
Opening balance as at 1 April	89,140	44,713
Plus: Surplus/(Deficit) for the year	65,862	44,427
Balance at the end of the year	155,002	89,140

8 Cash generated from/ (utilised in) operations		
Surplus/(deficit) for the year	65,862	44,427
Plus: Unidentified monies received	52	1,134
Less: Fund repaid during financial year	6,959	24,231
Net cash flows from operating activities	58,955	21,330

9 Related Parties

Name of related parties

Relationship

Department of Justice and Constitutional Development
National Prosecuting Authority
Legal Aid Board
Special Investigating Unit

Department under common ministry
Department under common ministry
Entity under common ministry
Entity under common ministry

Related Parties Transactions

All compensation and administration costs for the CARA are paid for by the National Prosecuting Authority. There were no related parties balance at year end



10 Contingent assets and liabilities

Total assets (including cash) forfeited to the state in pursuance of court orders, pending realisation and deposit into the CARA account are valued at R59 million as at 31 March 2009 (*R56 million in 2007/8*). The cumulative value of curator fees and related expenses of these assets, as determined by the latest available curator reports are valued at R1.7 million (*R2.5 million in 2007/8*). The estimated net proceeds expected are R57 million (*R53,5 million in 2007/8*).

11 Restatement of Financial Statements

After application to and approval by the Accountant General on an appropriate basis of accounting, the CARA Financial Statements have been prepared on modified cash basis with appropriate disclosures. The inclusion of Contingent Assets constitutes a significant restatement of Financials Statements as previously disclosed.





HR OVERSIGHT REPORT

TABLE I.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	1,625,681	1,270,846	2,477	40,025	78.17%	320	3 969
SP 2: Witness Protection	103,167	40,561	94	16	39.32%	296	137
SP 3: Special Operations	278,881	196,975	616	15,690	70.63%	417	472
SP 4: Asset Forfeiture	64,246	48,184	126	4,996	75.00%	411	117
Z=Total as on Financial System (BAS)	2,071,975	1,556,566	3,313	60,727	75.12%	361	4 695

TABLE I.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)	763	0	69,364	1,581,543	11
Skilled (Levels 3-5)	23,760	1.5	104,211	1,581,543	228
Highly skilled production (Levels 6-8)	173,416	11	208,935	1,581,543	830
Highly skilled supervision (Levels 9-12)	1,166,765	73.8	375,166	1,581,543	3 110
Senior management (Levels 13-16)	140,487	8.9	755,306	1,581,543	186
Contract (Levels 1-2)	3,519	0.2	0	1,581,543	0
Contract (Levels 3-5)	4,569	0.3	30,664	1,581,543	149
Contract (Levels 6-8)	19,609	1.2	181,565	1,581,543	108
Contract (Levels 9-12)	19,621	1.2	311,444	1,581,543	63
Contract (Levels 13-16)	3,258	0.2	651,600	1,581,543	5
Abnormal Appointment	136	0	27,200	1,581,543	5
TOTAL	1,555,903	98.4	331,396	1,581,543	4 695

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



TABLE 1.3 - 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	1,259,877	79.7	6,730	0.4	10,652	0.7	44,309	2.8	1,581,543
TOTAL	1,259,877	79.7	6,730	0.4	10,652	0.7	44,309	2.8	1,581,543

* Total personnel cost also includes amongst others: 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 1.4 - 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)	520	68	3	0.4	18	2.4	122	15.9	765
Skilled (Levels 3-5)	16,540	69.5	207	0.9	978	4.1	2203	9.3	23,809
Highly skilled production (Levels 6-8)	130,985	75.1	1868	1.1	3,087	1.8	9107	5.2	17,4478
Highly skilled supervision (Levels 9-12)	941,703	79.4	4382	0.4	6,179	0.5	29949	2.5	1,186,041
Senior management (Levels 13-16)	119,614	82.1	96	0.1	390	0.3	2910	2	145,608
Contract (Levels 1-2)	3,519	100	0	0	0	0	0	0	3,520
Contract (Levels 3-5)	4,505	98.6	63	1.4	0	0	0	0	4,571
Contract (Levels 6-8)	19,512	99.1	95	0.5	0	0	0	0	19,694
Contract (Levels 9-12)	19,602	99.7	17	0.1	0	0	0	0	19,653
Contract (Levels 13-16)	3,240	99.2	0	0	0	0	18	0.6	3,267
Abnormal Appointment	136	100	0	0	0	0	0	0	136
TOTAL	1,259,876	79.7	6731	0.4	10,652	0.7	44,309	2.8	1,581,542

* Total personnel cost also includes amongst others: performance rewards, service bonuses, 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 2.1 - 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	6 243	4 690	24.9	323
TOTAL	6 243	4 690	24.9	323

TABLE 2.2 - 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	10	9	10	1
Skilled (Levels 3-5), Permanent	388	262	32.5	2
Highly skilled production (Levels 6-8), Permanent	1 147	835	27.2	0
Highly skilled supervision (Levels 9-12), Permanent	4 187	3 102	25.9	0
Senior management (Levels 13-16), Permanent	186	157	15.6	0
Contract (Levels 3-5)	149	149	0	148
Contract (Levels 6-8)	107	107	0	107
Contract (Levels 9-12)	65	65	0	61
Contract (Levels 13-16)	4	4	0	4
TOTAL	6 243	4 690	24.9	323



