

ANNUAL REPORT 2019/20

*Department of Justice and
Constitutional Development*



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA



Contents



DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

VOTE 21

2019/2020 FINANCIAL YEAR

TABLE OF CONTENTS

PART A: GENERAL INFORMATION		7
1.	Department general information.....	7
2.	List of abbreviations/acronyms.....	8
3.	Foreword by the Minister.....	11
4.	Foreword by the Deputy Minister.....	14
5.	Report of the Accounting Officer.....	16
6.	Statement of responsibility and confirmation of accuracy for the Annual Report	23
7.	Strategic overview.....	24
	7.1 Vision.....	24
	7.2 Mission	24
	7.3 Values	24
8.	Legislative and other mandates.....	25
9.	Organisational Structure	27
10.	Entities reporting to the Minister.....	28
PART B: PERFORMANCE INFORMATION		29
1.	Auditor General's Report: Predetermined Objectives.....	30
2.	Overview of Departmental Performance.....	31
	2.1 Service Delivery Environment.....	31
	2.1.1 Improvements in Access to Justice Services.....	33
	2.1.2 Improvements in Administration in Support of Service Delivery.....	35
	2.1.3 Court Operational Performance.....	37
	2.2 Service Delivery Improvement Plan.....	45
	2.3 Organisational Environment.....	46
	2.4 Key Policy Developments and Legislative Changes.....	47
	2.4.1 Progress on Policy Developments.....	47
3.	Strategic Outcome Oriented Goals.....	51

4.	Performance Information by Programme.....	52
4.1	Programme 1: Administration.....	52
4.2	Programme 2: Court Services.....	57
4.3	Programme 3: State Legal Services.....	72
4.4	Programme 4: National Prosecuting Authority.....	93
4.5	Programme 5: Auxiliary Services.....	118
5.	Transfer Payments.....	122
5.1	Transfer Payments to Public Entities.....	122
5.2	Transfer Payments to all Organisations Other than Public Entities.....	123
6.	Conditional Grants.....	124
6.1	Conditional Grants and Earmarked Funds Paid.....	124
6.2	Conditional Grants and Earmarked Funds Received.....	124
7.	Donor Funds.....	124
7.1	Donor Funds Received	12
8.	Capital Investment.....	127
8.1	Capital Investment, Maintenance and Asset Management Plan.....	127

PART C: GOVERNANCE **134**

1.	Introduction	135
2.	Risk Management	135
3.	Fraud and Corruption Prevention.....	135
4.	Minimising the Conflict of Interest.....	136
5.	Health Safety and Environmental Issues.....	136
6.	Business Continuity Management.....	137
7.	Portfolio Committees.....	138
8.	Prior Modifications to Audit Report.....	155
9.	Internal audit unit and audit committee.....	156
10.	Report of the Audit Committee on Department of Justice and Constitutional Development	159
10.1	Audit Committee Report.....	160
10.2	The Effectiveness of Internal Control.....	160
10.3	Internal Audit.....	160
10.4	Reports.....	160
10.5	Auditor-General South Africa.....	161
11.	B-BBEE Compliance Performance Information.....	162

PART D: HUMAN RESOURCES MANAGEMENT **163**

1.	Legislation that governs HR Management.....	164
----	---	-----

2.	Introduction	164
2.1	Overview of HR matters at the Department.....	164
2.2	Human Resources Priorities.....	164
2.3	Workplace Planning Framework and Key Strategies to Attract and Recruit a Skilled and Capable Workforce.....	165
2.4	Employee Performance Management.....	166
2.5	Employee Wellness Programme.....	166
2.6	Other Highlights of Achievements.....	166
2.7	Challenges Faced by the Department.....	166
2.8	Future HR Plans.....	166
3.1	Personnel Related Expenditure.....	167
3.2	Employment and Vacancies.....	169
3.3	Filling of SMS posts	171
3.4	Job Evaluation.....	173
3.5	Employment Changes	178
3.6	Employment Equity.....	182
3.7	Signing of Performance Agreements by SMS members.....	185
3.8	Performance Rewards.....	186
3.9	Foreign Workers.....	189
3.10	Leave Utilisation.....	190
3.11	HIV/AIDS & Health Promotion Programmes.....	192
3.12	Labour Relations.....	194
3.13	Skills Development.....	197
3.14	Injury on Duty.....	198
3.15	Utilisation of Consultants	199
3.16	Severance Packages.....	201

PART E: FINANCE MANAGEMENT **202**

1.	Report of the Audit-General.....	204
2.	Appropriation Statement.....	211
3.	Notes to the Appropriation Statement.....	231
4.	Statement of Financial Performance	233
5.	Statement of Financial Position.....	234
6.	Statement of Changes in Net Assets.....	235
7.	Cash Flow Statement.....	236
8.	Notes to the Annual Financial Statements (including Accounting Policies).....	237
9.	Annexures.....	287



PART A

GENERAL INFORMATION

DEPARTMENT GENERAL INFORMATION

PHYSICAL ADDRESS:

316 Thabo Sehume Street
c/o Thabo Sehume and Francis Beard Streets
PRETORIA

POSTAL ADDRESS:

Private Bag X81
PRETORIA
0001

TELEPHONE NUMBER/S:

Switchboard: 027 (0)12 406 1600
Reception: 021 (0)12 406 4696
Email address: webmaster@justice.gov.za
Website address: www.justice.gov.za

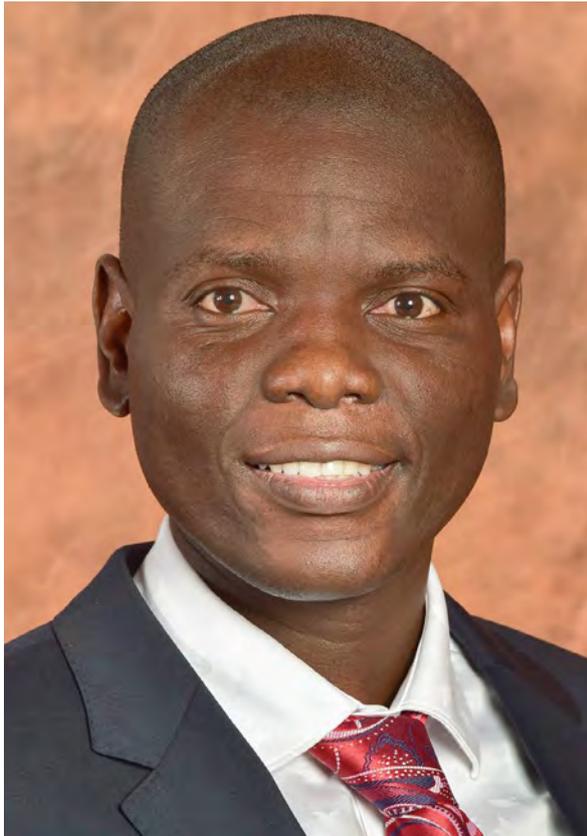
2. LIST OF ABBREVIATIONS/ ACRONYMS

Acronym	Definition
ACIS	Associate of the Chartered Institute of Secretaries
ACPHPR	African Charter on Human and Peoples' Rights
ACTT	Anti-Corruption Task Team
ADRM	Alternative Dispute Resolution Mechanism
AENE	Adjusted Estimates of National Expenditure
AFU	Asset Forfeiture Unit
AGSA	Auditor General of South Africa
AO	Accounting Officer
BACSA	Business Against Crime South Africa
BBBEE	Broad Based Black Economic Empowerment
BCMI	Business Continuity Management Instruction
BOQ	Bill of quantities
BSC	Bachelor of Science
CAO	Community Advice Office
CARA	Criminal Assets Recovery Account
CCJS	Crime and Criminal Justice Satisfaction Survey
CCSA	Certified Control Self Assessor
CCTV	Closed-Circuit Television
CFO	Chief Financial Officer
CIA	Certified Internal Auditor
CJA	Child Justice Act
CJS	Criminal Justice System
COVID-19	Coronavirus Disease
CPA	Criminal Procedure Act
CPOs	Court Preparation Officers
CRT	Court Recording Technology
CSD	Central Supplier Database
CSOs	Civil Society Organisations
CTA	Certificate in the Theory of Accounting
CYCA	Child and Youth Care Application
DBA	Doctor of Business Administration
DBAC	Departmental Bid Adjudication Committee
DBSA	Development Bank of Southern Africa
DCS	Department of Correctional Services
DFI	Departmental Financial Instructions
DG	Director General
DHA	Department of Home Affairs
DIRCO	Department of International Relations and Cooperation
DOJ&CD	Department of Justice and Constitutional Development
DPCI	Directorate for Priority Crime Investigation
DPP	Director of Public Prosecutions
DPWI	Department of Public Works
DSD	Department of Social Development

EAP	Emergency Action Plan
ECMS	Electronic Case Management System
EFT	Electronic Funds Transfer
eLLA	Electronic Legal Aid Application
EoT	Extension of time
FATF	Financial Action Task Force
FATT	Financial Action Task Team
FCIS	Fellow of the Chartered Institute of Secretaries
GBV	Gender Based Violence
GBVF	Gender Based Violence and Femicide
GBVF NSP	Gender Based Violence and Femicide National Strategic Plan
GTAC	Government Technical Advisory Centre
HR	Human Resource
ICCPR	The International Covenant on Civil and Political Rights
ICDMS	Investigative Case and Docket Management System
ICERD	The International Convention on the Elimination of All Forms of Racial Discrimination
ICJS	Integrated Criminal Justice Strategy
ICMS	Integrated Case Management System
ICOP	Improving Case Outcomes For Sexual Offences Cases Pilot Project
ICT	Information and Communication and Technology
ID	Investigating Directorate
IDT	Independent Development Trust
IIMS	Integrated Inmate Management System
IJS	Integrated Justice System
ILR	International Legal Relation
IMS	Information Management System
ISM	Information System Management
IT	Information Technology
ITC	Information Technology and Communication
JAF	Justice Administered Fund
JCPS	Justice Crime Prevention and Security Cluster
KPI	Key Performance Indicators
KPI CJS	Key Performance Indicators Criminal Justice System
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
MAP	Management Advancement Programme
MBA	Master of Business Administration
MLA	Mutual Legal Assistant
MOVIT	Masters Own Verification Information System
MP	Member of Parliament
MPTs	Multi-Stakeholder Project Teams
MPTT	Missing Persons Task Team
MRC	Magistrates Court Rule
MTEF	Medium Term Expenditure Framework
MTSF	Medium Term Strategic Framework
NA	National Assembly
NAP	National Action Plan to combat Racism, Racial Discrimination, Xenophobia and Related Intolerance
NBAC	National Bioethics Advisory Commission
NDP	National Development Plan
NDPP	National Director of Public Prosecutions
NOC	National Operations Centre
NPA	National Prosecuting Authority

NPM	National Preventing Mechanism
NPS	National Prosecutions Service
NRSO	National Register for Sexual Offenders
NSFAP	National Strategic Framework and Action Plans
NTT	National Task Team
OCJ	Office of the Chief Justice
OCSLA	Office of the Chief State Law Advisor
OSD	Occupation Specific Dispensation
OSG	Office of the Solicitor-General
OWP	Office for Witness Protection
PAIA	Promotion of Access to Information Act
PCM	Probation Cases Management Application
PDI	Previously Disadvantaged Individual
PEAS	Paperless Estates Administration System
PFMA	Public Finance Management Act
PGI	Prosecutor-Guided Investigations
PI	Private Investigator
PIVA	Person Identification and Verification
POCA	Prevention of Organised Crime Act
PPPFA	Preferential Procurement Policy Framework Act
PPS	Public Protector of South Africa
PRVG	Promotion of the Rights of the Vulnerable Group
RBAC	Role-based access control
RCMA	Recognition of Customary Marriages Act
RDP	Reconstruction and Development Programme
RMC	Risk Management Committee
RRT	Rapid Response Team
SA	South Africa
SABC	South African Broadcasting Corporation
SADC	South African Development Community
SAHRC	South African Human Rights Commission
SAPS	South African Police Service
SARS	South African Revenue Service
SCA	Supreme Court of Appeal
SCCU	Specialised Commercial Crime Unit
SCM	Supply Chain Management
SDIP	Service Delivery Improvement Plan
SITA	State Information Technology Agency
SIU	Special Investigating Unit
SOC	Sexual Offences Court
SOCA	Sexual Offences and Community Affairs
TCC	Thuthuzela Care Centre
TIP	Trafficking in Person's
TPF	Third Party Funds
TRC	Truth and Reconciliation Commission
UAT	User Acceptance Testing
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's fund
UNOD	United Nations Office on Drugs and Crime
URC	Uniform Rule
USAID	United States Agency for International Development
WIP	Work in Progress

3. FOREWORD BY THE MINISTER



*Mr. R. Lamola, MP
Minister of Justice and Correctional Services*

We have reached that important milestone in a year where we assess how we have implemented the mandate which our fellow South Africans have set for us.

OUR FIRST PRIORITY: ENSURE THAT WE ADDRESS FRAUD AND CORRUPTION

To date, the Department has not only continued to provide the necessary administrative support to enable the State Capture Commission of Inquiry to do its work but we have also implemented mechanisms to ensure that the money spent in the Commission has a long lasting effect on our law enforcement agencies both from human resource and technological capacity perspective.

The implementation of Regulations of the Commission of inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State has provided

“ We have begun to implement outcomes related to the National Summit on Gender-Based Violence. The Portfolio Committee of Justice and Correctional Services is currently seized with three bills in this regard. The three amendment Bills are designed to fill the gaps that allow some perpetrators of these crimes to evade justice and to give full effect to the rights of our country’s women and children.

the necessary impetus support to the work of the Investigative Directorate under the auspices of the NPA. This enables them to deal with all cases emanating from the commissions.

Thus far, we have seen the Investigating Directorate working collaboratively with the Special Investigating Unit (SIU), the SIU Special Tribunal and the Directorate of Priority Crimes Investigation (DPCI), to ensure that perpetrators of acts of fraud and corruption are brought to book speedily.

The Special Tribunal is fully operational and has undertaken the urgent task of ensuring that moneys stolen through corruption and maladministration are recovered.

To address the high vacancy rate at the National Prosecuting Authority, funding has been provided to the NPA to recruit in excess of 1000 personnel in various spheres of the prosecuting chain.

Under our own roof, we have sought to address various issues which have inclined towards fraud and corruption. To this end, we are looking forward to receiving a report from the Special Investigation Unit on the Masters of the High Court and the State Attorney respectively.

OUR SECOND PRIORITY: ACCELERATING THE MODERNISATION OF THE JUSTICE SYSTEM AND INFRASTRUCTURE DEVELOPMENT

As per our undertaking in August 2019, in the subsequent 12 months, the Integrated Justice System programme has continued with substantive investments to upgrade our Information Technology Infrastructure as a prerequisite to modernizing our Criminal Justice System. In each project that the Integrated Justice System focuses on, maintenance of infrastructure is built into the project deliverables and funding.

The electronic exchange of Criminal Justice System information between South African Police Services, National Prosecuting Authority and Department of Justice and Constitutional Development is a critical enabler which will assist the agencies in law enforcement to improve the tracking and reporting of dockets and case related information.

For our justice system to be well integrated, we need to invest in our Information and Communication Technology capacity within the prosecution services and increase system utilization and adoption within the Criminal Justice System. These tasks are ongoing.

Relative progress has been made within the domain of Child Justice to ensure efficiency. All government departments involved need to be united and operate in a cohesive manner. During 2019/20, the Integrated Justice System team and the Department of Social Development completed the enhancement of the Department of Social Development Mobile Probation Case Management application.

Enabled by the recent electronic integration with the South African Police Services, the new mobile application allows Department of Social Development to receive electronic notifications as soon as a child has been apprehended by the South African Police Services. This will help to ensure that there is prompt allocation of the probation officer to assess the child.

PROMOTING THE RIGHTS OF VULNERABLE GROUPS

We have begun to implement outcomes related to the National Summit on Gender-Based Violence. The Portfolio Committee of Justice and Correctional Services is currently seized with three bills in this regard. The three amendment Bills are designed to fill the gaps that allow some perpetrators of these crimes to evade justice and to give full effect to the rights of our country's women and children.

These Bills, once finalised, will help to restore the confidence of South Africans and indeed prove that the law is indeed there to protect citizens more in particular women.

The first is the Bill to amend the Criminal Law (Sexual Offences and Related Matters) Amendment Act. This creates a new offence of sexual intimidation, extends the ambit of the offence of incest, and extends the reporting duty of persons who suspect a sexual offence has been committed against a child.

It expands the scope of the National Register for Sex Offenders

to include the particulars of all sex offenders. Until now, it has only applied to sex offenders convicted of sex crimes perpetrated against children or persons with mental disabilities. The time an offender's particulars must remain on the register has been increased, and those listed on the register will have to disclose this when they submit applications to work with persons who are vulnerable. The Bill also makes provision for the names of persons on the National Register for Sex Offenders to be publicly available.

The Criminal and Related Matters Amendment Bill tightens, among others, the granting of bail to perpetrators of gender-based violence and femicide, and expands the offences for which minimum sentences must be imposed.

As President Ramaphosa said, "Let us now work together to see this process through, for the protection of the women and children of today and of tomorrow."

OUR THIRD PRIORITY: ACCELERATING THE TRANSFORMATION OF THE OFFICE OF THE STATE ATTORNEY AND THE LEGAL PROFESSION

We have operationalised the State Attorney Amendment act. This has effectively established the Office of the Solicitor General

Tackling the ever-increasing state liability bill remains an urgent priority, as well as empowering the offices of the state attorney to collect recoveries on behalf of the state from third parties. It also said the transformation of the legal profession, particularly in terms of briefing patterns, is imperative.

OUR FOURTH PRIORITY: CONTRIBUTING TOWARDS THE ADVANCEMENT OF SOUTH AFRICA'S CONSTITUTIONAL DEMOCRACY

We acknowledged the 2019 legislative programme was short, we have nonetheless identified key pieces of legislation that must receive immediate attention in the sixth administration. Some of these Bills address deadlines imposed by the Constitutional Court in its judgments, while others will conclude important Bills which were not finalized during the fifth administration.

PROMOTING ACCESS TO JUSTICE

We remain committed to building an accessible justice system. Legal Aid South Africa continues to provide independent, accessible and quality legal aid services in criminal and civil legal matters.

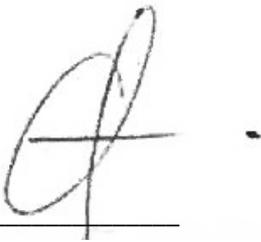
Our Small Claims Courts improve access to justice and make civil justice inexpensive to those who cannot afford litigation in the ordinary civil courts. Today, we have 415 Small Claims Courts, with an extra 49 additional places of sitting, across the country.

We are continuing to look at ways of increasing access to justice through the creation of community advice offices. The policy framework on community advice offices will be finalised upon the development of a funding model in this financial year.

PERFORMANCE MANAGEMENT

Now more than ever our department needs all of us to show strategic foresight, strategic leadership, and strategic management. Finalising posts at a senior level is an urgent priority. The NDP identifies critical interventions to build a professional public service and a state capable of playing a transformative and developmental role in realising the vision for 2030.

We will continue working towards realising all the goals that we have set for ourselves to enhance service delivery. Our people have entrusted us with greater responsibilities, we cannot falter.

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a horizontal line and a vertical line, with a small dot to the right.

Mr. R. Lamola, MP

Minister of Justice and Correctional Services

4. FOREWORD BY THE DEPUTY MINISTER



Mr John Jeffery, MP
Deputy Minister of Justice and Constitutional Development

Our Department remains steadfast in its aim to make justice accessible to all in our country.

This became particularly challenging as Covid-19 struck towards the end of the financial year. As Covid-19 is sure to remain with us for some time, we have to deliver justice in a South Africa where Covid-19 has become a reality.

Whenever a court is closed, arrangements are made to ensure that essential justice services can still be rendered. Even during the strictest period of lockdown our courts remained open for essential services such as hearing bail applications and applications for Domestic Violence or Protection from Harassment protection orders.

Our main focus is the optimal functioning of our courts and the justice system as well as the protection of human rights and vulnerable groups in times of Covid-19. We are working closely with the key stakeholders in our Magistrates Courts

“ *The Department also fast-tracked the development of three important Bills to combat and prevent GBV and femicide.* ”

– the Regional Court Presidents, the Chief Magistrates, the National Prosecuting Authority, Legal Aid SA, the Department of Correctional Services and the South African Police Services to ensure that the maximum number of cases are finalised.

Covid-19 has an impact on people's human rights – whether it's freedom of movement, the right to a speedy trial or socio-economic rights. This brings with it an increased need to enhance access to justice and to protect human rights and the rights of vulnerable groups.

I want to commend the South African Human Rights Commission for its work. The Human Rights Commission has done important work in monitoring human rights abuses in the period under review. In particular, I want to make mention of the work being done by the Commission in respect of South Africa's National Preventive Mechanism or NPM, which was established in terms of the Optional Protocol to the Convention against Torture and monitors all places where persons are deprived of their liberty.

With regards to the work we are doing to combat and prevent human trafficking, our hard work had started to bear fruit as South Africa has recently been upgraded to Tier 2 on the US State Department's Trafficking in Persons Report. The Report, whilst being compiled by one country and not by a multilateral forum, is currently the world's most comprehensive resource of governmental anti-trafficking efforts. Being upgraded to Tier 2 is a positive milestone and it shows what can be achieved when government successfully partners with civil society stakeholders. Our courts are also imposing significant sentences in trafficking cases.

The SADC Regional Anti-Trafficking in Persons Data Collection Tool was developed and engagements with key stakeholders were held to align it with reporting requirements of the Prevention and Combating of Trafficking in Persons Act, 2013. All government departments, at national and provincial level, as well as the National Prosecuting Authority provided inputs into the tool.

Our Department is committed to improving the lives of all within our borders, upholding the rule of law, promoting equality and ensuring the advancement of human rights and freedoms. This includes building a transformed and accessible justice system, which promotes and protects social justice, fundamental human rights and freedoms. The Department aims to further enhance the protection of the rights of Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) persons by conducting awareness campaigns with communities and civil society organisations. By the end of 2019/20, 19 awareness sessions were conducted on LGBTI rights and the Department submitted and presented 11 progress reports on LGBTI Hate Crime cases to the Rapid Response Team meetings during the period under review.

In response to the nation's call to fight gender-based violence (GBV) and femicide, our Department played a vital role in the compilation of the Emergency Response Action Plan (ERAP) which was unveiled by the President with the aim to combat violence against women and children through a coordinated government and civil society effort. The Department also fast-tracked the development of three important Bills to combat and prevent GBV and femicide.

To support survivors of GBV, the sexual offences courts Regulations were promulgated into law in terms of section 55A of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, to ensure the distribution of victim-support services. The Regulations set out a standardised catalogue of support services for survivors of sexual offences to create a court experience defined by care, respect and dignity.

I want to extend my appreciation to every justice role-player and stakeholder, who played their part to ensure that our justice system continues to function – often under trying and challenging circumstances. May we always be reminded that we are there to serve.



John Jeffery, MP

*Deputy Minister of the Department of Justice and
Constitutional Development*

5. REPORT OF THE ACCOUNTING OFFICER



*Ms Kalayvani Pillay (Acting DG)
Accounting Officer*

5.1 OVERVIEW OF THE OPERATIONS OF THE DEPARTMENT

The Department of Justice and Constitutional Development core functions are to ensure equitable access to justice; promoting the rights of children, women and people with disabilities; improving the efficiency of courts; developing legislation and promoting the Constitution.

In the recent years significant progress has been made towards implementing the Department mandate and priorities. However, there are still a number of challenges, including the development of justice system which is moving at a very slow pace.

The transformation of the criminal justice system is aimed at enhancing and forging integration and synergy across the Justice Crime Prevention and Security (JCPS) cluster to fight against crime. The Cabinet approved the Integrated Criminal Justice Strategy (ICJS) in March 2017. This strategy includes modernisation and digitalisation of the criminal justice system

with the objective to electronically enable and integrate the end-to-end criminal justice business processes and manage the related inter-departmental information exchanges across the CJS and these interventions will bring reform and efficiency in the criminal justice system.

The Department is prioritising the modernisation of the courts by implementing various interventions which will be implemented in 2020/21 in order to improve the efficiency of our courts. These interventions amongst others include an Audio-visual Remand system and a Cashless Court Solution.

Currently, there are modernisation projects underway in the Department. In the Master's offices. The Master's Own Verification Information Technology (MOVIT) system has been rolled out to 15 Master offices and 302 service points. As a result, members of the public no longer have to travel to the 6 Masters' Offices to lodge applications for deceased estate benefits. Furthermore, the Paperless Estate Administration System (PEAS), has also been rolled out to 290 service points, making it possible for the deceased estates with a value of R250 000-00 to be reported at local service points which are closest to where the majority of people live.

The aim of the Department is to support service delivery and enhance access to justice by expanding the courts' footprint by building new courts, especially in rural and previously marginalized areas, so as to ensure that people can access justice close to where they live. During the financial period, Mpumalanga High Court and Bityi Magistrate court were completed. There are now High Court divisions in all nine provinces and more than 700 courts across the country. In addition the Department is also committed to increase the number of facilities accessible to persons with disability over the MTEF period,

Sexual Offences Courts have been rolled out and offer a number of victim-support services, which include, amongst others, court preparation services, intermediaries and in-camera testifying services to survivors of sexual offences. By the end of 2019/20, a total of 13 Sexual Offences Courts were upgraded into sexual courts to protect the victim of sexual offences to prevent second victimisation, bringing the total number of sexual offences courts to date to 108. To further the implementation of the 2019 Presidential Summit Declaration and its National Strategy Plan to fight against Gender-based Violence (GBV), the Department completed phase 2 of a Femicide Watch Dashboard Status report, which contains an overview of the current available data, outstanding data requirements and potential system updates to be implemented in Phase three.

To eliminate or reduce the number of maintenance payments that flow through our courts and to ensure that beneficiaries

have access to their monies in a shorter space of time the direct payment initiative has been widely promoted.

The Justice Fund Administered Fund (JAF) receives and pays maintenance on behalf of maintenance defendants and plaintiffs respectively. In this regard, it administers these on behalf of the parties, which may include the employers of defendants. The average turnaround time for such receipts and payments is between 2 and 4 days (including weekends and public holidays)

More than 99% of maintenance beneficiaries are receiving maintenance payments on a monthly basis via the EFT and bank system. However, some maintenance beneficiaries still rely on cash as a means of payment because of a lack of access to banking facilities in rural communities.

The Department has initiated Mojapay system for improve financial administration and accounting at 476 courts and 12 State Attorney Offices as at 31 March 2020.

The MojaPay system collapsed and crashed in May 2020, this has impacted the payments to beneficiaries but 2019/20 financial statements were not affected. The Department is currently busy with an assessment that will determine total impact caused by the system crash. It is envisaged that this assessment would also enable the Department to determine solutions that will stabilize the maintenance payment systems permanently.

The Department continues to provide the necessary administrative support to enable the Commissions of Inquiry to perform their work and thereby strengthen the rule of law and our constitutional democracy. These include the Commission of inquiry into the Public Investment Corporation and the Commission of Inquiry into allegations of State Capture.

During the period under review, the Special Tribunal was established to fast-track the recovery of funds lost to the State from corruption and irregular means.

The Department had a total of 112 targets planned for the 2019/20 financial year. Of these, 57 targets were achieved representing a 51% achievement rate. When compared to the 2018/19 financial year, this represents a decline of 30% against the 73 % achieved in the previous financial year.

One of our key strategic objectives was to improve the administration of our Department and achieve an unqualified audit opinion on our vote account and performance information. However, over the last two financial years, the Department received qualified audit opinions.

In addition, the Departmental organisational structure has not been reviewed for a decade to deal with structural issues. This has had a negative effect in the Department's ability and capability to meet its performance targets.

In response to the challenges above, the Department developed a turnaround strategy to deal with negative audit outcomes, deteriorating performance and organisational structure. This process will assist the Department to improve performance and service delivery.

On 15 March 2020 the President of the Republic of South Africa, Mr Cyril Ramaphosa addressed all South Africans on the medical emergency of the COVID-19 global pandemic. He declared a national State of Disaster in terms of the Disaster Management Act, to enable an integrated and coordinated disaster management mechanism that will focus on preventing and reducing the outbreak of the virus. Various stringent measures were put in place, such as a travel ban for foreign nationals from high-risk countries and the closing of 53 land and two sea ports, to manage the disease to protect all South Africans and to reduce the impact of the virus on society and the economy. On 23 March 2020 a nation-wide lockdown for 21 days was announced, with effect from midnight on Thursday 26 March 2020.

Subsequent to the announcement of the lockdown the Minister of Justice & Correctional Services issued Directions regulating how courts and the administration should operate during the period of the lockdown. Although 'business as usual' could not continue in light of the need for social distancing and to limit the risk of spreading infections to court officials, the judiciary, accused and members of the public, the Directions issued by the Minister of Justice and Constitutional Development provided that courts and other justice service points give priority to urgent and essential criminal cases.

5.2 OVERVIEW OF THE FINANCIAL RESULTS OF THE DEPARTMENT

Departmental receipts

Programme expenditure

Programme Name	2019/2020			2018/2019		
	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	2 589 469	2 537 688	51 781	2 592 671	2 428 798	163 873
Court Services	6 595 401	6 428 654	166 747	6 374 048	6 320 062	53 986
State Legal Services	1 544 762	1 295 058	249 704	1 269 400	1 210 819	58 581
National Prosecuting Authority	4 134 650	4 009 197	125 453	3 799 676	3 799 395	281
Auxiliary & Associated Services	3 917 224	3 917 223	1	3 423 034	3 423 033	1
Programme Sub - Total	18 781 506	18 185 595	595 911	17 458 829	17 182 107	276 722
Statutory appropriation: Magistrates' Salaries	2 263 695	2 100 166	163 529	2 215 538	2 047 385	168 153
Total	21 045 201	20 285 761	759 440	19 674 367	19 229 492	444 875

The Department's final expenditure for the financial year 2019/20 amounted to R20.285 billion against the final appropriation amounting to R21.045 billion. This translates to an expenditure performance of 96.4 percent and the resultant underspending of R759.4 million. The recorded performance is 1.3 percent below the previous financial year performance of 97.7 percent.

The recorded underspending is attributed to the following reasons:

- Vacant posts within the Department and the Magistrates' Salaries;
- Delays in the establishment of the Legal Service Ombund;
- Reduction of water and lights expenditure due to load shedding and the implementation of an energy saving system in selected Department's buildings;
- Under-commitment by the Department of Public Works on the Department's Court Infrastructure projects; and
- Delays in the delivery of computer equipment due to shipment delays caused by COVID19 containment measures.

Virements/roll overs

The Department did not receive rollovers during the financial year 2019/20. The below table provides a summary of virements implemented at financial year-end:

REQUEST OF VIREMENT APPROVAL IN TERMS OF SECTION 43: 2019/20 FINANCIAL YEAR			
From		To	
Programmes	Amount '000	Programmes	Amount '000
Programme 1			
Virements/shifts within the programme	(361)		361
	(8 623)		8 623
	(8 984)		8 984
Virements/shifts between the programmes			
	(28 049)	Programme 2	28 049
	(3 029)		3 029
Total	(31 078)		31 078
Programme 2			
Virements/shifts within the programme	(5 503)		5 503
Virements/shifts between the programmes	(741)	Programme 1	741
	(5 369)	Programme 3	5 369
	(247)	Programme 4	247
Total	(6 357)		6 357
Programme 3			
Virements/shifts within the programme	(125)	Programme 3	125
Virements/shifts between the programmes	(30 554)	Programme 2	12 795
		Programme 4	17 759
	(2 143)	Programme 2	2 143
	(32 697)		32 697
Programme 4			
Virements/shifts within the programme	(7 454)	Programme 4	7 454
Virements/shifts between the programmes	(13 317)	Programme 2	2 379
		Programme 5	10 938
	(13 317)		13 317
Programme 5			
Virements/shifts within the programme	(720)	Programme 5(IJS)	720
Virements/shifts between the programmes	(15 758)	Programme 2	7 363
		Programme 4	3 824
			4 571
	(15 758)		15 758
Total Virements	(99 207)		99 207

Reason for the virement

Programme 1.

The programme's net under spending amounts to R82.1 million. Same is utilised as follows:

- Goods and Services: An amount of R28.1 million is shifted to goods and services in Programme 2 to defray excess expenditure on security guarding services.
- Payments for capital assets: An amount of R3 million is shifted to defray excess expenditure on payment for capital assets in Programme 2.

In total, the programme is shifting out an amount of R31.1 million.

Programme 2.

The programme's net under spending amounts to R117.3 million. Same is utilised as follows:

- An amount of R6.4 million is shifted out of the programme's transfers and subsidies to defray excess expenditure on transfers and subsidies in Programmes 1 (R741 thousand), Programme 3 (R5.4 million) and Programme 4 (R247 thousand).

In total, the programme is shifting out an amount of R6.4 million.

Programme 3

The programme's net under spending amounts to R277 million. Same is utilised as follows:

- An amount of R30.6 million is shifted out of the programme's goods and services to Programme 2 to defray excess expenditure on goods and services amounting to R12.8 million, whilst an amount of R17.8 million is shifted to Programme 4 to defray excess expenditure also on goods and services.
- Savings on payments for capital assets amounting to R2.1 million is shifted out of the programme to defray excess expenditure on payments for capital assets in Programme 2.

In total, the programme is shifting out an amount of R32.7 million.

Programme 4

The programme's net under spending amounts to R125 453 million. Same is utilised as follows:

- An amount of R13.3 million is shifted from the programme's payments for capital assets to payments for capital assets in Programme 2 (R2.4 million) and Programme 5 (R10.9 million).

In total, the programme is shifting out an amount of R13.3 million.

Programme 5

The programme's net under spending amounts to R4.8 million. Same is utilised as follows:

- An amount of R15.7 million is shifted from goods and services to goods and services in Programme 2 (R7.4 million) and in Programme 4 (R3.8 million) as well as payment for financial assets (R4.6 million), still in the latter programme.

In total, the programme is shifting out an amount of R15.7 million

Unauthorised, fruitless and wasteful expenditure

During the financial year 2019/20, the Department expenditure was within its allocated budget. There were cases that the Department identified as irregular, fruitless and wasteful expenditure and are discussed in detail below.

The Department through Internal Control Unit identified a total of 35 new cases of irregular expenditure to the value of R543, 56 million and 125 cases of fruitless and wasteful expenditure to the value of R137 000 were detected and reported to National Treasury on a monthly basis. This reflects 4% of the total expenditure of the Department for the financial year.

Further, a total of 89 determinations of irregular expenditure cases were finalised, of which 7 cases to the value of R168 000 were condoned by the relevant condoning authority, while 78 cases to the value of R19, 958 million were confirmed as not irregular and

were removed from the register. At least four cases to the value of R34, 96 million were not condoned by the relevant authority and are deemed to be not recoverable. These cases were referred to Labour Relations for possible implementation of consequence management. Consequence management and corrective actions were successfully implemented on officials involved on 64 cases. Currently, there are five cases to the value of R968 million which are under investigation by Forensic Auditors/ Special Investigations Unit 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 252 cases of fruitless and wasteful expenditure to the value of R273 thousand were resolved, written off or recovered by the Department during the financial year under review.

Future plans of the Department

None

Public-private partnerships

Not applicable.

Discontinued activities or activities to be discontinued

None

New or proposed activities

None

Supply chain management

Letters are sent to the Heads of Branches 18, 12, 6 and 3 months prior to expiry of contracts to enable branches to start the process earlier in the procedure and avoid extensions where possible.

All requests for extension/variations are submitted to DBAC for consideration. Where the 15% threshold is exceeded the approval lies with National Treasury.

The Departmental Financial Instructions (DFI) were amended with regards to the late extensions of contracts. The amendment to the DFI states that: "Any request for contract extensions/variations received by SCM during the last 60 days of expiry will not be considered."

Letters are sent quarterly to Heads of Branches regarding over and under expenditure on contracts in order to sensitise/alert the branches where there is a negative effect on the contract, earlier in the contract. All service level agreements are duly vetted by the Department's legal services section.

There are adequate measures such as the continuous updating of the departmental delegation and policies, updated DFI. For each element of SCM, there is a SCM checklist which has been implemented to ensure compliance with processes. There is a quality assurance exercise being conducted by SCM on all submissions tabled at DBAC. There is also internal audit and National Treasury quality assurance processes undertaken for all bids above R50 million. All possible irregular expenditure is reported to the Internal Control unit for investigation.

Contract management experienced a problem of poor monitoring of the sub-contractor.

The matter was resolved by ensuring that meetings are held with the prime bidder, sub-contractor and end user on a quarterly basis to ensure that the relationship is monitored in terms of:

- Deliverables of the contract
- Expenditure whether the sub-contractor is paid what is due to the sub-contractor.
- Skills transfer from prime to sub-contractor.
- Monitoring of the BEE-level of the sub-contractor to see if there is a shift during the contract.

Contract Management communicated to the prime bidders to provide the required information pertaining to the subcontractor portion of expenditure for management to be able to report when required to do so.

There is a shortage of human resources within the SCM directorate specifically Contract and Supplier management; the revised structure was approved in 2019 wherein the post needs to be advertised. Furthermore the acting arrangement and vacant executive management in SCM is affecting the sustainability of SCM operations. An acting Chief Director SCM was appointed in 2020 as a transitional measure.

Gifts and Donations received in kind from non-related parties

Donations received by NPA

Various donations (i.e. Cake, Chocolates) R1 000

Exemptions and deviations received from the National Treasury

The Department requested the exemption from PFMA, section 79 states that National Treasury may on good grounds approve a departure from treasury regulation or instruction or any condition imposed in terms of PFMA and must promptly inform the office of Auditor General in writing when it does so. The approval was granted to the office of State Attorney to depart from treasury regulation or instructions only as far as following a normal bidding process in procuring legal and ancillary services (any professional who may be called upon for the purpose of providing an expert opinion, report or appear as witness in court proceeding) is concerned.

The approval to depart from a normal bidding process is effective from 20th of August 2019 until 31 March 2021 and subjected to the following conditions:

1. For legal and associate ancillary services, other than services for urgent court applications;
2. For services in respect of urgent court applications, a service provider may be appointed without obtaining three quotations; and
3. As far as possible, it must be endeavoured to appoint persons historically disadvantaged by unfair discrimination on basis of race, gender or disability as envisaged in section 2(1)(d)(i) of the PPPFA.

National Treasury through the office of Chief Director: SCM Strategic procurement will assist the Department to procure services providers for legal and ancillary services with whom the framework contracts will be entered into. This process is envisaged to be finalised by 31 March 2021.

Events after the reporting date

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

I would like to extend my deepest appreciation to Minister Ronald Lamola, MP, and Deputy Minister John Jeffrey, MP, in particular, for providing leadership, guidance and support. In addition, let me express my gratitude to the judiciary, the Portfolio Committee on Justice and Constitutional Development, the NPA, Legal Aid South Africa, the JCPS Cluster, the SIU, Chapter 9 institutions and all stakeholders of the Department of Justice and Constitutional Development for their continuous support and guidance during the year under review.



Ms Kalayvani Pillay (Acting DG)

Accounting Officer

Department of Justice and Constitutional Development

27 October 2020

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

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

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

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

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

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

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

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

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

In my opinion, the annual report fairly reflects the operations, the performance information, the human resources information and the financial affairs of the Department for the financial year ended 31 March 2020.

Yours faithfully



Ms Kalayvani Pillay (Acting DG)

Accounting Officer

Department of Justice and Constitutional Development

27 October 2020

7. STRATEGIC OVERVIEW

Vision

Justice for all in South Africa

Mission

To administer an efficient and a responsive justice system

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



8. 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 forms 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.

- 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.
- 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.

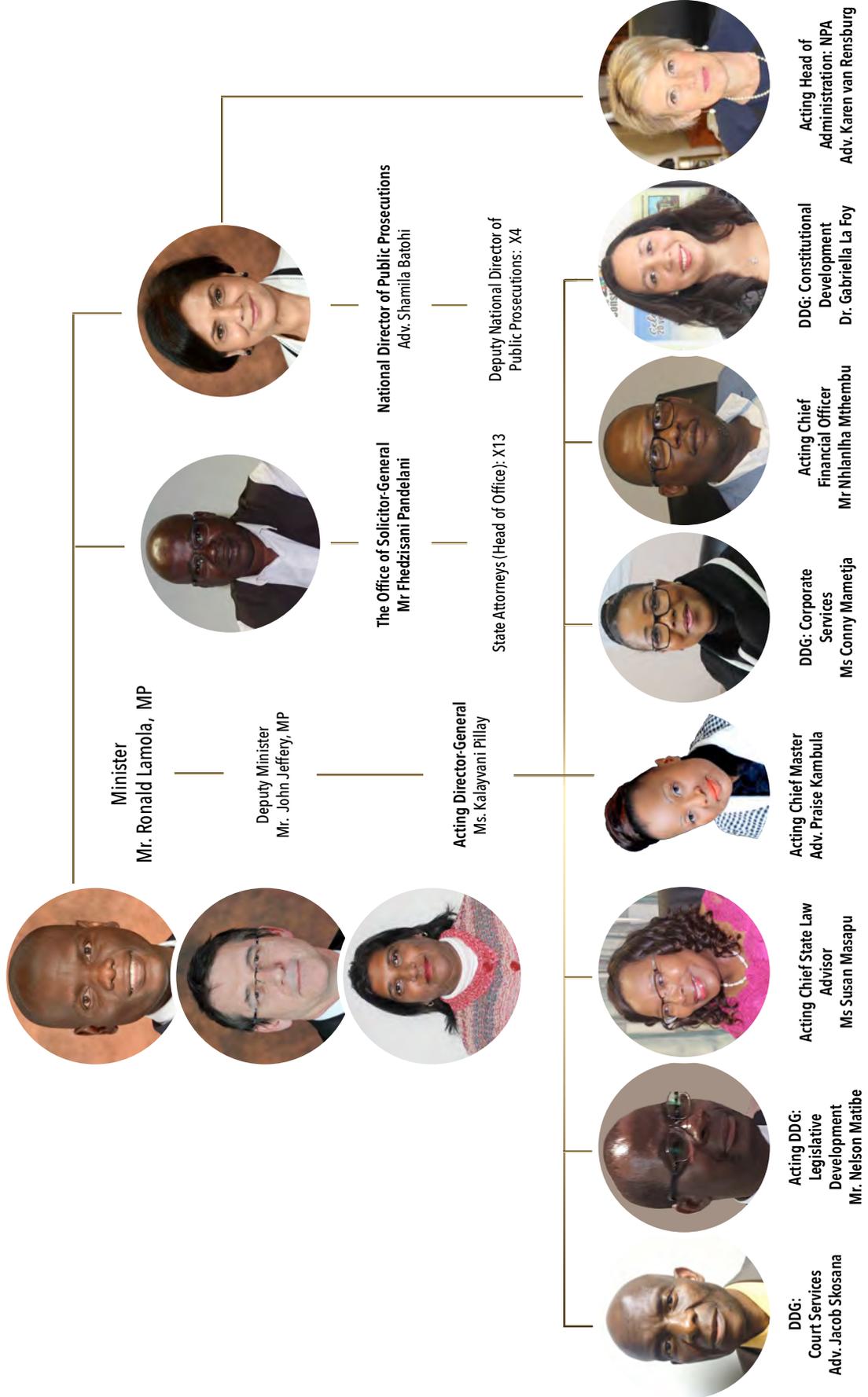
- The Prevention of Organised Crime Act, 1998 (Act 121 of 1998), introduces measures to combat organised crime, money laundering and criminal gang activities and prohibits certain activities relating to racketeering activities. Provision is made for the prohibition of money laundering and for an obligation 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. The State Attorney Amendment Act 13 of 2014 replaces the State Attorney Act, 1957, to make provision for the establishment of offices of State Attorney; the appointment of a Solicitor-General and State Attorneys; the powers of the Minister relating to the functions of the offices of State Attorney; and provide for the powers and functions of the Solicitor-General; and matters connected therewith.
- Legal Practice Act, 2014 (Act 28 of 2014) 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 rulemaking: 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 determine 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; 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) which 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 objectives, powers, functions, duties and composition; to provide for the independence and impartiality of Legal Aid South Africa.

9. ORGANISATIONAL STRUCTURE



ENTITIES REPORTING TO THE MINISTER

The table below indicates the entities that report to the Minister of Justice and Correctional Services 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 Prosecuting 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 ensures that the services are executed in terms of the Code of Conduct for Sheriffs.
South African Law Reform Commission (SALRC)	South African Law Reform Commission Act (Act No. 19 of 1973)	Part of the vote in the Legislative Development 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.



PART B
*PERFORMANCE
INFORMATION*



1. AUDITOR GENERAL'S REPORT: PREDETERMINED OBJECTIVES

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

Refer to page 204 of the Report of the Auditor General, published as Part E: Financial Information.



2. OVERVIEW OF DEPARTMENTAL PERFORMANCE

2.1 SERVICE DELIVERY ENVIRONMENT

The National Development Plan (NDP) remains the government's prime plan that guides the country and in particular, the Justice, Crime Prevention and Security (JCPS) Cluster in establishing prevention and response interventions to ensure that 'All People in South Africa feel and are safe'.

In 2019/2020 financial year, the country experienced unprecedented frequency in the cases of femicide and domestic violence. This necessitated, women and civil society to protest against the Gender-Based Violence (GBV) that seems to be spinning out of control. Hence, the President declared GBV a national crisis. Furthermore, the President made a commitment to strengthen the criminal justice system, improving the legal and policy framework around sexual offenses and other forms of gender-based violence, and empowering women economically.

In response to the challenges mentioned above, the following Bills were amended and published on the departmental website for public comments:

- Draft Domestic Violence Amendment Bill of 2020 for public comments to amend the Domestic Violence Act, 1998 (Act No 116 of 1998) to better protect victims of violent domestic relationships.
- Draft Criminal Procedure Amendment Bill, 2020- intended to introduce stricter measures on bail and sentencing in cases relating to gender-based violence and femicide.

In addition, the Emergency Action Plan (EAP) unveiled by the President with the aim to combat violence against women and children through a coordinated government and civil society effort. The implementation of the interventions of GBV Femicide Emergency Action Plan requires the Department to amend the legislation Criminal Law (Sexual Offences and Related Matters) and report on the following:

- The issue of NRSO certificates which confirmed the availability or non-availability of the particulars of persons working directly with children and mentally disabled persons.
- Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill to amend certain provisions, so as to –
 - a. expand the scope of the application of the NRSO to include the particulars of all sex offenders and not only offenders against children and persons who are mentally disabled; and
 - b. increase the periods for which a sex offenders' particulars must remain on the Register before they can be removed by the Registrar, on application by the sex offender.

By the end of 2019/20, the Draft Criminal Law (Sexual Offences and Related Matters) Amendment Bill of 2020 was published for public comments.

To support survivors of gender-based violence, the sexual offences courts regulations were promulgated into law in terms of section 55A of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No 32 of 2007) to ensure the equitable distribution of victim-support services. The Regulations set out a standardised catalogue of support services for survivors of sex crimes to create a court experience defined by care, respect and dignity. The ultimate goal to clear the court system of secondary victimisation, as required by the Gender-based Violence and Femicide National Strategic Plan (GBVF NSP) for the Presidential Summit Declaration against GBVF of 2019.

A total of 13 sexual offences courts SOCs were established in this financial year with aim to curb the increasing levels of sexual violence in the country. This bring a number of sexual offences courts established to 108. These courts were featured on BBC world news in December 2019 as an international best practice model.

With reference to the presidential focus on addressing the scourge of violence against women and children, special emphasis was continuously placed on the prosecution of sexual offences matters. The improved conviction rate in sexual offences during the

2019/20 financial year of 75.2% is an all-time high, reflecting a firm commitment to deliver justice for the most vulnerable members of society – the victims of sexual offences and gender-based violence.

The NPA turned the curve of thinking of not only being prosecutors of crime, but also to enhance the role of victims in the criminal justice process where measurable improvements in service delivery to victims of crime was a focal point. The rights and needs of the victims of crime, in particular vulnerable persons, were advanced through initiatives such as the Thuthuzela Care Centres (TCCs) and court preparation services. The success of the TCCs is founded in the services delivered to victims of sexual offences and related crimes. During the year under review 35 469 victims were assisted at the TCCs, of which 31 807 (89.7%) were victims of sexual offences, and 97 671 witnesses were assisted by the Court Preparation Officers (CPOs). The CPOs do not only attend to the needs of victims of crime, but also ensure that victims are given a larger role in the process of achieving justice. The focused strategies of prioritisation of recoveries ensured that vast payments were made to victims of crime.

The Department continues to monitor the reduction of Case Backlogs in the Lower Courts and provide support to improve court efficiency and effectiveness. Furthermore, work has been going on within the Integrated Justice System structures to develop and implement digital/electronic measures which seek to modernise court processes and thereby limit and resolve blockages that may occur.

However, resources and budget constraints hamper the Department's ability to fully implement all the measures that are required for a rapid and dramatic reduction of case backlogs. As at 31 March 2020, the number of criminal cases backlog was standing at 57 049, above the target of 48 223. The target was not achieved.

The Department sought to address the increasing number of backlog cases, both historical and those caused by the challenges created by the Covid-19 pandemic by developing a draft national integrated criminal case backlog management plan in collaboration with all stakeholders. Furthermore, a Covid-19 Court Optimisation Committee was set up under the leadership of the Deputy Minister of Justice and Correctional Services with all stakeholders to unpack the challenges and bottlenecks that courts were facing. The Department has also engaged with all stakeholders to establish a Steering Committee to deal with not only the backlogs but also to fast-track the establishment of Special Commercial Crimes Courts. Both Committees are seized with the need to develop and implement measures to unblock processes and facilitate the movement of cases through court processes as swiftly as possible, using both digital/online solutions as well as resource capacitation.

The office of Family advocate is plagued by severe capacity constraints, this has impacted on the office's ability to deliver on the planned targets. Hence the delays in the finalisation of cases thus resulted in matters affecting children being finalised between 12-18 months, the impact is children being stuck in conflictual situations for an extended period of time, a practice which is inconsistent with the prerogatives of section 28(2) of the Constitution of the Republic of South Africa. In response to these challenges, the offices have established Parental Responsibilities and Rights Educational Workshops to deal with high volume of non-litigation matters and pre-Enquiry Mediation processes were also introduced where parties are contacted telephonically prior to the enquiry date. This has resulted in parties settling their matters even before coming to the office.

The Task Team was originally established to deal with violence against LGBTI persons. It works closely with civil society when it comes to the protection of the rights of LGBTI persons. The work of National Task Team on LGBTI Rights was hailed as an international best practice model by the United Nations. Furthermore, the civil society partners will be engaged to discuss the possibility of widening the mandate of the NTT to address problems with LGBTI people realising their rights more broadly.

The National Action Plan (NAP) to combat Racism, Racial Discrimination, Xenophobia and Related Intolerance has been approved by Cabinet. There were three initiatives planned in the current year but due to stakeholders' dependency two out of three targets were not met.

In the ever-changing and dynamic environment within which the National Prosecuting Authority (NPA) operates, it is imperative to be mindful of the changes, and to continuously strive to ascertain new and innovative ways to deal with crime. Guided by the strategic direction of the organisation, as well as the Government's vision of a better life for all through effective service delivery, the 2019/20 financial year was characterised by a good performance in many spheres of the organisation. Notwithstanding the inhibiting organisational challenges that the NPA faced in terms of budgetary and resource constraints, more so in the first six months of the financial year, the NPA placed a special focus on quality prosecutions to increase operational efficiency.

The NPA continued to work closely with all partners and stakeholders during the year under review to ensure and give effect to an integrated, collaborative and proactive effort in the fight against crime. This allowed the organisation to continue with the provisioning of a coordinated prosecuting service ensuring that justice is delivered to the victims of crime through general and specialised prosecutions; that profit is removed from crime and that witnesses and their related persons are protected.

The NPA has successfully sustained the focus placed on quality prosecutions. By prosecuting speedily and effectively, in conjunction with all its partners, the NPA positively impacted on access to justice, speedy justice and improving service delivery through increasing operational efficiency. Prosecutors across all criminal courts obtained 217 467 convictions, with a conviction rate of 93.8%. Remarkable strides were made to ensure that high conviction rates were maintained, in all court forums, recording a 90.9% conviction rate in the

high courts, 82.5% in the regional courts and 95.3% in the district courts. The regional courts' performance during the 2019/20 financial year represents the best conviction rate performance over the last two decades.

The fight against crime, especially government priorities, remained a focal point of the organisation. The commitment to curb violent crimes and address the impact of these crimes on the community have also shown inspiring and significant results. A high conviction rate of 80.1% was maintained in murder prosecutions, obtaining 3 193 convictions from 3 987 cases finalised with a verdict.

The NPA continued to place special focus on the prosecution of cybercrime cases in order to curb this growing international phenomenon. Although new technologies create new criminal opportunities rather than new crime types, cybercrime is an extension of an ordinary crime committed within cyber space where information and communication technologies are used as an instrumentality, target or a means for perpetuating further crimes. Despite the complex nature of cybercrime cases and high level of technical evidence requirements to successfully prosecute this crime type, the NPA achieved an outstanding conviction rate of 98,5% in the prosecution of cybercrime cases.

Government's fight against corruption remained a key priority for the NPA and was systematically intensified during the year under review, with several short- and long-term initiatives being implemented. This resulted in an increase in the number of persons convicted of either public and/or private sector corruption, obtaining a 94% conviction rate.

The Investigating Directorate (ID) was proclaimed by Presidential Proclamation on 4 April 2019; to assist in addressing this global phenomenon that impeded service delivery and undermines governance and the rule of law. The ID was given a specific mandate to focus on State Capture-related corruption that emerged from the various commissions of enquiry, including the State Capture Commission led by the Deputy Chief Justice, Judge Raymond Zondo.

The Asset Forfeiture Unit (AFU) also continued to play a critical part against this scourge of corruption and has delivered significant returns in the past few years showing that crime does not pay. In the endeavour to curb the increase of corruption, the AFU obtained freezing orders to the value of R1.6 billion relating to corruption where the amount involved is more than R5 million. Value of recoveries in terms of the Prevention of Organised Crime Act (POCA) to the value of R190 million was also recorded during the financial year. In line with its operational plan, the AFU has adopted a strategy that not only seeks to extend the footprint of asset forfeiture in the fight against crime, but one that also seeks to deliver maximum impact in several identified focus areas. An overall success rate of 98% was recorded in the AFU.

The Office for Witness Protection (OWP) maintained its performance record for the last 18 years in ensuring that no witnesses and related persons were threatened or killed while on the witness protection programme.

Highlights of performance in the 2019/20 financial year are discussed in three main areas, namely, improved access to justice and improved administration in support of the service delivery environment.

2.1.1 IMPROVEMENTS IN ACCESS TO JUSTICE SERVICES

i. Building of new Courts

By the end of the financial year, Mpumalanga High Court was completed and proclaimed as the main seat effective from 1 May 2019 and the first hearing was held on 13 May 2019. The high court was officially opened by the State President on 08 November 2019. Bityi Magistrate Court was completed and officially opened on the 18 October 2019 by DOJ&CS Minister Lamola.

In addition, three Magistrates Courts, namely, Evander (Mpumalanga), Umbumbulu and Chatsworth (KwaZulu-Natal) additional buildings were completed.

These courts have enabled people to either access justice services closer to where they live or alleviated congestion in existing courts.

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 000.00 to R20 000.00 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 requires legal representation.

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

Implemented period	Monetary jurisdiction
20/09/1985 (The first seven Small Claims Courts were proclaimed on this date)	R1 000.00
15-09-1995	R3 000.00
01-04-2004	R7 000.00
01-11-2010	R12 000.00
01-04-2014	R15 000.00
01-04-2019	R20 000.00

A new small claims courts was established in Kestell (Free State) during 2019/20 financial year, which brings the total number of Small Claims Courts to 415 by the end of 31 March 2020.

The table below depicts the Small Claims Courts per province:

Provinces	Number of SCC's	Additional places of sitting
Eastern Cape	79	3
Free State	62	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:	415	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 amongst 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 the nomination of Commissioners and recommendations to the Minister.

A total of 64 Commissioners were appointed during 2019/20, bringing the total number of Commissioners to 1 965 (1 562 Male, 403 Female) at the end of March 2020. In addition, 18 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 2 093 (1 315 Male, 778 Female) at the end of March 2020.

iii. Online Access to Masters 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 regards 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 offices closed outside working hours.

iv. 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 12 more Magistrates' Courts to bring the total to 290.

Rolling out to Magistrates' Courts enables service points to be linked with the 15 Masters' Offices, who then are able to oversee the appointment process in the Service Points, and thus ensuring that the whole country receives the same service provided directly at Masters' Offices, without the need to travel long distances. For the coming year the Branch is planning to roll out PEAS to at least 5 more Service Points of the Master.

v. 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 6 Guardian's Fund offices, MOVIT has been implemented and used in all 15 Masters' Offices as well as at Service Points. For the coming financial year the Master's Branch is planning to roll out MOVIT to at least 5 more Service Points of the Master.

This will ensure that the even 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 6 Masters' Offices providing the Guardian's Fund services.

2.1.2 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, amongst 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 to 476 Courts in 9 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 amongst 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; 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.

The development and testing of the web portal functionality for management of transcription was finalised by the end of 2018/19 financial year. This application creates a more efficient movement of data with the impact that by removing the collection timeline the service provider is placed in possession of the audio session for transcription much faster thereby improving the turnaround time to complete the work. Furthermore when the data transfer is effected digitally this eradicates possible human error with incorrect or ineffective burning of audio sessions resulting in physical computer compact disks being sent back and forth delaying the delivery of the final transcript. During 2019/20 the web portal was rolled-out nationally to the courts.

iii. Court Scheduler

In the journey towards a paperless court environment, the next phase, post the system capability to generate a digital charge sheet, impacts on the utilisation of court books and court diaries from which court cases are referenced in court every day. This is a manual process whilst court case information that is captured and updated on the ICMS (Integrated Case Management System) establishes a

database of court appearance information. To move away from using paper-based processes the Department assessed the court roll and provided a digital version of such to the Presiding official for each court room.

A web application aptly named "Court Scheduler" was implemented which displays a calendar view of matters for a specific Judicial officer (court room) as well as the possibility to search matters with various case criteria to trace appearance dates.

The Court Scheduler displays the relevant case information and the reason the matter is scheduled to be before court next to enable preparation even afterhours away from the Courthouse.

iv. 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 2019/20 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 as to whether the accused has a prior criminal record, and / or is wanted as a suspect for other police cases.

In 2019/20 financial year the solution was used to check more than 227,098 accused persons, and in near real-time it was determined that over 135,968 of these individuals (60%) had prior criminal records that could be referenced. Further, 6,205 (2.3%) wanted persons could be identified as linked to SAPS circulations as persons of interest for other cases. This timeous information is assisting SAPS and NPA during the subsequent management of the accused and providing data to assist bail considerations.

IJS case integration achievements

The IJS Case Integration work package seeks to realise a streamlined and efficient CJS process with effective case processing and fair outcomes. This is achieved by establishing a robust platform for managing inter-departmental information exchanges across the CJS. Further, CJS departmental capabilities will be enhanced to strengthen and improve the effectiveness of the South African CJS.

During 2019/20 financial year 497,177 cases were electronically processed via the IJS Transversal Hub using IJS system integrations between the SAPS, NPA and the DOJCD. These electronic information exchanges include associated docket ready notifications, docket requests, electronic charge sheets, and electronic case outcome (postponement date & reasons) integrations.

The solution is in operation nationally with these integrations connecting 1,144 police stations linked to 509 courts across all 9 provinces. These case integrations have significantly reduced time spent on data capturing and provided valuable Business information for the management of the criminal justice system. There has also been extensive management focus on embedding the use of the system applications.

The IJS is actively engaging with the NPA senior management to promote the adoption of the electronic case management system, with the ultimate objective of ensuring docket screening functions are performed

IJS performance instrumentation and business intelligence

During 2019/20 the IJS maintained the operations of the 28 KPI CJS dashboard. This provides the platform for reporting of 26 of the 28 KPIs based on available electronic data submitted by the SAPS, DOJCD and DCS.

Following the recommendation by United Nations Special Rapporteur on Violence against Women that South Africa establish a Femicide Watch, the IJS programme worked with DOJCD to prepare the requirements for an interactive dashboard to support the department analyse trends and profiles of offenders and victims.

The IJS programme provided the necessary technical expertise to complete the research and design of a Femicide Watch Prototype, capable of utilising IJS data sourced from multiple member departments. During 2019/20 the Femicide Watch Dashboard was

successfully developed, and sign-off of User Acceptance Testing (UAT) was completed in March 2020. It is anticipated that the platform will ultimately assist in the development of responsive and impactful policies, law, programmes and initiatives in this critical area.

2.1.3 COURT OPERATIONAL PERFORMANCE

This report provides an overview on the operational information of the Courts during reporting period of 2018/19 and 2019/20 and includes for the following services:

- Equality Courts;
- Domestic Violence;
- Maintenance services;
- Civil.

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, hate speech and publication of information that unfairly discriminates. Pursuant to the provisions for section 9 (4) of the Constitution of the Republic of South Africa, 1996, the Promotion of Equality and the Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000) was enacted and came into operation in September 2000.

Equality Court: Matters registered

2018/19	2019/20	% change
473	621	31%

The above table shows that, during the reporting period, nationally there was more than 23% increase of Equality Court matters reported during the financial year 2019/2020 as compared to the previous year 2018/2019.

