

# Annual Report 2002

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*"Our fight is against real, and not imaginary, hardships..."*

Nelson Mandela - Rivonia Trial submission

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*Part One*

# *One*

# Part One

## General Information

### 1.1 Submission of the Annual Report to the executive authority

I have pleasure in presenting to you the Annual Report for the Department of Justice and Constitutional Development for the period of 1 April 2001 to 31 March 2002.

### 1.2 Introduction by the head of the institution

The organisational structure of the Department has been revised and streamlined, and a Board of Directors now manages the Department and advises the Ministry. The Chief Executive Officer, who is the accounting officer, and the managing directors of eight business units serve as executive members on the Board. Non-executive directors include the Chief Justice, the chairpersons of the Magistrates Commission and the Legal Aid Board (LAB), the National Director of Public Prosecutions (NDPP), senior business executives and a member of the legal fraternity.

The business units have clear responsibilities and are held accountable for their performance. They include four line-function structures:

- Court Services
- Legal Advisory Services
- Legislative and Constitutional Development
- Master's Office

and four supporting business units:

- Finances
- Human Resources
- Publication Education and Communications
- Information Systems

The information provided in this Annual Report will, however, be given in the former Programme structure as the Business Units were only aligned to the Programme structure with effect from 1 April 2002.

## Programme Structure vs Business Units

The following is an indication of the links between the Programme structure and the Business Unit structure.

### Programme 1: Administration

*Administration* provides for the development of departmental strategies, policies and systems. It includes policy formulation by the Ministry, and the CEO and various support services such as human resources, communications and financial management. *Administration* also provides for researching, preparing and promoting legislation bearing on the Department's functions, and for providing advisory and drafting services to relevant parliamentary committees, particularly in relation to changes to the Constitution.

This programme is divided into the following subprogrammes/Business Unit(s):

<u>Subprogramme:</u>	<u>Business Unit</u>
• Minister	• Ministry/Deputy Minister
• Deputy Minister	• Ministry/Deputy Minister
• Management	• CEO, CFO, PEC, ISM, HR, Legislative and Constitutional Development, Legal Services, Master of the High Court, Court Services
• Corporate Services (General Administration and Regional Offices)	• CEO, CFO, PEC, ISM, HR and Court Services

### Programme 2: Administration of the Courts

*Administration of the Courts* provides for the services rendered by courts in South Africa. The programme has the following five subprogrammes, each of which establishes courts which hear cases that fall within their jurisdiction:

<u>Subprogramme:</u>	<u>Business Unit</u>
• Constitutional Court	• Court Services
• Supreme Court of Appeal	• Court Services
• High Court	• Court Services
• Specialised Courts (Labour and Labour Appeal Courts, the Land Claims Court, the Special Tribunal, and the Family Courts)	• Court Services
• Lower Courts	• Court Services

### Programme 3: State Legal Services

*State Legal Services* aims to provide efficient, professional and reliable legal services to Government, and is organised into three subprogrammes.

<u>Subprogramme:</u>	<u>Business Unit</u>
• Legal Services (State Attorney, State Law Advisers, Administration of Estates and Family Advocates	• Legal Services, Master of the High Court and Court Services
• Legislative Services	• Legislative and Constitutional Development
• Constitutional Development	• PEC

### Programme 4: National Prosecuting Authority

The *National Prosecuting Authority* programme aims to provide a prosecution service that is prompt, vigorous and fearless, promoting the public interest and ensuring that all people are treated with dignity.

<u>Subprogramme:</u>	<u>Business Unit</u>
• Public Prosecutions	• NPA
• Witness Protection Programme	• NPA
• Special Operations	• NPA

### Programme 5: Auxiliary and Associated Services

*Auxiliary and Associated Services* provides for services associated with the Department's aims. This programme is divided into the following subprogramme:

<u>Subprogramme:</u>	<u>Business Unit</u>
• The Judicial Services Commission	
• The Magistrate's Commission	
• The Office for the Control of Interception and Monitoring	
• The South African Human Rights Commission	• Constitutional Institution
• The Commission on Gender Equality	• Constitutional Institution
• The Special Investigating Unit	• Public Entity
• The Legal Aid Board	• Public Entity
• The Public Protector	• Constitutional Institution
• The National Crime Prevention Strategy	• ISM
• The President's Funds	
• Government Motor Transport	• Court Services

### 1.3 Information on the Ministry

The function of the Ministry for Justice and Constitutional Development is to execute the powers and perform the functions assigned to it by the President. In short, the function of the Ministry is to establish and maintain, in the spirit of the Constitution and through a democratic process of transformation, a legitimate administration of justice which is efficient, accessible, accountable, just, user-friendly and representative of the South African community.

The following institutions have been established to take care of certain areas within the framework of the justice environment:

- South African Human Rights Commission
- Commission on Gender Equality
- Office of the Public Protector
- Office for the Control of Interception and Monitoring of Communication
- Judicial Service Commission
- Magistrates Commission
- South African Law Commission
- Legal Aid Board
- National Prosecuting Authority
- Truth and Reconciliation Commission
- Special Investigating Unit
- President's Fund
- Represented Political Parties Fund
- Debt Collectors Council
- Rules Board for Courts of Law
- Board of Sheriffs
- Equality Review Committee
- Rules Board for the Labour Courts

During the period of this report, a number of bills have been promoted in Parliament, the most important of which were the following:

- (a) Constitution of the Republic of South Africa Amendment Act, 2001 (Chief Justice/President of Supreme Court of Appeal/appointment of Deputy Ministers);
- (b) Interim Rationalisation of Jurisdiction of High Courts Act, 2001 (Enabling re-determination of jurisdictional boundaries);
- (c) Judicial Matters Amendment Act, 2001 (Various amendments);

- (d) Judges' Remuneration and Conditions of Employment Act, 2001 (Rationalising conditions of employment of Judges and Constitutional Court Judges);
- (e) Constitution of the Republic of South Africa Second Amendment Act, 2001 (Financial provisions); and
- (f) Criminal Procedure Second Amendment Act, 2001 (Plea and sentence agreements).

The Minister also, during the course of this period, had to attend to some official duties abroad. Countries such as the United States of America, France, China/Hong Kong, Chile and Tanzania were visited in the process.

The Deputy Minister, on the other hand, visited the United Kingdom (E- Government Services and UK Government Gateway Summit), Hong Kong (Women in Business Leaders Conference) and Angola (SADC Legal Sector Ministers Meeting).

#### 1.4 Mission statement

Our mission is to uphold and protect the Constitution and the rule of law. We are accountable to the public and the state, in rendering accessible, fair, speedy and cost-effective administration of justice, in the interest of a safer and more secure South Africa.

We will achieve this by:

- promoting constitutional democracy;
- providing appropriate legal services; and
- the sound management of courts and alternative dispute resolution mechanisms.

#### 1.5 Legislative mandate

The core function of the Department of Justice and Constitutional Development is to give effect to the constitutionally mandated requirement that South Africa have a fair, equitable and accessible system of justice. In addition, the Department also provides certain legal services to Government.

This mandate has been translated into five organisational objectives to:

- maintain, improve and streamline a system of

courts in which legal proceedings of a criminal, civil and administrative nature are processed efficiently and effectively;

- investigate certain crimes and prosecute all criminal offenders;
- provide legal services to Government and represent it in legal proceedings;
- research, draft and promote legislation; and
- facilitate the delivery of additional services linked to the administration of justice, including services delivered by constitutionally independent institutions.

The activities of the Department are organised into five programmes:

- Administration provides for the overall policy and organisational management of the Department.
- Administration of Courts establishes and maintains the system of courts and supports their management and administration.
- State Legal Services provides legal and legislative services to Government and facilitates constructional development and amendments.
- National Prosecuting Authority provides a coordinated prosecutorial service, protects certain witnesses and investigates serious organised crime.
- Auxiliary and Associated Services renders a variety of auxiliary services associated with the Department's aims.



VP Pikoli

Director-General: Department of Justice and Constitutional Development

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*Part Two*

*Two*



## Part Two

### Human Resource Management

The Human Resources Branch comprises the following Chief Directorates, Directorates and Subdirectorates:

#### Chief Directorate of Human Resource Development

The Chief Directorate of Human Resource Development consists of the following Subdirectorates:

- Subdirectorate: Training Administration and Research Unit
- Subdirectorate: Training
- Subdirectorate: Human Resources and Establishment Planning

#### Chief Directorate of Transformation and Equity Training

This Chief Directorate functions as a management support structure, focusing on transformation management support, monitoring and awareness raising on government and departmental transformation policies on Equity (incorporating HIV/AIDS, Disability and Elderly Person's programmes), Service Delivery and Gender and Victim Empowerment.

Following the central involvement of the Chief Directorate in the drafting of the Promotion of Equality and Prevention of Unfair Discrimination Act, the responsibility of coordinating the implementation process was given to the Chief Directorate. This is an ongoing process.

#### Directorate of Personnel Utilisation

The Directorate was reverted back to its original structure as was recommended by RATCO during 1996. This has resulted in Personnel now consisting of the following three Subdirectorates:

- Service Benefits
- Appointments and Utilisation
- Promotions

Each Subdirectorate is headed by a Deputy Director and comprises a production and research sector. The latter is responsible for policy issues emanating from the functional work of the Subdirectorate.

#### Directorate of Employee Relations

This Directorate comprises the following Subdirectorates:

- Labour Relations
- Conduct

The information provided in Part Two excludes the National Prosecuting Authority.

## 1. Expenditure

The following tables summarise final audited expenditure by programme (Table 1.1) and by salary level (Table 1.2). In particular, it provides an indication of the

amount spent on personnel costs in terms of each of the programmes or salary levels within the Department.

Table 1.1 Personnel costs by programme, 2001/02

Programme	Total Expenditure (R'000)	Personnel Expenditure (R'000)	Administrative Expenditure (R'000)	Professional and Special Services (R'000)	Personnel cost as a percentage of total expenditure
Programme 1 Administration	366 653	178 078	57 385	68 192	48.57%
Programme 2 Administration of Courts	1 334 579	1 035 881	113 886	85 964	77.62%
Programme 3 State Legal Services	161 357	130 377	13 861	10 406	80.80%
Programme 5 Auxiliary and Associated Services	1 160 908	2 596	3 331	231 011	0.23%
Special Function	14 067	0	0	0	0
Total	3 037 564	1 346 932	188 463	395 573	44.35%



Table 1.2 Personnel costs by salary level, 2001/02

Salary levels	Personnel Expenditure (R'000)	Average personnel cost per employee (R'000)
Salary levels 1-2	36 097	36
Salary levels 3-5	219 685	59
Salary levels 6-8	326 122	82
Salary levels 9-12	107 061	174
Senior Management Services	61 379	479
Magistrates	472 483	283
Temporary Employees, Contractors and Special Projects	124 105	0
<b>Total</b>	<b>1 346 932</b>	<b>110</b>

The following tables provide a summary by programme (Table 1.3) and salary level (Table 1.4) of expenditure incurred as a result of overtime, allowances and benefits. Benefits reflect the amount utilised for homeowner allowances, medical aid and pension. In each case, the table provides an indication of the percentage of the personnel budget that was used for these items.

Table 1.3 Overtime, Allowances and benefits by programme, 2001/02

Programme	Overtime		Allowances		Benefits	
	Amount (R'000)	% of personnel costs	Amount (R'000)	% of personnel costs	Amount (R'000)	% of personnel costs
Programme 1 Administration	1 418	0.79%	1 831	1.03%	44 709	25.11%
Programme 2 Administration of Courts	7 851	0.76%	6 905	0.67%	250 760	24.21%

Programme	Overtime		Allowances		Benefits	
	Amount (R'000)	% of personnel costs	Amount (R'000)	% of personnel costs	Amount (R'000)	% of personnel costs
Programme 3 State Legal Services	22	0.02%	1 547	1.19%	33 370	25.60%
Programme 5 Auxiliary and Associated Services	9	0.35%	16	0.62%	473	18.22%
Total	9 300	0.69%	10 299	0.76%	329 312	24.45%

Table 1.4 Overtime, Allowances and benefits by salary level, 2001/ 02

Salary Level	Overtime		Allowances		Benefits	
	Amount (R'000)	% of personnel costs	Amount (R'000)	% of personnel costs	Amount (R'000)	% of personnel costs
Salary levels 1-2	375	1.04%			9 079	25.15%
Salary levels 3-5	1 729	0.79%			62 033	28.23%
Salary levels 6-8	2 469	0.76%			79 842	24.48%
Salary levels 9-12	2 631	2.46%			29 104	27.18%
Senior Management Service	4	0.01%	1 0299	16.77%	14 322	23.33%
Magistrates	2 092	0.44%			134 932	28.55%
Total	9 300	0.69%	10 299	16.77%	329 312	24.45%

## 2. Employment and Vacancies

The tables in this section summarise the position in regard to employment and vacancies. The approved establishment is the number of posts that the executing authority has approved to carry out the core and support functions of the Department. The first table (table 2.1) provides an estimate of the size of the establishment over the MTEF period.

**Table 2.1** Approved establishment by programme

Programme	Approved Establishment		Medium-term establishment estimate	
	1 April 2001	31 March 2002	31 March 2003	31 March 2004
Programme 1 Administration	1 615	1 610	1 660	1 710
Programme 2 Administration of Courts	9 287	9 306	9 356	9 406
Programme 3 State Legal Services	1 067	1 076	1 126	1 176
Total	11 969	11 992	12 142	12 292

The following tables summarise the number of posts on the establishment, the number of employees, the vacancy rate, and whether there are any staff that are additional to the establishment. This information is presented in terms of four key variables per programme (Table 2.2) and salary band (Table 2.3).

The Department has identified critical occupations that need to be monitored. Table 2.4 provides establishment and vacancy information for the key critical occupations of the Department.

In terms of current regulations, it is possible to create a post on the establishment that can be occupied by more than one employee. Therefore, the vacancy rate reflects the percentage of posts that are not filled.

Table 2.2 Employment and vacancies by programme, 31 March 2002

Programme	Establishment	Number of employees	Vacancy Rate	Additional to the establishment
Programme 1: Administration	1 610	1 309	18.69%	13
Programme 2: Administration of Courts	9 306	8 733	6.15%	63
Programme 3: State Legal Services	1 076	1 024	4,83%	3
<b>Total</b>	<b>11 992</b>	<b>11 066</b>	<b>7,72%</b>	<b>79</b>

Table 2.3 Employment and vacancies by salary band, 31 March 2002

Salary band	Establishment	Number of employees	Vacancy Rate	Additional to the establishment
Salary levels 1-2	1 012	992	2,97%	3
Salary levels 3-5	4 123	3 713	9,94%	11
Salary levels 6-8	4 102	3 951	3,68%	56
Salary levels 9-12	835	613	26,58%	6
Senior Management Service	159	128	19,49%	2
Magistrates	1 761	1669	5,22%	1
<b>Total</b>	<b>11 992</b>	<b>11 066</b>	<b>7,72%</b>	<b>79</b>

Table 2.4 Employment and vacancies by critical occupation, March 2002

Critical occupations	Establishment	Number of employees	Vacancy Rate
Magistrates	1 761	1 669	5,39%
State Law Adviser	84	73	13,09%
<b>Total</b>	<b>1 845</b>	<b>1 742</b>	<b>5,58%</b>

The information in each case reflects the situation as at 31 March 2002. For an indication of changes in staffing patterns over the year under review, please refer to section 5 of this report.

### 3. Job Evaluation

The Public Service Regulations, 1999 introduced job evaluation as a way of ensuring that work of equal value is remunerated equally. Within a nationally determined framework, executing authorities may evaluate or re-evaluate any job in his or her organisation. In terms of the Regulations all vacancies on salary levels 9 and higher must be evaluated before they are filled. This was complemented by a decision by the Minister for the Public Service and Administration that all Senior Management Services (SMS) jobs must be evaluated before 31 December 2002. The following table (Table 3.1) summarises the 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. Magistrates are not subjected to the Public Service Act and are therefore not included in the table below.

**Table 3.1 Job Evaluation, 1 April 2001 to 31 March 2002**

	Establishment	Number of Jobs Evaluated
Salary levels 1-2	1 012	0
Salary levels 3-5	4 123	6
Salary levels 6-8	4 102	219
Salary levels 9-12	835	53
Senior Management Service	159	11
<b>Total</b>	<b>10 231</b>	<b>289</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 3.2 Remuneration levels that exceeded the grade determined by job evaluation, 1 April 2001 to 31 March 2002 (in terms of PSR V, C.3)**

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Chief Director	1	14	15	The official was a State Attorney before being appointed as a Chief Director. She was appointed retaining previous salary.
<b>Total Number of Employees whose remuneration exceeded the grade determined by job evaluation in 2001/ 02</b>				<b>1</b>

#### 4. Employment Changes

This section provides information on changes in employment over the financial year. Table 4.1 summarises appointments (including interdepartmental transfers to the Department), promotions and service terminations (including interdepartmental transfers from the Department) by race, gender and disability. In addition, the table provides an indication of the impact of these changes on the employment profile of the Department.

**Table 4.1 Appointments, promotions and terminations, 1 April 2001 to 31 March 2002**

	Employees, 1 April 2001	Appointments and transfer	Promotions	Terminations and transfers	Net % change
<b>African</b>					
Male	3 479	152	137	167	3.63%
Female	2 839	162	131	55	7.90%
<b>Asian</b>					
Male	157	11	10	15	5.10%
Female	273	20	17	20	11.59%
<b>Coloured</b>					
Male	315	23	14	10	12.84%
Female	442	49	19	7	14.08%
<b>White</b>					
Male	1 272	23	20	70	-2.91%
Female	2 280	47	48	164	-2.75%
<b>Employees with a disability</b>		2			
<b>Total</b>	<b>11 057</b>	<b>489</b>	<b>396</b>	<b>508</b>	<b>3.39%</b>



Turnover rates provide an indication of trends in employment profile of the Department. The following tables provide a summary of turnover rates by salary band (Table 4.2) for critical occupations (Table 4.3).

**Table 4.2 Annual turnover rates by salary band**

Salary Band	Appointments and Transfer	Terminations and transfers	Turnover rate
Salary Levels 1-2	70	47	23
Salary Levels 3-5	320	209	111
Salary Levels 6-8	59	256	-197
Salary Levels 9-12	156	122	34
Senior Management Services	4	30	-26
<b>Total</b>	<b>609</b>	<b>664</b>	<b>-55</b>

**Table 4.3 Annual turnover rates by critical occupation**

Occupation	Appointments and Transfer	Terminations and transfers	Turnover rate
Magistrates	43	81	-38
State Law Advisers	11	4	7
<b>Total</b>	<b>54</b>	<b>85</b>	<b>-31</b>

Table 4.4 identifies the major reasons why staff left the Department.

**Table 4.4 Reasons why staff are leaving the Department**

Termination Type	Number
1. Resignation	412
2. Other	318
3. Expiry of contract	189
4. Death	69
5. Discharged due to ill-health	54
6. Retirement	39
7. Dismissal - misconduct	37
<b>Total</b>	<b>1 118</b>

## 5. Affirmative Action

The Public Service Regulations require the development and implementation of an affirmative action programme that contains the following:-

- Numeric and time-bound targets for achieving representativeness.
- Annual statistics on the appointment, training and promotion within each grade of each occupational category, of persons historically disadvantaged (PSR, III, D.2).

The following tables describe changes in the composition of the Department for employees below the level of SMS (Table 5.1) and the Senior Management Service (Table 5.2) in terms of race, gender and disability.

Tables 5.1 and 5.2 exclude all Magistrates.

**Table 5.1 Progress made with respect to affirmative action, 2001/02 (Employees at levels below the SMS)**

	Progress - 2001/02				Medium-term targets		
	1 April 2001	Target set for 31 March 2002	Actual number at 31 March 2002	Variance	March 2003	March 2004	March 2005
<b>African</b>	<b>5 613</b>	<b>50%</b>	<b>5 643</b>	<b>30</b>	<b>20%</b>	<b>40%</b>	<b>60%</b>
Male	2 986	20%	2 928	-58	20%	40%	60%
Female	2 627	30%	2 715	88	20%	40%	60%
<b>Asian</b>	<b>293</b>	<b>50%</b>	<b>308</b>	<b>15</b>	<b>20%</b>	<b>40%</b>	<b>60%</b>
Male	100	20%	100	0	20%	40%	60%
Female	193	30%	208	15	20%	40%	60%
<b>Coloured</b>	<b>653</b>	<b>50%</b>	<b>685</b>	<b>32</b>	<b>20%</b>	<b>40%</b>	<b>60%</b>
Male	253	20%	259	6	20%	40%	60%
Female	400	30%	426	26	20%	40%	60%
<b>White</b>	<b>2 771</b>	<b>50%</b>	<b>2 564</b>	<b>-207</b>	<b>20%</b>	<b>40%</b>	<b>60%</b>
Male	605	20%	563	-42			
Female	2 166	30%	2 001	-165	20%	40%	60%
<b>Employees with a disability</b>	<b>73</b>	<b>0.5%</b>	<b>88</b>	<b>15</b>	<b>0.5%</b>	<b>0.5%</b>	<b>1%</b>
<b>Total</b>	<b>9 403</b>		<b>9 288</b>	<b>115</b>			

**Table 5.2 Progress made with respect to affirmative action, Senior Management Service, 2001/02**

NB: In terms of the draft EE Policy of the Department of Justice and Constitutional Development, targets were set to the year 2005. The statistics below will therefore not truly reflect movement within this level over short duration.

	Progress - 2001/02				Medium-term targets		
	1 April 2001	Target set for 31 March 2002	Actual number at 31 March 2002	Variance	March 2003	March 2004	March 2005
<b>African</b>	<b>49</b>		<b>43</b>	-6			50%
Male	33		29	-4			25%
Female	16		14	-2			25%
<b>Asian</b>	<b>8</b>		<b>7</b>	-1			50%
Male	6		5	-1			25%
Female	2		2	0			25%
<b>Coloured</b>	<b>7</b>		<b>5</b>	-2			50%
Male	6		4	-2			25%
Female	1		1	0			25%
<b>White</b>	<b>51</b>		<b>48</b>	-3			25%
Male	41		38	-3			
Female	10		10	0			25%
<b>Employees with a disability</b>	<b>2</b>		<b>2</b>	0			
<b>Total</b>	<b>232</b>		<b>208</b>	<b>-24</b>			

## 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 (Table 6.1), salary levels (table 6.2) and critical occupations (Table 6.3).

**Table 6.1 Performance Rewards by race, gender and disability, 1 April 2001 to 31 March 2002**

	Beneficiary Profile			Cost	
	Number of beneficiaries	Number of employees	% of total within group	Cost (R'000)	Per capita cost
<b>African</b>					
Male	1 029	3 478	29.58%	8 260	8 027.21
Female	836	2 850	29.44%	5 105	6 106.46
<b>Asian</b>					
Male	65	157	41.40%	630	9 692.31
Female	104	272	38.23%	835	8 028.85
<b>Coloured</b>					
Male	49	315	15.55%	417	8 510.20
Female	135	442	30.54%	837	6 200.00
<b>White</b>					
Male	473	1 272	37.18%	8 400	17 758.99
Female	1 264	2 270	55.43%	11 691	9 249.21
<b>Employees with a disability</b>	10	10	100%	93	9 332.52
<b>Total</b>	<b>3 965</b>	<b>11 066</b>	<b>25.82%</b>	<b>36 268</b>	<b>9 147.04</b>

All Magistrates are included in the table above, with the result of a high capita cost for white males (170 white males).

Table 6.2 Performance Rewards by salary level, 1 April 2001 to 31 March 2002

Salary Level	Beneficiary Profile			Cost	
	Number of beneficiaries	Number of employees	% of total within group	Cost (R'000)	Per capita cost
Salary Levels 1-2	338	992	34.07%	1 104	3 266.27
Salary Levels 3-5	919	3 713	24.75%	4 241	4 614.80
Salary Levels 6-8	1 955	3 951	49.48%	15 710	8 035.81
Salary Levels 9-12	304	613	49.59%	5 053	16 621.71
Senior Management Service	7	128	5.46%	113	16 142.86
Magistrates	442	1 669	26.48%	10 047	22 730.77
<b>Total</b>	<b>3 965</b>	<b>11 066</b>	<b>35.83%</b>	<b>36 268</b>	<b>9 147.04</b>

Table 6.3 Performance Rewards by critical occupations, 1 April 2001 to 31 March 2002

Critical Occupations	Beneficiary Profile			Cost	
	Number of beneficiaries	Number of employees	% of total within group	Cost (R'000)	Per capita cost
Magistrates	442	1 669	26.48%	10 047	22 730.77
State Law Adviser	6	84	7.14%	112	18 666.66
<b>Total</b>	<b>448</b>	<b>1 753</b>	<b>9.42%</b>	<b>10 159</b>	<b>22 676.34</b>

## 8. Sick Leave

The Public Service Commission identified the need for careful monitoring of sick leave within the public service. The following tables provide an indication of the use of sick leave (Table 8.1) and disability leave (Table 8.2). In both cases, the estimated cost of the leave is also provided.

**Table 8.1 Sick leave, 1 April 2001 to 31 March 2002**

Grade (Salary Band)	Total days taken	Number of employees using sick leave	% of total employees using sick leave	Average days per employee	Estimated Cost (R'000)
Salary Levels 1-2	5 016	574	57.86%	8.74	557
Salary Levels 3-5	20 868	2 610	70.29%	7.99	3 136
Salary Levels 6-8	22 562	2 718	68.79%	8.30	5 651
Salary Levels 9-12	2 477	383	62.47%	6.47	1 365
Salary Levels 13-14	410	69	53%	5.94	357
Senior Management Services Including Magistrates	11 093	916	50.97%	12.11	6 266
<b>Total</b>	<b>62 426</b>	<b>7 270</b>	<b>65.69%</b>	<b>8.59</b>	<b>17 332</b>

**Table 8.2 Disability leave (temporary and permanent), 1 April 2001 to 31 March 2002**

Grade (Salary Band)	Total days taken	Percentage certification	Number of employees using disability leave	% of total employees using disability leave	Average days per employee	Estimated Cost (R'000)
Salary Levels 1-2	15	100%	3	0.30%	3	3
Salary Levels 3-5	1 120	100%	58	1.56%	19.31	160
Salary Levels 6-8	980	100%	35	0.88%	28	226
Salary Levels 9-12	898	100%	28	4.56%	32.07	301
Senior Management Services	69	100%	1	0.78%	69	22
Magistrates	105	100%	1	0.05%	10.5	66
<b>Total</b>	<b>3 187</b>	<b>100%</b>	<b>126</b>	<b>1.13%</b>	<b>25.29</b>	<b>778</b>



Table 8.3 summarises the utilisation of annual leave. The wage agreement concluded with trade unions in the PSCBC in 2000, requires management of annual leave to prevent high levels of accrued leave being paid at the time of termination of service.

**Table 8.3 Annual Leave, 1 April 2001 to 31 March 2002**

Grade (Salary Band)	Total days taken	Number of Employees in grade	Average per employee
Salary Levels 1-2	6 874	900	7.63
Salary Levels 3-5	21 864	3 214	6.8
Salary Levels 6-8	26 953	3 781	7.12
Salary Levels 9-12	3 227	524	6.15
Senior Management Services	675	122	5.50
Magistrates	157	43	3.65
<b>Total</b>	<b>59 750</b>	<b>8 584</b>	<b>6.96</b>

**Table 8.4 Leave Payouts**

No leave payments were made in the Department.

## 9. Labour Relations

The following collective agreements were entered into with trade unions within the Department.

**Table 9.1 Collective agreements, 1 April 2001 to 31 March 2002**

Total collective agreements	None
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The following table summarises the outcome of disciplinary hearings conducted within the Department for the year under review.

Table 9.2 Misconduct and discipline

Outcome of disciplinary hearings	Number	% of total
Verbal warning	8	4.1%
Written warning	44	22.7%
Final written warning	39	20.1%
Not guilty	8	4.1%
Case withdrawn	58	29.9%
Dismissal	37	19.1%
Total	194	100%



## 10. Skills development

This section highlights the efforts of the Department in regard to skills development. Table 10.1 summarises the development of skills by salary band, including costs incurred in skills development, while table 10.2 provides the same information in terms of race, gender and disability.

**Table 10.1 Skills development by salary band, 1 April 2001 to 31 March 2002**

Grade (Salary Band)	Internal Training		External Training		Expenditure	
	Training day equivalents	Average days per employee	Training day equivalents	Average days per employee	Total expenditure (R'000)	Average per employee
Salary Levels 1-2	75	21.32	2	21.89	0	0
Salary Levels 3-5	805	17.64	294	36.66	2 479	91
Salary Levels 6-8	527	42.55	173	28.27	384	55
Salary Levels 9-12	161	25.88	127	25.66	136	111
Salary Levels 13-14	20	8.41	28	11.79	28	27
Senior Management Services	0	0	7	7	11	11
Magistrates/Judges	254	29.56	7	6	2	3
<b>Total</b>	<b>1 842</b>	<b>19.3</b>	<b>638</b>	<b>19.61</b>	<b>3 040</b>	<b>907.73</b>

Table 10.2 Skills development by race, gender and disability, 1 April 2001 to 31 March 2002

Grade (Salary Band)	Internal Training		External Training		Expenditure	
	Training day equivalents	Average days per employee	Training day equivalents	Average days per employee	Total expenditure (R'000)	Average per employee
<b>African</b>						
Male	456	12.16	236	43.50	1 837	132
Female	416	20.81	163	31.24	1 078	94
<b>Asian</b>						
Male	59	23.20	15	13.25	18	8
Female	159	23.69	18	7.50	17	7
<b>Coloured</b>						
Male	103	24.86	54	36.34	12	5
Female	109	12.70	16	4.00	17	7
<b>White</b>						
Male	239	21.16	31	13.80	24	12
Female	301	15.82	94	23.20	27	16
<b>Employees with a disability</b>	0	0	11	3.67	10	10
<b>Total</b>	<b>1 842</b>	<b>19.3</b>	<b>638</b>	<b>19.61</b>	<b>3 040</b>	<b>907.73</b>

The following table provides a summary of the various training areas where staff were provided with skills training.

**Table 10.3 Skills development by type of training, 1 April 2001 to 31 March 2002**

Type of training	Training				Expenditure	
	Number of beneficiaries	Training day equivalents	Average days per person	% of total number of beneficiaries	Total expenditure (R'000)	Average per beneficiary costs
Internal Training	1 106	2 020	1.82	33.02%	1 568	1 417.72
Formal Training	351	125	0.36	10.48%	284	809.11
Computer Training	338	64	0.18	10.09%	18	53.25
Management Development	192	7	0.04	5.73%	0	0
Policy-specific training	4	7	1.75	0.11%	0	0
Other	1 358	257	0.19	40.54%	1 170	861.56
<b>Total</b>	<b>3 349</b>	<b>2 480</b>	<b>0.74</b>	<b>100%</b>	<b>3 040</b>	<b>907.73</b>

Finally, the following table summarises the bursaries granted to employees during the last financial year by salary level (Table 10.4).

Table 10.4 Bursaries granted by salary level, 1 April 2001 to 31 March 2002

Salary Level	Beneficiary Profile			Cost	
	Number of beneficiaries	Number of employees in salary band	% of total in salary band	Cost (R'000)	Per capita cost
Salary Levels 1-2	9	992	0.91%	96	10 666.66
Salary Levels 3-5	281	3,713	7.56%	2 410	8 576.51
Salary Levels 6-8	55	3,951	1.39%	572	10 400.00
Salary Levels 9-12	67	613	10.92%	608	9 074.62
Senior Management Service	87	128	67.96%	302	9 741.93
Magistrates	31	1,669	1.85%	1 142	13 126.43
<b>Total</b>	<b>530</b>	<b>11066</b>	<b>4.79%</b>	<b>5 130</b>	<b>9 679.24</b>

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*Part Three*

# *Three*

# Part Three

## Programme Performance

	Main appropriation	Adjusted appropriation
Amount to be appropriated	R3 544 885 000	R3 823 543 000
Statutory appropriations	R 148 800 000	R 157 551 000
Responsible Minister	Minister for Justice and Constitutional Development	
Administering Department	Department of Justice and Constitutional Development	
Accounting Officer	Director-General: Justice and Constitutional Development	

### 3.1 Aim

The aim of the Department of Justice and Constitutional Development is to uphold and protect the Constitution and the rule of law, and to render accessible, fair, speedy and cost-effective administration of justice, in the interests of a safer and more secure South Africa.

### 3.2 Strategic overview for the financial year 2001/02

The Minister indicated in the Department's Medium-Term Strategic Framework that his strategic direction to the Department embraces that:

- **Justice is a virtue.** This tenet of ethical merit commands that we maintain moral excellence in all that we do.
- **Justice is for all.** In our mission to ensure equitable and accessible justice, we must give special attention to vulnerable groups such as women, children, the aged and disabled. We must ensure that justice serves the needs of those in remote rural parts of our country as well as it does those in our cities.
- **Justice is charged to uphold human rights.** The civil and criminal justice systems must uphold the principles and values espoused by the Constitution and accordingly, those tasked with the administration of justice should commit themselves to a work ethic and practice that give effect to the human rights framework that lies at the heart of our transforming legal system. In addition, those making use of our services should be assured of a transparent, fair and efficient

legal system that promotes and protects the rights of court users.

- **Justice delayed is justice denied.** The Department must deliver improved services, create an efficient court system, improve the management of courts, facilitate the reduction of case backlogs, improve the court infrastructure, especially in the historically disadvantaged areas, improve financial management, facilities management, managing monies in trust, provide specialist services where needed such as in the prosecution of car-hijacking, commercial crime, sexual offences, domestic violence, child abuse and maintenance defaulters, etc. These are but examples of a programme that recognises key areas of improvement in our services to our external client, the public. Justice must be managed. Our processes and practices must be effective, efficient and economic as laid down by the PFMA. Accountability and improved service delivery must be the Department's key performance indicators. Given the task at hand the Department cannot afford to carry passengers. Performance excellence must guide every action of those tasked with the administration of justice. Failure to comply with these performance expectations will result in the appropriate disciplinary action.

### 3.3 Key objectives, programmes and achievements

The core function of the Department of Justice and Constitutional Development is to give effect to the constitutionally mandated requirement that South Africa have a fair, equitable and accessible system of justice. In

addition, the Department provides certain legal services to Government.

This mandate has been translated into five organisational objectives:

- To maintain, improve and streamline a system of courts in which legal proceedings of a criminal, civil and administrative nature are processed efficiently and effectively.
- To investigate certain crimes and prosecute all criminal offenders.
- To provide legal services to Government and represent it in legal proceedings.
- To research, draft and promote legislation.
- To facilitate the delivery of additional services linked to the administration of justice, including services delivered by constitutionally independent institutions.

In order to continue to improve service delivery, the Department, assisted by members of the business community, has developed a set of objectives for its continued development as an organisation:

- **Keep it Just:** Uphold the Constitution and develop an effective and fair justice system.
- **Keep it Managed:** Raise effectiveness and efficiency by adopting sound management practices.
- **Keep it Focused:** Convert policy into action and put people first.
- **Keep it Resourced:** Modernise systems and facilities while upgrading intellectual capital.
- **Keep it Coordinated:** Promote partnerships within the Department and with other role-players.

In line herewith the Department has re-affirmed the following premises:

#### **Vision:**

A transformed, restructured and rationalised, effective and service-oriented organisation to support:

- the administration of justice;
- the provisioning of legal services to the State and the

public; and

- constitutional development,

which organisation will give effect to constitutional principles, policies and laws aimed at a just and equitable public administration.

#### **Mission:**

The Department of Justice and Constitutional Development will uphold and protect the Constitution and the rule of law and render accessible, equitable, speedy and cost-effective administration of justice, in the interests of a safer and more secure South Africa.

In relation to the above, the Department has achieved the following:

- The system of justice has been rationalised with the unification of the 11 apartheid-based administrations of justice. A start has also been made in transforming and rationalising the system of courts with the establishment of the Constitutional Court, the various Labour Courts and other specialised judicial institutions. During the year under review, the process of rationalising the Higher Courts were initiated in conjunction with the Chief Justice. Lower Courts are also benefiting from a strategy to separate judicial and administrative functions and now employ court managers for the latter.
- The establishment of the National Prosecutions Authority (NPA) transformed the management and functioning of the prosecution service.
- The Integrated Justice System (IJS), which is managed by a Board consisting of senior managers from the Department of Safety and Security, Justice and Constitutional Development, Social Development and Correctional Services, has led to much greater cooperation between the departments, as well as a heightened emphasis on modernising the IJS service delivery methods. The Department is also looking at ways to further raise the efficiency of the system through improved court and case-flow management, the appropriate use of plea-bargaining and the increased use of alternative dispute resolution processes for civil matters.
- The Department has sought to address some of the unique needs of certain groups of victims and witnesses such as women, children and the disabled,

through a variety of initiatives, including heightening awareness of their needs, adjusting physical infrastructure and developing procedures to protect their rights.

- The promoting of sound international cooperation in criminal matters, such as extradition, has led to improved relations with other countries and their law enforcement agencies.
- Human resource development and achieving higher levels of representivity among departmental staff have been prioritised.
- The Department has sought to increase the accessibility of courts by building additional facilities and upgrading existing accommodation, including establishing a partnership with the Johannesburg Development Agency to provide, manage and maintain the Constitutional Court precinct.
- The Department adopted a number of measures aimed at reducing the opportunities available for corruption. Greater attention has also been paid to improving levels of security in court and of court officials, particularly in the Western Cape.

### 3.3 Programme Performance

The activities of the Department are organised into five programmes:

- Administration provides for the overall policy and organisational management of the Department.
- Administration of Courts establishes and maintains the system of courts and supports their management and administration.
- State Legal Advisory Services provides legal and legislative services to Government and facilitates constitutional amendments.
- National Prosecuting Authority provides a coordinated prosecutorial service, protects certain witnesses and investigates serious organised crime.
- Auxiliary and Associated Services renders a variety of auxiliary services associated with the Department's aims.

### Programme 1 - Administration

The following Business Units contributed to the achievements provided hereunder:

- Public Education and Communication Services
- Chief Financial Officer
- Legislative on and Constitutional Developments
- Legal Advisory Services
- Internal Audit
- Human Resource
- ISM.

#### Aim:

This programme is responsible for the development of departmental strategies, policies and systems. It includes policy formulation by the Ministry, the CEO and various support services such as human resources, communications and financial management. It is also responsible for the research, preparation and promotion of legislation having a bearing on the Department's functions. It also provides advisory and drafting services to relevant parliamentary committees.

#### Programme policy development:

The Department of Justice and Constitutional Development has, as in the past, worked in close cooperation with its partners in the Integrated Justice System to address weaknesses in the justice system and to transform the justice system in line with the spirit of the Constitution. This has led to projects aimed at modernising the administration of justice and transforming both the nature and delivery of the Department's services. Key developments include the following:

- Introducing measures to ensure that all outstanding financial transactions are processed by April 2003.
- Re-engineering the budget management processes, including planning processes, through the Justice Footprint Project that will model and cost the delivery of all services by January 2003.

- Strengthening the internal audit component, which is directly monitored by an Audit Committee, by extending an arrangement with private sector institutions to develop the capacity of the component.
- Promoting and maintaining an anti-corruption and fraud strategy that includes a risk assessment component and a fraud prevention plan, and embarking on a significant forensic audit by April 2002.
- Developing mechanisms for assessing and improving performance, such as broadening the focus on service delivery through service level agreements.
- Preparing, promoting and implementing new or amending legislation that has a bearing on the line-functions of the Department, with specific reference to our constitutional mandate.
- Continuing to implement measures to remove bottlenecks in the IJS and dealing with the backlog of cases.
- Modernising systems, including Human Resource systems, such as the automation of leave.
- Creating a strategy - focused Human Resource capability.

