



National Prosecuting Authority



Corporate Managers & Acting CEO

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Annual Report 2010/2011

Vision

The vision of the NPA is to achieve:
Justice in our society so that people can live in Freedom and Security

Mission

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

Values

Values of the NPA are:

- Integrity which is displayed through ethical conduct, high moral standards, honesty, moral principles and values, no bribery or corruption – zero tolerance, keeping promises, truthfulness and being beyond reproach
- Accountability which is depicted by being responsible and answerable for our actions
- Service Excellence which is found in providing first class customer service and complying with the Batho Pele principles
- Professionalism which can be seen through commitment / dedication, punctuality, competence, and professional conduct in and out of court
- Credibility which is depicted in the following behaviour: consistency and the ability to inspire belief or trust



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I. Accounting Officer's Overview



One of the key highlights for South Africa during the period under review was the successful hosting of the 2010 FIFA World Cup™ that proved to the world that our country has an effective Criminal Justice System (CJS). This was evidenced by the swift turn-around time in ensuring a high level law enforcement and proper administration of justice. This became possible as a result of the collective efforts of all the stakeholders in the CJS. It is clear that South Africa will be remembered for many years to come as a result of the success of 2010 FIFA World Cup™ and the justice system is also proud to have contributed towards that success.

The National Prosecuting Authority (NPA) in the past year underwent a re-alignment of services and structure to improve service delivery. Like all organisations, the economic reality required of the organisation to deliver within these constraints.

There was an added expectation on the organisation to align itself with the government performance framework attached to the newly established Monitoring and Evaluation component in the Office of the President. The NPA had to reposition itself within this environment while at the same time contributing to the development of the Delivery Agreement for the JCPS cluster. While significant progress has been made there remains room for improvement in order to fully deliver on the outputs of Outcome 3 of ensuring that "all people in South Africa are and feel safe".

The NPA has submitted its Strategic Plan 2011-2015 as well its Annual Performance Plan 2011 to the Executive Authority for approval and has also tabled these documents in Parliament within the prescribed time frames. The NPA will be closely monitoring its performance in line with the indicators and targets as set out in these documents.

The Department of Justice and Constitutional Development (DoJ&CD) is currently engaged with a process of developing a legislative framework that will provide much needed clarity on issues of governance that have been identified by the Auditor-General in previous years.

The official from the DoJ&CD that was delegated to act in the NPA as the Chief Executive Officer was recalled at the end of the financial year and replaced with an official that is resident in the NPA for proximity and speedy decision-making. The CEO and Executive Manager: Finance have been included in the DoJ&CD Exco to improve coordination and oversight especially on issues of financial oversight and audit management.

The NPA remains a key component of the JCPS cluster as well as ensuring that there is effective administration of justice. In this respect it is important to ensure that the NPA is well resourced and adequately capacitated. A special project Operation Recruitment Drive (ORD) was initiated to address the situation. The ORD project was concluded in December 2010. The overall appointments made by the end of March 2011 were 214. The vacancy rate for prosecutors was notably reduced from 16% to 12,7% as at 31 March 2011.

The late implementation of the cost of living adjustments for prosecutors resulted in employees demonstrating their dissatisfaction. This matter was resolved after fast-tracking the approval and implementation thereof.

The NPA spent 99,5% of its appropriation as at the end of the financial year (after virement). Were it not for the virement, the NPA would only have spent 93% of the allocated budget. This saving was as a result of the slow implementation of Occupational Specific Dispensation (OSD) Phase II for legally qualified professionals in the NPA and the delays in filling funded vacancies.

The delay in finalising the implementation of OSD Phase II resulted in threatened action by the prosecutors. Fortunately this was resolved. Over 700 qualifying employees were paid OSD Phase II to the amount of approximately R60m.

In the past financial year 88% of all employees filed performance agreements and were accordingly assessed. The remainder did not submit these agreements to the Human Resources Management and Development (HRM&D) in line with the NPA Policy although they may have concluded these agreements.



All financial disclosures were submitted to the DPSA with the exception of 9 employees that were either seconded to work outside the country, have left the employ of the NPA or have been dismissed. The non-disclosure or late filling for the 2009/10 financial year is being addressed through progressive disciplinary measures.

All assets acquired during the 2010/11 financial year have been reconciled with the accounting system, and loaded to the NPA Asset Management System, AssetWare. Disciplinary action was instituted in respect of offices where poor compliance was identified with asset management.

Considerable effort was expended to address the leave qualification. The leave audit was finalised and the management of leave will be decentralised fully in the new financial year.

Steps were taken to prevent, identify and correctly disclose irregular expenditure. A service provider was appointed to analyse the noted cases and the irregular expenditure register. In respect of some incidents of irregular expenditure (e.g. overtime and cost of living adjustments) condonation was obtained. Disciplinary action was recommended in respect of some officials and this process is taking its course. It is believed that these steps will address the audit finding on irregular expenditure.

Similar steps were taken to address the audit finding on fruitless and wasteful expenditure. In this regard, a service provider reviewed all cases of fruitless and wasteful expenditure and made recommendations. These recommendations were implemented and business processes were reviewed.

Lastly, I would like to acknowledge the support that we received from Minister Radebe, MP, Deputy Minister Nel, MP, the National Director of Public Prosecutions, Adv Simelane, the Parliament, the Portfolio Committee on Justice and Constitutional Development, SCOPA, and the Office of the Auditor-General. I would also like to extend my deepest gratitude to the broader NPA family for making the period under review a success.



Ms Nonkululeko Sindane
Director-General: DOJ&CD



2. Organisational Structure

Figure 1: The Organisational Structure of the NPA is set out below.



Directors of Public Prosecutions (DPPs)



(Acting) Director of
Public Prosecutions:
Mthatha
Adv S Ngqwala



Director of Public Prosecutions:
Northern Cape
Adv I Thenga



(Acting) Director of
Public Prosecutions:
KwaZulu Natal
Adv S Mlotshwa



Director of Public Prosecutions:
North Gauteng
Adv S Mzinyathi



(Acting) Director of
Public Prosecutions:
South Gauteng
Adv X Khanyile



Director of Public Prosecutions:
Grahamstown
Adv L Mahlati



Director of Public Prosecutions:
Western Cape
Adv R de Kock



Director of Public Prosecutions:
North West
Adv J Smit



(Acting) Director of
Public Prosecutions:
Free State
Adv A du Toit



3. Legislative Mandate

In terms of the Constitution and NPA Act, the NPA is the sole entity seized with the responsibility for instituting prosecutions on behalf of the State. The key legislation is briefly discussed below.

The Constitution

The NPA derives its mandate from section 179 of the Constitution. Section 179(2) expressly empowers the prosecuting authority to institute criminal proceedings on behalf of the state, and to carry out any necessary functions incidental to instituting criminal proceedings. Furthermore, national legislation requires that the prosecuting authority must exercise its functions without fear, favour or prejudice. Therefore the NPA exercises its functions without fear, favour or prejudice.

The National Director of Public Prosecutions (NDPP), as head of the prosecuting authority, and Directors of Public Prosecutions (DPPs), as heads of NPA offices within the various seats of the High Court, are responsible for ensuring compliance with the above-mentioned constitutional obligation.

In terms of section 179(5) of the Constitution the NDPP must determine with the concurrence of the Minister prosecution policy and issue policy directives, which must be observed by all DPPs and prosecutors in the prosecution process. Furthermore, in terms of section 179(6) of the Constitution, the Minister responsible for the administration of justice must exercise final responsibility over the prosecuting authority.

National Prosecuting Authority Act, 1998 (Act No. 32 of 1998) (NPA Act)

The NPA Act refers to section 179 of the Constitution which states that there is a single national prosecuting authority structured in terms of an Act of Parliament that consists of:

- (a) a National Director of Public Prosecutions, who is appointed by the President, as head of the national executive; and
- (b) Directors of Public Prosecutions as determined by an Act of Parliament.

In terms of the Constitution and the NPA Act each DPP is responsible for the decision whether or not to prosecute a person within his or her specific jurisdictional area. Most prosecutorial decisions are taken by prosecutors subject to the supervision, direction and co-ordination of the DPP. The NDPP may intervene in any prosecution process when policy directives are not complied with and he or she may review the decision of a DPP. The NDPP may review a decision after consulting with the relevant DPP and after taking representations from the accused person, the complainant and any other person or party whom the NDPP considers to be relevant. Section 24 of the NPA Act provides that the DPPs must submit annual reports on all their activities during the previous year to the NDPP. The NDPP must in turn submit an annual report to the Minister to be tabled in Parliament (section 35(2)(a)).

In terms of section 20(1) of the NPA Act, the power vests in the prosecuting authority, to-

- (a) institute and conduct criminal proceedings on behalf of the State;
- (b) carry out any necessary functions incidental to instituting and conducting such criminal proceedings; and
- (c) discontinue criminal proceedings.

The NPA exercises these powers on behalf of the Republic. All prosecutors can carry out the above-mentioned functions. This includes the NDPP, DNDPPs, DPPs and DDPPs.



Non-entity specific legislation

Various pieces of legislation place an obligation on the NPA as the prosecuting authority. The most pertinent are discussed below:

The Criminal Procedure Act, 1977 (Act No. 51 of 1977)

This Act regulates matters relating to criminal proceedings in a court of law, including the power to withdraw a charge and stop a prosecution; private prosecution; search and seizure; attendance in court; arrest; summons; admission of guilt; bail; release of accused person; summary trial; the charge; the plea; jurisdiction; preparatory examination; trial before different courts; conduct of proceedings; witnesses; evidence; competent verdicts; previous convictions; sentence; compensation; and reviews and appeals.

Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998)

This Act provides measures for the law enforcement agencies and the prosecuting authority to combat organised crime and money laundering. The primary features of the Act include provisions for the recovery of the proceeds of unlawful activity. Chapter 5 provides for the forfeiture of benefits derived from crime in those cases where the "defendant" is convicted of an offence. Chapter 6, on the other hand, does not focus on wrongdoers themselves, but on property that either has been used to commit an offence or which constitutes proceeds of crime. Although it provides for forfeiture of proceeds of and instrumentalities used in crime, it is not conviction based and may be invoked even where there is no prosecution.

Public Finance Management Act, 1999 (Act No. 1 of 1999)

The PFMA promotes the objective of good financial management in order to maximise service delivery through the effective and efficient use of the limited resources.

The key objectives of the PFMA may be summarised as follows:

- Modernise the system of financial management in the public sector,
- Enable public sector managers to manage, but at the same time be held more accountable,
- Ensure the timely provision of quality information, and
- Eliminate the waste and corruption in the use of public assets.

The Witness Protection Act, 1998 (Act No. 112 of 1998)

The Office for Witness Protection (OWP) provides a support service to the Criminal Justice System (CJS) by providing protection to threatened or intimidated witnesses, thus enabling them to testify in criminal proceedings. The OWP is administered by the NPA but is accountable to the Director-General of Justice and Constitutional Development.

Other legislations that impacts on the NPA are the following:

- Public Service Act, 1994 (PSA), and
- The Rome Statute of the International Criminal Court Act, 2002 (Act No. 27 of 2002).

The Minister is responsible for the tabling of legislation pertaining to the functioning of the NPA.



4. National Director's Statement



The NPA is committed to its strategic goals and is working tirelessly to offer services to the public. The NPA also ensures that programmes are implemented in order to achieve outputs as listed in the JCPS Delivery Agreement. Although there are instances of excellent performance in this reporting period, there is still a need to work on areas where the NPA did not meet its targets.

Two Deputy National Directors of Public Prosecutions (DNDPP) were appointed during this reporting period. Adv N Mokhatla will be responsible for Legal Affairs, while Adv N Jiba will be responsible for Strategy and Operations. Other vacancies that will be filled in the forth coming financial year are: 3 Directors of Public Prosecutions, 1 Special Director and the Chief Executive Officer. The prosecutorial vacancy rate has been reduced from 16.5% in 2009/10 to 12.2% as at 31 March 2011.

The NPA has maintained a high conviction rate ranging from 73.4% to 90.7% at the different courts. The District Courts had a finalisation rate of 2.3 cases per court per day. This is an improvement from the previous financial year. The finalisation rate at Regional court level was 0.5 cases per Court per day in comparison to -4.3 in the previous financial year. The conviction rate at the High Courts was 87.9%.

In this reporting period, court performance was negatively affected by inter alia the public service strike and the 2010 Fifa World Cup. Although no NPA employees reportedly participated in the strike many courts were not operating resulting in case backlog. The 2010 FIFA World Cup also placed a burden on the available resources as prosecutors were deployed to 56 Courts dedicated to dealing with cases arising from world cup activity.

The NPA has made significant achievements relating to the target set under Output 4 in the Delivery Agreement. These targets deals with improving and managing the perceptions of crime through increasing the number of Thuthuzela Care Centres (TCCs). In this reporting period, a total of 27 TCCs were operational throughout the country. Additional sites have been identified and consultations with stakeholders are underway.

There were no witnesses harmed who are in the Witness Protection Programme. The NPA is continuously working hard to ensure the safety of witnesses. The Asset Forfeiture Unit has maintained outstanding performance. It has exceeded all its targets. The value of the new restraints was R549,2m, 22% above the target of R450m. This is 11.7% above the previous year. A total of 320 cases were completed against a target of 300, which is 6.7% above target.

In this reporting period, the NPA dealt with a number of noteworthy cases that attracted both positive and negative media reports, such as the Jub Jub and Shrien Dewani cases. Despite all these, the NPA will focus on working towards creating better life for all and carrying out its Constitutional mandate to prosecute without fear or favour.

Acknowledgements

I wish to thank all NPA employees for their dedication and commitment during the past year.

Organisational changes were introduced to enhance efficiency and improve access to justice. Change is vital to prevent stagnation. Stability was also introduced at top management level after the appointment of the two deputies to the National Director of Prosecutions. I have confidence that through the unwavering support of all the NPA officials they will make meaningful impact.

Let us all work harder in the forthcoming year to achieve our targets and provide seamless service delivery to our customers.

A handwritten signature in black ink, appearing to read 'M Simelane'.

Adv M Simelane
National Director of Public Prosecutions



5. Information On Predetermined Objectives

Key Strategic objectives in the ENE

The NPA identified the following organisational measurable objectives for the ENE:

- Improve prosecutorial efficiency by increasing the number of cases finalised.
- Increase the use of alternative ways of delivering justice by increasing the number of cases finalised (including alternative dispute resolution mechanisms (ADRM)).
- Improve prosecutorial efficiency in dealing with specific crime focus areas including complex commercial crime by increasing the number of cases finalised by the Specialised Commercial Crime Unit.
- Maintain the conviction rates in the High Courts, Regional Courts, District Courts, Sexual Offences Courts and Specialised Commercial Crime Courts.
- Improve justice services for the victims of sexual offences by establishing additional TCCs.
- Protect and support vulnerable and intimidated witnesses by ensuring that no witnesses are harmed or threatened while on the witness protection programme.
- Reduce the percentage witnesses that walk off the witness protection programme.
- Contribute to reducing the incentive for crime through removing its proceeds from the control of criminals by maintaining the value of freezing orders (court orders to freeze individuals' assets).
- Increase the number of new completed forfeiture cases.
- Maintain the number of new freezing orders.
- Maintain the overall success rate in the Asset Forfeiture Unit.

5.1 Overall Performance

5.1.1 Voted Funds

Table 1: Voted Funds for the NPA

Appropriation	Main Appropriation R'000	Adjusted Appropriation R'000	Final Appropriation R'000	Actual Amount Spent R'000	(Over)/Under Expenditure R'000
National Prosecuting Authority	2 439 624	2 684 263	2,508,534	2,495,272	13,262
Public Prosecutions	1 748 206	1 972 671	1,873,157	1,861,392	11,765
Office for Witness Protection	127 835	130 745	127,977	127,977	-
Asset Forfeiture Unit(AFU)	81 795	106 589	156,956	156,956	-
Support Services	481 788	474 258	350,444	348,947	1,497
Responsible Minister	Minister of Justice and Constitutional Development				
Administering Department	Department of Justice and Constitutional Development				
Accounting Officer	Director-General of Justice and Constitutional Development				

5.1.2 Aim of the Vote

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

5.1.3 Summary of Programmes

Programme 4: National Prosecuting Authority (NPA)

There are four sub-programmes:

- The sub-programme: **Public Prosecutions** includes general prosecutions and several specialist prosecution units, such as those for priority crimes litigation, sexual offences and community affairs, and specialised commercial crime.
- The sub-programme: **Witness Protection** provides protection, support and related services to vulnerable witnesses and related persons in judicial proceedings.



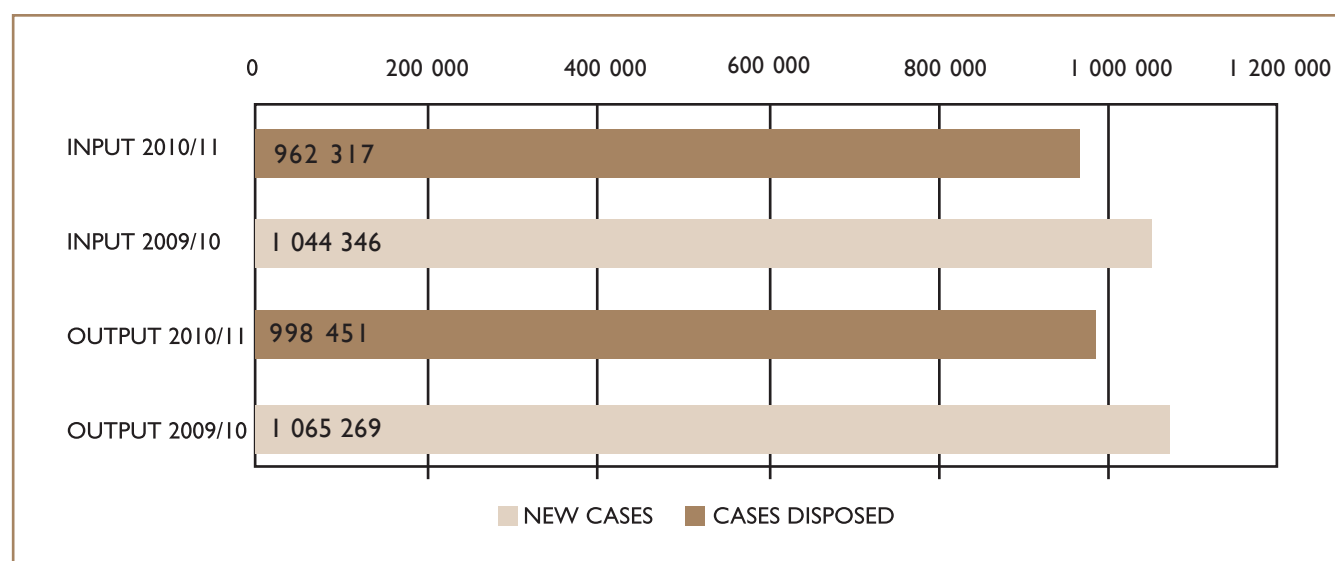
- The sub-programme: **Asset Forfeiture** seizes assets that are the proceeds of crime or have been part of an offence through a criminal or civil process.
- The sub-programme: **Support Services** provides the NPA and its several components with a wide range of administrative, managerial and support services.

5.1.4 Key strategic objectives achievements

Highlights of achievements

Notwithstanding the challenges during this financial year, the Lower and High Courts still managed to attain a positive clearance ratio of 2.7%. A total of 962 317 new cases were enrolled and 988 451 cases disposed. A total of 26 134 more cases were therefore disposed than received.

Figure 2: Case Management by all Courts



Two major events (2010 FIFA World Cup™ and Public Service Strike action) impacted negatively on the attainment of all strategic objectives during 2010/11. An average of 1 673 High and Lower Courts finalised 331 045 cases with a verdict, with a conviction rate of 88.7%. This is a 5.7% reduction from the total of 350 910 verdict cases finalised during 2009/10.

An increased use of delivering justice by means of alternative ways was achieved by increasing the number of cases finalised by means of alternative dispute resolution methods (ADRM) with 9.5% from 118 631 in 2009/10 to 129 846 in 2010/11. ADRM include diversions after enrolment, matters diverted in terms of the Child Justice Act (CJA) and informal mediations.

The total number of cases finalised including ADRM at the end of 2010/11 was 460 891, which is only 1.8% less than the total of 469 541 finalised during the previous financial year.

The High and Lower Courts maintained high conviction rates. The District Courts maintained a 90.7% conviction rate. The Regional Courts achieved a rate of 73.4% and the High Courts achieved a conviction rate of 87.8%.

The disposal rates of the courts are also indicative of their performance. A total of 962 317 cases were enrolled of which 535 429 were removed from the roll. 42% of the cases removed from the court roll were as a result of them being withdrawn. Warrants for arrest were issued in 31.4% and 9.2% of the cases were transferred externally while 17.3% were struck from the roll. The number of cases withdrawn was reduced by 7.1% compared to the previous year. This reduction could be ascribed to the implementation of improved screening processes, proper preparation of cases and internal measures monitored on a monthly basis.



5.1.5 Overview of the service delivery environment for 2010/11

JCPS Delivery Agreement

The NPA has included the JCPS targets in its strategic plan and monitored performance in respect thereof. The targets in respect of output 2 are aligned to the NPA Estimated National Expenditure (ENE) targets and performance is discussed in detail below. In respect of output 5, the AFU has made significant progress in identifying and successfully restraining assets of at least R5m per accused for corruption. A corruption task team has been established with the SAPS and other stakeholders, and a number of cases have been identified that comply with the requirements of the agreement. Progress has been made in developing a reporting template for JCPS corruption matters and a database is being established.

Serious crime is a focus area and performance information is being gathered in these areas as well. The report contains more detail on the prosecution of trio crimes and sexual offences specifically. Although no targets were set in respect of the prosecution of corruption in the JCPS, the NPA collected performance information in respect of the number of cases finalised and the value of assets frozen. There were 29 convictions of JCPS officials for corruption and R4,8m assets were frozen. The table below reflects progress made in achieving the targets of the JCPS Delivery Agreement.

Table 2: Progress on delivering on the JCPS Delivery Agreement

JCPS Indicator	Indicator	Target	Actual	Deviation
Output 2: Effectiveness of the CJS which is integrated and dispenses swift and fair justice	Number of cases finalised	357 928	331 045	-7.5%
	Number of Case backlogs	38 563	37 034	-4.0%
	Cases finalised through diversion and (ADRM).	124 563	129 846	4.2%
Output 4: Promote trust in the CJS by improving support to victims of crime and increasing engagement with the community on security awareness and crime prevention	Number of operational Thuthuzela Care centres.	25	27	8%
Output 5: Investor perception, trust and willingness to invest in South Africa is improved by taking legal criminal actions against a defined number of highly visible corruption cases	Number of people convicted for corruption who obtained assets of more than R5m through illicit means.	5	0	-100%
	Restraint orders for at least R5m regarding corruption matters	5	16	220%

The main services provided by the NPA are: prosecution of cases, witness protection services and removing the profit from crime through the use of the Prevention of Organised Crime Act (POCA) legislation. The table above sets out the achievements of the NPA in regard to the prosecution of cases and asset forfeiture. In respect of witness protection there has been a marked increase in the number of witnesses and related persons under protection. For the ninth year in a row no witness has been harmed or threatened by those that they were protected from while on the protection programme.

The main indicator for the demand in the NPA is the number of cases referred to the NPA for prosecution. The South African Police Service (SAPS) is mainly responsible for this. There has, however, been an insignificant change in this demand over the past five years. However, in the last financial year a significant 7.9% decrease is noted which is due to the better screening of cases before enrolment. This is corroborated by an increase in decision dockets received.

The ability of the CJS to finalise cases is another indicator of the demand as the new cases coupled with existing court rolls will result in a growing outstanding court-roll (work in progress) if the NPA cannot finish more cases than it receives.

The availability of diversion programmes provides an option of diverting suitable cases from the mainstream prosecution thereby alleviating the trial demands on the courts. However, in most jurisdictions the CJS has been unable to cope with this demand adding to the overburdened court rolls.



Crime types affect the provisioning of services as certain crime types require a dedicated and focussed approach due to either the complexity or the nature of the offence. The NPA is dependent on the role players within the JCPS to deliver on its mandate. Successful partnerships with key stakeholders and effective service delivery of all are required. In this respect a lack of joint targets with the judiciary and the quality of investigations in some cases, negatively impact on the NPA's ability to deliver. Furthermore, a shortage of Legal Aid South Africa (LASA) practitioners and case flow related problems negatively impact on prosecutions.

The general inefficiency of the CJS also affects the NPA. The NPA also depends on the public to report crime and give evidence. Confidence in the CJS is required. Correct media reporting also enhances public confidence.

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

The original budget in respect of Compensation of Employees was reduced with an amount of R133,855m during the virement process. This saving was as a result of the over-estimate in the cost of implementing Phase II of the OSD for the Legally Qualified Personnel within the NPA. The funded vacancies within the NPA also contributed to this underspending.

5.1.6 Overview of the organisational environment for 2010/11

The top structure of the NPA is complete with the NDPPs and four DNDPPs. The significance of the recent appointment of two new DNDPPs by the President is the addition of women at the highest level of the organisation. Their responsibilities are as follows:

DNDPP: Strategy and Operations Management is responsible for the development and implementation of the NPA Strategic Plan and NPA Annual Plan. The office is also responsible for monitoring delivery in the NPA in line with the said plans as well as the regional annual plans. To enable efficient strategic planning, a research and monitoring and evaluation capacity is also required. These services are also allocated in this office.

DNDPP: Legal Affairs provides legal advice and renders assistance to the NDPP on:

- Legislative issues that may have a bearing on the functioning of the NPA;
- Issues that have a bearing on the institution of criminal proceedings and functions incidental thereto, including appeals, international cooperation (mutual legal assistance and extradition), and civil litigation;
- The Prosecution Policy and Policy Directives; and
- The component will also deal with complaints and representations, court preparation and advocacy.

The responsibilities of the other DNDPPs remained the same – NSSD and AFU, respectively.

Vacancies at a high level include three DPPs (South Gauteng, Free State and Mthatha), one Special Director and the CEO's position. These will be filled in the course of the new financial year.

A lack of budget in the Lower Courts to keep up with the resourcing needs associated with the growth in establishment impedes the ability to deliver a quality service. The lack of ICT systems to alleviate the burden of collecting and collating performance information manually impacts on the workload of the already over-burdened prosecutors. The NPA also has a challenge to recruit suitably qualified legal staff that can immediately function independently as prosecutors.

5.1.7 Key policy developments and legislative changes

National Prosecuting Authority Amendment Bill

Currently, the Constitution and the provisions of the NPA Act guarantee the independence of the prosecuting authority in so far as it relates to the institution of criminal proceedings. Furthermore, the independence of the prosecuting authority has been confirmed by the Supreme Court of Appeal and the Constitutional Court.

However, at present section 36 of the NPA Act states that the DoJ&CD must, in consultation with the NDPP, prepare the necessary estimates of revenue and expenditure of the NPA. It also provides that the Director-General is, subject to the PFMA, the accounting officer of the NPA.



The above-mentioned arrangement gives rise to certain practical challenges and has also been seen by some critics as a factor that may jeopardize the independence of the prosecuting authority. The view is held that both financial and administrative independence are required for the effective performance of the functions of the prosecuting authority. Accordingly, in the beginning of this year the Minister of Justice and Constitutional Development requested the DoJ&CD to prepare draft amendments to the NPA Act so as to provide for an independent administration of the prosecuting authority; to further regulate the executive authority of the prosecuting authority; and to provide for the appointment of a Chief Executive Officer (CEO) as accounting officer for the NPA.

The DoJ&CD is in the process of preparing a draft Amendment Bill. The Bill will be submitted to the Minister and Cabinet as soon as the consultation process with the relevant interested parties has been finalised. If approved, the amended Bill will further enhance the independence of the prosecuting authority.

5.1.8 Departmental revenue, expenditure, and other specific topics

Collection of departmental revenue

The revenue received by the NPA during the financial year relates to non-tax revenue and financial transactions i.e. recoveries from previous year's expenditure. Generally, there is a decrease in the total revenue received during 2010/11 and this is mainly as a result of fewer corrections of expenditure allocations in respect of prior financial years.

Table 3: Collection of Departmental Revenue in the NPA

	2007/08 Actual	2008/09 Actual	2009/10 Actual	2010/11 Target	2010/11 Actual	% deviation from target
Total Non-tax revenue	2 904	1 494	1 773	1 872	1 206	-55 %
Interest	544	296	253	267	349	23%
Sales by market establishments	374	513	114	65	-	-100%
Other Sales	578	664	1 000	1 111	857	-29%
Transfers received: Local & Foreign	1 408	21	406	429	-	-100%
Financial transactions (Recovery of loans and advances)	1 678	2 770	9 384	9 910	1 551	-539%
TOTAL DEPARTMENTAL RECEIPTS	4 582	4 264	11 157	11 782	2 757	-327%

5.1.9 Departmental expenditure

Before virement, the NPA showed a significant saving on compensation of employees (R133,885m) and goods and services (R41,706m). These savings are as a result of the delay in fillings of vacancies and the lower than anticipated expenditure relating to the implementation of the OSD Phase II for legally qualified personnel.

Table 4: Departmental Expenditure

Details per sub-programme	Main Appropriation 2010/11 R'000	Roll- overs and adjustments R'000	Shifting of Funds R'000	Virement R'000	Final Appropriation R'000	Actual Amount Spent R'000	(Over)/ Under Expenditure R'000
Public Prosecution	1 748 206	224 465	979	-100 493	1 873 157	1 861 392	11 765
Office for Witness Protection	127 835	2 910	-2 768	-	127 977	127 977	-
Asset Forfeiture Unit	81 795	24 794	50 367	-	156 956	156 956	-
Support Services	481 788	-7 530	-48 578	-75 236	350 444	348 947	1 497
TOTAL	2 439 624	244 639	-	-175 729	2 508 534	2 495 272	13 262



5.1.10 Transfer payments

The NPA transferred R 1.8m to the Safety and Security Sector Education and Training Authority (SASSETA). SASSETA is responsible for the development of an integrated education and training authority for the safety and security sector. Transfer of funds to SASSETA will be subject to conditions and it is required to establish and implement effective, efficient, and transparent financial management and internal control systems.

5.1.11 Conditional grants and earmarked funds

Conditional grants are not applicable to the NPA. The NPA has received additional funding from National Treasury that was earmarked for the reduction of case backlogs (R 108m for 2009/10; R 114m for 2010/11; R 121m for 2011/12 and R 127m for 2012/13). The NPA received an additional allocation of R 198m in 2010/11 for the implementation of OSD Phase II.

5.1.12 Capital investment, maintenance and asset management plan

The Department of Justice and Constitutional Development (DoJ&CD) reports on this under Programme 2 of the Vote.





5.2 Programme Performance

Performance in respect of ENE indicators

The NPA performance in respect of the ENE indicators is set out in the table below. In respect of many of the indicators the NPA did not achieve its targets. There are a number of contributing factors as set out in the report.

The NPA commissioned research to determine whether the performance information for the “dedicated sexual offences courts” related only to sexual offences cases. The research indicated that most courts were not solely dealing with sexual offences matters. The NPA therefore took a decision not to report any further on this data until a reliable reporting mechanism has been put in place regarding sexual offences. Data will be provided from 2011/12 onwards.

Table 5: Performance against ENE selected performance indicators

Sub-Programme	Indicator as published in the ENE	2006/07	2007/08	2008/09	2009/10	2010/11 Target	Actual	Deviation from target	Notes
Public Prosecutions	Number of cases finalised: including ADRM	379 034	388 634	431 601	469 541	482 491	460 891	-4.5%	Public Service Strike
	Number of cases finalised: excluding ADRM	334 551	298 656	311 825	350 910	357 928	331 045	-7.5%	Public Service Strike
	Number of complex commercial crime cases finalised	1 463	1 159	1 319	1 095	1 465	742	-49.4%	The opening figure for 2009/10 was overstated in the estimates, on which targets for 2010/11 were determined. In the AENE process, NT was requested to adjust the actual 2009/10 performance, but this was not published
	Conviction rate: High Courts	87.8%	85.0%	86.0%	87.0%	87.0%	87.8%	0.8%	Achieved
	Conviction rate: Regional Courts	72.0%	73.0%	73.0%	74.0%	74.0%	73.4%	-0.6%	Not achieved
	Conviction rate: Sexual Offences Courts	65.0%	66.0%	66.7%	67.0%	66%	n/a		See discussion above
	Conviction rate: District Courts	87.4%	87.0%	88.1%	87.0%	87.0%	90.7%	3.7%	Achieved



Sub-Programme	Indicator as published in the ENE	2006/07	2007/08	2008/09	2009/10	2010/11 Target	Actual	Deviation from target	Notes
	Number of TCCs	10	9	17	20	25	27	8.0%	Exceeded target
Witness Protection	Percentage of walk-offs	3%	24%	16.9%	28%	32%	5%	27%	Definition of walk-off was amended
	Number of witnesses harmed or threatened	0	0	0	0	0	0	0	No person harmed for 9 yrs in succession
Asset Forfeiture	Number of new completed forfeiture cases	242	223	277	275	300	320	6.7%	Best ever achieved
	Number of new freezing orders	252	226	275	280	310	333	7.4%	Best ever achieved
	Value of new freezing orders (Rm)	R1.3bn	R394m	R320m	R491m	R450m	R549.2m	22.0%	Exceeded target
	Success rate	88.0%	88.0%	86.5%	92.4%	90%	95.70%	5.7%	Exceeded target

Performance in respect of additional NPA indicators as per the Strategic Plan

In an attempt to step up service delivery, additional indicators were developed. Many of these were new indicators which needed to be defined and measuring mechanisms were put in place. The NPA did not manage to collect performance information in respect of all the areas as indicated in the table below.

Most of the targets set were not achieved. As these were new indicators target setting was done without baseline information. The performance indicates that the target setting should be adjusted and this was affected in the 2011/12 Annual Plan.

Table 6: Average cases diverted with children in conflict with the law

Indicator	2006/07	2007/08	2008/09	2009/10	2010/11	Target	Deviation from target	Notes
Average number of cases diverted with children in conflict with the law	n/a	n/a	n/a	n/a	1372	1338	2.5%	Focussed approach on the new process in respect to CJA



Table 7: Additional NPA internal indicators included in the NPA Strategic Plan

ADDITIONAL NPA SERVICE DELIVERY PERFORMANCE INDICATORS - 2010/11						ANNUAL PROGRESS Deviation from Target
DIVISION	INDICATOR	MEASUREMENT	FORUM	ANNUAL TARGET	ACTUAL TOTAL	
PUBLIC PROSECUTIONS	Finalisation Rate	Number of cases finalised	District Court	3 cases pc pd	2.3	-23.8%
		including ADRM	Regional Court	0.7 cases pc pd	0.5	-21.8%
			High Court	0.2 cases pc pd	0.11	-43.2%
	ADRM	Number of cases diverted per month with children in conflict with the law	All Courts	16 056	16 462	1.9%
			All Courts	36 672	37 034	1.0%
	% Backlog Cases	Reduction in the number of cases older than indicated period	District Court	90% not older than 6 months	88% not older than 6 months	-2.0%
			Regional Court	75% not older 9 months	68% not older than 9 months	-7.0%
			High Court	75% not older 12 months	68.8% not older than 12 months	-6.2%
	Decision Dockets	Positive Clearance Ratio on Decision dockets received within a month	District Court	100%	98.50%	-1.5%
			Regional Court	100%	98.30%	-1.7%
			High Court	100%	87.00%	-13.0%
LEGAL SERVICES	Representations	% of Formal Representations dealt with	DPP Offices	85%	65.90%	-19.1%
			ONDPP	85%	100.00%	15.0%
	Skills Development	Number of persons trained on Legal drafting/ indictments/ charge sheets per month	Nationally	360	0	-100%
		Number of persons trained on civil/ motion	Nationally	120	0	-100%
	Mutual Legal Assistance	Finalisation rate of MLA matters	ONDPP	85%	No data	
	Extraditions	Finalisation rate of Extradition applications	ONDPP	85%	No data	
CCC	Charge sheets / Indictments	Number of complex commercial crime prosecutions instituted	DPP Offices	50	No data	



Sub-programme I: Public Prosecutions



6. Sub-programme 1: Public Prosecutions

Purpose

Public Prosecutions provides for general prosecutions and several specialist prosecution units, such as those for priority crimes litigation, sexual offences and community affairs, and specialist commercial crime.

Introduction

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

Strategies, Projects and Initiatives

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

A breakdown per forum of the 460 891 cases that were finalised by all courts during 2010/11 is indicated in the table below:

Table 8: Annual Comparison of Cases Finalised: 2009/10 - 2010/11

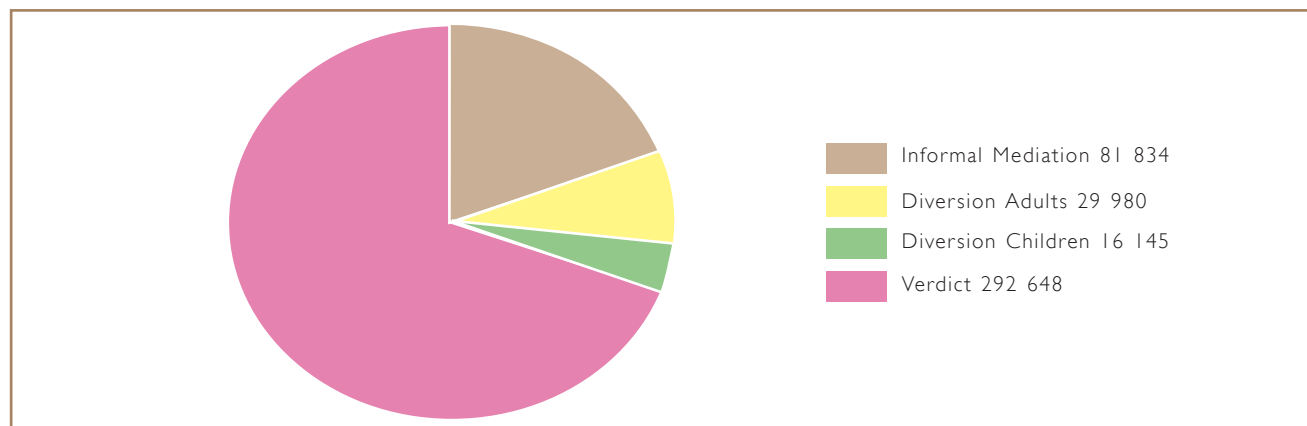
FORUM	2009/10	% of National	2010/11	% of National	Deviation
High Court	1 235	0.3%	1 087	0.2%	-12.2%
Regional Court	40 962	8.7%	39 197	8.5%	-4.3%
District Court	427 344	91.0%	420 607	91.3%	-1.6%
ALL	469 541	100.0%	460 891	100.0%	-1.8%

A total of 604 plea and sentence agreements have been successfully concluded comprising of 2 034 counts. Even though the number of agreements concluded does not appear to be significant, the counts involved in these matters would have taken some time to finalise if trials were to be conducted. In 184 (36%) of the cases, the sentences imposed comprised of direct imprisonment.

