



▶ 20^{18/19}
ANNUAL
REPORT

DEPARTMENT OF JUSTICE AND
CONSTITUTIONAL DEVELOPMENT



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA





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DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

VOTE 21

2018/2019 FINANCIAL YEAR

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PART A

GENERAL INFORMATION

DEPARTMENT GENERAL INFORMATION

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1. LIST OF ABBREVIATIONS/ACRONYMS/DEFINITIONS

ACCC	Anti-Corruption Coordinating Committee
ACTT	Anti-Corruption Task Team
ADRM	Alternative Dispute Resolution Mechanisms
AFU	Asset Forfeiture Unit
AGSA	Auditor-General of 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	Civil Justice System
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	DoJ&CD 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	Homeowner'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
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 of 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
POCA	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

2. MISSION, VISION, VALUES AND STRATEGIC GOALS

2.1 Vision

Justice for all in South Africa

2.2 Mission

To administer an efficient and a responsive justice system

2.3 Values

The Department has the following values:

- i. Commitment to constitutional values and a culture of human rights
- ii. Rule of law
- iii. Excellence
- iv. Responsiveness
- v. Accountability
- vi. Good governance

2.4 Strategic goals

- i. Optimisation of the deployment of people, processes and technology to meet service delivery and good governance requirements;
- ii. People-centred justice services that are accessible, reliable and efficient;
- iii. Corporatised, cost effective and integrated quality legal services to proactively protect the best interest of the state;
- iv. Promotion of constitutionalism, human rights and commitment to international legal relations.



3. FOREWORD BY THE MINISTER

Mr. R. Lamola, MP

Minister of Justice and Correctional Services

It is my pleasure to present this annual report for work done by the Department and my predecessors from the 5th administration. These efforts include transformative legislation that was being worked on, implementation of policies, as well as our response to government's programme of action.

In response to the need to professionalise State Litigation Services and the entire legal services of government, a discussion paper on State Legal Services was prepared during the year under review. Finalisation of this discussion and proposals for change in legislation will be considered by the 6th administration. Other initiatives to improve State Litigation policies included the finalisation of the Counsel Briefing Policy, Tariff Policy and Mediation Policy for submission to Cabinet. The policies are expected to be reconsidered and submitted to cabinet during the new administration.

One of the major achievements in 2017/18 was the establishment of the Legal Practice Council, in line with the Legal Practice Act of 2014. I am pleased that robust consultation processes and discussions yielded positive results and that the LPA will not only unite the legal profession, but put in place mechanisms that will improve access to the profession and help improve accessibility of legal services to all South Africans. In October 2018, the Legal Practice Council was finally established. This Council included both members of the Bar Councils, practising attorneys, academic law professionals and other members identified in line with regulations. What is also pleasing is that by the end of the 2018/19 financial year, four Regional Councils were also established. I am looking forward to building working relationships with the legal profession.

The roll-out of sexual offences courts remains an important leg in assisting victims of sexual offences, particularly children, to go through the legal process and find closure for their matters. An additional 15 court rooms were adapted in line with the sexual offences model and this brought the total number of court rooms adapted to 90. Areas where court rooms were adapted include Bredasdorp in the Western Cape, Postmansdorp in the Northern Cape and Thaba 'Nchu in the Free State. As we continue to implement these specialised courts, we equally place emphasis on ensuring that they

“ I am pleased that robust consultation processes and discussions yielded positive results and that the LPA will not only unite the legal profession, but put in place mechanisms that will improve access to the profession and help improve accessibility of legal services to all South Africans. ”

operate optimally. During 2018/19, mechanisms were put in place to ensure that CCTV cameras and other tools used within these court rooms are in working order and that all repairs are made timeously.

The high level of femicide and gender-based violence in our country remains a sore point and requires all of us to do our bit to curb this scourge. Following the successful National Summit on Femicide and Gender-based Violence in November 2018, the Department will continue to lead in the implementation of initiatives flowing from this engagement. During 2018/19, the Femicide Watch prototype was piloted with intentions to establish mechanisms to track and analyse femicide cases in order to provide guidance on addressing this crime.

The fight against crime, especially government priorities, remained a focal point of the National Prosecuting Authority. Strides were made to ensure that high conviction rates were maintained in all court forums, recording a 90% conviction rate in the high courts, 81,7% in the regional courts and 95,7% in the district courts. The regional courts' performance during the 2018/19 financial year represents the best conviction rate performance over the last two decades.

Various case flow-related and other challenges, such as the reduction in court utilisation, impacted on the finalisation of verdict cases. During the 2018/19 financial year, 276 309 cases were finalised with a verdict. The NPA, however, continued to refine the Alternative Dispute Resolution Mechanisms (ADRM) system to curb any potential abuses of this process. This was imperative to ensure that the process was being used fairly and justly to ensure that the correct people were diverted from the formal justice system. The NPA finalised 149 469 ADRM cases during the reporting period.

Government's fight against corruption continued to be a key priority for the NPA. In a multi-agency partnership, the NPA convicted 210 government officials for corruption or offences related to corruption, whilst 17 persons were convicted of corruption or offences related to corruption where the amount involved is more than R5 million. The organisational focus on corruption was, however, strengthened during the 2018/19 financial year and the measure of corruption was broadened to include private sector corruption. A total of 143 convictions were obtained of which 10 convictions consisted of legal entities or companies convicted.

The NPA introduced a target on money laundering in 2018/19 and the target was exceeded as 100% conviction rate was achieved from all 84 cases prosecuted.

The NPA achieved a significant improvement in the prosecution of complex commercial crime, with the SCCU obtaining a conviction rate of 95% against a target of 93%.

The NPA continued to perform well in the prosecution of cybercrime cases, achieving a conviction rate of 99,1%. This excellent performance should be viewed against the nature and complexity of these crimes and the high level of technical evidence required in the prosecution of cybercrime cases.

An increased focus was placed in accordance with the Presidential directives on gender-based crimes and sexual offences matters. The courts continued to put special emphasis on the conviction of sexual offences matters. The improved conviction rate in sexual offences during the 2018/19 financial year of 74,4% reflects a firm commitment to deliver justice for the victims of sexual offences and gender-based violence. A conviction rate of 73,5%, with 1 636 convictions, was recorded for TCC reported cases. Notwithstanding these results, we acknowledge that much improvement can still be made in the protection, defence and support of the most vulnerable, including addressing the scourge of femicide.

Many families still seek closure regarding the deaths of their loved ones who died during the struggle for liberation. As part of the Truth and Reconciliation Commission recommendations, the Department was tasked with the identification, exhumation and handover of the bodies. During the 2017/18 financial year, a number of bodies of freedom fighters were exhumed and handed over to the next of kin. Bodies of Thabo Rammutle (MK member) and Priscilla Mosoue (Kuki Zwane, associated with the Mandela United Football Club) were handed over in Pretoria in March 2019. In addition to these, a number of exhumations from the Gallows Exhumation Project were handed over. These included:

- The remains of two Pan Africanist Congress (PAC) members (Jabavu Mzondi and Gqibile Hans) from Paarl were handed over on 27 October 2018.
- The remains of four Krugersdorp PAC members who were hanged in 1964, were handed over to their families by the Minister of Justice and Correctional Services on 16 March 2019 in Pretoria.
- The remains of six PAC Cofimvaba and three Rwantana activists who were hanged on death row in 1963 and 1961 respectively, were handed over in the Eastern Cape on 23 March 2019.

By the end of the financial year, 59 of the 83 bodies were handed over.

In addition, Minister Masutha also presided over handover ceremonies of victims that were not identified through the TRC process. These were remains of two former Umkhonto weSizwe (MK) members (Mfaniseni Mdlalose and Mandla Mjwara) in KwaZulu-Natal on 18 August 2018 and the ex-Deputy Chief of Staff of the Angolan Armed Forces, General Arlindo Chenda Pena on 13 September 2018.

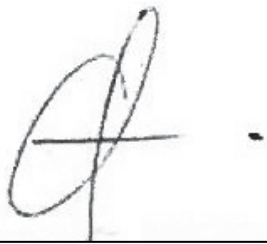
I am proud of the success we have had with the implementation of major projects to enhance operational efficiencies in the administration of justice and will ensure that the Department, together with JCPS cluster departments, achieve the modernisation programme that has already begun.

The person identifier project (PIVA) enables SAPS to identify previous convictions and warrants associated with suspects, at the point of arrest. The solution was delivered as proof of concept at 33 police stations in 2016 and am happy to report that by the end of the 2018/19 financial year, the solution had been delivered to 274 SAPS stations across all nine provinces. By March 2019, PIVA was used to check more than 317,000 accused persons, and it was determined that over 203,000 of these individuals (64%) had prior criminal records that could then be referenced.

Between April 2016 and March 2019, over 1,6 million cases were electronically processed through the Integrated Justice System (IJS) between SAPS, NPA and the DoJ&CD. These electronic information exchanges include associated docket ready notifications, docket requests, electronic charge sheets and electronic case outcome (postponement, date & reasons) integrations. Available nationally, these integrations are connecting 1,144 police stations linked to 509 courts across all nine provinces and enable reporting of performance of the criminal justice system. Efforts will continue to ensure that all other players, entities and departments within the criminal justice system are included in the IJS system.

The audiovisual remand project links Magistrates courts to Correctional detention centres via CCTV. Under certain circumstances, cases can be postponed without the logistical arrangements and risks associated with transporting the accused to court. At the end of the year under review, 48 Magistrate's Courts were linked to 23 Correctional Facilities and 17 271 criminal cases were remanded using this technology. This represents a 44% increase in the utilisation of this technology.

It is with great pleasure that I present the Annual Report for 2018/19 for the DoJ&CD.



R. Lamola, MP

Minister of Justice and Correctional Services

4. FOREWORD BY THE DEPUTY MINISTER

Mr. John Jeffery, MP

Deputy Minister, Justice and Constitutional Development

As we begin this 6th administration, we are pleased to be able to report on some of the highlights and positive developments achieved in the last year of the 5th administration.

With regard to transformation within the magistracy, during 2018/19 the former Minister, after consultation with the Magistrates' Commission, appointed 176 Magistrates, 1 Regional Court President, 1 Chief Magistrate, 26 Senior Magistrates, and 46 Regional Magistrates. These permanent appointments will further strengthen the work of the judiciary. The Commission also advertised 249 posts of magistrates which are to be filled during this year.

We have made significant inroads towards establishing a magistracy that truly reflects the demographics of our country. As at May 2018, we had 2007 magistrates across the country – 49% are African, 30% are White, 11% are Coloured, 10% are Indian – meaning 70% of our magistracy are Black. In terms of gender, 46% are female.

We also bid farewell and thank Judge President Legodi who served the Magistrates Commission as Chairperson with distinction for just over 8 years when his last term expired towards the end of this financial year and welcomed Deputy Judge President Ledwaba with his appointment as Chairperson with effect from 1 April 2019.

With regard to the sheriffs' profession, we have recently appointed 24 new sheriffs to fill vacant offices countrywide and for the first time in our history, more women (14) than men (10) were appointed as sheriffs. Where, in the past, the sheriffs' profession was overwhelmingly white and male, at the end of February 2019, of the 254 sheriffs operating nationally, 31% are female and 69% male; 36,2% are White and 63,8% are Black.

Small Claims Courts continue to improve access to justice and make civil justice inexpensive, less formal and accessible to those who cannot afford litigation in the ordinary civil courts. During the 2018/19 financial year, the monetary jurisdiction of the Small Claims Courts was increased from



“ It will assist us to generate statistics of TIP cases including assessing trends, thereby enabling government to improve its efforts aimed at fighting trafficking in persons. ”

R15 000 to R20 000.00 with effect from 1 April 2019. This will enable more people to make use of these courts. We currently have 414 Small Claims Courts, with an extra 49 additional places of sitting, across the country. In 2018/19, these courts disposed of 56 000 cases, with claims to the value of R290m.

Legal Aid SA continues to champion the rights of all persons to access justice through the provision of independent, accessible and quality legal aid services in criminal and civil legal matters. In 2018/2019, Legal Aid SA took on a total of over 416 000 new matters, of which 362 000 were criminal matters and nearly 54 000 civil matters. The provision of legal advice, in order to empower communities on their legal rights and responsibilities, benefitted 308 000 people, via its national footprint of 64 Local and 64 Satellite Offices, the Legal Aid Advice Line and consultations with remand detainees. In total, 724 000 persons were assisted by the organisation in 2018/19 – of these, 16 000 were children.

I want to take this opportunity to bid farewell and sincerely thank the former Chairperson of Legal Aid SA, Judge President JP Mlambo, as well as the outgoing CEO, Ms Vidhu Vedalankar, for their immense contributions to the success that Legal Aid SA is today. We also congratulate Justice MA Makume on his appointment as the Chairperson of Legal Aid SA with effect from 1 March 2019.

We continue to make significant progress towards the attainment and realisation of human rights. For example, our National Task Team on LGBTI Rights, through its Rapid Response Team, continues to track pending hate crime cases against LGBTI persons and 10 of these cases were recently finalised with convictions of life imprisonment for both rape and murder.

With regard to combating Trafficking in Persons, the Department launched the National Policy Framework on Trafficking in Persons in South Africa which is a tool for the implementation, management and monitoring of the Prevention and Combatting of Trafficking in Persons Act. Key activities include the establishment of an information system to track TIP cases inside and outside the country. It will assist us to generate statistics of TIP cases including assessing trends, thereby enabling government to improve its efforts aimed at fighting trafficking in persons.

In partnership with the Foundation for Human Rights, our socio economic Justice (SEJA) Programme aims to facilitate the realisation of socio economic rights for vulnerable and marginalised groups and the strengthening of civil society organisations in the social justice sector. SEJA is coming to an end during the year under review. This programme has been extremely successful when it comes to increasing awareness of constitutional rights and enhancing participatory democracy - since its inception in 2014 up to March this year, SEJA has reached 34 million people.

The National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (NAP) was approved by Cabinet in February. The NAP is an important tool to prevent and combat racist, sexist, homophobic, xenophobic and other discriminatory conduct and forms of prejudice that we have been experiencing in our country recently. Cabinet's approval of the NAP followed a rigorous process. Inputs from the public were important in shaping the NAP, as a draft of the NAP was published for public comment during December 2015 with the public consultations phase launched in 2016. Further engagements and feedback sessions were conducted during 2018. The approved NAP, which will subsequently be deposited at the United Nations and will also be revised every five years, includes a targeted set of actions, interventions, measures and timeframes.

As part of our legislative programme, the following Bills were tabled in Parliament but lapsed at the end of the 5th administration. Some of the important Bills which are due to be considered for revival in 2019/20 include –

- The Prevention and Combating of Hate Crimes and Hate Speech Bill;
- The Traditional Courts Bill;
- The International Crimes Bill;
- The Cybercrime Bill, and
- The Child Justice Amendment Bill.

We are also engaging in discussions with the Minister of Health on the revival of the State Liability Amendment Bill and work is underway with the proposed Land Court Bill.

In order to deal with certain Constitutional Court decisions which have set deadlines for amendments to legislation, the following Bills were prepared -

- The Recognition of Customary Marriages Amendment Bill (dealing with the judgment in Ramuhovhi and Others v President of the Republic of South Africa and Others);
- Promotion of Access to Information Amendment Bill (dealing with the judgment in My Vote Counts NPC v Minister of Justice and Correctional Services and Another);
- The Judicial Matters Amendment Bill (to deal with the judgments in Corruption Watch NPC and Others v President of the Republic of South Africa and Others and Holomisa v Holomisa and Another);
- Drugs and Drug Trafficking Amendment Bill (to deal with the judgment in Minister of Justice and Constitutional Development and Others v Prince and Others); and
- Extension of Prescription Periods in respect of Certain Sexual Offences Amendment Bill (to deal with the judgment in the Levenstein and Others vs Estate of the Late Sidney Lewis Frankel and Others, and extend the same periods to civil claims).

Our department will continue to work tirelessly to ensure access to justice and human rights for all and we look forward to building on our successes during the 6th administration.



John Jeffery, MP

Deputy Minister, Justice and Constitutional Development

5. LEGISLATIVE AND OTHER MANDATES

The Department derives its statutory mandate from a broad range of statutes and legislation. A key constitutional mandate of the Department is derived from Chapter 8 of the Constitution, “Courts and Administration of Justice”.

Specific provisions of the Bill of Rights in the Constitution furthermore gave rise to other pieces of legislation which form a significant part of the legislative mandate of the Minister, namely, Section 9 on Equality; Section 12 on Freedom and Security of the person; Section 14 on Privacy; Section 28 on Children; Section 32 on Access to Information; Section 33 on Just Administrative Action; Section 34 on Access to Courts; and Section 35 on “Arrested, Detained and Accused Persons. The legislative mandate of the Department flows from these constitutional provisions, all of which are aimed at advancing and sustaining constitutionalism and the rule of law.

The legislative mandate can be broadly categorised into (i) Courts and the administration of justice; (ii) Other legislation crucial to the administration of justice and (iii) Legislation for the promotion, protection and enforcement of human rights.

Courts and Administration of Justice

The Constitution Seventeenth Amendment Act, 2012, affirms the Chief Justice as Head of the Judiciary and assigns to him/her the responsibility to oversee the development and monitoring of norms and standards for the performance of all courts. Performance of courts is therefore the responsibility of the Office of Chief Justice.

The following are legislation providing for the establishment and functioning of Superior Courts and Lower Courts as well as other courts designated to deal with specialised cases which are both at the level of the High Court and Magistrates Courts:

- The Superior Courts Act, 2013 (Act 10 of 2013). The Act rationalised, consolidated and amended the laws relating to the Constitutional Court, the Supreme Court of Appeal and the High Court of South Africa. The Act also makes provision for the administration of the judicial functions of all courts and those administrative and budgetary matters relating to the Superior Courts. The Act provides for assignment of certain functions to the Office of the Chief Justice (OCJ) which, among others, includes support to the Heads of Courts, Judicial Service Commission and the Judicial Education Institute.
- The Magistrates Courts Act, 1944 (Act 32 of 1944). The Act empowers the Minister to create various magistrates’ court districts, regional divisions and sub-districts, and to define their local limits, appoint magistrates, additional magistrates and regional court magistrates as well as persons to act in those offices when necessary, and to determine various amounts and fees related to the monetary jurisdiction of the courts, witness fees and others.
- The Small Claims Courts Act, 1984 (Act 61. of 1984). The Act empowers the Minister to establish small claims courts, determine their seats and areas of jurisdiction, appoint commissioners and determine various amounts related to the jurisdiction of the courts.
- The Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007), aims to comprehensively and extensively review and amend all aspects of the laws and the implementation of the laws relating to sexual offences, and to deal with all legal aspects of, or relating to sexual offences in a single statute. This Act provides for the designation of courts to sit as sexual offences courts.
- The Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000), also provides for the designation of courts to sit as Equality courts.

Other Legislation Crucial to the Administration of Justice

The following are key legislation within the administration of justice that the Minister of Justice and Constitutional Development has oversight and other responsibilities:

- The National Prosecuting Authority Act, 1998 (Act 32 of 1998), provides for the establishment of a single national prosecuting authority in accordance with the provisions of section 179 of the Constitution. Provision is, among others, made for the structure and composition of a single national prosecuting authority; the appointment, remuneration and conditions of service of members of the prosecuting authority; and the powers, duties and functions of such members.
- The Special Investigating Units and Special Tribunals Act, 1996 (Act 74 of 1996), provides for the establishment, composition, functions and powers of special investigating units for the purpose of investigating serious malpractices or maladministration in connection with the administration of State institutions, State assets and public money as well as any conduct which may seriously harm the interests of the public.
- The Prevention of Organised Crime Act, 1998 (Act 121 of 1998), introduces measures to combat organised crime, money laundering and criminal gang activities and prohibits certain activities relating to racketeering activities. Provision is made for the prohibition of money laundering and for an obligation to report certain information. The Act also criminalises certain activities associated with gangs and provides, among others, for the recovery of the proceeds of an unlawful activity; the civil forfeiture of criminal assets that have been used to commit an offence or assets that are the proceeds of an unlawful activity; and for the establishment of a Criminal Assets Recovery Account.
- Legislation regulating the provisioning of legal services to government departments (State Attorney Act, 1957 (Act 56 of 1957)). The Act makes provisions for the Minister to establish the Office of State Attorney and the appointment of state attorneys and staff.
- Legal Practice Act, 2014 (Act 28 of 2014): This Act aims to introduce a legislative framework for the transformation and restructuring of the legal profession in line with constitutional imperatives so as to facilitate and enhance an independent legal profession that broadly reflects the diversity and demographics of the Republic.
- Legislation providing for the establishment of bodies responsible for law reform and rule-making: The South African Law Reform Commission Act, 1973 (Act 19 of 1973) and the Rules Board for Courts of Law Act, 1985 (Act 107 of 1985).
- Legislation providing for the administration of estates: The Act provides for the appointment of masters of the high courts and the administration of the Guardian's Fund and deceased estates (the Administration of Estates Act, 1965 (Act 66 of 1965), and the making of regulations prescribing the procedure to be observed in connection with insolvent estates and determining policy for the appointment of a curator bonis, trustee, provisional trustee or co-trustee by the Master of the High Court (Insolvency Act, 1936 (Act 24 of 1936).

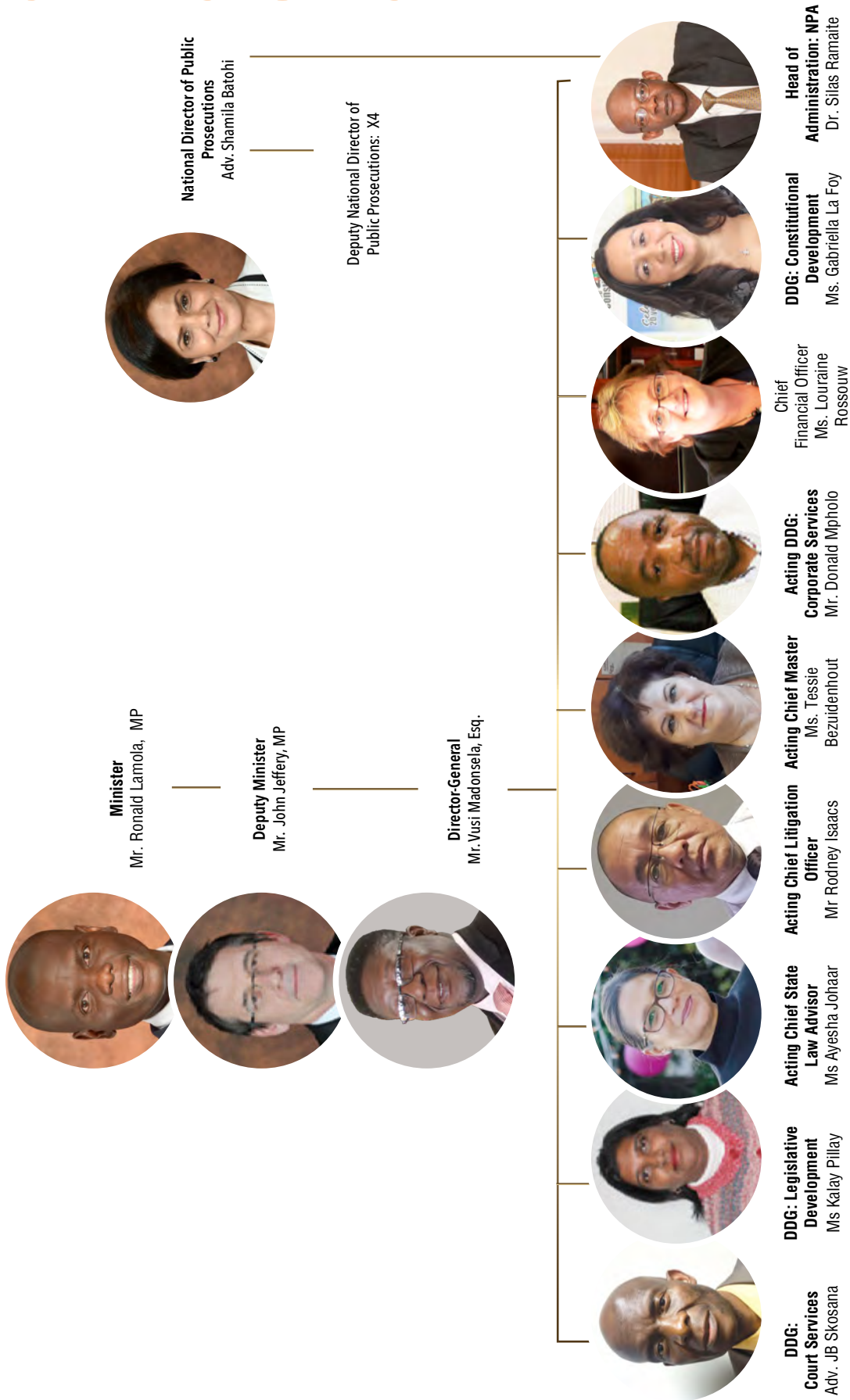
Legislation for the promotion, protection and enforcement of human rights as derived from the Bill of Rights

The following are legislation derived from the Bill of Rights, for the promotion and protection of Human Rights:

- The Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000), gives effect to section 9 of the Constitution by providing for, among others, the equal enjoyment of all rights and freedoms by every person; the promotion of equality; the values of non-racialism and non-sexism contained in section 1 of the Constitution; the prevention of unfair discrimination and protection of human dignity as contemplated in sections 9 and 10 of the Constitution; and the prohibition of advocacy of hatred based on race, ethnicity, gender or religion, that constitutes incitement to cause harm as contemplated in section 16(2)(c) of the Constitution.
- The Criminal Procedure Act, 1977 (Act 51 of 1977), regulates aspects relating to the criminal procedure in the South African law. The Act provides, among others, for the procedures to be followed in criminal proceedings; arrest and other measures of securing the attendance of accused persons in court; and the release of an accused on warning or bail. It further regulates the laws pertaining to search and warrants; seizure and forfeiture of property and assistance to accused persons.

- The Protection of Personal Information Act, 2013 (Act 4 of 2013), aims to give effect to the right to privacy by introducing measures to ensure that the personal information of an individual is safeguarded when it is processed by responsible parties. It also aims to balance the right to privacy against other rights, particularly the right to access to information and to generally protect important interests, including the free flow of information within and across the borders of the Republic.
- The Child Justice Act, 2008 (Act 75 of 2008), aims to establish a criminal justice system for children who are in conflict with the law and are accused of committing offences, in accordance with the values underpinning the Constitution and the international obligations of the Republic.
- The Promotion of Access to Information Act, 2000 (Act 2 of 2000), gives effect to section 32 of the Constitution subject to justifiable limitations, including but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance and in a manner which balances the right of access to information with any other rights, including the rights in the Bill of Rights in Chapter 2 of the Constitution.
- The Promotion of Administrative Justice Act, 2000 (Act 3 of 2000), gives effect to the right to administrative action that is lawful, reasonable and procedurally fair and to the right to written reasons for administrative action as contemplated in section 33 of the Constitution.
- Legal Aid South Africa Act, 2014 (Act 39 of 2014) aims to ensure access to justice and the realisation of the right of a person to have legal representation as envisaged in the Constitution and to render or make legal aid and legal advice available; for that purpose to establish an entity called Legal Aid South Africa with a Board of Directors and to define its objects, powers, functions, duties and composition; to provide for the independence and impartiality of Legal Aid South Africa.

6. ORGANISATIONAL STRUCTURE



7. ENTITIES REPORTING TO THE MINISTER

The table below indicates the entities that report to the Minister of Justice and Constitutional Development and funded through the Department of Justice and Constitutional Development vote account.

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 Act (Act No. 22 of 1969)	Transfer payment	Renders or makes available legal aid to indigent persons and provides legal representation at the state's expense.
National Prosecutions Authority	National Prosecuting Authority Act (Act No. 32 of 1998)	Part of the vote of the Department	Renders prosecutorial services as well as witness protection and forfeiture of ill-gotten assets.
Rules Board for Courts of Law	Rules Board for Courts of Law Act (Act No. 107 of 1985)	Part of the vote in the Legislative Development and Law Reform Branch	Reviews existing rules of courts and subject to the approval of the Minister, makes, amends or repeals rules for the Supreme Court of Appeal, high and lower courts.
South African Board of Sheriffs	Sheriffs Act (Act No. 90 of 1986)	No financial relationship	Monitors services of the sheriffs and deputies and ensure that the services are executed in terms of the Code of Conduct for Sheriffs.
South African Law Reform Commission (SALRC)	South African Law Reform Commission Act (Act No. 19 of 1973)	Part of the vote in the Legislative Development and Law Reform Branch	Conducts research regarding the development, improvement, modernisation or reform of all branches of the law of South Africa.
Special Investigating Unit (SIU)	Special Investigating Unit and Special Tribunals Act (Act No. 74 of 1996)	Transfer payment	Provides professional forensic investigations and litigation services to all state institutions at national, provincial and local level.

8. REPORT OF THE ACCOUNTING OFFICER



*Mr. Vusi Madonsela
Director-General: Department of Justice
and Constitutional Development*

8.1 General overview

Despite challenges with budget cuts and difficulties in filling vacant posts, the Department kept all courts and other services open and functional. These services included day-to-day support to magistrate courts to ensure that the infrastructure and systems such as recording technologies are available as well as giving support to witnesses, intermediaries, prosecutors and the judiciary.

Within this environment, five court buildings were under construction and two (Plettenberg Bay and Booyens) had their completion certificates issued. The Mpumalanga High Court's completion certificate was unfortunately not issued by the 31st of March 2019.

The Department continued to expand services within the Masters environment, with an additional 27 Magistrate's Courts having capabilities to issue Letters of Authority for small estates. For the Guardian's Fund, an additional 17 magistrate's courts were used as Guardian's Fund service points.

The Department leads the implementation of the Integrated Justice System and within this programme, major achievements included expansion of the Personal Identifier projects, which enables police stations to access critical

information on suspects (previous convictions, warrants etc). During 2018/19, the solution footprint has expanded from 33 police stations in Western Cape in 2016/17 to 274 SAPS stations across all nine provinces at the end of 2018/19. The Department continued with case integration to enable tracking of cases from police stations to correctional facilities. By the end of the 2018/19 financial year, more than 1,600,000 cases had been electronically processed between SAPS, NPA and DoJ&CD since April 2016.

Other projects within the Department included the finalisation of the rollout of MojaPay for quick and safe payment of maintenance payments as well as completion of installation of the new Court Recording Technology that allows offsite storage and efficient retrieval of court recordings.

Of the 101 indicators on the Departmental Annual Performance Plan, 74 were achieved. This despite the difficulties that the Department had in filling posts at service point levels and at top management. The Department's initiative of identifying critical posts yielded positive results and enabled the Department to uphold the performance at 73%, which is only one percentage point less than the previous financial year.

8.2 Overview of the financial results of the department

Departmental receipts

Departmental receipts	2018/2019			2017/2018		
	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	-	-	-	-	-	-
Motor vehicle licences	-	-	-	-	-	-
Sale of goods and services other than capital assets	51 608	79 449	(27 841)	67 464	50 630	16 834
Transfers received	2 691	2 272	419	6 980	9 693	(2 713)
Fines, penalties and forfeits	254 331	246 572	7 759	241 321	228 373	12 948
Interest, dividends and rent on land	1 958	2 424	(466)	5 809	4 038	1 771
Sale of capital assets	-	48	(48)	2 226	2 575	(349)
Financial transactions in assets and liabilities	45 063	45 403	(340)	73 917	40 410	33 507
Total	355 651	376 168	(20 517)	397 717	335 719	61 998

Programme expenditure

Programme name	2017/2018			2017/2018		
	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	2 592 671	2 428 798	163 873	1 974 265	1 958 100	16 165
Court services	6 374 048	6 320 062	53 986	6 436 550	6 340 628	95 922
State Legal Services	1 269 400	1 210 819	58 581	1 232 217	1 164 862	67 355
National Prosecuting Authority	3 799 676	3 799 395	281	3 743 041	3 742 915	126
Auxiliary & Associated Services	3 423 034	3 423 033	1	3 400 715	3 400 714	1
Programme Sub-Total	17 458 829	17 182 107	276 722	16 786 788	16 607 219	179 569
Statutory appropriation: Magistrates' salaries	2 215 538	2 047 385	168 153	2 040 520	1 933 468	107 052
Total	19 674 367	19 229 492	444 875	18 827 308	18 540 686	286 621

The underspending is attributed to delays in filling vacant positions for both the magistrates and departmental officials, delays in submission of claims and invoices relating to Commissions of Inquiry into the State Capture and SARS, late payment refund from the OCJ which reduced expenditure for leases and lower than anticipated payment for leave gratuities for Magistrates.

Virements/ rollovers

REQUEST OF VIREMENT APPROVAL IN TERMS OF SECTION 43: 2018/19 FINANCIAL YEAR			
From		To	
Programmes	Amount '000	Programmes	Amount '000
Programme 1			
Virements/shifts within the programme	-(49 380)	Programme 1	3
			48 150
			1 227
			49 380
Virements/shifts between the programmes	-(31 915)	Programme 4	31 915
	-(4 694)		4 694
	-(4 578)		4 578
	-(43)		43
	-(105)	Programme 2	105
	-(10 015)		10 015
	-(167)		167
	-(640)	Programme 3	640
	-(3 360)		3 360
Total	-(55 517)		55 517
Virements/shifts within the programme	-(10 648)		09
			10 628
			11
Virements/shifts between the programmes	-(45 186)	Programme 4	45 186
Total	-(45 186)		45 186
Virements/shifts within the programme	-(373)	Programme 3	373
Virements/shifts between the programmes	-(907)	Programme 2	907
Programme 5 (Modernisation)	-(1,884)	Programme 1	1,884
Programme 5 (Modernisation)	-(4,809)	Programme 2	4,809
Programme 5 (Modernisation)	-(11)		11
			4,820
Programme 5 (Modernisation)	-(2,236)	Programme 3	2,236
Programme 5 (Modernisation)	-(5,637)		5,637
			7,873
Programme 5 (Modernisation)	-(15,140)	Programme 4	15,140
Programme 5 (Modernisation)	-(7,197)		7,197
Programme 5 (Modernisation)	-(23)		23
			22,360
Total	-(36,937)		36,937
Total Virements	-(138 547)		138 547

Programme 1

A total savings amounting to R31.9 million on compensation of employees is shifted to programme 4 to defray excess expenditure on compensation of employees.

Goods & services savings of R23.6 million is utilised to defray excess as follows:

- An amount of R10.3 million is shifted to programme 2 to defray excess expenditure on the following items: payments for financial assets for TPF losses (R105 000), payments for capital assets (R10 million) and for vehicles and other offices as well as IT equipment, transfers and subsidies (R167 000).
- An amount of R4 million is shifted to programme 3 to defray excess expenditure on the following items: goods and services (R640 000) and transfers and subsidies (R3.4 million) for legal claims against the department.
- An amount of R9.3 million is shifted to programme 4 to defray excess expenditure on the following items: goods and services (R4.7 million) for software licences and payment for financial assets (R4.6 million) for bad debts written off.

Programme 2

Savings amounting to R45.2 million on compensation of employees is shifted to programme 4 to defray excess expenditure on compensation of employees.

Programme 3

Savings amounting to R907 000 is utilised to defray excess expenditure in programme 2 on payments for capital assets.

Programme 5

Savings amounting to R36.9 million on goods and services and R11 000 on payments for capital assets is utilised as follows:

An amount of R1.9 million is shifted to programme 1 to defray excess expenditure on transfers and subsidies for leave gratuity.

A total amount of R4.8 million is shifted to programme 2 to defray excess expenditure on the following items: payments for financial assets (R4.8 million) for TPF losses and payments for capital assets (R11 000)

A total amount of R7.8 million is shifted to programme 3 to defray excess expenditure on the following items: goods and services (R2.2 million) for legal costs and transfers and subsidies (R5.6 million) for legal claims against the department

A total amount of R22.4 million is shifted to programme 4 to defray excess expenditure on the following items: goods and services (R15.1 million) for software licenses, transfers and subsidies (R7.2 million) for leave gratuity and payments for financial assets (R23 000).

State request for rollovers

An amount of R29.7 million has been requested for rollover from 2018/19 to 2019/20 financial year by the Commission of Inquiry into the State Capture. This rollover is in respect of invoices for services that were rendered by investigators and legal advisors which could not be settled by the end of the financial year as they were only submitted during the month of April 2019.

Irregular expenditure

Irregular expenditure incurred is mainly due to the non-adherence to policies and procedures and are investigated by the Department to determine the internal control weaknesses, which is then strengthened with appropriate corrective action. Consequence management is implemented to ensure action is taken against officials who cause the irregular expenditure concerned. During the 2018/19 financial year, irregular

expenditure to the value of R7,9 million was condoned while R20 million was confirmed as not irregular and removed from the register. Irregular expenditure to the value of R1,324 million which was not condoned and is not recoverable, has also been removed from the register.

Irregular expenditure increased by R1,147 billion during the 2018/19 financial year and is either under investigation by the Department or external forensic investigators. The increase includes expenditure incurred by the Department relating to the appointment of Counsel by the State Attorney on behalf of the Department to the value of R169,6 million. The Department deviated without prior approval from National Treasury. Unauthorised variation orders with regard to the constructing of the High Court buildings in Mpumalanga and Limpopo in contravention of National Treasury Practice notes resulted in irregular expenditure to the value of R366,4 million.

Expenditure incurred in respect of maintenance of security infrastructure to the value of R394 million was reported as irregular due to the expansion of the contract that exceeded 15% which was not reported to National Treasury.

Fruitless and wasteful expenditure

Fruitless and wasteful expenditure incurred by the Department is mostly due to cancelled bookings or no shows relating to transport and accommodation undertaken when travelling for official purposes. All cases identified as potentially fruitless and wasteful expenditure are investigated and disciplinary action is taken where appropriate. Depending on the results of the investigation, monies are recovered from officials who are found liable. The aforementioned processes hold officials accountable.

Fruitless and wasteful expenditure to the value of R2,95 million was written off during the 2018/19 financial year where responsible officials either resigned, were witnesses from other entities or members of the public that could not be traced by the State Attorney. Expenditure to the value of R969 000 was resolved as not fruitless or wasteful while R21 000 was recovered from responsible officials during the 2018/19 financial year.

New cases to the value of R1,254 million were reported during the 2018/19 financial year which includes expenditure incurred for the storage of furniture procured for the High Court Mpumalanga to the value of R1,193 million due to the delay in the finalisation of the Court.

Public-private partnerships

Not applicable.

Discontinued activities or activities to be discontinued

Not applicable.

New or proposed activities

There were no new or proposed new activities.

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.

Supply Chain Management

Unsolicited Bid Proposals:

The Department does not entertain unsolicited bid proposals. Hence none were dealt with by the SCM unit or bid adjudication

Processes to prevent irregular expenditure and challenges in procurement:

The department improved its monitoring and reporting processes in the current financial year in an effort to identify challenges in a timely manner and to report it to relevant Branch Heads and the Accounting officer whilst there are still time to address challenges. The reported irregular expenditure relates to contracts in previous financial years going back as far as 2016/17 that has only now been identified based on new interpretation of the facts by the Auditor General as well as affidavits submitted to the Commission on State Capture.

The Department has also ensured training of SMS members and SCM officials to ensure a better understanding of the implications of delays in processes.

A main challenge remain the resourcing and professionalization of the procurement environment as well as the absence if ERP systems given the National Treasury moratorium in anticipation of the IFMS.

In this regard the structure of SCM at a national level was reviewed during the period under review. Some of the posts were filled on a contract basis for the interim, however these posts have a high turnover. Due to budgetary constraints where the focus in provinces were on resourcing core functions, the financial processes have also been reviewed to ensure that in the new financial year SCM capacity including asset management capacity in regions will be increased.

The Department is in discussion with the office of the Accounted General to accelerate the roll out of IFMS or allowing interim alternative processes to resolve challenges in SCM and Asset Management due to the legacy systems in place.

Gifts and Donations received in kind from non-related parties

Donations received by NPA

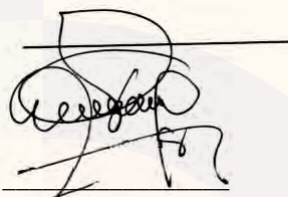
Various donations	R447 000
Invitation to attend HUAWEI head quarter tour in China	R 27 000

Exemptions and deviations received from the National Treasury

There were no exemptions granted to the Department.

Events after the reporting date

There were no events after the reporting date that impact on the interpretation of the Financial Statements.



Mr. Vusi Madonsela
Accounting Officer
Department of Justice and Constitutional Development
31 July 2019



9. STATEMENT OF RESPONSIBILITY AND CONFIRMATION OF ACCURACY FOR THE ANNUAL REPORT

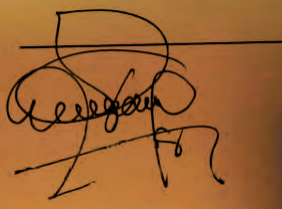
The Accounting Officer is responsible for the preparation of the annual financial statements and for the judgements made in this information.

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 2019.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Vusi Madonsela', is written over a horizontal line. The signature is stylized and somewhat cursive.

Accounting Officer

Mr. Vusi Madonsela

31 July 2019





PART B

PERFORMANCE
INFORMATION

1. AUDITOR GENERAL'S REPORT: PREDETERMINED OBJECTIVES

The AGSA currently performed 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 169 of the Report of the Auditor-General, published as Part D: Financial Information.

2. OVERVIEW OF DEPARTMENTAL PERFORMANCE

2.1 ORGANISATIONAL ENVIRONMENT

In the final year of the 5th administration, the Department continued to implement three key initiatives to improve access to justice, namely, improving access to justice facilities, developing legislation to enhance and transform the criminal justice systems and implementing projects to improve efficiency within operations. This was a successful year, given the challenges that the Department operated under.

Ongoing budget cuts meant that the Department needed to relook at priorities and channel funds to the most pressing areas. Filling of posts was directed towards service points, with an emphasis on the Judiciary, Prosecution and other court-based officials. Projects that were under consideration during the year include the centralisation of foreign-language interpreter services to minimise travel, subsistence and delays.

The Commission on Allegations of State Capture was fully operationalised, with the appointment of the Secretary and his entire team. The Department did not only assist with the logistical arrangements, but grappled with some of the submissions that were made by witnesses at the Commission. A number of internal investigations were undertaken within the Department in response to affidavits filed. In addition, the National Director of Public Prosecutions vacated his post and this required the Department to assist the Minister and President with processes to appoint a replacement.

As it was a final year in the electoral cycle, the Department worked with speed to finalise legislation and policies that were planned and those that became urgent due to court orders and some others. Other urgent areas of finalisation included the Mpumalanga High Court, which was long delayed by complications regarding finalisation of an access road, as well as other courts that had challenges relating to the sequestration of Group Five (Pty) Ltd, which is one of the country's major construction companies.

With regard to leadership within the Department, five of the ten top management posts were either vacant or had officials in acting capacity. LP10 posts for high level production specialists could not be filled due to the ongoing moratorium on filling of such posts and the filling of Heads of Offices for State Attorneys were initiated but could not be finalised. The high vacancy rate at top management resulted in performance challenges and for the year under review, the number of KPI's achieved decreased to 73%, compared to 75% achieved in the previous year.

2.2 POLICY UPDATE

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

a. Review of the National Policy Framework on Child Justice

The objective of the review of the National Policy Framework on Child Justice was to identify issues related to the implementation of the current policy and put measures in place to address them. These included, among others, addressing capacity issues and improving on issues related to intergovernmental collaboration.

The 2018 Amended National Policy Framework was then tabled in Parliament on 28 May 2018 and published in the Government Gazette No. 41796 on 27 July 2018 for public comments. The Amended National Policy Framework on Child Justice was finalised and the layout was approved by the Chief Director. The Amended National Policy Framework on Child Justice was then printed and distributed to stakeholders.

b. Research project on the impact of the Child Justice Act

The objective of the impact study was to take stock of the successes and challenges experienced since the promulgation of the Child Justice Act. The report will be used to address any shortcomings related to the act and propose improvements.

Field work proceeded in July and August 2018. The draft report was presented to the NT ISCCJ on 18 February 2019 and to the DG ISCCJ on 22 February 2019. The final report was received on 18 March 2019 and checked. The final report was sent to the DG ISCCJ and NT ISCCJ members on 26 March 2019.

c. Review of the Domestic Violence Act

The Domestic Violence Act 116 of 1998 came into operation on 15 December 1999. The Department of Justice and Constitutional Development (DoJ&CD) conducted a ten-year review of the Domestic Violence Act after its coming into operation, and steps to conduct a review of the aforesaid Act commenced during the 2018-2019 financial year which marked the 20th anniversary of the existence of the Act. The aim and purpose of the Domestic Violence Act is to afford victims of domestic violence maximum protection from domestic abuse that the law can provide. It also introduced measures which sought to ensure that the relevant organs of state give full effect to the provisions of the Act.

d. Finalisation of the National Prevention Strategy against Femicide

The DoJ&CD is the lead department in so far as domestic violence and femicide is concerned and hence, the Department assumed responsibility to develop a National Integrated Prevention Strategy against domestic violence and femicide. This is as a result of statistics that show a disturbing increase in cases of femicide in South Africa.

A number of drafts of the strategy have been developed with a broad focus on gender-based violence and femicide and not restricted to domestic violence and femicide alone. Moreover, the Prevention Strategy will also focus as outlined in the Summit Declaration against gender-based violence and femicide launched by the President on 28 March 2019.

e. Implementation of the Truth And Reconciliation Commission recommendations

There are a number of projects that the Department continues to implement, in line with recommendations made by the Truth and Reconciliation Commission. Progress is indicated within this section.

i. Basic and Higher Education

Education funding for next of kin of identified and deceased TRC beneficiaries receive funding in respect of their basic and higher education needs. For the 2018 academic year, a total of 1 353 applications for basic education were verified for victim status (or rightful next of kin in the case of deceased victims) by the TRC Unit. Of the 1 353, DBE processed and paid for uniform and transport for 999 learners who met the criteria as set out in the relevant regulations. The balance of learners was not funded either because they did not qualify for funding or enrolled in non-fee schools.

With regard to Higher Education, the number of applications verified for victim status under Higher Education and Training for the 2018 academic year was 457. The number of students who met the criteria for funding as set out in the relevant regulations for 2018 was 438.

ii. Exhumations and reburials

The Missing Persons Task Team (MPTT) was established to investigate, locate and exhume the remains of people reported missing to the TRC and housed within the National Prosecutions Authority. The Department, through the TRC Unit, liaises with various and relevant stakeholders at local, provincial and national levels including affected families and political parties to exhume, hand over and reburial of the remains of the deceased victims in their places of origin with a view to enable families to find

closure. During the period under review, the handover ceremonies of the exhumed remains of former MK member (Thabo Rammutle) took place in Pretoria on 16 March 2019, including the remains of Priscilla Mosoue (Kuki Zwane) who was a young woman who became politically active and joined the group of young people associated with the Mandela United Football Club.

The Department continued to ensure a successful coordination of the exhumation, handover and reburial of the remains of deceased victims who were hanged on death row. This was pursuant to the Gallows Exhumation Project which was publicly launched by the Minister of Justice and Correctional Services in March 2016 to commence with the exhumation of the remains of 83 prisoners who were judicially executed. The following handover ceremonies took place during the 2018/19 financial year:

The remains of two Pan Africanist Congress (PAC) members (Jabavu Mzondi and Gqibile Hans) who were killed for politically motivated offences that took place around Paarl, were handed over on 27 October 2018.

The remains of four Krugersdorp PAC members who were hanged in 1964, were handed over to their families by the Minister of Justice and Correctional Services on 16 March 2019 in Pretoria.

The remains of six PAC Cofimvaba and three Rwantzana activists who were hanged on death row in 1963 and 1961 respectively, were handed over in the Eastern Cape on 23 March 2019.

The Minister was requested to preside over two special handover ceremonies that do not involve the TRC identified cases. The requests were submitted to the Minister on the basis of the expertise of the department in the area of exhumation, handover and reburial. The Department, working with the KwaZulu-Natal Office of the Premier, successfully coordinated the handover ceremony of the exhumed remains of two former Umkhonto weSizwe (MK) members (Mfaniseni Mdlalose and Mandla Mjwara) in KwaZulu-Natal on 18 August 2018. In addition, the remains of ex-Deputy Chief of Staff of the Angolan Armed Forces General Arlindo Chenda Pena, was handed over to his family on 13 September 2018 at Waterkloof Military Base in Pretoria.

In total, five handover ceremonies were successfully conducted during the 2018/19 financial year. During those ceremonies, 20 remains were handed over to the families for subsequent and decent reburial.

iii. Community rehabilitation

From April 2018, the Department approached various municipalities to coordinate and fast track the finalisation of community rehabilitation recommendations of the TRC. The primary focus was on incidents which took place in certain communities where people were affected and to identify ways in which victims can be assisted within available resources. In addition, the focus was on identification of communities who were among the most affected and to work closely with their municipalities and provinces in close partnerships in order to identify opportunities to pull resources together to achieve maximum impact.

Pursuant to the above, the Department designed a Community Rehabilitation Framework/Strategy which outlines the Project Execution Guidelines as follows:

- Consultations with the affected local municipalities and other relevant stakeholders including civil society organisations;
- Establishment of a Multi-stakeholder Project Team (MPT) constituted of the TRC Unit officials, local municipality and community representatives and other stakeholders;
- Community consultations/dialogues which is the most critical process to determine appropriate Community Rehabilitation interventions;
- Development and finalisation of a business case to generate a brief profile of the community;
- Launch of Community Rehabilitation Project by the Minister of Justice and Correctional Services, accompanied by the Executive Mayor of the affected municipalities and other relevant stakeholders taking part in the implementation process;

- Appointment of a Responsible Authority (RA) which is responsible for the implementation of a Community Rehabilitation intervention and;
- Handover of the completed Community Rehabilitation Project/s.

During the period under review, seven municipalities across the country were identified and approached in line with the new Community Rehabilitation project. According to the new approach, the Department approached and visited the offices of the Executive Mayors to make sure that the project is aptly located in their respective offices for proper political guidance, monitoring and effective implementation. The Department also successfully made presentations to various Mayoral Executive Committees of some municipalities with a view of obtaining necessary buy-in and cooperation.

Consultation with relevant civil society organisations have also been undertaken to inform them about fresh attempts to implement community rehabilitation measures in line with the TRC recommendations. The intention was also to ensure that they participate in the conceptualisation of appropriate community rehabilitation interventions. These groups include Khulumani Victims Support Group, Centre for the Study of Violence and Reconciliation and Sinani amongst others.

Apart from coordinating events of other stakeholders to ensure smooth implementation of the TRC recommendations, the Department participated in the following activities:

- Hosted a TRC delegation from Sri Lanka on South Africa's TRC experience on 26 April 2018
- Made a presentation to the African School of Humanitarian Forensic Action on 30 November 2018
- Addressed the Eastern Cape Provincial Massacres Summit on 12 February 2019

2.3 PROGRESS ON DEVELOPMENT OF KEY LEGISLATION

By the end of the 2018/2019 financial year, which coincides with the end of the 5th administration, Parliament was seized with a number of Bills most of which were introduced by the Minister of Justice and Correctional Services during the year under review. In terms of the Rules of Parliament, these Bills lapse when Parliament is dissolved at the end of the administration and before national and provincial elections. The Bills in question, what they intend to achieve and their status in the Parliamentary process when Parliament rose at the end of March 2019, are set out below:

i. Traditional Courts Bill

The aim of the Traditional Courts Bill, 2019 (“the Bill”), is to replace the current legislative framework in terms of which disputes are resolved in terms of customary law, in line with constitutional imperatives and values. The objects of the Bill are, among others, to affirm the values of evolving customary law in the resolution of disputes, based on restorative justice and reconciliation and to align them with the Constitution and create a uniform legislative framework regulating the structure and functioning of traditional courts in the resolution of disputes, in accordance with constitutional imperatives and values. The Bill was approved by the National Assembly at the end of 2018/19 and referred to the National Council of Provinces for concurrence.

ii. Prevention and Combating of Hate Crimes and Hate Speech Bill

The Bill seeks to create the offences of hate crimes and hate speech and to put in place measures to prevent and combat these offences. The Bill is intended to address violence against persons on the basis of prejudice and to address the increasing number of racist incidents, in the form of hate crimes and hate speech and also to assist victims thereof, many of whom are the most vulnerable in society, including women, children and members of the LGBTI community. The Bill was prepared for consideration by the Portfolio Committee on Justice and Correctional Services.

iii. Cyber Crimes and Cybersecurity Bill

The Bill is intended to provide a comprehensive legislative framework to address criminal activity in cyberspace and was adopted by the National Assembly late in the 2018/19 session of Parliament. It was referred to the National Council of Provinces for concurrence.

iv. State Liability Amendment Bill

The State Liability Amendment Bill, as an interim measure, makes provision for the structured settlement of medico-legal claims against the state. By the end of the financial year, the Bill was under consideration by the Portfolio Committee on Justice and Correctional Services.

v. Child Justice Amendment Bill

The object of the Bill was to amend the Child Justice Act, 2008 (Act No. 75 of 2008) in order to increase the minimum age of criminal capacity of a child from 10 years to 12 years and to remove the requirement to prove criminal capacity of children for purposes of diversion and preliminary inquiries. The Bill was approved by the National Assembly at the end of 2018 and referred to the National Council of Provinces for concurrence.

vi. International Crimes Bill

The Bill repeals the Implementation of the Rome Statute of the International Criminal Court Act, 2002, but, at the same time, also criminalises conduct constituting international crimes under the domestic law of the Republic. The Bill was being considered by the Portfolio Committee on Justice and Correctional Services during the 2018/19 financial year.

In addition, the Department facilitated the commencement of the following three important Acts of Parliament:

i. Courts of Law Amendment Act, 2017

The Courts of Law Amendment Act, which is intended to curb abuses in the debt collection industry, came into operation during the course of the year under review.

ii. Legal Practice Act, 2014

The Act put in place democratic regulatory structures for all members of the legal profession inclusive of both attorneys and advocates, towards transformation of the legal profession. The implementation of this Act went hand in hand with the promulgation of comprehensive regulations by the Minister, regulating numerous important aspects relating to the legal profession and required by the Act, among others, the elections procedure for the regulatory structures and the curricula for candidate attorneys and pupils.

iii. Determination of Remuneration of Office-bearers of Independent Constitutional Institutions Laws Amendment Act, 2014

This Act, which was promulgated on 29 March 2019, to come into effect on 1 April 2019, brings about a uniform procedure for the determination of the remuneration packages of the Public Protector, the Deputy Public Protector, the Auditor-General and members of the various commissions provided for in the Constitution, namely, the Commission for Gender Equality, the Electoral Commission, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities and the South African Human Rights Commission and the Independent Communications Authority of South Africa. The uniform procedure entails that the salaries of the above office-bearers will be determined by the President, from time to time, by notice in the Gazette, after taking into consideration the recommendations of the Independent Commission for the Remuneration of Public Office-bearers.

There are a number of Constitutional Court judgments which necessitated amendments to Acts of Parliament administered by the Department. The following Amendment Bills purport to give effect to these judgments:

i. Recognition of Customary Marriages Amendment Bill

The Bill seeks to amend the Recognition of Customary Marriages Act, 1998 by further regulating the proprietary consequences of customary marriages entered into before the commencement of the Act so as to bring its provisions in line with the requirements of the Constitutional Court as set out in the matter of *Ramuhovhi and Others vs President of RSA and Others*. The Court found provisions to be constitutionally invalid because they discriminate unfairly against certain women in customary marriages.

ii. Promotion of Access to Information Amendment Bill

The Bill is intended to make provision for the automatic availability of private funding information of political parties, as required by the Constitutional Court in the matter of *My Vote Counts NPC vs Minister of Justice and Another*.

iii. Judicial Matters Amendment Bill

The Bill, among others, amends section 12(4) and (6) of the National Prosecuting Authority Act, 1998 by deleting the provision containing the President's power to extend the term of office of an NDPP and by amending section 12(6) to provide that the period of suspension of a National Director of Public Prosecutions or a Deputy National Director by the President may not exceed twelve months and that the incumbents are entitled to their salary during the period of their suspension. This emanates from the matter of *Corruption Watch NPC and Others vs President of RSA and Others*.

iv. Extension of Prescription Periods in respect of Certain Sexual Offences Amendment Bill

The Bill amends section 18 of the Criminal Procedure Act, 1977, and section 12 of the Prescription Act, 1969. The Criminal Procedure Amendment Bill, which was introduced into Parliament on 30 May 2018, amends section 18 of the CPA in order to ensure that a list of penetrative and non-penetrative sexual offences, whether they were committed under the common or statutory law, are included in section 18. The Minister requested the Speaker of the National Assembly to withdraw the Bill in order to include in the new Bill, amendments to the Prescription Act, 1969, as well, similar to the amendments proposed to section 18 of the Criminal Procedure Act, 1977. This emanates from the matter of *Levenstein and Others vs Frankel and Others*.

v. Drugs and Drug Trafficking Amendment Bill

The Bill is intended to regulate the use or possession of cannabis in private and emanates from the matter of *Minister of Justice and Constitutional Development and Others vs Prince and Others*.

vi. Divorce Amendment Bill

The Bill addresses a lacuna identified by the Constitutional Court in the matter of *Holomisa vs Holomisa and Another*.

In addition, the Department continues to work on Bills that were mentioned previously, namely:

- A Lower Courts Bill and Magistrates Bill, the object of which is to transform the statutory framework relating to the lower courts and the magistracy;
- A Paralegals Bill, the object of which is to regulate community advice offices and community-based paralegals;
- A Legal Practice Amendment Bill, the object of which is to effect technical amendments in order to improve the application of the Legal Practice Act, 2014;
- A State Legal Services Bill, the object of which is to regulate the provision of State legal services; a Prevention and Combating of Corrupt Activities Amendment Bill, the object of which is to effect technical amendments in order to improve the application of the Prevention and Combating of Corrupt Activities Act, 2004;
- An Insolvency Bill, the object of which is to revise the outdated Insolvency Act of 1936; and a Land Court Bill, the object of which is to establish a superior court, under its own statute, to be known as the Land Court, with exclusive jurisdiction to adjudicate on land rights claims and disputes arising from the Restitution of Land Rights Act, 1994, the Land Reform (Labour Tenants) Act, 1996, and the Extension of Security of Tenure Act, 1997.

Highlights of performance in the period under review are discussed in three main areas, namely, improved access to justice and improved administration in support of the service delivery environment and court operational performance.

2.4 IMPROVEMENTS IN ACCESS TO JUSTICE SERVICES

i. Building of new Courts

By the end of the financial year, three Magistrates' Courts, namely, Plettenberg Bay (Western Cape), Bityi (Eastern Cape) and Booyens (Gauteng), were in the final stages of completion. Two of these, Plettenberg Bay and Booyens had their Certificates of Completion issued by the 31st of March 2019. These courts have enabled people to either access justice services closer to where they live or alleviated congestion in existing courts.

The Mpumalanga High Court was completed in the year under review after years of contractual and other challenges. The Court was due to be occupied in April 2019, following finalisation of the access road matter. Finalisation of this court meant that all nine provinces have High Courts with fully functional facilities.

ii. Small Claims Courts

The aim of Small Claims Courts is to improve access to justice and make civil justice inexpensive, less formal and accessible to those who cannot afford litigation in the ordinary civil courts. The establishment of Small Claims Courts, with at least one in each magisterial district and sub-district in South Africa, was a major step forward in achieving this goal. These courts are used to settle minor civil disputes and claims between parties without representation by an attorney or legal fees. Small Claims Courts remain a powerful mechanism to provide access to justice, especially for the poor. The Department therefore continues to support and strengthen these courts.

To assist more persons, the monetary jurisdiction of the Small Claims Courts was increased from R15 000 to R20 000 with effect from 1 April 2019. This keeps the jurisdiction aligned to general increases in the cost of living and cost of services and broadens the scope for people to rather use the Small Claims Courts than having to resort to the normal more expensive civil remedies that require legal representation.

This increase in the monetary jurisdiction follows previous increases over the years:

20/09/1985 (The first seven Small Claims Courts in the country were proclaimed on this date)	R1 000
15/09/1995	R3 000
1/04/2004	R7 000
1/11/2010	R12 000
1/04/2014	R15 000

Three new Small Claims Courts were established during 2018/19, in smaller areas, namely, Mkhuhlu (Mpumalanga), Komatipoort (Mpumalanga) and Ngwelezane (KwaZulu-Natal), bringing the total number of Small Claims Courts to 414 on 31 March 2019 spread through all magisterial districts and previously disadvantaged areas. These Small Claims Courts are spread across the whole of South Africa as can be seen in the table below:

Province	Number of SCCs	Additional places of sitting
Eastern Cape	79	3
Free State	61	5
Gauteng	35	5
KwaZulu-Natal	57	5
Limpopo	39	7
Mpumalanga	33	7
Northern Cape	34	12
North West	31	1
Western Cape	45	4
Totals:	414	49

The clerks of the Small Claims Courts are officials of the department (non-legal) who assist in preparing the correct documents to commence the proceedings and at the hearing the Commissioner (a private attorney or advocate or magistrate performing the adjudication free of charge (pro bono)) will regulate the process to ensure that both parties receive an opportunity to state their case.

Advisory Boards (comprising of, among others, Small Claims Court Commissioners, administrative persons, members of the community, magistrates etc.) are established at the Small Claims Courts to deal with operational problems, complaints regarding matters, logistical issues and also the nomination of Commissioners and recommendations to the Minister.

A total of 101 commissioners were appointed during 2018/19 to preside in these courts, bringing the total number of Commissioners to 1 956 (1 570 Male, 386 Female) at the end of March 2019. In addition, 127 Advisory Board members were appointed, to assist with Small Claims Courts logistical issues and the running of these courts, bringing the total number of Advisory Board members to 2 075 (1 300 Male, 775 Female) at the end of March 2019.

We also established new advisory boards when new Small Claims Courts were established and revived inactive ones. In this regard, 10 inactive advisory boards were revived from 1 April 2018 to 31 March 2019. (St Marks (Eastern Cape), Paulpietersburg (KwaZulu-Natal), Nqutu (KwaZulu-Natal), Queenstown (Eastern Cape), Butterworth (Eastern Cape), Eshowe (KwaZulu-Natal), Willowvale (Eastern Cape) and Lower Tugela (KwaZulu-Natal), Ngamakwe (Eastern Cape) and Westonaria (Gauteng)).

Commissioners need training to ensure adequate skills to adjudicate Small Claims Court matters; consequently 212 Commissioners were trained countrywide during 2018/19. Clerks are trained by Justice College as part of their other training courses.

