

The Department of Justice and Constitutional Development

# Annual Report

## 2014/2015



**the doj & cd**

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





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# Annual Report

Annual Report for 2014/15 Financial Year Vote 24:  
Department of Justice and Constitutional Development



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The background of the entire page is a photograph of a crowd of people, many wearing white shirts and hats, holding large South African flags on poles. The scene is outdoors on a paved area, possibly a street or a public square, with trees and buildings visible in the background. The image is overlaid with a semi-transparent orange filter.

# Part A: General Information

## 1. DEPARTMENT'S GENERAL INFORMATION

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## 2. LIST OF ABBREVIATIONS/ACRONYMS/DEFINITIONS

ACCC	Anti-corruption Coordinating Committee
ACTT	Anti-corruption Task Team
ADR	Alternative Dispute Resolution
ADRM	Alternative Dispute Resolution Mechanism
AFU	Asset Forfeiture Unit
AGSA	Auditor-General South Africa
BAS	Basic Accounting System
CARA	Criminal Assets Recovery Account
CARC	Criminal Assets Recovery Committee
CARU	Criminal Assets Recovery Unit
CCPCJ	Commission on Crime Prevention and Criminal Justice
CFO	Chief Financial Officer
CGE	Commission on Gender Equality
CJ	Chief Justice
CJRAC	Civil Justice Reform Advisory Committee
CJRP	Civil Justice Reform Project
CJS	Criminal Justice System
COO	Chief Operations Officer
CRPD	Convention on the Rights of Persons with Disabilities
DevCom	JCPS Cluster Development Committee
DG	Director-General
DPSA	Department of Public Service and Administration
DDG	Deputy Director-General
DoJ&CD	Department of Justice and Constitutional Development
DPW	Department of Public Works
EAP	Employee Assistance Programme
EE	Employment equity
EFT	Electronic funds transfer
EHWP	Employee Health and Wellness Programme
EXCO	DOJCD Executive Committee
EU	European Union
FICA	Financial Intelligence Centre Act
FHR	Foundation for Human Rights
FIFO	First in, first out
GIAMA	Government Immovable Asset Management Act



GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
GRAP	Generally Recognised Accounting Practice
HANIS	Home Affairs National Identification System
HOA	Home Owner's Allowance
HOD	Head of Department
HR	Human Resource
HRD	Human Resource Development
HRP	Human Resource Plan
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICMS	Integrated Case Management System
ICT	Information and communication technology
IDT	Independent Development Trust
IJS	Integrated Justice System
ISCCJ	Intersectoral Committee on Child Justice
ISM	Information and system management
IT	Information technology
JCPS	Justice, Crime Prevention and Security Cluster
JDAS	Justice Deposit Account System
JMIS	Justice Management Information System
JYP	Justice Yellow Pages
KPI	Key performance indicator
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
LPM	Lean process management
MACC	Minimum anti-corruption capacity
M&E	Monitoring and evaluation
MCM	Maintenance Complaints Manager
MEC	Member of the Executive Council
MOVIT	Master's Own Verification Information Technology
MPAT	Management Performance Assessment Tool
MPTT	Missing Persons Task Team
MTEC	Medium-term Expenditure Committee
MTEF	Medium-term Expenditure Framework
MTSF	Medium-term Strategic Framework
NACF	National Anti-Corruption Forum
NADCAO	National Alliance for the Development of Community Advice Officers
NCOP	National Council of Provinces

NDP	National Development Plan
NDPP	National Director for Public Prosecutions
NGO	Non-governmental organisation
NIS	National Intervention Strategy
NMSS	National Maintenance Signage System
NPA	National Prosecuting Authority
NPF	National Policy Framework
NRF	National Revenue Fund
NRSO	National Register for Sex Offenders
OCJ	Office of the Chief Justice
OSD	Occupation-specific dispensation
PAIA	Promotion of Access to Information Act
PAJA	Promotion of Administrative Justice Act
PDI	Previously disadvantaged individual
PEAS	Paperless Estate Administration System
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination Act
PERSAL	Personnel Salary System
PFMA	Public Finance Management Act
PIVA	Person identification and verification application
POC Act	Prevention of Organised Crime Act
PPP	Public Participation Programme
PPP	Public-Private Partnership
PRVG	Promotion of rights of vulnerable groups
PSC	Public Service Commission
PSCBC	Public Service Coordinating Bargaining Council
PWD	People with disabilities
RCC	Regional Coordination Committee
RDP	Reconstruction and Development Programme
SABC	South African Broadcasting Corporation
SADC	South African Development Community
SAHRC	South African Human Rights Commission
SAJEI	South African Judicial Education Institute
SALRC	South African Law Reform Commission
SANDF	South African National Defence Force
SAPS	South African Police Service
SAQA	South African Qualifications Association
SARB	South African Reserve Bank

SARS	South African Revenue Service
SASCO	South African Standard Classification of Occupations
SASSETA	Safety and Security Sector Education and Training Authority
SCA	Supreme Court of Appeal
SCM	Supply Chain Management
SCOPA	Standing Committee on Public Accounts
SDIP	Service Delivery Improvement Plan
SHE	Safety, Health and Environment
SHER	Safety, Health, Environmental and Risk Management
SIC	Sheriffs Introductory Course
SITA	State Information Technology Agency
SIU	Special Investigating Unit
SMS	Senior Management Service
SORMAA	Criminal Law (Sexual Offences and Related Matters) Amendment Act
SSA	State Security Agency
TPF	Third Party Funds
TR	Treasury Regulations
TRC	Truth and Reconciliation Commission
UIF	Unemployment Insurance Fund
USAID	United States Agency for International Development

### 3. Foreword by the Minister



**Adv. TM Masutha, MP**  
**Minister of Justice and Correctional Services**

The President declared 2015 as the year of the Freedom Charter and called upon government to be guided by this Charter to bring radical social and economic transformation in the country. For us, this means implementing our access to justice programmes with increased vigour. In this regard, we intend to improve the pace of the legislative programme that gives people access to legal services, and find innovative ways of improving our services.

A major milestone in the alignment of magisterial districts with municipal boundaries was achieved with the finalisation of North West and Gauteng provinces in December 2014. Through this project, no community has been left worse off while the majority is benefiting from easier access to justice services. I am equally pleased that the Limpopo Division of the High Court, which was part of this flagship programme, will be opened during the 2015/16 financial year. We will ensure that in the next three financial years, alignment of all nine provinces is completed.

Part of our programme of improving access to justice includes converting Branch Courts with a limited service offering to full-service courts that can assist with civil, family and Master of the High Court cases. An additional three Branch Courts have been designated in the 2014/15 financial year, bringing the total Branch Courts designated to 32.

The pilot project of court-annexed mediation began in selected courts in the Gauteng and North West provinces. This initiative will enable matters to be finalised without high legal costs payable by litigants. This initiative is expected to reduce the number of cases on the court roll and make justice more accessible. Lessons learnt through the pilot will inform its roll-out to other courts, including the High Courts, country-wide.

Following the finalisation of the Constitution 17<sup>th</sup> Amendment Act and Superior Courts Act 2013, the Department began the process of transferring Superior Courts to the Office of the Chief Justice. In October 2014, 1 775 officials were transferred to the Office of the Chief Justice on a trial basis. These officials became part of the Office of the Chief Justice at the beginning of the 2015/16 financial year. This is a major step in the direction of judicial administration and illustrates the commitment of this administration in increasing confidence in the justice system.

The National Prosecuting Authority continued to achieve favourably in most of its performance indicators. Most notably, the improved conviction rate in organised crime (92.2% against last year's 88.9%) gives us confidence that



our coordinated efforts with our partners to break the back of organised crime are yielding results. One of the most high profile matters in this category is that of Radovan Krejčíř, and while his trial is yet to be concluded, the fact that he remains in custody is significant. High conviction rates have been maintained in all courts, achieving an overall conviction rate of 92.3% in the 319 149 cases finalised with a verdict in high and lower courts.

A positive clearance ratio of 3.4% was achieved with 908 364 cases enrolled, while 938 638 cases were finalised. This was because there were outstanding cases on the courts roll at the end of the 2013/14 financial year, which have since been finalised. A total of 30 274 more cases were therefore disposed of than received. An exceptional conviction rate of 94.3% was achieved in the prosecution of complex commercial crime, which should be viewed against the nature and complexity of the crimes prosecuted.

We continue to put special emphasis on sexual offences because it is a crime that affects the most vulnerable members of our society. In the last two years, the Department embarked on a project to re-establish dedicated sexual offences courts in all provinces of the country to improve the handling of these cases and provide proper support for victims of this crime. For the year under review, 14 more court rooms were designated, bringing the total number of court rooms to 33. With regard to prosecutions, the conviction rate in the prosecution of sexual offence matters was 69%. This is exceptional when one considers the nature of these crimes and the complexity in achieving a successful prosecution. This is a 1.9% improvement on the conviction rate achieved in the previous financial year.

In line with the National Development Plan, the Department, together with the JCPS cluster and government-wide Anti-Corruption Task Team (ACTT) put plans to decisively deal with cases of corruption. Within the National Prosecuting Authority, the Asset Forfeiture Unit (AFU) warrants a special mention, as its performance significantly exceeded its previous performance in 2013/14. Noteworthy are 463 completed forfeiture cases with a value of R1.9 billion, 342 freezing orders to the value of R2.8 billion

and recoveries of R1.5 million relating to cases where the amount benefited from corrupt activities was more than R5 million, R1.6 billion paid to the victims of crime, R11.1 million recovered in cases where government officials were involved in corruption and other related offences, and an overall success rate of 95.1%.

A major milestone in the implementation of the Truth and Reconciliation Commission (TRC) has been the finalisation of Basic and Higher Education regulations to assist TRC-identified victims and their beneficiaries to access educational assistance. By the end of the 2014/15 financial year, 463 applicants were confirmed for education assistance. We remain committed to finalise the housing and health regulations to continue to assist beneficiaries.

The Missing Persons Task team successfully closed 31 cases against the target of 30 (+3%). The remains of four activists were exhumed during the year under review. The identities of individuals exhumed are Phemelo Moses Ntehelang, killed at Vlakplaas in July 1989, Charles Sandile Ngqobe (MK Timmy Bhengu) and Leon Tebogo Tume (MK Norman Nkosi). DNA tests are being conducted on the remains of an adult male to establish the identity of the body. This is believed to be Carlton Nengudza who was shot dead in April 1987.

Funding for the transformation of State Legal Services began in 2014/15 with an injection of R108 million towards revitalisation and capacitation of State Attorney Offices over three financial years. This is an important step in developing State Attorneys as the firm of choice for the State and all its institutions. As part of a broader transformation of the legal profession, the Legal Practice Act of 2014 will enable the legal sector to develop legal skills that reflect South African demographics. In line with this Act, the National Forum has been set up during the year under review, to begin consultations with the legal profession.

Despite challenges within the industry, we are proud that 76% of counsel briefings are directed at counsel from previously disadvantaged backgrounds. We will continue to concentrate our efforts on growing a cohort of female legal practitioners.

Similarly, it is necessary for us to build a judiciary that reflects demographics, values and aspirations of the broader community of the country. I am delighted that by the end of the 2014/15 financial year, the percentage of judges from previously disadvantaged backgrounds stood at 74%, while females represented 34% of judges. For the magistracy, the percentage of women stood at 40% by the end of the financial year.

Following a spate of hate crimes against the LGBTI community in 2011, the Department set out to establish a strategy to combat crimes perpetrated against the community. On 29 April 2014, the LGBTI Programme was launched in the presence of representatives from Civil Society Organisations (CSOs), Chapter 9 Institutions, government departments serving on the National Task Team (NTT) and their international agencies. The multidisciplinary Rapid Response Team continued to monitor all cases of crimes reported. Engagements with the stakeholders and education of the society are being rolled out in accordance with the strategy. This is done to raise awareness of the rights of the LGBTI in terms of the Constitution in order to eliminate the discrimination and violence that the LGBTI community has suffered over the years.

Sadly, the end of the 2014/15 financial year was marred by attacks on foreign nationals in KwaZulu-Natal and Gauteng provinces. I wish to condemn in the strongest possible terms the attacks perpetrated against foreign nationals. We have a responsibility as the JCPS cluster to ensure that everyone who lives in this country is safe. The Department will make resources available in the 2015/16 financial year to deal decisively with perpetrators of these criminal acts, which includes dedicated courts and prosecutors.

Looking forward to the MTSF period, the Department will design new strategies and approaches in order to restore public trust in the Criminal Justice System. Measures we are contemplating include overhauling the outdated Criminal Procedure Act, reforming the bail laws, maximising the use of restorative justice and addressing overcrowding in correctional centres (as part of the integrated justice system).

During the 2015/16 financial year, announcements will be made on how the second review of the entire justice system

will be undertaken with a view to addressing some of the gaps that remain unaddressed after the adoption of the first National Crime Prevention Strategy. I will canvass the views of colleagues in the JCPS cluster and Cabinet regarding this matter.

The amendment of the NPA Act was not finalised during the 2014/15 financial year and this means that the National Prosecuting Authority remained a programme within the Department. In line with current legislation the Department is required to produce an annual report that included the NPA as the fourth programme of the Department. This annual report has been prepared under this dispensation. The National Director of Public Prosecutions remains responsible under the National Prosecuting Authority Act of 1998 to produce a prosecutorial report each year. A detailed report on prosecutions will therefore be contained in that document.

In line with the National Development Plan 2030 and in addressing the scourge of youth unemployment, the Department is set to improve its effort in this area. We are not only focusing on giving young people work opportunities, but will support businesses that are led by youth or that support youth initiatives.

I would like to take this opportunity to thank Chief Justice Mogoeng Mogoeng and the entire judiciary, Deputy Minister John Jeffery, Mr Abrahams and the staff of the NPA, the chairpersons and staff of Legal Aid SA, staff of the SIU, my Cabinet colleagues and members of the JCPS cluster, the Portfolio Committee on Justice and Correctional Services, the Select Committee on Security and Justice, the Chapter 9 institutions, Mr Karedi, the chairperson of the Audit Committee, and all other stakeholders for their support.

Finally, I would like to express my gratitude to Ms Nonkululeko Sindane who, together with officials of the Department, continued to ensure that the Department discharged its mandates and obligations for the betterment of the lives of the people of South Africa.



**Adv. TM Masutha, MP**  
**Minister of Justice and Correctional Services**

## 4. Foreword by the Deputy Minister



**Mr J Jeffery, MP**  
**Deputy Minister of Justice and**  
**Constitutional Development**

We have continued with the agenda of ensuring that justice is accessible to all people of South Africa. This is indeed a constitutional imperative that we take very seriously.

Small Claims Courts enable litigants to settle civil disputes to the value of R15 000 without the need for legal representation. It should be emphasised that this amount is significant for the majority of people in our country. For the 2014/15 financial year we established 39 more Small Claims Courts, some in far flung areas such as Impendle (KwaZulu-Natal) and Pofadder (Northern Cape). We now have 331 Small Claims Courts across the country and by the end of the financial year, there were only 42 municipalities awaiting a Small Claims Court. We are grateful and humbled by the support from Advisory Board members, 1 863 Commissioners as well as 200 Legal Aid practitioners who were and remain involved in the Small Claims Courts on a pro bono basis.

I am delighted that the Legal Aid South Africa Bill which was introduced into Parliament in July 2014 came into operation on 1 March 2015. This new Act enables the implementation of best practice in corporate governance and has brought a number of provisions in line with the Constitution. This will enable Legal Aid South Africa to retain its prestigious status as one of the leading legal aid systems in the world.

Sheriffs play an important role in ensuring proper service of process and assisting in the enforcement of orders made in our courts. The Minister of Justice and Correctional Services is responsible for the appointment of sheriffs as well as members of the Board for Sheriffs and the designation of chairperson of the Board.

During March 2015, a new Board was appointed. This Board has been tasked with ensuring that the new Code of Practice for Sheriffs, published in the 2013/14 financial year, is fully implemented. This includes, among others, the service of papers in the language understood by the recipient and ensuring that sheriffs do not act in matters where they have an interest.

The Protection of Personal Information Act (POPI Act) regulates the manner in which personal information is collected, used and shared with other organisations. To facilitate compliance with this Act, an Information Regulator needs to be appointed. An agreement has been reached with

the National Treasury on the grading of the Regulator, and the process of appointing the Information Regulator is expected to be finalised during the 2015/16 financial year. This Act requires the President to appoint members of the Information Regulator from recommendations made by a Committee of the National Assembly.

One of the key legislative highlights of the 2014/15 financial year was the enactment of the long-awaited Legal Practice Act. In addition to this milestone, the National Forum on the Legal Profession as part of the implementation of the first phase of the Legal Practice Act was set up. Adv. Kgomotso Moroka, SC and Mr Max Boqwana have been appointed as Chairperson and Deputy Chairperson of the Forum, respectively. This Forum (consisting mainly of the various formations in the legal profession) will, among others, make recommendations to the Minister on various aspects which still require resolution.

I would like to acknowledge the support of institutions I have been delegated to work with, namely Legal Aid South

Africa, the Magistrates' Commission, the Board for Sheriffs and the South African Law Reform Commission. I would like to thank Parliament of South Africa for its support and guidance in our legislative endeavours, as well as the entire Justice community: the Office of the Chief Justice, staff of the NPA, staff of Legal Aid SA, staff of the Special Investigating Unit, and colleagues and staff of the Department of Justice and Constitutional Development. In particular, I would like to express my gratitude to the Director-General of the Department, Ms Nonkululeko Sindane, who continues to ensure that the Department carried out its mandates and obligations.



**Mr J Jeffery, MP**  
**Deputy Minister of Justice and**  
**Constitutional Development**

### **I am looking forward to the tabling of the following Bills during the 2015/16 financial year:**

- i. The Traditional Courts Bill, which will bring traditional courts into the mainstream legal system of the country. This Bill will take into account issues raised by the different sectors of our society to date;
- ii. The Cybercrimes and Related Matters Bill, which seeks to address the growing challenge of cyber security; and
- iii. The Justice Administered Funds Bill, which will provide a legal framework for the management of third party funds within the Department.



## 5. Report of the Accounting Officer



**Ms TN Sindane**  
**Director-General: Department of Justice and Constitutional Development**

### 5.1 GENERAL OVERVIEW

A large proportion of the Departmental budget is spent on the delivery of services throughout cities, towns and rural areas across the country on a daily basis. The following services were delivered in line with our mandate:

- i. Officials of the Department supported the Judiciary and Prosecution in dealing with 870 397 criminal matters; 852 781 civil matters and 745 364 family matters registered during the financial year.
- ii. 53 278 maintenance orders were granted in the courts, while 162 000 new maintenance applications were handled.
- iii. A total of 271 984 cases were finalised by the Master of the High Court. These included deceased estates, insolvencies, the formation of trusts, and payments out of

the Guardian's Fund. This work was done in the 15 offices of the Master of the High Court.

- iv. A total of 11 651 applications for expungement of criminal records were dealt with, while 724 requests for Presidential Pardon were finalised.
- v. A total of 1 398 legal opinions and certification of bills were completed by the Office of the Chief State Law Adviser.
- vi. A total of 319 149 criminal cases were finalised with a verdict, with a conviction rate of 92%.
- vii. There was an increase in the delivery of justice through ADRM with 184 314 cases finalised, which is an increase of 5% from 176 184 cases finalised during the previous financial year.
- viii. The number of operational Thuthuzela Care Centres (TCCs) providing services in line with verification criteria increased from 38 to 44.
- ix. Appointment and training of staff both within the Department and NPA.
- x. Migration of and capacitation of the Office of the Chief Justice.

**The Department continued with its programme to improve access to justice services. Key highlights included:**

- I. Putting people, processes and procedures in place in order to implement 39 more Small Claims Courts.
- II. The designation of 14 sexual offences courts.

These courts not only assist with speedy finalisation of sexual offences but ensure appropriate victim support during the challenging period following a sexual violation.

- III. The implementation of the rationalisation of courts according to municipal boundaries in the North West and Gauteng provinces was undertaken. This included working closely with the Judiciary and Prosecutors to ensure appropriate capacity for implementation of this project. Part of this project is the establishment of two more Divisions of the High Courts – one in Limpopo and the other in Mpumalanga.

For the 2014–19 MTSF period, we set a target of achieving unqualified audit opinions on the vote and all funds under management. I am happy with the progress thus far. While progress has been made on Third Party Funds, all other funds remain unqualified. We take this issue seriously because we understand the importance of presenting credible financial and performance reports for the Department. We would like to assure the citizens that issues raised by the Auditor-General on TPF do not imply that monies directed at beneficiaries are not being paid. We continue to pay maintenance beneficiaries as we receive the money from contributors.

A major area of performance improvement has been on the Integrated Justice System project. Once fully completed, the IJS will assist key players within the Criminal Justice System with the performance information that will help address blockages and inefficiencies within the system. Major progress has been made with integration between the DOJCD, NPA, and SAPS. This means that by the end of the 2014/15 financial year, 14 key performance indicators were ready to be monitored through the IJS.

From an administrative point of view, the Department continued to put measures in place to improve performance. Overall performance against pre-determined objectives was significantly improved, with 85% of targets that were set out in the Annual Performance Plan being achieved.

Despite the good performance overall, the Department was adversely affected by inadequate funding in a number of areas. These include:

- i. Security services, which are necessary to enforce the rule of law and trust in the Criminal Justice System. The safety of court users, prosecutors and the judiciary is critical in enabling them to perform their duties without fear or favour. We continue to consider innovative approaches to security in an attempt to curb the increase in spending. However, without additional funding, the Department will continue to be exposed.
- ii. Inadequate funding for the implementation of existing legislation, such as the Child Justice Act, and newer legislation such as the Superior Courts Act. I am, however, grateful that the National Treasury has made funding available for the appointment of an Information Regulator under the Protection of Personal Information Act.

In line with the Transformation of State Legal Services, the 2014/15 financial year included an increase in the budget allocation for the purpose of employing administrative staff within State Attorney offices. This initiative will assist with effective management of case flow and assist the State Attorney to reduce the number of challenges linked to capacity limitations in the offices of the State Attorneys. Overall, this transformation initiative will be funded to the tune of R108 million over three financial years.

During the first half of the 2014/15 financial year, the Department began the process of migration of the High Courts to the Office of the Chief Justice. Task Teams comprising officials from both Departments identified people, functions and resources that would form part of the Office of the Chief Justice in 2015/16. The Department will continue with technical support to the OCJ for as long as is necessary.

## 5.2 OVERVIEW OF THE FINANCIAL RESULTS OF THE DEPARTMENT:

### DEPARTMENTAL RECEIPTS

Below is the detail of monies received by the Department throughout operations:

Departmental receipts	2014/2015			2013/2014		
	Estimate	Actual amount collected	(Over)/under-collection	Estimate	Actual amount collected	(Over)/under-collection
	R'000	R'000	R'000	R'000	R'000	R'000
Tax receipts						
Casino taxes						
Horse racing taxes						
Liquor licences	60	37	23	300		300
Motor vehicle licences						
Sale of goods and services other than capital assets	52 136	52 092	44	55 650	72 449	(16 799)
Transfers received		3 481	(3 481)	110	362	(252)
Fines, penalties and forfeits	198 420	204 892	(6 472)	320 224	274 261	45 963
Interest, dividends and rent on land	928	11 564	(10 636)	859	22 604	(21 745)
Sale of capital assets	175	1 999	(1 824)	8	612	(604)
Financial transactions in assets and liabilities	42 590	63 492	(20 902)	19 176	33 475	(14 299)
<b>Total</b>	<b>294 309</b>	<b>337 557</b>	<b>(43 248)</b>	<b>396 327</b>	<b>403 763</b>	<b>(7 436)</b>

The Department received increased revenue during the period under review. The increase in revenue collected is due to the following, amongst others:

- Monies recovered from previous financial period debts and expenditure amounting to R11.6 million.
- Unallocated receipts that were received at the end of the year amounting to R7 million.

## PROGRAMME EXPENDITURE

Programme name	2014/2015			2013/2014		
	Final appropriation	Actual expenditure	(Over)/ under-expenditure	Final appropriation	Actual expenditure	(Over)/under-expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
Administration	1 860 516	1 846 263	14 253	1 771 135	1 771 135	
Court Services	6 014 151	5 905 421	108 730	5 780 119	5 425 345	355 774
State Legal Services	921 105	921 105		871 058	871 058	
National Prosecuting Authority	3 254 123	3 254 123		3 068 164	3 068 164	
Auxiliary Services	3 111 976	2 973 393	138 583	2 716 002	2 595 960	120 042
<b>Total</b>	<b>15 161 871</b>	<b>14 900 305</b>	<b>261 566</b>	<b>14 206 478</b>	<b>13 730 662</b>	<b>475 816</b>
Direct Charges / Statutory Appropriation	2 730 266	2 494 596	235 670	2 575 723	2 298 637	277 086

The Department's total voted expenditure amounted to R14.9 billion against the final appropriation amounting to R15.1 billion, and excluding statutory appropriation. This recorded an expenditure performance of 98.3%, resulting in an underspending of 1.2% or R261,6 million. This was largely due to unfilled vacancies as well as delays in the recruitment process due to the post office strike. In addition, some OSD posts such as Registrars and level LP9 did not attract appropriately qualified candidates. The underspending in Capital Assets is due to the slow progress made on the implementation of the IJS and CJS projects by the partner departments.

The underexpenditure is made up as follows:

## PROGRAMME 1: ADMINISTRATION

The Programme's underspending amounted to R14.2 million, of which R5.9 million was related to transfer payments not made due to fulfilment of PFMA oversight functions and R8.3 million due to savings on Office Accommodation.

## PROGRAMME 2: COURT SERVICES

The Programme's underspending amounted to R108.7 million. This was mainly attributed to Compensation of Employees (R66.8 million) as a result of delays in the recruitment processes, and Goods and Services which is as a result of operational cost expenditure associated with vacant positions.

## PROGRAMME 3: STATE LEGAL SERVICES

The Programme utilised 100% of its budget allocation for the year under review.

## PROGRAMME 4: NATIONAL PROSECUTING AUTHORITY (NPA)

The NPA has, for the third consecutive year, spent 100% of its budget allocation. This was achieved by closely monitoring expenditure and centralising the budget towards the end of the financial year. The NPA is not a revenue-generating department, and does not charge tariffs for services rendered. Neither does the NPA provide free services that would have yielded revenue, had a tariff been charged.

The amount of bad debt written off during the year was R 889 000. This amount includes thefts and losses, irrecoverable debt, and recoverable revenue written off.



**PROGRAMME 5: AUXILIARY AND ASSOCIATED SERVICES**

The Programme's underspending amounted to R138,5 million. This was mainly due to procurement delays in the implementation of the Integrated Justice System and Criminal Justice System projects.

**VIREMENTS/ROLLOVERS**

The following table provides a breakdown of virements that were executed.

**Movements between Programmes and Economic classification for 2014/15 Financial year**

From			To		
Programmes	Economic classification	Amount	Programmes	Economic classification	Amount
<b>Programme 1</b>	Compensation of employees	(18,467 )	<b>Programme 2</b>	Payments for capital assets	18,467
	Goods & Services	(30,637)		Payments for capital assets	30,637
		<b>(49,104 )</b>			49,104
<b>Programme 1</b>	Compensation of employees	<b>(31,615)</b>	<b>Programme 4</b>	Goods and Services	31,615
<b>Total Virement from Programme 1</b>		<b>(80,719)</b>	<b>Total Virement to Programme 4</b>		31,615
<b>Programme 2</b>	Goods & Services	(14,770 )	<b>Programme 5</b>	Goods & Services	14,770
<b>Total Virement from Programme 2</b>		<b>(14,770 )</b>			14,770
<b>Programme 3</b>	Compensation of employees	(24,089 )	<b>Programme 2</b>	Payments for capital assets	24,089
	Payments for capital assets	(1,522)		Payments for capital assets	1,522
		<b>(25,611)</b>			25,611
<b>Programme 3</b>	Compensation of employees	(20,646)	<b>Programme 5</b>	Goods & Services	20,646
		<b>(20,646)</b>			20,646
<b>Total Virement from Programme 3</b>		<b>(46,257)</b>	<b>Total Virement to Programme 5</b>		35,416
<b>Programme 4</b>	Payments for capital assets	(31,615)	<b>Programme 2</b>	Payments for capital assets	31,615
<b>Total Virement from Programme 4</b>		<b>(31,615)</b>			
<b>Programme 5</b>	Payments for capital assets	(14,770)	<b>Programme 2</b>	Payments for capital assets	14,770
<b>Total Virement from Programme 5</b>		<b>(14,770)</b>	<b>Total Virement to Programme 2</b>		121,100
<b>Total Movement</b>		<b>(188,131 )</b>			188,131

Rollovers were requested for the procurement of mobile offices for the regions and office furniture for the Limpopo Division of the High Court.

The approved virements were executed to address the following:

- To defray excess expenditure on transfers and subsidies due to more than expected payments for leave gratuity;
- To defray excess expenditure on payment for capital assets mainly due to Public Works expediting the construction of courts and planned capital works projects; and

- To defray excess expenditure on payment for financial assets due to the finalisation of theft and loss investigations that were finalised and the outcome resulted in amounts involved being written off.

### FRUITLESS AND WASTEFUL EXPENDITURE

Interest to an amount of R141 901 was paid for the late payment of supplier invoices. The invoice amount was R2.95 million. The interest amount was for a period of nine months; of which the invoice was outstanding for more than 30 days. Disciplinary action against the senior manager who allowed this fruitless and wasteful expenditure was initiated. The Department implemented an oversight control committee that reviews such cases to establish the cause and potential lack of control and to implement improvements in systems to prevent this from happening in future.

With regard to the NPA, fruitless and wasteful expenditure in the amount of R271 000 has been disclosed. This amount decreased from R1.147 million disclosed in the previous financial year. The amount disclosed for fruitless and wasteful expenditure comprises expenditure on no shows (where a booking is made for accommodation for work related travel and the employee does not show up), interest paid, etc. All cases of fruitless and wasteful expenditure are investigated and disciplinary action is taken where appropriate. No shows and traffic fines (administrative fees) are recovered from officials. The corrective measures taken were effective as the amount of fruitless and wasteful expenditure is decreasing on a year-to-year basis.

### FUTURE PLANS OF THE DEPARTMENT

The Department is hosting a colloquium in the next financial year to review, jointly with stakeholders, challenges within the justice system.

### PUBLIC-PRIVATE PARTNERSHIPS

The Department is considering a PPP for Justice Precinct so as to address and stem the growth in its accommodation costs that has spiralled in the last few years.

### DISCONTINUED ACTIVITIES/ACTIVITIES TO BE DISCONTINUED

During the financial year 2013/14, the President approved the creation of the Office of the Chief Justice as a fully-fledged Department. This resulted in High Court and Specialised Court officials transferred from the Department of Justice and Constitutional Development with effect from 1 April 2015. About 1 775 employees were affected by this move as well as budget allocations amounting to R1,6 billion, R1,7 billion and R1,8 billion for the financial years 2015/16, 2016/17 and 2017/18, respectively.

### NEW OR PROPOSED ACTIVITIES

No new activities are proposed.

### SUPPLY CHAIN MANAGEMENT (SCM)

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

The Department has reduced its exposure to risk of irregular expenditure in Supply Chain Management through:

- Improved oversight, including Internal Audit Reviews, in the awarding of large bids.
- The augmentation of the Departmental Delegations and Financial Instructions as they relate to SCM processes and systems to strengthen accountability and responsibility of end-users as well as SCM staff. This includes ensuring clear segregation of functions and clarification of roles and responsibilities.
- Increased focus on ethical behaviour through vetting of members of the specification and evaluation committees against the Companies and Intellectual Property Commission database.
- Strong ethical leadership through the constitution of the DBAC with high ranking officials setting the tone at the top as well as continuous training on the expectation of high ethical conduct of persons serving in the SCM process.
- Consistent review of transactions for identification and communication of shortcomings and

non-compliance to control measures relating to procurement. In this regard an internal control unit and budget control unit within the Department review batches and report gaps to the relevant Responsibility Managers and the CFO. SCM and payment checklists have been implemented and monitored to ensure SCM compliance. Further, Supply Chain Management officials perform pre-check compliance reviews prior to the generation of a purchase order. Purchase orders are placed with accredited suppliers after the Department has authenticated that the suppliers meet the requirements of BBBEE, tax clearance certification and standard bidding requirements.

- f) Improved consequence management. An oversight committee has been established to review potential irregular expenditure and to advise on consequence management to the relevant Responsibility Managers.
- g) Continuous training provided both to departmental and SCM officials to ensure compliance within the SCM arena as well as to improve awareness of ethical behaviour requirements.

The main challenges in the SCM environment relate to interdependencies on other departments such as the State Information Technology Agency (SITA) and the Department of Public Works (DPW) for timely procurement that impacts on service delivery. This was addressed at departmental

level, ministerial level and at Portfolio Committee level to ensure improvement in interdepartmental monitoring and reporting. This effort is yielding positive results.

A further challenge is the timely detection of officials of other government institutions that do not correctly declare their interest as prospective bidders. There are challenges with mechanisms within the Government Supply Chain arena with the verification of names and identity numbers of directors/trustees/shareholders of companies, enterprises, closed corporations and trusts against another department's staff establishment other than to solely rely on the written declaration by prospective bidders.

The Department has written to National Treasury advising of the need to establish a hub for the validation of Public Servants information against a central electronic staff structure and the SDB 4 (Standard bidding document). Such will be considered by National Treasury for implementation in the Integrated Financial Management System (IFMS).

Lastly, the agility of the SCM system remains a challenge. SCM policies and regulations are often confusing and cumbersome, leading to the risk of excessive and costly delays, impacting on service delivery. Unsubstantiated complaints that imply exposure to a risk of potential irregularity, as well as potential intent to litigate, impact on the staff and governance of SCM processes. Furthermore, the administrative burden on both the suppliers and the Department has an impact on the cost, time and ease of doing business with government, especially micro-enterprises with little or no administrative capacity and support. In line with the National Development Plan, National Treasury is embarking on a range of SCM reforms to address these challenges.

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

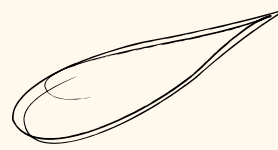
Donor organisation	Nature of the donation	Amount
Various attorney firms in KZN	Heritage Day Commemoration on 26 September 2014	R 2 000
HP Discover	ICT Managers Event in Barcelona, Spain	R38 000
Mossel Bay Municipality	Funding of all auxiliary costs associated with the operations of the courts	R552 000
CARA (Criminal Asset Recovery Fund)		R26 945 000
USAID <sup>1</sup>	The project is aimed at contributing towards the reduction of incidence of HIV and AIDS <sup>2</sup> by raising awareness on the linkage between violence against women and children and HIV <sup>3</sup> and AIDS in South Africa	R54 392 000
Huawei Technologies Africa	Various items for the Golf Day event	R70 000
EOH	Waterhole and prizes for the Golf Day event	R46 680
Lexis Nexis	Prizes and caps for the Golf Day event	R10 640
Mustek Ltd	Golf Day breakfast catering	R8 500
Datacentrix	Golf Day dinner and prizes	R30 000
Nedbank	Golf Day – Golf shirts	No value attached
Department of Correctional Services	Golf Day – 6 x miniature trophies	Produced by inmates – no value attached

## EXEMPTIONS AND DEVIATIONS RECEIVED FROM THE NATIONAL TREASURY

The National Treasury has previously directed that State Attorney monies currently dealt with within the TPF environment as well as all fines where the final beneficiary is a government institution, be reported on within the Departmental Vote Account financial statements. Upon request of the Department, the Accountant-General provided the Department with an exemption on this directive until the end of the 2014/15 financial year.

### EVENTS AFTER THE REPORTING DATE

There are no events after the reporting date other than the Transfer to the Office of the Chief Justice.



**Ms TN Sindane**

Accounting Officer  
**Department of Justice and  
Constitutional Development**

**Date: 31 July 2015**

<sup>1</sup> United States Agency for International Development

<sup>2</sup> Acquired immune deficiency syndrome

<sup>3</sup> Human immunodeficiency virus



## 6. Statement of responsibility and confirmation of the accuracy of the annual report

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

All information and amounts disclosed throughout the annual report are consistent.

The annual report is complete, accurate and is free from any omissions.

The annual report has been prepared in accordance with the guidelines on the annual report as issued by National Treasury.

The Annual Financial Statements (Part D) have been prepared in accordance with the modified cash standard and the relevant frameworks and guidelines issued by the National Treasury.

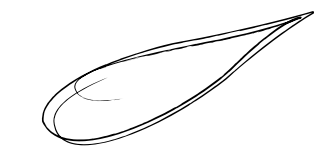
The Accounting Officer is responsible for the preparation of the annual financial statements and for the judgements made in this information.

The Accounting Officer is responsible for establishing, and implementing a system of internal control that has been designed to provide reasonable assurance as to the integrity and reliability of the performance information, the human resources information and the annual financial statements.

The external auditors are engaged to express an independent opinion on the annual financial statements.

In my opinion, the annual report fairly reflects the operations, the performance information, the human resources information and the financial affairs of the department for the financial year ended 31 March 2015.

**Yours faithfully**



**Ms T.N Sindane**

Accounting Officer

**Department of Justice and  
Constitutional Development**

**Date: 31 July 2015**

# 7. Strategic Overview



## 7.1 VISION

A transformed and accessible justice system, which promotes and protects social justice and the Rule of Law.



## 7.2 MISSION

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



## 7.3 VALUES

The Department has the following values:

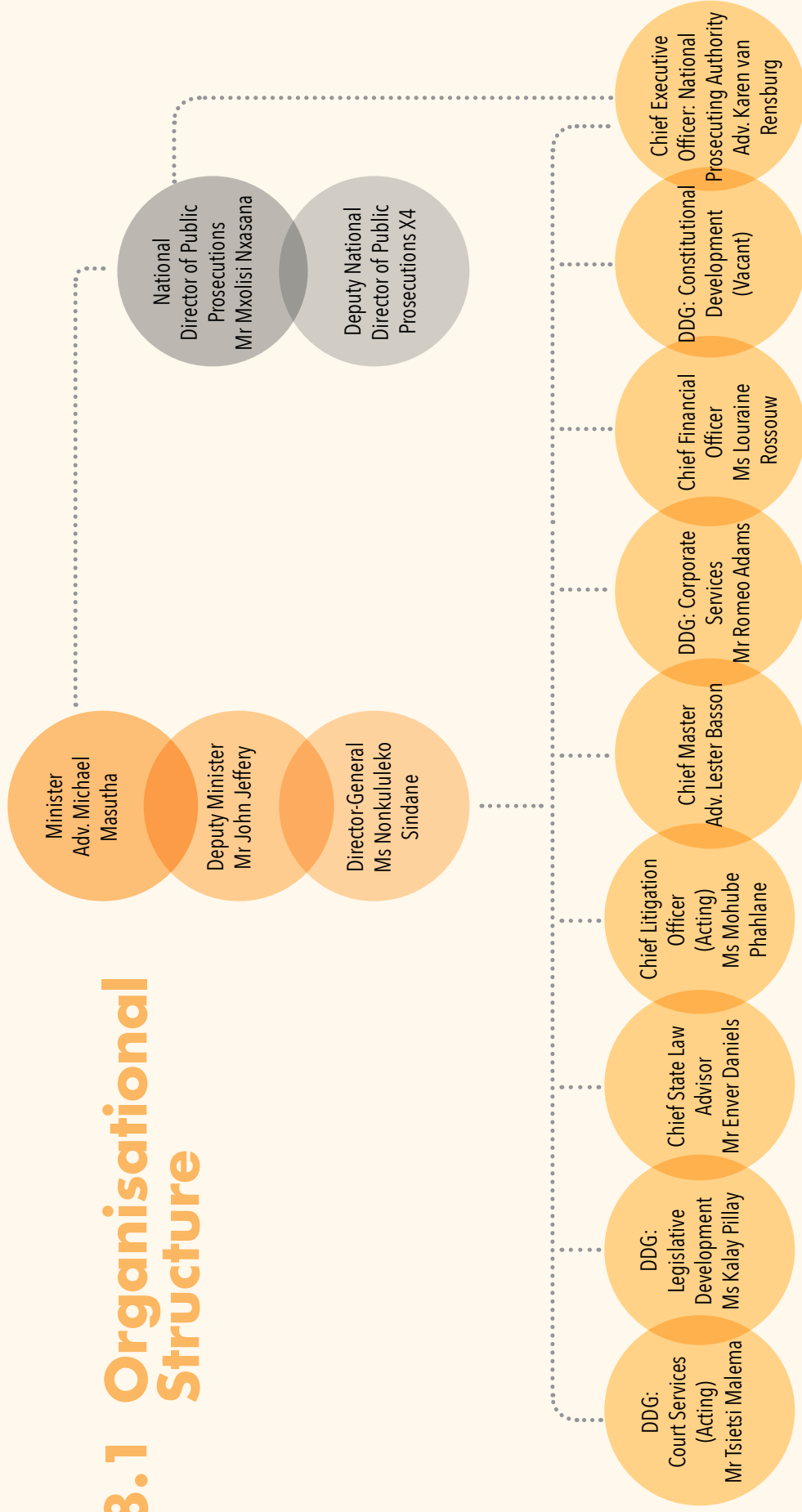
- Constitutional values and a culture of human rights
- Promotion of the Rule of Law
- Batho Pele
- Good governance
- Ubuntu
- Professionalism and continuous improvement
- Transparency

## 8. LEGISLATIVE AND OTHER MANDATES

THE DEPARTMENT DERIVES ITS STATUTORY MANDATE FROM VARIOUS STATUTES AND PIECES OF SUBORDINATE LEGISLATION. THE FOLLOWING ARE CATEGORIES OF FUNCTIONS EMANATING FROM DIFFERENT LEGISLATIVE INSTRUMENTS:

- i. Legislation providing for the establishment and functioning of the superior courts, magistrates' courts and special courts, (the Superior Courts Act, Act No. 10 of 2013, the Magistrates' Courts Act, Act No. 32 of 1944 and the Small Claims Court Act, Act No. 61 of 1984).
- ii. Legislation providing for the appointment of judges and other judicial officers, their conditions of service, discipline and training (the Judges' Remuneration and Conditions of Employment Act, Act No. 47 of 2001 and the Magistrates Act, Act No. 90 of 1993).
- iii. Legislation providing for the appointment of Masters of the High Court and the administration of the Guardian's Fund and deceased and insolvent estates (the Administration of Estates Act, Act No. 66 of 1965 and the Insolvency Act, Act No. 24 of 1936).
- iv. Legislation regulating the provisioning of legal advisory services to government departments (the State Attorney Act, Act No. 76 of 1957).
- v. Legislation relating to the promotion, protection and enforcement of certain human rights (the Promotion of Administrative Justice Act, Act No. 3 of 2000, the Promotion of Access to Information Act, Act No. 2 of 2000, and the Promotion of Equality and Prevention of Unfair Discrimination Act, Act No. 4 of 2000).
- vi. Legislation pertaining to the protection of vulnerable groups (the Child Justice Act, Act No. 75 of 2008, the Children's Act, Act No. 38 of 2005, the Criminal Law (Sexual Offences and Related Matters) Amendment Act, Act No. 32 of 2007 and the Prevention and Combating of Trafficking in Persons Act, Act No. 7 of 2013).
- vii. Legislation pertaining to the Special Investigation Unit and witness protection (the Special Investigation Units and Special Tribunals Act, Act No. 74 of 1996 and the Witness Protection Act, Act No. 112 of 1998).
- viii. Legislation providing for the establishment and functioning of bodies responsible for legal aid, law reform and rule-making (the Legal Aid South Africa Act, Act No. 39 of 2014, the South African Law Reform Commission Act, Act No. 19 of 1973 and the Rules Board for Courts of Law Act, Act No. 107 of 1985).
- ix. The Maintenance Act, Act No. 99 of 1998 and the Domestic Violence Act, Act No. 116 of 1998.
- x. Legislation providing for support to Chapter 9 institutions (the South African Human Rights Commission Act, Act No. 40 of 2013 and the Public Protector Act, Act No. 23 of 1994).
- xi. Legislation pertaining to debt collectors and sheriffs (the Debt Collectors Act, Act No. 114 of 1998 and the Sheriffs Act, Act No. 90 of 1986).
- xii. Legislation providing for the establishment and functioning of the National Prosecuting Authority, the Asset Forfeiture Unit, the Special Investigating Unit, as well as the conduct of criminal proceedings, the investigation of organised crime and corruption, and the forfeiture of assets obtained through illicit means (the National Prosecuting Authority Act, Act No. 32 of 1998, the Criminal Procedure Act, Act No. 51 of 1977, the Prevention of Organised Crime Act, Act No. 121 of 1998 and the Special Investigating Units and Special Tribunals Act, Act No. 74 of 1996). In addition, the Department is tasked with the administration of the Implementation of the Rome Statute of the International Criminal Court Act (Act No. 27 of 2002), the Protection of Constitutional Democracy Against Terrorist and Related Activities Act (Act No. 33 of 2004), and the Prevention and Combating of Corrupt Activities Act (Act No. 12 of 2004).

## 8.1 Organisational Structure



## 8.2 ENTITIES REPORTING TO THE MINISTER

The table below indicates the entities that report to the Minister of Justice and Correctional Services and which are funded through the Department of Justice and Constitutional Development vote account, as indicated:

Name of entity	Legislative mandate	Financial relationship	Nature of operations
Council of Debt Collectors	Debt Collectors Act (Act No. 114 of 1998)	No financial relationship	Monitors the conduct and professionalism of debt collectors, promoting a culture of good governance and thus protecting the public and creditors
Legal Aid South Africa (LASA)	Legal Aid South Africa Act (Act No. 39 of 2014)	Transfer payment	Renders or makes available legal aid to indigent persons and provides legal representation at the state's expense
Rules Board for Courts of Law	Rules Board for Courts of Law Act (Act No. 107 of 1985)	Part of the vote in the Legislative Development Branch	Reviews existing rules of courts and subject to the approval of the Minister, makes, amends or repeals rules for the Supreme Court of Appeal, the High and the Lower courts
South African Board for Sheriffs	Sheriffs Act (Act No. 90 of 1986)	No financial relationship	Monitors services of the sheriffs and deputies and ensures that the services are executed in terms of the Code of Conduct for Sheriffs
South African Law Reform Commission (SALRC)	South African Law Reform Commission Act (Act No. 19 of 1973)	Part of the vote in the Legislative Development Branch	Conducts research regarding the development, improvement, modernisation or reform of all branches of the law of South Africa
Special Investigating Unit (SIU)	Special Investigating Units and Special Tribunals Act (Act No. 74 of 1996)	Transfer payment	Provides professional forensic investigations and litigation services to all state institutions at national, provincial and local levels



# Part B Performance Information



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

The AGSA currently performs certain audit procedures on the performance information to provide reasonable assurance in the form of an audit conclusion. The audit conclusion on the performance against predetermined objectives is included in the report to management, with material findings being reported under the Predetermined Objectives heading in the Report on other legal and regulatory requirements section of the auditor's report.

Refer to page 139 of the Report of the Auditor-General, published as Part D: Financial Information.

## 2. OVERVIEW OF DEPARTMENTAL PERFORMANCE

### 2.1 ORGANISATIONAL ENVIRONMENT

The main feature of the 2014/15 financial year was the national elections, followed by the installation of the fifth democratically elected administration. For the Department, a new executive authority responsible for the Department of Justice and Correctional Services portfolios, was appointed. Efforts were put in place to bring the Minister up to speed with the mandate and the work of the Department and to receive policy guidance and priorities from the Minister for the new administration.

Another key development for the financial year under review was the implementation of the Superior Courts Act of 2013, which affirmed the Chief Justice as the Head of the Judiciary. On 1 October 2014, approximately 1 775 people reported to the Office of the Chief Justice, and on 1 April 2015, a new vote account was allocated to this Office. This was a major milestone in the journey towards an independent judicial administration, as envisaged in the Constitution. A major change management programme was initiated to ensure a smooth transition of people to the Office of the Chief Justice and to enable service delivery to continue during the transition period. The DOJ&CD continues to give support to the Office of the Chief Justice where necessary.

In December 2014, new magisterial districts of the North West and Gauteng provinces were launched by the Minister. The objectives of this initiative are to enable people to receive justice services within their municipal boundaries and to ensure accessibility through established transport and other infrastructure. The Department focused its effort in consulting with the affected communities as well as programmes to address issues raised by the Judiciary, the Prosecution, Legal Aid South Africa, the Sheriffs and the members of staff.

Despite the announcement of the President to institute a commission of enquiry into the fitness of the NDPP to hold office, the National Prosecuting Authority performed very well, particularly in prosecutions in areas such as

sexual offences and corruption. The NPA remained fully functional in all areas, including Asset Forfeiture and the Missing Persons Task Team. A National Treasury concession allowing the NPA to produce a separate annual report from the Department was not extended for the 2014/15 financial year. The Department put processes in place to include the NPA in Departmental annual financial statements and the annual report. It is envisaged that NPA governance arrangements will be under discussion during the 2015/16 financial year.

The sluggish economic climate for the country meant continuing financial pressure on the Department. Areas of spending pressures remained in security services to protect judicial officers, prosecutors and courts as well as the implementation of legislation. Despite this shortfall, the Department underspent the 2014/15 budget by R261 million, which was as a result of underspending in the personnel budget brought about by challenges in filling OSD (Occupation-Specific Dispensation) and Magisterial posts and capital works.

### 2.2 KEY POLICY DEVELOPMENTS AND LEGISLATIVE CHANGES

Policy initiatives and updates that were undertaken during the year under review are detailed in this section.

#### a) National Development Plan (2030)

In accordance with the NDP and Outcome 3, the Department is striving towards the achievement of safer communities. This vision can be achieved through a well-functioning Criminal Justice System in which the police, prosecution, judiciary and correctional services ensure that suspects are caught, prosecuted, convicted if guilty, securely incarcerated and rehabilitated within a culture of human rights.

The Department plays a major and direct role in implementing Chapters 12 and 14 of the NDP which deal with building safer communities and promoting

accountability and fighting corruption respectively. In addition to these, the Department plays a role in the implementation of Chapter 11, which focuses on social protection matters, Chapter 13, which focuses on the development of a capable state, and Chapter 15, which focuses on transforming society and uniting the country.

The Medium-Term Strategic Framework for 2014–19, aligned to the NDP and approved during the 2014/15 financial year, sets out performance indicators for different role players within the JCPS cluster.

#### **b) Court-Annexed Mediation**

The pilot project of Court-Annexed Mediation began in December 2014 and was officially launched by the Minister at the Barolong Community Hall in Mahikeng on 16 February 2015. Mediation services are being introduced into courts to promote access to justice by providing a method of resolving disputes which is quicker and more affordable than litigation. The mediator is an independent professional person who assists the parties to settle their own disputes by listening to their stories/issues and then suggesting possible settlement options. If agreement is reached, the mediator drafts a written agreement for the parties to sign, which may be made an order of court.

In the first phase of the pilot project, 12 magistrates' courts, nine in Gauteng and three in North West, were selected to offer mediation services. More than 200 mediators have been accredited by the Minister to provide mediation services.

#### **c) Strengthening Judicial Governance and Accountability**

The Superior Courts Act of 2013 confirmed the Chief Justice as head of the Judiciary, both in the Lower and High Courts. From an operational point of view, this means that the Chief Justice is responsible for protocols and directives, and guides judicial officers in enhancing court efficiency. Furthermore, it assigns the responsibility of coordinating judicial functions of all

magistrates' courts to the respective Judges President within whose jurisdiction these lower courts fall. This in turn ensures that there is a seamless governance framework for the entire judiciary to give effect to the objective of a single, unified judiciary and an effective case-flow management system through which the judiciary takes charge of the management of cases throughout the justice value chain.

From 1 April 2015, all superior courts were transferred to the Office of the Chief Justice, which will exercise control and management of the performance of these courts. The Department will be responsible only for policy and legislation related functions in respect of the Superior Courts and the administration of the Lower Courts. This position will prevail until the last phase of the institutional restructuring has been completed.

#### **d) Transformation of State Legal Services**

The transformation of State Legal Services forms part of the on-going initiatives aimed at transforming the administration of justice broadly. Part of this transformation includes addressing challenges within state legal services, which include:

- i. Prescription of claims involving government;
- ii. Default judgments granted against government;
- iii. Lack of monitoring systems over the work and outputs of attorneys and advocates;
- iv. Inconsistency in the determination of counsel fees; and
- v. Low success rates in cases against the State.

The State Attorney Amendment Act of 2014 provided for the creation of a functionary to be known as the Solicitor-General who is to oversee all state litigation and address these issues. A further amendment is being prepared to enable the appointment of a Solicitor-General outside of the laws governing public service.

With regard to the transformation of the legal profession, the Legal Practice Act of 2014 was

finalised and parts thereof were put into operation. This Act provides a framework for the fundamental transformation of the legal profession in order to broaden access to justice; democratise the regulatory structures of the legal profession in accordance with the values of the Constitution; and enhance opportunities of access to the legal profession for the previously disadvantaged communities. The Act is structured in such a way that it requires its implementation to take place incrementally. It is the scheme of the Act that the implementation of Chapter 10 must precede the implementation of the rest of the Act, as it has the effect of laying the foundation for the broader transformation of the profession contemplated in the Act.

Parts 1 and 2 of Chapter 10 of the Legal Practice Act, 2014, dealing with the National Forum on the Legal Profession, were put into operation on 1 February 2015 by way of proclamation signed by the President. The National Forum was established in line with this Act and a Programme Manager was appointed to oversee the implementation of this Chapter.

**e) National Intervention Strategy on crimes against the lesbian, gay, bisexual, transsexual and intersexual (LGBTI) community**

On 29 April 2014, the Minister of Justice and Constitutional Development launched the LGBTI Programme in the presence of representatives from Civil Society Organisations (CSOs), Chapter 9 Institutions, government departments serving on the National Task Team (NTT) and international and regional embassies and donor agencies. This included the launch of the Terms of Reference of the National Task Team on gender and sexual orientation-based violence perpetrated against LGBTI persons; Terms of Reference of the Rapid Response Team; National Intervention Strategy on Gender-based and Sexual Orientation-based Violence; and the Intersectoral Communication Plan on the Promotion and Protection of the Rights of LGBTI Persons.

### Key initiatives for the year under review included the following:

- i. The production of a television advert insert featuring the Minister of Justice and Correctional Services conveying a national message to South Africans to promote equality, dignity and freedom protected under section 9 of the Constitution. This production reached 13 million viewers from SABC and 10 million viewers from eTV Channel. In addition, an LGBTI drama on Community Radio reached 6 million viewers.
- ii. Establishment of a rapid-response multi-sectoral team comprising key government departments in the Justice, Crime Prevention and Security cluster (JCPS) as well as nominated LGBTI civil society organisations. Out of the 45 cases received from the CSOs, 23 cases have been finalised. The "withdrawn" and "undetected" cases have been recalled, commencing with Gauteng as a first pilot, to analyse whether proper steps and processes were followed during investigation, before the cases were classified as "withdrawn" or "undetected". This pilot project is being implemented in Gauteng and the Western Cape before it is rolled out to other provinces.
- iii. Shared the country's LGBTI Programme model at the High Level Consultation on Sexuality and Human Rights in Francophone West and Central Africa in Lome, Togo and at the International Event on Promoting the Human Rights of LGBTI Persons in the United Kingdom.



**f) National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (NAP)**

During this period, Draft 13 of the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (NAP) was amended and finalised in accordance with the recently published United Nations Practical Guide on Developing National Action Plans against Racial Discrimination (2014). The NAP was developed in line with the Durban Declaration and Programme of Action (DDPA) adopted at the Third World Conference against Racism held in Durban, South Africa in 2001.

The South African state is the custodian of the NAP with the DOJ&CD as the state department tasked by Cabinet with the responsibility for its development, finalisation, coordination and implementation. The NAP contributes towards complying with the State's obligation to meet its international, regional and national obligations and efforts to achieve human rights for all, and to give effect to the rights to equality and non-discrimination. It also provides the basis for the development of a comprehensive public policy against racism, racial discrimination, xenophobia and related intolerance.

**g) Implementation of the Use of Official Languages Act of 2012**

In terms of this Act, the Department is expected to put together a language policy, and establish a language unit. The objective of this Act is to promote the use of languages that are well understood by members of society being served.

During the year under review, a draft policy document was prepared for consultation with key stakeholders.

## 2.3 SERVICE DELIVERY ENVIRONMENT

Highlights of performance for the 2014/15 financial year in particular are discussed in three main areas, namely improved access to justice, improved service delivery, and improved administration.

### 2.3.1 IMPROVED ACCESS TO JUSTICE

**a) Re-designation of Branch Courts into Full Services Courts**

Significant milestones have been achieved with reference to the rehabilitation of certain Branch Courts in traditionally black townships which have been proclaimed as proper full services courts. Of the 90 Branch Courts, 15 have been proclaimed as full services courts with effect from 15 August 2009, three in 2011, six in 2013 and five in 2014. An additional three Branch Courts have been designated this financial year, bringing the total Branch Courts designated to full services courts to 32 as at the end of the 2014/15 financial year.

The effect of the re-designation of Branch Courts into full services courts is to expand services relating to civil and family law services to communities served by these courts, in particular services that are geared to improve the livelihoods of the poor and vulnerable members of society such as maintenance, deceased estates and small claims courts services. These services were previously obtainable from the main courts only.

**b) Alignment of Magisterial Districts with Municipal Boundaries**

Harmonisation of magisterial districts with provincial and municipal boundaries enhances access to courts and ensures better coordination and integration of services



within the three spheres of government, in particular within the Justice, Crime Prevention and Security (JCPS) cluster. It promotes cooperative governance amongst role players within the justice sector and thereby enables them to coordinate their activities towards the attainment of the strategic objective of the JCPS cluster of ensuring that "All in South Africa are and feel safe".

The implementation commenced with the Gauteng and North West provinces with effect from 1 December 2014. Therefore, this means that courts from these two provinces are aligned with municipal boundaries and are better accessible to members of the public, taking into account travel routes and public transportation. The implementation for Limpopo and Mpumalanga provinces is expected to be finalised by the end of the 2015/16 financial year.

### c) Establishment of Small Claims Courts

During the year under review, 39 new Small Claims Courts were established against a target of 25. As at the end of the financial year 2014/15, a total of 331 Small Claims Courts were in place country-wide as main centres for the hearing of small claims matters.

In addition, five new places of sitting were proclaimed during the year, bringing the total additional places of sitting for Small Claims courts to 82, country-wide. This was due to the focused attention devoted by all concerned at national, provincial and local levels.

Awareness raising campaigns relating to the Small Claims Courts operations and how they can assist persons to speedily deal with their small civil claims were a specific focus area in the past year, leading to an increased usage of these courts. A total of 47 648 new matters were registered during the 2014/15 financial year to the financial value of R220 698 752. This represented a 36% increase in the number of cases registered.

Previously, the establishment of new Small Claims Courts was hampered by the identification and appointment of a Commissioner for each magisterial district. The Act was amended to enable Commissioners to be appointed for

the entire province in which they are appointed. New Small Claims Courts could therefore be established without necessarily appointing a Commissioner for that district. 248 Commissioners and 369 Advisory Board members were appointed for these Courts during 2014/15, bringing the total numbers to 1 863 Commissioners and 1 614 Advisory Board members country-wide. Further positive developments have been that 21 magistrates and 199 legal aid practitioners have volunteered their services as Small Claims Court Commissioner.

To assist in ensuring that the Small Claims Court officials are fully skilled, training has been presented to both Commissioners (165) and clerks (164) of the Small Claims Courts in six provinces. The officials in the other provinces will receive training in the new financial year.

## 2.3.2 SERVICE DELIVERY HIGHLIGHTS

In this section, operational highlights of the Department will be discussed. These include operational performance of courts, National Prosecuting Authority, Masters of the High Court and State Legal Services.

### a) Court Services

#### i. Equality Courts

The Promotion of Equality and the Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000) was enacted and came into operation in September 2000. All magistrates' courts are designated to hear matters such as hate speech, harassment and unfair treatment under this Act.

During the reporting period, there was a 38% increase in the number of new matters registered. Hate speech and unfair discrimination constituted most of the complaints in 2014/2015, with 328 and 291 respectively. While there was a 36% increase in hate speech complaints, unfair discrimination complaints increased by 46%.