District Court Performance

The District Courts finalised 420 607 cases consisting of 292 648 verdict cases (69.6%) and 127 959 ADRM cases (30.4%). This represents a finalisation rate of 2.3 cases per court per day. Compared to the previous financial year, the District Courts finalised 6 737 fewer cases (-1.6%). High conviction rates were maintained and during 2010/11 a conviction rate of 90.7% was achieved by all District Courts. Noteworthy is the total of 1 471 compensation orders that were granted to victims of crime.

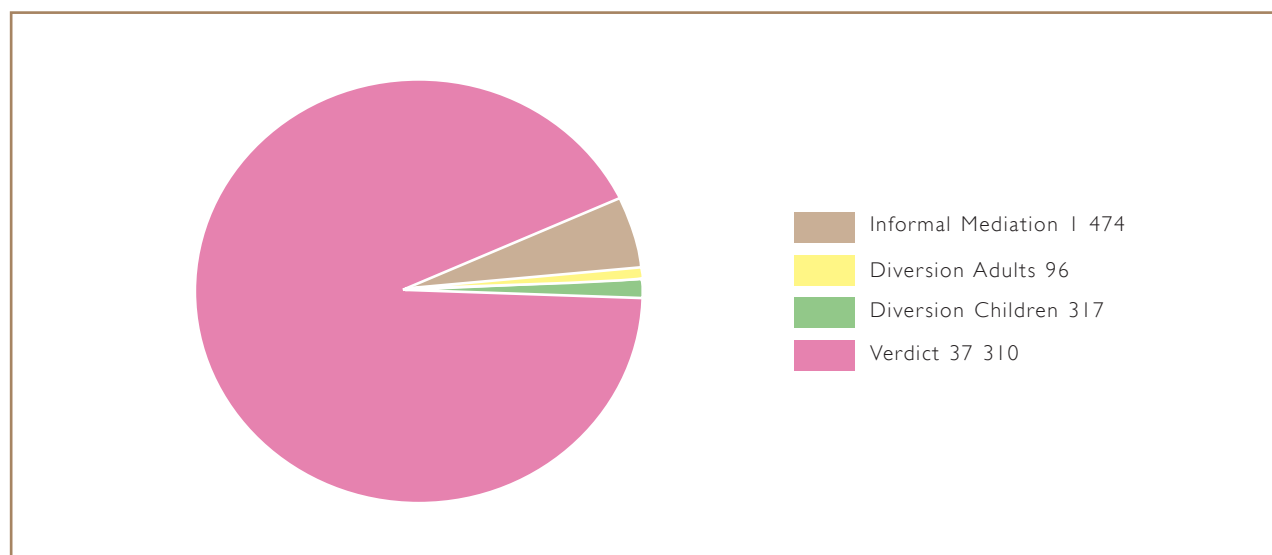
Figure 3: District Courts: Cases Finalised 2010/11



Regional Court Performance:

The Regional Courts finalised 39 197 cases comprising 37 310 verdict cases (69.8%) and 1 887 ADRM cases (4.8%). This represents a finalisation rate of 0.5 cases per court per day. Compared to the previous financial year, the Regional Courts have finalised 1 765 fewer cases (-4.3%). A conviction rate of 73.4% was achieved by all Regional Courts. A total of 196 compensation orders were granted to victims of crime.

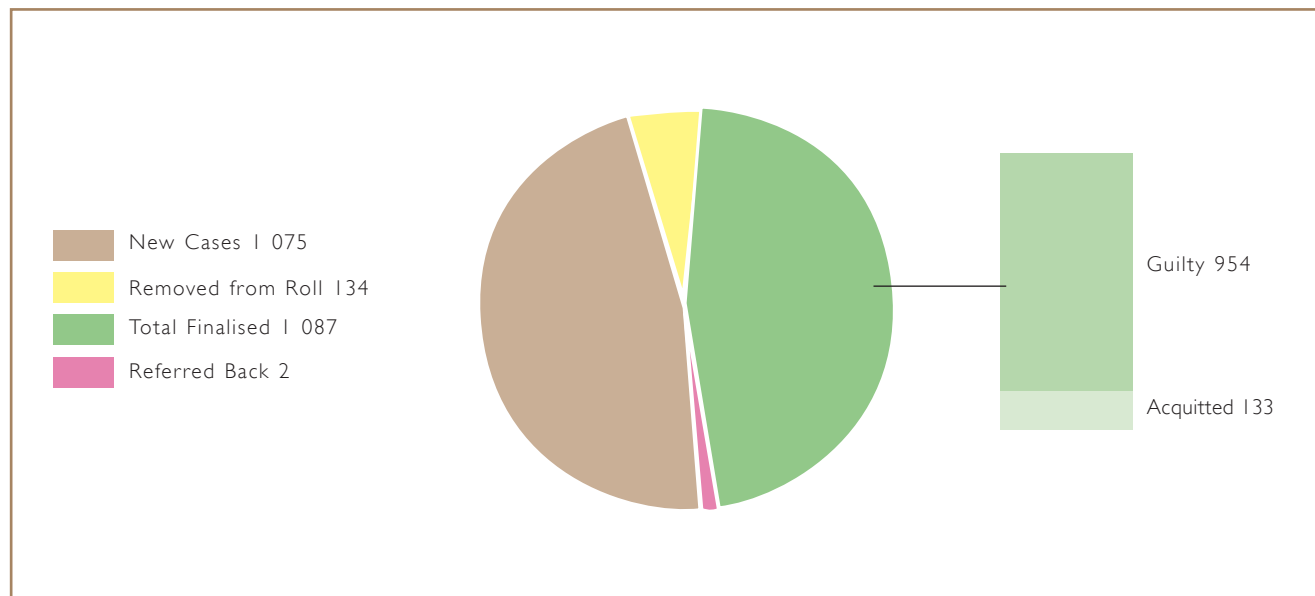
Figure 4: Regional Courts: Cases Finalised 2010/11



High Court Performance:

The High Courts finalised 1 087 cases. A total of 1 050 cases were finalised by means of trial in the High Court whilst 37 related to cases convicted by Regional Courts and transferred to the High Court for sentencing and were finalised by the High Courts. A conviction rate of 87.8% was achieved by all High Courts.

Figure 5: Case Management: High Courts



Case Flow Management (CFM)

Provincial and local CFM meetings continued to be held and stakeholders engaged on the performance of the courts. Reliance for the successful implementation of CFM rests with the judiciary that has the authority to control the optimal utilisation of court time and to exercise discipline where any role player frustrates the process. The NPA is a committed partner in CFM and assists other stakeholders in the optimal production of the courts.

Case Backlogs and Backlog Project

The Justice, Crime Prevention and Security Cluster (JCPS) departments have introduced various interventions to deal with the case backlogs. In this regard a specific Case Backlog Reduction Project was implemented in November 2006 with the Regional Courts as the main focus area. Backlog cases are viewed as all those cases longer than 6 months on the District Court roll, 9 months on the Regional Court roll and 12 months on the High Court roll. The Case Backlog Reduction Project assists Regional and District Court centres in identified priority areas country-wide that require focused attention. The project's aim is to ensure that the inflow of the number of new cases is balanced by the number of matters concluded and that matters are finalised more speedily. This intervention led to the establishment of more than 50 additional Regional Backlog Courts (through the appointment of additional regional court magistrates, clerks, prosecutors, interpreters and legal aid lawyers on contract). The number has fluctuated since then as courts were closed or shifted to other areas once the backlog has been dealt with. After an investigation into the performance of the District Courts, several high priority District Backlog Courts were also established since April 2010.

At the end of March 2011, there were 57 Regional and 16 District Backlog Courts. The project deliverables have been integrated into the Outputs of the Delivery Agreement of the JCPS Cluster. The country-wide situation regarding outstanding- and backlog cases per court level as at the end of March 2011 was as follows:

Table 9: Outstanding and Backlog Cases

	Outstanding Cases	Backlog Cases	% Backlog Cases	Backlog Cases Finalised on Backlog Project Apr – Mar
District Courts	164 729	19 792	12.0%	5 813
Regional Courts	52 756	16 875	32.0%	5 272
High Courts	1 175	367	31.2%	0
TOTAL ALL COURTS:	218 660	37 034	16.9%	11 085

A 13.6% reduction was achieved in the number of all Regional Court backlog cases, from 19 536 backlog cases (on an outstanding roll of 46 901) in November 2006, to 16 875 backlog cases (on an outstanding roll of 52 756) at the end of March 2011. This was achieved notwithstanding a 12.5% increase in the number of outstanding cases. The additional Regional Backlog Courts finalised 18 719 cases since inception of the project on 1 November 2006 until the end of March 2011.

The additional District Backlog Courts achieved an 8.9% reduction in the number of backlog cases, from 22 238 backlog cases (on an outstanding roll of 178 461) in March 2010, to 19 792 backlog cases (on an outstanding roll of 164 729) at the end of March 2011. A similar reduction of 7.7% was also achieved in the number of outstanding district court cases. A total of 5 272 cases were finalised by the District Backlog Courts since 1 April 2010 until the end of March 2011.

This brings the total number of cases finalised from the Regional and District Court rolls as a result of the Backlog Courts, since 1 November 2006 until the end of February 2011 to 24 532 cases. A number of cases were also removed from the roll which brings the total cases disposed by the Backlog Courts since their inception to a total of 46 127 cases.

DoJ&CD Access Initiative

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



Court Preparation

The Court Preparation Programme continues to offer support services to witnesses, especially women and children. There are 125 Court Preparation Officers (CPOs) employed at 68 courts countrywide against a target of 140.

During the period under review 69 196 witness sessions were conducted by CPOs which is an average of 56 witnesses per CPO, and the target of 60 was therefore not achieved.

Use of suitable alternatives to punitive justice

During the reporting period a total of 129 846 cases were finalised by means of ADRM of which a total of 1 887 (1.5% of national total) were finalised by the Regional Courts and 127 959 cases (98.5% of national total) by the District Courts.

Alternative dispute resolution encompasses diversion and informal mediation as methods of resolution of disputes between the parties. During the current reporting period, a total of 38 669 cases were diverted after enrolment, a total of 7 869 cases were diverted before enrolment in terms of the CJA and 83 308 cases were successfully mediated on an informal basis. The focused approach on alternative measures to reduce trial cases has resulted in a 22% increase in the number of cases informally mediated compared to the total of 68 270 cases mediated during the previous financial year.

Diversions in terms of the Child Justice Act

The CJA came into operation on 1st of April 2010 and created a new procedural framework for dealing with children who were in conflict with the law. This Act seeks to ensure children's accountability and respect for the fundamental freedoms of others, and to prevent crime and promote public safety through the use of diversions, alternative sentencing and restorative justice.

Since April 2010, a total of 15 588 children were dealt with of which 910 children (5.8%) were between the ages of 10 – 13 years and 14 678 children (94.2%) were between the ages 14 – 17 years old.

The table below indicates the manner in which the children were dealt with. Noteworthy is the fact that 795 children below the age of 10 years were referred in terms of Section 9 of the Act, 2 444 children were diverted in terms of Section 41 of the Act and 4 630 children were diverted during the preliminary inquiry phase.

Table 10: Breakdown of the manner in which children in conflict with the law were dealt with

FORUM	SEC.9 REFERRALS	SEC 41 DIVERSION	PRELIMINARY INQUIRY DIVERSION
District Court	788	2 401	4 561
Regional Court	7	43	69
TOTAL	795	2 444	4 630

During 2010/11 a total of 444 children were convicted with a conviction rate of 79.3% after the case has been referred for trial whilst 1 162 children were still diverted during the trial stage. Noteworthy is that 1 581 children successfully complied with the diversion programme and in only 112 matters a more onerous diversion programme had to be chosen.

Develop Dedicated Capabilities for Crime Focus Areas

Complex Commercial Crime

During the current reporting period, a total of 10 dedicated commercial crime courts finalised 742 cases with a conviction rate of 92.5%. A reduction of 1.5% is noted in the conviction rate compared to the previous financial year. The reduction in cases finalised is ascribed to an increased focus on more serious matters that are time consuming to prosecute. In addition, the opening figure for 2009/10 was overstated in the ENE, on which targets for 2010/11 were determined. In the AENE process, National Treasury (NT) was requested to adjust the actual 2009/10 performance, but this was not published.



Specialised Prosecutions

The NPA finalised 399 specialised tax prosecutions with a conviction rate of 96.7%. From April 2010, the Tax Component resorted under the specialised prosecution work stream in the DPP offices and will continue to work on tax matters.

Organised Crime

At the end of the 2010/11 financial year there were 95 cases on the court roll of which 72 were on trial. The other 23 had not commenced due to a number of reasons. These 95 cases include Racketeering, Gang Related and Money Laundering cases. Nationally, 18 Racketeering cases were authorised by the NDPP. 15 cases were successfully finalized and sentenced these comprise of seven racketeering, two gang and six money laundering cases.

2010 FIFA World Cup™

Part of the requirements for successfully hosting the 2010 FIFA World Cup™ was the development of a 2010 FIFA World Cup™ Administration of Justice Operational Plan. The plan was developed by all stakeholders of the Integrated Justice System, which included the NPA, Legal Aid South Africa and the Judiciary.

The 2010 FIFA World Cup™ placed extra burden on the officials within the NPA and 260 prosecutors were deployed at the 56 dedicated court rooms in the 9 host cities. These included 37 District Courts and 19 Regional Courts. These courts operated from 7h45 until 23h00, seven days a week. 222 cases went through the Special Courts during the 2010 FIFA World Cup™, of which 202 were finalised, with 138 convictions.

Prosecutions

Trio Crimes

Reduction in the levels of trio crimes is one of the JCPS objectives for 2010/11 and the NPA indicated in its Strategic Plan that it will contribute to the achievement of this output through focusing on the prosecution of these matters. During the current reporting period, the courts disposed of 795 cases comprising 1 099 trio counts of which a total of 535 cases were finalised and 260 cases were removed from the roll. A total of 453 cases were convicted with a conviction rate of 85.6%. The manner of disposal is illustrated below.

Table 11: Disposal of Trio Crimes

	MANNER OF DISPOSAL	CASES	COUNTS
Cases Finalised	Guilty	453	698
	Not Guilty	76	106
	Mediation	5	5
	Diversion	1	1
Cases finalised total		535	810
Cases Removed	Withdrawn	210	234
	Warrant	9	12
	Struck off the Roll	25	26
	Transferred	16	17
Cases removed total		260	289
TOTAL DISPOSED		795	1 099

Sexual Offences and Community Affairs (SOCA)

The SOCA Unit develops strategy and policy relating to sexual offences, domestic violence, human trafficking, maintenance matters and young offenders. The broad outcomes that SOCA seeks to achieve are to:

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



Highlights of achievements

Maintenance Matters

A total of 75 specialist maintenance prosecutors dealt with 143 505 (120 079 in 2009/10) formal and informal maintenance enquiries and finalised 86 149 (60%) compared to 75 717 (63% in 2009/10) matters, a decrease of 3% from 2009/10. A total of 180 prosecutors were trained on the comprehensive manual on maintenance matters in line with the Maintenance Act and latest developments in law.

Child Justice Act (CJA)

- 349 prosecutors were trained on the CJA.
- Comprehensive inputs on training and diversions statistics, amongst others, were submitted to Parliament on the implementation of the CJA.

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

Sexual offences

- Provided Phase 3 training on the sexual offences legislation to 178 prosecutors.
- The 3rd Sexual Offences Indaba was held in Johannesburg from 16 to 17 August 2010, and was attended by 270 delegates from all provinces. This is a vital process in ensuring stakeholder cooperation and coordination of all related activities for gender based violence in line with SOCA's mandate.
- The Unit hosted the 2nd International Advisory Reference Group in Pretoria, from 11 to 14 August 2010. This is an advisory group of international experts on gender based violence.
- SOCA participated in the Southern African Development Community (SADC) Gender Justice project, a study tour initiated by DoJ&CD, which focuses on gender justice activities in three identified SADC member countries, Botswana, Malawi and Namibia.
- The Unit Head presented the TCC-model in Benin.
- Building on the success of the Benin visit, the Unit Head led a coordination session in Kenya during January 2011 which brought together Kenya, South Africa and Zambia. Focus was to critically analyse the effectiveness of the various Women's Justice Empowerment Initiative programmes as implemented in the countries, to share expertise, discuss sustainability and plan future deliverables.
- Two SOCA representatives attended the United Nations Commission on the Status of Women Conference in New York. The SOCA team participated in deliberations and presented a paper on the management of gender based violence in SA and the TCC-model.
- The Unit embarked on a technical assistance training programme with Mozambique which was delivered in Maputo (14-18 March 2011) and was attended by approximately 45 seasoned delegates from the prosecution, police and health services. The content of the training material focused on topics of social context, adult and child witnesses in gender based violence, domestic violence, TCC-model, human trafficking, reciprocal maintenance orders, extradition, commercial crimes and corruption. SOCA was responsible for developing and compiling the content of all relevant topics excluding commercial crimes, corruption and extradition (which was compiled by colleagues from SCCU and DPP North Gauteng).

Domestic violence

- An integrated Domestic Violence (DV) Skills manual training was provided to 102 prosecutors.
- Provided training on Safety Planning for victims of Domestic Violence to 27 delegates comprising of prosecutors, clerks of the courts, court preparation officers and traditional leaders.
- Developed the National 365 days Programme and National Action Plan for an end to gender violence.



Trafficking in persons

- 79 prosecutors were trained on human trafficking related topics.
- In addition to the aforesaid, 30 prosecutors were invited from the said sessions to attend the train-the-trainers workshop in Pretoria.
- An integrated training on combating human trafficking was provided to 30 police officials, prosecutors and immigration officers. In addition, 52 delegates from immigration, police, customs and representatives from South African Revenue Service (SARS) were also trained.
- Trafficking in Persons Task Team was established for Gauteng with strategic planning session. Currently there are task teams in Gauteng, Kwa Zulu Natal, Western Cape, Mpumalanga and Limpopo. The team for Limpopo also presented to provincial coordinators and NGO representatives on human trafficking hosted by the office of the Premier in November 2010.
- An NPA delegation consisting of members of SOCA presented the inputs and interpretation regarding the latest draft of the "Prevention and Combating of Trafficking in Persons Bill", to the Portfolio Committee on Justice and Constitutional Development.

Increase the number of TCCs

Five additional TCCs were established bringing the total to 27. In addition to this, SOCA has identified 18 sites which will be operational once the appointment of the relevant personnel is finalised. TCC cases received at court increased from 6 410 in 2009/10 financial year to 9 716 in 2010/11.



Priority Crimes Litigation Unit (PCLU)

Highlights of Achievement

Providing assistance to Canada: A delegation of four persons from the Canadian War Crime Unit visited South Africa from 17 January 2011 till the end of January after a formal Mutual Legal Assistance (MLA) request was approved. The PCLU hosted them and ensured that the interviews with the witnesses were concluded to satisfaction of the Canadian Authorities.

S v Mechem: A Section 105A Plea Agreement was concluded with Mechem in relation to the export of two mine-protected vehicles which were exported to Croatia, but had not been returned to South Africa within the period prescribed in the permit. The accused pleaded guilty to a technical contravention of the National Conventional Arms Control Act and was sentenced to pay a fine of R25 000 on 29 March 2011 before a Regional Magistrate, Pretoria.

Attempted murder of Rwandan General Nyamwasa: The Unit provided assistance in this matter where ten foreign persons were arrested for inter alia the attempted murder of and the conspiracy to murder former Rwandan General Nyamwasa, who has asylum in South Africa. The matter has been adjourned for trial in June 2011.

TRC matters: The PCLU furnished specific additional guidance to investigating officers from the Directorate for Priority Crime Investigations (DPCI) in respect of Pebco 3, Cradock 4, Nokuthula Simelane and Highgate Hotel matters.

S v André Visagie: The PCLU provided assistance on the Visagie matter, the former secretary-general of the AWB, who was the leader of a newly established right-wing extremist organisation, namely, Geloftevolk Republikeine. A search and seizure was conducted at his residence by SAPS after information was received that he was in the process of committing acts of terrorism and was in possession of unlicensed firearms and ammunition.

Financial Action Task Force (FATF) Proliferation Project: A member of the PCLU was requested to formulate the South African position on specific issues raised by FATF, which were required to be debated by FATF's Working Group on Terrorism and Money Laundering on 15 April 2011.

Providing training to Ugandan Judges and National Intelligence Coordinating Committee (NICOC): The Unit was requested to provide NICOC with legal advice on the country's counter-terrorism legislation and relevant international conventions and Security Council resolutions.

Research and briefings

A member of the Unit provided the Chairperson of the Proliferation Council with a full briefing on a number of proliferation issues to enable him to engage with the International Atomic Energy Agency and the German Government. Similarly the Unit provided a briefing to the APS Legal Division on deficiencies in Protection of Constitutional Democracy against Terrorist and Related Act (POCDATARA) and was requested to furnish a written opinion so as to lay the basis for amendments to the Act next year.

Missing Persons Task Team (MPTT)

Jozini Dam Death Sites, KwaZulu Natal: Responsibility for managing the symbolic repatriation of remains blown up that cannot be located was handed over to the Truth and Reconciliation Commission (TRC) Unit.

- Investigations are underway together with City Parks Department in Johannesburg to trace a number of pauper graves believed to belong to missing activists including Leon Tume, Sandile Nqobe and others.
- Kunyumane Ranyao/Selby Mavuso cases: Reports were prepared and meetings were held with families involved in the mix-up of remains in these two cases and the incorrect identifications done during TRC exhumations.
- MK Valdez: A pauper grave believed to contain the remains of MK commander Valdez (real name Xolile Sam) from Port Elizabeth, who was killed by Vlakplaas Commander Eugene de Kock in Vosloorus in November 1988 was identified in Vosloorus cemetery. His family was briefed.



Noteworthy Cases

DA v NDPP (Presidency and Minister of Justice cited as respondents): The Democratic Alliance challenged the appointment of the NDPP by the Presidency and based its argument on the fact that they believed him to be unfit to hold the office of the NDPP. They maintained that they had the necessary locus standi (legal standing in law) to bring such an application for the NDPP's appointment to be declared invalid and as such to be set aside by the High Court. The application was dismissed with costs.

Democratic Alliance v The NDPP (JZ Prosecution): This is another case that had constitutional implications as the DA had approached the High Court in a bid to compel the then Acting NDPP Adv Mokotedi Mpshe to provide them with records of the representations submitted by the legal representatives of President Zuma in their efforts to have the corruption charges against him withdrawn. The then Acting NDPP had withdrawn the charges against the President on the basis that the prosecution process had been tainted and therefore his prosecution would not be fair administration of justice. The NPA in defence of the then ANDPP argued that he was merely exercising the discretionary powers vested in him by both the NPA Act and the Constitution. We went further to argue that there is currently no legislation in South African law that provides for compulsory prosecution. The High Court concurred with this argument and ruled in favour of the NDPP. However, the matter is in the process of being enrolled as an appeal and will be closely monitored.

State v Jub Jub and Another (Culpable homicide converted to murder): The legal representatives of the accused in this case were shocked to learn that the state decided to charge them with four counts of murder instead of culpable homicide. Many South Africans are accustomed to the usual charges of culpable homicide which is the unintentional causing of death of a human being under negligent circumstances. A conviction on this charge usually attracts a non-custodial sentence which has an element of downplaying the seriousness of the offence and the impact it has on the family of the deceased or victims. The NDPP felt that deaths resulting from motor vehicle collisions were at an alarming rate with those convicted receiving sentences considered lenient if one has regards to the loss of human lives. A directive was then issued by the NDPP to all prosecutors to consider charging all drivers with murder in instances where evidence shows that there was an element of intention on the part of the driver. This caused a lot of media frenzy with some legal experts arguing that it will be difficult for the State to prove the element of intention but this has not deterred prosecutors from following the directive which some consider to be long overdue. This case will definitely have legal implications as the elements of the offence of murder will be put to test.

Jules High School Case Sexual Offences and Related Matters Act): This is one case that had the NPA and the NDPP in particular criticised by both the media and the public in general after the NDPP authorised prosecution of all the pupils involved in that prohibited sexual encounter. The criticism stems from massive media coverage of the incident which led to many people believing that the child victim had been drugged and then raped by the two boys. The media reports had been made before the case was formally presented to the prosecutors. It was only after evidence had been evaluated that a decision was taken by the NDPP to charge all three pupils in contravention of the Sexual Offences and Related Matters Act for engaging in consensual sexual penetration while under the age of 16 years. Legal experts criticised the legislation while NGOs and the public criticised both the legislation and the decision to charge them.

A decision was taken by the prosecution to divert them from the criminal justice system as the NPA felt that they had behavioural problems that could be addressed through professional guidance. This decision was endorsed by the court and commended by many.

State v Mngadi & Others (Racketeering): The organised component in the NDPP's office ensured that the POCA provisions relating to money laundering were effectively used in cases where fraud and theft prove to be quite problematic to sustain a conviction. The accused in this case received a total of 15 years in prison. In the past they would have been acquitted but charging them with money laundering has been an effective tool to overcome legislative challenges which were encountered in the past.

Racketeering has also proved to be an effective tool that can be utilised in prosecuting all kinds of organised crime as seen in the Mngadi case that led to conviction and total of 63 years in prison. Had the accused been charged with theft only, they would have received lenient sentences.



Sub-programme 2: Office for Witness Protection



7. Sub-programme 2: Office for Witness Protection

Purpose

Office for Witness Protection provides for protection, support and related services to vulnerable witnesses and related people in judicial proceedings.

The following were highlights of achievements:

- At the end of the period there were still 203 witnesses left on the programme. During the year 180 witnesses were discharged or left the programme. Of these 113 were discharged; 5 died (not by criminal conduct on the part of persons against whom the witnesses had been protected); 52 signed off; and 10 walked off. The 113 who were discharged either testified or were not required to testify. All these witnesses were relocated and resettled after discharge.
- The number of witnesses on the programme increased from 300 to 468 which is a 56% increase. Similarly the number of related persons on the programme increased from 500 to 906 which is 81% increase.
- The number of grievances was reduced from 10% to 3% and the average duration on the programme was also reduced from 24 months to 18 months.
- On average the total costs for the protection of witnesses during operations amounted to R27 700. The approximate expenditure for accommodating witnesses and related persons, on average, amount to R19 800 per month excluding the salaries and S&T of protectors and support personnel, the use of official vehicles and accommodation.
- Many of the court-related operations were high risk and demanded very good planning and great dedication and commitment from all members. Examples of some of these operations are as follows:
 - o Operation Siyaya – despite the acquittal of all the accused in the Western Cape High Court the operation was a success in that all 9 witnesses had been effectively protected.
 - o All regional offices were prepared for all possible eventualities during the 2010 FIFA World Cup™.



Sub-programme 3: Asset Forfeiture Unit



8. Sub-programme 3: Asset Forfeiture Unit

Purpose

Asset Forfeiture seizes the assets that are the proceeds of crime or have been part of an offence through a criminal or civil process.

Introduction

The AFU is a dedicated unit of prosecutors specialising in civil litigation. Financial investigations are conducted by a group of investigators that do not have law enforcement powers, as well as investigators from the Hawks that are attached to the AFU offices in regional Task Teams. The AFU has presence in all provinces, generally located with the DPP in that province or when that is not possible; as close as possible to DPP and the High Court.

Strategies, Projects or Initiatives

The overall performance for the year is summarised below:

- 333 restraint and preservation orders (315 in 2009/10) were obtained, 7.4 % above target and the highest ever achieved.
- Value of new restraints was R 549,2m (R 491m in 2009/10) 22% above the target of R 450m, and 11.7% above the previous year. This is the second highest ever achieved.
- 320 cases were completed (271 in 2009/10) against a target of 300, which is 6.7% above target, and 18.1% above the previous year. This is the highest ever achieved.
- The value of completed cases was R 211,6m against target of R 175m, which is 20.9% above target, and 5.8% above the previous year. This is the second highest ever achieved.
- 482 other orders were obtained against a target of 420 which is 14.8% above target, and 2.8% above the previous year. This is the highest ever achieved.
- The value of deposits into the CARA was R 50,4m (R 51,8m in 2009/10), against a target of R 45m which is 12.0% above target, and 2,8% below the previous year.
- Number of new freezing orders of at least R 5m of persons charged with corruption was 16 against a target of 5, which is 220% above the target.

Highlights of Achievement and Challenges Experienced

Overall, the AFU produced excellent results for the final quarter and for the year, and was able to maintain the gains made in the second and third quarters.

Over the past 5 years the AFU has increased its annual targets significantly, namely by 10.5% and 12.3% per year for the number and value of cases done respectively.

Although the AFU increased its targets it managed to exceed all its targets by a significant margin. In terms of the number of cases done, it had its best year ever and increased production by an average of over 10%.

The value of cases done tends to fluctuate significantly from year to year, but overall this was the second best year ever for the AFU.

The AFU participated actively in the Anti-Corruption Task Team set up in the JCPS cluster to deal with corruption cases more effectively. The team consists of the NPA, the Directorate of Priority Crime Investigation (DPCI) and the Special Investigating Unit (SIU). The AFU made a significant contribution to the new anti-corruption target set by the Presidency and obtained 16 restraint orders of more than R5m each in corruption matters during the year. This was 220% above the target of 5.

A significant achievement was that 52 judgments were obtained – this was 73% above target and the highest ever achieved. The AFU also managed to achieve a very good success rate in judgements of 69.2%. This reversed the decline in the success rate which has been below 60% over the past two years.

The AFU won 314 of 328 of cases finalised during the year. It thus increased its overall success rate to 95.7% against 92.1% the previous year and a target of 90%. The AFU was at fault in only 6 cases, an excellent internal success rate of 98.2%. Most of the losses were due to the accused being acquitted or dying or other factors beyond the control of the AFU.



Important judgments obtained

In the **LeisureNet case**, the NDPP appealed against the refusal by the High Court to order a confiscation order of the proceeds of crime (the fraud) in terms of section 18 of the Prevention of Organised Crime Act. Although the appellants had paid R6m each to the liquidators of LeisureNet, the SCA held that the benefits received by the appellants exceeded those amounts. Accordingly a confiscation order was appropriate in relation to the additional benefits that had not been repaid. The appeal was upheld.

In the **Yield 5 matter**, the NDPP appealed to the SCA against a ruling in an application for living and legal expenses. The appeal succeeded and the court decided that a defendant cannot utilise for legal expenses the property of a respondent which is subject to restraint in terms of a restraint order as it will be tantamount to dissipation of assets.

In the **Moolla matter**, the High Court held that a preservation order had lapsed. The forfeiture application was issued on the 90th day and served on the 91st day. The court held that it was not in compliance with section 40 which stipulates that a preservation order shall expire 90 days after the date on which notice of the order is published in the Gazette unless there is an application for a forfeiture order pending before the High Court. The preservation order had therefore lapsed and the forfeiture application was dismissed. The court, however, found that there is nothing preventing the applicant from instituting proceedings 'de novo'.

In the **Daniëls matter**, the court re-affirmed the principle that there is no prohibition against bringing a second preservation application on the same facts. It reaffirmed the principle that drug houses whether they are only used for package and distribution and not necessarily manufacturing are indeed susceptible to forfeiture in terms of POCA.

In the **NDPP v Prima Sterling Auto (Pty) Ltd**, the question was raised whether the innocent owner defence can be relied upon by a party who unknowingly purchased property which was subject to a preservation order. The court found that the alienation of the vehicle was contrary to the preservation order and the vehicle remained the proceeds of crime susceptible to the forfeiture order. Those prejudiced may seek redress for the full purchase price from the party to whom it paid the purchase price. To allow the transfer of property subject to a preservation order would undermine the efficacy of preservation orders and the effect of preserving assets prior to forfeiture.

In **Schoeman and others v Knoetze and the NDPP**, incomplete income statements and undisclosed payments were not cured by subsequent disclosure which remained incomplete and elusive, and which did not particularise the legal costs sought to be paid. In the absence of full and frank disclosure, the Court held that it could not rely on the information provided by the applicant for legal expenses, and that it could thus not be satisfied that the applicant was unable to fund his own defence and that the costs claimed were reasonable.

In the **Van der Merwe matter**, the appeal court found that the facts of the case showed that the second respondent, on her own account, remained supine in her dealing with the property in the hands of the first respondent even when the property continued to be used for drug dealing purposes after the institution of the forfeiture application. The court held that the objectives of POCA would be entirely subordinated to the personal considerations of an undeserving owner were a forfeiture order to be denied and that a forfeiture order was justified. It held that it was evident that conventional crime fighting exercises undertaken over an extended period had been unsuccessful in stopping the use of the property for destructively anti-social purposes.



Executive Management Team

Corporate Services



CEO (Acting)
KH Van Rensburg



Information Management
Service Centre (Acting)
M Steyn



Communications
B Makeke



Integrity Management
Unit (Acting)
P Mokotedi



Security & Risk
Management
T Ramahana



Finance & Procurement
G Hollamby



Programme Management
Office
G Moshoeu



Human Resources
Management & Development
M Modise



Strategy & Risk
Management (Acting)
P Nevondo



Sub-programme 4: Support Services



9. Sub-programme 4: Support Services

Purpose

Support Services provides both governance and resourcing support services to the core function of the NPA and consists of various service centres covering wide and diverse areas.

Introduction

Support Services in the NPA provides the following support services to the NPA:

- o Strategy and Risk Management.
- o Programme and Project Management.
- o Integrity Management.
- o Communications.
- o Finance and Procurement.
- o Human Resource Management and Development.
- o Security Management.
- o Information Management and Technology.
- o Research and Policy Development Management.

Enterprise Risk Management (ERM)

The NPA identified the following top organisational risks through the ERM:

Table 12: The NPA Top Risks

Risk	Action taken
Poor financial control and management within the NPA	An audit action plan managed by the Audit Coordinator has been developed to address areas of concern. The NPA has been working with the National Treasury to develop a Strategic Support Plan (SSP) to address the following focus areas a) asset management; b) goods and services; c) systems security; d) compensation of employees; e) liability management and f) revenue management.
None and or partial compliance with all applicable legislation, regulations policies and procedures.	The governance component in the Integrity Management Unit monitors on an ongoing basis the level of compliance across the organisation.
Absence of land or poor stakeholder and partner management.	Currently, all DPPs actively manage the relationships with their respective stakeholders and partners.
Poor and or non-delivery of service leading to the non-achievement of objectives and the mandate of the NPA and its business units.	A service delivery Improvement plan has been developed.
Absence of land or poor information security management.	The information security project was put on hold. However, the Information and Management Service Centre (IMSC) ensures as part of its daily operations the integrity of the NPA network against possible attacks. The Security and Risk Management Unit monitors and ensures the physical security of information.

Programme Management Office (PMO)

The focus of the PMO in 2010/11 was to strengthen in-house project management capacity in order to reduce over-reliance on sub-contractors, facilitate closure of projects and identify new strategic initiatives. Due to then pending integration of Corporate Services the following five projects were put on hold: Lean Thinking, Corporate Services Decentralisation, Information Security, Loss Control and Change Management. The process of resuscitating some is underway.



The Optimal Capacity Model (OCM) project is on schedule and will be closed during the first quarter of the new financial year. The main aim of OCM is to provide the NPA with a scientifically valid capacity forecasting and planning tool.

The PMO is also responsible for the external and internal audit facilitation. The following strategic projects have been initiated in order to address audit findings and work towards achieving an unqualified status:

- Asset Management turnaround Project: The objective of this project is to implement measures that will ensure compliance with legislation and policies. To date, the deliverables are Asset Management Strategy, Asset Management Policy, updated asset register as well as furniture and equipment norms and standards.
- Document Management Project: The objective of this project is to have a reliable, secure and effective records management environment that will allow for proper filing, search, storage and retrieval of documents. This project is at initiation phase.

Integrity Management Unit (IMU)

The IMU continued to focus on three programmes in order to foster integrity in the NPA, namely, Organisational Integrity Strengthening (OIS), Employee Integrity Enhancement (EIS) and Integrity Promotion.

Three managers' guides were developed to assist managers with compliance issues highlighted in internal and external audit reports and the Unit is currently in the process of printing the guides. The Compliance Process Map has been finalised and it is ready for publishing. In addition, an Electronic Compliance Monitoring System (TROUX) was configured; this will assist with monitoring compliance levels.

The IMU, in collaboration with United Nations Office on Drugs and Crime, commissioned the services of Ethics Institute of South Africa to train 92 staff members on professional ethics and integrity in the Lower Courts. The Unit commemorated the International Anti-Corruption day on the 9th of December 2010 at a Primary School in Winterveldt. At this event the Whistle Blowing Policy was also launched. A total of 1 770 copies of the policy were distributed to various stakeholders.

As part of creating awareness on Batho Pele principles, the Unit distributed over 100 posters throughout the organisation and held a training session in Cape Town on how these principles can improve service delivery and how to monitor and measure the regional performance in respect of the principles.

The roll out of value institutionalisation programme is underway. A total of 65 value champions were recruited to form part of the programme. The IMU continued to conduct extensive integrity promotion workshops which focused on ethics and values. The IMU in collaboration with the DPSA conducted the Anti-Corruption training sessions across the organisation.

A total of 90 individual integrity assessments were completed. IMU achieved 100% submission rate of the Financial Declarations to the PSC for the first time since the inception of the NPA. In an effort to combat fraud and corruption in the NPA, the IMU continued to investigate all reported cases involving NPA officials. Of the 112 cases registered for 2010/2011 financial year, 82 cases were investigated and finalised. The Unit also conducted 13 verifications in terms of remunerative work outside the NPA policy. The Conflict of Interest Policy document was drafted and approved by the Acting CEO.







