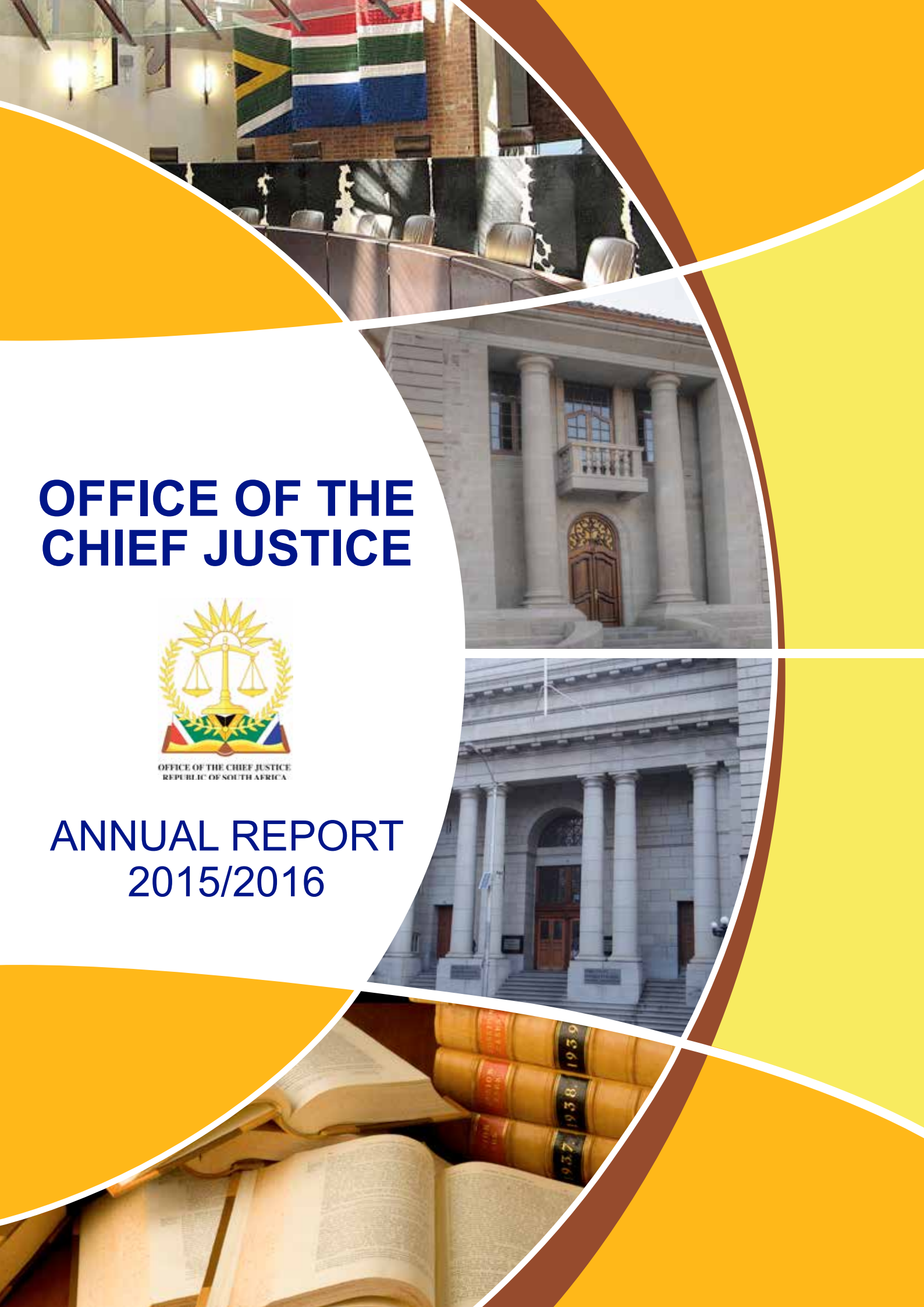


# OFFICE OF THE CHIEF JUSTICE



OFFICE OF THE CHIEF JUSTICE  
REPUBLIC OF SOUTH AFRICA

## ANNUAL REPORT 2015/2016





## **Annual Report for 2015/16 Financial Year**

### **Vote 22: Office of the Chief Justice**

## TABLE OF CONTENTS

<b>PART A: GENERAL INFORMATION</b>	<b>5</b>
1. Department's general information	6
2. List of abbreviations / acronyms	7
3. Foreword by the Minister	8
4. Report of the Accounting Officer	10
5. Statement of responsibility and confirmation of the accuracy of the annual report	16
6. Strategic overview	17
7. Legislative and other mandates	17
8. Organisational structure	19
9. Entities reporting to the Minister	20
<b>PART B: PERFORMANCE INFORMATION</b>	<b>21</b>
1. Auditor-general's report: pre-determined objectives	22
2. Overview of departmental performance	22
2.1 Service delivery environment	22
2.2 Service delivery improvement plan	23
2.3 Organisational environment	23
2.4 Key policy developments and legislative changes	23
3. Strategic outcome oriented goals	24
4. Performance information by programme	26
Programme 1: Administration	26
Programme 2: Judicial support and court administration	30
Programme 3: Judicial education and research	36
5. Transfer payments	38
6. Conditional grants	38
7. Donor funds	38
8. Capital investment, maintenance and asset management plan	38

<b>PART C: GOVERNANCE</b>	<b>39</b>
1. Introduction	40
2. Risk management	40
3. Fraud and corruption	43
4. Minimising conflict of interest	44
5. Code of conduct	44
6. Health, safety and environmental issues	44
7. Portfolio committees	45
8. Standing committee on public accounts (scopa) resolutions	46
9. Prior modifications of audit reports	46
10. Internal control unit	46
11. Internal audit and audit committees	46
12. Audit and Risk Committee (ARC) report	48
<b>PART D: HUMAN RESOURCE MANAGEMENT</b>	<b>51</b>
1. Legislation that governs human resource management	52
2. Introduction	52
2.1 Status of human resource management in the department	52
2.2 Human resource priorities and impact for the year under review and the impact of these	52
2.3 Policy development	53
2.4 Workforce planning framework and key strategies to attract and recruit a skilled and capable workforce	53
2.5 Employee performance management	53
2.6 Achievements	53
2.7 Challenges	53
2.8 Future human resource plans /goals	53
3. Human resources oversight statistics	54
3.1 Personnel- related expenditure	55
3.2 Employment and vacancies	57

3.3 Filling of senior management service (sms) posts	59
3.4 Job evaluation	60
3.5 Employment changes	62
3.6 Employment equity	67
3.7 Signing of performance agreements by sms members	71
3.8 Performance rewards	72
3.9 Foreign workers	74
3.10 Leave utilisation	75
3.11 Hiv/aids and health promotion programmes	77
3.12 Labour relations	78
3.13 Skills development	79
3.14 Injury on duty	81
3.15 Utilisation of consultants	82
3.16 Severance packages	83

## **PART E: FINANCIAL INFORMATION**

**85**

1. Report of the Auditor-General	86
2. Appropriation statement	90
3. Notes to the appropriation statement	118
4. Statement of financial performance	120
5. Statement of financial position	121
6. Statement of changes in net assets	122
7. Cash flow statement	123
8. Accounting policies	124
9. Notes to the annual financial statement (including accounting policies)	132
10. Annexures	152





# PART A - GENERAL INFORMATION

## Part A: General Information

### 1. DEPARTMENT'S GENERAL INFORMATION

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## 2. LIST OF ABBREVIATIONS/ ACRONYMS

<b>AGSA</b>	Auditor-General of South Africa	<b>MTSF</b>	Medium Term Strategic Framework
<b>APP</b>	Annual Performance Plan	<b>NACH</b>	National Anti-Corruption Hotline
<b>ARC</b>	Audit and Risk Committee	<b>NDP</b>	National Development Plan
<b>CCJA</b>	Conference of Constitutional Jurisdictions of Africa	<b>NEEC</b>	National Efficiency Enhancement Committee
<b>DG</b>	Director-General	<b>NRF</b>	National Revenue Fund
<b>DBAC</b>	Departmental Bid Adjudication Committee	<b>NT</b>	National Treasury
<b>DFI</b>	Departmental Finance Instructions	<b>OCJ</b>	Office of the Chief Justice
<b>DOJ&amp;CD</b>	Department of Justice and Constitutional Development	<b>OHS&amp;E</b>	Occupational Health, Safety and Environment
<b>DPME</b>	Department of Performance Monitoring and Evaluation	<b>PAJA</b>	Promotion of Administrative Justice Act
<b>DPSA</b>	Department of Public Service and Administration	<b>PCC</b>	Provincial Control Committees
<b>DPW</b>	Department of Public Works	<b>PFMA</b>	Public Finance Management Act
<b>EAP</b>	Employee Assistance Programme	<b>PEEC</b>	Provincial Efficiency Enhancement Committee
<b>EHW</b>	Employee Health and Wellness	<b>PSC</b>	Public Service Commission
<b>ERM</b>	Enterprise-wide Risk Management	<b>RWOPS</b>	Remunerative Work Outside Public Service
<b>Exco</b>	Executive Committee	<b>SAJEI</b>	South African Judicial Education Institute
<b>GEPF</b>	Government Employees Pension Fund	<b>SBD</b>	Standard Bidding Document
<b>HDI</b>	Historically Disadvantaged Individuals	<b>SCM</b>	Supply Chain Management
<b>HIV/AIDS</b>	Human Immune Deficiency/Acquired Immune Deficiency Syndrome	<b>SCOPA</b>	Standing Committee On Public Accounts
<b>HOA</b>	Home Owners' Allowance	<b>SDIP</b>	Service Delivery Improvement Plan
<b>HRM</b>	Human Resource Management	<b>SG</b>	Secretary-General
<b>HRM&amp;D</b>	Human Resource Management and Development	<b>SLA</b>	Service Level Agreement
<b>IA&amp;RMU</b>	Internal Audit and Risk Management Unit	<b>SMS</b>	Senior Management Service
<b>ICT</b>	Information and Communications Technology	<b>SuCA</b>	Superior Courts Act
<b>IFS</b>	Interim Financial Statements	<b>SVAS</b>	Security Vetting Administration System
<b>ISPPIA</b>	International Standards of the Professional Practice of Internal Auditing	<b>SVIS</b>	Security Vetting Information System
<b>IIA</b>	Institute of Internal Auditors	<b>VCT</b>	Voluntary Counselling and Testing
<b>IJS</b>	Integrated Justice System	<b>WCCJ</b>	World Conference on Constitutional Justice
<b>IT</b>	Information Technology		
<b>JAiT</b>	Judiciary and Administration Information Technology		
<b>JCFMC</b>	Judicial Case-Flow Management Committee		
<b>JSC</b>	Judicial Service Commission		
<b>MACC</b>	Minimum Anti-Corruption Capacity		
<b>MPAT</b>	Management Performance Assessment Tool		
<b>MPSA</b>	Minister of Public Service and Administration		
<b>MSP</b>	Master Systems Plan		



### 3. FOREWORD BY THE MINISTER



The year 2016 marks the 60<sup>th</sup> anniversary of the march by over 50 000 women of our country representing the marginalised masses, to the Union Buildings in a demonstration of defiance against the apartheid regime's most-hated pass laws. Theirs was not just a protest but an emphatic show of unity in their opposition against the injustices of the past, unjust regime. It was also a way to dispel the patriarchal misconception that women were politically inept and tied to the home.

The 60<sup>th</sup> anniversary of the women's march coincides with the 20<sup>th</sup> anniversary of the adoption of the founding law of our land, the Constitution. Our Constitution is respected and admired all over the world for its pioneering approach to human rights. One of the salient features enshrined in our Constitution is the principle of judicial independence, which has been regarded by our courts as the 'lifeblood of any constitutional democracy'. It is primarily in recognition of this cardinal principle that our President in 2010 proclaimed the Office of the Chief Justice (OCJ) as a National Department mandated to provide administrative support to the Judiciary as a separate arm of the State.

The establishment of the OCJ serves as an illustration of the ANC-led Government's unwavering commitment to the full independence of the Judiciary.

The establishment of the OCJ is a culmination of a long and complex road traversed by my predecessors over the past few years, including Minister J T Radebe, who played a pioneering role towards the establishment of the OCJ as part of a transformative agenda to align the Judiciary with the Constitution. The establishment of the OCJ formed part of our Government's initiatives over the past few years which included the enactment of the Constitution 17<sup>th</sup> Amendment Act, 2012 and the Superior Courts Act, 2013 (Act 10 of 2013) (SuCA).

As an illustration of our unwavering commitment towards the independence of our Judiciary and adherence to the principle of separation of powers, we began in earnest the process of transferring the administrative functions and staff of the Superior Courts to the OCJ with effect from 1 October 2014 in anticipation of the OCJ becoming a fully-fledged National Department from 1 April 2015. Subsequently, on 31 March 2015, my colleague the Minister of Public Service and Administration made a determination of functions that were to be transferred from the Department of Justice and Constitutional Development (DOJ&CD) to the OCJ. The transfer included a staff complement of 1 486. The staff complement of the OCJ grew to more than 1 600, as at 31 March 2016. It is worth stating that the current configuration of the OCJ as a National Department, is an interim phase, pending the finalisation of an end-state that will bring about a Judiciary-led court administration model as alluded to in the National Development Plan (NDP).

As part of our vision to create a single Judiciary, we are prioritising legislative reforms that will enable us to transfer the administration of the Magistrates Courts to the OCJ. This is with a view to establishing a seamless court administration system.

During the 2015/16 financial year, in its maiden year, the OCJ was allocated a total budget of R1.657 billion, of which R873.7 million was allocated for Judges' remuneration and benefits. I am pleased to report that the OCJ managed to spend 99.9% of its total budget.

The transformation of the Judiciary remains one of the key constitutional ideals. This is because we are enjoined by our Constitution to ensure that the Judiciary reflects the gender and racial composition of our country. I am pleased to report that, at the end of the period under review, there were 242 Judges, of which 156 are Black, representing 64% of Judges in active service. We have also made great strides in respect of gender representation within the Judiciary in that 86 of the Judges serving in our courts are women, translating to 36%. We recognise that, despite the strides we are making in the transformation of our Judiciary, a lot more still needs to be done to realise this constitutional imperative. It is also heartening that during the period under review, history was made in the Supreme Court of Appeal in that for the very first time, the President of the Republic of South Africa appointed Madam Justice Mandisa Maya as the first female Deputy President of the Supreme Court of Appeal. Additionally, the President also appointed Madam Justice Nonkosi Mhlantla to the Constitutional Court, raising the number of female Judges at that Court to three.

As part of our commitment to increase access to justice especially in the Superior Courts, during the period under review, we have brought into operation the Limpopo Division of the High Court which increased the number of provinces with a Division of a High Court from seven to eight. The establishment of the Limpopo Division of the High Court is an important milestone for the current administration and a clear demonstration of bringing access to justice closer to the people.

We have recognised that the education and training of Judicial Officers is necessary to promote and uphold the independence, impartiality, dignity, accessibility and effectiveness of the courts. In this regard, the South African Judicial Education Institute (SAJEI) located under the OCJ, continues to offer training courses to Judicial Officers. During the 2015/16 financial year, 59 judicial education courses which included basic and advanced aspirant Judges' courses and courses for newly-appointed Magistrates were offered to serving and aspiring Judicial Officers. Courses for newly-appointed Magistrates further equipped these Magistrates to assume judicial office as required by the

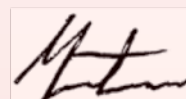
law. In the 2016/17 financial year, it is envisaged that the number of judicial education courses will be increased to 70 to address the training needs of Judicial Officers.

As part of our efforts to enhance the performance of SAJEI, we have created five positions of Judicial Educators (four Senior Magistrates and one Regional Magistrate) within the establishment of the Johannesburg Magistrates Court. These Judicial Educators will be appointed for a term of five years and will be based at SAJEI which is located at the OCJ National Office. We are finalising the appointment processes and will be making appointments in due course.

We are alive to the reality that our youth bear the brunt of unemployment. In this regard, we have contracted a number of interns and law clerks, giving young graduates first-hand opportunities to showcase their skills in the work environment. We have committed in the coming years to continue creating more opportunities for our young people.

I would like to thank the Honourable Chief Justice Mogoeng Mogoeng, for his astute and visionary leadership of the Judiciary; the Heads of Court; the entire Judiciary; the Deputy Minister of Justice and Constitutional Development Mr John Jeffery; the Portfolio Committee on Justice and Correctional Services; the Chairperson of the Audit and Risk Committee, Advocate William Huma, and all other stakeholders for their support.

I also wish to express my sincere gratitude to the Secretary-General (SG) of the OCJ, Ms Memme Sejosengwe, including the officials of the OCJ for their tireless efforts to ensure that the organisation effectively discharges its mandates and obligations.



**T M Masutha, MP (Adv)**

Minister of Justice and Correctional Services

## 4. REPORT OF THE ACCOUNTING OFFICER



### 4.1. GENERAL OVERVIEW

The OCJ was proclaimed as a National Department by the President of the Republic of South Africa in 2010, with a clear mandate of providing support to the Chief Justice in executing his administrative and judicial powers and duties as Head of the Judiciary and Head of the Constitutional Court. In order to become a fully-fledged functional National Department, various regulatory processes had to be put in place, including the appointment of an Accounting Officer. These processes were concluded in April 2013, when I assumed office. Upon my appointment, priority was given to preparations for the OCJ to be allocated a Budget Vote. These, among others, included the transfer of administrative functions of the Superior Courts from the DOJ&CD as well as the development and tabling of the OCJ's Strategic Plan 2015 - 2019 and Annual Performance Plan (APP) for 2015/16 financial year. Additionally, the transfer of staff and concomitant

resources was concluded by the Minister of Public Service and Administration's determination in terms of section 3(b), read with section 14, of the Public Service Act, 1999 (Act 5 of 1999).

Following compliance with all the requirements prescribed for National Government Departments, the OCJ was granted its own Budget Vote with effect from 1 April 2015. This was indeed a milestone for the OCJ in that the Budget Vote served as our 'birth certificate'. From this date, the OCJ began to be recognised as a fully-fledged National Government Department. As the Accounting Officer, this milestone created dual responsibilities for me as I am required to support and report to two branches of State; the Judiciary and the Executive (the Minister of Justice and Correctional Services), respectively. This in itself characterises a unique environment in which the OCJ operates, compared to other departments.

As a newly established Department, the focus in our maiden year was to:

- a. Support the Chief Justice in the fulfilment of his functions as Head of the Judiciary and Head of the Constitutional Court;
- b. Capacitate the OCJ; and
- c. Render effective and efficient administration as well as technical support to the Superior Courts.

In recognition of the fact that the transferred functions were previously performed by the DOJ&CD, we established close co-operation and collaboration between the OCJ and the DOJ&CD. This culminated in the signing of a Service Level Agreement (SLA) outlining the shared services between the two departments which include the following:

- Transcription services;
- Information and communication technology;
- Human resource (i.e. labour relations, human resource development, organisational development and employee assistance programme services); and
- Training offered by the Justice College.

It is also important to note that in terms of the determination of the transfer of functions, the following services were retained by the DOJ&CD and carried out on behalf of the OCJ:

- Infrastructure and facilities management; and
- Security services.

During the reporting period, we dedicated our efforts to creating governance structures and systems aimed at ensuring that the OCJ functions efficiently within the prescripts applicable for national departments despite its uniqueness, compared to other departments<sup>1</sup>. These structures include, among others, the Judicial Oversight Committee and the Audit and Risk Committee (ARC). The oversight provided by the ARC ensured the development and implementation of the risk policy and strategy. We also recognised the importance of developing and implementing reporting tools to monitor court performance. This reality was informed by our commitment to support the Superior Courts in delivering quality services to the people of South Africa thereby contributing to Chapter 14 of the NDP and Outcome 3 (All people in South Africa are and feel safe) of the Medium Term Strategic Framework (MTSF) 2014 - 2019.

In respect of pre-determined objectives, the OCJ has achieved 74% of the targets that were set in the 2015/16 APP. It is worth reporting that the number of criminal backlog cases have been reduced from 281 in 2014/15 to 137 in the 2015/16 financial year, which signified a reduction of 144 cases. Furthermore, 72% of the targeted 70% of the reserved judgments in the Superior Courts were finalised during the 2015/16 financial year. The number of cases finalised by the Supreme Court of Appeal increased from a baseline of 60% in 2014/15 to 83% in 2015/16.

One of the main challenges which affected the OCJ's performance during the reporting period was the lack of capacity in strategic positions due to lack of office space. It was for this reason that one of the strategic

targets in our 2015/16 APP was the acquisition of new office accommodation for the OCJ National Office. I am pleased to report that we have achieved this target by securing office accommodation for the OCJ in Midrand, Johannesburg.

As part of our contribution towards improving skills development, we planned to train 150 employees during 2015/16. I am delighted to report that 165 employees were trained during reporting period, thus resulting in 15 more staff members being trained than projected. The overachievement of this target is attributed to a high demand for functional training as a result of new employees joining the OCJ. We will continue to invest in our human resources as part of our retention strategy and to build a culture of a knowledge-based organisation.

In line with our primary mandate of supporting the Judiciary, the OCJ also provided secretariat and administrative support to the Chief Justice in his capacity as Chair of the Judicial Service Commission (JSC), the SAJEI Council and the National Efficiency Enhancement Committee (NEEC). During the reporting period, the JSC considered 26 vacancies, of which 21 were filled through the appointments of Judges by the President. The remaining five vacancies were left to be considered during the 2016/17 financial year.

Additionally, the OCJ provided secretariat support to a panel established in terms of section 6 of the Electoral Commission Act, 1996 (Act 51 of 1996), chaired by the Chief Justice which considered candidates for the vacant position at the Electoral Commission. The vacancy has subsequently been filled.

The OCJ also provides technical support to the Chief Justice in his international obligations in view of the Constitutional Court's membership to the World Conference on Constitutional Justice (WCCJ) and the Conference of Constitutional Jurisdictions of Africa (CCJA). During the reporting period, the OCJ supported the Chief Justice in discharging his role as the Vice-President of the CCJA, a continental body established pursuant to the African Union's decision taken in Kampala, Uganda in 2010. The primary objectives of the CCJA are, among others, to bring together in a

<sup>1</sup> The OCJ as a National Department simultaneously supports and reports to two branches of State; the Judiciary and the Executive (represented by the Minister of Justice and Correctional Services), respectively.



common framework, African jurisdictions responsible for ensuring compliance with the Constitution and to promote constitutional justice through dialogue and consultation. The CCJA held its Third Congress in Libreville, Gabon in May 2015 where the Chief Justice was re-elected as Vice-President and South Africa was designated as the host country for the Fourth Congress of the CCJA to be held in April 2017.

## 4.2. OVERVIEW OF THE FINANCIAL RESULTS

### DEPARTMENTAL RECEIPTS

Description of receipt	2015/16			2014/15		
	Estimate	Actual collection	Variance	Estimate	Actual collection	Variance
	R'000	R'000	R'000	R'000	R'000	R'000
TOTAL REVENUE	810	778	32	-	-	-

The OCJ did not have an estimated baseline revenue for the year under review as actual collection for the 2014/15 financial year was still done as a sub-programme within the DOJ&CD Budget Vote. The 2015/16 financial year was the first year of the OCJ operating under its own Budget Vote. The actual collection of R778 000 will therefore be the baseline for the 2016/17 financial year's income estimate.

### PROGRAMME EXPENDITURE

Programme name	2015/16			2014/15		
	Final appropriation R'000	Actual expenditure R'000	(Over)/ under- expenditure R'000	Final appropriation R'000	Actual expenditure R'000	(Over)/ under- expenditure R'000
Administration	97 787	88 836	8 951	-	-	-
Judicial Support and Court Administration	651 566	648 208	3 358	-	-	-
Judicial Education and Research	34 026	30 642	3 384	-	-	-
<b>Total</b>	<b>783 379</b>	<b>767 686</b>	<b>15 693</b>	<b>-</b>	<b>-</b>	<b>-</b>
Direct Charge	873 748	887 682	(13 934)	-	-	-
Total	1 657 127	1 655 368	1 759	-	-	-

The Department's total voted expenditure amounted to R767.7 million against the final appropriation amounting to R783.4 million, excluding the Direct Charge to the National Revenue Fund (NRF) for Judges' salaries. This reflects a percentage expenditure of 98% against the final appropriation, resulting in an under expenditure of 2% (R15.7million). The underspending was mainly as a result of funded posts that were not filled due to inadequate office space at the previous National Office, the delayed relocation to the new National Office as well as the lack of human resource capacity at some of the Provincial Service Centres to handle the recruitment process. A further contributor to the underspending was the case-flow management claims which were not received from the DOJ&CD for the expenditure incurred by the Lower Courts as well as the postponement of some of the planned judicial training courses.



## EXPENDITURE PER PROGRAMME

### PROGRAMME 1: ADMINISTRATION

The programme's underspending amounted to R8.9 million, of which R8.1 million relates to compensation of employees due to non-filling of funded vacancies. This was caused by the inadequate office space at the previous National Office as well as delayed relocation to the new National Office. An underspending of R800 000 in Goods and Services was due to the inability to procure these items for the first two months of the financial year. This was as a result of transversal system challenges subsequent to the transfer of functions from the DOJ&CD.

### PROGRAMME 2: JUDICIAL SUPPORT AND COURT ADMINISTRATION

The programme's underspending amounted to R3.4 million, of which R1.0 million was underspent on Compensation of Employees as a result of the non-filling of vacancies due to a lack of human resources capacity at Provincial Service Centres. An underspending of R1.9 million under Goods and Services relates to case-flow management claims which were not received from the DOJ&CD for the expenditure incurred by the Lower Courts. The claims and reimbursement process was a new approach initiated by the OCJ after the transfer of functions. An amount of R500 000 represents a saving on the Capital budget as a result of cost containment measures.

### PROGRAMME 3: JUDICIAL EDUCATION AND RESEARCH

The programme's underspending amounted to R3.4 million. An amount of R1.2 million relates to compensation of employees due to non-filling of funded vacancies at National Office level and R2.2 million relates to Goods and Services. This included, among others, the postponement of judicial training courses which was due to non-finalisation of PAJA rules, as well as a lack of dedicated Judicial Educators.

## STATUTORY (DIRECT CHARGE): JUDGES' SALARIES

The overspending on the Direct Charge amounted to R13.9 million due to the annual adjustment on Judges' remuneration which was not included in the 2015/16 budget for Direct Charges. This overspending was reported to the Minister and the National Treasury (NT), as required. The annual salary increase was implemented during March 2016 and NT has been requested to augment the Direct Charges budget of the OCJ.



## VIREMENTS

The following table provides a breakdown of virements executed:

From:			To:		
Programme	Item	R'000	Programme	Item	R'000
1: Administration	Payment for capital assets	1 692	2: Judicial Support and Court Administration	Payment for capital assets	1 692
3: Judicial Education and Research	Payment for capital assets	333	2: Judicial Support and Court Administration	Payment for capital assets	333
<b>Total</b>		<b>2 025</b>	<b>Total</b>		<b>2 025</b>

The virements were executed to address the overspending on the payment of capital assets under the Judicial Support and Court Administration programme due to the under-projected cost of leased vehicles for use by Judicial Officers.

## LEASE PAYMENTS

An amount of R74.4 million was spent on lease payments during the period under review.

## UNAUTHORISED EXPENDITURE

No unauthorised expenditure was incurred during the period under review.

## IRREGULAR EXPENDITURE

Irregular expenditure amounting to R27 000 was detected during the period under review. This is attributed to non-compliance with the required competitive procurement procedures, assets purchased via petty cash as well as expenditure against contracts that have lapsed.

## FRUITLESS EXPENDITURE

Fruitless and wasteful expenditure amounting to R19 000 was incurred as a result of 'no shows' for air travel and / or not using reserved accommodation. This amount is inclusive of R13 000 for interest charged by the Government Employees Pension Fund (GEPF) for late payments at the beginning of the financial

year. This payment could not be effected on time as the information of the transferred employees from DOJ&CD to the OCJ was not yet reflected on PERSAL when payment was due.

To prevent irregular, fruitless and wasteful expenditure, Supply Chain Management (SCM) policies were developed and implemented. All cases of irregular, fruitless and wasteful expenditure were reported to the OCJ Operations Committee for investigation and recommendations were made on corrective measures to be taken and implemented. Operations Committee recommendations were escalated to the OCJ Departmental Bid Adjudication Committee (DBAC) for consideration.



NATURE OF NON-COMPLIANCE	REASONS
Non-compliance with the required competitive procurement procedures.	Goods and services were procured without obtaining the prescribed three quotations or approval for deviation obtained.
Contracts that have lapsed.	Contracts expired. Users not obtaining prior approval from the relevant approved committees e.g. Provincial Control Committees (PCCs) or DBAC.
'No show' when air travel and accommodation were booked.	Travel arrangements were not cancelled on time and /or reserved accommodation were not utilised.

## FUTURE PLANS OF THE DEPARTMENT

In terms of the Judicial Matters Amendment Act, 2015 (Act 24 of 2015), the general administration of the Judges' Remuneration and Conditions of Employment Act, 2001 (Act 47 of 2001) will be transferred from the Director-General (DG) of DOJ&CD to the SG of the OCJ once this Act is promulgated by the President of the Republic of South Africa. This Amendment Act also seeks to transfer certain functions and responsibilities of SAJEI that were previously allocated to the DOJ&CD. Furthermore, the SG will be responsible for accounting for the budget of the JSC. These provisions were not in operation during the year under review.

## PUBLIC-PRIVATE PARTNERSHIPS

The OCJ did not enter into any public-private partnerships during the period under review.

## DISCONTINUED ACTIVITIES/ACTIVITIES TO BE DISCONTINUED

There are no activities that were or will be discontinued.

## NEW OR PROPOSED ACTIVITIES

There are no new or proposed activities.

## SUPPLY CHAIN MANAGEMENT

No unsolicited bid proposals were considered or concluded by the Department for the year under review.

## SCM PROCESSES AND SYSTEMS TO PREVENT IRREGULAR EXPENDITURE

The OCJ has processes and systems in place to detect and prevent irregular expenditure. These include the following:

- The augmentation and implementation of the Departmental Financial Instructions (DFI), Delegations and SCM policies to strengthen accountability and responsibility of end-users as well as SCM staff;
- SCM checklists are implemented and monitored to ensure SCM compliance. Furthermore, SCM staff performs pre-check compliance reviews prior to generating purchase orders. Purchase orders are placed with accredited suppliers / service providers;
- The OCJ has appointed Bid Committees and PCCs to ensure transparency, fairness and compliance within the SCM and tender processes;
- All SCM officials have signed a Code of Conduct and Bid Committee members signed declarations of interest; and
- All irregular expenditure was reported to the relevant committee for investigation, recommendation and consideration.