TABLE 2.3 - 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	1 326	888	33	41
Advocates	716	547	23.6	10
Cleaners in offices workshops hospitals etc.	10	9	10	1
Client inform clerks(switchboard receipt inform clerks)	18	14	22.2	0
Communication and information related	5	2	60	0
Finance and economics related	1	0	100	0
Financial and related professionals	3	2	33.3	0
Financial clerks and credit controllers	4	4	0	2
General and special investigations	557	316	43.3	4
Head of department/chief executive officer	3	0	100	0
Human resources & organisational development & related professions	4	2	50	1
Human resources clerks	18	12	33.3	0
Human resources related	1	1	0	0
Information technology related	2	1	50	0
Library mail and related clerks	20	13	35	0
Logistical support personnel	9	4	55.6	0
Messengers porters and deliverers	41	33	19.5	0
Military personnel	1	1	0	0
Other administrative & related clerks and organisers	1	0	100	0
Other administrative policy and related officers	1	1	0	0
Other information technology personnel	1	0	100	0
Other occupations	5	0	100	0
Prosecutor	3 017	2 488	17.5	257
Protection services	119	105	11.8	0
Risk management and security services	4	1	75	0
Saps	11	6	45.5	0
Secretaries & other keyboard operating clerks	16	7	56.3	0
Senior managers	329	233	29.2	7
TOTAL	6 243	4 690	24.9	323



TABLE 3.1 - 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)	10	0	0	0	0	0	0
Contract (Levels 3-5)	149	0	0	0	0	0	0
Contract (Levels 6-8)	107	0	0	0	0	0	0
Contract (Levels 9-12)	65	0	0	0	0	0	0
Contract (Band A)	3	0	0	0	0	0	0
Contract (Band B)	1	0	0	0	0	0	0
Skilled (Levels 3-5)	388	0	0	0	0	0	0
Highly skilled production (Levels 6-8)	1 147	0	0	0	0	0	0
Highly skilled supervision (Levels 9-12)	4 187	0	0	0	0	0	0
Senior Management Service Band A	161	0	0	0	0	0	0
Senior Management Service Band B	23	0	0	0	0	0	0
Senior Management Service Band C	2	0	0	0	0	0	0
TOTAL	6 243	0	0	0	0	0	0

TABLE 3.2 - Profile of employees whose positions were upgraded due to their posts being upgraded

Beneficiaries	African	Asian	Coloured	White	Total
Female	0	0	0	0	0
Male	0	0	0	0	0
Total	0	0	0	0	0
Employees with a Disability	0	0	0	0	0

TABLE 3.3 - 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
Administrative Related	18	6	7	Downgrade of post	4 690
Total	18				
Percentage of Total Employment					0.38

TABLE 3.4 - Profile of employees whose salary level exceeded the grade determined by job evaluation [i.t.o. PSR I.V.C.3]

Beneficiaries	African	Asian	Coloured	White	Total
Female	5	0	6	5	16
Male	2	0	0	0	2
Total	7	0	6	5	18
Employees with a Disability	0	0	0	0	0



TABLE 4.1 - Annual Turnover Rates by Salary Band

Salary Band	Employment at Beginning of Period (April 2008)	Appointments	Terminations	Turnover Rate
Lower skilled (Levels 1-2), Permanent	11	0	1	9.1
Skilled (Levels 3-5), Permanent	235	27	14	6
Highly skilled production (Levels 6-8), Permanent	853	108	38	4.5
Highly skilled supervision (Levels 9-12), Permanent	2 953	72	137	4.6
Senior Management Service Band A, Permanent	107	1	7	6.5
Senior Management Service Band B, Permanent	144	1	1	0.7
Senior Management Service Band C, Permanent	45	0	0	0
Senior Management Service Band D, Permanent	6	0	1	16.7
Other, Permanent	3	0	0	0
Contract (Levels 1-2)	111	2	32	28.8
Contract (Levels 3-5)	14	246	138	985.7
Contract (Levels 6-8)	73	113	153	209.6
Contract (Levels 9-12)	38	94	105	276.3
Contract (Band A)	5	2	5	100
Contract (Band B)	3	1	1	33.3
Contract (Band C)	1	0	0	0
TOTAL	4 602	667	633	13.8