Communications Unit

Public Education and Awareness

National Road Shows: The national road shows as part of public education through community outreach were rolled out to seven provinces after the initial event was hosted in Dududu in Kwa-Zulu Natal the previous financial year. Road shows were held at Ga-Matlala (Limpopo), Allanridge (Free State), Tshidilamolo in Mafikeng (North West), Zoar (Western Cape), Cradock and Lusikisiki (Eastern Cape). The NPA and other government departments in the JCPS cluster reached many community members in these rural and peri-urban areas, educating them about the work of the NPA and the JCPS cluster, as well as bringing government services to them. In January 2011, a review of the road show concept was made and a decision to follow up with a second round throughout the country was taken, but at more regular intervals to cater for more audiences than currently reached. Public information material about the law and the work of the NPA was also distributed in all languages during these outreach events.

SABC Radio Public Education Campaign: The planning process for the massive SABC Radio public education campaign was finalised during the final quarter of the year. The campaign will be rolled out in partnership with the radio stations under the SABC Education banner, which include all the Public Broadcasting Service (PBS) stations. The objective of this campaign is to reach the majority of the South African citizens in their respective home languages, and to educate them about the criminal justice system and specifically about the work of the NPA. The national roll-out is scheduled to kick off on 2 May 2011 and is expected to reach over 30m listeners over a 26 week period.

Public Exhibitions: The NPA continued to participate in all major public exhibitions to showcase the work of the NPA and to engage directly with the public. The NPA's exhibition stands won awards at the Rand Show, the Royal Show and the Pretoria Show, for professionalism and educational quality of the material distributed at the stands. A winning combination of these exhibitions is that the NPA stands are always manned by members of the prosecution team to ensure that first hand information is made available at initial contact, supported by communication officials to ensure professional packaging of information and managing brand presence.

Events: The Communication Unit provided event planning and logistical support for many events hosted at national level as well as at the DPP regions. These include Thuthuzela Care Centre (TCC) launches, Human Trafficking Awareness Week (3 – 9 October 2010) as well as Career Awareness Exhibitions at tertiary institutions.

Media Relations

The media relations team continued to feature prominently in the media space, providing information about court cases and their outcomes. The media approach was largely educational, where the court processes and prosecutorial strategies and considerations were clarified, and not just the outcomes. Some of the high profile cases that were prosecuted in our courts brought consistent public and media attention to the work of the NPA and increased the pressure to engage through the media some of the critical issues such as plea and sentence agreements, bail and new strategies / approaches to old challenges. For instance, NDPPs' decision to charge 'Jub Jub' Maarohanye for murder instead of culpable homicide- when a number of learners were killed in a vehicle accident that resulted from his alleged 'drag racing' with his friend – caused a major debating point in the public media space. The successful prosecution of former National Police Commissioner Jackie Selebi also created media activity for the NPA, as did the related 'drug syndicate' cases of Glenn Agliotti and Paparas. The media relations team facilitated media interviews and drafted opinion pieces to explain the NPA's approach to Criminal Procedure Act concepts such as Plea and Sentence Agreements (Section 105A) and Section 204 witnesses, bail and bail conditions and withdrawals. The implementation of the Child Justice Act in April 2010 also presented interesting cases that tested the NPA's approach in the eyes of the media and the public, such as the Jules High School matter.

Regional Communication Managers (RCMs) significantly improved the NPA's capacity to communicate in the regions and DPP offices, which played a significant role in publicising the work of the NPA in all regions.

Internal communications

The internal newsletter, Khasho, has proved to be an important information and news source for the members of the NPA. This year the publication was used increasingly to profile the work of our prosecutors and to give them an opportunity to share their experiences and challenges in specific cases. This approach has proved to be one of the successful strategies for internal information sharing, but some of the information in the newsletter has been widely quoted in external media. Internal events have also bolstered internal staff engagement.



Human Resources Management and Development (HRM&D)

Human Resource Management

The Operation Recruitment Drive (ORD) project was concluded in December 2010. The project did not yield the much anticipated results in the beginning; however, it gained momentum from July 2010 where 159 appointments were made. The overall appointments made by the end of March 2011 were 214. Nevertheless the vacancy rate for prosecutors was notably reduced from 15% to 12, 2% as at 31 March 2011.

Implementation of Phase II of OSD

Approval of the OSD determination was obtained from the Minister on 22 November 2010. Accordingly payments were effected and the project is now 95% complete.

Human Resource Development

HRM&D continued to be committed to the development of the prosecutorial workforce to manage and thrive with fewer resources. A variety of training and development opportunities were coordinated. The training focused on programmes related to prosecutorial as well as the non prosecutorial work. These included inter alia Advance Trial Advocacy, Psychology and the Law, Cyber Crime etc. Much of the training is provided by the Justice College.

During the reporting period, a total of R 224, 094.00 was paid for bursaries. Of this, only 2% was paid for degrees in legal studies.

Employment Equity

Overall, considerable progress has been made in the implementation of the Employment Equity (EE). However, there is still a need for the organisation to fast track the implementation of education programmes for managers on accommodating persons with disabilities in the workplace. The NPA will ensure that more focus is given to disabled people to have specialized equipment to assist members of this designated group in their work.

Employee Wellness Programme

The Employee Wellness Programme section continued to ensure that employees have access to high levels of wellness programmes, and to create a working environment that is not harmful to their well-being.

Several initiatives were coordinated which included,

- HIV Testing.
- Wellness days.
- Relationship building workshops.
- Stress Management workshops .

Because of the nature of their work, prosecutors are exposed to high levels of stress and the Employee Wellness programme has proved useful to them.

Labour Relations

The main focus of the Employee Relations and Management Services section was on industrial disputes and resolutions and ensuring that the actual and potential conflicts between workers and their employer are resolved. Letters in respect of disciplinary action were issued.

Accomplishments Related to Employee Relations include the following:

- Handled various investigations concerning employee conduct.
- Initiated disciplinary actions for employees who failed to comply in respect of inter alia, asset management, wasteful expenditure and irregular expenditure.
- Management of suspensions and special leave, this is now under control and unnecessary suspensions no longer persist.



Finance & Procurement

Highlights of achievements

During the 2010/11 financial year, Finance & Procurement performed as follows in respect of its 2010/11 annual plan:

- The Audit Action Plan was implemented. The Plan addresses the audit findings and SCOPA resolutions adopted in this regard.
- In respect of asset management, every effort was made to ensure the asset register is accurate and complete. Quarterly asset verifications and a stock take were performed. The signed-off inventory registers of the ex-DSO assets were submitted to SAPS and the verification of the NPA asset transfer to the DoJ&CD, in respect of the lower courts are underway. Governance processes were reviewed and the asset management strategy, policy and furniture and equipment standards were approved. In order to address compliance and ownership issues, asset management is now covered in the performance agreements of all NPA officials. Progressive discipline was instituted against some Corporate Managers for their failure to submit and ensure that the asset verification sheets are accurate and complete.
- Steps were taken to prevent, identify and correctly disclose irregular expenditure. A service provider was appointed to analyse the noted cases and the irregular expenditure register. In respect of some incidents of irregular expenditure (e.g. overtime and cost of living adjustments) condonation was obtained. Disciplinary action was initiated in respect of some officials. However, it remains a cause for concern to note that cases of non-compliance with the supply chain management processes are still identified.
- Similar steps were taken to address the audit finding on fruitless and wasteful expenditure. The cost of “no shows” and traffic fines are now recovered directly from the officials concerned.
- Budget management remained strong and 99,5% of the NPA voted funds were spent (after virement). Quarterly budget reviews were conducted where expenditure patterns were interrogated and after which funds were reprioritised. Budget versus expenditure reports were submitted to management and EXCO on a monthly basis.
- A tender was issued for fleet services and the new service provider successfully deployed 285 vehicles throughout the country. The target for fleet availability is 95%, but the monitoring of the usage of vehicles by management leaves room for improvement. In this regard, exception reports on speeding, weekend-use, fuel consumption, etc. are submitted and constantly followed up.
- The NPA User Asset Management Plan (UAMP) for 2010/11 was compiled and was submitted.
- Monthly cell phone usage reconciliation reports were prepared. However, the NPA introduced the cell phone reimbursement scheme during the financial year. As a result, the Nashua Mobile contribution scheme will be phased out as and when current contracts terminate.
- Monthly cash flow reports, debtors' reports, suspense account control reports, bank reconciliation reports, donor funding income and expenditure reports were submitted. The policies on petty cash and revenue, cash and banking were reviewed and approved.
- Interim financial statements for September 2010 and December 2010 were prepared and were submitted on time.

Security and Risk Management (S&RM)

In line with best practices, S&RM implemented the security programmes in the NPA with specific reference to the legal mandate and the security standards guideline provided in the MISS and the MPSS.

In order to enhance security compliance, the S&RM held fourteen Security Awareness road shows in different NPA facilities. The Unit also coordinated the training of eighteen officials, trained in different disciplines.

Protection of NPA Personnel and Stakeholders

S&RM coordinated the provision of protective security to NPA staff in building facilities, assets as well as threatened employees. The unit registered eighteen cases of threats in which the affected threatened employees were protected. The cost involved in the protection of NPA threatened employees is R 4, 145, 618.50

During 2010/2011 financial year, the NPA secured the contract of security guarding services, which was approved and rolled out in January 2011.



Coordination of Security Services in high profile cases

Eight cases were registered and S&RM coordinated security services in the affected courts in Regions. The Unit successfully developed the high profile case register in which all cases that had public interests were recorded for the purpose of security planning. The S&RM Unit further coordinated security for all NPA external events and no incident of injuries were reported.

Protection of Sensitive Information

The S&RM successfully conducted vetting field work. The SMS vetting database is kept up to date and reviewed periodically. A total of 157 files were finalised and forwarded to South African Security Agency for finalisation.

Implementation of Occupational Health and Safety (OHS) Measures

Two Occupational Health and Safety drills were conducted. In accordance with regulatory requirements, regular inspections of the fire fighting equipments were conducted throughout the buildings of the NPA.

Protection of NPA Assets

Forty nine losses of state assets were registered. These cases were referred back from Nexus consultants for finalisation.

Information Management Service Centre (IMSC)

ICT Governance

The IMSC is in the process of implementing the Microsoft Operations Framework. This project has made good progress and is expected to be finalised in the next financial year.

Systems Development

Electronic Case Management System (ECMS)

Some challenges were experienced because the NPA and SAP could not complete the deployment and testing of the new schemas on time because the IJS SAJ XML schemes had to be reworked by the IJS Transversal Unit. The scheme did not cater for multiple accused per case. As a result, the integration testing could not be finalised. Despite these setbacks the ICMS and NPA Electronic Case Management System (ECMS) integration is expected to be completed by the end of April 2011.

Thuthuzela Information Management System (TIMS)

The TIMS solution for TCCs was developed successfully. The roll out of the solution will commence in April 2011. The successful development of the SOCA TIMS solution will enable the TCC centres and the case managers involved to capture the case and victim information electronically; this information will be instantly updated and readily available for management to use for reporting and decision making. This solution will provide more valuable and comprehensive information once it is rolled out to all the sites.

EDRMS

Electronic Document and Records Management System (EDRMS) was rolled out to two sites successfully. This will significantly improve the document and records management processes and reduce time spent managing paper-based documents.

IPARS

Individual Performance Registration System (IPARS) was developed and implemented successfully. This interim solution will provide HRM&D with the ability to indicate compliance or non-compliance by employees with the Performance Management Policy, i.e. the ability to determine which employees submitted the signed performance agreements within the stipulated period and which employees failed to do so. This solution will benefit the users by providing valuable and accurate compliance analysis reports (statistics), thus alleviating the time spent on manual extraction, consolidation and analysis of this information.



Early Warning Capability (EWC)

The Financial Disclosures component of the EWC System was developed and training was provided to relevant IMU staff. Once implemented, this solution will enable NPA staff members to disclose their financial interests electronically and thus eliminating the current tedious manual, paper-based process which is time consuming for the NPA staff members submitting the information and IMU staff members that have to deal with associated challenges such as capturing of handwritten financial disclosure forms on an Excel workbook and analysis thereof.

Reporting Capability (AFU)

Prioritised AFU reports were deployed to the identified sites. These reports eliminate the time consuming manual extraction and analysis of AFU case information.

ICT Infrastructure

Server Replacement and Systems redesign

The IMSC has almost completed the replacement of all old server equipment in both the regions as well as the VGM building. The server replacement also included a total redesign of the NPA architecture and includes virtualisation of many of the servers as a cost and energy saving initiative.

Active Directory Migration

With the roll-out of the servers the IMSC is also going over to the latest version of Active Directory which is a database to manage all users on the networks as well as a management system for the network. It will also allow us to share our information with the DoJ&CD systems which means prosecutors who are on the DoJ&CD infrastructure will finally gain reliable access to the NPA Network.

Exchange Migration

With the virtualisation of the servers the IMSC is also migrating to the latest version of Exchange. The primary reason is that Microsoft will soon discontinue support of the current exchange and it holds a number of improvements over the current version, most notably the centralising of mailboxes of all users. This makes it possible to move between offices and connect seamlessly.

Telecommunications

Savings on Telephone Calls

The savings resulting from utilization of Telkom Bundle saver for 2010/2011 was R 1,335,290.27. This saving resulted purely from calls overflowing onto the Telkom PSTN infrastructure while the Least Cost Routing (LCR) was in effect – LCR contributed 25% towards this saving. We expect more savings in the next financial year following the expiry of LCR contract in March 2011 as Telkom bundle saver is more cost-effective on its own than a combination of these two features.

The Telecommunications section is in the process of ensuring Voice-Over-IP capable Telephone Systems at NPA offices country-wide.

Document and Records Management

The NPA filing plan was updated to accommodate the relevant additions and amendments; and the backlogs were significantly reduced. HRD registry functions and responsibilities were transferred to HRD while 25% of the main stream registry responsibilities were implemented in the business units as planned.



Research and Policy Information (R&PI)

Highlights of achievements

During the 2010/2011 financial year the R&PI undertook evaluation research, which ranged from document assessments to implementation evaluation (see table below).

Table 13: Evaluation research undertaken during 2010/11

Evaluation Projects	Customer and/or Client
Aspirant Prosecutors Programme – value added to the organisation, in particular to the performance of the courts.	Human Resources Management and Development (HRM&D) and Public Prosecutions.
Performance Management Information System (PMIS) - to inform the decision re approach, method(s) and system(s) to effectively manage individual performance management within the HR environment.	Human Resources Management and Development (HRM&D)
Mala fide or malicious prosecutions - to establish a baseline for processes to deal with civil matters which result from possible mala fide/ malicious prosecutions, and to inform the monitoring of progress and performance, resource planning, and information and knowledge management.	Public Prosecutions- Civil Litigation Section
Verifiable Evidence Process (VE) – 2nd VE for Human Resource Management and Development (HRM&D) and Finance and Procurement (F&P) - Q 1 and Q 2 (2010/2011); confirm the existence of or lack of the evidence.	Strategy Office – as required by National Treasury.
Contribute to the drafting Proposal on the Mandate of the National Coordinator for Commercial Crime within the Office of the NDPP – focused on monitoring and evaluation.	Specialised Commercial Crime Unit (SCCU)

Knowledge and Information Management capability

The need for knowledge and information management (KIM) was identified by the NPA in 2007. To understand the KIM needs within the organisation the R&PI adopted a consultative process with the Information Management and Services Centre (IMSC). It was through this process that the need to develop standardised operational procedures for the AFU business unit was identified. Through this capacity the R&PI is introducing the concept of a Community of Practice (CoP) to ensure that learning is shared within the organisation and knowledge, and skills are transferred.

Library Services

Library Services continued to assist with the maintenance of the collection of books, periodicals, newspapers and audio/visual material.

The use of e-learning was introduced as a means of extending library services. However, more education still needs to be done for prosecutors to appreciate the efficiency of the system as most prosecutors still rely on the services of the Librarians.

Staffing challenges and inadequate space provided limitations, but overall Library Service achieved and in some areas exceeded their targets.

The quality control on the library system is ongoing. The Library Sharepoint documentation was continuously updated.

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

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





Annual Financial Statements



National Prosecuting Authority - Vote 23 Annual Financial Statements for the year ended 31st March 2011

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National Prosecuting Authority - Vote 23

Report of The Audit Committee

for the year ended 31st March 2011

I. Report of the Audit Committee

We are pleased to present our report for the financial year ended 31 March 2011.

I.1. Audit Committee members and attendance

The Audit Committee consists of the members listed below and is required to meet at least four times per annum as per its approved terms of reference. During the current year eight meetings were held, and these included special meetings. The special meetings were held in order to address the audit concerns and qualification matters.

Name of members	Numbers of meetings attended	Status
Mr Motsamai Karedi (Chairperson)	8	Re-appointed 15 December 2009
Mr Cedric Boltman	8	Re-appointed 15 December 2009
Ms Bajabulile Luthuli	7	Appointed 15 December 2009
Ms Matshego Ramagaga	4	Appointed 15 December 2009
Ms Zodwa Manase	3	Appointed 15 December 2009
Mr Wilson Ramabulana	7	Appointed 15 December 2009

I.2. Audit Committee responsibility

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

I.3. The effectiveness of internal control

In the light of the challenges in the previous year with regard to the internal control systems and financial reporting, the Audit Committee set up a special committee to specifically focus on the areas mentioned in order to ensure improvement.

Although some areas reported in the internal audit reports and the Auditor-General's report to management still needed attention, the initiative resulted in the improvement on the system of internal control and financial reporting during the year and has assisted the National Prosecuting Authority in achieving an unqualified audit opinion.

The Audit Committee is also satisfied that key controls remained in place throughout the year under review and where deficiencies in internal controls were identified, management has demonstrated commitment in addressing them.

I.4. Internal Audit

The Internal Audit Unit reviewed the operations as per approved audit plan during the year under review. The functioning of the Internal Audit Unit also improved during the year as the Unit managed to fill the vacant supervisory and middle management positions. Staff turnover in the Unit was stable during the year resulting in improved performance.

The Audit Committee and Accounting Officer continued to ensure that challenges facing the Internal Audit Unit were addressed and that internal audit capacity is adequate.



1.5. Auditor-General South Africa

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

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

Although there are areas of improvement, we are satisfied with the content and quality of monthly and quarterly reports prepared by the Accounting Officer of the National Prosecuting Authority during the year under review. However, we have noted the Auditor-General's concerns relating to the Department's reporting on performance information in terms of the required auditing standards.

Management has undertaken to effect the recommended improvements and the Audit Committee will continuously monitor the progress in that regard.

1.5.2. Evaluation of financial statements

We have done the following:

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

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



M Karedi
Chairperson of the Audit Committee
8 August 2011



National Prosecuting Authority - Vote 23

Report of the Accounting Officer

for the year ended 31st March 2011

I. General review of state of financial affairs

The NPA made a policy decision in the second quarter to implement cost saving measures in the event that National Treasury would not fund the implementation of OSD Phase II. Subsequently R 198 m was allocated which proved to be considerably more than the actual expense required. The amount requested was based on an estimate as the number of staff who qualified was not known at the time.

The NPA was faced with the challenge of implementing the JCPS Delivery Agreement which required a shift in strategic focus specifically in respect of output 5. There were two significant events in the past year: 2010 FIFA World Cup and the Public Service strike which had a significant impact on the performance of the NPA. During the FIFA world cup the NPA serviced the special courts set up to deal with world cup related incidents, an amount of R 2,9 m was paid to official performing overtime during this period.

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

The NPA received a qualified audit opinion in the 2009/10 financial year. The basis for the qualified opinion was a lack of a complete and accurate asset register, poor leave management, the understating of irregular expenditure, the overstatement of prepayments with R 19,2 m, and the failure to take effective and appropriate disciplinary action against officials who made or permitted fruitless and wasteful expenditure. These audit findings are being addressed through the audit action plan that has been developed.

The NPA is programme four within the DoJ&CD Vote.

Table I: NPA Financial Performance for the year ended 31 March 2011

	2010/11 R'000	2009/10 R'000
Total revenue	2,519,749	2,262,019
Less		
Total expenditure	2,502,006	2,236,677
Current expenditure	2,434,568	2,146,548
Transfers and subsidies	7,447	19,327
Capital assets	56,051	70,383
Financial assets	3,940	419
Surplus / (deficit) for the year	17,743	25,342



The NPA spent 99,5% of its appropriation as at the end of the financial year (after virement) leaving a surplus of R 17,7m for the year under review. An amount of R 41,7m on Goods and Services was utilised by the DoJ&CD as part of the virement process. The saving on Goods and Services at the NPA was mainly as a result of cost saving measures introduced during the financial year. The total amount of the virement to DoJ&CD is R 175,7m. The virement was approved by the acting CFO: DoJ&CD.

It should be noted that the NPA only administers the personnel budget of prosecutors at the lower courts. The administration of the remainder of this budget remains with the DoJ&CD. In addition, the lack of suitable and sufficient office accommodation at some of the courts places constraints on the vacancies to be filled.

Fruitless and wasteful expenditure relating to the current financial year amounts to R 668,000. The major portion of this amount relates to a specific case where an official was on suspension with full pay for a considerable period. In this regard, corrective measures were implemented to bring the management of suspensions and special leave under control. Motor car accident repair cost is another significant portion of the current year's fruitless and wasteful expenditure.

2. Service rendered by the NPA

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

- The sub-programme: **Public Prosecutions** includes general prosecutions and several specialist prosecution units, such as those for priority crimes litigation, sexual offences and community affairs, and specialised commercial crime.
- The sub-programme: **Office for Witness Protection** provides protection, support and related services to vulnerable witnesses and related persons in judicial proceedings.
- The sub-programme: **Asset Forfeiture Unit** seizes assets that are the proceeds of crime or have been part of an offence through a criminal or civil process.
- The sub-programme: **Support Services** provides the NPA with the following support functions:
 - o Finance and Procurement
 - o Human Resources Management and Development
 - o Information Management and Technology
 - o Research and Policy Development Management
 - o Security Management
 - o Communications
 - o Strategy and Risk Management
 - o Programme and Project Management
 - o Integrity Management

2.2 Tariff policy

The NPA does not charge tariffs for services rendered, but is contemplating the introduction of service charges for the use of parking by officials at our offices. The parking policy was tabled in the Bargaining Chamber for purposes of consultation.

2.3 Free services

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



3. Capacity constraints

The vacancy rate at the NPA decreased from 24,9% at the end of the 2008/09 financial year to 16,6% at the end of the 2009/10 financial year. The vacancy rate for prosecutors as at 31 March 2011 was 12,7%. Unfortunately, the project (Operation Recruitment Drive) launched to fill vacancies did not fully achieve the desired results.

The NPA continued to experience considerable difficulty to attract staff from outside. The lack of capacity is compounded by the inability to speed up the recruitment process and the fact that most vacancies are filled by internal candidates. All vacant posts in Finance & Procurement have been advertised and are being filled.

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

4. Utilisation of donor funds

The following projects were funded through donations received in cash or kind during the current financial year:

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

Please refer to Annexure ID of the Annual Financial Statements for further details in regard to donor funding. The NPA is fortunate to continue attracting donor funding for its projects. The nature of these projects, the relationships developed over time with the donors involved, and shared ownership and management of the projects, where appropriate, contribute to the success of our interaction with the donor community. It is a concern that some of these projects that focus on addressing crimes against women and children in particular may not be sustainable in the long term. In this regard, funding additional to baseline will be requested during the 2011/12 MTEF process.

5. Trading entities and Public Entities

This is not applicable to the NPA.



6. Organisations to whom transfer payments have been made

R 1,8m was transferred to the Safety and Security Sector SETA (SASSETA). SASSETA was created to develop an integrated education and training authority for the safety and security sector. Transfer of funds to SASSETA will be subject to conditions and it is required to establish and implement effective, efficient, and transparent financial management and internal control systems.

7. Public Private Partnerships

This is not applicable to the NPA.

8. Corporate governance arrangements

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

Risk Assessment were conducted for all business units and service centres. Action plans were identified and documented for risks with a residual risk rating of "medium", "high" and "extreme". The identified risks were reviewed, rated and approved. A fraud and corruption risk assessment was also conducted in the period under review and formed the refinement of the Fraud and Corruption response plan managed by the Integrity Management Unit.

For the period under review, the following enhancements were made to the Enterprise Risk Management System and the governance thereof:

- a) Refinement of the Risk Analysis Matrix from a 10 point impact and likelihood scale to a five point scale.
- b) The development and approval of the Enterprise Risk Management Handbook. The Handbook serves as a single point of reference on risk management for the NPA, in that it includes a) NPA Enterprise Risk Management Framework, b) Enterprise Risk Management Policy, c) Enterprise Risk Management Strategy, d) Enterprise Risk Management Process Maps, e) Guidebooks on risk identification, control activities, risk assessment, risk rating and risk response strategy.
- c) The Enterprise Risk Management was reviewed, updated and approved.
- d) The creation of a Risk Management Committee was approved and members were appointed. The effective date of the Risk Management Committee is 1 April 2011.

A Code of Ethics was drafted during a consultative process wherein most NPA members were involved. It was adopted by the NPA in 2010. The Code was officially launched on 9 December 2010, during International Anti-Corruption Day. The Code was aligned to the whistle-blowing policy, as to include steps on how to blow the whistle on fraud and corruption, as well as unethical conduct. The Code was printed and distributed to NPA members as well as stakeholders such as SAPS (only certain identified stations). As regards the code of conduct, the NPA will formally embrace the public service code of conduct, however, we will review the prosecutor's code of conduct which has never been reviewed since its adoption.

The Code is linked with the organisational values which the NPA has adopted in 2009/2010 financial year. The IMU has developed the value institutionalised programme which will be rolled out in the current financial year. The values institutionalization programme will be rolled out to leadership, as well as employees. It is therefore envisaged that the internalization of values and code of ethics will go a long way in terms of changing both individual and organisational behaviour.



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The IMU developed a Fraud and Corruption Response Plan based on risk management principles. The plan was developed in consultation with the Enterprise Risk Management Section and all other business units within the NPA. The plan was rolled out to 80% of all the regions. The plan is effective but can still be improved upon.

The IMU developed a conflict of interest policy which was approved by NPA management. The plan ensures that proper measures are implemented to deal with conflict of interest. These measures include:

- Policy and process to manage remunerative work outside the NPA;
- Policy and process to manage receipt of gifts;
- Analyses of Financial Disclosures forms of Senior Managers to identify possible conflict of interest;
- Lifestyle audits on employees; and
- Monitoring of employee conduct by means of integrity inspections and reviews.

The Audit Committee continues to provide oversight in terms of risk management for the NPA. The NPA is serviced by the Internal Audit unit of the DoJ&CD.

The Security & Risk Management Service Centre continued to provide physical security services in the NPA facilities, and threatened employees are provided with protection in terms of the NPA's Employee Protection Policy. This continues to be a key part of the security management strategy of the NPA. Various interventions were held to focus on organisational compliance to occupational health and safety issues and the roll out of such programme was done successfully.

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

9. Discontinued activities / activities to be discontinued

The reporting lines of officials working in units such as SCCU and SOCA were clarified and these officials now report at an operational level to the DPP in whose jurisdiction they fall.

It was previously reported that a proposal to integrate the NPA Corporate Services with that of the DoJ&CD was under consideration. This proposal is no longer on the table. It should be noted further that the Minister has instructed the DoJ&CD to affect the necessary legislative amendments to provide for the establishment of the NPA as a separate entity with its own accounting officer. This process is underway.

10. New / proposed activities

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



11. Asset management

Immovable assets are under the control of the DoJ&CD. The NPA provides inputs into the DoJ&CD's User Asset Management Plan (UAMP).

In respect of movable assets, three quarterly verifications, as well as one stock-take were conducted to ensure that the NPA's asset register remain up-to date during the period under review. To ensure that the accurate reporting on assets becomes a sustainable function within the NPA, thirteen regional Asset, Fleet and Facilities management positions were advertised. The short listing and interviewing processes are currently underway. A fair value exercise was conducted on assets where the assets could not be matched to invoices. This process to fair value these assets, was pre-approved by the Executive Manager: Finance and Procurement.

All assets acquired during the 2010/11 financial year, have been reconciled with the accounting system, and loaded to the NPA Asset Management system, AssetWare.

In the new financial year, training with regards to AssetWare and general asset management principles, will be conducted with Asset Controllers within every office, Corporate Managers, as well as the newly appointed Asset, Fleet and Facilities managers to be appointed. Disciplinary action was instituted in respect of offices where poor compliance was identified.

12. Inventories

All inventory opening and closing balances, together with movements for the year under review, are reflected in Annexure 5 of the Annual Financial Statements.

13. Information on predetermined objectives

The NPA utilises a manual system to collect performance information in many areas, capturing and consolidated in excel spreadsheets. No electronic performance management system currently exists that can eliminate the risk of human error. The development of an electronic system commenced and the roll out of the system is planned for 2011/12.

Monthly and quarterly performance reports are generated and interrogated by management through EXCO on a quarterly basis. These reports are forwarded to the Minister and the Director-General of DoJ&CD.

14. Events after the reporting date

There were no events that occurred after the reporting date and the date of approval of the Annual Financial Statements (31 May 2011) that had a significant impact on the AFS.



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Report of the Accounting Officer for the year ended 31st March 2011

15. SCOPA resolutions

Reference to previous audit report and SCOPA resolutions	Subject	Findings on progress
Par 3 (3.1) SCOPA Recommends that these matters are finalised as a matter of urgency to ensure that the NPA realises its mandate.	Accountability governance status of the NPA.	Steps are underway to amend the NPA Act with the intention of making the NPA a separate entity and no longer a programme of DoJ&CD. Such an amendment will also provide the NPA with its own Accounting Officer.
Par 3 (3.2) SCOPA Recommends that vacant posts are filled to ensure that strategic objectives are achieved and the operation of the NPA runs smoothly.	Capacity and people related issues.	The NPA started to advertise funded vacancies in January 2011 and the recruitment process is at various stages. The NPA is currently reviewing its establishment with a view to abolish unfunded posts. The vacancy rate as at 31 March 2011 is: Total establishment (all posts): Vacancy rate 16,63%. Inclusive of the contract employees the vacancy rate is 15,46%. Prosecutor/Advocate positions: Vacancy rate 13,68%. Inclusive of the contract employees the rate is 12,72%.
Par 3 (3.3) SCOPA recommends that: <ul style="list-style-type: none"> • A system or process is put in place to enable CARU to fulfil its mandate. • Policies and procedures are implemented and vacancies are filled. 	Criminal Assets Recovery Account (CARA)	The Criminal Assets Recovery Unit (CARU) was transferred to the Department of Justice and Constitutional Development (DOJ &CD) with effect from 1 December 2009.
Paragraph 5 page 63 of the Auditor-General Report for 2007/08: SCOPA recommends that: <ul style="list-style-type: none"> • The Accounting Officer ensures that the outcomes of the investigation is submitted to the committee and, • Action is taken to avoid discrepancies with regard to the above – mentioned issues. 	Irregular, fruitless and wasteful expenditure	The outcome of the investigations into the SCM Unit was submitted to the Committee. The reports were referred to Labour Relations to institute disciplinary action against the officials involved. Final written warnings were issued to three managers.
Paragraph 6 page 64 of the Auditor General-Report for 2007/08: SCOPA recommends that: <ul style="list-style-type: none"> • An updated asset register is in place and reviewed by management regularly. • Policies that are related to financial reporting must be communicated throughout the entity. 	Tangible assets	Assets register in place. Quarterly verifications conducted. 13 Asset Controllers are being recruited to enhance regional capacity. The Asset Management Policy has been reviewed and the Asset Management Strategy approved. Furniture and equipment norms and standards were developed and approved.



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Report of the Accounting Officer for the year ended 31st March 2011

<p>Paragraph 12 page 65 of the Auditor-General Report for 2007/08: SCOPA recommends that:</p> <ul style="list-style-type: none"> The information on PERSAL is updated on a daily basis and management should make sure that policies and procedures are implemented. Information on housing guarantees with names of people who were transferred to other departments must be submitted to Parliament within 60 days after the adoption of this recommendation by the house. Written report to be submitted to Parliament on wrong appointments made by the NPA on all consequent issues as raised by the Auditor-General within 60 days of this recommendation by the house. 	<p>Housing guarantees</p>	<p>The NPA is guided by the DPSA determination on housing and the Public Works Housing Guarantee Scheme. The NPA is implementing the provisions of the above and has developed and reviewed a housing guarantee process map. A compliance check list document on state guarantees has also been developed, checked and discussed and agreed to with the IMU of the NPA to promote compliance.</p> <p>Housing guarantee transactions documents are attended to on a daily basis as and when they are received. Transactions are captured by the Chief Administrative Assistants (HR), checked for correctness and approved by the Assistant Manager or above.</p> <p>There is regular communication with the banks and affected employees (who have state guarantees) to provide information on the status of the state guarantees, i.e. whether they are still active or whether the state guarantee was released and should be terminated. Formal letters are being sent out at least twice per annum to employees and financial institutions to determine the status of state guarantees. There has been a drastic reduction of the state guarantee liability over the past three years. This can be seen through the reduction of the liability from where it was in 2008 at R 5,5m to the current liability amount of R 2,3m. A full audit of all state guarantee files were conducted during 2008/2009.</p> <p>Information and names of employees who had housing guarantees who were transferred and whose files were not audited was submitted as requested.</p>
<p>Paragraph 7 page 64 of Auditor-General report for 2007/08: SCOPA recommended that:</p> <ul style="list-style-type: none"> Policies, guidelines and procedures are in place and management must monitor the implementation of these policies. Leave forms must be completed, approved by relevant managers and be captured on the PERSAL system on a daily basis. 	<p>Leave entitlement</p>	<p>The NPA conducted the leave audit up until December 2010. Circulars were sent to the Regions urging them to timeously capture leave forms on PERSAL. The management of leave will be completely decentralized after the final AG audit in 2011.</p>
<p>Paragraph 16 page 66 of Auditor-General report for 2007/08: SCOPA recommended that:</p> <ul style="list-style-type: none"> Control activities are developed with consideration of their cost and potential of effectiveness in mitigating risks to the achievement of financial reporting objectives 	<p>Financial management</p>	<p>The joint budget committee reviews expenditure patterns timeously and holds quarterly budget review meetings with Business Units to address prioritisation of funds spent against budget. Expenditure is monitored in line with the drawdown on a monthly basis to ensure that requests of virements & reprioritisation of funds are adequately addressed</p> <p>The NPA Finance Unit will provide effective and efficient communication and support to BU's to ensure effective management of expenditure.</p>



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Report of the Accounting Officer for the year ended 31st March 2011

<p>Paragraph 10 page 64 of Auditor-General report for 2007/08: SCOPA recommended that:</p> <ul style="list-style-type: none"> • Management lead by example in terms of being competent, independent and support the achievement of effective internal control over financial reporting. • The entity complies with Procurement Policies, Supply Chain Management Practices and applicable legislation. • Disciplinary procedures must be instituted against officials responsible for any tender irregularities. 	<p>Non-compliance with the Preferential Procurement Policy Framework Act and Supply Chain Management Practice</p>	<p>IMU finalised a review of SCM processes. Management responded by addressing the weaknesses.</p> <p>The NPA management monitors and performs review to ensure compliance with SCM processes. Pre-awarding of all tenders is thoroughly checked and calculations will be adequately performed at senior management level to ensure that the correct bidder is awarded the bid.</p> <p>Disciplinary action was taken against three senior managers for tender irregularities.</p>
<p>15th report of SCOPA adopted by National Assembly on 11 December 2001. SCOPA recommended an independent and expert forensic investigation to "prove or disapprove once and for all" the allegations of corruption relating to the procurement process.</p>	<p>Joint investigation report into the Strategic Defence Procurement Packages</p>	<p>The NPA submitted a report to SCOPA on 26 January 2009. The committee reviewed the report and highlighted the need for further interaction with the NPA to seek clarity on certain matters related to the report. The investigation was handed to SAPS with the dissolution of the DSO.</p>

16. Prior modifications to audit reports

While we believe progress has been made in addressing the audit qualification on assets by creating and managing assets on the asset register, the opening balances and the valuation of assets acquired before 2008/09 remained problematic. An extensive fair valuation process was followed, and quarterly asset verifications and an annual stock take were performed. However, asset management in an environment where facilities are shared with DoJ&CD is challenging. Management accordingly decided, in consultation with the Director-General and the CFO: DoJ&CD, to transfer all NPA assets at the lower courts to DoJ&CD. DoJ&CD is currently verifying the existence of these assets at the lower courts.

As previously reported, a forensic investigation was conducted in respect of the Rentworks sale-and-leaseback matter. Some of the findings of the forensic auditors on value for money received are contested by the Auditor-General and the matter has been referred to National Treasury for a determination. The Office of the Accountant-General was requested to advice on the accounting treatment of the sale-and-leaseback transaction. In this regard, the NPA has taken the position, on the basis of the forensic report, that the sale-and-leaseback transaction was allowed in terms of SITA 285 and that no funds should be surrendered to National Treasury. National Treasury has indicated that since there was no revenue received, and value for money received, the NPA does not need to surrender the proceeds of the sale-and-leaseback. The possibility of disciplinary action has been exhausted, a loss of R 4,951m was disclosed and this matter should now be settled.



17. Exceptions and deviations received from National Treasury

The NPA did not receive or apply for any exemption from the PFMA or Treasury Regulations or a deviation from the financial reporting requirements for the current financial year.

18. Other

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

19. Approval

The Annual Financial Statements set out on pages 66 to 111 have been approved by the Accounting Officer.



Adv Karen Van Rensburg
Acting CEO: NPA
31/05/2011



Ms Nonkululeko Sindane
Director-General: DOJ & CD
31/05/2011



National Prosecuting Authority - Vote 23

Report of the Auditor-General to Parliament on The National Prosecuting Authority for the year ended 31st March 2011

REPORT ON THE FINANCIAL STATEMENTS

Introduction

1. I have audited the accompanying financial statements of the National Prosecuting Authority, which comprise the appropriation statement, the statement of financial position as at 31 March 2011, and the statement of financial performance, statement of changes in net assets and cash flow statement for the year then ended, a summary of significant accounting policies and other explanatory information, and the accounting officer's report, as set out on pages 66 to 103.