Equality Court: Matters registered (Complaints Lodged)

Complaint	2018/19	2019/20	% change
Hate Speech	140	260	86%
Unfair Discrimination	258	240	-7%
Harassment	22	59	168%
Dissemination and Publication that Unfairly Discriminates	10	24	140%
Unfair Discrimination and Hate Speech	28	13	-54%
No indication	0	8	100%
Hate Speech and Harassment	2	7	250%
Unfair Discrimination and Harassment	5	6	20%
Unfair Discrimination, Hate Speech and Harassment	1	3	200%
Hate Speech, Dissemination and Publication that Unfairly Discriminates	7	1	-86%
Grand Total	473	621	31%

The above table depicts "Hate Speech" as the dominant complaint registered from Apr 2019 to March 2020 which contributed 42 % of the total complaints registered.

b. Domestic violence

Domestic violence means any physical abuse, sexual abuse; emotional, verbal and psychological abuse; economic abuse; intimidation; harassment; stalking; damage to property; trespassing where the parties do not share the same residence; or any other controlling or abusive behavior towards a complainant, where such conduct harms, or may cause imminent harm to, the safety, health or wellbeing of the complainant. The statistics below provided is based on a 91% utilisation of the Domestic Violence Integrated Case Management System.

Domestic Violence Civil Statistics

2018/19	2019/20	% Change
389 573	240 282	-38.3%

Domestic Violence Criminal Cases registered

Financial period	Registered Cases	Guilty	Not Guilty	Other Finalised	Other Removed	Struck Off Roll	Transferred	Warrant of arrest	Withdrawn	Disposed Of Cases	Outstanding Cases
2017/18	11 575	1 954	650	60	28	1 591	11	1	5 487	9 782	3 355
2018/19	11 316	1 794	497	74	52	1 410	11	0	5 486	9 324	3 887
% Change	-2.2%	-8.2%	-23.5%	23.3%	85.7%	-11.4%	0.0%	-100.0%	0.0%	-4.7%	15.9%

Interim Protection Order

Interim Protection Order Outcomes	2018/19	2019/20	% Change
Confirmed	676	1157	38.4%
Set Aside	619	857	38.4%
Struck off roll	493	830	68.4%
Protection Order granted	379	462	21.9%
Protection Order Set Aside	262	281	7.3%
Case Dismissed/Withdrawn	261	375	43.7%

c. Maintenance matters

Maintenance is regulated under the Legislation-South Africa-National /Acts and Regulations/ Maintenance ACT NO.99 OF 1998. The tables below refer to the civil and criminal processes for maintenance matters. Once a court granted a maintenance order and the respondent does not comply with such an order the Criminal Procedure Act, 1977 (Act No. 51 of 1977), Section 31(1) states: 'Subject to the provisions of subsection (2), any person who fails to make any particular payment in accordance with a maintenance order shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three years or to such imprisonment without the option of a fine.

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.

Summary of maintenance matters - Civil procedure statistics: financial year 2019/20

Region	Number of new applications received	% Contribution
Eastern Cape	14 758	12%
Free State	10 583	9%
Gauteng	21 817	18%
KwaZulu Natal	12 964	11%
Limpopo	16 001	13%
Mpumalanga	9 402	8%
North West	10 083	8%
Northern Cape	4 710	4%
Western Cape	20 627	17%
Grand Total	120 945	100%

The table above highlights the number of new applications received during the financial year 2019/20, of which Gauteng contributed to the majority of these matters (18%).

Top 6 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%

Overall criminal statistics of Maintenance cases for 2018/19 and 2019/20 financial year

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	
2018/19	5 137	465	75	68	1134	123	2 507	3	1 157
2019/20	5 742	450	28	110	1263	0	3 040	7	1 259
% Change	11.78	-3.23	-62.67	61.76	11.38	-100.00	21.26	133.33	8.82

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

d. 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 2018/19 and 2019/20.

Financial period	District Courts	Regional Courts	Total
2018/19	65 077	2 379	67 456
2019/20	59 884	5 596	65 480
% Change	-8.0	135.2	-2.9

Civil Cases Registered per Region during Annual of 2018/19 and 2019/20

Region	2018/19	2019/20	% Change
Eastern Cape	8 799	10 890	23.8
Free State	6 190	5 689	-8.1
Gauteng	18 167	16 140	-11.2
KwaZulu-Natal	8 868	9 873	11.3
Limpopo	3 962	4 630	16.9
Mpumalanga	4 516	5 836	29.2
North West	4 838	6 476	33.9
Northern Cape	1 625	1 605	-1.2
Western Cape	10 491	4 341	-58.6
Total	67 456	65 480	-2.9

Top Ten Cause of Action Registered during 2018/19 and 2019/20

Cause of Action	2018/19	Cause of Action	2019/20
Professional Services	11 026	Professional Services	10 474
Other Services	9 845	Other Services	7 831
Credit Agreement	7 921	Credit Agreement	7 888
Tuition Fees	5 554	Tuition Fees	5 847
Levies	5 502	Levies	5 400
Monies Lent and Advanced	5 255	Monies Lent and Advanced	4 178
Acknowledgements of debt	2 908	Acknowledgements of debt	2 510
Goods sold and Delivered	2 761	Goods sold and Delivered	2 465
Debt Review	2 316	Debt Review	2 434
Municipal Rates	2 296	Divorce	4 422

DIVORCE MATTERS

The section below provides a summary of new divorce matters registered during reporting period of 2018/19 and 2019/20 at the Regional Courts.

Region	2018/19	2019/20	% Change
Eastern Cape	0	267	>-100.0
Free State	209	332	58.9
Gauteng	834	2 187	162.2
KwaZulu-Natal	158	402	154.4
Limpopo	147	351	138.8
Mpumalanga	350	601	71.7
North West	1	135	>100
Northern Cape	39	54	38.5
Western Cape	237	217	-8.4
Total	1 975	4 546	130.2

JUDGEMENTS GRANTED

The tables below provide summary of judgement granted per region during reporting period of 2018/19 and 2019/20.

Region	2018/19	2019/20	% Change
Eastern Cape	6 622	8 727	31.8
Free State	3 542	3 553	0.3
Gauteng	16 768	15 734	-6.2
KwaZulu-Natal	4 112	4 896	19.1
Limpopo	3 887	4 453	14.6
Mpumalanga	2 934	3 302	12.5
North West	3 719	5 170	39.0
Northern Cape	1 674	1 594	-4.8
Western Cape	7 509	8 720	16.1
Total	50 767	56 149	10.6

Judgements granted per Court Type during 2018/19 and 2019/20.

Court Type	District Courts	Regional Courts	Total
2018/19	48 535	2 232	50 767
2019/20	50 504	5 645	56 149
% Change	4.1	152.9	10.6

OPPOSED TAXATION

The section below provides the summary of the opposed taxation dealt with, during the reporting period of 2018/19 and 2019/20.

Region	2018/19	2019/20	% Change
Eastern Cape	1 487	1 049	-29.5
Free State	644	567	-12.0
Gauteng	1 265	1 049	-17.1
KwaZulu-Natal	1 743	1 815	4.1
Limpopo	451	554	22.8
Mpumalanga	1 143	620	-45.8
North West	246	311	26.4
Northern Cape	71	46	-35.2
Western Cape	242	277	14.5
Total	7 292	6 288	-13.8

UNOPPOSED TAXATION

Period of Taxation dealt with (Unopposed Matters): Annual.

Financial period	Within 14 days	Exceeding 14 days	Total
2018/19	6 147	26	6 173
2019/20	6 177	93	6 270
Total	0.5	257.7	1.6

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 2019/20 and 2018/19 financial years

Financial year	Total number of cases received	Total cases finalised
Legal opinions		
2018/19	591	568
2019/20	512	492
Preliminary opinions on draft bills		
2018/19	100	95
2019/20	78	71
Certification of bills and other legislative instruments		
2018/19	196	185
2019/20	186	174
International agreements and accompanying legal opinions		
2018/19	202	190
2019/20	156	138
Draft Bills approved by Cabinet		
2018/19	30	30
2019/20	15	15
Translations into South African official languages		
2018/19	184	168
2019/20	121	116

Extraditions and mutual legal assistance

The DOJCD 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 requests for mutual legal assistance and extraditions that were processed for the year under review was 99, which indicates a decrease in cases finalised as compared to the 2018/19 financial year. During the reporting period 91% of mutual legal assistance and extradition requests were processed during the required timeframe of 25 days against a planned target of 78%.

With regards to enforcement of maintenance orders, a total of 58 requests were handled in 2019/20. Compared to 71 requests processed in 2018/19. This shows a 18% decrease. 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 168 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 2019/20 and 2018/19 financial years:

Financial year	Total processed
Extradition and mutual legal assistance	
2018/19	142
2019/20	99
Foreign maintenance orders	
2018/19	71
2019/20	58
Service of Process	
2018/19	137
2019/20	168

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, 28 906 expungement applications were on record whilst 19 362 were finalised. A total of 13 716 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
2018/19	5 062	21 965	18 190
2019/20	7 858	21 048	19 362
% Change	57%	(4%)	6%

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 564 new requests for pardons received during the 2019/20 financial year and this brought the total cases on file to 1191. Of these, 311 were finalised, and 42 pardons were granted and 9 pardons were refused.

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
2018/19	535	475	383	627	52	57
2019/20	627	564	311	844	40	42
% Change	17%	18%	(19%)	35%	(23%)	(26%)

2.2 SERVICE DELIVERY IMPROVEMENT PLAN

Main services and standards

Main services	Beneficiaries	Current/actual standard of service	Desired standard of service	Actual achievement
Administration of the Guardian Fund	Orphans, legal guardians, Heirs and people who are incapable of managing their own affairs	92% of beneficiaries will receive services within 40 days of receipt of all required documents (Guardian's fund)	92% of beneficiaries will receive services within 40 days of receipt of all required documents (Guardian's fund)	88% of beneficiaries received services within 40 days of receipt of all required documents (Guardian's fund)
Provision of Maintenance Services	Children, Minors, Single parents, Other Parents, Grandparents, Siblings	Where there is proper service of process, 82% of maintenance orders will be finalised within ninety (90) days	Where there is proper service of process, 72% of maintenance orders will be finalised within ninety (90) days	84%
Prosecution	Victims of crime and Witnesses	Acquittals in High Court (8.3%)	Not more than the acceptable rate between 0-10%	17.5%
		Acquittals in Regional Court (20%)	Not more than 0-25%	4.7%
		Acquittals in District Court (3.9%)	Not more than 0-10%	7.7%
		51.2% of victims / witnesses consulted or having their memory refreshed by prosecutors as witnesses before they were called to testify	70%	66% ¹
OWP	Victims of crime and Witnesses	27% of victims of crime and witnesses have heard about the OWP ²	50% have heard about the OWP	32% have heard about the OWP
Wellness Services	NPA Staff	32 sessions trauma debriefing to boost prosecutors' morale	20 Sessions	37 sessions
Prosecution	Victims of crime and Witnesses	Acquittals in High Court (8.3%)	Not more than the acceptable rate between 0-10%	17.5%

Batho Pele arrangements with beneficiaries (consultation access etc.)

Current/actual arrangements	Desired arrangements (Annual Target)	Actual arrangements (Annual Actual)
Number of witnesses assisted by CPOs	104 720	97 671
Current: Fully operational TCCs 55	58	55 ³

1 2017 NPA Crime and Criminal Justice Satisfaction Survey (CCJS) Report.

2 2015 NPA CCJS Report.

3 The SOCA Unit is in the process of establishing an additional 6 sites in the following 3-year period by making use of CARA funding.

Service delivery information tool

Current/actual information tools	Desired information tools	Actual achievements
Masters' services details were displayed at 15 Masters' Office	Conduct 50 information and community engagement sessions on Masters' services, focusing on Guardian's Fund	117 information sessions held
Number of community outreach events and exhibitions	40	82
Number of schools reached through outreach activities	50	22

Complaints mechanism

Current/actual complaints mechanism	Desired complaints mechanism	Actual achievements
79% complaints received through Presidential Hotline, Service Delivery Inbox, Director General's office, Ministry and posted to be responded to and resolved within 14 days of receipt	83% complaints received through Presidential Hotline, Service Delivery Inbox, Director General's office, Ministry and posted to be responded to and resolved within 14 days of receipt	84% of the complaints were resolved and 65% thereof resolved within the 14 working days in compliance with the set standard
Enforcement of maintenance orders in terms of chapter 5 of the Maintenance Act (number of civil attachment orders obtained)	19 218	19 976

2.3 ORGANISATIONAL ENVIRONMENT

The DOJCD remains committed to improved accountability, fiscal discipline and stewardship of its resources. However, the impact of compensation cap and budget constraints on service delivery remain challenging.

The key positions which constitute the Department's Executive Committee were filled on acting capacity and this has effect on departmental performance.

The Department took a decision to operationalise the State Attorney Amendment Act 13 of 2014, which came into effect on the 7th of February 2020 to give effect to the appointment of the Acting Solicitor-General.

Furthermore, the Solicitor-General was appointed for period of 24 months with effect from 2 April 2020. The Solicitor-General will oversee all litigation on behalf of the State and is the executive officer, and has control, of all offices of the State Attorney.

The Acting Solicitor-General will lead the turnaround in the delivery of State legal services and the office of the State Attorney. The strategy to guide the handling of State litigation will be developed in 2020/21 financial period.

The National Director of Public Prosecutions, Advocate Shamila Batohi, was appointed in December 2018 and commenced at the NPA on 1 February 2019. From the start her focus was to understand, explore, plan and implement a viable turnaround strategy for the NPA. Some of the extensive organisational groundwork she commenced with was the implementation of immediate turnaround measure that were fully within the organisational span of influence.

One of the most notable challenges of the NPA was an inadequate budget. As a result of the budgetary constraints, there was a four-year moratorium on the recruitments process. With the support of National Treasury and the DOJCD the NPA engaged in a rigorous budget advocacy process. During the Adjusted Estimates of National Expenditure (AENE) process, these efforts resulted in an additional budget allocation to the NPA. This allowed the NPA to implement resourcing interventions and embark on a massive recruitment drive. To date, more than 900 posts were advertised and are in various stages of the appointment process. The NPA has also procured more than 4 000 laptops for prosecutors and support staff to ensure that they have the necessary tools to effectively do their jobs.

The intake of the Aspirant Prosecutor Programme was brought to an abrupt halt four years ago due to the aforementioned budget constraints. The additional budget allocation also allowed the NPA to revive the Programme. After an initial internal intake of 98 candidates, a much larger intake was advertised a few months later.

Many performance successes and improvements were achieved as a result of the dedicated and committed workforce within the DOJCD and NPA, headed by a strong and experienced leadership team.

2.4 KEY POLICY DEVELOPMENTS AND LEGISLATIVE CHANGES

2.4.1 PROGRESS ON POLICY DEVELOPMENTS

a. Finalisation of the National Prevention Strategy against Femicide

The Department developed the Femicide Prevention Strategy with the participation of the National Intersectoral Committee on Domestic Violence and Femicide (GBVF) in 2018/19. This Committee is constituted by government departments and civil society organisations.

The Presidential Summit Declaration against GBVF was launched by the President of the Republic of South Africa in March 2019. The Declaration set out specific actions that the country must undertake to prevent femicide, among other things.

Furthermore, in March 2020 the President launched the GBVF National Strategy (2020-2030) which is intended to guide the country in the implementation of the Presidential Summit Declaration. Since the introduction of these two Presidential documents in the country, it became imperative that the recently developed National Integrated Femicide Prevention Strategy against femicide be aligned with Presidential documents to ensure compliance with the vision of the Presidency on the GBVF agenda in the country.

This has necessitated the Department to consider the services of an expert with knowledge, experience and expertise on femicide and gender-based violence prevention interventions, research and drafting skills to be appointed in 2020/21 financial period to conduct the necessary research and adjustments to the Femicide Strategy and align it with the Presidential Summit Declaration against GBVF and the National Strategic Plan on GBVF.

b. 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

With regard to the provision of TRC Education assistance to TRC-identified victims and / or their qualifying relatives and dependants, progress report is as follows:

Under basic education, a total of 1892 and 2145 applications were positively verified as qualifying relatives or dependants of a TRC-identified victim for the academic years 2019 and 2020 respectively.

In respect of Higher Education, the number of applications positively verified as TRC-identified victims or qualifying relatives or dependants of a TRC-identified victims were 476 and 678 for the academic years 2019 and 2020 respectively.

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 took place as follows:

- Pre-inspection of the cemetery site in Gaborone, Botswana, to prepare for the exhumation of the remains of Mr Patrick Mvundla, whose case was reported to the TRC - 06 June 2019.
- Exhumation of the remains of Patrick Mvundla in Botswana - 24 July 2019.
- Handover ceremony of the remains of Patrick Mvundla at Naledi in Soweto by the Minister of Justice and Correctional Services - 24 July 2019.
- Reburial of the remains of Patrick Mvundla in Soweto - 28 September 2019.
- Exhumation of the remains of the 10th member of the Mamelodi Activists, who was reported to the TRC - 19 December 2019

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 publically 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 2019/20 financial year:

The remains of nine Cato Manor community members who were hanged in 1961, were exhumed at Mamelodi cemetery in the City of Tshwane on the 19 December 2019 and all the affected families attended the pre-exhumation proceedings from the Eastern Cape and Kwazulu-Natal provinces respectively. The Minister of Justice and Correctional Services handed over the remains of nine Cato Manor Community members to their families for reburial. The handover ceremony took place at Umkhumbane Museum, Cato Manor in Durban.

In total, three handover ceremonies were successfully conducted during the 2019/20 financial year. As a result, a total of 10 exhumed remains were handed over to the families for subsequent and decent reburial.

iii. Community Rehabilitation

With regards to Community Rehabilitation, communities which were affected by intense acts of political violence which took place between 1960 and 1994, which was the TRC mandate period, were engaged to develop appropriate projects that would help to rehabilitate the communities. Rehabilitation means acknowledging the harm and suffering which was endured by members of those communities and conceptualisation of ways in which healing, reconciliation and social cohesion could be achieved.

Conceptualised community rehabilitation projects focus on the following aspects:

1. Provision of psychosocial support / counselling for community members who suffered intense acts of violence
2. Memorialisation of events that affected identified communities and
3. Conceptualisation of income generating measures / livelihood sustenance to benefit the community

In 2019/20 financial period, induction workshops were conducted for all five identified communities, namely; Mdantsane, Maboloka, Alex, Kwanobuhle and Mpophomeni. This included full establishment of Multi-Stakeholder Project Teams (MPTs).

The community consultation meetings were held in Alexandra, Mpophomeni, Mdantsane and Maboloka communities. However, no community consultation was conducted in Kwanobuhle, this is as a result of disagreement over whether the communities located across each other should be combined or not. This had a ripple effect over other processes.

Subsequently, the conceptualised community rehabilitation projects were concluded towards the end of March 2020 regarding Alexandra, Mpophomeni, Maboloka and Mdantsane communities. However, the sign-off could not be finalised due to Covid-19 lockdown. The finalisation will take place during 2020/21 financial year.

Furthermore, the Department engaged the Civil Society Organisations (CSOs) to participate in the process and provide inputs for the finalisation of draft Community Rehabilitation Regulations.

2.4.2 PROGRESS ON DEVELOPMENT OF KEY LEGISLATION

The 2019/2020 financial year was an atypical year, dominated by the May 2019 general elections. These elections impacted, as in every previous election year, on the normal routine in both Parliament and the Executive, before and after the elections. The dissolution of Parliament three months before the elections also played a role in disrupting normal activities. This continued after the elections until the new administration, with new members of the Executive, was inaugurated and properly in place. Nonetheless, the brief overview below of the Bills that Parliament was seized with during the year under review, sets out what the Bills intend to achieve and their state of progress at the end of the 2019/20 reporting period.

i. Traditional Courts Bill

The Traditional Courts Bill is intended 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. It regulates anew the structure and functioning of traditional courts and gives attention to the protection and enhancement of the rights of vulnerable members of society. The Bill was approved by the National Assembly in 2018/19 financial year and referred to the National Council of Provinces for concurrence. During 2019/20 financial period, the 9 Provincial Legislatures and their structures engaged on the Bill. The Bill is still in the National Council of Provinces.

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

The Bill, which creates statutory offences of hate crimes and hate speech. The whole question of hate speech, with particular reference to section 10 of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000, is currently under the spotlight in litigation before the Constitutional Court and it is anticipated that the Court will provide some jurisprudential guidance on the parameters of hate speech. The Bill is being considered by the Portfolio Committee on Justice and Correctional Services.

iii. Cybercrimes Bill

The Bill is intended to provide a comprehensive legislative framework to address all forms of criminal activity in cyberspace. Its enactment is a significant contribution in the fight against cybercrime, the numerous manifestations of which are rearing their ugly heads in the South African space. The Cybercrimes Bill was approved by the National Assembly in November 2018 and is currently in National Council of Provinces under consideration.

iv. State Liability Amendment Bill

The Bill intends to deal with escalating medico-legal claims against the State, and proposes the structured settlement of claims by the State. The Bill is before the Portfolio Committee on Justice and Correctional Services for consideration.

v. 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 is being considered by the Portfolio Committee on Justice and Correctional Services.

vi. Judicial Matters Amendment Bill

This Bill is intended to rectify defects in two separate Acts of Parliament, as identified by the Constitutional Court. The first amendment relates to section 7 of the Divorce Act, 1979, which regulates the division of assets and maintenance of parties on divorce. Section 7(3) empowers a court granting a decree of divorce in respect of a marriage out of community of property, to order a redistribution of assets where it considers it just and equitable to do so. The objective hereof is to make possible proprietary transfers that favoured women married out of community of property in deserving cases. Section 7(3) does not, however, apply to persons married out of community of property under the Transkei Marriage Act, 1978, as pointed out by the Constitutional Court in the matter of Holomisa vs Holomisa matter. This discriminatory omission is being addressed by the Bill.

The second amendment relates to section 12 of the National Prosecuting Authority Act, 1998, emanating from the matter of Corruption Watch vs the President of the RSA. The Bill aims to remove the powers of the President to extend the term of office of a National Director of Public Prosecutions (NDPP) or a Deputy National Director, to provide that any period of suspension of an NDPP or a Deputy National Director on the grounds of misconduct may not exceed 12 months and to provide that these two functionaries are entitled to their full salary during any suspension period. The Constitutional Court found that the provisions of section 12, as they currently exist, undermine and compromise the independence of the offices in question. The Bill was approved by the National Assembly in March 2020.

vii. Recognition of Customary Marriages Amendment Bill

In the matter of Ramuhovhi and Others vs the President and Others, the Constitutional Court found that section 7(1) of Recognition of Customary Marriages Act, 1998 (the RCMA) is unconstitutional in that it discriminates unfairly against women in polygamous customary marriages entered into before the commencement of the RCMA (pre-Act marriages). Section 7(1) of the RCMA provides that the proprietary consequences of customary marriages entered into before the commencement of the RCMA continue to be governed by customary law, in terms of which wives have no right of ownership and control over marital property, which right is reserved solely for husbands.

The Bill, in line with the interim relief provided by the Constitutional Court, proposes that a husband and his wives in pre-Act polygamous customary marriages must share equally in the right of ownership of, and other rights attaching to, family property, including the right of management and control of family property and that a husband and each of his wives in each of the marriages constituting the pre-Act polygamous customary marriages must have similar rights in respect of house property. This Bill was approved by the National Assembly in March 2020.

viii. Prescription in Civil and Criminal Matters (Sexual Offences) Amendment Bill

The Constitutional Court, in the matter of *Levenstein vs Estate of the Late Sidney Lewis Frankel*, found that section 18 of the Criminal Procedure Act, 1977 is unconstitutional because it bars, in all circumstances, the right to institute a prosecution for all sexual offences, other than those listed in section 18(f), (h) and (i), after the lapse of a period of 20 years from the time when the offence was committed. Section 12 of the Prescription Act, 1969 which regulates when prescription in civil matters begins to run (similar to section 18 of the Criminal Procedure Act, 1977) also reflects a limited list of sexual offences.

The Bill aims to address the shortcomings in these two Acts by including in the two provisions in question a reference to all sexual offences, whether they were committed under the common or statutory law. The Bill was approved by the National Assembly in March 2020.

ix. Child Justice Amendment Bill

This Amendment Act increases the minimum age of criminal capacity of children from 10 years to 12 years and also removes the requirement to prove criminal capacity of children for purposes of diversion and preliminary inquiries. It advances the rights of the child, as set out in section 28 of the Constitution and also the United Nations Convention on the Rights of the Child, to which South Africa is a signatory. This Bill is before President for assent.

x. Promotion of Access to Information Amendment Bill

The amendments proposed in this Amendment Act bring the Promotion of Access to Justice Act, 2000, into line with a finding by the Constitutional Court that our law is flawed to the extent that it does not require registered political parties to disclose the particulars of their private funders. The Bill was before President for assent by the end of 31 March 2020. Subsequently, the Promotion of Access to Information Amendment Act has been signed into law in June 2020 by the President.

In addition, the following key regulations were promulgated during the year under review:

- i. Regulations under the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007.** These regulations aim to afford better protection for complainants, enhance the quality of prosecutions and evidence to be given in sexual offences cases and to minimise secondary trauma for complainants and generally contribute in the fight against gender-based violence and femicide
- ii. Regulations under the Magistrates Act, 1993,** which amend the leave dispensation for magistrates, bringing their leave more into line with the leave dispensation of judges and stopping the accumulation of leave year after year.
- iii. The Regulations made under the Promotion of National Unity and Reconciliations Act, 1995,** relating to assistance to victims in respect of basic education and higher education and training were extended to November 2020 in order to allow time for the review of these regulations in their entirety. This review process is under way.
- iv. Regulations made under section 40 of the Legal Practice Act** which regulates proceedings after disciplinary hearings and sanctions. In terms of sections 40(3) of the Act a disciplinary committee of the Legal Practice Council may, among other sanctions, impose a fine on a legal practitioner, a juristic entity or a candidate legal practitioner who or which has been found guilty of misconduct. A fine may not exceed the amount determined from time to time by the Minister by notice in the Gazette on the advice of the Council. The Minister determined the following amounts in terms of section 40(3) of the Act on 6 November 2019: In the case of a legal practitioner, a maximum of R136 000 per conviction or transgression; in the case of a juristic entity, a maximum of R272 000 per conviction or transgression; and in the case of a candidate legal practitioner, a maximum of R27 000 per conviction or transgression.

3. STRATEGIC OUTCOME-ORIENTED 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 systems 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 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. The Department developed a turnaround strategy to deal with negative audit outcomes, deteriorating performance and organisational structure. This process will assist the Department to improve performance and service delivery.

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.

A web application "Court Scheduler" was implemented which displays a calendar view of matters for a specific Judicial officer (court room) as well as the possibility to search matters with various case criteria to trace appearance dates. This will assist the courts to move away from using paper-based processes and the Department is able to assess the court roll and provided a digital version of such to the Presiding official for each court room.

The Court Scheduler displays the relevant case information and the reason the matter is scheduled to be before court next to enable preparation even afterhours away from the Courthouse.

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.

The Acting Solicitor-General was appointed to lead the turnaround in the delivery of State legal services and the office of the State Attorney. The strategy to guide the handling of State litigation will be developed in 2020/21 financial period.

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 remains of 161 freedom fighters have been successfully handed over.

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. This Programme has the following sub-programmes;

- Ministry
- Management
- Corporate Services
- Financial Management
- Internal Audit
- Office Accommodation

Strategic Objectives

The strategic objectives under this programme are as follows;

1. Increased compliance with prescripts to achieve sustained an unqualified audit opinion
2. Increased number of public bodies compliant with PAIA of 2000
3. Optimised organisational structure, systems and processes in order to improve the performance of the Department

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

Strategic Objective 1: Increased compliance with prescripts to achieve sustained an unqualified audit opinion					
Objective indicator	Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations
1 Audit opinion on financial statements and predetermined objectives	Unqualified without significant findings: Guardian's Fund, President's Fund, TPF Qualifications: Predetermined objectives and Vote	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

The key objective of the Department to achieve its mandate of ensuring access to justice services. In order to achieve its mandate, it is crucial that the Department puts systems and processes in place for the effective management of the Department and adherence to principles of good governance. Functional processes and systems lead to the achievement of unqualified audit opinion which improves the public confidence on the Department's management integrity that they can utilise allocated resources in an accountable

and responsible manner. The Department set itself the objective of achieving unqualified audit opinions on all accounts it manages and pre-determined objectives. This set target will continue to be monitored in the 2019-2024 Medium-term Strategic Framework (MTSF) period.

Performance Indicators

Strategic Objective 1: Increased compliance with prescripts to achieve and sustain an unqualified audit opinions						
Performance Indicator		Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations
1.1	Percentage of significant findings on key specific areas resolved	50%	100%	71%	29%	Target not achieved due to some of the interventions will be resolved post audit of the 2019/20 financial year.
1.2	Tools to operationalise combined assurance model developed	-	Approved combined assurance framework	Combined assurance framework approved	-	Target achieved
1.3	Percentage of undisputed and valid invoices paid within 30 days from date of receipt	99%	100%	99%	1%	Target not achieved System challenges resulted in a few invoices captured after 30 days

The Department developed the high-level Audit Action Plan aimed at addressing audit findings raised by both internal and external auditors. The Department outlines in the plan interventions to address audit findings in order to achieve an unqualified audit outcome on previously qualified accounts and pre-determined and sustained it. The Audit Action Plan was approved by the Director General and its implementation is monitored by the Audit Facilitation Unit. The interventions on the Audit Action Plan were mainly addressing findings on the key focus areas listed below:

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

The Department monitored 70 material audit findings raised in 2018/19 financial year to ensure that interventions are developed to address the audit findings. Consequently, 50 out of 70 material audit findings were addressed which translated to 71% performance.

The Combined Assurance model was approved with the aim to provide a coordinated approach to all assurance providers and activities within the Department by ensuring risk is managed effectively.

The payment of service providers within 30 days from receipt of an invoice remains a priority for the Department. This priority is in line with Section 38 (1)(1) of the Public Finance Management Act and Treasury Regulations 8.2.3. During the period under review, a total of 19 786 invoices were received from service providers who rendered services in the Department. Out of 19 786 invoices received, 19 767 were paid within 30 days from date of receipt of the invoice which is 99% of the invoices received.

STRATEGIC OBJECTIVE 2: PROMOTE COMPLIANCE WITH PAIA OF 2000

Strategic Objective 2: Promote Compliance with PAIA of 2000						
Objective indicator	Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target for 2019/2020	Comment on deviations	
2	Percentage Compliance with PAIA by the Department	-	96%	94%	(2%)	Target not Achieved There was a delay in the approval of the section 32 report.

The Promotion of Access to Information Act (PAIA) gives effect to section 32 of the Constitution which provides the right for access to information. This is to foster a culture of transparency and accountability in the conduct of government business. The Department ensures that applications of access to information in the custody of the Department is provided to all persons or institutions within the shortest period, however such period should not exceed the 60 days that is prescribed by the PAIA. In addition, the Department is required to submit the report to the South African Human Rights Commission (SAHRC) in terms section 32 of PAIA by the end of financial period.

By the end 2019/20 financial year, the compliance was measured two-fold, namely, 95% of PAIA requests finalised within 60 days and submission of the report to SAHRC which constituted 5%. The target for submission of section 32 to SAHRC was not met. As a result, the Department complied with PAIA requests finalised within 60 days, which translated to 94% (99*95/100).

Performance Indicators

Strategic Objective 2: Increased number of public bodies compliant with PAIA of 2000					
Objective indicator	Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target for 2019/2020	Comment on deviations
2.1	Percentage of PAIA requests processed within 60 days	96%	99%	3%	Target exceeded due to effective monitoring of performance.
2.2	Section 32 report submitted to SAHRC by target date	31 March 2020	-	(100%)	There was a delay in the approval of the section 32 report.

During the 2019/20 financial year, the Department processed 228 PAIA requests of which 227 were finalised within the prescribed period. The Section 32 Report was not forwarded to SAHRC by the end of the financial period, however, the report was subsequently approved and submitted in June 2020.

STRATEGIC OBJECTIVE 3: OPTIMISED ORGANISATIONAL STRUCTURE, SYSTEMS AND PROCESSES IN ORDER TO IMPROVE THE PERFORMANCE OF THE DEPARTMENT

Strategic Objective 3: Optimised organisational structure, systems and processes in order to improve the performance of the Department					
Performance Indicator	Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations
3. Number of priorities implemented to improve administrative capacity to deliver services	-	3	0	(100%)	Target not achieved due to the Department's decision to review the organisational structure.

The organisational re-aligned sub-structures, internship and learnership programmes and Repositioning Strategy on Justice College priorities planned in the financial year were not achieved.

Performance Indicators

Strategic Objective 3: Optimised organisational structure, systems and processes in order to improve the performance of the Department					
Performance Indicator	Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations
3.1 Number of realigned organisational sub-structures	-	5 Sub-Structures realigned	2 Sub-Structures	(60%)	Target not achieved due to the Department's decision to review the organisational structure.
3.2 Number of people appointed on internship and learnership programmes	-	300	0	(100%)	Target not achieved, there was an oversight when setting the target, because the contract period of interns runs for a period of 2 financial years.
3.3 Repositioning Strategy on Justice College finalised by target date	-	Repositioning Strategy on Justice College finalised by 31 February 2020	-	(100%)	Target not achieved. Further stakeholder's consultation required.

The departmental structure is being reorganised currently, where each function in the structure is being interrogated to determine its value proposition and to eradicate any duplication. This process will assist in improving efficiencies and service delivery.

By the end 2019/20 financial period, Financial Management and Integrated Justice System structures were reviewed and approved. All other structures planned were finalised but not approved. This was due to a decision taken by the Department to review the whole departmental structure, which is expected to be finalised by the end of 2020/21 financial year.

The appointment of new intake of interns and learnerships for the 2019/20 financial period was not completed as planned. The reason for this is that the recruitment process occurred towards the end of 2018/19 financial year, the current contracts were still running during the period under review. The target to appoint the interns and learnerships during the period under review was an oversight. By the end of 2019/20, a total of 348 interns and learnerships were on contract.

The Department's objective is to reposition the Justice College to offer fit-for-purpose training programmes that cover legal training, business applications, administration and management training. The repositioning strategy was not finalised as the Justice College structure is currently being reviewed. The repositioning document requires further consultation with all relevant stakeholders.

STRATEGY TO OVERCOME AREAS OF UNDER PERFORMANCE

Indicator description	Reasons for under /over performance	Strategy to overcome areas of under performance
1. Percentage of significant findings resolved on key specific areas	Target not achieved due to some of the interventions remaining to be resolved post audit of the 2019/20 financial year.	The interventions to address the post audit findings will be continuously monitored.
1.1 Percentage of undisputed and valid invoices paid within 30 days from date of receipt	System challenges resulted in a few invoices captured after 30 days and the commencement of the level 5 lockdown affected the payment of invoices received in February.	Payments of invoices will be closely monitored to ensure that they are paid within 30 days of receipt.
2. Percentage compliance with PAIA by the Department	There was a delay in the approval of the section 32 report.	Section 32 Report was approved and submitted to the SAHRC in June 2020.
2.2 Section 32 report submitted to SAHRC by target date		
3. Number of priorities implemented to improve administrative capacity to deliver services	Target not achieved due to the Department's decision to review the organisational structure .	The GTAC appointment to help facilitate implementation of review process by the end of September 2020.
3.1 Number of realigned organisational sub-structures		
3.2 Number of people appointed on internship and learnership programmes	Target not achieved due to contracts for internship and learnership which were running for 2 financial years from 2018/19 to 2020/21.	The new intake will take place upon completion of the current contracts.
3.3 Repositioning Strategy on Justice College finalised by target date	Further stakeholder's consultation required.	The GTAC appointment to help facilitate implementation of the review process during 2020/21 financial year.

Changes to planned targets

There were no changes made during the financial year under review.

Linking performance with budgets

The Programmes overall expenditure for the year amounted to R2.538 billion against the budget of R2.589 billion, resulting in an underspending of R51 million.

The underspending is mainly attributed to delays in filling of vacant posts and the implementation of a power saving device for water and light in the Department's court buildings as well as the impact of load shedding. Further, some of the legal invoices for March could not be processed during the same month due to Alert Level 5 Lockdown.

Sub-programme expenditure

Sub- Programme Name	2019/20			2018/19		
	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	39 960	39 960	-	33 620	33 620	-
Management	54 869	50 373	4 496	49 944	49 944	-
Corporate services	851 764	851 655	109	783 338	629 553	153 785
Financial administration	207 691	203 477	4 214	203 114	203 114	-
Internal audit	90 719	89 737	982	82 958	82 958	-
Office accommodation	1 344 466	1 302 486	41 980	1 439 697	1 429 609	10 088
Total	2 589 469	2 537 688	51 781	2 592 671	2 428 798	163 873

4.2 PROGRAMME 2: COURT SERVICES

The purpose of this Programme is to facilitate the resolution of criminal and civil cases, as well as family disputes, by providing accessible, efficient and quality administrative support to the courts. This Programme has the following sub-programmes;

- Lower Courts
- Family Advocate
- Magistrates' Commission
- Government Motor Transport
- Facilities Management
- Administration of Courts

Strategic Objectives

The strategic objectives under this programme are as follows;

1. An efficient and effective integrated criminal justice system that enhances public confidence in the criminal justice system
2. Enhancing a victim-centric criminal justice system
3. Enhanced and integrated Family Law services
4. Increased access to courts by historically marginalised communities
5. Efficient and effective civil justice system
6. Transformation of the South African legal system enhanced

STRATEGIC OBJECTIVE 4: AN EFFICIENT AND EFFECTIVE INTEGRATED CRIMINAL JUSTICE SYSTEM THAT ENHANCES PUBLIC CONFIDENCE IN THE CRIMINAL JUSTICE SYSTEM

Strategic Objective 4: An efficient and effective integrated criminal justice system that enhances public confidence in the criminal justice system						
Objective indicator	Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target for 2019/2020	Comment on deviations	
4. Number of criminal cases on the backlog roll in lower courts	43 862	< 48 223	57 049	(18%)	Target not achieved. Cost containment measures strategies continue to impact on the number of data captures available to keep system capturing up to date	

The criminal case backlog reduction project was introduced as a plan for continuous improvement in the case management flow to eradicate case flow blockages. 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 case-flow management at all courts.

By the end of 2019/20, the number of criminal cases on a backlog in the lower courts was standing at 57 049, the expected reduction of less than 48 223 target was not met.

Performance Indicators

Strategic Objective 4: An efficient and effective integrated criminal justice system that enhances public confidence in the criminal justice system						
Performance Indicator	Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations	
4.1 Percentage of criminal cases postponed due to unavailability of court administration staff	0,25%	0,3%	0,2%	0,33%	Target exceeded due to effective monitoring of performance.	
4.2 Percentage of child justice preliminary inquiries finalised within 90 days after date of first appearance	96%	85%	94%	11%	Target exceeded due to effective monitoring of performance.	

Strategic Objective 4: An efficient and effective integrated criminal justice system that enhances public confidence in the criminal justice system						
Performance Indicator	Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations	
4.3	Number of recorded "unreturned" criminal cases updated on the ICMS: Criminal	4245	< 1800	6292	(250%)	Target not achieved. Cost containment measures strategies continue to impact on the number of data captures available to keep system capturing up to date
4.4	Number of magisterial districts and sub-districts with a supplier database of Foreign Language Interpreters	-	25	-	100%	Target not achieved. There were delays in the development of a Foreign Language Interpreters database.

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 2020, 328 cases from the outstanding roll of 172 646 cases were postponed due to the unavailability of court administration staff, translating to 0.2% of the total.

The Child Justice Act, 2008 (Act 75 of 2008) (the Act), implemented on 1 April 2010 establishes a child justice system that ingrains the culture of restorative justice, while holding children accountable for their criminal conduct without necessarily treating them as criminals. It emphasises effective rehabilitation and reintegration of children back into their families and communities to prevent and reduce recidivism, whilst balancing the interests of children and those of society, with due regard to the rights of victims.

The Act provides a framework for various processes that seek to treat the child in a manner that takes into account of the child's age, and these include the evaluation of the child's criminal capacity, the use of restorative justice approaches, diversion programmes, and the consideration by court of pre-sentence reports and victim impact statements.

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 2019/20 financial year, a total of 12 661 Child Justice Preliminary Inquiries were finalised and 11 905 of them were finalised within 90 days after the first appearance date. This translates to 94% of inquiries finalised within 90 days.

The Department monitors the updating of cases on ICMS Criminal to ensure accuracy, completeness and that they are updated within 48 hours from the date of last appearance in court. By the end of the 2019/20, a total of 6 292 criminal cases were not updated on the system, hence classified as 'unreturned' cases.

The Department intended to create a supplier database for Foreign Language Interpreters. At the end of 2019/20, the database of Foreign Language Interpreters was developed. The interpretation Hubs and the twenty-five (25) magisterial courts were identified. The engagement with Information System Management (ISM) on the establishment of a database for Foreign Language Interpreters is an on-going process.

STRATEGIC OBJECTIVE 5: ENHANCING A VICTIM-CENTRIC CRIMINAL JUSTICE SYSTEM

Performance Indicators

Strategic Objective 5: Enhancing a victim-centric criminal justice system						
Performance Indicator	Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations	
5.1	Number of courts adapted in line with the Sexual Offences Court Model as required by Article 9 of the 2019 Presidential Summit Declaration against Gender-based Violence and Femicide.	15	16	13	(19%)	Target not achieved due to delays in the tender process to procure custom-made furniture for child victims.
5.2	Number of CCTV systems in regional courts upgraded	12	12	28	133%	Target exceeded due to effective monitoring of performance.
5.3	Phase 2 of the Femicide Watch established, as required by Article 15 of the 2019 Presidential Summit Declaration against Gender-based Violence and Femicide by target date	Milestones towards the establishment of Phase 1 achieved by 31 March 2019	31 March 2020	Phase 2 of the Femicide Watch achieved	-	Target achieved.
5.4	Percentage of work-in-progress (WIP) cases updated in the ICMS NRSO	-	90%	26%	(71%)	There were delays in updating working in progress cases at courts due to system challenges and outstanding court orders.
5.5	Percentage of pending sexual offences convictions approved in the ICMS NRSO by the Registrar NRSO	100%	100%	100%	-	Target Achieved

In February 2020, the Sexual Offences Courts (SOCs) were promulgated into law in terms of section 55A of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No 32 of 2007). The aim is to create a justice system that is quick, responsive, caring and effective for victims of sexual offences.

During the period under review, the Department planned to upgrade 16 regional courts as per the Sexual Offences Courts model. However, 13 out of 16 courts were upgraded into SOCs. The Department experienced delays in the execution of the tender process for the procurement of the custom-made children's furniture for these courts.

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

Province	Name of Courthouse (Regional Courts)	Number of Courtroom
Eastern Cape	Bityi	1
Kwa Zulu Natal	Empangeni	1
	Pinetown	2
Limpopo	Giyani	1
	Sibasa	2
Mpumalanga	Evander	1
	Middleburg	1
	Nelspruit	1
Northern Cape	Kuruman	1
North West	Christiana	1
	Ga-Rankuwa	1
TOTAL		13

The dual view Closed-Circuit Television (CCTV) was introduced in criminal proceedings to allow sexual offence victims to give evidence from a place other than the courtroom by means of CCTV. The court proceedings can be traumatic and intimidating to sexual offence victims especially children. The introduction of CCTV will reduce the exposure of the victims to secondary traumatisation. This to ensure the equitable distribution of victim-support services. The Department commenced with a project to mainstream the provision of the CCTV in regional courts.

During period under review, a total of 28 CCTV systems were upgraded in terms of the SOCs specifications.

The CCTV systems upgraded in regional courts are listed in the table below:

Province	Regional Court	Court rooms Number
Eastern Cape	Alice	RC C22
	Mqanduli	RCD39
	Dordrecht	RC 44
	Keiskammahoek	RC 36
	Mdantsane	RC 1
		RC 2
	Uitenhage	RC 1 Room 73
RC 2 Room 40		
Limpopo	Dzanani	RC A
	Mokopane	RC R)6241-Room 26
	Musina	Courtroom B
	Mahwelereng	Courtroom D

Province	Regional Court	Court rooms Number
Free State	Ladybrand	CR B
	Theunissen	Courtroom 5
	Vrede	RC 5
	Harrismith	Courtroom 5
Northern Cape	Calvinia	2
	Groblershoop	RC 38/18
	Hartswater	RC 16
	Kakamas	RC 8
	Kuruman	RC17
Gauteng	Soshanguve	RC 1 Room 103
	Krugersdorp	RC 1 (Room F6)
	Boksburg	RC 01
	Boksburg	RC 02
	Springs	RC 01
KwazuluNatal	Stanger	RC 1
	Verulam	RC 2
Total		28

The President has declared Femicide a national crisis, in response to the country's intervention against the femicide pandemic. The Femicide Watch is a national repository of disaggregated data of reported GBV-related femicide cases. It is intended to assist the country in profiling cases of femicide to determine the appropriate and effective interventions.

The Department is establishing the Femicide Watch in phases. The phase one was established in 2018/19 which included project scoping and definition and Femicide Watch technical design and application developed. The phase two requires the uploading of available femicide data.

During 2019/20 financial year, the following were key milestones finalised to complete phase two of Femicide Watch:

The Femicide Watch Metric Definition Sheets, which include the business rules used to calculate each metric displayed on the Femicide Watch dashboard

A Femicide Watch Dashboard Status Report, which contains an overview of the current available data, outstanding data requirements and potential system updates to be implemented in Phase Three.

In terms of chapter 6 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32, of 2007 came into effect in 2009. The main requirement for the Department is to implement a National Register for Sexual Offenders (NRSO), wherein all the convicted sex offenders against children and mentally disabled persons are to be registered.

NRSO aims to stop the spate of incidents against children and mentally disabled people and to ensure that convicted offenders do not work with children or mentally disabled people.

To ensure the speedy finalisation of Working in Progress (WIP), vigorous and strict control measures had to be introduced, and these include convening working sessions to explore ways of fast-tracking the updating process, roping in the assistance of the Regional Court President's Forum to issue outstanding court orders, introduction of improved data verification templates, allocation of dedicated human capacity to the project.

During the 2019/20 financial year, the Department had planned the updating of 9 276 WIP cases in the ICMS NRSO. However, due to unforeseeable system's challenges the list of WIP cases was forwarded to the regional offices in September 2019 for updating. Hence, a total 2 378 out of 9 276 WIP cases were verified for inclusion or removal in the NRSO register.

Furthermore, the NRSO Registrar approved 1 170 pending cases by the end of 2019/20, these cases were included in the register.

STRATEGIC OBJECTIVE 6: ENHANCED AND INTEGRATED FAMILY LAW SERVICES

Strategic Objective 6: Enhanced and integrated Family Law services					
Objective indicator	Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations
6. Number of children who benefited from Family Law Services	75 384	25 000	64 302	157%	Target exceeded, due to increased number of maintenance sites monitored.

Since its inception, the duties and functions of the Office of the Family Advocate has grown in leaps and bounds. Initially the office was established in 1990 to protect the best interests of children affected by divorce and related applications. The office was established as a multidisciplinary component consisting of Family Advocates and Family Counsellors whose role was to protect the best interests of children whose parents were engaged in divorce proceedings in the first four High Courts of the then Republic of South Africa. The protection entailed that the Family Advocate in collaboration with the Family Counsellor conducted an enquiry into the best interests of the said children as well as an investigation into the psycho-social functioning of their families and thereafter compile a Family Advocate report containing recommendations as to the best interests of children. This meant that the office only provided services which benefitted children whose parents were married in terms of the Marriages Act, 1961 to the exclusion of children of unmarried parents and parents who were married in terms of cultural and religious practices.

The office's mandate was, however, exponentially extended after the promulgation of the Children's Act, 2005 to an extent that the office now offers services that benefit all children regardless of their parents' marital status.

As a result, the Department monitors the children that have benefitted from the services of the office that is within the litigation, non-litigation streams and maintenance courts. By the end 2019/20, a total of 64 032 children benefitted.

Performance Indicators

Strategic Objective 6: Enhanced and integrated Family Law services					
Performance Indicator	Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations
6.1 Percentage of litigation matters finalised within 12 months from the date of opening the matter	69%	55%	92%	67%	Target exceeded due to effective monitoring of performance.
6.2 Percentage of non-litigation backlog cases finalised within six months from the date of opening the matter (Mediation, conciliation and negotiations)	95%	60%	92%	53%	Target exceeded due to effective monitoring of performance.

Strategic Objective 6: Enhanced and integrated Family Law services						
Performance Indicator		Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations
6.3	Number of Family Advocate reports filed within 6 months from the date of opening the matter	59%	6500	4 565	(30%)	Target not achieved due to capacity constraints and growing demands of the services of from the office.
6.4	Percentage of maintenance matters finalised within 90 days from the date of proper service of process	82%	72%	84%	17%	Target exceeded due to effective monitoring of performance.
6.5	Number of litigation backlog matters finalised	-	2000	599	(70%)	Target not achieved due to capacity constraints and growing demands of the services of from the office.

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. Furthermore, the office provides 80% of its services in the lower courts that is the Divorce Courts, Children Courts, the Domestic Violence Courts and the Maintenance Courts.

The office has also provided the following services within its litigation stream:

- Child consultations;
- Child observation;
- Interactional Analysis;
- Parent-Child Relationship Observation;
- Obtaining of Children's Voice;
- Consultation with Collaterals
- Home visits

During the financial period under review, the Department recorded 7 584 litigation family law matters.

From the family law matters enrolled 6 985 were finalised within 12 months from the date of opening the matter, which is a 92% finalisation rate of the reported matters.

In relation to non-litigation, a total of 7 923 matters were recorded of which 7 289 of these matters were finalised within 6 months, which is a 92% finalisation rate of the reported matters.

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 4 565 reports were filed within six months from the date of opening the matter.

The Department has developed performance standards for maintenance services that were being piloted at 154 sites across the country. The implementation of these performance standards ensured that beneficiaries of maintenance receive what is due to them within a reasonable period.

By the end of 2019/20, the Department processed 38 467 maintenance cases of which defendants were served with proper service of process, whilst 32 422 of these maintenance cases were finalised within 90 days after proper service of process, this translated to 84% performance.

The Department intended to measure the number of litigation matters which are not finalised within 12 months from the date of opening by prioritising backlog matters in terms of their age.

During the period under review, the Department had planned to finalise 2 000 litigation backlog matters. As at the end of the same period only 599 litigation backlog matters were finalised. The target was not met due to capacity constraints and growing demands of the services of the office.

STRATEGIC OBJECTIVE 7: INCREASED ACCESS TO COURTS BY HISTORICALLY MARGINALISED COMMUNITIES

Performance Indicators

Strategic Objective 7: Increased access to courts by historically marginalised communities					
Performance Indicator	Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations
7.1 Number of new court buildings completed	2	3	2	(33%)	Target not Achieved Port Shepstone MC was not completed because the contractor was under liquidation and the contract was cancelled.
7.2 Number of courts where upgrades and extensions are completed	-	6	3	(50%)	Target not achieved Non -performance of contractor (removed) and cash flow challenges by contractors.

New court buildings

By the end of 2019/20, Mpumalanga High Court and Bityi Magistrate Court were completed. However, the Port Shepstone Magistrate Court building work was 6% outstanding due to contractual challenges with the contractor. The contract with the contractor was cancelled following the legal process. The new tender is expected to be advertised by DPW in 2020/20 to complete the outstanding work.

Court upgrades and extensions

The upgrades and extensions completed at the courts during the period under review are listed below:

- Evander Magistrate Court
- Chatsworth Magistrate Court
- Umbumbulu Magistrate Court

The progress relating to the projects not yet completed as at end of 2019/20 is provided below:

- **Vulamehlo MC:** Construction work on the site was 92% completed. DPWI has placed the contractor on terms due to non-performance. The anticipated project completion is 2020/21 financial year.
- **Palace of Justice:** The contractor was terminated due to cash flow challenges. The remaining scope of work was increased to include the additional accommodation of conversion of the boardrooms. The tender was advertised and is at adjudication stage.
- **Burned Pretoria MC:** The project was at 32% completion. The contractor was terminated due to cash flow challenges.

STRATEGIC OBJECTIVE 8: EFFICIENT AND EFFECTIVE CIVIL JUSTICE SYSTEM

Strategic Objective 8: Efficient and effective civil justice system					
Performance Indicator	Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations
8. Percentage of civil cases referred for mediation	-	65%	0%	(100%)	Target not achieved. No cases were referred for mediation.

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.

During the 2019/20 financial year, there were no civil cases reported and referred for mediation.

Performance Indicators

Strategic Objective 8: Efficient and effective civil justice system					
Performance Indicator	Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations
8.1 Number of courts proclaimed to provide court-annexed mediation	80	34	0	(100%)	Target not achieved due to review of civil seats by Regional Court Presidents.
8.2 Percentage of unopposed taxations processed within 14 working days from the date the matter is set down (district courts).	-	98%	98%	-	Target achieved

The memorandum for approval of the Government Notice on the extension of Court Annexed mediation to 21 Districts and Sub Districts in Gauteng as well as 27 Districts and Sub Districts in North West was prepared for approval by the Minister in March 2020. It was envisaged that the Notice will be published on 30 March 2020 but due to the declaration of the national disaster and the national lockdown the publication was not done.

During the 2019/20 final year review, according to the Department's service delivery charter, an unopposed taxation matter must be processed within 14 days from the date set down. The Department processed 6 108 unopposed taxations whilst 6 202 were finalised within 14 working days from the date of set down.

STRATEGIC OBJECTIVE 9: TRANSFORMATION OF THE SOUTH AFRICA LEGAL SYSTEM ENHANCED

Strategic Objective 9: Transformation of the South Africa legal system enhanced						
Objective indicator	Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations	
9	Number of transformational policies approved	3	3	0	(100%)	Target not achieved

Performance Indicators

Strategic Objective 9: Transformation of the South Africa legal system enhanced						
Performance Indicator	Actual Achievement 2018/2020	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations	
9.1	Discussion document for the reform of the bail, arrest and expungement dispensation submitted to the Minister by 28 February 2020		Submission of discussion document to the Minister by 28 February 2020	-	(100%)	Target not achieved. Further stakeholder's consultation required.
9.2	Policy framework on community courts submitted to the Minister for approval by 28 February 2020	Submitted to the Minister for approval on 27 March 2019	Policy framework on community courts submitted to the Minister for approval by 28 February 2020	-	(100%)	Target not achieved. Further stakeholder's consultation required.
9.3	Policy Framework on the choice of language in court proceedings submitted to Minister by 31 March 2020	-	Policy on the choice of language in court proceedings submitted to Minister by 31 March 2020	-	(100%)	Target not achieved due to inputs from stakeholders received at the end of financial year.

As part of the Department's agenda on the transformation of the legal system, the Department has committed to the following transformation imperatives in the 2019/2020 financial year to enhance and promote access to justice –

- discussion document for the reform of the bail, arrest and expungement dispensation;
- policy framework on community courts; and
- policy on the choice of language in court proceedings.

Discussion document for the reform of the bail, arrest and expungement dispensation

Since the advent of democracy, the reform of criminal justice system (CJS) of South Africa has been part of a set of on-going transformation imperatives mandated by the Constitution and the National Development Plan Vision 2020.

As part of the reform of the CJS, the review and overhaul of the Criminal Procedure Act, 51 of 1977 (CPA), which permeate the entire criminal justice value chain, has been prioritised to consolidate all related laws, regulations, policies and practices. The reform of the bail, arrest and expungement dispensations as provided for in the CPA has received focus.

A discussion document highlighting broad policy principles for such reform has been submitted to the Minister and discussed at the retreat of the JCPS Ministers in February 2020. These imperatives will be dealt with further and expanded as part of the Department's reform of the CJS trajectory.

Policy framework on community courts

Community courts as a necessary dispute resolution forum at community level seeks to improve speedy resolution of disputes; minimize the cost of resolving disputes; and improve community involvement in dispute resolution. The policy framework on community courts as an alternative to the mainstream courts.

The policy framework was prepared and finalised during the second quarter of the financial year under review. The approval of the framework is predicated on some of the key policy principles underpinning the Traditional Courts Bill. The anticipation has always been that the framework will be adapted in line with the Bill approved by Parliament. The Traditional Courts Bill has not been finalised yet.

Policy on the choice of language in court proceedings

The Constitution obligates the State to "take practical and positive measures to elevate the status" of the various indigenous languages, which include Afrikaans, and advance their use. Section 6 of the Constitution lists the official languages of the Republic of South Africa as Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa, isiZulu.

Further section 35 (3) (k) of the Constitution requires that accused person be tried in the language that he or she understands or, to have the proceedings interpreted in that language.

The draft policy framework on the choice of language in court proceedings was prepared and consultation on the draft policy framework commenced in late January 2020. Inputs were invited from the key stakeholders, in particular the Judiciary and the Prosecution.

Comments were received close to the end of the financial and the consolidation of the received information went beyond the end of the financial year.

Arising from the comments on the draft policy framework the Department was requested to consider sign language for the deaf for inclusion in the policy framework which was not part of the initial terms of reference of the project. This important consideration extended the project beyond this financial year under review.

Strategy to overcome areas of under performance

Indicator description	Reasons for under /over performance	Strategy to overcome areas of under performance
4. Number of criminal cases on the backlog roll in lower courts	<p>Cost containment strategies continue to impact on the number of data captures available to keep system capturing up to date. System data is not timeously updated impeding the ability to determine the exact number of case backlogs on the roll.</p>	<p>A focused approach for the NPA to roll-out the ECMS application whereby Prosecutors are responsible to screen cases and decide to prosecute or not. The operation of systems by relevant stakeholders (SAPS, NPA and DOJCD) will enable multiple stakeholders to have access to a single source of data and allow for multiple opportunities for data verification and rectification within the data value-chain.</p> <p>The court scheduler application publishes the ICMS data to the court roll visible for each Magistrate will allow for further opportunities for data verification by the judicial official assigned to the case.</p> <p>In response to Covid-19 lockdown situation and the decision to eradicate the paper-based publications provides an opportunity for the change over from hard copy diaries to utilisation of the court scheduler to populate the court diary automatically.</p>
4.3 Number of recorded "unreturned" criminal cases updated on the Integrated Case Management System (ICMS)	<p>The capacity challenges caused by the budget cuts impacted negatively on this KPI thus making it impossible for the clerks to meet the turnaround time hence a number of cases remain unreturned.</p> <p>Further impact was caused by the lockdown which started few days before the end of the financial year of which period courts normally use to finalise outstanding capturing.</p>	<p>Officials will be required to work overtime in order to bring the work up to date immediately after the lockdown or as and when the national disaster regulations are amended to allow more people to come to work</p>
4.4 Number of magisterial districts and sub-districts with a supplier database of Foreign Language Interpreters	<p>There were delays in the development of foreign language interpreters database.</p>	<p>The Engagements with ISM has already started to publish the language interpreters database on the departmental website</p>
5.1 Number of courts adapted in line with the Sexual Offences Court Model as required by Article 9 of the 2019 Presidential Summit Declaration against Gender-based Violence and Femicide.	<p>Delays in the tender process to procure custom-made furniture for child victims and the COVID-19 National Lockdown.</p>	<ul style="list-style-type: none"> • Integrated reporting approach by the regions in terms of performance at regional level to PRVG. This is informed by the fact that the project performance is highly dependent upon the regions. • The appointment/nomination of the SOC champion is crucial in terms of the above reporting process and accountability. • Centralised procurement through tender bid process for the custom-made child waiting room furniture and the dual sexual offences system will ascertain the delivery of the resources in the estimated time frame. This will assist in the achievement of the targets.

Indicator description	Reasons for under /over performance	Strategy to overcome areas of under performance
5.4 Percentage of Work-in-Progress (WIP) cases updated in the ICMS NRSO	Due to system's challenges, the WIP data reflected inconsistencies. The problem was sorted out at the end of August 2019, and by then, the indicator had lost almost 2 quarters of performance.	<ul style="list-style-type: none"> • Developed and circulated a new template to assist the Regions / Courts with the submission of source documents and ensuring that information submitted to the NRSO is all accurate. • Allocated Data Capturers to the Regions to assist with the challenges the Regions may experience with the submission of the WIP cases • All Regional Court Presidents on the submission of court orders, especially where the court did not make an order will be engaged. • Draft Reporting Procedures on WIP cases will be circulated to the Regions and the Courts
6.3 Number of Family Advocate reports filed within 6 months from the date of opening the matter	Severe capacity constraints and growing demands of the services of the office to an extent that the office is dealing with intake of cases which remain unfinalised for a period of more than eighteen months thus resulting in fewer reports being finalised.	The Department can capacitate and strengthen the already existing offices or can extend the footprint of the office of the Family Advocate.
6.4 Number of litigation backlog matters finalised	<p>Severe capacity in the office of the Family Advocate owing to the fact that when the mandate of the office was extended to the extent that mediation was introduced and further that the office is now servicing lower courts such as Maintenance Courts, Regional Divorce Courts and Children` Courts.</p> <p>The office is retained in 1990 structure of fewer Family Advocates and Family Counsellors who at the time were only servicing the High Courts and not rendering Alternative Dispute Resolution.</p>	<p>Creation of Family Advocate and Family Counsellor ad hoc system in terms of which suitably qualified persons would be invited to perform the functions and duties of Family Advocates and Family Counsellor on an ad hoc basis. To this end a memorandum was addressed to the Minister of Justice and Correctional Services to approve the ad hoc system.</p> <p>Creation of an ad hoc system for Maintenance Officers and Maintenance Investigators. Upon approval of the Family Advocate system, the same approach will be adopted within the maintenance system.</p> <p>Intensifying of Public Education and Information on the importance and benefits of Co- parenting and Appropriate Dispute Resolution processes.</p> <p>Establishment of a Stakeholder Management and Engagement System with community leaders, traditional leaders, courts to enable the office to respond to low finalisation rate of cases.</p> <p>Creation of an Automated Case Management System in terms of which SMS bundles will also be rolled out both in the maintenance area and Office of the Family Advocate.</p>
7.1 Number of new court buildings completed	Port Shepstone MC was not completed due to cash flow challenges from the contractor.	DPWI in a process to appoint second contractor. The tender contract was concluded with the new contractor and the project is anticipated to be completed in the new financial year.