In order to create awareness about the existence and functioning of the Small Claims Courts, awareness campaigns about these courts are dealt with in conjunction with other community outreach and awareness campaigns about services of the Department. Brochures and information documentation are also distributed at the courts and through the regional offices of the Department.

iii. Online Access to Master's Services

The Master's Branch has provided information on the internet on several areas of its activities, such as the forms to be used by public, information regarding the unclaimed funds in the Guardian's Fund, list of Liquidators and further operational information, such as Liquidation and Distribution Accounts received. 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.

The availability of information on the website assists with lessening the pressure on Master's Officials with regard to dealing with enquiries, and also assists the public as they can freely access the information they need if and when they need to, without needing to deal with frustrations such as travelling to offices, phoning offices and closed offices outside working hours.

iv. Master's service outreach

In addition to online access, the Department holds information sessions to help members of the public with issues such as enquiries on unclaimed Guardian's Funds and estate matters.

Fifty information and community engagement sessions on Master's Services will be held in this financial year. However, the Branch managed to do in excess of 145 outreaches where information was disseminated. Attendees were invited and encouraged to enquire from the Masters whether there are possible unclaimed funds available for them in the Guardian's Fund.

v. Paperless Estates Administration System (PEAS)

The Paperless Estates Administration System (PEAS) which computerises the administration process related to deceased estates, was successfully rolled out to 41 more Magistrate's Courts to bring the total to 278.

Rolling out to Magistrate's Courts enables service points to be linked with the 15 Master's offices, which are then able to oversee the appointment process in the Service Points, and thus ensuring that the whole country receives the same service provided directly at Master's Offices, without the need to travel long distances. For the coming year, the Branch is planning to roll out PEAS to at least 10 more Service Points of the Master.

vi. Guardian's Fund Services

The Department focused on further deployment and use of the Master's Own Verification Information System (MOVIT) to enable speedy administration and payment to beneficiaries of the fund.

From the six Guardian's Fund offices, MOVIT has been implemented and used in all 15 Master's Offices as well as at 292 Service Points. For the coming financial year, the Master's Branch is planning to roll out MOVIT to at least 10 more Service Points of the Master.

This will ensure that the claimants receive the same service and are able to lodge their applications in the area where they reside, without the need to travel long distances to the six Master's Offices providing the Guardian's Fund services.

2.5 IMPROVEMENTS IN ADMINISTRATION IN SUPPORT OF SERVICE DELIVERY

A number of key ICT-based initiatives have been undertaken to improve the efficiency of administration in support of service delivery. For the year under review, these were largely focused within Court Services and the Integrated Justice System. These initiatives are discussed below.

i. Third Party Management System (MojaPay)

The solution, among others, reduces the payment turnaround times of monies due to maintenance beneficiaries through a court order, from approximately 30 days to 1 or 2 days. By the end of the financial year, this solution was implemented in 416 of 473 Courts in nine regions. The Department envisages rolling out the solution to the outstanding Courts in the 2019/20 financial year. Furthermore, this solution enables the Department to better account for Third Party Funds which has been an Achilles' heel for the Department. The solution also caters for the administration of financial management processes at State Attorney Offices and has been implemented at all 12 State Attorney Offices countrywide.

ii. Court Recording Technology

This solution caters for, among others, improved recording functionality that includes the pre-loading of cases as well as pre-testing of the recording capability prior to the commencement of court proceedings. Apart from the improvements brought about in the recording, storage and retrieval of case records, this now also enables the Department to obtain further insight into court operations like court occupancy rates (court sitting hours) for analysis and operational improvement purposes. Over the past year, the Department finalised the implementation of 108 mobile recorders for mainly periodical courts, as well as the implementation of an additional 40 mobile recorders.

The development and testing of the web portal functionality for management of transcription was initiated and is expected to be finalised by the 2019/20 financial year. This functionality will allow the Department to centrally manage the transcription of case records as well as review the current transcriptions business model from a regional to a central model that will eliminate the need for transcribers to be based on site.

iii. Integrated Justice System

The programme focuses on three priority areas: (1) Person management to empower the CJS to identify, verify, track, and where necessary, safeguard all persons moving through the criminal justice system, creating a holistic single view of a person, including accused persons and victims; (2) Case Integration to facilitate the digitisation of the CJS for the efficient, seamless exchange of electronic case information between IJS member departments; and (3) System-based Performance instrumentation and BI reporting on the health status of the South African CJS.

The following delivery highlights were achieved in 2018/19 across these three priority areas:

CJS person integration achievements

The IJS Person Identification and Verification Application (PIVA) provides a solution for IJS departments to verify the identity of an individual using their fingerprints which are checked against Department of Home Affairs (DHA) records. Through the collaboration of SAPS, DHA and the IJS, the application was enhanced. In addition to enabling the identity of an arrested individual to be verified using their fingerprints and checked against DHA records, the SAPS official is now provided with immediate feedback regarding whether the accused has a prior criminal record, and/or is wanted as a suspect for other police cases. The solution was delivered as proof of concept at 33 police stations in 2016 and during 2018/19 it was expanded to 274 SAPS stations across all nine provinces.

By end March 2019, PIVA was used to check more than 317,000 accused persons and in near real-time, it was determined that over 203,000 of these individuals (64%) have prior criminal records that can then be referenced. Further, over 7,144 (2.3%) of these unique individuals were immediately linked to SAPS circulations as persons of interest wanted for other cases. This timeous information assists SAPS and NPA during the subsequent management of the accused and the linked criminal cases.

IJS case integration achievements

Between April 2016 and March 2019, over 1,600,000 cases were electronically processed through IJS case integrations between SAPS, NPA and the DoJ&CD. These electronic information exchanges include associated docket ready notifications, docket requests, electronic charge sheets and electronic case outcome (postponement date & reasons) integrations. Available nationally, these integrations are connecting 1,144 police stations linked to 509 courts across all nine provinces.

A key IJS focus area has been the establishment of an electronic integration between the SAPS and the Department of Social Development, which enables probation officers to receive electronic notifications when children in conflict with the law are detained by the SAPS.

IJS performance instrumentation and business intelligence

The IJS KPI dashboard presents electronic data to report performance for 22 KPI's across the areas of SAPS, NPA, DoJ&CD and DCS. In 2018/19, this was expanded to include four additional KPI's, bringing the total to 26 KPI's reported monthly and achieving the 2018/19 APP target.

2.6 COURT OPERATIONAL PERFORMANCE

This report provides an overview on the operational information of the Courts during reporting period of 2017/18 and 2018/19 and includes the following services:

- Equality Courts
- Domestic Violence
- Maintenance services
- Children's Court
- Civil and Small Claims Courts

a. Equality Courts

Equality Courts are courts designed to deal with matters covered by the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000, also known as the Equality Act. Members of the public bring matters such as unfair discrimination, harassment and hate speech.

The table below shows that during the reporting period, there was a 100.4% increase in Equality Court matters reported during the financial year 2018/2019 as compared to the previous year 2017/18.

Equality Court: Matters registered

2017/18	2018/19	% change
236	473	100.4%

With regard to the type of matters registered, the table below depicts "Unfair Discrimination" as a dominant complaint, which contributed 54.5 % of the total complaints registered.

Equality Court: Matters registered (Complaints lodged)

Complaint	2017/18	2018/19	% Contribution
Dissemination and publication that unfairly discriminates	4	10	2,1%
Harassment	15	22	4,7%
Hate speech	83	140	29,6%
Unfair discrimination	107	258	54,5%
Unfair discrimination, dissemination and publication that unfairly discriminates	2	2	0,4%
Unfair discrimination, hate speech	15	29	6,1%
Unfair discrimination, hate speech, dissemination and publication that unfairly discriminates	2	7	1,5%
Unfair discrimination, hate speech, harassment	8	5	1,1%
Grand total	236	473	-

b. Domestic violence

Domestic violence includes physical, sexual, emotional, verbal and psychological abuse; economic abuse; intimidation; harassment; stalking; damage to property, trespassing and any other controlling or abusive behaviour. This conduct must be deemed to cause harm or may cause imminent harm to the safety, health or wellbeing of the complainant.

Based on the 91% utilisation of the Domestic Violence Integrated Case Management System, a 54% increase in abuse cases was reported, with “emotional, verbal and psychological abuse” showing a 70% increase as compared to the previous year of reporting.

Domestic violence cases registered

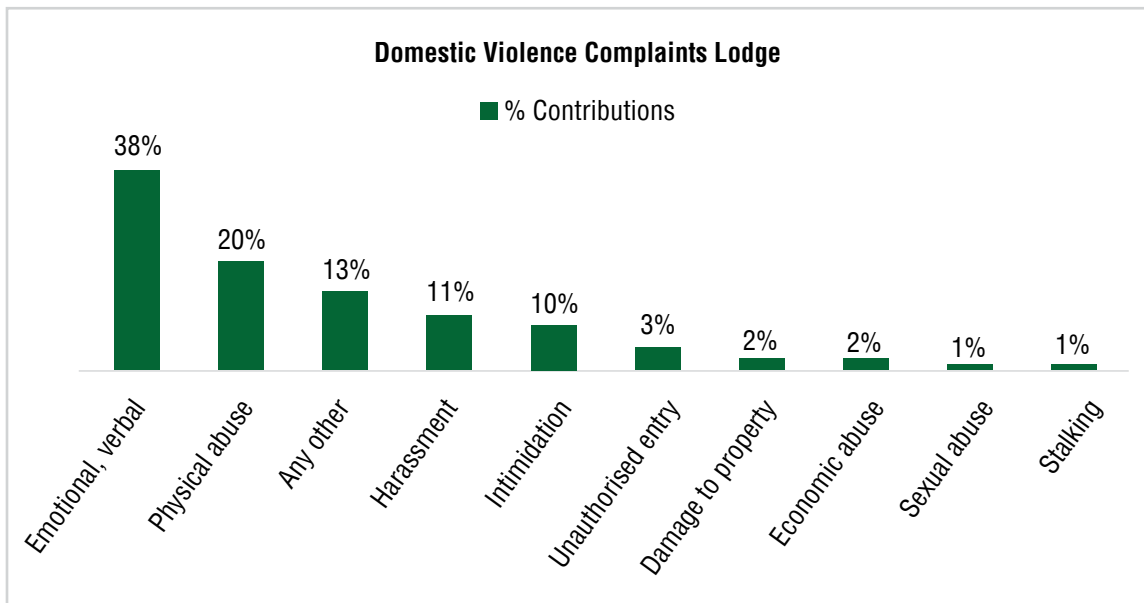
2017/18	2018/19	% Change
209 950	389 573	54%

The table and graph below depict that, during the period under review, “emotional, verbal and psychological abuse” was the highest lodged complaint for domestic violence sitting at 38% of the overall number of abuse reported and the least reported was “stalking” at 1%.

Breakdown of types of abuse lodged during 2017/18 and 2018/19

Type of abuse	2017/18	2018/19	% change
Emotional, verbal and psychological abuse	104 510	148 290	70%
Physical abuse	41 694	77 609	54%
Any other controlling or abusive behaviour towards a complainant	27 457	49 078	56%
Harassment	12 891	41 095	31%
Intimidation	11 257	40 867	28%
Unauthorised entry	4 111	11 939	34%
Damage to property	3 522	9 454	37%
Economic abuse	2 679	6 184	43%
Sexual abuse	1 117	2 289	49%
Stalking	712	2 768	26%
Grand total	209 950	389 573	54%

Domestic violence types of abuse lodged during the 2018/2019 financial year



With regards to hearings, “interim protection orders” contributed 40.7% towards the total number of hearings for the 2018/19 reporting period, as shown on the table below.

Top 6 hearing type for domestic violence matters for 2017/18 and 2018/19

Hearing type	2017/18	2018/19	% Contribution 2018/19
Interim protection order	7 602	87 750	40,7%
Final order	26 774	50 656	23,5%
Notice to show cause	16 154	37 950	17,6%
Trial	14 097	20 512	9,5%
Protection order granted	9 273	10 798	5,0%
Further information	791	2 597	1,2%

A 0.7% decrease in criminal domestic violence cases is observed in the table below, when 2017/18 and 2018/19 are compared. A drop of “warrants of arrests” issued from 611 (2017/18) to 0 (2018/19) is noted.

Domestic violence criminal cases registered

Annual	Registered cases	Finalised cases			Cases removed from the roll					Disposed of cases	Outstanding cases
		Guilty	Not guilty	Other finalised	Other removed	Struck off roll	Transferred	Warrant of arrest	Withdrawn		
2017/2018	210 067	1 850	639	112	28	1 548	10	611	5 351	10 149	3 355
2018/2019	208 591	1 794	497	74	52	1 410	11	0	5 486	9 324	3 887
% Change	-0.7	-3.0	-22.2	-33.9	85.7	-8.9	10.0	-100.0	2.5	-8.1	15.9

c. Maintenance matters

The tables below refer to the civil and criminal processes for maintenance matters. Once a court grants a maintenance order and the respondent does not comply with such an order, a criminal process can be initiated in line with the Criminal Procedure Act, 1977 (Act No. 51 of 1977), section 31(1).

The information provided is based on 82% utilisation of the Maintenance Integrated Case Management System. Due to continuous improvement to obtain more accurate and reliable information, the manual collection tool has been discontinued and the above system has been functional from April 2018. Comparison information will not be available.

The table below highlights the number of new applications received during the financial year 2018/19, of which Gauteng contributed to the majority of these matters (21%).

Summary of maintenance matters - Civil procedure statistics: financial year 2018/19

Region	Number of new applications received	% Contribution
Eastern Cape	16 601	13%
Free State	12 694	10%
Gauteng	26 919	21%
KwaZulu-Natal	15 890	12%
Limpopo	18 349	14%
Mpumalanga	11 106	9%
North West	11 617	9%
Northern Cape	5 189	4%
Western Cape	10 918	8%
Grand total	129 283	

The top six outcomes of hearings done on maintenance matters are shown on the table below.

Top six hearing type outcomes for maintenance applications

Hearing type	New applications	% Contribution
Application hearing	93 705	72,5%
Consent order granted	19 555	15,1%
Struck off roll	8 737	6,8%
Hearing postponed	4 102	3,2%
Maintenance order granted	2 012	1,6%
Default order granted	714	0,6%

The table below shows that a large portion of cases dealt with are withdrawn or struck off the roll.

Maintenance criminal cases registered and court outcome.

Period	Registered	Finalised cases			Cases removed from the roll				Outstanding
		Guilty	Not guilty	Other finalised	Struck off roll	Transferred	Withdrawn	Other removed from the roll	
2017/18	5 185	499	87	62	1 118	111	2 658	0	1 165
2018/19	5 137	465	75	68	1 134	123	2 507	3	1 157
% Change	-0.93	-6.81	-13.79	9.68	1.43	10.81	-5.68	300	-0.69

d. Children's matters

Children's matters referred to in the Children's Act 38 of 2005 generally promote the protection, development and well-being of children. The information provided is based on 82% utilisation of the Children Integrated Case Management System.

A total of 739 adoptions were registered during the 2018/19 financial year, the majority of which were registered in Gauteng region. It is noted that almost 82% more adoptions occurred in North West in 2018/19 compared to 2017/18.

Children's Court: Adoptions

Financial Year	EC	FS	GP	KZN	LP	MP	NW	NC	WC	Grand Total
2017/18	77	57	327	50	27	24	22	38	117	739
2018/19	52	52	348	58	26	38	40	11	108	733
% Change	-32,5%	-8,8%	6,4%	16,0%	-3,7%	58,3%	81,8%	-71,1%	-7,7%	-0,8%

e. Civil matters

REGISTERED CASES

The section below provides a summary of civil cases registered at the Regional and District Courts during the reporting period of 2017/18 and 2018/19.

The table below illustrates the number of civil matters registered at the Regional and District Courts. Although there was an increase of 37.2 % on new civil matters registered, Regional Courts showed an annual percentage increase of 114%.

Civil cases registered in District and Regional Courts

Court type	District Court	Regional Court	Total
2017/18	48 040	1 109	49 149
2018/19	65 077	2 379	67 456
% Change	35.5	114.5	37.2

The table below illustrates the number of civil matters registered per region. A total of 67 457 civil matters were registered during 2018/19. Northern Cape registered the least number of civil matters during both reporting periods.

Civil cases registered per region

Region	2017/18	2018/19
Eastern Cape	6 930	8 799
Free State	4 562	6 190
Gauteng	11 802	18 167
KwaZulu-Natal	6 770	8 868
Limpopo	2 341	3 962
Mpumalanga	6 817	4 516
North West	1 627	4 838
Northern Cape	1 228	1 625
Western Cape	7 072	10 491
Total	49 149	67 456

The table below shows the top ten causes of action registered during 2017/18 and 2018/19. Professional services, other services and credit agreement are the most three prominent causes of action registered during both reporting periods.

Top ten causes of action registered during 2017/18 and 2018/19

Cause of action	2017/18	Cause of action	2018/19
Professional services	9 757	Professional services	11 026
Other services	7 334	Other services	9 845
Credit agreement	5 654	Credit agreement	7 921
Monies lent and advanced	5 534	Tuition fees	5 554
Levies	2 954	Levies	5 502
Tuition fees	2 126	Monies lent and advanced	5 255
Goods sold and delivered	1 859	Acknowledgements of debt	2 908
Outstanding rental	1 849	Goods sold and delivered	2 761
Acknowledgements of debt	1 763	Debt review	2 316
Monies owed	988	Municipal rates	2 296

DEFAULT JUDGEMENTS

The section below provides a summary of default judgements dealt with by the Regional Court within the various regions during the reporting period of 2017/18 and 2018/19.

Default judgements dealt with per region during 2017/18 and 2018/19.

Region	2017/18	2018/19
Eastern Cape	2 201	3 080
Free State	3 091	5 296
Gauteng	17 475	45 448
KwaZulu-Natal	6 251	13 956
Limpopo	2 162	4 868
Mpumalanga	7 961	10 260
North West	1 755	7 308
Northern Cape	2 311	4 488
Western Cape	2 214	7 064
Total	45 421	101 768

The above table illustrates default judgements that were dealt with during the reporting period of 2017/18 and 2018/19 (per region). Gauteng had default judgements of almost 45% (45 448/101 768) of all default judgement dealt with nationally during 2018/19.

Default judgments dealt with

Period	Exceeding 14 days	Within 14 days	Grand Total
2017/18	1 043	44 378	45 421
2018/19	460	101 308	101 768
% Change	-55.9	128.3	124.1

The above table illustrates default judgements dealt with during the reporting period of 2017/18 and 2018/19. There is an increase in default judgements dealt with within 14 days of more than 100%, 99.5% (101 308/101 768) of default judgement were dealt with within 14 days during 2018/19.

TAXATION

The section below provides the summary of the taxation dealt with during the reporting period of 2017/18 and 2018/19.

Taxation matters dealt with

Region	2017/18	2018/19	%Change
Eastern Cape	1 359	1 788	31.6
Free State	1 018	762	-25.1
Gauteng	2 356	2 475	5.1
KwaZulu-Natal	2 177	1 818	-16.5
Limpopo	633	583	-7.9
Mpumalanga	752	1 259	67.4
North West	417	310	-25.7
Northern Cape	187	94	-49.7
Western Cape	376	277	-26.3
Total	9 275	9 366	1.0

f. Small claims matters

The Small Claims Court (SCC) offer a quicker and easier way of resolving disputes that involve amounts limited to R20 000 [as from 01 Apr 2019]. It is a court that allows a person ("plaintiff") to institute a claim of R20 000 or less. No legal representation by an attorney or advocate is allowed in the SCC.

It is important to note that the information provided is based on 87% utilisation of the Small Claims Integrated Case Management system.

Registered cases

The section below shows the total number of new cases registered in Small Claims Court during the 2018/19 financial year.

For the reporting period of 2018/2019, matters registered the most were moneys owed, representing 44.4% of the total. The least of matters registered were due to action arising from liquid documents, which represented 0.2% of the total.

Small claims matters registered

Region	Action against occupier	Action arising from liquid documents	Credit agreements	Damages to properties	Money lent and advanced	Money owed	No services rendered	Return of goods	Service rendered	Grand Total
2017/18	996	97	2 325	4 327	4 047	16 407	4 138	3 119	4 067	39 523
2018/19	1 027	78	1 797	4 851	4 566	19 845	4 441	3 651	4 461	44 717
(%) change	3%	-20%	-23%	12%	13%	21%	7%	17%	10%	13%

Small claims cases disposed of

The table above indicates that 56 008 cases were disposed of; 44.9% of which were due to moneys owed.

A comparison of small claims matters that have been disposed of

Region	Action against occupier	Action arising from liquid documents	Credit agreements	Damages to properties	Money lent and advanced	Money owed	No services rendered	Return of goods	Service rendered	Grand Total
2017/18	996	97	2 325	4 327	4 047	16 407	4 138	3 119	4 067	39 523
2018/19	1289	131	2434	6253	5636	25 175	5480	4412	5198	56 008
% change	29.4%	35.1%	4.7%	44.5%	39.3%	53.4%	32.4%	41.5%	27.8%	41.7%

Amounts claimed by regions (annual 2017/18 and 2018/19)

Region	Amount claimed in 2017/18	Amount claimed in 2018/19	% change	Average amount claimed in 2018/19
Eastern Cape	R14 657 206	R 24 755 162	68.9%	R 4 509
Free State	R 8 653 842	R 13 434 132	55.2%	R 4 130
Gauteng	R 51 589 611	R 77 542 149	50.3%	R 5 890
KwaZulu-Natal	R 31 462 175	R 46 621 121	48.2%	R 6 035
Limpopo	R 20 210 046	R 26 032 067	28.8%	R 4 226
Mpumalanga	R 22 826 299	R 27 731 932	21.5%	R 4 398
North West	R 16 777 786	R 19 594 189	16.8%	R 4 174
Northern Cape	R 3 413 061	R 5 399 672	58.2%	R 4 695
Western Cape	R 29 329 529	R 49 671 105	69.4%	R 6 158
Grand total	R 198 919 556	R 290 781 532	46.2%	R 5 192

The table above highlights that the amounts claimed for the reporting period of 2018/19 increased by 46.2% amounting to R 290 781 532.06, with the Western Cape contributing a 69.4% of the overall amount of the claims.

In 2018/19, all cases that were finalised were due to withdrawals, which grew by 184% from 2017/18, as shown on the table below.

Manner in which small claims cases were finalised

Outcome type	2017 /18	2018/19	% change
Absolution	811	1 157	42.7%
Case dismissed	3 141	4 623	47.2%
Case struck of roll	13 331	18 681	40.1%
Case withdrawn	569	1 615	183.8%
Default judgements	5 325	7 652	43.7%
Judgements granted	12 394	18 381	48.3%
Out of court settlement	3 493	3 640	4.2%
Rescission dismissed	78	168	115.4%
Rescission granted	40	91	127.5%
Grand total	39 182	56 008	42.9%

g. The National Prosecuting Authority

There were 260 456 convictions reported by the NPA in the 2018/19 financial year.

The high courts received 846 new cases and finalised 966 cases, which is a decrease of 1% compared to the previous financial year. A total of 142 fewer new cases were received during the current financial year.

The breakdown and conviction rates are shown in the table below.

Conviction rates	2017/18	2018/19
High courts	91,7% (890)	90% (869)
Regional courts	81% (24 976)	81,7% (22 882)
District courts	96,1% (293 234)	95,7% (236 705)

A discussion on specific crimes and outcomes is detailed under Programme Performance section.

h. The Office of the Chief State Law Adviser

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

The State Law Advisers do this by providing legal advice and guidance to the state on its proposals, legislation and international agreements and by ensuring that potential litigation against the state, on constitutional and other legal grounds, is considerably reduced. The State Law Advisers scrutinise, develop, draft and certify all primary legislation before it is introduced in the Parliament of the Republic of South Africa. It is the responsibility of the State Law Advisers to ensure that it is compatible with the Constitution and other

legal instruments and that it will withstand constitutional muster. In this way, the State Law Advisers make a significant contribution towards the development of our constitutional jurisprudence.

The table below indicates the number of requests that were handled through this office in the 2018/19 and 2017/18 financial years

Financial year	Total number of cases received	Total cases finalised
Legal opinions		
2017/18	612	549
2018/19	591	568
Preliminary opinions on draft bills		
2017/18	90	80
2018/19	100	95
Certification of bills and other legislative instruments		
2017/18	174	151
2018/19	196	185
International agreements and accompanying legal opinions		
2017/18	189	167
2018/19	202	190
Translations into South African official languages		
2017/18	165	147
2018/19	184	168

i. Extraditions

The DoJ&CD is one of the departments responsible for ensuring successful implementation of extradition orders. In addition, foreign maintenance orders, as well as service of process for civil matters are undertaken. The number of extraditions that were processed for the year under review was 142, which indicates an increase in cases finalised as compared to the 2017/18 financial year.

With regard to enforcement of maintenance orders, a total of 71 requests were handled in 2018/19. Compared to 49 requests processed in 2017/18, this shows a 45% increase. 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 117 requests for the service of process, with the assistance of other government departments.

The table below shows the number of requests that were processed in the 2018/19 and 2017/18 financial years:

Financial year	Total processed
Extradition and mutual legal assistance	
2017/18	98
2018/19	142
Foreign maintenance orders	
2017/18	49
2018/19	71
Service of process	
2017/18	117
2018/19	137

j. Expungements and pardons

People convicted of certain categories of crimes may apply for expungement of their criminal records in terms of section 271B and 271C of the Criminal Procedure Act. This process enables people to be re-integrated into the socio-economic environment. During the year under review, 27 027 expungement applications were on record whilst 18 190 were finalised. A total of 11 288 applications were issued with certificates of expungement.

Expungement cases handled

Financial year	Outstanding applications from previous financial year	New applications received during	Number of applications finalised
2017/18	4 098	18 987	17 219
2018/19	5 062	21 965	18 190
% Change	24%	16%	6%

a. 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. There were 475 new requests for pardons received during the 2018/19 financial year and this brought the total cases on file to 1 010. Of these, 383 were finalised and 57 pardons were granted.

Presidential pardon cases

Financial year	Outstanding requests from previous financial year	New requests received	Number of requests finalised	Number of requests carried forward to next financial year	Matters forwarded to Ministry	Number of pardons granted
2017/18	516	503	489	530	65	7
2018/19	535	475	383	627	52	57
% Change	4%	(6%)	(22%)	18%	(20%)	714%

2.7 SERVICE DELIVERY IMPROVEMENT PLAN

The Department managed to achieve at least 60% of its quantitative standards across the three key services.

There's noticeable consistent improvement in the area of maintenance with 82% performance compared to 79% in 2017/18; exceeding the target with 12%.

On litigation services, there's marked improvement (69%) on the issuing of acknowledgement as compared to 42% performance in 2017/18. However, on the standard of "processing payment of invoices within 30 days of receipt of invoices", the Department has regressed by 5% (actual performance for 2018/19 at 81%) despite a reduction in the total number of invoices processed as compared to 2017/18. The branch managed to achieve 100% of its quantitative standards, with most of the targets exceeded, particularly on the management of complaints.

2018/19 was the first year that the Guardian's Fund was monitored through the SDIP. Already there's remarkable implementation of the set standards, particularly the implementation of the Batho Pele principles, e.g., on the Batho Pele principle of Consultation, 134 community engagement sessions were held against a target of 50. However much still needs to be done on the implementation of the recommendations of Project Khaedu i.e. Value for money.

a. Performance against service standards

Performance for each of the three key services identified for service improvement is detailed in tables below:

i. Key service: Administration of Guardian’s Fund

Beneficiaries	Actual standard of service ¹	Desired standard of service	Actual achievement (Comments)
Orphans, legal guardians, heirs and people who are incapable of managing their own affairs	None	92% of beneficiaries will receive services within 40 days of receipt of all required documents	95%

The following depicts the Batho Pele principles pertaining to the Master’s environment particularly to Guardian’s Fund.

Batho Pele principle	Desired arrangements	Actual achievements
Consultation	Conduct 50 information and community engagement sessions on Master’s services focusing on Guardian’s Fund	134 community engagements were, including 2 radio talk shows.
Access	Roll out MOVIT to 15 service points	MOVIT rolled out to 17 service points
Information	Distribute Master’s pamphlets at information and community engagement sessions	Pamphlets were distributed at the 134 community engagement sessions held as part of consultation efforts.
Openness and transparency	Display Master’s services at all Master’s offices	Master’s services details were displayed at 15 Master’s Offices ²
Redress	75% of Guardian’s Fund related complaints directly lodged with the office of the chief Master to be responded to and resolved within 30 days of receipt	88% of Guardian’s Fund related complaints were resolved within 30 days of receipt.
Value for money	Implement 70% of Project Khaedu and customer satisfaction survey findings	47% of the 228 recommendations were implemented across the 15 Master’s offices.
	50 000 fingerprint verifications to be done at all relevant service points (use of MOVIT)	92%

ii. Key service: Provision of maintenance services

Beneficiaries	Actual standard of service ³	Desired standard of service	Actual achievement (Comments)
Children, minors, single parents, other parents, grandparents	Where there is proper service of processes, 65% of maintenance orders will be finalised within 90 days	Where there is proper service of processes, 70% of maintenance orders will be finalised within 90 days.	82%
	All electronic maintenance payments to recipients will be processed within four working days of receipt of schedules from the employer	90% ⁴ electronic maintenance payments to recipients will be processed within four working days of receipt of schedules with deposits from the employer.	Information not provided ⁵

The following depicts the Batho Pele principles pertaining to the maintenance services.

Batho Pele principle	Desired arrangements	Actual achievements
Consultation	Conduct an evaluative study on maintenance services	Two studies were conducted on maintenance focusing on court users and employee satisfaction.
Courtesy	Conduct two mystery client visits at each region	Not achieved
Access	Complete the Magisterial Districts alignment project for Western Cape, Eastern Cape and KwaZulu-Natal	Achieved. Western Cape was the only region left to be finalised for 2018/19. The proclamation was done and awaits implementation.
Information	Awareness sessions held on the Maintenance services in nine regions	162 sessions were held in five regions (Reports not submitted by 4 regions)
Redress	65% of complaints received through Presidential hotline, service delivery inbox, Directors general office, Ministry and posted to be responded to and resolved within 14 days of receipt	88% of maintenance related complaints were resolved within 14 days of receipt.
Value for money	Implement 60% of Project Khaedu recommendations	56% of the 797 recommendations were implemented (Some of the recommendations required stakeholders such as DPW and thus took time to finalise)

iii. Key service: Litigation

Beneficiaries	Actual standard of service ⁶	Desired standard of service	Actual achievement (Comments)
Local government Government Departments Parliament Other organs of the state	Acknowledgement letters will be sent to the client within three working days of receipt of instruction.	45% of letters of acknowledgement will be issued within three working days of receipt of instruction.	69%
	Process payment of invoices within 30 days of receipt of invoices.	Process payment of invoices within 30 days of receipt of invoices.	81% (Incorrect calculations on invoices affected the timely processing of payments. Some delays were as a result of unregistered suppliers, i.e. agency payments, on BAS.

The following depicts the Batho Pele principles pertaining to the Litigation Services

Batho Pele principle	Desired arrangements	Actual achievements
Consultation	10 multi-regional stakeholder meetings	10 multi regional stakeholder meetings held during the financial year 2018/19
Access	80 % value of briefs allocated to previously disadvantaged individual counsels (PDIs)	82% of the total value of briefs allocated to previously disadvantaged individual counsels (PDIs)
	27% value of briefs issued to female counsels	48% of the total value of briefs allocated to female counsels
Information	Develop a website for State Legal Services	Achieved
Openness and Transparency	Publish PDI policy on the departmental website	Achieved
Redress	65% of complaints to be responded to within 14 days of receipt	89% of complaints received were responded to within 14 days
Value for money	Implement 65% of Project Khaedu recommendations	75% of the 274 recommendations implemented

b. Complaints mechanisms

The Department has implemented mechanisms to receive complaints from clients and resolve these complaints as best as possible. For the 2018/19 financial year, 56% of them were resolved within 14 days of receipt.

Current/ Actual complaints mechanisms	Desired complaints mechanisms	Actual achievements
56% of complaints resolved within 14 days	60% of complaints resolved within 14 days of receipt	59% of complaints were resolved within 14 days of receipt

2.8 BBB-EE Compliance statistics

The Department achieved the following BBB-EE compliance targets when procuring goods and services:

B-BBEE LEVELS		
DESCRIPTION	TOTAL AMOUNT	%
Level 1	676 906 471.92	47.94
Level 2	230 941 415.43	16.36
Level 3	20 177 841.44	1.43
Level 4	37 161 936.25	2.63
Level 5	72 710 376.32	5.15
Level 6	661 452.49	0.05
Level 7	85 839.05	0.01
Level 8	11 740 051.50	0.83
Non-compliant contributor	361 539 188.20	25.6
GRAND TOTAL	1 411 924 572.60	100

ANALYSIS OF PPPFA STATISTICS

Overall achievement for both Contracts & RFQ's (Procurement up to R500 000.00)

- Black Ownership (incl. Women Ownership) = 66%
- Black Woman Ownership & Black Rural = 26%
- Black Youth = 16.5%
- Disabled Persons Ownership < 1

VALUES UP TO R500 000				
RET CATEGORY	CONTRACT VALUE	CONTRACT %	RFQ VALUE	RFQ %
Black Ownership	754 312.24	2.62	46 125 289.23	25.2
Black Woman Ownership	177 545.50	0.62	27 314 094.28	14.92
Black Youth Ownership	0	0	34 943 683.26	19.09
Black Disabled Ownership	0	0	1 225 075.82	0.67
Black Military Veteran Ownership	0	0	672 481.65	0.37
Black Rural/Under Developed Areas	363 677.78	1.26	27 536 473.33	15.05
Black Cooperative	0	0	594 112.05	0.32
Non-Black Ownership	27 500 025.67	95.5	44 615 987.18	24.38
GRAND TOTAL	28 795 561.19	100	183 027 196.80	100

VALUES ABOVE R500 000		
RET CATEGORY	CONTRACT VALUE	CONTRACT %
Black Ownership	333 795 378.95	27.16
Black Woman Ownership	4 277 303.60	0.35
Black Youth Ownership	1 370 398.00	0.11
Black Disabled Ownership	0	0
Black Military Veteran Ownership	0	0
Black Rural/Under Developed Areas	0	0
Black Cooperative	0	0
Non-Black Ownership	889 454 295.25	72.38
GRAND TOTAL	1 228 897 375.80	100

RFQ'S - VALUE UP TO R500 000			
DESCRIPTION	NO OF PO'S	TOTAL AMOUNT	%
(No Data)	210	1 924 065.60	1.05
EME	7 337	124 976 879.10	68.28
GEN (Includes G2G)	2 185	20 741 086.52	11.33
QSE	1 527	35 385 165.60	19.33
GRAND TOTAL	11 259	183 027 196.8	99.99

CONTRACTS ABOVE R500 000			
DESCRIPTION	NO OF PO'S	TOTAL AMOUNT	%
(No Data)	1	113 678 838.50	9.25
EME	3	3 370 398.00	0.27
GEN (Includes G2G)	85	907 000 042.96	73.81
QSE	23	204 848 096.30	16.67
GRAND TOTAL	112	1 228 897 375.80	100

CONTRACTS & RFQ'S COMBINED			
DESCRIPTION	NO OF PO'S	TOTAL AMOUNT	%
(No Data)	211	115 602 904.13	8.19
EME	7 340	128 347 277.08	9.09
GEN (Includes G2G)	2 270	927 741 129.48	65.71
QSE	1 550	240 233 261.91	17.01
GRAND TOTAL	11 371	1 411 924 572.60	100

GOVERNMENT TO GOVERNMENT (G2G) PROCUREMENT		
DESCRIPTION	Number of PO's	TOTAL AMOUNT
Correctional Services - National	4	475 539.00
Health - Gauteng	3	14 253.00
Home Affairs - Government Printing Works	2 716	39 951 218.61
National Treasury - State Security Agency	3	36 000.00
Polokwane - LP Local Municipality	1	7 080.00
Public Service and Administration - National School of Government	12	1 647 341.00
South African Qualifications Authority	1	400 000.00
STATE INFORMATION TECHNOLOGY AGENCY	14	145 084 859.91
SUID-AFRIKAANSE POSKANTOOR	6	6 760.00
GRAND TOTAL	2 760	187 623 051.52

3. PROGRESS ON ACHIEVEMENT OF STRATEGIC GOALS

The key mandate of the Department is to support administration of justice in line with the constitution. This is done by implementing an effective and efficient court administration system and 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 departmental performance against each strategic goal is outlined as follows:

Goal 1: An efficient, effective and development-oriented administration.

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.

Unqualified audit opinion on CARA, President, Third Party and Guardian's Funds were received for 2018/19 financial year, in line with departmental objectives. However, the vote account was qualified on the basis of asset management and contingent liabilities. Progress has been made in improving the control environment and the Department will continue to work towards a sustainable and effective control environment. Similarly, the Department has made improvements within the area of performance information, where the number of key performance indicators qualified has decreased from the 2017/18 financial year.

Roll out of the new Third Party Funds system (MojaPay) was concluded in over 400 courts throughout the country. A few outstanding courts with implementation challenges will be finalised in all provinces. This system not only enables beneficiaries to receive their funds timeously, but has assisted the Department to receive two consecutive years of a clean audit opinion on Third Party Funds.

Goal 2: Improved administration support to the justice system enabling efficient resolution of cases (civil, family law and criminal).

The Department continued to put systems in place to enable players within the criminal justice system as well as civil and family matters to effectively finalise the cases and improve service delivery.

The roll out of the new Court Recording Technology (CRT) began during the year under review. This system enables efficient recording and retrieval of court proceedings, improved quality of audio recordings and secure backup of the recordings at multiple locations. This solution has additional capabilities of measuring court hours and therefore assists in identifying areas of improvement within court operations.

The support of civil courts improved with the increase in the number of courts designated to offer mediation services. This initiative will decrease the number of cases going to trial and will therefore decrease the amount of money needed for legal services. For 2018/19, the number of courts offering civil mediation was increased by 80 to 134.

Goal 3: Provision of quality legal services that strengthens the capacity of the State.

The Department continued with the Transformation of State Legal Services programme towards the provision of quality legal services. Within this programme, the transformation of the State Attorney component is one of the key areas.

A number of policies that will address issues of effectiveness and efficiency within State Attorneys were approved for submission to Parliament. These included the Mediation Policy, the Tariff Policy, the Management of State Litigation Policy and the State Representation Policy. Although some of the principles within these policies are already being implemented, the policies are expected to be taken for Cabinet approval in the 2019/20 financial year.

In the last two financial years, the Department managed to slow down the rate of increase of costs associated with litigation. Although a 5% year-on-year drop was not achieved in both financial years, there has been a marginal increase of less than 1% in both financial years. It is envisaged that once policies are approved by Parliament, a larger impact on the decrease in costs will be felt.

Within the Office of the Master of the High Court, modernisation of service offerings continued in the year under review. By the end of the 2018/19 financial year, the Paperless Estates Administration System (PEAS) has enabled the Department to improve the management of deceased estates. In addition to the 15 Master's Offices country wide, 292 magistrate's courts handled the deceased estates matters on behalf of the Master. This brought services closer to people, particularly those in far-flung areas.

Goal 4: Promote constitutionalism and social justice to contribute to social cohesion.

Progress was made in the implementation of the Truth and Reconciliation Commission recommendations for social justice and to promote social cohesion. Exhumations of remains as well as spiritual repatriation of individuals killed during the struggle for liberations continued. To date 151 exhumed remains of deceased victims have been successfully handed over.

In addition, exhumation and reburial of deceased victims who were hanged for politically motivated offences at the Pretoria Gallows was initiated in 2016. During 2018/19, 13 remains were handed over to families. Since the beginning of this project, a total of 59 remains were handed over whilst 24 are outstanding.

With regard to human rights awareness, the Department continued to roll out initiatives targeted at the vulnerable members of society and to civil-based organisations that assist the vulnerable. In the last five years, over 1 000 000 people were reached through radio and other mass media initiatives per annum. Through these communications, communities were advised of their rights and organisations that would assist them to exercise those rights. Although not done annually, the last survey done in 2016/17 by Foundation for Human Rights, showed that 51% of people were aware of their rights.

The draft National Action Plan to combat Racism, Racial Discrimination, Xenophobia and Related Intolerance was approved by cabinet during the 2018/19 financial year. The Department will begin coordination processes for implementation thereof.

4. PERFORMANCE INFORMATION BY PROGRAMME

4.1 PROGRAMME 1: ADMINISTRATION

The purpose of this programme is to provide strategic leadership, management and support services to the Department.

Strategic objectives

The following strategic objectives were identified for this programme. Objectives and performance indicators for each of these objectives are tabled below.

- Increased compliance with prescripts to achieve and sustain unqualified audit opinions.
- Increased number of public bodies compliant with PAIA of 2000.

This programme has the following sub-programmes:

- Ministry
- Management
- Corporate services
- Financial administration
- Internal audit
- Office accommodation



STRATEGIC OBJECTIVE 1: INCREASED COMPLIANCE WITH PRESCRIPTS TO ACHIEVE AND SUSTAIN AN UNQUALIFIED AUDIT OPINION

The key mandate of the Department is to ensure access to justice services. In discharging this mandate, it is imperative that the Department puts systems and processes in place for the effective management of the Department and adheres to principles of good governance. The Department set an objective of unqualified audit opinions on all funds under management by the end of the 2014/19 MTSF. Performance against this objective and its related key performance indicators are discussed below.

Strategic objective 1: Increased compliance with prescripts to achieve and sustain an unqualified audit opinion						
Objective indicator	Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations	
1	Audit opinion on financial statements and predetermined objectives	Vote and predetermined objectives: Qualified audit Guardian's Fund: Clean audit TPF: Unqualified audit President's Fund: Clean audit	Unqualified without significant findings: Vote, Guardian's Fund, President's Fund, predetermined objectives and TPF	Unqualified without significant findings: Guardian's Fund, President's Fund, TPF Qualifications: Predetermined objectives and Vote	(33%)	System and process challenges not fully addressed

Strategic objective 1: Increased compliance with prescripts to achieve and sustain an unqualified audit opinion						
Performance indicator	Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations	
1.1	Number of audit projects completed by Internal Audit	282	284	284	-	Target achieved.
1.2	Percentage of significant findings resolved on key specific areas	78%	100%	50%	(50%)	Target not achieved. Interventions require a systematic approach and often involve substantial change management. Although progress is incremental, full implementation often stretches more than one financial year.
1.3	Percentage of undisputed and valid invoices paid within 30 days from date of receipt	-	100%	99%	(1%)	Target not achieved. System challenges resulted in a few invoices captured after 30 days.

The Department's internal audit unit provides assurance on the effectiveness of risk management; strategic and operational controls; governance processes; makes recommendations that improve identified weaknesses and monitors regularly the implementation of recommendations by management. During the year under review, the internal audit unit completed a total of 284 audit projects as per the audit plan.

The Department identified six areas that resulted in significant audit findings and development of a post-audit action plan for intensive monitoring and reporting. The key focus areas addressed are listed below:

- Contingent liabilities
- Asset management
- Procurement management
- Third Party Funds (TPF)
- Recovery of legal fees
- Reliability of performance information

Consequently, the Department addressed 18 out of 36 audit findings that were issued in the 2017/18 financial year.

The payment of valid invoices within 30 days remains a priority to the Department because of the severe impact to the economy, in particular to small businesses. By the end of 2018/19, a total of 18 882 undisputed

invoices were paid whilst 18 859 were paid within 30 days from receipt of the invoice. This translated to a performance of 99%.

STRATEGIC OBJECTIVE 2: INCREASED NUMBER OF PUBLIC BODIES COMPLIANT WITH PAIA OF 2000

Strategic objective 2: Increased number of public bodies compliant with PAIA of 2000						
Objective indicator	Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target for 2018/2019	Comment on deviations	
2	Number of public bodies fully compliant with PAIA	-	81	83	2%	Target achieved. Higher than expected public bodies are complying due to training provided.

Section 32 of the Constitution states that everyone has the right of access to “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”. In response to this constitutional imperative and to promote a culture of transparency and accountability in the conduct of government operations, PAIA was therefore enacted.

The Department as the administrator and a coordinator of PAIA is responsible for the facilitation of the implementation of PAIA throughout the three spheres of government and other public bodies.

During the year under review, a survey was conducted of public bodies to determine their level of compliance with PAIA. The results show that 83 out of 172 public bodies that responded were found to be fully compliant with PAIA. In this regard, the Department will continue to embark on awareness campaigns to public bodies to increase compliance with PAIA.

Strategic objective 2: Increased number of public bodies compliant with PAIA of 2000						
Objective indicator	Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target for 2018/2019	Comment on deviations	
2.1	Percentage of PAIA requests processed within 60 days	-	93%	93%	-	Target achieved
2.2	Percentage of PAIA requests processed within 60 days of receipt of requests	-	75	46	(39%)	Target not achieved. The expected number of participants was not reached.

The Department, through the Office of the Deputy Information Officer, ensures that applications for access to information from all persons or institutions are processed within the prescribed time frames. These applications of requests for access to information are processed in accordance with the time prescribed by section 25 of PAIA.

During the 2018/19 financial year, the Department processed 84 requests for information of which 78 were finalised within the prescribed period, this translated to 93%.

To ensure compliance with PAIA, the Deputy Information Officer of the Department is required to provide training within various public bodies.

As a result, a total of 46 public bodies were trained on implementing PAIA. The target was not achieved due to the lower than anticipated turnout of participants.

Strategy to overcome areas of under performance

Indicator description	Reasons for under/over performance	Strategy to overcome areas of under performance
1.2 Percentage of significant findings resolved on key specific areas	Interventions require a systematic approach and often involve substantial change management. Although progress is incremental, full implementation often stretches more than one financial year.	The department will continue monitoring the interventions to ensure implementation.
1.3 Percentage of undisputed and valid invoices paid within 30 days from date of receipt	System challenges resulted in a few invoices being captured after 30 days.	The payment of invoices is continuously monitored to ensure that invoices are paid within 30 days of receipt.
2.2 Number of public bodies trained on implementing PAIA	The expected number of participants was not reached as originally planned.	A communication strategy and awareness will be enhanced to reach targeted public bodies to respond to the training.

Changes to planned targets

Indicator Nr	Indicator title before amendments	Indicator title after amendments	Planned target before amendments	New target	Reasons for amendments
2.1	Number of PAIA requests processed within 60 days of receipt of requests	Percentage of PAIA requests processed within 60 days of receipt of requests	93%	93%	There was misalignment between the target and the indicator title. The target was measuring percentage while the title was measuring the number.

Linking performance with budgets

The programme's overall expenditure for the year amounted to R 2.429 billion against the budget of R 2.593 billion, resulting in an underspending of R 163.9 million.

The underspending is mainly attributed to delays in submission of claims and invoices relating to Commissions of Inquiry into the State Capture and SARS and late payment of the refund from the OCJ which reduced expenditure for leases.

Sub-programme expenditure

Sub- programme name	2018/19			2017/18		
	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	33 620	33 620	-	34 375	34 126	249
Management	49 944	49 944	-	50 237	50 237	-
Corporate services	783 338	629 553	153 785	427 516	426 104	1 412
Financial administration	203 114	203 114	-	220 264	217 621	2 643
Internal audit	82 958	82 958	-	95 751	83 890	11 861
Office accommodation	1 439 697	1 429 609	10 088	1 146 122	1 146 122	-
Total	2 592 671	2 428 798	163 873	1 974 265	1 958 100	16 165

4.2 PROGRAMME 2: COURT SERVICES

The purpose of this programme is to facilitate the resolution of criminal and civil cases and family disputes by providing accessible, efficient and quality administrative support to the courts and managing court facilities. This programme has the following sub-programmes:

- 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. Objective and performance indicators for each of these strategic objectives are detailed in the below tables:

3. An efficient and effective integrated criminal justice system that enhances public confidence in the criminal justice system;
4. Enhanced and victim-centred criminal justice system;
5. Enhanced and integrated family law services;
6. Increased access to courts by historically marginalised communities;
7. Efficient and effective civil justice system; and
8. Transformation of the South African legal system enhanced.

STRATEGIC OBJECTIVE 3: AN EFFICIENT AND EFFECTIVE INTEGRATED CRIMINAL JUSTICE SYSTEM THAT ENHANCES PUBLIC CONFIDENCE IN THE CRIMINAL JUSTICE SYSTEM

Strategic objective: An efficient and effective integrated criminal justice system that enhances public confidence in the criminal justice system					
Objective indicator	Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target for 2018/2019	Comment on deviations
3 Number of criminal cases on the backlog roll in lower courts	33 732	<43 500	43 862	1%	Target not achieved. Performance depends on the collaboration between all players in the criminal justice system

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 criminal cases on the roll and to ensure that the inflow of new cases is balanced by matters concluded as well as greater court efficiency and effectiveness. The department provided support to improve the all round performance of the courts and continuously collaborate with stakeholders to implement and maintain caseflow management at all courts.

By the end of 2018/19, the number of criminal cases on a backlog in the lower courts was 43 826 against the target of below 43 500.

Strategic objective 3: An efficient and effective criminal justice system that enhances public confidence in the criminal justice system					
Performance indicator	Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations
3.1 Case management system for appeals and reviews rolled out by target date	-	System rolled out by 31 January 2019	Business requirements document signed off	(100%)	Target not achieved. There were delays in the finalisation of business requirements specification due to extended consultations.
3.2 Percentage of criminal cases postponed due to unavailability of court administration staff	0,23%	0,3%	0,25%	18%	Target exceeded due to effective monitoring of performance

Strategic objective 3: An efficient and effective criminal justice system that enhances public confidence in the criminal justice system					
Performance indicator	Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations
3.3 Percentage of child justice preliminary inquiries finalised within 90 days after first appearance	96%	60%	96%	60%	Target exceeded due to effective monitoring of performance
3.4 Number of recorded "unreturned" criminal cases updated on the Integrated Case Management System (ICMS): Criminal	-	<1 800	4245	(136%)	Despite efforts to ensure that cases were updated timeously, not all were updated
3.5 An integrated Criminal Justice Strategy submitted to Cabinet for approval by target date	-	ICJS submitted to Cabinet for approval by 28 February 2019	ICJS submitted to Cabinet for approval by March 2019	-	Target achieved

The criminal module of the Integrated Case Management System (ICMS) was in the process of being enhanced to deal with further legal processes after a case has been finalised with a verdict (appeals and reviews). This initiative sought to monitor the turnaround times for transmission of court records to the High Court with the view of reducing the delays in processing the court records. The current processes are labour intensive and paper based.

The planned target to roll out the Case Management System for appeals and reviews in the 2018/19 financial year was not met due to the expansion of business requirements to include capturing fields for transcriptions. This expansion necessitated further consultation with various stakeholders, hence the business requirements were signed off in February 2019.

The Department always strives to ensure that the necessary administrative support required for the functioning of the courts is available at all times. As at the end of March 2019, 443 cases from the outstanding roll of 180 810 cases were postponed due to the unavailability of court administration staff, translating to 0.25% of the total.

The Child Justice Act, 2008 (Act 75 of 2008) has been in operation for nine years. It seeks to ensure that child justice matters are managed in a rights-based manner and to assist children suspected of committing crime to turn their lives around by engaging with the child in restorative justice measures, diversions and other alternative sentencing options.

The Act requires a preliminary inquiry to be held and to decide on the appropriate way to deal with the child suspected to be in conflict with the law.

The following are possible steps that may be taken on preliminary inquiry:

- If the child is in need of care or protection, the matter will be referred to the children's court which will determine suitable interventions.
- If the child accepts responsibility, it may be recommended at the preliminary inquiry that the child be diverted. If the child does not complete or comply with the diversion, he/she will be brought back to court.
- If no diversion order is made by the court or the child is not found to be a child in need of care and protection, the case is referred to the Child Justice Court for trial.
- If the matter has been referred for trial in the Child Justice Court, the preliminary inquiry magistrate will decide on the detention or release of the child pending the finalisation of the criminal case.
- At the end of the trial, the child may be convicted and sentenced or acquitted.

In complying with the guiding principles of the Child Justice Act and Regulations, the Department monitors the performance of Child Justice Preliminary Inquiries cases. In 2018/19, a total of 11 696 Child Justice Preliminary Inquiries were processed and 12 132 were finalised within 90 days after the first appearance date, translating to 96% of inquiries.

The Department experienced ongoing challenges regarding data not updated timeously on the ICMS Criminal system, which has resulted in audit qualification in 2017/18. In order to circumvent data issues, the Department monitors the updating of cases on ICMS Criminal to ensure accuracy and completeness of data. By the end of 2018/19, a total of 4 245 unreturned (cases not dated) criminal cases were reflected on the system. Despite the fact that the target has not been met, there are significant improvements in capturing of cases on to the system.

In March 2017, Cabinet approved a broad framework for the development of an Integrated Criminal Justice System (ICJS) which is aimed at addressing challenges and shortcomings across the criminal justice value chain. The ICJS project is anchored on independent but interrelated pillars. The ICJS has as one of its pillars, the Policy and Legislative Reform of the Criminal Justice System.

The broad objectives of this pillar is to provide a framework for the comprehensive revamping of the criminal justice value in line with the developmental goals, as set out in the National Development Plan Vision 2030, of building safer communities and creating resilient communities and Government's Programme of Action, particularly outcome 3: All people in SA are, and feel safe and it's sub-outcome 2: An efficient and effective CJS.

The JCPS cluster approved the draft strategy framework in March 2019. The draft ICJS memorandum was signed off by the DG and Minister and subsequently submitted to the Cabinet Secretariat. The Cabinet of the sixth administration is expected to engage with the submission.

STRATEGIC OBJECTIVE 4: ENHANCING A VICTIM-CENTRIC CRIMINAL JUSTICE SYSTEM

Strategic objective 4: Enhancing a victim-centric criminal justice system					
Performance indicator	Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations
4.1 Number of courts adapted in line with the sexual offences courts model	17	14	15	7%	Target exceeded. An urgent site visit was undertaken in line with a directive from the Executing Authority

Strategic objective 4: Enhancing a victim-centric criminal justice system						
Performance indicator	Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations	
4.2	Number of closed-circuit television (CCTV) systems in regional courts upgraded in line with the minimum standards to sexual offences court model	-	45	12	(73%)	Procurement challenges caused delays in the roll out of closed-circuit television (CCTV) systems.
4.3	Phases of the Femicide Watch established, as recommended by the United Nations, by target date	-	Milestones towards the establishment of Phase 1 achieved by 31 March 2019	Milestones towards the establishment of Phase 1 achieved by 31 March 2019	-	Target achieved.
4.4	Number of all active and pending convictions validated in the NRSO	-	19 668	19 668	-	Target achieved.

The Department's objective of re-establishing sexual offences courts is to improve the prosecution and adjudication of sexual offences, and to prevent secondary victimisation experienced by victims when they engage with the criminal justice system. For this purpose, a total of 15 sexual offences courtrooms were re-established in line with the sexual offences courts model. By the end of 2018/19, a total of 90 regional courts were upgraded to sexual offences courtrooms.

In the below table are the courtrooms which were upgraded in line with the Sexual Offences Courts Model:

Province	Regional Court	No of courtrooms	Location	Model
Free State	Thaba N'chu	1	Rural	Pure
Gauteng	Booyens	1	Semi-urban	Pure
	Randburg	1	Urban	Pure
	Roodepoort	2	Semi-urban	Pure
	Germiston	2	Urban	Pure
Northern Cape	Springbok	1	Semi-urban	Hybrid
	Postmasburg	1	Rural	Hybrid
North West	Rustenburg	2	Semi-urban	Pure
	Bredarsdorp	1	Rural	Pure
Western Cape	Worcester	1	Semi-urban	Pure
	Plettenberg Bay	2	Semi-urban	Pure

The classification of hybrid and pure models is informed by limited court rooms and office infrastructure which necessitate shared resource to dispense justice. Hybrid model prioritises sexual offence cases but including other criminal matters whilst pure model only deals with sexual offence matters on its roll.

The introduction of Closed-Circuit Television (CCTV) systems in regional courts upgraded in line with the minimum standards of the sexual offences court model. The CCTV systems improve the evidence presentation of witnesses who provide evidence from outside of the court such as child witnesses or adults who are traumatised by having to provide evidence in the same courtroom as the accused. This is in line with the provisions of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) as amended. To achieve this, a total of 12 CCTV systems in regional courts were upgraded in line with the minimum standards of the sexual offences court model by the end of 2018/19.

The Department leads the implementation of the domestic violence policy and leads the development of a national integrated prevention strategy against domestic violence and femicide. The aim of this strategy is to address challenges that the country is currently facing in respect of the gender violence phenomena.

The following activities were completed during the 2018/19 financial period to develop the Femicide Watch Dashboard in line with the United Nations guidelines:

i. Development of the country femicide definition, as guided by the United Nations

The Intersectoral Committee on Domestic Violence and Femicide developed the country definition of femicide which was adopted at its meeting on 5 June 2018. This definition was developed from the UN definition and with the assistance of the UN representative on the Intersectoral Committee on Domestic Violence and Femicide

ii. Development of the Femicide Watch Prototype

The Department, in partnership with IJS, developed the Femicide Watch Prototype in response to the recommendation made by the UN Special Rapporteur for Violence against Women, its causes and consequences.

iii. Conduct data scoping and definition

The scoping document was to outline and define the scope and data to be collected for phase one of the femicide watch, which will include a number of femicide cases, age of victim, age of perpetrator, method of killing and the relationship between the accused person and the deceased.

iv. Develop the Femicide Dashboard

The Department finalised the development of the Femicide Watch Dashboard, which was presented and adopted by the Intersectoral Committee on Domestic Violence and Femicide.

The National Register for Sex Offenders (NRSO) aims to protect children and persons who are mentally disabled against sex offenders by establishing and maintaining the record of persons who have been convicted of a sexual offence against children and persons who are mentally disabled.

In the 2016/17 financial year, the Department received audit qualification regarding the accuracy and validity of the NRSO. The Department embarked on data validation processes to ensure that all sexual offences convictions recorded in NRSO are accurate and valid from 30 June 2009 to 30 March 2018 financial periods.

During the 2018/19 financial year, a total of 19 688 cases on the National Register for Sexual Offences cases were validated in line with the performance target.

STRATEGIC OBJECTIVE 5: ENHANCED AND INTEGRATED FAMILY LAW SERVICES

Strategic objective 5: Enhanced and integrated Family Law services					
Objective indicator	Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations
5 Number of children who benefited from Family Law services	-	22 500	75 384	235%	Target was exceeded. Children assisted were counted from the four streams of family law services, being Maintenance from the court perspective, Non-Litigation and Litigation of the Office of the Family Advocate.

The Office of the Family Advocate was created in 1990 after the promulgation of the Mediation in Certain Matters Act, 1987. The Office's main purpose was to protect the best interests of children who were affected by their parents' divorce and whose divorce proceedings were taking place in the first four High Courts of the then Republic of South Africa to the exclusion of the High courts situated in the TBVC states. To this end, the Office of the Chief Family Advocate provides professional services to members of the public at large, with children being the main beneficiaries.

However, the beneficiaries of the services of the office are no longer only children of married parents; but are all children regardless of their parents' marital status and all members of the family to an extent that they have interests in the welfare of the children. The cases include litigation and non-litigation processes.

Through these interventions, by the end of 2018/19, a total of 75 384 children were assisted through family advocate services.

Strategic objective 5: Enhanced and integrated Family Law services					
Performance indicator	Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations
5.1 Percentage of litigation matters finalised	-	50%	69%	38%	Target exceeded due to effective monitoring of performance.
5.2 Percentage of non-litigation matters cases finalised within six months from the date of opening the matter	73%	50%	95%	90%	Target exceeded due to effective monitoring of performance.
5.3 Percentage of Family Advocate reports filed within six months from the date of opening the matter	61%	52%	59%	13%	Target exceeded due to effective monitoring of performance.

Strategic objective 5: Enhanced and integrated Family Law services						
Performance indicator	Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations	
5.4 Percentage of maintenance matters finalised within 90 days from date of proper services of process	80%	70%	82%	17%	Target exceeded due to effective monitoring of performance.	

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. These are some of the benefits that have been realised through the services:

- Access to justice as families who cannot afford legal representation can now access the Family Advocate's services.
- Unmarried fathers can access the services of the Family Advocate without first having to institute court proceedings.
- The public can obtain mediation services at an early stage of their dispute thus preserving family relations and integrity.
- The mobile and periodical services, service previously marginalised people and informal settlements.
- The Office of the Family Advocate conducts parental workshops and offers mediation services, assists with drawing up of parental responsibilities and rights agreements and parenting plans.
- Parties who receive the services of the Family Advocate prior to the hearing of trials in court have the opportunity to settle on the basis of the Family Advocate's recommendations.
- By settling matters before trial, parties are spared the emotional and financial costs of the trial and related procedures.
- The voice of the child is heard by the parties and the court.

During the financial period under review, the Department recorded 13 825 litigation family law matters whilst 9 519 of these matters were finalised, which translated into 69%. With regard to non-litigation, a total of 9 266 were recorded of which 8 840 of these matters were finalised within six months, translating into 95% performance.

The Department, through the Office of the Chief Family Advocate, continues to provide professional services to children in families dealing with conflict and other difficulties. During the year under review, a total of 9 519 reports were filed and 5 600 reports were finalised within six months from the date of opening the matter, translating into 59% performance.

The Department has developed performance standards for maintenance services standards that were being piloted at 149 sites across the country. These performance standards help ensure that beneficiaries of maintenance receive what is due to them within a reasonable period.

Within these pilot sites, the Department processed 63 338 maintenance cases where defendants were served with proper service of process while 51 682 of these maintenance cases were finalised within 90 days after proper service of process, which translated to 82% performance.

STRATEGIC OBJECTIVE 6: INCREASED ACCESS TO COURTS BY HISTORICALLY MARGINALISED COMMUNITIES

Strategic objective 6: Increased access to courts by historically marginalised communities					
Performance indicator	Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations
6.1 Number of provinces where magisterial districts are aligned with municipal boundaries	2	1	1	-	Target achieved
6.2 Number of new court buildings completed	0	3	2	(33%)	Target not achieved. Mpumalanga High Court was not completed as anticipated due to pending completion of the primary access road.

The rationalisation project seeks to give effect to the goals of the National Development Plan (NDP) of re-engineering the social and geographic elements of apartheid. The rationalisation of areas of jurisdiction of courts aims to enhance territorial access to justice by ensuring among others that there is a Magistrate Court in every municipality. Furthermore, in large municipalities and metros, sub-districts are created with a view of ensuring that communities do not have to travel long distances to access services at the seat of the district.