Accounting officer's responsibility for the financial statements

2. The accounting officer is responsible for the preparation of these financial statements in accordance with the Departmental Financial Reporting Framework prescribed by the National Treasury and the requirements of the Public Finance Management Act of South Africa, 1999 (Act No. 1 of 1999) (PFMA), and for such internal control as management determines necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor-General's responsibility

3. As required by section 188 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), section 4 of the Public Audit Act of South Africa, 2004 (Act No. 25 of 2004) (PAA) and section 40(2) of the PFMA, my responsibility is to express an opinion on these financial statements based on my audit.
4. I conducted my audit in accordance with International Standards on Auditing and **General Notice 1111 of 2010** issued in Government Gazette 33872 of 15 December 2010. Those standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.
5. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. \
6. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.



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Report of the Auditor-General for the year ended 31 March 2011

Opinion

7. In my opinion, the financial statements present fairly, in all material respects, the financial position of the National Prosecuting Authority as at 31 March 2011, and its financial performance and cash flows for the year then ended in accordance with the Departmental Financial Reporting Framework prescribed by National Treasury and the requirements of the PFMA.

Emphasis of matter

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

Restatement of corresponding figures

9. As disclosed in notes 24 and 29 to the financial statements, the corresponding figures for 31 March 2010 have been restated as a result of errors discovered during 2011 in the financial statements of the National Prosecuting Authority at, and for the year ended, 31 March 2010.

Irregular expenditure

10. As disclosed in note 24 to the financial statements, the National Prosecuting Authority incurred irregular expenditure of R 61 098 000 as expenditure was in contravention of the PFMA and Treasury Regulations relating to supply chain management, Public Service Regulations and the National Prosecuting Authority Act relating to compensation of employees.

Additional matters

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

Unaudited supplementary schedules

12. The supplementary information set out on pages 104 to 111 does not form part of the financial statements and is presented as additional information. I have not audited these schedules and, accordingly, I do not express an opinion thereon.

Financial reporting framework

13. The financial reporting framework prescribed by the National Treasury and applied by the entity is a compliance framework. Thus, my opinion would have reflected that the financial statements had been properly prepared instead of fairly presented as required by section 20(2)(a) of the PAA, which requires me to express an opinion on the fair presentation of the financial statements of the entity.

REPORT ON OTHER LEGAL AND REGULATORY REQUIREMENTS

14. In accordance with the PAA and in terms of *General Notice 1111 of 2010* issued in *Government Gazette 33872 of 15 December 2010*, I include below my findings on the annual performance report as set out on pages 3 to 46 and material non-compliance with laws and regulations applicable to the entity.



Predetermined objectives

15. There are no material findings on the annual performance report.

Compliance with laws and regulations

Annual financial statements, performance report and annual report

16. The accounting officer submitted financial statements for auditing that were not prepared in all material aspects in accordance with generally recognised accounting practice as required by section 40(1) (b) of the PFMA. The material misstatements identified by the AGSA with regards to tangible fixed assets and contingent liabilities were subsequently corrected.

Strategic planning and performance management

17. The executive authority did not approve the strategic plan submitted by the accounting officer before submission to Parliament as required by Treasury Regulation (TR) 5.1.1.

Expenditure management

18. Expenditure was incurred without the approval of a delegated official as per the requirements of section 44 of the PFMA, TR 8.2.1 and TR 8.2.2.

19. The accounting officer did not take effective and appropriate steps to prevent and detect irregular expenditure as per the requirements of section 38(1)(c)(ii) of the PFMA and TR 9.1.1.

20. The accounting officer did not immediately upon the discovery of irregular/ fruitless and wasteful expenditure report it to the relevant treasury as per the requirements of section 38(1)(g) of the PFMA.

Procurement and contract management

21. Awards were made to suppliers who did not submit a declaration on whether they are employed by the state, or connected to any person employed by the state as per the requirements of Treasury regulation 16A8.3 and Practice Note 7 of 2009/10.

22. Awards were made to suppliers based on preference points that were not allocated in accordance with the requirements of the Preferential Procurement Policy Framework Act and its regulations.

23. Employees performed remunerative work outside their employment in the entity without written permission from the relevant authority, as per the requirements of section 30 of the Public Service Act of South Africa, 1994 (Act No. 103 of 1994).

Human resource management and compensation

24. The executive authority did not determine, based on the strategic plan, the department's organisational structure, as per the requirements of Public Service Regulation 1/III/B.2(a).

25. Sufficient appropriate audit evidence could not be obtained that persons in charge at pay points had certified on the date of payment that all employees listed on the payroll report were entitled to the payment, as per the requirements of TR 8.3.4.



National Prosecuting Authority - Vote 23
Report of the Auditor-General for the year ended 31 March 2011

26. The cost of living adjustment to prosecutors were not approved and gazetted as required by section 18 of the National Prosecuting Authority Act 1998. (Act No. 32 of 1998)

27. Funded vacant posts were not filled within 12 months after becoming vacant as per the requirements of PSR I/VII/C.1A.2.

INTERNAL CONTROL

28. In accordance with the PAA and in terms of General Notice 1111 of 2010 issued in Government Gazette 33872 of 15 December 2010, I considered internal control relevant to my audit, but not for the purpose of expressing an opinion on the effectiveness of internal control. The matters reported below are limited to the significant deficiencies on compliance with laws and regulations included in this report.

Leadership

29. The leadership of the NPA did not exercise oversight responsibility over reporting, compliance with laws and regulations, and related internal controls.

Financial and performance management

30. Management did not prepare regular, accurate and complete financial reports that were supported and evidenced by reliable information.

31. Management did not review and monitor compliance with laws and regulations.

OTHER REPORTS

Investigations

32. An investigation was conducted during the year regarding the irregular procurement of equipment and services. The investigation has been finalised at the date of this report. The report recommended that the NPA consider further action against certain officials.

Auditor-General

Pretoria
31 July 2011



AUDITOR-GENERAL
SOUTH AFRICA



National Prosecuting Authority - Vote 23

Appropriation Statement

for the year ended 31st March 2011

Appropriation per programme									
2010/11								2009/10	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
I. NATIONAL PROSECUTING AUTHORITY									
Current payment	2,617,520	(967)	(175,591)	2,440,962	2,427,834	13,128	99.5	2,151,498	2,138,586
Transfers and subsidies	9,599	(2,513)	362	7,448	7,447	1	100.0	19,562	19,327
Payment for capital assets	56,684	-	(500)	56,184	56,051	133	99.8	70,383	70,383
Payment for financial assets	460	3,480	-	3,940	3,940	-	100.0	419	419
Subtotal	2,684,263	-	(175,729)	2,508,534	2,495,272	13,262	99.5	2,241,862	2,228,715
Reconciliation with STATEMENT OF FINANCIAL PERFORMANCE for the year ended 31st March 2011									
ADD									
Departmental receipts				2,757				11,157	
Aid assistance				7,849				9,000	
Actual amounts per STATEMENT OF FINANCIAL PERFORMANCE for the year ended 31st March 2011 (total revenue)				2,519,140				2,262,019	
ADD									
Aid assistance					6,734				7,962
Actual amounts per STATEMENT OF FINANCIAL PERFORMANCE for the year ended 31st March 2011 (total expenditure)					2,502,006				2,236,677



National Prosecuting Authority - Vote 23
Appropriation Statement for the year ended 31st March 2011

Appropriation per Economic Classification									
	2010/11							2009/10	
	Ad- justed Appro- piation	Shifting of Funds	Vire- ment	Final Appro- piation	Actual Expend- iture	Vari- ance	Expendi- ture as % of final appro- piation	Final Appro- piation	Actual expend- iture
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Current payments									
Compensation of employees	2,098,481	-	(133,885)	1,964,596	1,952,222	12,374	99.4	1,663,811	1,651,829
Goods and services	514,592	(6,744)	(41,706)	466,142	465,388	754	99.8	462,567	461,637
Interest and rent on land	4,447	5,777		10,224	10,224	-	100.0	25,120	25,120
Transfers and subsidies									
Departmental agencies and accounts	1,465	-	362	1,827	1,826	1	99.9	1,415	1,181
Households	8,134	(2,513)	-	5,621	5,621	-	100.0	18,147	18,146
Payments for capital assets									
Buildings and other fixed structures	15,070	-	(220)	14,850	14,723	127	99.1	21,046	21,046
Machinery and equipment	41,614	-	(280)	41,334	41,328	6	100.0	49,337	49,337
Software and other intangible assets								-	-
Payments for financial assets	460	3,480	-	3,940	3,940	-	100.0	419	419
TOTAL	2,684,263	-	(175,729)	2,508,534	2,495,272	13,262	99.5	2,241,862	2,228,715



National Prosecuting Authority - Vote 23
Appropriation Statement for the year ended 31st March 2011

Detail per Sub-Programme									
2010/11								2009/10	
	Adjusted Appropriation	Shift- ing of Funds	Vire- ment	Final Appropriation	Actual Expend- iture	Vari- ance	Expend- iture as % of final appropriation	Final Appropriation	Actual expend- iture
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
I.1 Public Prosecution									
Current payment	1,964,300	(609)	(100,493)	1,863,198	1,851,433	11,765	99.4	1,572,471	1,562,522
Transfers and subsidies	5,313	(176)	-	5,137	5,137	-	100.0	16,698	16,698
Payment for capital assets	2,808	85	-	2,893	2,893	-	100.0	3,109	3,109
Payment for financial assets	250	1,679	-	1,929	1,929	-	100.0	187	187
I.2 Office for Witness Protection									
Current payment	126,070	1,278	-	127,348	127,348	-	100.0	111,424	111,424
Transfers and subsidies	89	(40)	-	49	49	-	100.0	582	582
Payment for capital assets	4,586	(4,007)	-	579	579	-	100.0	8,270	8,270
Payment for financial assets	-	1	-	1	1	-	100.0	100	100
I.3 Asset Forfeiture Unit									
Current payment	106,113	50,445	-	156,558	156,558	-	100.0	78,292	78,292
Transfers and subsidies	216	(46)	-	170	170	-	100.0	115	115
Payment for capital assets	250	(108)	-	142	142	-	100.0	217	217
Payment for financial assets	10	76	-	86	86	-	100.0	16	16
I.4 Support Services									
Current payment	421,037	(52,081)	(75,098)	293,858	292,495	1,363	99.5	349,257	346,294
Transfers and subsidies	3,981	(2,251)	362	2,092	2,091	1	100.0	1,772	1,537
Payment for capital assets	49,040	4,030	(500)	52,570	52,437	133	99.7	58,731	58,731
Payment for financial assets	200	1,724	-	1,924	1,924	-	100.0	116	116
I.5 Special Operations									
Current payment	-	-	-	-	-	-	-	40,054	40,054
Transfers and subsidies	-	-	-	-	-	-	-	395	395
Payment for capital assets	-	-	-	-	-	-	-	56	56
Payment for financial assets	-	-	-	-	-	-	-	-	-
TOTAL	2,684,263	-	(175,729)	2,508,534	2,495,272	13,262	99.5	2,241,862	2,228,715



National Prosecuting Authority - Vote 23
Notes to the Appropriation Statement for the year ended 31st March 2011

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

Detail of these transactions can be viewed in the note on Transfers and subsidies, disclosure notes and Annexure I (A-D) to the Annual Financial Statements.

2. Detail of specifically and exclusively appropriated amounts voted (after Virement):

Detail of these transactions can be viewed in note I (Annual Appropriation) to the Annual Financial Statements.

3. Detail on payments for financial assets

Detail of these transactions per programme can be viewed in the note on Payments for financial assets to the Annual Financial Statements.

4. Explanations of material variances from Amounts Voted (after Virement):

Per Programme	Final Appropriation R'000	Actual Expenditure R'000	Variance R'000	Variance as a % of Final Appropriation
Public Prosecution	1,873,157	1,861,392	11,765	0.6
Office for Witness Protection	127,977	127,977	-	0.0
Asset Forfeiture Unit	156,956	156,956	-	0.0
Support Services	350,444	348,947	1,497	0.4
TOTAL	2,508,534	2,495,272	13,262	0.5

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

The original budget in respect of Compensation of Employees was reduced with an amount of R 134m during the virement process. This was as a result of unutilised Occupational Specific Dispensation (OSD). The funded vacancies also contributed to this saving.

Per Economic Classification	Final Appropriation R'000	Actual Expenditure R'000	Variance R'000	Variance as a % of Final Appropriation R'000
Current payments				
Compensation of employees	1,964,596	1,952,222	12,374	0.6
Goods and services	466,142	465,388	754	0.2
Interest and rent on land	10,224	10,224	-	-
Transfers and subsidies				
Departmental agencies and accounts	1,827	1,826	1	0.1
Households	5,621	5,621	-	-
Payments for capital assets				
Buildings and other fixed structures	14,850	14,723	127	0.9
Machinery and equipment	41,334	41,328	6	0.0
Payments for financial assets	3,940	3,940	-	-
TOTAL	2,508,534	2,495,272	13,262	0.5



National Prosecuting Authority - Vote 23
Notes to the Appropriation Statement for the year ended 31st March 2011

The prior year's (2009/10) comparative information in respect of the Directorate of Special Operations (DSO) has been reclassified as per the Accounting Policy. The total expenditure amounting to R 102,566m disclosed in the 2009/10 AFS relates to DSO functions transferred to the South African Police Services (SAPS) and the other sub-programmes within the NPA prior to the disbandment of the DSO on the 6th of July 2009. This expenditure as well as the final budget appropriation was disclosed as part of DSO sub-programme within the NPA. R 40,505m relates to the DSO function transferred to SAPS and R 62,061m (R 55,662m - Public Prosecutions; R 153 thousand - Office for Witness Protection; R 104 thousand - Asset Forfeiture Unit and R 40,505m - Support Services) relates to the functions transferred to the other sub programmes within the NPA.



National Prosecuting Authority - Vote 23
Statement of Financial Performance for the year ended 31st March 2011

	Note	2010/11 R'000	2009/10 R'000
REVENUE			
Annual appropriation	1	2,508,534	2,241,862
Departmental revenue	2	2,757	11,157
Aid assistance	3	8,458	9,000
TOTAL REVENUE		2,519,749	2,262,019
EXPENDITURE			
Current expenditure			
Compensation of employees	4	1,952,222	1,651,829
Goods and services	5	465,388	461,637
Interest and rent on land	6	10,224	25,120
Aid assistance	3	6,734	7,962
Total current expenditure		2,434,568	2,146,548
Transfers and subsidies			
Transfers and subsidies	8	7,447	19,327
Total transfers and subsidies		7,447	19,327
Expenditure for capital assets			
Tangible capital assets	9	56,051	70,383
Total expenditure for capital assets		56,051	70,383
Payments for financial assets	7	3,940	419
TOTAL EXPENDITURE		2,502,006	2,236,677
SURPLUS/(DEFICIT) FOR THE YEAR		17,743	25,342
Reconciliation of Net Surplus/(Deficit) for the year			
Voted funds		13,262	13,147
Annual appropriation		13,262	13,147
Departmental revenue and NRF Receipts	2	2,757	11,157
Aid assistance	3	1,724	1,038
SURPLUS/(DEFICIT) FOR THE YEAR		17,743	25,342



National Prosecuting Authority - Vote 23
Statements of Financial Position as at 31st March 2011

	Note	2010/11 R'000	2009/10 R'000
ASSETS			
Current assets		209,895	138,185
Fruitless and wasteful expenditure	10	24	2,844
Cash and cash equivalents	11	195,099	122,272
Prepayments and advances	12	1,377	335
Receivables	13	13,084	12,125
Aid assistance receivable	3	311	609
TOTAL ASSETS		209,895	138,185
LIABILITIES			
Current liabilities		204,480	134,601
Voted funds to be surrendered to the Revenue Fund	14	13,262	13,147
Departmental revenue and NRF Receipts to be surrendered to the Revenue Fund	15	310	6,980
Payables	16	184,954	109,237
Aid assistance repayable	3	1,002	-
Aid assistance unutilised	3	4,952	5,237
TOTAL LIABILITIES		204,480	134,601
NET ASSETS		5,415	3,584
Represented by:			
Recoverable revenue		5,415	3,584
TOTAL		5,415	3,584



National Prosecuting Authority - Vote 23
Statement of Changes in Net Assets for the year ended 31st March 2011

	2010/11 R'000	2009/10 R'000
Recoverable revenue		
Opening balance	3,584	3,378
Debts raised	1,831	206
Closing balance	5,415	3,584
TOTAL	5,415	3,584



National Prosecuting Authority - Vote 23
Cashflow Statement for the year ended 31st March 2011

	Note	2010/11 R'000	2009/10 R'000
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts		2,519,749	2,262,019
Annual appropriated funds received	1	2,508,534	2,241,862
Departmental revenue received	2	2,757	11,157
Aid assistance received	3	8,458	9,000
Net (increase)/decrease in working capital		76,536	109,351
Surrendered to Revenue Fund		(22,574)	(45,824)
Surrendered to RDP Fund/Donor		(709)	(2,715)
Current payments		(2,434,568)	(2,146,548)
Payments for financial assets		(3,940)	(419)
Transfers and subsidies paid		(7,447)	(19,327)
Net cash flow available from operating activities	17	127,047	156,537
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments for capital assets	9	(56,051)	(70,383)
Net cash flows from investing activities		(56,051)	(70,383)
CASH FLOWS FROM FINANCING ACTIVITIES			
Increase/(decrease) in net assets		1,831	206
Net cash flows from financing activities		1,831	206
Net increase/(decrease) in cash and cash equivalents		72,827	86,360
Cash and cash equivalents at beginning of period		122,272	35,912
Cash and cash equivalents at end of period	18	195,099	122,272



The Financial Statements have been prepared in accordance with the following policies, which have been applied consistently in all material aspects, unless otherwise indicated. However, where appropriate and meaningful, additional information has been disclosed to enhance the usefulness of the Financial Statements and to comply with the statutory requirements of the Public Finance Management Act, Act 1 of 1999 (as amended by Act 29 of 1999), and the Treasury Regulations issued in terms of the Act and the Division of Revenue Act, Act 1 of 2010.

I. Presentation of the Financial Statements

I.1 Basis of preparation

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

I.2 Presentation currency

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

I.3 Rounding

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

I.4 Comparative figures

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

I.5 Comparative figures - Appropriation Statement

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

2. Revenue

2.1 Appropriated funds

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

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

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

Any amount due from the National/Provincial Revenue Fund at the end of the financial year is recognised as a receivable in the statement of financial position.



2.2 Departmental revenue

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

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

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

2.3 Aid assistance

Aids assistance is recognised as revenue when received.

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

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

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

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

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

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

3. Expenditure

3.1 Compensation of employees

3.1.1 Salaries and wages

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

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

Employee costs are capitalised to the cost of a capital project when an employee spends more than



50% of his/her time on the project. These payments form part of expenditure for capital assets in the Statement of Financial Performance.

3.1.2 Social contributions

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

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

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

3.2 Goods and services

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

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

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

3.3 Interest and rent on land

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

3.4 Payments for financial assets

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

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

3.5 Transfers and subsidies

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



3.6 Fruitless and wasteful expenditure

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

3.7 Irregular expenditure

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

4. Assets

4.1 Cash and cash equivalents

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

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

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

4.2 Prepayments and advances

Amounts prepaid or advanced are recognised in the statement of financial position when the payments are made and are derecognised as and when the goods/services are received or the funds are utilised.

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

4.3 Receivables

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

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

4.4 Inventory

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

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



4.5 Capital assets

4.5.1 Movable assets

Initial recognition

A capital asset is recorded in the asset register on receipt of the item at cost. Cost of an asset is defined as the total cost of acquisition. Where the cost cannot be determined accurately, the movable capital asset is stated at fair value. Where fair value cannot be determined, the capital asset is included in the asset register at R1.

All assets acquired prior to 1 April 2002 are included in the register R1.

Subsequent recognition

Subsequent expenditure of a capital nature is recorded in the Statement of Financial Performance as "expenditure for capital assets" and is capitalised in the asset register of the department on completion of the project.

Repairs and maintenance is expensed as current "goods and services" in the Statement of Financial Performance.

4.5.2 Immovable assets

Initial recognition

A capital asset is recorded on receipt of the item at cost. Cost of an asset is defined as the total cost of acquisition. Where the cost cannot be determined accurately, the immovable capital asset is stated at R1 unless the fair value for the asset has been reliably estimated.

Subsequent recognition

Work-in-progress of a capital nature is recorded in the Statement of Financial Performance as "expenditure for capital assets". On completion, the total cost of the project is included in the asset register of the department that is accountable for the asset.

Repairs and maintenance is expensed as current "goods and services" in the Statement of Financial Performance.



5. Liabilities

5.1 Payables

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

5.2 Contingent liabilities

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

5.3 Contingent assets

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

5.4 Commitments

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

5.5 Accruals

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

5.6 Employee benefits

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

5.7 Lease commitments

Finance lease

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

Operating lease

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



5.8 Impairment and other provisions

The department tests for impairment where there is an indication that a receivable, loan or investment may be impaired. An assessment of whether there is an indication of possible impairment is done at each reporting date. An estimate is made for doubtful loans and receivables based on a review of all outstanding amounts at year-end. Impairments on investments are calculated as being the difference between the carrying amount and the present value of the expected future cash flows / service potential flowing from the instrument.

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

6. Net Assets

6.1 Recoverable revenue

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

7. Related party transactions

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

8. Key management personnel

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



National Prosecuting Authority - Vote 23
Notes to the Annual Financial Statements for the year ended 31st March 2011

1. Annual Appropriation

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

	Final Appropriation	2010/11 Actual Funds Received	Funds not requested/ not received	2009/10 Appropriation received
	R'000	R'000	R'000	R'000
National Prosecuting Authority	2,508,534	2,508,534	-	2,241,862
TOTAL	2,508,534	2,508,534	-	2,241,862

2. Departmental revenue

	Note	2010/11 R'000	2009/10 R'000
Sales of goods and services other than capital assets	2.1	857	1,114
Interest, dividends and rent on land	2.2	349	253
Transactions in financial assets and liabilities	2.3	1,551	9,384
Transfer received	2.4	-	406
Departmental revenue collected		2,757	11,157

2.1 Sales of goods and services other than capital assets

	Note	2010/11 R'000	2009/10 R'000
	2		
Sales of goods and services produced by the department			
Sales by market establishment		49	114
Other sales		808	1,000
Sales of scrap, waste and other used current goods			
TOTAL		857	1,114

2.2 Interest, dividends and rent on land

	Note	2010/11 R'000	2009/10 R'000
	2		
Interest		349	253
TOTAL		349	253

2.3 Transactions in financial assets and liabilities

	Note	2010/11 R'000	2009/10 R'000
	2		
Stale cheques written back		-	4
Other Receipts including Recoverable Revenue		1,551	9,380
TOTAL		1,551	9,384



National Prosecuting Authority - Vote 23
Notes to the Annual Financial Statements for the year ended 31st March 2011

2.4 Transfers received

	Note	2010/11 R'000	2009/10 R'000
	2		
Public corporations and private enterprises		-	406
TOTAL		-	406

3. Aid assistance

3.1 Aid assistance received in cash from other sources

	2010/11 R'000	2009/10 R'000
Local		
Opening Balance	(609)	(609)
Revenue	609	-
Expenditure	-	-
Current	-	-
Capital	-	-
Transfers	-	-
Prepayments	-	-
Surrendered to the donor	-	-
Closing Balance	-	(609)
Foreign		
Opening Balance	257	1,727
Revenue	7,849	9,000
Expenditure	(6,706)	(7,755)
Current	(6,706)	(7,755)
Surrendered to the donor	(709)	(2,715)
Closing Balance	691	257

3.2 Aid assistance received in cash from CARA Fund

	2010/11 R'000	2009/10 R'000
Opening Balance	4,980	5,187
Revenue	-	-
Expenditure	(28)	(207)
Current	(28)	(207)
Transferred to retained funds	-	-
Closing Balance	4,952	4,980



National Prosecuting Authority - Vote 23
Notes to the Annual Financial Statements for the year ended 31st March 2011

3.3 Total assistance

	2010/11 R'000	2009/10 R'000
Opening Balance	4,628	6,305
Revenue	8,458	9,000
Expenditure	(6,734)	(7,962)
Current	(6,734)	(7,962)
Surrendered / Transferred to retained funds	(709)	(2,715)
Closing Balance	5,643	4,628

3.4 Analysis of balance

	Note	2010/11 R'000	2009/10 R'000
Aid assistance receivable			
Other sources		(311)	(609)
Aid assistance unutilised			
Other sources		-	257
CARA Fund		4,952	4,980
Aid assistance repayable			
Other sources		1,002	-
Closing balance	Annex ID	5,643	4,628

4. Compensation of employees

4.1 Salaries and Wages

	2010/11 R'000	2009/10 R'000
Basic salary	1,364,627	1,170,403
Performance award	23,205	23,479
Service Based	806	667
Compensative/circumstantial	10,082	11,133
Other non-pensionable allowances	329,152	249,394
TOTAL	1,727,872	1,455,076

4.2 Social contributions

	2010/11 R'000	2009/10 R'000
Employer contributions		
Pension	169,121	147,877
Medical	55,067	48,771
Bargaining council	162	105
TOTAL	224,350	196,753
TOTAL COMPENSATION OF EMPLOYEES	1,952,222	1,651,829
Average number of employees	4,691	4,632



National Prosecuting Authority - Vote 23
Notes to the Annual Financial Statements for the year ended 31st March 2011

5. Goods and services

	Note	2010/11	2009/10
		R'000	R'000
Administrative fees		1,772	1,535
Advertising		5,211	4,955
Assets less than R5,000	5.1	769	11,439
Bursaries (employees)		1,829	1,729
Catering		1,507	1,537
Communication		34,070	40,210
Computer services	5.2	29,320	56,685
Consultants, contractors and agency/outsourced services	5.3	116,308	78,888
Entertainment		20	138
Audit cost – external	5.4	6,238	4,849
Fleet services		9,196	-
Inventory	5.5	8,382	20,999
Operating leases		34,920	16,018
Owned and leasehold property expenditure	5.6	68,797	75,326
Transport provided as part of the departmental activities		133	-
Travel and subsistence	5.7	81,009	87,448
Venues and facilities		6,086	7,042
Training and staff development		3,142	3,577
Other operating expenditure	5.8	56,679	49,262
TOTAL		465,388	461,637

5.1 Assets less than R5,000

	Note	2010/11	2009/10
	5	R'000	R'000
Tangible assets			
Machinery and equipment		769	11,439
TOTAL		769	11,439

5.2 Computer services

	Note	2010/11	2009/10
	5	R'000	R'000
SITA computer services		1,661	10,823
External computer service providers		27,659	45,862
TOTAL		29,320	56,685



National Prosecuting Authority - Vote 23
Notes to the Annual Financial Statements for the year ended 31st March 2011

5.3 Consultants, contractors and agency/outsourced services

	Note	2010/11	2009/10
	5	R'000	R'000
Business and advisory services		71,959	28,076
Infrastructure and planning		2,359	3,170
Legal costs		22,963	28,962
Contractors		2,160	3,501
Agency and support/outsourced services		16,867	15,179
TOTAL		116,308	78,888

5.4 Audit cost – External

	Note	2010/11	2009/10
	5	R'000	R'000
Regularity audits		6,238	4,849
TOTAL		6,238	4,849

5.5 Inventory

	Note	2010/11	2009/10
	5	R'000	R'000
Learning and teaching support material		717	1,812
Food and food supplies		223	156
Fuel, oil and gas		-	9,318
Other consumable materials		554	959
Maintenance material		280	171
Stationery and printing		6,608	8,577
Medical supplies		-	6
TOTAL		8,382	20,999

5.6 Property payments

	Note	2010/11	2009/10
	5	R'000	R'000
Municipal services		445	511
Property management fees		51,761	49,726
Other		16,591	25,089
TOTAL		68,797	75,326

5.7 Travel and subsistence

	Note	2010/11	2009/10
	5		
Local		79,255	84,450
Foreign		1,754	2,998
TOTAL		81,009	87,448



5.8 Other operating expenditure

	Note	2010/11	2009/10
	5	R'000	R'000
Professional bodies, membership and subscription fees		1,839	81
Resettlement costs		5,626	4,739
Other		49,214	44,442
TOTAL		56,679	49,262

6. Interest and rent on land

	2010/11	2009/10
	R'000	R'000
Interest paid	10,224	25,120
TOTAL	10,224	25,120

7. Payments for financial assets

	Note	2010/11	2009/10
		R'000	R'000
Debts written off	7.1	3,940	419
TOTAL		3,940	419

7.1 Debts written off

	Note	2010/11	2009/10
	7	R'000	R'000
Nature of debts written off			
Staff Debt written off		701	419
Debt written off related to Irregular Expenditure		13	-
Debt written off related to Fruitless and Wasteful Expenditure		2,617	-
Over expenditure related to Donor project amount not recovered		609	-
TOTAL		3,940	419

The IT Equipment, Sale and Lease back transaction included an amount of R 4,951,066.72 in respect of insurance. The forensic investigation could not proof that the NPA received value for money in this regard. Subsequently the NPA requested a legal opinion on the possibility of recovering the amount. It was indicated that the possibility of recovery of this amount is remote and constitutes a loss. Please see note 12.



8. Transfers and subsidies

	Note	2010/11 R'000	2009/10 R'000
Departmental agencies and accounts	Annex 1A	1,826	1,181
Households	Annex 1B	5,621	18,146
Total		7,447	19,327

Unspent funds transferred to the above beneficiaries

9. Expenditure for capital assets

	Note	2010/11 R'000	2009/10 R'000
Tangible assets		56,051	70,383
Buildings and other fixed structures	31.1	14,723	21,046
Machinery and equipment	29.1	41,328	49,337
Total		56,051	70,383

9.1 Analysis of funds utilised to acquire capital assets – 2010/11

	Voted funds R'000	Aid assistance R'000	Total R'000
Tangible assets			
Buildings and other fixed structures	14,723	-	14,723
Machinery and equipment	41,328	-	41,328
Total	56,051	-	56,051

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

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



10. Fruitless and wasteful expenditure

10.1 Reconciliation of fruitless and wasteful expenditure

	2010/11	2009/10
	R'000	R'000
Opening balance	2,844	2,844
Less: Amounts condoned	(270)	-
Current	(270)	-
Less: Amounts transferred to receivables for recovery	(2,550)	-
Fruitless and wasteful expenditure awaiting condonement	24	2,844

The NPA engaged a service provider that reviewed all cases of fruitless and wasteful expenditure. As a result of this report, a decision was taken to write off fruitless and wasteful expenditure in the amount of R 2,5m.

Analysis of awaiting condonement per economic classification		
Current	24	2,844
Total	24	2,844

11. Cash and cash equivalents

	2010/11	2009/10
	R'000	R'000
Consolidated Paymaster General Account	194,922	122,113
Cash on hand	158	159
Cash with commercial banks (Local)	19	-
Total	195,099	122,272

12. Prepayments and advances

	2010/11	2009/10
	R'000	R'000
Travel and subsistence	207	335
Prepayments	1,170	-
Total	1,377	335

The previous year's amount for prepayments has been restated. The amount of R 19,210m related to the Sale and Lease of IT equipment was removed. The amount was never received by the NPA but was utilised to reduce the cost of the equipment over the period of the lease. Also see note 7.1.



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Notes to the Annual Financial Statements for the year ended 31st March 2011

13. Receivables

			2010/11			2009/10
	Note	Less than one year	One to three years	Older than three years	Total	Total
		R'000	R'000	R'000	R'000	R'000
Claims recoverable	13.1					
	Annex 3	49	-	-	49	515
Recoverable expenditure	13.2	-	20	40	60	220
Staff debt	13.3	2,465	3,370	6,820	12,655	11,085
Other debtors	13.4	67	125	128	320	305
TOTAL		2,581	3,515	6,988	13,084	12,125

13.1 Claims recoverable

	Note 13	2010/11 R'000	2009/10 R'000
National departments		49	515
TOTAL		49	515

13.2 Recoverable expenditure (disallowance accounts)

	Note 13	2010/11 R'000	2009/10 R'000
Sal: Disallowance Account: CA		60	64
Disallowance Miscellaneous		-	156
TOTAL		60	220

13.3 Staff debt

	Note 13	2010/11 R'000	2009/10 R'000
Debt Account: CA		12,330	10,740
Sal: Tax Debt: CA		30	285
Private Telephone		11	42
Sal: Reversal Control		281	-
Irregular Expenditure: Dept Vote Account		-	13
Sal: Medical Aid		3	4
Sal: Official Unions		-	1
TOTAL		12,655	11,085

13.4 Other debtors

	Note 13	2010/11 R'000	2009/10 R'000
VAT Clearing		320	305
TOTAL		320	305



14. Voted funds to be surrendered to the Revenue Fund

	2010/11 R'000	2009/10 R'000
Opening balance	13,147	40,414
Transfer from Statement of Financial Performance	13,262	13,147
Paid during the year	(13,147)	(40,414)
Closing balance	13,262	13,147

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

	2010/11 R'000	2009/10 R'000
Opening balance	6,980	1,233
Transfer from Statement of Financial Performance	2,757	11,157
Paid during the year	(9,427)	(5,410)
Closing balance	310	6,980

16. Payables – current

	Note	2010/11 R'000	2009/10 R'000
Clearing accounts	16.1	184,954	109,175
Other payables	16.2	-	62
TOTAL		184,954	109,237

16.1 Clearing accounts

	Note	2010/11 R'000	2009/10 R'000
Sal: Reversal Control	16	-	15
Sal: Pension Fund		1,644	222
Sal: Income Tax		7,445	1,291
Sal: ACB Recalls		72	16
Sal: Pension Debt CA		-	20
Disallowance Miscellaneous		175,793	107,611
TOTAL		184,954	109,175

16.2 Other payables

	Note	2010/11 R'000	2009/10 R'000
Claims: PACE (IJS)	16	-	62
TOTAL		-	62



National Prosecuting Authority - Vote 23
Notes to the Annual Financial Statements for the year ended 31st March 2011

17. Net cash flow available from operating activities

	2010/11	2009/10
	R'000	R'000
Net surplus/(deficit) as per Statement of Financial Performance	17,743	25,342
Add back non cash/cash movements not deemed operating activities	109,304	131,195
(Increase)/decrease in receivables – current	(959)	3,810
(Increase)/decrease in prepayments and advances	(1,042)	472
(Increase)/decrease in other current assets	2,820	-
Increase/(decrease) in payables – current	75,717	105,069
Expenditure on capital assets	56,051	70,383
Surrenders to Revenue Fund	(22,574)	(45,824)
Surrenders to RDP Fund/Donor	(709)	(2,715)
Net cash flow generated by operating activities	127,047	156,537

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

	2010/11	2009/10
	R'000	R'000
Consolidated Paymaster General account	194,922	122,113
Cash on hand	158	159
Cash with commercial banks (Local)	19	-
TOTAL	195,099	122,272



National Prosecuting Authority - Vote 23
Disclosure Notes to the Annual Financial Statements for the year ended 31st March 2011

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

19. Contingent liabilities and contingent assets

19.1 Contingent liabilities

		Note	2010/11 R'000	2009/10 R'000
Liable to	Nature			
Housing loan guarantees	Employees	Annex 2A	2,343	2,553
Claims against the department		Annex 2B	178,458	337,038
Other departments (interdepartmental unconfirmed balances)		Annex 4	-	2,200
TOTAL			180,801	341,791

Housing loan Guarantees amount for the prior year has been restated according to PERSAL report 7.11.15 from R 3,881m to R 2,553m. Included in the Claims against the department is an estimated amount of R 24m related to curator expenditure which payment is dependent on the outcome of current cases before the court. The prior year figure for Claims against the state was restated from R 280,687m to R 337,038m because of the inclusion of the curator expenditure liability.

19.2 Contingent assets

	2010/11 R'000	2009/10 R'000
Nature of contingent asset		
Labour Court Ruling	506	2,205
TOTAL	506	2,205

20. Commitments

	2010/11 R'000	2009/10 R'000
Current expenditure		
Approved and contracted	82,340	66,623
Approved but not yet contracted	-	-
	82,340	66,623
Capital expenditure		
Approved and contracted	17	348
Approved but not yet contracted	-	-
TOTAL COMMITMENTS	82,357	66,971



National Prosecuting Authority - Vote 23
Disclosure Notes to the Annual Financial Statements for the year ended 31st March 2011

21. Accruals

			2009/10	2010/11
			R'000	R'000
Listed by economic classification				
	30 Days	30+ Days	Total	Total
Goods and services	16,837	-	16,837	23,092
Interest and rent on land	89	-	89	304
Transfers and subsidies	6	-	6	3
Capital assets	31	-	31	21
Other	-	-	-	-
TOTAL	16,963	-	16,963	23,420

	2010/11	2009/10
	R'000	R'000
Listed by programme level		
Public Prosecution	2,803	5,808
Office for Witness Protection	1,960	2,449
Asset Forfeiture Unit	259	1,437
Support Services	11,941	13,726
TOTAL	16,963	23,420

	Note	2010/11	2009/10
		R'000	R'000
Confirmed balances with other departments	Annex 4	66	75
TOTAL		66	75

22. Employee benefits

	2010/11	2009/10
	R'000	R'000
Leave entitlement	58,194	67,020
Service bonus (Thirteenth cheque)	49,055	43,262
Performance awards	29,868	26,929
Capped leave commitments	113,577	105,009
Other	15,655	17,382
TOTAL	266,349	259,602

Included in the leave entitlement is a negative pro-rata leave balance amounting to R 5,077,689.56 (2009/10: R 2,423,509.47)



23. Lease commitments

23.1 Operating leases expenditure

	Specialised military equipment	Vehicles	Buildings and other fixed structures	Machinery and equipment	Total
	R'000	R'000	R'000	R'000	R'000
2010/11					
Not later than 1 year	-	-	2,716	-	2,716
Later than 1 year and not later than 5 years	-	-	630	-	630
Later than five years	-	-	-	-	-
TOTAL LEASE COMMITMENTS	-	-	3,346	-	3,346

	Specialised military equipment	Vehicles	Buildings and other fixed structures	Machinery and equipment	Total
	R'000	R'000	R'000	R'000	R'000
2009/10					
Not later than 1 year	-	-	2,563	-	2,563
Later than 1 year and not later than 5 years	-	-	2,696	-	2,696
Later than five years	-	-	-	-	-
TOTAL LEASE COMMITMENTS	-	-	5,259	-	5,259

23.2 Finance leases expenditure

	Specialised military equipment	Vehicles	Buildings and other fixed structures	Machinery and equipment	Total
	R'000	R'000	R'000	R'000	R'000
2010/11					
Not later than 1 year	-	20,816	12,773	8,854	42,443
Later than 1 year and not later than 5 years	-	27,749	50,402	3,391	81,542
Later than five years	-	-	10,630	-	10,630
Total lease commitments	-	48,565	73,805	12,245	134,615
LESS: finance costs	-	(4,607)	(14,100)	(875)	(19,582)
TOTAL PRESENT VALUE OF LEASE LIABILITIES	-	43,958	59,705	11,370	115,033



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Disclosure Notes to the Annual Financial Statements for the year ended 31st March 2011

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

24. Irregular expenditure

24.1 Reconciliation of irregular expenditure

	2010/11 R'000	2009/10 R'000
Opening balance	560,786	450,540
Add: Irregular expenditure – relating to prior year	15,184	-
Add: Irregular expenditure – relating to current year	61,098	164,810
Less: Amounts condoned	(134,013)	(54,564)
Less: Amounts recoverable (not condoned)	-	-
Irregular expenditure awaiting condonation	503,055	560,786
Analysis of awaiting condonation per age classification		
Current year	61,098	164,810
Prior years	441,957	395,976
TOTAL	503,055	560,786

A service provider was appointed in order to assist the NPA with the Irregular Expenditure as disclosed in the 2009/10 Annual Financial Statements. The service provider submitted their final report during December 2010. NPA management is in the process of implementing the recommendations made in the report. The item irregular expenditure - relating to prior year to the amount of R 15,184m consists of two amounts (Participation in irregular DoJ&CD tender (R 13,599m) and accommodation lease (R 1,585m)) that were identified during the current year.