TABLE 4.2 - Annual Turnover Rates by Critical Occupation

Occupation	Employment at Beginning of Period (April 2008)	Appoint-ments	Termi-nations	Turnover Rate
Administrative related	651	123	102	15.7
Advocates	426	17	21	4.9
Attorneys	3	0	1	33.3
Cleaners in offices workshops hospitals etc.	9	0	1	11.1
Client inform clerks(switchb receipt inform clerks)	14	1	1	7.1
Communication and information related	2	0	1	50
Custodian personnel	2	0	1	50
Custodian personnel	1	0	0	0
Engineering sciences related	1	0	0	0
Finance and economics related	7	0	0	0
Financial and related professionals	15	0	0	0
Financial clerks and credit controllers	17	2	2	11.8
General and special investigations	160	26	36	22.5
General legal administration & rel. professionals	171	0	2	1.2
Head of department/chief executive officer	1	1	2	200
Human resources & organisat developm & relate prof	7	2	2	28.6
Human resources clerks	21	1	3	14.3
Human resources related	6	0	2	33.3
Language practitioners interpreters & other commun	2	0	0	0
Library mail and related clerks	26	2	0	0
Logistical support personnel	3	0	0	0
Magistrates	3	0	0	0
Material-recording and transport clerks	2	0	0	0
Messengers porters and deliverers	23	0	0	0
Military personnel	0	1	0	0
Other administrat & related clerks and organisers	36	0	1	2.8
Other administrative policy and related officers	16	0	0	0
Other occupations	288	0	19	6.6
Prosecutor	2381	480	414	17.4
Protection services	93	0	3	3.2
Rank: Unknown	3	0	0	0
Saps	3	4	0	0
Secretaries & other keyboard operating clerks	47	1	7	14.9
Security officers	3	0	0	0
Senior managers	157	6	12	7.6
Trade/industry advisers & other related profession	1	0	0	0
Translators and air traffic communicators	1	0	0	0
TOTAL	4 602	667	633	13.8



TABLE 4.3 - 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	0.4	633	4 602
Resignation, Permanent	163	25.8	3.5	633	4 602
Expiry of contract	418	66	9.1	633	4 602
Transfers, Permanent	4	0.6	0.1	633	4 602
Discharged due to ill health, Permanent	3	0.5	0.1	633	4 602
Dismissal-misconduct, Permanent	19	3	0.4	633	4 602
Retirement, Permanent	7	1.1	0.2	633	4 602
TOTAL	633	100	13.8	633	4 602

Resignations as % of Employment
13.8



TABLE 4.4 - Promotions by Critical Occupation

Occupation	Employment at Beginning of Period (April 2008)	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	651	83	12.7	306	47
Advocates	426	81	19	13	3.1
Attorneys	3	0	0	2	66.7
Cleaners in offices workshops hospitals etc.	9	0	0	0	0
Client inform clerks(switchboard reception inform clerks)	14	0	0	6	42.9
Communication and information related	2	3	150	1	50
Custodian personnel	2	0	0	0	0
Custodian personnel:	1	0	0	0	0
Engineering sciences related	1	1	100	0	0
Finance and economics related	7	4	57.1	0	0
Financial and related professionals	15	2	13.3	7	46.7
Financial clerks and credit controllers	17	2	11.8	7	41.2
General and special investigations	160	133	83.1	72	45
General legal administration & rel. professionals	171	9	5.3	11	6.4
Head of department/chief executive officer	1	0	0	0	0
Human resources & organisational development & related professions	7	4	57.1	1	14.3
Human resources clerks	21	1	4.8	6	28.6
Human resources related	6	6	100	2	33.3
Language practitioners interpreters & other community	2	0	0	1	50
Library mail and related clerks	26	1	3.8	6	23.1
Logistical support personnel	3	0	0	2	66.7
Magistrates	3	0	0	0	0
Material-recording and transport clerks	2	0	0	0	0
Messengers porters and deliverers	23	1	4.3	16	69.6
Other administrative & related clerks and organisers	36	0	0	10	27.8
Other administrative policy and related officers	16	3	18.8	2	12.5
Other occupations	288	34	11.8	49	17
Prosecutor	2 381	300	12.6	3	0.1
Protection services	93	1	1.1	3	3.2
Rank: Unknown	3	0	0	0	0
Risk management and security services	0	1	0	0	0
Saps	3	1	33.3	0	0
Secretaries & other keyboard operating clerks	47	3	6.4	22	46.8
Security officers	3	0	0	0	0
Senior managers	157	45	28.7	36	22.9
Trade/industry advisers & other related professions	1	2	200	0	0
Translators and air traffic communicators	1	0	0	0	0
TOTAL	602	721	15.7	584	12.7



TABLE 4.5 - Promotions by Salary Band

Salary Band	Employment at Beginning of Period (April 2008)	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	235	8	3.4	148	63
Highly skilled production (Levels 6-8), Permanent	853	71	8.3	272	31.9
Highly skilled supervision (Levels 9-12), Permanent	2 953	597	20.2	98	3.3
Senior management (Levels 13-16), Permanent	302	35	11.6	66	21.9
Other, Permanent	3	0	0	0	0
Contract (Levels 1-2)	111	0	0	0	0
Contract (Levels 3-5)	14	0	0	0	0
Contract (Levels 6-8)	73	2	2.7	0	0
Contract (Levels 9-12)	38	7	18.4	0	0
Contract (Levels 13-16)	9	1	11.1	0	0
TOTAL	4 602	721	15.7	584	12.7



TABLE 5.1 - 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	39	7	8	54	72	15	2	9	26	19	171
Professionals	1 371	133	66	1 570	370	1 008	188	161	1 357	566	3 863
Clerks	17	0	0	17	2	58	15	3	76	22	117
Service and sales workers	143	28	24	195	90	66	3	7	76	38	399
Elementary occupations	38	11	2	51	15	47	8	7	62	8	136
Other	1	1	0	2	0	1	0	0	1	1	4
TOTAL	1 609	180	100	1 889	549	1 195	216	187	1 598	654	4 690
Employees with disabilities	1	0	0	1	2	1	0	0	1	0	4

