



# Annual Report 2021 | 2022

The Department of Justice and Constitutional Development



**the doj & cd**  
Department:  
Justice and Constitutional Development  
REPUBLIC OF SOUTH AFRICA





**the doj & cd**

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

# Annual Report

**Annual Report for 2021/22 Financial Year**

Vote 25: Department of Justice and Constitutional Development



# CONTENTS



## CONTENTS

### PART A: GENERAL INFORMATION

1.	GENERAL INFORMATION	3
2.	LIST OF ABBREVIATIONS/ACRONYMS	4
3.	FOREWORD BY THE MINISTER	7
4.	DEPUTY MINISTER STATEMENT	9
5.	REPORT OF THE ACCOUNTING OFFICER	10
6.	STATEMENT OF RESPONSIBILITY AND CONFIRMATION OF ACCURACY FOR THE ANNUAL REPORT	18
7.	STRATEGIC OVERVIEW	19
8.	LEGISLATIVE AND OTHER MANDATES	19
9.	ORGANISATIONAL STRUCTURE	22
10.	ENTITIES REPORTING TO THE MINISTER	23

### PART B: PERFORMANCE INFORMATION

1.	AUDITOR GENERAL'S REPORT: PREDETERMINED OBJECTIVES	25
2.	OVERVIEW OF DEPARTMENTAL PERFORMANCE	25
3.	ACHIEVEMENT OF INSTITUTIONAL IMPACTS AND OUTCOMES	25
4.	INSTITUTIONAL PROGRAMME PERFORMANCE INFORMATION	41
5.	TRANSFER PAYMENTS	111
6.	CONDITIONAL GRANTS	112
7.	DONOR FUNDS	113
8.	CAPITAL INVESTMENT	114

## **PART C: PERFORMANCE INFORMATION**

1.	INTRODUCTION	<b>117</b>
2.	RISK MANAGEMENT	<b>117</b>
3.	FRAUD AND CORRUPTION	<b>117</b>
4.	MINIMISING CONFLICT OF INTEREST	<b>117</b>
5.	CODE OF CONDUCT	<b>117</b>
6.	HEALTH SAFETY AND ENVIRONMENTAL ISSUES	<b>118</b>
7.	BUSINESS CONTINUITY MANAGEMENT	<b>118</b>
8.	PORTFOLIO COMMITTEES	<b>119</b>
9.	SCOPA RESOLUTIONS	<b>143</b>
10.	PRIOR MODIFICATIONS TO AUDIT REPORTS	<b>143</b>
11.	INTERNAL CONTROL UNIT	<b>144</b>
12.	INTERNAL AUDIT AND AUDIT COMMITTEES	<b>144</b>
13.	AUDIT COMMITTEE REPORT	<b>146</b>
14.	B-BBEE COMPLIANCE PERFORMANCE INFORMATION	<b>148</b>

## **PART D: HUMAN RESOURCE MANAGEMENT**

1.	INTRODUCTION	<b>150</b>
2.	OVERVIEW OF HUMAN RESOURCES	<b>150</b>
3.	HUMAN RESOURCES OVERSIGHT STATISTICS	<b>155</b>

## **PART E: FINANCIAL INFORMATION**

1.	REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON VOTE NO. 25: DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT	<b>187</b>
2.	ANNUAL FINANCIAL STATEMENTS	<b>194</b>