## ASSET MANAGEMENT

During the year under review, the OCJ was required to create its own asset register in terms of section 42 of the Public Finance Management Act, 1999 (Act 29 of 1999). As the Accounting Officer, I have ensured that all assets transferred by DOJ&CD to the OCJ, have been verified, re-barcoded and added to OCJ asset register. All discrepancies resulting from the transfer of assets have been reported to the Accounting Officer of the DOJ&CD. Disposal committees have been established and are operational in the OCJ.

Challenges experienced in SCM and how they were resolved:

- Suppliers were reluctant to complete Standard Bidding Document (SBD) forms due to the fact that it is costly and tedious on their part. The matter has been raised with NT. According to NT, the problem will be resolved through the implementation of the Centralised Supplier Database (CSD);

- Non-verification of officials doing business with the State who were not paid through PERSAL. The matter has been addressed by NT by developing a CSD to do all verifications; and
- Shortage of staff at the Superior Courts delayed the SCM processes and payments to suppliers. The courts have been capacitated with additional SCM officials.

Challenges experienced in asset management were as follows:

Due to the shortage of staff at the Superior Courts, there were challenges experienced with the physical verification of assets. The National Office provided assistance with asset verification at the courts with the aim of resolving the challenges that were experienced. Additionally, Asset Clerk posts have been created in the Superior Courts' organisational structure to increase capacity.

## GIFTS AND DONATIONS RECEIVED IN KIND FROM NON-RELATED PARTIES


During the year under review, the OCJ received donations amounting to R14 000.

## EXEMPTIONS AND DEVIATIONS RECEIVED FROM NATIONAL TREASURY

There were no exemptions and deviations received from NT during the period under review.

## EVENTS AFTER THE REPORTING DATE

There were no events that took place after the reporting date.



**Ms M Sejosengwe**

Accounting Officer: Office of the Chief Justice

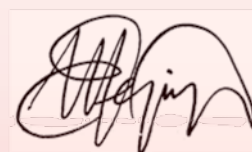
Date: 29 July 2016

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

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

- All information and amounts disclosed throughout the Annual Report are consistent.
- The Annual Report is complete, accurate and is free from any omissions.
- The Annual Report has been prepared in accordance with the Annual Report Guide for National and Provincial Departments as issued by the National Treasury.
- The Annual Financial Statements (Part E) have been prepared in accordance with the modified cash standard and the relevant frameworks and guidelines issued by the National Treasury.
- The Accounting Officer is responsible for the preparation of the annual financial statements and for the judgements made in this information.
- The Accounting Officer is responsible for establishing and implementing a system of internal control that has been designed to provide reasonable assurance as to the integrity and reliability of the performance information, the human resources information and the annual financial statements.
- The external auditors are engaged to express an independent opinion on the annual financial statements.
- In my opinion, the Annual Report fairly reflects the operations, the performance and human resources information, the human resources information and the financial affairs of the Department for the financial year which ended on 31 March 2016.

Yours faithfully



**Ms M Sejosengwe**

Accounting Officer: Office of the Chief Justice

Date: 29 July 2016



## 6. STRATEGIC OVERVIEW

### Vision

A single, transformed and independent judicial system that guarantees access to justice for all.

### Mission

To provide support to the Judiciary to ensure effective and efficient court administration services.

### Values

In ensuring accountability to the judicial branch of government and the people of South Africa; and to foster public confidence in the judicial branch of government and the rule of law; the Office of the Chief Justice will uphold the following values:

- Respect and protection of the Constitution;
- Honesty and integrity;
- Openness and transparency; and
- Professional ethics.

## 7. LEGISLATIVE AND OTHER MANDATES

In discharging its mandate, the Office of the Chief Justice is guided by the Constitution as well as other legislation and policies that constitute the legal framework for the establishment of the OCJ.

### Constitutional mandates

The Constitution of the Republic of South Africa, 1996 provides for the independence of the Judiciary and protects judicial independence by prohibiting any interference with the functioning of the courts. It further imposes a duty on organs of State to assist and protect the courts to ensure, among others, their independence, impartiality and efficiency. Furthermore, the Constitution as amended in 2013 formalises the Chief Justice as the Head of the Judiciary and entrusts him with the responsibility for the establishment and monitoring of

Norms and Standards for the judicial functions of all courts. It also designates the Constitutional Court as the highest court in all matters.

In order to advance the transformation imperatives of the Constitution, Schedule 6 to the Constitution provides for the rationalisation of all courts and all relevant legislation with the view to establishing a judicial system suited to the requirements of the Constitution. The Constitution furthermore provides that, after a national election, the Chief Justice is required to convene the first sitting of Parliament and to preside over the election of the President, Speaker of the National Assembly and the Chairperson of the National Council of Provinces.





## Legislative mandates

The Office of the Chief Justice derives its mandate from several pieces of legislation which include the following:

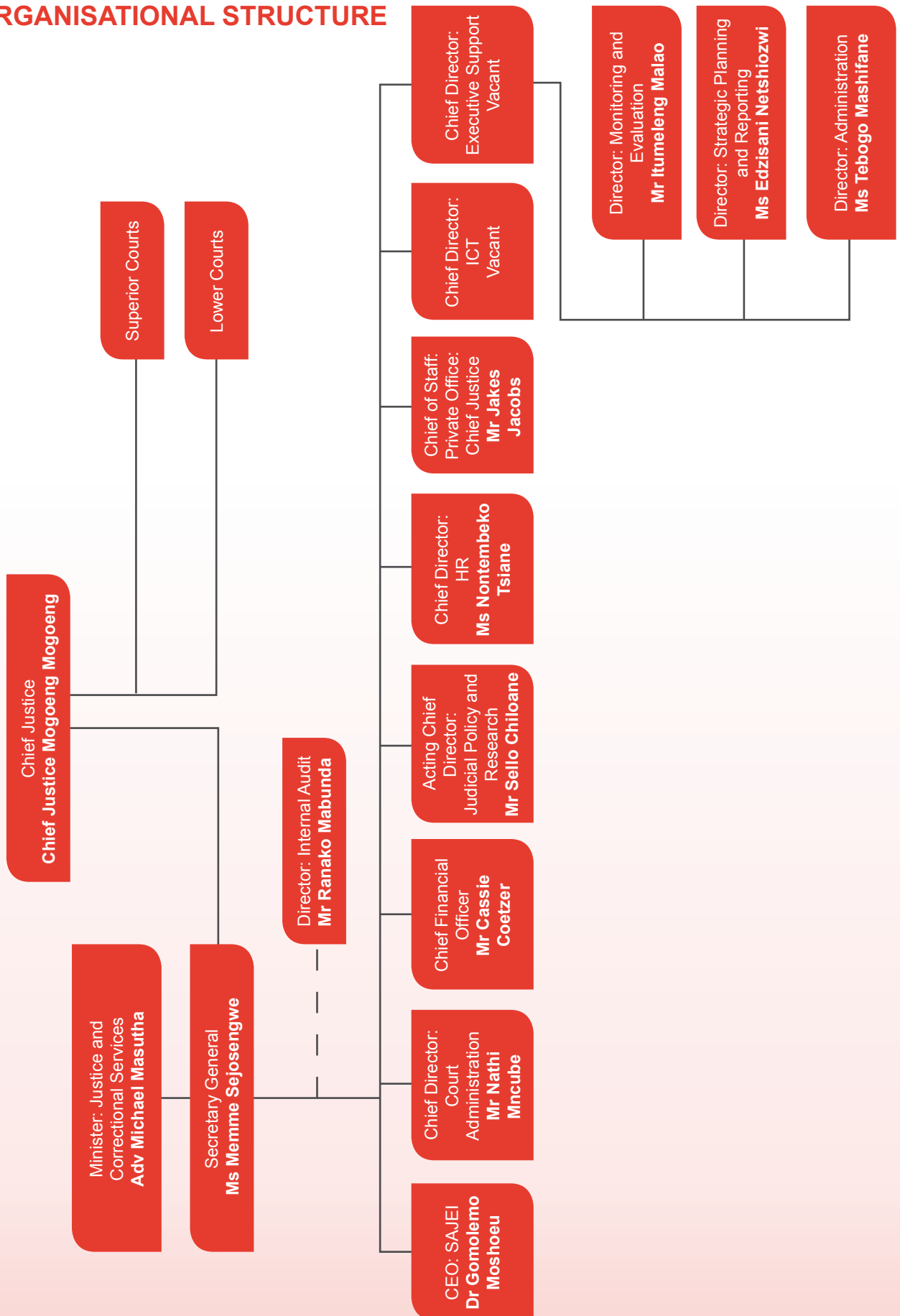
LEGISLATION	KEY MANDATES / RESPONSIBILITIES
Public Service Act, 1994 (Proclamation 103 of 1994)	This Act provides for the organisation and administration of the Public Service.
Public Finance Management Act, 1999 (Act 1 of 1999)	This Act regulates financial management in the National Government.
Superior Courts Act, 2013 (Act 10 of 2013)	<p>This Act empowers the Chief Justice to exercise responsibility over the establishment and monitoring of Norms and Standards for the exercise of judicial functions for all courts.</p> <p>The Minister of Justice and Correctional Services has, in terms of this Act, delegated certain powers and functions to the SG for the purposes of providing administrative support functions to the Chief Justice and the Judiciary.</p> <p>This Act also regulates the allocation of financial resources of the OCJ and designates the SG as the Accounting Officer.</p>
Judges' Remuneration and Conditions of Employment Act, 2001 (Act 47 of 2001)	This Act deals with the remuneration and conditions of employment of Judges.
Judicial Service Commission Act, 1994 (Act 9 of 1994)	The Act deals with the appointment of Judges and support to the JSC.
South African Judicial Education Institute Act, 2008 (Act 14 of 2008)	The Act provides for further training of Judicial Officers.
Public Service Act Proclamation, 1994 (Act 104 of 1994)	In March 2015, the Minister of Public Service and Administration, in terms of this Act, determined the functions relating to the administration of the Superior Courts transferred from the DOJ&CD to the OCJ.

## Policy mandates

The OCJ is a newly established National Department proclaimed by the President of the Republic of South Africa in terms of Proclamation 44 of 2010. Subsequent to the Proclamation of the OCJ as a National Department, the Minister for Public Service and Administration made a determination regarding the purpose and objectives of the OCJ as follows:

- To ensure that the Chief Justice can properly execute his mandate as both the Head of the Constitutional Court and the Head of the Judiciary;
- To enhance the institutional, administrative and financial independence of the OCJ; and
- To improve organisational governance and accountability, and the effective and efficient use of resources.

## 8. ORGANISATIONAL STRUCTURE



## **9. ENTITIES REPORTING TO THE MINISTER**

There are no entities that report to the Minister of Justice and Correctional Services which are funded through the OCJ vote and whose functions support the mandate of the OCJ.





# PART B - PERFORMANCE INFORMATION



## PART B: PERFORMANCE INFORMATION

### 1. AUDITOR-GENERAL'S REPORT: PRE-DETERMINED OBJECTIVES

The Auditor-General's report on the audit of pre-determined objectives is provided for on page 95 of the Report of the Auditor-General, included in Part E: Financial Information.

### 2. OVERVIEW OF DEPARTMENTAL PERFORMANCE

#### 2.1. Service delivery environment

The OCJ was established as a National Government Department in 2010, by means of Presidential Proclamation 44 of 2010 with the mandate of providing support to the Chief Justice in executing his administrative and judicial powers and duties as Head of the Judiciary and Head of the Constitutional Court. Since its establishment in 2010, the OCJ has been reporting as a sub-programme within the DOJ&CD. As from 1 April 2015, the OCJ operated as a separate Department with its own Budget Vote (Vote 22), which requires the Department to account in Parliament on its performance against the APP and the Estimates for National Expenditure (ENE). Section 54 (2) of the SuCA enjoins the SG with the responsibility of accounting for the funds received and spent on the administration and functioning of the Superior Courts.

The establishment of the OCJ as a National Government Department is seen as a transitional step to ensuring a Judiciary-led court administration system. This transitional arrangement created dual responsibilities for the SG as the Accounting Officer for the Department, in that the SG must simultaneously support the Judiciary which is a branch of State as well as to report to the Minister of Justice and Correctional Services, as the Executive Authority of the Department.

These responsibilities are unique to the Accounting Officer of the OCJ as compared to those of other government departments.

In 2014, the Minister of Justice and Correctional Services transferred the administration of the Superior Courts from the DOJ&CD to the OCJ. This transfer increased the scope of functions of the OCJ as determined by the Minister of Public Service and Administration (MPSA) in 2010. In ensuring close co-operation and collaboration between the DOJ&CD and the OCJ, the two departments entered into a SLA which outlines the shared services between the two Departments which includes:

- Transcription services;
- Information and communication technology;
- Human resource (i.e. labour relations, human resource development, organisational development, employee assistance programme services); and
- Training offered by the Justice College.

In terms of the determination of the transfer of functions, the following services were retained in the DOJ&CD and carried out on behalf of the OCJ:

- Infrastructure and facilities management; and
- Security services.

The OCJ is not reporting on the performance of services that were shared, retained and implemented by the DOJ&CD. These services will be reported on and accounted for by the DOJ&CD in its' Annual Report.

The transfer process came with its own challenges which included the verification of assets at the courts as well as administrative challenges relating to support services such as Human Resource Management and Development (HRM&D) and Information and Communications Technology (ICT). These challenges however did not impact on the functioning of the Courts as they were administrative in nature.

In order to improve access to justice, the Limpopo Division of the High Court was brought into operation in the 2015/16 financial year, thus reducing the workload



from the Gauteng Division of the High Court which was previously responsible for cases in the Limpopo province.

Supporting the performance of the Superior Courts remain an integral part of the responsibilities of the OCJ. The role played by the Judicial Case Flow Management Committee (JCFMC) to improve case-flow management has assisted in enhancing the performance of the Superior Courts which included the reduction in the backlog of criminal cases. By the end of the 2015/16 financial year, there were only 137 criminal cases that were on the roll for more than 12 months, compared to the projected 206 cases. This shows positive progress as the target has been achieved and exceeded. Furthermore, collaboration with other role-players in improving performance of the courts remained a strategic anchor for the OCJ and a key step in ensuring that the objectives of the OCJ are attained.

The NEEC and PEECs established by the Chief Justice are committed to improving the efficient and effective functioning of the courts and its effect was demonstrated by, among others, the enhanced performance of Superior Courts.

## 2.2. Service Delivery Improvement Plan

The OCJ did not have a Service Delivery Improvement Plan (SDIP) during the period under review. The 2015/16 financial year was the first year during which the OCJ operated as an independent department and it was important that service delivery gaps were identified through in-year monitoring before the SDIP could be developed. Furthermore, the OCJ piloted the customer service improvement tool in six Superior Courts during the financial year which assisted the Department to identify service delivery gaps that has informed the content of the SDIP for the 2016/19 cycle, which is in the process of being developed. Discussions have taken place between the OCJ and the Department of Public Service and Administration (DPSA) to ensure that the OCJ develops and implements the SDIP in line with the relevant legislation.

## 2.3. Organisational environment

Lack of capacity within the OCJ has been the main concern during the year under review. The Department had a total of 2 012 posts on its establishment during the 2015/16 financial year. Of the 2 012 posts, a total of 1 613 posts were filled (159 posts were filled during the 2015/16 financial year) leading to a vacancy rate of 19.8% (399 posts)<sup>2</sup>. Inadequate human resource capacity within the Department impacted on the performance against the targets set in the APP, particularly in the areas of HRM&D, payment of invoices within 30 days and the implementation of communications activities. In order to improve performance in these areas, additional posts for the HRM&D Unit and Finance Unit were created and filled and recruitment process for the Head of Communications was undertaken. The recruitment process for SMS posts was conducted through the reprioritisation process which focused on critical posts for the Department to be fully operational. Alignment of the OCJ's strategy and the organisational structure is important in ensuring that the Department delivers on its mandate. As such, the macro- and micro-structures of the Department were reviewed during the 2015/16 financial year. Consultation with the MPSA on the proposed macro-structure is still in process.

## 2.4. Key policy developments and legislative changes

During the 2015/16 financial year, the Judicial Matters Amendment Act, 2015 (Act 24 of 2015) which transfers the general administration of the Judges' Remuneration and Conditions of Employment Act, 2001 (Act 47 of 2001) from the DG of the DOJ&CD to the SG of the OCJ was passed by Parliament. The Amendment Act also seeks to transfer certain functions and responsibilities of SAJEI that were previously allocated to the DOJ&CD. Furthermore, the SG will be responsible for accounting for the budget allocated to the JSC. These provisions were, however, not yet in operation during the year under review.

<sup>2</sup> The number of posts referred to excludes the posts of Judges that are funded through NRF.

### 3. Strategic –outcome-oriented goals

The OCJ has three outcome-oriented goals in the 2015/16 to 2019/20 Strategic Plan. The table below provides progress made to the outcome-oriented goals during the financial year:

Goal	Goal statement	Progress
1. Capacitate the OCJ.	Secure adequate human resources for the OCJ to enable it to carry out its mandate effectively by attracting and recruiting competent personnel.	<p>The Department filled 57% of its identified critical vacancies.</p> <p>Capacity within the HRM&amp;D Unit was increased during the financial year in order to fast-track the filling of vacant posts in the 2016/17 financial year.</p> <p>The recruitment and job evaluation policies were approved during the financial year in order to ensure effective capacitation of the Department.</p>
2. Support the Chief Justice in the fulfilment of his functions as the Head of the Judiciary.	Enable the Chief Justice as the Head of the Judiciary to deliver on his constitutional mandate by providing administrative support.	<p>Administrative support was provided to the Chief Justice which included the monitoring of the implementation of Norms and Standards for Judicial Officers. Furthermore, the OCJ supported the Chief Justice with the administration of Judges' disclosure of registrable interests in line with the JSC Act.</p> <p>The OCJ also provided administrative and secretariat support to, amongst others, the JSC, NEEC, IEC Panel and the JCFMC.</p>
3. Render effective and efficient administration and technical support to the Superior Courts.	Support the efficiency of the Superior Courts in the provision of their services of improving case finalisation rates and reducing case backlogs by providing continuous administrative and technical support.	<p>Administrative and technical support was provided to Superior Courts in order to ensure efficiency in the provision of their services. The support provided included the following:</p> <ul style="list-style-type: none"> <li>• Monitoring of court performance in line with the set targets.</li> <li>• Training of Judicial Officers through SAJEI, as informed by the SAJEI Act, 2008 (Act 14 of 2008).</li> <li>• Administrative support was provided to the PEEC meetings where performance of the courts was discussed.</li> <li>• The ICT Master Systems Plan (MSP) was developed and approved which also include case management and e-filing systems. These systems will improve efficiency in the court administration system.</li> </ul>

## THE CONTRIBUTION OF THE OCJ TOWARDS GOVERNMENT'S POLICIES AND PRIORITIES DURING THE 2015/16 FINANCIAL YEAR

As a National Government Department supporting the Judiciary, the OCJ's contribution towards government's policies and priorities was guided by:

- Chapter 14 of the NDP;
- Outcome 3 of the MTSF (All people in South Africa are and feel safe); and
- Outcome 12 of the MTSF (An efficient, effective and development-oriented Public Service and an empowered, fair and inclusive citizenship).
- **Chapter 14 of the National Development Plan**

In responding to chapter 14 of the NDP, the OCJ's responsibility is to support the Judiciary towards strengthening judicial governance and the rule of law.

In supporting the Judiciary towards strengthening judicial governance and the rule of law during the year under review, the OCJ conducted 59 judicial education courses, co-ordinated two JSC sittings, produced two JSC reports, piloted judicial case-flow management projects in all High Courts and provided 38 legal advisory opinions on policy development and regulatory services. In addition, 70% of default judgments were granted by Registrars. A Customer Service Improvement tool was developed and piloted in six Superior Courts as a measure to improve the efficiency of the Superior Courts.

- **Outcome 3 of the MTSF - All people in South Africa are and feel safe**

The OCJ contributes towards Outcome 3 of the MTSF. The following are the two indicators that the Department is responsible for:

- Number of criminal cases on the backlog roll (High Courts).
- Number of criminal cases finalised with verdict (High Courts).

In contributing towards Outcome 3 during the year under review the Judiciary, through the support of the OCJ, was able to reduce criminal cases on the backlog roll from 281 to 137; signifying a reduction of 144 cases. In relation to the indicator on the number of criminal cases finalised with verdicts the Judiciary, with the support of the OCJ, was able to finalise 36% (904 of 2 524) of cases.

In addition, the Constitutional Court finalised 75% (230 of 308) of cases and the Supreme Court of Appeal finalised 83% (260 of 315) of its cases. By the end of the 2015/16 financial year, 72% (3 158 out of 4 393) of reserved judgments at the Superior Courts were finalised, 100% (2 of 2) of cases at the Electoral Court were finalised and 100% (3 of 3) of cases at the Competition Appeals Court were also finalised.

### **Outcome 12 of the MTSF - An efficient, effective and development oriented public service and an empowered, fair and inclusive citizenship**

Outcome 12 is generic to all Government Departments and the OCJ as a National Government Department is required to demonstrate its contribution. In contributing towards an efficient and effective Public Service during the year under review, the OCJ filled 57% (159 of 280) of identified critical, funded posts; trained 165 officials; conducted 10 internal audit reviews; conducted 4 risk assessments; convened 10 Executive Committee (Exco) meetings; paid 83% of received invoices (16 928 of 20 333) within 30 days, approved the ICT MSP, finalised and submitted the OCJ APP for 2016/17 to both the NT and the Department of Planning, Monitoring and Evaluation (DPME) and acquired office accommodation for the OCJ National Office.



## 4. PERFORMANCE INFORMATION BY PROGRAMME

### PROGRAMME 1: ADMINISTRATION

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

The sub-programmes within Programme 1: Administration are as follows:

- Management;
- Corporate Services;
- Finance Administration;
- Internal Audit and Risk Management Services; and
- Office Accommodation.

### Sub-programme 1: Management

**Purpose:** Provide administrative, planning, monitoring, evaluation and reporting functions necessary to ensure effective functioning of the Department.

Strategic objective	Ensure effective and efficient management and overall administration of the Department.				
Objective statement	Provide strategic leadership to the Department in order to function optimally and deliver effectively on the OCJ mandate by convening 10 Exco meetings per annum and ensure timely submission of the APP to NT and DPME.				
Performance indicators	Baseline 2014/15	Annual target 2015/16	Actual achievement 2015/16	Deviation	Comments on deviations
Number of Exco Management meetings convened	10	10	10	None	None
OCJ Annual Performance Plans finalised and submitted to DPME and NT as per National Treasury timelines	Draft Annual Performance Plan (2015/16)	OCJ Annual Performance Plan (2016/17) finalised and submitted to DPME and NT as per NT timelines	OCJ Annual Performance Plan (2016/17) finalised and submitted to DPME and NT as per NT timelines	None	None

## Sub-programme 2: Corporate Services

**Purpose:** Provide integrated Human Resources Management (HRM), Information & Communication Technology, Security Management and Communication Support services to the Judiciary and the Department.

Strategic objective					
Render effective corporate support services to the Judiciary and the Department.					
Objective statement					
Provide human capital management to the Department by filling 90% of the identified critical, funded posts and train officials in line with the skills development plan; improve the ICT support services by developing and implementing the ICT MSP and implement 12 communication activities in line with the communication strategy.					
Performance indicators	Baseline 2014/15	Annual target 2015/16	Actual achievement 2015/16	Deviation	Comments on deviations
Number of officials trained in line with the workplace skills plan (WSP) within a financial year	20	150	165	Exceeded target by 15	There was increased demand for training by officials
Percentage of identified critical, funded posts filled	80% (32)	90%	57% (159 of 280)	Under target by 33%	Posts were not filled due to inadequate office space at the previous National Office, the delayed relocation to the new National Office as well as the lack of human resource capacity at the Provincial Service Centres to handle the recruitment process
Number of Employee Wellness Programmes (WSP) conducted	2	4	4	None	None
ICT Master Systems Plan developed and implemented within the OCJ	Draft ICT Master Systems Plan developed	ICT Master Systems Plan developed	ICT Master Systems Plan developed	None	None
Number of communication activities implemented in line with the communication strategy	8	12	8	Under target by 4	Inadequate capacity within the Communications unit



### Sub-programme 3: Finance administration

**Purpose:** Provide overall financial, asset and supply chain management services to the Judiciary and the Department.

Strategic objective	Render financial, supply chain and asset management services to the Judiciary and the Department.				
Objective statement	Ensure 100% compliance with the PFMA and other prescripts by producing 12 financial performance reports per annum, processing 100% of received invoices within 30 days and increasing asset verification from 95% in 2014/15 to 100% per annum over the MTEF period.				
Performance indicators	Baseline 2014/15	Annual target 2015/16	Actual achievement 2015/16	Deviation	Comments on deviations
Number of financial performance reports produced in line with the PFMA	12	12	12	None	None
Percentage of received invoices paid within 30 days	80%	100%	83% (16 928 of 20 333)	Under target by 17%	Unavailability of the transversal systems to effect payments during the first two months of the financial year as a result of transfer of functions from the DOJ&CD to the OCJ Lack of human resource capacity in the Finance Unit to process invoices
Percentage of assets verified	95%	100%	100%	None	None

### Sub-programme 4: Internal audit and risk management services

**Purpose:** Provide overall internal audit and risk management services to the Department and the Superior Courts.

Strategic objective	Ensure good governance in administration of the Department.				
Objective statement	Implement and monitor the internal audit strategy and enterprise risk management framework by increasing the number of internal audit reviews from 6 in 2014/15 to 10 in 2017/18, conduct 4 risk assessments per annum and investigate 100% of reported fraud cases within 60 days.				
Performance indicators	Baseline 2014/15	Annual target 2015/16	Actual achievement 2015/16	Deviation	Comments on deviations
Number of internal audit reviews conducted	6	10	10	None	None
Number of risk assessments conducted	4	4	4	None	None
Percentage of reported fraud cases investigated within 60 days	100% (5)	100%	61% (20 of 33)	Under target by 39%	Unavailability of suspects and witnesses to conduct interviews within the prescribed investigation period

### Sub-programme 5: Office accommodation

**Purpose:** Provide for acquisition of office accommodation for the Department.

Strategic objective	Ensure sound acquisition of office accommodation for the Department.				
Objective statement	Acquire office accommodation through the Department of Public Works' (DPW) procurement processes to enable the Department to function optimally and deliver effectively on its mandate.				
Performance indicators	Baseline 2014/15	Annual target 2015/16	Actual achievement 2015/16	Deviation	Comments on deviations
Office accommodation for the Department acquired by 2015	Temporary office accommodation	Office accommodation acquired	Office accommodation acquired	None	None

## Strategy to overcome areas of under performance

Human Resource capacity was created in the Provincial Service Centres through the creation of additional posts which were filled in the fourth quarter of the financial year. In ensuring that 100% of received invoices are paid within 30 days, internal control measures will be improved to ensure compliance. An electronic invoice register will be implemented during the 2016/17 financial year.

## Changes to planned annual targets

There were no changes made to the annual targets during the year under review.

## Linking performance with budgets

Sub-programmes	2015/16		
	Final appropriation (R'000)	Actual expenditure (R'000)	Variance (R'000)
Management	23 252	22 009	1 243
Corporate Services	31 973	28 323	3 650
Financial Administration	17 465	14 390	3 075
Internal Audit & Risk Management	10 287	9 366	921
Office Accommodation	14 810	14 748	62
<b>Total</b>	<b>97 787</b>	<b>88 836</b>	<b>8 951</b>

The programme's underspending amounted to R8.9 million, of which R8.1 million relates to compensation of employees due to non-filling of funded vacancies. This was caused by the inadequate office space at the previous National Office as well as delayed relocation to the new National Office. An underspending of R800 000 in Goods and Services was due to the inability to procure these items for the first two months of the financial year. This was as a result of transversal system challenges subsequent to the transfer of functions from the DOJ&CD. The management of the invoice flow has been addressed by utilising an electronic invoice register.

## Description

The following are the sub-programmes of Programme 2:

- Administration of Superior Courts;
- JSC;
- Constitutional Court;
- Supreme Court of Appeal;
- High Courts; and
- Specialised Courts

## PROGRAMME 2: JUDICIAL SUPPORT AND COURT ADMINISTRATION

Purpose: Provide judicial support and court administration services to the Superior Courts, including secretariat and administrative support services to the Judicial Service Commission.



## Sub-programme 1: Administration of Superior Courts

**Purpose:** Provide administrative and technical support to the Superior Courts, monitor the overall performance of the Superior Courts and enhance judicial stakeholder relations.

<b>Strategic objective</b>		Ensure effective and efficient administration of the Superior Courts.			
<b>Objective statement</b>		Enhance effective and efficient administration of the Superior Courts service by coordinating 18 judicial meetings per annum; producing 3 Superior Courts performance monitoring reports in 2015/16 and 5 per annum from 2016/17 to 2017/18; as well as producing 3 monitoring reports on Judicial Norms and Standards in 2015/16 and 5 per annum in 2016/17 to 2017/18 financial years. The objective also seeks to ensure Registrars grant 65% of default judgements by 2017/18 and finalise 66% of taxations by 2017/18 and ensure that a customer service improvement plan is developed over the MTEF period.			
<b>Performance Indicators</b>	<b>Baseline 2014/15</b>	<b>Annual Target 2015/16</b>	<b>Actual Achievement 2015/16</b>	<b>Deviation</b>	<b>Comments on Deviations</b>
Number of Judicial meetings coordinated	18	18	20	Exceeded target by 2	Meetings are planned by the Judiciary. Depending on the resolutions, meetings may take place more frequently than planned
Number of Superior Courts performance monitoring reports produced	1	3	3	None	None.
Number of monitoring reports on Judicial Norms and Standards produced	1	3	2	Under target by 1	During the first two quarters of the year under review, the Unit assessed the tools to be implemented in order to monitor the Norms and Standards. Due to inadequate resources, the Unit produced reports on some of the Norms and Standards. These reports were on the reserve judgments and criminal and civil cases finalised.
Percentage of default judgments granted by Registrars	-	55%	70% (33 252 of 47 814)	Exceeded target by 15%	Set target was exceeded due to good management controls that have been put in place to ensure that default judgments are speedily dealt with.
Percentage of taxations finalised	-	62%	84% (17 888 of 21 287)	Exceeded target by 22%	Set target was exceeded due to good management controls that have been put in place to ensure that taxations are speedily dealt with.
Customer service improvement plan developed and implemented in all Superior Courts	-	Customer service improvement tool developed and piloted in 6 Superior Courts	Customer service improvement tool developed and piloted in 6 Superior Courts	None	None



## Sub-programme 2: Judicial Service Commission (JSC)

**Purpose:** Provide secretariat and administrative support to the JSC to effectively perform their constitutional and legislative mandate.