24.2 Details of irregular expenditure – current year

Incident	Disciplinary steps taken/criminal proceedings	2010/11 R'000
Noted Cases	Awaiting recommendation from investigation.	199
Lease of building in Kimberley	Request condonement.	4,058
Cost of living adjustment (below SMS)	Increase not timeously approved. Condonation received on 16th of March 2011.	36,410
Participation in irregular DoJ&CD Tender	Condonation requested	11,036
Acting Allowances	Condonation requested from DPSA.	1,438
Accommodation leases	Condonation requested	2,012
Extension of lease equipment with no prior approval	Referred for further investigation	4,971
Software purchased without NT approval	Referred for further investigation	974
TOTAL		61,098



24.3 Details of irregular expenditure condoned

Incident	Condoned by (condoning authority)	2010/11 R'000
Cost of Living Adjustment	Minister of the Department of Justice and Constitutional Development	118,331
Overtime paid without a policy	DG Department of Justice and Constitutional Development	15,682
TOTAL		134,013

25. Fruitless and wasteful expenditure

25.1 Reconciliation of fruitless and wasteful expenditure

	2010/11 R'000	2009/10 R'000
Opening balance	1,392	1,232
Fruitless and wasteful expenditure – relating to prior year	1,969	14
Fruitless and wasteful expenditure – relating to current year	668	158
Less: Amounts condoned	-	-
Less: Amounts transferred to receivables for recovery	(98)	(12)
Fruitless and wasteful expenditure awaiting condonement	3,931	1,392

The bulk of the total fruitless expenditure relates to an employee that was on suspension for an extended period (current year expenditure: R 321, prior year's expenditure R 1,875m).

25.2 Analysis of awaiting condonation per economic classification

	2010/11 R'000	2009/10 R'000
Current	3,931	1,392
Capital	-	-
TOTAL	3,931	1,392

25.3 Analysis of Current year's fruitless and wasteful expenditure

Incident	Disciplinary steps taken/criminal proceedings	2010/11 R'000
Flight and Hotel cancellations	Investigation took place and R 1,180 was recovered.	3
Motor car accident repairs	Waiting for accident report for indication from whom to recover the expense.	242
No shows	Investigation took place, R 7,407 was recovered.	23
Traffic fines	R 935 was recovered.	79
Official suspended with pay	Official resigned. IMU to investigate the delay in finalising this matter.	321
TOTAL		668



26. Related party transactions

	2010/11 R'000	2009/10 R'000
Payments made		
Goods and services	11,014	16,349
TOTAL	11,014	16,349

	2010/11 R'000	2009/10 R'000
Other		
Employee compensation for Ex DSO officials seconded to SIU	1,812	1,726
TOTAL	1,812	1,726

This expenditure relates to Ex DSO officials that have been transferred to the SIU following the closure of the DSO. The expenditure represents:

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

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

27. Key management personnel

	No. of Individuals	2010/11 R'000	2009/10 R'000
Officials:			
Level 15 to 17	17	21,065	17,563
Level 14 (incl. CFO if at a lower level)	12	11,716	7,120
TOTAL		32,781	24,683

This expenditure represents the EXCO and MANCO members on salary level 14 or higher.

28. Impairment and other provisions

	2010/11 R'000	2009/10 R'000
Other provisions		
Staff debt	6,827	4,101
Curator expenditure	21,816	-
TOTAL	28,643	4,101



29. Movable Tangible Capital Assets

MOVEMENT IN MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2011

	Opening balance R'000	Curr Year Adjust- ments to prior year balances R'000	Additions R'000	Disposals R'000	Closing Balance R'000
MACHINERY AND EQUIPMENT	13,451	51,885	29,517	1,071	93,783
Transport assets	-	-	-	-	-
Computer equipment	376	42,359	27,096	108	69,723
Furniture and office equipment	9,406	2,978	1,238	53	13,569
Other machinery and equipment	3,669	6,548	1,183	910	10,490
TOTAL MOVABLE TANGIBLE CAPITAL ASSETS	13,451	51,885	29,517	1,071	93,782

The NPA undertook an extensive exercise to determine the completeness and the correct asset values of the assets in the asset register. Adjustments to the prior year balance in the Annual Financial Statements were made in order to bring the financials in line with the opening balance of the revised asset register.

29.1 Additions

ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2011

	Cash R'000	Non- cash R'000	(Capital Work in Progress current costs and finance lease payments) R'000	Received current, not paid (Paid current year, received prior year) R'000	Total R'000
MACHINERY AND EQUIPMENT	41,328	17,972	(29,783)	-	29,517
Transport assets	11,307	-	(11,307)	-	-
Computer equipment	25,237	17,449	(15,590)	-	27,096
Furniture and office equipment	1,238	-	-	-	1,238
Other machinery and equipment	3,546	523	(2,886)	-	1,183
TOTAL ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS	41,328	17,972	(29,783)	-	29,517

Computer Equipment finance lease assets to the value of R 13,127m were purchased at residual value after a settlement agreement was reached with the service provider.



29.2 Disposals

DISPOSALS OF MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2011

	Sold for cash R'000	Transfer out or destroyed or scrapped R'000	Total disposals R'000	Cash Received Actual R'000
MACHINERY AND EQUIPMENT	-	1,071	1,071	-
Computer equipment	-	108	108	-
Furniture and office equipment	-	53	53	-
Other machinery and equipment	-	910	910	-
TOTAL DISPOSAL OF MOVABLE TANGIBLE CAPITAL ASSETS	-	1,071	1,071	-

29.3 Movement for 2009/10

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

	Opening balance R'000	Additions R'000	Disposals R'000	Closing balance R'000
MACHINERY AND EQUIPMENT	10,586	2,865	-	13,451
Computer equipment	135	241	-	376
Furniture and office equipment	8,048	1,358	-	9,406
Other machinery and equipment	2,403	1,266	-	3,669
TOTAL MOVABLE TANGIBLE ASSETS	10,586	2,865	-	13,451

29.4 Minor assets

MOVEMENT IN MINOR ASSETS PER THE ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2011

	Specialised military assets R'000	Intangible assets R'000	Heritage assets R'000	Machinery and equipment R'000	Biological assets R'000	Total R'000
Opening balance	-	-	-	50,536	-	50,536
Curr Year Adjustment to Prior Yr Balances	-	-	-	8,324	-	8,324
Additions	-	-	-	4,674	-	4,674
Disposals	-	-	-	(2,612)	-	(2,612)
TOTAL MINOR ASSETS	-	-	-	60,922	-	60,922

The NPA undertook an expensive exercise to determine the completeness and the correct asset values of the assets in the Asset Register. Adjustments to the prior years balance in the Annual Financial Statements were made in order to bring the financials in line with the opening balance of the revised Asset Register.



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Disclosure Notes to the Annual Financial Statements for the year ended 31st March 2011

	Specialised military assets R'000	Intangible assets R'000	Heritage assets R'000	Machinery and equipment R'000	Biological assets R'000	Total R'000
Number of RI minor assets	-	-	-	-	-	-
Number of minor assets at cost	-	-	-	45,286	-	45,286
TOTAL NUMBER OF MINOR ASSETS	-	-	-	45,286	-	45,286

MINOR ASSETS OF THE DEPARTMENT AS AT 31 MARCH 2010

	Specialised military assets R'000	Intangible assets R'000	Heritage assets R'000	Machinery and equipment R'000	Biological assets R'000	Total R'000
Minor assets	-	-	-	50,536	-	50,536
TOTAL	-	-	-	50,536	-	50,536

	Specialised military assets R'000	Intangible assets R'000	Heritage assets R'000	Machinery and equipment R'000	Biological assets R'000	Total R'000
Number of RI minor assets	-	-	-	8,735	-	8,735
Number of minor assets at cost	-	-	-	32,023	-	32,023
TOTAL NUMBER OF MINOR ASSETS	-	-	-	40,758	-	40,758

30. Intangible Capital Assets

30.1 Movement for 2009/10

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

	Opening balance R'000	Additions R'000	Disposals R'000	Closing balance R'000
CAPITALISED DEVELOPMENT COSTS	9,342	-	(9,342)	-
COMPUTER SOFTWARE	24,679	-	(24,679)	-
PATENTS, LICENCES, COPYRIGHT, BRAND NAMES, TRADEMARKS	5,986	-	(5,986)	-
TOTAL INTANGIBLE CAPITAL ASSETS	40,007	-	(40,007)	-

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



31. Immovable Tangible Capital Assets

MOVEMENT IN IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2011

	Opening balance R'000	Curr Year Adjust- ments to prior year balances R'000	Additions R'000	Disposals R'000	Closing Balance R'000
BUILDINGS AND OTHER FIXED STRUCTURES	-	-	-	-	-
Other fixed structures	-	-	-	-	-
TOTAL IMMOVABLE TANGIBLE CAPITAL ASSETS	-	-	-	-	-

31.1 Additions

ADDITIONS TO IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2011

	Cash R'000	Non- cash R'000	(Capital Work in Progress current costs and finance lease payments) R'000	Received current, not paid (Paid current year, received prior year) R'000	Total R'000
BUILDING AND OTHER FIXED STRUCTURES	14,723	-	(14,723)	-	-
Other fixed structures	14,723	-	(14,723)	-	-
TOTAL ADDITIONS TO IMMOVABLE TANGIBLE CAPITAL ASSETS	14,723	-	(14,723)	-	-



31.2 Movement for 2009/10

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

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

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



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Annexures to the Annual Financial Statements for the year ended 31st March 2011

ANNEXURE 1A

STATEMENT OF TRANSFERS TO DEPARTMENTAL AGENCIES AND ACCOUNTS

DEPARTMENT/ AGENCY/ ACCOUNT	TRANSFER ALLOCATION				Actual Transfer	TRANSFER % of Available funds Transferred %	2009/10 Appro- priation Act R'000
	Adjusted Appro- piation	Roll Overs	Adjust- ments	Total Available			
	R'000	R'000	R'000	R'000	R'000		
Safety and Security Sector SETA	1,826	-	-	1,826	1,826	100	1,415
	1,826	-	-	1,826	1,826	100	1,415

ANNEXURE 1B

STATEMENT OF TRANSFERS TO HOUSEHOLDS

HOUSEHOLDS	TRANSFER ALLOCATION				EXPENDITURE		2009/10 Appro- priation Act R'000
	Adjusted Appropriation Act	Roll Overs	Adjust- ments	Total Available	Actual Transfer	% of Available funds Transferred	
	R'000	R'000	R'000	R'000	R'000	%	
Transfers							
Social Benefits	5,507	-	-	5,507	5,507	100	18,147
Other Transfers (Claims against the State)	114	-	-	114	114	100	-
TOTAL	5,621	-	-	5,621	5,621		18,147



National Prosecuting Authority - Vote 23
Annexures to the Annual Financial Statements for the year ended 31st March 2011

ANNEXURE 1C
STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS RECEIVED

NAME OF ORGANISATION	NATURE OF GIFT, DONATION OR SPONSORSHIP	2010/11 R'000	2009/10 R'000
Received in cash			
Financial Standards Board (FSB)	Funds donated to cover the expense for outside counsel	-	406
Subtotal		-	406
Received in kind			
Pricewaterhousecoopers (PWC)	Various donations	-	2
Brand SA	200 Flags, caps and vuvuzelas	-	10
Gedeon	Bus hire	-	2
Various	Donations received below R 1,001	13	15
Harvard Training Institute	4 Notepads	11	-
Coca Cola	FIFA world cup tickets	5	-
Ridge Casino	Video Equipment	3	-
Cape Tow Bar	Toys and clothing	2	-
Cyber	IPad	5	-
Computerware	Govtech Gifts	3	-
USAID	Various items for the Thuthuzela Care Centres	805	-
IJS Project Assets	IJS project	2,876	-
Subtotal		3,723	29
TOTAL		3,723	435



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ANNEXURE 1D
STATEMENT OF AID ASSISTANCE RECEIVED

NAME OF DONOR	PURPOSE	OPENING BALANCE	REVENUE	EXPENDI- TURE	CLOSING BALANCE
		R'000	R'000	R'000	R'000
Received in cash					
European Union	Assistance to SA Government to prevent and react to human trafficking	(24)	4,876	5,163	(311)
Foundation for Human Rights	Implementation of the recommendations of the TRC	(609)	609	-	-
Royal Danish Commission (UNICEF)	Ndabezzitha Project	281	2,973	2,252	1,002
CARA	To assist in various projects managed by NPA Business Units	4,980	-	28	4,952
Subtotal		4,628	8,458	7,443	5,643
Received in kind					
UNICEF	Child and woman's protection through prevention and response to violence and HIV/AIDS	25,503	16,583	11,969	30,117
US Presidency	Support of PEPFAR: Thuthuzela Care Centres	7,705	-	1,363	6,342
USAID	Women Justice and Empowerment Initiative	78,830	-	25,531	53,299
Subtotal		112,038	16,583	38,863	89,758
TOTAL		116,666	25,041	46,306	95,401

The donor funding figure in respect of USAID was exchanged from US dollar to ZAR. The average exchange rate used was R 7,21.



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Annexures to the Annual Financial Statements for the year ended 31st March 2011

ANNEXURE 2A
STATEMENT OF FINANCIAL GUARANTEES ISSUED
AS AT 31 MARCH 2011 – LOCAL

Guarantor institution	Guarantee in respect of Housing	Original guaranteed capital amount	Opening balance 1 April 2010	Guarantees draw downs during the year	Guarantees repayments/ cancelled/ reduced/ released during the year	Revaluations	Closing balance 31 March 2011	Guaranteed interest for year ended 31 March 2011	Realised losses not recoverable i.e. claims paid out
		R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
ABSA		-	986	-	94	-	892	-	-
BOE Bank		-	13	-	-	-	13	-	-
First National Bank (FNB)		-	103	-	-	-	103	-	-
First Rand Bank		-	254	-	64	-	190	-	-
Nedbank		-	140	-	18	-	122	-	-
Nedbank Limited		-	352	-	30	-	322	-	-
NP Development Corporation		-	111	30	-	-	141	-	-
Old Mutual Finance limited		-	207	-	27	-	180	-	--
People's Bank		-	11	-	-	-	11	-	-
Standard Bank		-	316	81	88	-	309	-	-
Ithala		-	-	-	-	-	-	--	-
Unique		-	-	-	-	-	-	-	-
Nedcor Investment		-	60	-	-	-	60	-	-
TOTAL		-	2,553	111	321	-	2,343	-	-

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



National Prosecuting Authority - Vote 23
Annexures to the Annual Financial Statements for the year ended 31st March 2011

ANNEXURE 2B
STATEMENT OF CONTINGENT LIABILITIES AS AT 31 MARCH 2011

Nature of Liability	Opening Balance 1 April 2010	Liabilities incurred during the year	Liabilities paid/ cancelled/ reduced during the year	Liabilities recoverable (Provide details hereunder)	Closing Balance 31 March 2011
	R'000	R'000	R'000	R'000	R'000
Claims against the department					
Fleet Management	78,529	-	-	-	78,529
Occupation Specific Dispensation (OSD)	151,535	59,369	181,287	-	29,617
Outstanding Lawsuits (SS, OWP, PCLU)	45,050	-	784	-	44,266
Outstanding Lawsuits (AFU)	54,392	6,523	34,869	-	26,046
Pending Employee Relations Matters	2,741	-	2,741	-	-
Special Investigators cost of living 1 July 2009	2,932	-	2,932	-	-
SMS NPA Act (Level 13 and 14) cost of living 1 January 2010	1,859	-	1,859	-	-
TOTAL	337,038	65,892	224,472	-	178,458

The opening balance for Fleet Management is restated to R 78,529m (2009/10: R 80,000m).

The item Outstanding Lawsuits was split into two in order to reflect the AFU contingent liabilities on its own. The opening balance for Lawsuits (AFU) was restated to R 54,392m (2009/10: R 1,500m).

This amount represents possible curator expenditure liability dependant on the outcome of court cases.

The opening balance for Lawsuits (SS, OWP and PCLU) was restated to R 45,050m (2009/10: R 40,120m).



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Annexures to the Annual Financial Statements for the year ended 31st March 2011

ANNEXURE 3
CLAIMS RECOVERABLE

Government Entity	Confirmed balance outstanding		Unconfirmed balance outstanding		Total	
	31/03/2011 R'000	31/03/2010 R'000	31/03/2011 R'000	31/03/2010 R'000	31/03/2011 R'000	31/03/2010 R'000
Department						
Department of Home Affairs	-	14	-	-	-	14
Department of Justice and Constitutional Development	-	-	-	64	-	64
Department of Transport	-	-	-	22	-	22
Department of Defence	-	-	-	2	-	2
Department of Transport: KZN	-	-	-	360	-	360
Department of Water Affairs	-	30	-	-	-	30
Department of Education: GP	-	-	-	9	-	9
South African Police Service (SAPS)	-	-	-	10	-	10
Department of Education: KZN	11	-	-	-	11	-
Department of Agriculture: GP	10	-	-	-	10	-
Department of Health: Mpumalanga	-	-	6	-	6	-
Department of Health: GP	-	-	22	-	22	-
Subtotal	21	44	28	467	49	511
Other Government Entities						
North West Province	-	-	-	1	-	1
Office of the Public Protector	-	-	-	3	-	3
Subtotal	-	-	-	4	-	4
TOTAL	21	44	28	471	49	515



National Prosecuting Authority - Vote 23
Annexures to the Annual Financial Statements for the year ended 31st March 2011

ANNEXURE 4
INTER-GOVERNMENT PAYABLES

GOVERNMENT ENTITY	Confirmed balance outstanding		Unconfirmed balance outstanding		TOTAL	
	31/03/2011	31/03/2010	31/03/2011	31/03/2010	31/03/2011	31/03/2010
	R'000	R'000	R'000	R'000	R'000	R'000
DEPARTMENTS						
Current						
Department of Agriculture	-	11	-	-	-	11
Department of Public Works, Roads and Transport: MP	-	21	-	-	-	21
Department of Health: GP	-	-	-	1	-	1
South African Police Service (SAPS)	-	-	-	131	-	131
Department of Transport and Public Works	-	-	-	1,673	-	1,673
Department of Justice and Constitutional Development	-	-	-	75	-	75
Department of International Relations and Cooperation	-	-	-	80	-	80
Department of Correctional Services	-	43	-	-	-	43
Department of Agriculture: Free State	43	-	-	-	43	-
Department of Economic Development: Northern Cape	17	-	-	-	17	-
National Treasury	6	-	-	-	6	-
TOTAL	66	75	-	1,960	66	2,035

OTHER GOVERNMENT ENTITY						
Current						
Public Administration Leadership and Management Academy	-	-	-	230	-	230
South African Social Security Agency	-	-	-	10	-	10
TOTAL	-	-	-	240	-	240



National Prosecuting Authority - Vote 23
Annexures to the Annual Financial Statements for the year ended 31st March 2011

ANNEXURE 5
INVENTORY

Inventory	Note	Quantity	2010/11 R'000	Quantity	2009/10 R'000
Opening balance			5,338		20,537
Add/(Less): Adjustments to prior year balance			-		(20,353)
Add: Additions/Purchases – Cash			8,382		20,999
(Less): Issues			(8,891)		(15,845)
Add/(Less): Adjustments			(4)		-
Closing balance			4,825		5,338



Annual Financial Statements



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National Prosecuting Authority - Vote 23

Report of The Audit Committee

for the year ended 31st March 2011

I. Report of the Audit Committee

We are pleased to present our report for the financial year ended 31 March 2011.

I.1. Audit Committee members and attendance

The Audit Committee consists of the members listed below and is required to meet at least four times per annum as per its approved terms of reference. During the current year eight meetings were held, and these included special meetings. The special meetings were held in order to address the audit concerns and qualification matters.

Name of members	Numbers of meetings attended	Status
Mr Motsamai Karedi (Chairperson)	8	Re-appointed 15 December 2009
Mr Cedric Boltman	8	Re-appointed 15 December 2009
Ms Bajabulile Luthuli	7	Appointed 15 December 2009
Ms Matshego Ramagaga	4	Appointed 15 December 2009
Ms Zodwa Manase	3	Appointed 15 December 2009
Mr Wilson Ramabulana	7	Appointed 15 December 2009

I.2. Audit Committee responsibility

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

I.3. The effectiveness of internal control

In the light of the challenges in the previous year with regard to the internal control systems and financial reporting, the Audit Committee set up a special committee to specifically focus on the areas mentioned in order to ensure improvement.

Although some areas reported in the internal audit reports and the Auditor-General's report to management still needed attention, the initiative resulted in the improvement on the system of internal control and financial reporting during the year and has assisted the National Prosecuting Authority in achieving an unqualified audit opinion.

The Audit Committee is also satisfied that key controls remained in place throughout the year under review and where deficiencies in internal controls were identified, management has demonstrated commitment in addressing them.

I.4. Internal Audit

The Internal Audit Unit reviewed the operations as per approved audit plan during the year under review. The functioning of the Internal Audit Unit also improved during the year as the Unit managed to fill the vacant supervisory and middle management positions. Staff turnover in the Unit was stable during the year resulting in improved performance.

The Audit Committee and Accounting Officer continued to ensure that challenges facing the Internal Audit Unit were addressed and that internal audit capacity is adequate.



1.5. Auditor-General South Africa

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

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

Although there are areas of improvement, we are satisfied with the content and quality of monthly and quarterly reports prepared by the Accounting Officer of the National Prosecuting Authority during the year under review. However, we have noted the Auditor-General's concerns relating to the Department's reporting on performance information in terms of the required auditing standards.

Management has undertaken to effect the recommended improvements and the Audit Committee will continuously monitor the progress in that regard.

1.5.2. Evaluation of financial statements

We have done the following:

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

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



M Karedi
Chairperson of the Audit Committee
8 August 2011



National Prosecuting Authority - Vote 23

Report of the Accounting Officer

for the year ended 31st March 2011

I. General review of state of financial affairs

The NPA made a policy decision in the second quarter to implement cost saving measures in the event that National Treasury would not fund the implementation of OSD Phase II. Subsequently R 198 m was allocated which proved to be considerably more than the actual expense required. The amount requested was based on an estimate as the number of staff who qualified was not known at the time.

The NPA was faced with the challenge of implementing the JCPS Delivery Agreement which required a shift in strategic focus specifically in respect of output 5. There were two significant events in the past year: 2010 FIFA World Cup and the Public Service strike which had a significant impact on the performance of the NPA. During the FIFA world cup the NPA serviced the special courts set up to deal with world cup related incidents, an amount of R 2,9 m was paid to official performing overtime during this period.

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

The NPA received a qualified audit opinion in the 2009/10 financial year. The basis for the qualified opinion was a lack of a complete and accurate asset register, poor leave management, the understating of irregular expenditure, the overstatement of prepayments with R 19,2 m, and the failure to take effective and appropriate disciplinary action against officials who made or permitted fruitless and wasteful expenditure. These audit findings are being addressed through the audit action plan that has been developed.

The NPA is programme four within the DoJ&CD Vote.

Table I: NPA Financial Performance for the year ended 31 March 2011

	2010/11 R'000	2009/10 R'000
Total revenue	2,519,749	2,262,019
Less		
Total expenditure	2,502,006	2,236,677
Current expenditure	2,434,568	2,146,548
Transfers and subsidies	7,447	19,327
Capital assets	56,051	70,383
Financial assets	3,940	419
Surplus / (deficit) for the year	17,743	25,342



The NPA spent 99,5% of its appropriation as at the end of the financial year (after virement) leaving a surplus of R 17,7m for the year under review. An amount of R 41,7m on Goods and Services was utilised by the DoJ&CD as part of the virement process. The saving on Goods and Services at the NPA was mainly as a result of cost saving measures introduced during the financial year. The total amount of the virement to DoJ&CD is R 175,7m. The virement was approved by the acting CFO: DoJ&CD.

It should be noted that the NPA only administers the personnel budget of prosecutors at the lower courts. The administration of the remainder of this budget remains with the DoJ&CD. In addition, the lack of suitable and sufficient office accommodation at some of the courts places constraints on the vacancies to be filled.

Fruitless and wasteful expenditure relating to the current financial year amounts to R 668,000. The major portion of this amount relates to a specific case where an official was on suspension with full pay for a considerable period. In this regard, corrective measures were implemented to bring the management of suspensions and special leave under control. Motor car accident repair cost is another significant portion of the current year's fruitless and wasteful expenditure.

2. Service rendered by the NPA

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

- The sub-programme: **Public Prosecutions** includes general prosecutions and several specialist prosecution units, such as those for priority crimes litigation, sexual offences and community affairs, and specialised commercial crime.
- The sub-programme: **Office for Witness Protection** provides protection, support and related services to vulnerable witnesses and related persons in judicial proceedings.
- The sub-programme: **Asset Forfeiture Unit** seizes assets that are the proceeds of crime or have been part of an offence through a criminal or civil process.
- The sub-programme: **Support Services** provides the NPA with the following support functions:
 - o Finance and Procurement
 - o Human Resources Management and Development
 - o Information Management and Technology
 - o Research and Policy Development Management
 - o Security Management
 - o Communications
 - o Strategy and Risk Management
 - o Programme and Project Management
 - o Integrity Management

2.2 Tariff policy

The NPA does not charge tariffs for services rendered, but is contemplating the introduction of service charges for the use of parking by officials at our offices. The parking policy was tabled in the Bargaining Chamber for purposes of consultation.

2.3 Free services

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



3. Capacity constraints

The vacancy rate at the NPA decreased from 24,9% at the end of the 2008/09 financial year to 16,6% at the end of the 2009/10 financial year. The vacancy rate for prosecutors as at 31 March 2011 was 12,7%. Unfortunately, the project (Operation Recruitment Drive) launched to fill vacancies did not fully achieve the desired results.

The NPA continued to experience considerable difficulty to attract staff from outside. The lack of capacity is compounded by the inability to speed up the recruitment process and the fact that most vacancies are filled by internal candidates. All vacant posts in Finance & Procurement have been advertised and are being filled.

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

4. Utilisation of donor funds

The following projects were funded through donations received in cash or kind during the current financial year:

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

Please refer to Annexure ID of the Annual Financial Statements for further details in regard to donor funding. The NPA is fortunate to continue attracting donor funding for its projects. The nature of these projects, the relationships developed over time with the donors involved, and shared ownership and management of the projects, where appropriate, contribute to the success of our interaction with the donor community. It is a concern that some of these projects that focus on addressing crimes against women and children in particular may not be sustainable in the long term. In this regard, funding additional to baseline will be requested during the 2011/12 MTEF process.

5. Trading entities and Public Entities

This is not applicable to the NPA.



6. Organisations to whom transfer payments have been made

R 1,8m was transferred to the Safety and Security Sector SETA (SASSETA). SASSETA was created to develop an integrated education and training authority for the safety and security sector. Transfer of funds to SASSETA will be subject to conditions and it is required to establish and implement effective, efficient, and transparent financial management and internal control systems.

7. Public Private Partnerships

This is not applicable to the NPA.

8. Corporate governance arrangements

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

Risk Assessment were conducted for all business units and service centres. Action plans were identified and documented for risks with a residual risk rating of "medium", "high" and "extreme". The identified risks were reviewed, rated and approved. A fraud and corruption risk assessment was also conducted in the period under review and formed the refinement of the Fraud and Corruption response plan managed by the Integrity Management Unit.

For the period under review, the following enhancements were made to the Enterprise Risk Management System and the governance thereof:

- a) Refinement of the Risk Analysis Matrix from a 10 point impact and likelihood scale to a five point scale.
- b) The development and approval of the Enterprise Risk Management Handbook. The Handbook serves as a single point of reference on risk management for the NPA, in that it includes a) NPA Enterprise Risk Management Framework, b) Enterprise Risk Management Policy, c) Enterprise Risk Management Strategy, d) Enterprise Risk Management Process Maps, e) Guidebooks on risk identification, control activities, risk assessment, risk rating and risk response strategy.
- c) The Enterprise Risk Management was reviewed, updated and approved.
- d) The creation of a Risk Management Committee was approved and members were appointed. The effective date of the Risk Management Committee is 1 April 2011.

A Code of Ethics was drafted during a consultative process wherein most NPA members were involved. It was adopted by the NPA in 2010. The Code was officially launched on 9 December 2010, during International Anti-Corruption Day. The Code was aligned to the whistle-blowing policy, as to include steps on how to blow the whistle on fraud and corruption, as well as unethical conduct. The Code was printed and distributed to NPA members as well as stakeholders such as SAPS (only certain identified stations). As regards the code of conduct, the NPA will formally embrace the public service code of conduct, however, we will review the prosecutor's code of conduct which has never been reviewed since its adoption.

The Code is linked with the organisational values which the NPA has adopted in 2009/2010 financial year. The IMU has developed the value institutionalised programme which will be rolled out in the current financial year. The values institutionalization programme will be rolled out to leadership, as well as employees. It is therefore envisaged that the internalization of values and code of ethics will go a long way in terms of changing both individual and organisational behaviour.



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Report of the Accounting Officer for the year ended 31st March 2011

The IMU developed a Fraud and Corruption Response Plan based on risk management principles. The plan was developed in consultation with the Enterprise Risk Management Section and all other business units within the NPA. The plan was rolled out to 80% of all the regions. The plan is effective but can still be improved upon.

The IMU developed a conflict of interest policy which was approved by NPA management. The plan ensures that proper measures are implemented to deal with conflict of interest. These measures include:

- Policy and process to manage remunerative work outside the NPA;
- Policy and process to manage receipt of gifts;
- Analyses of Financial Disclosures forms of Senior Managers to identify possible conflict of interest;
- Lifestyle audits on employees; and
- Monitoring of employee conduct by means of integrity inspections and reviews.

The Audit Committee continues to provide oversight in terms of risk management for the NPA. The NPA is serviced by the Internal Audit unit of the DoJ&CD.

The Security & Risk Management Service Centre continued to provide physical security services in the NPA facilities, and threatened employees are provided with protection in terms of the NPA's Employee Protection Policy. This continues to be a key part of the security management strategy of the NPA. Various interventions were held to focus on organisational compliance to occupational health and safety issues and the roll out of such programme was done successfully.

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

9. Discontinued activities / activities to be discontinued

The reporting lines of officials working in units such as SCCU and SOCA were clarified and these officials now report at an operational level to the DPP in whose jurisdiction they fall.

It was previously reported that a proposal to integrate the NPA Corporate Services with that of the DoJ&CD was under consideration. This proposal is no longer on the table. It should be noted further that the Minister has instructed the DoJ&CD to affect the necessary legislative amendments to provide for the establishment of the NPA as a separate entity with its own accounting officer. This process is underway.

10. New / proposed activities

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



11. Asset management

Immovable assets are under the control of the DoJ&CD. The NPA provides inputs into the DoJ&CD's User Asset Management Plan (UAMP).

In respect of movable assets, three quarterly verifications, as well as one stock-take were conducted to ensure that the NPA's asset register remain up-to date during the period under review. To ensure that the accurate reporting on assets becomes a sustainable function within the NPA, thirteen regional Asset, Fleet and Facilities management positions were advertised. The short listing and interviewing processes are currently underway. A fair value exercise was conducted on assets where the assets could not be matched to invoices. This process to fair value these assets, was pre-approved by the Executive Manager: Finance and Procurement.

All assets acquired during the 2010/11 financial year, have been reconciled with the accounting system, and loaded to the NPA Asset Management system, AssetWare.

In the new financial year, training with regards to AssetWare and general asset management principles, will be conducted with Asset Controllers within every office, Corporate Managers, as well as the newly appointed Asset, Fleet and Facilities managers to be appointed. Disciplinary action was instituted in respect of offices where poor compliance was identified.

12. Inventories

All inventory opening and closing balances, together with movements for the year under review, are reflected in Annexure 5 of the Annual Financial Statements.

13. Information on predetermined objectives

The NPA utilises a manual system to collect performance information in many areas, capturing and consolidated in excel spreadsheets. No electronic performance management system currently exists that can eliminate the risk of human error. The development of an electronic system commenced and the roll out of the system is planned for 2011/12.

Monthly and quarterly performance reports are generated and interrogated by management through EXCO on a quarterly basis. These reports are forwarded to the Minister and the Director-General of DoJ&CD.

14. Events after the reporting date

There were no events that occurred after the reporting date and the date of approval of the Annual Financial Statements (31 May 2011) that had a significant impact on the AFS.



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Report of the Accounting Officer for the year ended 31st March 2011

15. SCOPA resolutions

Reference to previous audit report and SCOPA resolutions	Subject	Findings on progress
Par 3 (3.1) SCOPA Recommends that these matters are finalised as a matter of urgency to ensure that the NPA realises its mandate.	Accountability governance status of the NPA.	Steps are underway to amend the NPA Act with the intention of making the NPA a separate entity and no longer a programme of DoJ&CD. Such an amendment will also provide the NPA with its own Accounting Officer.
Par 3 (3.2) SCOPA Recommends that vacant posts are filled to ensure that strategic objectives are achieved and the operation of the NPA runs smoothly.	Capacity and people related issues.	The NPA started to advertise funded vacancies in January 2011 and the recruitment process is at various stages. The NPA is currently reviewing its establishment with a view to abolish unfunded posts. The vacancy rate as at 31 March 2011 is: Total establishment (all posts): Vacancy rate 16,63%. Inclusive of the contract employees the vacancy rate is 15,46%. Prosecutor/Advocate positions: Vacancy rate 13,68%. Inclusive of the contract employees the rate is 12,72%.
Par 3 (3.3) SCOPA recommends that: <ul style="list-style-type: none"> • A system or process is put in place to enable CARU to fulfil its mandate. • Policies and procedures are implemented and vacancies are filled. 	Criminal Assets Recovery Account (CARA)	The Criminal Assets Recovery Unit (CARU) was transferred to the Department of Justice and Constitutional Development (DOJ &CD) with effect from 1 December 2009.
Paragraph 5 page 63 of the Auditor-General Report for 2007/08: SCOPA recommends that: <ul style="list-style-type: none"> • The Accounting Officer ensures that the outcomes of the investigation is submitted to the committee and, • Action is taken to avoid discrepancies with regard to the above – mentioned issues. 	Irregular, fruitless and wasteful expenditure	The outcome of the investigations into the SCM Unit was submitted to the Committee. The reports were referred to Labour Relations to institute disciplinary action against the officials involved. Final written warnings were issued to three managers.
Paragraph 6 page 64 of the Auditor General-Report for 2007/08: SCOPA recommends that: <ul style="list-style-type: none"> • An updated asset register is in place and reviewed by management regularly. • Policies that are related to financial reporting must be communicated throughout the entity. 	Tangible assets	Assets register in place. Quarterly verifications conducted. 13 Asset Controllers are being recruited to enhance regional capacity. The Asset Management Policy has been reviewed and the Asset Management Strategy approved. Furniture and equipment norms and standards were developed and approved.