TABLE 5.2 - 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	1	0	0	1	1	1	0	0	1	0	3
Senior Management, Permanent	39	10	10	59	71	15	3	10	28	25	183
Professionally qualified and experienced specialists and mid-management, Permanent	1 120	132	77	1 329	439	585	104	135	824	517	3 109
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent	254	22	10	286	13	366	73	18	457	73	829
Semi-skilled and discretionary decision making, Permanent	66	6	0	72	2	110	22	9	141	11	226
Unskilled and defined decision making, Permanent	1	1	0	2	0	12	0	0	12	1	15
Contract (Top Management)	0	0	0	0	1	0	0	0	0	0	1
Contract (Senior Management)	0	0	0	0	1	3	0	0	3	0	4
Contract (Professionally qualified)	20	2	2	24	11	12	4	7	23	5	63
Contract (Skilled technical)	52	4	0	56	1	34	6	3	43	8	108
Contract (Semi-skilled)	56	3	1	60	9	57	4	5	66	14	149
TOTAL	1 609	180	100	1 889	549	1 195	216	187	1 598	654	4 690



TABLE 5.3 - 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	0	0	0	0	2	0	0	0	0	0	2
Professionally qualified and experienced specialists and mid-management, Permanent	27	3	4	34	7	14	2	4	20	11	72
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent	36	8	1	45	3	39	10	2	51	9	108
Semi-skilled and discretionary decision making, Permanent	12	1	1	14	1	10	1	1	12	0	27
Contract (Senior Management)	0	0	0	0	1	1	0	0	1	1	3
Contract (Professionally qualified)	30	4	5	39	10	20	7	6	33	12	94
Contract (Skilled technical)	59	5	0	64	2	30	8	3	41	6	113
Contract (Semi-skilled)	98	6	1	105	11	94	10	6	110	20	246
Contract (Unskilled)	1	0	0	1	1	0	0	0	0	0	2
TOTAL	263	27	12	302	38	208	38	22	268	59	667

TABLE 5.4 - 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	12	5	1	18	28	4	1	3	8	8	62
Senior Management, Permanent	10	0	3	13	6	3	3	4	10	10	39
Professionally qualified and experienced specialists and mid-management, Permanent	247	41	30	318	79	164	26	40	230	68	695
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent	82	9	4	95	4	166	38	13	217	27	343
Semi-skilled and discretionary decision making, Permanent	41	4	0	45	1	78	16	7	101	9	156
Contract (Top Management)	0	0	0	0	1	0	0	0	0	0	1
Contract (Professionally qualified)	1	0	1	2	0	0	1	2	3	2	7
Contract (Skilled technical)	2	0	0	2	0	0	0	0	0	0	2
TOTAL	395	59	39	493	119	415	85	69	569	124	1 305

	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	1	0	0	1	0	0	0	1	1	0	2



TABLE 5.5 - 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	0	1	0	1	0	0	0	0	0	0	1
Senior Management, Permanent	0	1	0	1	3	1	0	0	1	3	8
Professionally qualified and experienced specialists and mid-management, Permanent	43	3	3	49	26	23	10	7	40	22	137
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent	15	1	1	17	1	13	3	3	19	1	38
Semi-skilled and discretionary decision making, Permanent	4	1	0	5	0	5	3	0	8	1	14
Unskilled and defined decision making, Permanent	0	0	0	0	0	1	0	0	1	0	1
Contract (Senior Management)	0	0	0	0	3	1	0	0	1	2	6
Contract (Professionally qualified)	29	3	5	37	13	22	10	9	41	14	105
Contract (Skilled technical)	79	8	0	87	4	43	8	1	52	10	153
Contract (Semi-skilled)	54	4	1	59	4	58	9	1	68	7	138
Contract (Unskilled)	20	0	1	21	1	9	1	0	10	0	32
TOTAL	244	22	11	277	55	176	44	21	241	60	633

	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	1	0	0	1	0	0	0	0	0	0	1



TABLE 5.6 - 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	44	8	3	55	4	8	1	1	10	5	74	0

TABLE 5.7 - 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 & Managers	5	0	2	7	3	9	0	1	10	6	26
Professionals	125	14	4	143	29	156	24	24	204	58	434
Technicians and Associate Professionals	0	0	0	0	0	0	0	0	0	0	0
Clerks	0	0	0	0	0	4	0	0	4	0	4
Service and Sales Workers	2	0	0	2	0	2	0	0	2	0	4
Skilled Agriculture and Fishery Workers	0	0	0	0	0	0	0	0	0	0	0
Craft & related Trades Workers	0	0	0	0	0	0	0	0	0	0	0
Plant and Machine Operators & Assemblers	0	0	0	0	0	0	0	0	0	0	0
Elementary Occupations	6	0	0	6	0	0	0	0	0	0	6
TOTAL	138	14	6	158	32	171	24	25	220	64	474
Employees with disabilities	0	0	0	0	0	0	0	0	0	0	0



TABLE 6.1 - 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	154	1 194	12.9	2,498	16,218
African, Male	163	1 608	10.1	3,277	20,102
Asian, Female	54	187	28.9	1,419	26,279
Asian, Male	18	100	18	517	28,740
Coloured, Female	45	216	20.8	719	15,968
Coloured, Male	29	180	16.1	802	27,671
Total Blacks, Female	253	1 597	15.8	4,635	18,321
Total Blacks, Male	210	1 888	11.1	4,596	21,888
White, Female	187	654	28.6	4,986	26,663
White, Male	171	547	31.3	5,737	33,548
Employees with a disability	2	4	50	63	31,361
TOTAL	823	4 690	17.5	20,017	24,322

* The Cost Total does not include payments to employees who already left the service as they were not paid through PERSAL.