Strategic objective	Render secretariat and administrative support services to the JSC.				
Objective statement	Enhance the overall functioning and governance of the JSC by coordinating 2 Judicial sittings per annum and producing 2 JSC reports in 2015/16 and 3 per annum in 2016/17 to 2017/18 financial years.				
Performance indicators	Baseline 2014/15	Annual target 2015/16	Actual achievement 2015/16	Deviation	Comments on deviations
Number of Judicial Service Commission sittings coordinated.	2	2	2	None	None
Number of Judicial Service Commission reports produced.	2	2	2	None	None

## Sub-programme 3: Constitutional Court

**Purpose:** Adjudicate on constitutional matters and any other matter that is of a general public importance.

Strategic objective	Enhance efficiency and timely delivery of judgments at the Constitutional Court.				
Objective statement	Enhance the delivery of judgments of the Constitutional Court by monitoring the implementation of Norms and Standards and producing performance reports that support the Court to achieve 80% finalisation of cases.				
Performance indicators	Baseline 2014/15	Annual target 2015/16	Actual achievement 2015/16	Deviation	Comments on deviations
Percentage of cases finalised	60% (160)	80%	75% (230 of 308)	Under target by 5%	Despite the management measures that have been put in place by the Chief Justice, the complex nature of the cases compounded by the fact that each application lodged is dealt with by all 11 Justices of this Court, led to the underachievement of the target. In addition, the extension of the jurisdiction of the Constitutional Court as the apex court in all matters, has seen a considerable increase in the number of the applications received.

### Sub-programme 4: Supreme Court of Appeal (SCA)

**Purpose:** Adjudicate appeals in any matter arising from the High Court of South Africa or a court of a status similar to the High Court.

Strategic objective	Enhance efficiency and timely delivery of judgements at the Supreme Court of Appeal.				
Objective statement	Enhance the delivery of judgements of the Supreme Court of Appeal by monitoring the implementation of Norms and Standards and producing performance reports that supports the Court to achieve 80% finalisation of cases.				
Performance indicators	Baseline 2014/15	Annual target 2015/16	Actual achievement 2015/16	Deviation	Comments on deviations
Percentage of cases finalised	70%	80%	83% (260 of 315)	Exceeded target by 3%	The set target was exceeded as a result of good management controls (case flow management) that have been put in place by the President of the SCA to ensure that judgments are delivered within term in line with the Judicial Code of Conduct and Norms and Standards.

### Sub-programme 5: High Courts

**Purpose:** Adjudicate and provide resolutions on criminal and civil disputes and hear any appeals from the Lower Courts.

Strategic objective	Enhance efficiency and timely delivery of judgments at the High Courts.				
Objective statement	Enhance the delivery of judgments of the High Courts by monitoring the implementation of Norms and Standards and producing performance reports that supports the Court to reduce criminal case backlogs from 281 in 2014/15 to 6 in 2019/20; finalise criminal cases from 60% in 2014/15 to 70% in 2019/20 and civil cases from 52% in 2014/15 to 60% in 2019/20 financial year and ensure 70% finalisation of reserved judgments at the High Courts.				
Performance indicators	Baseline 2014/15	Annual target 2015/16	Actual achievement 2015/16	Deviation	Comments on deviations
Number of criminal cases on the backlog roll	281	206	137	Exceeded target by 69	Dedicated focus by the Judiciary on the cases on the backlog roll. Backlog cases are prioritised.
Percentage of criminal cases finalised with verdicts	60% (810)	62%	36% (904 of 2 524)	Under target by 26%	Cases are postponed for various reasons; therefore backup cases are allocated in the event that the primary case does not proceed. This inflates the daily court roll allocation which results in a low finalisation percentage.
Percentage of civil cases finalised	-	52%	63% (80 330 of 127 014)	Exceeded target by 11%.	Case-flow management initiatives at the High Courts contributed to the finalisation of more civil cases than anticipated.
Percentage of reserved judgments finalised	-	70%	72% (3 158 of 4 393)	Exceeded target by 2%	The special focus by the Chief Justice and the Heads of Courts in monitoring reserved judgments has resulted to over-achievement of the target.

## Sub-programme 6: Specialised Courts

**Purpose:** Adjudicate over various types of matters excluded from the jurisdiction of the divisions of High Courts and Magistrate Courts. These include adjudication on labour, land, electoral and competition matters.

Strategic objective	Enhance efficiency and timely delivery of judgments at the Specialised Courts.				
Objective statement	Enhance the delivery of judgments of the Specialised Courts by monitoring the implementation of Norms and Standards and producing performance reports that supports the finalisation of cases in the Labour Courts from 50% in 2014/15 to 56% in 2017/18; Land Claims Courts from 50% to 56% in 2017/18; Electoral Courts by 90% in 2017/18; and Competition Appeal Courts by 72% in 2017/18.				
Performance indicators	Baseline 2014/15	Annual target 2015/16	Actual achievement 2015/16	Deviation	Comments on deviations
Percentage of Labour cases finalised	50%	52%	58% (4 082 of 7 064)	Exceeded target by 6%	The set target was exceeded as a result of good management controls (case flow management) that have been put in place by the Judge President of the Labour and Labour Appeals Court to ensure that judgments are delivered within term in line with the Judicial Code of Conduct and Norms and Standards.
Percentage of Land Claims cases finalised	50%	52%	52% (118 of 228)	None	None
Percentage of Electoral cases finalised	-	90%	100% (2 of 2)	Exceeded target by 10%	Due to the nature of the cases and the national interest in cases heard in this particular Court measures were put in place by the Judge President to ensure prompt finalisation of cases.
Percentage of Competition Appeal cases finalised	-	72%	100% (3 of 3)	Exceeded target by 28%	Due to the nature of the cases heard in this particular Court; measures were made by the Judge President to ensure prompt finalisation of cases.

## Strategy to overcome areas of under-performance

Lack of proper systems and appropriate tools to gather data necessary to produce the monitoring reports on the Norms and Standards was the main contributor to the identified under-achievement in this programme. However, the necessary resources and controls have been put in place to improve performance going forward.

To enhance performance of the Superior Courts, the following interventions have been put in place:

- Creating capacity in the offices of the Judges President to monitor court performance;
- Dedicated budget for case-flow management has been allocated and properly monitored; and
- Development of a court modernisation system has commenced. The e-filing tender was awarded and the service provider has commenced with the project.

## Changes to planned annual targets

There were no changes made to the annual targets during the year under review.





## Linking performance with budgets

Sub-programmes	2015/16		
	Final appropriation (R'000)	Actual expenditure (R'000)	Variance (R'000)
Administration of Superior Courts	9 435	7 645	1 790
Judicial Service Commission	6 275	6 252	23
Constitutional Court	52 408	52 348	60
Supreme Court of Appeal	23 170	23 083	87
High Courts	510 111	509 427	684
Specialised Courts	50 167	49 453	714
<b>Total</b>	<b>651 566</b>	<b>648 208</b>	<b>3 358</b>

The programme's underspending amounted to R3.4 million, of which R1.0 million was underspent on Compensation of Employees as a result of the non-filling of vacancies due to a lack of human resources capacity at Provincial Service Centres. An underspending of R1.9 million under Goods and Services relates to case-flow management claims which were not received from the DOJ&CD for the expenditure incurred by the Lower Courts. The claims and reimbursement process was a new approach initiated by the OCJ after the transfer of functions. An amount of R500 000 represents a saving on the Capital budget as a result of cost containment measures.

### PROGRAMME 3: JUDICIAL EDUCATION AND RESEARCH

**Purpose:** Provide education programmes to Judicial Officers, including policy development and research services for the optimal administration of justice.

#### Description

The following are the sub-programmes of Programme 3:

- SAJEI; and
- Judicial Policy and Research.





## Sub-programme 1: SAJEI

**Purpose:** Provide continuing judicial education for Judicial Officers and training of aspirant Judicial Officers.

Strategic objective	Capacitate serving and aspirant Judicial Officers to perform optimally.				
Objective statement	Enhance the performance of Judicial Officers by increasing Judicial Education courses from 60 in 2014/15 to 75 in the 2017/18 financial year.				
Performance indicators	Baseline 2014/15	Annual target 2015/16	Actual achievement 2015/16	Deviation	Comments on deviations
Number of judicial education courses conducted.	60	65	59	Under target by 6.	Some of the courses were postponed due to non-finalization of PAJA rules, as well as a lack of dedicated Judicial Educators.

## Sub-programme 2: Judicial Policy and Research

Strategic objective	Enhance the governance of the Judiciary and the OCJ.				
Objective statement	Provide administrative support to the Judiciary by increasing the number of advisory opinions on policy development and regulatory services from 10 in 2014/15 to 15 2017/18 financial years and monitor percentage compliance in relation to the disclosures of Judges' Registrable Interests.				
Performance indicators	Baseline 2014/15	Annual target 2015/16	Actual achievement 2015/16	Deviation	Comments on deviations
Number of advisory opinions on policy development and regulatory services provided	10	14	38	Exceeded target by 24	High demand for advisory opinions received.
Percentage of disclosures for Judges Registrable interests	80%	100%	99.6% (241 of 242)	Under target by 0.4%.	Out of a total of 242 Judges who were required to provide an update on their previous disclosures of registrable interests, forty Judges provided an update to their disclosures and the rest of the Judges' disclosures from the previous financial year remained unchanged. One Judge failed to disclose Registrable Interests as required by the law.

## Strategy to overcome areas of underperformance

In order to improve performance of the SAJEI, the process of appointing dedicated judicial educators has commenced. With regard to the non-disclosure for Judges' Registrable Interests, the matter was referred to the JSC.

## Changes to planned annual targets

There were no changes made to the annual targets during the year under review.

## Linking performance with budgets

Sub-programmes	2015/16		
	Final appropriation (R'000)	Actual expenditure (R'000)	Variance (R'000)
South African Judicial Education Institute	28 243	25 952	2 291
Judicial Policy and Research	5 783	4 690	1 093
<b>Total</b>	<b>34 026</b>	<b>30 642</b>	<b>3 384</b>

The programme's underspending amounted to R3.4 million. An amount of R1.2 million relates to compensation of employees due to non-filling of funded vacancies at National Office level and R2.2 million relates to Goods and Services. This included, among others, the postponement of judicial training courses which was due to non-finalisation of PAJA rules, as well as a lack of dedicated Judicial Educators.

## 5. TRANSFER PAYMENTS

The OCJ did not have any transfer payments during the period under review.

## 6. CONDITIONAL GRANTS

The OCJ did not receive any conditional grants during the period under review.

## 7. DONOR FUNDS

The OCJ did not receive any donor funds during the period under review.

## 8. CAPITAL INVESTMENT

The OCJ did not receive any capital investments during the period under review.



# PART C - GOVERNANCE

## Part C: Governance

### 1. INTRODUCTION

The OCJ is committed to the highest standards of governance in managing public resources by maintaining effective, efficient and transparent systems of financial management, risk management and an improved internal control environment. Best practice standards and methodologies derived from the NT's Public Sector Risk Management Framework and the Institute of Risk Management Standards, are applied in the OCJ's enterprise-wide risk management (ERM) environment during the risk identification, measuring and mitigation processes. Risk mitigation is applied to the residual risk exposure of the Department, monitored regularly and reported quarterly to Management and the ARC.

#### 1.1 ICT Governance

The ICT governance structures of the OCJ consist of the Judiciary and Administration Information Technology (JAIT) and the Integrated Justice Systems (IJS) Board. The JAIT steering committee provides direction and oversight on the use of IT as a strategic enabler for an effective and efficient Judiciary and its administration, in order to improve access to justice. The IJS Board provides direction and oversight on all IT initiatives that are implemented by different departments related to the integrated justice system.

In the 2015/16 financial year, the focus was on the development of the MSP/ICT Strategic Plan, ICT Governance Framework, ICT Governance Charter and the critical ICT policies.

The ICT Governance Framework and the Charter will identify best practice deliverables that are to be implemented in a phased approach.

The development of the MSP/ICT Strategic Plan was based on the Government-wide Enterprise Architecture Framework and will as such be implemented as from 2016/17 financial year. The MSP identifies best practice

deliverables that are to be implemented in a phased approach. The plan highlights strategic initiatives that will be implemented in the coming financial years with the intention of modernising, among others, court operations.

Implementation of ICT policies has led to minimised user-related risks as well as cost-saving through efficient usage of e-mails and internet.

### 2. RISK MANAGEMENT

The OCJ has an approved Risk Management Framework, the Risk Management Policy and Strategy that articulate the organisational risk management approach and methodology. The Framework outlines the processes creating risk capability at a strategic and operational level. The policies and the Implementation Plan are reviewed on an annual basis and communicated broadly within the OCJ. The risk management system will be subject to an internal audit in the 2016/17 financial year.

#### 2.1. Risk Assessments

The risk management process is aligned to the planning and objective-setting process of the Department. Annual risk assessments were conducted during the annual planning phase to align the OCJ's adopted strategy and its risk profile. Strategic and the Operational Risk Registers are updated with emerging risks and progress on mitigation actions are monitored by the Director: Internal Audit and Risk Management on a quarterly basis and reported to the ARC.

#### 2.2. Risk Committee

The Department has a fully-functional combined ARC established in terms of the Public Sector Risk Management Framework. The ARC is independently chaired and comprises five non-executive members. The OCJ Exco members attend all the ARC meetings while selected senior managers responsible for key functions are invited to attend as and when required.

The ARC meetings were held as per the 2015/16



planned schedule. Three ARC meetings were dedicated to the review of the OCJ's risk management processes and consideration of the mitigation reports. In fulfilling its oversight role over management to maintain an effective system of risk management, the ARC assisted the OCJ in the development and implementation of the risk management policy and strategy. The OCJ risk management implementation plan and monitoring activities in the year under review can be summarised as follows:

- i. ARC members provided oversight to the Accounting Officer and Management on cross-cutting risks of the OCJ relating to the following:
  - Asset-, financial- and supply chain management;
  - Performance information and reporting;
  - ICT;
  - HRM;
  - Quasi-judicial functions; and
  - Transfer of functions.
- ii. The Internal Audit and Risk Management Unit (IA&RMU) submits quarterly reports to the ARC and Management on risk mitigation outcomes on both the strategic and operational levels, fraud prevention and risk awareness campaigns, forensic investigations and the results of the reported allegations of fraud and corruption and issue independent assurance reports on the post audit risk outcomes for audited National Office units and the Superior Courts.

### 2.3. Progress on risk mitigation

Progress in addressing the key risks faced by the OCJ is summarised in Table 1 below:





Table 1

No	Strategic objective	Risk description	Risk implication	Summary of progress made
1.	Render effective corporate services (IT services) to the Judiciary and the Department	Inadequate IT infrastructure and systems to integrate OCJ National Office, the provincial offices and the Superior Courts	<ul style="list-style-type: none"> <li>Inadequate and inaccurate business data.</li> </ul>	<ul style="list-style-type: none"> <li>IT infrastructure and systems procured and installed.</li> <li>12 Superior Courts migrated to the OCJ IT domain.</li> <li>MSP approved.</li> <li>Key IT policies developed.</li> <li>OCJ IT help desk operational.</li> </ul> <p>Implementation of the above resulted in improved data management within the Department.</p>
2.	Ensure effective and efficient management of the Superior Courts	Inadequate systems to measure and report on court performance	<ul style="list-style-type: none"> <li>Unreliable / inaccurate performance information reports</li> </ul>	<ul style="list-style-type: none"> <li>Performance data collection tool developed.</li> <li>Statistical Officers appointed at each Superior Court and trained.</li> <li>Approved MSP precursor for the envisaged court performance monitoring system (long-term project).</li> </ul> <p>Implementation of the above resulted in improved data management and performance information reporting.</p>
3.	Render financial, SCM and asset management services to the Judiciary and the Department	Inadequate budget and funding for the optimal functioning of the OCJ	<ul style="list-style-type: none"> <li>Inability to achieve strategic objectives</li> </ul>	<p>Additional budget allocated by NT on unfunded mandate.</p> <p>Cost Saving Plan approved by Exco and ARC was implemented.</p> <p>Implementation of the above resulted in improved administrative support to the courts.</p>
4.	Ensure effective and efficient management and overall administration of the OCJ	Transitional challenges as a result of transfer of functions from DOJ&CD to OCJ	<ul style="list-style-type: none"> <li>Poor service delivery and loss of public confidence</li> </ul>	<ul style="list-style-type: none"> <li>SLA between OCJ and DOJ&amp;CD was signed by the two Accounting Officers.</li> <li>The Interdepartmental transfers were completed in terms of the budget, HR and other resources.</li> </ul> <p>Implementation of the above resulted in improved service delivery.</p>

No	Strategic objective	Risk description	Risk implication	Summary of progress made
5.	Ensure effective and efficient management and overall administration of the OCJ	Potential for fraud and corruption activities within OCJ	<ul style="list-style-type: none"> <li>Financial loss.</li> <li>Loss of reputation (Judiciary and OCJ)</li> </ul>	<ul style="list-style-type: none"> <li>Organisation-wide fraud prevention, detection, investigation and resolution program developed and implemented.</li> <li>Whistle-blowing policy and reporting mechanism developed and implemented.</li> </ul>

### 3. FRAUD AND CORRUPTION

The OCJ is committed to a zero-tolerance approach against fraud and corruption and has an approved Fraud Prevention and Anti-Corruption Policy and Strategy. The Policy and Strategy are rolled out through a three-year approved Fraud Prevention Implementation Plan, which is annually reviewed by the ARC.

The OCJ has adopted a four dimensional strategic approach to mitigate the risk of fraud and corruption in line with Government's Minimum Anti-Corruption Capacity (MACC) requirements for departments, namely fraud detection, prevention, investigation and resolution.

#### 3.1. Fraud prevention

The main thrust of integrity management is to inculcate a culture of ethical behaviour amongst the staff. Fraud prevention awareness workshops were conducted in fifteen (15) Superior Courts in the 2015/16 financial year, addressing fraud risk management, gifts, sponsorships and donations, remunerative work outside public service, conflict of interest management and whistle blowing. During these sessions, employees were encouraged to report corrupt activities (anonymously or in person) to Management, Forensic Audit or through the National Anti-Corruption Hotline (NACH) of the Public Service Commission (PSC).

Security vetting is a preventative measure and the first line of defence to deter the recruitment of unethical and inapt employees. The Vetting Unit was established to conduct pre-screening and vetting investigations of the OCJ personnel and the new recruits. To enhance efficiency, the vetting process was automated through

the introduction and utilisation of the Security Vetting Information System (SVIS) and the Security Vetting Administration System (SVAS). The vetting function is a shared service with the DOJ&CD in terms of the SLA.

#### 3.2. Fraud detection

The OCJ Fraud Prevention and Anti-Corruption Policy and Strategy outline procedures that employees and the public should follow to report incidents of alleged fraud and corruption. The incidents identified through the internal or external audit and the fraud allegations reported through the Departmental whistle-blowing mechanism, are recorded in the OCJ Fraud Register. Each reported incident is allocated a forensic auditor to initiate the preliminary investigations.

#### 3.3. Fraud investigation

The veracity of the allegations of fraud and corruption activities are thoroughly investigated using the internal forensic auditors or external resources. The OCJ Forensic Unit has established a cordial working relationship with law enforcement agencies to which complex cases outside the Unit's scope are referred. In the year under review, 33 fraud and corruption cases were reported. Of these, 20 (61%) were finalised with 13 (39%) outstanding as at 31 March 2016. The Forensic Audit function is a shared service with the DOJ&CD in terms of the transfer of functions SLA.

#### 3.4. Fraud resolution

Resolution of an investigated fraud incident could be a recommendation for disciplinary action (HR processes), a determination for civil recovery and / or criminal prosecution, or referral to law enforcement

agencies. A report on all allegations of fraud received as well as the status of the investigations, are reported to the Accounting Officer and to the ARC for its oversight through closed meetings. Further to the above, concluded investigations are communicated to the Accounting Officer for noting and reporting to the relevant external stakeholders, that is the NACH which is managed by the PSC and the Presidential Hotline.

## 4. MINIMISING CONFLICT OF INTERESTS

### 4.1. Integrity and Ethics Programme

In compliance with Chapter 3 of the Public Service Regulations, 2001, the OCJ ensures that the Integrity and Ethics Programme reports on the financial interests disclosure of all the designated officials (SMS members), including the disclosure of gifts by all the employees. The oversight role of the ARC is facilitated through the quarterly ordinary meetings. Of the 27 designated officials, 25 submitted their e-Disclosure on time by 30 April 2015. The remaining 2 officials were prompted to account for non-compliance and were subsequently assisted to file late submission. The Ethics Officer has been appointed by the Accounting Officer to coordinate the integrity and ethics function.

### 4.2. Management of conflict of interest within the SCM function

The OCJ has an approved Conflict of Interest Policy. All officials participating in SCM and Bid Committees are required to disclose their interests during each requisitioning and bidding process in the prescribed disclosure form. Undeclared conflict of interest will, when detected, lead to the bid not being awarded to the enterprise in which an official has an interest. The declarations are registered and filed for audit purposes.

### 4.3. Remunerative Work Outside Public Service

The OCJ has an approved Remunerative Work Outside Public Service (RWOPS) Policy. Awareness sessions are conducted to encourage employees to apply for and obtain permission on an annual basis to

conduct remunerative work outside the Public Service. All employees are required to disclose all business interests. The Integrity and Ethics Unit performs the background checks, evaluate the recommendations by the immediate supervisor or manager and submit a report with the recommendations to Management for final endorsement or disapproval. Consequence management such as disciplinary action is taken against employees who do not comply with the policy.

## 5. CODE OF CONDUCT

All the employees of the Department are subject to the provisions of the Public Service Regulations. The OCJ has adopted the Code of Conduct of the Public Service, contained in Chapter 2 of the Public Service Regulations. Upon assumption of duty all employees are provided with a copy of the Code of Conduct. Employees are expected to behave in a manner which upholds the values of the OCJ namely, respect for and protection of the Constitution; honesty and integrity; openness and transparency and professionalism and excellence.

It is the responsibility of each and every employee to ensure that she/he complies with the provisions of the Code of Conduct and line managers are required to monitor compliance and to take appropriate action where necessary. In the event of breach by an employee, she/he may be subjected to disciplinary process.

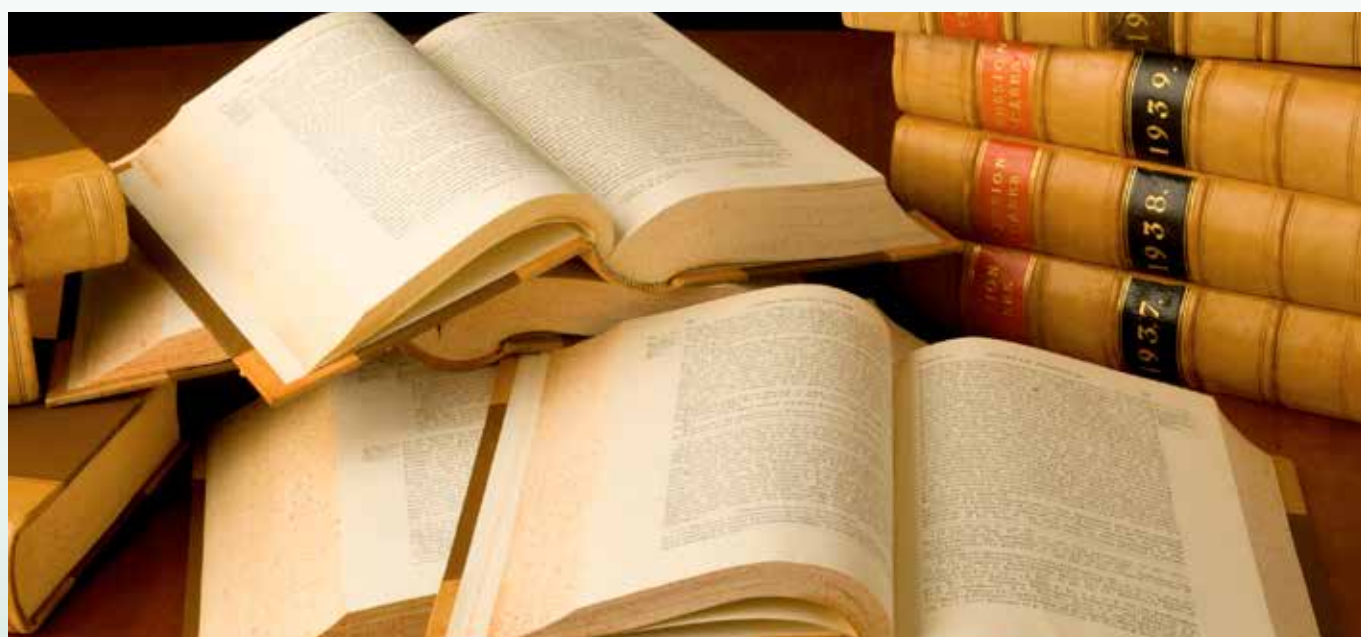
## 6. HEALTH, SAFETY AND ENVIRONMENTAL ISSUES

The Occupational Health, Safety and Environmental (OHS&E) function was a retained service in the DOJ&CD for the 2015/16 financial year. All OHS&E programmes were conducted under the auspices of the DOJ&CD. The reason for the retention was that no capacity was available during the transfer of functions in order to enable the OCJ to manage OHS&E independently. The SLA signed between the two Accounting Officers makes provision that joint operational committees will be established in the next financial year to enable the OCJ to assume total coordination and supervision of the OHS&E programmes across its operations.

## 7. PORTFOLIO COMMITTEES

The Portfolio Committee on Justice and Correctional Services has an important oversight responsibility over the performance of the OCJ. The Department is grateful to the Portfolio Committee for the continuous support, valuable advice and recommendations received. The following engagements were held with the Portfolio Committee during the 2015/16 financial year:

Date	Responsible supporting department/institution	Item for discussion	Leader of the delegation
15 April 2015	Ministry of Justice and Correctional Services	Political overview	Minister of Justice and Correctional Services
21 April 2015	OCJ	2015/16-2019/20 Strategic Plan and 2015/16 Annual Performance Plan	Secretary General: OCJ
16 Sep 2015	OCJ	Presentation at Portfolio Committee's strategic planning session on:  intended legislative programmes for the medium term;  key research projects/policy-related papers linked to policy priorities;  key priorities, strategies and programmes for the five-year term; and  Successes and challenges with focus on NDP priorities and MTSF target.	Secretary General: OCJ
14 October 2015	OCJ	Quarter 1 performance report	Secretary General: OCJ
16 February 2016	OCJ	Quarter 2 and 3 performance reports	Secretary General: OCJ



Matters raised in the Portfolio Committee	How the Department addressed these matters
<p>Members were concerned with regards to the insufficient capacity of SAJEI to deal with training needs of the large number of newly- appointed Magistrates.</p> <p>Progress was requested on the acquisition of new office accommodation for the OCJ. On 28 November 2014, as part of their oversight, the Portfolio Committee visited the OCJ with the primary purpose of viewing the temporary accommodation of the Department.</p> <p>Human resource capacitation in the OCJ to be prioritised with focus on equity levels particularly at senior management positions.</p>	<p>Five dedicated Judicial Educators will be appointed in the 2016/17 financial year to assist with training needs of newly-appointed Magistrates.</p> <p>New office accommodation was acquired through the Department of Public Works (DPW).</p> <p>Recruitment processes were prioritised and the Department continued to fill funded vacancies. As at 31 March 2016, the OCJ had 32 SMS posts, women accounted for 41% (13 posts) and men accounted for 59% (19 posts), compared to 31 March 2015, OCJ had 28 SMS posts, women accounted for 36% (10 posts) and men accounted for 64% (18 posts).</p>
<p>Concern with regards to delays in the finalisation of land restitution cases by the Land Claims Court was raised. It was pointed out that there was more emphasis on financial compensation than land restitution. It was highlighted that land invasions have started in certain rural areas.</p>	<p>This matter was escalated to the Head of the Land Claims Court and feedback was provided to the Committee.</p>

## 8. SCOPA RESOLUTIONS

There were no resolutions taken by SCOPA regarding the Department during the period under review.

## 9. PRIOR MODIFICATION OF AUDIT REPORTS

There were no prior modifications to the audit reports. The OCJ began operating as an independent Department during the financial year under review after obtaining a Budget Vote (Vote 22), effective from 1 April 2015. The first Auditor-General's report for the OCJ was issued on 29 July 2016 and is included in Part E: Financial Information.

## 10. INTERNAL CONTROL UNIT

The internal control systems are designed to provide cost effective assurance that departmental assets are safeguarded, the operations, liabilities and working capital are efficiently and effectively managed, financial and performance reporting information is reliable and the OCJ complies with the applicable laws and regulations.

In line with the PFMA, the internal audit function provides Management and the ARC with reasonable assurance that the internal controls are appropriate and effective. This is achieved through conducting the internal audits across the OCJ operations and providing Management with the audit reports and recommendations on corrective actions to enhance the control environment. Quarterly internal audit and risk mitigation reports are submitted to the ARC for their monitoring and oversight function. The internal audit activities conducted in the period under review are discussed in the next section.

## 11. INTERNAL AUDIT AND AUDIT COMMITTEES

### 11.1 Internal Audit

The Internal Audit Activity (IAA) in accordance with its mandate provides an independent and objective assurance designed to add value and improve the OCJ's operations. The IAA accomplishes this objective by bringing in a systematic and disciplined approach to evaluating and improving the effectiveness of risk management, control and governance processes. The function is discharged in accordance with an approved Internal Audit Charter and Audit Methodology



and in compliance with the NT Regulations and the International Standards of the Professional Practice of Internal Auditing (ISPPIA). The IAA is guided by a fully-functional ARC which operates in terms of an approved ARC Charter as prescribed by the NT. The head of the Unit reports functionally to the ARC and administratively to the Accounting Officer.

The Unit responsible for IAA has gradually been capacitated in the last two financial years. In order to improve the proficiency of the internal audit staff, continuous professional development training to all internal auditors was provided during the financial year, conducted under the auspices of the Institute of Internal Auditors (IIA) of South Africa.

The IAA through engagement with internal stakeholders formulated a risk-based three-year rolling plan incorporating an annual plan that was approved by the ARC. The annual audit plan of 10 planned audit projects was fully executed during the 2015/16 financial year and was tabled at the quarterly ARC meetings. Unplanned and ad hoc requests from the ARC and Management, such as compliance reviews, Management Performance Assessment Tool (MPAT), Performance Information and Interim Financial Statements (IFS) audit projects were also conducted. The IT audit was performed by the AGSA due to inadequate internal audit capacity within the OCJ.

The Accounting Officer has established an Operations Committee that monitors the implementation of the previous audit findings by the AGSA on Superior Courts and submits reports to the Exco. Sixteen follow-up audits were conducted during the year in various business units and the Superior Courts. The aim was to review management implementation of previous audit findings by the Auditor-General and internal audit action plans with a view to evaluate and determine the adequacy, effectiveness and improvements to the internal controls.