## EQUALITY COURT: MATTERS REGISTERED

Complaint	2013/2014	2014/2015	% change
Dissemination and publications that unfairly discriminate	25	28	12%
Harassment	68	77	13%
Hate speech	242	328	36%
Hate speech & harassment	45	57	27%
Unfair discrimination	200	291	46%
Unfair discrimination & dissemination and publications that unfairly discriminate	5	5	0%
Unfair discrimination & harassment	9	9	0%
Unfair discrimination & hate speech	8	11	38%
Unfair discrimination & hate speech & harassment	9	10	11%
Did not indicate	1	28	>100%
<b>Total</b>	<b>612</b>	<b>844</b>	<b>38%</b>

During the reporting period, there was a 49% increase in total cases disposed of. Out of 92 cases disposed of in 2013/2014, 32% were referred to alternative forums

and out of 137 cases disposed of in 2014/2015, 47% were finalised.

## EQUALITY COURT: MATTERS DISPOSED OF

Period	Dismissed	Finalised	Judgment	Referred to alternative forum	Settled out of court	Withdrawn	Total disposed
2013/2014	26	6	5	29	7	19	92
2014/2015	31	65	2	17	3	19	137
% change	19%	>100%	-60%	-41%	-57%	0%	49%

### ii. Domestic violence cases

Domestic violence means any physical abuse; sexual abuse; emotional, verbal and psychological abuse; economic abuse; intimidation; harassment; stalking; damage to property; trespassing (where the parties do not share the same residence); or any other controlling or abusive behaviour towards a complainant, where such conduct harms, or may

cause imminent harm to, the safety, health or wellbeing of the complainant.

During the period under review, the number of cases brought forward from the new applications for protection orders increased by 3%. During the same period, there was a marginal decrease in the number of final protection orders. There was a 6% decrease in the number of warrants of arrest issued.

## DOMESTIC VIOLENCE: CIVIL PROCESS

a) Period	Cases brought forward	New application for protection order received	Interim protection orders granted	Protection order			Interim monetary relief applications		Warrant of arrest applications issued
				b) Made final (Sec 6)	c) Set aside	d) Varied	e) Received	Granted	
2013/2014	93 114	255 389	159 381	88 504	39 243	4 391	23 083	16 646	40 183
2014/2015	77 615	264 051	163 793	87 185	40 490	4 880	25 308	17 202	37 891
% change	-17%	3%	3%	-1%	3%	11%	10%	3%	-6%

The table above indicates the total number of applications for protection orders, the number of interim protection orders granted and the number of protection orders made final.

## DOMESTIC VIOLENCE: CRIMINAL PROCESS

f) Period	Cases brought forward	New registered cases	Finalised			Removed from the roll					Case disposed of	Outstanding case
			g) Not guilty	h) Guilty	i) Other: finalised	j) Struck off roll	k) Transferred	Warrant of arrest	Withdrawn	Other: Removed from the roll		
2013/2014	3 370	12 133	811	2 519	190	992	119	725	7 283	48	12 687	3 173
2014/2015	3 173	14 533	851	2 514	194	1 428	123	867	8 645	57	14 679	3 531
% change	-6%	20%	5%	-0.2%	2%	44%	4%	20%	19%	19%	16%	11%

The table above shows that most of the finalised cases were guilty verdicts and most of the cases that were removed from the roll were withdrawn.

### iii. Maintenance matters

Maintenance is regulated by the Maintenance Act of 1998. This Act enables provision of financial support (mostly for children) by a parent. The Department administers this Act and puts in place procedures and policies to enable beneficiaries to receive their money timeously.

In line with this law, the Department deals with new applications, reviews existing orders and enables payments to beneficiaries, where an order to do so exists. Once a court has granted a maintenance order and the respondent does not comply, it becomes a criminal matter (section 31).

The tables below refer to the civil and criminal processes for maintenance matters.

#### MAINTENANCE MATTERS: CIVIL PROCESS

Period	New applications received	Enquiries received	Orders granted	Orders by consent	Orders by default	Orders varied	Paternity disputes
2013/2014	176 485	225 634	55 227	82 811	6 242	17 352	11 811
2014/2015	162 189	217 866	53 278	79 444	5 724	20 088	11 624
% change	-8%	-3%	-4%	-4%	-8%	16%	-2%

There were 176 485 new maintenance applications that were received in 2013/2014; they decreased by 8.10% in 2014/2015.

#### MAINTENANCE MATTERS: CRIMINAL PROCESS (SECTION 31 OF THE MAINTENANCE ACT)

Period	New cases	Finalised			Removed from Roll					Cases disposed of	Outstanding
		Guilty	Not guilty	Other: Finalised	Struck Of roll	Transferred	Warrant of arrest	Withdrawn	Other: Removed from roll		
2013/2014	11 417	1 039	326	713	2 194	38	1 388	6 181	92	11 971	2 645
2014/2015	8 789	953	192	327	1 664	89	1 353	4 730	30	9 338	1 838
% change	-23%	-8%	-41%	-54%	-24%	134%	-3%	-23%	-67%	-22%	-31%

The family courts managed to dispose more matters than the matters that were received. As at the end of 31 March 2015, 1 838 matters were outstanding.

**iv. Children's matters**

Children's matters refers to matters arising out of the application of the Children's Act No. 38 of 2005 as well as the Child Justice Act No. 75 of 2008 and which seeks generally to promote the protection, development and well-being of children.

**CHILDREN'S COURT: ADOPTIONS AND CHILDREN IN NEED OF CARE**

Financial year	Adoptions: Inter-country		Adoptions: National		Children found in need of care and protection
	Opened	Finalised	Opened	Finalised	
2013/2014	523	374	1 414	959	70 220
2014/2015	566	467	1 285	1 115	67 532
% change	8%	25%	-9%	16%	-4%

The number of adoption cases opened internationally increased by 8.22% and national adoptions decreased by 9.12%. The number of children who were found to be in need of care decreased by 3.83%.



**Domestic violence and children's matters are dealt with at every magistrate's court in the country.**



## b) The National Prosecuting Authority

In order to fully understand the activities of the NPA, it is important to outline the context and environment in which this organisation operates. For many South Africans, the issue of safety and security is of great concern, and the long-term vision of the JCPS Delivery Agreement for all people in South Africa to be and feel safe, resonates fully with them.

It is in this context that the NPA seeks to deal with criminal cases efficiently and effectively. Being the organisation at the end of the Criminal Justice System value chain, the NPA performs a crucial function through its work of prosecuting cases so that perpetrators of crime can be appropriately sentenced or dealt with for the crimes that they have committed. For this reason, any inefficiencies in the processes of departments that supply the NPA with cases, or those responsible for the effective operations of the courts in which it operates, have a negative impact on its ability to succeed. Stakeholder relations remain a key success factor for the NPA and priority is given to this area at all levels. The NPA actively participates in the forums instituted by the Chief Justice, case-flow management forums at all levels as well as other interdepartmental fora.

The performance of the Criminal Justice System in general and the NPA in particular came under the spotlight through three major high-level cases during 2014/15 financial year.

- i. The televised Oscar Pistorius case gave both a positive side of the work of the prosecutors and the intense cross-examination that witnesses go through. In general the public has, after this case, greater confidence in the system as a whole. However, individuals who may be required to testify in other cases have become more hesitant to participate, believing that they may face the intense cross-examination depicted during the Pistorius trial. The televising of the Oscar Pistorius trial has had both a positive and negative impact for the NPA.
- ii. The conviction and sentencing in the Channele Henning murder case have strengthened public confidence in the CJS, and gave an account of a murder case of a South African from a poorer background.

- iii. The acquittal of Shrien Dewani following a long protracted extradition from the United Kingdom exposed weaknesses in the quality of investigations on one hand, but gave a perception of a separate justice system for the poor.

In spite of these cases, key highlights for the National Prosecuting Authority include, among others, the following:

- A 1.9% increase in the conviction rate for sexual offences cases to 69%
- A total of 244 cybercrime cases were finalised with a conviction rate of 95.1%
- An increase of 293% in the value of freezing orders from R701m in 2013/14 to R2 756m in 2014/15

The MPTT successfully closed 31 cases against the target of 30 (+3%). The MPTT continued with research and investigations into the identification, tracing and exhumation of the mortal remains of persons who disappeared during the Apartheid era. The MPTT identified a number of individuals detained under section 6 of the Terrorism Act in the late 1970s who were officially released from detention but never seen again. This pattern of disappearances was not previously noted by the TRC. Coordinated investigations are under way in these cases that, inter alia, include Elias Shivuri, Accadi Busani Ngubo, Joel Paile, Thembinkosi Sindiswa Mnyazana, Thabo Stanley Pule, and Gwaza Twalo. The remains of four individuals were exhumed in this period.

## c) Performance against the Medium Term Strategic Framework

The vision set out in the NDP for the Criminal Justice System is that by 2030, people in South Africa should feel and be safe. The Medium-Term Strategic Framework for 2014–19, aligned to the NDP and approved during the 2014/15 financial year, sets out performance indicators for different role players within the JCPS cluster. In line with this plan, the following has been achieved:

**i. Sub-outcome 1: Reduction in contact crime**

While there has been a 1.9% increase in the conviction rate of sexual offences in 2014/15, there was a decrease of 3% in the conviction rate of trio crimes.

**ii. Sub-outcome 2: An efficient and effective Criminal Justice System**

The number of cases finalised with a verdict reduced marginally by 1.6% from 329 153 to 319 149. With regard to alternative dispute resolution matters, the number of cases finalised increased by 4.6% from 176 189 to 184 314.

The conviction rate of cybercrimes increased substantially from 94.8% in 2013/14 to 95.1% in 2014/15.

The development of the Criminal Justice System performance dashboard system has been completed for 14 of the 28 KPIs, against a target of 13. Organisations that have contributed to this integration are the South African Police Service, the National Prosecuting Authority and the Department of Justice and Constitutional Development.

**iii. Sub-outcome 4: Secure cyberspace**

For the year under review, the Department was expected to finalise the legislation for cybercrime and table it in Parliament. This was not achieved; however, this Bill is included in the 2015 Legislative Programme of the Department which was submitted to the Leader of Government Business. The Bill is scheduled to be submitted to Parliament during the 2015/16 financial year.

**iv. Sub-outcome 7: Corruption in the public and private sector reduced**

The Department's role in this sub-outcome is to review the current anti-corruption legislation and propose any amendments necessary to strengthen government's hand in reducing corruption.

During the year under review, the Public Administration Management Act No. 11 of 2014 was enacted. This law, among others, makes it unlawful for public servants to conduct business with government. It is expected that this will ensure that public servants are not involved in a conflict situation.

The Protected Disclosures Amendment Bill, which seeks to broaden the scope of Protected Disclosures Act, 200 and enhance the protection of whistle-blowers, was published for public comments during the 2014/15 financial year. Inputs received were evaluated by the Department and accommodated where possible. This Bill is on the Department's 2015 Legislative Programme for introduction into Parliament.

**d) Master's services**

Service turnaround within the Office of the Chief Master was driven by developments of case management systems that enable better management of cases. These included setting up a paperless environment through the scanning of documents and making them available electronically. Together with the PEAS (Paperless Estate Administration System), the PEAST (Paperless Estate Administration for Trusts) has been developed and implemented in all 15 Masters' Offices and identified associated service points. This enables members of the public to register deceased estates and trusts quicker and more efficiently.

The first two phases with regard to the Deceased Estate Administration (Objective 15.1) have been finalised in the financial year under review. It has been rolled out to all 15 Master's Offices during the previous year.

This system has also been rolled out to 38 service points in the financial year under review, bringing services to the more rural areas as well. In addition thereto, for the 2015/2016 financial year, all Masters' offices envisage to roll out PEAS to four service points per office.

The table below indicates the total number of estates registered in the Branch, for the financial year under review:

Total matters Registered 2014/2015	Estates registered on ICMS (old system)	Estates registered on PEAS (new system)	% matters done on PEAS
106 625	13 827	92 798	87.03%

The successful implementation of PEAS will relieve work pressure on the Master's Officials as well as curb fraud and documents getting lost as all documents are being scanned before being processed.

This system will computerise the administration process in deceased estates and all documentation will be scanned and stored electronically. Interested parties will be able to view all relevant information at any given time on the Master's Web Portal, available via the internet.

The Master's Branch Officials have been involved in several radio talk shows to create general awareness of the Master's Services in the country during the financial year under review. Several community outreach efforts have been effected, targeting the poor communities to promote the Master's Services.

The Master's Branch has provided information on the internet in respect of several areas of its activities, such as the forms to be used by the public, information regarding unclaimed funds in the Guardian's Fund, List of Liquidators and further operational information, such as liquidation and distribution accounts received, amongst others. There is also a self-help aspect available on the Master's Portal where members of the public can obtain certain basic information themselves without needing to contact the relevant Master's Office. This initiative is regarded as a success and improves service delivery. It also releases the capacity of staff to focus on those clients who are visiting service points with queries. This improves service delivery.

The members of the public who do not have access to the internet can also access the Master's Services and information by phoning the respective Master's Offices as well as the Office of the Chief Master. Written requests can also be posted to the relevant offices. There is also a Helpdesk service available in all Master's Offices to assist with public enquiries at the frontline. The public may also

contact any of our 423 service points located at various Magistrates' Offices to assist.

The Office of the Chief Master embarked on a process to clean up the current National Master's List of Insolvency Practitioners as there were many practitioners on these lists who are no longer actively administering estates. This involved reapplication by the practitioners to be placed on the list. The final National List of Liquidators was published on the website. The National List of Liquidators is a live document which is subject to change when circumstances so require.

Chapter V of the Administration of Estates Act, 1965, regulates the administration of the Guardian's Fund. This Fund consists of all moneys received by a Master under the Administration of Estates Act or any other law or pursuant to an order of court or any money accepted by a Master in trust for any known or unknown person. Online verification of fingerprints in collaboration with the Department of Home Affairs was rolled out to all 15 Master's Offices as well as 43 other service points. Applications can now also be lodged at any of the service points mentioned above.

The list of unclaimed funds, which has been published in *Government Gazette* No. 37994, Vol. 591 N798 on 19 September 2014, was posted on the DOJ&CD website. This initiative has enabled thousands of people to access this information on the internet during the year under review.

#### e) Legal advice

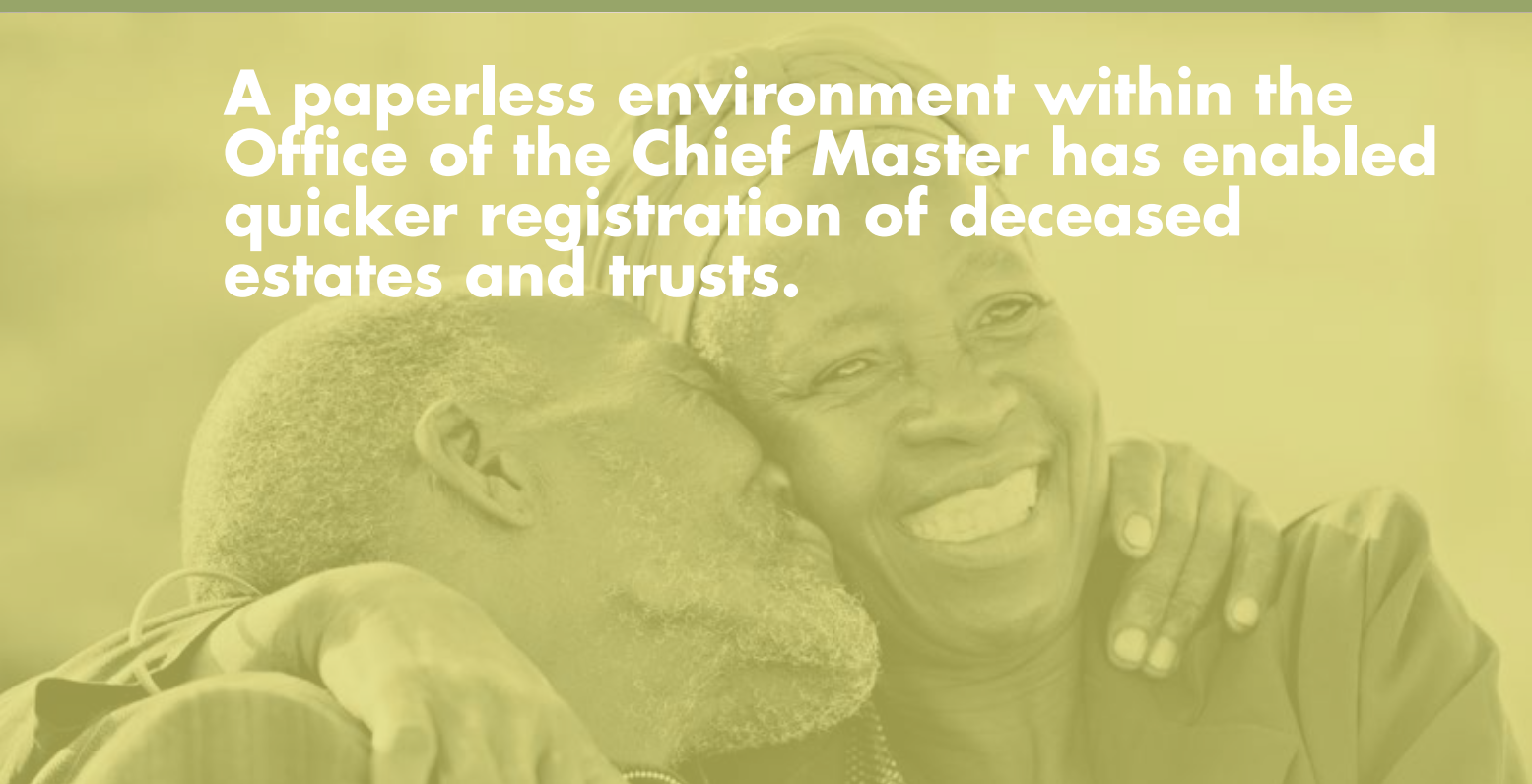
The Department, through the Office of the Chief State Law Adviser, provides legal advice, representation and legislative drafting services to the Executive, state departments at both national and provincial levels, municipalities, parastatals and independent or autonomous bodies that may refer work

to it. It supports the government to achieve its objectives of transforming South African society and redressing past imbalances by providing efficient and cost-effective legal advice, legislative drafting and translation services of high quality.

The Department has reduced all the backlog of legislative certification that needed to be completed prior to dissolution of the fourth Parliament. Caseloads for the last two financial years are shown in the table below.

Financial year	Caseload	Total finalised
Legal opinions		
2013/14	975	824
2014/15	712	611
Preliminary opinions on draft bills		
2013/14	98	87
2014/15	54	43
Certification of bills and other legislative instruments		
2013/14	722	574
2014/15	217	190
International agreements and accompanying legal opinions		
2014/15	228	211
Translations into South African official languages		
2013/14	260	205
2014/15	187	167

**A paperless environment within the Office of the Chief Master has enabled quicker registration of deceased estates and trusts.**



## f) International legal relations

### Mutual Legal Assistance

Progress on treaties for the year under review was as follows:

- i. The Extradition and Mutual Legal Assistance in Criminal Matters Treaties with the United Mexican States is at an advanced state and is expected to be discussed in Parliament during the 2015/16 financial year. Thereafter, Instruments of Ratification will be exchanged, bringing the Treaties into force.
- ii. Extradition and Mutual Legal Assistance Treaties were negotiated with the Democratic Republic of Ethiopia in Addis Abba in July 2014. By the end of the financial year, one Article remained unresolved.
- iii. An Extradition Treaty was negotiated with the Islamic Republic of Pakistan during September 2014. By the end of the financial year, wording on the death penalty article was under discussion.

The Department dealt with 176 requests for extradition and mutual legal assistance cases during the year under review. These cases included the extradition of Mr Shrien Dewani from the United Kingdom and Mr George Luca, amongst others.

A total of 55 requests for the enforcement of foreign maintenance orders were handled compared to the 80 dealt with during the 2013/14 financial year. The implementation of these requests will ensure that parents, whether in South Africa or in a foreign state, receive maintenance as determined in divorce orders.

The service of process in civil matters in and outside South Africa is necessary for an effective judicial system in order to ensure that parties receive proper notice of civil actions. To this effect, the Department processed 204 requests for the service of process, with the assistance of other government departments, compared to 185 requests for the service processed during 2013/14.

## EXTRADITION AND MUTUAL LEGAL ASSISTANCE, MAINTENANCE AND SERVICE OF PROCESS UNDERTAKEN IN THE LAST TWO FINANCIAL YEARS

Financial year	Total processed
Extradition and mutual legal assistance	
2013/14	154
2014/15	176
Foreign maintenance orders	
2013/14	80
2014/15	55
Service of process	
2013/14	185
2014/15	204

**g) Litigations, expungements and pardons**

In addition to managing litigation on behalf of the state, the Office of the Chief Litigation Officer handles/deals with the expungement of criminal records for individuals who qualify under law and the processing of pardon applications to the President of the country.

**i. Civil litigation**

On 1 April 2014, there was a total of 836 pending civil claims in the amount of R3 009 561 776. The Department received 499 new claims to the value of R1 669 500 793

during the reporting period. The total claims finalised were 83 to the value of R140 601 627, which translates to 8.5% of the total number of active claims. It should be noted that this amount does not represent the actual amount which has been paid out by the Department during the reporting period. As at the end of the 2014/2015 financial year, there were 973 active cases to the value of R3 653 579 462.

Financial year	Number of claims at the beginning of the financial year	Number of new claims received during the financial year	Total load of claims	Claims finalised	Value of claims	Number of pending civil claims at the end of the financial year
2013/14	692	473	1165	67	R3 009 561 776	836
2014/15	836	499	1335	83	R3 653 579 462	973

**ii. Expungement of criminal records**

People convicted of certain category of crimes may apply for the expungement of their criminal records. This process enables people to re-enter the labour market, start businesses and be able to travel abroad. For the year under review, 14 232 expungement applications were received,

while 11 651 were finalised. There was a 30% increase in the number of expungements received in 2014/15, compared to the previous financial year. A total of 11 651 cases were finalised during the financial year, representing an 11% increase from the previous financial year.

**EXPUNGEMENT CASES HANDLED**

Financial year	Outstanding applications from 2012/2013	New applications received during 2013/2014	Number of applications finalised during 2013/2014	Number of applications carried forward	% finalised in 2013/2014
2013/2014	1 163	10 975	10 523	1 657	87%
2014/2015	1 657	14 232	11 651	2 580	90%
% change	42%	30%	11%	56%	3%



### iii. Applications for Presidential Pardons

The President of the Republic may grant pardon to people convicted of crimes, based on issues such as circumstances

of the case and public interest. For the period under review, there was a decrease of 54% in the number of applications received compared to the 2013/14 financial year.

### PRESIDENTIAL PARDON CASES HANDLED

Financial year	Outstanding requests from 2013/2014	New requests received during 2014/2015	Number of requests finalised during 2014/2015	Number of requests carried forward to 2015/2016	Matters forwarded to Ministry in 2014/15	Number of pardons granted
2013/2014	1 734	1 209	1 568	1 107	35	35
2014/2015	1 107	560	1 013	724	78	38
% change	-36%	-54%	-35%	-35%	123%	9%

### h) Implementation of Truth and Reconciliation Commission recommendations

The payment of individual reparations of R30 000 to identified TRC victims has been concluded. Twelve beneficiaries (and their rightful next-of-kin) have been declared untraceable. Four of these have last known addresses within the RSA borders, whilst eight are believed to reside in foreign countries. The Promotion of National Unity and Reconciliation Act (Act No. 34 of 1995) provides for the dissolution of the President's Fund and the transfer of the remainder of funds to the Disaster Relief Fund. In respect of the beneficiaries declared untraceable, any liabilities or claims incurred by the President's Fund will therefore be settled from the Disaster Relief Fund.

In respect of reparations to victims which give effect to the TRC recommendations on "Medical benefits and other forms of social assistance", as approved by Parliament, the Regulations relating to Assistance to Victims in respect of Basic Education as well as the Regulations relating to Assistance to Victims in respect of Higher Education and Training were made by the President in terms of the Act and were published on 3 November 2014 in the *Gazette* and came into effect on 7 November 2014. These Regulations provide for monetary assistance to TRC-identified victims and their dependants and relatives in respect of their

basic education and higher education and training needs. Provision is made for, among others, the payment of school and registration fees, text books, school uniforms, travel and accommodation and allowances.

These Regulations are currently being implemented by the TRC Unit in conjunction with the departments of Basic Education and Higher Education and Training, as well as the National Student Financial Aid Scheme (NSFAS). The implementation of these Regulations will be reported on in the next financial year.

Prior to the abovementioned Regulations being promulgated, the former Education Department made R5 million available from voted funds to assist victims and/or their dependants through the NSFAS in respect of higher education and training. During the 2014/15 financial year, a total of 66 beneficiaries were assisted through this TRC Bursary Scheme.

The Archived Liberation Struggle Records Project speaks to the TRC recommendation that "measures must be implemented to prevent the destruction of records which form part of our history, however unpleasant" (Volume Five, page 345). The TRC Unit has been tasked with identifying and locating the liberation struggle records dating from 1960 to 1994, archived within the Department. Some

of these records are also archived by the Justice, Crime Prevention and Security cluster (JCPS).

The TRC Unit coordinates the activities of the Interdepartmental Task Team established to achieve the objective of this project. The task team comprises the Defence Department, the South African Police Service, the Correctional Services Department, the State Security Agency and the National Archives.

During the period under review, provincial workshops were conducted in all nine provinces, following which results have been trickling in. A final report in this respect is currently being compiled.

Furthermore, during the year under review, some progress has been made in respect of the draft Regulations relating to Community Rehabilitation in that a consultative meeting was held with stakeholders to discuss the draft Regulations. This meeting took place after the publication of the draft Regulations in the *Gazette* for public comments. The comments received have been considered and a memorandum to the Minister in this regard is being prepared.

The draft Regulations relating to Medical Benefits cannot be finalised before amendments to the National Health Act, 2003, have been promulgated to the effect that victims and their relatives and dependants may receive free health services from public health establishments. A draft Amendment Bill has since been approved by the Minister of Health and submitted to the National Health Council (the Council), which must, in terms of section 23 of the National Health Act, 2003, advise the Minister of Health on proposed legislation pertaining to health matters prior to such legislation being introduced into Parliament. (The draft Regulations will only provide for assistance to victims and their relatives and dependants in respect of health services which are not rendered by public health establishments but

which will be rendered by private health establishments, which expenses will be paid from the President's Fund.)

The draft Regulations relating to Housing Assistance can only receive further attention after the completion of the needs analysis conducted by the TRC Unit in conjunction with the Departments of Military Veterans (the DoMV) and the DoHS.

The personal particulars of surviving victims have since been checked against the two data bases of the said two Departments in order to determine which victims have already received or applied for houses in terms of the National Housing Code and which victims are military veterans. The TRC Unit, with the assistance of the National Operation Centre, located in the Department, is currently analysing and evaluating the information received from these departments.

### 2.3.3 IMPROVED ADMINISTRATION

There are key projects that have been implemented in support of service delivery. For the year under review, these included the digitisation of court records, the implementation of audio-visual remands, and ICT-related projects.

#### a) Digitisation of court records

The digitisation of court records is intended to eliminate problems associated with lost physical records and storage problems, and enables easier access to records. Since its inception in 2010, a total of 5 258 335 cases have been scanned and removed to an offsite location. The offsite storage archived court records digitisation project has been successfully deployed at the 10 courts mentioned in the table below.

Court	Cases	Images
South Gauteng High Court	513 400	38 651 130
North Gauteng High Court	599 127	45 209 879

Court	Cases	Images
Cape Town High Court	622 923	48 205 921
Johannesburg Labour and LAC	93 245	10 223 093
Durban High Court	300 065	21 787 914
Pietermaritzburg High Court	181 252	15 868 330
<b>Total High Court cases/images</b>	<b>2 310 012</b>	<b>179 946 267</b>
Pretoria Magistrates' Court	647 404	13 299 134
Krugersdorp Magistrates' Court	7 584	301 976
Johannesburg Magistrates' Court	1 283 647	17 486 452
Durban Magistrates' Court	1 009 688	23 663 655
<b>Total Magistrates' Court cases/images</b>	<b>2 948 323</b>	<b>54 751 217</b>
<b>Total cases/images</b>	<b>5 258 335</b>	<b>234 697 484</b>
<b>% cases/images per segment</b>	<b>44%</b>	<b>77%</b>

During the 2014/15 financial year, investigations were undertaken to establish a permanent in-house solution for the digitisation of court records. A solution is expected to be implemented in the 2016/17 financial year.

#### **b) Audio-visual remands**

The audio-visual remand project links magistrates' courts to correctional detention centres via CCTV technology. The accused person is therefore not required to be brought physically before the court in such instances but may appear before court via audio-visual link, unless the court, in the interests of justice, directs that he or she be brought physically before it (S159A(2) of the Criminal Procedure Act, 1977).

The benefit of utilising such technology has been reflected in the reduction of case delays and detentions to minimum periods. The process obviates the need for the detainees to be physically brought to the courts merely for the purpose of remands which last only a few minutes. This has also resulted in the reduction of costs and risks associated with detainees being conveyed to the courts.

In the year under review, 10 019 criminal cases were remanded using AVR systems in 47 magistrates' courts and 21 correctional facilities. An AVR sub-committee, headed by the judiciary under the supervision of Judge President Mlambo, initiated a review of the application of this technology with a view to the issuing of a judicial directive to give more clarity on the process for utilisation and benefits for the judiciary.

#### **c) Information and communication technology**

In line with the Department's strategic approach on the use of Information and Communication Technology (ICT) as an enabling resource to function more effectively and efficiently, the Department continued its journey to intensify its efforts in utilising ICT as a strategic enabler, with the objective of improving internal operations and service delivery.

This journey began with the Department implementing ICT into two chronological phases over the recent past, where the first phase included the Strengthening of the ICT Foundation, and the second phase included an intensified focus on the Modernisation of Business Services.

The Department is pleased to report that the Strengthening of the ICT Foundation phase is at an advanced stage and is expected to be completed in the next financial year. The accomplishments forming part of this phase include the implementation of an ICT Governance Framework, an ICT Operating Model, IT planning and the upgrading of the underlying ICT Infrastructure (e.g. computers, laptops, servers, and networks) that are required for the implementation of IT Business Solutions.

The Department is also pleased to report that whilst the focus on ICT over the past couple of years was on Strengthening the ICT Foundation, the Department had also begun the journey to Modernise Business Services through the implementation of IT Business Solutions. In this regard, the Department has implemented IT Business Solutions that is aligned to the key strategic goals of the Department, which includes Master's Services, Maintenance Services, JCPS cluster integrations and Good Governance. The Department will continue to intensify its Modernisation of Business Services that includes the implementation of major projects over the next two to three years (e.g. the modernisation of Third Party Funds and Court Recordings).

### **The following are key achievements in terms of IT Business Solutions in the 2014/15 financial year:**

- i. In support of improving Masters Services, the ICMS Master's Deceased Estates (PEAS) system continued to be implemented and further modernised (refer to achievements contained in indicator 4.1 below). The ICMS Master's Trusts (PEAST) system, the Guardian's Fund (EFT and MOVIT) as well as the Master's Web Portal continued to be implemented at the Master's Offices and associated service points (Magistrates' Courts).
- ii. In support of improving Good Governance (no audit qualifications), the reform of Third Party Funds has

commenced (refer to achievements contained in indicator 4.2).

- iii. In support of improving Maintenance Services, the ICMS Maintenance Courts system continued to be implemented at a further 208 courts. The Maintenance EFT pay-out system continued to be implemented at 392 courts, resulting in 98% of maintenance payments being made through the EFT payment channel.
- iv. In support of the IJS Programme and the JCPS cluster strategic goals, the Department continued to provide related data for 14 of the 28 Criminal Justice System (CJS) KPIs. The ICMS Criminal & SAPS CAS Integration continued to be implemented at a further 365 courts.
- v. In support of improving the Civil Justice System (Civil Justice Reform), the ICMS Civil (District and Regional Courts) system was developed and tested (refer to achievements contained in indicator 4.3).
- vi. In implementing Electronic Services to the Citizens, the Department began the journey in implementing eJustice Services through the development of an eJustice Services Policy, Strategy and Architecture.
- vii. In support of improving Departmental Internal Operations, the Department continued with the implementation of various Justice Administration Management System (JAMS) modules (e.g. HR Performance Agreements, Grievance Management and Misconduct Management). This included the implementation of a reusable base technology framework that enables self-help services facilities for departmental internal operations.

Modernisation of Business Services through the implementation of IT Business Solutions requires a supporting, responsive and stable underlying IT infrastructure (e.g. end-user equipment (computers, scanners, networks, datacentre). The following are key achievements in terms of the IT Infrastructure for the 2014/15 financial year:

- i. In support of upgrading end-user equipment, networks and the datacentre

Upgraded ICMS Scanners (600) were procured and identified sites implemented. As part of the Wide Area Network (WAN) upgrade, data lines of approximately 90 identified offices were upgraded. A total of 333 switches at various identified offices were upgraded as part of the Local Area Network (LAN) upgrade. Forming part of the upgrade to existing servers and storage facilities, the datacentre servers and storage were upgraded. This included the upgrade of the datacentre core switches.

- ii. With the continuously intensified ICT implementation The Department requires a fully-fledged ICT Disaster Recovery capability that is aligned to the business needs in the event of a disaster. In this regard, the disaster recovery site was commissioned and the required equipment was installed. The Disaster Recovery Solution will be implemented in the next financial year.

The Department has continued to make significant strides in the implementation of ICT as an enabler in the 2014/15 financial year. The ICT Transformation journey has only just begun and more work lies ahead in intensifying the implementation of ICT to modernise and simplify the manner in which the Department provides its services to the citizens of the country.

## 2.4 SERVICE DELIVERY IMPROVEMENT PLAN

During the year under review, the Department continued to measure performance against the Maintenance and Master's Service Standards through the approved SDIP. Of the measurable standards, 50% could be achieved.

To facilitate implementation of the service standards to improve service delivery, a total of 232 officials were trained on accredited programmes, i.e. Operational Excellence targeted at Clerks, as well as Operational Excellence (Skills Programme) targeted at Frontline Managers/Supervisors.

### 2.4.1 MAIN SERVICES PROVIDED AND STANDARDS

The SDIP of the Department has reached its term of three years and will be reviewed, including all standards of the Department. The review of standards and the SDIP will be finalised by the end of May 2015. Key stakeholders are in the process of being consulted. The SDIP for 2013-18 will focus on provision of maintenance, Masters and litigation services.

The table on the next page details performance against departmental service standards, in line with the service improvement plan.

Main services	Beneficiaries	Current/actual standard of service	Desired standard of service	Actual achievement
Mediation in Maintenance Matters	Children, parents and guardians	Where there's proper service of process, the maintenance order will be finalised within 90 days	Where there's proper service of process, the maintenance order will be finalised within 90 days	<b>Standard achieved</b>  The number of maintenance cases with proper service of process was 9 588 and 8 650 of these cases were finalised within 90 days
		All electronic maintenance payments to recipients will be processed within 4 working days of receipt of schedules from the employer	All electronic maintenance payments to recipients will be processed within 4 working days of receipt of schedules from the employer	<b>Standard not achieved</b>  Performance on this standard varies from court to court  Only 3 of the 9 pilot sites are meeting the performance standard.  These courts will continue to work with the Service Delivery Improvement unit to overcome challenges experienced.
Payment to beneficiaries of monies held in trust on their behalf	Orphans, guardians, heirs, creditors and people who are incapable of managing their own affairs	If all the documents are lodged, 91% letters of appointment will be issued within fifteen (15) working days.	If all the documents are lodged, 91% letters of appointment will be issued within fifteen (15) working days	<b>Standard not achieved</b>  89% of appointments were issued within 15 days. The under-performance in this area of work is attributed to system challenges
		86% Liquidation and Distribution Accounts examined within 15 days from receipt of all required documents	86% Liquidation and Distribution Accounts examined within 15 days from receipt of all required documents	<b>Standard achieved</b>  51 208 accounts were examined of which 89.95% was within 15 days
		90% of new applications will be paid within forty (40) working days if all necessary documents and fingerprint verification have been resolved	90% of new applications will be paid within forty (40) working days if all necessary documents and fingerprint verification have been resolved	<b>Standard achieved</b>  92.40% of payments within 40 days.
		92% Letters of Authority issued in Trusts within 14 days of receipt of all required documents	92% Letters of Authority issued in Trusts within 14 days of receipt of all required documents	<b>Standard not achieved</b>  37 130 Letters of Authority were issued, of which 78.81% was within 14 days. The slow network and phasing in of use of PEAST contributed to the under-performance
		Certificates of Appointment issued in 81% of bankruptcy matters within 10 working days from receipt of all required documents	Certificates of Appointment issued in 81% of bankruptcy matters within 10 working days from receipt of all required documents	<b>Standard achieved</b>  11 346 appointments were issued of which 88.56% was within 10 days
		81% of Liquidation and Distribution Accounts in bankruptcy matters examined within 15 days from receipt of all required documents	81% of Liquidation and Distribution Accounts in bankruptcy matters examined within 15 days from receipt of all required documents	<b>Standard achieved</b>  9 084 accounts were examined of which 92.90% was within 15 days
Deal with criminal cases efficiently and economically (increase the number of finalised cases)	Victims of crime	505 342 criminal court cases finalised including ADRM	473 480	<b>Standard not achieved</b>  A total of 493 463 cases were finalised



## 2.4.2 BATHO PELE ARRANGEMENTS WITH BENEFICIARIES

### Consultation Arrangements with customers

Current/actual arrangements	Actual achievements
Consultation:	Consultation with customers and stakeholders is conducted through the service delivery information tools outlined below.
Courtesy	4782 name tags were issued in 2014/15 and staff encouraged to wear them.

### Service Delivery Access Strategy

Current/actual arrangements <sup>4</sup>	Actual achievements
Court preparation service available in 76 magistrates courts and 2 High Courts	Currently there are 131 Court Preparation Officers stationed at 79 courts nationally.
Operational TCCs 38	There are 44 operational TCCs <sup>5</sup>

## 2.4.3 SERVICE DELIVERY INFORMATION TOOL

Current/actual information tools	Actual achievements
Community sessions and Izimbizo	<ul style="list-style-type: none"> <li>23 community sessions conducted in different parts of the country, reaching 10 603 people</li> <li>114 public awareness and community outreach events were held at nine provinces</li> </ul>
Exhibitions	Participated in 16 exhibitions reaching 17 684 people (e.g. Rand Show, The Royal Show, Grahamstown Festival, Gariep Festival, Child Protection Week, Human Trafficking week etc.)
Radio interviews	<ul style="list-style-type: none"> <li>16 interviews conducted on maintenance services</li> <li>12 on Master's Services</li> </ul>
Television interviews	<ul style="list-style-type: none"> <li>4 TV interviews on maintenance services</li> <li>2 TV interviews on Masters services</li> <li>The "NPA for My Justice" television series was syndicated in various community television campaigns of which 32 million people were reached</li> <li>17 million people reached through public broadcasts and commercial media engagements</li> </ul>

<sup>4</sup> This column refers to the 2013/14 period

<sup>5</sup> There are an additional 6 sites providing services – totalling 44 sites by end March 2015

Current/actual information tools	Actual achievements
School visits	252 schools reaching 69 238 learners
Website	<p>Provided Information via the website which included the following amongst the others;</p> <ul style="list-style-type: none"> <li>Annual Reports, Annual Performance Plans, Presentation to Parliament, Media Statements,</li> </ul>
Social Media	The Department continued to use social media to encourage direct media engagement with community members.

#### 2.4.4 COMPLAINTS MECHANISM

Current/actual complaints mechanism	Actual achievement
Percentage of Presidential Hotline cases finalised	During the 2014/15 financial year, 1 720 Presidential Hotline matters were received and 87% of those cases were resolved. Achieved against a target of 82%
Representations	<p>All representations addressed to the NPA head office were dealt with in alignment with the governing legislation.</p> <p>A total of 491 representations were dealt with by the NPS achieving a clearance ratio of 84.7% exceeding the target of 75%.</p>
Ethics Hotline	<p>The IMU received 86 new cases of which 48 were general cases and 38 were hotline cases. 77 cases were finalised.</p> <p>30 of these cases were finalised within 30 days by the IMU (78.9%).</p>

**Around 17 million people were reached through broadcasts and media engagements.**



### 3. PERFORMANCE AGAINST STRATEGIC GOALS

The key mandate of the Department is to support the administration of justice in line with the Constitution. This is done by implementing effective and efficient court administration systems and the provision of legal services to the country. Further, the Department provides effective support services that are in line with good governance. The Department also implements the transformational agenda of the government on matters relating to access to justice and empowerment of previously disadvantaged individuals.

An overview of the Department's performance against each strategic goal is outlined as follows:

#### **Goal 1: Enhanced organisational performance on all aspects of administration in line with set standards, and meeting and exceeding the needs and aspirations of key stakeholders**

The Department is committed to the principle of good governance by improving accountability, being transparent in delivering services, following the rule of law and being responsive to the needs and interests of the citizens of the Republic. An unqualified audit opinion on the Vote account was obtained during 2013/14 financial year. The Department has and is in the process of putting systems in place to address issues identified on the Third Party Funds. The service provider for the development of the Third Party Fund system was appointed during the year under review.

#### **Goal 2: To facilitate the (effective and efficient) resolution of criminal, civil, and family law disputes by providing accessible, efficient and quality administrative support to the courts**

The Department provided the necessary infrastructure and human capital for the case backlog project. Criminal matters which are long outstanding on the roll are being monitored through Provincial Efficiency Enhancement Committees of the Judiciary.

With regard to maintenance services, the objective is to improve service delivery by ensuring that there is proper service of process, and that cases are finalised within 90 days. This was piloted at nine pilot sites, one in each province. During the year under review, 90% of the maintenance cases in these pilot sites were finalised within 90 days after proper service of process. Furthermore, by the end of the financial year under review, 393 courts were using the EFT system as a method of maintenance payment, thus reducing the risk of theft and saving the beneficiaries' time and transport cost.

The rationalisation of magisterial districts in respect of Gauteng and North West provinces was finalised during the year under review. This process will ensure that the citizens of these provinces have access to justice services at courts located closer to where they live, thus reducing their travelling cost.

With regard to civil matters, monitoring mechanisms were put in place to ensure that the turnaround times in dealing with civil matters at lower courts are improved.

Furthermore, the usage of the Audio-visual Remand system (AVR) at courts was maximised. During the year under review, 10 019 cases were postponed using the AVR system. The benefit of using the system is reflected in the reduction of case delays and detentions to minimum periods.

#### **Goal 3: Effective and cost-efficient provision of state legal services that anticipate, meet and exceed stakeholder needs and expectations**

In support of effective provision of services, the Department has implemented an electronic system for Master's Services. The implementation of the Paperless Electronic Administration System has relieved work pressure on the Master's officials and curbs fraud and documents getting lost because all documents would be scanned before they are processed. This system further enables interested parties to view information at any given time on the website.

The Department, through the Office of the Chief State Law Adviser, has continued in providing legal advice and guidance to the State. The guidance provided ensured

that potential litigation against the State was reduced considerably.

The Office of the State Attorney is being capacitated to ensure the provision of quality legal services to client departments. Furthermore, the Department has continued its efforts in transforming the provision of legal services by implementing its policy of empowering PDI counsel and implementation of the Legal Practice Act.

#### **Goal 4: Effective coordination of the JCPS cluster in the delivery of Outcome 3**

The leadership and coordination function for the JCPS cluster has been transferred to the Department of Defence and Military Veterans, following the installation of the 5<sup>th</sup> administration. The Department has, however, continued to support the work of the JCPS cluster by submitting monthly progress reports to the Department of Defence and Military Veterans.

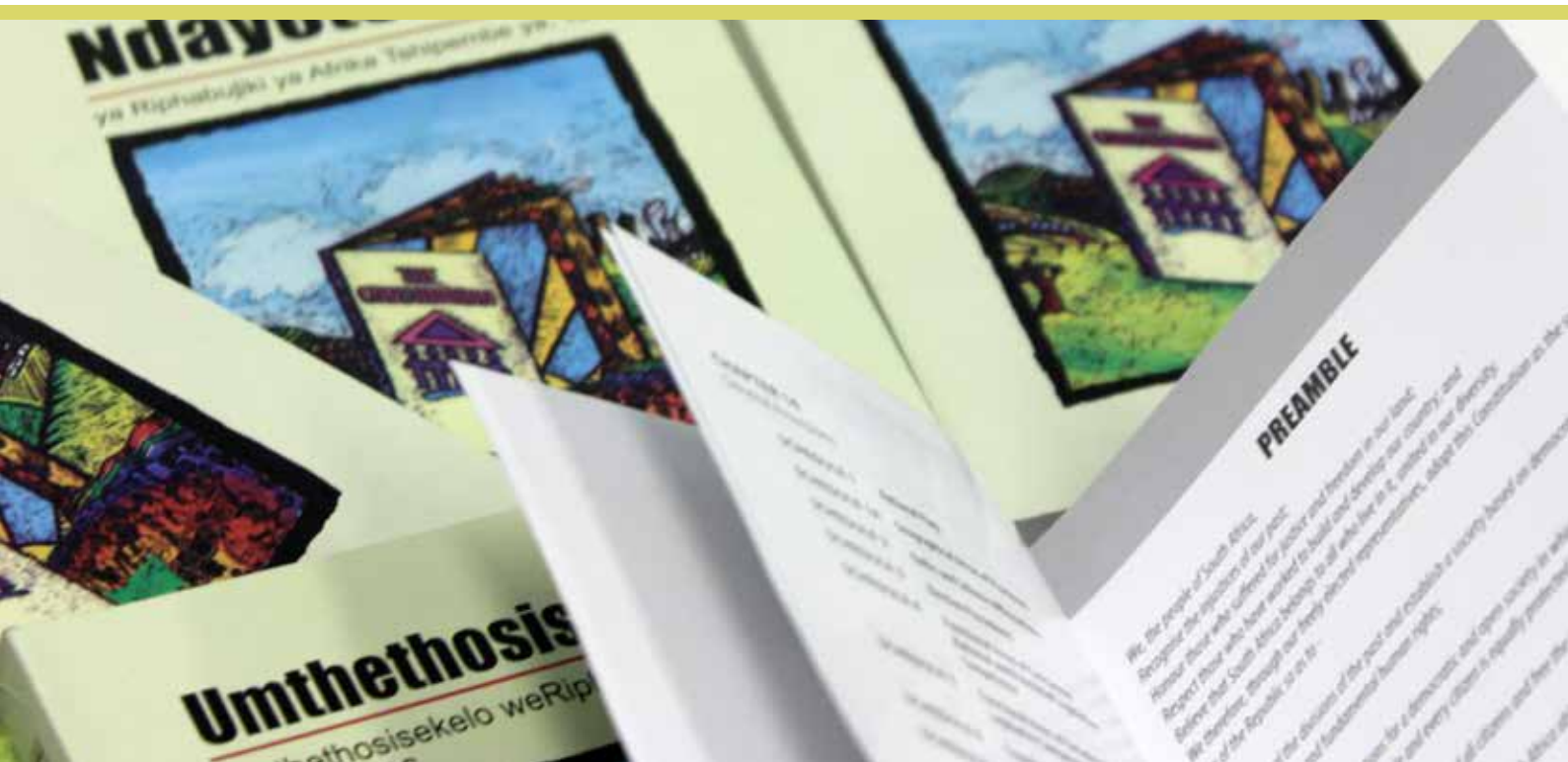
The IJS Programme continued with its aim of ensuring sharing of information amongst all role players within the criminal justice process in order to bring about efficiencies and effectiveness using technology as an enabler. During the year under review, the first 14 of the 28 KPIs were successfully delivered.

This solution is used to measure the end-to-end performance of the Criminal Justice System. Furthermore, as at the end of the year under review, the case integration solution was deployed to 1 153 police stations which are linked to 492 courts. The IJS Programme also submitted monthly progress reports to the JCPS cluster Directors-General to ensure timeous executive intervention.

#### **Goal 5: Promotion of the Constitution and its values**

The Department continued to protect Chapter 9 Institutions to ensure their independence and impartiality. The complaints received through these institutions have been addressed in a speedy manner.

Furthermore, the Department has completed a number of activities in order to improve awareness of and increase research into constitutional rights awareness. The activities to improve collaboration and policy design with respect to the delivery of justice services were also completed. To address gender and sexual orientation-based violence being committed against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, the LGTBI Programme was launched during the year under review.





**The Maintenance EFT  
pay-out system continued  
to be implemented at 392  
courts, resulting in 98%  
of maintenance payments  
being made through the  
EFT payment channel.**



## 4. PERFORMANCE INFORMATION BY PROGRAMME

### 4.1 PROGRAMME 1: ADMINISTRATION

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

- Ministry
- Management
- Corporate Services
- Office Accommodation

#### Strategic objectives

The following strategic objectives were identified for this Programme. Performance indicators for each of these objectives are tabled below.

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. Increased compliance with prescripts for good governance</li> <li>2. Reduction of fraud and corruption cases in the Department</li> <li>3. Improved effectiveness of support services</li> <li>4. Optimisation of ICT systems and infrastructure</li> </ol> | <ol style="list-style-type: none"> <li>5. Enhancement of human resource capacity for service delivery</li> <li>6. Finalisation of the recommendations of the Truth and Reconciliation Commission (TRC)</li> <li>7. Administration of the implementation of the Promotion of Access to Information Act (PAIA) of 2000</li> <li>8. Improved coordination of the JCPS cluster towards the delivery of Outcome 3 and the National Development Plan</li> </ol> |
|---|---|

#### Performance indicators

Strategic objective 1: Increased compliance with prescripts for good governance					
Performance indicator		Actual achievement 2013/2014	Planned target 2014/2015	Actual achievement 2014/2015	Deviation from planned target to actual achievement for 2014/2015
1.1	Percentage of interventions implemented to resolve internal and external audit findings	-	88%	86%	(2%)
		Target not achieved.  The target was not achieved due to certain interventions having to be rescheduled to first quarter of 2015/16 for completion.			



Strategic objective 1: Increased compliance with prescripts for good governance						
Performance indicator		Actual achievement 2013/2014	Planned target 2014/2015	Actual achievement 2014/2015	Deviation from planned target to actual achievement for 2014/2015	Comment on deviations
1.2	Percentage of audit projects on the approved Audit Plan completed by Internal Audit	85%	76%	95%	25%	Target exceeded.  The collaboration with management in the audit environment has been consistently improving and this contributed in reducing the turnaround times for completing audit projects.
1.3	Number of quarterly reports on allocated CARA funds completed	CARA report completed	4	4	-	Target achieved

The Department continues to implement mechanisms to ensure that its components follow established processes and policies. As part of these mechanisms, the Department has on an annual basis developed an Audit Action Plan to resolve findings raised by Internal Audit and the Auditor-General during the preceding financial year. The purpose of this Plan is to assist the Department to formulate interventions to avoid repeat findings in the current and succeeding financial years. To this effect, validation meetings were held on a monthly basis to monitor the progress in relation to the approved Audit Action Plan. During the year under review, the Department implemented 86% of interventions to resolve internal and external audit findings in accordance with the approved Audit Action Plan.

The target to implement 88% of interventions was not met due to certain interventions that had to be rescheduled to the first quarter of 2015/16 financial year for completion.

Internal Audit provides assurance and advisory services to management and the Audit Committee on the competency and effectiveness of risk management, controls and governance processes. In line with the Department's mandate, goals and objectives, Internal Audit develops an Audit Plan. During the year under review, the Audit

Committee approved an Audit Plan comprising 252 audit projects. These projects aim to mitigate risks, thus avoiding unnecessary negative audit outcomes.

The Department achieved 95% (239 of 252 audit projects) of the Audit Plan. In addition to the planned audits, the unit has also performed an additional 34 ad-hoc audit projects at both national and regional offices, and these include the review of interim financial statements for 28 courts country-wide and 8 State Attorney's offices. The collaboration with management in the audit environment has been improving consistently and this contributed in reducing the turnaround times for completing audit projects.

The Criminal Asset Recovery Account (CARA) was established in 1999 as a separate account in the National Revenue Fund (NRF) in terms of section 63 of the Prevention of Organised Crime Act, No. 121 of 1998 (POCA). Forfeited funds and property are deposited into this account. During the year under review, the Department completed four quarterly reports. These reports serve to inform Cabinet, the Criminal Asset Recovery Committee (CARC) and other oversight structures about the utilisation of CARA funds and assets. The four quarterly reports which were completed indicate that all projects approved by Cabinet are being implemented in accordance with the submitted business plans.

Strategic objective 2: Reduction of fraud and corruption cases in the Department						
Performance indicator		Actual achievement 2013/2014	Planned target 2014/2015	Actual achievement 2014/2015	Deviation from planned target to actual achievement for 2014/2015	Comment on deviations
2.1	Number of fraud and corruption staff awareness workshops conducted	56	40	66	65%	Target exceeded.  Capacitation of regional coordinators who then conducted workshops in respective regions contributed to target being exceeded.
2.2	Percentage of forensic investigations finalised	92% (old and new cases)	70%	86%	23%	Target exceeded.  In addition to additional capacity, the review of process flow assisted in target being exceeded.
2.3	Number of integrity competence assessments of senior management services (SMS) completed	145	135	156	16%	Target exceeded.  Awareness sessions were undertaken, thus leading to target being exceeded.

The Department has the responsibility of encouraging a culture of ethics and deal sufficiently with unethical behaviour and corruption. To this effect, the Department has a Fraud Prevention Plan which is being implemented. This Plan includes awareness sessions which are conducted as part of the preventative mechanisms.

During the year under review, 66 fraud and corruption staff awareness workshops were conducted. Regional coordinators were capacitated to assist with workshops thus contributing to the target being exceeded.

To address the scourge of fraud and corruption which continues to pose a risk within the Public Service, the Department undertook investigations to bring the perpetrators of such

behaviour to book. During the year under review, the Department received 210 cases of fraud and corruption and 180 of those cases were finalised. The finalised cases include acquittals, dismissals, 3 months' suspension without pay and demotion, amongst others.

In terms of the Strategic Intelligence Act No. 39 of 1994 as amended by the National Strategic Intelligence Amendment Act No. 67 of 2002, persons that are employed by an organ of state or are rendering a service or have given notice of intention to render a service to an organ of state must be vetted. The aim of vetting is to protect classified information of the State. As at the end of the year under review, 156 SMS members within the Department either had their vetting certificates or vetting forms submitted to the State Security Agency.

Strategic objective 3: Improved effectiveness of support services						
Performance indicator		Actual achievement 2013/2014	Planned target 2014/2015	Actual achievement 2014/2015	Deviation from planned target to actual achievement for 2014/2015	Comment on deviations
3.1	Number of communication activities implemented in line with the Integrated Communication Campaign	20	20	20	-	Target achieved
3.2	Percentage of Presidential Hotline cases finalised	85%	82%	85%	4%	Target achieved
3.3	Percentage of service standards in the SDIP implemented	4 SDIP reports completed	50%	50%	-	Target achieved

The work of the Department continues to be driven by a diversity of communication platforms and approaches in order to enhance the image of the Department and broaden access to justice for all, which includes media buying, media liaison, social

media and website management, communication product development, internal communications, exhibitions, events and outreach activities.

#### KEY ACHIEVEMENTS IN THESE ACTIVITIES INCLUDED THE FOLLOWING;

a) Activity	Achievement
Strategic media engagement	(i) 4 media briefings were held to expand on the work of the JCPS cluster (ii) 3 media briefings held on budget vote, transfer of functions to the Office of the Chief Justice and outcome of meeting with NPA (iii) A total of 208 radio interviews and 26 television interviews were conducted on various subjects
Outreach programme (Community information sessions, school visits and service affairs)	(i) Sessions on justice services were conducted with learners and community members in 8 provinces, Gauteng, Mpumalanga, Eastern Cape, Western Cape, KwaZulu-Natal, Limpopo and North West where 84 428 learners at 338 schools and 10 952 community members were reached (ii) 31 exhibitions and fairs were conducted reaching 26 609 people
PPP Izimbizo	(i) 10 Izimbisos were held at Pietermaritzburg, Gelvandale, Mamelodi, Bethlehem, Polokwane, Howick, Khayelitsha, Diepsloot, Mafikeng and Uitenhage
Electronic communication	(i) This form of communication provides updated information on the Department (ii) The Departmental website had 1 611 000 visitors during the year under review (iii) The Department also managed You Tube channel in order to profile the work of the Department more broadly. The number of viewers on You Tube channel grew from 11 374 views in April 2014 to 18 607 views in March 2015

a) Activity	Achievement
Internal communication	(i) 9 internal campaigns and engagement were conducted (ii) Brand awareness sessions were held at Gauteng and Free State regions where 115 courts were reached (iii) Information sessions on rationalisation were held with staff at Gauteng and North West (iv) 6 issues of external newsletter and 26 online internal newsletter were produced (v) 12 service related articles were shared with other departments through the Government Communication and Information System (GCIS)

Evidence indicates that the citizens of the Republic want a platform to communicate their concerns and frustrations when seeking help in the different spheres of government. To this effect, the Presidential Hotline was launched by the President of the Republic. This Hotline seeks to increase the participation of the public in government. It further ensures that government improves services to the public by working faster and smarter. During the year under review, the Department received 1 720 cases of which 1 455 were resolved, translating to an 85% achievement. A tracking system for appeal cases was introduced, which led to improvement in performance.

The Service Delivery Improvement Plan (SDIP) is a legislative requirement expected of all government departments in order to ensure a continuous and incremental improvement in service delivery. The SDIP set out the Department's Service Standards that clients can expect, and explain how the Department will meet each of those standards. The Department therefore identified key services (Maintenance and Master's Services). The desired standards, to which the Department would like to aspire for these services, were outlined in the SDIP for 2012 to 2015. Performance against these standards was tracked. During the year under review, 50% (5 of 10) of the Service Standards which were in the approved SDIP were implemented.

Strategic objective 4: Optimisation of ICT systems and infrastructure						
Performance indicator		Actual achievement  2013/2014	Planned target  2014/2015	Actual achievement  2014/2015	Deviation from planned target to actual achievement for 2014/2015	Comment on deviations
4.1	Phases of ICMS Master's: Deceased Estates System completed	100% completion of Phase 3A	100% completion of Phase 3B	100% completion of Phase 3B	-	Target achieved
4.2	Phases of the Third Party Fund System completed	75% completion of Phase 2	100% completion of Phase 3	100% completion of Phase 3	-	Target achieved
4.3	Phases of ICMS Civil: Lower Courts completed	100% completion of Phase 1	100 completion on Phase 1B	100 completion on Phase 1B	-	Target achieved

The Department is committed to the modernisation of the justice system which will enable the Department to improve service delivery and decrease costs of service. Additional phases of systems (e.g. progressive modernisation of various ICMS systems) continue to be implemented.

During the year under review, the ICMS Master's Deceased Estate System referred to as Phase 3B was completed. The integration between the PEAS system and the Department of Home Affairs (DHA) system was successfully tested to enable the download of deceased estates information from the DHA system, thereby reducing the need to capture the same information that has been captured at DHA, improving data integrity, data quality and reducing fraud and corruption. Furthermore, a digital signatures capability, allowing for electronic forms to be digitally signed without the need to print, sign and scan the form, was also successfully tested, translating to 100% completion of the milestones set.

The replacement of the Third Party Funds (TPF) System is aimed at improving service efficiency, accountability and

the automatic production of annual financial statements. The Department's TPF Transformation Project includes improvements in the provision of service delivery to citizens and the enforcement of financial management governance to achieve and sustain a clean audit outcome for TPF. In achieving the replacement of the TPF system, a series of deliverables and milestones were set over a multi-year period.

During the year under review, a technology solution and implementation service provider were identified and the functional design of the solution was completed.

The ICMS Civil: Lower Courts System is aimed at improving service efficiency, service monitoring and to decrease the cost of service. This includes the end-to-end monitoring of business processes for civil cases. The ICMS Civil System was successfully designed, developed and tested during the year under review. All the milestones set for the period under review were completed.