TABLE 6.2 - 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)	0	11	0	0	0
Skilled (Levels 3-5)	48	228	21.1	351	7,313
Highly skilled production (Levels 6-8)	149	830	18	1,607	10,785
Highly skilled supervision (Levels 9-12)	578	3 069	18.8	16,340	28,270
Contract (Levels 3-5)	0	149	0	0	0
Contract (Levels 6-8)	0	108	0	0	0
Contract (Levels 9-12)	0	61	0	0	0
Abnormal Appointment	0	5	0	0	0
TOTAL	775	4 461	17.4	18,298	23,610



TABLE 6.3 - 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	152	741	20.5	1,876	12,342
Advocates	107	450	23.8	3,959	37,000
Attorneys	1	2	50	35	35,000
Cleaners in offices workshops hospitals etc.	0	9	0	0	0
Client inform clerks(switchb receipt inform clerks)	1	13	7.7	6	6,000
Communication and information related	2	2	100	55	27,500
Custodian personnel	0	1	0	0	0
Custodian personnel:	0	1	0	0	0
Engineering sciences related	0	1	0	0	0
Finance and economics related	1	9	11.1	24	24,000
Financial and related professionals	7	13	53.8	91	13,000
Financial clerks and credit controllers	5	10	50	52	10,400
General and special investigations	61	288	21.2	1,632	26,754
General legal administration & rel. professionals	21	86	24.4	850	40,476
Human resources & organisat developm & relate prof	1	6	16.7	33	33,000
Human resources clerks	5	15	33.3	65	13,000
Human resources related	3	6	50	105	35,000
Information technology related	0	1	0	0	0
Language practitioners interpreters & other commun	0	2	0	0	0
Library mail and related clerks	4	14	28.6	41	10,250
Logistical support personnel	0	1	0	0	0
Magistrates	0	3	0	0	0
Messengers porters and deliverers	10	25	40	71	7,100
Military personnel	0	1	0	0	0
Other administrat & related clerks and organisers	11	28	39.3	113	10,273
Other administrative policy and related officers	5	9	55.6	98	19,600
Other occupations	35	102	34.3	796	22,743
Prosecutor	339	2 530	13.4	8,581	25,313
Protection services	0	102	0	0	0
Rank: Unknown	0	4	0	0	0
Risk management and security services	1	1	100	9	9,000
Saps	0	6	0	0	0
Secretaries & other keyboard operating clerks	14	34	41.2	183	13,071
Security officers	0	1	0	0	0
Senior managers	37	171	21.6	1,343	36,297
Trade/industry advisers & other related profession	0	1	0	0	0
Translators and air traffic communicators	0	1	0	0	0
TOTAL	823	4 690	17.5	20,018	24,323



TABLE 6.4 - 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	15	101	14.9	456	3,040	1.8	25,855
Band B	33	111	29.7	1,263	3,827	1.2	105,217
Band C	0	18	0	0	0	0	0
Band D	0	3	0	0	0	0	0
TOTAL	48	233	20.6	1,719	3,581.3	1.3	131,072



TABLE 7.1 - 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 supervision (Levels 9-12)	1	50	1	50	0	0	2	2	0
TOTAL	2	100	2	100	0	0	2	2	0

TABLE 7.2 - 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
TOTAL	2	100	2	100	0	0	2	2	0



TABLE 8.1 - Sick Leave for Jan 2008 to Dec 2008

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)	43	95.3	7	0.2	6	8	3 139	41
Skilled (Levels 3-5)	1 406	80.5	189	6	7	376	3 139	1 132
Highly skilled production (Levels 6-8)	4 493	83.8	639	20.4	7	1,858	3 139	3 764
Highly skilled supervision (Levels 9-12)	11 061	86.8	1 598	50.9	7	9,814	3 139	9 601
Senior management (Levels 13-16)	4 107	81.4	601	19.1	7	7,805	3 139	3 344
Contract (Levels 1-2)	8	37.5	2	0.1	4	1	3 139	3
Contract (Levels 3-5)	64	57.8	18	0.6	4	20	3 139	37
Contract (Levels 6-8)	157	83.4	45	1.4	3	65	3 139	131
Contract (Levels 9-12)	165	78.8	33	1.1	5	141	3 139	130
Contract (Levels 13-16)	41.5	69.9	7	0.2	6	81	3 139	29
TOTAL	21 545,5	84.5	3 139	100	7	20,169	3 139	18 212