The internal audit function will be subjected to compliance assessment by the DPME through the MPAT in the 2016/17 financial year, followed by an external quality review in the subsequent year.

## 11.2 Audit and Risk Committee

The OCJ has a fully-functional ARC appointed in terms of Section 38(1) (a) (ii) of the PFMA FMA and NT Regulation 3.1. The ARC operates in accordance with the aforementioned regulations including provisions prescribed in terms of Sections 76(4) (d) and 77 of the PFMA. The Committee's mandate and responsibilities are defined in the ARC Charter.

The main purpose of the ARC is to assist the Accounting Officer of the OCJ to fulfil the responsibilities of maintaining effective, efficient and transparent systems of financial management, risk management, governance, and internal control by providing oversight as follows:

- i. Supporting Management in respect of financial reporting, systems of internal control and performance against pre-determined objectives;
- ii. Enhancing business ethics and integrity in the OCJ;
- iii. Ensuring the independence of the internal audit activity;
- iv. Reviewing the strategic and operational risk areas of the OCJ and ensuring coverage in the scope of audit by internal and external auditors;
- v. Ensuring proper functioning of internal and external audit processes, other assurance services and the fraud and corruption prevention, detection, investigation and resolution activities; and
- vi. Monitoring compliance with the laws and regulations and the code of conduct.

The ARC met on eight occasions; five ordinary and three special meetings with the OCJ's Accounting Officer and the Exco. The AGSA has a standing invitation to these meetings in order to ensure transparency.

The table below discloses relevant information on the ARC members.

Table 2:

Name and designation	Qualifications	Internal or external	If internal, position held in OCJ	Date appointment	End of term	Ordinary meetings attended	Special meetings attended
Adv William Huma (ARC Chairperson)	B. Proc, LLB, LLM, Postgraduate Diploma in Corp. Gov, Fellow of the IoDSA	External	n/a	01 May 2014	30 Apr 2017	5	3
Ms. Jabu Mogadime (ARC Member)	BA Accounts & Admin, Diploma in Marketing, MBA (Wales)	External	n/a	01 May 2014	30 Apr 2017	4	3
Ms. Mariaan Roos (ARC Member)	CA (SA), Masters in Auditing	External	n/a	01 May 2014	30 Apr 2017	3	3
Ms. Vhonani Singo (ARC Member)	CA (SA)	External	n/a	01 May 2014	30 Apr 2017	4	2
Mr. Njabulo Nyawo (ARC Member)	CA (SA), Post Graduate Dip Bus Admin, MBA	External	n/a	01 May 2014	30 Apr 2017	5	3

## 12. AUDIT AND RISK COMMITTEE (ARC) REPORT

We are pleased to present our report for the financial year ended 31 March 2016:

### 12.1 Committee responsibility

The ARC reports that it has complied with its responsibility arising from Section 38(a) (ii) of the PFMA and Treasury Regulation 3.1. The Committee also reports that it has appropriate terms of reference as its ARC Charter, has regulated its affairs in compliance with this Charter and has discharged all its responsibilities as contained therein.

### 12.2 The effectiveness of internal control

The systems of internal control are designed to provide cost effective assurance in achieving the organisational objectives through ensuring that assets are safeguarded, operations are effective and efficient, financial and performance information is reliable and there is compliance with the laws and regulations.

In line with the PFMA and the NT Regulations, the ARC provided oversight on the operations and business activities within the OCJ. This was achieved through a quarterly reporting process to both management and the Audit and Risk Committee as well as the Internal Audit reviews as prioritised in the Risk-Based Annual Audit Operational Plan approved by the ARC. The ARC is of the opinion that the systems of internal control within the OCJ were mostly adequate and effective during the year under review.

### 12.3 Internal Audit

The OCJ is a new department that has been establishing systems of internal control during the year under review. From the various reports submitted by the OCJ's Internal Auditors, there are indications that although the systems of internal control were adequate in most areas, there is still room for improvement in areas where control deficiencies and deviations from prescripts and policies were highlighted.

Matters of concern to the ARC were as follows:

- Policies and procedures – instances were

reported on the delayed development of some policies and the standard operating procedures across all the operations.

- ii. Transfer of functions had an effect on the asset management function.
- iii. Non-compliance with 30 days payment of the service providers due to the lack of interface in the transversal and internal financial system.
- iv. Delays in filling of funded vacancies due to inadequate office accommodation.

Regarding the above issues the Committee has, however, noted the corrective measures instituted by the Accounting Officer and the Exco.

The ARC is satisfied with the activities of the internal audit function including its annual work programme, coordination with the external auditors, and the reports of significant investigations and follow-up on management corrective action plans. The Internal Audit Unit conducted 100% of the audit projects on its annual plan.

#### **12.4 Summary of some of the main activities undertaken by the ARC during the financial year under review**

The ARC reviewed and/or performed oversight over:

- i. The Annual Financial Statements (AFS) and gave inputs and recommendations for improvement;
- ii. All quarterly Interim Financial Statements;
- iii. Unaudited AFS before submission to the AGSA on 31 May 2016;
- iv. The Management Letter of the AG related to the audit of the 2015/16 financial year;
- v. The appropriateness of the accounting policies, practices and potential changes;
- vi. The effectiveness of the system of risk management including emerging risks;
- vii. The process to ensure compliance with relevant laws and regulations.

- viii. The system of IT governance;
- ix. The Annual Report and pre-determined objectives information prior to submission to the AGSA and final publication;
- x. The plans, work and reports of the IAA and the AGSA.; and
- xi. In-year monitoring reports on all the OCJ's operations.

#### **12.5 The quality of in-year monitoring and quarterly reports submitted in terms of legislation**

The Department has reported quarterly to NT, as required by the PFMA. The ARC is satisfied with the content and quality of the quarterly reports prepared and issued by the Accounting Officer and Management during the year under review. There continues to be notable improvement in the quality of the financial management and performance information reports as well as management's commitment to implementing corrective action plans to address the previous Auditor-General and Internal Audit findings.

#### **12.6 Risk management**

The OCJ has a Risk Management function established in accordance with the requirements of the NT Regulations, the King III Report on Corporate Governance; as well as in compliance to the Public Sector Risk Management Framework, which provides for the Risk Policy, Strategy, Implementation Plan and the Fraud Prevention Framework. All risk-owners attend the Audit and Risk Committee meetings and participate in the overall management of the risk management processes in the Department.

During the year under review, a risk assessment was conducted across the OCJ operations culminating into the development of the strategic and operational risk registers. The identified risks also informed the internal audit priorities. Management reported on risk mitigation action items quarterly to the ARC.

Continuous tracking of the planned mitigation yielded significant positive results. However, the following

areas still remained a concern to the ARC:

- i. Inadequate IT infrastructure and systems;
- ii. Delays in the filling of key positions for the optimal functioning of the OCJ; and
- iii. Non-compliance with financial management prescripts resulting in late payments of suppliers.

The Committee has noted the measures put in place by Management to address the above.

## 12.7 Fraud and corruption

The OCJ developed the Fraud prevention policy, strategy and plan that were approved by the ARC. Implementation of the Plan was monitored through the quarterly reports submitted at the ARC meetings. The ARC provided oversight on allegations of fraud, corruption and financial misconduct reported to the Department and is satisfied with the 61% finalisation rate.

## 12.8 Evaluation of the financial statements

The ARC has:

- i. Reviewed the draft AFS and information on pre-determined objectives to be included in the Annual Report;
- ii. Reviewed any changes in accounting policies and practices;
- iii. Reviewed departmental compliance with applicable regulatory provisions;
- iv. Reviewed the draft audited financial statements and annual performance report; and
- v. Reviewed the AGSA's Management Reports and the Management responses thereto.

## 12.9 Annual Performance Review

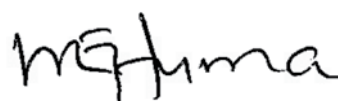
The Committee has considered the performance information reports submitted to the AG for review and is satisfied with the measures management has put in place to manage performance.

## 12.10 Auditor-General's Report

The ARC has met with the AGSA throughout the year to ensure that there are no unresolved issues.

## 12.11 Conclusion

The ARC concurs and accepts the conclusions of the AGSA on the audited AFS and Performance Information and is of the opinion that the audited Financial Statements be accepted and read together with the report of the AGSA.

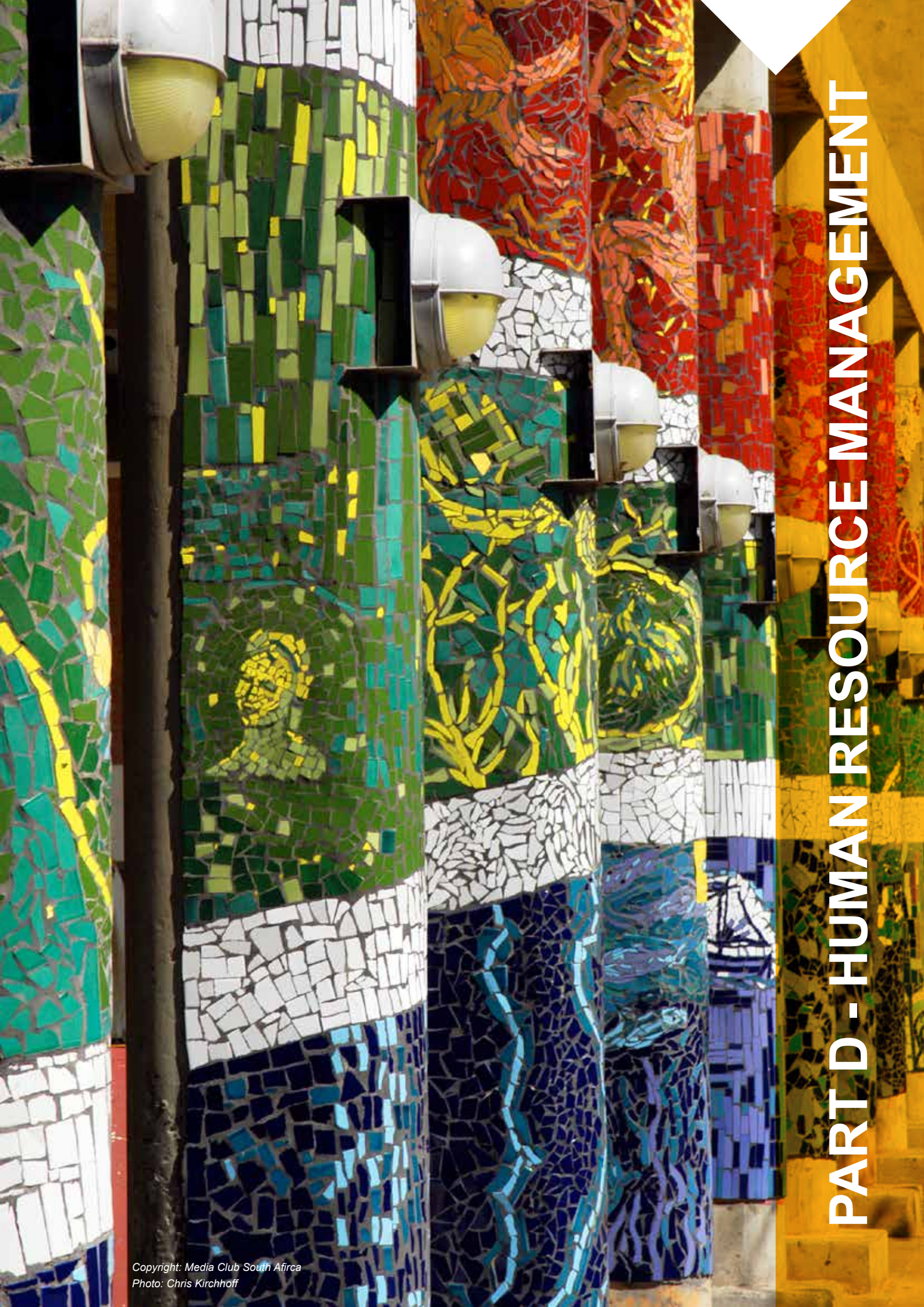


**Adv W E Huma**

Chairperson of the ARC  
Office of the Chief Justice

Date: 29 July 2016





# PART D - HUMAN RESOURCE MANAGEMENT



## Part D: Human Resource Management

### 1. LEGISLATION THAT GOVERNS HUMAN RESOURCE MANAGEMENT

The information provided in this part is prescribed by the Public Service Regulations (Chapter 1, Part III J.3 and J.4).

### 2. INTRODUCTION

Since the establishment of the OCJ, the DOJ&CD rendered financial and administrative support to the Superior Courts until the decision to transfer administration functions on 1 October 2014. The Acting MPSA approved a determination on 31 March 2015 in terms of section (3)(4)(b) of the Public Service Act, 1994, for transfer of the management and administration of Superior Courts functions, and concomitant posts from the DOJ&CD to the OCJ, with effect from 1 April 2015.

As part of the process of transferring functions and whilst the OCJ was capacitating its Human Resource Unit, an encompassing SLA was concluded with the DOJ&CD to provide shared services in the following areas of HRM&D until such time the OCJ is fully capacitated:

- Skills development
- Labour relations
- Employee health and wellness.

#### 2.1 Status of human resource management in the Department

At the end of the financial year, the OCJ had 2 012 posts on the establishment of which 1 613 were filled and 399 were vacant. This translates to a vacancy rate of 19.8%. Out of 1 613 filled posts, 32 were SMS members, of which 13 were women (41%) and 19 were men (59%). The number of employees with disabilities was 21 (1.3%).

The current human resource management status is owing to the ongoing finalisation of the transitional organisational structure, which is being consulted with the relevant stakeholders and the financial re-prioritisation that must be exercised in rolling out the required structure.

#### 2.2 Human resource priorities for the year under review and the impact of these

The main goal for the 2015/16 financial year was to capacitate the OCJ through the following HR priority areas:

No	HR Priority	Impact in the Department
1	Filling of critical funded vacancies	The Department planned to fill 280 posts. At the end of the financial year 159 posts were filled and 121 posts remained vacant. This was due to inadequate office space at the previous National Office, the delayed relocation to the new National Office as well as the lack of human resource capacity at the Provincial Service Centres to manage the recruitment processes. This has resulted in the Department not achieving a vacancy rate below 10%.
2	Skills development programmes	Although the OCJ planned to train 150 employees during the year under review, 165 employees were trained thus resulting in an over-achievement of 15 employees trained. The increase was brought about by an increased demand for training by officials. Fifteen interns were contracted as the OCJ's contribution towards youth development, of which 8 were females and 7 were males. In addition, 25 newly- graduated law clerks were appointed, of which 13 were females and 12 were males.

No	HR Priority	Impact in the Department
3	Employee wellness programmes conducted	<p>During the year under review, 4 employee wellness sessions were conducted of which 3 focused on providing employees with skills on, among others financial management, stress management and HIV/AIDS.</p> <p>The 4<sup>th</sup> session was dedicated to managers and supervisors in order to provide them with the necessary skills and knowledge to be able to identify signs of employees who may be in need of the employee assistance programme.</p>

## 2.3 Policy development

The OCJ operated with the DOJ&CD policies in areas where new policies were still being developed. In the year under review the following HRM&D policies were approved and implemented:

- Recruitment and selection;
- Job evaluation;
- Sexual harassment;
- Bereavement; and
- Dress code.

## 2.4 Workforce planning framework and key strategies to attract, recruit and retain a skilled and capable workforce

The Department headhunted in instances where appropriate skills could not be attracted in the normal recruitment processes. Retention offers were also made in line with the Public Service Regulations in order to retain skilled employees. A departmental Retention strategy is in the process of being finalised.

## 2.5 Employee performance management

The OCJ met its obligations with regards to compliance to the performance management and development frameworks. Employees concluded their performance

agreements and reviews on time. The Department finalised the payment of levels 1-12 performance bonuses and pay progression for the 2014/15 financial year. The only challenge encountered in this area was the delay in finalising the SMS 2014/15 performance moderation process. The OCJ is in the process of finalising a policy on performance management and development that is relevant to its uniqueness.

## 2.6 Achievements

- Although the transfer of administrative responsibilities for the Superior Courts took place on 1 October 2014, the OCJ successfully transferred employees of the Superior Courts into the OCJ structure with effect from 1 April 2015.
- The appointment of key personnel (senior managers) to provide leadership and drive the implementation of the OCJ strategy.
- The successful contracting of interns and law clerks.

## 2.7 Challenges

### Human resource capacity

- The capacity constraints within the HRM&D Unit was a major challenge that confronted the OCJ in so far as the support that is required in order to improve organisational efficiency. This has been addressed towards the end of the 2015/16 financial year through the appointment of staff at the National Office and Provincial Service Centres.
- The inability to fill advertised posts on time was due to the centralised human resource administration located at the National Office. This has been addressed by the decentralisation of functions to the Provincial Service Centres.

## 2.8 Future human resource plans/goals

- The finalisation of the revised transitional organisational structure;

- Strengthening the performance management and development processes;
- Improving the quality of data maintained in the OCJ;
- Addressing the human resource compliance environment in terms of plans and strategies; and
- Continuous creation of opportunities for youth development and employment.

### 3. HUMAN RESOURCE OVERSIGHT STATISTICS

The OCJ finds itself in a unique situation in that the Judges' remuneration and conditions of employment are processed through the personnel system used for public servants namely PERSAL. This is owing to the fact that currently there is no other salary system that can be used to administer the remuneration and conditions of employment of Judges.<sup>3[1]</sup> The expenditure in tables 3.1.1 and 3.1.3 below therefore reflect sub-totals for Voted Funds (departmental programmes) and sub-totals for Direct Charges on the NRF (Judges' remuneration) as well as a grand-total.<sup>4</sup>

<sup>3 [1]</sup> Information relating to Judges is further detailed in Annexure A to Part D.

<sup>4</sup> The information relating to the Judicial Officers is reflected in Annexure A to Part D.



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### 3.1 PERSONNEL RELATED EXPENDITURE

**Table 3.1.1 Personnel expenditure by programme for the period 1 April 2015 to 31 March 2016**

Programme	Total expenditure (R'000)	Personnel expenditure (R'000)	Training expenditure (R'000)	Professional and special services (R'000)	Personnel expenditure as a % of total expenditure	Average compensation of employees Cost per Employee (including Judges) (R'000)
Administration	88 836	38 036	374	469	43	352
Judicial Support & Court Administration	648 208	423 953	51	8 579	65	285
Judicial Education & Research	30 642	8 895	684	6	29	556
<b>Sub-total (Voted funds)</b>	<b>767 686</b>	<b>470 884</b>	<b>1 109</b>	<b>9 054</b>	<b>61</b>	<b>292</b>
<b>Sub-total (Direct Charge on NRF)</b>	<b>887 682</b>	<b>832 822</b>	<b>0</b>	<b>0</b>	<b>94</b>	<b>1 859</b>
<b>Grand Total (Voted Funds and Direct Charge NRF)</b>	<b>1 655 368</b>	<b>1 303 706</b>	<b>1 109</b>	<b>9 054</b>	<b>79</b>	<b>633</b>

**Table 3.1.2 Personnel costs by salary band for the period 1 April 2015 to 31 March 2016**

Salary band	Personnel expenditure (R'000)	% of total personnel cost in relation to voted funds	Number of employees (including Judges)	Average compensation Cost per employee (including Judges) (R'000)
Skilled (levels 3-5)	131 920	17	822	160
Highly skilled production (levels 6-8)	117 300	15.3	410	286
Highly skilled supervision (levels 9-12)	145 760	19	230	634
Senior management (levels 13-16)	32 200	4	28	1 150
Contract (levels 1-2)	2 699	0	21	129

Salary band	Personnel expenditure (R'000)	% of total personnel cost in relation to voted funds	Number of employees (including Judges)	Average compensation Cost per employee (including Judges) (R'000)
Contract (levels 3-5)	5 081	1	13	391
Contract (levels 6-8)	9 630	1	22	438
Contract (Levels 9-12)	20 340	3	32	636
Contract (levels 13-16)	4 600	0.6	4	1 150
Periodical remuneration	404	0.1	29	14
Abnormal appointment	950	0.1	2	475
<b>Sub-total (Voted Funds)</b>	<b>470 884</b>	<b>61</b>	<b>1 613</b>	<b>292</b>
<b>Sub-total (Direct Charge on NRF)</b>	<b>832 822</b>	<b>94</b>	<b>448</b>	<b>1 859</b>
<b>Grand total (Voted Funds and Direct Charge NRF)</b>	<b>1 303 706</b>	<b>79</b>	<b>2 061</b>	<b>2 151</b>

Table 3.1.3 Salaries, overtime, Home Owners' Allowance (HOA) and medical aid by programme for the period 1 April 2015 to 31 March 2016

Programme	Salaries		Overtime		Home Owners' Allowance		Medical aid	
	Amount (R'000)	Salaries as % of personnel costs	Amount (R'000)	Overtime as % of personnel costs	Amount (R'000)	HOA as a % of personnel costs	Amount R('000)	Medical aid as a % of personnel costs
Administration	25 682	67.5	349	0.9	760	2	1 188	3.1
Judicial Support & Court Administration	290 098	68.4	414	0.1	12 895	3	24 370	5.7
Judicial Education & Research	6 173	69.4	0	0	101	1.1	240	2.7
<b>Sub-total (Voted Funds)</b>	<b>321 953</b>	<b>68.4</b>	<b>763</b>	<b>0.2</b>	<b>13 756</b>	<b>2.9</b>	<b>25 797</b>	<b>5.5</b>
<b>Sub-total (Direct Charge Against the NRF)</b>	<b>610 422</b>	<b>73.3</b>	<b>33</b>	<b>0</b>	<b>537</b>	<b>0.1</b>	<b>7 441</b>	<b>0.9</b>
<b>Grand total</b>	<b>932 375</b>	<b>71.5</b>	<b>796</b>	<b>0.1</b>	<b>14 293</b>	<b>1.1</b>	<b>33 238</b>	<b>2.5</b>



**Table 3.1.4 Salaries, overtime, Home Owners' Allowance and medical aid by salary band for the period 1 April 2015 to 31 March 2016**

Salary band	Salaries		Overtime		Home Owners' Allowance		Medical Aid	
	Amount (R'000)	Salaries as % of personnel costs	Amount (R'000)	Overtime as % of personnel costs	Amount (R'000)	HOA as a % of personnel costs	Amount R('000)	Medical aid as a % of personnel costs
Skilled (levels 3-5)	87 008	66	334	0.3	7 729	5.9	8 297	6.3
Highly skilled production (levels 6-8)	89 123	76	168	0.1	4 262	3.6	6 249	5.3
Highly skilled supervision (Levels 9-12)	80 440	55.2	200	0.1	1 435	1	4 345	3
Senior management (levels 13-16)	30 206	93.8	0	0	330	1	5 468	17
Contract (levels 1-2)	2 356	87.3	0	0	0	0	0	0
Contract (levels 3-5)	3 305	65.1	20	0.4	0	0	0	0
Contract (levels 6-8)	9 143	94.9	41	0.4	0	0	0	0
Contract (levels 9-12)	16 022	78.8	0	0	0	0	0	0
Contract (levels 13-16)	3 500	76.1	0	0	0	0	1 438	31.3
Periodical remuneration	0	0	0	0	0	0	0	0
Abnormal appointment	850	89.5	0	0	0	0	0	0
<b>Sub-total (Voted Funds)</b>	<b>321 953</b>	<b>68.4</b>	<b>763</b>	<b>0.2</b>	<b>13 756</b>	<b>2.9</b>	<b>25 797</b>	<b>5.5</b>
<b>Sub-total (Direct Charge Against the NRF)</b>	<b>610 422</b>	<b>73.3</b>	<b>33</b>	<b>0</b>	<b>537</b>	<b>0.1</b>	<b>7 441</b>	<b>0.9</b>
<b>Grand total</b>	<b>932 375</b>	<b>71.5</b>	<b>796</b>	<b>0.1</b>	<b>14 293</b>	<b>1.1</b>	<b>33 238</b>	<b>2.5</b>

## 3.2 EMPLOYMENT AND VACANCIES

**Table 3.2.1 Employment and vacancies by programme as at 31 March 2016**

Programme	Number of posts approved on the establishment	Number of posts filled	Vacancy rate	Number of employees additional to the establishment
Administration	153	108	29.4	3
Judicial Support & Court Administration	1 833	1 489	18.8	0
Judicial Education & Research	26	16	38.5	0
<b>Total</b>	<b>2 012</b>	<b>1 613</b>	<b>19.8</b>	<b>3</b>

**Table 3.2.2 Employment and vacancies by salary band as at 31 March 2016**

Salary band	Number of posts approved on the establishment	Number of posts filled	Vacancy rate	Number of employees additional to the establishment
Skilled (levels 3-5)	1 050	901	14.2	0
Highly skilled production (levels 6-8)	596	439	26.3	2
Highly skilled supervision (levels 9-12)	320	241	24.7	1
Senior management (levels 13-16)	46	32	30.4	0
<b>Total</b>	<b>2 012</b>	<b>1 613</b>	<b>19.8</b>	<b>3</b>

**Table 3.2.3 Employment and vacancies by critical occupations band as at 31 March 2016**

Critical occupations	Number of posts approved on the establishment	Number of posts filled	Vacancy rate (%)	Number of employees additional to the establishment
Administrative related	86	60	30.2	2
Advocates	2	2	0	0
Attorneys	2	2	0	0
Bus and heavy vehicle drivers	3	2	33.3	0
Cleaners in offices workshops hospitals, etc.	10	6	40	0
Client inform clerks (switchboard, reception information clerks)	12	9	25	0
Communication and information related	8	7	12.5	0
Finance and economics related	42	32	23.8	0
Financial and related professionals	44	17	61.4	0
Financial clerks and credit controllers	35	16	54.3	0
Food services aids and waiters	16	12	25	0
General legal administration and related professionals	163	111	31.9	0
Human resources, organisational development and related professionals	2	1	50	0
Human resources clerks	29	15	48.3	1
Human resources related	25	18	28	0
Language practitioners interpreters and other communications	47	31	34	0
Legal related	27	21	22.2	0
Librarians and related professionals	22	17	22.7	0
Library mail and related clerks	46	37	19.6	0
Light vehicle drivers	3	3	0	0
Logistical support personnel	8	1	87.5	0
Material-recording and transport clerks	28	11	60.7	0
Messengers porters and deliverers	147	138	6.1	0

Critical occupations	Number of posts approved on the establishment	Number of posts filled	Vacancy rate (%)	Number of employees additional to the establishment
Other administrative and related clerks and organisers	538	538	0	0
Other administrative policy and related officers	26	21	19.2	0
Other information technology personnel	10	9	10	0
Prosecutor	1	1	0	0
Secretaries and other keyboard operating clerks	433	310	28.4	1
Security guards	3	3	0	0
Security officers	72	59	18.1	0
Senior managers	34	32	5.9	0
Trade/industry advisers and other related professionals	1	1	0	0
Translators and air traffic communicators	87	70	19.5	0
<b>Total</b>	<b>2 012</b>	<b>1 613</b>	<b>19.8</b>	<b>4</b>

### 3.3 FILLING OF SMS POSTS

Table 3.3.1 SMS post information as at 31 March 2016

SMS level	Total number of funded SMS posts	Total number of SMS posts filled	% of SMS posts filled	Total number of SMS posts vacant	% of SMS posts vacant
Director General/ Head of Department	1	1	100	0	0
Salary level 16	0	0	0	0	0
Salary level 15	1	1	100	0	0
Salary level 14	10	6	60	4	40
Salary level 13	34	24	71	10	29
<b>Total</b>	<b>46</b>	<b>32</b>	<b>70</b>	<b>14</b>	<b>30</b>

Table 3.3.2 SMS post information as at 30 September 2015

SMS level	Total number of funded SMS posts	Total number of SMS posts filled	% of SMS posts filled	Total number of SMS posts vacant	% of SMS posts vacant
Director General/ Head of Department	1	1	100	0	0
Salary level 16	0	0	0	0	0
Salary level 15	1	1	100	0	0
Salary level 14	10	5	50	5	50
Salary level 13	34	22	65	12	35
<b>Total</b>	<b>46</b>	<b>29</b>	<b>63</b>	<b>17</b>	<b>37</b>

**Table 3.3.3 Advertising and filling of SMS posts for the period 1 April 2015 to 31 March 2016**

SMS level	Total number of funded SMS posts	Total number of SMS posts filled	% of SMS posts filled	Total number of SMS posts vacant	% of SMS posts vacant
Secretary- General	1	1	100	0	0
Salary level 16	0	0	0	0	0
Salary level 15	1	1	100	0	0
Salary level 14	10	6	60	4	40
Salary level 13	34	24	71	10	29
<b>Total</b>	<b>46</b>	<b>32</b>	<b>70</b>	<b>14</b>	<b>30</b>

**Table 3.3.4 Reasons for not having complied with the filling of funded vacant SMS posts, advertised within 6 months and filled within 12 months after becoming vacant for the period 1 April 2015 to 31 March 2016.****Reasons for vacancies not advertised within six months**

Not applicable.

**Reasons for vacancies not filled within 12 months**

Not applicable.

**Table 3.3.5 Disciplinary steps taken for not complying with the prescribed timeframes for filling SMS posts within 12 for the period 1 April 2015 to 31 March 2016.****Reasons for vacancies not advertised within six months**

Not applicable.

**Reasons for vacancies not filled within twelve months**

Not applicable.

**3.4 JOB EVALUATION****Table 3.4.1 Job evaluation by salary band for the period 1 April 2015 to 31 March 2016**

Salary Band	Number of posts approved on the establishment	Number of jobs evaluated	% of posts evaluated	Number of posts upgraded		Number of posts downgraded	
				Number	% of up-graded posts	Number	% of down-graded posts
Skilled (levels 3-5)	1 050	0	0	0	0	1	0
Highly skilled production (levels 6-8)	596	0	0	43	0	0	0
Highly skilled supervision (levels 9-12)	320	0	0	0	0	0	0
SMS (Band A)	34	0	0	0	0	0	0
SMS (Band B)	10	0	0	0	0	0	0
SM S (Band C)	1	0	0	0	0	0	0
SMS (Band D)	1	0	0	0	0	0	0
<b>TOTAL</b>	<b>2 012</b>	<b>0</b>	<b>0</b>	<b>43</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Table 3.4.2 Profile of employees whose positions were upgraded due to their posts being upgraded for the period 1 April 2015 to 31 March 2016**

Gender	African	Asian	Coloured	White	Total
Female	21	0	1	0	22
Male	21	0	0	0	21
<b>Total</b>	<b>42</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>43</b>
Employees with disability	0	0	0	0	0

**Table 3.4.3 Employees whose salary levels are higher than those determined by job evaluation by occupation for the period 1 April 2015 to 31 March 2016**

Occupation	Number of employees	Job evaluation level	Remuneration level	Reasons for deviation
Senior managers	1	14	15	The employee was awarded a higher notch in terms of Public Service Regulations (V C.3)
<b>Total number of employees whose salaries exceeded the level determined by job evaluation</b>				<b>1</b>
<b>Percentage of total employed</b>				<b>0.06%</b>

**Table 3.4.4 Profile of employees whose salary levels are higher than those determined by job evaluation for the period 1 April 2015 to 31 March 2016**

Gender	African	Asian	Coloured	White	Total
Female	0	0	0	0	0
Male	1	0	0	0	0
<b>Total</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>
Employees with disability	0	0	0	0	0
<b>Total number of employees whose salaries exceeded the grades determined by job evaluation</b>					<b>1</b>



### 3.5 EMPLOYMENT CHANGES

Table 3.5.1 Annual turnover rates by salary band for the period 1 April 2015 to 31 March 2016.

