

# ANNUAL REPORT

2012 | 13



DEPARTMENT OF JUSTICE AND  
CONSTITUTIONAL DEVELOPMENT



**the doj & cd**

Department:  
Justice and Constitutional Development  
**REPUBLIC OF SOUTH AFRICA**



PALM RIDGE MAGISTRATES COURT

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# ANNUAL REPORT

2012 | 13

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

**Minister Jeffrey Thamsanqa Radebe, MP**  
Minister of Justice and Constitutional Development

I have the honour of submitting this annual report of the Department of Justice and Constitutional Development for the period 1 April 2012 to 31 March 2013.



**Ms Nonkululeko Sindane**  
*Accounting Officer*

31 August 2013



# ANNUAL REPORT

2012 | 13

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

“ *Everyone is equal before the law and has the right to equal protection and benefit of the law.* ”

— *Bill of Rights, The Constitution of the Republic of South Africa, 1996*

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# PART A

## GENERAL INFORMATION



*“ The courts are independent and subject only to the Constitution and the law, which they must apply impartially and without fear, favour or prejudice. ”*

*— Chapter 8, Section 165(2), The Constitution of the Republic of South Africa, 1996*

# PART A: GENERAL INFORMATION

## 1. STRATEGIC OVERVIEW

### 1.2. VISION

A transformed and accessible justice system which promotes and protects social justice and the rule of law.

### 1.3. MISSION

To provide transparent, responsive and accountable justice services for all.

### 1.4. VALUES

The Department has the following values:

- (i) Commitment to constitutional values and a culture of human rights
- (ii) Promotion of the rule of law
- (iii) Batho Pele
- (iv) Good governance
- (v) Ubuntu
- (vi) Professionalism and continuous improvement
- (vii) Transparency

### 1.5. STRATEGIC OUTCOME-ORIENTATED GOALS

The strategic objectives of the Department are as follows:

- (i) Increased accountability, effectiveness and efficiency of the Department of Justice and Constitutional Development
- (ii) Improved effectiveness and efficiency in the delivery of justice services
- (iii) Transformed legal services to protect and advance the interests of government and citizens, and promote constitutional development
- (iv) Effective leadership of the Justice, Crime Prevention and Security (JCPS) Cluster in the delivery of Outcome 3.

## 2. LEGISLATIVE AND OTHER MANDATES

The Department derives its statutory mandate from various statutes and pieces of subordinate legislation. The following are categories of functions emanating from different legislative instruments:

- (i) Legislation providing for the establishment and functioning of the superior courts, magistrate's courts and special courts (the Constitutional Court Complementary Act, Act No. 13 of 1995, the Supreme Court Act, Act No. 59 of 1959, the Magistrates' Courts Act, Act No. 32 of 1944, and the Small Claims Court Act, Act No. 61 of 1984).
- (ii) Legislation providing for the appointment of judges and other

judicial officers, their conditions of service, discipline and training (the Judges' Remuneration and Conditions of Employment Act, Act No. 47 of 2001, the Judicial Service Commission Act, Act No. 9 of 1994 (as amended), the South African Judicial Education Institute Act, Act No. 14 of 2008, and the Magistrates' Act, Act No. 90 of 1993).

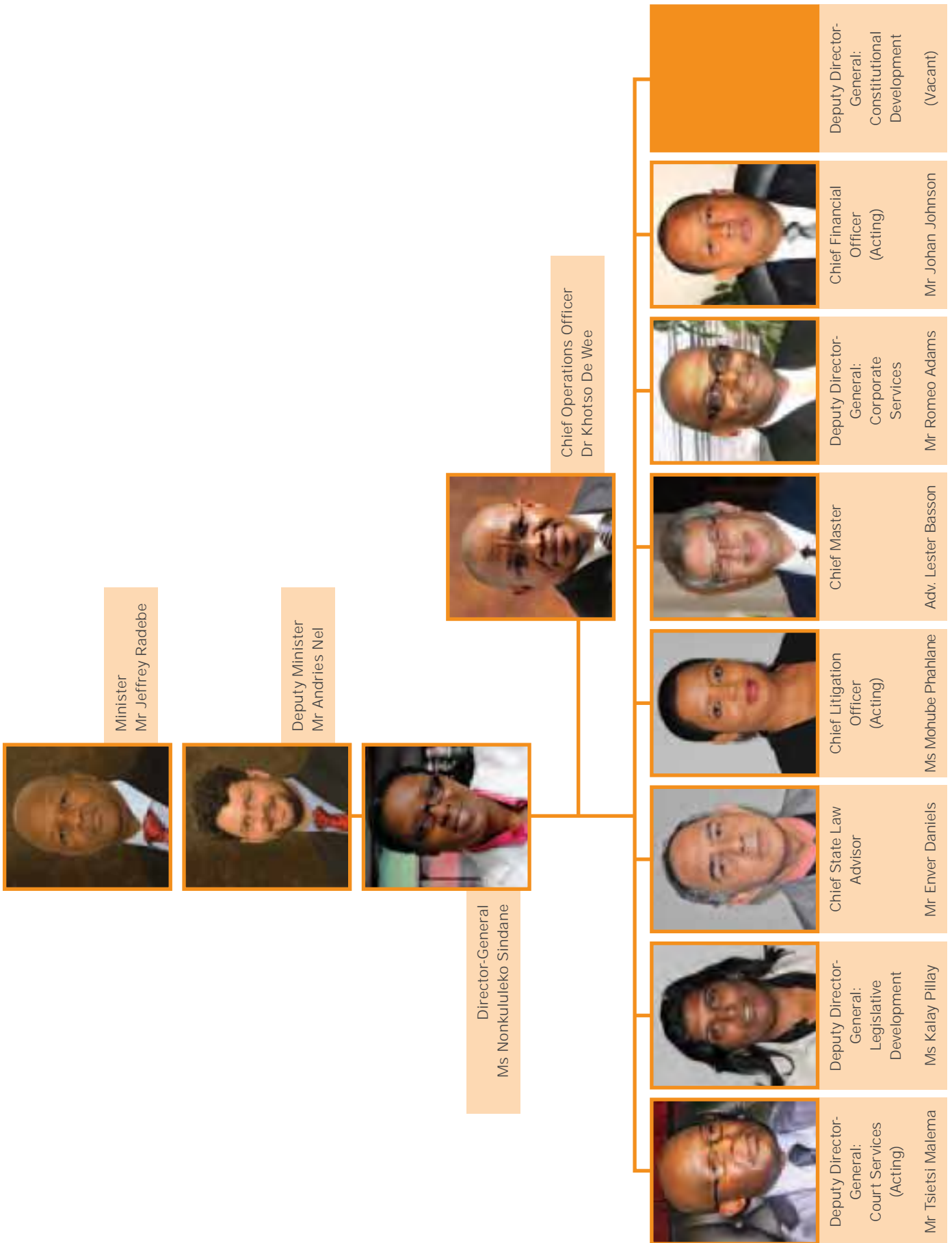
- (iii) Legislation providing for the appointment of Masters of the high courts and the administration of the Guardian's Fund and deceased and insolvent estates (the Administration of Estates Act, Act No. 66 of 1965, and the Insolvency Act, Act No. 24 of 1936).



- (iv) Legislation regulating the provisioning of legal advisory services to government departments (the State Attorneys Act, Act No. 57 of 1957).
- (v) Legislation relating to the promotion, protection and enforcement of certain human rights (the Promotion of Administrative Justice Act, Act No. 3 of 2000, the Promotion of Access to Information Act, Act No. 2 of 2000, and the Promotion of Equality and Prevention of Unfair Discrimination Act, Act No. 4 of 2000).
- (vi) Legislation pertaining to the protection of vulnerable groups (the Child Justice Act, Act No. 75 of 2008, the Children's Act, Act No. 38 of 2005, the Criminal Law (Sexual Offences and Related Matters) Amendment Act, Act No. 32 of 2007).
- (vii) Legislation providing for the establishment and functioning of the National Prosecuting Authority, the Asset Forfeiture Unit, the Special Investigating Unit, as well as the conduct of criminal proceedings, the investigation of organised crime and corruption, and the forfeiture of assets obtained through illicit means (the National Prosecuting Authority Act, Act No. 32 of 1998, the Criminal Procedure Act, Act No. 51 of 1977, the Prevention of Organised Crime Act, Act No. 121 of 1998, the Special Investigation Units and Special Tribunals Act, Act No. 74 of 1996, and the Witness Protection Act, Act No. 112 of 1998).
- (viii) Legislation providing for the establishment and functioning of bodies responsible for legal aid, law reform and rule-making (the Legal Aid Act, Act No. 22 of 1969, the South African Law Reform Commission Act, Act No. 19 of 1973, and the Rules Board for Courts of Law Act, Act No. 107 of 1985).
- (ix) The Maintenance Act, Act No. 99 of 1998, and the Domestic Violence Act, Act No. 116 of 1998.
- (x) Legislation providing for support to Chapter 9 institutions (the Human Rights Commission Act, Act No. 54 of 1994, and the Public Protector Act, Act No. 23 of 1994).
- (xi) Legislation pertaining to debt collectors and sheriffs (Debt Collectors Act, Act No. 114 of 1998, and the Sheriffs Act, Act No. 90 of 1986).



### 3. ORGANISATIONAL STRUCTURE



## 4. ENTITIES REPORTING TO THE MINISTER

The table below indicates the entities that report to the Minister of Justice and Constitutional Development.

Name of entity	Legislative mandate	Financial relationship	Nature of operations
Council for Debt Collectors	Debt Collectors Act (Act No. 114 of 1998)	No financial relationship	Monitors the conduct and professionalism of debt collectors, promoting a culture of good governance and thus protecting the public and creditors.
Legal Aid South Africa (Legal Aid SA)	Legal Aid Act (Act No. 22 of 1969)	Transfer payment	Renders or makes available legal aid to indigent persons and provides legal representation at the State's expense.
Rules Board for Courts of Law	Rules Board for Courts of Law Act (Act No. 107 of 1985)	Part of the vote in the Legislative Development and Law Reform Branch	Reviews existing rules of courts and subject to the approval of the Minister, makes, amends or repeals rules for the Supreme Court of Appeal, high and lower courts.
South African Board for Sheriffs	Sheriffs Act (Act No. 90 of 1986)	No financial relationship	Monitors services of the sheriffs and deputies and ensure that the services are executed in terms of the Code of Conduct for Sheriffs.
South African Law Reform Commission (SALRC)	South African Law Reform Commission Act (Act No. 19 of 1973)	Part of the vote in the Legislative Development and Law Reform Branch	Conducts research regarding the development, improvement, modernisation or reform of all branches of the law of South Africa.
Special Investigating Unit (SIU)	Special Investigating Unit and Special Tribunals Act (Act No. 74 of 1996)	Transfer payment	Provides professional forensic investigations and litigation services to all State institutions at national, provincial and local level.





## 5. FOREWORD BY THE MINISTER

Reaching a 20<sup>th</sup> anniversary is a very important milestone for a constitutional democracy such as ours, which has and continues to grapple with a massive burden of reversing the impact of the legacy of more than 300 years of colonialism and apartheid. It is therefore important to view the impact of our government's programmes broadly and of the justice sector, in particular, in the context of the general elections that are just under a year away. As we prepare ourselves for the fourth elections since the advent of democracy in 1994, we do so with full conviction that we, as a nation, have made great strides in our quest to establish a democratic, non-racial, non-sexist and prosperous society.

While acknowledging that 20 years cannot completely undo the legacy of inequality and deprivation created by colonialism and apartheid, the National Development Plan (NDP), which is premised on Vision 2030, sets out a clear path to redress

the inequalities and injustices of the past. This plan builds on the foundation laid by the Reconstruction and Development Plan (RDP), which has formed the basis for the government's policies, legislation and programmes that continue to guide this country from a deeply divided past to a future espoused by our democratic Constitution. These policies and programmes have yielded delivery outcomes such as access to housing, basic education, health care, water and social security to millions of our people.

Not only does the NDP consolidate and enhance these gains, but it also provides a formidable road map to address the persistent inequality, underdevelopment, poverty, unemployment, crime and corruption, among other things, that threaten to erode the fruits of our hard-earned democracy. In particular, it also lays the foundation for further work for the Justice, Crime Prevention and Security (JCPS) Cluster in that it sets the objective that: "In 2030, people living in South Africa feel safe at home, at school and at work, and they enjoy a community life free of fear. Women walk freely in the streets and children play safely outside. The police service is well-resourced and professional, staffed by highly skilled officers who value their work, serve the community, safeguard lives and property without discrimination, protect the peaceful against violence, and respect the rights to equality and justice."

From the perspective of the administration of justice, the almost two decades of our constitutional democracy has yielded a legitimate institutional and legislative framework to realise the transformative objective of our Constitution, which is our supreme law of the land. At the pinnacle of this institutional framework is the Constitutional Court, which has a pivotal role in leading the transformation of our jurisprudence, and the law, which underpins our endeavour to advance a rights-based society and constitutionalism. The project on the assessment of the impact of the jurisprudence emanating from our Constitutional Court and the Supreme Court of Appeal that will get underway soon will assist in identifying and addressing some of the gaps in the State machinery that hinder the full implementation of the decisions of our highest courts and the full emancipation of our society.



Great strides have also been made in establishing and strengthening the institutions supporting our constitutional democracy. Among these institutions are the Public Protector and the South African Human Rights Commission (SAHRC), which are some of the justice institutions aimed at promoting and upholding the rule of law. These institutions, which are of great value to our society, have continued to perform important tasks through which they hold government accountable for its programmes and actions. The National Prosecuting Authority (NPA) and Legal Aid South Africa (Legal Aid SA) also contribute substantively to the realisation of the goals of our Constitution.

The NPA continues to make notable achievements, which, in turn, yield impressive results in our quest to improve the performance of the courts and thereby sustain and enhance the high conviction rates. The Asset Forfeiture Unit (AFU), a component of the NPA, continues to make great strides in its endeavour to combat corruption by diverting gains earned through illicit means to programmes aimed at strengthening our criminal justice system. Legal Aid SA, on the other hand, ensures that the poor, children and other vulnerable members of our society are accorded legal aid in order to enjoy the equal protection and benefit of the law, which is a basic human right.

In a period of almost two decades, Parliament has enacted 1 294 laws (Acts of Parliament), while the Executive has adopted and implemented a huge amount of policy plans during the same period. Of the legislation enacted, 148 are attributed to the justice sector. This body of legislation focuses mainly on the following pillars of the justice system:

- Deepening democracy and constitutionalism and advancing the rule of law
- Transforming the judiciary and the administration of justice broadly
- Fighting crime and corruption
- Broadening/widening access to justice

An important aspect of the State is the constitutional order that requires our judiciary and other institutions involved with the administration of justice to reflect

the racial, gender and other constitutional characteristics of the South African society. We have uncompromisingly made great strides to realise this goal.

In respect of the judiciary in particular, the appointment of female judges has been slower than was initially anticipated. Of a total of 311 judges appointed since the establishment of the Judicial Service Commission in 1994, only 76 are women.

In respect of the magistrates, only 687 are women out of a total number of 1 661. This is a matter of grave concern to government and both the Judicial Service Commission and the Magistrates' Commission, which plays a vital role in the achievement of the imperative explicitly stated in section 174 of the Constitution: "... the need for the judiciary to reflect broadly the racial and gender composition of South Africa must be considered when judicial officers are appointed." Government and these commissions continue to implement rigorous measures to address this challenge. These steps include the transformation of the legal profession, which largely constitutes the pool from which judicial officers are appointed.

It is for this reason that the Department had prioritised the Legal Practice Bill. This bill, which was introduced in May 2012 and is currently before Parliament, seeks, in the main, to establish a single regulatory structure that will be responsible for setting the norms and standards for all legal practitioners. Members of the public, as primary beneficiaries of the legal profession, will also be represented in this structure. Other important objectives of the bill are the removal of barriers of entry to the profession for young law graduates who aspire to pursue a legal career, and the introduction of measures aimed at ensuring that fees chargeable for legal services are reasonable and within reach of ordinary citizens. On the other hand, initiatives to transform State Legal Services are aimed at improving the strategic management of State litigation and thereby ensuring efficiency, effectiveness and the proper utilisation of resources used in providing litigation services to the State. One of the initiatives is an increase in the allocation of briefs to legal practitioners from previously disadvantaged individuals (PDIs), which

is aimed at targeting more women, in particular. Administrative processes to create the post of Solicitor-General are underway.

Access to justice remains our flagship programme and a substantial part of our budget is earmarked for the achievement of this goal. This programme, which is part of our Court Services mandate, entails mainly the building and distribution of court facilities and offices of the Master of the High Court, which are our prime service delivery centres. Through our capital works programmes, we have built 43 courts, mainly in rural areas and the historically black townships, since 1994. This brings the number of courts distributed throughout the country to 762. During the period under review, the Katlehong and Gelvandale magistrate's courts were officially opened. The rationalisation of the areas of jurisdiction of the courts, which seeks to redress the racial-based judicial demarcations of the erstwhile Republic of South Africa and homeland territories, is part of our Access to Justice Programme.

As part of the constitutionally mandated rationalisation project, the Department has converted and redesignated 24 branch courts out of a total of 90 into full-service courts. These proclaimed self-standing detached courts have been upgraded and equipped to provide additional services relating to civil and family law services, maintenance, small claims and deceased estates, together with their additional criminal adjudication.

Through the small claims courts, indigent litigants are able to obtain legal redress for claims of up to R12 000 without any assistance from a lawyer. During the financial year, the Department has increased the number of small claims courts by an additional 16 to a total of 263 courts.

The reintroduction of designated sexual offences courts attests to our unrelenting resolve to eliminate the scourge of gender-based violence, which undermines the right to gender equality and protection of the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) communities. Forty-seven of our regional courts have been upgraded and equipped with modern technology to operate as dedicated sexual

offences courts during the 2013/14 financial year. We believe that these courts will help address the growing challenge of sexual offences in the country, particularly against vulnerable groups.

An independent and transformed judiciary will increase the trust the public has in the discharging of justice without fear or favour and will further affirm the country's commitment to the rule of law. The Department has supported initiatives to enhance the independence of the judiciary since 1994. During the year under review, the Constitution Seventeenth Amendment Act, which asserts the Chief Justice as the head of the judiciary, was enacted and assented into law by the President. Intertwined with the Constitution Seventeenth Amendment Act is the Superior Courts Act, which sets out a structure and arrangements of superior courts. This Act was passed by both houses of Parliament and awaits to be assented into law by the President. The promulgation of both the Constitution Seventeenth Amendment Act and the Superior Courts Act, once the President has signed the latter bill into law, is expected to take place early in the 2013/14 financial year.

Steps to enhance the capacity of the Office of the Chief Justice, including the appointment of key personnel, continue unabated. Among these is the appointment of Ms Memme Sejosengwe as Secretary-General in the Office of the Chief Justice. The regulations through which administrative functions relating to the superior courts will be transferred to the Office of the Chief Justice will be finalised soon after the promulgation of the Superior Courts Act. This Act and its regulations will set us on a path to the ultimate attainment of a judiciary-led court administration.

We are pleased with the progress made in the implementation of the Truth and Reconciliation Commission recommendations. The process of the payment of individual reparations is drawing to a close, with only 40 out of the initial 16 707 individuals remaining to be paid. It is also encouraging that the remaining regulations on health, basic education, higher education and housing are due to be completed in 2013/14 to allow beneficiaries access to these services.

The Department of Justice and Constitutional Development has led the JCPS Cluster proudly since the fourth administration resolved in 2009 to continue to deal with the critical work started under previous administrations to improve the Criminal Justice System (CJS) value chain. In general, and notwithstanding various challenges (including resource constraints), good progress has been made in terms of the deliverables of both the implementation of the Criminal Justice System's Review Seven-point Plan and the JCPS Cluster's Delivery Agreement in terms of the government priority relating to Outcome 3: "All people in South Africa are and feel safe." The JCPS Cluster operates at national and provincial levels. At national level, strategy, policy, and monitoring and evaluation are being dealt with, while tactical and operational issues receive attention at provincial level.

In this regard, the Cluster has continued to play an important role in coordinating the planning for, and the execution of all law enforcement, crime combating and other operations relating to safety, security and stability between the member departments of the JCPS Cluster. In general, the performance of the Cluster was very positive and will contribute to the achievement of the Outcome 3 outputs and the various other priorities set by government by 2014 in the fulfilment of our constitutional obligation.

Work on appropriate capacity and resourcing continues across the CJS value chain. Critical interventions at the CJS "front-end", including more resourcing and capacity to deal with crime scene investigation, forensic analyses, fingerprinting and investigation, prosecutions, the judiciary and legal aid, have been focus areas over the past few years. I am pleased to report that there have been substantial improvements in speedier and more effective service delivery in these areas.

I am very grateful that we can indicate that the highlights of the past few years include the hugely successful role the Cluster played in managing all security and court administration-related activities for the international events that were held in South Africa, such as the International Federation of Football Association (FIFA) Soccer World Cup in 2010, the Orange Africa Cup of Nations (AFCON) soccer event in 2013 and numerous other big events that were safely and successfully hosted.

An integrated approach to safety and security requires coordinated activities across various departments, the private sector and community bodies. In this regard, the Cluster has played a crucial role in ensuring coordination across the whole value chain of the CJS. This successful coordination has led to a significant reduction in serious crime, as reflected in the statistics released annually by the Minister of Safety and Security, improved court efficiency, including the development and implementation of interdepartmental protocols to guide and streamline interaction between JCPS departments, significantly reduced case backlogs and the removal of more than 82 271 cases from the court rolls from 1 November 2006 until the end of March 2013 (comprising 57 668 cases finalised, 21 932 cases withdrawn and 2 671 cases transferred to higher courts). It has also assisted in the fight against corruption and the successful conviction of 42 criminals involved in corruption pertaining to illicit gains of more than R5 million per case and the seizing and freezing of illicitly obtained assets of hundreds of millions of rands, as well as revitalised community policing and safety forums. A safer cyber space is an objective that the Cluster is pursuing as this has a negative effect on the economy.

The Chief Justice has also embraced case flow management, and a process to set uniform standards and norms for the judiciary will be dealt with by his office. Case flow management operates at national, provincial and local levels. At these meetings (normally held monthly), all relevant JCPS role-players are involved to address possible blockages in the finalisation of cases.

The impact of the Cluster's work in general can be summarised that people are beginning to be safe, and also feel safe. This was confirmed by recent crime surveys, which indicate that victims of crime are beginning to see some positive results in the fight against crime and an improvement in the treatment of victims.

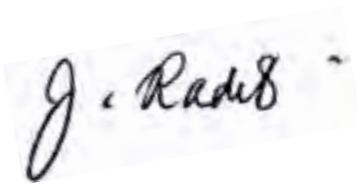
I am pleased that the Department has achieved one of its key objectives of receiving an unqualified audit opinion from the Auditor-General for the 2012/13 financial year. We are grateful that the

Director-General led the Department to this important achievement, as well as for the hard work and dedication of the officials, who performed under challenging circumstances. Similarly, this could not have been achieved without the guidance of the Internal Audit Unit, the Audit Committee of the Department and the Auditor-General.

I would like to take this opportunity to thank Chief Justice Mogoeng Mogoeng and the entire judiciary, Deputy Minister Andries Nel, who had left the Department by the time this report was finalised, Advocate Jiba and the staff of the NPA, the chairpersons and staff of Legal Aid SA, the staff of the SIU, my Cabinet colleagues and members of the JCPS Cluster, the Portfolio Committee on Justice and Constitutional

Development, the Select Committee on Security and Constitutional Development, the Chapter 9 institutions and all other stakeholders for their ardent support. I also take this opportunity to welcome Mr John Jeffery who has taken up the portfolio of Deputy Minister in the department.

Finally, I would like to express my gratitude to the officials of the Department of Justice and Constitutional Development, under the able leadership of Ms Nonkululeko Sindane, who continue to ensure that the Department and the JCPS Cluster carry out their mandates and obligations as indicated above. The dedication, commitment and sacrifices of all officials to redress the negative audit report that has persisted for the past seven years are starting to pay dividends.

A handwritten signature in black ink, appearing to read "J. Radebe", is placed on a small, light-colored rectangular piece of paper.

**Mr Jeffrey Radebe, MP**  
*Minister of Justice and Constitutional Development*





## 6. OVERVIEW OF THE ACCOUNTING OFFICER

Despite numerous internal and external challenges, the Department improved its performance during the 2012/13 financial year, compared to the previous year. Most of the strategic interventions initiated in the last few years have begun to bear fruit, and for that, tribute should be given to the officials of the Department and our key stakeholders.

The Department continued to support the finalisation of criminal, civil and family law cases by providing support services to the courts, as detailed in this annual report. In addition, crucial projects were undertaken to improve our services to the courts. One of these is the digitisation of court records, which began with the seven busiest courts. To date, over four million case records

have been digitised and stored offsite. This not only reduces the risk of the loss and destruction of records, but frees storage space and makes archived records easily retrievable. This project will continue into the new financial year.

The automation project in the Office of the Master of the High Court has reached a very important milestone. The newly established Nelspruit office is the first to exclusively use online processing for deceased estate cases. This Paperless Estate Administration System (PEAS) will be further rolled out to additional offices in line with available resources.

In line with our strategic commitments made in the 2011/12 financial year, we have improved maintenance and Guardian's Fund services for the benefit of vulnerable groups, who often are in dire need of these resources. The prioritisation of these services has resulted in eliminating queues in courts and paying beneficiaries' monies into their bank accounts, thus reducing the time and cost of travel. I am proud that service delivery in this key area of our business has been improving very well. A major achievement for the year is the implementation of electronic funds transfer (EFT) at court level. To date, 310 courts are paying maintenance using EFT, with the North West region having all the courts on EFT payments. This means that beneficiaries receive funds in their bank accounts within four days of receipt of payment schedules from employers. In addition, 83% of beneficiaries of the Guardian's Fund are paid through EFT. This project will be intensified during the 2013/14 financial year.

Although the Guardian's Fund has received a clean audit for the past three years and has performed well, allegations of mismanagement and fraud against the Guardian's Fund offices in Pietermaritzburg and Pretoria have remained. As the Accounting Officer, I felt it necessary to engage the services of the Special Investigating Unit (SIU) for an independent investigation that would bring comfort to the public and other stakeholders. The proclamation has since been issued and the investigation is underway. We keenly await the report.

The Department plays a leading role in the implementation of Outcome 3 of government: "All people are and feel safe."

During 2012/13, the Cluster intensified interventions on protecting the vulnerable groups in society, and steady progress has consequently been made regarding, among others, the following:

- Implementation of the Child Justice Act, Act No. 75 of 2008, and the Child Justice National Policy Framework in 2010
- Coordination through intersectoral committees, headed by the Director-General, and dealing with child justice and sexual offences matters in an integrated manner
- Development of an interventionist strategy to address gender- and sexual orientation-based violence against lesbian, gay, bisexual, transsexual and intersex (LGBTI) persons.

The Integrated Justice System project, which was initiated to integrate information technology (IT) systems from different entities in the JCPS Cluster for the seamless sharing of data, had been marred with implementation challenges for a number of years. However, in the past financial year, tangible results were realised. We are proud that 99 police stations share docket information with 20 courts on a daily basis. For example, the Alberton Magistrate's Court shares docket information with the Thokoza, Brackendowns and Alberton police stations. Another key highlight of this programme is progress on the development of the person identification and verification application (PIVA). System development and testing was completed and the solution was deployed to two pilot sites, the Cullinan and Mamelodi police stations.

Following the increase in budget allocation to improve the Department's IT infrastructure, significant progress has been made in a number of areas. The development, approval and implementation of the Information and Communication Technology (ICT) Governance Framework, which includes the formation of governance

structures, began during the year under review and further implementation will continue during the 2013/14 financial year. In line with the objective of using ICT as an enabler, a major IT infrastructure renewal project was undertaken during the year under review. Under this project, 4 000 desktops, 1 600 laptops, 173 servers and 260 data lines were procured. This project will enable the Department to implement business solutions, such as the Integrated Case Management Solution (ICMS), and therefore increase efficiency and service delivery.

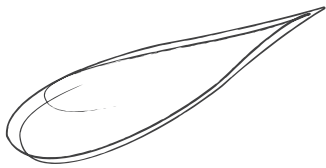
Unavoidable budget cuts continued to affect the implementation of key projects in the Department. During the 2012/13 financial year, approval was requested from National Treasury to divert funds earmarked for capital infrastructure to alleviate a shortfall in security infrastructure and property rates and taxes. We are grateful to National Treasury for its support in extending additional funding for critical areas of the Department, and we will continue working together to weather the economic storm while remaining creative in delivering our mandate.

One of our key strategic objectives was to improve the administration of our Department and achieve an unqualified audit opinion on our vote account. Over the last two financial years, the Department has worked tirelessly to achieve this. It is my honour, pride and joy to present an unqualified annual report for the 2012/13 financial year. I am proud that the Department, through hard work and dedication, has achieved this objective, but also mindful of the fact that this good work needs to continue in order to sustain this positive audit outcome. This progress would not be possible without loyal, committed and dedicated officials of the Department of Justice and Constitutional Development, who make the wheels of justice turn a little faster, often under difficult circumstances.

I would also like to express my sincere appreciation to the Audit Committee, the Auditor-General and the Internal Audit Unit for their oversight, support and assurance throughout this journey.

I wish to extend my deepest appreciation to Minister Jeffrey Radebe, MP, and Deputy Minister Andries Nel, MP, in particular, for their unwavering leadership, guidance and support. I would also like to thank the judiciary, the Portfolio Committee on Justice

and Constitutional Development, the NPA, Legal Aid South Africa, the JCPS Cluster, the SIU, Chapter 9 institutions and all stakeholders of the Department of Justice and Constitutional Development for their support and guidance during the year under review.



**Ms Nonkululeko Sindane**

*Director-General: Justice and Constitutional Development*





# PART B

## PERFORMANCE INFORMATION



*“ We, the people of South Africa,  
Recognise the injustices of our past;  
Honour those who suffered for justice and freedom in our land;  
Respect those who have worked to build and develop our  
country; and  
Believe that South Africa belongs to all who live in it, united in  
our diversity. ”*

*— Preamble to The Constitution of the Republic of South Africa, 1996*

# PART B: PERFORMANCE INFORMATION

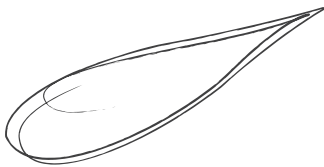
## 1. STATEMENT OF RESPONSIBILITY FOR PERFORMANCE INFORMATION FOR THE YEAR ENDED 31 MARCH 2013

The Accounting Officer is responsible for the preparation of the Department's performance information and for the judgments made in this information.

The Accounting Officer is responsible for establishing and implementing a system of internal control designed to

provide reasonable assurance as to the integrity and reliability of performance information.

In my opinion, the performance information fairly reflects the performance information of the Department for the financial year ended 31 March 2013.



**Ms Nonkululeko Sindane**  
*Accounting Officer*

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

Refer to page 105 of the Report of the Auditor-General, published as Part D: Financial Information.

## 2. OVERVIEW OF DEPARTMENTAL PERFORMANCE

### 3.1 SERVICE DELIVERY ENVIRONMENT

The year under review presented a number of challenges in relation to the service delivery environment. Firstly, there were fire outbreaks at the Polokwane Magistrate's Court (Limpopo), Inkanyezi Magistrate's Court (KwaZulu-Natal) and Bisho Master's Office (Eastern Cape), which not only affected service delivery, but required senior management intervention to bring service delivery back on track. Secondly, the Department committed resources to assist with the Marikana Commission of Inquiry, over and above the Arms Procurement Commission that was approved in the previous financial year.

Thirdly, a number of labour relations issues had to be dealt with regarding officials at court level and in the National Office. Lastly, the budget cuts that came as a result of a difficult economic climate made it difficult to implement all planned projects. Despite these challenges, service delivery throughout the Department continued. These services included the following:

- Supporting members of the judiciary and prosecution with infrastructure and people to enable them to deal with civil, criminal and family law matters in lower, superior and specialised courts throughout the country.
- Carrying out maintenance services throughout the value chain.
- Handling matters relating to vulnerable groups, including the implementation of the Domestic Violence Act, the Children's Act and the Child Justice Act.
- Intervening in family matters for the interest and protection of children, through the Office of the Chief Family Advocate.
- Handling matters involving deceased estates, insolvencies, curatorships, trusts and Guardian's Fund payments,

through the Office of the Master of the High Court.

- Providing litigation services for civil cases against the State, through the Office of the Chief Litigation Officer.
- Issuing expungements and pardons of criminal records to qualifying clients.
- Issuing legal opinions, and scrutinising and certifying of bills, subordinate legislation or regulations and international agreements, and providing legal advice to the Executive through the Office of the Chief State Law Advisor.

In this section, a detailed performance overview of each of these services is provided, and key projects undertaken to improve performance are discussed.

#### 3.1.1 KEY PROJECTS SUPPORTING SERVICE DELIVERY

##### a) Implementation of electronic funds transfer payments to clients

A major area of success for the Department is the implementation of electronic funds transfer (EFT) for payments made to maintenance and Guardian's Fund beneficiaries. This approach reduces the amount of cash handled by the service points and therefore minimises the risk of theft and robberies. In addition, it reduces travel costs for beneficiaries, saving them time and money, and it has reduced the queues at service points.

The number of courts using EFT increased from ten in March 2011 to 310 in March 2013, with 83% of payments made by means of EFT. For the Guardian's Fund, all service points use EFT, and similarly, 92.4% of payments were made via EFT in March 2013.

**Table 1: Increase in EFT payments in the courts**

Maintenance payments	March 2011	March 2012	March 2013
Number of beneficiaries paid via EFT at court level	15 893	100 116	171 712
Number of courts making EFT payments at court level	10	103	310
Value of decentralised payments	R9 150 544	R63 552 453	R110 504 556

Efforts are underway to increase the percentage of courts using EFT from 74% to above 99%.

#### a) Offsite storage for case records

In support of the safekeeping of records, a project for offsite storage was initiated three years ago. The first phase of this project included seven courts: the North Gauteng High Court, South Gauteng High Court, Western Cape High Court, Pretoria Magistrate's Court, Krugersdorp Magistrate's Court, Durban Magistrate's Court and Johannesburg Magistrate's Court. All the identified records at these courts have already been digitised and removed to offsite storage facilities, as detailed on Table 2.

**Table 2: Number of records removed from courts through the offsite storage project**

	Johannesburg Magistrate's Court	North Gauteng High Court	South Gauteng High Court	Western Cape High Court	Durban Magistrate's Court	Krugersdorp Magistrate's Court	Pretoria Magistrate's Court	Total
<b>Boxes</b>	13 249	22 554	21 643	8 749	11 711	392	7 329	85 627
<b>Cases</b>	1 135 736	703 436	475 520	308 910	723 759	7 584	647 404	4 002 349
<b>Pages</b>	15 782 262	46 441 915	34 897 463	16 670 085	16 036 298	301 976	13 299 134	143 429 133

The impact of the project is as follows:

- The incidences of lost records have been drastically reduced.
- The need for archival space at the courts has been reduced, which has freed space for other urgent space requirements.
- Users have consistently started using electronic records instead of requesting offsite records, and this has reduced the turnaround time for the retrieval of records. It is believed that in the long run, this will have a positive impact on the speed with which cases are finalised.

In 2013/14, further implementation will be undertaken at the Labour Court and the Durban High Court.

#### b) Implementation of lean management

Maintenance was recognised as a key area for maintenance services intervention in the Department due to the extent to which it affects the most vulnerable in our society and the number of complaints the Department had received from the public.

Lean management was identified as a tool to assist the Department in achieving the improvements that were needed. Lean management is a business process improvement approach that attempts to minimise wastage and deliver value through interventions identified by officials working in the environment.

During 2011/12, the lean project was initiated with a pilot at Moretele Magistrate's Court, and the remaining eight pilot projects were completed during the 2012/13 financial year.



Improvements that have been noted at pilot sites include a decrease in the time taken for clients to queue for services and a decrease in the turnaround time for maintenance payments. The operational performance measurements that were developed and monitored showed that, on average, a 20% improvement was achieved in monthly maintenance payment delays, with two courts making improvements in excess of 50%. Table 3 shows two courts that have met the service standards tested in the lean management pilots and that are continuously sustaining their performance.

**Table 3: Improvement in service delivery following lean management implementation**

Service attribute	Baseline performance	Post-lean implementation
Average time in the queue (Emlazi Magistrate's Court)	3 hours 30 minutes	1 hour 30 minutes
Maintenance payments' turnaround time (Johannesburg Family Court)	16 days	5 days

#### a) Information and communication technology

The Department recognises the use of information and communication technology (ICT) as a strategic resource and an enabler of operational effectiveness and efficiency, in line with the objective of improving service delivery. In this regard, the Department commenced with an initiative led by the Office of the Director-General and the ICT Management Committee to review and implement an ICT operating model in support of the Department's strategic and operational plans. It is against this background that the first phase of the new ICT operating model was finalised, which included a review of, and capacity-building for, the ICT organisational structure.

In order for the Department to give effect to the new ICT operating and outsourcing model, which is aimed at improving its control of core ICT functions and reducing reliance on service providers, a total of 37 positions were created. Of these, 25 have been filled and 12 are at an advanced stage of the recruitment process. It is envisaged that these 12 positions will be filled during the 2013/14 financial year. Budget savings associated with the freezing of permanent positions have been utilised to fund some of the newly created positions.

In order to improve the governance and management of ICT across the Department, the ICT Governance Policy Framework and Charter was developed and finalised. The main objectives of this policy are, among others, the following:

- Create business value through ICT enablement by ensuring alignment between business and ICT strategies.

- Provide required ICT resources, organisational structure and capability to enable ICT service delivery.
- Deliver and monitor ICT service delivery performance and conformance to internal and external policies, frameworks, laws, regulations, standards and practices.

During the third quarter of the 2012/13 financial year, the Department of Public Service and Administration (DPSA) released a government-wide Corporate Governance of ICT Policy Framework and Implementation Guide, which was referenced by the Department to update and align the Department's ICT Governance Policy Framework and Charter. The Department will continue to refine, implement and embed its ICT Governance Framework and Charter in the 2013/14 financial year.

In renewing and upgrading the Department's ageing ICT infrastructure, a number of projects were implemented at national, regional and service-point level. These include the procurement of equipment to replace all servers and storage devices at the data centres and replacing servers at 173 local sites. In refreshing end-user computers, major national projects were initiated and a total of 4 000 desktops were procured, for which installation is at an advanced stage and is expected to be completed in Quarter 1 of the 2013/14 financial year. As part of enhancing the tools of trade for the judiciary, a total of 1 600 laptops were procured, for which installation is expected to be completed in Quarter 1 of the 2013/14 financial year. To improve the IT network performance, a total of 260 data lines were upgraded.

Furthermore, a number of software licences required for the implementation of business solutions were renewed, which included long term renewals for key software licences.

With regard to business software, a number of Integrated Case Management Systems (ICMSs) have been under development during the 2012/13 financial year. The impact of these systems on service delivery is as follows:

- ICMS Masters: Deceased Estates, Phase 2: The newly established Office of the Master of the High Court in Nelspruit is paperless, which means all processes can be tracked electronically. This reduces the risk of losing documents and ensures easier tracking and reporting.
- ICMS Masters: Trusts: This system caters for paperless processing, including automation and end-to-end tracking of business processes, auto-populated e-forms and productivity reports.
- ICMS Maintenance: This system caters for paperless processing, including automation and end-to-end tracking of business processes. Phase 2 of the ICMS Maintenance system is aimed at refining and improving automated end-to-end business processes, new e-forms and enhanced reports.
- Third Party Funds (TPF) System: The replacement of the TPF System is aimed at improving service efficiency, accountability and the automatic production of annual financial statements.

#### a) Integrated Justice System

The Integrated Justice System (IJS) Programme was conceptualised and established following the approval of the National Crime Prevention Strategy by Cabinet in 1996. Over the years, the IJS Programme has been the biggest modernisation programme for the criminal justice system aimed at ensuring effective management and sharing information between all role-players. The goal was to bring about efficiency and effectiveness and ultimately to foster public confidence in the criminal justice system using technology as an enabler.

Upon the review of the IJS Programme in 2011, the directors-general involved in the JCPS Cluster agreed upon five key priorities

for the integration of information and communications technology in addition to structural reform and revamping the IJS Board. The following priorities, together with the necessary building blocks, then became the focus of the IJS Board in the medium term:

- Establishment of a single-person identifier across the CJS
- Integrated CJS performance information dashboard (28 key performance indicators (KPI) system)
- Integration of the departmental case-related systems
- Development and rollout of the Person Identification Verification Application (PIVA)
- Establishment of a single data store for the JCPS Cluster for statistical purposes.

Following a successful rollout of the case integration pilot project between the SAPS and the Department at 99 police stations and 20 courts, the IJS could focus on the delivery of the implementation of the KPIs, based on the information from the SAPS and the Department from the deployed integrations.

The development and testing of an enhanced performance dashboard, with nine of the 28 KPIs, was completed in the reporting period. The deployment of the solution is planned for delivery in the first quarter of the 2013/14 financial year.

A single data store, referred to as the IJS Data Warehouse, has been successfully developed and tested in the IJS transversal infrastructure environment, and will be used for the rollout of the first nine KPIs of the dashboard. It must be highlighted, however, that the data upload to the data warehouse grows gradually as and when more integrations are deployed and more departments automate their core systems to be able to provide useful data to the IJS transversal hub.

Significant strides have been made in the current reporting period with regard to the development of the PIVA. System development and testing was completed and the solution was deployed at two pilot sites, the Cullinan and Mamelodi police stations. Upon successful pilot implementation, the system will be gradually deployed to other SAPS sites throughout the 2013/14 financial year.

From a governance perspective, the IJS Programme has significantly improved the visibility of progress through monthly progress reports to the JCPS Cluster's directors-general to ensure timely executive intervention where there are blockages, issues and risks.

### 3.1.2 COURTS

#### Introduction

The role of the Department in upholding and protecting the Constitution and the rule of law lies in the support the Department provides to the judiciary and prosecution for them to render accessible, fair, speedy and cost-effective administration of justice.

During the period under review, the Department provided support in the form of infrastructure, people and administrative systems, which enabled courts to function on a daily basis. The biggest portion of the Department's budget is dedicated to supporting various courts. It should be noted that criminal cases from district, regional and high courts are reported in detail in the annual report of the National Prosecuting Authority (NPA) and are not included in this report.

#### a) Superior courts

##### i. Constitutional Court

The Constitutional Court is South Africa's highest court in the country. Its jurisdiction is restricted to constitutional matters and issues connected with decisions on constitutional matters.

Table 4 shows an increase of 71% in judgments during the 2012/13 financial year. Overall, it shows an increase in applications/cases lodged, awaiting direction, dismissed cases, judgments and taxations.

**Table 4: Constitutional Court: Statistics for financial years 2011/12 and 2012/13**

Financial year	Applications/cases lodged	Awaiting direction	Dismissed cases	Judgments	Taxations
2011/12	123	3	97	35	21
2012/13	153	13	99	60	26
Percentage change	24%	333%	2%	71%	24%

##### ii. Supreme Court of Appeal (SCA)

The Supreme Court of Appeal of South Africa decides any matter on appeal except for constitutional matters. During the year under review, the number of criminal appeals increased by 150%, whereas civil appeals decreased by 16%. With regard to the finalisation of appeals, the number of criminal appeals finalised decreased by 55%, while the number of civil appeals finalised showed an increase of 35%, as illustrated in Table 5.

**Table 5: SCA: Criminal appeals for financial years 2011/12 and 2012/13**

Financial year	New cases	Withdrawn	Upheld	Refused	Referred back	Finalised
Criminal appeals						
2011/12	26	4	31	31	11	77
2012/13	65	4	17	10	4	35
Percentage change	150%	0%	-45%	-68%	-64%	-55%
Civil appeals						
2011/12	231	19	96	104	40	259
2012/13	194	15	54	76	24	169
Percentage change	-16%	-21%	-44%	-27%	-40%	-35%

During the year under review, new criminal petition matters decreased by 10%, whereas civil petitions increased with 24%. On the other hand, the number of criminal petitions finalised decreased by 34%, while the number of civil petitions finalised remained the same from 2011/12 to 2012/13, as shown in Table 6.

**Table 6: Supreme Court of Appeal: Criminal and civil petitions for financial year 2011/12 vs 2012/13**

Financial year	New petitions received	Withdrawn	Granted	Refused	Finalised
Criminal petitions					
2011/12	222	20	61	108	189
2012/13	199	56	1	67	124
Percentage change	-10%	180%	-98%	-38%	-34%
Civil petitions					
2011/12	412	27	116	284	427
2012/13	510	13	102	312	427
Percentage change	24%	-52%	-12%	10%	0.0%

**i. Labour and Labour Appeal Court**

The Labour Court has exclusive jurisdiction in respect of all new matters that must, in terms of the law, be determined by the Labour Court (section 157(1) of the Labour Relations Act, Act No. 66 of 1995. This court has concurrent jurisdiction with the high courts in respect of violations of fundamental rights related to labour matters (section 157(2) of the Labour Relations Act).

Matters enrolled in the Labour Appeal Court decreased by 24%, while appeals and petitions dropped by 100% year on year. Table 7 and Table 8 indicate the matters registered and dealt with by the Labour Court.





**Table 7: Labour Court: Open cases for financial year 2011/12 vs 2012/13**

Financial year	Appeals	Application from CCMA and Bargaining Council	Normal applications	Petitions	Referrals CCMA	Urgent applications	Total input cases
2011/12	34	3 013	5 664	49	1 182	1 293	11 235
2012/13	0	2 599	3 409	0	1 346	1 168	8 522
Percentage change	-100%	-13%	-40%	-100%	14%	-10%	-24%

In the year under review, the taxations enrolled in the Labour Appeal Court decreased by 3%.

**Table 8: Labour Court statistics: Taxation for financial years 2011/12 and 2012/13**

Financial year	Opposed	Postponed	Settled out of court	Struck from roll	Unopposed	Total (taxation)
2011/12	96	74	60	48	184	462
2012/13	99	23	59	60	207	448
Percentage change	3%	-69%	-2%	25%	13%	-3%

#### i. Land Claims Court

The Land Claims Court was established as a result of the promulgation of the Restitution of Land Rights Act, Act No. 22 of 1996. It has jurisdiction to hear land reform-related cases. The decisions of the court can be appealed in the Supreme Court of Appeal.

**Table 9: Land Claims Court: Restitution cases for financial year 2011/12 vs 2012/13**

Financial year	New cases	Settled	Judgment orders
2011/12	103	1	86
2012/13	93	0	94
Percentage change	-10%	-100%	9%

New cases received at the Land Claims Court decreased by 10% to 93 in 2012/13, while judgment orders increased by 9% to 94.

#### LAND CLAIMS COURT: EXTENSION OF SECURITY OF TENURE ACT

This law gives people who lived with permission of the owner on someone else's land on or after 4 February 1997, a secure legal right to carry on living on and using that land. It gives clear guidelines on eviction processes for those tenants. Table 10 provides a summary of extension of security of tenure cases handled by the Land Claims Court during the 2012/13 financial year.

**Table 10: Land Claims Court: Extension of security of tenure for financial year 2011/12 and 2012/13**

Financial year	New cases	Settled	Judgment orders
2011/12	52	1	51
2012/13	82	0	50
Percentage change	58%	-100%	-2%

Table 10 indicates an increase of 58% in the number of new cases in 2012/13 and a slight decrease in the judgment orders.

### i. High courts: Civil matters

High courts have general jurisdiction over the defined geographical areas in which they are situated, and the decisions of the high courts are binding on magistrate's courts in their areas of jurisdiction.

During the year under review, the high court divisions' workload pertaining to civil matters enrolled increased by 6%, whereas the number of cases dealt with increased by 52%.

**Table 11: High court divisions: Civil matters**

Financial year	Civil matters		Default judgments		Taxations	
	Matters enrolled for trial	Finalised	Received	Granted	Received	Dealt with
2011/12	27 804	14 443	49 868	33 400	20 666	24 400
2012/13	29 490	22 018	31 639	20 254	49 294	27 228
Percentage change	6%	52%	-37%	-39%	139%	12%

### a) Child Justice Court

The Child Justice Act, Act No. 75 of 2008, came into effect on 1 April 2010. It has the following objectives:

- Protect the rights of children as provided for in the Constitution.
- Reinforce children's respect for human rights and the fundamental freedoms of others by holding children accountable for their actions and safe-guarding the interests of victims and the community.
- Prevent children from being exposed to the adverse effects of the formal criminal justice system by using, where appropriate, processes, procedures, mechanisms, services or options more suitable to the needs of children and in accordance with the Constitution, including the use of diversion.

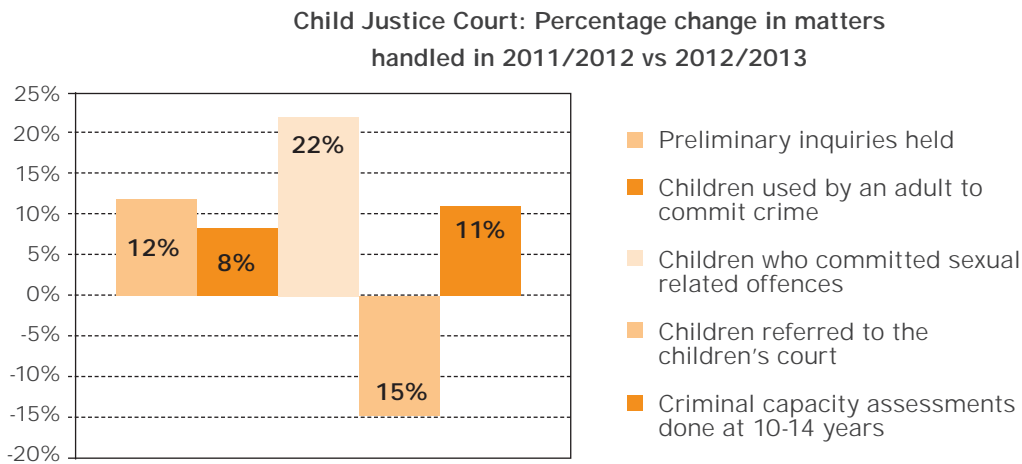
All children in conflict with the law are taken through a preliminary inquiry in the presence of key support providers such as social workers. During the 2012/13 financial year, preliminary hearings increased by 12% to 25 517.

The number of children referred to the Children's Court decreased by 15% to 3 856, as illustrated in Table 12.

**Table 12: Child Justice Act: Preliminary inquiries**

	Preliminary inquiries held	Children used by an adult to commit crime	Children who committed sexually related offences	Children referred to the Children's Court	Criminal capacity assessments done on 10- to 14-year-olds
2011/12	22 813	988	2 968	4 511	1 584
2012/13	25 517	1 071	3 619	3 856	1 763
Percentage change	12%	8%	22%	-15%	11%

Figure 1: Child Justice Court: Comparison between 2011/12 and 2012/13



During the reporting period, the methods of securing attendance at court during trial through issuing warrants of arrest decreased by 38%.

Table 13: Child Justice Act: Awaiting trial and securing attendance

	Release or placement while awaiting trial					Warrant of arrest issued to secure attendance	
	Into care of parent	Released on bail	In secure care facility	In prison	In police cell	Preliminary investigations	Court
2011/12	4 664	261	1 534	565	174	1 265	988
2012/13	4 582	283	1 721	733	110	1 458	611
Percentage change	-2%	8%	12%	30%	-37%	15%	-38%

a) **Civil matters: Regional and district courts**

i. **Regional courts**

In terms of the Magistrate's Court Act, Act No. 32 of 1944, as amended by the Jurisdiction of Regional Courts Amended Act, Act No. 31 of 2008, the regional divisions have jurisdiction to hear civil disputes contemplated in section 29(1) and 29(1B) of the Magistrate's Court Act. This came into effect on 9 August 2010.

Civil litigation is still under the control of the legal practitioners. This means that the courts issue summons or default judgment, but matters are not necessarily finalised inside a court room. The judiciary is currently in the process of revisiting this process.

Table 14: Regional divisions: Civil matters

	Civil matters			
	New trials enrolled	Finalised through trials	Settled cases	Total matters finalised
2011/12	2 944	498	284	782
2012/13	2 902	666	494	1 160
Percentage change	-1%	34%	74%	48%

The regional divisions received 2 902 new matters for trial. The total matters finalised increased with 48%, but matters finalised through trial decreased with 6% (as a percentage of new trials enrolled) during the 2012/13 financial year.

**Table 15: Regional divisions: Divorce applications**

	Divorce applications		Applications disposed of			
	<i>Pendente lite</i>	Other applications	Refused	Granted	Withdrawn	Struck off the roll
2011/12	10 470	1 978	216	3 617	252	730
2012/13	21 443	2 023	143	3 290	184	859
Percentage change	105%	2%	-34%	-9%	-27%	18%

During the 2012/13 financial year, there was a 105% increase in *pendente lite* matters (court orders in effect while the matter is pending), while the workload pertaining to “other applications” increased slightly.

**Table 16: Regional divisions: Divorce actions**

Financial year	Total divorce matters	Disposed matters					
		Put on roll	Granted	Struck off the roll	Refused	Withdrawn	Declared null and void
2011/12	39 573	20 233	22 835	4 511	468	1 128	54
2012/13	50 517	35 018	27 024	5 680	592	935	44
Percentage change	28%	73%	18%	26%	26%	-17%	-19%

During 2012/13, there was a 28% increase in new divorce matters. It should also be noted that divorce actions contribute 89% of the total number of actions registered for the period under review.

## ii. District courts

The district courts focus on less serious matters and cannot try cases of murder, treason, rape, terrorism or sabotage. Sentences to a maximum of three years in prison or fines of up to R100 000 are imposed. The ordinary magistrate’s courts can hear civil cases for claims of less than R100 000 and cannot deal with matters such as divorce, arguments on succession or matters where mental incapacity is raised.

**Table 17: District divisions: Civil matters**

	Civil matters			Civil appeals	
	New trials enrolled	Summons issued	Warrant of arrest	Notices of appeal	Appeals registered
2011/12	150 359	1 005 478	35 354	1 414	1 178
2012/13	85 435	769 178	36 825	930	657
Percentage change	-43%	-24%	4%	-34%	-44%

During the year under review, there was a decrease of 43% in civil trials enrolled and a decrease of 24% in the number of summonses issued in district divisions.

## iii. Small claims courts

The main objective of the act is to provide the courts with the adjudication of small civil claims and matters related to these. The small claims courts constitute an inexpensive tool that was created to settle minor civil disputes in an informal manner. During the period under review, the workload of the small claims courts increased with 9%.

**Table 18: Small claims court statistics**

Financial year	New cases	Summons issued	Trials	Judgments granted	Cases dismissed	Cases struck off the roll	Matters withdrawn
2011/12	92 494	50 050	39 225	26 927	4 692	11 123	3 263
2012/13	100 874	68 305	50 054	36 368	7 146	15 616	4 003
Percentage change	9%	36%	28%	35%	52%	40%	23%

**i. Equality courts**

Pursuant to the provisions of section 9(4) of the Constitution of the Republic of South Africa, 1996, the Promotion of Equality and the Prevention of Unfair Discrimination Act, Act No. 4 of 2000, was enacted and came into force in September 2000.

During the reporting period, a 4% increase in new matters was observed. Hate speech and unfair discrimination are the highest complaints contributing 43% and 25%, respectively, of the grand total.

**Table 19 (a): Equality Court: Matters registered**

Complaint	2011/2012	2012/2013
(Dissemination And Publication That Unfairly Discriminates)	24	27
(Harassment)	91	78
(Harassment)(Dissemination And Publication That Unfairly Discriminates)	0	21
(Hate Speech)	262	255
(Hate Speech)(Dissemination And Publication That Unfairly Discriminates)	1	1
(Hate Speech)(Harassment)	38	50
(Unfair Discrimination)	155	154
(Unfair Discrimination)(Dissemination And Publication That Unfairly Discriminates)	2	5
(Unfair Discrimination)(Harassment)	16	10
(Unfair Discrimination)(Hate Speech)	7	8
(Unfair Discrimination)(Hate Speech)(Harassment)	1	9
<b>Total</b>	<b>597</b>	<b>618</b>

**Table 19 (b): Equality courts: Matters disposed of**

	Matters registered	Matters disposed of							Grand total as at 31 March
		Dismissed	Finalised	Judgment	Referred to alternative forum	Settled out of court	Withdrawn		
2011/12	597	10	7	7	30	1	15	70	
2012/13	618	28	5	9	54	7	29	132	
Percentage change	4%	180%	-29%	29%	80%	600%	93%	89%	

During the 2012/13 financial year, matters registered at the equality courts increased by 4%, whereas matters disposed of increased by 89%.