The processes relating to the rationalisation of magisterial districts in the Western Cape have been completed. The recommended changes in respect of the Western Cape Province will result in the combination of the erstwhile small magisterial districts in line with the municipal demarcations, thus creating viable magisterial districts. The proposed changes were published in Notice Number 185 published in Government Gazette No. 42343 of 28 March 2019 and the date of implementation will be determined by the Minister through publication of the date in the Government Gazette.

During the 2018/19 financial year, the construction of Booyens and Plettenberg Magistrate Courts was completed. However, Mpumalanga High Court was not completed as anticipated due to pending completion of the primary access road. The temporary occupation certificate was issued by the municipality in April 2019 until such time that a permanent solution has been developed.

STRATEGIC OBJECTIVE 7: EFFICIENT AND EFFECTIVE CIVIL JUSTICE SYSTEM

Strategic objective 7: Efficient and effective civil justice system					
Objective indicator	Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations
7 Percentage of civil cases mediated successfully	-	60%	-	(100%)	Target not met. Regulations need to be drafted to address the issue of mediation services being paid for by litigants in addition to legal costs.

The role of the court annexed mediation is to facilitate early settlement of any dispute, which has arisen or likely to arise, thereby saving on legal costs. It will demystify our adversarial legal system and alleviate backlog in civil cases which continue to clog the case roll in our courts. Cases can now be referred to mediation where they will be settled speedily and to the satisfaction of both parties in disputes at a cheaper and fixed tariff.

However, through these interventions, members of the public were still reluctant to pay the prescribed tariff charged by accredited mediators, as a result, no cases were referred to accredited mediators. Draft regulations to refer matters to community advice centers and to attorneys to conduct community services as per requirement of Legal Practice Act will be developed for the public to receive free service.

Strategic objective 7: Efficient and effective civil justice system					
Performance indicator	Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations
7.1 Number of courts providing court annexed mediation	42	32	80	150%	The identification of courts was increased in consultation with the Judiciary.

By the end of the 2018/19 financial year, the Government Notice published on 28 March 2019 was approved by the Minister. A total of 80 mediation sites were proclaimed with effect from 1 April 2019.

STRATEGIC OBJECTIVE 8: TRANSFORMATION OF THE SOUTH AFRICA LEGAL SYSTEM ENHANCED

Strategic objective 8: Transformation of the South Africa legal system enhanced					
Objective indicator	Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations
8 Number of transformational policies approved by the Minister	2	3	3	-	Target achieved

The Department developed policy frameworks on Lower Court Reform, Community Courts and the Renaissance Project during the 2018/19 financial year. These policy frameworks seek to advance the transformation discourse under the identified themes as mandated by the Constitution.

Strategic objective 8: Transformation of the South Africa legal system enhanced					
Performance indicator	Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations
8.1 Policy framework on the Lower Court Reform submitted to the Minister by target date	Submission to the Minister by 31 March 2018	28 February 2019	Submitted to the Minister for approval on 27 March 2019	-	Target achieved
8.2 Policy on Judicial Governance and Court Administration submitted to Cabinet for approval by target date	Submission to the Minister by 31 March 2018	28 February 2019	Submitted to Cabinet for approval in March 2019	-	Target achieved
8.3 Policy framework for the overhaul of the criminal justice system as part of the Renaissance project approved by the Minister by target date	Draft discussion on identified themes submitted to the Minister by March 2018	Minister's approval by 28 February 2019	Submitted to the Minister for approval on 27 March 2019	-	Target achieved
8.4 Draft policy framework on Community Courts submitted to the Minister by target date	-	28 February 2019	Submitted to the Minister for approval on 27 March 2019	-	Target achieved

Policy framework on the Lower Court Reform submitted to the Minister by target date

The legislation which regulates Magistrates and the magistracy, namely the Magistrates Courts Act No 32 of 1944 and the Magistrates Act 90 of 1993, are predicated on the pre-democratic State and require a legislative overhaul for alignment with the Constitution and to establish a fully integrated judicial system comprising the superior court and the lower court Judiciary.

In the spirit of an integrated, single judicial system as envisaged by the Constitution, the policy proposals seek to align the administration of the lower courts with the administration of the superior courts as provided for in the Superior Courts Act, 2013.

Policy on Judicial Governance and Court Administration submitted to Cabinet by target date

In 2016, Cabinet appointed an Inter-Ministerial Committee (IMC), chaired by the Deputy President, to submit recommendations for Cabinet's approval on a judicial governance and court administration model suited for our constitutional democracy.

Following the change in the government administration and the consequent chairpersonship of the IMC, a briefing of the newly appointed Deputy President, Hon David Mabuza by the Minister of Justice and Correctional Services and Deputy Minister of Constitutional Development became essential. The briefing of the Deputy President took place during August 2018 and it was agreed that draft policy be further refined and submitted to the Office of the Deputy President in anticipation of a meeting with the IMC.

As Cabinet appointed an IMC to deal with the policy before submission to Cabinet, it was necessary for the Deputy President to convene an IMC to consider the matter.

Policy framework on the overhaul of the criminal justice system as part of the Renaissance Project

The Renaissance Project is multi-faceted and comprises transformation imperatives across a number of areas of law. Therefore certain themes have been canvassed and will be dealt with in phases. For the 2018/2019 financial year, focus was placed on the transformation of the criminal justice system with particular reference to the policy and legislative imperatives which underpin the reform of the criminal justice system.

Draft policy framework on Community Courts submitted to the Minister by target date

As part of the Department's transformation of the judicial system trajectory as well as its continuous programme on the promotion and advancement of access to justice, the community court dispensation was introduced to –

- a. improve speedy resolution of disputes;
- b. minimise the cost of resolving disputes;
- c. focus on improving community involvement in dispute resolution; and
- d. focus on rehabilitation during dispute resolution.

As a first phase, a draft policy framework outlining the concept of community courts and its broad policy principles was submitted to the Minister for consideration in March 2019.

Strategy to overcome areas of under performance

	Indicator description	Reasons for underperformance	Strategy to overcome areas of underperformance
3.1	Case management system for appeals and reviews rolled out by target date	Consultations on the business requirements proceeded with the finalisation of the BRD in third quarter, and sign-off thereof early in the fourth quarter.	The development of appeals and reviews system functionality rolled to all offices and the ability to link judicial office monitoring of such seeks to have a direct result of judicial oversight in the monitoring of the timelines for the submissions of appeals and reviews with a view to enhancing management of this critical function with the ultimate goal to reduce delays and ensuring speedy trials and legal processes for accused persons. The further benefit is that the affected judicial officer will also be kept abreast of the High Court rulings and in this way, linkages between systems seek to benefit all court participants.

Indicator description	Reasons for underperformance	Strategy to overcome areas of underperformance
<p>3.4 Number of recorded “unreturned”13 criminal cases updated on the Integrated Case Management System (ICMS): Criminal</p>	<p>The timeframe for capturing cases on the ICMS system are not consistently adhered to by the courts.</p>	<p>Effective, timeous and correct updating of the electronic case management systems in the Department remains a priority. The ICMS system (DoJ&CD case management system) is integrated from data captured at SAPS on their CAS/ICMS system and integrated further to the NPA (ECMS system). This necessitates the continuation of Regional Task team engagements to continuously capacitate Regional Management on system capabilities (due to enhancements and further systems integrations) and continuous consultation on system needs required to effect efficient and effective court management at lower court level.</p> <p>The monitoring of whether system data is complete and being updated timeously is hampered by the large volume of cases on the court roll monthly. With a view to an improved scheduling of cases for the judiciary, the case flow information on ICMS Criminal and Civil modules are being set to prepopulate an electronic case roll for the judiciary to consult online. Furthermore, to effect prioritisation of cases for trial, the case information is sought to auto-populate the relevant judicial officials’ Outlook calendar. This tool, referred to as the “Court Scheduler”, is in phase one testing for links to the judicial officer first. Thereafter, the Department seeks to expand it to enable the scheduling and linking of the remaining crucial participants to the scheduled court sitting per case and especially where cases are scheduled for trial to assist with trial date certainty and reduction of case postponements in this trial phase.</p> <p>The utilisation of ICMS data by the judiciary has an added advantage of an overview of the correctness of the data on the system which will directly improve the case information captured on the system.</p> <p>The new process of monthly reconciliations of hand-counts of cases still open on the court rolls compared to the ICMS criminal system count of cases was implemented. This measure has had a positive impact and improved capturing of cases on the system with the end year count being 96%. This control methodology also enables the identification of the blockages in the system and such will be actively pursued to improve the gap in the data.</p> <p>The establishment of a control for the accuracy of system information saw the implementation of accuracy certificates to be signed-off by each system user, supervisors and regional heads before the monthly performance data is reported on.</p>

Indicator description	Reasons for underperformance	Strategy to overcome areas of underperformance
4.2 Number of closed-circuit television (CCTV) systems in regional courts upgraded in line with the minimum standards to sexual Offences Court Model	Procurement challenges caused delays in the rollout of closed-circuit television (CCTV) systems.	Collaboration between stakeholders will be improved to ensure proper coordination.
6.2 Number of new court buildings completed	Mpumalanga High Court was not completed as anticipated due to pending completion of the primary access road.	The temporary occupation certificate was issued by the municipality in April 2019, until such time the permanent solution has been developed.
7 Percentage of civil cases mediated successfully	The draft regulation to refer matters must be finalised to comply with the Legal Practice Act.	The draft regulation to refer matters to community advice centres and to attorneys to conduct community services as per requirement of the Legal Practice Act in the process of being developed.

Changes to planned targets

Indicator Nr	Indicator description before amendments	Indicator description after amendments	Planned target before amendments	New target	Reasons for amendments
4	Percentage of victims and witnesses satisfied with the lower court-based support services	-	50%	-	A decision was taken to undertake perception surveys once every two years using independent parties. During the printing of APP, the target was erroneously included as target for 2018/19 instead of 2019/20.
4.4	Percentage of all active and pending convictions validated in the NRSO	Number of all active and pending convictions validated in the NRSO	50%	19668	The amendments were aimed at addressing the findings raised during the 2017/18 financial year performance audit and to improve the reliability and credibility of all recorded information on the NRSO.

Indicator Nr	Indicator description before amendments	Indicator description after amendments	Planned target before amendments	New target	Reasons for amendments
7	Percentage of civil cases referred for mediation	Percentage of civil cases mediated successfully	60%	60%	The amendments were aimed at ensuring that the indicator complies with the SMART principle and to address findings raised during the 2017/18 financial year audit. The technical indicator description table was also amended in line with the proposed changes.
8.	Number of transformational policies developed	Number of transformational policies approved by the Minister	-	-	To ensure that the objective indicator complied with the SMART Principle.
8.1	Policy on Lower Court Reform approved by the Minister by target date	Policy Framework on the Lower Court Reform submitted to the Minister by target date	Submission to cabinet for approval by 28 February 2019	28 February 2019	To ensure that the performance indicator complied with the SMART Principle.
8.2	Policy on Judicial Governance and Court Administration submitted to cabinet for approval by target date	Policy on Judicial Governance and Court Administration submitted to Cabinet by target date	Minister's approval by 28 February 2019	28 February 2019	To ensure alignment between MTSF, quarterly and annual targets.
8.4	Blueprint on community courts approved by the Minister by target date	Draft Policy Framework on Community Courts submitted to the Minister by target date	Minister's approval by 28 February 2019	28 February 2019	To ensure that the performance indicator complied with the SMART Principle. To ensure alignment between quarterly targets and annual targets.

Linking performance with budgets

The programme's overall expenditure for the year amounted to R 6.320 billion against the budget of R 6.374 billion, resulting in an underspending of R 54 million. The underspending is due to delays in filling of vacant posts.

Sub-programme expenditure

Sub-programme name	2018/19			2017/18		
	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
Lower courts	4 732 846	4 732 139	707	4 625 060	4 585 863	39 197
Family advocate	227 174	224 609	2 565	214 855	211 289	3 566
Magistrate's commission	19 605	13 848	5 757	17 875	13 334	4 541
Facilities management	813 021	813 021	-	994 237	994 233	4
Administration of lower courts	581 402	536 445	44 957	584 23	535 909	48 614
Total	6 374 048	6 320 062	53 986	6 436 550	6 340 628	95 922

4.3 PROGRAMME 3: STATE LEGAL SERVICES

The purpose of this programme is to provide legal and legislative services to government; supervise the registration of trusts and the administration of deceased and insolvent estates and estates undergoing liquidation; manage the Guardian's Fund; and prepare and promote legislation. In addition, the Department facilitates constitutional development and undertakes research in support of this. This programme has the following sub-programmes:

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

Strategic objectives

The strategic objectives under this programme are as follows:

9. Increased access to Master's services to all beneficiaries;
10. Transformation of State Legal Services;
11. Legal costs paid by the state reduced;
12. Provision of quality state legal advisory services that pass the constitutional master;
13. Increased compliance with international treaty obligations by the Department;
14. Development of legislative instruments that are certified and consistent with the Constitution;
15. Promotion of broad-based knowledge on and support for values of equality, human dignity and fundamental human rights and corresponding responsibilities; and
16. Implementation of TRC recommendations as approved by Parliament for the purpose of contributing to healing the wounds of the past and restoring human dignity.

STRATEGIC OBJECTIVE 9: INCREASED ACCESS TO MASTER'S SERVICES TO ALL BENEFICIARIES

Strategic objective 9: Increased access to Master's services to all beneficiaries					
Objective indicator	Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations
9 Jurisdiction of Master's service points increased	-	PEAS rolled out to 30 service points	PEAS rolled out to 27 service points	(10%)	Budget constraints
		MOVIT rolled out to 15 service points	MOVIT rolled out to 17 service points	13%	An extra effort has been made to provide access to the Guardian's Fund

The office of the Master is there to serve the public in respect of:

- i. The regulation and supervision of the administration of deceased estates;
- ii. The regulation and supervision of insolvent estates (companies, close corporations, trusts and persons);
- iii. The administration of the Guardian's Fund;
- iv. The registration and supervision of trusts;
- v. The supervision of curators, tutors and administrators (protection of minors and legally incapacitated persons); and
- vi. The appointment of impartial and capable persons as executors, trustees, curators and liquidators.

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 speedily manner so as not to disadvantage the beneficiaries.

The Department administers the deceased estates through Paperless Estates Administration System (PEAS) and Guardian's Fund services through the Master's Own Verification Information System (MOVIT) with the aim of improving access to services to the public and beneficiaries. To increase access to service delivery, these systems are rolled out to service points.

By the end of 2018/19, PEAS and MOVIT were rolled out to 27 and 17 service points respectively. The target to roll out PEAS to 30 service points was not met.

Strategic objective 9: Increased access to Master's services to all beneficiaries

Performance indicator		Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations
9.1	Percentage of letters of appointment issued in deceased estates within 15 days from receipt of all required documents	95%	92%	94%	2%	Target exceeded due to effective monitoring of performance.
9.2	Percentage of liquidation and distribution accounts in large estates (> R250 000) examined within 15 days from receipt of all required documents	93%	92%	93%	1%	Target exceeded due to effective monitoring of performance.
9.3	Percentage of beneficiaries in receipt of services within 40 days from receipt of all required documents (Guardian's Fund)	96%	92%	95%	3%	Target exceeded due to effective monitoring of performance.
9.4	Percentage of certificates of appointment issued in all bankruptcy matters within 10 days from receipt of all required documents	94%	91%	96%	5%	Target exceeded due to effective monitoring of performance.
9.5	Percentage of liquidation and distribution accounts in bankruptcy matters examined within 15 days from receipt of all required documents	96%	93%	98%	5%	Target exceeded due to effective monitoring of performance.

Strategic objective 9: Increased access to Master's services to all beneficiaries						
Performance indicator	Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations	
9.6 Percentage of letters of authority issued in trusts within 14 days from receipt of all required documents	83%	90%	83%	(8%)	Target not achieved. Backlogs created due to delays in retrieving the files from off-site storage and shortage of staff due to unfilled vacancies led to the target not being met.	
9.7 Percentage of new deceased estates registered on PEAS in the Master's offices	99%	95%	99%	4%	Target exceeded due to effective monitoring of performance.	

The Office of the Master of the High Court serves the public in respect of deceased estates, liquidations, administration of the Guardian's Fund, curators and registration of trusts, amongst others. It strives to protect the financial interest of persons whose assets or interests are, for various reasons, being managed by others.

During the year under review, 154 179 letters of appointments in deceased estates were issued, of which 145 491 appointments were issued within 15 days from 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, 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 2018/19 financial year, 54 388 accounts in large estates were examined whilst 50 685 of these accounts were examined within 15 days from 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 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 period under review, 54 020 beneficiaries of the Guardian's fund were in receipt of services and 51 302 were in receipt of the Guardian's Fund services within 40 days of receipt of all required documents.

During the year under review, 9 428 certificates of appointments in all bankruptcy matters were examined and 9 008 of these appointments were issued within 10 days from receipt of all required documents. Furthermore, a total of 7 089 liquidation and distribution accounts in bankruptcy matters were examined, of which 6 917 of these accounts were examined within 15 days from receipt of all required documents.

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 office and SARS, continue to work together in exchanging information required by each organisation. In the year under review, 31 426 letters of authority in trusts were issued and 26 189 of those were issued within 14 days from receipt of all required documents. This translated to a performance of 83% against a target of 90%. The delays in retrieving the files from off-site storage and the unfilled vacancies led to the target not being met.

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 rolling out to service points. As a result, the Department registered 141 267 new deceased estates, of which 140 332 were registered on the PEAS during the year under review.

STRATEGIC OBJECTIVE 10: TRANSFORMATION OF STATE LEGAL SERVICES

Strategic objective 10: Transformation of State Legal Services					
Objective indicator	Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations
10. Number of previously disadvantaged individuals (PDI) advocates briefed	-	1200	1 467	22%	Stakeholder engagement

The Department is committed to increasing the number of briefs to Previously Disadvantaged Professionals (PDIs) so as to transform the legal profession and ensure that there is a pool of well-trained PDIs within the profession. The target measures the increase in the number of counsel briefed. A total of 1 467 new counsel were briefed in 2018/19 but not briefed in 2017/18 financial year.

Strategic objective 10: Transformation of State Legal Services					
Performance indicator	Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations
10.1 Percentage of value of briefs allocated to PDIs	82%	80%	83%	3%	Target exceeded due to effective monitoring of performance.
10.2 Percentage value of briefs allocated to female counsel	25%	27%	28%	1%	Target exceeded due to effective monitoring of performance.
10.3 Percentage of briefs allocated to female counsel	38%	40%	41%	1%	Target exceeded due to effective monitoring of performance.

During the 2018/19 financial year, the Department briefed counsel on matters to the value of R 930 614 877, of which R775 226 324 was paid to previously disadvantaged counsel, which translated to 83% performance.

The empowerment of female counsel remains the priority for the Department in order to redress the imbalances of the past. The Department briefed counsel on matters to the value of R 930 614 877, of which R 255 954 238 was paid to female counsel, the performance translated to 28%.

A total of 5 171 of briefs were allocated to counsel whilst 2 109 of briefs were allocated to female counsel during the year under review.

STRATEGIC OBJECTIVE 11: LEGAL COSTS PAID BY THE STATE REDUCED

Strategic objective 11: Legal costs paid by the State reduced					
Objective indicator	Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations
11. Percentage reduction in legal cost paid by the state	12% (increase)	5%	1% (Increase)	(20%)	Increase in number of litigation matters

The objective of the Department is to improve the management of litigation on behalf of the state, and therefore reduce legal cost. The policy on management of state litigation was developed and approved by the Minister. Once approved by Cabinet, it will be implemented to curb the spiralling costs of litigation. The devastating cost of litigation against government necessitates that the State monitors these costs.

Consequently, a total amount paid for legal costs in 2017/18 was R 1 820 673 112 and R1 831 349 626 in 2018/19. When comparing the legal costs paid for both financial periods, there is a slight increase of 1%.

Strategic objective 11: Legal costs paid by the State reduced					
Performance indicator	Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations
11.1 Percentage reduction in capital amount claimed in medical negligence, unlawful arrest and detention claims	87%	60%	98%	63%	Target exceeded. Improved skills of State Attorneys to negotiate helped reduce capital claims.
11.2 Number of enrolled matters presented in High Court by the state attorney (applications and trials only)	467	80	821	926%	Target exceeded. Mthatha Office in the Eastern Cape ran all applications at High Court by in-house State Attorneys.
11.3 Percentage of litigation cases settled	4	60%	62%	3%	Target exceeded due to improved research and legal skills.

Strategic objective 11: Legal costs paid by the State reduced						
Performance indicator		Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations
11.4	Number of policies submitted to Cabinet for endorsement	–	4	-	(100%)	Target not achieved. There were urgent and pressing matters within offices. There were difficulties in filling head office posts.

The Department, through the Office of State Attorney, recorded an amount of R18 322 194 920 of claims against the state for medical negligence, unlawful arrest and detention claims and the amount settled in courts amounted to R406 964 909. As a result, there was a saving of R17 915 230 011, which translated to a 98% reduction.

In an effort to reduce costs of litigation, State Attorneys appeared in court with regard to High Court matters without sourcing the service of Counsel. During the year under review, a total of 821 matters for applications and trials were presented by State Attorneys in the High Courts.

The Department finalised 1 372 litigation cases whilst 856 were settled by the State Attorneys. This translated to a performance of 62%.

The target to submit policies listed below to Cabinet for endorsement was not met. The Minister approved the policies to be submitted to Cabinet in 2019/20:

- i. Mediation
- ii. State legal representation
- iii. Briefing and tariff and
- iv. Management of state litigation policy

STRATEGIC OBJECTIVE 12: PROVISION OF QUALITY LEGAL ADVISORY SERVICES THAT PASS CONSTITUTIONAL MUSTER

Strategic objective 12: Provision of quality legal advisory services that pass constitutional muster					
Objective indicator	Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations
12. Percentage of international agreements scrutinised and law certified by the Office of the Chief State Law Advisor (OCSLA) successfully challenged in court for constitutionality	0%	<5%	<0,1%	-	Target achieved

The Department, through the Office of the Chief State Law Adviser, provides legal advice and legislative drafting and language services to members of the National Executive, all departments at both national and provincial levels, municipalities, state-owned companies and independent bodies that may refer work to it. It supports the government to achieve its objectives of transforming the South African society and redressing past imbalances by providing efficient and cost-effective legal advice and legislative drafting and language services of high quality.

The Office of the Chief State Law Adviser identified Acts and international agreements certified since the 2011 financial year that were challenged in the Constitutional Court on the basis that the instruments did not pass constitutional muster.

Since 2011, the Department certified laws and scrutinised international agreements amounting to 3 254. In the period under review, the 2014 Protocol on the Tribunal in the Southern Africa Development Community international agreement was found to be unconstitutional by the Constitutional Court, which translates to <1%. It should be emphasised that a number of Acts that were declared unconstitutional were not certified within the reporting period of the 2010/11 to 2018/19 financial years.

The following International Agreement was successfully challenged:

- i. 2014 Protocol on the Tribunal in the Southern Africa Development Community

The Acts listed below were successfully challenged; however, they fall outside the scope of the evaluation:

- i. National Building Regulations and Building Standards Act, 1997 (Act No. 103 of 1997)
- ii. Criminal Procedure Act, 1997 (Act No. 51 of 1997)
- iii. Promotion of Access to information Act, 2000 (Act No. 2 of 2000)
- iv. Wills Act, 1953 (Act No. 7 of 1953)
- v. National Prosecuting Authority Act, 1998 (Act No. 32 of 1998)
- vi. Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992)
- vii. Medicines and Related Substance Control Act, 1965 (Act No. 101 of 1965)
- viii. Divorce Act, 1979 (Act No. 70 of 1979)
- ix. Upgrading of Land Tenure Right Act, 1991 (Act No. 112 of 1991)
- x. Regulation of Gatherings Act, 1993 (Act No. 205 of 1993)

Strategic objective 12: Provision of quality legal advisory services that pass constitutional muster

Performance indicator		Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations
12.1	Percentage of legal opinions finalised within 40 days from date of receipt of instruction	90%	80%	96%	20%	Target exceeded due to effective monitoring of performance.
12.2	Percentage of preliminary opinions on draft Bills and opinions on subordinate legislation completed within 40 days from date of receipt of the instruction	89%	80%	95%	19%	Target exceeded due to effective monitoring of performance.
12.3	Percentage of suggested Bills and subordinate legislation finalised within 40 days from the date of receipt of the instruction	87%	80%	94%	18%	Target exceeded due to effective monitoring of performance.
12.4	Percentage of international agreements and accompanying legal opinions finalised within 30 days from the date of receipt of the instruction	88%	85%	94%	11%	Target exceeded due to effective monitoring of performance.
12.5	Percentage of draft Bills approved by Cabinet for introduction finalised within 40 days of receipt of the instruction	100%	80%	100%	25%	Target exceeded due to effective monitoring of performance.
12.6	Percentage of translations finalised within 55 days from the date of receipt	89%	86%	91%	6%	Target exceeded due to effective monitoring of performance.

The Department, through the Office of the Chief State Law Adviser, provides legal advice, representation and legislative drafting services to the Executive, all 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 the South African society and redressing past imbalances by providing efficient and cost-effective legal advice, legislative drafting and translation services of high quality.

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

The State Law Advisers scrutinise, develop, draft and certify all primary legislation before it is introduced in the Parliament of the Republic of South Africa. It is the responsibility of the State Law Advisers to ensure that it is compatible with the Constitution and other legal instruments and that it will withstand constitutional muster. In this way, the State Law Advisers make a significant contribution towards the development of our constitutional jurisprudence.

During the period under review, the office of the Chief State Law Adviser finalised a total of 591 requests for legal opinions, of which 568 were finalised within the set timeframe for delivery of the legal opinions of 40 days from the date of receipt. The office finalised a total of 100 preliminary opinions relating to the constitutionality and quality of draft bills for Cabinet's consideration. Ninety-five were finalised within the set timeframe for delivery of the preliminary opinions of 40 days from the date of receipt.

In terms of Bills and other legislative instruments, the office finalised 196 pieces of work, of which 185 were finalised within the set timeframe of 40 days from the date of receipt. The office finalised a total of 202 international agreements, of which 190 were finalised within the set timeframe of 30 days from the date of receipt. The office handled a total of 30 draft Bills for introduction to Cabinet, of which 30 were finalised within the set timeframe of 40 days from the date of receipt. During the year under review, the office of the Chief State Law Adviser translated Bills into isiZulu, isiXhosa, Sepedi, Xitsonga, Sesotho, Tshivenda, SiSwati, isiNdebele, Setswana and Afrikaans. A total of 184 translations were finalised, of which 168 were finalised within the set timeframe of 55 days from date of receipt.

STRATEGIC OBJECTIVE 13: INCREASED COMPLIANCE WITH INTERNATIONAL TREATY OBLIGATIONS BY THE DEPARTMENT

Strategic objective 13: Increased compliance with international treaty obligations by the Department					
Objective indicator	Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations
13 Percentage compliance with treaties and international obligations	80%	85%	75%	(12%)	Target not met. Stakeholder dependencies

The Department strives to ensure that international treaty obligations are complied with. There are six International Treaties/Conventions for which the Department is the lead department in respective of submitting Country Reports/State Responses, namely, the International Convention on Social and Cultural Rights (ICESCR); the African Charter on Human and People's Rights (ACHPR); the International Convention on Civil and Political Rights (ICCPR); the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); and the Convention against Torture and Other Cruel or Degrading Treatment or Punishment (CAT).

By the end of 2018/19, the report on compliance with treaties and international obligations was compiled to assess the level of compliance. The result of the assessment shows that three out of four (75%) treaties and international obligations were complied with, in relation to the submission of reports. The Department could not submit the African Charter on Human and People's Rights (ACHPR) report as per international obligations, hence the target was not met. The ACHPR report comprises of two parts, one of which was not finalised timeously by the Department of Women and rendered the entire report incomplete.

Strategic objective 13: Increased compliance with international treaty obligations by the Department						
Performance indicator		Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations
13.1	Percentage of country reports and/ or state responses tabled with DIRCO for submission to treaty bodies	4 country reports	100%	75%	(25%)	Target not met. Stakeholder dependencies.
13.2	Percentage of valid requests for extradition and mutual legal assistance in criminal matters processed and submitted to the central authority within 25 days of the date of receipt	89%	91%	99%	9%	Target exceeded due to effective monitoring of performance.
13.3	Number of bilateral agreements on mutual legal assistance negotiated	0	2	3	50%	Target exceeded. Cabinet approval is no longer necessary for the conclusion of treaties.

Country reports provide a tool with which South Africa can measure its compliance with international human rights and fundamental freedoms imperatives. It is through the process of writing country reports and undergoing the review process by the relevant international committee that the Government is able to consider their compliance with international human rights and fundamental freedoms imperatives as well as being appraised on what still needs to be done.

During the 2018/19 financial period, a total of four country reports listed on the table below were due for submission to the relevant United Nations or African Union treaty body, however, three out of four country reports were submitted, which translated to 75% against a target of 100%.

Nr	Departmental obligations	Submission period
1	Obligation: Report/State Responses International Covenant on Economic, Social and Cultural Rights: ICESCR Response to list of issues	July 2018
2	Obligation: Reports/State Responses African Charter on Human and Peoples' Rights: ACHPR	Report not submitted
3	Convention against torture and other cruel or degrading treatment or punishment (CAT)	March 2019
4	South Africa's Common Core Document	September 2018

The Department assists with extradition and mutual legal assistance (MLA) in line with government's obligations and policies by processing requests of such criminal matters within the 25 days turnaround period. In the year under review, the Department processed 141 valid requests for extradition and mutual legal assistance in criminal matters and 140 requests were finalised within 25 days, translating to 99% achievement.

The conclusion of these treaties will send a clear message that any information for the successful prosecution of criminals will be provided to and received from foreign states and that South Africa will not be a safe haven for criminals. The Department negotiated bilateral agreements on mutual legal assistance as set out below:

- i. A mutual legal assistance treaty with Brazil
- ii. Extradition and mutual legal assistance treaty with the United Arab Emirates
- iii. Extradition and mutual legal assistance treaty with Bangladesh

In addition, the extradition treaty was negotiated with Mozambique.

STRATEGIC OBJECTIVE 14: DEVELOPMENT OF LEGISLATIVE INSTRUMENTS THAT ARE CONSISTENT WITH THE CONSTITUTION

Strategic objective 14: Development of legislative instruments that are consistent with the constitution					
Objective indicator	Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations
14. Percentage of legislative instruments successfully challenged in court for constitutionality	0% successfully challenged	<5%	0%	-	Target achieved

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 introduce a bill into Parliament, promulgate regulations, publish notices in the Gazette in terms of the law, prepare Proclamations for the President's signature for the purpose of putting Acts of Parliament into operation or refer improprieties in State institutions to the SIU for investigation.

The Department therefore strives at all times to ensure that legislative instruments developed and enacted are constitutionally sound. During the year under review, no legislative instruments were successfully challenged in court for constitutionality.

Strategic objective 14: Development of legislative instruments that are consistent with the constitution					
Performance indicator	Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations
14.1 Number of Bills and regulations submitted to the Minister for approval	29	8	9	13%	Target exceeded due to legislation changes ordered by Court.
14.2 Number of research papers completed	16	13	13	-	Target achieved

Strategic objective 14: Development of legislative instruments that are consistent with the constitution						
Performance indicator	Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations	
14.3	Number of court rules completed	20	19	27	42%	Target exceeded due to completion of urgent rules that needed to be finalised.

During the 2018/2019 financial year, the following nine legislative instruments were submitted to the Minister for approval:

Regulations and proclamations submitted to the Minister for approval:

- Draft Regulations relating to community rehabilitation (The Promotion of National Unity and Reconciliation Act, 1995)
- Regulations under the Legal Practice Act, 2014
- Regulations under the Magistrates Act, 1993
- Regulations under Protected Disclosures Act, 2000

Bills submitted to the Minister for approval:

- State Liability and Criminal Procedure Amendment Bill, 2018
- Child Justice Amendment Bill, 2018
- Judicial Matters Amendment Bill, 2018
- Land Court Bill, 2019
- Recognition of Customary Marriages Amendment Bill, 2019

During the year under review, a total of 13 research papers were completed and submitted to the Commission for consideration and approval as set out below:

- Report on Project 25 - Statutory Law Revision: The review of legislation administered by the Department of Health
- Report on Project 25 - Statutory Law Revision: The review of legislation administered by the Department of Police
- Discussion Paper on Project 107C - Sexual Offences (Pornography and Children)
- Discussion Paper on Project 100D - Care of and contact with minor children (including family dispute resolution)
- Discussion Paper on Project 127 - The review of administration orders
- Issue Paper on Project 144 - Single marriage statute
- Issue Paper on Project 146 - Review of regulatory compliance and reporting burdens imposed on local government by legislation
- Proposal Paper on preliminary investigation into the review of laws regulating funeral parlours and related services Industry
- Proposal Paper on preliminary investigation into the legislative framework governing violent protest actions
- Proposal Paper on preliminary investigation into Community Courts

- Proposal Paper on preliminary investigation into the domestication of the UN Convention on the Rights of People with Disabilities (UNCPRD)
- Report on Project 125 - Harmonisation of existing laws providing for different prescription periods
- Issue Paper on Project 142 - Legal fees

The Secretariat for the Rules Board performs the supporting role, inclusive of research capacity, to the Rules Board. The Rules Board is comprised of 15 members appointed by the Minister of Justice and Correctional Services. Justice N Dambuza of the Supreme Court of Appeal is the Chairperson of the Board.

The Board approves amendments, in the main, to rules relating to procedure at the Superior Courts and Magistrates' Courts. The overall continuous review of the rules of the Supreme Court of Appeal, the Superior Courts (Uniform Rules of Court), practice directives of the various divisions, alignment of Magistrates' Courts Rules, where possible, with the Superior Court rules and review of outdated terminology, is a function that the Board undertakes as part of its overall mandate.

During the year under review, the following 27 High and Magistrates court rules were approved by the Board:

- Uniform Rule 1: Definitions
- Uniform Rule 2: Sittings of Court and vacations
- Uniform Rule 4: Service
- Uniform Rule 19: Notice of Intention to defend
- Uniform Rule 23: Exceptions and applications to strike out
- Uniform Rule 31: Judgment on confession and by default and rescission of judgments
- Uniform Rule 32: Summary Judgment
- Uniform Rule 35: Discovery, Inspection and Production of Documents
- Uniform Rule 45A: Suspension of orders by the court
- Uniform Rule 57: *De Lunatico Inquirendo* Appointment of Curators in respect of Persons under Disability and Release from Curatorship
- Uniform Rule 65: Commissioners of the Court
- Uniform Rule 68 ((Table C of Annexure 2 to the Magistrates' Courts Rules): tariff for sheriffs
- Uniform Rule 31(5)(e): Judgment costs
- Item 3(a) of Uniform Rule 68 (item 4(a) of Part II of Table C of Annexure 2 to the Magistrates' Courts) – travelling allowance for sheriffs

Magistrate Court Rules

- Rule 9(3): Service at domicilium citandi
- Rule 14 and Form 8: Summary judgment
- Rule 19: Exceptions and applications to strike out
- Rule 55, particularly 55(11): Extension of dies non to application proceedings
- Judicial Case Flow Management Rules and related forms
- Magistrates' Courts Rule 33 and proposed Form 58: Costs - rule provision for inspection and objection procedure for taxations
- Table A annexure 2 to the Magistrate Court Rules: Costs
- Paragraph 1(b) of Part III of Table B of Annexure 2 to the Magistrates' Courts Rules
- Item 10(a) of Part II of Table C of the Magistrates' Courts Rules (execution against movable property) and Form 32 of Annexure 1 to the Magistrates' Courts Rules
- Table C of Annexure 2 to the Magistrates' Courts Rules (corresponding to Uniform Rule 68): tariff for sheriffs

Supreme Court Rules

- Supreme Court of Appeal Rule 1: Definitions
- Supreme Court of Appeal Rule 6: Application for leave to appeal
- Supreme Court of Appeal Rule 7: Notice of appeal

STRATEGIC OBJECTIVE 15: PROMOTION OF BROAD-BASED KNOWLEDGE ON AND SUPPORT FOR VALUES OF EQUALITY, HUMAN DIGNITY AND FUNDAMENTAL HUMAN RIGHTS AND CORRESPONDING RESPONSIBILITIES

Strategic objective 15: Promotion of broad-based knowledge on and support for values of equality, human dignity and fundamental human rights and corresponding responsibilities						
Performance indicator	Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations	
15.1	Number of people reached by multimedia campaigns to raise awareness and knowledge of the Constitution	7.9 million	2 Million	3 878 342	94%	Target exceeded due to increase in media coverage
15.2	Number of programmes implemented to sustain increased awareness and knowledge of constitutional rights	6	4	4	-	Target achieved
15.3	Number of grants awarded to civil society organisations working in the human rights sector to promote awareness and access to socio-economic rights among vulnerable and marginalised groups	63	20	20	-	Target achieved
15.4	Number of research programmes (including programme reviews and research outcomes) conducted on the implementation of socio-economic rights	2	2	2	-	Target achieved

Strategic objective 15: Promotion of broad-based knowledge on and support for values of equality, human dignity and fundamental human rights and corresponding responsibilities						
Performance indicator		Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations
15.5	Number of policy dialogues held to promote participatory democracy with stakeholders in the justice and human rights sector	2	3	3	-	Target achieved
15.6	Number of sustained and visible anti-xenophobia campaigns conducted in collaboration with other departments and role-players	6	6	6	-	Target achieved
15.7	National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance finalised and submitted to Cabinet by target date	-	31 December 2018	NAP submitted 27 February 2019	-	Target achieved

The Department, in partnership with Foundation for Human Rights (FHR), embarked on initiatives to promote awareness and knowledge of the Constitution and has implemented a multiyear programme called “Socio-Economic Justice for All” (SEJA), which is funded by the European Union. FHR provides support to civil society organisations and community advice offices through grants to promote human rights and access to justice within marginalised communities. There are planned activities undertaken by FHR to meet the objectives of the programme as outlined below.

Knowledge of the Constitution remains a high priority within the departmental programmes. There were initiatives through radio stations, television and other media to promote awareness and knowledge of the Constitution, as a result, 3 878 342 people were reached in the 2018/19 financial year.

During the 2018/19 financial year, the following four programmes were implemented to increase awareness and knowledge of constitutional rights:

- Business and Human Rights
- Gender Based Violence Zero Tolerance Programme
- Human Rights Awareness in Schools
- National Schools Moot Court Competition, 2018

Access to justice is enhanced by supporting CSO’s and CBO’s that provide advisory services to people who might not otherwise receive it. During the year under review, 20 grants were awarded to civil society organisations and community advice offices as set out in the table below:

Nr	Project Number	Organisation
1	10259	Cape Cultural Collective
2	10526	Gordon Institute of Business Science
3	10528	Alternative Information and Development Centre
4	10534	Khanya College
5	10539	Lesbian and Gay Community Health Centre
6	10547	Witzenberg Advice Office
7	10586	Freedom of Expression Institute
8	10601	Rise-up Against Gender Violence
9	10625	Ekurhuleni Pride Organising Committee
10	10629	Kokeletso Legoete & Action for Social Justice
11	10533	Democracy Development Program NPC
12	10664	Ahmed Kathrada Foundation
13	10617	The Social Education and Economic Development (SEED) Foundation
14	10380	Radio Riverside
15	10493	Kwa Makhutha Community Resource Centre
16	10494	Step Up Association
17	10495	Mphophomeni Gender Paralegal Office
18	10497	Mankweng Community Law Advice Office
19	10498	Opret Advice Office
20	10644	SA History Online

By the end of the 2018/19 financial year, the following two research reports were completed on the implementation of socioeconomic rights:

- i. Realising the right to healthy environment research report: The purpose was to provide analysis of policy efforts, budgeting and enjoyment of the right to a healthy environment in South Africa.
- ii. Community Based Advice Office Sustainability Study report: The purpose of the study was to identify the needs of the sector (financial and otherwise) and to better understand the contribution made by the work of CAOs in addressing socioeconomic disparities in the country. The overall aim of the study was to develop a picture of the value of the sector and, if relevant, to build a case for why donors should consider the sector as a viable social investment.

The interface between government, civil society and beneficiary communities is the cornerstone of building a culture of human rights. This programme strengthens participatory democracy at all levels of government through public policy dialogues.

During the 2018/19 financial year, the following three policy dialogues were conducted and the recommendations proposed by participants:

- i. **Ending violence against women in South Africa**
 - Mainstream media outlets, as well as entertainment media, need training on how to report on gender-based violence and other gender issues accurately and how to contextualise gender-based violence within the system of patriarchy. This training could be provided by civil society feminist groups, but requires more attention and funding from government and other donors.
 - Critical services for survivors of gender-based violence need increased sustained core funding from the South African government and other donors.

ii. LGBTI Rights in South Africa: Equality and inclusion on paper versus practice

- Greater civil society and public engagement are needed for Parliament to support a repeal of Section 6 of the Civil Unions Act, to ensure that all civil servants are obliged to conduct same-sex marriages.
- All people should receive full access to healthcare facilities, police stations, social services and faith-based institutions without any discrimination on the basis of sexual orientation or gender identity and expression.
- Building independent, capable and effective state institutions and government departments, including the police, judiciary and Chapter 9 bodies, needs to be a priority, particularly to strengthen their capacity to respond to the needs of LGBTI communities and other vulnerable groups.

iii. Tackling xenophobia in SA: The search for solutions

- Irresponsible statements stoking anti-foreign sentiment made by any stakeholders, including public officials, should be condemned; and all who directly incite violence against migrants need to be prosecuted.
- Comprehensive training on xenophobia and migration issues is needed across diverse sectors of society, not only in government, including relevant officials and departments, and local government councillors, but also in primary and secondary schools. Mainstream and entertainment media need training on how to report on, and address xenophobic violence and issues around migrants, refugees and asylum-seekers accurately, without exacerbating xenophobia. They also need to be encouraged to showcase stories of foreigners' positive contributions to South Africa.
- Successful social cohesion initiatives need sustained funding so as to be replicated in communities across the country, particularly in areas where xenophobic tensions are prevalent.

During 2018/19, a total of six anti-xenophobia campaigns were conducted with stakeholders, including the Departments of Home Affairs and Social Development as set out below:

- Gauteng: World Refugee day event on 20 June 2018 by the Department of Home Affairs (DoJ&CD partnered in the event)
- Learner's holiday camp, Camp Winter, held from 3-5 July 2018 in Gauteng
- Gauteng and Western Cape during the Access to Justice week (6-10 August 2018), focusing amongst others on xenophobia and discrimination
- In Atteridgeville on 18 October 2018 in partnership with the Department of Social Development, anti-xenophobia event was conducted
- In Atteridgeville, the Department held anti-xenophobia event between 4-8 March 2019, in partnership with the Department of Social Development

Collaboration with the Department of Social Development resulted in an Anti-Xenophobia National Task Team being established. The task team comprises of government departments, civil society organisations and United Nations (UN) agencies. The purpose of the task team is to facilitate the development of a sustainable programme to prevent and end xenophobic violence and to integrate foreign nationals into communities in which they reside. The department remains a key role-player and member of the task team and will continue to participate in its activities going forward.

Cabinet approved the final NAP on 27 February 2019. The finalisation and approval of the NAP will assist South Africa to meet its international treaty obligations, in particular, the International Convention on the Elimination of Racial Discrimination, as well as its commitments arising from the Durban Declaration and Programme of Action (DDPA) adopted following the 3rd United Nations World Conference Against Racism.

STRATEGIC OBJECTIVE 16: IMPLEMENTATION OF THE TRC RECOMMENDATIONS AS APPROVED BY PARLIAMENT FOR PURPOSES OF CONTRIBUTING TO HEALING THE WOUNDS OF THE PAST AND RESTORING HUMAN DIGNITY

Strategic objective 16: Implementation of the TRC recommendations as approved by parliament for purposes of contributing to healing the wounds of the past and restoring human dignity

Performance indicator		Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations
16.1	Number of community projects launched in line with the TRC recommendations	-	5	0	(100%)	The regulations were not approved due to internal and external consultation delaying the matter.

16.1 The regulations relating to community rehabilitation were in the process of being finalised. Once completed, the launch of the Community Project will take place in the provinces and communities, namely, Gauteng (Ekurhuleni and Emfuleni), Kwa-Zulu Natal (eThekweni and Umngeni), Eastern Cape (Buffalo City and Nelson Mandela Bay) and Free State (Mangaung Metro)

Strategy to overcome areas of under performance

Indicator description		Reasons for under performance	Strategy to overcome areas of under performance
9	Jurisdiction of Master's service points increased	Budget constraints	I. In light of budget constraints in the Department as well as further system enhancements to the Insolvency ICMS, a request was made to keep most of the performance targets unchanged and lower the target on objective indicators, as challenges regarding capacity will most likely escalate in the 2019/20 financial year.
9.6	Percentage of letters of authority issued in trusts within 14 days from receipt of all required documents	Backlogs created due to delays in retrieving the files from off-site storage and shortage of staff due to unfilled vacancies led to the target not being met	I. The problems with the off-site storage service provider have been addressed and the retained files have been released. The Master has proceeded to attend to these matters, but by the end of the financial year, there was a huge backlog which was being attended to. Most of these matters will thus be done outside the APP target time frames, and thus caused under performance. It is envisaged that the backlog will be cleared during the 2019/20 financial year. II. Performance agreements of officials were adjusted to ensure that APP targets are met. In addition, turnaround times per process were adjusted to make it possible for all officials to meet their timeframes.
11	Percentage reduction in legal costs paid by the State	Increase in number of litigation matters	The Department will submit the draft policies to Cabinet in 2019/20 for approval. Once approved and implemented, there will be a reduction in legal costs.

Indicator description		Reasons for under performance	Strategy to overcome areas of under performance
11.4	Number of policies submitted to Cabinet for endorsement	There were urgent matters being dealt with by the State Attorneys.	I. For 2019/20, the Department will refine processes to finalise policy documents in time for submission to cabinet.
13	Percentage compliance with treaties and international obligations	The ACHPR Report comprises of a Part A and a Part B. Although ILR is responsible for the finalising of Part A, the Department of Women (DoW) is responsible for finalising Part B. Both Part A and Part B have to be submitted together. ILR cannot finalise Part A without editing it in line with Part B. Part B has yet to be finalised by DoW.	The ILR has initiated training on report writing for representatives of all departments, in collaboration with the United Nations Regional Representative of the Office of the High Commissioner, for April 2019. It is expected that the training will assist all departments to recognise the importance of the country reports as well as the need to provide information to finalise country reports.
13.1	Percentage of country reports and/or state responses tabled with DIRCO for submission to treaty bodies		
16.1	Number of community projects launched in line with the TRC recommendations	The regulations were not approved due to internal and external consultation delaying the matter. The Coalition of NGOs raised several issues, such as the drafting of policy on reparations.	The re-engagements of the affected communities will resume to conceptualise and finalise community rehabilitation projects that are appropriate. The regulations on community rehabilitation will be fast-tracked. This will be done through convening a one day stakeholder workshop to obtain final inputs from all relevant stakeholders including civil society organisations. The finalisation of signed off community rehabilitation regulations and projects is expected to be ready for implementation during the 2019/20 financial year.

Changes to planned targets

Indicator Nr	Indicator description before amendments	Indicator description after amendments	Planned target before amendments	New target	Reasons for amendments
12.5	Percentage of draft Bills approved by Cabinet for introduction finalised within 40 days of receipt of the instruction	Percentage of draft Bills approved by Cabinet for introduction finalised within 40 days of receipt of the instruction	82	80	There was misalignment between the annual targets and the quarterly targets in the Annual Performance Plan.

Linking performance with budget

The programme's overall expenditure for the year amounted to R1.165 billion against the budget of R 1.232 billion, resulting in an underspending of R67.4 million. The underspending is attributed to delays in filling vacant positions.

Sub-programme expenditure

Sub-programme name	2018/19			2017/18		
	Final appropriation	Actual expenditure	(Over)/ Underexpenditure	Final appropriation	Actual expenditure	(Over)/ Under expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
State law advisers	74 732	64 683	10 049	70 791	63 018	7 773
Litigation and legal services	508 464	491 794	16 670	487 977	457 833	30 144
Legislative development and law reform	89 768	82 515	7 253	84 458	73 689	10 769
Master of the High Court	515 703	506 578	9 125	507 005	503 674	3 331
Constitutional development	80 733	65 249	15 484	81 986	66 648	15 338
Total	1 269 400	1 210 819	58 581	1 232 217	1 164 862	67 355

4.4 Programme 4: National Prosecuting Authority

The purpose of this programme is to provide a coordinated prosecuting service that ensures that justice is delivered to the victims of crime through general and specialised prosecutions. Remove the profit from crime. Protect certain witnesses.

Programme 4 has the following sub-programmes:

- National Prosecutions Service
- Asset Forfeiture Unit
- Office for Witness Protection
- Support Services

Strategic objectives

The following strategic objectives were identified for this programme:

17. Ensure successful prosecution
18. Ensure that profit is removed from crime
19. Ensure vulnerable and intimidated witnesses and related persons are successfully protected

Strategic objective 17: Ensure successful prosecution

Strategic objective 17: Ensure successful prosecution						
Objective indicator		Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations
17. Conviction rate in courts	Conviction rate in high courts	91,7% (890)	90% (958)	90% (869)	0%	Target achieved due to a combination of factors which include inter alia: <ul style="list-style-type: none"> • Good planning and preparation • Adequate consultation with victims and witnesses • Improved stakeholder relations • Increased prosecutor-guided training
	Conviction rate in regional courts	81% (24 976)	78% (23 706)	81,7% (22 882)	5%	Target exceeded due to a combination of factors which include inter alia: <ul style="list-style-type: none"> • Good planning and preparation • Adequate consultation with victims and witnesses • Improved stakeholder relations • Increased prosecutor-guided training

Strategic objective 17: Ensure successful prosecution						
Objective indicator		Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations
	Conviction rate in district courts	96,1% (293 234)	93% (277 819)	95,7% (236 705)	3%	Target exceeded due to a combination of factors which include inter alia: <ul style="list-style-type: none"> • Good planning and preparation • Adequate consultation with victims and witnesses • Improved stakeholder relations • Increased prosecutor-guided training

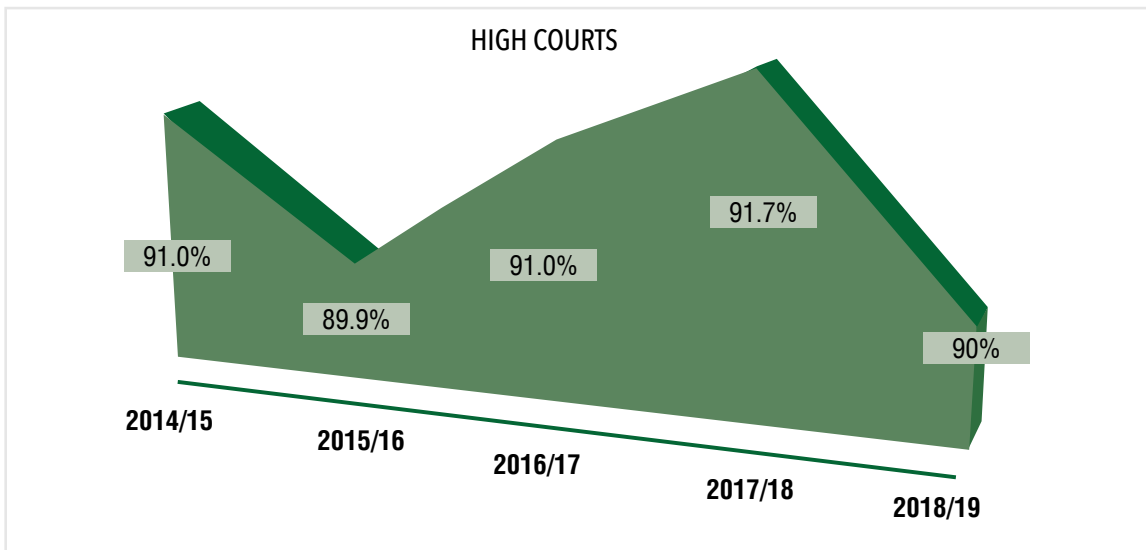
Conviction rate and progress of high courts

The high courts received 846 new cases and finalised 966 cases, which is a decrease of 1% compared to the previous financial year. A total of 142 fewer new cases were received during the current financial year.

The conviction rate also decreased from 91,7% to 90%. The long and intricate trials that are conducted in the High Court are complex matters and took longer to finalise since fewer accused were willing to make admissions of guilt. In addition to this, the staff constraints in some regions also impacted negatively on the prosecution of cases. These aforementioned factors contributed to the reduction in the conviction rate. Notwithstanding this reduction in the conviction rate, the annual target was still achieved.

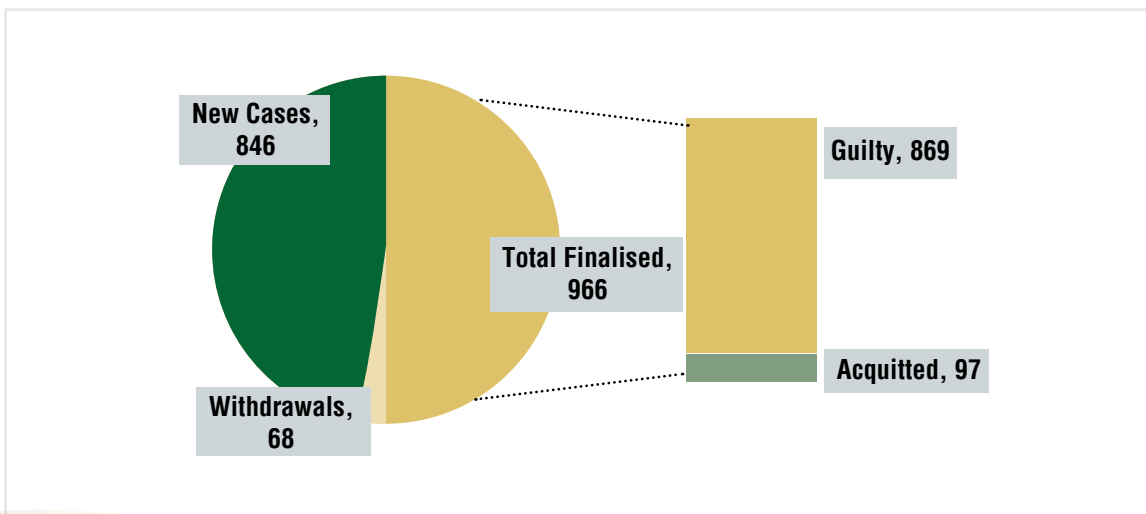
The comparative data of the performance of previous years, as depicted in the figure below, indicates a year-on-year improvement in the conviction rates achieved by the high court advocates between 2015/16 and 2017/18. This confirms their dedication to improve the level of service to the victims of serious crime.

Conviction rate by high courts



The way in which the high courts dealt with their case flow is indicated below.

Cases finalised by high courts



The number of formal bail applications in the high courts decreased remarkably by 55% from 33 to 15 bail applications. The reason for this decrease could mainly be attributed to the increase in bail applications in the lower courts before the cases are transferred to the high courts.

Appeals

The high courts also deal with appeals and motion applications emanating from criminal cases. There was a decrease in the number of appeals received and finalised as indicated in the table below. Appeals “unsuccessfully” finalised also decreased and only reflect appeals by accused as appellants that were rejected in toto. The number of appeals finalised decreased by 23%, from 2 225 to 1 722 appeal cases finalised. Notwithstanding this decrease, there is still a remarkable number of appeals, inclusive of petitions, reviews and motion applications, outstanding as 1 434 of these cases are yet to be enrolled.

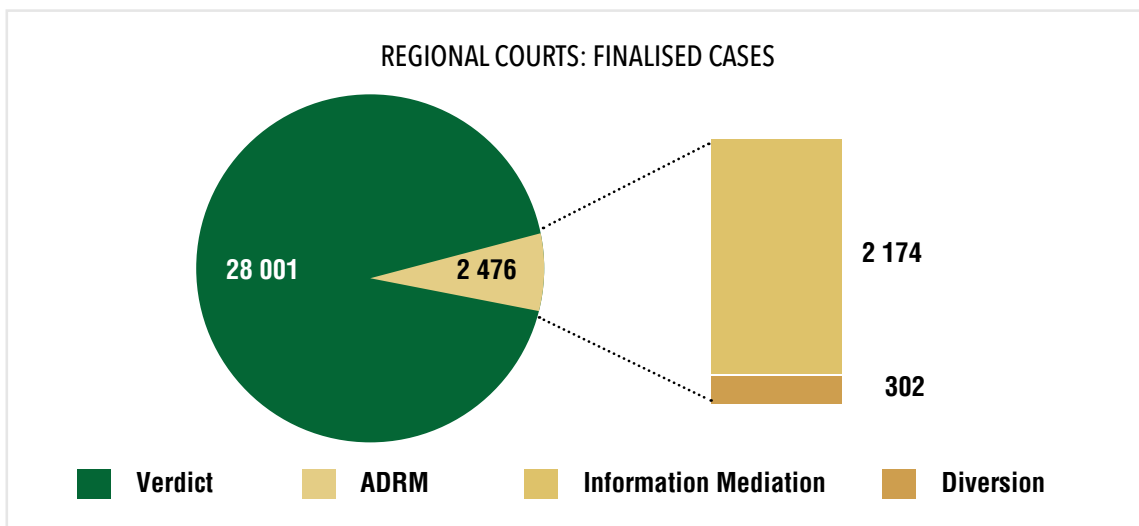
Criminal appeals dealt with

Financial year	Newly received appeals	Finalised	Appeals unsuccessful	Percentage unsuccessful
2011/12	1 328	1 922	645	34%
2012/13	2 249	2 418	791	33%
2013/14	2 762	2 422	878	36%
2014/15	2 651	2 423	899	37%
2015/16	3 065	2 520	944	38%
2016/17	2 520	2 439	941	39%
2017/18	2 495	2 225	781	35%
2018/19	2 507	1 722	679	39%

Conviction rate and progress of regional courts

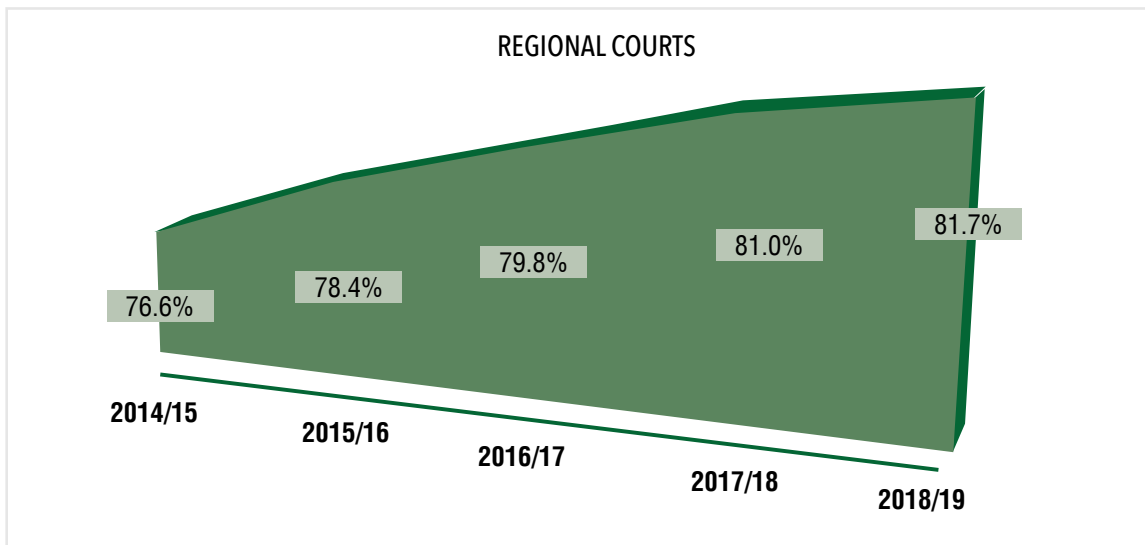
The regional courts, addressing mostly serious crime, enrolled 51 551 new cases during the period under review. Compared to the previous year, 1 758 (3%) fewer cases were enrolled compared to the 53 309 new cases enrolled during the previous financial year. Notwithstanding this decline in new cases received, the regional courts still effectively impacted on serious crime by finalising 30 477 cases comprising of 28 001 verdict cases and 2 476 alternative dispute resolution mechanism (ADRM) cases, as depicted in the figure below. This represents a finalisation rate of 0.6 cases per court per day.

Cases finalised by regional courts



The regional courts consistently maintained a high conviction rate through effective stakeholder engagement and dedicated prosecutors. A comparative analysis with previous years depicted in the figure below, indicates the year-on-year improvement on the conviction rates achieved by regional court prosecutors. This year-on-year improvement confirms their dedication to improve the level of service to the victims of serious crime. The prosecutors managed to improve the conviction rate with 8% from 76.6% obtained during the 2014/15 financial year to 81.7% during the period under review. This improvement in the conviction rates reflects the commitment of the regional court prosecutors to increase the quality prosecution of cases.

Conviction rate by regional courts



In addition to the cases finalised, including through ADRM, the prosecutors in the regional courts finalised 6 310 court and criminal matters, which included a range of additional functions that take up valuable court time. From the list below, it is evident that formal bail applications (64,4%), coupled with the application for leave to appeal (23,8%), utilised the most court time. During the reporting period under review, 4 061 formal bail applications were dealt with, which represent a reduction of 3% from the total bail applications (4 186) dealt with during the previous financial year.