Indicator description	Reasons for under /over performance	Strategy to overcome areas of under performance
7.2 Number of courts where upgrades and extensions are completed	<p><u>Vulamehlo Magistrate Court</u></p> <p>DPWI have placed the contractor on terms on 20 January 2020 due to non-performance.</p> <p><u>Palace of Justice</u></p> <p>The project was terminated due to non-performance by the contractor. The scope will be revised to include the conversion of the boardrooms into courts.</p> <p><u>Pretoria Burned Court</u></p> <p>The DPWI resolved to cancel the contract as the contractor had long left the site sighting cash flow as the main challenge. The contractor is off site due to cash flow challenges and requested the DPWI to release him off site, which was officially done but refused by National Treasury and therefore DPWI must follow the normal processes of cancellation of the contractor.</p>	<p>The contractor has launched a dispute with the consultants for some work that has to be done and the process has been forwarded to DPWI legal services which have advised not to issue cancellation letter until the matter is resolved.</p> <p>DPW is preparing to re-advertise the project on completion of the tender documents. DPW will advise on the progress.</p> <p>DPWI is working on the replacement contractor and liaising with National Treasury.</p>
8. Percentage of civil cases referred for mediation	No civil cases referred for mediation	
8.1 Number of courts proclaimed to provide court-annexed mediation	Notice to proclaim the court annexed mediation was expected to be gazetted by 31 March 2020 but due to review of civil seats by Regional Court Presidents.	The memorandum to proclaim seat for mediation as part of civil adjudication will be processed immediately after proclamation of the civil seat.
9. Number of transformational policies approved	Stakeholder dependencies	The corrective measures refer to indicator 9.1 to 9.3 below
9.1 Discussion document for the reform of the bail, arrest and expungement dispensation submitted to the Minister by 28 February 2020	Further stakeholder's consultation required.	The discussion paper has been prepared and discussion on Criminal Procedure Act reform including the approach will be undertaken.
9.2 Policy framework on community courts submitted to the Minister for approval by 28 February 2020		The policy framework will be adapted in line with the Bill once approved by Parliament
9.3 Policy Framework on the choice of language in court proceedings submitted to Minister by 31 March 2020	Target not achieved due to inputs from stakeholders only received at the end of financial year.	The policy framework has been completed and the legislative reform flowing from the recommendations thereof are under consideration.

Changes to planned targets

There were no changes made during the financial year under review.

Linking performance with budgets

The Programmes overall expenditure for the year amounted to R6.429 billion against the budget of R6.595 billion, resulting in an under spending of R166 million. The under spending is due to delays in filling of vacant posts by DOJCD and under commitment by Department of Public Works on court infrastructure projects.

Sub-programme expenditure

Sub- Programme Name	2019/20			2018/19		
	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	5 260 593	5 230 090	30 503	4 732 846	4 732 139	707
Family advocate	243 568	242 341	1 227	227 174	224 609	2 565
Magistrate's commission	22 999	17 411	5 588	19 605	13 848	5 757
Facilities management	378 645	355 983	22 662	813 021	813 021	-
Administration of lower courts	689 596	582 829	106 767	581 402	536 445	44 957
Total	6 595 401	6 428 654	166 747	6 374 048	6 320 062	53 986

4.3 PROGRAMME 3: STATE LEGAL SERVICES

The aim of this programme is to provide legal and legislative services to government, supervise the registration of trusts, the administration of deceased and insolvent estates and estates undergoing liquidation, manage the Guardian's Fund, facilitate constitutional development and undertake research. 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;

- Increased access to Masters' services to all beneficiaries
- Transformation of State Legal Services
- Legal costs paid by the State reduced
- Provision of quality state legal advisory services that pass Constitutional muster
- Increased compliance with international treaty obligations by the Department
- Development of legislative instruments that are certified and consistent with the Constitution.
- Enhancing promotion and protection of the rights of the lesbians, gay, bisexual, transgender and intersex (LGBTI) persons
- Combat racism, racial discrimination, xenophobia and related intolerance (NAP)
- Implementation of the TRC recommendations as approved by Parliament for purpose of contributing to healing the wounds of the past and restoring human dignity

STRATEGIC OBJECTIVE 10: INCREASED ACCESS TO MASTERS' SERVICES TO ALL BENEFICIARIES

Strategic Objective 10: Increased access to Masters' services to all beneficiaries					
Objective indicator	Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations
10 Jurisdiction of Masters' service points increased	PEAS rolled out to 27 service points	PEAS rolled out to 10 service points	PEAS – 12	10%	Target exceeded due to effective monitoring of performance.
	MOVIT rolled out to 17 service points	MOVIT rolled out to 10 service points	MOVIT – 10		

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 speedy manner so as not to disadvantage the beneficiaries.

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

By the end of 2019/20, PEAS was rolled out to 12, whilst MOVIT was rolled out to 10 service points.

Performance Indicators

Strategic Objective 10: Increased access to Masters' services to all beneficiaries					
Performance indicator	Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations
10.1 Percentage of letters of appointment issued in deceased estates within 15 days from receipt of all required documents	94%	92%	91%	(1%)	Target not achieved due to high volume of cases as a result of unfilled vacancies and SIU investigation resulted non-achievement of the target.

Strategic Objective 10: Increased access to Masters' services to all beneficiaries						
Performance indicator		Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations
10.2	Percentage of liquidation and distribution accounts in large estates (> R250 000) examined within 15 days from receipt of all required documents	93%	91%	90%	(1%)	Target not achieve due to high volume of cases as a result of unfilled vacancies and SIU investigation resulted non-achievement of the target.
10.3	Percentage of beneficiaries in receipt of services within 40 days from receipt of all required documents (Guardian's Fund)	95%	92%	88%	(4%)	Target not achieved due to capacity constraints and labour issues at Pietermaritzburg Master's Office caused backlogs.
10.4	Percentage of certificates of appointment issued in all bankruptcy matters within 10 days from receipt of all required documents	96%	91%	93%	2%	Target exceeded due to effective monitoring of performance.
10.5	Percentage of liquidation and distribution accounts in bankruptcy matters examined within 15 days from receipt of all required documents	96%	93%	96%	3%	Target exceeded due to effective monitoring of performance.
10.6	Percentage of letters of authority issued in trusts within 14 days from receipt of all required documents	83%	85%	85%	-	Target achieved

Strategic Objective 10: Increased access to Masters' services to all beneficiaries						
Performance indicator		Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations
10.7	Percentage of new deceased estates registered on PEAS in the Masters' offices	99%	95%	99%	4%	Target exceeded due to effective monitoring of performance.
10.8	Percentage of letters of appointment issued in curatorship estates within 15 days from receipt of all required documents	-	90%	97%	8%	Target exceeded due to effective monitoring of performance.
10.9	Percentage of liquidation and distribution accounts in curatorship examined within 30 days from receipt of all required documents	-	90%	92%	2%	Target exceeded due to effective monitoring of performance.
10.10	Insolvency Policy submitted to the Minister for approval by 31 March 2020	-	Insolvency Policy submitted to the Minister for approval by 31 March 2020	-	(100%)	Target not achieved due to delays in the submission of the policy.

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, 162 630 appointments have been issued, of which 91% (148 794) were done within 15 days from receipt of all required documents.

Many spouses' and beneficiaries' livelihood depend on the Master's speedy appointment of a person to administer the estate, as only this person is entitled to deal with the assets and funds of the deceased.

Estates are only reported to the Master if the deceased left assets and/or a valid will. The speedy finalisation of letters of appointment issued in deceased estates, and liquidation and distribution accounts have a positive impact on the economy if the assets and funds can be ploughed back into the economy without delay. During 2019/20 financial year, 52 000 accounts in large estates were examined whilst 90% (46 897) 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 year under review, 53 248 payments of Guardian's fund were finalised of which 88% (46 660) of these payments were finalised within 40 days of receipt of all required documents.

During the year under review, 10 436 certificates of appointments in all bankruptcy matters were finalised of which 93% (9 667) of these certificated of appointments were done within 10 days from receipt of all required documents.

A total of 6 887 liquidation and distribution accounts in bankruptcy matters were finalised of which 96% (6 625) of these accounts were finalised within 15 days from receipt of all required documents.

Trusts play an important role in the economy as it is a commonly used structure in financial planning in a regulated environment. Timely registration of trusts facilitates free and efficient economic activity. While it is no secret that trusts impact on individual tax planning, the Master and SARS are in full co-operation with regards to exchange of information needed.

During the year under review, 31 706 letters of authority in trusts were issued of which 85% (26 903) of those were issued within 14 days from receipt of all required documents.

The successful implementation of PEAS will relieve work pressure on the Master's Officials as well as curb fraud and documents getting lost as all documents are being scanned before being processed. This system computerises the administration process in deceased estates and all documentation is scanned and stored electronically. Interested parties are able to view all relevant information at any given time on the Master's Portal, available on the website.

A total of 144 380 matters have been registered in the financial year, of which 99% (143 462) was done on PEAS.

The letters of appointment of curatorship estates are issued to enable the curator to proceed with the administration of the estate. During the year under review, a total of 1 120 letters of appointments were issued in curatorship estates, of which 97% (1 090) of those were issued within 15 days from receipt of all required documents.

The Department examined 4 667 liquidation and distribution accounts in curatorship matters, of which 92% (4 312) accounts were examined within 30 days from receipt of all required documents.

During the year under review, the Department planned to finalise Insolvency Draft Policy which will have direct impact on the economy as it will govern the appointing of liquidators and trustees in bankrupt matters.

The draft policy has been finalised but not yet submitted to the Minister for approval due to the Covid-19 measures.

STRATEGIC OBJECTIVE 11: TRANSFORMATION OF STATE LEGAL SERVICES

Strategic Objective 11: Transformation of State Legal Services					
Performance Indicator	Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations
11. Number of previously disadvantaged individuals' (PDI) advocates briefed	1 492	1 600	1 971	5%	Target exceeded due to effective monitoring by Heads of the Offices has ensured fair spread of briefs.

The Department is committed to promote the equal distribution of briefs to Previously Disadvantaged Individual (PDIs) in order to transform the legal profession and to broaden the pool of PDIs counsels. In addition, the initiative will provide PDI's with chances to improve their skills and have equal opportunities.

In 2019/20 financial year, a total of 1 971 previously disadvantaged advocates were briefed by the Department.

Performance Indicators

Strategic Objective 10: Transformation of State Legal Services						
Performance Indicator	Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations	
11.1	Percentage of rand value of briefs allocated to PDIs	83%	83%	82%	(1%)	Target not achieved due to the fact that white males are preferred when it comes to high profile matters.
11.2	Percentage of rand value of briefs allocated to female counsel	28%	29%	27%	(7%)	Target not achieved due to the number of female advocates at different association are less than their males counterparts, therefore, the pool is not sufficient to increase briefs.
11.3	Percentage of briefs allocated to female counsel	41%	41%	39%	(5%)	

During 2019/20 financial year, The Department briefed counsels on matters to the value R1 091 660 228 of which the amount of R899 648 735 was paid to previously disadvantaged Individuals which is 82% of value of all briefs paid.

The empowerment of female counsel remains the priority for the Department in order to redress the imbalances of the past as women were excluded by design. The Department briefed counsel on matters to the value of R 1 091 660 228 of which R 293 096 585 was paid to female counsel which is 27% of value of all briefs paid.

A total of 5 816 of briefs were allocated to counsels whilst 2 283 of briefs were allocated to female counsels during the year under review which is 39% of all briefs allocated to counsels.

STRATEGIC OBJECTIVE 12: LEGAL COSTS PAID BY THE STATE REDUCED

Strategic Objective 12: Legal costs paid by the State reduced						
Performance Indicator	Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations	
12.	Percentage reduction in legal cost paid by the State	0.24% (increase)	5% (decrease)	13% (increase)	(160%)	Target not achieved due to increase in case load and inflation and fee adjustment.

The objective of the Department is to improve the management of litigation on behalf of the State, to reduce legal cost. The devastating cost of litigation against government necessitates the State to monitor the litigation costs against the State.

Consequently, a total amount paid for legal costs increased by 13,4% from R 1 831 349 625.90 paid in 2018/19 to R2 076 033 516.15 paid in 2019/20 financial year.

Performance Indicators

Strategic Objective 12: Legal costs paid by the State reduced						
Performance Indicator		Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations
12.1	Percentage reduction in capital amount claimed in medical negligence, unlawful arrest and detention claims	97%	97%	65%	(33%)	Target not achieved The baseline target for 2018/19 was high, as a result of the claimed amount that was exceptionally high but amount settled was low.
12.2	Number of enrolled matters presented in High Court by State Attorney (applications and trials only)	907	400	505	26%	Target exceeded as in 2018/19 financial year. The branch trained attorneys in High Court Trial Advocacy and as a result, the number of attorneys appearing in High Courts increased. This is return on investment.
12.3	Percentage of litigation cases settled	62%	65%	57%	(12%)	Target not achieved due to the insistence by client departments to defend and enrol bad cases, rather than settling them.

The Department through the Office of the State Attorney received claims against the State to the value of R1 073 113 479,90. These claims against the State were mainly for medical negligence, unlawful arrest and detention claims. The Department settled these claims out of court and paid only R373 600 435.32 which is 65% less than the original value of claims received.

In an effort to reduce costs of litigation, State Attorneys have to represent the State in High Court matters without sourcing the services of Counsel. During the year under review, a total of 505 applications and trials matters were presented by State Attorneys in the High Courts.

During the period under review, the Department finalised 1 208 litigation cases. From these litigation cases finalised, (57%) 690 of them were settled in court, out of court, in chambers and through mediation.

STRATEGIC OBJECTIVE 13: PROVISION OF QUALITY LEGAL ADVISORY SERVICES THAT PASS CONSTITUTIONAL MUSTER

Strategic Objective 13: Provision of quality Legal Advisory Services that pass constitutional muster						
Performance Indicator		Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations
13.	Percentage of international agreements scrutinised and laws certified by the Office of the Chief State Law Advisor (OCSLA) successfully challenged in court for constitutionality	<0.1%	<5%	0%	-	Target achieved

The office of the Chief State Law Adviser is tasked with the solemn 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, 1996.

The State Law Advisers do this by providing legal advice to Organs of 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 Parliament of the Republic of South Africa. It is the responsibility of the Chief State Law Adviser, in accordance with Rule 279 of the National Assembly, to ensure that draft Bills are compatible with the Constitution and other legal instruments and that it will withstand constitutional muster. In this way, the office of the Chief State Law Adviser contributes significantly towards the development of our constitutional jurisprudence.

Performance Indicators

Strategic Objective 13: Provision of quality Legal Advisory Services that pass constitutional muster						
Performance Indicator		Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations
13.1	Percentage of legal opinions finalised within 40 days from date of receipt of the instruction	96%	82%	96%	17%	Target exceeded due to effective monitoring of performance.
13.2	Percentage of preliminary opinions on draft Bills and subordinate legislation completed within 40 days from date of receipt of the instruction	95%	82%	91%	11%	Target exceeded due to effective monitoring of performance.

Strategic Objective 13: Provision of quality Legal Advisory Services that pass constitutional muster						
Performance Indicator		Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations
13.3	Percentage of suggested Bills and subordinate legislation finalised within 40 days from the date of receipt of the instruction	94%	82%	94%	15%	Target exceeded due to effective monitoring of performance.
13.4	Percentage of international agreements and accompanying legal opinions finalised within 30 days from the date of receipt of the instruction	94%	85%	88%	4%	Target exceeded due to effective monitoring of performance.
13.5	Percentage of draft Bills approved by Cabinet for introduction finalised within 40 days of receipt of the instruction	100%	82%	100%	22%	Target exceeded due to effective monitoring of performance.
13.6	Percentage of translations finalised within 55 days from the date of receipt	91%	86%	96%	12%	Target exceeded due to effective monitoring of performance.

The office of the Chief State Law Adviser provides legal advice to the National Executive, all departments at both national and provincial levels, State-owned Enterprises and other Organs of State on any matters referred to it.

During the period under review the office of the Chief State Law Adviser finalised a total number of **512** requests for legal opinions, of which **492** were finalised within the set timeframe for delivery of the legal opinions within 40 days from the date of receipt. The office finalised a total number of **78** preliminary opinions relating to the constitutionality and quality of on-draft Bills for Cabinet's consideration, of which **71** were finalised within the set timeframe for delivery of the preliminary opinions within 40 days from the date of receipt.

In terms of Bills and other legislative instruments, the office finalised **186** pieces of work, of which **174** were finalised within the set timeframe of 40 days from the date of receipt. The office finalised a total of **156** international agreements, of which **138** were finalised within the set timeframe of 30 days from the date of receipt. The office handled a total of 15 draft Bills for introduction to Cabinet, of which **15** 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 **121** translations were finalised, of which 116 were finalised within the set timeframe of 55 days from date of receipt.

STRATEGIC OBJECTIVE 14: INCREASED COMPLIANCE WITH INTERNATIONAL TREATY OBLIGATIONS BY THE DEPARTMENT

Strategic objective 14: Increased compliance with international treaty obligations by the Department					
Objective indicator	Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations
14 Percentage compliance with treaties and international obligations	75%	90%	63%	(30%)	Target not met due to stakeholder dependencies

The Department strives to ensure that international treaty obligations are complied with. The following were three International Treaties/Conventions for which the Department of Justice and Constitutional Development (DOJCD) is responsible to submit to the United Nations or the African Commission through Department of International Relation and Cooperation (DIRCO):

- i. African Charter on Human and Peoples' Rights (ACHPR) – overdue since 2017;
- ii. The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) – originally due on 9 January 2020; and
- iii. The International Covenant on Civil and Political Rights (ICCPR) – originally due on 31 March 2020

Compliance with the ILR's country reporting obligations, is measured by a simple count of Country Reports (which includes State Responses) submitted to the relevant International/Regional treaty body against the reports that are actually due. Country Reports are specific to the international instrument/Treaty in compliance with which they are drafted and submitted.

Performance Indicators

Strategic Objective 14: Increased compliance with international treaty obligations by the Department					
Performance indicator	Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations
14.1 Number of Treaty reports tabled with DIRCO for submission to treaty bodies	75%	3	0	(100%)	Target not achieved due to late submission of inputs from stakeholders and ICCPR report submission date extended to 2023 financial period.
14.2 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	99%	78%	91%	(17%)	Target exceeded due to effective monitoring of performance

Strategic Objective 14: Increased compliance with international treaty obligations by the Department						
Performance indicator		Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations
14.3	Number of bilateral agreements on mutual legal assistance and extradition negotiated	3	2	7	250%	Target exceeded. Cabinet approval is no longer necessary for the conclusion of treaties.

During the 2019/20 financial year, the following country reports were due for submission to DIRCO for onward submission to the United Nation and/or African Union:

- iv. African Charter on Human and Peoples' Rights (ACHPR) – overdue since 2017;
- v. The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) – originally due on 9 January 2020; and
- vi. The International Covenant on Civil and Political Rights (ICCPR) – originally due on 31 March 2020

The two country reports namely, ACHPR and ICERD were finalised in March 2020 but undergoing editor checks, once the COVID-19 lockdown is lifted, the reports will be submitted to the Justice, Crime Prevention and Security Cluster (JCPS) cluster for approval.

The target was not met due to late submission of inputs from stakeholders and the date for submission for ICCPR has been moved to 2023 financial period as communicated by the United Nations in terms of the new simplified reporting system adopted by the UN.

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, a total of 99 requests for extradition and mutual legal assistance were finalised while 90 requests were finalised within the prescribed time period of 25 working days from date of receipt.

The following seven agreements on extradition and mutual legal assistance were negotiated during the period under review as listed in the table below:

Mutual Legal Assistance	Treaty on Extradition
1. Republic of Beralus	5. Republic of Vietnam
2. Republic of Vietnam	6. Republic of Bangladesh
3. Republic of Brazil	7. Republic of Belarus
4. Republic Bangladesh	

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.

STRATEGIC OBJECTIVE 15: DEVELOPMENT OF LEGISLATIVE INSTRUMENTS THAT ARE CONSISTENT WITH THE CONSTITUTION

Strategic objective 15: Development of legislative instruments that are consistent with the constitution						
Objective indicator		Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations
15.	Percentage of legislative instruments successfully challenged in court for constitutionality	0%	<2%	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 purposes 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.

Performance Indicators

Strategic Objective 15: Development of legislative instruments that are consistent with the constitution						
Performance indicator		Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations
15.1	Number of Bills and regulations submitted to the Minister for approval	9	8	9	13%	Target exceeded due to legislation changes ordered by Court.
15.2	Number of research papers completed	13	11	11	-	Target Achieved
15.3	Number of court rules completed	27	25	26	4%	Target exceeded the changes in the court rules.
15.4	Project plan for repeal of apartheid era legislation approved by the Minister by target	-	By 31 March 2020	-	(100%)	Target not achieved due to delays in submission of the project plan to the Minister.

During the 2019/2020 financial year, the following nine legislative instruments were submitted to the Minister for approval:

The following Bills/Regulations were submitted to the Minister:

1. Prescription in Civil and Criminal Matter (Sexual Offences) Amendment Bill,
2. Judicial Matters Amendment Bill;
3. TRC regulations in respect of Basic Education;
4. TRC regulations in respect of Higher Education and Training;
5. Amendment of Regulations for Judicial Officers in the Lower Courts made into the Magistrates Act, 1993 (New leave dispensation of magistrates);
6. The Regulation of Cannabis Bill;
7. Criminal Procedure Amendment Bill: Section 154 (3): Identity of Child Witness: Approval to circulate to JCPS Structures;
8. Promotion of Access to Information Amendment Bill, addressing the judgment of the Constitutional Court in the My Vote Counts matter; and
9. Regulations relating to assistance to victims in respect of higher education and training were submitted to the Minister in May 2019 for approval, to consult with stakeholders.

The following research papers were tabled before the Commission for consideration and approval during the period under review:

1. Preliminary Investigation: Proposal paper on the review of the law relating to the concept of "Usus Fructus";
2. Preliminary Investigation: Proposal paper on the repeal of the pre-1994 legislation;
3. Proposal paper on the sentencing of health care professionals;
4. Proposal paper on the revival of Project 100: Domestic Violence;
5. Issue Paper on Project 147: Review of the laws regulating funeral parlours; crematoria, cemeteries and related services industry;
6. Research Paper on International Mediation;
7. Research Paper on the Accreditation, Training and Practice Supervision for Mediators.
8. Discussion Paper on Administration Orders;
9. Draft Discussion Paper on the Review of the Maintenance Act as well as Summary of issues in Project 100B (Maintenance Investigation);
10. Draft Discussion Paper – Project 142: Investigation into legal fees together with a summary of key Issues; and
11. Proposal Paper on the review of legislation pertaining to the appointment and removal of Heads of Criminal Justice Institutions.

The Secretariat of the Rules Board for Courts of Law performs supporting functions to the Board and its Committees, which functions include research, drafting and administrative services. The Rules Board comprises members appointed by the Minister of Justice and Correctional Services. Justice N Dambuzi of the Supreme Court of Appeal was the Chairperson of the Board during the reporting period. The Board approves amendments to rules, in the main, which regulate the procedure in courts and seeks to achieve the efficient and effective functioning of the Superior Courts, the Magistrates' Courts and the Small Claims Courts. The continuous review of the rules of the Supreme Court of Appeal, the High Courts, the practice directives of the various Divisions and the alignment of Magistrates' Courts Rules, where possible, with the Superior Court rules and the review of Small Claims Courts are functions which the Rules Board performs as part of its statutory mandate.

The following are the rules of major significance which the Rules Board considered:

1. Uniform Rule (URC) 41 - Mediation as a Dispute Resolution Mechanism, including New Form 27 of the First Schedule to the Uniform Rules (Consent to or objection to mediation);
2. Supreme Court of Appeal (SCA) Rule 11 – Powers of the President of the Court;
3. SCA Rule 13 – Set Down;
4. CA Rule 17 – Taxation of Costs;
5. URC 17 – Summons;
6. Magistrates' Courts Rule (MRC) 5(7) – Summons;
7. SCA Rule 18 – tariff for attorneys: annual tariff increase;
8. URC 70 – tariff for attorneys: annual tariff increase;
9. Tables A, B and C of Annexure 2 to the Magistrates' Courts Rules – tariff for attorneys: annual tariff increase;
10. URC 68 – tariff for sheriffs: annual tariff increase;
11. A set of tariff rules dealing pre-taxation process and dies non – consisting of Magistrates' Courts Rule 33, proposed Form 58 to Annexure 1 to the Magistrates' Courts Rules, Uniform Rule 70(3B) and proposed sub-rule (3C) and Form 26 of the First Schedule to the Uniform Rules of Court; and

12. A set of rules dealing with charge for copies – consisting of Paragraphs 7 and 11 (b) of Part I and item 10 of Part III of Table A of Annexure 2 to the Magistrates' Courts Rules, plus items 1, 2, 3 of Section B and item 1 of Section D of the Tariff in Uniform Rule 70.
13. Uniform Rules 37 and 38 and Form K (Evidence by audio-visual link)
14. Magistrates' Courts Rules 38; 39; 41; 42 and Forms 37 and 37A (Execution: movables)
15. Magistrates' Courts Rule 55(1) – extension of time period to oppose applications
16. Magistrates' Courts Rules 76; 84; 86 and Form MED-6 (Court-annexed mediation)
17. Part II of Annexure 2 of the Small Claims Courts Rules (Sheriffs' tariffs)
18. Uniform Rule 69, Magistrates' Courts Rule 33 and Table A of the Magistrates
19. Courts Rules (Rules and tariffs pursuant to the Legal Practice Act, 2014)
20. Supreme Court of Appeal Rule 8 (Record);
21. Supreme Court of Appeal Rule 10 (Heads of argument);
22. Uniform Rule 68 (item 16) and Part II of Table C of Annexure 2 to the Magistrates' Courts Rules (item 26) (Interpleaders);
23. Uniform Rule 67 (Tariff of court fees);
24. Item 33(a) of Part II of Table C of Annexure 2 to the Magistrates' Courts Rules (Taxation of sheriffs account);
25. A set of Children's Courts Rules and Forms; and
26. Deletion of Item 4 of Section D of the tariff in Uniform Rule 70 (facsimile charge).

STRATEGIC OBJECTIVE 16: ENHANCING PROMOTION AND PROTECTION OF THE RIGHTS OF THE LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX (LGBTI) PERSONS

Performance Indicators

Strategic Objective 16: Enhancing promotion and protection of the rights of the lesbian, gay, bisexual, transgender and intersex (LGBTI) persons						
Performance Indicator		Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations
16.1	Number of awareness sessions on LGBTI rights conducted with communities and civil society organisations (including traditional and faith-based leaders) through various media platforms	-	13	19	46%	Target exceeded to ensure that wide audiences are reached.
16.2	Number of progress reports submitted to the National Task Team on the handling of reported LGBTI Hate Crime cases	-	12	11	(8%)	Target not achieved as the meeting was expected to take place at the end of March 2020 but due to COVID - 19 lockdown the meeting was cancelled.

Strategic Objective 16: Enhancing promotion and protection of the rights of the lesbian, gay, bisexual, transgender and intersex (LGBTI) persons						
Performance Indicator		Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations
16.3	Number of training sessions on the Guide for Service Providers held with civil society organisations and public officials dealing with victims of hate crimes	-	9	12	33%	Target exceeded to ensure awareness in dealing with victims of hate crimes
16.4	SADC Integrated information system to monitor the implementation of Trafficking in Person Act (TIP Act) implemented	-	Report enered on the implementation of the SADC Integrated information system	Completed the report and data collected using SADC tool	-	Target achieved

The Department is committed to improving the lives of all citizens, upholding the rule of law, promoting equality and ensuring the advancement of human rights and freedoms. This includes building a transformed and accessible justice system, which promotes and protects social justice, fundamental human rights and freedoms.

The aim of the Department is to enhance the protection of the rights of Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) persons by conducting awareness campaigns with communities and civil society organisations. By the end of 2019/20, 19 awareness sessions were conducted on LGBTI.

In addition, the Department submitted and presented 11 progress reports on LGBTI Hate Crime cases to the Rapid Response Team meetings during the financial period under review.

As at the end of the financial period, 12 training sessions were conducted with communities and other stakeholders on hate crimes.

The Department in collaboration with the Southern African Development Community (SADC) provides updates on country-level National Strategic Framework and Action Plans (NSFAPs), activities undertaken under the four pillars prevention, protection, prosecution and partnerships, and trafficking in persons (TIP) statistics.

The United Nations Office on Drugs and Crime (UNODC) and the Southern African Development Community (SADC) Secretariat, and hosted by the Government of South Africa in Pretoria from 9 to 13 December, 2019, was organised to initiate and strengthen bilateral and regional contacts, and give opportunities for networking amongst SADC Member States and report on TIP statistics in the SADC region.

The (SADC) Regional Anti-Trafficking in Persons Data Collection tool was deployed. A Reporting template was developed and engagements with key stakeholders to align it with the reporting requirements of the Trafficking in Persons Act, 2013. All government departments and the NPA at national and Provincial level provided inputs into this tool. An integrated Information Management Tool as contemplated in the TIP legislation was developed.

STRATEGIC OBJECTIVE 17: COMBAT RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE (NAP)

Strategic Objective 17: Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (NAP)					
Objective indicator	Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations
17. Number of targets in the Implementation Plan of the Cabinet approved. National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and related Intolerance implemented	-	3 key initiatives implemented	Out of 3 key initiatives only one was implemented	(67%)	Target not met due to stakeholder dependencies

During the 2019/20 financial year, a total of 1 out of 3 targets in the implementation plan approved by Cabinet on the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and related Intolerance was implemented. The target relating to anti-xenophobia awareness campaigns was achieved as reported in the performance indicator table.

Performance Indicators

Strategic Objective 17: Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (NAP)					
Performance Indicator	Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations
17.1 Number of sustained and visible anti-xenophobia campaigns conducted in collaboration with other departments and role-players	6	6	6	-	Target achieved
17.2 An integrated government strategy on public education pertaining to anti-discrimination, developed in line with the NAP by target date	-	By 31 March 2020	-	(100%)	Target not achieved due to stakeholder dependencies

Strategic Objective 17: Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (NAP)						
Performance Indicator		Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations
17.3	Terms of reference for a governance structure for the implementation of the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance, approved by target date	NAP submitted 27 February 2019	By 31 March 2020	-	(100%)	Target not achieved due to stakeholder dependencies
17.4	Policy framework for the regulation and recognition of community-based advice office sector and community based paralegals in South Africa finalised by target date	-	Policy framework finalised by 31 March 2020	Policy framework finalised	-	Target achieved

By the end of 2019/20 financial year, six anti-xenophobia campaigns were conducted in collaboration with civil society, national and local government as listed below:

1. Youth dialogue in Diepkloof, Soweto, 20 May 2019, in collaboration with Joburg City; Consortium for Refugees and Migrants SA; Action Support Centre and Amnesty International.
2. Stakeholder engagement to establish a structure addressing issues of xenophobia, Constitution Hill, 23 May 2019, in collaboration with Joburg City; Consortium for Refugees and Migrants SA; Action Support Centre and Amnesty International.
3. Africa Day celebration, Berea, 31 May 2019. in collaboration with the Consortium for Refugees and Migrants SA; Centre for the Study of Violence and Reconciliation and the Africa Diaspora Forum.
4. Celebration of World Refugee Day on 20 June 2019, Constitution Hill, in collaboration with the Consortium for Refugees and Migrants SA; Lawyers for Human Rights and Constitution Hill.
5. Anti-Xenophobia campaign in Atteridgeville 14-16 October 2019 and 10-11 & 17 March 2020. The campaign is a long-term intervention conducted in collaboration with Department of Social Development (DSD); South African Police Services (SAPS); civil society organisations; international organisations and local government.
6. Anti-xenophobia campaign conducted on 05 March 2020. This was a new campaign started in Katsieng with DSD, SAPS, Ekurhuleni Metro, several NGO partners, and UNHCR.

A desktop study is to be conducted on the existing anti-discrimination initiatives and programmes within government departments, which will inform the development of an integrated government strategy on public education pertaining to anti-discrimination.

Terms of Reference for the NAP governance structure were finalised but pending approval by the Executive Authority as at 31 March 2020.

The policy framework for for the regulation and recognition of community-based advice office sector and community based paralegals in South Africa was developed. This regulation seeks to:

1. consolidate the impact and role of the Community Advice Office (CAO) and community-based paralegals in ensuring access to justice in South Africa;
2. contribute to sustainability and growth of the CAO sector;
3. professionalise and formalise the CAO sector and community-based paralegals;
4. provide accountability mechanisms, both vertically and horizontally;
5. develop systems and solutions for communal learning; and (6) create a platform for ongoing interaction between government and other stakeholders.

STRATEGIC OBJECTIVE 18: 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 Indicators

Strategic Objective 18: Implementation of the TRC recommendations, as approved by parliament, for purposes of contributing to healing the wounds of the past and restoring human dignity					
Objective indicator	Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations
18.1 Number of community projects signed off for the launch in line with the TRC recommendations	-	5	0	(100%)	Target not achieved as four of community projects signing off was put on hold due to Covi-19 lockdown

Four draft Community Rehabilitation Projects developed jointly with Alexandra, Mpophomeni, Maboloka and Mdantsane communities respectively, were packaged and submitted to the Chief of Staff in the Ministry for verification before being presented to the Minister for signature. Unfortunately, the signing off was put on hold due to COVID-19 lockdown.

Kwanobuhle is the only community which failed to finalise its Community Rehabilitation Project due to disagreements over whether to combine Kwanobuhle with other communities. In addition, political instability in Nelson Mandela Bay Municipality also played a role in delaying finalisation of the Kwanobuhle project.

Strategy to overcome areas of under performance

Indicator description	Reasons for under /over performance	Strategy to overcome areas of under performance
10.1. Percentage of letters of appointment issued in deceased estates within 15 days from receipt of all required documents	<p>The President issued a proclamation under which the Master's Offices had to be investigated by the SIU. This caused not only the Master's Offices to be closed and PEAS system shut off for a number of days, where officials were not allowed to enter the offices, but the SIU also confiscated a big number of computers from the offices, without which the officials were unable to perform and issue appointments on the system. The computers were handed back within a week, but this again caused a backlog on work and influenced the Branch performance negatively</p> <p>Covid-19 Lockdown Regulations and Social Distancing</p>	<p>The Department, owing to the impact of the COVID-19 measures on our performance, made a request to substantially lower our targets for the 2020/21 financial year, as challenges with regards to capacity and delays in dealing with matters will most likely escalate in the 2020/21 financial year</p> <p>These targets have been approved and we are working towards achieving them all in the 2020/21 financial year</p> <p>As soon as the country is no longer in lockdown and work can proceed as normal and with full staff compliment, an assessment of backlogs will be made and a plan of action to deal with it developed and implemented</p>
10.2. Percentage of liquidation and distribution accounts in large estates (> R250 000) examined within 15 days from receipt of all required documents	<p>Backlog created by unfilled vacancies, SIU investigation and COVID-19 social distancing measures, impacted negatively on the annual performance.</p> <p>Clearing of backlogs leads to underperformance as long outstanding matters cannot be dealt with within the prescribed timeframe</p>	<p>The Department, owing to the impact of the COVID-19 measures on our performance, made a request to substantially lower our targets for the 2020/21 financial year, as challenges with regards to capacity and delays in dealing with matters will most likely escalate in the 2020/21 financial year</p> <p>These targets have been approved and we are working towards achieving them all in the 2020/21 financial year</p> <p>As soon as the country is no longer in lockdown and work can proceed as normal and with full staff compliment, an assessment of backlogs will be made and a plan of action to deal with it developed and implemented</p>
10.3 Percentage of beneficiaries in receipt of services within 40 days from receipt of all required documents (Guardian's Fund)	<p>Labour issues in the Pietermaritzburg Master Office under the Guardian's Fund personnel was the cause of delays in processing of payments in that office and led to under performance, which normally processes the third-most payments in the Branch</p> <p>A backlog has consequently been created and the clearing of backlogs led to underperformance as long outstanding matters are dealt with</p> <p>As this Objective also utilises the GF System, Application Tracker and ABSA Cashfocus for EFT payments, performance is very much influenced by the stability and availability of the network as well</p>	<p>Labour challenges in the Pietermaritzburg Guardian's Fund have been mitigated and the plan of action will be implemented in the 2020/21 financial year</p> <p>Better performance in the Pietermaritzburg Office will allow the Branch to reach the set targets in the 2020/21 financial year</p> <p>Frequent meetings with ISM and close working relations, in order to address network and infrastructure issues, will be pursued</p>

Indicator description	Reasons for under /over performance	Strategy to overcome areas of under performance
10.10 Insolvency Policy submitted to the Minister for approval by target date	Covid-19 Social distancing measures and lockdown delayed the submission of the draft	The finalisation of the Policy will happen in the 2020/21 financial period
11.1 Percentage of rand value of briefs allocated to PDIs	The reason for under achievement is the fact that white males are preferred when it comes to high profile matters.	The branch is planning to submit five policies dealing with the management of state litigation to Cabinet for approval. Once approved, they will be implemented
11.2 Percentage of rand value of briefs allocated to female counsel	Payments to female advocates were affected by the number of briefs issued to females in the last three years as we paid most invoices from briefs issued over two years ago	The State Attorney Amendment Act was operationalised, and it gives the Solicitor General the authority to manage state litigation and make decisions on legal costs. The office of the Solicitor General will implement briefing tariffs which will control payments of legal fees
11.3 Percentage of briefs allocated to female counsel	The number of female advocates at the different associations is less than that of males. Therefore, the pool is not sufficient to encourage an increase in briefs	Framework contracts will be instituted for briefing of private legal practitioners
12.1 Percentage reduction in capital amount claimed in medical negligence, unlawful arrest and detention claims	The targets were overstated; therefore, they were unachievable. This target will be reviewed and lowered in the next financial year	<p>The branch is planning to submit five policies dealing with the management of state litigation to Cabinet for approval. Once approved, they will be implemented</p> <p>State Attorney Amendment Act was operationalised, and it gives the Solicitor General the authority to manage state litigation and make decisions on legal costs. The office of the Solicitor General will implement briefing tariffs which will control payments of legal fees</p> <p>Framework contracts will be instituted for briefing of private legal practitioners</p>
14 Percentage compliance with treaties and International obligations	Target not achieved due to lack of cooperation from line-function departments in terms of submitting inputs for country reports	The establishment of a National Mechanism for Reporting and Follow-up as per the United Nations Guidelines would facilitate the data gathering and drafting of Country Reports/State Responses. Work on establishing such has begun
14.1 Number of Treaty reports tabled with DIRCO for submission to treaty bodies		
15.4 Project plan for repeal of apartheid era legislation approved by the Minister by target	Target not achieved due to delays in submission of the project plan to the Minister	Project plan for repeal of apartheid era legislation will be finalised during 2020/21 financial year
16.2 Number of progress reports submitted to the National Task Team on the handling of reported LGBTI Hate Crime cases	The final Rapid Response Team (RRT) meeting which was due for March 2020 could not be conducted due to then already existing Covid-19 challenges including the National Lockdown	The meetings will be held virtually with members of the RRT and liaising with SAPS and NPA to achieve progress will be done on an ongoing basis. Reports will then be shared with the chair and co-chair of the NTT

Indicator description	Reasons for under /over performance	Strategy to overcome areas of under performance
17. Number of targets in the Implementation Plan of the Cabinet approved National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and related Intolerance implemented	Dependency on technical expertise of external stakeholders and role-players for the achievement of a number of targets due to lack of specialist skills Capacity constraints	Prioritise engagement with HR to review of structure to ensure adequate capacity and skills to support the effective execution of its responsibilities in relation to implementation of NAP. Briefing to principals to obtain guidance on proposed NAP coordinating structures and delegations to enable effective implementation
17.2 Develop an integrated government strategy on public education pertaining to anti-discrimination developed in line with the NAP by target date	Some targets rely on cooperation, support and responsiveness of key implementing departments and role-players	Strengthen stakeholder engagement and identify more efficient channels/forums for engagement
17.3 Terms of reference for a governance structure for the implementation of the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance approved by target date		Capacity building /skills development Prioritise procurement of tools of trade/ technical devices to enable all officials to work remotely. Adjust implementation plans in response to COVID-19 by utilising online/virtual platforms
18.1 Number of community projects signed off for the launch in line with the TRC recommendations.	The fifth community, namely; Kwanobuhle, couldn't finalise its project due to disagreements over whether to combine other surrounding communities with Kwanobuhle. In addition, political instability in the Nelson Mandela Bay Municipality made it difficult for the project to be conceptualised accordingly. Also impacting achievement was non-representation in the process	Finalisation of signed off community rehabilitation projects that should be ready for implementation. Sign off was delayed because of Covid-19 lockdown Re-engagements of Kwanobuhle and Nelson Mandela Bay Municipality, including other affected communities, to conceptualise and finalise community rehabilitation projects. Finalisation of community rehabilitation regulations

Changes to planned targets

There were no changes made during the financial year under review.

Linking performance with budget

The Programmes overall expenditure for the year amounted to R1.295 billion against the budget of R1.545 billion, resulting in an under spending of R250 million. The under spending is due to delays in filling of vacant posts. The Department had ring-fenced R170 million for the write-off unrecoverable State Attorney Debt. The approval process for the write-off could not conclude during 2019/20, thus contributing to the recorded programme underspending.

Sub-programme expenditure

Sub- Programme Name	2019/20			2018/19		
	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
State law advisors	79 763	70 261	9 502	74 732	64 683	10 049
Litigation and legal services	726 995	533 841	193 154	508 464	491 794	16 670
Legislative development and law reform	99 669	89 632	10 037	89 768	82 515	7 253
Master of the high court	553 022	532 020	21 002	515 703	506 578	9 125
Constitutional development	85 313	69 304	16 009	80 733	65 249	15 484
Total	1 544 762	1 295 058	249 704	1 269 400	1 210 819	58 581

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; and protect certain witnesses.

This programme consists of the following sub-programmes:

- National Prosecutions Service (NPS)
- Asset Forfeiture Unit (AFU)
- Office for Witness Protection (OWP)
- Support Services (Administration)

Strategic Objectives

The strategic objectives under this programme are as follows:

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

Strategic Objective 19: Ensure successful prosecution

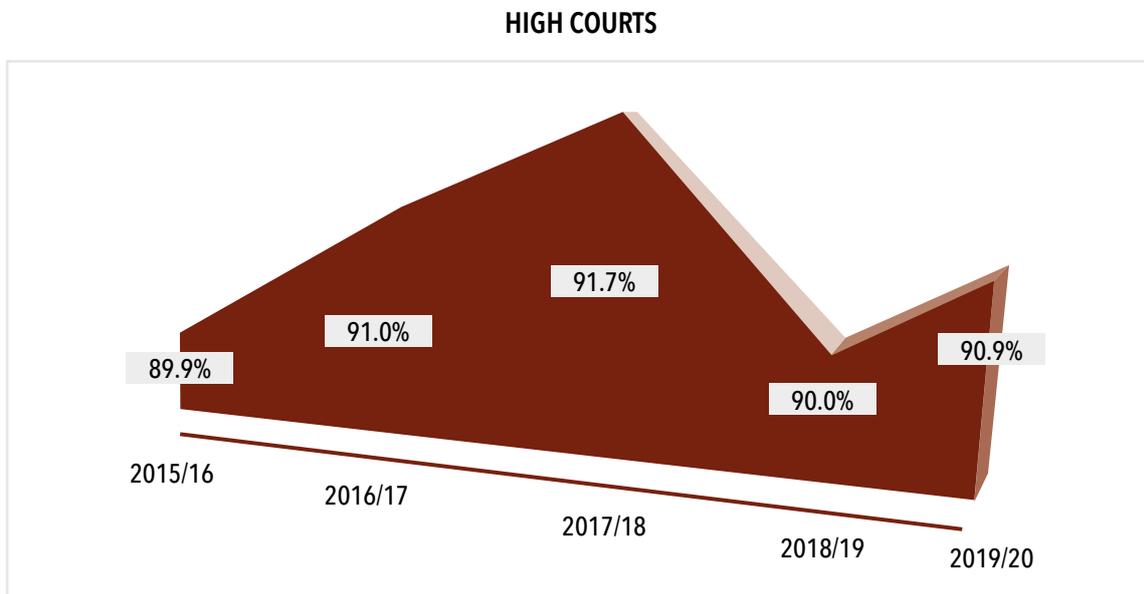
Strategic Objective 19: Ensure successful prosecution						
Objective Indicator		Actual Achievement 2018/19	Planned Target 2019/20	Actual Achievement 2019/20	Deviation from Planned Target to Actual Achievement for 2019/20	Comment on Deviations
19. Conviction rate in courts	Conviction rate in high courts	90% (869)	87% (845)	90,9% (782)	4%	Target exceeded due to effective preparation and prosecution of cases
	Conviction rate in regional courts	81,7% (22 882)	74% (22 819)	82,5% (21 246)	9%	Target exceeded due to improved stakeholder management
	Conviction rate in district courts	95,7% (236 705)	88% (266 951)	95,3% (195 439)	7%	Target exceeded due to adequate consultation with victims and witnesses, as well as improved stakeholder management

Conviction rate and progress of high courts

The high courts received 830 new cases and finalised 860 cases, the number of finalised cases decreased by 11% compared to the previous financial year. A total of 16 fewer new cases (2%) were received during the current financial year.

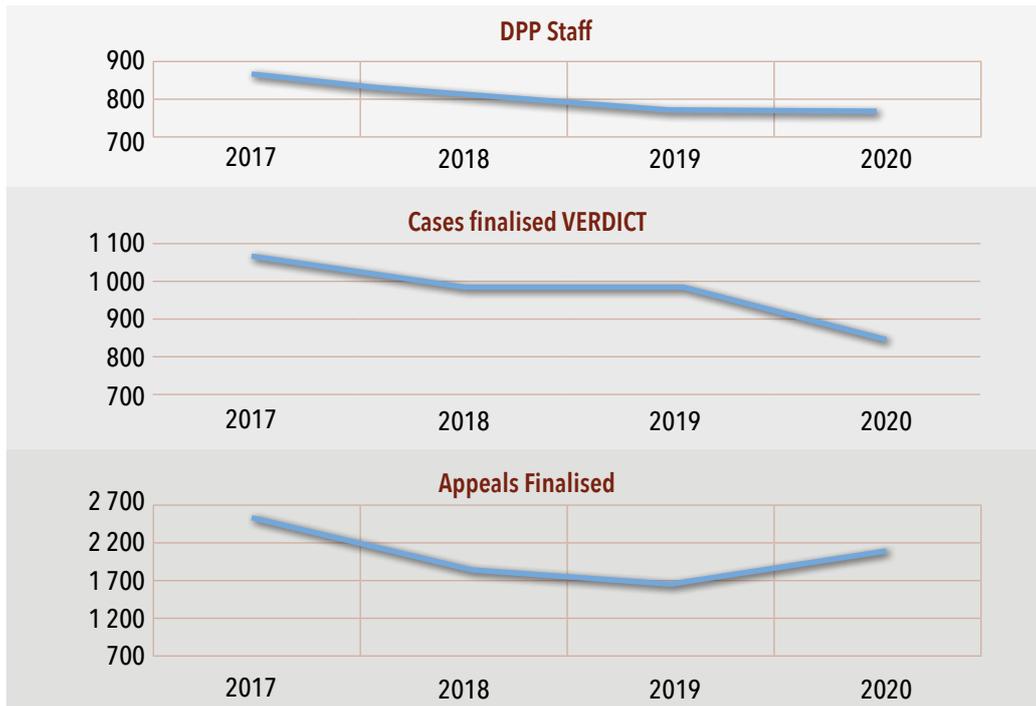
The performance data of the previous five years, as depicted in the graph below, indicates a year-on-year improvement in the conviction rates in the high courts. Following a decrease in the 2018/19 financial year, the conviction rate increased slightly to 90,9% during the current financial year. The turnaround confirms the dedication of the high court advocates to deliver a quality prosecution to the victims of serious crime.

Conviction rate by the high courts



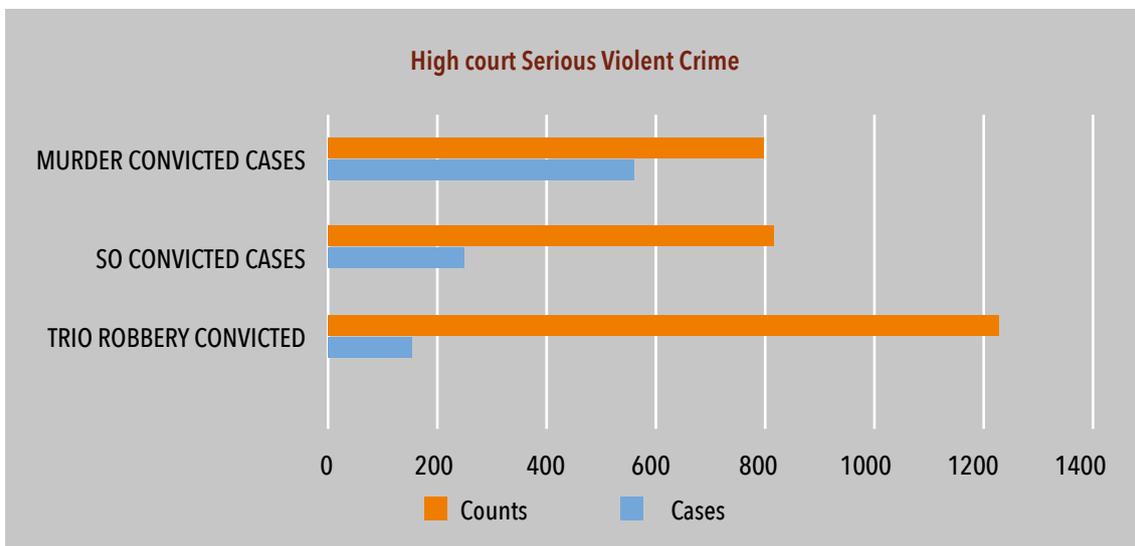
The decline in the number of cases finalised by the high courts is aligned to the reduction in the number of advocates in the high courts. The number of advocates in the DPP offices decreased by 12,5% since 2017. However, the number of appeals finalised in the high courts, which includes appeals to the Supreme Court of Appeal and the Constitutional Court, increased by 20% (from 1 722 to 2 071) compared to the previous year. It is clear that the court appearances, even though fewer staff were available, did not decrease as only verdict cases would suggest as illustrated by the following graphs.

Cases finalised by high courts in relation to the staff complement



The high court divisions deal with various crime cases, but most of the serious violent crime cases involve murder, sexual offences or robbery cases. Although most cases involve murder, most of the counts relate to trio robbery crimes.

High Court: Serious Violent Crime



Appeals

The high courts also deal with appeals and motion applications emanating from criminal cases. As previously stated there was an increase in the number of appeals received and finalised as indicated in the table below. The number of appeals finalised increased by 20%, from 1 722 to 2 071. At the end of the financial year 2 384 criminal appeals were outstanding, with reserved judgements on 126 (5,3%) appeals.

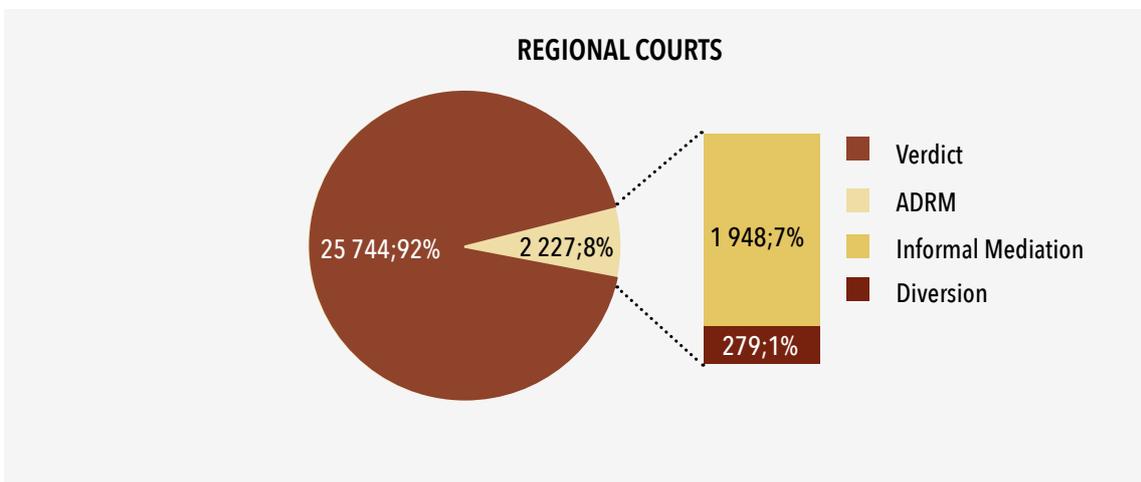
Criminal appeals dealt with

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%
2019/20	2 480	2 071	593	29%

Conviction rate and progress of regional courts

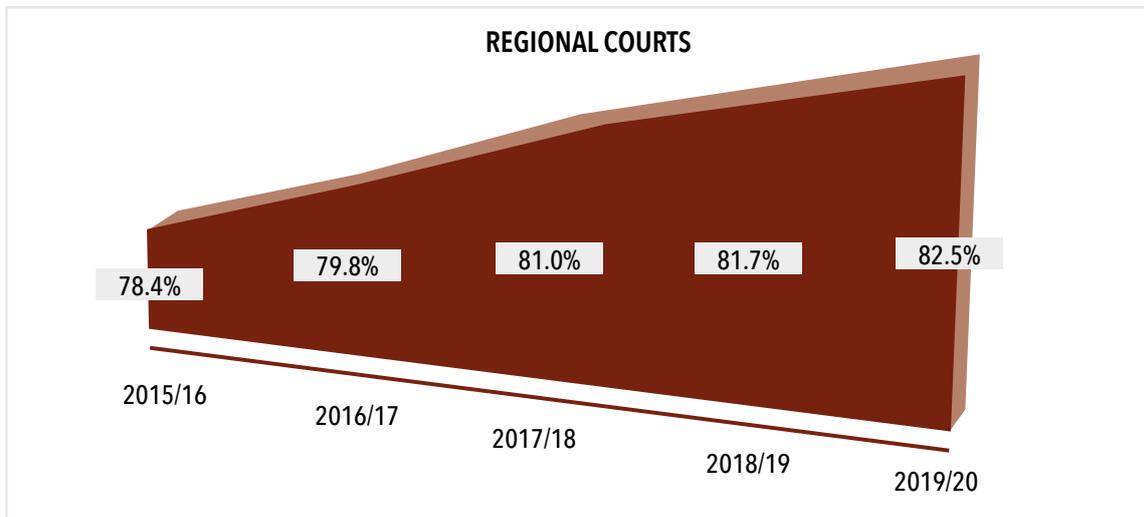
The regional courts, addressing mostly serious crime, enrolled 50 967 new cases during this period under review, 584 (1%) fewer cases than the previous year. Notwithstanding the decline in number of new cases received, the regional court prosecutors still effectively impacted on serious crime by finalising 27 971 cases, of which 25 744 were by way of a verdict and 2 227 through alternative dispute resolution mechanism (ADRM), as depicted in the figure below. A total of 21 246 convictions were obtained. This represents a finalisation rate of 0.6 cases per court per day.

Cases finalised by the regional courts



High conviction rates were consistently maintained in the regional courts through effective stakeholder engagement. A comparative analysis with previous years, depicted in the figure below, indicates the year-on-year improvement in the conviction rates achieved. The conviction rate also improved with 4,1% from 78,4% obtained during the 2015/16 financial year to 82,5% during the period under review.

Conviction rate by the regional courts



In addition to the cases finalised including ADRM, the prosecutors in the regional courts finalised 5 835 court and criminal matters which include a range of additional functions that take up valuable court time. From the list below, it is evident that formal bail applications (69,5%) and the applications for leave to appeal (21,7%) utilised the most court time. During the reporting period under review, 4 053 formal bail applications were dealt with, which represents a reduction of 0,2% from the 4 061 dealt with during the previous financial year.

Progress on court/criminal matters finalised

Court/criminal matters finalised	Total	Percentage of total
Suspended sentences	220	3,8%
Conversion of maintenance trial to enquiry	2	0,03%
Application for leave to appeal	1 266	21,7%
Committal to mental institution	201	3,4%
Conversion of sentence	73	1,3%
Formal inquests	1	0,02%
CJA: Preliminary inquiries	19	0,3%
Formal bail applications	4 053	69,5%
Total matters finalised	5 835	100%

The victims of crime are also served through quality decision making outside the court. During the financial year 125 331 new dockets for decision were received, which represent a decrease of 28 374 (18,5%) compared to the 153 705 received during the previous financial year. Notwithstanding the decline in the inflow of dockets, 51 731 dockets were finalised whilst maintaining a positive clearance rate by dealing with 125 541 dockets. These dockets included the dockets returned for further investigation.

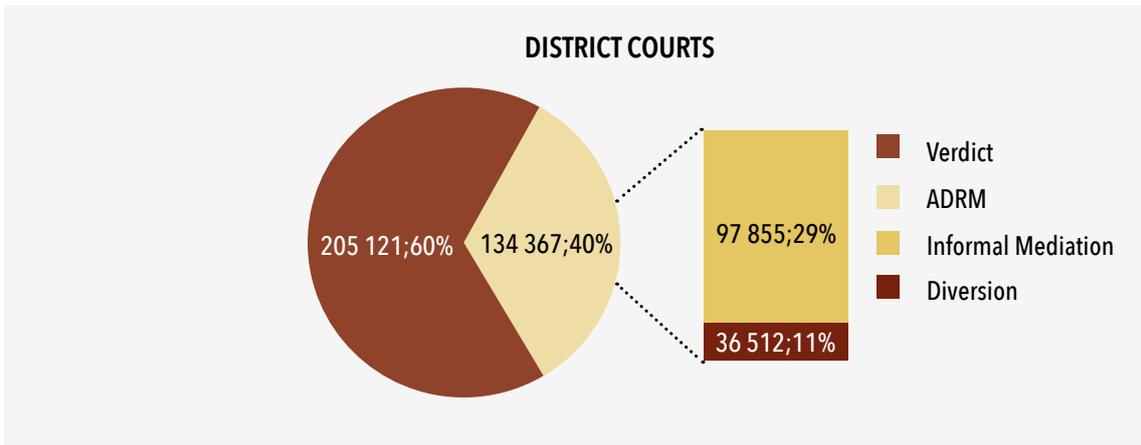
Whilst striving to increase successful prosecutions, severe resource constraints impacted negatively on the screening processes in all regions. A total of 11 417 cases were withdrawn which is an increase of 6.1% (655) compared to the previous financial year.

Conviction rate and progress of district courts

The district courts enrolled 662 807 new cases, which is a 11%(77 691) reduction compared to the 740 498 new cases enrolled in the previous financial year. The courts finalised 339 488 cases, comprising 205 121 verdict cases (60% of the total number of finalised cases) and 134 367 ADRM cases (40% of the total number of finalised cases). This represents a finalisation rate of 3.1 cases per court per day.

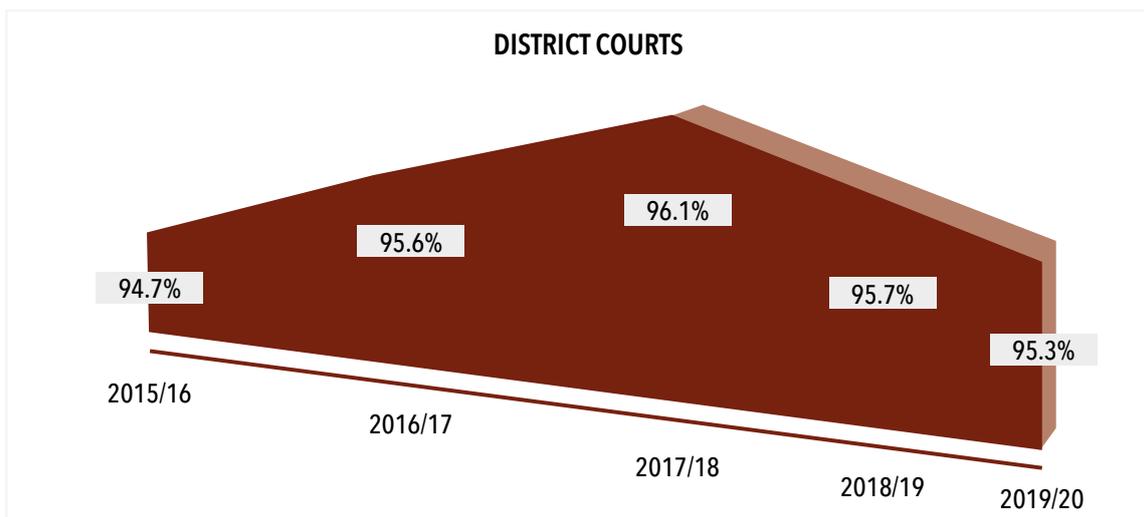
Regardless of the decline in court utilisation, the prosecutors excelled during the period under review by not only exceeding the conviction rate target of 88% by 7%, but by obtaining 195 439 convictions. Effective stakeholder engagement, in conjunction with the aim of increasing successful prosecutions, contributed to the high conviction rates that were maintained.