**ii. Family courts**

Domestic violence means any physical or sexual abuse, emotional, verbal or psychological abuse, economic abuse, intimidation, harassment, stalking, damage to property, entry into the complainant's residence without consent where the parties do not share the same residence,



or any other controlling or abusive behaviour towards a complainant, where such conduct harms, or may cause imminent harm to, the safety, health or wellbeing of the complainant. During the year under review, the family courts disposed of more domestic violence matters than what had been received. The number of new applications for protection orders increased by 18%, whereas interim protection orders granted increased by 34%. Also worth noting is a 40% increase in the number of warrants of arrest issued on protection orders.

**Table 20: Domestic violence: Civil process**

Financial year	New application for protection orders received	Interim protection order granted	Protection orders			Interim monetary relief applications		Warrant of arrest applications issued
			Made final	Set aside	Varied	Received	Granted	
2011/12	208 747	112 934	83 949	35 930	17 544	26 570	21 563	24 523
2012/13	246 609	151 423	88 930	36 757	5 536	25 454	17 932	34 419
Percentage change	18%	34%	6%	2%	-68%	-4%	-17%	40%

On 31 March 2013, 29% of the matters registered were outstanding.

In 2012/13, there was a minor drop (4%) in new domestic violence criminal cases registered, amounting to 11 700. Although the 2012/13 year ended with 3 369 cases outstanding, it is worth noting that a high number of cases (7 053) had been withdrawn. It should be noted that the complainant can withdraw a matter at any given time.

**Table 21: Domestic violence: Criminal processes**

	New cases	Finalised					Removed from roll					Cases disposed of	Outstanding
		Alternative dispute resolution	Admission of guilt	Guilty	Not guilty	Other	Struck off roll	Transferred	Warrant of arrest	Withdrawn			
2011/12	12 224	116	54	2 652	663	91	982	44	776	7 313	12 691	2 798	
2012/13	11 700	118	69	2 766	754	252	1 060	38	753	7 053	12 863	3 369	
Percentage change	-4%	2%	28%	4%	14%	177%	8%	-14%	-3%	-4%	1%	20%	

#### i. Maintenance matters

Table 22 refers to the civil and criminal processes for maintenance matters, which include applications, enquiries, and the granting of orders. Once an order is granted and there is non-compliance from a respondent, the matter becomes a Section 31 criminal matter, as detailed in Table 22.

Although there has been a 6% decrease in new maintenance applications, the number of enquiries held increased by 50%, and orders granted by 56%. On 31 March 2013, 22% of the new applications received were outstanding.

**Table 22: Maintenance matters: Civil processes**

Financial year	New applications received	Enquiries received	Orders granted	Orders by consent	Orders by default	Orders varied
2011/12	186 561	222 176	57 982	83 963	7 044	17 120
2012/13	174 875	334 218	90 343	86 592	8 562	20 180
Percentage change	-6%	50%	56%	3%	22%	18%

In 2012/13, there was a minor drop (2%) in new Section 31 cases registered to amount to 14 372. Although the 2012/13 year ended with 3 179 cases outstanding, it is worth noting that a high number of cases (8 018) had been withdrawn. On 31 March 2013, 22% of the new cases enrolled were outstanding, and more matters had been disposed of, compared with the matters received.

**Table 23: Maintenance matters: Criminal processes (section 31 of the Maintenance Act)**

	New cases (section 31)	Finalised				Removed from roll					Cases disposed of	Outstanding
		Alternative dispute resolution	Admission of guilt	Guilty	Not guilty	Other	Struck off roll	Transferred	Warrants of arrest	Withdrawn		
2011/12	14 652	900	99	1 324	199	105	2 670	303	2 326	7 160	15 086	2 533
2012/13	14 372	931	66	1 335	346	114	2 831	279	2 189	8 018	16 109	3 179
Percentage change	-2%	3%	-33%	1%	74%	9%	6%	-8%	-6%	12%	7%	26%

#### i. Children's matters

Children's matters refer to the Children's Act, Act No. 38 of 2005, as well as the Child Justice Act, Act No. 75 of 2008, and generally promote the protection, development and wellbeing of children. During the year under review, 83% intercountry adoption matters and 73% on national level were finalised.

**Table 24: Children's Court: Adoptions**

	Adoptions: Intercountry		Adoptions: National		Children found in need of care and protection
	Opened	Finalised	Opened	Finalised	
2011/12	532	468	1 668	976	82 434
2012/13	561	465	1 455	1 066	71 352
Percentage change	5%	-1%	-13%	9%	-13%

### 3.1.3 OFFICE OF THE CHIEF FAMILY ADVOCATE

The Office of the Family Advocate was established in terms of the Mediation in Certain Divorce Matters Act of 1987. The services of this office have an impact on disadvantaged members of society and on access to justice by rendering cost-free mediation services to parents of children born out of wedlock, thus alleviating the burden of litigation costs on them. Congestion on court rolls in the lower and high courts in matters affecting the interests of minor children is relieved by family advocates offering alternative dispute resolution (ADR) services through mediation. Furthermore, parties save on litigation costs and time spent in court.

Since the promulgation of the Act, each province has established a Family Advocate Office in its capital city. Provinces such as the Eastern Cape, Western Cape and KwaZulu-Natal have three offices each, while Gauteng has two and the rest of the provinces have one office each. All these offices are required to not only offer services in high courts, but also in various magistrate's courts that have begun to handle divorce matters as a result of the Civil Jurisdiction Act. There is a dire need to significantly increase the number of advocates and to establish satellite offices to eliminate the time spent on travelling by clients and advocates.

The act has also made provision for the appointment of family counsellors, who assist family advocates in social issues affecting the interest of the minor child. Nationally, the component has a total number of 80 family counsellors.

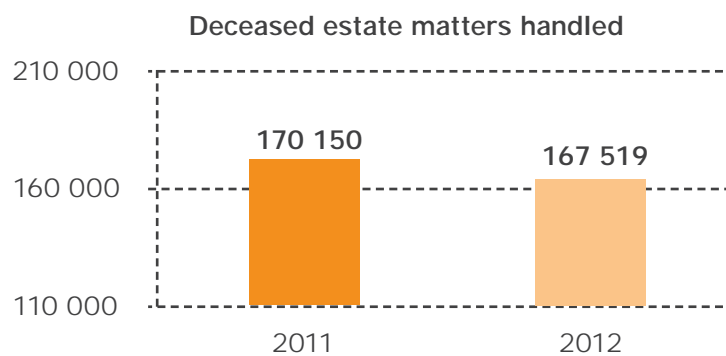
### 3.1.4 MASTER OF THE HIGH COURT

#### a) Deceased estates, trusts, curatorships and insolvencies

There has been a general year-on-year decrease in the number of matters handled, with the exception of trusts, which showed an increase in the number of matters handled.

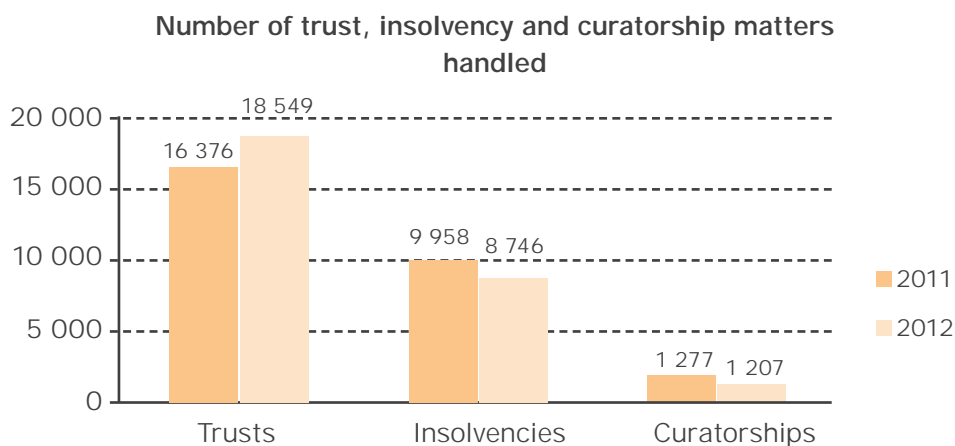
Deceased estate matters represent 85% of the matters handled by the Department in the Master of the High Court area. The vast majority of these matters are for small estates with a value of less than R125 000. The figure below shows that the number of deceased estate matters handled have decreased slightly by 2% from 170 150 matters in the 2011 calendar year to 167 519 in 2012.

Figure 2: Annual comparison of deceased matters



The number of trusts handled by the Department have increased by 13% from 16 376 in the 2011 calendar year to 18 549 in 2012, as illustrated in Figure 3. On the other hand, the number of insolvencies handled decreased from 9 958 to 8 746, while the number of curatorships handled decreased slightly from 1 277 to 1 207.

Figure 3: Number of trust, insolvency and curatorship matters handled



During the period under review, the Department continued to make improvements to the services offered under the Master of the High Court banner. It continued with an emphasis on this area as one of the key service improvements.

The interests of minor beneficiaries continue to be promoted and protected by the established close working relationship between Legal Aid South Africa (Legal Aid SA) and the Master's Office. During the 2011 calendar year, the masters countrywide referred 1 887 matters to Legal Aid SA. This number escalated to 2 071 matters in the 2012 calendar year.

The Department provided information on its website on several areas of its activities, such as the forms to be used by members of the public, information on the unclaimed funds in the Guardian's Fund, a list of liquidators and further operational information, such as liquidation and distribution accounts received. There is also a self-help service available on the Master's Portal, where the public can obtain certain basic information themselves without contacting the relevant Master's Office.

The Master of the High Court Branch regards this initiative as a great success, because 209 079 people accessed the website, 21 748 accessed the portal and 633 592 pages were read in total during the financial year.

With regard to the automation of services, the Department continued with the implementation of the Paperless Estate Administration System (PEAS), which will relieve work pressure on officials as well as curb fraud and the loss of documents.

This system will digitise the administration process in deceased estates and all documentation will be scanned and stored electronically. The first two phases with regard to deceased estate administration have been finalised in the financial year under review and have been tested in the Pretoria Master's Office and Atteridgeville Magistrate's Court. Implementation at the newly established Nelspruit office has been completed, with all 1 381 estates on the PEAS.

#### a) Guardian's Fund

Chapter V of the Administration of Estates Act, 1965, regulates the administration of the Guardian's Fund. This fund consists of all monies received under the above Act or any other law or pursuant to an order of court or any money accepted in trust for any known or unknown person. The following were the key achievements of this fund for the 2012/13 financial year:

- A total of 46 077 payments to beneficiaries have been finalised, of which 39 791 were done within the 40-day time frame. This means that 86.36% of all finalised matters were done within the stipulated time frame.
- The Guardian's Fund has achieved its fourth consecutive unqualified audit opinion by the Auditor-General of South Africa, which gives beneficiaries confidence in the management of the fund, which has grown by 8.8% in the year under review.
- Master's Own Verification Information Technology (MOVIT), an online verification system of fingerprints that is used in collaboration with the Department of Home Affairs, was rolled out to all 15 Master's offices, as well as 14 other service points. This initiative reduces incidences of fraud in the fund.
- Electronic funds transfer payments to beneficiaries were implemented in all six Master's offices, giving applicants quick and safe access to their payments.

**Table 25: Guardian's Fund payments**

Guardian's Fund payments	Total payments	Payments within 40 days	Percentage within 40 days
2011/12	52 944	44 013	83%
2012/13	46 077	39 791	86%



### 3.1.5 LITIGATION AND CLEARING OF CRIMINAL RECORDS

The Department is responsible for dealing with criminal and civil litigation cases instituted against State officials and committed by means of acts or omissions while executing official duties. In addition, the State Attorneys are responsible for drafting contracts on behalf of the State, handling applications for admission as advocates or practising attorneys, overseeing private attorneys operating under the State Attorney Act and handling expungements and pardons.

#### a) Litigation

The State Attorneys largely perform a coordination function for litigation matters through the briefing of counsel and the use of correspondent attorneys, where this is necessary.

During the 2012/13 financial year, 5 556 cases were enrolled by State attorneys across the country. A total of 1 874 cases were finalised, with 918 cases settled, 570 cases won and 400 lost. By the end of the financial year, 3 048 cases, representing 55% of the total, were either postponed or awaiting judgment. The Department will continue to implement the ADR mechanisms for speedy justice and the management of legal costs.

In respect of payments to correspondents, there has been a considerable decrease in the amount paid to correspondents for the 2012/13 reporting period when compared to 2011/12. In 2012/13, an amount of R41 673 872 was paid to correspondents, compared to the previous year's total payment of R58 386 081. This represents a decrease of 29%.

A total of R454 425 246 was spent on briefings to counsel in the 2012/13 reporting period, compared to R374 755 279.26 in the 2011/12 reporting period. The Department awarded 70% of briefings to previously disadvantaged individuals.

#### b) Clearing of criminal records

Since the 2009/10 financial year, 15 837 certificates of expungements were issued by the Department for sentences that qualify. In the year under review, 7 846 expungement applications were on file, while 9 227 were finalised. The number of matters finalised include applications received in previous years. According to the summary presented in the table below, there has been a 57% increase in the number of expungements finalised in 2012/13, compared to the previous financial year.

**Table 26: Expungement cases handled in the last two financial years**

Year	Number of cases on file	Finalised	Certificates issued
2011/12	7 576	5 894	3 291
2012/13	7 846	9 227	6 301

With regard to pardons, 1 164 applications were on file, while 944 applications were finalised. The finalised cases include those received in previous financial years. In the period under review, 15 pardons were granted.

Table 27 shows a summary of all applications for the past two financial years.

**Table 27: Pardons handled in the last two financial years**

Year	Number of cases on file	Finalised	Pardons granted
2011/12	1 352	703	14
2012/13	1 164	944	15



### 3.1.6 LEGAL ADVICE

The State Law Advisors are tasked with the responsibility of ensuring that the State is able to deliver on its obligations, promote the rule of law and give effect to the values enshrined in the Constitution of the Republic of South Africa.

The State Law Advisors do this by providing legal advice and guidance to the State on its proposals, legislation and international agreements and by ensuring that potential litigation against the State, on constitutional and other legal grounds, is considerably reduced. During the period under review, this office saw a large increase in the number of requests for work, as illustrated in Table 28.

In addition, there has been an increase in the level of complexity of matters received.

Institutions that support democracy have referred work to the office, and they also requested their clients to refer matters to the office for formal legal advice. A number of staff members were seconded to other government structures, including The Presidency and the Marikana Commission of Inquiry. However, the remaining officials did their best to keep the delivery of services unhindered. Most of the matters that were not finalised during the year under review were received towards the end of the financial year.

**Table 28: Legal opinions, certification and translations undertaken in the last two financial years**

Financial year	Total received	Total finalised
<b>Legal opinions</b>		
2011/12	927	892
2012/13	902	837
<b>Preliminary opinions on draft bills</b>		
2011/12	31	29
2012/13	94	60
<b>Certification of bills and other legislative instruments</b>		
2011/12	454	435
2012/13	563	466
<b>Translations into South African official languages</b>		
2011/12	66	66
2012/13	237	222

### 3.1.7 INTERNATIONAL LEGAL RELATIONS

The Department is involved in direct liaison and negotiations at administrative and technical levels with foreign States to promote international legal cooperation, as well as for the possible conclusion of extradition and mutual legal assistance agreements. In addition to agreements and negotiations, other services are delivered and international matters are handled. The following are highlights of the international agreements:

The Department dealt with 133 requests for extradition and mutual legal assistance cases during the year under review, compared to the 99 handled during the 2011/12 financial year. This is a clear indication of the intentions of the country to deal decisively with transnational crime.

Furthermore, 55 requests for the enforcement of foreign maintenance orders were handled, compared to the 63 dealt with during the 2011/12 financial year. These requests will ensure that children, whether in South Africa or in a foreign State, will receive maintenance as determined in divorce orders.

The service of process in civil matters in and outside South Africa is necessary for an effective judicial system in order to ensure that parties receive proper notice of civil actions. To this effect, the Department processed 196 requests for the service of process, with the assistance of other government departments, compared to 149 requests for the service processed during 2011/12.

Table 29: Extradition and mutual legal assistance, maintenance and service of process undertaken in the last two financial years

Financial year	Total processed
Extradition and mutual legal assistance	
2011/12	99
2012/13	133
Foreign maintenance orders	
2011/12	63
2012/13	55
Service of process	
2011/12	149
2012/13	196



### 3.2 SERVICE DELIVERY IMPROVEMENT PLAN (SDIP)

During the 2011/12 financial year, the Department finalised a Service Delivery Charter, and since then, the implementation of service standards has been undertaken in phases. In the court environment, nine sites (one court per province) and all Masters' service points have implemented service standards.

#### a) Main services provided and standards

Main services	Actual customers	Standard of service	Actual achievement against standards
Maintenance services <sup>1</sup>	Children, parents, grandparents and siblings	Where there is proper service of process, the maintenance order will be finalised within 90 days.	Standard achieved. Average number of days taken was 48.
		Return of non-service of process will be communicated to the client within seven working days of receipt.	SMS notification system has been developed and will be rolled out in 2013/14.
		Where there is proper service of process, all applications for variation orders will be finalised within 90 days.	Process underway to develop data collection tools.
		On completion of investigations on a reported maintenance default, the Department will notify the client within seven working days.	SMS notification system has been developed and will be rolled out in 2013/14.
		All electronic maintenance payments to recipients will be processed within four working days of receipt of schedules from the employer.	Standard partially achieved. In 310 courts payments are processed within 4 days, whilst in courts not on decentralised EFT payments are made between 4 and 16 days.
		All cash payments will be ready to pay out to beneficiaries within four working days after receipt of the schedules from employers or payments from individual obligors.	All pilot sites are on EFT and therefore cash payments are not processed. Courts that do not have decentralised EFT payments are centralised at Head Office.
Masters' services: Payment to beneficiaries of monies held in trust	Orphans, legal guardians, heirs, creditors and people who are incapable of managing their own affairs	Administration of estates: If all the documents are lodged, 90% letters of appointment will be issued within 15 working days.	Standard exceeded: 93.5% letters of appointment were issued within 15 working days.
		Administration of estates above R125 000: 90% of liquidation and distribution accounts will be examined within 15 days from receipt of all required documents.	Standard not achieved: 85% of the liquidation and distribution accounts examined within 15 days from receipt.
		Administration of Guardian's Fund: 90% of new applications will be paid within 40 working days if all necessary documents and fingerprint verification have been received.	Standard not achieved: 86.4% of new applications paid within 40 working days.
		Administration of trusts: 90% of letters of authority issued to trusts within 14 days of receipt of all required documents.	Standard exceeded: 93.6% letters of authority issued to trusts within 14 days of receipt.
		Administration of bankruptcy matters: Certificates of appointment will be issued in 90% of bankruptcy matters within 10 days from receipt of all required documents.	Standard not achieved: certificates of appointment were issued in 66.7% of bankruptcy matters.
		90% of liquidation and distribution accounts in bankruptcy matters will be examined within 15 days from receipt of all required documents.	Standard not achieved: 68.2% of liquidation and distribution accounts in bankruptcy matters examined within 15 days.

<sup>1</sup> The implementation of the service standards set out in the SDIP under this key service was limited to nine pilot courts, with the intention to roll out to more service points in 2013/14.

## b) Consultation arrangements with customers

Type of arrangement	Actual customers	Actual achievements
Maintenance services: Coordination of four public participation programmes for Ministry per annum	Children, parents, grandparents and siblings	Five public participation programme meetings were conducted: <ol style="list-style-type: none"> <li>Gauteng (Dobsonville): Joy Family Church (220 participants).</li> <li>Limpopo (Setotlwane): Special School for Persons with Disabilities (320 participants).</li> <li>Limpopo (Senwabarwana): Helen France Special School for the Deaf (328 participants).</li> <li>Free State (Welkom): Dr Mngoma School (505 participants).</li> <li>Gauteng (Soshanguve): Father Smangaliso Mkhathswa Child and Youth Centre (288 participants).</li> </ol>
Masters' services: Coordination of four public participation programmes for Ministry per annum	Orphans, legal guardians, heirs, creditors and people who are incapable of managing their own affairs	<ol style="list-style-type: none"> <li>Four interviews were done on an overview of the masters' services with Thobela FM, Motswedding FM, Ikwewezi FM and SAfm.</li> <li>Three interviews were done on reporting deceased estates with SAfm, Lesedi FM and Ikwewezi FM.</li> <li>Three interviews were done on the importance of having a will with SAfm, Lesedi FM and Motswedding FM.</li> <li>Two interviews were done on testate and interstate succession with SAfm and Motswedding FM.</li> <li>Two interviews were done on the Guardian's Fund with SAfm and Motswedding FM.</li> </ol>

## c) Service delivery access strategy

Access strategy	Actual achievements
Maintenance services	
Improve service by reducing clients' waiting time before being attended to	Average waiting time of two hours and four minutes against a target of two hours (in nine pilot sites).
Improve accessibility to facilities for people with disabilities	All nine pilot courts had Braille facilities by 31 March 2013.
Establish alternative means of communication for effective communication with clients	SMS system developed, but it will be piloted at 10% of the courts in 2013/14.
Implement EFT as a means of improving service to clients	Payments in 310 courts were paid via EFT in March 2013 which constitutes 83% of the total payments made.
Convert branch courts to full-service courts	18 branch courts had been converted to full-service courts by 31 March 2013 (six more were in the process of designation by 31 March 2013).
Establishment of mediation services: Establish mediation offices at pilot sites by 31 March 2013	Mediation offices had been established at all nine pilot sites by 31 March 2013 and 30 maintenance officers were sent on an advanced mediation course to improve their skills.
Masters' services: Nelspruit office should be fully operational by 31 March 2013	100% completed. The Nelspruit office was fully operational by the end of the financial year.

#### d) Service information tools

Types of information tools	Actual achievements
<b>Maintenance services</b>	
Develop maintenance-related information brochures on all official languages by 31 March 2013.	Brochures on maintenance services were available in all official languages by the end of the financial year. Information screens were procured and delivered to all pilot sites.
Establish an Application and Process office by 31 March 2013 at nine pilot courts.	Established at eight pilot courts. Botshabelo Magistrate's Court is still outstanding.
Review and distribute public education material by 31 March 2013.	100% achieved.
Develop maintenance web page with educational information by 31 March 2013.	100% achieved. <a href="http://www.justice.gov.za/vg/mnt.html">www.justice.gov.za/vg/mnt.html</a>
Coordinate the education of the public through targeted media interventions: 12 TV and 12 radio programmes by 31 March 2013.	Education awareness programmes were conducted through media statements, interviews on radio and appearances on television. These included, News 24, SAfm, SABC 1, Lesedi FM, Phala Phala, Qwa-Qwa Community Radio, Phalaphala FM, Mhlobowenene FM and Kwekwezi FM.
<b>Masters' services</b>	
Publish magazine article on Masters' services by March 2013.	There were plans to produce material, but these could not be completed due to unforeseen circumstances and the prioritisation of other projects.
Review and distribute public education material by March 2013.	
Coordinate the education of the public through targeted media interventions: TV and radio programmes, and print media, with a 20% focus on the Masters' services.	Education awareness programmes were conducted through media statements, interviews on radio and appearances on television. The media that were used included, News 24, SAfm, SABC 1, Lesedi FM, Phala Phala, Qwa-Qwa Community Radio, Phalaphala FM, Mhlobowenene FM and Kwekwezi FM.

#### e) Complaints mechanism

Complaints mechanism	Actual achievements
<b>Maintenance services</b>	
Establish a structured procedure on managing complaints received and handled directly by the National Office by 31 March 2013.	A Draft Integrated Complaints Management Framework was developed and will be approved in the new financial year, after aligning the framework with the DPSA framework recently published.
Establish a departmental hotline system by 31 March 2013.	Not achieved. As the financial implications were not fully appreciated at the time of putting this standard in place, upon doing further work it became evident that the Department will not have the resources to put in place a hotline; and therefore the standard will be revised.
Resolve 85% of simple matters from the Presidential Hotline within 30 days of receipt.	Target exceeded: 86.98% matters resolved.
Inform complainants every 15 days of progress with the resolution of complex matters submitted via the Presidential Hotline.	Progress is provided to complainants, but the frequency is not measured. A process underway to develop a measuring mechanism.
<b>Masters' services</b>	
Appoint/train frontline staff who can resolve a wide variety of enquiries without escalations in 30% of the service centres.	Fourteen out of 15 offices (93%) had trained officials assisting at the frontline during 2012/13.
Inform complainants every 15 days of progress with the resolution of complex matters submitted via the Presidential Hotline.	Progress is provided to complainants, but the frequency is not measured. A process is underway to develop a measuring mechanism.



### 3.3 ORGANISATIONAL ENVIRONMENT

During 2012/13, the Department managed to overcome a number of challenges in the operational environment. Some of these challenges made it difficult for the Department to achieve all the objectives for the year under review.

Service interruption took place at the Polokwane Magistrate's Court, Inkanyezi Magistrate's Court and Bhisho Master's Office due to fires. Senior management from different areas of the Department had to focus their attention on putting all measures in place to deliver services in the shortest time possible. This meant arranging alternative accommodation, emergency purchases of office equipment, security measures and information technology equipment.

In April 2012, a number of officials from the Department took their positions at the Arms Procurement Commission, and this meant that some areas of the Department had to perform with fewer members of staff. In addition, staff was needed to assist with the Marikana Commission of Inquiry. Furthermore, financial resources were committed for the compensation of staff, travel arrangements for staff and members of affected families, security arrangements and the overall administration of the commission.

During the period under review, DPSA requested departments to upgrade certain officials from lower levels to level 5 posts.

Although this was meant to improve the conditions of a good number of officials, it created serious unhappiness for officials that were not part of this scheme, resulting in labour challenges.

In addition to this, ongoing issues relating to the Occupation Specific Dispensation (OSD) for lawyers and social workers are still being handled with great difficulty in finding lasting resolutions and DPSA has been approached to assist.

Major efforts were invested in the filling of top management posts, but some of them have remained vacant and continue to create capacity challenges for senior management.

A good number of candidates have been interviewed and in some instances offers of employment were made, but no appointment was finalised for the Deputy Director-General: Corporate Services and the Chief Financial Officer. On the other hand, progress has been made in the appointment of a number of other senior management posts, with the vacancy rate dropping from 26% to 17% in 2012/13.

Despite all these challenges, the Department achieved one of its key objectives of an unqualified audit opinion by 2012/13. This is the result of over two years of major efforts to address a number of matters that resulted in the qualified audit opinions over the years. Efforts to sustain this status will continue in the new financial year.

### 3.4 KEY POLICY DEVELOPMENTS AND LEGISLATIVE CHANGES

#### a) **Implementation of the National Development Plan 2030 (NDP)**

Cabinet adopted the National Development Plan to reduce poverty and social inequality in the country. With regard to the eradication of crime, the plan stipulates that by 2030, people living in South Africa should feel safe and have no fear of crime. The Department is preparing plans to ensure that the vision of 2030 is achieved. One of the key deliverables in the national development plan is the implementation of the Seven-Point Plan, which was adopted by Cabinet in 2007. This plan aims to address key issues affecting

the justice system. Many of the initiatives, such as the regional court protocol, case finalisation protocol and trial efficiency court protocol, have been implemented through the JCPS Cluster and the Outcome 3 Delivery Agreement. Efforts will continue to strengthen the implementation and monitoring of these initiatives in line with the NDP.

#### b) **Integrated Justice System and the JCPS Cluster**

The Department leads the JCPS Cluster towards the achievement of Outcome 3: "All people are and feel safe." For the

year under review, major progress has been made with efforts to combat fraud and corruption in the JCPS Cluster departments. The Cluster's Anti-corruption Task Team (ACTT), comprising the NPA, Asset Forfeiture Unit, South African Revenue Service, Hawks, Special Investigating Unit, Financial Intelligence Centre and National Treasury, continues to work with government departments to strengthen governance systems, reduce risks and prevent corruption.

For the 2012/13 financial year, criminal investigations had been recorded against 242 accused persons in 89 priority cases involving serious, corrupt incidents. These involve R5 million or more per incident. In terms of the investigations against the 242 accused, further investigations are progressing against 193, two persons were acquitted and the charges were withdrawn against 14, while 42 persons have already been convicted. The convicted offenders' names were published on the Department's website.

In support of the IJS Programme and the JCPS Cluster's strategic goals, the Department implemented the integration of the ICMS Criminal and the SAPS CAS systems at identified courts. This integration allows the Department to download case information as captured by the SAPS, thereby increasing the efficiency of data capturing, improving data quality (by ensuring that accurate data is utilised from the SAPS in the initial registration of a case) and reducing data recapturing errors.

The Department further developed an integration capability to publish information on case outcomes from the courts to other departments. Based on the readiness of the courts and the SAPS in terms of the required supporting ICT infrastructure and end user training, the Department will continue to implement these integration solutions at identified courts in the 2013/14 financial year.

#### **c) Constitution 17<sup>th</sup> Amendment Act and the Superior Courts Bill**

The Constitution 17<sup>th</sup> Amendment Act of 2012, which was signed into law by the President in February 2013, has introduced significant amendments to Chapter 8 of the Constitution. An important amendment

is section 165(6), which affirms the Chief Justice as head of the judiciary, and assigns him or her the responsibility to oversee the development and monitoring of norms and standards for the performance of all courts.

Accompanying the Constitution 17<sup>th</sup> Amendment Act is the Superior Courts Bill, which gives effect to section 165(6) of the Constitution 17<sup>th</sup> Amendment Act. This Act is expected to be finalised during the 2013/14 financial year. The effect of the enactment of the above laws include the migration of the administration of the superior courts to the Office of the Chief Justice (OCJ) and the assignment of certain functions flowing from the Superior Courts Bill, the Judicial Service Commission Act, 1994, and the Judges' Remuneration and Conditions of Employment Act, 2001, to the OCJ.

During the period under review, the post of an accounting officer for the OCJ (Secretary-General), the Chief Financial Officer and other key positions were filled. In addition, the South African Judicial Education Institute commenced with the training of the judiciary, with more than 1 000 members offered training. Financial and other systems will be implemented during the 2013/14 financial year, and it is envisaged that superior courts will be migrated to the OCJ during the year.

#### **d) Transformation of legal services**

The restructured State Legal Services envisages a consolidation of present structures rendering legal services to the State and greater coordination of these services. The main objectives of the restructured State Legal Services are to:

- Create processes and infrastructure to ensure strategic management of State litigation.
- Ensure cooperation, efficiency, effectiveness and the proper utilisation of resources in the national interest.
- Entrench alternative dispute resolution mechanisms as an essential component in the management of State litigation.
- Create a process to strategically manage the allocation of instructions/briefs to the legal profession for effectiveness and transformational purposes and for better accountability and oversight.

- Promote specialisation and instil greater confidence in all offices of the State Legal Services through focused training and development.

During the period under review, the Minister announced the creation of the post of Solicitor-General, who will be responsible and accountable for the implementation of the State's litigation strategy. In addition to the centralisation of State litigation, the Solicitor-General will be responsible for the equitable distribution of work in the legal community, with a special emphasis on promoting equity in terms of briefing counsel. The administrative processes are underway and expected to be concluded during the 2013/14 financial year.

The Legal Practice Bill that was tabled in Parliament during the 2012/13 financial year was released to members of the public and the profession for inputs. This bill seeks to give members of the public better access to legal professionals and to transform the legal environment. It is envisaged that this consultative process will be concluded during the 2013/14 financial year.

e) **Redemarcation of municipal boundaries and conversion of branch courts**

The aim of the redesignation of branch courts into full-service courts is to expand services relating to civil and family law services to communities served by these courts. These are services that are geared towards improving the livelihoods of the poor and vulnerable members of society in particular, such as maintenance and deceased estates. The small claims courts' services, which were only obtainable from the main courts, are also included. Of the 90 branch courts that were in existence in 2009, 24 have already been converted. The implementation of this policy will continue in line with the available budget.

Closely linked to the redesignation of branch courts into full-service courts is the alignment of magisterial districts with the municipal boundaries. Of the 387 magisterial boundaries, 177 are not aligned with the municipal boundaries. This remains a grave concern, as many people are not able to access courts that are closer to them due to the pre-1994 courts' jurisdictional demarcations. The

process of realigning magisterial districts to municipal boundaries is coordinated by the Regional Coordination Committee (RCC), which is constituted by the JCPS Cluster departments and the lower courts' judiciary in the provinces. Reports of the RCC in respect of four provinces, namely Gauteng, North West, Mpumalanga and the Western Cape, have been completed to enable implementation to commence.

f) **Implementation of Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007**

- (i) The tabling of the National Policy Framework on the Management of Sexual Offences

The Department has the statutory responsibility to lead and coordinate the intersectoral implementation of the above Act. Section 62 of the Act requires the Minister to adopt and table a National Policy Framework (NPF) in Parliament after consultation with the Cabinet members responsible for the implementation of the Act. The NPF was first tabled in Parliament in 2011, but at the request of Parliament, it had to be further refined to include more inputs from the civil society stakeholders. The Department reopened the stakeholder consultation process, and completed this process during the period under review.

In August 2012, the Minister re-tabled the revised NPF for discussion in Parliament. This policy framework establishes clearly defined ways to optimise the intersectoral response to, and prevention of, sexual offences and is necessary to reduce the high level of sexual offences in the country. Once the policy framework is approved, implementation will commence.

- (ii) Investigation into the re-establishment of the sexual offences courts

During the 2012/13 financial year, the Minister set up a task team to investigate the viability of re-establishing the sexual offences courts.

The team conducted four research studies to determine the possibility of the re-establishment of the courts, and formulated a proposal for a new viable approach that addresses challenges experienced with the initial implementation of these courts.

The study found that there were sufficient grounds and a compelling need for the re-establishment of the sexual offences courts. To this effect, 57 regional courts have been identified for immediate upgrading to comply with the sexual offences court model.

These are the courts that are currently resourced closest to the model and are expected to be operational at the beginning of the 2013/14 financial year.

g) **The assessment of the impact of decisions taken by the Constitutional Court and the Supreme Court of Appeal**

On 28 February 2011, the discussion document on the transformation of the judicial system and the role of the judiciary in the developmental South African State was released. The aim of this process was to undertake an assessment of how the decisions of the Constitutional Court advance social transformation and the reconstruction of the South African law in general.

Since the Constitution places the Constitutional Court and the Supreme Court of Appeal at the pinnacle of South African jurisprudence, it is appropriate that any assessment of the impact of such jurisprudence must be in respect of both these courts.

Although there were procurement delays and challenges experienced with the finalisation of a service provider, progress was made towards the end of the 2012/13 financial year. The service provider is therefore expected to commence with the research during the 2013/14 financial year.

h) **International legal relations**

The Department is involved in direct liaison and negotiations at administrative and technical level with foreign States to promote international legal cooperation, and for the possible conclusion of extradition and mutual legal assistance agreements.

During the year under review, South Africa concluded negotiations on treaties for extradition and mutual legal assistance with

the Republic of Belarus and the Socialist Republic of Vietnam. The extradition treaties will provide for the extradition of fugitive offenders between the requested and requesting States where extraditable offences have been committed. The mutual legal assistance treaties will improve the effectiveness of the law enforcement authorities of both countries in the investigation, prosecution and prevention of crime through cooperation. The treaty documents have been referred to the State Law Advisors to determine whether the provisions of the treaties are compatible with South Africa's domestic law and existing international obligations.

With regard to reports to international bodies, the Department coordinated and distributed the reports for the United Nations International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and International Covenant on Civil and Political Rights (ICCPR) to relevant government departments. These reports were also submitted to Cabinet for approval.

An action plan of obligations arising from the United Nations Treaty on Transnational Organised Crime and Protocol and the Salvador Declaration was finalised and distributed to the Director-General of the Department of Justice and Constitutional Development and Cabinet. Furthermore, the Department coordinated South Africa's participation at the United Nations Commission on Crime Prevention and Criminal Justice (CCPCJ) session held in Vienna, Austria. A key outcome of this session was the resolution on legal aid, which was adopted by the UN General Assembly and piloted by South Africa.

Another key achievement in this area is the inclusion of a topical emerging crime of trafficking in illicit precious metals, driven by South Africa and Russia, as an agenda item of the CCPCJ.

Due to its transition from apartheid to constitutional democracy, South Africa has hosted study tours by countries in Africa and beyond. During the financial year under review, the Department hosted visitors from ten countries.

i) **Promotion and protection of the rights of LGBTI persons**

South Africa's Constitution is the first in the world to prohibit unfair discrimination on the grounds of sexual orientation. Recent violence committed against LGBTI persons prompted the Minister to establish a national task team comprising civil society organisations and key government departments in the JCPS Cluster to develop a National Intervention Strategy (NIS) outlining measures to be

put in place to end violence against LGBTI persons. During the period under review, public awareness campaigns have been conducted in various communities as well as with public officials, a situation analysis was conducted on the treatment of LGBTI cases in the criminal justice system, using a sample of courts identified with the view to develop an appropriate NIS. During the period 2013/14, the Department will focus its efforts on finalising the strategy in conjunction with role-players.





## 4. STRATEGIC GOALS

An overview of the performance of the Department against each of the four strategic goals is summarised as follows:

### **Goal 1: Increased accountability, effectiveness and efficiency of the Department of Justice and Constitutional Development**

One of the key objectives of the Department was to improve accountability by achieving an unqualified audit opinion on the departmental vote account by the end of the 2012/13 financial year. This objective was achieved as planned, and this was done through concerted efforts to address all process and control issues relating to financial management. Efforts will continue to make further improvements and sustain this status.

Furthermore, the Department has identified information technology as a key driver in addressing the effectiveness and efficiency of the services offered by the Department in general, and the maintenance and Masters' services in particular. In the Master's Office environment, the newly established office in Nelspruit uses paperless processing for deceased estate cases.

### **Goal 2: Improved effectiveness and efficiency in the delivery of justice services**

The Department continued its interventions to decrease the number of cases on the case backlog roll by providing infrastructure and human resources to deal with long-standing cases.

With regard to civil cases, the key focus area for the Department has been the improvement in turnaround times in the finalisation of quasi-judicial services. Two of these services, default judgment by the Clerk of Court and taxation services, were identified for improvement in turnaround times during the year under review. Although the targets have only been partially achieved, initiatives were put in place to

improve monitoring efforts and ultimately improve targeted turnaround times.

A major focus area for the Department has been to improve the maintenance services by identifying blockages in the entire value chain. During the period under review, a major success has been in the implementation of electronic funds transfers, which not only improve turnaround times, but decrease the risks of theft and save beneficiaries time and effort. In addition, eight pilot sites were completed for process improvements using the lean approach.

### **Goal 3: Transformed legal services to protect and advance the interests of government and citizens, and promote constitutional development**

In support of the transformation of legal services, progress has been made towards the appointment of a Solicitor-General, who will oversee all State legal services and champion further transformation in the management of State litigation.

The Legal Practice Bill, which, among others, seeks to remove barriers to entry into the legal profession and make legal services affordable to members of the public, was tabled in Parliament during the 2012/13 financial year. Once finalised, this legislation will improve the regulatory framework and substantially transform the legal environment.

### **Goal 4: Effective leadership of the JCPS Cluster in the delivery of Outcome 3**

A key deliverable of the JCPS Cluster is the integration of information systems to allow the effective tracking of cases throughout the criminal justice system. Following the review of the Integrated Justice System programme in 2011, five key priorities of integration were identified. Key deliverables for the 2012/13 financial year include the integration pilot project between the SAPS and the Department.

## 5. PERFORMANCE INFORMATION BY PROGRAMME

The Department strives to achieve its mandate through five programmes:

Programme 1: Administration

Programme 2: Court Services

Programme 3: State Legal Services

Programme 4: The National Prosecuting Authority (reporting separately)

Programme 5: Auxiliary Services (Entities funded under this programme, namely Legal Aid South Africa, the Public Protector, the South African Human Rights Commission and the Special Investigating Unit, are reporting separately.)

### 5.1 PROGRAMME 1: ADMINISTRATION

The purpose of this programme is to manage the Department, develop policies and strategies for the efficient administration of justice and provide centralised support services. This programme has the following subprogrammes:

- Ministry
- Management
- Corporate Services
- Office Accommodation.

#### STRATEGIC OBJECTIVES

The following strategic objectives were identified in this programme. Key performance indicators for each of these objectives are detailed in the tables that follow.

1. Increased compliance with prescripts to achieve and sustain an unqualified audit
2. Improved management of fraud and corruption cases
3. Improved effectiveness of support services
4. Increased optimisation of automated systems
5. Improved human resource services delivery
6. Increased percentage of outstanding Truth and Reconciliation Commission (TRC) victims who qualify for reparations as per TRC recommendations
7. Improved coordination of the JCPS Cluster towards the delivery of Outcome 3.

Strategic Objective 1: Increased compliance with prescripts to achieve and sustain an unqualified audit						
Performance indicator	Actual achievement 2011/12	Planned target 2012/13	Actual achievement 2012/13	Percentage deviation from planned target 2012/13	Comments on deviation	
1.1 Percentage of the approved audit action plan completed	90.3%	100%	87%	(13%)	Target not achieved. Some findings proved to be more difficult to resolve than originally anticipated.	
1.2 Percentage of activities of the approved audit plan completed by Internal Audit	82%	81%	86%	6%	Target exceeded.	
1.3 CARA funds distributed to beneficiary organisations by target date	28 February 2012 (R20 million distributed)	28 February 2013	28 February 2013 (R61.8 million)	-	Target achieved.	

A project plan was put together to track the implementation of corrective action on matters raised by the Auditor-General on the 2011/12 annual report, in order to assist the Department to achieve an unqualified audit opinion. A huge amount of effort went into addressing these matters and during the year under review, 87% of the 282 activities on the audit action plan were certified to be completed by the end of the financial year, against a target of 100%. A number of findings needed a much longer time than anticipated.

During the year under review, the Audit Committee approved an internal audit plan comprising 323 audit projects. These projects were designed to be used as an early warning system in the control environment. The Internal Audit unit has achieved 86% (278 audit projects) of the coverage plan, and as a result has exceeded its annual target of 81% by five percentage points. In addition to the planned audits, the unit has also performed an additional 11 ad hoc audit projects at both national and regional offices, which comprise 3% of the approved operational plan. In total, that raised the number of completed projects to 289, which is a performance of 89.5% on the total number of projects according to the approved operational plan.

The Criminal Assets Recovery Account (CARA) is a separate account in the National Revenue Fund (NRF), into which money and property recovered from criminal activity through the courts are kept and distributed. In terms of section 69(a) of the Act, Cabinet may approve the allocation of this money to selected causes after the recommendations of a committee. To this effect a total of R61.8 million was allocated to the following beneficiary organisations by the end of the financial year:

- a. The Anti-corruption Task Team was allocated an amount of R30 million for forensic services.
- b. The Department of Correctional Services was allocated an amount of R22.8 million for infrastructure (the money was for the establishment of a modern parole board office for easy access by the victims of crime who wish to participate in the mediation process with offenders who are in correctional facilities).
- c. The National Prosecuting Authority was allocated an amount of R9 million to implement the human resource capacity for the Anti-corruption Task Team.

#### Strategic Objective 2: Improved management of fraud and corruption cases

Performance indicator	Actual achievement 2011/12	Planned target 2012/13	Actual achievement 2012/13	Percentage deviation from planned target 2012/13	Comments on deviation
2.1 Number of fraud and corruption staff awareness workshops conducted	21	35	36	3%	Target achieved.
2.2 Percentage of new forensic investigations finalised (< 1 year)	81%	60%	77%	28%	Target exceeded. Provision of additional capacity and budget led to the target being exceeded.
2.3 Percentage of older forensic investigations finalised (> 1 year)	74%	70%	100%	43%	Target exceeded. Provision of additional capacity and budget led to the target being exceeded.
2.4 Percentage of integrity competence of senior management completed (vetting)	50%	68%	60%	(12%)	Target not achieved. Inadequate electronic systems and capacity constraints led to underperformance of the target.

To intensify the fight against crime and corruption, the Department has adopted a three-pronged approach, namely awareness, speedy finalisation of forensic investigations and vetting. To this effect, 36 fraud and corruption workshops were held, with a total of 1 697 staff members attending. It can also be reported that the majority of officials were from Supply Chain Management and Court Services, which had been identified as high-risk areas.

During the year under review, 133 new cases were received and 102 of these were concluded. This brought performance to 77%, against a target of 60%. This performance was made possible by the increase in forensic investigators appointed. It should also be noted that the type and complexity of cases received differ from year to year, and this makes it difficult to predict.

With regard to old cases, all 41 cases were finalised. The increased number of forensic investigators played a major role in this performance.

**The following is the breakdown of the outcomes of forensic investigations performed:**

Outcome of the cases	Number of staff members involved
Dismissals	26
Final written warnings	17
One month's suspension without salary	2
Two months' suspension without salary	4
Arrested officials	6 staff members and 3 members of the public
Sentenced to four years' imprisonment, suspended for two years (TPF fraud)	1 former official

In order to reduce risks of corruption in the Department, employees are taken through a vetting process by means of completing the Z208 forms that are submitted to National Intelligence. In this process, 60% (101 of 169) of Senior Management Service (SMS) members were vetted against a target of 68%, indicating an improvement in the Department's quest for good governance. The Department will therefore focus on this area in the new financial year.

Strategic Objective 3: Improved effectiveness of support services					
Performance indicator	Actual achievement 2011/12	Planned target 2012/13	Actual achievement 2012/13	Percentage deviation from planned target 2012/13	Comments on deviation
3.1 Number of priority courts to which the integrated security system is rolled out	50	24	24	-	Target achieved.
3.2 Number of communication activities implemented in line with the integrated communication campaign	-	40	53	33%	Target exceeded. Focused efforts on communications led to the achievement of the target.
3.3 Percentage of simple Presidential Hotline cases finalised within 30 days from date of receipt	-	85%	87%	2%	Target achieved.

To maintain the safety of staff and members of the public, the Department identified high-risk facilities and embarked on a project to install appropriate security infrastructure. This included electronic surveillance, perimeter walls and the securing of access points. During the year

under review, 24 projects were completed in line with the target, and this has brought the number of courts completed in the last three years to 81.

To further enhance the Department's image and educate the public about the services that are rendered, the Department implemented various communication activities. In this regard, a newspaper supplement in the format of a four-part educational series on the National Register for Sexual Offenders was published. This was in response to a request from Parliament to inform the people of South Africa about the register and processes to access the register. An information chart on the Child Justice Act, the domestic violence court processes and a Bill of Rights poster were also produced.

During the period under review, 34 radio interviews on various justice-related topics were conducted on SAfm's *Morning Talk* programme. Several interviews were conducted on African language radio stations in addition to the *Justice Link* programme. Furthermore, strategic media engagements were utilised as a platform for major policy pronouncements as well as to highlight the work of the Department. The sessions were also used to network and strengthen relations with the media.

Media engagements held include *The New Age/Morning Live* Business Breakfast to announce the policy direction on the transformation of State Legal Services, a Media 24 Network session to strengthen relations with the media, a media briefing to explain the work of the JCPS Cluster

and two media briefings on the Marikana Commission of Inquiry to announce the establishment of the Marikana Commission of Inquiry and its terms of reference.

The Department established profiles on, and utilised social media platforms to enhance its communication reach to various audiences. It currently uses Facebook, Twitter and YouTube for information dissemination. The reports indicate a gradual increase in the public interest in departmental social platforms. In addition to followers, the departmental Facebook page has had 638 'Likes'. The Twitter account has 198 followers, while the YouTube page had 3 575 views. Furthermore, the departmental website averages 50 000 visits per month, with a particular interest in deceased estates, maintenance, and justice careers. The public also uses the e-forms system regularly, with requests ranging between 5 000 and 8 000.

With regard to the Presidential Hotline, the Department achieved 87% against a target of 85% of simple Presidential Hotline matters resolved within 30 days. A total of 453 simple matters were received and 394 of these complaints were resolved within 30 days. It can be reported that appeals and maintenance- and trial-related cases take up just above 70% of the cases lodged against the Department, but resolution of some needs to follow the legal process. The Department has received valuable information on service delivery challenges and have geared departmental strategies and approaches towards identified issues to ensure continuous improvement.

**Strategic Objective 4: Increased optimisation of automated systems**

Performance indicator	Actual achievement 2011/12	Planned target 2012/13	Actual achievement 2012/13	Percentage deviation from planned target 2012/13	Comments on deviation
4.1 All phases of ICMS maintenance courts completed by target date	-	100% completion of Phase 2	100% completion of Phase 2	-	Target achieved.
4.2 All phases of ICMS masters' deceased estates system completed by target date	-	100% completion of Phase 2	100% completion of Phase 2	-	Target achieved.



#### Strategic Objective 4: Increased optimisation of automated systems

Performance indicator	Actual achievement 2011/12	Planned target 2012/13	Actual achievement 2012/13	Percentage deviation from planned target 2012/13	Comments on deviation
4.3 All phases of ICMS masters' trusts system completed by target date	-	100% completion of Phase 1	100% completion of Phase 1	-	Target achieved.
4.4 All phases of the Third Party Fund system completed by target date	-	25% completion of Phase 1	7% completion of Phase 1	(72%)	Target not achieved. Compilation of the Third Party Fund financial statements led to the delay in the project due to capacity constraints.

To improve the turnaround time on maintenance services, the Department has implemented the ICMS maintenance module at identified maintenance courts. This module caters for, among others, the automation and tracking of business processes from the registration of the application to the issuing of a court order, thus leading to faster maintenance services.

With respect to the strategic objective of improving Masters' services, the Department has implemented the ICMS Deceased Estates Phase 1 module, known as the Paperless Estates Administration System (PEAS) at identified Master's offices and service points. The successful implementation of the system curbs the challenge of fraud and documents getting lost. Furthermore, interested parties will be able to view all relevant information at any given time on the Master's Portal, available on the website.

In support of improving trust services in the Master's offices, the development of

the ICMS Trusts (PEAST), Phase 1, was achieved. This included deliverables similar to those of Phase 1 of the ICMS Deceased Estates system.

From a technological perspective, the replacement of the Third Party Funds (TPF) system is aimed at supporting the transformation in the management of TPF in the Department. The Department's TPF Transformation Project includes improvements in the provision of service delivery to citizens and the enforcement of financial management governance to achieve and sustain a clean audit outcome for TPF. The tender specifications for this system were drafted and are in the process of being reviewed. The target was not achieved due to the Department's resources being fully engaged in the compilation of the financial statements for TPF over the past three years. More focus will be given to finalise the specifications in the new financial year, in order to put the new system in place as the last pillar of improving the governance of TPF.



### Strategic Objective 5: Improved human resource services delivery

Performance indicator	Actual achievement 2011/12	Planned target 2012/13	Actual achievement 2012/13	Percentage deviation from planned target 2012/13	Comments on deviation
5.1 Vacancy rate	10.52%	10%	10%	-	Target achieved.
5.2 Percentage of grievance cases finalised	65%	60%	57%	(5%)	Target not achieved. Grievances emanating from OSD cannot be finalised due to current discussions with the DPSA.
5.3 Percentage of misconduct cases finalised	65%	75%	63%	(16%)	Target not achieved. Complexity of cases plays a major role in the finalisation rate.
5.4 Number of people trained in line with departmental objectives	5 551	6 500	4 940	(24%)	Target not achieved. Other courses cancelled due to unavailability of trainers and trainees.

The Department has put processes in place to fill vacant posts as soon as they are vacated in order to minimise disruptions in service delivery. While the vacancy rate continues to fluctuate due to terminations and the creation of new posts, the Department was able to achieve a vacancy rate of 10% on the staff establishment of 18 474 during the year under review. Although the Department experienced challenges in the recruitment of senior management posts, progress was made in finalising some of them.

In this regard, the filling of the Secretary-General: Office of the Chief Justice, Chief Director: Human Rights and Chief of Staff posts were finalised. With regard to the Chief Financial Officer, DDG: Constitutional Development and DDG: Legislative Development posts, the selection process is underway. The filling of the DDG: Corporate Services post was in progress by the end of the year under review, while the job evaluation for the post

of DDG: Court Services was finalised.

The speedy finalisation of grievances is necessary to uphold the morale and productivity of officials. A total of 516 grievances were registered during the year under review, of which 293 (57%) matters were finalised against a target of 60%.

Misconduct cases include all cases where officials have acted negligently or overstepped critical processes and procedures. The Department endeavours to finalise these cases in order to speedily remove any officials found to be unfit to serve. During the 2012/13 financial year, 496 misconduct cases were registered and 310 (63%) were finalised, against a target of 75%.

The complexity of the cases received as well as the postponement of hearings by the employee representatives, investigating officers and presiding officers, as well as the unavailability of key witnesses, made it difficult to achieve these targets.

The table below illustrates the outcomes of misconduct cases that were concluded during the 2012/13 financial year.

Outcome of misconduct cases	Number of officials involved
Acquittal	20
Demotion	4
Dismissal	86
Resignation	11
Suspended	44
Verbal warning	14
Written warning	38
Final warning	57
Withdrawn	36
<b>Total</b>	<b>310</b>

In order to capacitate the Department, 4 940 officials were trained through the Justice College on different programmes in line with the departmental objectives, against a target of 6 500. The reason for underachievement lies in the fact that a number of organisations requested urgent training. These cases include training on default judgment and the Equality Act

provided to non-governmental organisations (NGOs), on indigenous law provided to traditional leaders, as well as sheriffs introductory courses and the training of interpreters and intermediaries from the Education Labour Relations Council. The unavailability of trainees and trainers also played a role. Furthermore, other pressing organisational turnaround issues that had to take priority, such as the finalisation of the TPF financial statements as well as addressing some of the key findings identified by the Auditor-General, impacted on the achievement of the target.

Over and above the targeted training, the Justice College also provided the default judgment and equality training to the paralegals of the National Alliance for the Development of Community Advice Officers (NADCAOs). The Promotion of Administrative Justice Act, 2000 (PAJA), training material was also updated and 120 officials from all spheres of government were trained. Furthermore, 92 sheriffs were also trained. The Education Labour Relations Council also approached the College during the year under review to assist in the training of its interpreters and intermediaries; in this regard, 16 interpreters and 32 intermediaries were trained.

#### Justice College: Annual training performance

No.	Course	Planned target	Actual achievement
1	Anti-corruption, fraud and dishonesty	222	363
2	Maintenance (all staff)	236	168
3	Sexual offences training	340	289
4	Domestic violence training	217	154
5	Child law training	313	120
6	Service excellence	490	514
7	Foundation management	279	229
8	Quasi-judicial services	1 468	970
9	Masters' training	366	261
10	Prosecutorial training	2 053	1 143
11	Interpreters' training	516	729
<b>Total</b>		<b>6 500</b>	<b>4 940</b>

**Strategic Objective 6: Increased percentage of outstanding Truth and Reconciliation Commission (TRC) victims who qualify for reparations as per TRC recommendations**

Performance indicator	Actual achievement 2011/12	Planned target 2012/13	Actual achievement 2012/13	Percentage deviation from planned target 2012/13	Comments on deviation
6.1 Number of outstanding living TRC victims given access to the President's Fund in terms of individual reparations	219	123	73	(41%)	Target not achieved. Difficulty in tracing the victims led to underachievement of the target.
6.2 Number of rightful next-of-kins of outstanding deceased TRC victims given access to the President's Fund in terms of individual reparations	227	252	237	(6%)	Target not achieved. Difficulty in tracing the victims led to underachievement of the target.
6.3 Number of regulations for providing assistance to the TRC victims gazetted	80% completion of two draft regulations	100% completion of regulations on community rehabilitation and housing	12.5% completion of an additional set of draft regulations	(87.5%)	Target not achieved. External factors relating to the finalisation of the draft regulations led to underperformance of the target.

Since the beginning of payment for individual reparations, 16 707 beneficiaries who applied and were approved for reparation have been paid. In 2010/11, the Department undertook to finalise the remaining 875 within two years. These were people who could not be found through conventional tracing methods.