# PART A:

## GENERAL INFORMATION

**PHYSICAL ADDRESS:** 316 Thabo Sehume Street  
c/o Thabo Sehume and Francis Baard Streets  
PRETORIA

**POSTAL ADDRESS:** Private Bag X81  
PRETORIA  
0001

**TELEPHONE NUMBER/S:** Switchboard: 027 (0)12 406 1600  
Reception: 027(0)12 406 4696

**E-MAIL ADDRESS:** [webmaster@justice.gov.za](mailto:webmaster@justice.gov.za)

**WEBSITE ADDRESS:** [www.justice.gov.za](http://www.justice.gov.za)



## 2. LIST OF ABBREVIATIONS/ACRONYMS

<b>ACTT</b>	Anti-Corruption Task Team
<b>ADR</b>	Alternative Dispute Resolution
<b>ADRM</b>	Alternative Dispute Resolution Mechanism
<b>AFU</b>	Asset Forfeiture Unit
<b>AGSA</b>	Auditor General South Africa
<b>APP</b>	Annual Performance Plan
<b>AVR</b>	Audio-Visual Remand Solution
<b>B-BBEE</b>	Broad-based Black Economic Empowerment
<b>BCMI</b>	Business Continuity Management Instruction
<b>BCSDI</b>	Branch Coordination and Service Delivery Improvement
<b>BEC</b>	Bid evaluation committee
<b>BIA</b>	Business Impact Analysis
<b>CARA</b>	Criminal Assets Recovery Account
<b>CAT</b>	Convention against torture
<b>CFO</b>	Chief financial officer
<b>CJS</b>	Criminal justice system
<b>CLO</b>	Chief litigation officer
<b>COGTA</b>	Department of Corporate Governance and Traditional Affairs
<b>CPO</b>	Court Preparation Officer
<b>CRMA</b>	Criminal and Related Matters Amendment
<b>CTA</b>	Certificate in the Theory of Accounting
<b>DBA</b>	Doctor of Business Administration
<b>DBAC</b>	Departmental Bid Adjudication Committee
<b>DCS</b>	Department of Correctional Services
<b>DFI</b>	Department of Justice Financial Instructions
<b>DG</b>	Director-General
<b>DHA</b>	Department of Home Affairs
<b>DIRCO</b>	Department of International Relations and Cooperation
<b>DMP</b>	Disaster management plan
<b>DNA</b>	Deoxyribonucleic acid
<b>DOJCD</b>	Department of Justice and Constitutional Development
<b>DPCI</b>	Directorate for Priority Crime Investigation
<b>DPP</b>	Director of Public Prosecutions
<b>DPSA</b>	Department of Public Service and Administration
<b>DPWI</b>	Department of Public Works & Infrastructure
<b>DSD</b>	Department of Social Development
<b>DVA</b>	Domestic Violence Amendment Bill
<b>DWYPD</b>	Department of Women, Youth and Persons with Disabilities
<b>DWYPD</b>	Department of Women, Youth and Persons with Disabilities
<b>EC</b>	Eastern Cape
<b>EME</b>	Exempted micro enterprise
<b>ERM</b>	Enterprise risk management
<b>EXCO</b>	Executive Management Committee
<b>FATF</b>	Financial Action Task Force
<b>FIC</b>	Financial Intelligence Centre
<b>FSL</b>	Forensic Sciences Laboratory
<b>FY</b>	Fiscal Year

<b>GBV</b>	Gender-based violence
<b>GBVF</b>	Gender-based violence and femicide
<b>GCIS</b>	Government Communication and Information System
<b>HR</b>	Human resource
<b>HRD</b>	Human resource development
<b>HSRC</b>	Human Sciences Research Council
<b>ICERD</b>	International Convention on the Elimination of All Forms of Racial Discrimination
<b>ICESCR</b>	International Covenant on Economic Social and Cultural Rights
<b>ICMS</b>	Integrated case management system
<b>ICT</b>	Information and communications technology
<b>ID</b>	Investigating Directorate
<b>IDT</b>	Independent Development Trust
<b>IJS</b>	Integrated justice system
<b>IMTT</b>	Inter-Ministerial Task Team
<b>IPAC</b>	Independence, Professional, Accountable and Credible
<b>ISM</b>	Information system management
<b>IT</b>	Information technology
<b>IWT</b>	Illegal Wildlife Trafficking
<b>JCPS</b>	Justice, Crime Prevention and Security
<b>KPI</b>	Key performance indicator
<b>KZN</b>	Kwa-Zulu Natal
<b>LASA</b>	Legal Aid South Africa
<b>LERMS</b>	Legal and Employee Relations Management Services
<b>LGBTIQ+</b>	lesbian, gay, bisexual, transgender, queer and intersexed
<b>LPA</b>	Legal Practice Act
<b>MBA</b>	Master of Business Administration
<b>MEC</b>	Member of Executive Council
<b>MMS</b>	Middle management services
<b>MOVIT</b>	Masters' Own Verification Technology
<b>MP</b>	Mpumalanga
<b>MTSF</b>	Medium Term Strategic Framework
<b>NAP</b>	National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance
<b>NC</b>	Northern Cape
<b>NCOP</b>	National Council of Provinces
<b>NDP</b>	National Development Plan
<b>NDPP</b>	National Director of Public Prosecutions
<b>NMDC</b>	National Disaster Management Centre
<b>NOCIMT</b>	National Operation Centre Information Monitoring Tool
<b>NPA</b>	National Prosecuting Authority
<b>NPD</b>	Non-Prosecution Decisions
<b>NPS</b>	National Prosecutions Service
<b>NRSO</b>	National register for sexual offenders
<b>NSP</b>	National Strategic Plan
<b>NSP</b>	National strategic plan
<b>OCJ</b>	Office of the Chief Justice
<b>OCM</b>	Office of Chief Master
<b>OSA</b>	Office of the State Attorney
<b>OWP</b>	Office for Witness Protection
<b>PAIA</b>	Promotion of Access to Information Act
<b>PCLU</b>	Priority Crimes Litigation Unit