#### Outputs and Service delivery trends

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Minister Deputy Minister Management	Establishment of new Business Units	Increase in the appointment of personnel from the designated groups	Draft organisational structure for new Business Unit submitted	Draft organisational structure submitted to appropriate authority
	A team of skilled and informed officials	Increase in production  Reduction in challenges in respect of legislation	Increase in the number of officials attending training courses	Numerous officials have attended a variety of relevant courses

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Management	Effective and efficient utilisation of human resources	<p>Increase in production</p> <p>Reduction in customer complaints relating to the enactment of legislation</p>	Eliminate non-core functions and review work methodology	<p>The organisational structure proposing the amalgamation of the subcomponents dealing with primary and secondary legislation, among others, has been submitted to the Director-General</p>
				<p>Non-core functions have been identified and have been presented to EXCO for discussion</p> <p>An official has been designated to deal with reports (resolutions) of the Parliamentary Committees</p>
	Sound financial management	<p>Reduction in loss of State funds</p> <p>Fewer queries from the Auditor-General</p>	Raise awareness and train personnel in appropriate financial prescripts	The majority of officials have attended awareness-raising information sessions and training courses relating to the implementation of the Public Finance Management Act, 1999
	Improved services and image of the Business Units and the Department	Fewer complaints from internal and external customers regarding the functioning of the Department	Design marketing strategy	Draft documents have been prepared in this regard, which is to form the basis of a marketing strategy



Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

Corporate Services  
Public Education and Communication (PEC)

	Design a new structure and have it approved	Approved structure Funding in place Effective unit	2002-2005	2002-2005
	Conduct workshops and briefing sessions to government departments	Existence / Achievement of uniformity in terms of execution of certain functions by public social information officers; 2 work sessions to be conducted	October 2001-March 2002	October 2001-March 2002
	Education and communication programme (internally)	20 Briefing sessions held 17 000 Brochures distributed 1000 Posters distributed 2 Articles written for Hearsay	Jan - Dec 2002	Jan - Dec 2002
	Installation of an electronic filing and track-record system, which will facilitate reporting process	Effective, user-friendly system that is adapted to our needs	Nov 2001 - April 2002	Nov 2001 - April 2002
	Placement of certain information in terms of Section 47 in the Gazette, on behalf of the Minister	Advertisement in place	March - June 2002	March - June 2002

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

Corporate Services  
Public Education and Communication (PEC)

	Translation of the Act in three other official languages	A fair distribution of the translated version of the Act among other groups	June 2002	June 2002
	Finalisation of the Media Policy	Consistency in handling the media	20 November 2001	20 November 2001

Directorate: Public Education and Liaison Services

	Establishment of New Directorate	Consolidated action plans for 2002/03 and resources to operate plans	March 2002	March 2002
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Subdirectorate: Community Legal Education

	<p>Community outreach programmes in all provinces:</p> <p>Conduct information sessions with the Non-Governmental Organisations (NGOs)</p> <p>Present Workshops organised by NGOs at their communities</p>	<p>One presentation per week per official</p> <p>Outreach to be conducted in the previously disadvantaged areas with the marginalised communities, eg. women, children, the rural poor, etc.</p>	March 2002	March 2002
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Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

#### Subdirectorate: Community Legal Education

	<p>Visits to schools to inform children of Maintenance and Domestic Violence procedures</p> <p>Conduct presentations at clinics for elderly on abuse</p> <p>Presentations to men at labour meetings on Domestic Violence and Maintenance</p>			
	Imbizos with community leaders where the Ministers can meet them face to face	One Imbizo per quarter in different regions	March 2002	March 2002
	Constitutional Court Judges - Public Debate	One public debate during Constitution Week	March 2002	March 2002
	<p>Competitions to solicit community involvement:</p> <p>Drama competition with youth organisations</p> <p>Choir competitions</p>	One choir per region at a prize-giving event	June 2001-Aug 2002	June 2001-Aug 2002
	Marketing of Court Services: Open court Day Intermediary services	One open day per office per year	March 2002	March 2002

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

#### Subdirectorate: Community Legal Education

	<p>Sexual Offences Courts Family Court services Market and promote: Victim Charter Court Users Charter</p> <p>Mini-Imbizos with community leaders or organisations with the purpose of ascertaining the community needs for that area</p>	<p>Each other office with such a service to have a separate open day to market that service</p> <p>One per province with the drafting of a discussion document on community legal education</p>	<p>March 2002</p>	<p>March 2002</p>
	<p>Develop a database on legal information in many official languages of the Department's priorities:</p> <ul style="list-style-type: none"> <li>• Maintenance</li> <li>• Bail</li> <li>• Human Rights</li> <li>• Sexual Offences</li> <li>• Witness Protection</li> <li>• Witness information</li> <li>• Domestic violence</li> <li>• Small Claims</li> <li>• Family Courts</li> <li>• Sheriffs</li> <li>• Information Desks</li> <li>• Legal aid</li> <li>• Careers in justice</li> </ul>	<p>Documents up to date and available</p>	<p>March 2002</p>	<p>March 2002</p>

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

#### Subdirectorate: Community Legal Education

	<ul style="list-style-type: none"> <li>• Juvenile Justice</li> <li>• Public Protector</li> <li>• IDSEO</li> <li>• Children's Court</li> <li>• Constitutional Court</li> <li>• Paralegals</li> <li>• Lay assessors</li> <li>• Family Advocate</li> <li>• NDPP</li> </ul>			
	Develop a database of our partner agencies/organisations (NGOs CBOs MPCCs, Social Workers and Advice Centres)	List updated monthly	March 2002	March 2003
	Develop and air radio programmes	3 slots 1X week 2 Slots 2X week 1 Slot 1X month	March 2002	March 2003
	Develop and distribute informational videos	Topic: Child Justice or Court users	March 2002	March 2002
	TV programmes: Justice for All (3)		March 2002	March 2002
	Promote user-friendly courts and access to information: Administration of donor-funded Ireland Aid CITIZEN'S ADVICE DESKS	Desks installed and functional Audits completed	March 2002	March 2002

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

#### Subdirectorate: Media Services

	Target a particular group of journalists dealing with justice-related issues	Media coverage	Daily	Daily
	Respond to enquiries on time	Media coverage		Ongoing
	Arrange press conferences with the Minister, the Deputy Minister, DG and senior officials of the Department when necessary	Accurate media coverage		Ongoing
	Our relationship with the journalists to ensure placement of articles	Media coverage		Ongoing
	Package fact-sheets in a user-friendly way and share with the media	Accurate and effective coverage		Ongoing
	Organise four media breakfasts/ lunches with the Minister and Deputy Minister annually	Accurate and knowledgeable coverage	February 2002	February 2002
	Newspaper clipping service		Daily	Daily

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

#### Subdirectorate: Media Services

	Compile and distribute media releases	Media coverage		Ongoing
	Write and edit speeches for principals	Speeches		Ongoing
	Organise media coverage for Imbizo Week	Media coverage		Annually
	Organise media coverage for the 16 Days of Activism	Media coverage	December 2001	December 2001
	Placing of advertorials	Check Newspapers		Bi-monthly
	Organise media coverage for International Human Rights Day/Duma Nokwe Awards	Media Coverage	Annually	Annually
	Organise National Human Rights Day	Public Awareness of the ads	Annually	Annually
	Radio and TV advertising		Ongoing	Ongoing

#### Subdirectorate: Corporate Affairs

	Proposed structure for approval and funding Recruitment and appointments	Fully fledged structure/ directorate	June 2002	June 2002
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Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

#### Subdirectorates: Corporate Affairs

	Creating customer care culture (Ubuntu) - Conducting workshops and seminars for officials in the Department (starting with frontline officials)	Sensitive and caring officials i.r.o customer needs. Improved customer care and service excellence	November 2002	November 2002
	Training for management in dealing with media and presentation skills	2 workshops	May 2002	May 2002
	Revamp the reception area at National Office	New-looking and welcoming reception area	March 2002	March 2002
	Training on business and organisational concepts (once a week @ 15 minutes per day)	10 sessions per Business Unit	July 2002	July 2002
	Conduct Phase II of change communication	Simultaneous information sessions in all the provinces via satellite	March 2002	March 2002
	Development of departmental video as a marketing tool	Enhanced understanding of departmental initiatives	April 2002	April 2002
	Organise round table discussions for officials and managers where	Two round-table discussions per quarter	Ongoing	Ongoing

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

#### Subdirectorates: Corporate Affairs

	they engage in various discussions			
	Conducting regular meetings with Business Units to determine their needs	Improved relations with Business Units - meetings once a month	Ongoing	Ongoing
	Conduct a survey to establish officials' communication needs	Improved communication which address their needs	April 2002	April 2002
	Produce name tags for departmental officials	16 000 corporate name tags	August 2002	August 2002
	PELS Publications R 100 000	2 courts per province during 2002	November 2002	November 2002
	Organising functions for Official Opening of Courts (New and refurbished court buildings)	Function organised as and when necessary	Ongoing	Ongoing
	Organise functions, launches, work-shops, conferences and seminars	Function/Activity organised as and when required	Ongoing	Ongoing
	General Orientation for new officials	Orientation arranged as required	Ongoing	Ongoing
	Electronically introducing new officials to the staff	Arranged as and when necessary	Ongoing	Ongoing

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

### Subdirectorate: Corporate Affairs

	Receiving National and International guests	Arranged as and when necessary	Ongoing	Ongoing
	Organise information sessions for staff, - domestic violence and maintenance or any other area of interest	1 session per quarter	November 2002	November 2002
	Organising Justice Day	Justice Open Day	September 2002	September 2002
	Prepare room for press conferences	Appropriate room	March 2003	March 2003
		Gathering taking place and attendance of all National Office officials	23 November 2001	23 November 2001
	Organising welcome address for the DG	Gathering taking place	January 2002	January 2002
	Produce information leaflets/ newsflashes (electronic) informing officials about moving offices	Publication produced and circulated/ Information distributed	June 2002	June 2002
	Organising Public Service Week	Activities taking place during the week	October 2002	October 2002

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

#### Subdirectorates: Corporate Affairs

	Develop Service Charter Poster	Poster produced	July 2002	July 2002
	Purchasing corporate equipment - 1x Digital Camera 1 x Lens Camera 1 x P A System 2 x Sets of Portable Exhibition Boards 2 x Laptops 2 x Overhead Projector (electronic) 1 x Tape Recorder 1 x Video Camera (normal size cassette) 1 x editing station 1 x podium (portable)	Branded Departmental ID Availability of resources needed	May 2002	May 2002
	DOJCD Events Dairy	Distributed to all DOJ staff	Jan 2002	Jan 2002
	DOJCD Lekgotla	Strategic Review Process  Alignment of BU plans	March 2002	March 2002

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

#### Directorate: Public Language Services

	Needs analysis and job specifications for new posts*	Positive workstudy report and approved posts	January 2002	January 2002
	Advertisement and filling of posts	Competent applicants	October 2002 *Approved posts and funded - reinstate posts	October 2002 *Approved posts and funded - reinstate posts
	Compilation of standards for memo's, letters, reports - Workshop for secretaries	Production of quality training manual Attendance of workshops by secretaries	March 2002	March 2002
	Structuring of a Language training Programme	Well structured training programme	March 2002	March 2002
	Setting up of procedural guidelines for translation, editorial service etc.	Publication and distribution of procedural guidelines to stakeholders/ clients	October 2002	October 2002

#### Subdirectorate: Electronic Publications

	Needs analysis and specs for new posts*	Positive workstudy report and approved posts	January 2002	January 2002
	Advertisement and filling of posts in conjunction with HR	Competent applicants	September 2002	September 2002
	Set-up meetings with Business Units to determine needs	Identify structure and Business Unit and information to	December 2001	December 2001

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

Directorate: Electronic Publications

	for new web pages for each Business Unit	be placed		
	Acquisition of web-based software	Software packages acquired	January 2002	January 2002
	Acquisition of Apple Macintosh Cube DTP Station	System acquired	March 2002	March 2002
	Restructuring of webpages according to new BU structures	Completion of design of Business Unit pages	End December 2001	End December 2001
	Meeting with ISM to spec server functionalities to host own sites	Sites hosted on justice server networks situated at SITA	End November 2001	End November 2001
	Marketing/ Promotion of new website URL	Marketing of new URL to community	January 2002	January 2002
	Maintaining and updating of website on daily basis	Constant updating of site with new and relevant information in user-friendly manner	Ongoing	Ongoing
	Publication of Legislative programme on web	Regular feedback from Parliamentary Legislation on developments regarding justice legislation	February 2002	February 2002
	Design "look and feel" of Intranet	Design consistency User-friendly Intranet	December 2002	December 2002

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

**Subdirectorate: Electronic Publications**

	Setting up of Intranet, Service Board and identifying of key BU contributors	Representative from each BU to be identified An intranet contact person to specify specific requirements for Intranet	January 2002	January 2002
	Drafting of specs for Intranet	Compiling of specs from all BU on requirements for the Intranet	January 2002	January 2002
	Day to day maintenance and updating of information on the Intranet	Constant updating of site with new and relevant information Effective information and communication tool	Ongoing	Ongoing
	Determination and implementation of policy with regard to FTP rights for BU	Publication of guidelines to post inputs on Intranet and scheduling of courses in this regard	January 2002	January 2002
	Introducing of new employees on the intranet	Acquiring of Digital Camera	Ongoing	Ongoing
	Hosting of TRC website and database (Oracle driven)	Successful transfer of database and FTP rights to the Site	Mid December 2001	Mid December 2001



Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

Subdirectorate: Printed Publications

	Annual Reports DoJCD SALC JSC	Publication and distribution to Parliament of attractive and user-friendly annual reports	June 2002 August 2002 August 2002	June 2002 August 2002 August 2002
	Hearsay 2 editions	Publication and distribution	December 2001, June 2002	December 2001, June 2002
	Hearsay 2 editions	Publication and distribution	September 2002, December 2002	September 2002, December 2002
	Justice News x2	Publication and distribution	June 2002 November 2002 (provided that copy is supplied timely)	June 2002 November 2002 (provided that copy is supplied timely)
	Gender and Children's Newsletter x2	Publication and distribution	December 2002, June 2002	December 2002, June 2002
	Gender and Children's Newsletter x2	Publication and distribution	August 2002, October 2002 (provided that copy is supplied timely)	August 2002, October 2002 (provided that copy is supplied timely)
	Anti-Corruption	Publication and distribution	December 2001, March 2002, June 2002, September 2002 (provided that copy is supplied timely)	December 2001, March 2002, June 2002, September 2002 (provided that copy is supplied timely)
	Input on SA Yearbook	Informative input to GCIS	June 2002	June 2002

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

#### Subdirectorate: Electronic Publications

	Ministerial Handbook	Distribution to members of Parliament Production of quality handbook	If required	If required
	Calendar	Production	December 2001/2002	December 2001/2002
	Reprint of Corporate Stationery of: SA Law Commission Land Claims Court Labour Court	Production	December 2001	December 2001
	Finalisation of implementation of new corporate stationery to Court structures, Masters, State Attorneys and PEC	Distribution of templates and letterheads	February 2002	February 2002
	Production of Business Cards for Senior Management	Timely production of business cards	Ongoing	Ongoing
	Seasonal Cards for Department/ Minister/ Deputy Minister	Designing, approval, printing of cards	December 2001	December 2001
	Training manuals Finance State Law Advisers	Production of quality manuals to inform officials of new procedures	December 2001	December 2001
	Booklet to promote legislative drafting Unit	Production of quality publication	December 2001	December 2001

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

**Subdirectorate: Electronic Publications**

	Posters / Pamphlets for Child Justice Bill	Designing and printing of attractive and informative publications	February 2002	February 2002
	Multi-media Presentation of Parliament on Child Justice Bill	Multi-media Production	February 2002	February 2002
	e-Justice Booklet e-Justice Frequently Asked Q and A Pamphlets Posters Golf-shirts Folders and files Banners	Production of publications and merchandising	February 2002	February 2002
	Who's Who of the Department	Production of informative publication	March 2002	March 2002
	Conference Material for Commissions of Child Welfare Conference	Production of attractive conference material	March 2002	March 2002
	Merchandising and publications for Child Protection Week		Last week in May 2002	Last week in May 2002
	Publications for Constitutional Week		30 October 2002	30 October 2002
	Publications for Women's Day		9 August 2002	9 August 2002

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

Directorate: Public Language Services

	Publications for International Day of No Violence Against Women		10 December 2002	
	Human Rights Day		March 2002	March 2002
	Printing of Business Plans for Masters and ISM		Upon request	Upon request
	Production of departmental stationery for DG	Production of informative stationery	December 2001	December 2001
	Production of Training Certificates		Ongoing	Ongoing
	Final version of Victim's Charter	Production of attractive publication	March 2002	March 2002
	Publication for Human Rights Day		21 March 2002	21 March 2002
	PEC Corporate Stationery	Branding of PEC and printing of stationery	December 2001	December 2001
	Communication Guidelines for PEC	Compiling and production of guidelines on procedures to follow with PEC	March 2002	March 2002
	Corporate Calendars	Production of desk-flip calendar	Mid December 2001	Mid December 2001

aSubprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

#### Directorate: Public Language Services

	Corporate Gifts	Production of corporate gifts to be available for international guests	February 2002	February 2002
	Reprint of Domestic Violence Poster and pamphlets, Maintenance Pamphlets, Busi goes to court, Justice Cares Stickers	Reprint of posters and pamphlets	March 2002	March 2002
	Exhibition material	Development of Exhibition panels	Ongoing	Ongoing
	"I have to testify" Pamphlets	Coordination with BAC to obtain already developed pamphlet to reprint	March 2002	March 2002
	Branding of PEC on outreach projects	Design and printing of golf T-shirts for use of officials on Community Outreach Projects	January 2002	January 2002

#### Legislative and Constitutional Development

	Implementation of the Constitution and its values	Increase in number of investigations by SA Human Rights Commission	To introduce draft legislation into Parliament to rationalise the Human Rights Commission,	Legislation has been finalised providing for the Offices of Chief Justice and President of the
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Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

## Legislative and Constitutional Development

		<p>Increase in number of persons exercising their constitutional rights</p> <p>Reduction in constitutional challenges relating to legislation</p> <p>Increase in the number of laws emanating from the Constitution</p>	<p>the legal profession and the structure and functioning of the courts</p> <p>Further implementation of legislation pertaining to equality, access to information and administrative justice</p> <p>Promote legislation to give effect to Constitutional Court decisions</p>	<p>Supreme Court of Appeal and to facilitate interim arrangements relating to rationalisation</p> <p>Preliminary discussions have been held with the Chief Justice and other relevant role-players regarding the superior courts and draft legislation has been prepared for discussion</p> <p>All the provisions of the Acts pertaining to access to information and administrative justice are in operation The regulations relating to the equality legislation in respect of the prevention of unfair discrimination are in an advanced stage of preparation</p> <p>Legislation has been enacted to give effect to the Constitutional Court judgment</p>
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Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

## Legislative and Constitutional Development

				<p>relating to the Special Investigating Units and Special Tribunals Act, 1996. Draft amendments to address the Constitutional Court's judgment dealing with appeals from the lower courts have been prepared for further consultation</p>
			Promote legislation to enhance the independence and accountability of judges	<p>Legislation relating to the remuneration of judges has been enacted and implemented and draft regulations dealing with service benefits of judges have been submitted to the Chief Justice for consultation with members of the judiciary</p> <p>Draft legislation providing for a mechanism to deal with complaints against judges has been introduced into Parliament</p>



Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

## Legislative and Constitutional Development

	Transformation of the legal system	<p>Increase in number of persons having access to minor children</p> <p>Reduction of laws dealing with the administration of estates</p> <p>Less complaints by members of public in respect of domestic violence and maintenance forms</p> <p>Increase in number of maintenance orders enforced</p> <p>Reduction in complaints relating to past discrimination in the legal professions</p> <p>Increase in revenue for the State</p>	<p>Prepare and review legislation which promotes the rights of vulnerable groups and persons with specific reference to maintenance and domestic violence issues, access to minor children and administration of deceased estates</p> <p>Promote and review legislation to accommodate the needs of the community and to ensure that legislation is in line with legal imperatives with specific reference to past discrimination in the legal professions and income generation for the State</p>	<p>Draft amendments to the Domestic Violence regulations are being prepared</p> <p>Initial research has been carried out in consultation with selected role-players regarding the revision of the maintenance regulations</p> <p>Draft legislation to provide for the re-admission of legal practitioners who were removed from the legal professions due to their opposition to Apartheid, has been introduced into Parliament</p> <p><i>Ad hoc</i> amendments to various Acts of Parliament were finalised during the 2001 session of Parliament</p>

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

## Legislative and Constitutional Development

	Improvement of the criminal justice system	<p>Increase in number of criminal cases disposed of</p> <p>Reduction in awaiting-trial prisoners</p> <p>Reduction of number of juveniles in detention</p> <p>Juveniles detained for shorter periods</p> <p>Increase in number of successful prosecutions in corruption-related cases</p> <p>Increase in number of criminal cases in which lay assessors participate</p> <p>Less complaints from witnesses</p> <p>Increase in number of appropriate appointments to the Scorpions Directorate</p> <p>Reduction in problems relating to the surrender of fugitives</p>	<p>Enactment and implementation of legislation on sentence agreements</p> <p>Promote draft legislation providing for a new juvenile criminal justice system</p> <p>Submit draft legislation tightening up on corruption, to Cabinet</p>	<p>Amendments to the Criminal Procedure Act, 1977, providing for sentence agreements, were enacted and implemented at the end of 2001</p> <p>Draft legislation providing for a new juvenile criminal justice system has been approved by Cabinet and is being checked by the State Law Advisers for purposes of introduction into Parliament</p> <p>Draft legislation dealing with corruption has been approved by Cabinet and is being checked by the State Law</p>
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Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

## Legislative and Constitutional Development

		<p>Increase in number of prosecutions relating to gross human rights abuses</p> <p>Increase in prosecutions relating to organised crime</p>	<p>Implement the legislation dealing with lay assessors in criminal cases in lower courts in certain magisterial districts</p> <p>Implement the Witness Protection Act, 1998 fully and review the witness fee system and the use of intermediaries for children in sensitive cases</p> <p>Finalise regulations regulating the service conditions of members of the Scorpions Directorate</p> <p>Promote legislation giving effect to the Rome Statute on the International Criminal Court</p>	<p>Advisers for purposes of introduction into Parliament</p> <p>Draft regulations to facilitate implementation of the lay assessor system have been prepared</p> <p>Stakeholders have been invited to comment on a draft notice providing for new categories of intermediaries As far as witness fees are concerned, draft regulations providing for a new set of tariffs are being prepared</p> <p>Draft regulations have been prepared and are being considered by the Office of the NDPP</p> <p>Legislation on the International Criminal Court has been introduced and is being</p>
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Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

## Legislative and Constitutional Development

				considered by Parliament
			Enact legislation to regulate the interception and monitoring of communications	Legislation to regulate the interception and monitoring of communications has been introduced and is being considered by Parliament
	Improvement in access to justice	Reduction in litigation regarding periods within which to institute legal proceedings	Enact legislation regarding uniform periods within which to institute legal proceedings	Legislation to regulate the periods within which to institute legal proceedings has been introduced and is being considered by Parliament
		Fewer complaints from public regarding debt collection	Implement the Debt Collectors Act, 1998	The Council of Debt Collectors approved draft regulations for purposes of implementation
		Increase in appointment of persons from designated groups as sheriffs	Implement section 3(2)(b) of the Sheriffs Amendment Act, 1998 fully	Regulations have been promulgated to facilitate the implementation of the Sheriffs Amendment Act, 1998

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

## Legislative and Constitutional Development

	Implementation of the Constitution and its values	<p>Increase in number of persons exercising their constitutional rights</p> <p>Reduction in number of complaints regarding the implementation of the Constitution</p> <p>Reduction in constitutional litigation in relation to facilitation and management of the Constitution</p> <p>Increase in the number of laws emanating from the Constitution</p>	Identify all problem areas relating to the implementation of the Constitution and to develop proposals to address them	<p>Amendments to the Constitution dealing with the position of the Chief Justice, Constitutional Court judges and various constitutional and financial arrangements have been finalised</p> <p>Draft constitutional amendments dealing with “crossing the floor” have been developed and are being prepared for submission to Parliament</p>
	Promotion of constitutional democracy	<p>Reduction in number of complaints from Chapter 9 Institutions relating to budgets</p> <p>Increase in number of reports and recommendations of Chapter 9 Institutions dealt with</p>	Develop proposals to enhance the independence of Chapter 9 Institutions and promote their recommendations	<p>Funding has been obtained for the SA Human Rights Commission to carry out its extended mandate in terms of the Promotion of Access to Information Act, 2000</p> <p>Initial contact has been made with the SA Human Rights Commission</p>

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

## Legislative and Constitutional Development

		Increase in number of legislative and other measures protecting Chapter 9 Institutions		
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## Human Resources

	<p>The development of policies</p> <p>Development of the Employment Equity Plan (EEP)</p> <p>Restructuring programme</p>	<p>The policies were drafted</p> <p>The EEP was put in place</p> <p>The plan for restructuring was created and put on the table</p>	<p>The set target was that all the policies and plans would be implemented in April</p>	<p>Some of the policies were negotiated in the Bargaining Chamber and the process is still ongoing</p> <p>The restructuring will be finalised in the new financial year; the plan was finalised and put forward</p> <p>The EEP was put in place</p>
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## Legal Services Chief State Law Adviser/Secretariat

	Redistribute resources to those areas where they are most needed	Well resourced and equipped Legal Advisory Services	Finalisation of central offices for Legal Advisory Services in Pretoria and Cape Town	
	Minimise losses to the State	Saving of legal costs and reducing negligence	Reduction of losses to Department by 30%	

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

## Legal Services

### Chief State Law Adviser/Secretariat

	Enhance skills and create new expertise	Develop and retain skilled professional administration staff	Develop new HR policies and training for Legal Advisory Services by January 2003	
	Instill new norms of accountability and professionalism		Finalise policies by end of judicial year	
	Review policies and procedures to align with constitutional and international imperatives		Finalise policies by end of judicial year	

### Directorate: Legal Process

	Advise President, Minister and Director-General on applications for pardon or reprieve in terms of the Constitution	To ensure minimum time delay in investigation, review and submission of applications		
	Advise the Minister on applications for exemption from the prohibition of military training and possession of arms in terms of the Criminal Law Second Amendment Act, 1992	To ensure minimum time delay in investigation, review and submission of applications		
	Advise President, Minister and Director-General	To ensure that commissions are timely		



Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

#### Directorate: Legal Process

	on the appointment of commissions of inquiry in terms of the Commissions Act, 1947 and arrange a secretarial service of such commissions when required	appointed with proper terms of reference and the necessary secretarial assistance		
	Advise the Minister on petitions received for re-opening of criminal proceedings on the basis of new evidence, in terms of sections 327 of the Criminal Procedure Act 1977	To ensure minimum delay in investigation, review and submission of petition		
	Coordinate departmental functions relating to the implementation of legislation in the portfolio of the Minister for Justice and Constitutional Development	Coordination of drafting of regulations and of practical implementation of legislation and subordinate legislation		
	Advise the Minister on requests to refer a question of law to the Supreme Court of Appeal in terms of section 333 of the Criminal Procedure Act, 1977	Ensure proper, well researched and drafted submissions to the Minister		

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

#### Directorate: Legal Process

	Advise the Minister on representations arising from the activities of the Master of the High Court	Ensure minimum time delay in submission to Minister from the Master		
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#### Directorate: Law Enforcement

	Advise the Minister and the DG on civil litigation and related matters on behalf of and against the Minister, the DG or officials of the Department  Collect departmental debts	Ensure the timely institution of legal proceedings or opposition to proceedings instituted against the Minister, together with proper instructions to the State Attorney  Ensure effective debt collectors		
	Advise the DG on the recovery or writing off of losses of State funds and property and finalisation of matters in terms of applicable delegations	Minimise losses to the State		
	Advise the DG and finalise matters in terms of applicable delegations regarding the determination of liability of officials for losses of State funds and	Minimise losses to the State		

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

#### Directorate: Law Enforcement

	property as well as legal costs			
	Advise Minister on exercise of powers in respect of estates in terms of the Black Administration Act, 1926	Legislative amendment and enactment will reduce this function		

#### Directorate: International Affairs

	Liason with SADC states on administration of justice	To ensure regional cooperation in administration of justice		
	Coordination of Commonwealth matters relating to the administration of justice	To ensure cooperation with the Commonwealth in administration of justice		
	Interaction with United Nations, African Union and the Hague Conference	To ensure cooperation in the field of justice internationally		
	Interaction with other foreign states	To ensure cooperation in the field of justice internationally		
	Negotiation of extradition and mutual legal assistance agreements	To ensure cooperation in the field of justice internationally		
	Preparation of Cabinet and parliamentary documentation for the ratification of international human rights treaties	To ensure cooperation in the field of justice internationally		

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

#### State Law Advisers

	The formulating of opinions to all national and provincial government institutions and organs of state	To ensure opinions of a high quality and standard		
	The scrutinising of international agreements, including extradition agreements	To ensure international contracts of a high quality and standard		
	The scrutiny of draft subordinate legislation	To ensure well-drafted regulations and subordinate legislation		
	The scrutiny and certification of draft Bills as regards the language, drafting, form and style as well as the constitutionality thereof	To ensure that all Bills are properly drafted and constitutional		
	The rendering of legal advice on Bills during the parliamentary process	To assist Parliament in the legislative process		
	The attending of Parliamentary Portfolio Committees as legal adviser to those Committees	To assist Parliament in the legislative process		

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Court Services				
	Establishment of new Business Unit and Restructuring of Court Services	Improved efficiency of court support services	Draft organisation- al structure for new Business Unit submitted	Draft submitted to appropriate authority
	A court support shared-service model that will improve service delivery	Enhanced service delivery	Investigations, design and implement 2002 - 2005	Investigation, design substantial progress
	Efficient and rationalised courts	Structural and legal court framework corrected	2002-2005: higher and lower courts	Higher courts rationalisation through legislation during 2002
	Effective support to the Judicial Services Commission, Magistrates Commissions and Office of the Chief Justice	Commissions and Office of Chief Justice capacitated and empowered	Number of meetings/decisions	Discussions and investigations instituted; job evaluation of director at CC
	Improved court and case management Appointment of court managers Training effected	Separation of functions; courts more efficient	Separation implemented Number appointed and trained	Several appointed Training ongoing Skills learnership programme initiated
	Appropriate statutory appointments	More efficient bodies and system	Number of new appointments	Various appoint- ments were made as required by legislation
	Implementing of (Lay) Assessors legislation	Improved interac- tion with communities and trust in system	Use of lay asses- sors through implementation of legislation	Although new legislation not implemented yet, lay assessors are being used

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Court Services				
	Effective and efficient utilisation of human resources	Reduction in customer complaints; increase in production and service delivery	Eliminate non-core functions and review work methodology; increase in the number of officials attending training courses	Non-core functions have been identified and have been presented to EXCO for discussion; numerous officials have attended a variety of relevant courses
	Sound financial management	Reduction in loss of State funds  Fewer queries from the Auditor-General	Raise awareness and train personnel in appropriate financial prescripts	The majority of officials have attended awareness-raising information sessions and training courses relating to the implementation of the PFMA
	Improved services and image of the Business Unit and the Department	Fewer complaints from internal and external customers regarding the functioning of the Unit	Improved systems and training	Both are receiving ongoing attention
	Transformation and improvement of the legal system and particularly the criminal justice system	Number of cases dealt with by traditional courts increased  Expenditure for witnesses attending court proceedings reduced; access to justice increased; cases disposed of increased; awaiting-trial prisoners reduced	Number of criminal and civil jurisdictions granted  Courts more efficient	Minister continues to extend said jurisdictions  Case backlogs reduced through measures such as Saturday courts

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Court Services				
		Services to victims improved	Courts more user-friendly	Victim Charter finalised
		Juveniles in prison decreased	Diversion and cases expedited	Child Justice Bill promoted and specific interventions made
	Implement Equality legislation	Equality courts established	Number of courts established countrywide	An inclusive stakeholders forum, ELIT (Equality Legislation Implementation Team) was established to coordinate activities relevant to the implementation of the Act Certain sections of the Act were put into operation in September 2000 and the Equality Review Committee were put in place Training of presiding officers and clerks of Equality Courts were funded by the Australian Government (AUSAID). More than 50 officials, magistrates, judges and clerks trained
	Pre-trial Services	Improved bail and pre-trial info for courts	Number of sites and frequency of use by courts	PTS continued till CPP can take over and use by courts evaluated

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Court Services				
	Improved court performance through court info system; court performance reviews	Improved information databank (Operational room/integrated statistics); number of critical courts addressed; number of customer complaints received; number of problems identified during quality inspections; partnership with external partner (development agency); population of database; demonstration of prototype system	Improved court management info; monitored performance; 56 courts over three years  MIS, using 9 pilot sites, developed by February 2002	Monitoring increased and interventions done where indicated; actions instituted at 8 courts by March 2002  Prototype MIS for courts in advanced stage of development
	Upgrading of High Court libraries	Contemporary publications available, better informed judiciary	Number of high courts dealt with	R10m expended in this regard
	Employment of additional court personnel, especially admin staff and regional court staff	Improved court performance; improved morale	Number of persons appointed in all regions	Used temporary additional personnel where possible; filled vacancies; lobbied for additional funds
	Improve salaries - Judges' secretaries; magistrates; other staff	Improved service conditions and morale	Number of salary adjustments effected.	Job evaluations effected; salaries increased in general; Footprint salary review initiated



Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Court Services				
	Extend commercial courts - assist with such prosecutions	Improvement of conviction rate of serious commercial crime	Number of centres opened	2 in PTA and 1 in JHB promoted; training at such courts increased
	Quality control/ inspection services improved	Improved performance and risk management	Number of inspections/interventions	Various inspections carried out
	Improved language services; professionalise language services	Improved interpreting	National unit established and regional inspectors	Unit investigated; workshops held; discussions are continuing
	Improve civil justice; regional civil bench established	Improved civil section	Number of such magistrates appointed	CPP in JHB and Durban; funding lacking for senior civil bench
	Build new courts in under-resourced areas and upgrade existing court facilities	Physical access - making our courts services accessible to the communities; new courts; provision of basic infrastructure; improved facilities	Number of new and upgraded courts	Large number of identified courts upgraded and provided with basic furniture and equipment so as to deliver appropriate service; several (capital projects) new court buildings are under construction; renovations on existing court buildings were also undertaken in over 30 courts
	Re-demarcation of magisterial boundaries	Establishment of new magisterial boundaries	No of new districts/ jurisdictions	Seven provincial reports received by March 2002; process continued and will be finalised during 2002

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Court Services				
	Improve court security - CCTV, outsourcing	Safer court personnel and public	All identified offices	R30 m expended additionally; specific interventions made re WC court staff; security was installed and upgraded in more than 50 offices; in over 40 offices, guarding services were outsourced
	IJS Court Centres established	Improved court coordination; reduced cycle time	Roll out to 40 centres; average case cycle time reduced	25 IJS Court Centres established; cycle time reduced at most centres
	Finalise Family Court legal framework, blue print and family adv framework	Improved Family Court structure and extended Family Advocate services	Number of Family Courts and Family Advocate services increased	R12m additionally provided to improve family law services
	Extend Sexual Offences Courts	More courts with trained staff	Number of courts established	Several established in past year
	New Child Justice System	Diversion of children from criminal justice system	Bill finalised and implementation strategy drafted	Strategy in place; Cabinet approved Bill; Intersectoral Team promoting Bill
	Restructuring and improving the maintenance system	Improved payments in/out Tracing of defaulters Maintenance investigators Improvements through innovations - call	System improved	Workshops held re re-engineering of system; NPA drafted

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Court Services				
		centres, automa- tion, Post Office		CFO interventions instituted and receiving attention  The National Prosecuting Authority has placed an advertisement for the appointment of 90 Maintenance Prosecutors on 10 February 2002
	Develop and imple- ment One-Stop Centres	Integrated actions with other departments in IJS and better utilisation of resources; a policy guideline developed on One-Stop Child Justice Centres	Number of centres established.  Policy framework in place	Community Safety Centre opened in WC; Others receiving attention A national workshop was held with stakeholders to develop policy guidelines Commissioned CSIR to conduct an evaluation of the Steppings Stones Child Justice Centre in Port Elizabeth Evaluation completed
	Transforming the Sheriff’s profession	Improved service delivery and image; transformation	Implement NAP	NAP launched; progress are being made with implementation

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Court Services				
	Child Justice System to enhance the capacity and use of programmes for diversion and alternative sentencing	Programmes will have been identified, database developed, information made available, capacity of service providers strengthened	National Indaba and provincial workshops to be held by the Child Justice Project (CJP) in the Directorate: Children and Youth Affairs Completed data-base	National Indaba held; workshops held in six provinces  Data has been collected, collation for database under way
	To protect children in detention in line with national and international standards sustained through the maintenance of national minimum standards and an effective monitoring process	Guidelines for the management and monitoring of the system will have been developed and will be in use	Inter-sectoral process of managing the process of children awaiting trial will be led and sustained by the Department  A system to monitor national patterns of children awaiting trial will be established Minimum standards relating to children deprived of their liberty will be collated and further developed	Inter-sectoral Committee on Child Justice (I-SCCJ) established, chaired by the Dept of Justice  National Interim Protocol for the Management of Children Awaiting Trial launched on 1 June 2001 by Minister of Justice 8000 copies distributed Statistics are monitored and analysed on an ongoing basis; this has led to the establishment of extra courts in Durban to deal with case backlogs regarding juvenile cases

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Court Services				
	Raising awareness among professionals in the criminal justice system and the general public	Targeted magistrates and prosecutors are trained, and a practice manual is developed Publications and posters distributed	Awareness raised about the Child Justice Bill through training materials, publications and posters	Magistrates have been involved in a number of training and information sessions about the Bill. A chapter on Child Justice was written and included in the Children and Law Manual issued by Justice College and the NPA
	To improve legal representation for children	Improved legal representation for children	Training to be conducted for legal practitioners at Justice Centres	Workshop held with Legal Aid Board and stakeholders to develop policy guidelines on prioritisation of cases involving children Draft policy prepared by Legal Aid Board Training Workshop hosted by the Directorate and Legal Aid Board for 49 legal practitioners from Justice Centres countrywide
	Raising awareness on the Rights of the Child; and to simplify the Convention on the Rights of the Child To participate in National Human Rights Day	Simplified version of the Convention on the Rights of the Child for children, parents, caregivers, educators	10 000 copies printed for schools countrywide	Deputy Minister for DOJCD launched the CRC in Parliament  UNICEF printed 10 000 copies distributed nationally Participated in

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

## Court Services

		Children are informed of their human rights and responsibilities		Human Rights Day celebrations
	To participate in National Programme of Action for Children (NPA) chaired by the Presidency	Effective participation in NPA by DOJCD	Support the Presidency to protect and promote children's rights	Assisted in the preparation of the Annual Flagship programme of the NPA- State of the Nation's Children Assisted in the preparation of the End Decade Report on Children Attended and participated at two Preparatory Sessions at the United Nations for the Special Session on Children DOJCD hosted information stall on National Children's Day (November) Distributed posters, pamphlets and booklets to children on their rights in the legal system

## Programme 2 - Administration of Courts

### Aim:

Administration of Courts provides for the services rendered by courts in South Africa. The programme has five subprogrammes, each of which establishes courts which hear cases that fall within their jurisdiction, from constitutional matters in the Constitutional Court, to cases heard in the first instance or on appeal in the Supreme Court of Appeals, High Courts and Lower Courts. In addition, the Specialised Courts' subprogramme provides for the Labour and Labour Appeal Courts, the Land Claims Court, the Special Tribunal and the Family Courts.

The Lower Courts also provide various services to other departments on an agency basis.

### Programme policy development:

In collaboration with the other departments in the Integrated Justice System and Business Against Crime, the Department continues to deal with the re-engineering of court processes to increase effectiveness and efficiency. Initiatives are consistent with the tenets of the National Crime Prevention Strategy and include projects relating to the automation of process and management systems in courts. Key developments include:

- Developing professional court managers to separate administrative from judicial and prosecutorial functions, with many administrative staff in courts having been trained in 2001.
- Implementing procedures and providing appropriate facilities, to ensure that the rights of victims and witnesses are secured, and that their experience of the IJS improves, using new technologies and by improving the skills of departmental personnel.
- Appointing lay assessors to increase the participation of communities in courts.
- Establishing a Court Management Information System, a Court Operations Room and a Court Performance Review Committee to monitor performance and implement interventions where required.
- Continuing to seek to define a role for traditional courts and law in the administration of justice.

- Re-engineering the maintenance system through statutory and administrative reforms.
- Attending to the re-demarcation of magisterial districts as well as the number, distribution and jurisdiction of courts in order to improve delivery, while also increasing the number of hours that courts sit every week.
- Putting in place programmes to improve confidence in the courts and the legal system.
- Developing a national action plan to transform the sheriff's profession.
- Facilitating the promotion of the rights of children in court, ensuring the provision of Family Advocate services and legal representation to children, reducing the number of children awaiting trial and establishing one-stop child justice centres to improve services.

## Outputs and Service delivery trends

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

### Constitutional Court

	Accessible, fair, efficient and transparent court processes	Number of cases finalised Court hours worked		Judgements handed down - 33 Referral for conformation in terms of section 172(2) of the Constitution - 8 Application for leave to appeal - 32 Application for leave to appeal - 19 Application for leave to appeal refused - 19 Application for direct access - 9 Application for direct access refused - 7 Application with-drawn - 1 Case outstanding/ carried over - 17
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2001	Days	Hours	Finalised
			Verdict

### High Court

April	584	1912:42	85
May	937	3284:00	177
June	864	3027:16	141
July	243	858:15	43
August	1041	3490:29	180
September	820	2764:43	154
October	796	2829:45	122
November	993	3392:07	201



2001	Days	Hours	Finalised
			Verdict

High Court

December	410	1357:31	116
January	229	726:10	28
February	1101	3854:41	167
March	866	2995:45	124
Totals	8884	3 0493:24	1538

Lower Courts

April	15620	61904:58	25389
May	19524	79394:25	32561
June	17779	68441:17	27517
July	19549	74919:05	30402
August	20171	78497:21	28859
September	17843	70254:45	35933
October	21233	83302:24	31048
November	19635	74863:07	18356
December	14117	48303:09	28603
January	18984	73527:47	35388
February	19471	86076:37	33432
March	18046	81061:37	
Totals	221972	877546:32	360803

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## Programme 3 - State Legal Services

### Aim:

State Legal Services aims to provide efficient, professional and reliable legal services to Government, and is organised into three subprogrammes.

- Legal Services provides for the work of the State Attorney, who acts as attorney, notary and conveyancer for Government. The state law advisers provide legal opinions, scrutinise international agreements, scrutinise and correct draft legislation, and attend relevant Parliamentary Portfolio Committees as legal advisers for all national departments. The Legal Services subprogramme also provides for the work of the Master of the High Court, who is responsible for the administration of deceased and insolvent estates, companies and close corporations in liquidation, Trusts and the Guardian's Fund, as well as the property of minors, persons under curatorship and absent persons. Family Advocates, who act on behalf of minor and dependent children in order to safeguard their interests, are also provided for.
- Legislative Services provides for the research activities of the South African Law Commission. The Commission's work includes extensive reviews of wide areas of law and legal practice and advising the Minister on appropriate reform measures.
- Constitutional Development and Chapter 9 Institutions: The functions entail the promotion, maintenance and development of the Constitution and its values by researching, developing and promoting appropriate legislation. Additional functions are the implementation of the Constitution and the rendering of guidance to Government.
- The component also deals with Chapter 9 Institutions, the aim of which is to promote and maintain the independence and effectiveness of state institutions supporting constitutional democracy.

### Programme policy development:

The establishment of a Constitutional Litigation Unit is planned to represent the state in all constitutional matters, advise Parliament on constitutional issues, guide the drafting of legislation when constitutional matters arise, and train all state attorneys in trial advocacy.

A comprehensive juri-linguistic service is being established. This will help to promote the legislative use of official languages other than English and Afrikaans.

State Legal Services is being restructured to improve efficiency and increase professionalism. Closer cooperation between state attorneys and state law advisers will be developed.

The Law Commission focuses on research aimed at maintaining and restoring the legal system. It investigates a wide variety of issues, including customary law, sexual offences legislation, childcare legislation, the legal aspects of HIV/Aids, anti-terrorism legislation, domestic partnerships and incapable adults.

Constitutional Development will focus on ensuring total implementation of the Constitution, as well as reviewing and maintaining the Constitution. The component dealing with Chapter 9 Institutions will evaluate the independence of these Institutions and establish mechanisms to promote proposals contained in their reports. It will also evaluate legislative and other measures assisting and protecting these Institutions.

## Outputs and Service delivery trends

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Legal Services State Attorneys				
	Representation of government in civil litigation in High Courts and Magistrates' Courts	Cost-saving by more appearances by State Attorneys and less use of Counsel	To reduce counsels' fee disbursement by 20% by end of judicial year	
	Representation of government in constitutional litigation in the Constitutional Court	To assist the courts, the State and government in the application and interpretation of constitutional litigation	The development of a healthy constitutional jurisprudence	
	Representation of government in labour matters, including litigation in the CCMA and the Labour Courts	To represent the State and government in labour litigation and save costs of counsel	To reduce counsels' fee disbursement by 20% by end of financial year	
	Representation of the State in land claims, including litigation in Land Claims Courts	To ensure a fair application of the related legislation	To achieve finality in the land claims disputes involving the State and government	
	Representation of the State in respect of tax services, including litigation in the tax tribunals, liquidations and insolvency enquiries	To assist SARS in recovery of outstanding losses, appeals, liquidations, sequestrations and litigation generally	To recover outstanding tax and save the fiscus legal costs	

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

## Legal Services State Attorneys

	Representation of government and officials at Commissions of inquiry and other tribunals	To ensure justice and fairness		
	Defence of state officials in various forums, including criminal cases and inquests	To ensure justice and fairness		
	Acting as arbitrators in interdepartmental arbitrations	To save on costs of outsourcing or hiring private arbitrations		
	The formulating of opinions to all government institutions	To save on costs of outsourcing to private firms of Attorneys or Counsel		
	Drafting and settling agreements of all types for use by Government	To ensure high quality contracts and save on costs of outsourcing private firms of Attorneys or Counsel		
	Conveyancing and Notarial Services	To ensure that all the necessary deeds and instruments are registered on behalf of the State and government		

## Master of the High Court Administration of deceased estates

### Strategic Plan for the Financial Years 2001/2002

#### 1. Strategic Profile

##### Core Functions

1. The Administration of Justice in deceased estates, insolvent estates, the liquidation of companies and close corporations and trusts.
2. The Protection of the financial and proprietary rights of minors, absent persons and persons under curatorship.
3. The management of the Guardians Fund
4. The assessment of estate duty.

##### Vision

A dynamic, businesslike, commercially viable Masters Division dedicated to the pursuit of service excellence.

##### Mission

To provide efficient, cost effective and specialised services of supervision, custodianship, arbitration and information regarding Deceased and Insolvent Estates and Trusts.

To serve Estate practitioners, beneficiaries of Estates and Trusts, minors and mentally challenged persons in South Africa for the purpose of safeguarding those beneficiaries' financial and proprietary rights.