As at 1 April 2012, a total of 440 beneficiaries (these included 65 that could not be traced during the 2011/12 financial year) remained to be traced and paid. Of this total, 400 were traced during the year under review, of which 310 were paid, while 90 were in the process of being paid at the end of the financial year. The remaining 40 outstanding beneficiaries consisted of 31 whose whereabouts were still to be established, two with unknown addresses and seven who were believed to be abroad. The Department invested human and financial resources to trace the beneficiaries.

Following the TRC recommendations and the approval of the four key recommendations, namely individual reparation, symbols and monument, community rehabilitation, and

medical benefits and other forms of social assistance, regulations had to be drafted. The Department was therefore tasked to draft regulations that would assist beneficiaries in accessing the money in the President's Fund. In the last few years, an emphasis has been placed on finalising these regulations.

The TRC has also recommended the establishment of rehabilitation programmes aimed at developing and promoting reconciliation in communities that had been subjected to acts of violence and destruction during the specified conflict period. In accordance with the community engagement needs analysis phase of the Community Rehabilitation Programme developed by the Independent Development Trust (IDT), in conjunction with the TRC Unit, the two pilot projects in Alexandra and Mamelodi (Gauteng province) were officially launched on 23 February 2013 and 9 March 2013, respectively. The results of the needs analysis will inform the allocation of projects to communities and the development of the necessary regulations in accordance with the Promotion of National Unity and Reconciliation Act, Act No. 34 of 1995.

### Strategic Objective 7: Improved coordination of the JCPS Cluster towards the delivery of Outcome 3

Performance indicator		Actual achievement 2011/12	Planned target 2012/13	Actual achievement 2012/13	Deviation from planned target 2012/13	Comments on deviation
7.1	Number of quarterly cluster reports finalised and delivered to The Presidency by deadline	4	4	4	-	Target achieved.
7.2	Number of IJS quarterly progress reports	4	4	4	-	Target achieved.

The Department is a lead department in the implementation of Outcome 3 of government and is responsible for coordinating the activities of all JCPS Cluster departments and entities, and for setting up processes for reporting. During the period under review, all reports to Cabinet were submitted according to the stipulated deadlines.

The IJS Board reports on a monthly basis to the directors-general of the JCPS Cluster on the progress of the programme in terms of achievements, challenges and constraints. The report enables the accounting officers in the Cluster to have visibility of the progress in their own departments as well as the impact of any delays on other departments. The IJS report also serves as an engagement mechanism between the IJS Board and the JCPS Cluster DG on strategic direction and leadership. In this regard, all four quarterly reports were finalised and submitted to the Chairperson of the JCPS Cluster DGs.

#### Strategy to overcome areas of underperformance

During the 2011/12 financial year, the training of the judiciary was transferred to the South African Judicial Education Institute (SAJEI). A number of operational challenges were experienced in the management of this change, and this had an effect on the training planned and offered at the Justice College. The repositioning of the Justice College is in progress and will strengthen the leadership and stability of the organisation.

With reference to misconduct and grievance cases, the Department has identified a training intervention that will assist managers to improve their labour relations skills in managing these cases. Further, the Department will also put monitoring and evaluation systems in place to monitor the performance of the Department. On one hand, many of the cases are avoidable, and on the other hand, cases can be managed better to avoid long-winded litigation cases. It is expected that this intervention will lead to fewer grievance cases.

The outstanding regulations on the Truth and Reconciliation Commission required cooperation from other government departments. Although there were initial delays, the issues have been addressed. It is expected that the outstanding regulations will be finalised during the 2013/14 financial year.

#### Changes to planned targets

No changes were made to the planned targets during the reporting period.

#### Linking performance with budgets

Although the budget for this programme was all spent, it is worth noting that spending pressures were experienced in security infrastructure, and the operational costs and spending resulting from the Marikana Commission of Inquiry. In addition, office accommodation remains a challenge and this makes it difficult for the Department to increase its headcount and fill vacancies.



Subprogramme	2012/13			2011/12		
	Final appropriation	Actual expenditure	Over-/under-expenditure	Final appropriation	Actual expenditure	Over-/under-expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
Ministry	32 171	32 171	-	36 281	36 280	1
Management	52 504	52 504	-	43 831	43 830	1
Corporate Services	619 873	619 807	66	1 161 263	1 161 259	4
Office Accommodation	771 118	771 118	-	600 931	600 931	-
<b>Total</b>	<b>1 475 666</b>	<b>1 475 600</b>	<b>66</b>	<b>1 842 306</b>	<b>1 842 300</b>	<b>6</b>

## 5.2 PROGRAMME 2: COURT SERVICES

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

- Constitutional Court
- Supreme Court of Appeal
- High Courts
- Specialised Courts
- Lower Courts
- Family Advocate
- Magistrate's Commission
- Government Motor Transport
- Facilities Management
- Administration Courts

### Strategic objectives

The following strategic objectives were identified in this programme. Key performance indicators for each of these objectives are detailed in the tables that follow:

8. Improved finalisation of activities in support of Outcome 3
9. Improved delivery of maintenance services
10. Increased protection of the rights of vulnerable groups
11. Increased access to justice services by underserved communities
12. Improved delivery of services at the courts
13. Capacitating the Office of the Chief Justice

#### Strategic Objective 8: Improved finalisation of activities in support of Outcome 3

Performance indicator	Actual achievement 2011/12	Planned target 2012/13	Actual achievement 2012/13	Percentage deviation from planned target 2012/13	Comments on deviation
8.1 Number of cases on the backlog roll	≤34 926	≤36 295	31 054	14%	Target exceeded. Case backlog interventions led to the target being exceeded.

To reduce the number of backlog cases in the regional and district courts, and to ensure that the inflow of the new cases is balanced by the number of cases concluded, the Department implemented the Case Backlog Reduction Project. Backlog cases are viewed as all criminal cases that have been on the district court roll for longer than six months and on the regional court roll for longer than nine months. The regional and district backlog courts have removed 82 271 cases

from the court rolls since the inception of the backlog intervention in November 2006.

These are made up of 57 668 cases finalised, 21 932 cases withdrawn and 2 671 cases transferred to higher courts. During the 2012/13 financial year, 81 backlog courts were in operation, consisting of 60 regional and 21 district backlog courts. The number of cases on the backlog was reduced to 31 054 during the period under review.

Strategic Objective 9: Improved delivery of maintenance services					
Performance indicator	Actual achievement 2011/12	Planned target 2012/13	Actual achievement 2012/13	Percentage deviation from planned target 2012/13	Comments on deviation
9.1 Percentage implementation of the Maintenance Turnaround Project	65%	100% of year 2 plan	65% of year 2 plan	(35%)	Target not achieved. Limited space capacity in certain court buildings, such as Kimberley and Thohoyandou, contributed to target not being achieved.

The Department initiated the Maintenance Turnaround Project with the aim of identifying and addressing all process and other issues that had a negative impact on the quality of maintenance services offered to members of the public. This three-year project was in its second year of implementation in the year under review. During the year, 65% of the activities on the project plan were achieved as follows:

- The lean process management (LPM) system was rolled out to eight pilot sites. This is a rapid process improvement that removes blockages, waste and backlog from the service points. Furthermore, the Department conducted 18 training sessions for maintenance officers and maintenance investigators in an effort to build and strengthen their skills in managing applications for maintenance in courts.
- The National Maintenance Signage System (NMSS) was established at the Johannesburg Family Court. This system assists maintenance clients to

quickly find their way to service points with minimal or no assistance and has reduced the waste of time spent in wrong queues. It can also be noted that NMSS was not established at the Kimberley, East London and Thohoyandou pilot sites due to challenges relating to the availability of space. The Department has, however, embarked on a tender process to procure three mobile units for these courts, and the system will thus be established at these courts during the 2013/14 financial year.

- A Maintenance Complaints Management Training Module was developed to equip the newly appointed Maintenance Complaints Managers (MCMs) with appropriate skills to effectively manage the complaints. An information session was also held for MCMs.
- The draft National Defaulters Strategy, which is intended to guide courts on how to uniformly deal with defaulters, was produced. It is envisaged that the strategy will be implemented during the 2013/14 financial year.

### Strategic Objective 10: Increased protection of the rights of vulnerable groups

Performance indicator	Actual achievement 2011/12	Planned target 2012/13	Actual achievement 2012/13	Percentage deviation from planned target 2012/13	Comments on deviation
10.1 Percentage of convictions recorded electronically on the NRSO	-	72%	88%	22%	Target achieved. Training of court officials on the NRSO led to the target being exceeded.
10.2 Number of additional one-stop child justice centres designated	0	2	0	(100%)	Target not achieved. Unavailability of an affordable building that could be converted and refurbished into a one-stop child justice centre led to target not being achieved.
10.3 Percentage of family law cases involving fathers of children born out of wedlock resolved in mediation	-	100%	19%	(81%)	Target not achieved. Capacity constraints and distance led to the target not being achieved. The Children's Act and Jurisdiction of the Regional Courts Amendment Act expanded the mandate of officials responsible.
10.4 Percentage of family advocates' court reports filed within 15 days of enquiry	-	50%	9%	(82%)	Target not achieved. Capacity constraints led to the target not being achieved. The Children's Act and Jurisdiction of the Regional Courts Amendment Act expanded the mandate of officials responsible.

The National Register for Sex Offenders (NRSO) gives employers such as schools, crèches and hospitals the right to establish if the person being hired is fit to work with children or mentally disabled people. It is therefore critical that this database is kept up to date. During the year under review, a total of 2 622 convictions were recorded, of which 2 320 were recorded electronically on the NRSO. This represents 88% of the cases recorded on the NRSO, against a target of 80%.

The one-stop child justice centre is an innovation in child justice in South Africa that enables young people who are allegedly in conflict with the law to receive all the relevant services in one location. The centre is aimed at expediting all cases in which children are involved. Although the Department was unable to designate the two (Father Smangaliso Mkhathshwa and Molehe Mampe) one-stop child justice centres that were planned for the period under review,

the designation of the Matlosana one-stop child justice centre was completed.

It can further be reported that the designation of the Khayaletumba Youth Centre had to be put on hold due to the unavailability of an existing building that could be converted and refurbished into a one-stop child justice centre within the budget. An Intersectoral Committee on Child Justice has initiated a process of investigating the viability of the further establishment of these centres.

The Office of the Chief Family Advocate was established to protect the rights of children in situations where their parents cannot be together. One of the services offered is cost-free mediation to parents of children born out of wedlock, thus alleviating the burden of litigation costs on them. Congestion on court rolls in the lower and high courts in matters affecting the interests of minor children is relieved by the Family Advocate

offering an ADR service through mediation. For the period under review, 4 126 (19%) of a total of 22 236 family law cases involving fathers of children born out of wedlock were resolved in mediation.

For cases where reports need to be filed at the court, the Family Advocate targeted to complete this within 15 days of the case being finalised. During the

year under review, 4 808 (9%) of family advocates' court reports were filed within 15 days from a total of 52 286 cases. This performance reflects the capacity problems experienced in the Office of the Chief Family Advocate, which include, among others, the amount of time spent by advocates to travel between offices and the difficulties in attracting appropriate OSD candidates.

Strategic Objective 11: Increased access to justice services for underserved communities					
Performance indicator	Actual achievement 2011/12	Planned target 2012/13	Actual achievement 2012/13	Percentage deviation from planned target 2012/13	Comments on deviation
11.1	Number of new court buildings completed	1	2	1	(50%) Target not achieved. Poor performance and cash flow challenges by the contractor for the Polokwane High Court led to target not being achieved.
11.2	Number of branch courts converted to full-service courts	18 of 24	24 of 24	18 of 24	(25%) Target not achieved. The conversion of six branch courts to full-service courts would be proclaimed in April 2013.
11.3	Number of small claims courts established in magisterial districts	23	24	16	(33%) Target not achieved. The establishment of small claims courts is dependent on the availability of private practitioners and retired commissioners.

The Construction of the Katlehong Court was completed in June 2012, and it was officially opened by the Minister in August 2012. The Polokwane Court was delayed by challenges regarding the building contractor. A replacement contractor has since been identified and the procurement processes are in place. It is envisaged that the site will be handed over during the first quarter of the 2013/14 financial year, with the practical completion expected during the 2014/15 financial year.

Significant milestones have been achieved, in particular with regard to the rehabilitation of certain branch courts in traditionally black townships. Of the 90 branch courts, 15 had been proclaimed as full-service courts with effect from 15 August 2009, and three were proclaimed in 2011, bringing the total number of branch courts designated as full-service

courts to 18. During his budget speech on 16 April 2012, the Minister announced the six branch courts (Atteridgeville, Sebokeng, Tsakane (Gauteng), Stilfontein and Orkney (North West), and Secunda (Mpumalanga) that were expected to be proclaimed as full-service courts during the 2012/13 financial year in order to reach the target of 24. Although preparatory work for the redesignation of the six branch courts was completed by the end of the 2012/13 financial year, the conversion could only be proclaimed in the Government Gazette at the beginning of the 2013/14 financial year.

In an effort to allow South African citizens to institute minor civil claims in a speedy, affordable and simple manner without using an attorney, the Department aims to have at least one Small Claims Court in each of the 387 magisterial districts. To this effect, 16 new small claims courts were

established during the year under review, resulting in 263 small claims courts being established countrywide to date. In addition, 70 additional places of sitting for small claims courts have also been established. Furthermore, 237 commissioners and 147 advisory board members were appointed for

these courts during the period under review. Various community outreach sessions were also held and official launch events for new small claims courts were held in Bloemhof (North West), Tshitale (Limpopo), Botshabelo (Free State) and Fort Beaufort (Eastern Cape).

**Strategic Objective 12: Improved delivery of services at the courts**

Performance indicator	Actual achievement 2011/12	Planned target 2012/13	Actual achievement 2012/13	Percentage deviation from planned target 2012/13	Comments on deviation
12.1 Percentage of default judgments performed by the Clerk of the Court granted within 30 days (lower courts)	-	65%	56%	(14%)	Target not achieved. Data collection problems early in the financial year caused persistent underperformance throughout the year.
12.2 Percentage of unopposed taxations processed within 30 days from the date the matter is set down (lower courts)	-	65%	69%	6%	Target achieved.

In civil matters where summons have been issued and no defence is lodged, a default judgment can be requested in certain matters such as hire purchases. It is important to maintain service standards in these matters in order to avoid backlogs and negatively affect service delivery. During the period under review, 316 921 default judgment matters were concluded, of which 178 937 (56%) were concluded

within 30 days, against a target of 65%. Following a civil matter, cost orders and taxations need to be finalised speedily to allow claimants to receive their funds and avoid uncertainty for both parties. During the year under review, a total of 27 608 unopposed taxation matters were concluded, of which 18 848 (69%) were processed within 30 days, against a target of 65%.

**Strategic Objective 13: Capacitating of the Office of the Chief Justice**

Performance indicator	Actual achievement 2011/12	Planned target 2012/13	Actual achievement 2012/13	Percentage deviation from planned target 2012/13	Comments on deviation
13.1 Percentage of positions filled	-	60%	40%	(33%)	Target not achieved. A number of new posts were created during the financial year.
13.2 Number of judicial officers trained by SAJEI	-	350	1 956	459%	Target exceeded. Conservative targets were set due to operational risks identified with SAJEI taking over the judicial training.



In preparation for full independence of the Office of the Chief Justice, the Department has in the last few financial years assisted with capacitating this office by seconding a number of departmental officials to assist with the formation of this office. During the year under review, 40% of the 148 funded positions were filled, against a target of 60%. The target was not achieved as a result of the creation of additional posts. Although the target was not achieved, significant progress is being made with capacitating the office.

One of the functions that began the migration to the Office of the Chief Justice is the South African Judicial Education Institute. Training for the judiciary that was previously undertaken by the Justice College was for the first time presented by this office. A total of 1 956 judicial officers received training during the 2012/13 financial year.

#### Strategy to overcome areas of underperformance

With regard to small claims courts, the Department's policy is to have one court in every magisterial district. The remaining areas without small claims courts are in

rural districts where commissioners are not available. During the 2013/14 financial year, a plan will be put in place to address this shortcoming and assist the Department to reach its targets.

The building of new courts remains a major challenge due to the risks associated with civil works. The Department cannot reach targets due to delays, and in addition, there is a risk of inflationary cost escalations as a result of these delays. The Department will engage with the Department of Public Works and National Treasury to better manage this risk.

#### Changes to planned targets

No changes were made to the targets during the year under review.

#### Linking performance with budgets

The majority of funds used in this programme are utilised to support the finalisation of court cases detailed under the Service Delivery section in Part A. As previously indicated, the Office of the Chief Family Advocate's performance reflects an underfunding, which is expected to be addressed in the 2013/14 financial year.

Subprogramme	2012/13			2011/12		
	Final appropriation	Actual expenditure	Over-/under-expenditure	Final appropriation	Actual expenditure	Over-/under-expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
Constitutional Court	95 720	95 720	-	90 993	90 993	-
Supreme Court of Appeal	26 381	26 381	-	20 880	20 880	-
High Courts	409 874	409 874	-	353 832	353 832	-
Specialised Courts	55 884	55 884	-	41 516	41 516	-
Lower Courts	3 395 280	3 394 341	939	2 510 868	2 510 867	1
Family Advocate	125 769	125 769	-	105 884	105 884	-
Magistrate's Commission	11 866	11 866	-	10 410	10 410	-
Government Motor Transport	37 015	37 015	-	23 234	23 234	-
Facilities Management	813 610	813 610	-	700 406	700 406	-
Administration of Courts	422 259	422 259	-	361 455	361 455	-
<b>Total</b>	<b>5 393 658</b>	<b>5 392 719</b>	<b>939</b>	<b>4 219 478</b>	<b>4 219 477</b>	<b>1</b>

### 5.3 PROGRAMME 3: STATE LEGAL SERVICES

The purpose of the programme is to manage the Department, develop policies and strategies for the efficient administration of justice and provide centralised support services. This programme has the following subprogrammes:

- State Law Advisors
- Litigation and Legal Services
- Legislative Development, Law Reform Commission and Rules Boards for Courts of Law
- Master of the High Court
- Constitutional Development

#### Strategic objectives

The strategic objectives below were identified in this programme. Key performance indicators for each of these objectives are detailed in the tables that follow:

14. Increased efficiency in the provision of services to beneficiaries of the Guardian's Fund, trusts, insolvent and deceased estates
15. Constitutional advocacy and participatory democracy strengthened to ensure respect for fundamental human rights
16. Improved provision of legal services to the State organs
17. Legislation developed for effective and efficient justice services.



**Strategic Objective 14: Increased efficiency in the provision of services to beneficiaries of the Guardian's Fund, trusts, insolvent and deceased estates**

Performance indicator		Actual achievement 2011/12	Planned target 2012/13	Actual achievement 2012/13	Percentage deviation from planned target 2012/13	Comments on deviation
14.1	Percentage of letters of appointment issued in deceased estates within 15 days from receipt of all required documents	-	90%	93%	3%	Target achieved.
14.2	Percentage of liquidation and distribution accounts in large estates (> R 125 000) examined within 15 days from receipt of all required documents	-	90%	85%	(6%)	Target not achieved. Capacity constraints led to target not being achieved. Management intervention have been implemented to improve on performance.
14.3	Percentage of beneficiaries in receipt of services within 40 days (Guardian's Fund)	82.4%	90%	86%	(4%)	Target not achieved. Slow response from other institution on verification of fingerprints played a role in achieving target.
14.4	Percentage of certificates of appointment issued in all bankruptcy matters within 10 days from receipt of all required documents	-	90%	67%	(26%)	Target not achieved. Capacity constraints led to target not being achieved. Management interventions have been implemented to improve on performance.
14.5	Percentage of liquidation and distribution accounts in bankruptcy matters examined within 15 days from receipt of all required documents	-	90%	68%	(24%)	Target not achieved. Capacity constraints led to target not being achieved. Management interventions have been implemented to improve on performance.
14.6	Percentage of letters of authority issued in trusts within 14 days of receipt of all required documents	97.2%	90%	94%	4%	Target achieved.
14.7	Percentage completion of the project to establish a Master's Office in Nelspruit	-	100%	100%	-	Target achieved.
14.8	Percentage of Guardian's Fund money paid through the EFT system	-	90%	83%	(8%)	Target not achieved. Change in the payment system (EFT vs cheque) led to the target not being achieved.

When a person dies, it is crucial for his or her estate to be wound up speedily, so that beneficiaries are not left destitute. It is therefore important for the Department to timeously appoint an administrator in order to assist grieving families. During the 2012/13 financial year, 93% of letters of appointment in deceased estates were issued within 15 days of receipt. A total of 101 320 appointments were issued, of which 94 766 were done within 15 days.

The speedy finalisation of liquidations contributes positively to the economy of the country, as the assets and funds are ploughed back into the economy without delay, which improves the chance of creditors receiving recourse. During the period under review, a total of 48 337 liquidation and distribution accounts in large estates were examined, of which 41 064 (85%) were done within 15 days, against a target of 90%.

Furthermore, a total of 46 077 Guardian's Fund payments have been finalised in the financial year, of which 39 791 (86%) was done within the 40-day time frame. The speedy finalisation of these payments contributed positively to the livelihood of the beneficiaries, including their education, as the beneficiaries of the fund are minors and mentally challenged persons. A total of 38 432 payments have been made in the financial year, of which 31 724 (83%) were done by way of EFT. This has assisted the Department to reduce the risk of theft

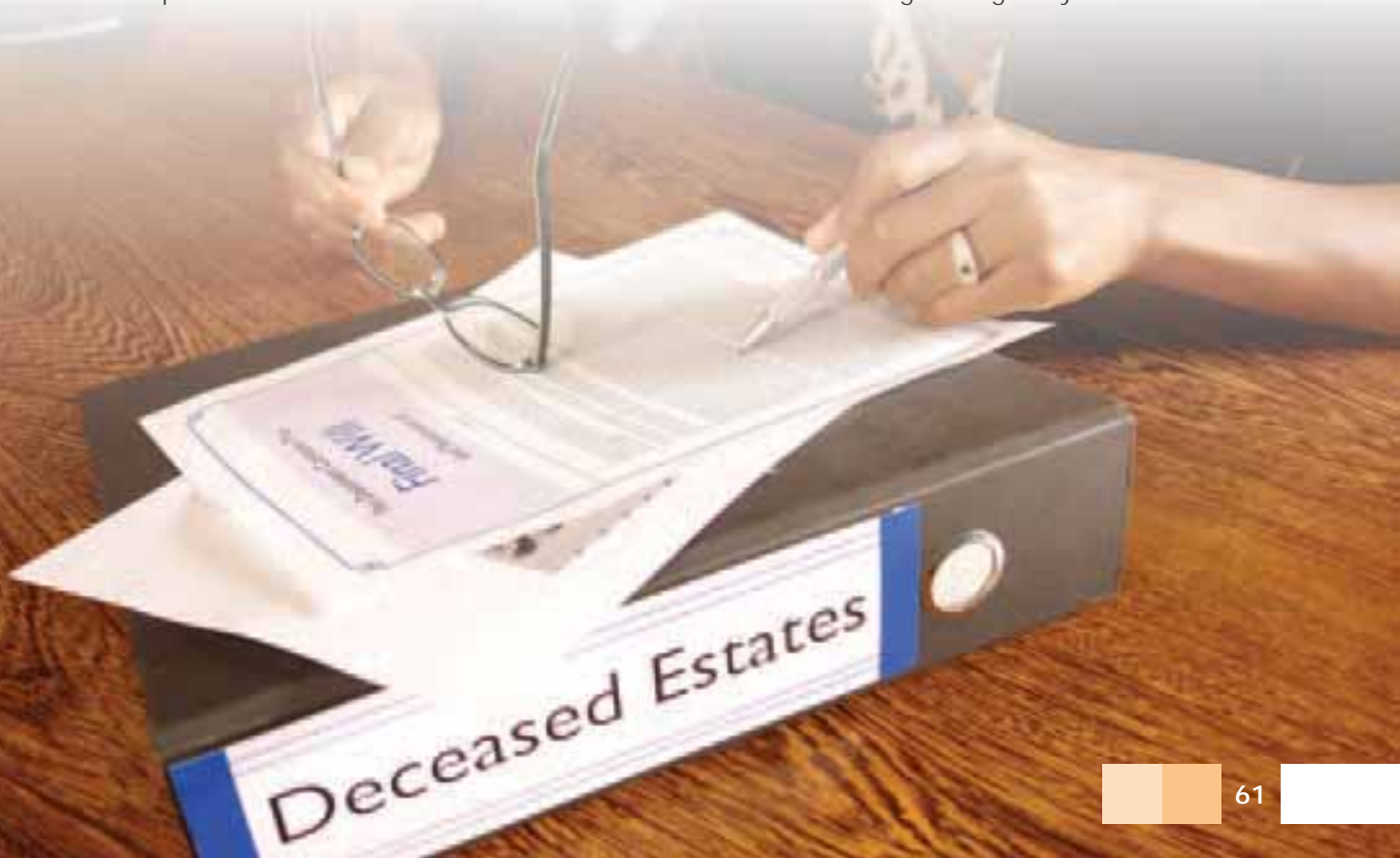
and saves clients time and effort needed to collect the money physically.

Through the Master of the High Court, the Department was able to issue a total of 12 705 certificates of appointment in bankruptcy matters, of which 8 477 (67%) were issued within the ten-day time frame. It can further be reported that a total of 8 085 liquidation and distribution accounts in bankruptcy were examined, of which 5 514 (68%) were examined within the 15-day time frame. This ensured that creditors were paid, thus having a positive impact on the economy.

A total of 33 960 letters of authority issued in trusts were finalised during the period under review, of which 31 774 (94%) were finalised within the 14-day time frame. The continuous and effective use of the ICMS Masters has contributed to the improvement in the achievement of this target.

In an effort to render accessible and effective administration of justice to the citizens of South Africa, a Master's Office was established in Nelspruit, Mpumalanga. The office had already registered 1 381 estates in the period June 2012 to March 2013. Furthermore, service points were established at the Barberton and Nelspruit magistrate's offices.

The achievement of the above targets ensures the protection of the financial interests of persons whose assets or interests are being managed by others.



**Strategic Objective 15: Constitutional advocacy and participatory democracy strengthened to ensure respect for fundamental human rights**

Performance indicator		Actual achievement 2011/12	Planned target 2012/13	Actual achievement 2012/13	Percentage deviation from planned target 2012/13	Comments on deviation
15.1	Percentage completion of the project for improved access to justice, including restorative justice mechanisms for vulnerable and marginalised groups	100%	100%	100%	-	Target achieved.
15.2	Percentage completion of the project to increase awareness and knowledge of constitutional rights for vulnerable and marginalised groups	95%	100%	100%	-	Target achieved.
15.3	Percentage completion of the project to enhance participatory democracy through public policy dialogue and strengthening the capacity of community-based organisations	100%	100%	99%	(1%)	Target not achieved. The tenth episode of the series could not be filmed before the end of March 2013 due to scheduling conflict with the two main participants.
15.4	Number of activities towards the improvement of PAJA compliance	5	6	6	-	Target achieved.
15.5	Percentage level of compliance with PAIA by DoJ&CD	18%	100%	61%	(39%)	Target not achieved. Documents did not reach requestors in prisons as they were either released, deceased or not allowed to receive any documentation.

During the 2012/13 financial year, projects for the promotion and implementation of the Constitution and its values continued. Key highlights of the three projects for the 2012/13 financial year include the following:

**15.1: Increase access to justice**

Activities	Target	Achieved
Audience reached by popular education programme on PEPUDA	2.5 million	2.7 million
Individuals benefiting from grants for farm workers and farm dwellers	300 000	362 975
Number of persons benefiting from grants for constitutional and socio-economic rights	300 000	7 million



### 15.2: Increase awareness and knowledge of constitutional rights

Activities	Target	Achieved
Audience reached by popular constitutional rights programmes	2 million	2.76 million
Refugees, asylum-seekers and undocumented migrants benefiting	10 000	25 396

### 15.3: Enhance participatory democracy and strengthening the capacity of CBOs

Activities	Target	Achieved
Number of CBOs participating in pilot capacity-building programme	20	20
Public policy dialogues in collaboration with SABC	10	9
Public policy dialogues on various human rights issues	8	8
Workshops on hate speech and National Action Plan to Combat Racism	6	6
Workshops with CBOs on various gender-related issues	4	5

In working towards improving PAJA compliance, key activities that were concluded during the year under review included a report on the pilot study for the implementation of PAJA, the finalisation of the PAJA implementation manual and the facilitation of four meetings of the Interdepartmental Working Group.

The Department strives towards ensuring that an application for access to information in its custody is provided to all persons or institutions within the period prescribed by the PAIA. In this regard, a total of 1 107 requests were received, of which 680 (61%) were granted within the prescribed period during the period under review. The target was not achieved, as the documents could not reach the requestors in prison, as they were released, deceased or were not allowed to receive any documentation. The delay in the completion of transcripts by transcribers also impacted on the achievement of the target.

### Strategic Objective 16: Improved provision of legal services to the State organs

Performance indicator	Actual achievement 2011/12	Planned target 2012/13	Actual achievement 2012/13	Percentage deviation from planned target 2012/13	Comments on deviation
16.1 Percentage of value of briefs allocated to PDIs	70%	75%	70%	(7%)	Target not achieved. Under-achievement is due to specific briefing counsel being preferred by client departments.
16.2 Percentage of successfully concluded cases by the State Attorney	-	50%	30%	(40%)	Target not achieved. State Attorney Services requires an increase in resources.
16.3 Percentage of legal opinions finalised within 15 days from date of receipt	52%	75%	77%	3%	Target achieved.

During the 2012/13 financial year, 70% of the value of briefs were allocated to previously disadvantaged individuals, which translates to R314 428 391 being paid to PDIs. Furthermore, the briefing of female counsel translates to 19% of the total briefing. This shows an increase when compared to 18% during the 2011/12 financial year, indicating efforts to improve on the briefing of women. A total of 1 874 cases were finalised, of which 570 (30%) were successfully concluded by State Attorneys. More focus will be placed on addressing the limited female briefing patterns by engaging the profession and client departments in order to turn the situation around.

Strategic Objective 16: Improved provision of legal services to the State organs						
Performance indicator		Actual achievement 2011/12	Planned target 2012/13	Actual achievement 2012/13	Percentage deviation from planned target 2012/13	Comments on deviation
16.4	Percentage of preliminary opinions on draft bills for Cabinet's consideration completed within 15 days of receipt	53%	87%	55%	(37%)	Target not achieved. Complexity of cases led to the target not being achieved.
16.5	Percentage of bills and other legal instruments scrutinised or certified within 20 days of receipt	57%	87%	80%	(8%)	Target not achieved. Outstanding instruments were received late in Quarter 4, and could thus not be finalised.
16.6	Percentage of translations finalised within stipulated turnaround time	93%	100% within 55 days	94% within 55 days	(6%)	Target not achieved. Complexity of the matters led to underperformance.
16.7	Reduction in turnaround time for preparation and approval of valid requests for extradition (notification) and mutual legal assistance in criminal matters	87.2%	100% within two weeks	86% within two weeks	(14%)	Target not achieved. Complexity of certain matters and consultations with other stakeholders led to the target not being achieved.

Through the Office of the Chief State Law Advisor, the Department has the responsibility to ensure that the State is able to deliver on its mandate, promote the rule of law and give effect to the values enshrined in the Constitution of the Republic of South Africa. During the period under review, the Department received a total of 902 requests for legal opinions and finalised 837. Of these, 646 (77%) were finalised within the set time frame of 15 days.

Furthermore, the Department received 94 preliminary opinions on draft bills for Cabinet's consideration, and finalised 60, of which 33 (55%) were finalised within the set time frame of 15 days from the date of entry.

In terms of bills and other legal instruments, the Department finalised 466 pieces of work, of which 372 (80%) were finalised within the set time frame. A total of 237 translations were received and processed, of which 222 (94%) were finalised within the set time frame of 55 days from date of entry.

The Department processed 87 requests for mutual legal assistance and 46 extradition requests. Of these requests, 86% were processed within the prescribed time frame, which indicates that South Africa will not tolerate transnational crime and that persons who commit

crime will be brought to book in South Africa or in a foreign State. This will further contribute to making South Africa a safer place.

Strategic Objective 17: Legislation developed for effective and efficient justice services						
Performance indicator		Actual achievement 2011/12	Planned target 2012/13	Actual achievement 2012/13	Percentage deviation from planned target 2012/13	Comments on deviation
17.1	Number of legislative instruments developed	93%	20	11	(45%)	Target not achieved. The process of completing legislative instruments is long, complicated and sensitive in some cases.

During the period under review, the following 11 legislative instruments (bills, research and rules) were developed in line with targets:

- i. Legal Practice Bill
- ii. Prevention and Combating of Torture of Persons Bill
- iii. South African Human Rights Commission Bill
- iv. Review of legislation administered by the Department of Basic Education
- v. Review of legislation administered by the Department of Cooperative Governance and Traditional Affairs
- vi. Review of legislation administered by the Department of Defence and Military Veterans
- vii. Review of Rule 18 of the Supreme Court of Appeal Rules, dealing with tariff of fees
- viii. Review of amendments to court-based mediation rules
- ix. Review of High Court Rule 31(5), dealing with granting of default judgments by registrars to ensure judicial oversight in matters involving primary residences of defendants
- x. Review of High Court Rules 43(7) and (8), to amend and regulate the scale of fees chargeable by practitioners in pending matrimonial matters involving interim maintenance, costs contribution, interim custody of and access to children
- xi. Review of rules to provide method of payment for photocopies, subsequent to the abolition of revenue stamps and court fees.

The Department did not manage to prepare all the legislation instruments as planned. This was mainly due to support offered for legislation already in Parliament and unplanned and urgent legislative amendments that needed to be finalised during the period under review.

The following is the progress with regard to the legislative instruments and research that have not been completed:

Legislative instrument	Progress
Muslim Marriages Bill	After publication in the Government Gazette, comments received on the bill were evaluated. It is a complex and sensitive issue dealing with issues of a religious nature. A meeting was held with relevant stakeholders in April 2012 to clarify certain issues. In May 2012, feedback was received on certain issues discussed in the April meeting. A bill, adapted in line with the comments received, where appropriate, together with an evaluation of the comments, was submitted to the Minister. (Progress: 30%)
Legal Aid Bill	Certain stakeholders raised concerns when the bill was ready for submission to Cabinet in 2012. These concerns were addressed and the bill was adapted and submitted to the Minister. Discussions between the Minister and Legal Aid South Africa on the bill took place in February 2013. It was agreed that the bill should be made available to relevant stakeholders for comments before it is considered by Cabinet. (Progress: 95%)

Legislative instrument	Progress
Determination of Remuneration of Commissioners of Chapter 9 Institutions Amendment Bill	The bill was approved by Cabinet in November 2012 for purposes of consultation. The comments received are being evaluated and some indicate that aspects of the bill might require further decisions from policy-makers.
Hate Speech Bill	The bill is to be informed by a policy framework that is being developed. The policy framework was submitted to Cabinet for approval, but there was a request for further research, which has since been completed.
National Prosecuting Authority Amendment Bill	A bill has been prepared. Its promotion can only continue after obtaining crucial comments, which are awaited.
Finalisation of report on sexual offences for submission to the South African Law Reform Commission	The term of office of the Commission has expired, which, among others, means that this investigation has no project leader. A new Commission is in the process of being appointed. The appointment of a new Commission will also facilitate the appointment of a project leader, who will facilitate the finalisation of the draft report on sexual offences: adult prostitution. (Progress: 85%)
Review of legislation administered by the Department of Justice and Constitutional Development	Due to limited comments received on the discussion paper on this investigation published for comment in November 2011, comment was requested from specific stakeholders again in October 2012. After following up on outstanding comments repeatedly, additional comments were received in November 2012 and March 2013. In addition, the effect of the proposed Human Rights Commission Bill needs to be taken into account in the further development of the report on this investigation. (Progress: 25%)
Submission of draft discussion paper on custody of and access to children and submission to advisory committee	Work on a draft issue paper has commenced. (Progress: 10%)
Finalisation of the report on the Convention on the Rights of Persons with Disabilities (CRPD) for submission to the South African Law Reform Commission	Finalisation of the investigation has been delayed by the need to develop recommendations that comply with the United Nations CRPD and its requirement to consult with the disability sector in this regard. The amended draft bill was submitted to government and disability sector stakeholders in February 2012 for comments on its compatibility with the CRPD. Extensive written comments were received at the end of April 2012. The extent and nature of the comments necessitated further consultation with stakeholders, which took place during April, May and June 2012. Amendments to the draft bill were submitted to the project leader for consideration in June and December 2012, and February 2013. The amended draft bill was approved by the advisory committee in March 2013. (Progress: 20%)

## OTHER LEGISLATIVE INSTRUMENTS DEALT WITH DURING THE PERIOD UNDER REVIEW

Despite the non-achievement of some of the goals, significant progress has been made in the preparation of some key legislative measures, while other key bills have been approved by Parliament during the year under review, some of which were not initially included in the Departmental plans but were very urgent. The impact of these measures, some of which have been in the making over a lengthy period, will have a profound and positive impact on the Statute Book as far as the administration of justice is concerned, as is set out below:

### a) Constitution 17<sup>th</sup> Amendment Bill/ Superior Courts Bill

One of the legislative highlights is the approval of the Constitution 17<sup>th</sup> Amendment Bill by Parliament on 20 November 2012 and of the Superior Courts Bill by the Select Committee on Security and Constitutional Development on 19 March 2013. This is a significant milestone, marking the end of years of deliberations to give effect to a constitutional mandate, namely to rationalise the superior courts in terms of their structure, composition, functioning and jurisdiction, with a view to establishing a judicial system suited to the requirements of the Constitution.

**b) Prevention and Combating of Trafficking in Persons Bill**

A further milestone is the approval of the Prevention and Combating of Trafficking in Persons Bill by the Select Committee on Security and Constitutional Development on 19 March 2013. This measure is intended to deal comprehensively with all forms of trafficking in persons, an international scourge that is on the increase. Not only does it create offences which have a bearing on trafficking with the most severe penalties possible, but it also ensures that bona fide victims of this crime, mainly women and children, receive appropriate protection and counselling.

**c) Protection from Harassment Act**

The implementation of the Protection from Harassment Act is also noteworthy. This Act will come into operation on 27 April 2013. Its implementation has been preceded by the preparation of comprehensive regulations required by the Act. This Act will assist victims of harassment, also referred to as stalking, in bringing their stalkers to court with the view to getting a court order prohibiting the unacceptable conduct in question.

**d) Criminal Law (Sexual Offences and Related Matters) Amendment Act**

On 11 May 2012, the Western Cape High Court, in the case of *DPP Western Cape v Prins*, declared that, although the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, stipulates what constitutes crimes, it does not prescribe penalties in some instances. In terms of the judgment, it was held that charges in respect of these offences do not disclose offences and accordingly no successful prosecutions can follow. This unscheduled Bill was prepared and introduced into Parliament on 30 May 2012. It was promoted in both houses of Parliament and was in operation by 26 June 2012, a record month and a half after the above High Court judgment, thereby averting a severe disruption in the prosecution of these sensitive matters.

**e) Judicial Matters Amendment Bill, 2012**

The aim of the Judicial Matters Amendment Bill, 2012, is, among others, to enhance the capacity, particularly the financial capacity,

of the SIU to uncover improprieties in the State, such as fraud and corruption, and to recover losses emanating from these improprieties. This Bill was also prepared at short notice, introduced into Parliament, promoted by both houses of Parliament and signed into law on 2 October 2012. With regard to the SIU, it can be mentioned that the Department prepared documentation relating to six proclamations that were approved by the President and published in the Gazette, all in the fight against fraud, corruption and other financial improprieties.

**f) Criminal Procedure Amendment Bill, 2012**

Another Bill developed and promoted at short notice, at the urging of the judges of the Supreme Court of Appeal, was the Criminal Procedure Amendment Bill, 2012, which is intended to streamline and expedite the processing of criminal appeals from the high courts to the Supreme Court of Appeal. The Bill was introduced into Parliament in August 2012 and approved by the Justice Portfolio Committee and National Assembly in February 2013. It is being considered by the Select Committee on Security and Constitutional Development.

**g) The Protection of Personal Information Bill**

The Protection of Personal Information Bill, an extremely complex piece of legislation dealing with the protection of personal information processed by public and private bodies and regulating the rights of persons regarding unsolicited electronic communications, was approved by the Justice Portfolio Committee, after many lengthy deliberations, in November 2012. It is being considered by the Select Committee on Security and Constitutional Development.

**h) Criminal Law (Forensic Procedures) Amendment Act, 2010**

The Department facilitated the implementation of the Criminal Law (Forensic Procedures) Amendment Act, 2010, which came into effect on 18 January 2013. The Act ensures that the South African Police Service will have access to the fingerprint databases of other government



departments for criminal investigation purposes, and expands police powers to take and retain fingerprints, body prints and photographic images of persons charged with, or convicted of, offences.

i) **The Sheriffs Amendment Bill**

This Bill was approved in October 2012.

j) **The Criminal Procedure Amendment Bill, 2010**

This Bill deals with the use of force when effecting an arrest, and was approved in August 2012.

**SUBORDINATE LEGISLATION**

The following important sets of subordinate legislation emanating from the Judicial Service Commission Act, 1994, were gazetted on 18 October 2012, giving effect to Chapter 3 of that Act relating to judicial conduct tribunals for purposes of dealing with complaints against judges:

- Regulations under section 23(1) of the above Act to provide for the form and manner of establishing a list of persons who are not judicial officers and who have been approved by the Chief Justice, acting with the concurrence of the Minister, as being suitable to serve on such judicial conduct tribunals.
- Rules under section 25(1) of the above Act to regulate the procedures in judicial conduct tribunals.
- A Code of Judicial Conduct in terms of section 12 of the above Act, which will serve as the prevailing standard of judicial conduct with which judges must comply.

With effect from 1 February 2013, amounts determined for purposes of sections 9(1)(a), 56(1), 57(1)(a) and (5)(b), 57A(1), 112(1)(a) and (b), 300(1)(a) and 302(1)(a)(ii) of the Criminal Procedure Act, 1977, and the jurisdiction of magistrate's courts and regional courts to impose fines in criminal matters, as is provided for in section 92(1)(b) of the Magistrate's Courts Act, 1944, were increased so as to keep abreast of inflation. Of particular importance in this regard is

the increase of the amounts that have a bearing on compensation orders that may be made by criminal courts against persons who have been convicted of offences, for damages suffered by victims of crimes in certain circumstances. The amount was increased from R500 000 in the case of a regional court to R1 million. In the case of district courts, the amount was increased from R100 000 to R300 000.

**RULES OF COURTS**

The following are amendments to the rules of courts that were approved and/or gazetted additionally to the planned rules for the year under review:

a) **Amendments to High Court rules 4A, 6(5), 17(3), 19(3) and 34(8)**

To amend the requirement for litigants to append an address within eight kilometres of the court registrar's office on summonses and other pleadings or notices. The amendments effectively increase the erstwhile eight-kilometre service address radius to 15 kilometres. They also allow for alternative methods of service or exchange of pleadings and documents, for instance, via facsimile or electronic mail, thus enhancing further access to courts. They were gazetted in June 2012, and came into effect on 27 July 2012.

b) **Amendments to Magistrate's Courts Rule 43(13)**

The rule regulates the cancellation of sales in execution. They alleviate the erstwhile lacuna in the Magistrate's Courts Rules and align the procedure with that existing in the High Court, to remedy the situation of a defaulting purchaser in sales in execution involving immovable property. This rule was approved by the board and gazetted in August 2012.

c) **The repeal of High Court Rule 9**

This deals with the arrests of persons, and reference to such a rule in High Court Rule 1. These amendments were gazetted on 7 December 2012, and came into effect on 11 January 2013.

d) **Amendments to High Court Rule 68 and Part II of table C of Annexure 2 to the Magistrates' Courts Rules**

These deal with sheriffs' tariff fees. They effectively increase the scale of fees chargeable by sheriffs, who are officers of the courts and are a vital component in the facilitation of services in the litigation and/or court processes. They were approved by the board on 17 August 2012 and gazetted on 15 February 2013. They came into effect on 22 March 2013.

**Strategy to overcome areas of underperformance**

With regard to the brief allocated to previously disadvantaged individuals, the Minister has already announced the formation of a Solicitor-General post to transform and oversee State litigation and drive the transformation agenda, including the briefing patterns. In addition, concluding cases successfully depends on the merits of the cases received. Improved implementation of ADR mechanisms are under consideration.

There was a substantial increase in the number of requests for legal opinions and bills as well as an increase in the complexity of matters, which made it difficult to

perform according to the turnaround times stipulated by the Office of the Chief State Law Advisor. If this increase is sustained, an alternative approach to handling these cases will be considered.

The legislative processes involve extensive consultations, which often cause delays in the preparation of legislation. The risks of delay for each piece of legislation will be established in order to commit to an informed timeline.

**Changes to planned targets**

No changes were made to the planned targets during the reporting period.

**Linking performance with budgets**

The majority of the budget is spent on the Master of the High Court and State Attorney Services as a result of the volume of cases handled in different provinces. The detailed case load and performance are discussed in the service delivery section.

The Constitutional Development Branch is not yet fully established; hence the underspending indicated in the table below. In addition, a number of projects in this branch are performed with donor funding from the European Union.

Subprogramme	2012/13			2011/12		
	Final appropriation	Actual expenditure	Variance	Final appropriation	Actual expenditure	Variance
	R'000	R'000	R'000	R'000	R'000	R'000
State Law Advisors	53 020	53 020	-	49 352	49 352	-
Litigation and Legal Services	315 049	315 049	-	267 451	267 451	-
Legislative Development and Law Reform	41 702	41 702	-	38 913	38 911	2
Master of the High Court	353 437	353 437	-	330 997	330 997	-
Constitutional Development	31 293	31 293	-	10 994	10 993	1
<b>Total</b>	<b>794 501</b>	<b>794 501</b>	<b>-</b>	<b>697 707</b>	<b>697 704</b>	<b>3</b>

## 6. SUMMARY OF FINANCIAL INFORMATION

### 6.1 DEPARTMENTAL RECEIPTS

Departmental receipts	2012/13			2011/12		
	Estimate	Actual amount collected	(Over-)/under-collection	Estimate	Actual amount collected	(Over-)/under-collection
	R'000	R'000	R'000	R'000	R'000	R'000
Sale of goods and services other than capital assets	46 775	92 513	(45 738)	44 749	59 188	(14 439)
Transfers received		105	(105)		-	
Fines, penalties and forfeits	257 494	281 976	(24 482)	305 466	294 819	10 647
Interest, dividends and rent on land	1 907	1 480	427	3 012	2 104	908
Sale of capital assets	160	116	44	375	260	115
Financial transactions in assets and liabilities	18 095	70 705	(52 610)	19 471	22 695	(3 224)
<b>Total</b>	<b>324 671</b>	<b>446 895</b>	<b>(122 224)</b>	<b>373 073</b>	<b>379 066</b>	<b>(5 993)</b>

The Department received income from tariffs, and ensures that the tariffs are reviewed regularly. During the period under review, legislated tariffs were reviewed for services in the Office of the Chief Master. The rest of the tariffs are due to be reviewed during the 2013/14 financial year.

### 6.2 PROGRAMME EXPENDITURE

Programme name	2012/13			2011/12		
	Final appropriation	Actual expenditure	(Over-)/under-expenditure	Final appropriation	Actual expenditure	(Over-)/under-expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
Programme 1 Administration	1 475 666	1 475 600	66	1 842 306	1 842 300	6
Programme 2 Court Services	5 393 658	5 392 719	939	4 219 478	4 219 477	1
Programme 3 State Legal Services	794 501	794 501		697 707	697 704	3
Programme 5 Auxiliary and Associated Services	2 517 767	2 517 766	1	2 200 543	2 199 478	1 065
<b>Total</b>	<b>10 181 592</b>	<b>10 180 586</b>	<b>1 006</b>	<b>8 960 034</b>	<b>8 958 959</b>	<b>1 075</b>

### 6.3 TRANSFER PAYMENTS, EXCLUDING PUBLIC ENTITIES

The table below reflects the transfer payments made for the period 1 April 2012 to 31 March 2013.

Name of transferee	Purpose for which the funds were used	Compliance with section 38(1)(j) of the PFMA	Amount transferred (R'000)	Estimated Expenditure by the entity (R'000)	Reasons for the funds unspent by the entity
PD: Vehicle licences	Renewal of vehicle licences.	Imposed by law	488		
Public Protector of South Africa	To fund the Public Protector of South Africa, who investigates any alleged improper conduct in State affairs, public administration, or any sphere of government as well as any conduct that results in any impropriety or prejudice.	Yes	183 147	183 147	-
South African Human Rights Commission	To fund the South African Human Rights Commission, which promotes and monitors the observance of human rights in South Africa.	Yes	101 530	101 530	-

The table below reflects the transfer payments which were budgeted for in the period 1 April 2012 to 31 March 2013, of which transfer payments were made.

Name of transferee	Purpose for which the funds were to be used	Amount budgeted for (R'000)	Amount transferred (R'000)	Reasons why funds were not transferred
PD: vehicle licences	Renewal of vehicle licences.	488	488	NA
Public Protector of South Africa	To fund the Public Protector of South Africa, who investigates any alleged improper conduct in State affairs, public administration, or any sphere of government as well as any conduct that results in any impropriety or prejudice.	183 147	183 147	NA
South African Human Rights Commission	To fund the South African Human Rights Commission, which promotes and monitors the observance of human rights in South Africa.	101 530	101 530	NA

### 6.4 PUBLIC ENTITIES

Name of public entity	Services rendered by the public entity	Amount transferred to the public entity (R'000)	Estimated Expenditure by the entity (R'000)	Achievements of the public entity
Legal Aid South Africa	Renders or makes available legal aid to indigent persons and provides legal representation at the State's expense.	1 255 145	1 255 145	432 002 cases involving indigent people were finalised during the period under review.
Special Investigating Unit	Provides professional forensic investigations and litigation services to all State institutions at national, provincial and local level.	340 713	340 713	38 JCPS Outcome 5 investigations were completed against a target of 35. A total of R171 613 445 was recovered from perpetrators of crime against a target of R35 000 000.

## Donor funds

The Department is grateful for the assistance received in cash and in kind from the following organisations in the financial year under review and the rest of the Medium-Term Expenditure Framework (MTEF) period:

Name of donor	Government of the Swiss Confederation
Full amount of the funding	R10 000 000
Period of the commitment	March 2011 – February 2015
Purpose of the funding	Transformation of small claims courts by capacitating court officials and commissioners through training and by establishing additional small claims courts.
Expected outputs	To increase the number of courts handling small claims matters and training relevant officials on relevant systems and processes.
Actual outputs achieved	<ol style="list-style-type: none"> <li>1. 144 of the 300 small claims commissioners appointed for small claims courts were trained. This training is ongoing.</li> <li>2. Five small claims courts were established in the following regions: Mpumalanga (Balfour), North West (Bloemhof), Limpopo (Tshitale), Free State (Botshabelo) and Eastern Cape (Fort Beaufort).</li> <li>3. The first draft of the Revised Guidelines for Clerks and Commissioners has been produced.</li> </ol>
Amount received in current period	R2 221 472 (R1 121 472 was carried over from the previous financial year and R1 100 000 was received from National Treasury)
Amount spent by the Department (R'000)	R2 005 441
Reasons for unspent funds	R216 030 was unspent, but is committed for payment of goods and services procured.
Monitoring mechanism by the donor	The donors attend the National Steering Committee on Small Claims Courts meeting, where the project plan and the financial reports are discussed, on a quarterly basis. The Committee monitors the implementation of the plan and the proper utilisation of funds. In addition, reports are submitted to the donor according to the time frames contained in the funding statement.

Name of donor	European Union
Full amount of the funding	R209 367
Period of the commitment	Three years
Purpose of the funding	<ol style="list-style-type: none"> <li>1. To support programmes that will increase awareness and knowledge of constitutional rights</li> <li>2. To increase access to justice for vulnerable and marginalised groups</li> <li>3. To support programmes in order to enhance participatory democracy and strengthen the capacity of community-based organisations</li> </ol>
Expected outputs	<p>During the year under review, the following progress has been recorded:</p> <ol style="list-style-type: none"> <li>1. 45 community advice offices were opened and a further ten advice offices will be opened to reach the target.</li> <li>2. 26 308 refugees, asylum-seekers and undocumented migrants benefited from the awards that have been made to organisations to support this community.</li> <li>3. The annual target of signing agreements with 50 community advice offices that are implementing human rights awareness programmes in support of capacity-building initiatives was met by March 2012.</li> <li>4. More than 2.7 million people were reached through the programme on the Equality Act (PEPUDA).</li> <li>5. Six public policy dialogues have been completed, covering issues such as youth, energy, mining and local government.</li> </ol>



Name of donor	European Union
Actual outputs achieved	<p>During the year under review, the following progress has been recorded:</p> <ol style="list-style-type: none"> <li>45 community advice offices were opened and a further ten advice offices will be opened to cover issues of vulnerability, including disabled persons and the LGBTI community.</li> <li>26 308 refugees, asylum-seekers and undocumented migrants benefited from an additional ten awards that have been made to support this community.</li> <li>The annual target of signing agreements with 50 community advice offices that are implementing human rights awareness programmes in support of capacity-building initiatives was met by March 2012.</li> <li>More than 2.5 million people were reached through the Equity Act.</li> <li>Five of the ten SABC dialogues have been completed.</li> <li>Six public policy dialogues have been completed, covering issues such as youth, energy, mining and local government.</li> </ol>
Amount received in current period	R72 970 000
Amount spent by the Department	No funds were spent by the Department.
Reasons for the unspent funds	All the funds were transferred to the Foundation for Human Rights (FHR).
Monitoring mechanism by the donor	Quarterly progress reports, which contained the narrative as well as the financial information, were presented to the donor and the Department by the FHR. In addition, the Department, EU and the FHR held quarterly working group meetings where progress was evaluated.

Name of donor	Deutsche Gesellschaft Für Internationale Zusammenarbeit (GIZ)
Full amount of the funding	Technical assistance
Period of the commitment	2001 - 2013
Purpose of the funding	Lead the coordination and promotion of the implementation of the PAJA in all the three spheres of government.
Expected outputs	An overall systematic implementation of the PAJA by organs of State (government departments and municipalities).
Actual outputs achieved	The actual impact of the technical assistance is measured through the monitoring and evaluation (M&E) system conducted by the Public Service Commission (PSC). A wider view of the level of compliance will take place through the moderated assessment by the Presidency in the 2013/14 financial year.

Name of donor	United States Agency for International Development (USAID)
Full amount of the funding	R1 500 000 (US\$150 000)
Period of the commitment	2010-2013
Purpose of the funding	A preliminary study on gender justice within three SADC member States (Namibia, Malawi and Botswana) that are signatories to the Protocol on Gender.
Expected outputs	<ol style="list-style-type: none"> <li>Reach consensus with the SADC Gender Desk by engaging the member States, agree on a plan of action and establish a database of relevant credible stakeholders.</li> <li>Develop member State teams.</li> <li>Agree on individual project plans for member States.</li> <li>Establish regional partnerships.</li> </ol>

Name of donor	United States Agency for International Development (USAID)
Actual outputs achieved	<ol style="list-style-type: none"> <li>1. A desktop study was completed on the state of gender in the respective member States and all of them were visited by the task team.</li> <li>2. Member States called for an exchange of knowledge in dealing with common challenges such as domestic violence, the reciprocal enforcement of maintenance orders and maintenance.</li> <li>3. An agreement was reached on the composition of national teams that were established in Botswana, Namibia and Malawi.</li> <li>4. A workshop was led by the Department in June 2012 to seek consensus on the results of the consultative visits and the desktop reports. There was an agreement that the gender project should assist to develop a mechanism of identifying good practices and models that can be shared among the member States. Most importantly, it was agreed that there be continuous further research on the implementation of SADC instruments on gender justice and the possibility of translating the instruments into government programmes.</li> <li>5. The project has been granted extension by USAID to June 2013. It is envisaged that the final report will be concluded and submitted to the member States, the SADC Gender Desk and the donor. It is worth taking note that the second phase of the project will require further funding from USAID, as the individual country programmes on gender require financing.</li> </ol>
Amount received in current period (R'000)	R424 666
Amount spent by the Department (R'000)	R73 109
Unspent funds (R'000)	R351 557
Monitoring mechanism by the donor	Quarterly reports that contain the narrative report and financials are presented to the Department. National Treasury convenes the Project Steering Committee meeting that is composed of USAID and recipient departments on a quarterly basis. Progress reports are presented at this meeting. Reports are submitted to USAID on a quarterly basis. National Treasury convenes annual consultations with all recipient departments supported by USAID. The forum assists in strengthening the relationship between donors and the departments and further provides an opportunity for information-sharing on projects and new developments.