Progress on court/criminal matters finalised

Court/criminal matters finalised	Total	Percentage of total
Suspended sentences	351	5,6%
Conversion of maintenance trial to enquiry	6	0,1%
Application for leave to appeal	1 499	23,7%
Committal to mental institution	269	4,2%
Conversion of sentence	98	1,6%
Formal inquests	0	0%
CJA: Preliminary inquiries	26	0,4%
Formal bail applications	4 061	64,4%
Total matters finalised	6 310	100%

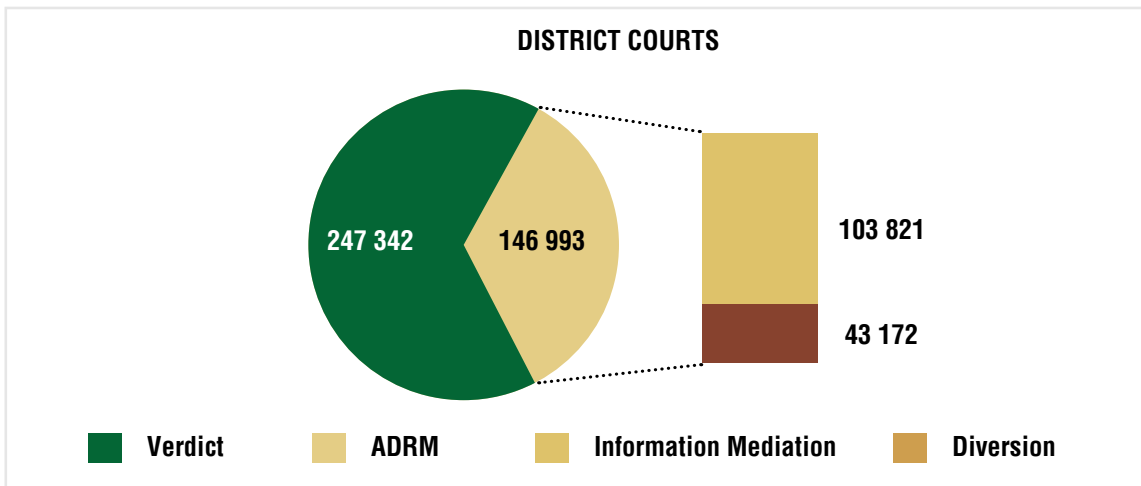
The victims of crime are also served through quality decision-making outside the court. The regional court prosecutors received 153 705 dockets for decision, which represents an increase of 21 617 (16%) decision dockets compared to the 132 088 decision dockets that were received during the previous financial year. A positive clearance ratio was maintained by dealing with 154 250 decision dockets, 17% (22 277) more than the 131 973 decision dockets dealt with during the previous financial year.

Whilst striving to increase successful prosecutions, severe resource constraints impacted negatively on screening processes throughout all regions as 4% (425) more cases were withdrawn by the regional courts compared to the previous financial year.

Conviction rate and progress of district courts

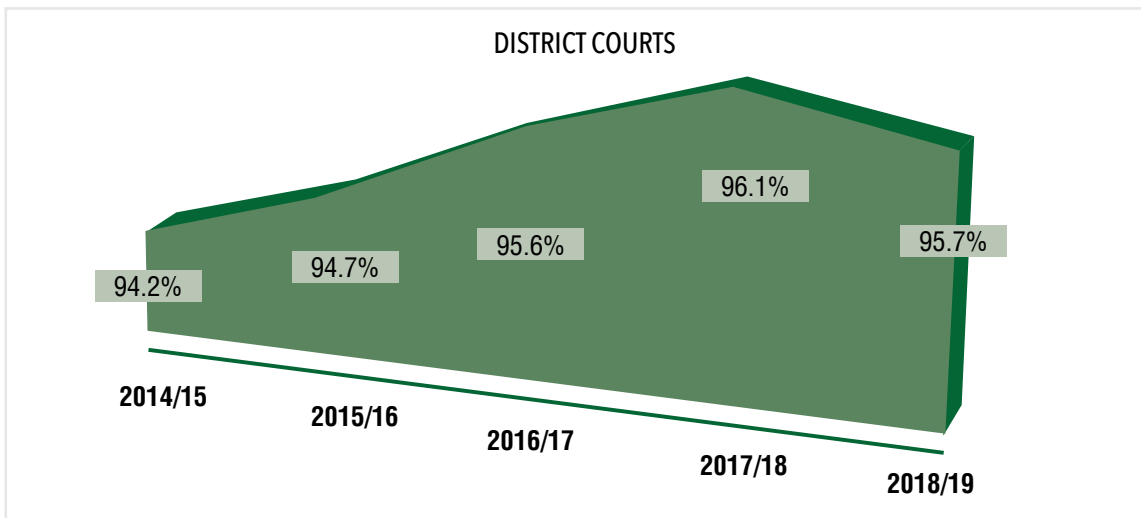
The district courts enrolled 740 498 new cases, which is an 11% (93 258) reduction compared to the 833 756 new cases enrolled in the previous financial year. The courts finalised 394 335 cases, comprising 247 342 verdict cases (63% of the total finalised cases) and 146 993 ADRM cases (37% of the total finalised cases). This represents a finalisation rate of 3.4 cases per court per day. Notwithstanding a decline in court utilisation, the prosecutors excelled during the period under review by not only exceeding the conviction rate target of 93% by 3%, but also obtaining 236 705 convictions. Effective stakeholder engagement, coupled with the aim of increasing successful prosecutions, contributed to the high conviction rates that were maintained by the district court prosecutors.

Cases finalised by district courts



A comparative analysis with previous years indicates the year-on-year improvement (from the 2014/15 financial year to the 2017/18 financial year) in the conviction rates achieved by district court prosecutors and confirms their dedication to improve the level of service to the victims of crime. Notwithstanding the decrease in the conviction rate in 2018/19, the prosecutors still managed to improve the conviction rate with 2% from 94,2% obtained during the 2014/15 financial year to the 95,7% during the current reporting period.

Conviction rate by district courts



In addition to the cases finalised, including ADRM, the prosecutors in the district courts finalised 65 929 court and criminal matters, which include a range of additional functions that take up valuable court time without the

credit of a case finalised (per definition). From the list below, it is evident that formal bail applications (78,5%), coupled with preliminary inquiries in terms of the Child Justice Act (14,2%), utilised the most court time. During the period under review, 51 766 formal bail applications were dealt with, which represents an increase of 1% from the total number of bail applications (51 370) dealt with during the previous financial year.

Progress on court/criminal matters finalised

Court/criminal matters finalised	Total	Percentage of total
Suspended sentences	3 125	4,7%
Conversion of maintenance trial to enquiry	560	0,9%
Application for leave to appeal	275	0,4%
Committal to mental institution	483	0,7%
Conversion of sentence	188	0,3%
Formal inquests	152	0,2%
Child Justice Act: preliminary inquiries	9 380	14,2%
Formal bail applications	51 766	78,6%
Total matters finalised	65 929	100,0%

A total of 795 997 dockets for decision was received during the current financial year, which represents an increase of 3% compared to the 770 912 dockets received during the previous financial year.

The district court prosecutors ensured, through quality decision-making, that a high level of service is delivered to the victims of crime. Despite this, severe resource constraints impacted negatively on screening processes throughout the regions as 10% (8 154) more cases were withdrawn by the district courts. Notwithstanding the increase in the number of withdrawals, the high conviction rate that was maintained reflects the commitment of the district court prosecutors to increase quality prosecution of cases. The high sentences imposed by the district courts indicate the focus of the prosecutors to ensure successful prosecution whilst striving to provide justice to the victims of crime.

Performance indicators

Strategic objective 17: Ensure successful prosecution					
Performance indicator	Actual achievement 2017/18	Planned target 2018/19	Actual achievement 2018/19	Deviation from planned target to actual achievement for 2018/19	Comment on deviations
17.1 Conviction rate in complex commercial crime	94,1% (911)	93% (801)	95% (760)	2%	Target exceeded due to: <ul style="list-style-type: none"> Increased focus on prosecutor-guided investigations Improved stakeholder relations

Strategic objective 17: Ensure successful prosecution

Performance indicator		Actual achievement 2017/18	Planned target 2018/19	Actual achievement 2018/19	Deviation from planned target to actual achievement for 2018/19	Comment on deviations
17.2	Conviction rate in organised crime	93,8% (346)	90% (384)	94,8% (294)	5%	Target exceeded due to: <ul style="list-style-type: none"> Improved stakeholder engagements
17.3	Number of persons convicted of corruption or offences related to corruption where the amount involved is more than R5 million	37	30	17	(43%)	Target not achieved due to: <ul style="list-style-type: none"> Serious corruption cases that are complex and take long to finalise due to applications brought by the defence, amongst others Because of the potential harsh sentences, accused persons often delay cases as far as possible and resort to pre-trial litigation Various cases are partly heard
17.4	Number of government officials convicted for corruption or offences related to corruption	213	230	210	(9%)	Target not achieved due to: <ul style="list-style-type: none"> Fewer government officials that were convicted as a result of several matters that are partly heard
17.5	Number of persons convicted of private sector corruption	n/a	Baseline	143	n/a	New indicator

Strategic objective 17: Ensure successful prosecution						
Performance indicator		Actual achievement 2017/18	Planned target 2018/19	Actual achievement 2018/19	Deviation from planned target to actual achievement for 2018/19	Comment on deviations
17.6	Conviction rate in money laundering	n/a	75% (Baseline)	100% (84)	33%	Target exceeded due to: <ul style="list-style-type: none"> The NPA that is actively involved with the monitoring of progress on money laundering Improved stakeholder relations
17.7	Conviction rate in cybercrime prosecution	98,5% (330)	95% (268)	99,1% (440)	4%	Target exceeded due to: <ul style="list-style-type: none"> An increased finalisation of cases as a result of a collective approach between all partners in the criminal justice value chain
17.8	Conviction rate in sexual offences	72,7% (5 004)	70% (4 602)	74.4% (4 724)	6%	Target exceeded due to: <ul style="list-style-type: none"> Victim-centred interventions such as the TCCs and court preparation programme to provide counselling to the victims, thereby promoting a high degree of communication and increased consultation with victims and witnesses

Strategic objective 17: Ensure successful prosecution

Performance indicator		Actual achievement 2017/18	Planned target 2018/19	Actual achievement 2018/19	Deviation from planned target to actual achievement for 2018/19	Comment on deviations
17.9	Conviction rate in trio crimes	82,9% (1 723)	85% (1 579)	82.4% (1 578)	(3%)	Target not achieved due to inter alia: <ul style="list-style-type: none"> • The reluctance of witnesses to testify • Incomplete investigations and collection of the evidence at the scene of the crime • The absence of corroborating evidence concerning the identity of the offender • Discrepancies between the evidence of state witnesses • Representations that can result in the withdrawal of cases
17.10	Conviction rate in murder prosecutions	77,7% (3 601)	75% (3 404)	78.3% (3 492)	4%	Target exceeded due to: <ul style="list-style-type: none"> • The enhanced focus of the regions • Improved stakeholder relations

Strategic objective 17: Ensure successful prosecution

Performance indicator		Actual achievement 2017/18	Planned target 2018/19	Actual achievement 2018/19	Deviation from planned target to actual achievement for 2018/19	Comment on deviations
17.11	Conviction rate in violent protests and industrial action	68,8% (88)	74% (75)	68,8% (95)	(7%)	Target not achieved due to inter alia: <ul style="list-style-type: none"> • The reluctance of witnesses to testify • Poor identification of offenders and their specific actions • Discrepancies between the evidence of state witnesses as a result of incomplete investigations and collection of evidence at the scene of the crime • Representations that can result in the withdrawal of cases
17.12	Number of victims assisted at TCC sites	33 973	29 800	34 558	16%	Target exceeded due to: <ul style="list-style-type: none"> • Improved public awareness and/or increased confidence in the TCC model and the criminal justice system at large • Continuous efforts and cooperation with relevant stakeholders to ensure improvement of targets

Strategic objective 17: Ensure successful prosecution						
Performance indicator		Actual achievement 2017/18	Planned target 2018/19	Actual achievement 2018/19	Deviation from planned target to actual achievement for 2018/19	Comment on deviations
17.13	Conviction rate at TCC reported cases	74,5% (1 899)	70% (1 633)	73,5% (1 636)	5%	Target exceeded due to: <ul style="list-style-type: none"> Improved public awareness and/or increased confidence in the TCC model and the criminal justice system at large Continuous efforts and cooperation with relevant stakeholders to ensure improvement of targets

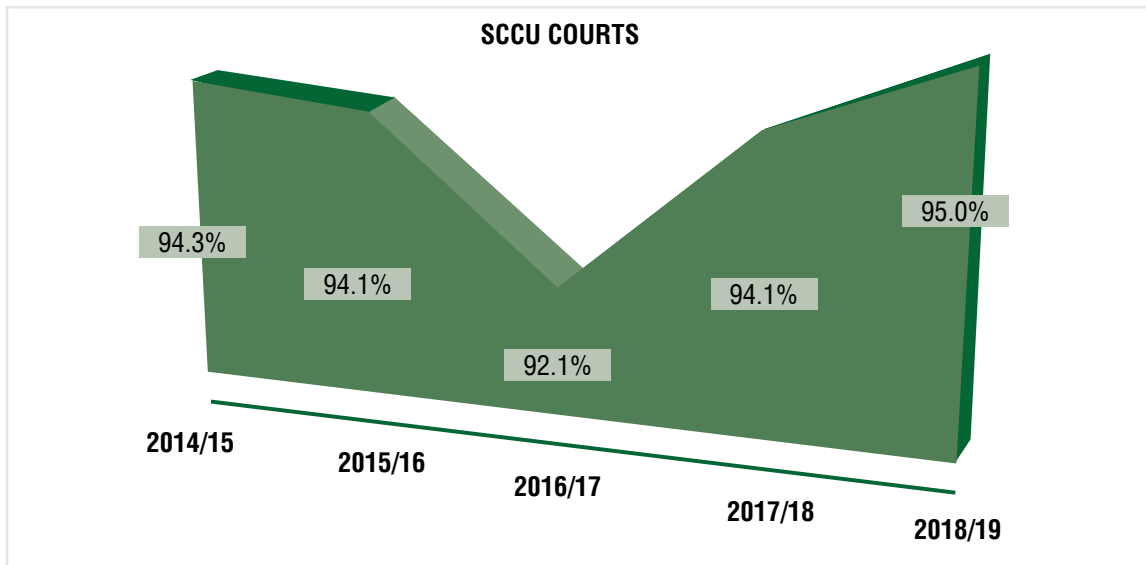
Conviction rate in complex commercial crime

The SCCU has achieved significant successes in its focus areas of corruption, cybercrime and money laundering. Key targets related to these types of crime were achieved or significantly exceeded. The impact on serious economic crime is also evident in the 800 verdict cases that were finalised, with 760 convictions. This represents a conviction rate of 95% that was achieved in complex commercial crime cases during the current financial year, exceeding the target of 93% by 2%, as a result of the concerted effort by the SAPS to manage complex commercial crime cases through the utilisation of a prosecutor-guided methodology. Compared to the previous year, an increase of 1% is noted in the conviction rate. This achievement should also be viewed against serious resource constraints that are still experienced in some offices.

Progress on complex commercial crime matters

Financial years	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	Projected change over previous year	Change over period 2012/13 to 2018/19
Complex commercial crime	91%	93,9%	94,3%	94,1%	92,1%	94,1%	95%	1%	4%
Convictions	841	1 099	1 069	951	793	911	760	(17%)	(10%)
Verdict	922	1 170	1 134	1 011	861	968	800	(17%)	(13%)

Progress on complex commercial crime conviction rates



Conviction rate in organised crime

The NPA continued to focus specifically on organised crime cases during the current financial year. A concerted effort was made during the past year to identify the constraints and definitions related to organised crime. This contributed to a high conviction rate of 94,8% that was achieved, which is a 1% increase compared to the previous financial year, during which a 93,8% conviction rate was obtained. A total of 310 cases were finalised by all dedicated personnel dealing with organised crime, which is a decrease of 59 cases on the number of cases finalised during the previous financial year, as depicted in the table below.

Progress on complex commercial crime matters

Financial years	Guilty and sentenced	Conviction rate	Cases finalised with verdict
2012/13	273	90,7%	299
2013/14	394	88,9%	442
2014/15	474	92,2%	510
2015/16	359	88,9%	398
2016/17	386	92,1%	428
2017/18	346	93,8%	369
2018/19	294	94,8%	310

Specific focus was centralised around various areas such as illegal precious metal, including copper, rhino-related offences, drug dealings, illicit mining and tax matters.

Number of persons convicted of corruption where the amount involved is more than R5m

In line with the MTSF, a special focus was once again placed on the prosecution of cases of corruption to improve investor perception and trust to invest in South Africa. This is also in line with the priority focus of government in dealing with corrupt government officials.

The SCCU continued to participate in the Anti-Corruption Task Team (ACTT), which was set up to focus on fast tracking the investigation and prosecution of serious cases of corruption and to increase the success of the SCCU in fighting and preventing corruption in South Africa.

Although there was an increase of corruption cases, only a few of these cases fell within the category of exceeding R5 million. In addition to this, serious cases of corruption are complex and take a long time to be finalised in both the investigation and prosecution phases, due to inter alia, applications brought by the defence. Because of the potential harsh sentences, the accused often delay cases as far as possible and resort to pre-trial litigation. As a result of these aforementioned challenges, 17 people were convicted of corruption or offences related to corruption where the amount involved is more than R5 million, 43% below the target to convict at least 30 people. In order to improve performance, continuous identification of cases is regularly done by all stakeholders at the ACTT. Serious corruption cases that are targeted for enrolment and finalisation are identified and prioritised. Concerted efforts are also being made to fast track the investigations and prosecution of high value corruption cases through improved stakeholder engagements.

The number of convictions has gradually increased from 2014/15 to 2017/18, which is depicted in the table below, assisting the NPA to achieve the 2014-2019 MTSF target. However, during the current reporting period, a reduction in the number of convictions was recorded.

Progress on the number of persons convicted of R5 million corruption

Financial year	Persons convicted of corruption where the amount involved is more than R5 million
2012/13	42
2013/14	34
2014/15	23
2015/16	24
2016/17	29
2017/18	37
2018/19	17

Number of government officials convicted for offences related to corruption

High levels of crime slow South Africa's social and economic development and high corruption levels disturb the society's ability to operate fairly and efficiently, as well as the State's ability to deliver on its development mandate. The 2014-2019 MTSF and the NDP identify fighting corruption as one of the key challenges facing South Africa and proposes the building of a resilient anti-corruption system to deal with it in order to improve investor perception and trust in the country. The NPA plays a critical role in the fight against corruption by guiding the investigation and conducting the prosecution of people who have committed corruption, whether they are in the public or private sectors.

Notwithstanding the focused approach followed by the NPA, the courts only secured the conviction of 210 government officials, 9% below the target of 230 government employees. Fewer cases were finalised due to a reduction in the inflow of cases, coupled with a reduction in court utilisation. This also resulted in a reduction in performance by 1% compared to the previous financial year. In order to address the non-achievement of the target, the NPA is participating and monitoring progress in the ACTT meetings, and conducts regular stakeholder engagements. Continuous identification, as well as prioritisation and finalisation of cases will also contribute to an improvement in performance. The 210 government officials convicted were from the following sectors: 115 accused were from national departments; 46 accused from local authority; 27 accused from provincial departments; 18 accused from government agencies and four accused from the NPA.

Due to the collective approach between all partners in the criminal justice value chain, the focus on crime and corruption was enhanced, which resulted in an increase in performance between 2013/14 and 2016/17 and ensured that the 2014-2019 MTSF target was achieved.

Progress on number of government officials convicted of corruption

Financial year	Government officials convicted of corruption
2012/13	104
2013/14	73
2014/15	130
2015/16	206
2016/17	224
2017/18	213
2018/19	210

Number of persons convicted of private sector corruption

The focus on corruption was intensified during the 2018/19 financial year and the measure of corruption broadened to private sector corruption. The NPA convicted 143 persons of private sector corruption during the current reporting period. This is a new indicator and the baseline performance will be determined by utilising the performance data of the current financial year.

Conviction rate in money laundering

The 2018/19 reporting period was the first time for the NPA to introduce an organisation-wide target on money laundering, as it was previously only targeted within the SCCU, who deals mostly with charges of money laundering. The NPA is also actively involved with the monitoring of progress on money laundering as part of the international standards set by the Financial Action Task Force (FATF).

A 100% conviction rate, with 84 convictions, in money laundering was obtained by the NPA. This is a new indicator and the baseline performance will be determined by utilising the performance data of the current financial year.

Conviction rate in cybercrime prosecutions

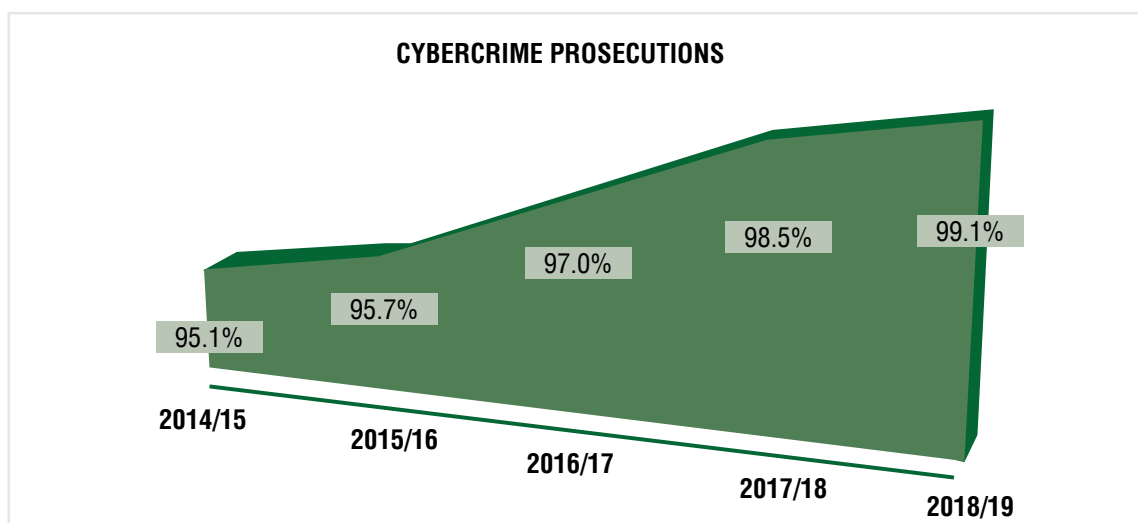
In line with the priorities set by the MTSF, a special focus was once again placed on the prosecution of cybercrime cases to curb the scourge of this international phenomenon. Although new technologies create new criminal opportunities rather than new crime types, cybercrime is an extension of an ordinary crime committed within cyber space where ICTs are used as an instrumentality, target or a means for perpetuating further crimes. These cases are very complex in nature and encompass a high level of technical evidence.

Notwithstanding the complexity of these matters, the prosecutors and advocates of the specialised unit excelled by finalising 444 verdict cases with 440 convictions, while ensuring quality prosecutions by maintaining a remarkable conviction rate of 99,1%. The target was not only exceeded by 4%, but an improvement of 1% is also noted compared to the 98,5% achieved during the previous financial year. The conviction rate of 99,1% is also the highest achievement over the past six years, as depicted in the table and figure below. This improvement can be attributed to the continuous training of prosecutors and sustained interaction with the judiciary. The NPA also ensures compliance with the procedural guidelines (inclusive of planning) in order to ensure cases are trial ready. The increased finalisation of these cases in the trend below reflects the focused approach and indicates the high level of quality prosecutions maintained by the prosecutors.

Progress on cybercrime matters

Financial years	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	Projected change over the previous year	Change over the period 2012/13 to 2016/17
Cybercrime	94,8%	95,1%	95,7%	97,0%	98,5%	99,1%	1%	5%
Convictions	200	232	244	289	330	440	33%	120%
Verdict	211	244	255	298	335	444	33%	110%

Conviction rate in cybercrime matters



Conviction rate in sexual offences

The special focus placed on the victims of sexual crimes assists to combat and prevent further violence against women and children. In accordance with the Presidential directives to enhance the focus on sexual offence matters through the establishment of dedicated courts, the courts managed to exceed the conviction rate on sexual offences cases, albeit with current stretched resources.

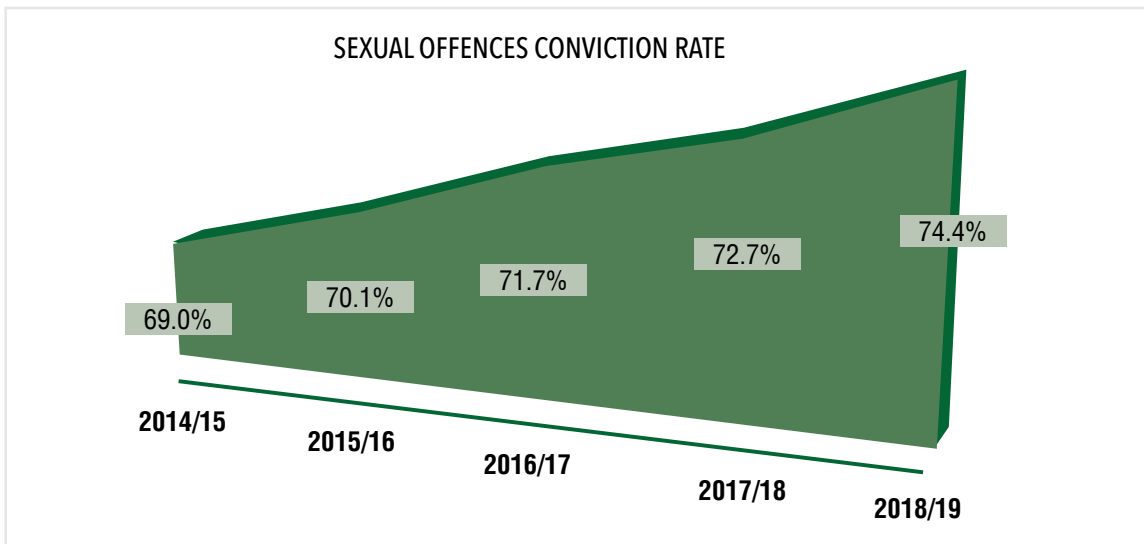
All prosecutors indicated their commitment to curb the on-going violence against women, children and the vulnerable by finalising 6 353 sexual offences cases with a verdict and obtaining 4 724 convictions. Not only did this performance exceed the set target of 70% by 6%, but it was also the highest conviction rate recorded in the past seven years. The high conviction rate of 74.4% was a clear indication of the commitment of the prosecutors to act decisively against the offenders and to strive to prevent sexual violence. The enhanced focus of the regions to curb sexual violence is evident from the number of convictions obtained, coupled with the severe sentences imposed by the courts. It is evident that the multi-disciplinary approach followed by the provincial structures with stakeholders from the DoJ&CD, Legal Aid SA, the SAPS, Department of Health and the NPA are bearing fruit in this fight against violence.

The upward trend in the conviction rate is indicated in the table and figure below:

Progress on sexual offences matters

Financial years	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	Projected change over the previous year	Change over the period 2012/13 to 2016/17
Sexual Offences	66%	67,1%	69%	70,1%	71,1%	72,7%	74.4%	2%	13%
Convictions	4 670	5 484	5 084	4 978	4 780	5 004	4 724	(6%)	1%
Verdict	7 093	8 174	7 372	7 098	6 669	6 878	6 353	(8%)	(10%)

Overview of sexual offences conviction rate



Conviction rate in trio crimes

Trio crimes comprise vehicle robberies (hi-jacking), house robberies and business robberies. These are all crimes that have a direct impact on the community’s feeling of safety as envisaged in the MTSF. It is therefore of the utmost importance to ensure that all members in the criminal justice value chain follow a collective approach in curbing the increasing rate of trio crimes.

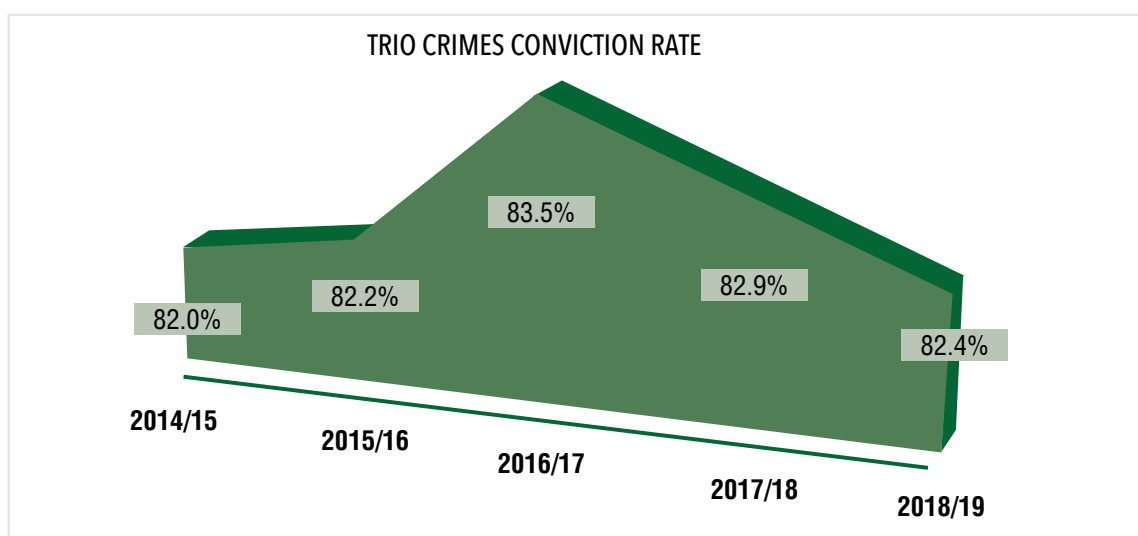
The NPA placed a special focus on trio crime cases in order to uphold quality in all trio crime prosecutions. Notwithstanding this focus, a conviction rate of 82.4% in the prosecution of trio crime cases was obtained, 3% below the target of 85%. Various factors contributed to the non-achievement of the target, such as the reluctance of witnesses to testify; incomplete investigations and collection of the evidence at the scene of the crime; the absence of corroborating evidence concerning the identity of the offender; discrepancies between the evidence of state witnesses and representations that can result in the withdrawal of cases, amongst others.

Despite the non-achievement of the conviction rate target during the current reporting period, the prosecutors finalised a total of 1 916 trio cases with a verdict, the second highest number of verdict cases in the past 7 years, as depicted in the table below.

Progress on trio crime matters

Financial years	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	Projected change over the previous year	Change over the period 2012/13 to 2016/17
Conviction rate	83%	84,1%	82%	82,2%	83,5%	82,9%	82.4%	(1%)	(1%)
Convictions	1 274	1 597	1 453	1 391	1 552	1 723	1 578	(8%)	25%
Verdict	1 527	1 899	1 772	1 692	1 858	2 078	1 916	(8%)	26%

Progress in trio crime conviction rate



Various measures were implemented in the regions to increase performance in all trio crime matters, including continuous stakeholder engagement with the SAPS management at provincial levels relating to the SAPS resourcing and quality of investigations; ensuring accurate identification of cases and prosecutor-guided investigations from the first appearance; ensuring the fast tracking of these cases through the court system and improving accurate reporting of these cases.

Notwithstanding the non-achievement of the conviction rate target, the NPA still managed to positively impact on the three crime categories trio crimes comprise of; i.e. house robberies, business robberies and vehicle robberies (hi-jacking). The total of 1 578 verdict cases comprised 2 048 trio counts, i.e. 1 050 counts of house robberies, 608 counts of business robberies and 390 counts of vehicle robberies/hi-jacking. A breakdown of the categories indicates that a high conviction rate was achieved in house robberies, whilst business and vehicle robberies accounted for a below the norm conviction rate. The latter is mainly ascribed to the poor quality evidentiary material and absence of witnesses.

Breakdown of trio crime counts

2018/19	Convictions	Acquittals	Conviction rate
House robberies	1 050	175	85,7%
Business robberies	608	126	82.8%
Vehicle robbery/Hi-jacking	390	93	80.7%
Total trio counts	2 048	394	83.9%

Conviction rate in murder prosecutions

The conviction rate in murder prosecutions mainly aims to indicate the impact of prosecutions in curbing the increasing violence and violent crimes in South Africa. The prosecutors within the NPA are passionate about curbing the increasing rate of violence and serving the community. The prosecutors performed well by finalising 4 458 verdict cases and obtaining 3 492 convictions in murder cases, which represent a 78.3% conviction rate in murder prosecutions. This performance exceeded the target by 3%. The 4 458 murder verdict cases relate to 4 645 counts of murder. This constitutes on average, 1.04 counts per murder case.

Despite this excellent performance, a slight decline was noted in the number of verdict cases compared to the previous financial year, during which 4 636 verdict cases were finalised. However, the dedication and commitment of the prosecutors is evident from the improvement in the conviction rate on all murder related prosecutions. The enhanced focus of the regions to curb serious crime is also apparent from the number of convictions obtained, coupled with the severe sentences imposed by the courts.

Progress in murder conviction rate



Gender-based violence (violence against women) is a Government-wide priority area. This crime type is serious and takes many forms, of which the murder of an intimate partner is one of the most extreme consequences. As a result of the high prevalence of intimate partner violence against women, the NPA adopted a renewed commitment to prioritise its resources to address this scourge of gender-based violence within the country and to monitor the results of this intervention. During the current reporting period, 66 cases of intimate partner femicide were finalised, with an outstanding 97% conviction rate.

Conviction rate in violent protests and industrial actions prosecuted

Political and/or domestic instability is a serious challenge that, if left unabated, will undermine our democracy, rule of law and development trajectory. Issues that contribute to this instability are violent industrial and service delivery-related protest actions, as well as disrespect for authority and for one another. It is therefore imperative to prevent and combat the violent crime that accompanies what is otherwise legitimate industrial and protest action.

Challenges during the previous years resulted in the NPA only achieving a low conviction rate in this crime type. A conviction rate of 68,8% was achieved in violent protests and industrial action during the current reporting period. The number of convictions also increased from 88 convictions in the previous financial year to 95 convictions in the current financial year.

Factors that impact on the conviction rates and that are being addressed include the reluctance of witnesses to testify, the identification of perpetrators and discrepancies between the evidence of state witnesses. Taking cognisance of the aforementioned challenges, it was evident that a focused approach was needed to improve the conviction rate. Some regions assigned dedicated prosecutors to deal with these cases. Prosecutors in these

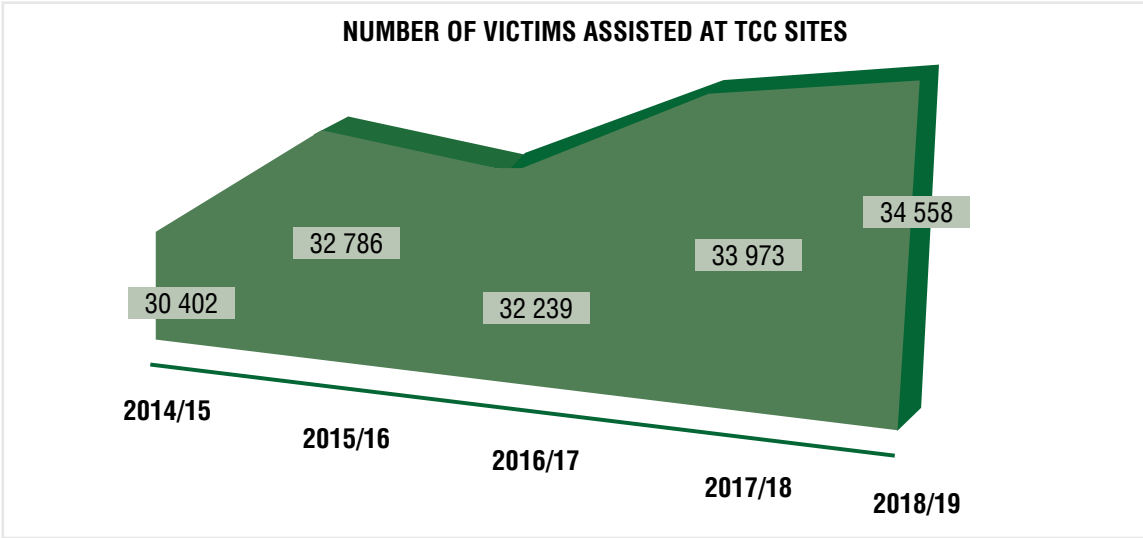
cases were also assisted by advocates from the office of the Director of Public Prosecutions (DPP) and other experienced prosecutors who monitored progress and provided guidance. Training is provided to the police units attending to riots and marches as well as to investigating officers in the Detective Branch of the SAPS.

Number of victims assisted at TCC sites

The success of the Thuthuzela Care Centres (TCCs) is founded in the service delivery to victims of crime. A total of 34 558 victims were assisted at the 55 operational TCC sites, exceeding the target of 29 800 victims by 16% and the performance of the previous financial year by 2%. This outstanding performance was as a result of the sustained efforts and cooperation with the relevant stakeholders.

Taking cognisance of the fact that the SOCA Unit only operated with 55 TCCs for the last few years due to budget constraints, it is noteworthy that the number of victims assisted at these TCCs improved from 2014/15, as depicted in the figure below. It is important to note that 4 156 (14%) more victims were assisted during the current reporting period, compared to the 30 402 victims that were assisted during the 2014/15 financial year. Improved public awareness and/or increased confidence in the TCC model and the criminal justice system at large also contributed to this improvement in performance.

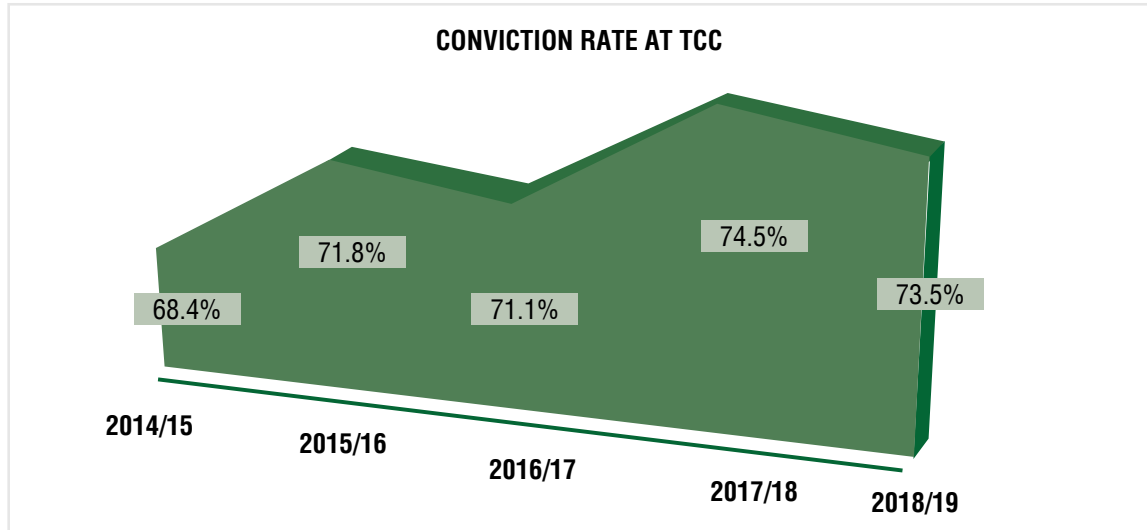
Progress the on number of victims assisted at the TCC sites



Conviction rate at TCC reported cases

The courts achieved a 73,5% conviction rate in sexual offences cases reported at TCCs, exceeding the annual target of 70% by 5%. Notwithstanding the marginal reduction of 1% in the conviction, compared to the previous financial year, a significant improvement of 5% is noted compared to the 68,4% conviction rate that was achieved in the 2014/15 financial year, as depicted in the figure below.

Progress on TCC cases conviction rate



For the past four years, the SOCA Unit maintained a conviction rate exceeding 70% for TCC reported cases, as depicted in the table below. Continuous efforts and cooperation with relevant stakeholders contributed to this excellent achievement.

Progress on TCC cases finalised with a verdict and conviction rate

Financial year	Verdict cases	Conviction rate
2012/13	2 248	61%
2013/14	2 357	65,9%
2014/15	2 285	68,4%
2015/16	2 340	71,8%
2016/17	2 334	71,1%
2017/18	2 549	74,5%
2018/19	1 635	73,5%

Strategic objective 18: Ensure that profit is removed from crime

Strategic objective 18: Ensure that profit is removed from crime						
Objective indicator		Actual achievement 2017/18	Planned target 2018/19	Actual achievement 2018/19	Deviation from planned target to actual achievement for 2018/19	Comment on deviations
18.a	Number of completed forfeiture cases	563	500	495	(1%)	<p>Target not achieved due to:</p> <ul style="list-style-type: none"> • Undue delays in the finalisation of litigation • Undue delays in the settlement of high value state capture matters which are taking longer to finalise as a result of the extent and complexity of the cases • The focus on the state capture cases resulted in a reduction in cases due to staff shortages since the main emphasis was on dealing with priority cases
18.b	Value of completed forfeiture cases	R350.95 million	R6 billion	R3.13 billion	(48%)	<p>Target not achieved due to:</p> <ul style="list-style-type: none"> • Undue delays in the finalisation of litigation • Undue delays in the settlement of high value state capture matters which are taking longer to finalise as a result of the extent and complexity of the cases • The focus on the state capture cases resulted in a reduction in cases due to staff shortages since the main emphasis was on dealing with priority cases

Number of completed forfeiture cases

During the year under review, the NPA completed 495 forfeiture orders, 1% below the target of 500 forfeiture orders. Various performance inhibiting factors, inter alia, undue delays in the finalisation of litigation and undue delays in the settlement of high value state capture matters contributed to the non-achievement of the target. The organisation focused on high value state capture cases, which take longer to finalise as a result of the size and complexity of the cases. This gave rise to a reduction in cases due to staff shortages, since the main emphasis was on dealing with priority cases. Measures to speed up the finalisation of the high value state capture cases were implemented, such as the additional staff that was dedicated from the regional offices to assist with the state capture cases. The NPA also continued to engage with stakeholders to ensure relevant cases are referred.

The table below depicts the annual comparison of performance for the number of completed forfeiture cases from the 2012/13 financial year to the 2018/19 financial year. It is evident that, despite the decrease in the 2015/16 financial year, performance improved significantly from the 2012/13 financial year, with the performance in 2017/18 being the best performance over the past seven years. In 2018/19 the performance started to decrease again as a result of the aforementioned performance inhibiting challenges experienced by the AFU.

Annual comparison of number of completed forfeiture cases: 2012/13 to 2018/19

Indicator	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	Change over the previous year	Change over the period
Number of completed forfeiture cases	302	390	463	389	560	563	495	(12%)	65%

Value of completed forfeiture cases

Forfeiture and confiscation orders to the value of R3.13 billion were obtained, 48% below the target of R6 billion. Various performance inhibiting factors, inter alia, undue delays in the finalisation of litigation and undue delays in the settlement of high value state capture matters contributed to the non-achievement of the target. The organisation focused on high value state capture cases, which take longer to finalise as a result of the size and complexity of the cases. This gave rise to a reduction in cases due to staff shortages, since the main emphasis was on dealing with priority cases. Measures to speed up the finalisation of the high value state capture cases were implemented, such as the additional staff that was dedicated from the regional offices to assist with the state capture cases. The NPA also continued to engage with stakeholders to ensure relevant cases are referred.

The table below depicts the annual comparison of performance for the value of completed forfeiture cases from the 2012/13 financial year to the 2018/19 financial year. It is evident that performance during the 2018/19 financial year was the best performance over the past seven years. Notwithstanding the non-achievement of the target, this performance significantly exceeded the performance of the previous financial year by 792%.

Annual comparison of value of completed forfeiture cases: 2012/13 to 2018/19

Indicator	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	Change over the previous year	Change over the period
Value of completed forfeiture cases	R119 million	R296.4 million	R1.94 billion	R349.6 million	R423.6 million	R350.95 million	R3.13 billion	792%	2 530%

Performance indicators

Strategic objective 18: Ensure that profit is removed from crime						
Performance indicator	Actual achievement 2017/18	Planned target 2018/19	Actual achievement 2018/19	Deviation from planned target to actual achievement for 2018/19	Comment on deviations	
18.1	Number of freezing orders obtained	324	264	273	3%	Target exceeded due to: <ul style="list-style-type: none"> Increased focus on Chapter 6 preservations
18.2	Value of freezing orders	R4.4 billion	R10 billion	R455 million	(96%)	Target not achieved due to: <ul style="list-style-type: none"> Undue delays in the finalisation of high value cases (especially state capture cases) due to performance inhibiting factors such as the complexity and extend of high value cases, delays in criminal investigations and a lack of financial capacity The high vacancy rate within the AFU also negatively impacted on the performance of the unit As a result of the budget constraints, no vacancies could be filled

Strategic objective 18: Ensure that profit is removed from crime						
Performance indicator		Actual achievement 2017/18	Planned target 2018/19	Actual achievement 2018/19	Deviation from planned target to actual achievement for 2018/19	Comment on deviations
18.3	Value of freezing orders obtained relating to corruption where the amount involved is more than R5 million	R3.8 billion	R8 billion	R262 million	(97%)	Target not achieved due to: <ul style="list-style-type: none"> Recoveries follow on completed forfeiture matters The finalisation of high value corruption cases takes longer to finalise as a result of the complexity and extent of high value cases, the delays caused in the state capture cases and staff shortages
18.4	Value of recoveries in terms of Prevention of Organised Crime Act (POCA)	R302.8 million	R3 billion	R3.05 billion	2%	Target exceeded due to: <ul style="list-style-type: none"> Increased focus on the completion of high value cases using Chapter 6 matters
18.5	Success rate of litigated cases	99,1% (557/562)	93%	98% (497/507)	5%	Target exceeded due to: <ul style="list-style-type: none"> Case selection criteria and proper screening of cases
18.6	Value of recoveries relating to corruption where the amount involved is more than R5 million (proceeds of crime and government losses)	R2.54 million	R2.5 billion	R2.84 billion	14%	Target exceeded due to: <ul style="list-style-type: none"> Recoveries made in state capture cases

Strategic objective 18: Ensure that profit is removed from crime						
Performance indicator		Actual achievement 2017/18	Planned target 2018/19	Actual achievement 2018/19	Deviation from planned target to actual achievement for 2018/19	Comment on deviations
18.7	Value of recoveries for government officials convicted of corruption and other related offences (proceeds of crime and government losses)	R410 000	R2.4 million	R172 000	(93%)	Target not achieved due to: <ul style="list-style-type: none"> Only a few convictions obtained in relevant cases where recoveries could be made

Number of freezing orders obtained

The NPA continued to implement measures to increase productivity, improve coordination and resolve inhibiting factors with its partners by obtaining 273 freezing orders. This performance exceeded the annual target of 264 by 3% due to an increased focus on Chapter 6 matters. Notwithstanding the over-achievement of the target, the number of freezing orders decreased by 16% (51 freezing orders) compared to the previous financial year, with the 2018/19 financial year being the worst performing period over the last seven years.

Annual comparison of number of freezing orders: 2012/13 to 2018/19

Indicator	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	Change over the previous year	Change over the period
Number of freezing orders	276	363	342	326	377	324	273	(16%)	(1%)

Value of freezing orders

During the year under review, freezing orders to the value of R455 million were obtained, 96% below the target of R10 billion. The performance is a significant reduction compared to the previous year, during which freezing orders to the value of R4.4 billion were obtained. The current year's performance was recorded as the worst performance in the last seven years as a result of the delay in investigations of the complex high value state capture cases, staff shortages and a lack of financial investigations. The high vacancy rate also impacted negatively on the performance. No vacancies could be filled due to budget constraints within the NPA. Measures to speed up the finalisation of the high value state capture cases were implemented, such as the additional staff that was dedicated from the regional offices to assist with the state capture cases. The AFU also continued to engage with stakeholders to ensure relevant cases are referred.

Annual comparison of value of freezing orders: 2012/13 to 2018/19

Indicator	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	Change over the previous year	Change over the period
Value of freezing orders	R518 million	R701 million	R2 756 million	R778.9 million	R1.194 billion	R4.4 billion	R455 million	(90%)	(13%)

Value of freezing orders obtained relating to corruption where the amount involved is more than R5 million

During the year under review, freezing orders relating to corruption where the amount involved is more than R5 million, to the value of R262 million were obtained, 97% below the target of R8 billion. This performance is also a significant reduction, 93% compared to the performance of the previous financial year, during which freezing orders to the value of R3.8 billion were obtained. Recoveries follow on completed forfeiture cases. Finalising high value corruption cases takes longer due to the complexity and size of these cases. The delays in the state capture cases and staff shortages also contribute to the longer finalisation rate of high value corruption cases. A concerted effort is being made to improve the finalisation rate of cases in the ACTT.

Value of recoveries in terms of POCA

Recoveries in terms of POCA to the value of R3.05 billion were obtained, exceeding the target of R3 billion by 2%. The performance also significantly increased by 907% compared to the previous financial year. The focused strategies of prioritisation of recoveries (especially victim payments) and the increased focus on the completion of high value cases through Chapter 6 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 R2.89 billion into CARA in 2018/19.

The table below reflects the performance of the AFU in the last seven years in terms of the value of recoveries:

Annual comparison of value of recoveries in terms of POCA: 2012/13 to 2018/19

	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	Change over the previous year	Change over the period
Payments to victims	R28.6 million	R84.4 million	R1 658 million	R390.2 million	R149.4 million	R195.8 million	R166 million	(15%)	480%
Payments into CARA	R34.8 million	R98.5 million	R58.2 million	R54.2 million	R69.1 million	R107 million	R2.89 billion	2 601%	8 205%
Value of recoveries in terms of POCA (victims and CARA)	R63.4 million	R182.9 million	R1 716.2 million	R444.2 million	R219 million	R302.8 million	R3.05 billion	907%	4 711%

Success rate

A success rate of 98% was achieved, exceeding the target of 93% by 5%. This good performance can be attributed to a cautious approach being followed in the case selection of complex high value cases being handled in terms of Chapter 5 and a more focused approach being followed in pursuing cases through Chapter 6.

Value of recoveries relating to corruption where the amount involved is more than R5 million (proceeds of crime and government losses)

Recoveries relating to corruption where the amount involved is more than R5 million to the value of R2.84 billion were obtained, exceeding the target of R2.5 billion by 14%. This performance is also a significant improvement on the performance of the previous financial year during which recoveries to the value of R2.54 million were obtained. The recoveries made in state capture cases contributed to this outstanding performance.

Value of recoveries for government officials convicted of corruption and other related offences (proceeds of crime and government losses)

Recoveries relating to government officials convicted of corruption and related offences to the value of R172 000 were made, which is significantly below the target of R2.4 million by 93%. While the unit obtained some restraining orders involving complex high value matters, only a few convictions were obtained for which confiscation orders could be secured. The AFU is dependent on the prosecution for the referral and finalisation of these since the unit can only proceed with Chapter 5 proceedings following on convictions. The AFU therefore requested relevant stakeholders to ensure that applicable cases involving government officials, are referred.

Strategic objective 19: Ensure vulnerable and intimidated witnesses and related persons are successfully protected

Strategic objective 19: Ensure vulnerable and intimidated witnesses and related persons are successfully protected					
Objective indicator	Actual achievement 2017/18	Planned target 2018/19	Actual achievement 2018/19	Deviation from planned target to actual achievement for 2018/19	Comment on deviations
19 Number of witnesses and related persons threatened, harmed or killed while on the Witness Protection Programme	0	0	0	0%	Target achieved due to: <ul style="list-style-type: none"> Effective operations model and operations planning

Number of witnesses and related persons threatened, harmed or killed while on the Witness Protection Programme

During 2018/19, the OWP maintained its performance record of the last 17 years in ensuring that no witnesses and related persons were threatened, harmed or killed while on the Witnesses Protection Programme.

Performance indicator

Strategic objective 19: Ensure vulnerable and intimidated witnesses and related persons are successfully protected					
Performance indicator	Actual achievement 2017/18	Planned target 2018/19	Actual achievement 2018/19	Deviation from planned target to actual achievement for 2018/19	Comment on deviations
19.1 Percentage of witnesses and related persons that walked off the Witness Protection Programme	1,2% (9/772)	1,5%	0,6% (4/669)	60%	Target achieved due to: <ul style="list-style-type: none"> Witness management through induction processes and continued interaction with the witnesses and their related persons
19.2 Percentage of witnesses and related persons successfully discharged and resettled	100%	100%	100%	0%	Amicable resettlement agreements guided by the Witness Protection Act and Constitution of South Africa

Percentage of witnesses and related persons that walked off the Witness Protection Programme

Three witnesses and one related person, who no longer wanted to be on the programme, left the programme voluntarily and without notice. This is 0,6% of the total number of witnesses and related persons 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 Witness Protection Programme 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 48 accused persons were convicted, with two life terms and 669 sentences of direct imprisonment that were imposed in cases in which witnesses on the Witness Protection Programme have testified.

During the year under review, 218 witnesses and 132 related persons joined the programme. A total of 669 witnesses and related persons were managed in the Witness Protection Programme during the period under review. This includes witnesses and related persons carried over from the 2017/18 financial year. Guided by the intention of the Witness Protection Act, and the values and ethos of the Constitution, 90 witnesses and 76 related persons were successfully discharged and resettled. A total of 90 witnesses and 55 related persons signed off the Witness Protection Programme. 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's strategy lies in business unit performance management and enterprise performance management (EPM). The NPA will ensure that business unit performances, rewards and recognition are aligned to the NPA strategic objectives. There is a continued strong focus on the monitoring and evaluation of performance at all levels in the NPA, which will continue.

The NPA will continue to hold quarterly EPM committee meetings 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 were introduced to monitor and evaluate performance at various levels. The committee meets quarterly and business units are invited to present their performance and 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 was a shift in focus from measuring outputs to outcomes-based and impact-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 was defined in the form of performance agreements and job descriptions, and their performance is assessed in line with these functions.

The effective performance of the NPA is directly linked to the effective performance of the other role-players in the criminal justice system. Faced with budget constraints, the NPA will explore more interventions to reorganise work and responsibilities in order to function optimally with the current available resources.

No changes to planned targets were made.

Linking performance with budgets

The Programmes overall expenditure for the year amounted to R 3.799 billion against the budget of R 3.800 billion, resulting to an under spending of R 281 thousand. The under spending is due to lower than anticipated payments for SASSETA levies.

Programme Name	2018/2019			2017/2018		
	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
National Prosecutions Service	3 058 752	3 058 752	-	2 946 254	2 946 254	-
Asset Forfeiture Unit	127 794	127 794	-	126 520	126 520	-
Office for Witness Protection	193 539	193 539	-	189 994	189 994	-
Support Services	419 591	419 310	281	480 273	480 147	126
Total	3 799 676	3 799 395	281	3 743 041	3 742 915	126

4.5 PROGRAMME 5: AUXILIARY 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 R759 631 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 relates to the work within this programme that is implemented by the DoJ&CD (Justice Modernisation), and key performance indicators of this objective are detailed in the table below.

20. Functional integrated electronic criminal justice system to monitor the performance of the Criminal Justice System.

STRATEGIC OBJECTIVE 20: FUNCTIONAL INTEGRATED ELECTRONIC CRIMINAL JUSTICE SYSTEM ESTABLISHED TO MONITOR THE PERFORMANCE OF THE CRIMINAL JUSTICE SYSTEM

Strategic objective 20: Functional integrated electronic criminal justice system established to monitor the performance of the criminal justice system					
Objective indicator	Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations
20 Number of key performance indicators reported on the Integrated Criminal Justice System	22	26	26	-	Target achieved

The primary objective of the IJS is to transform South Africa's Criminal Justice System (CJS) into a modern, efficient, effective and integrated system by:

- Electronically enabling and integrating the end-to-end criminal justice business processes, from the report of a crime to the release of a convicted person, through technology solutions; and
- Managing the related inter-departmental information exchanges across the CJS.

The programme focuses on three priority areas: (1) Person management to empower the CJS to identify, verify, track, and where necessary, safeguard all persons moving through the criminal justice system, creating a holistic single view of a person, including accused persons and victims; (2) Case integration to facilitate the digitisation of the CJS for the efficient, seamless exchange of electronic case information between IJS member departments; and (3) System-based performance instrumentation and BI reporting on the health status of the South African CJS.

In addition to the 22 KPIs that were reported electronically on the CJS performance dashboard at the start of 2018/19, an additional four KPIs were added, bringing the total to 26 KPIs. Below are the four additional KPIs:

- i. KPI 20 – Appeal time
- ii. KPI 21 – Appeal success rate
- iii. KPI 22 – Review success rate
- iv. KPI 28 – Abscondment rate

These additional KPIs extend the benefit of the dashboard by providing an increasingly comprehensive view of the performance of the South African criminal justice system.

Strategic objective 20: Functional integrated electronic criminal justice system established to monitor the performance of the criminal justice system						
Performance indicator		Actual achievement 2017/2018	Planned target 2018/2019	Actual achievement 2018/2019	Deviation from planned target to actual achievement for 2018/2019	Comment on deviations
20.1	Number of government departments and entities exchanging information electronically	7	8	8	-	Target achieved
20.2	Number of Integrated Justice System departmental applications that form part of the integrated Test Lab process	3	6	6	-	Target achieved

Integral to the enabling interdepartmental integration, the successful implementation of the IJS Transversal hub has provided a comprehensive integration architecture and platform on which the underlying criminal justice business process may be integrated. The JCPS cluster was the first cluster within government that pursued interoperability and the hub already provides for the electronic exchange of information between its members.

During the year under review, eight government departments and entities were connected to the Integrated Justice System and they are able to exchange information.

These information exchanges are implemented by means of signed interface control definitions. The integrated departments include: The SAPS, the NPA, the DoJ&CD, Legal Aid SA, DHA, DCS (in pilot) and DSD. In addition, Business Against Crime South Africa (BACSA) is also connected and currently provides vehicle sighting notifications to the SAPS, and the SASSA is also connected for the purposes of the Person Identity verification against the DHA database.

Below flow diagram shows IJS Transversal Hub that provides the technical integration platform for electronic exchange of information between IJS member departments



During the year under review, a total of six applications were tested in the test lab as set out table below:

Department/Public entity	Applications
Department of Justice and Constitutional Development	<ul style="list-style-type: none"> ICMS (Integrated Case Management System) J7 Project DoJ&CD Court Scheduler (including mobile and web apps)
Department of Correctional Services	<ul style="list-style-type: none"> IIMS (Integrated Inmate Management System) J7 Project
Department of Social Development	<ul style="list-style-type: none"> PCM (Probation Cases Management application) both Web & Mobile versions
South African Police Service	<ul style="list-style-type: none"> ICDMS (Investigative Case and Docket Management System)
Legal Aid South Africa	<ul style="list-style-type: none"> Electronic Legal Aid Application (eLAA)

Strategy to overcome areas of underperformance

There was no underperformance reported.

Changes to planned targets

Indicator Nr	Indicator title before amendments	Indicator title after Amendments	Planned target before amendments	New target	Reasons for amendments
20.1	Number of government departments and entities exchanging information electronically	Number of government departments and entities exchanging information electronically	7	8	There was misalignment between the annual targets and the quarterly targets in the Annual Performance Plan.

Linking performance with budget

The underspending is attributed to delays in filling vacant positions.

Sub-programme name	2018/19			2017/18		
	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	759 631	759 631	-	810 690	810 690	-
President's Fund	1	-	1	1	-	1
Total	759 632	759 631		810 691	810 690	1

5. TRANSFER PAYMENTS

5.1 Transfer payments to public entities

Name of public entity	Services rendered by the public entity	Amount transferred to the public entity	Amount spent by the public entity	Achievements of the public entity
Legal Aid South Africa	Fund Legal Aid South Africa, which provides legal aid to indigent people and legal representation at the state's expense, as set out in the Constitution	1 800 892	1 800 892	<ul style="list-style-type: none"> i. Legal services provided to a total of 724,253 people in new criminal and civil matters as well as legal advice services ii. Legal Aid SA Advice Line iii. Took on 30 new Impact Litigation matters; 19 Impact matters were finalised during 2018/19 with a 89% success rate in these matters iv. Assisted 16,173 children in new criminal and civil matters
Special Investigating Unit	Fund the Special Investigating Unit, which provides professional forensic investigation and litigation services to all state institutions at national, provincial and local levels to combat maladministration, corruption and fraud, and to protect state assets and public funds	357 099	357 099	<ul style="list-style-type: none"> i. 3,430 investigations were closed under a published proclamation in accordance with predetermined standards ii. 20 reports were submitted to the Presidency. iii. R53.4 million: Value of potential losses prevented iv. R137 million: Value of cash recoveries v. R999 million: Value of contract(s) and/or administrative decision(s)/ action(s) set aside or deemed invalid

5.2 Transfer payments to all organisations other than public entities

The table below reflects the transfer payments made for the period 1 April 2018 to 31 March 2019.

Name of transferee	Type of organisation	Purpose for which the funds were used	Did the dept. comply with s 38 (1) (j) of the PFMA	Amount transferred (R'000)	Amount spent by the entity	Reasons for the funds unspent by the entity
The Public Protector South Africa	Constitutional Entity	Fund the Public Protector South Africa, which 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	N/A	326 581	326 581	
The South African Human Rights Commission	Constitutional entity		N/A	178 830	178 830	
PD: Vehicle licences	Municipal payments	Renewal of vehicle licences	N/A	562	562	
Foreign Government/ International organisation	Foreign government	Subscription fees	N/A	12 809	12 809	
TV licence renewal	SABC	TV licence renewal	N/A	81	81	
Households	Payments for leave gratuity & claims against the state	Payments for leave gratuity & claims against the state	N/A	100 910	100 910	
Safety and Security, Sector Education & Training Authority	Payments for training in the public service	Payments for training in the public service	N/A	25 319	25 319	

6. CONDITIONAL GRANTS

6.1 Conditional grants and earmarked funds paid

There were no conditional grants paid by the Department.

6.2 Conditional grants and earmarked funds received

There were no conditional grants received by the Department.