##### Strategic Goals

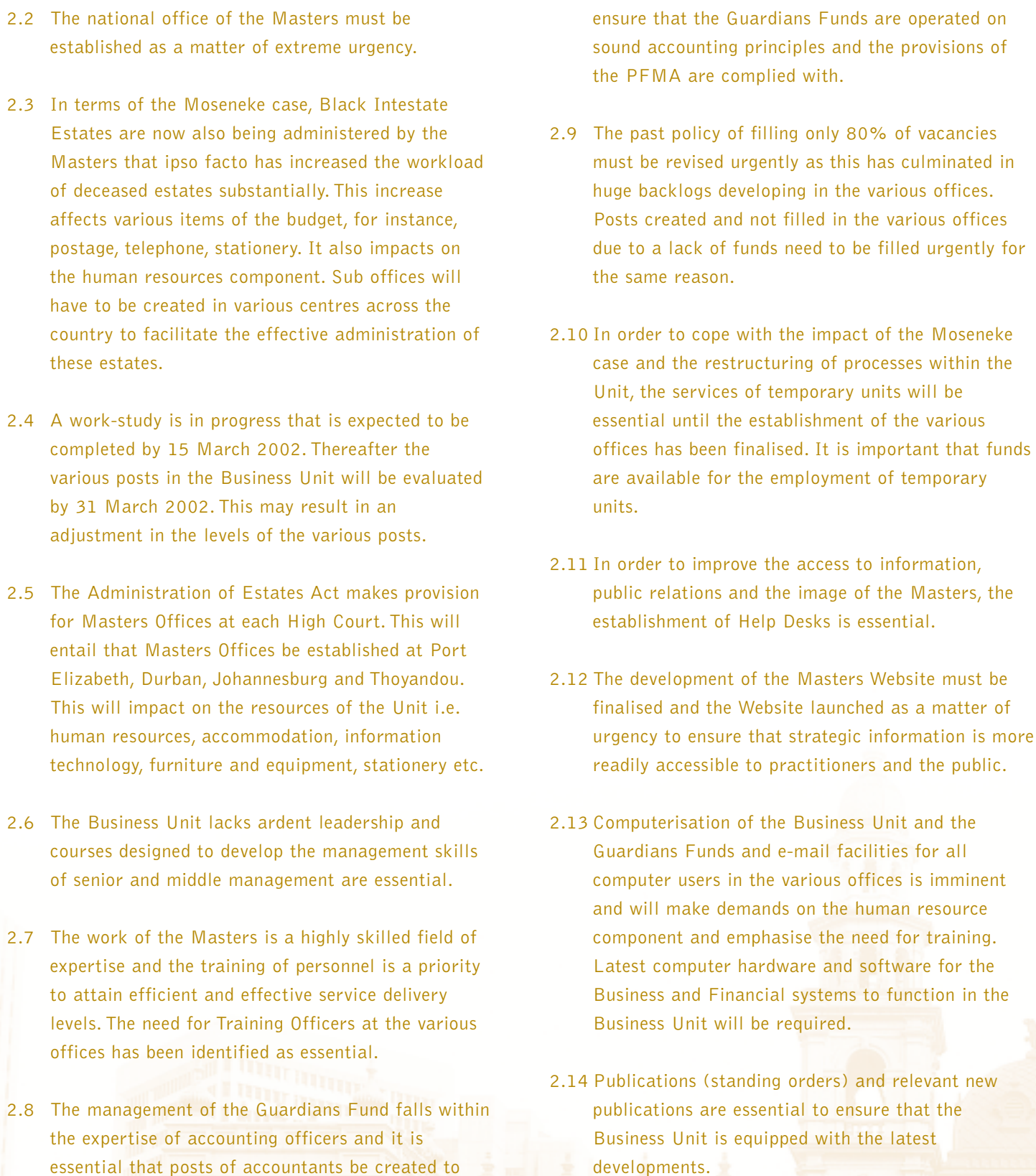
1. To revise the organisational structure of the Masters to ensure efficient and effective administration and control; providing safeguards against corruption and mismanagement and establish a new support structure for the Masters Division.
2. To separate all administrative and legal work

processes; create an environment of specialisation of functions; develop and sharpen the special skills and expertise of the Masters through constant training and evaluation and harness these skills to combat crime, corruption and misadministration.

3. To improve policy development within the Unit and through planning, evaluation and research, review the processes of administration of estates with the aim of streamlining and simplifying these procedures and creating uniformity of systems, procedures and practices thus providing a more efficient, cost effective and user friendly service.
4. To broaden and make the services of the Masters more accessible and convenient to all sectors of the South African population and the global economy by inter alia maximising the use of information technology.
5. To develop a disciplined, motivated workforce and improve the image of the Masters with the general public and the professional fraternity and promote and maintain the principles of Batho Pele by actually practicing it on a daily basis.
6. To promote the concept of self-funding and income generating by adopting a business approach and offering the range of services.
7. To forge close working relationships and partnerships with role players in order to monitor and improve service delivery on a constant basis.
8. To act pro-actively to meet the demands of the future such as initiating changes to accommodate Black Intestate Estates, the Cross Border Insolvency Act, the Access to Information Act, Empowerment Legislation, etc.

#### 2. Planning Guidelines

- 2.1 Existing resources as well as the MTEF allocation were taken into consideration in compiling the plan.

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- 2.2 The national office of the Masters must be established as a matter of extreme urgency.
- 2.3 In terms of the Moseneke case, Black Intestate Estates are now also being administered by the Masters that ipso facto has increased the workload of deceased estates substantially. This increase affects various items of the budget, for instance, postage, telephone, stationery. It also impacts on the human resources component. Sub offices will have to be created in various centres across the country to facilitate the effective administration of these estates.
- 2.4 A work-study is in progress that is expected to be completed by 15 March 2002. Thereafter the various posts in the Business Unit will be evaluated by 31 March 2002. This may result in an adjustment in the levels of the various posts.
- 2.5 The Administration of Estates Act makes provision for Masters Offices at each High Court. This will entail that Masters Offices be established at Port Elizabeth, Durban, Johannesburg and Thoyandou. This will impact on the resources of the Unit i.e. human resources, accommodation, information technology, furniture and equipment, stationery etc.
- 2.6 The Business Unit lacks ardent leadership and courses designed to develop the management skills of senior and middle management are essential.
- 2.7 The work of the Masters is a highly skilled field of expertise and the training of personnel is a priority to attain efficient and effective service delivery levels. The need for Training Officers at the various offices has been identified as essential.
- 2.8 The management of the Guardians Fund falls within the expertise of accounting officers and it is essential that posts of accountants be created to ensure that the Guardians Funds are operated on sound accounting principles and the provisions of the PFMA are complied with.
- 2.9 The past policy of filling only 80% of vacancies must be revised urgently as this has culminated in huge backlogs developing in the various offices. Posts created and not filled in the various offices due to a lack of funds need to be filled urgently for the same reason.
- 2.10 In order to cope with the impact of the Moseneke case and the restructuring of processes within the Unit, the services of temporary units will be essential until the establishment of the various offices has been finalised. It is important that funds are available for the employment of temporary units.
- 2.11 In order to improve the access to information, public relations and the image of the Masters, the establishment of Help Desks is essential.
- 2.12 The development of the Masters Website must be finalised and the Website launched as a matter of urgency to ensure that strategic information is more readily accessible to practitioners and the public.
- 2.13 Computerisation of the Business Unit and the Guardians Funds and e-mail facilities for all computer users in the various offices is imminent and will make demands on the human resource component and emphasise the need for training. Latest computer hardware and software for the Business and Financial systems to function in the Business Unit will be required.
- 2.14 Publications (standing orders) and relevant new publications are essential to ensure that the Business Unit is equipped with the latest developments.

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

**Master of the High Court  
Administration of deceased estates**

	Registration of new estates	No of new estates registered	60 000	59 661
	Considering of wills	No of wills considered	43 000	43 082
	Issuing appointments in terms of section 18(3) of the Administration of Estates Act	No of Sect 18(3) appointments issued	17 000	17 144
	Issuing of letters of executorship in terms of the Administration of Estates Act	No of Letters of Executorship issued	28 000	27 311
	Auditing of new accounts	No of new accounts audited	32 000	31 253
	Auditing of recompiled accounts	No of recompiled accounts audited	7 000	6 551
	Considering of adiations, repudiations and redistribution agreements	No of adiations, repudiations and redistribution agreements considered	2 500	2 163
	Issuing of certificates in terms of sections 42(2) and 80	No of Certificates i.t.o. Sect 42(2) and 80 issued	7 000	6 222



Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

#### Administration of Insolvent Estates, Companies, Close Corporations in Liquidation

	Issuing of section 9(3) certificates	No of section 9(3) certificates issued	8 300	9 218
	Registration of new estates	No of new estates registered	10 000	9 958
	Considering requisitions	No of requisitions considered	All received	
	Appointment of liquidators (final)	No of liquidators appointed (final)	7 000	6 896
	Authorisations granted for sale of estate property	No of authorisations granted for sale of estate property	2 500	2 547
	Preside over meetings	No of meetings presided over	4 300	4 243
	Preside over interrogations	No of interrogations presided over	600	526
	Considering of creditors' claims	No of creditors' claims considered	13 500	13 656
	Auditing of new accounts	No of new accounts audited	11 500	11 312
	Auditing of recompiled accounts	No of recompiled accounts audited	2 500	3 501
	Confirmation of accounts	No of accounts confirmed	8 000	8 064
	Reports to court	No of reports to court	2 000	1 965



Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

#### Administration of Trusts

	Registration of trusts	No of trusts registered	31 000	33 152
	Issuing of authorisations	No of authorisations issued	50 000	50 463

#### Administration of the property of persons under curatorship, minors and absentees

	Registration of new curatorship / tutorship	No of new curatorship / tutorship cases registered	750	785
	Reports to court	No of reports to court	700	1 132
	Appointment of curators/tutors	No of curators / tutors appointed	650	601
	Auditing of annual accounts	No of annual accounts audited	1200	1 256

#### Administration of the Guardian's Fund

	Issuing of receipts	No of receipts issued	9 000	8 944
	Opening of ledger accounts	No of ledger accounts opened	10 000	10 113
	Maintenance payments	No of maintenance payments	27 000	26 064
	Payments of inheritances	No of inheritances paid	When received	
	Payment of unclaimed funds	No of unclaimed funds paid	When received	
	Advertisement of unclaimed funds	Date of advertisement of unclaimed funds	Once a year and only for three years	

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

## Legislative Services SA Law Commission

	Promotion, implementation, maintenance and development of the Constitution and its values	<p>Reduction in constitutional legislation</p> <p>Increased access to statutes</p> <p>Reduction in number of obsolete provisions</p>	<p>SALC's proposals on the application of the Bill of Rights to the criminal law, criminal procedure and sentencing promoted</p> <p>Unit for statutory law revision established</p>	<p>SALC report submitted to Minister</p> <p>Donor-funding for establishment of Unit delayed. Unit to be established in next financial year</p>
	Transformation and maintenance of the legal system	<p>Reduction of litigation on conflict of laws</p> <p>Number of cases dealt with by traditional courts increased</p> <p>Number of women sharing in a more equitable distribution of pension benefits increased</p> <p>Access to minor children increased</p> <p>Number of persons having access to minor children increased</p>	<p>SALC's proposals on conflict of laws relating to customary law promoted</p> <p>SALC's proposals on traditional courts developed</p> <p>SALC's proposals on pension benefits promoted</p> <p>SALC's proposals on access to minor children promoted</p>	<p>SALC report submitted to Minister</p> <p>Report delayed due to consultant's rescheduling Report to be submitted to Minister in next financial year</p> <p>SALC report submitted to Minister</p> <p>SALC report submitted to Minister</p>

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

Legislative Services  
SA Law Commission

		Number of accused persons tested for HIV and results obtained increased	SALC's proposals relating to compulsory HIV testing of persons arrested in sexual offence cases promoted	SALC report submitted to Minister
		Number of persons infected with HIV decreased	SALC's proposals to create a statutory offence aimed at harmful HIV-related behaviour promoted	SALC report submitted to Minister
		Number of adoptions increased		
		Foster care arrangements decreased	SALC's proposals on the review of the Child Care Act developed	Discussion paper on the review of the Child Care Act published
		Number of children in residential care reduced	SALC's proposals on the publication	Discussion paper on publication of
		Time spent on child care proceedings reduced		
		Incidences of child labour reduced		
		Complaints relating to the		

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

Legislative Services SA Law Commission				
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		prohibition on the publication of divorce proceedings reduced	of divorce proceedings developed	divorce proceedings published
		Number of partners sharing in patrimonial consequences increased	SALC's proposals on domestic partnerships developed	Issue paper on domestic partnerships published
		Number of valid Islamic marriages increased	SALC's proposals on Islamic marriages and related matters developed	Discussion paper on Islamic marriages and related matters published
		Mechanisms to support incapable adults increased	SALC's proposals on incapable adults developed	Issue paper on incapable adults published
		Categories of women who will inherit increased	SALC's proposals on customary law of succession promoted	Report to Minister delayed as a result of extensive workshopping of discussion paper. Report to be submitted to Minister in next financial year
		Different laws regulating administration of estates eliminated	SALC's proposals on administration of estates promoted	The Commission decided that an interim report should be submitted to the Minister A progress report was submitted to the Minister

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

Legislative Services  
SA Law Commission

		Number of complaints relating to the Marriage Act reduced	SALC's proposals on the review of the Marriage Act promoted	SALC report submitted to Minister and subsequently to Minister of Home Affairs
		Court applications and subsequent costs relating to privacy and data protection as well as prescription periods reduced	<p>SALC's proposals on privacy and data protection developed</p> <p>SALC's proposals on prescription periods developed</p>	<p>Research commenced</p> <p>Project committee to be appointed</p> <p>Research was held in abeyance until the finalisation of the interim report on the administration of estates</p> <p>Research with a view to finalising a draft issue paper has commenced</p>
		<p>Protection of patient autonomy and health care providers increased</p> <p>Interests of commissioning parents, surrogate mothers and the children born as a result of surrogacy increased</p>	SALC's proposals on surrogate motherhood promoted	SALC report submitted to Minister

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

Legislative Services SA Law Commission
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		Number of persons sexually re-aligned increased	SALC's proposals on sexual re-alignment promoted	SALC report submitted to Minister and subsequently to Minister of Home Affairs
		Expenditure for witnesses attending court proceedings reduced	SALC's proposals on the Apportionment of Damages Act promoted	Report delayed due to lack of research capacity Researcher who assumed duty on 1 February 02 allocated to project
		Access to justice increased	SALC's proposals on euthanasia and the artificial preservation of life promoted  SALC's proposals on the use of electronic equipment in court proceedings developed	SALC report submitted to Minister and subsequently to Minister of Health  Project delayed due to other urgent investigations requiring the attention of the researcher Research will commence in next financial year
	Transformation and improvement of the criminal justice system	Cases disposed of increased	SALC's proposals on the law of insolvency promoted	SALC report submitted to Minister

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

## Legislative Services SA Law Commission

		<p>Services to victims improved</p> <p>Juveniles in prison decreased</p> <p>Community participation increased</p> <p>Awaiting-trial prisoners reduced</p> <p>Number of experts willing to participate in the criminal justice system increased</p> <p>Prosecutions increased</p> <p>Organised crime reduced</p> <p>Complaints from victims reduced</p> <p>Service delivery increased</p>	<p>SALC's proposals on a more inquisitorial approach to criminal procedure and out-of-court settlements in criminal cases developed</p> <p>SALC's proposals on a compensation scheme for victims of crime developed</p> <p>SALC's proposals on sexual offences developed</p> <p>SALC's proposals on a new juvenile justice system promoted</p> <p>SALC's proposals on sentencing promoted</p>	<p>Discussion papers on a more inquisitorial approach to criminal procedure and out-of-court settlements in criminal cases published</p> <p>Discussion paper on a compensation scheme for victims of crime published</p> <p>Report to be submitted to Minister in next financial year</p> <p>Discussion paper on sexual offences published. Report to be submitted to Minister in next financial year</p> <p>SALC report submitted to Minister</p> <p>SALC report submitted to Minister</p>
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Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

Legislative Services  
SA Law Commission

			SALC's proposals on the right of the NDPP to appeal on facts promoted	SALC report submitted to Minister
			SALC's proposals on computer-related crime promoted	The investigation has been suspended pending the outcome of the Electronic Communications and Transactions Bill (Minister of Communications)
			SALC's proposals on computer-generated evidence developed	The investigation has been suspended pending the outcome of the Electronic Communications and Transactions Bill (Minister of Communications)
			SALC's proposals on interception and monitoring of communications promoted	SALC report submitted to Minister
			SALC's proposals on terrorism promoted	Report delayed due to new international developments after terror events of 11 Sept. Report to be submitted to Minister in next financial year



Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

## Legislative Services SA Law Commission

	Promotion of access to justice	Cases in courts relating to international disputes decreased	SALC's proposals on international arbitration promoted	SALC report submitted to Minister
		International arbitration cases dealt with in South Africa increased	SALC's proposals on domestic arbitration promoted	SALC report submitted to Minister
		Cases in courts decreased with concomitant increase in arbitration cases	SALC's proposals on community courts promoted	Report delayed due to consultant's rescheduling Report to be submitted to Minister in next financial year
		Delays in finalising disputes decreased	SALC's proposals on unreasonable contracts promoted	
		Cases in lower courts decreased with concomitant increase in cases in community courts	SALC's proposals on public interest and class actions promoted	SALC report submitted to Minister  SALC report submitted to Minister
		Community participation increased		
		Litigation relating to contracts decreased		
		Fairness of standard form contracts improved		

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

## Legislative Services SA Law Commission

		Litigation regarding limitation periods decreased	SALC's proposals on consolidated legislation pertaining to international cooperation in civil matters developed  SALC's proposals on institution of legal proceedings against organs of state promoted	New researcher appointed on 1 March 02 allocated to the project  SALC report submitted to Minister
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## Constitutional Education

	Update handbook for elected representatives	Handbook printed and accepted	March 2002	March 2002
	Redraft Preamble to Constitution	Redraft accepted and available in print	March 2002	March 2002
	Liaise with SALC and Constitutional Court on newest trends	Newest trends added to handbook Issues for discussion highlighted	March 2002	March 2002
	Workshops with local government officials	One workshop per province per year	March 2002	March 2002

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

### Constitutional Education

	Develop learning material for schools curriculum Grade 1-6	Identified Grade material accepted and implemented in school curriculum	March 2002	March 2002
	Seminars with Education sector	An informed and knowledgeable education sector and teacher constituency	March 2002	March 2002

### Programme 4 - National Prosecuting Authority

#### Aim:

The National Prosecuting Authority programme aims to provide a prosecution service that is prompt, vigorous and fearless, promoting the public interest and ensuring that all people are treated with dignity.

- Public Prosecutions coordinates and assists prosecuting structures in the Office of the Director of Public Prosecutions and Lower Court Prosecutors.
- Witness Protection Programme coordinates the safe-keeping and protection of witnesses in certain serious criminal cases.
- Special Operations funds the Directorate of Special Operations, also known as the Scorpions, which came into operation in January 2001. The Directorate of Special Operations investigates serious organised crime, aiming to prosecute these offences effectively.

#### Programme policy development:

The progressive development of National Prosecuting Authority structures means that it now includes the National Prosecuting Service, the Directorate of Special Operations, the Witness Protection Programme, the Asset

Forfeiture Unit (AFU), and specialised units such as the Sexual Offences and Community Affairs Unit and the Specialised Commercial Crimes Unit.

In terms of the National Prosecuting Authority Amendment Act (61 of 2000), the Directorate of Special Operations is a distinct and autonomous agency. It is currently engaged in finalising the protocols and regulations required for its operations.

#### Outputs and service delivery trends

##### National Prosecuting Authority

The National Prosecuting Authority report for the 2001-2002 reporting year is particularly significant, because it deals with plans touched on when the previous year's report was presented.

At that time of reporting there was a clear outline on what needed to be achieved. This was a standard by which the authority's performance had to be measured.

A series of workshops were held at the beginning of 2001, consolidating on work done in 2000 and introducing a strategic plan and structure for the NPA.

The development of the strategic plan and structure reflected the organisation's determination to be run on

good business principles. In the NPA's strategic plan, factors that would allow the organisation to make an impact in executing its core business, were highlighted.

The following commitments were made:

- To influence public confidence in the criminal justice system.
- To influence a reduction in the crime rate.
- To improve the efficiency of the criminal justice system.

The strategic plan and structure were based on the Balanced Scorecard approach. There was a clear and balanced focus on four important strategic objectives - customer satisfaction, the improvement of internal business processes or core operations, robust financial management in line with the public organisation that rewards innovation and creativity.

Within a month after the strategic plan was adopted, Saturday Courts were launched. It was encouraging to find the Chief Prosecutor and a prosecutor in Witbank opening the first Saturday Court without any remuneration. Instead she paid the court orderly out of her own pocket when she discovered that the Chief Magistrate in charge had refused to pay the court orderly.

Throughout 2001 the NPA Senior Management regularly looked at the strategic plan to see if operations were still on track and whether goals set were being achieved within specific time-frames. Most of these have been achieved.

Details of the operations of the various units follow:

### **National Prosecution Service**

This is the division responsible for the 'traditional' prosecuting function. It continues to improve court performances through the Offices of Directors of Public Prosecutors and prosecutors throughout the country.

The management of performance in courts entails achieving set targets in respect of court hours, the reduction of outstanding court rolls, improving the finalisation of cases and conviction rates and the reduction of decision and inquest dockets. The performance rate at court was maintained in line with set targets. A conviction rate of 83% was attained in District Courts. This varied between 66% and 70% in Regional Courts, while

High Courts registered a conviction rate of 74%, with a substantial number of life imprisonment sentences.

Although the number of new cases almost doubled from 49 040 in March to 88 465 in November in District Courts; from 4 280 in January to 7 715 in November in Regional Courts, and from 183 in January to 288 in November in High Courts, backlogs have been kept under control - no increases in backlogs were registered.

The average court hours increased from 2,5 to 3 hours a day in 1999 and to 4 hours in both District and Regional Courts in 2001. High Court hours on the other hand were on average 3,5 a day during the year under review - more work needs to be done in this area of operation.

Analysis of statistics of past years revealed that backlogs were rising despite improved performances and that more courts were needed to deal with this problem. The Saturday and additional courts initiative were embarked on to address this.

Results have been phenomenal. From February to December 2001 the Saturday and additional courts disposed of 14 884 cases made up of 6 013 by Saturday courts and 8 871 in additional courts.

Contributing to the improved performance in courts is the establishment of the Chief Prosecutor component within the NPA. Thirty-five Chief Prosecutors were employed to address the priority of improving the performance of Lower Courts nationally and providing administrative and professional assistance to prosecutors.

At the strategic session it was decided that in order to maximise performance, Chief Prosecutors had to be linked directly to the management offices of the Directors of Public Prosecutions. This decision has paid off handsomely in service delivery.

An essential part of the strategy is a zero-tolerance approach to corruption and criminality. The DPPs were trained to take over the functions. Four matters were

finalised in which prosecutors were dismissed and six appeals also finalised. Twelve new enquiries were initiated and 16 matters referred to relevant DPPs.

The phenomenon of cross-border and international criminality, in conjunction with South Africa's full standing in the international community, has inevitably increased collaboration with counterparts in investigating and prosecuting crime and in pursuing fugitives. The government positioned itself as a full player by enacting amendments to the Extradition Act, 1962, and introducing the International Cooperation in Criminal Matters Act, 1996.

### Directorate of Special Operations (Scorpions)

This unit was set up by Presidential directive in 1999 with a mandate to deal with all national priority crimes. Responsibilities have been extended in terms of Sect 7 (1) of the National Prosecuting Authority Amendment Act, empowering the DSO to investigate; to gather, keep and analyse information where appropriate; to institute criminal proceedings relating to organised crime and unlawful activities as well as other Gazetted offences.

Strategic subject matter focus areas are:

- Drug-trafficking.
- Organised violence, urban terror and street gangs.
- Precious metals smuggling.
- Human-trafficking.
- Vehicle theft and hijacking syndicates.
- Serious offences.
- Organised public corruption.

Case selection criteria are:

- Seriousness of the case and scope of the offence; whether it was organised.
- Prevalent involvement of perpetrators in a particular crime threat area .
- Complexity of the crime.
- Outcome of law enforcement efforts in neutralising the syndicates.

- Whether money laundering, racketeering and asset forfeiture provisions of the Prevention of Organised Crime Act, (Act 121, 1998) apply.
- The influence on and infiltration of legitimate structures.
- Whether negative impacts on markets or industries can be neutralised.
- The public interest and final cost of investigation.
- Financial worth of the syndicate.

Major achievements in the year under review are:

- An organisational structure has been designed, approved and partially implemented. Personnel appointments have and are still being made.
- A centralised administrative component was created within the head of the DSO's Office and personnel appointments made.
- Four operational management desks dealing with traditional organised crimes, financial crimes, public corruption and racketeering/money laundering have been created.
- Case selection criteria, as well as standardised notification and consultation processes have been finalised. Their management is ongoing.
- The process of putting protocols in place with external stakeholders has been started. The draft protocol with SARS has been finalised. An SAPS protocol has been drafted.
- Surveillance capacity has been established.
- A training plan has been developed and implemented.
- A comprehensive project and case management system is being developed. The staff complement stands at 445 with 261 special investigators.

### Asset Forfeiture Unit

Remarkable success has been achieved by the AFU, while still testing the law. Despite the loss of several cases, the unit has enjoyed a success rate of 91%. The unit has already proceeded to the second stage of its applications in many cases where it applied for forfeiture or frozen assets in 85 of 150 cases. Most of the outstanding cases depend on the finalisation of the criminal trial.



In the year under review, 55 of 85 forfeiture applications involving R22 million have been finalised - an 88% success rate.

### **Specialised Commercial Crimes Unit**

A pilot programme started in 1999. The SSCU has successfully demonstrated a suitable model of how to deal with commercial crimes, particularly in the larger centres. By the end of March 2002 the unit had enrolled 321 cases with 253 brought to court, resulting in 171 convictions and 22 acquittals. Others were ongoing. The average hours spent in court ranged from 4.64 to 4.8 hours.

### **Sexual Offences and Community Affairs Unit**

This unit has been innovative in putting offences against women and children on the national agenda.

The unit has also provided specialist training to hundreds of prosecutors dealing with sexual offences and related crimes. One of the topics covered was the use of medical DNA evidence in the prosecution of rape cases, especially where victims are infants.

In line with the 2001 strategic plan the unit established sexual offences courts in some of the hot spots. This is aimed at providing dedicated and specialist services to communities where the levels of these crimes are high. Two multidisciplinary centres were established in Mdantasane and Nyandeni in the Eastern Cape, while trauma centres were established in Tshilidzini and Donald Fraser Hospitals in Limpopo.

A focus for SOCA is child support. When women seek redress against the failure of fathers to support children, they are often ridiculed and insulted so that they become ashamed to pursue their children's rights. Confronted with this, SOCA has embarked on a major crackdown on maintenance defaulters.

Another priority area is a proper diversion programme, particularly for young offenders. Statistics show that 40% of rapes against children are committed by other children. These young offenders find themselves trapped in the system for a long time.

### **Witness Protection Programme**

Witness Protection was incorporated in the NPA in January 2001. Since incorporation an audit and review process of the programme was done. The process has revealed several shortcomings in the way the programme was run.

Cases of corruption were discovered and referred to the Special Investigation Unit.

The programme is being revamped to create a structure that will provide an effective and efficient service to the criminal justice system, and meet challenges of law enforcement in the 21st century - a programme that treats witnesses with dignity, fairness and sensitivity.

### **Corporate Services**

As the best option for administrative support for the NPA, a Shared-Services Centre model was adopted at the 2001 Strategic Planning Session. Corporate Services was put in charge of that process.

Significant progress has been made in consolidating Corporate Services and some major successes have been recorded.

In April 2001 the NPA took out the administrative support functions for prosecutors from the Department of Justice and Constitutional Development. There were various serious challenges, but in the end major obstacles have been overcome. Turnaround times have been improved, e.g. turnaround time for the payment of S & T claims is seven days in 94% of cases, Notch and Merit Award payments have been made. The organisational Review and Design study has been completed.

## Programme 5 - Auxiliary and Associated Services

### Aim:

Auxiliary and Associated Services provides for services associated with the Department's aims.

- The Judicial Service Commission makes recommendations on the appointment, removal from office and tenure of judges, and advises Government on the administration of justice.
- The Magistrates Commission is a body established by law to ensure the independence of the lower courts. This includes the appointment, conditions of service, functions, transfer, disciplinary measures, training, efficiency and termination of office of judicial officers in the lower courts.
- The Office for the Control of Interception and Monitoring of Communication administers the Interception and Monitoring Prohibition Act (127 of 1992). The Judge appointed to this office has the jurisdiction to deal with applications from statutory intelligence units for direction to execute interception, monitoring and related procedures for crime investigative purposes without a suspect's knowledge, ordinarily amounting to unpermissible invasion of privacy.
- The South African Human Rights Commission promotes compliance with the Bill of Rights.
- The Commission on Gender Equality promotes gender equality in South Africa.
- The Special Investigating Unit investigates cases of corruption, fraud and maladministration that have been referred to it by the President. Upon completion of an investigation, the Unit can institute civil action in the Special Tribunal in order to recover, protect or save state assets and state monies that have been or could be misappropriated or misused.
- The Legal Aid Board ensures that funds are available

for providing indigent accused persons with legal advice, and assists them with various civil and administrative proceedings.

- The Public Protector conducts investigations into allegations of various forms of corruption and maladministration in the exercise of administrative powers and the use of public funds.
- The e-justice Programme modernises systems and brings them in line with international best practice by building IT infrastructure for electronic financial and case management systems.
- The President's Fund gives effect to the reparations policy flowing from the work of the Truth and Reconciliation Committee.
- Government Motor Transport manages vehicles for departmental use.

### Programme policy development:

The provision of basic electronic infrastructure and connectivity within the Department, providing for the modernisation of systems, including non-vote financial, administrative and management systems, such as the new Master's financial and administration system that will be implemented by April 2002. This system will allow electronic access to estate information and will allow liquidators, executors, creditors and others to do their Master's Office business online. The process of finalising estates will be reduced by months.

The transformation of the Legal Advice Board includes moving from the Judicare system towards one that offers legal representation through lawyers employed by justice centres. These centres will reduce the cost of making justice accessible by reducing the reliance on attorneys and advocates in private practice. Twenty-four justice centres are already operating and the LAB aims to have 60 established in two years. A recent court decision that provides for automatic appeals from Lower Courts to High Courts is expected to increase demand for services.

The promulgation of the Promotion of Access to Information Act (2 of 2000) and the Promotion of Equality and Prevention of Unfair Discrimination Act (4 of 2000) will continue to place additional obligations and responsibilities on the South African Human Rights Commission. These will include running public education campaigns, developing guides on the legislation, training information officers and Equality Court officials, assisting complainants, and compiling reports for Parliament. The establishment of the National Centre for Human Rights Education will benefit the Commission's human rights training work and building a culture of human rights.

The Special Investigating Unit has been restructured into a permanent anti-corruption entity. A project management approach to investigations is being adopted and certain work will be outsourced to other forensic specialists.

The Commission for Gender Equity continues to provide input into policy development by Government, especially in cooperation with the Office on the Status of Women in the Presidency.

### Information and Systems Management (ISM)

The ISM has been established to provide the Department with a dynamic business unit in order to deal with information and systems management needs. In this regard the business unit, inter alia, renders a service regarding the development of appropriate technology and the re-engineering and development of systems that serve the strategic interests of the Department.

#### ISM Mission

The ISM's mission is to set new standards in service delivery. This will be done by:

- facilitating accountability to the public and the State;
- promoting accessibility and transparency; and
- make the administration of information and systems technology in the Department speedy and cost-effective in the interest of a safer and more secure South Africa.

This will be achieved by:

- promoting an integrated justice system and fully utilising the best technology available as a strategic enabler by:

- establishing strategic partnerships;
- integrating and continuously innovating management systems; and
- adding value to services offered by the Department

#### ISM Vision:

The ISM vision comprises the following dimensions:

- An integrated ISM system that is consistent with the emerging Government Information Technology Architecture (GITA) supports business requirements to adequately enable the entire Department's and the Integrated Justice System's processes to the satisfaction of all information systems and technology service users.
- The focus of managing and developing information systems and technology solutions is supporting the line-functions of the Department, which form the core with which all other (supporting) systems integrate.
- There is a seamless movement of information between all sections of the Department, as well as increased movement of information between government departments, whereby e-government is promoted.
- A common operating environment exists for all application software. A maximum degree of integration exists between different applications, whilst "Commercial off the Shelf" (COTS) products are used maximally and is consistent with the House of IT Value.
- A healthy business relationship exists between the Department and SITA. ISM ensures that the Department gets value for money and the Department's interests are safeguarded without prejudice to the broader state interests.
- The ISM is the Department's Centre of Excellence for the supply, management and maintenance of all information systems and technology services, except those services that are so unique that they cannot be in-sourced from ISM. However, ISM participates as a stakeholder in such unique systems and services to ensure that the Department's standards are adhered to and integration into a common operating environment is achieved with the optimisation of economies of scale.



Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual

### Information and Systems Management (ISM)

e-Justice Programme (multi-year programme) - NCPS R43million spent during reporting period	Digital Nervous System R212million over 2 years starting 1 November 2001 (R35 million spent over reporting period)	Contract concluded for installation of networks and work-station support	2001	R35million spent during reporting period
	(Hardware and Software Procurement)	Installations completed in major centres	2001/2	R95million spent during reporting period
		Help Desk implemented	2001/2	Included in R35million above
		Hardware and software support taken over by contractor	2001/2	R6million spent during reporting period
	Financial Administration System	State Attorneys System implemented	2001	R43million spent during reporting period

Subprogramme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
		Master's Fund Automated System solution procured and first pilot launched	2001	Included in R43million above
		JDAS nearing completion	2001/2	Included in R43million above
		Hardware procured	2001/2	Included in R43million above
		System development completed	2001/2	Included in R43million above
	Court Process Project	Pilot projects launched in Durban and Johannesburg delivered	April 2001	R14,5million spent over reporting period
	Virtual Private Network (VPN)	IJS, VPN established	February 2003	R94million spent over reporting period

### 3.3 Capital investment, maintenance and assets management plan

#### 3.3.1 Infrastructure and Facilities (Background)

Budget allocations had to be re-prioritised to allow for the upgrading of infrastructure. An amount of R30 million has been spent on much needed services and the procurement of items such as telephone systems, court recording and other equipment, furniture and the hiring of temporary accommodation. A further amount of R10 million has been spent on the procurement of motor vehicles, mainly to commute to branch and periodical courts.

Major achievements and progress have been made in the field of the provision of court accommodation. Nine new court buildings, as well as projects for the provision of additional court accommodation at existing buildings, have been completed in the 2001/2002 financial year. Forty-nine major works services entailing, *inter alia*, new

buildings, additions to buildings, reconstruction of four buildings partly gutted by fire, physical security measures and cells conforming to all human rights requirements, are presently in construction.

The emphasis for the provision of facilities is on the previously neglected communities. The planning and construction of new court buildings at, for example, Khayelitsha, Blue Downs, Botshabelo, Atteridgeville and an estimated R30 million project at Tembisa, clearly demonstrate the Department's determination in this regard.

The sod-turning ceremony of the new building for the Constitutional Court in Johannesburg, which is going to form part of the Constitutional Hill legacy project, took place on 18 October 2001. This is our single most significant project in execution, as it will not only provide the highest court of our country with fitting and proper

accommodation for the first time, but it will also be the first major public building of the new era of constitutionalism and democracy. Building activities are progressing as planned.

In addition, the Department has embarked on a major repair and maintenance programme, in terms of which court buildings will be repaired and renovated to full functionality, and thereafter be properly maintained. Of the fifty buildings which have been identified for the programme thus far, seven are in construction and tenders have been called for in respect of nine already. The vast majority of the remaining thirty four services are already in planning.

In conclusion, numerous minor works services, which are executed at regional level, are ongoing.

### **3.3.2 Budget**

The year under review has been the first in which the budget for capital works has been administered by the Department itself, and no longer the Department of Public Works (DPW). This has implied, *inter alia*, that prioritisation of expenditure has been done by the Department only. DPW remains the executing agent for all the Department's capital works services, though.

### **3.3.3 Organisations to whom Transfer Payments have been made**

Funds have been transferred to DPW for the procurement of new and additional accommodation, including variation orders, and for the installation of air-conditioners. A special arrangement, as approved by National Treasury, for the transfer of funds to the Gauteng Department of Finance and Economic Affairs (Johannesburg Development Agency) has made it possible to start with the Constitutional Court project in Braamfontein. The transfers which have been effected are the following:

Date	Particulars Transfer of Funds for:	Amount (R'000)	Balance Allocated Amount (2001/02) (R'000)
			248 446
24.7.2001	Capital works	60 615	187 831
14.8.2001	Accommodation for Chief State Law Adviser in Cape Town	364	187 467
11.2.2002	Capital works projects for planned costs	108 030	79 437
4.3.2002	Maphumulo Magistrate's Office: Security measures, fencing and lighting: Variation order	9	79 427
14.3.2002	De Aar Magistrate's Office: Additional accommodation and installation of air- conditioners: Variation order	300	79 127
20.3.2002	Braamfontein: Constitutional Court project: Construction costs 2001/02	21 000	58 127
27.3.2002	Braamfontein: Constitutional Court: Consultant fees	6 727	51 400

### 3.3.4 Medium-Term Expenditure Framework (MTEF) Allocation: 2001/02 Financial Year: Expenditure

The expenditure during the previous financial year (2001/02) was as follows:

	(R'000)	(R'000)
<b>Capital Works (Building Services)</b>		
Amount allocated per budget		193 787
Plus roll-over from previous year		54 659
248 446 000		
Minus Expenditure as at 28 March 2002		197 046
Capital Works	168 645	
Constitutional Court	21 000	
Professional Fees	6 727	
Lease: Law Advisers Cape Town	364	
Variation orders at Magistrate's Office		
Maphumulo and Air-conditioning at De Aar, Magistrate's Office	309	
	<b>51 400</b>	

The balance of R51 400 000 was committed by the end of the financial year for the major projects at Benoni, Pretoria-North, Tembisa, Ceres, Randburg and Scottburgh. National Treasury will be approached, as prescribed, for approval of the roll-over of these funds to the 2002/2003 financial year.

### 3.3.5 Major Works

- At Botshabelo in the Free State Province, a new court building with five new courtrooms was constructed.
- At Queenstown additions to the existing court building comprising inter alia three new courtrooms was recently completed.
- A new building at Khayelitsha on the Cape Flats with 13 new courtrooms, offices, a cash hall and cell block was constructed.
- At Blue Downs in the district of Kuils River in the Western Cape Province, a new building with eight courtrooms, offices, cash hall and cellblock was completed.
- A new periodical court at Patensie in the district of Hankey with one courtroom and offices was constructed.
- At Kroonstad in the Free State Province, additions to the existing building comprising three courtrooms and office space was effected.
- A new branch court comprising one courtroom and offices was constructed at Khutsong in the district of Carletonville, North West Province.
- Three new courts with offices were provided in the central business district of Johannesburg to accommodate regional court sessions for the Serious Commercial Crimes Court.
- In addition, mobile courts, as an interim intervention

to deal with case backlogs, have also been placed at Randburg, Kathlehong and Pretoria North.

### 3.3.6 Repair and Maintenance Programme (RAMP)

#### (a) Background

A specialised approach for the repair and maintenance of building facilities has been developed. It is called the Repair and Maintenance Programme (RAMP), which involves the complete repair and renovation to full functionality of a building and the proper maintenance thereof for three years.

Each project is divided into 3 phases:

Phase 1 involves a *status quo* report for each facility and provides a basis for the Department of Public Works and the Department of Justice to appoint consultants, and to plan a budget for repair and maintenance contracts at each facility. The total cost of phase 1 contributes 2% of each project's cost.

Phase 2 involves appointment of consultants for the design and documentation of repair and maintenance contracts. Contracts are advertised nationally and locally and are evaluated as per the government conditions of tender. The total cost of phase 2 contributes 7% of each project's cost.

Phase 3 involves construction, during which a facility with its installations and infrastructure is first repaired and then maintained for the balance of a 36 months contract period.

#### (b) Progress

- Seven projects are in execution, nine are on tender whilst one has been held over awaiting clarity regarding the future use of the building. The vast majority of the other projects are in planning.

#### (c) Justice Buildings under RAMP

Klerksdorp Magistrate's Office

Potchefstroom Magistrate's Office  
Justice College Pretoria  
Durban High Court  
Ongoye Magistrate's Office  
Mahlabatini Magistrate's Office  
Melmoth Magistrate's Office  
Msinga Magistrate's Office

Umzimkulu Magistrate's Office (on hold)  
Cala Magistrate's Office  
Elliot Branch Court  
Tseseng Magistrate's Office  
Zwelitsha Magistrate's Office  
Inkanyezi Magistrate's Office  
Nongoma Magistrate's Office  
Maphumulo Magistrate's Office  
Emnambithi Magistrate's Office  
Ubombo Magistrate's Office  
Dukuza Magistrate's Office  
Kwamsane Magistrate's Office  
Impendle Magistrate's Office  
Mid-Ilovo Periodical Court  
Nsikazi Magistrate's Office  
Eerstehoek Magistrate's Office  
Mbibane Magistrate's Office  
KwaMhlanga Magistrate's Office  
Moutse Magistrate's Office (on hold)  
Mkobola Magistrate's Office

Praktiseer Magistrate's Office  
Malamulele Magistrate's Office  
Giyane Magistrate's Office (on hold)  
Naphuno Magistrate's Office  
Sekhukhune Magistrate's Office  
Motetema Magistrate's Office  
Soekmekaar Magistrate's Office  
Saselamani Magistrate's Office  
Malebogo Magistrate's Office  
Madikwe Magistrate's Office

Ezibeleni Magistrate's Office  
Idutywa Magistrate's Office (on hold)  
Whittlesea Magistrate's Office  
Orlando Magistrate's Office  
Thabamopo Magistrate's Office (on hold)  
Ditsobotla Magistrate's Office  
Lehurutse Magistrate's Office  
Mothibistadt Magistrate's Office  
Tsineng Magistrate's Office  
Kakamas Magistrate's Office

## (d) Financial

### i. Consultants

Consultants are appointed for the professional services as per R1113 government tariff of fees for professional engineers. The standardised appointment is the most effective way of consultant remuneration, as no time basis fees are payable.

### ii. Value of Repair and Maintenance programme

Total estimated value of the Repair and Maintenance Programme for 3 years, including 33 facilities is R80,726 million (Construction and consultants).

### iii. Financial Years

- Actual expenditure for previous years: R 0.0 million
- Actual expenditure to date for 2001/2002: R 4.2 million
- Estimate for financial year 2001/2002: R 3.5 million
- Estimate for financial year 2002/2003: R51.9 million
- Estimate for financial year 2003/2004: R13.2 million
- Estimate for financial year 2004/2005: R12.2 million

### iv. Statistics (As on 30 November 2001)

- Number of facilities to be investigated: 48
- *Status quo* reports completed: 42
- Draft *status quo* Reports submitted: 1
- Building area covered (48 Facilities) (43): 103,023 m2
- Total number of tenders to be awarded: 8
- Contracts awarded/recommended (16): 8



### 3.3.7 Land and Buildings

It is to be noted that expenditure for planned maintenance (repairs and renovations), leasehold improvements and leases (rental) are budgeted for by the Department of Public Works (DPW). Capital expenditure, however, is budgeted for by the Department and the MTEF allocations are annually approved by Treasury - the expenditure/payments are done on behalf of the Department by DPW

### 3.3.8 Minor Works

Minor Works are mostly services of a capital nature not exceeding R5 million each. The planning and execution of such projects are managed in conjunction by the Regional Offices of the Department and DPW.