The Department's relationship with the donor community has strengthened over time. There is regular interaction as well as an annual conference, during which both parties evaluate the progress of various programmes and jointly agree on the future of funded programmes. Despite the current global economic situation, the Department's experience indicates that it's relationship with the donor community will grow stronger in due course.

### Capital investment, maintenance and asset management plan

During the 2012/13 financial year, two new courts, the Katlehong and Tsakane magistrate's courts, were completed. The Department continued with the construction of the new high court in Limpopo as well as the major refurbishment of the South Gauteng High Court.

The projects that were planned for completion in 2012/13 were as follows:

Project	Status
Limpopo High Court	Not complete due to contractor terminating the contract
Ntuzuma Magistrate's Office	Complete
Kagiso Magistrate's Office	Not complete due to delays by the contractor
South Gauteng High Court	Not complete due to unforeseen additional work
Katlehong Magistrate's Office	Complete
Gelvandale Magistrate's Office (Phase 1)	Complete

Following the outbreak of a fire at the Polokwane Magistrate's Court during the year under review, the Department of Public Works (DPW) was requested to procure alternative accommodation for the court. The Department is busy with the tenant installations for the court's interim accommodation, while DPW will be rebuilding the burnt court. Two additional court buildings that were burnt down (Inkanyesi Magistrate's Court and Bhisho Master's Office) are still in operation and will be repaired by DPW.

Projects that are currently in progress and their expected dates of completion are listed below:

Project	Expected date of completion
Limpopo High Court	June 2014
South Gauteng High Court (major additions)	November 2013
Kagiso Magistrate's Office	June 2013
Mpumalanga High Court	June 2016
Gelvandale Magistrate's Office (Phase 2)	October 2013
Port Shepstone Magistrate's Court	2015/16
Plettenberg Magistrate's Court	2015/16

### Progress made on the maintenance of infrastructure

The general condition of the fixed assets used by the Department is poor due to a lack of effective maintenance and deferred maintenance over the years. Major maintenance projects that have been undertaken during the period under review are listed below. The list was registered with DPW as maintenance projects, but the scope changed to additional accommodation due to increases in work and staff at the regional level. The rate of deterioration is also much faster due to overuse of the facilities (the number of users for which the facilities were designed, has doubled, leading to more frequent breakdowns and faster deterioration). There are no plans in place to close down or downgrade any of the facilities currently used by the Department.

### Infrastructure spending

Infrastructure projects	2012/13			2011/12		
	Final appropriation R'000	Actual expenditure R'000	(Over-)/under-expenditure R'000	Final appropriation R'000	Actual expenditure R'000	(Over-)/under-expenditure R'000
New and replacement assets	-	-	-	-	-	-
Existing infrastructure assets	621 206	621 206	-	683 095	683 095	-
- Upgrades and additions	-	-	-	-	-	-
- Rehabilitation, renovations and refurbishments	-	-	-	-	-	-
- Maintenance and repairs	-	-	-	-	-	-
Infrastructure transfer	-	-	-	-	-	-
- Current	-	-	-	-	-	-
- Capital	-	-	-	-	-	-
<b>Total</b>	<b>621 206</b>	<b>621 206</b>	<b>-</b>	<b>683 095</b>	<b>683 095</b>	<b>-</b>

### Asset register

The Department currently does not have a formal immovable asset register, as this is the responsibility of the custodian in terms of the Government Immovable Asset Management Act, 2007 (GIAMA).





# PART C

GOVERNANCE





# PART C: GOVERNANCE

## 1. INTRODUCTION

In the last few years, the Department put special focus on building capacity within governance areas, particularly in risk management, internal audit, finance and strategic planning. In addition, the functionality of the executive committee and technical subcommittees was enhanced. The details of initiatives undertaken during the 2012/13 financial year are detailed below.

## 2. GOVERNANCE STRUCTURES

By way of its corporate governance processes, the Department has contributed to greater coordination and integration between key departmental programmes. The governance structures have been strengthened, resulting in the improved management of audits and performance. The Department's governance structures include the Executive Committee, the Technical Committee on Finance and Risk Management, the Technical Committee on Strategy, and the Operations Committee.

During the period under review, the Department has commenced with assessing the performance of the Executive Committee and its technical committees to ensure continuous improvement. Executive decisions made in these governance structures are being tracked and reported on regularly. Approved minutes are stored on the departmental intranet to allow executive and senior managers easy access to the executive decisions for implementation.

## 3. RISK MANAGEMENT

As part of good corporate governance, the Executive Committee of the Department take cognisance of the fact that the strong control environment enhances the tone of risk management and is also the foundation of effective and efficient internal controls. Management has been mandated through the leadership of the EXCO to establish

structures and systems that will eventually manage the business risks, enhance the performance of the Department and add value to its stakeholders.

In addition to the EXCO and its subcommittees, the Department has a fully functional Audit Committee that guides management to ensure that the risk management function is strategically employed to fulfil departmental objectives.

The Chief Directorate: Risk Management was established to position the Department to mitigate any material risks through a system of knowledge and planned controls. The Department has developed and implemented a risk management process that ensures that the Department's business risks are identified and effectively managed on a continuous basis.

### Progress in addressing identified risks

The risk management process in the Department starts with the identification of risks and contributing factors at strategic level, based on the strategic objectives, goals and key performance indicators. The Enterprise-wide Risk Management Unit analyses the business and operational plans to identify risks and factors contributing to risk that may hinder regions and branches to achieve their objectives. Parallel to these processes, the reports of the Auditor-General and Internal Audit regarding the deficiency in the internal control environment, local media coverage and global reports are taken into account. All risk profiles developed in respect of business and/or operational risks, ratings, current controls and recommendations to mitigate or minimise the identified risks are confirmed by unit heads.

To mitigate capacity challenges in these areas, all branches and regions identified risk champions to assist with the risk management processes.

The Department has recently established a dedicated training programme on risk management so as to create a culture of risk awareness and ownership through communication and education. Below is a summary of some of the risks that have been given priority and the progress made in this regard:

No.	Risk	Progress made
1.	Management of Third Party Funds (TPF)	<ul style="list-style-type: none"> <li>As part of ensuring that accountability and responsibility principles are entrenched, the Department managed to compile all the annual financial statements that were outstanding and these were all audited. These statements were for the 2009/10, 2010/11, 2011/12 and 2012/13 financial years.</li> <li>Furthermore, the capacity challenges were also addressed in the year under review so as to meet the targets and compliance objectives.</li> <li>The Department has strengthened its accounting and oversight mechanisms through the appointment of new employees and the establishment of governance committees.</li> <li>Ongoing training and mentoring sessions are held for the regional TPF officials in order to ensure accuracy of records, accounting validation and the ability to resolve TPF issues at regional level.</li> </ul>
2.	Adequacy of infrastructure for the courts and offices to function effectively	<ul style="list-style-type: none"> <li>There is continuous engagement with the Department of Public Works in ensuring that the Department is involved in the prioritisation of planned maintenance.</li> <li>Where there is a need to reconfigure heritage buildings to suit the Department's needs, the Department engages with the Heritage Council. Due to the expansion of the organisational establishment and service delivery mandates, work spaces and service points are becoming inadequate. The Department proactively identified creative ways of dealing with the shortage.</li> </ul>
3.	Management of information and records	<ul style="list-style-type: none"> <li>The Off-site Storage Project was established to address the challenge of record loss. The pilot project was implemented at five courts, namely the South Gauteng High Court, North Gauteng High Court, Johannesburg Magistrate's Court, Durban Magistrate's Court and Cape Town High Court. The Cape Town High Court's Off-site Storage Project was completed during the year under review and will be handed over to the Department during the 2013/14 financial year.</li> <li>At other pilot sites the service provider has inspected, there are still outstanding issues that need to be addressed, but the project is running relatively smoothly.</li> </ul>
4.	Asset management focusing on asset disposal processes and inaccuracy of asset register	<ul style="list-style-type: none"> <li>A service provider has been appointed to execute the final stage of the disposal of computer equipment. The bulk disposal of IT equipment commenced at the National Office.</li> <li>The asset database clean-up and validation project was conducted between January and March 2013 to ensure that all asset register discrepancies were resolved. The validation project was also used to train asset controllers on asset management.</li> <li>Reconciliation between the Basic Accounting System (BAS) and the Justice Yellow Pages (JYP) was undertaken between April 2012 and March 2013 to ensure that all assets acquired and paid for on BAS have been accounted for on the JYP asset register.</li> <li>Expenditure misallocations were detected and rectified during the reconciliation process.</li> <li>Physical asset verification was conducted on a quarterly basis and discrepancies were resolved.</li> </ul>
5.	Capacity, skills and retention of staff (high staff turnover)	<ul style="list-style-type: none"> <li>The departmental vacancy rate reduced from 11% in March 2012 to 10.26% in 31 March 2013.</li> <li>The departmental staff turnover rate (for permanent staff) is 4.43% for lower level clerical posts (administration clerks, accounting clerks, data capturers and registry clerks). These posts were upgraded to salary level 5 from January 2013.</li> <li>Recruitment plans were developed and monthly progress reports are submitted to the National Office.</li> <li>The Justice College continuously develops training programmes to address areas that need to be improved.</li> </ul>

## 4. FRAUD AND CORRUPTION

The Department's Fraud Prevention Plan is implemented through the Fraud Prevention Implementation Action Plan. The action plan is implemented in a three-year cycle as follows (financial year 2012/13):

### a. Prevention

Prevention initiatives focus on fraud risk assessments, conducting education and training awareness sessions, and ensuring and overseeing information security by the Audit Committee of the Department. During the year under review, the following was done:

- (i) Thirty-five risk assessments were facilitated in the Department.
- (ii) Thirty-five anti-corruption education and awareness workshops were conducted, with 916 employees attending, and eight vetting awareness sessions were conducted, with 784 employees attending. The combined total was 1 700 employees.
- (iii) Four audit committee meetings were held.
- (iv) In terms of vetting of Senior Management Service (SMS) members and employees in critical supply chain management posts, a total of 121 security clearance forms were submitted and two clearance certificates were received.
- (v) In terms of employment, reference checks and verifications were done of criminal records, qualifications and citizenship for 1 559 appointments in the Department.

### b. Detection

Detection initiatives focus on the codes of ethics of the Department (Code of Conduct, Supply Chain Management Code of Conduct and Disciplinary Procedure Code), employment procedures, trading partners and service providers, financial policies and procedures, reporting as well as monitoring fraud and corruption trends. During the year under review, the following was done:

- (i) Fifteen service providers were screened for different bids.
- (ii) Thirty-two departmental Bid Evaluation and Adjudication Committee members declared their interests and were screened for three critical departmental services (travel and accommodation, cash-in-transit services and consolidated electronic asset register for the departmental library books).

### c. Investigation

Investigative efforts focus on dealing with cases of fraudulent and corrupt activities. During the year under review, the following was done:

- (i) Fifty-four cases were finalised in terms of National Anti-corruption Hotline referral cases.
- (ii) A total of 496 disciplinary cases were received and 310 cases were finalised.

### d. Resolution

The resolution of cases focuses on internal departmental disciplinary procedures and the recovery of losses incurred where employees have been found to be liable. A total of 310 disciplinary hearings were finalised on corruption and fraud-related incidents, and 243 cases were concluded (this excludes acquittals and withdrawals).

## 5. MINIMISING CONFLICT OF INTEREST

In line with the National Anti-corruption Strategy, the Department coordinates the submission of financial disclosures by key management personnel. Furthermore, officials are encouraged to table their interests in any contract as part of procurement bidding processes, to disclose remuneration and gifts received outside the Department and to apply if they wish to conduct any other business outside the public service. The integrity of personnel and new officials is assessed by means of security checks, personal interviews and background checks and the Department intends to improve systems and address capacity in this area as part of future operational plans.

## 6. CODE OF CONDUCT

The Department has adopted a Fraud Prevention Plan, and a Code of Ethics and Business Conduct that guide officials in their dealings both at an individual and departmental level. These documents are made available to all levels of managers and officials in the Department and they are all expected to adhere to the principles and behave in a manner that is consistent with ethical standards.

The departmental management is working harder each year in ensuring ethics risks are addressed timely and in ensuring that the principles of the above codes are upheld. In addition, the issues of anti-fraud and corruption will continue to be part of the departmental strategy. Furthermore, the essential principles of the code of conduct and ethics are featured in most training sessions and risk discussions that are conducted in the Department, and anti-corruption posters are displayed prominently in the workplace.

## 7. HEALTH, SAFETY AND ENVIRONMENTAL ISSUES

The Department is committed to providing a healthy and safe working environment for all its employees and stakeholders by implementing a Safety, Health, Environmental and Risk (SHER) Policy and Procedure. The SHER Policy and Procedure complies with the Occupational Health and Safety Act, Act No. 85 of 1993, as amended. The objective of the SHER Policy and Procedure in the Department is to create a consistent, reliable system of occupational health and safety that can be evaluated on an ongoing basis to ensure continuous improvement and sustainability.

The Department will ensure that its activities and processes do not impact negatively on the environment by complying with the relevant legislation and by adopting the best safety, health and environment (SHE) practices and procedures through a system that will allow continual improvement on the following:

- Hazard and risk identification, monitoring and control measures
- Communication strategies on safety, health and environmental issues

- SHE training and awareness programmes.

The Department is in the process of fully implementing the Occupational Health and Safety Act, as amended. The following functions have been achieved:

- The Safety, Health, Environment and Risk Policy and Procedures was approved.
- Training and awareness sessions were conducted.
- SHER inspections were conducted.

Areas not fully implemented yet are as follows:

- Occupational health and safety committees have not yet been established in all offices. However, the offices are in process of establishing such committees.
- Some of the buildings are not completely compliant with the regulations. However, the Department is in the process of addressing various matters, pending the availability of funds.

In the 2012/13 financial year, the following three offices of the Department were damaged by fire:

- Magistrate's Office: Polokwane, Limpopo Province, 19 October 2012.
- Magistrate's Office: Inkanyezi, KwaZulu-Natal, 11 November 2012.
- Master's Office: Bisho, Eastern Cape Province, 2 February 2013.

The causes of the fires are still being investigated. The damage to the offices affected the normal service delivery for a short period. The services of the Magistrate's Office: Polokwane were transferred to alternative sites to ensure the continuity of services in the Department.

## 8. INTERNAL AUDIT UNIT

The Department has an Internal Audit Unit which fulfils an independent assurance function. It follows a risk-based approach in providing management and the Audit Committee with assurance on the adequacy and effectiveness of governance, performance, risk management and internal control processes. The Internal

Audit Unit is guided by an Internal Audit Charter approved by the Audit Committee and performs its functions as provided in the Public Finance Management Act (PFMA) framework and the charter.

The Head of Internal Audit reports functionally to the Audit Committee and administratively to the Accounting Officer. Internal Audit also participates in the strategic committees of both the Department and the National Prosecution Authority.

Every year, Internal Audit reviews the three-year risk-based plan and prepares an annual plan after taking into consideration the risks facing the Department, strategic objectives, the Department's mandate, audit issues, and inputs by management and the Audit Committee. The Audit Committee approves the Internal Audit plan for implementation.

During the year under review, the Internal Audit Unit completed 278 projects out of 323 planned for the year. Internal Audit performance improved as the audit management staff turnover has stabilised and the relationship between management and Internal Audit has matured. Audit managers and senior managers were also more operationally involved in the

audit projects, which resulted in the unit effectively managing the rollout of the operational plan.

The Internal Audit Unit partnered with management and assisted in ensuring that weaknesses identified during the review of various audit projects were communicated timely and that management implemented measures to mitigate the risks. Significant matters identified during the audit were also reported to the Audit Committee. The Audit Committee has as part of its oversight responsibility, continuously followed up on audit findings to ensure that issues raised were addressed timely.

The Internal Audit Unit facilitated an audit review on governance pertaining to the Integrated Justice System Programme. Identified shortcomings have been reported to the respective heads of department and they have demonstrated commitment to address them.

## 9. AUDIT COMMITTEE REPORT

Refer to page 89 of the Report of the Audit Committee, published as Part D: Financial Information.





# D COURT CLAIMS



# PART D

## ANNUAL FINANCIAL STATEMENTS FOR THE DEPARTMENT OF JUSTICE & CONSTITUTIONAL DEVELOPMENT







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# REPORT OF THE AUDIT COMMITTEE



# REPORT OF THE AUDIT COMMITTEE ON THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

## 1. REPORT OF THE AUDIT COMMITTEE

We are pleased to present our report for the financial year ended 31 March 2013.

### 1.1 AUDIT COMMITTEE MEMBERS AND ATTENDANCE

The Audit Committee consisted of the members listed below and is required to meet at least four times per annum as per its approved terms of reference. During the current year 6 meetings were held and one member retired as indicated below.

Name of members	Numbers of meetings attended	Status
Mr. Motsamai Karedi (Chairperson)	5	Reappointed- 09 January 2013
Mr. Cedric Boltman	6	Reappointed-09 January 2013
Ms. Bajabulile Luthuli	5	Retired-15 December 2012
Ms. Besky Ngunjiri	5	Appointed-28 February 2012
Ms. Keneilwe Moloko	3	Appointed-28 February 2012
Mr. Wilson Ramabulana	5	Reappointed- 09 January 2013
Ms. Livhuwani Vuma	6	Appointed-28 February 2012
Mr Andy Sello	1	Appointed - 09 January 2013

### 1.2 AUDIT COMMITTEE RESPONSIBILITY

We report that we have adopted appropriate formal terms of reference in our charter in line with the requirements of section 38(1)(a) of the Public Finance Management Act, Act No. 1 of 1999 and Treasury Regulation 3.1.

### 1.3 THE EFFECTIVENESS OF INTERNAL CONTROL

The Audit Committee is satisfied that key controls remained in place throughout the year under review and where shortcomings noted in the internal controls were identified, management has been addressing them through the implementation of audit action plans. Internal Audit validated the progress on the implementation of audit action plans and the Audit Committee has also reviewed the audit action plans throughout the year under review.

### 1.4 INTERNAL AUDIT

The Internal Audit unit has discharged its responsibilities as per the internal audit plan.

### 1.5 AUDITOR-GENERAL SOUTH AFRICA

We have also noted the Auditor-General South Africa report and management letter and are satisfied with the outcomes of the audit. The Audit Committee is also pleased to have witnessed the improvements which the Accounting Officer and her team have effected as demonstrated through the achievement of the positive audit outcomes. We have continued to urge the Department to ensure that recommended improvements as contained in the management letter are effected so that there is no negative reporting in the future.

## 1.6 REPORTS

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

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

### 1.6.2 Evaluation of financial statements

We have reviewed and discussed the audited annual financial statements with the management and also reviewed the department's compliance with legal and regulatory provisions. We have also reviewed the Auditor-General South Africa report and management letter and management's responses to it.

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

A handwritten signature in black ink, appearing to read 'M Karedi', is written over a light grey rectangular background.

**M Karedi**  
Chairperson of the Audit Committee  
31 July 2013





# REPORT BY THE ACCOUNTING OFFICER TO THE EXECUTIVE AUTHORITY AND PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

## 1. GENERAL REVIEW OF THE STATE OF FINANCIAL AFFAIRS

The surplus on the vote for the 2012/13 financial year amounts to R1, 006 million, which represents 0.01% of the voted funds. The main areas of spending were on compensation of employees (38.1% in 2012/13 and 39.0% in 2011/12) and transfer payments (19.9% in 2012/13 and 20.2% in 2011/12), and remain the most significant expenses in the departmental vote.

### 1.1 IMPORTANT POLICY DECISIONS AND STRATEGIC ISSUES FACING THE DEPARTMENT

During the period under review, the following key policy decisions and legislative changes were made:

- Implementation of the National Development Plan 2030
- 17<sup>th</sup> Amendment Act and Superior Courts Bill
- Transformation of the judiciary
- Redemarcation of municipal boundaries and conversion of branch courts
- Implementation of the Criminal Law (Sexual Offences and Related Matters) Amendments Act, Act No. 32 of 2007
- The assessment of the impact of decisions taken at the high courts and the Supreme Court of Appeal
- International legal relations

### 1.2 ACHIEVEMENTS

Efforts put in place to improve the administration of the Department have been successful with the following as key achievements:

- The backlog on outstanding Third Party Funds (TPF) financial statements was cleared by finalising and tabling the outstanding 2011/12 financial statements for auditing.
- A system was developed to track supplier invoices from receipt to payment, which has since significantly reduced the number of invoices not paid within 30 days.
- In total, 90% of Guardian's Fund

beneficiaries are paid through electronic funds transfer (EFT).

- Four million case records are now digitised and stored off site.
- The financial control environment in TPF has been improved by rolling out the EFT payment system with improved controls and segregation of duties to 310 courts.
- The overall departmental expenditure has been contained within the approved budget, while absorbing inflationary pressures, expansion of services and new mandates, such as the two commissions of enquiry.
- Major progress has been made towards achieving an unqualified audit and the Department is looking forward to this achievement in 2013/14.

### 1.3 KEY CHALLENGES

As is the case with most organisations, the Department has been adversely affected by budget cuts as a result of the challenging economic climate. Areas of concern include the following:

- Unavoidable budget cuts affect the implementation of key projects of the Department. A decision was made, in consultation with National Treasury, to divert funds earmarked for capital infrastructure to alleviate a shortfall in operational budget.
- Shortfall in the provision of security services makes it difficult to adequately protect assets and people at the service points. Efforts to stretch the limited budget have been implemented; however, more will be needed.
- Underfunding in information and communication technology (ICT), despite additional funding, will remain under pressure.
- Inadequate provision has been made for capital spending to improve the state of existing courts and build new ones.
- Challenges were experienced with addressing the completeness and accuracy of TPF opening balances.



## 1.4 SIGNIFICANT EVENTS THAT HAVE TAKEN PLACE DURING THE YEAR

The following events took place during the year:

- A fire broke out at the Polokwane Magistrate's Court and affected service delivery.
- The Department committed resources to assist with the Marikana Commission of Inquiry.

## 1.5 SPENDING TRENDS

### Voted funds received by the Department

The budget allocated to the departmental vote (excluding statutory appropriation) amounted to R13,080 billion. During the adjusted Estimate of National Expenditure, the vote was reduced with an amount of R58,191 million, thus decreasing the appropriation to R13,021 billion.

A comparison between the amounts appropriated, actual expenditure incurred and the net effect of virement for the Department can be illustrated as follows:

	2012/13 R'000	20011/12 R'000
Total adjusted appropriation (excluding NPA and statutory appropriation)	10 181 592	8 930 034
Amount received from the NPA for virement	-	30 000
<b>Final appropriation</b>	<b>10 181 592</b>	<b>8 960 034</b>
Less: Expenditure	10 180 586	8 958 959
<b>Total underspending</b>	<b>1 006</b>	<b>1 075</b>
<b>Percentage underspend</b>	<b>0.01%</b>	<b>0.01%</b>

The final virement in the Department was mainly between programmes and economic classification, of which the largest was the shifting of capital funds to pay rates and taxes. Other underspending was viremented to defray overspending in Programme 2 (Court Services) on operational expenditure and payments for security at the courts.

The underspending of R1, 006 million on compensation of employees due to vacancies is the only significant saving in the Department.

### Virement

The following virements were approved between programmes:

- An amount of R37, 712 million mainly underspent on goods and services in Programme 5: Auxiliary and Associated Services, was utilised to increase the goods and services budget in Programme 1: Administration, Programme 2: Court Services and Programme 3: State Legal Services.
- The virement of capital works funding to Programme 1: Administration was the largest amount that was shifted after National Treasury approval was obtained.

The final underspending of the Department after virement was on the following items:

Item	R'000
Current payments	1 005
Transfers and subsidies	1
Machinery and equipment	-
<b>Total underspending</b>	<b>1 006</b>

## 2. SERVICES RENDERED BY THE DEPARTMENT

### 2.1 TARIFF POLICY

The tariff policy remains the same as the Department's services and related charges are mostly fixed by law and the Chief Directorate: Legislative Development is responsible for the promulgation of certain subordinate legislation administered by the Department in terms of which fees, charges, rates, scales or tariffs of fees are prescribed and reviewed on a regular basis.

Fees prescribed in the Regulations regarding the Promotion of Access to Information Act, Act No. 2 of 2000, are not affected and can be paid in cash at the Department's offices nationwide in the future.

### 2.2 SERVICES PROVIDED AT NO CHARGE TO THE PUBLIC

- Small Claims Court: The presiding officer is normally a lawyer or retired magistrate that renders these services pro bono (without being paid a stipend/salary).
- The administration of Third Party Funds (Monies in Trust) is currently being done at no charge except for a 10% commission (to a maximum of R300 per collection) in respect of debt collected by the State Attorney on behalf of government departments, which is paid over to the National Revenue Fund (NRF). This commission is collected in terms of section 65J of the Magistrates' Courts Act, Act No. 32 of 1944, as amended.
- Law lecturers who render services at magistrate's courts at no charge.
- A number of services relating to activities in the Master's Offices include the following:
  - a. Estate duty taxation
  - b. Administration services
  - c. Archive services
  - d. Inspection services
  - e. Guardian's Fund
- Various legal services are rendered by the Department on behalf of other government departments (all spheres of

government) in terms of the cooperative requirements of the Constitution of South Africa.

- Transcription records for purposes of challenging the outcome of cases are provided at no charge to litigants.
- Legal advice, counselling and mediation services are offered at family courts by family advocates, family counsellors and maintenance investigators.
- The North Gauteng High Court made an order indicating that all court processes in magistrate's courts and high courts shall, if not stamped, be issued without the payment of court fees.
- Legal Aid services, including legal advice and assistance in courts in criminal and some civil matters, are provided by Legal Aid South Africa.
- Information desk services at courts, as well as brochures and other informational material on a large variety of aspects, are provided free of charge to members of the public.

### 2.3 INVENTORIES

The total amount of inventories on hand at year-end is included in Annexure 6 on Inventory.

## 3. CAPACITY CONSTRAINTS

Although the vacancy rate of the Department has dropped significantly over the years, a number of top management posts have become vacant. The key challenge is to fill critical posts and make efficient use of the establishment.

## 4. UTILISATION OF DONOR FUNDS

Apart from voted funds, the Department's funds are also complimented by donor funding to fund some of its projects. These funds are normally utilised for once-off projects or for projects that will eventually be funded through the budget allocation/baseline. The intention is to ensure that projects become sustainable after donor funding is withdrawn or has come to an end.

Donor funding	2012/13	2011/12
	R'000	R'000
Assistance rolled over from previous year	12 792	16 378
Grants received during the financial year	2 600	-
<b>Total amount received</b>	<b>15 392</b>	<b>17 756</b>
<b>Less: Expenditure</b>	<b>3 495</b>	<b>4 964</b>
Paid back to National Treasury	-	-
<b>Closing balance</b>	<b>11 897</b>	<b>12 792</b>

## 5. TRADING ENTITIES AND PUBLIC ENTITIES

### 5.1 TRADING ENTITIES

None

### 5.2 PUBLIC ENTITIES

#### 5.2.1 Special Investigating Unit

The Special Investigating Unit was established in terms of the Special Investigating Units and Special Tribunals Act, Act No. 74 of 1996, and investigates cases referred to it by the President. The Unit provides professional forensic investigating and litigation services to all State institutions at national, provincial and local government level to combat maladministration, corruption and fraud, and to protect State assets and public money.

#### 5.2.2 Legal Aid South Africa

Legal Aid South Africa was established in terms of the Legal Aid Act, Act No. 22 of 1969, to provide legal aid to indigent people and legal representation at State expense to people entitled in terms of the Constitution. The Board provides services in all regional, district and high courts through its extended network. Its role is to provide legal aid in an independent manner, with the intention of enhancing justice and public confidence in the law and administration of justice.

#### 5.2.3 Rules Board for Courts of Law

The Rules Board for Courts of Law was established in terms of the Rules Board for Courts of Law Act, Act No. 107 of 1985, to review existing rules of court on a regular basis and, subject to the approval of the Minister, to make, amend or repeal rules for the Supreme Court of Appeal, the high courts and the lower courts.

#### 5.2.4 South African Law Reform Commission

The South African Law Reform Commission was established in terms of the South African Law Reform Commission Act, Act No. 19 of 1973. The objectives of the South African Law Reform Commission relate to research regarding the development, improvement, modernisation or reform of all branches of the law of South Africa.

### 5.3 CONSTITUTIONAL INSTITUTIONS

#### 5.3.1 South African Human Rights Commission

The South African Human Rights Commission is an independent statutory body established in terms of Chapter 9 of the Constitution of the Republic of South Africa Act, Act No. 108 of 1996. The powers and functions of the Commission are further detailed in the Human Rights Commission Act, Act No. 54 of 1994. The Commission's specific mandate is to support constitutional democracy by promoting and protecting human rights. It raises awareness of human rights, monitors and assesses the observance of human rights, provides education and training on human rights, addresses human rights violations and seeks effective redress.

#### 5.3.2 Public Protector

The Office of the Public Protector is an institution established in terms of Chapter 9 of the Constitution of the Republic of South Africa to strengthen constitutional democracy. Its additional mandate is provided for in the Public Protector Act, Act No. 23 of 1994, as amended. The core business of the Public Protector is to investigate any conduct in State affairs or in public administration in any sphere of government that is alleged

or suspected to be improper or to result in impropriety or prejudice, and to mediate, negotiate, conciliate, report and recommend remedial action.

## 5.4 OTHER FUNDS

### 5.4.1 President's Fund

The President's Fund is established to compensate victims in terms of Section 42 of the Promotion of National Unity Reconciliation Act, Act No. 34 of 1995. All money appropriated by Parliament for the purposes of the Fund is transferred to the President's Fund Account.

### 5.4.2 Guardian's Fund

The primary responsibility of the Guardian's Fund is to receive monies due on behalf of persons deemed legally incapable or lacking the capacity to manage their own affairs, as well as undetermined, unknown or absent heirs and untraceable persons in terms of Chapter V of the Administration of Estates Act, Act No. 66 of 1965.

The Guardian's Fund System has reached the extent of its possible development. Significant development work is still required to upgrade and integrate the current Guardian's Fund into a full financial platform. This should be achieved with the minimum impact on the current operation of the Guardian's Fund. The integration into the financial system will deliver functionality to further support the Department in managing the financial affairs in the Guardian's Fund and improve service delivery to beneficiaries. The full financial integration of the Guardian's Fund is to be included in the Department's overall system objectives. The Department is considering several all-encompassing options, which include, among others, the Integrated Case Management System (ICMS) financials.

The Guardian's Fund offices have, over the 2012/13 financial year, effected electronic payments to beneficiaries, by way of the Absa bi-online system. This electronic payments system has greatly improved the service delivery at these offices in reducing the payment turnaround times, as well as ensuring that beneficiaries do not have to travel to the Guardian's Fund offices to collect their cheques.

During this financial year, the President issued a proclamation that the Special

Investigating Unit may investigate the loss of funds and the management of the Guardian's Fund in Pretoria and Pietermaritzburg. This process will address all fraud and loss matters, as well as maladministration. This process is scheduled to be completed within 18 months.

### 5.4.3 Third Party Funds

Third Party Funds (TPF) refers to the collective funds that the Department administers on behalf of third parties. This includes maintenance, bail, fines and State Attorney monies. The nature and volume of transactions (approximately 9,5 million per financial year), as well as the distribution of service points (496 bank accounts with four different banks), pose a challenge for the Department given the level of required sophistication of the technology systems and the skills of personnel.

The Justice Deposit Account System (JDAS) utilised for the administration of Third Party Funds was designed as a case administration system with payments and receipts recording functionality, and not as a financial accounting system, having prescribed accounting and financial reporting capabilities.

In 2010, a tender was awarded to the joint venture of PricewaterhouseCoopers (PwC)/ Guarantee Trust and Faranani to produce the annual financial statements for 2010/11, with comparative figures for 2009/10. These annual financial statements were submitted to the Auditor-General on 19 March 2012. The 2011/12 financial statements were concluded and submitted for audit in November 2012. The 2012/13 financial statements were submitted in June 2013.

Achievements in the Third Party Funds (TPF) environment include the following:

- Expanding the TPF training and capacity-building programme. In 2012/13, 120 officials, in different regions, were trained on financial year-end reconciliations, and a further 400 officials were trained on TPF administration at court operations.
- Improvement of the financial control environment in TPF through the deployment of the EFT payment system with improved controls, audit trails and segregation of duties to 310 courts.

#### 5.4.4 The Criminal Assets Recovery

##### Account

The Criminal Assets Recovery Account (CARA) is a separate account within the NRF into which monies and property are deposited following a judicial forfeiture or confiscation order. The confiscation and forfeiture processes, as well as the establishment of the CARA and Criminal Asset Recovery Committee (CARC), are legislated in terms of the Prevention of Organised Crime Act, Act No. 121 of 1998.

In terms of an amendment to the Financial Intelligence Centre Act, Act No. 38 of 2001 (FICA) in December 2010, all penalties imposed in terms of section 45(c) of the Act must be deposited into the CARA.

The CARC recommended R250 million for allocation on 22 March 2011. However, the National Cabinet approved the recommendation to allocate the R250 million on 7 September 2011 to various law enforcement agencies and organisations rendering assistance to victims of crime. No allocations of CARA funds were made during the current

financial year by the Ministerial Committee. An amount of R75 million (R43 million in 2011/12) was available for new allocations at 31 March 2013.

The account previously tabled separate annual reports and annual financial statements. As per National Treasury guidance dated 20 July 2012, CARA is now reported as an annexure to the Department's annual report and is not consolidated into the vote annual financial statements.

## 6. ORGANISATIONS TO WHOM TRANSFER PAYMENTS HAVE BEEN MADE

The Accounting Officer's responsibilities were executed for the 2012/13 financial year and there was no need to withhold the transfer payment from the public entities.

The following amounts were transferred to the public entities under the control of the Department:

	2012/13	2011/12
Name of Institution	R'000	R'000
Special Investigating Unit	340 713	323 191
Legal Aid South Africa	1 255 145	1 137 545

The following amounts were transferred to the constitutional institutions:

	2012/13	2011/12
Name of Institution	R'000	R'000
Human Rights Commission	101 530	89 773
Public Protector	183 147	153 729
Represented Political Parties' Fund (Electoral Commission)	109 180	103 981



## 7. PUBLIC-PRIVATE PARTNERSHIPS (PPP)

None.

## 8. CORPORATE GOVERNANCE ARRANGEMENTS

### 8.1 INTRODUCTION

The governance processes of the Department are driven by the Executive Committee (EXCO) under the guidance of the Accounting Officer and the Minister. As such, corporate governance is placed as one of the significant responsibilities of EXCO in line with the King III requirements.

To enable the Accounting Officer and EXCO to discharge their responsibilities and duties, certain responsibilities have been delegated to the following subcommittees:

- Policy Development and Coordinating Subcommittee
- Strategy and Operations Subcommittee
- IT and Risk Management Subcommittee
- Audit and Finance Subcommittee
- Human Resources Subcommittee
- Corporate Governance Subcommittee
- Service Delivery and Communications Subcommittee

The governance structures are reviewed regularly to incorporate developments and new trends within the Department and in the public sector.

### 8.2 POWERS, ROLES AND RESPONSIBILITIES OF EXCO MEMBERS

The Executive Committee operates in terms of its Charter and is comprised of the following:

- The Accounting Officer
- The Chief Operations Officer
- The Deputy Directors-General
- Chief directors responsible for certain governance areas

The skills and experience of EXCO members are appropriate to the strategic direction of the Department and are necessary to secure sound performance and the promotion of ethical behaviour.

In addition to the abovementioned subcommittees, EXCO is responsible for the following:

#### 8.2.1 Enterprise-wide risk management strategy

EXCO views enterprise-wide risk management as a management function that is strategically employed to ensure that the strategic objectives set by the Department are met. Appropriate governance structures are necessary to facilitate activities of enterprise-wide risk management within the Department. EXCO is accountable for the processes of risk management. An IT and Risk Management Subcommittee and the Audit Committee fulfil the role of oversight at different levels. As part of systematic thinking and an integrated approach, all the elements of anti-fraud, risk and quality management were incorporated into one committee, whose terms of reference were approved by the Accounting Officer. This new structure will be operational in the new financial year in all regions and will update relevant EXCO subcommittees.

#### 8.2.2 Anti-fraud and Corruption Strategy

EXCO takes the initiative to ensure that all its members are leading in directing the operations and service delivery initiatives in a manner that is consistent with ethical standards. The intention is that all the departmental actions are governed by ethical principles, which are contained in the Fraud Prevention Plan and Code of Ethics and Business Conduct of the Department.

The Fraud Prevention Plan and the Whistleblowing Policy were approved after properly consulting within the Department. The roll-out plan of the Fraud Prevention Plan is anticipated to be completed in the next three years. The Anti-fraud, Risk and Quality Management Committee will monitor the progress in terms of the implementation of the Plan and the Whistleblowing Policy.

The coordination of financial disclosures has gained momentum each year and key management personnel are actively responding to their legal and ethical obligation of disclosing interests as required by the Public Service Regulations. All the senior managers of the Department, including the newly formed administration for the Chief Justice, have complied in submitting their completed financial

disclosure forms. Furthermore, officials are also requested to table their interest in any contract as part of procurement bidding processes.

The Security Vetting Policy and the Personal Suitability Checks (pre-screening) Policy has been revisited to ensure updates with the current developments and to simplify processes. The full implementation of these policies in the next financial year will not only address issues of ethics, but will also assist in addressing the new Ministerial outcomes.

The Department is actively involved in the anti-corruption structures of government, that include the Anti-corruption Coordinating Committee (ACCC), the Governance and Administration Working Group on implementing the Anti-corruption Action Plan of the Public Service to address initiatives identified by government, and the National Anti-corruption Forum (NACF). These initiatives are aimed at implementing the outcomes identified by government. As a government department, the Department falls under Outcome 3 pertaining to fighting corruption. In addition, the Practical Guidelines for Employees on implementing the Protected Disclosures Act, Act No. 26 of 2000, was tabled and approved by the National Council of Provinces (NCOP).

The Department is now concentrating on the policy that regulates remunerative work outside employment in the public service, in compliance with Section 30 of the Public Service Act, Act No. 103 of 1994. This is part of the focus on upholding the integrity of employees and encouraging good ethics in all the employees of the Department. The coordination of financial disclosures each and every year is gaining momentum as senior managers disclose their business interests in compliance with the Public Service Regulations, as well as promoting good governance.

The Department has made great strides in the security vetting of employees in top management, senior management and other critical areas, such as supply chain management. This is in response to government's strategy on fighting

corruption by ensuring the integrity of officials who are responsible for the critical decision-making processes. In the past financial year, the Vetting Fieldwork Unit has been capacitated and an improvement of the structure is being investigated by the Human Resource Development Section (Job Evaluation).

In terms of the Department's overall interdepartmental involvement, the Department is still actively involved in the anti-corruption structures of the government, which include the ACCC, the Governance and Administration Working Group on implementing the anti-corruption strategy of the public service to address initiatives identified by government, and the NACF.

### **8.2.3 Internal Audit and Audit Committee**

The Department's Internal Audit Unit operates in accordance with the Public Finance Management Act (PFMA), Treasury Regulations and the Internal Audit Charter. The unit also conducts its operations in accordance with the international standards for the professional practice of internal auditing issued by the Institute of Internal Auditors, and under the direction of the Audit Committee. The Internal Audit Unit of the Department is also responsible for the audit of the National Prosecuting Authority.

The Internal Audit Unit focuses mainly on providing assurance and advice to management and the Audit Committee on matters pertaining to governance, risk management and control processes. The Unit, through its Chief Audit Executive, reports functionally to the Audit Committee and administratively to the Accounting Officer.

The Audit Committee comprises members drawn from outside the public service and conducts its business in accordance with the PFMA, Treasury Regulations and the Audit Committee Charter. The Audit Committee met as required in terms of its charter and had unrestricted access to both information and personnel within the Department. The Audit Committee played its oversight role during the year in the review of risks, controls, financial and operational information, and has also advised the Accounting Officer and management.

## 9. DISCONTINUED ACTIVITIES/ ACTIVITIES TO BE DISCONTINUED

None.

## 10. NEW/PROPOSED ACTIVITIES

None.

## 11. ASSET MANAGEMENT

A concerted effort has been made to reconcile the Asset Register to the financial statements and to ensure that the Asset Register is accurate and complete. This initiative was further amplified through regular physical asset verification, the disposal of assets processed as per the requests from end users, asset management orientation conducted in all nine regions, a high-level review of the Asset Register, which focused on the previous findings of the Auditor-General, monthly reconciliations between the accounting and the procurement systems, preliminary audit inspections and a clean up of the asset database. Capacity has been built within the asset management arena in both the national and regional offices.

During the period under review, the Department verified and bar-coded all library books that meet the minimum requirements as prescribed by National Treasury and established a consolidated Library Asset Register for input into the annual financial statements.

## 12. INVENTORIES

All inventory opening and closing balances, together with movements for the year, will be reflected in Annexure 6 on Inventory.

## 13. EVENTS AFTER THE REPORTING DATE

The Marikana Commission of Inquiry was extended for a further eight months.

## 14. INFORMATION ON PREDETERMINED OBJECTIVES

The new monitoring system (Trouw Software) that has been developed enables officials to upload performance information directly and will provide timely reports.

To counter the shortcomings with regard to the monitoring and evaluation function, which cannot be performed by the system, the following have been undertaken:

- The approved Planning, Monitoring and Evaluation Policy has been developed to clarify the roles, responsibilities and a calendar that ensures the effectiveness of this function.
- Identification of key personnel who will be responsible for monitoring and evaluation within their units. The said officials will be adequately trained and supported should this be necessary.
- The inclusion of reporting in performance contracts of unit heads will be recommended.

During the 2012/13 financial year, the Department continued to improve performance indicators to ensure that they meet the SMART principles (specific, measurable, attainable, relevant and timeous). In addition, indicator definitions (included in the Annual Performance Plan) will consider the following:

- Account data collection methods
- Frequency of reporting
- Source documentation
- Processes to be followed.

## 15. SCOPA RESOLUTIONS

There were no SCOPA resolutions in the period under review.

The first SCOPA report was adopted by the National Assembly in February 2011, out of the 26 recommendations proposed, 18 were actioned and were reported in the 2011/12 Annual Report. The following recommendations as mentioned below have now been addressed or is in progress:

Reference to previous audit report and SCOPA resolutions	Subject	Findings on progress
<p>1st Report of SCOPA adopted by the National Assembly on February 2011; the Auditor General reported that:</p> <p>a) As disclosed in note 26 to the financial statements, irregular expenditure to the amount of R812 million was incurred, R436 million of which related to the current year's irregular expenditure and R368 million related to the prior year's irregular expenditure identified in the current year.</p> <p>b) Fruitless and wasteful expenditure amounting to R2 million was incurred as a result of officials not boarding flights or not using reserved accommodation.</p> <p>SCOPA recommended the following:</p> <p>a) Disciplinary actions are taken against employees who were responsible for incurring such irregular and fruitless expenditure as required by section 51 (e) (iii) of the PFMA</p> <p>b) The Department strengthens its internal control systems in order to avoid incurring further irregular expenditure.</p>	<p>Supply Chain Management (Procurement)</p>	<ul style="list-style-type: none"> <li>Disciplinary actions are now taken in terms of labour relations procedures against employees who are responsible for irregular, fruitless and wasteful expenditure.</li> <li>Appointment of SCM coaches to inspect procurement requests before procurement is done is in progress.</li> </ul>
<p>1st Report of SCOPA adopted by the National Assembly on February 2011; the Auditor General reported that:</p> <p>a) All performance management agreements were not signed by 31 July.</p> <p>b) Not all leave taken by employees was captured accurately and in full.</p> <p>c) All monthly payroll reports were not certified, all certified payroll reports not returned to finance within 10 days, completeness of certified payrolls were not in all instances checked and corrective measures not in all instances taken where discrepancies were noted.</p> <p>SCOPA recommended that:</p> <p>a) DPSA policies and procedures are complied with</p> <p>b) Leave forms are timeously and correctly captured on PERSAL.</p>	<p>Human Resources</p>	<ul style="list-style-type: none"> <li>The matter is addressed in 2013/14 financial period. Reminders, letters and circulars were issued with prescribed cut-off dates.</li> <li>The centralisation of leave capturing at sub offices has been implemented in six regions to ensure the timely capturing of leave forms. The feasibility of decentralisation at the three remaining regions are currently being investigated.</li> <li>The payroll certification is now being decentralised to different regions for the seamless certification and submission within the prescribed time frames.</li> </ul>

Reference to previous audit report and SCOPA resolutions	Subject	Findings on progress
<p>1st Report of SCOPA adopted by the National Assembly on February 2011; the Auditor General reported that:</p> <p>a) No financial statements were prepared for the Third Party Fund as no reliable financial information exists, for revenue to be determined.</p> <p>b) The potential claims against the fund as a result of fraud, theft and loss to the Department are not complete.</p> <p>c) The money collected on behalf of the State and not yet paid to the Department could not be ascertained.</p> <p>SCOPA recommended that:</p> <p>a) A proper financial system is developed or that the current features of the Justice Deposit Administration System (JDAS) are enhanced with the required controls to ensure complete, accurate and reliable financial information and reporting.</p> <p>b) The vacancies at court level are filled with adequately skilled officials.</p> <p>c) All fraud, cash shortages and losses are investigated timeously.</p> <p>d) Disciplinary measures are taken against every official that does not comply with the policies and procedures or who was charged or found guilty of misconduct.</p>	Third Party Funds	<ul style="list-style-type: none"> <li>• Third Party Funds annual financial statements were produced for the financial year's ended 31 March 2009/10, 2010/11, 2011/12 and 2012/13.</li> <li>• The Department is now in the process of cleaning the data relating to the opening balances.</li> <li>• The Department will have a proper quantification of cash shortages and losses that accumulated over the years upon finalisation of the financial statements. In consultation with the regional loss control officers, the losses will be investigated and the appropriated disciplinary measures as well as the criminal and civil actions are taken.</li> <li>• Upon quantification of the loss, appropriation disciplinary action will be implemented. In the interim, the department will continue with disciplinary actions, recoveries and litigation processes as is currently the case.</li> </ul>

## 16. PRIOR MODIFICATIONS TO AUDIT REPORTS

Audit action plans were compiled by the Audit Facilitator in the Office of the Chief Financial Officer for the National Office and regions. These action plans are based on the recommendations from the Office of the Auditor-General and action steps were developed for all the findings raised. National Office champions were appointed to drive the process. Progress on audit action plans were reported on a monthly basis by the Audit Facilitator to the Accounting Officer, EXCO and the Audit Committee.

Nature of qualification	Financial year in which it first arose	Progress made in clearing the matter
<p><b>Third Party Funds</b></p> <p>Impact of the administration of Third Party Funds (administered as a separate entity) on the vote account.</p> <p>The opening balances of the following accounts in TPF:</p> <ul style="list-style-type: none"> <li>• Revenue</li> <li>• Accounts receivable</li> <li>• Provisions</li> <li>• Contingent liabilities</li> </ul>	2005/06 financial year	<ul style="list-style-type: none"> <li>• The Department has produced audited annual financial statements for the periods ending 31 March 2010, 2011, 2012 and 2013.</li> <li>• The Department is now in the process of cleaning the data relating to the opening balances.</li> </ul>



## 17. EXEMPTIONS AND DEVIATIONS RECEIVED FROM NATIONAL TREASURY

None.

## 18. INTERIM FINANCIAL STATEMENTS

The Department prepared four interim financial statements during the period under review.

## 19. OTHER

None.

## 20. APPROVAL

The annual financial statements set out on pages 110 to 179 have been approved by the Accounting Officer(s).

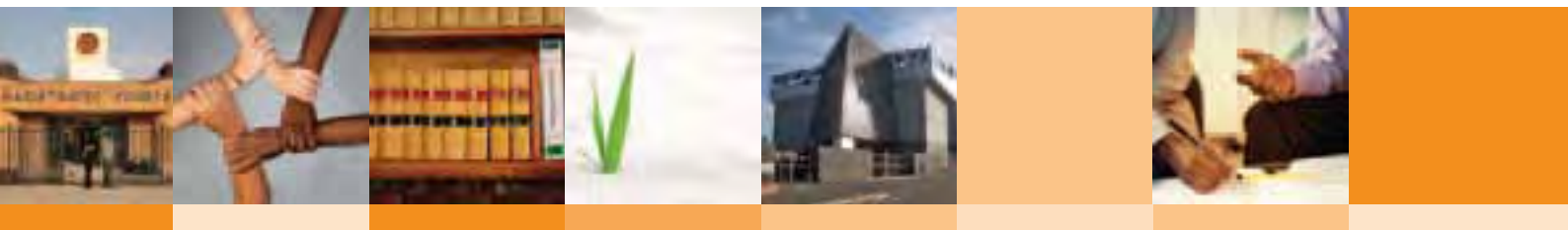


**Ms Nonkululeko Sindane**

*Director-General: Department of Justice and Constitutional Development*

*Date: 31 July 2013*

# REPORT OF THE AUDITOR-GENERAL



# REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

## REPORT ON THE FINANCIAL STATEMENTS

### INTRODUCTION

1. I have audited the financial statements of the Department of Justice and Constitutional Development set out on pages 110 to 165, which comprise the Appropriation Statement, the Statement of Financial Position as at 31 March 2013, the Statement of Financial Performance, Statement of Changes in Net Assets and the Cash Flow Statement for the year then ended, and the notes, comprising a summary of significant accounting policies and other explanatory information.

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

2. The Accounting Officer is responsible for the preparation of these financial statements in accordance with the Departmental Financial Reporting Framework prescribed by National Treasury and the requirements of the Public Finance Management Act of South Africa, 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 the Public Audit Act of South Africa, Act No. 25 of 2004 (PAA), the General Notice issued in terms thereof and 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 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 Department of Justice and Constitutional Development as at 31 March 2013 and its financial performance and cash flows for the year then ended, in accordance with the departmental Financial Reporting

Framework prescribed by National Treasury and the requirements of the Public Finance Management Act of South Africa, Act No. 1 of 1999.

#### **Emphasis of matters**

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

#### **Significant uncertainties**

8. With reference to Note 20 to the financial statements, the Department may be liable to make good shortages totalling R72,4 million as a result of losses incurred in the administration of the Third Party Funds account. The ultimate outcome of the matter cannot presently be determined and no provision for any liability that may result has been made in the financial statements.
9. Also with reference to Note 20 to the financial statements, the Department is involved in various legal cases, the outcomes of which cannot presently be determined and no provision for any liability that may result has been made in the financial statements.

#### **Payables**

10. Payables, which exceed the payment term of 30 days as required in Treasury Regulation 8.2.3, amount to R85 903 150. This amount, in turn, exceeds the voted funds to be surrendered of R1 006 000 (excluding statutory appropriation) as per the Statement of Financial Performance by R84 897 150. The amount of R84 897 150 would therefore have constituted unauthorised expenditure had the amounts due been paid in a timely manner.

#### **Additional matter**

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

#### **Financial reporting framework**

12. The Financial Reporting Framework prescribed by National Treasury

and applied by the Department is a compliance framework. The wording of my opinion on a compliance framework should reflect that the financial statements have been prepared in accordance with this framework and not that they "present fairly". Section 20(2)(a) of the PAA, however, requires me to express an opinion on the fair presentation of the financial statements. The wording of my opinion therefore reflects this requirement.

## **REPORT ON OTHER LEGAL AND REGULATORY REQUIREMENTS**

13. In accordance with the PAA and the General Notice issued in terms thereof, I report the following findings relevant to performance against predetermined objectives, compliance with laws and regulations and internal control, but not for the purpose of expressing an opinion.

#### **Predetermined objectives**

14. I performed procedures to obtain evidence about the usefulness and reliability of the information in the Annual Performance Report as set out on pages 44 to 69 of the annual report.
15. The reported performance against predetermined objectives was evaluated against the overall criteria of usefulness and reliability. The usefulness of information in the Annual Performance Report relates to whether it is presented in accordance with National Treasury's annual reporting principles and whether the reported performance is consistent with the planned objectives.

The usefulness of information further relates to whether indicators and targets are measurable (well defined, verifiable, specific, measurable and time-bound) and relevant as required by the National Treasury Framework for managing programme performance information.

The reliability of the information in respect of the selected programmes

is assessed to determine whether it adequately reflects the facts (whether it is valid, accurate and complete).

16. There were no material findings on the Annual Performance Report concerning the usefulness and reliability of the information.

#### **Additional matters**

17. Although no material findings concerning the usefulness and reliability of the performance information were identified in the Annual Performance Report, I draw attention to the following matters below.

#### **Achievement of planned targets**

18. Of the total number of 55 targets planned for the year, 31 of the targets were not achieved. This represents 56% of total planned targets that were not achieved during the year under review. For further details on the extent and reasons for deviations between planned targets and actual performance, refer to Part B, page 44 to 69 of the Annual Performance Report.

This was as a result of the Department not adequately monitoring performance against predetermined targets on an ongoing basis to take appropriate steps timeously in ensuring the achievement of targets.

#### **Material adjustments to the annual performance report**

19. Material misstatements in the Annual Performance Report were identified during the audit, all of which were corrected by management.

#### **Compliance with laws and regulations**

20. I performed procedures to obtain evidence that the entity has complied with applicable laws and regulations regarding financial matters, financial management and other related matters. My findings on material non-compliance with specific matters in key applicable laws and regulations

as set out in the General Notice issued in terms of the PAA are as follows:

#### **Annual financial statements**

21. The financial statements submitted for auditing were not prepared in accordance with the prescribed financial reporting framework and supported by full and proper records as required by section 40(1)(a) and (b) of the PFMA. Material misstatements of expenditure and disclosure items identified by the auditors in the submitted financial statements were subsequently corrected and the supporting records were provided subsequently, resulting in the financial statements receiving an unqualified audit opinion.

#### **Expenditure management**

22. The Accounting Officer did not take effective steps to prevent irregular and fruitless and wasteful expenditure, as required by section 38(1)(c)(ii) of the PFMA and Treasury Regulation (TR) 9.1.1.
23. Effective and appropriate disciplinary steps were not taken against officials who made and/or permitted irregular expenditure and fruitless and wasteful expenditure, as required by section 38(1)(h)(iii) of the PFMA and TR 9.1.3.
24. Contractual obligations and money owed by the Department were not 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**

25. I considered internal control relevant to my audit of the financial statements, Annual Performance Report and compliance with laws and regulations. The matters reported below under the fundamentals of internal control are limited to the significant deficiencies that resulted in the findings on the Annual Performance Report and the findings on compliance with laws and regulations included in this report.



### Leadership

26. The leadership did not exercise adequate oversight with respect to the monitoring of the implementation of internal policies and procedures of the Department to address the processes pertaining to the monitoring, management and reporting of performance information at the overall performance management level and programme level.

### Financial and performance management

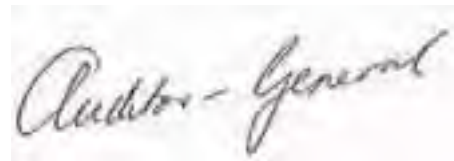
27. Management did not have a proper filing system that supports the reported performance contained in the Annual Performance Report, which resulted in material adjustments to the Annual Performance Report.
28. Management did not prepare accurate and complete financial reports that were supported and evidenced by reliable information.

29. Management did not have sufficient monitoring controls to ensure compliance with all applicable laws and regulations.

## OTHER REPORTS

### Investigations

30. An internal investigation is being conducted into possible irregularities resulting in fruitless and wasteful expenditure in the Office of the State Attorney of Pretoria. The investigation was still ongoing at the reporting date.