Strategic objective 5: Improved human resource service delivery						
Performance indicator		Actual achievement 2013/2014	Planned target 2014/2015	Actual achievement 2014/2015	Deviation from planned target to actual achievement for 2014/2015	Comment on deviations
5.1	Vacancy rate	10%	10%	10%	-	Target achieved
5.2	Percentage of grievance cases finalised	85%	45%	84%	87%	Target exceeded.  Capacitation of labour relations officers and senior managers led to target being exceeded.
5.3	Percentage of misconduct cases finalised	65%	55%	69%	25%	Target exceeded.  Capacitation of labour relations officers and senior managers led to target being exceeded.

Strategic objective 5: Improved human resource service delivery						
Performance indicator		Actual achievement 2013/2014	Planned target 2014/2015	Actual achievement 2014/2015	Deviation from planned target to actual achievement for 2014/2015	Comment on deviations
5.4	Number of people trained in line with departmental objectives	5 358	6 000	6 262	4%	Target achieved
5.5	Number of policies and legislation assessed for gender equality	-	4	4	-	Target achieved

The Department reduced the vacancy rate to 10% as at the end of the year under review. The Department had a total of 20 162 funded posts excluding the judiciary, of which 18 222 were filled and 1 940 were vacant.

Although the vacancy rate was maintained at 10%, the vacancy rate continues to fluctuate due to the creation of new posts and staff mobility. The age analysis of vacant posts was conducted and the recruitment plan implemented.

During the year under review, the Department recorded a total of 529 grievance cases on the register and 443 cases were finalised, translating into an 84% achievement. The introduction of a new data collection mechanism, which includes the tracking of the age of cases and the training of labour relations officers, contributed to the target being exceeded. The reduction in the number of unresolved grievances has had a positive impact on the relationship between employees and their managers, which has allowed the emphasis to shift to performance and the delivery of services.

During the year under review, the misconduct register had a total of 453 cases and 313 cases were finalised, translating into a 69% performance. Furthermore, investigating and

presiding officers were trained. Employees were also trained in grievance procedures, the handling of misconduct and the code of good practice.

To capacitate officials and ensure that the Department has a skilled workforce, a total of 6 262 people were trained in accordance with the Department's objective during the year under review.

In order to promote gender equality, the Department is in the process of integrating a gender perspective into existing policies and legislation. The analysis process aims to assess the likelihood of any process, law, plan or activity that may impact differently on men and women, with the effect of prejudicing one or the other gender. During the year under review, two policies and two statutes were assessed for gender equality, namely the Sexual Harassment and Employment Equity Policies, Divorce Act, 1979 and the Matrimonial Property Act, 1984. The assessment of the Sexual Harassment and Employment Equity Policies revealed that there are some gaps in the implementation procedures. Recommendations were made to address these gaps. Similarly, the assessment of the Divorce Act and Matrimonial Property Act revealed gaps, and recommendations were also made.



Strategic objective 6: Finalisation of the recommendations of the Truth and Reconciliation Commission (TRC)						
Performance indicator		Actual achievement 2013/2014	Planned target 2014/2015	Actual achievement 2014/2015	Deviation from planned target to actual achievement for 2014/2015	Comment on deviations
6.1	Number of handover ceremonies for the people whose remains have been exhumed	-	2	2	-	Target achieved
6.2	Number of needs analysis completed in TRC identified communities	-	8	6	(25%)	Target not achieved.  The target to complete needs analysis in 8 communities was not achieved due to unavailability of key stakeholders.

As part of implementing the recommendations of the Truth and Reconciliation Commission, the mortal remains of people killed during the struggle for liberation are traced and handed back to their families.

During the year under review, a total of two ceremonies were conducted in which the mortal remains of Mr Sechaba Lawrence Lesimola and Mr Richard Tumakgolo Lentsela were handed over to their families in the Free State and North West provinces, respectively.

In addition, two families were paid reparations during this financial year in accordance with the Regulations on

Exhumation, Reburial and Symbolic Burial of Missing Persons, which provides for the monies in the President's Fund to be accessed for exhumation and reburial purposes.

The Department identified and prioritised communities for the completion of the needs analysis phase as part of implementing the recommendations of the Truth and Reconciliation Commission. During the year under review, needs analyses were completed in the six communities, namely Tumahole and Thabong in Free State province, Lulekani and GaMatlala in Limpopo and Seoding and Paballelo in Northern Cape province. The target to complete needs analyses in eight communities was not achieved due to unavailability of key stakeholders.

Strategic objective 7: Administration of the implementation of the Promotion of Access to Information Act (PAIA) of 2000						
Performance indicator		Actual achievement 2013/2014	Planned target 2014/2015	Actual achievement 2014/2015	Deviation from planned target to actual achievement for 2014/2015	Comment on deviations
7.1	Percentage level of compliance with PAIA by DoJ&CD	55%	70%	88%	25%	Target exceeded.  The collaboration with management has been consistently improving and this contributed in target being exceeded.

Section 32 of the Constitution provides everyone with the right to access “any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights”. The Promotion of Access to Information Act [PAIA], 2000 (Act No. 2 of 2000) was therefore enacted to respond to this Constitutional imperative, and to engender a culture of transparency and accountability in the conduct of government business.

The Department is therefore responsible for the administration, coordination of the PAIA to the public and facilitation of the implementation of PAIA throughout the three spheres of

Government and other public bodies. During the year under review, the Department recorded 338 requests for information and 297 of those requests were finalised within the prescribed period, translating into an 88% performance against the target of 70%.

In addition, a manual in terms of section 14 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) has been updated, published in the *Government Gazette* and posted on the Department's website. Furthermore, Deputy Information Officers from different departments and provinces were trained.

#### Strategic objective 8: Coordination of the JCPS cluster towards achievement of Outcome 3 and the NDP goals

Performance indicator		Actual achievement 2013/2014	Planned target 2014/2015	Actual achievement 2014/2015	Deviation from planned target to actual achievement for 2014/2015	Comment on deviations
8.1	Number of JCPS cluster reports submitted to Cabinet	4	4	4	-	Target achieved

The Department ceased to be the lead department in the implementation of Outcome 3 during 2014. This function was transferred to the Department of Defence, thus the responsibility to submit the JCPS cluster reports currently rests with the Department of Defence. The Department has, however, submitted its inputs to the Department of Defence for consolidation and submission to Cabinet during the year under review.

#### Strategy to overcome areas of underperformance

The delay in completing the implementation of the intervention to address the audit findings on Third Party Funds, the Guardian's Fund and the President's Fund were not anticipated. The delay was due to some interventions having to be rescheduled for completion during the first quarter of the 2015/16 financial year. The Department has put mechanisms in place to ensure the completion of these interventions.

The target to complete community needs analyses in eight TRC identified communities was not met due to unavailability of other stakeholders that are vital for the process. The Department is, however, constantly improving its approaches in engaging the stakeholders.

#### Changes to planned targets

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

#### Linking performance with budgets

During the year under review, 99% of the Programme 1 budget was spent and the programme achieved 90% of its planned targets. The Programme's underspending amounted to R14,2 million, of which R5.9 million was related to transfer payments not made due to the fulfilment of PFMA oversight functions and R8.3 million due to savings on Office Accommodation.

#### Subprogramme expenditure

Subprogramme name	2014/2015			2013/2014		
	Final appropriation	Actual expenditure	(Over)/under-expenditure	Final appropriation	Actual expenditure	(Over)/under-expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
Ministry	30 072	30 072	-	31 228	31 228	-
Management	43 435	37 504	5 931	39 063	39 063	-
Corporate Services	770 311	770 311	-	737 228	737 228	-
Office Accommodation	1 016 698	1 008 376	8 322	963 616	963 616	-
<b>Total</b>	<b>1 860 516</b>	<b>1 846 263</b>	<b>14 253</b>	<b>1 771 135</b>	<b>1 771 135</b>	<b>-</b>

**The mortal remains of two people killed during the struggle for liberation were traced and handed back to their families.**



## 4.2 PROGRAMME 2: COURT SERVICES

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

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

### Strategic objectives

Within this Programme, the following strategic objectives were identified, and key performance indicators for each of these strategic objectives are detailed in the tables below.

9. Improved finalisation of activities in support of outputs of Outcome 3
10. Increased promotion and protection of the vulnerable groups
11. Increased protection of the best interest of children and promotion of family cohesion through mediation services
12. Increased access to justice services to historically marginalised communities
13. Improved delivery of services at the courts
14. Capacitation of the Office of the Chief Justice

### Performance indicators

Strategic objective 9: Improved finalisation of activities in support of outputs of Outcome 3						
Performance indicator		Actual achievement 2013/2014	Planned target 2014/2015	Actual achievement 2014/2015	Deviation from planned target to actual achievement for 2014/2015	Comment on deviations
9.1	Number of cases on the backlog roll	27 379	29 952	29 480	2%	Target achieved

In order to give effect to an accused person's right to a speedy trial enshrined in the Constitution, the Department and relevant stakeholders make every effort to finalise the trial as speedily as possible.

In this regard the criminal case backlog reduction initiative was introduced as one of the various interventions to deal with case backlogs. The aim of the case backlog project is to

achieve a reduction in cases and to ensure that the inflow of new cases is balanced by matters concluded as well as greater court efficiency and effectiveness. During the year under review, the number of criminal case backlogs in the lower courts was reduced to 29 480, representing 17% of the outstanding roll of 169 026 cases.

Strategic objective 10: Increased promotion and protection of the vulnerable groups						
Performance indicator		Actual achievement 2013/2014	Planned target 2014/2015	Actual achievement 2014/2015	Deviation from planned target to actual achievement for 2014/2015	Comment on deviations
10.1	Percentage of maintenance cases finalised within 90 days after proper service of process	-	15%	90%	500%	Target exceeded.  This indicator was measured for the first time in the period under review, and certain assumptions in the determination of the base-line did not hold true.
10.2	Percentage of convictions recorded electronically on the NRSO	100%	78%	100%	28%	Target exceeded.  Capacitation of officials involved in the implementation of the NRSO led to target being exceeded.
10.3	Number of re-established sexual offences courts completed	19	12	14	17%	Target exceeded.  Performance is inclusive of the 2 court rooms at Parow court.

The Department remains committed to ensuring that the beneficiaries of maintenance receive payment due to them within a reasonable time. To this effect, service standards have been set for maintenance cases. These standards are aimed at ensuring that the maintenance system is faster, easily accessible and effective. One such standard is to ensure that maintenance cases are finalised within 90 days after proper service of process.

During the year under review, this project was piloted at nine pilot sites in nine provinces, namely Johannesburg Family Court in Gauteng, Botshabelo in Free State, Phillipi in the Western Cape, Thohoyandou in Limpopo, Umlazi in KwaZulu-Natal, East London in the Eastern Cape, Kimberley in the Northern Cape, Kwa-Mhlanga in Mpumalanga and Moretele in the North West. To this effect, during the period under review, the Department recorded 9 588 maintenance cases with proper service of process at these pilot sites, and 8 650 cases were finalised within 90 days after proper service of process, translating into a 90% performance.

The National Register for Sex Offenders (NRSO) was established on 30 June 2009 in terms of Chapter 6 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act No.

32 of 2007. The NRSO aims to protect children and persons who are mentally disabled against registered sex offenders by establishing and maintaining a record of persons who have been convicted of a sexual offence against a child or a person who is mentally disabled. The aim is to reduce the high prevalence of sexual violence perpetrated against these two categories of persons by restricting registered offenders from working in environments that will expose them to these victims. As at the end of the year under review, 17 500 convictions were recorded electronically on the NRSO, indicating a 12% increase from the 15 452 which were recorded during the previous financial year.

The Ministerial Advisory Task Team on the Adjudication of Sexual Offences Matters which was tasked to investigate the feasibility of re-introducing the Sexual Offences Courts in South Africa recommended that the sexual offences courts be re-established. During the year under review, the Department has upgraded 14 Regional Courts into sexual offences courtrooms in accordance with the newly developed Sexual Offences Courts Model. These courts reinforce the establishment of a victim-centred court system that is prompt, responsive and effective.

Strategic objective 11: Increased protection of the best interest of children and promotion of family cohesion through mediation services						
Performance indicator		Actual achievement 2013/2014	Planned target 2014/2015	Actual achievement 2014/2015	Deviation from planned target to actual achievement for 2014/2015	Comment on deviations
11.1	Percentage of non-litigation family law matters mediated	28%	20%	78%	290%	Target exceeded.  This is attributable to the fully functioning of the newly created offices.
11.2	Percentage of family advocates' court reports filed within 15 days of completion of enquiry	82%	70%	85%	21%	Target exceeded.  This is attributable to the fully functioning of the newly created offices.

The Department, through the Office of the Chief Family Advocate, is mandated to promote and protect the best interests of children in legal disputes over parental responsibilities and rights. The Department therefore provides professional services to the public and the courts with children being the main beneficiaries of the services provided. The cases handled by the Family Advocate are litigation cases whose output is court reports, and non-litigation cases whose output is mediation.

During the year under review, 7 009 non-litigation family law matters were registered and 5 458 of these matters were finalised. For the litigation cases where reports needed to be filed at courts, 7 941 reports were filed and 6 788 of those reports were filed within 15 days of completion of the enquiry. The additional service delivery points established during the previous financial year contributed to the target being exceeded.

Strategic objective 12: Increase access to justice services to historically marginalised communities						
Performance indicator		Actual achievement 2013/2014	Planned target 2014/2015	Actual achievement 2014/2015	Deviation from planned target to actual achievement for 2014/2015	Comment on deviations
12.1	Number of Small Claims Courts established	30	25	39	56%	Target exceeded.  The amendment of the Small Claims Courts Act, 1984 broadened the scope of Commissioners, thus leading to the establishment of more Small Claims Courts.



Strategic objective 12: Increase access to justice services to historically marginalised communities						
Performance indicator		Actual achievement 2013/2014	Planned target 2014/2015	Actual achievement 2014/2015	Deviation from planned target to actual achievement for 2014/2015	Comment on deviations
12.2	Number of magisterial districts aligned to municipal boundaries	36	25	39	56%	Target exceeded.  The inclusion of other districts which were identified during the consultation process led to target being exceeded.
12.3	Number of Branch Courts converted into full services courts	5	3	3	-	Target achieved

In keeping with the Department's commitment to improve access to justice, Small Claims Courts continue to be established with the aim of ensuring that there is a Small Claims Court in every magisterial district in the country. During the year under review, 39 new Small Claims Courts were established. These courts will ensure that citizens are able to institute minor civil claims in an affordable and simple manner without the services of an attorney. This brings to 331 the number of Small Claims Courts established as main centres for the hearing of small claims matters. In addition, five new places of sitting were proclaimed during the year, bringing the total additional places of sitting for Small Claims Courts to 82 country-wide.

The amendment of the Small Claims Court Act of 1984 led to the target being exceeded. The amendment provides that Commissioners who are appointed for a particular magisterial district are deemed to be appointed for the whole province in question, implying that Commissioners can preside over matters in more than one magisterial district. New Small Claims Courts could therefore be established without necessarily having to appoint a Commissioner for that district.

In addition, awareness campaigns about the operations of the Small Claims Courts were conducted, leading to an increased usage of these courts.

The Department continues with its process to align magisterial districts to municipal boundaries in order to promote access to equal justice to the public. The harmonisation of magisterial districts with provincial and municipal boundaries will enhance access to courts and ensure better coordination and integration of services within the three spheres of government, in particular within the Justice, Crime Prevention and Security (JCPS) cluster. The alignment of magisterial districts to municipal boundaries further seeks to redress the past geo-spatial injustices through which the majority of the previously disadvantaged were attached to far flung courts. During the year under review, 39 magisterial districts were aligned to municipal boundaries in Limpopo and Mpumalanga provinces.

The Department has also embarked on the process of rehabilitating the Branch Courts into full services courts. The aim of the re-designation of Branch Courts into full services courts is to bring services relating to civil and family law services closer to communities served by these courts, in particular services that are geared to improve the livelihoods of the poor and vulnerable members of society such as maintenance, deceased estates and Small Claims Courts which were only obtainable from the main courts. The extension of these services to the re-designated Branch Courts brings greater relief to the affected communities. During the year under review, three Branch Courts were designated to full services courts, bringing the total number of Branch Courts designated to 32.

Strategic objective 13: Improved delivery of services at the courts						
Performance indicator		Actual achievement 2013/2014	Planned target 2014/2015	Actual achievement 2014/2015	Deviation from planned target to actual achievement for 2014/2015	Comment on deviations
13.1	Percentage of requests for default judgments dealt with by the clerk of the court within 14 working days of receipt (District Courts)	83%	60%	90%	50%	Target exceeded.  Monthly monitoring of performance and support provided to courts has led to the target being exceeded.
13.2	Percentage of unopposed taxations processed within 14 working days from the date the matter is set down (District Courts)	90%	70%	93%	33%	Target exceeded.  Monthly monitoring of performance and support provided to courts has led to the target being exceeded.
13.3	Number of cases postponed via the Audio-visual Remand (AVR) system	-	8 000	10 019	25%	Target exceeded.  Monthly monitoring of performance and support provided to courts has led to the target being exceeded.
13.4	Percentage of cases postponed due to unavailability of court administration staff	-	10%	2%	80%	Target exceeded.  Monthly monitoring of performance and support provided to courts has led to the target being exceeded.

In civil matters where summons have been issued and no defence is lodged, a default judgement is often requested. The Department therefore maintains service standards in these matters to ensure that service delivery is not negatively affected as well as to avoid backlogs. During the year under review, 230 965 requests for default judgements were received and 208 914 were dealt with by the clerks of the court, within 14 working days of receipt. Monthly monitoring of performance and support provided to courts have led to the target being exceeded.

Subsequent to the finalisation of civil matters, cost orders and taxations need to be finalised in order to allow claimants to receive their funds. Similarly, service standards exist to ensure the speedy finalisation of such matters. During the year under review, the Department processed

14 640 unopposed taxations and 13 666 were processed within 14 working days from the date the matter was set down. Monthly monitoring of performance and support provided to courts has led to the target being exceeded.

The Audio-visual Remand system links magistrates' courts to correctional detention centres via CCTV. The accused person is therefore not required to be brought physically before the court in certain instances but may appear before court via audio-visual link.

The utilisation of this technology results in the reduction of costs and the risks associated with detainees being commuted from correction facilities to the courts. During the year under review, 10 019 postponements were conducted via the Audio-visual Remand system. Monthly

monitoring of performance and support provided to courts has led to the target being exceeded.

Court administrative support in the form of an administrative official to perform the function of recording the court proceedings digitally as well as the provisioning of an interpreter to assist the court for proceedings to continue through interpretation into the various official languages and foreign languages relevant to the case, is essential for an effective court sitting.

The Department therefore always strives to ensure that the necessary administrative support required for the functioning of the courts is available at all times. During the year under review, 4 189 cases from the outstanding roll of 169 026 were postponed due to the unavailability of court administrative support. Monthly monitoring of performance and support provided to courts has led to the target being exceeded.

Strategic objective 14: Capacitation of the Office of the Chief Justice						
Performance indicator		Actual achievement 2013/2014	Planned target 2014/2015	Actual achievement 2014/2015	Deviation from planned target to actual achievement for 2014/2015	Comment on deviations
14.1	Percentage of funded vacancies filled	-	90%	59%	(34%)	Target not achieved.  Inability to attract suitable candidates in the labour market due to scarcity of specialised skills led to target not being achieved.

In preparation of the independency of the Office of the Chief Justice, the Department embarked on a process of capacitating this Office. As at the end of the year under review, the Office of the Chief Justice had 270 funded posts and 158 of those posts were filled. The inability to attract suitable candidates in the labour market due to a scarcity of specialised skills led to the target not being achieved.

#### Strategy to overcome areas of underperformance

The target to fill 90% of funded posts for the Office of the Chief Justice was not achieved due to the inability to attract suitable skills. The Office of the Chief Justice will develop a Human Resources Service Charter and monitor vacancies on a monthly basis in order to address the underperformance in this area.

#### Changes to planned targets

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

#### Linking performance with budgets

During the year under review, Programme 2 spent 98% of its budget and achieved 93% (13 of 14) of the planned targets. The bulk of spending in this Programme is for the support rendered in respect of the finalisation of court cases, compensation of employees, property payments and capital payments. The underspending was due to a delay in filling of vacant positions.

**Subprogramme expenditure**

Subprogramme name	2014/2015			2013/2014		
	Final appropriation	Actual expenditure	(Over)/under-expenditure	Final appropriation	Actual expenditure	(Over)/under-expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
Constitutional Court	141 007	141 007		132 209	132 209	
Supreme Court of Appeal	25 912	25 912		29 843	29 843	
High Courts	453 069	453 069		451 342	451 342	
Specialised Courts	49 943	49 943		55 891	55 891	
Lower Courts	3 854 650	3 769 871	84 779	3 636 759	3 628 592	8 167
Family Advocate	177 891	177 891		148 709	148 709	
Magistrates' Commission	11 370	11 370		10 132	10 132	
Government Motor Transport	29 357	29 357		28 411	28 411	
Facilities Management	784 805	760 854	23 951	827 832	480 225	347 607
Administration of Courts	486 147	486 147		458 991	458 991	
<b>Total</b>	<b>6 014 151</b>	<b>5 905 421</b>	<b>108 730</b>	<b>5 780 119</b>	<b>5 425 160</b>	<b>354 959</b>

**The Department continues with its process to align magisterial districts to municipal boundaries in order to promote access to equal justice to the public.**



#### 4.3 PROGRAMME 3: STATE LEGAL SERVICES

The aim of this Programme is to provide legal and legislative services to government, supervise the registration of trusts and administration of deceased and insolvent estates and estates undergoing liquidation, manage the Guardian's Fund, prepare and promote legislation, facilitate constitutional development and undertake research in support of this. The Programme consists of the following subprogrammes;

- State Law Advisors
- Litigation and Legal Services
- Legislative Development and Law Reform
- Master of the High Court

#### Strategic objectives

The following strategic objectives were identified in this Programme, and key performance indicators in each of these objectives are detailed in the tables below:

15. Increased efficiency in the provision of services to be beneficiaries of the Guardian's Fund, trusts, and insolvent and deceased estates
16. Enhanced litigation services
17. Provision of legal advisory services
18. Preparation of sound, effective and efficient legislation
19. Promoting constitutional development and strengthening of participatory democracy to ensure respect for fundamental human rights

#### Performance indicators

Strategic objective 15: Increased efficiency in the provision of services to beneficiaries of the Guardian's Fund, trusts, and insolvent and deceased estates						
Performance indicator		Actual achievement 2013/2014	Planned target 2014/2015	Actual achievement 2014/2015	Deviation from planned target to actual achievement for 2014/2015	Comment on deviations
15.1	Percentage of letters of appointment issued in deceased estates within 15 days from receipt of all required documents	94%	91%	89%	(2%)	Target not achieved.  Challenges with the implementation of the ICMS PEAS system contributed to the lower-than-expected cases being finalised.
15.2	Percentage of liquidation and distribution accounts in large estates (>R125 000) examined within 15 days from receipt of all required documents	90%	86%	90%	5%	Target achieved
15.3	Percentage of beneficiaries in receipt of services within 40 days from receipt of all required documents (Guardian's Fund)	77%	90%	92%	2%	Target achieved

Strategic objective 15: Increased efficiency in the provision of services to beneficiaries of the Guardian's Fund, trusts, and insolvent and deceased estates						
Performance indicator		Actual achievement 2013/2014	Planned target 2014/2015	Actual achievement 2014/2015	Deviation from planned target to actual achievement for 2014/2015	Comment on deviations
15.4	Percentage of certificates of appointment issues in all bankruptcy matters within 10 days from receipt of all required documents	85%	81%	89%	10%	Target exceeded.  Improved monitoring of performance has led to target being exceeded.
15.5	Percentage of liquidation and distribution accounts in bankruptcy matters examined within 15 days from receipt of all required documents	94%	81%	93%	15%	Target exceeded.  Improved monitoring of performance has led to target being exceeded.
15.6	Percentage of letters of authority issued in trusts within 14 days from receipt of all required documents	85%	92%	79%	(14%)	Target not achieved.  Slow network and phasing in of implementation of PEAST have led to low performance.
15.7	Percentage of new deceased estates registered on the paperless Estate Administration System(PEAS)	-	75%	87%	16%	Target exceeded.  Improved monitoring of the utilisation of the system has led to target being exceeded.

The livelihood of surviving spouses and other beneficiaries depends on the Office of the Master of the High Court to appoint a person promptly to wind up the affairs of the deceased in a speedy manner so as not to disadvantage the beneficiaries. The Department therefore has set standards at which services should be performed. During the year under review, 117 133 letters of appointment in deceased estates were issued of which 103 904 were issued within 15 days of receipt of all required documents.

Estates are only reported to the Master if the deceased left assets and/or a valid will. The speedy finalisation of letters of appointment issued in deceased estates, and liquidation and distribution accounts have a positive impact on the economy if

the assets and funds can be ploughed back into the economy without delay. During the year under review, 51 454 accounts in large estates were examined and 46 350 (90%) were examined within 15 days of receipt of all required documents.

The beneficiaries of the Guardian's Fund are almost all minors or persons incapable of managing their own affairs. Reaching the target set has an enormous impact on the lives of these vulnerable beneficiaries, as they are dependent on funds paid out by the Master for their upbringing, schooling and livelihood.

During the year under review, 45 887 beneficiaries were in receipt of Guardian's Fund services and 42 399 (92%) were in



receipt of Guardian's Fund services within 40 days of receipt of all the required documents.

During the year under review, 11 279 certificates of appointment in bankruptcy matters were issued, of which 9 991 (89%) were issued within 10 days of receipt of all the required documents.

Furthermore, 9 089 liquidation and distribution accounts in bankruptcy matters were examined and 8 445 (93%) were examined within 15 days of receipt of all the required documents. The speedy finalisation of these matters contributes positively to the economy as creditors can be paid.

Trusts play an important role in the economy as they are commonly used instruments in financial planning in a regulated environment. The timely registration of trusts facilitates free and efficient economic activity. Furthermore, since trusts impact on individual tax planning, the Department, through the Master's Offices and SARS, continue to work together in exchanging information required by each

organisation. During the year under review, 37 142 letters of authority in trusts were issued, of which 29 400 (79%) were done within 14 days of receipt of all the required documents. Network downtime and the phasing in of the implementation of PEAST as well as the capacitation of officials on the system contributed to the target not being achieved.

The Department continues to develop business solutions in order to improve service delivery. One of such solutions is the Paperless Estate Administration System (PEAS) which the Department is currently implementing.

This system aims to relieve work pressure on the Master's officials and to curb fraud and documents getting lost because all documents are being scanned before being processed. With this system, all documentation in deceased estates are scanned and stored electronically. Interested parties are therefore able to view all relevant information and track progress of their applications at any given time on the Master's Portal, available via the internet. During the year under review, the Department registered 106 625 new deceased estates, of which 92 798 were processed on the PEAS system.

Strategic objective 16: Enhanced litigation services						
Performance indicator		Actual achievement 2013/2014	Planned target 2014/2015	Actual achievement 2014/2015	Deviation from planned target to actual achievement for 2014/2015	Comment on deviations
16.1	Percentage value of briefs allocated to previously disadvantaged individuals (PDI) counsel	75%	76%	76%	-	Target achieved
16.2	Percentage of enrolled cases successfully concluded by the State Attorney	61%	50%	56%	12%	Target exceeded.  Regular monitoring of performance has led to target being exceeded.
16.3	Percentage of expungements completed within 3 months	-	75%	90%	20%	Target exceeded.  Regular monitoring of performance has led to target being exceeded.

The Department, through the supervision of Office of the Chief Litigation Officer, provides legal advisory and litigation services on behalf of the State, performed by attorneys, notaries and conveyancers in terms of the State Attorney Act, 1957.

The Department is committed to the transformation of the legal profession and has put systems in place which support the capacitation of previously disadvantaged professionals. The Department has, over the last three years, implemented a tool which is aimed at ensuring that counsel from the ranks of previously disadvantaged individuals is briefed.

During the year under review, the Department briefed counsel on matters to the value of R655 604 410,

R496 305 970 of which was allocated to counsel from the ranks of previously disadvantaged individuals.

Furthermore, during the year under review, 1 139 enrolled cases were decided in court and 638 of those cases were successfully concluded.

The Department also handles expungements of certain criminal records in respect of individuals who qualify under law. The criminal records of these individuals are cleared, therefore enhancing their reintegration into the socio-economic environment.

During the year under review, the Department finalised 11 651 applications for expungement and 10 442 of those were finalised within three months of receipt of all required documents.

Strategic objective 17: Provision of legal advisory services						
Performance indicator		Actual achievement 2013/2014	Planned target 2014/2015	Actual achievement 2014/2015	Deviation from planned target to actual achievement for 2014/2015	Comment on deviations
17.1	Percentage of legal opinions finalised within 30 days from date of receipt	81%	65%	86%	32%	Target exceeded.  Regular monitoring of performance has led to target being exceeded.
17.2	Percentage of preliminary opinions on draft bills for Cabinet's consideration completed within 40 days from date of receipt	66%	65%	80%	23%	Target exceeded.  Regular monitoring of performance has led to target being exceeded.
17.3	Percentage of Bills and Subordinate Legislation certified or finalised within 40 days from the date of receipt	83%	65%	88%	35%	Target exceeded.  Regular monitoring of performance has led to target being exceeded.
17.4	Percentage of International Agreements and Accompanying Legal Opinions finalised within 30 days from the date of receipt	-	65%	93%	43%	Target exceeded.  Regular monitoring of performance has led to target being exceeded.
17.5	Percentage of translations finalised within 55 days from date of receipt	82%	75%	89%	19%	Target exceeded.  Regular monitoring of performance has led to target being exceeded.
17.6	Percentage of valid requests for extradition and mutual legal assistance in criminal matters processed within 25 days (notification)	82%	85%	82%	(4%)	Target not achieved.  Complexity of certain matters which required consultations with stakeholders led to delay in processing matters.

The Department, through the supervision of the Office of the Chief State Law Adviser, has the responsibility of providing legal advice, representation and legislative drafting services to the Executive, namely all state departments at both national and provincial levels, municipalities, parastatals and independent or autonomous bodies that may refer work to it. The Office of the Chief State Law Adviser further provides legal advice and guidance to the State on its proposals, legislation and international agreements and ensures that potential litigation against the State, on constitutional and other legal grounds, is considerably reduced. It provides legal advice and guidance that matters in question are compatible with the Constitution and other legal instruments and that they will withstand constitutional muster.

During the period under review, the Department finalised 712 legal opinions and 611 (86%) were finalised within 30 days from the date of entry.

The Department finalised 54 preliminary opinions on draft bills for Cabinet's consideration, of which 43 were finalised within the set timeframe of 40 days from the date of receipt, which translates into 80% against the target of 65%.

With regard to bills and subordinate legislation, the Department finalised 217 bills and sets of subordinate legislation of which 190 (88%) were finalised within the set timeframe of 40 days.

A total of 228 international agreements and accompanying legal opinion were finalised and 211 of those were finalised within 30 days from the date of receipt thereof.

During the year under review, the Department translated bills into various official languages such as IsiZulu, Afrikaans, Sepedi, IsiXhosa, Xitsonga, Sesotho, Tshivenda, SiSwati, IsiNdebele and Setswana. To this effect, 187 translations were finalised, of which 167 were finalised within 55 days from date of entry.

The Department is committed to making South Africa a safe place and continues to speedily process requests for extradition and mutual legal assistance. This gives a clear indication that South Africa will not tolerate transnational crime and that any persons who commit crimes will be brought to book in South Africa or in a foreign state.

During the year under review, the Department processed 98 valid requests for extradition and mutual legal assistance in criminal matters, of which 80 of those requests were processed within 25 days of receipt. The complexity of certain matters which required consultations with stakeholders resulted in a delay in processing matters.

#### Strategic objective 18: Preparation of sound, effective and efficient legislation

Performance indicator		Actual achievement 2013/2014	Planned target 2014/2015	Actual achievement 2014/2015	Deviation from planned target to actual achievement for 2014/2015	Comment on deviations
18.1	Number of legislative instruments relating to effective and efficient delivery of justice services submitted to the Minister for approval	4	9	36	300%	Target exceeded.  The Department received more requests than expected during the first quarter of the year under review due to change in administration.

Strategic objective 18: Preparation of sound, effective and efficient legislation						
Performance indicator		Actual achievement 2013/2014	Planned target 2014/2015	Actual achievement 2014/2015	Deviation from planned target to actual achievement for 2014/2015	Comment on deviations
18.2	Number of research papers completed	5	8	9	13%	Target exceeded.  One of the research papers was completed earlier than anticipated, thus leading to target being exceeded.
18.3	Number of court rules relating to the effective and efficient delivery of justice services completed	6	5	21	320%	Target exceeded.  Certain rule amendments had to be urgently effected to promote efficiency in court processes, leading to target being exceeded.

The Department has the responsibility of preparing and promoting primary and subordinate Justice related legislation in line with its mandate. To this end, legislative instruments are prepared and submitted to the Minister for consideration and approval, with the view to either introducing a Bill into Parliament, promulgating regulations, publishing notices in the *Gazette* in terms of the law or preparing proclamations for the President's signature for purposes of putting Acts of Parliament into operation or referring improprieties in State institutions to the Special Investigating Unit for investigation.

During the year under review, the following legislative instruments were submitted to the Minister for approval:

**Proclamations under the Special Investigating Units and Special Tribunals Act, 1996, relating to the following State institutions:**

- South African Post Office
- Department of Communications
- Department of Labour and Compensation Fund
- Greater Tubatse Local Municipality
- KwaZulu-Natal Provincial Treasury
- National Department of Public Works

- SITA
- National Department of Transport
- Amendments to the initial proclamation of KZN Treasury
- Amendments to the initial proclamation of SITA

**Notices for publication in the *Government Gazette***

- A notice designating persons referred to in the KwaZulu-Natal Gaming and Betting Act, 2010 as peace officers in terms of section 334 of the Criminal Procedure Act, 1977
- A notice designating persons referred to in the KwaZulu-Natal Liquor Licensing Act, 2010 and the Western Cape Liquor Act, 2008 as peace officers in terms of section 334 of the Criminal Procedure Act, 1977
- A notice revising the prescribed rate of interest in terms of section 1 of the Prescribed Rate of Interest Act, 1975
- A notice designating persons referred to in the Meat Safety Act, 2000 as peace officers in terms of section 334 of the Criminal Procedure Act, 1977
- A notice designating inspectors in terms of the Limpopo Gambling Act, 2013 as peace officers in terms of section 334 of the Criminal Procedure Act, 1977

- A notice designating persons referred to in the Animal Diseases Act, 1984 as peace officers in terms of section 334 of the Criminal Procedure Act, 1977
- Notice in terms of implementation of the Criminal Procedure Amendment Act, 2008, designating certain correctional facilities as places where audio-visual remands in criminal proceedings can take place
- A notice determining persons or categories of persons who can be used as intermediaries in terms of section 170A of the Criminal Procedure Act, 1977
- A notice to increase the amounts in terms of sections 18(3), 80(2)(a) and (b) and 90(1) of the Administration of Estates Act, 1965, and section 1(1)(c)(i) of the Intestate Succession Act, 1987
- Notices in terms of section 87 of the Child Justice Act, 2008, and section 2 of the Magistrates' Courts Act, 1944 in order to establish the Nerina One-stop Youth Centre in Port Elizabeth as a One-stop Child Justice Centre, with jurisdiction in respect of the magisterial districts/sub-districts of Port Elizabeth, Motherwell and New Brighton
- Designation of functionaries as peace officers in terms of section 334 of the Criminal Procedure Act, 1977
- A notice in terms of section 15(2A) of the Magistrates' Courts Act, 1944, determining conditions of authorisation of persons who serve court process on behalf of public bodies.

#### **Other legislative instruments submitted to the Minister for approval**

- Proclamation implementing remainder of provisions of the Sheriffs Amendment Act
- Proclamation and Notice prepared in terms of section 159B of the Criminal Procedure Act, 1977
- Proclamation implementing the South African Human Rights Commission Act, 2013
- Proclamation relating to the implementation of the Attorneys Amendment Act, 2014
- Implementation of the Criminal Procedure Amendment Act, 2008, dealing with audio-visual

postponements, in terms of which a notice relating to the designation of a correctional facility in terms of section 159B(2) of the Criminal Procedure Act, 1977 (Notice No. R941 of 10 November 2011) was amended (subordinate legislative instrument)

- Regulations in terms of section 43 of the Prevention and Combating of Trafficking in Persons Act, 2013
- Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill
- Sections 7, 8 and 9 of the Sheriffs Amendment Act, 2012 implemented
- Parts 1 and 2 of Chapter 10 of the Legal Practice Act, 2014 into operation by 31 October 2014
- Amendments to the regulations made under the Attorneys Act, 1979, relating to applications by attorneys for fidelity fund certificates
- The Legal Aid South Africa Act, 2014 into operation
- Amending regulations giving effect to the Sheriffs Amendment Act
- Debt Collectors Amendment Bill
- Judicial Matters Amendment Bill

The Department, through the South African Law Reform Commission, conducts research on certain topics to ensure the finalisation of legislation and required policies. During the year under review, nine research papers were completed as follows;

- The final draft report on Project 25: The review of legislation administered by the Department of Basic Education
- The final draft report on Project 25: The review of legislation administered by the Department of Defence and Military Veterans
- The final draft report on Project 25: The review of legislation administered by the Department of International Relations and Cooperation
- The discussion paper on Project 25: The review of legislation administered by the Department of Justice and Constitutional Development (3): The Criminal Procedure Act No. 51 of 1977

- The discussion paper on Project 25: The review of legislation administered by the Department of Trade and Industry

The purpose of all Project 25 investigations above is to review the legislation administered by a particular department, with the aim of identifying inequality, obsolescence and redundancy in the statutes administered by that department; and to propose remedial amending or repealing legislation.

- The issue paper on Project 100 (B), the review of the law of maintenance which is aimed at reviewing aspects of the Maintenance Act of 1998
- The issue paper on Project 135, the review of Witchcraft Suppression Act No. 3 of 1957 which is aimed at review of the Witchcraft Suppression Act No. 3 of 1957
- The discussion paper on Project 137, the review of the expungement of certain criminal records which reviewed the different systems followed in the keeping of criminal records and the expungement thereof
- The discussion paper on Project 138, the practice of *Ukutwala* which seeks to review the practice of *Ukutwala*, in light of the prevalence of forced marriages in some parts of the country

During the year under review, the Department prepared and submitted 21 court rules to the Rules Board for consideration and approval.

### Supreme Court of Appeal

- Review of Supreme Court of Appeal Rule 18
- General review of PAIA Rules

### High Court Rules

- Amendment of High Court Rule 10A
- Review of High Court Rule 68
- Review of High Court Rule 70

- High Court Rule 44, on personal service in matrimonial matters
- Item 3 of Section D of Uniform Rule 70
- Uniform Rule 46 and repeal of Form 21 dealing with sales in execution of immovable property
- Uniform Rule 29 dealing with service of notices of set down
- Uniform Rule 6 comprising of amendments to 6(5) (f) dealing with set down of opposed applications and Forms 2 and 2(a)

### Magistrates' Courts Rules

- Amendments to Table C of Annexure 2 of the Magistrates' Courts Rules
- Amendments of Magistrates' Courts Rule 1(4)
- Amendments of Magistrates' Courts Rule 12(1)(b)(i)
- Amendments of Magistrates' Courts Rule 58
- Amendments of form 42
- Review of Magistrates' Courts Attorney's Tariff
- Form 2A of Annexure 1 to the Magistrates' Courts Rules, dealing with provisional sentence summons
- Form 2B of Annexure 1 to the Magistrates' Courts Rules, dealing with combined summons
- Form 8 dealing with summary judgement application, essentially allowing for the launching of such applications upon serving of appearance to defend instead of delivery
- Magistrates' Courts Rules 14(1) and (2)
- Magistrates' Courts Rule 60 insertion of sub-rule 60(9), a general condonation provision for non-compliance with rules on good cause shown



**Strategic objective 19: Promote constitutional development and strengthening of participatory democracy to ensure respect for fundamental human rights**

Performance indicator		Actual achievement 2013/2014	Planned target 2014/2015	Actual achievement 2014/2015	Deviation from planned target to actual achievement for 2014/2015	Comment on deviations
19.1	Number of activities completed to improve awareness of constitutional rights awareness and to enhance participatory democracy	8	9	7	(22%)	Target not achieved.  The target to hold 6 forums between civil society and government was in error as the engagements had to be signed with civil society before forums could be held. The forums are planned for the 2015/16 financial year.
19.2	Number of activities to improve collaboration, sector coordination and policy design with respect to the delivery of justice services	-	4	4	-	Target achieved
19.3	Number of activities completed to improve capacity and engagement of civil society in constitutional rights	11	4	4	-	Target achieved
19.4	Percentage of complaints received from Chapter 9 Institutions against DOJ&CD resolved	-	70%	89%	27%	Target exceeded.  Improved monthly monitoring of performance has led to target being exceeded.

The Department coordinates and facilitates the Socio-economic Justice for All Programme (SEJA). The Programme has three key result areas:

- Improved awareness of institutional rights awareness and to enhance participatory democracy
- Improved collaboration, sector coordination and policy design with respect to the delivery of justice services
- Improved capacity and engagement of civil society in constitutional rights

DURING THE YEAR UNDER REVIEW, THE FOLLOWING WAS ACHIEVED WITH REGARD TO THE THREE KEY AREAS:

**A) Improved awareness of institutional rights awareness and to enhance participatory democracy**

Activity	Target	Achieved
Implement programmes to raise awareness and knowledge of the Constitution, particularly amongst vulnerable and marginalised groups	3 million people	7 034 752
Award grants to CSOs to promote awareness and access to socio-economic rights among the vulnerable and marginalised groups	30	35
Support policy forums/stakeholders engagements between civil society and government	6	1
Support public dialogues on various human rights issues	5	5
Support research programmes on the implementation of socio-economic rights	1	6

**B) Improved collaboration, sector coordination and policy design with respect to the delivery of justice services**

Activity	Target	Achieved
Support the work of the Community Advice Office sector through grants awarded to CAOs in the human rights sector	15	15
Implement technical support programmes within the branch	2	2
Exchange visits and study tours to explore comparative experiences and develop good practices on constitutional rights	1	1

**C) Improved capacity and engagement of civil society in constitutional rights**

Activity	Target	Achieved
Support programmes that aim at securing the long-term sustainability of the human rights CSO sector	2	2
Support innovative capacity building interventions to build active citizenry.	3	3

The Department also seeks to resolve expediently any complaints received from Chapter 9 Institutions. To this effect, during the year under review, the Department recorded 172 complaints from Chapter 9 Institutions and 153 were resolved, translating into an 89% performance.

**Strategy to overcome areas of underperformance**

The target to issue 91% of letters of appointment issued in deceased estates and that of 92% letters of authority issued

in trusts were not achieved due to teething challenges associated with the implementation of the Paperless Estate Administration System and Paperless Estate Administration for Trusts System. The Department has identified these challenges and is currently working on solution. The backlog which was caused by system challenges has also been addressed and performance was starting to improve towards the end of the year under review.

The Department continues to engage stakeholders in the finalisation of extradition and mutual legal assistance requests.

### Changes to planned targets

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

### Linking performance with budgets

During the year under review, Programme 3 spent its entire allocated budget and achieved 87% of its targets. The bulk of the budget was spent on Master of the High Court and Litigation and Legal Services subprogrammes due to the high volume of cases handled.

### Subprogramme expenditure

Subprogramme name	2014/2015			2013/2014		
	Final appropriation	Actual expenditure	(Over)/under-expenditure	Final appropriation	Actual expenditure	(Over)/under-expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
State Law Advisor	56 434	56 434	-	57 542	57 542	-
Litigation & Legal Services	346 877	346 877	-	332 774	332 774	-
Legislative Development & Law Reform	51 179	51 179	-	47 030	47 030	-
Master of the High Court	401 274	401 274	-	385 038	385 038	-
Constitutional Development	65 341	65 341	-	48 674	48 674	-
<b>Total</b>	<b>921 105</b>	<b>921 105</b>	<b>-</b>	<b>871 058</b>	<b>871 058</b>	<b>-</b>

**The Department recorded 172 complaints from Chapter 9 Institutions and 153 were resolved, translating into an 89% performance.**



#### 4.4 PROGRAMME 4: NATIONAL PROSECUTING AUTHORITY

The aim of Programme 4 is to provide a coordinated prosecuting service that ensures justice is delivered to the victims of crime through general and specialised prosecutions, removes any profit from crime, and protects certain witnesses.

The Programme consists of the following subprogrammes:

- i. National Prosecutions Service (NPS)
- ii. National Specialised Prosecutions Services (NSPS)
- iii. Asset Forfeiture Unit (AFU)
- iv. Office for Witness Protection (OWP)
- v. Support Services (SS)

The following strategic objectives were identified in this Programme, and key performances for each of these objectives are detailed in the tables below:

- i. Increased successful prosecution
- ii. Improved prosecution of cases that require specialised prosecutions
- iii. Ensure that profit is removed from crime
- iv. Ensure that threatened witnesses are successfully protected

#### Strategic objective

Strategic objective 1: Increased successful prosecution					
Strategic objective	Actual achievement 2013/2014	Planned target 2014/2015	Actual achievement 2014/2015	Deviation from planned target to actual achievement for 2014/2015	Comment on deviations
Number of criminal court cases finalised, including ADRM	505 342	473 480	503 463	6.3%	Target exceeded.  More accused successfully completed diversion programmes and more suitable cases identified for informal mediations.

All courts excelled by finalising 503 463 cases including ADRM during the reporting period. The target of 473 480 was exceeded by 6.3%, with 29 983 cases more than the target. A breakdown per forum of the cases that were finalised (including ADRM) by all courts is indicated in the

table on the following page, and a comparison is drawn with the performance during the previous financial year.

Noteworthy is the improvement in finalisation by the District Courts, constituting 92.5% of the national total. Both the Regional and High Courts recorded a reduction.

### Annual comparison of cases finalised, including ADRM: 2013/14–2014/15

Forum	2013/14	% of national	2014/15	% of national	Progress
High Courts	1 026	0.2%	978	0.2%	-4.7%
Regional Courts	39 283	7.8%	36 651	7.3%	-6.7%
District Courts	465 033	92%	465 834	92.5%	0.2%
All	505 342	100%	503 463	100%	-0.4%

The number of cases finalised is dependent on the inflow of new cases enrolled, coupled with efficient court utilisation. The number of cases enrolled decreased from 931 799 in 2013/14 to 908 364, a decrease of 2.5% year-on-year.

The average court-day utilisation decreased by 2.6%, as fewer court days were utilised coupled with a marginal reduction of 0.5% in the average court hours utilised per day. Noteworthy is the fact that the courts are on average only achieving 78.1% (3 hours 31 minutes) of the expected

4 hours 30 minutes as stated in the Chief Justice's Norms and Standards.

The number of cases removed from the roll decreased from 457 290 in 2014/15 to 435 175 in 2015. This represented a 4.8% decrease. Cases removed include withdrawals, warrants, transfers, mental referral and matters struck off the roll.

### Performance indicators

Strategic objective 1: Increased successful prosecution					
Performance indicator	Actual achievement 2013/14	Planned target 2014/15	Actual achievement 2014/15	Deviation from planned target to actual achievement 2014/15	Comment on deviations
Number of criminal court cases finalised with verdict	329 153	324 276	319 149	(-1.6%)	Target not achieved.  Reduction in court utilisation impacted negatively on the finalisation of trial cases.
Number of criminal court cases finalised through ADRM	176 189	149 204	184 314	23.5%	Target exceeded.  More accused successfully completed diversion programmes and more cases identified for informal mediations.
Conviction rate in High Courts	88.8% (911)	87% (979)	91% (890)	4%	Target achieved  Conviction rate fluctuates from year to year and the performance is in line with the performance of previous years

Strategic objective 1: Increased successful prosecution					
Performance indicator	Actual achievement 2013/14	Planned target 2014/15	Actual achievement 2014/15	Deviation from planned target to actual achievement 2014/15	Comment on deviations
Conviction rate in Regional Courts	76% (27 246)	74% (27 372)	76.6% (25 591)	2.6%	Target achieved  Conviction rate fluctuates from year to year and the performance is in line with the performance of previous years
Conviction rate in District Courts	93.6% (273 641)	87% (266 849)	94.2% (268 127)	7.2%	Target exceeded  Conviction rate fluctuates from year to year and the performance is in line with the performance of previous years
Conviction rate in organised crime	88.9% (394)	90% (420)	92.2% (474)	2.2%	Target achieved  Conviction rate fluctuates from year to year and the performance is in line with the performance of previous years
Conviction rate in sexual offences	67.1% (5 484)	67% (4 763)	69% (5 084)	2%	Target achieved  Conviction rate fluctuates from year to year and the performance is in line with the performance of previous years
Conviction rate in trio crimes	84.1% (1 597)	85% (1 563)	82% (1 453)	(3)%	Target not achieved  Conviction rate fluctuates from year to year and the performance is in line with the performance of previous years
Conviction rate in violent protests and industrial actions prosecuted	n/a	Baseline	72.7% (8)	-	Baseline data

### Number of criminal court cases finalised with verdict

The courts finalised 319 149 verdict cases with a conviction rate of 92.3% (294 608 convictions). Compared to the previous year, 10 004 (3%) fewer cases were finalised with a verdict. An analysis of this trend shows a gradual decline of 3.6% from the 2010/11 financial year. The decline correlates to a similar decline of 2.5% in the number of new cases enrolled.

Enhanced screening processes ensure quality prosecutions. The number of withdrawals is also measured to ensure quality

prosecutions and a just outcome in all cases. An analysis of the trend indicates a very positive and inspiring decline of 42.1% over a five-year period in the number of cases withdrawn. The NPA continues to put systems in place, which includes working with other stakeholders to ensure quality prosecutions.

### Number of criminal court cases finalised through ADRM

During the year under review, 184 314 cases were finalised by means of ADRM of which 3 221 (1.7% of national total) were



finalised by the Regional Courts and 181 093 cases (98.3% of national total) in the District Courts. The courts excelled by finalising 35 110 (23.5%) more cases than the target of 149 204.

Compared to the previous year, the Regional Courts finalised 214 (6.2%) fewer cases whilst the District Courts finalised 8 339 (4.8%) more cases. Overall, the courts managed to finalise 8 125 (4.6%) more cases compared to the previous year.

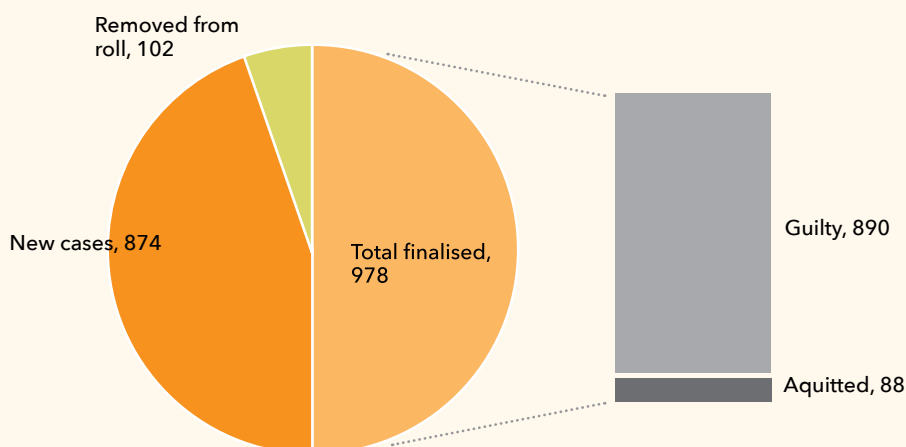
ADRM encompasses diversion and informal mediation as methods of resolving disputes between the parties. A total of 41 126 cases were diverted after enrolment, a total of 5 882 cases were diverted before enrolment in terms of the Child

Justice Act (CJA) and 137 306 cases were successfully mediated on an informal basis. A focused approach on alternative measures to reduce trial cases resulted in a 4.6% improvement in the number of cases finalised through alternative dispute resolution methods compared to the total of 176 189 cases of the previous financial year.

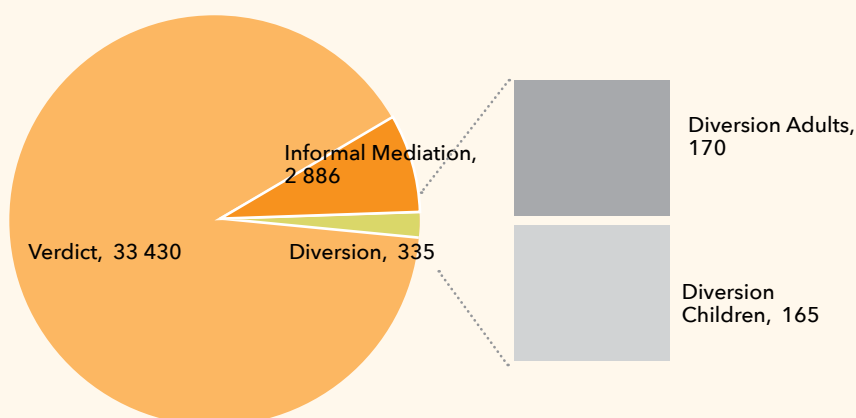
### Conviction rate and progress of High Courts

The High Courts enrolled 874 new cases and finalised 978 cases. The number of cases finalised with a verdict decreased by 4.7% from the previous year. The percentage of backlog cases decreased from 34% to 26.4%. The High Courts also managed to achieve a high conviction rate of 91%.

### Case management by High Courts



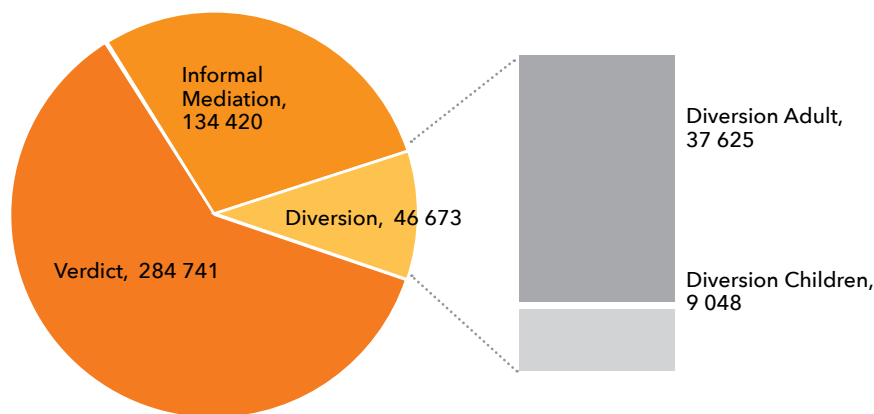
### Cases finalised by Regional Courts including ADRM



The Regional Courts enrolled 61 540 cases, which is 6 017 (8.9%) less than the 67 557 new cases enrolled during the previous year. The courts finalised 36 651 cases, comprising 33 430 verdict cases (91.2% of the total finalised cases) with a conviction rate of 76.6% and 3 221 ADRM cases (8.8% of

the total finalised cases). This represents a finalisation rate of 0.5 cases per court per day. The reduced inflow of cases, coupled with a reduction in court utilisation, resulted in reducing the cases finalised – 6.7% (2 632) fewer cases finalised.

### Conviction rate and progress of District Courts Cases finalised by District Courts including ADRM



The District Courts enrolled 845 950 new cases, which is 17 414 (2%) fewer than the 863 364 the previous year. The courts finalised 465 834 cases, comprising 284 741 verdict cases (61.1% of the total finalised cases) and 181 093 ADRM cases (38.9% of the total finalised cases). This represents a finalisation rate of 2.8 cases per court per day.

High conviction rates were maintained during this reporting period and a conviction rate of 94.2% was achieved. The number of finalised cases, including ADRM, was 465 834 compared to 465 033 finalised during 2013/14, representing a 0.2% increase (801 cases).

### Conviction rate in organised crime

The NPA's focus on organised crime achieved an outstanding conviction rate of 92.2%, which is 2.2% above the target and an increase of 3.5% compared to the previous year. The prosecutors seized with the prosecution of organised crime achieved 474 convictions, which is an increase of 20.3% on the number of cases finalised with guilty verdict during the previous financial year.

- Eleven cases involving racketeering and/or money laundering charges were finalised with verdicts (eight of these cases were finalised with guilty verdicts, and the remaining three were acquittals).
- Five cases involving money laundering were finalised with verdicts (they were all finalised with guilty verdicts).
- Three cases involving gang-related activities charges were finalised with verdicts (two of these cases with guilty verdicts, and the remaining one was an acquittal).

With regard to environmental crimes, the number of cases finalised with a verdict increased from the previous year by 60.6% – from 165 to 265 cases. The conviction rate also increased from 86% to 94.7%. Specific attention on illegal hunting, dealing and possession of rhino and rhino horns, ivory, abalone, cycads, waste and pollution cases are amongst the prioritised focus areas that impact on the environment.

### Conviction rate in sexual offences

In accordance with the Presidential Directives to enhance the focus on sexual offences matters through the establishment of dedicated courts, the NPA has shown its commitment by finalising 7 372 sexual offences verdict cases with an improved conviction rate of 69%. Not only was the conviction rate target of 67% exceeded by 2%, but an overall improvement was maintained throughout the year.

A multi-disciplinary approach followed by provincial structures established with stakeholders from the Department of Justice and Constitutional Development, Legal Aid South Africa, SAPS, the Department of Health (DoH) and NPA have contributed to the achievement in finalising and improving the conviction rate in sexual offence cases.

A comparison with the previous year indicates improved conviction rates and a decline in the number of cases finalised.

### Conviction rate in trio crimes

Pursuant to the reduction in the levels of trio crimes, one of the MTSF priorities for 2014/15, the NPA has contributed by focusing mainly on the prosecution of these matters. A total of 1 772 cases comprising 4 729 trio counts were finalised with a conviction rate of 82%.

The NPA has therefore not achieved the set target of 85%. There was an improvement in performance towards the end of the financial year as a result of cooperation between all role players. This should be built on in the new financial year.

It should be noted that trio crimes are prosecuted mainly in the Regional Courts where the average conviction rate for the year was 76.6%. A breakdown of the categories compared to the previous year indicates an increase in the prosecution of vehicle robbery cases as opposed to the decline in the other two trio crime categories. Fewer counts were also dealt with in all three categories.

### Strategic objective

Strategic objective 2: Improved prosecution of cases that require specialised prosecutions					
Strategic objective	Actual achievement 2013/2014	Planned target 2014/2015	Actual achievement 2014/2015	Deviation from planned target to actual achievement for 2014/2015	Comment on deviations
Conviction rate in complex commercial crime	93.9% (1 099)	93% (919)	94.3% (1 069)	1.3%	Target achieved  Conviction rate fluctuates from year to year and the performance is in line with the performance of previous years
Number of operational TCCs	38	50	44	-12%	Target not achieved  Delays in finalising the recruitment process

### Conviction rate in complex commercial crime

The NPA maintained a conviction rate of 94.3% against a target of 93% in all commercial crime courts. The methodology of prosecutor-guided investigation contributed to the high conviction rate, as the SAPS and

the prosecution worked as a team to ensure the effective and efficient investigation and prosecution of cases. The thorough screening of cases prevents 'deadwood' cases that have no reasonable prospect of success from being placed on the court rolls. The highly skilled personnel also contributed in achieving the target. The system of co-

location with the police and courts also played an important role in the expeditious finalisation of cases.

#### Number of Thuthuzela Care Centres (TCCs)

The number of operational sites providing services in line with verification criteria increased from 38 to 44. The number of matters reported at TCCs decreased slightly by 304 (1%), from 30 706 to 30 402 in comparison to the previous financial year.