In reading the tables below it must be noted that a considerable number of appointments and terminations is reflected, as a result of multiple contract appointments for court support staff (ushers, law researchers and Judges' secretaries). These appointments are demand driven and controlled by need during court sessions.

The incumbents were appointed and terminated more than once in the financial year and as a result, PERSAL reflects them as different transactions for each occurrence.

Salary band	Number of employees at beginning of period (April 2015)	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate
Lower-skilled (levels 1-2) (temporary)	25	11	23	92
Skilled (levels 3-5)	774	84	76	9.8
Highly-skilled production (Levels 6-8)	471	54	112	23.8
Highly skilled supervision (levels 9-12)	201	15	20	10
SMS (Band A)	17	4	0	0
SMS (Band B)	1	1	1	100
SMS (Band C)	1	0	0	0
Contract (levels 1-2)	1	0	1	100
Contract (levels 3-5)	75	2	72	96
Contract (levels 6-8)	66	29	63	95.5
Contract (levels 9-12)	11	0	5	45.5
Contract (B and A)	1	0	0	0
Contract (B and B)	2	0	0	0
Contract (B and D)	1	0	0	0
<b>TOTAL</b>	<b>1 647</b>	<b>200</b>	<b>373</b>	<b>22.6</b>

Table 3.5.2 Annual turnover rates by critical occupation for the period 1 April 2015 to 31 March 2016

Critical occupation	Number of employees at beginning of period (April 2015)	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate
Administrative related (permanent)	49	17	4	8.2
Advocates (permanent)	2	0	0	0
Attorneys (permanent)	2	0	0	0
Bus and heavy vehicle drivers (permanent)	2	0	0	0
Cashiers tellers and related clerks (permanent)	0	0	0	0
Cleaners in offices workshops hospitals, etc. (permanent)	10	0	2	20

Critical occupation	Number of employees at beginning of period (April 2015)	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate
Client inform clerks (switchboard reception information clerks) (permanent)	11	0	0	0
Communication and information related (permanent)	7	2	2	28.6
Finance and economics related (permanent)	24	5	1	4.2
Financial and related professionals (permanent)	11	3	1	9.1
Financial and related professionals (temporary)	5	0	5	100
Financial clerks and credit controllers(permanent)	14	5	2	14.3
Food services aids and waiters (permanent)	13	2	1	7.7
General legal administration and related professionals (permanent)	119	31	38	31.9
Human resources & organisational development & related professionals (permanent)	2	0	0	0
Human resources clerks (permanent)	12	4	0	0
Human resources related (permanent)	12	5	1	8.3
Language practitioners interpreters and other communication (permanent)	36	2	8	22.2
Legal related (permanent)	21	2	0	0
Librarians and related professionals (permanent)	18	3	1	5.6
Library mail and related clerks (permanent)	37	4	0	0
Light-vehicle drivers (permanent)	4	0	1	25
Logistical support personnel (permanent)	1	1	0	0
Material-recording and transport clerks (permanent)	10	2	0	0
Messengers porters and deliverers (permanent)	129	14	2	1.6
Other administrative and related clerks and organisers (permanent)	540	0	58	10.7

Critical occupation	Number of employees at beginning of period (April 2015)	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate
Other administrative & related clerks and organisers (temporary)	1	52	7	700
Other administrative policy and related officers (permanent)	17	4	1	5.9
Other IT personnel, (permanent)	10	0	0	0
Prosecutor (permanent)	1	0	0	0
Secretaries and other keyboard operating clerks (permanent )	360	30	180	50
Secretaries and other keyboard operating clerks (temporary)	6	0	35	583.3
Security guards(permanent)	3	0	0	0
Security officers (permanent)	58	4	2	3.4
Senior managers (permanent)	23	5	1	4.3
Translators and air traffic communicators, (permanent)	64	3	7	10.9
Translators and air traffic communicators, (temporary)	13	0	13	100
<b>TOTAL</b>	<b>1 647</b>	<b>200</b>	<b>373</b>	<b>22.6</b>

Table 3.5.3 Reasons why staff left the Department for the period 1 April 2015 to 31 March 2016<sup>5</sup>

Termination Type	Number	% of total resignations
Death	4	1.1
Resignation	259	69.4
Expiry of contract	93	24.9
Discharged due to ill health	4	1.1
Retirement	12	3.2
Dismissal	1	0.3
<b>TOTAL</b>	<b>373</b>	<b>100</b>
<b>Total number of employees who left as a % of total employment</b>		<b>22.6</b>

<sup>5</sup> This table should be read in conjunction with the narrative for table 3.5.1; the number of resignations and expiry of contracts are linked to the multiple terminations.

**Table 3.5.4 Promotion by critical occupation for the period 1 April 2015 to 31 March 2016**

Occupation	Number of employees at beginning of period (April 2015)	Promotions to another salary level	Salary level promotions as a % of employees by occupation	Progressions to another notch within a salary level	Notch progression as a % of employees by occupation
Administrative related	49	14	28.6	19	38.8
Advocates	2	0	0	1	50
Attorneys	2	0	0	1	50
Bus and heavy vehicle drivers	2	0	0	2	100
Cleaners in offices workshops hospitals etc.	10	0	0	2	20
Client inform clerks(switchboard reception information clerks)	11	0	0	4	36.4
Communication and information related	7	2	28.6	2	28.6
Finance and economics related	24	5	20.8	14	58.3
Financial and related professionals	16	1	6.3	6	37.5
Financial clerks and credit controllers	14	0	0	5	35.7
Food services aids and waiters	13	0	0	4	30.8
General legal administration and related professionals	119	3	2.5	42	35.3
Human resources, organisational development and related professionals	2	0	0	0	0
Human resources clerks	12	0	0	7	58.3
Human resources related	12	4	33.3	7	58.3
Language practitioners interpreters and other communications	36	1	2.8	15	41.7
Legal related	21	0	0	15	71.4
Librarians and related professionals	18	2	11.1	4	22.2
Library mail and related clerks	37	0	0	21	56.8
Light-vehicle drivers	4	0	0	1	25

Occupation	Number of employees at beginning of period (April 2015)	Promotions to another salary level	Salary level promotions as a % of employees by occupation	Progressions to another notch within a salary level	Notch progression as a % of employees by occupation
Logistical support personnel	1	1	100	1	100
Material-recording and transport clerks	10	0	0	4	40
Messengers porters and deliverers	129	0	0	95	73.6
Other administrative and related clerks and organisers	540	3	0.6	374	69.3
Other administrative policy and related officers	17	2	11.8	12	70.6
Other IT personnel	10	0	0	3	30
Prosecutors	1	0	0	0	0
Secretaries and other keyboard operating clerks	367	3	0.8	147	40.1
Security guards	3	0	0	3	100
Security officers	58	0	0	24	41.4
Senior managers	23	1	4.3	5	21.7
Translators and air traffic communicators	77	0	0	42	54.5
<b>TOTAL</b>	<b>1 647</b>	<b>42</b>	<b>2.6</b>	<b>882</b>	<b>53.6</b>

Table 3.5.5 Promotion by salary band for the period 1 April 2015 to 31 March 2016

Salary band	Number of employees at beginning of period (April 2015)	Promotions to another salary level	Salary level promotions as a % of employees by salary level	Progressions to another notch within a salary level	Notch progression as a % of employees by salary band
Lower skilled (levels 1-2, temporary)	25	0	0	0	0
Skilled (levels 3-5, permanent)	774	3	0.4	565	73
Highly-skilled, production (levels 6-8, permanent)	471	6	1.3	182	38.6
Highly skilled supervision (levels 9-12, permanent)	201	26	12.9	83	41.3
Senior management (levels 13-16, permanent)	19	7	36.8	8	42.1



Salary band	Number of employees at beginning of period (April 2015)	Promotions to another salary level	Salary level promotions as a % of employees by salary level	Progressions to another notch within a salary level	Notch progression as a % of employees by salary band
Contract (levels 1-2, permanent)	1	0	0	0	0
Contract (levels 3-5, permanent)	75	0	0	3	4
Contract (levels 6-8, permanent)	66	0	0	38	57.6
Contract (levels 9-12, permanent) t	11	0	0	3	27.3
Contract (levels 13-16, permanent)	4	0	0	0	0
<b>TOTAL</b>	<b>1 647</b>	<b>42</b>	<b>2.6</b>	<b>882</b>	<b>53.6</b>

### 3.6 EMPLOYMENT EQUITY

**Table 3.6.1 Total number of employees (including employees with disability) in each of the following occupational categories as at 31 March 2016**

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	15	2	0	2	9	1	1	2	32
Professionals	104	6	4	14	102	11	11	20	272
Technicians and associate professionals	23	1	0	1	26	2	0	6	59
Clerks	258	33	14	18	436	77	22	146	1 004
Service and sales workers	29	9	2	11	8	1	0	2	62
Plant and machine operators and assemblers	4	1	0	0	0	0	0	0	5
Elementary occupations	62	13	2	7	55	12	3	4	158
<b>TOTAL</b>	<b>495</b>	<b>65</b>	<b>22</b>	<b>53</b>	<b>636</b>	<b>104</b>	<b>37</b>	<b>180</b>	<b>1 592</b>
<b>Employees with disability</b>	<b>6</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>21</b>

**Table 3.6.2 Total number of employees (including employees with disability) in each of the following occupational bands as at 31 March 2016**

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management, (permanent)	1	0	0	0	2	0	0	0	3
Senior Management (permanent)	14	2	0	2	7	1	1	2	29
Professionally qualified and experienced specialists and mid-management (permanent)	59	2	2	4	33	6	4	9	119
Skilled technical and academically qualified workers, junior management, supervisors, foremen (permanent)	157	14	4	27	236	43	20	125	626
Semi-skilled and discretionary decision-making (permanent)	270	48	16	21	370	54	12	45	836
Unskilled and defined decision-making	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>501</b>	<b>66</b>	<b>22</b>	<b>54</b>	<b>648</b>	<b>104</b>	<b>37</b>	<b>181</b>	<b>1 613</b>

**Table 3.6.3 Recruitment for the period 1 April 2015 to 31 March 2016**

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Senior management	2	0	0	0	3	0	0	0	5
Professionally qualified and experienced specialists and mid-management	9	0	0	0	7	0	2	0	18
Skilled technical and academically qualified workers, junior management, supervisors, foremen	19	0	0	0	30	4	1	6	60
Semi-skilled and discretionary decision-making	38	0	1	0	40	4	0	0	83

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Contract (professionally qualified)	3	0	0	0	0	0	0	0	3
Contract (skilled technical)	7	1	0	5	14	0	0	2	29
Contract (semi-skilled)	0	0	0	0	1	1	0	0	2
<b>TOTAL</b>	<b>78</b>	<b>1</b>	<b>1</b>	<b>5</b>	<b>95</b>	<b>9</b>	<b>3</b>	<b>8</b>	<b>200</b>
<b>Employees with disabilities</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>

Table 3.6.4 Promotions for the period 1 April 2015 to 31 March 2016

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Senior management	3	0	0	0	3	0	0	1	7
Professionally qualified and experienced specialists and mid-management	29	4	3	6	47	4	3	13	109
Skilled technical and academically qualified workers, junior management, supervisors, foremen	53	4	1	1	71	19	10	29	188
Semi-skilled and discretionary decision-making	172	33	10	15	242	42	12	39	565
Contract (professionally qualified)	3	0	0	0	0	0	0	0	3
Contract (skilled technical)	8	1	0	1	15	1	2	10	38
Contract (semi-skilled)	2	0	0	0	1	0	0	0	3
<b>TOTAL</b>	<b>270</b>	<b>42</b>	<b>14</b>	<b>23</b>	<b>379</b>	<b>66</b>	<b>27</b>	<b>92</b>	<b>913</b>
<b>Employees with disabilities</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>11</b>

**Table 3.6.5 Terminations for the period 1 April 2015 to 31 March 2016**

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Senior management (permanent)	0	0	0	0	1	0	0	0	1
Professionally qualified and experienced specialists and mid-management (permanent)	17	1	1	4	15	3	4	9	54
Skilled technical and academically qualified workers, junior management, supervisors, foremen (permanent)	43	2	0	7	65	6	4	17	144
Semi-skilled and discretionary decision-making (permanent)	37	0	1	1	55	3	0	4	101
Contract (skilled technical) (permanent)	2	0	0	0	11	7	3	7	30
Contract (Semi-skilled) (permanent)	16	3	0	0	19	3	0	2	43
<b>TOTAL</b>	<b>115</b>	<b>6</b>	<b>2</b>	<b>12</b>	<b>166</b>	<b>22</b>	<b>11</b>	<b>39</b>	<b>373</b>
<b>Employees with disabilities</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Table 3.6.6 Disciplinary actions for the period 1 April 2015 to 31 March 2016**

Disciplinary action	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Dismissal	0	0	0	0	1	0	0	0	1
Written warning and one month suspension without pay	1	0	0	0	0	0	0	0	1

**Table 3.6.7 Skills development for the period 1 April 2015 to 31 March 2016**

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top m-Management (permanent)	0	0	0	0	0	0	0	0	0
Senior management (permanent)	11	0	0	2	5	0	1	1	20
Professionally qualified and experienced specialists and mid-management (permanent)	12	1	0	7	6	0	1	8	35
Skilled technical and academically qualified workers, junior management, supervisors, foremen(permanent)	12	8	32	36	3	8	7	4	110
Semi-skilled and discretionary decision making (permanent)	0	0	0	0	0	0	0	0	0
Unskilled and defined decision-making	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>35</b>	<b>9</b>	<b>32</b>	<b>45</b>	<b>14</b>	<b>8</b>	<b>9</b>	<b>13</b>	<b>165</b>

### 3.7 SIGNING OF PERFORMANCE AGREEMENTS BY SMS MEMBERS

**Table 3.7.1 Signing of performance agreements by SMS members as at 31 May 2015**

SMS level	Total number of funded SMS posts	Total number of SMS members	Total number of signed performance agreements	Signed performance agreements as % of total SMS members
Director General/ Head of Department	1	1	1	100
Salary level 16	0	0	0	0
Salary level 15	1	1	1	100
Salary level 14	10	5	4	80
Salary level 13	34	22	22	100
<b>Total</b>	<b>46</b>	<b>29</b>	<b>28</b>	<b>97</b>

**Table 3.7.2 Reasons for not having concluded performance agreements for all SMS members as at 31 May 2015**

Reason
One employee has a dispute with the Department and the matter has been referred to the Labour Court.



**Table 3.7.3 Disciplinary steps taken against SMS members for not having concluded performance agreements as at 31 May 2015**

Reason
No disciplinary action was taken as the matter has been referred to the Labour Court.

### 3.8 PERFORMANCE REWARDS

**Table 3.8.1 Performance rewards by race, gender and disability for the period 1 April 2015 to 31 March 2016**

Race and gender	Beneficiary profile			Cost	
	Number of beneficiaries	Number of employees	% of total within group	Cost ('000)	Average cost per employee
African male	83	573	14.5	972	11 711
African female	71	672	10.6	807	11 366
Asian male	3	41	7.3	28	9 333
Asian female	7	56	12.5	93	13 286
Coloured male	13	77	16.9	141	10 846
Coloured female	20	109	18.3	274	13 700
White male	11	252	4.4	151	13 727
White female	37	260	14.2	434	11 730
Employees with disability	3	21	14.3	25	8 333
<b>Total</b>	<b>248</b>	<b>1 488</b>	<b>16.7</b>	<b>2 925</b>	<b>11 794</b>

**Table 3.8.2 Performance rewards by salary band for personnel below SMS for the period 1 April 2015 to 31 March 2016**

Salary Band	Beneficiary profile			Cost		Total cost as a % of the total personnel expenditure
	Number of beneficiaries	Number of employees	% of total within group	Cost (R'000)	Average cost per employee	
Skilled (levels 3-5)	113	793	14.2	772	6 832	113
Highly skilled production (levels 6-8)	74	425	17.4	845	11 419	74
Highly skilled supervision (levels 9-12)	61	237	25.7	1 308	21 443	61
Periodical remuneration	0	31	0	0	0	0
Abnormal appointment	0	2	0	0	0	0
<b>TOTAL</b>	<b>248</b>	<b>1 488</b>	<b>16.7</b>	<b>2 925</b>	<b>11 794</b>	<b>248</b>

**Table 3.8.3 Performance rewards by critical occupation for the period 1 April 2015 to 31 March 2016**

Critical occupation	Beneficiary profile			Cost	
	Number of beneficiaries	Number of employees	% of total within group	Cost ('000)	Average cost per employee
Administrative related	20	60	33.3	502	25 100
Advocates	1	2	50	30	30 000
Attorneys	0	2	0	0	0
Bus and heavy vehicle drivers	1	2	50	5	5 000
Cleaners in offices workshops hospitals, etc.	0	6	0	0	0
Client information clerks (switchboard, reception information clerks)	1	9	11.1	6	6 000
Communication and information related	3	7	42.9	53	17 667
Finance and economics related	13	32	40.6	232	17 846
Financial and related professionals	3	17	17.6	37	12 333
Financial clerks and credit controllers	3	16	18.8	24	8 000
Food services aids and waiters	2	12	16.7	15	7 500
General legal administration and related professionals	13	111	11.7	250	19 231
Human resources, organisational development and related professionals	0	1	0	0	0
Human resources clerks	7	15	46.7	56	8 000
Human resources related	6	18	33.3	127	21 167
Language practitioners interpreters and other communications	0	31	0	0	0
Legal related	4	21	19	79	19.750
Librarians and related professionals	3	17	17.6	43	14.333
Library mail and related clerks	4	37	10.8	26	6.500
Light vehicle drivers	1	3	33.3	4	4.000
Logistical support personnel	0	1	0	0	0
Material-recording and transport clerks	5	11	45.5	34	6 800
Messengers porters and deliverers	22	138	15.9	110	5 000
Other administrative and related clerks and organisers	75	508	14.8	605	8 067
Other administrative policy and related officers	10	21	47.6	140	14 000
Other IT personnel	3	9	33.3	54	18 000
Prosecutor	0	1	0	0	0
Secretaries and other keyboard operating clerks	28	215	13	321	11 464
Security guards	0	3	0	0	0
Security officers	15	59	25.4	121	8 067

Critical occupation	Beneficiary profile			Cost	
	Number of beneficiaries	Number of employees	% of total within group	Cost ('000)	Average cost per employee
Senior managers	0	32	0	0	0
Trade/industry advisers and other related professionals	0	1	0	0	0
Translators and air traffic communicators	5	70	7.1	51	10 200
<b>TOTAL</b>	<b>248</b>	<b>1 488</b>	<b>16.7</b>	<b>2 925</b>	<b>11 794</b>

**Table 3.8.4 Performance related rewards (cash bonus) by salary band for SMS for the period 1 April 2015 to 31 March 2016**

Salary band	Beneficiary profile			Cost		Total cost as a % of the total personnel expenditure
	Number of beneficiaries	Number of employees	% of total within group	Cost (R'000)	Average cost per employee	
Band A	0	24	0	0	0	0
Band B	0	6	0	0	0	0
Band C	0	1	0	0	0	0
Band D	0	1	0	0	0	0
<b>Total</b>	<b>0</b>	<b>32</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### 3.9 FOREIGN WORKERS

**Table 3.9.1 Foreign workers by salary band for the period 1 April 2015 to 31 March 2016**

Salary band	1 April 2015		31 March 2016		Change	
	Number	% of total	Number	% of total	Number	% of change
Skilled (levels 3-5)	1	14.3	1	16.7	0	0
Highly skilled production (levels 6-8)	1	14.3	1	16.7	0	0
Contract (levels 6-8)	3	42.9	1	16.7	-2	-200
Contract (levels 9-12)	2	28.6	3	50	1	100
<b>TOTAL</b>	<b>7</b>	<b>100</b>	<b>6</b>	<b>100</b>	<b>-1</b>	<b>-100</b>

**Table 3.9.2 Foreign workers by major occupation for the period 1 April 2015 to 31 March 2016**

Major occupation	1 April 2015		31 March 2016		Change	
	Number	% of total	Number	% of total	Number	% of change
Administrative office workers	5	71.4	3	50	2	200
Professionals and managers	2	28.6	3	50	-1	-100
<b>TOTAL</b>	<b>7</b>	<b>100</b>	<b>6</b>	<b>100</b>	<b>1</b>	<b>100</b>

### 3.10 LEAVE UTILISATION

**Table 3.10.1 Sick leave for the period 1 January 2015 to 31 December 2015**

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)
Skilled (levels 3-5)	3872	79	600	53.4	6	2 469
Highly skilled production (levels 6-8)	1429	79.2	266	23.7	5	1 550
Highly skilled supervision (levels 9-12)	636	74.4	133	11.8	5	1 159
Senior management (levels 13-16)	90	72.2	20	1.8	5	306
Contract (levels 1-2)	4	100	1	0.1	4	1
Contract (Levels 3-5)	136.5	75.5	30	2.7	5	90
Contract (levels 6-8)	319	85.6	58	5.2	6	330
Contract (levels 9-12)	73	72.6	13	1.2	6	101
Contract (levels 13-16)	10	80	2	0.2	5	57
<b>TOTAL</b>	<b>6 569.5</b>	<b>78.7</b>	<b>1 123</b>	<b>100</b>	<b>6</b>	<b>6 063</b>

**Table 3.10.2 Disability leave (temporary and permanent) for the for the period 1 January 2015 to 31 December 2015**

Salary band	Total days	%Days with medical certification	Number of employees using disability leave	% of total employees using disability leave	Average days per employee	Estimated Cost (R'000)
Skilled (levels 3-5)	290	100	14	53.8	21	173
Highly skilled production (levels 6-8)	166	100	9	34.6	18	197
Highly skilled supervision (levels 9-12)	35	100	2	7.7	18	55
Senior management (levels 13-16)	7	100	1	3.8	7	25
<b>TOTAL</b>	<b>498</b>	<b>100</b>	<b>26</b>	<b>100</b>	<b>19</b>	<b>450</b>

**Table 3.10.3 Annual leave for the period 1 January 2015 to 31 December 2015**

Salary band	Total days taken	Number of employees using annual leave	Average per employee
Skilled (levels 3-5)	11 157.5	14	803
Highly skilled production (levels 6-8)	6 961	16	423
Highly skilled supervision (levels 9-12)	2 675.92	14	193
Senior management (levels 13-16)	406	15	28
Contract (levels 1-2)	50	4	12
Contract (levels 3-5)	366.92	8	48
Contract (levels 6-8)	1 256	12	101
Contract (levels 9-12)	414	13	32
Contract (levels 13-16)	58	19	3
<b>TOTAL</b>	<b>23 345.34</b>	<b>14</b>	<b>1 643</b>

**Table 3.10.4 Capped leave for the period 1 January 2015 to 31 December 2015**

Salary band	Total days of capped leave	Number of employees using capped leave	Average number of days taken per employee	Average capped leave per employee as on 31 March 2016
Skilled (levels 3-5)	28	7	4	23
Highly skilled production (levels 6-8)	272	19	14	58
Highly skilled supervision (levels 9-12)	25	4	6	49
<b>TOTAL</b>	<b>325</b>	<b>30</b>	<b>11</b>	<b>45</b>

**Table 3.10.5 Leave pay-outs for the period 1 April 2015 and 31 March 2016**

Reason	Total amount (R'000)	Number of employees	Average per employee (R)
Leave pay-out for 2015/16 due to non-utilisation of leave for the previous cycle	53	1	53 000
Capped leave pay-outs on termination of service for 2015/16	587	23	25 522
Current leave pay-out on termination of service for 2015/16	72	5	14 400
<b>TOTAL</b>	<b>712</b>	<b>29</b>	<b>24 552</b>



### 3.11 HIV/AIDS and HEALTH PROMOTION PROGRAMMES

**Table 3.11.1 Steps taken to reduce the risk of occupational exposure**

Units/categories of employees identified to be at high risk of contracting HIV and related diseases (if any)	Key steps taken to reduce the risk
The number varies based on disclosure and number of staff testing.	Awareness sessions and information on prevention regularly provided to staff.

**Table 3.11.2 Details of health promotion and HIV/AIDS programmes**

Question	Yes	No	Details, if yes
1. Has the Department designated a member of the SMS to implement the provisions contained in Part VI E of Chapter 1 of the Public Service Regulations, 2001? If so, provide her/his name and position.	Yes		Ms Nontembeko Tsiane is the Chief Director: Human Resource Management and Development.
2. Does the Department have a dedicated unit or have you designated specific staff members to promote health and well-being of your employees? If so, indicate the number of employees who are involved in this task and the annual budget that is available for this purpose.	Yes		One staff member was appointed and was involved in the programme in 2015/16.  The Unit is being capacitated with other staff members in 2016/17.  No budget was allocated for 2015/16 as it was part of the DOJ&CD shared service deliverable.
3. Has the Department introduced an Employee Assistance or Health Promotion Programme for your employees? If so, indicate the key elements/services of the programme.	Yes		Counselling services, health screening tests and referrals.
4. Has the Department established (a) committee(s) as contemplated in Part VI E.5 (e) of Chapter 1 of the Public Service Regulations, 2001? If so, please provide the names of the members of the committee and the stakeholder(s) that they represent.		No	No formal committee was established, except for the existing peer educators who were trained whilst in DOJ&CD.
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.		No	Not applicable.
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.		No	Awareness sessions on prevention and stigma were conducted.
7. Does the Department encourage its employees to undergo Voluntary Counselling and Testing? If so, list the results that you have achieved.	Yes		The Department hosted wellness days where VCT was offered and employees were encouraged to undergo testing.

Question	Yes	No	Details, if yes
8. Has the Department developed measures/indicators to monitor & evaluate the impact of your health promotion programme? If so, list these measures/indicators.		No	Not applicable.

### 3.12 LABOUR RELATIONS

**Table 3.12.1 Collective agreements for the period 1 April 2015 and 31 March 2016**

<b>Total number of collective agreements</b>	None
--	------

**Table 3.12.2 Misconduct and disciplinary hearings finalised for the period 1 April 2015 and 31 March 2016**

Outcome of disciplinary hearings	Number	% of total
Dismissal	1	50
Final written warning and 1 month's suspension without pay	1	50
<b>Total</b>	<b>2</b>	<b>100</b>

<b>Total number of disciplinary hearings finalised</b>	2
--	---

**Table 3.12.3 Types of misconduct addressed at disciplinary hearings for the period 1 April 2015 and 31 March 2016**

Type of misconduct	Number	% of total
Insubordination	5	33.33
Failure to disclose a source who provided confidential information	1	6.67
Failure to disclose information	1	6.67
Fruitless expenditure	3	20
Taking bribes	1	6.67
Changing court orders	1	6.67
Failure to disclose criminal record	1	6.67
Unauthorised absence from work	1	6.67
Sexual harassment	1	6.67
<b>Total</b>	<b>15</b>	<b>100</b>

**Table 3.12.4 Grievances lodged for the period 1 April 2015 and 31 March 2016**

Grievances	Number	% of total
Number of grievances resolved	5	45
Number of grievances not resolved	6	55
<b>Total number of grievances lodged</b>	<b>11</b>	<b>100</b>

**Table 3.12.5 Disputes lodged with councils for the period 1 April 2015 and 31 March 2016**

Disputes	Number	% of total
Number of disputes upheld	2	25
Number of disputes dismissed	6	75
Total number of disputes lodged	8	100

**Table 3.12.6 Strike actions for the period 1 April 2015 and 31 March 2016**

There was no strike action for the period under review

Total number of hours lost	0
Total costs working days lost	R0
Amount recovered as a result of no work no pay	R0

**Table 3.12.7 Precautionary suspensions for the period 1 April 2015 to 31 March 2016**

Number of people suspended	2
Number of people whose suspension exceeded 30 days	1
Average number of days suspended	8
Cost of suspension (R'000)	37

### 3.13 SKILLS DEVELOPMENT

**Table 3.13.1 Training needs identified for the 1 April 2015 and 31 March 2016**

Occupational category	Gender	Number of employees as at 1 April 2015	Training needs identified at the start of the reporting period			
			Learnerships	Skills programmes and other short courses	Other forms of training	Total
Legislators, senior officials and managers	Male	22	N/A	Job evaluation	N/A	19
				Fraud and corruption		1
	Female	17				
Professionals (permanent)	Male	119	N/A	Job evaluation	N/A	5
				Fraud and corruption		10
	Female	137		Social media training	6	
				Equality	1	
				Court course, DRCS operation	13	
Technicians and associate professionals	Male	25	N/A		N/A	0
	Female	34				

Occupational category	Gender	Number of employees as at 1 April 2015	Training needs identified at the start of the reporting period			
			Learnerships	Skills programmes and other short courses	Other forms of training	Total
Clerks permanent	Male	322	N/A	Foundational project management	N/A	1
	Female	681		Service excellence		42
				SCOA		7
				Economic reporting format		3
				Compulsory induction programme		8
				Records management		2
				Fleet management		2
				Cash flow		1
				LOGIS		2
				Fraud and corruption		18
				National Supplier Database		9
Clerks temporary	Male	25	N/A	None	N/A	0
	Female	34				
Service and sales workers	Male	51	N/A	None	N/A	0
	Female	17				
Plant and machine operators and assemblers	Male	5	N/A	None	N/A	0
	Female	0				
Elementary occupations	Male	84	N/A	None	N/A	0
	Female	87				
Sub-total	Male	640	N/A	-	N/A	150
	Female	1 007				

Table 3.13.2 Training provided for the period 1 April 2015 to 31 March 2016

Occupational category	Gender	Number of employees as at 1 April 2015	Training provided within the reporting period			
			Learnerships	Skills programmes and other short courses	Other forms of training	Total
Legislators, senior officials and managers	Male	22	N/A	Job evaluation	Workshop	19
	Female	17		Fraud and corruption	Workshop	1
Professionals (permanent)	Male	119	N/A	Job evaluation	Workshop	5
	Female			Fraud and corruption	Workshop	10
		13		Social media training	Workshop	6
				DCRS	Workshop	13
				Equality Court course	Workshop	1

Occupational category	Gender	Number of employees as at 1 April 2015	Training provided within the reporting period			
			Learnerships	Skills programmes and other short courses	Other forms of training	Total
Clerks (permanent)	Male	322	N/A	Foundational Project management	Learning programme	1
	Female	681		SCOA	Learning Programme	7
				Service excellence	Learning Programme	57
				Economic Reporting Format	Workshop	3
				Compulsory induction programme	Workshop	8
				Records Management	Workshop	2
				Fleet Management	Learning Programme	2
				Cash flow	Workshop	1
				LOGIS	Workshop	2
				Fraud and corruption	Workshop	18
				National Supplier Database	Workshop	9
Plant and machine operators and assemblers	Male	5	N/A	None	N/A	N/A
	Female	0				
Clerks (temporary)	Male	25	N/A	None	N/A	N/A
	Female	34				
Service and sales workers (permanent)	Male	51	N/A	None	N/A	N/A
	Female	17				
Elementary occupations	Male	84	N/A	None	N/A	N/A
	Female	87				
Sub-total	Male	640	N/A	None	N/A	165

### 3.14 INJURY ON DUTY

**Table 3.14.1 Injury on duty for the period 1 April 2015 to 31 March 2016**

No injury on duty cases were reported for the period under review.