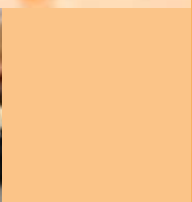
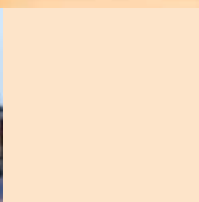


Pretoria  
31 July 2013

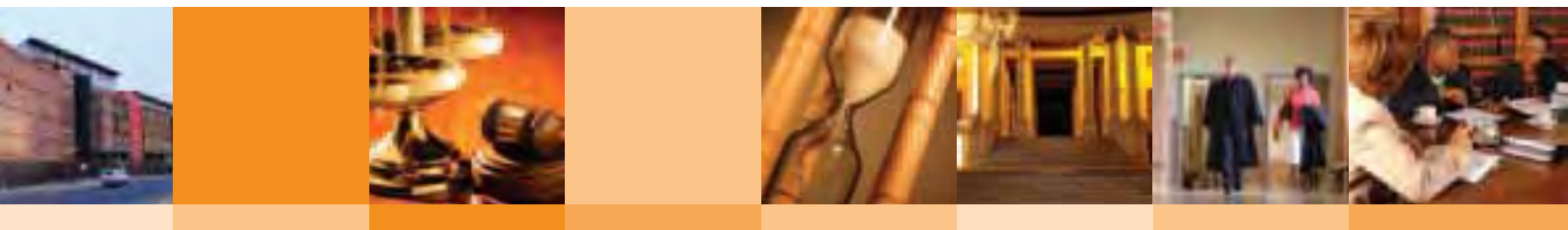


AUDITOR - GENERAL  
SOUTH AFRICA

*Auditing to build public confidence*



# APPROPRIATION STATEMENT FOR THE YEAR ENDED 31 MARCH 2013



## APPROPRIATION PER PROGRAMME

APPROPRIATION STATEMENT	2012/13					2011/12			
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>1. Administration</b>									
Current Payments	1 404 794	-	47 968	1 452 762	1 452 696	66	100%	1 597 457	1 597 456
Transfers and subsidies	10 729	-	(2 715)	8 014	8 014	-	100%	12 902	12 899
Payment for capital assets	48 344	-	(34 933)	13 411	13 411	-	100%	231 760	231 759
Payment for financial assets	-	-	1 479	1 479	1 479	-	100%	187	186
	<b>1 463 867</b>		<b>11 799</b>	<b>1 475 666</b>	<b>1 475 600</b>	<b>66</b>		<b>1 842 306</b>	<b>1 842 300</b>
<b>2. Court Services</b>									
Current payments	4 459 436	(1 124)	196 021	4 654 333	4 653 394	939	100%	3 472 005	3 472 004
Transfers and subsidies	22 779	1 124	(3 081)	20 822	20 822	-	100%	13 785	13 785
Payment for capital assets	895 158	-	(179 398)	715 760	715 760	-	100%	730 360	730 360
Payment for financial assets	-	-	2 743	2 743	2 743	-	100%	3 328	3 328
	<b>5 377 373</b>		<b>16 285</b>	<b>5 393 658</b>	<b>5 392 719</b>	<b>939</b>		<b>4 219 478</b>	<b>4 219 477</b>
<b>3. State Legal Services</b>									
Current payments	776 210	(1)	5 744	781 953	781 953	-	100%	687 670	687 668
Transfers and subsidies	1 404	(1)	2 317	3 720	3 720	-	100%	2 667	2 667
Payment for capital assets	7 259	2	1 529	8 790	8 790	-	100%	7 370	7 369
Payment for financial assets	-	-	38	38	38	-	100%	-	-
	<b>784 873</b>	-	<b>9 628</b>	<b>794 501</b>	<b>794 501</b>	-		<b>697 707</b>	<b>697 704</b>

## APPROPRIATION PER PROGRAMME

APPROPRIATION STATEMENT	2012/13						2011/12		
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>5. Auxiliary and Associated Services</b>									
Current payments	506 824	-	(74 233)	432 591	432 591	-	100%	381 368	381 368
Transfers and subsidies	1 989 716	-	-	1 989 716	1 989 715	1	100%	1 808 220	1 808 219
Payment for capital assets	58 939	-	36 521	95 460	95 460	-	100%	10 955	9 891
	<b>2 555 479</b>	<b>-</b>	<b>(37 712)</b>	<b>2 517 767</b>	<b>2 517 766</b>	<b>1</b>	<b>100%</b>	<b>2 200 543</b>	<b>2 199 478</b>
<b>Subtotal</b>	<b>10 181 592</b>	<b>-</b>		<b>10 181 592</b>	<b>10 180 586</b>	<b>1 006</b>	<b>100%</b>	<b>8 960 034</b>	<b>8 958 959</b>
<b>Statutory appropriation</b>									
Current payments	2 305 905	-	-	2 305 905	2 005 963	299 942	87.0%	2 017 102	1 967 238
Transfers and subsidies	95 965	-	-	95 965	53 624	42 341	55.9%	87 060	69 862
<b>Total</b>	<b>12 583 462</b>	<b>-</b>	<b>-</b>	<b>12 583 462</b>	<b>12 240 173</b>	<b>343 289</b>	<b>97.3%</b>	<b>11 064 196</b>	<b>10 996 059</b>



	2012/13		2011/12	
	Final appropriation	Actual expenditure	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000
<b>TOTAL (brought forward)</b>	-	-	11 064 196	10 996 059
<b>Reconciliation with Statement of Financial Performance</b>				
<b>Add</b>				
Departmental receipts	446 895	-	379 066	-
Direct Exchequer receipts	-	-	-	-
Aid assistance	2 600	-	1 378	-
<b>Actual amounts per Statement of Financial Performance (total revenue)</b>	<b>13 032 957</b>		<b>11 444 640</b>	
<b>Add</b>				
Aid assistance		3 495		4 964
Direct Exchequer payments		-		-
Prior year unauthorised expenditure approved without funding		-		-
<b>Actual amounts per Statement of Financial Performance (total expenditure)</b>		<b>12 243 668</b>		<b>11 001 023</b>

## APPROPRIATION PER ECONOMIC CLASSIFICATION

		2012/13					2011/12		
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Current payments</b>									
Compensation of employees	3 909 789	(61 496)	29 271	3 877 564	3 876 559	1 005	100%	3 491 030	3 491 028
Goods and services	3 233 581	65 389	145 102	3 444 072	3 444 072	-	100%	2 645 962	2 645 962
Interest and rent on land	3 894	(3 893)	-	1	1	-	100%	1 507	1 505
<b>Transfers and subsidies</b>									
Provinces and municipalities	270	215	3	488	488	-	100%	350	349
Departmental agencies and accounts	1 995 019	(434)	2	1 994 587	1 994 586	1	100%	1 813 292	1 813 291
Foreign governments and international organisations	5 203	(1 228)	(2 715)	1 260	1 260	-	100%	7 190	7 189
Households	24 136	1 445	354	25 935	25 935	-	100%	16 719	16 718
Gifts and donations	-	2	-	2	2	-	100%	23	23
<b>Payments for capital assets</b>									
Buildings and other fixed structures	834 441	(6 235)	(207 000)	621 206	621 206	-	100%	683 095	683 095
Machinery and equipment	169 576	6 224	27 846	203 646	203 646	-	100%	294 902	293 837
Software and other intangible assets	5 683	11	2 877	8 571	8 571	-	100%	2 449	2 448
<b>Payments for financial assets</b>									
	-	-	4 260	4 260	4 260	-	100%	3 515	3 514
<b>Total</b>	<b>10 181 592</b>	<b>-</b>	<b>-</b>	<b>10 181 592</b>	<b>10 180 586</b>	<b>1 006</b>	<b>100%</b>	<b>8 960 034</b>	<b>8 958 959</b>

## STATUTORY APPROPRIATION

	2012/13						2011/12		
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure
Direct charges against the National/ Provincial Revenue Fund	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Judges' and magistrates' salaries	2 401 870	-	-	2 401 870	2 059 587	342 283	85.7%	2 104 162	2 037 099
<b>Total</b>	<b>2 401 870</b>	<b>-</b>	<b>-</b>	<b>2 401 870</b>	<b>2 059 587</b>	<b>342 283</b>	<b>85.7%</b>	<b>2 104 162</b>	<b>2 037 099</b>

Detail per subprogramme Administration	2012/13							2011/12	
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>1.1 Ministry</b>									
Current payments	35 827	(4 374)	-	31 453	31 453	-	100%	33 777	33 777
Transfers and subsidies	-	105	-	105	105	-	100%	10	9
Payment for capital assets	676	-	(64)	612	612	-	100%	2 494	2 494
Payment for financial assets	-	-	1	1	1	-	100%	-	-
<b>1.2 Management</b>									
Current payments	61 184	(15 957)	-	45 227	45 227	-	100%	37 605	37 605
Transfers and subsidies	5 497	-	(591)	4 906	4 906	-	100%	5 136	5 135
Payment for capital assets	3 296	-	(951)	2 345	2 345	-	100%	1 090	1 090
Payment for financial assets	-	-	26	26	26	-	100%	-	-
<b>1.3 Corporate Services</b>									
Current payments	613 581	(8 617)	-	604 964	604 898	66	100%	925 144	925 143
Transfers and subsidies	5 232	(105)	(2 124)	3 003	3 003	-	100%	7 756	7 755
Payment for capital assets	44 372	-	(33 918)	10 454	10 454	-	100%	228 176	228 175
Payment for financial assets	-	-	1 452	1 452	1 452	-	100%	187	186
<b>1.4 Office accommodation</b>									
Current payments	694 202	28 948	47 968	771 118	771 118	-	100%	600 931	600 931
<b>Total</b>	<b>1 463 867</b>	<b>-</b>	<b>11 799</b>	<b>1 475 666</b>	<b>1 475 600</b>	<b>66</b>	<b>100%</b>	<b>1 842 306</b>	<b>1 842 300</b>

Programme 1 per economic classification	2012/13						2011/12		
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Current payments</b>									
Compensation of employees	412 956	(46 220)	-	366 736	366 670	66	100%	325 827	325 825
Goods and services	991 681	46 375	47 968	1 086 024	1 086 024	-	100%	1 271 488	1 271 489
Interest and rent on land	157	(155)	-	2	2	-	100%	141	141
<b>Transfers and subsidies to:</b>									
Provinces and municipalities	13	15	-	28	28	-	100%	23	22
Departmental agencies and accounts	5 303	(462)	-	4 841	4 841	-	100%	5 072	5 072
Foreign governments and international organisations	5 203	(1 228)	(2 715)	1 260	1 260	-	100%	7 190	7 189
Households	210	1 675	-	1 885	1 885	-	100%	617	616
<b>Payment for capital assets</b>									
Machinery and equipment	48 205	-	(34 874)	13 331	13 331	-	100%	229 312	229 312
Software and other intangible assets	139	-	(59)	80	80	-	100%	2 449	2 448
<b>Payments for financial assets</b>									
	-	-	1 479	1 479	1 479	-	100%	187	186
<b>Total</b>	<b>1 463 867</b>	<b>-</b>	<b>11 799</b>	<b>1 475 666</b>	<b>1 475 600</b>	<b>66</b>	<b>100%</b>	<b>1 842 306</b>	<b>1 842 300</b>



Programme 2: Court Services	2012/13					2011/12			
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>2.1 Constitutional Court</b>									
Current payments	112 425	(21 464)	-	90 961	90 961	-	100%	90 351	90 351
Transfers and subsidies	401	(387)	-	14	14	-	100%	-	-
Payment for capital assets	12 877	(8 203)	-	4 674	4 674	-	100%	642	642
Payment for financial assets	-	-	71	71	71	-	100%	-	-
<b>2.2 Supreme Court of Appeal</b>									
Current payments	19 630	5 793	-	25 423	25 423	-	100%	20 614	20 614
Transfers and subsidies	108	72	-	180	180	-	100%	-	-
Payment for capital assets	294	439	-	733	733	-	100%	266	266
Payment for financial assets	-	-	45	45	45	-	100%	-	-
<b>2.3 High Court</b>									
Current payments	323 171	-	81 586	404 757	404 757	-	100%	350 541	350 541
Transfers and subsidies	1 104	55	-	1 159	1 159	-	100%	1 606	1 606
Payment for capital assets	2 181	125	1 554	3 860	3 860	-	100%	184	184
Payment for financial assets	-	-	98	98	98	-	100%	1 501	1 501
<b>2.4 Specialised Court</b>									
Current payments	38 677	16 345	-	55 022	55 022	-	100%	41 413	41 413
Transfers and subsidies	110	258	-	368	368	-	100%	2	2
Payment for capital assets	202	277	-	479	479	-	100%	101	101
Payment for financial assets	-	-	15	15	15	-	100%	-	-
<b>2.5 Lower Court</b>									
Current payments	3 257 823	(835)	100 004	3 356 992	3 356 053	939	100%	2 481 314	2 481 313
Transfers and subsidies	17 138	821	(2 347)	15 612	15 612	-	100%	9 916	9 916

Programme 2: Court Services	2012/13						2011/12		
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Payment for capital assets	11 694	-	10 426	22 120	22 120	-	100%	18 459	18 459
Payment for financial assets	-	-	556	556	556	-	100%	1 179	1 179
<b>2.6 Family Advocate</b>									
Current payments	126 268	(4 189)	-	122 079	122 079	-	100%	105 018	105 018
Transfers and subsidies	1 098	(251)	(734)	113	113	-	100%	166	166
Payment for capital assets	2 386	1 188	-	3 574	3 574	-	100%	700	700
Payment for financial assets	-	-	3	3	3	-	100%	-	-
<b>2.7 Magistrates Commission</b>									
Current payments	11 973	(178)	-	11 795	11 795	-	100%	10 400	10 400
Transfers and subsidies	-	3	-	3	3	-	100%	3	3
Payment for capital assets	28	35	-	63	63	-	100%	7	7
Payment for financial assets	-	-	5	5	5	-	100%	-	-
<b>2.8 Government Motor Transport</b>									
Payment for capital assets	25 909	2 869	8 237	37 015	37 015	-	100%	23 234	23 234
<b>2.9 Facilities Management</b>									
Current payments	170 019	-	7 465	177 484	177 484	-	100%	15 978	15 978
Payment for capital assets	835 741	-	(199 615)	636 126	636 126	-	100%	684 428	684 428
<b>2.10 Administration of Courts</b>									
Current payments	399 450	3 404	6 966	409 820	409 820	-	100%	356 376	356 376
Transfers and subsidies	2 820	553	-	3 373	3 373	-	100%	2 092	2 092
Payment for capital assets	3 846	3 270	-	7 116	7 116	-	100%	2 339	2 339
Payment for financial assets	-	-	1 950	1 950	1 950	-	100%	648	648
<b>Total</b>	<b>5 377 373</b>	<b>-</b>	<b>16 285</b>	<b>5 393 658</b>	<b>5 392 719</b>	<b>939</b>	<b>100%</b>	<b>4 219 478</b>	<b>4 219 477</b>

Programme 2: Court Services	2012/13						2011/12		
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Current payments</b>									
Compensation of employees	2 830 328	-	29 271	2 859 599	2 858 660	939	100%	2 570 152	2 570 152
Goods and services	1 625 975	3 134	165 624	1 794 733	1 794 733	-	100%	900 648	900 648
Interest and rent on land	3 133	(3 134)	-	(1)	(1)	-	100%	1 205	1 204
<b>Transfers and subsidies to:</b>									
Provinces and municipalities	237	200	-	437	437	-	100%	307	307
Households	22 542	(230)	(1 957)	20 355	20 355	-	100%	13 455	13 455
Departmental agencies and accounts	-	28	-	28	28	-	100%	-	-
Gifts and donations	-	2	-	2	2	-	100%	23	23
<b>Payment for capital assets</b>									
Buildings and other fixed structures	834 441	(6 235)	(207 000)	621 206	621 206	-	100%	683 095	683 095
Machinery and equipment	60 683	6 224	27 604	94 511	94 511	-	100%	47 265	47 265
Software and other intangible assets	34	11	-	45	45	-	100%	-	-
<b>Payments for financial assets</b>									
	-	-	2 743	2 743	2 743	-	100%	3 328	3 328
<b>Total</b>	<b>5 377 373</b>	<b>-</b>	<b>16 285</b>	<b>5 393 658</b>	<b>5 392 719</b>	<b>939</b>	<b>100%</b>	<b>4 219 478</b>	<b>4 219 477</b>

		2012/13						2011/12	
Programme 3: State Legal Services	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>3.1 State Law Advisors</b>									
Current payments	56 084	(3 391)	-	52 693	52 693	-	100%	48 951	48 951
Transfers and subsidies	-	58	-	58	58	-	100%	-	-
Payment for capital assets	493	(224)	-	269	269	-	100%	401	401
<b>3.2 Litigation and Legal Services</b>									
Current payments	274 552	26 897	5 744	307 193	307 193	-	100%	262 959	262 959
Transfers and subsidies	-	1 011	2 317	3 328	3 328	-	100%	1 822	1 822
Payment for capital assets	3 240	-	1 273	4 513	4 513	-	100%	2 670	2 670
Payment for financial asset	-	-	15	15	15	-	100%	-	-
<b>3.3 Legislative Development and Law Reform</b>									
Current payments	56 828	(15 363)	-	41 465	41 465	-	100%	38 165	38 164
Transfers and subsidies	100	(39)	-	61	61	-	100%	580	580
Payment for capital assets	663	(487)	-	176	176	-	100%	168	167
<b>3.4 Master of the High Court</b>									
Current payments	353 518	(4 061)	-	349 457	349 457	-	100%	326 601	326 601
Transfers and subsidies	1 292	(1 019)	-	273	273	-	100%	265	265
Payment for capital assets	2 625	804	256	3 685	3 685	-	100%	4 131	4 131
Payment for financial assets	-	-	22	22	22	-	100%	-	-

Programme 3: State Legal Services	2012/13						2011/12		
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>3.5 Constitutional Development</b>									
Current payments	35 228	(4 083)	-	31 145	31 145	-	100%	10 994	10 993
Transfers and subsidies	12	(12)	-	-	-	-	100%	-	-
Payment for capital assets	238	(91)	-	147	147	-	100%	-	-
Payment for financial assets	-	-	1	1	1	-	100%	-	-
<b>Total</b>	<b>784 873</b>	<b>-</b>	<b>9 628</b>	<b>794 501</b>	<b>794 501</b>	<b>-</b>	<b>100%</b>	<b>697 707</b>	<b>697 704</b>



Programme 3 per economic classification	2012/13							2011/12	
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Current payments</b>									
Compensation of employees	666 505	(15 276)	-	651 229	651 229	-	100%	595 051	595 051
Goods and services	109 101	15 880	5 743	130 724	130 724	-	100%	92 458	92 457
Interest and rent on land	604	(604)	-	-	-	-	-	161	160
<b>Transfers and subsidies to:</b>									
Provinces and municipalities	20	-	3	23	23	-	100%	20	20
Departmental agency and accounts	-	-	2	2	2	-	100%	-	-
Households	1 384	-	2 311	3 695	3 695	-	100%	2 647	2 647
<b>Payments for capital assets</b>									
Machinery and equipment	7 249	-	1 525	8 774	8 774	-	100%	7 370	7 369
Software and other intangible assets	10	-	6	16	16	-	100%	-	-
Payments for financial assets	-	-	38	38	38	-	100%	-	-
<b>Total</b>	<b>784 873</b>	<b>-</b>	<b>9 628</b>	<b>794 501</b>	<b>794 501</b>	<b>-</b>	<b>100%</b>	<b>697 707</b>	<b>697 704</b>

Programme 5: Auxiliary and Associated Services	2012/13						2011/12		
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>5.1 South African Human Rights Commission</b>									
Transfers and subsidies	101 530	-	-	101 530	101 530	-	100%	89 773	89 773
<b>5.2 Special Investigating Unit</b>									
Transfers and subsidies	340 713	-	-	340 713	340 713	-	100%	323 191	323 191
<b>5.3 Legal Aid South Africa</b>									
Transfers and subsidies	1 255 145	-	-	1 255 145	1 255 145	-	100%	1 137 545	1 137 545
<b>5.4 Public Protector</b>									
Transfers and subsidies	183 147	-	-	183 147	183 147	-	100%	153 729	153 729
<b>5.5 Justice Modernisation</b>									
Current payments	506 824	-	(74 233)	432 591	432 591	-	100%	381 368	381 368
Payments for capital assets	58 939	-	36 521	95 460	95 460	-	100%	10 955	9 891
<b>5.6 President's Fund</b>									
Transfers and subsidies	1	-	-	1	-	1		1	-
<b>5.7 Represented Political Parties' Fund</b>									
Transfers and subsidies	109 180	-	-	109 180	109 180	-	100%	103 981	103 981
<b>Total</b>	<b>2 555 479</b>	<b>-</b>	<b>(37 712)</b>	<b>2 517 767</b>	<b>2 517 766</b>	<b>1</b>	<b>100%</b>	<b>2 200 543</b>	<b>2 199 478</b>

Programme 5 per economic classification	2012/13						2011/12		
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage 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>									
Goods and services	506 824	-	(74 233)	432 591	432 591	-	100%	381 368	381 368
<b>Transfers and subsidies to:</b>									
Departmental agencies and accounts	1 989 716	-	-	1 989 716	1 989 715	1	100%	1 808 220	1 808 219
<b>Payments for capital assets</b>									
Machinery and equipment	53 439	-	33 591	87 030	87 030	-	100%	10 955	9 891
Software and other intangible assets	5 500	-	2 930	8 430	8 430	-	100%	-	-
<b>Total</b>	<b>2 555 479</b>	<b>-</b>	<b>(37 712)</b>	<b>2 517 767</b>	<b>2 517 766</b>	<b>1</b>	<b>100%</b>	<b>2 200 543</b>	<b>2 199 478</b>

## STATEMENT OF FINANCIAL PERFORMANCE FOR THE YEAR ENDED 31 MARCH 2013

PERFORMANCE	Note	2012/13	2011/12
		R'000	R'000
<b>REVENUE</b>			
Annual appropriation	1	10 181 592	8 960 034
Statutory appropriation	2	2 401 870	2 104 162
Departmental revenue	3	446 895	379 066
Aid assistance	4	2 600	1 378
<b>TOTAL REVENUE</b>		<b>13 032 957</b>	<b>11 444 640</b>
<b>EXPENDITURE</b>			
<b>Current expenditure</b>			
Compensation of employees	5	5 882 522	5 458 266
Goods and services	6	3 444 072	2 645 962
Interest and rent on land	7	1	1 505
Aid assistance	4	3 495	4 964
<b>Total current expenditure</b>		<b>9 330 090</b>	<b>8 110 697</b>
<b>Transfers and subsidies</b>			
Transfers and subsidies	9	2 075 895	1 907 432
<b>Total transfers and subsidies</b>		<b>2 075 895</b>	<b>1 907 432</b>
<b>Expenditure for capital assets</b>			
Tangible capital assets	10	824 852	976 932
Software and other intangible assets	10	8 571	2 448
<b>Total expenditure for capital assets</b>		<b>833 423</b>	<b>979 380</b>
Payments for financial assets	8	4 260	3 514
<b>TOTAL EXPENDITURE</b>		<b>12 243 668</b>	<b>11 001 023</b>
<b>SURPLUS/(DEFICIT) FOR THE YEAR</b>		<b>789 289</b>	<b>443 617</b>
<b>Reconciliation of net surplus/(deficit) for the year</b>			
Voted funds		<b>343 289</b>	<b>68 137</b>
Departmental revenue and NRF receipts	15	446 895	379 066
Aid assistance	4	(895)	(3 586)
<b>SURPLUS/(DEFICIT) FOR THE YEAR</b>		<b>789 289</b>	<b>443 617</b>

## STATEMENT OF FINANCIAL POSITION AS AT 31 MARCH 2013

POSITION	Note	2012/13	2011/12
		R'000	R'000
<b>ASSETS</b>			
<b>Current assets</b>		<b>520 333</b>	<b>458 884</b>
Cash and cash equivalents	11	4 407	3 472
Prepayments and advances	12	10 054	5 207
Receivables	13	505 872	450 205
<b>TOTAL ASSETS</b>		<b>520 333</b>	<b>458 884</b>
<b>LIABILITIES</b>			
<b>Current liabilities</b>		<b>504 941</b>	<b>448 951</b>
Voted funds to be surrendered to the Revenue Fund	14	343 289	68 137
Departmental revenue and NRF receipts to be surrendered to the Revenue Fund	15	30 641	39 681
Bank overdraft	16	65 334	324 613
Payables	17	53 780	3 728
Aid assistance unutilised	4	11 897	12 792
<b>TOTAL LIABILITIES</b>		<b>504 941</b>	<b>448 951</b>
<b>NET ASSETS</b>		<b>15 392</b>	<b>9 933</b>
<b>Represented by:</b>			
Recoverable revenue		15 392	9 933
<b>TOTAL</b>		<b>15 392</b>	<b>9 933</b>



## STATEMENT OF CHANGES IN NET ASSETS FOR THE YEAR ENDED 31 MARCH 2013

NET ASSETS	Note	2012/13	2011/12
		R'000	R'000
<b>Recoverable revenue</b>			
Opening balance		9 933	8 522
Transfers:		5 459	1 411
Debts revised		(675)	(3 991)
Debts recovered (included in departmental receipts)		(2 449)	(3 863)
Debts raised		8 583	9 265
Closing balance		15 392	9 933
<b>TOTAL</b>		<b>15 392</b>	<b>9 933</b>

## CASHFLOW STATEMENT FOR THE YEAR ENDED 31 MARCH 2013

CASH FLOW	Note	2012/13	2011/12
		R'000	R'000
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Receipts</b>		<b>13 032 841</b>	<b>11 444 380</b>
Annual appropriated funds received	1	10 181 592	8 960 034
Statutory appropriated funds received	2	2 401 870	2 104 162
Departmental revenue received	3	446 779	378 806
Aid assistance received	4	2 600	1 378
Net (increase)/decrease in working capital		(10 462)	121 876
Surrendered to Revenue Fund		(524 072)	(465 419)
Current payments		(9 330 090)	(8 110 697)
Payments for financial assets		(4 260)	(3 514)
Transfers and subsidies paid		(2 075 895)	(1 907 432)
<b>Net cash flow available from operating activities</b>	<b>18</b>	<b>1 088 062</b>	<b>1 079 194</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Payments for capital assets	12	(833 423)	(979 380)
Proceeds from sale of capital assets	3.4	116	260
<b>Net cash flows from investing activities</b>		<b>(833 307)</b>	<b>(979 120)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
Increase/(decrease) in net assets		5 459	1 411
<b>Net cash flows from financing activities</b>		<b>5 459</b>	<b>1 411</b>
Net increase/(decrease) in cash and cash equivalents		260 214	101 485
Cash and cash equivalents at beginning of period		(321 141)	(422 626)
<b>Cash and cash equivalents at end of period</b>	<b>19</b>	<b>(60 927)</b>	<b>(321 141)</b>

# NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2013 INCLUDING THE ACCOUNTING POLICIES AND RELATED MATTERS

The financial statements have been prepared in accordance with the following policies, which have been applied consistently in all material aspects, unless otherwise indicated. However, where appropriate and meaningful, additional information has been disclosed to enhance the usefulness of the financial statements and to comply with the statutory requirements of the Public Finance Management Act, Act No. 1 of 1999 (as amended by Act 29 of 1999), and the Treasury Regulations issued in terms of the Act and the Division of Revenue Act, Act No. 1 of 2010.

## 1. PRESENTATION OF THE FINANCIAL STATEMENTS

### 1.1 BASIS OF PREPARATION

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

### 1.2 PRESENTATION CURRENCY

All amounts have been presented in the currency of the South African rand (R), which is also the functional currency of the Department.

### 1.3 ROUNDING

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

### 1.4 COMPARATIVE FIGURES

Prior period comparative information has been presented in the current year's financial statements. Where necessary, figures included in the prior period financial statements have been reclassified to ensure

that the format in which the information is presented is consistent with the format of the current year's financial statements.

### 1.5 COMPARATIVE FIGURES – APPROPRIATION STATEMENT

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

## 2. REVENUE

### 2.1 APPROPRIATED FUNDS

Appropriated funds comprise of departmental allocations, as well as direct charges against the Revenue Fund (statutory appropriation).

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

Unexpended appropriated funds are surrendered to the National Revenue Fund. Any amounts owing to the National Revenue Fund at the end of the financial year are recognised as payable in the Statement of Financial Position.

Any amount due from the National Revenue Fund at the end of the financial year is recognised as a receivable in the Statement of Financial Position.

### 2.2 DEPARTMENTAL REVENUE

All departmental revenue is recognised in the Statement of Financial Performance when received and is subsequently paid into the National Revenue Fund, unless stated otherwise.

Any amount owing to the National Revenue Fund is recognised as a payable in the Statement of Financial Position.

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

### 2.3 DIRECT EXCHEQUER RECEIPTS

All direct Exchequer receipts are recognised in the Statement of Financial Performance when the cash is received and is subsequently paid into the National Revenue Fund, unless stated otherwise.

Any amount owing to the National Revenue Fund at the end of the financial year is recognised as a payable in the Statement of Financial Position.

### 2.4 DIRECT EXCHEQUER PAYMENTS

All direct Exchequer payments are recognised in the Statement of Financial Performance when final authorisation for payment is effected on the system (by no later than 31 March of each year).

### 2.5 AID ASSISTANCE

Aid assistance is recognised as revenue when received.

All in-kind aid assistance is disclosed at fair value on the date of receipt in the annexures to the annual financial statements.

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

The value of the assistance expensed prior to the receipt of funds is recognised as a receivable in the Statement of Financial Position.

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

All CARA funds received must be recorded as revenue when funds are received. The cash payments made during the year relating to projects earmarked for CARA are recognised as expenditure in the

Statement of Financial Performance when final authorisation for payments is effected on the system (by no later than 31 March of each year).

Inappropriately expensed amounts using CARA funds are recognised as payables in the Statement of Financial Position. Any unutilised amounts are transferred to retained funds as they are not surrendered to the Revenue Fund.

## 3. EXPENDITURE

### 3.1 COMPENSATION OF EMPLOYEES

#### 3.1.1 Salaries and wages

Salaries and wages are expensed in the Statement of Financial Performance when the final authorisation for payment is effected on the system (by no later than 31 March of each year).

Other employee benefits that give rise to a present legal or constructive obligation are disclosed in the disclosure notes to the financial statements at their face value and are not recognised in the Statement of Financial Performance or Statement of Financial Position.

Employee costs are capitalised to the cost of a capital project when an employee spends more than 50% of his or her time on the project. These payments form part of expenditure for capital assets in the Statement of Financial Performance.

#### 3.1.2 Social contributions

Employer contributions to post-employment benefit plans in respect of current employees are expensed in the Statement of Financial Performance when the final authorisation for payment is effected on the system (by no later than 31 March of each year).

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

Employer contributions made by the Department for certain of its former employees (such as medical benefits) are classified as transfers to households in the Statement of Financial Performance.

### 3.2 GOODS AND SERVICES

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

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

Rental paid for the use of buildings or other fixed structures is classified as goods and services and not as rent on land.

### 3.3 INTEREST AND RENT ON LAND

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

### 3.4 PAYMENTS FOR FINANCIAL ASSETS

Debts are written off when identified as irrecoverable. Debts written off are limited to the amount of savings and/or underspending of appropriated funds. The write off occurs at year-end or when funds are available. No provision is made for irrecoverable amounts, but an estimate is included in the amounts in the disclosure notes to the financial statements. All other losses are recognised when authorisation has been granted for the recognition thereof.

### 3.5 TRANSFERS AND SUBSIDIES

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

### 3.6 UNAUTHORISED EXPENDITURE

When confirmed unauthorised expenditure is recognised as an asset in the Statement of Financial Position until such time as the expenditure is either approved by the relevant authority, recovered from the responsible person or written off as irrecoverable in the Statement of Financial Performance.

Unauthorised expenditure approved with funding is derecognised from the Statement of Financial Position when the unauthorised expenditure is approved and the related funds are received.

Where the amount is approved without funding, it is recognised as expenditure in the Statement of Financial Performance on the date of approval.

### 3.7 FRUITLESS AND WASTEFUL EXPENDITURE

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

### 3.8 IRREGULAR EXPENDITURE

Irregular expenditure is recognised as expenditure in the Statement of Financial Performance. If the expenditure is not condoned by the relevant authority, it is treated as an asset until it is recovered or written off as irrecoverable.

## 4. ASSETS

### 4.1 CASH AND CASH EQUIVALENTS

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

Bank overdrafts are shown separately on the face of the Statement of Financial Position.

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

#### 4.2 OTHER FINANCIAL ASSETS

Other financial assets are carried in the Statement of Financial Position at cost.

#### 4.3 PREPAYMENTS AND ADVANCES

Amounts prepaid or advanced are recognised in the Statement of Financial Position when the payments are made and are derecognised as and when the goods and/or services are received or the funds utilised.

Prepayments and advances outstanding at the end of the year are carried in the Statement of Financial Position at cost.

#### 4.4 RECEIVABLES

Receivables included in the Statement of Financial Position arise from cash payments made that are recoverable from another party (including departmental employees) and are derecognised upon recovery or write-off.

Receivables outstanding at year-end are carried in the Statement of Financial Position at cost plus any accrued interest. Amounts that are potentially irrecoverable are included in the disclosure notes.

#### 4.5 INVESTMENTS

Capitalised investments are shown at cost in the Statement of Financial Position.

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

#### 4.6 LOANS

Loans are recognised in the Statement of Financial Position when the cash is paid to the beneficiary. Loans that are outstanding at year-end are carried in the Statement of Financial Position at cost plus accrued interest. Amounts that are potentially irrecoverable are included in the disclosure notes.

#### 4.7 INVENTORY

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

All inventory items at year-end are reflected using the weighted average cost or first in, first out (FIFO) cost formula.

#### 4.8 CAPITAL ASSETS

##### 4.8.1 Movable assets

###### Initial recognition

A capital asset is recorded in the Asset Register on receipt of the item at cost. Cost of an asset is defined as the total cost of acquisition. Where the cost cannot be determined accurately, the movable capital asset is stated at fair value. Where fair value cannot be determined, the capital asset is included in the Asset Register at R1.

All assets acquired prior to 1 April 2002 are included in the register at R1.

###### Subsequent recognition

Subsequent expenditure of a capital nature is recorded in the Statement of Financial Performance as expenditure for capital assets and is capitalised in the Asset Register of the Department on completion of the project.

Repairs and maintenance is expensed as current goods and services in the Statement of Financial Performance.

##### 4.8.2 Immovable assets

###### Initial recognition

A capital asset is recorded on receipt of the item at cost. Cost of an asset is defined as the total cost of acquisition. Where the cost cannot be determined accurately, the immovable capital asset is stated at R1, unless the fair value of the asset has been reliably estimated.

###### Subsequent recognition

Work-in-progress of a capital nature is recorded in the Statement of Financial Performance as expenditure for capital assets. On completion, the total cost of the project is included in the Asset Register of the Department that is accountable for the asset.



Repairs and maintenance is expensed as current goods and services in the Statement of Financial Performance.

## 5. LIABILITIES

### 5.1 PAYABLES

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

### 5.2 CONTINGENT LIABILITIES

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

### 5.3 CONTINGENT ASSETS

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

### 5.4 COMMITMENTS

Commitments are not recognised in the Statement of Financial Position as a liability or as expenditure in the Statement of Financial Performance, but are included in the disclosure notes.

### 5.5 ACCRUALS

Accruals are not recognised in the Statement of Financial Position as a liability or as expenditure in the Statement of Financial Performance, but are included in the disclosure notes.

### 5.6 EMPLOYEE BENEFITS

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

## 5.7 LEASE COMMITMENTS

### Finance lease

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

### Operating lease

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

## 5.8 IMPAIRMENT AND OTHER PROVISIONS

The Department tests for impairment where there is an indication that a receivable, loan or investment may be impaired. An assessment of whether there is an indication of possible impairment is done at each reporting date. An estimate is made for doubtful loans and receivables based on a review of all outstanding amounts at year-end. Impairments on investments are calculated as being the difference between the carrying amount and the present value of the expected future cash flows/service potential flowing from the instrument.

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

## 6. RECEIVABLES FOR DEPARTMENTAL REVENUE

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

## 7. NET ASSETS

### 7.1 CAPITALISATION RESERVE

The capitalisation reserve comprises 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 Revenue Fund when the underlining asset is disposed of and the related funds are received.

### 7.2 RECOVERABLE REVENUE

Amounts are recognised as recoverable revenue when a payment made in a previous financial year becomes recoverable from a debtor in the current financial year. Amounts are transferred to the National Revenue

Fund when recovered or are transferred to the Statement of Financial Performance when written off.

## 8. RELATED-PARTY TRANSACTIONS

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

## 9. KEY MANAGEMENT PERSONNEL

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



# NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2013

## 1. ANNUAL APPROPRIATION

### 1.1 ANNUAL APPROPRIATION

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

	2012/13		2011/12	
	Final appropriation	Actual funds received	Funds not requested/ not received	Appropriation received
	R'000	R'000	R'000	R'000
Administration	1 475 666	1 463 867	11 799	1 686 258
Court Services	5 393 658	5 377 373	16 285	4 346 045
State Legal Services	794 501	784 873	9 628	721 387
Auxiliary and Associated Services	2 517 767	2 555 479	(37 712)	2 206 344
<b>Total</b>	<b>10 181 592</b>	<b>10 181 592</b>		<b>8 960 034</b>

## 2. STATUTORY APPROPRIATION

	2012/13	2011/12
	R'000	R'000
Judges' and magistrates' salaries	2 401 870	2 104 162
<b>Total</b>	<b>2 401 870</b>	<b>2 104 162</b>
Actual statutory appropriation received	<b>2 401 870</b>	<b>2 104 162</b>

## 3. DEPARTMENTAL REVENUE

	Note	2012/13	2011/12
		R'000	R'000
<b>Tax revenue</b>			
Sales of goods and services other than capital assets	3.1	92 513	59 188
Fines, penalties and forfeits	3.2	281 976	294 819
Interest, dividends and rent on land	3.3	1 480	2 104
Sales of capital assets	3.4	116	260
Transactions in financial assets and liabilities	3.5	70 705	22 695
Transfer received	3.6	105	-
Total revenue collected		446 895	379 066
<b>Departmental revenue collected</b>		<b>446 895</b>	<b>379 066</b>

### 3.1 SALE OF GOODS AND SERVICES OTHER THAN CAPITAL ASSETS

	Note	2012/13	2011/12
	3	R'000	R'000
Sale of goods and services produced by the Department		92 483	59 169
Sales by market establishment		6 828	6 827
Administrative fees		28	35
Other sales		85 627	52 307
Sale of scrap, waste and other used current goods		30	19
<b>Total</b>		<b>92 513</b>	<b>59 188</b>

### 3.2 FINES, PENALTIES AND FORFEITS

	Note	2012/13	2011/12
	3	R'000	R'000
Fines		223 522	232 353
Penalties		750	1 802
Forfeits		57 704	60 664
<b>Total</b>		<b>281 976</b>	<b>294 819</b>

### 3.3 INTEREST, DIVIDENDS AND RENT ON LAND

	Note	2012/13	2011/12
	3	R'000	R'000
Interest		1 480	2 104
<b>Total</b>		<b>1 480</b>	<b>2 104</b>

### 3.4 SALE OF CAPITAL ASSETS

	Note	2012/13	2011/12
	3	R'000	R'000
Tangible assets		116	260
Machinery and equipment	33	116	260
<b>Total</b>		<b>116</b>	<b>260</b>

### 3.5 TRANSACTIONS IN FINANCIAL ASSETS AND LIABILITIES

	Note	2012/13	2011/12
	3	R'000	R'000
Loans and advances		-	180
Receivables		2 310	1 632
Stale cheques written back		287	117
Other receipts, including recoverable revenue		68 108	20 766
<b>Total</b>		<b>70 705</b>	<b>22 695</b>

### 3.6 TRANSFERS RECEIVED

	Note	2012/13	2011/12
	3	R'000	R'000
Public corporations and private enterprises		105	-
<b>Total</b>		<b>105</b>	<b>-</b>

## 4. AID ASSISTANCE

### 4.1 AID ASSISTANCE RECEIVED IN CASH FROM THE RECONSTRUCTION AND DEVELOPMENT PROGRAMME (RDP)

	Note	2012/13	2011/12
		R'000	R'000
<b>Foreign</b>			
Opening balance		12 792	16 378
Revenue		2 600	1 378
Expenditure		(3 495)	(4 964)
Current		(3 495)	(4 964)
<b>Closing balance</b>		<b>11 897</b>	<b>12 792</b>

## 4.2 TOTAL ASSISTANCE

	2012/13	2011/12
	R'000	R'000
Opening balance	12 792	16 378
Revenue	2 600	1 378
Expenditure	(3 495)	(4 964)
Current	(3 495)	(4 964)
<b>Closing balance</b>	<b>11 897</b>	<b>12 792</b>

## 4.3 ANALYSIS OF BALANCE

		2012/13	2011/12
	Note	R'000	R'000
Aid assistance		11 897	12 792
RDP unutilised / repayable		11 897	12 792
<b>Closing balance</b>		<b>11 897</b>	<b>12 792</b>



## 5. COMPENSATION OF EMPLOYEES

### 5.1 SALARIES AND WAGES

	Note	2012/13	2011/12
		R'000	R'000
Basic salary		4 043 194	3 730 917
Performance award		34 200	27 972
Service-based award		52 398	56 456
Compensative/circumstantial		32 056	26 163
Periodic payments		15 682	15 321
Other non-pensionable allowances		1 015 202	955 425
<b>Total</b>		<b>5 192 732</b>	<b>4 812 254</b>

### 5.2 SOCIAL CONTRIBUTIONS

	Note	2012/13	2011/12
		R'000	R'000
Employer contributions			
Pension		420 078	393 016
Medical		268 734	252 038
Unemployment Insurance Fund (UIF)		14	9
Bargaining Council		964	949
<b>Total</b>		<b>689 790</b>	<b>646 012</b>
<b>Total compensation of employees</b>		<b>5 882 522</b>	<b>5 458 266</b>
Average number of employees		<b>21 520</b>	<b>20 825</b>

## 6. GOODS AND SERVICES

	Note	2012/13	2011/12
		R'000	R'000
Administrative fees		18 244	4 657
Advertising		22 321	51 475
Assets less than R5 000	6.1	50 290	42 742
Bursaries (employees)		6 409	4 612
Catering		7 061	5 829
Communication		156 010	145 395
Computer services	6.2	454 074	425 885
Consultants, contractors and agencies/outsourced services	6.3	335 399	281 779
Entertainment		57	205
Audit cost – external	6.4	38 549	21 592
Fleet services		50 165	27 453
Inventory	6.5	176 893	70 680
Operating leases		613 321	408 322
Property payments	6.6	836 107	580 060
Transport provided as part of departmental activities		18	19
Travel and subsistence	6.7	544 908	447 712
Venues and facilities		2 249	5 190
Training and staff development		19 432	6 555
Other operating expenditure	6.8	112 565	115 800
<b>Total</b>		<b>3 444 072</b>	<b>2 645 962</b>

## 6.1 ASSETS LESS THAN R5 000

	Note	2012/13	2011/12
	6	R'000	R'000
Tangible assets			
Machinery and equipment		50 269	42 734
Intangible assets		21	8
<b>Total</b>		<b>50 290</b>	<b>42 742</b>

## 6.2 COMPUTER SERVICES

	Note	2012/13	2011/12
	6	R'000	R'000
State Information Technology Agency (SITA) computer services		210 764	65 596
External computer service providers		243 310	360 289
<b>Total</b>		<b>454 074</b>	<b>425 885</b>

## 6.3 CONSULTANTS, CONTRACTORS AND AGENCIES/OUTSOURCED SERVICES

	Note	2012/13	2011/12
	6	R'000	R'000
Business and advisory services		59 814	54 652
Laboratory services		905	973
Legal costs		76 103	49 358
Contractors		16 722	27 802
Agencies and support/outsourced services		181 855	148 994
<b>Total</b>		<b>335 399</b>	<b>281 779</b>

#### 6.4 AUDIT COST – EXTERNAL

	Note	2012/13	2011/12
	6	R'000	R'000
Regularity audits		38 549	21 592
<b>Total</b>		<b>38 549</b>	<b>21 592</b>

#### 6.5 INVENTORY

	Note	2012/13	2011/12
	6	R'000	R'000
Learning and teaching support material		117	5
Food and food supplies		424	234
Fuel, oil and gas		265	140
Other consumable materials		3 799	1 569
Materials and supplies		1 131	859
Stationery and printing		171 071	67 839
Medical supplies		86	34
<b>Total</b>		<b>176 893</b>	<b>70 680</b>

#### 6.6 PROPERTY PAYMENTS

	Note	2012/13	2011/12
	6	R'000	R'000
Municipal services		292 822	184 871
Property management fees		-	634
Property maintenance and repairs		-	14 338
Other		543 285	380 217
<b>Total</b>		<b>836 107</b>	<b>580 060</b>

## 6.7 TRAVEL AND SUBSISTENCE

	Note	2012/13	2011/12
	6	R'000	R'000
Local		529 956	438 262
Foreign		14 952	9 450
<b>Total</b>		<b>544 908</b>	<b>447 712</b>

## 6.8 OTHER OPERATING EXPENDITURE

	Note	2012/13	2011/12
	6	R'000	R'000
Learnerships		-	11 913
Professional bodies, membership and subscription fees		2 189	597
Resettlement costs		6 385	5 829
Other		103 991	97 461
<b>Total</b>		<b>112 565</b>	<b>115 800</b>

## 7. INTEREST AND RENT ON LAND

	Note	2012/13	2011/12
		R'000	R'000
Interest paid		1	1 505
<b>Total</b>		<b>1</b>	<b>1 505</b>

## 8. PAYMENTS FOR FINANCIAL ASSETS

	Note	2012/13	2011/12
		R'000	R'000
Material losses through criminal conduct		-	229
Theft	8.3	-	229
Other material losses written off	8.1	4 019	3 140
Debts written off	8.2	241	145
<b>Total</b>		<b>4 260</b>	<b>3 514</b>

### 8.1 OTHER MATERIAL LOSSES WRITTEN OFF

	Note	2012/13	2011/12
	8	R'000	R'000
<b>Nature of losses</b>			
Irrecoverable losses		3 642	1 548
Civil actions		371	1 592
Damages to vehicles		6	-
<b>Total</b>		<b>4 019</b>	<b>3 140</b>

### 8.2 DEBTS WRITTEN OFF

	Note	2012/13	2011/12
	8	R'000	R'000
<b>Nature of debts written off</b>			
Staff debts (prescribed staff debts)		241	145
<b>Total debt written off</b>		<b>241</b>	<b>145</b>



### 8.3 DETAIL OF THEFT

	Note	2012/13	2011/12
	8	R'000	R'000
<b>Nature of theft</b>			
Burglaries		-	83
Theft		-	146
<b>Total</b>			<b>229</b>

## 9. TRANSFERS AND SUBSIDIES

	Note	2012/13	2011/12
		R'000	R'000
Provinces and municipalities	Annex 1A	488	349
Departmental agencies and accounts	Annex 1B	1 994 586	1 813 291
Foreign governments and international organisations	Annex 1C	1 260	7 189
Households	Annex 1D	79 561	86 603
<b>Total</b>		<b>2 075 895</b>	<b>1 907 432</b>

## 10. EXPENDITURE FOR CAPITAL ASSETS

	Note	2012/13	2011/12
		R'000	R'000
<b>Tangible assets</b>		<b>824 852</b>	<b>976 932</b>
Buildings and other fixed structures	35	621 206	683 095
Machinery and equipment	33	203 646	293 837
<b>Software and other intangible assets</b>		<b>8 571</b>	<b>2 448</b>
Computer software	34	8 571	2 448
<b>Total</b>		<b>833 423</b>	<b>979 380</b>

## 10.1 ANALYSIS OF FUNDS UTILISED TO ACQUIRE CAPITAL ASSETS – 2012/13

	Voted funds	Total
	R'000	R'000
<b>Tangible assets</b>	<b>824 852</b>	<b>824 852</b>
Buildings and other fixed structures	621 206	621 206
Machinery and equipment	203 646	203 646
<b>Software and other intangible assets</b>	<b>8 571</b>	<b>8 571</b>
Computer software	8 571	8 571
<b>Total</b>	<b>833 423</b>	<b>833 423</b>

## 10.2 ANALYSIS OF FUNDS UTILISED TO ACQUIRE CAPITAL ASSETS – 2011/12

	Voted funds	Total
	R'000	R'000
<b>Tangible assets</b>	<b>976 932</b>	<b>976 932</b>
Buildings and other fixed structures	683 095	683 095
Machinery and equipment	293 837	293 837
<b>Software and other intangible assets</b>	<b>2 448</b>	<b>2 448</b>
Computer software	2 448	2 448
<b>Total</b>	<b>979 380</b>	<b>979 380</b>

## 11. CASH AND CASH EQUIVALENTS

	Note	2012/13 R'000	2011/12 R'000
Cash receipts		(129)	(983)
Cash on hand		4 536	4 455
<b>Total</b>		<b>4 407</b>	<b>3 472</b>

## 12. PREPAYMENTS AND ADVANCES

	Note	2012/13 R'000	2011/12 R'000
Travel and subsistence		837	1 164
Advances paid to other entities	12.1	9 217	4 043
<b>Total</b>		<b>10 054</b>	<b>5 207</b>

### 12.1 ADVANCES PAID

	Note	2012/13 R'000	2011/12 R'000
Advances paid to other entities	Annex 8A	9 217	4 043
<b>Total</b>		<b>9 217</b>	<b>4 043</b>

## 13. RECEIVABLES

	Note	2012/13			2011/12	
		Less than one year	One to three years	Older than three years	Total	
		R'000	R'000	R'000	R'000	
Claims recoverable	13.1 Annex 4	341 257	119 176	6 711	467 144	389 031
Trade receivables	13.2	-	41	79	120	759
Recoverable expenditure	13.3	7			7	
Staff debt	13.4	7 186	7 436	15 539	30 161	22 874
Other debtors	13.5	2 809	3 720	1 911	8 440	37 541
<b>Total</b>		<b>351 259</b>	<b>130 373</b>	<b>24 240</b>	<b>505 872</b>	<b>450 205</b>

### 13.1 CLAIMS RECOVERABLE

	Note	2012/13	2011/12
	13	R'000	R'000
National departments		195 307	150 204
Provincial departments		271 837	238 827
<b>Total</b>		<b>467 144</b>	<b>389 031</b>

### 13.2 TRADE RECEIVABLES

	Note	2012/13	2011/12
	13	R'000	R'000
Trade receivables		120	759
<b>Total</b>		<b>120</b>	<b>759</b>

### 13.3 RECOVERABLE EXPENDITURE

	Note	2012/13	2011/12
	13	R'000	R'000
Fruitless expenditure		7	-
<b>Total</b>		<b>7</b>	<b>-</b>

### 13.4 STAFF DEBT

	Note	2012/13	2011/12
	13	R'000	R'000
In-service debt		3 461	2 858
Out-of-service debt		26 700	20 016
<b>Total</b>		<b>30 161</b>	<b>22 874</b>

### 13.5 OTHER DEBTORS

	Note	2012/13	2011/12
	13	R'000	R'000
Disallowance accounts		8 440	7 380
Salary suspense accounts		-	161
Funds due to the Department (virement)		-	30 000
<b>Total</b>		<b>8 440</b>	<b>37 541</b>

## 14. VOTED FUNDS TO BE SURRENDERED TO THE REVENUE FUND

	Note	2012/13	2011/12
		R'000	R'000
Opening balance		68 137	73 512
Transfer from Statement of Financial Performance		343 289	68 137
Paid during the year		(68 137)	(73 512)
<b>Closing balance</b>		<b>343 289</b>	<b>68 137</b>

## 15. DEPARTMENTAL REVENUE AND NRF RECEIPTS TO BE SURRENDERED TO THE REVENUE FUND

	Note	2012/13	2011/12
		R'000	R'000
Opening balance		39 681	52 522
Transfer from Statement of Financial Performance		446 895	379 066
Paid during the year		(455 935)	(391 907)
<b>Closing balance</b>		<b>30 641</b>	<b>39 681</b>

## 16. BANK OVERDRAFT

	Note	2012/13	2011/12
		R'000	R'000
Consolidated Paymaster-General account		65 334	324 613
<b>Total</b>		<b>65 334</b>	<b>324 613</b>

## 17. PAYABLES – CURRENT

	Note	2012/13 Total R'000	2011/12 Total R'000
Amounts owing to other entities		50 027	-
Advances received	17.1	1 814	-
Clearing accounts	17.2	1 447	245
Other payables	17.3	492	3 483
<b>Total</b>		<b>53 780</b>	<b>3 728</b>

### 17.1 ADVANCES RECEIVED

	Note	2012/13 R'000	2011/12 R'000
Provincial departments	Annex 8B	1 814	-
<b>Total</b>		<b>1 814</b>	<b>-</b>

### 17.2 CLEARING ACCOUNTS

	Note	2012/13 R'000	2011/12 R'000
Salary control accounts		1 447	230
Overseas maintenance		-	5
VAT clearing account		-	10
<b>Total</b>		<b>1 447</b>	<b>245</b>



### 17.3 OTHER PAYABLES

	Note	2012/13	2011/12
	17	R'000	R'000
Salary reversal control		242	8
Disallowance miscellaneous		250	3 475
<b>Total</b>		<b>492</b>	<b>3 483</b>

### 18. NET CASH FLOW AVAILABLE FROM OPERATING ACTIVITIES

	Note	2012/13	2011/12
		R'000	R'000
Net surplus/(deficit) as per Statement of Financial Performance		789 289	443 617
Add back non-cash/cash movements not deemed operating activities		<b>298 773</b>	<b>635 577</b>
(Increase)/decrease in receivables – current		(55 667)	121 625
(Increase)/decrease in prepayments and advances		(4 847)	(1 796)
Increase/(decrease) in payables – current		50 052	2 047
Proceeds from sale of capital assets		(116)	(260)
Expenditure on capital assets		833 423	979 380
Surrenders to Revenue Fund		(524 072)	(465 419)
<b>Net cash flow generated by operating activities</b>		<b>1 088 062</b>	<b>1 079 194</b>

### 19. RECONCILIATION OF CASH AND CASH EQUIVALENTS FOR CASH FLOW PURPOSES

	Note	2012/13	2011/12
		R'000	R'000
Consolidated Paymaster-General account		(65 334)	(324 613)
Cash receipts		(129)	(983)
Cash on hand		4 536	4 455
<b>Total</b>		<b>(60 927)</b>	<b>(321 141)</b>

## DISCLOSURE NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2013

These amounts are not recognised in the annual financial statements and are disclosed to enhance the usefulness of the annual financial statements.

### 20. CONTINGENT LIABILITIES AND CONTINGENT ASSETS

#### Contingent liabilities

		Note	2012/13	2011/12
			R'000	R'000
<b>Liable to</b>	<b>Nature</b>			
Housing loan guarantees	Employees	Annex 3A	528	2 332
Claims against the Department		Annex 3B	3 299 436	9 130 664
Other departments (interdepartmental unconfirmed balances)		Annex 5	99 873	288 315
Other*		Annex 3B	72 481	80 181
<b>Total</b>			<b>3 472 318</b>	<b>9 501 492</b>

\* This is in respect of cash and other shortages within the environment of the Third Party Funds which is administered by this department. These shortages are being investigated and the department may be called upon to make good these shortages should they be deemed to be irrecoverable.

### 21. COMMITMENTS

		Note	2012/13	2011/12
			R'000	R'000
<b>Current expenditure</b>				
Approved and contracted			1 101 323	687 051
Approved but not yet contracted			3 028	5 816
			<b>1 104 351</b>	<b>692 867</b>
<b>Capital expenditure</b>				
Approved and contracted			676 790	703 339
Approved but not yet contracted			441	441
			<b>677 231</b>	<b>703 780</b>
<b>Total commitments</b>			<b>1 781 582</b>	<b>1 396 647</b>

Commitments totalling R1,1 billion under current expenditure relate mainly to online subscriptions (R60 million), cash in transit (R72 million), IT support (R414 million) and guarding services (R379 million).

Commitments totalling R676 million under capital expenditure relate mainly to security infrastructure (R6 million) and capital works projects (R664 million).