#### Performance indicators

Strategic objective 2: Improved prosecution of cases that require specialised prosecutions					
Performance indicator	Actual achievement 2013/14	Planned target 2014/15	Actual achievement 2014/15	% Deviation from planned target to actual achievement 2014/15	Comment on deviations
Number of persons convicted of corruption or offences related to corruption where the amount benefited per case is more than R5m	21 (63)	20 (20)	23 (23)	15%	Target exceeded.  Focus on serious corruption – more cases received from SAPS and NPS which resulted in more persons convicted than benefited.
Number of government officials convicted of corruption or offences related to corruption <sup>6</sup>	73	180 (712)	130	-27.8%	Target not achieved.  Time to finalise cases is long.
Conviction rate in cybercrime prosecution	94.8% (211)	74% (189)	95.1% (232)	21.1%	Target exceeded.  Conviction rate fluctuates from year to year and the performance is in line with the performance of previous years.
% of cases reported at a TCC that are referred to court for prosecution	n/a	51% (7 863)	47.3% (6 845)	-3.7%	Target not achieved.  Substantial increase in non-arrest dockets.
Conviction rate in PCLU <sup>7</sup>	n/a	80% (4/5)	67% (2/3)	-13%	Target not achieved.  Conviction rate fluctuates from year to year.
Percentage of legal opinions provided to the NDPP within 20 days	n/a	100%	100%	0%	Target achieved

<sup>6</sup> The indicator changed from JCPS officials to government officials

<sup>7</sup> This is the new indicator

### **Number of persons convicted of corruption or offences related to corruption where the amount benefited per case is more than R5m**

In partnership with the Anti-Corruption Task Team (ACTT), the NPA has achieved the target and convicted more accused persons than planned. Various interventions, which included amongst others, the workshop to reflect on methods of addressing corruption, the joint strategy between NPA and SAPS as well as monitoring and management of these cases, led to target being exceeded.

### **Number of government officials convicted of corruption or offences related to corruption**

During the year under review, 130 government officials were convicted of corruption or offences related to corruption. Three accused employed by the NPA were convicted in the year.

### **Conviction rate in cybercrime prosecutions**

In line with MTSF, special focus was placed on the prosecution of cybercrime cases in order to curb this growing international phenomenon. Although new technologies create new criminal opportunities rather than new crime types, cybercrime is an extension of an ordinary crime committed within cyberspace where information and communication technologies are used as an instrument, targets or as a means of perpetuating further crimes.

During the year under review, the NPA improved the prosecution of cybercrime cases by finalising 16% (32) more cases than in the previous year. A total of 244 cybercrime cases was finalised with a conviction rate of 95.1%.

### **Conviction rates in the prosecution of sexual offences reported at TCCs**

Matters reported at Thuthuzela Care Centres (TCCs), as a result of which police dockets were opened, are submitted to TCC case managers for prosecutor-guided investigations. Once these cases are trial- and court-ready, they are referred for prosecution. A total of 6 845 cases reported at TCCs were

referred to court for prosecution. The percentage of cases reported at TCCs where case managers are appointed that were referred to court for prosecution decreased during 2014/15 to 47.3% from 49.2% in 2013/14. This is due to a considerable increase in the number of non-arrest dockets and "stranger rapes" reported at a number of sites.

Therefore, the aforementioned will have a negative impact on the number of cases that are trial- and court-ready, resulting in fewer cases being referred to court for prosecution. It will also impact negatively on the actual number of cases being finalised in court in comparison to the previous financial year.

The NPA embarked on a focused intervention regarding sexual offences reported at TCCs, to ensure the improvement in the prosecution of these cases with the cooperation of relevant stakeholders. Hence, the conviction rate in the prosecution of sexual offences reported at TCCs in 2014/15 was 68.4%, which is significantly higher than the target of 65% (3.4%). It is also an improvement in the conviction rate of 2.5% compared to 2013/14 (65.9%).

The performance of the TCCs is closely monitored and discussed at the provincial oversight committee meetings which aim to address concerns and challenges in respect of those sites that are not achieving the targets with relevant stakeholders.

### **Conviction rate in Priority Crime Litigation Unit (PCLU)**

The PCLU is a specialist prosecuting unit in the Office of the National Director, with specific expertise in the prosecution of complex litigation falling within its mandate, as per a proclamation issued by the President, and coordinates the prosecution of matters within its mandate in consultation with the relevant DPP. The PCLU continued to execute its mandate in managing investigations and prosecuting serious national and international crimes, along with functions assigned to it by the National Director.

During the year under review, the Unit achieved a conviction rate of 67% (two out of three) on cases prosecuted by the PCLU. Furthermore, 15 decisions were finalised and all requests for legal opinions were finalised within 14 days of receiving the request.

**Percentage of legal opinions provided to the NDPP within 20 days**

During the year under review, the LAD received 772 civil actions compared to the 669 civil actions that were received in 2013/14. This is an increase of 15.4%. The NPA also received and dealt with 141 applications compared to 42

received in the previous financial year. In addition, 23 civil actions and 20 civil applications where the NPA was cited were finalised. During this period, 57 discovery affidavits were drafted and settled. Numerous consultations were attended with counsel, state attorney and prosecutors involved in the cases.

**Strategic objective**

Strategic objective 3: Ensure that profit is removed from crime					
Strategic objective	Actual achievement 2013/14	Planned target 2014/15	Actual achievement 2014/15	% Deviation from planned target to actual achievement 2014/15	Comment on deviations
Number of completed forfeiture cases	390	324	463	42.9%	Target exceeded.  Increased productivity and increase in smaller orders from good collaboration with WCP DPP.
Value of freezing orders (Rm)	R701.5m	R755m	R2 756m	265%	Target exceeded.  1 case of R1 486m and 3 of over R100m done. Focus on high-value cases, improved investigation of such cases by Hawks and SIU at ACTT, increased use of non-conviction based forfeiture to speed up cases.

**Number of completed forfeiture cases**

During the year under review, the NPA completed 463 forfeiture cases. The number of confiscation orders in relatively small cases increased by about 90 cases per year over the last four years. This performance indicated an 18.7% improvement from performance of 390 during 2013/14 financial year. The performance exceeded the annual target of 324 by 42.9%. The performance has improved by 53.3% over the last two years.

The strategy of doing more cases through Chapter 6 of POCA, which does not require a conviction, has enabled the NPA to finalise matters faster as it does not have to wait for the finalisation of the criminal case.

**Value of freezing orders**

During the year under review, freezing orders to the value of R2.8 billion were obtained, exceeding the annual target of R755 million by 265% and last year's performance by 293%.

This outstanding performance is the result of the strategy of focusing on high-value cases, and working more closely with the DPCI, SIU and ACTT which assisted in finalising investigations in big cases more speedily and effectively. Overall, 81% of the total value of freezing orders came from ACTT cases.



## Performance indicators

Strategic objective 3: Ensure that profit is removed from crime					
Performance indicators	Actual achievement 2013/14	Planned target 2014/15	Actual achievement 2014/15	Deviation from planned target to actual achievement 2014/15	Comment on deviations
Number of freezing orders	363	281	342	21.7%	Target exceeded.  Focus on resolving inhibiting factors with partners.
Value of completed forfeiture cases	R296.4m	R180m	R1.940bn	977%	Target exceeded.  1 case of R1486m and 4 cases of over R60m done. Focus on high-value cases, improved investigation of such cases by Hawks and SIU at ACTT, increased use of non-conviction based forfeiture to speed up cases.
Number of completed forfeiture cases re JCPS prosecutions for corrupt activities	5	12	11	-8.3%	Target not achieved.  Insufficient cases with significant benefit referred.
Value of freezing orders relating to corruption or offences related to corruption where the amount benefited per case is more than R5 million	R451.6m (R1.466bn)	R700m (R2.166bn)	R2 235m (R3.701bn)	219%	Target exceeded.  1 case of R1486m and 2 cases of over R100m done. Focus on high-value cases, improved investigation of such cases by Hawks and SIU at ACTT, increased use of non-conviction based forfeiture to speed up cases.
Value of payments to victims of crime in terms of court orders obtained in terms of POCA	R84.36m	R65m	R1.658bn	2 451%	Target exceeded.  1 case of R1486m and 4 cases of over R60m done. Focus on high-value cases, improved investigation of such cases by Hawks and SIU at ACTT, increased use of non-conviction based forfeiture to speed up cases.
Success rate	94.2% (423/449)	93% (301)	95.1% (442/465)	2.1%	Target achieved.  Focus on quality assurance and more use of non-conviction based forfeiture to reduce risk in big cases.

Strategic objective 3: Ensure that profit is removed from crime					
Performance indicators	Actual achievement 2013/14	Planned target 2014/15	Actual achievement 2014/15	Deviation from planned target to actual achievement 2014/15	Comment on deviations
Value of recoveries in relation to corruption where the amount benefited is more than R5 million (proceeds of crime in government losses)	n/a <sup>8</sup>	R30m (R30m)	R1 553m	5 078%	Target exceeded.  Cases of R1 486m and R63m done. Increased focus on high-value cases, improved investigation of such cases by Hawks and SIU at ACTT and increased use of non-conviction based forfeiture to speed up cases.
Value of recoveries for government officials convicted of corruption and other related offences (proceeds of crime in government)	n/a <sup>9</sup>	R100 000 (R100 000)	R11.1m	10 964%	Target exceeded.  Several recoveries of more than R1m due to increased focus on high-value cases, improved investigation of such cases by Hawks and SIU at ACTT and increased use of non-conviction based forfeiture to speed up cases.

### Number of freezing orders

The NPA has continued to implement its corrective measures to increase productivity and resolve inhibiting factors with its partners, and has achieved its performance obtaining 342 orders. This performance exceeded the annual target of 281 by 21.7%.

### Value of completed forfeiture cases

The NPA achieved its performance target, obtaining forfeiture and confiscation orders to the value of R1.94 billion, which is 554% higher than the previous performance in 2013/14. This performance exceeded the annual target of R180 million by 977%.

The improved performance is as a result of good cooperation with the Hawks, SIU at the ACTT, as well as the strategy of focusing on high-value cases and doing more cases through non-conviction based forfeiture.

### Number of completed forfeiture cases re JCPS prosecutions for corrupt activities

During the year under review, the NPA obtained 11 completed forfeiture cases with regard to JCPS prosecutions for corrupt activities. Although the annual target was not achieved, there was an improvement in performance as compared to the 5 which were achieved during the 2013/14 financial year. Fewer cases were referred, thus leading to performance not being achieved.

### Value of freezing orders relating to corruption or offences related to corruption where the amount benefited per case is more than R5m

The NPA achieved its performance in obtaining freezing orders to the value of R2 235 million, exceeding the previous performance of R451.6 million in 2013/14 by 395%. This performance also exceeded the annual target of R700 million by 219%.

<sup>8</sup> A new indicator in the MTSF 2014-2019 – no historical data available

<sup>9</sup> A new indicator in the MTSF 2014-2019 – no historical data available

### **Value of payments to victims of crime in terms of court orders obtained in terms of POCA**

The NPA obtained its performance target, making payments to victims to the value of R1.658 billion. This performance exceeded the annual target of R65 million by 2 451% and was 1 866% above the performance in 2013/14. Measures such as focusing on high-value cases, better investigation of high-value cases and increased use of non-conviction based forfeiture to speed up cases contributed to this success.

It is important to consider the total payments to victims and the payments to the Criminal Assets Recovery Account (CARA) as it represents the total amount recovered by the AFU. The AFU deposited R58.2 million into CARA, 10.4% below its internal target. The total of payments to CARA and victims was an exceptional R1.717 billion, a substantial 839% above its previous best amount of R182.8 million.

Over the six years to 2012/13, the NPA paid an average of about R90 million per year to CARA or to victims; while its average expenditure was R95 million per year over the period.

In the past two years it paid an average of about R950 million per year to CARA or to victims, while its average expenditure was R157 million per year over the period.

### **Success rate**

A success rate of 95.1% was achieved, exceeding the target of 93%. This performance also exceeded the performance of last year with an improvement of 0.9%. The target was achieved by an increased internal focus on quality assurance, and more use of non-conviction-based forfeiture to reduce the risk of losing, especially in big cases. This assisted the NPA in reducing the number of cases lost for factors beyond the control of the unit.

### **Value of recoveries in relation to corruption where the amount benefited is more than R5 million (proceeds of crime and government losses)**

During the year under review, the NPA achieved its performance, making payments to victims or CARA of

R1 553 million, exceeding the target by 5 078%. The performance was largely due to one very big order of R1.486 million. This performance is mainly the result of strategies to focus on high-value cases, improved investigation of big cases at the ACTT, and increased use of non-conviction-based forfeiture to speed up cases.

### **Value of recoveries from government officials convicted of corruption and other related offences (proceeds of crime in government)**

Recoveries relating to government officials convicted of corruption and related offences to the value of R11, 064 million were made, exceeding the annual target of R100 000 by 10 964%. This was due to several big recoveries of more than R1 million in cases being finalised and is the largest recovery ever by the AFU.

This is a new indicator, and it became clear that the target had been set too low. This is because there was limited historical data available to set a realistic target for the ACTT when this was done some time ago in the government's Medium Term Strategic Framework.

The focus on high-value cases, improved investigation of big cases at the ACTT, and an increased use due to non-conviction-based forfeiture to speed up cases, contributed to the target being exceeded.

**Strategic objective**

Strategic Objective 4: Ensure threatened witnesses are successfully protected					
Strategic objective	Actual achievement 2013/2014	Planned target 2014/2015	Actual achievement 2014/2015	Deviation from planned target to actual achievement for 2014/2015	Comment on deviations
Number of witnesses harmed, threatened or killed whilst on the witness protection programme	0	0	0	0	Target achieved.  Effective Ops Model and Ops Planning.

**Number of witnesses harmed, threatened or killed while on the witness protection programme (WPP)**

During 2014/15, the OWP maintained its performance record for the last 13 years in ensuring that no witnesses were threatened or killed while on the witnesses protection programme.

**Performance indicator**

Strategic objective 4: Ensure threatened witnesses are successfully protected					
Performance indicator	Actual achievement 2013/2014	Planned target 2014/2015	Actual achievement 2014/2015	Deviation from planned target to actual achievement for 2014/2015	Comment on deviations
% of witnesses that walked off the witness protection programme	3.7 % (12)	1.5%	1.2% (4)	-0.3%	Target exceeded.  Witness management through induction processes and continued interaction with the witnesses and their related persons.

**Percentage of witnesses that walked off the WPP**

Four witnesses who no longer wanted to be on the programme, left the programme voluntarily, and without notice. This is 1.2% of the total number of witnesses on the programme, against a target of 1.5%. In terms of the Witness Protection Act, witnesses and related persons must voluntarily agree to be admitted into the WPP and sign a protection agreement.

The NPA, guided by section 41 of the Constitution, has very high levels of cooperation with its partners and stakeholders. The outcome of this high level cooperation is that 13 life terms and 238 sentences of direct imprisonment were imposed in cases in which witnesses on the WPP have testified.

During the year under review, 178 witnesses and 156 related persons joined the programme. The total number of

witnesses and related persons managed during the period in witness protection, including the 146 witnesses and 159 related persons carried over from 2013/14, was 639. Guided by the intention of the Witness Protection Act, and the values and ethos of the Constitution, 149 witnesses and related persons (67 witnesses and 82 related persons) were successfully discharged and resettled. 77 witnesses signed off the witness protection programme and their reasons for signing off the programme were captured. No formal grievances were laid.

### Strategy to overcome areas of underperformance

The success of the implementation of the NPA strategy lies in individual and enterprise performance management (EPM). The NPA will ensure that individual performance, reward and recognition are aligned to the NPA strategic objectives. There is a continued strong focus on monitoring performance at all levels in the NPA, which will continue.

The EPM committee was revived in order to address areas of non-performance. This committee adopted a monitoring and evaluation approach whereby the practice of monthly meetings at business unit level and lower was introduced to monitor

and evaluate performance at various levels. The committee meets quarterly and business units are invited to present their performance and then propose intervention strategies. Regular feedback on these implemented strategies is provided to the committee. Individual performance is linked to business unit performance in order to synergise efforts to improve outputs.

There has been a shift in focus from measuring outputs to outcomes-based measurement (as opposed to output measurement). The outcomes-based performance measurement system is being institutionalised in the organisational culture. The work for every function has been defined in the form of performance agreements and job descriptions, and their performance is assessed in line with these functions.

### Changes to planned targets

The NPA submitted an amended the NPA APP on 31 August 2014. The amended plan was based on the revised MTSF for the 2014-2019 electoral term. In summary, the following amendments were made to the plan.

## PROGRAMME PERFORMANCE INDICATOR AND ANNUAL TARGETS 2014/15: STRATEGIC OBJECTIVE 1

NPA strategic objective 1: Increased successful prosecution		
Performance indicator	Target 2014/15	Reasons for change
Conviction rate in violent protests and industrial actions prosecuted	Baseline	A new programme performance indicator was added with a baseline target to align to the MTSF

## PROGRAMME PERFORMANCE INDICATOR AND ANNUAL TARGETS 2014/15: STRATEGIC OBJECTIVE 2

Strategic objective 2: Improved prosecution of cases that require specialised prosecutions		
Amended/new performance indicator	Previous indicator	Reasons for change
Number of persons convicted for corruption or offences related to corruption where the <b>amount benefited</b> per case is more than R5m	The indicator previously read as " <b>the amount involved</b> "	A new programme performance indicator was rephrased to align to the MTSF

Strategic objective 2: Improved prosecution of cases that require specialised prosecutions		
Amended/new performance indicator	Previous indicator	Reasons for change
Number of <b>government</b> officials convicted for corruption and related offences	The indicator previously read as "Number of <b>JCPS</b> officials convicted for offences related to corruption"	A programme performance indicator was rephrased to align to the MTSF

An additional two performance indicators and targets were added to the APP to reflect the performance of the units which were previously not reflected in the annual performance plan (see table below).

#### AMENDED/NEW PERFORMANCE INDICATOR AND ANNUAL TARGETS 2014/15: PCLU & LAD

Performance indicator		
Amended/new performance indicator	Target 2014/15	Reasons for change
Conviction rate in PCLU	80%	Additional two performance indicators and targets were added in the APP to reflect the performance of the units which were previously not reflected in the annual performance plan
Percentage of legal opinions provided to the NDPP within 20 working days	100%	

Under the NPA strategic objective 3, two performance indicators and targets were added to serve as deterrents and to contribute to ensuring a corruption-free society.

#### AMENDED/NEW PERFORMANCE INDICATOR AND ANNUAL TARGETS 2014/15: NPA STRATEGIC OBJECTIVE 3

NPA strategic objective 3: Ensure that profit is removed from crime		
Amended/new performance indicator	Target 2014/15	Reasons for change
Value of recoveries relating to corruption where the amount benefited is more than R5 million (proceeds of crime and government losses)	R30m	Performance indicator and targets were added to serve as deterrence and contribute to ensuring a corruption-free society
Value of recoveries for government officials convicted of corruption and other related offences	R100 000	Performance indicator and targets were added to serve as deterrence and contribute to ensuring a corruption-free society



### Linking performance with budgets

The expenditure contributed to the achievement of the outputs indicated above. The primary focus of the NPA is public prosecution, and 66% of the total allocation was spent

on National Prosecutions Service. The Asset Forfeiture Unit spent R85 million on curator expenses during the 2013/14 financial year compared to R31 million during the 2014/15 financial year. Support Services provides centralised services such as security, fleet, facilities and IT services.

### Subprogramme expenditure

	2014/2015			2013/2014		
Subprogramme name	Final appropriation	Actual expenditure	(Over)/under-expenditure	Final appropriation	Actual expenditure	(Over)/under-expenditure
R'000	R'000	R'000	R'000	R'000	R'000	R'000
National Prosecutions Service	2 144 150	2 144 150	-	1 990 747	1 990 747	-
National Specialised Prosecutions	269 485	269 485	-	241 352	241 352	-
Asset Forfeiture Unit	133 568	133 568	-	179 789	179 789	-
Office for Witness Protection	160 737	160 737	-	146 471	146 471	-
Support Services	546 183	546 183	-	509 805	509 805	-
<b>Total</b>	<b>3 254 123</b>	<b>3 254 123</b>	-	<b>3 068 164</b>	<b>3 068 164</b>	-

**The NPA secured a 94.3% conviction rate in complex commercial crime.**



#### 4.5 PROGRAMME 5: AUXILIARY AND ASSOCIATED SERVICES

The purpose of Programme 5 is to provide a variety of auxiliary services associated with the Department's aim and to fund transfer payments to the South African Human Rights Commission, the Office of the Public Protector, Legal Aid South Africa, the Special Investigation Unit, the Represented Political Parties' Fund and President's Fund. These entities report separately.

Within this Programme, there is a subprogramme: Justice Modernisation which is responsible for the design and implementation of IT infrastructure for integration of business processes within the Criminal Justice System. An amount of R52.7 million within this subprogramme was

allocated to the Department to establish a programme management office and for the implementation of projects within the Department that will contribute to the integration of the Criminal Justice System.

##### Strategic objectives

The following strategic objective was identified for work that is implemented by the Department, and key performance indicators of this objective are detailed in the table below:

20. Implementation of the Integrated Justice System in line with the National Development Plan

##### Performance indicators

Strategic objective 20: Implementation of the Integrated Justice System in line with the NDP						
Performance indicator		Actual achievement 2013/2014	Planned target 2014/2015	Actual achievement 2014/2015	Deviation from planned target to actual achievement for 2014/2015	Comment on deviations
20.1	Percentage of the CJS performance dashboard completed	-	100%	100%	-	Target achieved
20.2	Percentage of the ICMS cases outcome completed	-	100%	100%	-	Target achieved
20.3	Percentage of IJS Programme Management Framework & Methodology completed	-	100%	100%	-	Target achieved
20.4	Percentage of the IJS PMO structure capacitated	-	100%	100%	-	Target achieved

The Integrated Justice System Programme aims at ensuring effective management and sharing of information amongst all role players within the criminal justice process in order to bring about efficiencies and effectiveness using technology as an enabler and

ultimately fostering public confidence in the Criminal Justice System (CJS).

The Department monitors progress towards the development of the CJS performance dashboard system

which measures the CJS's 28 key performance indicators as approved by Cabinet. During the year under review, the system development was completed for 14 of the 28 KPIs. In addition, the system was piloted and deployed.

Furthermore, progress towards the development of the Integrated Case Management System case outcome, which entails the transmission of criminal case outcomes through the integration platform, was planned for completion during the year under review. During the year under review, the system development as well as the testing of the system at pilot sites was completed. The system has been deployed to 22 sites where it is being stabilised and support provided.

In order to improve accountability and efficiency of delivery, the Project Management Governance Framework and Methodology has to be completed. During the year under review, the development of Programme Management Framework and Methodology were completed. The software tools have been set up and installed.

The Programme Management Office had to be capacitated to accelerate delivery of the integrated information system.

During the year under review, 14 posts were filled to capacitate the IJS PMO structure, translating into 100% performance.

### Changes to planned targets

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

### Linking performance with budgets

During the year under review, the subprogramme Justice Modernisation spent 86% of its budget and achieved 100% of its planned targets. The underspending was due to a delay in the implementation of the Integrated Justice System and Criminal Justice System, which in turn was due to a delay in initiating procurement processes by partner departments. The Project Management Office also had to be capacitated with skilled personnel who will be able to manage and implement the project.

### Subprogramme expenditure

Subprogramme name	2014/2015			2013/2014		
	Final appropriation	Actual expenditure	(Over)/under-expenditure	Final appropriation	Actual expenditure	(Over)/under-expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
Justice Modernisation	962 734	824 152	138 582	726 148	606 107	120 041
<b>Total</b>	<b>962 734</b>	<b>824 152</b>	<b>138 582</b>	<b>726 148</b>	<b>606 107</b>	<b>120 041</b>

## 5. TRANSFER PAYMENTS

## 5.1 TRANSFER PAYMENTS TO PUBLIC ENTITIES

Name of public entity	Services rendered by public entity	Amount transferred to public entity (R'000)	Amount spent by public entity (R'000)	Achievements of public entity
Legal Aid South Africa	Renders or makes available legal aid to indigent persons and provides legal representation at the state's expense	1 504 708	1 504 708	Confirmed by the Auditor-General
Special Investigating Unit	Provides professional forensic investigations and litigation services to all state institutions at national, provincial and local levels	296 813	296 813	Confirmed by the Auditor-General

## 5.2 TRANSFER PAYMENTS TO ALL ORGANISATIONS OTHER THAN PUBLIC ENTITIES

The table below reflects the transfer payments made for the period 1 April 2014 to 31 March 2015.

Name of transferee	Type of organisation	Purpose for which funds were used	Did the dept. comply with s 38(1)(j) of the PFMA	Amount transferred (R'000)	Amount spent by entity (R'000)
Vehicle licences	Municipal payments	Renewal of vehicle licences		587	587
Foreign Government/ International organisation	Foreign Government	Subscription fees		23 930	23 930
TV licence renewal	SABC	TV licence renewal		77	77
Households	Payments for leave gratuity & claims against the state	Payments for leave gratuity & claims against the state		153 518	153 519
Public Protector South Africa	Constitutional institution	Funds the Public Protector of South Africa, who investigates any alleged improper conduct in state affairs, public administration, or any sphere of government as well as any conduct that results in any impropriety or prejudice		217 584	217 584
South African Human Rights Commission	Constitutional institution	Funds the South African Human Rights Commission, which promotes and monitors the observance of human rights in South Africa		130 136	130 136

## 6. CONDITIONAL GRANTS

- a) Conditional grants and earmarked funds paid  
There are no conditional grants paid by the Department.
- b) Conditional grants and earmarked funds received  
There are no conditional grants received by the Department.

## 7. DONOR FUNDS

### Donor funds received

The Department is grateful for the assistance received in cash and in-kind from the following organisations in the financial year under review:

Name of donor	Government of the Swiss Confederation
Full amount of the funding	R10 000 000
Period of the commitment	March 2011 – December 2016
Purpose of the funding	Transformation of Small Claims Courts by:  Capacitating court officials and commissioners through training, ensuring accessibility by further establishment of these courts especially in rural areas; and legislative amendments
Expected outputs	Small Claims Courts that are accessible and service-oriented with systems and procedures that are understandable to everyone through properly trained commissioners and professional staff
Actual outputs achieved	127 out of 150 commissioners for Small Claims Courts were trained during this period  Small Claims Courts in the following regions have been established: Howick, KZN and Khayelitsha, Western Cape  The draft of the Revised Guidelines for Clerks and Commissioners has been produced and a Service Provider is being appointed for editing and formatting
Amount received in current period	R10 million
Amount spent by the Department	R7 862 226
Reasons for the funds unspent	Expenditure was on track by the end of the 2014/15 financial year
Monitoring mechanism by the donor	The donors attend the National Steering Committee on Small Claims Courts on a quarterly basis where the Project Plan and the Financial Reports are standard agenda items. The Committee monitors the implementation of the plan and the proper utilisation of funds

Name of donor	European Union
Full amount of the funding	Euros 25 million
Period of the commitment	November 2014
Purpose of the funding	<ul style="list-style-type: none"> <li>i. To support programmes to increase awareness and knowledge of Constitutional rights</li> <li>ii. To Increase access to justice for vulnerable and marginalised groups</li> <li>iii. To support programmes to enhance participatory democracy and strengthening the capacity of the community-based organisations</li> </ul>
Expected outputs	<p>45 new Advice Offices to be established</p> <p>50 Service Level Agreements (SLAs) signed with existing Community Advice Offices (CAOs) to strengthen their capacity</p> <ul style="list-style-type: none"> <li>i. Number of people reached through Popular Education Programme on Equality Act (PEPUDA)</li> <li>ii. Training programmes on Restorative Justice and on Alternative Disputes Resolution</li> <li>iii. 10 000 refugees, asylum seekers and undocumented migrants having benefited from community support services</li> <li>iv. 10 public policy dialogues in collaboration with SABC</li> <li>v. 8 public policy dialogues on various human rights issues</li> </ul>
Actual outputs achieved	The Foundation achieved 98% of the indicators set, barring those related to the final evaluation of the Programme
Amount received in current period (R'000)	€250 million
Amount spent by the Department (R'000)	No funds were spent by the Department
Reasons for the funds unspent	All the funds were transferred to the Foundation for Human Rights
Monitoring mechanism by the donor	Quarterly progress reports which contain the narrative as well as the financial information were presented to the Department by the Foundation for Human Rights. In addition, the Department, EU and FHR held quarterly working group meetings where progress was reported

Name of donor	GIZ/Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) (Germany)
Full amount of the funding	Technical assistance
Period of the commitment	2001 – 2017
Purpose of the funding	Lead the coordination and promotion of the implementation of the Promotion of Administrative Justice Act, 2000 (PAJA) in all the three spheres of government
Expected outputs	An overall systematic implementation of the PAJA by organs of state (government departments and municipalities), a display of awareness, understanding, and equivalent behavioural conduct/ administrative practices by organs of state



Name of donor	GIZ/Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) (Germany)
Actual outputs achieved	<p>PAJA is mainstreamed into the decision-making processes of selected state institutions (departments and municipalities)</p> <p>In the Eastern Cape, cooperation has begun in the area of learner transport. This task is carried out by the Department of Education working together with the Department of Transport. The consultants have started their cooperation with both departments in order to mainstream the PAJA into the relevant business processes. A number of meetings on different levels took place that allowed the consultants to start mapping the process. In a subsequent step, the consultants will propose SOPs that incorporate legal obligations deriving from PAJA into the processes</p> <p>In the process of mainstreaming the PAJA into the processes around learner transport in the Eastern Cape, capacitating the administrators through hands-on support has continued</p>
Amount received in current period (R'000)	Technical support
Amount spent by the Department (R'000)	Technical support
Reasons for the funds unspent	N/A
Monitoring mechanism by the donor	Quarterly reports were presented to the Department. The technical operating committee was convened by the donor on a quarterly basis with all departments involved in the implementation of PAJA

Name of donor	United States Agency for International Development (USAID)
Full amount of the funding	Technical assistance
Period of the commitment	2012 – 2017
Purpose of the funding	Increasing awareness to victims and survivors of sexual assault in South Africa
Expected outputs	<p>Establishing 4 new Thuthuzela Care Centres by building new centres and renovating and re-equipping existing facilities</p> <p>Using nationwide financial and administrative capacity. Foundation for Professional Development (FPD) to support NPA in the disbursement of grants to NGO service providers to enable access to comprehensive services</p>

Name of donor	United States Agency for International Development (USAID)
Actual outputs achieved	<p>Together with Sonke Gender Justice Network, the Soul City Institute conducted 24 community dialogues in Gauteng and Limpopo. Soul City and Sonke Gender Justice conducted dialogue in the same precincts at approximately the same time and will complement one another. Soul City dialogues focused on the community at large, while Sonke specifically engaged men</p> <p>Posters were produced in the 11 official languages and distributed, based on formative research by Soul City Institute</p> <p>The packages contain information about the TCCs and Gender-based Violence and all pamphlets and posters developed under the project were distributed at the meetings during the month of October 2014</p> <p>500 Soul Buddyz Club child abuse modules and 20 000 TCC posters were printed and distributed to all primary schools</p> <p>Two radio PSAs in language were launched, 60 community radio shows were done</p> <p>Link Mxit to services in 16 Days of Activism (17 000 additional members)</p> <p>Flight 10 Soul City TV drama, each episode reaching more than 6 million people</p>
Amount received in current period (R'000)	Technical assistance
Amount spent by the Department (R'000)	Technical assistance
Reasons for the funds unspent	Nil

Name of donor	GIZ/ Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) (Germany)
Full amount of the funding	Technical assistance
Period of the commitment	2001 – 2017
Purpose of the funding	Implementation of the Promotion of Access to Information Act
Expected outputs	<ul style="list-style-type: none"> <li>i. PAIA is mainstreamed into the decision-making process of selected institutions</li> <li>ii. Capacity of officials on the application of PAIA is improved</li> <li>iii. Information management representing 3 sectors across different spheres of government is aligned with the requirements of PAIA</li> </ul>
Actual outputs achieved	In the area of PAIA implementation, cooperation continued with the Department of Transport and the Department of Sports, Recreation, Arts and Culture (DSRAC) in the Eastern Cape. The PAIA implementation assessment tool was used to assess the status quo in the department. The process of drafting a generic PAIA implementation plan for these departments was started
Amount received in current period (R'000)	Technical support
Amount spent by the Department (R'000)	Technical support

Name of donor	GIZ/ Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) (Germany)
Reasons for the funds unspent	N/A
Monitoring mechanism by the donor	Quarterly reports were presented to the Donor Coordination Directorate. The project convenes governance structure referred to as the Technical Operating Committee. This structure is used for providing feedback and progress reports

Name of donor	European Union
Full amount of the funding	Euros 25 million
Period of the commitment	November 2018
Purpose of the funding	To support the Department to fulfil its mandate on the enhancement of socio-economic rights and to strengthen partnership with Civil Society
Expected outputs	<ul style="list-style-type: none"> <li>i. Improved awareness of constitutional rights, with an emphasis on socio-economic rights and on vulnerable groups</li> <li>ii. Enhanced participatory democracy through public policy dialogues on constitutional rights</li> <li>iii. Improved and sustained collaboration between Government, Chapter Nine Institutions, Civil Society and other stakeholders in terms of justice service delivery and socio-economic rights (including support for Community Advice Offices)</li> <li>iv. Increased research on socio-economic rights and jurisprudence</li> <li>v. Improved sector coordination and policy design on constitutional development</li> <li>vi. Strengthened capacity, engagement and participation of CSOs in the realisation of constitutional rights</li> </ul>
Actual outputs achieved	<ul style="list-style-type: none"> <li>i. Finalisation of Memorandum of Agreement with FHR as the implementation agency: The memorandum of agreement has been finalised and has been submitted to Minister for consideration</li> <li>ii. Launch of the SEJA Programme: The launch took place on 10 December 2014 at Constitutional Hill whereby the FHR had commissioned a 12-minute video on raising awareness on rights. The programme was then named AMARIGHTZA</li> </ul>
Amount received in current period (R'000)	No funds have been received by the end of the financial year
Amount spent by the Department (R'000)	No funds spent by the Department
Reasons for the funds unspent	None
Monitoring mechanism by the donor	Quarterly progress reports which contain the narrative as well as the financial information were presented to the Department by the Foundation for Human Rights. In addition, the Department, EU and FHR held quarterly working group meetings whereat progress was reported and discussed

Name of donor	UNICEF
Full amount of the funding	R2 Million
Period of the commitment	March 2014 – December 2017
Purpose of the funding	Support of the re-establishment of Sexual Offences Courts through the implementation of recommendations of the Report on the Investigation into the Re-establishment of Sexual Offences Courts
Expected outputs	Development of a National Strategic Plan to ensure that the re-establishment of Sexual Offences Courts is carried out in accordance to standards for victim-centred services  Explore and develop a National Child Protection System that prevents and responds to violence, exploitation, neglect and discrimination and ensures the care of vulnerable children
Actual outputs achieved	i. The Institute for Child Witness and Training provided the technical assistance for the development of the Sexual Offences National Strategic Plan  ii. The Report on the Feeding Scheme was finalised and incorporated the inputs of the delegates who attended the consultative workshop
Amount received in current period	Technical assistance
Amount spent by the Department	Nil
Reasons for the funds unspent	N/A
Monitoring mechanism by the donor	The reports are submitted to the donor unit and the Chief Directorate

**For the year under review, 14 more court rooms were designated, bringing the total number of court rooms to 33.**



## 8. CAPITAL INVESTMENT

During the year under review, projects that were under construction during the 2014/15 financial year are listed below.

### a) Capital projects under construction

No.	Project description	Estimated contract amount	Progress	Challenges & mitigations
1.	L: Limpopo High Court : Construction of a new building	R 876 288 224	The site was handed over to the replacement contractor on 12 August 2013 The construction of the court was 98% completed at the end of the financial year with the omission of additional parking	There is a need to acquire land for additional parking. However, there were delays due to a dispute on purchase price
2.	MP: Mpumalanga High Court: Construction of a new building	R 706 376 106	The project site handover was held on 9 September 2013 At financial year end, the project was 45% complete and the contractual practical completion date is expected by 15 September 2015	The municipality requires an additional access to the facility, as the Samora Machel access is a left-in-left-out access
3.	GP: South Gauteng High Court: Refurbishment and renovations of the building	R 459 893 350	This is an on-going project from 2009 which is being implemented in phases The expected revised completion date 15 December 2016	Additional work cropped up due to unforeseen compliance requirements on fire and safety regulations
4.	GP: The Palace of Justice: Security measures upgrade	R 19 290 156	Site handover was held on 11 June 2014 and project is expected to be completed in December 2015	This project is mainly the upgrade of security measures. No challenges experienced
5.	EC: PE High Court: Additional accommodation, and repairs and renovations	R 117 071 163	The site was handed over on 24 January 2014. The project completion date is expected in December 2015. The project was 30% complete at the end of the financial year	The project was lagging behind due to contractor cash-flow problems and issues relating to contractual obligations
6.	KZN: Port Shepstone Magistrates' Office: Construction of a new building	R 285 523 818	Site was handed over on 8 October 2014 with expected completion date of 22 September 2016 but has been revised to 3 October 2016	Rain hampered progress on site earthworks and extension of time was awarded
7.	GP: Mamelodi Magistrates' Office: Construction of a new building	R 94 742 592	Site handed over on 19 June 2014. Practical completion expected in December 2015. The project is 12% completed	Progress derailed due to conflict in the appointment of Community Liaison Officer (CLO)

No.	Project description	Estimated contract amount	Progress	Challenges & mitigations
8.	GP: Pretoria Magistrates' Court: Refurbishment of burned building	R118 217 794	The contractor was appointed and the site was handed over on 9 February 2015. The expected completion date is 1 August 2016	Security and ICT were not included but the matter was raised with DPW
9.	WC: Justicia Building: Refurbishment of existing building	R 95 454 701	Site handover was on 27 February 2015 and expected completion date is 9 February 2017	
10.	EC: Dimbaza Magistrates' Court: Construction of a new building	R 81 749 948	Site was handed over on 6 February 2015 and project is expected to be completed in December 2016	The EIA report was finalised
11.	GP: NPA: Innes Chambers: Refurbishment of existing building	R 183 500 000	Site was handed over on 16 January 2013 and practical completion was expected on 15 September 2014 but extended. The project was at 96% complete at the end of the financial year	

**b) Capital projects to be implemented in the 2015/16 financial year**

No.	Project description	Estimated contract amount	Progress
1.	EC: Mthatha High Court: Repair and refurbishment	R 18 463 318	The project planning is completed and awaiting sketch plan approval
2.	KZN: Durban High Court: Refurbishment and additional accommodation	R 165 843 730	The project for renovations and refurbishment and additional accommodation was registered with DPW. The renovations project is on-going
3.	WC: Plettenberg Magistrates' Office: Construction of a new building	R 297 996 848	The bid was advertised on 16 January 2015 with briefing inspection held on 28 January 2015 and bid closing on 13 March 2015
4.	NW: Rustenburg Magistrates' Court: Refurbishment and additional accommodation	R 98 000 000	DOJ&CD has taken over the project for funding. The site clearance was issued on 16 March 2015 DPW anticipates going out on tender in June 2015
5.	NW: Odi /Garankuwa Magistrates' Office	R 52 558 139	The renovations project was registered by DPW and consultants appointed The project scope to be reduced to refurbishments only
6.	LP: Polokwane Magistrates' Court: Refurbishment of burned building	R 90 000 000	The project planning is completed and awaiting sketch plan approval. The project will be advertised in the 2015/16 financial year
7.	KZN: Pietermaritzburg NPA: Rehabilitation of old DPW workshop	R 206 905 637	Tender to be advertised in June 2015
8.	EC: Mthatha Magistrates' Court: Additional accommodation	R 217 000 000	The project is at planning stage. DPW was requested to add security and ICT to the scope of the project

No.	Project description	Estimated contract amount	Progress
9.	EC: Whittlesea Magistrates' Court: Additional accommodation	R 100 534 278	The revised needs accommodation were approved on 14 March 2013 and submitted to DPW. A Pre-Design Information Request (PDIR) was issued to DPW Town Planning Services for site clearance investigation
10.	EC: Bityi Magistrates' Court	R 51 535 882	The demolition report was approved in December 2013. Scope of work alterations have been finalised and documentation completed
11.	LP: Tshilwavhusiku Magistrates' Court	R 47 785 200	The needs were revised and the site was cleared by DPW
12.	KZN: Richards Bay Magistrates' Court	R 208 840 230	DPW has issued a site clearance certificate for the project
13.	GP: Booyens Magistrates' Court	R 261 332 773	The sketch plans are ready for approval





# Part C Governance

THE FLAME OF DEMOCRACY

10 DECEMBER 2011

Celebrating the 15<sup>th</sup> anniversary of the  
signing of the South African Constitution

## 1. INTRODUCTION

The governance processes of the Department are driven by the Executive Committee (EXCO) under the guidance of the Accounting Officer. This body takes decisions at the highest level of the organisation and assists with effective monitoring of departmental performance.

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

- i. Policy Development and Coordinating subcommittee
- ii. Strategy and Operations subcommittee
- iii. Information and Communication Technology subcommittee
- iv. Audit and Finance subcommittee
- v. Human Resources subcommittee
- vi. Corporate Governance subcommittee
- vii. Service Delivery and Communications subcommittee

Executive decisions made by these subcommittees have been tracked on a quarterly basis, ensuring better accountability by responsible managers.

So as to keep oversight structures in line with legislation (PFMA), the Department has the Audit Committee

chaired and constituted by external members, and the Risk Management Committee chaired by an external chairperson. Both these structures were fully functional during the year under review.

### ICT governance

The foundation of ICT governance was laid in 2012/13 with the approval of the ICT Governance Policy Framework and Charter. This document identified several deliverables to be implemented as part of a phased-in approach. Deliverables were divided into three categories: structures, roles and documents/policies.

The 2014/15 financial year had a strong focus on Strategy and Enterprise Architecture (EA); both critical items for achieving value creation. The ICT Steering Committee evaluated value creation of key projects and monitored the implementation thereof.

The ICT Acceptable Use Policy was successfully implemented in 2014/15. The policy has led to not only minimised user related risks but also to cost savings through lesser requirements for email and internet bandwidth.

The Justice ICT Project Management Essentials (JIPE) was prioritised and drafted as an ICT Specific Project Management Framework. The JIPE is at an advanced stage of approval and focuses on standardising Project Management (PM) procedures and practices for ICT Projects. The JIPE is supplemented by forms and templates that streamline day-to-day Project Management activities.

## 2. RISK MANAGEMENT

The Department has matured in terms of its risk management practices from a compliance-oriented organisation in terms of the requirements of the Public Finance Management Act of 1999, Treasury Regulations and the King Report of Governance for South Africa, 2009 (King III) to a proactive organisation utilising an integrated

and combined assurance model that has contributed to the significant improvement in operational and financial performance. Management understands and has taken full responsibility for the design, implementation and effectiveness of risk management as well as continual risk monitoring. The increased focus on risk management

and compliance ensured the proper alignment of all sections with the strategy, performance and sustainability objectives of the Department through the development of risk registers focused on the mitigation of the strategic and operational risks at all departmental levels and the improvement of controls over the medium term with a specific performance focus for 2014/15. The Department has conducted 30 risk assessments in various business units within the Department, which includes nine regions.

### **Risk Management Committee**

The Risk Management Committee was established in terms of the Public Sector Risk Management Framework. The committee is independently chaired and provides strategic leadership on the implementation of risk management processes within the Department, and to ensure that it fulfils its oversight function, the committee considers the risk policy and plan, determines the Department's risk appetite and risk tolerance, ensures that the Department has and maintains an effective on-going risk assessment process and receives assurance from the internal and external assurance providers regarding the effectiveness of the risk management process. The Risk Management Committee meetings were held as planned during the year under review. The Risk Management Committee works closely with the Compliance Committee and in the year under review, the Department specifically focused on the alignment of all role players in its lines of defence as related to the strategic risks of the Department. This alignment formed the basis for the improvement in risk ownership, risk control and monitoring, objective assurance and validation, and independent assurance and validation.

### **Culture of risk management through communication and assurance**

The departmental model includes various risk assurance units such as Performance Management and Evaluation, SHERQ, Internal Control, Quality Assurance and

Operational Management that work collectively to ensure that risk management and compliance becomes part and parcel of the DNA of the organisation.

The risk management strategy, which includes a fraud prevention plan, is used to direct internal audit effort and priority, and to determine the skills required of managers and staff to improve controls and to manage the risks. The improvement in the performance of the Department is directly correlated to the focus on interdependencies across business units and functional boundaries. These activities are supplemented by a clear communication and training strategy directed at every official in the Department. In terms of the strategy, the Department ensures that it is prepared for crisis management and can respond timeously to major risks such as cyber-attacks, civil disorder and other events that may potentially disrupt the Department's operations. A total of 155 officials were trained during the year under review in this regard.

The strategic risk exposure of the Department relates to the following aspects of the business:

1. Negative impact of the current system of occupation-specific dispensation on staff, service delivery and the budget
2. Inequity in state of readiness of all partner departments for the successful implementation of the Integrated Justice System, delaying benefits of full implementation
3. Negative impact of the State of infrastructure and internet connectivity on service delivery in the courts
4. Governance and financial accountability of third-party funds

Progress made in addressing these risks is summarised in the table that follows.

No.	Strategic objective No.	Risk description	Summary of progress made
1.	Enhanced human resource capacity for service delivery	Impact of OSD as implemented currently in the Department on recruitment, performance and budget	<ul style="list-style-type: none"> <li>• Implementation and design challenges identified</li> <li>• Consultation with DPSA as custodian of public service collective agreements</li> <li>• Process initiated for development of norms and standards for specialist positions in OSD</li> <li>• Review of Performance Management Policy as applicable to specialist positions in the OSD</li> </ul>
2.	Improved delivery of services at the courts	State of readiness of all partner departments for the successful implementation of the Integrated Justice System	<ul style="list-style-type: none"> <li>• Improved project management through coordinator in DOJ&amp;CD</li> <li>• Improved monitoring through the IJS Council that includes National Treasury and provides insight into infrastructure and funding requirements</li> <li>• Improved cooperation with SITA and Telkom to address connectivity challenges, especially in rural areas</li> </ul>
3.	Improved delivery of services at the courts	State of infrastructure and connectivity of the courts	<ul style="list-style-type: none"> <li>• Improved oversight at Ministerial and Portfolio Committee level</li> <li>• Improved cooperation with DPW to address challenges in capital works and major renovations</li> <li>• Improved cooperation with SITA and Telkom to address connectivity challenges, especially in rural areas</li> </ul>
4.	Increased compliance with prescripts for good governance	Heritage systems not supporting high accountability requirements regarding TPF	<ul style="list-style-type: none"> <li>• Standard Operating Procedures developed</li> <li>• Increased controls and monitoring processes implemented at court and regional levels</li> <li>• Capacity addressed through increased supervisory positions and technical oversight as well as training of 2 296 staff members</li> <li>• Development of integrated TPF system in progress. Service provider appointed and in system development phase</li> </ul>



### 3. FRAUD AND CORRUPTION

The departmental principles and values are implemented among others by coordinating the implementation of the minimum anti-corruption capacity requirements. The minimum anti-corruption capacity requirements include the prevention of corruption through awareness and education programmes, conducting personnel suitability checks and full vetting fieldwork investigation, detection, investigation and resolution. The main strategic thrust of Integrity Management is to inculcate a culture of ethics in order to prevent and effectively deal with unethical behaviour before it develops into a particular form of corrupt activity.

In line with the above requirements, the Department has a Fraud Prevention Plan that is implemented throughout the organisation and as such the awareness sessions are conducted as part of the preventative mechanisms. During these sessions, officials are encouraged to report corrupt activities, and the toll-free number (hotline) is publicised throughout the Department. For this financial year (2014/15), awareness sessions were conducted country-wide where one 697 officials attended.

In terms of the Strategic Intelligence Act No. 39 of 1994, as amended by the National Strategic Intelligence Amendment Act No. 67 of 2002, persons who are employed by an organ of state or rendering a service or have given notice of intention to render a service to an organ of state must be vetted. The issue of security vetting is regarded as the first line of defence that the state has to protect its interests. The intention or purpose of security vetting is to protect classified information of the state. This is clearly indicated in the Protection of Information Act of 1982 (Act No. 84 of 1982) and the minimum information security standard (MISS).

In addition to this, the Cabinet Memorandum on the National Vetting Strategy has identified a need to capacitate organs of state to establish Vetting Fieldwork Units (FVU) in order to perform the vetting function under the guidance of the SSA. The Department of Justice and Constitutional Development is one of the departments or organs of state that were identified to establish the VFU.

To fulfil the above-mentioned mandate, the Department has prioritised senior managers for the purpose of vetting. For the financial year, 156 SMS members have submitted their security clearance forms for investigation, which is above the target.

The Department is still managing the automated vetting systems (the security information system (SVIS) and the security vetting administration system (SVAS)) that were installed in previous years. These systems assist the Department with accurate data and reports for the State Security Agency so as to improve performance.

A relationship was forged between the Department and the South African Police Service (SAPS) so as to obtain criminal records speedily. To accelerate vetting in the Department, a request for operational structure was made, approved and funded, which has increased the number of vetting investigators. As a result, more vetting investigators are being recruited in the 2015/16 financial year.

Furthermore, as part of the National Anti-corruption Strategy, the Department also compels all officials to report matters of theft, corruption, fraud and maladministration to the Forensic Audit Unit for investigation. After completion of the investigation, the forensic report would be forwarded to the relevant managers to institute action, whether it be disciplinary, civil or criminal.

A total of 12 cases were outstanding from the previous financial year, and an additional 210 cases were reported to the Forensic Audit Unit through:

- The National Anti-corruption Hotline from the Office of the Public Service Commission
- The Presidential Hotline
- The Auditor-General
- Internal Audit
- Meetings with whistle-blowers
- Members of the public
- Management and officials within the Department through a memo, email, telephonically, etc.

The target of 73% was exceeded by 13% during the year under review in terms of finalisation of the cases reported. Old cases were all finalised.

#### 4. MINIMISING CONFLICT OF INTEREST

In terms of Chapter 3 of the Public Service Regulations, 2001, designated employees (SMS members) are required to disclose their registrable interest to their relevant executive authority by 30 April of each year. Every executive authority is required to submit copies of the disclosure forms to the Public Service Commission (PSC) by 31 May, for inclusion in a Register of Designated Employees' interests. During the year under review, 105 officials submitted their financial disclosures electronically on time, and the remaining 87 were assisted in terms of the electronic system.

66 awareness sessions on Remunerative Work outside Employment in the Public Service were conducted as part of the preventative measures of the National Anti-corruption Strategy. Officials are now starting to make applications to perform remunerative work outside employment.

#### 5. HEALTH, SAFETY AND ENVIRONMENTAL ISSUES

The Department is committed to providing a healthy and safe working environment for all its employees and stakeholders by implementing a Safety, Health, Environment, Risk Policy and Procedure (SHER). The objective of the SHER in the Department is to create a consistent, reliable system of occupational health and safety that can be evaluated on an on-going basis to ensure continuous improvement and sustainability through the following:

##### a) Hazards and risks identification, monitoring and control measures

The Department has developed the SHER Policy and Procedure, which has been implemented and monitored in all regions. To monitor and control the

effective implementation, 26 SHER inspections were randomly conducted.

##### b) SHER training and awareness programmes

The Department continued to make employees aware of Safety, Health, Environment and Risk related issues through training and awareness in all regions. A total of 15 SHER awareness sessions were coordinated and facilitated, which 273 officials attended. In addition to formal training sessions, the intranet and newsletters were used as means of communication.

##### c) Business continuity

The Department is also committed to ensuring continuity of service delivery in the event of a disruption/disaster at service delivery points by implementing a Justice Codified Instruction: Code: Business Continuity Management Instruction (BCMI). The Business Continuity Management Instruction (BCMI) complies with the Disaster Management Act No. 57 of 2002 and the National Disaster Management Framework of 2005 as amended. The Department performed a number of activities to ensure continuity of the business throughout the organisation. Some of the highlights of the BCMI coordination, monitoring and control are as follows:

##### i. BCMI monitoring and control

The Department is assessing the impact of the implementation of the BCMI and the results will determine the interventions required to improve compliance with a tool. The electronic tool for monitoring in regions will be finalised in the 2016/17 financial year, and will involve all the other branches, including Facilities Management, HR and ISM. To monitor and control the effective implementation of the policies and procedures in this area, two BCMI assessments were randomly conducted. Furthermore, the Department conducted two intervention visits during and after the fire incidents at the Magistrates' Offices in Simdlangentsha and Heilbron in respect of

their Business Continuity Plan. The output indicates that there is some level of compliance around this area and as such, there was minimal disruption of services on the day that the incidents occurred.

## ii. BCMI awareness

As part of the governance and risk management strategies, the unit with Justice College have been instrumental in ensuring that the employees are aware of the BCMI in all regions. A total of 14 BCMI awareness sessions were coordinated and facilitated from National Office, which 373 officials attended during the year under review.

## 6. PORTFOLIO COMMITTEES

The Portfolio Committee exercises oversight over the service delivery performance of departments. The Department of Justice and Constitutional Development regards the good working relationship between the Portfolio and Select Committees and departmental officials as crucial

in addressing the challenges still experienced by the Department of Justice and Constitutional Development. The Department is furthermore very grateful to both the Select Committee as well as the Portfolio Committee, for the continuous support, advice and recommendations received, specifically relating to issues of service delivery and the budget.

With the advent of the 5<sup>th</sup> Administration in 2014, this good working relationship was also furthered by the Minister of Justice and Correctional Services as well as the Deputy Minister of Justice and Constitutional Development, who many times took it upon themselves to attend some of the meetings together with departmental officials.

In addition to the meetings mentioned below, there were numerous discussions and deliberations between the Portfolio Committee and the Department on the draft legislation as well as proposed amendments and practical implementation.