### 3.15 UTILISATION OF CONSULTANTS

**Table 3.15.1 Report on consultant appointments using appropriated funds for the period 1 April 2015 to 31 March 2016**

Project title	Total number of consultants that worked on project	Duration (work days)	Contract value in Rand
Appointment of a service provider to develop the electronic court filing system (e-filing system)	1	66	6 916 608
Appointment of a service provider for the supply, delivery and commissioning of the network infrastructure for WAN optimization	1	261	7 920 326
Appointment of a service provider to support and maintain the ICT infrastructure (Five-year contract which commenced in 2014/15)	1	261	29 891 530

Total number of projects	Total individual consultants that worked on project	Total duration (work days)	Contract value in Rand
3	3	588	44 728 464

**Table 3.15.2 Analysis of consultant appointments using appropriated funds in terms of historically disadvantaged individuals (HDIs) for the period 1 April 2015 to 31 March 2016**

Project title	Percentage ownership by HDI groups	Percentage management by HDI groups	Number of consultants from HDI groups that worked on the project
N/A	N/A	N/A	N/A

**Table 3.15.3 Report on consultant appointments using donor funds for the period 1 April 2015 to 31 March 2016**

Project title	Total number of consultants that worked on project	Duration (work days)	Contract value in Rand
N/A	N/A	N/A	N/A

Total number of projects	Total individual consultants that worked on project	Total duration (work days)	Contract value in Rand
N/A	N/A	N/A	N/A

**Table 3.15.4 Analysis of consultant appointments using donor funds in terms of historically disadvantaged individuals (HDIs) for the period 1 April 2015 to 31 March 2016**

Project title	Percentage ownership by HDI groups	Percentage management by HDI groups	Number of consultants from HDI groups that worked on the project
N/A	N/A	N/A	N/A

### 3.16 SEVERANCE PACKAGES

**Table 3.16 Granting of employee-initiated severance packages for the period 1 April 2015 to 31 March 2016**

No severance packages were initiated or granted for the period under review.

## ANNEXURE A OF PART D

This annexure was created to provide information on the Judiciary. The information to be covered include the following:

### 1. Expenditure

Programme	Total expenditure (R'000)	Personnel expenditure (R'000)
Direct charge against the NRF	887 539	832 760

### 2. Profile of Judges

As at the end of the period under review the profile of the Judges was as follows:

- Permanent Judges: 242
- Acting Judges: 855
- Retired Judges: 144
- Surviving spouses/life partners of deceased: 61
- Vacant posts: 26

The equity profile of the service Judges was as follows:

PERMANENT JUDGES: % RACE & GENDER SUMMARY									
RACE	AFRICAN		COLOURED		INDIAN		WHITE		TOTAL
GENDER	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	
<b>TOTAL</b>	69	38	14	11	13	11	60	26	242
%	28.51%	15.70%	5.79%	4.55%	5.37%	4.55%	24.79%	10.74%	100%







## PART E - FINANCIAL STATEMENTS

# Report of the Auditor-General to Parliament on vote no. 22: Office of the Chief Justice

## Report on the financial statements

### Introduction

1. I have audited the financial statements of the Office of the Chief Justice set out on pages 3 to 74, which comprise the appropriation statement, the statement of financial position as at 31 March 2016, and statement of financial performance, statement of changes in net assets, and cash flow statement for the year then ended, as well as the notes, comprising a summary of significant accounting policies and other explanatory information.

### Accounting officer's responsible 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 Standards as prescribed by National Treasury and the requirements of the Public Finance Management Act of South Africa, 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.

### Auditor-general's responsibility

3. My responsibility is to express an opinion on these financial statements based on my audit. I conducted my audit in accordance with International Standards on Auditing. 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.
4. 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.
5. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

### Opinion

6. In my opinion, the financial statements present fairly, in all material respects, the financial position of the Office of the Chief Justice as at 31 March 2016 and its financial performance and cash flows for the year then ended, in accordance with the Modified Cash Standards as Prescribed by National Treasury and the requirements of the Public Finance Management Act of South Africa, 1999 (Act No. 1 of 1999) (PFMA).



## Report on other legal and regulatory requirements

7. In accordance with the Public Audit Act of South Africa, 2004 (Act No. 25 of 2004) and the general notice issued in terms thereof, I have a responsibility to report findings on the reported performance information against predetermined objectives of selected programmes presented in the annual performance report, compliance with legislation and internal control. The objective of my tests was to identify reportable findings as described under each subheading but not to gather evidence to express assurance on these matters. Accordingly, I do not express an opinion or conclusion on these matters.

### Predetermined objectives

8. I performed procedures to obtain evidence about the usefulness and reliability of the reported performance information of the following selected programmes presented in the annual performance report of the department for the year ended 31 March 2016:
- Programme 2: Judicial support and court administration on pages 35 to 41
  - Programme 3: Judicial education and research on pages 42 to 44
9. I evaluated the usefulness of the reported performance information to determine whether it was presented in accordance with the National Treasury's annual reporting principles and whether the reported performance was consistent with the planned programmes. I further performed tests to determine whether indicators and targets were well defined, verifiable, specific, measurable, time bound and relevant, as required by the National Treasury's *Framework for managing programme performance information* (FMPPI).
10. I assessed the reliability of the reported performance information to determine whether it was valid, accurate and complete.
11. The material findings in respect of the selected programmes are as follows:

### Programme 2: Judicial support and court administration

#### Usefulness of reported performance information

12. The FMPPI requires that performance indicators should be well defined by having clear definitions so that data can be collected consistently and is easy to understand and use. A total of 78% indicators were not well defined.

#### Reliability of reported performance information

13. The FMPPI requires auditees to have appropriate systems to collect, collate, verify and store performance information to ensure reliable reporting of actual achievements against planned objectives, indicators and targets. The reported achievements against planned targets of 3 important indicators were not reliable when compared to the source information.

### Programme 3: Judicial education and research

#### Usefulness of performance information

14. The FMPPI requires that performance indicators should be well defined by having clear definitions so that data can be collected consistently and is easy to understand and use. A total of 33% indicators were not well defined

#### Reliability of reported performance information

15. The FMPPI requires auditees to have appropriate systems to collect, collate, verify and store performance information to ensure reliable reporting of actual achievements against planned objectives, indicators and targets. The reported achievements against planned targets of 33% indicators were not reliable when compared to the evidence provided.

#### Additional matter

16. I draw attention to the following matter:

#### Achievement of planned targets

17. Refer to the annual performance report on pages 21 to 38 for information on the achievement of the planned targets for the year. This information should be considered in the context of the material findings on the usefulness and reliability of the reported performance information in paragraphs 12; 13; 14; 15 of this report.

#### Compliance with legislation

18. I performed procedures to obtain evidence that the department had complied with applicable legislation regarding financial matters, financial management and other related matters. My material findings on compliance with specific matters in key legislation, as set out in the general notice issued in terms of the PAA, are as follows:

#### Annual Financial Statements

19. The financial statements were not prepared in accordance with the prescribed financial reporting framework as required by section 40 (1) (b) of the PFMA. Material misstatements of disclosure items identified by the auditors in the submitted financial statements were subsequently corrected, resulting in the financial statements receiving an unqualified audit opinion.

#### Expenditure management

20. Contractual obligations and money owed by the department were not always settled within 30 days or an agreed period, as required by section (38) (1) (f) of the PFMA and TR 8.2.3.

#### Internal control

21. I considered internal control relevant to my audit of the financial statements, annual performance report and compliance with legislation. The matters reported below are limited to the significant internal control deficiencies that resulted in the findings on non-compliance with legislation included in this report.

**Financial and performance management**

22. Management did not adequately review the financial statements and the annual performance report prior to submitting for auditing.
23. Management did not have sufficient monitoring controls to ensure compliance with all applicable laws and regulations

Pretoria

29 July 2016



AUDITOR - GENERAL  
SOUTH AFRICA

*Auditing to build public confidence*

**APPROPRIATION STATEMENT**  
for the year ended 31 March 2016

OFFICE OF THE CHIEF JUSTICE

Appropriation per programme										
	2015/16						2014/15			
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure	
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	
<b>Voted Funds and direct charges</b>										
<b>Programme</b>										
1. Administration	99 479	-	(1 692)	97 787	88 836	8 951	90.8%	-	-	-
2. Judicial Support and Court Administration	649 541	-	2 025	651 566	648 208	3 358	99.5%	-	-	-
3. Judicial Education and Research	34 359	-	(333)	34 026	30 642	3 384	90.1%	-	-	-
<b>Sub-total</b>	<b>783 379</b>	<b>-</b>	<b>-</b>	<b>783 379</b>	<b>767 686</b>	<b>15 693</b>	<b>98.0%</b>			
<b>Statutory Appropriation</b>	<b>873 748</b>			<b>873 748</b>	<b>887 682</b>	<b>(13 934)</b>	<b>101.06%</b>			
Judges' salaries	873 748	-	-	873 748	887 682	(13 934)	101.06%			
<b>TOTAL</b>	<b>1 657 127</b>			<b>1 657 127</b>	<b>1 655 368</b>	<b>1 759</b>	<b>99.9%</b>	<b>-</b>	<b>-</b>	<b>-</b>

**APPROPRIATION STATEMENT**  
for the year ended 31 March 2016

	2015/16		2014/15	
	Final appropriation	Actual expenditure	Final appropriation	Actual expenditure
<b>TOTAL (brought forward)</b>	1 657 127	1 655 368		
<b>Reconciliation with statement of financial performance</b>				
<b>ADD</b>				
Departmental receipts	778			
NRF Receipts	-			
Aid assistance	-			
<b>Actual amounts per statement of financial performance (total revenue)</b>	<b>1 657 905</b>			
<b>ADD</b>				
Aid assistance				
Prior year unauthorised expenditure approved without funding				
<b>Actual amounts per statement of financial performance (total expenditure)</b>		<b>1 655 368</b>		



**APPROPRIATION STATEMENT**  
for the year ended 31 March 2016

OFFICE OF THE CHIEF JUSTICE

Appropriation per economic classification									
	2015/16					2014/15			
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Economic classification</b>									
<b>Current payments</b>	<b>1 576 596</b>	<b>(71 645)</b>	-	<b>1 504 951</b>	<b>1 501 231</b>	<b>3 720</b>	<b>99.8%</b>		
Compensation of employees	1 323 827	(21 362)	-	1 302 465	1 303 706	(1 241)	100.1%		
Salaries and wages	1 170 340	61 603	-	1 231 943	1 234 256	(2 313)	100.2%		
Social contributions	153 487	(82 965)	-	70 522	69 450	1 072	98.5%		
Goods and services	252 769	(50 296)	-	202 473	197 512	4 961	97.5%		
Administrative fees	2 916	(689)	-	2 227	2 115	112	95.0%		
Advertising	910	569	-	1 479	1 447	32	97.8%		
Minor assets	15 457	(8 553)	-	6 904	6 845	59	99.1%		
Audit costs: external	-	2 311	-	2 311	2 311	-	100.0%		
Bursaries: employees	-	2	-	2	2	-	100.0%		
Catering: departmental activities	4 430	(3 461)	-	969	911	58	94.0%		
Communication	13 419	(2 815)	-	10 604	10 448	156	98.5%		
Computer services	26 033	(8 038)	-	17 995	17 968	27	99.8%		
Consultants: business and advisory services	13 064	(3 901)	-	9 163	9 054	109	98.8%		
Legal services	2 740	(1 015)	-	1 725	1 721	4	99.8%		
Contractors	2 494	1 615	-	4 109	4 081	28	99.3%		
Agency and support / outsourced services	10 904	(4 084)	-	6 820	6 810	10	99.9%		
Entertainment	55	(24)	-	31	26	5	83.9%		
Fleet services	9 486	8 909	-	18 395	18 372	23	99.9%		
Inventory: other supplies	-	-	-	-	-	-	-		
Consumable supplies	2 166	(337)	-	1 829	1 771	58	96.8%		

**APPROPRIATION STATEMENT**  
for the year ended 31 March 2016

Appropriation per economic classification									
2015/16							2014/15		
	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
Consumable: stationery printing and office supplies	11 671	525	-	12 196	12 124	72	99.4%	-	-
Operating leases	3 943	(3 895)	-	48	47	1	97.9%	-	-
Property payments	1 407	(87)	-	1 320	1 313	7	99.5%	-	-
Transport provided: Departmental activity	-	-	-	-	-	-	-	-	-
Travel and subsistence	102 896	(13 552)	-	89 344	89 008	336	99.6%	-	-
Training and development	8 812	(5 674)	-	3 138	1 109	2 029	35.3%	-	-
Operating payments	7 749	(2 903)	-	4 846	4 760	86	98.2%	-	-
Venues and facilities	12 157	(5 139)	-	7 018	5 269	1 749	75.1%	-	-
Rental and hiring	60	(60)	-	-	-	-	-	-	-
Interest and rent on land	-	13	-	13	13	-	100.0%	-	-
Interest	-	13	-	13	13	-	100.0%	-	-
Rent on land	-	-	-	-	-	-	-	-	-
Transfers and subsidies	53 668	(13)	-	53 655	56 214	(2 559)	104.8%	-	-
Provinces and municipalities	63	(63)	-	-	-	-	-	-	-
Provinces	43	(43)	-	-	-	-	-	-	-
Provincial Revenue Funds	-	-	-	-	-	-	-	-	-
Provincial agencies and funds	43	(43)	-	-	-	-	-	-	-
Municipalities	20	(20)	-	-	-	-	-	-	-
Municipal bank accounts	-	-	-	-	-	-	-	-	-

**APPROPRIATION STATEMENT**  
for the year ended 31 March 2016

OFFICE OF THE CHIEF JUSTICE

Appropriation per economic classification									
	2015/16					2014/15			
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Municipal agencies and funds	20	(20)	-	-	-	-	-	-	-
Departmental agencies and accounts	2	-	-	2	-	2	-	-	-
Social security funds	2	-	-	2	-	2	-	-	-
Non-profit institutions	-	-	-	-	-	-	-	-	-
Households	53 603	50	-	53 653	56 214	(2 561)	104.8%	-	-
Social benefits	53 603	9	-	53 612	56 173	(2 561)	104.8%	-	-
Other transfers to households	-	41	-	41	41	-	100.0%	-	-
<b>Payments for capital assets</b>	<b>26 863</b>	<b>71 658</b>	<b>-</b>	<b>98 521</b>	<b>97 916</b>	<b>605</b>	<b>99.4%</b>	<b>-</b>	<b>-</b>
Buildings and other fixed structures	-	-	-	-	-	-	-	-	-
Machinery and equipment	26 863	71 188	-	98 051	97 456	595	99.4%	-	-
Transport equipment	11 235	73 363	1 042	85 640	85 301	339	99.6%	-	-
Other machinery and equipment	15 628	(2 175)	(1 042)	12 411	12 155	256	97.9%	-	-
Intangible assets	-	470	-	470	460	10	97.9%	-	-
<b>Payments for financial assets</b>	<b>1 657 127</b>	<b>-</b>	<b>-</b>	<b>1 657 127</b>	<b>1 655 368</b>	<b>1 759</b>	<b>99.9%</b>	<b>-</b>	<b>-</b>

**APPROPRIATION STATEMENT**  
for the year ended 31 March 2016

PROGRAMME 1: ADMINISTRATION									
	2015/16						2014/15		
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Sub-programmes</b>									
1. Management	27 214	(2 933)	(1 029)	23 252	22 009	1 243	94.7%	-	-
2. Corporate Services	39 382	(6 746)	(663)	31 973	28 323	3 650	88.6%	-	-
3. Financial Administration	17 465	-	-	17 465	14 390	3 075	82.4%	-	-
4. Internal Audit and Risk Management	10 287	-	-	10 287	9 366	921	91.0%	-	-
5. Office Accommodation	5 131	9 679	-	14 810	14 748	62	99.6%	-	-
<b>Total for sub-programmes</b>	<b>99 479</b>	<b>-</b>	<b>(1 692)</b>	<b>97 787</b>	<b>88 836</b>	<b>8 951</b>	<b>90.8%</b>	<b>-</b>	<b>-</b>
<b>Economic classification</b>									
<b>Current payments</b>	<b>89 355</b>	<b>(94)</b>	-	<b>89 261</b>	<b>80 341</b>	<b>8 920</b>	<b>90.0%</b>	<b>-</b>	<b>-</b>
Compensation of employees	53 910	(7 728)	-	46 182	38 036	8 146	82.4%	-	-
Salaries and wages	48 655	(7 538)	-	41 117	33 853	7 264	82.3%	-	-
Social contributions	5 255	(190)	-	5 065	4 183	882	82.6%	-	-
Goods and services	35 445	7 621	-	43 066	42 292	774	98.2%	-	-
Administrative fees	197	92	-	289	236	53	81.7%	-	-
Advertising	317	629	-	946	925	21	97.8%	-	-
Minor assets	2 064	247	-	2 311	2 272	39	98.3%	-	-
Audit costs: external	-	2 311	-	2 311	2 311	-	100.0%	-	-
Bursaries: employees	-	-	-	-	-	-	-	-	-
Catering: departmental activities	111	35	-	146	110	36	75.3%	-	-
Communication	362	6 674	-	7 036	6 945	91	98.7%	-	-
Computer services	23 432	(6 414)	-	17 018	16 994	24	99.9%	-	-
Consultants: business and advisory services	518	46	-	564	469	95	83.2%	-	-
Legal services									

**APPROPRIATION STATEMENT**  
for the year ended 31 March 2016

OFFICE OF THE CHIEF JUSTICE

<b>PROGRAMME 1: ADMINISTRATION</b>									
	<b>2015/16</b>					<b>2014/15</b>			
	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
Contractors	385	2 917	-	3 302	3 294	8	99.8%	-	-
Agency and support / outsourced services	580	(200)	-	380	375	5	98.7%	-	-
Entertainment	-	5	-	5	5	-	100.0%	-	-
Fleet services	-	43	-	43	41	2	95.3%	-	-
Consumable supplies	78	201	-	279	226	53	81.0%	-	-
Consumable: stationery printing and office supplies	934	103	-	1 037	1 007	30	97.1%	-	-
Operating leases									
Property payments	4	8	-	12	10	2	83.3%		
Transport provided: Departmental activity									
Travel and subsistence	4 946	1 353	-	6 299	6 057	242	96.2%	-	-
Training and development	587	(181)	-	406	374	32	92.1%	-	-
Operating payments	671	(209)	-	462	423	39	91.6%	-	-
Venues and facilities	259	(39)	-	220	218	2	99.1%	-	-
Rental and hiring									
Interest and rent on land	-	13	-	13	13	-	100.0%	-	-
Interest	-	13	-	13	13	-	100.0%	-	-
Rent on land	-	-	-	-	-	-	-	-	-
<b>Transfers and subsidies</b>	<b>1</b>	<b>94</b>	-	<b>95</b>	<b>93</b>	<b>2</b>	<b>97.9%</b>	<b>-</b>	<b>-</b>
Provinces and municipalities									
Provinces									



**APPROPRIATION STATEMENT**  
for the year ended 31 March 2016

PROGRAMME 1: ADMINISTRATION									
	2015/16					2014/15			
	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
Provincial Revenue Funds									
Households	1	94	-	95	93	2	97.9%	-	-
Social benefits	1	94	-	95	93	2	97.9%	-	-
Other transfers to households									
<b>Payments for capital assets</b>	<b>10 123</b>	<b>-</b>	<b>(1 692)</b>	<b>8 431</b>	<b>8 402</b>	<b>29</b>	<b>99.7%</b>	<b>-</b>	<b>-</b>
Buildings and other fixed structures									
Buildings									
Other fixed structures									
Machinery and equipment	10 123	(88)	(1 692)	8 343	8 319	24	99.7%	-	-
Transport equipment	7 262	64	(983)	6 343	6 335	8	99.9%	-	-
Other machinery and equipment	2 861	(152)	(709)	2 000	1 984	16	99.2%	-	-
Intangible assets	-	88	-	88	83	5	94.3%	-	-
<b>Payments for financial assets</b>									
<b>Total</b>	<b>99 479</b>	<b>-</b>	<b>(1 692)</b>	<b>97 787</b>	<b>88 836</b>	<b>8 951</b>	<b>90.8%</b>	<b>-</b>	<b>-</b>

1.1 Sub-programme: Management									
	2015/16					2014/15			
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Economic classification</b>									
<b>Current payments</b>	<b>19 659</b>	<b>(2 969)</b>	<b>-</b>	<b>16 690</b>	<b>15 458</b>	<b>1 232</b>	<b>92.6%</b>	<b>-</b>	<b>-</b>
Compensation of employees	16 818	(3 722)	-	13 096	12 059	1 037	92.1%	-	-
Goods and services	2 841	753	-	3 594	3 399	195	94.6%	-	-
Interest and rent on land									
<b>Transfers and subsidies</b>	<b>1</b>	<b>36</b>	<b>-</b>	<b>37</b>	<b>36</b>	<b>1</b>	<b>97.3%</b>	<b>-</b>	<b>-</b>
Provinces and municipalities									
Households	1	36	-	37	36	1	97.3%	-	-
<b>Payments for capital assets</b>	<b>7 554</b>	<b>-</b>	<b>(1 029)</b>	<b>6 525</b>	<b>6 515</b>	<b>10</b>	<b>99.8%</b>	<b>-</b>	<b>-</b>
Buildings and other fixed structures									
Machinery and equipment	7 554	-	(1 029)	6 525	6 515	10	99.8%	-	-
Heritage assets									
Intangible assets									
<b>Payments for financial assets</b>									

**APPROPRIATION STATEMENT**  
for the year ended 31 March 2016

1.2 Sub-programme: Corporate Services									
	2015/16					2014/15			
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Economic classification</b>									
<b>Current payments</b>	<b>36 848</b>	<b>(6 201)</b>	-	<b>30 647</b>	<b>27 000</b>	<b>3 647</b>	<b>88.1%</b>	-	-
Compensation of employees	10 886	(420)	-	10 466	7 019	3 447	67.1%	-	-
Goods and services	25 962	(5 781)	-	20 181	19 981	200	99.0%	-	-
Interest and rent on land									
<b>Payments for capital assets</b>	<b>2 534</b>	<b>(545)</b>	<b>(663)</b>	<b>1 326</b>	<b>1 323</b>	<b>3</b>	<b>99.8%</b>	<b>-</b>	<b>-</b>
Machinery and equipment	2 534	(545)	(663)	1 326	1 323	3	99.8%	-	-
<b>Payments for financial assets</b>									

1.3 Sub-programme: Financial Administration									
	2015/16					2014/15			
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
Economic classification	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Current payments</b>	<b>17 430</b>	<b>(69)</b>	-	<b>17 361</b>	<b>14 291</b>	<b>3 070</b>	<b>82.3%</b>	-	-
Compensation of employees	15 450	(239)	-	15 211	12 373	2 838	81.3%	-	-
Goods and services	1 980	157	-	2 137	1 905	232	89.1%	-	-
Interest and rent on land	-	13	-	13	13	-	100.0%	-	-
<b>Transfers and subsidies</b>	<b>-</b>	<b>58</b>	-	<b>58</b>	<b>57</b>	<b>1</b>	<b>98.3%</b>	-	-
Provinces and municipalities	-	-	-	-	-	-	-	-	-
Households	-	58	-	58	57	1	98.3%	-	-
<b>Payments for capital assets</b>	<b>35</b>	<b>11</b>	-	<b>46</b>	<b>42</b>	<b>4</b>	<b>91.3%</b>	-	-
Buildings and other fixed structures	-	-	-	-	-	-	-	-	-
Machinery and equipment	35	11	-	46	42	4	91.3%	-	-
Heritage assets	-	-	-	-	-	-	-	-	-
<b>Payments for financial assets</b>									

**APPROPRIATION STATEMENT**  
for the year ended 31 March 2016

1.4 Sub-programme: Internal Audit and Risk Management									
2015/16							2014/15		
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Economic classification</b>									
<b>Current payments</b>	10 287	(110)	-	10 177	9 263	914	91.0%	-	-
Compensation of employees	7 832	(2 849)	-	4 983	4 176	807	83.8%	-	-
Goods and services	2 455	2 739	-	5 194	5 087	107	97.9%	-	-
Interest and rent on land									
<b>Payments for capital assets</b>	-	110	-	110	103	7	93.6%	-	-
Buildings and other fixed structures									
Machinery and equipment	-	22	-	22	20	2	90.9%	-	-
Intangible assets	-	88	-	88	83	5	94.3%	-	-
<b>Payments for financial assets</b>									



**APPROPRIATION STATEMENT**  
for the year ended 31 March 2016

1.5 Sub-programme: Office Accommodation									
Economic classification	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Current payments</b>	<b>5 131</b>	<b>9 255</b>	-	<b>14 386</b>	<b>14 329</b>	<b>57</b>	<b>99.6%</b>	-	-
Compensation of employees	2 924	(498)	-	2 426	2 409	17	99.3%	-	-
Goods and services	2 207	9 753	-	11 960	11 920	40	99.7%	-	-
Interest and rent on land									
<b>Payments for capital assets</b>	<b>-</b>	<b>424</b>	<b>-</b>	<b>424</b>	<b>419</b>	<b>5</b>	<b>98.8%</b>	<b>-</b>	<b>-</b>
Machinery and equipment	-	424	-	424	419	5	98.8%	-	-
<b>Payments for financial assets</b>									

**APPROPRIATION STATEMENT**  
for the year ended 31 March 2016

<b>PROGRAMME 2: JUDICIAL SUPPORT AND COURT ADMINISTRATION</b>									
<b>2015/16</b>							<b>2014/15</b>		
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Sub-programmes</b>									
1. Administration of Superior Courts	20 591	(11 156)	-	9 435	7 645	1 790	81.0%	-	-
2. Judicial Service Commission	9 981	(3 706)	-	6 275	6 252	23	99.6%	-	-
3. Constitutional Court	70 173	(17 765)	-	52 408	52 348	60	99.9%	-	-
4. Supreme Court of Appeal	25 246	(2 076)	-	23 170	23 083	87	99.6%	-	-
5. High Courts	481 775	26 311	2 025	510 111	509 427	684	99.9%	-	-
6. Specialised Courts	41 775	8 392	-	50 167	49 453	714	98.6%	-	-
<b>Total for sub-programmes</b>	<b>649 541</b>	<b>-</b>	<b>2 025</b>	<b>651 566</b>	<b>648 208</b>	<b>3 358</b>	<b>99.5%</b>	<b>-</b>	<b>-</b>
<b>Economic classification</b>									
<b>Current payments</b>	<b>632 065</b>	<b>(71 553)</b>	<b>-</b>	<b>560 512</b>	<b>557 709</b>	<b>2 803</b>	<b>99.5%</b>	<b>-</b>	<b>-</b>
Compensation of employees	437 695	(12 915)	-	424 780	423 953	827	99.8%	-	-
Salaries and wages	395 447	(27 148)	-	368 299	367 534	765	99.8%	-	-
Social contributions	42 248	14 233	-	56 481	56 419	62	99.9%	-	-
Goods and services	194 370	(58 638)	-	135 732	133 756	1 976	98.5%	-	-
Administrative fees	2 339	(1 216)	-	1 123	1 088	35	96.9%	-	-
Advertising	538	(5)	-	533	522	11	97.9%	-	-
Minor assets	13 381	(8 958)	-	4 423	4 408	15	99.7%	-	-
Audit costs: external	-	2	-	2	2	-	100.0%	-	-
Bursaries: employees	4 291	(3 582)	-	709	706	3	99.6%	-	-
Catering: departmental activities	12 949	(9 508)	-	3 441	3 429	12	99.7%	-	-
Communication									

**APPROPRIATION STATEMENT**  
for the year ended 31 March 2016

OFFICE OF THE CHIEF JUSTICE

<b>PROGRAMME 2: JUDICIAL SUPPORT AND COURT ADMINISTRATION</b>									
	2015/16					2014/15			
	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
Computer services	2 601	(1 624)	-	977	974	3	99.7%	-	-
Consultants: business and advisory services	12 002	(3 411)	-	8 591	8 579	12	99.9%	-	-
Legal services	2 740	(2 104)	-	636	633	3	99.5%	-	-
Contractors	2 109	(1 323)	-	786	771	15	98.1%	-	-
Agency and support / outsourced services	10 324	(3 884)	-	6 440	6 435	5	99.9%	-	-
Entertainment	55	(29)	-	26	21	5	80.8%	-	-
Fleet services	9 486	8 866	-	18 352	18 331	21	99.9%	-	-
Consumable supplies	1 888	(339)	-	1 549	1 544	5	99.7%	-	-
Consumable: stationery printing and office supplies	9 596	777	-	10 373	10 358	15	99.9%	-	-
Operating leases	3 943	(3 895)	-	48	47	1	97.9%	-	-
Property payments	1 403	(95)	-	1 308	1 303	5	99.6%	-	-
Transport provided: Departmental activity	85 277	(16 025)	-	69 252	69 199	53	99.9%	-	-
Travel and subsistence	3 835	(3 784)	-	51	51	-	100.0%	-	-
Training and development	6 627	(2 341)	-	4 286	4 261	25	99.4%	-	-
Operating payments	8 926	(6 100)	-	2 826	1 094	1 732	38.7%	-	-
Venues and facilities	60	(60)	-	-	-	-	-	-	-
Rental and hiring			-						
<b>Transfers and subsidies</b>	<b>1 371</b>	<b>(105)</b>	-	<b>1 266</b>	<b>1 261</b>	<b>5</b>	<b>99.6%</b>	-	-
Provinces and municipalities	63	(63)	-	-	-	-	-	-	-