The table below gives a summary of Minor Works activities during the year under review:

Province/ Region	Services Completed	Services in Construction	Services in Planning	Total
Eastern Cape	1	33	33	67
Free State	3	42	32	77
Gauteng (Johannesburg)	-	14	22	36
Gauteng (Pretoria)	1	4	8	13
KwaZulu/ Natal	-	34	52	86
Mpumalanga	3	21	19	43
Northern Cape	-	25	10	35
Northern Province/ Limpopo	1	20	20	41
North West	4	12	10	26
Western Cape	6	23	30	59
<b>TOTAL</b>	<b>19</b>	<b>228</b>	<b>236</b>	<b>483</b>

Some of the more significant projects included in the above table are the following:

	Office	Service	Status
	<b>Eastern Cape</b>		
1.	Magistrate, Peddie	Repair of fire damage to building plus additional accommodation	In construction - expected completion June 2002
2.	Magistrate, Middel drift	New building (previous destroyed by fire)	In construction - expected completion June 2002
3.	Patensie Periodical Court (Magistrate, Hankey)	New building	Completed February 2002
	<b>Free State</b>		
4.	Magistrate, Parys	Additional accommodation and security measures	In construction - expected completion May 2002
5.	Magistrate, Senekal	Additional accommodation and security measures	In construction - expected completion July 2002
	<b>Gauteng</b>		
6.	Sebokeng Branch Court (Magistrate, Vanderbijlpark)	Additional accommodation	In construction - expected completion August 2002
7.	Magistrate, Johannesburg	Security measures	In construction - expected completion July 2002
8.	Magistrate, Johannesburg	Installation of special elevator for physically challenged	Design stage
	<b>KwaZulu/Natal</b>		
9.	Magistrate, Stanger	Additional accommodation	Design stage - tender date July 2002
10.	Magistrate, Pietermaritzburg	Additional accommodation	Awaiting investment analysis report
11.	Magistrate, Matatiele	Additional accommodation and security measures	In construction - expected completion May 2002
12.	Magistrate, Izingolweni	Security measures	Tender evaluation stage



	Office	Service	Status
	<b>Mpumalanga</b>		
13.	Magistrate, Nelspruit	Additional accommodation and security measures	In construction - expected completion June 2003
14.	Magistrate, Ermelo	Additional accommodation and security measures	Construction to commence shortly
15.	Magistrate, Mkokola	Security measures	First delivery stage
16.	Magistrate, Nsikazi	Security measures	In construction - expected completion July 2002
	<b>Northern Cape</b>		
17.	Magistrate, De Aar	Additional accommodation	In construction - expected completion December 2002
18.	Magistrate, Griquatown	Additional accommodation	In construction - expected completion August 2002
19.	Magistrate, Kathu	Security measures and facilities for physically challenged	Tender date May 2002
	<b>Northern Province/Limpopo</b>		
20.	Permanent Circuit of the High Court, Pietersburg	Accommodation	Suitability of old magistrate's office building to be investigated
21.	Magistrate, Namakgale	Security measures	In construction - expected completion June 2002
	<b>North West</b>		
22.	Magistrate, Atamelang	Repair of fire damage and additional accommodation	In construction - expected completion November 2002
23.	Bothithong Periodical Court (Magistrate, Kudumane)	New building	In construction - expected completion June 2002
24.	Magistrate, Moretele	Additional accommodation and security measures	In construction - expected completion May 2002

	Office	Service	Status
25.	Magistrate, Odi	Additional accommodation and security measures	First delivery November 2001
26.	Tsineng Periodical Court (Magistrate, Kudumane)	Repair of vandalised building	In planning
27.	Magistrate, Taung	Security measures	In construction
<b>Western Cape</b>			
28.	Magistrate, Malmesbury	Alterations and additions and security measures	Completed March 2002
29.	Magistrate, Kuils River	Additional accommodation	Prioritised for planning
30.	Muizenberg Periodical Court (Magistrate, Simon's Town)	Additional accommodation	Prioritised for planning
31.	Magistrate, Simon's Town	Repair of fire damage	On tender

### Community Safety Centre Programme

The National Community Safety Centre Programme involves the four core departments within the criminal justice system, viz. South Africa Police Service, Department of Justice and Constitutional Development, Department of Correctional Services and the Department

of Welfare, as well as the Department of Health. It aims to bring services rendered by these departments to communities where these services either do not exist, or do exist but are not easily accessible, especially in rural areas, in an integrated way.

The following significant progress has been made:

#### (a) Completed before the year under review:

Centre	Completion
Thembaletu (George, Western Cape)	Officially opened on 18 October 2000

#### (b) Completed during the year under review:

Centre	Completion
Nsimbini (Umbumbulu, KwaZulu/Natal)	Completed in July 2001 - officially opened on 19 October 2001
Leboeng (Praktiseer, Northern Province/ Limpopo)	Completed in September 2001 - officially opened on 12 December 2001
Khutsong (Oberholzer / Carletonville, Gauteng)	Completed in December 2001 - to be officially opened soon

c) In construction during the year under review:

Centre	Expected Completion
Centane (Eastern Cape)	November 2002
Tshidilamolomo (Molopo, North West)	November 2002

Note: The Department's share of the Centane centre is essentially the replacement of the magistrate's office building which was destroyed by fire in April 1996.

(d) Other:

Centre	Status
Thabong (Welkom, Free State)	Site clearance delayed
Augrabies (Kakamas, Northern Cape)	Site clearance delayed

## Child Friendly Courts

The Department is busy with a programme of providing facilities at the courts where child witnesses in especially child abuse cases can testify in a friendly and secure environment without the risk of being intimidated by anyone.

Child witness rooms are furnished with one-way glass partitioning adjacent to the courtrooms simultaneously with construction work on new building projects. This will be an ongoing process as progress is made with building projects. Where it is impossible to provide such

rooms in existing buildings, other rooms removed from the courts are utilised by providing a closed circuit television link. Funds have been made available in 2002/03 for the upgrading of infrastructure, from which allocations will be made to purchase closed circuit television systems for some of the offices. The cost of new facilities or conversions is included in the cost of building projects as and when they materialise.

Significant progress has been made. As indicated below, 34 rooms with oneway glass partitioning have been provided, whilst 178 closed circuit television systems have been installed.

- (a) Courtrooms adapted to provide for child witness rooms with oneway glass partitioning and audio systems

#### Western Cape

Mossel Bay

Atlantis

Thembalethu (district George)

Bellville

Parow

Paarl (regional court)

Knysna

Khayelitsha (district Mitchells Plain)

Blue Downs (district Kuils River)

#### Eastern Cape

Nqamakwe

Tsomo

Tsolo

Lady Frere

Bizana

Sterkspruit

Umtata

Flagstaff

Mount Frere

Cofimvaba

Engcobo

Qumbu

Queenstown

Willowvale

Tabankulu

Ngqeleni

#### KwaZulu/Natal

Pinetown

Pietermaritzburg

#### Free State

Bethlehem

Botshabelo

Kroonstad

Harrismith

#### Northern Cape

Upington

#### Gauteng

Alexandra (district Randburg)

#### Northern Province

Waterval

- (b) Courtrooms provided with closed circuit television systems:

Western Cape	Number of systems
Atlantis	1
Beaufort West	1
Bellville	1
Cape Town	1
George	1
Malmesbury	1
Mitchell's Plan	1
Oudtshoorn	1
Paarl	1
Somerset West	1
Swellendam	1
Worcester	1
Wynberg	1
	13

Eastern Cape	Number of systems
Aliwal-North	1
Barkly East	1
Butterworth	1
East London	3
Elliot	1
Elliotdale	1
Engcobo	1
Mdantsane	2
Mount Fletcher	1
Mount Frere	1
Mqanduli	1
Grahamstown	2
King William's Town	1
Nqamakwe	1
Port Elizabeth	1
Port Elizabeth (High Court)	2
Port Elizabeth (Senior Public Prosecutor)	2
Middelburg	1
Port St Johns	1
Queenstown	1
Sterkspruit	1
Willowvale	1
Zwelitsha	1

<b>Eastern Cape</b>	<b>Number of systems</b>	<b>Free State</b>	<b>Number of systems</b>
Regional Head: East London (portable system)	1	Kroonstad	1
Uitenhage	1	Ladybrand	1
Umtata	1	Phuthaditjhaba	1
Qumbu	1	Sasolburg	3
	<b>33</b>	Thaba'Nchu	1
		Virginia	1
		Vrede	1
<b>KwaZulu/ Natal</b>	<b>Number of systems</b>	Welkom	1
Camperdown	1	Zastron	1
Dundee	1	Regional Head, Bloemfontein (portable system)	1
Durban	2	Odendaalsrus	1
Regional Head, Durban (portable system)	1		<b>22</b>
Empangeni	1		
Eshowe	1	<b>Northern Cape</b>	<b>Number of systems</b>
Estcourt	1	Kimberley	1
Glencoe	1	Kuruman	1
Howick	1	Upington	1
Ixopo	1	Vryburg	1
Ladysmith	1		<b>4</b>
Newcastle	1		
Pietermaritzburg	1	<b>North West</b>	<b>Number of systems</b>
Pietermaritzburg (High Court)	1	Mmabatho	2
Pinetown	2	Madikwe	1
Port Shepstone	1	Mmabatho (High Court)	1
Scottburgh	1	Molopo	1
Stanger	1	Odi	1
Umlazi	1	Potchefstroom	1
Verulam	1	Klerksdorp	1
Vryheid	1	Rustenburg	1
Kokstad	1	Regional Head, Mmabatho (portable system)	1
	<b>24</b>	Taung	1
		Bafokeng	1
<b>Free State</b>	<b>Number of systems</b>	Ditsobotla	1
Bethlehem	1	Ganyesa	1
Bloemfontein	1		<b>14</b>
Bloemfontein (High Court)	1		
Bloemfontein (Family Advocate)	1	<b>Mpumalanga</b>	<b>Number of systems</b>
Botshabelo	1	Barberton	1
Ficksburg	1	Bethal	1
Harrismith	1	Ermelo	1
Heilbron	1	Evander	1
Koffiefontein	1		

<b>Mpumalanga</b>	<b>Number of systems</b>
Graskop	1
KwaMlanga	1
Middelburg	1
Nelspruit	1
Eerstehoek	1
Mdutjana	1
Regional Head, Nelspruit (portable system)	1
Piet Retief	1
Standerton	1
Witbank	1
Nkomazi	1
Nsikazi	1
	<b>16</b>

<b>Northern Province</b>	<b>Number of systems</b>
Ellisras	1
Giyani	1
Louis Trichardt	1
Lulekani	1
Malamulele	1
Mhala	1
Pietersburg	2
Ritavi	1
Thohoyandou	1
Tshilwavhusiki	1
Tshitale	1
Vuwani	1
Hlanganani	1
Dzanani	1
Nylstroom	1
Tzaneen	1
	<b>17</b>

<b>Gauteng</b>	<b>Number of systems</b>
Benoni	1
Boksburg	1
Brakpan	1
Germiston	1
Heidelberg	1
Johannesburg	11
Johannesburg (High Court)	1
Kempton Park	1
Krugersdorp	1
Nigel	1
Pretoria	3
Pretoria North	1
Randburg	1
Randfontein	1

<b>Gauteng</b>	<b>Number of systems</b>
Roodepoort	1
Sebokeng (district Vanderbijlpark)	1
Springs	1
Vanderbijlpark	1
Oberholzer	1
Soweto (district Johannesburg)	1
Vereeniging	1
Vosloorus (district Boksburg)	1
Westonaria	1
	<b>35</b>

### **Specialised Commercial Crime Courts Centre in Johannesburg**

#### **Project Description**

The purpose of the project is to establish a Specialised Commercial Crime Court Centre in Johannesburg. The growing impact of commercially based crimes on business, both directly in terms of loss of profits and indirectly in terms of uncertainty of international investment, has precipitated a collective effort by the SA Police Service, the Department of Justice and Constitutional Development, the National Prosecuting Authority and various business associations, under the auspices of Business Against Crime (BAC), to deal effectively with commercial crime.

#### **Project Location**

The Johannesburg initiative is based upon the Pretoria pilot. The building which has been earmarked to house the initiative has been made available free of charge by a major banking group via BAC. This building is well situated to serve the purposes of all the stakeholders. Initially three regional courts will operate - funds are available for the conversions and the aim is for the centre to operate soon.

#### **Aims/ Objectives of the project**

The objective of the project is to increase the effectiveness of the investigation and prosecution of commercial crime cases, as well as to reduce the number of outstanding cases.



## Policy Matters

Delegation in respect of urgent repairs and day to day maintenance

With effect from 1 February 2002, the authority to approve the execution of day to day maintenance services and urgent repairs to office buildings, to a maximum amount of R5 000 per case for regional offices and R2 000 per case for sub-offices, has been delegated by the Accounting Officer to the incumbents of the posts of Regional Head in Regional Offices and Director: Provisioning Administration and Deputy Director: Accommodation in the Department. The incumbents of the post of Head of Office/ Office Manager in sub-offices have been delegated to approve the execution of urgent repairs and day to day maintenance services to the amount of R2 000 per service/ case. Repairs of an urgent nature and day to day maintenance to exceed R2 000 per case must be reported to the sub-office's Regional Head to obtain approval. This is an extension of the previous delegation with a view to the empowerment of heads of office/ office managers.

## Maintenance

All accommodation occupied by the Department's offices, whether State owned or leased, resorts under the Department of Public Works (DPW) in its capacity as the custodian of all State assets. The Department is merely the user. DPW is therefore responsible for the maintenance of all such buildings. They endeavour to approach the backlog in maintenance services systematically in consultation with this Department and within the limitations of their budget for planned maintenance. An approximate amount of R37 million has been expended by DPW during the year under review in respect of buildings occupied by the Department.

## Re-demarcation of Magisterial Districts

The lengthy process of the re-demarcation of magisterial districts has been completed and the national steering committee will present its final report to the Minister for

Justice and Constitutional Development shortly.

Recommendations may be expected which would change existing boundaries of districts and in the process affect the status of magistrates' offices, including branch and periodical courts, currently operating within such districts.

Some existing facilities may be down graded, whilst other may be upgraded. The latter scenario will impact directly on the Directorate's operations, in as much as additional or new facilities will have to be provided. The full extent will, however, only be known once the report has been released and the recommendations have been approved by the Minister.

### 3.3.9 Upgrading of Infrastructure

An amount of R40 million has been allocated for the upgrading of infrastructure at the Department's sub-offices. As indicated below, the major part thereof has been made available to the Regional Heads to upgrade facilities at the courts. Regional Heads have been requested to concentrate mainly on courts in rural areas and especially previously disadvantaged areas.

Date	Project	Amount (R'000)	Balance (R'000)
1. 19 June 2001	Magistrate, Atamelang Hire of Accommodation Prefabricated structures Furniture Telephones (Part of the building was gutted by fire and as an interim measure mobile prefabs have been hired.) The planning to rebuild the damaged part and to construct additional accommodation has been completed and tenders are being invited	45 40 8 93	29 907
2. 20 June 2001	Magistrate, Durban Telephone System Replacement of out of order and outdated PABX - system	214	29 693
3. 5 July 2001	Branch: Court Services Purchase of Transcription machines for transcribing of appeal and review case records for sub-offices (district and regional courts) countrywide Transcription machines were more than 10 years in service and 200 machines had to be replaced. The supplier declared it irreparable	2 000	27 693
4. 13 July 2001	Purchase of furniture, telephones and cutlery in new judges' chambers at Labour Courts, Johannesburg, Port Elizabeth and Durban	324	27 369
5. 8 August 2001	Regional Head, Free State Purchase of court recording machines, telephones, fax machines, photocopiers and furniture for various sub-offices in the province	2 148	25 221



Date	Project	Amount (R'000)	Balance (R'000)
6. 8 August 2001	Regional Head, Durban Purchase of court recording machines, telephones, fax machines, photocopiers and furniture for various sub-offices in the province	1 225	23 997
7. 8 August 2001	Regional Head, Northern Province Purchase of Court recording machines, telephones, fax machines, photocopiers and furniture for various sub-offices in the province	2 561	21 436
8. 8 August 2001	Regional Head, Mpumalanga Purchase of court recording machines, telephones, fax machines, photocopiers and furniture for various sub-offices in the province	2 000	19 436
9. 8 August 2001	Regional Head, North West Purchase of court recording machines, telephones, fax machines, photocopiers and furniture for various sub-offices in the province	1 898	17 536
10. 8 August 2001	Regional Head, Northern Cape Purchase of court recording machines, telephones, fax machines, photocopiers and furniture for various sub-offices in the province	1 761	15 777
11. 8 August 2001	Regional Head, Western Cape Purchase of court recording machines, telephones, fax machines, photocopiers and furniture for various sub-offices in the province	3 500	12 277
12. 8 August 2001	Regional Head, Gauteng Purchase of court recording machines, telephones, fax machines, photocopiers and furniture for various sub-offices in the province	5 000	7 277
13. 8 August 2001	Regional Head, Eastern Cape Purchase of court recording machines, telephones, fax machines, photocopiers and furniture for various sub-offices in the province	4 000	3 277

Date	Project	Amount (R'000)	Balance (R'000)
14. 11 September 2001	Labour Court, Johannesburg. Purchase of laptop computers for the judges on circuit between the Labour Courts at Johannesburg, Port Elizabeth, Cape Town and Durban	65	3 212
15. September 2001	Specialised Commercial Crime Court: Johannesburg Court recording equipment - i.e. recording machines, microphones and cabling	242	2 970
16. September 2001	Regional Head: Kimberley Purchase of publications for various courts in the Northern Cape Province	178	2 792
17. 2 October 2001	Furniture: Parliamentary Office, Cape Town	70	2 722
18. 22 October 2001	Magistrate, Umtata Publications	10	2 712
19. 22 October 2001	Johannesburg: Central Divorce Court Furniture	30	2 682
20. 25 October 2001	Magistrate, Paarl Publications for newly established Regional Courts	10	2 672
21. 30 October 2001	Publications for High Court Libraries	1 000	1 672
22. 5 November 2001	Magistrate, Simon's Town Both court rooms gutted by fire on 1.11.2001. Hiring of prefab structures until building has been rebuilt	150	1 522
23 6 October 2001	Microphones for the High Court Thohoyandou	5	151
24. 7 November 2001	Magistrate, Bloemfontein Installation of new and shifting of existing data lines and telephone lines in new converted offices	100	1 417

Date	Project	Amount (R'000)	Balance (R'000)
25. 8 November 2001	Regional Head, Free State. Funds for renewal of franking machine licences at 11 Magistrates' Offices.	30	1 387
26. 8 November 2001	Refer to No. 4 above: Additional costs for Labour Court Furniture	88	135
27. November 2001	CFO allocated another R10 million for upgrading of infrastructure	10 000	10 135
28. 15 November 2001	Magistrate, Barkley East Publications	10	11 289
29. 15 November 2001	Regional Head, Durban. Franking machine licences. Payment	61	11 228
30. 19 November 2001	Regional Head, Durban Four laptop computers and four printers for High Court Circuit Courts	105	11 123
31. 29 November 2001	Magistrate, Queenstown Purchase of court recording and transcrip- tion machines and microphones	111	11 012
32. 29 November 2001	Magistrate, Paarl Purchase of court recording machines	22	10 990
33. 30 November 2001	High Court, Thohoyandou Install cabling for recording system	20	10 989
34. 10 December 2001	Magistrate, Cradock Purchase of furniture	24	10 965
35. 14 December 2001	Deputy Director-General: Court Services Purchase of laptop computer, printer and projector	74	10 891
36. 20 December 2001	Magistrate, Port Elizabeth Purchase of fax machine Hire of copier	7	10 884
37. 3 January 2002	Registrar, Durban Conversions to annex building	30	10 884
38. 3 January 2002	Regional Head, Gauteng Ten laptop computers and eight laptop print- ers for High Courts and Regional Offices	254	10 630

Date	Project	Amount (R'000)	Balance (R'000)
39. 6 February 2002	Magistrate, Excelsior Purchase of publications	2	10 628
40. 7 February 2002	Director: Provisioning. Purchase of 3 x Laptop computers and 2 x printers for judges at Cape Town	101	10 527
41. 13 February 2002	Director: Provisioning Renewal of all Jutastat licences in the Department	1 657	8 870
42. 20 February 2002	Magistrate, Cradock Purchase of carpets and equipment	23	8 847
43. 20 February 2002	Director: Courts Computers and Printers	260	8 587
44. 6 March 2002	Registrar, Bisho Installation of Child Court System	4	8 583
45. 8 March 2002	Magistrate, Lusikisiki Payment of account: Furniture bought under RDP funds	70	8 447
46. 13 March 2002	Registrar, Bloemfontein Jutastat	10	8 437
47. 13 March 2002	Section: Publications Publications	30	8 407
48. 25 March 2002	Magistrate, Cradock Purchase of curtains	6	8 401

### 3.3.10 Transcription Services: High Courts

The contract for transcription services at the High Court was awarded for a period of five years to the company Sneller Digital. The commencement date of the contract was 1 August 2000 and the company's implementation date after installation of the new system was 9 October 2000. It is trusted that the problems of poor recordings that were experienced with the audio system will be eliminated with the implementation of the digital system.

### 3.3.11 Transcription Services: Magistrates' Courts

In conjunction with the Office of the State Tender Board, tenders were invited for the appointment of new contractors for transcription services for the magistrates' courts and the closing date was 3 July 2001. The evaluated tenders, together with the Department's recommendation, were referred to the Office of the State Tender Board on 14 December 2001. The approval of the State Tender Board is awaited.



### 3.3.12 Logis System

The Procurement Administrative System known as “Logis” has been implemented at the National Office. In order to prepare for the implementation of the system at Regional Offices, assessments by officials of the Department of State Expenditure at the Regional Offices were finalised. After consultation between the two Departments in this regard, a decision was made that the Regional Offices must first implement the Manual PAS System. Two officials from the National Office visited the nine Regional Offices for training and implementation of the Manual System. The implementation team for Logis of the Department of State Expenditure visited all the Regional Offices, in order to attend to the implementation phase. During the reporting period the Logis System have been fully implemented at the Regional Offices, North West, KwaZulu-Natal, Free State, Northern Cape, Western Cape, Northern Province and Eastern Cape. The Regional Office, Mpumalanga and Gauteng have not been finalised yet.

### 3.3.13 Asset Management

State of Department’s Capital Stock. The key moveable assets, e.g. court recording machines, fax machines and furniture are used in the Head Office, nine Regional Offices and 542 sub-offices. The state of these assets is as follows:

Good: 70%  
Fair : 25%  
Bad : 5%

A maintenance contract for repairs and maintenance of court recordings and transcription equipment was in place until November 2001. The company was liquidated and the State Tender Board was requested to negotiate a new contract.

No projects will be carried forward to the following financial year.

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*Part Four*

*Four*



## Part Four

### Report of the Audit Committee

#### 1. Report from the Audit Committee on:

- the effectiveness of internal control;
- the quality of in-year management and monthly reports; and
- the audit committee's own evaluation of the annual financial statements.

#### Internal Audit and Audit Committee

The independent Audit Committee continued to meet during the year in terms of the PFMA, meeting on three occasions. On each occasion, the members were provided with extensive reports in advance on a variety of matters by internal audit. The reports enabled the Audit Committee to review the financial functioning of the Department.

The chairman, Judge Mervyn King, resigned due to work pressures on 12 April 2002 and was replaced by Mr S A Patterson. The Committee comprised three members at 31 March 2002 and two further persons have since been appointed. The Audit Committee fulfilled its responsibilities as an oversight committee on internal control, monitoring the internal audit function and the approach to risk management. From the reports, it is clear that Internal Audit is meeting its objectives. Internal Audit is functioning in close consultation with the Auditor-General and a good deal has been done to ensure that the internal auditors complement the work of the external auditors. In the process measures have been taken to ensure that there is no unnecessary overlapping of functions. Internal Audit consist of well-qualified personnel.

The Audit Committee has in the process of its meetings had regular contact with internal audit, the Auditor-General and the Department.

The Committee has also monitored the scope of the work of the Auditor-General, considered progress reports on the audit and level of audit fees proposed.

The Audit Committee was represented at certain meet-

ings of SCOPA and addressed various matters raised by SCOPA.

During the course of the year, Internal Audit facilitated the implementation of an anti-corruption and fraud strategy as well as risk management policy, and the internal audit charter was updated.

The contract with Custodiet expired on 31 December 2001 and has provided considerable assistance to internal audit in terms of work performed, audit approach and training of personnel. The Internal Audit Department has improved considerably this past year. However, the Department continues to be understaffed in terms of suitably qualified personnel and the Audit Committee has requested that this matter be given urgent attention.

From the various reports submitted to the Audit Committee, it is clear that the necessary controls and detailed procedural manuals for the application of internal controls are in place. It is, however, disheartening to note from the reports that notwithstanding the clear and concise prescripts, there is what appears to be an increasing culture of non-compliance with laid down procedures. There continues to be a lack of supervision and discipline and if this is not rectified, this culture of non-compliance will continue and the audit result of each new year is unlikely to reflect significant improvement over that of the previous year.

With this in mind, the Audit Committee requested the Auditor-General and Internal Audit during December 2001, to consider a solution to rectify this rather than to continue to submit extensive audit reports, the results of which are predictable.

The continuous process of non-compliance inevitably leads to fraud and corruption. This was confirmed by the forensic audit reports presented to the Audit Committee on 12 April 2002. It is clear from these that areas of the Department are possessed with a culture of fraud, theft and corruption, including the fact that criminal syndicates are operating with the assistance of employees. Internal Audit and the Auditor-General with the



assistance of other audit firms, must be congratulated on the exposure of these corrupt situations.

One other matter of great concern to the Audit Committee is the fact that when reviewing Internal Audit reports on the Information Technology section, the same problems which occurred in the previous year were still in existence. We find it disturbing that no information security policy is in place and that back-ups are not stored in a safe place and that users are not aware of good security practices.

#### **Overall comment on the effectiveness of the systems of internal control**

Although extensive reliance cannot be placed on the systems of internal control, there is commitment from management to improve the situation. As a result of management commitment, the Audit Committee decided to play a bigger role by having additional special purpose meetings with the aim of discussing the prioritised (high) risks, among other things. To date special purpose Audit Committee meetings were held as follows:

On 24/05/02	NPA - Internal Audit report Performance audit - HR (Internal Audit) Risk management strategy
On 29/05/02	Annual Financial Statements

The above achievements indicate that positive progress has been made by the Department in resolving issues and engaging in a process of implementing good governance.

Where weaknesses were identified in internal controls, corrective action has been or is being planned to be taken to eliminate or reduce the concomitant risks.

#### **Evaluation of the Annual Financial Statements**

Our review of the Annual Financial Statements, supported by input from the Accounting Officer and his management team, the Head of Internal Audit and the Office of the Auditor-General, facilitated the Audit Committee's decision to accept the opinion expressed by the Auditor-General on the Annual Financial Statements of the Department.

It should be noted that in prior years a disclaimer of opinion was issued by the Auditor-General, whereas in the current year a qualified opinion has been issued, which reflects a substantial improvement in the accuracy of the records kept by the Department.

The Audit Committee has requested the Accounting Officer and his management team to implement the necessary remedial actions on the matters leading to the qualification of the audit opinion, as well as in respect of certain other matters affecting the Annual Financial Statements referred to in the report of the Auditor-General.

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*Part Five*

# *Five*

# Annual Financial Statements

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Please note: An addendum containing the Report of the Auditor-General will be added at a later stage.



## A. Department of Justice and Constitutional Development and NPA

### *Consolidated Income Statement (Statement of Financial Performance)* for the year ended 31 March 2002

	2001/02 R'000	2000/01 R'000
<b>Revenue</b>		
Voted funds	3 981 094	2 869 221
Department	3 823 543	2 733 080
Judges (Statutory appropriation)	157 551	136 141
Non-voted funds		
Sales of goods and services	179	254
Other receipts - on FMS	79 788	46 772
Other receipts - not on FMS	14 218	7 888
Local and foreign aid assistance (including RDP funds)	5 343	43 202
<b>Total Revenue</b>	<b>4 080 622</b>	<b>2 967 337</b>
<b>Expenditure</b>		
Personnel	2 037 218	1 784 903
Department	1 866 135	1 635 279
Judges	171 083	149 624
Administrative	241 472	185 914
Inventories	92 661	57 638
Equipment	93 865	95 414
Land and buildings	206 116	0
Professional and special services	498 567	164 196
Transfer payments	677 853	345 192
Miscellaneous	70 939	56 351
Special functions: Authorised Losses	14 765	336
Local and foreign aid assistance (including RDP funds)	8 417	9 063
<b>Total Expenditure</b>	<b>3 941 873</b>	<b>2 699 007</b>
<b>Net Surplus</b>	<b>138 749</b>	<b>268 330</b>
Add back unauthorised, irregular, fruitless and wasteful expenditure disallowed (previous years unauthorised disallowed in current year)	162 853	0
<b>Net Surplus for the year</b>	<b>301 602</b>	<b>268 330</b>

## A. Department of Justice and Constitutional Development and NPA

### *Consolidated Income Statement (Statement of Financial Performance)* for the year ended 31 March 2002

2001/02  
R'000

2000/01  
R'000

#### Analysis of Net Surplus for the year

Voted funds to be surrendered to Revenue Fund

Gross funds to be surrendered	210 491	179 277
Voted	61 170	192 760
Unauthorised expenditure relating to previous financial years	162 853	0
Judges	(13 532)	(13 483)
Revenue surrendered or to be surrendered to Revenue Fund	94 185	54 914
Local and foreign aid assistance (including RDP funds)	(3 074)	34 139
	<b>301 602</b>	<b>268 330</b>



## A. Department of Justice and Constitutional Development and NPA

### *Consolidated Balance Sheet (Statement of Financial Position)* at 31 March 2002

	2001/02 R'000	2000/01 R'000
<b>Assets</b>		
<b>Current assets</b>		
Unauthorised, and fruitless and wasteful expenditure	313 408	289 551
Cash and cash equivalents	83 697	380
Receivables	532 041	439 130
Prepayments and advances	9 229	10 320
Foreign aid assistance (including RDP funds) recoverable from donor	3 399	0
<b>Total assets</b>	<b>941 774</b>	<b>739 381</b>
<b>Liabilities</b>		
<b>Current liabilities</b>		
Funds to be surrendered	210 491	179 277
Vote	61 170	192 760
Unauthorised expenditure (previous years)		
Unauthorised disallowed in current year)	162 853	0
Judges	(13 532)	(13 483)
Revenue funds to be surrendered	21 200	3 438
Bank overdraft	560 569	500 122
Payables	102 783	10 561
Foreign aid assistance (including RDP funds) repayable to donors	1 573	1 529
<b>Total liabilities</b>	<b>896 616</b>	<b>694 927</b>
<b>Net Assets/Equity</b>		
Recoverable revenue	9 201	8 778
Local and foreign aid assistance (including RDP funds) rolled over	35 957	35 676
<b>Total net assets/equity</b>	<b>45 158</b>	<b>44 454</b>
<b>Total Liabilities / Equity</b>	<b>941 774</b>	<b>739 381</b>

A. Department of Justice and Constitutional Development and NPA

*Consolidated Statement of Changes in Net Assets / Equity*  
for the year ended 31 March 2002

	2001/02 R'000	2000/01 R'000
<b>Recoverable revenue</b>		
Opening balance	8 778	6 910
Debts raised	423	1 868
Closing balance	9 201	8 778
<b>Local and foreign aid assistance (including RDP funds) rolled over</b>		
Opening balance	35 676	6 875
Transfer from income statements	281	28 801
Closing balance	35 957	35 676

## A. Department of Justice and Constitutional Development and NPA

### *Consolidated Cash Flow Statement* for the year ended 31 March 2002

	2001/02 R'000	2000/01 R'000
<b>Cash flows from operating activities</b>		
Net cash flow generated by operating activities	301 602	268 330
Add: Capital expenditure disclosed separately	286 613	86 643
Less: Sale of equipment	(179)	(254)
	<b>588 036</b>	<b>354 719</b>
Cash generated/ utilised to increase working capital	(23 032)	(145 474)
Voted funds and Revenue funds surrendered to National Treasury	(255 700)	(62 821)
Voted Funds	(179 277)	0
SARS	(76 423)	(62 821)
Net cash flow available from operating activities	<b>309 304</b>	<b>146 424</b>
<b>Cash flows from investigating activities</b>	<b>(286 434)</b>	<b>(86 389)</b>
Purchase of equipment	(80 682)	(86 643)
Purchase of land and buildings	(205 931)	0
Proceeds from sale of equipment	179	254
Net cash flows from operating and investing activities	<b>22 870</b>	<b>60 035</b>
Cash and cash equivalents at beginning of period	(499 742)	(559 777)
Cash and cash equivalents at end of period	<b>(476 872)</b>	<b>(499 742)</b>

## A. Department of Justice and Constitutional Development and NPA

### *Consolidated Appropriation Statement*

Programme	Adjustment Estimate 2001/02 R'000	Virement 2001/02 R'000	Amount Voted 2001/02 R'000	Expenditure 2001/02 R'000	Savings (Excess) 2001/02 R'000	%	Amount Voted 2000/01 R'000	Expenditure 2000/01 R'000
Administration	366 354	299	366 653	366 653	0	0	272 328	253 315
Administration of Courts	1 322 165	49 038	1 371 203	1 334 579	36 624	2.67%	1 571 168	1 479 039
State Legal Services	182 352	(20 995)	161 357	161 357	0	0	147 204	141 989
National Prosecuting Authority	822 241	(97 462)	724 779	724 111	668	0.09%	269 362	226 547
Auxiliary and Associated Service	1 130 431	54 355	1 184 786	1 160 908	23 878	2.02%	472 707	439 120
Special Function	0	14 765	14 765	14 765	0	0	311	310
<b>Sub-Total</b>	<b>3 823 543</b>	<b>0</b>	<b>3 823 543</b>	<b>3 762 373</b>	<b>61 170</b>		<b>2 733 080</b>	<b>2 540 320</b>
<b>Economic Classification</b>								
Current								
Personnel	1 857 575	(9 140)	1 866 715	1 866 135	580	0.03%	1 634 192	1 635 279
Transfer payments	680 328	2 475	677 853	677 853	0	0	351 588	345 192
Other	865 993	(62 900)	928 893	931 772	(2 879)	0.31%	646 751	512 455
Capital								
Transfer payments	0	0	0	0	0	0	0	0
Acquisition of Capital Asset	419 647	69 565	350 082	286 613	63 469	18.13%	100 549	47 394
Personnel	0	0	0	0	0	0	0	0
<b>Total</b>	<b>3 823 543</b>	<b>0</b>	<b>3 823 543</b>	<b>3 762 373</b>	<b>61 170</b>		<b>2 733 080</b>	<b>2 540 320</b>

## A Department of Justice and Constitutional Development and NPA

### *Consolidated Appropriation Statement*

Programme	Adjustment Estimate 2001/02 R'000	Virement 2001/02 R'000	Amount Voted 2001/02 R'000	Expenditure 2001/02 R'000	Savings (Excess) 2001/02 R'000	%	Amount Voted 2000/01 R'000	Expenditure 2000/01 R'000
<b>Standard Item - Actual Expenditure</b>								
Personnel	1 857 575	9 140	1 866 715	1 866 135	580	0.03%	1 634 192	1 635 279
Administrative	318 118	(76 558)	241 560	241 472	88	0.04%	194 855	185 914
Inventories	66 971	25 690	92 661	92 661	0	0	73 365	57 638
Equipment	183 811	(62 251)	121 560	93 865	27 695	22.78%	161 977	95 414
Land and Buildings	248 446	(9 523)	238 923	206 116	32 807	13.73%	0	0
Professional and Special Service	377 675	120 892	498 567	498 567	0	0	233 777	164 196
Transfer Payments	680 328	(2 475)	677 853	677 853	0	0	351 588	345 192
Miscellaneous	90 619	(5 613)	85 006	85 006	0	0	83 326	56 687
Special Function		698	698	698				
<b>TOTAL</b>	<b>3 823 543</b>	<b>0</b>	<b>3 823 543</b>	<b>3 762 373</b>	<b>61 170</b>		<b>2 733 080</b>	<b>2 540 320</b>

## B. Department of Justice and Constitutional Development

Included in vote 22

### *Management Report* for the year ended 31 March 2002

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 following is a comparison between the previous and the current financial year's budget reconciliation:

A. Voted funds received by the Department	2001/02 R'000	2000/01 R'000
Appropriated amount	3 001 302	2 679 018
Adjustments	0	54 062
Virement (NPA)	96 764	0
<b>Total amount appropriated</b>	<b>3 098 066</b>	<b>2 733 080</b>
Less total expenditure	3 037 564	2 540 320
<b>Surplus to be surrendered</b>	<b>60 502</b>	<b>192 760</b>

B. Statutory Appropriation (Judges' salaries and allowances)	2001/02 R'000	2000/01 R'000
Appropriated amount	157 551	136 141
<b>Total amount appropriated</b>	<b>157 551</b>	<b>136 141</b>
Less total expenditure	171 083	149 624
<b>Over-expenditure to be funded by National Treasury</b>	<b>(13 532)</b>	<b>(13 483)</b>

#### C. Foreign Aid Assistance (Including RDP funds)

Since the 1996/97 financial year the Department of Justice and Constitutional Development received grants amounting to R 152 531 000 in the RDP fund, of which R 91 850 000 was received into the Department's PMG Account during the current financial year. However, R 87 005 000 related to prior years and is reconciled as follows:

## B. Department of Justice and Constitutional Development

### *Management Report* for the year ended 31 March 2002

i) The following amounts are reflected in the Income Statement:	2001/02 R'000	2000/01 R'000
Grants received during the financial year	4 845	43 202
<b>Total amount received</b>	<b>4 845</b>	<b>43 202</b>
Less total expenditure	7 832	9 063
<b>Closing balance</b>	<b>(2 987)34 139</b>	

- ii) The balance of R43 803 000 was included in the financial statements of the Department for years prior to 2001/02. This amount was derived as follows:

	R'000
USAID	3 756
USAID (Transfer to the National Prosecuting Authority)	130
USAID	145
USAID	12 541
EU	1
EU Foundation - Human Rights (Transfer payment to Public Protector)	147
Denmark	5 071
Denmark (Transfer payment to Public Protector)	360
Sweden	1 932
Sweden	234
Ireland	423
Ireland	295
UK	1 421
Human Rights Commission	256
UNICEF	10
Netherlands	12 902
Radda Barnen	200
Austria	638
Canada	179
CS Mott Foundation	1 224
Flemish	1 638
Norway	1
J in T New York	99
Switzerland	200
<b>Grand Total Received</b>	<b>43 803</b>

## B. Department of Justice and Constitutional Development - Management Report

D. Revenue	2001/02 R'000	2000/01 R'000
Opening balance	3 438	11 345
Revenue generated (On FMS)	78 937	47 026
Revenue generated (Not on FMS)	14 218	7 888
<b>Total revenue generated</b>	<b>96 593</b>	<b>66 259</b>
Less revenue paid to SARS	76 423	62 821
<b>To be surrendered to SARS</b>	<b>20 170</b>	<b>3 438</b>

The Department has been restructured along corporate lines in line with the King II report. It is well-known that our Government seeks to develop and strengthen our public-private partnerships in strategic areas. In this regard, we engaged senior business executives in the review and finalisation of our strategic plans and change management process within the Department. We agreed to a radical restructuring of our Department. In addition, a Board of Directors similar to that of a private company advises the Department. Serving as Directors on the Board, are both executive and non-executive members drawn from the private sector of our economy.

Myself, as the CEO and Accounting Officer of the Department, the Managing Directors of seven business units and the CFO serve as executive members of the Board. These self-contained business units have clear responsibilities and are accountable to the Board for their performance. Among these business units are four line function structures dealing with Court Services, Legal Services, Legislation and Constitutional Development and the Master's Office. The four supporting business units, which are designed to formulate policy at a national level, are the Office of the Chief Financial Officer, Human Resources, Public Education and Communication and Information and Systems Management. Some business units relate to various programmes of the Department. In the restructuring process, the Department has given prominence to the Master's Division by elevating it to one of its core functions.

## 2. Services rendered by the Department

### 2.1 Services rendered against a tariff:

The services rendered and listed hereunder only relate to services not listed elsewhere in the Annual Report:

- In addition to training activities provided by Justice College, subject matter experts (lecturers) render a telephone advisory service to a number of occupational groups in the Department, including (but not limited to) magistrates, prosecutors, clerks of the court and court interpreters.
- Justice College provides extra-departmental training in response to requests received from other government departments, and a number of SADC governments. No costs are incurred by the Department in this regard, as these extra-departmental and co-operative training activities are financed by the relevant departments and governments.

### Trust funds - Guardian's fund:

- Master's fees are levied in terms of the regulating Acts. These include fees in:
  - Deceased Estates
  - Curatorship Estates
  - Insolvent Estates
  - Trusts
  - Other fees such as Section 93 (Estates Act), Unclaimed Monies/ Monies absent or unknown creditors and copies
- State Attorney fees - legal services and debt collection on behalf of other government departments.

### 2.2 Free services:

- Administration of Monies in Trust is currently being done free of charge. Should a fee be charged, it would yield significant revenue.
- Small claims court: The Presiding Officer is normally a lawyer or retired magistrate who is rendering a free service at a magistrate's court.



## B. Department of Justice and Constitutional Development - Management Report

- A number of free services relating to the activities in the Masters' Offices include:
  - Estate Duty Taxation
  - Administration Services
  - Archive Services
  - Inspection Services
- Various legal and financial services are rendered by the Department on behalf of other government departments in terms of the co-operative requirements of the Constitution of South Africa. (Agency Services)

### 3. Underspending

Refer to note 1 of the Appropriation Statement for reasons on under overspending.

### 4. Capacity constraints

The following are the most common constraints facing the Department:

#### 4.1 Training and Skill development

- There is a great need for an effective training programme that takes account of all the ranges of specialisation in the business units.

#### 4.2 Resources (Funding, staffing and systems)

- There are numerous disparities in the allocation of funding, human resources, accommodation and equipment. The Masters' Offices have been inadequately funded for many years, resulting in the deterioration of its infrastructure and the ability to attract sufficiently qualified and experienced personnel. A drain of experienced personnel has crippled the service delivery potential of the Master. The Justice Footprint Project has been launched to address problems experienced relating to funding.
- Inadequate funding has hampered the service delivery of the Master in many ways, such as lack of accommodation, untrained and inexperienced staff and archaic equipment and methods in use.

Short-term funding eased the problem temporarily and enabled the Master to begin building vital capacity to enable service delivery, but these efforts can only be sustained if adequate funding is received.

- Salary disparities within the Department have led to the loss of experienced staff and failure to attract sufficiently educated and experienced staff. A payroll benchmarking tender was awarded to Deloitte Human Capital. This project is to present a detailed recommendation of the costs the Department should be budgeting for, to ensure that good average competency is attracted for all career paths in the Department.
- Competent personnel are required to provide adequate resources to all sub-offices and regional offices.
- Despite the approval of the proposed ISM establishment in January 2001, no appointments were made during the financial year due to delays experienced in the job evaluation process and constraints of the Human Resource procedures. This factor seriously limited the capacity of the ISM Business Unit in the implementation of the e-Justice projects.
- Legislation is the vehicle through which government develop and enforce implementation of its policies. Funds were made available through the roll-over allocation to appoint 11 officers in the Legislative Drafting Unit. It is unfortunate that we have to report that funding has not been provided for this Unit in the financial year 2002/2003.
- The goal of the Constitutional Litigation Unit is to develop expertise in constitutional matters, particularly litigation. The need therefore arises to group people together in a unit to concentrate on such matters and to assist other officers with, among others, constitutional research. Funding for this was made available. The Head of the Unit was appointed on contract for a limited period. No funding for this Unit is available for the financial year 2002/2003.
- As the custodian of all fixed state assets (mainly buildings), the Public Works Department (PWD) has to act on behalf of all departments to procure infrastructure. The Department relies heavily on the services of PWD for new, additional and leased accommodation.