The following engagements were held with Parliamentary Portfolio Committees, as from the start of the fifth administration, during the 2014/2015 financial year:

Date	Responsible supporting department/institution	Item for discussion	Leader of the delegation	Matters raised in the Portfolio Committee	How the Department addressed these matters
2 July 2014	Ministry of Justice and Correctional Services	Political Overview	Minister of Justice and Correctional Services	Recommendations were made regarding the service delivery of the Department and its entities as well as budgetary issues	<p>The issues raised by the Portfolio Committee were included in the presentations made later in the year, to support the Department's Strategic Plan and Budget Vote</p> <p>Issues raised have been included as regular submissions and progress reports in terms of the Department's reply to the Portfolio Committee's Budgetary Review and Recommendations Report</p>



Date	Responsible supporting department/institution	Item for discussion	Leader of the delegation	Matters raised in the Portfolio Committee	How the Department addressed these matters
03 July 2014	National Prosecuting Authority	Strategic and Annual Performance Plans  Budget and Expenditure	Mr Mxolisi Nxasana, National Director of Public Prosecutions	Recommendations were made regarding the NPA's service delivery as well as budgetary issues  Concerns were raised regarding the NPA's continued challenges with leadership issues	The issues raised by the Portfolio Committee were included in the presentations made later in the year, to support the NPA's Strategic Plan and the Ministry's Budget Vote  Issues raised have been included as regular submissions in terms of the NPA's reply as well as regular progress reports to the Portfolio Committee's Budgetary Review and Recommendations Report
08 July 2014	Office of the Chief Justice	Budget	Ms Memme Sejosengwe, Secretary-General of the Office of the Chief Justice	Introduction to the newly-appointed Secretary-General in the Office of the Chief Justice  Issues raised by the Portfolio Committee and the Secretary-General included issues of human resource capacitation as well as office accommodation	The OCJ was established as a department and functions and personnel were transferred to the new department. The new department will therefore incorporate issues raised by Parliament in its implementation plan and account directly thereon in the new financial year
	Department of Justice and Constitutional Development	2014/15 Annual Performance Plan	Ms Nonkululeko Sindane, Director-General Department of Justice and Constitutional Development	The Portfolio Committee raised issues relating to service delivery, budgets performance, security within courts, maintenance of facilities, filling of Senior Management posts in the Department and the progress with implementation of legislation for vulnerable groups  The Department was congratulated on its striving towards an unqualified audit opinion for the second year in a row and the improved governance as well as reporting of the Department	The Department addressed all these issues in the follow-up reports to the Portfolio Committee, including the reply to the requests regarding the specific matters raised by the Portfolio Committee in its Budgetary Review and Recommendations Report and submitted two follow-up reports to the Chair of the Portfolio Committee in this regard

Date	Responsible supporting department/institution	Item for discussion	Leader of the delegation	Matters raised in the Portfolio Committee	How the Department addressed these matters
20 August 2014	Magistrates' Commission	Operations and structure	Mr Danie Schoeman, Secretary of The Magistrates' Commission	<p>The Commission's Ethics Division has been attending briefings on matters involving disciplinary actions taken against judicial officers in the lower courts (magistrates)</p> <p>The Portfolio Committee and the Select Committee concerned have been briefed on reports tabled by the Minister in Parliament concerning recommendations made by the Magistrates' Commission to the Minister in respect of the provisional suspension from office, the suspension/removal from office and the withholding of remuneration</p>	The Committees were briefed in three-monthly progress reports in respect of misconduct hearings against magistrates who were/are provisionally suspended from office as is required by the Act
22 August 2014	Department of Justice and Constitutional Development	Policy on the Appointment of Insolvency Practitioners	Adv. Lester Basson, Chief Master of the High Court	The Committee raised concerns regarding the legal challenges raised by members of the profession, which would delay the implementation of the Policy meant to transform the Insolvency Practitioners' profession	<p>The Department provided the Portfolio Committee with the relevant papers submitted to the High Court in this regard</p> <p>Subsequently, the Western Cape High Court found the provisions of the Policy to be unconstitutional. An Application for Leave to Appeal was dismissed. The Supreme Court of Appeal was petitioned with an Application for Leave to Appeal</p>
05 September 2014	Department of Justice and Constitutional Development	Impact of Constitutional Court and Supreme Court of Appeal judgments on SA law and jurisprudence	Adv. Jacob Skosana, Deputy Chief State Law Advisor, Department of Justice and Constitutional Development	The Portfolio Committee expressed its appreciation for the report and asked to be kept updated in this regard	The Department will brief the Portfolio Committee with the progress and the final reports received in this regard

Date	Responsible supporting department/institution	Item for discussion	Leader of the delegation	Matters raised in the Portfolio Committee	How the Department addressed these matters
16 September 2014	Department of Justice and Constitutional Development	Annual Consolidated Intersectoral Report on the implementation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act	Adv. Pieter du Rand, DoJ&CD Acting Deputy Director-General; and Adv. Praise Kambula, DoJ&CD Chief Director: Promotion of the Rights of Vulnerable Groups	The Portfolio Committee requested to be informed regularly on the progress on the implementation of the dedicated Sexual Offences Courts, and raised concerns regarding the case-flow management and successfully prosecuted cases in this regard  Concerns were also raised regarding departmental reports submitted late to the DoJ&CD, so that the Intersectoral Report was submitted late	The Department has included all the issues raised in the Portfolio Committee's concerns and recommendations, in the Annual Report on the Criminal Law Amendment (Sexual Offences and Related Matters) Act, 2007
16 October 2014	Department of Justice and Constitutional Development	a) 2013/14 Annual Report	Ms Nonkululeko Sindane, Director-General	The Department was congratulated on the 80% achievement of its targets in terms of the Key Performance Indicators of the Annual Performance Plan, and raised various issues of concern in its Budgetary Review and Recommendation Report of 29 October 2014	The Department answered the questions raised in this regard, in the Budgetary Review and Recommendation Report's progress report, tabled in Parliament on 30 January 2015
	Department of Justice and Constitutional Development	b) Quarter 1 Performance Report 2014/15	Ms Nonkululeko Sindane, Director-General	The Portfolio Committee raised issues of concern regarding the Department's slow start with performance on its Key Performance Indicators	The Department gave the Portfolio Committee assurance that implementation would progress faster from the second quarter with an eventual full achievement of 80% of the Key Performance Indicators
20 October 2014	Department of Justice and Constitutional Development	Update on the crisis in Orkney and Grootvlei mines	Adv. L Basson, Chief Master	The Portfolio Committee requested a briefing on the situation between Grootvlei mine and the workers	The liquidators paid all the available funds to the workers. The workers believe they still have valid claims which could be recovered if the Directors of Aurora could be held liable in terms of section 417.  The liquidators successfully claimed against the directors in the North Gauteng High Court. By the end of the financial year, an appeal process was under way

Date	Responsible supporting department/institution	Item for discussion	Leader of the delegation	Matters raised in the Portfolio Committee	How the Department addressed these matters
21 October 2014	National Prosecuting Authority	c) Annual Report 2013/14 & April to September 2014 performance	Adv. Mxolisi Nxasana, National Director of Public Prosecutions	The NPA's Annual Report was submitted and discussed  Issues of concern regarding the allegations in the management of the NPA were again raised	The NPA assured the Portfolio Committee that prosecutorial work was continuing despite allegations raised  The NDPP reassured the committee that an investigation by an internal NPA structure was under way
29 October 2014	Department of Justice and Constitutional Development	Update in the Crisis in Orkney and Grootvlei Mines	Adv. Lothian Basson, Chief Master, Department of Justice and Constitutional Development	The Portfolio Committee requested the opinions and presence of the Chief Master of the Republic of South Africa	Adv. Basson attended and explained matters to the Portfolio Committee on 29 October 2014, as indicated above
04 November 2014	Department of Justice and Constitutional Development	d) Infrastructure Programme	Mr Tsietso Malema, Acting Deputy Director-General: Court Services, Department of Justice and Constitutional Development	The Portfolio Committee raised concerns regarding dependence on the Department of Public Works to deliver on the departmental capital works programme as well as the issue of delays in the infrastructure and maintenance programme	The Department arranged a meeting between the Directors-General of the departments of Public Works and Justice and Constitutional Development, in order to draft a joint report to the Portfolio Committee
05 November 2014	Department of Justice and Constitutional Development	2013 moderated assessments on the Quality of Management Practices emanating from the Management Performance Assessment Tool (MPAT)	Dr K de Wee, COO: DoJ&CD	The Portfolio Committee on Performance Monitoring and Evaluation requested the Department to discuss a plan to address areas of concerns emanating from the MPAT assessment	The Department expressed its concerns that the MPAT scores went against the Auditor-General's Reports  It was indicated that the Department will communicate with the Department of Performance Monitoring and Evaluation in this regard, and ensure that the Departmental EXCO gives continued focused attention to this Report

The following meetings were held in the National Council of Provinces Committee on Security and Justice:

Date	Responsible institution	Item for discussion	Leader of the delegation	Matters raised	Response
16 July 2014	Deputy Minister and the Department of Justice and Constitutional Development	(i) Strategic Plans for 2014/15 (ii) 2014/15 Annual Performance Plan (iii) 2014 Estimates of National Expenditure	Mr JH Jeffery, MP, Deputy Minister of Justice and Constitutional Development  Ms NT Sindane, Director-General, Department of Justice and Constitutional Development  Ms Lorraine Rossouw, Chief Financial Officer	Matters raised in the Select Committee, mainly related to service delivery issues in the provinces, and the infrastructure at the Limpopo and Mpumalanga High Courts	The Department undertook to answer the Select Committee, and supply it with the relevant replies in terms of the progress with infrastructure and service delivery issues. Various booklets in braille were also made available to the members of the Select Committee, for use in their constituencies
23 July 2014	Magistrates' Commission	Composition and functioning of the Magistrates' Commission	Mr Danie Schoeman, Secretary of the Magistrates' Commission	The Commission's Ethics Division has been attending briefings on matters involving disciplinary actions taken against judicial officers in the lower courts (magistrates)	The Portfolio Committee and the Select Committee concerned have been briefed on reports tabled by the Minister in Parliament concerning recommendations made by the Magistrates' Commission to the Minister in respect of the provisional suspension from office, the suspension/removal from office and the withholding of remuneration from magistrates who were either provisionally suspended from office or suspended from office in terms of sections 13(3) and 13(4) of the Magistrates Act No. 90 of 1993. The Committees were also briefed in three-monthly progress reports in respect of misconduct hearings against magistrates who were/are provisionally suspended from office, as is required by the Act
17 September 2014	Magistrates' Commission	Suspension of Magistrates from office	Commissioners	Please see above	Please see above
29 October 2014	Department of Justice and Constitutional Development	Magistrates' grievances: Department's progress in resolving issues	Mr JB Skosana, Deputy Chief State Law Advisor, Department of Justice and Constitutional Development	The Select Committee asked the Department to provide it with the relevant salary structures of prosecutors and Magistrates, including relevant salary scales of Senior Management Services of the Public Service	This was done, and the Department recommended that the concerns raised be submitted to the Independent Remuneration Commission, which is the statutory Commission which makes recommendations on the salaries of Magistrates

## 7. SCOPA RESOLUTIONS

Resolution No.	Subject	Details	Response by the Department	Resolved (Yes/No)
1st report of SCOPA adopted by the National Assembly on February 2011; the Auditor-General reported that:	Supply Chain Management (Procurement)	The Auditor-General reported that:		
		a) As disclosed in note 26 to the financial statements, irregular expenditure to the amount of R812 million was incurred, R436 million of which related to the current year's irregular expenditure and R368 million related to the prior year's irregular expenditure identified in the current year	The matter was addressed	Yes
		b) R3,8 million of irregular expenditure not condoned as a result of competitive procurement procedures not followed and prior approval for procurement not obtained from the Bid Adjudication Committee	The matter was addressed	Yes
		c) Fruitless and wasteful expenditure amounting to R2 million was incurred as a result of officials not boarding flights or not using reserved accommodation	- Measures are in place to recover fruitless and wasteful expenditure from the officials	Yes
		SCOPA recommended that:		
		a) Disciplinary actions are taken against employees who were responsible for incurring such irregular and fruitless expenditure as required by section 51(e)(iii) of the PFMA	- Disciplinary actions are now taken in terms of labour relations procedures against employees who are responsible for irregular and fruitless and wasteful expenditure	Yes
		b) The Department strengthens its internal control systems in order to avoid incurring further irregular expenditure	- Appointment of SCM coaches to inspect procurement requests before procurement is done was initiated	

Resolution No.	Subject	Details	Response by the Department	Resolved (Yes/No)
1st report of SCOPA adopted by the National Assembly on February 2011; the Auditor-General reported that:	Supply Chain Management (Procurement)	The Auditor-General reported that:		
		a) Three price quotations not in all instances invited	The matter was addressed	Yes
		b) Awards to certain suppliers who failed to provide a valid tax clearance certificate	The matter was addressed	Yes
		c) The preference point system as required by the Preferred Procurement Policy Framework was not in all instances applied	The matter was addressed	Yes
		d) Awards to certain suppliers did not score the highest points in terms of the preference points system	The matter was addressed	Yes
		e) Contract amendments or extensions resulted in circumvention of competitive bidding	The matter was addressed	Yes
		f) Ineffective internal audit evaluation of SCM compliance	The matter was addressed	Yes
		SCOPA recommended that:		
		a) The departmental SCM policy be updated, encompassing all the elements of the PFMA, Treasury Regulations, Preferential Procurement Framework Act, Preferential Procurement Regulations and SCM practice notes issued by the National Treasury that will ensure an appropriate procurement and provisioning system which is fair, equitable, transparent, competitive	Recommendations were implemented	Yes
		b) A checklist of all legislative requirements is kept for all SCM related transactions, signed by both the preparer and reviewer	Recommendations were implemented	Yes
		c) A proper filing system for all information supporting SCM related transactions be kept	Recommendations were implemented	Yes
		d) Critical vacancies in the SCM unit are filled with adequately skilled officials	Recommendations were implemented	Yes
		e) Early warning reports listing contracts that will soon expire be compiled and further that new tender processes be entered into timeously	Recommendations were implemented	Yes
		f) Monthly reconciliations should be done in order to avoid non-compliance with SCM requirements	Recommendations were implemented	Yes
		g) Internal audit scope of work to be increased to ensure that day-to-day controls are effectively implemented and all procurement comply with SCM legislative requirements	Recommendations were implemented	Yes
h) The total population of expenditure is revisited, excluding all suppliers not affected by the PPPFA, to determine the full extent of the non-compliance which will lead to irregular expenditure	Recommendations were implemented	Yes		
i) Disciplinary measures be taken against all officials that do not comply with the legislative requirements surrounding SCM	Recommendations were implemented	Yes		



Resolution No.	Subject	Details	Response by the Department	Resolved (Yes/No)
1st report of SCOPA adopted by the National Assembly on February 2011	Internal Audit	The Auditor-General reported that:		
		a) Internal audit unit established but not in operation throughout the year	The matter was addressed	Yes
		b) Internal audit unit did not fulfil required responsibilities	The matter was addressed	Yes
		SCOPA recommended that:		
		a) A fully functional audit committee that promotes independence, accountability and service delivery be established	Recommendations were implemented	Yes
		b) Internal audit function monitors the adequacy and implementation of internal control	Recommendations were implemented	Yes
		c) Effective risk assessments and strategies, including fraud prevention plans be maintained, to address identified weaknesses	Recommendations were implemented	Yes

Resolution No.	Subject	Details	Response by the Department	Resolved (Yes/No)
1st report of SCOPA adopted by the National Assembly on February 2011	Human Resources management	The Auditor-General reported that:		
		a) The vacancy rate for senior management deteriorated by 14% to 25% in 2009/10	The matter was addressed	Yes
		b) Verification of criminal and financial or asset records, citizenship, financial status, qualifications and previous employment for all new appointments were not done	The matter was addressed	Yes

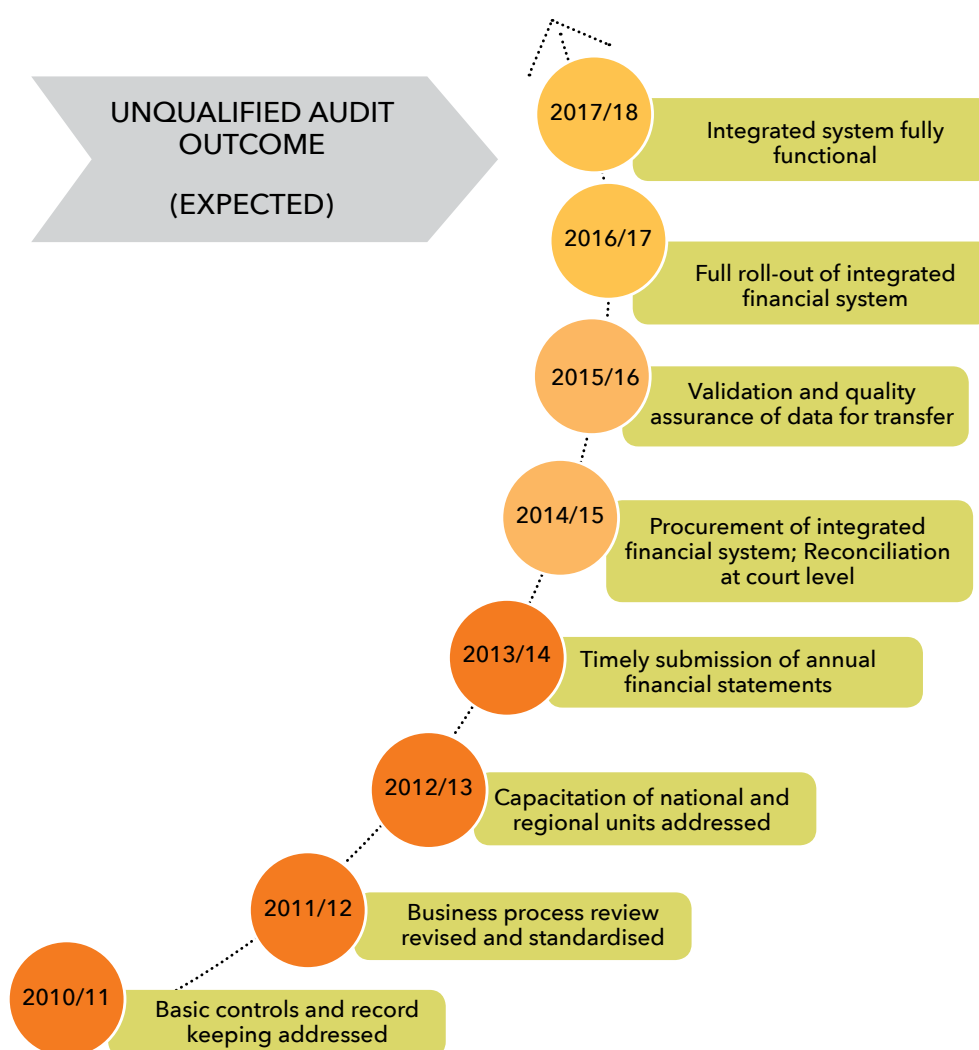
Resolution No.	Subject	Details	Response by the Department	Resolved (Yes/No)
1 <sup>st</sup> report of SCOPA adopted by the National Assembly on February 2011	Human Resources management	The Auditor-General reported that:		
		c) Certain officials acted for periods exceeding 12 months	The matter was addressed	Yes
		d) All performance management agreements were not signed by 31 July	Procedures are in place to monitor compliance	Yes
		e) More temporary/permanent incapacity leave was granted than entitled to and non-compliance with DPSA's policy and procedure on incapacity leave for ill-health retirement	The matter was addressed	Yes
		f) Not all leave taken by employees was captured accurately and in full	The matter was addressed	Yes
		g) All monthly payroll reports were not certified, all certified payroll reports not returned to finance within 10 days, completeness of certified payroll reports were not in all instances checked and corrective measures not in all instances taken where discrepancies were noted	The matter was addressed	Yes
		SCOPA recommended that:		
		a) HR policies be developed and implemented	The recommendations were implemented	Yes
		b) DPSA policies and procedures be complied with	The recommendations were implemented	Yes
		c) The vacancy rate be reduced by appointing permanent senior management	The recommendations were implemented	Yes
		d) Leave forms be timeously and correctly captured on PERSAL	The recommendations were implemented	

Resolution No.	Subject	Details	Response by the Department	Resolved (Yes/No)
1st report of SCOPA adopted by the National Assembly on February 2011	Supply Chain Management (Procurement)	The Auditor-General reported that:  The completeness of the asset register and the existence of certain assets could not be confirmed	The matter was addressed	Yes
		SCOPA recommendations:  a) All capital assets be properly recorded as required by section 40(1)(a) of the PFMA and Treasury Regulations 17.2.3	Recommendations were implemented	Yes
		b) Regular asset counting, verification and reconciliation be undertaken in order to avoid incorrect disclosures in the annual financial statements	Recommendations were implemented	Yes
1st report of SCOPA adopted by the National Assembly on February 2011	Governance	The Auditor-General reported that:  The Department does not have adequate monitoring processes in place to identify deficiencies and ensure that corrective actions have been implemented that will result in reliable performance information  SCOPA recommended that:  a) A monitoring system be developed that will address the adequacy of performance information  b) Such a system be frequently reviewed in order to address any gaps that are identified	The matter was addressed  Recommendations were implemented Recommendations were implemented	Yes

Resolution No.	Subject	Details	Response by the Department	Resolved (Yes/No)
1st report of SCOPA adopted by the National Assembly on February 2011	Third Party Funds	<p>The Auditor-General reported that:</p> <ul style="list-style-type: none"> <li>a) No financial statements were prepared for the Third Party Fund as no reliable financial information exists, for revenue to be determined</li> <li>b) The potential claims against the fund as a result of fraud, theft and loss to the Department are not complete</li> <li>c) The money collected on behalf of the State and not yet paid to the Department could not be ascertained</li> </ul>	<p>National Treasury approval was obtained for procurement of a new system. Under the guidance and support of SITA, the Department appointed a private sector service provider to develop a new financial administration and accounting system to manage TPF. The analysis and design phases of the new system were finalised on 31 March 2015, and the system is currently in the system configuration stage</p>	<p>Yes</p>
		<p>SCOPA recommended that:</p> <ul style="list-style-type: none"> <li>a) A proper financial system be developed or that the current features of the Justice Deposit Administration System (JDAS) be enhanced with the required controls to ensure complete, accurate and reliable financial information and reporting</li> <li>b) The vacancies at court level be filled with adequately skilled officials</li> <li>c) All fraud, cash shortages and losses be investigated timeously</li> <li>d) Disciplinary measures be taken against every official who does not comply with the policies and procedures or who was charged or found guilty of misconduct</li> </ul>	<p>45 posts at Deputy Director, Assistant Director and State Accountant levels to enhance capacity, control and monitoring and oversight were created and filled. Training was provided to all regions and offices. A total of 2 296 cash hall personnel and TPF operational staff were trained in 2014/15</p> <p>The Department has initiated a proper quantification of cash shortages and losses at court level that accumulated over the years. In consultation with Regional Loss Control Officers, the losses are being investigated and the appropriate disciplinary measures as well as criminal and civil actions taken</p> <p>Appropriate disciplinary action has been taken where necessary. The Department will continue with disciplinary actions, recoveries and litigation processes where necessary and possible</p>	<p>No</p> <p>No</p>

Resolution No.	Subject	Details	Response by the Department	Resolved (Yes/No)
1st report of SCOPA adopted by the National Assembly on February 2011	Information Systems and related issues	<p>The Auditor-General reported that:</p> <p>a) An IT governance framework is developed that directs the positioning of IT, resource requirements, service continuity in instances of data loss and risk and internal control management</p> <p>b) The access control security is strengthened to ensure that no unauthorised access takes place</p>	All findings relating to IT governance and access control were addressed	Yes

Significant progress has been made in addressing SCOPA resolutions since the 2010/11 financial year. It is envisaged that these interventions will result in an unqualified audit opinion for the Vote Account and Third Party Funds by the 2017/18 financial year, as indicated on the graph below.



## 8. PRIOR MODIFICATIONS TO AUDIT REPORTS

As was the case in previous years, audit action plans were compiled by the Office of the CFO for the National Office and regions. These action plans are based on the template received from National Treasury and actions steps were developed for

all the findings raised by the Auditor-General. National Office Champions were appointed to drive the process. Progress on audit action plans was reported on monthly by the CFO to the Accounting Officer and the Audit Committee.

Nature of qualification	Financial year in which it first arose	Progress made in clearing the matter
Third Party Funds	2005/06 financial year	The Department produced audited annual financial statements for periods ending 31 March 2010, 2011, 2012, 2013 and 2014
Impact of the administration of Third Party Funds (administered as a separate entity) on the Vote Account. The opening balances of the following accounts in Third Party Funds: <ul style="list-style-type: none"> <li>Revenue</li> <li>Accounts receivable</li> <li>Provisions</li> <li>Contingent liabilities</li> </ul>		National Treasury approval was obtained for procurement of a new system. Under the guidance and support of SITA, the Department appointed a private sector service provider to develop a new financial administration and accounting system to manage TPF. The analysis and design phases of the new system were finalised on 31 March 2015, and the system is currently in the system configuration stage

## 9. INTERNAL AUDIT AND AUDIT COMMITTEES

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

The Internal Audit Unit is guided by an Internal Audit Charter approved by the Audit Committee and performs its functions as provided in the PFMA framework and the Internal Audit Charter.

The head of Internal Audit reports functionally to the Audit Committee and administratively to the Accounting Officer. Internal Audit also participates in the strategic committees of both the Department and the National Prosecution Authority. On an annual basis, Internal Audit prepares a risk-based three-year plan and annual plan after taking into consideration the risk facing the Department,

strategic objectives, mandate, audit issues, and inputs by Management and the Audit Committee.

The purpose of the Department's Audit Committee is to provide oversight on financial reporting, audit processes, risk management, controls, performance and governance processes and to direct the functioning of Internal Audit within the Department. The Audit Committee operates in terms of its Audit Charter as provided for in the Public Finance Framework. As a result of the Audit Committee's role within the Department in partnership with management and assurance providers, the Department's environment has witnessed a significant improvement over the years.

During the year, seven meetings were held at which the Audit Committee amongst others, reviewed, advised and recommended to the Accounting Officer and management on matters which fell within the scope of their responsibilities.

The table below discloses relevant information on the Departmental Audit Committee members:

Name	Qualifications	Internal or external	Date appointed	Date resigned	Meetings attended	Special meetings attended
Motsamai Karedi	BCompt (Hons)  Certificate in Management	External	Reappointed on 23 January 2013	N/A	5	2
Cedric Boltman	Master of Business Administration,  Certificate Programme in the Principles of Business & Management,  Microsoft Certified Product Specialist, Stock Control	External	Reappointed on 23 January 2013	N/A	5	1
Besky Ngunjiri	BCompt (Hons) Certificate in the Theory of Accounting (CTA),  Certified Internal Auditor (CIA), Certified Control Self Assessor (CCSA)	External	Appointed on 28 February 2012	N/A	5	2
Wilson Ramabulana	BCompt  Diploma in State Finance  Project Management	External	Reappointed on 9 January 2013	N/A	5	2
Livhuwani Vuma	B.Proc, LLB  Advanced Diploma in Project Management	External	Resigned on 31 March 2015	N/A	5	2
Andrew Sello	National Diploma: Accounting;  ACIS; FCIS Management Advancement Programme (MAP) 1996	External	Appointed on 09 January 2013	N/A	5	2



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

### 1. REPORT OF THE AUDIT COMMITTEE

We are pleased to present our interim report for the financial year ended 31 March 2015.

#### 1.1 AUDIT COMMITTEE MEMBERS AND ATTENDANCE

The Audit Committee reports that it has complied with its responsibilities arising from Sec 38 (1) (a) (ii) of the PFMA and Treasury Regulations 3.1.13. The Audit Committee also reports that it has adopted appropriate formal terms of reference as per its Audit Committee Charter which regulated its affairs and has discharged all its responsibilities as contained therein and the

related accounting policies, practices and the applicable framework.

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 year 5 and 2 special meetings were held as indicated below.

Name of members	Numbers of meetings attended	Number of special meetings attended	Status
Mr. Motsamai Karedi (Chairperson)	5	2	Reappointed - 23 January 2013
Mr. Cedric Boltman	5	1	Reappointed - 23 January 2013
Ms. Besky Ngunjiri	5	2	Appointed – 28 February 2012
Mr. Wilson Ramabulana	5	2	Reappointed – 09 January 2013
Ms. Livhuwani Vuma	5	2	Resigned 31 March 2015
Mr Andy Sello	5	2	Appointed – 09 January 2013

#### 1.2 THE EFFECTIVENESS OF INTERNAL CONTROL

The Audit Committee is satisfied that key controls remained in place throughout the year under review and where shortcomings in the internal controls were identified; management implemented an audit action plan which was validated by Internal Audit and reviewed by the Audit Committee on ongoing basis.

#### 1.3 INTERNAL AUDIT

The Internal Audit unit has discharged its responsibilities as per the internal audit plan and has performed 275 (95% of

the audit plan) audits during the year under review and an additional 34 ad-hoc (Management and Audit Committee requests) audits.

#### 1.4 REPORTS

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

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

#### 1.4.2 Evaluation of financial statements

We have reviewed and discussed the audited annual financial statements with management and also reviewed the Department's compliance with legal and regulatory provisions and we are satisfied that where shortcomings were identified, management has addressed them.

#### 1.4.3 Evaluation of performance on predetermined objectives

We have also reviewed the performance of the Department against predetermined objectives and we are satisfied with the reported performance.

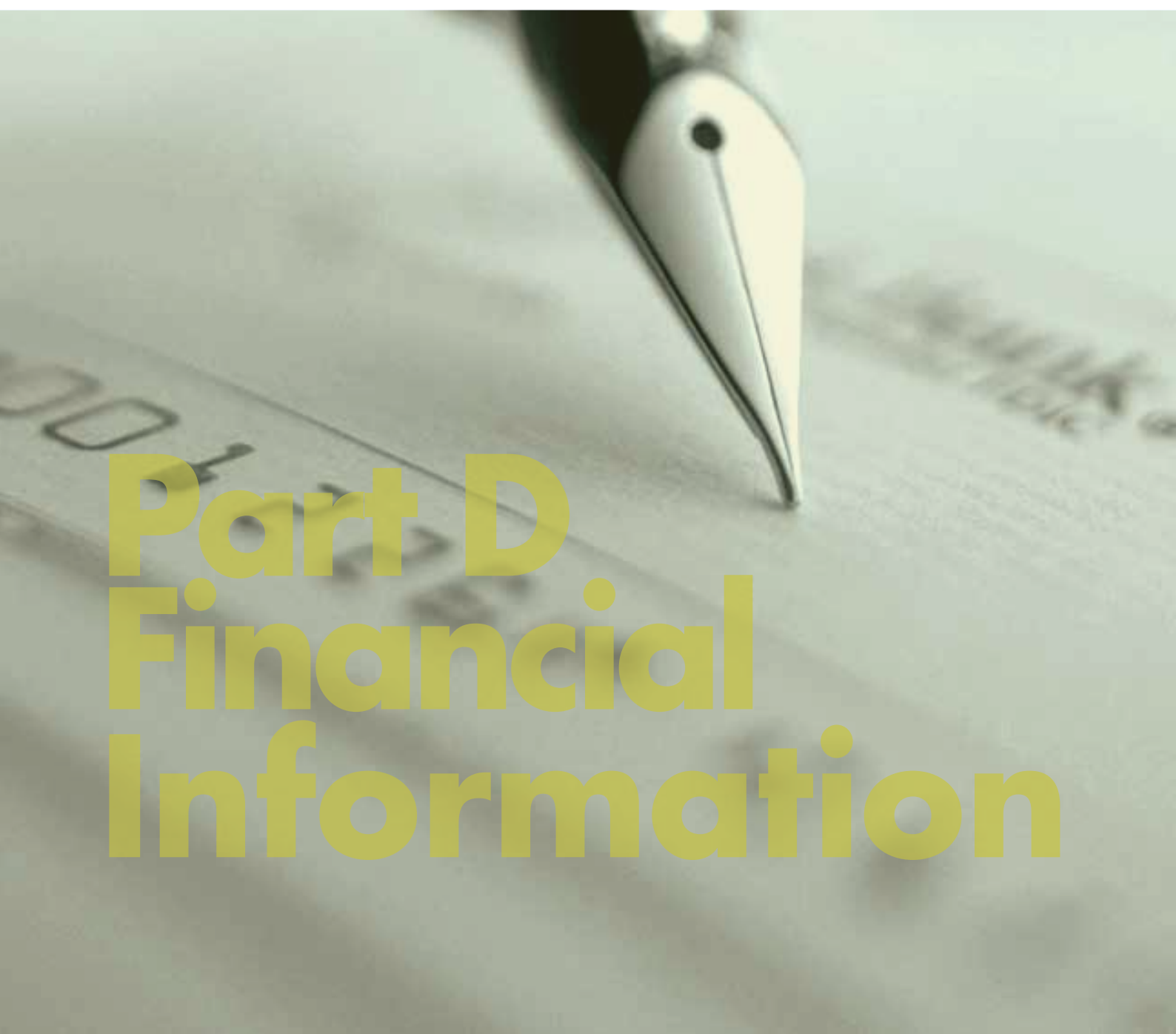
### 1.5 AUDITOR-GENERAL SOUTH AFRICA

The Audit Committee concurs and accepts the conclusions of the Auditor General on the annual financial statements and is of the opinion that the audited financial statements be accepted and read together with the report of the Auditor-General.

A handwritten signature in black ink, appearing to read 'M Karedi', is positioned above a horizontal line.

**M Karedi**  
Chairperson of the Audit Committee  
**Department of Justice and Constitutional Services**

**Date: 30 July 2015**



# Annual Financial Statements for Department of Justice and Constitutional Development

FOR THE YEAR ENDED  
31 MARCH 2015



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## REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON VOTE NO. 24: DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

### REPORT ON THE FINANCIAL STATEMENTS

#### INTRODUCTION

1. I have audited the financial statements of the Department of Justice and Constitutional Development set out on pages 143 to 220, which comprise the appropriation statement, the statement of financial position as at 31 March 2015, the statement of financial performance, statement of changes in net assets, and cash flow statement for the year then ended, as well as the notes, comprising a summary of significant accounting policies and other explanatory information.

purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

5. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

#### ACCOUNTING OFFICER'S RESPONSIBILITY FOR THE FINANCIAL STATEMENTS

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

#### OPINION

6. In my opinion, the financial statements present fairly, in all material respects, the financial position of the Department of Justice and Constitutional Development as at 31 March 2015 and its financial performance and cash flows for the year then ended, in accordance with the Modified Cash Standard prescribed by the National Treasury and the requirements of the Public Finance Management Act of South Africa, 1999 (Act No.1 of 1999) (PFMA).

#### AUDITOR-GENERAL'S RESPONSIBILITY

3. My responsibility is to express an opinion on these financial statements based on my audit. I conducted my audit in accordance with International Standards on Auditing. Those standards require that I comply with ethical requirements, and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.
4. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the

#### EMPHASIS OF MATTERS

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

#### FINANCIAL REPORTING FRAMEWORK

8. As disclosed in note 46 to the financial statements, the National Treasury has exempted the department from accounting for fines and recoveries made by the state attorney for the reasons indicated.

#### SIGNIFICANT UNCERTAINTIES

9. With reference to note 25 to the financial statements, the department may be liable to make good shortages totalling R71.6 million as a result of losses incurred in the administration of the Third Party Funds account. The ultimate outcome of the matter cannot presently

be determined and no provision for any liability that may result has been made in the financial statements.

10. Furthermore with reference to note 25 to the financial statements, the department is involved in various legal cases, the outcomes of which cannot presently be determined and no provision for any liability that may result has been made in the financial statements.

## RESTATEMENT OF CORRESPONDING FIGURES

11. As disclosed in notes 25 and 26 to the financial statements, the corresponding figures for 31 March 2014 have been restated as a result of errors discovered during 2015 in the financial statements of the department at, and for the year ended, 31 March 2014.
12. As disclosed in note 45 to the financial statements, the department restated corresponding figures as a result of the National Prosecuting Authority's financial reporting being incorporated within the department and not separately reported as in the past.

## REPORT ON OTHER LEGAL AND REGULATORY REQUIREMENTS

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

## PREDETERMINED OBJECTIVES

14. I performed procedures to obtain evidence about the usefulness and reliability of the reported performance information for the following selected programmes presented in the annual performance report of the department for the year ended 31 March 2015:
  - Programme 2: Court Services on pages 67 to 73
  - Programme 3: State Legal Services on pages 74 to 84
  - Programme 4: National Prosecuting Authority on pages 85 to 100

15. I evaluated the reported performance information against the overall criteria of usefulness and reliability.

16. I evaluated the usefulness of the reported performance information to determine whether it was presented in accordance with the National Treasury's annual reporting principles and whether the reported performance was consistent with the planned programmes. I further performed tests to determine whether indicators and targets were well defined, verifiable, specific, measurable, time bound and relevant, as required by the National Treasury's Framework for managing programme performance information (FMPPPI).

17. I assessed the reliability of the reported performance information to determine whether it was valid, accurate and complete.

18. I did not identify any material findings on the usefulness and reliability of the reported performance information for the selected programmes.

## ADDITIONAL MATTER

19. Although I identified no material findings on the usefulness and reliability of the reported performance information for the selected programmes. I draw attention to the following matter.

## ACHIEVEMENT OF PLANNED TARGETS

20. Refer to the annual performance report on pages 67 to 100 for information on the achievement of the planned targets for the year.

## COMPLIANCE WITH LEGISLATION

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

## ANNUAL FINANCIAL STATEMENTS

22. The financial statements submitted for auditing were not prepared in accordance with prescribed financial reporting framework as required by section 40(1)(b) of the PFMA. Material misstatements of disclosure items



identified by the auditors in the submitted financial statements were subsequently corrected resulting in financial statements receiving an unqualified audit opinion.

## EXPENDITURE MANAGEMENT

23. Effective steps were not taken to prevent irregular expenditure, as required by section 38(1)(c)(ii) of the PFMA and Treasury Regulation (TR) 9.1.1.
24. Contractual obligations and money owed by the department were not always settled within 30 days or an agreed period, as required by section 38(1)(f) of the PFMA and TR 8.2.3.

## HUMAN RESOURCE MANAGEMENT

25. Funded vacant posts were not filled within 12 months as required by Public Service Regulation 1/VII/C.1A.2.

## INTERNAL CONTROL

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

## FINANCIAL AND PERFORMANCE MANAGEMENT

27. Management did not adequately review the financial statements prior to submission for auditing.

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

## OTHER REPORTS

### INVESTIGATIONS

29. An internal investigation was conducted into possible irregularities resulting in fruitless and wasteful expenditure in the office of the State Attorney of Pretoria. The investigation was finalised and the amount was written off as fruitless and wasteful expenditure.

*Auditor-General*

Pretoria

31 July 2015



AUDITOR - GENERAL  
SOUTH AFRICA

*Auditing to build public confidence*



# Appropriation Statement



APPROPRIATION PER PROGRAMME									
	2014/15						2013/14		
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Programme</b>									
<b>1. Administration</b>	1 941 235		(80 719)	1 860 516	1 846 263	14 253	99.2%	1 771 135	1 771 135
<b>2. Court Services</b>	5 907 821		106 330	6 014 151	5 905 421	108 730	98.2%	5 780 119	5 424 345
<b>3. State Legal services</b>	967 362		(46 257)	921 105	921 105		100%	871 058	871 058
<b>4. National Prosecuting Authority</b>	3 254 123			3 254 123	3 254 123		100%	3 068 164	3 068 164
<b>5. Auxiliary and Associated Services</b>	3 091 330		20 646	3 111 976	2 973 393	138 583	95.5%	2 716 002	2 595 960
<b>Subtotal</b>	<b>15 161 871</b>			<b>15 161 871</b>	<b>14 900 305</b>	<b>261 566</b>	<b>98.3%</b>	<b>14 206 478</b>	<b>13 730 662</b>
<b>Statutory appropriation</b>	<b>2 730 266</b>			<b>2 730 266</b>	<b>2 494 596</b>	<b>235 670</b>	<b>91.4%</b>	<b>2 575 723</b>	<b>2 298 637</b>
Judges' and magistrates' salaries	2 730 226			2 730 266	2 494 596	235 670	91.4%	2 575 723	2 298 637
<b>Total</b>	<b>17 892 137</b>			<b>17 892 137</b>	<b>17 394 901</b>	<b>497 236</b>	<b>97.2%</b>	<b>16 782 201</b>	<b>16 029 299</b>

APPROPRIATION PER PROGRAMME						
	2014/15			2013/14		
	Final appropriation	Actual expenditure		Final appropriation	Actual expenditure	
<b>Total (brought forward)</b>						
<b>Reconciliation with statement of financial performance</b>						
<b>ADD</b>						
Departmental receipts	337 557			403 763		
NRF receipts						
Aid assistance	1 999			27 839		
<b>Actual amounts per statement of financial performance (total revenue)</b>	<b>18 231 693</b>			<b>17 213 803</b>		
<b>ADD</b>						
Aid assistance		18 148			22 115	
Prior year unauthorised expenditure approved without funding						
<b>Actual amounts per statement of financial performance (total expenditure)</b>		<b>17 413 049</b>			<b>16 051 414</b>	

APPROPRIATION PER ECONOMIC CLASSIFICATION									
	2014/15						2013/14		
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Economic classification</b>									
<b>Current payments</b>	<b>14 387 536</b>	<b>(74 230)</b>	<b>(78 344)</b>	<b>14 234 962</b>	<b>13 892 937</b>	<b>342 025</b>	<b>97.6%</b>	<b>13 429 497</b>	<b>13 054 465</b>
<b>Compensation of employees</b>	<b>10 130 337</b>	<b>(23 916)</b>	<b>(94 817)</b>	<b>10 011 604</b>	<b>9 719 874</b>	<b>291 730</b>	<b>97.1%</b>	<b>9 267 195</b>	<b>9 013 019</b>
Salaries and wages	8 975 029	(80 065)	(81 555)	8 813 409	8 583 707	229 702	97.4%	8 240 564	7 986 388
Social contributions	1 155 308	56 149	(13 262)	1 198 195	1 136 167	62 028	94.8%	1 026 631	1 026 631
<b>Goods and services</b>	<b>4 257 199</b>	<b>(50 314)</b>	<b>16 473</b>	<b>4 223 358</b>	<b>4 173 063</b>	<b>50 295</b>	<b>98.8%</b>	<b>4 162 302</b>	<b>4 041 446</b>
Administrative fees	81 059	(56 132)	(11 670)	13 257	13 257		100%	25 929	25 929
Advertising	29 878	14 500		44 378	44 378		100%	36 516	36 516
Minor assets	57 031	12 361	(385)	69 007	57 594	11 413	83.5%	52 739	52 739
Audit costs: External	77 961	(15 004)	(17 360)	45 597	45 597		100%	56 892	56 892
Bursaries: Employees	8 978	(2 029)	(2 236)	4 713	4 713		100%	6 823	6 823
Catering: Departmental activities	13 447	(445)	(67)	12 935	12 935		100%	9 991	9 991
Communication	192 018	(30 581)	(4 912)	156 525	156 525		100%	168 580	168 580
Computer services	651 341	26 109	61 476	738 926	738 926		100%	653 071	533 030
Consultants: Business and advisory services	66 973	(22 172)		44 801	44 801		100%	46 371	46 371
Laboratory services	852	(27)		825	825		100%	749	749
Legal services	160 646	(19 160)	(1 810)	139 676	139 676		100%	153 278	153 278
Contractors	31 840	29 025	(67)	60 798	60 798		100%	110 408	110 408

APPROPRIATION PER ECONOMIC CLASSIFICATION									
	2014/15						2013/14		
	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
Agency and support / outsourced services	259 194	(28 087)	(453)	230 654	230 654		100%	196 732	196 732
Entertainment	112	(97)	(6)	9	9		100%	138	138
Fleet services	69 851	28 776	(29)	98 598	98 598		100%	104 880	104 880
Housing								13	13
Inventory: Clothing material and supplies								599	599
Inventory: Other supplies		382		382	382		100%	136	136
Consumable supplies	12 357	2 510	(172)	14 695	14 695		100%	12 324	12 324
Consumable: Stationery, printing and office supplies	264 595	(22 044)	(30)	242 521	242 521		100%	271 238	270 423
Operating leases	644 243	142 714		786 957	768 935	18 022	97.7%	704 848	704 848
Property payments	886 726	(55 286)	(254)	831 186	810 326	20 860	97.5%	894 408	894 408
Transport provided: Departmental activity	949	(597)	(15)	337	337		100%	4 825	4 825
Travel and subsistence	503 212	(14 369)	(89)	488 754	488 754		100%	472 480	472 480
Training and development	46 551	(30 716)	(646)	15 189	15 189		100%	14 584	14 584
Operating payments	181 963	(24 508)	(4 802)	152 653	152 653		100%	149 715	149 715
Venues and facilities	13 735	16 176		29 911	29 911		100%	12 400	12 400
Rental and hiring	1 687	(1 613)		74	74		100%	1 635	1 635
Interest and rent on land									
Interest									
Rent on land									
<b>Transfers and subsidies</b>	<b>2 336 174</b>	<b>10 562</b>	<b>5 151</b>	<b>2 351 887</b>	<b>2 335 258</b>	<b>16 629</b>	<b>99.3%</b>	<b>2 151 471</b>	<b>2 121 208</b>
<b>Municipalities</b>	<b>481</b>	<b>106</b>		<b>587</b>	<b>587</b>		<b>100%</b>	<b>570</b>	<b>570</b>

APPROPRIATION PER ECONOMIC CLASSIFICATION									
	2014/15						2013/14		
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Municipal bank accounts	481	106		587	587		100%	570	570
Municipal agencies and funds									
<b>Departmental agencies and accounts</b>	<b>2 158 008</b>	<b>(5)</b>	<b>5 151</b>	<b>2 163 154</b>	<b>2 157 222</b>	<b>5 932</b>	<b>99.7%</b>	<b>2 004 975</b>	<b>2 004 974</b>
Social security funds									
Departmental agencies and accounts	2 158 008	(5)	5 151	2 163 154	2 157 222	5 932	99.7%	1 998 124	1 998 123
Foreign governments and international organisations	25 118	(1 188)		23 930	23 930		100%	11 193	11 193
<b>Households</b>	<b>152 567</b>	<b>11 649</b>		<b>164 216</b>	<b>153 519</b>	<b>10 697</b>	<b>93.5%</b>	<b>134 733</b>	<b>104 471</b>
Social benefits	147 067	11 848		158 915	148 218	10 697	93.3%	128 481	98 219
Other transfers to households	5 500	(199)		5 301	5 301		100%	6 252	6 252
<b>Payments for capital assets</b>	<b>1 166 171</b>	<b>26 799</b>	<b>73 193</b>	<b>1 266 163</b>	<b>1 127 581</b>	<b>138 582</b>	<b>89.1%</b>	<b>1 184 427</b>	<b>836 820</b>
<b>Buildings and other fixed structures</b>	<b>585 994</b>	<b>39 165</b>	<b>97 703</b>	<b>722 862</b>	<b>722 862</b>		<b>100%</b>	<b>746 403</b>	<b>398 796</b>
Buildings	585 994	39 165	97 703	722 862	722 862		100%	746 403	398 796
Other fixed structures									
<b>Machinery and equipment</b>	<b>580 134</b>	<b>(27 428)</b>	<b>(24 510)</b>	<b>528 196</b>	<b>389 614</b>	<b>138 582</b>	<b>73.8%</b>	<b>437 923</b>	<b>437 923</b>
Transport equipment	88 277	54 751	14 770	157 798	157 798		100%	178 807	178 807
Other machinery and equipment	491 857	(82 179)	(39 280)	370 398	231 816	138 582	62.6%	259 116	259 116
Land and subsoil assets									
Intangible assets	43	15 062		15 105	15 105		100%	101	101
<b>Payments for financial assets</b>	<b>2 256</b>	<b>36 869</b>		<b>39 125</b>	<b>39 125</b>		<b>100%</b>	<b>16 806</b>	<b>16 806</b>
<b>Total</b>	<b>17 892 137</b>			<b>17 892 137</b>	<b>17 394 901</b>	<b>497 236</b>	<b>97.2%</b>	<b>16 782 201</b>	<b>16 029 299</b>



## PROGRAMME 1: ADMINISTRATION

PROGRAMME 1: ADMINISTRATION									
2014/15								2013/14	
Subprogramme	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
1. Ministry	33 466		(3 394)	30 072	30 072		100%	31 228	31 228
2. Management	43 551	34	(150)	43 435	37 504	5 931	86.3%	39 063	39 063
3. Corporate Services	847 520	(34)	(77 175)	770 311	770 311		100%	737 228	737 228
4. Office Accommodation	1 016 698			1 016 698	1 008 376	8 322	99.2%	963 616	963 616
<b>Total for subprogrammes</b>	<b>1 941 235</b>		<b>(80 719)</b>	<b>1 860 516</b>	<b>1 846 263</b>	<b>14 253</b>	<b>99.2%</b>	<b>1 771 135</b>	<b>1 771 135</b>
<b>Economic classification</b>									
<b>Current payments</b>	<b>1 924 161</b>	<b>(23 551)</b>	<b>(80 719)</b>	<b>1 819 891</b>	<b>1 811 569</b>	<b>8 322</b>	<b>99.5%</b>	<b>1 754 358</b>	<b>1 754 358</b>
Compensation of employees	508 004	(782)	(50 082)	457 140	457 140		100%	421 071	421 071
Salaries and wages	450 213	245	(44 559)	405 899	405 899		100%	372 161	372 161
Social contributions	57 791	(1 027)	(5 523)	51 241	51 241		100%	48 910	48 910
Goods and services	1 416 157	(22 769)	(30 637)	1 362 751	1 354 429	8 322	99.4%	1 333 287	1 333 287
Administrative fees	39 584	(30 504)	(1 564)	7 516	7 516		100%	22 717	22 717
Advertising	21 451	(7 595)		13 856	13 856		100%	20 802	20 802
Minor assets	3 191	(1 112)	(775)	1 304	1 304		100%	1 847	1 847
Audit costs: External	67 247	(9 572)	(17 360)	40 315	40 315		100%	49 912	49 912
Bursaries: Employees	5 287		(2 236)	3 051	3 051		100%	4 839	4 839
Catering: Departmental activities	2 040	533	(67)	2 506	2 506		100%	2 539	2 539
Communication	18 720	(62)	(4 912)	13 746	13 746		100%	17 099	17 099
Computer services	23 238	4 240	(14)	27 464	27 464		100%	26 502	26 502
Consultants: Business and advisory services	819	3 282		4 101	4 101		100%	3 143	3 143

PROGRAMME 1: ADMINISTRATION										
2014/15										2013/14
	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	
Legal services	77 142	(14 427)	(1 810)	60 905	60 905		100%	69 884	69 884	
Contractors	5 669	1 409	(67)	7 011	7 011		100%	7 860	7 860	
Agency and support / outsourced services	16 591	(25)	(453)	16 113	16 113		100%	18 712	18 712	
Entertainment	15		(6)	9	9		100%	138	138	
Fleet services	2 896	2 135	(29)	5 002	5 002		100%	1 869	1 869	
Housing								13	13	
Inventory: Clothing material and supplies								599	599	
Inventory: Other supplies										
Consumable supplies	740	(1)	(172)	567	567		100%	690	690	
Consumable: Stationery, printing and office supplies	8 754	2 135	(30)	10 859	10 859		100%	7 069	7 069	
Operating leases	571 842	145 368		717 210	717 210		100%	681 224	681 224	
Property payments	445 138	(145 367)	(254)	299 517	291 195	8 322	97.2%	282 713	282 713	
Transport provided: Departmental activity	15		(15)					13	13	
Travel and subsistence	95 774	15 259	(89)	110 944	110 944		100%	104 261	104 261	
Training and development	4 512	(451)	(646)	3 415	3 415		100%	3 313	3 313	
Operating payments	4 575	2 262	(138)	6 699	6 699		100%	4 231	4 231	
Venues and facilities	765	9 876		10 641	10 641		100%	728	728	
Rental and hiring	152	(152)						570	570	

## PROGRAMME 1: ADMINISTRATION

PROGRAMME 1: ADMINISTRATION									
2014/15								2013/14	
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Provinces									
<b>Municipalities</b>	<b>32</b>	<b>(3)</b>		<b>29</b>	<b>29</b>		<b>100%</b>	<b>27</b>	<b>27</b>
Municipal bank accounts	32	(3)		29	29		100%	27	27
Municipal agencies and funds									
<b>Departmental agencies and accounts</b>	<b>5 931</b>			<b>5 931</b>		<b>5 931</b>		<b>5 830</b>	<b>5 830</b>
Departmental agencies	5 931			5 931		5 931		5 830	5 830
Higher education institutions									
Foreign governments and international organisations								751	751
Non-profit institutions									
<b>Households</b>	<b>1 916</b>	<b>355</b>		<b>2 271</b>	<b>2 271</b>		<b>100%</b>	<b>1 184</b>	<b>1 184</b>
Social benefits	1 916	355		2 271	2 271		100%	1 064	1 064
Other transfers to households								120	120
<b>Payments for capital assets</b>	<b>8 360</b>	<b>6 834</b>		<b>15 194</b>	<b>15 194</b>		<b>100%</b>	<b>7 265</b>	<b>7 265</b>
Buildings and other fixed structures									
Buildings									
Other fixed structures	8 317	6 759		15 076	15 076		100%	7 164	7 164
Machinery and equipment	1 319	8 187		9 506	9 506		100%	1 160	1 160
Transport equipment	6 998	(1 428)		5 570	5 570		100%	6 004	6 004
Other machinery and equipment									
Intangible assets	43	75		118	118		100%	101	101
<b>Payments for financial assets</b>	<b>835</b>	<b>16 365</b>		<b>17 200</b>	<b>17 200</b>		<b>100%</b>	<b>1 720</b>	<b>1 720</b>
<b>Total</b>	<b>1 941 235</b>		<b>(80 719)</b>	<b>1 860 516</b>	<b>1 846 263</b>	<b>14 253</b>	<b>99.2%</b>	<b>1 771 135</b>	<b>1 771 135</b>

PROGRAMME 2: COURT SERVICES										
2014/15										2013/14
	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	R'000
<b>Subprogramme</b>										
1. Constitutional Court	134 680	6 327		141 007	141 007		100%	132 209	132 209	
2. Supreme Court of Appeal	24 674	1 238		25 912	25 912		100%	29 843	29 843	
3. High Courts	374 859	68 104	10 106	453 069	453 069		100%	451 342	451 342	
4. Specialised Courts	39 821	10 122		49 943	49 943		100%	55 891	55 891	
5. Lower Courts	3 882 994	(18 238)	(10 106)	3 854 650	3 769 871	84 779	97.8%	3 636 759	3 628 592	
6. Family Advocate	192 314	(14 423)		177 891	177 891		100%	148 709	148 709	
7. Magistrates' Commission	15 088	(3 718)		11 370	11 370		100%	10 132	10 132	
8. Government Motor Transport	35 561	(6 204)		29 357	29 357		100%	28 411	28 411	
9. Facilities Management	681 438	(2 963)	106 330	784 805	760 854	23 951	96.9%	827 832	480 225	
10. Administration of Courts	526 392	(40 245)		486 147	486 147		100%	458 991	458 991	
<b>Total for subprogrammes</b>	<b>5 907 821</b>		<b>106 330</b>	<b>6 014 151</b>	<b>5 905 421</b>	<b>108 730</b>	<b>98.2%</b>	<b>5 780 119</b>	<b>5 424 345</b>	
<b>Economic classification</b>										
<b>Current payments</b>	<b>5 145 026</b>	<b>(34 829)</b>	<b>(14 770)</b>	<b>5 095 427</b>	<b>4 986 697</b>	<b>108 730</b>	<b>97.9%</b>	<b>4 779 345</b>	<b>4 771 178</b>	
<b>Compensation of employees</b>	<b>3 566 157</b>	<b>(7 370)</b>		<b>3 558 787</b>	<b>3 492 030</b>	<b>66 757</b>	<b>98.1%</b>	<b>3 226 951</b>	<b>3 219 599</b>	
Salaries and wages	3 058 374	(14 561)		3 043 813	2 977 056	66 757	97.8%	2 743 235	2 735 883	
Social contributions	507 783	7 191		514 974	514 974		100%	483 716	483 716	
<b>Goods and services</b>	<b>1 578 869</b>	<b>(27 459)</b>	<b>(14 770)</b>	<b>1 536 640</b>	<b>1 494 667</b>	<b>41 973</b>	<b>97.3%</b>	<b>1 552 394</b>	<b>1 551 579</b>	
Administrative fees	37 943	(25 137)	(10 106)	2 700	2 700		100%	347	347	
Advertising	4 894	11 036		15 930	15 930		100%	6 691	6 691	
Minor assets	41 168	(5 229)		35 939	24 526	11 413	68.2%	32 230	32 230	

## PROGRAMME 2: COURT SERVICES

PROGRAMME 2: COURT SERVICES									
2014/15							2013/14		
	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
Audit costs: External	2	(2)							
Bursaries: Employees	1	(1)							
Catering: Departmental activities	4 937	1 832		6 769	6 769		100%	4 900	4 900
Communication	120 731	(7 459)		113 272	113 272		100%	116 909	116 909
Computer services	6 646	(2 715)		3 931	3 931		100%	7 295	7 295
Consultants: Business and advisory services	37 582	(1 493)		36 089	36 089		100%	40 125	40 125
Laboratory services	852	(27)		825	825		100%	747	747
Legal services	25 244	(1 661)		23 583	23 583		100%	25 691	25 691
Contractors	11 020	517		11 537	11 537		100%	9 333	9 333
Agency and support / outsourced services	188 661	(26 913)		161 748	161 748		100%	168 203	168 203
Entertainment	97	(97)							
Fleet services	49 277	26 946		76 223	76 223		100%	82 456	82 456
Housing									
Inventory: Other supplies									
Consumable supplies	9 958	722		10 680	10 680		100%	9 270	9 270
Consumable: Stationery, printing and office supplies	204 747	(22 269)		182 478	182 478		100%	202 319	201 504
Operating leases	50 988	(4 861)		46 127	28 105	18 022	60.9%	50	50

PROGRAMME 2: COURT SERVICES										
2014/15										2013/14
	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	
Property payments	370 554	61 284		431 838	419 300	12 538	97.1%	465 749	465 749	
Transport provided: Departmental activity	26	(5)		21	21		100%	4 787	4 787	
Travel and subsistence	297 113	(18 910)		278 203	278 203		100%	278 194	278 194	
Training and development	11 697	(6 970)		4 727	4 727		100%	6 515	6 515	
Operating payments	97 289	(12 298)	(4 664)	80 327	80 327		100%	82 080	82 080	
Venues and facilities	7 276	6 417		13 693	13 693		100%	8 302	8 302	
Rental and hiring	166	(166)						201	201	
<b>Transfers and subsidies</b>	<b>28 501</b>	<b>6 275</b>		<b>34 776</b>	<b>34 776</b>		<b>100%</b>	<b>20 734</b>	<b>20 734</b>	
<b>Municipalities</b>	<b>425</b>	<b>116</b>		<b>541</b>	<b>541</b>		<b>100%</b>	<b>528</b>	<b>528</b>	
Municipal bank accounts	425	116		541	541		100%	528	528	
<b>Departmental agencies and accounts</b>	<b>34</b>	<b>(4)</b>		<b>30</b>	<b>30</b>		<b>100%</b>	<b>19</b>	<b>19</b>	
Departmental agencies	34	(4)		30	30		100%	19	19	
<b>Households</b>	<b>28 042</b>	<b>6 163</b>		<b>34 205</b>	<b>34 205</b>		<b>100%</b>	<b>20 187</b>	<b>20 187</b>	
Social benefits	28 042	5 975		34 017	34 017		100%	20 119	20 119	

## PROGRAMME 2: COURT SERVICES

PROGRAMME 2: COURT SERVICES									
2014/15								2013/14	
	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
Other transfers to households		188		188	188		100%	68	68
<b>Payments for capital assets</b>	<b>733 504</b>	<b>19 965</b>	<b>121 100</b>	<b>874 569</b>	<b>874 569</b>		<b>100%</b>	<b>976 260</b>	<b>628 653</b>
<b>Buildings and other fixed structures</b>	<b>566 816</b>	<b>39 165</b>	<b>106 330</b>	<b>712 311</b>	<b>712 311</b>		<b>100%</b>	<b>735 214</b>	<b>387 607</b>
Buildings	566 816	39 165	106 330	712 311	712 311		100%	735 214	387 607
<b>Machinery and equipment</b>	<b>166 688</b>	<b>(19 423)</b>	<b>14 770</b>	<b>162 035</b>	<b>162 035</b>		<b>100%</b>	<b>241 046</b>	<b>241 046</b>
Transport equipment	69 488	37 701	14 770	121 959	121 959		100%	147 377	147 377
Other machinery and equipment	97 200	(57 124)		40 076	40 076		100%	93 669	93 669
Intangible assets		223		223	223		100%		
<b>Payments for financial assets</b>	<b>790</b>	<b>8 589</b>		<b>9 379</b>	<b>9 379</b>		<b>100%</b>	<b>3 780</b>	<b>3 780</b>
<b>Total</b>	<b>5 907 821</b>		<b>106 330</b>	<b>6 014 151</b>	<b>5 905 421</b>	<b>108 730</b>	<b>98.2%</b>	<b>5 780 119</b>	<b>5 424 345</b>



PROGRAMME 3: STATE LEGAL SERVICES										
	2014/15						2013/14			
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure	
Subprogramme	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	
1. State Law Advisors	62 785	(2 225)	(4 126)	56 434	56 434		100%	57 542	57 542	
2. Litigation and Legal Services	363 599	7 701	(24 423)	346 877	346 877		100%	332 774	332 774	
3. Legislative Development and Law Reform	53 071	(1 368)	(524)	51 179	51 179		100%	47 030	47 030	
4. Master of the High Court	407 232	(477)	(5 481)	401 274	401 274		100%	385 038	385 038	
5. Constitutional Development	80 675	(3 631)	(11 703)	65 341	65 341		100%	48 674	48 674	
<b>Total for subprogrammes</b>	<b>967 362</b>		<b>(46 257)</b>	<b>921 105</b>	<b>921 105</b>		<b>100%</b>	<b>871 058</b>	<b>871 058</b>	

Economic classification										
<b>Current payments</b>	<b>924 830</b>	<b>(15 376)</b>	<b>(44 735)</b>	<b>864 719</b>	<b>864 719</b>		<b>100%</b>	<b>832 945</b>	<b>832 945</b>	
<b>Compensation of employees</b>	<b>797 312</b>	<b>(2 913)</b>	<b>(44 735)</b>	<b>749 664</b>	<b>749 664</b>		<b>100%</b>	<b>713 197</b>	<b>713 197</b>	
Salaries and wages	692 659	(2 913)	(36 996)	652 750	652 750		100%	619 982	619 982	
Social contributions	104 653		(7 739)	96 914	96 914		100%	93 215	93 215	
<b>Goods and services</b>	<b>127 518</b>	<b>(12 463)</b>		<b>115 055</b>	<b>115 055</b>		<b>100%</b>	<b>119 748</b>	<b>119 748</b>	
Administrative fees	541	121		662	662		100%	464	464	
Advertising	351	2 085		2 436	2 436		100%	290	290	
Minor assets	5 799	(1 520)		4 279	4 279		100%	6 061	6 061	
Audit costs: External	890	(890)						627	627	
Catering: Departmental activities	944	88		1 032	1 032		100%	604	604	

## PROGRAMME 3: STATE LEGAL SERVICES

PROGRAMME 3: STATE LEGAL SERVICES									
	2014/15					2013/14			
	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
Communication	15 993	(2 539)		13 454	13 454		100%	13 674	13 674
Computer services	354	(283)		71	71		100%	62	62
Consultants: Business and advisory services	638	(421)		217	217		100%	600	600
Laboratory services								2	2
Legal services	35 800	3 723		39 523	39 523		100%	39 891	39 891
Contractors	3 161	(1 215)		1 946	1 946		100%	2 728	2 728
Agency and support / outsourced services	732	(39)		693	693		100%	656	656
Fleet services	2 740	(453)		2 287	2 287		100%	2 309	2 309
Inventory: Other supplies								136	136
Consumable supplies	1 214	(239)		975	975		100%	1 265	1 265
Consumable: Stationery, printing and office supplies	16 499	(3 421)		13 078	13 078		100%	13 223	13 223
Operating leases	120	83		203	203		100%	71	71
Property payments	625	(445)		180	180		100%	446	446
Transport provided: Departmental activity	277	(20)		257	257				
Travel and subsistence	26 227	(160)		26 067	26 067		100%	26 235	26 235
Training and development	3 280	(2 559)		721	721		100%	905	905
Operating payments	9 374	(2 583)		6 791	6 791		100%	8 673	8 673
Venues and facilities	590	(407)		183	183		100%		
Rental and hiring	1 369	(1 369)						826	826

PROGRAMME 3: STATE LEGAL SERVICES									
	2014/15						2013/14		
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Transfers and subsidies</b>	<b>32 215</b>	<b>3 811</b>		<b>36 026</b>	<b>36 026</b>		<b>100%</b>	<b>20 688</b>	<b>20 688</b>
<b>Municipalities</b>	<b>24</b>	<b>(7)</b>		<b>17</b>	<b>17</b>		<b>100%</b>	<b>15</b>	<b>15</b>
Municipal bank accounts	24	(7)		17	17		100%	15	15
Municipal agencies and funds									
<b>Departmental agencies and accounts</b>	<b>1</b>	<b>(1)</b>							
Departmental agencies	1	(1)							
Foreign governments and international organisations	25 118	(1 188)		23 930	23 930		100%	10 442	10 442
Non-profit institutions									
<b>Households</b>	<b>7 072</b>	<b>5 007</b>		<b>12 079</b>	<b>12 079</b>		<b>100%</b>	<b>10 231</b>	<b>10 231</b>
Social benefits	1 572	5 398		6 970	6 970		100%	4 167	4 167
Other transfers to households	5 500	(391)		5 109	5 109		100%	6 064	6 064
<b>Payments for capital assets</b>	<b>10 225</b>		<b>(1 522)</b>	<b>8 703</b>	<b>8 703</b>		<b>100%</b>	<b>14 741</b>	<b>14 741</b>
<b>Machinery and equipment</b>	<b>10 225</b>		<b>(1 522)</b>	<b>8 703</b>	<b>8 703</b>		<b>100%</b>	<b>14 741</b>	<b>14 741</b>
Transport equipment	1 776	679		2 455	2 455		100%	1 355	1 355
Other machinery and equipment	8 449	(679)	(1 522)	6 248	6 248		100%	13 386	13 386
Intangible assets									
<b>Payments for financial assets</b>	<b>92</b>	<b>11 565</b>		<b>11 657</b>	<b>11 657</b>		<b>100%</b>	<b>2 684</b>	<b>2 684</b>
<b>Total</b>	<b>967 362</b>		<b>(46 257)</b>	<b>921 105</b>	<b>921 105</b>		<b>100%</b>	<b>871 058</b>	<b>871 058</b>