7. DONOR FUNDS

7.1 Donor funds received

7.1.1 United States Agency for International Development (USAID)

Name of donor	United States Agency for International Development (USAID)
Full amount of the funding	R12.1 Million
Period of the commitment	2016- 2019
Purpose of the funding	IMPROVING CASE OUTCOMES FOR SEXUAL OFFENCES CASES PILOT PROJECT (ICOP)
Expected outputs	Development of practical and achievable strategies to improve turnaround time in the finalisation of the sexual offences cases from reporting to judgement/sentencing.
Actual outputs achieved	<ul style="list-style-type: none"> • A baseline study was completed but was due to be presented to the ICOP steering committee at the end of the financial year, for final adoption. • The M&E framework could not progress beyond conceptualisation stage due to the secondment of the project manager to coordinate the planning and organising of the Presidential gender summit. • The review of NPA Sexual Offences Court training material was completed and recommendations for curriculum change were made. • The research portal with the online webinars was developed and implemented. The following topics were made available: <ol style="list-style-type: none"> 1. Interviewing child witnesses 2. LGBTI access to justice, trauma and debriefing for court personnel 3. Expert witnesses in sexual offences cases and rape sentencing research • Debriefing with the judiciary: Discussions regarding the development of judicial training materials in the SADC region were still in progress by the end of the reporting period • An independent mid-term evaluation was completed in December 2018 on the impact and outcomes of the ICOP training and various other interventions. Feedback was exceedingly positive.
Amount received in current period (R'000)	R 3 813 900.32
Amount spent by the department (R'000)	Technical assistance
Reasons for the funds unspent	N/A
Monitoring mechanism by the donor	<p>The donor monitors the projects as follows:</p> <ul style="list-style-type: none"> • Quarterly reports • Participation in quarterly project managers meetings • Provincial stakeholder forum • Project steering committee

7.1.2 United Nations Children’s fund (UNICEF)

Name of donor	United Nations Children’s fund (UNICEF)
Full amount of the funding	Technical assistance
Period of the commitment	2016- 2019
Purpose of the funding	Strengthened capacity of state institutions to provide access to services and support systems that enhance social protection, safety and security in communities, promote justice for all; and strengthen national institutions and systems to support South Africa’s contributions for a better Africa and a better World.
Expected outputs	Reducing the impact of sexual abuse on victims, especially women and children, by strengthening the capacity of the sexual offences courts to deliver victim-centered services
Actual outputs achieved	<ul style="list-style-type: none"> • Development of National Policy Framework for Sexual Offences Courts Draft 2 of the NPF was developed and was endorsed by both the Directors General Intersectoral Committee on Sexual Offences and NT ISC SO. • Victim-centric strategy Draft strategy was developed and expected to be presented to the departmental EXCO sub-committees for further consideration in 2019/20 • Minimum standards Technical experts were appointed to consolidate and align the minimum standards to regulations on SOC model • Mapping of services Gap analysis was conducted and recommendations to strengthen victim support services were made for consideration by the department.
Amount received in current period (R’000)	Technical assistance
Amount spent by the department (R’000)	Technical assistance
Reasons for the funds unspent	N/A
Monitoring mechanism by the donor	<p>Donor monitors the project through the following</p> <ul style="list-style-type: none"> • Quarterly reports • Quarterly progress meeting between the donor, implementing partner, the Department and other structures.

7.1.3 European Union

Name of donor	European Union
Full amount of the funding	€25 million
Period of the commitment	2014- 2019
Purpose of the funding	To support the department to fulfil its mandate on the enhancement of socioeconomic rights and strengthen partnership with civil society
Expected outputs	<p>Improved awareness of constitutional rights, with an emphasis on socioeconomic rights and on vulnerable groups;</p> <p>Enhanced participatory democracy through public policy dialogues on constitutional rights;</p> <p>Improved and sustained collaboration between Government, chapter nine institutions, civil society and other stakeholders in terms of justice service delivery and socioeconomic rights (including support for community advice offices);</p> <p>Increased research on socioeconomic rights and jurisprudence Improved sector coordination and policy design on constitutional development;</p> <p>Strengthened capacity, engagement and participation of CSOs in the realisation of constitutional rights.</p>
Actual outputs achieved	<p>A total of 7 077 813 people reached through social media platforms and SABC's current affairs programme (Unfiltered) Three dialogues were held on the following topics:</p> <ul style="list-style-type: none"> Ending violence against women in SA: Disruption and innovation – 23 April 2018; LGBTI rights in SA: Equality and inclusion on paper versus practice 22 May 2018; Tackling xenophobia in SA: The search for solutions – 26 June 2018. <p>Nineteen grants were awarded to civil society organisations working in the human rights sectors FOUR programmes were completed on the following:</p> <ul style="list-style-type: none"> Business and human rights National Schools Moot Court Competition Human rights awareness in schools Masibambisane Community Model <p>Two research projects conducted on the implementation of socioeconomic rights under the following topics:</p> <ul style="list-style-type: none"> Research "on realising the right to a healthy environment" which was conducted by the Studies in Poverty and Inequality Institute The survey of advice offices which was conducted by the FHR
Amount received in current period (R'000)	R48 282 241
Amount spent by the department (R'000)	Technical assistance
Reasons for the funds unspent	Expenditure is on track
Monitoring mechanism by the donor	<p>The donor monitors the projects through:</p> <ul style="list-style-type: none"> Quarterly reports Participation in the project managers forum Project steering committee Quarterly meetings between the donor, the implementing partner and the Department

7.1.4 European Union

Name of donor	European Union
Full amount of the funding	Technical assistance
Period of the commitment	2018- 2019
Purpose of the funding	Technical assistance for the Analysis of Methods and Data Collection on Incidents of Racism, Racial Discrimination, Xenophobia and Related Intolerance
Expected outputs	<ul style="list-style-type: none"> – A comparative study on best practices on collection of data on discrimination – Analyse the state of data collection on discrimination in SA – Develop the recommendations
Actual outputs achieved	<p>The comparative study on best practices on collection of data on discrimination was completed and the report submitted in Jan 2018. The Report on the State of Data Collection on Discrimination in South Africa was finalised in June 2018.</p> <p>The final report, including the set of recommendations, was finalised in Dec 2018.</p> <p>The report comprises two parts of recommendations:</p> <ol style="list-style-type: none"> I. Part I is based primarily on the comparative review of good practices in monitoring of discrimination internationally and data availability in SA. It recommends that the feasibility for developing a National Monitoring Framework (NMF) of racial discrimination and related intolerance be explored in South Africa. II. The key recommendations in Part II of the report are the creation of a National Index of Data on discrimination and of a National Data User Group (NDUG)
Amount received in current period (R'000)	Technical assistance
Amount spent by the department (R'000)	Technical assistance
Reasons for the funds unspent	N/A
Monitoring mechanism by the donor	<p>The donor monitors the projects through:</p> <ul style="list-style-type: none"> • Quarterly reports • Project steering committee • Quarterly meetings between the donor, the implementing partner and the Department

7.1.5 European Union

Name of donor	European Union
Full amount of the funding	Technical assistance
Period of the commitment	2018-2019
Purpose of the funding	Technical assistance to develop the draft National Policy Framework on the Promotion of Active Citizenship and Participatory Democracy
Expected outputs	To develop a National Policy Framework for promoting Active Citizen Participation at both national and local levels so as to streamline public participation across government
Actual outputs achieved	A draft National Policy Framework for the promotion of Active Citizenship and Participatory democracy was developed
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	The donor monitors the projects through <ul style="list-style-type: none"> • Quarterly reports • Project steering committee • Quarterly meetings between the donor, the implementing partner and the Department

7.1.6 European Union (GBS Funding)

Name of donor	European Union (GBS Funding)
Full amount of the funding	R12 587 463
Period of the commitment	2018- 2020
Purpose of the funding	Project 142: Investigation into legal fees
Expected outputs	To investigate and report back to the Minister with recommendations on the following: <ol style="list-style-type: none"> 1. Manner in which to address the circumstances giving rise to legal fees that are unattainable for most people; 2. Legislative and other interventions in order to improve access to justice by members of the public; 3. The desirability of establishing a mechanism which will be responsible for determining fees and tariffs payable to legal practitioners; 4. The composition of the mechanism and the process it should follow in determining fees or tariffs; 5. The desirability of giving users of legal services, the option of voluntarily agreeing to pay for fees less or in excess of any amount that may be set by the mechanism; and 6. The obligation by a legal practitioner to conclude a mandatory fee arrangement with a client when that client secures that legal practitioner's services.

Actual outputs achieved	<p>Experts to serve on the advisory committee: The advisory committee members were appointed in August 2018 by the Minister of Justice and Constitutional Development.</p> <p>Appointment of state law advisers: Two state law advisers were appointed in September 2018 and assumed duties in October and November 2018 respectively.</p> <p>Pre-investigation Activities: The draft communication and consultation plan, the draft research brief incorporating terms of reference for the full investigation, as well as the draft issue paper were developed and considered by the SALRC strategic planning session in January 2019.</p> <p>Hosting of International Conference: The conference was successfully hosted from 31 October to 02 November 2018.</p> <p>Outsourcing of specialised research papers/studies: The draft research brief was developed and presented at the SALRC strategic planning session for consideration.</p>
Amount received in current period (R'000)	R6 080 900
Amount spent by the department (R'000)	R465 958.50
Reasons for the funds unspent	Delays by the National Treasury for transferring the GBS funding to the Department
Monitoring mechanism by the donor	<p>The donor monitors the projects through:</p> <ul style="list-style-type: none"> • Quarterly reports • Participation in quarterly project managers forum • Project steering committee

8. CAPITAL INVESTMENT

8.1 Capital investment, maintenance and asset management plan

Project name	Progress	Status
Free State: Heilbron burnt Magistrate's Office	The Project was completed in July 2018.	100% completed.
Gauteng Province: Booyens Magistrate's Court	The project was completed. The municipality issued an occupation certificate and the handover was done on 13 February 2019 to DOJCD and DPW.	100% completed.
Free State: Rouxville Magistrate's Office: Additional accommodation	Practical completion was achieved in June 2018.	100% completed.
Western Cape: Wynberg: Repairs and renovations	Practical completion was achieved in April 2018.	100% completed.
Gauteng: Constitutional Court: Repairs and renovations	Practical completion was achieved in March 2019.	100% completed.
Western Cape: Plettenberg Bay Magistrate's Office: Construction of a new building	Practical completion was achieved in March 2018.	100% completed.

Below is the list of projects that were undertaken during the year under review and reasons for delays in progress.

Project description	Progress	Reasons for delays
Limpopo Province: Limpopo High Court: Construction of a new building including additional parking	<p>The building was completed and occupied in January 2016 and officially opened on 29 November 2016. A partial Occupation Certificate was issued pending completion of the visitors' parking.</p> <p>The DPW indicated that they will not provide cleaning & gardening services to new facilities of the DoJ&CD. Currently the Regional DoJ&CD is providing these services using the EPWP.</p> <p>Although the court was completed, the facility was not transferred to DPW to implement the requisite maintenance. The DoJ&CD has requested the Department of Public Works to effect maintenance whilst waiting for the submission of the inventory list from their implementation entity (Independent Development Trust).</p>	The additional parking area was completed and contractor was busy with remedial work at the end of the financial year. Variations to the contract were submitted to DPW for opinion and feedback was awaited.
Mpumalanga Province: Mpumalanga High Court: Construction of a new building	The project was 98% complete at the end of the financial year, pending completion of the access road.	The Mbombela Municipality approved the left out access road to the High Court along the Dr Samora Machel Road.
Gauteng Province: The Palace of Justice: Security Measures Upgrade	Project progress stood at 95% at the end of March 2019. The project was terminated and DPW began processes to readvertise the tender.	Contractual issues with the construction company.
Eastern Cape: Mthatha High Court: Additional accommodation & repairs and renovations	The project progress stood at 86% at the end of the reporting year	Project site handover to the contractor was done on 18 July 2017 but the Department of Labour delayed with the issuing of the construction permit, which was only issued at the end of August 2017.
KwaZulu-Natal: Durban High Court: Additional accommodation and refurbishment	The project was ready for tender however, challenges were identified with the 30% subcontracting on procurement strategy. The DPW made attempts to address issues related to the award of the tender.	Issues relating to decanting of funds as well as delays caused by deviations to the procurement process.
Limpopo: Polokwane burnt Magistrate's Office	The project was advertised on three occasions but no bidder was found to be competitive. The project has been transferred from DPW Regional Office to DPW National Office for implementation by IDT.	The tender was readvertised.

Project description	Progress	Reasons for delays
Eastern Cape: Mqanduli burnt Magistrate's Office	Practical completion of the temporary accommodation was conducted, and the occupation took place on 1 July 2017. The regional office has submitted accommodation requirements for the construction of the new court. Project to be managed by Coega.	Anticipated practical completion date TBC.
Gauteng Province: Pretoria Magistrate's Court: Refurbishment of burnt building (DPW funded)	The project progress stood at 32%.	The first contractor went off site due to cash flow challenges and requested the DPW to release him off site. DPW began processes to replace the contractor.
Rustenburg Magistrate's Office	DoJ&CD registered this as a refurbishment project with DPW and tender documents were prepared.	
Gauteng: Soweto Magistrate's Office – New	The project was registered with DPW but there has been lack of progress due to unavailability of suitable land for construction. In December 2016, new land parcels in Moroka were identified by DPW and site visits for viewing was done on 03 February 2017. The COJ has consolidated and forwarded the requests for DPW to acquire the land to the Council for a resolution and was approved.	Lack of progress due to unavailability of suitable land for construction.
Gauteng: Ga-Rankuwa Magistrate's Office	Two projects have been registered with DPW for this court: Repairs & renovations and the additional accommodation projects.	The R&R Project ready for sketch plan meeting date to be confirmed. Planning for additional accommodation will commence once the site has been cleared.
Gauteng: Soshanguve Magistrate's Office	The Department has registered additional accommodation project with DPW. The project is ready for tender and DOJ has confirmed availability of funds in 2018/19.	The project was transferred to DPW head office for implementation. DPW town planning has indicated that the land occupied by the court is not registered under their name. This might delay the project advertisement.
Middelburg (Mpumalanga) Local Seat	Infrastructure upgrade was completed and the building is ready for occupation on condition that OCJ complete with the installation of the CRT machines and data lines. Furniture was delivered and assembled in all offices.	The occupation is anticipated to be in May 2019.
Kwa-Mhlanga (Mpumalanga) Local Seat	The project status was at 91% complete.	There is minimal work outstanding: Work will commence as soon as Park Homes have been delivered.

Project description	Progress	Reasons for delays
Gauteng: Orange Farm land acquisition	The Department of Infrastructure Development granted DPW a permission to occupy the portion of land in Orange Farm. DoJ&CD requested DPW TPS to identify another land as evicting illegal tenants would take a long time. The property belonged to provincial DPW but was mistakenly transferred to municipality.	The transfer of the property caused delays in the commencement of the project
Gauteng: Justice College	The project of repair and renovations was registered by DPW and the tenants moved to a leased building. DOJ is expected to fund the capital items which include security and ICT.	The project was advertised in June 2018 and closed July 2018. Renovations are underway.
KwaZulu-Natal: Port Shepstone Magistrate's Office: Construction of a new building	Progress was at 96%.	At the end of the financial year, there was no work underway pending the outcome of Business Rescue plan from the contractor.
Gauteng Province: Mamelodi Magistrate's Office: Construction of a new building	The project progress stood at 65%. The slow progress was escalated to the National DPW for intervention. The land on which the court is being built was donated by City of Tshwane. However, approval of the site development plans, as per agreement by the City Council of Tshwane, is still pending. The status quo remains.	The project was delayed by community protests seeking employment and non-payments by the sub-contractors. The contractor would be issued with a Mora should significant progress not be registered.
Eastern Cape: Dimbaza Magistrate's Court: Construction of a new building	The project progress stood at 94%.	There were delays due to inclement weather. Variations for ICT and SOS requirements were being implemented.
KwaZulu-Natal: Chatsworth Magistrate's Office: Additional accommodation including repairs	The project progress stood at 75%.	There were delays caused by the user client due to the noise factor. Claim for extension of time has been approved for 61 days. Additional costs were being incurred due to movement of staff to park homes office space in order to free up the old building for the renovations to be completed. The project is anticipated to be completed in September 2019.
Eastern Cape: Bityi Magistrate's Court	The project was completed. The contractor was busy with the snag items in preparation for the practical completion.	At the end of the financial year, DPW snags, including installation of cell locks were being fixed.
KwaZulu-Natal: Pietermaritzburg NPA: Rehabilitation of old DPW workshop.	The project progress stood at 75%.	The project was a joint venture between three contractors; one of them (main contractor) was liquidated. DPW resolved the matter and the two contractors came back on site.

Project description	Progress	Reasons for delays
	The progress stood at 90%.	Delays were due to late issuing of contract information. During the beginning of January 2018, the community in and around the site started with strikes and forced the building contractor to stop work. They demanded the appointment of more local labours on the site. The matter was resolved.
Western Cape: Group 1: Albertinia; Heidelberg (WC); Mossel Bay: Facilities for people with disabilities	The project progress stood at 20%.	The contract was cancelled in December 2016. The new contractor came on site to continue the work.
KwaZulu-Natal: Vulamehlo Magistrate's Court: Repairs and renovations to office buildings	Construction progress stood at 77%.	The project was delayed due to end users refusing to vacate the entire unrenovated building due to unavailability of Telkom lines On 14 January 2019 the project was stopped by the Amadela Ngokubona (business forum) demanding work. The contractor has also sent the letter on the 24 January 2019 indicating intention to suspend work.
Northern Cape: Fraserburg Magistrate's Court: Construction of additional accommodation	The project progress stood at 64%.	The contractor was behind schedule due to only working three days in a week. There were frequent stoppages due to court sittings and delayed site handover. The project was also delayed by the contractor's cash flow challenges.
KwaZulu-Natal: Umbumbulu Magistrate's Office: Additional accommodation and alterations	The project progress stood at 99%.	The project had a challenge with poor workmanship which resulted in roof leakages and a lot of repair work. All challenges on site were since resolved.
Free State: Bothaville Magistrate's Office: Repair and renovations	The contract was cancelled in 2017 due to poor performance of the contractor.	The tender for completion of outstanding work was advertised. The bid documents were received and to be handed to professional services to be checked.
Eastern Cape: Queenstown Magistrate's Office:- Condition based maintenance	The project progress stood at 70%.	The project was cancelled on 6 October 2016 due to non-performance by the contractor. Site handover to the second contractor was on 27 June 2017.

Project description	Progress	Reasons for delays
Eastern Cape: Mount Frere Magistrate's Office: Condition based maintenance	The project progress stood at 60%.	The contract was terminated due to non-performance. The second contractor was appointed in August 2017. Original completion date was March 2017. Extension of time granted up to end of July 2017. New subcontractor appointed on site beginning of August 2017. DPW terminated this contract due to non-performance. The new scope is being prepared. Anticipated project completion date TBC.
North West: Mmabatho HC: Repairs and renovations	The project was under construction and progressing well.	The site was handed over to the contractor on 05 December 2017 and it is expected to run for 24 months.
KwaZulu-Natal: Umlazi Heritage: Repair and renovation to office building	The project progress stood at 42%.	Delays due to additional work, changes in project scope and inclement weather. The project is anticipated to be completed in October 2020.
Mpumalanga Province: Witbank Magistrate's Office: Repair and renovations of building	The project progress stood at 75%.	Delays due to non-performance of the contractor. The contract was terminated on 02 May 2017 due to non-performance but was re-instated on 29 June 2017. Mora letter was issued to the contractor with the intention to terminate if the progress does not improve.

Infrastructure projects	2017/2018			2018/2019		
	Final appropriation R'000	Actual expenditure R'000	(Over)/ Under expenditure R'000	Final appropriation R'000	Actual expenditure R'000	(Over)/ Under expenditure R'000
New and replacement assets	961 484	961 480	4	792 017	792 017	0
Existing infrastructure assets	29 164	29 164	0	24 438	24 438	0
Upgrades and additions	2 320	2 320	0	4 047	4 047	0
Rehabilitation, renovations and refurbishments	-	-	-	-	-	-
Maintenance and repairs	26 844	26 844	0	20 391	20 391	0
Infrastructure transfer	-	-	-	-	-	-
Current	-	-	-	-	-	-
Capital	-	-	-	-	-	-
Total	990 684	990 644	4	816 455	816 455	0

PART C

GOVERNANCE

Vumbiwa

Ra Riphabliki ra Afrika Dzantsi, 1996



The Constitution

of the Republic of South Africa, 1996



D-Siseko

Dzantsi-Afrika, 1996



1. INTRODUCTION

The Department is committed to managing risks and maintaining effective, efficient and transparent systems of finance, risk management and internal controls. The Department ensures that efficient and effective controls are in place, followed by the continuous monitoring, reviewing and evaluation of mechanisms aimed at mitigating identified strategic and operational risks. To further assist and enhance the ethical values in the Department, risks are identified and managed throughout the whole Department. The objective is to minimise operational losses and optimising operational efficiency.

2. RISK MANAGEMENT

The Enterprise Risk Management Unit met its annual target of four reports for the risk management committee. Furthermore, the unit managed to develop terms of reference (TOR) for the regional risk committee which guide the establishment of regional risk committees. As a result of the approved TOR, five regional risk committees were established in Mpumalanga, Northern Cape, Eastern Cape, Free State and North West. The unit also identified ten risk champions in various regions to coordinate risk management processes and as at end of the financial year, eight were formally appointed.

A second highlight is that the Strategic Risk Register was reviewed as part of the Department planning cycle whereby 21 strategic risks affecting the Department were identified and assessed. During the strategic risk assessment workshop, EXCO members assisted in identifying top ten risks which were prioritised and monitored on an on-going basis. Two monitoring reports were presented to the departmental Risk Management Committee.

In terms of the operational risk profiles for 2018/19 ERM had a target of 20 operational risk profiles and were able to exceed the target with five additional risk profiles.

The Enterprise Risk Management (ERM) Unit assessed ethics within the supply chain management (SCM) environment to measure the impact and effectiveness of fraud and corruption prevention programmes. The ethics survey was conducted and the report was also compiled. Ethics, fraud and corruption risk assessment was also conducted at East London Regional Office.

3. FRAUD AND CORRUPTION

The Department has reviewed the fraud prevention plan and then approved the new ethics management strategy that addresses ethical issues in terms of the new Public Service Regulations of 2016. The ethics functions were incorporated into the existing HR & ethics EXCO subcommittee; which is chaired by a DDG. Together with the ethics management strategy, the anti-corruption and ethics management policy was also reviewed and thoroughly dealt with by the HR & ethics EXCO subcommittee and submitted for approval to the EXCO and Director-General. The fraud and corruption risk assessment recommendations were incorporated into the overall ethics management strategy of the Department. The Department achieved 100% overall SMS financial interests disclosure submissions by the submission date of 31 May 2018. Other categories of designated employees disclosed for the first time in the 2017/2018 financial year, as part of the implementation of the ethics management strategy.

The Department has the whistleblowing policy that protects officials who report allegations of fraud and corruption to the forensic audit unit or directly to the Director-General of the Department. The national anti-corruption hotline is used by officials to anonymously report allegations of fraud and corruption as well as any unethical conduct where there is suspicion of fraud and corruption being committed.

The reported cases are reported to the Forensic Audit Unit where they are investigated, and recommendations submitted to HR Labour Relations office for a disciplinary process or the law enforcement agencies in circumstances where there is a strong suspicion that a crime has been committed. As such, 100% of forensic investigation cases that were outstanding in the previous financial year were finalised in the 2018/19 financial year as planned. Furthermore, under forensic investigations unit, 108 cases were finalised and closed out of 165 that were reported and registered. The aim is once again to finalise all the outstanding cases before the third quarter of the 2019/2020 financial year.

4. MINIMISING CONFLICT OF INTEREST

The Department has various processes and procedures in dealing with conflict of interest. For example, when recruitment and placement process is undertaken, the policy requires panel members to recuse themselves when they are conflicted; panel members are required to declare in every meeting they attend. In relation to supply chain management processes, bid specification, bid evaluation and bid adjudication members are required to disclose their interests and recuse themselves in the processes, if they are related to the bidders or in any way conflicted. The Department has the recruitment and selection policy and supply chain management policy to ensure that officials are properly monitored. If an audit has found that certain officials are involved in doing business with an organ of state, verification is done through the National Treasury Central Supplier Database (CSD); where verification may indicate that the employee's company is registered and if it is found that the company has done business with an organ of state, the matter will be referred to the forensic audit unit for investigation. The forensic audit unit will investigate and make recommendations if there is any substance.

5. HEALTH SAFETY AND ENVIRONMENTAL ISSUES

The Department is committed to provide a safe and healthy working environment to all employees including members of the judiciary and prosecution, stakeholders and members of the public, while they are within the Department's premises through a Safety, Health, Environmental, Risk (SHER) Management System that is monitored and evaluated for continual improvement on the system and for effective control of workplace health and safety hazards.

In addition, the Department continues to identify and manage workplace hazards through SHER inspections conducted by national office. The regional offices also conduct their own SHER inspections at their respective regions. A total of 25 SHER inspections were conducted by national office during the 2018/2019 financial year and the recommendations regarding risk assessments conducted were forwarded to the affected offices. Furthermore, six events hosted by the Department were in line with the relevant legislation and the departmental prescripts.

The Department also continues to promote a culture of safe and healthy working environment to all employees through SHER training and awareness. A total of 15 awareness sessions were conducted by national office and a total number of 322 officials attended these sessions. Designated officials were trained in the first aid and fire fighting courses in national office and in all the regions.

In compliance with the policy, the evacuation drills are conducted continuously throughout the Department. Due to the existence of the SHER Management System in the Department and the on-going training and awareness sessions that are conducted, there is a reduction on the number of injuries on duty reported in the past five years from the 2014/2015 to the 2018/2019 financial years.

The Department continue to use inter-departmental approach regarding Occupational Health and Safety Management by ensuring that all the assurance providers work together to address SHE Risks Profiles and to report to the risk committee annually. The internal audit unit also assists in the improvement of SHER compliance through internal audit processes and monitoring is implemented through National Operations Centre (NOC) validations.

6. BUSINESS CONTINUITY MANAGEMENT

As part of integrated risk management, the Department is committed to ensuring continuity of service delivery in the event of a disruption/disaster at service delivery points/offices. This objective could be achieved by institutionalising the business continuity management function countrywide and at all service delivery points in the Department. The DoJ&CD established the Business Continuity Management Programme through developing, implementing, monitoring and maintaining the Business Continuity Management Instruction (BCMI), Circular 92 of 2013. The BCMI supports the overall departmental strategic plan, 2017-2020.

To promote and maintain the business continuity management culture, the Department continued to monitor the established business continuity system with the aim of sustaining resilience and continuity of services in the event of a disruption and/or disaster. In line with the departmental prescripts pertaining to the BCMI, a total of 50 awareness sessions were conducted in various offices and in these sessions, a total number of

345 officials attended. In order to assess effectiveness of the business continuity management system for the programme, 27 service delivery points were sampled and assessed and recommendations were made.

In addition to the sampled service delivery points, three BCMI validations were conducted at service delivery points identified by the Directorate: NOC to assess compliance of the above-mentioned circular. A total of three service delivery points were jointly visited at intervals to measure the implementation of the BCMI during the financial year 2018/2019.

7. PORTFOLIO COMMITTEES

The portfolio committee exercises oversight role over the service delivery performance of departments. The DoJ&CD regards the Portfolio Committee of Justice and Correctional Services and the Committee on Security and Justice as crucial in addressing the challenges experienced by the Department. The continuous support, advices and recommendations relating to service delivery issues and the budget are greatly appreciated by the Department.

The Department of Justice and Constitutional Development appeared before the following Parliamentary Committees to brief Parliament on various issues during April 2018 and March 2019. The table below includes briefings relating to the Department of Justice and Constitutional Development and the National Prosecuting Authority.

Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
1) Portfolio Committee on Justice and Correctional Services	18 April 2018	Briefing by the Department on its 2018/19 Annual Performance Plan, with the Minister and Deputy Minister	<p>The Committee indicated that the Department's presentation and budgets do not show an indication of how the crumbling infrastructure challenges are going to be addressed.</p> <p>The portfolio committee requested a detailed report on indication of how the Department implemented youth-related programmes.</p> <p>All other comments and questions were responded to.</p>	<p>In future, the Department will present a full infrastructure plan and budget spending.</p> <p>A report on youth programmes will be included in the annual report.</p>

Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
2) Portfolio Committee on Justice and Correctional Services	24 April 2018	Briefing by the National Prosecuting Authority on its 2018/19 Annual Performance Plan	<p>a. The committee enquired about overcrowding in courts.</p> <p>b. MPs raised concerns about case dockets being lost.</p> <p>c. MPs were concerned about prosecutors applying to be magistrates.</p> <p>d. MPs asked for clarity regarding the difference between POCA and PRECCA.</p> <p>e. MPs sought clarity on the Vrede Dairy Farm case, Duduzane Zuma case, On-Point engineering and other matters.</p>	<p>a. The NDPP clarified that there was a committee that met monthly to interrogate the situation of those awaiting trial in prison for a long time. The cases of those who had been given bail, but for whom the amount had been too high to make bail, were revisited and they might be taken back to court for the magistrate to adjust the bail conditions. The issue of parole lay with the Minister, Correctional Services and the Parole Board.</p> <p>b. The NDPP stated that it was highly unlikely that case dockets had been lost or misplaced. The NPA would be able to pick up if a docket would go missing as there were registers of matters received. There are mechanisms in place to find missing documents.</p> <p>c. The NDPP told the Committee that the work of prosecutors was immense. The NPA's inability to fill vacancies led to more work per prosecutor. Work in the magistracy was much less stressful and it was obvious that many prosecutors would find it a relief to work as a magistrate.</p> <p>d. The NPA clarified that POCA is the Prevention of Organised Crime Act which is intended to combat organised crime, money laundering and criminal gang activities. PRECCA is the Prevention and Combating of Corrupt Activities Act which is intended to prevent and combat unlawful gratifications and benefiting from contracts. It aimed to prevent and fight corruption in government and in the private sector.</p> <p>e. The NDPP indicated that investigations were on-going. Feedback and progress was provided in subsequent meetings.</p>
3) Portfolio Committee on Justice and Correctional Services	15 May 2018	Responses by the Department to public hearings on the Traditional Courts Bill	The Department noted the submissions made during the public hearings.	The Department responded to the numerous issues raised during the public hearings on the Bill.

Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
4) Portfolio Committee on Justice and Correctional Services	16 May 2018	Response by the Department to submissions on the Traditional Courts Bill	The Department noted the submissions made during the public hearings.	The Department responded to the numerous issues raised during the public hearings on the Bill.
5) Portfolio Committee on Justice and Correctional Services	22 May 2018	Deliberations on the Cybercrimes and Cybersecurity Bill	The Department noted the submissions made during the public hearings	The Department responded to the numerous issues raised during the public hearings on the Bill.
6) Portfolio Committee on Justice and Correctional Services	30 May 2018	Briefing by the Department on: <ul style="list-style-type: none"> a. Prevention and Combating of Hate Crimes and Hate Speech Bill; and a. International Crimes Bill. 	The Department briefed the portfolio committee on the Prevention and Combating of Hate Crimes and Hate Speech Bill on 30 May 2018 during which some members of the portfolio committee raised questions of clarity.	The Department responded to the various questions asked by members of the portfolio committee pursuant to the briefing.
7) Select Committee on Security and Justice	30 May 2018	(a) Policy overview by the Minister; <ul style="list-style-type: none"> (b) Briefing by the Department on its 2017/20 and 2018/19 Annual Performance Plan 	The Department provided a summary of the performance report. Key areas of discussion were on the state of facilities and matters that dominated discussions by members of the public.	All questions and comments were responded to by the Minister and officials of the Department.
8) Portfolio Committee on Justice and Correctional Services	7 June 2018	Deliberations on the Cybercrimes and Cybersecurity Bill	The portfolio committee raised numerous questions on different aspects of the Bill.	The Department responded to the questions asked by members of the portfolio committee.
9) Select Committee on Security and Justice	20 June 2018	Briefing on proposed amendments to the Regulations under the Legal Aid South Africa Act, 2014, relating to the means test	The Department and Legal Aid South Africa briefed the Select Committee on Regulations under the Legal Aid South Africa Act, 2014, relating to the means test, during which some members of the select committee raised questions of clarity.	The Department and Legal Aid South Africa responded to the various questions asked by members of the select committee pursuant to the briefing.

Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
10) Portfolio Committee on Justice and Correctional Services	15 August 2018	<p>Briefing by the Department on the:</p> <p>(a) State Liability Amendment Bill;</p> <p>(b) Regulations in terms of Section 109(1)(a) of the Legal Practice Act 28 of 2014;</p> <p>(c) Regulations in terms of Section 109(1)(b), read with Sections 97(6) and 97(6) and 94(1) of Legal Practice Act 28 of 2014;</p> <p>(d) Criminal Procedure Amendment Bill;</p> <p>(e) Provisional suspension of Magistrates: Ms LB Freeman: Senior Magistrate, Mossel Bay; Mr MD Hinxa: Chief Magistrate, Bloemfontein.</p> <p>(f) Withholding of remuneration: Ms VT Gqiba, Chief Magistrate, East London; Ms RM Makhalela, Additional Magistrate, Delmas; Ms JF van Schalkwyk, Chief Magistrate, Kempton Park; Mr MJ Kgomo, Additional Magistrate, Randburg; Ms FK Jasone-Twala, Additional Magistrate, George;</p> <p>(g) Suspension/removal from office: Mr IWOM Morake, Magistrate, Lichtenburg.</p>	<p>The Department briefed the portfolio committee on the State Liability Amendment Bill, the Regulations in terms of Section 109(1)(a) of the Legal Practice Act 28 of 2014 and the Criminal Procedure Amendment Bill on 15 August 2018 during which some members of the portfolio committee raised questions of clarity.</p> <p>e) to (g) The Magistrates Commission dealt with all questions, enquiries and issues raised during the briefing session.</p>	<p>The Department responded to the various questions asked by members of the portfolio committee pursuant to the briefing.</p> <p>No further response required.</p>

Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
11) Portfolio Committee on Justice and Correctional Services	21 August 2018	Deliberations on the Traditional Courts Bill	The portfolio committee raised numerous questions on different aspects of the Bill.	The Department responded to the questions asked by members of the portfolio committee.
12) Select Committee on Security and Justice	21 August 2018	Briefing by the Deputy Minister on the Legal Practice Act Regulations	The Deputy Minister/Department briefed the select committee on the Legal Practice Act regulations during which some members of the portfolio committee raised questions of clarity.	The Department responded to the various questions asked by members of the select committee pursuant to the briefing.

Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
13) Portfolio Committee on Justice and Correctional Services	10 October 2018	<p>(a) Briefing by the Department on its 2017/18 Annual Report; and</p> <p>(b) Briefing by the National Prosecuting Authority on its 2017/18 Annual Report.</p>	<p>The committee reiterated the on-going issue of language policy within the courts, the inclusion of African languages within the LLB curriculum and compliance with the current legislation.</p> <p>(a) The committee sought clarity on the status of the Ahmed Timol case and related matters.</p> <p>(b) The committee raised concerns about the filling of vacant posts.</p> <p>(c) The committee raised concerns about prosecuting those who did not appear before the TRC.</p> <p>(d) MPs raised concerns about wasteful & irregular expenditure.</p> <p>(e) MPs expressed concerns about the lack of progress with the continuation of cases referred to the NPA by the SIU.</p> <p>(f) MPs sought clarity on the issue of overcrowding in courts and whether the NPA has thought of other forms of punishment.</p>	<p>The Department will provide an update to the portfolio committee in future meetings relating to departmental performance.</p> <p>(a) The acting NDPP stated that the NPA had reopened the inquest which was as a result of the cooperation as well as the assistance of family members. The NPA was also currently busy with the assessment of the other related matters. The Priority Crime Litigation Unit was dealing with these matters.</p> <p>(b) The acting NDPP informed the committee that budgetary constraints resulted in vacant posts not being filled, which in turn placed a strain on the NPA staff establishment. This also affected the Aspirant Prosecutor Programme. Dr Ramatse further stated that the problem in the NPA was much deeper than a moratorium on the filling of vacancies. The challenge is that the NPA is losing prosecutors because of the cuts in budget. When the posts become vacant, the NPA is unable to fill them because the budget had shrunk.</p> <p>(c) The acting NDPP informed MPs that the NPA was part of the exhumation process of freedom fighters through the Missing Persons Task Team which is managed by the Priority Crimes Litigation Unit and the priority matters were matters raised in the TRC.</p> <p>(d) The NPA explained that the expenditure of the R34 million related to the compensation of employees was used to pay the cost of living adjustment and performance bonuses. In the past, the NPA's budget growth for the cost of compensation was in the region of 5.9% but the cost of living adjustment was between 6% to 7%. The cost of living adjustment was higher than the budget the NPA received. The NPA cannot pay the cost of living adjustment. This was the reason for the over expenditure of R34 million. The overspending in goods and services was due to the payment of the Microsoft licenses. The payment was done in cooperation with the Department of Justice which gave the NPA a go-ahead with the agreement to give the NPA the funds at the end of the year.</p> <p>(e) The acting NDPP informed the committee that after a memorandum of understanding between the former NDPP and SIU head, cases were referred directly to the head office of the NPA. The entities were currently working on a policy that should address the inconsistencies.</p> <p>(f) Adv. Rodney de Kock stated that a large percentage of cases are dealt with through other forms of sanction. Under restorative justice and mediation which was linked to other forms of punishment, the NPA did have forms of restorative justice where the victims of crimes and often their families did get involved in such processes. The NPA does its best to ensure that prosecution is not the only approach. It does however, have to ensure that the serious cases are prosecuted.</p>

Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
14) Portfolio Committee on Justice and Correctional Services	23 October 2018	Briefing by the Deputy Minister on the proposed changes to the Cybercrimes and Cybersecurity Bill.	The Deputy Minister/Department briefed the portfolio committee on proposed amendments to the Cybercrimes and Cybersecurity Bill	The Department responded to the various questions asked by members of the portfolio committee pursuant to the briefing.
15) Portfolio Committee on Justice and Correctional Services	30 October 2018	(a) Briefing by the Department on the Child Justice Amendment Bill; and (b) Briefing by the Department on the proposed amendments on the Cybercrimes and Cybersecurity Bill.	(a) The Department briefed the portfolio committee on the Child Justice Amendment Bill, during which some members of the portfolio committee raised questions of clarity. (b) The Department briefed the portfolio committee on proposed amendments to the Cybercrimes and Cybersecurity Bill.	(a) The Department responded to the various questions asked by members of the portfolio committee pursuant to the briefing. (b) The Department responded to the various questions asked by members of the portfolio committee pursuant to the briefing.
16) Portfolio Committee on Justice and Correctional Services	31 October 2019	Public hearings on State Liability Amendment Bill.	The Department noted the submissions made during the public hearings on the Bill.	No further response required.
17) Portfolio Committee on Justice and Correctional Services	6 November 2019	Deliberations on the Cybercrimes and Cybersecurity Bill.	The portfolio committee raised numerous questions on different aspects of the Bill.	The Department responded to the questions asked by members of the portfolio committee.

Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
18) Portfolio Committee on Justice and Correctional Services	7 November 2018	Briefing by the Department on the Extradition Treaty with the United Arab Emirates (UAE) and the Mutual Legal Assistance in Criminal Matters Treaty.	Approval to ratify was unanimously granted	Treaties were presented to the Select Committee on 27 November 2018
19) Portfolio Committee on Justice and Correctional Services	13 November 2018	Responses by the Department to submissions on the Child Justice Amendment Bill.	The Department noted the submissions made on the Child Justice Amendment Bill and prepared responses to the issues raised.	The Department responded to the issues raised on the Bill.
20) Select Committee on Security and Justice	27 February 2019	Briefing by the Magistrates Commission to confirm the provisional suspension of Magistrate E Nzimande.	The Magistrates Commission dealt with all questions, enquiries and issues raised during its briefing session	No further response required.
21) Portfolio Committee on Justice and Correctional Services	6 March 2019	Briefing by the Deputy Minister on proposed amendments to the Traditional Courts Bill.	The Department participated in the deliberations of the portfolio committee on the Bill.	The Department responded to the numerous questions raised by members of the portfolio committee on the Bill. The Bill was approved by the portfolio committee on 6 March 2019.
22) Portfolio Committee on Justice and Correctional Services	13 March 2019	Briefing by the Department on the Optical Protocol Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) for ratification.		The Department explained that it had to rethink the Business Proposal made by the South African Human Rights Commission for the setting up of the National Preventive Mechanism (required in terms of the OPCAT) and this required lengthy consultations and a study tour in order to finalise the Business Proposal and reduced Budget. The Department further explained that the Budget was ring-fenced from the Department's baseline budget with the approval of Treasury. The OPCAT was presented to the Select Committee on 19 March 2019.
23) Select Committee on Security and Justice	19 March 2019	Briefing by the Department on the Optical Protocol Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) for ratification.	Approval to ratify was granted.	Approval to ratify was granted.

8. SCOPA RESOLUTIONS

Resolution No.	Subject	Details	Response by the Department	Resolved (Yes/ No)
Resolution 3 of 9 September 2015	New financial System for TPF	The committee recommends that the accounting officer fast tracks the implementation of a new accounting system to replace the Justice Deposit Accounting Systems (JDAS) to ensure complete, accurate and reliable financial information and reporting.	The analysis and design phases of the new system were finalised on 31 March 2015. System configuration, testing, quality assurance and piloting were concluded on 31 July 2016.	Yes. Implementation has been completed in all 9 regions. AG has issued an unqualified audit opinion for TPF for two years in a row.

9. PRIOR MODIFICATIONS TO AUDIT REPORTS

The following were key issues identified in the 2017/18 financial report and a summary of initiatives that were done.

Nature of qualification	Financial year in which it first arose	Progress made in clearing/resolving the matter
Contingent liabilities	2017/18	New processes and procedures to identify contingent liabilities were finalised and implemented for the NPA and DoJ&CD. The process to clean the existing data was however not fully completed.
Leave management	2017/18	Extensive consultations with magistrates were done to implement a new process for management of leave. These were implemented and no further issues were identified.
Performance information	2016/17	Procedures for checking quality of performance information has been implemented in court services and Offices of the State Attorney. As a result, the number of qualified KPIs have decreased from 11 to 7 in 2018/19. It is expected that this will reduce further in the 2019/20 financial year.

10. INTERNAL CONTROL UNIT

The Internal Control Unit is responsible for oversight in relation to potential non-compliance with internal control measures implemented to prevent or detect realisation of risks timeously. The unit also ensures that appropriate consequence management is implemented. It means where the control system was not adequately designed, the system is amended and where controls are not complied with, appropriate progressive disciplinary action is taken. Due to the importance of this function, the structure for this unit was reviewed during the current financial year and will be amended in the next financial year. In the interim, contract positions were filled. During the 2018/19 financial year, the Internal Control Unit performed the following responsibilities:

- Sixty-eight new cases of irregular expenditure to the value of R 592, 93 million and 72 cases of fruitless and wasteful expenditure to the value of R1,285 million were detected and reported to National Treasury on a monthly basis during the 2018/19 financial year. This reflects 4% of the budget of the Department for the financial year.
- A total of 88 investigations of irregular expenditure cases were finalised, of which 51 cases to the value of R7,919 million were condoned by the relevant condoning authority, while 34 cases to the value of R20 million were confirmed as not irregular and removed from the lead schedule. Three

cases to the value of R1,324 million were not condoned by the relevant authority and are deemed to be not recoverable. Consequence management was referred to labour relations for possible implementation.

- Consequence management and corrective action was implemented against responsible officials in 64 cases to prevent further transgressions in relation to non-compliance with internal control that resulted in irregular expenditure.
- One case to the value of R1,800 was not condoned and referred to law enforcement for a determination of legal liability. Three cases to the value of R15,025,971.61 are under investigation by forensic audit for possible fraud and collusion.
- All cases of possible fruitless and wasteful expenditure are referred to legal services for investigation and determination of legal liability. A total of 603 cases of fruitless and wasteful expenditure were resolved, written off or recovered by the Department during the 2018/19 financial year to the value of R3,943 million.

11. THE INTERNAL AUDIT UNIT AND THE AUDIT COMMITTEE

The Department has an established 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 for 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 key risks facing the Department, legislative, mandates, strategic objectives, audit issues, and inputs from management and audit committee.

The audit committee operates in terms of its audit charter as provided for in the public finance framework and it has discharged its responsibility as set out in its charter.

During the year, six 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 shows relevant information on the audit committee members and their attendance of meetings:

Name	Qualifications	Internal or external	If internal, position in the department	Date appointed	Date resigned	No. of Meetings attended
Mr. Motsamai Karedi (Chairperson)	BCompt (Hons) Certificate in Management	External		Reappointed-09 May 2018	N/A	6
Mr. Cedric Boltman	Master of Business Administration, Certificate Programme in the Principles of Business & Management, Microsoft Certified Product Specialist, Stock Control	External		Reappointed-09 May 2018	N/A	6
Ms. Besky Ngunjiri	Bcompt (Hons) Certificate in the Theory of Accounting (CTA) Certified Internal Auditor (CIA), Certified Control Self Assessor (CCSA)	External		Reappointed-09 May 2018	N/A	6
Mr. Wilson Ramabulana	BCompt Diploma in State Finance Project Management	External		Reappointed-09 May 2018	N/A	6
Mr Andrew Sello	National Diploma: Accounting; ACIS; FCIS Management Advancement Programme (MAP)1996	External		Reappointed-09 May 2018	N/A	6

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

12. REPORT OF THE AUDIT COMMITTEE

We are pleased to present our report for the financial year ended 31 March 2019.

The responsibility of the Audit Committee is to provide oversight on the Department of Justice and Constitutional Development's compliance with applicable laws and regulations, risks, governance processes, financial reporting, performance and directing the functions of the Internal Audit Unit.

12.1 Audit committee members and attendance

The Audit Committee consists of the members listed below and is required to meet at least four times per annum as per its approved terms of reference. During the year, four (04) meetings and three (03) special meetings were held as indicated below.

Name of members	Numbers of meetings attended	Number of special meetings attended	Status
Mr. Motsamai Karedi (Chairperson)	4	3	Reappointed-23 April 2019
Mr. Cedric Boltman	4	3	Reappointed-23 April 2019
Ms. Besky Ngunjiri	4	3	Reappointed – 23 April 2019
Mr. Wilson Ramabulana	4	3	Reappointed-23 April 2019
Mr Andrew Sello	4	3	Reappointed-23 April 2019

12.2 Audit committee responsibility

We report that the Audit Committee has complied with its responsibilities arising from Section 38 (1) (a) (ii) of the Public Finance Management Act and Treasury Regulation 3.1.13. The Audit Committee also reports that it has adopted appropriate formal terms of reference as outlined in the Audit Committee Charter. The Charter regulates its affairs and the Audit Committee has discharged all its responsibilities as contained therein.

The Committee is satisfied that it has met its responsibilities as stipulated in the charter. The committee has received and reviewed the internal audit reports and external audit report. It also met management to review their progress on key issues relating to controls and risk. We have also met the Executive to report the Internal Control deficiencies and governance challenges.

12.3 The effectiveness of internal control

The Accounting Officer and Management are responsible for designing and implementing an effective system of internal controls to mitigate risks and control deficiencies.

The system of internal control is designed to provide cost effective assurance for achievement of organization's objectives and these controls are required to be effective throughout the year.

The Audit Committee has noted some progress as reflected through the number of items which the Auditor General had qualified the previous financial year. However, the Audit Committee is still concerned about breakdown for key controls relating to accounting of assets and contingent liabilities as well as the failure of management to adequately strengthen controls. The deficiencies contributed to a negative audit outcome. The deficiencies were also brought to the attention of management, however there was slow pace in attending to

and resolving them. The Audit Committee has also advised management to priorities the setting up of a task team to address matters raised in the AG report.

12.4 Internal audit

We are satisfied that the Internal Audit function is operating effectively and that it has addressed the risk pertinent to the entity in its audit. The Internal Audit completed their 2018/2019 audit plan as approved by the Audit Committee. We have met with Internal Audit during the year to ensure that the function is executed effectively and objectively.

12.5 Auditor-General south africa

The Audit committee accepts the audit outcome of the AGSA on the Annual Financial Statements of Department of Justice and Constitutional Development for the year ended 31 March 2019.

12.6 Reports

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

We are satisfied with the content and quality of monthly and quarterly reports prepared by the Accounting Officer of the Department during the year under review. However, we have noted that improvements needed to be made on certain areas as discussed with management.

1.6.2 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.

We have also reviewed the Auditor-General South Africa's final management letter and the audit report and also management's responses. The Audit Committee will continue to monitor the implementation of corrective measures proposed by management and to ensure that they firstly address the audit findings as well as the root causes.



M Kareedi

Chairperson of the Audit Committee

31 July 2019

FOOTNOTES

1. In line with 2017/18 SDIP Report
2. This standard was scheduled to be completed in during 2019/20, however was completed during 2018/19
3. In line with 2017/18 SDIP Report
4. Standard reviewed in line with 2017/18 performance
5. Reports generated through Mojapay administrator (service provider) and at the time of reporting the report was not available
6. In line with 2017/18 SDIP Report



PART D
FINANCIAL INFORMATION

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Report of the auditor-general to Parliament on vote no. 21: Department of Justice and Constitutional Development

Report on the audit of the financial statements

Qualified opinion

1. I have audited the financial statements of the Department of Justice and Constitutional Development set out on pages 176 to 262, which comprise the appropriation statement, the statement of financial position as at 31 March 2019, 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 to the financial statements, including a summary of significant accounting policies.
2. In my opinion, except for the effects of the matters described in the basis for qualified opinion section of this auditor's report, the financial statements present fairly, in all material respects, the financial position of the Department of Justice and Constitutional Development as at 31 March 2019, and its financial performance and cash flows for the year then ended in accordance with Modified Cash Standard (MCS) prescribed by National Treasury and the requirements of the Public Finance Management Act of South Africa, 1999 (Act No. 1 of 1999) (PFMA).

Basis for qualified opinion

Movable tangible capital assets

3. Included in movable tangible assets is R1 877 111 000 for movable tangible capital assets and R857 337 000 for minor assets. The Department did not have adequate internal controls to ensure the effective maintenance of the movable assets register and ensure the existence and completeness of assets disclosed in note 39 to the financial statements. As a consequence, the movable tangible capital assets disclosed in note 39 were overstated by R309 021 000.

Contingent liabilities

4. Included in contingent liabilities is R2 355 819 000 (2018: R2 785 404 000) for claims against the department. The Department did not have adequate internal controls to estimate the likely settlement amounts for claims against the state. I was unable to obtain sufficient appropriate audit evidence to substantiate the claims against the state disclosed in note 25 to the financial statements. As a consequence, I was unable to determine whether any adjustment was necessary to the claims against the state stated in the financial statements.

Context for the opinion

5. I conducted my audit in accordance with the International Standards on Auditing (ISAs). My responsibilities under those standards are further described in the auditor-general's responsibilities for the audit of the financial statements section of this auditor's report.
6. I am independent of the Department in accordance with sections 290 and 291 of the International Ethics Standards Board for Accountants' Code of ethics for professional accountants (IESBA code), parts 1 and 3 of the International Ethics Standards Board for Accountants' International Code of Ethics for Professional Accountants (including International Independence Standards) and the ethical requirements that are relevant to my audit in South Africa. I have fulfilled my other ethical responsibilities in accordance with these requirements and the IESBA codes.

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

Emphasis of matter

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

Restatement of corresponding figures

9. As disclosed in note 43 to the financial statements, the corresponding figures for 31 March 2018 were restated as a result of errors in the financial statements of the Department at, and for the year ended 31 March 2019.

Other matter

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

Unaudited supplementary schedules

11. The supplementary information set out on pages 262 to 279 does not form part of the financial statements and is presented as additional information. I have not audited these schedules and, accordingly, I do not express an opinion on them.

Responsibilities of the accounting officer for the financial statements

12. The accounting officer is responsible for the preparation and fair presentation of the financial statements in accordance with the MCS prescribed by National Treasury and the requirements of the PFMA, and for such internal control as the accounting officer determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.
13. In preparing the financial statements, the accounting officer is responsible for assessing the Department of Justice and Constitutional Development's ability to continue as a going concern, disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting unless the appropriate governance structure either intends to liquidate the Department or to cease operations, or has no realistic alternative but to do so.

Auditor-general's responsibilities for the audit of the financial statements

14. My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.
15. A further description of my responsibilities for the audit of the financial statements is included in the annexure to this auditor's report.

Report on the audit of the annual performance report

Introduction and scope

16. 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 material findings on the reported performance information against predetermined objectives for selected programmes presented in the annual performance report. I performed procedures to identify findings but not to gather evidence to express assurance.
17. My procedures address the reported performance information, which must be based on the approved performance planning documents of the Department. I have not evaluated the completeness and appropriateness of the performance indicators included in the planning documents. My procedures also did not extend to any disclosures or assertions relating to planned performance strategies and information in respect of future periods that may be included as part of the reported performance information. Accordingly, my findings do not extend to these matters.
18. I evaluated the usefulness and reliability of the reported performance information in accordance with the criteria developed from the performance management and reporting framework, as defined in the general notice, for the following selected programmes presented in the annual performance report of the Department for the year ended 31 March 2019:

Programmes	Pages in the annual performance report
Programme 2: Court services	67 - 83
Programme 3: State legal services	83 - 103
Programme 4: National Prosecuting Authority	103 - 133
Programme 5: Auxiliary services	134 - 137

19. I performed procedures to determine whether the reported performance information was properly presented and whether performance was consistent with the approved performance planning documents. I performed further procedures to determine whether the indicators and related targets were measurable and relevant, and assessed the reliability of the reported performance information to determine whether it was valid, accurate and complete.
20. The material findings in respect of the usefulness and reliability of the selected programmes are as follows:

Programme 2 – Court services

Various indicators

21. The reported achievement in the annual performance report did not agree to the supporting evidence provided for the indicators listed below. The supporting evidence provided indicated that the achievements of these indicators were as follows:

Indicator description	Reported Achievement	Audited value
Number of criminal cases on the backlog roll in lower courts	43 862	53 731
Percentage of child justice preliminary inquiries finalised within 90 days after first appearance	96%	85%
Percentage of maintenance matters finalised within 90 days from the date of proper services of process	82%	73%

Percentage of criminal cases postponed due to unavailability of court administration staff

22. I was unable to obtain sufficient appropriate audit evidence for the reported achievement of the target of 0,3%. This was due to inadequate systems and processes to accurately and completely report against the target. I was unable to confirm the reported achievement by alternative means. Consequently, I was unable to determine whether any adjustments were required to the achievement of 0.25% as reported in the annual performance report.

Programme 3 – State legal services

Various indicators

23. The reported achievement in the annual performance report did not agree to the supporting evidence provided for the indicators listed below. The supporting evidence provided indicated that the achievements of these indicators were as follows:

Indicator description	Reported Achievement	Audited value
Number of enrolled matters presented in High Court by state attorney (applications and trials only)	821	395
Percentage of litigation cases settled	62%	53%

24. I did not raise any material findings on the usefulness and reliability of the reported performance information for these programmes:

- Programme 4 – National Prosecuting Authority
- Programme 5 – Auxiliary services

Other matters

25. I draw attention to the matters below.

Achievement of planned targets

26. Refer to the annual performance report on pages 30 to 134 for information on the achievement of planned targets for the year and explanations provided for the under and over achievement of a significant number of targets. This information should be considered in the context of the material findings on the reliability of the reported performance information in paragraphs 21 to 23 of this report.

Report on the audit of compliance with legislation

Introduction and scope

27. In accordance with the PAA and the general notice issued in terms thereof, I have a responsibility to report material findings on the compliance of the department with specific matters in key legislation. I performed procedures to identify findings but not to gather evidence to express assurance.
28. The material findings on compliance with specific matters in key legislations are as follows:

Financial statements, performance reports and annual reports

29. The financial statements submitted for auditing were not prepared in accordance with the prescribed financial reporting framework, as required by section 40(1)(a) and (b) of the PFMA. Material misstatements of disclosure items identified by the auditors in the submitted financial statements were corrected, but the uncorrected material misstatements resulted in the financial statements receiving a qualified opinion.

Expenditure management

30. Effective and appropriate steps were not taken to prevent irregular expenditure, as required by section 38(1)(c)(ii) of the PFMA and treasury regulation 9.1.1. The value, as disclosed in note 31 to the financial statements, is not complete as management was still in the process of quantifying the full extent of the irregular expenditure. The majority of the irregular expenditure disclosed in the financial statements was caused by non-compliance with supply chain legislation. Irregular expenditure amounting to R169 640 000 was incurred by the state attorney.
31. Effective steps were not taken to prevent fruitless and wasteful expenditure amounting to R5 274 000, as disclosed in note 32 to the annual financial statements, as required by section 38(1)(c)(ii) of the PFMA and treasury regulation 9.1.1. The majority of the fruitless and wasteful expenditure was caused by Asset Forfeiture curator fees.

Procurement and contract management

32. Some of the goods and services with a transaction value below R500 000 were procured without obtaining the required price quotations, as required by treasury regulation 16A6.1. Similar non-compliance was also reported in the prior year.
33. Some of the goods and services of a transaction value above R500 000 were procured without inviting competitive bids and deviations were approved by the accounting officer but it was practical to invite competitive bids, as required by treasury regulations 16A6.1 and 16A6.4. Similar non-compliance was also reported in the prior year. This non-compliance was identified in the procurement processes for the state attorney.
34. Some of the contracts were extended or modified without the approval of a properly delegated official as required by section 44 of the PFMA and treasury regulations 8.1 and 8.2. Similar non-compliance was also reported in the prior year.
35. In some instance, persons in service of the Department whose close family members, partners or associates had a private or business interest in contracts awarded by the department failed to disclose such interest, as required by treasury regulation 16A8.4.

Revenue management

36. I was unable to obtain sufficient appropriate audit evidence that effective and appropriate steps were taken to collect all money due, as required by section 38(1)(c)(i) of the PFMA.

Other information

37. The accounting officer is responsible for the other information. The other information comprises the information included in the annual report. The other information does not include the financial statements, the auditor's report and those selected programmes presented in the annual performance report that have been specifically reported in this auditor's report.
38. My opinion on the financial statements and findings on the reported performance information and compliance with legislation do not cover the other information and I do not express an audit opinion or any form of assurance conclusion thereon.
39. In connection with my audit, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements and the selected programmes presented in the annual performance report, or my knowledge obtained in the audit, or otherwise appears to be materially misstated.
40. The other information I obtained prior to the date of this auditor's report is the human resource management report. The general information and governance information reports are expected to be made available to us after 31 July 2019.
41. If, based on the work I have performed on the other information that I obtained prior to the date of this auditor's report, I conclude that there is a material misstatement of this other information, I am required to report that fact. I have nothing to report in this regard.
42. When I do receive and read the general information and governance information reports, if I conclude that there is a material misstatement therein, I am required to communicate the matter to those charged with governance and request that the other information be corrected. If the other information is not corrected, I may have to retract this auditor's report and re-issue an amended report as appropriate. However, if it is corrected, this will not be necessary.

Internal control deficiencies

43. I considered internal control relevant to my audit of the financial statements, reported performance information and compliance with applicable legislation; however, my objective was not to express any form of assurance on it. The matters reported below are limited to the significant internal control deficiencies that resulted in the basis for the qualified opinion, the findings on the annual performance report and the findings on compliance with legislation included in this report.
44. The accounting officer did not effectively oversee financial and performance reporting and compliance as well as related internal controls.
45. Management did not adequately monitor the implementation of action plans to address internal control deficiencies.
46. Management did not implement proper record keeping in a timely manner to ensure that complete, relevant and accurate information is accessible and available to support financial and performance reporting.
47. Management did not implement controls over daily and monthly processing and reconciling of leave transactions.
48. Management did not adequately review and monitor compliance with applicable legislation.
49. Management did not design and implement formal controls over information technology systems to ensure the reliability of the systems and the availability, accuracy and protection of information.

Other reports

50. I draw attention to the following engagements conducted by various parties that had, or could have, an impact on the matters reported in the Department's financial statements, reported performance information, compliance with applicable legislation and other related matters. These reports did not form part of my opinion on the financial statements or my findings on the reported performance information or compliance with legislation.

Investigations

51. An independent consultant is investigating allegations of possible procurement irregularities in the risk and security environment at the request of the department, which covered the period 2008-09 to 2018-19. This investigation was still in progress at the date of this auditor's report.
52. The President of the Country has in terms of the Special Investigation Unit and Special Tribunal Act, 1996, authorised the Special Investigation Unit to investigate the affairs of the Department of Justice and Constitutional Development in so far as it relates to the office of the State Attorney and all branches thereof. This investigation, which covers the period 2012-13 to 2018-19, was still in progress at the date of this auditor's report.

Auditor General

Pretoria
31 July 2019



AUDITOR - GENERAL
SOUTH AFRICA

Auditing to build public confidence

Annexure – Auditor-general’s responsibility for the audit

1. As part of an audit in accordance with the ISAs, I exercise professional judgement and maintain professional scepticism throughout my audit of the financial statements, and the procedures performed on reported performance information for selected programmes and on the Department’s compliance with respect to the selected subject matters.

Financial statements

2. In addition to my responsibility for the audit of the financial statements as described in this auditor’s report, I also:
 - identify and assess the risks of material misstatement of the financial statements whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control
 - obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Department’s internal control
 - evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the accounting officer
 - conclude on the appropriateness of the accounting officer’s use of the going concern basis of accounting in the preparation of the financial statements. I also conclude, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Department of Justice and Constitutional Development ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor’s report to the related disclosures in the financial statements about the material uncertainty or, if such disclosures are inadequate, to modify the opinion on the financial statements. My conclusions are based on the information available to me at the date of this auditor’s report. However, future events or conditions may cause a Department to cease continuing as a going concern
 - evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation

Communication with those charged with governance

3. I communicate with the accounting officer regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.
4. I also confirm to the accounting officer that I have complied with relevant ethical requirements regarding independence, and communicate all relationships and other matters that may reasonably be thought to have a bearing on my independence and, where applicable, related safeguards.