TABLE 8.2 - Disability Leave (Temporary and Permanent) for Jan 2008 to Dec 2008

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)	40	100	1	3.1	40	12	40	32
Highly skilled production (Levels 6-8)	155	100	5	15.6	31	78	155	32
Highly skilled supervision (Levels 9-12)	1 076	100	13	40.6	83	1,132	1 076	32
Senior management (Levels 13-16)	547	100	13	40.6	42	938	547	32
TOTAL	1 818	100	32	100	57	2,160	1 818	32



TABLE 8.3 - Annual Leave for Jan 2008 to Dec 2008

Salary Band	Total Days Taken	Average days per Employee	Number of Employees who took leave
Lower skilled (Levels 1-2)	98	10	10
Skilled (Levels 3-5)	4 422.52	19	231
Highly skilled production (Levels 6-8)	14 379.44	17	838
Highly skilled supervision (Levels 9-12)	44 216.68	19	2 326
Senior management (Levels 13-16)	22 100	22	1018
Contract (Levels 1-2)	70	10	7
Contract (Levels 3-5)	233	8	29
Contract (Levels 6-8)	567	7	77
Contract (Levels 9-12)	394.92	8	51
Contract (Levels 13-16)	151.92	9	16
TOTAL	86 633.48	19	4 603

TABLE 8.4 - Capped Leave for Jan 2008 to Dec 2008

Salary Band	Total days of capped leave taken	Average number of days taken per employee	Average capped leave per employee as at 31 December 2008	Number of Employees who took Capped leave	Total number of capped leave available at 31 December 2008	Number of Employees as at 31 December 2008
Skilled (Levels 3-5)	7	2	25	4	578	23
Highly skilled production (Levels 6-8)	88	8	41	11	5 721	141
Highly skilled supervision (Levels 9-12)	497	6	51	79	45 857	902
Senior management (Levels 13-16)	386	6	62	68	45 354	735
TOTAL	978	6	54	162	97 510	1 801

TABLE 8.5 - Leave Payouts

Reason	Total Amount (R'000)	Number of Employees	Average Payment per Employee (R)
Capped leave payouts on termination of service	695	53	13,113
Current leave payout on termination of service	0	2	0
TOTAL	695	55	12,636



TABLE 9.1 - 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
Not formally identified in the NPA as yet. Research to be conducted to identify the risk group in the NPA.	Not yet

TABLE 9.2 - 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 I of the Public Service Regulations, 2001? If so, provide her/his name and position.	x		The Senior Manger: ER, Mr Ronnie Pather
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.	x		The Employee Wellness Unit is responsible for promoting health and wellness in the organisation. There are 4 employees in the unit and the budget was 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.	x		Counselling and trauma debriefing and counselling services are offered to the affected employees. Wellness Pro-active programmes are offered to equip employees with skills to effectively manage stress, and financial difficulties and relationship problems.
4. Has the department established (a) committee(s) as contemplated in Part VI E.5 (e) of Chapter I 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.	x		F P Semanya: EWP; Mona Moerane: Communication Unit; Moipone Khaena: NPS; Mamokete Ramoshaba: Integrity Mangement Unit; Mokgadi Bokaba: AFU;Tshiamo Moela : Priority Crime and Litigation Unit; Siane Lebakeng: DSO; Irene Montech: DSO. The NPA is in the process of reviewing the committee for efficiency and effectiveness.
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.	x		HIV&AIDS and Employee Wellness policies are available and implemented to protect employees against stigma and discrimination.
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.	x		Policy disseminated for employee awareness and information, HIV&AIDS workshops are presented to the employees to address issues of HIV&AIDS attitude, perception and promote knowledge around HIV&AIDS prevention, care and support services.
7. Does the department encourage its employees to undergo Voluntary Counselling and Testing? If so, list the results that you have achieved.	x		Eight onsite testing were organized reaching more than 250 employees.
8. Has the department developed measures/indicators to monitor & evaluate the impact of your health promotion programme? If so, list these measures/indicators.	x		A client satisfaction questionnaire was developed to assess staff views about the level of accessibility, awareness and impact of the service. Monthly, and quarterly reports are compiled to monitor psychosocial trends and health risk factors existing in the NPA.



TABLE 10.1 - Collective Agreements

Subject Matter	Date
None	

TABLE 10.2 - Misconduct and Discipline Hearings Finalised

Outcomes of disciplinary hearings	Number	Percentage of Total	Total
Dismissal	14	19%	
Demotion/transfer	0	0%	
Suspension without pay	3	4%	
Warning (written/final)	12	16%	
Resignation	4	5%	
Not guilty	5	7%	
Counselling	1	1%	
TOTAL	39	52%	74

TABLE 10.3 - Types of Misconduct Addressed and Disciplinary Hearings

Type of misconduct	Number	Percentage of Total	Total
Sexual harassment	2	3%	
Theft, bribery, corruption, defeating the ends of justice, dishonesty and fraud	53	72%	
Improper, disgraceful and unacceptable conduct at work	2	3%	
Poor performance	1	1%	
Negligence	1	1%	
Dereliction of duty	2	3%	
Possession of stolen docket	3	4%	
Incapacity	1	1%	
Absenteeism	5	7%	
Misrepresentation	4	5%	
TOTAL	74	100%	74