PROGRAMME 4: NATIONAL PROSECUTING AUTHORITY									
	2014/15						2013/14		
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
Subprogramme	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
1. National Prosecutions Service	2 162 641	(18 492)	1	2 144 150	2 144 150		100%	1 990 747	1 990 747
2. National Specialised Prosecutions Services	297 647	(28 162)		269 485	269 485		100%	241 352	241 352
3. Assets Forfeiture Unit	122 018	11 550		133 568	133 568		100%	179 789	179 789
4. Office for witness Protection	164 397	(3 682)	22	160 737	160 737		100%	146 471	146 471
5. Support Services	507 420	38 786	(23)	546 183	546 183		100%	509 805	509 805
<b>Total for subprogrammes</b>	<b>3 254 123</b>			<b>3 254 123</b>	<b>3 254 123</b>		<b>100%</b>	<b>3 068 164</b>	<b>3 068 164</b>

Economic classification									
<b>Current payments</b>	<b>3 149 411</b>	<b>(474)</b>	<b>26 464</b>	<b>3 175 401</b>	<b>3 175 401</b>		<b>100%</b>	<b>2 998 252</b>	<b>2 998 252</b>
<b>Compensation of employees</b>	<b>2 635 915</b>	<b>(12 851)</b>		<b>2 623 064</b>	<b>2 623 064</b>		<b>100%</b>	<b>2 431 496</b>	<b>2 431 496</b>
Salaries and wages	2 478 466	(159 161)		2 319 305	2 319 305		100%	2 155 419	2 155 419
Social contributions	157 449	146 310		303 759	303 759		100%	276 077	276 077
<b>Goods and services</b>	<b>513 496</b>	<b>12 377</b>	<b>26 464</b>	<b>552 337</b>	<b>552 337</b>		<b>100%</b>	<b>566 756</b>	<b>566 756</b>
Administrative fees	2 991	(612)		2 379	2 379		100%	2 401	2 401
Advertising	3 180	8 976		12 156	12 156		100%	8 733	8 733
Minor assets	4 834	18 491	390	23 715	23 715		100%	3 199	3 199
Audit costs: External	7 322	(2 040)		5 282	5 282		100%	6 353	6 353
Bursaries: Employees	3 690	(2 028)		1 662	1 662		100%	1 984	1 984
Catering: Departmental activities	5 490	(2 883)		2 607	2 607		100%	1 932	1 932

PROGRAMME 4: NATIONAL PROSECUTING AUTHORITY									
	2014/15						2013/14		
	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
Communication	36 454	(20 401)		16 053	16 053		100%	20 892	20 892
Computer services	61 244	838	26 074	88 156	88 156		100%	57 908	57 908
Consultants: Business and advisory services	15 383	(11 283)		4 100	4 100		100%	2 503	2 503
Legal services	22 460	(6 795)		15 665	15 665		100%	17 812	17 812
Contractors	11 918	27 492		39 410	39 410		100%	88 205	88 205
Agency and support / outsourced services	17 390	6 446		23 836	23 836		100%	2 328	2 328
Entertainment									
Fleet services	14 938	148		15 086	15 086		100%	18 246	18 246
Housing									
Inventory: Other supplies		382		382	382		100%		
Consumable supplies	404	2 024		2 428	2 428		100%	1 099	1 099
Consumable: Stationery, printing and office supplies	33 544	2 325		35 869	35 869		100%	48 615	48 615
Operating leases	21 293	2 124		23 417	23 417		100%	23 503	23 503
Property payments	70 409	26 324		96 733	96 733		100%	144 920	144 920
Transport provided: Departmental activity	631	(572)		59	59		100%	25	25
Travel and subsistence	83 107	(9 568)		73 539	73 539		100%	63 749	63 749
Training and development	21 512	(15 716)		5 796	5 796		100%	3 836	3 836
Operating payments	70 596	(12 007)		58 589	58 589		100%	45 122	45 122
Venues and facilities	4 706	638		5 344	5 344		100%	3 370	3 370

## PROGRAMME 4: NATIONAL PROSECUTING AUTHORITY

PROGRAMME 4: NATIONAL PROSECUTING AUTHORITY									
2014/15								2013/14	
	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
Rental and hiring		74		74	74		100%	21	21
<b>Transfers and subsidies</b>	<b>11 020</b>	<b>124</b>	<b>5 151</b>	<b>16 295</b>			<b>100%</b>	<b>11 160</b>	<b>11 160</b>
<b>Departmental agencies and accounts</b>	<b>2 800</b>		<b>5 151</b>	<b>7 951</b>			<b>100%</b>	<b>9 272</b>	<b>9 272</b>
Social security funds								6 851	6 851
Departmental agencies	2 800		5 151	7 951			100%	2 421	2 421
<b>Households</b>	<b>8 220</b>	<b>124</b>		<b>8 344</b>	<b>8 344</b>		<b>100%</b>	<b>1 888</b>	<b>1 888</b>
Social benefits	8 220	120		8 340	8 340		100%	1 888	1 888
Other transfers to households		4		4	4		100%		
<b>Payments for capital assets</b>	<b>93 153</b>		<b>(31 615)</b>	<b>61 538</b>	<b>61 538</b>		<b>100%</b>	<b>54 499</b>	<b>54 499</b>
<b>Buildings and other fixed structures</b>	<b>19 178</b>		<b>(8 627)</b>	<b>10 551</b>	<b>10 551</b>		<b>100%</b>	<b>11 189</b>	<b>11 189</b>
Buildings	19 178		(8 627)	10 551	10 551		100%	11 189	11 189
Other fixed structures									
<b>Machinery and equipment</b>	<b>73 975</b>		<b>(22 988)</b>	<b>50 987</b>	<b>50 987</b>		<b>100%</b>	<b>43 310</b>	<b>43 310</b>
Transport equipment	2 593	21 285		23 878	23 878		100%	28 915	28 915
Other machinery and equipment	71 382	(21 285)	(22 988)	27 109	27 109		100%	14 395	14 395
Intangible assets									
<b>Payments for financial assets</b>	<b>539</b>	<b>350</b>		<b>889</b>	<b>889</b>		<b>100%</b>	<b>4 253</b>	<b>4 253</b>
<b>Total</b>	<b>3 254 123</b>			<b>3 254 123</b>	<b>3 254 123</b>		<b>100%</b>	<b>3 068 164</b>	<b>3 068 164</b>

PROGRAMME 5: AUXILIARY AND ASSOCIATED SERVICES									
2014/15							2013/14		
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Subprogramme</b>									
1. Legal Aid South Africa	1 504 708			1 504 708	1 504 708		100%	1 375 442	1 375 442
2. Special Investigation Unit	296 813			296 813	296 813		100%	295 859	295 859
3. Public Protector of South Africa	217 584			217 584	217 584		100%	199 253	199 253
4. South African Human Rights Commission	130 136			130 136	130 136		100%	119 299	119 299
5. Justice Modernisation	942 088		20 646	962 734	824 152	138 582	85.6%	726 148	606 107
6. President's Fund	1			1		1		1	
<b>Total for subprogrammes</b>	<b>3 091 330</b>		<b>20 646</b>	<b>3 111 976</b>	<b>2 973 393</b>	<b>138 583</b>	<b>95.5%</b>	<b>2 716 002</b>	<b>2 595 960</b>
<b>Economic classification</b>									
<b>Current payments</b>	<b>621 159</b>		<b>35 416</b>	<b>656 575</b>	<b>656 575</b>		<b>100%</b>	<b>590 117</b>	<b>470 076</b>
<b>Goods and services</b>	<b>621 159</b>		<b>35 416</b>	<b>656 575</b>	<b>656 575</b>		<b>100%</b>	<b>590 117</b>	<b>470 076</b>
Advertising	2	(2)							
Minor assets	2 039	1 731		3 770	3 770		100%	9 402	9 402
Audit costs: External	2 500	(2 500)							
Catering: Departmental activities	36	(15)		21	21		100%	16	16
Communication	120	(120)						6	6
Computer services	559 859	24 029	35 416	619 304	619 304		100%	561 304	441 263
Consultants: Business and advisory services	12 551	(12 257)		294	294		100%		
Contractors	72	822		894	894		100%	2 282	2 282



## PROGRAMME 5: AUXILIARY AND ASSOCIATED SERVICES

2013/14									
2014/15									
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Agency and support / outsourced services	35 820	(7 556)		28 264	28 264		100%	6 833	6 833
Consumable supplies	41	4		45	45		100%		
Consumable: Stationery, printing and office supplies	1 051	(814)		237	237		100%	12	12
Operating leases									
Property payments		2 918		2 918	2 918		100%	580	580
Travel and subsistence	991	(990)		1	1		100%	41	41
Training and development	5 550	(5 020)		530	530		100%	15	15
Operating payments	129	118		247	247		100%	9 609	9 609
Venues and facilities	398	(348)		50	50		100%		
Rental and hiring								17	17
<b>Transfers and subsidies</b>	<b>2 149 242</b>			<b>2 149 242</b>	<b>2 149 241</b>	<b>1</b>	<b>100%</b>	<b>1 989 854</b>	<b>1 989 853</b>
<b>Departmental agencies and accounts</b>	<b>2 149 242</b>			<b>2 149 242</b>	<b>2 149 241</b>	<b>1</b>	<b>100%</b>	<b>1 989 854</b>	<b>1 989 853</b>
Social security funds									
Departmental agencies	2 149 242			2 149 242	2 149 241	1	100%	1 989 854	1 989 853
<b>Payments for capital assets</b>	<b>320 929</b>		<b>(14 770)</b>	<b>306 159</b>	<b>167 577</b>	<b>138 582</b>	<b>54.7%</b>	<b>131 662</b>	<b>131 662</b>
Buildings and other fixed structures									
Buildings									
Other fixed structures									
<b>Machinery and equipment</b>	<b>320 929</b>	<b>(14 764)</b>	<b>(14 770)</b>	<b>291 395</b>	<b>152 813</b>	<b>138 582</b>	<b>52.4%</b>	<b>131 662</b>	<b>131 662</b>
Transport equipment	13 101	(13 101)							
Other machinery and equipment	307 828	(1 663)	(14 770)	291 395	152 813	138 582	52.4%	131 662	131 662
Intangible assets		14 764		14 764	14 764		100%		
<b>Payments for financial assets</b>								<b>4 369</b>	<b>4 369</b>
<b>Total</b>	<b>3 091 330</b>		<b>20 646</b>	<b>3 111 976</b>	<b>2 973 393</b>	<b>138 583</b>	<b>95.5%</b>	<b>2 716 002</b>	<b>2 595 960</b>

## NOTES TO THE APPROPRIATION STATEMENT FOR THE YEAR ENDED 31 MARCH 2015

## 1. DETAIL OF TRANSFERS AND SUBSIDIES AS PER APPROPRIATION ACT (AFTER VIREMENT):

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

## 2. DETAIL OF SPECIFICALLY AND EXCLUSIVELY APPROPRIATED AMOUNTS VOTED (AFTER VIREMENT):

Detail of these transactions can be viewed in note 1 (Annual Appropriation) to the Annual Financial Statements.

## 3. DETAIL ON 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):

4.1 Per programme	Final appropriation	Actual expenditure	Variance R'000	Variance as a % of final appropriation
Administration	1 860 516	1 846 263	14 253	0.8%

The underspending is mainly due to a SASSETA payment that could not be executed due to change of banking details (R5.9 million) and a savings of R8.3 million on Office Accommodation.

Court Services	6 014 151	5 905 421	108 730	1.8%
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The underspending is mainly attributed to Compensation of Employees (R66.8 million) due to delays in the recruitment process as a result of the post office strike last year, impacting on applications, some OSD posts such as Registrars and level LP10 not attracting appropriately qualified candidates, and Goods and Services which is as a result of operational cost expenditure associated with vacant positions as well as delays encountered with the construction of the Limpopo High Court.

Auxiliary Services	3 111 976	2 973 393	138 583	4.5%
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The underspending is due to delays in the implementation of the Integrated Justice System and Criminal Justice System project caused by late initiation of procurement processes by partner departments.

4.2 Per economic classification	Final appropriation	Actual expenditure	Variance	Variance as a % of final appropriation
	R'000	R'000	R'000	R'000
<b>Current payments</b>				
Compensation of employees	10 011 604	9 719 874	291 730	2.9%
Goods and services	4 223 358	4 173 063	50 295	1.2%
Interest and rent on land				
<b>Transfers and subsidies</b>				
Provinces and municipalities	587	587		
Departmental agencies and accounts	2 351 887	2 335 258	16 629	0.7%
Foreign governments and international organisations	23 930	23 930		
Households	48 555	48 555		
<b>Payments for capital assets</b>				
Buildings and other fixed structures	722 862	722 862		
Machinery and equipment	528 196	389 614	138 582	26.2%
Intangible assets	15 105	15 105		
<b>Payments for financial assets</b>	39 125	39 125		

The underspending on **Compensation of Employees** is due to high rate of vacancies for Magistrates (R225 million) as well as delays in the recruitment process due to the post office strike last year, impacting on applications, and some OSD posts such as Registrars and level LP10 not attracting appropriately qualified candidates. **Goods and Services** is due to personnel related budget associated with recruitment process, late submission of travelling invoices by the travel management agency, late submission of the March invoice for Office Accommodation by Public Works, slow progress made on the implementation of the IJS and CJS projects by the partner departments, etc. The underspending in **Capital Assets** is due to the slow progress made on the implementation of the IJS and CJS projects by the partner departments.

## STATEMENT OF FINANCIAL PERFORMANCE FOR THE YEAR ENDED 31 MARCH 2015

	Note	2014/15 R'000	2013/14 R'000
<b>REVENUE</b>			
Annual appropriation	1	15 161 871	14 206 478
Statutory appropriation	2	2 730 266	2 575 723
Departmental revenue	3	337 557	403 763
Aid assistance	4	1 999	27 839
<b>TOTAL REVENUE</b>		<b>18 231 693</b>	<b>17 213 803</b>
<b>EXPENDITURE</b>			
<b>Current expenditure</b>			
Compensation of employees	5	9 719 874	9 013 020
Goods and services	6	4 173 063	4 041 445
Aid assistance	4	17 988	22 115
<b>Total current expenditure</b>		<b>13 910 925</b>	<b>13 076 580</b>
<b>Transfers and subsidies</b>			
Transfers and subsidies	2	2 335 258	2 121 208
<b>Total transfers and subsidies</b>		<b>2 335 258</b>	<b>2 121 208</b>
<b>Expenditure for capital assets</b>			
Tangible assets	10	1 112 636	836 719
Intangible assets	10	15 105	101
<b>Total expenditure for capital assets</b>		<b>1 127 741</b>	<b>836 820</b>
<b>Payments for financial assets</b>	8	<b>39 125</b>	<b>16 806</b>
<b>TOTAL EXPENDITURE</b>		<b>17 413 049</b>	<b>16 051 414</b>
<b>SURPLUS/(DEFICIT) FOR THE YEAR</b>		<b>818 644</b>	<b>1 162 389</b>
<b>Reconciliation of Net Surplus/(Deficit) for the year</b>			
Voted funds		497 236	752 902
Departmental revenue and NRF Receipts	12	337 557	403 763
Aid assistance	4	(16 149)	5 724
<b>SURPLUS/(DEFICIT) FOR THE YEAR</b>		<b>818 644</b>	<b>1 162 389</b>

## STATEMENT OF FINANCIAL POSITION AS AT 31 MARCH 2015

	<i>Note</i>	<b>2014/15 R'000</b>	<b>2013/14 R'000</b>
<b>ASSETS</b>			
<b>Current assets</b>		<b>476 885</b>	<b>663 941</b>
Cash and cash equivalents	<u>12</u>	4 820	202 384
Prepayments and advances	<u>14</u>	32 752	89 455
Receivables	<u>15</u>	439 313	372 102
<b>Non-current assets</b>		<b>206 769</b>	<b>227 854</b>
Receivables	<u>15</u>	206 769	227 854
<b>TOTAL ASSETS</b>		<b>683 654</b>	<b>891 795</b>
<b>LIABILITIES</b>			
<b>Current liabilities</b>		<b>633 679</b>	<b>865 425</b>
Voted funds to be surrendered to the Revenue Fund	<u>18</u>	497 241	752 902
Departmental revenue and NRF Receipts to be surrendered to the Revenue Fund	<u>19</u>	46 410	49 257
Bank overdraft	<u>20</u>	89 158	22
Payables	<u>21</u>	9 509	25 734
Aid assistance repayable	<u>4</u>	1 308	7 074
Aid assistance unutilised	<u>4</u>	20 053	30 436
<b>TOTAL LIABILITIES</b>		<b>663 679</b>	<b>865 425</b>
<b>NET ASSETS</b>		<b>19 975</b>	<b>26 370</b>
<b>Represented by:</b>			
Capitalisation reserve		19 975	26 370
<b>TOTAL</b>		<b>19 975</b>	<b>26 370</b>

## STATEMENT OF CHANGES IN NET ASSETS FOR THE YEAR ENDED 31 MARCH 2015

	<i>Note</i>	<b>2014/15</b>	<b>2013/14</b>
		<b>R'000</b>	<b>R'000</b>
<b>RECOVERABLE REVENUE</b>			
Opening balance		26 370	21 459
Transfers:		<b>(6 395)</b>	<b>4 911</b>
Irrecoverable amounts written off	<u>8.3</u>	(566)	(1 616)
Debts revised		(189)	(1 783)
Debts recovered (included in departmental receipts)		(13 868)	(6 332)
Debts raised		8 228	14 642
Closing balance		<b>19 975</b>	<b>26 370</b>
<b>TOTAL</b>		<b>19 975</b>	<b>26 370</b>

## CASH FLOW STATEMENT FOR THE YEAR ENDED 31 MARCH 2015

	<i>Note</i>	<b>2014/15</b>	<b>2013/14</b>
		<b>R'000</b>	<b>R'000</b>
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
Receipts		<b>18 229 694</b>	<b>17 213 191</b>
Annual appropriated funds received	<u>1.1</u>	15 161 871	14 206 478
Statutory appropriated funds received	<u>2</u>	2 730 266	2 575 723
Departmental revenue received	<u>3</u>	323 994	380 547
Interest received	<u>3.3</u>	11 564	22 604
Aid assistance received	<u>4</u>	1 999	27 839
Net (increase)/decrease in working capital		(5 648)	(185 955)
Surrendered to Revenue Fund		(1 093 301)	(728 436)
Current payments		(13 910 925)	(13 076 580)
Payments for financial assets		(39 125)	(16 806)
Transfers and subsidies paid		(2 335 258)	(2 121 208)
<b>Net cash flow available from operating activities</b>	<u>23</u>	<b>845 437</b>	<b>1 084 206</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Payments for capital assets	<u>10</u>	(1 127 741)	(836 820)
Proceeds from sale of capital assets	<u>3.4</u>	1 999	612
<b>Net cash flows from investing activities</b>		<b>(1 125 742)</b>	<b>(836 208)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
Increase/(decrease) in net assets		(6 395)	4 911
<b>Net cash flows from financing activities</b>		<b>(6 395)</b>	<b>4 911</b>
Net increase/(decrease) in cash and cash equivalents		(286 700)	252 909
Cash and cash equivalents at beginning of period		202 362	(50 547)
<b>Cash and cash equivalents at end of period</b>	<u>24</u>	<b>(84 338)</b>	<b>202 362</b>



## NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2015

**SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

The financial statements have been prepared in accordance with the following policies, which have been applied consistently in all material aspects, unless otherwise indicated.

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

Where appropriate and meaningful, additional information has been disclosed to enhance the usefulness of the financial statements and to comply with the statutory requirements of the Public Finance Management Act (PFMA), Act No. 1 of 1999 (as amended by Act No. 29 of 1999), and the Treasury Regulations issued in terms of the PFMA and the annual Division of Revenue Act.

<b>1</b>	<b>BASIS OF PREPARATION</b>
	The financial statements have been prepared in accordance with the Modified Cash Standard.
<b>2</b>	<b>GOING CONCERN</b>
	The financial statements have been prepared on a going concern basis.
<b>3</b>	<b>PRESENTATION CURRENCY</b>
	Amounts have been presented in the currency of the South African Rand (R) which is also the functional currency of the Department.
<b>4</b>	<b>ROUNDING</b>
	Unless otherwise stated financial figures have been rounded to the nearest one thousand Rand (R'000).
<b>5</b>	<b>FOREIGN CURRENCY TRANSLATION</b>
	Cash flows arising from foreign currency transactions are translated into South African Rands using the exchange rates prevailing at the date of payment / receipt.
<b>6</b>	<b>COMPARATIVE INFORMATION</b>
<b>6.1</b>	<b>PRIOR PERIOD COMPARATIVE INFORMATION</b>
	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.
<b>6.2</b>	<b>CURRENT YEAR COMPARISON WITH BUDGET</b>
	A comparison between the approved, final budget and actual amounts for each programme and economic classification is included in the appropriation statement.

<b>7</b>	<b>REVENUE</b>
<b>7.1</b>	<p><b>APPROPRIATED FUNDS</b></p> <p>Appropriated funds comprise departmental allocations as well as direct charges against the revenue fund (i.e. statutory appropriation).</p> <p>Appropriated funds are recognised in the statement of financial performance on the date the appropriation becomes effective. Adjustments made in terms of the adjustments budget process are recognised in the statement of financial performance on the date the adjustments become effective.</p> <p>The net amount of any appropriated funds due to/from the relevant revenue fund at the reporting date is recognised as a payable/receivable in the statement of financial position.</p>
<b>7.2</b>	<p><b>DEPARTMENTAL REVENUE</b></p> <p>Departmental revenue is recognised in the statement of financial performance when received and is subsequently paid into the relevant revenue fund, unless stated otherwise.</p> <p>Any amount owing to the relevant revenue fund at the reporting date is recognised as a payable in the statement of financial position.</p>
<b>7.3</b>	<p><b>ACCRUED DEPARTMENTAL REVENUE</b></p> <p>Accruals in respect of departmental revenue (excluding tax revenue) are recorded in the notes to the financial statements when:</p> <ul style="list-style-type: none"> <li>• it is probable that the economic benefits or service potential associated with the transaction will flow to the Department; and</li> <li>• the amount of revenue can be measured reliably.</li> </ul> <p>The accrued revenue is measured at the fair value of the consideration receivable.</p> <p>Accrued tax revenue (and related interest and/penalties) is measured at amounts receivable from collecting agents.</p>
<b>8</b>	<b>EXPENDITURE</b>
<b>8.1</b>	<b>COMPENSATION OF EMPLOYEES</b>
<b>8.1.1</b>	<p><b>SALARIES AND WAGES</b></p> <p>Salaries and wages are recognised in the statement of financial performance on the date of payment.</p>
<b>8.1.2</b>	<p><b>SOCIAL CONTRIBUTIONS</b></p> <p>Social contributions made by the Department in respect of current employees are recognised in the statement of financial performance on the date of payment.</p> <p>Social contributions made by the Department in respect of ex-employees are classified as transfers to households in the statement of financial performance on the date of payment.</p>

8.2	<p><b>OTHER EXPENDITURE</b></p> <p>Other expenditure (such as goods and services, transfers and subsidies and payments for capital assets) is recognised in the statement of financial performance on the date of payment. The expense is classified as a capital expense if the total consideration paid is more than the capitalisation threshold.</p>
8.3	<p><b>ACCRUED EXPENDITURE PAYABLE</b></p> <p>Accrued expenditure payable is recorded in the notes to the financial statements when the goods are received or, in the case of services, when they are rendered to the Department.</p> <p>Accrued expenditure payable is measured at cost.</p>
8.4	<p><b>LEASES</b></p>
8.4.1	<p><b>OPERATING LEASES</b></p> <p>Operating lease payments made during the reporting period are recognised as current expenditure in the statement of financial performance on the date of payment.</p> <p>The operating lease commitments are recorded in the notes to the financial statements.</p>
8.4.2	<p><b>FINANCE LEASES</b></p> <p>Finance lease payments made during the reporting period are recognised as capital expenditure in the statement of financial performance on the date of payment.</p> <p>The finance lease commitments are recorded in the notes to the financial statements and are not apportioned between the capital and interest portions.</p> <p>Finance lease assets acquired at the end of the lease term are recorded and measured at the lower of:</p> <ul style="list-style-type: none"> <li>• cost, being the fair value of the asset; or</li> <li>• the sum of the minimum lease payments made, including any payments made to acquire ownership at the end of the lease term, excluding interest.</li> </ul>
9	<p><b>AID ASSISTANCE</b></p>
9.1	<p><b>AID ASSISTANCE RECEIVED</b></p> <p>Aid assistance received in cash is recognised in the statement of financial performance when received. In-kind aid assistance is recorded in the notes to the financial statements on the date of receipt and is measured at fair value.</p> <p>Aid assistance not spent for the intended purpose and any unutilised funds from aid assistance that are required to be refunded to the donor are recognised as a payable in the statement of financial position.</p>
9.2	<p><b>AID ASSISTANCE PAID</b></p> <p>Aid assistance paid is recognised in the statement of financial performance on the date of payment. Aid assistance payments made prior to the receipt of funds are recognised as a receivable in the statement of financial position.</p>

10	<b>CASH AND CASH EQUIVALENTS</b> <p>Cash and cash equivalents are stated at cost in the statement of financial position.</p> <p>Bank overdrafts are shown separately on the face of the statement of financial position.</p> <p>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.</p>
11	<b>PREPAYMENTS AND ADVANCES</b> <p>Prepayments and advances are recognised in the statement of financial position when the Department receives or disburses the cash.</p> <p>Prepayments and advances are initially and subsequently measured at cost.</p>
12	<b>LOANS AND RECEIVABLES</b> <p>Loans and receivables are recognised in the statement of financial position at cost plus accrued interest, where interest is charged, less amounts already settled or written off.</p>
13	<b>INVESTMENTS</b> <p>Investments are recognised in the statement of financial position at cost.</p>
14	<b>IMPAIRMENT OF FINANCIAL ASSETS</b> <p>Where there is an indication of impairment of a financial asset, an estimation of the reduction in the recorded carrying value, to reflect the best estimate of the amount of the future economic benefits expected to be received from that asset, is recorded in the notes to the financial statements.</p>
15	<b>PAYABLES</b> <p>Loans and payables are recognised in the statement of financial position at cost.</p>
16	<b>CAPITAL ASSETS</b>
16.1	<b>IMMOVABLE CAPITAL ASSETS</b> <p>Immovable capital assets are initially recorded in the notes to the financial statements at cost. Immovable capital assets acquired through a non-exchange transaction is measured at fair value as at the date of acquisition.</p> <p>Where the cost of immovable capital assets cannot be determined accurately, the immovable capital assets are measured at R1 unless the fair value of the asset has been reliably estimated, in which case the fair value is used.</p> <p>All assets acquired prior to 1 April 2002 (or a later date as approved by the OAG) may be recorded at R1.</p> <p>Immovable capital assets are subsequently carried at cost and are not subject to depreciation or impairment.</p> <p>Subsequent expenditure that is of a capital nature is added to the cost of the asset at the end of the capital project unless the immovable asset is recorded by another department in which case the completed project costs are transferred to that department.</p>

<b>16.2</b>	<b>MOVABLE CAPITAL ASSETS</b> <p>Movable capital assets are initially recorded in the notes to the financial statements at cost. Movable capital assets acquired through a non-exchange transaction is measured at fair value as at the date of acquisition.</p> <p>Where the cost of movable capital assets cannot be determined accurately, the movable capital assets are measured at fair value and where fair value cannot be determined; the movable assets are measured at R1.</p> <p>All assets acquired prior to 1 April 2002 (or a later date as approved by the OAG) may be recorded at R1.</p> <p>Movable capital assets are subsequently carried at cost and are not subject to depreciation or impairment.</p> <p>Subsequent expenditure that is of a capital nature is added to the cost of the asset at the end of the capital project unless the movable asset is recorded by another department/entity in which case the completed project costs are transferred to that department.</p>
<b>16.3</b>	<b>INTANGIBLE ASSETS</b> <p>Intangible assets are initially recorded in the notes to the financial statements at cost. Intangible assets acquired through a non-exchange transaction are measured at fair value as at the date of acquisition.</p> <p>Internally generated intangible assets are recorded in the notes to the financial statements when the Department commences the development phase of the project.</p> <p>Where the cost of intangible assets cannot be determined accurately, the intangible capital assets are measured at fair value and where fair value cannot be determined; the intangible assets are measured at R1.</p> <p>All assets acquired prior to 1 April 2002 (or a later date as approved by the OAG) may be recorded at R1.</p> <p>Intangible assets are subsequently carried at cost and are not subject to depreciation or impairment.</p> <p>Subsequent expenditure that is of a capital nature is added to the cost of the asset at the end of the capital project unless the intangible asset is recorded by another department/entity in which case the completed project costs are transferred to that department.</p>
<b>17</b>	<b>PROVISIONS AND CONTINGENTS</b>
<b>17.1</b>	<b>PROVISIONS</b> <p>Provisions are recorded in the notes to the financial statements when there is a present legal or constructive obligation to forfeit economic benefits as a result of events in the past and it is probable that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation and a reliable estimate of the obligation can be made. The provision is measured as the best estimate of the funds required to settle the present obligation at the reporting date.</p>
<b>17.2</b>	<b>CONTINGENT LIABILITIES</b> <p>Contingent liabilities are recorded in the notes to the financial statements when there is a possible obligation that arises from past events, and whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not within the control of the Department or when there is a present obligation that is not recognised because it is not probable that an outflow of resources will be required to settle the obligation or the amount of the obligation cannot be measured reliably.</p>

17.3	<p><b>CONTINGENT ASSETS</b></p> <p>Contingent assets are recorded in the notes to the financial statements when a possible asset arises from past events, and whose existence will be confirmed by the occurrence or non-occurrence of one or more uncertain future events not within the control of the Department.</p>
17.4	<p><b>COMMITMENTS</b></p> <p>Commitments are recorded at cost in the notes to the financial statements when there is a contractual arrangement or an approval by management in a manner that raises a valid expectation that the Department will discharge its responsibilities thereby incurring future expenditure that will result in the outflow of cash.</p>
18	<p><b>UNAUTHORISED EXPENDITURE</b></p> <p>Unauthorised expenditure is recognised in the statement of financial position until such time as the expenditure is either:</p> <ul style="list-style-type: none"> <li>• approved by Parliament or the Provincial Legislature with funding and the related funds are received; or</li> <li>• approved by Parliament or the Provincial Legislature without funding and is written off against the appropriation in the statement of financial performance; or</li> <li>• transferred to receivables for recovery.</li> </ul> <p>Unauthorised expenditure is measured at the amount of the confirmed unauthorised expenditure.</p>
19	<p><b>FRUITLESS AND WASTEFUL EXPENDITURE</b></p> <p>Fruitless and wasteful expenditure is recorded in the notes to the financial statements when confirmed. The amount recorded is equal to the total value of the fruitless and or wasteful expenditure incurred.</p> <p>Fruitless and wasteful expenditure is removed from the notes to the financial statements when it is resolved or transferred to receivables for recovery.</p> <p>Fruitless and wasteful expenditure receivables are measured at the amount that is expected to be recoverable and are derecognised when settled or subsequently written off as irrecoverable.</p>
20	<p><b>IRREGULAR EXPENDITURE</b></p> <p>Irregular expenditure is recorded in the notes to the financial statements when confirmed. The amount recorded is equal to the value of the irregular expenditure incurred unless it is impracticable to determine, in which case reasons therefor are provided in the note.</p> <p>Irregular expenditure is removed from the note when it is either condoned by the relevant authority, transferred to receivables for recovery or not condoned and is not recoverable.</p> <p>Irregular expenditure receivables are measured at the amount that is expected to be recoverable and are derecognised when settled or subsequently written off as irrecoverable.</p>

21	<p><b>CHANGES IN ACCOUNTING POLICIES, ACCOUNTING ESTIMATES AND ERRORS</b></p> <p>Changes in accounting policies that are affected by management have been applied retrospectively in accordance with MCS requirements, except to the extent that it is impracticable to determine the period specific effects or the cumulative effect of the change in policy. In such instances the Department shall restate the opening balances of assets, liabilities and net assets for the earliest period for which retrospective restatement is practicable.</p> <p>Changes in accounting estimates are applied prospectively in accordance with MCS requirements.</p> <p>Correction of errors is applied retrospectively in the period in which the error has occurred in accordance with MCS requirements, except to the extent that it is impracticable to determine the period specific effects or the cumulative effect of the error. In such cases the Department shall restate the opening balances of assets, liabilities and net assets for the earliest period for which retrospective restatement is practicable.</p>
22	<p><b>EVENTS AFTER THE REPORTING DATE</b></p> <p>Events after the reporting date that are classified as adjusting events have been accounted for in the financial statements. The events after the reporting date that are classified as non-adjusting events after the reporting date have been disclosed in the notes to the financial statements.</p>
23	<p><b>AGENT-PRINCIPAL ARRANGEMENTS</b></p> <p>Agent-principal arrangements are recorded in the note to the annual financial statements when the principal has the power to exercise beneficial control over an activity, where beneficial control is a power (for example, power establishment by legislation), to direct the activity and to benefit from that power.</p>
24	<p><b>DEPARTURES FROM THE MCS REQUIREMENTS</b></p> <p>Management has concluded that the financial statements present fairly the Department's primary and secondary information; that the Department complied with the Standard except that it has departed from a particular requirement to achieve fair presentation; and the requirement from which the Department has departed, the nature of the departure and the reason for departure, has been included in the notes to the Annual Financial Statements.</p>
25	<p><b>CAPITALISATION RESERVE</b></p> <p>The capitalisation reserve comprises of financial assets and/or liabilities originating in a prior reporting period but which are recognised in the statement of financial position for the first time in the current reporting period. Amounts are recognised in the capitalisation reserves when identified in the current period and are transferred to the National Revenue Fund when the underlying asset is disposed and the related funds are received.</p>
26	<p><b>RECOVERABLE REVENUE</b></p> <p>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 Revenue Fund when recovered or are transferred to the statement of financial performance when written off.</p>



27	<p><b>RELATED PARTY TRANSACTIONS</b></p> <p>A related party transaction is a transfer of resources, services or obligations between the reporting entity and a related party. Related party transactions are recorded in the notes to the financial statements when the transaction is not at arm's length.</p>
28	<p><b>INVENTORIES (EFFECTIVE FROM 1 APRIL 2016)</b></p> <p>At the date of acquisition, inventories are recorded at cost price in the notes to the financial statements.</p> <p>Where inventories are acquired as part of a non-exchange transaction, the cost of inventory is its fair value at the date of acquisition.</p> <p>Inventories are subsequently measured at the lower of cost and net realisable value or the lower of cost and replacement value.</p>

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2015

### 1. ANNUAL APPROPRIATION

#### 1.1 ANNUAL APPROPRIATION

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

	2014/15			2013/14 Appropriation received
	Final appropriation	Actual funds received	Funds not requested/ not received	
	R'000	R'000	R'000	R'000
Administration	1 860 516	1 941 235	(80 719)	1 771 135
Court Services	6 014 151	5 907 821	106 330	5 780 119
State Legal Services	921 105	967 362	(46 257)	871 058
National Prosecuting Authority	3 254 123	3 254 123		3 068 164
Auxiliary and Associated Services	3 111 976	3 091 330	20 646	2 716 002
<b>Total</b>	<b>15 161 871</b>	<b>15 161 871</b>		<b>14 206 478</b>

## 2. STATUTORY APPROPRIATION

	2014/15	2013/14
	R'000	R'000
Judges' and magistrates' salaries	2 730 266	2 575 723
<b>Total</b>	<b>2 730 266</b>	<b>2 575 723</b>
Actual statutory appropriation received	2 730 266	2 575 723

## 3. DEPARTMENTAL REVENUE

	Note	2014/15	2013/14
		R'000	R'000
Sales of goods and services other than capital assets	3.1	52 129	72 449
Fines, penalties and forfeits	3.2	204 892	274 261
Interest, dividends and rent on land	3.3	11 564	22 604
Sales of capital assets	3.4	1 999	612
Transactions in financial assets and liabilities	3.5	63 492	33 475
Transfer received	3.6	3 481	362
<b>Total revenue collected</b>		<b>337 557</b>	<b>403 763</b>
Less: Own revenue included in appropriation	<u>19</u>		
<b>Departmental revenue collected</b>		<b>337 557</b>	<b>403 763</b>

## 3.1 SALES OF GOODS AND SERVICES OTHER THAN CAPITAL ASSETS

	Note	2014/15	2013/14
		R'000	R'000
Sales of goods and services produced by the Department	3	52 005	72 412
Sales by market establishment		5 815	6 658
Administrative fees		11	12
Other sales		46 179	65 742
Sales of scrap, waste and other used current goods		124	37
<b>Total</b>		<b>52 129</b>	<b>72 449</b>

### 3.2 FINES, PENALTIES AND FORFEITS

	Note	2014/15	2013/14
	3	R'000	R'000
Fines		185 211	225 798
Penalties		723	981
Forfeits		18 958	47 482
<b>Total</b>		<b>204 892</b>	<b>274 261</b>

### 3.3 INTEREST, DIVIDENDS AND RENT ON LAND

	Note	2014/15	2013/14
	3	R'000	R'000
Interest		11 564	22 604
<b>Total</b>		<b>11 564</b>	<b>22 604</b>

### 3.4 SALE OF CAPITAL ASSETS

	Note	2014/15	2013/14
	3	R'000	R'000
<b>Tangible assets</b>		<b>1 999</b>	<b>612</b>
Machinery and equipment		1 999	612
<b>Total</b>		<b>1 999</b>	<b>612</b>

## 3.5 TRANSACTIONS IN FINANCIAL ASSETS AND LIABILITIES

	Note	2014/15	2013/14
	3	R'000	R'000
Loans and advances			
Receivables		10 133	8 430
Stale cheques written back		12	15
Other Receipts including Recoverable Revenue		53 347	25 030
<b>Total</b>		<b>63 492</b>	<b>33 475</b>

## 3.6 TRANSFERS RECEIVED

	Note	2014/15	2013/14
	3	R'000	R'000
International organisations		141	
Public corporations and private enterprises		3 340	362
<b>Total</b>		<b>3 481</b>	<b>362</b>

## 4. AID ASSISTANCE

	Annex	2014/15	2013/14
		R'000	R'000
Opening balance	1F	37 510	31 786
Prior period error			
As restated		37 510	31 786
Transferred from statement of financial performance		(16 149)	14 895
Paid during the year			(9 171)
<b>Closing balance</b>		<b>21 361</b>	<b>37 510</b>

#### 4.1 ANALYSIS OF BALANCE BY SOURCE

		2014/15	2013/14
	Note	R'000	R'000
Aid assistance from RDP	4	4 556	7 074
CARA		16 805	30 436
<b>Closing balance</b>		<b>21 361</b>	<b>37 510</b>

#### 4.2 ANALYSIS OF BALANCE

		2014/15	2013/14
	Note	R'000	R'000
Aid assistance receivable	4		
Aid assistance unutilised		20 053	30 436
Aid assistance repayable		1 308	7 074
<b>Closing balance</b>		<b>21 361</b>	<b>37 510</b>

### 5. COMPENSATION OF EMPLOYEES

#### 5.1 SALARIES AND WAGES

	Note	2014/15	2013/14
		R'000	R'000
Basic salary		6 920 905	6 406 350
Performance award		76 820	69 568
Service-based		14 183	7 562
Compensative/circumstantial		42 321	48 192
Periodic payments		13 128	12 402
Other non-pensionable allowances		1 516 351	1 442 315
<b>Total</b>		<b>8 583 708</b>	<b>7 986 389</b>

## 5.2 SOCIAL CONTRIBUTIONS

	Note	2014/15	2013/14
		R'000	R'000
<b>Employer contributions</b>			
Pension		792 991	683 490
Medical		341 754	341 854
UIF		16	14
Bargaining Council		1 405	1 273
<b>Total</b>		<b>1 136 166</b>	<b>1 026 631</b>
<b>Total compensation of employees</b>		<b>9 719 874</b>	<b>9 013 020</b>
Average number of employees		27 189	26 589

## 6. GOODS AND SERVICES

	Note	2014/15	2013/14
		R'000	R'000
Administrative fees		13 257	25 931
Advertising		44 378	36 515
Minor assets	6.1	57 594	52 736
Bursaries (employees)		4 713	6 823
Catering		12 935	10 050
Communication		156 524	169 335
Computer services	6.2	738 926	532 163
Consultants: Business and advisory services		44 801	46 421
Laboratory services		825	749
Legal services		139 676	153 276
Contractors		60 799	110 544
Agency and support/outsourced services		230 654	196 740

	Note	2014/15	2013/14
Entertainment		9	13
Audit cost – external	6.3	45 597	56 893
Fleet services		98 598	105 468
Inventory	6.4	382	
Consumables	6.5	257 216	282 884
Operating leases		768 935	704 850
Property payments	6.6	810 326	894 410
Rental and hiring		74	21
Transport provided as part of the departmental activities		337	294
Travel and subsistence	6.7	488 754	477 012
Venues and facilities		29 911	12 400
Training and development		15 189	14 461
Other operating expenditure	6.8	152 653	151 456
<b>Total</b>		<b>4 173 063</b>	<b>4 041 445</b>

## 6.1 MINOR ASSETS

	Note	2014/15	2013/14
	6	R'000	R'000
<b>Tangible assets</b>		<b>57 594</b>	<b>52 722</b>
Machinery and equipment		57 594	52 715
Transport assets			7
<b>Intangible assets</b>			<b>14</b>
Software			14
<b>Total</b>		<b>57 594</b>	<b>52 736</b>

## 6.2 COMPUTER SERVICES

	Note	2014/15	2013/14
	6	R'000	R'000
SITA computer services		339 377	286 555
External computer service providers		399 549	245 608
<b>Total</b>		<b>738 926</b>	<b>532 163</b>

## 6.3 AUDIT COST - EXTERNAL

	Note	2014/15	2013/14
	6	R'000	R'000
Regularity audits		45 597	56 893
<b>Total</b>		<b>45 597</b>	<b>56 893</b>

## 6.4 INVENTORY

	Note	2014/15	2013/14
	6	R'000	R'000
Other supplies	6.4.1	382	
<b>Total</b>		<b>382</b>	

## 6.4.1 OTHER SUPPLIES

	Note	2014/15	2013/14
	6.4	R'000	R'000
Ammunition and security supplies		382	
<b>Total</b>		<b>382</b>	



## 6.5 CONSUMABLES

	Note	2014/15	2013/14
	6	R'000	R'000
Consumable supplies		<b>14 998</b>	<b>12 873</b>
Uniform and clothing		1 730	1 443
Household supplies		4 128	4 121
Building material and supplies		3 616	3 617
Communication accessories		125	64
IT consumables		2 564	2 282
Other consumables		2 835	1 346
Stationery, printing and office supplies		242 218	270 011
<b>Total</b>		<b>257 216</b>	<b>282 884</b>

## 6.6 PROPERTY PAYMENTS

	Note	2014/15	2013/14
	6	R'000	R'000
Municipal services		291 686	282 714
Property management fees		59 702	45 834
Other		458 938	565 862
<b>Total</b>		<b>810 326</b>	<b>894 410</b>

## 6.7 TRAVEL AND SUBSISTENCE

	Note	2014/15	2013/14
	6	R'000	R'000
Local		474 590	460 148
Foreign		14 164	16 864
<b>Total</b>		<b>488 754</b>	<b>477 012</b>

**6.8 OTHER OPERATING EXPENDITURE**

	<i>Note</i>	<b>2014/15</b>	<b>2013/14</b>
	<b>6</b>	<b>R'000</b>	<b>R'000</b>
Professional bodies, membership and subscription fees		1 673	1 640
Resettlement costs		11 414	8 891
Other		139 566	140 925
<b>Total</b>		<b>152 653</b>	<b>151 456</b>

**7. INTEREST AND RENT ON LAND**

	<i>Note</i>	<b>2014/15</b>	<b>2013/14</b>
		<b>R'000</b>	<b>R'000</b>
Interest paid			
<b>Total</b>			

**8. PAYMENTS FOR FINANCIAL ASSETS**

	<i>Note</i>	<b>2014/15</b>	<b>2013/14</b>
		<b>R'000</b>	<b>R'000</b>
Material losses through criminal conduct		<b>9 982</b>	<b>3 945</b>
Theft	8.4	9 982	3 945
Other material losses	8.1		
Other material losses written off	8.2	11 769	3 243
Debts written off	8.3	17 374	5 250
Forex losses	8.5		4 368
<b>Total</b>		<b>39 125</b>	<b>16 806</b>

## 8.1 OTHER MATERIAL LOSSES

	<i>Note</i>	<b>2014/15</b>	<b>2013/14</b>
	8	<b>R'000</b>	<b>R'000</b>
<b>Nature of other material losses</b>			
<b>Total</b>			

## 8.2 OTHER MATERIAL LOSSES WRITTEN OFF

	<i>Note</i>	<b>2014/15</b>	<b>2013/14</b>
	8	<b>R'000</b>	<b>R'000</b>
<b>Nature of losses</b>			
Irrecoverable losses		10 982	3 077
Civil action		497	20
Damages to vehicles		145	114
Losses and damages		145	32
<b>Total</b>		<b>11 769</b>	<b>3 243</b>

## 8.3 DEBTS WRITTEN OFF

	<i>Note</i>	<b>2014/15</b>	<b>2013/14</b>
	8	<b>R'000</b>	<b>R'000</b>
Recoverable revenue written off		233	1 616
<b>Total</b>		<b>233</b>	<b>1 616</b>
Other debt written off			
Staff debts (out-of-service debts)		17 141	3 634
<b>Total</b>		<b>17 141</b>	<b>3 634</b>
<b>Total debt written off</b>		<b>17 374</b>	<b>5 250</b>

## 8.4 DETAILS OF THEFT

	Note	2014/15	2013/14
	8	R'000	R'000
<b>Nature of theft</b>			
Burglaries		1 585	134
Theft		8 397	3 811
<b>Total</b>		<b>9 982</b>	<b>3 945</b>

## 8.5 FOREX LOSSES

	Note	2014/15	2013/14
	8	R'000	R'000
<b>Nature of losses</b>			
Forex losses			4 368
<b>Total</b>			<b>4 368</b>

## 9. TRANSFERS AND SUBSIDIES

	Note	2014/15	2013/14
		R'000	R'000
Provinces and municipalities	<i>Annex 1A</i>	587	569
Departmental agencies and accounts	<i>Annex 1B</i>	2 157 222	1 998 123
Foreign governments and international organisations	<i>Annex 1C</i>	23 931	11 193
Households	<i>Annex 1D</i>	153 519	111 323
<b>Total</b>		<b>2 335 259</b>	<b>2 121 208</b>

## 10. EXPENDITURE FOR CAPITAL ASSETS

	Note	2014/15	2013/14
		R'000	R'000
<b>Tangible assets</b>		<b>1 112 636</b>	<b>836 719</b>
Buildings and other fixed structures	40	722 862	398 796
Machinery and equipment	39	389 774	437 923
<b>Intangible assets</b>		<b>15 105</b>	<b>101</b>
Software	40	15 105	101
<b>Total</b>		<b>1 127 741</b>	<b>836 820</b>

## 10.1 ANALYSIS OF FUNDS UTILISED TO ACQUIRE CAPITAL ASSETS – 2014/15

	Voted funds	Aid assistance	Total
	R'000	R'000	R'000
<b>Tangible assets</b>	<b>1 112 476</b>	<b>160</b>	<b>1 112 636</b>
Buildings and other fixed structures	722 862		722 862
Machinery and equipment	389 614	160	389 774
<b>Intangible assets</b>	<b>15 105</b>		<b>15 105</b>
Software	15 105		15 105
<b>Total</b>	<b>1 127 581</b>	<b>160</b>	<b>1 127 741</b>

## 10.2 ANALYSIS OF FUNDS UTILISED TO ACQUIRE CAPITAL ASSETS – 2013/14

	Voted funds	Aid assistance	Total
	R'000	R'000	R'000
<b>Tangible assets</b>	<b>836 719</b>		<b>836 719</b>
Buildings and other fixed structures	398 796		398 796
Machinery and equipment	437 923		437 923
<b>Intangible assets</b>	<b>101</b>		<b>101</b>
Software	101		101
<b>Total</b>	<b>836 820</b>		<b>836 820</b>

## 10.3 FINANCE LEASE EXPENDITURE INCLUDED IN EXPENDITURE FOR CAPITAL ASSETS

	Note	2014/15	2013/14
		R'000	R'000
<b>Tangible assets</b>			
Buildings and other fixed structures		10 551	11 189
Machinery and equipment		131 784	178 980
<b>Total</b>		<b>142 335</b>	<b>190 169</b>

## 11. UNAUTHORISED EXPENDITURE

## 11.1 RECONCILIATION OF UNAUTHORISED EXPENDITURE

	Note	2014/15	2013/14
		R'000	R'000
Opening balance			
<b>Total</b>			

## 12. CASH AND CASH EQUIVALENTS

	Note	2014/15	2013/14
		R'000	R'000
Consolidated Paymaster-General Account			197 225
Cash receipts		(289)	161
Cash on hand		5 109	4 998
<b>Total</b>		<b>4 820</b>	<b>202 384</b>

## 13. OTHER FINANCIAL ASSETS

	Note	2014/15	2013/14
		R'000	R'000
Local			
<b>Total current other financial assets</b>			

## 14. PREPAYMENTS AND ADVANCES

	Note	2014/15	2013/14
		R'000	R'000
Travel and subsistence		567	550
Prepayments		1 226	440
Advances paid	14.1	30 959	88 465
<b>Total</b>		<b>32 752</b>	<b>89 455</b>

## 14.1 ADVANCES PAID

	Note	2014/15	2013/14
		R'000	R'000
National departments	14 Annex 8A	30 959	88 465
Provincial departments			
<b>Total</b>		<b>30 959</b>	<b>88 465</b>

## 15. RECEIVABLES

	Note	2014/15				2013/14
		R'000	R'000	R'000	R'000	R'000
		Less than one year	One to three years	Older than three years	Total	Total
Claims recoverable	15.1 Annex 4	428 245	138 014	33 501	599 760	544 959
Trade receivables	15.2	243	396	74	713	579
Recoverable expenditure	15.3	506			506	7
Staff debt	15.4	6 476	14 334	15 083	35 893	46 890
Other debtors	15.5	3 843	2 964	2 403	9 210	7 521
<b>Total</b>		<b>439 313</b>	<b>155 708</b>	<b>51 061</b>	<b>646 082</b>	<b>599 956</b>

## 15.1 CLAIMS RECOVERABLE

	Note	2014/15	2013/14
	15	R'000	R'000
National departments		210 353	220 597
Provincial departments		389 407	324 362
<b>Total</b>		<b>599 760</b>	<b>544 959</b>

## 15.2 TRADE RECEIVABLES

	Note	2014/15	2013/14
	15	R'000	R'000
Trade receivables		713	579
<b>Total</b>		<b>713</b>	<b>579</b>



## 15.3 RECOVERABLE EXPENDITURE (DISALLOWANCE ACCOUNTS)

	Note	2014/15	2013/14
Fruitless expenditure		142	7
National PACE reports		364	
<b>Total</b>		<b>506</b>	<b>7</b>

## 15.4 STAFF DEBT

	Note	2014/15	2013/14
	15	R'000	R'000
In-services debt		1 801	2 182
Out-of-service debt		25 036	35 901
NPA debtors		8 973	8 621
Sal tax debt		10	9
Sal official union			1
Sal reversal control		71	176
Sal medical aid		2	
<b>Total</b>		<b>35 893</b>	<b>46 890</b>

## 15.5 OTHER DEBTORS

	Note	2014/15	2013/14
	15	R'000	R'000
Disallowance accounts		7 947	6 971
Salary suspense accounts		539	226
Damages and vehicles		400	
VAT clearing account		324	324
<b>Total</b>		<b>9 210</b>	<b>7 521</b>

**15.6 FRUITLESS AND WASTEFUL EXPENDITURE**

	<i>Note</i>	<b>2014/15</b>	<b>2013/14</b>
	<b>15</b>	<b>R'000</b>	<b>R'000</b>
Opening balance			
Less amounts recovered		515	8
Less amounts written off		18	225
Transfers from note 32 Fruitless and Wasteful Expenditure		(533)	(233)
<b>Total</b>			

**15.7 IMPAIRMENT OF RECEIVABLES**

	<i>Note</i>	<b>2014/15</b>	<b>2013/14</b>
	<b>18</b>	<b>R'000</b>	<b>R'000</b>
Estimate of impairment of receivables		24 445	27 019
<b>Total</b>		<b>24 445</b>	<b>27 019</b>

**16. INVESTMENTS**

	<i>Note</i>	<b>2014/15</b>	<b>2013/14</b>
		<b>R'000</b>	<b>R'000</b>
Non-current			
<b>Total</b>			

**17. LOANS**

	<i>Note</i>	<b>2014/15</b>	<b>2013/14</b>
		<b>R'000</b>	<b>R'000</b>
Staff loans			
<b>Total</b>			

## 18. VOTED FUNDS TO BE SURRENDERED TO THE REVENUE FUND

	Note	2014/15	2013/14
		R'000	R'000
Opening balance		752 902	343 289
Prior period error	18.2		
As restated		752 902	343 289
Transfer from statement of financial performance (as restated)		497 236	752 902
Paid during the year		(752 897)	(343 289)
<b>Closing balance</b>		<b>497 241</b>	<b>752 902</b>

## 19. DEPARTMENTAL REVENUE AND NRF RECEIPTS TO BE SURRENDERED TO THE REVENUE FUND

	Note	2014/15	2013/14
		R'000	R'000
Opening balance		49 257	30 641
Prior period error	19.1		
As restated		49 257	30 641
Transfer from Statement of Financial Performance (as restated)		337 557	403 763
Paid during the year		(340 404)	(385 147)
<b>Closing balance</b>		<b>46 410</b>	<b>49 257</b>

## 20. BANK OVERDRAFT

	Note	2014/15	2013/14
		R'000	R'000
Consolidated Paymaster-General Account		89 112	
Overdraft with commercial banks (local)		46	22
<b>Total</b>		<b>89 158</b>	<b>22</b>

## 21. PAYABLES – CURRENT

	Note	2014/15	2013/14
		R'000	R'000
Advances received	21.1		1 814
Clearing accounts	21.2	9 441	23 799
Other payables	21.3	68	121
<b>Total</b>		<b>9 509</b>	<b>25 734</b>

## 21.1 ADVANCES RECEIVED

	Note	2014/15	2013/14
		R'000	R'000
National departments	21		
Provincial departments			1 814
<b>Total</b>			<b>1 814</b>

## 21.2 CLEARING ACCOUNTS

	Note	2014/15	2013/14
		R'000	R'000
Salary Control Accounts	21	9 441	23 799
<b>Total</b>		<b>9 441</b>	<b>23 799</b>

## 21.3 OTHER PAYABLES

	Note	2014/15	2013/14
		R'000	R'000
Salary Reversal Control	21	68	121
<b>Total</b>		<b>68</b>	<b>121</b>

## 22. PAYABLES – NON-CURRENT

Other payables

**Total**

## 23. NET CASH FLOW AVAILABLE FROM OPERATING ACTIVITIES

	Note	2014/15	2013/14
		R'000	R'000
Net surplus/(deficit) as per Statement of Financial Performance		818 644	1 162 389
Add back non-cash/cash movements not deemed operating activities		26 793	(78 183)
(Increase)/decrease in receivables – current		(46 126)	(75 159)
(Increase)/decrease in prepayments and advances		56 703	(78 172)
Increase/(decrease) in payables – current		(16 225)	(32 624)
Proceeds from sale of capital assets		(1 999)	(612)
Expenditure on capital assets		1 127 741	836 820
Surrenders to Revenue Fund		(1 093 301)	(728 436)
<b>Net cash flow generated by operating activities</b>		<b>845 437</b>	<b>1 084 206</b>

## 24. RECONCILIATION OF CASH AND CASH EQUIVALENTS FOR CASH FLOW PURPOSES

	Note	2014/15	2013/14
		R'000	R'000
Consolidated Paymaster-General Account		(89 112)	197 225
Cash receipts		(289)	161
Cash on hand		5 109	4 998
Cash with commercial banks (local)		(46)	(22)
<b>Total</b>		<b>(84 338)</b>	<b>202 362</b>

## 25 CONTINGENT LIABILITIES AND CONTINGENT ASSETS

## 25.1 CONTINGENT LIABILITIES

		Note	2014/15	2013/14
			R'000	R'000
Liable to	Nature			
Housing loan guarantees	Employees	Annex 3A	944	1 840
Claims against the Department		Annex 3B	3 760 514	3 272 950
Intergovernmental payables (unconfirmed balances)		Annex 5	10 487	5 177
Other		Annex 3B	71 588	74 532
<b>Total</b>			<b>3 843 533</b>	<b>3 354 499</b>

Contingent liabilities mainly consist of summonses received by the department of which the outcome and timing is uncertain.

The prior year figures disclosed on Claims against the department have been restated due to a contingent liability that was previously overstated (R142 million). Furthermore, opening balance of Housing Guarantees has been restated as per Persal report 7.11.15

## 26. COMMITMENTS

		Note	2014/15	2013/14
			R'000	R'000
<b>Current expenditure</b>				
Approved and contracted			2 144 190	1 614 712
Approved but not yet contracted			709 800	2 983
			<b>2 853 990</b>	<b>1 617 695</b>
<b>Capital expenditure</b>				
Approved and contracted			21 182	18 171
Approved but not yet contracted				6 022
			<b>21 182</b>	<b>24 193</b>
<b>Total commitments</b>			<b>2 875 172</b>	<b>1 641 888</b>

Commitments totalling R2, billion (approved and contracted) mainly relates to guarding services (R515 million), court technology recording (R472 million) and several IT support services. Included in these commitments are commitments amounting to more than R1,8 billion which are for longer than one year (current commitments).

Current commitments (approved but not yet contracted) mainly relates to a security contract (R304 million) and an IT contract amounting to R407 million.

Commitments (approved and contracted) prior year have been restated with R297 million to include SITA and facility management contracts on Programme 4 that were not previously included.

## 27. ACCRUALS AND PAYABLES NOT RECOGNISED

			2014/15	2013/14
			R'000	R'000
Listed by economic classification				
	30 days	30+ days	Total	Total
Goods and services	73 227	3 617	76 844	126 038
Capital assets	5 550	40	5 590	7 631
Total	78 777	3 657	82 434	133 669

**Accruals**

	Note	2014/15	2013/14
		R'000	R'000
<b>Listed by programme level</b>			
Programme 1: Administration		36 180	48 530
Programme 2: Court Services		15 481	56 374
Programme 3: State Legal Services		1 612	3 283
Programme 5: Auxiliary and Associated Services			11 714
Programme 4: NPA		29 161	13 768
<b>Total</b>		<b>82 434</b>	<b>133 669</b>

	Note	2014/15	2013/14
		R'000	R'000
Confirmed balances with other departments	Annex 5	2 390	26 185
<b>Total</b>		<b>2 390</b>	<b>26 185</b>

The accruals paid within 30 days mainly relate to travelling services (R38 million) and accruals more than 30 days mainly relates to storage facilities (R528 162), travelling services (R883 972) and R254 825 for printing services.