Cases finalised by the district courts



In comparison to previous years, the year-on-year improvement (from the 2015/16 financial year to the 2017/18 financial year) in the conviction rates achieved by district court prosecutors, confirms their dedication to improve the level of service to the victims of crime. Notwithstanding the decrease in the conviction rate from 2018/19, the conviction rate was still improved by 0,6%, i.e. from 94,7% obtained during the 2015/16 financial year to 95,3% during the current reporting period.

Conviction rate by the district courts



In addition to the cases finalised including the ADRM, the prosecutors in the district courts finalised 65 519 court and criminal matters, which include a range of additional functions that takes up valuable court time. From the list below, it is evident that formal bail applications (81,4%) and preliminary inquiries in terms of the Child Justice Act (12,1%), utilised the most of such court time. During the period under review, 53 306 formal bail applications were dealt with, representing an increase of 3% from the total number of bail applications (51 766) dealt with during the previous financial year.

Progress on court/criminal matters finalised

Court/criminal matters finalised	Total	Percentage of total
Suspended sentences	2 681	4,1%
Conversion of maintenance trial to enquiry	481	0,7%
Application for leave to appeal	273	0,4%
Committal to mental institution	488	0,7%
Conversion of sentence	167	0,3%
Formal inquests	177	0,3%
Child Justice Act: preliminary inquiries	7 946	12,1%
Formal bail applications	53 306	81,4%
Total matters finalised	65 519	100%

A total of 754 407 new dockets for decision were received during the current reporting period, which represent a decrease of 5% compared to the 795 997 dockets received during the previous financial year. The prosecutors finalised 424 826 dockets, whilst maintaining a positive clearance rate by dealing with 753 847 dockets, including the dockets returned for further investigation.

Severe resource constraints impacted negatively on the screening processes throughout the regions as 98 747 cases were withdrawn from the district courts, 6,3% (5 817) more cases compared to the 92 930 withdrawals during the previous financial year.

Performance Indicators

Strategic Objective 19: Ensure successful prosecution					
Performance Indicator	Actual Achievement 2018/19	Planned Target 2019/20	Actual Achievement 2019/20	Deviation from Planned Target to Actual Achievement for 2019/20	Comment on Deviations
19.1 Conviction rate in complex commercial crime	95% (760)	93% (900)	92,3% (599)	(1%)	Target not achieved due to complexity of the cases and the veracity of the legal challenges
19.2 Conviction rate in organised crime	94,8% (294)	90% (332)	95,3% (242)	5%	Target exceeded due to: Effective preparation and prosecution of cases Effective stakeholder engagements

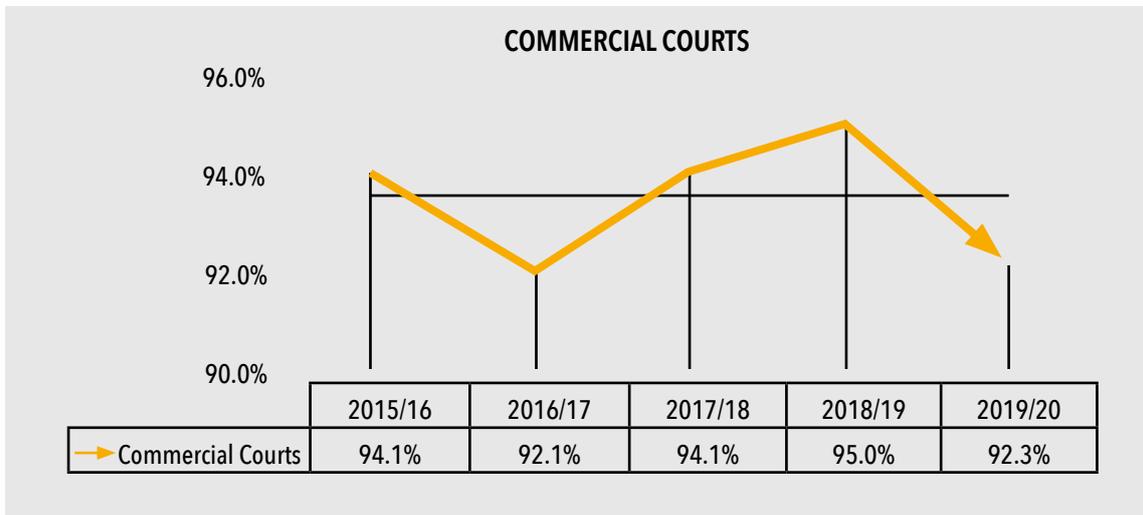
Strategic Objective 19: Ensure successful prosecution						
Performance Indicator	Actual Achievement 2018/19	Planned Target 2019/20	Actual Achievement 2019/20	Deviation from Planned Target to Actual Achievement for 2019/20	Comment on Deviations	
19.3	Number of persons convicted of corruption or offences related to corruption where the amount involved is more than R5 million	17	30	7	(77%)	Target not achieved due to: Serious corruption cases that are complex and take long to finalise due to applications brought by the defence As a result of the potential harsh sentences, accused persons often delay cases as far as possible and resort to pre-trial litigation Delays caused by forensic reports
19.4	Number of government officials convicted for corruption or offences related to corruption	210	202	183	(9%)	Target not achieved due to: Decline in court utilisation
19.5	Number of persons convicted of private sector corruption	143	57	233	309%	Target exceeded due to continuous engagement with stakeholders
19.6	Conviction rate in money laundering	100% (84)	75% (56)	98,6% (72)	24%	Target exceeded due to: NPA is actively involved with the monitoring of progress on money laundering Improved stakeholder relations
19.7	Conviction rate in cybercrime prosecution	99,1% (440)	95% (318)	98,5% (320)	4%	Target exceeded due to a collective approach between all partners in the criminal justice value chain
19.8	Conviction rate in sexual offences	74,4% (4 724)	70% (4 815)	75,2% (4 098)	5%	Target exceeded due to increased consultation with victims and witnesses

Strategic Objective 19: Ensure successful prosecution					
Performance Indicator	Actual Achievement 2018/19	Planned Target 2019/20	Actual Achievement 2019/20	Deviation from Planned Target to Actual Achievement for 2019/20	Comment on Deviations
19.9	Conviction rate in trio crimes (1 578)	85% (1 766)	82,2% (1 355)	(3%)	Target not achieved due to inter alia: 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
19.10	Conviction rate in murder prosecutions (3 601)	75% (3 477)	80,1% (3 193)	5%	Target exceeded due to: The enhanced focus of the regions Improved stakeholder relations
19.11	Conviction rate in violent protests and industrial action (95)	74% (95)	77,5% (93)	4%	Target achieved due to improved stakeholder relations
19.12	Number of victims assisted at TCC sites	29 840	35 469	19%	Target exceeded due to continuous efforts and cooperation with relevant stakeholders
19.13	Conviction rate at TCC reported cases (1 636)	70% (1 666)	74,9% (1 408)	5%	Target exceeded due to continuous efforts and cooperation with relevant stakeholders

Conviction rate in complex commercial crime

The NPA achieved significant successes in its focus areas of economic crime, with high conviction rates that were maintained over the last five years. The impact on serious economic crime is also evident in the 649 verdict cases that were finalised (599 convictions). The conviction rate of 92,3% was achieved which is marginally (1%) below the target of 93%. Compared to the previous year, a 3% decrease is noted in the conviction rate and 31 fewer cases were finalised.

Progress on complex commercial crime conviction rates



Progress on complex commercial crime matters

Financial years	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	Projected change over previous year	Change over period 2012/13 to 2019/20
Conviction rate	91%	93,9%	94,3%	94,1%	92,1%	94,1%	95%	92,3%	(3%)	1%
Convictions	841	1 099	1 069	951	793	911	760	599	(21%)	(29%)
Verdict	922	1 170	1 134	1 011	861	968	800	649	(19%)	(30%)

In order to improve performance, cases are being migrated to the high courts to ensure improvement in the finalisation of these matters. A priority list was compiled and progress is being monitored. Furthermore, the NPA in cooperation with the South African Police Service (SAPS) continues to employ prosecutor-guided investigations (PGI).

Conviction rate in organised crime

The NPA continued to focus more on organised crime cases during the current financial year. Specific focus was centralised around various areas, such as trafficking in persons, robberies/cash in transit, money laundering, illegal precious metal, including copper, wildlife crime, drug related offences, essential infrastructure, illicit mining and tax matters.

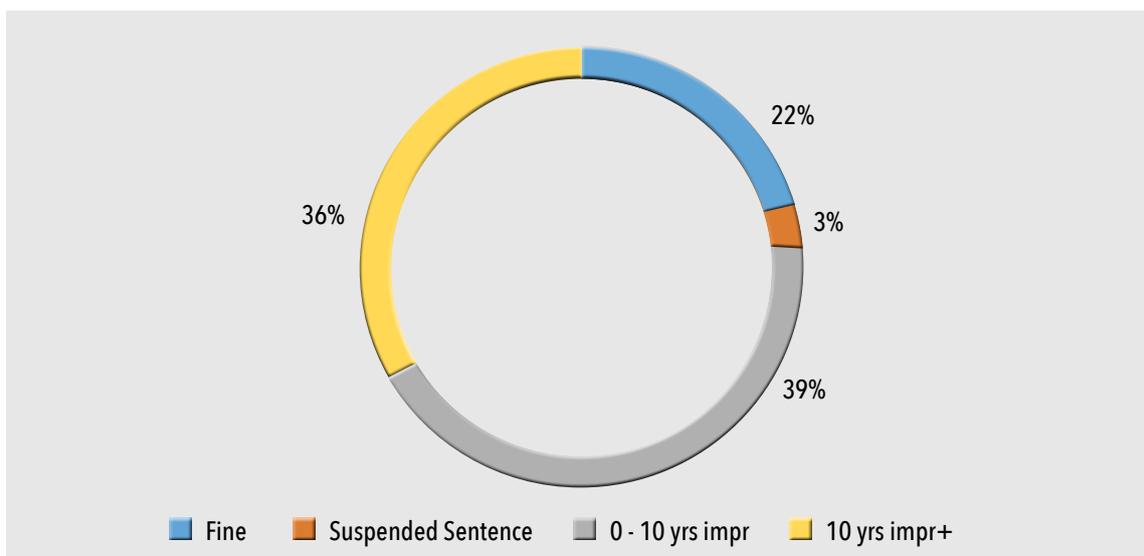
A concerted effort was made during the past year to identify the challenges impacting on the performance. This contributed to a high conviction rate of 95,3% that was achieved, which is a 1% increase compared to the previous financial year. A total of 254 cases were finalised with a verdict, which is a decrease of 56 cases on the number of cases finalised during the previous financial year. The number of convictions also decreased from 294 in the previous financial year to 242 in the current 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
2019/20	242	95,3%	254

During the financial year, the organised crime unit finalised cases with 12 racketeering counts and 25 money laundering counts. The majority of sentences imposed were lengthy periods of imprisonment, as illustrated in the following graph.

Comparison of organised crime sentences imposed



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

A special focus was once again placed on the prosecution of cases of corruption to improve investor perception in South Africa in line with the priority focus of government in dealing with corrupt government officials.

The NPA 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 NPA in the fight against, and prevention of corruption in South Africa.

With the mid-year performance review, it was evident that the serious corruption target will not be achieved. Consequently, an anti-corruption workshop was arranged where all issues relating to the pro-active steps to enhance the fight against corruption were interrogated. Several steps and resolutions were taken to address the serious corruption, inter alia, obtaining additional funding from National Treasury to fill the current NPA critical vacancies, as well as establishing additional dedicated courts and capacity in Limpopo, North West, Mpumalanga and Northern Cape.

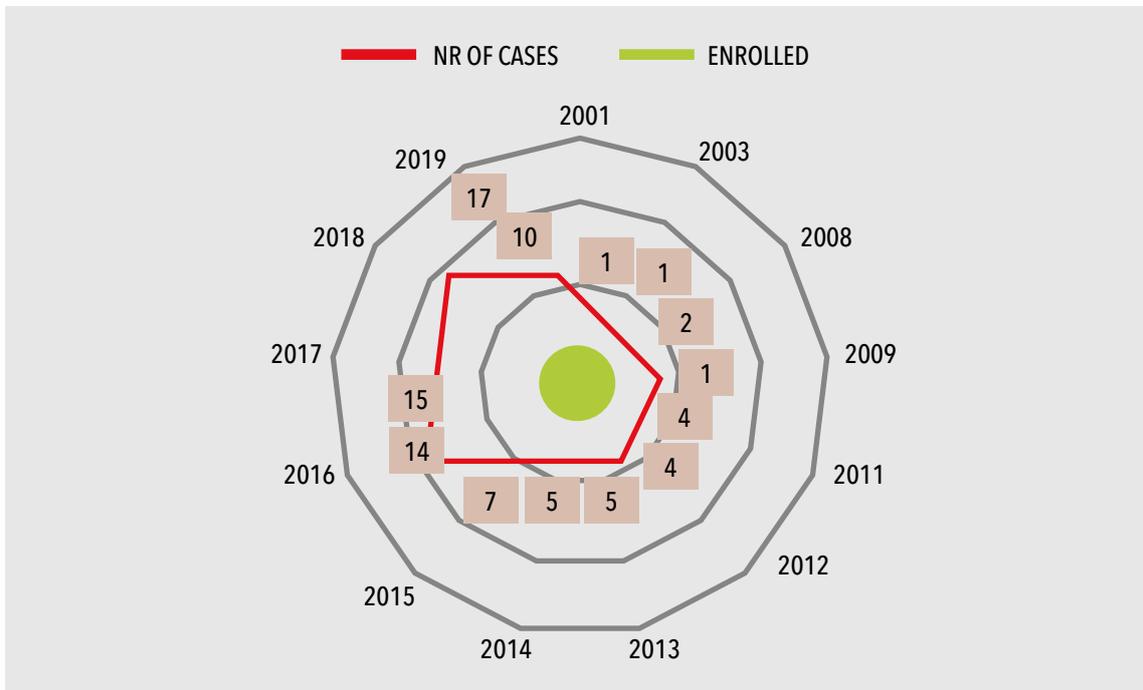
Although the NPA has not met the target on convicting 30 persons of corruption where amount involved is more than R5m, the definition limited the counting of cases as it had to be registered with the ACTT. In addition to this, serious cases of corruption are complex and take a long time to be finalised in both the investigation and prosecution phases, due to inter alia, applications brought by the defense. Because of the potentially harsh sentences, the accused often delay cases as far as possible and resort to pre-trial litigation. As a result of these aforementioned challenges, only seven people were convicted of corruption or offences related to corruption where the amount involved is more than R5 million, 77% below the target to convict at least 30 people. The table below illustrates a downward trend in the number of persons convicted over the last two years.

Progress on 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
2019/20	7

In order to improve performance, continuous identification of potential cases is regularly done by all stakeholders at the ACTT. Serious corruption cases targeted for enrolment and finalisation were identified and prioritised. 33 priority corruption cases were also identified within the DPP Divisions for fast tracking and monitoring. Following consultation between the Heads of the NPS and the Directorate for Priority Crime Investigation (DPCI), these 33 priority cases were combined with the DPCI priority cases. This adds up to 86 priority corruption cases, of which 16 were enrolled in the period of six months.

Progress on prioritised corruption cases



A close working relationship between the NPA and the DPCI includes frequent discussions and monitoring of these cases. A central database is being created for the two departments to collaboratively monitor the progress of these cases.

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 disrupt society's ability to operate fairly and efficiently, as well as the State's ability to deliver on its development mandate. The National Development Plan (NDP) identifies the fight against corruption as one of the key challenges facing South Africa, and proposes the building of a resilient anti-corruption system. 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.

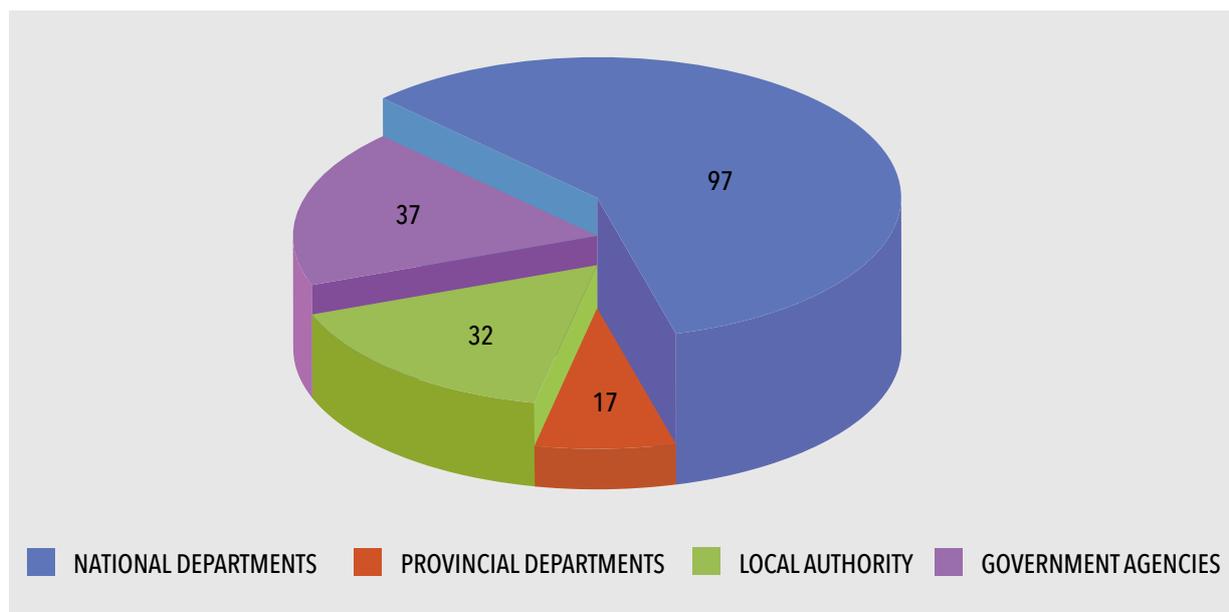
Despite the focused approach followed, the NPA only secured the convictions of 183 government officials, 9.4% below the target of 202 government employees.

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
2019/20	183

Fewer cases were finalised as a result of a reduction in the inflow of cases, coupled with reduced court utilisation. This also resulted in a 13% decrease 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, and conducts regular stakeholder engagements. A national list of all corruption cases is being compiled with monitoring on a monthly basis.

The following graph specifies the number of accused from the various government sections convicted, with the most convictions being from the National Departments.



Number of persons convicted of private sector corruption

The focus on corruption was intensified and the measure of corruption broadened to private sector corruption from the 2018/19 financial year. During the current reporting period 233 persons were convicted for private sector corruption. This is an increase of 63% compared to the performance of the previous financial year during which 143 persons were convicted.

Conviction rate in money laundering

The NPA provided information to the Financial Action Task Force (FATF) in respect of approximately 60 successful prosecutions over a period of 5 years, in which money laundering convictions were obtained and significant periods of imprisonment of up to 20 years were imposed. Organised crime generates huge amounts of proceeds, however, the money laundering charges mostly relate to assets and money directly linked to the predicate offences.

A 98,6% conviction rate, with 72 convictions, in money laundering was obtained by the NPA, exceeding the target of 75% by 24%. The focused approach in the prosecution of money laundering matters, the monitoring of progress in money laundering cases, as well as the continuous engagement with stakeholders, contributed to this performance.

The NPA obtained six convictions for money laundering involving illicit mining for the possession of proceeds of unlawful activities, of which one accused was sentenced to direct imprisonment.

Conviction rate in cybercrime prosecutions

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 information and communication technologies (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.

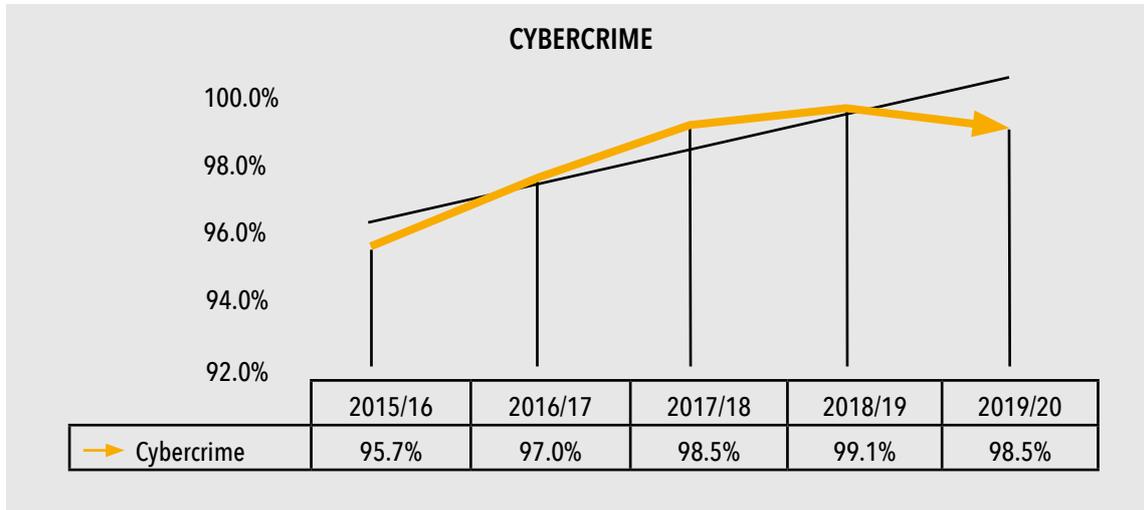
Regardless of the complexity of cybercrime matters, the NPA excelled by finalising 325 verdict cases with 320 convictions, while obtaining a conviction rate of 98,5%. The target was exceeded by 4%, Notwithstanding this performance, a decline was noted in both the conviction rate (-1%) and the number of cases finalised with a verdict (119 fewer cases) compared to the previous financial year.

The conviction rate of 98,5% is the second highest achievement over the past seven years, as depicted in the table and figure below. This improvement can be attributed to a collective approach between all partners in the criminal justice value chain, 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.

Progress on cybercrime matters

Financial years	Cases finalised with verdict	Guilty and sentenced	Conviction rate
2013/14	211	200	94,8%
2014/15	244	232	95,1%
2015/16	255	244	95,7%
2016/17	298	289	97,0%
2017/18	335	330	98,5%
2018/19	444	440	99,1%
2019/20	325	320	98,5%

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 violence against women and children. In accordance with the Presidential directives to enhance the focus on sexual offences matters and gender-based violence, the NPA managed to exceed the conviction rate on sexual offences cases, albeit with the current stretched human resources.

The NPA's commitment to curb the on-going violence against women, children and the vulnerable is evident through the finalisation of 5 451 sexual offences cases with a verdict of which there were

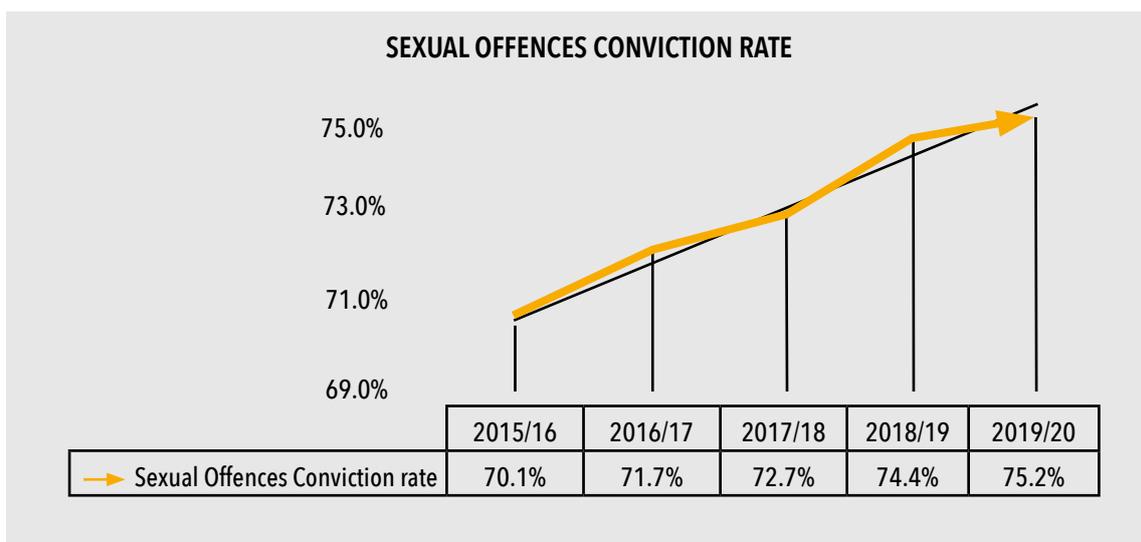
4 098 convictions. Not only did this conviction rate of 75,2% exceed the set target by 5%, but it was also the highest conviction rate recorded in the past eight years, a clear indication of the commitment of the NPA to act decisively against the offenders and to strive to prevent sexual violence.

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

Progress on sexual offences matters

Financial years	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	Projected change over previous year	Change over period 2012/13 to 2018/19
Conviction rate	66%	67,1%	69%	70,1%	71,7%	72,7%	74,4%	75,2%	1%	9%
Convictions	4 670	5 484	5 084	4 978	4 780	5 004	4 724	4 098	(13%)	(12%)
Verdict	7 093	8 174	7 372	7 098	6 669	6 878	6 353	5 451	(14%)	(23%)

Overview of sexual offences conviction rate



Conviction rate in trio crimes

Trio crimes comprise of vehicle robberies (hi-jacking), house robberies and business robberies, which have a direct impact on the community's feeling of safety and security. 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.

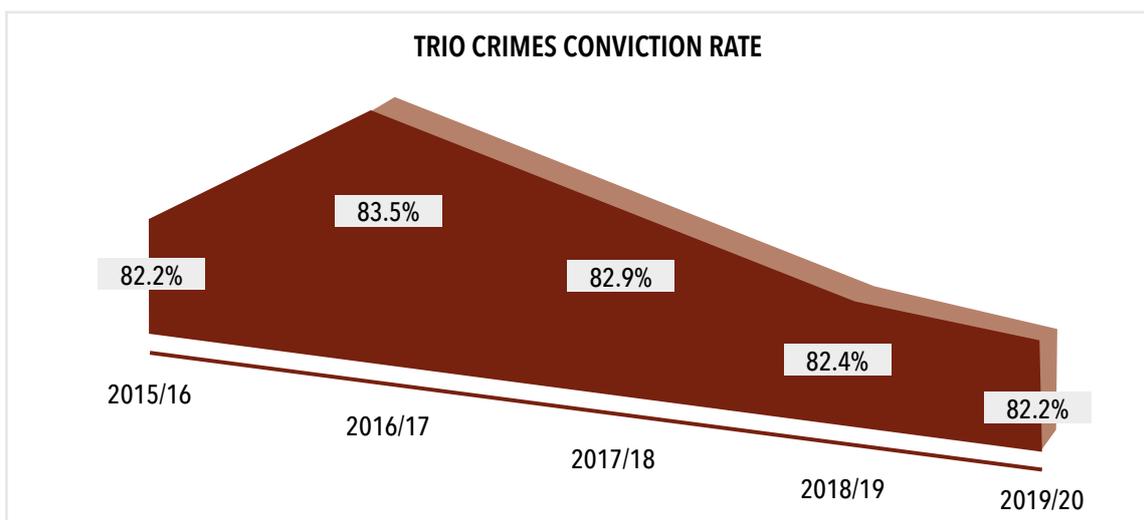
The NPA placed a special focus on trio crime cases and ensured the quality of the prosecutions, finalising 1 649 cases with a verdict and obtaining 1 355 convictions. This represents a conviction rate of 82,2%, 3% below the target of 85%. Various factors contributed to the non-achievement of the target, 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 etc.

The downward trend in the conviction rate from the 2016/17 financial year is illustrated in the table and graph below.

Progress on trio crime matters

Financial years	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	Projected change over previous year	Change over period 2012/13 to 2019/20
Conviction rate	83%	84,1%	82%	82,2%	83,5%	82,9%	82,4%	82,2%	(0,2%)	(1%)
Convictions	1 274	1 597	1 453	1 391	1 552	1 723	1 578	1 355	(14%)	6%
Verdict	1 527	1 899	1 772	1 692	1 858	2 078	1 916	1 649	(14%)	8%

Progress in trio crime conviction rate



Various measures were implemented in the regions to improve the conviction rate, including continuous stakeholder engagement with the SAPS management at provincial levels; ensuring accurate identification of cases and PGI from the first appearance; ensuring the fast tracking of these cases through the court system; and improving accurate reporting of these cases.

Trio crimes are prosecuted in the regional court where the conviction rate was 82,5%. The target set is thus very high and the non-achievement thereof should not be viewed as a failure. The NPA also positively impacted on the three crime categories trio crimes comprise off, i.e. house robbery, business robbery and vehicle robbery/hi-jacking. The 1 355 convictions comprised of 1 781 trio counts, i.e. 875 counts of house robbery, 539 counts of business robbery and 367 counts of vehicle robbery/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 of evidentiary material and absence of witnesses.

Breakdown of trio crime counts

2019/20	Convictions	Acquittals	Conviction Rate
House Robbery	875	144	85,9%
Business Robbery	539	122	81,5%
Vehicle Robbery / Hi-Jacking	367	169	68,5%
Total trio counts	1 781	435	80,4%

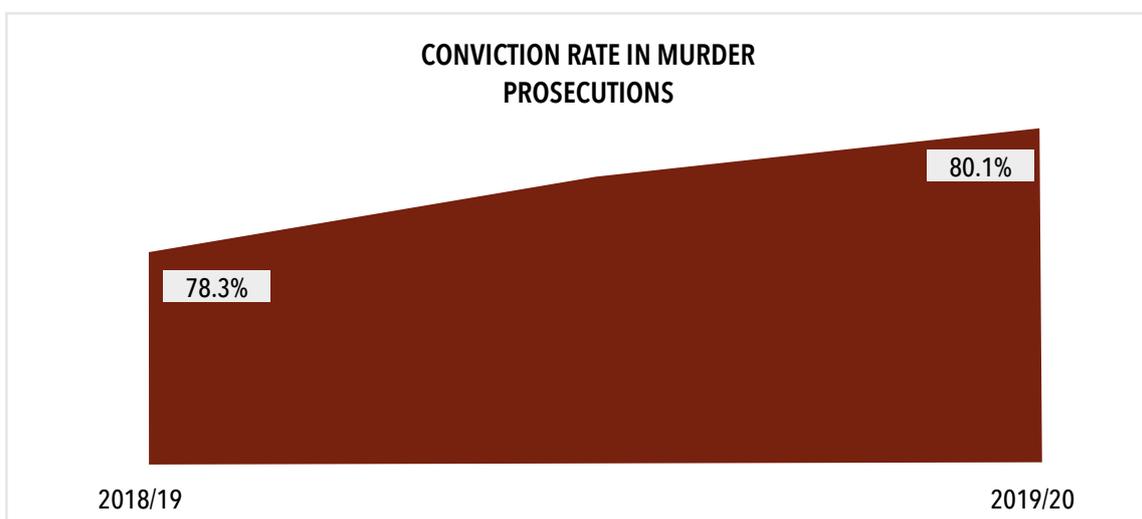
Conviction rate in murder prosecutions

The NPA is committed to serve the community by curbing the increasing rate of violence and the conviction rate in murder prosecutions mainly aims to indicate the NPA's contribution. This is evident from the number of convictions obtained and the lengthy sentences imposed for murder.

The NPA performed well by finalising 3 987 verdict cases and obtaining 3 193 convictions in murder cases, which represent an 80,1% conviction rate in murder prosecutions. This performance exceeded the target by 5%. The 3 987 murder verdict cases relate to 4 225 counts of murder. This constitutes on average 1.06 counts per murder case.

Despite this achievement, a slight decline (471) was noted in the number of verdict cases compared to the previous financial year, during which 4 458 verdict cases were finalised. The dedication and commitment of the prosecutors are evident from the improvement in the conviction rate on all murder related prosecutions.

Progress in murder conviction rate



Gender-based violence is a government-wide priority. 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 in the country, and to monitor the results of this intervention. In this year, 87 cases of intimate partner femicide were finalised, with only two acquittals, representing a 97,7% conviction rate.

Conviction rate in violent protests and industrial actions prosecuted

A focused approach was followed, addressing the inherent challenges in these cases, resulting in a conviction rate of 77,5%. This conviction rate did not only exceed the target of 74% by 4%, but also the 68,8% (9%) conviction rate obtained during the previous reporting period. Prosecutors in these cases were assisted by advocates from the DPP offices and other experienced prosecutors who monitored progress and provided guidance to improve performance.

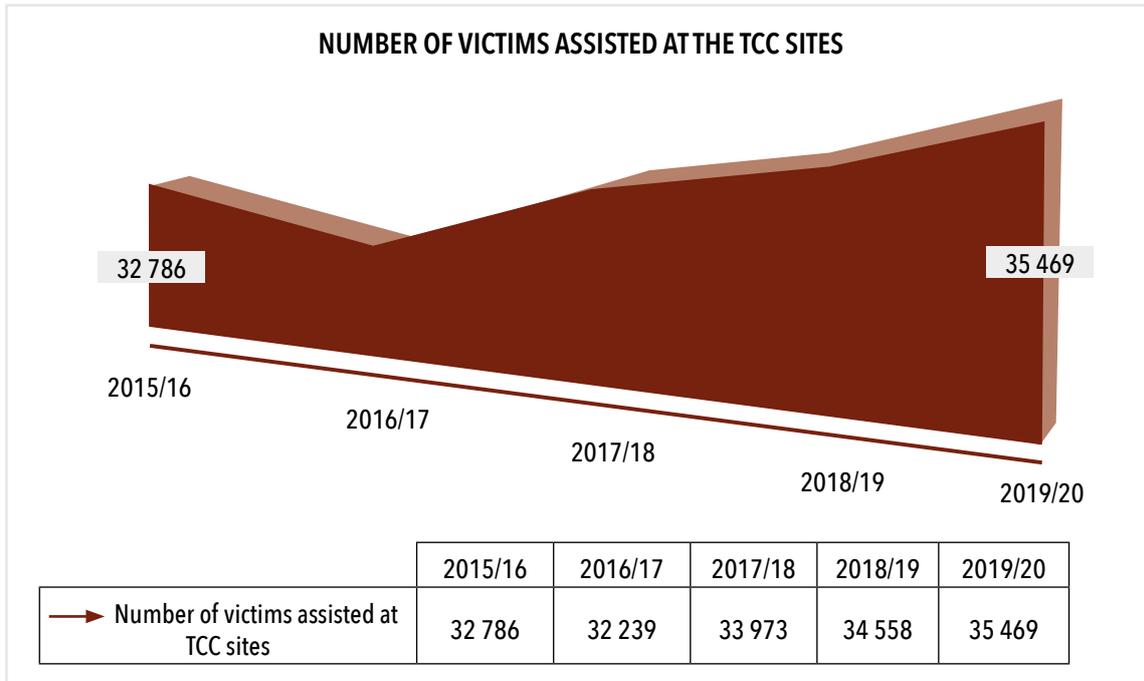
Number of victims assisted at TCC sites

The success of the Thuthuzela Care Centres (TCCs) is founded in the service delivery to victims of crime. Therefore, the core function of the TCC-model is, victim-centred and court directed (to minimise secondary victimisation), with PGI and stakeholder cooperation (to constantly strive to improve conviction rates). A total of 35 469 victims was assisted at the 55 operational TCCs, exceeding the target of 29 840 by 19% and the performance of the previous financial year by 3%. It is important to note that of the 35 469 victims assisted at the TCCs, 31 807 (90%) were specifically in relation to sexual offences.

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 increased from 2015/16, as depicted in the figure below. It is important to note that 2 684 (8%) more victims were assisted during the current reporting period, compared to the 32 786 victims that were assisted during

the 2015/16 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.

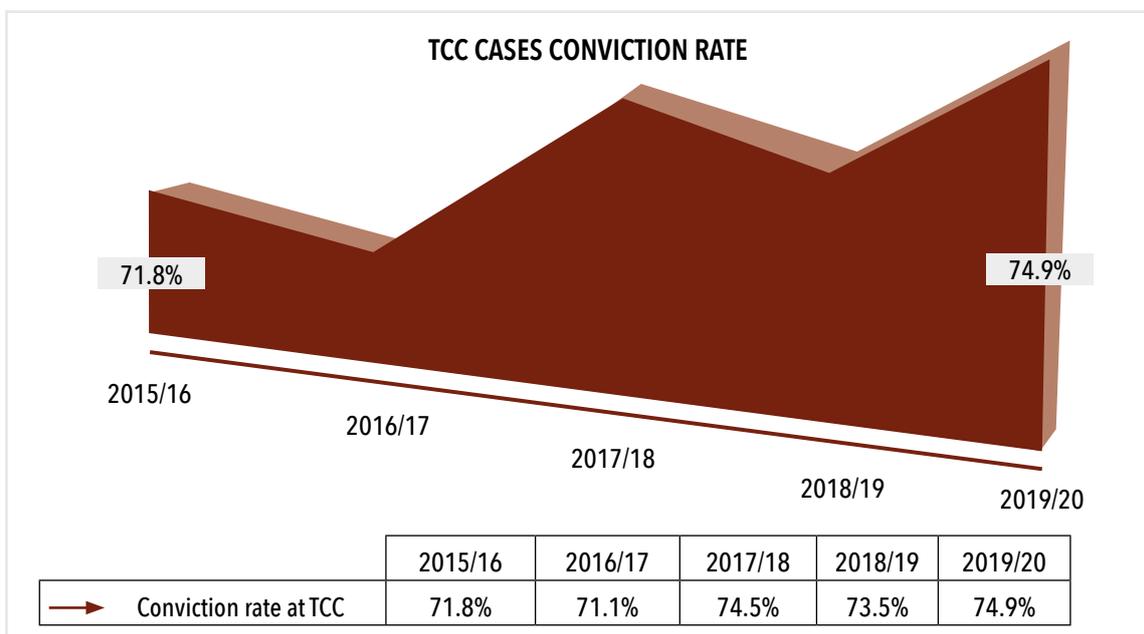
Progress the number of victims assisted at the TCC sites



Conviction rate at TCC reported cases

The courts achieved a 74,9% conviction rate in sexual offences cases reported at TCCs, exceeding the annual target of 70% by 5%. The conviction rate is an improvement of 1%, compared to the previous financial year, as well as an improvement of 3% compared to the 71,8% conviction rate that was achieved in the 2015/16 financial year.

Progress on TCC cases conviction rate



For the past five years, the SOCA Unit maintained a conviction rate exceeding 70% for TCC reported cases seen in the table below. Continuous efforts and cooperation with relevant stakeholders contributed to this 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%
2019/20	1 880	74,9%

Strategic Objective 20: Ensure that profit is removed from crime

Strategic Objective 20: Ensure that profit is removed from crime						
Objective Indicator		Actual Achievement 2018/19	Planned Target 2019/20	Actual Achievement 2019/20	Deviation from Planned Target to Actual Achievement for 2019/20	Comment on Deviations
20a	Number of completed forfeiture cases	495	510	417	(18%)	Target not achieved as a result of undue delays in the finalisation of investigations and litigation of criminal matters
20b	Value of completed forfeiture cases	R3.13bn	R2.5bn	R455m	(82%)	Target not achieved as a result of undue delays in the finalisation of investigations and litigation of criminal matters

Number of completed forfeiture cases

During the year under review, the AFU completed 417 forfeiture orders, 18% below the target of 510. 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. The NPA is rolling out the Section 18 project (Chapter 5 of the Prevention of Organised Crime Act {POCA}), in collaboration with the DPPs in the relevant regions.

The table illustrates the annual comparison of performance for the number of completed forfeiture cases from the 2012/13 to the 2019/20 financial years. It is evident that the number of completed forfeiture cases had a year-on-year decrease from the 2016/17 financial year.

Annual comparison of number of completed forfeiture cases: 2012/13 to 2019/20

Financial years	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	Projected change over previous year	Change over period 2012/13 to 2019/20
Number of completed forfeiture cases	302	390	466	418	569	563	495	417	(16%)	38%

Value of completed forfeiture cases

Forfeiture and confiscation orders to the value of R455 million were obtained, 82% below the target of R2.5 billion. Various constraining performance factors, inter alia, undue delays in the finalisation of litigation contributed to the non-achievement of the target. The NPA is rolling out the Section 18 project (Chapter 5 of POCA), in collaboration with the DPPs in the relevant regions.

The table below depicts the annual comparison of performance for the value of completed forfeiture cases from the 2012/13 to the 2019/20 financial years. It is evident that, despite the changeable performance during the aforementioned periods, the performance during the 2019/20 financial year was the second-best performance over the past eight years. It is important to note that the high value achieved in the previous financial year was due to two high-value cases finalised.

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

Financial years	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	Projected change over previous year	Change over period 2012/13 to 2019/20
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	R455 million	(86%)	282%

Performance Indicators

Strategic Objective 20: Ensure that profit is removed from crime					
Performance Indicator	Actual Achievement 2018/19	Planned Target 2019/20	Actual Achievement 2019/20	Deviation from Planned Target to Actual Achievement for 2019/20	Comment on Deviations
20.1 Number of freezing orders obtained	273	300	326	9%	Target exceeded due to the completion of more Chapter 6 applications in lower value cases of a high impact
20.2 Value of freezing orders	R455 million	R6.8 billion	R1.95 billion	(71%)	Target not achieved due to undue delays in the finalisation of high-value cases (especially State Capture cases)

Strategic Objective 20: Ensure that profit is removed from crime						
Performance Indicator		Actual Achievement 2018/19	Planned Target 2019/20	Actual Achievement 2019/20	Deviation from Planned Target to Actual Achievement for 2019/20	Comment on Deviations
20.3	Value of freezing orders obtained relating to corruption where the amount involved is more than R5 million	R262 million	R4.7 billion	R1.6 billion	(66%)	Target not achieved due to the finalisation of high-value corruption cases taking longer to finalise
20.4	Value of recoveries in terms of Prevention of Organised Crime Act (POCA)	R3.05 billion	R2.2 billion	R190 million	(91%)	Target not achieved due to delays in the finalisation of freezing orders and forfeitures/ confiscations
20.5	Success rate of litigated cases	98% (497/507)	93%	98% (421/429)	5%	Target exceeded due to good case selection criteria and proper screening of cases
20.6	Value of recoveries relating to corruption where the amount involved is more than R5 million (proceeds of crime and government losses)	R2.84 billion	R1.6 billion	R3 million	(99%)	Target not achieved due to challenges experienced with the referral of applicable cases - in many instances there are no assets to pursue in these matters
20.7	Value of recoveries for government officials convicted of corruption and other related offences (proceeds of crime and government losses)	R172 000	R600 million	R200 000	(99%)	Target not achieved due to challenges experienced with the referral of applicable cases - in many instances there are no assets to pursue in these matters

Number of freezing orders obtained

The NPA continued to implement measures to increase productivity, improve coordination and resolve constraining factors with its partners by obtaining 326 freezing orders. This performance exceeded the annual target of 300 by 9% due to an increased focus on Chapter 6 preservations. Furthermore, the number of freezing orders increased by 19% (53 freezing orders) compared to the previous financial year.

Annual comparison of number of freezing orders: 2012/13 to 2019/20

Financial years	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	Projected change over previous year	Change over period 2012/13 to 2019/20
Number of freezing orders	276	363	342	326	377	324	273	326	19%	18%

Value of freezing orders

During the year under review, freezing orders to the value of R1.95 billion were obtained, 71% below the target of R6.8 billion. The performance is, however, a significant improvement compared to the previous year, during which freezing orders to the value of R455 million were obtained. The reasons for the non-achievement of the target are twofold; the AFU was functioning with a 30% vacancy rate and the continuous re-allocation of work to existing staff reached a stage where it was not sustainable. There were also undue delays in the finalisation of high-value cases (especially State Capture cases) as a result of performance limitations such as the complexity and extent of high-value cases, delays in criminal investigations and a lack of financial capacity. Further to this, no freezing orders were obtained that emanated from the ACTT cases.

To improve performance, priority will be given to the finalisation of high-value matters, as well as continuous engagement with stakeholders such as the NPS, SCCU, and the ACTT to ensure the timely referral of relevant cases. There is also a number of high-value cases emanating from the State Capture investigations that were transferred to the Investigating Directorate (ID) that are still under investigation, which are being prioritised.

Annual comparison of value of freezing orders: 2012/13 to 2019/20

Financial years	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	Projected change over previous year	Change over period 2012/13 to 2019/20
Value of freezing orders	R518 million	R701.5 million	R2 756 million	R778.9 million	R1.194 billion	R4.4 billion	R455 million	R1.95 billion	329%	276%

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

During the year under review, freezing orders to the value of R1.6 billion were obtained, 66% below the target of R4.7 billion. This performance is also a significant improvement of 511% compared to the performance of the previous financial year, during which freezing orders to the value of R262 million 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 AFU will continue to engage with its stakeholders to ensure the finalisation of criminal investigations of high-value corruption cases. A number of high-value State Capture cases are also being prioritised.

Value of recoveries in terms of POCA

Recoveries in terms of POCA to the value of R190 million were obtained, 91% below the target of R2.2 billion. The performance is also a significant reduction of 95% compared to the previous financial year. The delays in the finalisation of freezing orders and forfeitures contributed to the non-achievement of the target. To improve performance, the AFU will continue to engage with its stakeholders to ensure the finalisation of high-value serious corruption matters, as well as the prioritisation of high-value State Capture matters.

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 table below reflects the performance of the AFU over the last eight years in terms of the value of recoveries.

Annual comparison of value of recoveries in terms of POCA: 2012/13 to 2019/20

	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	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	R2.88 billion	R160 million	(94%)	459%
Payment into CARA	R34.8 million	R98.5 million	R58.2 million	R54.2 million	R69.1 million	R107 million	R166 million	R30 million	(82%)	(14%)
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	R190 million	(94%)	200%

Success rate

A success rate of 98% was achieved, exceeding the target of 93% by 5%. This 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 of POCA and a more focused approach being followed in pursuing cases through Chapter 6 of POCA.

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

Recoveries to the value of R3 million were obtained, 99% below the target of R1.6 billion. This performance is also a significant decrease in performance compared to the previous financial year during which recoveries to the value of R2.84 million were obtained. Only three recoveries were made during the financial year as a result of the AFU being involved in complex and high-value cases which takes much longer to finalise. To improve performance complex high-value and serious corruption cases (especially State Capture cases), as well as cases close to finalisation, will be prioritised. The AFU will also actively engage with the ID and ACTT to improve 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 R200 000 were made, which is significantly (99%) below the target of R600 million. 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. Challenges were experienced with the referral of applicable cases, since in many instances there were no assets to pursue in these matters. Measures to speed up the finalisation and set down of pending forfeiture application papers were implemented. The AFU Regional Heads are engaging with stakeholders, such as the SCCU and others to ensure that relevant cases are identified and referred to the AFU to enable the unit to obtain orders.

Strategic Objective 21: Ensure vulnerable and intimidated witnesses and related persons are successfully protected

Strategic Objective 21: Ensure vulnerable and intimidated witnesses and related persons are successfully protected						
Objective Indicator		Actual Achievement 2018/19	Planned Target 2019/20	Actual Achievement 2019/20	Deviation from Planned Target to Actual Achievement for 2019/20	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 the effective operational model and operations planning

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

During 2019/20 the OWP maintained its performance record for the last 18 years in ensuring that no witnesses and related persons were threatened, harmed or killed while on the Witnesses Protection Programme.

Performance Indicator

Strategic Objective 21: Ensure vulnerable and intimidated witnesses and related persons are successfully protected						
Performance Indicator		Actual Achievement 2018/19	Planned Target 2019/20	Actual Achievement 2019/20	Deviation from Planned Target to Actual Achievement for 2019/20	Comment on Deviations
21.1	Percentage of witnesses and related persons that walked off the Witness Protection Programme	0,6% (4/669)	1,5%	1,3% (9/713)	(0,2%)	Target achieved due to good witness management through induction processes and continued interaction with the witnesses and their related persons
21.2	Percentage of witnesses and related persons successfully discharged and resettled	100%	100%	100%	0%	Target achieved due to 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

Seven witnesses and two related persons, who no longer wanted to be on the programme, left the programme voluntarily and without notice which is 1,3% 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.

During the year under review, 201 witnesses and 160 related persons joined the programme. A total of 713 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 2018/19 financial year. Guided by the intention of the Witness Protection Act, and the values and ethos of the Constitution, 76 witnesses and 61 related persons were successfully discharged and resettled. 20 witnesses returned to the area of danger. At the end of the financial year 96 witnesses and 58 related persons signed-off the Witness Protection Programme before testimony, with 33 witnesses and 15 related persons who signed-off after they have testified. No formal grievances were laid. 35 criminal prosecutions were finalised, with 55 life sentences and 1 033 direct imprisonment that were imposed in cases in which witnesses on the Witness Protection Programme testified.

Strategy to overcome areas of underperformance

The success of the implementation of the NPA's strategy relies on the monitoring of performance at all levels; i.e. operational, tactical and strategic level. The NPA has revived the quarterly performance review meetings to address areas of non-performance. Performance interventions and/or strategies are identified and implemented; regular feedback on the latter is provided to the various committees tasked with performance improvement. Individual performance is linked to business unit performance in order to synergise efforts to improve outcomes and outputs.

There was a shift in focus from measuring outputs to an outcomes- and impact-based measurement (as opposed to output measurement). The outcomes-based performance measurement system is being institutionalised.

Changes to planned targets

No changes to planned targets were made.

Linking performance with budget

The Programmes overall expenditure for the year amounted to R3.800 billion against the budget of R4.135 billion, resulting in an under spending of R125 million. The under spending is due to delays in filling of vacant posts and non-delivery of computer equipment as a result of shipment delays caused by COVID-19 restriction measures.

Sub- Programme Name	2019/20			2018/19		
	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 Prosecuting Services	3 221 113	3 215 781	5 332	3 058 753	3 058 753	-
Assets Forfeiture Unit	153 146	126 861	26 285	127 794	127 794	-
Office for Witness protection	192 770	192 770	-	193 539	193 539	-
Support Services	567 618	473 785	93 836	419 590	419 309	281
Total	4 134 650	4 009 197	125 453	3 799 676	3 799 395	281

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 R1 051 192 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 DOJCD (Justice Modernisation), and key performance indicators of this objective are detailed in the table below.

Functional integrated electronic criminal justice system established to monitor the performance of the criminal justice system.

STRATEGIC OBJECTIVE 22: FUNCTIONAL INTEGRATED ELECTRONIC CRIMINAL JUSTICE SYSTEM ESTABLISHED TO MONITOR THE PERFORMANCE OF THE CRIMINAL JUSTICE SYSTEM

Strategic Objective 22: Functional integrated electronic criminal justice system established to monitor the performance of the criminal justice system						
Performance indicator	Actual Achievement 2018/2019	Planned Target 2019/2020	Actual Achievement 2019/2020	Deviation from planned target to Actual Achievement for 2019/2020	Comment on deviations	
22.1	Number of government departments and entities exchanging information electronically	8	9	8	11%	Target not achieved due to delays in the procurement of network lines for the Office of the Chief Justice (OCJ) eFiling project
22.2	Number of Integrated Justice System departmental applications that form part of the integrated Test Lab process	6	9	9	-	Target achieved
22.3	Number of branches / sites / services centres of government departments and entities where Person Verification Services deployed	-	280	694	479%	Target exceeded due to accelerated PIVA rollout to additional police station sites to reliably identification and verification a person

The Integrated Justice System (IJS) programme is a government initiative with the aim of improving the efficiency and effectiveness of the South African criminal justice process. It drives a multi-department effort to increase the probability of successful investigation, prosecution, punishment, and ultimately the rehabilitation of offenders and their restoration back into society to realise a national objective that all South Africans feel and are safe.

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

As at the end of 31 March 2020, eight government departments / entities were connected to the IJS hub and able to electronically exchange information.

These information exchanges are implemented by means of signed interface control definitions. The integrated departments include: The SAPS, the NPA, the DOJCD, Legal Aid SA, DHA, DCS (in pilot) and DSD. In addition, SASSA is also connected for the purposes of the Person Identity verification against the DHA database.

The OCJ was not connected to the IJS Transversal Hub at the end of March 2020, due to delays in the procurement of network lines, which has impacted on the achievement of the target.

It should be noted that connectivity between the IJS Transversal Hub and Business Against Crime South Africa (BACSA) was decommissioned during 2019/20, as SAPS, as the IJS stakeholder utilising the BACSA integrations no longer required.



During the year under review, a total of nine applications were tested in the test lab as listed in the 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 DOJCD Court Scheduler (including mobile and web apps) Femicide Watch Dashboard
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) (Web & Mobile versions) Child and Youth Care Centre Application (CYCA)
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)
National Prosecuting Authority	<ul style="list-style-type: none"> Electronic Case Management System (ECMS)

Enabling government to reliably identification, verification and authentication of persons in the CJS is a key priority of the IJS programme. The availability of PVS is essential in realising the objective of providing authorised CJS stakeholders with rapid access to information about a person's statuses (e.g. suspect, wanted, bail status) and existence of criminal records at any point in time.

As at the end of March 2020, the Person Identification and Verification (PIVA) functionality was deployed at 694 sites

Strategy to overcome areas of under performance

Indicator description		Reasons for under performance	Strategy to overcome areas of under performance
22.1	Number of government departments and entities exchanging information electronically	The delays in the procurement of network lines for the Office of the Chief Justice (OCJ) eFiling project	<p>Collaborating with the OCJ to utilise an interim connectivity solution that enables the secure exchange of information between the OCJ and IJS Transversal Hub. It is anticipated that the design, implementation and testing of this solution will be concluded in 2020/21</p> <p>In parallel, the OCJ Courts online project will continue working with the State Information Technology Agency (SITA) to complete the procurement of the necessary network connectivity as part of implementation of the final solution</p>

Changes to planned targets

There were no changes made during the financial year under review.

Linking performance with budget

The programme expenditure for the year amounted to R3.917 billion against the budget allocation of R3.917 billion resulting in an under spending of R 1 thousand.

Sub- Programme Name	2019/20			2018/19		
	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
Legal Aid South Africa	1 970 973	1 970 973	-	1 800 892	1 800 892	-
Special Investigating Unit	363 023	363 023	-	357 099	357 099	-
Public Protector Of South Africa	342 030	342 030	-	326 581	326 581	-
South African Human Rights Commission	190 005	190 005	-	178 830	178 830	-
Justice Modernisation	1 051 192	1 051 192	-	759 631	759 631	-
President's Fund	1	1	1	1	-	1
Total	3 917 224	3 917 223	1	3 423 034	3 423 033	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	1 970 973	1 970 973	<p>Ensured access to justice through the provision of legal services to 668 293 people.</p> <p>Provided legal services to 13 514 children – 7 781 children in conflict with the law and 5 733 children involved in civil matters.</p> <p>Finalised a total of 374 367 legal matters</p> <p>Deployed an electronic Legal Aid Administration System (eLAA) to improve legal administration efficiencies and financial processes.</p>
Special Investigating Unit	Fund the Special Investigating Unit, which provides professional forensic investigating 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	363 023	363 023	<p>A total of 2000 investigations were closed under a published proclamation in accordance with predetermined standards. 19 reports were submitted to the Presidency</p> <p>The value of R400 million potential losses were prevented.</p> <p>The value of R2.165 billion for matters in respect of which evidence was referred for the institution or defence/opposition of civil proceedings (including arbitration or counter civil proceedings).</p> <p>A total of 451 referrals were made to the Relevant Prosecuting Authority, The value of R346 million cash recoveries were recovered.</p>

5.2 TRANSFER PAYMENTS TO ALL ORGANISATIONS OTHER THAN PUBLIC ENTITIES

The table below reflects the transfer payments made for the period 1 April 2019 to 31 March 2020

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 of prejudice	N/A	342 030	342 030	N/A
The South African Human Rights Commission	Constitutional entity	To support constitutional democracy through promoting protecting and monitoring the attainment of everyone's human rights in South Africa without fear, favour or prejudice.	N/A	190 005	190 005	N/A
PD: Vehicle licences	Municipal payments	Renewal of vehicle licences	N/A	752	752	N/A
Foreign Government/International organisation	Foreign Government	Subscription fees	N/A	12 956	12 956	N/A
TV licence renewal	SABC	TV licence renewal	N/A	91	91	N/A
Households	Payments for leave gratuity & claims against the State	Payments for leave gratuity & claims against the State	N/A	62 344	62 344	N/A
Safety and Security, Sector Education & Training Authority	Payments for training in the public service	Payments for training in the public service	N/A	27 189	27 189	N/A

6. CONDITIONAL GRANTS

6.1 CONDITIONAL GRANTS AND EARMARKED FUNDS PAID

None

6.2 CONDITIONAL GRANTS AND EARMARKED FUNDS RECEIVED

None

7. DONOR FUNDS

7.1 DONOR FUNDS RECEIVED

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 (Completed)
Purpose of the funding	IMPROVING CASE OUTCOMES FOR SEXUAL OFFENCES CASES PILOT PROJECT (ICOP)
Expected outputs	The Improving Case Outcomes for Sexual Offences Cases Pilot Project (ICOP) aims to: <ul style="list-style-type: none"> (i) improve case flow management, (ii) build capacity for improved services, especially for vulnerable groups and LGBTI persons and (iii) create evidence-based best practices for improved case outcomes in 3 pilot Sexual Offences Courts (SOCS) namely: Durban, Soweto and Tonga.
Amount received in current period (R'000)	R 9,528,261.14 (Technical Assistance)
Amount spent by the Department (R'000)	R8,188,314.81
Reasons for the funds unspent	N/A
Monitoring mechanism by the donor	The Donor monitors the projects through the following structures <ul style="list-style-type: none"> • Quarterly reports • Donor Coordination quarterly Project Managers Forum • Provincial Stakeholder forum • Advisory Committee • Project Steering Committee

United Nations Children's Fund (UNICEF)

Name of donor	United Nations Children's fund (UNICEF)
Full amount of the funding	R 1, 272 000
Period of the commitment	2016- 2019 (Completed)
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, and justice for all; and strengthened national institutions and systems to support South Africa's contributions for a Better Africa and a Better World
Expected outputs	Reduce the impact of sexual abuse on victims, especially Women and children, by strengthening capacity of the sexual offences courts to deliver victim- centered services
Actual outputs achieved	During the period under review the following outputs were achieved: <ul style="list-style-type: none"> • The recommendations for strengthening Victim support services were finalised • The minimum standards of Sexual Offences Court model were completed and submitted to the Department for consideration. • The draft strategy was completed and handed over to the Department for approval.
Amount received in current period (R'000)	R748 542.07 (Technical Assistance)
Amount spend by the Department (R"000)	R748 542.07
Reasons for the funds unspent	Donor support was received in kind.
Monitoring mechanism by the donor	Donor assistance is managed through quarterly project Managers Forums meetings, quarterly meetings between the Department, donor and implementing partners.

European Union

Name of donor	European Union
Full amount of the funding	Euros 25 million
Period of the commitment	2014- 2021
Purpose of the funding	To support the Department to fulfil its mandate on the enhancement of Socio-Economic Rights and strengthen partnership with Civil Society.
Expected outputs	Improved Awareness of Constitutional Rights, with an emphasis on Socio-Economic Rights and on vulnerable groups Enhanced Participatory Democracy through Public Policy Dialogues on Constitutional Rights Improved and sustained collaboration between Government, Chapter Nine Institutions, Civil society and other stakeholders in terms of justice service delivery and socio-economic rights (including support for Community Advice Offices) Increased Research on Socio-Economic Rights and Jurisprudence Improved Sector Co-Ordination and Policy Design on Constitutional Development Strengthened Capacity, Engagement and Participation of CSOs in the realization of Constitutional Rights
Actual outputs achieved	<ul style="list-style-type: none"> • A total of R396 closure reports were finalised for grants that were awarded to CSOs. <p>A total of 8 grants were awarded during the year under review.</p>

Name of donor	European Union
Amount received in current period (R'000)	R 27,317,240.94
Amount spent by the Department (R'000)	R 5,358,369.05
Reasons for the funds unspent	N/A
Monitoring mechanism by the donor	Donor assistance is managed through quarterly project Managers Forums meetings, quarterly meetings between the Department, donor and Foundation for Human Rights.