- The vacancies in the Office of the CFO were partially filled during February 2002. Sixty three vacancies however still exist.

### 5. Utilisation of donor funds

Apart from voted funds, the Department also depends heavily on donor-funding to fund some of its core projects. These funds are normally utilised for once-off pro-

jects and for projects that will eventually be funded through the vote account. The intention is to ensure that projects be sustainable even after donor-funding is withdrawn or has come to an end.

Projects funded through donations during the financial year under review are as follows:

Donor	Project	Short Description
Finnish Government Ireland	National Lower Court Management System	Funds granted have been utilised for the implementation of the Judicial, Administration and Prosecutorial manuals in the lower courts throughout the country. The funds were utilised for training sessions, workshops and seminars on the manuals.
Ireland	Citizen's Advice Desk	To support the development of a human rights culture in South Africa; to transform the system of justice and promote the growth of open government.
Radda Barnen (Save the Children - Sweden)	Sexual Offences Against Children	Funds were utilised mainly in order to facilitate the South African Law Commission's consultation processes in its investigation into sexual offences. Several briefing sessions and workshops were held.
	Child Participation	Linked to the Law Commission's investigation into the review of the Child Care Act and has as its principal objective the active participation of children in the law review process.

## B. Department of Justice and Constitutional Development - Management Report

Donor	Project	Short Description
Danish Government	Corporate Planning Team	The Unit was primarily responsible for negotiating and sourcing funding from the international and local donor communities in an effort to gain financial support for the start-up and gradual realisation of the Department's strategic objectives. The actions of the Unit came to an end on 31 March 2002. These functions will be transferred to a relevant division within the Department.
	Policy Advisory Task Unit	This Unit was established to further the policy work around transformation initiated by the Planning Unit. It co-ordinates and spearheads the development of policy documents. The focus was on specific areas such as Legal Aid, Transformation of Courts and the Legal Profession.
Government of Sweden - SIDA	Capacity building in the Field of Children and Justice - Budget Outreach Programme	The purpose of this programme is to provide assistance to the Department on the improvement of the criminal justice system in relation to children's issues, and to develop adequate responses to young offenders with a view to ensuring that the best interests of the child are protected.
	Budget Implementation of Legislation pertaining to Children	
	Budget Preliminary Inquiry	
	Budget One-Stop Service Centres	
Canada	Justice-Canada Linkage Project	Funds are earmarked for the training of judicial officers in the Lower Courts, which are not only experiencing an operational crisis, but which serve the majority of the people.

## B. Department of Justice and Constitutional Development - Management Report

Donor	Project	Short Description
Netherlands Government	Sectoral Budget Support	The long-term objective of the programme is to contribute to the democratic development of South African society, as well as towards poverty alleviation within the marginalised groups of our society. This project was implemented during 1999/2000 and continues to December 2004, with additional funding being made available during each new project phase.
USAID	Equipment for Co-ordination Management Unit (CMU)	Procurement of equipment such as computers, e-mail, telephones, faxes, furniture and similar support items to facilitate the Administration of the Justice Bilateral Agreement.
	Technical Assistance	Funding of the Co-ordination Management Unit in terms of staffing to administer the Administration of the Justice Bilateral Agreement.
	Family Court Pilot Activity and Mediation Programme	USAID funding for pilot establishment of Family Service Centres came to an end during June 2001.
	Non-Governmental Office Legal Support to the Minister of Justice - Community Court Structures, - Paralegals and Advice Desk - Workshop on Community Courts	The formation of community courts is one facet of the South African Law Commission's investigations into alternative dispute resolution.
	Constitutional Human Rights and Bill of Rights Democracy Education - Community Outreach - Justice Choir	<p>The Justice Choir acts as an important vehicle through which public awareness on pertinent constitutional and human rights issues are highlighted.</p> <p>The choir was established with funds made available by USAID to cover its operational and public imaging costs. A second business plan has been completed for an</p>

## B. Department of Justice and Constitutional Development - Management Report

Donor	Project	Short Description
		extension of the funding period through to 2002/03, after which it is envisaged that the function will be incorporated as part of Community Legal Services within the Business Unit: Public Education and Communication (PEC).
	Tutor programme for Magistrates and Prosecutors - Justice College	Funds were utilised for salaries and for subsistence and travelling allowances for the tutors to enable them to proceed from office to office to carry out the duties of training magistrates and prosecutors.
	Capacity building for effective implementation of the promotion of equality and prevention of unfair discrimination	The project was set up to provide capacity-building, focusing on education and training for effective implementation of the Promotion of Equality and Prevention of Unfair Discrimination Act No 4 of 2000. Due to limited funding, the core activities of the capacity-building project were narrowed down to Judicial Education (for Judges and Magistrates) and Paralegal Training for Clerks of Court and Registrars of the High Court, with a view to building adequate capacity for effective and responsive implementation of the Promotion of Equality Act.

## B. Department of Justice and Constitutional Development - Management Report

Projects for which the funding is not administrated or controlled by the Department

Donor	Project
Denmark (NADEL)	Philippi Branch Court
Denmark (NADEL)	Model court initiative - Mitchell's Plain
Switzerland	Transformation of the Sheriff's Profession
Switzerland	Establishment of the Debt Collectors Council for South Africa
Denmark	Telematic Training
Denmark	Fast-track training of Civil Magistrates
Denmark	Interpreter Training
England	The Unisa Law Library Capacitation Initiative
England (Probable funder)	Education Support Service Trust (ESST) Initiative
German	Purification of Statutes/ Administrative Law
Canadian International Development Agency (CIDA)	Training at 20 New Sexual Offences Offices
DANIDA (Danish Aid)	Assistance will be provided to appoint tutors in order to train interpreters countrywide
The French Embassy	Provision of practical training via tutors to Prosecutors and Magistrates
	Provision of much needed legal text books to magistrate offices countrywide
	Provision of Information Technology equipment to the Legal Aid Board.

### 6. Public entities

The following Public Entities are part of our budget vote:

- **Legal Aid Board (Schedule 3 - National Public Entity)** - Established under the Legal Aid Board Act, No 22 of 1969.

The Legal Aid Board (LAB) provides legal representation to the indigent. It carries out Government's obligation to ensure that the constitutional rights of accused in criminal cases are secured. The method of delivery of legal aid services has proved to be unacceptably expensive and cumbersome to administer. For this reason, the briefing of legal professionals has been scaled down and replaced with the delivery of services by salaried employees in legal aid clinics, advice offices and public defender offices. With effect from 31 May 2001 there is no longer a filter mechanism between Lower Courts and the High Courts in respect of criminal appeals. Every accused person convicted in a magistrate's court has an automatic right of appeal to the High Court. It is estimated that in excess of 100 000 people qualify for legal aid for a

criminal appeal per year. The Legal Aid Board renders legal aid in terms of the Constitution.

The chairperson of the Board is Judge Navsa and the Accounting Officer is Ashly Ally.

- **Special Investigating Unit** - Established under the Special Investigating Units and Special Tribunals Act, No 74 of 1996.

The Unit investigates cases of corruption, fraud and maladministration that have been referred to it by the President. Upon completion of an investigation the Unit can institute civil action in the Special Tribunal in order to recover, protect or save state assets and state monies that have been or could be misappropriated or misused.

The Unit works closely with all other bodies, both national and provincial, such as the South African Police Services, the Public Protector, the Investigating Directorate: Serious Economic Offences, the National Prosecuting Authority, the Office of the Auditor-General, the Public Service Commission, the National Intelligence Agency, South African Revenue Services

and the Independent Complaints Directorate. In addition to this the Unit also has close links to NGOs and international organisations, while also providing information and assistance to international law enforcement agencies.

Mr. Willie Hofmeyer is the Accounting Officer and the Head of the Unit.

The Department effects transfer payments to these Public Entities who maintain their own sets of accounts. They are responsible for their own annual report (including audited annual financial statements), which must be submitted to the Executive Authority for tabling in the National Assembly.

The Judicial Service Commission (JSC) was incorrectly listed as a Public Entity in schedule 3 of the Public Finance Management Act. National Treasury delisted this Commission in terms of Government Gazette No 23407, published on 17 May 2002.

### 7. Other organisations to whom transfer payments have been made

- **Truth and Reconciliation Commission (Constitutional Institution)** - The Commission promotes national unity and reconciliation. This Commission is not listed in the PFMA schedules, as it is temporary in nature.
- **Commission on Gender Equality (Constitutional Institution)** - The Commission promotes gender equality.
- **Public Protector (Constitutional Institution)** - The Public Protector promotes investigations to expose, counteract or rectify maladministration, abuse of power, improper prejudice occasioned by administrative decisions and improper use of or corruption in respect of state funds.
- **South African Human Rights Commission (Constitutional Institution)** - The Commission promotes compliance with the Bill of Rights.
- **President's Fund** - The fund gives effect to the reparations policy flowing from the work of the Truth and Reconciliation Committee. This Fund is also not listed in the PFMA schedules, as it is temporary in nature.

- **Represented Political Parties Funds (Independent Electoral Commission)** - The Fund makes provision for the funding of political parties participating in Parliament and provincial legislatures; to provide for the management of that Fund by the Electoral Commission and for accountability regarding that Fund; to regulate the allocation of monies from that Fund and the purpose for which allocated monies may be used by political parties; and to provide for incidental matters.
- **Sector Education and Training Authority (SETA)** Contribution for the administration of SETA in terms of the Skills Development Levy Act.

The above Institutions report on their financial results independently from the Department of Justice and Constitutional Development.

**Capital Works** - Funds have been transferred (R 197 046 000) to PWD for the procurement of new and additional accommodation. This amount includes variation orders and the installation of air-conditioners. National Treasury has approved the mechanism of transferring funds to the Johannesburg Development Agency through the Department of Finance and Economic Affairs to facilitate the process of commencing with the Constitutional Court project in Braamfontein.

### 8. Corporate governance arrangements

#### Risk Management and Risk Assessment

The Risk Management Strategy in the Department improved during the reporting period. An Operational Risk Committee, which is currently a sub-committee of the Anti-Corruption and Fraud Prevention Strategy (ACFS), has been established. Each business unit is represented on the committee. The aim of this risk committee is to deal with risk-related issues. A strategy is in the process of being finalised by the committee. The document has been forwarded to the ACFS Steering Committee as well as the Audit Committee for comment. Furthermore, the Risk Management Strategy will soon



be submitted to the Board for approval.

The Risk Management Strategy will be reviewed quarterly and updated to ensure that the Department complies with the requirements of the PFMA and King II Report.

With a view of creating risk awareness, internal audit compiled an article on risk management which will be included in the Department's internal newsletter and distributed to all Justice offices. The Operational Risk Committee submitted risk profiles to internal audit for review. The report regarding the review will be discussed during the next scheduled Audit Committee meeting.

### Fraud Prevention Plan of the Department

With the assistance of the Custodiet Consortium (an Internal Audit co-sourcing agreement), the Department recently launched its Anti-Corruption and Fraud Strategy (ACFS), which equates to a Fraud Prevention Plan. The ACFS is a dynamic strategy, which will continuously evolve as the Department makes changes and improvements in its drive to promote ethics, as well as to fight corruption, fraud, theft, maladministration and other acts of misconduct. The terms "corruption" and "fraud" include corruption, fraud and theft as we know them as crimes, as well as the following acts of misconduct specified in the PFMA and Disciplinary Code and Procedure for the Department:

- Any dishonest, fraudulent or corrupt act;
- Theft of funds, supplies or other assets;
- Maladministration or financial misconduct in handling or reporting of money, financial transactions or other assets;
- Making a profit from insider information;
- Disclosing confidential or proprietary information to outside parties;
- Irregularly accepting, requesting, offering or giving anything of material value to or from contractors, suppliers, or other persons providing services or goods to the Department;
- Irregular destruction, removal or abuse of records, furniture and equipment;
- Deliberately omitting or refusing to report or act on

reports of any such irregular or dishonest conduct; and

- Any similar or related irregularity.

To support the operational development, implementation and maintenance of the ACFS, an Operational Committee, consisting of representatives of all role-players within the Department, has been established. The objectives of the ACFS Operational Committee are the following:

- To develop and facilitate the implementation of the ACFS; and
- to maintain and review the ACFS on an ongoing basis.

This Committee reports to a Steering Committee, which in essence, is top management, namely the Director-General and the Managing Directors of the various Business Units. This Steering Committee deals with policy issues relating to the ACFS.

The ACFS has numerous components, two of which are the following:

- A code of ethics; and
- An anti-corruption and fraud policy.

The Code of Ethics of the Department mirrors the Code of Ethics for the Public Service as set out in the Regulations to the Public Service Act, 1994. The purpose of such a Code is to serve as a brief description of the Department's core values, to provide a framework for identifying conduct that is ethical and acceptable for the employees and officials of the Department, to create the context for the ethical use of authority and to support all efforts aimed at curbing moral degeneration. The Code is applicable to all officials and employees of the Department, all magistrates and employees of the Magistrates Commission, the Office of the National Director of Public Prosecutions and the Special Investigating Units established by law.

The Anti-Corruption and Fraud Policy sets out the stance of the Department in relation to corruption, fraud, theft and maladministration; in other words it emphasises the



fact that the Department has “zero tolerance to corruption”. It, among others, sets out how cases of corruption, in the widest sense of the word, should be dealt with.

The communication sub-committee is continuously training officials and employees on the ACFS. The departmental Code of Conduct and Business Ethics, together with the Anti-Corruption and Fraud Policy, have been distributed to all employees under the cover of a circular.

Other components of the ACFS include the creation of fraud and corruption awareness in general, the implementation of sound internal controls to prevent and detect fraud and corruption, on-going risk assessment and the development of an anti-corruption and fraud investigating capacity.

One of the successes of the ACFS is the establishment of an Anti-Corruption and Fraud Hotline, which is designed to achieve the following:

- To encourage hesitant whistle-blowers (callers pay nothing and do not have to disclose their identity).
- To raise the level of awareness that the Department is serious about corruption and fraud.
- To detect incidents of corruption and fraud.
- To assist the Department in managing the requirements of the Protected Disclosures Act, 2000, by creating a channel through which whistle-blowers can report incidents of corruption and fraud.
- To assist the Department in identifying areas of weakness in its systems and processes so that preventative and detective control measures can be put in place or improved.

The particulars and purpose of the Hotline were made known by way of a circular sent to all Justice Offices. The ACFS Operational Committee has established a Hotline Sub-committee to ensure that all cases received through the hotline are investigated and finalised in the most appropriate manner. All cases received from the Hotline are noted in a register and the ACFS Operational Committee will be expected to monitor this register in order to make certain that each and every case is, in fact, properly dealt with. The National

Inspectorate and the Directorate: Internal Audit plays a major role in the Hotline Sub-committee. Their success so far regarding the finalisation of cases referred to them, is due to the fact that the ACFS Operational Committee, and more particularly the Hotline Sub-committee, is composed of representatives from all Business Units of the Department. These structures are well-suited to play a role as a co-ordinating mechanism and to tie up all loose ends, especially in difficult cases, which can take months before reaching finality.

### Internal Audit and Audit Committee

#### Internal Audit

Internal Audit has been in operation since September 1999 and has an independent form of reporting structure. The Head of Internal Audit reports administratively to the Director-General and functionally to an independent Audit Committee.

In terms of an approved internal audit charter, reviewed on an annual basis, the following audits are performed by the Internal Audit Directorate:

- Computer audits
- Regularity audits
- Performance audits
- Ethics and forensic investigations
- Special projects audits
- Risk assessment
- Compliance audits

It should, however, be emphasised that before the 2000 financial year, the Department did not have an effective and operational internal audit component. This component started from zero base. The Department now has an internal audit component comprising of 23 auditors, who are capable of conducting audits in an effective manner. They were properly trained through the Custodiet co-sourcing agreement. The component has reliable capacity, although the process of obtaining additional auditors is still under way. The expenditure incurred in establishing the component, including that of the co-

sourcing agreement, is money well spent since the transfer of skills as one of the main objectives of the internal audit co-sourcing agreement has been realised and at the same time the Department is starting to get good returns from the process. All the auditors are computer-literate, and are performing their audit assignments using TeamMate (automated working papers).

The component made a visible impact at various offices within the Department. It is worth mentioning that the co-sourcing agreement expired on 31 December 2001. For the 2002 financial year the component conducted audits in 137 offices, including National Office, and based on the results of the tests on systems within the Department they have all the evidence to state that they cannot place reasonable assurance on internal controls due to the following:

- Inadequate management
- Non-compliance with rules and regulations
- Non-compliance with laid down systems
- Lack of accounting knowledge and understanding
- Lack of discipline and disciplinary actions against offenders
- Lack of accountability and responsibility
- Lack of financial management capacity
- Inadequate training
- Lack of supervision
- Negligence.

The following are the result of the above problems:

- Corruption and fraud
- Non-compliance.

It should be noted that the Persal and FMS systems were not audited. Since these are transversal systems, they are relied upon as applications that are good enough to provide adequate records and management information.

There has been a tremendous improvement regarding the receiving of management responses to audit queries. To date all the responses to audit queries' have been received from management, including the regions.

### Follow-up audits

Self-assessment questionnaires were sent to offices reviewed during the 2001 financial year; this process was conducted in terms of the approach agreed upon with management. Follow-ups were conducted in 89 offices, including National Office. Seventy Nine percent of the work is complete. Results of follow-ups regarding management responses were categorised as follows:

- Sixty Five percent of issues raised were actioned appropriately prior to a follow-up review being completed
- Fifteen percent of issues raised were addressed but further work is required to complete corrective action needed
- Ten percent of issues raised had not yet been addressed at the time of follow-up
- Six percent represents offices where management did not provide any follow-up action comments
- Four percent represents offices where our recommendations were noted but management was not able to take any action

Internal Audit within the Department is effective.

### Conflict of Interest

All Internal Auditors within the Department completed a conflict of interest form as required by the Standards of Professional Practice of Internal Auditors.

It is compulsory for managers to complete a financial / non-financial disclosure form annually. The Department intends cascading the process down to all employees.

### Audit Committee

The report of the Audit Committee is included in Part 4 of the Annual Report.

### Board of Directors

Please refer to paragraph 2, Page 11 (General review of the state of financial affairs).

### 9. New/proposed activities

Court Services is currently taking the initiative to come up with a shared service centre model to service courts economically, effectively and efficiently. The first phase investigation at a higher level has been finalised. This has been funded through donated funds from USAID amounting to R2 million. Although there is no funding set aside to take the process forward at this stage, funding possibilities are currently being explored with potential donors and vote funding. The estimated financial resources for the second phase range between R5 and R7 million. The first phase report has been presented to management and the Minister. It will be presented to the Board soon.

### 10. Events after the accounting date

No events have taken place between the date of the financial year-end and the date of the approval of the report, which could materially affect the state of financial affairs of the Department.

### 11. Progress made with financial management improvements

Activities for the year under review were focused on getting to understand problems, building a solution matrix and implementing plans to the extent possible, given financial, systems and staffing constraints. New services offered include:

- The production of a detailed monthly report on the progress made with the Performance Enhancement Programme (PEP) of the Office of the CFO. Three senior project managers were appointed to expedite the PEP projects.
- Monthly Management Accounts were available within two weeks of the end of each month.
- The commissioning of a project to get the Vote Account books written up in all provinces by the end

of March 2002 (Rolling Stone Project). Backlogs relating to the Vote Account and amounts in suspense and disallowance accounts are being appropriately analysed and cleared.

- The commissioning of a Forensic Audit in all provinces. This initiative has uncovered significant instances of fraud and corruption.
- The commissioning of a Compliance Project to address the estimated 90% non-compliance with financial prescripts. This Project Team is expediting disciplinary hearings and is terminating the employment of convicted persons.
- The training of some 2000 people by the end of March 2002 in a national capacity-building project called the Cash Hall Training Project.
- The launching of the Justice Footprint Project. Demand analysis for a Justice framework, supply right-sizing, innovation facilitation, financial modelling and zero-based budgeting. This project is determining demand by GIS mapping all crime types at a police station level and is right-sizing supply in the form of court services. A complete financial model is being written of departmental activities to assist in the finalisation of a zero-based budget. This project will optimise budget allocations.
- Restructuring budget management and the appointment of Budget Coaches to each of the Business Units. Training of Managing Directors and seventy line managers and Budget Coaches in the requirements of the PFMA, including the need for and operation of a budget framework that includes measurable objectives.
- The MTEF allocations reflect a scarcity of funding and better management of available funding is thus critical. A new budget framework called the Base 80 has been devised that manages budget allocations at different levels. The budget allocation level provides a choice of funded and unfunded activity decision packages and the performance management level reads performance at a standard item level.

- The commissioning of the Financial Process Monitoring Unit to track the currency of transaction processing and the availability of basic resources such as stationary at Justice Offices.
  - The commissioning of the Compliance Agency Facilitation and Monitoring Unit to assist with the planning of audits and inspections and the monitoring of responses to queries and reports. An action plan has been drawn up to ensure that all matters included in the previous Auditor's Report are given appropriate attention and follow-up. Progress made are reported under paragraph 12.
  - The commissioning of a Help Desk in the Office of the CFO.
  - Restructuring regional and national financial operations, including the employment of some of the key people that were critically needed to effect improvements. A separate sub-directorate to focus on the Monies in Trust Account has also been established.
  - The commissioning of a project to develop standard operating manuals for all Justice Offices as a partial response to the withdrawal of direct supervision of the Magistracy as a result of the implementation of "Separation of administrative and financial duties". (Governor Brown Project)
  - In terms of the PFMA each department is to compile its own set of Policies and Procedures. This Department's Financial Instructions have been compiled, approved and distributed to all offices.
  - A Governing Board and a Budget Management and Review Committee were established in the Office of the CFO. Outside business leaders have committed themselves to assist with the governance of the enormous task that lies ahead in steering the Department into the future.
  - A short-listing meeting was held relating to the permanent filling of the post of the CFO. Four qualified Chartered Accountants were short-listed for interviews on 11 October 2001. A suitable candidate could not be appointed and Business Against Crime agreed to extend the secondment of their Chief Executive Officer to the Department for a further year and another year is currently under consideration.
  - The computerisation of the financial systems of the Guardian's Fund has commenced and is due to be completed in all centres by October 2002.
  - Specialised training for all staff at the Masters' Offices has commenced.
  - A project to assess the needs of the Masters' Offices in respect of the appointment of Financial Officers has commenced.
  - Senior management have been trained in Corporate Governance in terms of the King II Report.
  - The determination of broad consensus on a framework to totally outsource the handling of cash relating to the Deposit or Trust Account in an affordable manner, as the Department does not have the personnel nor the systems to address this problem.
  - A project to expedite the collection of outstanding amounts on the Agency Services accounts was initiated and an amount of R96 million has been collected as at 31 March 2002.
  - The differences between the personnel expenditure on Persal and that on the Financial Management Systems (FMS) have been analysed. Certain recommendations to prevent transactions from being processed only on the FMS will be discussed with Persal User Support shortly. Monthly reconciliations will be performed with effect from the 2003 financial year.
- ### 12. Progress made with resolving and addressing unsatisfactory matters included in the previous Audit Reports
- Below is an executive summary of the progress made in resolving the matters reported in the Report of the Auditor-General for the financial year ended 31 March 2001:

### Paragraph 2.2.1 (a) - Expenditure

A letter was issued to the whole of the Department instructing all staff to provide the auditors with all documentation/information required to perform the audit. This matter is being monitored by the Audit Facilitator and any limitation on scope reported to her, will receive the necessary attention immediately. In instances where documentation is reported as being missing or lost, the National Treasury will have to be consulted in terms of section 76(2)(h) of the PFMA. The Rolling Stone Project Team has processed all un-captured backlogs and uncleared amounts in suspense have been appropriately analysed. Transactions relating to cashed cheques not yet recorded as expenditure totalling R15,3 million have been recorded in a separate account as the supporting documents are still in the process of being located.

A warrant voucher cannot be encashed, unless it was processed on the financial system. Finance staff in the regional offices was previously performing post-checking. The effort of these staff members has been redirected to instead pre-check expenditure vouchers and attending to other tasks for which they usually do not have time.

### Paragraph 2.2.1 (a)(i) - Personnel Expenditure

The nature of the differences between the Persal and the FMS has been established and recommendations to eliminate these differences have been discussed with Persal User Support and the Human Resources Business Unit. An action plan has been prepared to give effect to the recommendations and monthly monitoring takes place. Finance staff have been capacitated to perform a monthly reconciliation on these differences.

The Human Resources Business Unit has indicated that the task team appointed to address the audit on leave records is still in progress, but that they have completed 60 % of the audit. Leave automation has also been initiated to address previously reported shortcomings. In relation to judges' secretaries not complying with leave directives for leave taken during recess periods, an instruction has been sent to all judges' secretaries to sign an agreement in which they declare their willingness to be redeployed during recess periods or alternatively complete a leave form.

### Paragraph 2.2.1 (a)(ii) - Professional and special services

Irregular expenditure as a result of tendering procedures not followed - further investigations revealed that Tender Board Regulations have been complied with.

### Paragraph 2.2.1 (b)(i) - Income in general

A reconciliation between Revenue as per SARS and Revenue as per the FMS has been completed. A task team will investigate the reasons for the difference in an attempt to record all departmental revenue on our financial management system. All other shortcomings have been addressed.

### Paragraph 2.2.1 (b)(ii) - State Attorneys' Offices debt collection on behalf of client Departments

The differences in opening and closing balances relating to 1994 have still not been corrected. The Department is in the process of preparing a submission to the National Treasury as to the viability of the correction of these balances. The incorrect income returns relating to two state attorney offices have been resolved.

### Paragraph 2.2.1 (c) - Foreign aid assistance / Donor funding

The difference previously reported is explainable. Donor funding is now accounted for as instructed by National Treasury (Practice Note 16 of 2001) and the Donor suspense account has been cleared. The matters previously reported relates to improper accounting for donor-funded projects, i.e against a suspense account and inadequate or no overall project management. A Project Office-initiative is on the table for discussion to resolve all shortcomings relating to donor-funded projects previously reported. Textual reports on the use of foreign aid assistance are included in the annual financial statements for the year under review.



### Paragraph 2.2.1 (d) - Suspense and disallowance accounts

Suspense accounts have been given attention by the Rolling Stone Project Teams and uncleared amounts in suspense are being appropriately analysed in the Balance Sheet of the Department. These analysis confirmed that there are still a lot of long outstanding (uncleared) transactions present in these accounts.

This is attributed to the lack of attention afforded to these accounts for a number of years. Certain suspense accounts have been centralised with effect from 1 April 2002, and all suspense and disallowance accounts are subject to continuous (daily) reconciliations.

All transactions relating to the Public Protector and the National Prosecuting Authority have been identified and taken up in their financial statements.

### Paragraph 2.2.1 (e)(i) - Housing guarantees

The task team is still in the process of reconciling housing guarantees.

### Paragraph 2.2.1 (f) - Unauthorised expenditure: National Prosecuting Authority

The amount has been disallowed and is included in the NPA'S Annual Financial Statements.

### Paragraph 2.2.1 (g) and Paragraph 2.2.2 - Internal checking and control and Compliance audit

Corrective steps on the matters reported are reported elsewhere in the Management Report.

### Paragraph 3.1 - Thefts and Losses

Shortcomings related to Thefts and Losses have been addressed.

### Paragraph 3.2 - Unauthorised and immaterial irregular, fruitless and wasteful expenditure

Refer to the annual financial statement notes for progress made with the Unauthorised, irregular, fruitless and wasteful expenditure.

### Paragraph 3.3 - Witness Protection Programme (WPP) Fruitless and wasteful expenditure amounting to R197 000 in KZN

A further inspection conducted revealed further serious irregularities. The State President further authorised the Special Investigating Unit (SIU) to conduct investigations. The outcome resulted in suspension of the KZN officials and SAPS members were redeployed back to SAPS. A new relief team was sent to manage the offices. A number of witnesses were relocated out of the province. The SIU is continuing with the investigations and a formal preliminary report from SIU is awaited, which will lead to revelations as to whom will be held liable for the fruitless and wasteful expenditure that has been incurred.

### Irregular expenditure

The WPP has made progress in applying for full exclusion/exemption from the State Tender Board due to the inherent nature of the programme and its required level of secrecy, which leaves them unable to adhere to standard procurement procedures and prescripts.

Thirty payments totaling to R54 000 that were not certified in terms of requirements of Treasury are part of the investigations by the SIU and since these were highlighted, all invoices have been approved and processed by the Head Office of WPP.

### No reconciliation was performed between the accounting records and the bank account

Since the opening of the separate bank account for the KwaZulu-Natal office, bank reconciliation is being performed.

Agreements/contracts entered into for rental of properties not referred to State Attorney for evaluation and consent as prescribed

Due to the inherent nature of the programme and its required level of secrecy, it is not always possible to follow standard procedures. Currently, the delegation to veto all lease agreements lies with the Head Office of the WPP in order to ensure that all the critical information is contained in the agreement and that they are duly signed by all parties. The investigations by the SIU also include the investigation of all the existing safe houses, their landlords and other service providers. The investigations are still continuing.

### Four cases where witnesses were admitted without the approval of the Attorney - General/Director: Public Prosecutions

The new Witness Protection Act that came into effect on 1 March 2000 relinquishes the powers that were vested with the Attorney-General and transfers them to the Director of the Office of the Witness Protection Programme. Therefore the Director that dealt with the four cases had the sole discretion to admit witnesses onto the programme.

### Paragraph 3.5 - Unresolved matters previously reported

Significant progress was made with matters previously reported.

- Alleged abuse of day-to-day maintenance benefits - The liability (and losses) as a result of the abuse of day-to-day maintenance benefits will be borne by the Department of Public Works. The Department will, however, assist in recovering any outstanding amounts. Two contractors have been charged by the Scorpions. This matter has been postponed to July 2002 for commencement of trial. The Department of Public Works will be liable for all legal fees pertaining to any action instituted. The Magistrates Commission will in certain circumstances be requested to charge magistrates with misconduct. Criminal charges will be instituted in conjunction with the Investigating Directorate: Serious Economic Offences.
- Payments made by State Attorney of Umtata

- The Special Investigating Unit was ordered to handle the matter and the investigations led to confiscation of the assets of the defendant by the Asset Forfeiture Unit. Further actions have been instituted against the defendant for recovery of the balance of the fees paid to him.
- Commission of Inquiry into the prevention of public violence and intimidation - The loss was written off by the Director-General during April 2002.
- Application of policies with regard to the awarding of notch increments by delegated officials - A submission has been sent to the Director-General for *ex post facto* approval for the changes made to the policies without his written approval.
- Opening balances on summaries of income generated by the State Attorneys' Offices did not agree with the closing balances of the previous period - Refer to progress reported under paragraph 2.2.1 (b)(ii).
- Summaries of income generated by State Attorneys' Offices reflected nil balances, even though they were using manual systems - Also refer to progress reported under paragraph 2.2.1 (b)(ii).
- Balances relating to the amalgamation of the Departments of the former TBVC countries and self-governing territories with the National Department - A confirmation has been received from the Eastern Cape Provincial Superintendent-General and Head Official of Treasury on 22 May 2002 certifying that there are no outstanding balances reflected in the books of the Eastern Cape Provincial Administration that relate to the Department prior to April 1998.
- Implementation of Judge White Commission Findings The Department of Public Service and Administration, with the co-operation of the National Treasury and other key departments has prepared a memorandum to Cabinet to request that all findings of Judge White be set aside with the aim of bringing finality to all matters pertaining to the Commission. This decision was taken as a result of the fact that the findings of the Judge White Commission impose problems and

most findings are taken on review and subsequently set aside and that the cost implications to oppose all these matters are far more than having the *status quo* restored as before the Commission was set up. Financial and human resources as well as legal considerations were taken into account.

### Paragraph 3.10 - Judges' salaries

Judges are now being paid on Persal.

The progress made with the remainder of the matters reported on previously, is included elsewhere in the Management Report.

### 13. Paymaster-General Account

The department implemented an Amended Deposit System at the Commercial Banks as per Accountant-General Practice Note 4 of 2001, on 1 September 2001.

As from this date interfacing problems between the Commercial Banks, the South African Reserve Bank and National Treasury resulted in certain deposit details not being downloaded timeously onto the Department's Paymaster-General (PMG) Account.

Certain incorrect transactions have been identified and posted to the PMG Adjustment Account at year-end in order to enable National Treasury to correct the transactions. A reconciliation between the transactions of the Commercial Banks, the South African Reserve Bank, the National Treasury and the Department is in progress to resolve this matter.

The annual financial statements set out on pages 32 to 79 have been approved by the Accounting Officer.



Adv. V. Pikoli

Director-General: Justice and Constitutional  
Development  
2002-05-31





### *Report of the Auditor-General* for the year ended 31 March 2002 (Excluding NPA)

I T E E L

#### 1. Audit Assignment

The financial statements as set out on pages 32 to 79, for the year ended 31 March 2002, have been audited in terms of section 188 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), read with sections 3 and 5 of the Auditor-General Act, 1995 (Act No. 12 of 1995). These financial statements, the maintenance of effective control measures and compliance with relevant laws and regulations are the responsibility of the accounting officer. My responsibility is to express an opinion on these financial statements, based on the audit.

#### 2. Nature and Scope

The audit was conducted in accordance with Statements of South African Auditing Standards. Those standards require that I plan and perform the audit to obtain reasonable assurance that the financial statements are free of material misstatement.

An audit includes:

- examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements,
- assessing the accounting principles used and significant estimates made by management, and
- evaluating the overall financial statement presentation.

Furthermore, an audit includes an examination, on a test basis, of evidence supporting compliance in all material respects with the relevant laws and regulations which came to my attention and are applicable to financial matters.

I believe that the audit provides a reasonable basis for my opinion.

#### 3. Qualification

##### 3.1 Paymaster-General account

The following material misstatements have been identified:

- (a) Unsupported payments totalling R15 million, which were cleared by the bank, were not recorded on the Financial Management System (FMS) as expenditure.
- (b) Significant interface problems were experienced between the department's bank accounts and corporate banks, the Reserve Bank and the National Treasury. This had the following effect:
  - A net overstatement of the paymaster-general (PMG) account balance by R3,3 million relating to outstanding warrant vouchers and deposits. A full reconciliation has not been completed and this amount cannot be viewed as complete and accurate.
  - Duplicate entries amounting to R46 million were included in the department's accounts with the corporate banks. It was not possible to correct these transactions on the financial statements due to the uncertainty regarding the completeness of entries processed on the FMS.
  - The Paymaster-General adjustment account balance of R24,2 million at year-end reflected errors which had not been cleared by National Treasury, required correction at year-end.

##### 3.2 Revenue

Included in revenue is an amount of R5,6 million that was not recorded on the FMS. Uncertainty exists regarding the allocation of this revenue to the department's financial statements as opposed to the financial records for monies in trust.

##### 3.3 Suspense and disallowance accounts

For three consecutive years it was reported that an action plan for the timely analysis and follow-up of suspense and disallowance accounts was implemented in the department. Accounts are being analysed by a special task team, but the balances disclosed for these accounts

still include the following:

- (a) Transactions totalling R36 million have been uncleared for more than one year. Uncertainty exists with regard to the recoverability of these long outstanding amounts and the possible effect on the balances disclosed in the financial statements.
- (b) Significant differences between interdepartmental balances amounting to R2,8 million for debtor (due by) departments and R6,4 million for creditor (due to) departments. These differences have neither been resolved nor recorded as prescribed by the National Treasury's guide for the preparation of annual reports of departments. Uncertainty exists with regard to the validity and accuracy of the debtors and creditors reflected in the balance sheet.
- (c) The department was unable to provide a breakdown per department of receivables of R14,5 million for agency services, which are older than one year.

#### 4. Qualified Audit Opinion

In my opinion, except for the effect on the financial statements of the matters referred to in paragraph 3, the financial statements fairly present, in all material respects, the financial position of the Department of Justice and Constitutional Development at 31 March 2002 and the results of its operations and cash flows for the year then ended in accordance with prescribed accounting practice.

#### 5. Emphasis of Matter

Without further qualifying the audit opinion expressed above, attention is drawn to the following matters:

##### 5.1 Matters not affecting the financial statements

###### 5.1.1 Financial management

The implementation of the Public Finance Management Act, 1999 (Act No. 1 of 1999) (PFMA) is a key element

in a set of reforms to the management of public finances. It represents major challenges to all departments and those officials responsible for the management of finances in the public sector. The National Treasury has developed regulations in terms of the PFMA to help improve financial management, but the process of implementation will take some time to complete.

The department's plans to increase the financial skills of its accounting staff are progressing very slowly and the implementation of improved financial business systems to enhance financial management and improve accountability and disclosure is taking much longer than anticipated. This resulted in continued inefficiencies in internal control systems and procedures relating to the following areas:

- Management of debtors
- Administration of employees' leave
- Accounting for unrecorded liabilities (Refer to paragraph 5.1.2)
- Management of donor funds (Refer to paragraph 5.1.3)
- Administration of employees' payables
- Management of trust funds (Refer to separate report on monies in trust)
- Management of assets (Refer to paragraph 5.1.6)
- Application of delegated authority
- Reconciliation of operating and financial systems
- Budgeting and budgetary control and monitoring at regional level

###### 5.1.2 Contingent liability

- (a) *Housing guarantees* - Disclosed in the contents of note 27 to the financial statements is an amount of R23,9 million as a contingent liability for housing guarantees of employees. As reported previously, the

audit again revealed differences between reports generated by the PERSAL system, the guarantee register (kept manually) and information on the files. This lack of control limits the department's ability to assess the exposure in terms of the Housing Guarantee Policy. Files with no or insufficient documentation relating to guarantees were also identified.

### 5.1.3 Donor funding

Transactions totalling R123 000 were not substantiated by sufficient supporting documentation and the accounting entries could therefore not be verified. Certain project managers had not been appointed by the accounting officer before the commencement of the project, as required by the donor agreement.

### 5.1.4 Non-compliance with the Public Finance Management Act

- (a) *Section 38(f)* - Processing backlogs resulted in payments to hospitals for psychiatric observation not being made on time. On various occasions there were accounts that were not settled within the prescribed period as referred to in the PFMA.
- (b) *Section 42* - Asset transfers of computer servers from the South African Police Service to the value of R70 million have not been made in accordance with the PFMA.

### 5.1.5 Separate accountability for the National Prosecuting Authority

For the fiscal budgetary purpose the National Prosecuting Authority (NPA) is included in the Department's annual budget as a programme. With approval the NPA has established separate accountability and financial statements have been prepared for the 2001 financial year. A separate audit report will therefore be issued for publishing in the annual report of the NPA.

The department will also prepare consolidated financial statements to combine its results with that of the NPA.

### 5.1.6 Control over assets (inventory and equipment)

Various shortcomings in the control over assets that had been reported on in my previous audit reports were identified again. The following matters resulted in an inability to always verify the existence and completeness of stock, furniture and equipment:

- (a) Delays in the processing of asset disposal transactions resulted in equipment disposals not being captured on LOGIS on time. The value of assets on LOGIS at year-end was overstated.
- (b) Asset and inventory registers have not been updated to reflect disposals, transfers, purchases, damaged assets and obsolete inventory items.
- (c) Assets are not marked as prescribed, resulting in difficulty to identify specific assets on LOGIS.
- (d) Prescribed provisioning administration forms, records and cards for the manual system were not used at some suboffices.
- (e) Asset registers were not maintained at various sub-offices.
- (f) Annual stocktaking of inventory and equipment was not performed, leaving shortages unaccounted for.
- (g) Adequate segregation of duties between ordering, receiving and record-keeping functions in suboffices did not always occur.
- (h) Obsolete stock items have not been written off in terms of the Department's financial instructions.

### 5.2 Performance audit

During the year under review a performance audit of procurement management by the Department was conducted. The audit has been completed and a separate report will be issued.

### 5.3 Forensic audit

During the year under review a forensic investigation was undertaken at the request of the Department, at a number of regional offices throughout the country. This investigation has not been finalised and a separate report will be issued thereafter.

### 6. Appreciation

The assistance rendered by the staff of the Department of Justice and Constitutional Development during the audit is sincerely appreciated.



S A Fakie  
Auditor-General  
Pretoria  
28/07/2002



## B. Department of Justice and Constitutional Development

### *Statements of Accounting Policies and related matters* for the year ended 31 March 2002

The financial statements have been, unless otherwise indicated, prepared in accordance with the following policies, which have been applied consistently in all material respects. However, where appropriate and meaningful, additional information has been disclosed to enhance the usefulness of the financial statements and to comply with the statutory requirements of the Public Finance Management Act, Act 1 of 1999 (as amended by Act 29 of 1999) and the Treasury Regulations for Departments and Constitutional Institutions issued in terms of the Act, as well as the Division of Revenue Act, Act 1 of 2001.

#### 1. Basis of preparation

The financial statements have been prepared on the cash basis of accounting, except where stated otherwise. Under the cash basis of accounting transactions and other events are recognised when cash is received or paid. This basis of accounting measures financial results for a period as the difference between cash receipts and cash payments.

#### 2. Revenue

Voted funds are the amounts appropriated to a department in accordance with the final budget known as the adjustment estimate. Interest received is recognised upon receipt of the funds, and no accrual is made for interest receivable from the last receipt date to the end of the reporting period. Unexpended voted funds are surrendered to the National/Provincial Revenue Fund.

Dividends received are recognised as revenue in the financial statements of the Department. However, it is also recognised as an expense in the same year, as the dividends are paid over to the Revenue Fund.

#### 3. Expenditure

Capital and current expenditure is recognised in the income statement when the payment is made. Interest paid is also recognised when paid and no accrual for interest is made between the payment date and the reporting date.

#### 4. Unauthorised, irregular, fruitless and wasteful expenditure

**Unauthorised expenditure means:**

- the overspending of a vote or a main division within a vote, or
- expenditure that was not made in accordance with the purpose of a vote or, in the case of a main division, not in accordance with the purpose of the main division.

**Unauthorised expenditure** is treated as a current asset in the balance sheet until such expenditure is recovered from a third party, authorised by Parliament, or funded from future voted funds.

**Irregular expenditure means** expenditure, other than unauthorised expenditure, incurred in contravention of or not in accordance with a requirement of any applicable legislation, including:

- the Public Finance Management Act;
- the State Tender Board Act, or any regulations made in terms of this Act; or
- any provincial legislation providing for procurement procedures in that provincial government.

Irregular expenditure is treated as expenditure in the income statement until such expenditure is either not condoned by National Treasury or the Tender Board, at which point it is treated as a current asset until it is recovered from a third party.

**Fruitless and wasteful expenditure means** expenditure that was made in vain and would have been avoided had reasonable care been exercised. Fruitless and wasteful expenditure is treated as a current asset in the balance sheet until such expenditure is recovered from a third party.

### 5. Debt written off

The departmental debt write-off policy as detailed in the Departmental Financial Instructions entails the following:

Any debt to be written off by the Accounting Officer, was only considered provided that:

- All reasonable efforts to trace the debtor has failed (in effort to trace the debtor, the debtor's address may possibly be obtained, inter alia, through the South African Police Services, Magistrates' Offices, Department of Home Affairs (population register), the Department of Finance: Pensions Administration, governing body of a recognised profession, of which the debtor is a member);
- The debt is not owing by employees of the State;
- The debt did not originate or become irrecoverable owing to fraud, theft, willful damage or delay on the part of any employee of the State;
- Recovery of the debt would be uneconomical;
- Recovery of the debt would cause undue hardship to the debtor or his/her dependants;
- It would be to the advantage of the State to effect a settlement of its claim or to waive the claim; and
- Any debt written-off must be disclosed in the Annual Financial Statements, indicating the policy in terms of which the debt was written off.