Appropriation Statement

Appropriation per programme

	2018/19							2017/18	
	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
Programme									
1. Administration	2 502 482	-	90 189	2 592 671	2 428 798	163 873	93.7%	1 974 265	1 958 100
2. Court services	6 431 035	-	(56 987)	6 374 048	6 320 062	53 986	99.2%	6 436 550	6 340 628
3. State legal services	1 245 827	-	23 573	1 269 400	1 210 819	58 581	95.4%	1 232 217	1 164 862
4. National Prosecuting Authority	3 648 849	-	150 827	3 799 676	3 799 395	281	100.0%	3 743 041	3 742 915
5. Auxiliary and associated services	3 630 636	-	(207 602)	3 423 034	3 423 033	1	100.0%	3 400 715	3 400 714
Subtotal	17 458 829	-	-	17 458 829	17 182 107	276 722	98.4%	16 786 788	16 607 219
Statutory appropriation	2 215 538	-	-	2 215 538	2 047 385	168 153	92.4%	2 040 520	1 933 468
Magistrates' salaries	2 215 538	-	-	2 215 538	2 047 385	168 153	92.4%	2 040 520	1 933 468
TOTAL	19 674 367	-	-	19 674 367	19 229 492	444 875	97.7%	18 827 308	18 540 687

	2018/19		2017/18	
	Final appropriation	Actual expenditure	Final appropriation	Actual expenditure
TOTAL (brought forward)				
Reconciliation with statement of financial performance				
ADD				
Departmental receipts	376 168		339 048	
NRF receipts	-		-	
Aid assistance	46 125		3 290	
Actual amounts per statement of financial performance (total revenue)	20 096 660		19 169 646	
ADD				
Aid assistance		39 584		1 416
Prior year unauthorised expenditure approved without funding				
Actual amounts per statement of financial performance (total expenditure)		19 269 076		18 542 103

Appropriation per economic classification

	2018/19						2017/18		
	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
Economic classification									
Current payments	15 741 860	(60 981)	144 227	15 825 106	15 417 606	407 500	97.4%	14 868 557	14 625 025
Compensation of employees	11 042 795	-	-	11 042 795	10 798 813	243 982	97.8%	10 635 040	10 392 205
Salaries and wages	9 801 853	(75 492)	(215 176)	9 511 185	9 366 813	144 372	98.5%	9 198 004	9 032 612
Social contributions	1 240 942	75 492	215 176	1 531 610	1 432 000	99 610	93.5%	1 437 036	1 359 593
Goods and services	4 699 065	(60 981)	144 227	4 782 311	4 618 793	163 518	96.6%	4 233 517	4 232 820
Administrative fees	29 904	1 419	(449)	30 874	30 874	-	100.0%	29 973	29 973
Advertising	25 631	(5 523)	(1 509)	18 599	18 599	-	100.0%	17 367	17 367
Minor assets	45 149	(20 517)	(3 076)	21 556	21 556	-	100.0%	31 298	31 298
Audit costs: External	41 392	1 663	-	43 055	43 055	-	100.0%	43 689	43 689
Bursaries: Employees	5 760	1 239	438	7 437	7 437	-	100.0%	5 194	5 194
Catering: Departmental activities	11 521	(4 102)	(894)	6 525	6 525	-	100.0%	6 949	6 949
Communication	139 433	(14 464)	1 529	126 498	126 498	-	100.0%	141 906	141 906
Computer services	856 403	(53 267)	(49 957)	753 179	739 785	13 394	98.2%	771 223	771 223
Consultants: Business and advisory services	66 537	56 422	(4 705)	118 254	118 254	-	100.0%	40 502	40 502
Laboratory services	1 576	(687)	-	889	889	-	100.0%	968	968
Scientific and technological services	1 660	(1 660)	-	-	-	-	-	-	-
Legal services	176 340	(18 026)	13 440	171 754	171 754	-	100.0%	132 440	132 440
Contractors	209 394	90 201	448	300 043	160 007	140 036	53.3%	139 350	139 350

Appropriation per economic classification

	2018/19						2017/18		
	Adjusted appropriation R'000	Shifting of funds R'000	Virement R'000	Final appropriation R'000	Actual expenditure R'000	Variance R'000	Expenditure as % of final appropriation %	Final appropriation R'000	Actual expenditure R'000
Agency and support/ outsourced services	222 909	(56 574)	(7 887)	158 448	158 448	-	100.0%	187 749	187 749
Entertainment	168	(167)	-	1	1	-	100.0%	1	1
Fleet services	70 307	(8 154)	4 740	66 893	66 893	-	100.0%	68 660	68 660
Consumable supplies	15 054	(7 319)	(481)	7 254	7 254	-	100.0%	7 968	7 968
Consumables: Stationery, printing and office supplies	212 295	11 621	7 628	231 544	231 544	-	100.0%	206 761	206 761
Operating leases	895 525	(3 526)	244 912	1 136 911	1 126 823	10 088	99.1%	769 526	769 526
Property payments	1 094 465	483	(59 357)	1 035 591	1 035 591	-	100.0%	1 080 226	1 080 226
Transport provided: Departmental activities	551	(551)	-	-	-	-	-	10	10
Travel and subsistence	351 498	37 440	(5 085)	383 853	383 853	-	100.0%	380 318	379 621
Training and development	18 829	(9 565)	(3 034)	6 230	6 230	-	100.0%	10 095	10 095
Operating payments	193 834	(59 519)	536	134 851	134 851	-	100.0%	147 413	147 413
Venues and facilities	10 470	1 446	6 990	18 906	18 906	-	100.0%	12 016	12 016
Rental and hiring	2 460	706	-	3 166	3 166	-	100.0%	1 915	1 915
Transfers and subsidies	2 806 158	29	34 271	2 840 458	2 803 083	37 375	98.7%	2 742 454	2 699 369
Provinces and municipalities	834	(272)	-	562	562	-	100.0%	651	651
Municipalities	-	-	-	-	-	-	-	651	651
Municipal bank accounts	834	(272)	-	562	562	-	100.0%	651	651
Municipal agencies and funds	834	(272)	-	562	562	-	100.0%	-	-

Appropriation per economic classification

	2018/19						2017/18		
	Adjusted appropriation R'000	Shifting of funds R'000	Virement R'000	Final appropriation R'000	Actual expenditure R'000	Variance R'000	Expenditure as % of final appropriation %	Final appropriation R'000	Actual expenditure R'000
Departmental agencies and accounts	2 673 416	(20)	16 026	2 689 439	2 688 802	637	100.0%	2 614 625	2 614 328
Social security funds							-	-	-
Departmental agencies and accounts	2 673 416	(20)	16 026	2 689 439	2 688 802	637	100.0%	2 614 625	2 614 328
Foreign governments and international organisations	16 928	-	(3 733)	13 195	12 809	386	97.1%	14 406	14 406
Households	114 980	304	21 978	137 262	100 910	36 352	73.5%	112 772	69 984
Social benefits	109 573	(788)	8 893	117 678	81 326	36 352	69.1%	107 457	64 669
Other transfers to households	5 407	1 092	13 085	19 584	19 584	-	100.0%	5 315	5 315
Payments for capital assets	1 125 207	48 741	(188 030)	985 918	985 918	-	100.0%	1 193 955	1 193 951
Buildings and other fixed structures	823 421	459	(27 815)	796 065	796 065	-	100.0%	963 804	963 800
Buildings	823 331	549	(27 815)	796 065	796 065	-	100.0%	963 804	963 800
Other fixed structures	90	(90)	-	-	-	-	-	-	-
Machinery and equipment	301 786	48 282	(160 215)	189 853	189 853	-	100.0%	215 656	215 656
Transport equipment	41 659	(507)	19 610	60 762	60 762	-	100.0%	62 730	62 730
Other machinery and equipment	260 127	48 789	(179 825)	129 091	129 091	-	100.0%	152 926	152 926
Intangible assets	-	-	-	-	-	-	-	14 495	14 495
Payments for financial assets	1 142	12 228	9 515	22 885	22 885	-	100.0%	22 342	22 342
	19 674 367	-	-	19 674 367	19 229 492	444 875	97.7%	18 827 308	18 540 687

Programme 1: Administration

	2018/19						2017/18		
	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
Sub programme									
1. Ministry	33 554	66	-	33 620	33 620	-	100.0%	34 375	34 126
2. Management	49 757	341	(154)	49 944	49 944	-	100.0%	50 237	50 237
3. Corporate service	821 718	(5 972)	(32 408)	783 338	629 553	153 785	80.4%	427 516	426 104
4. Financial administration	210 388	6 381	(13 655)	203 114	203 114	-	100.0%	220 264	217 621
5. Internal audit	87 183	(816)	(3 409)	82 958	82 958	-	100.0%	95 751	83 890
6. Office accommodation	1 299 882	-	139 815	1 439 697	1 429 609	10 088	99.3%	1 146 122	1 146 122
Total for sub programmes	2 502 482	-	90 189	2 592 671	2 428 798	163 873	93.7%	1 974 265	1 958 100
Economic classification									
Current payments	2 470 679	(49 960)	90 698	2 511 417	2 347 899	163 518	93.5%	1 932 182	1 916 187
Compensation of employees	557 302	-	(31 915)	525 387	525 387	-	100.0%	532 413	516 418
Salaries and wages	485 879	(837)	(24 913)	460 129	460 129	-	100.0%	466 660	452 526
Social contributions	71 423	837	(7 002)	65 258	65 258	-	100.0%	65 753	63 892
Goods and services	1 913 377	(49 960)	122 613	1 986 030	1 822 512	163 518	91.8%	1 399 769	1 399 769
Administrative fees	7 017	(185)	-	6 832	6 832	-	100.0%	7 480	7 480
Advertising	15 905	(2 131)	-	13 774	13 774	-	100.0%	13 990	13 990
Minor assets	4 448	(2 310)	-	2 138	2 138	-	100.0%	1 024	1 024
Audit costs: External	41 392	1 655	-	43 047	43 047	-	100.0%	43 654	43 654

Programme 1: Administration

	2018/19						2017/18		
	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
Bursaries: Employees	5 127	1 239	-	6 366	6 366	-	100.0%	4 040	4 040
Catering: Departmental activities	3 808	(183)	-	3 625	3 625	-	100.0%	3 572	3 572
Communication	14 988	(2 079)	-	12 909	12 909	-	100.0%	15 598	15 598
Computer services	115 889	(48 205)	(17 202)	50 482	37 088	13 394	73.5%	20 518	20 518
Consultants: Business and advisory services	24 075	66 261	-	90 336	90 336	-	100.0%	3 626	3 626
Scientific and technological services	1 660	(1 660)	-	-	-	-	-	-	-
Legal services	90 000	(38 935)	-	51 065	51 065	-	100.0%	8 157	8 157
Contractors	142 620	3 674	-	146 294	6 258	140 036	4.3%	6 283	6 283
Agency and support/outourced services	1 261	250	-	1 511	1 511	-	100.0%	8	8
Entertainment	168	(167)	-	1	1	-	100.0%	1	1
Fleet services	2 819	(722)	-	2 097	2 097	-	100.0%	2 399	2 399
Consumable supplies	563	(86)	-	477	477	-	100.0%	252	252
Consumables: Stationery, printing and office supplies	13 556	307	-	13 863	13 863	-	100.0%	12 929	12 929
Operating leases	878 649	(6 834)	214 978	1 086 793	1 076 705	10 088	99.1%	732 605	732 605
Property payments	438 560	2 330	(75 163)	365 727	365 727	-	100.0%	414 484	414 484
Transport provided: Departmental activities	226	(226)	-	-	-	-	-	-	-

Programme 1: Administration

	2018/19						2017/18		
	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
Travel and subsistence	69 401	5 533	-	74 934	74 934	-	100.0%	94 250	94 250
Training and development	9 161	(7 986)	-	1 175	1 175	-	100.0%	2 565	2 565
Operating payments	24 702	(19 144)	-	5 558	5 558	-	100.0%	5 706	5 706
Venues and facilities	6 020	(819)	-	5 201	5 201	-	100.0%	6 520	6 520
Rental and hiring	1 362	463	-	1 825	1 825	-	100.0%	108	108
Transfers and subsidies	17 918	3	1 884	19 805	19 450	355	98.2%	17 853	17 683
Provinces and municipalities	51	(21)	-	30	30	-	100.0%	34	34
Municipalities	-	-	-	-	-	-	-	34	34
Municipal bank accounts	51	(21)	-	30	30	-	100.0%	34	34
Municipal agencies and funds	51	(21)	-	30	30	-	100.0%	-	-
Departmental agencies and accounts	16 461	(18)	-	16 443	16 088	355	97.8%	15 539	15 369
Social security funds								-	-
Departmental agencies and accounts	16 461	(18)	-	16 443	16 088	355	97.8%	15 539	15 369
Foreign governments and international organisations								-	-
Households	1 406	42	1 884	3 332	3 332	-	100.0%	2 280	2 280
Social benefits	1 252	119	470	1 841	1 841	-	100.0%	2 280	2 280
Other transfers to households	154	(77)	1 414	1 491	1 491	-	100.0%	-	-

Programme 1: Administration

	2018/19							2017/18	
	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
Payments for capital assets	13 634	48 730	(2 393)	59 971	59 971	-	100.0%	10 023	10 023
Buildings and other fixed structures	-	289	-	289	289	-	100.0%	-	-
Buildings	-	289	-	289	289	-	100.0%	-	-
Machinery and equipment	13 634	48 441	(2 393)	59 682	59 682	-	100.0%	10 023	10 023
Transport equipment	1 696	(182)	(306)	1 208	1 208	-	100.0%	1 523	1 523
Other machinery and equipment	11 938	48 623	(2 087)	58 474	58 474	-	100.0%	8 500	8 500
Payments for financial assets	251	1 227	-	1 478	1 478	-	100.0%	14 207	14 207
	2 502 482	-	90 189	2 592 671	2 428 798	163 873	93.7%	1 974 265	1 958 100

Programme 2: Court services

	2018/19						2017/18		
	Adjusted appropriation R'000	Shifting of funds R'000	Virement R'000	Final appropriation R'000	Actual expenditure R'000	Variance R'000	Expenditure as % of final appropriation %	Final appropriation R'000	Actual expenditure R'000
Sub programme									
1. Lower Courts	4 663 765	59 269	9 812	4 732 846	4 732 139	707	100.0%	4 625 060	4 585 863
2. Family Advocate	236 106	(8 932)	-	227 174	224 609	2 565	98.9%	214 855	211 289
3. Magistrate's Commission	18 314	1 291	-	19 605	13 848	5 757	70.6%	17 875	13 334
4. Facilities management	891 096	(50 240)	(27 835)	813 021	813 021	-	100.0%	994 237	994 233
5. Administration of Courts	621 754	(1 388)	(38 964)	581 402	536 445	44 957	92.3%	584 523	535 909
Total for sub programmes	6 431 035	-	(56 987)	6 374 048	6 320 062	53 986	99.2%	6 436 550	6 340 628
Economic classification									
Current payments	5 509 584	(10 648)	(45 186)	5 453 750	5 399 764	53 986	99.0%	5 365 504	5 269 586
Compensation of employees	4 019 418	-	(45 186)	3 974 232	3 920 246	53 986	98.6%	3 878 819	3 783 598
Salaries and wages	3 457 509	(94 929)	(45 186)	3 317 394	3 263 717	53 677	98.4%	3 252 936	3 162 189
Social contributions	561 909	94 929	-	656 838	656 529	309	100.0%	625 883	621 409
Goods and services	1 490 166	(10 648)	-	1 479 518	1 479 518	-	100.0%	1 486 685	1 485 988
Administrative fees	5 993	821	-	6 814	6 814	-	100.0%	6 956	6 956
Advertising	6 973	(3 552)	-	3 421	3 421	-	100.0%	1 912	1 912
Minor assets	26 517	(11 838)	-	14 679	14 679	-	100.0%	22 635	22 635
Audit costs: External	-	8	-	8	8	-	100.0%	-	-
Catering: Departmental activities	4 306	(1 938)	-	2 368	2 368	-	100.0%	2 586	2 586
Communication	96 944	(11 965)	-	84 979	84 979	-	100.0%	88 878	88 878

Programme 2: Court services

	2018/19							2017/18	
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Computer services	1 639	(1 105)	-	534	534	-	100.0%	4 230	4 230
Consultants: Business and advisory services	34 593	(10 932)	-	23 661	23 661	-	100.0%	28 447	28 447
Laboratory services	1 576	(695)	-	881	881	-	100.0%	968	968
Legal services	32 628	(2 420)	-	30 208	30 208	-	100.0%	30 325	30 325
Contractors	57 494	88 015	-	145 509	145 509	-	100.0%	123 598	123 598
Agency and support / outsourced services	105 964	(56 756)	(20)	49 188	49 188	-	100.0%	121 850	121 850
Fleet services	55 596	(7 268)	(2 268)	46 060	46 060	-	100.0%	48 052	48 052
Consumable supplies	9 997	(4 169)	-	5 828	5 828	-	100.0%	6 054	6 054
Consumables: Stationery, printing and office supplies	151 246	21 135	-	172 381	172 381	-	100.0%	142 002	142 002
Operating leases	1 651	611	-	2 262	2 262	-	100.0%	1 305	1 305
Property payments	582 182	11 832	2 288	596 302	596 302	-	100.0%	593 002	593 002
Transport provided: Departmental activities	295	(295)	-	-	-	-	-	-	-
Travel and subsistence	198 413	10 343	-	208 756	208 756	-	100.0%	188 704	188 007
Training and development	2 706	654	-	3 360	3 360	-	100.0%	2 892	2 892
Operating payments	109 113	(31 357)	-	77 756	77 756	-	100.0%	67 559	67 559
Venues and facilities	3 464	(115)	-	3 349	3 349	-	100.0%	3 214	3 214
Rental and hiring	876	338	-	1 214	1 214	-	100.0%	1 516	1 516

Programme 2: Court services

	2018/19						2017/18		
	Adjusted appropriation R'000	Shifting of funds R'000	Virement R'000	Final appropriation R'000	Actual expenditure R'000	Variance R'000	Expenditure as % of final appropriation %	Final appropriation R'000	Actual expenditure R'000
Transfers and subsidies	29 283	9	167	29 459	29 459	-	100.0%	27 575	27 575
Provinces and municipalities	743	(226)	-	517	517	-	100.0%	597	597
Municipalities	743	(226)	-	517	517	743	(226)	597	597
Municipal bank accounts	743	(226)	-	517	517	743	(226)	597	597
Departmental agencies and accounts	31	1	-	32	32	-	100.0%	40	40
Departmental agencies and accounts	31	1	-	32	32	-	100.0%	40	40
Households	28 509	234	167	28 910	28 910	-	100.0%	26 938	26 938
Social benefits	26 748	(931)	167	25 984	25 984	-	100.0%	26 357	26 357
Other transfers to households	1 761	1 165	-	2 926	2 926	-	100.0%	581	581
Payments for capital assets	891 333	11	(16 882)	874 462	874 462	-	100.0%	1 035 938	1 035 934
Buildings and other fixed structures	823 421	170	(27 815)	795 776	795 776	-	100.0%	963 804	963 800
Buildings	823 331	260	(27 815)	795 776	795 776	-	100.0%	963 804	963 800
Other fixed structures	90	(90)	-	-	-	-	-	-	-
Machinery and equipment	67 912	(159)	10 933	78 686	78 686	-	100.0%	72 134	72 134
Transport equipment	35 176	(279)	5 116	40 013	40 013	-	100.0%	34 768	34 768
Other machinery and equipment	32 736	120	5 817	38 673	38 673	-	100.0%	37 366	37 366
Payments for financial assets	835	10 628	4 914	16 377	16 377	-	100.0%	7 533	7 533
	6 431 035	-	(56 987)	6 374 048	6 320 062	53 986	99.2%	6 436 550	6 340 628

Programme 3: State legal services

	2018/19					2017/18				
	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	
Sub programme										
1. State law advisors	74 589	143	-	74 732	64 683	10 049	86.6%	70 791	63 018	
2. Litigation and legal services	472 337	6 824	29 303	508 464	491 794	16 670	96.7%	487 977	457 833	
3. Legislative development and law reform	91 569	317	(2 118)	89 768	82 515	7 253	91.9%	84 458	73 689	
4. Master of the High Court	517 937	(2 577)	343	515 703	506 578	9 125	98.2%	507 005	503 674	
5. Constitutional development	89 395	(4 707)	(3 955)	80 733	65 249	15 484	80.8%	81 986	66 648	
Total for sub programmes	1 245 827	-	23 573	1 269 400	1 210 819	58 581	95.4%	1 232 217	1 164 862	
Economic classification										
Current payments	1 211 192	(373)	15 483	1 226 302	1 168 107	58 195	95.3%	1 196 999	1 129 644	
Compensation of employees	1 080 550	-	-	1 080 550	1 022 355	58 195	94.6%	1 046 829	979 474	
Salaries and wages	933 124	-	-	933 124	883 318	49 806	94.7%	907 069	846 558	
Social contributions	147 426	-	-	147 426	139 037	8 389	94.3%	139 760	132 916	
Goods and services	130 642	(373)	15 483	145 752	145 752	-	100.0%	150 170	150 170	
Administrative fees	1 843	(16)	-	1 827	1 827	-	100.0%	1 794	1 794	
Advertising	1 210	160	-	1 370	1 370	-	100.0%	1 209	1 209	
Minor assets	4 376	(1 724)	-	2 652	2 652	-	100.0%	4 959	4 959	
Audit costs: External	-	-	-	-	-	-	-	35	35	
Catering: Departmental activities	1 192	(774)	-	418	418	-	100.0%	498	498	

Programme 3: State legal services

	2018/19						2017/18		
	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	12 456	(246)	-	12 210	12 210	-	100.0%	12 195	12 195
Computer services	348	(320)	-	28	28	-	100.0%	29	29
Consultants: Business and advisory services	446	346	-	792	792	-	100.0%	643	643
Laboratory services	-	8	-	8	8	-	100.0%	-	-
Legal services	42 507	1 566	17 118	61 191	61 191	-	100.0%	59 691	59 691
Contractors	804	(70)	-	734	734	-	100.0%	696	696
Agency and support/outourced services	538	(437)	-	101	101	-	100.0%	1 898	1 898
Fleet services	2 971	(535)	-	2 436	2 436	-	100.0%	2 487	2 487
Consumable supplies	994	(541)	-	453	453	-	100.0%	540	540
Consumables: Stationery, printing and office supplies	16 557	(2 651)	-	13 906	13 906	-	100.0%	13 902	13 902
Operating leases	641	1 348	-	1 989	1 989	-	100.0%	469	469
Property payments	2 590	(1 940)	-	650	650	-	100.0%	248	248
Transport provided: Departmental activities	30	(30)	-	-	-	-	-	-	-
Travel and subsistence	29 823	7 566	(1 635)	35 754	35 754	-	100.0%	33 360	33 360
Training and development	1 741	(201)	-	1 540	1 540	-	100.0%	1 755	1 755
Operating payments	8 378	(4 159)	-	4 219	4 219	-	100.0%	11 398	11 398
Venues and facilities	986	2 361	-	3 347	3 347	-	100.0%	2 117	2 117
Rental and hiring	211	(84)	-	127	127	-	100.0%	247	247

Programme 3: State legal services

	2018/19						2017/18		
	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
Transfers and subsidies	23 497	-	8 997	32 494	32 108	386	98.8%	24 149	24 149
Provinces and municipalities	40	(25)	-	15	15	-	100.0%	20	20
Municipalities	40	(25)	-	15	15	-	100.0%	20	20
Municipal bank accounts	40	(25)	-	15	15	-	100.0%	20	20
Departmental agencies and accounts	6	(3)	-	3	3	-	100.0%	4	4
Departmental agencies and accounts	6	(3)	-	3	3	-	100.0%	4	4
Foreign governments and international organisations	16 928	-	(3 733)	13 195	12 809	386	97.1%	14 406	14 406
Households	6 523	28	12 730	19 281	19 281	-	100.0%	9 719	9 719
Social benefits	3 031	24	1 190	4 245	4 245	-	100.0%	4 985	4 985
Other transfers to households	3 492	4	11 540	15 036	15 036	-	100.0%	4 734	4 734
Payments for capital assets	11 082	-	(907)	10 175	10 175	-	100.0%	10 932	10 932
Machinery and equipment	11 082	-	(907)	10 175	10 175	-	100.0%	10 932	10 932
Transport equipment	3 287	(46)	(65)	3 176	3 176	-	100.0%	3 621	3 621
Other machinery and equipment	7 795	46	(842)	6 999	6 999	-	100.0%	7 311	7 311
Payments for financial assets	56	373	-	429	429	-	100.0%	137	137
	1 245 827	-	23 573	1 269 400	1 210 819	58 581	95.4%	1 232 217	1 164 862

Programme 4: National Prosecuting Authority

	2018/19						2017/18		
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
Sub programme	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
1. National Prosecutions Service	2 960 676	17 478	80 598	3 058 752	3 058 752	-	100.0%	2 946 254	2 946 254
2. Assets Forfeiture Unit	130 933	(8 358)	5 219	127 794	127 794	-	100.0%	126 520	126 520
3. Office for Witness Protection	152 329	11 665	29 545	193 539	193 539	-	100.0%	189 994	189 994
4. Support services	404 911	(20 785)	35 465	419 591	419 310	281	99.9%	480 273	480 147
Total for sub programmes	3 648 849	-	150 827	3 799 676	3 799 395	281	100.0%	3 743 041	3 742 915
Economic classification									
Current payments	3 600 548	-	149 916	3 750 464	3 750 464	-	100.0%	3 698 288	3 698 288
Compensation of employees	3 240 126	-	77 101	3 317 227	3 317 227	-	100.0%	3 202 753	3 202 753
Salaries and wages	3 044 934	20 274	(145 077)	2 920 131	2 920 131	-	100.0%	2 823 712	2 823 712
Social contributions	195 192	(20 274)	222 178	397 096	397 096	-	100.0%	379 041	379 041
Goods and services	360 422	-	72 815	433 237	433 237	-	100.0%	495 535	495 535
Administrative fees	15 046	799	(444)	15 401	15 401	-	100.0%	13 738	13 738
Advertising	1 519	-	(1 485)	34	34	-	100.0%	256	256
Minor assets	7 988	(4 645)	(1 525)	1 818	1 818	-	100.0%	2 596	2 596
Bursaries: Employees	633	-	438	1 071	1 071	-	100.0%	1 154	1 154
Catering: Departmental activities	2 215	(1 210)	(894)	111	111	-	100.0%	287	287
Communication	15 033	(174)	1 541	16 400	16 400	-	100.0%	18 247	18 247

Programme 4: National Prosecuting Authority

	2018/19						2017/18		
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Computer services	49 867	(3 500)	15 927	62 294	62 294	-	100.0%	111 688	111 688
Consultants: Business and advisory services	6 523	747	(4 705)	2 565	2 565	-	100.0%	4 722	4 722
Legal services	11 205	21 763	(3 678)	29 290	29 290	-	100.0%	34 267	34 267
Contractors	8 084	(1 418)	835	7 501	7 501	-	100.0%	7 977	7 977
Agency and support/outourced services	6 049	369	5 825	12 243	12 243	-	100.0%	11 896	11 896
Fleet services	8 921	371	7 008	16 300	16 300	-	100.0%	15 722	15 722
Consumable supplies	3 381	(2 523)	(378)	480	480	-	100.0%	909	909
Consumables: Stationery, printing and office supplies	28 736	(7 039)	8 996	30 693	30 693	-	100.0%	35 361	35 361
Operating leases	14 584	1 349	29 934	45 867	45 867	-	100.0%	35 147	35 147
Property payments	71 133	(11 739)	13 518	72 912	72 912	-	100.0%	72 492	72 492
Transport provided: Departmental activities	-	-	-	-	-	-	-	10	10
Travel and subsistence	53 521	13 868	(3 450)	63 939	63 939	-	100.0%	63 892	63 892
Training and developments	4 439	(2 032)	(2 273)	134	134	-	100.0%	2 690	2 690
Operating payments	51 534	(4 994)	635	47 175	47 175	-	100.0%	62 275	62 275
Venues and facilities	-	19	6 990	7 009	7 009	-	100.0%	165	165
Rental and hiring	11	(11)	-	-	-	-	-	44	44
Transfers and subsidies	17 918	-	7 240	25 158	24 877	281	98.9%	16 558	16 432
Departmental agencies and accounts	9 515	-	43	9 558	9 277	281	97.1%	9 017	8 891

Programme 4: National Prosecuting Authority

	2018/19						2017/18		
	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
Social security funds	-	-	-	-	-	-	-	-	-
Departmental agencies and accounts	9 515	-	43	9 558	9 277	281	97.1%	9 017	8 891
Households	8 403	-	7 197	15 600	15 600	-	100.0%	7 541	7 541
Social benefits	8 403	-	7 066	15 469	15 469	-	100.0%	7 541	7 541
Other transfers to households	-	-	131	131	131	-	100.0%	-	-
Payments for capital assets	30 383	-	(10 930)	19 453	19 453	-	100.0%	27 730	27 730
Machinery and equipment	30 383	-	(10 930)	19 453	19 453	-	100.0%	27 730	27 730
Transport equipment	1 500	-	14 865	16 365	16 365	-	100.0%	22 818	22 818
Other machinery and equipment	28 883	-	(25 795)	3 088	3 088	-	100.0%	4 912	4 912
Payments for financial assets	-	-	4 601	4 601	4 601	-	100.0%	465	465
	3 648 849	-	150 827	3 799 676	3 799 395	281	100.0%	3 743 041	3 742 915

Programme 5: Auxiliary and associated services

	2018/19						2017/18		
	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
Sub programme									
1. Legal Aid South Africa	1 800 892	-	-	1 800 892	1 800 892	-	100.0%	1 754 394	1 754 394
2. Special Investigation Unit	357 099	-	-	357 099	357 099	-	100.0%	346 177	346 177
3. Public Protector of South Africa	310 581	-	16 000	326 581	326 581	-	100.0%	316 093	316 093
4. South African Human Rights Commission	178 830	-	-	178 830	178 830	-	100.0%	173 360	173 360
5. Justice modernisation	983 233	-	(223 602)	759 631	759 631	-	100.0%	810 690	810 690
6. President's Fund	1	-	-	1	-	1	-	1	-
Total for sub programmes	3 630 636	-	(207 602)	3 423 034	3 423 033	1	100.0%	3 400 715	3 400 714
Economic classification									
Current payments	804 458	-	(66 684)	737 774	737 774	-	100.0%	701 358	701 358
Goods and services	804 458	-	(66 684)	737 774	737 774	-	100.0%	701 358	701 358
Administrative fees	5	-	(5)	-	-	-	-	5	5
Advertising	24	-	(24)	-	-	-	-	-	-
Minor assets	1 820	-	(1 551)	269	269	-	100.0%	84	84
Catering: Departmental activities	-	3	-	3	3	-	100.0%	6	6
Communication	12	-	(12)	-	-	-	-	6 988	6 988
Computer services	688 660	(137)	(48 682)	639 841	639 841	-	100.0%	634 758	634 758

Programme 5: Auxiliary and associated services

	2018/19						2017/18		
	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
Consultants: Business and advisory services	900	-	-	900	900	-	100.0%	3 064	3 064
Contractors	392	-	(387)	5	5	-	100.0%	796	796
Agency and support/outourced services	109 097	-	(13 692)	95 405	95 405	-	100.0%	52 097	52 097
Consumable supplies	119	-	(103)	16	16	-	100.0%	213	213
Consumable: Stationery, printing and office supplies	2 200	(131)	(1 368)	701	701	-	100.0%	2 567	2 567
Travel and subsistence	340	130	-	470	470	-	100.0%	112	112
Training and development	782	-	(761)	21	21	-	100.0%	193	193
Operating payments	107	135	(99)	143	143	-	100.0%	475	475
Transfers and subsidies	2 647 403	-	16 000	2 663 403	2 663 402	1	100.0%	2 590 025	2 590 024
Departmental agencies and accounts	2 647 403	-	16 000	2 663 403	2 663 402	1	100.0%	2 590 025	2 590 024
Social security funds	-	-	-	-	-	-	-	-	-
Departmental agencies and accounts	2 647 403	-	16 000	2 663 403	2 663 402	1	100.0%	2 590 025	2 590 024
Payments for capital assets	178 775	-	(156 918)	21 857	21 857	-	100.0%	109 332	109 332
Machinery and equipment	178 775	-	(156 918)	21 857	21 857	-	100.0%	94 837	94 837
Other machinery and equipment	178 775	-	(156 918)	21 857	21 857	-	100.0%	94 837	94 837
Intangible assets	-	-	-	-	-	-	-	14 495	14 495
	3 630 636	-	(207 602)	3 423 034	3 423 033	1	100.0%	3 400 715	3 400 714

Notes to the appropriation statement for the year ended 31 March 2019

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

Details 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. Details of specifically and exclusively appropriated amounts voted (after virement):

Details of these transactions can be viewed in note 1 (annual appropriation) to the annual financial statements.

3. Details on payments for financial assets

Details 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	2 592 671	2 428 798	163 873	94%
Court services	6 374 048	6 320 062	53 986	99%
State legal services	1 269 400	1 210 819	58 581	95%

Due to delays in filling of vacant posts and late submission of claims and invoices relating to Commission of Inquiry into the State Capture and SARS as well as late payment of the refund from the OCJ which reduced expenditure for leases.

The under spending is mainly attributable to the following:

Compensation of employees: vote	R 112 181
Goods & services: vote	R 10 088
Vote other classification (SASSETA)	R 1 023
State capture commission	R 138 811
SARS commission	R 14 619
Magistrates salaries	R 168 153
Total under spending	R 444 875

4.2 Per economic classification	Final appropriation	Actual expenditure	Variance	Variance as a % of final appropriation
	R'000	R'000	R'000	R'000
Current payments				
Compensation of employees	8 897 396	8 785 215	112 181	99%
Goods and services	4 782 311	4 618 793	163 518	97%
Interest and rent on land	-	-	-	-
Transfers and subsidies				
Provinces and municipalities	562	562	-	100%
Departmental agencies and accounts	2 689 439	2 688 802	637	100%
Higher education institutions	-	-	-	-
Public corporations and private enterprises	-	-	-	-
Foreign governments and international organisations	13 195	12 809	386	97%
Non-profit institutions	-	-	-	-
Households	67 123	67 123	-	100%
Payments for capital assets				
Buildings and other fixed structures	796 065	796 065	-	100%
Machinery and equipment	189 853	189 853	-	100%
Heritage assets	-	-	-	-
Specialised military assets	-	-	-	-
Biological assets	-	-	-	-
Land and subsoil assets	-	-	-	-
Intangible assets	-	-	-	-
Payments for financial assets				
	22 885	22 885	-	100%

Statement of financial performance for the year ended 31 March 2019

	Note	2018/19	2017/18
		R'000	R'000
REVENUE			
Annual appropriation	1	17 458 829	16 786 788
Statutory appropriation	2	2 215 538	2 040 520
Departmental revenue	3	376 168	339 060
Aid assistance	4	46 125	3 290
TOTAL REVENUE		20 096 660	19 169 658
EXPENDITURE			
Current expenditure			
Compensation of employees	5	10 798 813	10 392 205
Goods and services	6	4 618 793	4 232 819
Interest and rent on land	7	-	-
Aid assistance	4	39 584	1 416
Total current expenditure		15 457 190	14 626 440
Transfers and subsidies			
Transfers and subsidies	9	2 803 084	2 699 369
Aid assistance	4	-	-
Total transfers and subsidies		2 803 084	2 699 369
Expenditure for capital assets			
Tangible assets	10	985 917	1 179 458
Intangible assets	10	-	14 495
Total expenditure for capital assets		985 917	1 193 953
Unauthorised expenditure approved without funding	11	-	-
Payments for financial assets	8	22 885	22 341
TOTAL EXPENDITURE		19 269 076	18 542 103
SURPLUS/(DEFICIT) FOR THE YEAR		827 584	627 555
Reconciliation of net surplus/(deficit) for the year			
Voted funds		444 875	286 621
Departmental revenue and NRF receipts	19	376 168	339 060
Aid assistance	4	6 541	1 874
SURPLUS/(DEFICIT) FOR THE YEAR		827 584	627 555

Statement of financial position as at 31 March 2019

	Note	2018/19	2017/18
		R'000	R'000
ASSETS			
Current assets		2 033 021	1 603 963
Unauthorised expenditure	11	-	-
Cash and cash equivalents	12	6 469	7 095
Prepayments and advances	14	9 271	10 425
Receivables	15	2 017 281	1 586 443
Non-current assets		-	-
Receivables	15	-	-
TOTAL ASSETS		2 033 021	1 603 963
LIABILITIES			
Current liabilities		2 011 912	1 582 521
Voted funds to be surrendered to the Revenue Fund	18	444 878	286 625
Departmental revenue and NRF receipts to be surrendered to the Revenue Fund	19	35 457	34 141
Bank overdraft	20	1 484 957	1 240 390
Payables	21	30 670	9 926
Aid assistance repayable	4	10 490	-
Aid assistance unutilised	4	5 460	11 439
Non-current liabilities		-	-
Payables	22	-	-
TOTAL LIABILITIES		2 011 912	1 582 521
NET ASSETS		21 109	21 442
	Note	2018/19	2017/18
		R'000	R'000
Represented by:			
Capitalisation reserve		21 109	21 442
Revaluation reserves		-	-
TOTAL		21 109	21 442

Statement of changes in assets for the year ended 31 March 2019

	Note	2018/19	2017/18
		R'000	R'000
Recoverable revenue			
Opening balance		21 442	18 220
Transfers:		(333)	3 222
Irrecoverable amounts written off	<u>8.3</u>	-	-
Debts revised		(852)	(347)
Debts recovered (included in departmental receipts)		(778)	(8 855)
Debts raised		1 297	12 424
Closing balance		21 109	21 442
TOTAL		21 109	21 442

Cash Flow statement for the year ended 31 March 2019

	Note	2018/19	2017/18
		R'000	R'000
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts		20 096 612	19 167 071
Annual appropriated funds received	1.1	17 458 829	16 786 788
Statutory appropriated funds received	2	2 215 538	2 040 520
Departmental revenue received	3	373 696	324 354
Interest received	3.3	2 424	12 119
NRF receipts		-	-
Aid assistance received	4	46 125	3 290
Net (increase)/decrease in working capital		(408 940)	(385 998)
Surrendered to Revenue Fund		(661 474)	(497 753)
Surrendered to RDP Fund/Donor		(2 030)	-
Current payments		(15 457 190)	(14 626 464)
Interest paid	7	-	-
Payments for financial assets		(22 885)	(22 341)
Transfers and subsidies paid		(2 803 084)	(2 699 345)
Net cash flow available from operating activities	23	741 009	935 170
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments for capital assets	10	(985 917)	(1 193 953)
Proceeds from sale of capital assets	3.4	48	2 575
(Increase)/decrease in loans			
Net cash flows from investing activities		(985 869)	(1 191 378)
CASH FLOWS FROM FINANCING ACTIVITIES			
Increase/(decrease) in net assets		(333)	3 222
Increase/(decrease) in non-current payables		-	-
Net cash flows from financing activities		(333)	3 222
Net increase/(decrease) in cash and cash equivalents		(245 193)	(252 986)
Cash and cash equivalents at beginning of period		(1 233 295)	(980 309)
Unrealised gains and losses within cash and cash equivalents			-
Cash and cash equivalents at end of period	24	(1 478 488)	(1 233 295)

Notes to the annual financial statements (including accounting policies)

Accounting Policies

Summary of significant accounting policies

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

The historical cost convention has been used, except where otherwise indicated. Management has used assessments and estimates in preparing the 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 1 of 1999 (as amended by Act 29 of 1999), and the Treasury Regulations issued in terms of the PFMA and the annual Division of Revenue Act.

1	<p>Basis of preparation</p> <p>The financial statements have been prepared in accordance with the Modified Cash Standard.</p>
2	<p>Going concern</p> <p>The financial statements have been prepared on a going concern basis.</p> <p>The overdraft is caused by the delivery of legal services through the Office of the State Attorney. In terms of the State Attorney Act, 1957, the State Attorney is the attorney of record for all national and provincial departments. By virtue of the Minister of Justice and Constitutional Development being the Executive Authority over the Office of the State Attorney, the Department is responsible to settle all accounts in the course of defending the state. Claims recoverable are reflected in note 15 and overdraft is reflected in note 20.</p>
3	<p>Presentation currency</p> <p>Amounts have been presented in the currency of the South African Rand (R) which is also the functional currency of the Department.</p>
4	<p>Rounding</p> <p>Unless otherwise stated, financial figures have been rounded to the nearest one thousand Rand (R'000).</p>
5	<p>Cash flows arising from foreign currency transactions are translated into South African Rands using the spot exchange rates prevailing at the date of payment/receipt.</p>
6	<p>Comparative information</p>
6.1	<p>Prior period comparative information</p> <p>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.</p>
6.2	<p>Current year comparison with budget</p> <p>A comparison between the approved final budget and actual amounts for each programme and economic classification is included in the appropriation statement.</p>
7	<p>Revenue</p>

7.1	Appropriated funds
	<p>Appropriated funds comprise of 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>
7.2	Departmental revenue
	<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>
7.3	Accrued departmental revenue
	<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"> it is probable that the economic benefits or service potential associated with the transaction will flow to the Department; and the amount of revenue can be measured reliably. <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> <p>Write-offs are made according to the Department's debt write-off policy.</p>
8	Expenditure
8.1	Compensation of employees
8.1.1	Salaries and wages
	Salaries and wages are recognised in the statement of financial performance on the date of payment.
8.1.2	Social contributions
	<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	Other expenditure
	<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	Accruals and payables not recognised
	Accruals and payables not recognised are recorded in the notes to the financial statements at cost at the reporting date.

8.4	Leases
8.4.1	<p>Operating leases</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>Finance leases</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"> • cost, being the fair value of the asset; or • the sum of the minimum lease payments made, including any payments made to acquire ownership at the end of the lease term, excluding interest.
9	Aid assistance
9.1	<p>Aid assistance received</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>Aid assistance paid</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	Cash and cash equivalents
	<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 as a current liability.</p> <p>For the purpose 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	Prepayments and advances
	<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	Loans and receivables
	<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. Write-offs are made according to the department's write-off policy.</p>
13	Investments
	<p>Investments are recognised in the statement of financial position at cost.</p>

14	Financial assets
14.1	<p>Financial assets (not covered elsewhere)</p> <p>A financial asset is recognised initially at its cost plus transaction costs that are directly attributable to the acquisition or issue of the financial asset.</p> <p>At the reporting date, a department shall measure its financial assets at cost, less amounts already settled or written-off, except for recognised loans and receivables, which are measured at cost plus accrued interest, where interest is charged, less amounts already settled or written-off.</p>
14.2	<p>Impairment of financial assets</p> <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> <p>The impairment of claims receivables relates to long outstanding balances owed by various client departments for legal fees paid through our State Attorney offices on their behalf. These balances have been impaired after taking into consideration the Debt Prescription Act of 1969 as well as the payment history and financial situation of each client department.</p>
15	<p>Payables</p> <p>Payables recognised in the statement of financial position are recognised at cost.</p>
16	Capital assets
16.1	<p>Immovable capital assets</p> <p>Immovable assets reflected in the asset register of the Department are recorded in the notes to the financial statements at cost or fair value where the cost cannot be determined reliably. Immovable assets acquired in a non-exchange transaction are recorded at fair value at the date of acquisition. Immovable assets are subsequently carried in the asset register at cost and are not currently subject to depreciation or impairment.</p> <p>Subsequent expenditure of a capital nature forms part of the cost of the existing asset when ready for use.</p> <p>Additional information on immovable assets not reflected in the assets register is provided in the notes to financial statements.</p>
16.2	<p>Movable capital assets</p> <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 are measured at fair value as at the date of acquisition.</p> <p>Where the cost of movable capital assets cannot be determined reliably, the movable capital assets are measured at fair value and where fair value cannot be determined, the movable assets are measured at R1.</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>

16.3	<p>Intangible assets</p> <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 reliably, 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. Subsequent expenditure of a capital nature forms part of the cost of the existing asset when ready for use.</p>
16.4	<p>Project costs: Work-in-progress</p> <p>Expenditure of a capital nature relating to consultants and contractors is initially recognised in the statement of financial performance at cost of the claim of the implementation agent when paid.</p> <p>Amounts paid towards capital projects are separated from the amounts recognised and accumulated in work-in-progress until the underlying asset is ready for use. Once ready for use, the total accumulated payments are recorded in an asset register. Subsequent payments to complete the project are added to the capital asset in the asset register.</p> <p>Where the Department is not the custodian of the completed project asset, the asset is transferred to the custodian subsequent to completion.</p>
17	<p>Provisions and contingents</p>
17.1	<p>Provisions</p> <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>
17.2	<p>Contingent liabilities</p> <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>Contingent assets</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>Commitments</p> <p>Commitments (other than for transfers and subsidies) 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>Unauthorised expenditure</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"> • approved by Parliament or the Provincial Legislature with funding and the related funds are received; or • approved by Parliament or the Provincial Legislature without funding and is written off against the appropriation in the statement of financial performance; or • transferred to receivables for recovery. <p>Unauthorised expenditure is measured at the amount of the confirmed unauthorised expenditure.</p>
19	<p>Fruitless and wasteful expenditure</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 de-recognised when settled or subsequently written-off as irrecoverable.</p>
20	<p>Irregular expenditure</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 thereof 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 de-recognised when settled or subsequently written-off as irrecoverable.</p>
21	<p>Changes in accounting policies, accounting estimates and errors</p> <p>Changes in accounting policies that are effected by management have been applied retrospectively in accordance with MCS requirements, except to the extent that it is impracticable to determine the period-specific effects or the cumulative effect of the change in policy. In such instances, the Department shall restate the opening balances of assets, liabilities and net assets for the earliest period for which retrospective restatement is practicable.</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>Events after the reporting date</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>Principal agent arrangements</p> <p>The Department is party to a principal-agent arrangement for the collection of monies and other debts owed to government institutions as well as proceeds from the enforcement of court orders granted in terms of the Prevention of Organised Crimes Act (Act 121 of 1998), as amended, and the Financial Intelligence Act (Act 38 of 2001), through the Office of the State Attorney, Third Party Funds and CARA. In terms of the arrangement, the Department is the agent and is responsible for collecting and surrendering all monies collected to the NRF. All related revenues, expenditures, assets and liabilities have been recognised or recorded in terms of the relevant policies listed herein. Additional disclosures have been provided in the notes to the financial statements where appropriate.</p>
24	<p>Departures from the MCS requirements</p> <p>The Department has complied with all the MCS requirements.</p>
25	<p>Capitalisation reserve</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/Provincial Revenue Fund when the underlying asset is disposed and the related funds are received.</p>
26	<p>Recoverable revenue</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/Provincial Revenue Fund when recovered or are transferred to the statement of financial performance when written-off.</p>
27	<p>Related party transactions</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 within the Minister/MEC's portfolio are recorded in the notes to the financial statements when the transaction is not at arm's length.</p> <p>Key management personnel are those persons having the authority and responsibility for planning, directing and controlling the activities of the Department. The number of individuals and their full compensation is recorded in the notes to the financial statements.</p>
28	<p>Inventories (Effective from date determined in a Treasury Instruction)</p> <p>At the date of acquisition, inventories are recorded at cost price in the statement of financial performance.</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 current replacement value.</p> <p>Subsequent measurement of the cost of inventory is determined on the weighted average basis.</p>
29	<p>Public-private partnerships</p> <p>Public-private partnerships are accounted for based on the nature and or the substance of the partnership. The transaction is accounted for in accordance with the relevant accounting policies.</p> <p>A summary of the significant terms of the PPP agreement, the parties to the agreement and the date of commencement thereof together with the description and nature of the concession fees received, the unitary fees paid, rights and obligations of the Department are recorded in the notes to the financial statements.</p>
30	<p>Employee benefits</p> <p>The value of each major class of employee benefit obligation (accruals, payables not recognised and provisions) is disclosed in the employee benefits note.</p>

Notes to the annual financial statements

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) and provincial departments:

	2018/19			2017/18	
	Final appropriation	Actual funds received	Funds not requested/ not received	Final appropriation	Appropriation received
	R'000	R'000	R'000	R'000	R'000
Administration	2 592 688	2 592 688	-	1 974 265	1 786 853
Court services	6 374 048	6 374 048	-	6 436 550	6 604 598
State legal services	1 269 400	1 269 400	-	1 232 217	1 232 276
National Prosecuting Authority	3 799 659	3 799 659	-	3 743 041	3 684 311
Auxiliary and associated services	3 423 034	3 423 034	-	3 400 715	3 478 750
Total	17 458 829	17 458 829	-	16 786 788	16 786 788

2. Statutory appropriation

	2018/19	2017/18
	R'000	R'000
Magistrates salaries	2 215 538	2 040 520
Total	2 215 538	2 040 520
Actual statutory appropriation received	2 215 538	2 040 520

3. Departmental revenue

	Note	2018/19	2017/18
		R'000	R'000
Tax revenue			
Sales of goods and services other than capital assets	3.1	79 449	50 077
Fines, penalties and forfeits	3.2	246 572	228 439
Interest, dividends and rent on land	3.3	2 424	12 119
Sales of capital assets	3.4	48	2 575
Transactions in financial assets and liabilities	3.5	45 403	36 157
Transfer received	3.6	2 272	9 693
Total revenue collected		376 168	339 060
Less: own revenue included in appropriation	19	-	-
Departmental revenue collected		376 168	339 060

3.1 Sales of goods and services other than capital assets

	Note	2018/19	2017/18
	3	R'000	R'000
Sales of goods and services produced by the Department		79 092	49 943
Sales by market establishment		3 748	4 077
Administrative fees		3	7
Other sales		75 341	45 859
Sales of scrap, waste and other used current goods		357	134
Total		79 449	50 077

The figure recorded under "other sales" comprises mainly of services rendered for insolvent estates through the Master's Office which amounts to R63,2 million.

3.2 Fines, penalties and forfeits

	Note	2018/19	2017/18
	3	R'000	R'000
Fines		192 825	193 990
Penalties		1 566	490
Forfeits		52 181	33 959
Total		246 572	228 439

3.3 Interest, dividends and rent on land

	Note	2018/19	2017/18
	3	R'000	R'000
Interest		2 424	12 119
Dividends		-	-
Rent on land		-	-
Total		2 424	12 119

3.4 Sale of capital assets

	Note	2018/19	2017/18
	3	R'000	R'000
Tangible assets		48	2 575
Buildings and other fixed structures	41		
Machinery and equipment	39	48	2 575
Intangible assets		-	-
Software	40	-	-
Total		48	2 575

3.5 Transactions in financial assets and liabilities

	Note	2018/19	2017/18
	3	R'000	R'000
Loans and advances		-	-
Receivables		7 322	8 190
Stale cheques written back		19	15
Other receipts including recoverable revenue		38 062	27 952
Total		45 403	36 157

The figure recorded under "other receipts" mainly comprises of revenue related to unallocated credits relating to the Third Party Funds account (R29,9 million) and revenue recovered relating to various debts from previous years.

3.6 Transfers received

	Note	2018/19	2017/18
	3	R'000	R'000
Public corporations and private enterprises		2 272	9 693
Total		2 272	9 693

The department received donations from various municipalities during the 2018/19 financial year relating to auxiliary costs associated with court operations.

4. Aid assistance

	Note	2018/19	2017/18
		R'000	R'000
Opening balance		11 439	9 565
Prior period error			
As restated		11 439	9 565
Transferred from statement of financial performance		6 541	1 874
Transfers to or from retained funds			-
Paid during the year		(2 030)	-
Closing balance		15 950	11 439

4.1 Analysis of balance by source

	Note	2018/19	2017/18
		R'000	R'000
Aid assistance from RDP	4	10 490	-
Aid assistance from other sources		-	-
CARA		5 460	11 439
Closing balance		15 950	11 439

4.2 Analysis of balance

		2018/19	2017/18
	Note	R'000	R'000
Aid assistance prepayments (not expensed)	4	-	-
Aid assistance unutilised	4	5 460	11 439
Aid assistance repayable	4	10 490	-
Closing balance		15 950	11 439
Aid assistance not requested/not received		-	-

4.3 Prior period error

	Note	2017/18
		R'000
Nature of prior period error		
Relating to 2015/16 [affecting the opening balance]		-
Total prior period errors		-

4.4 Aid assistance expenditure per economic classification

		2018/19	2017/18
	Note	R'000	R'000
Current		39 584	1 416
Capital		-	-
Transfers and subsidies		-	-
Total aid assistance expenditure		39 584	1 416

The aid assistance expenditure mainly comprised of CARA funded projects (R37,9 million) conducted through the NPA and other branches within the Department.

5. Compensation of employees

5.1 Salaries and wages

	Note	2018/19	2017/18
		R'000	R'000
Basic salary		7 685 682	7 425 899
Performance award		84 097	81 845
Service based		14 256	14 777
Compensative/circumstantial		19 837	16 739
Periodic payments		21 001	16 999
Other non-pensionable allowances		1 541 940	1 476 351
Total		9 366 813	9 032 610

5.2 Social contributions

	Note	2018/19	2017/18
		R'000	R'000
Employer contributions			
Pension		956 662	911 580
Medical		473 698	446 458
UIF		-	-
Bargaining council		1 640	1 557
Total		1 432 000	1 359 595
Total compensation of employees		10 798 813	10 392 205
Average number of employees		22 802	23 516

6. Goods and services

	Note	2018/19	2017/18
		R'000	R'000
Administrative fees		30 874	29 973
Advertising		18 599	17 367
Minor assets	6.1	21 556	31 296
Bursaries (employees)		7 437	5 194
Catering		6 525	6 949
Communication		126 498	141 906
Computer services	6.2	739 785	771 222
Consultants: Business and advisory services		118 254	40 502
Laboratory services		889	968
Scientific and technological services		-	-
Legal services		171 754	132 440
Contractors		160 007	139 350
Agency and support/outsourced services		158 448	187 749
Entertainment		1	1
Audit cost – external	6.3	43 055	43 689
Fleet services		66 893	68 660
Inventory	6.4	-	-
Consumables	6.5	238 798	214 729
Housing		-	-
Operating leases		1 126 823	769 526
Property payments	6.6	1 035 591	1 080 226
Rental and hiring		3 166	1 915
Transport provided as part of the departmental activities		-	10
Travel and subsistence	6.7	383 853	379 620
Venues and facilities		18 906	12 017

	Note	2018/19	2017/18
		R'000	R'000
Training and development		6 230	10 095
Other operating expenditure	6.8	134 851	147 415
Total		4 618 793	4 232 819

The figure recorded under "contractors" relates mainly to day-to-day maintenance.

"Other operating expenditure" comprises mainly of storage services (R13,4 million), witness fees (R57,0 million) and protective custody of witnesses (NPA) (R44,1 million).

6.1 Minor assets

	Note	2018/19	2017/18
	6	R'000	R'000
Tangible assets		21 556	31 296
Buildings and other fixed structures		-	-
Machinery and equipment		21 556	31 296
Intangible assets		-	-
Software		-	-
Total		21 556	31 296

6.2 Computer services

	Note	2018/19	2017/18
	6	R'000	R'000
SITA computer services		266 052	362 183
External computer service providers		473 733	409 039
Total		739 785	771 222

6.3 Audit cost – external

	Note	2018/19	2017/18
	6	R'000	R'000
Regularity audits		43 055	43 689
Computer audits		-	-
Total		43 055	43 689

6.4 Inventory

	Note	2018/19	2017/18
	6	R'000	R'000
Clothing material and accessories			
Other supplies	6.4.1		
Total			

6.4.1 Other supplies

	Note	2018/19	2017/18
	6.4	R'000	R'000
Ammunition and security supplies			
Assets for distribution			
Machinery and equipment			
Other			
Total			

6.5 Consumables

	Note	2018/19	2017/18
	6	R'000	R'000
Consumable supplies		8 302	7 986
Uniform and clothing		466	496
Household supplies		2 480	3 627
Building material and supplies		832	1 186
Communication accessories		86	128
IT consumables		1 378	1 644
Other consumables		3 060	905
Stationery, printing and office supplies		230 496	206 743
Total		238 798	214 729

"Other consumables" comprises mainly of fuel supplies expenditure (R671 145.07), security access expenditure (R565 691.54) and audiovisual expenditure (R1, 0 million).

6.6 Property payments

	Note	2018/19	2017/18
	6	R'000	R'000
Municipal services		346 422	395 246
Property management fees		-	-
Property maintenance and repairs		-	-
Other		689 169	684 980
Total		1 035 591	1 080 226

The figure recorded under "other" comprises mainly of payments relating to security services (R575,6 million), property maintenance (R20,3 million), and management f fees (NPA) (R63,2 million).

6.7 Travel and subsistence

	Note	2018/19	2017/18
	6	R'000	R'000
Local		380 959	373 490
Foreign		2 894	6 130
Total		383 853	379 620

6.8 Other operating expenditure

	Note	2018/19	2017/18
	6	R'000	R'000
Professional bodies, membership and subscription fees		1 056	1 156
Resettlement costs		3 939	4 037
Other		129 856	142 222
Total		134 851	147 415

"Other operating expenditure" comprises mainly of storage services (R13,4 million), witness fees (R57,0 million) and protective custody of witnesses (NPA) (R44,1 million).

6.9 B-BBEE Performance

Information on compliance with the B-BBEE Act is included in the annual report under the section titled B-BBEE compliance performance information.

7. Interest and rent on land

	Note	2018/19	2017/18
		R'000	R'000
Interest paid		-	-
Rent on land		-	-
Total		-	-

8. Payments for financial assets

	Note	2018/19	2017/18
		R'000	R'000
Material losses through criminal conduct		496	599
Theft	8.4	496	599
Other material losses	8.1	-	-
Purchase of equity		-	-
Extension of loans for policy purposes		-	-
Other material losses written off	8.2	21 812	7 705
Debts written off	8.3	577	14 037
Forex losses	8.5	-	-
Total		22 885	22 341

8.1 Other material losses

	Note	2018/19	2017/18
	8	R'000	R'000
Nature of other material losses		-	-
		-	-
Total		-	-

8.2 Other material losses written off

	Note	2018/19	2017/18
	8	R'000	R'000
Nature of losses			
Irrecoverable losses (DOJ)		17 103	7 147
Civil action		10	-
Damages to vehicles (DOJ&NPA)		571	248
Losses and damages (NPA)		58	90
Damage to property (NPA)		-	6
Loss of damaged goods (NPA)		16	3
Uneconomical and prescribed salary related debt (NPA)		3 679	198
Fruitless		1	-
Loss of library books		-	-
Loss of official firearm (NPA)		-	-
Other and no show (NPA)		374	13
		<u>21 812</u>	<u>7 705</u>

Irrecoverable losses relate to the ring-fenced Third Party Funds (TPF) which have been written off following a thorough investigation after which the amounts were considered irrecoverable.

8.3 Debts written off

	Note	2018/19	2017/18
	8	R'000	R'000
Nature of debts written off			
Recoverable revenue written off			
Total			
Other debt written off			
Staff debts (out of services)		577	14 037
Total		<u>577</u>	<u>14 037</u>
Total debt written off		<u>577</u>	<u>14 037</u>

The out of services staff debts relate to long outstanding debts which could not be recovered by the debt recovery agencies..

8.4 Details of theft

	Note	2018/19	2017/18
	8	R'000	R'000
Nature of theft			
Burglaries		43	20
Theft		453	579
Total		496	599

8.5 Forex losses

	Note	2018/19	2017/18
	8	R'000	R'000
Nature of losses		-	-
Forex losses		-	-
Total		-	-

9. Transfers and subsidies

		2018/19	2017/18
		R'000	R'000
	Note		
Provinces and municipalities	48, 49	563	651
Departmental agencies and accounts	Annex 1B	2 688 802	2 614 327
Foreign governments and international organisations	Annex 1E	12 809	14 406
Households	Annex 1G	100 910	69 985
Total		2 803 084	2 699 369

10. Expenditure for capital assets

	Note	2018/19	2017/18
		R'000	R'000
Tangible assets		985 917	1 179 458
Buildings and other fixed structures	40	796 064	963 800
Heritage assets	39, 41	-	-
Machinery and equipment	39	189 853	215 658
Intangible assets		-	14 495
Software	40	-	14 495
Mastheads and publishing titles	40	-	-
Total		985 917	1 193 953

10.1 Analysis of funds utilised to acquire capital assets – 2018/19

	Voted funds	Aid assistance	Total
	R'000	R'000	R'000
Tangible assets	985 917	-	985 917
Buildings and other fixed structures	796 064	-	796 064
Heritage assets	-	-	-
Machinery and equipment	189 853	-	189 853
Intangible assets	-	-	-
Software	-	-	-
Mastheads and publishing titles	-	-	-
Total	985 917	-	985 917

10.2 Analysis of funds utilised to acquire capital assets – 2017/18

	Voted funds	Aid assistance	Total
	R'000	R'000	R'000
Tangible assets	1 179 458	-	1 179 458
Buildings and other fixed structures	963 800	-	963 800
Heritage assets	-	-	-
Machinery and equipment	215 658	-	215 658
Intangible assets	14 495	-	14 495
Software	14 495	-	14 495
Mastheads and publishing titles	-	-	-
Total	1 193 953	-	1 193 953

10.3 Finance lease expenditure included in expenditure for capital assets

	Note	2018/19	2017/18
		R'000	R'000
Tangible assets			
Buildings and other fixed structures		-	-
Heritage assets		-	-
Machinery and equipment		68 255	81 470
Total		68 255	81 470

11. Unauthorised expenditure

11.1 Reconciliation of unauthorised expenditure

	Note	2018/19	2017/18
		R'000	R'000
Opening balance		-	-
Closing balance		-	-

12. Cash and cash equivalents

	Note	2018/19	2017/18
		R'000	R'000
Consolidated Paymaster General Account		-	-
Cash receipts		(557)	1 199
Disbursements		2	-
Cash on hand		7 024	5 896
Total		6 469	7 095

13. Other financial assets

	Note	2018/19	2017/18
		R'000	R'000
Current		-	-
Local		-	-

14. Prepayments and advances

	Note	2018/19	2017/18
		R'000	R'000
Staff advances		-	-
Travel and subsistence		169	72
Prepayments (not expensed)	14.2	1 227	1 227
Advances paid (not expensed)	14.1	7 875	9 126
Total		9 271	10 425

14.1 Advances paid (not expensed) – 2018/19

	Note	Balance as at 1 April 2018	Less: amount expensed in current year	Add or less: other	Add: current year advances	Balance as at 31 March 2019
	14	R'000	R'000	R'000	R'000	R'000
National departments		8 991	(187 219)	-	186 103	7 875
Provincial departments		-	-	-	-	-
Public entities		135	(135)	-	-	-
Other entities		-	-	-	-	-
Total		9 126	(187 354)	-	186 103	7 875

Advances paid (not expensed) – 2017/18

	Note	Balance as at 1 April 2017	Less: amount expensed in current year	Add or less: other	Add: current year advances	Balance as at 31 March 2018
	14	R'000	R'000	R'000	R'000	R'000
National departments		8 738	(18 250)	-	18 503	8 991
Public entities		135	-	-	-	135
Other entities		11	(11)	-	-	-
Total		8 884	(18 261)	-	18 503	9 126

14.2 Prepayments (not expensed) – 2018/19

	Note	Balance as at 1 April 2018	Less: amount expensed in current year	Add or less: other	Add: current year pre-payments	Balance as at 31 March 2019
	14	R'000	R'000	R'000	R'000	R'000
Goods and services		1 227	-	-	-	1 227
Total		1 227	-	-	-	1 227

Prepayments (not expensed) – 2017/18

	Note	Balance as at 1 April 2017	Less: amount expensed in current year	Add or less: other	Add: current year pre-payments	Balance as at 31 March 2018
	14	R'000	R'000	R'000	R'000	R'000
Goods and services		1 238	(11)			1 227
Total		1 238	(11)			1 227

14.3 Prepayments (expensed)

	Note	Amount as at 1 April 2017	Less: received in the current year	Add: current year pre-payments	Amount as at 31 March 2018
		R'000	R'000	R'000	R'000
Goods and services					
Interest and rent on land		-		-	
Transfers and subsidies		-		-	
Capital assets		-		-	
Total		-		-	

14.4 Advances paid (expensed)

	Note	Amount as at 1 April 2017	Less: received in the current year	Add: current year prepay- ments	Amount as at 31 March 2018
		R'000	R'000	R'000	R'000
National departments		-			-
Provincial departments		-			-
Public entities		-			-
Total		-			-

15. Receivables

	Note	2018/19			2017/18		
		Current	Non-current	Total	Current	Non-current	Total
		R'000	R'000	R'000	R'000	R'000	R'000
Claims recoverable (legal fees)	15.1	1 970 907		1 970 907	1 540 201	-	1 540 201
Trade receivables	15.2	-	-	-	623	-	623
Recoverable expenditure	15.3	2	-	2	2	-	2
Staff debt	15.4	35 639		35 639	33 692	-	33 692
Fruitless and wasteful expenditure	15.6	-	-	-	-	-	-
Other receivables	15.5	10 733		10 733	11 925	-	11 925
Total		2 017 281	-	2 017 281	1 586 443	-	1 586 443

15.1 Claims recoverable (legal fees)

	Note	2018/19	2017/18
	15 and Annex 4	R'000	R'000
National departments		535 221	597 692
Provincial departments		1 435 686	942 509
Local governments		-	-
Total		1 970 907	1 540 201

15.2 Trade receivables

	Note	2018/19	2017/18
	15	R'000	R'000
Trade receivables		-	623
Total		-	623

15.3 Recoverable expenditure (disallowance accounts)

	Note	2018/19	2017/18
	15	R'000	R'000
Fruitless expenditure		2	2
National pace reports		-	-
Total		2	2

15.4 Staff debt

	Note	2018/19	2017/18
	15	R'000	R'000
In services debt		10 876	12 868
Out of service debt		24 763	20 824
Total		35 639	33 692

15.5 Other debtors

	Note	2018/19	2017/18
	15	R'000	R'000
Disallowance accounts		9 465	10 136
Salary suspense accounts		1 113	1 633
Damages and vehicles		155	156
Total		10 733	11 925

15.6 Fruitless and wasteful expenditure

	Note	2018/19	2017/18
	15	R'000	R'000
Opening balance		-	-
Less amounts recovered		21	12
Less amounts written off		2 953	-
Transfers from note 32 fruitless and wasteful expenditure		(2 974)	(12)
Interest		-	-
Total		-	-

15.7 Impairment of receivables

	Note	2018/19	2017/18
		R'000	R'000
Impairment of receivables		8 356	10 108
Impairment of claims receivable (legal fees)		866 719	134 230
Total		875 075	144 338

The impairment of claims receivables amounting to R866.7 million relates to long outstanding balances owed by various client departments for legal fees paid through our State Attorney offices on their behalf. These balances have been impaired after taking into consideration the Debt Prescription Act of 1969 as well as the payment history and financial situation of each client department. The impairment also includes instances where there are disputes, which is a further indication of impairment.