European Union (GBS Funding)

Name of donor	European Union (GBS Funding)
Full amount of the funding	R12 587 463
Period of the commitment	2019 - 2021
Purpose of the funding	Investigation into Legal Fees
Expected outputs	<p>To investigate and report back to the Minister with recommendations on the following:</p> <ul style="list-style-type: none"> (I) Manner in which to address the circumstances giving rise to legal fees that are unattainable for most people; (II) Legislative and other interventions in order to improve access to justice by members of the public; (III) The desirability of establishing a mechanism which will be responsible for determining fees and tariffs payable to legal practitioners; (IV) The composition of the mechanism and the process it should follow in determining fees or tariffs; (V) 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 (VI) 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	<ul style="list-style-type: none"> (I) Research on international best practices (Foreign visits) SALRC delegates attended CALRAs and CLC conference, which was held in Livingstone, Zambia during the month of April 2019. (II) Hosting Provincial consultative workshops and meetings on Issue Paper <p>Total of 7 Provincial Community workshops on Issue Paper were held during the period under review as follow: Bethlehem in Free State ; Mbalenhle in Mpumalanga, Hammersdale in KZN & law clinic; Ga Matlala in Limpopo; Cloeteville in WC & UWC law clinic; Phatsima Village in North West ; Douglas in Northern Cape ; and Mabopane in Gauteng</p> <ul style="list-style-type: none"> (I) Outsourcing of three specialized research papers/studies <p>The research studies were not conducted due to the poor response on a tender to appoint service providers to assist the Department in conducting such research.</p> <ul style="list-style-type: none"> (II) Conducting comparative legal research. <p>The SALRC conducted in-depth analysis of legislation in place in SADC countries.</p>
Amount received in current period (R'000)	R1, 672,268
Amount spent by the department R'000)	R6 506 563
Reasons for the funds unspent	The project start was delayed due to National Treasury delay in transferring the money from RDP account into the departmental account

Name of donor	European Union (GBS Funding)
Monitoring mechanism by the donor	Donor assistance is managed through quarterly project Managers Forums meetings, quarterly meetings between the Department, the project manager also report directly to National Treasury on quarterly basis.

8. CAPITAL INVESTMENT

8.1 CAPITAL INVESTMENT, MAINTENANCE AND ASSET MANAGEMENT PLAN

The Department of Justice and Constitutional Development (DOJ&CD) through Facilities Management unit is responsible for the provision of office and courts accommodation and maintenance thereof. This is done through Infrastructure Management by building of new courts and expansion of existing facilities or through Property Management by leasing of office accommodation or facilities. All these services are executed by the Department of Public Works & Infrastructure (DPWI), as the custodian of government facilities and the Independent Development Trust (IDT) as the other implementing agent. The DOJ&CD is the fund holder of capital projects.

The maintenance of all government facilities is the responsibility of Department of Public Works and Infrastructure (DPWI) and also the fund holder. The maintenance budget has been reduced over the years and impacts negatively as government facilities are not maintained as required.

The 2019/20 capital budget allocation was originally R855 637 000 but reduced by R345 000 000 to R510 635 000. The budget was split between Department of Public Works and Infrastructure

Infrastructure projects which have been completed in the current year

NO.	PROJECT NAME	PROGRESS	STATUS
1.	Limpopo Province: Limpopo High Court: Construction of a new building including additional parking	The building was completed and occupied in January 2016 and officially opened on 29 November 2016. The additional parking has been completed and interlinking of the three buildings is outstanding pending the finalisation of maintenance. The project started in August 2013 and ended in August 2015	100%
2.	Mpumalanga Province: Mpumalanga High Court: Construction of a new building	The High Court has been completed with secondary access on Samora Machele drive. The High Court was officially opened on 8 November 2019 by the state President. The project started in August 2013 and ended in August 2015. The primary access road tender was awarded and Thenjwa Engineering & Projects is appointed. Progress to date is 20%. The trees have been cleared and excavations begun. The project started on the 29 November 2019 and the project ended 01 June 2020	100%
3.	Gauteng Province: The Palace of Justice: Security Measures Upgrade	The remaining scope of work was increased to include the additional accommodation of conversion of the boardrooms. The tender was advertised and at adjudication stage.	100%

4.	Eastern Cape: Mthatha High Court: Additional Accommodation & Repairs and Renovations	Project site hand over to the contractor was completed on 18 July 2017. The building was launched as planned on the 25th October 2019. The project started in July 2017 and ended in July 2019.	100%
5.	Gauteng: Constitutional Court: Repair and Renovations	The project started in May 2018 and was completed in April 2019	100%
6.	Western Cape: Plettenberg Bay Magistrate's Office: Construction of a New Building	The project was completed and facility operating. The court was officially opened by the Minister on 2 May 2019. The project is on the maintenance period. The project started on the October 2015 and completed on the July 2017	100%
7.	Kwa-Zulu Natal: Chatsworth Magistrate's Office: Additional Accommodation including repairs	Practical Completion was taken on 17 March 2020. The project was started in June 2016 and ended in December 2018	100%
8.	Eastern Cape: Bityi Magistrate's Court	The project was advertised in January 2016 and awarded in May 2016. The site handover was in July 2016. Practical completion was taken on 11 April 2018. The facility was officially opened on 25 October 2019. The project is on a 12 months maintenance period. The Project started in July 2016 and completed in January 2018.	100%
9.	Gauteng Province: Booyens Magistrate's Court	The project is complete. Hand over was done on 13 February 2019 to DOJ&CD and DPWI. The facility was officially opened by the state President on 28 March 2019. The project is under maintenance period. The project started in June 2016 and completed in December 2017	100%
10.	Kwa-Zulu Natal: Pietermaritzburg NPA: Rehabilitation of old DPW workshop.	The project started in January 2017 and completed in July 2019 Practical completion was taken 6 November 2019.	100%
11.	Mpumalanga Province: Evander Magistrate's Court: Refurbishment and additional accommodation for the Director of Public Prosecutions, Judiciary and Administration	The project has been completed and practical completion was taken on 26 June 2019. Final works completion was carried out on 11 October 2019. The project started in October 2016 and completed in October 2018	100%
12.	Western Cape: Group 1: Albertinia; Heidelberg (WC);	The Heidelberg and Albertina are complete. The project started in 14 September 2016 and completed in December 2020.	100%
13.	Kwa-Zulu Natal: Umbumbulu Magistrate's Office: Additional accommodation and alterations	The contractor has completed 100% of the original contract scope. A Works completion list was issued on 08 November 2019. The contractor working on the items on the works completion list to repair them. The project started in December 2013 and was completed in June 2015. Practical completion was achieved on the 08 November 2019	100%
14.	Eastern Cape: East London: Old SARS Building	The project tender was advertised and closed on the 10 September 2019. Site handover was on 18 December 2019. Contractor started work in January 2020. The project started on the 18 December 2019 and was completed on November 2020.	100%
15.	Mpumalanga Province: Witbank Magistrate's Office: Repair and renovations of building	Practical completion was conducted on 10 September 2019.	100%

Infrastructure projects that are currently in progress

NO.	PROJECT NAME	PROGRESS	STATUS
16.	Kwa-Zulu Natal: Durban High Court: Additional accommodation and refurbishment	<p>The project was advertised on 30 August 2019, briefing for contractors was on 25 September 2019 and tender closing on 30 October 2019 but extended to 20 November 2019.</p> <p>The decanting plan has been finalised and approved at the Durban Magistrates Court. The adjudication process is on-going.</p> <p>The tender recommendation was done. DPWI at an advanced stage of evaluation and process will be finalized shortly.</p>	The project is at tender adjudication stage.
17.	Limpopo: Polokwane burnt Magistrate's Office	<p>The project is co-funded by both DoJ&CD and DPWI. The scope of work is to reconstruct the Polokwane Burnt Magistrate's Court.</p> <p>The Contractor was handed over the site on 25 October 2019. The appointed contractor is Musan Trading Enterprise CC.</p> <p>The project started in in 17 October 2019 and will end in 25 October 2021.</p>	4%
18.	Eastern Cape: Mqanduli burnt Magistrate's Office	<p>Project managed by Coega. Demolition of burnt building: Concept/Design report approved, and the funds have been confirmed.</p> <p>Tender was advertised in December 2019, briefing held in January 2020 and tender closed in January 2020.</p> <p>New accommodation: The need certificate for the construction of a new court was submitted to DPWI.</p> <p>The site clearance by DPWI is still outstanding.</p>	Project at adjudication stage.
19.	Gauteng Province: Pretoria Magistrate's Court: Refurbishment of Burned Building	<p>DPWI is busy with the contracting parties with regard to the New Assignment Agreement for the project; If acceptable then a submission will be made to the RBAC and NBAC for approval of the new assignment agreement.</p> <p>The Assignment agreement submission was not approved by NBAC.</p> <p>The second Assignment was not approved in August 2019. A Mora letter was sent out to the contractor on 27 September 2019.</p> <p>The mora letter has been escalated to the contractor's Lawyers and the DPWI's legal services.</p> <p>The project started in February 2015 and completed in August 2016.</p>	32%
20.	North-West: Rustenburg Magistrate's Office	<p>DOJ&CD has registered a refurbishment project with DPWI. The project was advertised on 20 September 2019, with briefing meeting on 4 October 2019 and closing on 23 October 2019.</p> <p>The DOJ&CD regional Office has placed mobiles on top of bulk municipal services on site.</p> <p>The region has agreed that the project must be advertised and mobiles will be moved before site hand over.</p> <p>At the meeting held on site on 4 October 2019, the project team was requested to come up with the new decanting plan, taking into consideration the growth of personnel at the court.</p>	Project at adjudication stage.

21.	North-West: Rustenburg Magistrate's Office	<p>DOJ&CD has registered a refurbishment project with DPWI. The project was advertised on 20 September 2019, with briefing meeting on 4 October 2019 and closing on 23 October 2019.</p> <p>The DOJ&CD regional Office has placed mobiles on top of bulk municipal services on site. The region has agreed that the project must be advertised and mobiles will be moved before site hand over.</p> <p>At the meeting held on site on 4 October 2019, the project team was requested to come up with the new decanting plan, taking into consideration the growth of personnel at the court.</p>	Project at adjudication stage.
22.	Gauteng: Soweto Magistrate's Office - New	<p>The project has been registered with DPWI but there has been lack of progress due to unavailability of suitable land for construction.</p> <p>The land was identified by DPWI which belongs to the City of Johannesburg; Dlamini Erf 1802.</p> <p>Approval was granted with fewer hectares. DPWI is awaiting approval for the increased hectares of the land and council resolution.</p>	Progress is slow
23.	Gauteng: Ga-Rankuwa Magistrate's Office	<p>Two projects have been registered with DPWI for this court; Repairs & Renovations and the Additional Accommodation projects.</p> <p>The R&R project is ready for sketch plan. Planning for additional accommodation will commence once the site has been cleared.</p>	Not yet available at year end.
24.	Gauteng: Soshanguve Magistrate's Office	<p>The Department has registered a repairs and additional accommodation project with DPWI.</p> <p>The tender was advertised on the 02 August 2019 and closed on the 10 September 2019.</p> <p>The project started in 12 December 2019 and will complete in 03 December 2022</p>	4%
25.	Middelburg (Mpumalanga) Local Seat	<p>Infrastructure upgrade third phase</p> <p>Scope of works includes Installation of clearvu fence; Installation of X-Ray machine and Walk-through metal detector.</p> <p>SAPS vacated site on 28 February 2020. The court commenced with operation from 13 May 2019</p> <p>It is anticipated that the refurbishment will be completed by end of August 2020.</p>	Not yet available at year end.
26.	Kwa-Mhlanga (Mpumalanga) Local Seat	KwaMhlanga was put on hold until Middleburg court is complete.	On hold
27.	Gauteng: Orange Farm land acquisition	The land has been transferred to the City of Johannesburg and DPWI is renegotiating with the City of Johannesburg for acquisition.	Not yet available at year end.
28.	Gauteng: Justice College: Refurbishment project	<p>The project of repair and renovations was registered by DPWI and the tenants moved to a leased building.</p> <p>The project started on the 26 April 2019 and ended on the 20 April 2021.</p>	Not yet available at year end.

29.	North West: Mmabatho HC: Repairs and Renovations	<p>Site was handed over to the contractor on 05th December 2017.</p> <p>Project expected completion date was on the 04th of December 2019 which has been revised.</p>	Not yet available at year end.
30.	Limpopo: Thohoyandou High Court: Repairs and Renovations	The subdivision of the property has been approved.	Not yet available at year end.
31.	Kwa-Zulu Natal: Port Shepstone Magistrate's Office: Construction of a new building	<p>Site was handed over on 08 October 2014</p> <p>The outstanding work is mainly to the external works (i.e. parking facilities, pedestrian walkway and landscaping).</p> <p>There is no progress on site pending the outcome of Business Rescue plan from the contractor.</p> <p>Summons has been served against DPWI, the process of litigation and disputes are currently on-going.</p> <p>The process of the legal disputes could prolong between one to two years. A court date was scheduled on the 25 July 2019 to present plea for dispute of cancellation and for payments due to Basil Read at High Court in Pretoria.</p> <p>The project started on the 08 October 2014 and completion date is not yet determined.</p>	96%
32.	Gauteng Province: Mamelodi Magistrate's Office: Construction of a new building	<p>The slow progress has been noticed and is being escalated to the National DPWI for intervention.</p> <p>The contractor was placed on mora but there is no improvement on progress.</p> <p>The project started in June 2014 and expected to be completed in August 2020.</p>	73%
33.	Eastern Cape: Dimbaza Magistrate's Court: Construction of a new building	<p>There were delays due to inclement weather. The PRI telephone lines are still outstanding.</p> <p>The practical completion and occupancy was not conducted as all the electrical equipment was not working due to damage by electrical failure. However all electrical installation work has been rectified and completed.</p>	98%
34.	Western Cape: Group 1: Mossel Bay: Facilities for people with disabilities	The project progress of Mossel Bay stands at 53% complete.	53%
35.	Kwa-Zulu Natal: Vulamehlo Magistrate's Court: Repairs and Renovations to office buildings	<p>Construction progress on site is 92% complete. DPWI has placed the contractor on terms due to non-performance.</p> <p>The project started in March 2015 and it is anticipated to be completed in August 2020.</p>	92%
36.	Northern Cape: Fraserburg Magistrate's Court: Construction of additional accommodation	<p>The Contractor is busy with the construction on 1st floor. Contractor behind schedule due to only working 3 days in a week. Frequent stoppages are due to court sittings and delayed site handover.</p> <p>Project is also behind schedule because the contractor had cash flow problems. The contractor has committed to accelerate the project.</p> <p>The project started in October 2016 and date for completion is not yet determined.</p>	95%

37.	Eastern Cape: Queenstown Magistrate's Office, - condition based maintenance	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. Contractor running behind schedule. The project started in June 2017 and it was anticipated to be completed in July 2020.	95%
38.	Eastern Cape: Mount Frere Magistrate's Office: Condition based maintenance	The contract was terminated due to non-performance. The second contractor was appointed in August 2017. DPWI has also terminated the contract due to non-performance. The craft procurement strategy for the critical scope of works has been done.	65%
39.	Free State: Bothaville Magistrate's Office: Repair and Renovations	Project Contract was cancelled due to poor performance of the contractor. The project was re-advertised on 17 May 2019 for second contractor and closed in June 2019. The project started on August 2016 and it is anticipated completion date to be December 2020.	Not yet available at year end.
40.	Kwazulu Natal: Umlazi Heritage: Repair and Renovation to office building	The contractor is restricted to perform as the DOJ&CD needs to vacate offices and there are no temporary offices. DPWI looking for alternative accommodation. The project started on the September 2016 and anticipated completion date is May 2021.	63%
41.	Kwazulu Natal: Hlabisa Magistrate's office: Various building repairs	Project was advertised and to be handed over to the contractor in the new financial year 2020/2021.	Not yet available at year end.
42.	Limpopo: Seshego Magistrate's office: Repair and renovations	The project is progressing very slowly due to lack of accommodation. The anticipated completion date to be June 2020	89%
43.	Limpopo: Giyani Magistrate's Office: Repair And Renovations	Contract was terminated on 12 March 2019 due to lack of progress. Final account is being prepared. Evaluation of tender was held on 28/02/2020. External Auditors still to audit the tender evaluation report.	36%
44.	Limpopo: Messina Magistrate's Office Repair And Renovations, Installation Of Fire Equipment To Comply with Building Regulations Drilling And Equipment Of Borehole	Termination letter served to contractor on 24 January 2019, due to poor performance.	Not yet available at year end.
45.	Limpopo: Groblersdal Magistrate's Office: Repair And Renovations Of Building;	Partial completion was taken on 25 October 2018. The contractor was terminated in May 2019. DPWI is preparing the final account and completion scope for appointment of second contractor in 2020/21 financial year.	Terminated
46.	Eastern Cape: Elliot Magistrate's Office: Repairs and Renovations	The project will be implemented by COEGA. Coega is busy with the project's scope and funds were confirmed by DOJ&CD. The sketch plan is being interrogated; concerns mainly highlighted on the security risks.	Not yet available at year end.

47.	Eastern Cape: Indwe Magistrate's Office: Condition Based Maintenance	Extended practical completion date was scheduled for 17 October 2019; however it could not be conducted due to outstanding items and poor workmanship. Contractor currently on penalties. The site was handed over in September 2017 and practical completion date is not yet determined	98%
48.	Eastern Cape: Tabankulu Magistrate's Office: Condition Based Maintenance	The project is at practical completion stage. Extension of time was granted to the contractor. The project was handed over on the 29 August 2017 and planned completion practical date not yet determined.	98%
49.	Eastern Cape: Lusikisiki Magistrate's Office Condition Based Maintenance	The contractor has encountered delays due to financial constraint, appointment of ITC service provider and the community unrest emanating from the 30% compulsory sub-contracting. The expected completion date to be November 2020	43%
50.	Eastern Cape: Mt Fletcher Magistrate's Office: Repairs	The project was handed over to the Contractor on the 05 May 2018. The progress on site is at 80% complete. The expected completion date to be November 2020	80%
51.	Limpopo: Nebo Magistrate's Office: Repairs and Maintenance	The contractor was served by a mora letter at the end of September 2019 due to non-performance. The Contractor was back on site from 29/01/2020. The expected completion date to be July 2020	40%
52.	Eastern Cape: Mthatha Magistrate Office: Repairs and renovations	Project was advertised on 19 July 2019 with briefing meeting on 26 July 2019 and closed on 12 August 2019. The tender was evaluated and appointment contractor on 18 October 2019.	Not yet available at year end.

Infrastructure projects	2019/2020			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	492 043	299 081	192 962	792 017	792 017	-
Existing infrastructure assets	43 706	43 706	-	24 438	24 438	-
-Upgrades and additions	6 276	6 276	-	4 047	4 047	-
-Rehabilitation, renovations and refurbishments	-	-	-	-	-	-
-Maintenance and repairs	37 430	37 430	-	20 391	20 391	-
Infrastructure transfer	-	-	-	-	-	-
-Current	-	-	-	-	-	-
-Capital	-	-	-	-	-	-
Total	535 749	342 787	192 962	816 455	816 455	-



PART C

GOVERNANCE

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 Departmental Enterprise Risk Management policy as well as Risk Management Strategy were reviewed during 2019/20 financial period to ensure that it sets out Department of Justice and Constitutional Development (DOJCD)'s commitment to sound risk management practices, principles and outlines various roles and responsibilities to be carried out in the organisation in order to ensure effective implementation of risk processes. Both the Risk management policy and Risk Management strategy were approved in December 2019.

Risk management processes are embedded into the Department's systems and processes in ensuring that current and emerging risks are identified, assessed and action to respond to those risks are provided for. As a result, the Department conducted a number of operational risk assessments in various regions and branches within the Department. In addition as part of the departmental planning cycle the Strategic Risk Register was reviewed during the third quarter of the financial year whereby the top risks were identified and were endorsed by the Executive Committee of the Department.

The Department has a Risk Management Committee (RMC) chaired by an independent person and other members (representatives) from different branches of the Department. The Terms of Reference for RMC and composition of members has been approved by the Director General. The committee meets on quarterly basis to provide advices on the risks faced by the Department to ensure accountability and quick responses to strategic, operational and emerging risks. Furthermore, the Department offered training to Risk Champions from the regions as well as at National office in February 2020 to strengthen effectiveness of Regional Risk Committees in particular on how to best manage the risks and treatment plan (pro activeness) at their environment. Progress on strategic risks is reported to the Audit Committee on a continuous basis. The departmental risk universe is also shared with Internal Audit so as to ensure that auditing within the Department is risk based.

The Regional Risk Management committees has been put in place to co-ordinate and monitor risks on a regular basis to ensure accountability and quick responses to operational and emerging risks.

3. FRAUD AND CORRUPTION PREVENTION

The Fraud Prevention Plan and Ethics Management strategy were reviewed during 2018/19 financial year. In addition, the Department reviewed the anti-corruption and ethics management policy to provide mechanism for reporting fraud and corruption as well as investigating of reported cases. The policy was reviewed to ensure alignment with the relevant prescripts such as the amended Protected Disclosure Act.

Another mechanism to report fraud and corruption include the establishment of the Department's dedicated Forensic Audit Unit that is responsible for investigating reported cases from the National Anti-corruption hotline as well as internally by officials.

Other ways of reporting fraud and corruption include the procedure of reporting in terms of the Whistle blowing policy as well as

reporting financial irregularities to the office of the Chief Financial Officer (CFO). Whistle blowing policy is a separate mechanism from the Anti-Corruption and Ethics Management Policy.

With regard to financial irregularities to the office of CFO cases are reported in terms of the Departmental Financial Instructions (DFI).

The reporting of cases is done through the Anti-Corruption and Ethics Management policy as well as the Whistle blowing policy. The confidentiality is guaranteed in all instances when cases are reported.

The allegations are reported to the head of the Forensic Audit Unit and through the Public Service Commission national anti-corruption hotline. Once the allegation is investigated, a recommendation report will be made and submitted to the relevant Branch head or manager for implementation. Where allegations require reporting to the police, the Director: Forensic Audit Unit will directly report to the police or the relevant manager who requested an investigation may directly report to the police and keep a police case number. If the allegations of a possible misconduct have been established, the Department will institute disciplinary action against the implicated officials.

4. MINIMISING THE CONFLICT OF INTERESTS

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 Judiciary and Prosecution) stakeholders and members of the public, while they are within the Department's premises through a SHER Management System that is monitored and evaluated for continual improvement on the system and for effective control of workplace health and safety hazards.

The Department continues to identify and manage workplace hazards through SHER inspections conducted by national office and regional offices. A total of 32 SHER inspections were conducted by National Office during 2019/2020 financial year. Furthermore, the events were hosted by the Department to promote compliance with the relevant legislation and the departmental prescripts.

A culture of safe and healthy working environment continues to be promoted to all employees through SHER training and awareness. A total of 16 awareness sessions were conducted. The designated officials were trained in the First Aid and Fire Fighting courses in national office and regional offices.

Due to the existence of the SHER Management System and the training and awareness sessions conducted, a reduction on the number of Injury on duty is noticed for the past six years since 2014/2015 to date.

The Department continues to use an interdepartmental approach in Occupational Health and Safety Management, by working together with other units within the Department to address SHER Risks Profiles and to report to the Risk Committee annually. The Internal Audit assists to improve on SHER Compliance through their processes.

The Department is able to monitor compliance on the implementation of SHER Policy and Procedures at all service delivery points using several variables that are in line with Occupational Health and Safety Act, Act 85 of 1993 (as amended) through National Operations Centre (NOC). A total of 14 validation Reports were compiled by the Directorate: NOC.

6. BUSINESS CONTINUITY 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 DOJCD established the Business Continuity Management Program through developing, implementing, monitoring and maintaining the Business Continuity Management Instruction (BCMI), Circular 92 of 2013. The said BCMI, Circular 92 of 2013 was approved in September 2013, it was implemented at all service delivery points within four (4) months after its approval. The BCMI support the overall departmental Strategic Plan, 2017 - 2020.

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 order to promote and maintain the Business Continuity Management culture,

To promote and maintain a Business Continuity Management System, various regions were visited to conduct awareness on the BCMI, Circular 92 of 2013 and a total of 10 awareness sessions were held, wherein a total of 90 officials were made aware of the BCMI. In order to assess effectiveness of the Business Continuity Management system for the program, forty-four (44) service delivery points were sampled and assessed of compliance to the said Circular and continuous improvement was recommended, where necessary.

In addition to the sampled service delivery points, fourteen (14) BCMI validations were conducted at service delivery points identified by the Directorate: NOC to assess compliance of the above-mentioned Circular.

7. PORTFOLIO COMMITTEES

PARLIAMENTARY COMMITTEE MEETINGS

The Department of Justice and Constitutional Development appeared before the following Parliamentary Committees to brief Parliament on various issues during April 2019 and March 2020. The table below includes briefings relating to the Department of Justice and Constitutional Development and National Prosecuting Authority.

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised the
1) Portfolio Committee on Justice and Correctional Services	3 July 2019	Political overview by the Minister, and Briefing by the Department on its 2019/20 Annual Performance Plan	The Committee raised concerns about the use of percentages, lack of background and dashes on the presentation.	The Department responded to all questions asked by the Committee members.
2) Portfolio Committee on Justice and Correctional Services	9 July 2019	Briefing by the National Prosecuting Authority (NPA) on its 2019/20 Annual Performance Plan	The Committee was concerned about the NPA's plan to establish five more Thuthuzela centres, whilst there are allegations in the media that Thuthuzela Centres across the country were without counselling services.	The NPA explained that Thuthuzela Centres were a multidisciplinary initiative including the Departments of Health, and of Social Development as well as NGOs that also provide counselling at these centres, but that intervention to improve are being explored collectively.
			The Committee commended the NPA on its commitment to inter-agency collaboration and asked if the NPA has engaged with the Auditor-General because as from 1 April 2019, the Auditor General is entitled to refer material irregularities to the Special Investigating Unit (SIU). It would therefore be of interest to ensure co-ordination with the NPA.	The NPA confirmed that they met with the Auditor-General, and that the NPA is committed to ensuring coordination between the NPA, SIU and Auditor-General.

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised the
			<p>The Committee suggested that the NPA utilise various platforms to remedy the negative perception of the NPA. When there are key cases in the media, the NPA should provide citizens with prompt updates via various platforms so that citizens take comfort in knowing that the NPA is robust in carrying out its mandate.</p>	<p>The NPA reported about its public awareness campaigns, public outreach and media activities to achieve this, but conceded that more needs to be done more regularly to communicate effectively with citizens. Imbizos were held and publications issued in different languages. Even public prosecutors spoke to the public regularly about their work. The NPA was on Facebook and Twitter. 80% of the communication budget had gone to public awareness but the budget had been cut and public awareness had become an issue.</p>
			<p>The Committee enquired about NPA procedures dealing with marijuana related cases given that there has been surge in cases before the courts. He specifically asked if the NPA has procedures in place to determine whether to prosecute in such cases.</p>	<p>The NPA confirmed that it issued guidelines to prosecutors to deal with three (3) instances, i.e. Accused not yet pleaded; case before court; and evidence has already been heard, and where the contravention occurs after the Constitutional Court's order confirming the legality of using marijuana for personal and private use acquitted.</p>
			<p>The Committee reiterated that the R37 million allocated for the Investigative Directorate (ID) was inadequate and asked if the NPA has considered public-private partnership to obtain more money.</p>	<p>The NPA responded that the ID was only a short-term intervention to address the specific problem of State Capture. The ID will work within the system. Funding is not the main problem nor is money the only solution for all problems.</p> <p>The Deputy Minister said that the former National Director of Public Prosecutions (NDPP) had intended to remove the programme from the Justice College, however this was not approved.</p>
			<p>The Committee was dissatisfied with the NPA target of a 70% conviction rate in sexual offence cases. There are instances where prosecutors only prosecute "good" cases while others are dismissed. He asked what the NPA is doing to attain justice for the latter whose cases are dismissed.</p>	<p>The NDPP conceded that in a statistics-driven environment; prosecutors may be susceptible to taking on only cases they believe will improve their statistics.</p> <p>There are numerous reported matters where suspects cannot be identified, which make it nearly impossible to prosecute. Prosecutors only take on matters where a prima facie case can be established.</p>

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised the
			<p>The Committee was frustrated by the Asset Forfeiture Unit (AFU) budget being decreased by 25%. If AFU has optimal budget, it can carry out its mandate better and seize proceeds from illegal activities, to improve service delivery. It is illogical that application must be made to Cabinet for Criminal Assets Recovery Account (CARA) funds given that it is the AFU that collects the CARA funds. Such proceeds should revert to the NPA (especially the AFU).</p>	<p>The Director-General (DG) replied that he would not support amendments to legislation on CARA funding. The proceeds of crime are not meant to augment departments but rather to support crime combatting agencies. These recoveries would then become self-serving efforts instead of efforts to help the State combat the scourge of crime. However, he agreed that legislation should be amended to allow for a percentage of the recoveries to go to the AFU.</p> <p>The NDPP agreed with DG's recommendation that a percentage of the proceeds go to entities like the AFU and general law enforcement because "complainants need to get something back"</p>
3) Select Committee on Security and Justice	10 July 2019	<p>(a) Briefing by the Department on its 2019/20 Annual Performance Plan; and</p> <p>(b) Briefing by the National Prosecuting Authority on its 2019/20 Annual Performance Plan.</p>	<p>The Annual Performance Plan presentation was accepted. However, the Committee wanted clarity on what some of the key performance indicators mean.</p> <p>The committee further asked why audit outcomes of qualified opinion with findings which the Department received for two consecutive is been mentioned as challenges that need to be addressed</p> <p>The Committee wanted to know what plans the NPA had to overcome capacity constraints plaguing the entity, knowing how important the entity was to the South African democracy. The Committee also requested a copy of the NPA's organogram to determine the extent of the acting positions at leadership level</p>	<p>The Department responded to all questions asked by the committee members.</p> <p>The Organogram was submitted to the Committee.</p>

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised the		
4) Portfolio Committee on Justice and Correctional Services	28 August 2019	(a) Briefing by the Department on the Promotion of Access to Information Amendment Bill	The Committee raised minimal clarity questions on the Bill	The Department responded to clarity questions raised by the Portfolio Committee		
		(b) Briefing by the Magistrates Commission	The Committee raised clarifying questions on the contents of the reports tabled	The Commission responded to the clarity questions raised by the Portfolio Committee		
5) Select Committee on Security and Justice	4 September 2019	Introduction by the Magistrates Commission and progress report on misconduct inquiries	The Committee raised clarifying questions on the contents of the reports tabled	The Commission responded to the clarity questions raised by the Select Committee		
6) Portfolio Committee on Justice and Correctional Services	11 September 2019	Briefing by the Department on its first quarter report of the 2019/20 financial year	The Department presented its progress report and indicated areas of improvement in performance. The Committee's main concern was on whether the Department is expecting to get a third qualified audit opinion in a row	The Department responded to all questions asked by the Committee members		
7) Select Committee on Security and Justice	9 October 2019	Briefing on the:				
		(a) Traditional Courts Bill;			The Committee raised clarity questions which were technical in nature and raised the availability of resources to implement the Bill	The Department responded to questions of clarity raised by the Committee. Thereafter, the Committee resolved that the Bill will be subjected to a consultation process where further briefings will be given
		(b) Child Justice Amendment Bill; and			The Committee welcomed the briefing, and did not raise any issues	No questions or comments were raised by the Committee.
(c) Cybercrimes Bill	The Select Committee was briefed on the Bill, raised a few clarity questions and welcomed the briefing	The Department responded to questions from the Select Committee, whereafter the Committee indicated that the Bill will be made available for public comment				

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised the
8) Portfolio Committee on Justice and Correctional Services	15 October 2019	Briefing by the National Prosecuting Authority on its 2018/19 Annual Report.	There was mention of the engagement with the Ministry regarding the NPA no longer being a Programme within the Department of Justice and Constitutional Development (DOJCD), and whether there should be a separate budget for the NPA. What had happened? He knew an Amendment had been proposed. Had any comparative studies been done?	The NDPP addressed the issue of engaging the Minister regarding the NPA becoming a separate entity. It was very much on the table and the current Minister was supportive. The NPA was setting up a section in the office of the NDPP to offer strategic support and innovative capacity and to look at how to deal with key issues, such as this one. The NPA was looking at prosecuting offices in other jurisdictions and would send a proposal to the Minister very soon. The NPA Act allowed for an ethics, integrity and accountability structure to establish some kind of "IPID", although maybe not going quite so far, as allegations of misconduct had to be properly addressed
			The Committee asked about the sexual offences courts programme which was supposed to have been an accelerated programme but the court regulations had held things up. What was the NPA doing to facilitate the implementation of the sexual offences regulations?	The responsibility of the Sexual Offences Court was the responsibility of DOJCD. Regional Court Presidents had been involved in setting up the courts
			The country was facing a serious crisis in respect of crime yet 10% fewer cases had been enrolled in court in 2018/19 than in the previous year and a backlog was reported. Why is the institution not utilising court hour?	The matter of court hours is a collective responsibility of all role players, including the witnesses. Courts heard many other matters, including civil matters. Ultimately the judiciary managed the courts. The NPA ensured that when a criminal case was ready to be heard, the prosecution was ready. Quite often the defence asked for a delay, or investigations might not have been done. Witnesses not in court on the allocated dates are also a challenge. A major challenge was the allocation of time to a particular witness or a case, as it was not always possible to predict such matters. There were structures in the system to look at managing of time. In each province, the Provincial Judge President, Regional Court Presidents, magistrates and other role players looked at court time
			What about 18 million people who had failed to submit tax forms to SARS? What was NPA doing about holding them accountable?	Each office had certain specialist tax prosecutors working with SARS and a new MoU with SARS was being written regarding how such tax cases would be dealt with. The Tax Administration Act had recently been amended so that intent had been introduced in the offence and prosecutors now had to show that there was intent not to submit in order to get a conviction. Previously it had been enough to be negligent in that a tax return had not been submitted. The NPA had made submissions requesting that consideration be given to changing the Act

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised the
			The Committee enquired why the witness to the killing of Youth League leader, Sindiso Magaqa, was not put into the witness protection programme	The NPA responded that it would have to investigate whether he had applied for the programme and, if so, why the NPA had not accepted him. Concerning the witnesses who walked off the programmes, she stated that the NPA always followed up and the people had testified even though they were not in the programme any longer
			The Committee asked the NDPP to provide a medium to long-term plan stating what priorities she could drive in six to eight months given all the issues facing the NPA	The NDPP reminded the Committee that the presentation was looking at the past year's performance and the intention of the briefing was never communicated as including requests to submit a plan; however but she was happy to come and present the plan at a later agreed date
			The Committee requested NDPP's response to Chief Justice querying the methodology of NPA performance indicator was based on conviction rates, which is judiciary's responsibility	The NDPP conceded that conviction rates could not be the only measure for prosecutions, not a good measure. The NPA was looking at other measures of performance, perhaps joint measures with police and others that reflect impact. Conviction rates were not the best measure but prosecutors were the lawyers of the people and so, to the people, convictions were important. The NPA had a victim-centred approach but that could not be at all costs
			The Committee asked about process of identifying cold cases and reopening of old sexual offences cases; what did it involve?	The NPA was working with SAPS to determine the causes of cases not going to court
			The Committee wanted to understand the cause for the delays in dealing with TRC cases	The NDPP stated that there had been some high profile TRC cases opened because people had the means to push the system. The NPA was looking at all the deaths in detention. She had delayed one of those investigations because the NPA had found another death in the same police cells a couple months later with many similarities. So, the NPA was looking at how it could deal with deaths in detention. The NPA had met with the lawyers for the families and was looking to be more innovative by using international law to hold those at a high level accountable for atrocities that had been committed in the apartheid years
			The Committee wanted to know NDPP's strategy for changing situation of too many people acting in leadership positions	The NDPP advised that there was litigation regarding appointments made prior to her starting at the NPA and that meant certain posts could not be filled until the issues are resolved

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised the
			<p>Adv Breytenbach noted that judgement had been handed down that morning that the NPA had to implement the Occupation Specific Dispensation (OSD) with immediate effect. Did the NPA have the budget? Was there a contingency plan? What was it?</p>	<p>The NDPP indicated that the court decision on the OSD would have a serious impact on the NPA and she would have to look at the judgement and then consider how to address that issue with urgency</p>
			<p>The Auditor-General had said that the bulk of the R5.27 million fruitless and wasteful expenditure had been caused by AFU curator fees. What had happened there? Had there been consequence management and what would be done to prevent a repetition?</p>	<p>The NDPP indicated that a case of wasteful expenditure was being investigated in the AFU (with regards to Phillips matter which was still a subject of litigation) to determine whether steps should be taken against anyone and how to deal with issues. The NPA had appointed new counsel but it should never have happened in the NPA</p>
			<p>Four (4) specialists had been recruited to assist the NPA regarding corruption and State Capture. He asked for more detail of their involvement. Were they going to be lead prosecutors or were they just going to evaluate evidence, call for further investigations and determine trial strategies? They obviously had profitable private practices. Would they be put on a retainer or would they invoice for their costs and how would one prevent further delays?</p>	<p>The NDPP stated that the counsel brought into the ID were highly respected in criminal law cases and they had been allocated to certain teams, not permanently appointed in the ID. The NPA had needed to find senior counsel who had certain knowledge of the matters, with many years of experience and value for money as they had offered reduced rates</p>
			<p>In the last budget speech, the Minister had said that the NPA had to be privately funded. How comfortable was Adv Batohi with that and how independent would she be when she did not know the intentions of the private funders?</p>	<p>She stated that the issue of private or donor funding was not something new and occurred in many government departments for specific projects. Businesses funded commercial courts and the TCCs had been set up with private donor funding. The Minister had received funds to look at the intractable issues in the justice systems. None of the private funding would be for prosecutions as the NPA prosecutions would always be completely independent</p>
			<p>What was happening with the Steinhoff prosecutions?</p>	<p>The Steinhoff matter was a key investigation and the Hawks and NPA were working closely on the matter</p>

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised the
9) Portfolio Committee on Justice and Correctional Services	16 October 2019	Briefing by the Department on its 2018/19 Annual Report with the Minister and Deputy Minister	The Committee raised concern about the audit qualification on performance information and the slow pace in implementing the audit action plan. The Committee further raised its concern that the targets for performance indicators are set very low in order to easily achieve them	The Department responded to the questions raised during the meeting
10) Portfolio Committee on Justice and Correctional Services	23 October 2019	Response by the Department to the public comments on the Promotion of Access to Information Amendment Bill	The Committee only raised a concern about the definition of a "political party"	The Department undertook to re-consider the definition
11) Portfolio Committee on Justice and Correctional Services	30 October 2019	Deliberations and finalisation on the Promotion of Access to Information Amendment Bill	The issue of the definition of a "political party" that was raised in the previous meeting was deliberated by the Committee	The Department amended the definition accordingly and Committee approved the Bill

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised the
12) Portfolio Committee on Justice and Correctional Services	5 November 2019	Briefing by the Department on the: (a) Judicial Matters Amendment Bill; and	The Committee raised a question about the six months period of suspension proposed in the Bill where an enquiry into the NDPP or Deputy NDPP's fitness to hold office is pending. The Department was instructed to provide regular updates on the application for an extension being made to the Constitutional Court because its outcome will have an impact on the Parliamentary programme. The Committee raised other clarity issues Parliament to support the application for an extension	The Department responded to clarify seeking questions and issues raised by the committee, and noted the instruction of the Committee.
		(b) Recognition of Customary Marriages Amendment Bill.	The Committee welcomed the briefing and raised some technical questions requiring clarity	The Department responded to clarify questions and issues raised by the committee
13) Select Committee on Security and Justice	6 November 2019	Briefing on the: (a) Responses to Child Justice Amendment Bill;	The Committee welcomed the presentation and did not raise any questions or issues on the responses of the Department	No issues were raised.
		(b) Promotion of Access to Information Amendment Bill.	The Committee discussed the Bill adoption process and did not raise any issues for the Department to respond to	There were no issues or questions to respond to
14) Select Committee on Security and Justice	12 – 13 November 2019	Public Hearings on the Cybercrimes Bill	The Department was requested to assist the Committee with the evaluation of written comments that were received on the Bill and to answer question to further clarify to comments. The Department was requested to compile a document to respond in writing to all comments received on the Bill, and present them to the Committee in its next meeting	The Department assisted the Committee during public hearings, and provided responses to questions raised in the public hearings, and undertook to compile a summary of all comments made at the hearings for presentation to the Committee in its next meeting, as instructed by the Committee

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised the
15) Portfolio Committee on Justice and Correctional Services	20 November 2019	Briefing by the Department on Inter-sectoral Report on implementation of the Criminal Law (Sexual and Related Matters) Act	<p>The Department responded to all questions raised, but due to lateness by an hour, the Committee requested the Department to compile responses to the following questions relating to the National Register for Sex Offenders (NRSO) for submission:</p> <p>(i) How can we be sure that the information contained in the NRSO is accurate?</p> <p>(ii) Why were other cases discarded?</p> <p>(iii) What are the major challenges and how is the Department addressing them?</p>	<p>The Department responded to all questions seeking clarity during the briefing session, and the response to the NRSO questions is as follows:</p> <p>(i) How can we be sure that the information contained in the NRSO is accurate? Response: The Department did the complete overhaul and clean-up of NRSO data. In 2019 the NRSO data was subsequently audited by the office of the AG and was found to be Complete, Accurate and Valid</p> <p>(ii) Why were other cases discarded? Only cases that were non-compliant with the entry requirements into the Register were removed, and these mainly included cases involving adult victims with no mental disability. In August 2019, the Department launched an improved version of the Integrated Case Management System (ICMS) NRSO which curbs the uploading of non-compliant cases in the system</p> <p>(iii) What are the major challenges facing the implementation of the NRSO and how is the Department addressing them?</p> <p>There has been a public outcry that the NRSO protects a limited scale of victims of sex crimes, i.e. children and persons with mental disabilities. On 23 May 2019, the Western Cape High Court also found in the matter of <i>Abrahams v the State</i> (A131/8) [2019] ZAWCHC 62 that there is a loophole in the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, in that the NSRO only records the names of perpetrators convicted of sexual offences against children and mentally disabled individuals but not adults. In January 2020, the Department finalised a draft Bill which seeks to</p> <p>a. Expand the scope of the NRSO to include the particulars of all sex offenders and not only offenders against children and persons who are mentally disabled; and Increase the periods for which sex offenders' particulars must remain on the Register before they can be removed by the Registrar of the Register, on application by the sex offender</p> <p>In February 2020, the draft Bill was published for inputs and comments. The closing date had to be extended from 31 March 2020 to 24 April 2020 at the request of the consortium of civil society organisations. The COVID-19 National Lockdown added more delay to the consultation process. The Department is finalising the consideration of public inputs for incorporation. The Bill will be introduced in Parliament in few months.</p>
16) Select Committee on Security and Justice	27 November 2019	Response by the Department on the Promotion of Access to Information Bill	No substantial issues were raised by Committee	There were no issues to respond to

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised the
17) Select Committee on Security and Justice	5 February 2020	Response by the Department to submissions on Cybercrimes Bill	The Committee indicated that the Department must further consult with the SAPS and the NPA and after considering the comments of interested parties, propose necessary amendments to the Bill	The Department responded to the submissions of the SAPS and NPA as well as comments that were received from interested parties. The Department consulted with the SAPS and the NPA and compiled proposed amendments to the Bill and a discussion document to explain the amendments, which were submitted to the Committee for consideration
18) Select Committee on Security and Justice	12 February 2020	Briefing by the Department on Mutual Legal Assistance on Criminal Matters Treaty and Extradition Treaty with Bangladesh	The Department was denied an opportunity to make its presentation on the two Treaties with Bangladesh dealing with extradition as well as mutual legal assistance in criminal matters because the Department's leadership (Acting Director-General, Deputy Minister and Minister) was not in attendance	Meeting was re-scheduled for the Deputy Minister to attend
19) Portfolio Committee on Justice and Correctional Services	18 February 2020	Briefing by the Department on the: a. Extradition and Mutual Legal Assistance in Criminal Matters Treaties between South Africa and Bangladesh; and	Although no specific matters were raised by the Committee, general questions regarding the death penalty were raised and answered to the satisfaction of the Committee	In principle agreed to the ratification of the Treaties. Adoption of reports to be deliberated
		b. Prescription in Civil and Criminal Matters (Sexual Offences) Amendment Bill.	The Bill emanated from a court judgement and the Committee did not raise any issues on the briefing	There were no issues or questions to respond to
20) Portfolio Committee on Justice and Correctional Services	19 February 2020	Briefing by the Department on its Second and Third Quarterly Performance Report of the 2019/20 financial year	The Committee raised concerns about the reliability of information or statistics the Department collects, and on a plan on how the Department is going to digitise its services	The Department responded to all questions asked by the committee members The Department will be available to present the Digitisation Plan when invited to do so

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised the
21) Portfolio Committee on Justice and Correctional Services	3 March 2020	Responses by the Department on submissions in respect to the: (a) Judicial Matters Amendment Bill; and	The Department took the Committee through submissions made on the Bill and the responses of the Department thereto. The Committee proposed some amendments to the Bill	The Department undertook to re-consider the provisions the Committee highlighted for amendment
		(b) Recognition of Customary Marriages Amendment Bill	The Department took the Committee through submissions made on the Bill and the responses of the Department thereto The Committee raised a few clarity questions on the Bill, and particularly on the concepts of family property, marital property, house property and personal property	The Department responded to the issues raised by the Committee undertook to re-look into the matter and the feasibility of possible amendments and revert to the Committee in the next meeting of the Committee
22) Portfolio Committee on Justice and Correctional Services	4 March 2020	(a) Briefing by the National Prosecuting Authority on its second and third quarter performance report of the 2019/20 financial year	Why were some of the senior staff who had been acting for years not been permanently appointed? Were the divisions in the NPA responsible for the lack of permanent appointments? 921 posts had been advertised but only 155 posts had been filled. What happened to the remainder? There were 400 vacancies not advertised. Why?	Posts had been advertised in stages as the NPA had not received all the money at the same time and it was not possible to manage all at the same time. The NDPP pointed out that the NPA never received enough money to fill all posts. Prosecutor posts and only critical administrative posts had been prioritised and advertised. The first batch of 390 appointees would all be placed in the lower courts. The date of assumption of duty was 1 April 2020. The date for submission of applications had been 31 January 2020. The NPA had also been permitted to advertise for contract appointments and about 50 employees had been appointed on a one-year contract to fast-track processes. She committed to provide the Committee with a detailed report on each post advertised and the steps completed in the appointment process for each post. All 900+ posts were at different stages of the process but she had a tracking mechanism which tracked every step of the process for every one of the 900+ posts

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised the
			<p>What was the NPA doing about the expertise of people who had retired or were retiring, even if it was assisting in the aspirant prosecutor programme?</p>	<p>The Aspirant Prosecutor Programme is designed to attract and develop new talent for the purpose of creating a pool from which the NPA could appoint permanent entry-level prosecutors</p> <p>There were currently 92 aspirants, due to finish in August 2020. A difference in the new intake was that they had not been placed in particular towns with a tutor that offered classroom type training before they went to courts. When the budget had faltered, the tutors had been absorbed as senior prosecutors and management. The 92 had, therefore, been placed in areas where there was the greatest need and they were being trained in the centres where they were most likely to be deployed. In the future, aspirant prosecutors would again be placed in groups under a tutor</p>
			<p>The Committee enquired why Adv Cronje was using the treaties that SA had with other countries. She was mentioning problems as if she was not aware of the treaties, to get the money back?</p>	<p>Advocate Cronje explained that countries were quick to sign treaties but they were not always keen to implement them and assist other countries.</p> <p>A forensic report that had tracked all the money in the case had been received in November 2019 and it had now been suggested that the NPA might have to go forward without international evidence as, after two years of trying, it seemed clear that the evidence would not be forthcoming.</p> <p>That position had been communicated to the Executive. It meant that some people would not be held accountable. She currently had two indictments – one with evidence and one without evidence. Treaties were in place but some countries were not honouring the obligations</p>

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised the
			<p>Why was there a zero recovery by the Asset Forfeiture Unit in the previous quarter?</p> <p>A member raised concern about AFU recoveries relating to corruption above R5 million. It was fair to say that complex cases were built over time but the Committee needed to know what had been done over three years, five (5) years etc.</p> <p>Other role players had suggested that the Anti-Corruption Task Team was doing well but the NPA was suggesting otherwise. Why? Who was chairing/ coordinating it? How often had it met over the past year?</p>	<p>The target of R5 million was an old target but the NDPP agreed that it was pocket money and added that it would be rephrased in future targets. With regard to the ACTT, the NDPP responded that the new chairperson was trying to build capacity. She empathised with him as he was trying to rebuild an institution without expertise, without finance and one that had been embroiled in corruption. She was a member of the ACTT and was, in fact, meant to be the co-chairperson according to one of the documents, but it did not work like that in practice.</p> <p>The ACTT is a substructure of the JCPS cluster. The cluster had recognised that the ACTT was not achieving a high-level success and needed to find solutions</p>
			<p>Could the Committee have an update on the roll-out of the Thuthuzela Care Centres (TCCs) and what was being done to capacitate the new sexual matters courts?</p>	<p>55 TCC sites were in operation and the NPA was currently establishing another six using the CARA allocations to the NPA. The deadline for establishment of the new TCCs was March 2021 and the sites were in various stages of development. The establishment of TCC sites also included purchase of park homes, as there were no facilities available in all the hospital buildings. Personnel positions would be created for each site and filled by the deadline. Advocate Smith added that to capacitate the designated sexual offences courts as per the recently promulgated section 55(a), the NPA was appointing dedicated prosecutors and was working with DOJCD regarding regulations and directives for the prosecutors. The NPA had also advertised vacant posts at TCCs. The NPA had so-called "pure courts" that dealt 100% with sexual offences and the NPA was considering linking those courts with the designated courts</p> <p>With respect to the question about TCC cases wherein 25% were convictions of life or 25 years. The percentage of those convicted who had received severe sentences had increased by 3.4%. However, the number of 340 cases was lower because fewer cases had been finalised in 2019/20. The NPA was addressing the issue of fewer cases being finalised</p>

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised the
			<p>The Committee asked what had happened to the Truth and Reconciliation Commission cases over the past 25 years. Why had nothing been done?</p> <p>A member asked about the allegations in the media that there was racism and nepotism in the NPA. Why was that happening?</p>	<p>The TRC cases were a priority for the NPA. The NDPP met with academics and civil society, and they recognised that there is a need to address the deaths in detention during the apartheid era in a more focused way. The NPA was looking at prosecuting apartheid as a crime against humanity and using international law to hold those responsible for the atrocities to account</p> <p>Advocate van Rensburg assured the Committee that the NPA was committed to the equity requirements of government and these were strictly adhered to. All appointments fell within equity targets. It was not correct that black people had not been appointed. She pointed out that there were certain requirements for each post which applicants had to fulfil, in addition to the equity requirements. Where there were grievances lodged, these had been finalised and the findings were that there had been no discrimination</p>
			<p>Ms N Maseko-Jele (ANC) requested a summary of why the Rogue Unit case had been dropped.</p> <p>What was the consequence management for prosecutors where cases such as the "Rogue Unit" case were withdrawn, especially where the NPA would be sued? Could the NPA provide a summary of why the "Rogue Unit" case had been dropped?</p> <p>There were concerns about cybercrime and developments in technology, but the prosecutors were not trained in cybercrimes. What training would they get?</p>	<p>The NDPP explained that she had withdrawn the charges because there was simply no reasonable prospect of a successful prosecution. However, the case was again under review because a political party had written to her about the case and so she could not discuss details, but she would be glad when she could discuss the details and people could see for themselves what the situation was.</p> <p>The Cybercrimes Bill identified training for prosecutors, the police, intelligence service and even the judiciary. There were plans for that training but the cyber environment was very complicated, and that had led to discussions about whether the Bill should be split or not, but the realisation had been that the enforcement part or the creation of offences had to be completed first before the training could be determined. Training would have to be fast tracked before the Bill is promulgated</p>

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised the
			<p>The Committee enquired about the Bobroff asset forfeiture orders – when would be money be recovered.</p> <p>What about the Steinhoff case? Her interest was in the cases dealing with big money. There was no money in the country. The NPA came to the Committee and requested money but where was the Committee going to get the money if the NPA did not attach the money that had been stolen from the government. The media had revealed the stories. Should the media also confiscate the stolen money?</p>	<p>Advocate Priya Biseswar responded to the Bobroff matter. SA had obtained a preservation order for the money, in excess of R100 million that was held in Israel. The matter had been opposed by the Bobroffs and a letter had been sent by SA to Israel to preserve the money. The money was being preserved in Israel and the Bobroffs had received leave to appeal the forfeiture order. The Bobroffs had received leave to appeal on 6 February 2020, so the matter was in process and if the Bobroff's appeal did not succeed, the NPA would request the return of the money from Israel</p>
			<p>The Committee enquired about the JCPS cluster's response to gun violence, especially in the Western Cape. What did the NPA discuss in the Justice cluster about gun violence?</p>	<p>The NDPP confirmed that she would take up the gun violence issue with the JCPS and see what could be done</p>

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised the
23) Portfolio Committee on Justice and Correctional Services	10 March 2020	Deliberations and finalisation of the: (a) Judicial Matters Amendment Bill; and	The Department took the Committee through the amendments and the Committee deliberated the Bill.	The amendments prepared by the Department and supported by Parliament Legal Advisers were approved by the Committee and the Bill was adopted
		(b) Recognition of Customary Marriages Amendment Bill.	The Department explained to the Committee the challenges relating to amending the Bill and that further amendments will delay the passing of the Bill by the Committee since the deadline by which remedial legislation must be put in place was imminent. The Committee recommended that the definition of "house property" must be included in the investigation of the Marriage Reform Project that is being undertaken by the Department of Home Affairs.	The Committee adopted the Bill without any amendments
24) Select Committee on Security and Justice	11 March 2020	Proposed Amendments to the Cybercrimes Bill	The Committee resolved that the Department and Parliamentary Law Advisers should meet and propose a final text of the Bill to the Committee for consideration	The meeting with the Parliamentary Law Advisers which was scheduled for 18-20 March 2020 was cancelled by the Parliamentary Law Advisers, due to the declaration of the national State of disaster
25) Select Committee on Security and Justice	13 March 2020	Briefing by the Magistrates Commission on the suspension of Magistrates	The Committee raised clarifying questions on the contents of the reports tabled. The Committee further raised concerns about the delay in the finalisation of misconduct proceedings against magistrates	The Commission would furnish the Committee with a document for discussion by the Committee at its next meeting. Due to the Covid 19 pandemic this has not materialised as yet. The Committee has been advised that this would be done shortly and accepted the explanation at the virtual meeting held on 27 May 2020

8. PRIOR MODIFICATIONS TO AUDIT REPORTS

This includes a discussion on mechanisms put in place by the Accounting Officer to resolve the matters reported by the AGSA in the previous financial year. This should include all matters in the audit report and those noted as important in the management report.

The discussion should be limited to all matters that gave rise to a qualification, disclaimer, adverse opinion and matters of non-compliance only. The Department may include the information in a table as follows:

Nature of qualification, disclaimer, adverse opinion and matters of non-compliance	Financial year in which it first arose	Progress made in clearing / resolving the matter
1. Performance information		
Backlog cases not completely recorded in the register	2017- 2018 – Historical	<p>Performance Indicator 3: Number of criminal cases on the backlog roll in lower courts</p> <ul style="list-style-type: none"> • Monthly accuracy certificates were completed and monitored to ensure completeness and accuracy of data reported. • Exception reports were extracted on daily basis to ensure that unreturned cases were back captured on the ICMS. • The Court scheduler application (that populates the Judicial diary/schedule from information fed from ICMS) was rolled out and was operational from November 2019. Each court's day roll is available digitally in list and calendar format and searches in the future and past are available. This application also enables the population of the Magistrate's outlook calendar with all part-heard matters on their relevant outlook calendars to assist with planning for case finalisation
Preliminary Inquiry date and outcome of preliminary inquiry date as per register used to compile the performance report differed to details as per audited information case file	2018/2019	<p>Performance Indicator 3.3: Percentage of child justice preliminary inquiries finalised within 90 days</p> <ul style="list-style-type: none"> • The Department introduced the data monitoring system at all management levels to ensure data accuracy and completeness • Management meetings are conducted to consider data and resolve detected challenges • The new control measures have significantly improved data accuracy and completeness.
Cases could not be traced to the register for maintenance matters finalised by 31 March 2019	2017/18	<p>Performance Indicator 5.4: Percentage of maintenance matters finalised within 90 days from the date of proper service</p> <ul style="list-style-type: none"> • In 2018/19, manual system was used to capture the maintenance matters • During the period under review, maintenance matters are captured on ICMS system to ensure matters are monitored from application until finalisation of matter to ensure all cases received are updated timeously and data reported is complete

Nature of qualification, disclaimer, adverse opinion and matters of non-compliance	Financial year in which it first arose	Progress made in clearing / resolving the matter
2. Financial statement (Include the basis for qualification as per audit report in the annual report for items below)		
2.1 Tangible assets: Completeness of the asset register and existence of tangible assets could not be verified	2018/2019	<ul style="list-style-type: none"> • Addressed the management vacuum through appointment of competent senior manager as Director Asset Management • Assessment of internal audit and external audit reports that guided interventions in the last 4 months of the financial year • Conclusion of asset verification in all regions and identified services points • Conclusion all disposals, accounting of additions and valuations addressed • Finalised Asset reconciliations • Annual financial statements inputs validated and quality assured before final consolidation
2.2 Contingent liability: The Department could not estimate the likely settlement amount of claims against the State	2018/2019	<ul style="list-style-type: none"> • The Department has developed a factor to be applied to estimate the settlement amount likely to be paid by the State. This factor was discussed and agreed with National Treasury and the Office of the Auditor-General. • The Contingent liability Register is reviewed and updated on weekly basis to ensure its complete and accurate.
Contingent liabilities - We could not confirm whether the data on which the estimate is based is appropriate in the circumstance. The accuracy, completeness and relevance of the data could not be confirmed		<ul style="list-style-type: none"> • A circular was drafted and circulated for comments. However, it was not signed and circulated for implementation. The Circular was, however, not signed off as the Solicitor-General was appointed in mid-March and his delegated functions have not been finalised as yet

9. INTERNAL AUDIT UNIT AND 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. On an annual basis, Internal Audit prepares a risk-based three-year rolling plan and an annual plan which guide Internal Audit operations.

The Department's Accounting Officer has established a well-functioning Audit Committee and its purpose is to advise and assist the Accounting Officer through providing oversight on financial reporting, audit processes, risk management, controls, performance and governance processes and to direct the functioning of Internal Audit within the Department.

The Audit Committee operates in terms of its Audit Charter as provided for in the Public Finance Framework and it has discharged its responsibility as set out in its charter.

During the year, four meetings were held at which the Audit Committee amongst others, reviewed, advised and recommended the Accounting Officer and management on matters which fell within the scope of the Committee's 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	N/A	Reappointed-09 May 2018	30 September 2019	3
Mr. Cedric Boltman	Master of Business Administration, Certificate Programme in the Principles of Business & Management, Microsoft Certified Product Specialist, Stock Control	External	N/A	Reappointed-24 February 2020	N/A	4
Ms. Besky Ngunjiri	Bcompt (Hons) Certificate in the Theory of Accounting (CTA) Certified Internal Auditor (CIA), Certified Control Self Assessor (CCSA)	External	N/A	Reappointed-24 February 2020	N/A	4
Mr. Wilson Ramabulana	BCompt Diploma in State Finance Project Management	External	N/A	Reappointed-09 May 2018	30 September 2019	3
Mr Andrew Sello	National Diploma: Accounting; ACIS; FCIS Management Advancement Programme (MAP) 1996	External	N/A	Reappointed-09 May 2018	30 September 2019	3
Mr Ailwei Freddy Sinthumule	Diploma in Finance and Auditing, B. Com Accounting and MBA with special project on PFMA	External		Appointed- 24 February 2020		1

Name	Qualifications	Internal or external	If internal, position in the Department	Date appointed	Date Resigned	No. of Meetings attended
Dr Linda Meyer	Certificates in Marketing and Project Management, Advanced Certificate in Labour Law, Higher Certificates in Personnel Practice, National Certificate in Industrial Relations, National Diploma in Personnel Practice, National Diploma Industrial Relations, Bachelor of Administration, Master of Business Administration (MBA), Doctor of Business Administration (DBA) and Doctor of Philosophy	External		Appointed 24 February 2020		1
Mr Ephraim Bhekifa Mkhabela	BCompt (Accounting) degree and Bcom (Honours) (Accounting)-CTA	External		Appointed 24 February 2020		1



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

10. REPORT OF THE AUDIT COMMITTEE

We are pleased to present our report for the financial year ended 31 March 2020.

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.

10.1 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 Regulations. 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 end of term of the Audit Committee collided with the retirement of the Accounting Officer whose office would have been responsible for the recruitment of Audit Committees. As a result, a vacuum occurred for a period of four months from October 2019 to January 2020. The non-compliance was rectified during February 2020.

Furthermore, the Department is currently in the process of recruiting a long-term Audit Committee as the current arrangement ends February 2021.

10.2 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 the Department's objectives and the controls are required to be effective throughout the year.

The Audit Committee has noted some improvements as reflected through the number of items which the Auditor General had qualified as compared to the previous financial year. However, the Audit Committee is still concerned about breakdown of key controls relating to accounting of assets and contingent liabilities. The deficiencies contributed to a negative audit outcome. The deficiencies were also brought to the attention of management. The Audit Committee has also advised management to prioritize the setting up of a task team to address the audit findings of which implementation will be monitored by Internal Audit and Audit Committee throughout the financial year.

10.3 INTERNAL AUDIT

The Internal Audit unit has provided the Audit Committee and management with independent assurance and advice on the effectiveness of the controls. We are satisfied that Internal Audit has discharged its responsibilities as per the Internal Audit plan approved by the Audit Committee.