## 22. ACCRUALS

			2012/13	2011/12
			R'000	R'000
<b>Listed by economic classification</b>				
	30 days	30+ days	Total	Total
Goods and services	198 779	83 799	282 578	728 336
Capital assets	2 027	2 104	4 131	86 199
<b>Total</b>	<b>200 806</b>	<b>85 903</b>	<b>286 709</b>	<b>814 535</b>

	Note	2012/13	2011/12
		R'000	R'000
<b>Listed by programme level</b>			
Programme 1: Administration		223 619	355 554
Programme 2: Court Service		45 981	380 610
Programme 3: State Legal services		3 020	9 387
Programme 5: Auxiliary and Associated Services		14 089	68 984
<b>Total</b>		<b>286 709</b>	<b>814 535</b>

	Note	2012/13	2011/12
		R'000	R'000
Confirmed balances with other departments	Annex 5	68 946	200 631
<b>Total</b>		<b>68 946</b>	<b>200 631</b>

## 23. EMPLOYEE BENEFITS

	2012/13	2011/12
	R'000	R'000
Leave entitlement	*487 756	459 003
Service bonus (thirteenth cheque)	136 828	126 443
Performance awards	79 073	74 077
Capped leave commitments	242 121	242 644
Other	2 133	958
<b>Total</b>	<b>947 911</b>	<b>903 125</b>

\* Included in the leave entitlement is an amount of R6 859 031,73 representing negative leave balances.

## 24. LEASE COMMITMENTS

### 24.1 OPERATING LEASE EXPENDITURE

2012/13	Buildings and other fixed structures	Machinery and equipment	Total
	R'000	R'000	R'000
Not later than one year	398 578	40	398 618
Later than one year and not later than five years	635 412	-	635 412
Later than five years	251 826	-	251 826
<b>Total lease commitments</b>	<b>1 285 816</b>	<b>40</b>	<b>1 285 856</b>

2011/12	Buildings and other fixed structures	Machinery and equipment	Total
	R'000	R'000	R'000
Not later than one year	479 542	108	479 650
Later than one year and not later than five years	708 536	40	708 576
Later than five years	645 713	-	645 713
<b>Total lease commitments</b>	<b>1 833 791</b>	<b>148</b>	<b>1 833 939</b>

## 24.2 FINANCE LEASE EXPENDITURE

2012/13	Buildings and other fixed structures	Machinery and equipment	Total
	R'000	R'000	R'000
Not later than one year	-	13 897	13 897
Later than one year and not later than five years	-	7 994	7 994
<b>Total lease commitments</b>	<b>-</b>	<b>21 891</b>	<b>21 891</b>

2011/12	Buildings and other fixed structures	Machinery and equipment	Total
	R'000	R'000	R'000
Not later than one year	-	14 966	14 966
Later than one year and not later than five years	-	11 274	11 274
<b>Total lease commitments</b>	<b>-</b>	<b>26 240</b>	<b>26 240</b>
Less: finance costs	-	1 438	1 438
<b>Total present value of lease liabilities</b>	<b>-</b>	<b>24 802</b>	<b>24 802</b>

## 25. RECEIVABLES FOR DEPARTMENTAL REVENUE

	2012/13	2011/12
	R'000	R'000
Fines, penalties and forfeits	327 220	295 567
Other	-	271
<b>Total</b>	<b>327 220</b>	<b>295 838</b>

### 25.1 ANALYSIS OF RECEIVABLES FOR DEPARTMENTAL REVENUE

	2012/13	2011/12
	R'000	R'000
Opening balance	295 838	345 121
Less: amounts received	-	(49 283)
Add: amounts recognised	31 382	-
<b>Closing balance</b>	<b>327 220</b>	<b>295 838</b>

## 26. IRREGULAR EXPENDITURE

### 26.1 RECONCILIATION OF IRREGULAR EXPENDITURE

	2012/13	2011/12
	R'000	R'000
Opening balance	*202 648	102 468
Add: Irregular expenditure – relating to prior year	154	53 935
Add: Irregular expenditure – relating to current year	160 728	221 339
Less: Amounts condoned	(3 022)	(172 427)
Less: Amounts not recoverable (not condoned)	(40 300)	(2 667)
<b>Irregular expenditure awaiting condonation</b>	<b>320 208</b>	<b>202 648</b>

\* Adjustment to prior year figure due to previously reported irregular expenditure identified as non-compliance and not irregular expenditure.

#### Analysis of awaiting condonation per age classification

Current year	158 367	148 713
Prior years	161 841	53 935
<b>Total</b>	<b>320 208</b>	<b>202 648</b>

### 26.2 DETAILS OF IRREGULAR EXPENDITURE – CURRENT YEAR

Incident	Disciplinary steps taken/criminal proceedings	2012/13
		R'000
Normal procurement policies and procedures not followed	Cases currently under investigation and disciplinary procedures to be finalised	33 658
Tender procedures not followed	Cases currently under investigation and disciplinary procedures to be finalised	37 318
Incorrect tender procedures followed by the Department of Public Works	Cases currently under investigation and disciplinary procedures to be finalised	17 102
Incorrect tender procedures followed by the Independent Development Trust	Cases currently under investigation and disciplinary procedures to be finalised	72 650
<b>Total</b>		<b>160 728</b>

### 26.3 DETAILS OF IRREGULAR EXPENDITURE CONDONED

Incident	Condoned by (condoning authority)	2012/13
		R'000
Procurement procedures not followed	Condoned by Departmental Bid Adjudication Committee	3 022
<b>Total</b>		<b>3 022</b>



## 26.4 DETAILS OF IRREGULAR EXPENDITURE NOT RECOVERABLE (NOT CONDONED)

Incident	Not condoned by (condoning authority)	2012/13 R'000
Possible irregular expenditure reported for procurement procedures not followed	National Treasury	40 300
<b>Total</b>		<b>40 300</b>

## 27. FRUITLESS AND WASTEFUL EXPENDITURE

### 27.1 RECONCILIATION OF FRUITLESS AND WASTEFUL EXPENDITURE

	2012/13 R'000	2011/12 R'000
Opening balance	10 062	2 944
Fruitless and wasteful expenditure – relating to prior year	52	5 045
Fruitless and wasteful expenditure – relating to current year	39 168	2 122
Less: Amounts condoned	(173)	(48)
Less: Amounts transferred to receivables for recovery		(1)
<b>Fruitless and wasteful expenditure awaiting condonement</b>	<b>49 109</b>	<b>10 062</b>

### 27.2 ANALYSIS OF AWAITING CONDONATION PER ECONOMIC CLASSIFICATION

	2012/13 R'000	2011/12 R'000
Current	41 146	2 099
Capital	7 963	7 963
<b>Total</b>	<b>49 109</b>	<b>10 062</b>

### 27.3 ANALYSIS OF CURRENT YEAR'S FRUITLESS AND WASTEFUL EXPENDITURE

Incident	Disciplinary steps taken/criminal proceedings	2012/13 R'000
Fees charged in respect of officials not boarding flights or not using reserved accommodation	Cases currently under investigation and disciplinary procedures to be finalised	469
Penalty interest on late payment of accounts	Cases currently under investigation and disciplinary procedures to be finalised	26
Overcharging of legal fees	Cases currently under investigation and disciplinary procedures to be finalised	38 666
Car hire and traffic fines		7
<b>Total</b>		<b>39 168</b>

## 28. RELATED-PARTY TRANSACTIONS

National Prosecuting Authority  
 South Africa Legal Aid  
 Special Investigating Unit  
 South Africa Human Rights Commission  
 Public Protector  
 Guardian's Fund  
 President's Fund  
 Third Party Funds  
 Criminal Asset Recovery Account  
 South Africa Board of Sheriffs  
 Department of Public Works  
 Government Communication Information System

## 29. KEY MANAGEMENT PERSONNEL

	Number of Individuals	2012/13 R'000	2011/12 R'000
<b>Officials:</b>			
Level 15 to 16	12	15 703	18 652
Level 14 (including CFO if at a lower level)	54	42 065	36 860
Family members of key management personnel	11	2 182	1 453
<b>Total</b>		<b>59 950</b>	<b>56 965</b>

## 30. IMPAIRMENT

	Note	2012/13 R'000	2011/12 R'000
<b>Impairment</b>			
Debtors		17 076	10 335
Other		-	1 679
<b>Total</b>		<b>17 076</b>	<b>12 014</b>

### 31. PROVISIONS

	Note	2012/13 R'000	2011/12 R'000
Guardian's Fund – TBVC		55 658	52 431
<b>Total</b>		<b>55 658</b>	<b>52 431</b>

\* Prior year figure on provision for amounts to be paid over to the national revenue fund has been removed as the amount only reflects in the Vote's financial statements upon receipt from the Third Party Funds.

### 32. NON-ADJUSTING EVENTS AFTER REPORTING DATE

	2012/13 R'000
Extention of Marikana Commission for a futher eight months	51 479
<b>Total</b>	<b>51 479</b>

### 33. MOVABLE TANGIBLE CAPITAL ASSETS

Movement in movable tangible capital assets per asset register for the year ended 31 March 2013					
	Opening balance R'000	Current year adjustments to prior year balances R'000	Additions R'000	Disposals R'000	Closing balance R'000
<b>Heritage assets</b>	-	83	19	-	102
Heritage assets	-	83	19	-	102
<b>Machinery and equipment</b>	<b>751 616</b>	<b>39 592</b>	<b>125 865</b>	<b>10 048</b>	<b>907 025</b>
Transport assets	111 495	1 291	20 490	2 149	131 127
Computer equipment	211 364	2 597	86 217	4 693	295 485
Furniture and office equipment	196 211	188	11 313	2 196	205 516
Other machinery and equipment	232 546	35 516	7 845	1 010	274 897
<b>Total movable tangible capital assets</b>	<b>751 616</b>	<b>39 675</b>	<b>125 884</b>	<b>10 048</b>	<b>907 127</b>

### 33.1 ADDITIONS

Additions to movable tangible capital assets per asset register for the year ended 31 March 2013					
	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>	<b>19</b>	-	-	-	<b>19</b>
Heritage assets	19	-	-	-	19
<b>Machinery and equipment</b>	<b>203 627</b>	<b>(34 839)</b>	<b>(23 468)</b>	<b>(19 455)</b>	<b>125 865</b>
Transport assets	44 702	(16 299)	(1 910)	(6 003)	20 490
Computer equipment	111 208	(18 540)	-	(6 451)	86 217
Furniture and office equipment	38 985	-	(21 558)	(6 114)	11 313
Other machinery and equipment	8 732	-	-	(887)	7 845
<b>Total additions to movable tangible capital assets</b>	<b>203 646</b>	<b>(34 839)</b>	<b>(23 468)</b>	<b>(19 455)</b>	<b>125 884</b>

### 33.2 DISPOSALS

Disposals of movable tangible capital assets per asset register for the year ended 31 March 2013				
	Sold for cash	Transfer out or destroyed or scrapped	Total disposals	Cash received actual
	R'000	R'000	R'000	R'000
<b>Machinery and equipment</b>	<b>965</b>	<b>9 083</b>	<b>10 048</b>	<b>116</b>
Transport assets	876	1 273	2 149	116
Computer equipment	12	4 681	4 693	-
Furniture and office equipment	62	2 134	2 196	-
Other machinery and equipment	15	995	1 010	-
<b>Total disposal of movable tangible capital assets</b>	<b>965</b>	<b>9 083</b>	<b>10 048</b>	<b>116</b>

### 33.3 MOVEMENT FOR 2011/12

Movement in movable tangible capital assets per asset register for the year ended 31 March 2012				
	Opening balance	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000
<b>Machinery and equipment</b>	<b>705 201</b>	<b>48 548</b>	<b>2 133</b>	<b>751 616</b>
Transport assets	97 117	14 794	416	111 495
Computer equipment	193 174	19 151	961	211 364
Furniture and office equipment	184 711	12 036	536	196 211
Other machinery and equipment	230 199	2 567	220	232 546
<b>Total movable tangible assets</b>	<b>705 201</b>	<b>48 548</b>	<b>2 133</b>	<b>751 616</b>

### 33.4 MINOR ASSETS

Minor assets of the department as at 31 March 2013				
	Intangible assets	Heritage assets	Machinery and equipment	Total
	R'000		R'000	R'000
Opening balance	83	-	638 766	638 849
Current year adjustments	(83)	658	162 746	163 321
Additions	-	25	35 574	35 599
Disposals	-	-	9 051	9 051
<b>Total minor assets</b>		<b>683</b>	<b>828 035</b>	<b>828 718</b>

	Intangible assets	Heritage assets	Machinery and equipment	Total
	R'000		R'000	R'000
Number of R1 minor assets	-	10 046	586 438	596 484
Number of minor assets at cost	-	1 166	729 589	730 755
<b>Total number of minor assets</b>	<b>-</b>	<b>11 212</b>	<b>1 316 027</b>	<b>1 327 239</b>

### 33.5 MINOR ASSETS

Minor assets of the department as at 31 March 2012			
	Intangible assets	Machinery and equipment	Total
	R'000	R'000	R'000
Opening balance	83	621 037	621 120
Additions	-	22 246	22 246
Disposals	-	4 517	4 517
<b>Total minor assets</b>	<b>83</b>	<b>638 766</b>	<b>638 849</b>

	Intangible assets	Machinery and equipment	Total
Number of R1 minor assets	-	8	8
Number of minor assets at cost	-	431 665	431 665
<b>Total number of minor assets</b>		<b>431 673</b>	<b>431 673</b>

### 34. INTANGIBLE CAPITAL ASSETS

Movement in intangible capital assets per asset register for the year ended 31 March 2013					
	Opening balance	Current year adjustments to prior year balances	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000	R'000
Computer software	53 989	(5 849)	141	-	48 281
<b>Total intangible capital assets</b>	<b>53 989</b>	<b>(5 849)</b>	<b>141</b>	<b>-</b>	<b>48 281</b>



### 34.1 ADDITIONS

Additions to intangible capital assets per asset register for the year ended 31 March 2013					
	Cash	Non-cash	(Develop- ment work in progress – current costs)	Received current year, not paid (paid current year, received prior year)	Total
	R'000	R'000	R'000	R'000	R'000
Computer software	8 571	-	-	(8 430)	141
<b>Total additions to intangible capital assets</b>	<b>8 571</b>	<b>-</b>	<b>-</b>	<b>(8 430)</b>	<b>141</b>

### 34.2 MOVEMENT FOR 2011/12

Movement in intangible capital assets per asset register for the year ended 31 March 2012				
	Opening balance	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000
Computer software	43 670	10 319	-	53 989
<b>Total intangible capital assets</b>	<b>43 670</b>	<b>10 319</b>	<b>-</b>	<b>53 989</b>

## 35. IMMOVABLE TANGIBLE CAPITAL ASSETS

Movement in immovable tangible capital assets per asset register for the year ended 31 March 2013					
	Opening balance	Current year adjust- ments to prior year balances	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000	R'000
<b>Buildings and other fixed structures</b>	<b>13 425</b>	<b>-</b>	<b>621 206</b>	<b>621 206</b>	<b>13 425</b>
Non residential structures	-	-	621 206	621 206	-
Other fixed structures	13 425	-	-	-	13 425
<b>Total immovable tangible capital assets</b>	<b>13 425</b>	<b>-</b>	<b>621 206</b>	<b>621 206</b>	<b>13 425</b>

### 35.1 ADDITIONS

Additions to immovable tangible capital assets per asset register for the year ended 31 March 2013					
	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>Building and other fixed structures</b>	<b>621 206</b>	-	-	-	<b>621 206</b>
Non-residential buildings	621 206	-	-	-	621 206
<b>Total additions to immovable tangible capital assets</b>	<b>621 206</b>	-	-	-	<b>621 206</b>

### 35.2 DISPOSALS

	Sold for cash	Transfer out or destroyed or scrapped	Total disposals	Cash received actual
	R'000	R'000	R'000	R'000
<b>Building and other fixed structures</b>	-	<b>621 206</b>	<b>621 206</b>	-
Non-residential buildings	-	621 206	621 206	-
<b>Total disposals to immovable tangible capital assets</b>	-	<b>621 206</b>	<b>621 206</b>	-

### 35.3 MOVEMENT FOR 2011/12

Movement in immovable tangible capital assets per asset register for the year ended 31 March 2012				
	Opening balance	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000
<b>Buildings and other fixed structures</b>	<b>13 267</b>	<b>158</b>	-	<b>13 425</b>
Other fixed structures	13 267	158	-	13 425
<b>Total immovable tangible assets</b>	<b>13 267</b>	<b>158</b>	-	<b>13 425</b>

## ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2013

### ANNEXURE 1A

#### STATEMENT OF TRANSFERS TO MUNICIPALITIES

Name of municipality	Grant allocation			Transfer			Spent			2011/12 Total available
	Amount R'000	Rollovers R'000	Adjustments R'000	Total available R'000	Actual transfer R'000	Percentage of available funds transferred %	Amount received by municipality R'000	Amount spent by municipality R'000	Percentage of available funds spent by municipality %	
PD: Vehicles fines and penalties	401	-	87	488	488	100%	-	-	-	350
<b>Total</b>	<b>401</b>	<b>-</b>	<b>87</b>	<b>488</b>	<b>488</b>	<b>100%</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>350</b>

### ANNEXURE 1B

#### STATEMENT OF TRANSFERS TO DEPARTMENTAL AGENCIES AND ACCOUNTS

Department/ agency/ account	Transfer allocation				Transfer			2011/12 Appropriation Act R'000
	Adjusted appro-riation R'000	Rollovers R'000	Adjustments R'000	Total available R'000	Actual transfer R'000	Percentage of available funds transferred %		
South African Human Rights Commission	101 530	-	-	101 530	101 530	100%	-	89 773
Legal Aid South Africa	1 255 145	-	-	1 255 145	1 255 145	100%	-	1 137 545
Special Investigating Unit	340 713	-	-	340 713	340 713	100%	-	323 191
Public Protector	183 147	-	-	183 147	183 147	100%	-	153 729
Representative Political Parties' Fund	109 180	-	-	109 180	109 180	100%	-	103 981
President's Fund	1	-	-	1	-	-	-	-
Security and Security Sector	5 179	-	(337)	4 842	4 842	100%	-	5 072
Communication: Licences (radio and television)	184	-	(155)	29	29	100%	-	-
<b>Total</b>	<b>1 995 079</b>	<b>-</b>	<b>(492)</b>	<b>1 994 587</b>	<b>1 994 586</b>	<b>100%</b>	<b>-</b>	<b>1 813 291</b>

## ANNEXURE 1C

### STATEMENT OF TRANSFERS TO FOREIGN GOVERNMENT AND INTERNATIONAL ORGANISATIONS

Foreign government/ international organisation	Transfer allocation			Expenditure		2011/12 Appropriation Act
	Adjusted appropriation R'000	Rollovers R'000	Adjustments R'000	Total available R'000	Actual transfer R'000	
<b>Transfers</b>						
Subscription fees: International Criminal Court	4 000	-	(3 000)	1 000	1 000	100% 7 189
Subscription fees: International Institute for Unification	300	-	(40)	260	260	100% -
<b>Total</b>	<b>4 300</b>	<b>-</b>	<b>(3 040)</b>	<b>1 260</b>	<b>1 260</b>	<b>7 189</b>

## ANNEXURE 1D

### STATEMENT OF TRANSFERS TO HOUSEHOLDS

HOUSEHOLDS	Transfer allocation				Expenditure		2011/12 Appropriation Act R'000
	Adjusted appropriation R'000	Rollovers R'000	Adjustments R'000	Total available R'000	Actual transfer R'000	Percentage of available funds transferred %	
<b>Transfers</b>							
Household: Employee social benefits	115 313	-	5 771	121 084	78 184	65%	83 821
Household: Claims against the State	778	-	547	1 325	1 325	100%	2 217
Household: Payments, refunds and remuneration – act of grace	50	-	-	50	50	100%	542
Household: Donations and gifts	5	-	(3)	2	2	100%	23
<b>Total</b>	<b>116 146</b>	<b>-</b>	<b>6 315</b>	<b>122 461</b>	<b>79 561</b>		<b>86 603</b>

## ANNEXURE 1E

### STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS RECEIVED

Name of organisation	Nature of gift, donation or sponsorship	2012/13	2011/12
		R'000	R'000
<b>Received in kind</b>			
Department of Labour	Furniture and equipment	-	10
Department of Labour	Library books	13	-
National Centre State Courts South Africa	Furniture and equipment	54	-
<b>Total</b>		<b>67</b>	<b>10</b>



## ANNEXURE 1F

### STATEMENT OF AID ASSISTANCE RECEIVED

Name of donor	Purpose	Opening balance R'000	Revenue R'000	Expenditure R'000	Closing balance R'000
<b>Received in cash</b>					
European Union	Sectoral budget support	12 536	-	1 415	11 121
USAID	Judicial capacity and institutional building in Southern Sudan	209	-	-	209
USAID	Gender justice within the SADC region	47	378	74	351
Swiss	Small Claims Court Programme	-	2 222	2 006	216
<b>Total</b>		<b>12 792</b>	<b>2 600</b>	<b>3 495</b>	<b>11 897</b>

## ANNEXURE 1G

### STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS MADE AND REMISSIONS, REFUNDS AND PAYMENTS MADE AS AN ACT OF GRACE

Nature of gift, donation or sponsorship	2012/13	2011/12
	R'000	R'000
<b>Paid in cash</b>		
Statue for Mr Strydom	-	1
<b>TOTAL</b>	<b>-</b>	<b>1</b>

## ANNEXURE 3A

### STATEMENT OF FINANCIAL GUARANTEES ISSUED AS AT 31 MARCH 2013 – LOCAL

Guarantor institution	Guarantee in respect of housing of housing	Original guaranteed capital amount	Opening balance 1 April 2012	Guarantees draw downs during the year	Guarantees repayments/cancelled/reduced/released during the year	Revaluations	Closing balance 31 March 2013	Guaranteed interest for year ended 31 March 2013	Realised losses not recoverable (claims paid out)
Standard Bank			321	14	316	-	19	-	-
Nedbank			491	-	491	-	-	-	-
Firststrand Bank			138	-	124	-	14	-	-
Absa			385	12	168	-	229	-	-
Peoples Bank			44	-	44	-	-	-	-
Old Mutual			291	-	291	-	-	-	-
Other			338	-	72	-	266	-	-
Bank Limited			7	-	7	-	-	-	-
FNB			317	-	317	-	-	-	-
<b>Total</b>			<b>2 332</b>	<b>26</b>	<b>1 830</b>	<b>-</b>	<b>528</b>	<b>-</b>	<b>-</b>

## ANNEXURE 3B

### STATEMENT OF CONTINGENT LIABILITIES AS AT 31 MARCH 2013

Nature of liability	Opening balance 1 April 2012 R'000	Liabilities incurred during the year R'000	Liabilities paid/ cancelled/reduced during the year R'000	Liabilities recoverable R'000	Closing balance 31 March 2013 R'000
<b>Claims against the Department</b>					
Summons	8 941 200	884 049	6 699 524	-	3 125 725
Supplier discrepancies	16 571	-	14 748	-	1 823
Theft and losses	2 026	272	1 277	-	1 021
PPP cancellation	11 681	-	-	-	11 681
Property management services	77 084	-	-	-	77 084
Human resource services	82 102	-	-	-	82 102
<b>Subtotal</b>	<b>9 130 664</b>	<b>884 321</b>	<b>6 715 549</b>	<b>-</b>	<b>3 299 436</b>
Other					
Third Party theft, losses and dishonoured cheques	80 181	-	7 700	-	72 481
<b>Subtotal</b>	<b>80 181</b>	<b>-</b>	<b>7 700</b>	<b>-</b>	<b>72 481</b>
<b>Total</b>	<b>9 210 845</b>	<b>884 321</b>	<b>6 723 249</b>	<b>-</b>	<b>3 371 917</b>

## ANNEXURE 4

### CLAIMS RECOVERABLE

Government entity	Confirmed balance outstanding		Unconfirmed balance outstanding		Total	
	31/03/2013	31 March 2012	31 March 2013	31 March 2012	31 March 2013	31 March 2012
	R'000	R'000	R'000	R'000	R'000	R'000
<b>Department</b>						
National Department	188 614	130 262	6 087	15 070	194 701	145 332
Eastern Cape	59 479	46 386	29 919	48 764	89 398	95 150
Free State	5 758	4 461	9 736	8 771	15 494	13 232
Gauteng	56 303	24 399	36 865	32 753	93 168	57 152
KwaZulu-Natal	9 264	6 358	628	2 883	9 892	9 241
Mpumalanga	5 929	5 016	9 165	4 504	15 094	9 520
Northern Cape	1 593	657	2 239	4 799	3 832	5 456
Limpopo	21 329	10 279	11 412	16 656	32 741	26 935
North West	5 189	11 803	1 540	9 031	6 729	20 834
Western Cape	2 723	301	1 092	1 007	3 815	1 308
Agency Service Control Account	-	-	554	2 605	554	2 605
PACE	-	458	607	-	607	458
Salary Recoverable account	-	-	1 119	1 808	1 119	1 808
<b>Total</b>	<b>356 181</b>	<b>240 380</b>	<b>110 963</b>	<b>148 651</b>	<b>467 144</b>	<b>389 031</b>

\*Prior-year figure amended on annexure R4 030, disclosed in Annexure 8A.

## ANNEXURE 5

### INTER-GOVERNMENT PAYABLES

Government entity	Confirmed balance outstanding		Unconfirmed balance outstanding		TOTAL	
	31 March 2013	31 March 2012	31 March 2013	31 March 2012	31 March 2013	31 March 2012
	R'000	R'000	R'000	R'000	R'000	R'000
<b>Departments</b>						
Agriculture, Free State	-	-	-	40	-	40
Agriculture Enviroment, KwaZulu-Natal	-	-	16	21	16	21
Agriculture, Limpopo	-	-	-	39	-	39
Agriculture, Western Cape	-	-	29	-	29	-
Arts and Culture	-	-	-	21	-	21
Chief Registrar Deeds	-	15	16	-	16	15
Government Communication and Information System	-	1	-	-	-	1
Community Safety	-	-	-	42	-	42
Correctional Services	-	44	41	122	41	166
Cooperative Governance and Traditional Affairs, Mpumalanga	-	-	16	-	16	-
Economic Development, Limpopo	-	4	-	-	-	4
Economic Development, Mpumalanga	-	-	-	9	-	9
Education, Free State	-	-	24	8	24	8
Education, KwaZulu-Natal	-	33	-	-	-	33
Education, Limpopo	-	-	15	-	15	-
Education, Mpumalanga	-	12	18	-	18	12
Education, National	-	-	10	-	10	-
Education, Western Cape	-	-	-	21	-	21
Energy	-	3	17	-	17	3
Finance, Gauteng	-	10	-	26	-	36
Government Fleet, Gauteng	-	16 751	-	9 858	-	26 609
Government Printing Works	184	-	90	-	274	-
Health, Eastern Cape	-	16	19	-	19	16
Health, Gauteng	-	-	7	-	7	-
Health, KwaZulu-Natal	-	17	19	-	19	17
Health, Limpopo	-	-	23	-	23	-
Health, Mpumalanga	-	-	9	-	9	-
Health, North West	-	-	-	14	-	14



Government entity	Confirmed balance outstanding		Unconfirmed balance outstanding		TOTAL	
	31 March 2013	31 March 2012	31 March 2013	31 March 2012	31 March 2013	31 March 2012
	R'000	R'000	R'000	R'000	R'000	R'000

#### Departments

Home Affairs	-	-	60	35	60	35
Human Settlement	-	22	11	-	11	22
Independent Complaints Directorate	-	-	8	-	8	-
Labour	-	15	-	18	-	33
Local Government and Housing	-	-	21	40	21	40
Mineral Resources	-	-	29	-	29	-
National Prosecuting Authority	4 592	-	782	64	5 374	64
National Treasury	-	13	-	-	-	13
Palama	456	-	45	-	501	-
Premier, Eastern Cape	-	-	-	7	-	7
Premier, Mpumalanga	-	-	-	50	-	50
Premier, Western Cape	-	-	19	-	19	-
Presidency	-	-	22	-	22	-
Provincial Government, Mpumalanga	-	54	54	-	54	54
Provincial Treasury, North West	-	-	-	62	-	62
Public Works	63 714	183 252	97 770	277 396	161 484	460 648
Public Works, Free State	-	-	-	14	-	14
Public Works, KwaZulu-Natal	-	4	-	-	-	4
Public Works, Limpopo	-	-	-	21	-	21
Roads and Transport, Gauteng	-	-	15	-	15	-
Rural Development	-	29	24	128	24	157
Shared Services, Gauteng	-	41	-	-	-	41
Social Development	-	6	38	-	38	6
Social Development, Gauteng	-	-	20	-	20	-
Social Development, Eastern Cape	-	-	66	-	66	-
Social Development, Free State	-	-	16	-	16	-
Social Development, Limpopo	-	-	79	-	79	-
Social Development, KwaZulu-Natal	-	-	38	13	38	13
Social Development, Northern Cape	-	-	22	20	22	20

Government entity	Confirmed balance outstanding		Unconfirmed balance outstanding		TOTAL	
	31 March 2013	31 March 2012	31 March 2013	31 March 2012	31 March 2013	31 March 2012
	R'000	R'000	R'000	R'000	R'000	R'000
Social Development, Western Cape	-	-	47	-	47	-
South African Police Service	-	109	104	32	104	141
Sports and Arts, Northern Cape	-	-	-	8	-	8
Sports and Recreation	-	-	11	-	11	-
Statistics	-	57	45	121	45	178
Tourism	-	21	-	-	-	21
Transport, National	-	-	29	-	29	-
Treasury, Eastern Cape	-	-	26	-	26	-
Treasury, Gauteng	-	-	39	-	39	-
Departments	-	-	-	-	-	-
Transport and Public Works, Western Cape	-	-	-	13	-	13
Water Affairs	-	102	46	52	46	154
Water Affairs and Water Trading	-	-	13	-	13	-
Women, Children and People with Disabilities	-	-	5	-	5	-
<b>Total</b>	<b>68 946</b>	<b>200 631</b>	<b>99 873</b>	<b>288 315</b>	<b>168 819</b>	<b>488 946</b>

## ANNEXURE 6

### INVENTORY

Inventory	Note	Quantity	2012/13	Quantity	2011/12
			R'000		R'000
Opening balance		58 362	1 531	58 621	1 774
Add/(less): Adjustments to prior-year balance		(4 017)	(49)	4 203	(107)
Add: Additions/purchases – Cash		78 219	3 633	76 189	3 154
(Less): Issues		(87 375)	(3 693)	(80 651)	(3 290)
<b>Closing balance</b>		<b>45 189</b>	<b>1 422</b>	<b>58 362</b>	<b>1 531</b>

## ANNEXURE 7

### MOVEMENT IN CAPITAL WORK IN PROGRESS

Movement in capital work in progress for the year ended 31 March 2013				
	Opening balance	Current year capital work in progress	Completed assets	Closing balance
	R'000	R'000	R'000	R'000
<b>Machinery and equipment</b>	-	169 231	-	169 231
Other machinery and equipment	-	169 231	-	169 231
<b>Buildings and other fixed structures</b>	-	451 975	-	451 975
Non-residential buildings	-	451 975	-	451 975
<b>Total</b>	-	621 206	-	621 206

## ANNEXURE 8A

### INTER-ENTITY ADVANCES PAID

	Confirmed balance outstanding		Unconfirmed balance outstanding		Total	
	31/03/2013	31/03/2012	31/03/2013	31/03/2012	31/03/2013	31/03/2012
	R'000	R'000	R'000	R'000	R'000	R'000
<b>Government entity</b>						
<b>Department</b>						
International Relations and Cooperation	34	3 081	2 485	962	2 519	4 043
Government Communication and Information System	6 698	-	-	-	6 698	-
<b>Total</b>	<b>6 732</b>	<b>3 081</b>	<b>2 485</b>	<b>962</b>	<b>9 217</b>	<b>4 043</b>

## ANNEXURE 8B

### INTER-ENTITY ADVANCES RECEIVED

Government entity	Confirmed balance outstanding		Unconfirmed balance outstanding		TOTAL	
	31 March 2013	31 March 2012	31 March 2013	31 March 2012	31 March 2013	31 March 2012
	R'000	R'000	R'000	R'000	R'000	R'000
<b>Provincial department</b>						
Social Development, Western Cape	-	-	1 814	-	1 814	-
<b>Total</b>	-	-	<b>1 814</b>	-	<b>1 814</b>	-





# PART E

## CRIMINAL ASSETS RECOVERY ACCOUNT (CARA)







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# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

## CRIMINAL ASSETS RECOVERY ACCOUNT (CARA)

### REPORT OF THE ACCOUNTING OFFICER FOR THE YEAR ENDED 31 MARCH 2013

#### 1. THE CRIMINAL ASSETS RECOVERY ACCOUNT

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

In terms of an amendment to the Financial Intelligence Centre Act, (Act No. 38 of 2001) (FICA), in December 2010, all penalties imposed in terms of section 45(c) of the above Act must be deposited into the CARA. The underlying hypothesis of asset forfeiture legislation is that, by confiscating or forfeiting the profits or proceeds of crime, the incentive for committing specific crimes is reduced. Section 64 of the POC Act regulates the constitution of the CARA. Section 64(a), in particular, is of importance to the criminal asset recovery process, as it determines that all confiscated and forfeited monies and property are to be deposited into the CARA.

##### 1.1 POC ACT 64. FINANCES OF CARA

*The Account shall consist of the following:*

- a) *All monies derived from the fulfilment of confiscation and forfeiture orders contemplated in Chapters 5 and 6 [Paragraph (a) substituted by section 35(a) of Act No. 24 of 1999].*
  - (aA) *All property derived from the fulfilment of forfeiture orders as contemplated in section 57 [Paragraph (aA) inserted by section 35(b) of Act No. 24 of 1999].*
- b) *The balance of all moneys derived from the execution of foreign confiscation*

*orders as defined in the International Cooperation in Criminal Matters Act, (Act No. 75 of 1996), after payments have been made to requesting States in terms of that Act;*

- c) *Any property or monies appropriated by Parliament, or paid into, or allocated to, the Account in terms of any other Act [Paragraph (c) substituted by section 35(c) of Act No. 24 of 1999].*
- d) *Domestic and foreign grant.*
- e) *Any property or amount of money received or acquired from any source, [Paragraph (e) substituted by section 35(d) of Act No. 24 of 1999].*
- f) *All property or monies transferred to the Account in terms of this Act [Paragraph (f) substituted by section 35(e) of Act No. 24 of 1999].*

#### 2. PURPOSE OF CARA

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

##### 2.1 POC ACT 69A. UTILISATION OF ACCOUNT AND ACCOUNTABILITY

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

### 3. THE CRIMINAL ASSETS RECOVERY COMMITTEE

Section 65 of the POC Act establishes a Criminal Assets Recovery Committee (CARC), which is responsible for providing Cabinet with recommendations on the utilisation of the account and providing advice on specific issues related to the criminal assets recovery process. The Committee consists of the following persons:

Minister for Justice and Constitutional Development:

**Mr JT Radebe, MP**  
(*Chairperson*)

Minister of Police:

**Mr Nathi Mthethwa, MP**  
(*Deputy Chairperson*)

Minister of Finance:

**Mr Pravin Gordhan, MP**

Two other ministers appointed by the Chairperson and the National Director of Public Prosecutions are also members of the committee. Section 69 of the POC Act provides that monies and property in the CARA may only be distributed to beneficiaries on recommendation by the CARC and after approval by National Cabinet.

On 31 March 2013, R75 million was available for new allocations to beneficiaries in terms of the POC Act (R43 million as at 31 March 2012). The CARC recommended R250 million for allocation on 22 March 2011, but National Cabinet approved the recommendation to allocate the R250 million on 7 September 2011 to various law enforcement agencies and organisations rendering assistance to victims of crime. No allocations of CARA funds were made during the current financial year by the Ministerial Committee. An amount of R75 million was available for new allocations at 31 March 2013.

During January 2013, the Development Committee informed qualifying law enforcement agencies and institutions to submit bids for CARA funds and property for consideration and recommendations to the Ministerial Committee in the new financial year (2013/14). A meeting of the Ministerial Committee will evaluate the recommendations and submit their final recommendations to Cabinet for final approval in the new financial year.

The beneficiaries of Cabinet's 2011 allocations of R250, 050 million are the following:

- South African Police Service  
– R11, 250 million
- Department of Justice and Constitutional Development  
– R20 million
- National Prosecuting Authority  
– R20 million
- Department of Social Development  
– R26 million
- Department of Correctional Services  
– R22,8 million
- The Anti-Corruption Task Team Project (ACTT) – R150 million

#### **CARA oversight by the Development Committee (DevCom\*) in the Justice, Crime Prevention and Security Cluster (JCPS)**

The DevCom evaluates applications for CARA funds and also monitors the expenditure of CARA funds in terms of the provisions of the POC Act, as amended. Regular reports are requested from the beneficiaries and presented to the DevCom for monitoring and evaluation.

The applications/reports are then submitted to the Ministerial Committee (CARC) for consideration, and the recommendations of the Ministerial Committee are submitted to Cabinet for approval and the allocation of funds and property to the recommended beneficiaries.

In terms of section 69(A) 8 of the POC Act, the Auditor-General audits the books of accounts, accounting statements, financial statements and the financial management of each law enforcement agency, institution, organisation or fund to which property or money had been allocated in respect of that allocation. The provisions of the Auditor-General Act, 1989, shall apply in respect of any such audit. The Auditor-General submits a copy of the report on an audit under section 8 outlined above to the Ministerial Committee.

\*The DevCom consists of, among others, the departments of Correctional Services, Home Affairs, Justice and Constitutional Development, Social Development, as well as the South African Police Service, the National Prosecuting Authority and National Treasury.

#### 4. PAYMENTS MADE DIRECTLY TO VICTIMS

In instances where the court orders that payments be made directly to victims, these payments do not form part of these accounts.

#### 5. STANDING COMMITTEE ON PUBLIC ACCOUNTS (SCOPA) RESOLUTIONS

Reference to previous audit report and SCOPA resolutions	Subject	Findings on progress
Lack of an electronic system	Implementation of the electronic system	The installation of an accounting software program (Pastel) during the current financial year for the CARA was fully effected by 31 December 2012. The benefits of the software program are being utilised for the effective and efficient management of CARA.
Unavailability of documented policies and procedures	Documentation of policies and procedures	The following procedures have been documented and approved: <ul style="list-style-type: none"> <li>· Accounting Policy manual</li> <li>· Asset Management Policy</li> <li>· Grant Management Policy</li> </ul> The documentation of the operational procedure manual to include the interaction of Pastel is in progress and will be finalised and approved in the 2013/14 financial year.

#### 6. PRIOR AUDIT REPORTS

Nature of qualification, disclaimer, adverse opinion and matters of non-compliance	Financial year in which it first arose	Progress made in clearing/ resolving the matter
Material misstatements of contingent assets and receivables disclosure identified by the auditors were subsequently corrected.	2011/12	CARA implemented Pastel, and that helped in the accounting for accurate and complete receivables.  CARA implemented the Asset Management Policy, which included year-end asset verification on all the forfeited assets.

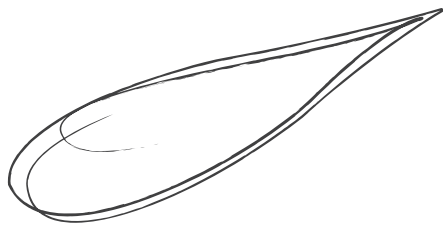
#### 7. CONCLUSION

I am optimistic that all the initiatives underway in CARA will proactively address the current challenges and will result in the effective management of the account.

## 8. ACKNOWLEDGEMENTS

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

The financial statements set out on pages 193 to 199 have been approved by the Accounting Officer.

A handwritten signature in black ink, consisting of a large, stylized loop followed by a sharp point to the right.

**Ms Nonkululeko Sindane**

*Director-General: Department of Justice and Constitutional Development  
31 July 2013*

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

## CRIMINAL ASSETS RECOVERY ACCOUNT (CARA)

### REPORT OF THE AUDIT COMMITTEE ON CRIMINAL ASSETS RECOVERY ACCOUNT (CARA)

#### 1. REPORT OF THE AUDIT COMMITTEE

We are pleased to present our report for the financial year ended 31 March 2013.

##### 1.1 AUDIT COMMITTEE MEMBERS AND ATTENDANCE

The Audit Committee consisted of the members listed below and is required to meet at least four times per annum as per its approved terms of reference. During the current year 6 meetings were held and one member retired as indicated below.

Name of members	Numbers of meetings attended	Status
Mr. Motsamai Karedi (Chairperson)	5	Reappointed - 09 January 2013
Mr. Cedric Boltman	6	Reappointed - 09 January 2013
Ms. Bajabulile Luthuli	5	Retired - 15 December 2012
Ms. Besky Ngunjiri	5	Appointed - 28 February 2012
Ms. Keneilwe Moloko	3	Appointed - 28 February 2012
Mr. Wilson Ramabulana	5	Reappointed - 09 January 2013
Ms. Livhuwani Vuma	6	Appointed - 28 February 2012
Mr Andy Sello	1	Appointed - 09 January 2013

##### 1.2 AUDIT COMMITTEE RESPONSIBILITY

We report that we have adopted appropriate formal terms of reference in our charter in line with the requirements of section 38(1)(a) of the Public Finance Management Act, Act No. 1 of 1999 and Treasury Regulation 3.1.

##### 1.3 THE EFFECTIVENESS OF INTERNAL CONTROL

The Audit Committee is satisfied that key controls remained in place throughout the year under review and where shortcomings in the internal controls were identified, management has been addressing them through the implementation of audit action plans. Internal Audit validated the progress on the implementation of audit action plans and the Audit Committee has also reviewed the audit action plans throughout the year under review.



## 1.4 INTERNAL AUDIT

The Internal Audit unit has discharged its responsibilities as per the internal audit plan.

## 1.5 AUDITOR-GENERAL SOUTH AFRICA

We have also noted the Auditor-General South Africa report and management letter and are satisfied with the outcomes of the audit.

## 1.6 REPORTS

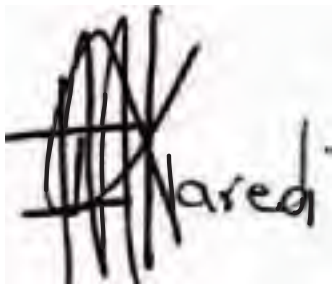
### 1.6.1 The quality of in-year management and monthly/quarterly reports submitted in terms of the PFMA

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

### 1.6.2 Evaluation of financial statements

We have reviewed and discussed the audited annual financial statements with the management and also reviewed the department's compliance with legal and regulatory provisions. We have also reviewed the Auditor-General South Africa's report and management letter and management's responses to it.

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

A handwritten signature in black ink, appearing to read 'M Karedi', with a stylized, scribbled initial above the name.

**M Karedi**

*Chairperson of the Audit Committee*

*31 July 2013*

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

## CRIMINAL ASSETS RECOVERY ACCOUNT (CARA)

### REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON CRIMINAL ASSETS RECOVERY ACCOUNT

#### REPORT ON THE FINANCIAL STATEMENTS

##### INTRODUCTION

1. I have audited the financial statements of the Criminal Assets Recovery Account set out on pages 193 to 199, which comprise the statement of financial position as at 31 March 2013, the statement of financial performance, statement of changes in net assets and the cash flow statement for the year then ended, and the notes, comprising a summary of significant accounting policies and other explanatory information.

##### **Accounting officer's responsibility for the financial statements**

2. The accounting officer is responsible for the preparation of these financial statements in accordance with the Departmental financial reporting framework prescribed by the National Treasury and the requirements of the General Notice issued in terms of the Public Audit Act of South Africa, Act No. 25 of 2004 (PAA), 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 the PAA, the General Notice issued in terms thereof and 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 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 Criminal Assets Recovery Account as at 31 March 2013, and its financial performance and cash flows for the year then ended in accordance with the Departmental financial reporting framework prescribed by the National Treasury and the requirements of the General Notice issued in terms of the PAA.

## Additional matter

7. I draw attention to the matter below. My opinion is not modified in respect of this matter.
8. The financial reporting framework prescribed by the National Treasury and applied by the Criminal Assets Recovery Account is a compliance framework. The wording of my opinion on a compliance framework should reflect that the financial statements have been prepared in accordance with this framework and not that they "present fairly".

Section 20(2)(a) of the PAA, however, requires me to express an opinion on the fair presentation of the financial statements. The wording of my opinion therefore reflects this requirement.

## REPORT ON OTHER LEGAL AND REGULATORY REQUIREMENTS

9. In accordance with the PAA and the General Notice issued in terms thereof, I report the following findings relevant to performance against predetermined objectives, compliance with laws and regulations and internal control, but not for the purpose of expressing an opinion.

## Predetermined objectives

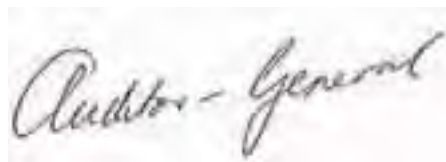
10. I did not perform an audit of performance against predetermined objectives as the Criminal Assets Recovery Account is not required to prepare a report on its performance against predetermined objectives. The Criminal Assets Recovery Account does not fall within the ambit of the PFMA and there is no entity-specific legislation that requires the reporting on performance against predetermined objectives.

## Compliance with laws and regulations

11. I did not identify any instances of material non-compliance with specific matters in key applicable laws and regulations as set out in the General Notice issued in terms of the PAA.

## Internal control

12. I considered internal control relevant to my audit of the financial statements and compliance with laws and regulations. I did not identify any deficiencies in internal control which I considered sufficiently significant for inclusion in this report.



**Auditor-General**

31 July 2013



**AUDITOR - GENERAL**  
SOUTH AFRICA



# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

## CRIMINAL ASSETS RECOVERY ACCOUNT

### STATEMENT OF FINANCIAL PERFORMANCE FOR THE YEAR ENDED 31 MARCH 2013

		2012/13	2011/12
	Notes	R'000	R'000
<b>Revenue</b>		<b>31 535</b>	<b>37 026</b>
Revenue	12	31 535	37 026
Less: expenditure		(157 800)	(20 000)
Directorate for Priority Crime Investigation (Anti-corruption Task Team)		30 000	-
National Prosecuting Authority (Anti-corruption Task Team)		29 000	-
Special Investigating Unit (Anti-corruption Task Team)		30 000	20 000
National Prosecuting Authority (Asset Forfeiture Unit)		20 000	-
Department of Social Development		26 000	-
Department of Correctional Services		22 800	-
<b>Surplus/(deficit) for the year</b>		<b>(126 265)</b>	<b>17 026</b>

### STATEMENT OF FINANCIAL POSITION AS AT 31 MARCH 2013

		2012/13	2011/12
	Notes	R'000	R'000
<b>ASSETS</b>			
<b>Current assets</b>		<b>151 797</b>	<b>274 283</b>
Cash and cash equivalents	14	151 797	274 283
<b>Total assets</b>		<b>151 797</b>	<b>274 283</b>
<b>LIABILITIES</b>			
<b>Total liabilities</b>		<b>4 706</b>	<b>927</b>
Trade and other payables	13	4 706	927
<b>CAPITAL AND RESERVES</b>			
<b>NET ASSETS</b>		<b>147 091</b>	<b>273 356</b>
Represented by			
Retained funds	15	147 091	273 356
<b>Total net assets and liabilities</b>		<b>151 797</b>	<b>274 283</b>



## STATEMENT OF CHANGES IN NET ASSETS FOR YEAR ENDED 31 MARCH 2013

		2012/13	2011/12
	Notes	R'000	R'000
<b>NET ASSETS</b>			
Opening balance		273 356	256 330
Surplus/(deficit) for the year		(126 265)	17 026
<b>Closing balance</b>	<b>15</b>	<b>147 091</b>	<b>273 356</b>

## CASH FLOW STATEMENT FOR THE YEAR ENDED 31 MARCH 2013

		2012/13	2011/12
	Notes	R'000	R'000
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
		(122 486)	17 333
Cash receipts on behalf of beneficiaries		35 841	37 333
Cash paid to beneficiaries and creditors		(158 327)	(20 000)
<b>Cash generated from/(utilised in) operations</b>	<b>16</b>	<b>(122 486)</b>	<b>17 333</b>
Investment income received		-	-
<b>Net cash inflows/(outflows) from operating activities</b>		<b>(122 486)</b>	<b>17 333</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
<b>Net cash flows from investing activities</b>		-	-
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
<b>Net cash flow financing activities</b>			
Increase/(decrease) in beneficiary liability		-	-
Decrease/(increase) in accounts receivable		-	-
<b>Net increase/(decrease) in cash and cash equivalents</b>		<b>(122 486)</b>	<b>17 333</b>
Cash and cash equivalents at the beginning of the year		274 283	256 950
<b>Cash and cash equivalents at the end of the year</b>		<b>151 797</b>	<b>274 283</b>



# NOTES TO THE ANNUAL FINANCIAL STATEMENT INCLUDING ACCOUNTING POLICIES FOR THE YEAR ENDED 31 MARCH 2013

## GENERAL INFORMATION

CARA receives proceeds in cash, property, motor vehicles, equipment and other assets from the enforcement of court orders granted in terms of the Prevention of Organised Crime Act, Act No. 121 of 1998 (POC Act), as amended.

In terms of an amendment to the Financial Intelligence Centre Act (FICA) in December 2010, all penalties imposed in terms of section 45(c) of this Act are deposited into CARA. The first deposit of R5 million was received in August 2012.

The Asset Forfeiture Unit (AFU) in the National Prosecuting Authority of South Africa (NPA) is engaged in the prosecution process, and the Criminal Assets Recovery Unit (CARU) is mandated to comply with Chapter 7 of the POC Act, as amended.

### 1. PRESENTATION OF FINANCIAL STATEMENTS

#### 1.1 BASIS OF PREPARATION

The financial statements have been prepared in accordance with the modified cash basis of accounting. The modified cash basis constitutes the cash basis of accounting supplemented with additional disclosure items. Under the cash basis of accounting, transactions and other events are recognised when cash is received or paid.

The annual financial statements have been prepared in accordance with the following policies that have been applied consistently in all material aspects, unless otherwise indicated. However, where appropriate and meaningful, additional information has been disclosed to enhance the usefulness of the annual financial statements and to comply with the statutory requirements of the Public Finance Management Act, Act No. 1 of 1999, as amended (PFMA), and the Treasury Regulations issued in terms of the Act.

#### 1.2 PRESENTATION CURRENCY

The financial statements are presented in South African rand.

#### 1.3 ROUNDING

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

### 2. SIGNIFICANT JUDGMENTS AND ACCOUNTING ESTIMATES

The preparation of financial statements requires the use of certain accounting estimates. It also requires management to exercise its judgment in the process of applying the unit's accounting policies.

The areas involving a higher degree of judgment or complexity, or areas where assumptions and estimates are significant to the financial statements, are receivables consisting of the realisable values of confiscation orders and the estimated proceeds from contingent assets and inventory awaiting realisation.

### 3. REVENUE

#### 3.1 DEFINITION OF REVENUE

All monies deposited into the South African Reserve Bank (SARB) for CARA represent the net proceeds of court orders.

#### 3.2 REVENUE RECOGNITION

All monies deposited into the SARB for CARA represent the net proceeds of cases after related expenses are deducted from the proceeds by the curators in charge of each case where applicable. Revenue is made up of deposits from forfeiture, confiscation, FICA and other orders.

Revenue is recognised on the cash basis when the forfeited assets have been disposed of for cash, and actual deposits have been received by CARA from FICA, forfeiture orders and confiscation orders.

#### 3.3 UNIDENTIFIED DEPOSITS

Deposits received by CARA that cannot be associated with cases are classified as unidentified deposits, and are only

recognised as revenue after the expiration of three years.

#### **4. CURRENT ASSETS**

##### **4.1 CASH AND CASH EQUIVALENTS**

Cash and cash equivalents are carried in the Statement of Financial Position. For the purposes of the Cash Flow Statement, cash and cash equivalents comprise cash at the SARB managed by the National Revenue Fund in National Treasury.

##### **4.2 RECEIVABLES**

Receivables consist of the gross value of confiscation orders and the gross value of forfeited cash held by curators, pending the approval of their fees and expenses by the Master's Office. Included in receivables is cash held by curators after realisation of forfeited property before funds are deposited into CARA.

##### **4.3 CONTINGENT ASSETS**

Contingent assets are assets such as motor vehicles, property, furniture, equipment, electronic equipment and cellphones that could not be reliably valued at 31 March 2013. Assets are valued at a nominal R1 per item according to the National Treasury reporting guideline.

#### **5. CURRENT LIABILITIES**

##### **5.1 PAYABLES**

Payables consist of unidentified deposits (deposits that cannot be traced to the case file under the management of CARA) and payments due to victims incorrectly paid into CARA.

##### **5.2 CONTINGENT LIABILITIES**

There are no contingent liabilities in CARA.

##### **5.3 PROVISIONS**

Provisions are disclosed when there is a present legal or constructive obligation to forfeit economic benefits as a result of events in the past and it is probable that an outflow of resources embodying economic

benefits will be required to settle the obligation, and a reliable estimate of the obligation can be made.

#### **6. INVENTORY**

Inventory is shown in disclosure note 23. The gross value of inventory is determined using available curator reports, the auto dealers' digest and other available resources. Net realisable value is the estimated selling price in the ordinary course of business less the costs of curator fees and selling expenses.

#### **7. RELATED PARTIES**

CARA constitutes part of the national government in terms of the PFMA, as amended. Public and other entities in the national government sphere are considered to be related parties.

#### **8. KEY MANAGEMENT PERSONNEL**

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

#### **9. COMPARATIVE FIGURES**

Where necessary, additional information has been mentioned relating to prior years and to conform to changes in presentation in the current year.

#### **10. EVENTS AFTER REPORTING DATE**

The CARA Unit reviews its activities subsequent to its reporting date to determine whether or not the conditions that existed at the reporting date require adjustments to the annual financial statements.

#### **11. FOREIGN CURRENCY TRANSACTIONS**

A foreign currency transaction is recorded, at initial recognition in South African rand, by applying the foreign currency amount to the spot exchange rate between the South African rand and the foreign currency at the date of transaction.

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2013

	2012/13	2011/12
	R'000	R'000
<b>12. REVENUE</b>		
Confiscation orders	9 578	8 062
Forfeiture orders	16 195	28 964
FICA revenue	5 000	-
Other revenue	762	-
	<b>31 535</b>	<b>37 026</b>
<b>13. TRADE AND OTHER PAYABLES</b>		
Victim payments incorrectly deposited into CARA	376	72
Unidentified deposits	4 330	855
	<b>4 706</b>	<b>927</b>
<b>14. CASH AND CASH EQUIVALENTS</b>		
Opening balance	274 283	256 950
<b>Plus: Funds received during financial year</b>	35 841	37 333
	310 124	294 283
<b>Less: Funds transferred/paid during financial year</b>	(158 327)	(20 000)
	<b>151 797</b>	<b>274 283</b>
<b>15. NET ASSETS</b>		
<b>Retained funds</b>		
Opening balance	273 356	256 330
Plus: Surplus /(deficit) for the year	(126 265)	17 026
<b>Closing balance</b>	<b>147 091</b>	<b>273 356</b>
<b>16. CASH GENERATED FROM/(UTILISED IN) OPERATIONS</b>		
Surplus/(deficit) before interest	(126 265)	17 026
Plus: Unidentified deposits in the year	4 456	469
Less: Identified deposits cleared	(677)	-
<b>Net cash flows from operating activities</b>	<b>(122 486)</b>	<b>17 333</b>
<b>17. PRIOR-PERIOD ERROR</b>		
In the 2011/12 financial year, an amount of R230,05 million was incorrectly disclosed as trade and other payables instead of commitments and the net assets were incorrectly reduced by the same amount. This error has been corrected retrospectively and comparative figures have been appropriately restated. The effect of the correction of the error on the results for 2013 is as follows:		
Increase in net assets (opening balance)	230 050	-
Decrease in payables	-	(230 050)
Increase in provisions	-	230 050
<b>Net movement in net assets</b>	<b>230 050</b>	<b>-</b>

## DISCLOSURE NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2013

### 18. RELATED PARTIES

18.1 The following departments and entities are under common ministry:

- Department of Justice and Constitutional Development
- National Prosecuting Authority
- Legal Aid Board
- Special Investigating Unit
- Guardian's Fund
- President's Fund
- Human Rights Commission
- Office of the Public Protector

18.2 Compensation and administration costs for the CARA are paid for by the Department of Justice and Constitutional Development.