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Report of the Accounting Officer for the year ended 31st March 2011

<p>Paragraph 12 page 65 of the Auditor-General Report for 2007/08: SCOPA recommends that:</p> <ul style="list-style-type: none"> The information on PERSAL is updated on a daily basis and management should make sure that policies and procedures are implemented. Information on housing guarantees with names of people who were transferred to other departments must be submitted to Parliament within 60 days after the adoption of this recommendation by the house. Written report to be submitted to Parliament on wrong appointments made by the NPA on all consequent issues as raised by the Auditor-General within 60 days of this recommendation by the house. 	<p>Housing guarantees</p>	<p>The NPA is guided by the DPSA determination on housing and the Public Works Housing Guarantee Scheme. The NPA is implementing the provisions of the above and has developed and reviewed a housing guarantee process map. A compliance check list document on state guarantees has also been developed, checked and discussed and agreed to with the IMU of the NPA to promote compliance.</p> <p>Housing guarantee transactions documents are attended to on a daily basis as and when they are received. Transactions are captured by the Chief Administrative Assistants (HR), checked for correctness and approved by the Assistant Manager or above.</p> <p>There is regular communication with the banks and affected employees (who have state guarantees) to provide information on the status of the state guarantees, i.e. whether they are still active or whether the state guarantee was released and should be terminated. Formal letters are being sent out at least twice per annum to employees and financial institutions to determine the status of state guarantees. There has been a drastic reduction of the state guarantee liability over the past three years. This can be seen through the reduction of the liability from where it was in 2008 at R 5,5m to the current liability amount of R 2,3m. A full audit of all state guarantee files were conducted during 2008/2009.</p> <p>Information and names of employees who had housing guarantees who were transferred and whose files were not audited was submitted as requested.</p>
<p>Paragraph 7 page 64 of Auditor-General report for 2007/08: SCOPA recommended that:</p> <ul style="list-style-type: none"> Policies, guidelines and procedures are in place and management must monitor the implementation of these policies. Leave forms must be completed, approved by relevant managers and be captured on the PERSAL system on a daily basis. 	<p>Leave entitlement</p>	<p>The NPA conducted the leave audit up until December 2010. Circulars were sent to the Regions urging them to timeously capture leave forms on PERSAL. The management of leave will be completely decentralized after the final AG audit in 2011.</p>
<p>Paragraph 16 page 66 of Auditor-General report for 2007/08: SCOPA recommended that:</p> <ul style="list-style-type: none"> Control activities are developed with consideration of their cost and potential of effectiveness in mitigating risks to the achievement of financial reporting objectives 	<p>Financial management</p>	<p>The joint budget committee reviews expenditure patterns timeously and holds quarterly budget review meetings with Business Units to address prioritisation of funds spent against budget. Expenditure is monitored in line with the drawdown on a monthly basis to ensure that requests of virements & reprioritisation of funds are adequately addressed</p> <p>The NPA Finance Unit will provide effective and efficient communication and support to BU's to ensure effective management of expenditure.</p>



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Report of the Accounting Officer for the year ended 31st March 2011

<p>Paragraph 10 page 64 of Auditor-General report for 2007/08: SCOPA recommended that:</p> <ul style="list-style-type: none"> • Management lead by example in terms of being competent, independent and support the achievement of effective internal control over financial reporting. • The entity complies with Procurement Policies, Supply Chain Management Practices and applicable legislation. • Disciplinary procedures must be instituted against officials responsible for any tender irregularities. 	<p>Non-compliance with the Preferential Procurement Policy Framework Act and Supply Chain Management Practice</p>	<p>IMU finalised a review of SCM processes. Management responded by addressing the weaknesses.</p> <p>The NPA management monitors and performs review to ensure compliance with SCM processes. Pre-awarding of all tenders is thoroughly checked and calculations will be adequately performed at senior management level to ensure that the correct bidder is awarded the bid.</p> <p>Disciplinary action was taken against three senior managers for tender irregularities.</p>
<p>15th report of SCOPA adopted by National Assembly on 11 December 2001. SCOPA recommended an independent and expert forensic investigation to "prove or disapprove once and for all" the allegations of corruption relating to the procurement process.</p>	<p>Joint investigation report into the Strategic Defence Procurement Packages</p>	<p>The NPA submitted a report to SCOPA on 26 January 2009. The committee reviewed the report and highlighted the need for further interaction with the NPA to seek clarity on certain matters related to the report. The investigation was handed to SAPS with the dissolution of the DSO.</p>

16. Prior modifications to audit reports

While we believe progress has been made in addressing the audit qualification on assets by creating and managing assets on the asset register, the opening balances and the valuation of assets acquired before 2008/09 remained problematic. An extensive fair valuation process was followed, and quarterly asset verifications and an annual stock take were performed. However, asset management in an environment where facilities are shared with DoJ&CD is challenging. Management accordingly decided, in consultation with the Director-General and the CFO: DoJ&CD, to transfer all NPA assets at the lower courts to DoJ&CD. DoJ&CD is currently verifying the existence of these assets at the lower courts.

As previously reported, a forensic investigation was conducted in respect of the Rentworks sale-and-leaseback matter. Some of the findings of the forensic auditors on value for money received are contested by the Auditor-General and the matter has been referred to National Treasury for a determination. The Office of the Accountant-General was requested to advice on the accounting treatment of the sale-and-leaseback transaction. In this regard, the NPA has taken the position, on the basis of the forensic report, that the sale-and-leaseback transaction was allowed in terms of SITA 285 and that no funds should be surrendered to National Treasury. National Treasury has indicated that since there was no revenue received, and value for money received, the NPA does not need to surrender the proceeds of the sale-and-leaseback. The possibility of disciplinary action has been exhausted, a loss of R 4,951m was disclosed and this matter should now be settled.



17. Exceptions and deviations received from National Treasury

The NPA did not receive or apply for any exemption from the PFMA or Treasury Regulations or a deviation from the financial reporting requirements for the current financial year.

18. Other

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

19. Approval

The Annual Financial Statements set out on pages 66 to 111 have been approved by the Accounting Officer.



Adv Karen Van Rensburg
Acting CEO: NPA
31/05/2011



Ms Nonkululeko Sindane
Director-General: DOJ & CD
31/05/2011



National Prosecuting Authority - Vote 23

Report of the Auditor-General to Parliament on The National Prosecuting Authority for the year ended 31st March 2011

REPORT ON THE FINANCIAL STATEMENTS

Introduction

1. I have audited the accompanying financial statements of the National Prosecuting Authority, which comprise the appropriation statement, the statement of financial position as at 31 March 2011, and the statement of financial performance, statement of changes in net assets and cash flow statement for the year then ended, a summary of significant accounting policies and other explanatory information, and the accounting officer's report, as set out on pages 66 to 103.

Accounting officer's responsibility for the financial statements

2. The accounting officer is responsible for the preparation of these financial statements in accordance with the Departmental Financial Reporting Framework prescribed by the National Treasury and the requirements of the Public Finance Management Act of South Africa, 1999 (Act No. 1 of 1999) (PFMA), and for such internal control as management determines necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor-General's responsibility

3. As required by section 188 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), section 4 of the Public Audit Act of South Africa, 2004 (Act No. 25 of 2004) (PAA) and section 40(2) of the PFMA, my responsibility is to express an opinion on these financial statements based on my audit.
4. I conducted my audit in accordance with International Standards on Auditing and **General Notice 1111 of 2010** issued in Government Gazette 33872 of 15 December 2010. Those standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.
5. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. \
6. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.



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Report of the Auditor-General for the year ended 31 March 2011

Opinion

7. In my opinion, the financial statements present fairly, in all material respects, the financial position of the National Prosecuting Authority as at 31 March 2011, and its financial performance and cash flows for the year then ended in accordance with the Departmental Financial Reporting Framework prescribed by National Treasury and the requirements of the PFMA.

Emphasis of matter

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

Restatement of corresponding figures

9. As disclosed in notes 24 and 29 to the financial statements, the corresponding figures for 31 March 2010 have been restated as a result of errors discovered during 2011 in the financial statements of the National Prosecuting Authority at, and for the year ended, 31 March 2010.

Irregular expenditure

10. As disclosed in note 24 to the financial statements, the National Prosecuting Authority incurred irregular expenditure of R 61 098 000 as expenditure was in contravention of the PFMA and Treasury Regulations relating to supply chain management, Public Service Regulations and the National Prosecuting Authority Act relating to compensation of employees.

Additional matters

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

Unaudited supplementary schedules

12. The supplementary information set out on pages 104 to 111 does not form part of the financial statements and is presented as additional information. I have not audited these schedules and, accordingly, I do not express an opinion thereon.

Financial reporting framework

13. The financial reporting framework prescribed by the National Treasury and applied by the entity is a compliance framework. Thus, my opinion would have reflected that the financial statements had been properly prepared instead of fairly presented as required by section 20(2)(a) of the PAA, which requires me to express an opinion on the fair presentation of the financial statements of the entity.

REPORT ON OTHER LEGAL AND REGULATORY REQUIREMENTS

14. In accordance with the PAA and in terms of *General Notice 1111 of 2010* issued in *Government Gazette 33872 of 15 December 2010*, I include below my findings on the annual performance report as set out on pages 3 to 46 and material non-compliance with laws and regulations applicable to the entity.



Predetermined objectives

15. There are no material findings on the annual performance report.

Compliance with laws and regulations

Annual financial statements, performance report and annual report

16. The accounting officer submitted financial statements for auditing that were not prepared in all material aspects in accordance with generally recognised accounting practice as required by section 40(1) (b) of the PFMA. The material misstatements identified by the AGSA with regards to tangible fixed assets and contingent liabilities were subsequently corrected.

Strategic planning and performance management

17. The executive authority did not approve the strategic plan submitted by the accounting officer before submission to Parliament as required by Treasury Regulation (TR) 5.1.1.

Expenditure management

18. Expenditure was incurred without the approval of a delegated official as per the requirements of section 44 of the PFMA, TR 8.2.1 and TR 8.2.2.

19. The accounting officer did not take effective and appropriate steps to prevent and detect irregular expenditure as per the requirements of section 38(1)(c)(ii) of the PFMA and TR 9.1.1.

20. The accounting officer did not immediately upon the discovery of irregular/ fruitless and wasteful expenditure report it to the relevant treasury as per the requirements of section 38(1)(g) of the PFMA.

Procurement and contract management

21. Awards were made to suppliers who did not submit a declaration on whether they are employed by the state, or connected to any person employed by the state as per the requirements of Treasury regulation 16A8.3 and Practice Note 7 of 2009/10.

22. Awards were made to suppliers based on preference points that were not allocated in accordance with the requirements of the Preferential Procurement Policy Framework Act and its regulations.

23. Employees performed remunerative work outside their employment in the entity without written permission from the relevant authority, as per the requirements of section 30 of the Public Service Act of South Africa, 1994 (Act No. 103 of 1994).

Human resource management and compensation

24. The executive authority did not determine, based on the strategic plan, the department's organisational structure, as per the requirements of Public Service Regulation 1/III/B.2(a).

25. Sufficient appropriate audit evidence could not be obtained that persons in charge at pay points had certified on the date of payment that all employees listed on the payroll report were entitled to the payment, as per the requirements of TR 8.3.4.



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Report of the Auditor-General for the year ended 31 March 2011

26. The cost of living adjustment to prosecutors were not approved and gazetted as required by section 18 of the National Prosecuting Authority Act 1998. (Act No. 32 of 1998)

27. Funded vacant posts were not filled within 12 months after becoming vacant as per the requirements of PSR I/VII/C.1A.2.

INTERNAL CONTROL

28. In accordance with the PAA and in terms of General Notice 1111 of 2010 issued in Government Gazette 33872 of 15 December 2010, I considered internal control relevant to my audit, but not for the purpose of expressing an opinion on the effectiveness of internal control. The matters reported below are limited to the significant deficiencies on compliance with laws and regulations included in this report.

Leadership

29. The leadership of the NPA did not exercise oversight responsibility over reporting, compliance with laws and regulations, and related internal controls.

Financial and performance management

30. Management did not prepare regular, accurate and complete financial reports that were supported and evidenced by reliable information.

31. Management did not review and monitor compliance with laws and regulations.

OTHER REPORTS

Investigations

32. An investigation was conducted during the year regarding the irregular procurement of equipment and services. The investigation has been finalised at the date of this report. The report recommended that the NPA consider further action against certain officials.

Auditor-General

Pretoria
31 July 2011



National Prosecuting Authority - Vote 23
Appropriation Statement for the year ended 31st March 2011

National Prosecuting Authority - Vote 23

Appropriation Statement

for the year ended 31st March 2011

Appropriation per programme									
2010/11								2009/10	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
I. NATIONAL PROSECUTING AUTHORITY									
Current payment	2,617,520	(967)	(175,591)	2,440,962	2,427,834	13,128	99.5	2,151,498	2,138,586
Transfers and subsidies	9,599	(2,513)	362	7,448	7,447	1	100.0	19,562	19,327
Payment for capital assets	56,684	-	(500)	56,184	56,051	133	99.8	70,383	70,383
Payment for financial assets	460	3,480	-	3,940	3,940	-	100.0	419	419
Subtotal	2,684,263	-	(175,729)	2,508,534	2,495,272	13,262	99.5	2,241,862	2,228,715
Reconciliation with STATEMENT OF FINANCIAL PERFORMANCE for the year ended 31st March 2011									
ADD									
Departmental receipts				2,757				11,157	
Aid assistance				7,849				9,000	
Actual amounts per STATEMENT OF FINANCIAL PERFORMANCE for the year ended 31st March 2011 (total revenue)				2,519,140				2,262,019	
ADD									
Aid assistance					6,734				7,962
Actual amounts per STATEMENT OF FINANCIAL PERFORMANCE for the year ended 31st March 2011 (total expenditure)					2,502,006				2,236,677



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Appropriation Statement for the year ended 31st March 2011

Appropriation per Economic Classification									
	2010/11							2009/10	
	Ad-justed App-ro-priation	Shifting of Funds	Vire-ment	Final App-ro-priation	Actual Expend-iture	Vari-ance	Expendi-ture as % of final app-ro-priation	Final App-ro-priation	Actual expend-iture
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Current payments									
Compensation of employees	2,098,481	-	(133,885)	1,964,596	1,952,222	12,374	99.4	1,663,811	1,651,829
Goods and services	514,592	(6,744)	(41,706)	466,142	465,388	754	99.8	462,567	461,637
Interest and rent on land	4,447	5,777		10,224	10,224	-	100.0	25,120	25,120
Transfers and subsidies									
Departmental agencies and accounts	1,465	-	362	1,827	1,826	1	99.9	1,415	1,181
Households	8,134	(2,513)	-	5,621	5,621	-	100.0	18,147	18,146
Payments for capital assets									
Buildings and other fixed structures	15,070	-	(220)	14,850	14,723	127	99.1	21,046	21,046
Machinery and equipment	41,614	-	(280)	41,334	41,328	6	100.0	49,337	49,337
Software and other intangible assets								-	-
Payments for financial assets	460	3,480	-	3,940	3,940	-	100.0	419	419
TOTAL	2,684,263	-	(175,729)	2,508,534	2,495,272	13,262	99.5	2,241,862	2,228,715



National Prosecuting Authority - Vote 23
Appropriation Statement for the year ended 31st March 2011

Detail per Sub-Programme									
2010/11								2009/10	
	Adjusted Appropriation	Shift- ing of Funds	Vire- ment	Final Appropriation	Actual Expend- iture	Vari- ance	Expend- iture as % of final appropriation	Final Appropriation	Actual expend- iture
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
I.1 Public Prosecution									
Current payment	1,964,300	(609)	(100,493)	1,863,198	1,851,433	11,765	99.4	1,572,471	1,562,522
Transfers and subsidies	5,313	(176)	-	5,137	5,137	-	100.0	16,698	16,698
Payment for capital assets	2,808	85	-	2,893	2,893	-	100.0	3,109	3,109
Payment for financial assets	250	1,679	-	1,929	1,929	-	100.0	187	187
I.2 Office for Witness Protection									
Current payment	126,070	1,278	-	127,348	127,348	-	100.0	111,424	111,424
Transfers and subsidies	89	(40)	-	49	49	-	100.0	582	582
Payment for capital assets	4,586	(4,007)	-	579	579	-	100.0	8,270	8,270
Payment for financial assets	-	1	-	1	1	-	100.0	100	100
I.3 Asset Forfeiture Unit									
Current payment	106,113	50,445	-	156,558	156,558	-	100.0	78,292	78,292
Transfers and subsidies	216	(46)	-	170	170	-	100.0	115	115
Payment for capital assets	250	(108)	-	142	142	-	100.0	217	217
Payment for financial assets	10	76	-	86	86	-	100.0	16	16
I.4 Support Services									
Current payment	421,037	(52,081)	(75,098)	293,858	292,495	1,363	99.5	349,257	346,294
Transfers and subsidies	3,981	(2,251)	362	2,092	2,091	1	100.0	1,772	1,537
Payment for capital assets	49,040	4,030	(500)	52,570	52,437	133	99.7	58,731	58,731
Payment for financial assets	200	1,724	-	1,924	1,924	-	100.0	116	116
I.5 Special Operations									
Current payment	-	-	-	-	-	-	-	40,054	40,054
Transfers and subsidies	-	-	-	-	-	-	-	395	395
Payment for capital assets	-	-	-	-	-	-	-	56	56
Payment for financial assets	-	-	-	-	-	-	-	-	-
TOTAL	2,684,263	-	(175,729)	2,508,534	2,495,272	13,262	99.5	2,241,862	2,228,715



National Prosecuting Authority - Vote 23
Notes to the Appropriation Statement for the year ended 31st March 2011

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

Detail of these transactions can be viewed in the note on Transfers and subsidies, disclosure notes and Annexure I (A-D) to the Annual Financial Statements.

2. Detail of specifically and exclusively appropriated amounts voted (after Virement):

Detail of these transactions can be viewed in note I (Annual Appropriation) to the Annual Financial Statements.

3. Detail on payments for financial assets

Detail of these transactions per programme can be viewed in the note on Payments for financial assets to the Annual Financial Statements.

4. Explanations of material variances from Amounts Voted (after Virement):

Per Programme	Final Appropriation R'000	Actual Expenditure R'000	Variance R'000	Variance as a % of Final Appropriation
Public Prosecution	1,873,157	1,861,392	11,765	0.6
Office for Witness Protection	127,977	127,977	-	0.0
Asset Forfeiture Unit	156,956	156,956	-	0.0
Support Services	350,444	348,947	1,497	0.4
TOTAL	2,508,534	2,495,272	13,262	0.5

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

The original budget in respect of Compensation of Employees was reduced with an amount of R 134m during the virement process. This was as a result of unutilised Occupational Specific Dispensation (OSD). The funded vacancies also contributed to this saving.

Per Economic Classification	Final Appropriation R'000	Actual Expenditure R'000	Variance R'000	Variance as a % of Final Appropriation R'000
Current payments				
Compensation of employees	1,964,596	1,952,222	12,374	0.6
Goods and services	466,142	465,388	754	0.2
Interest and rent on land	10,224	10,224	-	-
Transfers and subsidies				
Departmental agencies and accounts	1,827	1,826	1	0.1
Households	5,621	5,621	-	-
Payments for capital assets				
Buildings and other fixed structures	14,850	14,723	127	0.9
Machinery and equipment	41,334	41,328	6	0.0
Payments for financial assets	3,940	3,940	-	-
TOTAL	2,508,534	2,495,272	13,262	0.5



National Prosecuting Authority - Vote 23
Notes to the Appropriation Statement for the year ended 31st March 2011

The prior year's (2009/10) comparative information in respect of the Directorate of Special Operations (DSO) has been reclassified as per the Accounting Policy. The total expenditure amounting to R 102,566m disclosed in the 2009/10 AFS relates to DSO functions transferred to the South African Police Services (SAPS) and the other sub-programmes within the NPA prior to the disbandment of the DSO on the 6th of July 2009. This expenditure as well as the final budget appropriation was disclosed as part of DSO sub-programme within the NPA. R 40,505m relates to the DSO function transferred to SAPS and R 62,061m (R 55,662m - Public Prosecutions; R 153 thousand - Office for Witness Protection; R 104 thousand - Asset Forfeiture Unit and R 40,505m - Support Services) relates to the functions transferred to the other sub programmes within the NPA.



National Prosecuting Authority - Vote 23
Statement of Financial Performance for the year ended 31st March 2011

	Note	2010/11 R'000	2009/10 R'000
REVENUE			
Annual appropriation	1	2,508,534	2,241,862
Departmental revenue	2	2,757	11,157
Aid assistance	3	8,458	9,000
TOTAL REVENUE		2,519,749	2,262,019
EXPENDITURE			
Current expenditure			
Compensation of employees	4	1,952,222	1,651,829
Goods and services	5	465,388	461,637
Interest and rent on land	6	10,224	25,120
Aid assistance	3	6,734	7,962
Total current expenditure		2,434,568	2,146,548
Transfers and subsidies			
Transfers and subsidies	8	7,447	19,327
Total transfers and subsidies		7,447	19,327
Expenditure for capital assets			
Tangible capital assets	9	56,051	70,383
Total expenditure for capital assets		56,051	70,383
Payments for financial assets	7	3,940	419
TOTAL EXPENDITURE		2,502,006	2,236,677
SURPLUS/(DEFICIT) FOR THE YEAR		17,743	25,342
Reconciliation of Net Surplus/(Deficit) for the year			
Voted funds		13,262	13,147
Annual appropriation		13,262	13,147
Departmental revenue and NRF Receipts	2	2,757	11,157
Aid assistance	3	1,724	1,038
SURPLUS/(DEFICIT) FOR THE YEAR		17,743	25,342



National Prosecuting Authority - Vote 23
Statements of Financial Position as at 31st March 2011

	Note	2010/11 R'000	2009/10 R'000
ASSETS			
Current assets		209,895	138,185
Fruitless and wasteful expenditure	10	24	2,844
Cash and cash equivalents	11	195,099	122,272
Prepayments and advances	12	1,377	335
Receivables	13	13,084	12,125
Aid assistance receivable	3	311	609
TOTAL ASSETS		209,895	138,185
LIABILITIES			
Current liabilities		204,480	134,601
Voted funds to be surrendered to the Revenue Fund	14	13,262	13,147
Departmental revenue and NRF Receipts to be surrendered to the Revenue Fund	15	310	6,980
Payables	16	184,954	109,237
Aid assistance repayable	3	1,002	-
Aid assistance unutilised	3	4,952	5,237
TOTAL LIABILITIES		204,480	134,601
NET ASSETS		5,415	3,584
Represented by:			
Recoverable revenue		5,415	3,584
TOTAL		5,415	3,584



National Prosecuting Authority - Vote 23
Statement of Changes in Net Assets for the year ended 31st March 2011

	2010/11 R'000	2009/10 R'000
Recoverable revenue		
Opening balance	3,584	3,378
Debts raised	1,831	206
Closing balance	5,415	3,584
TOTAL	5,415	3,584



National Prosecuting Authority - Vote 23
Cashflow Statement for the year ended 31st March 2011

	Note	2010/11 R'000	2009/10 R'000
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts		2,519,749	2,262,019
Annual appropriated funds received	1	2,508,534	2,241,862
Departmental revenue received	2	2,757	11,157
Aid assistance received	3	8,458	9,000
Net (increase)/decrease in working capital		76,536	109,351
Surrendered to Revenue Fund		(22,574)	(45,824)
Surrendered to RDP Fund/Donor		(709)	(2,715)
Current payments		(2,434,568)	(2,146,548)
Payments for financial assets		(3,940)	(419)
Transfers and subsidies paid		(7,447)	(19,327)
Net cash flow available from operating activities	17	127,047	156,537
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments for capital assets	9	(56,051)	(70,383)
Net cash flows from investing activities		(56,051)	(70,383)
CASH FLOWS FROM FINANCING ACTIVITIES			
Increase/(decrease) in net assets		1,831	206
Net cash flows from financing activities		1,831	206
Net increase/(decrease) in cash and cash equivalents		72,827	86,360
Cash and cash equivalents at beginning of period		122,272	35,912
Cash and cash equivalents at end of period	18	195,099	122,272



The Financial Statements have been prepared in accordance with the following policies, which have been applied consistently in all material aspects, unless otherwise indicated. However, where appropriate and meaningful, additional information has been disclosed to enhance the usefulness of the Financial Statements and to comply with the statutory requirements of the Public Finance Management Act, Act 1 of 1999 (as amended by Act 29 of 1999), and the Treasury Regulations issued in terms of the Act and the Division of Revenue Act, Act 1 of 2010.

I. Presentation of the Financial Statements

I.1 Basis of preparation

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

I.2 Presentation currency

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

I.3 Rounding

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

I.4 Comparative figures

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

I.5 Comparative figures - Appropriation Statement

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

2. Revenue

2.1 Appropriated funds

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

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

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

Any amount due from the National/Provincial Revenue Fund at the end of the financial year is recognised as a receivable in the statement of financial position.



2.2 Departmental revenue

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

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

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

2.3 Aid assistance

Aids assistance is recognised as revenue when received.

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

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

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

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

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

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

3. Expenditure

3.1 Compensation of employees

3.1.1 Salaries and wages

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

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

Employee costs are capitalised to the cost of a capital project when an employee spends more than



50% of his/her time on the project. These payments form part of expenditure for capital assets in the Statement of Financial Performance.

3.1.2 Social contributions

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

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

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

3.2 Goods and services

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

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

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

3.3 Interest and rent on land

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

3.4 Payments for financial assets

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

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

3.5 Transfers and subsidies

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



3.6 Fruitless and wasteful expenditure

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

3.7 Irregular expenditure

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

4. Assets

4.1 Cash and cash equivalents

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

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

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

4.2 Prepayments and advances

Amounts prepaid or advanced are recognised in the statement of financial position when the payments are made and are derecognised as and when the goods/services are received or the funds are utilised.

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

4.3 Receivables

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

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

4.4 Inventory

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

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



4.5 Capital assets

4.5.1 Movable assets

Initial recognition

A capital asset is recorded in the asset register on receipt of the item at cost. Cost of an asset is defined as the total cost of acquisition. Where the cost cannot be determined accurately, the movable capital asset is stated at fair value. Where fair value cannot be determined, the capital asset is included in the asset register at R1.

All assets acquired prior to 1 April 2002 are included in the register R1.

Subsequent recognition

Subsequent expenditure of a capital nature is recorded in the Statement of Financial Performance as "expenditure for capital assets" and is capitalised in the asset register of the department on completion of the project.

Repairs and maintenance is expensed as current "goods and services" in the Statement of Financial Performance.

4.5.2 Immovable assets

Initial recognition

A capital asset is recorded on receipt of the item at cost. Cost of an asset is defined as the total cost of acquisition. Where the cost cannot be determined accurately, the immovable capital asset is stated at R1 unless the fair value for the asset has been reliably estimated.

Subsequent recognition

Work-in-progress of a capital nature is recorded in the Statement of Financial Performance as "expenditure for capital assets". On completion, the total cost of the project is included in the asset register of the department that is accountable for the asset.

Repairs and maintenance is expensed as current "goods and services" in the Statement of Financial Performance.



5. Liabilities

5.1 Payables

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

5.2 Contingent liabilities

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

5.3 Contingent assets

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

5.4 Commitments

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

5.5 Accruals

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

5.6 Employee benefits

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

5.7 Lease commitments

Finance lease

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

Operating lease

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



5.8 Impairment and other provisions

The department tests for impairment where there is an indication that a receivable, loan or investment may be impaired. An assessment of whether there is an indication of possible impairment is done at each reporting date. An estimate is made for doubtful loans and receivables based on a review of all outstanding amounts at year-end. Impairments on investments are calculated as being the difference between the carrying amount and the present value of the expected future cash flows / service potential flowing from the instrument.

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

6. Net Assets

6.1 Recoverable revenue

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

7. Related party transactions

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

8. Key management personnel

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



National Prosecuting Authority - Vote 23
Notes to the Annual Financial Statements for the year ended 31st March 2011

1. Annual Appropriation

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

	Final Appropriation	2010/11 Actual Funds Received	Funds not requested/ not received	2009/10 Appropriation received
	R'000	R'000	R'000	R'000
National Prosecuting Authority	2,508,534	2,508,534	-	2,241,862
TOTAL	2,508,534	2,508,534	-	2,241,862

2. Departmental revenue

	Note	2010/11 R'000	2009/10 R'000
Sales of goods and services other than capital assets	2.1	857	1,114
Interest, dividends and rent on land	2.2	349	253
Transactions in financial assets and liabilities	2.3	1,551	9,384
Transfer received	2.4	-	406
Departmental revenue collected		2,757	11,157

2.1 Sales of goods and services other than capital assets

	Note	2010/11 R'000	2009/10 R'000
	2		
Sales of goods and services produced by the department			
Sales by market establishment		49	114
Other sales		808	1,000
Sales of scrap, waste and other used current goods			
TOTAL		857	1,114

2.2 Interest, dividends and rent on land

	Note	2010/11 R'000	2009/10 R'000
	2		
Interest		349	253
TOTAL		349	253

2.3 Transactions in financial assets and liabilities

	Note	2010/11 R'000	2009/10 R'000
	2		
Stale cheques written back		-	4
Other Receipts including Recoverable Revenue		1,551	9,380
TOTAL		1,551	9,384



National Prosecuting Authority - Vote 23
Notes to the Annual Financial Statements for the year ended 31st March 2011

2.4 Transfers received

	Note	2010/11 R'000	2009/10 R'000
	2		
Public corporations and private enterprises		-	406
TOTAL		-	406

3. Aid assistance

3.1 Aid assistance received in cash from other sources

	2010/11 R'000	2009/10 R'000
Local		
Opening Balance	(609)	(609)
Revenue	609	-
Expenditure	-	-
Current	-	-
Capital	-	-
Transfers	-	-
Prepayments	-	-
Surrendered to the donor	-	-
Closing Balance	-	(609)
Foreign		
Opening Balance	257	1,727
Revenue	7,849	9,000
Expenditure	(6,706)	(7,755)
Current	(6,706)	(7,755)
Surrendered to the donor	(709)	(2,715)
Closing Balance	691	257

3.2 Aid assistance received in cash from CARA Fund

	2010/11 R'000	2009/10 R'000
Opening Balance	4,980	5,187
Revenue	-	-
Expenditure	(28)	(207)
Current	(28)	(207)
Transferred to retained funds	-	-
Closing Balance	4,952	4,980



National Prosecuting Authority - Vote 23
Notes to the Annual Financial Statements for the year ended 31st March 2011

3.3 Total assistance

	2010/11 R'000	2009/10 R'000
Opening Balance	4,628	6,305
Revenue	8,458	9,000
Expenditure	(6,734)	(7,962)
Current	(6,734)	(7,962)
Surrendered / Transferred to retained funds	(709)	(2,715)
Closing Balance	5,643	4,628

3.4 Analysis of balance

	Note	2010/11 R'000	2009/10 R'000
Aid assistance receivable			
Other sources		(311)	(609)
Aid assistance unutilised			
Other sources		-	257
CARA Fund		4,952	4,980
Aid assistance repayable			
Other sources		1,002	-
Closing balance	Annex ID	5,643	4,628

4. Compensation of employees

4.1 Salaries and Wages

	2010/11 R'000	2009/10 R'000
Basic salary	1,364,627	1,170,403
Performance award	23,205	23,479
Service Based	806	667
Compensative/circumstantial	10,082	11,133
Other non-pensionable allowances	329,152	249,394
TOTAL	1,727,872	1,455,076

4.2 Social contributions

	2010/11 R'000	2009/10 R'000
Employer contributions		
Pension	169,121	147,877
Medical	55,067	48,771
Bargaining council	162	105
TOTAL	224,350	196,753
TOTAL COMPENSATION OF EMPLOYEES	1,952,222	1,651,829
Average number of employees	4,691	4,632



National Prosecuting Authority - Vote 23
Notes to the Annual Financial Statements for the year ended 31st March 2011

5. Goods and services

	Note	2010/11	2009/10
		R'000	R'000
Administrative fees		1,772	1,535
Advertising		5,211	4,955
Assets less than R5,000	5.1	769	11,439
Bursaries (employees)		1,829	1,729
Catering		1,507	1,537
Communication		34,070	40,210
Computer services	5.2	29,320	56,685
Consultants, contractors and agency/outsourced services	5.3	116,308	78,888
Entertainment		20	138
Audit cost – external	5.4	6,238	4,849
Fleet services		9,196	-
Inventory	5.5	8,382	20,999
Operating leases		34,920	16,018
Owned and leasehold property expenditure	5.6	68,797	75,326
Transport provided as part of the departmental activities		133	-
Travel and subsistence	5.7	81,009	87,448
Venues and facilities		6,086	7,042
Training and staff development		3,142	3,577
Other operating expenditure	5.8	56,679	49,262
TOTAL		465,388	461,637

5.1 Assets less than R5,000

	Note	2010/11	2009/10
	5	R'000	R'000
Tangible assets			
Machinery and equipment		769	11,439
TOTAL		769	11,439

5.2 Computer services

	Note	2010/11	2009/10
	5	R'000	R'000
SITA computer services		1,661	10,823
External computer service providers		27,659	45,862
TOTAL		29,320	56,685



National Prosecuting Authority - Vote 23
Notes to the Annual Financial Statements for the year ended 31st March 2011

5.3 Consultants, contractors and agency/outsourced services

	Note	2010/11	2009/10
	5	R'000	R'000
Business and advisory services		71,959	28,076
Infrastructure and planning		2,359	3,170
Legal costs		22,963	28,962
Contractors		2,160	3,501
Agency and support/outsourced services		16,867	15,179
TOTAL		116,308	78,888

5.4 Audit cost – External

	Note	2010/11	2009/10
	5	R'000	R'000
Regularity audits		6,238	4,849
TOTAL		6,238	4,849

5.5 Inventory

	Note	2010/11	2009/10
	5	R'000	R'000
Learning and teaching support material		717	1,812
Food and food supplies		223	156
Fuel, oil and gas		-	9,318
Other consumable materials		554	959
Maintenance material		280	171
Stationery and printing		6,608	8,577
Medical supplies		-	6
TOTAL		8,382	20,999

5.6 Property payments

	Note	2010/11	2009/10
	5	R'000	R'000
Municipal services		445	511
Property management fees		51,761	49,726
Other		16,591	25,089
TOTAL		68,797	75,326

5.7 Travel and subsistence

	Note	2010/11	2009/10
	5		
Local		79,255	84,450
Foreign		1,754	2,998
TOTAL		81,009	87,448



5.8 Other operating expenditure

	Note	2010/11	2009/10
	5	R'000	R'000
Professional bodies, membership and subscription fees		1,839	81
Resettlement costs		5,626	4,739
Other		49,214	44,442
TOTAL		56,679	49,262

6. Interest and rent on land

	2010/11	2009/10
	R'000	R'000
Interest paid	10,224	25,120
TOTAL	10,224	25,120

7. Payments for financial assets

	Note	2010/11	2009/10
		R'000	R'000
Debts written off	7.1	3,940	419
TOTAL		3,940	419

7.1 Debts written off

	Note	2010/11	2009/10
	7	R'000	R'000
Nature of debts written off			
Staff Debt written off		701	419
Debt written off related to Irregular Expenditure		13	-
Debt written off related to Fruitless and Wasteful Expenditure		2,617	-
Over expenditure related to Donor project amount not recovered		609	-
TOTAL		3,940	419

The IT Equipment, Sale and Lease back transaction included an amount of R 4,951,066.72 in respect of insurance. The forensic investigation could not proof that the NPA received value for money in this regard. Subsequently the NPA requested a legal opinion on the possibility of recovering the amount. It was indicated that the possibility of recovery of this amount is remote and constitutes a loss. Please see note 12.



8. Transfers and subsidies

	Note	2010/11 R'000	2009/10 R'000
Departmental agencies and accounts	Annex 1A	1,826	1,181
Households	Annex 1B	5,621	18,146
Total		7,447	19,327

Unspent funds transferred to the above beneficiaries

9. Expenditure for capital assets

	Note	2010/11 R'000	2009/10 R'000
Tangible assets		56,051	70,383
Buildings and other fixed structures	31.1	14,723	21,046
Machinery and equipment	29.1	41,328	49,337
Total		56,051	70,383

9.1 Analysis of funds utilised to acquire capital assets – 2010/11

	Voted funds R'000	Aid assistance R'000	Total R'000
Tangible assets			
Buildings and other fixed structures	14,723	-	14,723
Machinery and equipment	41,328	-	41,328
Total	56,051	-	56,051

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

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



10. Fruitless and wasteful expenditure

10.1 Reconciliation of fruitless and wasteful expenditure

	2010/11	2009/10
	R'000	R'000
Opening balance	2,844	2,844
Less: Amounts condoned	(270)	-
Current	(270)	-
Less: Amounts transferred to receivables for recovery	(2,550)	-
Fruitless and wasteful expenditure awaiting condonement	24	2,844

The NPA engaged a service provider that reviewed all cases of fruitless and wasteful expenditure. As a result of this report, a decision was taken to write off fruitless and wasteful expenditure in the amount of R 2,5m.

Analysis of awaiting condonement per economic classification		
Current	24	2,844
Total	24	2,844

11. Cash and cash equivalents

	2010/11	2009/10
	R'000	R'000
Consolidated Paymaster General Account	194,922	122,113
Cash on hand	158	159
Cash with commercial banks (Local)	19	-
Total	195,099	122,272

12. Prepayments and advances

	2010/11	2009/10
	R'000	R'000
Travel and subsistence	207	335
Prepayments	1,170	-
Total	1,377	335

The previous year's amount for prepayments has been restated. The amount of R 19,210m related to the Sale and Lease of IT equipment was removed. The amount was never received by the NPA but was utilised to reduce the cost of the equipment over the period of the lease. Also see note 7.1.



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13. Receivables

			2010/11			2009/10
	Note	Less than one year	One to three years	Older than three years	Total	Total
		R'000	R'000	R'000	R'000	R'000
Claims recoverable	13.1					
	Annex 3	49	-	-	49	515
Recoverable expenditure	13.2	-	20	40	60	220
Staff debt	13.3	2,465	3,370	6,820	12,655	11,085
Other debtors	13.4	67	125	128	320	305
TOTAL		2,581	3,515	6,988	13,084	12,125

13.1 Claims recoverable

	Note 13	2010/11 R'000	2009/10 R'000
National departments		49	515
TOTAL		49	515

13.2 Recoverable expenditure (disallowance accounts)

	Note 13	2010/11 R'000	2009/10 R'000
Sal: Disallowance Account: CA		60	64
Disallowance Miscellaneous		-	156
TOTAL		60	220

13.3 Staff debt

	Note 13	2010/11 R'000	2009/10 R'000
Debt Account: CA		12,330	10,740
Sal: Tax Debt: CA		30	285
Private Telephone		11	42
Sal: Reversal Control		281	-
Irregular Expenditure: Dept Vote Account		-	13
Sal: Medical Aid		3	4
Sal: Official Unions		-	1
TOTAL		12,655	11,085

13.4 Other debtors

	Note 13	2010/11 R'000	2009/10 R'000
VAT Clearing		320	305
TOTAL		320	305



14. Voted funds to be surrendered to the Revenue Fund

	2010/11	2009/10
	R'000	R'000
Opening balance	13,147	40,414
Transfer from Statement of Financial Performance	13,262	13,147
Paid during the year	(13,147)	(40,414)
Closing balance	13,262	13,147

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

	2010/11	2009/10
	R'000	R'000
Opening balance	6,980	1,233
Transfer from Statement of Financial Performance	2,757	11,157
Paid during the year	(9,427)	(5,410)
Closing balance	310	6,980

16. Payables – current

	Note	2010/11	2009/10
		R'000	R'000
Clearing accounts	16.1	184,954	109,175
Other payables	16.2	-	62
TOTAL		184,954	109,237

16.1 Clearing accounts

	Note	2010/11	2009/10
		R'000	R'000
Sal: Reversal Control	16	-	15
Sal: Pension Fund		1,644	222
Sal: Income Tax		7,445	1,291
Sal: ACB Recalls		72	16
Sal: Pension Debt CA		-	20
Disallowance Miscellaneous		175,793	107,611
TOTAL		184,954	109,175

16.2 Other payables

	Note	2010/11	2009/10
		R'000	R'000
Claims: PACE (IJS)	16	-	62
TOTAL		-	62



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17. Net cash flow available from operating activities

	2010/11	2009/10
	R'000	R'000
Net surplus/(deficit) as per Statement of Financial Performance	17,743	25,342
Add back non cash/cash movements not deemed operating activities	109,304	131,195
(Increase)/decrease in receivables – current	(959)	3,810
(Increase)/decrease in prepayments and advances	(1,042)	472
(Increase)/decrease in other current assets	2,820	-
Increase/(decrease) in payables – current	75,717	105,069
Expenditure on capital assets	56,051	70,383
Surrenders to Revenue Fund	(22,574)	(45,824)
Surrenders to RDP Fund/Donor	(709)	(2,715)
Net cash flow generated by operating activities	127,047	156,537

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

	2010/11	2009/10
	R'000	R'000
Consolidated Paymaster General account	194,922	122,113
Cash on hand	158	159
Cash with commercial banks (Local)	19	-
TOTAL	195,099	122,272



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

19. Contingent liabilities and contingent assets

19.1 Contingent liabilities

		Note	2010/11 R'000	2009/10 R'000
Liable to	Nature			
Housing loan guarantees	Employees	Annex 2A	2,343	2,553
Claims against the department		Annex 2B	178,458	337,038
Other departments (interdepartmental unconfirmed balances)		Annex 4	-	2,200
TOTAL			180,801	341,791

Housing loan Guarantees amount for the prior year has been restated according to PERSAL report 7.11.15 from R 3,881m to R 2,553m. Included in the Claims against the department is an estimated amount of R 24m related to curator expenditure which payment is dependent on the outcome of current cases before the court. The prior year figure for Claims against the state was restated from R 280,687m to R 337,038m because of the inclusion of the curator expenditure liability.