**28. EMPLOYEE BENEFITS**

	Note	2014/15	2013/14
		R'000	R'000
Leave entitlement		928 140	869 403
Service bonus (thirteenth cheque)		238 061	215 815
Performance awards		138 017	125 200
Capped leave commitments		354 802	366 553
Other		21 552	13 543
<b>Total</b>		<b>1 680 572</b>	<b>1 590 514</b>

*Included in the leave entitlement is an amount of R12 654 467.10 representing negative leave. It should however, be noted that it does not necessarily mean officials have taken more leave than available.*

**29. LEASE COMMITMENTS****29.1 OPERATING LEASES EXPENDITURE**

2014/15	Machinery and equipment	Total
Not later than 1 year		
<b>Total lease commitments</b>		



## 29.2 FINANCE LEASES EXPENDITURE

2014/15	Machinery and equipment	Total
Not later than 1 year	100 808	<b>100 808</b>
Later than 1 year and not later than 5 years	130 153	<b>130 153</b>
Later than five years		
<b>Total lease commitments</b>	<b>230 961</b>	<b>230 961</b>

2013/14	Machinery and equipment	Total
Not later than 1 year	46 341	<b>46 341</b>
Later than 1 year and not later than 5 years	72 180	<b>72 180</b>
Later than five years		
<b>Total lease commitments</b>	<b>118 521</b>	<b>118 521</b>

*Finance leases on Machinery and equipment are mainly for leasing of motor vehicles and rental of photocopiers.*

## 30. ACCRUED DEPARTMENTAL REVENUE

	Note	2014/15	2013/14
		R'000	R'000
Fines, penalties and forfeits		3 806	3 051
Other		7 176	6 876
<b>Total</b>		<b>10 982</b>	<b>9 927</b>

### 30.1 ANALYSIS OF ACCRUED DEPARTMENTAL REVENUE

	Note	2014/15	2013/14
		R'000	R'000
Opening balance		9 927	327 220
Less: amounts received			
Add: amounts recognised		1 055	6 876
Less: amounts written off/reversed as irrecoverable			(324 169)
<b>Closing balance</b>		<b>10 982</b>	<b>9 927</b>

## 31. IRREGULAR EXPENDITURE

## 31.1 RECONCILIATION OF IRREGULAR EXPENDITURE

	Note	2014/15	2013/14
		R'000	R'000
Opening balance		633 734	725 892
Prior period error 2011/12-2012/13			(95 355)
As restated		633 734	630 537
Add: Irregular expenditure – relating to prior year			131
Add: Irregular expenditure – relating to current year	31.2	44 699	89 602
Less: Prior year amounts condoned	31.3	(19 310)	(74 157)
Less: Current year amounts condoned	31.3	(5 259)	(12 274)
Less: Amounts not condoned and recoverable			
Less: Amounts not condoned and not recoverable	31.4	(221 777)	(105)
<b>Closing balance</b>		<b>432 087</b>	<b>633 734</b>

## Analysis of awaiting condonation per age classification

Current year	44 699	89 574
Prior years	387 388	544 160
<b>Total</b>	<b>432 087</b>	<b>633 734</b>

## 31.2 DETAILS OF IRREGULAR EXPENDITURE – CURRENT YEAR

Incident	Disciplinary steps taken/criminal proceedings	2014/15
		R'000
Normal procurement policies and procedures not followed	Cases are currently under investigation and disciplinary procedures to be finalised	6 199
Appointment of Travel Agency for Judges not following bid process	Cases are currently under investigation and disciplinary procedures to be finalised	26 918
SMS members not signing performance agreements as per DPSA agreements	Cases are currently under investigation and disciplinary procedures to be finalised	1 797
Procurement procedures not followed in terms of RT3 contracts	Cases are currently under investigation	3 954
Accommodation lease in Kimberley	Criminal investigation	5 831
<b>Total</b>		<b>44 699</b>

## 31.3 DETAILS OF IRREGULAR EXPENDITURE CONDONED

Incident	Condoned by (condoning authority)	2014/15 R'000
Procurement policies and procedures not followed	Condoned by the Department Bid Adjudication Committee	13 257
Advertisement placed without authorisation	CEO NPA	10 727
Accommodation leases	CEO NPA	335
Security services	CEO NPA	250
<b>Total</b>		<b>24 569</b>

## 31.4 DETAILS OF IRREGULAR EXPENDITURE NOT RECOVERABLE (NOT CONDONED)

Incident	Not condoned by (condoning authority)	2014/15 R'000
Services rendered not within scope of contract	National Treasury	20 803
Procurement procedures not followed in terms of IDT, DPW and Rent works contracts	National Treasury	200 974
<b>Total</b>		<b>221 777</b>

## 31.5 PRIOR PERIOD ERROR

	Note	2013/14 R'000
	31	
<b>Nature of prior period error</b>		
Relating to 2012/13		(95 355)
Irregular 2011/12		(224)
Irregular 2012/13		(89 737)
Relating to 2006/07 2011		(5 394)
Relating to 2013/14		<b>500</b>
Irregular 2013/14 investigation not irregular		(146)
Irregular 2013/14 reported		646
<b>Total</b>		<b>(94 855)</b>

**32. FRUITLESS AND WASTEFUL EXPENDITURE****32.1 RECONCILIATION OF FRUITLESS AND WASTEFUL EXPENDITURE**

	Note	2014/15	2013/14
		R'000	R'000
Opening balance		51 216	50 703
Prior period error			779
As restated		51 216	51 482
Fruitless and wasteful expenditure – relating to prior year			164
Fruitless and wasteful expenditure – relating to current year		484	622
Less: Amounts resolved		(40 038)	(819)
Less: Amounts transferred to receivables for recovery	15.6	(533)	(233)
<b>Fruitless and wasteful expenditure awaiting resolution</b>		<b>11 129</b>	<b>51 216</b>

**32.2 ANALYSIS OF AWAITING RESOLUTION PER ECONOMIC CLASSIFICATION**

	2014/15	2013/14
	R'000	R'000
Current	11 129	43 248
Capital		7 968
<b>Total</b>	<b>11 129</b>	<b>51 216</b>

**32.3 ANALYSIS OF CURRENT YEAR'S FRUITLESS AND WASTEFUL EXPENDITURE**

Incident	Disciplinary steps taken/criminal proceedings	2014/15
		R'000
Fees charged in respect of officials not using reserved accommodation and or transport	Cases under investigation for possible determination of liability	212
Penalty/interest of late payment of accounts	Cases under investigation for possible determination of liability	247
Traffic fines/motor vehicle admin costs	Cases under investigation for possible determination of liability	2
Lease agreement option not exercised reduced rates	Cases under investigation for possible determination of liability	23
<b>Total</b>		<b>484</b>

## 32.4 PRIOR PERIOD ERROR

	Note	2013/14
	32	R'000
<b>Nature of prior period error</b>		
Relating to 2008/09		725
Duplicate payment		504
Interest paid on cost order		34
Relating to 2011/12 supplier overpaid		187
Relating to 2013/14		54
Traffic fines/motor vehicle administration costs		8
Fees charged in respect of officials not using reserved accommodation		46
<b>Total</b>		<b>779</b>

## 33. RELATED PARTY TRANSACTIONS

Payments made	Note	2014/15	2013/14
		R'000	R'000
Goods and services			76 269
<b>Total</b>			<b>76 269</b>

	Note	2014/15	2013/14
		R'000	R'000
<b>Other</b>			
Guarantees issued/received			
NPA officials seconded		2 026	2 004
<b>Total</b>		<b>2 026</b>	<b>2 004</b>

## List of related party relationships

Guardian's Fund  
 Legal Aid Board  
 President's Fund  
 Special Investigating Unit  
 The Human Rights Commission  
 The Public Protector  
 Third Party Funds  
 Criminal Asset Recovery Account

## 34. KEY MANAGEMENT PERSONNEL

	No. of Individuals	2014/15	2013/14
		R'000	R'000
Political office bearers (provide detail below)			
Officials:			
Levels 15 to 16	32	52 881	49 224
Level 14 (incl. CFO if at a lower level)	58	57 244	57 333
Family members of key management personnel	13	4 843	3 037
<b>Total</b>		<b>114 968</b>	<b>109 594</b>

## 35. PUBLIC PRIVATE PARTNERSHIP

	Note	2014/15	2013/14
		R'000	R'000
Contract fee received			

## 36. IMPAIRMENT: OTHER

	Note	2014/15	2013/14
		R'000	R'000
Total			

## 37. PROVISIONS

	Note	2014/15	2013/14
		R'000	R'000
Curator expenses		121 645	126 050
<b>Total</b>		<b>121 645</b>	<b>126 050</b>

## 37.1 RECONCILIATION OF MOVEMENT IN PROVISIONS – 2014/15

	Curator expenditure	Total provisions
	R'000	R'000
Opening balance	126 050	126 050
Increase in provision	29 673	29 673
Settlement of provision	(31 558)	(31 558)
Unused amounts reversed	(2 520)	(2 520)
<b>Closing balance</b>	<b>121 645</b>	<b>121 645</b>

## Reconciliation of movement in provisions – 2013/14

	Curator expenditure	Job evaluation	Guard Fund	Total provisions
	R'000	R'000	R'000	R'000
Opening balance	170 920	2 003	55 658	228 581
Increase in provision	77 710			77 710
Settlement of provision	(95 408)	(2 003)	(55 658)	(153 069)
Unused amounts reversed	(27 172)			(27 172)
<b>Closing balance</b>	<b>126 050</b>			<b>126 050</b>

*The provision relates to expenditure incurred in respect of curators appointed in Asset Forfeiture Unit cases.*

## 38. NON-ADJUSTING EVENTS AFTER REPORTING DATE

	2014/15
Nature of event	R'000
<b>Total</b>	

## 39. MOVABLE TANGIBLE CAPITAL ASSETS

## MOVEMENT IN MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2015

	Opening balance	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000
HERITAGE ASSETS	455			455
Heritage assets	455			455
MACHINERY AND EQUIPMENT	1 193 678	245 077	68 956	1 369 799
Transport assets	148 272	22 354	8 492	162 134
Computer equipment	491 034	86 608	49 618	528 024
Furniture and office equipment	258 292	93 734	6 976	345 050
Other machinery and equipment	296 080	42 381	3 870	334 591
<b>TOTAL MOVABLE TANGIBLE CAPITAL ASSETS</b>	<b>1 194 133</b>	<b>245 077</b>	<b>68 956</b>	<b>1 370 254</b>

## Movable tangible capital assets under investigation

	Number	Value
		R'000
Machinery and equipment	1 688	28 915



## 39.1 ADDITIONS

## ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2015

	Cash	Non-cash	(Capital work in progress current costs & finance lease payments)	Received current, not paid (paid current year, received prior year)	Total
	R'000	R'000	R'000	R'000	R'000
<b>MACHINERY AND EQUIPMENT</b>	<b>389 774</b>	<b>9 520</b>	<b>(145 096)</b>	<b>(9 121)</b>	<b>245 077</b>
Transport assets	142 471	1 480	(121 597)		22 354
Computer equipment	84 237	6 515		(4 144)	86 608
Furniture and office equipment	110 586	155	(21 284)	4 277	93 734
Other machinery and equipment	52 480	1 370	(2 215)	(9 254)	42 381
<b>TOTAL ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS</b>	<b>389 774</b>	<b>9 520</b>	<b>(145 096)</b>	<b>(9 121)</b>	<b>245 077</b>

## 39.2 DISPOSALS

## DISPOSALS OF MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2015

	Sold for cash	Transfer out or destroyed or scrapped	Total disposals	Cash received actual
	R'000	R'000	R'000	R'000
<b>MACHINERY AND EQUIPMENT</b>	<b>8 483</b>	<b>60 473</b>	<b>68 956</b>	<b>1 999</b>
Transport assets	8 483	9	8 492	1 999
Computer equipment		49 618	49 618	
Furniture and office equipment		6 976	6 976	
Other machinery and equipment		3 870	3 870	
<b>TOTAL DISPOSAL OF MOVABLE TANGIBLE CAPITAL ASSETS</b>	<b>8 483</b>	<b>60 473</b>	<b>68 956</b>	<b>1 999</b>

## 39.3 MOVEMENT FOR 2013/14

## MOVEMENT IN TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2014

	Opening balance	Prior period error	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000	R'000
<b>HERITAGE ASSETS</b>	<b>590</b>	<b>(135)</b>			<b>455</b>
Heritage assets	590	(135)			455
<b>MACHINERY AND EQUIPMENT</b>	<b>1 054 571</b>	<b>(28 297)</b>	<b>225 857</b>	<b>58 453</b>	<b>1 193 678</b>
Transport assets	131 919	821	18 103	2 571	148 272
Computer equipment	409 558	(27 831)	149 763	40 456	491 034
Furniture and office equipment	216 501	3 163	46 633	8 005	258 292
Other machinery and equipment	296 593	(4 450)	11 358	7 421	296 080
<b>TOTAL MOVABLE TANGIBLE CAPITAL ASSETS</b>	<b>1 055 161</b>	<b>(28 432)</b>	<b>225 857</b>	<b>58 453</b>	<b>1 194 133</b>

## 39.3.1 PRIOR PERIOD ERROR

	Note	2013/14
	39.3	R'000
<b>Nature of prior period error</b>		<b>(1 030)</b>
Restatement for 2011/13 financial year as per financials		(2 862)
Heritage assets restated due to revaluation		(164)
Office and furniture equipment verified		1 996
Relating to 2013/14		<b>(27 402)</b>
Restatement for 2013/14		(28 017)
Office furniture verified		615
<b>Total</b>		<b>(28 432)</b>

## 39.4 MINOR ASSETS

## MOVEMENT IN MINOR ASSETS PER THE ASSET REGISTER FOR THE YEAR ENDED AS AT 31 MARCH 2015

	Intangible assets	Heritage assets	Machinery and equipment	Total
	R'000	R'000	R'000	R'000
Opening balance	36	211	899 088	899 335
Additions			50 271	50 271
Disposals			26 706	26 706
<b>TOTAL MINOR ASSETS</b>	<b>36</b>	<b>211</b>	<b>922 653</b>	<b>922 900</b>

## MINOR ASSETS

## MOVEMENT IN MINOR ASSETS PER THE ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2014

	Intangible assets	Heritage assets	Machinery and equipment	Total
Number of R1 minor assets		6 102	641 220	647 322
Number of minor assets at cost	15	63	867 798	867 876
<b>TOTAL NUMBER OF MINOR ASSETS</b>	<b>15</b>	<b>6 165</b>	<b>1 509 018</b>	<b>1 515 198</b>

## Minor capital assets under investigation

	Number	Value
		R'000
<b>Included in the above total of the minor capital assets per the asset register are assets that are under investigation:</b>		
Machinery and equipment	13 605	17 840

*This relates to assets that were stolen under custody of custodians and Legal Liability is conducting investigation to determine liability and recommendations thereof.*

## MOVEMENT IN MINOR ASSETS PER THE ASSET REGISTER FOR THE YEAR ENDED AS AT 31 MARCH 2014

	Intangible assets	Heritage assets	Machinery and equipment	Total
	R'000	R'000	R'000	R'000
Opening balance		683	904 507	905 190
Prior period error	36	(472)	(2 611)	(3 047)
Additions			47 062	47 062
<b>Disposals</b>			<b>49 870</b>	<b>49 870</b>
<b>TOTAL MINOR ASSETS</b>	<b>36</b>	<b>211</b>	<b>899 088</b>	<b>899 335</b>

	Intangible assets	Heritage assets	Machinery and equipment	Total
Number of R1 minor assets		6 102	716 648	722 750
Number of minor assets at cost		63	728 040	728 103
<b>TOTAL NUMBER OF MINOR ASSETS</b>		<b>6 165</b>	<b>1 444 688</b>	<b>1 450 853</b>

## 39.4.1 PRIOR PERIOD ERROR

	Note	2013/14
	39.4	R'000
<b>Nature of prior period error</b>		
Relating to 2012/13		(1 451)
Heritage assets re-valued		(472)
Machinery and equipment		(979)
Relating to 2013/14		(1 596)
Number of minor assets		(1 632)
Intangible assets		36
<b>Total</b>		<b>(3 047)</b>

## 39.5 MOVABLE ASSETS WRITTEN OFF

## MOVABLE ASSETS WRITTEN OFF FOR THE YEAR ENDED AS AT 31 MARCH 2015

	Machinery and equipment	Total
	R'000	R'000
Assets written off	68 956	68 956
<b>TOTAL MOVABLE ASSETS WRITTEN OFF</b>	<b>68 956</b>	<b>68 956</b>

## MOVABLE ASSETS WRITTEN OFF FOR THE YEAR ENDED AS AT 31 MARCH 2014

	Machinery and equipment	Total
	R'000	R'000
Assets written off	58 453	58 453
<b>TOTAL MOVABLE ASSETS WRITTEN OFF</b>	<b>58 453</b>	<b>58 453</b>

## 40. INTANGIBLE CAPITAL ASSETS

## MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2015

	Opening balance	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000
Software	48 346	15 105		63 451
<b>TOTAL INTANGIBLE CAPITAL ASSETS</b>	<b>48 346</b>	<b>15 105</b>		<b>63 451</b>

## 40.1 ADDITIONS

## ADDITIONS TO INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2015

	Cash	Non-cash	(Development work in progress - current costs)	Received current year, not paid	Total
	R'000	R'000	R'000	R'000	R'000
Software	15 105				15 105
<b>TOTAL ADDITIONS TO INTANGIBLE CAPITAL ASSETS</b>	<b>15 105</b>				<b>15 105</b>

## 40.2 DISPOSALS

## DISPOSALS OF INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2015

	Sold for cash	Transfer out or destroyed or scrapped	Total disposals		Cash received actual
	R'000	R'000	R'000		R'000
Software					
<b>TOTAL DISPOSALS OF INTANGIBLE CAPITAL ASSETS</b>					

## 40.3 MOVEMENT FOR 2013/14

## MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2014

	Opening balance	Prior period error	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000	R'000
Software	48 281	(36)	101		48 346
<b>TOTAL INTANGIBLE CAPITAL ASSETS</b>	<b>48 281</b>	<b>(36)</b>	<b>101</b>		<b>48 346</b>

## 40.3.1 PRIOR PERIOD ERROR

	Note	2013/14
	40.3	R'000
<b>Nature of prior period error</b>		
Relating to 2013/14		(36)
<b>Total</b>		<b>(36)</b>

#### 41. IMMOVABLE TANGIBLE CAPITAL ASSETS

##### MOVEMENT IN IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2015

	Opening balance	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000
BUILDINGS AND OTHER FIXED STRUCTURES	13 425			13 425
Other fixed structures	13 425			13 425
<b>TOTAL IMMOVABLE TANGIBLE CAPITAL ASSETS</b>	<b>13 425</b>			<b>13 425</b>

#### 41.1 ADDITIONS

##### ADDITIONS TO IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2015

	Cash	Noncash	(Capital Work in progress current costs and finance lease payments)	Received current, not paid (paid current year, received prior year)	Total
	R'000	R'000	R'000	R'000	R'000
BUILDING AND OTHER FIXED STRUCTURES	722 862		(722 862)		
Other fixed structures	722 862		(722 862)		
<b>TOTAL ADDITIONS TO IMMOVABLE TANGIBLE CAPITAL ASSETS</b>	<b>722 862</b>		<b>(722 862)</b>		

## 41.2 DISPOSALS

## DISPOSALS OF IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2015

	Sold for cash	Transfer out or destroyed or scrapped	Total disposals		Cash received actual
	R'000	R'000	R'000		R'000
BUILDINGS AND OTHER FIXED STRUCTURES					
Dwellings					
<b>TOTAL DISPOSALS OF IMMOVABLE TANGIBLE CAPITAL ASSETS</b>					

## 41.3 MOVEMENT FOR 2013/14

## MOVEMENT IN IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2014

	Opening balance	Prior period error	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000	R'000
BUILDINGS AND OTHER FIXED STRUCTURES	13 425		387 607	387 607	13 425
Non-residential buildings			387 607	387 607	
Other fixed structures	13 425				13 425
<b>TOTAL IMMOVABLE TANGIBLE CAPITAL ASSETS</b>	<b>13 425</b>		<b>387 607</b>	<b>387 607</b>	<b>13 425</b>



## 42. AGENT PRINCIPAL ARRANGEMENTS

### 42.1 DEPARTMENT ACTING AS THE AGENT (2014/2015)

#### 42.1.1 REVENUE RECEIVED FOR AGENCY ACTIVITIES

		2014/15
		R'000
National Revenue Fund – Criminal Assets Recovery Account (CARA) with Oversight and disbursement approving authority resides in the Criminal Asset Recovery Committee	CARA receives proceeds in cash, property, motor vehicles equipment and other assets from the enforcement of court orders granted in terms of the Prevention of Organised Crime Act (Act No. 121 of 1998) as amended, and the Financial Intelligence Act (Act No. 38 of 2001). The proceeds are deposited into CARA which is an account in the National Revenue Fund	183 216
<b>Total</b>		<b>183 216</b>

#### 42.1.2 RECONCILIATION OF AGENCY FUNDS AND DISBURSEMENTS – 2014/15

Name of principal entity	Total agency funds received	Amount remitted to the principal	Variance between amounts received and amounts remitted	Explanation of variance
	R'000	R'000	R'000	
National Revenue Fund (CARA)	183 216	183 216		
<b>Total</b>	<b>183 216</b>	<b>183 216</b>		

#### CRIMINAL ASSETS RECOVERY ACCOUNT (CARA)

	2014/15	R'000
Opening balance CARA		246 934
Plus cash received during the year		183 216
Less cash paid out		(6 396)
Cash on hand (CARA - SARB)		423 754
Contingent assets		203
Inventory		6 665
Receivables		64 277
Provisions		21 200

*Cash and cash equivalents* comprise cash at the South African Reserve Bank managed by the National Revenue Fund in National Treasury. All monies deposited into the Reserve Bank for the CARA represent the net proceeds of cases after related expenses are deducted from the proceeds by curators in charge of each case where applicable.

*Receivables* amounting to R64 million at 31 March 2015 consist of the gross value of confiscation orders and gross value of forfeited cash held by curators and custodians pending the approval of their fees and expenses by the Master's Office. Also included in receivables is cash held by curators after realisation of forfeited property before funds are deposited into CARA.

*Contingent assets* of R203 thousand are those assets such as motor vehicles, property furniture, equipment, etc. that have been forfeited to the state in accordance with the Prevention of Organised Crime Act. During the objection period as per the court order (usually 45 days), the assets attached are treated as Contingent Assets. Where the value of the assets cannot be determined, a nominal R1 is allocated to the item.

Forfeited assets valued at R6,6 million at 31 March 2015 are classified as *inventory* as they will be realised and the net proceed after deduction of curator or fees and expenses will be deposited into CARA.

## INVENTORY

	2014/15			
	Motor vehicles	Land and buildings	Other	Total
	R'000	R'000	R'000	R'000
Opening balance (1 April 2014)	1 902	3 816	37	5 755
Adjustments	211	102		313
Additions	443	512	4 326	5 281
Disposals	(1 976)	(2 673)	(35)	(4 684)
<b>Closing balance (31 March 2015)</b>	<b>580</b>	<b>1 757</b>	<b>4 328</b>	<b>6 665</b>

## PROVISIONS

Provisions are disclosed when there is a present legal or constructive obligation to forfeit economic benefits as a result of events in the past and it is probable that an outflow of resources embodying economic benefits will be required to settle the obligation and a reliable estimate of the obligation can be made. Provisions amounted to R21 million at 31 March 2015.

	2014/15
	R'000
CARA allocations	21 200
Anti-corruption Task Team	6 200
Department of Justice and Constitutional Development	15 000
<b>Total</b>	<b>21 200</b>

## 42.1 DEPARTMENT ACTING AS THE AGENT (2014/2015)

## 42.2.1 REVENUE RECEIVED FOR AGENCY ACTIVITIES

2013/14		
		<b>R'000</b>
National Revenue Fund – Criminal Assets Recovery Account (CARA) with Oversight and disbursement approving authority resides in the Criminal Asset Recovery Committee	CARA receives proceeds in cash, property, motor vehicles equipment and other assets from the enforcement of court orders granted in terms of the Prevention of Organised Crime Act (Act No. 121 of 1998) as amended, and the Financial Intelligence Act (Act No. 38 of 2001). The proceeds are deposited into CARA which is an account in the National Revenue Fund.	141 075
<b>Total</b>		<b>141 075</b>

## 42.2.2 RECONCILIATION OF AGENCY FUNDS AND DISBURSEMENTS – 2013/14

Name of principal entity	Total agency funds received	Amount remitted to the principal	Variance between amounts received & amounts remitted	Explanation of variance
	<b>R'000</b>	<b>R'000</b>	<b>R'000</b>	
National Revenue Fund (CARA)	R141 075	R141 075		
<b>Total</b>	<b>R141 075</b>	<b>R141 075</b>		

## CRIMINAL ASSETS RECOVERY ACCOUNT (CARA)

2013/14	
	<b>R'000</b>
Opening balance CARA	151 797
Plus cash received during the year	14 075
Less cash paid out	(45 983)
Cash on hand (CARA - SARB)	<b>246 889</b>
Inventory	5 755
Receivables	48 273
Provisions	26 622

*Cash and cash equivalents* comprise cash at the South African Reserve Bank managed by the National Revenue Fund in National Treasury. All monies deposited into the Reserve Bank for the CARA represent the net proceeds of cases after related expenses are deducted from the proceeds by curators in charge of each case where applicable.

*Receivables* amounting to R48 million at 31 March 2014 consist of the gross value of confiscation orders and gross value of forfeited cash held by curators and custodians pending the approval of their fees and expenses by the Master's Office.

Also included in receivables is cash held by curators after realisation of forfeited property before funds are deposited into CARA.

*Contingent assets* of R16 are those assets such as motor vehicles, property furniture, equipment, etc. that have been forfeited to the state in accordance with Chapter 6 of the Prevention of Organised Crime Act that could not be reliably valued at 31 March 2014. Assets are valued at nominal R1 per item according to the National Treasury Reporting guideline. It is not certain that these contingent assets will be realised and proceeds be paid into CARA.

Forfeited assets valued at R5,7 million at 31 March 2014 are classified as *inventory* as they will be realised and the net proceed after deduction of curator or fees and expenses will be deposited into CARA.

## INVENTORY

	2013/14			
	Motor vehicles	Land and buildings	Other	Total
	R'000	R'000	R'000	R'000
Opening balance (1 April 2013)	485	7 719		8 204
Adjustments	(78)	6 507		6 429
Additions	1 880	2 572	37	4 489
Disposals	(385)	(12 982)		(13 367)
<b>Closing balance (31 March 2014)</b>	<b>1 902</b>	<b>3 816</b>	<b>37</b>	<b>5 755</b>

## PROVISIONS

Provisions are disclosed when there is a present legal or constructive obligation to forfeit economic benefits as a result of events in the past and it is probable that an outflow of resources embodying economic benefits will be required to settle the obligation and a reliable estimate of the obligation can be made. Provisions amounted to R27 million at 31 March 2014.

	2013/14
	R'000
CARA allocations	26 622
Anti-corruption Task Team	6 200
Department of Justice and Constitutional Development	15 000
South African Police Service	5 422
<b>Total</b>	<b>26 622</b>

### 43. CHANGES IN ACCOUNTING ESTIMATES

During the year, the following changes were made to the estimations employed in the accounting for transactions, assets, liabilities, events and circumstances.

### 44. PRIOR PERIOD ERRORS

#### 44.1 CORRECTION OF PRIOR PERIOD ERRORS

	Note	2013/14
		R'000
<b>Revenue:</b>		
Revenue accrual note restated for Guardian's Fund prior year re-evaluated	30	3 412
<b>Net effect</b>		3 412

	Note	2013/14
		R'000
<b>Assets:</b>		
Current receivables	15	222 057
Non-current receivables		(222 057)
Aid assistance comparative restated due to new disclosure requirements	4	10 565
Aid assistance comparative restated due to new disclosure requirements	4	(10 565)
<b>Net effect</b>		

	Note	2013/14
		R'000
<b>Liabilities:</b>		
Contingent liabilities restated due to summons amount overstated	25	142 902
Employee benefits restated due to new disclosure requirements	28	11 383
Commitments to accommodate NPA multi-year contracts	26	249 654
<b>Net effect</b>		403 939

### 45. RESTATEMENT OF CORRESPONDING FIGURES

The corresponding figures from 31 March 2014 have been re-stated due to the incorporation of the financial results of the National Prosecuting Authority into the Department's financial statements. The National Prosecuting Authority was reported separately until 31 March 2014 as per the exemption granted by National Treasury.

### 46. EXEMPTION

The National Treasury exempted the Department from accounting for fines and recoveries made by the State Attorney on behalf of government institutions in the financial statements of the Department for a three-year period ending in the 2014/15 financial year. Such transactions are accounted for in the financial statements of the Third Party Fund, which is an account administered by the Department.

THE ANNEXURES THAT FOLLOW DO NOT FORM PART OF THE AUDITED FINANCIAL STATEMENTS AND ARE PRESENTED AS SUPPLEMENTARY INFORMATION

#### ANNEXURE 1A

##### STATEMENT OF CONDITIONAL GRANTS PAID TO MUNICIPALITIES

Name of municipality	Grant allocation				Transfer			Spent			2013/14
	Division of Revenue Act	Rollovers	Adjustments	Total available	Actual transfer	Funds with-held	Reallocations by National Treasury or National Department	Amount received by municipality	Amount spent by municipality	% of available funds spent by municipality	
	R'000	R'000	R'000		R'000	R'000	%	R'000	R'000	%	Division of Revenue Act
Vehicle fines and penalties	587			587	587						569
	587			587	587						569

## ANNEXURE 1B

## STATEMENT OF TRANSFERS TO DEPARTMENTAL AGENCIES AND ACCOUNTS

Department/ Agency/Account	Transfer allocation			Transfer		2013/14
	Adjusted Appropriation	Rollovers	Adjustments	Total Available	Actual Transfer	% Of Available Funds Transferred
	R'000	R'000	R'000	R'000	R'000	%
South African Human Rights Commission	130 136			130 136	130 136	100%
Legal Aid South Africa	1 504 708			1 504 708	1 504 708	100%
Special Investigating Unit	296 813			296 813	296 813	100%
Office of the Public Protector	217 584			217 584	217 584	100%
President's Fund						1
Safety and Security Sector						5 830
Communication Licences	77			77	77	100%
SETA: Safety and Security	2 800		5 151	7 951	7 904	99%
	<b>2 152 118</b>		<b>5 151</b>	<b>2 157 269</b>	<b>2 157 222</b>	<b>2 001 124</b>

## ANNEXURE 1C

## STATEMENT OF TRANSFERS TO FOREIGN GOVERNMENT AND INTERNATIONAL ORGANISATIONS

Foreign government/ international organisation	Transfer allocation			Expenditure		2013/14
	Adjusted appropriation Act	Rollovers	Adjustments	Total available	Actual transfer	% of available funds transferred
	R'000	R'000	R'000	R'000	R'000	%
<b>Transfers</b>						
International Criminal Court	22 757			22 757	22 757	100%
International Institutional Unification	331			331	331	100%
Hague Conference International Law	842			842	843	100%
<b>Total</b>	<b>23 930</b>			<b>23 930</b>	<b>23 931</b>	<b>11 193</b>



## ANNEXURE 1D

## STATEMENT OF TRANSFERS TO HOUSEHOLDS

Households	Transfer allocation			Expenditure		2013/14
	Adjusted Appropriation Act	Rollovers	Adjustments	Total available	Actual transfer	% of available funds transferred
	R'000	R'000	R'000	R'000	R'000	%
<b>Transfers</b>						
Employee social benefits	148 096		124	148 220	148 218	100%
Claims against the state	5 298			5 298	5 301	100%
Payments refunds and remuneration						285
<b>Total</b>	<b>153 394</b>		<b>124</b>	<b>153 518</b>	<b>153 519</b>	<b>109 938</b>

ANNEXURE 1E  
STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS RECEIVED

Name of organisation	Nature of gift, donation or sponsorship	2014/15	2013/14
		R'000	R'000
<b>Received in cash</b>			
Various attorney firms in KZN	Heritage Day Commemoration on 26 September 2014	2	
<b>Subtotal</b>		<b>2</b>	
<b>Received in kind</b>			
HP Discover	ICT Managers' Event in Barcelona, Spain	38	
Mossel Bay Municipality	Funding of all auxiliary cost associated with the operations of the	552	
Donations received by NPA	Various donations	996	684
<b>Subtotal</b>		<b>1 586</b>	<b>684</b>
<b>Total</b>		<b>1 588</b>	<b>684</b>

## ANNEXURE 1F

## STATEMENT OF AID ASSISTANCE RECEIVED

Name of donor	Purpose	Opening balance R'000	Revenue R'000	Expenditure R'000	Closing balance R'000
<b>Received in cash</b>					
European Union	Sectorial budget support	5 927		1 197	4 730
Swiss	Small Claims Court Programme	1 147	1 999	3 320	(174)
CARA funds	Domestic violence and court-based victim support	3 491		2 183	1 308
CARA NPA projects	Various projects management by NPA business units	26 945		11 448	15 497
<b>Subtotal</b>		<b>37 510</b>	<b>1 999</b>	<b>18 148</b>	<b>21 361</b>
<b>Received in kind</b>					
USAID	The project is aimed at contributing to the reduction of incidents of HIV and AIDS by raising awareness on the linkage between violence against women and children and HIV and AIDS in South Africa	54 392		22 825	31 567
<b>Subtotal</b>		<b>54 392</b>		<b>22 825</b>	<b>31 567</b>
<b>Total</b>		<b>91 902</b>	<b>1 999</b>	<b>40 974</b>	<b>52 928</b>

# ANNEXURE 1G

## STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS MADE

Nature of gift, donation or sponsorship	2014/15	2013/14
	R'000	R'000
<b>Made in kind</b>		
Farewell gifts of retiring magistrates, Western Cape	3	
<b>Total</b>	<b>3</b>	

## ANNEXURE 3A

## STATEMENT OF FINANCIAL GUARANTEES ISSUED AS AT 31 MARCH 2015 - FOREIGN

Guarantor institution	Guarantee in respect of Housing Guarantees	Original guaranteed capital amount	Opening balance 1 April 2014	Guarantees draw-downs during the year	Guarantees repayments/cancelled/reduced/released during the year	Revaluations	Closing balance 31 March 2015	Guaranteed interest for year ended 31 March 2015	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
Standard Bank			179	111	160		130		
FirstRand Bank			152	77	152		77		
ABSA			623		282		341		
Free State Development			19				19		
NP			463		111		352		
Green Start			25				25		
Nedbank			243		243				
Old Mutual			39		39				
FNB			82		82				
Unique Finance			15		15				
<b>Total</b>			<b>1 840</b>	<b>188</b>	<b>1 084</b>		<b>944</b>		

## ANNEXURE 3B

## STATEMENT OF CONTINGENT LIABILITIES AS AT 31 MARCH 2015

Nature of Liability	Opening balance 1 April 2014 R'000	Liabilities incurred during the year R'000	Liabilities paid/ cancelled/ reduced during the year R'000	Liabilities recoverable R'000	Closing balance 31 March 2015 R'000
<b>Claims against the Department</b>					
Summons	3 067 227	1 565 289	1 077 175		3 555 341
Supplier discrepancies	22 517	315	12 694		10 138
Theft and losses	12 339	5 814	1 024		17 129
PPP cancellation	11 681				11 681
Property management fees	77 084				77 084
Human resource management	82 102	7 039			89 141
<b>Subtotal</b>	<b>3 272 950</b>	<b>1 578 457</b>	<b>1 090 893</b>		<b>3 760 514</b>
<b>Other</b>					
Third Party theft, losses and dishonoured cheques	74 532		2 944		71 588
<b>Subtotal</b>	<b>74 532</b>		<b>2 944</b>		<b>71 588</b>
<b>Total</b>	<b>3 347 482</b>	<b>1 578 457</b>	<b>1 093 837</b>		<b>3 832 102</b>

## ANNEXURE 4

## CLAIMES RECOVERABLE

Government entity	Confirmed balance outstanding		Unconfirmed balance outstanding		Total		Cash in transit at year-end 2014/15 *	
	31/03/2015	31/03/2014	31/03/2015	31/03/2014	31/03/2015	31/03/2014	Receipt date up to six (6) working days after year-end	Amount
	R'000	R'000	R'000	R'000	R'000	R'000		R'000
<b>Department</b>								
National departments	204 212	195 162	35 739	34 465	239 951	229 627	Cash in Transit	29 679
Eastern Cape	100 413	41 619	44 707	49 128	145 120	90 747		
Free State	6 897	14 151	7 037	1 865	13 934	16 016		
Gauteng	39 401	56 967	46 035	45 380	85 436	102 347		
KwaZulu-Natal	4 493	2 345	2 156	4 742	6 649	7 087		
Mpumalanga	15 324	11 544	10 448	8 561	25 772	20 105		
Northern Cape	1 149	949	3 230	2 380	4 379	3 329		
Limpopo	49 446	30 956	10 504	10 426	59 950	41 382		
North West	11 366	13 000	26 190	10 908	37 556	23 908		
Western Cape	2 315	2 467	3 841	2 661	6 156	5 128		
Agency Services Control Account			2 218	3 693	2 218	3 693		
PACE	1 298			704	1 298	704		
Salary Recoverable Account	96		921	886	1 017	886		
	<b>436 410</b>	<b>369 160</b>	<b>193 026</b>	<b>175 799</b>	<b>629 436</b>	<b>544 959</b>		<b>29 679</b>

## ANNEXURE 5

## INTERGOVERNMENT PAYABLES

Government entity	Confirmed balance outstanding		Unconfirmed balance outstanding		Total		Cash in transit at year-end 2014/15 *	
	31/03/2015	31/03/2014	31/03/2015	31/03/2014	31/03/2015	31/03/2014	Payment date up to six (6) working days before year-end	Amount
	R'000	R'000	R'000	R'000	R'000	R'000		R'000
<b>DEPARTMENTS</b>								
<b>Current</b>								
Agriculture Mpumalanga				24		24		
Agriculture, Forestry & Fisheries			34	24	34	24		
Agriculture Environment Affairs KwaZulu-Natal			15		15			
Correctional Services			139	161	139	161		
Economic Development Gauteng			19		19			
Education Free State			10	11	10	11		
Education KwaZulu-Natal			10		10			
Education Limpopo				84		84		
Deeds Registration			20		20			
Government Printing Works	149	60	1 901	1 345	2 050	1 405		
Health Eastern Cape				12		12		



Government entity	Confirmed balance outstanding		Unconfirmed balance outstanding		Total		Cash in transit at year-end 2014/15 *	
	31/03/2015	31/03/2014	31/03/2015	31/03/2014	31/03/2015	31/03/2014	Payment date up to six (6) working days before year-end	Amount
	R'000	R'000	R'000	R'000	R'000	R'000		R'000
Health Free State			10		10			
Health Gauteng				15		15		
Health KwaZulu-Natal				24		24		
Health North West			15	16	15	16		
Health & Social Development				32		32		
Home Affairs				67		67		
Human Settlements				7		7		
Independents Complaints Directorate				15		15		
Labour			50	14	50	14		
Mineral Resources			13	15	13	15		
Presidency			73		73			
Public Service & Administration			354	437	354	437		
Public Works		26 076	7	2 461	7	28 537		
Roads & Transport Northern Cape				24		24		
Roads & Transport Gauteng	2 241		1 290		3 531			
Rural Development			104		104			

Government entity	Confirmed balance outstanding		Unconfirmed balance outstanding		Total		Cash in transit at year-end 2014/15 *	
	31/03/2015	31/03/2014	31/03/2015	31/03/2014	31/03/2015	31/03/2014	Payment date up to six (6) working days before year-end	Amount
	R'000	R'000	R'000	R'000	R'000	R'000		R'000
Social Development Gauteng				27			27	
Social Development Free State				24			24	
Social Development North West			17		17			
South African Police Service			43	25	43	25		
Sports & Culture Gauteng			17		17			
Sports, Arts & Culture North West		8					8	
Statistics			25	21	25	21		
Third Party Fund			6 298		6 298			
Transport and Public Works Western Cape				186		186		
Trade & Industry			23		23			
Water Affairs				9			9	
Water Trading				36			36	
<b>Subtotal</b>	<b>2 390</b>	<b>26 144</b>	<b>10 487</b>	<b>5 116</b>	<b>12 877</b>	<b>31 260</b>		

## ANNEXURE 6

### INVENTORIES

Inventory	Note	Quantity	2014/15 R'000	Quantity	2013/14 R'000
Opening balance		53 386	1 966	45 189	5 705
Add/(Less): Adjustments to prior year balance					(4 065)
Add: Additions/purchases cash		65 993	4 135	83 035	4 012
Add: Additions non-cash					
(Less): Disposals		(74 717)	(4 185)	(77 712)	(3 689)
(Less): Issues		1 833	(8)	2 874	3
Add/(Less): Adjustments					
<b>Closing balance</b>		<b>46 495</b>	<b>1 908</b>	<b>53 386</b>	<b>1 966</b>

## ANNEXURE 7

## MOVEMENT IN CAPITAL WORK IN PROGRESS

## MOVEMENT IN CAPITAL WORK IN PROGRESS FOR THE YEAR ENDED 31 MARCH 2015

	Opening balance R'000	Current year capital WIP R'000	Completed assets R'000	Closing balance R'000
<b>BUILDINGS AND OTHER FIXED STRUCTURES</b>		<b>712 311</b>		<b>712 311</b>
Dwellings				
Non-residential buildings		712 311		712 311
Other fixed structures				
<b>Total</b>		<b>712 311</b>		<b>712 311</b>

## ANNEXURE 8A

## INTERENTITY ADVANCES PAID (NOTE 14)

ENTITY	Confirmed balance outstanding		Unconfirmed balance outstanding		Total	
	31/03/2015	31/03/2014	31/03/2015	31/03/2014	31/03/2015	31/03/2014
	R'000	R'000	R'000	R'000	R'000	R'000
<b>NATIONAL DEPARTMENTS</b>						
GCIS	10 636	17 305			10 636	17 305
DIRCO	289		2 314	3 377	2 603	3 377
IDT	17 720	67 782			17 720	67 782
TWF						
<b>Subtotal</b>	<b>28 645</b>	<b>85 087</b>	<b>2 314</b>	<b>3 377</b>	<b>30 959</b>	<b>88 464</b>

# Part E Human Resources



## 1. LEGISLATION THAT GOVERNS HR MANAGEMENT

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

## 2. INTRODUCTION

The management of human resources is strategically placed at a significant executive level through the Office of the Deputy Director-General: Corporate Services. At operational level, human resources services are rendered through the Chief Directorates: Human Resource Strategy and Policy, Customer Management Centre and Justice College. In addition, the National Prosecuting Authority [NPA] has a separate Chief Directorate that provides a full range of HR functions.

### 2.1 OVERVIEW OF HR MATTERS AT THE DEPARTMENT

The Human Resources sub-branch within the Department of Justice and Constitutional Development (DOJ&CD) is the heartbeat of people management policies and strategies, and frameworks are managed and facilitated in pursuit of an improved organisational performance and a balanced healthy workforce. The NPA has developed its own set of policies, strategies and frameworks delineating its HR operations.

The service delivery in HR involves the alignment of organisational structure with the departmental strategic objectives and the promotion of the Human Resource Plan that drives the organisational needs through recruitment and retention of competent

employees; creation of representative workforce and a workplace environment that promotes employee development, health and wellness; and developing appropriate systems that harmonise workplace relations.

### 2.2 HUMAN RESOURCES PRIORITIES AND THE IMPACT FOR THE YEAR UNDER REVIEW

On the opposite page are HR priorities identified for the 2014/2015 financial year in the departmental Human Resources (HR) Plan.

No.	HR priority	Impact in the Department and NPA
1.	Improved organisational development and design systems to harness departmental service delivery	<p><b>Organisational structure</b></p> <p>In fulfilment of the management adage that structure follows strategy, the Department continued to align its organisational structure in such a manner that it is relevant to the strategic objectives of the Department. In this regard, the internal processes of organisational structure and business case for consultation with the MPSA for the establishment of the Component: Office of the Solicitor General have been finalised. This is a significant achievement, as structural changes made will set the tone for the accomplishment of creating a platform where just and fair briefing patterns of state litigation cases will emerge to enable equitable distribution of such work to the legal fraternity. The impact of this contribution in the society is the advancement of previously disenfranchised lawyers to participate equitably in state legal cases. The Justice College review was completed to the point where the College has been structurally placed in the Branch: Corporate Services, and recruitment and selection processes for the appointment of its Head put in place. The reviewed and correctly structured College is critical to the Department as it consolidates its education, training and skills development obligations within the broader national school of government's pursuit for creating a capable and skilled public service.</p> <p>The NPA developed interventions that focused on achieving this objective through keeping the PERSAL establishment aligned to the organisational structure. This ensured accuracy of information, which assisted the organisation in proper planning and ensuring the organisational strategy can be achieved.</p> <p><b>Job alignment</b></p> <p>As part of its objective to ensure correct placement and availability of adequate number of people with appropriate competencies to carry out its objectives, the Department succeeded in among others, aligning its Social Work component to the OSD: Social Work in order to create parity of remuneration for officials with their counterparts in the social work profession. This ensured that capacity was created at appropriate levels, thus improving service delivery within the office of the Family Advocate.</p> <p>Furthermore, successes were realised through finalisation of reviewing job descriptions and job evaluation in the occupation classes – Regional Heads, HR Regional Directors, Directors: Court Operations, Solicitor General, Chief Director: Justice College and State Attorneys. The creation of a permanent post class of Court Intermediaries began to resolve a long-standing challenge of provision of support to vulnerable groups such as children involved with the court system.</p> <p>As part of creating alignment, the NPA mapped out new work flow processes where none existed, and old ones were reviewed to bring them up to date with all the changes in work procedures and prescripts. This resulted in the development of 204 job descriptions that enabled the organisation to clarify roles and responsibilities for individual employees.</p>



No.	HR priority	Impact in the Department and NPA															
2.	Reduction of vacancy rate	<p>The Department adopted Recruitment and Selection Strategies that continued to significantly impact on capacitating the Department. This has further contributed to the reduction of vacancy rate to 9.62% (excluding judiciary) and 10.62% (including judiciary) during the 2014/15 financial year.</p> <table><tr><th>Vacancy rate</th><th>2013/14</th><th>2014/15</th></tr><tr><td>Excluding judiciary</td><td>9.98%</td><td>9.62%</td></tr><tr><td>Including judiciary</td><td>10.47%</td><td>10.62%</td></tr><tr><td>NPA</td><td>10.2%</td><td>14.4%</td></tr></table> <p>The vacancy rate in the NPA increased during the period under review from 10.2% to 14%. This was because of the non-filling of posts due to the rationalisation of the High Courts. The rationalisation established new High Courts and relegated some of the existing High Courts to local seats, thus creating a need for restructuring.</p> <p>The overall performance in vacancy reduction was impacted by staff movement (terminations and transfers to other departments). In comparison to the 3 988 appointments, 3 262 vacancies were created by the aforementioned movements on the post establishment.</p>				Vacancy rate	2013/14	2014/15	Excluding judiciary	9.98%	9.62%	Including judiciary	10.47%	10.62%	NPA	10.2%	14.4%
Vacancy rate	2013/14	2014/15															
Excluding judiciary	9.98%	9.62%															
Including judiciary	10.47%	10.62%															
NPA	10.2%	14.4%															
3.	Improve the management of sound employee relations solutions	<p>The Department trained a total of 491 employees from levels 3 to 12 in this reporting period. The focus of training was on the code of conduct, misconduct and grievance procedure. In addition, a total of 98 officials (Labour Relations Officers, Middle Managers and Senior Managers) were trained on Investigating, Cross-examination, Presiding, and Dispute Resolution processes to improve the management of labour relations matters. The outcome of training gave rise to improved skills of line managers with regard to mediation.</p> <p>The NPA maintained the excellent track record in the management of external disputes. Of the 44 arbitrations finalised, an 84% success rate was achieved. Although the NPA had 28 cases at the Labour Court, 5 were finalised favourably.</p>															
4.	Achievement of Employment Equity targets	<p>The achievement of Employment Equity targets remained a challenge in the Department. However, it must be noted that the Department has an over-achievement of 4.2% of people with disability at senior management levels.</p> <p>The table below demonstrates the change from last year's performance in terms of a decline in female targets and a slight improvement under PWD.</p> <table><tr><th></th><th>Government target</th><th>DOJ&amp;CD</th><th>NPA</th></tr><tr><td>Female</td><td>50%</td><td>41.07%</td><td>38.45%</td></tr><tr><td>PWD</td><td>2%</td><td>1.88%</td><td>0.45%</td></tr></table> <p>The Department has set up mechanisms to improve EE targets; hence, it continued to promote and raise awareness on the management of disability in the workplace and provision of reasonable accommodation to 200 employees.</p>					Government target	DOJ&CD	NPA	Female	50%	41.07%	38.45%	PWD	2%	1.88%	0.45%
	Government target	DOJ&CD	NPA														
Female	50%	41.07%	38.45%														
PWD	2%	1.88%	0.45%														

No.	HR priority	Impact in the Department and NPA
5.	Skills development programmes	<p>Justice College had a target of training 6 000 employees in the financial year under review and has managed to train 6 019 employees.</p> <p>The College is part of the project team that is managing the implementation of the electronic Third Party Fund solution as well as User Testing forums for all ICMS applications. Its role in the teams is to ensure the development, institutionalisation and delivery of curricula emanating from the systems for purposes of reducing the time delays between deployment and user uptake or usage.</p> <p>The College piloted an in-house developed end-user computing offering with 40 officials focusing specifically on Excel. This offering will be rolled to approximately 370 officials in the new financial year with the number of applications and officials increasing every subsequent year.</p> <p><b>DRO (Dispute Resolution Officer)</b></p> <p>This is a group of 42 officials that were going to work on the Court Connected Mediation programme that was launched by the Minister in DoJ&amp;CD. They were all LLB qualified graduates from across the country. Their stipends were paid by SASSETA for the year. They have been trained on mediation to date and were awarded certificates by the Minister at the launch in NW. The Department has now offered them employment contracts for another 12 months.</p> <p><b>The Internship Programme</b></p> <p>The Department appointed 513 Interns through the Justice College across the country. The internship focused on areas of strategic focus for the Department and placements were made in Courts Services; Chief Litigation Office; Master of the High Court; State Litigation Office; Forensic and Internal Audit; Family Advocate; and Corporate Services. In addition, a further 50 Interns were placed in various offices of the NPA, mainly in corporate services.</p> <p><b>Paralegal Learnership</b></p> <p>A total of 98 learners underwent paralegal training.</p> <p>This Learnership was rolled out for permanent employees who work in the Branch: Court Services as Clerks of the Courts and Assistant Registrars. The aim was to empower and address the developmental gaps and skills needs identified at the lower court level.</p> <p>The programme is still on-going as the Learners are now in the workplace doing practical training and receiving mentoring on a daily basis.</p>

No.	HR priority	Impact in the Department and NPA
5.	Skills development programmes	<p><b>Organisationally Directed Education and Training Development Practitioner Learnership</b></p> <p>A total of 50 learners underwent the training. This Learnership was rolled out for permanent employees who work in the Justice College as lecturers and also for all the regional training sections across the country. The aim was to empower these employees to become fully accredited ODETDPs (Occupational Directed Education, Training and Development Practitioners) in the Department. This will enable them to do the following:</p> <ul style="list-style-type: none"> <li>• Mentor</li> <li>• Assess</li> <li>• Moderate</li> <li>• Skills development facilitator</li> <li>• Develop accredited learning materials</li> <li>• Conduct needs analysis</li> </ul> <p>To date, all have been deemed competent ODETDPs and received certificates.</p> <p><b>Adult Education Training Project</b></p> <p>The Adult Education Training Project was funded by the SASSETA. The programme was conducted in Gauteng with 32 employees having completed between levels 1 and 4 and being certificated.</p> <p><b>Constitutional imperatives</b></p> <p>Legal Learning has developed a completely new training note titled. <i>Course on the Promotion of Access to Information Act</i>.</p>

## 2.3 WORKFORCE PLANNING FRAMEWORK AND KEY STRATEGIES TO ATTRACT AND RECRUIT A SKILLED AND CAPABLE WORKFORCE

The total workforce of the Department in the year under review was 22 291, including the NPA. The analysis of the workforce indicated the following results:

- 1 522 employees (7%) of departmental workforce profile are at retirement age (55–65 years). It is important to note that 16% of the critical posts in middle, senior management

and specialist categories are in this retirement band. People at retirement age are likely to have relevant core business services experience and therefore their departure could lead to loss of skills and knowledge. It is therefore necessary to ensure transfer of skills and knowledge through implementation of mentoring and coaching; more especially so as justice experience is acquired only through working in the Department, and particularly when considering skills such as legislative drafting and prosecution.

- The Department, like most government departments, was inundated with staff mobility. Eighty per cent of employees are concentrated at salary levels 5–8 where a high labour turnover is experienced. The implementation of the approved Retention Policy is intended to provide remedial intervention in retaining competent employees.

## 2.4 EMPLOYEE PERFORMANCE MANAGEMENT FRAMEWORK

The Department reviewed its Performance Management Policy in order to address the shortfalls that were identified in the previous years of its implementation. One of the areas that the policy addressed and which was a threat to organisational performance, was the performance appraisal of legally qualified professionals in terms of the Occupational Specific Dispensation (OSD). Furthermore, the policy also intended to improve organisational performance by acknowledging the performance of those individual employees who are competent and high performers.

HR provided training to the Department on the Performance Management Policy. A total of 53 workshops were held with 1 444 officials attending, while the NPA had a total of 207 employees attending the 13 workshops that were conducted. General compliance with the prescripts for performance management has improved due to the training conducted. At the NPA and DOJ&CD, 99% and 95% of SMS members respectively, concluded performance agreements for the 2014/2015 financial year. At the DOJ&CD, the success can be attributed to the automation of the management of SMS members' performance agreements. In the case of employees below the management echelon (levels 1–12) at both NPA and DOJ&CD, 99.9% employees signed performance agreements for the above-mentioned performance cycle.

## 2.5 EMPLOYEE WELLNESS PROGRAMME

In its endeavour to create a balanced and healthy workforce, the Department has continued in optimising its Employee

Health and Wellness Programmes. During the period under review, a total of 780 employees were reached through sessions whereby the Employee Assistance Programme was marketed. As a follow-up to these advocacy sessions, a total of 3 987 employees attended proactive psychosocial services where topics such as Stress Management, Financial Wellness and Alcohol and Substance Abuse were discussed. In addition, a total of 296 supervisors/managers at all different levels were capacitated to detect any signs of employees who might be in need of EAP intervention services.

In order to improve the state of compliance in the implementation of the Policy and Procedure of Incapacity Leave and Ill-Health Retirement (PILIR), registers were introduced to monitor performance.

## 2.6 HIGHLIGHTS OF ACHIEVEMENTS

As part of providing human resource capacity for newly proclaimed courts, a Court Provision Model was developed. The model provides a blueprint for resourcing newly established courts, and this ensures courts becoming functional as a service delivery point.

One of the objectives of the Human Resources unit in the Department is to create a workforce that is able to respond to environmental changes. In this regard, a culture audit was conducted at the end of the performance cycle and the analysis and implementation of the findings will be finalised in the next financial year.

Further, 321 employees attended Change and Diversity Management training that aimed at creating awareness of the value of a diverse workforce and the motto that "diversity is creativity" harnesses collective wisdom and values of employees with rich and varied societal backgrounds. Three gender dialogues were conducted as part of the transformation programmes, which reached a total of 348 employees.

The annual Heritage Day events celebrated across the Department had a positive impact of enhancing the recognition that though varied in origins and upbringing,

our togetherness as members of the Justice and Constitutional Development family is a driver for us to pursue a common purpose – serving the South African public and the world around us with diligence and pride.

Other events such as World AIDS Day, Public Service Week and International Day of People with Disabilities were observed, including Casual Day through participation of employees by means of a financial contribution to disability organisations.

The Department successfully transferred functions and resources to the Office of the Chief Justice with effect from 1 April 2015. A total of 1 775 officials who were on the PERSAL system of the Department were transferred.

## 2.7 CHALLENGES FACED BY THE DEPARTMENT

- Finalisation of disciplinary cases within the turnaround time due to complexities and nature of cases.
- Difficulty in complying with the prescribed turnaround time on PILIR matters due to peculiarities of one case from the other.
- Establishment of additional High Courts, thus creating new divisions and the downgrading of

other divisions to local seats, which affected the structuring of prosecution services in the NPA environment.

## 2.8 FUTURE HR PLANS/GOALS

It is the intention of the HR sub-branch to assist the Department in meeting its strategic objectives by:

- Automating the management of leave.
- Automating the management of labour relations matters.
- Contributing towards creating opportunities for youth employment.
- Conducting work-study investigations at NPA offices nationally.

## 3.1 PERSONNEL RELATED EXPENDITURE

The following tables summarise the final audited personnel related expenditure by programme and by salary band. In particular, it provides an indication of the following:

- Amount spent on personnel
- Amount spent on salaries, overtime, homeowner's allowance and medical aid

TABLE 3.1.1 – PERSONNEL EXPENDITURE BY PROGRAMME FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015

Programme	Total expenditure (R'000)	Personnel expenditure (R'000)	Training expenditure (R'000)	Professional and special services (R'000)	Personnel expenditure as percentage of total expenditure	Average personnel cost per employee (R'000)
National Prosecuting Authority	3 254 123	2 623 064	5 473	4 100	80.6%	512
DJC: Administration	1 846 263	457 140	3 415	4 101	25.0%	20
DJC: Auxiliary & Associated Services	2 973 393	0	530	294	0.0%	0
DJC: Court Services	5 905 421	3 492 030	4 911	36 089	59.0%	155
DJC: Direct Charges	2 494 596	2 397 976	0	0	96.0%	107

DJC: State Legal Services	921 105	749 664	721	217	81.0%	33
<b>Z = Total as on Financial Systems (BAS)</b>	<b>17 394 901</b>	<b>9 719 874</b>	<b>15 050</b>	<b>44 801</b>	<b>56.0%</b>	<b>366</b>

TABLE 3.1.2 – PERSONNEL COSTS BY SALARY BAND FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015

Salary band	Personnel expenditure (R'000)	% of total personnel cost	No. of employees	Average personnel cost per employee (R)
Lower skilled (levels 1–2)	10 775	0.1%	793	13 588
Skilled (levels 3–5)	1 894 448	19.5%	11 482	164 993
Highly skilled production (levels 6–8)	1 522 504	15.7%	5 475	278 083
Highly skilled supervision (levels 9–12)	3 394 425	34.9%	5 632	602 703
Senior management (levels 13–16)	2 209 272	22.7%	1 797	1 229 422
Contract (levels 1–2)	13 484	0.1%	362	37 249
Contract (levels 3–5)	134 839	1.4%	686	196 558
Contract (levels 6–8)	99 355	1.0%	398	249 636
Contract (levels 9–12)	255 485	2.6%	505	505 911
Contract (levels 13–16)	92 259	1.0%	77	1 198 169
Periodical remuneration	89 420	0.9%	413	216 513
Abnormal appointment	1 419	0.0%	2	709 500
<b>Total</b>	<b>9 717 685</b>	<b>100.0%</b>	<b>27 622</b>	<b>351 810</b>

TABLE 3.1.3 – SALARIES, OVERTIME, HOME OWNER'S ALLOWANCE AND MEDICAL AID BY PROGRAMME FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015

Programme	Salaries		Overtime		Home owner's allowance		Medical aid	
	Amount (R'000)	Salaries as a % of personnel costs	Amount (R'000)	Overtime as a % of personnel costs	Amount (R'000)	HOA as a % of personnel costs	Amount (R'000)	Medical aid as a % of personnel cost
National Prosecuting Services	2 118 118	80%	5 270	0.2%	24 144	0.9%	65 251	2.5%
Administration	339 991	74%	0	0.0%	2 437	0.5%	4 785	1.0%
Court Services	2 349 773	67%	4 880	0.1%	136 116	3.9%	210 067	6.0%
State Legal Services	499 502	67%	808	0.1%	19 823	2.6%	34 193	4.6%
DJC: Direct Charges	1 885 518	79%	517	0.0%	17 363	0.7%	27 156	1.1%
<b>Total</b>	<b>7 192 902</b>	<b>72%</b>	<b>11 475</b>	<b>0.1%</b>	<b>199 883</b>	<b>2.1%</b>	<b>341 452</b>	<b>3.5%</b>

TABLE 3.1.4 - SALARIES, OVERTIME, HOME OWNER'S ALLOWANCE AND MEDICAL AID BY SALARY BAND FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015

Salary Band	Salaries		Overtime		Home owner's allowance		Medical aid	
	Amount (R'000)	Salaries as a % of personnel cost	Amount (R'000)	Overtime as a % of personnel cost	Amount (R'000)	HOA as a % of personnel cost	Amount (R'000)	Medical aid as a % of personnel cost
Lower skilled								
(levels 1-2)	6 454	29%	0	0.0%	100	0.4%	256	1.1%
Skilled								
(levels 3-5)	1 240 737	65%	3 190	0.2%	105 288	5.5%	160 022	8.4%
Highly skilled production (levels 6-8)	1 056 420	69%	4 199	0.3%	49 597	3.2%	78 944	5.1%
Highly skilled supervision (levels 9-12)	2 566 842	47%	3 783	0.1%	36 373	1.1%	78 363	2.3%
Senior management (levels 13-16)	1 807 281	80%	179	0.0%	7 822	0.3%	23 425	1.0%
Contract								
(levels 1-2)	8 891	90%	2	0.0%	0	0.0%	0	0.0%
Contract								
(levels 3-5)	104 003	91%	84	0.1%	0	0.0%	0	0.0%
Contract								
(levels 6-8)	89 106	90%	32	0.0%	11	0.0%	17	0.0%
Contract								
(levels 9-12)	231 747	89%	6	0.0%	495	0.2%	118	0.0%
Contract								
(levels 13-16)	80 474	86%	0	0.0%	298	0.3%	294	0.3%
Periodical remuneration	3	0%	0	0.0%	0	0.0%	0	0.0%
Abnormal appointment	944	71%	0	0.0%	0	0.0%	12	0.9%
<b>Total</b>	<b>7 192 902</b>	<b>74%</b>	<b>11 475</b>	<b>0.1%</b>	<b>199 983</b>	<b>2.05%</b>	<b>341 452</b>	<b>3.5%</b>

### 3.2 EMPLOYMENT AND VACANCIES

The tables in this section summarise the position with regard to employment and vacancies.