16. Investments

	Note	2018/19	2017/18
		R'000	R'000
Non-current		-	-
Shares and other equity		-	-
Total		-	-

17. Loans

	Note	2018/19	2017/18
		R'000	R'000
Public corporations		-	-
Staff loans		-	-
Total		-	-

18. Voted funds to be surrendered to the Revenue Fund

	Note	2018/19	2017/18
		R'000	R'000
Opening balance		286 625	166 167
Prior period error	18.2		
As restated		286 625	166 167
Transfer from statement of financial performance (as restated)		444 875	286 621
Add: unauthorised expenditure for current year	11		
Voted funds not requested/not received	1.1		
Paid during the year		(286 622)	(166 163)
Closing balance		444 878	286 625

19. Departmental revenue and NRF receipts to be surrendered to the Revenue Fund

	Note	2018/19	2017/18
		R'000	R'000
Opening balance		34 141	26 683
Prior period error	19.1		
As restated		34 141	26 683
Transfer from statement of financial performance (as restated)		376 168	339 060
Own revenue included in appropriation		-	-
Transfer from aid assistance	4	-	-
Transfer to voted funds to defray expenditure (Parliament/Legislatures ONLY)	18.1	-	-
Paid during the year		(374 852)	(331 602)
Closing balance		35 457	34 141

20. Bank overdraft

	Note	2018/19	2017/18
		R'000	R'000
Consolidated Paymaster General Account		1 484 902	1 240 035
Overdraft with commercial banks (local)		55	355
Total		1 484 957	1 240 390

The bank overdraft is as a result of the supply of legal services by the Office of the State Attorney on behalf of client departments. In terms of the State Attorney Act, 1957, the State Attorney is the attorney of record for all national and provincial departments. By virtue of the Minister of Justice and Constitutional Development being the Executive Authority over the Office of the State Attorney, the Department is responsible to settle all accounts (legal fees) in the course of defending the state.

21. Payables – current

	Note	2018/19	2017/18
		R'000	R'000
Amounts owing to other entities		-	-
Advances received	21.1	-	-
Clearing accounts	21.2	2 171	2 880
Other payables	21.3	28 499	7 046
Total		30 670	9 926

"Other payables" consists mainly of the disallowance miscellaneous account amounting to R27,1 million.

21.1 Advances received

	Note	2018/19	2017/18
	21	R'000	R'000
National departments		-	-
Provincial departments		-	-
Public entities		-	-
Other institutions		-	-
Total		-	-

21.2 Clearing accounts

	Note	2018/19	2017/18
	21	R'000	R'000
Salary control accounts		2 171	2 880
Total		2 171	2 880

21.3 Other payables

	Note	2018/19	2017/18
	21	R'000	R'000
National pace (NPA)		-	3 306
Salary ACB recalls		129	152
Disallowance miscellaneous		27 205	-
TPF revenue erroneously paid over to vote		1 165	3 588
Total		28 499	7 046

22. Payables – non-current

	Note	2018/19				2017/18
		R'000	R'000	R'000	R'000	R'000
		One to two years	Two to three years	More than three years	Total	Total
Advances received	22.1	-	-	-	-	-
Other payables	22.2	-	-	-	-	-
Total		-	-	-	-	-

22.1 Advances received

	Note	2018/19	2017/18
	22	R'000	R'000
National departments			
Provincial departments			
Total			

22.2 Other payables

	Note	2018/19	2017/18
	22	R'000	R'000
Description			
Total			

23. Net cash flow available from operating activities

	Note	2018/19	2017/18
		R'000	R'000
Net surplus/(deficit) as per statement of financial performance		827 584	627 543
Add back non-cash/cash movements not deemed operating activities		(86 575)	307 627
(Increase)/decrease in receivables – current		(430 838)	(389 119)
(Increase)/decrease in prepayments and advances		1 154	(127)
(Increase)/decrease in other current assets		-	-
Increase/(decrease) in payables – current		20 744	3 248
Proceeds from sale of capital assets		(48)	(2 575)
Proceeds from sale of investments		-	-
(Increase)/decrease in other financial assets		-	-
Expenditure on capital assets		985 917	1 193 953
Surrenders to Revenue Fund		(661 474)	(497 753)
Surrenders to RDP Fund/Donor		(2 030)	-
Net cash flow generated by operating activities		741 009	935 170

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

	Note	2018/19	2017/18
		R'000	R'000
Consolidated Paymaster General Account		(1 484 902)	(1 240 035)
Fund requisition account		-	-
Cash receipts		(557)	1 199
Disbursements		2	-
Cash on hand		7 024	5 896
Cash with commercial banks (local)		(55)	(355)
Cash with commercial banks (foreign)		-	-
Total		(1 478 488)	(1 233 295)

25. Contingent liabilities and contingent assets

25.1 Contingent liabilities

		Note	2018/19	2017/18
			R'000	R'000
Liable to	Nature			
Housing loan guarantees	Employees	Annex 3A	394	394
Other guarantees		Annex 3A		
Claims against the department		Annex 3B	2 156 362	2 741 622
Intergovernmental payables (unconfirmed balances)		Annex 5	2 820	167 582
Other		Annex 3B	17 507	17 244
Total			2 177 083	2 926 842

Contingent liabilities mainly consist of summonses (claims against the department) received by the Department of which the outcome and timing is uncertain.

The contingent liability disclosed is based on management estimate of the department's financial exposure.

The assessment of the malicious prosecution and unlawful arrest against the Department is based on the outcome history of these cases over the past three years. Other cases are assessed on a case-by-case basis.

26. Commitments

		Note	2018/19	2017/18
			R'000	R'000
Current expenditure				
Approved and contracted			1 327 499	2 278 181
Approved but not yet contracted			17 067	73 728
			1 344 566	2 351 909
Capital expenditure				
Approved and contracted			2 209	13 144
Approved but not yet contracted			-	-
			2 209	13 144
Total commitments			1 346 775	2 365 053

27. Accruals and payables not recognised

27.1 Accruals

				2018/19	2017/18
				R'000	R'000
Listed by economic classification					
	30 Days	30+ Days	Total	Total	
Goods and services	115 309	3 080	118 389	57 697	
Transfers and subsidies	-	-	-	-	
Capital assets	51 226		51 226	45 606	
Other	-	-	-	12	
Total	166 535	3 080	169 615	103 315	

	Note	2018/19	2017/18
		R'000	R'000
Listed by programme level			
Programme 1: Administration		8 424	26 710
Programme 2: Court services		123 437	47 033
Programme 3: State legal services		151	785
Programme 5: Auxiliary and associated services		2 442	1 382
Programme 4: NPA		35 161	27 405
Total		169 615	103 315

27.2 Payables not recognised

		2018/19	2017/18
		R'000	R'000
Listed by economic classification			
	30 Days	30+ Days	Total
Goods and services	33 534	11 336	44 870
Transfers and subsidies	-	-	-
Capital assets	136	161	297
Other	-	-	-
Total	33 670	11 497	45 167

	Note	2018/19	2017/18
		R'000	R'000
Listed by programme level			
Programme 1: Administration		9 335	-
Programme 2: Court services		3 312	140 731
Programme 3: State legal services		782	-
Programme 5: Auxiliary and associated services		431	-
Programme 4: NPA		31 307	26 899
Total		45 167	167 630

	Note	2018/19	2017/18
		R'000	R'000
Included in the above totals are the following:			
Confirmed balances with other departments	Annex 5	37 252	61 692
Confirmed balances with other government entities	Annex 5	16 559	129 480
Total		53 811	191 172

28. Employee benefits

	Note	2018/19	2017/18
		R'000	R'000
Leave entitlement – employees		394 479	365 312
Leave entitlement - magistrates		516 698	509 545
Service bonus (13th cheque)		295 029	281 111
Performance awards		185 555	216 051
Capped leave commitments		305 392	319 490
Other		63 606	62 877
Total		1 760 759	1 754 386

Included in the "leave entitlement - employees" is an amount of R5 944 184.00 which represents negative leave credits. This is due to the timing difference between leave accrual periods and actual leave periods per policy.

29. Lease commitments

29.1 Operating leases

2018/19	Specialised military equipment	Land	Buildings and other fixed structures	Machinery and equipment	Total
Not later than 1 year	-	-	-	-	-
Later than 1 year and not later than 5 years	-	-	-	-	-
Later than 5 years	-	-	-	-	-
Total lease commitments	-	-	-	-	-

2017/18	Specialised military equipment	Land	Buildings and other fixed structures	Machinery and equipment	Total
Not later than 1 year	-	-	5 803	-	5 803
Later than 1 year and not later than 5 years	-	-	15 470	-	15 470
Total lease commitments	-	-	21 273	-	21 273

Operating leases relates to buildings and other fixed structures leased by the NPA.

29.2 Finance leases **

2018/19	Specialised military equipment	Land	Buildings and other fixed structures	Machinery and equipment	Total
Not later than 1 year	-	-	-	85 585	85 585
Later than 1 year and not later than 5 years	-	-	-	111 344	111 344
Later than five years	-	-	-	-	-
Total lease commitments	-	-	-	196 929	196 929

2017/18	Specialised military equipment	Land	Buildings and other fixed structures	Machinery and equipment	Total
Not later than 1 year	-	-	-	37 276	37 276
Later than 1 year and not later than 5 years	-	-	-	15 287	15 287
Total lease commitments	-	-	-	52 563	52 563

30. Accrued departmental revenue

	Note	2018/19	2017/18
		R'000	R'000
Tax revenue			
Sales of goods and services other than capital assets		-	-
Fines, penalties and forfeits		3 544	23 400
Interest, dividends and rent on land		258	10 832
Transfers received		-	-
Other		6 150	4 300
Total		9 952	38 532

The amounts recorded above relate to Third Party Fund and Guardian's Fund.

30.1 Analysis of accrued departmental revenue

	Note	2018/19	2017/18
		R'000	R'000
Opening balance		38 532	32 005
Less: amounts received		(28 580)	-
Add: amounts recorded		-	6 527
Less: amounts written-off/reversed as irrecoverable		-	-
Closing balance		9 952	38 532

31. Irregular expenditure

31.1 Reconciliation of irregular expenditure

	Note	2018/19	2017/18
		R'000	R'000
Opening balance		506 354	170 471
Prior period error			152 528
As restated		506 354	323 009
Add: irregular expenditure – relating to prior year	31.2	504 772	14 484
Add: irregular expenditure – relating to current year	31.2	201 152	229 934
Less: prior year amounts condoned		(17 004)	(5 588)
Less: current year amounts condoned		(4 568)	(80)
Less: amounts not condoned and recoverable	15		-
Less: amounts not condoned and not recoverable		(35 217)	(55 405)
Closing balance		1 155 489	506 354

	Note	2018/19	2017/18
Analysis of awaiting condonation per age classification			
Current year		196 584	229 854
Prior years		958 905	276 500
Total		1 155 489	506 354

31.2 Details of irregular expenditure – added current year (relating to current and prior years)

Incident	Disciplinary steps taken/criminal proceedings	2018/19
		R'000
Splitting of orders	Cases currently under investigation and disciplinary procedures to be followed	985
Procurement of light bulbs	Condoned	14
Non-compliance with National Treasury SCM practice notes with regard to contract extensions/ variations.	Cases currently under investigation and disciplinary procedures to be followed	479 525
Non-compliance with Treasury Regulations 16A6.4 with procuring legal services	Cases currently under investigation and disciplinary procedures to be followed	169 640
Departmental procurement policies & procedures not followed	Cases currently under investigation and disciplinary procedures to be followed	31 767
Service was rendered prior to approval of PFMA Section 79	Cases currently under investigation and disciplinary procedures to be followed	8 900
Deviation from departmental contracts	Cases currently under investigation and disciplinary procedures to be followed	15 093
Total		705 924

31.3 Details of irregular expenditure condoned

Incident	Condoned by (condoning authority)	2018/19
		R'000
Noted cases - No official order	NPA head of administration	13 639
Procurement of light bulbs without following proper procurement process	NPA head of administration	14
Procurement policies & procedures not followed	Condoned by the Department bid adjudication committee	4 307
Procurement policies & procedures not followed	Condoned by the regional control committee	148
Procurement policies & procedures not followed	Condoned by other delegated authority	130
Procurement policies & procedures not followed	Condoned by the National Treasury	3 334
Total		21 572

31.4 Details of irregular expenditure recoverable (not condoned)

Incident	2018/19
	R'000
Total	

31.5 Details of irregular expenditure removed - not recoverable (not condoned)

Incident	Not condoned by (condoning authority)	2018/19
		R'000
Transversal IT contract	Confirmed by ECC as not irregular	8 417
Appointment of NDPP	Confirmed by ECC as not irregular	4 980
Accommodation	Confirmed by ECC as not irregular	495
Confirmed not irregular	Confirmed by CFO as not irregular	21 325
Total		35 217

31.6 Details of irregular expenditures under investigation (not included in the main note)

Incident		2018/19
		R'000
SCM bid policies & procedures not followed	Under investigation to determine if irregular	223 635
Total		223 635

The State Attorney outsources legal services on behalf of government as prescribed in the State Attorney Amendment Act, however the process to appoint legal counsel was previously not conducted in accordance with the Preferential Procurement Policy Framework Act, 2000 (PPPFA). A tendering system for legal briefs issued by the State Attorney cannot be implemented due to the nature of the work performed.

The Department does have an internal process in place for rotating advocates and law firms which ensures that the process of appointing and briefing counsel is fair, transparent, equitable, cost-effective and allows for competitiveness.

The Department has submitted a request for condonation to National Treasury of the irregular expenditure incurred by the Office of the State Attorney over the past three financial years amounting to R169,6 million (prior years expenditure of R111 million) which resulted from the non-compliance with the PPPFA.

Irregular expenditure to the value of R382,5 million is made up of cases which were under assessment as possible irregular expenditure during the 2017/18 financial year and have now been confirmed as irregular and added to the Department's lead schedule during the 2018/19 financial year.

Expenditure incurred in relation to infrastructure projects is currently under forensic investigation while expenditure incurred for the provision of guarding and specialised services is under consideration by National Treasury for condonation of irregular expenditure incurred.

Expenditure incurred over three financial years for preventative maintenance and support of security infrastructure amounting to R367,811,852.21 was identified as irregular during the 2018/19 financial year due to the expansion of contract not being reported to National Treasury during 2015.

31.7 Prior period error

	Note	2017/18
		R'000
Nature of prior period error		
Relating to 2015/16 [affecting the opening balance]		152 538
		152 538
Relating to 2017/18		113 582
41 cases identified after 31 March 2018 and determinations were concluded after the completion of the 2017/18 audit.		113 582
		266 120

31.8 Details of the non-compliance where an institution was not represented in a bid committee for contracts arranged by other institutions

Incident	2018/19
	R'000
Total	

32. Fruitless and wasteful expenditure

32.1 Reconciliation of fruitless and wasteful expenditure

	Note	2018/19	2017/18
		R'000	R'000
Opening balance		52 692	13 817
Prior period error			(3)
As restated		52 692	13 814
Fruitless and wasteful expenditure – relating to prior year		31	43 892
Fruitless and wasteful expenditure – relating to current year		5 274	3 919
Less: amounts resolved		(1 039)	(8 921)
Less: amounts transferred to receivables for recovery	15.6	(2 974)	(12)
Closing balance		53 984	52 692

32.2 Analysis of awaiting resolution per economic classification

	2018/19	2017/18
	R'000	R'000
Current	53 984	52 692
Capital	-	-
Transfers and subsidies	-	-
Total	53 984	52 692

32.3 Analysis of current year's (relating to current and prior years) fruitless and wasteful expenditure

Incident	Disciplinary steps taken/criminal proceedings	2018/19
		R'000
No show	Cases are being investigated for possible determination of liability	10
Penalty / interest of late payment of accounts	Cases are being investigated for possible determination of liability	1 236
Overpayment of account (OP)	Cases are being investigated for possible determination of liability	7
Fees charged for cancelled tickets	Cases are being investigated for possible determination of liability	32
Curator fees and expenditure(NPA)		4 020
Total		5 305

32.4 Prior period error

	Note	2017/18
		R'000
Nature of prior period error		
Relating to 2014/15 [affecting the opening balance]		(3)
		(3)
Relating to 2017/18		-
Total prior period errors		(3)

32.5 Details of fruitless and wasteful expenditures under investigation (not included in the main note)

Incident	2018/19
	R'000
	-
Total	-

33. Related party transactions

Revenue received	Note	2018/19	2017/18
		R'000	R'000
Tax revenue			-
Total			-

Payments made	Note	2018/19	2017/18
		R'000	R'000
Goods and services			-
Total			-

List 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
 Correctional Services
 Office of the Chief Justice and Judicial Administration

It should be noted that in terms of retained functions in the DoJ&CD as well as shared services, the DoJ&CD carries the cost on behalf of the OCJ in relation to the following:

- Infrastructure-related cost

	2018/19	2017/18
	R'000	R'000
Project name	319 234	92 010
Limpopo High Court	164 698	73 929
Mpumalanga High Court	154 535	18 081

- Provision of security services
 - Provision of virtual libraries

The Department also carries a portion of the costs on behalf of the President's Fund, Guardian's Fund and Third Party Fund in relation to the following:

President's Fund

All administration costs for the President's Fund and the implementation of the Truth and Reconciliation Commission recommendations are paid for by the Department of Justice and Constitutional Development.

	2018/19	2017/18
	R'000	R'000
Compensation of employees - President's Fund Unit	2 451	2 192
Compensation of employees - Truth and Reconciliation Commission Unit	6 198	5 669
Goods and services - President's Fund Unit	30	150
Goods and services - Truth and Reconciliation Commission Unit	2 927	3 738
Audit fees	588	219
Printing fees	9	22
	12 203	11 990

Guardian's Fund

All administration costs of the Guardian's Fund

	2017/18	2017/18
	R'000	R'000
Total administration costs (salaries) disclosed as:	83 966	87 660
Office of the Chief Master	76 799	81 923
Office of the CFO	7 166	5 737

Third Party Fund

While the operating expenses of the fund are financed by the Department of Justice and Constitutional Development, it is not possible to accurately estimate the value of those transactions because of the intricate set of the relationship. In terms of the Third Party Fund's role as a custodian of funds due between third parties and the nature of its operations, no income or expenditure accrued to the Third Party Fund.

In addition, interest and bank charges accrue to the Department of Justice and Constitutional Development.

This results in the statement of financial performance as well as statement of changes in net assets not reflecting any amounts

	2018/19	2018/19
	R'000	R'000
Total administration costs (salaries) disclosed as:	4 533	5 882
Office of the CFO	4 533	5 882

Information Regulator

The Information Regulator forms part of entities reporting to the Minister of the Department of Justice and Constitutional Development. However, the entity's operations are still funded by the Department until it has a fully funded establishment and operates independently.

34. Key management personnel

	No. of individuals	2018/19	2017/18
		R'000	R'000
Political office bearers (provide detail below)			
Officials:			
Level 15 to 16	29	41 536	42 904
Level 14 (incl. CFO if at a lower level)	19	21 890	20 695
Family members of key management personnel	7	4 381	4 800
Total		67 807	68 399

Key management personnel are those persons having the authority and responsibility for planning, directing and controlling the activities of the department.

35. Public -private partnership

	Note	2018/19	2017/18
		R'000	R'000
Concession fee received			

36. Impairment (other than receivables, accrued departmental revenue, loans and investments)

	Note	2018/19	2017/18
		R'000	R'000
Please specify		-	-
Total		-	-

37. Provisions

	Note	2018/19	2017/18
		R'000	R'000
Curator expenses (NPA)		254 542	143 252
SAICA – State Capture		5 332	-
Total		259 874	143 252

37.1 Reconciliation of movement in provisions – 2018/19

	SAICA – State Capture	Curator expenditure	Total provisions
		R'000	R'000
Opening balance	-	143 252	143 252
Increase in provision	5 332	166 966	172 298
Settlement of provision	-	(21 178)	(21 178)
Unused amount reversed	-	-	-
Change in provision due to change in estimation of inputs	-	(34 498)	(34 498)
Closing balance	5 332	254 542	259 874

Reconciliation of movement in provisions – 2017/18

	Curator expenditure	Total provisions
	R'000	R'000
Opening balance	138 234	138 234
Increase in provision	14 084	14 084
Settlement of provision	(4 889)	(4 889)
Unused amount reversed	-	-
Change in provision due to change in estimation of inputs	(4 177)	(4 177)
Closing balance	143 252	143 252

38. Non-adjusting events after reporting date

	2018/19
Nature of event	R'000
During April 2019, the SIU was appointed to conduct an investigation in the Office of the State Attorney.	
On 29 May 2019, during the announcement of the new cabinet, the President announced Mr Ronald Lamola as the new minister for the Department of Justice and Correctional Services, replacing Mr Michael Masutha.	-
Total	-

39. Movable tangible capital assets

MOVEMENT IN MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2019

	Opening balance	Value adjustments	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000	R'000
HERITAGE ASSETS	458	2	-	-	460
Heritage assets	458	2	-	-	460
MACHINERY AND EQUIPMENT	1 780 311	(87)	118 622	(20 743)	1 878 103
Transport assets	135 622	(5)	15 158	(1 279)	149 496
Computer equipment	589 038	(30)	81 381	(9 826)	660 563
Furniture and office equipment	401 876	(27)	14 789	(4 733)	411 905
Other machinery and equipment	653 775	(25)	7 294	(4 905)	656 139
SPECIALISED MILITARY ASSETS	-	-	-	-	-
Specialised military assets	-	-	-	-	-
TOTAL MOVABLE TANGIBLE CAPITAL ASSETS	1 780 769	(85)	118 622	(20 743)	1 878 563

Movable tangible capital assets under investigation

	Number	Value
		R'000
Included in the above total of the movable tangible capital assets per the asset register are assets that are under investigation:		
Heritage assets		
Machinery and equipment	527	7 126

This relates to assets verification discrepancies under investigation.

39.1 Additions

ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2019

	Cash*	Non-cash**	(Capital work in progress current costs and finance lease payments)	Received current, not paid (paid current year, received prior year)	Total
	R'000	R'000	R'000	R'000	R'000
HERITAGE ASSETS	-	-	-	-	-
Heritage assets	-	-	-	-	-
MACHINERY AND EQUIPMENT	189 859	-	(68 256)	(2 981)	118 622
Transport assets	60 764	-	(48 292)	2 686	15 158
Computer equipment	86 688	-	-	(5 307)	81 381
Furniture and office equipment	15 095	-	-	(306)	14 789
Other machinery and equipment	27 312	-	(19 964)	(54)	7 294
SPECIALISED MILITARY ASSETS	-	-	-	-	-
Specialised military assets	-	-	-	-	-
TOTAL ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS	189 859	-	(68 256)	(2 981)	118 622

Included in computer equipment is R49 million computer hardware procured for the Inquiry Of the State Capture which were incurred by National Treasury due to secrecy of the inquiry operations and necessity for the documents to be audited through National Treasury.

39.2 Disposals

DISPOSALS OF MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2019

	Sold for cash	Non-cash disposal	Total disposals	Cash received actual
	R'000	R'000	R'000	R'000
HERITAGE ASSETS	-	-	-	-
Heritage assets	-	-	-	-
	Sold for cash	Non-cash disposal	Total disposals	Cash received actual
	R'000	R'000	R'000	R'000
MACHINERY AND EQUIPMENT	20 247	496	20 743	48
Transport assets	1 279	-	1 279	48
Computer equipment	9 493	333	9 826	-
Furniture and office equipment	4 616	117	4 733	-
Other machinery and equipment	4 859	46	4 905	-
SPECIALISED MILITARY ASSETS				
Specialised military assets		-	-	-
TOTAL DISPOSAL OF MOVABLE TANGIBLE CAPITAL ASSETS	20 247	496	20 743	48

39.3 Movement for 2017/18

MOVEMENT IN TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2018

	Opening balance	Prior period error	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000	R'000
HERITAGE ASSETS	458	-	-	-	458
Heritage assets	458	-	-	-	458
MACHINERY AND EQUIPMENT	1 700 447	-	107 458	(29 014)	1 780 311
Transport assets	138 719	-	3 126	(6 223)	135 622
Computer equipment	567 682	(327)	24 250	(2 567)	589 038
Furniture and office equipment	390 627	879	17 131	(6 761)	401 876
Other machinery and equipment	603 419	868	62 951	(13 463)	653 775
TOTAL MOVABLE TANGIBLE CAPITAL ASSETS	1 700 905	1 420	107 458	(29 014)	1 780 769

39.3.1 Prior period error

	Note			2017/18
				R'000
Nature of prior period error				
Relating to 2015/16 [affecting the opening balance]				1 420
Assets verified				1 420
Revaluation				
Relating to 2017/18				
Total prior period errors				1 420

39.4 Minor assets

MOVEMENT IN MINOR ASSETS PER THE ASSET REGISTER FOR THE YEAR ENDED AS AT 31 MARCH 2019

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
	R'000	R'000	R'000	R'000	R'000	R'000
Opening balance	-	36	-	847 877	-	847 913
Value adjustments	-	-	-	(328)	-	(328)
Additions	-	-	-	19 824	-	19 824
Disposals	-	-	-	(10 294)	-	(10 294)
TOTAL MINOR ASSETS	-	36	-	857 079	-	857 115

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
Number of R1 minor assets	-	-	-	374	-	374
Number of minor assets at cost	-	15	63	982 569	-	982 647
TOTAL NUMBER OF MINOR ASSETS	-	15	63	982 943	-	983 021

Minor capital assets under investigation

				Number	Value
					R'000

Included in the above total of the minor capital assets per the asset register are assets that are under investigation:

Heritage assets					
Machinery and equipment				2 475	3 468
Biological assets					

This relates to assets verification discrepancies under investigation.

MOVEMENT IN MINOR ASSETS PER THE ASSET REGISTER FOR THE YEAR ENDED AS AT 31 MARCH 2018

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
	R'000	R'000	R'000	R'000	R'000	R'000
Opening balance	-	36	211	849 039	-	849 286
Prior period error	-	-	(211)	(238)	-	(449)
Additions	-	-	-	20 086	-	20 086
Disposals	-	-	-	(21 010)	-	(21 010)
TOTAL MINOR ASSETS	-	36	-	847 877	-	847 913

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
Number of R1 minor assets	-	-	6 102	353 105	-	359 207
Number of minor assets at cost	-	15	63	682 348	-	682 426
TOTAL NUMBER OF MINOR ASSETS	-	15	6 165	1 035 453	-	1 041 633

39.4.1 Prior period error

	Note			2017/18
				R'000
Nature of prior period error				
Relating to 2015/16 [affecting the opening balance]				(449)
Assets verified				
Relating to 2017/18				(449)
Total prior period errors				(449)

39.5 Movable assets written off

MOVABLE ASSETS WRITTEN OFF FOR THE YEAR ENDED AS AT 31 MARCH 2019

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
	R'000	R'000	R'000	R'000	R'000	R'000
Assets written off	-	-	-	17 911	-	17 911
TOTAL MOVABLE ASSETS WRITTEN OFF	-	-	-	17 911	-	17 911

MOVABLE ASSETS WRITTEN OFF FOR THE YEAR ENDED AS AT 31 MARCH 2018

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
	R'000	R'000	R'000	R'000	R'000	R'000
Assets written off	-	-	-	17 504	-	17 504
TOTAL MOVABLE ASSETS WRITTEN OFF	-	-	-	17 504	-	17 504

39.6 S42 Movable capital assets

MAJOR ASSETS SUBJECTED TO TRANSFER IN TERMS OF S42 OF THE PFMA - 31 MARCH 2019

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
No. of assets	-	-	-	-	-	-
Value of the assets (R'000)	-	-	-	-	-	-

MINOR ASSETS SUBJECTED TO TRANSFER IN TERMS OF S42 OF THE PFMA - 31 MARCH 2019

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
No. of assets	-	-	-	-	-	-
Value of the assets (R'000)	-	-	-	-	-	-

MAJOR ASSETS SUBJECTED TO TRANSFER IN TERMS OF S42 OF THE PFMA - 31 MARCH 2018

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
	R'000	R'000	R'000	R'000	R'000	R'000

No. of assets	-	-	-	-	-	-
Value of the assets (R'000)	-	-	-	-	-	-

MINOR ASSETS SUBJECTED TO TRANSFER IN TERMS OF S42 OF THE PFMA - 31 MARCH 2018

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
	R'000	R'000	R'000	R'000	R'000	R'000

No. of assets	-	-	-	-	-	-
Value of the assets (R'000)	-	-	-	-	-	-

40. Intangible capital assets

MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2019

	Opening balance	Value adjustments	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000	R'000
SOFTWARE	252 030	-	49 315	(22 005)	279 340
TOTAL INTANGIBLE CAPITAL ASSETS	252 030	-	49 315	(22 005)	279 340

40.1 Additions

ADDITIONS TO INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2019

	Cash	Non-cash	(Develop-ment work in progress – current costs)	Received current year, not paid (paid current year, received prior year)	Total
	R'000	R'000	R'000	R'000	R'000
SOFTWARE	49 315	-	-	-	49 315
TOTAL ADDITIONS TO INTANGIBLE CAPITAL ASSETS	49 315	-	-	-	49 315

Included is R 34,8 million of high profiled computer software procured for the Inquiry Of the State Capture which were incurred by National Treasury due to secrecy if the inquiry operations and necessity for the documents to be audited through National Treasury.

40.2 Disposals

DISPOSALS OF INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2019

	Sold for cash	Non-cash disposal	Total disposals	Cash received actual
	R'000	R'000	R'000	R'000
SOFTWARE		22 005	(22 005)	-
TOTAL DISPOSALS OF INTANGIBLE CAPITAL ASSETS		22 005	(22 005)	-

40.3 Movement for 2017/18

MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2018

	Opening balance	Prior period error	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000	R'000
SOFTWARE	71 246	168 848	27 147	(15 211)	252 030
TOTAL INTANGIBLE CAPITAL ASSETS	71 246	168 848	27 147	(15 211)	252 030

41. Immovable tangible capital assets

MOVEMENT IN IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2019

	Opening balance	Value adjustments	Additions	Disposals	Closing balance
	R'000		R'000	R'000	R'000
BUILDINGS AND OTHER FIXED STRUCTURES	256 360		640 107		896 467
Dwellings					
Non-residential buildings	256 360		640 107		896 467
Other fixed structures					
HERITAGE ASSETS					
Heritage assets	-		-		-
LAND AND SUBSOIL ASSETS					
Land	-	-	-	-	-
Mineral and similar non-regenerative resources	-	-	-	-	-
TOTAL IMMOVABLE TANGIBLE CAPITAL ASSETS	256 360		640 107		896 467

Immovable tangible capital assets under investigation

				Number	Value
					R'000

Included in the above total of the immovable tangible capital assets per the asset register are assets that are under investigation:

Buildings and other fixed structures	-	-
Heritage assets	-	-
Land and subsoil assets	-	-

41.1 Additions

ADDITIONS TO IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2019

	Cash	Non-cash	(Capital work in progress current costs and finance lease payments)	Received current, not paid (paid current year, received prior year)	Total
	R'000	R'000	R'000	R'000	R'000
BUILDING AND OTHER FIXED STRUCTURES	796 064	640 107	(796 064)		640 107
Dwellings					
Non-residential buildings	796 064	640 107	(796 064)		640 107
Other fixed structures					
HERITAGE ASSETS					
Heritage assets	-	-	-	-	-
LAND AND SUBSOIL ASSETS					
Land	-	-	-	-	-
TOTAL ADDITIONS TO IMMOVABLE TANGIBLE CAPITAL ASSETS	796 064	640 107	(796 064)	-	640 107

41.2 Disposals

DISPOSALS OF IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2019

	Sold for cash	Non-cash disposal	Total disposals	Cash received actual
	R'000	R'000	R'000	R'000
BUILDINGS AND OTHER FIXED STRUCTURES				
Dwellings	-	-	-	-
Non-residential buildings	-	-	-	-
Other fixed structures	-	-	-	-
TOTAL DISPOSALS OF IMMOVABLE TANGIBLE CAPITAL ASSETS	-	-	-	-

41.3 Movement for 2017/18

MOVEMENT IN IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2018

	Opening balance	Prior period error	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000	R'000
BUILDINGS AND OTHER FIXED STRUCTURES					
Dwellings	-	-	-	-	-
Non-residential buildings	-	1 269 289	73 929	(1 086 858)	265 360
Other fixed structures	13 425	(13 425)	-	-	-
HERITAGE ASSETS	-	-	-	-	-
Heritage assets	-	-	-	-	-
LAND AND SUBSOIL ASSETS					
Land	-	-	-	-	-
Mineral and similar non-regenerative resources	-	-	-	-	-
TOTAL IMMOVABLE TANGIBLE CAPITAL ASSETS	13 425	(1 255 864)	73 929	(1 086 858)	256 360

41.4 Capital work in progress

CAPITAL WORK IN PROGRESS AS AT 31 MARCH 2019

	Note	Opening balance 1 April 2018	Current Year WIP	Ready for use (assets to the AR) / contracts terminated	Closing balance 31 March 2019
	Annexure 7	R'000	R'000	R'000	R'000
Buildings and other fixed structures		1 525 601	154 535	(640 107)	1 040 029
Machinery and equipment		-	-	-	-
Intangible assets		-	-	-	-
TOTAL		1 525 601	154 535	(640 107)	1 040 029

Age analysis on ongoing projects	Number of projects		2018/19
	Planned, construction not started	Planned, construction started	Total R'000
0 to 1 year	-	-	-
1 to 3 year(s)	-	-	-
3 to 5 years	-	-	-
Longer than 5 years	1	-	35 595
Total	1	-	35 595

Accruals and payables not recognised relating to Capital WIP	Note	2018/19 R'000	2017/18 R'000
[Amounts relating to progress certificates received but not paid at year end and therefore not included in capital work in progress]		13 856	121 111
		-	-
		-	-
Total		13 856	121 111

CAPITAL WORK IN PROGRESS AS AT 31 MARCH 2018

	Note	Opening balance	Prior period error	Current year WIP	Ready for use (assets to the AR) / Contracts terminated	Closing balance 31 March 2018
	Annexure 7	R'000	R'000	R'000	R'000	R'000
Heritage assets		-	-	-	-	-
Buildings and other fixed structures		2 242 058	-	296 473	(1 012 930)	1 525 601
Machinery and equipment		-	-	-	-	-
TOTAL		2 242 058	-	296 473	(1 012 930)	1 525 601

41.5 Immovable assets written off

IMMOVABLE ASSETS WRITTEN OFF FOR THE YEAR ENDED AS AT 31 MARCH 2019

	Buildings and other fixed structures	Heritage assets	Land and subsoil assets	Total
	R'000	R'000	R'000	R'000
Assets written off	-	-	-	-
TOTAL IMMOVABLE ASSETS WRITTEN OFF	-	-	-	-

IMMOVABLE ASSETS WRITTEN OFF FOR THE YEAR ENDED AS AT 31 MARCH 2018

	Buildings and other fixed structures	Heritage assets	Land and subsoil assets	Total
	R'000	R'000	R'000	R'000
Assets written off	-	-	-	-
TOTAL IMMOVABLE ASSETS WRITTEN OFF	-	-	-	-

41.6 S42 Immovable assets

Assets subjected to transfer in terms of S42 of the PFMA – 2018/19

	Number of assets	Value of assets R'000
BUILDINGS AND OTHER FIXED STRUCTURES		
Dwellings	-	-
Non-residential buildings	-	-
Other fixed structures	-	-
HERITAGE ASSETS		
Heritage assets	-	-
LAND AND SUBSOIL ASSETS		
Land	-	-
Mineral and similar non-regenerative resources	-	-
TOTAL	-	-

Assets subjected to transfer in terms of S42 of the PFMA – 2017/18

	Number of assets	Value of assets R'000
BUILDINGS AND OTHER FIXED STRUCTURES	1	1 086 858
Dwellings	-	-
Non-residential buildings	1	1 086 858
Other fixed structures	-	-
HERITAGE ASSETS		
Heritage assets	-	-
TOTAL	1	1 086 858

42. Principal-agent arrangements

42.1 Department acting as agent: State Attorney (2018/19)

42.1.1 Revenue received for agency activities

		2018/19 R'000
State Attorney monies: – money collected by the State Attorney on behalf of government institutions. The State Attorney also collects commission on debt collections which are paid over to National Revenue Fund.	- Conveyance - Debt collection - Unclassified monies - Commission - Provisional asset forfeiture	49 329 77 335 55 153 - 62 185
Total		244 001

Due to the inadequacies of BAS to administer the quantity of transactions in relation to revenue generated by the office of the State Attorney, the systems of the Third Party Fund is utilised for this purpose. Please see the Third Party Fund audited financial statements for context in this regard.

In terms of the State Attorney Act, 1957, the State Attorney is the attorney of record for all national and provincial departments. By virtue of the Minister of Justice and Constitutional Development being the Executive Authority over the Office of the State Attorney, the Department is responsible to settle all accounts in the course of defending the state

42.1.2 Reconciliation of agency funds and disbursements – 2018/19

Name of principal entity	Total agency funds received	Amount remitted to the principal	Variance between amounts received and amounts remitted	Explanation for variance
	R'000	R'000	R'000	
State organisations -conveyance	49 329	39 610	9 719	Cases not yet finalised
State organisations - debt collection	77 335	56 796	20 539	Cases not yet finalised
Unclassified monies	55 153	28 435	26 717	Receipts that still need to be investigated and allocated as at the end of the financial year
NRF commission	-	-	-	
Provisional asset forfeiture	62 185	364 285	302 100	Payments exceed payments received as a result of collections in prior year paid in the financial year under review
Total	244 001	489 126	(245 125)	

42.2 Department acting as agent: State Attorney (2017/18)

42.2.1 Revenue received for agency activities

		2017/18
		R'000
State Attorney monies: – oney collected by the State Attorney on behalf of government institutions. The State Attorney also collects commission on debt collections which are paid over to National Revenue Fund.	- Conveyance	4 147
	- Debt collection	195 676
	- Unclassified monies	77 095
	- Commission	101
	- Provisional asset forfeiture	275 910
Total		552 929

42.2.2 Reconciliation of agency funds and disbursements – 2017/18

Name of principal entity	Total agency funds received	Amount remitted to the principal	Variance between amounts received and amounts remitted	Explanation for variance
	R'000	R'000	R'000	
- State organisations - conveyance	4 147	18 364	(14 217)	Payments exceed payments received as a result of collections in prior year paid in the financial year under review
- State organisation - debt collection	195 676	490 851	(295 175)	Payments exceed payments received as a result of collections in prior year paid in the financial year under review
- Unclassified monies	77 095	29 926	47 170	Receipts that still need to be investigated and allocated as at the end of financial year
- NRF commission	101	101	-	
- Provisional asset forfeiture	275 910	-	275 910	Cases not yet finalised
Total	552 929	539 241	(13 688)	

42.3 Department acting as the agent: CARA

42.3.1 Revenue received for agency activities

		2018/19
		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 121 of 1998) as amended, and the Financial Intelligence Act (Act 38 of 2001). The proceeds are deposited into CARA which is an account in the National Revenue Fund.	167 970
Total		167 970

43.3.2 Reconciliation of funds and disbursements – 2018/19

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)	167 970	167 970	0	-
Total	167 970	167 970	R'000	

43.3.3 Reconciliation of carrying amount of receivables and payables – 2018/19

Receivables

CRIMINAL ASSETS RECOVERY ACCOUNT (CARA)	2018/19
Opening balance CARA	718,451,000
Plus cash received during the year	167,970,000
Less cash paid out	136,862,000
Cash on hand (CARA -SARB)	749,559,000
Contingent assets	1,897,000
Inventory	24,994,000
Receivables	118,308,000
Provisions	315,464,000

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 represents 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 R118 million at 31 March 2019 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 R1,9 million 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 values of the assets cannot be determined, a nominal value of R1 is allocated to the item.

Forfeited assets valued at R25,2 million at 31 March 2019 are classified as inventory as they will be realised and the net proceeds after deduction of curator or fees and expenses will be deposited into CARA.

INVENTORY

	2018/19			
	Motor vehicles	Land and buildings	Other	Total
	R'000	R'000	R'000	R'000
Opening balance (1 April 2018)	4,870	1,159	505	6,534
Adjustments	(2,238)	-	100	(2,138)
Additions	5,733	16,534	762	23,029
Disposals	(1,868)	-	(563)	(2,431)
Closing balance (31 March 2019)	6,497	17,693	804	24,994

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 R 315 million at 31 March 2019.

	2018/19
	R'000
CARA Allocations	315,464
National Prosecuting Authority	107,840
Department of Home Affairs	42,000
Department of Justice and Constitutional Development	50,347
Department of Social Development	50,000
Financial Intelligence Centre	41,980
Anti-Corruption Task Team	6,850
Department of Correctional Services	6,447
Department of Environmental Affairs	10,000
Total	315,464

42.4 Department acting as the agent: CARA (2017/2018)

42.4.1 Revenue received for agency activities

		2017/18
		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 121 of 1998) as amended, and the Financial Intelligence Act (Act 38 of 2001). The proceeds are deposited into CARA which is an account in the National Revenue Fund.	130 515
Total		130 515

42.4.2 Reconciliation of agency funds and disbursements – 2017/18

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)	130 515	130 515	0	-
Total	130 515	130 515	0	

CRIMINAL ASSETS RECOVERY ACCOUNT (CARA) 2017/18

Opening balance CARA	598 447 000
Plus cash received during the year	130 515 000
Less cash paid out	10 511 000
Cash on hand (CARA -SARB)	718 451 000
Contingent assets	4 168 000
Inventory	6 534 000
Receivables	198 602 000
Provisions	452 000 000

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 represents 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 R198 million at 31 March 2018 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 R4,1 million are those assets 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. During the objection period as per the court order (usually 45 days), the assets attached are treated as contingent assets. Where the values of the assets cannot be determined, a nominal value of R1 is allocated to the item.

Forfeited assets valued at R6,5 million at 31 March 2018 are classified as inventory as they will be realised and the net proceeds after deduction of curator or fees and expenses will be deposited into CARA.

Inventory

	2017/18			
	Motor vehicles	Land and buildings	Other	Total
	R'000	R'000	R'000	R'000
Opening balance (1 April 2017)	3 227	1 144	488	4 859
Adjustments	(959)	103	(43)	(899)
Additions	3 823	288	91	4 202
Disposals	(1 221)	(376)	(31)	(1 628)
Closing balance (31 March 2018)	4 870	1 159	505	6 534

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 R452 million at 31 March 2018.

	2017/18
	R'000
CARA Allocations	452 000
National Prosecuting Authority	157 000
Department of Home Affairs	70 000
Department of Justice and Constitutional Development	62 000
Department of Social Development	50 000
Financial Intelligence Centre	50 000
Anti-Corruption Task Team	42 000
Department of Correctional Services	11 000
Department of Environmental Affairs	10 000
Total	452 000

42.5 Department acting as an agent – State Attorney 2018/19–In terms of the State Attorney Act, 1957, the State Attorney is the attorney of record for all national and provincial departments. By virtue of the Minister of Justice and Constitutional Development being the Executive Authority over the Office of the State Attorney, the Department is responsible to settle all accounts in the course of defending the state and thereafter claims to the respective client department.

	2018/19	2017/18
	R'000	R'000
Bank overdraft as at year end	1 439 623	1 272 838

42.5.1 Reconciliation of legal fee claims – agency services

Name of principal entity	Outstanding claims as at 31 March 2019	Outstanding claims as at 31 March 2018
	R'000	R'000
National departments	690 501	594 104
Limpopo	116 326	94 798
Mpumalanga	28 022	14 243
KwaZulu-Natal	15 404	19 432
Gauteng	415 280	323 066
North West	91 998	90 570
Free State	21 832	24 948
Western Cape	10 384	16 267
Eastern Cape	535 199	398 426
Northern Cape	8 752	8 570
Total	1 969 006	1 609 173

43. Prior period errors

43.1 Correction of prior period errors

	Note	Amount bef error correction	Prior period error	Restated amount
		2017/18	2017/18	2017/18
		R'000	R'000	R'000
Revenue:		-	-	-
Net effect		-	-	-

	Note	Amount bef error correction	Prior period error	Restated amount
		2017/18	2017/18	2017/18
		R'000	R'000	R'000
Expenditure:		-	-	-
Net effect		-	-	-

	Note	Amount bef error correction	Prior period error	Restated amount	
		2017/18	2017/18	2017/18	
		R'000	R'000	R'000	

Assets:

Revenue re-evaluated	30		5 270	(970)	4 300
Immovable assets (Ntuzuma and Limpopo courts)	41		-	1 269 289	1 269 289
Immovable assets	41		13 425	(13 425)	-

Net effect		18 425	1 254 894	1 273 589	-
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	Note	Amount bef error correction	Prior period error	Restated amount
		2017/18	2017/18	2017/18
		R'000	R'000	R'000

Liabilities:		-	-	-
		-	-	-

Net effect		-	-	-
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	Note	Amount bef error correction	Prior period error	Restated amount
		2017/18	2017/18	2017/18
		R'000	R'000	R'000

Other:

Fruitless and wasteful expenditure	32	13 817	(3)	13 814
Key management personnel	34	115 635	(47 236)	68 399
Impairment of receivables (legal fees)	15	908 351	(774 121)	134 230
Contingent liabilities	25	2 440 015	301 607	2 741 622
Irregular expenditure	31	170 471	335 883	506 354
Intangible capital assets	40	73 480	178 550	252 030
Leave entitlement (including Magistrates leave)	28	1 107 810	(232 953)	874 857

Net effect		4 829 579	(238 273)	4 591 306
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RESTATEMENT OF CORRESPONDING FIGURES FOR 31 MARCH 2018

Contingent liabilities have been restated due to summons amount overstated.

Irregular expenditure has been restated due to cases identified after the completion of the 2017/18 financial year audit.

Key management have been restated due to clarification by National Treasury on the officials who qualify to be classified as key management.

Impairment of receivables has been restated due to the process of assessment being revised.

Intangible capital assets and magistrates leave have been restated due to the audit qualification during the 2017/18 financial year audit.

44. Inventories (Effective from date determined in a Treasury Instruction)

	Note	2018/19	2017/18
	Annexure 6	R'000	R'000
Opening balance		450	172
Add/(Less): adjustments to prior year balances		-	-
Add: additions/purchases – cash		-	-
Add: additions - non-cash		-	289
(Less): disposals		-	-
(Less): issues		(30)	(11)
Add/(less): adjustments			
Closing balance		<u>420</u>	<u>450</u>

The figures recorded in this note relate to inventory for the NPA.

Annexures to the Annual Financial Statement for the year ended 31 March 2019

ANNEXURE 1A

STATEMENT OF CONDITIONAL GRANTS AND OTHER TRANSFERS PAID TO MUNICIPALITIES

NAME OF MUNICIPALITY	GRANT ALLOCATION				TRANSFER				SPENT			2017/18
	DORA and other transfers R'000	Rollovers R'000	Adjustments R'000	Total available R'000	Actual transfer R'000	Funds withheld R'000	Reallocations by National Treasury or national department %	Amount received by municipality R'000	Amount spent by municipality R'000	Unspent funds R'000	% of available funds spent by municipality %	
Municipal vehicles licences	-	-	562	562	562	-	-	-	-	-	-	651
TOTAL	-	-	562	562	562	-	-	-	-	-	-	651

National departments are reminded of the DORA requirements to indicate any re-allocations by the National Treasury or the transferring department, certify that all transfers in terms of this Act were deposited into the primary bank account of a province or, where appropriate, into the CPD account of a province as well as indicate the funds utilised for the administration of the receiving officer.

ANNEXURE 1B**STATEMENT OF TRANSFERS TO DEPARTMENTAL AGENCIES AND ACCOUNTS**

DEPARTMENTAL AGENCY/ ACCOUNT	TRANSFER ALLOCATION				TRANSFER		2017/18
	Adjusted appropriation R'000	Rollovers R'000	Adjustments R'000	Total available R'000	Actual transfer R'000	% of Available funds transferred	
Legal Aid South Africa	1 800 892	-	-	1,800 892	1 800 892	100%	1 754 394
Special Investigating Unit	357 099	-	-	357 099	357 099	100%	346 177
Public Protector of South Africa	310 581	-	16 000	326 581	326 581	100%	316 093
South African Human Rights Commission	178 830	-	-	178 830	178 830	100%	173 360
President's Fund	1	-	-	1	-	0%	1
Communication licences	58	-	23	81	81	100%	69
SETA: Safety and Security	25 955	-	(17)	25 938	25 319	98%	24 531
TOTAL	2 673 416	-	16 006	2 689 422	2,688,802		2 614 625

ANNEXURE 1E
STATEMENT OF TRANSFERS TO FOREIGN GOVERNMENT AND INTERNATIONAL ORGANISATIONS

	TRANSFER ALLOCATION				EXPENDITURE		2017/18 Final appropriation R '000
	Adjusted appropriation Act R '000	Rollovers R '000	Adjustments R '000	Total available R '000	Actual transfer R '000	% of Available funds transferred %	
Transfers							
International Criminal Court	15 385	-	(2 576)	12 809	11 379	89%	1 689
International Institutional Unification	386	-	-	386	-	-	12 717
Haque Conference International Law	1 157	-	(1 157)	-	1 430	-	-
	16 928		(3 733)	13 195	12 809	-	14 406
Subsidies							
TOTAL	16 928	-	(3 733)	13 195	12 809	-	14 406

ANNEXURE 1G STATEMENT OF TRANSFERS TO HOUSEHOLDS

	TRANSFER ALLOCATION				EXPENDITURE		2017/18
	Adjusted appro- p-riation Act	Rollovers	Adjustments	Total available	Actual transfer	% of Available funds transferred	
	R'000	R'000	R'000	R'000	R'000	%	
HOUSEHOLDS							
Transfers							
Employee social benefits	109 573	-	8 105	117 678	81 326	69%	107 457
Claims against the state	5 407	-	14 177	19 584	19 584	100%	5 292
	114 980	-	22 282	137 262	100 910		112 749
Subsidies	-	-	-	-	-	-	-
	114 980	-	22 282	137 262	100 910	-	112 749

ANNEXURE 1H
STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS RECEIVED

NAME OF ORGANISATION	NATURE OF GIFT, DONATION OR SPONSORSHIP	2018/19	2017/18
		R'000	R'000
Received in cash		-	-
Subtotal		-	-
Received in kind			
Donations received by NPA	Various donations	447	231
Invitation to attend HUAWEI headquarters tour in China		27	-
Subtotal		474	231
TOTAL		474	231

ANNEXURE 11 STATEMENT OF AID ASSISTANCE RECEIVED

NAME OF DONOR	PURPOSE	OPENING BALANCE	REVENUE	EXPENDITURE	PAID BACK ON/ BY 31 MARCH	CLOSING BALANCE
		R'000	R'000	R'000	R'000	R'000
Received in cash						
European Union	Sectorial budget support	-	12 162	(1 673)	-	10 489
Swiss	Small claims court	-	-	-	-	-
Cara	Domestic violence	2 365	12 353	(7 495)	-	7 223
Cara NPA	Various projects	9 074	21 610	(30 416)	(2 030)	(1 762)
Transfer to FHR	Projects: Human Rights Commission	-	24 652	(24 652)	-	-
Subtotal		11 439	70 777	64 236	2 030	15 950
Received in kind						
Subtotal		-	-	-	-	-
TOTAL		11 439	70 777	64 236	2 030	15 950

ANNEXURE 3A

STATEMENT OF FINANCIAL GUARANTEES ISSUED AS AT 31 MARCH 2019 – LOCAL

Guarantor institution	Guarantee in respect of	Original guaranteed capital amount	Opening balance 1 April 2018	Guarantees draw downs during the year	Guarantees repayments/ cancelled/ reduced/ released during the year	Revaluations	Closing balance 31 March 2019	Guaranteed interest for year ended 31 March 2018	Realised losses not recoverable i.e. claims payout
		R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
	Housing								
Standard Bank		-	241	-	-	-	241	-	-
FirstRand Bank		-	-	-	-	-	-	-	-
ABSA		-	17	-	-	-	17	-	-
NP		-	111	-	-	-	111	-	-
Green Start		-	25	-	-	-	25	-	-
FNB		-	-	-	-	-	-	-	-
TOTAL		-	394	-	-	-	394	-	-

ANNEXURE 3B STATEMENT OF CONTINGENT LIABILITIES AS AT 31 MARCH 2019

Nature of liability	Opening balance 1 April 2018	Liabilities incurred during the year	Liabilities paid/cancelled/ reduced during the year	Liabilities recoverable (provide details hereunder)	Closing balance 31 March 2019
	R'000	R'000	R'000	R'000	R'000
Claims against the department					
Summons	2 532 407	788 391	1 378 974	-	1 941 824
Supplier discrepancies	79	4 706	-	-	4 785
Theft and losses	22 114	987	490	-	22 611
PPP cancellation	11 681	-	-	-	11 681
Property management fees	77 084	-	-	-	77 084
Human resource management	98 257	1 745	1 625	-	98 377
Subtotal	2 741 622	795 829	1 381 089	-	2 156 362
Other					
Third party theft, losses and dishonoured cheques	17 244	263	-	-	17 507
Subtotal	17 244	263	-	-	17 507
TOTAL	2 758 866	796 092	1 381 089	-	2 173 869

**ANNEXURE 4
CLAIMS RECOVERABLE**

Government entity	Confirmed balance outstanding		Unconfirmed balance outstanding		Total		Cash in transit at year end 2018/19 *	
	31/03/2019	31/03/2018	31/03/2019	31/03/2018	31/03/2019	31/03/2018	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
Department								
National departments	319 736	144 459	370 765	449 645	690 501	594 104	-	-
Limpopo	7 389	-	108 937	94 798	116 326	94 798	-	-
Mpumalanga	7 110	-	20 912	14 243	28 022	14 243	-	-
KwaZulu-Natal	14 489	-	915	19 432	15 404	19 432	-	-
Gauteng	54 696	-	360 584	323 066	415 280	323 066	-	-
North West	23 646	445	68 352	90 125	91 998	90 570	-	-
Free State	3 736	-	18 096	24 948	21 832	24 948	-	-
Western Cape	10 106	-	278	16 267	10 384	16 267	-	-
Eastern Cape	28 692	56 994	506 507	341 432	535 199	398 426	-	-
Northern Cape	867	-	7 885	8 570	8 752	8 570	-	-
Agency Services Control Account	-	-	15 662	6 353	15 662	6 353	-	-
PACE	6 883	1 880	-	-	6 883	1 880	-	-
Salary recoverable account	-	-	-	3 655	-	3 655	-	-
National Treasury	-	-	1 165	3 588	1 165	3 588	-	-
OCJ	-	-	11 598	9 273	11 598	9 273	-	-
Total	477 350	203 778	1 491 656	1 405 395	1 969 006	1 609 173	-	-

ANNEXURE 5 INTER-GOVERNMENT PAYABLES

GOVERNMENT ENTITY	Confirmed balance outstanding		Unconfirmed balance outstanding		TOTAL		Cash in transit at year end 2018/19 *	
	31/03/2019	31/03/2018	31/03/2019	31/03/2018	31/03/2019	31/03/2018	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
DEPARTMENTS								
Current								
South African Police Services	-	39	597	13	597	52	-	-
Department of Labour	-	-	25	-	25	-	-	-
Department of Transport	-	-	25	-	25	-	-	-
Government Printing Works	-	-	151	340	151	340	-	-
Northern Cape Department of Roads and Public Works	-	-	7	-	7	-	-	-
Gauteng Department of E Government	-	-	9	-	9	-	-	-
Gauteng Infrastructure Development	-	-	30	-	30	-	-	-
KZN Department of Education	-	-	-	20	-	20	-	-
Free State Department of Health	-	-	10	-	10	-	-	-
North West Department of Social Development	-	-	25	-	25	-	-	-
National Prosecuting Authority	-	-	-	43	-	43	-	-
National School of Government	-	-	1 808	145	1 808	145	-	-
Office of the Chief Justice	-	-	-	23	-	23	-	-
Public Works	37 252	61 653	-	166 998	37 252	228 651	-	-

GOVERNMENT ENTITY	Confirmed balance outstanding		Unconfirmed balance outstanding		TOTAL		Cash in transit at year end 2018/19 *	
	31/03/2019 R'000	31/03/2018 R'000	31/03/2019 R'000	31/03/2018 R'000	31/03/2019 R'000	31/03/2018 R'000	Payment date up to six (6) working days before year end	Amount R'000
Rural Development & Land Reform (Deeds)			24		24	-		
Rural Development & Land Reform			8		8	-		
Correctional Services			34		34	-		
Subtotal	37 252	61 692	2 753	167 582	40 005	229 274		
OTHER GOVERNMENT ENTITY								
Current								
IDT	13 856				13 856	-		
Water & Sanitation Trading Acc			67		67	-		
G Fleet	2 703				2 703	-		
TOTAL	53 811	61 692	2 820	167 582	56 631	229 274		

ANNEXURE 6 INVENTORIES

Inventories [per major category]	Note	Quantity	2018/19 R'000	Quantity	2017/18 R'000
Opening balance		178 796	450	8 616	172
Acid/(less): adjustments to prior year balance			-	55 303	-
Add: additions/purchases - cash		50	-	-	-
Add: additions - non-cash			-	120 628	289
(Less): disposals			-	-	-
(Less): issues		(14 625)	(30)	(5 751)	(11)
Acid/(less): adjustments			-	-	-
Closing balance		164 221	420	178 796	450

The figures recorded in this note relate to inventory for the NPA. The prior year figures have been restated to reflect only items that meet the definition of inventory.