19.2 Contingent assets

	2010/11 R'000	2009/10 R'000
Nature of contingent asset		
Labour Court Ruling	506	2,205
TOTAL	506	2,205

20. Commitments

	2010/11 R'000	2009/10 R'000
Current expenditure		
Approved and contracted	82,340	66,623
Approved but not yet contracted	-	-
	82,340	66,623
Capital expenditure		
Approved and contracted	17	348
Approved but not yet contracted	-	-
TOTAL COMMITMENTS	82,357	66,971



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21. Accruals

			2009/10	2010/11
			R'000	R'000
Listed by economic classification				
	30 Days	30+ Days	Total	Total
Goods and services	16,837	-	16,837	23,092
Interest and rent on land	89	-	89	304
Transfers and subsidies	6	-	6	3
Capital assets	31	-	31	21
Other	-	-	-	-
TOTAL	16,963	-	16,963	23,420

	2010/11	2009/10
	R'000	R'000
Listed by programme level		
Public Prosecution	2,803	5,808
Office for Witness Protection	1,960	2,449
Asset Forfeiture Unit	259	1,437
Support Services	11,941	13,726
TOTAL	16,963	23,420

	Note	2010/11	2009/10
		R'000	R'000
Confirmed balances with other departments	Annex 4	66	75
TOTAL		66	75

22. Employee benefits

	2010/11	2009/10
	R'000	R'000
Leave entitlement	58,194	67,020
Service bonus (Thirteenth cheque)	49,055	43,262
Performance awards	29,868	26,929
Capped leave commitments	113,577	105,009
Other	15,655	17,382
TOTAL	266,349	259,602

Included in the leave entitlement is a negative pro-rata leave balance amounting to R 5,077,689.56 (2009/10: R 2,423,509.47)



23. Lease commitments

23.1 Operating leases expenditure

	Specialised military equipment	Vehicles	Buildings and other fixed structures	Machinery and equipment	Total
	R'000	R'000	R'000	R'000	R'000
2010/11					
Not later than 1 year	-	-	2,716	-	2,716
Later than 1 year and not later than 5 years	-	-	630	-	630
Later than five years	-	-	-	-	-
TOTAL LEASE COMMITMENTS	-	-	3,346	-	3,346

	Specialised military equipment	Vehicles	Buildings and other fixed structures	Machinery and equipment	Total
	R'000	R'000	R'000	R'000	R'000
2009/10					
Not later than 1 year	-	-	2,563	-	2,563
Later than 1 year and not later than 5 years	-	-	2,696	-	2,696
Later than five years	-	-	-	-	-
TOTAL LEASE COMMITMENTS	-	-	5,259	-	5,259

23.2 Finance leases expenditure

	Specialised military equipment	Vehicles	Buildings and other fixed structures	Machinery and equipment	Total
	R'000	R'000	R'000	R'000	R'000
2010/11					
Not later than 1 year	-	20,816	12,773	8,854	42,443
Later than 1 year and not later than 5 years	-	27,749	50,402	3,391	81,542
Later than five years	-	-	10,630	-	10,630
Total lease commitments	-	48,565	73,805	12,245	134,615
LESS: finance costs	-	(4,607)	(14,100)	(875)	(19,582)
TOTAL PRESENT VALUE OF LEASE LIABILITIES	-	43,958	59,705	11,370	115,033



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

24. Irregular expenditure

24.1 Reconciliation of irregular expenditure

	2010/11 R'000	2009/10 R'000
Opening balance	560,786	450,540
Add: Irregular expenditure – relating to prior year	15,184	-
Add: Irregular expenditure – relating to current year	61,098	164,810
Less: Amounts condoned	(134,013)	(54,564)
Less: Amounts recoverable (not condoned)	-	-
Irregular expenditure awaiting condonation	503,055	560,786
Analysis of awaiting condonation per age classification		
Current year	61,098	164,810
Prior years	441,957	395,976
TOTAL	503,055	560,786

A service provider was appointed in order to assist the NPA with the Irregular Expenditure as disclosed in the 2009/10 Annual Financial Statements. The service provider submitted their final report during December 2010. NPA management is in the process of implimenting the recommendations made in the report. The item irregular expenditure - realting to prior year to the amount of R 15,184m consists of two amounts (Participation in irregular DoJ&CD tender (R 13,599m) and accommodation lease (R 1,585m)) that were identified during the current year.

24.2 Details of irregular expenditure – current year

Incident	Disciplinary steps taken/criminal proceedings	2010/11 R'000
Noted Cases	Awaiting recommendation from investigation.	199
Lease of building in Kimberley	Request condonement.	4,058
Cost of living adjustment (below SMS)	Increase not timeously approved. Condonation received on 16th of March 2011.	36,410
Participation in irregular DoJ&CD Tender	Condonation requested	11,036
Acting Allowances	Condonation requested from DPSA.	1,438
Accommodation leases	Condonation requested	2,012
Extension of lease equipment with no prior approval	Referred for further investigation	4,971
Software purchased without NT approval	Referred for further investigation	974
TOTAL		61,098



24.3 Details of irregular expenditure condoned

Incident	Condoned by (condoning authority)	2010/11 R'000
Cost of Living Adjustment	Minister of the Department of Justice and Constitutional Development	118,331
Overtime paid without a policy	DG Department of Justice and Constitutional Development	15,682
TOTAL		134,013

25. Fruitless and wasteful expenditure

25.1 Reconciliation of fruitless and wasteful expenditure

	2010/11 R'000	2009/10 R'000
Opening balance	1,392	1,232
Fruitless and wasteful expenditure – relating to prior year	1,969	14
Fruitless and wasteful expenditure – relating to current year	668	158
Less: Amounts condoned	-	-
Less: Amounts transferred to receivables for recovery	(98)	(12)
Fruitless and wasteful expenditure awaiting condonement	3,931	1,392

The bulk of the total fruitless expenditure relates to an employee that was on suspension for an extended period (current year expenditure: R 321, prior year's expenditure R 1,875m).

25.2 Analysis of awaiting condonation per economic classification

	2010/11 R'000	2009/10 R'000
Current	3,931	1,392
Capital	-	-
TOTAL	3,931	1,392

25.3 Analysis of Current year's fruitless and wasteful expenditure

Incident	Disciplinary steps taken/criminal proceedings	2010/11 R'000
Flight and Hotel cancellations	Investigation took place and R 1,180 was recovered.	3
Motor car accident repairs	Waiting for accident report for indication from whom to recover the expense.	242
No shows	Investigation took place, R 7,407 was recovered.	23
Traffic fines	R 935 was recovered.	79
Official suspended with pay	Official resigned. IMU to investigate the delay in finalising this matter.	321
TOTAL		668



26. Related party transactions

	2010/11	2009/10
	R'000	R'000
Payments made		
Goods and services	11,014	16,349
TOTAL	11,014	16,349

	2010/11	2009/10
	R'000	R'000
Other		
Employee compensation for Ex DSO officials seconded to SIU	1,812	1,726
TOTAL	1,812	1,726

This expenditure relates to Ex DSO officials that have been transferred to the SIU following the closure of the DSO. The expenditure represents:

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

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

27. Key management personnel

	No. of	2010/11	2009/10
	Individuals	R'000	R'000
Officials:			
Level 15 to 17	17	21,065	17,563
Level 14 (incl. CFO if at a lower level)	12	11,716	7,120
TOTAL		32,781	24,683

This expenditure represents the EXCO and MANCO members on salary level 14 or higher.

28. Impairment and other provisions

	2010/11	2009/10
	R'000	R'000
Other provisions		
Staff debt	6,827	4,101
Curator expenditure	21,816	-
TOTAL	28,643	4,101



29. Movable Tangible Capital Assets

MOVEMENT IN MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2011

	Opening balance R'000	Curr Year Adjust- ments to prior year balances R'000	Additions R'000	Disposals R'000	Closing Balance R'000
MACHINERY AND EQUIPMENT	13,451	51,885	29,517	1,071	93,783
Transport assets	-	-	-	-	-
Computer equipment	376	42,359	27,096	108	69,723
Furniture and office equipment	9,406	2,978	1,238	53	13,569
Other machinery and equipment	3,669	6,548	1,183	910	10,490
TOTAL MOVABLE TANGIBLE CAPITAL ASSETS	13,451	51,885	29,517	1,071	93,782

The NPA undertook an extensive exercise to determine the completeness and the correct asset values of the assets in the asset register. Adjustments to the prior year balance in the Annual Financial Statements were made in order to bring the financials in line with the opening balance of the revised asset register.

29.1 Additions

ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2011

	Cash R'000	Non- cash R'000	(Capital Work in Progress current costs and finance lease payments) R'000	Received current, not paid (Paid current year, received prior year) R'000	Total R'000
MACHINERY AND EQUIPMENT	41,328	17,972	(29,783)	-	29,517
Transport assets	11,307	-	(11,307)	-	-
Computer equipment	25,237	17,449	(15,590)	-	27,096
Furniture and office equipment	1,238	-	-	-	1,238
Other machinery and equipment	3,546	523	(2,886)	-	1,183
TOTAL ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS	41,328	17,972	(29,783)	-	29,517

Computer Equipment finance lease assets to the value of R 13,127m were purchased at residual value after a settlement agreement was reached with the service provider.



29.2 Disposals

DISPOSALS OF MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2011

	Sold for cash R'000	Transfer out or destroyed or scrapped R'000	Total disposals R'000	Cash Received Actual R'000
MACHINERY AND EQUIPMENT	-	1,071	1,071	-
Computer equipment	-	108	108	-
Furniture and office equipment	-	53	53	-
Other machinery and equipment	-	910	910	-
TOTAL DISPOSAL OF MOVABLE TANGIBLE CAPITAL ASSETS	-	1,071	1,071	-

29.3 Movement for 2009/10

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

	Opening balance R'000	Additions R'000	Disposals R'000	Closing balance R'000
MACHINERY AND EQUIPMENT	10,586	2,865	-	13,451
Computer equipment	135	241	-	376
Furniture and office equipment	8,048	1,358	-	9,406
Other machinery and equipment	2,403	1,266	-	3,669
TOTAL MOVABLE TANGIBLE ASSETS	10,586	2,865	-	13,451

29.4 Minor assets

MOVEMENT IN MINOR ASSETS PER THE ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2011

	Specialised military assets R'000	Intangible assets R'000	Heritage assets R'000	Machinery and equipment R'000	Biological assets R'000	Total R'000
Opening balance	-	-	-	50,536	-	50,536
Curr Year Adjustment to Prior Yr Balances	-	-	-	8,324	-	8,324
Additions	-	-	-	4,674	-	4,674
Disposals	-	-	-	(2,612)	-	(2,612)
TOTAL MINOR ASSETS	-	-	-	60,922	-	60,922

The NPA undertook an expensive exercise to determine the completeness and the correct asset values of the assets in the Asset Register. Adjustments to the prior years balance in the Annual Financial Statements were made in order to bring the financials in line with the opening balance of the revised Asset Register.



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	Specialised military assets R'000	Intangible assets R'000	Heritage assets R'000	Machinery and equipment R'000	Biological assets R'000	Total R'000
Number of RI minor assets	-	-	-	-	-	-
Number of minor assets at cost	-	-	-	45,286	-	45,286
TOTAL NUMBER OF MINOR ASSETS	-	-	-	45,286	-	45,286

MINOR ASSETS OF THE DEPARTMENT AS AT 31 MARCH 2010

	Specialised military assets R'000	Intangible assets R'000	Heritage assets R'000	Machinery and equipment R'000	Biological assets R'000	Total R'000
Minor assets	-	-	-	50,536	-	50,536
TOTAL	-	-	-	50,536	-	50,536

	Specialised military assets R'000	Intangible assets R'000	Heritage assets R'000	Machinery and equipment R'000	Biological assets R'000	Total R'000
Number of RI minor assets	-	-	-	8,735	-	8,735
Number of minor assets at cost	-	-	-	32,023	-	32,023
TOTAL NUMBER OF MINOR ASSETS	-	-	-	40,758	-	40,758

30. Intangible Capital Assets

30.1 Movement for 2009/10

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

	Opening balance R'000	Additions R'000	Disposals R'000	Closing balance R'000
CAPITALISED DEVELOPMENT COSTS	9,342	-	(9,342)	-
COMPUTER SOFTWARE	24,679	-	(24,679)	-
PATENTS, LICENCES, COPYRIGHT, BRAND NAMES, TRADEMARKS	5,986	-	(5,986)	-
TOTAL INTANGIBLE CAPITAL ASSETS	40,007	-	(40,007)	-

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



31. Immovable Tangible Capital Assets

MOVEMENT IN IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2011

	Opening balance R'000	Curr Year Adjust- ments to prior year balances R'000	Additions R'000	Disposals R'000	Closing Balance R'000
BUILDINGS AND OTHER FIXED STRUCTURES	-	-	-	-	-
Other fixed structures	-	-	-	-	-
TOTAL IMMOVABLE TANGIBLE CAPITAL ASSETS	-	-	-	-	-

31.1 Additions

ADDITIONS TO IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2011

	Cash R'000	Non- cash R'000	(Capital Work in Progress current costs and finance lease payments) R'000	Received current, not paid (Paid current year, received prior year) R'000	Total R'000
BUILDING AND OTHER FIXED STRUCTURES	14,723	-	(14,723)	-	-
Other fixed structures	14,723	-	(14,723)	-	-
TOTAL ADDITIONS TO IMMOVABLE TANGIBLE CAPITAL ASSETS	14,723	-	(14,723)	-	-



31.2 Movement for 2009/10

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

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

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



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Annexures to the Annual Financial Statements for the year ended 31st March 2011

ANNEXURE 1A

STATEMENT OF TRANSFERS TO DEPARTMENTAL AGENCIES AND ACCOUNTS

DEPARTMENT/ AGENCY/ ACCOUNT	TRANSFER ALLOCATION				Actual Transfer	TRANSFER % of Available funds Transferred %	2009/10 Appro- priation Act R'000
	Adjusted Appro- piation	Roll Overs	Adjust- ments	Total Available			
	R'000	R'000	R'000	R'000	R'000		
Safety and Security Sector SETA	1,826	-	-	1,826	1,826	100	1,415
	1,826	-	-	1,826	1,826	100	1,415

ANNEXURE 1B

STATEMENT OF TRANSFERS TO HOUSEHOLDS

HOUSEHOLDS	TRANSFER ALLOCATION				EXPENDITURE		2009/10 Appro- priation Act R'000
	Adjusted Appropriation Act	Roll Overs	Adjust- ments	Total Available	Actual Transfer	% of Available funds Transferred	
	R'000	R'000	R'000	R'000	R'000	%	
Transfers							
Social Benefits	5,507	-	-	5,507	5,507	100	18,147
Other Transfers (Claims against the State)	114	-	-	114	114	100	-
TOTAL	5,621	-	-	5,621	5,621		18,147



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ANNEXURE 1C
STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS RECEIVED

NAME OF ORGANISATION	NATURE OF GIFT, DONATION OR SPONSORSHIP	2010/11 R'000	2009/10 R'000
Received in cash			
Financial Standards Board (FSB)	Funds donated to cover the expense for outside counsel	-	406
Subtotal		-	406
Received in kind			
Pricewaterhousecoopers (PWC)	Various donations	-	2
Brand SA	200 Flags, caps and vuvuzelas	-	10
Gedeon	Bus hire	-	2
Various	Donations received below R 1,001	13	15
Harvard Training Institute	4 Notepads	11	-
Coca Cola	FIFA world cup tickets	5	-
Ridge Casino	Video Equipment	3	-
Cape Tow Bar	Toys and clothing	2	-
Cyber	IPad	5	-
Computerware	Govtech Gifts	3	-
USAID	Various items for the Thuthuzela Care Centres	805	-
IJS Project Assets	IJS project	2,876	-
Subtotal		3,723	29
TOTAL		3,723	435



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Annexures to the Annual Financial Statements for the year ended 31st March 2011

ANNEXURE 1D
STATEMENT OF AID ASSISTANCE RECEIVED

NAME OF DONOR	PURPOSE	OPENING BALANCE	REVENUE	EXPENDI- TURE	CLOSING BALANCE
		R'000	R'000	R'000	R'000
Received in cash					
European Union	Assistance to SA Government to prevent and react to human trafficking	(24)	4,876	5,163	(311)
Foundation for Human Rights	Implementation of the recommendations of the TRC	(609)	609	-	-
Royal Danish Commission (UNICEF)	Ndabezzitha Project	281	2,973	2,252	1,002
CARA	To assist in various projects managed by NPA Business Units	4,980	-	28	4,952
Subtotal		4,628	8,458	7,443	5,643
Received in kind					
UNICEF	Child and woman's protection through prevention and response to violence and HIV/AIDS	25,503	16,583	11,969	30,117
US Presidency	Support of PEPFAR: Thuthuzela Care Centres	7,705	-	1,363	6,342
USAID	Women Justice and Empowerment Initiative	78,830	-	25,531	53,299
Subtotal		112,038	16,583	38,863	89,758
TOTAL		116,666	25,041	46,306	95,401

The donor funding figure in respect of USAID was exchanged from US dollar to ZAR. The average exchange rate used was R 7,21.



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Annexures to the Annual Financial Statements for the year ended 31st March 2011

ANNEXURE 2A
STATEMENT OF FINANCIAL GUARANTEES ISSUED
AS AT 31 MARCH 2011 – LOCAL

Guarantor institution	Guarantee in respect of Housing	Original guaranteed capital amount	Opening balance 1 April 2010	Guarantees draw downs during the year	Guarantees repayments/ cancelled/ reduced/ released during the year	Revaluations	Closing balance 31 March 2011	Guaranteed interest for year ended 31 March 2011	Realised losses not recoverable i.e. claims paid out
		R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
ABSA		-	986	-	94	-	892	-	-
BOE Bank		-	13	-	-	-	13	-	-
First National Bank (FNB)		-	103	-	-	-	103	-	-
First Rand Bank		-	254	-	64	-	190	-	-
Nedbank		-	140	-	18	-	122	-	-
Nedbank Limited		-	352	-	30	-	322	-	-
NP Development Corporation		-	111	30	-	-	141	-	-
Old Mutual Finance limited		-	207	-	27	-	180	-	--
People's Bank		-	11	-	-	-	11	-	-
Standard Bank		-	316	81	88	-	309	-	-
Ithala		-	-	-	-	-	-	--	-
Unique		-	-	-	-	-	-	-	-
Nedcor Investment		-	60	-	-	-	60	-	-
TOTAL		-	2,553	111	321	-	2,343	-	-

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



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Annexures to the Annual Financial Statements for the year ended 31st March 2011

ANNEXURE 2B
STATEMENT OF CONTINGENT LIABILITIES AS AT 31 MARCH 2011

Nature of Liability	Opening Balance 1 April 2010	Liabilities incurred during the year	Liabilities paid/ cancelled/ reduced during the year	Liabilities recoverable (Provide details hereunder)	Closing Balance 31 March 2011
	R'000	R'000	R'000	R'000	R'000
Claims against the department					
Fleet Management	78,529	-	-	-	78,529
Occupation Specific Dispensation (OSD)	151,535	59,369	181,287	-	29,617
Outstanding Lawsuits (SS, OWP, PCLU)	45,050	-	784	-	44,266
Outstanding Lawsuits (AFU)	54,392	6,523	34,869	-	26,046
Pending Employee Relations Matters	2,741	-	2,741	-	-
Special Investigators cost of living 1 July 2009	2,932	-	2,932	-	-
SMS NPA Act (Level 13 and 14) cost of living 1 January 2010	1,859	-	1,859	-	-
TOTAL	337,038	65,892	224,472	-	178,458

The opening balance for Fleet Management is restated to R 78,529m (2009/10: R 80,000m).

The item Outstanding Lawsuits was split into two in order to reflect the AFU contingent liabilities on its own. The opening balance for Lawsuits (AFU) was restated to R 54,392m (2009/10: R 1,500m).

This amount represents possible curator expenditure liability dependant on the outcome of court cases.

The opening balance for Lawsuits (SS, OWP and PCLU) was restated to R 45,050m (2009/10: R 40,120m).



National Prosecuting Authority - Vote 23
Annexures to the Annual Financial Statements for the year ended 31st March 2011

ANNEXURE 3
CLAIMS RECOVERABLE

Government Entity	Confirmed balance outstanding		Unconfirmed balance outstanding		Total	
	31/03/2011 R'000	31/03/2010 R'000	31/03/2011 R'000	31/03/2010 R'000	31/03/2011 R'000	31/03/2010 R'000
Department						
Department of Home Affairs	-	14	-	-	-	14
Department of Justice and Constitutional Development	-	-	-	64	-	64
Department of Transport	-	-	-	22	-	22
Department of Defence	-	-	-	2	-	2
Department of Transport: KZN	-	-	-	360	-	360
Department of Water Affairs	-	30	-	-	-	30
Department of Education: GP	-	-	-	9	-	9
South African Police Service (SAPS)	-	-	-	10	-	10
Department of Education: KZN	11	-	-	-	11	-
Department of Agriculture: GP	10	-	-	-	10	-
Department of Health: Mpumalanga	-	-	6	-	6	-
Department of Health: GP	-	-	22	-	22	-
Subtotal	21	44	28	467	49	511
Other Government Entities						
North West Province	-	-	-	1	-	1
Office of the Public Protector	-	-	-	3	-	3
Subtotal	-	-	-	4	-	4
TOTAL	21	44	28	471	49	515



National Prosecuting Authority - Vote 23
Annexures to the Annual Financial Statements for the year ended 31st March 2011

ANNEXURE 4
INTER-GOVERNMENT PAYABLES

GOVERNMENT ENTITY	Confirmed balance outstanding		Unconfirmed balance outstanding		TOTAL	
	31/03/2011	31/03/2010	31/03/2011	31/03/2010	31/03/2011	31/03/2010
	R'000	R'000	R'000	R'000	R'000	R'000
DEPARTMENTS						
Current						
Department of Agriculture	-	11	-	-	-	11
Department of Public Works, Roads and Transport: MP	-	21	-	-	-	21
Department of Health: GP	-	-	-	1	-	1
South African Police Service (SAPS)	-	-	-	131	-	131
Department of Transport and Public Works	-	-	-	1,673	-	1,673
Department of Justice and Constitutional Development	-	-	-	75	-	75
Department of International Relations and Cooperation	-	-	-	80	-	80
Department of Correctional Services	-	43	-	-	-	43
Department of Agriculture: Free State	43	-	-	-	43	-
Department of Economic Development: Northern Cape	17	-	-	-	17	-
National Treasury	6	-	-	-	6	-
TOTAL	66	75	-	1,960	66	2,035

OTHER GOVERNMENT ENTITY						
Current						
Public Administration Leadership and Management Academy	-	-	-	230	-	230
South African Social Security Agency	-	-	-	10	-	10
TOTAL	-	-	-	240	-	240



National Prosecuting Authority - Vote 23
Annexures to the Annual Financial Statements for the year ended 31st March 2011

ANNEXURE 5
INVENTORY

Inventory	Note	Quantity	2010/11 R'000	Quantity	2009/10 R'000
Opening balance			5,338		20,537
Add/(Less): Adjustments to prior year balance			-		(20,353)
Add: Additions/Purchases – Cash			8,382		20,999
(Less): Issues			(8,891)		(15,845)
Add/(Less): Adjustments			(4)		-
Closing balance			4,825		5,338



HR Oversight Report



TABLE 1.1 – Main Service for Service Delivery Improvement and Standards.

Main Services	Actual Customers	Standard of Service	Actual Achievement Against Standard
Public Prosecutions	Victims of Crime	Number of cases finalised with diversion: 482 491	460,891
		Number of cases finalised without diversion: 357 928	331,045
		High Courts: achieve a conviction rate of 87%	87.8%
		Regional Courts: achieve a conviction rate of 74%	73.4%
		District Courts: achieve a conviction rate of 87%	90.7%
		No. of TCCs = 25	27
Witness Protection	Vulnerable and / or intimidated witnesses	No witnesses harmed	0
		Percentage of walkoffs	5%
Asset Forfeiture	Victims of Crime	Number of new completed forfeiture cases	320
		Number of new freezing orders	333
		Value of new freezing orders	R549.2m
		Success rate	95.7%



TABLE 1.2 – Consultation Arrangements for Customers

Type of Arrangement	Actual Customers	Actual Achievements
Public Education and Awareness		
National Road Shows	Community members in rural, semi-rural and peri-urban areas where access to media is limited	Roadshows were held at Ga-Matlala in Limpopo, Allanridge in Free State, Zoar in Western Cape, Cradock and Lusikisiki in Eastern Cape, reaching audiences of between 500 and 2000 at each road show.
Public Exhibitions	General public	<p>The NPA participated in the following exhibitions:</p> <ul style="list-style-type: none"> •Rand Show, •Royal Show, •Grahamstown Arts Festival, •Macufe, •Pretoria Show. <p>Information about the work of the NPA and the criminal justice system, in the form of booklets and pamphlets was distributed. Prosecutors and other members of the NPA were on hand to provide more information and address enquiries from the public</p>
Career Awareness Exhibitions	Law students and graduates at tertiary institutions; school learners	<p>Career Awareness Campaigns for students were held at:-</p> <ul style="list-style-type: none"> •Nelson Mandela Metropolitan University (Port Elizabeth campus) •University of Stellenbosch •University of Western Cape •University of North West (Potchefstroom campus) •University of Natal (Howard College) <p>NPA also participated in the following career awareness events:</p> <ul style="list-style-type: none"> •Unisa Moot Court competition for final year law students •Career expos at Orlando Community Hall (Soweto) and Sacred Heart Catholic Career Awareness •Free State Career Focus Week
Human Trafficking Awareness	Vulnerable groups and victims of human trafficking; general public	<p>Tsireledzani Campaign</p> <p>Human Trafficking Awareness Week (HTAW): The 5th annual Human Trafficking Awareness Week (HTAW) took place from 3 to 9 October 2010. Partners in addition to the NPA included, the IOM, the Department of Home Affairs (DHA), the Department of Education (DOE), and other key government partners and civil society organizations. The theme for 2010 was "Human Trafficking is real".</p>



TABLE 1.3 – Service Delivery Access Strategy

Access Strategy	Actual Achievements
Indigenous language courts	The NPA actively participates in the establishment of Indigenous Languages Courts. This project has borne positive results for the NPA through increased performance. Court proceedings are significantly shortened due to the fact that no interpretation services are required.
Court Preparation Programme	Court Preparation Officers (CPOs) provide support services to witnesses, especially women and children, on a daily basis. There are 125 Court Preparation Officers (CPOs) employed at 68 courts countrywide against a target of 140 courts. 69 196 witness sessions were conducted by CPOs – an average of 56 witnesses per CPO
Witness Protection Programme	OWP provides protection, support and related services to vulnerable witnesses and related people in judicial proceedings. No witnesses were harmed or threatened during while on the witness protection programme
2010 Fifa World Cup™ Courts	260 prosecutors were deployed at the 56 dedicated court rooms in the 9 host cities. These included 37 District Courts and 19 Regional Courts. These courts operated from 07:45 in the morning until 23:00 in the evening, seven days a week. 222 cases went through the Special Courts during the World Cup, of which 202 were finalised, with 138 convictions.
Providing basic information about the NPA through the website	Basic information on the website included: <ul style="list-style-type: none"> • Organisational structure • Media statements • Leadership profiles • Aspirant Prosecutors Programme • Photographic presentations of community outreach events • NPA job adverts
Performance Information on the website	<ul style="list-style-type: none"> • Quarterly performance reports and archive of annual reports published on the website
Facilitating easy access to the NPA	<ul style="list-style-type: none"> • Contact details of NPA main office, map and directions posted • Thuthuzela Care Centres contact details listed • Dedicated media email address (media@npa.gov.za) provided for all media enquiries: media enquiries referred to the relevant offices and responded to immediately or within 48 hours, depending on complexity of the enquiry • Communication email address (communication@npa.gov.za) serves as an online call centre for all enquiries and representations: enquiries responded to or channelled to the relevant offices and general information provided to enhance understanding of the work of the NPA
Participation at Thusong Service Centres	<ul style="list-style-type: none"> • The NPA established a presence at 19 Thusong Service Centres across all provinces. Prosecutors and communication officials delivered presentations to visitors, addressed specific enquiries and distributed information material printed in all language



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TABLE 1.4 – Information Tools

Type of Information Tool	Actual Achievements
Public Education	Information communicated face to face during community outreach events or through mass media
Printed information products and promotional material	Distributed at all events and exhibitions and available on website
Events, exhibitions and expos	Conducted in all provinces
NPA Website	Updated regularly
NPA Newsletter (Khasho)	Printed monthly
Media Engagement (court interviews)	NPA spokespersons attended court cases and provided media commentary on court processes and outcomes on many important cases

TABLE 1.5 – Complaint Mechanism

Complaint Mechanism	Actual Achievements
Opportunity to submit representations via email to communication@npa.gov.za	All representations submitted on this platform aptly referred either to the relevant DPP office or to the NDPP through the Legal Affairs Division in the Office of the NDPP. 100% of representations received were dealt with within 30 days against a target of 85%
Corruption Hotline	Through reports that we received from the Hotline, one official went through a disciplinary hearing where he was found guilty and the other one received a written warning



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TABLE 2.1 - Personnel costs by Programme

Programme	Total Voted Expenditure (R'000)	Compensation of Employees Expenditure (R'000)	Training Expenditure (R'000)	Professional and Special Services (R'000)	Compensation of Employees as percent of Total Expenditure	Average Compensation of Employees Cost per Employee (R'000)	Employment
SP 1: Public Prosecutions	1 860 783	1 720 338	205	5 212	92,45%	410	4 200
SP 2: Office for Witness Protection	127 977	51 006	784	0	39,86%	352	145
SP 3: Asset Forfeiture Unit	156 956	83 231	83	58 313	53,03%	527	158
SP 4: Support Services	348 947	97 647	2 071	10 792	27,98%	271	360
TOTAL	2 494 663	1 952 222	3 143	74 317	78,26%	1 559	4 863

TABLE 2.2 - Personnel costs by Salary band

Salary Bands	Compensation of Employees Cost (R'000)	Percentage of Total Personnel Cost for Department	Average Compensation Cost per Employee (R)	Total Personnel Cost for Department including Goods and Transfers (R'000)	Number of Employees
Lower skilled (Levels 1-2)	1 278	0,1	116 182	1 983 710	11
Skilled (Levels 3-5)	43 653	2,2	179 642	1 983 710	243
Highly skilled production (Levels 6-8)	154 214	7,8	187 380	1 983 710	823
Highly skilled supervision (Levels 9-12)	1 306 085	65,8	471 511	1 983 710	2 770
Senior management (Levels 13-16)	356 277	18	762 906	1 983 710	467
Contract (Levels 1-2)	148	0	9 867	1 983 710	15
Contract (Levels 3-5)	12 526	0,6	122 804	1 983 710	102
Contract (Levels 6-8)	32 536	1,6	130 144	1 983 710	250
Contract (Levels 9-12)	40 108	2	306 168	1 983 710	131
Contract (Levels 13-16)	4 567	0,2	913 400	1 983 710	5
Abnormal Appointment	352	0	7 652	1 983 710	46
TOTAL	1 951 744	98,4	401 346	1 983 710	4 863

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



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

Programme	Salaries (R'000)	Salaries as % of Personnel Cost	Overtime (R'000)	Overtime as % of Personnel Cost	HOA (R'000)	HOA as % of Personnel Cost	Medical Ass. (R'000)	Medical Ass. as % of Personnel Cost	Total Personnel Cost per Programme (R'000)
National Prosecuting Authority	1 585 571	79,9	6 556	0,3	16 588	0,8	54 252	2,7	1 983 710
TOTAL	1 585 571	79,9	6 556	0,3	16 588	0,8	54 252	2,7	1 983 710

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

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

Salary bands	Salaries (R'000)	Salaries as % of Personnel Cost	Overtime (R'000)	Overtime as % of Personnel Cost	HOA (R'000)	HOA as % of Personnel Cost	Medical Ass. (R'000)	Medical Ass. as % of Personnel Cost	Total Personnel Cost per Salary Band (R'000)
Lower skilled (Levels 1-2)	830	64,9	0	0	64	5	200	15,6	1 279
Skilled (Levels 3-5)	29 942	68,4	147	0,3	2 086	4,8	4 342	9,9	43 797
Highly skilled production (Levels 6-8)	113 047	73	1 323	0,9	4 294	2,8	9 649	6,2	154 927
Highly skilled supervision (Levels 9-12)	1 052 753	79,3	4 537	0,3	9 285	0,7	34 591	2,6	1 327 143
Senior management (Levels 13-16)	299 187	81,7	283	0,1	859	0,2	5 470	1,5	366 126
Contract (Levels 1-2)	148	100	0	0	0	0	0	0	148
Contract (Levels 3-5)	12 503	99,7	21	0,2	0	0	0	0	12 538
Contract (Levels 6-8)	32 165	98,7	242	0,7	0	0	0	0	32 599
Contract (Levels 9-12)	40 078	99,6	3	0	0	0	0	0	40 221
Contract (Levels 13-16)	4 566	99,8	0	0	0	0	0	0	4 575
Abnormal Appointment	352	98,9	0	0	0	0	0	0	356
TOTAL	1 585 571	79,9	6 556	0,3	16 588	0,8	54 252	2,7	1 983 709

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



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

Programme	Number of Posts	Number of Posts Filled	Vacancy Rate	Number of Posts Filled Additional to the Establishment
National Prosecuting Authority	5 688	4 817	15,3	503
TOTAL	5 688	4 817	15,3	503

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

Salary Band	Number of Posts	Number of Posts Filled	Vacancy Rate	Number of Posts Filled Additional to the Establishment
Lower skilled (Levels 1-2), Permanent	14	14	0	2
Skilled (Levels 3-5), Permanent	331	241	27,2	0
Highly skilled production (Levels 6-8), Permanent	1 002	822	18	0
Highly skilled supervision (Levels 9-12), Permanent	3 339	2 770	17	0
Senior management (Levels 13-16), Permanent	499	467	6,4	0
Contract (Levels 1-2)	15	15	0	15
Contract (Levels 3-5)	102	102	0	102
Contract (Levels 6-8)	250	250	0	250
Contract (Levels 9-12)	131	131	0	129
Contract (Levels 13-16)	5	5	0	5
TOTAL	5 688	4 817	15,3	503



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

Critical Occupations	Number of Posts	Number of Posts Filled	Vacancy Rate	Number of Posts Filled Additional to the Establishment
Administrative related	1 203	950	21	101
Advocates	669	613	8,4	14
Cleaners in offices workshops hospitals etc.	10	10	0	1
Client inform clerks (switchb recept inform clerks)	18	15	16,7	0
Communication and information related	15	12	20	0
General and special investigations	81	65	19,8	4
Head of department/ chief executive officer	2	0	100	0
Human resources & organisational development & related professions	4	2	50	1
Human resources related	1	1	0	0
Information technology related	1	1	0	0
Library mail and related clerks	15	10	33,3	0
Messengers porters and deliverers	38	29	23,7	0
Other information technology personnel	1	1	0	0
Prosecutor	3 134	2 710	13,5	374
Protection services	110	99	10	0
Risk management and security services	4	0	100	0
Secretaries & other keyboard operating clerks	114	85	25,4	3
Senior managers	268	214	20,1	5
TOTAL	5 688	4 817	15,3	503



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TABLE 4.1 - Job Evaluation

Salary Band	Number of Posts	Number of Jobs Evaluated	% of Posts Evaluated	Number of Posts Upgraded	% of Upgraded Posts Evaluated	Number of Posts Downgraded	% of Downgraded Posts Evaluated
Contract (Levels 1-2)	15	0	0	0	0	0	0
Contract (Levels 3-5)	102	0	0	0	0	0	0
Contract (Levels 6-8)	250	0	0	0	0	0	0
Contract (Levels 9-12)	131	0	0	0	0	0	0
Contract (Band A)	4	0	0	0	0	0	0
Contract (Band B)	1	0	0	0	0	0	0
Lower skilled (Levels 1-2)	14	0	0	0	0	0	0
Skilled (Levels 3-5)	331	0	0	0	0	0	0
Highly skilled production (Levels 6-8)	1 002	3	0,3	2	66,7	0	0
Highly skilled supervision (Levels 9-12)	3 339	26	0,8	0	0	19	73,1
Senior Management Service Band A (Level 13)	362	9	2,5	0	0	6	66,7
Senior Management Service Band B (Level 14)	115	0	0	0	0	0	0
Senior Management Service Band C (Level 15)	2	0	0	0	0	0	0
Senior Management Service Band D (Level 16)	20	0	0	0	0	0	0
TOTAL	5 688	38	0,7	2	5,3	25	65,8

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

Beneficiaries	African	Asian	Coloured	White	Total
Female	46	3	17	8	74
Male	1	0	1	0	2
TOTAL	47	3	18	8	76
Employees with a Disability	0	0	0	0	0

NOTE: Positions upgraded also emanated from job evaluations conducted in the previous financial year.