10.4 REPORTS

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

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

10.4.2 Evaluation of financial statements

We have reviewed and discussed the audited annual financial statements with management and also reviewed the Department's compliance with legal and regulatory provisions.

10.5 AUDITOR-GENERAL SOUTH AFRICA

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 ensure that they firstly address the audit findings as well as the root causes.

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 2020.

A handwritten signature in black ink, appearing to be 'B Ngunjiri', written over a horizontal line.

B Ngunjiri
Chairperson of the Audit Committee

27 October 2020

11. B-BBEE COMPLIANCE PERFORMANCE INFORMATION

The following table has been completed in accordance with the compliance to the BBEE requirements of the BBEE Act of 2013 and as determined by the Department of Trade and Industry.

Has the Department / Public Entity applied any relevant Code of Good Practice (B-BBEE Certificate Levels 1 – 8) with regards to the following:		
Criteria	Response Yes / No	Discussion (include a discussion on your response and indicate what measures have been taken to comply)
Determining qualification criteria for the issuing of licences, concessions or other authorisations in respect of economic activity in terms of any law?	No	If Yes, please attach Qualification Criteria as well as the compliance report of implementation thereof in the Annual Report
Developing and implementing a preferential procurement policy?	Yes	If Yes, please attach Preferential Procurement Policy as well as the compliance report of implementation thereof in the Annual Report
Determining qualification criteria for the sale of State-owned Enterprises?	No	If Yes, please attach Qualification Criteria as well as the compliance report of implementation thereof in the Annual Report
Developing criteria for entering into partnerships with the private sector?	No	If Yes, please attach Qualification Criteria as well as the compliance report of implementation thereof in the Annual Report
Determining criteria for the awarding of incentives, grants and investment schemes in support of Broad Based Black Economic Empowerment?	No	If Yes, please attach Qualification Criteria as well as the compliance report of implementation thereof in the Annual Report

EXECUTIVE SUMMARY - B-BBEE LEVEL		
DESCRIPTION	TOTAL AMOUNT	%
Level 1	525 820 945,25	39,00
Level 2	114 877 311,94	8,52
Level 3	6 348 162,83	0,47
Level 4	39 472 773,21	2,93
Level 5	29 447 093,97	2,18
Level 6	949 204,68	0,07
Level 7	1 983 798,97	0,15
Level 8	52 681 366,67	3,91
Non-compliant contributor	576 613 592,08	42,77
GRAND TOTAL	1 348 194 249,60	100,00



PART D

*HUMAN
RESOURCES
MANAGEMENT*

1. LEGISLATION THAT GOVERNS 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 Services in the Department is strategically positioned to report to the Branch: Corporate Services. The component's functions are designed in such a way that HR is able to provide business partnership service with its clients who happens to be Branches in the Department. On the other hand and central to the function is the provisioning of HR policy and strategy services. Hence the HR model, which follows the Dave Ulrich best practice model, constitutes of the Chief Directorates: Human Resource Strategy and Policy and Customer Management Centre.

Furthermore in order to capacitate and improve departmental skills and competencies, Justice College is designed as a service provider of training and developing programmes with the emphasis being specialisation of legal training in government.

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 2019/20 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 due to cost-cutting measures

2.2 HUMAN RESOURCES PRIORITIES

No	HR Sub-programmes	Impact in the Department and NPA
	Reorganisation of the departmental structure	<p>The following structures were reviewed during the financial year</p> <ul style="list-style-type: none"> • Branch: Financial Management • Branch: Master of the High Court • Chief Directorate Integrated Justice System • Chief Directorate Justice College • Directorate: Social-Economic Impact Assessment System • Chief Directorate: Executive Support & Intergovernmental Relations • Regional Office Structures • Branch: Information Systems Management (ISM) and • Directorate: Employee Relations

No	HR Sub-programmes	Impact in the Department and NPA		
	Ensure compliance with employment practices	Significant progress has been made towards the achievement of EE targets.		
			Government target	DOJ&CD 2019/2020
		Female	50%	47.7%
		PWD	2%	2.1%
			NPA 2019/2020	
			43%	
			0.5%	
	Finalise and implement HRD strategy	The HRD strategy of the Department was finalised and approved after consultation		
	Effective functioning of Employee Relations in line with relevant prescripts	ER, in its endeavour to harmonise the working environment, conducted training sessions. Furthermore, the following labour relations matters were attended to:		
		DOJCD		
		<ul style="list-style-type: none"> Of the 355 registered misconduct cases, 247 (69.58%) of these matters were finalised or resolved Of the 304 registered grievance cases, 237 (78%) of these matters were resolved 		
		NPA		
		<ul style="list-style-type: none"> Of the 67 registered misconduct cases, 59 (88.1%) of these matters were resolved Of the 158 registered grievance cases, 133 (84%) of these matters were resolved 		

2.3 WORKFORCE PLANNING FRAMEWORK AND KEY STRATEGIES TO ATTRACT AND RECRUIT A SKILLED AND CAPABLE WORKFORCE

By the end of March 2020, the Department had a total workforce (excluding magistrates) of 15869. The analysis of the workforce showed the following results:

- A total of 12719 (80.2%) employees are concentrated in Programme 2 (Court Services), which is the Department's core business, of these 3317 (26.08%) fall in the youth category (aged 21 - 35)
- A total of 1491 (9.4%) of the workforce is in the retirement age category (between 55 and 64 years). Of these 1212 (81%) is concentrated in Programme 2 (Court Services)
- 25.8% of members of the SMS are in the retirement age category (between 55 and 64 years)
- 58.65% of the workforce is concentrated at salary level 5, which is the entry level. Of these, 35.42% fall in the youth category (aged 21 to 35 years).

With regard to the NPA workforce, the following can be highlighted:

- The drop in the workforce continued due to lack of funding, the total workforce at the end of the period was 4224.
- Of the 4224 headcount number above, 72%, which is total of 3039 are in prosecutions.
- The demographic of the NPA population is concentrated in the age group 40-50 years of age (middle age group). This group constitute 48% of the total population.
- The youth age category, between the ages of 21 - 35 years, has a total of 606 employees making 14% of the NPA.
- There are 405 employees in the retirement age category, between the ages of 55 and 65, making 9% of the population. Of this number, 302 or 7% are in prosecutions and 2% of this number are members of the Senior Management Services.
- In terms of level of education, 2776 or 61% of the NPA population are in the professionally qualified with a minimum of a three-year post matric qualification.

2.4 EMPLOYEE PERFORMANCE MANAGEMENT

The following can be highlighted in terms of employee performance management:

- The DOJCD concluded 97% of SMS member's performance agreements for the 2019/2020 performance cycle
- Training interventions were conducted at 20 offices in which 892 Officials received training.
- 194 of the 195 members at senior management services in the NPA concluded the performance agreements on time except for the one member who was working on government-to-government secondment outside the country.

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 wellbeing. It is therefore the role of the departmental Employee Health and Wellness Directorate to provide both proactive and reactive psychosocial services to the employee. The Directorate run awareness sessions on HIV and AIDS. 1357 employees went for Voluntary Counselling and Testing. A further 2403 employees were reached through EAP awareness marketing sessions.

At the NPA, interventions in this programme were run in conjunction with the Department, especially at the lower courts where the majority of the departmental employee's work. The number of employees that were reached from the NPA side during the reporting period with HIV/AIDS awareness campaigns is 760 and 69 participated in voluntary Counselling and Testing. A further 1 124 employees were reached through other EAP programmes.

2.6 OTHER HIGHLIGHTS OF ACHIEVEMENTS

In this performance cycle an e-based performance management system for the levels 9-12 was designed and implemented. The system aims at speeding the processes of performance contracting of employees timeously to eliminate non-compliance and has proved to be a successful tool.

In the case of the NPA an Aspirant Prosecutor Programme was initiated during this period with the assistance of the Department where serving employees in both the NPA and the Department with legal qualification were enrolled in the programme. This cohort will be completing their training programmes and will be absorbed as District Court Prosecutors thus increasing prosecutorial capacity.

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.

2.8 FUTURE HR PLANS /GOALS

The Department, given the current pandemic condition and government's budget constraints will focus on the following:

- Support the Department in its endeavour to address government plight of reducing its wage bill.
- Training interventions to be conducted on PMDS Policy.
- Finalize the early retirement applications and ensure compliance with the National Treasury and DPSA directives.
- The NPA during the first lockdown started exploring the process of on-line training in such a manner to enable training to continue even when employees could not be in a room physically. A few programmes were rolled out and will serve as a learning platform for more training. The planned training interventions will be focused on developing and enhancing skills to investigate and prosecute commercial crimes focusing particularly on corruption related cases.
- Due to the additional budget allocation during the second half of the financial year, the NPA is in the process of re-instating the full Aspirant Prosecutor programme which will contribute to dealing with youth unemployment as the programme targets newly qualified young people.

3.1 PERSONNEL RELATED EXPENDITURE

The following tables summarises the final audited personnel related expenditure by programme and by 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 2019 to 31 March 2020

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)
Djc: Nat prosecuting authority	4 009 197	3 442 014	-	-	85.90	815
Djc: Administration	2 428 798	594 171	-	-	24.50	26
Djc: Auxiliary & associated services	3 423 033	0	-	-	-	0
Djc: Court services	6 320 062	4 182 883	-	-	66.20	182
Djc: Direct charges against NRF	2 047 385	2 074 810	-	-	101.30	90
Djc: State legal services	1 210 819	1 085 180	-	-	89.60	47
Z=Total as on Financial Systems (BAS)	19 439 294	11 379 058	-	-	58.50	1161

Table 3.1.2 – Personnel costs by salary bands for the period 1 April 2019 to 31 March 2020

Salary Bands	Personnel Expenditure (R'000)	% of Personnel Cost	No. of employees	Average personnel cost per employee (R)
Skilled (Levels 3-5)	3 664 057	32.2	9983	367 030
Highly skilled production (Levels 6-8)	2 139 263	18.8	4080	524 329
Highly skilled supervision (Levels 9-12)	2 116 505	18.6	2688	787 390
Senior management (Levels 13-16)	2 856 144	25.1	4752	601 040
Other	22 758	0.2	184	123 685
Contract (Levels 3-5)	34 137	0.3	76	449 173
Contract (Levels 6-8)	22 758	0.2	20	1 137 906
Contract (Levels 9-12)	45 516	0.4	75	606 883
Contract (Levels 13-16)	45 516	0.4	32	1 422 382
Contract other	409 646	3.6	312	1 312 968
Periodical Remuneration	22 758	0.2	740	30 754
TOTAL	11 379 058	100.0	22 942	495 992

Table 3.1.3- Salaries, Overtime, Home-owners' Allowance and Medical Aid by programme for the period 1 April 2019 to 31 March 2020

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
National prosecuting authority	2 984 119	86.0	5 182	0.1	35 287	1.0	91 747	2.6
Administration	501 623	84.4	1 751	0.3	16 130	2.7	23 388	3.9
Court services	3 323 001	79.4	8 125	0.2	184 104	4.4	329 609	7.9
Direct charges	1 887 927	91.0	0	-	18 295	0.9	17 699	0.9
State legal services	863 904	79.6	3 024	0.3	27 400	2.5	47 557	4.4
TOTAL	9 560 574	84.0	18 082	0.2	281 216	2.5	510 000	4.5

Table 3.1.4 Salaries, Overtime, Home-owners' Allowance and Medical Aid by salary bands for the period 1 April 2019 to 31 March 2020

	Amount (R'000)	Salaries as a % of personnel cost	Amount (R'000)	Overtime as a % of personnel cost	Amount (R'000)	HOA as a % of personnel cost	Amount (R'000)	Medical Aid as a % of personnel cost
Lower skilled (Levels 1-2)	1 240	66.30	0	-	131	7.00	313	16.70
Skilled (Levels 3-5)	2 060 712	54.50	6 623	0.20	145 251	4.00	261 858	7.10
Highly skilled production (Levels 6-8)	1 515 463	70.80	4 497	0.20	58 583	2.70	105 887	4.90
Highly skilled supervision (Levels 9-12)	3 563 508	168.40	3 056	0.10	35 922	1.70	63 430	3.00
Senior management (Levels 13-16)	1 976 735	69.20	3 864	0.10	40 278	1.40	75 356	2.60
Other	4 318	19.00	0	-	420	1.80	3 398	14.90
Contract (Levels 3-5)	20 688	60.60	22	0.10	0	-	0	-
Contract (Levels 6-8)	11 347	49.90	9	-	0	-	0	-
Contract (Levels 9-12)	42 176	92.70	11	-	416	0.90	4	-
Contract (Levels 13-16)	43 411	95.40	0	-	346	0.80	67	0.10
Contract other	293 058	71.50	0	-	0	-	0	-
Periodical remuneration	27 351	120.20	0	-	0	-	0	-
Abnormal Appointment	569	-	0	-	0	-	0	-
TOTAL	9 560 576	84.00	18 082	0.20	281 347	2.50	510 313	4.50

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 2020

Programme	Number of posts on approved establishment	Number of posts filled	Vacancy Rate	Number of employees additional to the establishment
Administration of Law	143	141	1.4	0
National Prosecuting Authority	4295	4 083	4.9	26
Administration	1243	1096	11.8	1
Court Services	13442	12719	5.4	24
State Legal Services	2295	2054	10.5	3
SUB-TOTAL: EXCLUDING JUDICIARY	21418	20 093	6.2	54
Magistrates	2311	1949	15.7	0
TOTAL (INCLUDING JUDICIARY)	23729	22042	7.1	54

Table 3.2.2 Employment and vacancies by salary band, 31 March 2020

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)	20	20	0.0	0
Skilled (Levels 3-5)	10810	10306	4.7	19
Highly skilled production (Levels 6-8)	4983	4631	7.1	9
Highly skilled supervision (Levels 9-12)	5219	4800	8.0	22
Senior management (Levels 13-16)	386	336	13.0	4
Magistrates	2311	1949	15.7	0
TOTAL	23729	22042	7.1	54

Table 3.2.3 Employment and vacancies by critical occupation, 31 March 2020

Occupations	Number of posts on approved establishment	Number of posts filled	Vacancy Rate	Number of posts filled additional to the establishment
Administrative related	992	892	10.1	5
Advocates	647	605	6.5	5
Attorneys	338	314	7.1	0
Building and other property caretakers	2	2	0.0	0
Bus and heavy vehicle drivers	8	8	0.0	0
Cleaners in offices, workshops, hospitals etc.	79	65	17.7	0
Client inform clerks (switchboard, reception, information clerks)	131	117	10.7	0
Communication and information related	40	38	5.0	0
Computer programmers.	1	1	0.0	0
Crime investigators	36	36	0.0	0
Finance and economics related	293	255	13.0	0
Financial and related professionals	310	288	7.1	0
Financial clerks and credit controllers	462	430	6.9	1
Food services aids and waiters	18	18	0.0	0
General legal administration & related professionals	849	747	12.0	0
Human resources & organisational development & related professionals	64	60	6.3	0
Human resources clerks	272	253	7.0	1
Human resources related	196	182	7.1	1
Information technology related	53	49	7.5	0
Language practitioners, interpreters & other communication	456	417	8.6	0
Legal related	235	189	19.6	0
Librarians and related professionals	23	19	17.4	0
Library mail and related clerks	307	290	5.5	1
Light vehicle drivers	6	6	0.0	0
Logistical support personnel	54	51	5.6	0
Magistrates	2311	1949	15.7	0
Material-recording and transport clerks	90	83	7.8	0
Messengers porters and deliverers	350	310	11.4	0
Other administrative & related clerks and organisers	8529	8274	3.0	17
Other administrative policy and related officers	941	846	10.1	1
Other information technology personnel.	22	22	0.0	0
Prosecutor	2459	2296	6.6	12
Protection services	89	88	1.1	0
Risk management and security services	21	21	0.0	0
Secretaries & other keyboard operating clerks	650	610	6.2	4

Occupations	Number of posts on approved establishment	Number of posts filled	Vacancy Rate	Number of posts filled additional to the establishment
Security guards	9	8	11.1	0
Security officers	262	238	9.2	1
Senior managers	386	336	13.0	4
Social sciences related	1	1	0.0	0
Social work and related professionals	137	121	11.7	0
Translators and air traffic communicators	1600	1507	5.8	1
TOTAL	23729	22042	7.1	54

3.3 FILLING OF SMS POSTS

The tables in this section provide information on employment and vacancies as it relates to members of the Senior Management Service by salary 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 2020

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	2	2	100.0	0	0.0
Salary level 16, but not HOD	5	4	80.0	1	20.0
Salary level 15	23	20	87.0	3	13.0
Salary level 14	185	161	87.0	24	13.0
Salary level 13	171	149	87.1	22	12.9
Total	386	336	87.0	50	13.0

Table 3.3.2 SMS posts information as at 30 September 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	2	2	100.0	0	0.0
Salary level 16, but not HOD	5	5	100.0	0	0.0
Salary level 15	21	17	81.0	4	19.0
Salary level 14	193	172	89.1	21	10.9
Salary level 13	172	148	86.0	24	14.0
Total	393	344	87.5	49	12.5

Table 3.3.3 Advertising and filling of SMS posts for the period 1 April 2019 to 31 March 2020

SMS	Advertising	Filling of posts	
	Number of vacancies per level advertised in 6 months becoming vacant	Number of vacancies per level filled in 6 months of becoming vacant	Number of vacancies per level not filled in 6 months but filled in 12 months
Director-General/ Head of Department	0	0	0
Salary level 16	0	0	0
Salary level 15	0	2	0
Salary level 14	41	2	0
Salary level 13	5	0	0
Total	46	4	0

Table 3.3.4 Reasons for not having complied with the filling of funded vacant SMS – Advertised within 6 months and filled within 12 months after becoming vacant for the period 1 April 2019 to 31 March 2020

Reasons for vacancies not advertised within six months:
1. Advertising of posts were put on hold due to the Departmental reorganisation process where it embarked on a Post Review Project to identify critical posts in line with the National Treasury Directive reduction of the wage bill.
2. NPA, the posts were funded in the second part of the year and advertised and the six months period expired in the new year.
Reasons for vacancies not filled within 12 months:
1. Filling of posts were put on hold as the Department established a Post Review Project to identify critical posts in compliance with the National Treasury to reduce the wage bill

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 2019 to 31 March 2020

No disciplinary steps were necessary. The filling of SMS positions became a dilemma for the Department given the fact that it was engaged in structure reviews which would impact on some of the functions.

3.4 JOB EVALUATION

Within a nationally determined framework, executing authorities may evaluate or re-evaluate any job in his or her organisation. In terms of the Regulations all vacancies on salary levels 9 and higher must be evaluated before they are filled. The following table summarises the total number of jobs that were evaluated during the year under review. The table also provides statistics on the number of posts that were upgraded or downgraded.

Table 3.4.1 Job Evaluation by salary band

Salary band	Number of posts 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)	20	0	0.0	0	0.0	0	0.0
Skilled (Levels 3-5)	10811	0	0.0	0	0.0	0	0.0
Highly skilled production (Levels 6-8)	4983	2	0.0	0	0.0	0	0.0
Highly skilled supervision (Levels 9-12)	5218	13	0.2	0	0.0	1	7.7
SMS Band A	171	6	3.5	0	0.0	0	0.0
SMS Band B	185	4	2.2	0	0.0	0	0.0
SMS Band C	24	0	0.0	0	0.0	0	0.0
SMS Band D	6	0	0.0	0	0.0	0	0.0
TOTAL	21418	25	0.1	0	0.0	1	4.0

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 2019 to 31 March 2020

Beneficiaries	African	Asian	Coloured	White	Total
Female	1	0	0	0	1
Male	1	0	0	0	1
Total	2	0	0	0	2
Employees with a disability					0

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 2019 to 31 March 2020

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Accounting Clerk	3	5	6	Resolution 3 of 2009: Grade progression
Accounting Clerk	2	5	7	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Chief Accounting Clerk	12	7	8	Resolution 3 of 2009: Grade progression
Administration Clerk	58	5	6	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Administration Clerk	132	5	6	Resolution 3 of 2009: Grade progression
Administration Clerk	40	5	6	DPSA Clerks Co-ordination
Administration Clerk	6	5	7	Resolution 3 of 2009: Grade progression
Administration Clerk	2	5	7	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Chief Administration Clerk	3	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Chief Administration Clerk	23	7	8	Resolution 3 of 2009: Grade progression
Administration Head	1	9	10	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Administrative Officer	9	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Administrative Officer	11	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	7	9	10	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Assistant Director	21	9	10	Resolution 3 of 2009: Grade progression
Assistant Director	8	9	10	Circular 17 of 2006
Assistant Director	1	9	10	Transfer to lower level post
Senior Specialist: PIM	2	11	12	Transfer to lower level post
Court Interpreter	124	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	7	11	12	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Deputy Director	12	11	12	Resolution 3 of 2009: Grade progression
Deputy Director	3	11	12	Translation in Rank
Deputy Director	1	12	13	Translation in Rank
Driver	1	4	5	Resolution 3 of 2009: Grade progression
E-Scheduler Clerk	1	5	6	Provisions of previous dispensation placed employee on 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 higher level than the new level determined by job evaluation
Executive Administrative Assistant	1	7	9	Resolution 3 of 2009: Grade progression
Finance Clerk	5	5	6	DPSA Clerks Co-ordination
Human Resource Officer	34	5	6	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Human Resource Officer	2	5	6	Resolution 3 of 2009: Grade progression
Human Resource Clerk	11	5	6	DPSA Clerks Co-ordination
Human Resource Clerk Supervisor	9	7	8	DPSA Clerks Co-ordination
Human Resource Practitioner	4	7	8	Resolution 3 of 2009: Grade progression
Human Resource Practitioner	1	7	8	Protected Promotion
Labour Relations Officer	1	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Law Lecturers	4	10	12	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Legal Secretary	3	5	6	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Legal Secretary	2	5	6	Resolution 3 of 2009: Grade progression
Legislative Language Practitioner	5	7	10	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Library Assistant	1	5	6	Clerks Co-ordination
Library Assistant	1	5	7	Resolution 3 of 2009: Grade progression
Messenger	1	3	4	Resolution 3 of 2009: Grade progression
Chief Messenger	1	4	5	Resolution 3 of 2009: Grade progression
Office Manager	1	9	10	Resolution 3 of 2009: Grade progression

Personal Assistant	4	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Personal Assistant	6	7	9	Circular 25 Of 2009
Personal Assistant	6	7	8	Circular 25 Of 2010
Chief Personnel Officer	1	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Provisioning Administration Clerk	1	5	6	Resolution 3 of 2009: Grade progression
Provisioning Administration Officer	2	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Snr Provisioning Administration Officer	1	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Snr Provisioning Administration Officer	2	7	8	Resolution 3 of 2009: Grade progression
Registry Clerk	4	5	6	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Registry Clerk	2	5	6	Resolution 3 of 2009: Grade progression
Registry Clerk	15	5	6	DPSA Clerks Co-ordination
Chief Registry Clerk	2	7	8	Resolution 3 of 2009: Grade progression
Secretary	4	5	7	Circular 25 Of 2009
Secretary	2	5	6	Circular 25 Of 2009
Secretary	1	5	6	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Secretary	1	5	6	Resolution 3 of 2009: Grade progression
Secretary	7	5	7	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Secretary	2	5	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Secretary	1	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Security Officer	1	3	5	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Security Officer	2	3	6	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Chief Security Officer	2	7	8	Resolution 3 of 2009: Grade progression

Senior Auditor	9	9	10	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Snr Court Interpreter	1	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Snr Court Interpreter	149	7	8	Resolution 3 of 2009: Grade progression
Snr Human Resource Officer	2	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Snr Human Resource Officer	12	7	8	Resolution 3 of 2009: Grade progression
Snr Human Resource Practitioner	1	7	8	Resolution 3 of 2009: Grade progression
Snr Registry Clerk	1	5	6	Resolution 3 of 2009: Grade progression
Snr Registry Clerk	2	5	7	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Snr Registry Clerk	1	5	7	Resolution 3 of 2009: Grade progression
State Accountant/ Snr	7	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
State Accountant/ Snr	2	7	8	Resolution 3 of 2009: Grade progression
Supply Chain Clerk	4	5	6	Clerks Co-ordination
Supply Chain Supervisor	1	7	8	Resolution 3 of 2009: Grade progression
System Administrator	1	7	8	Resolution 3 of 2009: Grade progression
Telecom Operator	5	4	5	Resolution 3 of 2009: Grade progression
Telecom Operator	1	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Telecom Operator	1	5	6	Employee retained in lower level post in terms of PSRV.C.R
Chief Workstudy Officer	2	9	10	Resolution 3 of 2009: Grade progression
Total Number of Employees whose salaries exceeded the level determined by job evaluation in 2019/20				853
Percentage of total employed				3.9%

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 2019 to 31 March 2020

Beneficiaries	African	Asian	Coloured	White	Total
Female	355	22	54	117	548
Male	255	9	17	24	305
Total	610	31	71	141	853
Employees with a disability	30				

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), translation to another rank without a change in salary level.

A total of 331 employees were promoted to a higher salary level, and 853 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 2019 to 31 March 2020

Salary Band	Number of employees at beginning of period - April 2019	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate
Lower skilled (Levels 1-2), Permanent	11	4	2	18.2
Skilled (Levels 3-5), Permanent	10151	591	289	2.8
Highly skilled production (Levels 6-8), Permanent	4680	186	298	6.4
Highly skilled supervision (Levels 9-12), Permanent	4751	70	272	5.7
Senior Management Service Band A	133	6	9	6.8
Senior Management Service Band B	167	0	12	7.2
Senior Management Service Band C	14	3	2	14.3
Senior Management Service Band D	4	0	3	75.0
Magistrates	1895	179	71	3.7
SUB-TOTAL: PERMANENT EMPLOYEES	21806	1039	958	4.4
Contracts (including interns)	238	755	791	79.7
SUB-TOTAL: CONTRACT EMPLOYEES	238	755	791	79.7
TOTAL	22044	1794	1749	7.9

Table 3.5.2 Annual turnover rates by critical occupation for the period 1 April 2019 to 31 March 2020

Occupations	Number of employees per at beginning of period – April 2019	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate
Administrative Related	886	17	50	5.6
Advocates	612	12	37	6.0
Attorneys	310	21	17	5.5
Building and Other Property Caretakers	3	0	1	33.3
Bus and Heavy Vehicle Drivers	8	1	0	0.0
Cleaners in Offices Workshops Hospitals Etc.	74	0	9	12.2
Client Inform Clerks (Switchboard, Reception, Information Clerks)	123	13	9	7.3
Communication and Information Related	35	1	1	2.9
Crime Investigators	39	0	2	5.1
Finance and Economics Related	242	15	9	3.7
Financial and Related Professionals	279	12	9	3.2
Financial Clerks and Credit Controllers	413	32	18	4.4
Food Services Aids and Waiters	16	1	0	0.0
General Legal Administration & Related Professionals	742	62	46	6.2
Human Resources & Organisational Development & Relate Professional	60	1	4	6.7
Human Resources Clerks	259	12	26	10.0
Human Resources Related	173	8	8	4.6
Information Technology Related	21	0	1	4.8
Language Practitioners Interpreters & Other Communicators	402	15	24	6.0
Legal Related	182	6	16	8.8
Librarians and Related Professionals	18	1	0	0.0
Library Mail and Related Clerks	291	12	10	3.4
Light Vehicle Drivers	5	1	0	0.0
Logistical Support Personnel	53	2	6	11.3
Magistrates	1895	179	71	3.7
Material-Recording and Transport Clerks	75	7	2	2.7
Messengers Porters And Deliverers	293	29	16	5.5
Other Administrative & Related Clerks and Organisers	8123	390	244	3.0
Other Administrative Policy and Related Officers	839	22	65	7.7
Other Information Technology Personnel.	18	3	0	0.0
Prosecutor	2408	26	133	5.5
Protection Services	91	0	5	5.5

Risk Management and Security Services	22	0	1	4.5
Secretaries & Other Keyboard Operating Clerks	612	23	21	3.4
Security Guards	11	0	2	18.2
Security Officers	254	10	8	3.1
Senior Managers	316	11	26	8.2
Social Sciences Related	1	0	0	0.0
Social Work and Related Professionals	121	5	6	5.0
Translators and Air Traffic Communicators	1482	89	55	3.7
Contracts	237	755	791	79.7
TOTAL	22044	1794	1749	7.9

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 2019 to 31 March 2020

Termination Type	Number	% of Total Resignations
Death	87	5.0
Resignation	511	29.2
Expiry of contracts	793	45.3
Retirement due to ill health	150	8.6
Dismissal-misconduct	43	2.5
Retirement	79	4.5
Transfer to other Public Service Departments	86	4.9
TOTAL	1749	100.0
Total number of employees who left as a % of total employment		7.9%

Table 3.5.4 Promotions by critical occupation for the period 1 April 2019 to 31 March 2020

Occupation	Employees as at 1 April 2019	Promotions to another salary level	Salary level promotions as a % of employees by occupation	Progressions to another notch within a salary level	Notch progression as a % of employees by occupation
Administrative Related	891	22	2.5	630	70.7
Advocates	612	27	4.4	511	83.5
Attorneys	310	8	2.6	218	70.3
Building and Other Property Caretakers	3	0	0.0	2	66.7
Bus and Heavy Vehicle Drivers	8	0	0.0	6	75.0
Cleaners in Offices Workshops Hospitals Etc.	74	0	0.0	58	78.4
Client Inform Clerks (Switchboard, Reception, Information Clerks)	126	1	0.8	86	68.3
Communication and Information Related	36	2	5.6	30	83.3

Computer Programmers.	2	0	0.0	1	50.0
Crime Investigators	39	0	0.0	20	51.3
Finance and Economics Related	249	11	4.4	188	75.5
Financial and Related Professionals	284	7	2.5	223	78.5
Financial Clerks and Credit Controllers	421	7	1.7	334	79.3
Food Services Aids and Waiters	16	0	0.0	15	93.8
General Legal Administration & Rel. Professionals	760	8	1.1	464	61.1
Head of Department/Chief Executive Officer	1	0	0.0	0	0.0
Human Resources & Organisational Development & Related Professionals	60	4	6.7	46	76.7
Human Resources Clerks	259	5	1.9	176	68.0
Human Resources Related	179	3	1.7	119	66.5
Information Technology Related	47	0	0.0	23	48.9
Language Practitioners Interpreters & Other Communication	402	7	1.7	302	75.1
Legal Related	186	22	11.8	111	59.7
Librarians and Related Professionals	18	0	0.0	15	83.3
Library Mail and Related Clerks	295	2	0.7	227	76.9
Light Vehicle Drivers	5	0	0.0	3	60.0
Logistical Support Personnel	53	4	7.5	39	73.6
Magistrates	1895	26	1.4	0	0.0
Material-Recording and Transport Clerks	79	0	0.0	66	83.5
Messengers Porters and Deliverers	316	0	0.0	35	11.1
Other Administrative & Related Clerks and Organisers	8158	48	0.6	6776	83.1
Other Administrative Policy and Related Officers	848	46	5.4	628	74.1
Other Information Technology Personnel.	19	0	0.0	17	89.5
Prosecutor	2408	40	1.7	1940	80.6
Protection Services	91	0	0.0	50	54.9
Risk Management and Security Services	22	0	0.0	10	45.5
Secretaries & Other Keyboard Operating Clerks	627	2	0.3	394	62.8
Security Guards	11	0	0.0	9	81.8
Security Officers	254	0	0.0	167	65.7
Senior Managers	340	9	2.6	120	35.3
Social Sciences Related	1	0	0.0	0	0.0

Social Work and Related Professionals	121	2	1.7	30	24.8
Translators and Air Traffic Communicators	1518	18	0.0	1011	0.0
Total	22044	331	1.5	15100	68.5

Table 3.5.5 Promotions by salary band for the period 1 April 2019 to 31 March 20

Salary Band	Employees 1 April 2019	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)	25	0	0.0	2	8.0
Skilled (Levels 3-5)	10258	46	0.4	8550	83.3
Highly skilled production (Levels 6-8)	4722	121	2.6	2774	58.7
Highly skilled supervision (Levels 9-12)	4800	129	2.7	3656	76.2
Senior Management Service (Level 13 – 16)	344	9	2.6	118	34.3
Magistrates	1895	26	1.4	0	0.0
TOTAL	22044	331	1.5	15100	68.5

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 2020

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Magistrates	496	119	80	306	463	112	126	247	1949
Legislators, senior officials and managers	107	19	20	43	77	14	25	36	341
Professionals	2096	179	83	354	1808	316	220	542	5598
Clerks	3209	329	100	93	6188	832	221	593	11565
Service and sales workers	162	34	9	73	81	14	4	15	392
Plant and machine operators and assemblers	9	2	1	1	1	0	0	0	14
Labourers and related workers	232	30	2	8	113	5	1	4	395
Technical and associated professions, permanent	558	56	22	34	858	106	36	118	1788
TOTAL	6869	768	317	912	9589	1399	633	1555	22042
Employees with disabilities	139	19	5	20	128	15	9	34	369

Table 3.6.2 Total number of employees (including employees with disabilities) in each of the following occupational bands as at 31 March 2020

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Magistrates	496	119	80	306	463	112	126	247	1949
Top Management	9	2	1	0	7	2	3	3	27
Senior Management	94	17	20	43	70	12	21	33	310
Professionally qualified and experienced specialists and mid-management	1807	178	86	394	1326	246	205	556	4798
Skilled technical and academically qualified workers, junior management, supervisors, foremen	1414	119	43	82	2157	297	96	424	4632
Semi-skilled and discretionary decision making	3046	333	87	87	5551	730	182	292	10308
Unskilled and defined decision making	0	0	0	0	8	0	0	0	8
Interns	3	0	0	0	7	0	0	0	10
TOTAL	6869	768	317	912	9589	1399	633	1555	22042

Table 3.6.3 Recruitment for the period 1 April 2019 to 31 March 2020

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Magistrates	291	38	21	85	187	45	35	81	783
Top Management	3	2	1	0	4	1	0	0	11
Senior Management	13	0	0	0	7	0	0	1	21
Professionally qualified and experienced specialists and mid-management	51	2	2	4	50	2	5	10	126
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	72	8	1	1	88	18	0	0	188
Semi-skilled and discretionary decision making	231	27	3	4	361	29	2	7	664
Unskilled and defined decision making	0	0	0	0	0	0	0	0	0
Interns	0	0	0	0	1	0	0	0	1
Total	661	77	28	94	698	95	42	99	1794
Employees with disabilities	6	0	0	0	4	0	0	1	11

Table 3.6.4 Promotions for the period 1 April 2019 to 31 March 2020

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management	0	0	0	0	0	0	1	1	2
Senior Management	35	12	7	15	48	9	12	12	150
Professionally qualified and experienced specialists and mid-management	1479	139	66	252	1065	204	162	418	3785
Skilled technical and academically qualified workers, junior management, supervisors, foremen	916	69	29	30	1459	177	77	145	2902
Semi-skilled and discretionary decision making	2406	246	84	68	4726	633	169	258	8590
Unskilled and defined decision making	0	0	0	0	2	0	0	0	2
TOTAL	4836	466	186	365	7300	1023	421	834	15431
Employees with disabilities	111	14	4	11	112	12	6	20	290

Table 3.6.5 Terminations for the period 1 April 2019 to 31 March 2020

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management	3	1	0	2	2	0	0	0	8
Senior Management	12	1	1	4	13	1	2	2	36
Magistrates	246	31	12	99	135	32	23	77	655
Professionally qualified and experienced specialists and mid-management	101	21	6	23	103	12	16	24	306
Skilled technical and academically qualified workers, junior management, supervisors, foremen	122	6	5	6	128	18	6	44	335
Semi-skilled and discretionary decision making	147	15	3	2	182	28	3	20	400
Unskilled and defined decision making	0	0	0	0	2	0	0	0	2
Interns	3	0	0	0	4	0	0	0	7
TOTAL	634	75	27	136	569	91	50	167	1749
Employees with disabilities	6	1	0	3	5	0	2	2	19

Table 3.6.6 Disciplinary action for the period 1 April 2019 to 31 March 2020

	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Disciplinary action	233	12	3	7	130	7	12	10	414

Table 3.6.7 Skills development for the period 1 April 2019 to 31 March 2020

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	34	8	5	17	19	5	7	10	105
Professionals	916	104	30	110	734	165	60	205	2324
Technicians and associate professionals	240	11	3	1	306	26	2	14	603
Clerks	1296	273	24	21	2370	498	45	164	4691
Service and sales workers	70	35	1	43	41	11	0	6	207
Plant and machine operators and assemblers	1	0	0	0	0	0	0	0	1
Elementary occupations	6	0	0	0	8	0	0	0	14
Labourers and related workers	9	1	0	0	1	0	0	0	11
Total	2572	432	63	192	3479	705	114	399	7956
Employees with disabilities	15	7	0	0	30	6	0	5	63

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 are presented here.

Table 3.7.1 Signing of performance agreements by SMS Members as at 31 May 2019

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%
Salary Level 16 (not HOD)	4	3	1	33%
Salary Level 15	23	13	11	55%
Salary Level 14	185	161	160	99%
Salary Level 13	171	149	141	95%
Total	385	328	315	96%

Table 3.7.2 Reasons for not having concluded performance agreements for all SMS members as at 31 May 2019

Eight SMS members have failed to comply with the timeframes for signing of performance agreements.
NPA -The member who did not sign was on secondment outside of the country and thus working under the direction and control of the host country.

Table 3.7.3 Disciplinary steps taken against SMS members for not having concluded performance agreements as at 31 May 2019

The line managers of SMS members who signed their performance agreements late were requested 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 2019 to 31 March 2020

	Beneficiary Profile			Cost	
	Number of beneficiaries	Total number of employees	% of total within group	Cost (R'000)	Average cost per employee
African	2653	15237	17.4	39 034	14 713.15
Male	999	6237	16.0	16 001	16 017.02
Female	1654	9000	18.4	23 033	13 925.63
Asian	131	730	17.9	2 514	19 190.84
Male	35	232	15.1	594	16 971.43
Female	96	498	19.3	1 920	20 000.00
Coloured	430	1904	22.6	6 427	14 946.51
Male	118	632	18.7	2 165	18 347.46
Female	312	1272	24.5	4 262	13 660.26
White	486	1861	26.1	9 027	18 574.07
Male	133	587	22.7	2 689	20 218.05
Female	353	1274	27.7	6 338	17 954.67
Employees with disabilities	49	361	13.6	707	14 428.57
TOTAL	3749	20093	18.7	57 713	15 394.24

Table 3.8.2 Performance Rewards by salary bands for personnel below Senior Management Service for the period 1 April 2019 to 31 March 2020

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)	4	20	20.0	54	13500.00	0
Skilled (Levels 3-5)	1645	10308	16.0	17 442	10603.04	0.2
Highly skilled production (Levels 6-8)	1056	4631	22.8	16 659	15775.57	0.2
Highly skilled supervision (Levels 9-12)	986	4798	20.6	21 839	22149.09	0.3
TOTAL	3691	19757	18.7	40 621	11005.45	0.5

Table 3.8.3 Performance Rewards by occupationsw

Occupations	Beneficiary Profile			Cost	
	Number of beneficiaries	Number of employees	% of total within occupation	Total Cost (R'000)	Average cost per employee
Administrative Related	225	892	0.3	4 606	20 471.11
Advocates	120	593	0.2	3 211	26 758.33
Attorneys	26	314	0.1	1 022	39 325.04
Building and Other Property Caretakers	0	2	0.0	0	-
Bus and Heavy Vehicle Drivers	0	8	0.0	0	-
Cleaners In Offices Workshops Hospitals Etc.	11	65	0.2	110	10 000.00
Client Inform Clerks(Switchboard, Reception, Information Clerks)	27	117	0.2	266	9 851.85
Communication and Information Related	20	38	0.5	512	25 600.00
Computer Programmers.	1	1	1.0	15	15 441.30
Crime Investigators	13	37	0.4	706	54 307.69
Finance and Economics Related	75	255	0.3	1 844	24 591.80
Financial and Related Professionals	84	288	0.3	1 303	15 511.90
Financial Clerks and Credit Controllers	118	430	0.3	1 419	12 025.42
Food Services Aids and Waiters	10	18	0.6	80	7 976.70
General Legal Administration & Rel. Professionals	157	747	0.2	3 934	25 054.15
Human Resources & Organisational Development & Relate Prof	17	60	0.3	289	16 988.03
Human Resources Clerks	99	253	0.4	1 293	13 060.61
Human Resources Related	50	182	0.3	1 190	23 800.00

Information Technology Related	9	48	0.2	269	29 888.89
Language Practitioners Interpreters & Other Commun	61	417	0.1	1 054	17 283.81
Legal Related	40	189	0.2	1 018	25 438.81
Librarians and Related Professionals	3	19	0.2	53	17 722.68
Library Mail and Related Clerks	80	290	0.3	913	11 412.50
Light Vehicle Drivers	0	6	0.0	0	-
Logistical Support Personnel	24	51	0.5	413	17 208.33
Material-Recording and Transport Clerks	23	83	0.3	255	11 103.41
Messengers Porters and Deliverers	25	310	0.1	249	9 960.00
Other Administrative & Related Clerks and Organisers	1347	8274	0.2	15 283	11 345.95
Other Administrative Policy and Related Officers	185	846	0.2	3 324	17 969.86
Other Information Technology Personnel.	5	22	0.2	97	19 314.36
Prosecutor	424	2308	0.2	6 300	14 858.49
Protection Services	22	88	0.0	488	22 181.82
Risk Management And Security Services	5	21	0.2	111	22 200.00
Secretaries & Other Keyboard Operating Clerks	182	610	0.3	2 392	13 142.86
Security Guards	1	8	0.1	8	7 687.26
Security Officers	48	238	0.2	465	9 680.58
Senior Managers	57	336	0.2	1 703	29 877.19
Social Sciences Related	0	1	0.0	0	-
Social Work and Related Professionals	19	121	0.2	433	22 773.88
Translators and Air Traffic Communicators	136	1507	0.1	1 541	11 331.39
TOTAL	3 749	20093	0.2	58 169	15 515.84

Table 3.8.4 Performance related rewards (cash bonus), by salary band, for Senior Management Service for the period 1 April 2019 to 31 March 2020

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	150	1.9	472	26 222.22	0.0
Band B	39	160	10.3	1 245	31 923.08	0.0
Band C	0	21	0.0	0	-	0.0
Band D	0	5	0.0	0	-	0.0
TOTAL	57	336	17.0	1 717	30 122.81	0.0

3.9 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 2019 to 31 March 2020, by salary band

Salary band	01 April 2019		31 March 2020		Change	
	Number	% of total	Number	% of total	Number	% Change
Skilled (Levels 3-5)	8	5.6	7	4.5	-1	-9.1
Highly skilled production (Levels 6-8)	0	0.0	0	0.0	0	0.0
Highly skilled supervision (Levels 9-12)	4	2.8	4	2.6	0	0.0
Senior management (Levels 13-16)	1	0.7	1	0.6	0	0.0
Other	130	90.9	142	92.2	12	109.1
TOTAL	13	9	12	100.0	-1	100.0

Table 3.9.2 Foreign Worker, 1 April 2019 to 31 March 2020, by major occupation

Major occupation	01 April 2019		31 March 2020		Change	
	Number	% of total	Number	% of total	Number	% Change
Administrative office workers	136	95.1	149	96.8	13	118.2
Elementary occupations	0	0.0	0	0.0	0	0.0
Professionals and managers	7	4.9	5	3.2	-2	-18.2
TOTAL	143	100.0	154	100.0	11	100.0

3.10 LEAVE UTILISATION

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

Table 3.10.1 Sick leave, 1 January 2019 to 31 December 2019

Salary band	Total days	% Days with Medical certification	Number of employees using sick leave	% of total employees using sick leave	Average days per employee	Estimated Cost (R'000)
Lower skilled (levels 1-2)	90	98.9	9	0.0	10	55
Skilled (Levels 3-5)	99538	75.9	9536	49.1	10	93653
Highly skilled production (Levels 6-8)	42675	77.0	4281	22.0	10	63325
Highly skilled supervision (Levels 9-12)	36033	80.5	3937	20.3	9	112954
Top and Senior management (Levels 13-16)	18937	82.6	1651	8.5	11	46024
Contract (other)	10	40.0	6	0.0	2	15
TOTAL	197283	77.6	19420	100.0	10	316026

Table 3.10.2 Incapacity leave (temporary and permanent), 1 January 2019 to 31 December 2019

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)	8703	100.00	174	45.30	50.00	8 286.00
Highly skilled production (Levels 6-8)	6420	100.00	108	28.10	59.00	9 374.00
Highly skilled supervision (Levels 9-12)	5488	99.10	95	24.70	88.00	18 763.00
Senior management (Levels 13-16)	416	100.00	7	1.80	59.00	2 163.00
TOTAL	21027	99.80	384	100.00	55.00	38 586.00

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 2019 to 31 December 2019

Salary Band	Total Days Taken	Average days per employee	Number of employees who took leave
Lower skilled (Levels 1-2)	213	21	10
Skilled (Levels 3-5)	244898	23	10519
Highly skilled production (Levels 6-8)	119854	24	4984
Highly skilled supervision (Levels 9-12)	122107	25	4831
Senior management (Levels 13-16)	52357	22	2341
Contract Other	86	6	14
TOTAL	539515	24	22699

Table 3.10.4 Capped leave, 1 January 2019 to 31 December 2019

Salary Band	Total days of capped leave taken	Average number of days taken per employee	Average capped leave per employee as at 31 December 2019	Number of Employees who took capped leave
Skilled (Levels 3-5)	121	9	39	14
Highly skilled production (Levels 6-8)	242	4	61	58
Highly skilled supervision (Levels 9-12)	436	5	44	85
Senior management (Levels 13-16)	101	8	50	13
Contract other	0	0	20	0
TOTAL	900	5	214	170

Table 3.10.5 Leave pay-outs for the period 1 April 2019 to 31 March 2020

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 pay-out due to non-utilisation of leave for the previous cycle	195	7	27857.14
Capped leave pay-outs on termination of service for 2019/2020	23446	151	155271.52
Current leave pay-out on termination of service for 2019/2020	39402	537	73374.30
Total	63043	695	90709.35

3.11 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.	

Table 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 her/his name and position.	Yes		<ul style="list-style-type: none"> Ms 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		<ul style="list-style-type: none"> Director, 2X Deputy Director and 2 Assistant Directors. NPA- Employee Health and Wellness Unit: 3 in-house staff members and outsourced service provider with a national presence. The budget for the programme is R2 500 000
3. Has the Department introduced an Employee Assistance or Health Promotion Programme for your employees? If so, indicate the key elements/services of this Programme.	Yes		<p>DOJCD</p> <ul style="list-style-type: none"> Psychosocial counselling. Health screening and Promotion. HIV&AIDS and TB workplace programme. <p>NPA</p> <p>Integrated EHWP to address the following Pillars: HIV&AIDS and TB Management Health and Productivity Management (Mental in the workplace - trauma Debriefing, Health Promotion and management of chronic illnesses in the workplace), and Wellness Management (24/7 Counselling and support services. Managers support Programme, Proactive wellness workshops, sport and recreation programmes).</p>
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		<ul style="list-style-type: none"> DOJCD - Employee Advisory Committee (EAC) has been established and it represents all business units or branches of the Department as well as representatives from Organised Labour. NPA - Chairperson: GB Dlodla, Members: A Bean, M Mashap, N Tukani, R Manashamaite, N Madikizela, J Matlou, M Mkela, A Fundi, F Ross, T Radebe, P Moagi, M Shaku and P Semanya

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.	Yes		<ul style="list-style-type: none"> • DOJCD: All applicable policies currently do not unfairly discriminate against employees on the basis of their HIV status from the last date of review. • NPA: HIV/AIDS and TB Management: distributed, Employee Health and Wellness Policy
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>DOJCD: The Directorate ran awareness sessions on HIV and AIDS which included:</p> <ul style="list-style-type: none"> • Commemoration of World AIDS Day and • Maintaining of Peer Educators programme which acts as a support mechanism to support employees affected or infected by HIV. • NPA: The 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. Ongoing counselling and support is available through the 24/7 EAP Call Centre. The NPA conducted an HIV&AIDS Awareness session during the EHWP Committee Meeting to highlight issues around HIV/AIDS stigma and discrimination in the workplace and mapping interventions to address the stigma in the NPA environment.
7. Does the Department encourage its employees to undergo Voluntary Counselling and Testing? If so, list the results that you have you achieved.	Yes		<ul style="list-style-type: none"> • DOJCD: 1357 employees went for Voluntary Counselling and Testing • NPA: The NPA has established partnership with GEMS and other identified health professionals to implement worksite HIV testing, counselling and promotion of disease management programmes. Quarterly HCT/ Health Screening Campaigns are provided in various regions to promote awareness and access to testing and counselling.

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		<ul style="list-style-type: none"> • DOJCD: The program is measured through System Monitoring Tool (SMT) report submitted to DPSA. • NPA: HIV/AIDS and TB Management: Screening and testing programme, condoms distributed. Monthly reporting on the programme. Health and Productivity and wellness Management Chronic disease Management Programme screening and awareness sessions, mental health awareness, wellness talks, physical activities, health screening and testing . Report internally and to the DPSA as required.

3.12 LABOUR RELATIONS

Table 3.12.1 Collective agreements, 1 April 2019 to 31 March 2020

Total collective agreements	None

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 2019 to 31 March 2020

Outcomes of disciplinary hearings	Number	% of total
Acquittal	15	4,9
Demotion	2	0
Deceased	1	0,4
Dismissal	49	16
Resignation	18	5,3
Suspended	28	10
Verbal Warning	25	8,5
Written Warning	87	30
Final Warning	57	18
Withdrawn	24	6,9
TOTAL	306	100%

Table 3.12.3 Types of misconduct addressed at disciplinary actions/hearings for the period 1 April 2019 to 31 March 2020

Type of misconduct	Number	% of total
Abscondment	16	3.86
Absenteeism	3	0.72
Abuse Of Leave	4	0.97
Abuse Of State Property	6	1.45
Alcohol Abuse	2	0.48
Assault	8	1.93
Bribery	9	2.17
Bringing name of NPA into disrepute	4	0.97
Committing criminal offence	1	0.24
Conflict of interest	1	0.24
Corruption	10	2.42
Damage to State Property	3	0.72
Dishonesty	23	5.56
Failure to comply with lawful instruction	8	1.93
Failure to comply with contractual obligation	1	0.24
Falsification of Documents	5	1.21
Fraud	37	8.94
Impossibility to perform duties	1	0.24
Insubordination	52	12.56
Mismanagement of Funds	4	0.97
Loss of State Money	2	0.48
Maladministration	1	0.24
Misrepresentation	4	0.97
Misuse of firearm	1	0.24
Negligence	37	8.94
Poor Performance	4	0.97
Remunerative work without authorisation	3	0.72
Sexual Harassment	7	1.69
Theft	21	5.07
Unauthorised Absence	41	9.90
Unethical Behaviour	60	14.49
Unprofessional Conduct	4	0.97
Discrimination	1	0.24
Intimidation	2	0.48
Insolence/Unbecoming Conduct	8	1.93
Misuse Of State Vehicle	15	3.62
Dereliction Of Duty	5	1.21
TOTAL	414	100%

Table 3.12.4 Grievances lodged for the period 1 April 2019 to 31 March 2020 (overall cases)

Grievances	Number	% of total
Number of grievances resolved		
Number of grievances resolved	370	80.1
Number of grievances not resolved	85	18.4
Withdrawn	7	1.5
TOTAL	462	
Total number of grievances (Finalised)	462	78.6
Total number of grievances (Not Finalised)	126	21.4
Total number of grievances lodged (Finalised and Not Finalised)	588	100

Table 3.12.5 Disputes lodged with Councils for the period 1 April 2019 to 31 March 2020

Number of dispute outcome	Number	% of Total
Number of disputes upheld	1	3%
Number of disputes dismissed	35	97%
Disputes (Finalised)	36	100.0%

Table 3.12.6 Strike actions for the period 1 April 2019 to 31 March 2020

Total number of persons 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 2019 to 31 March 2020

Number of people suspended	23
Number of people whose suspension exceeded 30 days	24
Average number of days suspended	216
Cost of suspension (R'000)	613

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 2019 to 31 March 2020

Occupational category	Gender	Number of employees as at 1 April 2019	Training needs identified at start of the reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	149	0	31	0	31
	Male	183	0	39	0	39
Professionals	Female	2876	0	481	0	481
	Male	2697	0	542	0	542
Technicians and associate professionals	Female	1122	0	57	0	57
	Male	663	0	25	0	25
Clerks	Female	7774	0	93	40	133
	Male	3685	0	38	20	58
Labourers and related workers	Female	119	0	0	0	0
	Male	258	0	0	0	0
Service and sales workers	Female	116	0	43	0	43
	Male	295	0	80	0	80
Plant and machine operators and assemblers	Female	0	0	0	0	0
	Male	13	0	0	0	0
Elementary occupations	Female	11	0	1	0	1
	Male	19	0	2	0	2
Sub Total	Female	12167	0	706	40	746
	Male	7813	0	726	20	746
Total		19980	0	1432	60	1492

Table 3.13.2 Training provided 1 April 2019 to 31 March 2020

Occupational category	Gender	Number of employees as at 1 April 2019	Training provided within the reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	149	0	41	0	41
	Male	183	0	64	0	64
Professionals	Female	2876	2	1162	0	1164
	Male	2697	1	1159	0	1160
Technicians and associate professionals	Female	1122	2	346	0	348
	Male	663	1	254	0	255
Clerks	Female	7774	23	3010	45	3078
	Male	3685	5	1588	20	1613
Service and sales workers	Female	116	1	57	0	58
	Male	295	1	148	0	149
Plant and machine operators and assemblers	Female	0	0	0	0	0
	Male	13	0	1	0	1
Labourers and related workers	Female	119	0	1	0	1
	Male	258	0	10	0	10
Elementary Occupations	Female	11	0	8	0	8
	Male	19	0	6	0	6
Sub Total	Female	12167	28	4625	45	4698
	Male	7813	8	3230	20	3258
Total		19980	36	7855	65	7956

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 2019 to 31 March 2020

Nature of injury on duty	Number	% of total
Required basic medical attention only	41	95.3
Pending investigation	1	2.3
Temporary Total Disablement	0	0.0
Permanent Disablement	0	0.0
Fatal	1	2.3
Total	43	100.0

3.15 UTILISATION OF CONSULTANTS

The following table relates information on the utilisation of consultants in the Department.

In terms of the Public Service Regulations "consultant" means a natural or juristic person or a partnership who or which provides in terms of a specific contract on an ad hoc basis, any of the following professional services to a department against remuneration received from any source:

- (a) The rendering of expert advice;
- (b) The drafting of proposals for the execution of specific tasks, and
- (c) The execution of a specific task which is of a technical or intellectual nature, but excludes an employee of the Department.

Table 3.15.1 Report on consultants appointments using appropriated funds for the period 1 April 2019 to 31 March 2020

Project Title	Total number of consultants that worked on the project	Duration: Work days	Contract value in Rand
Forensic Investigations	10	12 Months	R 2 600 000
Ponta Transcription Services	35	36 months contract	R5 207 609,67
ELT Pro Transcription CC	7	36 months contract	R9 947 034,79
Sneller Recordings	78	36 months contract	R7 447 483,49
Inelixso(Pty) Ltd	48	36 months contract	R13 623 069,00
Total number of projects	Total individual consultants	Total duration: Work days	Total contract value in Rand
3	10	12 Months	R 2 600 000
Ponta Transcription Services	35	36 months contract	R5 207 609,67
ELT Pro Transcription CC	7	36 months contract	R9 947 034,79
Sneller Recordings	78	36 months contract	R7 447 483,49
Inelixso (Pty)Ltd	48	36 months contract	R13 623 069,00
Private Advocates: Chief Evidence Leader	1	9 Months	R 4 936 950
Private Advocates: Evidence Leaders	3	8 Months	R 4 911 354
Forensic Investigators	2	8 Months	R 1 969 177
Forensic Investigators	2	9 Months	R 2 432 000
Assistants to Commissioner	2	9 Months	R 5 193 536
HNM Attorneys (Peter Harris)	1	2 Months	R 1 553 878
Spokesperson	1	9 Months	R 2 272 326

Table 3.15.2 Analysis of consultant appointments using appropriated funds, in terms of Historically Disadvantaged Individuals (HDI) for the period 1 April 2019 to 31 March 2020

Project Title	Percentage ownership by HDI groups	Percentage management by HDI groups	Number of consultants from HDI groups that work on the project
Forensic Investigations	Black ownership – 74,85% Black women ownership – 24.15%	74,85%	71 Coloured, female; and 6 Black females
Ponta Transcription Services	<ul style="list-style-type: none"> 51% black people ownership 0% black woman ownership 0% owned by people with disability 	51%	14
ELT Pro Transcription CC	100% white owned <ul style="list-style-type: none"> 0% black people ownership 0% black woman ownership 0% owned by people with disability 	0%	7
Sneller Recordings	<ul style="list-style-type: none"> 15% black people ownership 5% black woman ownership 0% owned by black people with disability 	15%	65
Inelixso Pty Ltd	<ul style="list-style-type: none"> 51% black people ownership 0% black woman ownership 0% owned by black people with disability 	81%	25
Media Monitoring (S J Buti (Pty)Ltd)	100%	100%	1
Transcription (Accura Africa Group)	100%	100%	4
Audio Visual (busintuli communications)	100%	100%	3
Audio Visual (Kiong)	100%	100%	2

Table 3.15.3 Report on consultant appointments using donor funds for the period 1 April 2019 to 31 March 2020

Project Title	Total number of consultants that worked on the project	Duration: Work days	Contract value in Rand
-	-	-	-
	Total individual consultants	Total duration: Work days	Total contract value in Rand
-	-	-	-

Table 3.15.4 Report on consultant appointments using donor funds, in terms of Historically Disadvantaged Individuals (HDIs) for the period 1 April 2019 to 31 March 2020

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 2019 to 31 March 2020

Salary Band	Number of applications received	Number of applications approved	Number of applications supported by MPSA	Number of packages approved by Department
Lower skilled (Levels 1-2)	0	0	0	0
Skilled (Levels 3-5)	0	0	0	0
Highly skilled production (Levels 6-8)	0	0	0	0
Highly skilled supervision (Levels 9-12)	0	0	0	0
Senior management (Levels 13-16)	0	0	0	0
TOTAL	0	0	0	0



PART E

FINANCIAL
INFORMATION

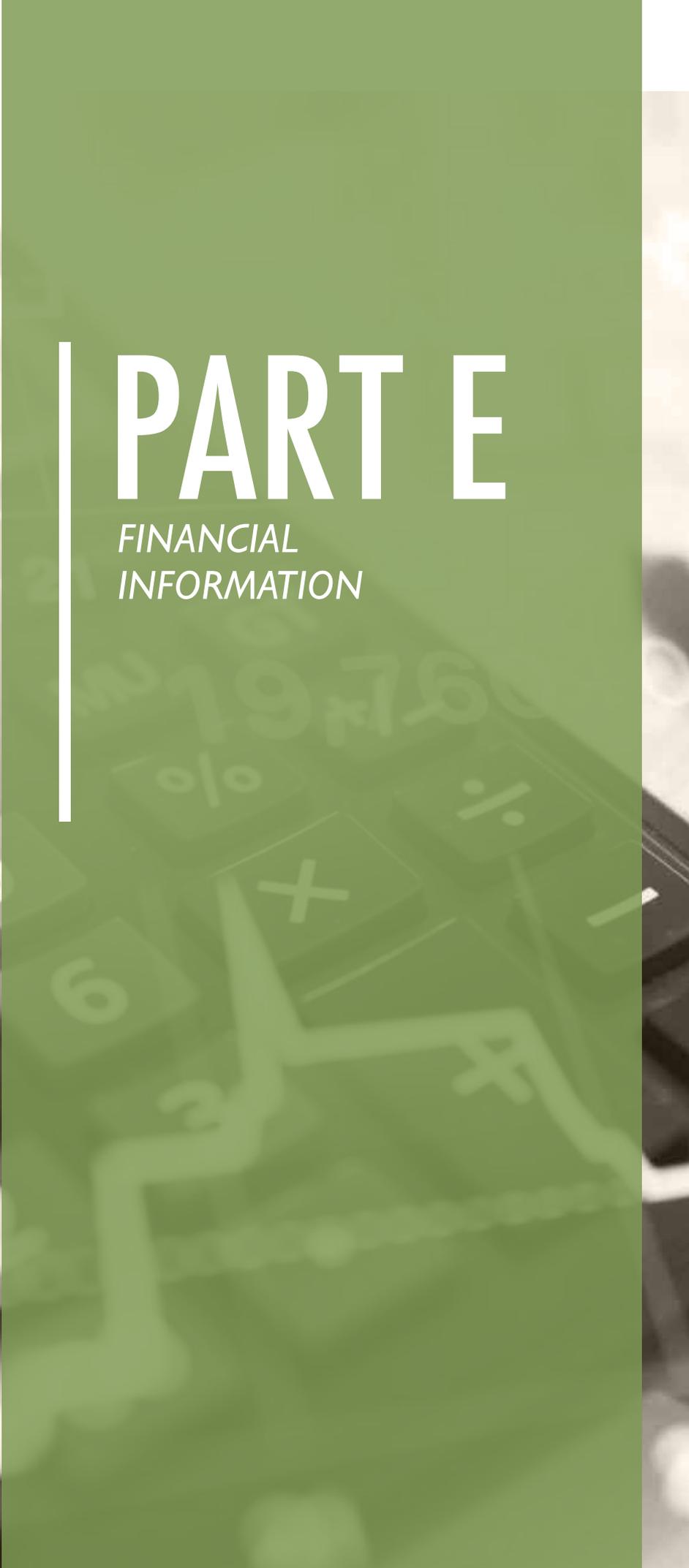


TABLE OF CONTENTS

1. Report of the auditor-general	204
2. Appropriation Statement	211
3. Notes to the Appropriation Statement	231
4. Statement of Financial Performance	233
5. Statement of Financial Position	234
6. Statement of Changes in Net Assets	235
7. Cash Flow Statement	236
8. Notes to the Annual Financial Statements (including Accounting policies)	237
9. Annexures	287

1. 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 211 to 286, which comprise the appropriation statement, statement of financial position as at 31 March 2020, 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 my 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 2020, and its financial performance and cash flows for the year then ended in accordance with the Modified Cash Standard (MCS) prescribed by National Treasury (NT) and the requirements of the Public Finance Management Act of South Africa, 1999 (Act No. 1 of 1999) (PFMA).