TABLE 10.4 - Grievances Lodged

Number of grievances addressed	Number	Percentage of Total	Total
Finalised	63	59%	
Pending	44	41%	
TOTAL	107	100%	107

TABLE 10.5 - Disputes Lodged

Number of disputes addressed	Number	% of total	Total
Upheld	6	6%	
Dismissed	18	19%	
Pending	71	75%	
TOTAL	95	100%	95



TABLE 10.6 - 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 10.7 - 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	693
Cost (R'000) of suspensions	R 8,687,155.00



TABLE 11.1 - Training Needs identified

Occupational Categories	Gender	Employment	Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	45	0	24	0	24
	Male	126	0	25	0	25
Professionals	Female	1 923	0	155	0	155
	Male	1 940	0	105	0	105
Technicians and associate professionals	Female	0	0	0	0	0
	Male	0	0	0	0	0
Clerks	Female	98	0	5	0	5
	Male	19	0	5	0	5
Service and sales workers	Female	114	0	0	0	0
	Male	285	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	70	0	6	0	6
	Male	66	0	3	0	3
Other	Female	2	0	0	0	0
	Male	2	0	1	0	1
Gender sub totals	Female	2 252	0	328	0	328
	Male	2 438	0	138	0	138
Total		4 690	0	328	0	328



TABLE 11.2 - Training Provided

Occupational Categories	Gender	Employment	Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	45	0	16	0	16
	Male	126	0	10	0	10
Professionals	Female	1 923	0	262	0	262
	Male	1 940	0	172	0	172
Technicians and associate professionals	Female	0	0	0	0	0
	Male	0	0	0	0	0
Clerks	Female	98	0	4	0	4
	Male	19	0	0	0	0
Service and sales workers	Female	114	0	2	0	2
	Male	285	0	2	0	2
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	70	0	0	0	0
	Male	66	0	6	0	6
Other	Female	2	0	0	0	0
	Male	2	0	0	0	0
Gender sub totals	Female	2 252	0	284	0	284
	Male	2 438	0	190	0	190
Total		4 690	0	474	0	474



TABLE 12.1 - Injury on Duty

Nature of injury on duty	Number	% of total
Required basic medical attention only	25	96.2
Temporary Total Disablement	25	96.2
Permanent Disablement	1	3.8
Fatal	0	0
Total	26	100



TABLE 13.1 - 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	18	01 April 2008-31 March 2009	Ref total below
AFU	4	01 April 2008-31 March 2009	Ref total below
Project Management Office	19	01 April 2008-31 March 2009	Ref total below
Procurement	1	01 April 2008-31 March 2009	Ref total below
NPS	1	01 April 2008-31 March 2009	Ref total below
Fleet & Facilities	4	01 April 2008-31 March 2009	Ref total below
Total	47		10,143,615.00
Total number of projects	Total individual consultants	Total duration: Work days	Total contract value in Rand
6	47	296	10,143,615.00

TABLE 13.2 - 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 but 30% XPERT GROUP	100% Tipp Focus & SGI but 69% XPERT GROUP	11
AFU	100% Tipp Focus & SGI but 30% XPERT GROUP	100% Tipp Focus & SGI but 69% XPERT GROUP	1
Project Management Office	100% Tipp Focus & SGI but 30% XPERT GROUP	100% Tipp Focus & SGI but 69% XPERT GROUP	1
Procurement	100% Tipp Focus & SGI but 30% XPERT GROUP	100% Tipp Focus & SGI but 69% XPERT GROUP	1
NPS	100% Tipp Focus & SGI but 30% XPERT GROUP	100% Tipp Focus & SGI but 69% XPERT GROUP	1
Fleet & Facilities	100% Tipp Focus & SGI but 30% XPERT GROUP	100% Tipp Focus & SGI but 69% XPERT GROUP	3



TABLE 13.3 - 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	4	13 December 2007-31 March 2011	R 50,000,000.00
Support of PEPFAR: TCCs	1	01 April 2008-31 December 2011	R 1,930,000.00
"Women Justice and Empowerment Initiative (WJEI)"	3	22 September 2008 -30 September 2011	R 11,700,000.00
Total number of projects	Total individual consultants	Total duration: Work days	Total contract value in Rand
3	8	Refer above for duration	R 63,630,000.00

TABLE 13.4 - 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(NGO)	4
Support of PEPFAR: Thuthuzela Care Centres	NGO	UNICEF(NGO)	1
Women Justice and Empowerment Initiative (WJEI)	NGO	USAID	1