**APPROPRIATION STATEMENT**  
for the year ended 31 March 2016

<b>PROGRAMME 2: JUDICIAL SUPPORT AND COURT ADMINISTRATION</b>									
<b>2015/16</b>							<b>2014/15</b>		
	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
Provinces	43	(43)	-	-	-	-	-	-	-
Provincial agencies and funds	43	(43)	-	-	-	-	-	-	-
Municipalities	20	(20)	-	-	-	-	-	-	-
Municipal bank accounts									
Municipal agencies and funds	20	(20)	-	-	-	-	-	-	-
Departmental agencies and accounts	2	-	-	2	-	2	-	-	-
Social security funds	2	-	-	2	-	2	-	-	-
Non-profit institutions									
Households	1 306	(42)	-	1 264	1 261	3	99.8%	-	-
Social benefits	1 306	(83)	-	1 223	1 220	3	99.8%	-	-
Other transfers to households	-	41	-	41	41	-	100.0%	-	-
<b>Payments for capital assets</b>	<b>16 105</b>	<b>71 658</b>	<b>2 025</b>	<b>89 788</b>	<b>89 231</b>	<b>557</b>	<b>99.4%</b>	<b>-</b>	<b>-</b>
Machinery and equipment	16 105	71 276	2 025	89 406	88 854	552	99.4%	-	-
Transport equipment	3 973	73 299	2 025	79 297	78 966	331	99.6%	-	-
Other machinery and equipment	12 132	(2 023)	-	10 109	9 888	221	97.8%	-	-
Land and subsoil assets									
Intangible assets	-	382	-	382	377	5	98.7%	-	-
<b>Payments for financial assets</b>					<b>7</b>	<b>(7)</b>			
<b>Total</b>	<b>649 541</b>	<b>-</b>	<b>2 025</b>	<b>651 566</b>	<b>648 208</b>	<b>3 358</b>	<b>99.5%</b>	<b>-</b>	<b>-</b>

<b>2.1 Sub-programme: Administration of Superior Courts</b>									
<b>2015/16</b>						<b>2014/15</b>			
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Economic classification</b>	<b>20 591</b>	<b>(11 156)</b>	-	<b>9 435</b>	<b>7 645</b>	<b>1 790</b>	<b>81.0%</b>	-	-
<b>Current payments</b>	<b>4 833</b>	<b>927</b>	-	<b>5 760</b>	<b>5 728</b>	<b>32</b>	<b>99.4%</b>	-	-
Compensation of employees									
Goods and services	15 758	(12 083)	-	3 675	1 917	1 758	52.2%	-	-
Interest and rent on land									
<b>Payments for financial assets</b>									

<b>2.2 JUDICIAL SUPPORT AND COURT ADMINISTRATION</b>									
<b>2015/16</b>						<b>2014/15</b>			
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Economic classification</b>	<b>9 981</b>	<b>(3 706)</b>	-	<b>6 275</b>	<b>6 252</b>	<b>23</b>	<b>99.6%</b>	-	-
<b>Current payments</b>	<b>2 429</b>	<b>(223)</b>	-	<b>2 206</b>	<b>2 200</b>	<b>6</b>	<b>99.7%</b>	-	-
Compensation of employees									
Goods and services	7 552	(3 483)	-	4 069	4 052	17	99.6%		
Interest and rent on land									
<b>Payments for financial assets</b>									



<b>2.3 Sub-programme: Constitutional Court</b>									
	<b>2015/16</b>					<b>2014/15</b>			
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Economic classification</b>									
<b>Current payments</b>	69 524	(21 031)	-	48 493	48 439	54	99.9%	-	-
Compensation of employees	31 952	(8 155)	-	23 797	23 792	5	100.0%	-	-
Goods and services	37 572	(12 876)	-	24 696	24 647	49	99.8%	-	-
Interest and rent on land									
<b>Transfers and subsidies</b>	<b>67</b>	<b>(50)</b>	-	<b>17</b>	<b>16</b>	<b>1</b>	<b>94.1%</b>	-	-
Provinces and municipalities									
Households	67	(50)	-	17	16	1	94.1%	-	-
<b>Payments for capital assets</b>	<b>582</b>	<b>3 316</b>	-	<b>3 898</b>	<b>3 893</b>	<b>5</b>	<b>99.9%</b>	-	-
Buildings and other fixed structures									
Machinery and equipment	582	2 982	-	3 564	3 560	4	99.9%	-	-
Heritage assets									
Intangible assets	-	334	-	334	333	1	99.7%	-	-
<b>Payments for financial assets</b>									

2.4 Sub-programme: Supreme Court of Appeal									
	2015/16					2014/15			
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Economic classification</b>									
<b>Current payments</b>	<b>22 585</b>	<b>(3 971)</b>	-	<b>18 614</b>	<b>18 529</b>	<b>85</b>	<b>99.5%</b>	-	-
Compensation of employees	12 842	(528)	-	12 314	12 281	33	99.7%	-	-
Goods and services	9 743	(3 443)	-	6 300	6 248	52	99.2%	-	-
Interest and rent on land									
<b>Transfers and subsidies</b>	<b>126</b>	<b>(95)</b>	-	<b>31</b>	<b>31</b>	-	<b>100.0%</b>	-	-
Provinces and municipalities									
Households	126	(95)	-	31	31	-	100.0%	-	-
<b>Payments for capital assets</b>	<b>2 535</b>	<b>1 990</b>	-	<b>4 525</b>	<b>4 516</b>	<b>9</b>	<b>99.8%</b>	-	-
Buildings and other fixed structures									
Machinery and equipment	2 535	1 990	-	4 525	4 516	9	99.8%	-	-
<b>Payments for financial assets</b>	<b>-</b>	<b>-</b>	-	<b>-</b>	<b>7</b>	<b>(7)</b>	<b>-</b>	<b>-</b>	<b>-</b>

2.5 Sub-programme: High Courts									
	2015/16					2014/15			
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Economic classification</b>									
<b>Current payments</b>	<b>467 981</b>	<b>(33 253)</b>	-	<b>434 728</b>	<b>434 584</b>	<b>144</b>	<b>100.0%</b>	-	-
Compensation of employees	354 551	(7 298)	-	347 253	347 152	101	100.0%	-	-
Goods and services	113 430	(25 955)	-	87 475	87 432	43	99.9%	-	-
Interest and rent on land									
<b>Transfers and subsidies</b>	<b>1 073</b>	<b>118</b>	-	<b>1 191</b>	<b>1 187</b>	<b>4</b>	<b>99.7%</b>	-	-
Provinces and municipalities	63	(63)	-	-	-	-	-	-	-
Departmental agencies and accounts	2	-	-	2	-	2	-	-	-
Households	1 008	181	-	1 189	1 187	2	99.8%	-	-
<b>Payments for capital assets</b>	<b>12 721</b>	<b>59 446</b>	<b>2 025</b>	<b>74 192</b>	<b>73 656</b>	<b>536</b>	<b>99.3%</b>	-	-
Buildings and other fixed structures									
Machinery and equipment	12 721	59 422	2 025	74 168	73 636	532	99.3%	-	-
Intangible assets	-	24	-	24	20	4	83.3%	-	-
<b>Payments for financial assets</b>									

2.6 Sub-programme: Specialised Courts									
	2015/16					2014/15			
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Economic classification</b>									
<b>Current payments</b>	<b>41 403</b>	<b>1 564</b>	-	<b>42 967</b>	<b>42 260</b>	<b>707</b>	<b>98.4%</b>	-	-
Compensation of employees	31 088	2 362	-	33 450	32 800	650	98.1%	-	-
Goods and services	10 315	(798)	-	9 517	9 460	57	99.4%	-	-
Interest and rent on land									
<b>Transfers and subsidies</b>	<b>105</b>	<b>(78)</b>	-	<b>27</b>	<b>27</b>	-	<b>100.0%</b>	-	-
Non-profit institutions									
Households	105	(78)	-	27	27	-	100.0%	-	-
<b>Payments for capital assets</b>	<b>267</b>	<b>6 906</b>	-	<b>7 173</b>	<b>7 166</b>	<b>7</b>	<b>99.9%</b>	-	-
Buildings and other fixed structures									
Machinery and equipment	267	6 882	-	7 149	7 142	7	99.9%	-	-
Intangible assets	-	24	-	24	24	-	100.0%	-	-
<b>Payments for financial assets</b>									

**APPROPRIATION STATEMENT**  
for the year ended 31 March 2016

PROGRAMME 3: JUDICIAL EDUCATION AND RESEARCH								
	2015/16					2014/15		
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of Final Appropriation	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000
<b>Sub-programmes</b>								
1. South African Judicial Education Institute (SAJEI)	28 576	-	(333)	28 243	25 952	2 291	91.9%	-
2. Judicial Policy and Research	5 783	-	-	5 783	4 690	1 093	81.1%	-
<b>Total for sub-programmes</b>	<b>34 359</b>	<b>-</b>	<b>(333)</b>	<b>34 026</b>	<b>30 642</b>	<b>3 384</b>	<b>90.1%</b>	<b>-</b>
<b>Economic classification</b>								
<b>Current payments</b>	<b>33 722</b>	<b>2</b>	<b>-</b>	<b>33 724</b>	<b>30 359</b>	<b>3 365</b>	<b>90.0%</b>	<b>-</b>
Compensation of employees	10 768	(719)	-	10 049	8 895	1 154	88.5%	-
Salaries and wages	9 773	(841)	-	8 932	7 887	1 045	88.3%	-
Social contributions	995	122	-	1 117	1 008	109	90.2%	-
Goods and services	22 954	721	-	23 675	21 464	2 211	90.7%	-
Administrative fees	380	435	-	815	791	24	97.1%	-
Advertising	55	(55)	-	-	-	-	-	-
Minor assets	12	158	-	170	165	5	97.1%	-
Catering: departmental activities	28	86	-	114	95	19	83.3%	-
Communication	108	19	-	127	74	53	58.3%	-
Computer services								-
Consultants: business and advisory services	544	(536)	-	8	6	2	75.0%	-
Legal services	-	1 089	-	1 089	1 088	1	99.9%	-
Contractors	-	21	-	21	16	5	76.2%	-
Consumable supplies	200	(199)	-	1	1	-	100.0%	-
Consumable: stationery printing and office supplies	1 141	(355)	-	786	759	27	96.6%	-
Travel and subsistence	12 673	1 120	-	13 793	13 752	41	99.7%	-
Training and development	4 390	(1 709)	-	2 681	684	1 997	25.5%	-

PROGRAMME 3: JUDICIAL EDUCATION AND RESEARCH								
	2015/16						2014/15	
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of Final Appropriation	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000
Operating payments Venues and facilities	451	(353)	-	98	76	22	77.6%	-
	2 972	1 000	-	3 972	3 957	15	99.6%	-
	2	(2)	-	-	-	-	-	-
	2	(2)	-	-	-	-	-	-
	2	(2)	-	-	-	-	-	-
Other transfers to households								
Payments for capital assets	635	-	(333)	302	283	19	93.7%	-
Buildings and other fixed structures								
Buildings								
Other fixed structures								
Machinery and equipment	635	-	(333)	302	283	19	93.7%	-
Transport equipment								
Other machinery and equipment	635	-	(333)	302	283	19	93.7%	-
Payments for financial assets								
Total	34 359		(333)	34 026	30 642	3 384	90.1%	-



**APPROPRIATION STATEMENT**  
for the year ended 31 March 2016

3.1 Sub-programme: SAJEI									
	2015/16					2014/15			
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Economic classification</b>									
<b>Current payments</b>	<b>27 939</b>	<b>14</b>	-	<b>27 953</b>	<b>25 680</b>	<b>2 273</b>	<b>91.9%</b>	-	-
Compensation of employees	5 731	273	-	6 004	5 899	105	98.3%	-	-
Goods and services	22 208	(259)	-	21 949	19 781	2 168	90.1%	-	-
Interest and rent on land									
<b>Transfers and subsidies</b>	<b>2</b>	<b>(2)</b>	-	-	-	-	-	-	-
Provinces and municipalities									
Households	2	(2)	-	-	-	-	-	-	-
<b>Payments for capital assets</b>	<b>635</b>	<b>(12)</b>	<b>(333)</b>	<b>290</b>	<b>272</b>	<b>18</b>	<b>93.8%</b>	-	-
Buildings and other fixed structures									
Machinery and equipment	635	(12)	(333)	290	272	18	93.8%	-	-
<b>Payments for financial assets</b>									

**APPROPRIATION STATEMENT**  
for the year ended 31 March 2016

3.2 Sub-programme: Judicial Support and Court Administration									
2015/16						2014/15			
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Economic classification</b>									
<b>Current payments</b>	<b>5 783</b>	<b>(12)</b>	-	<b>5 771</b>	<b>4 679</b>	<b>1 092</b>	<b>81.1%</b>	-	-
Compensation of employees	5 037	(992)		4 045	2 996	1 049	74.1%	-	-
Goods and services	746	980	-	1 726	1 683	43	97.5%	-	-
Interest and rent on land									
<b>Payments for capital assets</b>	<b>-</b>	<b>12</b>	-	<b>12</b>	<b>11</b>	<b>1</b>	<b>91.7%</b>	-	-
Buildings and other fixed structures									
Machinery and equipment		12	-	12	11	1	91.7%	-	-
Heritage assets									
<b>Payments for financial assets</b>									

**APPROPRIATION STATEMENT**  
for the year ended 31 March 2016

Direct charges									
2015/16							2014/15		
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of Final Appropriation	Final appropriation	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Sub-programme</b>									
1. Judges' salaries	873 748	-	-	873 748	887 682	(13 934)	101.6%	-	-
<b>Total for sub-programmes</b>	<b>873 748</b>	<b>-</b>	<b>-</b>	<b>873 748</b>	<b>887 682</b>	<b>(13 934)</b>	<b>101.6%</b>	<b>-</b>	<b>-</b>
<b>Economic classification</b>									
<b>Current payments</b>	<b>821 454</b>	<b>-</b>	<b>-</b>	<b>821 454</b>	<b>832 822</b>	<b>(11 368)</b>	<b>101.4%</b>	<b>-</b>	<b>-</b>
Compensation of employees	821 454	-	-	821 454	832 822	(11 368)	101.4%	-	-
Salaries and wages	716 465	97 130	-	813 595	824 982	(11 387)	101.4%	-	-
Social contributions	104 989	(97 130)	-	7 859	7 840	19	99.8%	-	-
<b>Transfers and subsidies</b>	<b>52 294</b>	<b>-</b>	<b>-</b>	<b>52 294</b>	<b>54 860</b>	<b>(2 566)</b>	<b>104.9%</b>	<b>-</b>	<b>-</b>
Non-profit institutions									
Households	52 294	-	-	52 294	54 860	(2 566)	104.9%	-	-
Social benefits	52 294	-	-	52 294	54 860	(2 566)	104.9%	-	-
Other transfers to households									
<b>Total</b>	<b>873 748</b>	<b>-</b>	<b>-</b>	<b>873 748</b>	<b>887 682</b>	<b>(13 934)</b>	<b>101.6%</b>	<b>-</b>	<b>-</b>

**APPROPRIATION STATEMENT**  
for the year ended 31 March 2016

Direct charge: Judges' salaries									
2015/16							2014/15		
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Economic classification</b>									
<b>Current payments</b>	<b>821 454</b>	-	-	<b>821 454</b>	<b>832 822</b>	<b>(11 368)</b>	<b>101.4%</b>	-	-
Compensation of employees	821 454	-	-	821 454	832 822	(11 368)	101.4%	-	-
Goods and services	-	-	-	-	-	-	-	-	-
Interest and rent on land	-	-	-	-	-	-	-	-	-
<b>Transfers and subsidies</b>	<b>52 294</b>	-	-	<b>52 294</b>	<b>54 860</b>	<b>(2 566)</b>	<b>104.8%</b>	-	-
Households	52 294	-	-	52 294	54 860	(2 566)	104.8%	-	-
<b>Payments for financial assets</b>									

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

Detail of these transactions can be viewed in the note on Transfers and Subsidies disclosure notes and Annexure 1 (A - C) to the Annual Financial Statements (AFS).

**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 AFS.

**3. Detail on payments for financial assets**

Detail of these transactions per programme can be viewed in the note on Payments for Financial Assets to the AFS.

**4. Explanations of material variances from amounts voted (after virement):**

**4.1 Per Programme**

	Final appropriation	Actual expenditure	Variance R'000	Variance as a % of final appropriation
<b>ADMINISTRATION</b>				
Compensation of employees	46 182	38 036	8 146	17.64%

*The underspending relates to funded vacant positions not filled due to the lack of office space at the Edura House building and the delayed relocation to the new National Office.*

#### JUDICIAL SUPPORT AND COURT ADMINISTRATION

Goods and services: venues and facilities	2 826	1 094	1 732	61.29%
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*The underspending relates to claims which were not received from the Department of Justice and Constitutional Development (DOJ&CD) for the expenditure incurred by the Lower Courts for case flow management.*

#### JUDICIAL EDUCATION AND RESEARCH

Compensation of employees	10 049	8 895	1 154	11.5%
Goods and services: training and development	2 681	684	1 997	74.49%

*The underspending relates to funded vacant positions not filled due to the lack of office space at the Edura House building and the delayed relocation to the new National Office, as well as the Judicial training programmes which were postponed during the 2015/16 financial year.*

#### JUDGES' SALARIES

Compensation of employees	821 454	832 822	(11 368)	101.48%
Transfer and subsidies: Households	52 294	54 860	(2 566)	104.90%

*The overspending is due to the annual adjustment on Judges' remuneration which was approved after the preparation of the Adjusted Estimates of the National Expenditure (AENE). National Treasury has been notified and requested to augment the Statutory Appropriation of the OCJ.*

## 4.2 Per Economic Classification

	Final appropriation	Actual expenditure	Variance	Variance as a % of final appropriation
	R'000	R'000	R'000	R'000
<b>Current payments</b>				
Compensation of employees	1 302 465	1 303 706	(1 241)	100.10%
Goods and services	202 473	197 512	4 961	2.52%
Interest and rent on land				



**Transfers and subsidies**

Departmental agencies and accounts	2	-	2	100.00%
Households	53 655	56 214	(2 559)	104.61%

*The overspending on compensation of employees and households is due to the annual adjustment of the Judges' salaries which was approved after the preparation of the AENE. The underspending on goods and services is due to Lower Courts' claims for case flow management and the Judicial training programmes which were postponed during the 2015/16 financial year.*

	Note	2015/16 R'000	2014/15 R'000
<b>REVENUE</b>			
Annual appropriation	1	783 379	
Statutory appropriation	2	873 748	
Departmental revenue	3	778	
<b>TOTAL REVENUE</b>		<b>1 657 905</b>	
<b>EXPENDITURE</b>			
Current expenditure			
Compensation of employees	4	1 303 706	
Goods and services	5	197 512	
Interest and rent on land	6	13	
<b>Total current expenditure</b>		<b>1 501 231</b>	
<b>Transfers and subsidies</b>			
Transfers and subsidies	8	56 214	
<b>Total transfers and subsidies</b>		<b>56 214</b>	
<b>Expenditure for capital assets</b>			
Tangible assets	9	97 452	
Intangible assets	9	464	
<b>Total expenditure for capital assets</b>		<b>97 916</b>	
<b>Payments for financial assets</b>	7	7	
<b>TOTAL EXPENDITURE</b>		<b>1 655 368</b>	
<b>SURPLUS/(DEFICIT) FOR THE YEAR</b>		<b>2 537</b>	
<b>Reconciliation of net surplus/(deficit) for the year</b>			
Voted funds		1 759	
Annual appropriation		1 759	
Conditional grants			
Departmental revenue and NRF Receipts	14	778	
<b>SURPLUS/(DEFICIT) FOR THE YEAR</b>		<b>2 537</b>	

	Note	2015/16 R'000	2014/15 R'000
<b>ASSETS</b>			
<b>Current assets</b>		<b>14 230</b>	
Cash and cash equivalents	10	9 275	
Pre-payments and advances	11	307	
Receivables	12	4 648	
<b>TOTAL ASSETS</b>		<b>14 230</b>	
<b>LIABILITIES</b>			
<b>Current liabilities</b>		<b>14 173</b>	
Voted funds to be surrendered to the Revenue Fund	13	1 759	
Departmental revenue and NRF receipts to be surrendered to the Revenue Fund	14	85	
Payables	15	12 329	
<b>Non-current liabilities</b>			
Payables		-	-
<b>TOTAL LIABILITIES</b>		<b>14 173</b>	
<b>NET ASSETS</b>		<b>57</b>	

	Note	2015/16 R'000	2014/15 R'000
<b>Represented by:</b>			
Capitalisation reserve		-	
Recoverable revenue		57	
Retained funds		-	
Revaluation reserves		-	
<b>TOTAL</b>		<b>57</b>	

	<i>Note</i>	<b>2015/16</b> <b>R'000</b>	<b>2014/15</b> <b>R'000</b>
<b>Recoverable revenue</b>			
Opening balance			
Transfers:		57	-
Debts revised			-
Debts recovered (included in departmental receipts)		(152)	-
Debts raised		209	-
Closing balance		<u>57</u>	<u>-</u>
<b>TOTAL</b>		<u><b>57</b></u>	<u><b>-</b></u>

	Note	2015/16 R'000	2014/15 R'000
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
Receipts		<b>1 657 905</b>	
Annual appropriated funds received	1.1	783 379	
Statutory appropriated funds received	2	873 748	
Departmental revenue received	3	757	
Interest received	3.3	21	
Net (increase)/decrease in working capital		7 374	
Surrendered to Revenue Fund		(693)	
Surrendered to RDP Fund/donor		-	
Current payments		(1 501 218)	
Interest paid	6	(13)	
Payments for financial assets		(7)	
Transfers and subsidies paid		(56 214)	
<b>Net cash flow available from operating activities</b>	<b>16</b>	<b>107 134</b>	
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Payments for capital assets	9	(97 916)	
<b>Net cash flows from investing activities</b>		<b>(97 916)</b>	
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
Distribution/dividend received			
Increase/(decrease) in net assets		57	
Increase/(decrease) in non-current payables			
<b>Net cash flows from financing activities</b>		<b>57</b>	
Net increase/(decrease) in cash and cash equivalents		9 275	
Cash and cash equivalents at beginning of period			
Unrealised gains and losses within cash and cash equivalents			
<b>Cash and cash equivalents at end of period</b>	<b>17</b>	<b>9 275</b>	

**Summary of significant accounting policies**

The financial statements have been prepared in accordance with the following policies which have been applied consistently in all material aspects unless otherwise indicated. Management has concluded that the financial statements present fairly the Department's primary and secondary information.

The historical cost convention has been used, except where otherwise indicated. Management has used assessments and estimates in preparing the AFs. These are based on the best information available at the time of preparation.

Where appropriate and meaningful additional information has been disclosed to enhance the usefulness of the financial statements and to comply with the statutory requirements of the PFMA, 1999 and the Treasury Regulations issued in terms of the PFMA and the annual Division of Revenue.

## **1 Basis of preparation**

The financial statements have been prepared in accordance with the Modified Cash Standard.

## **2 Going concern**

The financial statements have been prepared on a going concern basis.

## **3 Presentation currency**

Amounts have been presented in the currency of the South African Rand (R) which is also the functional currency of the Department.

## **4 Rounding**

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

## **5 Foreign currency translation**

Cash flows arising from foreign currency transactions are translated into South African Rands using the spot exchange rates prevailing at the date of payment/receipt.

## **6 Comparative information**

### **6.1 Current year comparison with budget**

A comparison between the approved final budget and actual amounts for each programme and economic classification is included in the appropriation statement.





## **7 Revenue**

### **7.1 Appropriated funds**

Appropriated funds comprises of departmental allocations as well as direct charges against the Revenue Fund (i.e. statutory appropriation).

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

The net amount of any appropriated funds due to/from the relevant revenue fund at the reporting date is recognised as a payable/receivable in the statement of financial position.

### **7.2 Departmental revenue**

Departmental revenue is recognised in the Statement of Financial Performance when received and is subsequently paid into the relevant revenue fund unless stated otherwise.

Any amount owing to the relevant revenue fund at the reporting date is recognised as a payable in the Statement of Financial Position.

### **7.3 Accrued departmental revenue**

Accruals in respect of departmental revenue (excluding tax revenue) are recorded in the notes to the financial statements when:

- It is probable that the economic benefits or service potential associated with the transaction will flow to the Department.
- The amount of revenue can be measured reliably.

The accrued revenue is measured at the fair value of the consideration receivable.

Accrued tax revenue (and related interest and/penalties) is measured at amounts receivable from collecting agents.

## **8 Expenditure**

### **8.1 Compensation of employees**

#### **8.1.1 Salaries and wages**

Salaries and wages are recognised in the statement of financial performance on the date of payment.

#### **8.1.2 Social contributions**

Social contributions made by the Department in respect of current employees are recognised in the Statement of Financial Performance on the date of payment.

Social contributions made by the Department in respect of ex-employees are classified as transfers to households in the Statement of Financial Performance on the date of payment.

## 8.2 Other expenditure

Other expenditure (such as goods and services transfers and subsidies and payments for capital assets) is recognised in the statement of financial performance on the date of payment. The expense is classified as a capital expense if the total consideration paid is more than the capitalisation threshold.

## 8.3 Accrued expenditure payable

Accrued expenditure payable is recorded in the notes to the financial statements when the goods are received or in the case of services when they are rendered to the Department or in the case of transfers and subsidies when they are due and payable.

Accrued expenditure payable is measured at cost.

## 8.4 Leases

### 8.4.1 Operating leases

Operating lease payments made during the reporting period are recognised as current expenditure in the Statement of Financial Performance on the date of payment.

The operating lease commitments are recorded in the notes to the financial statements.

### 8.4.2 Finance leases

Finance lease payments made during the reporting period are recognised as capital expenditure in the Statement of Financial Performance on the date of payment.

The finance lease commitments are recorded in the notes to the financial statements and are not apportioned between the capital and interest portions.

Finance lease assets acquired at the end of the lease term are recorded and measured at the lower of:

- Cost being the fair value of the asset.
- The sum of the minimum lease payments made including any payments made to acquire ownership at the end of the lease term excluding interest.

## 9 Aid assistance

Not applicable to the OCJ for the 2015/16 financial year.

### 9.1 Aid assistance received

Not applicable to the OCJ for the 2015/16 financial year.

### 9.2 Aid assistance paid

Not applicable to the OCJ for the 2015/16 financial year.



## **10 Cash and cash equivalents**

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

Bank overdrafts are shown separately on the face of the Statement of Financial Position as a current liability.

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

## **11 Pre-payments and advances**

Pre-payments and advances are recognised in the statement of financial position when the Department receives or disburses the cash.

Pre-payments and advances are initially and subsequently measured at cost.

## **12 Loans and receivables**

Loans and receivables are recognised in the statement of financial position at cost plus accrued interest where interest is charged less amounts already settled or written-off. Write-offs are made according to the Department's write-off policy.

## **13 Investments**

Not applicable to the OCJ for the 2015/16 financial year.

## **14 Financial assets**

### **14.1 Financial assets (not covered elsewhere)**

A financial asset is recognised initially at its cost plus transaction costs that are directly attributable to the acquisition or issue of the financial assets.

At the reporting date a Department shall measure its financial assets at cost less amounts already settled or written-off except for recognised loans and receivables which are measured at cost plus accrued interest where interest is charged less amounts already settled or written-off.

### **14.2 Impairment of financial assets**

Where there is an indication of impairment of a financial asset an estimation of the reduction in the recorded carrying value to reflect the best estimate of the amount of the future economic benefits expected to be received from that asset is recorded in the Notes to the Financial Statements.

## **15 Payables**

Loans and payables are recognised in the Statement of Financial Position at cost.

## 16 Capital assets

### 16.1 Immovable capital assets

Not applicable to the OCJ for the 2015/16 financial year.

### 16.2 Movable capital assets

Movable capital assets are initially recorded in the notes to the financial statements at cost. Movable capital assets acquired through a non-exchange transaction is measured at fair value as at the date of acquisition.

Where the cost of movable capital assets cannot be determined reliably the movable capital assets are measured at fair value and where fair value cannot be determined; the movable assets are measured at R1.

All assets acquired prior to 1 April 2002 (or a later date as approved by the Office of the Auditor-General), (OAG) may be recorded at R1.

Movable capital assets are subsequently carried at cost and are not subject to depreciation or impairment.

Subsequent expenditure that is of a capital nature is added to the cost of the asset at the end of the capital project unless the movable asset is recorded by another Department/entity in which case the completed project costs are transferred to that Department.

### 16.3 Intangible assets

Intangible assets are initially recorded in the Notes to the Financial Statements at cost. Intangible assets acquired through a non-exchange transaction are measured at fair value as at the date of acquisition.

Internally generated intangible assets are recorded in the Notes to the Financial Statements when the Department commences the development phase of the project.

Where the cost of intangible assets cannot be determined reliably the intangible capital assets are measured at fair value and where fair value cannot be determined; the intangible assets are measured at R1.

All assets acquired prior to 1 April 2002 (or a later date as approved by the OAG) may be recorded at R1.

Intangible assets are subsequently carried at cost and are not subject to depreciation or impairment.

Subsequent expenditure that is of a capital nature is added to the cost of the asset at the end of the capital project unless the intangible asset is recorded by another department/entity in which case the completed project costs are transferred to that department.

## 17 Provisions and contingents

### 17.1 Provisions

Provisions are recorded in the Notes to the Financial Statements when there is a present legal or constructive obligation to forfeit economic benefits as a result of events in the past and it is probable that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation and a reliable estimate of the obligation can be made. The provision is measured as the best estimate of the funds required to settle the present

obligation at the reporting date.

## **17.2 Contingent liabilities**

Contingent liabilities are recorded in the Notes to the Financial Statements when there is a possible obligation that arises from past events and whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not within the control of the Department or when there is a present obligation that is not recognised because it is not probable that an outflow of resources will be required to settle the obligation or the amount of the obligation cannot be measured reliably.

## **17.3 Contingent assets**

Contingent assets are recorded in the Notes to the Financial Statements when a possible asset arises from past events and whose existence will be confirmed by the occurrence or non-occurrence of one or more uncertain future events not within the control of the Department.

## **17.4 Commitments**

Commitments are recorded at cost in the Notes to the Financial Statements when there is a contractual arrangement or an approval by management in a manner that raises a valid expectation that the Department will discharge its responsibilities thereby incurring future expenditure that will result in the outflow of cash.

## **18 Unauthorised expenditure**

Unauthorised expenditure is recognised in the Statement of Financial Position until such time as the expenditure is either:

- Approved by Parliament or the Provincial Legislature with funding and the related funds are received.
- Approved by Parliament or the Provincial Legislature without funding and is written off against the appropriation in the statement of financial performance.
- Transferred to receivables for recovery.