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

Occupation	Number of Employees	Job Evaluation Level	Remuneration Level	Reason for Deviation	No of Employees in Dept
None					



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

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

TABLE 5.1 - Annual Turnover Rates by Salary Band

Salary Band	Employment at Beginning of Period (April 2010)	Appointments	Terminations	Turnover Rate
Lower skilled (Levels 1-2), Permanent	11	0	0	0
Skilled (Levels 3-5), Permanent	237	18	5	2,1
Highly skilled production (Levels 6-8), Permanent	811	97	19	2,3
Highly skilled supervision (Levels 9-12), Permanent	2 837	54	69	2,4
Senior Management Service Band A, Permanent (Level 13)	235	1	9	3,8
Senior Management Service Band B, Permanent (Level 14)	99	0	4	4
Senior Management Service Band C, Permanent (Level 15)	5	0	0	0
Senior Management Service Band D, Permanent (Level 16)	13	1	3	23,1
Contract (Levels 1-2)	0	16	3	0
Contract (Levels 3-5)	159	136	179	112,6
Contract (Levels 6-8)	110	234	128	116,4
Contract (Levels 9-12)	42	157	128	304,8
Contract (Band A)	5	3	5	100
Contract (Band B)	2	1	2	100
TOTAL	4 566	718	554	12,1



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TABLE 5.2 - Annual Turnover Rates by Critical Occupation

Occupation	Employment at Beginning of Period (April 2010)	Appointments	Terminations	Turnover Rate
Administrative related	830	139	97	11,7
Advocates	455	25	24	5,3
Attorneys	3	0	1	33,3
Cleaners in offices workshops hospitals etc.	10	0	0	0
Client inform clerks(switchb receipt inform clerks)	14	4	0	0
Communication and information related	2	1	0	0
Custodian personnel	1	0	0	0
Custodian personnel	1	0	0	0
Finance and economics related	8	0	0	0
Financial and related professionals	12	0	0	0
Financial clerks and credit controllers	8	1	1	12,5
General and special investigations	75	5	7	9,3
General legal administration & rel. professionals	82	0	0	0
Head of department/chief executive officer	1	0	0	0
Human resources & organisat developm & relate prof	7	1	2	28,6
Human resources clerks	14	0	1	7,1
Human resources related	9	0	0	0
Information technology related	1	0	0	0
Language practitioners interpreters & other commun	2	0	0	0
Library mail and related clerks	16	0	2	12,5
Logistical support personnel	3	0	0	0
Magistrates	2	0	0	0
Messengers porters and deliverers	28	1	1	3,6
Military personnel	1	0	0	0
Other administrat & related clerks and organisers	26	0	0	0
Other administrative policy and related officers	8	0	0	0
Other occupations	15	0	0	0
Prosecutor	2 618	533	400	15,3
Protection services	102	0	1	1
Rank: Unknown	1	0	0	0
Risk management and security services	1	0	0	0
Saps	8	1	0	0
Secretaries & other keyboard operating clerks	32	1	2	6,3
Senior managers	169	6	15	8,9
Trade/industry advisers & other related profession	1	0	0	0
TOTAL	4 566	718	554	12,1



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TABLE 5.3 - Reasons why staff are leaving the department

Termination Type	Number	Percentage of Total Resignations	Percentage of Total Employment	Total	Total Employment
Death	11	2	0,2	554	4 566
Resignation	95	17,1	2,1	554	4 566
Expiry of contract	425	76,7	9,3	554	4 566
Discharged due to ill health	3	0,5	0,1	554	4 566
Dismissal-misconduct	10	1,8	0,2	554	4 566
Retirement	10	1,8	0,2	554	4 566
TOTAL	554	100	12,1	554	4 566

Resignations as % of Employment 12,1%

TABLE 5.4 - Granting of Employee Initiated Severance Packages

Category	No of applications received	No of applications referred to the MPSA	No of applications supported by MPSA	No of Packages approved by department
Lower Skilled (Salary Level 1-2)	0	0	0	0
Skilled (Salary Level 3-5)	0	0	0	0
Highly Skilled Production (Salary Level 6-8)	0	0	0	0
Highly Skilled Supervision (Salary Level 9-12)	0	0	0	0
Senior Management (Salary Level 13 and higher)	0	0	0	0
TOTAL	0	0	0	0



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TABLE 5.5 - Promotions by Critical Occupation

Occupation	Employment at Beginning of Period (April 2010)	Promotions to another Salary Level	Salary Level Promotions as a % of Employment	Progressions to another Notch within Salary Level	Notch progressions as a % of Employment
Administrative related	830	114	13,7	501	60,4
Advocates	455	314	69	30	6,6
Attorneys	3	2	66,7	1	33,3
Cleaners in offices workshops hospitals etc.	10	0	0	8	80
Client inform clerks(switchb receipt inform clerks)	14	0	0	10	71,4
Communication and information related	2	0	0	1	50
Custodian personnel	1	1	100	0	0
Custodian personnel:	1	0	0	0	0
Finance and economics related	8	4	50	1	12,5
Financial and related professionals	12	2	16,7	10	83,3
Financial clerks and credit controllers	8	0	0	5	62,5
General and special investigations	75	33	44	19	25,3
General legal administration & rel. professionals	82	48	58,5	12	14,6
Head of department/chief executive officer	1	0	0	0	0
Human resources & organisat developm & relate prof	7	2	28,6	1	14,3
Human resources clerks	14	1	7,1	10	71,4
Human resources related	9	3	33,3	2	22,2
Information technology related	1	1	100	0	0
Language practitioners interpreters & other commun	2	0	0	0	0
Librarians and related professionals	0	1	0	0	0
Library mail and related clerks	16	0	0	11	68,8
Life sciences related	0	1	0	0	0
Logistical support personnel	3	1	33,3	2	66,7
Magistrates	2	3	150	0	0
Material-recording and transport clerks	0	1	0	0	0
Messengers porters and deliverers	28	2	7,1	20	71,4
Military personnel	1	0	0	1	100
Other administrat & related clerks and organisers	26	1	3,8	12	46,2
Other administrative policy and related officers	8	2	25	1	12,5
Other occupations	15	8	53,3	6	40
Prosecutor	2 618	915	35	683	26,1
Protection services	102	22	21,6	61	59,8
Rank: Unknown	1	0	0	0	0
Risk management and security services	1	0	0	1	100
Saps	8	0	0	3	37,5
Secretaries & other keyboard operating clerks	32	5	15,6	49	153,1
Senior managers	169	28	16,6	71	42
Trade/industry advisers & other related profession	1	1	100	0	0
TOTAL	4 566	1 516	33,2	1 532	33,6



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TABLE 5.6 - Promotions by Salary Band

Salary Band	Employment at Beginning of Period (April 2010)	Promotions to another Salary Level	Salary Level Promotions as a % of Employment	Progressions to another Notch within Salary Level	Notch progressions as a % of Employment
Lower skilled (Levels 1-2), Permanent	11	0	0	9	81,8
Skilled (Levels 3-5), Permanent	237	10	4,2	185	78,1
Highly skilled production (Levels 6-8), Permanent	811	91	11,2	459	56,6
Highly skilled supervision (Levels 9-12), Permanent	2 837	971	34,2	770	27,1
Senior management (Levels 13-16), Permanent	352	429	121,9	109	31
Contract (Levels 3-5)	159	0	0	0	0
Contract (Levels 6-8)	110	13	11,8	0	0
Contract (Levels 9-12)	42	2	4,8	0	0
Contract (Levels 13-16)	7	0	0	0	0
TOTAL	4 566	1 516	33,2	1 532	33,6

TABLE 6.1 - Total number of Employees (incl. Employees with disabilities) per Occupational Category (SASCO)

Occupational Categories	Male, African	Male, Coloured	Male, Indian	Male, Total Blacks	Male, White	Female, African	Female, Coloured	Female, Indian	Female, Total Blacks	Female, White	Total
Legislators, senior officials and managers	38	7	6	51	59	22	1	9	32	16	158
Professionals	1 309	145	65	1 519	350	731	176	148	1 055	475	3 399
Technicians and associate professionals	226	27	8	261	20	443	68	22	533	64	878
Clerks	15	0	0	15	1	75	28	5	108	24	148
Service and sales workers	56	13	8	77	45	33	2	4	39	18	179
Elementary occupations	19	3	0	22	5	19	1	3	23	2	52
Other	3	0	0	3	0	0	0	0	0	0	3
TOTAL	1 666	195	87	1 948	480	1 323	276	191	1 790	599	4 817

	Male, African	Male, Coloured	Male, Indian	Male, Total Blacks	Male, White	Female, African	Female, Coloured	Female, Indian	Female, Total Blacks	Female, White	Total
Employees with disabilities	1	0	0	1	2	1	0	0	1	1	5



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**TABLE 6.2 - Total number of Employees (incl. Employees with disabilities)
per Occupational Bands**

Occupational Bands	Male, African	Male, Coloured	Male, Indian	Male, Total Blacks	Male, White	Female, African	Female, Coloured	Female, Indian	Female, Total Blacks	Female, White	Total
Top Management, Permanent	5	2	0	7	5	5	0	1	6	0	18
Senior Management, Permanent	82	17	17	116	158	34	11	31	76	99	449
Professionally qualified and experienced specialists and mid-management, Permanent	1 092	135	50	1 277	275	591	130	113	834	384	2 770
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent	235	21	7	263	15	390	75	20	485	59	822
Semi-skilled and discretionary decision making, Permanent	66	6	1	73	2	122	25	8	155	11	241
Unskilled and defined decision making, Permanent	3	0	0	3	0	11	0	0	11	0	14
Contract (Senior Management)	1	0	0	1	1	3	0	0	3	0	5
Contract (Professionally qualified)	48	7	6	61	11	21	11	9	41	18	131
Contract (Skilled technical)	96	5	2	103	8	97	15	6	118	21	250
Contract (Semi-skilled)	31	2	4	37	5	41	9	3	53	7	102
Contract (Unskilled)	7	0	0	7	0	8	0	0	8	0	15
TOTAL	1 666	195	87	1 948	480	1 323	276	191	1 790	599	4 817



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TABLE 6.3 - Recruitment

Occupational Bands	Male, African	Male, Coloured	Male, Indian	Male, Total Blacks	Male, White	Female, African	Female, Coloured	Female, Indian	Female, Total Blacks	Female, White	Total
Top Management, Permanent	0	0	0	0	0	1	0	0	1	0	1
Senior Management, Permanent	0	0	0	0	0	0	0	1	1	0	1
Professionally qualified and experienced specialists and mid-management, Permanent	20	4	0	24	2	17	2	2	21	7	54
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent	38	3	1	42	6	36	6	2	44	5	97
Semi-skilled and discretionary decision making, Permanent	4	0	0	4	0	10	4	0	14	0	18
Contract (Senior Management)	0	0	0	0	1	3	0	0	3	0	4
Contract (Professionally qualified)	58	9	6	73	13	26	15	11	52	19	157
Contract (Skilled technical)	92	5	2	99	7	86	15	7	108	20	234
Contract (Semi-skilled)	41	3	5	49	7	57	11	3	71	9	136
Contract (Unskilled)	8	0	0	8	0	8	0	0	8	0	16
TOTAL	261	24	14	299	36	244	53	26	323	60	718

	Male, African	Male, Coloured	Male, Indian	Male, Total Blacks	Male, White	Female, African	Female, Coloured	Female, Indian	Female, Total Blacks	Female, White	Total
Employees with disabilities	0	0	0	0	0	0	0	0	0	0	0



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TABLE 6.4 - Promotions

Occupational Bands	Male, African	Male, Coloured	Male, Indian	Male, Total Blacks	Male, White	Female, African	Female, Coloured	Female, Indian	Female, Total Blacks	Female, White	Total
Top Management, Permanent	0	0	0	0	0	1	0	0	1	0	1
Senior Management, Permanent	147	31	20	198	130	65	15	37	117	92	537
Professionally qualified and experienced specialists and mid- management, Permanent	688	92	26	806	172	400	88	69	557	206	1 741
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent	138	14	6	158	6	281	59	11	351	35	550
Semi-skilled and discretionary decision making, Permanent	52	6	1	59	2	97	20	8	125	9	195
Unskilled and defined decision making, Permanent	0	0	0	0	0	9	0	0	9	0	9
Contract (Professionally qualified)	0	0	0	0	0	0	0	0	0	2	2
Contract (Skilled technical)	5	0	0	5	1	6	0	0	6	1	13
TOTAL	1 030	143	53	1 226	311	859	182	125	1 166	345	3 048

	Male, African	Male, Coloured	Male, Indian	Male, Total Blacks	Male, White	Female, African	Female, Coloured	Female, Indian	Female, Total Blacks	Female, White	Total
Employees with disabilities	1	0	0	1	1	0	0	0	0	0	2



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TABLE 6.5 - Terminations

Occupational Bands	Male, African	Male, Coloured	Male, Indian	Male, Total Blacks	Male, White	Female, African	Female, Coloured	Female, Indian	Female, Total Blacks	Female, White	Total
Top Management, Permanent	2	0	0	2	1	0	0	0	0	0	3
Senior Management, Permanent	1	0	0	1	6	0	1	1	2	4	13
Professionally qualified and experienced specialists and mid-management, Permanent	25	1	0	26	5	17	3	2	22	16	69
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent	3	0	0	3	1	9	1	0	10	5	19
Semi-skilled and discretionary decision making, Permanent	1	0	0	1	0	3	0	1	4	0	5
Contract (Senior Management)	0	0	0	0	4	3	0	0	3	0	7
Contract (Professionally qualified)	42	9	5	56	13	20	13	10	43	16	128
Contract (Skilled technical)	49	4	1	54	5	52	5	3	60	9	128
Contract (Semi-skilled)	68	5	3	76	7	63	13	6	82	14	179
Contract (Unskilled)	1	0	0	1	0	2	0	0	2	0	3
TOTAL	192	19	9	220	42	169	36	23	228	64	554

	Male, African	Male, Coloured	Male, Indian	Male, Total Blacks	Male, White	Female, African	Female, Coloured	Female, Indian	Female, Total Blacks	Female, White	Total
Employees with disabilities	0	0	0	0	0	0	0	0	0	0	0

TABLE 6.6 - Disciplinary Action

Disciplinary action	Male, African	Male, Coloured	Male, Indian	Male, Total Blacks	Male, White	Female, African	Female, Coloured	Female, Indian	Female, Total Blacks	Female, White	Total	Not Available
TOTAL	45	6	2	53	10	16	5	4	25	5	93	0



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TABLE 6.7 - Skills Development

Occupational Categories	Male, African	Male, Coloured	Male, Indian	Male, Total Blacks	Male, White	Female, African	Female, Coloured	Female, Indian	Female, Total Blacks	Female, White	Total
Legislators, Senior Officials and Managers	8	4	6	18	9	11	8	5	24	14	65
Professionals	589	170	145	904	324	546	69	115	730	344	2302
Technicians and Associate Professionals	97	46	10	153	67	174	20	20	214	62	496
Clerks	10	4	5	19	4	13	2	4	19	8	50
Service and Sales Workers	58	27	3	88	40	39	13	10	62	35	225
Skilled Agriculture and Fishery Workers	0	0	0	0	0	0	0	0	0	0	0
Craft and related Trades Workers	0	0	0	0	0	0	0	0	0	0	0
Plant and Machine Operators and Assemblers	0	0	0	0	0	0	0	0	0	0	0
Elementary Occupations	6	0	0	6	0	7	0	0	7	0	13
TOTAL	768	251	169	1188	444	790	112	154	1056	463	3151
Employees with disabilities	0	0	0	0	0	0	0	0	0	0	0

TABLE 7.1 - Performance Rewards by Race, Gender and Disability

Demographics	Number of Beneficiaries	Total Employment	Percentage of Total Employment	Cost (R'000)	Average Cost per Beneficiary (R)
African, Female	176	1 322	13,3	3 426	19 465
African, Male	175	1 665	10,5	4 433	25 331
Asian, Female	48	191	25,1	1 558	32 460
Asian, Male	16	87	18,4	578	36 106
Coloured, Female	57	276	20,7	1 349	23 671
Coloured, Male	31	195	15,9	941	30 371
Total Blacks, Female	281	1 789	15,7	6 333	22 538
Total Blacks, Male	222	1 947	11,4	5 952	26 812
White, Female	162	598	27,1	5 533	34 155
White, Male	126	478	26,4	4 973	39 472
Employees with a disability	2	5	40	68	34 239
TOTAL	793	4 817	16,5	22 860	28 828



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TABLE 7.2 - Performance Rewards by Salary Band for Personnel below Senior Management Service

Salary Band	Number of Beneficiaries	Total Employment	Percentage of Total Employment	Cost (R'000)	Average Cost per Beneficiary (R)	Total cost as a % of the total personnel expenditure
Lower skilled (Levels 1-2)	2	11	18,2	11	5 500	0
Skilled (Levels 3-5)	64	243	26,3	569	8 891	0
Highly skilled production (Levels 6-8)	151	823	18,3	2 056	13 616	0
Highly skilled supervision (Levels 9-12)	433	2 770	15,6	13 176	30 430	1
Contract (Levels 1-2)	0	15	0	0	0	0
Contract (Levels 3-5)	0	102	0	0	0	0
Contract (Levels 6-8)	0	250	0	0	0	0
Contract (Levels 9-12)	0	131	0	0	0	0
Abnormal Appointment	0	46	0	0	0	0
TOTAL	650	4 391	14,8	15 812	24 326	1



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TABLE 7.3 - Performance Rewards by Critical Occupation

Critical Occupations	Number of Beneficiaries	Total Employment	Percentage of Total Employment	Cost (R'000)	Average Cost per Beneficiary (R)
Administrative related	184	867	21,2	2 650	14 402
Advocates	106	461	23	4 880	46 038
Attorneys	1	4	25	37	37 000
Cleaners in offices, workshops, hospitals etc.	2	10	20	11	5 500
Client inform clerks (switchb receipt inform clerks)	2	15	13,3	18	9 000
Communication and information related	1	3	33,3	34	34 000
Custodian personnel	1	1	100	50	50 000
Custodian personnel	0	1	0	0	0
Engineering sciences related	0	1	0	0	0
Finance and economics related	0	5	0	0	0
Financial and related professionals	2	12	16,7	37	18 500
Financial clerks and credit controllers	2	7	28,6	28	14 000
General and special investigations	12	69	17,4	481	40 083
General legal administration & rel. professionals	18	79	22,8	869	48 278
Head of department/chief executive officer	0	1	0	0	0
Human resources & organisat developm & relate prof	2	5	40	52	26 000
Human resources clerks	4	6	66,7	66	16 500
Human resources related	2	8	25	56	28 000
Information technology related	0	1	0	0	0
Language practitioners interpreters & other commun	0	2	0	0	0
Library mail and related clerks	1	11	9,1	13	13 000
Life sciences related	0	1	0	0	0
Logistical support personnel	1	2	50	13	13 000
Magistrates	2	2	100	85	42 500
Material-recording and transport clerks	0	1	0	0	0
Messengers porters and deliverers	5	25	20	45	9 000
Military personnel	0	1	0	0	0
Other administrat & related clerks and organisers	9	24	37,5	88	9 778
Other administrative policy and related officers	5	9	55,6	115	23 000
Other occupations	3	17	17,6	129	43 000
Prosecutor	361	2 814	12,8	11 385	31 537
Protection services	22	100	22	542	24 636
Rank: Unknown	0	3	0	0	0
Risk management and security services	1	1	100	16	16 000
Saps	0	8	0	0	0
Secretaries & other keyboard operating clerks	28	82	34,1	471	16 821
Senior managers	16	157	10,2	689	43 063
Trade/industry advisers & other related profession	0	1	0	0	0
TOTAL	793	4 817	16,5	22 860	28 827



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TABLE 7.4 - Performance Related Rewards (Cash Bonus) by Salary Band for Senior Management Service

SMS Band	Number of Beneficiaries	Total Employment	Percentage of Total Employment	Cost (R'000)	Average Cost per Beneficiary (R)	% of SMS Wage Bill	Personnel Cost SMS (R'000)
Band A (Level 13)	8	339	2,4	280	35 000	0,1	226 496
Band B (Level 14)	19	115	16,5	846	44 526	0,7	120 823
Band C (Level 15)	0	2	0	0	0	0	0
Band D (Level 16)	0	16	0	0	0	0	0
TOTAL	27	472	5,7	1 126	41 703	0,3	347 319

TABLE 8.1 - Foreign Workers by Salary Band

Salary Band	Employment at Beginning Period	Percentage of Total	Employment at End of Period	Percentage of Total	Change in Employment	Percentage of Total	Total Employment at Beginning of Period	Total Employment at End of Period	Total Change in Employment
Skilled (Levels 3-5)	1	50	1	20	0	0	2	5	3
Highly skilled production (Levels 6-8)	1	50	1	20	0	0	2	5	3
Contract (Levels 3-5)	0	0	1	20	1	33,3	2	5	3
Contract (Levels 6-8)	0	0	1	20	1	33,3	2	5	3
Contract (Levels 9-12)	0	0	1	20	1	33,3	2	5	3
TOTAL	2	100	5	100	3	100	2	5	3

TABLE 8.2 - Foreign Workers by Major Occupation

Major Occupation	Employment at Beginning Period	Percentage of Total	Employment at End of Period	Percentage of Total	Change in Employment	Percentage of Total	Total Employment at Beginning of Period	Total Employment at End of Period	Total Change in Employment
Professionals and managers	2	100	5	100	3	100	2	5	3
TOTAL	2	100	5	100	3	100	2	5	3



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TABLE 9.1 - Sick Leave for Jan 2010 to Dec 2010

Salary Band	Total Days	% Days with Medical Certification	Number of Employees using Sick Leave	% of Total Employees using Sick Leave	Average Days per Employee	Estimated Cost (R'000)	Total number of Employees using Sick Leave	Total number of days with medical certification
Lower skilled (Levels 1-2)	89	94,4	8	0,2	11	20	3 431	84
Skilled (Levels 3-5)	1 852	86,6	210	6,1	9	598	3 431	1 604
Highly skilled production (Levels 6-8)	5 939,5	86,3	678	19,8	9	3 029	3 431	5 126
Highly skilled supervision (Levels 9-12)	16 667	89,7	2 058	60	8	20 903	3 431	14 942
Senior management (Levels 13-16)	2 645	87,2	324	9,4	8	7 255	3 431	2 307
Contract (Levels 3-5)	94	76,6	21	0,6	4	31	3 431	72
Contract (Levels 6-8)	323	83,6	72	2,1	4	169	3 431	270
Contract (Levels 9-12)	274	83,2	58	1,7	5	277	3 431	228
Contract (Levels 13-16)	8	75	2	0,1	4	22	3 431	6
TOTAL	27 891,5	88,3	3 431	100	8	32 304	3 431	24 639

TABLE 9.2 - Disability Leave (Temporary and Permanent) for Jan 2010 to Dec 2010

Salary Band	Total Days	% Days with Medical Certification	Number of Employees using Disability Leave	% of Total Employees using Disability Leave	Average Days per Employee	Estimated Cost (R'000)	Total number of days with medical certification	Total number of Employees using Disability Leave
Skilled (Levels 3-5)	209	100	2	9,1	105	60	209	22
Highly skilled production (Levels 6-8)	90	100	4	18,2	23	45	90	22
Highly skilled supervision (Levels 9-12)	246	100	11	50	22	330	246	22
Senior management (Levels 13-16)	106	100	5	22,7	21	355	106	22
TOTAL	651	100	22	100	30	790	651	22



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TABLE 9.3 - Annual Leave for Jan 2010 to Dec 2010

Salary Band	Total Days Taken	Average days per Employee	Number of Employees who took leave
Lower skilled (Levels 1-2)	225	20	11
Skilled (Levels 3-5)	4789	20	244
Highly skilled production (Levels 6-8)	15523	19	823
Highly skilled supervision (Levels 9-12)	57087,16	20	2 801
Senior management (Levels 13-16)	11580,48	23	495
Contract (Levels 3-5)	292	10	30
Contract (Levels 6-8)	1251	9	133
Contract (Levels 9-12)	782	8	93
Contract (Levels 13-16)	62	8	8
TOTAL	91591,64	20	4 638

TABLE 9.4 - Capped Leave for Jan 2010 to Dec 2010

	Total days of capped leave taken	Average number of days taken per employee	Average capped leave per employee as at 31 December 2010	Number of Employees who took Capped leave	Total number of capped leave available at 31 December 2010	Number of Employees as at 31 December 2010
Highly skilled production (Levels 6-8)	42	5	37	9	4577	125
Highly skilled supervision (Levels 9-12)	576	5	43	110	45054	1 052
Senior management (Levels 13-16)	283	6	59	45	24518	417
TOTAL	901	5	47	164	74149	1 594

TABLE 9.5 - Leave Payouts

Reason	Total Amount (R'000)	Number of Employees	Average Payment per Employee (R)
Capped leave payouts on termination of service for 2010/11	813	61	13 328
TOTAL	813	61	13 328

TABLE 10.1 - Steps taken to reduce the risk of occupational exposure

Units/categories of employees identified to be at high risk of contracting HIV & related diseases (if any)	Key steps taken to reduce the risk
The NPA did not conduct a prevalence study but relied on the findings of the South African National HIV Prevalence, Incidence, Behaviour and Communication Survey, 2008.	Condoms were made accessible at the workplace to promote safe and protective sexual behaviour.



TABLE 10.2 - Details of Health Promotion and HIV/AIDS Programmes [tick Yes/No and provide required information]

1. Has the department designated a member of the SMS to implement the provisions contained in Part VI E of Chapter I of the Public Service Regulations, 2001? If so, provide her/his name and position.	Mr Ronnie Pather: Senior Manager Employee Relations.
2. Does the department have a dedicated unit or have you designated specific staff members to promote health and well being of your employees? If so, indicate the number of employees who are involved in this task and the annual budget that is available for this purpose.	Number of employees 3. Annual Budget R 1.8 million allocated for wellness services.
3. Has the department introduced an Employee Assistance or Health Promotion Programme for your employees? If so, indicate the key elements/services of the programme.	The NPA does implement an integrated wellness programme, providing both Employee Assistance Programme and wellness services. An external service provider has been appointed to provide counselling and trauma management to employees experiencing psycho social problems that affect their performance. Preventative wellness training in stress management and workplace relations are also offered.
4. Has the department established (a) committee(s) as contemplated in Part VI E.5 (e) of Chapter I of the Public Service Regulations, 2001? If so, please provide the names of the members of the committee and the stakeholder(s) that they represent.	The EWP Action Committee constituting of employees representing various business units: Mona Moerane - Communication Unit, Moipone Khaeane - NPS, Tshiamo Moela - PCLU, Mokgadi Bokaba - AFU, Phuthi Semanya - EWP (HRM&D), Mmathapelo Molefe - EWP, Mamokete Ramoshaba - IMU and Mncedisi Sineke - HRM&D. However, the need to review and strengthen the composition and responsibilities of the committee members has been identified and will be implemented in the next financial year.
5. Has the department reviewed the employment policies and practices of your department to ensure that these do not unfairly discriminate against employees on the basis of their HIV status? If so, list the employment policies/practices so reviewed.	The NPA is implementing the HIV&AIDS policy signed off in 2007, which prohibits unfair discrimination against employees on the basis of their HIV&AIDS status. The DPSA guide on Disciplinary and Incapacity Matters applies to employees living with HIV&AIDS when the need arises.
6. Has the department introduced measures to protect HIV-positive employees or those perceived to be HIV-positive from discrimination? If so, list the key elements of these measures.	HIV&AIDS and Law workshops are conducted to raise awareness and education to prevent discrimination against HIV- positive employees. There is an involvement of people living with HIV during the commemoration of the national events to destigmatise HIV&AIDS. Confidentiality is maintained during professional counselling and the processing of incapacity leave. Counselling and support is incorporated in EAP services
7. Does the department encourage its employees to undergo Voluntary Counselling and Testing? If so, list the results that you have achieved.	Confidential onsite HCT and Health screening services are offered by reputable service providers at the workplace to promote access to the service and encourage employees to know their HIV and health status. Eight hundred and eighty nine(889)employees participated in wellness screening.
8. Has the department developed measures/indicators to monitor & evaluate the impact of your health promotion programme? If so, list these measures/indicators.	Cumulative statistics and trends on HCT and Employee Assistance Programmes are kept and analysed to determine average service utilization per office and to determine the number of employees testing positive and referred for further services. Evaluation is conducted after awareness sessions to determine and monitor the immediate impact of information shared during awareness session on behavioural change. Monthly and quarterly statistics are kept to monitor the emerging trends. Risks identified during the health screening services and the Health Risk Manager's reports are analysed to inform programme development.



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TABLE 11.1 - Collective Agreements

Subject Matter	Date
None	

TABLE 11.2 - Misconduct and Discipline Hearings Finalised

Outcomes of disciplinary hearings	Number	Percentage of Total	Total
Counselling	1	2,1	48
Verbal warning	2	4,2	48
Written warning	8	16,7	48
Final written warning	16	33,3	48
Suspension without pay	3	6,3	48
Resignation	3	6,3	48
Dismissals	6	12,5	48
Not guilty	5	10,4	48
Withdrawn/set aside	4	8,3	48
TOTAL	48	100	48

TABLE 11.3 - Types of Misconduct Addressed and Disciplinary Hearings

Type of misconduct	Number	Percentage of Total	Total
Prejudicing the administration	2	4,2	48
Bringing the organisation into disrepute	1	2,1	48
Unauthorised absence	4	8,3	48
Racism	2	4,2	48
Unethical Conduct	4	8,3	48
Corruption	4	8,3	48
Assault	2	4,2	48
Pornography	2	4,2	48
Financial disclosures	5	10,4	48
Non compliance with policies	1	2,1	48
Remunerative work	2	4,2	48
Misrepresentation	1	2,1	48
Poor performance	1	2,1	48
Derelection of duty	5	10,4	48
Misuse of motor vehicle	2	4,2	48
Fraud	2	4,2	48
Insubordination	7	14,6	48
Incapacity	1	2,1	48
TOTAL	48	100	48



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TABLE 11.4 - Grievances Lodged

Number of grievances addressed	Number	Percentage of Total	Total
Finalised	221	86	257
Pending	36	14	257
TOTAL	257	100	257

TABLE 11.5 - Disputes Lodged

Number of disputes addressed	Number	% of total
Upheld	1	3,3
Dismissed/withdrawn/settled	11	36,7
Pending	18	60
TOTAL	30	100

TABLE 11.6 - Strike Actions

Strike Actions	–
Total number of person working days lost	0
Total cost(R'000) of working days lost	0
Amount (R'000) recovered as a result of no work no pay	0

TABLE 11.7 - Precautionary Suspensions

Precautionary Suspensions	–
Number of people suspended	8
Number of people whose suspension exceeded 30 days	8
Average number of days suspended	6-12 months
Cost (R'000) of suspensions	2500



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TABLE 12.1 - Training Needs identified

Occupational Categories	Gender	Employment	Learnerships	Skills Programmes & other short courses	Other forms of training (Bursaries)	Other forms of training (Aspirant Prosecutor Programme)	Total
Legislators, senior officials and managers	Female	49	0	41	1	0	42
	Male	124	0	34	1	0	35
Professionals	Female	1439	0	1056	21	85	1162
	Male	1761	0	1279	30	65	1374
Technicians and associate professionals	Female	580	59	231	43	0	333
	Male	262	25	218	34	0	277
Clerks	Female	94	0	27	5	0	32
	Male	17	0	23	3	0	26
Service and sales workers	Female	57	0	103	6	0	109
	Male	130	0	137	10	0	147
Skilled agriculture and fishery workers	Female	0	0	0	0	0	0
	Male	0	0	0	0	0	0
Craft and related trades workers	Female	0	0	0	0	0	0
	Male	0	0	0	0	0	0
Plant and machine operators and assemblers	Female	0	0	0	0	0	0
	Male	0	0	0	0	0	0
Elementary occupations	Female	26	0	0	2	0	2
	Male	27	0	0	2	0	2
Gender sub totals	Female	2245	59	1458	78	85	1680
	Male	2321	25	1691	80	65	1861
TOTAL		4566	84	3149	158	150	3541



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TABLE 12.2 - Training Provided

Occupational Categories	Gender	Employment	Learnerships	Skills Programmes & other short courses	Other forms of training (Aspirant Prosecutor Programme)	Total
Legislators, senior officials and managers	Female	49	0	13	0	13
	Male	124	0	13	0	13
Professionals	Female	1439	0	988	85	1073
	Male	1761	0	1078	65	1143
Technicians and associate professionals	Female	580	59	350	0	409
	Male	262	25	177	0	202
Clerks	Female	94	0	27	0	27
	Male	17	0	23	0	23
Service and sales workers	Female	57	0	103	0	103
	Male	130	0	137	0	137
Skilled agriculture and fishery workers	Female	0	0	0	0	0
	Male	0	0	0	0	0
Craft and related trades workers	Female	0	0	0	0	0
	Male	0	0	0	0	0
Plant and machine operators and assemblers	Female	0	0	0	0	0
	Male	0	0	0	0	0
Elementary occupations	Female	26	0	5	0	5
	Male	27	0	3	0	3
Gender sub totals	Female	2245	59	1486	85	1630
	Male	2321	25	1431	65	1521
TOTAL		4566	84	2917	150	3151

TABLE 13.1 - Injury on Duty

Nature of injury on duty	Number	% of total
Temporary Total Disablement	42	93,3
Permanent Disablement	2	4,4
Fatal	1	2,2
TOTAL	45	



TABLE 14.1 - Report on consultant appointments using appropriated funds

Project Title	Total number of consultants that worked on the project	Duration: Work days	Contract value in Rand
None			

Total number of projects	Total individual consultants	Total duration: Work days	Total contract value in Rand
None			

TABLE 14.2 - Analysis of consultant appointments using appropriated funds, i.t.o. HDIs

Project Title	Percentage ownership by HDI groups	Percentage management by HDI groups	Number of Consultants from HDI groups that work on the project
None			

TABLE 14.3 - Report on consultant appointments using Donor funds

Project Title	Total number of consultants that worked on the project	Duration: Work days	Donor and Contract value in Rand
Accelerating child protection through prevention and response to sexual violence and HIV/AIDS in SA	6	13 December 2007 to 31 March 2012	50 000 000
Women Justice AND Empowerment Initiative	2	22 September 2008 to 31 March 2012	11 700 000

TABLE 14.4 - Analysis of consultant appointments using Donor funds, i.t.o. HDIs

Project Title	Percentage ownership by HDI groups	Percentage management by HDI groups	Number of Consultants from HDI groups that work on the project
Accelerating child protection through prevention and response to sexual violence and HIV/AIDS in SA	NGO	UNICEF	6
Women Justice AND Empowerment Initiative	NGO	USAID	1





Acronyms and Definitions



Additional Information

Acronyms

ADRM	Alternative Dispute Resolution Mechanism
AFU	Asset Forfeiture Unit
AENE	Adjusted Estimates of National Expenditure
CARA	Criminal Assets Recovery Account
CCJS	Crime and Criminal Justice Survey
CEO	Chief Executive Officer
CFM	Court and Case Flow Management
CPA	Criminal Procedure Act
CJS	Criminal Justice System
CPO	Court Preparation Officer
CS	Corporate Services
DCS	Department of Correctional Services
DG	Director- General
DIRCO	Department of International Relations and Co-operation
DNDPP	Deputy National Director of Public Prosecutions
DOJ&CD	Department of Justice and Constitutional Development
DPCI	Directorate for Priority Crimes Investigation
DPP	Director of Public Prosecutions
DV	Domestic Violence
ECMS	Electronic Case Management System
ENE	Estimates of National Expenditure
ERM	Enterprise Risk Management
Exco	Executive Committee
HR	Human Resources
HRM&D	Human Resources Management and Development
ICT	Information and Communication Technology
IJS	Integrated Justice System
IMSC	Information Management Service Centre
IMU	Integrity Management Unit
IT	Information Technology
JCPS	Justice, Crime Prevention and Security
LASA	Legal Aid South Africa
MLA	Mutual Legal Assistance
MPTT	Missing Persons Task Team
NDPP	National Director of Public Prosecutions
NICOC	National Intelligence Coordinating Committee



National Prosecuting Authority Acronyms and Definitions

NPA	National Prosecuting Authority
OHS	Occupational Health and Safety
ORD	Operation Recruitment Drive
OSD	Occupation Specific Dispensation for Legally Qualified Personnel
OWP	Office for Witness Protection
PCLU	Priority Crimes Litigation Unit
PFMA	Public Finance Management Act
PMO	Programme Management Office
R&PI	Research and Policy Information
S&T	Subsistence and Travel
SADC	Southern African Development Community
SAFACT	South African Federation Against Counterfeit Theft
SAHRA	South African Heritage Resources Agency
SAPS	South African Police Service
SAQA	South African Qualifications Authority
SARS	South African Revenue Service
SCCU	Specialised Commercial Crimes Unit
SOCA	Sexual Offences and Community Affairs Unit
TCC	Thuthuzela Care Centre
TRC	Truth and Reconciliation Commission
TSCM	Technical Surveillance Counter Measures
UNICEF	United Nations Children's Fund



Indicator Definitions

Key Concepts

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

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

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

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

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

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

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



Definitions of Measures/Indicators

Cases finalised (including ADRM)

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

Cases finalised

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

Backlog cases

Number of criminal court cases on the outstanding court roll in which the duration from the date of enrolment in that forum exceeds 6 months in a District Court, 9 months in a Regional Court and 12 months in a High Court.

Conviction rate

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

Witnesses harmed or threatened

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

Percentage of walk-offs

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

New completed forfeiture cases

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



New freezing orders

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

Value of new freezing orders

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

Success rate

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

JCPS Officials

All the signatories to the JCPS Delivery Agreement and includes persons employed in the following departments:

- Arts and Culture
- Defence
- Finance
- Government Communication and Information Service
- Home Affairs
- Intelligence Services
- Justice and Constitutional Development (including such entities such as: Legal Aid South Africa, Judicial Services Commission etc.)
- National Intelligence Agency
- National Prosecuting Authority
- National Treasury
- Office of the Public Service Commission
- Provincial and Local Government
- Public Enterprises
- Public Service and Administration
- Safety and Security
- South African Police Service
- South African Revenue Service (including Customs)
- Special Investigating Unit



Corruption

Corruption should be understood as the misuse of public or private office or position or resources with a corrupt intent, and may include acts of bribery, nepotism, extortion, fraud and theft.

Serious crime

Serious is regarded as all criminal court cases prosecuted in the regional and high courts.

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