#### Interest payable on debts to the state:

- Interest must be charged on all debts to the State at the interest rate provided for in terms of Section 80 of the Public Finance Management Act.
- Interest is to be calculated on the decreasing balance of the debt and is not to be capitalised. This implies

that the simple interest method is to be used. Interest stops accruing as soon as the interest equals the amount of the capital debt. Once a portion of the interest is paid, the interest again accrues until it equals the amount of the capital debt. If the full amount of the interest, plus a portion of the capital debt is paid, the interest will only accrue until it equals the amount of the then outstanding capital debt.

- Before interest may start to accrue, the debtor must be placed *in mora*, i.e. he/she must have been informed about the debt and given an opportunity to settle the debt. This *mora* period lasts for 30 days. After 30 days, during which the debt is not extinguished, interest starts accruing.
- If interest has been arranged for by means of an agreement, such as study contracts, housing guarantees, etc. interest starts accruing on the day that the payment is due. No *mora* period is applicable as the debtor is aware of the debt in terms of the conditions of the agreement.

### 6. Assets

Physical assets (fixed assets, moveable assets and inventories) are written off in full when they are paid for and are accounted for as expenditure in the income statement.

### 7. Receivables

Receivables are not normally recognised under the cash basis of accounting. However, receivables included in the balance sheet arise from cash payments that are recoverable from another party.

### 8. Payables

Payables are not normally recognised under the cash basis of accounting. However, payables included in the balance sheet arise from cash receipts that are due to either the National Revenue Fund or another party.



## **B. Department of Justice and Constitutional Development - Statements of Accounting Policies and related matters**

### **9. Provisions**

Provisions are not normally recognised under the cash basis of accounting.

### **10. Lease commitments**

Lease commitments for the period remaining from the accounting date until the end of the lease contract are disclosed as a note to the financial statements. These commitments are not recognised in the balance sheet as a liability or as expenditure in the income statement as the financial statements are prepared on the cash basis of accounting.

### **11. Subsequent payments**

Payments made after the accounting date that relates to goods and services received before or on the accounting date are disclosed as a note to the financial statements. These payments are not recognised in the balance sheet as a liability or as expenditure in the income statement as the financial statements are prepared on the cash basis of accounting.

### **12. Employee Benefits**

#### **Short-term employee benefits**

The cost of short-term employee benefits is expensed in the income statement in the reporting period that the payment is made. Short-term employee benefits, that give rise to a present legal or constructive obligation, are deferred until they can be reliably measured and then expensed. Details of these benefits and the potential liabilities are disclosed as a note to the financial statements and are not recognised in the income statement.

#### **Termination benefits**

Termination benefits are recognised and expensed only when the payment is made.

#### **Retirement benefits**

The Department provides retirement benefits for its employees through a defined benefit plan for government employees. These benefits are funded by both employer and employee contributions. Employer contributions to

the fund are expensed when money is paid to the fund. 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.

#### **Medical benefits**

The Department provides medical benefits for all its employees through defined benefit plans. These benefits are funded by employer and/or employee contributions. Employer contributions to the fund are expensed when money is paid to the fund. No provision is made for medical benefits in the financial statements of the Department.

Retirement medical benefits for retired members are expensed when the payment is made to the fund.

### **13. Capitalisation reserve**

The capitalisation reserve represents an amount equal to the value of the investments and/or loans capitalised, or deposits paid on behalf of employees of a foreign mission, for the first time in the previous financial year. On disposal, repayment or recovery, such amounts are transferable to the Revenue Fund.

### **14. Recoverable revenue**

Recoverable revenue represents payments made and recognised in the income statement as an expense in previous years, which have now become recoverable from a debtor due to non-performance in accordance with an agreement. Repayments are transferred to the Revenue Fund as and when the repayment is received.

### **15. Comparative figures**

Where necessary, comparative figures have been adjusted to conform to changes in presentation in the current year. The comparative figures shown in these financial statements are limited to the figures shown in the previous year's audited financial statements and such other

## B. Department of Justice and Constitutional Development - Statements of Accounting Policies and related matters

comparative figures that the Department may reasonably have available for reporting.

The comparative figures include transactions relating to the National Prosecuting Authority (NPA). The current year figures exclude the National Prosecuting Authority as separate financial statements have been prepared for this entity. The cost of restating the comparatives would have exceeded the benefit to the user.





## B. Department of Justice and Constitutional Development

### *Income Statement (Statement of Financial Performance)* for the year ended 31 March 2002

	Note	2001/02 R'000	2000/01 R'000
<b>Revenue</b>			
Voted funds		3 255 617	2 869 221
Department		3 098 066	2 733 080
Judges (Statutory appropriation)	1	157 551	136 141
Non-voted funds			
Sales of goods and services	2	179	254
Other receipts - on FMS	3	78 758	46 772
Other receipts - not on FMS	3	14 218	7 888
Local and foreign aid assistance (including RDP funds)	4.1	4 845	43 202
<b>Total Revenue</b>		<b>3 353 617</b>	<b>2 967 337</b>
<b>Expenditure</b>			
Personnel	5	1 518 015	1 784 903
Department		1 346 932	1 635 279
Judges		171 083	149 624
Administrative		188 463	185 914
Inventories		84 360	57 638
Equipment	6	81 914	95 414
Land and buildings	7	197 131	0
Professional and special services	8	395 573	164 196
Transfer payments	9	677 853	345 192
Miscellaneous	10	51 271	56 351
Special functions: Authorised losses	11	14 067	336
Local and foreign aid assistance (including RDP funds)	12	7 832	9 063
<b>Total Expenditure</b>		<b>3 216 479</b>	<b>2 699 007</b>
<b>Net Surplus</b>		<b>137 138</b>	<b>268 330</b>
Add back unauthorised, irregular, fruitless and wasteful expenditure disallowed (Previous years Unauthorised disallowed in current year)	13.1	162 330	0
<b>Net Surplus for the year</b>		<b>299 468</b>	<b>268 330</b>

## B. Department of Justice and Constitutional Development - Income Statement

	Note	2001/02 R'000	2000/01 R'000
<b>Analysis of Net Surplus for the year</b>			
Voted funds to be surrendered to Revenue Fund			
Gross funds to be surrendered	17	209 300	179 277
Voted		60 502	192 760
Unauthorised expenditure relating to previous financial years		162 330	0
Judges		(13 532)	(13 483)
Revenue surrendered or to be surrendered to Revenue Fund	18	93 155	54 914
Local and foreign aid assistance (including RDP funds)	21&22	(2 987)	34 139
		<b>299 468</b>	<b>268 330</b>

## B. Department of Justice and Constitutional Development

### *Balance Sheet (Statement of Financial Position)*

at 31 March 2002

	Note	2001/02 R'000	2000/01 R'000
<b>Assets</b>			
<b>Current assets</b>			
Unauthorised, and fruitless and wasteful expenditure	13	312 797	289 551
Cash and cash equivalents	14	593	380
Receivables	15	520 483	439 130
Prepayments and advances	16	102 047	10 320
Foreign aid assistance (including RDP funds) recoverable from donor	21.1	2 931	0
<b>Total assets</b>		<b>938 851</b>	<b>739 381</b>
<b>Liabilities</b>			
<b>Current liabilities</b>			
Funds to be surrendered	17	209 300	179 277
Vote		60 502	192 760
Unauthorised expenditure (Previous years Unauthorised disallowed in current year)		162 330	0
Judges		(13 532)	(13 483)
NPA's unauthorised expenditure to be surrender (Previous years unauthorised disallowed in current year)		523	0
Revenue funds to be surrendered	18	20 170	3 438
Bank overdraft	19.1	560 569	500 122
Payables	20	101 939	10 561
Foreign aid assistance (including RDP funds) repayable to donors	21.2	1 573	1 529
<b>Total liabilities</b>		<b>894 074</b>	<b>694 927</b>
<b>Net Assets/Equity</b>			
Recoverable revenue		9 201	8 778
Local and foreign aid assistance (including RDP funds) rolled over	22.1	35 576	35 676
<b>Total net assets/equity</b>		<b>44 777</b>	<b>44 454</b>
<b>Total Liabilities / Equity</b>		<b>938 851</b>	<b>739 381</b>

## B. Department of Justice and Constitutional Development

### *Statement of Changes in Net Assets / Equity* for the year ended 31 March 2002

	Note	2001/02 R'000	2000/01 R'000
<b>Recoverable revenue</b>			
Opening balance		8 778	6 910
Debts raised		423	1 868
Closing balance		9 201	8 778
<b>Local and foreign aid assistance (including RDP funds) rolled over</b>			
Opening balance		35 676	6 875
Transfer from income statements		(100)	28 801
Closing balance		35 576	35 676

### *Cash Flow Statement* for the year ended 31 March 2002

<b>Cash Flows from Operating Activities</b>			
Net cash flow generated by operating activities		299 468	268 330
Add: Capital expenditure disclosed separately		269 517	86 643
Less: Sale of equipment		(179)	(254)
	24	568 806	354 719
Cash generated/ utilised to increase working capital	25	(104 002)	(145 474)
Voted funds and Revenue funds surrendered to National Treasury	26	(255 700)	(62 821)
Voted Funds		(179 277)	0
SARS		(76 423)	(62 821)
Net cash flow available from operating activities		209 104	146 424
<b>Cash Flows from Investing Activities</b>		(269 338)	(86 389)
Purchase of equipment	6.1	(72 386)	(86 643)
Purchase of land and buildings	7.1	(197 131)	0
Proceeds from sale of equipment	2	179	254
Net cash flows from operating and investing activities		(60 234)	60 035
Cash and cash equivalents at beginning of period	19	(499 742)	(559 777)
Cash and cash equivalents at end of period	19	(559 976)	(499 742)

## B. Department of Justice and Constitutional Development

### *Notes to the Annual Financial Statement* for the year ended 31 March 2002

	Note	2001/02 R'000	2000/01 R'000
<b>1. Statutory appropriation</b>			
Judges' Salaries		157 551	136 141
		<b>157 551</b>	<b>136 141</b>
Voted by Parliament to an independent account operated by the National Treasury and administered by this Department. Overexpenditure is funded by the Department prior to repayment by National Treasury.			
<b>2. Sales of goods and services</b>			
<b>Description</b>			
Sale of equipment		179	254
		<b>179</b>	<b>254</b>
<b>3. Other receipts</b>			
<b>Description - Revenue on FMS</b>			
Material losses recovered	3.1	2 591	0
Recoveries of previous years' expenditure		13 817	22 507
Miscellaneous revenue		2 803	2 958
Guardian's Fund Interest		10 697	14 270
Interest on Monies in Trust		42 658	0
Monies imposed by Law		2 729	2 817
Monies not imposed by Law		8	0
Commission on Insurance		1 291	1 477
Loans and Advances (Subsidised transport)		1 065	1 471
Rent - Property		797	1 070
Other Interest		302	204
		<b>78 758</b>	<b>46 774</b>
<b>Description - Revenue not on FMS</b>			
Master Monies		2 700	1 070
State Attorney Monies recoveries		3 993	133
Court fines		2 892	6 049
Third Allowance		361	615
Claimed Contributions		(19)	0
Unclaimed Admission of Guilt		34	0
Pay as You Earn		1 365	0
Miscellaneous		2 892	21
		<b>14 218</b>	<b>7 888</b>

## B. Department of Justice and Constitutional Development - Notes to the Annual Financial Statement

	Note	2001/02 R'000	2000/01 R'000
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### 3.1 Material losses recovered

#### Nature of loss recovered

Cell phones	29	
Laptops	37	
Publications	1	
Safe and strong room keys	6	
Property (Other)	5	
State money	1 373	
Fraud/ Theft	1 140	
	<b>2 591</b>	<b>* 0</b>

\* The amount for the 2000/01 financial year is included in Miscellaneous Revenue and could not be separately identified.

### 3.2 Gifts, donations and sponsorships received in kind excluding RDP funds by the Department (Total not included above)

#### Nature of gift, donation and sponsorship

Seconded Chief Financial Officer and Assistant from Business Against Crime (BAC)	986	246
Painting of various Magistrate's Offices and Family Advocate Offices country wide in relation to children intermediary rooms and interview rooms, as well as the upgrading of furniture and purchasing of new furniture for these child-friendly rooms - Plascon and various community organisations	50	0
European Union - Business Planning Workshop	0	40
Microsoft, Phambili, Xcel and Informix - Two Strategic Planning Workshops	0	140
	<b>1 036</b>	<b>426</b>

### 4. Foreign aid assistance (including RDP)

#### 4.1 Received in cash

Government of Ireland (Statement B)	0	812
Danish Government (Statement D)	1 751	438
Sweden - SIDA (Statement E)	521	0
Canada (Statement F)	195	0
Netherlands (Statement G)	0	34 146
USAID (Statement H)	2 378	7 806
<b>Total foreign aid assistance received in cash</b>	<b>4 845</b>	<b>43 202</b>

## B. Department of Justice and Constitutional Development - Notes to the Annual Financial Statement

	Note	2001/02 R'000	2000/01 R'000
<b>4.2 Received in kind (value not included in income statement)</b>			
<b>Description</b>			
Save the Children - Sweden (Rädda Barnen) - Gordon's Bay Workshop		47	0
Danish (Project Management Course)		1 000	0
Sweden (Various- See detail in Statement per Donor)		356	991
USAID (Seconded Administrative Secretary and Clerk/Messenger)		10	0
Canada (Administration of the Justice Linkage Project)		2 628	0
Nadel (Personnel and Administrative Expenditure, Rental and purchasing of Equipment - Philippi Magistrate's Office)		353	471
Nadel (Personnel and Administrative Expenditure, Rental and purchasing of Equipment - Mitchell's Plain Model Court)		2 254	1 639
		<b>6 648</b>	<b>3 101</b>
<b>5. Personnel</b>			
Appropriation to Judiciary		171 083	149 624
Basic salary costs		947 427	1 183 704
Pension contributions		136 746	169 442
Medical aid contributions		66 089	74 030
Other salary related costs		220 555	208 103
Overspending - Disallowed as Unauthorised		(23 885)	0
		<b>1 518 015</b>	<b>1 784 903</b>
Average number of employees (NPA's employees of approximately 2 800 are included in the 2000/01 financial year)			
		12 740	14 488
<b>6. Equipment</b>			
Current (Rentals, maintenance and sundry)		9 528	8 771
Capital	6.1	72 386	86 643
		<b>81 914</b>	<b>95 414</b>
<b>6.1 Capital equipment analysed as follows:</b>			
Computer equipment		41 540	52 839
Furniture and office equipment		15 667	17 432
Other machinery and equipment		572	995
Arms and assessories		0	956
Transport		14 607	14 421
		<b>72 386</b>	<b>86 643</b>

## B. Department of Justice and Constitutional Development - Notes to the Annual Financial Statement

	Note	2001/02 R'000	2000/01 R'000
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### 7. Land and Building

Capital expenditure	7.1	197 131	0
		<b>197 131</b>	<b>0</b>

#### 7.1 Capital property expenditure analysed as follows:

Land and Dwellings		197 131	0
		<b>197 131</b>	<b>0</b>

\* This amount has been transferred to the Department of Public Works for the procurement of new and additional accommodation.

### 8. Professional and special services (Current expenditure)

Auditors' remuneration		20 506	14 244
Contractors		269 841	38 847
Consultants and Advisory Services		94 368	72 954
Commissions and Committees		2 007	517
Computer services		5 832	34 718
Other		3 019	2 916
		<b>395 573</b>	<b>164 196</b>

\* Included in the amount for Contractors (R269 841) is an amount of R 34 645 and in Computer Services (R5 832) is an amount of R 3 800, which represents contractual pre-payments to State Information Technology Agency (SITA).

### 9. Transfer payments (Current expenditure)

#### Transferee

Contribution to the skill fund		1 913	0
Human Rights Commission		22 612	21 780
Legal Aid Board		322 103	245 573
Truth and Reconciliation Commission		10 000	30 181
Special Investigating Unit		21 419	17 739
Commission on Gender Equality		13 057	12 262
Public Protector		35 766	17 574
President's Fund		190 000	0
Subsidised Transport		0	83
Independent Electoral Commission		60 983	0
		<b>677 853</b>	<b>345 192</b>



## B. Department of Justice and Constitutional Development - Notes to the Annual Financial Statement

	Note	2001/02 R'000	2000/01 R'000
<b>10. Miscellaneous</b>			
Stabilisation fund (Terminates after July 2001)		5	11 771
Remissions, refunds and payments made as an act of grace	10.1	33	26
Gifts, donations and sponsorships made	10.2	1 000	0
Witness fees		29 750	27 030
Protected custody of witnesses		74	15 877
Expert witness		943	0
Psychiatric observation		19 001	0
Other		465	1 647
		<b>51 271</b>	<b>56 351</b>
<b>10.1 Remissions, refunds and payments made as an act of grace</b>			
<b>Nature of remissions, refunds and payments</b>			
Cancellation of payment i.r.o damage suffered as a result of unlawful arrest		0	(4)
Expenses in respect of transfer cost		0	20
Expenses due to the absence of the Magistrate on the hearing date, without informing the plaintiff		0	3
Damage of private vehicle on the premises of Justice College		0	2
Damage suffered as a result of unlawful arrest		0	5
Damage to gown, kept in locker, during a burglary at the Magistrate Greytown - GH van Rooyen		2	0
Damage to private vehicle while performing official duties. Magistrate Delareyville - EJ van Niekerk		1	0
Damage suffered as a result of a wrongful arrest Magistrate Port Elizabeth - S van Vuuren		10	0
Damage to private vehicle while performing official duties. Victoria East (Alice) - SN Mfafa		20	0
		<b>33</b>	<b>26</b>
<b>10.2 Gifts, donations and sponsorships paid in cash by the Department (items expensed during the current year)</b>			
<b>Nature of gifts, donations and sponsorships</b>			
Women Abuse line		1 000	0
		<b>1 000</b>	<b>0</b>
<b>11. Special functions: Authorised losses</b>			
Material losses written off	11.1	14 052	
Debts written off (Interest)		15	
		<b>14 067</b>	<b>* 336</b>
* No analysis can be provided			

## B. Department of Justice and Constitutional Development - Notes to the Annual Financial Statement

	Current Exp	Capital Exp	2001/02 R'000	2000/01 R'000
<b>11.1 Material losses written off in income statement in current period</b>				
<b>Nature of losses</b>				
State Money (Monies in Trust) - Armed Robberies and Shortages	1 738	0	1 738	
State Money (Vote Account) - Armed Robberies, shortages and old amounts in suspense	4 235	0	4 235	
Former TBVC-States amounts in suspense written off	7 157	0	7 157	
Arbitration - Civil Actions	560	0	560	
Damage to Government Vehicles	0	314	314	
Irrecoverable losses	3	0	3	
Other	45	0	45	
	<b>13 738</b>	<b>314</b>	<b>14 052</b>	<b>*336</b>
* No analysis can be provided				

	Note	2001/02 R'000	2000/01 R'000
<b>12. Foreign aid assistance (including RDP)</b>			
<b>12.1 Expenditure per organisation</b>			
Government of Ireland (Statement B)		379	594
Save the Children (Sweden) - Rädda Barnen (Statement C)		58	91
Danish Government (Statement D)		1 707	1 381
Sweden - SIDA (Statement E)		184	0
Canada (Statement F)		345	0
Netherlands Government (Statement G)		0	5 472
USAID (Statement H)		5 159	1 525
		<b>7 832</b>	<b>9 063</b>
<b>12.2 Expenditure by standard item</b>			
Personnel		4 277	2 225
Administrative		2 998	746
Inventories		110	54
Equipment		73	5 895
Professional and Special Services		374	143
		<b>7 832</b>	<b>9 063</b>

## B. Department of Justice and Constitutional Development - Notes to the Annual Financial Statement

	Note	2001/02 R'000	2000/01 R'000
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### 13. Unauthorised expenditure and fruitless and wasteful expenditure

Unauthorised expenditure	13.2	23 886	0
Unauthorised expenditure in respect of previous years not yet approved	13.3	288 911	289 551
		<b>312 797</b>	<b>289 551</b>

\* Also refer to Note 13.3 and 13.4 for reported Irregular, Fruitless and Wasteful expenditure under investigation

#### 13.1 Reconciliation of movement in account balance

Opening balance		289 551	
Opening Balance - Amount disallowed in previous financial years	13.3	127 221	
Prior year expenditure disallowed during current year (Transfer to Income Statement)	13.3	162 330	
<b>Add:</b> Prior year expenditure disallowed during current year (NPA)		523	
<b>Add:</b> Current year unauthorised expenditure (Personnel over spending)	13.2	23 886	
<b>Less:</b> Transfer to receivables for recovery		1 163	
Public Protector		640	
National Prosecuting Authority		523	
Closing balance		<b>312 797</b>	

#### 13.2 Unauthorised expenditure

##### Incident

Personnel Overspending - Programme 2 :  
Administration of Courts

23 886	0
<b>23 886</b>	<b>0</b>

## B. Department of Justice and Constitutional Development - Notes to the Annual Financial Statement

Year disallowed	Incident	2001/02 R'000	2000/01 R'000
<b>13.3 Unauthorised expenditure in respect of previous years not yet approved</b>			
<b>Amounts disallowed in previous financial years:</b>			
1997/98	Excess on voted funds	24 755	24 755
1998/99	Excess on voted funds	47 047	47 047
1999/00	Excess on voted funds	43 521	43 521
1999/00	Excess on voted funds	0	640
1997/98	Non-compliance with State Tender Board Directives (Appointed consultants)	407	407
1997/98	Non-compliance with State Tender Board Directives (Appointed consultants)	53	53
1998/99	Expenditure relating to Legal Aid - incorrectly charged to the Department	10 654	10 654
1998/99	Non-compliance with State Tender Board Directives	144	144
<b>Sub Total</b>		<b>126 581</b>	<b>127 221</b>
<b>Prior year expenditure disallowed during current year:</b>			
1997/98	Column 2 item (Legal Aid Board) exceeded the amount voted	102 633	102 633
1997/98	Virement approvals not obtained	29 569	29 569
1998/99	<i>Ex gratia</i> payment without approval	68	68
1998/99	Virement approvals not obtained	21 162	21 162
1999/00	Non-compliance with State Tender Board Directives (Appointment of consultants for OSEO)	2 294	2 294
1999/00	Excess expenditure on contract approved by State Tender Board	1 177	1 177
1999/00	Donor funds accounted for against vote	117	117
1999/00	Non-compliance with State Tender Board Directives	110	110
1999/00	Virement approvals not obtained	5 200	5 200
<b>Sub Total</b>		<b>162 330</b>	<b>162 330</b>
<b>Grand Total</b>		<b>288 911</b>	<b>289 551</b>

## B. Department of Justice and Constitutional Development - Notes to the Annual Financial Statement

Incident	Disciplinary steps taken/ criminal proceedings	2001/02 R'000	2000/01 R'000
<b>13.4. Reported Irregular and Fruitless and Wasteful expenditure still under investigation</b>			
<b>Irregular expenditure</b>			
Public Prosecution	Still under investigation	3	3
Professional and Special Services - in contravention with State Tender Board regulations	Further investigations revealed that Tender Board Regulations have been complied with	0	66 577
Tender Procedures not followed for Budget training Course - Regional Office Eastern Cape	Follow-ups are currently being made on reported irregular expenditure	56	0
Magistrate Krugersdorp - Installation of telephone system (PABX) - Approval of Regional Control Committee not obtained	Follow-ups are currently being made on reported irregular expenditure	75	0
		<b>134</b>	<b>66 580</b>
<b>Fruitless and Wasteful expenditure</b>			
Witness Protection Programme - Accommodation not fully utilised	Still under investigation	197 405	197 405
Magistrate Wynberg - Servicing and repairs to summons issuing machine	Follow-ups are currently being made on reported fruitless and wasteful expenditure	2	0
Regional Office: North West - Payment to Voice Communications	Follow-ups are currently being made on reported fruitless and wasteful expenditure	218	0
Telkom Interest on overdue accounts - mainly Regional Offices	Follow-ups are currently being made on reported irregular expenditure	210	0
		<b>197 835</b>	<b>197 405</b>

## B. Department of Justice and Constitutional Development - Notes to the Annual Financial Statement

	Note	2001/02 R'000	2000/01 R'000
<b>14. Cash and cash equivalents</b>			
Cash on hand (Petty Cash at approximately 560 Justice Offices)		593	380
		<b>593</b>	<b>380</b>
<b>15. Receivables - current</b>			
Amounts owing by other departments (Annexure A)	23	23 828	5 977
Staff Debtors	15.2	8 220	8 989
Other debtors	15.3	488 435	424 164
		<b>520 483</b>	<b>439 130</b>
<b>15.1 Age analysis - receivables</b>			
Less than one year		157 391	
One to two years		220 815	
More than two years		142 277	
		<b>520 483</b>	<b>*439 130</b>
* No analysis can be provided			
<b>15.2 Staff debtors</b>			
Employee disallowances		3 055	2 958
Salaries deductions disallowances		5 163	6 029
Other		2	2
		<b>8 220</b>	<b>8 989</b>
<b>15.3 Other debtors</b>			
Receipt suspense		412	205
Warrant vouchers re-issued		521	205
Dishonoured cheques		460	110
Salary control accounts		8 633	8 364
Employee disallowance account		10 408	11 092
Other disallowance		7 469	14 571
Other disallowance: Fraud		7 096	3 988
Supplier disallowance		2 680	0
General suspense		4 709	19 652
Donor suspense		0	37 205
Agency services		438 157	327 189
Other		7 890	1 583
		<b>488 435</b>	<b>424 164</b>

## B. Department of Justice and Constitutional Development - Notes to the Annual Financial Statement

	Note	2001/02 R'000	2000/01 R'000
<b>16. Prepayments and advances</b>			
<b>Nature of prepayments/advances</b>			
Subsistence and transport advances		7 467	8 344
Standing advances		924	676
Departmental advances paid		93 133	1 300
Departmental advances paid - NPA Unauthorised			
Expenditure in respect of previous financial years		523	0
		<b>102 047</b>	<b>10 320</b>
<b>17. Voted funds to be surrendered</b>			
<b>Voted funds to be surrendered</b>			
<b>Department</b>			
Opening balance		192 760	0
Transfer from income statement		60 502	192 760
Previous years unauthorised expenditure			
disallowed in current year		162 330	0
Paid during the year		(192 760)	0
Closing balance		<b>222 832</b>	<b>192 760</b>
<b>Statutory appropriation (Judges' salaries)</b>			
Opening balance		(13 483)	0
Transfer from income statement		(13 532)	(13 483)
Paid during the year		13 483	0
Closing balance		<b>(13 532)</b>	<b>(13 483)</b>
<b>Total Closing Balance</b>		<b>209 300</b>	<b>179 277</b>
<b>18. Revenue funds to be surrendered</b>			
<b>Funds to be surrendered</b>			
Opening balance		3 438	11 345
Transfer from income statement for revenue to be surrendered			
Revenue generated during the year - on			
FMS		78 937	47 026
Revenue generated during the year - Not			
on FMS		14 218	7 888
Revenue to be surrender		<b>96 593</b>	<b>66 259</b>
Paid during the year		76 423	62 821
Closing balance (Revenue still to be surrendered)		<b>20 170</b>	<b>3 438</b>

## B. Department of Justice and Constitutional Development - Notes to the Annual Financial Statement

	Note	2001/02 R'000	2000/01 R'000
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### 19. Bank overdraft

Paymaster-General Account (Exchequer account)	19.1	(560 569)	(500 122)
Cash and cash equivalents	14	593	380
<b>Cash and Cash Equivalents as per Cash Flow Statement</b>		<b>(559 976)</b>	<b>(499 742)</b>

#### 19.1 Paymaster-General Account / Exchequer Account

Balance as per National Accounting Office	(356 414)	(259 995)
Add: Outstanding deposits	0	4
<b>Sub total</b>	<b>(356 414)</b>	<b>(259 991)</b>

<b>Deduct:</b>	<b>(204 155)</b>	<b>(240 131)</b>
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Outstanding deposits	(13 692)	0
Orders payable	17 265	11 481
PMG adjustment account	(24 191)	2
Uncleared cashed cheques	15 391	0
Electronic funds payable	(153 016)	0
ACB control account	(45 912)	(89 286)
Unauthorised expenditure not disallowed in previous financial years	0	(162 328)
<b>Balance above</b>	<b>(560 569)</b>	<b>(500 122)</b>

### 20. Payables - current

#### Description

Amounts owing to other departments	23	836	0
Other payables	20.1	101 103	47 766
Less: Foreign aid assistance (including RDP funds) repayable to donors	21.2	0	(1 529)
Less: Foreign aid assistance (including RDP funds) rolled over	22	0	(35 676)
		<b>101 939</b>	<b>10 561</b>



## B. Department of Justice and Constitutional Development - Notes to the Annual Financial Statement

	Note	2001/02 R'000	2000/01 R'000
<b>20.1 Other payables</b>			
<b>Description</b>			
Receipt suspense		1 488	209
Warrant voucher re-issued		1 113	434
Dishonoured cheques		2	4
Salary control accounts		5 985	11 912
Employee disallowance account		232	372
Other disallowance		180	278
General suspense		5 709	3 544
Donor suspense		0	7 129
Agency services		76 911	16 619
Staff debt		371	183
Other		9 112	7 082
		<b>101 103</b>	<b>47 766</b>
<b>21. Foreign aid assistance (including RDP funds) repayable to donors/ recoverable from donors</b>			
<b>Recoverable from donors</b>			
Canada (Statement F)		(150)	0
USAID (Statement H)		(2 781)	6 281
<b>Total reflected in Income Statement</b>		<b>(2 931)</b>	<b>6 281</b>
<b>Repayable to donors</b>			
Danish Government (Statement D)		44	(943)
<b>Total reflected in Income Statement</b>		<b>44</b>	<b>(943)</b>
<b>21.1 Reconciliation of accounts - Recoverable from donors</b>			
<b>Canada (Statement F)</b>			
Opening Balance		0	0
Transferred from income statement		(150)	0
Repaid to donors during the year		0	0
<b>Closing Balance</b>		<b>(150)</b>	<b>0</b>
<b>USAID (Statement H)</b>			
Opening Balance		0	(6 281)
Transferred from income statement		(2 781)	6 281
Repaid to donors during the year		0	0
<b>Closing Balance</b>		<b>(2 781)</b>	<b>0</b>
<b>Total reflected in Balance Sheet</b>		<b>(2 931)</b>	<b>0</b>

## B. Department of Justice and Constitutional Development - Notes to the Annual Financial Statement

	Note	2001/02 R'000	2000/01 R'000
<b>21.2 Reconciliation of accounts - Repayable to donors</b>			
<b>Danish Government (Statement D)</b>			
Opening Balance		1 529	2 472
Transferred from income statement		44	(943)
Repaid to donors during the year		0	0
Closing Balance		1 573	1 529
<b>Total reflected in Balance Sheet</b>		<b>1 573</b>	<b>1 529</b>
<b>22. Foreign aid assistance (including RDP funds) rolled over</b>			
Government of Ireland (Statement B)		(379)	218
Save the Children (Sweden) - Rädda Barnen (Statement C)		(58)	(91)
Sweden - SIDA (Statement E)		337	0
Netherlands Government (Statement G)		0	28 674
<b>Total reflected in Income Statement</b>		<b>(100)</b>	<b>28 801</b>
<b>22.1 Reconciliation of account</b>			
<b>Rolled over</b>			
<b>Government of Ireland (Statement B)</b>			
Opening Balance		587	369
Transferred from income statement		(379)	218
Repaid to donors during the year		0	0
Closing Balance		208	587
<b>Save the Children (Sweden) - Rädda Barnen (Statement C)</b>			
Opening Balance		89	180
Transferred from income statement		(58)	(91)
Repaid to donors during the year		0	0
Closing Balance		31	89
<b>Sweden - SIDA (Statement E)</b>			
Opening Balance		0	0
Transferred from income statement		337	0
Repaid to donors during the year		0	0
Closing Balance		337	0
<b>Netherlands Government (Statement G)</b>			
Opening Balance		35 000	6 326
Transferred from income statement		0	28 674
Repaid to donors during the year		0	0
Closing Balance		35 000	35 000
<b>Total reflected in Balance Sheet</b>		<b>35 576</b>	<b>35 676</b>

## B. Department of Justice and Constitutional Development - Notes to the Annual Financial Statement

	Owing by other department	Owing to other department
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### 23. Transactions with other departments

#### Name of department

Various Departments (Annexure A)

Actual 2002: R'000	23 828	836
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Various Departments

Actual 2001: R'000	5 977	0
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	Note	2001/02 R'000	2000/01 R'000
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### 24. Net cash flow generated by operating activities

Net surplus as per Income Statement		299 468	268 330
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Adjusted for items separately disclosed		269 338	86 389
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Proceeds from sale of equipment	2	(179)	(254)
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Purchase of equipment	6.1	72 386	86 643
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Purchase of land and buildings	7.1	197 131	0
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Net cash flow generated by operating activities		<b>568 806</b>	<b>354 719</b>
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### 25. Cash generated (utilised) to (increase)/decrease working capital

Increase in receivables and unauthorised expenditure - current		(104 599)	(135 219)
----------------------------------------------------------------	--	-----------	-----------

Increase in prepayments and advances		(91 727)	(10 320)
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Increase/ (Decrease) in payables and recoverable revenue		92 324	65
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	<b>(104 002)</b>	<b>(145 474)</b>
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### 26. Voted funds and Revenue funds paid during the year

Voted funds surrendered	17	192 760	0
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Revenue funds surrendered	18	76 423	62 821
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	<b>269 183</b>	<b>62 821</b>
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Less: Judges	17	(13 483)	0
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	<b>255 700</b>	<b>62 821</b>
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## B. Department of Justice and Constitutional Development - Notes to the Annual Financial Statement

Liable to	Nature of contingent liability	Note	As at 31 March 2002 R'000	As at 31 March 2001 R'000
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### 27. Contingent liabilities

Stannic	Motor vehicle guarantees		1 514	2 015
Various Banks	Housing loan guarantees	27.1	23 989	22 534
			<u>25 503</u>	<u>24 549</u>

The outcome on 127 civil actions pending against the Minister and/or the Department is unknown, as these matters have not been finalised.

Name of Financial Institution	Balance of outstanding guarantees
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### 27.1 Housing loan guarantees

#### Name of financial institution

ABSA	6 466
BOA Bank	2 097
First Rand Bank: FNB	2 021
Permanent Bank	2 533
Saambou Bank	2 004
Standard Bank	2 640
Other	6 228
	<u>23 989</u>

28. Subsequent payments not recognised in income statement	2001/02 R'000
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### 28. Subsequent payments not recognised in Income Statement

#### 28.1 Listed by programme

Programme 1: Administration	18 086
Programme 2: Administration of Courts	3 775
Programme 3: State Legal Services	79
	<u>21 940</u>

### 29. Short-term employee benefits

Major classes	
Leave entitlement	111
Thirteenth cheque	91 468
Performance bonus	35 645
	<u>127 224</u>

## B. Department of Justice and Constitutional Development - Notes to the Annual Financial Statement

Liable to	Current expenditure	Capital expenditure	2001/02 R'000
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### 30. Commitments

#### Approved and contracted

AST Consortium (ISM)	160 000	0	160 000
Business Connections (ISM)	15 000	0	15 000
Microsoft (ISM)	48 000	0	48 000
Datacentix (ISM)	10 000	9 000	19 000
System Crafters Guild (ISM)	12 000	0	12 000
Operating System licences (ISM)	16 000	0	16 000
Officentre (SA Cape Town)	3	6	9
Service Products (SA Durban)	0	64	64
Yareana Carpentry (SA Durban)	0	16	16
Service Products (SA Mmabatho)	0	6	6
Brother Business (State Law Advisors)	0	394	394
Service Products (State Law Advisors)	0	26	26
Brother Business (Office of the CFO)	0	57	57
New Furniture for the Office of the CFO	0	120	120
Furniture and Computer Equipment - Gauteng Region	0	2 085	2 085
	<b>261 003</b>	<b>11 774</b>	<b>272 777</b>

Equipment	Total R'000
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### 31 Leases (Operating lease only)

Rental of Photocopiers	3 347	3 347
Rental of switchboards	5 585	5 585
	<b>8 932</b>	<b>8 932</b>

Total R'000
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### 32. Key management personnel

#### 32.1 Remuneration

Minister, Deputy Minister, Director-General, Chief Financial Officer and Managing Directors	5 618
	<b>5 618</b>

## B. Department of Justice and Constitutional Development

### *Appropriation Statement*

Programme	Adjustment Estimate 2001/02 R'000	Virement 2001/02 R'000	Amount Voted 2001/02 R'000	Expenditure 2001/02 R'000	Savings (Excess) 2001/02 R'000	%	Amount Voted 2000/01 R'000	Expenditure 2000/01 R'000
Administration	366 354	299	366 653	366 653	0		272 328	253 315
Administration of Courts	1 322 165	49 038	1 371 203	1 334 579	36 624	60.53%	1 571 168	1 479 039
State Legal Services	182 352	(20 995)	161 357	161 357	0	0	147 204	141 989
National Prosecuting Authority	0	0	0	0	0	0	269 362	226 547
Auxiliary and Associated Service	1 130 431	54 355	1 184 786	1 160 908	23 878	39.47%	472 707	439 120
Special Function	0	14 067	14 067	14 067	0	0	311	310
<b>Sub-Total</b>	<b>3 001 302</b>	<b>*96 764</b>	<b>3 098 066</b>	<b>3 037 564</b>	<b>60 502</b>	<b>100%</b>	<b>2 733 080</b>	<b>2 540 320</b>
<b>Economic Classification</b>								
Current								
Personnel	1 244 941	83 711	1 346 932	1 346 932	0	0	1 634 192	1 635 279
Transfer Payments	680 328	2 475	677 853	677 853	0	0	351 588	345 192
Other	676 815	(59 353)	743 262	743 262	0	0	646 751	512 455
Capital								
Transfer Payments	0	0	0	0	0	0	0	0
Acquisition of Capital Asset	399 218	69 931	330 019	269 517	60 502	100%	100 549	47 394
Personnel	0	0	0	0	0	0	0	0
<b>Total</b>	<b>3 001 302</b>	<b>*96 764</b>	<b>3 098 066</b>	<b>3 037 564</b>	<b>60 502</b>	<b>100%</b>	<b>2 733 080</b>	<b>2 540 320</b>

\*This amount pertains to the National Prosecuting Authority

## B. Department of Justice and Constitutional Development

*Appropriation Statement*

Programme	Adjustment Estimate 2001/02 R'000	Virement 2001/02 R'000	Amount Voted 2001/02 R'000	Expenditure 2001/02 R'000	Savings (Excess) 2001/02 R'000	%	Amount Voted 2000/01 R'000	Expenditure 2000/01 R'000
<b>Standard Item - Actual Expenditure</b>								
Personnel	1 244 941	101 991	1 346 932	1 346 932	0	0	1 634 192	1 635 279
Administrative	248 401	(59 938)	188 463	188 463	0	0	194 855	185 914
Inventories	57 280	27 080	84 360	84 360	0	0	73 365	57 638
Equipment	163 259	(62 450)	100 809	81 914	18 895	31.23%	161 977	95 414
Land and Buildings	248 446	(9 708)	238 738	197 131	41 607	68.77%	0	0
Professional and Special Service	298 028	97 545	395 573	395 573	0	0	233 777	164 196
Transfer Payments	680 328	(2 475)	677 853	677 853	0	0	351 588	345 192
Miscellaneous	60 619	4 719	65 338	65 338	0	0	83 326	56 687
<b>Total</b>	<b>3 001 302</b>	<b>*96 764</b>	<b>3 098 066</b>	<b>3 037 564</b>	<b>60 502</b>	<b>100%</b>	<b>2 733 080</b>	<b>2 540 320</b>

\* This amount pertains to the National Prosecuting Authority

## B. Department of Justice and Constitutional Development

### *Notes to the Appropriation Statement* for the year ended 31 March 2002

#### 1. Explanations of material variances from Amount voted:

##### Programme 2: Administration of Courts:

- **Equipment (Capital) - Saving of R18 896 000**  
The saving relates to unexpended budgeted funds on the physical security of courts. The amount has been included in the Department's roll-over request
- **Land and Building - Saving of R 17 728 000**  
The saving relates to unspent funding on One-Stop Child Justice Centres, nationwide. Due to the inter-sectoral nature of the projects and the procedures to

follow due to the amount involved, it was not possible to finalise the planned activities before the end of March 2002. The amount has been included in the Department's roll-over request.

##### Programme 5: Auxiliary and Associated Services

- **Land and Building - Saving of R 23 878 000**  
The savings on capital works relate to services in construction, which will be continued during the next financial year. These *inter alia*, include additional accommodation, repairs and renovation of offices and urgent security measures.

2. Reconciliation of appropriation statement to income statement	2001/02 R'000	2000/01 R'000
Total revenue per income statement	3 353 617	2 967 337
Less: Statutory appropriation (Judges)	157 551	136 141
Less: Non-voted funds	93 155	54 914
Less: Local and foreign aid assistance (including RDP)	4 845	43 202
Amount voted per appropriation statement	3 098 066	2 733 080
Total expenditure per income statement	3 216 479	2 699 007
Less: Statutory appropriation (Judges)	171 083	149 624
Less: Local and foreign aid assistance (including RDP)	7 832	9 063
Actual expenditure per appropriation statement	3 037 564	2 540 320
Gross Funds to be surrendered	60 502	192 760



## B. Department of Justice and Constitutional Development

### *Summary Income Statement of Aid Assistance Received* for the year ended 31 March 2002

Received in kind	Note	2001/02 R'000	2000/01 R'000
Foreign aid assistance	4.2	6 648	3 101
<b>Total aid assistance received in kind</b>		<b>6 648</b>	<b>3 101</b>
<b>Received in cash</b>	<b>4.1</b>		
Government of Ireland (Statement B)		0	812
Danish Government (Statement D)		1 751	438
Sweden - SIDA (Statement E)		521	0
Canada (Statement F)		195	0
Netherlands Government (Statement G)		0	34 146
USAID (Statement H)		2 378	7 806
<b>Total foreign aid assistance received in cash</b>		<b>4 845</b>	<b>43 202</b>
<b>Less: Donor funded expenditure</b>	<b>12</b>		
Government of Ireland (Statement B)		379	594
Save the Children (Sweden) - Rädde Barnen (Statement C)		58	91
Danish Government (Statement D)		1 707	1 381
Sweden - SIDA (Statement E)		184	0
Canada (Statement F)		345	0
Netherlands Government (Statement G)		0	5 472
USAID (Statement H)		5 159	1 525
		<b>7 832</b>	<b>9 063</b>
<b>(Deficit)/Surplus</b>		<b>(2 987)</b>	<b>34 139</b>
<b>Analysis of surplus</b>			
Rolled forward	22	(100)	28 801
Recoverable from donor	21	(2 931)	6 281
Repayable to donor	21	44	(943)
		<b>(2 987)</b>	<b>34 139</b>
<b>Voted funds used to fund donor projects (amounts not included above, already included in income statement)</b>			
Government of the Republic of Finland (Statement A)		1 328	637
Save the Children (Sweden) - Rädde Barnen (Statement C)		75	33
		<b>1 403</b>	<b>670</b>

## B. Department of Justice and Constitutional Development

### *Analysis of Donor Funded Expenditure*

Financial year ended 31 March 2002

2001/2002	Government of Ireland Statement B R'000	Rädda Barnen Statement C R'000	Danish Government Statement D R'000	Government of Sweden (SIDA) Statement E R'000	Canada Statement F R'000	USAID Statement H R'000	Total Donor Funded Exp. R'000
Expenditure per Standard item							
Personnel	305	0	1 253	0	345	2 374	4 277
Administrative	12	55	425	132	0	2 374	2 998
Inventories	0	0	23	16	0	71	110
Equipment	29	1	5	0	0	38	73
Land & Building	0	0	0	0	0	0	0
Prof & Spes	33	2	1	36	0	302	374
Transfers	0	0	0	0	0	0	0
Miscellaneous	0	0	0	0	0	0	0
<b>Total</b>	<b>379</b>	<b>58</b>	<b>1 707</b>	<b>184</b>	<b>345</b>	<b>5 159</b>	<b>7 832</b>
Expenditure per programme							
Programme 1	0	58	1 695	184	0	4 863	6 800
Programme 2	379	0	0	0	0	182	561
Programme 3	0	0	0	0	345	0	345
Programme 4	0	0	0	0	0	0	0
Programme 5	0	0	12	0	0	114	126
<b>Total</b>	<b>379</b>	<b>58</b>	<b>1 707</b>	<b>184</b>	<b>345</b>	<b>5 159</b>	<b>7 832</b>

## B. Department of Justice and Constitutional Development

### *Statement of Foreign Aid Assistance received* for the year ended 31 March 2002

### *Statement A*

Source of funds Actual 2002	Intended use	Amount rolled over 1 April 2001 R'000	Amount received for the year ended 31 March 2002 R'000	Amount spent for the year ended 31 March 2002 R'000	Balance unspent/ (overspent) as at 31 March 2002 R'000
--------------------------------	--------------	---------------------------------------------	--------------------------------------------------------------	-----------------------------------------------------------	--------------------------------------------------------------

Government of the Republic of Finland	National Lower Court Management System Project	2 366	0	1 328	1 038
		<b>2 366</b>	<b>0</b>	<b>1 328</b>	<b>1 038</b>

This grant has been received during the 1998/99 financial year through the Adjustments Estimate and will therefore not be reflected on the Trial Balance.