The following tables summarise the number of posts in the establishment, the number of employees, the vacancy rate, and whether there are any staff that are additional to the establishment.

**This information is presented in terms of three key variables:**

programme  
salary band  
critical occupation

**TABLE 3.2.1 – EMPLOYMENT AND VACANCIES BY PROGRAMME, 31 MARCH 2015**

Programme	Number of posts	Number of posts filled	Vacancy rate	Number of employees additional to establishment
National Prosecuting Authority	5 985	5 123	14.4	482
Administration	3 429	3 058	10.8	22
Court Services	14 405	13 208	8.3	26
State Legal Services	2 328	1 956	16.2	1
Magistrates	2 293	1 839	19.8	12
Judges	257	240	6.6	0
<b>Total</b>	<b>28 697</b>	<b>25 424</b>	<b>11.4</b>	<b>543</b>

**TABLE 3.2.2 – EMPLOYMENT AND VACANCIES BY SALARY BAND, 31 MARCH 2015**

Salary band	Number of posts	Number of posts filled	Vacancy rate	Number of posts filled additional to establishment
Lower skilled (levels 1–2)	435	431	0.9	38
Skilled (levels 3–5)	12 803	11 747	8.3	348
Highly skilled production (levels 6–8)	6 273	5 603	10.7	94
Highly skilled supervision (levels 9–12)	6 155	5 143	16.5	50
Senior management (levels 13–16)	481	421	12.3	1
Judges	2 293	1 839	19.8	12
Magistrates	257	240	6.6	0
<b>Total</b>	<b>28 697</b>	<b>25 424</b>	<b>11.4</b>	<b>543</b>



TABLE 3.2.3 - EMPLOYMENT AND VACANCIES BY CRITICAL OCCUPATION, 31 MARCH 2015

Critical occupation	Number of posts	Number of posts filled	Vacancy rate	Number of employees additional to establishment
Administrative related	11 699	10 820	7.5	104
Advocates	758	629	17.0	7
Attorneys	373	253	32.2	0
Authors, journalists and other writers	1	1	0.0	0
Building and other property caretakers	4	4	0.0	0
Bus and heavy/light vehicle drivers	26	23	11.5	0
Cleaners in offices, workshops, hospitals, etc.	260	247	5.0	1
Client inform clerks(switchboard/reception/information clerks)	149	130	12.8	0
Communication and information related	53	41	22.6	0
Crime investigators	53	48	9.4	2
Financial and related professionals	365	322	11.8	2
Financial clerks and credit controllers	829	747	21.8	2
Food services, aids and waiters	33	32	3.0	0
General legal administration & rel. professionals	13 14	1 102	16.1	1
Head of department/chief executive officer	4	4	0.0	0
Human resources, organisational development & related professionals	83	72	13.3	0
Human resources clerks	519	458	11.8	1
Information technology related	90	83	7.8	9
Judges	257	240	6.6	0
Language practitioners, interpreters & other communications	2 200	1 954	11.2	4
Librarians and related professionals	51	33	35.3	0
Library, mail and related clerks	380	357	6.1	1
Logistical and support personnel	50	42	16.0	0
Magistrates	2 293	1 839	19.8	12
Material-recording and transport clerks	119	108	9.2	0
Messengers, porters and deliverers	753	706	6.2	0
Prosecutors	3 429	2 942	14.2	390
Protection services	105	102	2.9	0

Risk management and security services	30	27	10.0	0
Secretaries & other keyboard operating clerks	1365	1 165	14.7	6
Security officers	401	350	12.7	1
Senior managers	478	416	13.0	0
Social work and related professionals	171	125	26.9	0
Statisticians and related professionals	2	2	0.0	0
<b>Total</b>	<b>28 697</b>	<b>25 424</b>	<b>11.4</b>	<b>543</b>

### 3.3 FILLING OF SMS POSTS

The tables in this section provide information on employment and vacancies as it relates to members of the Senior Management Service by salary level. It also provides information on advertising and filling of

SMS posts, reasons for not complying with prescribed timeframes and disciplinary steps taken.

TABLE 3.3.1 – SMS POSTS INFORMATION AS ON 31 MARCH 2015

SMS level	Total number of funded SMS posts	Total number of SMS posts filled	% of SMS posts filled	Total number of SMS posts vacant	% of SMS posts vacant
NDPP	1	1	100.0%	0	0.0%
Salary level 16	8	8	100.0%	0	0.0%
Salary level 15	26	23	88.5%	3	11.5%
Salary level 14	188	162	86.2%	28	14.9%
Salary level 13	262	226	86.3%	36	13.7%
<b>Total</b>	<b>485</b>	<b>420</b>	<b>86.6%</b>	<b>67</b>	<b>13.8%</b>

TABLE 3.3.2 – SMS POSTS INFORMATION AS ON 30 SEPTEMBER 2014

SMS level	Total number of funded SMS posts per level	Total number of SMS posts filled per level	% of SMS posts filled per level	Total number of SMS posts vacant per level	% of SMS posts vacant per level
NDPP	1	1	100.0%	0	0.0%
Salary level 16	8	8	100.0%	0	0.0%
Salary level 15	27	22	81.5%	4	14.8%
Salary level 14	184	152	82.6%	26	14.1%
Salary level 13	273	233	85.3%	28	10.3%
<b>Total</b>	<b>493</b>	<b>416</b>	<b>84.4%</b>	<b>58</b>	<b>11.8%</b>

TABLE 3.3.3 - ADVERTISING AND FILLING OF SMS POSTS FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015

SMS level	Total number of funded SMS posts	Total number of SMS posts filled	% of SMS posts filled	Total number of SMS posts vacant	% of SMS posts vacant
NDPP	1	1	100.0%	0	0.0%
Salary level 16	8	8	100.0%	0	0.0%
Salary level 15	26	23	88.5%	3	11.5%
Salary level 14	188	162	86.2%	28	14.9%
Salary level 13	262	226	86.3%	36	13.7%
<b>Total</b>	<b>485</b>	<b>420</b>	<b>86.6%</b>	<b>67</b>	<b>13.8%</b>

TABLE 3.3.4 - REASONS FOR NOT HAVING COMPLIED WITH THE FILLING OF FUNDED VACANT SMS POSTS - ADVERTISED WITHIN 6 MONTHS AND FILLED WITHIN 12 MONTHS AFTER BECOMING VACANT FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015

**Reasons for vacancies not advertised within six months:**

1. Moratorium due to restructuring
2. Posts not job-evaluated
3. The enactment of the Superior Courts Act necessitated restructuring within the organisation to align with the court structures. Most of the affected employees are DDPPs currently placed in the North Gauteng Division who are at Senior Management Level and who will have to be placed elsewhere in the organisation, should their positions become redundant in their current offices. Filling of vacancies has to be delayed pending the finalisation of the process.

**Reasons for vacancies not filled within 6 months:**

1. Moratorium due to restructuring
2. Unavailability of panel members
3. Difficulty in attracting suitable candidates
4. The enactment of the Superior Courts Act necessitated restructuring within the organisation to align with the new court structures. Most of the affected employees are DDPPs currently placed in the North Gauteng Division who are at Senior Management Level and who will have to be placed elsewhere in the organisation, should their positions become redundant in their current offices. Filling of vacancies has to be delayed pending the finalisation of the process.

TABLE 3.3.5 - DISCIPLINARY STEPS TAKEN FOR NOT COMPLYING WITH THE PRESCRIBED TIMEFRAMES FOR FILLING SMS POSTS WITHIN 12 MONTHS FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015

None

### 3.4 JOB EVALUATION

Within a nationally determined framework, executing authorities may evaluate or re-evaluate any job in his or her organisation. In terms of the Regulations, all vacancies on salary levels 9 and higher must be evaluated before they are

filled. The following table summarises the total number of jobs that were evaluated during the year under review. The table also provides statistics on the number of posts that were upgraded or downgraded.

TABLE 3.4.1 – JOB EVALUATION BY SALARY BAND

Salary band	Number of posts	Number of jobs evaluated	% of posts evaluated by salary band	Posts upgraded		Posts downgraded	
				Number	% of posts evaluated	Number	% of posts evaluated
Lower skilled (levels 1–2)	435	0	0.0%	0	0.0%	0	0.0%
Skilled (levels 3–5)	12 803	2	0.0%	44	2200.0%	3	150.0%
Highly skilled production (levels 6–8)	6 273	230	3.7%	153	66.5%	4	1.7%
Highly skilled supervision (levels 9–12)	6 154	47	0.8%	88	187.2%	3	6.4%
Senior Management Service Band A	261	2	0.8%	0	0.0%	0	0.0%
Senior Management Service Band B	186	2	1.1%	0	0.0%	0	0.0%
Senior Management Service Band C	27	1	3.7%	0	0.0%	0	0.0%
Senior Management Service Band D	8	0	0.0%	0	0.0%	0	0.0%
<b>Total</b>	<b>26 147</b>	<b>284</b>	<b>1.1%</b>	<b>285</b>	<b>100.4%</b>	<b>10</b>	<b>3.5%</b>

The following table provides a summary of the number of employees whose salary positions were upgraded due to their posts being upgraded. The number of employees might differ

from the number of posts upgraded, since not all employees are automatically absorbed into the new posts and some of the posts upgraded could also be vacant.

TABLE 3.4.2 – PROFILE OF EMPLOYEES WHOSE SALARY POSITIONS WERE UPGRADED DUE TO THEIR POSTS BEING UPGRADED FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015

Beneficiaries	African	Asian	Coloured	White	Total
Female	166	3	23	14	206
Male	70	1	7	1	79
<b>Total</b>	<b>236</b>	<b>4</b>	<b>30</b>	<b>15</b>	<b>285</b>
Employees with a disability					4

The following table summarises the number of cases where remuneration levels exceeded the grade determined by job evaluation. Reasons for the deviation are provided in each case.

**TABLE 3.4.3 – EMPLOYEES WITH SALARY LEVELS HIGHER THAN THOSE DETERMINED BY JOB EVALUATION BY OCCUPATION FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015**

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Administrative Officer (Finance/ AFU)	1	7	8	Post downgraded
Accounting Clerk	2	5	6	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
Accounting Clerk	2	6	7	Grade progression – Resolution 3 of 2009
Chief Accounting Clerk	12	7	8	Grade progression – Resolution 3 of 2009
Administration Clerk	10	5	6	Grade progression – Resolution 3 of 2009
Administration Clerk	93	5	6	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
Administration Clerk	1	5	7	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
Administration Clerk	1	6	7	Grade progression – Resolution 3 of 2009
Chief Administration Clerk	34	7	8	Grade progression – Resolution 3 of 2009
Administrative Officer	7	7	8	Grade progression – Resolution 3 of 2009
Senior Administrative Officer	2	7	8	Grade progression – Resolution 3 of 2009
Senior Administrative Officer	1	7	8	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
Appointment Secretary/ Ministry	1	8	11	Employee seconded to Ministry on higher salary
Assistant Director	1	7	9	Employee retained in lower level post in terms of PSR V.C.3
Assistant Director	9	9	10	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
Assistant Director	2	9	10	Grade progression – Resolution 3 of 2009
Court Interpreter	3	5	6	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
Senior Court Interpreter	13	5	7	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Data Capturer	1	5	6	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
Principal Data Typist	1	6	7	Grade progression – Resolution 3 of 2009
Deputy Director	2	11	12	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
Deputy Director	1	9	11	Employee retained in lower level post in terms of PSR V.C.3
Deputy Director	1	11	12	Employee retained in lower level post in terms of PSR V.C.3
Deputy Director	5	11	12	Grade progression – Resolution 3 of 2009
Deputy Director General	1	15	16	Employee seconded to Presidency at a higher salary
Chief Director	1	14	15	Employee retained in lower level post in terms of PSR V.C.3
Human Resource Officer	47	5	6	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
Human Resource Officer	1	5	7	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
Human Resource Practitioner	1	7	8	Grade progression – Resolution 3 of 2009
Human Resource Practitioner	1	7	8	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
Judge's Secretary	4	7	8	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
Legal Secretary	4	6	5	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
Legal Secretary	3	6	7	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
Maintenance Investigator	1	5	7	Grade progression – Resolution 3 of 2009
Media Liaison Officer	1	12	14	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
Personal Assistant/ Secretary	1	7	8	Grade progression – Resolution 3 of 2009
Personal Assistant/ Secretary	1	5	8	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Personal Assistant/ Secretary	2	7	8	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
Personal Assistant/ Secretary	1	11	12	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
Chief Personnel Officer	1	7	8	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
Provisioning Administration Clerk	2	5	6	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
Senior Provisioning Administration Officer	4	7	7	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
Registrar's Clerk	7	5	6	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
Registry Clerk	6	5	6	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
Chief Registry Clerk	5	7	8	Grade progression – Resolution 3 of 2009
Senior Registry Clerk	4	6	7	Grade progression – Resolution 3 of 2009
Secretary	1	5	6	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
Secretary	5	5	7	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
Secretary	1	5	8	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
Secretary	1	7	8	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
Secretary	1	7	8	Grade progression – Resolution 3 of 2009
Security Officer	2	4	6	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
Senior Security Officer	1	5	6	Grade progression – Resolution 3 of 2009
Senior Auditor	15	10	9	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
Senior Human Resource Officer	6	7	8	Grade progression – Resolution 3 of 2009

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Senior Human Resource Officer	11	7	8	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
Senior Human Resource Practitioner	3	7	8	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
State Accountant	6	7	8	Grade progression – Resolution 3 of 2009
Telecom Operator	1	3	4	Grade progression – Resolution 3 of 2009
Principal Telecom Operator	3	7	8	Grade progression – Resolution 3 of 2009
Senior Training Officer	1	7	8	Grade progression – Resolution 3 of 2009
Typist	1	5	6	Grade progression – Resolution 3 of 2009
Typist	2	3	4	Grade progression – Resolution 3 of 2009
Typist	2	3	4	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
Chief Typist	1	4	7	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
Chief Typist	3	7	8	Grade progression – Resolution 3 of 2009
Chief Typist	1	7	8	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
Principal Typist	2	5	6	When job evaluation process was finalised, employee was already on higher level than determined by job evaluation
Total number of employees whose salaries exceeded the level determined by job evaluation in 2014/15				<b>375</b>
Percentage of total employment				<b>1.47%</b>



The following table summarises the beneficiaries of the above in terms of race, gender, and disability.

**TABLE 3.4.4 – PROFILE OF EMPLOYEES WHO HAVE SALARY LEVELS HIGHER THAN THOSE DETERMINED BY JOB EVALUATION FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015**

Beneficiaries	African	Asian	Coloured	White	Total
Female	153	6	26	96	281
Male	73	0	9	12	94
<b>Total</b>	<b>226</b>	<b>6</b>	<b>35</b>	<b>108</b>	<b>375</b>
<b>Employees with a disability</b>		<b>2</b>			

### 3.5 EMPLOYMENT CHANGES

This section provides information on changes in employment over the financial year. Turnover rates provide an indication of trends in the employment profile of the Department. The following tables provide a summary of turnover rates by salary band and critical occupations. It should be noted that these tables do not take into account upgrading/downgrading of posts/movement of employees between levels

(promotion), or translation to another rank without a change in salary level.

A total of 454 employees were promoted to a higher salary level, and 375 employees were carried out of adjustment against another post. The personnel movement regarding appointments and terminations does not reflect the changes mentioned above.

**TABLE 3.5.1 – ANNUAL TURNOVER RATES BY SALARY BAND FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015**

Salary band	Number of employees at as at 1 April 2014	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate
Lower skilled (levels 1–2)	11	0	0	0.0%
Skilled (levels 3–5)	10 708	1 114	492	4.6%
Highly skilled production (levels 6–8)	5 458	418	434	8.0%
Highly skilled supervision (levels 9–12)	4 924	156	295	6.0%
Senior Management Service Band A (level 13)	218	3	17	7.8%
Senior Management Service Band B (level 14)	151	4	15	9.9%
Senior Management Service Band C (level 15)	20	1	0	0.0%
Senior Management Service Band D (level 16)	6	0	1	16.7%
Contracts	1 001	3 076	2 171	53.3%
Judges	241	12	2	0.8%
Magistrates	1 643	5	77	4.69
<b>Total</b>	<b>24 381</b>	<b>4 789</b>	<b>3 504</b>	<b>14.4%</b>

The table below identifies the major reasons why staff left the Department.

**TABLE 3.5.2 - ANNUAL TURNOVER RATES BY CRITICAL OCCUPATION FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015**

Critical occupation	Number of employees as at 1 April 2014	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate
Administrative related	10 570	1 579	1 326	12.5%
Advocates	633	36	33	5.2%
Attorneys	240	43	31	12.9%
Authors, journalists and other writers	1	1	1	100.0%
Building and other property caretakers	4	0	0	0.0%
Bus and heavy/light vehicle drivers	25	3	4	16.0%
Cleaners in offices, workshops, hospitals, etc.	146	133	32	21.9%
Client inform clerks (switchboard/reception/information clerks)	139	24	10	7.2%
Communication and information related	45	3	11	24.4%
Crime investigators	50	1	1	2.0%
Financial and related professionals	293	52	33	11.3%
Financial clerks and credit controllers	700	154	108	15.4%
Food services, aids and waiters	28	8	3	10.7%
General legal administration & related professionals	1 071	251	202	18.9%
Head of department/ chief executive officer	5	0	2	40.0%
Human resources & organisational development & related professionals	66	10	8	12.1%
Human resources clerks	450	46	44	9.8%
Information technology related	71	25	9	12.7%
Judges	241	12	2	0.8%
Language practitioners, interpreters & other communications	1 960	336	333	17.0%
Librarians and related professionals	35	7	7	20.0%

Library, mail and related clerks	355	42	31	8.7%
Logistical and support personnel	43	9	10	23.3%
Magistrates	1 643	5	77	4.7%
Magistrates contract	210	529	510	69.0%
Material-recording and transport clerks	119	88	73	61.3%
Messengers, porters and deliverers	472	412	152	32.2%
Prosecutors	2 622	558	132	5.0%
Protection services	101	5	4	4.0%
Risk management and security services	28	1	1	3.6%
Secretaries & other keyboard operating clerks	1 184	287	238	20.1%
Security officers	292	82	20	6.8%
Senior managers	424	22	44	10.4%
Social work and related professionals	113	24	11	9.7%
Statisticians and other related professions	2	1	1	50.0%
Total	24 381	4 789	3 504	14.4%

TABLE 3.5.3 - REASONS WHY STAFF LEFT THE DEPARTMENT FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015

Termination type	Number	% of total resignations
Death	99	2.8%
Resignation	663	18.9%
Expiry of contract	2 171	62.0%
Dismissal – operational changes	0	0.0%
Dismissal – misconduct	117	3.3%
Dismissal – inefficiency	0	0.0%
Discharged due to ill health	20	0.6%
Retirement	241	6.9%
Transfer to other Public Service departments	193	5.5%
Other	0	0.0%
<b>Total</b>	<b>3 504</b>	<b>100.0%</b>
Total number of employees who left as a % of total employment		14.4%

**TABLE 3.5.4 - PROMOTIONS BY CRITICAL OCCUPATION FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015**

<b>Occupation</b>	<b>Employees as at 1 April 2014</b>	<b>Promotion to another salary level</b>	<b>Salary level promotion as % of employees by occupation</b>	<b>Progression to another notch within a salary level</b>	<b>Notch progression as % of employees by occupation</b>
Administrative related	10 570	225	2.1%	7 738	73.2%
Advocates	633	18	2.8%	540	85.3%
Attorneys	240	17	7.1%	147	61.3%
Authors, journalists and other writers	1	0	0.0%	0	0.0%
Building and other property caretakers	4	0	0.0%	4	100.0%
Bus and heavy/light vehicle drivers	25	0	0.0%	12	48.0%
Cleaners in offices, workshops, hospitals, etc.	146	0	0.0%	124	84.9%
Client information clerks (switchboard/reception/information clerks)	139	1	0.7%	93	66.9%
Communication and information related	45	9	20.0%	25	55.6%
Crime investigators	50	0	0.0%	37	74.0%
Financial and related professionals	293	42	14.3%	187	63.8%
Financial clerks and credit controllers	700	51	7.3%	476	68.0%
Food services, aids and waiters	28	0	0.0%	18	64.3%
General legal administration & related professionals	1 071	20	1.9%	626	58.5%
Head of department/ chief executive officer	5	0	0.0%	0	0.0%
Human resources & organisational development & related professionals	66	8	12.1%	41	62.1%
Human resources clerks	450	20	4.4%	288	64.0%
Information technology related	71	0	0.0%	29	40.8%
Judges	241	4	1.7%	0	0.0%

Occupation	Employees as at 1 April 2014	Promotion to another salary level	Salary level promotion as % of employees by occupation	Progression to another notch within a salary level	Notch progression as % of employees by occupation
Language practitioners, interpreters & other communications	1 960	37	1.9%	1 383	70.6%
Librarians and related professionals	35	3	8.6%	16	45.7%
Library, mail and related clerks	355	8	2.3%	246	69.3%
Logistical and support personnel	43	7	16.3%	16	37.2%
Magistrates	1 643	41	2.5%	0	0.0%
Magistrates contract	210	0	0.0%	0	0.0%
Material-recording and transport clerks	119	2	1.7%	70	58.8%
Messengers, porters and deliverers	472	1	0.2%	311	65.9%
Prosecutors	2 622	100	3.8%	1 970	75.1%
Protection services	101	1	1.0%	89	88.1%
Risk management and security services	28	0	0.0%	22	78.6%
Secretaries & other keyboard operating clerks	1 184	17	1.4%	673	56.8%
Security officers	292	0	0.0%	161	55.1%
Senior managers	424	18	4.2%	124	29.2%
Social work and related professionals	113	3	2.7%	56	49.6%
Statisticians and other related professions	2	0	0.0%	2	100.0%
<b>Total</b>	<b>24 381</b>	<b>653</b>	<b>2.7%</b>	<b>15 524</b>	<b>63.7%</b>



Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Craft and related trades workers	0	0	0	0	0	0	0	0	0
Plant and machine operators and assemblers	18	3	1	1	0	0	0	0	23
Labourers and related workers	437	48	6	12	407	29	5	11	955
Elementary occupations	20	1	0	0	15	0	0	0	36
<b>Total</b>	<b>8 047</b>	<b>884</b>	<b>390</b>	<b>1 299</b>	<b>10 373</b>	<b>1 584</b>	<b>695</b>	<b>2 152</b>	<b>25 424</b>
<b>Employees with a disability</b>	<b>141</b>	<b>16</b>	<b>5</b>	<b>21</b>	<b>117</b>	<b>14</b>	<b>8</b>	<b>34</b>	<b>356</b>

TABLE 3.6.2 – TOTAL NUMBER OF EMPLOYEES (INCLUDING EMPLOYEES WITH A DISABILITY) IN EACH OF THE FOLLOWING OCCUPATIONAL BANDS AS ON 31 MARCH 2015

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Judges	70	15	12	62	35	9	12	25	240
Magistrates	493	99	72	421	325	76	95	258	1 839
Top Management	10	3	1	3	11	0	1	2	31
Senior Management	124	22	24	70	81	11	23	35	391
Professionally qualified and experienced specialists and mid-management	1 604	173	84	458	1 016	204	186	573	4 297
Skilled technical and academically qualified workers, junior management, supervisors, foremen	2 027	162	71	157	2 687	367	154	823	6448
Semi-skilled and discretionary decision-making	3 570	403	124	128	5 962	903	223	434	11 747
Unskilled and defined decision-making	149	7	2	0	256	14	1	2	431
<b>Total</b>	<b>8 047</b>	<b>884</b>	<b>390</b>	<b>1 299</b>	<b>10 373</b>	<b>1 584</b>	<b>695</b>	<b>2 152</b>	<b>25 424</b>

TABLE 3.6.3 - RECRUITMENT FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Judges	4	0	1	2	2	1	0	2	12
Magistrates	3	0	0	0	1	0	0	1	5
Top Management	1	0	0	0	1	0	0	0	2
Senior Management	10	2	1	2	7	1	1	0	24
Professionally qualified and experienced specialists and mid-management	297	46	24	104	173	31	34	97	806
Skilled technical and academically qualified workers, junior management, supervisors, foremen	317	31	3	14	444	64	11	67	951
Semi-skilled and discretionary decision-making	869	91	11	23	1 252	137	39	71	2 493
Unskilled and defined decision-making	7	1	0	0	28	1	0	0	37
<b>Interns</b>	<b>169</b>	<b>8</b>	<b>3</b>	<b>0</b>	<b>259</b>	<b>17</b>	<b>1</b>	<b>2</b>	<b>459</b>
<b>Total</b>	<b>1 677</b>	<b>179</b>	<b>43</b>	<b>145</b>	<b>2 167</b>	<b>252</b>	<b>86</b>	<b>240</b>	<b>4 789</b>
<b>Employees with a disability</b>	<b>13</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>11</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>26</b>

TABLE 3.6.4 - PROMOTIONS FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Judges	2	0	0	1	1	0	0	0	4
Magistrates	13	2	0	2	12	1	4	7	41
Top management	1	0	0	0	0	0	0	0	1
Senior Management	33	6	4	16	21	5	6	11	102



Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Professionally qualified and experienced specialists and mid-management	770	99	41	291	424	97	97	352	2 171
Skilled technical and academically qualified workers, junior management, supervisors, foremen	548	50	15	29	634	112	44	76	1 508
Semi-skilled and discretionary decision-making	80	6	2	3	145	35	6	14	291
Unskilled and defined decision-making	0	0	0	0	9	0	0	0	9
<b>Total</b>	<b>1 447</b>	<b>163</b>	<b>62</b>	<b>342</b>	<b>1 246</b>	<b>250</b>	<b>157</b>	<b>460</b>	<b>4 127</b>
<b>Employees with a disability</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>9</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>18</b>

TABLE 3.6.5 - TERMINATIONS FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
* Top Management	2	0	0	0	1	0	0	1	4
Senior Management	14	2	1	9	11	1	1	5	44
** Professionally qualified and experienced specialists and mid-management	351	41	26	156	181	23	37	103	918
Skilled technical and academically qualified workers, junior management, supervisors, foremen	320	24	1	23	374	63	11	121	937
Semi-skilled and discretionary decision-making	540	57	8	15	717	83	17	47	1 484

Unskilled and defined decision-making	44	3	2	1	59	6	2	0	117
<b>Total</b>	<b>1 271</b>	<b>127</b>	<b>38</b>	<b>204</b>	<b>1 343</b>	<b>176</b>	<b>68</b>	<b>277</b>	<b>3 504</b>
<b>Employees with a disability</b>	<b>8</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>18</b>

\* Includes Judges

\*\* Includes Magistrates

TABLE 3.6.6 - DISCIPLINARY ACTION FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015

	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Disciplinary action	220	16	1	8	165	17	4	22	453

TABLE 3.6.7 - SKILLS DEVELOPMENT FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, Senior Officials and Managers	57	11	15	35	34	6	9	15	182
Professionals	1 444	178	109	262	1 043	204	165	404	3 809
Technicians and Associate Professionals	621	67	50	64	944	98	71	100	1 985
Clerks	985	94	74	65	1 167	152	96	98	2 731
Service and Sales Workers	52	14	3	41	28	16	2	17	173
Plant and Machine Operators and Assemblers	0	0	0	0	0	0	0	0	0
Elementary Occupations	7	0	0	0	7	0	1	0	15
<b>Total</b>	<b>3 165</b>	<b>364</b>	<b>251</b>	<b>467</b>	<b>3 223</b>	<b>476</b>	<b>344</b>	<b>634</b>	<b>8 925</b>
<b>Employees with a disability</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>13</b>

### 3.7 SIGNING OF PERFORMANCE AGREEMENTS BY SMS MEMBERS

All members of the SMS must conclude and sign performance agreements within specific timeframes. Information regarding the signing of performance agreements by SMS members, the

reasons for not complying within the prescribed timeframes and disciplinary steps taken is presented here.

**TABLE 3.7.1 – SIGNING OF PERFORMANCE AGREEMENTS BY SMS MEMBERS AS ON 31 AUGUST 2014**

SMS level	Total number of funded SMS posts per level	Total number of SMS members per level	Total number of signed performance agreements per level	Signed performance agreements as % of total number of SMS members per level
NDPP	1	1	n/a	n/a
Salary level 16	6	6	6	100.0%
Salary level 15	20	20	19	95.0%
Salary level 14	177	145	144	99.3%
Salary level 13	244	224	215	96.0%
Total	448	396	385	97.2%

**TABLE 3.7.2 – REASONS FOR NOT HAVING CONCLUDED PERFORMANCE AGREEMENTS FOR ALL SMS MEMBERS AS ON 31 AUGUST 2014**

1 x level 13 HR Free State on suspension

1 x level 13 Internal Audit Branch non-compliance

3 x level 13 Minister's Office newly appointed

1 x level 14 Minister's Office non-compliance

1 x level 13 HR (CMC) seconded to arms deal

2 x level 14 at commission (contract expired on 2014/12/01)

1 official is on suspension and 1 official is seconded to Swaziland

**TABLE 3.7.3 – DISCIPLINARY STEPS TAKEN AGAINST SMS MEMBERS FOR NOT HAVING CONCLUDED PERFORMANCE AGREEMENTS AS ON 31 AUGUST 2014**

1. SMS members who do not sign agreement on time will be disqualified for performance rewards

### 3.8 PERFORMANCE REWARDS

To encourage good performance, the Department has granted the following performance rewards during the year under

review. The information is presented in terms of race, gender, and disability, salary band and critical occupation.

TABLE 3.8.1 – PERFORMANCE REWARDS BY RACE, GENDER, AND DISABILITY FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015

	Beneficiary profile			Cost	
	Number of beneficiaries	Total number of employees in group	% of total within group	Total cost (R'000)	Average cost per employee
<b>African</b>	<b>2 940</b>	<b>18 420</b>	<b>15.96</b>	<b>41 655</b>	<b>14 168</b>
Male	1 213	8 047	15.1%	19 590	11 343
Female	1 727	10 373	16.6%	22 065	12 776
<b>Asian</b>	<b>197</b>	<b>1 085</b>	<b>18.2%</b>	<b>5 001</b>	<b>25 386</b>
Male	55	390	14.1%	1 473	26 782
Female	142	695	20.4%	3 528	24 845
<b>Coloured</b>	<b>527</b>	<b>2 468</b>	<b>21.4%</b>	<b>8 136</b>	<b>15 438</b>
Male	163	884	18.4%	3 143	19 282
Female	364	1 584	23.0%	4 993	13 717
<b>White</b>	<b>764</b>	<b>3 451</b>	<b>22.1%</b>	<b>19 784</b>	<b>25 895</b>
Male	206	1 299	15.9%	8 120	39 417
Female	558	2 152	25.9%	11 664	20 903
<b>Total</b>	<b>4 428</b>	<b>25 424</b>	<b>17.4%</b>	<b>74 576</b>	<b>16 842</b>

TABLE 3.8.2 – PERFORMANCE REWARDS BY SALARY BAND FOR PERSONNEL BELOW SENIOR MANAGEMENT SERVICE FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015

Salary Bands	Beneficiary profile			Cost		
	Number of beneficiaries	Number of employees	% of total within salary band	Total cost (R'000)	Average cost per employee	Total cost as % of the total personnel expenditure
Lower skilled (levels 1-2)	5	430	1.2%	45	9 000	0.0%
Skilled (levels 3-5)	1 903	11 747	16.2%	13 942	7 235	0.1%
Highly skilled production (levels 6-8)	1 380	5 604	24.6%	18 337	13 424	0.1%
Highly skilled supervision (levels 9-12)	1 061	5 142	20.6%	38 413	36 549	0.2%
<b>Total</b>	<b>4 349</b>	<b>22 923</b>	<b>19.0%</b>	<b>70 737</b>	<b>16 265</b>	<b>0.4%</b>

TABLE 3.8.3 - PERFORMANCE REWARDS BY OCCUPATION

Critical occupation	Beneficiary profile			Cost	
	Number of beneficiaries	Number of employees	% of total within occupation	Total cost (R'000)	Average cost per employee
Administrative related	2 144	10 820	19.8	23 049	10 750
Advocates	139	629	22.1	8 368	60 201
Attorneys	18	253	7.1	636	35 333
Authors, journalists and other writers	0	1	0.0	0	0
Building and other property caretakers	1	4	25.0	4	4 000
Bus and heavy/light vehicle drivers	7	23	30.4	43	6 143
Cleaners in offices, workshops, hospitals, etc.	26	247	10.5	154	5 923
Client inform clerks(switchboard/reception/information clerks)	22	130	16.9	174	7 909
Communication and information related	14	41	34.1	317	22 643
Crime investigators	10	48	20.8	449	44 900
Financial and related professionals	96	322	29.8	1 507	15 698
Financial clerks and credit controllers	200	747	26.8	3 142	15 710
Food services, aids	13	32	40.6	76	5 846
General legal administration & related professionals	206	1 102	18.7	5 413	26 277
Head of department/ chief executive officer	0	4	0.0	0	0
Human resources & organisational development & related professionals	24	72	33.3	328	13 667
Human resources clerks	209	458	45.6	3 574	17 100
Information technology related	14	83	16.9	310	22 143
Judges	0	240	0	0	0
Language practitioners, interpreters & other communications	232	1 954	11.9	2 363	10 185

Librarians and related professionals	5	33	15.2	61	12 200
Library, mail and related clerks	99	357	27.7	850	8 586
Logistical support personnel	9	42	21.4	103	11 444
Magistrates	0	1 839	0.0	0	0
Material-recording and transport clerks	22	108	20.4	164	7 455
Messengers, porters and deliverers	81	706	11.5	543	6 704
Prosecutors	350	2 942	11.9	13 928	39 794
Protection services	12	102	11.8	438	36 500
Risk management and security services	6	27	22.2	190	31 667
Secretaries & other key-board-operating clerks	304	1 165	26.1	3 576	11 763
Security officers	69	350	19.7	536	7 768
Senior managers	79	416	19.0	3 957	50 089
Social work and related professionals	16	125	12.8	312	19 500
Statisticians and related professionals	1	2	50.0	11	11 000
<b>Total</b>	<b>4 428</b>	<b>25 424</b>	<b>17.4</b>	<b>74 576</b>	<b>16 842</b>

TABLE 3.8.4 - PERFORMANCE RELATED REWARDS (CASH BONUS), BY SALARY BAND, FOR SENIOR MANAGEMENT SERVICE FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015

Salary band	Beneficiary profile			Cost		
	Number of beneficiaries	Number of employees	% of total within band	Total cost	Average cost per employee	Total cost as % of the total personnel expenditure
Band A	44	226	19.5%	1 769	40 205	0.1%
Band B	33	162	20.4%	1 778	53 879	0.1%
Band C	2	23	8.7%	158	79 000	0.0%
Band D	0	8	0.0%	0	0	0.0%
<b>Total</b>	<b>79</b>	<b>419</b>	<b>18.9%</b>	<b>3 705</b>	<b>46 899</b>	<b>0.1%</b>

### 3.9 FOREIGN WORKERS

THE TABLES BELOW SUMMARISE THE EMPLOYMENT OF FOREIGN NATIONALS IN THE DEPARTMENT IN TERMS OF SALARY BAND AND BY MAJOR OCCUPATION.

Salary band	01 April 2014		31 March 2015		Change	
	Number	% of total	Number	% of total	Number	% change
Lower skilled	46	28.0	51	27.87	5	26.32
Skilled (levels 3-5)	3	1.8	4	2.19	1	5.26
Highly skilled production (levels 6-8)	4	2.4	4	2.19	0	0.00
Highly skilled supervision (levels 9-12)	4	2.4	3	1.64	-1	-5.26
Senior Management	1	0.6	1	0.55	0	0.00
Contract (levels 3-5)	38	23.2	40	21.86	2	10.53
Contract (levels 6-8)	5	3.0	4	2.19	-1	-5.26
Contract (levels 9-12)	6	3.7	7	3.83	1	5.26
Abnormal appointments	0	0.0	1	0.55	1	5.26
Periodical remuneration	57	34.8	68	37.16	11	57.89
<b>Total</b>	<b>164</b>	<b>100.0</b>	<b>183</b>	<b>100.00</b>	<b>19</b>	<b>100.00</b>

TABLE 3.9.2 - FOREIGN WORKERS, 1 APRIL 2014 TO 31 MARCH 2015, BY MAJOR OCCUPATION

Major occupation	01 April 2014		31 March 2015		Change	
	Number	% of total	Number	% of total	Number	% Change
Administrative office workers	125	76.2%	146	79.8%	21	110.5%
Professionals and managers	39	23.8%	37	20.2%	-2	-10.5%
<b>Total</b>	<b>164</b>	<b>100.0%</b>	<b>183</b>	<b>100.0%</b>	<b>19</b>	<b>0.0%</b>

### 3.10 LEAVE UTILISATION

The Public Service Commission identified the need for careful monitoring of sick leave within the public service. The following tables provide an indication of the use of sick leave and

disability leave. In both cases, the estimated cost of the leave is also provided.

**TABLE 3.10.1 – SICK LEAVE, 1 JANUARY 2014 TO 31 DECEMBER 2014**

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)
Lower skilled (levels 1-2)	231	81.4%	69	0.3%	3	67
Skilled (levels 3-5)	86 762	84.1%	10 039	48.5%	9	54 715
Highly skilled production (levels 6-8)	40 867.5	83.4%	4 981	24.1%	8	41 809
Highly skilled supervision (levels 9-12)	38 525.5	84.3%	4 473	21.6%	9	76 177
Top and Senior management (levels 13-16)	8 899	88.1%	1 125	5.4%	8	28 678
<b>Total</b>	<b>175 285</b>	<b>84.2%</b>	<b>20 687</b>	<b>100.0%</b>	<b>8</b>	<b>201 446</b>

**TABLE 3.10.2 – INCAPACITY LEAVE (TEMPORARY AND PERMANENT), 1 JANUARY 2014 TO 31 DECEMBER 2014**

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)
Lower skilled (levels 1-2)	17	100.0%	1	0.1%	17	8
Skilled (levels 3-5)	11 469	100.0%	457	50.8%	25	7 204
Highly skilled production (levels 6-8)	8 397	100.0%	249	27.7%	34	8 390
Highly skilled supervision (levels 9-12)	4 657	99.8%	154	17.1%	30	9 567
Senior management (levels 13-16)	1 241	100.0%	38	4.2%	33	4 530
<b>Total</b>	<b>25 781</b>	<b>100.0%</b>	<b>899</b>	<b>100.0%</b>	<b>29</b>	<b>29 699</b>



The table below summarises the utilisation of annual leave. The wage agreement concluded with trade unions in the PSCBC in 2000 requires management of annual leave to prevent high

levels of accrued leave being paid at the time of termination of service.

TABLE 3.10.3 - ANNUAL LEAVE, 1 JANUARY 2014 TO 31 DECEMBER 2014

Salary band	Total days taken	Number of employees using annual leave	Average per employee
Lower skilled (levels 1-2)	1 232	195	6
Skilled (levels 3-5)	244 435	11 719	21
Highly skilled production (levels 6-8)	142 779	6 197	23
Highly skilled supervision (levels 9-12)	137 259	5 743	24
Senior management (levels 13-16)	44 079	1 625	27
<b>Total</b>	<b>569 786</b>	<b>25 479</b>	<b>22</b>

TABLE 3.10.4 - CAPPED LEAVE, 1 JANUARY 2014 TO 31 DECEMBER 2014

Salary band	Total days of capped leave taken	Number of employees using capped leave	Average number of days taken per employee	Average capped leave per employee as on 31 December 2014
Lower skilled (levels 1-2)	0	0	0	0
Skilled (levels 3-5)	375	51	7	42
Highly skilled production (levels 6-8)	1 414	174	8	101
Highly skilled supervision (levels 9-12)	577	53	11	98
Senior management (levels 13-16)	215	31	7	113
<b>Total</b>	<b>2 581</b>	<b>309</b>	<b>8</b>	<b>43</b>

TABLE 3.10.5 - LEAVE PAYOUTS FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015

The following table summarises payments made to employees as a result of leave that was not taken.

Reason	Total amount (R'000)	Number of employees	Average per employee (R'000)
Leave payouts for 2013/14 due to non-utilisation of leave for the previous cycle	122	4	31
Capped leave payouts on termination of service for 2014/15	57 888	733	79
Current leave payouts on termination of service for 2014/15	11 178	527	21
<b>Total</b>	<b>69 188</b>	<b>1 264</b>	<b>55</b>

## 3.11 HIV/AIDS AND HEALTH PROMOTION PROGRAMMES

Units/categories of employees identified to be at high risk of contracting HIV and related diseases (if any)	Key steps taken to reduce the risk
The Department does not have categories of employees identified to be at risk exposed to HIV infection due to the nature of their occupations	The NPA increased the number of on-site HCT clinics to encourage both female and male employees to get to know their HIV status and promote early entry to treatment and care and support services

TABLE 3.11.2 - DETAILS OF HEALTH PROMOTION AND HIV/AIDS PROGRAMMES

Question	Yes	No	Details, if yes
1. Has the department designated a member of the SMS to implement the provisions contained in Part VI E of Chapter 1 of the Public Service Regulations, 2001? If so, provide her/his name and position	Yes		NPA Ms GB Dlodla, Director: Human Resource Transformation  Ms Kedibone Tsolo, Director: Employee Health and Wellness
2. Does the department have a dedicated unit or has it designated specific staff members to promote the health and wellbeing of your employees? If so, indicate the number of employees who are involved in this task and the annual budget that is available for this purpose	Yes		NPA: Three employees and an external service provider with a national network of professional counsellors. Budget of about R2 200 000.00  Directorate Employee Health and Wellness with 10 staff members with a budget of 3.2 million

Question	Yes	No	Details, if yes
3. Has the department introduced an Employee Assistance or Health Promotion Programme for your employees? If so, indicate the key elements/services of this Programme	Yes		<p>NPA: HIV/AIDS and TB Management, Wellness Management and Health and Productivity Management. The services include counselling and support services, trauma management, health screening and HCT services, health promotion, wellness workshops and information and sports and recreation programmes to promote an active lifestyle and social cohesion</p> <ul style="list-style-type: none"> <li>• HIV, STI and TB management</li> <li>• Psycho-social counselling</li> <li>• Sports and recreation</li> <li>• Stress and trauma management</li> <li>• Supervisory training</li> <li>• Health screenings and information sessions</li> </ul>
4. Has the department established (a) committee(s) as contemplated in Part VI E.5 (e) of Chapter 1 of the Public Service Regulations, 2001? If so, please provide the names of the members of the committee and the stakeholder(s) that they represent	Yes		<p>NPA: F Ross: DPP Cape Town, C Fischer: DPP Grahamstown, V Esterhuizen: DDDP Bisho, N Magogoa: DPP Kimberley, B Masobela: DPP North West, J Matlou: DPP North West, S Magongwa: DPP North Gauteng: Limpopo, M Matloha: DPP North Gauteng: Limpopo, L Rakale: DPP Gauteng North (Pretoria), N Naidoo: DPP Gauteng South (Province?), FP Semenya: Employee Health and Wellness, N Shihlane: Employee Health and Wellness, M Molefe: Employee Health and Wellness, N Madikizela: DPP Mthatha, T Hadebe: DPP KZN</p> <p>Employee Advisory Committee (EAC)</p> <ul style="list-style-type: none"> <li>• Chairperson: S Matshika</li> <li>• Secretariat: T Fouché</li> <li>• Alternating representatives from all branches within DOJ&amp;CD</li> </ul>
5. Has the department reviewed its employment policies and practices to ensure that these do not unfairly discriminate against employees on the basis of their HIV status? If so, list the employment policies/practices so reviewed	Yes		<p>NPA: HIV/AIDS Policy was reviewed in 2013</p> <p>Policies reviewed included resettlement, performance management, employee health and wellness, sports and recreation</p>

Question	Yes	No	Details, if yes
6. Has the department introduced measures to protect HIV-positive employees or those perceived to be HIV-positive from discrimination? If so, list the key elements of these measures	Yes		<p>The HIV policy prohibits any form of discrimination on the basis of HIV. Disciplinary codes are in place to protect employees discriminated against on the basis of their HIV status.</p> <ul style="list-style-type: none"> <li>• Provide awareness sessions to all employees regarding HIV/AIDS, which includes information on anti-discrimination and stigma</li> <li>• Provide reasonable accommodation</li> <li>• Provide counselling to those who disclosed their status</li> </ul>
7. Does the department encourage its employees to undergo Voluntary Counselling and Testing? If so, list the results that you have achieved	Yes		<p>The NPA provides HCT and health screening services in partnership with GEMS. 564 employees (238 males and 326 females) were tested for HIV during the on-site clinics. A total of 1 617 employees participated in health screening services for early detection of non-communicable diseases and associated risk factors. The health screening services aimed to inform, screen and educate employees on potential health risks</p> <p>A total number of 2 400 employees went for screening, which included HIV</p>
8. Has the department developed measures/indicators to monitor & evaluate the impact of its health promotion programme? If so, list these measures/indicators	Yes		<ul style="list-style-type: none"> <li>• System Monitoring Tool (SMT)</li> <li>• Quarterly sick leave analysis report</li> <li>• Monthly and quarterly EAP utilisation report from service provider</li> <li>• Monitor the number of employees accessing HCT and health screening services</li> <li>• Track HCT and screening statistical results segregated by gender (Data source: GEMS Health Screening reports)</li> <li>• Monitor number of employees accessing EAP services for counselling and support services (Data source: EAP monthly, quarterly and annual reports)</li> </ul>

### 3.12 LABOUR RELATIONS

#### Total collective agreements

Rationalisation of the High Courts

10 December 2014

The following table summarises the outcome of disciplinary hearings conducted within the Department for the year under review.

**TABLE 3.12.2 - MISCONDUCT AND DISCIPLINARY HEARINGS FINALISED FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015**

Outcomes of disciplinary hearings	Number	% of total
Correctional counselling	9	2.4%
Verbal warning	30	7.9%
Written warning	63	16.6%
Final written warning	41	10.8%
Suspended without pay	61	16.1%
Fine	0	0.0%
Demotion	2	0.5%
Dismissal	72	19.0%
Not guilty	4	1.1%
Case withdrawn	51	13.5%
Acquittal	31	8.2%
Deceased	3	0.8%
Resignation	12	3.2%
<b>Total</b>	<b>379</b>	<b>100.0%</b>

**TABLE 3.12.3 - TYPES OF MISCONDUCT ADDRESSED AT DISCIPLINARY ACTIONS/HEARINGS FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015**

Type of misconduct	Number	% of total
Dishonesty	25	4.8%
Corruption/fraud	113	21.8%
Bringing the name of NPA in disrepute	2	0.4%
Irregular expenditure	7	1.3%
Improper conduct	6	1.2%
Unethical behaviour	55	10.6%
Racism	1	0.2%
Negligence	67	12.9%

Type of misconduct	Number	% of total
Dereliction/neglect of duty	9	1.7%
Absenteeism	52	10.0%
Leaving workplace without permission	1	0.2%
Contravening PAIA	1	0.2%
Contravening the NPA media policy	1	0.2%
Leaking sensitive information	1	0.2%
Insubordination	35	6.7%
Assault	3	0.6%
Settlement of a claim without a mandate	1	0.2%
Abuse of power	1	0.2%
Abuse of state property	18	3.5%
Loss of state money	3	0.6%
Maladministration	9	1.7%
Mismanagement of funds	7	1.3%
Misrepresentation	13	2.5%
Sexual harassment	5	1.0%
Theft	32	6.2%
Falsification of documents	3	0.6%
Defeating ends of justice	1	0.2%
Damage to state property	4	0.8%
Poor performance	19	3.7%
Bribery	4	0.8%
Unauthorised possession	2	0.4%
Alcohol abuse	3	0.6%
Abuse of leave	13	2.5%
Abscondment	2	0.4%
<b>Total</b>	<b>519</b>	<b>100.0%</b>

TABLE 3.12.4 - GRIEVANCES LODGED FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015

Grievances	Number	% of total
Number of grievances resolved	500	89.4%
Number of grievances not resolved	59	10.6%
<b>Total number of grievances lodged</b>	<b>559</b>	<b>100.0%</b>

TABLE 3.12.5 – DISPUTES LODGED WITH COUNCILS FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015

Number of dispute outcome	Number	% of total
Number of disputes upheld	74	39.36%
Number of disputes dismissed	114	60.64%
<b>Total number of disputes lodged</b>	<b>188</b>	<b>100.00</b>

TABLE 3.12.6 – STRIKE ACTIONS FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015

Total number of person working days lost	0
Total cost (R'000) of working days lost	0
<b>Amount (R'000) recovered as a result of no work, no pay</b>	<b>0</b>

TABLE 3.12.7 – PRECAUTIONARY SUSPENSIONS FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015

Number of people suspended	39
Number of people whose suspension exceeded 30 days	38
Average number of days suspended	378
<b>Cost of suspension (R'000)</b>	<b>4 712</b>

### 3.13 SKILLS DEVELOPMENT

This section highlights the efforts of the Department with regard to skills development.

Occupational category	Gender	Number of employees as at 1 April 2014	Training needs identified at start of the reporting period			
			Learnerships	Skills programmes & other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	83	0	100	0	100
	Male	2 238	0	135	0	135
Professionals	Female	3 015	0	1 929	0	1 929
	Male	3 263	0	1 563	0	1 563
Technicians and associate professionals	Female	1 211	0	1 324	0	1 324
	Male	777	0	1 161	0	1 161
Clerks	Female	9 221	0	1 269	0	1 269
	Male	3 867	0	1 455	0	1 455

Service and sales workers	Female	101	0	68	0	68
	Male	370	0	38	0	38
Plant and machine operators and assemblers	Female	0	0	0	0	0
	Male	25	0	0	0	0
Elementary occupations	Female	260	0	14	0	14
	Male	393	0	6	0	6
Subtotal	Female	11 523	0	4 704	0	4 704
	Male	8 604	0	4 358	0	4 358
<b>Total</b>		<b>20 127</b>	<b>0</b>	<b>9 062</b>	<b>0</b>	<b>9 062</b>

TABLE 3.13.2 - TRAINING PROVIDED 1 APRIL 2014 TO 31 MARCH 2015

Occupational category	Gender	Number of employees as at 1 April 2014	Training provided within the reporting period			
			Learnerships	Skills programmes & other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	83	0	64	0	64
	Male	2 238	0	118	0	118
Professionals	Female	3 015	0	1 816	0	1 816
	Male	3 263	0	1 993	0	1 993
Technicians and associate professionals	Female	1 211	0	1 213	0	1 213
	Male	777	0	803	0	803
Clerks	Female	9 220	21	1 492	0	1 513
	Male	3 867	21	1 196	0	1 217
Service and sales workers	Female	101	0	63	0	63
	Male	370	0	110	0	110
Plant and machine operators and assemblers	Female	0	0	0	0	0
	Male	25	0	0	0	0
Elementary occupations	Female	260	0	8	0	8
	Male	393	0	7	0	7
Subtotal	Female	11 523	21	4 648	0	4 698
	Male	8 604	21	4 277	0	4 269
<b>Total</b>		<b>20 127</b>	<b>42</b>	<b>8 925</b>	<b>0</b>	<b>8 925</b>



### 3.14 INJURY ON DUTY

The following tables provide basic information on injury on duty.

Nature of injury on duty	Number	% of total
Required basic medical attention only	21	91.3
Temporary total disablement	2	8.7
Permanent disablement	0	0.0
Fatal	0	0.0
<b>Total</b>	<b>23</b>	<b>100.0</b>

### 3.15 UTILISATION OF CONSULTANTS

The following table relates information on the utilisation of consultants in the Department.

In terms of the Public Service Regulations, "consultant" means a natural or juristic person or a partnership who or which provides in terms of a specific contract on an ad hoc basis any of the following professional services to a department against remuneration received from any source:

- (a) The rendering of expert advice;
- (b) The drafting of proposals for the execution of specific tasks, and
- (c) The execution of a specific task which is of a technical or intellectual nature, but excludes an employee of the Department.

**TABLE 3.15.1 – REPORT ON CONSULTANTS APPOINTMENTS USING APPROPRIATED FUNDS FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015**

Project title	Total number of consultants that worked on the project	Duration: Work days	Contract value in Rand
Appointment of a service provider to render travel management services to the DOJ & CD (RFB 2014 01)	21	12 months (1 year)	R240 m
Provision of court recording technology (CRT) solution for the Department of Justice and Constitutional Development for a period of six years (RFB 2014 02)	4	72 months (6 years)	R472 014
Appointment of professional debt collectors for the DOJ (RFB 2014 06)	1	24 months (2 years)	Depends on the debt collected

Project title	Total number of consultants that worked on the project	Duration: Work days	Contract value in Rand R'000
Appointment of technical assistance for compilation , drawing and printing of maps accompanied of magisterial districts and areas of jurisdiction of courts and the impact on the sheriffs' service areas for a period of thirteen (13) weeks (RFB 2014 08)	7	3 months and 1 week (13 weeks)	R3 816
Appointment of a service provider to conduct an investigation into the validity of establishing one-stop child justice centres in terms of section 89 of the Child Justice Act, No. 75 for a period of six (6) months (RFQ 2014 01 ONE-STOP CHILD)	3	6 months	R500
Appointment of a service provider to collect statistical information (for the period 1 April 2010 to 31 August 2014) for the review of the minimum age of criminal capacity in terms of section 8 read with section 96(4) of the Child Justice Act, No. 75 of 2008 (RFQ 2014 01 Statistical Info)	6	6 months	R977
Acquisition of the Integrated Justice System (IJS) Transversal Resources: Uppercase System Solutions (PTY) LTD; Gijima Holdings (PTY) LTD; Mpamba Solutions & Consulting; Moverst Professional Services (PTY) LTD; EOH Abantu T/A Highveld PFS and Forensic Data Analysts (PTY) LTD	12	4 months	R4 781
Editing of the NPA Strategy, Annual Performance Plan and Annual Report	1	20 hours	R8
NPA Work study	9	24 months (Oct 2014 to Sept 2016)	R8 572
Pre-trial consultation by prosecutors with state witnesses and/or victims research	17	65	R456
Total number of projects	Total individual consultants	Total duration: Work days	Total contract value in Rand
10	82	182 months and 1 week	R722 088 (plus total amount depended on the debt collected)
		20 hours	
		24 months	
		65 days	

**TABLE 3.15.2 – ANALYSIS OF CONSULTANT APPOINTMENTS USING APPROPRIATED FUNDS, IN TERMS OF HISTORICALLY DISADVANTAGED INDIVIDUALS (HDI) FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015**

<b>Project title</b>	<b>BBBEE</b>	<b>Amount R'000</b>	<b>Number of consultants from HDI groups that worked on the project</b>
Appointment of a service provider to render travel management services to the DOJ & CD (RFB 2014 01)	Level 2	R240 m	Black ownership 55.71% Black women ownership 53.60%
Provision of court recording technology (CRT) solution for the Department of Justice and Constitutional Development for a period of six years (RFB 2014 02)	Level 2	R472 014	Black ownership 21.71%. Black women ownership 1.38%
Appointment of professional debt collectors for the DOJ (RFB 2014 06)	Level 2	Depends on the debt collected	Black ownership 25.22%. Black women ownership 12.61%
Appointment of technical assistance for compilation, drawing and printing of maps accompanied of magisterial districts and areas of jurisdiction of courts and the impact on the sheriffs' service areas for a period of thirteen (13) weeks (RFB 2014 08)	Level 2	R3 816	Black ownership 100%. Black women ownership 0%
Appointment of a service provider to conduct an investigation on the validity of establishing one-stop child justice centres in terms of section 89 of the Child Justice Act, No. 75 for a period of six (6) months (RFQ 2014 01 ONE STOP CHILD)	Level 4	R500	Black ownership 0% Black women ownership 0%
Appointment of a service provider to collect statistical information (for the period 1 April 2010 to 31 August 2014) for the review of the minimum age of criminal capacity in terms of section 8 read with section 96(4) of the Child Justice Act, No. 75 of 2008 (RFQ 2014 01 Statistical Info)	Level 3	R977	Black ownership 55%. Black women ownership 0%

Project title	BBBEE	Amount R'000	Number of consultants from HDI groups that worked on the project
Acquisition of the Integrated Justice System (IJS) Transversal Resources: Uppercase System Solutions (PTY) LTD; Gijima Holdings (PTY) LTD; Mpamba Solutions & Consulting; Moverst Professional Services (PTY) LTD; EOH Abantu T/A Highveld PFS and Forensic Data Analysts (PTY) LTD	Uppercase System Solutions (PTY) LTD level 4	R4 781	Black ownership 0%.
	Gijima Holdings (PTY) LTD level 2		Black women ownership 0%
	Mpamba Solutions & Consulting		Black ownership 74.67%.
			Black women ownership 20.04%
	Moverst		Black ownership 0%.
	Professional Services (PTY) LTD level 2		Black women ownership 0%
	EOH Abantu T/A Highveld PFS		Black ownership 76.97%
	Forensic Data Analysts (PTY) LTD level 4		Black women ownership 6.95%
	Editing of the NPA Strategy, Annual Performance Plan and Annual Report		Quo Vadis Communications
NPA Work study	GKN Consulting	Black women ownership 0%	
Pre-trial consultation by prosecutors with state witnesses and/or victims research	CASE	Black ownership 47%.	
		Black women ownership 23.5%	
		1	
		8	
		17	

TABLE 3.15.3 - REPORT ON CONSULTANT APPOINTMENTS USING DONOR FUNDS FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015

Project title	Total number of consultants that worked on the project	Duration: Work days	Contract value in Rand
-			
-			
	Total individual consultants	Total duration: Work days	Total contract value in Rand

TABLE 3.15.4 - REPORT ON CONSULTANT APPOINTMENTS USING DONOR FUNDS, IN TERMS OF HISTORICALLY DISADVANTAGED INDIVIDUALS (HDIS) FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015

Project title	Total number of consultants that worked on the project	Duration: Work days	Contract value in Rand
-	-	-	-

### 3.16 SEVERANCE PACKAGES

TABLE 3.16.1 - GRANTING OF EMPLOYEE-INITIATED SEVERANCE PACKAGES FOR THE PERIOD 1 APRIL 2014 TO 31 MARCH 2015

Salary band	Number of applications received	Number of applications approved	Number of applications supported by MPSA	Number of packages approved by Department
Lower skilled (levels 1-2)	0	0	0	0
Skilled (levels 3-5)	0	0	0	0
Highly skilled production (levels 6-8)	0	0	0	0
Highly skilled supervision (levels 9-12)	0	0	0	0
Senior management (levels 13-16)	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>





**The Department  
successfully  
transferred functions  
and resources to the  
Office of the Chief  
Justice with effect  
from 1 April 2015.**



The Department of Justice and Constitutional Development


# Annual Report

2014/2015

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