Glossary

List of Acronyms

ACEO	Acting Chief Executive Officer
ADM	Alternative Dispute Mechanism
ADR	Alternative Dispute Resolution
AFU	Asset Forfeiture Unit
AIDS	Acquired Immune Deficiency Syndrome
APA	Africa Prosecutors Association
ARINSA	Asset Recovery Inter-Agency Network of Southern African
BU	Business Unit
CAD	Crime Analysis Division
CARA	Criminal Assets Recovery Account
CARIN	Camden Asset Recovery Inter-Agency Network
CCJS	Crime and Criminal Justice Survey
CEFC	Counter Espionage Functional Committee
CEO	Chief Executive Officer
CFM	Court and Case Flow Management
CFM (F&P)	Corporate Facilitates Management
CJB	Child Justice Bill
CJS	Criminal Justice System
CPO	Court Preparation Officer
CS	Corporate Services
CSIR	Council for Scientific and Industrial Research
CSVR	Centre for the Study of Violence and Reconciliation
CTED	Counter Terrorism Executive Directorate
DCS	Department of Correctional Services
DDPP	Deputy Director of Public Prosecutions
DFA	Department of Foreign Affairs
DNA	Deoxyribonucleic Acid
DoE	Department of Education
DoJ&CD	Department of Justice and Constitutional Development
DPCI	Directorate of Priority Crimes Investigation
DPP	Director of Public Prosecutions
DPSA	Department of Public Service Administration
DRC	Democratic Republic of the Congo
DSD	Department of Social Development
DSO	Directorate of Special Operations (Scorpions)
DV	Domestic Violence
EC	Eastern Cape
ECMS	Electronic Case Management System
EDRMS	Electronic Document and Records Management
EEP	Employment Equity Plan
ENE	Estimated National Expenditure
Exco	Executive Committee
FAS	Forensic Accounting Section
FATF	Financial Action Task Force on money laundering
FIC	Financial Intelligence Centre



GCIS	Government Communication & Information Systems
HIV	Human Immunodeficiency Virus
HR	Human Resources
HRM&D	Human Resource Management and Development
IAACA	International Association of Anti-Corruption Authorities
IATSO	International Association for the Treatment of Sexual Offences
ICAR	International Centre for Asset Recovery
ICAR	International Centre for Asset Recovery
ICC	International Criminal Court (former Yugoslavia)
ICD	Information Control Document
ICTR	Internal Criminal Tribunal of Rwanda
IDMT	Interdepartmental Management Team
IES	Information Exchange Service
IJS	Integrated Justice System
IMSC	Information Management Service Centre
IMU	Integrity Management Unit
IOM	International Organisation for Migration
ISA	Internet Security Accelerator
ISCCJ	Inter-sectoral Child Justice Committee
IT	Information Technology
JCPS	Justice, Crime Prevention and Security
KIM	Knowledge Information Management
LAB	Legal Aid Board
LOC	Local Organising Committee
M&E	Monitoring and Evaluation
MANCO	Management Committee
MK	Umkhonto we Sizwe
MK MVA	Umkhonto we Sizwe Military Veterans Association
MLA	Mutual Legal Assistance
MPTT	Missing Persons Task Team
MTEF	Medium Term Expenditure Framework
NAP	National Action Plan
NDPP	National Director of Public Prosecutions
NGO	Non-governmental Organisation
NIA	National Intelligence Agency
NMM	National Management Meeting
NPA	National Prosecuting Authority
NPS	National Prosecutions Service
NSG	Nuclear Suppliers Group
NSSD	National Special Services Division
ODA	Official Development Assistance
OECD	Organisation for Economic Co-operation and Development
OHS	Occupational Health and Safety
OSD	Occupational Specific Dispensation for Legally Qualified Personnel
OWP	Office for Witness Protection
PAC	Pan Africanist Congress
PCLU	Priority Crimes Litigation Unit
PFMA	Public Finance Management Act



PGI	Prosecutor Guided Investigation
PMO	Programme Management Office
PoA	Programme of Action
POCA	Prevention of Organised Crime Act
POCDATARA	Protection of the Constitutional Democracy against Terrorist and Related Activities Act
PPFM	Prosecutorial Process Flow Management
PSCBC	Public Service Coordinating Bargaining Council
PSED	Prosecutorial Support Expert Data Base
PWB	Prosecutorial Workbench
RAF	Road Accident Fund
RDP	Reconstruction and Development Programme
RJ	Restorative Justice
S&T	Subsistence and Travel
SA	South Africa
SADC	Southern African Development Community
SAFACT	South African Federation against Counterfeit Theft
SAHRA	South African Heritage Resources Agency
SAIL	South African Immigration Liaison
SANTAC	South African Network against Trafficking and Abuse of Children
SAPS	South African Police Service
SAQA	South African Qualifications Authority
SAR	Situation Analysis Report
SARS	South African Revenue Service
SASS	South African Secret Service
SCA	Supreme Court of Appeal
SCCU	Specialised Commercial Crimes Unit
SCM	Supply Chain Management
SISP	Strategic Information System Plan
SIU	Special Investigation Unit
SLA	Service Level Agreement
SO	Sexual Offences
SOCA	Sexual Offences and Community Affairs (Unit)
TCC	Thuthuzela Care Centre
TRC	Truth and Reconciliation Commission
UAE	United Arab Emirates
UCLS	Unreported Case Law System
UK	United Kingdom
UN	United Nations
UNICEF	United Nations Children's Fund
UNODC	United Nations Office for Drugs and Crime
USA	United States of America
UWC	University of the Western Cape
VAT	Value Added Tax
VGM	Victoria & Griffiths Mxenge building
VOIP	Voice Over Internet Protocol
VR	Value Realisation
WAN	Wide Area Network
WPP	Nuclear Suppliers Group







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