	2012/13	2011/12
	R'000	R'000
Compensation of employees	1 705	1 608
Goods and services	122	82
Furniture and equipment	47	-
<b>Total</b>	<b>1 874</b>	<b>1 690</b>

	Number of individuals		
<b>19. KEY MANAGEMENT PERSONNEL</b>			
Level 13 and above	1	903	834
<b>Total</b>		<b>903</b>	<b>834</b>

	Note	R	R
<b>20. CONTINGENT ASSETS</b>			
Nature of contingent asset			
Motor vehicles		32	53
Land and buildings		3	10
Other		806	28
<b>Total</b>		<b>841</b>	<b>91</b>

Contingent assets are made up of all those assets that have been forfeited to the state in accordance with Chapter 6 of the POC Act and the values of which could not be determined.

	2012/13	2011/12
	R'000	R'000
	Note	
<b>21. PROVISIONS</b>		
CARA allocations	72,250	230,050
Anti-corruption Task Team	41 000	130 000
Department of Social Development	-	26 000
Department of Justice and Constitutional Development	20 000	20 000
South African Police Service	11 250	11 250
National Prosecuting Authority	-	20 000
Department of Correctional Services	-	22 800
<b>Total</b>	<b>72 250</b>	<b>230 050</b>

Provisions are made up of undrawn allocations to beneficiaries, pending requests to CARA for drawdowns of funds from CARA.

22. RECEIVABLES	2012/13				2011/12
	Less than one year	One to three years	Older than three years	Total	
	R'000	R'000	R'000	R'000	R'000
Confiscation amounts and cash with curators	11 689	9 372	26 801	47 862	65 995
<b>Total</b>	<b>11 689</b>	<b>9 372</b>	<b>26 801</b>	<b>47 862</b>	<b>65 995</b>

## ANNEXURE 1

23. INVENTORY	Motor vehicles	Land and buildings	Other	Total
	R'000	R'000	R'000	R'000
Opening balance (1 April 2012)	594	3 356	10	3 960
Adjustments	(115)	(388)	-	(503)
Additions	957	6 188	348	7 493
Disposals	(951)	(1 437)	(358)	(2 746)
<b>Closing balance (31 March 2013)</b>	<b>485</b>	<b>7 719</b>	<b>-</b>	<b>8 204</b>

The forfeited assets held by CARA are valued at R8,2 million as at 31 March 2013, and R3,96 million as at 31 March 2012. The forfeited assets are classified as inventory, as they will be realised and the net proceeds after deduction of curator fees, and expenses will be deposited into CARA. Inventory consists of motor vehicles, equipment, furniture, household effects, cellphones and jewellery.





# PART F

## HUMAN RESOURCE MANAGEMENT



## 1. LEGISLATION THAT GOVERNS HUMAN RESOURCE MANAGEMENT

Human Resource (HR) Management in the Department is governed by the Public Service Act and its Regulations (Chapter 1, Part III J.3 and J.4).

## 2. INTRODUCTION

### 2.1 OVERVIEW OF HR MATTERS IN THE DEPARTMENT

The Department is a strong champion of the notion that human resource management, like financial management, is one of the key drivers of attaining success in the implementation of its corporate strategy. In the current Medium-term Strategic Framework (MTSF) period, ending 2014/15, the Department seeks to continue its endeavour to succeed in the strategic objective of “improved human resource service delivery”.

The mandate of the Human Resources Sub-branch is to provide leadership and direction to the Department in all areas of human resource management. Fulfilling this mandate involves the alignment of the organisational structure with departmental strategic objectives, as well as the recruitment and retention of competent employees who are representative of the people they serve. The organisational structure should also be aligned with the development of policies, programmes and services that effectively serve the needs of the people to maximise their potential, and the creation of a work environment that promotes employee development, safety and wellness, and that provides for positive employee-management relations.

In the past three years, a number of laws have been promulgated that resulted in huge responsibilities for the Department. In addition, the compliance requirements for good corporate governance as well as the findings of the Auditor-General placed additional responsibilities on the functions of the employees. Overall, employees managed to meet the additional expectations as well as their normal responsibilities. The progress the Department registered against its indicators has in most instances been due to hard work and commitment displayed by many employees, under very trying conditions such as limited infrastructure and limited resources.

The Department renders human resource services to a population of 17 313 officials (19 189 if the judiciary is included).

### 2.2 HR PRIORITIES FOR THE YEAR UNDER REVIEW AND THE IMPACT OF THESE PRIORITIES

In enhancing organisational efficiency, the focus was on identifying human resource needs. These included the human capacity, competencies and skills required in the respective fields. Based on this, the priorities below were identified for 2012/13 in the departmental Human Resource (HR) Plan. The table that follows shows the impact of each priority on the departmental strategy:

No.	Hr Priority	Impact
1.	Alignment of organisational structures to the departmental strategy	<ul style="list-style-type: none"> <li>The creation of the structure for the Office of the Master in Mpumalanga provided access to masters' services for communities who were previously excluded.</li> <li>The Supply Chain Management structure provided better management of procurement services.</li> </ul>
2.	Employee relations matters	The Department registered underperformance in key indicators: the percentage of grievance cases finalised (-5%) and percentage of misconduct cases finalised (-24%) respectively are indicative of the litigious environment within which the labour market in the country finds itself. The majority of grievances are related to remuneration and performance-related rewards.
3.	Reduction of vacancy rate	The vacancy rate indicator confirms that the Department is achieving its objective of appointing relevant competencies in the correct positions to carry out strategic objectives. The reduction of the vacancy rate is a good contributor to the national priorities of reduction of unemployment and poverty, as more people get jobs and are able to improve the socio-economic imperatives in communities.
4.	Employment equity (EE) targets achieved: 2% people with disabilities (pwd) and 50% women	The Department is making steady progress in achieving the set targets: <ul style="list-style-type: none"> <li>1.3 of 2% of PWD</li> <li>39.9% of 50% for women at Senior Management Service (SMS) level.</li> </ul>
5.	Personnel salary system (Persal) information cleaning up project	This project yielded the following results: <ul style="list-style-type: none"> <li>Unfunded vacancies were removed from PERSAL.</li> <li>The disability status of employees was updated.</li> <li>Addresses of employees were updated with South African Revenue Service (SARS) requirements.</li> <li>Incorrect probation indicators on PERSAL were corrected.</li> <li>Data of the first names of employees (that were reflected as "unknown") was corrected.</li> <li>Occupational classification codes were corrected.</li> </ul>
6.	Continuous improvement on employee health and wellness programme (EHWP)	A total of 2 399 employees benefited from the EHWP services. This was achieved despite the non-availability of Employee Assistance Programme (EAP) service provider support.
7.	Improved performance management services	96% of SMS members complied with the prescribed time frames for the submission of performance agreements.

### **2.3 WORKFORCE PLANNING FRAMEWORK AND KEY STRATEGIES TO ATTRACT AND RECRUIT A SKILLED AND CAPABLE WORKFORCE**

The Department annually reviews its Human Resource Plan (HRP) to ensure compliance and meet the Department of Public Service and Administration's (DPSA) requirements. The outcome of the DPSA evaluation of the Department's HRP 2012/13 plan indicated that it exceeded the compliance requirements by scoring 81% on overall quality and 91% on compliance requirements.

The HRP is used as a tool to inform the demand and supply of human resource requirements in the Department. As a result, a departmental recruitment plan for the year was developed to increase the recruitment drive. Subsequently, a total of 4 285 people were appointed, which also led to the non-extension of contracts of 1 979 employees.

### **2.4 POLICY DEVELOPMENT**

- a) During the year under review, the Department successfully consulted on three draft policies with labour unions, namely the Job Evaluation, Acting Allowance and Resettlement policies.
- b) With regard to the management of leave of judicial officers in the lower courts, the Magistrate's Commission finalised a draft leave policy that was approved in principle, pending a decision by the Minister regarding the current delegations in respect of approval.
- c) The Regulations for Judicial Officers in Lower Courts, 1994, were also reviewed in its totality, and the revised draft set of Regulations for Magistrates was submitted to the Minister for consideration to replace the current regulations.

### **2.5 PERFORMANCE**

The following achievements are highlighted:

- The vacancy rate has been reduced from 10.52% to 10.26% (including the judiciary) and from 11.09% to 9.71% (excluding the judiciary) between 2011/12 and 2012/13.
- Some 80% female and 20% male employees were appointed at Chief Director level.
- An EAP service provider was appointed to augment the capacity of the four social workers who provide services to 17 313 employees.
- Job evaluations were conducted for two executive posts of Deputy Director-General.
- There was a reduction in HR-related audit queries.

**The Justice College achieved the following in the 2012/13 financial year:**

1. The Justice College, working with the officials of the Masters' Training Section, developed an e-learning training course for the officials of Legal Aid South Africa (Legal Aid SA) who assist the Master of the High Court with the administration of deceased estates in indigent matters where minors are involved. This course will provide the Legal Aid SA officials with much-needed training, reduce the training costs and the time usually taken up by face-to-face training.
2. At the request of the Promotion of Administrative Justice Act (PAJA) Unit of the National Office, an official from the Masters' Training Section has been involved with inception training for the PAJA Mainstreaming Project.
3. An official from this section has been tasked by the Promotion of Access to Information Act (PAIA) Unit of the National Office to assist with the development of a training course on PAIA. The training manual was developed during the past financial year, and it is anticipated that training in terms of this course will commence in the 2013/14 financial year.

4. The Civil Section trained non-governmental organisations (NGOs) on default judgments and the Equality Act. Training has proven to be successful, as there is constant communication with the National Alliance for the Development of Community Advice Office (NADCAO) on cases affecting the community. The section also conducted training for traditional leaders on behalf of the Department of Traditional Affairs. The training is ongoing, as various provinces have requested further training during the 2013/14 financial year.
5. The Justice College, in collaboration with the South African Board of Sheriffs, rolled out the Sheriffs Introductory Course (SIC) for newly appointed sheriffs. This course was deemed necessary for the effectiveness of new sheriffs. To date, the Justice College has trained 92 persons. It needs to be noted that this is a fully accredited skills programme compliant with the South African Qualifications Association (SAQA) requirements, and the Justice College is a fully accredited training provider.
6. The Interpreters' Section offered training to interpreters of the Republic of Botswana High Court.
7. The Leadership, Management and Administrative Training Section, in collaboration with the Safety and Security Sector Education and Training Authority (SASSETA), rolled out Public Administration and Paralegal learnerships. Both programmes were completed with 100% pass rates. Graduations are due to take place soon.
8. The Leadership, Management and Administrative Training Section, in collaboration with the Performance Management Unit at the National Office, conducted performance management workshops throughout the country. These workshops were coordinated and facilitated by the unit and the results were that uniform performance agreements were drafted for principal interpreters, inspectors of interpreters, labour relations officers, human resource development, performance management officers,

court managers, area court managers and recruitment and selection officers.

## 2.6 HR CHALLENGES IN THE DEPARTMENT

- Inability to complete the recruitment and selection processes within the prescribed turnaround time.
- Limited office space, which adversely impacts on reducing the vacancy rate.
- Inability to finalise employee relations matters within the prescribed time frames.
- Difficulty in attracting and retaining legally qualified employees and social workers due to occupation specific dispensation (OSD) determination.

## 2.7 FUTURE HR PLANS AND GOALS

The Human Resource Sub-branch remains committed to improving the quality of its services rendered to clients through the following:

- Advocacy to line managers with prescribed time frames.
- Developing tools and resources that support clients in managing their staff.
- Adding strategic value to human resource management and supporting a corporate approach across the Department.
- Facilitating a meeting with DPSA in order to address challenges experienced in the implementation of OSD determination.
- Conducting culture audits in order to align the organisational culture with its strategic objectives.

# 3. HUMAN RESOURCE OVERSIGHT STATISTICS

## 3.1 PERSONNEL-RELATED EXPENDITURE

The following tables summarise the final audited personnel-related expenditure by programme and by salary band. It provides an indication of the following in particular:

- Amount spent on personnel
- Amount spent on salaries, overtime, homeowner's allowances and medical aid.

Table 3.1.1: Personnel expenditure by programme

PROGRAMME	TOTAL EXPENDITURE (R'000)	PERSONNEL EXPENDITURE (R'000)	TRAINING EXPENDITURE (R'000)	PROFESSIONAL AND SPECIAL SERVICES EXPENDITURE (R'000)	PERSONNEL EXPENDITURE AS A PERCENTAGE OF TOTAL EXPENDITURE	AVERAGE PERSONNEL COST PER EMPLOYEE (R'000)
ADMINISTRATION	1 475 600	366 670	8 851	32 299	24.85	280.76
AUXILIARY AND ASSOCIATED SERVICES	2 517 766	-	-	10 720	-	-
COURT SERVICES	5 392 719	2 858 660	9 524	351 589	53.01	202.68
DIRECT CHARGES	2 059 587	2 005 963	-	-	97.40	895.12
STATE LEGAL SERVICES	794 501	651 229	1 056	562	81.97	347.14
<b>TOTAL AS ON FINANCIAL SYSTEM (BAS)</b>	<b>12 240 173</b>	<b>5 882 522</b>	<b>19 431</b>	<b>395 170</b>	<b>48.06</b>	<b>306.56</b>

Table 3.1.2: Personnel costs by salary band

SALARY BAND	PERSONNEL EXPENDITURE (R'000)	PERCENTAGE OF TOTAL PERSONNEL COST	AVERAGE PERSONNEL COST PER EMPLOYEE
LOWER SKILLED (LEVELS 1–2)	518	0.1	103 600
SKILLED (LEVELS 3–5)	1 461 043	24.8	144 372
HIGHLY SKILLED PRODUCTION (LEVELS 6–8)	1 032 907	17.6	242 580
HIGHLY SKILLED SUPERVISION (LEVELS 9–12)	1 707 667	28.9	525 113
SENIOR MANAGEMENT (LEVELS 13–16)	1 207 383	20.5	1 631 599
CONTRACT (LEVELS 1–2)	1 084	0.02	38 714
CONTRACT (LEVELS 3–5)	102 334	1.7	491 990
CONTRACT (LEVELS 6–8)	78 754	1.3	495 308
CONTRACT (LEVELS 9–12)	190 677	3.2	1 162 665
CONTRACT (LEVELS 13–16)	87 529	1.5	603 648
PERIODICAL REMUNERATION	11 673	0.2	108 083
ABNORMAL APPOINTMENT	953	0.02	476 500
<b>TOTAL</b>	<b>5 882 522</b>	<b>100.0</b>	<b>306 557</b>



Table 3.1.3: Salaries, overtime, homeowner's allowance and medical aid by programme

PROGRAMME	SALARY		OVERTIME		HOMEOWNER'S ALLOWANCE (HOA)		MEDICAL AID	
	AMOUNT (R'000)	SALARIES AS A PERCENTAGE OF PERSONNEL COST	AMOUNT (R'000)	OVERTIME AS A PERCENTAGE OF PERSONNEL COST	AMOUNT (R'000)	HOA AS A PERCENTAGE OF PERSONNEL COST	AMOUNT (R'000)	MEDICAL AID AS A PERCENTAGE OF PERSONNEL COST
ADMINISTRATION	254 351	69.37%	755	0.21%	10 080	2.75%	13 359	3.64%
COURT SERVICES	2 000 610	69.98%	5 352	0.19%	128 108	4.48%	202 224	7.07%
DIRECT CHARGES	1 331 916	66.40%	-	0.0%	14 762	0.74%	25 708	1.28%
STATE LEGAL SERVICES	456 317	70.07%	9	0.0%	16 710	2.57%	27 444	4.21%
<b>TOTAL</b>	<b>4 043 194</b>	<b>68.73%</b>	<b>6 116</b>	<b>0.10%</b>	<b>169 660</b>	<b>2.88%</b>	<b>268 735</b>	<b>4.57%</b>

Table 3.1.4: Salaries, overtime, homeowner's allowance and medical aid by salary band

SALARY BAND	SALARY		OVERTIME		HOMEOWNER'S ALLOWANCE		MEDICAL AID	
	AMOUNT (R'000)	SALARIES AS A PERCENTAGE OF PERSONNEL COST	AMOUNT (R'000)	OVERTIME AS A PERCENTAGE OF PERSONNEL COST	AMOUNT (R'000)	HOA AS A PERCENTAGE OF PERSONNEL COST	AMOUNT (R'000)	MEDICAL ASSISTANCE AS A PERCENTAGE OF PERSONNEL COST
LOWER SKILLED (LEVELS 1-2)	311	60.04%	3	0.58%	54	10.42%	68	13.13%
SKILLED (LEVELS 3-5)	910 007	62.28%	2 691	0.18%	95 088	6.51%	136 316	9.33%
HIGHLY SKILLED PRODUCTION (LEVELS 6-8)	667 552	64.63%	2 539	0.25%	32 543	3.15%	63 595	6.16%
HIGHLY SKILLED SUPERVISION (LEVELS 9-12)	1 201 466	70.36%	717	0.04%	29 656	1.74%	43 466	2.55%
SENIOR MANAGEMENT (LEVELS 13-16)	961 808	79.66%	6	0.00%	11 897	0.99%	25 051	2.07%
CONTRACT (LEVELS 1-2)	683	63.01%	-	0.00%	-	0.00%	-	0.00%
CONTRACT (LEVELS 3-5)	64 470	63.00%	92	0.09%	-	0.00%	-	0.00%
CONTRACT (LEVELS 6-8)	49 615	63.00%	39	0.05%	4	0.01%	4	0.01%

SALARY BAND	SALARY		OVERTIME		HOMEOWNER'S ALLOWANCE		MEDICAL AID	
	AMOUNT (R'000)	SALARIES AS A PERCENTAGE OF PERSONNEL COST	AMOUNT (R'000)	OVERTIME AS A PERCENTAGE OF PERSONNEL COST	AMOUNT (R'000)	HOA AS A PERCENTAGE OF PERSONNEL COST	AMOUNT (R'000)	MEDICAL ASSISTANCE AS A PERCENTAGE OF PERSONNEL COST
CONTRACT (LEVELS 9-12)	120 127	63.00%	29	0.02%	290	0.15%	111	0.06%
CONTRACT (LEVELS 13-16)	55 143	63.00%	-	0.00%	128	0.15%	112	0.13%
PERIODICAL REMUNERATION	11 089	95.00%	-	0.00%	-	0.00%	-	0.00%
ABNORMAL APPOINTMENT	923	96.85%	-	0.00%	-	0.00%	12	1.26%
<b>TOTAL</b>	<b>4 043 194</b>	<b>68.73%</b>	<b>6 116</b>	<b>0.10%</b>	<b>169 660</b>	<b>2.88%</b>	<b>268 735</b>	<b>4.57%</b>

### 3.2 EMPLOYMENT AND VACANCIES

The tables in this section summarise the position with regard to employment and vacancies.

The following tables summarise the number of posts on the establishment, the number of employees, the vacancy rate, and whether there are any staff members additional to the establishment. This information is presented in terms of three key variables:

- Programme
- Salary band
- Critical occupation

Table 3.2.1: Employment and vacancies by programme, 31 March 2013

PROGRAMME	NUMBER OF POSTS ON APPROVED ESTABLISHMENT	NUMBER OF POSTS FILLED	VACANCY RATE	NUMBER OF POSTS FILLED ADDITIONAL TO THE ESTABLISHMENT
ADMINISTRATION, PERMANENT	1 213	992	18.22	21
ADMINISTRATION, TEMPORARY	314	314	0.00	0
COURT SERVICES, PERMANENT	15 117	13 746	9.07	77
COURT SERVICES, TEMPORARY	358	358	0.00	0
STATE LEGAL SERVICES, PERMANENT	2 144	1 871	12.73	5
STATE LEGAL SERVICES, TEMPORARY	32	32	0.00	0
MAGISTRATES	1 946	1 637	15.88	7
JUDGES	259	239	7.72	0
<b>TOTAL</b>	<b>21 383</b>	<b>19 189</b>	<b>10.26</b>	<b>110</b>

Table 3.2.2: Employment and vacancies by salary band, 31 March 2013

SALARY BAND	NUMBER OF POSTS ON APPROVED ESTABLISHMENT	NUMBER OF POSTS FILLED	VACANCY RATE	NUMBER OF POSTS FILLED ADDITIONAL TO THE ESTABLISHMENT
LOWER SKILLED (LEVELS 1–2), PERMANENT	5	5	0.00	0
SKILLED (LEVELS 3–5), PERMANENT	11 084	10 182	8.14	62
HIGHLY SKILLED PRODUCTION (LEVELS 6–8), PERMANENT	4 689	4 281	8.70	23
HIGHLY SKILLED SUPERVISION (LEVELS 9–12), PERMANENT	2 501	1 979	20.87	16
SENIOR MANAGEMENT (LEVELS 13–16), PERMANENT	195	162	16.92	2
MAGISTRATES	1 946	1 637	15.88	7
JUDGES	259	239	7.72	0
CONTRACT (LEVELS 1–2)	28	28	0.00	0
CONTRACT (LEVELS 3–5)	208	208	0.00	0
CONTRACT (LEVELS 6–8)	159	159	0.00	0
CONTRACT (LEVELS 9–12)	164	164	0.00	0
CONTRACT (LEVELS 13–16)	145	145	0.00	0
<b>TOTAL</b>	<b>21 383</b>	<b>19 189</b>	<b>10.26</b>	<b>110</b>

Table 3.2.3: Employment and vacancies by critical occupation, 31 March 2013

OCCUPATION	NUMBER OF POSTS ON APPROVED ESTABLISHMENT	NUMBER OF POSTS FILLED	VACANCY RATE	NUMBER OF POSTS FILLED ADDITIONAL TO THE ESTABLISHMENT
ADMINISTRATIVE-RELATED, PERMANENT	10 126	9 432	6.85	62
ADMINISTRATIVE-RELATED, CONTRACT	125	125	0.00	0
ADVOCATES, PERMANENT	79	70	11.39	0
ATTORNEYS, PERMANENT	245	203	17.14	0
ATTORNEYS, CONTRACT	2	2	0.00	0
AUTHORS, JOURNALISTS AND OTHER WRITERS, CONTRACT	1	1	0.00	0
BUILDING AND OTHER PROPERTY CARETAKERS, PERMANENT	7	5	28.57	0
BUS AND HEAVY/LIGHT VEHICLE DRIVERS, PERMANENT	29	26	10.34	0
CLEANERS IN OFFICES, WORKSHOPS, HOSPITALS ETC, PERMANENT	173	145	16.18	4
CLEANERS IN OFFICES, WORKSHOPS, HOSPITALS ETC, CONTRACT	1	1	0.00	0
CLIENT INFORMATION CLERKS (SWITCHBOARD, RECEPTION, INFORMATION CLERKS), PERMANENT	132	126	4.55	0
CLIENT INFORMATION CLERKS (SWITCHBOARD, RECEPTION, INFORMATION CLERKS), CONTRACT	2	2	0.00	0
COMMUNICATION- AND INFORMATION-RELATED, PERMANENT	39	32	17.95	0

OCCUPATION	NUMBER OF POSTS ON APPROVED ESTABLISHMENT	NUMBER OF POSTS FILLED	VACANCY RATE	NUMBER OF POSTS FILLED ADDITIONAL TO THE ESTABLISHMENT
COMMUNICATION- AND INFORMATION-RELATED, CONTRACT	1	1	0.00	0
FINANCIAL AND RELATED PROFESSIONALS, PERMANENT	227	189	16.74	2
FINANCIAL AND RELATED PROFESSIONALS, CONTRACT	10	10	0.00	0
FINANCIAL CLERKS AND CREDIT CONTROLLERS, PERMANENT	675	577	14.52	2
FINANCIAL CLERKS AND CREDIT CONTROLLERS, CONTRACT	70	70	0.00	0
FOOD SERVICES AIDS AND WAITERS, PERMANENT	28	26	7.14	0
FOOD SERVICES AIDS AND WAITERS, CONTRACT	1	1	0.00	0
GENERAL LEGAL ADMINISTRATION AND RELATED PROFESSIONALS, PERMANENT	1 213	970	20.03	4
GENERAL LEGAL ADMINISTRATION AND RELATED PROFESSIONALS, CONTRACT	44	44	0.00	0
HEAD OF DEPARTMENT/CHIEF EXECUTIVE OFFICER, PERMANENT	1	1	0.00	0
HUMAN RESOURCES, ORGANISATIONAL DEVELOPMENT AND RELATED PROFESSIONS, PERMANENT	67	56	16.42	2
HUMAN RESOURCES CLERKS, PERMANENT	421	368	12.59	4
HUMAN RESOURCES CLERKS, CONTRACT	2	2	0.00	0
*INFORMATION TECHNOLOGY-RELATED, PERMANENT	49	36	26.53	0
INFORMATION TECHNOLOGY-RELATED, CONTRACT	11	11	0.00	0
JUDGES, PERMANENT	259	239	7.72	0
LANGUAGE PRACTITIONERS, INTERPRETERS AND OTHER COMMUNICATION PROFESSIONALS, PERMANENT	2 110	1 894	10.24	3
LANGUAGE PRACTITIONERS, INTERPRETERS AND OTHER COMMUNICATION PROFESSIONALS, CONTRACT	31	31	0.00	0
LIBRARIANS AND RELATED PROFESSIONALS, PERMANENT	45	34	24.44	0
LIBRARY, MAIL AND RELATED CLERKS, PERMANENT	355	334	5.92	3
LIBRARY, MAIL AND RELATED CLERKS, CONTRACT	10	10	0.00	0
LOGISTICAL SUPPORT PERSONNEL, PERMANENT	47	37	21.28	0
LOGISTICAL SUPPORT PERSONNEL, CONTRACT	1	1	0.00	0
MAGISTRATES, PERMANENT	1 946	1 637	15.88	7
MAGISTRATES, CONTRACT	180	180	0.00	0
MATERIAL RECORDING AND TRANSPORT CLERKS, PERMANENT	88	81	7.95	0
MATERIAL RECORDING AND TRANSPORT CLERKS, CONTRACT	60	60	0.00	0

OCCUPATION	NUMBER OF POSTS ON APPROVED ESTABLISHMENT	NUMBER OF POSTS FILLED	VACANCY RATE	NUMBER OF POSTS FILLED ADDITIONAL TO THE ESTABLISHMENT
MESSENGERS, PORTERS AND DELIVERERS, PERMANENT	448	406	9.38	1
MESSENGERS, PORTERS AND DELIVERERS, CONTRACT	37	37	0.00	0
RISK MANAGEMENT AND SECURITY SERVICES, PERMANENT	8	8	0.00	0
SECRETARIES AND OTHER KEYBOARD-OPERATING CLERKS, PERMANENT	1 128	982	12.94	10
SECRETARIES AND OTHER KEYBOARD-OPERATING CLERKS, CONTRACT	90	90	0.00	0
SECURITY OFFICERS, PERMANENT	413	314	23.97	4
SENIOR MANAGERS, PERMANENT	195	162	16.92	2
SENIOR MANAGERS, CONTRACT	25	25	0.00	0
SOCIAL WORK AND RELATED PROFESSIONALS, PERMANENT	124	94	24.19	0
STATISTICIANS AND RELATED PROFESSIONALS, PERMANENT	2	2	0.00	0
<b>TOTAL</b>	<b>21 383</b>	<b>19 189</b>	<b>10.26</b>	<b>110</b>

\* High vacancy rate in Corporate Services (ISM) Directorate is due to permanent posts being frozen and a number of contract posts that were approved as part of the turnaround strategy of information and communication technology (ICT) processes in the Department.

### 3.3 JOB EVALUATION

Within a nationally determined framework, executing authorities may evaluate or re-evaluate any job in their organisations. In terms of the regulations, all vacancies on salary levels 9 and higher must be evaluated before they are filled. The following table summarises the total number of jobs that were evaluated during the year under review. The table also provides statistics on the number of posts that were upgraded or downgraded.

Table 3.3.1: Job evaluation by salary band

SALARY BAND	NUMBER OF POSTS	NUMBER OF POSTS EVALUATED	PERCENTAGE OF POSTS EVALUATED BY SALARY BANDS	POSTS UPGRADED		POSTS DOWNGRADED	
				NUMBER	PERCENTAGE OF POSTS EVALUATED	NUMBER	PERCENTAGE OF POSTS EVALUATED
LOWER SKILLED (LEVELS 1–2)	5	0	0.00	0	0.00	0	0.00
SKILLED (LEVELS 3–5)	11 084	0	0.00	7 286	65.73	0	0.00
HIGHLY SKILLED PRODUCTION (LEVELS 6–8)	4 689	11	0.23	13	0.28	0	0.00
HIGHLY SKILLED SUPERVISION (LEVELS 9–12)	2 500	5	0.20	0	0.00	0	0.00

SALARY BAND	NUMBER OF POSTS	NUMBER OF POSTS EVALUATED	PERCENTAGE OF POSTS EVALUATED BY SALARY BANDS	POSTS UPGRADED		POSTS DOWNGRADED	
				NUMBER	PERCENTAGE OF POSTS EVALUATED	NUMBER	PERCENTAGE OF POSTS EVALUATED
SENIOR MANAGEMENT SERVICE (LEVELS 13–16)	195	1	0.51	0	0.00	0	0.00
<b>TOTAL</b>	<b>18 473</b>	<b>17</b>	<b>0.09</b>	<b>7 299</b>	<b>39.51</b>	<b>0</b>	<b>0.00</b>

\* It must be noted that the figure of 21 383 reported in Table 3.2.2 is inclusive of the judiciary, but the above table reflects only 18 473 departmental posts.

The following table provides a summary of the number of employees whose salary positions were upgraded due to their posts being upgraded. The number of employees might differ from the number of posts upgraded, since not all employees are automatically absorbed into the new posts and some of the posts upgraded could also be vacant.

**Table 3.3.2: Profile of employees whose salary positions were upgraded due to their posts being upgraded**

BENEFICIARIES	AFRICAN	ASIAN	COLOURED	WHITE	TOTAL
FEMALE	3 813	150	659	286	4 908
MALE	1 854	103	285	72	2 314
TOTAL	5 667	253	944	358	7 222
<b>EMPLOYEES WITH DISABILITIES</b>					<b>70</b>

The following table summarises the number of cases where remuneration levels exceeded the grade determined by job evaluation. Reasons for the deviation are provided in each case.

**Table 3.3.3: Employees with salary levels higher than those determined by job evaluation by occupation**

OCCUPATION	NUMBER OF EMPLOYEES	JOB EVALUATION LEVEL	REMUNERATION LEVEL	REASON FOR DEVIATION
ACCOUNTING CLERK	2	5	7	Resolution 3 of 2009 – grade progression.
ACCOUNTING CLERK	1	5	6	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
CHIEF ACCOUNTING CLERK	3	7	8	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
CHIEF ACCOUNTING CLERK	7	7	8	Resolution 3 of 2009 – grade progression.
ADMINISTRATION CLERK	106	5	6	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
ADMINISTRATION CLERK	1	5	6	Resolution 3 of 2009 – grade progression.



OCCUPATION	NUMBER OF EMPLOYEES	JOB EVALUATION LEVEL	REMUNERATION LEVEL	REASON FOR DEVIATION
ADMINISTRATION CLERK	1	5	7	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
ADMINISTRATION CLERK	1	6	7	Resolution 3 of 2009 – grade progression.
ADMINISTRATION CLERK	1	7	8	Resolution 3 of 2009 – grade progression.
CHIEF ADMINISTRATION CLERK	29	7	8	Resolution 3 of 2009 – grade progression.
CHIEF ADMINISTRATION CLERK	2	7	8	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
ADMINISTRATION HEAD	1	9	10	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
ADMINISTRATION OFFICER	14	7	8	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
COURT MANAGER	1	9	10	Employees retained in lower-level posts in terms of PSR V.C.3.
COURT MANAGER	18	9	10	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
COURT MANAGER	1	8	10	Resolution 3 of 2009 – grade progression.
ASSISTANT DIRECTOR	1	7	9	Employees retained in lower-level posts in terms of PSR V.C.3.
ASSISTANT DIRECTOR	2	9	10	Resolution 3 of 2009 – grade progression.
ASSISTANT DIRECTOR	16	9	10	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
DEPUTY DIRECTOR	1	9	11	Employee retained in lower-level post in terms of PSR V.C.3.
PRINCIPAL MESSENGER	1	3	4	Resolution 3 of 2009 – grade progression.
CHIEF MESSENGER	1	4	5	Resolution 3 of 2009 – grade progression.
COURT INTERPRETER	1	5	6	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
DATA TYPIST	1	6	7	Resolution 3 of 2009 – grade progression.
DEPUTY DIRECTOR-GENERAL	1	15	16	Employee seconded to office of the President. Minister approved placement on higher salary.
FOOD SERVICES AID	1	3	4	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.

OCCUPATION	NUMBER OF EMPLOYEES	JOB EVALUATION LEVEL	REMUNERATION LEVEL	REASON FOR DEVIATION
HUMAN RESOURCE OFFICER	60	5	6	Post was previously on level 6 prior to job evaluation done by DPSA. The officials were appointed before the posts were evaluated by the DPSA.
SENIOR HUMAN RESOURCE OFFICER/HR PRACTITIONER	4	7	8	Resolution 3 of 2009 – grade progression.
SENIOR HUMAN RESOURCE OFFICER/HR PRACTITIONER	20	7	8	Post was previously on level 8 prior to job evaluation done by DPSA. The officials were appointed before the posts were evaluated by the DPSA.
LEGAL SECRETARY	5	5	6	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
LEGAL SECRETARY	1	5	7	Resolution 3 of 2009 – grade progression.
LEGAL SECRETARY	3	5	7	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
LIBRARIAN	1	6	7	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
MAINTENANCE COORDINATOR	1	5	7	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
CHIEF LEGAL ADMINISTRATION OFFICER	1	12	14	Employee retained in terms of PSR V.C.3.
OFFICE MANAGER	1	9	10	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
PERSONAL ASSISTANT	1	5	8	Post was previously on level 8 prior to job evaluation done by DPSA. The officials were appointed before the posts were evaluated by the DPSA.
PERSONAL ASSISTANT	2	7	8	Post was previously on level 8 prior to job evaluation done by DPSA. The officials were appointed before the posts were evaluated by the DPSA.
PERSONAL ASSISTANT	1	11	12	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
PROVISIONING ADMINISTRATION CLERK	1	5	6	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.

OCCUPATION	NUMBER OF EMPLOYEES	JOB EVALUATION LEVEL	REMUNERATION LEVEL	REASON FOR DEVIATION
SENIOR PROVISIONING ADMINISTRATION OFFICER	3	7	8	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
SENIOR PROVISIONING ADMINISTRATION OFFICER	1	7	8	Resolution 3 of 2009 – grade progression.
REGISTRAR'S CLERK	8	5	6	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
REGISTRY CLERK	5	5	6	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
REGISTRY CLERK	5	6	7	Resolution 3 of 2009 – grade progression.
CHIEF REGISTRY CLERK	1	7	8	When the job evaluation process was finalised, the employee was already on a higher notch than the level determined by job evaluation.
CHIEF REGISTRY CLERK	5	7	8	Resolution 3 of 2009 – grade progression.
JUDGE'S SECRETARY	1	6	7	When the job evaluation process was finalised, the employee was already on a higher notch than the level determined by job evaluation.
JUDGE'S SECRETARY	1	7	8	When the job evaluation process was finalised, the employee was already on a higher notch than the level determined by job evaluation.
JUDGE'S SECRETARY	2	7	8	Resolution 3 of 2009 – grade progression.
SECRETARY	8	5	7	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
SECRETARY	1	5	8	When the job evaluation process was finalised, the employee was already on a higher notch than the level determined by job evaluation.
SECRETARY	2	7	8	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
SECRETARY	1	7	8	Resolution 3 of 2009 – grade progression.
SECURITY OFFICER	1	3	6	When the job evaluation process was finalised, the employee was already on a higher notch than the level determined by job evaluation.
SECURITY OFFICER	2	3	4	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.

OCCUPATION	NUMBER OF EMPLOYEES	JOB EVALUATION LEVEL	REMUNERATION LEVEL	REASON FOR DEVIATION
SECURITY OFFICER	2	5	6	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
SENIOR TRAINING OFFICER	1	7	8	When the job evaluation process was finalised, the employee was already on a higher notch than the level determined by job evaluation.
TELECOM OPERATOR	1	7	8	Resolution 3 of 2009 – grade progression.
PRINCIPAL TELECOM OPERATOR	1	7	8	Resolution 3 of 2009 – grade progression.
PRINCIPAL TELECOM OPERATOR	1	7	8	When the job evaluation process was finalised, the employee was already on a higher notch than the level determined by job evaluation.
STATE ACCOUNTANT/SENIOR	7	7	8	Resolution 3 of 2009 – grade progression.
TYPIST	2	4	5	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
TYPIST	1	5	6	When the job evaluation process was finalised, the employee was already on a higher notch than the level determined by job evaluation.
CHIEF TYPIST	5	7	8	Resolution 3 of 2009 – grade progression.
PRINCIPAL TYPIST	1	4	5	When the job evaluation process was finalised, the employee was already on a higher notch than the level determined by job evaluation.
PRINCIPAL TYPIST	2	4	6	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
PRINCIPAL TYPIST	2	5	6	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
CHIEF WORK STUDY OFFICER	1	9	11	Employee retained in terms of PSR V.C.3.
<b>TOTAL NUMBER OF EMPLOYEES WHOSE SALARIES EXCEEDED THE LEVEL DETERMINED BY JOB EVALUATION IN 2012/13</b>				<b>391</b>
<b>PERCENTAGE OF TOTAL EMPLOYMENT</b>				<b>2.04%</b>

The following table summarises the beneficiaries of the above in terms of race, gender, and disability.

Table 3.3.4: Profile of employees who have salary levels higher than those determined by job evaluation

BENEFICIARIES	AFRICAN	ASIAN	COLOURED	WHITE	TOTAL
FEMALE	163	8	21	104	296
MALE	75	2	9	9	97
TOTAL	238	10	30	113	391
EMPLOYEES WITH DISABILITIES	0				
<b>TOTAL NUMBER OF EMPLOYEES WHOSE SALARIES EXCEEDED THE GRADES DETERMINED BY JOB EVALUATION IN 2012/13</b>					<b>391</b>

### 3.4 EMPLOYMENT CHANGES

This section provides information on changes in employment over the financial year. Turnover rates provide an indication of trends in the employment profile of the Department. The following tables provide a summary of turnover rates by salary band and critical occupation. It should be noted that these tables do not take into account upgrades or downgrades of posts, movement of employees between levels (promotion), or translation to another rank without a change in salary level.

A total of 474 employees were promoted to a higher salary level, the salary levels of 7 222 employees were upgraded and 391 employees were carried out of adjustment against another post. The personnel movement regarding appointments and terminations do not reflect the changes mentioned above.

Table 3.4.1: Annual turnover rates by salary band

SALARY BAND	NUMBER OF EMPLOYEES AT BEGINNING OF PERIOD: APRIL 2012	APPOINTMENTS AND TRANSFERS INTO THE DEPARTMENT	TERMINATIONS AND TRANSFERS OUT OF THE DEPARTMENT	TURNOVER RATE
LOWER SKILLED (LEVELS 1–2), PERMANENT	11	0	0	0.00
SKILLED (LEVELS 3–5), PERMANENT	9 679	1 710	386	3.99
HIGHLY SKILLED PRODUCTION (LEVELS 6–8), PERMANENT	4 223	274	242	5.73
HIGHLY SKILLED SUPERVISION (LEVELS 9–12), PERMANENT	1 963	143	99	5.04
SENIOR MANAGEMENT SERVICE (LEVELS 13–16) PERMANENT	157	9	17	10.83
MAGISTRATES	1 641	84	47	2.86
JUDGES	233	21	2	0.86
SUBTOTAL: PERMANENT EMPLOYEES	17 907	2 241	793	4.43
CONTRACT (LEVELS 1–2)	59	41	45	45.00
CONTRACT (LEVELS 3–5)	960	1 039	1 108	55.43
CONTRACT (LEVELS 6–8)	374	389	387	50.72

SALARY BAND	NUMBER OF EMPLOYEES AT BEGINNING OF PERIOD: APRIL 2012	APPOINTMENTS AND TRANSFERS INTO THE DEPARTMENT	TERMINATIONS AND TRANSFERS OUT OF THE DEPARTMENT	TURNOVER RATE
CONTRACT (LEVELS 9–12)	206	550	428	56.61
CONTRACT (LEVELS 13–16)	220	25	11	4.49
SUBTOTAL: CONTRACT EMPLOYEES	1 819	2 044	1 979	51.23
<b>TOTAL</b>	<b>19 726</b>	<b>4 285</b>	<b>2 772</b>	<b>14.05</b>

Table 3.4.2: Annual turnover rates by critical occupation

OCCUPATION	NUMBER OF EMPLOYEES AT BEGINNING OF PERIOD: APRIL 2012	APPOINTMENTS AND TRANSFERS INTO THE DEPARTMENT	TERMINATIONS AND TRANSFERS OUT OF THE DEPARTMENT	TURNOVER RATE
ADMINISTRATIVE-RELATED, PERMANENT	9 063	1 243	362	3.99
ADMINISTRATIVE-RELATED, CONTRACT	849	821	896	53.65
ADVOCATES, PERMANENT	66	2	2	3.03
ATTORNEYS, PERMANENT	190	25	12	6.32
ATTORNEYS, CONTRACT	4	4	2	25.00
AUTHORS, JOURNALISTS AND OTHER WRITERS, CONTRACT	1	0	1	100.00
BUILDING AND OTHER PROPERTY CARETAKERS, PERMANENT	6	0	1	16.67
BUS AND HEAVY VEHICLE DRIVERS, PERMANENT	28	2	1	3.57
CLEANERS IN OFFICES, WORKSHOPS, HOSPITALS ETC, PERMANENT	164	2	20	12.20
CLEANERS IN OFFICES, WORKSHOPS, HOSPITALS ETC, CONTRACT	0	5	4	80.00
CLIENT INFORMATION CLERKS (SWITCHBOARD, RECEPTION, INFORMATION CLERKS), PERMANENT	130	16	7	5.38
CLIENT INFORMATION CLERKS (SWITCHBOARD, RECEPTION, INFORMATION CLERKS), CONTRACT	1	3	1	25.00
COMMUNICATION- AND INFORMATION-RELATED, PERMANENT	27	6	5	18.52
COMMUNICATION- AND INFORMATION-RELATED, CONTRACT	2	0	0	0.00
FINANCE AND RELATED PROFESSIONALS, PERMANENT	184	36	24	13.04
FINANCE AND RELATED PROFESSIONALS, CONTRACT	14	23	14	37.84
FINANCE CLERKS AND CREDIT CONTROLLERS, PERMANENT	532	123	36	6.77
FINANCE CLERKS AND CREDIT CONTROLLERS, CONTRACT	92	103	52	26.67
FOOD SERVICES AIDERS AND WAITERS, PERMANENT	26	4	0	0.00
FOOD SERVICES AIDERS AND WAITERS, CONTRACT	2	3	3	60.00
GENERAL LEGAL ADMINISTRATION AND RELATED PROFESSIONALS, PERMANENT	965	100	62	6.42

OCCUPATION	NUMBER OF EMPLOYEES AT BEGINNING OF PERIOD: APRIL 2012	APPOINTMENTS AND TRANSFERS INTO THE DEPARTMENT	TERMINATIONS AND TRANSFERS OUT OF THE DEPARTMENT	TURNOVER RATE
GENERAL LEGAL ADMINISTRATION AND RELATED PROFESSIONALS, CONTRACT	70	112	110	60.44
HEAD OF DEPARTMENT/CHIEF EXECUTIVE OFFICER, PERMANENT	1	0	0	0.00
HUMAN RESOURCES, ORGANISATIONAL DEVELOPMENT AND RELATED PROFESSIONS, PERMANENT	48	7	1	2.08
HUMAN RESOURCE CLERKS, PERMANENT	337	59	25	7.42
HUMAN RESOURCE-RELATED, CONTRACT	22	16	18	47.37
INFORMATION TECHNOLOGY-RELATED, PERMANENT	32	6	2	6.25
INFORMATION TECHNOLOGY-RELATED, CONTRACT	0	11	0	0.00
JUDGES, PERMANENT	233	21	2	0.86
LANGUAGE PRACTITIONERS, INTERPRETERS AND OTHER COMMUNICATION PROFESSIONALS, PERMANENT	1 835	209	75	4.09
LANGUAGE PRACTITIONERS, INTERPRETERS AND OTHER COMMUNICATION PROFESSIONALS, CONTRACT	176	157	210	63.06
LIBRARIANS AND RELATED PROFESSIONALS, PERMANENT	33	6	2	6.06
LIBRARIANS AND RELATED PROFESSIONALS, CONTRACT	2	3	5	100.00
LIBRARY, MAIL AND RELATED CLERKS, PERMANENT	315	32	7	2.22
LIBRARY, MAIL AND RELATED CLERKS, CONTRACT	16	17	16	48.48
LOGISTICAL AND SUPPORT PERSONNEL, PERMANENT	39	1	4	10.26
LOGISTICAL AND SUPPORT PERSONNEL, CONTRACT	0	1	0	0.00
MAGISTRATES, PERMANENT	1 641	93	47	2.86
MAGISTRATES, CONTRACT	313	429	356	47.98
MATERIAL RECORDING AND TRANSPORT CLERKS, PERMANENT	75	8	3	4.00
MATERIAL RECORDING AND TRANSPORT CLERKS, CONTRACT	17	97	58	50.88
MESSENGERS, PORTERS AND DELIVERERS, PERMANENT	407	68	26	6.39
MESSENGERS, PORTERS AND DELIVERERS, CONTRACT	82	70	69	45.39
RISK MANAGEMENT AND SECURITY SERVICES, PERMANENT	5	2	0	0.00
SECRETARIES AND OTHER KEYBOARD-OPERATING CLERKS, PERMANENT	972	117	45	4.63
SECRETARIES AND OTHER KEYBOARD-OPERATING CLERKS, CONTRACT	136	139	147	53.45
SECURITY OFFICERS, PERMANENT	317	14	8	2.52
SECURITY OFFICERS, CONTRACT	6	7	8	61.54
SENIOR MANAGERS, PERMANENT	156	9	7	4.49



OCCUPATION	NUMBER OF EMPLOYEES AT BEGINNING OF PERIOD: APRIL 2012	APPOINTMENTS AND TRANSFERS INTO THE DEPARTMENT	TERMINATIONS AND TRANSFERS OUT OF THE DEPARTMENT	TURNOVER RATE
SENIOR MANAGERS, CONTRACT	13	23	9	25.00
SOCIAL WORK AND RELATED PROFESSIONALS, PERMANENT	78	29	6	7.69
SOCIAL WORK AND RELATED PROFESSIONALS, CONTRACT	1	0	0	0.00
STATISTICIANS AND RELATED PROFESSIONALS, PERMANENT	2	1	1	50.00
<b>TOTAL</b>	<b>19 726</b>	<b>4 285</b>	<b>2 772</b>	<b>14.05</b>

The table below identifies the major reasons why staff left the department.

**Table 3.4.3: Reasons why staff left the department**

TERMINATION TYPE	NUMBER	PERCENTAGE OF TOTAL RESIGNATIONS
DEATH	113	4.08
RESIGNATION	275	9.92
EXPIRY OF CONTRACTS	1 979	71.39
DISCHARGED DUE TO ILL HEALTH	13	0.47
DISMISSAL – MISCONDUCT	94	3.39
RETIREMENT	126	4.55
TRANSFER TO OTHER PUBLIC SERVICE DEPARTMENTS	172	6.20
<b>TOTAL</b>	<b>2 772</b>	<b>100</b>
<b>TOTAL NUMBER OF EMPLOYEES WHO LEFT AS A PERCENTAGE OF TOTAL EMPLOYMENT</b>		<b>14.45%</b>

**Table 3.4.4: Promotion by critical occupation**

OCCUPATION	EMPLOYEES AS AT 1 APRIL 2012	PROMOTIONS TO ANOTHER SALARY LEVEL	SALARY LEVEL PROMOTIONS AS A PERCENTAGE OF EMPLOYEES BY OCCUPATION	PROGRESSIONS TO ANOTHER NOTCH WITHIN A SALARY LEVEL	NOTCH PROGRESSIONS AS A PERCENTAGE OF EMPLOYEES BY OCCUPATION
ADMINISTRATIVE-RELATED, PERMANENT	9 063	193	2.13	6 497	71.69
ADMINISTRATIVE-RELATED, CONTRACT	849	3	0.35	47	5.54
ADVOCATES, PERMANENT	66	5	7.58	24	36.36
ATTORNEYS, PERMANENT	190	8	4.21	145	76.32
ATTORNEYS, CONTRACT	4	0	0.00	0	0.00

OCCUPATION	EMPLOYEES AS AT 1 APRIL 2012	PROMOTIONS TO ANOTHER SALARY LEVEL	SALARY LEVEL PROMOTIONS AS A PERCENTAGE OF EMPLOYEES BY OCCUPATION	PROGRESSIONS TO ANOTHER NOTCH WITHIN A SALARY LEVEL	NOTCH PROGRESSIONS AS A PERCENTAGE OF EMPLOYEES BY OCCUPATION
AUTHORS, JOURNALISTS AND OTHER WRITERS, CONTRACT	1	1	100.00	0	0.00
BUILDING AND OTHER PROPERTY CARETAKERS, PERMANENT	6	0	0.00	5	83.33
BUS AND HEAVY VEHICLE DRIVERS, PERMANENT	28	1	3.57	19	67.86
CLEANERS IN OFFICES, WORKSHOPS, HOSPITALS ETC, PERMANENT	164	0	0.00	110	67.07
CLEANERS IN OFFICES, WORKSHOPS, HOSPITALS, ETC, CONTRACT	0	0	0.00	0	0.00
CLIENT INFORMATION CLERKS (SWITCHBOARD, RECEPTION, INFORMATION CLERKS), PERMANENT	130	1	0.77	95	73.08
CLIENT INFORMATION CLERKS (SWITCHBOARD, RECEPTION, INFORMATION CLERKS), CONTRACT	1	0	0.00	0	0.00
COMMUNICATION- AND INFORMATION-RELATED, PERMANENT	27	4	14.81	19	70.37
COMMUNICATION- AND INFORMATION-RELATED, CONTRACT	2	0	0.00	0	0.00
FINANCE AND RELATED PROFESSIONALS, PERMANENT	184	15	8.15	94	51.09
FINANCE AND RELATED PROFESSIONALS, CONTRACT	14	1	7.14	1	7.14
FINANCE CLERKS AND CREDIT CONTROLLERS, PERMANENT	532	36	6.77	366	68.80
FINANCE CLERKS AND CREDIT CONTROLLERS, CONTRACT	92	1	1.09	23	25.00
FOOD SERVICES AIDS AND WAITERS, PERMANENT	26	0	0.00	17	65.38
FOOD SERVICES AIDS AND WAITERS, CONTRACT	2	0	0.00	1	50.00

OCCUPATION	EMPLOYEES AS AT 1 APRIL 2012	PROMOTIONS TO ANOTHER SALARY LEVEL	SALARY LEVEL PROMOTIONS AS A PERCENTAGE OF EMPLOYEES BY OCCUPATION	PROGRESSIONS TO ANOTHER NOTCH WITHIN A SALARY LEVEL	NOTCH PROGRESSIONS AS A PERCENTAGE OF EMPLOYEES BY OCCUPATION
GENERAL LEGAL ADMINISTRATION AND RELATED PROFESSIONALS, PERMANENT	965	24	2.49	620	64.25
GENERAL LEGAL ADMINISTRATION AND RELATED PROFESSIONALS, CONTRACT	70	0	0.00	2	2.86
HEAD OF DEPARTMENT/ CHIEF EXECUTIVE OFFICER, PERMANENT	1	0	0.00	0	0.00
HUMAN RESOURCES, ORGANISATIONAL DEVELOPMENT AND RELATED PROFESSIONS, PERMANENT	48	1	2.08	27	56.25
HUMAN RESOURCES CLERKS, PERMANENT	337	37	10.98	210	62.31
HUMAN RESOURCES-RELATED, CONTRACT	22	0	0.00	0	0.00
INFORMATION TECHNOLOGY-RELATED, PERMANENT	32	4	12.50	24	75.00
INFORMATION TECHNOLOGY-RELATED, CONTRACT	0	0	0.00	1	0.00
JUDGES, PERMANENT	233	5	2.15	0	0.00
LANGUAGE PRACTITIONERS, INTERPRETERS AND OTHER COMMUNICATION PROFESSIONALS, PERMANENT	1 835	62	3.38	1 388	75.64
LANGUAGE PRACTITIONERS, INTERPRETERS AND OTHER COMMUNICATION PROFESSIONALS, CONTRACT	176	0	0.00	6	3.41
LIBRARIANS AND RELATED PROFESSIONALS, PERMANENT	33	4	12.12	16	48.48
LIBRARIANS AND RELATED PROFESSIONALS, CONTRACT	2	0	0.00	1	50.00
LIBRARY, MAIL AND RELATED CLERKS, PERMANENT	315	11	3.49	211	66.98
LIBRARY, MAIL AND RELATED CLERKS, CONTRACT	16	0	0.00	5	31.25

OCCUPATION	EMPLOYEES AS AT 1 APRIL 2012	PROMOTIONS TO ANOTHER SALARY LEVEL	SALARY LEVEL PROMOTIONS AS A PERCENTAGE OF EMPLOYEES BY OCCUPATION	PROGRESSIONS TO ANOTHER NOTCH WITHIN A SALARY LEVEL	NOTCH PROGRESSIONS AS A PERCENTAGE OF EMPLOYEES BY OCCUPATION
LOGISTICAL AND SUPPORT PERSONNEL, PERMANENT	39	1	2.56	15	38.46
MAGISTRATES, PERMANENT	1 641	16	0.98	0	0.00
MAGISTRATES, CONTRACT	313	0	0.00	0	0.00
MATERIAL RECORDING AND TRANSPORT CLERKS, PERMANENT	75	2	2.67	40	53.33
MATERIAL RECORDING AND TRANSPORT CLERKS, CONTRACT	17	0	0.00	0	0.00
MESSENGERS, PORTERS AND DELIVERERS, PERMANENT	407	3	0.74	299	73.46
MESSENGERS, PORTERS AND DELIVERERS, CONTRACT	82	0	0.00	0	0.00
RISK MANAGEMENT AND SECURITY SERVICES, PERMANENT	5	0	0.00	2	40.00
SECRETARIES AND OTHER KEYBOARD-OPERATING CLERKS, PERMANENT	972	25	2.57	574	59.05
SECRETARIES AND OTHER KEYBOARD-OPERATING CLERKS, CONTRACT	136	1	0.74	11	8.09
SECURITY OFFICERS, PERMANENT	317	2	0.63	197	62.15
SECURITY OFFICERS, CONTRACT	6	0	0.00	0	0.00
SENIOR MANAGERS, PERMANENT	156	6	3.85	30	19.23
SENIOR MANAGERS, CONTRACT	13	1	7.69	0	0.00
SOCIAL WORK AND RELATED PROFESSIONALS, PERMANENT	78	0	0.00	49	62.82
SOCIAL WORK AND RELATED PROFESSIONALS, CONTRACT	1	0	0.00	0	0.00
STATISTICIANS AND RELATED PROFESSIONALS, PERMANENT	2	0	0.00	0	0.00
<b>TOTAL</b>	<b>19 726</b>	<b>474</b>	<b>2.40</b>	<b>11 191</b>	<b>56.73</b>

Table 3.4.5 Promotions by salary band

SALARY BAND	EMPLOYEES AT 1 APRIL 2012	PROMOTIONS TO ANOTHER SALARY LEVEL	SALARY BAND PROMOTIONS AS A PERCENTAGE OF EMPLOYEES BY SALARY LEVEL	PROGRESSIONS TO ANOTHER NOTCH WITHIN A SALARY LEVEL	NOTCH PROGRESSIONS AS A PERCENTAGE OF EMPLOYEES BY SALARY BAND
LOWER SKILLED (LEVELS 1–2), PERMANENT	11	0	0.00	0	0.00
SKILLED (LEVELS 3–5), PERMANENT	9 679	96	0.99	7 560	78.11
HIGHLY SKILLED PRODUCTION (LEVELS 6–8), PERMANENT	4 223	242	5.73	2 231	52.83
HIGHLY SKILLED SUPERVISION (LEVELS 9–12), PERMANENT	1 963	100	5.09	1 261	64.24
SENIOR MANAGEMENT SERVICE (LEVEL 13–16), PERMANENT	157	7	4.46	41	26.11
MAGISTRATES	1 641	16	0.98	0	0.00
JUDGES	233	5	2.15	0	0.00
CONTRACT (LEVELS 1–2)	59	0	0.00	0	0.00
CONTRACT (LEVELS 3–5)	960	2	0.21	40	4.17
CONTRACT (LEVELS 6–8)	374	1	0.27	49	13.10
CONTRACT (LEVELS 9–12)	206	4	1.94	9	4.37
CONTRACT (LEVELS 13–16)	220	1	0.45	0	0.00
<b>TOTAL</b>	<b>19 726</b>	<b>474</b>	<b>2.40</b>	<b>11 191</b>	<b>56.73</b>

### 3.5 EMPLOYMENT EQUITY

The tables in this section are based on the formats prescribed by the Employment Equity Act, Act No. 55 of 1998.