Source of funds Actual 2001	Intended use	Amount rolled over 1 April 2000 R'000	Amount received for the year ended 31 March 2001 R'000	Amount spent for the year ended 31 March 2001 R'000	Balance unspent/ (overspent) as at 31 March 2001 R'000
--------------------------------	--------------	---------------------------------------------	--------------------------------------------------------------	-----------------------------------------------------------	--------------------------------------------------------------

Government of the Republic of Finland	National Lower Court Management System Project	3 003	0	637	2 366
		<b>3 003</b>	<b>0</b>	<b>637</b>	<b>2 366</b>

#### Performance information on use of assistance:

Numerous training sessions were held during the reporting period. The following are a few examples:

- Regional Office: Northern Cape (Administration) - 22-23 November 2001
- Gauteng - Germiston Cluster (Judiciary) - 19 October 2001
- Gauteng Cluster (Judiciary) - 20 November 2001
- KwaZulu-Natal (Judiciary) - 5 different workshops were held - 19 October 2001, 5, 6, and 7 November 2001 and 10-12 December 2001
- National Prosecuting Authority: Training in Port Elizabeth - 27 October 2000 - 2 November 2001
- National Prosecuting Authority: Northern KwaZulu-Natal (Vryheid) - 23 November 2001
- Regional Office: Northern Province (Administration) - 13 - 16 November 2001 and 27-30 November 2001
- Magistrate's Office Johannesburg (Judiciary) - 24 November 2001
- Regional Office: North West (Administration) - 26-29 November 2001 and 3-6 December 2001
- Regional Office: Gauteng (Administration) - 28-29 November 2001
- National Prosecuting Authority: Southern KwaZulu-

## B. Department of Justice and Constitutional Development - Statement of Foreign Aid Assistance received - Statement A

Natal (Port Shepstone) - 7 December 2001  
Kwa-Zulu-Natal (Administration) - 29 June 2001 -  
1 July 2001 and 23-24 October 2001

Unfortunately, there was also ineffective utilisation of the donor funding during the above-mentioned period. The fact that there are thirteen Cluster Heads (Judiciary) and nine Regional Heads (Administration), basically acting as individual heads of their respective categories within their Clusters, contributed to ineffective utilisation of donor funding in certain areas. In other words, there was no structured plan on the organisation of working sessions for role-players in the judiciary and the administration through all the clusters.

Each Cluster Head or Regional Head had to investigate the readiness of the officials on ground level to implement the National Lower Court Management System (manuals) and effect the successful separation of functions. In some instances this did not happen because the role-players in control did not take charge of the Project.

The Prosecution also created separate structures which included the appointment of Chief Prosecutors in each province. One would have to agree that although the communication was done with the Office of the National

Director of Public Prosecutions, the Directors of Public Prosecutions and the Chief Prosecutors in each province had to fulfill the same roles as the Cluster Heads and the Regional Heads.

As pointed out above, some training sessions were held, but it is not clear what the effectiveness of those training sessions were.

Another contributing factor is the direct implementation of this Project in the line function. With smaller projects pilot sites are identified and the projects are implemented for a trial period. Only after an assessment is made of the success of the project at the pilot sites and it is deemed to be successful, the project is rolled out to other sites. In the case of the National Lower Court Management System Project the Project was introduced in the Sub-offices throughout the country without any pilot sites. It made the implementation more difficult as each Magistrates Office differs in nature according to its needs, whether it be finance or personnel.

The fact that the personnel at the Magistrates Offices are busy with their line functions every day also made it difficult to organise training sessions where officials had to leave the office for a day or two to attend these sessions.

## B. Department of Justice and Constitutional Development

### *Statement of Foreign Aid Assistance received* for the year ended 31 March 2002

### *Statement B*

Source of funds Actual 2002	Intended use	Amount rolled over 1 April 2001 R'000	Amount received for the year ended 31 March 2002 R'000	Amount spent for the year ended 31 March 2002 R'000	Balance unspent/ (overspent) as at 31 March 2002 R'000
--------------------------------	--------------	---------------------------------------------	--------------------------------------------------------------	-----------------------------------------------------------	--------------------------------------------------------------

Government of Ireland	Citizen's Advice Desk Project	587	0	379	208
		<b>587</b>	<b>0</b>	<b>379</b>	<b>208</b>

Source of funds Actual 2001	Intended use	Amount rolled over 1 April 2000 R'000	Amount received for the year ended 31 March 2001 R'000	Amount spent for the year ended 31 March 2001 R'000	Balance unspent/ (overspent) as at 31 March 2001 R'000
--------------------------------	--------------	---------------------------------------------	--------------------------------------------------------------	-----------------------------------------------------------	--------------------------------------------------------------

Government of Ireland	Citizen's Advice Desk Project	369	812	594	587
		<b>369</b>	<b>812</b>	<b>594</b>	<b>587</b>

#### Performance information on use of assistance:

- Funds were primarily used for the payment of salaries for the seven contract workers appointed to the project (two information officers in each of the Durban, Johannesburg and Pretoria Magistrate's offices and a Training officer at National Office) as is provided for in the agreement.
- Training opportunities at the courts were enhanced as the trainer was responsible for only three sites and could hence provide more attention to these staff members.
- The Project has resulted in the public being assisted at the Advice desks at the various offices. They are provided with essential information as to where to seek a prisoner and in which court to appear as a witness. The public is furthermore assisted with informa-

tion as to services offered at the court and how to access such services and other general enquiries.

- This assistance is of a very high standard as the officials are conversant in the indigenous languages of the area and can hence lend assistance and render explanations that are meaningful to the public. They are also on hand to assist members of the public who are illiterate.
- The image of the Department at these sites have been improved tremendously due to the emphasis being shifted to becoming user-friendly and treating the public with dignity.
- The output of these desks are impressive considering the number of people requesting assistance per day.

## B. Department of Justice and Constitutional Development - Statement of Foreign Aid Assistance received - Statement B

They contribute to a more effective office and have become a necessity at these offices and no longer a luxury for effective service delivery.

- Due to the exchange rate being in our favour more funding became available. This was spread around the country by providing once -off capital expenditure items to offices that were willing to make use of their own personnel to man the desks. Infrastructure in various forms, to a maximum of R 20 000 per roll-out site was provided to the following offices:

Kimberly	Upington
Colesburg	Springbok
Port Elizabeth	Umtata
Goodwood	Paarl
Stellenbosch	Beaufort West
Welkom	Bloemfontein
Pietermaritzburg	Verulam
Rustenburg	Moretele
Brakpan	Protea (Soweto)
Nelspruit	Nsikazi
Thambamoopo	Thohoyandou

- Concerns around the absorption of this Project to each of the main three sites after the assistance expires still need to be addressed through the formulation of a strategy to recognize the importance of assisting the public in a user-friendly way.

## B. Department of Justice and Constitutional Development

### *Statement of Foreign Aid Assistance received* for the year ended 31 March 2002

### *Statement C*

Source of funds Actual 2002	Intended use	Amount rolled over 1 April 2001 R'000	Amount received for the year ended 31 March 2002 R'000	Amount spent for the year ended 31 March 2002 R'000	Balance unspent/ (overspent) as at 31 March 2002 R'000
--------------------------------	--------------	---------------------------------------------	--------------------------------------------------------------	-----------------------------------------------------------	--------------------------------------------------------------

Save the Children (Sweden) - Radda Barnen	Sexual Offences Against Children	140	0	75	65
	Child Participation	89	0	58	31
		229	0	133	96

The grant in respect of the Project: Sexual Offences has been received during the 1998/99 financial year through the Adjustments Estimate and will therefore not be reflected on the Trial Balance.

Source of funds Actual 200	Intended use	Amount rolled over 1 April 2000 R'000	Amount received for the year ended 31 March 2001 R'000	Amount spent for the year ended 31 March 2001 R'000	Balance unspent/ (overspent) as at 31 March 2001 R'000
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Save the Children (Sweden) - Radda Barnen	Sexual Offences Against Children	173	0	33	140
	Child Participation	180	0	91	89
		353	0	124	229

#### Value received in kind:

Source of aid	Intended use	2001/02 R'000	2000/01 R'000
Save the Children (Sweden) - Radda Barnen	Accommodation and conference fees for a workshop held in Gordon's Bay with the Portfolio Committee on Social Development	47	0
		47	0

## B. Department of Justice and Constitutional Development - Statement of Foreign Aid Assistance received - Statement C

### Performance information on use of assistance:

#### Save the Children (Sweden) (Rädda Barnen): Sexual offences

In terms of the 1999 Agreement of Co-operation, the grant for the sexual offences project is to be used mainly in order to facilitate the South African Law Commission's

consultation processes in its investigation into sexual offences. During the year under review the Law Commission released its second discussion paper and a draft sexual offences Bill. Subsequent to the release of the discussion paper in December 2001, several workshops and briefing sessions were held, as the following table indicates:

Date	Place	Host partner / audience
17 January 2002	Pretoria	Media briefing
7 February 2002	Parktown, Johannesburg	SA National Council for Child and family Welfare
8 February 2002	Cape Town	Prosecutors' training seminar
11 February 2002	Braamfontein, Johannesburg	Commission for Gender Equality briefing
11 February 2002	Pretoria	CSIR briefing
16 - 17 February 2002	Gordon's Bay	Legal expert workshop
22 February 2002	Bloemfontein	Prosecutors' training seminar
25 February 2002	Pretoria	National inter-sectoral workshop
1 March 2002	Cape Town	Briefing at the Third Sexual Rights Mini Conference
7 March 2002	Vredendal	Regional inter-sectoral workshop
8 March 2002	Durban	Prosecutors' training seminar
11 March 2002	Cape Town	Child Abuse hearings in Parliament
13 March 2002	George	Regional inter-sectoral workshop
15 March 2002	Umtata	Regional inter-sectoral workshop
19 March 2002	UWC, Bellville	Regional inter-sectoral workshop

By all accounts, the public consultation process on the sexual offences discussion papers is hugely successful. Numerous persons attended the workshops and briefing sessions where information was shared, valuable inputs were obtained, and effect given to the Commission's stated policy to consult with all stakeholders at the urban and rural level.

The investigation into sexual offences is nearing finalisation and the balance unspent will be used in the next financial year. It is not expected that more donor funding will be sourced.

#### Save the Children (Sweden) (Rädda Barnen): Child participation

The child participation process is linked to the Law Commission's investigation into the Review of the Child Care Act and has as its principle objective the active participation of children in the law review process. This

has been achieved and the views of children are reflected in the discussion paper.

In order to evaluate the effectiveness of the first phase of the child participation process where the opinions of children were solicited on the issue paper on the Review of the Child Care Act, the Commission, in conjunction with the donor and Save the Children (UK) decided to independently evaluate the first phase of the child participation process. This evaluation was concluded in the year under review. The expenses related thereto represent the bulk of the expenditure reflected in the financial year.

The independent evaluation of the child participation process confirmed the Commission's view that child participation in the review of the Child Care Act, and indeed in all child-related investigations, is necessary, valuable and useful. Following the release of the discussion paper on the Review of the Child Care Act in December 2001, phase 2 of the child participation process can now be



## B. Department of Justice and Constitutional Development - Statement of Foreign Aid Assistance received - Statement C

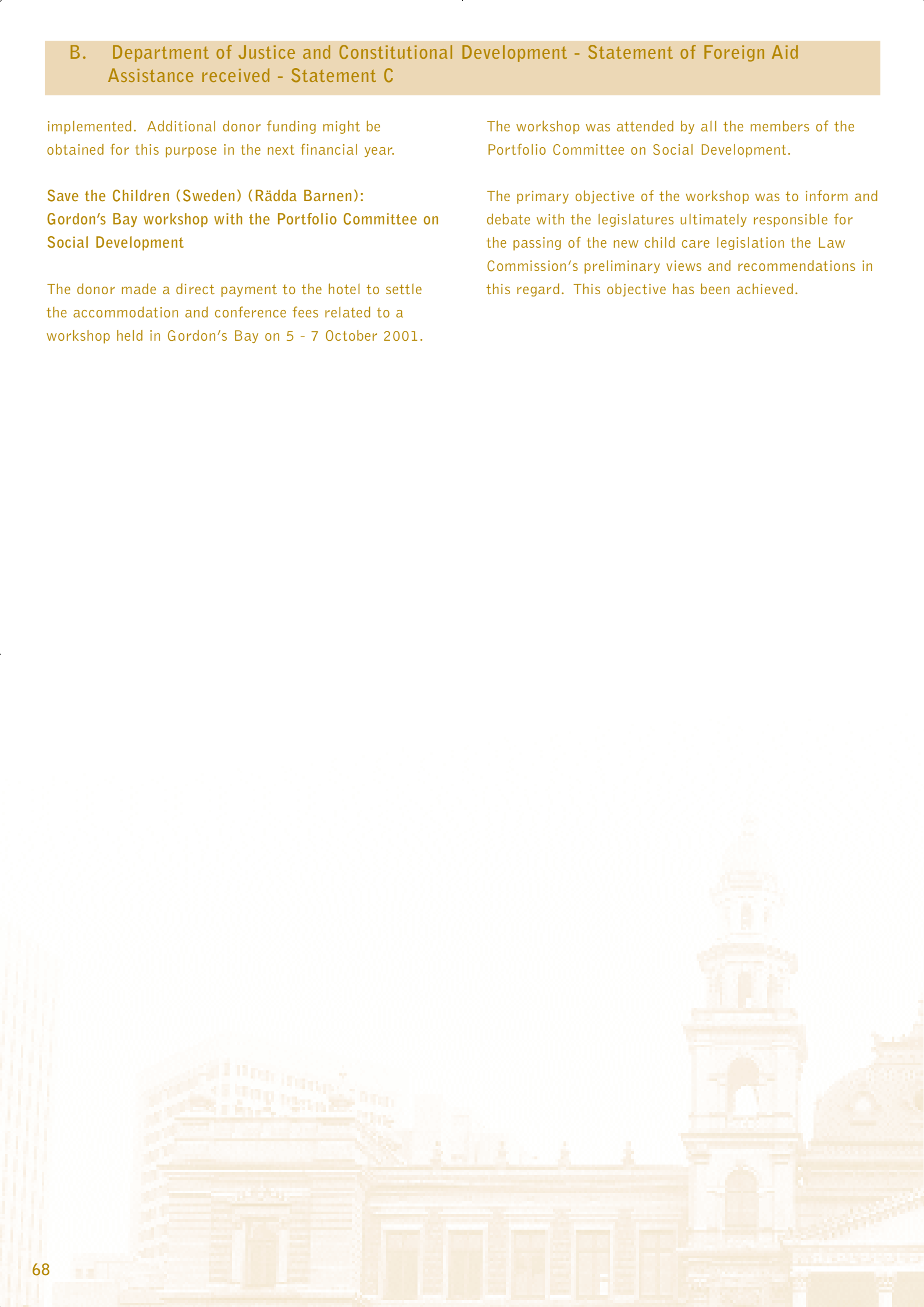
implemented. Additional donor funding might be obtained for this purpose in the next financial year.

### **Save the Children (Sweden) (Rädda Barnen): Gordon's Bay workshop with the Portfolio Committee on Social Development**

The donor made a direct payment to the hotel to settle the accommodation and conference fees related to a workshop held in Gordon's Bay on 5 - 7 October 2001.

The workshop was attended by all the members of the Portfolio Committee on Social Development.

The primary objective of the workshop was to inform and debate with the legislatures ultimately responsible for the passing of the new child care legislation the Law Commission's preliminary views and recommendations in this regard. This objective has been achieved.



## B Department of Justice and Constitutional Development

### *Statement of Foreign Aid Assistance received* for the year ended 31 March 2002

### *Statement D*

Source of funds Actual 2002	Intended use	Amount rolled over 1 April 2001 R'000	Amount received for the year ended 31 March 2002 R'000	Amount spent for the year ended 31 March 2002 R'000	Balance unspent/ (overspent) as at 31 March 2002 R'000
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Danish Royal Embassy - Danish Government	Corporate Planning Team Policy Advisory Task Unit	1 529	1 751	1 707	1 573
		1 529	1 751	1 707	1 573

Source of funds Actual 2002	Intended use	Amount rolled over 1 April 2000 R'000	Amount received for the year ended 31 March 2001 R'000	Amount spent for the year ended 31 March 2001 R'000	Balance unspent/ (overspent) as at 31 March 2001 R'000
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Danish Royal Embassy - Danish Government	Corporate Planning Team Policy Advisory Task Unit	2 472	438	1 381	1 529
		2 472	438	1 381	1 529

#### Value received in kind:

Source of aid	Intended use	2001/02 R'000	2000/01 R'000
Danish Royal Embassy	Project Management Course - Plane Tickets, Accommodation, Meals, Course Fees for 20 delegates and visit for Director-General	1 000	0
		1 000	0

## B. Department of Justice and Constitutional Development - Statement of Foreign Aid Assistance received - Statement D

### Performance information on use of assistance:

#### Corporate Planning Team

Justice Vision 2000 identified seven key result areas, each aimed at making significant inroads in respect of different impact areas within the boarder ambit of the effective administration of justice and the provision of fair and equitable legal services. Significant changes has since been evident both at operational and political services within the Department. Much has thus far been achieved in improving access to justice, providing service delivery standards aligned to the general principles of Ubuntu (People in a better homogeneous society) and Batho Pele (Service Delivery). Public awareness and understanding, not only in respect of the individual's Constitutional and Human Rights, as well as responsibilities and concomitant duties, but also in respect of mutual respect for one another and the Law itself, have been significantly increased through ongoing education and public awareness programmes facilitated by the Department. The Corporate Planning Team has been instrumental in facilitating the realisation of the fore-mentioned objectives.

#### Policy Advisory Task Unit

The Unit is involved in some of the Premier Projects initiated by the Planning Unit and has also assisted the Department and the Ministry in the development of policy on various matters assigned by the Minister. It was initially envisaged that a comprehensive White Paper on the Administration of Justice would be developed, but, early in the second phase, the Minister expressed a preference for a series of policy documents on critical issues rather than one comprehensive White Paper. This led to a change of emphasis. At a subsequent meeting of the Steering Committee it was decided that the focus be placed on specific areas identified for policy development. The areas identified at the Steering Committee were -

- Legal aid
- Transformation of courts
- The legal profession

In subsequent discussions with the Minister, additional areas for policy development were identified. These were:

- Court Management and Transformation
- Review and Restructuring of the administration of estates
- Criminal Justice and the Community
- Offences against women and children
- Victim's protection and support in the criminal justice system
- Gender and family law reform.
- Restructuring of state legal services including a re-examination of the role of the State Attorney.

## B. Department of Justice and Constitutional Development

### *Statement of Foreign Aid Assistance received* for the year ended 31 March 2002

### *Statement E*

Source of funds Actual 2002	Intended use	Amount rolled over 1 April 2001 R'000	Amount received for the year ended 31 March 2002 R'000	Amount spent for the year ended 31 March 2002 R'000	Balance unspent/ (overspent) as at 31 March 2002 R'000
Sweden - SIDA	Capacity Building in the Field of Children -Budget Outreach Programme	0	521	184	337
		0	521	184	337

Source of funds Actual 2001	Intended use	Amount rolled over 1 April 2000 R'000	Amount received for the year ended 31 March 2001 R'000	Amount spent for the year ended 31 March 2001 R'000	Balance unspent/ (overspent) as at 31 March 2001 R'000
Sweden - SIDA	Capacity Building in the Field of Children -Budget Outreach Programme	0	0	0	0
		0	0	0	0

#### Value received in kind:

Source of aid	Intended use	2002 R'000	2001 R'000
Sweden - SIDA	Salaries of Project co-ordinator, Assistant and Administrator	120	470
	Enhancing use of programmes for diversion and sentencing	87	264
	Protection of children deprived of liberty	2	97
	Implementation of Child Justice Bill	66	110
	Awareness raising and training	80	50
	Developing a monitoring system	1	0
		356	991

## B. Department of Justice and Constitutional Development - Statement of Foreign Aid Assistance received - Statement E

### Performance information on use of assistance:

The funding has been utilised as follows:

- Workshops on Legal representation for children - The funding for developing a manual has not been fully utilised yet, but will be spent before the end of 2002 since the process is continuing. The funding left over from a national training workshop is to be used up for the next workshop in August 2002.
- Workshops on One-Stop Child Justice Centres and visits to Centres - The last workshop and the finalisation of a framework have been delayed, but the work is in progress and the funding will be utilised soon.
- Producing a simplified version of the Convention on the Rights of the Child (CRC) written for children.
- Visits to courts in Durban, Port Elizabeth and Bloemfontein - The funding allocated to an evaluation was not utilised because the CSIR conducted the research free of charge. The money will be fully spent for the continuing work.
- National Justice Forum - The delayed Child Justice Bill explains why the money has not been utilised, but the Forum will this year be funded as planned.



## B. Department of Justice and Constitutional Development

*Statement of Foreign Aid Assistance received*  
for the year ended 31 March 2002

*Statement F*

Source of funds Actual 2002	Intended use	Amount rolled over 1 April 2001 R'000	Amount received for the year ended 31 March 2002 R'000	Amount spent for the year ended 31 March 2002 R'000	Balance unspent/ (overspent) as at 31 March 2002 R'000
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Canada	Justice Canada Linkage Project	0	195	345	(150)
		0	195	345	(150)

Source of funds Actual 2002	Intended use	Amount rolled over 1 April 2000 R'000	Amount received for the year ended 31 March 2001 R'000	Amount spent for the year ended 31 March 2001 R'000	Balance unspent/ (overspent) as at 31 March 2001 R'000
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Canada	Justice Canada Linkage Project	0	0	0	0
		0	0	0	0

### Performance information on use of assistance:

- Training opportunities for magistrates have been enhanced.
- The Project has produced training materials of a very high standard, although a lack of a clear strategy on integration and maintaining of this material into Justice College curricula have undermined this performance.
- There has not been a marked improvement in court administration. This is a result of the massive increase in caseloads on which this Project could have no impact.
- A larger pool of skilled South Africans from which judicial appointments can be made has been created and an increased awareness of race and gender issues has been fostered amongst judicial officers.

- Concerns around the sustainability of this Project still need to be addressed through the formulation of a strategy for integrating its work with that of the Justice College and developing a strategic system or life learning approach for the training programs.
- Outputs have been impressive, innovative and dynamic. The contribution significantly shifted the paradigm for legal education in South Africa.
- Deficiencies in the management structure have affected the Project impact.
- The complex management and governance structure originally planned was not implemented.
- Canadian input and expertise has not been drawn upon as widely as originally envisaged. This is because there is much indigenous expertise that has been drawn upon. This is appropriate.

## B. Department of Justice and Constitutional Development

### *Statement of Foreign Aid Assistance received* for the year ended 31 March 2002

### *Statement G*

Source of funds Actual 2002	Intended use	Amount rolled over 1 April 2001 R'000	Amount received for the year ended 31 March 2002 R'000	Amount spent for the year ended 31 March 2002 R'000	Balance unspent/ (overspent) as at 31 March 2002 R'000
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Netherlands Government	Sectoral Budget Support	35 000	0	0	35 000
		35 000	0	0	35 000

Source of funds Actual 2002	Intended use	Amount rolled over 1 April 2000 R'000	Amount received for the year ended 31 March 2001 R'000	Amount spent for the year ended 31 March 2001 R'000	Balance unspent/ (overspent) as at 31 March 2001 R'000
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Netherlands Government	Sectoral Budget Support	6 326	34 146	5 472	35 000
		6 326	34 146	5 472	35 000

#### Performance information on use of assistance:

Expenditure in respect of this project only occurred during April 2002, which does not form part of this reporting period and performance information will also then be reported.

## B. Department of Justice and Constitutional Development

### *Statement of Foreign Aid Assistance received* for the year ended 31 March 2002

### *Statement H*

Source of funds Actual 2002	Intended use	Amount rolled over 1 April 2001 R'000	Amount received for the year ended 31 March 2002 R'000	Amount spent for the year ended 31 March 2002 R'000	Balance unspent/ (overspent) as at 31 March 2002 R'000
--------------------------------	--------------	---------------------------------------------	--------------------------------------------------------------	-----------------------------------------------------------	--------------------------------------------------------------

United States    Various Projects  
Agency for  
International Development-  
USAID

0	2 378	5 159	(2 781)
0	2 378	5 159	(2 781)

Source of funds Actual 2002	Intended use	Amount rolled over 1 April 2000 R'000	Amount received for the year ended 31 March 2001 R'000	Amount spent for the year ended 31 March 2001 R'000	Balance unspent/ (overspent) as at 31 March 2001 R'000
--------------------------------	--------------	---------------------------------------------	--------------------------------------------------------------	-----------------------------------------------------------	--------------------------------------------------------------

United States    Various Projects  
Agency for  
International -  
USAID

(6 281)	7 806	1 525	0
(6 281)	7 806	1 525	0

#### Value received in kind:

Source of aid	Intended use	2001/02 R'000	2000/01 R'000
Centre for Reconciliation and Equality Studies (CRES)	Seconded and Administrative Secretary and a Clerk/Messenger	10	0
		10	0



## B. Department of Justice and Constitutional Development - Statement of Foreign Aid Assistance received - Statement H

### Performance information on use of assistance:

#### Equipment and Technical Assistance for the Co-ordination Management Unit (CMU)

This project employed personnel as members of the Coordination Management Unit (CMU). This project fund member's salaries, training, and travel accommodation to facilitate the work they embark relevant to the Administration of Justice Bilateral Agreement (AOJ). Such work entails co-ordination, play an advisory role to senior management, project manager teams and committees of the Department and other stakeholders involved in any of the AOJ activities and preparation of reports.

Funds under this activity also cover salaries for other professionals based in other institutions within the Justice System.

#### Current members

The Co-ordination Management Unit is retaining two staff members of whose service contracts expired on December 31, 2001. Other consultants include Dr. Udit Pingla who was on a 12 months contract as an advisor to the National Director of Public Prosecutions. Her contract expired November 30, 2001.

#### Family Court Pilot Activity and Mediation Programme

USAID funding for pilot establishment of Family Service Centres came to an end during June 2001.

#### Non Governmental Office Support to the Minister of Justice (MOJ) - Community Court Structure and Paralegals and Advice Desk Workshop on Community Courts

The South African Law Commission has been engaged in an investigation into arbitration since 1995. In July 1996 the Minister requested the Commission to broaden its investigation to include all facets of alternative dispute resolution (ADR). The investigation into the viability of community courts' is one facet of this investigation. The project addresses the issues that have to be consid-

ered when building effective structures for resolving community-level disputes.

As the Commission believes that the most effective way of securing the legitimacy of its recommendations is to ensure the widest possible consultation with the people likely to be affected by new laws, a national consultative process on "Access to justice: Community Structures" was planned.

The project committee therefore decided to consult with all relevant stakeholders, especially people at grassroots level, through a series of workshops and meetings, particularly as the subject matter of the investigation does not readily lend itself to other forms of research. It was decided that the full consultation process would consist of two high-profile workshops to be held in the bigger urban centres, where people involved in the formal administration of justice and leaders in informal community structures would be invited. In addition, nine workshops, one in each province, were to be held.

The Discussion Paper was published and the national workshop on Community Dispute Resolution Structures was held on 27-28 October 1999 in Pretoria. The objective set for the workshop was to afford the Commission's project committee on Alternative Dispute Resolution the opportunity to present the Discussion Paper to experts and supporters of community justice.

The draft report was placed before the project committee in 2000.

In 2001 the loss of important members placed a considerable burden on the project committee. The Minister has appointed two additional members who are experts in the field of community courts, to assist the committee with their expert knowledge. An amended draft Report was prepared and presented before the project committee at a meeting in Cape Town on 12 May 2001.

On 15 September 2001 there was also a project meeting to consider the recommendations of the subcommittee. Proposals were given and Draft recommendations were produced.

## B. Department of Justice and Constitutional Development - Statement of Foreign Aid Assistance received - Statement H

### Constitutional Human Rights and Bill of Rights Democracy Education - Community Outreach - Justice Choir

- The Justice Choir Community Outreach Project has proven successful. The identification of both the church and the schools as vehicles of our improved service delivery strategies proved beneficial and many people were reached as such. The project by the Justice Choir is visible and speaks the language of our people.
- Our relationship with all our customers has been good and the service feedback questionnaire from our customers bears testimony to that.
- The project compliments the community outreach work already in process.
- It is part of a larger programme of enhancing our service delivery strategies.
- The project is a real reflection of the management of change towards making justice accessible because all the (rest) strategies are management of the *status quo*.
- The project is compatible with the Department's procedures, systems and objectives.

### Tutors' Programme - Justice College

Donor funding was received for the implementation of training tutors for magistrates and prosecutors. Four (4) teams consisting of a tutor for magistrates and a tutor for prosecutors were deployed under the supervision of the following Cluster Heads (Magistrates) and Chief Prosecutors (Prosecutors) at the following centres:

- Umtata
- Port Shepstone
- Thohoyandou
- Odi / Garankuwa

The funding was utilised for salaries and for subsistence and travelling allowances for the tutors to enable them to proceed from office to office to carry out the duties of the training of magistrates and prosecutors.

On analysing monthly reports received from the tutors and on feedback from the clusters, sub-cluster heads and Chief Prosecutors the funds were effectively utilised as can be seen from the improvement of court management, the dispensement of justice and the improvement of the criminal justice system in these areas.

### Capacity Building for effective implementation of the promotion of Equality and Prevention of Unfair Discrimination.

The Equality Legislation Education and Training Unit (ELETU) was set with USAID donor funding comprising residual funds from projects funded by USAID whose activities ended in 2000. The project was set up to provide capacity building, focussing on education and training for effective implementation of the Promotion of Equality and Prevention of Unfair Discrimination Act No 4 of 2000. In view of the limited funding allocated, which was the Dollar value of R 3 555 000. 00 based on the exchange rate of 1 USD: 7 Rand, the core activities of the capacity building project were narrowed down to Judicial Education (for judges and Magistrates) and Para-Legal Training for Clerks of Court and Registrars of the High Court with a view to building adequate capacity for effective and responsive implementation of the Promotion of Equality Act. Limited provision was also made in the project plan for public awareness mainly focussing on the key rights to enforce these through the Equality Courts. The project was also required to assist the state to make effective arrangements for the building of adequate capacity for its own compliance with the Promotion of Equality Act.

The allocated amount was spent on the following project activities:

#### Operational Activities

- Travel (Identification of Potential Service Providers)

## B. Department of Justice and Constitutional Development - Statement of Foreign Aid Assistance received - Statement H

- Engagement of Consultants (Training of Trainers)
- Development of (Judicial education) Policy Guidelines (Includes Curriculum Design)
- Development of Bench Book, Resource Book and Audio Visual Training/Reference Materials.
- Venue and Accommodation
- Catering (Meetings, Trainers' Seminars and Decentralised Seminars/ Symposia in the provinces or Divisions of the High Court).
- Transport (to meetings and seminars/symposia)
- Communication Strategy (Includes training of advocacy group and use of public media.)

### Administrative Costs

- Salaries
- Office admin and related costs, including tele phones, stationery, printing, postage, etc.

### Factors Contributing to Effective Utilisation of Donor Funds:

The key factors that has contributed positively to the effective utilisation of the limited funding allocated to this project have been the following:

- The achievement of unshakeable buy in from key stakeholders (A Judge representing the JSC Chairs the Management Board (originally Team) supported by a deputy who is a Chief Magistrate who represents the Magistrates Commission and the other board members include judges from all the Key Courts i.e Constitutional, supreme Court of Appeal and High Court, Magistrates (two Chiefs and a Senior), a Chief Clerk of Court, a Registrar of the High Court, Justice College, DOJCD Rep, SAHRC Rep, CGE Rep, Academics and persons from civil society drawn from the legal profession. The Chairpersons of the JSC and Magistrates Commission are co-sponsors of the project together with the Director General Justice.
- Having a Project Manager dedicated specifically to the project with supporting staff and Project Office.
- Training the Trainers at National Level and

Decentralised Peer Education at provincial and high court division levels.

- Support provided by the Director General Justice & Constitutional development, various business Units in the Department, particularly the Communications and Finance Units, advice and work, often done for free, by members of the Management Board and in particular the secondment for a six months period, as well as tremendous work done by Justice Ralph Zulman, SCA.
- Partnerships with Justice College and Civil society institutions particularly the SAHRC, CGE and Universities (CALS, Centre For Human Rights(UP), University of the Free State and University of the North West), Centre For Reconciliation and Equality studies(CRES) and to a limited extent, the SOWETAN and independent newspapers which have facilitated cost effective service delivery in the form of capacity building initiatives.

## B. Department of Justice and Constitutional Development

### *Annexure A*

(Amounts owing by other departments)

Department	Owing by other Departments 2002 R'000	Owing to other Departments 2002 R'000
Cape Provincial Admin	504	31
Correctional Service	80	
Eastern Cape Province	25	
Finance	570	
Foreign Affairs	14	18
Gauteng Province	2,822	2
Gender Equality	120	
Human Rights	654	
Kwazulu Natal	514	88
Land Affairs	45	10
Legal Aid board	48	
Mpumalanga Province	273	
National Directorate of Public Prosecutions	2,020	4
National Intelligence Agency	43	
Office of the President	275	
Province of the Free State	73	14
Public Defence	561	
Public Protector	12,781	112
Public Service	37	115
Public Works	1,004	82
SA Defence force	67	
SA Police	74	69
SA Post Office	162	
Special Investigating Unit	142	8
Sport & Reconciliation	271	27
Truth& Reconciliation	186	248
Welfare	175	1
Other	288	7
<b>Total</b>	<b>23 828</b>	<b>836</b>

## C. National Prosecuting Authority

Included in Vote 22

### *Management Report* for the year ended 31 March 2002

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

On 5 February 2001, the Board of the Department of Justice and Constitutional Development, chaired by the Minister, accepted the new strategy and structure of the NPA. In terms of this structure, the NPA consisted of seven business units:

- National Prosecuting Service (NPS)
- Directorate of Special Operations (DSO) or Scorpions
- Asset Forfeiture Unit (AFU)
- Sexual Offences and Community Affairs Unit (SOCA)
- Specialised Commercial Crimes Unit (SCCU)
- Witness Protection Programme (WPP)
- Corporate Services (CS)

The Board also took the important decision that from 1 April 2001, the NPA should assume direct responsibility for all support services previously rendered by the Department of Justice and Constitutional Development (DOJCD) and that the budget of the lower courts should be split, with the NPA taking over the proportion of this budget allocated to prosecutors. Previously, the budget for prosecutors in the lower courts was part of the DOJCD Court Services Business Unit.

The NPA successfully took over most of the support functions from the DOJCD, with the exception of the

prosecutors in the lower courts. While the personnel budget for prosecutors in the lower courts was transferred to the NPA, the remainder of the budget remained with the department.

From 1 April 2001, the NPA opened its own bank account, with Treasury approval, and has run its own financial systems (Basic Accounting System or BAS) and its own payroll on Persal. It was necessary to produce financial statements for DSO for the period December to March 2001 because of the promulgation of the NPA amendment Act in December 2001, in terms of which the DSO had its own Accounting Officer. This Accounting Officer was however only appointed at the end of March 2001. The DOJCD therefore assisted and prepared the financial statements for the DSO for the three-month period referred to above.

The CEO of the NPA, who had assumed office in April 2000, was appointed simultaneously to the position of CEO of the DSO at the end of March 2001. As already stated, since the NPA ran its own account and systems from April 2001, these financial statements are therefore the first separate financial statements produced for the NPA as a whole. These statements are to be incorporated into the department's statements, by agreement with the DOJCD, National Treasury and Office of the Auditor-General.

The following is a breakdown of the current financial year's budget reconciliation:

	2001/02 R'000
Appropriated Amount	822 241
Virement	(96 764)
<b>Total amount appropriated</b>	<b>725 477</b>
Less total expenditure	724 809
	<b>668</b>
Analysis of the amount of R668 000:	
1. Fruitless and wasteful expenditure	88
2. Under expenditure of personnel costs	580
	<b>668</b>



### 2. Services rendered by the NPA

The National Prosecuting Programme aims to provide a prosecution service that is prompt, vigorous and fearless, promoting the public interest and ensuring that all people are treated with dignity.

- Public Prosecutions co-ordinates and assists prosecuting structures in the Office of the Director of Public Prosecutions and Lower Court Prosecutors.
- Witness Protection Programme co-ordinates the safe-keeping and protection of witnesses in certain serious criminal cases.
- Special Operations funds the Directorate of Special Operations, also known as the Scorpions, which came into operation in January 2001. The Directorate of Special Operations investigates serious organised crime, aiming to prosecute these offences effectively.

### 3. Underspending

NPA under spent on their programmes. Refer to notes to the Appropriation Statement.

### 4 Capacity constraints

The following are the most common capacity constraints facing the NPA:

#### 4.1 Training and skills development

- The Troika methodology used by the DSO, involving a combination of investigative, prosecutorial and analytical approaches, is an entirely new concept in the South African law enforcement environment and requires a new set of skills. The DSO has had the benefit of obtaining extensive support from other jurisdictions, notably the United States of America and United Kingdom, in equipping new DSO recruits with these skills and has also drawn extensively on former SAPS personnel. However, the challenge remains for the DSO to develop a new set of skills suited to the DSO methodology and mandate.
- This challenge to source scarce skills had to be managed with the joint imperative to ensure employment equity in the organisation. While equity has been achieved to a large degree at junior investigator levels, the major challenge remains at the level of senior

investigators and senior management in the DSO.

- A further capacity constraint faced by the DSO was the fact that the personnel of the DSO were recruited from a variety of organisational and cultural backgrounds. This posed a serious challenge of integrating personnel from widely differing backgrounds into a new and developing organisation.
- Current core skills development in the DSO professional corps is focused on five areas: financial investigator training, conventional investigator training, prosecutor and prosecutor-directed training, DNA management and other forensic training and analyst and operational support training.
- While it is understandable that much of the DSO attention during its first few years has necessarily focused on the operational or professional corps, it has also become increasingly evident that administrative and support personnel also urgently require training and development.
- The NPS has an extensive training programme for prosecutors focused largely on aspirant and entry-level prosecutors. Existing prosecutors who lack core skills and were recruited before the commencement of the new policy have been identified and a tutor programme is running with donor funding.
- The major training challenge facing the NPS is the development of expert prosecutors who wish to remain in court and do not opt for managerial duties.
- Within CS, the major training challenge is to instill in staff a customer-focused approach as opposed to a bureaucratic "civil servant" mentality. The training focussing on the "customer is king" approach has been piloted successfully in the Human Resources and Management Development Service Centre and will be rolled out to all CS staff before the end of the year.
- The WPP's major capacity challenge is to effectively manage and/or replace existing SAPS personnel providing protection services for witnesses. This unit has a proposal to replace all SAPS personnel with its own



specialised protectors. The existing SAPS personnel are not fully accountable to the WPP, and are largely demotivated since their stint in the WPP takes them out of the offing for such as promotion etc in SAPS.

- The NPA as a whole is challenged with capacity constraints at senior management level. This relates to the entire spectrum of management including such matters as PFMA compliance, compliance with the Labour Relations Act and the broader ability to effectively lead and manage their components. In order to address this problem, tenders for a Management Development Programme are currently being evaluated for senior management in the NPA. The programme will be a mandatory requirement for all senior management, commencing with the heads of business units and cascading down to the next 2 or 3 layers.

### 4.2 Resources (funding, staffing and systems)

- While the DSO was initially faced with budgetary difficulties, government has in the last two years provided some funding for growth of the organisation. While this funding has not been sufficient to allow the DSO to recruit the personnel complement of 2000 that was originally planned for at the inception of the organisation, it has provided for a steady intake of new recruits.
- Further funding is, however, urgently required for the DSO to build its own in-house training capacity or facility, to reduce dependence on outside agencies and foreign jurisdictions.
- Within the NPS, funding is urgently required to provide adequate support services to prosecutors in the lower courts. While the Director-General has issued an instruction for the lower courts budget to be split between the NPA and the Department, it is clear because of the level of under-funding in the department, that the funds to be eventually transferred to the NPA will be insufficient. To illustrate the problem, the current personnel budget of prosecutors in the lower courts is in the region of R330m. It is expected that, at best, the department will only be able to make

R15m available for non-personnel budget.

- The NPS also urgently requires funding to provide administrative support staff to prosecutors. Funding has been identified for the appointment of additional prosecutors and some of this funding has been used for the appointment of administrative staff, for example, to Chief Prosecutors, who have operated without administrative staff since their appointment a few years ago. Funds are required to provide administrative support staff to prosecutors at all levels in the courts.
- Urgent intervention is required throughout the NPA to ensure a proper ratio of support staff to professional staff. The ratio has improved over the last year, with the recruitment of additional staff in CS and additional administrative staff in regions. An Organisational Development and Review Study (ORDS) Phase 2 is currently to assess administrative structures and systems in all business units and by the end of the year, a clearer picture of needs in this area will emerge.
- The WPP programme urgently requires funding if it is to recruit and train its own specialised protectors.
- At a systems level, and as an innovation in the law enforcement environment in South Africa, DSO was further confronted with the challenge of developing its own operational procedures and protocols. This challenge has occupied much of the time of senior management but should be finalised in the current financial year.
- CS, as indicated earlier, has developed its own procedural manual. This will need to be refined on an ongoing basis. One of the major challenges currently is the customisation of these procedures to the needs of various business units, but also to manage this against the need for some level of uniformity.
- Other important areas requiring funding are IT infrastructure, Fleet Services and security equipment.



## C. National Prosecuting Authority - Management Report

### 4.3 Managing expectations and the imperative of service delivery

- The broad challenge facing the NPA is best illustrated by this excerpt from the Final Narrative Report of the Organisational and Review Design Study conducted for CS in September 2001:

*"Overall, the history of the National Prosecuting Authority (NPA) is typical of a new entity where the pressure to create a structure that can deliver services often outweighs the requirement for engaging in systematic organisational strategy development and design. This was equally true of the CS structure.*

*"The organisation (CS) and management provision thereof naturally suffers from defects that are common to all organisations whose form develops ahead of a full appreciation of their function' (NDPP Organisational Development Study - Terms of Reference, p2). "*

- This challenge, which the Director-General of the Department of Public Service and Administration has likened to "trying to change a wheel on a moving car" has been particularly acute in newer units in the NPA such as the DSO and CS.