Basis for qualified opinion

Claims against the department

3. Included in contingent liabilities is R3 104 245 000 (2019: R3 792 701 000) 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 and it was not possible to confirm contingent liabilities by alternative means. Consequently, 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

4. 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.
5. I am independent of the department in accordance with sections 290 and 291 of the Code of ethics for professional accountants and parts 1 and 3 of the International Code of Ethics for Professional Accountants (including International Independence Standards) of the International Ethics Standards Board for Accountants (IESBA codes) as well as 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.
6. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my qualified opinion.

Emphasis of matter

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

Movable tangible capital assets under investigation

8. As required by MCS, movable tangible capital assets to the value of R181 402 000 that could not be located during the verification processes and under investigation is disclosed in note 39 to the financial statements.

Material impairments - receivables

9. As disclosed in note 15 to the financial statements, material impairments of R1 723 035 000 (2019: R875 075 000) were reported. This was due to long outstanding balances owed by various client departments for legal fees paid by the State Attorney offices on their behalf and poor collection practices.

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 287 to 302 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 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 NT 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'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 on the usefulness and reliability of the reported performance information against predetermined objectives for selected programme presented in the annual performance report. I performed procedures to identify material findings but not to gather evidence to express assurance.

17. My procedures address the usefulness and reliability of 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 do not examine whether the actions taken by the department enabled service delivery. My procedures also do 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 programme presented in the annual performance report of the department for the year ended 31 March 2020:

Programme	Pages in the annual performance report
Programme 3 – State Legal Services	72-93

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 programme are as follows:

Programme 3 – state legal services

Various indicators

21. The achievements below were reported in the annual performance report for the listed indicators. However, some supporting evidence provided materially differed from the reported achieved, while in other instances I was unable to obtain sufficient appropriate audit evidence. This was due to the lack of accurate and complete records. I was unable to confirm the reported achievements by alternative means. Consequently, I was unable to determine whether any further adjustments were required to these reported achievements.

Indicator description	Reported achievement
Percentage reduction in capital amount claimed in medical negligence, unlawful arrest and detention claims	65%
Number of enrolled matters presented in High Court by State Attorney (applications and trials only)	505

Other matter

22. I draw attention to the matter below.

Achievement of planned targets

23. Refer to the annual performance report on pages 52-121 for information on the achievement of planned targets for the year and explanations provided for the under and overachievement of a number of targets. This information should be considered in the context of the material findings on the reliability of the reported performance information in paragraph 21 of this report.

Report on the audit of compliance with legislation

Introduction and scope

24. In accordance with the PAA and the general notice issued in terms thereof, I have a responsibility to report material findings on the department's compliance with specific matters in key legislation. I performed procedures to identify findings but not to gather evidence to express assurance.

25. The material findings on compliance with specific matters in key legislation are as follows:

Annual financial statements, performance and annual report

26. The financial statements submitted for auditing were not prepared in accordance with the prescribed financial reporting framework and supported by full and proper records, as required by section 40(1)(a) and (b) of the PFMA. Material misstatements of disclosure items identified by the auditors in the submitted financial statements were corrected and the supporting records were provided subsequently, but the uncorrected material misstatements and supporting records that could not be provided resulted in the financial statements receiving a qualified opinion.

Expenditure management

27. 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

28. Payments were not made within 30 days or an agreed period after receipt of an invoice, as required by treasury regulation 8.2.3

Procurement and contract management

29. 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.

30. 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.

31. Some of the quotations and contracts were accepted from prospective suppliers who did not submit a declaration on whether they are employed by the state or connected to any person employed by the state, which is prescribed in order to comply with treasury regulation 16A8.3. This non-compliance was identified in the procurement processes for the state attorney.

32. Some of the quotations and contracts were awarded to suppliers whose tax matters had not been declared by the South African Revenue Services to be in order as required by treasury regulations 16A9.1(d). This non-compliance was identified in the procurement processes for the state attorney.

33. The preference point system was not applied in some of the procurement of goods and services above R30 000 as required by section 2(a) of the PPPFA and treasury regulations 16A6.3(b). This non-compliance was identified in the procurement processes for the state attorney.

34. Some of the IT related goods and services, classified as mandatory, were not procured through SITA as required by treasury regulation 16A6.3(e) and section 7(3) of the SITA Act.

Other information

35. The accounting officer is responsible for the other information. The other information comprises the information included in the annual report which includes the accounting officer's report. The other information does not include the financial statements, the auditor's report and the selected programme presented in the annual performance report that have been specifically reported in this auditor's report.

36. 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.

37. 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 programme presented in the annual performance report, or my knowledge obtained in the audit, or otherwise appears to be materially misstated.
38. 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 26 October 2020.
39. 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.
40. 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

41. 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.
42. The accounting officer did not effectively oversee financial and performance reporting and compliance as well as related internal controls.
43. Management did not adequately monitor the action plan to address prior year findings resulting in similar findings in the current financial year.
44. 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.
45. Management did not adequately review and monitor compliance with applicable legislation.

Other reports

46. I draw attention to the following engagements conducted by various parties which 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.
47. 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. Two reports into the procurement processes relating to specific security related awards were issued in February 2020 and resulted in disciplinary proceedings being instituted. These proceedings and the remaining scope of the investigation was still in progress at the date of this auditor's report.
48. 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

49. 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 Masters Office and all branches thereof and was still in progress at the date of this auditor's report

Auditor General

Pretoria
27 October 2020



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 programme 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 relating to events or conditions that may cast significant doubt on the ability of the Department of Justice and Constitutional Development 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 my 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 operating as a going concern
 - evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and determine 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, actions taken to eliminate threats or safeguards applied.

2. APPROPRIATION STATEMENT FOR THE YEAR ENDED 31 MARCH 2020

APPROPRIATION PER PROGRAMME

Programme	2019/20							2018/19	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
1. Administration	2 503 695	-	85 774	2 589 469	2 537 688	51 781	98.0%	2 592 671	2 428 798
2. Court Services	6 736 900	-	(141 499)	6 595 401	6 428 654	166 747	97.5%	6 374 048	6 320 062
3. State Legal services	1 399 790	-	144 972	1 544 762	1 295 058	249 704	83.8%	1 269 400	1 210 819
4. National Prosecuting Authority	4 031 566	-	103 084	4 134 650	4 009 197	125 453	97.0%	3 799 676	3 799 395
5. Auxiliary and Associated Services	4 109 555	-	(192 331)	3 917 224	3 917 223	1	100.0%	3 423 034	3 423 033
Subtotal	18 781 506	-	-	18 781 506	18 187 820	593 686	96.8%	17 458 829	17 182 107
Statutory Appropriation	2 263 695	-	-	2 263 695	2 100 166	163 529	92.8%	2 215 538	2 047 385
Magistrates' salaries	2 263 695	-	-	2 263 695	2 100 166	163 529	92.8%	2 215 538	2 047 385
TOTAL	21 045 201	-	-	21 045 201	20 287 986	757 215	96.4%	19 674 367	19 229 492

	2019/20		2018/19	
	Final Appropriation	Actual Expenditure	Final Appropriation	Actual Expenditure
TOTAL (brought forward)				
Reconciliation with statement of financial performance				
ADD				
Departmental receipts	423 528		376 168	
NRF receipts	-		-	
Aid assistance	102 956		46 125	
Actual amounts per statement of financial performance (total revenue)	21 571 685		20 096 660	
ADD				
Aid assistance		93 044		39 584
Prior year unauthorised expenditure approved without funding				
Actual amounts per statement of financial performance (total expenditure)		20 381 030		19 269 076

APPROPRIATION PER ECONOMIC CLASSIFICATION

	2019/20							2018/19	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditures % 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	17 296 843	(5 989)	(136 330)	17 154 524	16 675 807	478 717	97.2%	15 825 106	15 417 606
Compensation of employees	11 821 442	-	(7 454)	11 813 988	11 377 251	436 737	96.3%	11 042 795	10 798 813
Salaries and wages	10 405 119	(227 173)	(5 513)	10 172 433	9 861 325	311 108	96.9%	9 511 185	9 366 813
Social contributions	1 416 323	227 173	(1 941)	1 641 555	1 515 926	125 629	92.3%	1 531 610	1 432 000
Goods and services	5 475 401	(5 989)	(128 876)	5 340 536	5 298 556	41 980	99.2%	4 782 311	4 618 793
Administrative fees	32 788	(6 885)	(239)	25 664	25 664	-	100.0%	30 874	30 874
Advertising	23 082	(7 202)	1 272	17 152	17 152	-	100.0%	18 599	18 599
Minor assets	81 669	(46 456)	(1 230)	33 983	33 983	-	100.0%	21 556	21 556
Audit costs: External	43 248	(568)	(3 557)	39 123	39 123	-	100.0%	43 055	43 055
Bursaries: Employees	6 076	283	-	6 359	6 359	-	100.0%	7 437	7 437
Catering: Departmental activities	13 500	(4 065)	(2 033)	7 402	7 402	-	100.0%	6 525	6 525
Communication	143 250	(25 195)	(377)	117 678	117 678	-	100.0%	126 498	126 498
Computer services	1 187 249	(54 661)	(224 639)	907 949	907 949	-	100.0%	753 179	739 785
Consultants: Business and advisory services	160 044	7 106	90 110	257 260	257 260	-	100.0%	118 254	118 254
Laboratory services	1 916	(1 118)	-	798	798	-	100.0%	889	889
Legal services	272 432	(31 911)	8 391	248 912	248 912	-	100.0%	171 754	171 754
Contractors	74 054	92 887	(672)	166 269	166 269	-	100.0%	300 043	160 007
Agency and support/ outsourced services	328 672	115 599	26 605	470 876	470 876	-	100.0%	158 448	158 448
Entertainment	8	(4)	-	4	4	-	100.0%	1	1

APPROPRIATION PER ECONOMIC CLASSIFICATION

	2019/20							2018/19	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditures % of final appropriation	Final Appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Fleet services	73 042	(6 282)	(401)	66 359	66 359	-	100.0%	66 893	66 893
Inventory: Other supplies	-	49	-	49	49	-	100.0%	-	-
Consumable supplies	19 409	(4 989)	(63)	14 357	14 357	-	100.0%	7 254	7 254
Consumable: Stationery, printing and office supplies	224 390	(39 895)	(1 479)	183 016	183 016	-	100.0%	231 544	231 544
Operating leases	954 051	13 102	1 587	968 740	955 522	13 218	98.6%	1 136 911	1 126 823
Property payments	1 237 069	14 262	(7 152)	1 244 179	1 215 417	28 762	97.7%	1 035 591	1 035 591
Transport provided: Departmental activity	475	(354)	(121)	-	-	-	-	-	-
Travel and subsistence	330 904	61 688	(6 762)	385 830	385 830	-	100.0%	383 853	383 853
Training and development	26 269	(15 426)	(2 054)	8 789	8 789	-	100.0%	6 230	6 230
Operating payments	226 343	(68 871)	(3 222)	154 250	154 250	-	100.0%	134 851	134 851
Venues and facilities	8 272	5 360	(1 546)	12 086	12 086	-	100.0%	18 906	18 906
Rental and hiring	7 190	(2 444)	(1 294)	3 452	3 452	-	100.0%	3 166	3 166
Transfers and subsidies	2 985 816	-	28 054	3 013 870	2 992 808	21 062	99.3%	2 840 458	2 803 083
Provinces and municipalities	788	5	(41)	752	752	-	100.0%	562	562
Municipalities	788	5	(41)	752	752	-	100.0%	562	562
Municipal bank accounts	788	5	(41)	752	752	-	100.0%	562	562
Departmental agencies and accounts	2 872 900	(10)	20 641	2 893 531	2 893 310	221	100.0%	2 689 439	2 688 802
Social security funds	-	-	-	-	-	-	-	-	-
Departmental agencies and accounts	2 872 900	(10)	20 641	2 893 531	2 893 310	221	100.0%	2 689 439	2 688 802

APPROPRIATION PER ECONOMIC CLASSIFICATION

	2019/20						2018/19		
	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
Foreign governments and international organisations	17 876	-	(4 700)	13 176	12 956	220	98.3%	13 195	12 809
Households	94 252	5	12 154	106 411	85 790	20 621	80.6%	137 262	100 910
Social benefits	86 943	(296)	7 159	93 806	73 185	20 621	78.0%	117 678	81 326
Other transfers to households	7 309	301	4 995	12 605	12 605	-	100.0%	19 584	19 584
Payments for capital assets	762 333	-	(66 595)	695 738	608 602	87 136	87.5%	985 918	985 918
Buildings and other fixed structures	510 813	8 051	(190 845)	328 019	305 357	22 662	93.1%	796 065	796 065
Buildings	510 813	7 397	(190 845)	327 365	304 703	22 662	93.1%	796 065	796 065
Other fixed structures	-	654	-	654	654	-	100.0%	-	-
Machinery and equipment	247 775	(5 891)	113 312	355 196	290 722	64 474	81.8%	189 853	189 853
Transport equipment	107 293	9 476	4 593	121 365	121 365	-	100.0%	60 762	60 762
Other machinery and equipment	140 482	(15 370)	108 719	233 831	169 357	64 474	72.4%	129 091	129 091
Intangible assets	3 745	(2 160)	10 938	12 523	12 523	-	100.0%	-	-
Payments for financial assets	209	5 989	174 871	181 069	10 769	170 300	5.9%	22 885	22 885
Total	21 045 201	-	-	21 045 201	20 287 986	757 215	96.4%	19 674 367	19 229 492

PROGRAMME 1: ADMINISTRATION

	2019/20						2018/19		
	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. Ministry	36 618	4 539	(1 197)	39 960	39 960	-	100.0%	33 620	33 620
2. Management	56 458	(417)	(1 172)	54 869	50 373	4 496	91.8%	49 944	49 944
3. Corporate Service	720 890	67	130 807	851 764	851 655	109	100.0%	783 338	629 553
4. Financial Administration	223 241	(4 193)	(11 357)	207 691	203 477	4 214	98.0%	203 114	203 114
5. Internal Audit	93 813	4	(3 098)	90 719	89 737	982	98.9%	82 958	82 958
6. Office Accommodation	1 372 675	-	(28 209)	1 344 466	1 302 486	41 980	96.9%	1 439 697	1 429 609
Total for sub programmes	2 503 695	-	85 774	2 589 469	2 537 688	51 781	98.0%	2 592 671	2 428 798
Economic classification									
Current payments	2 461 272	(361)	54 477	2 515 388	2 463 716	51 672	97.9%	2 511 417	2 347 899
Compensation of employees	602 463	-	-	602 463	592 771	9 692	98.4%	525 387	525 387
Salaries and wages	527 347	82	1 941	529 370	522 775	6 595	98.8%	460 129	460 129
Social contributions	75 116	(82)	(1 941)	73 093	69 996	3 097	95.8%	65 258	65 258
Goods and services	1 858 809	(361)	54 477	1 912 925	1 870 945	41 980	97.8%	1 986 030	1 822 512
Administrative fees	6 853	(709)	(86)	6 058	6 058	-	100.0%	6 832	6 832
Advertising	17 488	(4 378)	2 225	15 335	15 335	-	100.0%	13 774	13 774
Minor assets	3 762	(688)	(1 061)	2 013	2 013	-	100.0%	2 138	2 138
Audit costs: External	43 234	(581)	(3 557)	39 096	39 096	-	100.0%	43 047	43 047
Bursaries: Employees	5 408	(957)	-	4 451	4 451	-	100.0%	6 366	6 366

PROGRAMME 1: ADMINISTRATION

	2019/20							2018/19	
	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
Catering: Departmental activities	4 853	(1 198)	(572)	3 083	3 083	-	100.0%	3 625	3 625
Communication	18 968	(4 314)	(205)	14 449	14 449	-	100.0%	12 909	12 909
Computer services	22 495	(4 710)	(18)	17 767	17 767	-	100.0%	50 482	37 088
Consultants: Business and advisory services	108 859	20 860	94 769	224 488	224 488	-	100.0%	90 336	90 336
Scientific and technological services									-
Legal services	89 655	(2 636)	-	87 019	87 019	-	100.0%	51 065	51 065
Contractors	7 789	(1 640)	(106)	6 043	6 043	-	100.0%	146 294	6 258
Agency and support / outsourced services	6 607	27 356	(684)	33 279	33 279	-	100.0%	1 511	1 511
Entertainment	8	(4)	-	4	4	-	100.0%	1	1
Fleet services	2 992	(632)	(381)	1 979	1 979	-	100.0%	2 097	2 097
Consumable supplies	742	(263)	(48)	431	431	-	100.0%	477	477
Consumable: Stationery, printing and office supplies	17 836	(1 172)	(821)	15 843	15 843	-	100.0%	13 863	13 863
Operating leases	919 237	2 620	(369)	921 488	908 270	13 218	98.6%	1 086 793	1 076 705
Property payments	464 993	(1 017)	(28 209)	435 767	407 005	28 762	93.4%	365 727	365 727
Transport provided: Departmental activity	100	(100)	-	-	-	-	-	-	-
Travel and subsistence	73 012	(4 458)	(4 121)	64 433	64 433	-	100.0%	74 934	74 934
Training and development	12 253	(8 859)	(1 270)	2 124	2 124	-	100.0%	1 175	1 175

PROGRAMME 1: ADMINISTRATION

	2019/20						2018/19		
	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
Operating payments	25 242	(13 708)	(390)	11 144	11 144	-	100.0%	5 558	5 558
Venues and facilities	3 058	1 831	(619)	4 270	4 270	-	100.0%	5 201	5 201
Rental and hiring	3 365	(1 004)	-	2 361	2 361	-	100.0%	1 825	1 825
Transfers and subsidies	20 889	-	741	21 630	21 521	109	99.5%	19 805	19 450
Provinces and municipalities	44	(6)	-	38	38	-	100.0%	30	30
Municipalities	44	(6)	-	38	38	-	100.0%	30	30
Municipal bank accounts	44	(6)	-	38	38	-	100.0%	30	30
Municipal agencies and funds	-	-	-	-	-	-	-	-	-
Departmental agencies and accounts	17 381	(20)	-	17 361	17 252	109	99.4%	16 443	16 088
Social security funds	-	-	-	-	-	-	-	-	-
Departmental agencies and accounts	17 381	(20)	-	17 361	17 252	109	99.4%	16 443	16 088
Foreign governments and international organisations	-	-	-	-	-	-	-	-	-
Households	3 464	26	741	4 231	4 231	-	100.0%	3 332	3 332
Social benefits	3 388	26	744	4 158	4 158	-	100.0%	1 841	1 841
Other transfers to households	76	-	(3)	73	73	-	100.0%	1 491	1 491
Payments for capital assets	21 522	-	30 556	52 078	52 078	-	100.0%	59 971	59 971
Buildings and other fixed structures	176	12	55	243	243	-	100.0%	289	289

PROGRAMME 1: ADMINISTRATION

	2019/20							2018/19	
	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
Buildings	176	12	55	243	243	-	100.0%	289	289
Machinery and equipment	-	-	-	-	-	-	-	59 682	59 682
Transport equipment	17 676	3 658	30 501	51 835	51 835	-	100.0%	1 208	1 208
Other machinery and equipment	2 991	-	(681)	2 310	2 310	-	100.0%	58 474	58 474
Software and other intangible assets	3 670	(3 670)	-	-	-	-	-	-	-
Payments for financial assets	12	361	-	373	373	-	100.0%	1 478	1 478
Total	2 503 695	-	85 774	2 589 469	2 537 688	51 781	98.0%	2 592 671	2 428 798

PROGRAMME 2: COURT SERVICES

	2019/20					2018/19			
	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. Lower Courts	5 144 882	72 271	43 440	5 260 593	5 230 090	30 503	99.4%	4 732 846	4 732 139
2. Family Advocate	253 527	(9 272)	(687)	243 568	242 341	1 227	99.5%	227 174	224 609
3. Magistrate's Commission	21 611	1 583	(195)	22 999	17 411	5 588	75.7%	19 605	13 848
4. Facilities Management	656 100	(86 555)	(190 900)	378 645	355 983	22 662	94.0%	813 021	813 021
5. Administration of Courts	660 780	21 973	6 843	689 596	582 829	106 767	84.5%	581 402	536 445
Total for sub programmes	6 736 900	-	(141 499)	6 595 401	6 428 654	166 747	97.5%	6 374 048	6 320 062
Economic classification									
Current payments	6 037 947	(5 503)	48 207	6 080 651	5 936 566	144 085	97.6%	5 453 750	5 399 764
Compensation of employees	4 324 787	-	-	4 324 787	4 180 702	144 085	96.7%	3 974 232	3 920 246
Salaries and wages	3 667 396	(58 660)	-	3 608 736	3 469 464	139 272	96.1%	3 317 394	3 263 717
Social contributions	657 391	58 660	-	716 051	711 238	4 813	99.3%	656 838	656 529
Goods and services	1 713 160	(5 503)	48 207	1 755 864	1 755 864	-	100.0%	1 479 518	1 479 518
Administrative fees	7 212	(514)	-	6 698	6 698	-	100.0%	6 814	6 814
Advertising	2 929	(1 750)	-	1 179	1 179	-	100.0%	3 421	3 421
Minor assets	58 953	(36 565)	-	22 388	22 388	-	100.0%	14 679	14 679
Audit costs: External	-	14	-	14	14	-	100.0%	8	8
Catering: Departmental activities	3 902	(1 409)	-	2 493	2 493	-	100.0%	2 368	2 368
Communication	94 789	(20 083)	-	74 706	74 706	-	100.0%	84 979	84 979

PROGRAMME 2: COURT SERVICES

	2019/20						2018/19		
	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	2 115	(1 632)	-	483	483	-	100.0%	534	534
Consultants: Business and advisory services	33 233	(5 694)	-	27 539	27 539	-	100.0%	23 661	23 661
Laboratory services	1 916	(1 118)	-	798	798	-	100.0%	881	881
Legal services	36 955	(3 872)	-	33 083	33 083	-	100.0%	30 208	30 208
Contractors	55 387	96 940	-	152 327	152 327	-	100.0%	145 509	145 509
Agency and support / outsourced services	193 354	(570)	27 383	220 167	220 167	-	100.0%	49 188	49 188
Fleet services	57 838	(13 393)	-	44 445	44 445	-	100.0%	46 060	46 060
Consumable supplies	13 761	(2 475)	-	11 286	11 286	-	100.0%	5 828	5 828
Consumable: Stationery, printing and office supplies	171 441	(51 175)	-	120 266	120 266	-	100.0%	172 381	172 381
Operating leases	1 544	1 090	1 072	3 706	3 706	-	100.0%	2 262	2 262
Property payments	675 385	29 006	19 752	724 143	724 143	-	100.0%	596 302	596 302
Transport provided: Departmental activity	254	(254)	-	-	-	-	-	-	-
Travel and subsistence	173 745	41 850	-	215 595	215 595	-	100.0%	208 756	208 756
Training and development	6 099	(3 245)	-	2 854	2 854	-	100.0%	3 360	3 360
Operating payments	118 093	(31 317)	-	86 776	86 776	-	100.0%	77 756	77 756
Venues and facilities	2 105	2 090	-	4 195	4 195	-	100.0%	3 349	3 349
Rental and hiring	2 151	(1 428)	-	723	723	-	100.0%	1 214	1 214
Transfers and subsidies	29 845	-	(6 357)	23 488	23 488	-	100.0%	29 459	29 459

PROGRAMME 2: COURT SERVICES

	2019/20					2018/19			
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Provinces and municipalities	706	31	(41)	696	696	-	100.0%	517	517
Municipalities	706	31	(41)	696	696	-	100.0%	517	517
Municipal bank accounts	706	31	(41)	696	696	-	100.0%	517	517
Departmental agencies and accounts	29	17	-	46	46	-	100.0%	32	32
Departmental agencies and accounts	29	17	-	46	46	-	100.0%	32	32
Households	29 110	(48)	(6 316)	22 746	22 746	-	100.0%	28 910	28 910
Social benefits	27 137	(350)	(4 662)	22 125	22 125	-	100.0%	25 984	25 984
Other transfers to households	1 973	302	(1 654)	621	621	-	100.0%	2 926	2 926
Payments for capital assets	668 939	-	(183 349)	485 590	462 928	22 662	95.3%	874 462	874 462
Buildings and other fixed structures	510 637	8 001	(190 900)	327 738	305 076	22 662	93.1%	795 776	795 776
Buildings	510 637	7 347	(190 900)	327 084	304 422	22 662	93.1%	795 776	795 776
Other fixed structures	-	654	-	654	654	-	100.0%	-	-
Machinery and equipment	158 227	(7 926)	7 551	157 852	157 852	-	100.0%	78 686	78 686
Transport equipment	78 835	(5 083)	5 891	79 643	79 643	-	100.0%	40 013	40 013
Other machinery and equipment	79 392	(2 843)	1 660	78 209	78 209	-	100.0%	38 673	38 673
Software and other intangible assets	75	(75)	-	-	-	-	-	-	-
Payments for financial assets	169	5 503	-	5 672	5 672	-	100.0%	16 377	16 377
Total	6 736 900	-	(141 499)	6 595 401	6 428 654	166 747	97.5%	6 374 048	6 320 062

PROGRAMME 3: STATE LEGAL SERVICES

		2019/20						2018/19	
	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	80 395	-	(632)	79 763	70 261	9 502	88.1%	74 732	64 683
2. Litigation and Legal Services	559 724	767	166 504	726 995	533 841	193 154	73.4%	508 464	491 794
3. Legislative Development and Law Reform	100 464	30	(825)	99 669	89 632	10 037	89.9%	89 768	82 515
4. Master of the High Court	557 636	(726)	(3 888)	553 022	532 020	21 002	96.2%	515 703	506 578
5. Constitutional Development	101 571	(71)	(16 187)	85 313	69 304	16 009	81.2%	80 733	65 249
Total for sub programmes	1 399 790	-	144 972	1 544 762	1 295 058	249 704	83.8%	1 269 400	1 210 819
Economic classification									
Current payments	1 354 893	(125)	(28 554)	1 326 214	1 248 741	77 473	94.2%	1 226 302	1 168 107
Compensation of employees	1 162 518	-	-	1 162 518	1 085 045	77 473	93.3%	1 080 550	1 022 355
Salaries and wages	1 009 280	(3 909)	-	1 005 371	936 743	68 628	93.2%	933 124	883 318
Social contributions	153 238	3 909	-	157 147	148 302	8 845	94.4%	147 426	139 037
Goods and services	192 375	(125)	(28 554)	163 696	163 696	-	100.0%	145 752	145 752
Administrative fees	2 734	(571)	(153)	2 010	2 010	-	100.0%	1 827	1 827
Advertising	1 037	515	(953)	599	599	-	100.0%	1 370	1 370
Minor assets	5 381	(1 474)	(169)	3 738	3 738	-	100.0%	2 652	2 652
Audit costs: External	14	(1)	-	13	13	-	100.0%	-	-
Catering: Departmental activities	2 938	(238)	(1 461)	1 239	1 239	-	100.0%	418	418

PROGRAMME 3: STATE LEGAL SERVICES

	2019/20						2018/19		
	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	12 978	(1 684)	(172)	11 122	11 122	-	100.0%	12 210	12 210
Computer services	106	(55)	(32)	19	19	-	100.0%	28	28
Consultants: Business and advisory services	6 887	(519)	(4 659)	1 709	1 709	-	100.0%	792	792
Laboratory services	-	-	-	-	-	-	-	8	8
Legal services	95 613	(7 383)	(13 192)	75 038	75 038	-	100.0%	61 191	61 191
Contractors	1 716	(413)	(566)	737	737	-	100.0%	734	734
Agency and support / outsourced services	161	(67)	(94)	-	-	-	-	101	101
Fleet services	2 465	(385)	(20)	2 060	2 060	-	100.0%	2 436	2 436
Consumable supplies	1 101	(266)	(15)	820	820	-	100.0%	453	453
Consumable: Stationery, printing and office supplies	15 953	(554)	(658)	14 741	14 741	-	100.0%	13 906	13 906
Operating leases	3 307	1 986	884	6 177	6 177	-	100.0%	1 989	1 989
Property payments	839	(310)	1 305	1 834	1 834	-	100.0%	650	650
Transport provided: Departmental activity	121	-	(121)	-	-	-	-	-	-
Travel and subsistence	25 040	11 677	(2 641)	34 076	34 076	-	100.0%	35 754	35 754
Training and development	2 397	(1 336)	(784)	277	277	-	100.0%	1 540	1 540
Operating payments	6 938	669	(2 832)	4 775	4 775	-	100.0%	4 219	4 219
Venues and facilities	2 987	284	(927)	2 344	2 344	-	100.0%	3 347	3 347

PROGRAMME 3: STATE LEGAL SERVICES

	2019/20						2018/19		
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Rental and hiring	1 662	-	(1 294)	368	368	-	100.0%	127	127
Transfers and subsidies	26 661	-	5 369	32 030	31 810	220	99.3%	32 494	32 108
Provinces and municipalities	38	(20)	-	18	18	-	100.0%	15	15
Municipalities	38	(20)	-	18	18	-	100.0%	15	15
Municipal bank accounts	38	(20)	-	18	18	-	100.0%	15	15
Departmental agencies and accounts	10	(7)	-	3	3	-	100.0%	3	3
Departmental agencies and accounts	10	(7)	-	3	3	-	100.0%	3	3
Foreign governments and international organisations	17 876	-	(4 700)	13 176	12 956	220	98.3%	13 195	12 809
Households	8 737	27	10 069	18 833	18 833	-	100.0%	19 281	19 281
Social benefits	3 537	28	3 417	6 982	6 982	-	100.0%	4 245	4 245
Other transfers to households	5 200	(1)	6 652	11 851	11 851	-	100.0%	15 036	15 036
Payments for capital assets	18 210	-	(2 143)	16 067	14 356	1 711	89.4%	10 175	10 175
Building and other fixed structures	-	38	-	38	38	-	100.0%	-	-
Building	-	38	-	38	38	-	100.0%	-	-
Machinery and equipment	18 210	(38)	(2 143)	16 029	14 318	1 711	89.3%	10 175	10 175
Transport equipment	4 312	47	(617)	3 742	3 742	-	100.0%	3 176	3 176
Other machinery and equipment	13 898	(85)	(1 526)	12 287	10 576	1 711	86.1%	6 999	6 999
Payments for financial assets	26	125	170 300	170 451	151	170 300	0.1%	429	429
Total	1 399 790	-	144 972	1 544 762	1 295 058	249 704	83.8%	1 269 400	1 210 819

PROGRAMME 4: NATIONAL PROSECUTING AUTHORITY

	2019/20						2018/19		
	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	3 231 888	(36 728)	25 956	3 221 116	3 215 783	5 333	99.8%	3 058 752	3 058 752
2. Assets Forfeiture Unit	159 294	(4 953)	(1 195)	153 146	126 861	26 285	82.8%	127 794	127 794
3. Office for Witness Protection	183 445	7 935	1 390	192 770	192 770	-	100.0%	193 539	193 539
4. Support Services	456 939	33 746	76 933	567 618	473 783	93 835	83.5%	419 591	419 310
Total for sub programmes	4 031 566	-	103 084	4 134 650	4 009 197	125 453	97.0%	3 799 676	3 799 395
Economic classification									
Current payments	3 978 742	-	14 129	3 992 871	3 930 292	62 579	98.4%	3 750 464	3 750 464
Compensation of employees	3 512 046	-	(7 454)	3 504 592	3 442 013	62 579	98.2%	3 317 227	3 317 227
Salaries and wages	3 255 447	(164 686)	(7 454)	3 083 307	3 027 185	56 122	98.2%	2 920 131	2 920 131
Social contributions	256 599	164 686	-	421 285	414 828	6 457	98.5%	397 096	397 096
Goods and services	466 696	-	21 583	488 279	488 279	-	100.0%	433 237	433 237
Administrative fees	15 984	(5 108)	-	10 876	10 876	-	100.0%	15 401	15 401
Advertising	1 604	(1 566)	-	38	38	-	100.0%	34	34
Minor assets	8 030	(3 233)	-	4 797	4 797	-	100.0%	1 818	1 818
Bursaries: Employees	668	1 240	-	1 908	1 908	-	100.0%	1 071	1 071
Catering: Departmental activities	1 802	(1 217)	-	585	585	-	100.0%	111	111
Communication	16 504	902	-	17 406	17 406	-	100.0%	16 400	16 400
Computer services	53 680	20 448	-	74 128	74 128	-	100.0%	62 294	62 294

PROGRAMME 4: NATIONAL PROSECUTING AUTHORITY

	2019/20						2018/19		
	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	6 891	(3 411)	-	3 480	3 480	-	100.0%	2 565	2 565
Legal services	50 209	(18 020)	21 583	53 772	53 772	-	100.0%	29 290	29 290
Contractors	8 762	(1 600)	-	7 162	7 162	-	100.0%	7 501	7 501
Agency and support/ outsourced services	6 693	10 511	-	17 204	17 204	-	100.0%	12 243	12 243
Fleet services	9 747	8 128	-	17 875	17 875	-	100.0%	16 300	16 300
Inventory: Other supplies	-	49	-	49	49	-	100.0%	-	-
Consumable supplies	3 580	(1 976)	-	1 604	1 604	-	100.0%	480	480
Consumable: Stationery, printing and office supplies	17 451	14 671	-	32 122	32 122	-	100.0%	30 693	30 693
Operating leases	29 963	7 406	-	37 369	37 369	-	100.0%	45 867	45 867
Property payments	95 852	(13 417)	-	82 435	82 435	-	100.0%	72 912	72 912
Transport provided: Departmental activity	-	-	-	-	-	-	-	-	-
Travel and subsistence	58 607	12 807	-	71 414	71 414	-	100.0%	63 939	63 939
Training and development	4 694	(2 980)	-	1 714	1 714	-	100.0%	134	134
Operating payments	75 961	(24 450)	-	51 511	51 511	-	100.0%	47 175	47 175
Venues and facilities	2	828	-	830	830	-	100.0%	7 009	7 009
Rental and hiring	12	(12)	-	-	-	-	-	-	-
Transfers and subsidies	18 922	-	7 701	26 623	26 512	111	99.6%	25 158	24 877
Departmental agencies and accounts	10 048	-	41	10 089	9 978	111	98.9%	9 558	9 277

PROGRAMME 4: NATIONAL PROSECUTING AUTHORITY

	2019/20						2018/19		
	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	10 048	-	41	10 089	9 978	111	98.9%	9 558	9 277
Households	8 874	-	7 660	16 534	16 534	-	100.0%	15 600	15 600
Social benefits	8 814	-	7 660	16 474	16 474	-	100.0%	15 469	15 469
Other transfers to households	60	-	-	60	60	-	100.0%	131	131
Payments for capital assets	33 900	-	76 683	110 583	47 820	62 763	43.2%	19 453	19 453
Machinery and equipment	33 900	-	76 683	110 583	47 820	62 763	43.2%	19 453	19 453
Transport equipment	21 155	14 515	-	35 670	35 670	-	100.0%	16 365	16 365
Other machinery and equipment	12 745	(14 515)	76 683	74 913	12 150	62 763	16.2%	3 088	3 088
Payments for financial assets	2	-	4 571	4 573	4 573	-	100.0%	4 601	4 601
Total	4 031 566	-	103 084	4 134 650	4 009 197	125 453	97.0%	3 799 676	3 799 395

PROGRAMME 5: AUXILIARY AND ASSOCIATED SERVICES

	2019/20						2018/19		
	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	1 970 973	-	-	1 970 973	1 970 973	-	100.0%	1 800 892	1 800 892
2. Special Investigation Unit	363 023	-	-	363 023	363 023	-	100.0%	357 099	357 099
3. Public Protector of South Africa	321 430	-	20 600	342 030	342 030	-	100.0%	326 581	326 581
4. South African Human Rights Commission	190 005	-	-	190 005	190 005	-	100.0%	178 830	178 830
5. Justice Modernisation	1 264 123	-	(212 931)	1 051 192	1 051 192	-	100.0%	759 631	759 631
6. President's Fund	1	-	-	1	-	1	-	1	-
Total for sub programmes	4 109 555	-	(192 331)	3 917 224	3 917 223	1	100.0%	3 423 034	3 423 033
Economic classification									
Current payments	1 244 361	-	(224 589)	1 019 772	1 019 772	-	100.0%	737 774	737 774
Goods and services	5	17	-	22	22	-	100.0%	737 774	737 774
Administrative fees	24	(23)	-	1	1	-	100.0%	-	-
Advertising	5 543	(4 496)	-	1 047	1 047	-	100.0%	-	-
Minor assets	1 244 361	-	(224 589)	1 019 772	1 019 772	-	100.0%	269	269
Catering: Departmental activities	5	(3)	-	2	2	-	100.0%	3	3
Communication	11	(16)	-	(5)	(5)	-	100.0%	-	-
Computer services	1 108 853	(68 712)	(224 589)	815 552	815 552	-	100.0%	639 841	639 841
Consultants: Business and advisory services	4 174	(4 130)	-	44	44	-	100.0%	900	900

PROGRAMME 5: AUXILIARY AND ASSOCIATED SERVICES

	2019/20						2018/19		
	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
Contractors	400	(400)	-	-	-	-	-	5	5
Agency and support/ outsourced services	121 857	78 369	-	200 226	200 226	-	100.0%	95 405	95 405
Consumable supplies	225	(9)	-	216	216	-	100.0%	16	16
Consumable: Stationery, printing and office supplies	1 709	(1 665)	-	44	44	-	100.0%	701	701
Travel and subsistence	500	(188)	-	312	312	-	100.0%	470	470
Training and development	826	994	-	1 820	1 820	-	100.0%	21	21
Operating payments	109	(65)	-	44	44	-	100.0%	143	143
Venues and facilities	120	327	-	447	447	-	100.0%	-	-
Transfers and subsidies	2 845 432	-	20 600	2 866 032	2 866 031	1	100.0%	2 663 403	2 663 402
Departmental agencies and accounts	2 845 432	-	20 600	2 866 032	2 866 031	1	100.0%	2 663 403	2 663 402
Social security funds	-	-	-	-	-	-	-	-	-
Departmental agencies and accounts	2 845 432	-	20 600	2 866 032	2 866 031	1	100.0%	2 663 403	2 663 402
Payments for capital assets	19 762	-	11 658	31 420	31 420	-	100.0%	21 857	21 857
Machinery and equipment	19 762	(1 585)	720	18 897	18 897	-	100.0%	21 857	21 857
Other machinery and equipment	19 762	(1 585)	720	18 897	18 897	-	100.0%	21 857	21 857
Software and other intangible assets	-	1 585	10 938	12 523	12 523	-	100.0%	-	-
Total	4 109 555	-	(192 331)	3 917 224	3 917 223	1	100.0%	3 423 034	3 423 033

3. NOTES TO THE APPROPRIATION STATEMENT FOR THE YEAR ENDED 31 MARCH 2020

1. DETAIL OF TRANSFERS AND SUBSIDIES AS PER APPROPRIATION ACT (AFTER VIREMENT):

Detail of these transactions can be viewed in the note on Transfers and subsidies disclosure notes and Annexure 1 (A-H) to the Annual Financial Statements.

2. DETAIL OF SPECIFICALLY AND EXCLUSIVELY APPROPRIATED AMOUNTS VOTED (AFTER VIREMENT):

Detail of these transactions can be viewed in note 1 (Annual Appropriation) to the Annual Financial Statements.

3. DETAIL ON PAYMENTS FOR FINANCIAL ASSETS

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

4. EXPLANATIONS OF MATERIAL VARIANCES FROM AMOUNTS VOTED (AFTER VIREMENT):

4.1	Per programme	Final Appropriation	Actual Expenditure	Variance R'000	Variance as a % of Final Appropriation
	Court Services	6 595 401	6 428 654	166 747	97%

The under-spending is due to delays in filling of vacant posts and under-commitment by the Department of Public Works on court infrastructure projects.

	State Legal Services	1 544 762	1 295 058	249 704	84%
--	----------------------	-----------	-----------	---------	-----

The under-spending is due to delays in filling of vacant posts.

	National Prosecuting Authority	4 134 650	4 009 197	125 453	97%
--	--------------------------------	-----------	-----------	---------	-----

The under-spending is due to delays in filling of vacant posts and non-delivery of computer equipment as a result of COVID-19 lockdown regulations.

The under-spending is mainly attributed to the following:	R'000
Compensation of employees	293 829
Goods and services: Vote-Office Accommodation	41 980
Transfers & Subsidies	441
SASSETA Levies	220
Foreign Governments	220
President's Fund	1
Payments for capital assets	87 136
Buildings - Court Infrastructure	22 662
Machinery & Equipment - NPA	64 474
Payments for financial assets: Legal costs historical debts write-offs	170 300
Magistrates' salaries	163 529
Total	757 215

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	9 594 360	9 300 531	293 829	97%
Goods and services	5 340 536	5 298 556	41 980	99%
Interest and rent on land	-	-	-	-
Transfers and subsidies				
Provinces and municipalities	752	752	-	-
Departmental agencies and accounts	2 893 531	2 893 310	221	100%
Higher education institutions	-	-	-	-
Public corporations and private enterprises	13 176	12 956	220	98%
Foreign governments and international organisations	-	-	-	-
Non-profit institutions	-	-	-	-
Households	62 344	62 344	-	-
Payments for capital assets				
Buildings and other fixed structures	328 019	305 357	22 662	93%
Machinery and equipment	355 196	290 722	64 474	82%
Heritage assets	-	-	-	-
Specialised military assets	-	-	-	-
Biological assets	-	-	-	-
Land and subsoil assets	-	-	-	-
Intangible assets	12 523	12 523	-	100%
Payments for financial assets	181 069	10 769	170 300	6%

The under-spending is attributed to vacant posts across all programmes the implementation of a power savings device for water and lights in the department's court building as well as the impact of load shedding and under commitment by the Department of Public Works on court infrastructure projects.

4. STATEMENT OF FINANCIAL PERFORMANCE FOR THE YEAR ENDED 31 MARCH 2020

	Note	2019/20	2018/19
		R'000	R'000
REVENUE			
Annual appropriation	1	18 781 506	17 458 829
Statutory appropriation	2	2 263 695	2 215 538
Departmental revenue	3	423 528	376 168
Aid assistance		144 622	70 777
TOTAL REVENUE		21 613 351	20 121 312
EXPENDITURE			
Current expenditure			
Compensation of employees	5	11 377 250	10 798 813
Goods and services	6	5 298 559	4 618 793
Interest and rent on land	7	-	-
Aid assistance	4	88 277	39 584
Total current expenditure		16 764 086	15 457 190
Transfers and subsidies			
Transfers and subsidies	9	2 992 807	2 803 084
Aid assistance	4	41 666	24 652
Total transfers and subsidies		3 034 473	2 827 736
Expenditure for capital assets			
Tangible assets	10	600 845	985 917
Intangible assets	10	12 523	-
Total expenditure for capital assets		613 368	985 917
Unauthorised expenditure approved without funding	11	-	-
Payments for financial assets	8	10 769	22 885
TOTAL EXPENDITURE		20 422 696	19 293 728
SURPLUS/(DEFICIT) FOR THE YEAR		1 190 655	827 584
Reconciliation of Net Surplus/(Deficit) for the year			
Voted funds		757 215	444 875
Annual appropriation		757 215	444 875
Conditional grants		-	-
Departmental revenue and NRF receipts	19	423 528	376 168
Aid assistance	4	9 912	6 541
SURPLUS/(DEFICIT) FOR THE YEAR		1 190 655	827 584

5. STATEMENT OF FINANCIAL POSITION AS AT 31 MARCH 2020

	Note	2019/20 R'000	2018/19 R'000
ASSETS			
Current assets		2 470 956	2 033 021
Cash and cash equivalents	12	12 785	6 469
Prepayments and advances	14	18 874	9 271
Receivables	15	2 439 297	2 017 281
Non-current assets		-	-
Receivables	15	-	-
TOTAL ASSETS		2 470 956	2 033 021
LIABILITIES			
Current liabilities		2 448 975	2 011 912
Voted funds to be surrendered to the Revenue Fund	18	757 217	444 878
Departmental revenue and NRF receipts to be surrendered to the Revenue Fund	19	42 544	35 457
Bank overdraft	20	1 604 321	1 484 957
Payables	21	29 520	30 670
Aid assistance repayable	4	4 018	10 490
Aid assistance unutilised	4	11 355	5 460
Non-current liabilities		-	-
Payables	22	-	-
TOTAL LIABILITIES		2 448 975	2 011 912
NET ASSETS		21 981	21 109
Represented by:			
Recoverable revenue		21 981	21 109
TOTAL		21 981	21 109

6. STATEMENT OF CHANGES IN NET ASSETS FOR THE YEAR ENDED 31 MARCH 2020

	<i>Note</i>	2019/20	2018/19
		R'000	R'000
Recoverable revenue			
Opening balance		21 109	21 442
Transfers:		872	(333)
Irrecoverable amounts written off	<u>8.3</u>	-	-
Debts revised		(322)	(852)
Debts recovered (included in departmental receipts)		142	(778)
Debts raised		1 052	1 297
Closing balance		21 981	21 109
TOTAL		21 981	21 109

7. CASH FLOW STATEMENT FOR THE YEAR ENDED 31 MARCH 2020

	Note	2019/20 R'000	2018/19 R'000
CASH FLOWS FROM OPERATING ACTIVITIES			
receipts		21 607 739	20 121 264
Annual appropriated funds received	<u>1.1</u>	18 781 506	17 458 829
Statutory appropriated funds received	<u>2</u>	2 263 695	2 215 538
Departmental revenue received	<u>3</u>	406 886	373 696
Interest received	<u>3.3</u>	11 030	2 424
NRF receipts		-	-
Aid assistance received	<u>4</u>	144 622	70 777
Net (increase)/decrease in working capital		(432 769)	(408 940)
Surrendered to Revenue Fund		(861 317)	(661 474)
Surrendered to RDP Fund/Donor		(10 489)	(2 030)
Current payments		(16 764 086)	(15 457 190)
Interest paid	<u>7</u>	-	-
Payments for financial assets		(10 769)	(22 885)
Transfers and subsidies paid		(3 034 473)	(2 827 736)
Net cash flow available from operating activities	<u>23</u>	493 836	741 009
CASH FLOWS FROM INVESTING ACTIVITIES			
Distribution/dividend received			
Payments for capital assets	<u>10</u>	(613 368)	(985 917)
Proceeds from sale of capital assets	<u>3.4</u>	5 612	48
Net cash flows from investing activities		(607 756)	(985 869)
CASH FLOWS FROM FINANCING ACTIVITIES			
Increase/(decrease) in net assets		872	(333)
Net cash flows from financing activities		872	(333)
Net increase/(decrease) in cash and cash equivalents		(113 048)	(245 193)
Cash and cash equivalents at beginning of period		(1 478 488)	(1 233 295)
Cash and cash equivalents at end of period	<u>24</u>	(1 591 536)	(1 478 488)

8. NOTES TO THE ANNUAL FINANCIAL STATEMENTS (INCLUDING ACCOUNTING POLICIES)

PART A: 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	Basis of preparation The financial statements have been prepared in accordance with the Modified Cash Standard.
2	Going concern The financial statements have been prepared on a going concern basis. 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.
3	Presentation currency Amounts have been presented in the currency of the South African Rand (R) which is also the functional currency of the department.
4	Rounding Unless otherwise stated financial figures have been rounded to the nearest one thousand Rand (R'000).
5	Foreign currency translation 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.
6	Comparative information
6.1	Prior period comparative information 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.
6.2	Current year comparison with budget A comparison between the approved final budget and actual amounts for each programme and economic classification is included in the appropriation statement.
7	Revenue

7.1	<p>Appropriated funds</p> <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	<p>Departmental revenue</p> <p>Departmental revenue is recognised in the statement of financial performance when received and is subsequently paid into the relevant revenue fund unless stated otherwise.</p> <p>Any amount owing to the relevant revenue fund at the reporting date is recognised as a payable in the statement of financial position.</p>
7.3	<p>Accrued departmental revenue</p> <p>Accruals in respect of departmental revenue (excluding tax revenue) are recorded in the notes to the financial statements when:</p> <ul style="list-style-type: none"> • 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	<p>Expenditure</p>
8.1	<p>Compensation of employees</p>
8.1.1	<p>Salaries and wages</p> <p>Salaries and wages are recognised in the statement of financial performance on the date of payment.</p>
8.1.2	<p>Social contributions</p> <p>Social contributions made by the department in respect of current employees are recognised in the statement of financial performance on the date of payment.</p> <p>Social contributions made by the department in respect of ex-employees are classified as transfers to households in the statement of financial performance on the date of payment.</p>
8.2	<p>Other expenditure</p> <p>Other expenditure (such as goods and services transfers and subsidies and payments for capital assets) is recognised in the statement of financial performance on the date of payment. The expense is classified as a capital expense if the total consideration paid is more than the capitalisation threshold.</p>
8.3	<p>Accruals and payables not recognised</p> <p>Accruals and payables not recognised are recorded in the notes to the financial statements at cost at the reporting date.</p>
8.4	<p>Leases</p>
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 of the Department relate to building leases entered into by the Department of Public Works on our behalf. Therefore the disclosure of these leases is disclosed by the Department of Public Works.</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	<p>Aid Assistance</p>
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	<p>Cash and cash equivalents</p> <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 purposes of the cash flow statement cash and cash equivalents comprise cash on hand deposits held other short-term highly liquid investments and bank overdrafts.</p>
11	<p>Prepayments and advances</p> <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> <p>Prepayments and advances are expensed when the recipient department/entity provides the evidence of expenditure.</p>
12	<p>Loans and receivables</p> <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	<p>Investments</p> <p>Investments are recognised in the statement of financial position at cost.</p>
14	<p>Financial assets</p>
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	<p>Capital Assets</p>
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>Biological assets are subsequently carried at fair value.</p> <p>Subsequent expenditure that is of a capital nature forms part of the cost of the existing asset when ready for use.</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.</p> <p>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 is initially recognised in the statement of financial performance at cost 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	Provisions and Contingents
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>Capital commitments</p> <p>Capital commitments are recorded at cost in the notes to the financial statements.</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 or written off.</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 therefore are provided in the note.</p> <p>Irregular expenditure is removed from the note when it is either condoned by the relevant authority or transferred to receivables for recovery not condoned and removed or written off.</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 estimates and errors</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 department did not have any capitalisation reserve.</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>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>The number of individuals and the full compensation of key management personnel is recorded in the notes to the financial statements.</p>
28	<p>Inventories</p> <p>At the date of acquisition inventories are recognised at cost in the statement of financial performance.</p> <p>Where inventories are acquired as part of a non-exchange transaction the inventories are measured at fair value as at the date of acquisition.</p> <p>Inventories are subsequently measured at the lower of cost and net realisable value or where intended for distribution (or consumed in the production of goods for distribution) at no or a nominal charge, the lower of cost and current replacement value.</p> <p>The cost of inventories is assigned by using the weighted average cost basis.</p>
29	<p>Public-Private Partnerships</p> <p>The department did not have any Public Private Partnerships.</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>
31	<p>Transfers of functions</p> <p>The department did not have any Transfers of functions.</p>
32	<p>Mergers</p> <p>The department did not have any Mergers.</p>

PART B: EXPLANATORY NOTES

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:

	2019/20			2018/19		
	Final Appropriation	Actual Funds Received	Funds not requested/not received	Final Appropriation	Appropriation received	Funds not requested / not received
	R'000	R'000	R'000	R'000	R'000	-
Administration	2 589 469	2 589 469	-	2 592 688	2 592 688	-
Court Services	6 765 701	6 765 701	-	6 374 048	6 374 048	-
State Legal Services	1 544 762	1 544 762	-	1 269 400	1 269 400	-
National Prosecuting Authority	4 134 650	4 134 650	-	3 799 659	3 799 659	-
Auxiliary and Associated Services	3 917 224	3 917 224	-	3 423 034	3 423 034	-
Total	18 781 506	18 781 506	-	17 458 829	17 458 829	-

2. STATUTORY APPROPRIATION

	2019/20	2018/19
	R'000	R'000
Magistrates' salaries	2 263 695	2 215 538
Total	2 263 695	2 215 538
Actual Statutory Appropriation received	2 263 695	2 215 538

3. DEPARTMENTAL REVENUE

	Note	2019/20	2018/19
		R'000	R'000
Sales of goods and services other than capital assets	3.1	173 075	79 449
Fines, penalties and forfeits	3.2	211 573	246 572
Interest dividends and rent on land	3.3	11 030	2 424
Sales of capital assets	3.4	5 612	48
Transactions in financial assets and liabilities	3.5	15 713	45 403
Transfer received	3.6	6 525	2 272
Total revenue collected		423 528	376 168
Less: Own revenue included in appropriation	19	-	-
Departmental revenue collected		423 528	376 168

3.1 Sales of goods and services other than capital assets

	Note	2019/20	2018/19
	3	R'000	R'000
Sales of goods and services produced by the department		172 856	79 092
Sales by market establishment		3 601	3 748
Administrative fees		3	3
Other sales		169 252	75 341
Sales of scrap waste and other used current goods		219	357
Total		173 075	79 449

The figure recorded under "Other sales" comprises mainly of services rendered for insolvent estates through the Masters' Office which amounts to R128,1 million.

3.2 Fines, penalties and forfeits

	Note	2019/20	2018/19
	3	R'000	R'000
Fines		181 339	192 825
Penalties		798	1 566
Forfeits		29 436	52 181
Total		211 573	246 572

3.3 Interest dividends and rent on land

	Note	2019/20	2018/19
	3	R'000	R'000
Interest		11 030	2 424
Total		11 030	2 424

3.4 Sale of capital assets

	Note	2019/20	2018/19
	3	R'000	R'000
Tangible assets		5 612	48
Machinery and equipment	39	5 612	48
Intangible assets		-	-
Software	40	-	-
Total		5 612	48

3.5 Transactions in financial assets and liabilities

	Note	2019/20	2018/19
	3	R'000	R'000
Receivables		4 321	7 322
Stale cheques written back		-	19
Other receipts including recoverable revenue		11 392	38 062
Total		15 713	45 403

The figure recorded under "Other receipts" mainly comprises of revenue recovered relating to various debts from previous years which amounts to R9 million.

3.6 Transfers received

	Note	2019/20	2018/19
	3	R'000	R'000
Public corporations and private enterprises		6 525	2 272
Total		6 525	2 272

The department received donations from various municipalities during the 2019/20 financial year relating to Auxiliary costs associated with court operations.

4. AID ASSISTANCE

	Note	2019/20	2018/19
		R'000	R'000
Opening Balance		15 950	11 439
Prior period error		-	-
As restated		15 950	11 439
Transferred from statement of financial performance		9 912	6 541
Transfers to or from retained funds		-	-
Paid during the year		(10 489)	(2 030)
Closing Balance		15 373	15 950

4.1 Analysis of balance by source

	Note	2019/20	2018/19
		R'000	R'000
Aid assistance from RDP		4 018	10 490
CARA		11 355	5 460
Closing balance	4	15 373	15 950

4.2 Analysis of balance

	Note	2019/20	2018/19
		R'000	R'000
Aid assistance unutilised		11 355	5 460
Aid assistance repayable		4 018	10 490
Closing balance	4	15 373	15 950
Aid assistance not requested/not received		-	-

4.3 Aid assistance expenditure per economic classification

		2019/20	2018/19
	Note	R'000	R'000
Current		88 277	39 584
Capital	10	4 767	-
Transfers and Subsidies		41 666	24 562
Total aid assistance expenditure		134 710	64 146

The aid assistance expenditure mainly comprised of CARA funded projects (R78,7 million) conducted through the NPA and other branches within the Department.

5. COMPENSATION OF EMPLOYEES

5.1 Salaries and Wages

	Note	2019/20	2018/19
		R'000	R'000
Basic salary		8 081 100	7 685 682
Performance award		58 975	84 097
Service Based		14 556	14 256
Compensative/circumstantial		72 006	19 837
Periodic payments		32 827	21 001
Other non-pensionable allowances		1 601 860	1 541 940
Total		9 861 324	9 366 813

5.2 Social contributions

	Note	2019/20	2018/19
		R'000	R'000
Employer contributions			
Pension		1 004 334	956 662
Medical		509 801	473 698
Bargaining council		1 791	1 640
Total		1 515 926	1 432 000
Total compensation of employees		11 377 250	10 798 813
Average number of employees		22 942	22 802

6. GOODS AND SERVICES

	Note	2019/20 R'000	2018/19 R'000
Administrative fees		25 664	30 874
Advertising		17 152	18 599
Minor assets	6.1	33 983	21 556
Bursaries (employees)		6 359	7 437
Catering		7 402	6 525
Communication		117 678	126 498
Computer services	6.2	907 949	739 785
Consultants: Business and advisory services		257 260	118 254
Infrastructure and planning services		-	-
Laboratory services		798	889
Scientific and technological services		-	-
Legal services		248 912	171 754
Contractors		166 269	160 007
Agency and support / outsourced services		470 876	158 448
Entertainment		4	1
Audit cost – external	6.3	39 124	43 055
Fleet services		66 359	66 893
Inventory	6.4	49	-
Consumables	6.5	197 373	238 798
Housing		-	-
Operating leases		955 522	1 126 823
Property payments	6.6	1 215 417	1 035 591
Rental and hiring		3 452	3 166
Transport provided as part of the departmental activities		-	-
Travel and subsistence	6.7	385 830	383 853
Venues and facilities		12 086	18 906
Training and development		8 789	6 230
Other operating expenditure	6.8	154 252	134 851
Total		5 298 559	4 618 793

The figure recorded under "contractors" relates mainly to day-to-day maintenance and curator fees (NPA).

"Other operating expenditure" comprises mainly of printing and publication expenditure (R14,2 million) witness fees (R71,5 million) and protective custody of witnesses (NPA) (R46,9 million).

COVID 19 Expenditure:

The department needed to procure COVID 19 essentials for the staff members during March 2020 through the use of petty cash allocated to each office. These essentials were mainly face masks and sanitisers.

6.1 Minor assets

	Note	2019/20	2018/19
	6	R'000	R'000
Tangible assets		33 979	21 556
Machinery and equipment		33 979	21 556
Intangible assets		4	-
Software		4	-
Total		33 983	21 556

6.2 Computer services

	Note	2019/20	2018/19
	6	R'000	R'000
SITA computer services		293 622	266 052
External computer service providers		614 327	473 733
Total		907 949	739 785

6.3 Audit cost - External

	Note	2019/20	2018/19
	6	R'000	R'000
Regularity audits		39 124	43 055
Total		39 124	43 055

6.4 Inventory

	Note	2019/20	2018/19
	6	R'000	R'000
Materials and supplies		49	-
Total		49	-

6.5 Consumables

	Note	2019/20	2018/19
	6	R'000	R'000
Consumable supplies		14 708	8 302
Uniform and clothing		1 116	466
Household supplies		6 596	2 480
Building material and supplies		2 043	832
Communication accessories		309	86
IT consumables		1 573	1 378
Other consumables		3 071	3 060
Stationery, printing and office supplies		182 665	230 496
Total		197 373	238 798

"Other consumables" comprises mainly of fuel supplies expenditure (R1,2 million) security access expenditure (R447 569.00) and audio visual expenditure (R343 137.00).

6.6 Property payments

	Note	2019/20	2018/19
	6	R'000	R'000
Municipal services		387 782	346 422
Other		827 635	689 169
Total		1 215 417	1 035 591

The figure recorded under "Other" comprises mainly of payments relating to Security services (R682,6 million) Property Maintenance (R37,4 million) and Management Fees(NPA) (R71,4 million).