Unauthorised expenditure is measured at the amount of the confirmed unauthorised expenditure.

## **19 Fruitless and wasteful expenditure**

Fruitless and wasteful expenditure is recorded in the Notes to the Financial Statements when confirmed. The amount recorded is equal to the total value of the fruitless and/or wasteful expenditure incurred.

Fruitless and wasteful expenditure is removed from the Notes to the Financial Statements when it is resolved or transferred to receivables for recovery.

Fruitless and wasteful expenditure receivables are measured at the amount that is expected to be recoverable and are de-recognised when settled or subsequently written-off as irrecoverable.

## **20 Irregular expenditure**

Irregular expenditure is recorded in the Notes to the Financial Statements when confirmed. The amount recorded is equal to the value of the irregular expenditure incurred unless it is impracticable to determine in which case reasons

therefore are provided in the note.

Irregular expenditure is removed from the Notes to the Financial Statements when it is either condoned by the relevant authority transferred to receivables for recovery or not condoned and is not recoverable.

Irregular expenditure receivables are measured at the amount that is expected to be recoverable and are de-recognised when settled or subsequently written-off as irrecoverable.

## 21 Changes in accounting policies accounting estimates and errors

Changes in accounting policies that are effected by Management have been applied retrospectively in accordance with MCS requirements except to the extent that it is impracticable to determine the period-specific effects or the cumulative effect of the change in policy. In such instances, the Department shall restate the opening balances of assets liabilities and net assets for the earliest period for which retrospective restatement is practicable.

Changes in accounting estimates are applied prospectively in accordance with MCS requirements.

Correction of errors is applied retrospectively in the period in which the error has occurred in accordance with MCS requirements except to the extent that it is impracticable to determine the period-specific effects or the cumulative effect of the error. In such cases, the Department shall restate the opening balances of assets liabilities and net assets for the earliest period for which retrospective restatement is practicable.

## 22 Events after the reporting date

Events after the reporting date that are classified as adjusting events have been accounted for in the financial statements. The events after the reporting date that are classified as non-adjusting events after the reporting date have been disclosed in the Notes to the Financial Statements.

## 23 Principal-agent arrangements

Not applicable to the OCJ for the 2015/16 financial year.

## 24 Departures from the MCS requirements

Management has concluded that the financial statements present fairly the Department's primary and secondary information and that the Department complied with the MCS. The OCJ did not depart from a particular requirement to achieve fair presentation.

## 25 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 recognised in the capitalisation reserves when identified in the current period and are transferred to the National/ Provincial Revenue Fund when the underlying asset is disposed and the related funds are received.

## 26 Recoverable revenue

Amounts are recognised as recoverable revenue when a payment made in a previous financial year becomes





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

## **27 Related-party transactions**

A related-party transaction is a transfer of resources services or obligations between the reporting entity and a related party. Related-party transactions within the Minister's portfolio are recorded in the Notes to the Financial Statements when the transaction is not at arm's length.

Key management personnel are those persons having the authority and responsibility for planning directing and controlling the activities of the Department. The number of individuals and their full compensation is recorded in the Notes to the Financial Statements.

## **28 Inventories (effective from 1 April 2017)**

At the date of acquisition, inventories are recorded at cost price in the Notes to the Financial Statements.

Where inventories are acquired as part of a non-exchange transaction the cost of inventory is its fair value at the date of acquisition.

Inventories are subsequently measured at the lower of cost and net realisable value or the lower of cost and current replacement value.

## **29 Public-private partnerships**

Not applicable to the OCJ for the 2015/16 financial year.

## 1. Annual appropriation

### 1.1 Annual appropriation

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

		2015/16		2014/15	
	Final Appropriation	Actual funds received	Funds not requested/ not received	Final appropriation	Appropriation received
	R'000	R'000	R'000	R'000	R'000
Administration	97 787	99 479	(1 692)	-	-
Judicial Support and Court Administration	651 566	649 541	2 025	-	-
Judicial Education and Research	34 026	34 359	(333)	-	-
<b>Total</b>	<b>783 379</b>	<b>783 379</b>	<b>-</b>	<b>-</b>	<b>-</b>

## 2. Statutory appropriation

	2015/16 R'000	2014/15 R'000
Judges' salaries	873 748	-
<b>Total</b>	<b>873 748</b>	<b>-</b>

Actual statutory appropriation received 873 748

## 3. Departmental revenue

	Note	2015/16 R'000	2014/15 R'000
Tax revenue		-	
Sales of goods and services other than capital assets	3.1	533	
Fines penalties and forfeits	3.2	30	
Interest, dividends and rent on land	3.3	21	
Transactions in financial assets and liabilities	3.4	194	
Total revenue collected		778	
Less: Own revenue included in appropriation	19		
<b>Departmental revenue collected</b>		<b>778</b>	

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

	Note 3	2015/16 R'000	2014/15 R'000
Sales of goods and services produced by the Department		532	
Sales by market establishment		84	
Administrative fees		-	
Other sales		448	
Sales of scrap waste and other used current goods		1	
<b>Total</b>		<b>533</b>	

### 3.2 Fines penalties and forfeits

	Note 3	2015/16 R'000	2014/15 R'000
Fines		30	
<b>Total</b>		<b>30</b>	

### 3.3 Interest, dividends and rent on land

	Note 3	2015/16 R'000	2014/15 R'000
Interest		21	
<b>Total</b>		<b>21</b>	

### 3.4 Transactions in financial assets and liabilities

	Note 3	2015/16 R'000	2014/15 R'000
Receivables		194	
<b>Total</b>		<b>194</b>	

## 4. Compensation of employees

### 4.1. Salaries and wages

	Note	2015/16 R'000	2014/15 R'000
Basic salary		932 376	-
Performance award		2 926	-
Service-based		394	-
Compensative/circumstantial		9 273	-
Periodic payments		483	-
Other non-pensionable allowances		288 851	-
<b>Total</b>		<b>1 234 303</b>	-

**4.2. Social contributions**

	<i>Note</i>	<b>2015/16</b> <b>R'000</b>	<b>2014/15</b> <b>R'000</b>
<b>Employer contributions</b>			
Pension		36 032	
Medical		33 238	
UIF		9	
Bargaining council		124	
Official unions and associations		-	
Insurance		-	
<b>Total</b>		<b>69 403</b>	
Total compensation of employees		<b>1 303 706</b>	
Average number of employees		<b>1 613</b>	

**5. Goods and services**

	<i>Note</i>	<b>2015/16</b> <b>R'000</b>	<b>2014/15</b> <b>R'000</b>
Administrative fees		2 079	
Advertising		1 020	
Minor assets	5.1	7 261	
Bursaries (employees)		2	
Catering		911	
Communication		10 446	
Computer services	5.2	17 975	
Consultants: business and advisory services		9 054	
Legal services		1 722	
Contractors		4 018	
Agency and support/outsourced services		6 811	
Entertainment		25	
Audit cost – external	5.3	2 311	
Fleet services		18 372	
Inventory		-	
Consumables	5.4	13 986	
Property payments	5.5	1 378	
Travel and subsistence	5.6	89 004	
Venues and facilities		5 270	
Training and development		1 129	
Other operating expenditure	5.7	4 738	
<b>Total</b>		<b>197 512</b>	

## 5.1. Minor assets

	<i>Note</i>	<b>2015/16</b>	<b>2014/15</b>
	<b>5</b>	<b>R'000</b>	<b>R'000</b>
<b>Tangible assets</b>		<b>7 261</b>	
Buildings and other fixed structures			
Machinery and equipment		7 261	
Services and operating rights			
<b>Total</b>		<b>7 261</b>	

## 5.2. Computer services

	<i>Note</i>	<b>2015/16</b>	<b>2014/15</b>
	<b>5</b>	<b>R'000</b>	<b>R'000</b>
State Information Technology Agency (SITA) computer services		2 995	-
External computer service providers		14 980	-
<b>Total</b>		<b>17 975</b>	<b>-</b>

## 5.3. Audit cost – external

	<i>Note</i>	<b>2015/16</b>	<b>2014/15</b>
	<b>5</b>	<b>R'000</b>	<b>R'000</b>
Regularity audits		2 311	
<b>Total</b>		<b>2 311</b>	

## 5.4. Consumables

	<i>Note</i>	<b>2015/16</b>	<b>2014/15</b>
	<b>5</b>	<b>R'000</b>	<b>R'000</b>
Consumable supplies		1 900	
Uniform and clothing		282	
Household supplies		340	
Building material and supplies		231	
Communication accessories		-	
IT consumables		488	
Other consumables		559	
Stationery printing and office supplies		12 086	
<b>Total</b>		<b>13 986</b>	

**5.5. Property payments**

	<i>Note</i>	<b>2015/16</b>	<b>2014/15</b>
	<b>5</b>	<b>R'000</b>	<b>R'000</b>
Other		1 378	
<b>Total</b>		<b>1 378</b>	

**5.6. Travel and subsistence**

	<i>Note</i>	<b>2015/16</b>	<b>2014/15</b>
	<b>5</b>	<b>R'000</b>	<b>R'000</b>
Local		82 517	-
Foreign		6 487	-
<b>Total</b>		<b>89 004</b>	-

**5.7. Other operating expenditure**

	<i>Note</i>	<b>2015/16</b>	<b>2014/15</b>
	<b>5</b>	<b>R'000</b>	<b>R'000</b>
Professional bodies membership and subscription fees		774	-
Resettlement costs		814	-
Other		3 150	-
<b>Total</b>		<b>4 738</b>	-

**6. Interest and rent on land**

	<i>Note</i>	<b>2015/16</b>	<b>2014/15</b>
		<b>R'000</b>	<b>R'000</b>
Interest paid		13	-
Rent on land		-	-
<b>Total</b>		<b>13</b>	-

*The interest paid was as a result of a late payment of employee contributions to the Government Employees' Pension Fund (GEPF) as a result of PERSAL related challenges after the transfer of functions. The transversal systems of OCJ were only fully operational toward the end of May 2015.*



## 7. Payments for financial assets

	Note	2015/16 R'000	2014/15 R'000
Other material losses written off	7.1	7	
<b>Total</b>		<b>7</b>	

### 7.1. Other material losses written off

	Note	2015/16 R'000	2014/15 R'000
<b>Nature of losses</b>	7		
Repair to Judge's damaged vehicle		7	
<b>Total</b>		<b>7</b>	

*The OCJ has to carry the costs relating to damages to Judges' vehicles if there was no negligence on the part of the Judge.*

## 8. Transfers and subsidies

	Note	2015/16 R'000	2014/15 R'000
Households	Annex 1A	56 214	
<b>Total</b>		<b>56 214</b>	

*Employee social benefits for OCJ officials and Judges on retirement.*

## 9. Expenditure for capital assets

	Note	2015/16 R'000	2014/15 R'000
<b>Tangible assets</b>		<b>97 452</b>	
Machinery and equipment	25	97 452	
Biological assets	25		
<b>Intangible assets</b>		<b>464</b>	
Software	26	464	
<b>Total</b>		<b>97 916</b>	

**9.1. Analysis of funds utilised to acquire capital assets – 2015/16**

	Voted funds R'000	Aid assistance R'000	Total R'000
<b>Tangible assets</b>	<b>97 452</b>		<b>97 452</b>
Buildings and other fixed structures			
Heritage assets			
Machinery and equipment	97 452	-	97 452
<b>Intangible assets</b>	<b>464</b>		<b>464</b>
Software	464	-	464
<b>Total</b>	<b>97 916</b>	<b>-</b>	<b>97 916</b>

**9.2. Finance lease expenditure included in expenditure for capital assets**

	Note	2015/16 R'000
<b>Tangible assets</b>		
Machinery and equipment		76 706
<b>Total</b>		<b>76 706</b>

**10. Cash and cash equivalents**

	Note	2015/16 R'000	2014/15 R'000
Consolidated Paymaster General Account		9 030	-
Cash receipts		7	-
Disbursements		(16)	-
Cash on hand		225	-
Investments (domestic)		29	-
Investments (foreign)		-	-
<b>Total</b>		<b>9 275</b>	<b>-</b>

**11. Prepayments and advances**

	Note	2015/16 R'000	2014/15 R'000
Travel and subsistence		307	-
<b>Total</b>		<b>307</b>	<b>-</b>

### 11.1. Pre-payments (expensed)

	Note	2015/16 R'000	2014/15 R'000
Goods and services		3 230	-
<b>Total</b>		<b>3 230</b>	<b>-</b>

*The expensed pre-payment is for the relocation cost to the new National Office which was budgeted for in the 2015/16 financial year. The Department of Public Works has already contracted a service provider for this purpose.*

## 12. Receivables

	Note	2015/16		Total	2014/15		Total
		Current R'000	Non-current R'000		Current R'000	Non-current R'000	
Claims recoverable	12.1	4 349		4 349			
Recoverable expenditure	12.2	10		10			
Staff debt	12.3	88		88			
Other debtors	12.4	201		201			
<b>Total</b>		<b>4 648</b>		<b>4 648</b>			

### 12.1. Claims recoverable

	Note	2015/16 R'000	2014/15 R'000
National departments	12 and Annex 4	4 349	
<b>Total</b>		<b>4 349</b>	

### 12.2. Recoverable expenditure (disallowance accounts)

	Note	2015/16 R'000	2014/15 R'000
Recoverable debts	12	10	-
<b>Total</b>		<b>10</b>	<b>-</b>

**12.3. Staff debt**

	<i>Note</i> 12	<b>2015/16</b> <b>R'000</b>	<b>2014/15</b> <b>R'000</b>
Departmental staff debts		88	-
<b>Total</b>		<b>88</b>	<b>-</b>

**12.4. Other debtors**

	<i>Note</i> 12	<b>2015/16</b> <b>R'000</b>	<b>2014/15</b> <b>R'000</b>
Staff tax debt		201	-
<b>Total</b>		<b>201</b>	<b>-</b>

**13. Voted funds to be surrendered to the Revenue Fund**

	<i>Note</i>	<b>2015/16</b> <b>R'000</b>	<b>2014/15</b> <b>R'000</b>
Transfer from statement of financial performance (as restated)		1 759	
Voted funds not requested/not received	1.1	-	
<b>Closing balance</b>		<b>1 759</b>	

**14. Departmental revenue and NRF Receipts to be surrendered to the Revenue Fund**

	<i>Note</i>	<b>2015/16</b> <b>R'000</b>	<b>2014/15</b> <b>R'000</b>
Transfer from Statement of Financial Performance (as restated)		778	
Paid during the year		(693)	
<b>Closing balance</b>		<b>85</b>	

**15. Payables – current**

	<i>Note</i>	<b>2015/16</b> <b>R'000</b>	<b>2014/15</b> <b>R'000</b>
Clearing accounts	15.1	12 329	
<b>Total</b>		<b>12 329</b>	<b>-</b>

**15.1. Clearing accounts**

	<i>Note</i> 15	<b>2015/16</b> <b>R'000</b>	<b>2014/15</b> <b>R'000</b>
PAYE		12 329	
<b>Total</b>		<b>12 329</b>	

## 16. Net cash flow available from operating activities

	Note	2015/16 R'000	2014/15 R'000
Net surplus/(deficit) as per Statement of Financial Performance		2 537	
Add back non cash/cash movements not deemed operating activities		104 597	
(Increase)/decrease in receivables – current		(4 648)	
(Increase)/decrease in prepayments and advances		(307)	
(Increase)/decrease in other current assets		-	
Increase/(decrease) in payables – current		12 329	
Expenditure on capital assets		97 916	
Surrenders to Revenue Fund		(693)	
Other non-cash items			
<b>Net cash flow generated by operating activities</b>		<b>107 134</b>	

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

	Note	2015/16 R'000	2014/15 R'000
Consolidated Paymaster General account		9 030	
Fund requisition account		-	
Cash receipts		7	
Disbursements		(16)	
Cash on hand		225	
Cash with commercial banks (local)		29	
Cash with commercial banks (foreign)		-	
<b>Total</b>		<b>9 275</b>	

## 18. Contingent liabilities

### 18.1. Contingent liabilities

Liable to	Nature	Note	2015/16 R'000	2014/15 R'000
Claims against the Department		Annex 3B	2 500	-
<b>Total</b>			<b>2 500</b>	<b>-</b>

Contingent liabilities consist of cases against the Judiciary where the OCJ will be expected to carry the litigation costs, estimated at R2.5 million, of which the outcomes and timing are uncertain.

## 19. Commitments

	Note	2015/16 R'000	2014/15 R'000
<b>Current expenditure</b>			
Approved and contracted		47 254	
Approved but not yet contracted			
<b>Total Commitments</b>		<b>47 254</b>	

*Commitments made to two suppliers, namely The Big O Trading and Motiv8 are for longer than a year.*

## 20. Accruals and payables not recognised

### 20.1 Accruals

			2015/16 R'000	2014/15 R'000
<b>Listed by economic classification</b>				
	30 Days	30+ Days	Total	Total
Goods and services	9 665	1 959	11 624	-
<b>Total</b>	<b>9 665</b>	<b>1 959</b>	<b>11 624</b>	<b>-</b>

	Note	2015/16 R'000	2014/15 R'000
<b>Listed by programme level</b>			
Administration		3 908	-
Judicial Support and Court Administration		6 682	-
Judicial Education and Research		1 034	-
<b>Total</b>		<b>11 624</b>	<b>-</b>

*The accruals mainly relate to travelling services rendered to the OCJ.*

## 21. Employee benefits

	Note	2015/16 R'000	2014/16 R'000
Leave entitlement		12 257	
Service bonus (13 <sup>th</sup> cheque)		12 128	
Performance awards		4 610	
Capped leave commitments		10 922	
Long service awards		427	
<b>Total</b>		<b>40 344</b>	



Included in the leave entitlement is an amount of R664 636.29 representing negative leave which is due to over-grant of leave taken as employees are given full leave credits in January of each year while the information in the financial statement is based on the leave accruals as at 31 March 2016.

## 22. Lease commitments

### 22.1. Finance leases expenditure\*\*

2015/16	Specialised military equipment	Land	Buildings and other fixed structures	Machinery and equipment	Total
Not later than 1 year				23 543	23 543
Later than 1 year and not later than 5 years				38 835	38 835
Later than five years					
<b>Total lease commitments</b>				<b>62 378</b>	<b>62 378</b>

Finance leases relate to the leasing of motor vehicles for Judges through G-Fleet.

## 23. Irregular expenditure

### 23.1. Reconciliation of irregular expenditure

	Note	2015/16 R'000	2014/15 R'000
Opening balance			
Prior period error			
As restated			
Add: Irregular expenditure – relating to prior year			
Add: Irregular expenditure – relating to current year		27	-
Less: Prior year amounts condoned			
Less: Current year amounts condoned		(17)	-
<b>Closing balance</b>		<b>10</b>	<b>-</b>

#### Analysis of awaiting condonation per age classification

Current year	27	
Prior years		
<b>Total</b>	<b>27</b>	

Irregular expenditure was incurred as a result of procurement processes and procedures not being followed when procuring goods and services.

**23.2. Details of irregular expenditure – current year**

Incident	Disciplinary steps taken/criminal proceedings	2015/16 R'000
Procurement processes not followed	Awaiting condonation by Departmental Bid Adjudication Committee (DBAC)	10
Procurement processes not followed	Condoned by DBAC	17
<b>Total</b>		<b>27</b>

**23.3. Details of irregular expenditure condoned**

Incident	Condoned by (condoning authority)	2015/16 R'000
Procurement processes not followed	Condoned by DBAC	17
<b>Total</b>		<b>17</b>

**24. Fruitless and wasteful expenditure****24.1. Reconciliation of fruitless and wasteful expenditure**

	Note	2015/16 R'000	2014/15 R'000
Opening balance			
Prior period error			
As restated			
Fruitless and wasteful expenditure – relating to current year		19	
Less: amounts resolved			
Less: amounts transferred to receivables for recovery	15.6	-	
<b>Closing balance</b>		<b>19</b>	

**24.2. Analysis of awaiting resolution per economic classification**

	2015/16 R'000	2014/15 R'000
Current	19	
Capital		
Transfers and subsidies		
<b>Total</b>	<b>19</b>	

### 24.3. Analysis of current year's fruitless and wasteful expenditure

Incident	Disciplinary steps taken/criminal proceedings	2015/16 R'000
'No shows' for travel, accommodation	Cases still under investigation	6
Interest charged for late payment GEPP	Matter awaiting DBAC for condonement due to late payment of pension fund to GEPP in relation to systems not in place	13
<b>Total</b>		<b>19</b>

## 25. Related party transactions

Note	2015/16 R'000	2014/15 R'000
------	------------------	------------------

The Department has a related party relationship with all the public sector entities falling within the portfolio of the Minister of Justice and Constitutional Development which includes the following:

Department of Justice and Constitutional Development

Department of Correctional Services

The Guardian's Fund

The Legal Aid Board

The President's Fund

The Special Investigation Unit

Third Party Funds

The Human Rights Commission

The Criminal Asset Recovery Account

The Public Protector

**26. Key management personnel**

	No. of Individuals	2015/16 R'000	2014/15 R'000
Political office bearers	2		
Minister of Justice and Correctional Services		-	-
Deputy Minister of Justice and Constitutional Development		-	-
Officials:			
Level 15 to 16	3	4 358	-
Level 14 (incl. CFO if at a lower level)	5	4 569	-
Family members of key management personnel			
<b>Total</b>		<b>8 927</b>	

*The DoJ&CD carries the cost for the political office bearers.*

**27. Movable Tangible Capital Assets****MOVEMENT IN MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR- ENDED 31 MARCH 2016**

	Opening balance R'000	Value adjustments R'000	Additions R'000	Disposals R'000	Closing balance R'000
<b>HERITAGE ASSETS</b>					
Heritage assets					
<b>MACHINERY AND EQUIPMENT</b>			<b>124 161</b>	<b>(9 199)</b>	<b>114 962</b>
Transport assets			18 626	-	18 626
Computer equipment			25 231	(3 801)	21 430
Furniture and office equipment			32 683	(2 056)	30 627
Other machinery and equipment			47 621	(3 342)	44 279
<b>TOTAL MOVABLE TANGIBLE CAPITAL ASSETS</b>			<b>124 161</b>	<b>(9 199)</b>	<b>114 962</b>

## 27.1. Additions

### ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR-ENDED 31 MARCH 2016

	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
<b>HERITAGE ASSETS</b>					
Heritage assets					
<b>MACHINERY AND EQUIPMENT</b>	<b>97 451</b>	<b>99 295</b>	<b>(76 706)</b>	<b>4 121</b>	<b>124 161</b>
Transport assets	85 301	7 768	(74 443)	-	18 626
Computer equipment	3 847	21 312	-	72	25 231
Furniture and office equipment	7 991	23 369	(2 263)	3 586	32 683
Other machinery and equipment	312	46 846		463	47 621
<b>TOTAL ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS</b>	<b>97 451</b>	<b>99 295</b>	<b>(76 706)</b>	<b>4 121</b>	<b>124 161</b>

## 27.2. Disposals

### DISPOSALS OF MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR-ENDED 31 MARCH 2016

	Sold for cash	Non-cash disposal	Total disposals	Cash received (actual)
	R'000	R'000	R'000	R'000
<b>MACHINERY AND EQUIPMENT</b>		<b>9 199</b>	<b>9 199</b>	
Transport assets		-		
Computer equipment		3 801	3 801	
Furniture and office equipment		2 056	2 056	
Other machinery and equipment		3 342	3 342	
<b>TOTAL DISPOSAL OF MOVABLE TANGIBLE CAPITAL ASSETS</b>		<b>9 199</b>	<b>9 199</b>	

**27.3. Minor assets****MOVEMENT IN MINOR ASSETS PER THE ASSET REGISTER FOR THE YEAR-ENDED 31 MARCH 2016**

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
	R'000	R'000	R'000	R'000	R'000	R'000
Additions			334	118 929		119 263
Disposals				(8 837)		(8 837)
<b>TOTAL MINOR ASSETS</b>			<b>334</b>	<b>110 092</b>		<b>110 426</b>

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
Number of R1 minor assets			5 349	280 231		285 580
Number of minor assets at cost			590	125 504		126 094
<b>TOTAL NUMBER OF MINOR ASSETS</b>			<b>5 939</b>	<b>405 735</b>		<b>411 674</b>

**27.4. SCHEDULE 42 (S42): movable capital assets****MAJOR ASSETS SUBJECTED TO TRANSFER IN TERMS OF S42 OF THE PFMA FOR THE YEAR-ENDED 31 MARCH 2016**

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
Number of assets				8 557		8 557
Value of assets (R'000)				99 484		99 484

**MINOR ASSETS SUBJECTED TO TRANSFER IN TERMS OF S42 OF THE PFMA FOR THE YEAR-ENDED 31 MARCH 2016**

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
No. of assets			5 939	424 549		430 488
Value of assets (R'000)			334	111 512		111 846

## 28. Intangible capital assets

### MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR-ENDED 31 MARCH 2016

	Opening balance R'000	Value adjustments R'000	Additions R'000	Disposals R'000	Closing Balance R'000
SOFTWARE			652		652
<b>TOTAL INTANGIBLE CAPITAL ASSETS</b>			<b>652</b>		<b>652</b>

#### 28.1 Additions

### ADDITIONS TO INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR-ENDED 31 MARCH 2016

	Cash R'000	Non-cash R'000	Develop- ment work in progress – current costs R'000	Received current year not paid (paid current year received prior year) R'000	Total R'000
SOFTWARE	464	188			652
<b>TOTAL ADDITIONS TO INTANGIBLE CAPITAL ASSETS</b>	<b>464</b>	<b>188</b>			<b>652</b>



## 29. Transfer of functions

*Provide a description of the changes as a result of the transfer or receipt of functions*

*The transfer of functions from DoJ&CD was with effect from 01 April 2015 and there were no changes as a result of the receipt of functions.*

### 29.1 Notes

Note	Balance per dept 2014/15AFS before transfer 2014/15 R'000	Functions per dept (transferred) / received 2015/16 R'000	Functions per dept (transferred) / received 2015/16 R'000	Functions per dept (transferred) / received 2015/16 R'000	2014/12 Balance after transfer 2015/16 R'000
Movable tangible capital assets		99 295	-	-	99 295
Immovable tangible capital assets		-	-	-	-
Intangible capital assets		188	-	-	188

#### **Description of actions taken to ensure compliance with the PFMA S42:**

*Physical asset verification*

*Re-barcoding of all transferred assets*

*Provided the Accounting Officer of DoJ&CD with a list of discrepancies*

*Acknowledged receipt of all verified assets*

*Departmental Delegations, Financial Circulars and Financial prescripts*

*Human Resource prescripts*

*Departmental Financial Instructions.*

#### **Provide a reference to the proclamation or declaration giving effect to the transfer or receipt of functions:**

*Proclamation No.44 of 2010 by the President of the Republic of South Africa.*

*Determination by the Minister of Public Service and Administration on 31 March 2015.*

#### **Indicate whether there was an agreement drawn up and provide a description of roles responsibilities and accountability arrangements.**

*A Service Level Agreement has been signed by the Accounting Officers of the OCJ and DOJ&CD to govern the retained and shared services as well as the transition.*

### 30. Events after reporting date

Nature of event	2015/16 R'000
Include an estimate of the financial effect of the subsequent non-adjusting events or a statement that such an estimate cannot be made	
Total	

*The management of OCJ is not aware of any material events which occurred after the reporting date and up to the date of this report which requires adjustment or additional disclosures to the financial statements.*

## STATEMENT OF TRANSFERS TO HOUSEHOLDS

	TRANSFER ALLOCATION				EXPENDITURE		2014/15
	Adjusted	Roll-	Adjust-	Total	Actual	% of	
	Appropriation Act R'000	overs R'000	ments R'000	available R'000	transfer R'000	funds transferred %	
<b>HOUSEHOLDS</b>							
<b>Transfers</b>							
Employee social benefits Judges'	52 294			52 294	54 860	105%	-
Employee social benefits					1 282		
Claim against State	-	-	-	-	72	-	-
	52 294	-	-	52 294	56 214		
<b>Subsidies</b>							
<b>TOTAL</b>	<b>52 294</b>	<b>-</b>	<b>-</b>	<b>52 294</b>	<b>56 214</b>	<b>-</b>	<b>-</b>

ANNEXURE 1B

STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS RECEIVED

NAME OF ORGANISATION	NATURE OF GIFT, DONATION OR SPONSORSHIP	2015/16 R'000	2014/15 R'000
<b>Received in kind</b>			
Gatehouse Commercial	Gatehouse Commercial utilised the façade of the Western Cape High Court for a production of a commercial. A donation of R2 000.00 was made as a gesture of goodwill	2	
Attorneys MacGregor and Erasmus	Training offered by private litigants at the Durban High Court	12	
<b>Sub-total</b>		<b>14</b>	
<b>TOTAL</b>		<b>14</b>	

ANNEXURE 1C

STATEMENT OF GIFTS DONATIONS AND SPONSORSHIPS MADE

NATURE OF GIFT DONATION OR SPONSORSHIP (Group major categories but list material items including name of organisation)	2015/16 R'000	2014/15 R'000
<b>Made in kind</b>		
Flowers and book for Judge`s farewell	1	
Gifts for Western Cape Long Service Awards	2	
<b>TOTAL</b>	<b>3</b>	

## STATEMENT OF CONTINGENT LIABILITIES AS AT 31 MARCH 2016

Nature of liability	Opening Balance 1 April 2015 R'000	Liabilities incurred during the year R'000	Liabilities paid/ cancelled/ reduced during the year R'000	Liabilities recoverable (provide details hereunder) R'000	Closing balance 31 March 2016 R'000
<b>Claims against the Department</b>					
Cases against the Judiciary where the OCJ will be expected to carry the litigation costs		2 500			2 500
<b>Sub-total</b>	-	2 500	-	-	2 500
<b>TOTAL</b>	-	2 500	-	-	2 500
Helen Suzman Foundation vs Judicial Service Commission (JSC) Justices Nkabinde and Jafta vs JSC and others Snail vs JSC and others.					

## ANNEXURE 4

### CLAIMS RECOVERABLE

Government entity	Confirmed balance outstanding		Unconfirmed balance outstanding		Total		Cash in transit at year end 2015/16 *	
	31/03/2016 R'000	31/03/2015 R'000	31/03/2016 R'000	31/03/2015 R'000	31/03/2016 R'000	31/03/2015 R'000	Receipt date up to six (6) working days after year end	Amount R'000
<b>Department</b>								
Department of Justice and Constitutional Development	4 241	-	-	-	4 241			
<b>Economic Development Department</b>	27				27			
	4 268				4 268			
<b>Other Government Entities</b>								
Gauteng Liquor Board				56	56			
The National Prosecuting Authority				24	24			
				80	80			
<b>TOTAL</b>	4 268			80	4 348			

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