Table 3.5.1: Total number of employees (including employees with disabilities) in each of the following occupational categories as on 31 March 2013

OCCUPATIONAL CATEGORY (SASCO)	MALE				FEMALE				TOTAL
	AFRICAN	COLOURED	INDIAN	WHITE	AFRICAN	COLOURED	INDIAN	WHITE	
JUDGES	71	16	12	71	29	8	11	21	239
LEGISLATORS, SENIOR OFFICIALS AND MANAGERS, PERMANENT	470	88	71	461	310	59	95	243	1 797
LEGISLATORS, SENIOR OFFICIALS AND MANAGERS, TEMPORARY	9	1	2	2	8	2	0	1	25
PROFESSIONALS, PERMANENT	964	44	32	141	823	101	99	197	2 401
PROFESSIONALS, TEMPORARY	91	14	18	40	62	12	12	27	276

OCCUPATIONAL CATEGORY (SASCO)	MALE				FEMALE				TOTAL
	AFRICAN	COLOURED	INDIAN	WHITE	AFRICAN	COLOURED	INDIAN	WHITE	
CLERKS, PERMANENT	3 204	345	125	127	5 672	919	242	1 007	11 641
CLERKS, TEMPORARY	100	5	4	12	140	13	4	28	306
SERVICE AND SALES WORKERS, PERMANENT	153	40	13	65	36	8	1	6	322
SERVICE AND SALES WORKERS, TEMPORARY	0	0	0	0	0	0	0	0	0
PLANT AND MACHINE OPERATORS AND ASSEMBLERS, PERMANENT	21	3	1	1	0	0	0	0	26
LABOURERS AND RELATED WORKERS, PERMANENT	284	38	3	11	216	17	4	9	582
LABOURERS AND RELATED WORKERS, TEMPORARY	20	1	0	1	14	2	1	0	39
TECHNICAL AND ASSOCIATED PROFESSIONS, PERMANENT	522	44	15	53	581	68	26	168	1 477
TECHNICAL AND ASSOCIATED PROFESSIONS, TEMPORARY	22	0	0	1	31	3	0	1	58
<b>TOTAL</b>	<b>5 931</b>	<b>639</b>	<b>296</b>	<b>986</b>	<b>7 922</b>	<b>1 212</b>	<b>495</b>	<b>1 708</b>	<b>19 189</b>
<b>EMPLOYEES WITH DISABILITIES</b>	<b>85</b>	<b>15</b>	<b>1</b>	<b>18</b>	<b>67</b>	<b>6</b>	<b>9</b>	<b>26</b>	<b>227</b>

Table 3.5.2: Total number of employees (including employees with disabilities) in each of the following occupational bands as on 31 March 2013

OCCUPATIONAL BAND	MALE				FEMALE				TOTAL
	AFRICAN	COLOURED	INDIAN	WHITE	AFRICAN	COLOURED	INDIAN	WHITE	
JUDGES	71	16	12	71	29	8	11	21	239
TOP MANAGEMENT, PERMANENT	1	1	0	1	2	0	0	0	5
SENIOR MANAGEMENT, PERMANENT	470	87	71	460	309	59	94	244	1 794

OCCUPATIONAL BAND	MALE				FEMALE				TOTAL
	AFRICAN	COLOURED	INDIAN	WHITE	AFRICAN	COLOURED	INDIAN	WHITE	
PROFESSIONALLY QUALIFIED AND EXPERIENCED SPECIALISTS AND MID-MANAGEMENT, PERMANENT	452	34	26	136	331	47	54	155	1 235
SKILLED TECHNICAL AND ACADEMICALLY QUALIFIED WORKERS, JUNIOR MANAGEMENT, SUPERVISORS AND FOREMEN, PERMANENT	1 656	107	47	139	1 891	250	122	813	5 025
SEMI-SKILLED AND DISCRETIONARY DECISION-MAKING, PERMANENT	3 035	373	116	123	5 104	816	197	418	10 182
UNSKILLED AND DEFINED DECISION-MAKING, PERMANENT	4	0	0	0	1	0	0	0	5
CONTRACT (TOP MANAGEMENT), PERMANENT	2	0	0	0	1	0	0	0	3
CONTRACT (SENIOR MANAGEMENT)	8	1	2	2	8	2	0	1	24
CONTRACT (PROFESSIONALLY QUALIFIED)	70	12	16	38	39	11	10	19	215
CONTRACT (SKILLED TECHNICAL)	66	3	3	14	89	10	6	35	226
CONTRACT (SEMI-SKILLED), PERMANENT	96	5	3	2	118	9	1	2	236
CONTRACT (UNSKILLED)	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>5 931</b>	<b>639</b>	<b>296</b>	<b>986</b>	<b>7 922</b>	<b>1 212</b>	<b>495</b>	<b>1 708</b>	<b>19 189</b>



Table 3.5.3: Recruitment

OCCUPATIONAL BAND	MALE				FEMALE				TOTAL
	AFRICAN	COLOURED	INDIAN	WHITE	AFRICAN	COLOURED	INDIAN	WHITE	
TOP MANAGEMENT	0	0	0	0	0	0	0	0	0
JUDGES	7	0	2	7	3	0	0	2	21
SENIOR MANAGEMENT	5	0	0	0	2	1	0	1	9
PROFESSIONALLY QUALIFIED AND EXPERIENCED SPECIALISTS AND MID-MANAGEMENT	78	4	2	6	108	8	2	19	227
SKILLED TECHNICAL AND ACADEMICALLY QUALIFIED WORKERS, JUNIOR MANAGEMENT, SUPERVISORS, FOREMAN AND SUPERINTENDENTS	112	8	1	0	123	7	14	9	274
SEMI-SKILLED AND DISCRETIONARY DECISION-MAKING	535	50	24	17	948	66	36	34	1 710
UNSKILLED AND DEFINED DECISION-MAKING	0	0	0	0	0	0	0	0	0
CONTRACT (SENIOR MANAGEMENT)	8	1	2	2	9	2	0	1	25
CONTRACT (PROFESSIONALLY QUALIFIED)	195	25	32	103	101	20	21	53	550
CONTRACT (SKILLED TECHNICAL)	87	15	1	15	186	30	11	44	389
CONTRACT (SEMI-SKILLED )	327	42	12	8	555	52	19	24	1 039
CONTRACT (UNSKILLED)	21	0	0	1	18	1	0	0	41
<b>TOTAL</b>	<b>1 375</b>	<b>145</b>	<b>76</b>	<b>159</b>	<b>2 053</b>	<b>187</b>	<b>103</b>	<b>187</b>	<b>4 285</b>
<b>EMPLOYEES WITH DISABILITIES</b>	<b>5</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>11</b>

Table 3.5.4: Promotions

OCCUPATIONAL BAND	MALE				FEMALE				TOTAL
	AFRICAN	COLOURED	INDIAN	WHITE	AFRICAN	COLOURED	INDIAN	WHITE	
TOP MANAGEMENT, PERMANENT	0	0	0	0	0	0	0	0	0
SENIOR MANAGEMENT, PERMANENT	6	0	1	5	14	0	1	1	28
SENIOR MANAGEMENT, CONTRACT	1	0	0	0	0	0	0	0	1
PROFESSIONALLY QUALIFIED AND EXPERIENCED SPECIALISTS AND MID-MANAGEMENT, PERMANENT	41	1	1	2	40	6	4	5	100
PROFESSIONALLY QUALIFIED AND EXPERIENCED SPECIALISTS AND MID-MANAGEMENT, CONTRACT	2	0	0	0	2	0	0	0	4
SKILLED TECHNICAL AND ACADEMICALLY QUALIFIED WORKERS, JUNIOR MANAGEMENT, SUPERVISORS AND FOREMEN, PERMANENT	79	8	3	0	124	8	10	10	242
SKILLED TECHNICAL AND ACADEMICALLY QUALIFIED WORKERS, JUNIOR MANAGEMENT, SUPERVISORS AND FOREMEN, CONTRACT	0	0	0	0	0	1	0	0	1
SEMI-SKILLED AND DISCRETIONARY DECISION- MAKING, PERMANENT	42	3	1	1	33	9	3	4	96
SEMI-SKILLED AND DISCRETIONARY DECISION- MAKING, CONTRACT	1	0	0	0	1	0	0	0	2
UNSKILLED AND DEFINED DECISION-MAKING, PERMANENT	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>172</b>	<b>12</b>	<b>6</b>	<b>8</b>	<b>214</b>	<b>24</b>	<b>18</b>	<b>20</b>	<b>474</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 3.5.5: Terminations

OCCUPATIONAL BAND	MALE				FEMALE				TOTAL
	AFRICAN	COLOURED	INDIAN	WHITE	AFRICAN	COLOURED	INDIAN	WHITE	
*TOP MANAGEMENT, PERMANENT	1	0	0	3	0	0	1	1	6
**SENIOR MANAGEMENT, PERMANENT	28	0	0	20	7	0	1	4	60
PROFESSIONALLY QUALIFIED AND EXPERIENCED SPECIALISTS AND MID-MANAGEMENT, PERMANENT	47	4	2	2	29	5	0	10	99
SKILLED TECHNICAL AND ACADEMICALLY QUALIFIED WORKERS, JUNIOR MANAGEMENT, SUPERVISORS AND FOREMEN, PERMANENT	95	5	3	7	80	3	5	44	242
SEMI-SKILLED AND DISCRETIONARY DECISION-MAKING, PERMANENT	170	20	4	20	154	11	1	6	386
UNSKILLED AND DEFINED DECISION-MAKING, PERMANENT	0	0	0	0	0	0	0	0	0
CONTRACT (SENIOR MANAGEMENT)	8	0	0	2	1	0	0	0	11
CONTRACT (PROFESSIONALLY QUALIFIED)	157	16	21	86	82	10	20	36	428
CONTRACT (SKILLED TECHNICAL)	86	16	1	12	188	30	14	40	387
CONTRACT (SEMI-SKILLED)	358	37	13	8	597	45	21	29	1 108
CONTRACT (UNSKILLED)	19	2	0	1	21	0	0	2	45
<b>TOTAL</b>	<b>969</b>	<b>100</b>	<b>44</b>	<b>161</b>	<b>1 159</b>	<b>104</b>	<b>63</b>	<b>172</b>	<b>2 772</b>

\* Includes judges.

\*\* Includes magistrates.

Table 3.5.6: Disciplinary action

	MALE				FEMALE				TOTAL
	AFRICAN	COLOURED	INDIAN	WHITE	AFRICAN	COLOURED	INDIAN	WHITE	
DISCIPLINARY ACTION	238	27	8	12	166	21	5	19	496

Table 3.5.7: Skills development for the period 1 April 2012 to 31 March 2013

OCCUPATIONAL BAND	MALE				FEMALE				TOTAL
	AFRICAN	COLOURED	INDIAN	WHITE	AFRICAN	COLOURED	INDIAN	WHITE	
LEGISLATORS, SENIOR OFFICIALS AND MANAGERS	3	1	2	5	3	2	2	1	19
PROFESSIONALS	639	104	51	136	509	148	71	185	1 843
TECHNICIANS AND ASSOCIATE PROFESSIONALS	1 115	176	53	128	1 143	138	98	248	3 099
CLERKS	1 646	151	140	148	1 482	462	191	339	4 559
SERVICE AND SALES WORKERS	76	9	11	7	58	26	7	5	199
PLANT AND MACHINE OPERATORS AND ASSEMBLERS	6	0	1	1	4	1	0	0	13
ELEMENTARY OCCUPATIONS	9	5	0	1	3	1	0	1	20
EMPLOYEES WITH DISABILITIES	15	3	1	1	4	1	2	1	28
<b>TOTAL</b>	<b>3 509</b>	<b>449</b>	<b>259</b>	<b>427</b>	<b>3 206</b>	<b>779</b>	<b>371</b>	<b>780</b>	<b>9 780</b>
<b>EMPLOYEES WITH DISABILITIES</b>	<b>15</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>28</b>

### 3.6 PERFORMANCE REWARDS

To encourage good performance, the department has granted the following performance rewards during the year under review. The information is presented in terms of race, gender, and disability, salary bands and critical occupations.

Table 3.6.1: Performance rewards by race, gender, and disability

	BENEFICIARY PROFILE			COST	
	NUMBER OF BENEFICIARIES	TOTAL NUMBER OF EMPLOYEES IN GROUP	PERCENTAGE OF TOTAL WITHIN GROUP	COST (R'000)	AVERAGE COST PER EMPLOYEE (R'000)
AFRICAN, FEMALE	1 163	7 855	14.81	10 748	9 242
AFRICAN, MALE	799	5 846	13.67	8 669	10 849
ASIAN, FEMALE	78	486	16.05	1 022	13 103
ASIAN, MALE	36	295	12.20	465	12 917
COLOURED, FEMALE	262	1 206	21.72	2 332	8 901
COLOURED, MALE	120	624	19.23	1 318	10 983
WHITE, FEMALE	485	1 682	28.83	6 030	12 433

	BENEFICIARY PROFILE			COST	
	NUMBER OF BENEFICIARIES	TOTAL NUMBER OF EMPLOYEES IN GROUP	PERCENTAGE OF TOTAL WITHIN GROUP	COST (R'000)	AVERAGE COST PER EMPLOYEE (R'000)
WHITE, MALE	101	968	10.43	2 547	25 218
EMPLOYEES WITH A DISABILITY	34	227	14.98	399	11 735
<b>TOTAL</b>	<b>3 078</b>	<b>19 189</b>	<b>16.04</b>	<b>33 530</b>	<b>10 894</b>

Table 3.6.2: Performance rewards by salary band for personnel below SMS

SALARY BAND	BENEFICIARY PROFILE		COST			
	NUMBER OF BENEFICIARIES	NUMBER OF EMPLOYEES	PERCENTAGE OF TOTAL WITHIN SALARY BANDS	TOTAL COST (R'000)	AVERAGE COST PER EMPLOYEE (R'000)	TOTAL COST AS A PERCENTAGE OF THE TOTAL PERSONNEL EXPENDITURE (R'000)
LOWER SKILLED (LEVELS 1–2)	2	5	40.00	7	3 500	0.00
SKILLED (LEVELS 3–5)	1 478	10 182	14.52	8 463	5 705	0.14
HIGHLY SKILLED PRODUCTION (LEVELS 6–8)	1 045	4 281	24.41	10 962	10 490	0.19
HIGHLY SKILLED SUPERVISION (LEVELS 9–12)	507	1 979	25.62	12 509	24 672	0.21
CONTRACT (LEVELS 1–2)	0	28	0.00	0	0	0.00
CONTRACT (LEVELS 3–5)	4	208	1.92	18	4 639	0.00
CONTRACT (LEVEL 6–8)	4	159	2.52	36	9 052	0.00
CONTRACT (LEVEL 9–12)	6	164	3.66	151	25 260	0.00
<b>TOTAL</b>	<b>3 046</b>	<b>17 006</b>	<b>17.91</b>	<b>32 117</b>	<b>10 544</b>	<b>0.55</b>

Table 3.6.3: Performance rewards by occupation

OCCUPATION	BENEFICIARY PROFILE			COST	
	NUMBER OF BENEFICIARIES	NUMBER OF EMPLOYEES	PERCENTAGE OF TOTAL WITHIN OCCUPATION	TOTAL COST (R'000)	AVERAGE COST PER EMPLOYEE (R'000)
ADMINISTRATIVE-RELATED, PERMANENT	1 542	9 432	16.35	13 253	8 595
ADMINISTRATIVE-RELATED, CONTRACT	4	125	3.20	53	13 289
ADVOCATES, PERMANENT	20	70	28.57	866	43 300
ATTORNEYS, PERMANENT	24	203	11.82	773	32 208
ATTORNEYS, CONTRACT	0	2	0.00	0	0

OCCUPATION	BENEFICIARY PROFILE			COST	
	NUMBER OF BENEFICIARIES	NUMBER OF EMPLOYEES	PERCENTAGE OF TOTAL WITHIN OCCUPATION	TOTAL COST (R'000)	AVERAGE COST PER EMPLOYEE (R'000)
AUTHORS, JOURNALISTS AND OTHER WRITERS, CONTRACT	0	1	0.00	0	0
BUILDING AND OTHER PROPERTY CARETAKERS, PERMANENT	2	5	40.00	8	4 000
BUS AND HEAVY VEHICLE DRIVERS, PERMANENT	7	26	26.92	45	6 429
CLEANERS IN OFFICES, WORKSHOPS, HOSPITALS ETC, PERMANENT	27	145	18.62	116	4 296
CLEANERS IN OFFICES, WORKSHOPS, HOSPITALS ETC, CONTRACT	0	1	0.00	0	0
CLIENT INFORMATION CLERKS (SWITCHBOARD, RECEPTION, INFORMATION CLERKS), PERMANENT	30	126	23.81	191	6 367
CLIENT INFORMATION CLERKS (SWITCHBOARD, RECEPTION, INFORMATION CLERKS), CONTRACT	0	2	0.00	0	0
COMMUNICATION- AND INFORMATION-RELATED, PERMANENT	13	32	40.63	261	20 085
COMMUNICATION- AND INFORMATION-RELATED, CONTRACT	1	1	100.00	33	33 077
FINANCIAL AND RELATED PROFESSIONALS, PERMANENT	44	189	23.28	492	11 184
FINANCIAL AND RELATED PROFESSIONALS, CONTRACT	2	10	20.00	9	4 500
FINANCIAL CLERKS AND CREDIT CONTROLLERS, PERMANENT	164	577	28.42	1 902	11 599
FINANCIAL CLERKS AND CREDIT CONTROLLERS, CONTRACT	6	70	8.57	67	11 153
FOOD SERVICES AIDERS AND WAITERS, PERMANENT	6	26	23.08	40	6 667
FOOD SERVICES AIDERS AND WAITERS, CONTRACT	0	1	0.00	0	0
GENERAL LEGAL ADMINISTRATION AND RELATED PROFESSIONALS, PERMANENT	208	970	21.44	5 106	24 548
GENERAL LEGAL ADMINISTRATION AND RELATED PROFESSIONALS, CONTRACT	0	44	0.00	0	0
HEAD OF DEPARTMENT/CHIEF EXECUTIVE OFFICER, PERMANENT	0	1	0	0	0
HUMAN RESOURCES, ORGANISATIONAL DEVELOPMENT AND RELATED PROFESSIONALS, PERMANENT	20	56	35.71	209	10 450
HUMAN RESOURCES CLERKS, PERMANENT	174	368	47.28	2 597	14 926

OCCUPATION	BENEFICIARY PROFILE			COST	
	NUMBER OF BENEFICIARIES	NUMBER OF EMPLOYEES	PERCENTAGE OF TOTAL WITHIN OCCUPATION	TOTAL COST (R'000)	AVERAGE COST PER EMPLOYEE (R'000)
HUMAN RESOURCES CLERKS, CONTRACT	1	2	50.00	19 500	19 500
INFORMATION TECHNOLOGY-RELATED, PERMANENT	5	36	13.89	82	16 400
INFORMATION TECHNOLOGY-RELATED, CONTRACT	0	11	0.00	0	0
JUDGES	0	239	0.00	0	0
LANGUAGE PRACTITIONERS, INTERPRETERS AND OTHER COMMUNICATION PROFESSIONALS, PERMANENT	203	1 894	10.72	1 821	8 970
LANGUAGE PRACTITIONERS, INTERPRETERS AND OTHER COMMUNICATION PROFESSIONALS, CONTRACT	0	31	0.00	0	0
LIBRARIANS AND RELATED PROFESSIONALS, PERMANENT	7	34	20.59	76	10 857
LIBRARY, MAIL AND RELATED CLERKS, PERMANENT	109	334	32.63	737	6 761
LIBRARY, MAIL AND RELATED CLERKS, CONTRACT	0	10	0.00	0	0
LOGISTICAL AND SUPPORT PERSONNEL, PERMANENT	11	37	29.73	122	11 091
LOGISTICAL AND SUPPORT PERSONNEL, CONTRACT	0	1	0.00	0	0
MAGISTRATES, PERMANENT	0	1 637	0	0	0
MAGISTRATES, CONTRACT	0	180	0.00	0	0
MATERIAL RECORDING AND TRANSPORT CLERKS, PERMANENT	26	81	32.10	143	5 500
MATERIAL RECORDING AND TRANSPORT CLERKS, CONTRACT	0	60	0.00	0	0
MESSENGERS, PORTERS AND DELIVERERS, PERMANENT	82	406	20.00	426	5 200
MESSENGERS, PORTERS AND DELIVERERS, CONTRACT	1	37	2.70	24	24 000
RISK MANAGEMENT AND SECURITY SERVICES, PERMANENT	1	8	12.50	11	11 000
SECRETARIES AND OTHER KEYBOARD-OPERATING CLERKS, PERMANENT	241	982	24.54	2 088	8 664
SECRETARIES AND OTHER KEYBOARD-OPERATING CLERKS, CONTRACT	0	90	0.00	0	0
SECURITY OFFICERS, PERMANENT	51	314	16.24	328	6 431



OCCUPATION	BENEFICIARY PROFILE			COST	
	NUMBER OF BENEFICIARIES	NUMBER OF EMPLOYEES	PERCENTAGE OF TOTAL WITHIN OCCUPATION	TOTAL COST (R'000)	AVERAGE COST PER EMPLOYEE (R'000)
SENIOR MANAGERS, PERMANENT	32	162	19.75	1 424	44 513
SENIOR MANAGERS, CONTRACT	1	25	4.00	45	45 000
SOCIAL WORK AND RELATED PROFESSIONALS, PERMANENT	13	94	13.83	211	16 231
STATISTICIANS AND RELATED PROFESSIONALS, PERMANENT	0	2	0	0	0
<b>TOTAL</b>	<b>3 078</b>	<b>19 189</b>	<b>16.04</b>	<b>53 059</b>	<b>10 894</b>

Table 3.6.4: Performance-related rewards (cash bonus), by salary band, for SMS

SALARY BAND	BENEFICIARY PROFILE			COST		
	NUMBER OF BENEFICIARIES	NUMBER OF EMPLOYEES	PERCENTAGE OF TOTAL WITHIN BAND	TOTAL COST (R'000)	AVERAGE COST PER EMPLOYEE (R'000)	TOTAL COST AS A PERCENTAGE OF TOTAL PERSONNEL EXPENDITURE (R'000)
BAND A	24	122	19.67	902	37 583	15.33
BAND B	8	35	22.86	512	63 965	8.70
BAND C	0	2	0.00	0	0	0.00
BAND D	0	3	0.00	0	0	0.00
<b>TOTAL</b>	<b>32</b>	<b>162</b>	<b>19.75</b>	<b>9 524</b>	<b>101 583</b>	<b>24.03</b>

### 3.7 FOREIGN WORKERS

The tables below summarise the employment of foreign nationals in the Department in terms of salary bands and by major occupation.

Table 3.7.1: Foreign workers, 1 April 2012 to 31 March 2013, by salary band

SALARY BAND	31 MARCH 2012		31 MARCH 2013		CHANGE	
	NUMBER	PERCENTAGE OF TOTAL	NUMBER	PERCENTAGE OF TOTAL	NUMBER	PERCENTAGE CHANGE
LOWER SKILLED (CASUAL LABOURERS, PAID HOURLY)	37	21.6	46	23.7	9	39.1
SKILLED (LEVELS 3–5)	1	0.6	2	1	1	4.3
HIGHLY SKILLED PRODUCTION (LEVELS 6–8)	3	1.8	2	1	-1	-4.3
HIGHLY SKILLED SUPERVISION (LEVELS 9–12)	4	2.3	4	2.1	0	0
SENIOR MANAGEMENT (LEVELS 13–16)	1	0.6	1	0.5	0	0
CONTRACT (LEVELS 3–5)	40	23.4	45	23.2	5	21.7
CONTRACT (LEVELS 6–8)	3	1.8	2	1	-1	-4.3
CONTRACT (LEVELS 9–12)	2	1.2	5	2.6	3	13
PERIODICAL REMUNERATION	79	46.2	87	44.8	8	34.8
ABNORMAL APPOINTMENT	1	0.6	0	0	-1	-4.3
<b>TOTAL</b>	<b>171</b>	<b>100</b>	<b>194</b>	<b>100</b>	<b>23</b>	<b>100</b>

Table 3.7.2: Foreign workers, 1 April 2012 to 31 March 2013, by major occupation

MAJOR OCCUPATION	1 APRIL 2012		31 MARCH 2013		CHANGE	
	NUMBER	PERCENTAGE OF TOTAL	NUMBER	PERCENTAGE OF TOTAL	NUMBER	PERCENTAGE CHANGE
ADMINISTRATIVE OFFICE WORKERS	137	80.1	156	80.4	19	82.6
PROFESSIONALS AND MANAGERS	34	19.9	38	19.6	4	17.4
<b>TOTAL</b>	<b>171</b>	<b>100</b>	<b>194</b>	<b>100</b>	<b>23</b>	<b>100</b>

### 3.8 LEAVE UTILISATION

The Public Service Commission identified the need for careful monitoring of sick leave in the public service. The following tables provide an indication of the use of sick leave and disability leave. In both cases, the estimated cost of the leave is also provided.

Table 3.8.1: Sick leave, 1 January 2012 to 31 December 2012

SALARY BAND	TOTAL DAYS	PERCENTAGE DAYS WITH MEDICAL CERTIFICATION	NUMBER OF EMPLOYEES USING SICK LEAVE	PERCENTAGE OF TOTAL EMPLOYEES USING SICK LEAVE	AVERAGE DAYS PER EMPLOYEE	ESTIMATED COST (R'000)
LOWER SKILLED (LEVELS 1–2)	30	80	4	0	8	9
SKILLED (LEVELS 3–5)	61 817	85.1	7 981	54.7	8	21 841
HIGHLY SKILLED PRODUCTION (LEVELS 6–8)	24 770	81.9	3 282	22.5	8	15 552
HIGHLY SKILLED SUPERVISION (LEVELS 9–12)	19 705	79.6	2 277	15.6	9	31 334
SENIOR MANAGEMENT (LEVELS 13–16)	4 315	82	451	3.1	10	10 705
CONTRACT (LEVELS 1–2)	15	66.7	6	0	3	2
CONTRACT (LEVELS 3–5)	1 172.5	76.5	285	2	4	402
CONTRACT (LEVELS 6–8)	816	84.6	180	1.2	5	518
CONTRACT (LEVELS 9–12)	438	77.6	99	0.7	4	551
CONTRACT (LEVELS 13–16)	53	73.6	14	0.1	4	147
<b>TOTAL</b>	<b>113 131.5</b>	<b>83.2</b>	<b>14 579</b>	<b>100</b>	<b>8</b>	<b>81 061</b>

Table 3.8.2: Incapacity leave (temporary and permanent), 1 January 2012 to 31 December 2012

SALARY BAND	TOTAL DAYS TAKEN	PERCENTAGE DAYS WITH MEDICAL CERTIFICATION	NUMBER OF EMPLOYEES USING DISABILITY LEAVE	PERCENTAGE OF TOTAL EMPLOYEES USING DISABILITY LEAVE	AVERAGE DAYS PER EMPLOYEE	ESTIMATED COST (R'000)
LOWER SKILLED (LEVELS 1–2)	10	100	1	0.1	10	3
SKILLED (LEVELS 3–5)	9 140	100	578	58.4	16	3 255
HIGHLY SKILLED PRODUCTION (LEVELS 6–8)	5 536	98.9	290	29.3	19	3 412

SALARY BAND	TOTAL DAYS TAKEN	PERCENTAGE DAYS WITH MEDICAL CERTIFICATION	NUMBER OF EMPLOYEES USING DISABILITY LEAVE	PERCENTAGE OF TOTAL EMPLOYEES USING DISABILITY LEAVE	AVERAGE DAYS PER EMPLOYEE	ESTIMATED COST (R'000)
HIGHLY SKILLED SUPERVISION (LEVELS 9–12)	2 288	100	109	11	21	3 279
SENIOR MANAGEMENT (LEVELS 13–16)	212	100	10	1	21	601
CONTRACT (LEVELS 6–8)	10	100	1	0.1	10	6
CONTRACT (LEVELS 9–12)	74	100	1	0.1	74	132
<b>TOTAL</b>	<b>17 270</b>	<b>99.6</b>	<b>990</b>	<b>100</b>	<b>17</b>	<b>10 688</b>

The table below summarises the utilisation of annual leave. The wage agreement concluded with trade unions in the Public Service Coordinating Bargaining Council (PSCBC) in 2000 requiring management of annual leave to prevent high levels of accrued leave being paid at the time of termination of service.

**Table 3.8.3: Annual leave, 1 January 2012 to 31 December 2012**

SALARY BAND	TOTAL DAYS TAKEN	AVERAGE PER EMPLOYEE	NUMBER OF EMPLOYEES WHO TOOK LEAVE
LOWER SKILLED (LEVELS 1–2)	156	16	10
SKILLED (LEVELS 3–5)	209 218.57	21	10 189
HIGHLY SKILLED PRODUCTION (LEVELS 6–8)	101 730.16	23	4 431
HIGHLY SKILLED SUPERVISION (LEVELS 9–12)	73 025.08	24	3 089
SENIOR MANAGEMENT (LEVELS 13–16)	18 397	26	719
CONTRACT (LEVELS 1–2)	54	4	15
CONTRACT (LEVELS 3–5)	3 796.76	8	454
CONTRACT (LEVELS 6–8)	3 238	11	297
CONTRACT (LEVELS 9–12)	1 317	9	153
CONTRACT (LEVELS 13–16)	268	9	31
<b>TOTAL</b>	<b>411 200.57</b>	<b>21</b>	<b>19 388</b>

**Table 3.8.4: Capped leave, 1 January 2012 to 31 December 2012**

SALARY BAND	TOTAL DAYS OF CAPPED LEAVE TAKEN	AVERAGE NUMBER OF DAYS TAKEN PER EMPLOYEE	AVERAGE CAPPED LEAVE DAYS PER EMPLOYEE AT 31 DECEMBER 2012	NUMBER OF EMPLOYEES WHO TOOK CAPPED LEAVE	TOTAL NUMBER OF CAPPED LEAVE DAYS AVAILABLE AT 31 DECEMBER 2012
LOWER SKILLED (LEVELS 1–2)	259	5	44	52	62 898
SKILLED (LEVELS 3–5)	1 439	9	75	165	193 240
HIGHLY SKILLED PRODUCTION (LEVELS 6–8)	165	5	62	33	41 792
HIGHLY SKILLED SUPERVISION (LEVELS 9–12)	71	6	71	11	14 389
SENIOR MANAGEMENT (LEVELS 13–16)	4	4	0	1	0
<b>TOTAL</b>	<b>1 938</b>	<b>7</b>	<b>64</b>	<b>262</b>	<b>312 319</b>

The following table summarises payments made to employees as a result of leave that was not taken.

**Table 3.8.5: Leave payouts for the period 1 April 2012 to 31 March 2013**

REASON	TOTAL AMOUNT (R'000)	NUMBER OF EMPLOYEES	AVERAGE PAYMENT PER EMPLOYEE
LEAVE PAYOUT FOR 2012/13 DUE TO NON-UTILISATION OF LEAVE FOR THE PREVIOUS CYCLE	89	5	17 800
CAPPED LEAVE PAYOUTS ON TERMINATION OF SERVICE FOR 2012/13	5 403	484	11 163
CURRENT LEAVE PAYOUT ON TERMINATION OF SERVICE FOR 2012/13	54	215	251
<b>TOTAL</b>	<b>5 546</b>	<b>704</b>	<b>7 878</b>

### 3.9 HIV/AIDS AND HEALTH PROMOTION PROGRAMMES

**Table 3.9.1: 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 Department does not have categories of employees identified to be at risk of being exposed to HIV infection due to the nature of their occupations.	In the absence of employees who are at risk, all employees were subjected to universal precautionary measures relating to HIV and tuberculosis (TB) during awareness sessions.

**Table 3.9.2: Details of health promotion and HIV/AIDS programmes**

QUESTION	YES	NO	DETAILS, IF YES
1. Has the department designated a member of the SMS to implement the provisions contained in Part VI E of Chapter 1 of the Public Service Regulations, 2001? If so, provide her/his name and position.	YES		Ms Kedibone Tsolo, Director.
2. Does the department have a dedicated unit or has it designated specific staff members to promote the health and wellbeing of employees? If so, indicate the number of employees who are involved in this task and the annual budget that is available for this purpose.	YES		Directorate: Employee Health and Wellness, with two deputy directors, four assistant directors and two HR officers. Budget for the 2012/13 financial year was R3.7 million.
3. Has the department introduced an employee assistance or health promotion programme for employees? If so, indicate the key elements/services of this programme.	YES		<ol style="list-style-type: none"> <li>1. Psychosocial counselling</li> <li>2. Group-based proactive wellness interventions</li> <li>3. Management of HIV, sexually transmitted infections and TB</li> <li>4. Health screening services</li> <li>5. Sports and recreation</li> </ol>

QUESTION	YES	NO	DETAILS, IF YES
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.	YES		An Employee Advisory Committee has been established and it represents all business units or branches of the Department and as well as representatives from organised labour.
5. Has the department reviewed its employment policies and practices to ensure that these do not unfairly discriminate against employees on the basis of their HIV status? If so, list the employment policies/practices so reviewed.	YES		The Department has reviewed its recruitment policy in the previous financial year.
6. Has the department introduced measures to protect HIV-positive employees or those perceived to be HIV positive from discrimination? If so, list the key elements of these measures.	YES		<ul style="list-style-type: none"> <li>• Appointment of peer educators in all regions to support employees who disclose their status to the Department and those affected by HIV and TB.</li> <li>• Training of managers and supervisors on the management of troubled employees and the creation of a healthy and supportive work environment.</li> <li>• General awareness sessions to employees on HIV, sexually transmitted infections and TB.</li> </ul>
7. Does the department encourage its employees to undergo voluntary counselling and testing? If so, list the results achieved.	YES		A total of 489 employees have undergone voluntary counselling and testing.
8. Has the department developed measures/indicators to monitor and evaluate the impact of its health promotion programme? If so, list these measures/indicators.	YES		<ul style="list-style-type: none"> <li>• Programme readiness assessment tool from DPSA.</li> </ul>

### 3.10 LABOUR RELATIONS

Table 3.10.1: Collective agreements, 1 April 2012 to 31 March 2013

<b>TOTAL COLLECTIVE AGREEMENTS</b>	<b>0</b>
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The following table summarises the outcome of disciplinary hearings conducted in the Department for the year under review.

Table 3.10.2: Misconduct and disciplinary hearings finalised

OUTCOMES OF DISCIPLINARY HEARINGS	NUMBER	PERCENTAGE OF TOTAL
ACQUITTAL	20	6.45
DEMOTION	4	1.29
DISMISSAL	86	27.74
RESIGNATION	11	3.55
SUSPENDED	44	14.19
VERBAL WARNING	14	4.52
WRITTEN WARNING	38	12.26
FINAL WARNING	57	18.39
WITHDRAWN	36	11.61
<b>TOTAL</b>	<b>310</b>	<b>100.00</b>

Table 3.10.3: Types of misconduct addressed at disciplinary hearings

TYPE OF MISCONDUCT	NUMBER	PERCENTAGE OF TOTAL
ABSCONDMENT	18	3.63
ABUSE OF LEAVE	21	4.23
ABUSE OF STATE PROPERTY	20	4.03
ALCOHOL ABUSE	5	1.01
ASSAULT	15	3.02
BRIBERY	4	0.81
CORRUPTION	39	7.86
DAMAGE TO STATE PROPERTY	2	0.40
DEFEATING ENDS OF JUSTICE	1	0.20
DISHONESTY	9	1.81
FALSIFICATION OF DOCUMENTS	3	0.60
FRAUD	90	18.15
INSUBORDINATION	44	8.87
MISMANAGEMENT OF FUNDS	16	3.23
LOSS OF STATE MONEY	8	1.61
MALADMINISTRATION	13	2.62
MISREPRESENTATION	8	1.61
NEGLIGENCE	35	7.06
POOR PERFORMANCE	7	1.41
SEXUAL HARASSMENT	2	0.40
THEFT	66	13.31
UNAUTHORISED ABSENCE	36	7.26
UNETHICAL BEHAVIOUR	34	6.85
<b>TOTAL</b>	<b>496</b>	<b>100.00</b>

Table 3.10.4: Grievances lodged

NUMBER OF GRIEVANCES "FINALISED ACCORDING TO OUTCOME"	NUMBER	PERCENTAGE OF TOTAL
NUMBER OF GRIEVANCES RESOLVED	207	70.65
NUMBER OF GRIEVANCES NOT RESOLVED	31	10.58
NUMBER OF GRIEVANCES SUBSTANTIATED	18	6.14
NUMBER OF GRIEVANCES NOT SUBSTANTIATED	37	12.63
<b>TOTAL NUMBER OF GRIEVANCES</b>	<b>293</b>	<b>100.00</b>

Table 3.10.5: Disputes lodged with councils

DISPUTE OUTCOME	NUMBER	PERCENTAGE OF TOTAL
SETTLEMENT	52	18.91
WITHDRAWAL	28	10.18
DISMISSED	51	18.55
REFERRED TO ARBITRATION	11	4.00
UNRESOLVED	35	12.73
DISPUTES NOT FINALISED	98	35.64
<b>TOTAL NUMBER OF DISPUTES LODGED</b>	<b>275</b>	<b>100.00</b>

**Table 3.10.6: Strike actions**

TOTAL NUMBER OF PERSON WORKING DAYS LOST	0
TOTAL COST (R'000) OF WORKING DAYS LOST	0
AMOUNT (R'000) RECOVERED AS A RESULT OF "NO WORK NO PAY"	0

**Table 3.10.7: Precautionary suspensions**

NUMBER OF PEOPLE SUSPENDED	
NUMBER OF PEOPLE SUSPENDED	73
NUMBER OF PEOPLE WHOSE SUSPENSION EXCEEDED 30 DAYS	68
AVERAGE NUMBER OF DAYS SUSPENDED	280
COST (R'000) OF SUSPENSIONS (2012/13 FINANCIAL YEAR)	10 380 321.70
<b>COST (R'000) OF SUSPENSIONS (TOTAL TO DATE)</b>	<b>12 675 640.40</b>

### 3.11 SKILLS DEVELOPMENT

This section highlights the efforts of the Department with regard to skills development.

**Table 3.11.1: Training needs identified from 1 April 2012 to 31 March 2013**

OCCUPATIONAL CATEGORY	GENDER	NUMBER OF EMPLOYEES AT 1 APRIL 2012	TRAINING PROVIDED IN THE REPORTING PERIOD			
			LEARNERSHIPS	SKILLS PROGRAMMES AND OTHER SHORT COURSES	OTHER FORMS OF TRAINING	TOTAL
LEGISLATORS, SENIOR OFFICIALS AND MANAGERS	MALE	1 093	-	23	-	23
	FEMALE	676	-	27	-	27
PROFESSIONALS	MALE	1 172	-	269	-	269
	FEMALE	1 160	-	217	-	217
TECHNICIANS AND ASSOCIATE PROFESSIONALS	MALE	646	-	1 352	-	1 352
	FEMALE	802	-	1 469	-	1 469
CLERKS	MALE	3 672	300	1 989	-	2 289
	FEMALE	7 493	-	3 069	-	3 069
SERVICE AND SALES WORKERS	MALE	274	-	17	-	17
	FEMALE	50	-	11	-	11
PLANT AND MACHINE OPERATORS AND ASSEMBLERS	MALE	27	-	13	-	13
	FEMALE	1	-	5	-	5
LABOURERS AND RELATED WORKERS	MALE	335	-	23	-	23
	FEMALE	275	-	18	-	18
<b>TOTAL</b>		<b>17 676</b>	<b>300</b>	<b>8 502</b>	<b>-</b>	<b>8 802</b>
GENDER SUBTOTALS	MALE	7 219	-	3 686	-	3 686
	FEMALE	10 457	300	4 816	-	4 816
<b>TOTAL</b>		<b>17 676</b>	<b>300</b>	<b>8 502</b>	<b>-</b>	<b>8 802</b>



Table 3.11.2: Training provided from 1 April 2012 to 31 March 2013

OCCUPATIONAL CATEGORY	GENDER	NUMBER OF EMPLOYEES AS AT 1 APRIL 2012	TRAINING PROVIDED IN THE REPORTING PERIOD			
			LEARNERSHIPS	SKILLS PROGRAMMES AND OTHER SHORT COURSES	OTHER FORMS OF TRAINING	TOTAL
LEGISLATORS, SENIOR OFFICIALS AND MANAGERS	MALE	1 093	-	11	-	11
	FEMALE	676	-	8	-	8
PROFESSIONALS	MALE	1 172	-	930	-	930
	FEMALE	1 160	-	913	-	913
TECHNICIANS AND ASSOCIATE PROFESSIONALS	MALE	646	-	1 472	-	1 472
	FEMALE	802	-	1 627	-	1 627
CLERKS	MALE	3 672	87	2 085	-	2 172
	FEMALE	7 493	123	2 474	-	2 597
SERVICE AND SALES WORKERS	MALE	274	-	103	-	103
	FEMALE	50	-	96	-	96
PLANT AND MACHINE OPERATORS AND ASSEMBLERS	MALE	27	-	8	-	8
	FEMALE	1	-	5	-	5
LABOURERS AND RELATED WORKERS	MALE	335	-	15	-	15
	FEMALE	275	-	5	-	5
<b>TOTAL</b>		<b>17 676</b>	<b>210</b>	<b>9 752</b>	<b>-</b>	<b>9 962</b>
GENDER SUBTOTALS	MALE	7 219	87	4 624	-	4 711
	FEMALE	10 457	123	5 128	-	5 251
<b>TOTAL</b>		<b>17 676</b>	<b>210</b>	<b>9 752</b>	<b>-</b>	<b>9 962</b>

### 3.12 INJURY ON DUTY

The following tables provide basic information on injury on duty.

Table 3.12.1: Injury on duty

NATURE OF INJURY ON DUTY	NUMBER	PERCENTAGE OF TOTAL
REQUIRED BASIC MEDICAL ATTENTION ONLY	29	82.86
PENDING INVESTIGATION	6	17.14
TEMPORARY TOTAL DISABLEMENT	0	0.00
PERMANENT DISABLEMENT	0	0.00
FATAL	0	0.00
<b>TOTAL</b>	<b>35</b>	<b>100.00</b>

### 3.13 UTILISATION OF CONSULTANTS

Table 3.13.1: Report on consultant appointments using appropriated funds

PROJECT TITLE	TOTAL NUMBER OF CONSULTANTS WHO WORKED ON THE PROJECT	DURATION: WORK DAYS	CONTRACT VALUE IN RAND
PRODUCTION OF ANNUAL FINANCIAL STATEMENTS FOR THIRD PARTY FUNDS	26	1 294 PERSON DAYS	R21 470 772.16
<b>TOTAL NUMBER OF PROJECTS</b>	<b>TOTAL INDIVIDUAL CONSULTANTS</b>	<b>TOTAL DURATION: WORK DAYS</b>	<b>TOTAL CONTRACT VALUE IN RAND</b>

Table 13.3.2: Analysis of consultant appointments using appropriated funds, in terms of HDIs

PROJECT TITLE	PERCENTAGE OWNERSHIP BY HDI GROUPS	PERCENTAGE MANAGEMENT BY HDI GROUPS	NUMBER OF CONSULTANTS FROM HDI GROUPS WHO WORKED ON THE PROJECT
PRODUCTION OF ANNUAL FINANCIAL STATEMENTS FOR THIRD PARTY FUNDS	27.82%	55%	15

### 3.14 FILLING OF SMS POSTS

Table 3.14.1: SMS posts information as on 31 March 2013

SMS LEVEL	TOTAL NUMBER OF FUNDED SMS POSTS PER LEVEL	TOTAL NUMBER OF SMS POSTS FILLED PER LEVEL	PERCENTAGE OF SMS POSTS FILLED PER LEVEL	TOTAL NUMBER OF SMS POSTS VACANT PER LEVEL	PERCENTAGE OF SMS POSTS VACANT PER LEVEL
DIRECTOR-GENERAL/ HEAD OF DEPARTMENT	1	1	100	0	0.00
SALARY LEVEL 16, BUT NOT HOD	1	1	100	0	0.00
SALARY LEVEL 15	10	3	30.00	7	70.00
SALARY LEVEL 14	44	36	81.82	8	18.18
SALARY LEVEL 13	140	122	87.14	18	12.86
<b>TOTAL</b>	<b>196</b>	<b>163</b>	<b>83.16</b>	<b>33</b>	<b>16.84</b>

Note: Excludes judges and magistrates.

Table 3.14.2: SMS post information as on 30 September 2012

SMS LEVEL	TOTAL NUMBER OF FUNDED SMS POSTS PER LEVEL	TOTAL NUMBER OF SMS POSTS FILLED PER LEVEL	PERCENTAGE OF SMS POSTS FILLED PER LEVEL	TOTAL NUMBER OF SMS POSTS VACANT PER LEVEL	PERCENTAGE OF SMS POSTS VACANT PER LEVEL
DIRECTOR-GENERAL/HEAD OF DEPARTMENT	1	1	100	0	0.00
SALARY LEVEL 16, BUT NOT HOD	1	1	100	0	0.00
SALARY LEVEL 15	10	4	40.00	6	60.00
SALARY LEVEL 14	44	33	75.00	11	25.00
SALARY LEVEL 13	142	118	83.10	24	16.90
<b>TOTAL</b>	<b>198</b>	<b>157</b>	<b>79.29</b>	<b>41</b>	<b>20.71</b>

Table 3.14.3: Advertising and filling of SMS posts as on 31 March 2013

SMS LEVEL	ADVERTISING	FILLING OF POSTS	
	NUMBER OF VACANCIES PER LEVEL ADVERTISED WITHIN SIX MONTHS OF BECOMING VACANT	NUMBER OF VACANCIES PER LEVEL FILLED WITHIN SIX MONTHS AFTER BECOMING VACANT	NUMBER OF VACANCIES PER LEVEL NOT FILLED WITHIN SIX MONTHS BUT WITHIN 12 MONTHS
DIRECTOR-GENERAL/HEAD OF DEPARTMENT	-	-	-
SALARY LEVEL 16, BUT NOT HOD	-	-	-
SALARY LEVEL 15	3	0	0
SALARY LEVEL 14	2	0	1
SALARY LEVEL 13	7	0	1
<b>TOTAL</b>	<b>12</b>	<b>0</b>	<b>2</b>

**Note:** A total number of 16 SMS members were appointed and only two posts were filled within the prescribed period of 12 months.

Table 3.14.4: Reasons for not having complied with the filling of funded vacant SMS posts (advertised within six months and filled within 12 months after becoming vacant)

REASONS FOR VACANCIES NOT ADVERTISED WITHIN SIX MONTHS:
1. Moratorium due to restructuring.
2. High vacancy rate in ISM Directorate is due to permanent posts being frozen and a number of contract posts that were approved as part of a turnaround strategy of ICT processes in the Department.
REASONS FOR VACANCIES NOT FILLED WITHIN 12 MONTHS:
1. Moratorium due to restructuring.
2. Difficulty in attracting suitable candidates.

Table 3.14.5: Disciplinary steps taken for not complying with the prescribed time frames for filling SMS posts within 12 months

No disciplinary steps were taken against non-compliance.

REASONS FOR NO DISCIPLINARY STEPS TAKEN:
1. DISCIPLINARY ACTIONS COULD NOT BE TAKEN, SINCE THE REASONS FOR NON-COMPLIANCE ARE NOT ATTRIBUTED TO NEGLIGENCE OR POOR PERFORMANCE. THE DEPARTMENT HAS, HOWEVER, PUT IN PLACE MEASURES TO ENSURE THAT VACANT POSTS ARE FILLED WITHIN THE PRESCRIBED PERIOD. THE ADOPTED MEASURES INCLUDE THE DEVELOPMENT OF RECRUITMENT PLANS THAT INDICATE TIMELINES, AND THESE ARE SIGNED OFF BY INDIVIDUAL LINE MANAGERS.

### 3.15 SIGNING OF PERFORMANCE AGREEMENTS BY SMS MEMBERS

Table 3.15.1: Signing of performance agreements by SMS members as on 31 July 2012

SMS LEVEL	TOTAL NUMBER OF FUNDED SMS POSTS PER LEVEL	TOTAL NUMBER OF SMS MEMBERS PER LEVEL	TOTAL NUMBER OF SIGNED PERFORMANCE AGREEMENTS PER LEVEL	SIGNED PERFORMANCE AGREEMENTS AS PERCENTAGE OF TOTAL NUMBER OF SMS MEMBERS PER LEVEL
DIRECTOR-GENERAL/HEAD OF DEPARTMENT	1	1	1	100
SALARY LEVEL 16, BUT NOT HOD	1	1	1	100
SALARY LEVEL 15	9	6	6	100
SALARY LEVEL 14	44	32	31	96.88
SALARY LEVEL 13	141	118	113	95.76
<b>TOTAL</b>	<b>196</b>	<b>158</b>	<b>152</b>	<b>96.20</b>

Table 3.15.2: Reasons for not having concluded performance agreements for all SMS members as on 31 July 2012

A total of six SMS members did not comply by signing performance agreements by 31 July. The reasons are that these members were engaged in labour disputes with their respective supervisors, and one member was newly appointed and had three months to enter into an agreement in accordance with the prescripts.

Table 3.15.3: Disciplinary steps taken against SMS members for not having concluded performance agreements as on 31 July 2012

Non-submission was brought to their attention and they were warned about the consequences of their actions. This was regarded as adequate corrective action.

## LIST OF ABBREVIATIONS/ACRONYMS



# LIST OF ABBREVIATIONS/ ACRONYMS

ACCC	Anti-corruption Coordinating Committee	GIZ	Deutsche Gesellschaft Für Internationale Zusammenarbeit
ACTT	Anti-corruption Task Team	GRAP	Generally Recognised Accounting Practice
ADR	alternative dispute resolution	HANIS	Home Affairs National Identification System
AFCON	Africa Cup of Nations	HOA	homeowner's allowance
AFU	Asset Forfeiture Unit	HOD	head of department
AGSA	Auditor-General of South Africa	HR	human resource
BAS	Basic Accounting System	HRD	human resource development
BOT	Build, operate and transfer	HRP	human resource plan
CARA	Criminal Assets Recovery Account	ICCPR	International Covenant on Civil and Political Rights
CARC	Criminal Assets Recovery Committee	ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
CARU	Criminal Assets Recovery Unit	ICMS	Integrated Case Management System
CCPCJ	Commission on Crime Prevention and Criminal Justice	ICT	information and communication technology
CFO	Chief Financial Officer	IDT	Independent Development Trust
CGE	Commission on Gender Equality	IJS	Integrated Justice System
CJ	Chief Justice	ISCCJ	Intersectoral Committee on Child Justice
CJRAC	Civil Justice Reform Advisory Committee	ISM	information and system management
CJRP	Civil Justice Reform Project	IT	information technology
CJS	Civil Justice System	JCPS	justice, crime prevention and security
CJS	Criminal Justice System	JDAS	Justice Deposit Account System
COO	Chief Operations Officer	JEI	Judicial Education Institute
CRPD	Convention on the Rights of Persons with Disabilities	JMIS	Justice Management Information System
DevCom	Development Committee	JYP	Justice Yellow Pages
DG	Director-General	KPI	key performance indicator
DPSA	Department of Public Service and Administration	LGBTI	lesbian, gay, bisexual, transgender and intersex
DDG	Deputy Director-General	LPM	lean process management
DoJ&CD	Department of Justice and Constitutional Development	MACC	minimum anti-corruption capacity
DPW	Department of Public Works	M&E	monitoring and evaluation
EAP	Employee Assistance Programme	MCM	Maintenance Complaints Manager
EE	employment equity	MEC	Member of the Executive Council
EFT	electronic funds transfer	MOVIT	Master's Own Verification Information Technology
EHWP	Employee Health and Wellness Programme	MTEC	Medium-term Expenditure Committee
EXCO	Executive Committee	MTEF	Medium-term Expenditure Framework
EU	European Union		
FICA	Financial Intelligence Centre Act		
FIFA	International Federation of Football Associations		
FHR	Foundation for Human Rights		
FIFO	first in, first out		
GIAMA	Government Immovable Asset Management Act		

MTSF	Medium-term Strategic Framework	RDP	Reconstruction and Development Programme
NACF	National Anti-corruption Forum	SABC	South African Broadcasting Corporation
NADCAO	National Alliance for the Development of Community Advice Officers	SADC	Southern African Development Community
NCOP	National Council of Provinces	SAHRC	South African Human Rights Commission
NDP	National Development Plan	SAJEI	South African Judicial Education Institute
NDPP	National Director for Public Prosecutions	SALRC	South African Law Reform Commission
NGO	non-governmental organisation	SANDF	South African National Defence Force
NIS	National Intervention Strategy	SAPS	South African Police Service
NMSS	National Maintenance Signage System	SAQA	South African Qualifications Association
NPA	National Prosecuting Authority	SARB	South African Reserve Bank
NPF	National Policy Framework	SARS	South African Revenue Service
NRF	National Revenue Fund	SASCO	South African Standard Classification of Occupations
NRSO	National Register for Sex Offenders	SASSETA	Safety and Security Sector Education and Training Authority
OCJ	Office of the Chief Justice	SCA	Supreme Court of Appeal
OSD	occupation specific dispensation	SCM	Supply Chain Management
PAIA	Promotion of Access to Information Act	SCOPA	Standing Committee on Public Accounts
PAJA	Promotion of Administrative Justice Act	SDIP	Service Delivery Improvement Plan
PDI	previously disadvantaged individual	SHE	safety, health and environment
PEAS	Paperless Estate Administration System	SHER	safety, health, environmental and risk
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination Act	SIC	Sheriffs Introductory Course
PERSAL	Personnel Salary System	SITA	State Information Technology Agency
PFMA	Public Finance Management Act	SIU	Special Investigating Unit
PIVA	person identification and verification application	SMS	Senior Management Service
POC Act	Prevention of Organised Crime Act	SORMAA	Criminal Law (Sexual Offences and Related Matters) Amendment Act
PPP	Public Participation Programme	SSA	State Security Agency
PPP	public private partnership	TPF	Third Party Funds
PRVG	Promotion of rights of vulnerable groups	TR	Treasury Regulations
PSC	Public Service Commission	TRC	Truth and Reconciliation Commission
PSCBC	Public Service Coordinating Bargaining Council	UIF	Unemployment Insurance Fund
PWD	people with disabilities	USAID	United States Agency for International Development
RCC	Regional Coordination Committee		



# DEFINITIONS

**Below are the definitions of court concepts and variables used in this report:**

Total cases disposed of:	Cases removed from the roll plus total cases finalised.
Cases removed from the roll:	The sum of withdrawals, warrants issued, cases transferred externally, struck off the roll and other (such as internal transfers and mental evaluations).
Cases finalised:	The sum of convictions, accused sentenced and acquitted, cases stopped (prosecution stopping the case if the witness pleads, or a key witness dies, etc.), alternative dispute resolutions (diversion and mediation) and admissions of guilt (section 57A).
Cases finalised with verdict:	The sum of convictions, accused sentenced and acquitted, and cases stopped.
Number of new cases:	The number of cases enrolled for first appearance per forum (district, regional and high).

# ERRATA

1. The figure reflected on page 203 as -24%, under the HR Priority Employee Relations matters is incorrect and must be reflected as -16% as per page 49.
2. The figure reflected on page 11 as 83% is incorrect and must be reflected as 90% as per page 92.













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316 Thabo Sehume Street  
[C/o Thabo Sehume and Francis Baard Streets] | Pretoria  
Private Bag X81 | Pretoria | 0001  
Switchboard: +27 (0)12 406 4600 | Reception: +27 (0)12 406 4696

webmaster@justice.gov.za  
**www.justice.gov.za**