6.7 Travel and subsistence

	Note	2019/20	2018/19
	6	R'000	R'000
Local		382 823	380 959
Foreign		3 007	2 894
Total		385 830	383 853

6.8 Other operating expenditure

	Note	2019/20	2018/19
	6	R'000	R'000
Professional bodies, membership and subscription fees		7 164	1 056
Resettlement costs		6 651	3 939
Other		140 437	129 856
Total		154 252	134 851

"Other operating expenditure" comprises mainly of printing and publication expenditure (R14,2 million) witness fees (R71,5 million) and protective custody of witnesses(NPA) (R46,9 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	2019/20	2018/19
		R'000	R'000
Interest paid		-	-
Rent on land		-	-
Total		-	-

8. PAYMENTS FOR FINANCIAL ASSETS

	Note	2019/20	2018/19
		R'000	R'000
Material losses through criminal conduct		4	496
Theft	8.4	4	496
Other material losses	8.1	-	-
Other material losses written off	8.2	10 732	21 812
Debts written off	8.3	33	577
Total		10 769	22 885

8.1 Other material losses

	Note	2019/20	2018/19
	8	R'000	R'000
Nature of other material losses			
		-	-
Total		-	-

8.2 Other material losses written off

	Note	2019/20	2018/19
	8	R'000	R'000
Nature of losses			
Irrecoverable losses (DOJ)		6 144	17 103
Civil action		-	10
Damages to vehicles (DOJ&NPA)		27	571
Losses and damages (NPA)		37	58
Loss of Damaged Goods		-	16
Uneconomical and prescribed salary related debt (NPA)		4 458	3 679
Loss of library books		-	1
Loss of Damaged Office Equipment (NPA)		66	-
Other and no-show		-	374
Total		10 732	21 812

8.3 Debts written off

	Note	2019/20	2018/19
	8	R'000	R'000
Other debt written off:			
Staff Debts (out-of-service debts)		33	577
Total		33	577
Total debt written off		33	577

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	2019/20	2018/19
	8	R'000	R'000
Nature of theft			
Burglaries		-	43
Theft		4	453
Total		4	496

9. TRANSFERS AND SUBSIDIES

		2019/20	2018/19
		R'000	R'000
	<i>Note</i>		
Provinces and municipalities	<i>Annexure 1A</i>	750	563
Departmental agencies and accounts	<i>Annexure 1B</i>	2 893 311	2 688 802
Foreign governments and international organisations	<i>Annexure 1E</i>	12 956	12 809
Households	<i>Annexure 1G</i>	85 790	100 910
Total		2 992 807	2 803 084

10. EXPENDITURE FOR CAPITAL ASSETS

	<i>Note</i>	2019/20	2018/19
		R'000	R'000
Tangible assets		600 845	985 917
Buildings and other fixed structures	41	305 356	796 064
Machinery and equipment	39	295 489	189 853
Intangible assets		12 523	-
Software	40	12 523	-
Total		613 368	985 917

10.1 Analysis of funds utilised to acquire capital assets - 2019/20

	Voted funds	Aid assistance	Total
	R'000	R'000	R'000
Tangible assets	596 078	4 767	600 845
Buildings and other fixed structures	305 356	-	305 356
Machinery and equipment	290 722	4 767	295 489
Intangible assets	12 523	-	12 523
Software	12 523	-	12 523
Total	608 601	4 767	613 368

10.2 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
Machinery and equipment	189 853	-	189 853
Intangible assets	-	-	-
Software	-	-	-
Total	985 917	-	985 917

10.3 Finance lease expenditure included in expenditure for capital assets

	Note	2019/20	2018/19
		R'000	R'000
Tangible assets			
Machinery and equipment		47 001	68 255
Total		47 001	68 255

11. UNAUTHORISED EXPENDITURE

11.1 Reconciliation of unauthorised expenditure

	Note	2019/20	2018/19
		R'000	R'000
Opening balance		-	-
Closing balance		-	-

12. CASH AND CASH EQUIVALENTS

	Note	2019/20	2018/19
		R'000	R'000
Consolidated Paymaster General Account		-	-
Cash receipts		(45)	(557)
Disbursements		101	2
Cash on hand		12 729	7 024
Total		12 785	6 469

13. OTHER FINANCIAL ASSETS

	Note	2019/20	2018/19
		R'000	R'000
Current		-	-
Total		-	-

14. PREPAYMENTS AND ADVANCES

	Note	2019/20	2018/19
		R'000	R'000
Travel and subsistence		64	169
Prepayments (Not expensed)	14.2	1 000	1 227
Advances paid (Not expensed)	14.1	17 810	7 875
Total		18 874	9 271

14.1 Advances paid (Not expensed)

	Note	Balance as at 1 April 2019	Less: Amount expensed in current year	Add or Less: Other	Add: Current Year advances	Balance as at 31 March 2020
	14	R'000	R'000	R'000	R'000	R'000
National departments		7 875	(274 789)	-	284 724	17 810
Total		7 875	(274 789)	-	284 724	17 810

	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
Public entities		135	(135)	-	-	-
Total		9 126	(187 354)	-	186 103	7 875

14.2 Prepayments (not expensed) - 2019/20

	Note	Balance as at 1 April 2019	Less: Amount expensed in current year	Add or Less: Other	Add: Current Year prepayments	Balance as at 31 March 2020
	14	R'000	R'000	R'000	R'000	R'000
Goods and services		1 227	(1 227)	-	1 000	1 000
Total		1 227	(1 227)	-	1 000	1 000

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 prepayments	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

15. RECEIVABLES

	Note	2019/20			2018/19		
		Current	Non-current	Total	Current	Non-current	Total
		R'000	R'000	R'000	R'000	R'000	R'000
Claims recoverable	15.1	2 389 305	-	2 389 305	1 970 907	-	1 970 907
Trade receivables	15.2	945	-	945	-	-	-
Recoverable expenditure	15.3	2	-	2	2	-	2
Staff debt	15.4	38 369	-	38 369	35 639	-	35 639
Fruitless and wasteful expenditure	15.6	-	-	-	-	-	-
Other receivables	15.5	10 676	-	10 676	10 733	-	10 733
Total		2 439 297	-	2 439 297	2 017 281	-	2 017 281

15.1 Claims recoverable

	Note	2019/20	2018/19
	15 and Annex 4	R'000	R'000
National departments		819 924	723 364
Provincial departments		1 569 381	1 247 543
Total		2 389 305	1 970 907

15.2 Trade receivables

	Note	2019/20	2018/19
	15	R'000	R'000
Trade receivables		945	-
Total		945	-

15.3 Recoverable expenditure (disallowance accounts)

	Note	2019/20	2018/19
	15	R'000	R'000
Fruitless and wasteful expenditure		2	2
Total		2	2

15.4 Staff debt

	Note	2019/20	2018/19
	15	R'000	R'000
In-Service Debt		11 978	10 876
Out-Service Debt		26 391	24 763
Total		38 369	35 639

15.5 Other receivables

	Note	2019/20	2018/19
	15	R'000	R'000
Disallowance accounts		9 356	9 465
Salary suspense accounts		1 164	1 113
Damages and vehicles		156	155
Total		10 676	10 733

15.6 Fruitless and wasteful expenditure

	Note	2019/20	2018/19
	15	R'000	R'000
Opening balance		-	-
Less amounts recovered		6	21
Less amounts written off		195	2 953
Transfers from note 32 fruitless and wasteful expenditure		(201)	(2 974)
Interest		-	-
Total		-	-

15.7 Impairment of receivables

	Note	2019/20	2018/19
		R'000	R'000
Estimate of impairment of receivables		15 819	8 356
Estimate of impairment of receivables (Legal Fees)		1 707 216	866 719
Total		1 723 035	875 075

The impairment of claims receivables amounting to R1.7 billion 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 account the payment history and financial situation of the client departments. The impairment also takes into account instances where there is a dispute which is a further indication of impairment.

16. INVESTMENTS

	Note	2019/20	2018/19
		R'000	R'000
Non-current shares and other equity		-	-
Total		-	-

17. LOANS

	Note	2019/20	2018/19
		R'000	R'000
Total		-	-

18. VOTED FUNDS TO BE SURRENDERED TO THE REVENUE FUND

	Note	2019/20	2018/19
		R'000	R'000
Opening balance		444 878	286 625
Prior period error	18.2		
As restated		444 878	286 625
Transfer from statement of financial performance (as restated)		757 215	444 875
Add: Unauthorised expenditure for current year	11	-	-
Voted funds not requested/not received	1.1	-	-
Paid during the year		(444 876)	(286 622)
Closing balance		757 217	444 878

19. DEPARTMENTAL REVENUE AND NRF RECEIPTS TO BE SURRENDERED TO THE REVENUE FUND

	Note	2019/20	2018/19
		R'000	R'000
Opening balance		35 457	34 141
Prior period error	19.1		
As restated		35 457	34 141
Transfer from Statement of Financial Performance (as restated)		423 528	376 168
Transfer from aid assistance	4		
Paid during the year		(416 441)	(374 852)
Closing balance		42 544	35 457

20. BANK OVERDRAFT

	Note	2019/20	2018/19
		R'000	R'000
Consolidated Paymaster General Account		1 574 354	1 484 902
Overdraft with commercial banks (Local)		29 967	55
Total		1 604 321	1 484 957

The bank overdraft is as a result of the rendering 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 and thereafter recovering these costs from the respective client departments.

21. PAYABLES - CURRENT

	Note	2019/20	2018/19
		R'000	R'000
Clearing accounts	21.2	29 025	2 171
Other payables	21.3	495	28 499
Total		29 520	30 670

"Clearing accounts" consists mainly of the income tax payable amounting to R24, 7 million.

21.1 Advances received

	Note	2019/20	2018/19
	21	R'000	R'000
National departments		-	-
Total		-	-

21.2 Clearing accounts

	Note	2019/20	2018/19
	21	R'000	R'000
Salary Control Account		29 025	2 171
Total		29 025	2 171

21.3 Other payables

	Note	2019/20	2018/19
	21	R'000	R'000
Salary ABC Recalls		39	129
Disallowance Accounts		-	27 205
TPF Revenue Erroneously paid over to Vote		456	1 165
Total		495	28 499

22. PAYABLES - NON-CURRENT

	Note	2019/20				2018/19
		One to two years	Two to three years	More than three years	Total	
		R'000	R'000	R'000	R'000	
Amounts owing to other entities		-	-	-	-	
Total		-	-	-	-	

23. NET CASH FLOW AVAILABLE FROM OPERATING ACTIVITIES

	Note	2019/20	2018/19
		R'000	R'000
Net surplus/(deficit) as per Statement of Financial Performance		1 190 655	827 584
Add back non-cash/cash movements not deemed operating activities		(696 819)	(86 575)
(Increase)/decrease in receivables		(422 016)	430 838
(Increase)/decrease in prepayments and advances		(9 603)	1 154
Increase/(decrease) in payables - current		(1 150)	20 744
Proceeds from sale of capital assets		(5 612)	(48)
Expenditure on capital assets		613 368	985 917
Surrenders to Revenue Fund		(861 317)	(661 474)
Surrenders to RDP Fund/Donor		(10 489)	(2 030)
Net cash flow generated by operating activities		493 836	741 009

24. RECONCILIATION OF CASH AND CASH EQUIVALENTS FOR CASH FLOW PURPOSES

	Note	2019/20	2018/19
		R'000	R'000
Consolidated Paymaster General account		(1 574 354)	(1 484 902)
Fund requisition account		-	-
Cash receipts		(45)	(557)
Disbursements		101	2
Cash on hand		12 729	7 024
Cash with commercial banks (Local)		(29 967)	(55)
Total		(1 591 536)	(1 478 488)

25. CONTINGENT LIABILITIES AND CONTINGENT ASSETS

25.1 Contingent liabilities

	Note	2019/20	2018/19
		R'000	R'000
Liable to	Nature		
Motor vehicle guarantees	Employees	Annex 3A	-
Housing loan guarantees	Employees	Annex 3A	172
Other guarantees		Annex 3A	-
Claims against the department		Annex 3B	3 104 245
Intergovernmental payables (unconfirmed balances)		Annex 5	350 036
Environmental rehabilitation liability		Annex 3B	-
Other		Annex 3B	11 719
Total		3 466 172	3 813 422

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. CAPITAL COMMITMENTS

	Note	2019/20	2018/19
		R'000	R'000
Office furniture and equipment		116 939	2 209
Total		116 939	2 209

National Treasury amended the guidelines for the disclosure of commitments for the 2019/20 financial year which requires departments to disclose only the capital commitments.

The Current Commitments amounts to R65,923 million for Computer Services (SITA) and R136,388 million for Logis Commitments relating to NPA.

28. EMPLOYEE BENEFITS

	Note	2019/20	2018/19
		R'000	R'000
Leave entitlement - employees		431 557	394 479
Leave entitlement - Magistrates		33 595	516 698
Service bonus (Thirteenth cheque)		310 437	295 029
Performance awards		102 496	185 555
Capped leave commitments - Employees		286 598	305 392
Capped leave commitments - Magistrates		741 093	-
Other		46 649	63 606
Total		1 952 425	1 760 759

Included in the "leave entitlement - employees" is an amount of R10 751 386.93 which represents negative leave credits. This is due to the timing difference between leave accrual periods and actual leave periods as per the leave policy.

Impact of COVID 19 on employee benefits

The Minister for the Public Service and Administration issued Directions in respect of leave for employees affected by COVID-19 and were circulated by the Department of Public Service and Administration on 25 March 2020 (Circular 11 of 2020). These directions clarify the leave dispensation for employees appointed in terms of the Public Service Act 1994 for the duration of the declared national state of disaster. Leave granted to employees in isolation or quarantine (as defined in the circular) would be approved in terms of the provisions contained therein.

The department did not have any leave granted to employees in isolation or quarantined due to COVID 19 during the financial year ended 31 March 2020.

29. LEASE COMMITMENTS

29.1 Operating leases

2019/20	Specialised military equipment	Land	Buildings and other fixed structures	Machinery and equipment	Total
	R'000	R'000	R'000	R'000	R'000
Not later than 1 year	-	-	-	-	-
Total lease commitments	-	-	-	-	-

2018/19	Specialised military equipment	Land	Buildings and other fixed structures	Machinery and equipment	Total
	R'000	R'000	R'000	R'000	R'000
Not later than 1 year	-	-	-	-	-
Total lease commitments	-	-	-	-	-

29.2 Finance leases **

2019/20	Specialised military equipment	Land	Buildings and other fixed structures	Machinery and equipment	Total
	R'000	R'000	R'000	R'000	R'000
Not later than 1 year	-	-	-	83 921	83 921
Later than 1 year and not later than 5 years	-	-	-	86 261	86 261
Later than five years	-	-	-	-	-
Total lease commitments	-	-	-	170 182	170 182

2018/19	Specialised military equipment	Land	Buildings and other fixed structures	Machinery and equipment	Total
	R'000	R'000	R'000	R'000	R'000
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

**This note excludes leases relating to public private partnership as they are separately disclosed in note no. 35.

30. ACCRUED DEPARTMENTAL REVENUE

	Note	2019/20	2018/19
		R'000	R'000
Fines, penalties and forfeits		1,351	3,544
Interest, dividends and rent on land		-	258
Other		4 016	4 605
Total		5 367	8 407

30.1 Analysis of accrued departmental revenue

	Note	2019/20	2018/19
		R'000	R'000
Opening balance		8 407	38 532
Less: amounts received		(3 040)	(30 125)
Less: services received in lieu of cash		-	-
Add: amounts recorded		-	-
Less: amounts written off/reversed as irrecoverable		-	-
Less: amounts transferred to receivables for recovery		-	-
Closing balance		5 367	8 407

31. IRREGULAR EXPENDITURE

31.1 Reconciliation of irregular expenditure

	Note	2019/20	2018/19
		R'000	R'000
Opening balance		1 158 476	506 354
Prior period error		-	1
As restated		1 158 476	506 355
Add: Irregular expenditure - relating to prior year		222 647	504 772
Add: Irregular expenditure - relating to current year		340 658	204 138
Less: Prior year amounts condoned		(2 931)	(17 004)
Less: Current year amounts condoned		-	(4 568)
Less: Prior year amounts not condoned and removed		(54 794)	(35 217)
Less: Current year amounts not condoned and removed		(124)	-
Less: Amounts recoverable (current and prior year)	15	-	-
Less: Amounts written off		-	-
Closing balance		1 663 932	1 158 476

	Note	2019/20	2018/19
		R'000	R'000
Analysis of awaiting condonation per age classification			
Current year		340 658	199 570
Prior years		1 323 274	958 905
Total		1 663 932	1 158 476

31.2 Details of current and prior year irregular expenditure - added current year (under determination and investigation)

Incident	Disciplinary steps taken/criminal proceedings	2019/20 R'000
Expenditure incurred in contravention with PFMA sec 38(Non-compliance to bid mandatory requirements).	Recommendation in progress for implementation	256 934
Continued to rendered services without a valid contracts in contravention of treasury regulation 8.2.1	Recommendation in progress for implementation	280 921
Non-compliance with National Treasury SCM Practice Notes with regards to contract extensions/ variations.	Corrective action was implemented	124
Failure to contact drawing of lots in contravention of preferential Procurement Regulations of 2017 sec 10.3	Corrective action was implemented	17
Secondment of a private employee to the Commission in contravention of the public service regulations	Under determination by internal Control/Employee contract not renewed.	5 117
Procurement via facility management contract (NPA Head Office)	Under investigation	20 192
Total		563 305

31.3 Details of irregular expenditure condoned

Incident	Condoned by (relevant authority)	2019/20 R'000
PPPFA not correctly applied	Condoned by National Treasury	40
Service provider on database of restricted suppliers with reference to TR section 16A9	Condoned by National Treasury	24
Non-compliance with PPR as per prescribed from nation treasury SBD 6.2 not completed.	Condoned by National Treasury	91
Non-compliance with Internal policies condoned before May 2019	Condoned by Accounting Officer	14
Noted Cases - No official order	NPA Head of Administration	2 762
Total		2 931

31.4 Details of irregular expenditure recoverable (not condoned)

Incident	2019/20 R'000
	-
Total	-

31.5 Details of irregular expenditure removed - (not condoned)

Incident	Not condoned by (relevant authority)	2019/20 R'000
Historic leases could not be confirmed as irregular due to lack of evidence and was removed by the Accounting Officer	Removed by the Accounting Officer	8 776
Duplicate transaction	Removed by the Accounting Officer	26 184
Non-compliance with Internal Policies and some did not meet the definition of Irregular expenditure as defined in section 1 of the PFMA	Removed by the Accounting Officer	19 958
Total		54 918

31.6 Details of irregular expenditures written off (irrecoverable)

Incident	2019/20 R'000
	-
Total	-

31.7 Details of irregular expenditures under assessment (not included in the main note)

Incident	2019/20 R'000
Services rendered prior to obtaining PFMA Section 79 approval from NT	122 607
Leases incurred in contravention of the Transversal term contract	38
Non-compliance with Supply Chain Process	3
Services rendered after contract expired	28 682
Ex-post facto approval in contravention of Treasury Regulations 8.2.1	1 823
Possible non-compliance with the terms of the departmental contract	10
Possible irregular with regards to supply chain management processes were deviated from for the purchase of Legal Services in terms of TR16A.6.4 and non-compliance with all the conditions attached to the departure from TR16A.6.4	74 762
Allegedly submitted fraudulent mandatory bid	560 370
Market analysis was not conducted	301
Declaration of interest not declared	17 593
Deviation not obtained from National Treasury	14 463
Services not procured from Sita	164
Extension exceeds the 15% threshold. Deviation not obtained from National Treasury	35 245
Deviation not obtained from National Treasury	11 625
Total	867 684

31.8 Prior period error

	Note	2018/19 R'000
Nature of prior period error		
Relating to 2017/18 [affecting the opening balance]		1
		1
Relating to 2018/19		2 985
Various cases		447
Legal Costs payments		2 538
Total prior period errors		2 986

32. FRUITLESS AND WASTEFUL EXPENDITURE

32.1 Reconciliation of fruitless and wasteful expenditure

	Note	2019/20 R'000	2018/19 R'000
Opening balance		53 984	52 692
Prior period error			
As restated		53 984	52 692
Fruitless and wasteful expenditure – relating to prior year		64	31
Fruitless and wasteful expenditure – relating to current year		1 129	5 274
Less: Amounts recoverable	15.6	(6)	(1 039)
Less: Amounts written off		(195)	(2 974)
Closing balance		54 976	53 984

32.2 Details of current and prior year fruitless and wasteful expenditure – added current year (under determination and investigation)

Incident	Disciplinary steps taken/criminal proceedings	2019/20 R'000
AFU Curator Expenses	Cases are being investigated for possible determination of liability	1 023
No-shows	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	128
Duplicate Gazette	Cases are being investigated for possible determination of liability	1
Deposits OWP and Gazette	Cases are being investigated for possible determination of liability	11
Interest Paid Telkom	Cases are being investigated for possible determination of liability	20
Total		1 193

33. RELATED PARTY TRANSACTIONS

Revenue received	Note	2019/20 R'000	2018/19 R'000
Total			
Payments made	Note	2019/20 R'000	2018/19 R'000
Goods and services		-	-
Total		-	-

Note	2019/20	2018/19
	R'000	R'000
Year-end balances arising from revenue/payments		
Receivables from related parties	12 545	-
Payables to related parties	-	-
Total	12 545	-

In kind goods and services provided/received	2019/20	2018/19
	R'000	R'000
Compensation of employees	104 574	97 148
Goods and services	4 457	3 554
Expenditure for capital assets	55 683	319 324
Total	164 714	419 936

List related party relationships

Guardian's Fund
Legal Aid Board
Presidents 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 DOJCD as well as shared services the DOJCD carries the cost on behalf of the OCJ in relation to the following:

Project name	2019/20	2018/19
	R'000	R'000
	55 683	319 234
Limpopo High Court	17 462	164 698
Mpumalanga High Court	38 221	154 535

- » Provision of security services
- » Provision of virtual libraries

The Department also carries a portion of the costs on behalf of the President Fund Guardian Fund and Third Party Fund in relation to the following:

President 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.

	2019/20	2018/19
	R'000	R'000
Compensation of employees - President's Fund Unit	2 484	2 451
Compensation of employees - Truth and Reconciliation Commission Unit	6 676	6 198
Goods and Services-President's Fund Unit	319	30
Goods and Services - Truth and Reconciliation Commission Unit	3 530	2 927

	2019/20	2018/19
	R'000	R'000
Audit fees	588	588
Printing fees	20	9
	13 617	12 203
Guardian Fund		
All administration costs of the Guardian's Fund		
	2019/20	2018/19
	R'000	R'000
Total administration costs (salaries) disclosed as:	90 642	83 966
Office of the Chief Master	83 074	76 799
Office of the CFO	7 568	7 166
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 Funds' role as a custodian of funds due between third parties and the nature of its operations no income or expenditure accrued to Third Party Funds.		
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		
	2019/20	2018/19
	R'000	R'000
Total administration costs (salaries) disclosed as:	4 772	4 533
Office of the CFO	4 772	4 533
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	2019/20	2018/19
		R'000	R'000
Political office bearers (provide detail below)			
Officials:			
Level 15 to 16	31	48 150	41 536
Level 14 (incl. CFO if at a lower level)	19	22 762	21 890
Family members of key management personnel		-	4 381
Total		70 912	67 807

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	2019/20	2018/19
		R'000	R'000
		-	-
		-	-

36. IMPAIRMENT (OTHER THAN RECEIVABLES, ACCRUED DEPARTMENTAL REVENUE LOANS AND INVESTMENTS)

	Note	2019/20	2018/19
		R'000	R'000
		-	-
Total		-	-

37. PROVISIONS

	Note	2019/20	2018/19
		R'000	R'000
Curator Fees		314 144	254 542
SAICA – State Capture		-	5 332
Total		314 144	259 874

Curator fees and expenditure becomes an obligation to the State when a curator is appointed by the court. The curator must possess, manage and care for assets within seized estates.

Obligations is payable based on court proceedings in terms of the POCA Act, uncertainty in respect of the duration of the court proceeding and the timing in finalization of the case.

37.1 Reconciliation of movement in provisions – 2019/20

	Curator Fees	SAICA – State Capture	Provision 3	Total provisions
	R'000	R'000	R'000	R'000
Opening balance	254 542	5 332	-	259 874
Increase in provision	63 913	-	-	63 913
Settlement of provision	(8 138)	(5 332)	-	(13 470)
Unused amount reversed	-	-	-	-
Reimbursement expected from third party	-	-	-	-
Change in provision due to change in estimation of inputs	3 827	-	-	3 827
Closing balance	314 144	-	-	314 144

Reconciliation of movement in provisions - 2018/19

	Curator Fees	SAICA – State Capture	Provision 3	Total provisions
	R'000	R'000	R'000	R'000
Opening balance	143 252	-	-	143 252
Increase in provision	166 966	5 332	-	172 298
Settlement of provision	(21 178)	-	-	(21 178)
Unused amount reversed	-	-	-	-
Reimbursement expected from third party	-	-	-	-
Change in provision due to change in estimation of inputs	(34 498)	-	-	(34 498)
Closing balance	254 542	5 332		259 874

38. NON-ADJUSTING EVENTS AFTER REPORTING DATE

Nature of event	2019/20 R'000
-----------------	------------------

The CFO of the department was suspended during April 2020 pending the finalisation of investigations into allegations levelled against her.

COVID 19 LOCKDOWN

The President initially declared the COVID 19 pandemic as a National Disaster on 15 March 2020 and the country was on lockdown for 21 days. On 09 April 2020 further extended the lockdown by a further two weeks until the end of April 2020.

The country is currently still on level 3 lockdown with the rate of infections still increasing as the country approaches the peak of the infections.

Total -

39. MOVABLE TANGIBLE CAPITAL ASSETS

MOVEMENT IN MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2020

	Opening balance	Value adjustments	Additions	Disposals	Closing Balance
	R'000	R'000	R'000	R'000	R'000
HERITAGE ASSETS	460	-	-	-	460
Heritage assets	460	-	-	-	460
MACHINERY AND EQUIPMENT	1 878 006	(2 002)	215 902	(37 590)	2 054 316
Transport assets	149 496	5	56 284	(5 288)	200 497
Computer equipment	660 545	(921)	125 193	(11 311)	773 506
Furniture and office equipment	411 975	(72)	18 695	(5 972)	424 626
Other machinery and equipment	655 990	(1 014)	15 730	(15 019)	655 687

MOVEMENT IN MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2020

	Opening balance	Value adjustments	Additions	Disposals	Closing Balance
	R'000	R'000	R'000	R'000	R'000
SPECIALISED MILITARY ASSETS	-	-	-	-	-
Specialised military assets	-	-	-	-	-
BIOLOGICAL ASSETS	-	-	-	-	-
Biological assets	-	-	-	-	-
TOTAL MOVABLE TANGIBLE CAPITAL ASSETS	1 878 466	(2 002)	252 496	(37 590)	2 054 776

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	9 413	181 402
Specialised military assets	-	-
Biological assets	-	-

The department had implemented the Operation Khawuleza Turnaround Plan where Offices verified all the Assets within the department which resulted in 9 413 capital assets not verified. The start of the COVID-19 pandemic did not allow the department to investigate these assets after the end of the 4th Quarter verification process. The department intends to conduct and complete the verification of these assets during the month of August with the aim of ensuring the completeness and accuracy of the asset register. A team comprising both officials in the Assets Management Unit, Finance and ISM has been established to focus on the verification of these assets during the month of August 2020. Phase 1 of the plan will focus on clearing national office assets which will reduce by R138 million.

39.1 Additions

ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2020

	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	295 489	5 529	(82 948)	(2 168)	215 902
Transport assets	121 364	-	(62 884)	(2 196)	56 284
Computer equipment	121 344	4 132	-	(283)	125 193
Furniture and office equipment	18 013	773	-	(91)	18 695
Other machinery and equipment	34 768	624	(20 064)	402	15 730
TOTAL ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS	295 489	5 529	(82 948)	(2 168)	215 902

39.2 Disposals

DISPOSALS OF MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2020

	Sold for cash	Non-cash disposal	Total disposals	Cash Received Actual
	R'000	R'000	R'000	R'000
HERITAGE ASSETS	-	-	-	-
Heritage assets	-	-	-	-
MACHINERY AND EQUIPMENT	(17 261)	(20 329)	(37 590)	5 612
Transport assets	(4 404)	(884)	(5 288)	5 585
Computer equipment	(6 158)	(5 153)	(11 311)	-
Furniture and office equipment	(353)	(5 619)	(5 972)	30
Other machinery and equipment	(6 346)	(8 673)	(15 019)	-
SPECIALISED MILITARY ASSETS	-	-	-	-
Specialised military assets	-	-	-	-
BIOLOGICAL ASSETS	-	-	-	-
Biological assets	-	-	-	-
TOTAL DISPOSAL OF MOVABLE TANGIBLE CAPITAL ASSETS	(23 154)	(20 329)	(43 483)	5 612

39.3 Movement for 2018/19

MOVEMENT IN TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2019

	Opening balance	Prior period error	Additions	Disposals	Closing Balance
	R'000	R'000	R'000	R'000	R'000
HERITAGE ASSETS	460	-	-	-	460
Heritage assets	460	-	-	-	460
MACHINERY AND EQUIPMENT	1 780 224	-	118 525	(20 743)	1 878 006
Transport assets	135 617	-	15 158	(1 279)	149 496
Computer equipment	589 008	-	81 363	(9 826)	660 545
Furniture and office equipment	401 849	-	14 859	(4 733)	411 975
Other machinery and equipment	653 750	-	7 145	(4 905)	655 990
SPECIALISED MILITARY ASSETS	-	-	-	-	-
Specialised military assets	-	-	-	-	-
BIOLOGICAL ASSETS	-	-	-	-	-
Biological assets	-	-	-	-	-
TOTAL MOVABLE TANGIBLE CAPITAL ASSETS	1 780 684	-	118 525	(20 743)	1 878 466

39.3.1 Prior period error

	Note	2018/19
		R'000
Nature of prior period error		
Relating to 2017/18 [affecting the opening balance]		
Relating to 2018/19		
Total prior period errors		

39.4 Minor assets

MOVEMENT IN MINOR ASSETS PER THE ASSET REGISTER FOR THE YEAR ENDED AS AT 31 MARCH 2020

	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	-	857 079	-	857 115
Value adjustments	-	-	-	(836)	-	(836)
Additions	-	4	-	33 979	-	33 983
Disposals	-	-	-	(29 447)	-	(29 447)
TOTAL MINOR ASSETS	-	40	-	860 775	-	860 815

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
Number of R1 minor assets	-	-	-	-	-	-
Number of minor assets at cost	-	-	-	108 903	-	108 903
TOTAL NUMBER OF MINOR ASSETS	-	-	-	108 903	-	108 903

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:		
Machinery and equipment	28 222	38 088

The department had implemented the Operation Khawuleza Turnaround Plan where Offices verified all the Assets within the department, this resulted in 28 222 minor assets not verified. The start of the COVID-19 pandemic did not allow the department to investigate these assets after the end of the 4th Quarter verification process. The department intends to conduct and complete the verification of these assets during the month of August with the aim of ensuring the completeness and accuracy of the asset register.

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	-	847 549	-	847 585
Prior period error	-	-	-	-	-	-
Additions	-	-	-	19 824	-	19 824
Disposals	-	-	-	(10 294)	-	(10 294)
TOTAL NUMBER OF 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	-	982 569	-	R982 584
TOTAL NUMBER OF MINOR ASSETS	-	15	-	982 943	-	R982 958

39.4.1 Prior period error

	Note	2018/19
		R'000
Nature of prior period error		
Relating to 2019/18 [affecting the opening balance]		
Relating to 2018/19		
Total prior period errors		

39.5 Movable assets written off

MOVABLE ASSETS WRITTEN OFF FOR THE YEAR ENDED AS AT 31 MARCH 2020

	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	-	-	-	204	-	204
TOTAL MOVABLE ASSETS WRITTEN OFF	-	-	-	204	-	204

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

39.6 S42 Movable capital assets

MAJOR ASSETS TO BE TRANSFERRED IN TERMS OF S42 OF THE PFMA - 31 MARCH 2020

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
No. of Assets	-	-	-	-	-	-
Value of the assets (R'000)	-	-	-	-	-	-

MINOR ASSETS TO BE TRANSFERRED IN TERMS OF S42 OF THE PFMA - 31 MARCH 2020

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
No. of Assets	-	-	-	-	-	-
Value of the assets (R'000)	-	-	-	-	-	-

MAJOR ASSETS TO BE TRANSFERRED IN TERMS OF S42 OF THE PFMA - 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
No. of Assets	-	-	-	-	-	-
Value of the assets (R'000)	-	-	-	-	-	-

MINOR ASSETS TO BE TRANSFERRED IN TERMS OF S42 OF THE PFMA - 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
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 2020

	Opening balance	Value adjustments	Additions	Disposals	Closing Balance
	R'000	R'000	R'000	R'000	R'000
SOFTWARE	279 340		12 523	-	291 863
TOTAL INTANGIBLE CAPITAL ASSETS	279 340	-	12 523	-	291 863

Intangible Capital Assets under investigation

	Number	Value
		R'000
Included in the above total of the intangible capital assets per the asset register are assets that are under investigation:		
Software	-	-
Mastheads and publishing titles	-	-
Patents, licences, copyright brand names, trademarks	-	-
Recipes, formulae, prototypes, designs, models	-	-
Services and operating rights	-	-

40.1 Additions

ADDITIONS TO INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2020

	Cash	Non-Cash	(Development 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	12 523	-	-	-	12 523
TOTAL ADDITIONS TO INTANGIBLE CAPITAL ASSETS	12 523	-	-	-	12 523

40.2 Disposals

DISPOSALS OF INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2020

	Sold for cash	Non-cash disposal	Total disposals	Cash Received Actual
	R'000	R'000	R'000	R'000
SOFTWARE	-	-	-	-
TOTAL DISPOSALS OF INTANGIBLE CAPITAL ASSETS	-	-	-	-

40.3 Movement for 2018/19

MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2019

	Opening balance	Prior period error	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

40.3.1 Prior period error

	Note	2018/19
		R'000
Nature of prior period error		
Relating to 2017/18 [affecting the opening balance]		
Relating to 2018/19		
Total prior period errors		

41. IMMOVABLE TANGIBLE CAPITAL ASSETS

MOVEMENT IN IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2020

	Opening balance	Value adjustments	Additions	Disposals	Closing Balance
	R'000		R'000	R'000	R'000
BUILDINGS AND OTHER FIXED STRUCTURES	896 467	-	-	(896 467)	-
Non-residential buildings	896 467	-	-	(896 467)	-
TOTAL IMMOVABLE TANGIBLE CAPITAL ASSETS	896 467	-	-	(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

41.1 Additions

ADDITIONS TO IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2020

	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	305 356	-	(305 356)	-	-
Non-residential buildings	305 356	-	(305 356)	-	-
TOTAL ADDITIONS TO IMMOVABLE TANGIBLE CAPITAL ASSETS	305 356	-	(305 356)	-	-

41.2 Disposals

DISPOSALS OF IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2020

	Sold for cash	Non-cash disposal	Total disposals	Cash Received Actual
	R'000	R'000	R'000	R'000
BUILDINGS AND OTHER FIXED STRUCTURES	-	896 467	896 467	-
Non-residential buildings	-	896 467	896 467	-
TOTAL DISPOSALS OF IMMOVABLE TANGIBLE CAPITAL ASSETS	-	896 467	896 467	-

41.3 Movement for 2018/19

MOVEMENT IN IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2019

	Opening balance	Prior period error	Additions	Disposals	Closing Balance
	R'000	R'000	R'000	R'000	R'000
BUILDINGS AND OTHER FIXED STRUCTURES	256 360	-	640 107	-	896 467
Non-residential buildings	256 360	-	640 107	-	896 467
TOTAL IMMOVABLE TANGIBLE CAPITAL ASSETS	256 360	-	640 107	-	896 467

41.3.1 Prior period error

	Note	2018/19
		R'000
Nature of prior period error		
Relating to 2017/18 [affecting the opening balance]		
Relating to 2018/19		
Total prior period errors		

41.4 Capital work-in-progress

CAPITAL WORK-IN-PROGRESS AS AT 31 MARCH 2020

	Note	Opening balance 1 April 2019	Current Year WIP	Ready for use (Assets to the AR) / Contracts terminated	Closing balance 31 March 2020
	Annexure 7	R'000	R'000	R'000	R'000
Buildings and other fixed structures		1 040 029	3 705	(1 043 734)	-
TOTAL		1 040 029	3 705	(1 043 734)	-

Payables not recognised relating to Capital WIP	Note	2019/20	2018/19
		R'000	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
TOTAL		-	13 856

CAPITAL WORK-IN-PROGRESS AS AT 31 MARCH 2019

	Note	Opening balance 1 April 2018	Prior period error	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	R'000
Buildings and other fixed structures		1 525 601	-	154 535	(640 107)	1 040 029
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
Longer than 5 Years	1	-	35 595
Total	1	-	35 595

41.5 Immovable assets written off

IMMOVABLE ASSETS WRITTEN OFF FOR THE YEAR ENDED AS AT 31 MARCH 2020

	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 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	-	-	-	-

41.6 S42 Immovable assets

Assets to be transferred in terms of S42 of the PFMA - 2019/20

	Number of assets	Value of assets
		R'000
BUILDINGS AND OTHER FIXED STRUCTURES	1	1 043 734
Non-residential buildings	1	1 043 734
TOTAL	1	1 043 734

Assets to be transferred in terms of S42 of the PFMA - 2018/19

	Number of assets	Value of assets
		R'000
BUILDINGS AND OTHER FIXED STRUCTURES	-	-
Non-residential buildings	-	-
TOTAL	-	-

42. PRINCIPAL-AGENT ARRANGEMENTS

42.1 Department acting as the agent: State Attorney

42.1.1 Revenue received for agency activities

	2019/20	2018/19
	R'000	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	30 417	49 329
- Debt Collection	9 649	77 335
- Unclassified monies	-	55 153
- Commission	-	-
- Provisional Asset Forfeiture	19 229	62 185
Total	59 295	244 001

Due to the inadequacies of BAS to administer the quantity of transactions in relation to revenue generated by the office on the State Attorney the systems of the Third Party Fund is utilised for this purpose.

42.1.2 Reconciliation of funds and disbursements – 2019/20

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	30 417	-	30 417	Cases not yet finalised
State organisations - Debt Collections	9 649	105 780	(96 131)	Payments made exceed payments received as a result of collections from prior year being paid in the financial year under review.
State Organisations - Provisional Asset Forfeiture	19 229	-	19 229	Cases not yet finalised
Total	59 295	105 780	(46 485)	

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 for variance
	R'000	R'000	R'000	
State organisations - Conveyance	49 329	39 610	9 719	Cases not yet finalised
State organisation 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 financial year
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 the agent: CARA

42.2.1 Revenue received for agency activities

	2019/20	2018/19
	R'000	R'000
National Revenue Fund -Criminal Assets Recovery Account (CARA) with Oversight and disbursement approving authority resides in the Criminal Asset Recovery Committee:	159 642	167 970
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.		
Total	159 642	167 970

Reconciliation of agency funds and disbursements - 2019/20

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)	159 642	159 642	0	-
<i>Total</i>	159 642	159 642	0	

CRIMINAL ASSETS RECOVERY ACCOUNT (CARA)	2019/20
Opening Balance CARA	749 559 000
Plus cash received during the year	159 642 000
Less cash paid out	147 472 000
Cash on hand (CARA -SARB)	761 729 000
Contingent assets	1 225 000
Inventory	33 923 000
Receivables	223 469 000
Provisions	294 769 000

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 R223 million at 31 March 2020 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, 2 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 R34 million at 31 March 2020 are classified as *inventory* as they will be realised and the net proceed after deduction of curator fees and expenses will be deposited into CARA.

Inventory

	2019/20			
	Motor Vehicles	Land and Buildings	Other	Total
	R'000	R'000	R'000	R'000
Opening Balance (1 April 2019)	6 497	17 693	804	24 994
Adjustments	(2 999)	(162)	(201)	(3 362)
Additions	6 026	11 006	513	17 545
Disposals	(3 205)	(1 935)	(114)	(5 254)
Closing Balance (31 March 2020)	6 319	26 602	1 002	33 923

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 R295 million at 31 March 2020.

	2019/20 R'000
CARA Allocations	294 769
National Prosecuting Authority	47 840
Department of Home Affairs	40 453
Department of Justice and Constitutional Development	43 447
Department of Social Development	70 000
Financial Intelligence Centre	14 729
Anti-Corruption Task Team	7 300
State Security Agency	50 000
Department of Environmental Affairs	10 000
Special Investigating Unit	11 000
Total	294 769

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 of variance
	R'000	R'000	R'000	
National Revenue Fund (CARA)	167 970	167 970	0	-
<i>Total</i>	167 970	167 970	0	

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 realization of forfeited property before funds are deposited into CARA.

Contingent assets of R 1 9 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 R 25 million at 31 March 2019 are classified as inventory as they will be realised and the net proceed after deduction of curator or fees and expenses will be deposited into CARA.

Inventory

	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

43. PRIOR PERIOD ERRORS

44.1 Correction of prior period errors

	Note	Amount bef error correction	Prior period error	Restated Amount
		2018/19	2018/19	2018/19
		R'000	R'000	R'000
Revenue: (e.g. Annual appropriation departmental revenue aid assistance etc.)				
Aid Assistance	4.4	46 125	24 652	70 777
Net effect		46 125	24 652	70 777

Aid assistance revenue relating to the Human rights commission was previously excluded from the statement of financial performance and the correction was required in order to comply with the MCS

	Note	Amount bef error correction	Prior period error	Restated Amount
		2018/19	2018/19	2018/19
		R'000	R'000	R'000
Expenditure: (e.g. Compensation of employees goods and services, Tangible capital assets, etc.)				
Transfers and subsidies		2 803 084	24 652	2 827 736
Net effect		2 803 084	24 652	2 827 736

Aid assistance expenditure relating to the Human rights commission was previously excluded from the statement of financial performance and the correction was required in order to comply with the MCS.

	Note	Amount bef error correction	Prior period error	Restated Amount
		2018/19	2018/19	2018/19
		R'000	R'000	R'000
Assets: (e.g. Receivables investments, Accrued departmental revenue, Movable tangible capital assets, etc.)				
Accrued departmental revenue	30	6 150	(1 545)	4 605
Net effect		6 150	(1 545)	4 605

Accrued Departmental revenue has been restated due to errors in recording identified during the current financial year.

	Note	Amount bef error correction	Prior period error	Restated Amount
		2018/19	2018/19	2018/19
		R'000	R'000	R'000
Other: (e.g. Irregular expenditure, Fruitless and wasteful expenditure, etc.)				
Contingent liabilities	25	2 177 083	1 636 339	3 813 422
Commitments	26	-	2 209	2 209
Irregular expenditure	31	1 155 489	2 987	1 158 476
Related party transactions	33	-	419 936	419 936
Payables not yet recognised	27	45 167	11 120	56 287
Net effect		3 377 739	2 072 591	5 450 330

RESTATEMENT OF CORRESPONDING FIGURES FOR 31 MARCH 2019

Contingent liabilities have been restated due to summonses relating to prior year matters which were identified during the current year.

Commitments were restated due to changes in the MCS that requires the Department to only disclose capital commitments.

Irregular expenditure was restated due to prior year errors which were identified during the current year.

Related party transactions note was restated in order to ensure compliance with the MCS.

Payables not yet recognised was restated due to payments identified during the current year relating to services rendered in previous financial year.

44. INVENTORIES

Inventories for the year ended 31 March 2020	Insert major category of inventory	TOTAL			
	R'000	R'000	R'000	R'000	R'000
Opening balance					
Add/(Less): Adjustments to prior year balances					
Add: Additions/Purchases – Cash					
Add: Additions - Non-cash					
(Less): Disposals					
(Less): Issues					
Add/(Less): Received current not paid (Paid current year received prior year)					
Add/(Less): Adjustments					
Closing balance					

Include discussion where deemed relevant

Inventories for the year ended 31 March 2019	Insert major category of inventory	TOTAL			
	R'000	R'000	R'000	R'000	R'000
Opening balance					450
Add/(Less): Adjustments to prior year balances					
Add: Additions/Purchases – Cash					
Add: Additions - Non-cash					
(Less): Disposals					
(Less): Issues					(30)
Add/(Less): Received current not paid (Paid current year received prior year)					
Add/(Less): Adjustments					
Closing balance					420

45. BROAD-BASED BLACK ECONOMIC EMPOWERMENT PERFORMANCE

Information on compliance with the B-BBEE Act is included in the annual report under the section titled B-BBEE Compliance Performance Information.

9. ANNEXURES

ANNEXURE 1A

STATEMENT OF CONDITIONAL GRANTS AND OTHER TRANSFERS PAID TO MUNICIPALITIES

NAME OF MUNICIPALITY	GRANT ALLOCATION			TRANSFER			SPENT			2018/19			
	DORA and other transfers R'000	Roll Overs R'000	Adjustments R'000	Total Available R'000	Actual Transfer R'000	Funds Withheld R'000	Re-allocations 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 %	Division of Revenue Act R'000	Actual transfer R'000
Municipal vehicles licences	-	-	752	752	749	-	-	-	-	-	-	-	562
Municipal Fines and Penalties	-	-	-	-	3	-	-	-	-	-	-	-	-
TOTAL	-	-	752	752	752	-	-	-	-	-	-	-	562

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			2018/19 Final Appropriation
	Adjusted Appropriation	Roll Overs	Adjustments	Total Available	Actual Transfer	% of Available funds Transferred	R'000	
	R'000	R'000	R'000	R'000	R'000	%		
Legal Aid South Africa	1 970 973	-	-	1 970 973	1 970 973	100%	1 800 892	
Special Investigating Unit	363 023	-	-	363 023	363 023	100%	357 099	
Public Protector of South Africa	321 430	-	20 600	342 030	342 030	100%	326 581	
South African Human Rights Commission	190 005	-	-	190 005	190 005	100%	178 830	
President's Fund	1	-	-	1	-	0%	1	
Communication Licences	53	-	38	91	91	100%	81	
SETA: Safety and Security	27 409	-	-	27 409	27 189	99%	25 938	
TOTAL	2 872 894	-	20 638	2 893 532	2 893 311		2 689 422	

ANNEXURE 1C
STATEMENT OF TRANSFERS TO HIGHER EDUCATION INSTITUTIONS

NAME OF HIGHER EDUCATION INSTITUTION	TRANSFER ALLOCATION				TRANSFER			2018/19 Final Appropriation
	Adjusted Appropriation	Roll Overs	Adjust-ments	Total Available	Amount not transferred	% of Available funds Transferred	R'000	
	R'000	R'000	R'000	R'000	R'000	%		
	-	-	-	-	-	-	-	
	-	-	-	-	-	-	-	
	-	-	-	-	-	-	-	
	-	-	-	-	-	-	-	
TOTAL								

ANNEXURE 1D
STATEMENT OF TRANSFERS/SUBSIDIES TO PUBLIC CORPORATIONS AND PRIVATE ENTERPRISES

NAME OF PUBLIC CORPORATION/PRIVATE ENTERPRISE	TRANSFER ALLOCATION				EXPENDITURE				2018/19 Final Appropriation R'000
	Adjusted Appropriation Act	Roll Overs	Adjustments	Total Available	Actual Transfer	% of Available funds Transferred	Capital	Current	
	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	
Public Corporations	-	-	-	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-	-	-	-

ANNEXURE 1E
STATEMENT OF TRANSFERS TO FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANISATIONS

FOREIGN GOVERNMENT/ INTERNATIONAL ORGANISATION	TRANSFER ALLOCATION			EXPENDITURE			2018/19 Final Appropriation R'000
	Adjusted Appropriation Act	Roll overs	Adjustments	Total Available	Actual Transfer	% of Available funds Transferred	
	R'000	R'000	R'000	R'000	R'000	%	
Transfers							
International Criminal Court	16 247	-	(4 700)	11 547	11 454	99%	12 809
International Institutional Unification	407	-	-	407	331	81%	386
Haque Conference International Law	1 222	-	-	1 222	1 171	96%	-
	17 876	-	(4 700)	13 176	12 956		13 195
TOTAL	17 876	-	(4 700)	13 176	12 956		13 195

ANNEXURE 1F
STATEMENT OF TRANSFERS TO NON-PROFIT INSTITUTIONS

NON-PROFIT INSTITUTIONS	TRANSFER ALLOCATION				EXPENDITURE		2018/19 Final Appropriation R'000
	Adjusted Appropriation Act R'000	Roll overs R'000	Adjustments R'000	Total Available R'000	Actual Transfer R'000	% of Available funds transferred %	
	-	-	-	-	-	-	
TOTAL	-	-	-	-	-	-	-

ANNEXURE 1G
STATEMENT OF TRANSFERS TO HOUSEHOLDS

HOUSEHOLDS	TRANSFER ALLOCATION				EXPENDITURE		2018/19 Final Appropriation R'000
	Adjusted Appropriation Act R'000	Roll Overs R'000	Adjustments R'000	Total Available R'000	Actual Transfer R'000	% of Available funds Transferred %	
	86 943	-	6 863	93 806	73 185	78%	
7 309	-	5 296	12 605	12 605	100%	19 584	
94 252	-	12 159	106 411	85 790		137 262	
TOTAL	94 252	-	12 159	106 411	85 790		137 262

ANNEXURE 1H
STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS RECEIVED

NAME OF ORGANISATION	NATURE OF GIFT DONATION OR SPONSORSHIP	2019/20	2018/19
		R'000	R'000
Received in cash			
Subtotal			
Received in kind			
Donations received by NPA	Various donations	-	447
Invitation to attend HUAWEI headquarter tour in China		-	27
Donations received by the Department	Various donations (i.e. Cake, Chocolates)	1	-
Subtotal		1	474
TOTAL		1	474

ANNEXURE 1I
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	10 490	6 506	2 487	10 490	4 019
Swiss	Small claims court	-	-	-	-	-
Cara	Domestic violence	7 223	8 900	11 778	-	4 345
Cara NPA	Various projects	(1 762)	87 550	78 779	-	7 009
Transfer to FHR	Projects Human Rights Commission	-	41 666	41 666	-	-
Subtotal		15 951	144 622	134 710	10 490	15 373
TOTAL		15 951	144 622	134 710	10 490	15 373

ANNEXURE 1J
STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS MADE

NATURE OF GIFT, DONATION OR SPONSORSHIP (Group major categories but list material items including name of organisation)	2019/20		2018/19	
	R'000		R'000	
Made in kind	-	-	-	-
TOTAL	-	-	-	-

ANNEXURE 1K
STATEMENT OF ACTUAL MONTHLY EXPENDITURE PER GRANT

Grant Type	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Total
	2019	2019	2019	2019	2019	2019	2019	2019	2019	2020	2020	2020	R'000
	R'000												
Other	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-	-	-	-	-	-	-	-

ANNEXURE 1L
STATEMENT OF INDIRECT GRANTS BETWEEN NATIONAL DEPARTMENTS AND MUNICIPALITIES

NAME OF GRANT	GRANT ALLOCATION			SPENT	
	Division of Revenue Act	Roll Overs	Adjustments	Total Available	Amount
	R'000	R'000	R'000	R'000	R'000
TOTAL	-	-	-	-	-

ANNEXURE 3A
STATEMENT OF FINANCIAL GUARANTEES ISSUED AS AT 31 MARCH 2020 – LOCAL

Guarantor institution	Guarantee in respect of	Original guaranteed capital amount	Opening balance 1 April 2019		Guarantees draw downs during the year	Guarantees repayments/ cancelled/ reduced during the year	Revaluation due to foreign currency movements	Closing balance 31 March 2020	Revaluations due to inflation rate movements	Accrued guaranteed interest for year ended 31 March 2020
			R'000	R'000						
	Housing									
Standard Bank		-	241	-	222	-	19	-	-	-
ABSA		-	17	-	-	-	17	-	-	-
NP		-	111	-	-	-	111	-	-	-
Green Start		-	25	-	-	-	25	-	-	-
	Subtotal	-	394	-	222	-	172	-	-	-
	TOTAL	-	394	-	222	-	172	-	-	-

ANNEXURE 3B
STATEMENT OF CONTINGENT LIABILITIES AS AT 31 MARCH 2020

Nature of Liability	Opening Balance		Liabilities incurred during the year	Liabilities paid/cancelled/ reduced during the year	Liabilities recoverable (Provide details hereunder)	Closing Balance	
	1 April 2019					31 March 2020	
	R'000	R'000				R'000	R'000
Claims against the department							
Summonses	3 578 163	122 730	(825 388)	-	-	2 875 505	
Supplier discrepancies	4 785	7 932	-	-	-	12 717	
Theft and losses	22 611	7 555	(3 682)	-	-	26 484	

Nature of Liability	Opening Balance		Liabilities incurred during the year	Liabilities paid/cancelled/reduced during the year	Liabilities recoverable (Provide details hereunder)		Closing Balance	
	1 April 2019				31 March 2020			
	R'000	R'000			R'000	R'000		
PPP cancellation	11 681	-	-	-	-	-	11 681	
Property management fees	77 084	-	-	-	-	-	77 084	
Human Resource management	98 377	2 397	-	-	-	-	100 774	
Subtotal	3 792 701	140 614	(829 070)	-	-	-	3 104 245	
Other								
Third Party theft, losses and dishonoured cheques	17 505	-	(5 786)	-	-	-	11 719	
Subtotal	17 505	-	(5 786)	-	-	-	11 719	
TOTAL	3 810 206	140 614	(834 856)	-	-	-	3 115 964	

CONTINGENT LIABILITIES

- a) In response to operational challenges within the Office of the State Attorney, a new Legislative Framework was passed by Parliament on 7 February 2020. Subsequently, the Acting Solicitor-General was appointed on 16 March 2020 to head the Office of the State Attorney. Upon his assumption of duty, the ASG implemented a project to cleanse the contingent liability register by all State Attorney Offices, a project which is currently ongoing. The cleansing exercise entails the elimination of all cases that can be requested to be struck of the roll, frivolous and supplicate cases and those cases that can be prioritised for alternative dispute resolution.
- b) A procedure manual that guides the identification of cases that must make it to the contingent liability register will be developed in consultation with all the major client departments.
- c) The Acting Solicitor-General is furthermore prioritising discussing and agreeing on such matters at the Legal Forum, which consists of all the relevant National and Provincial Departments, so that consensus on the way forward, can be reached.
- d) The Acting Solicitor-General has also submitted a memorandum to Cabinet via the Minister of Justice and Correctional Services, expressing concern and a recommended way forward on the debt owed to the department by various departments and Government agencies.

**ANNEXURE 4
 CLAIMS RECOVERABLE**

Government Entity	Confirmed balance outstanding		Unconfirmed balance outstanding		Total		Cash in transit at year end 2019/20 *	
	31/03/2020	31/03/2019	31/03/2020	31/03/2019	31/03/2020	31/03/2019	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	198 431	319 736	454 992	370 765	653 425	690 501		(38 415)
Limpopo	21 856	7 389	132 673	108 937	154 529	116 326		(2 649)
Mpumalanga	7 343	7 110	1 722	20 912	9 065	28 022		(2 862)
Kwazulu Natal	9 669	14 489	1 469	915	11 138	15 404		(1 021)
Gauteng	81 763	54 696	440 531	360 584	522 294	415 280		-
North West	31 806	23 646	58 794	68 352	90 600	91 998		(890)
Free State	18 044	3 736	11 001	18 096	29 045	21 832		(231)
Western Cape	4 990	10 106	2 126	278	7 116	10 384		(3)
Eastern Cape	43 143	28 692	642 567	506 507	685 710	535 199		(2 324)
Northern Cape	4 118	867	5 091	7 885	9 209	8 752		
Agency Services Control Account	-	-	236 910	15 662	236 910	15 662		
PACE	17 231	6 883	-	-	17 231	6 883		
Salary Recoverable account	-	-	1 701	1 902	1 701	1 902		
Treasury	-	-	456	1 165	456	1 165		
OCJ	-	-	9 271	11 598	9 271	11 598		
TOTAL	438 394	477 350	1 999 306	1 493 558	2 389 305	1 970 908		48 395

ANNEXURE 5
INTER-GOVERNMENT PAYABLES

GOVERNMENT ENTITY	Confirmed balance outstanding		Unconfirmed balance outstanding		TOTAL		Cash in transit at year end 2019/20 *	
	31/03/2020	31/03/2019	31/03/2020	31/03/2019	31/03/2020	31/03/2019	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		597	-	597	-	597		
Department of Labour		25	-	25	-	25		
Department of Transport		25	-	25	-	25		
Government Printing Works		151	-	151	-	151		
Northern Cape Department of Roads and Public Works		7	-	7	-	7		
Gauteng Department of E Government		9	-	9	-	9		
Gauteng Infrastructure Development		30	-	30	-	30		
KZN Department of Education		-	-	-	-	-		
Free State Development of Health		10	-	10	-	10		
North West department of Social Development		25	-	25	-	25		
National School of Government		1 808	1 037	1 808	1 037	1 808		
Public Works	44 485	37 252	226 297	270 782	270 782	37 252		
Rural Development & Land Reform (Deeds)				24	-	24		
Rural Development & Land Reform				8	-	8		
Correctional Services	21 730	-	122 702	34	144 432	34		
Subtotal	66 215	37 252	350 036	2 753	416 251	40 005		

GOVERNMENT ENTITY	Confirmed balance outstanding		Unconfirmed balance outstanding		TOTAL		Cash in transit at year end 2019/20 *	
	31/03/2020	31/03/2019	31/03/2020	31/03/2019	31/03/2020	31/03/2019	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
TOTAL	66 215	37 252	350 036	2 753	416 251	40 005		
OTHER GOVERNMENT ENTITY								
Current								
Third Party Fund	2 050	-	-	-	2 050	-		
G Fleet	1 244	2 703	-	-	1 244	2 703		
Water & Sanitation Trading Acc	-	-	-	67	-	67		
IDT	1 016	13 856	-	-	1 016	13 856		
SIU	11 218	-	-	-	11 218	-		
Subtotal	15 528	16 559	-	67	15 528	16 559		
TOTAL INTERGOVERNMENT PAYABLES	81 743	53 811	350 036	2 820	431 779	56 631		

**ANNEXURE 6
INVENTORIES**

Inventories for the year ended 31 March 2020	Insert major category of inventory R'000	TOTAL R'000			
Opening balance					
Add/(Less): Adjustments to prior year balances					
Add: Additions/Purchases - Cash					
Add: Additions - Non-cash					
(Less): Disposals					
(Less): Issues					
Add/(Less): Received current not paid (Paid current year received prior year)					
Add/(Less): Adjustments					
Closing balance					

Include discussion where deemed relevant

Inventories for the year ended 31 March 2019	Insert major category of inventory R'000	TOTAL R'000			
Opening balance					
Add/(Less): Adjustments to prior year balances					
Add: Additions/Purchases - Cash					
Add: Additions - Non-cash					
(Less): Disposals					
(Less): Issues					
Add/(Less): Received current not paid (Paid current year received prior year)					
Add/(Less): Adjustments					
Closing balance					

Include discussion where deemed relevant

ANNEXURE 7
MOVEMENT IN CAPITAL WORK- IN-PROGRESS
MOVEMENT IN CAPITAL WORK-IN-PROGRESS FOR THE YEAR ENDED 31 MARCH 2020

	Opening balance	Current Year Capital WIP	Ready for use (Asset register) / Contract terminated	Closing balance
	R'000	R'000	R'000	R'000
BUILDINGS AND OTHER FIXED STRUCTURES	1 040 029	3 705	(1 043 734)	-
Dwellings	-	-	-	-
Non-residential buildings	1 040 029	3 705	(1 043 734)	-
Other fixed structures	-	-	-	-
TOTAL	1 040 029	3 705	(1 043 734)	-

MOVEMENT IN CAPITAL WORK-IN-PROGRESS FOR THE YEAR ENDED 31 MARCH 2019

	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
BUILDINGS AND OTHER FIXED STRUCTURES	1 525 601	-	154 535	(640 107)	1 040 029
Dwellings	-	-	-	-	-
Non-residential buildings	1 525 601	-	154 535	(640 107)	1 040 029
Other fixed structures	-	-	-	-	-
TOTAL	1 525 601	-	154 535	(640 107)	1 040 029

ANNEXURE 8A
INTER-ENTITY ADVANCES PAID (note 14)

ENTITY	Confirmed balance outstanding		Unconfirmed balance outstanding		TOTAL	
	31/03/2020	31/03/2019	31/03/2020	31/03/2019	31/03/2020	31/03/2019
	R'000	R'000	R'000	R'000	R'000	R'000
NATIONAL DEPARTMENTS						
GCS	-	-	15 077	5 017	15 077	5 017
DIRCO	-	-	2 733	2 858	2 733	2 858
Subtotal	-	-	17 810	7 875	17 810	7 875
TOTAL	-	-	17 810	7 875	17 810	7 875

ANNEXURE 8B
INTER-ENTITY ADVANCES RECEIVED (note 21 AND note 22)

ENTITY	Confirmed balance outstanding		Unconfirmed balance outstanding		TOTAL	
	31/03/2020	31/03/2019	31/03/2020	31/03/2019	31/03/2020	31/03/2019
	R'000	R'000	R'000	R'000	R'000	R'000
NATIONAL DEPARTMENTS						
Current						
Subtotal						
Non-Current						
Subtotal						
PROVINCIAL DEPARTMENTS						
Current						

ENTITY	Confirmed balance outstanding		Unconfirmed balance outstanding		TOTAL	
	31/03/2020 R'000	31/03/2019 R'000	31/03/2020 R'000	31/03/2019 R'000	31/03/2020 R'000	31/03/2019 R'000
Subtotal						
Non-Current						
Subtotal						
PUBLIC ENTITIES						
Current						
Subtotal						
Non-Current						
Subtotal						
OTHER ENTITIES						
Current						
Subtotal						
Non-Current						
Subtotal						
TOTAL						
Current						
Non-current						



RP 397/20
ISBN: 978-0-621-48934-7

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPEMENT

Tel: 012 315 1111
Private Bag X81, Pretoria, 0001
Momentum Centre, 329 Pretorius Street, Pretoria
www.justice.gov.za Follow us on  