### 4.4 Legislative and Operational constraints

- The broader NPA is faced with enormous legislative constraints relating to corporate governance and the existence of two Accounting Officers in this organisation. This point is expanded upon in the section dealing with corporate governance.
- The DSO also faces a number of legislative constraints on its operations. It is foreseen that some

legislative amendments will have to be considered in an attempt to negate certain hampering effects on the functional activities of the DSO. This would include, *inter alia*, the attributing of more operational powers (such as the powers to subpoena witnesses to criminal trials, the taking down of confessions, the authorisation of sting operations) to members of the DSO. Furthermore, the dictates of the DSO's operational realities necessitates more flexibility in the authority to delegate powers within the DSO.

- Within AFU, major legislative constraints exist in terms of Chapter 6 of the Organised Crime Act and a court ruling by the Transvaal Division. The unit is currently awaiting the outcome of an appeal to the Constitutional Court. Proposals have been forwarded to Parliament for the necessary amendments to this legislation to ensure the effective functioning of AFU.

### 4.5 Remuneration Systems

The legislative inadequacies referred to above, also present the NPA with a situation in which it has at least three different salary scales and sets of conditions of service. A remuneration study was conducted and proposals are currently before the Department of Finance for the approval of a new remuneration system to ensure equity for prosecutors and investigators. The proposed model introduces a performance based and more flexible system along the same lines as the new SMS dispensation in the public service.

## 5. Utilisation of Donor Funds

Below is an exposition of projects funded through donations during the financial year under review:

Donor	Project	Short Description
USAID	Sexual Offences and Community Affairs	To empower prosecutors and other role players with specialised knowledge and skills to better handle cases of sexual and domestic violence through multidisciplinary training, community outreach and research programs.

## C. National Prosecuting Authority - Management Report

Donor	Project	Short Description
WK Kellogg Foundation	Sexual Offences and Community Affairs	To manage care centres for victims of child abuse and rape/training and development/including public education
Finland Government	Sexual Offences and Community Affairs	Training on implementation of Lower Court Management Systems

### 6. Public Private Partnerships (PPP)

While the current project to obtain a new headquarters building for the NPA, is not strictly speaking a public private partnership, the procurement process has followed - on the advice of National Treasury - the same principles of a PPP. The procurement process has been split into two broad fields:

- The hard services, or rental of the building, has followed a State Tender Board process, while
- The soft services required at the new HQ are currently being negotiated with the owner of the new premises along the lines of a PPP. The final SLA's will be presented to Treasury's PPP Unit before finalisation.

The entire process has been approved by National Treasury and the State Tender Board (STB). The Department of Public Works has also been part of the process. The expected date of occupation at the new premises is 1 October 2002.

The NPA is currently investigating similar procurement processes for the DSO Regional Offices in Cape Town and Durban. Specifications are also being drafted for a PPP for the provision, implementation and post implementation support of an information and communication technology infrastructure.

Proposals have also been forwarded to the STB for the WP to be exempted from STB Delegations ST36 and ST37 to obtain a sole supplier for the full range of support services required by witnesses. The plan is to obtain these services by means of a PPP.

### 7. Corporate governance arrangements

#### 7.1 Risk Management and Risk Assessment

A risk assessment exercise was conducted towards the end of 2001, in preparation for the first internal audit of the NPA.

The NPA is now considering appointing an Executive Manager: Risk Assessment in the CEO's Office to set up an ongoing programme of risk assessment in the organisation. It had originally been envisaged that the Executive Manager: Internal Audit, who is currently being recruited and should be in place by September 2002, would assume responsibility for both functions. However, the CEO has since been advised that it is better to separate the two functions to ensure that risk assessment is not subsumed into the internal audit process. Risk assessment will however be managed as a line-function. The role of the central office on risk assessment will be to ensure that the system takes root and to ensure overall co-ordination and quality assessment.

#### 7.2 Anti-Fraud and Corruption Strategy of the NPA

The NPA is currently reviewing and customising the anti-fraud and corruption strategy of the Department of Justice and Constitutional Development. This process is not expected to involve a radical departure from the Department's existing strategy, but is intended to ensure it is customised to suit the specific requirements of the NPA. This process is expected to be finalised by June 2002 when the NPA will present the strategy to the Minister for approval.

### 7.3 DSO Code of Conduct and Code of Conduct for Prosecutors

Because of the particular nature of the Scorpions, a separate code of conduct has been developed. The NPA has also developed a Code of Conduct for prosecutors. CS is currently developing a specialised code of conduct for procurement staff in the Finance and Procurement Service Centre.

### 7.4 Integrity Management Unit

In order to ensure the overall integrity of the NPA, an Integrity Management Unit has been set up in the Office of the National Director. While this unit was originally envisaged as a DSO unit, it has since been agreed that it should service the entire NPA.

### 7.5 Internal Audit/ Audit Committee

The NPA is in the process of establishing its own Internal Audit Unit in the Office of the CEO. The post of Executive Manager: Internal Audit was recently created and advertised and applications are currently being processed. It is planned that interviews will be conducted before the end of June 2002 with the successful applicant commencing duties in August/ September 2002.

For the past financial year, the NPA has co-sourced the internal audit function, under the management of the Executive Manager: Finance and Procurement. The internal audit programme has been run with the assistance of and full co-operation of the DOJCD's Internal Audit Unit. It was also further agreed with the Director-General of the Department and the chair of the Department's Audit Committee, that the NPA should make use of the Department's Audit Committee until such time as it had set up its own. This arrangement was however also important from an accountability point of view, to ensure proper co-ordination because of the existence of two Accounting Officers in the NPA. This point will be expanded upon later in this report.

### 7.6 Accounting Officer Status of the NPA and DSO

The legal status of the NPA continues to present problems with regard to accountability and corporate governance. In terms of the NPA Act, there are currently two

accounting officers for the NPA. The DSO has its own accounting officer while the Director-General of the department is the accounting officer for the remainder of the NPA. In order to ensure some coherence and clarity of reporting lines, the CEO of the NPA has simultaneously been appointed CEO and accounting officer of the DSO. The CEO has also received a delegation from the Director-General, delegating his responsibilities as accounting officer for that portion of the NPA for which he remains accountable. This has assisted in running a coherent organisation but still presents difficulties. The uncertainty has also made it difficult to finalise a comprehensive set of delegations for the NPA. A basic set of delegations is in place and a draft of a more comprehensive delegations manual has been completed but is difficult to finalise in the current environment of legal uncertainty. When the CEO was required to sign a performance agreement, this could theoretically have been signed with the Director-General, National Director of Public Prosecutions or the Minister - or all three. However, the Minister directed the CEO to sign her performance agreement with the National Director of Public Prosecutions.

It is essential for good corporate governance and to ensure that the NPA functions as a coherent whole, that there is a single accounting officer for the organisation. Various options were presented to Treasury in April 2001. The option the NPA has operated with for the past financial year has been for the Director-General of the department to delegate what he can in terms of the PFMA. A further option now being explored is for the NPA to be declared a public entity. The PFMA provides a number of options but the matter requires an urgent political decision to rectify the situation.

## 8. Progress with financial management

The NPA has made significant progress on improving its financial management and operations. As indicated earlier, this has been the NPA's first year of semi-independence from the department and has been regarded as an important test of the organisation's ability to sustain good corporate governance. The NPA had a very short

period of time within which to set up systems and take over support services previously rendered by the Department - less than three months. In spite of this tight time frame and very limited capacity, a project called Project Harayeng, succeeded in mobilising staff and management and the NPA did take over these functions on 1 April 2001. The decision that this should happen was only taken on 5 February 2001. Financial managers were only recruited in January 2001. However, while the task appeared herculean at the time, the NPA overcame many obstacles and had its own systems running on 1 April 2001.

The NPA has recruited many more financial managers and staff since April, and is currently recruiting a few more. The internal audit report pointed out important loopholes that required to be filled by recruiting more staff but the NPA was already planning a further recruitment drive from the start of the new financial year.

The internal audit report has shown up the need to tighten up some of the internal controls, but has not indicated any major problems. From 1 April 2001, the NPA has had its own procedural manuals and policies for most major financial (and non- financial) processes. These have largely proved effective. These manuals were developed with staff and management and a training programme is currently running to ensure that all administrative staff is trained in the manual.

However, the major challenge facing the NPA in the coming financial year is to ensure that the PFMA takes root in all the business units and regional offices of the NPA. A project is already underway to implement an output based budgeting system in the NPA. This system will provide line managers with the ability to budget effectively and to manage their budgets. The system will also provide line managers with access to BAS and LOGIS. Separate access will be provided to Persal. This project includes a significant amount of training, not only in terms of how to operate the software, but the more important process of budgeting and financial management.

For the senior management layer, this training will be supplemented by more advanced training in financial management to be provided by means of a compulsory Management Development Programme. Tenders for this programme are currently being evaluated and the first training should commence by September 2002. The training is a long-term programme over a 1-2 year period.

Specifications are also currently being drafted to provide compulsory PFMA training for all staff in the NPA.

A special committee has been set up to manage all reported cases of irregular, unauthorised and fruitless expenditure. No cases of unauthorised expenditure have been reported since 1 April 2001. Much of the expenditure being investigated by this committee is irregular expenditure as opposed to unauthorised or fruitless or wasteful expenditure. A final report will be tabled to the CEO with recommendations for action by the end of June 2002.

In order to deal with this problem, the CEO has issued warning letters to the heads of all business units, pointing out that clear guidelines for procurement do exist and must be followed. This same communiqué has indicated that all reported cases of irregular expenditure will, in future, be investigated directly by the CEO's Office and that any irregular expenditure will in future be regarded as a dismissable, and possibly a criminal offence, even if the expenditure incurred makes sense in terms of the requirements of service delivery.

Difficulties have also been experienced, particularly in the NPS, with the appointment of temporary staff without the necessary authorisation. Despite many warnings by the CEO that no *ex post facto* appointments will be authorised, the problem persists and a final communiqué has now been issued to the effect that anyone authorising the appointment of temporary staff without the necessary approval will be investigated by the CEO's Office and that this too, will be regarded as a dismissable offence, even if the appointments make sense to ensure continued service delivery.

### 9. Progress with prior year unresolved matters.

#### 9.1 Possible unauthorised expenditure - R5,9 million

- Transactions amounting to R 4 million were resolved; supporting documentation was submitted to the auditors for audit purposes.
- Transactions amounting to R 1,9 million has been referred to the State Tender Board for condonation. This has not been included in the financial statements.  
- 10.4 page 101

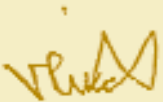
#### 9.2 Unauthorised expenditure - R523 000

- This expenditure has been disallowed in the financial statements and reflected as unauthorised expenditure, as disclosed in note 10 to the financial statements.

#### 9.3 Lack of supporting documentation for R117 000

- Transactions amounting to R 48 000 were submitted to the auditors for audit purposes and batches amounting to R69 000 will be furnished to the auditors in due course.

The annual financial statements set out on pages 91 to 113 have been approved by the Accounting Officer.



Adv. V. Pikoli

Director-General: Justice and Constitution Development  
31-05-2002



Ms Marion Sparg

Chief Executive Officer: NPA  
31-05-2002

## C. National Prosecuting Authority

Included in Vote 22

### *Report of the Auditor-General* for the year ended 31 March 2002

1 2 3 4 5 6 7 8 9 10 11 12

#### 1. Audit Assignment

The financial statements as set out on pages 91 to 113, for the year ended 31 March 2002, have been audited in terms of section 188 of the Constitution of the Republic of South Africa, 1996 (Act No.108 of 1996), read with sections 3 and 5 of the Auditor-General Act, 1995 (Act No. 12 of 1995). These financial statements, the maintenance of effective control measures and compliance with relevant laws and regulations are the responsibility of the accounting officer. My responsibility is to express an opinion on these financial statements, based on the audit.

#### 2. Nature and scope

The audit was conducted in accordance with Statements of South African Auditing Standards. Those standards require that I plan and perform the audit to obtain reasonable assurance that the financial statements are free of material misstatement.

An audit includes:

- examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements,
- assessing the accounting principles used and significant estimates made by management, and
- evaluating the overall financial statement presentation.

Furthermore, an audit includes an examination, on a test basis, of evidence supporting compliance in all material respects with the relevant laws and regulations which came to my attention and are applicable to financial matters.

I believe that the audit provides a reasonable basis for my opinion.

#### 3. Audit Opinion

In my opinion, the financial statements fairly present, in all material respects, the financial position of the National Prosecuting Authority at 31 March 2002 and the results of its operations and cash flows for the year

then ended in accordance with prescribed accounting practice.

#### 4. Emphasis of Matter

Without qualifying the audit opinion expressed above, attention is drawn to the following matters:

##### 4.1 Matters affecting the financial statements

###### Lack of timeous tender committee approvals

Expenditure amounting to R4million was not approved by the National Prosecuting Authority (NPA) Tender Committee as required by the delegations of the State Tender Board. Subsequent to year-end, management requested that *ex post facto* approval be given by the NPA Tender Committee. At the date of finalising this report, this matter remained unresolved.

##### 4.2 Matters not affecting the financial statements

###### (a) Debt management

Shortcomings were identified in the following areas:

- Inadequate follow-up of debtors, and debtor reconciliations not being performed since September 2001. However, alternative audit procedures were performed to verify the amounts disclosed in the financial statements.
- Interest not being charged on debts as prescribed in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999).

###### (b) Separate accountability for the NPA

The NPA was granted approval to establish separate accountability. For fiscal budgetary purposes, the NPA is included as a programme in the annual budget of the Department of Justice and Constitutional Development.

Consolidated financial statements to combine the Department's results with those of the NPA will be prepared.



## 5. Appreciation

The assistance rendered by the staff of the National Prosecuting Authority during the audit is sincerely appreciated.



S A Fakie  
Auditor-General

Pretoria  
30-07-2002

## C. National Prosecuting Authority

Included in Vote 22

### *Statements of Accounting Policies and related matters* for the year ended 31 March 2002

The financial statements have been, unless otherwise indicated, prepared in accordance with the following policies, which have been applied consistently in all material respects. However, where appropriate and meaningful, additional information has been disclosed to enhance the usefulness of the financial statements and to comply with the statutory requirements of the Public Finance Management Act, Act 1 of 1999 (as amended by Act 29 of 1999) and the Treasury Regulations for Departments and Constitutional Institutions issued in terms of the Act, as well as the Division of Revenue Act, Act 1 of 2001.

#### 1. Basis of preparation

The financial statements have been prepared on the cash basis of accounting according to Generally Recognised Accounting Practice (GRAP), except where stated otherwise. Under the cash basis of accounting, transactions and other events are recognised when cash is received or paid. This basis of accounting measures financial results for a period as the difference between cash receipts and cash payments.

#### 2. Revenue

Voted funds are the amounts appropriated to an entity in accordance with the final budget known as the adjustment estimate. Interest received is recognised upon receipt of the funds, and no accrual is made for interest receivable from the last receipt date to the end of the reporting period. Unexpended voted funds are surrendered to the National/Provincial Revenue Fund.

Dividends received are recognised as revenue in the financial statements of the entity, however, it is also recognised as an expense in the same year, as the dividends are paid over to the Revenue Fund.

#### 3. Expenditure

Capital and current expenditure is recognised in the income statement when the payment is made. Interest paid is also recognised when paid and no accrual for

interest is made between the payment date and the reporting date.

#### 4. Unauthorised, irregular, and fruitless and wasteful expenditure

**Unauthorised expenditure means:**

- the overspending of a vote or a main division within a vote; or
- expenditure that was not made in accordance with the purpose of a vote or, in the case of a main division, not in accordance with the purpose of the main division.

Unauthorised expenditure is treated as a current asset in the balance sheet until such expenditure is recovered from a third party, authorised by Parliament, or funded from future voted funds.

**Irregular expenditure means** expenditure, other than unauthorised expenditure, incurred in contravention of or not in accordance with a requirement of any applicable legislation, including:

- the Public Finance Management Act
- the State Tender Board Act, or any regulations made in terms of this act

Irregular expenditure is treated as expenditure in the income statement until such expenditure is either not condoned by National Treasury or the Tender Board, at which point it is treated as a current asset until it is recovered from a third party.

**Fruitless and wasteful expenditure means** expenditure that was made in vain and would have been avoided had reasonable care been exercised. Fruitless and wasteful expenditure is treated as a current asset in the balance sheet until such expenditure is recovered from a third party.



### 5. Debt written off

The Departmental debt write-off policy as detailed in the Departmental Financial Instructions entails the following:

Any debt to be written off by the Accounting Officer, was only considered provided that:

- All reasonable efforts to trace the debtor has failed (in effort to trace the debtor, the debtor's address may possibly be obtained *inter alia* through the South African Police Services, Department of Home Affairs (population register), The Department of Finance: Pensions Administration, Governing body of a recognised profession, of which the debtor is a member);
- The debt is not owing by employees of the State;
- The debt did not originate or become irrecoverable owing to fraud, theft, willful damage or delay on the part of any employee of the State;
- Recovery of the debt would be uneconomical;
- Recovery of the debt would cause undue hardship to the debtor or his/her dependants;
- It would be to the advantage of the State to effect a settlement of its claim or to waive the claim; and
- Any debt written-off must be disclosed in the Annual Financial Statements, indicating the policy in terms of which the debt was written off.

#### Interest payable on debts to the state:

- Interest must be charged on all debts to the State at the interest rate provided for in terms of Section 80 of the Public Finance Management Act.
- Interest is to be calculated on the decreasing balance of the debt and is not to be capitalised. This implies that the simple interest method is to be used. Interest stops accruing as soon as the interest equals the amount of the capital debt. Once a portion of the interest is paid, the interest again accrues until it equals the amount of the capital debt. If the full

amount of the interest, plus a portion of the capital debt is paid, the interest will only accrue until it equals the amount of the then outstanding capital debt.

- Before interest may start to accrue, the debtor must be placed in *mora*, i.e. he/she must have been informed about the debt and given an opportunity to settle the debt. This *mora* period lasts for 30 days. After 30 days, during which the debt is not extinguished, interest starts accruing.
- If interest has been arranged for by means of an agreement, such as study contracts, housing guarantees, etc. interest starts accruing on the day that the payment is due. No *mora* period is applicable as the debtor is aware of the debt in terms of the conditions of the agreement.

### 6. Assets

Physical assets (fixed assets, moveable assets and inventories) are written off in full when they are paid for and are accounted for as expenditure in the income statement.

### 7. Receivables

Receivables are not normally recognised under the cash basis of accounting. However, receivables included in the balance sheet arise from cash payments that are recoverable from another party.

### 8. Payables

Payables are not normally recognised under the cash basis of accounting. However, payables included in the balance sheet arise from cash receipts that are due to either the National Revenue Fund or another party.

### 9. Provisions

Provisions are not normally recognised under the cash basis of accounting.

#### 10. Lease commitments

Lease commitments for the period remaining from the accounting date until the end of the lease contract are disclosed as a note to the financial statements. These commitments are not recognised in the balance sheet as a liability or as expenditure in the income statement as the financial statements are prepared on the cash basis of accounting.

#### 11. Subsequent payments

Payments made after the accounting date that relates to goods and services received before or on the accounting date are disclosed as a note to the financial statements. These payments are not recognised in the balance sheet as a liability or as expenditure in the income statement as the financial statements are prepared on the cash basis of accounting.

#### 12. Employee Benefits

##### Short-term employee benefits

The cost of short-term employee benefits is expensed in the income statement in the reporting period that the payment is made. Short-term employee benefits, that give rise to a present legal or constructive obligation, are deferred until they can be reliably measured and then expensed. Details of these benefits and the potential liabilities are disclosed as a note to the financial statements and are not recognised in the income statement.

##### Termination benefits

Termination benefits are recognised and expensed only when the payment is made.

##### Retirement benefits

The entity provides retirement benefits for its employees through a defined benefit plan for government employees. These benefits are funded by both employer and employee contributions. Employer contributions to the fund are expensed when money is paid to the fund. No provision is made for retirement benefits in the financial statements of the entity. Any potential liabilities are disclosed in the financial statements of the National

Revenue Fund and not in the financial statements of the employer entity.

##### Medical benefits

The entity provides medical benefits for its employees through defined benefit plans. These benefits are funded by employer and/or employee contributions. Employer contributions to the fund are expensed when money is paid to the fund. No provision is made for medical benefits in the financial statements of the entity.

Retirement medical benefits for retired members are expensed when the payment is made to the fund.

#### 13. Capitalisation reserve

The capitalisation reserve represents an amount equal to the value of the investments and/or loans capitalised, or deposits paid on behalf of employees of a foreign mission, for the first time in the previous financial year. On disposal, repayment or recovery, such amounts are transferable to the Revenue Fund.

#### 14. Recoverable revenue

Recoverable revenue represents payments made and recognised in the income statement as an expense in previous years, which have now become recoverable from a debtor due to non-performance in accordance with an agreement. Repayments are transferred to the Revenue Fund as and when the repayment is received.

#### 15. Comparative figures

As this is the first year that the National Prosecuting Authority has reported as a separate entity, no comparative figures have been provided. The prior year results of the National Prosecuting Authority have been included in the comparative figures of the Department of Justice and Constitutional Development which are not restated for disclosure purposes.

## C. National Prosecuting Authority

Included in Vote 22

### *Income Statement (Statement of Financial Performance)* for the year ended 31 March 2002

	Note	2001/02 R'000
<b>Revenue</b>		
Voted funds		725 477
Non-voted funds (Other Receipts)	1	1 030
Foreign aid assistance (including RDP funds)	2.1	498
<b>Total Revenue</b>		<b>727 005</b>
<b>Expenditure</b>		
Personnel	3	519 203
Administrative		53 009
Inventories		8 301
Equipment	4	11 951
Land and buildings	5	8 985
Professional and special services	6	102 994
Miscellaneous	7	19 668
Special functions: Authorised Losses	8	698
Foreign aid assistance (including RDP funds)	9	585
<b>Total Expenditure</b>		<b>725 394</b>
<b>Net surplus</b>		<b>1 611</b>
Add back unauthorised, irregular, and fruitless and wasteful expenditure disallowed	10.2	523
<b>Net Surplus for the year</b>		<b>2 134</b>
<b>Analysis of net surplus for the year</b>		
Unauthorised expenditure - To be surrendered	10.2	523
Funds to be surrendered to Revenue Fund via Department of Justice and Constitutional Development	15	668
Revenue surrendered or to be surrendered to Revenue Fund	14	1 030
Local and foreign aid assistance (including RDP funds)		(87)
Rolled over to the following year	17.1	381
Recoverable from donors	16.1	(468)
		<b>2 134</b>

## C. National Prosecuting Authority

Included in Vote 22

### *Balance Sheet (Statement of Financial Position)*

at 31 March 2002

	Note	2001/02 R'000
<b>Assets</b>		
<b>Current assets</b>		
Unauthorised, irregular and fruitless and wasteful expenditure	10	611
Cash and cash equivalents	11	83 104
Receivables	12	11 558
Prepayments and advances	13	315
Foreign aid assistance (including RDP funds) recoverable from donors	16.1	468
<b>Total assets</b>		<b>96 056</b>
<b>Liabilities</b>		
<b>Current liabilities</b>		
Revenue funds to be surrendered	14	1 030
Payables	15	94 645
<b>Total liabilities</b>		<b>95 675</b>
<b>Net assets/equity</b>		
Local and foreign aid assistance (including RDP funds) rolled over	17.1	381
<b>Total net assets/equity</b>		<b>381</b>
<b>Total Liabilities / Equity</b>		<b>96 056</b>

## C. National Prosecuting Authority

Included in Vote 22

### *Statement of Changes in Net Assets / Equity* for the year ended 31 March 2002

	Note	2001/02 R'000
<b>Local and Foreign aid assistance (including RDP funds) rolled over</b>		
Opening Balance		0
Transfer from income statement		381
Closing Balance		381

## National Prosecuting Authority (Included in Vote 23)

### *Cash Flow Statement*

	Note	2001/02 R'000
<b>Cash Flows from Operating Activities</b>		
Net cash flow generated by operating activities		2 134
Add: Capital expenditure disclosed separately		17 096
	19	19 230
Cash generated/ utilised to increase working capital	20	80 970
Net cash flow available from operating activities		80 970
<b>Cash Flows from Investing Activities</b>		(17 096)
Purchase of equipment	4.1	(8 296)
Purchase of land and buildings	5.1	(8 800)
Net cash flows from operating and investing activities		83 104
Net increase in cash and cash equivalents		83 104
Cash and cash equivalents at beginning of period		0
Cash and cash equivalents at end of period	11.1	83 104

## C. National Prosecuting Authority

### *Notes to the Annual Financial Statements* for the year ended 31 March 2002

2001/02  
R'000

#### 1. Other receipts

##### Description

Recoveries of previous years' expenditure incurred by the Department of Justice and Constitutional Development	263
Miscellaneous Revenue	148
Rent - Property	189
Parking - Official	75
Commission	213
Stale Cheques	142
	<hr/>
	1 030
	<hr/>

#### 1.1 Gifts, donations and sponsorships received in kind excluding RDP funds by the department (Total not included above)

##### Nature of gift, donation and sponsorship

Furniture, Computer equipment - South African Breweries	100
Two vehicles - Delta Motor Corporation	176
	<hr/>
	276
	<hr/>

#### 2. Foreign aid assistance (including RDP)

##### 2.1 Received in cash

WK Kellogg Foundation (Statement B)	498
Total foreign aid assistance received in cash	<hr/>
	498
	<hr/>

##### 2.2 Received in kind (value not included in income statement)

##### Description

Air Fares to visit the USA for attending seminar by Asset Forfeiture Unit Officials - US Embassy	34
	<hr/>
	34
	<hr/>

#### 3. Personnel

Basic salary costs	367 660
Pension contributions	54 382
Medical aid contributions	19 731
Other salary related costs	77 430
	<hr/>
	519 203
	<hr/>

Average number of employees	3 072
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## C. National Prosecuting Authority - Notes to the Annual Financial Statements

	Note	2001/02 R'000
<b>4. Equipment</b>		
Current (Rentals, maintenance and sundry)		3 655
Capital	4.1	8 296
		<b>11 951</b>
<b>4.1 Capital equipment analysed as follows:</b>		
Cellular telephone equipment		91
Furniture and office equipment		1 405
Surveillance equipment		6 800
		<b>8 296</b>
<b>5. Land and Building</b>		
Current Expenditure		185
Capital Expenditure	5.1	8 800
		<b>8 985</b>
<b>5.1 Capital property expenditure analysed as follows:</b>		
Properties (Promat Building - Silverton)		8 800
		<b>8 800</b>
<b>6. Professional and special services (Current expenditure)</b>		
Auditors remuneration		679
Legal services		24 090
Professional services: other		22 669
Computer services		50 141
Other		5 415
		<b>102 994</b>
<b>7. Miscellaneous</b>		
Remissions, refunds and payments made as an act of grace	7.1	111
Gifts, donations and sponsorship made	7.2	21
Witness fees		151
Protected custody of witnesses		19 267
Psychiatric		79
Other		39
		<b>19 668</b>

## C. National Prosecuting Authority - Notes to the Annual Financial Statements

	Note	2001/02 R'000
<b>7.1 Remissions, refunds and payments made as an act of grace</b>		
Nature of remissions, refunds and payments		
Payment of Arbitration		69
Civil Action / Court order		30
Labour Court case/CCMA		12
		<u>111</u>
<b>7.2 Gifts, donations and sponsorships paid in cash by the Department (items expensed during the current year)</b>		
Nature of gifts, donations and sponsorships		
Purchase of Corporate gifts and Promotional items for use by NPA for National and international guests		21
		<u>21</u>
<b>8. Special functions: Authorised losses</b>		
Material losses written off	8.1	698
		<u>698</u>
<b>8.1 Material losses written off in income statement in current period</b>		
Civil Action	3	3
Damage to Government vehicle	4	4
Damages against Witness Protection	691	691
	<u>698</u>	<u>698</u>
<b>9. Foreign aid assistance (including RDP)</b>		
<b>9.1 Expenditure per organisation</b>		
USAID (Statement A)		376
WK Kellogg Foundation (Statement B)		117
Finland Government (Statement C)		92
		<u>585</u>



## C. National Prosecuting Authority - Notes to the Annual Financial Statements

	Note	2001/02 R'000
<b>9.2 Expenditure by standard item</b>		
Administrative		256
Inventories		258
Equipment		71
		<b>585</b>
<b>10. Unauthorised, irregular and fruitless and wasteful expenditure</b>		
Unauthorised expenditure in respect of previous years not yet approved (balance taken over from the Department of Justice and Constitutional Development)		
	10.1	523
Fruitless and Wasteful - cell phones subscription fees paid for phones not in use		
	10.1	88
		<b>611</b>
<b>10.1 Reconciliation of movement in account balance</b>		
Opening balance		0
Transfer from income statement	10.3	88
Prior year expenditure disallowed during current year	10.2	523
Closing balance		<b>611</b>

Year Disallowed	Incident	2001/02 R'000
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<b>10.2 Unauthorised expenditure in respect of previous years not yet approved</b>		
2000/01	Non-compliance with State Tender Board Directives	523
		<b>523</b>
<b>10.3 Fruitless and Wasteful expenditure</b>		
2001/02	Fruitless and Wasteful - cell phones subscription fees paid for phones not in use	88
		<b>88</b>

## C. National Prosecuting Authority - Notes to the Annual Financial Statements

Incident	Disciplinary steps taken/ criminal proceedings	2001/02 R'000
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### 10.4 Reported Irregular and Fruitless and Wasteful expenditure still under investigation

Procedures not followed	Still under investigation - follow-ups are currently being made on reported Irregular expenditure	4 853
Interest paid (Imperial Fleet Services)	Still under investigation - follow-ups are currently being made on reported Fruitless and Wasteful Expenditure	46
		<b>*4 899</b>

\* Not included in the amount above, is an amount of R4 million where the NPA Tender Committee did not approve the expenditure incurred. Subsequent to year-end, *ex-post facto* approval was requested. At the date of finalising this report, this matter was still unresolved.

In addition to the above, and due to the inherent nature of the Witness Protection Programme, expenditure in excess of R30 000 did not adhere to delegations of the State Tender Board (STB). The STB has been approached to obtain *ex-post facto* approval for non-compliance and a special standing delegation to negotiate directly with suppliers on the activities of the directorate.

If condonation is not received, the financial statements will have to be adjusted with an unknown amount, which is yet to be quantified to reflect the irregular expenditure for amounts relating to years subsequent to 1999 and as unauthorised expenditure for amounts relating to years prior to 1999.

Note	2001/02 R'000
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### 11. Cash and cash equivalents

Paymaster-General Account	11.1	83 104
		<b>83 104</b>

#### 11.1 Paymaster-General Account / Exchequer Account

Balance as per National Accounting Office	102 236
Add: Outstanding deposits	34
Sub total	102 270
Deduct:	19 166
Orders payable	370
PMG adjustment account	318
Electronic funds payable	7 582
Persal Credit Transfers	5 069
ACB control account	5 827
Balance above	<b>83 104</b>

## C. National Prosecuting Authority - Notes to the Annual Financial Statements

	Note	2001/02 R'000
<b>12. Receivables - current</b>		
Amounts owing by other departments	18	157
Staff debtors	12.2	976
Other debtors	12.3	10 425
		<b>11 558</b>
<b>12.1 Age analysis - receivables</b>		
Less than one year		11 558
		<b>11 558</b>
<b>12.2 Staff debtors</b>		
Debt Account (Salary overpayments)		976
		<b>976</b>
<b>12.3 Other debtors</b>		
Disallowance miscellaneous		8
Supplier disallowance		74
Salary control accounts		619
PAYE adjustments		9 724
		<b>10 425</b>
<b>13. Prepayments and advances</b>		
<b>Nature of prepayments/advances</b>		
Subsistence and Transport Advances		308
Advances Petty Cash		7
		<b>315</b>
<b>14. Revenue funds to be surrendered</b>		
<b>Funds to be surrendered</b>		
Opening balance		0
Revenue generated during the year		1 030
Transfer from income statement for revenue to be surrendered		1 030
Paid during the year		0
Closing balance		<b>1 030</b>

## C. National Prosecuting Authority - Notes to the Annual Financial Statements

	Note	2001/02 R'000
<b>15. Payables - current</b>		
<b>Description</b>		
Advance to be repaid to Department of Justice and Constitutional Development		*94 342
Other payables	15.1	303
		<b>94 645</b>
* Included above is voted funds amounting to R668 000 to be surrendered to the Revenue Fund		
<b>15.1 Other payables</b>		
<b>Description</b>		
Warrant voucher re-issued		45
Claims payable		63
Salary control accounts		149
Suspense account: Imperial Fleet Services		46
		<b>303</b>
<b>16. Foreign aid assistance (including RDP funds) repayable to donors/ recoverable from donors</b>		
<b>Recoverable from donors</b>		
USAID (Statement A)		376
Finland (Statement C)		92
		<b>468</b>
<b>16.1 Reconciliation of accounts - Recoverable from donors</b>		
<b>USAID (Statement A)</b>		
Opening balance		0
Transferred from income statement		376
Repaid to donors during the year		0
Closing balance		<b>376</b>
<b>Finland (Statement C)</b>		
Opening balance		0
Transferred from income statement		92
Repaid to donors during the year		0
Closing balance		<b>92</b>
Grand total		<b>468</b>

## C. National Prosecuting Authority - Notes to the Annual Financial Statements

	Note	2001/02 R'000
<b>17. Foreign aid assistance (including RDP funds) rolled over</b>		
WK Kellogg Foundations (Statement B)		381
		<b>381</b>
<b>17.1 Reconciliation of account</b>		
<b>Rolled over</b>		
<b>WK Kellogg Foundation (Statement B)</b>		
Opening balance		0
Transferred from income statement		381
Repaid to donors during the year		0
Closing balance		<b>381</b>
<b>Name of department</b>		
		<b>Owing by other departments</b>
<b>18. Transactions with other departments</b>		
South African Police Services		70
Department of Justice and Constitutional Development		43
South African National Defence Force		26
Department of Transport		18
		<b>157</b>
<b>Note</b>		
		<b>2001/02 R'000</b>
<b>19. Net cash flow generated by operating activities</b>		
Net surplus as per Income Statement		2 134
Adjusted for items separately disclosed		17 096
Purchase of equipment	4.1	8 296
Purchase of land and buildings	5.1	8 800
Net cash flow generated by operating activities		<b>19 230</b>
<b>20. Cash generated (utilised) to (increase)/decrease working capital</b>		
Increase in receivables - current		(11 646)
Increase in prepayments and advances		(315)
Increase in payables		92 931
		<b>80 970</b>

## C. National Prosecuting Authority - Notes to the Annual Financial Statements

Liable to	Nature of contingent liability	Note	As at 31 March 2002 R'000
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### 21. Contingent liabilities

Stannic	Motor vehicle guarantees		1 297
Various Banks	Housing loan guarantees	21.1	376
			<u>1 673</u>

The outcome on civil actions pending against the entity is unknown, as these matters have not been finalised.

### Balance of outstanding guarantees

#### 21.1 Housing loan guarantees

##### Name of financial institution

ABSA	119
BOE Bank	66
First Rand Bank: FNB	73
Permanent Bank	17
Saambou Bank	59
Standard Bank	25
Nedbank limited	17
	<u>376</u>

### Note 2001/02 R'000

### 22. Subsequent payments not recognised in income statement

#### 22.1 Listed by standard item

Administrative expenditure	3 709
Professional and special services	3 906
	<u>7 615</u>

### 23. Short-term employee benefits

#### Major classes

Leave entitlement	1 382
Thirteenth cheque	28 339
Performance bonus	6 840
	<u>36 561</u>

## C. National Prosecuting Authority - Notes to the Annual Financial Statements

Liable to	Current expenditure	2001/02 R'000
<b>24. Commitments (Only Current Expenditure)</b>		
<b>Approved and contracted</b>		
Manto Management / Training	398	398
PWC / Organisational development	1 836	1 836
Deloitte and Touche` / PPP Project	1 294	1 294
PWC / Public Entity registration	548	548
AFREC / PBS	2 450	2 450
KPMG / Golden Arrows	138	138
	<b>6 664</b>	<b>6 664</b>

	<b>Total R'000</b>
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## 25. Key management personnel

### 25.1 Remuneration

National Director, Deputy National Directors, CEO	<b>3 015</b>
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C. National Prosecuting Authority Included in Vote 22 <i>Appropriation Statement</i>						
Subprogramme	Adjustment Estimate 2001/02	Virement 2001/02	Amount Voted 2001/02	Expenditure 2001/02	Savings (Excess) 2001/02	%
Public Prosecutions	587 241	(84 472)	502 769	502 189	580	0.12%
Witness Protection Programme	25 000	(106)	24 894	24 806	88	0.35%
Special Operations	210 000	(12 884)	197 116	197 116	0	0
Special Function	0	698	698	698	0	0
Total	822 241	(96 764)	725 477	724 809	668	
Current						
Personnel	612 634	(92 851)	519 783	519 203	580	0.11%
Other	189 178	(3 547)	185 631	188 500	(2 869)	(1.55%)
Capital						
Acquisition of Capital Asset	20 429	(366)	20 063	17 096	2 957	14.79%
Total	822 241	(96 764)	725 477	724 809	668	100%
Standard items	Adjustment Estimate 2001/02	Virement 2001/02	Amount Voted 2001/02	Expenditure 2001/02	Savings (Excess) 2001/02	%
Personnel	612 634	(92 851)	519 783	519 203	580	0.11%
Administrative	69 717	(16 620)	53 097	53 009	88	0.17%
Inventories	9 691	(1 390)	8 301	8 301	0	0
Equipment	20 552	199	20 751	11 951	8 800	42.41%
Land and Buildings	0	185	185	8 985	(8 800)	(4756.76%)
Professional and Special Services	79 647	23 347	102 994	102 994	0	0
Transfer Payments	0	0	0	0	0	0
Miscellaneous	30 000	(10 332)	19 668	19 668	0	0
Special Function	0	698	698	698	0	0
Total	822 241	(96 764)	725 477	724 809	668	



## C. National Prosecuting Authority

Included in Vote 22

### *Notes to the Appropriation Statement* for the year ended 31 March 2002

#### 1. Explanations of material variances from amount voted (after virement):

The amount of R 88 000 relates to irregular expenditure in respect of cell phones purchased but not used.

The amount of R 580 000 relates to salary overpayments (Judge White Commission) which were disallowed.

	2001/02 R'000
<b>2. Reconciliation of appropriation statement to income statement</b>	
Total revenue per income statement	727 005
Less: Non-voted funds	1 030
Less: Local and foreign aid assistance (including RDP)	498
<b>Amount voted per appropriation statement</b>	<b>725 477</b>
Total expenditure per income statement	725 394
Less: Local and foreign aid assistance (including RDP)	585
<b>Actual expenditure per appropriation statement</b>	<b>724 809</b>
<b>Gross funds to be surrendered</b>	<b>668</b>

## C. National Prosecuting Authority

### *Summary Income Statement of Aid Assistance Received* for the year ended 31 March 2002

Received in kind	Note	2000/01 R'000
Foreign aid assistance (USAID - Statement A)	2.2	34
Total aid assistance received in kind		34
Received in cash	2.1	
WK Kellogg (Statement B)		498
Total foreign aid assistance received in cash		498
Less: donor funded expenditure	9	
USAID (Statement A)		376
WK Kellogg (Statement B)		117
Finland (Statement C)		92
Total foreign aid assistance expenditure		585
Deficit		(87)
Analysis of deficit		
Rolled forward	17	381
Recoverable from donor	16	(468)
		(87)

## C. National Prosecuting Authority

Included in Vote 22

### *Analysis of Donor Funded Expenditure*

#### Total Foreign Aid Assistance

2001/2002	USAID Statement A	WK Kellogg Statement B	Finland Statement C	Total Donor Funded Exp.
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##### Expenditure per standard item

Administrative	148	16	92	256
Inventories	228	30	0	258
Equipment	0	71	0	71
Total	376	117	92	585

##### Expenditure per Sub-programme

Public Prosecution	376	117	92	585
Total	376	117	92	585

## C. National Prosecuting Authority

Included in Vote 22

### *Statement of Foreign Aid Assistance Received* for the year ended 31 March 2002

*Statement A*

Source of funds Actual 2002	Intended use	Amount rolled over 1 April 2001 R'000	Amount received for the year ended 31 March 2002 R'000	Amount spent for the year ended 31 March 2002 R'000	Balance unspent/ (overspent) as at 31 March 2002 R'000
--------------------------------	--------------	---------------------------------------------	--------------------------------------------------------------	-----------------------------------------------------------	--------------------------------------------------------------

United States Agency for International Development - USAID	Sexual Offences Court	0	0	376	(376)
		0	0	376	(376)

Value received in kind:

Source of aid	Intended use	2001/02 R'000
US Embassy	Air fares for visit to USA by Asset Forfeiture Unit	34
		34

Performance information on use of assistance:

#### Sexual Offences Court (NPA)

##### NPA Project

Minimag Publication. Articles were printed including rights of children and are distributed to schools and sold at book-shop outlets.

Eleven (11) Public awareness campaigns (workshops) were held in the nine Provinces relating to Sexual Offences and Violence against women.

## C. National Prosecuting Authority

Included in Vote 22

### *Statement of Foreign Aid Assistance Received* for the year ended 31 March 2002

### *Statement B*

Source of funds Actual 2002	Intended use	Amount rolled over 1 April 2001  R'000	Amount received for the year ended 31 March 2002  R'000	Amount spent for the year ended 31 March 2002  R'000	Balance unspent/ (overspent) as at 31 March 2002  R'000
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WK Kellogg Foundation	Opening of Multidisciplinary Care Centres	0	498	117	381
		0	498	117	381

#### Performance information on use of assistance:

##### NPA Project

Opening of the Thuthuzela rape care centre in Libode, Umtata. The centre opened in July 2001 and became operational in October 2001 with social workers and medical doctors on call. An implementation committee is operational to deal with challenges faced by the centre. Volunteer site coordinators are also in place. Sixty (60) rape cases have been reported and three convictions obtained.

## C. National Prosecuting Authority

Included in Vote 22

### *Statement of Foreign Aid Assistance Received* for the year ended 31 March 2002

### *Statement C*

Source of funds Actual 2002	Intended use	Amount rolled over 1 April 2001 R'000	Amount received for the year ended 31 March 2002 R'000	Amount spent for the year ended 31 March 2002 R'000	Balance unspent/ (overspent) as at 31 March 2002 R'000
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Finland	Training on implementation of Lower Court management system	0	0	92	(92)
		0	0	92	(92)

#### Performance information on use of assistance:

##### NPA Project

Workshops were held where training was given to prosecutors and state advocates on the policy on the implementation of the Lower Court Management System. Every Director of Public Prosecutions could hold a training session and these were held in the following provinces:

- Limpopo (previously Northern Province)
- Western Cape
- Free State
- Mpumalanga
- North West Province
- Eastern Cape
- Northern Cape

## D. Department of Justice and Constitutional Development

### *Statement of Monies in Trust* for the year ended 31 March 2002

	2001/02 R'000	2000/01 R'000
Trust Funds Bank Accounts	853 600	610 335
	<b>853 600</b>	<b>610 335</b>
Receivables	<b>10 811</b>	<b>17 334</b>
Bail Fund	0	12 825
Contribution Account	1 650	986
Debtors re: dishonoured cheques	570	419
Bank charges	8 563	3 104
Shortage/surplus	28	0
Payable	<b>864 411</b>	<b>627 669</b>
Bail funds	106 528	0
Fines	194 266	126 105
Maintenance	338 661	437 499
Estates	87 329	20 428
State attorneys	19 463	4 620
Court payments	15 331	1 731
General account	45 780	13 979
Interest earned	57 053	23 307
	<b>853 600</b>	<b>610 335</b>

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