ANNEXURE 7
MOVEMENT IN CAPITAL WORK IN PROGRESS

MOVEMENT IN CAPITAL WORK IN PROGRESS FOR THE YEAR ENDED 31 MARCH 2019				
	Opening balance	Current year capital WIP	Ready for use (asset register)/ contract terminated	Closing balance
	R'000	R'000	R'000	R'000
HERITAGE ASSETS				
Heritage assets	-	-	-	-
MACHINERY AND EQUIPMENT				
Transport assets				
Computer equipment	-	-	-	-
Furniture and office equipment	-	-	-	-
Other machinery and equipment	-	-	-	-
SPECIALISED MILITARY ASSETS				
Specialised military assets	-	-	-	-
BIOLOGICAL ASSETS				
Biological assets	-	-	-	-
BUILDINGS AND OTHER FIXED STRUCTURES				
Dwellings	1 525 601	154 535	(640 107)	1 040 029
Non-residential buildings	-	-	-	-
Other fixed structures	1 525 601	154 535	(640 107)	1 040 029
	-	-	-	-

MOVEMENT IN CAPITAL WORK IN PROGRESS FOR THE YEAR ENDED 31 MARCH 2019

	Opening balance	Current year capital WIP	Ready for use (asset register)/ contract terminated	Closing balance
	R'000	R'000	R'000	R'000
LAND AND SUBSOIL ASSETS				
Land	-	-	-	-
Mineral and similar non-regenerative resources	-	-	-	-
SOFTWARE				
Software	-	-	-	-
MASTHEADS AND PUBLISHING TITLES				
Mastheads and publishing titles	-	-	-	-
PATENTS, LICENCES, COPYRIGHT, BRAND NAMES, TRADEMARKS				
Patents, licences, copyright, brand names and trademarks	-	-	-	-
RECIPES, FORMULAE, PROTOTYPES, DESIGNS, MODELS				
Recipes, formulae, prototypes, designs, models	-	-	-	-
SERVICES AND OPERATING RIGHTS				
Services and operating rights	-	-	-	-
TOTAL	1 525 601	154 535	(640 107)	1 040 029

Age analysis on ongoing projects	Number of projects			2018/19
	Planned, construction not started	Planned, construction started	Total R '000	
0 to 1 year				
1 to 3 years	-	-	-	
3 to 5 years	-	-	-	
Longer than 5 years	1	-	35 595	
Total	-	-	35 595	

Include discussion on projects longer than 5 years in Capital WIP

MOVEMENT IN CAPITAL WORK IN PROGRESS FOR THE YEAR ENDED 31 MARCH 2018

	Opening balance R '000	Prior period error R '000	Current year capital WIP R '000	Ready for use (asset register) / contract terminated R '000	Closing balance R '000

HERITAGE ASSETS

Heritage assets	-	-	-	-	-
-----------------	---	---	---	---	---

MACHINERY AND EQUIPMENT

Transport assets	-	-	-	-	-
Computer equipment	-	-	-	-	-
Furniture and office equipment	-	-	-	-	-
Other machinery and equipment	-	-	-	-	-

MOVEMENT IN CAPITAL WORK IN PROGRESS FOR THE YEAR ENDED 31 MARCH 2018

	Opening balance	Prior period error	Current year capital WIP	Ready for use (asset register) / contract terminated	Closing balance
	R '000	R '000	R '000	R '000	R '000
SPECIALISED MILITARY ASSETS					
Specialised military assets	-	-	-	-	-
BIOLOGICAL ASSETS					
Biological assets	-	-	-	-	-
BUILDINGS AND OTHER FIXED STRUCTURES					
Dwellings	2 242 058	-	296 473	(1 012 930)	1 525 601
Non-residential buildings	2 242 058	-	296 473	(1 012 930)	1 525 601
Other fixed structures	-	-	-	-	-
LAND AND SUBSOIL ASSETS					
Land	-	-	-	-	-
Mineral and similar non-regenerative resources	-	-	-	-	-
SOFTWARE					
Software	-	-	-	-	-
MASTHEADS AND PUBLISHING TITLES					
Mastheads and publishing titles	-	-	-	-	-

MOVEMENT IN CAPITAL WORK IN PROGRESS FOR THE YEAR ENDED 31 MARCH 2018

	Opening balance	Prior period error	Current year capital WIP	Ready for use (asset register) / contract terminated	Closing balance
	R'000	R'000	R'000	R'000	R'000
PATENTS, LICENCES, COPYRIGHT, BRAND NAMES, TRADEMARKS					
Patents, licences, copyright, brand names and trademarks	-	-	-	-	-
RECIPES, FORMULAE, PROTOTYPES, DESIGNS, MODELS					
Recipes, formulae, prototypes, designs, models	-	-	-	-	-
SERVICES AND OPERATING RIGHTS					
Services and operating rights	-	-	-	-	-
TOTAL	2 242 058	-	296 473	(1 012 930)	1 525 601

**ANNEXURE 8A
INTER-ENTITY ADVANCES PAID (note 14)**

ENTITY	Confirmed balance outstanding		Unconfirmed balance outstanding		TOTAL	
	31/03/2019 R'000	31/03/2018 R'000	31/03/2019 R'000	31/03/2018 R'000	31/03/2019 R'000	31/03/2018 R'000
NATIONAL DEPARTMENTS						
GCIS			7 875	5 986	5 986	5 986
DIRCO			-	3 140	3 140	3 140
SUB-TOTAL	-		7 875	9 126	9 126	9 126
PUBLIC ENTITIES						
IDT				135	-	135
SUB-TOTAL	-		-	135	-	135
OTHER INSTITUTIONS						
TWF				-	-	-
SUB-TOTAL	-		-	-	-	-
TOTAL	-		7 875	9 261	9 126	9 261



PART E
HUMAN RESOURCE
MANAGEMENT

1. LEGISLATION THAT GOVERN HR MANAGEMENT

The information provided in this part is prescribed by the Minister for the Public Service and Administration for all departments in the public service.

2. INTRODUCTION

Human resource as a responsible component of the department, aims at harnessing sound employee relations and ensuring that there is competent capacity for the departmental programme. In this performance cycle, HR had a challenging mandate that would ensure that the department is able to deliver its services whilst at the same time considering the government directive on cost cutting measures on the departmental wage bill. The success of the operation depended on the services rendered by the following: 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 following focus areas were identified during the 2018/19 period:

- Creating a sound employer-employee relationship
- Providing opportunities for a balanced and healthy workforce through employee health and wellness programmes
- Post establishment and vacancy review

2.2 Human resources priorities

No	HR Sub-programmes	Impact in the Department									
1.	Post establishment and reorganisation of the departmental structure	<p>Due to the National Treasury directive to departments to cap government remuneration budget, the Department embarked on the following:</p> <ul style="list-style-type: none"> • Established a post review committee to determine critical posts that needed to be filled (1382 posts have been frozen) • Reviewed the top structure and functions 									
2.	Appointment of a service provider to address OSD challenges	<p>A service provider has been appointed to provide the Department with expert solutions with norms and standards for OSD job categories for legally qualified professionals in the following areas:</p> <ul style="list-style-type: none"> • Production supervision (LP 9) • Production specialist (LP 10) <p>The end results of the report which was completed in December 2018 will assist the department in determining a mechanism that will guide recruitment in terms of appointing this group of OSD officials once approved by the DPSA.</p>									
3.	Ensure compliance with employment practices	<p>Significant progress has been made towards the achievement of EE targets.</p> <table border="1"> <thead> <tr> <th></th> <th>Government target</th> <th>DoJ&CD 2018/2019</th> </tr> </thead> <tbody> <tr> <td>Female</td> <td>50%</td> <td>48.3%</td> </tr> <tr> <td>PWD</td> <td>2%</td> <td>2.19%</td> </tr> </tbody> </table>		Government target	DoJ&CD 2018/2019	Female	50%	48.3%	PWD	2%	2.19%
	Government target	DoJ&CD 2018/2019									
Female	50%	48.3%									
PWD	2%	2.19%									
4.	Improved HRD strategy	<p>The HRD strategy of the Department was finalised and approved after consultation and it is awaiting printing in a booklet form for ease of accessibility and implementation by the end user. The soft copy has been made available on the departmental intranet.</p>									

No	HR Sub-programmes	Impact in the Department
5.	Effective functioning of employee relations in line with relevant prescripts	<p>ER, in its endeavour to harmonise the work environment, conducted various training sessions. The Department trained a total 210 employees on salary level 3 to 12 in 12 sessions during this reporting period. The focus of training was related to labour relations processes, Public Service Code of Conduct, grievance and disciplinary procedure. In addition, two sessions were held to train a total of 30 officials (labour relations officers, middle managers) on investigating, cross examination, presiding and dispute resolution processes to improve the management of labour relations matters. Lastly, a total of 209 managers, supervisors and 51 shop stewards were trained on shop stewards leave and strike management in 18 sessions. The outcome of training gave rise to improved skills of line managers with regard to mediation, managing strikes and shop stewards.</p> <p>Furthermore, the following labour matters were attended to:</p> <ul style="list-style-type: none"> • A total of 326 misconduct cases were attended to from 01 April 2018 to 31 March 2019 of which 87 (27%) are not finalised, and 239 (73%) of cases have been finalised. • A total of 441 grievance cases were attended to from 01 April 2018 to 31 March 2019 of which 115 (26%) are not finalised, and 326 (74%) of cases have been finalised.

2.3 Workforce planning framework and key strategies to attract and recruit a skilled and capable workforce

By the end of March 2019, the Department had a total workforce (excluding magistrates) of 15 756. The analysis of the workforce showed the following results:

- A total of 12 629 (80.2%) employees are concentrated in Programme 2 (Court services), which is the Department's core business, of these 3 833 (30.35%) fall in the youth category (aged 21 – 35)
- A total of 1 437 (9.12%) of the workforce is in the retirement age category (between 55 and 64 years). Of these 1 161 (81%) is concentrated in Programme 2 (Court services)
- 35% of members of the SMS are in the retirement age category (between 55 and 64 years)
- 58.55% of the workforce is concentrated at salary level 5, which is the entry level. Of these, 38.7% fall in the youth category (aged 21 to 35 years).
- The highest percentage (24%) of middle management employees (452 members) are aged between 40 and 44 years.

2.4 Employee performance management

The following can be highlighted in terms of employee performance management:

- The DoJ&CD concluded 94% of SMS member's performance agreements for the 2018/2019 performance cycle
- Training interventions were conducted at 22 offices in which 921 officials received training

2.5 Employee wellness programme

Employees in any work environment are regarded as the most valued entities for the organisation and hence they deserve to be taken care of by enhancing their well-being. It is therefore the role of the departmental employee health and wellness directorate to provide both proactive and reactive psychosocial services to the employees. During the year under review, a total of 6 131 employees participated in the following programmes:

- Face-to-face and online counselling
- Supervisor empowerment sessions
- Financial wellness & stress management
- Health screening sessions
- Policy and procedure on incapacity leave and ill-Health retirement (PILIR) information sessions
- Disability month awareness

The proactive sessions promote the utilisation of the services before employees find themselves in challenging circumstances beyond their control. Of importance, they assist employees to be able to perform at their maximum level, manage life stresses and reduce absenteeism.

The department participated in the celebrations of international and national commemoration days of World AIDS Day, International Day of People with disability, Public Service Week and Heritage day. The Casual Day is one of the most supported events in so much that the Department always receives first position when organisations who participated are honoured. For the year under review, the Department raised a total of R17 500.00 through sales of stickers, t-shirts and caps and the money was donated to the Casual Day Organisation.

2.6 Other highlights of achievements

The department has the enormous responsibility to support the President of the Republic in establishing commissions of enquiry based on gazetted directives. In this performance cycle, HR has assisted in establishing and continues to provide administration service to the following commissions: State Capture; Public Investment Corporation; and Justice Mokgoro Inquiry respectively. The work entails developing an organisational structure and job descriptions, developing recruitment guiding principles; assisting in the recruitment and contracting of staff, harbouring and capturing of the appointed staff on the departmental Personnel and Salary System (PERSAL).

2.7 Challenges faced by the Department

- As a government department, the government's high wage bill predicament remains a challenge which will continue to be affected by cost cutting measures.
- Implementation and interpretation of the OSD Determination remains a challenge in the department as a number of officials continue to lodge grievances in this area.
- The hanging approval of the LP9 and LP10 norms and standard on the OSD positions remains a dilemma in the department, leaving certain positions not being filled.

2.8 Future HR plans /goals

- Introduce an e-base performance management system for levels 9-12. The system aims to speed the processes of performance contracting of employees timeously to eliminate non-compliance.
- Address the early retirement applications and ensure compliance with the National Treasury and DPSA directives.
- Support the department in its endeavour to address government plight of reducing its wage bill.
- Introduction and implementation of E-Recruitment.

3.1 Personnel-related expenditure

The following tables summarise the final audited personnel-related expenditure by programme and salary bands. 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 2018 to 31 March 2019

Programme	Total expenditure (R'000)	Personnel expenditure (R'000)	Training expenditure (R'000)	Professional and special services (R'000)	Personnel expenditure as percent of total expenditure	Average personnel cost per employee (R'000)
Administration	2 428 798	525 387	-	-	21.60	23
Auxiliary and associated services	3 423 033	0	-	-	-	0
Court services	6 320 062	3 920 246	-	-	62.00	172
Direct charge against the National Revenue Fund	2 047 385	2 013 598	-	-	98.30	88
State Legal Services	1 210 819	1 022 355	-	-	84.40	45
National Prosecuting Authority	3 829 624.00	3 317 227.00	-	-	86.60	145
Total as on Financial Systems (BAS)	15 430 097	10 798 813	-	-	70.00	328

Table 3.1.2 – Personnel costs by salary bands for the period 1 April 2018 to 31 March 2019

Salary bands	Personnel expenditure (R'000)	% of Personnel cost	No. of employees	Average personnel cost per employee (R)
Skilled (Levels 3-5)	3 477 218	32.20	10193	341 138
Highly skilled production (Levels 6-8)	2 030 177	18.80	4692	432 689
Highly skilled supervision (Levels 9-12)	2 008 579	18.60	4761	421 882
Senior management (Levels 13-16)	2 710 502	25.10	1928	1 405 862
Other	21 598	0.20	4	5 399 407
Contract (Levels 3-5)	32 396	0.30	115	281 708
Contract (Levels 6-8)	21 598	0.20	44	490 855
Contract (Levels 9-12)	43 195	0.40	51	846 966
Contract (Levels 13-16)	43 195	0.40	33	1 308 947
Contract other	388 757	3.60	404	962 270
Periodical remuneration	21 598	0.20	580	37 237
TOTAL	10 798 813	100.00	22 805	473 528

Table 3.1.3– Salaries, overtime, home owners allowance and medical aid by programme for the period 1 April 2018 to 31 March 2019

Programme	Salaries		Overtime		Home owners 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
Administration	448 018	85.30	926	0.20	14 801	2.80	21 944	4.20
Court services	3 121 534	-	5 224	-	178 255	-	300 914	-
Direct charges	1 822 486	46.50	0	-	16 953	0.40	18 262	0.50
State legal services	816 259	40.50	696	-	25 756	1.30	43 935	2.20
Administration of law	82 100	8.00	2 748	0.30	1 983	0.20	4 380	0.40
National Prosecuting Authority	2 794 485	84.20	651	-	32 432	1.00	83 887	2.50
TOTAL	9 084 882	84.10	6 846	0.10	235 765	2.20	385 055	3.60

Table 3.1.4 Salaries, overtime, home owners allowance and Medical Aid by salary bands for the period 1 April 2018 to 31 March 2019

	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
Skilled (Levels 3-5)	1 909 153	54.90	3 626	0.10	140 942	4.10	237 856	6.80
Highly skilled production (Levels 6-8)	1 479 864	72.90	2 432	0.10	51 327	2.50	89 168	4.40
Highly skilled supervision (Levels 9-12)	3 371 113	167.80	703	-	22 613	1.10	37 968	1.90
Senior management (Levels 13-16)	1 933 117	71.30	0	-	20 460	0.80	19 826	0.70
Other	6 278	29.10	0	-	0	-	0	-
Contract (Levels 3-5)	27 678	85.40	44	0.10	0	-	0	-
Contract (Levels 6-8)	17 946	83.10	22	0.10	0	-	0	-
Contract (Levels 9-12)	28 013	64.90	19	-	148	0.30	7	-
Contract (Levels 13-16)	32 945	76.30	0	-	275	0.60	230	0.50
Contract other	264 393	68.00	0	-	0	-	0	-
Periodical remuneration	14 383	66.60	0	-	0	-	0	-
TOTAL	9 084 883	84.10	6 846	0.10	235 765	2.20	385 055	3.60

3.2 Employment and vacancies

The tables in this section summarise the position with regard to employment and vacancies.

The following tables summarise the number of posts on the establishment, the number of employees, the vacancy rate and whether there are any staff that are additional to the establishment.

This information is presented in terms of three key variables:

- programme
- salary band
- critical occupations

Table 3.2.1 Employment and vacancies by programme, 31 March 2019

Programme	Number of posts on approved establishment	Number of posts filled	Vacancy rate	Number of employees additional to the establishment
Administration of law	149	149	0.0	1
National Prosecuting Authority	4 259	4 259	0.0	2
Administration	1 325	1 088	17.9	2
Court services	13 380	12 629	5.6	25
State legal services	2 397	2 039	14.9	5
SUB-TOTAL: EXCLUDING JUDICIARY	21 510	20 164	6.3	35
Magistrates	2 324	1 895	18.5	0
TOTAL (INCLUDING JUDICIARY)	23 834	22 059	7.4	35

Table 3.2.2 Employment and vacancies by salary band, 31 March 2019

Salary band	Number of posts on approved establishment	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
Lower skilled (Levels 1-2) (Interns)	24	24	0.0	1
Skilled (Levels 3-5)	10 889	10 260	5.8	17
Highly skilled production (Levels 6-8)	5 074	4 728	6.8	11
Highly skilled supervision (Levels 9-12)	5 130	4 808	6.3	5
Senior management (Levels 13-16)	393	344	12.5	1
Magistrates	2 324	1 895	18.5	0
TOTAL	23 834	22 059	7.4	35

Table 3.2.3 Employment and vacancies by critical occupation, 31 March 2019

Occupations	Number of posts on approved establishment	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
Administrative related	978	891	8.9	5
Advocates	627	616	1.8	0
Attorneys	366	310	15.3	0
Building and other property caretakers	3	3	0.0	0
Bus and heavy vehicle drivers	8	8	0.0	0
Cleaners in offices, workshops, hospitals etc.	82	74	9.8	1
Clients inform clerks (switchboard/ receptionist/ inform clerks)	138	126	8.7	0
Communication and information related	42	36	14.3	0
Computer programmers	2	2	0.0	0

Occupations	Number of posts on approved establishment	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
Crime investigators	39	39	0.0	0
Finance and economics related	289	249	13.8	0
Financial and related professionals	329	284	13.7	1
Financial clerks and credit controllers	474	421	11.2	1
Food services aids and waiters	16	16	0.0	0
General legal administration & rel. professionals	865	760	12.1	0
Human resources & organisational development & related prof	68	60	11.8	0
Human resources clerks	282	259	8.2	1
Human resources related	199	179	10.1	0
Information technology related	51	47	7.8	0
Language practitioners, interpreters & other communication related	453	402	11.3	0
Legal related	247	185	25.1	0
Librarians and related professionals	24	18	25.0	0
Library, mail and related clerks	339	296	12.7	1
Light vehicle drivers	6	5	16.7	0
Logistical support personnel	58	53	8.6	0
Magistrates	2 324	1 895	18.5	0
Material-recording and transport clerks	85	79	7.1	0
Messengers, porters and deliverers	365	317	13.2	0
Other administrative & related clerks and organisers	8 501	8 160	4.0	17
Other administrative policy and related officers	925	848	8.3	2
Other information technology personnel	22	19	13.6	0
Prosecutor	2 419	2 419	0.0	0
Protection services	91	91	0.0	0
Risk management and security services	23	22	4.3	0
Secretaries & other keyboard operating clerks	683	627	8.2	3
Security guards	11	11	0.0	0
Security officers	266	254	4.5	1
Senior managers	391	338	13.6	1
Social sciences related	1	1	0.0	0
Social work and related professionals	131	121	7.6	0
Translators and air traffic communicators	1 611	1 518	5.8	1
TOTAL	23 834	22 059	7.4	35

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 levels. 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 at 31 March 2019

SMS level	Total number of funded SMS posts	Total number of SMS posts filled	% of SMS posts filled	Total number of SMS posts vacant	% of SMS posts vacant
Director-General/ Head of Department	1	1	100.0	0	0.0
Salary level 16, but not HOD	4	1	25.0	3	75.0
Salary level 15	10	4	40.0	6	60.0
Salary level 14	60	37	61.7	23	38.3
Salary level 13	135	104	77.0	31	23.0
Total	210	147	70.0	63	30.0

Table 3.3.2 SMS posts information as at 30 September 2018

SMS level	Total number of funded SMS posts	Total number of SMS posts filled	% of SMS posts filled	Total number of SMS posts vacant	% of SMS posts vacant
Director-General/Head of Department	1	1	100.0	0	0.0
Salary level 16, but not HOD	3	2	66.7	1	33.3
Salary level 15	14	7	50.0	7	50.0
Salary level 14	58	33	56.9	25	43.1
Salary level 13	135	101	74.8	34	25.2
Total	211	144	68.2	67	31.8

Table 3.3.3 Advertising and filling of SMS posts for the period 1 April 2018 to 31 March 2019

SMS	Advertising	Filling of posts	
	Number of vacancies per level advertised in six months becoming vacant	Number of vacancies per level filled in six months of becoming vacant	Number of vacancies per level not filled in six months but filled in 12 months
Director-General/ Head of Department	0	1	0
Salary level 16	0	0	0
Salary level 15	0	0	0
Salary level 14	2	1	0
Salary level 13	7	0	1
Total	9	2	1

Table 3.3.4 Reasons for not having complied with the filling of funded vacant SMS posts – Advertised within six months and filled within 12 months after becoming vacant for the period 1 April 2018 to 31 March 2019

Reasons for vacancies not advertised within six months:
1. Moratorium on filling of vacancies as a result of cost containment measures
2. Due to financial constraints at NPA, SMS vacancies are not funded and could therefore not be advertised and filled.
Reasons for vacancies not filled within 12 months:
1. Moratorium on filling of vacancies as a result of cost containment measures
2. Due to financial constraints at NPA, SMS vacancies are not funded and could therefore not be advertised and filled.

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 2018 to 31 March 2019

None

3.4 Job evaluation

Within a nationally determined framework, executing authorities may evaluate or re-evaluate any job in their organisations. In terms of the Regulations, all vacancies on salary levels 9 and higher must be evaluated before they are filled. The following table summarises the total number of jobs that were evaluated during the year under review. The table also provides statistics on the number of posts that were upgraded or downgraded.

Table 3.4.1 Job evaluation by salary band

Salary band	Number of posts on approved establishment	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)	24	0	0.0	0	0.0	0	0.0
Skilled (Levels 3-5)	10889	0	0.0	0	0.0	0	0.0
Highly skilled production (Levels 6-8)	5075	36	0.7	93	1.8	12	0.2
Highly skilled supervision (Levels 9-12)	5130	5	0.1	6	0.1	4	0.1
SMS Band A	174	25	14.4	3	1.7	0	0.0
SMS Band B	194	9	4.6	0	0.0	0	0.0
SMS Band C	18	3	16.7	0	0.0	0	0.0
SMS Band D	6	0	0.0	0	0.0	0	0.0
TOTAL	21510	78	0.4	102	0.5	16	0.1

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 2018 to 31 March 2019

Beneficiaries	African	Asian	Coloured	White	Total
Female	30	5	1	4	40
Male	182	29	2	7	220
Total	212	34	3	11	260
Employees with a disability					5

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 2018 to 31 March 2019

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Accounting clerk	1	5	6	Provisions of previous dispensation placed employee on a higher level than the new level determined by job evaluation
Accounting clerk	2	5	6	Resolution 3 of 2009: Grade progression
Accounting clerk	2	6	7	Resolution 3 of 2009: Grade progression
Chief accounting clerk	2	7	8	Provisions of previous dispensation placed employees on a higher level than the new level determined by job evaluation
Chief Accounting clerk	7	7	8	Resolution 3 of 2009: Grade progression
Administration clerk	67	5	6	Provisions of previous dispensation placed employees on a higher level than the new level determined by job evaluation
Administration clerk	2	5	7	Provisions of previous dispensation placed employees on a higher level than the new level determined by job evaluation
Administration clerk	117	5	6	Resolution 3 of 2009: Grade progression
Administration clerk	1	5	6	Resolution 3 of 2009: Grade progression
Administration clerk	1	5	6	Provisions of previous dispensation placed employee on a higher level than the new level determined by job evaluation
Chief administration clerk	1	5	7	Provisions of previous dispensation placed employee on a higher level than the new level determined by job evaluation
Chief administration clerk	8	7	8	Provisions of previous dispensation placed employees on a higher level than the new level determined by job evaluation
Chief administration clerk	19	7	8	Resolution 3 of 2009: Grade progression
Administration head	1	9	10	Provisions of previous dispensation placed employee on a higher level than the new level determined by job evaluation

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Administrative officer	1	5	8	Provisions of previous dispensation placed employee on a higher level than the new level determined by job evaluation
Administrative officer	1	6	8	Provisions of previous dispensation placed employee on a higher level than the new level determined by job evaluation
Administrative officer	2	7	8	Provisions of previous dispensation placed employees on a higher level than the new level determined by job evaluation
Administrative officer	8	7	8	Resolution 3 of 2009: Grade progression
Snr administrative officer	1	7	8	Resolution 3 of 2009: Grade progression
Area court manager	1	11	12	Resolution 3 of 2009: Grade progression
Assistant director	8	9	10	Provisions of previous dispensation placed employees on a higher level than the new level determined by job evaluation
Assistant director	14	9	10	Resolution 3 of 2009: Grade progression
Court interpreter	2	5	6	Provisions of previous dispensation placed employees on a higher level than the new level determined by job evaluation
Court interpreter	44	5	6	Resolution 3 of 2009: Grade progression
Assistant director	1	9	11	Employee retained in lower level post in terms of PSR V.C.R
Deputy director	6	11	12	Provisions of previous dispensation placed employees on a higher level than the new level determined by job evaluation
Deputy director	13	11	12	Resolution 3 of 2009: Grade progression
E-scheduler clerk	1	5	7	Provisions of previous dispensation placed employee on a higher level than the new level determined by job evaluation
E-scheduler clerk	1	5	6	Resolution 3 of 2009: Grade progression
Executive administrative assistant	1	7	9	Provisions of previous dispensation placed employee on a higher level than the new level determined by job evaluation
Executive administrative assistant	1	9	10	Resolution 3 of 2009: Grade progression
Human resource officer	33	5	6	Provisions of previous dispensation placed employees on a higher level than the new level determined by job evaluation
Human resource officer	1	5	6	Resolution 3 of 2009: Grade progression

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Snr human resource officer	1	5	6	Provisions of previous dispensation placed employee on a higher level than the new level determined by job evaluation
Human resource practitioner	1	7	8	Provisions of previous dispensation placed employee on a higher level than the new level determined by job evaluation
Labour relations officer	1	7	8	Provisions of previous dispensation placed employee on a higher level than the new level determined by job evaluation
Legal secretary	3	5	6	Provisions of previous dispensation placed employees on a higher level than the new level determined by job evaluation
Legal secretary	2	5	7	Resolution 3 of 2009: Grade progression
Legislative language practitioner	5	7	10	Provisions of previous dispensation placed employees on a higher level than the new level determined by job evaluation
Maintenance Coordinator	1	5	7	Provisions of previous dispensation placed employee on a higher level than the new level determined by job evaluation
Chief messenger	1	4	5	Resolution 3 of 2009: Grade progression
Office manager	1	9	10	Provisions of previous dispensation placed employee on a higher level than the new level determined by job evaluation
Personal assistant	2	5	8	Provisions of previous dispensation placed employees on a higher level than the new level determined by job evaluation
Personal assistant	2	7	8	Provisions of previous dispensation placed employees on a higher level than the new level determined by job evaluation
Chief personnel officer	1	7	7	Provisions of previous dispensation placed employee on a higher level than the new level determined by job evaluation
Provisioning administration clerk	2	5	6	Resolution 3 of 2009: Grade progression
Provisioning administration officer	1	7	8	Provisions of previous dispensation placed employee on a higher level than the new level determined by job evaluation
Provisioning administration officer	1	7	8	Resolution 3 of 2009: Grade progression
Snr provisioning administration officer	2	7	8	Provisions of previous dispensation placed employees on a higher level than the new level determined by job evaluation
Snr provisioning administration officer	2	7	8	Resolution 3 of 2009: Grade progression

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Registry clerk	4	5	6	Provisions of previous dispensation placed employees on a higher level than the new level determined by job evaluation
Registry clerk	4	5	6	Resolution 3 of 2009: Grade progression
Chief registry clerk	2	7	8	Resolution 3 of 2009: Grade progression
Secretary	1	4	7	Provisions of previous dispensation placed employee on a higher level than the new level determined by job evaluation
Secretary	1	5	6	Provisions of previous dispensation placed employee on a higher level than the new level determined by job evaluation
Secretary	7	5	7	Provisions of previous dispensation placed employees on a higher level than the new level determined by job evaluation
Secretary	2	5	8	Provisions of previous dispensation placed employees on a higher level than the new level determined by job evaluation
Secretary	1	5	6	Resolution 3 of 2009: Grade progression
Secretary	1	7	8	Provisions of previous dispensation placed employee on a higher level than the new level determined by job evaluation
Security officer	1	3	5	Provisions of previous dispensation placed employee on a higher level than the new level determined by job evaluation
Security officer	2	3	6	Provisions of previous dispensation placed employees on a higher level than the new level determined by job evaluation
Chief security officer	1	7	8	Resolution 3 of 2009: Grade progression
Senior auditor	10	9	10	Provisions of previous dispensation placed employees on a higher level than the new level determined by job evaluation
Snr court interpreter	4	5	7	Provisions of previous dispensation placed employees on a higher level than the new level determined by job evaluation
Snr court interpreter	2	5	8	Resolution 3 of 2009: Grade progression
Snr court interpreter	1	7	8	Provisions of previous dispensation placed employee on a higher level than the new level determined by job evaluation
Snr court interpreter	66	7	8	Resolution 3 of 2009: Grade progression
Snr human resource officer	5	7	8	Provisions of previous dispensation placed employees on a higher level than the new level determined by job evaluation
Snr human resource officer	8	7	8	Resolution 3 of 2009: Grade progression

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Snr human resource practitioner	1	7	8	Provisions of previous dispensation placed employee on a higher level than the new level determined by job evaluation
Snr registry clerk	3	6	7	Resolution 3 of 2009: Grade progression
State accountant/Snr	2	7	8	Provisions of previous dispensation placed employees on a higher level than the new level determined by job evaluation
State accountant/Snr	7	7	8	Resolution 3 of 2009: Grade progression
Telecom operator	3	4	5	Resolution 3 of 2009: Grade progression
Telecom operator	1	5	6	Resolution 3 of 2009: Grade progression
Telecom operator	1	7	8	Provisions of previous dispensation placed employee on a higher level than the new level determined by job evaluation
Principal telecom operator	1	7	8	Provisions of previous dispensation placed employee on a higher level than the new level determined by job evaluation
Chief workstudy officer	2	9	10	Provisions of previous dispensation placed employees on a higher level than the new level determined by job evaluation
Total number of employees whose salaries exceeded the level determined by job evaluation in 2018/19				544
Percentage of total employed				3.1%

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 2018 to 31 March 2019

Beneficiaries	African	Asian	Coloured	White	Total
Female	214	15	29	106	364
Male	144	7	9	20	180
Total	358	22	38	126	544
Employees with a disability					19

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 upgrade/downgrade of posts/movement of employees between levels (promotion) or translation to another rank without a change in salary level.

A total of 128 employees were promoted to a higher salary level, and 544 employees are carried out of adjustment against another post (refer to table 3.4.3 above). The personnel movement regarding appointments and terminations do not reflect the changes mentioned

Table 3.5.1 Annual turnover rates by salary band for the period 1 April 2018 to 31 March 2019

Salary band	Number of employees at the beginning of period - April 2018	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate
Lower skilled (Levels 1-2), Permanent	10	0	0	0.0
Skilled (Levels 3-5), Permanent	10 351	302	362	3.5
Highly skilled production (Levels 6-8), Permanent	4 940	98	288	5.8
Highly skilled supervision (Levels 9-12), Permanent	4 737	40	214	4.5
Senior Management Service Band A	139	1	8	5.8
Senior Management Service Band B	173	1	8	4.6
Senior Management Service Band C	17	0	3	17.6
Senior Management Service Band D	5	0	0	0.0
Magistrates	1 664	1	57	3.4
SUB-TOTAL: PERMANENT EMPLOYEES	22 036	443	940	4.3
Contracts (including interns)	476	793	769	60.6
SUB-TOTAL: CONTRACT EMPLOYEES	476	793	769	60.6
TOTAL	22 512	1 236	1709	7.6

Table 3.5.2 Annual turnover rates by critical occupation for the period 1 April 2018 to 31 March 2019

Occupations	Number of employees at the beginning of period – April 2018	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate
Administrative related	936	14	63	6.7
Advocates	630	3	24	3.8
Attorneys	301	29	20	6.6
Building and other property caretakers	3	0	0	0.0
Bus and heavy vehicle drivers	8	0	0	0.0
Cleaners in offices workshops hospitals etc.	85	1	8	9.4
Client inform clerks (switchboard/ receptionist/ information clerks)	125	3	3	2.4
Communication and information related	37	1	3	8.1
Crime investigators	41	0	3	7.3
Finance and economics related	249	5	13	5.2
Financial and related professionals	281	3	11	3.9
Financial clerks and credit controllers	419	11	18	4.3
Food services aids and waiters	16	0	0	0.0
General legal administration & rel. professionals	746	43	41	5.5

Occupations	Number of employees at the beginning of period – April 2018	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate
Human resources & organisational development & relate prof	62	0	2	3.2
Human resources clerks	262	3	9	3.4
Human resources related	184	2	12	6.5
Information technology related	23	0	0	0.0
Language practitioners, interpreters & other communication related	410	5	30	7.3
Legal related	187	5	11	5.9
Librarians and related professionals	19	0	1	5.3
Library mail and related clerks	301	0	12	4.0
Light vehicle drivers	6	0	1	16.7
Logistical support personnel	55	0	2	3.6
Magistrates	1 664	1	57	3.4
Material-recording and transport clerks	76	1	2	2.6
Messengers, porters and deliverers	301	11	17	5.6
Other administrative & related clerks and organisers	8 288	161	319	3.8
Other administrative policy and related officers	868	10	46	5.3
Other information technology personnel	20	0	2	10.0
Prosecutors	2 506	0	97	3.9
Protection services	98	0	2	2.0
Risk management and security services	23	0	1	4.3
Secretaries & other keyboard operating clerks	634	20	22	3.5
Security guards	14	0	1	7.1
Security officers	265	0	8	3.0
Senior managers	328	3	20	6.1
Social sciences related	1	0	0	0.0
Social work and related professionals	112	15	5	4.5
Translators and air traffic communicators	1484	95	77	5.2
Contracts	444	791	746	61.6
TOTAL	22 512	1 236	1 709	7.6

The table below identifies the major reasons why staff left the department.

Table 3.5.3 Reasons why staff left the department for the period 1 April 2018 to 31 March 2019

Termination type	Number	% of Total resignations
Death	85	5.0
Resignation	492	28.8
Expiry of contracts	771	45.1
Retirement due to ill health	19	1.1
Dismissal-misconduct	60	3.5
Retirement	199	11.6
Severance package	2	0.1
Transfer to other public service departments	81	4.7
TOTAL	1 709	100.0
Total number of employees who left as a % of total employment		7.8

Table 3.5.4 Promotions by critical occupation for the period 1 April 2018 to 31 March 2019

Occupation	Employees as at 1 April 2018	Promotions to another salary level	Salary level promotions as a % of employees by occupation	Progressions to another notch within a salary level	Notch progressions as a % of employees by occupation
Administrative related	940	10	1.1	677	72.0
Advocates	630	2	0.3	493	78.3
Attorneys	301	11	3.7	222	73.8
Building and other property caretakers	3	0	0.0	3	100.0
Bus and heavy vehicle drivers	8	0	0.0	6	75.0
Cleaners in offices workshops hospitals etc.	85	0	0.0	71	83.5
Client inform clerks (switchboard/ receptionist/ information clerks)	125	1	0.8	96	76.8
Communication and information related	38	0	0.0	32	84.2
Crime investigators	2	0	0.0	2	100.0
Finance and economics related	41	0	0.0	4	9.8
Financial and related professionals	252	6	2.4	209	82.9
Financial clerks and credit controllers	286	0	0.0	229	80.1
Food services aids and waiters	420	1	0.2	349	83.1
General legal administration & rel. professionals	16	0	0.0	14	87.5

Occupation	Employees as at 1 April 2018	Promotions to another salary level	Salary level promotions as a % of employees by occupation	Progressions to another notch within a salary level	Notch progressions as a % of employees by occupation
Human resources & organisational development & relate prof	771	1	0.1	533	69.1
Human resources clerks	1	0	0.0	0	0.0
Human resources related	62	0	0.0	53	85.5
Information technology related	262	0	0.0	194	74.0
Language practitioners, interpreters & other communication related	184	0	0.0	136	73.9
Legal related	47	0	0.0	25	53.2
Librarians and related professionals	410	1	0.2	332	81.0
Library, mail and related clerks	187	0	0.0	132	70.6
Light vehicle drivers	19	0	0.0	16	84.2
Logistical support personnel	302	1	0.3	240	79.5
Magistrates	6	0	0.0	4	66.7
Material-recording and transport clerks	55	0	0.0	43	78.2
Messengers, porters and deliverers	1902	65	3.4	0	0.0
Other administrative & related clerks and organisers	81	0	0.0	69	85.2
Other administrative policy and related officers	305	0	0.0	219	71.8
Other information technology personnel	8 333	12	0.1	6892	82.7
Prosecutors	876	12	1.4	668	76.3
Protection services	20	0	0.0	17	85.0
Risk management and security services	2 506	0	0.0	1 974	78.8
Secretaries & other keyboard operating clerks	98	0	0.0	70	71.4
Security guards	23	0	0.0	17	73.9
Security officers	638	0	0.0	425	66.6
Senior managers	14	0	0.0	10	71.4
Social sciences related	265	0	0.0	172	64.9
Social work and related professionals	350	4	1.1	146	41.7
Translators and air traffic communicators	1	0	0.0	2	200.0
TOTAL	113	0	0.0	42	37.2
	1 534	1	0.0	1 069	0.0
	22 512	128	0.6	15 907	70.7

Table 3.5.5 Promotions by salary band for the period 1 April 2018 to 31 March 2019

Salary band	Employees 1 April 2018	Promotions to another salary level	Salary bands promotions as a % of employees by salary level	Progressions to another notch within a salary level	Notch progression as a % of employees by salary band
Lower skilled (Levels 1-2) (including interns)	13	0	0.0	3	23.1
Skilled (Levels 3-5)	10 469	11	0.1	8 951	85.5
Highly skilled production (Levels 6-8)	4 996	21	0.4	3 002	60.1
Highly skilled supervision (Levels 9-12)	4 773	26	0.5	3 802	79.7
Senior Management Service (Level 13 – 16)	359	5	1.4	149	41.5
Magistrates	1902	65	3.4	0	0.0
TOTAL	22 512	128	0.6	15 907	70.7

3.6 Employment equity

The tables in this section are based on the formats prescribed by the Employment Equity Act, 55 of 1998.

Table 3.6.1 Total number of employees (including employees with disabilities) in each of the following occupational categories as at 31 March 2019

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Magistrates	495	113	74	328	416	99	115	255	1 895
Legislators, senior officials and managers	101	19	20	49	74	14	25	36	338
Professionals	2 131	192	87	368	1 820	316	232	562	5 708
Clerks	3 179	315	103	94	6 090	838	226	641	11 486
Service and sales workers	174	40	9	76	85	13	4	16	417
Plant and machine operators and assemblers	9	2	1	1	0	0	0	0	13
Labourers and related workers	238	31	2	7	122	5	1	4	410
Technical and associated professions, permanent	546	57	23	38	860	106	36	126	1 792
TOTAL	6 873	769	319	961	9 467	1391	639	1 640	22 059
Employees with disabilities	137	19	5	22	130	16	11	35	375

Table 3.6.2 Total number of employees (including employees with disabilities) in each of the following occupational bands as at 31 March 2019

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Magistrates	495	113	74	328	416	99	115	255	1 895
Top management	9	1	0	2	4	1	2	2	21
Senior management	94	18	21	47	72	13	22	36	323
Professionally qualified and experienced specialists and mid-management	1 523	184	84	397	1 036	212	183	536	4 155
Skilled technical and academically qualified workers, junior management, supervisors, foremen	1 701	128	51	101	2 434	329	134	503	5 381
Semi-skilled and discretionary decision-making	3 046	325	89	86	5 486	737	183	308	10 260
Unskilled and defined decision-making	0	0	0	0	10	0	0		10
Interns	5	0	0	0	9	0	0	0	14
TOTAL	6 873	769	319	961	9 467	1 391	639	1 640	22 059

Table 3.6.3 Recruitment for the period 1 April 2018 to 31 March 2019

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Magistrates	0	0	0	1	0	0	0	0	1
Top management	1	1	0	0	0	0	1	0	3
Senior management	6	1	0	2	5	0	0	3	17
Professionally qualified and experienced specialists and mid-management	242	29	13	77	128	36	23	66	614
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	50	10	3	1	64	20	1	1	150
Semi-skilled and discretionary decision-making	144	19	2	0	263	10	2	2	442
Unskilled and defined decision-making	0	0	0	0	0	0	0	0	0
Interns	3	0	0	0	6	0	0	0	9
Total	446	60	18	81	466	66	27	72	1 236
Employees with disabilities	3	0	0	0	3	1	1	0	8

Table 3.6.4 Promotions for the period 1 April 2018 to 31 March 2019

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Magistrates	10	6	5	4	26	3	7	4	65
Top management	0	0	0	0	0	0	0	0	0
Senior management	0	0	0	1	0	1	1	2	5
Professionally qualified and experienced specialists and mid-management	9	4	4	1	7	0	1	0	26
Skilled technical and academically qualified workers, junior management, supervisors, foremen	9	0	1	0	10	1	0	0	21
Semi-skilled and discretionary decision-making	5	0	0	0	4	1	0	1	11
Unskilled and defined decision-making	0	0	0	0	0	0	0	0	0
TOTAL	33	10	10	6	47	6	9	7	128
Employees with disabilities	0	0	1	1	0	0	0	0	2

Table 3.6.5 Terminations for the period 1 April 2018 to 31 March 2019

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	3	3	1	0	3	0	0	0	10
Senior management	11	4	0	5	5	1	1	3	30
Magistrates	16	2	1	22	4	2	0	10	57
Professionally qualified and experienced specialists and mid-management	285	33	16	100	161	35	28	80	738
Skilled technical and academically qualified workers, junior management, supervisors, foremen	125	12	6	7	141	25	9	39	364
Semi-skilled and discretionary decision-making	194	30	3	0	216	30	6	7	486
Unskilled and defined decision-making	0	0	0	0	0	0	0	0	0
Interns	1	1	0	0	14	6	1	1	24
TOTAL	635	85	27	134	544	99	45	140	1 709
Employees with disabilities	14	0	0	2	8	0	2	2	28

Table 3.6.6 Disciplinary action for the period 1 April 2018 to 31 March 2019 (new cases lodged in the period)

	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Disciplinary action	261	23	6	10	143	14	12	17	486

Table 3.6.7 Skills development for the period 1 April 2018 to 31 March 2019

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	7	1			5		2	4	19
Professionals	804	95	19	116	596	109	68	173	1 980
Technicians and associate professionals	239	8	9	22	271	14	12	19	594
Clerks	1 342	234	10	49	2 608	612	28	195	5 078
Service and sales workers	65	35	3	26	47	16	2	8	202
Plant and machine operators and assemblers	4	1	0	0	0	0	0	0	5
Elementary occupations	51	22	0	0	10	0	0	1	84
Total	2 512	396	41	213	3 537	751	112	400	7 962
Employees with disabilities	17	2	0	1	30	3	2	1	56

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 at 31 May 2018

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
Salary level 16	2	2	2	100.0
Salary level 16 (not HOD)	7	6	3	42.9
Salary level 15	23	16	11	47.8
Salary level 14	196	171	170	86.7
Salary level 13	179	145	140	71.1
Total	407	340	326	80.1

Table 3.7.2 Reasons for not having concluded performance agreements for all SMS members as at 31 May 2018

Some positions are vacant and four SMS members have failed to comply with the timeframes.
At NPA, one SMS member on special leave, two SMS members suspended and one seconded to Swaziland.

Table 3.7.3 Disciplinary steps taken against SMS members for not having concluded performance agreements as at 31 May 2018

Names of SMS members who signed their performance agreements late were forwarded to Employee Relations to institute disciplinary action.

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 bands and critical occupations.

Table 3.8.1 Performance rewards by race, gender and disability for the period 1 April 2018 to 31 March 2019

	Beneficiary Profile			Cost	
	Number of beneficiaries	Total number of employees	% of total within group	Cost (R'000)	Average cost per employee
African	3 360	15 166	22.2	49 706	8 943.11
Male	1 319	6 243	21.1	23 644	9 039.55
Female	2 041	8 923	22.9	26 062	8 880.79
Asian	161	753	21.4	4 175	10 711.21
Male	56	240	23.3	1 389	10 561.98
Female	105	513	20.5	2786	10 790.80
Coloured	453	1 915	23.7	7 930	8 386.48
Male	138	639	21.6	2 954	10 264.52
Female	315	1 276	24.7	4 976	7 563.72
White	572	1 962	29.2	16 595	11 035.37
Male	136	612	22.2	5 630	11 833.83
Female	436	1 350	32.3	10 965	10 786.30
Employees with disabilities	73	368	19.8	7 805	10 446.78
TOTAL	4 619	20 164	22.9	79 353	9 233.01

Table 3.8.2 Performance rewards by salary bands for personnel below Senior Management Service for the period 1 April 2018 to 31 March 2019

Salary bands	Beneficiary profile			Cost		Total cost as a % of the total personnel expenditure
	Number of beneficiaries	Number of employees	% of total within salary bands	Total cost (R'000)	Average cost per employee	
Lower skilled (Levels 1-2)	3	24	12.5	31	10 630.00	0
Skilled (Levels 3-5)	2 176	10 261	21.2	15 949	7 329.50	0.2
Highly skilled production (Levels 6-8)	1 325	4 728	28.0	18 384	13 874.72	0.2
Highly skilled supervision (Levels 9-12)	1 068	4 808	22.2	42 093	39 412.92	0.4
TOTAL	4 572	19 821	23.1	76 457	16 722.88	0.7

Table 3.8.3 Performance rewards by occupations

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	259	891	29.1	6 714	25 922.78
Advocates	109	616	17.7	12 989	119 165.14
Attorneys	68	310	21.9	1 747	25 691.18
Building and other property caretakers	0	3	0.0	0	0
Bus and heavy vehicle drivers	0	8	0.0	0	0
Cleaners in offices, workshops hospitals etc.	23	74	31.1	127	5 521.74
Client inform clerks (switch, receipt, inform clerks)	39	126	31.0	287	7 358.97
Communication and information related	14	36	38.9	318	22 714.29
Computer programmers.	2	2	100.0	26	13 000.00
Crime investigators	2	39	5.1	93	46 701.00
Finance and economics related	87	249	34.9	1 814	20 850.92
Financial and related professionals	94	284	33.1	1 657	17 627.66
Financial clerks and credit controllers	141	421	33.5	1 221	7 659.57
Food services aids and waiters	12	16	75.0	73	6 074.14
General legal administration & rel. professionals	224	760	29.5	4 483	20 014.50
Human resources & organisat developm & relate prof	23	60	38.3	299	13 013.43
Human resources clerks	125	259	48.3	1 373	10 984.00
Human resources related	71	179	39.7	1 884	26 535.21

Information technology related	17	47	36.2	516	30 352.94
Language practitioners, interpreters & other commun	114	402	28.4	1 393	12 223.60
Legal related	48	185	25.9	1 313	27 360.05
Librarians and related professionals	4	18	22.2	46	11 500.00
Library, mail and related clerks	112	296	37.8	884	7 892.86
Light vehicle drivers	1	5	20.0	11	11 000.00
Logistical support personnel	23	53	43.4	334	14 521.74
Material-recording and transport clerks	28	79	35.4	196	6 995.74
Messengers, porters and deliverers	100	317	31.5	665	6 650.00
Other administrat & related clerks and organisers	1 686	8 160	20.7	13 670	8 107.95
Other administrative policy and related officers	255	848	30.1	3 235	12 688.17
Other information technology personnel.	8	19	42.1	159	19 875.00
Prosecutors	354	2419	14.6	17 098	48 302.18
Protection services	9	91	9.9	482	53 582.00
Risk management and security services	3	22	13.6	74	24 666.67
Secretaries & other keyboard operating clerks	217	627	34.6	3 098	14 276.50
Security guards	2	11	18.2	10	4 901.04
Security officers	68	254	26.8	450	6 619.35
Senior managers	47	338	13.9	2 832	60 255.32
Social sciences related	0	1	0.0	0	0
Social work and related professionals	26	121	21.5	396	15 236.69
Translators and air traffic communicators	204	1518	13.4	1 627	7 977.19
TOTAL	4619	20164	22.9	79 353	17 179.69

Table 3.8.4 Performance related rewards (cash bonus), by salary band, for Senior Management Service for the period 1 April 2018 to 31 March 2019

Salary band	Beneficiary profile			Cost		
	Number of beneficiaries	Number of employees	% of total within band	Total cost (R'000)	Average cost per employee	Total cost as a % of the total personnel expenditure
Band A	18	149	6.7	945	52 500.00	0.0
Band B	29	174	5.4	1 887	65 068.97	0.0
Band C	0	14	0.0	0	0	0.0
Band D	0	6	0.0	0	0	0.0
TOTAL	47	343	13.7	447	49 645.26	0.0

3.8 Foreign workers

The tables below summarise the employment of foreign nationals in the department in terms of salary bands and by major occupation.

Table 3.9.1 Foreign workers, 1 April 2018 to 31 March 2019, by salary band

Salary band	01 April 2018		31 March 2019		Change	
	Number	% of total	Number	% of total	Number	% Change
Highly skilled production (Levels 6-8)	1	0.80	0	0.00	- 1.00	- 7.70
Highly skilled supervision (Levels 9-12)	5	4.00	4	2.90	- 1.00	- 7.70
Other	116	92.10	130	93.50	14.00	107.70
Senior management (Levels 13-16)	1	0.80	1	0.70	0.00	0.00
Skilled (Levels 3-5)	8	6.30	8	5.80	0.00	0.00
TOTAL	126	100.00	139	100.00	13.00	100.00

Table 3.9.2 Foreign workers, 1 April 2018 to 31 March 2019, by major occupation

Major occupation	01 April 2018		31 March 2019		Change	
	Number	% of total	Number	% of total	Number	% Change
Administrative office workers	122.00	96.80	136.00	97.80	14.00	107.70
Elementary occupations	0.00	0.00	0.00	0.00	0.00	0.00
Professionals and managers	9.00	7.10	7.00	5.00	- 2.00	- 15.40
TOTAL	126.00	100.00	139.00	100.00	13.00	100.00

3.9 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 2018 to 31 December 2018

Salary band	Total days	% Days with medical certification	Number of employees using sick leave	% of total employees using sick leave	Average days per employee	Estimated cost (R'000)
Skilled (Levels 3-5)	62	75.80	10	0.10	6	35
Highly skilled production (Levels 6-8)	65 093.00	71.80	8 374	48.00	8.00	56 004.00
Highly skilled supervision (Levels 9-12)	29 832.00	71.70	4 007	23.00	7.00	41 454.00
Top and senior management (Levels 13-16)	25 506.00	76.20	3 574	20.50	7.00	75 357
Contract (other)	16 279.00	80.90	1 437	8.20	11.00	47 692
TOTAL	104.00	72.10	27	0.20	4.00	136
	136 876	73.70	17 429	100.00	8.00	220 678

Table 3.10.2 Incapacity leave (temporary and permanent), 1 January 2018 to 31 December 2018

Salary band	Total days	% Days with medical certification	Number of employees using disability leave	% of total employees using disability leave	Average days per employee	Estimated cost (R'000)
Skilled (Levels 3-5)	20 995	100.0	837	54.5	25.00	18 327
Highly skilled production (Levels 6-8)	11 126	100.0	383.00	25.0	29.00	15 212
Highly skilled supervision (Levels 9-12)	10 450	100.0	288	18.8	36.00	33 065
Senior management (Levels 13-16)	743	100.0	27	1.8	28.00	3 284
TOTAL	43 314	100.0	1 535	100.0	28.00	69 888

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 2018 to 31 December 2018

Salary band	Total days taken	Average days per employee	Number of employees who took leave
Lower skilled (Levels 1-2)	287	29	10
Skilled (Levels 3-5)	247 296	24	10 417
Highly skilled production (Levels 6-8)	126 420	25	5 122
Highly skilled supervision (Levels 9-12)	121 796	25	4 784
Senior management (Levels 13-16)	51646	26	1 972
Contract other	461	9	50
TOTAL	547 906	24	22 355

Table 3.10.4 Capped leave, 1 January 2018 to 31 December 2018

Salary band	Total days of capped leave taken	Average number of days taken per employee	Average capped leave per employee as at 31 December 2018	Number of employees who took capped leave
Skilled (Levels 3-5)	278	9.00	41	32
Highly skilled production (Levels 6-8)	752	8.00	62	100
Highly skilled supervision (Levels 9-12)	506	6.00	40	88
Senior management (Levels 13-16)	100.20	6.00	55.00	17
Contract other	0.00	0.00	20.00	0
TOTAL	1636	7.00	49	237

Table 3.10.5 Leave payouts for the period 1 April 2018 to 31 March 2019

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 payout for 2018/2019 due to non-utilisation of leave	77	1	77 000
Capped leave payout on termination of service for 2018/2019	25 095	140	179 250.00
Current leave payout on termination of service for 2018/2019	15 360	514	29 883.27
Total	40 532	655	61 880.92

3.10 HIV/AIDS & health promotion programmes

Table 3.11.1 Steps taken to reduce the risk of occupational exposure

Units/categories of employees identified to be at high risk of contracting HIV & related diseases (if any)	Key steps taken to reduce the risk
The Department does not have categories of employees identified to be at risk of being exposed to HIV infection due to the nature of their occupations.	

3.11.2 Details of health promotion and HIV and AIDS programmes (tick the applicable boxes and provide the required information)

Question	Yes	No	Details, if yes
1. Has the Department designated a member of the SMS to implement the provisions contained in Section 55 of the Public Service Regulations, 2016? If so, provide their name and position.	Yes		Kedibone Tsolo : Director NPA: Ms GB Dlodla: Director HR Transformation
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		1 Director, 2 Deputy directors, 2 Assistant directors and 2 Admin officers NPA: EHWP Unit 3 in house staff members and outsourced service provider with a national presence
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		1. Health promotion and risk management 2. HIV/AIDS and TB workplace programme 3. Psycho-social counselling 4. Quality of work-life programmes. NPA: HIV&AIDS and TB Management; HCT, referrals, TB screening and education and awareness sessions; Health and productivity management: health screening; referral for disease management programme; mental health awareness programme; health promotion programme. Wellness management: physical wellness; counselling and trauma management interventions; stress management programmes
4. Has the department established (a) committee(s) as contemplated in Section 55(6)(d) of the Public Service Regulations, 2016? If so, please provide the names of the members of the committee and the stakeholder(s) that they represent.	Yes		Employee advisory committee (EAC) and employee health and wellness directorate form part of the committee. NPA: Committee was not effectively operational due to financial constraints

Question	Yes	No	Details, if yes
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.		No	<p>Wellness policies were not reviewed during the financial year in review.</p> <p>NPA: HIV/AIDS policy seeks to promote fairness and non-discrimination as well as support for affected and infected employees. Confidentiality remains a core value and ethical standard for professional counselling and support services.</p>
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>1. Prevention and awareness</p> <ul style="list-style-type: none"> • Commemoration of the calendar specific events namely: STI Condom Week, TB day; Candlelight Memorial, Red Ribbon Month and World Aids Day • HIV counselling and testing • Conduct anti-stigma and discrimination sessions <p>2. Care and support</p> <ul style="list-style-type: none"> • Provide counselling to infected and affected employee • Training and preparation of peer educators nationally • Maintenance of internal and external linkages for efficient referral of employees in need of help <p>NPA:</p> <p>The NPA offers interactive awareness sessions which are also aimed at promoting stigma mitigation and overall education on HIV & AIDS. Ongoing counselling and support available through the 24/7 EAP call centre.</p>
7. Does the department encourage its employees to undergo voluntary counselling and testing? If so, list the results that you have you achieved.	Yes		<p>The department coordinates health screening days whereby VCT is one of the testing conducted.</p> <p>A total of 1 031 employees underwent voluntary counselling and testing.</p> <p>The NPA has established partnership with GEMS and other identified health professionals to implement worksite HIV testing, counselling and promotion of disease management programmes.</p>

Question	Yes	No	Details, if yes
8. Has the department developed measures/indicators to monitor & evaluate the impact of its health promotion programme? If so, list these measures/indicators.	Yes		<p>The System Monitoring Tool (SMT) that is submitted annually to DPSA. It measures the following indicators;</p> <ul style="list-style-type: none"> • Commitment to EHW management policies • Planning of the EHW management system • Implementation and operation of the EHW management system • EHW management system evaluation, corrective and preventive action • EHW management review

3.11 Labour relations

Table 3.12.1 Collective agreements, 1 April 2018 to 31 March 2019

Total collective agreements	0
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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 2018 to 31 March 2019

Outcomes of disciplinary hearings	Number	% of total
Acquittal	7	1.8
Case closed	3	0.8
Corrective counselling	5	1.3
Demotion	3	0.8
Deceased	2	0.5
Dismissal	62	15.5
Resignation	14	3.5
Suspension	43	10.8
Verbal warning	52	13.0
Written warning	65	16.3
Final warning	46	11.5
Withdrawn	97	24.3
TOTAL	399	100

Table 3.12.3 Types of misconduct addressed at disciplinary actions/hearings for the period 1 April 2018 to 31 March 2019

Type of misconduct	Number	% of total
Abscondment	11	2.3
Absenteeism	7	1.4
Abuse of leave	1	0.2
Abuse of state property	11	2.3
Alcohol abuse	6	1.2
Assault	4	0.8
Bribery	3	0.6
Bringing the name of the NPA into disrepute	2	0.4
Corruption	11	2.3
Damage to state property	3	0.6
Dishonesty	15	3.1
Falsification of documents	4	0.8
Financial disclosure	116	23.9
Fraud	33	6.8
Gross negligence	1	0.2
Improper conduct	3	0.6
Insubordination	54	11.1
Gross insubordination	1	0.2
Loss of state money	2	0.4
Maladministration	2	0.4
Misrepresentation	10	2.1
Negligence	41	8.4
Non-compliance with policy	1	0.2
Poor performance	2	0.4
Sexual harassment	6	1.2
Theft	31	6.4
Unauthorised absence	38	7.8
Unethical behaviour	57	11.7
Unprofessional conduct	3	0.6
Misuse of state vehicles	2	0.4
Dereliction of duty	5	1.0
Total	486	100.0

Table 3.12.4 Grievances lodged for the period 1 April 2018 to 31 March 2019 (overall cases)

Grievances	Number	% of total
Number of grievances resolved	394	78
Number of grievances not resolved	111	22
Total number of grievances (finalised)	505	100

Table 3.12.5 Disputes lodged with councils for the period 1 April 2018 to 31 March 2019

Number of dispute outcome	Number	% of Total
Number of disputes upheld	138	46%
Number of disputes dismissed	160	54%
Disputes (finalised)	298	100.00%

Table 3.12.6 Strike actions for the period 1 April 2018 to 31 March 2019

Total number of person working days lost	0
Total cost (R'000) of working days lost	0
Amount (R'000) recovered as a result of no work no pay	0

Table 3.12.7 Precautionary suspensions for the period 1 April 2018 to 31 March 2019

Number of people suspended	23
Number of people whose suspension exceeded 30 days	22
Average number of days suspended (all cases)	413
Average number of days suspended (finalised cases)	233
Cost of suspension (R'000) (finalised cases)	R1' 654
Cost of suspension (R'000) (all cases)	R11'413

3.13 Skills development

This section highlights the efforts of the department with regard to skills development.

Table 3.13.1 Training needs identified, 1 April 2018 to 31 March 2019

Occupational category	Gender	Number of employees as at 1 April 2018	Training needs identified at the start of the reporting period			
			Learnerships	Skills programmes & other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	152		48	-	48
	Male	204		41	-	41
Professionals	Female	3 072		902	-	902
	Male	2 976		935	-	935
Technicians and associate professionals	Female	1 138		762	-	762
	Male	690		639		639
Clerks	Female	7 893	162	1 875	-	2 037
	Male	3 812	138	1 594	-	1 732
Service and sales workers	Female	71		41	-	41
	Male	213		81	-	81

Plant and machine operators and assemblers	Female	0			-	
	Male	14			-	
Labourers and related workers	Female	128		11	-	11
	Male	281		12	-	12
Sub-total	Female	12 454	162	3 639	-	3 801
	Male	8 190	138	3 302	-	3 440
Total		20 644	300	6 941	-	7 241

Table 3.13.2 Training provided, 1 April 2018 to 31 March 2019

Occupational category	Gender	Number of employees as at 1 April 2018	Training provided within the reporting period			
			Learnerships	Skills programmes & other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	152	0	11	0	11
	Male	204	0	8	0	8
Professionals	Female	3 072	0	946	0	946
	Male	2 976	0	1 034	0	1 034
Technicians and associate professionals	Female	1 138	7	315	0	322
	Male	690	3	279	0	282
Clerks	Female	7 893	729	2 676	0	3 405
	Male	3 812	345	1 301	0	1 646
Service and sales workers	Female	71	1	47	0	48
	Male	213	18	75	0	93
Plant and machine operators and assemblers	Female	0	0	0	0	0
	Male	14	0	5	0	5
Labourers and related workers	Female	128	1	34	0	35
	Male	281	18	109	0	127
Sub-total	Female	12 454	738	4 029	0	4 767
	Male	8 190	384	2 811	0	3 195
Total		20 644	1 122	6 840	0	7 962

3.14 Injury on duty

The following tables provide basic information on injury on duty.

Table 3.14.1 Injury on duty for the period 1 April 2018 to 31 March 2019

Nature of injury on duty	Number	% of total
Required basic medical attention only	32	74.4
Temporary total disablement	0	0.0
Permanent disablement	10	23.3
Fatal	1	2.3
Total	0	0.0
	43	100

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:

The rendering of expert advice;

The drafting of proposals for the execution of specific tasks, and

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 2018 to 31 March 2019

Project title	Total number of consultants that worked on the project	Duration: work days	Contract value in Rands
Total number of projects	Total individual consultants	Total duration: work days	Total contract value in Rands

Table 3.15.2 –Analysis of consultant appointments using appropriated funds, in terms of historically disadvantaged individuals (HDI’s) for the period 1 April 2018 to 31 March 2019

Project title	Percentage ownership by HDI groups	Percentage management by HDI groups	Number of consultants from HDI groups that work on the project
-	-	-	-

Table 3.15.3 Report on consultant appointments using donor funds for the period 1 April 2018 to 31 March 2019

Project title	Total number of consultants that worked on the project	Duration: work days	Contract value in Rands
-	-	-	-
	Total individual consultants	Total duration: work days	Total contract value in Rands
-	-	-	-

Table 3.15.4 Report on consultant appointments using donor funds, in terms of historically disadvantaged individuals (HDI's) for the period 1 April 2018 to 31 March 2019

Project title	Percentage ownership by HDI groups	Percentage management by HDI groups	Number of consultants from HDI groups that work on the project
-	-	-	-

3.16 Severance packages

Table 3.16.1 Granting of employee initiated severance packages for the period 1 April 2018 to 31 March 2019

Salary band	Number of applications received	Number of applications approved	Number of applications supported by MPSA	Number of packages approved by the 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	2	2
Senior management (Levels 13-16)	0	0	0	0
TOTAL	0	0	2	2



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