<b>PDI</b>	Previously disadvantaged individual
<b>PEAS</b>	Paperless Estates Administration System
<b>PEC</b>	Public education and communications
<b>PFMA</b>	Public Finance Management Act
<b>PIVA</b>	Person Identification and Verification Application
<b>POA</b>	Programme of action
<b>POCA</b>	Prevention of Organised Crime Act
<b>PPE</b>	Personal protective equipment
<b>PPP</b>	Public partnership policy
<b>PPFA</b>	Preferential Procurement Policy Framework Act
<b>PRVG</b>	Promotion of the rights of the vulnerable groups
<b>PRVP</b>	Protection of the rights of vulnerable persons
<b>QSE's</b>	Qualifying small enterprise
<b>RAP</b>	Risk adjusted plan
<b>RDP</b>	Reconstruction and development programme
<b>RICA</b>	Regulation of Interception of Communications Act
<b>ROSC</b>	Regional operation committee
<b>SABC</b>	South African Broadcasting Corporation
<b>SAHRC</b>	South African Human Rights Commission
<b>SALRC</b>	South African Law Reform Commission
<b>SAMLIT</b>	South African Anti-Money Laundering Integrated Task Force
<b>SAPS</b>	South African Police Service
<b>SARS</b>	South African Revenue Service
<b>SASSA</b>	South African Social Security Agency
<b>SCA</b>	Supreme Court of Appeal
<b>SCC</b>	Small Claims Court
<b>SCCC</b>	Specialised Commercial Crimes Court
<b>SCCU</b>	Specialised Commercial Crime Unit
<b>SCM</b>	Supply chain management
<b>SCOPA</b>	Standing committee on public accounts
<b>SEJA</b>	Socioeconomic justice for all
<b>SHERQ</b>	Safety Health Environment Risk & Quality
<b>SIU</b>	Special Investigating Unit
<b>SMS</b>	Senior management service
<b>SOCA</b>	Sexual offences and community affairs
<b>SONA</b>	State of the Nation Address
<b>SOP</b>	Standard operating procedure
<b>TCC</b>	Thuthuzela Care Centre
<b>TOR</b>	Terms of reference
<b>TRC</b>	Truth and Reconciliation Commission
<b>UNCRPD</b>	United Nations Convention on the Rights of Persons with Disabilities
<b>VIS</b>	Victim Impact Statements
<b>VPS</b>	Virtual Platforms Solution
<b>WC</b>	Western Cape
<b>WLCT</b>	Women's Legal Centre Trust
<b>WSP</b>	Workplace skills plan

### 3. FOREWORD BY THE MINISTER



**Mr Ronald Lamola**  
Minister Justice and Correctional Services

The year, 2021 marked a significant landmark in South Africa’s history. It marked the 25th anniversary of the signing of the South African Constitution in 1996, a landmark in the transition from apartheid to constitutional democracy.

Knowledge of the Constitution remains a high priority within our constitutional development programme. For the year under review, initiatives to raise awareness of the Constitution have been undertaken through community radio stations, television and other media platforms to ensure that people understand their rights.

The 2021-22 financial year was challenging for the Department as it was characterised by a ransomware attack in August 2021, which impacted the Department’s operations. Therefore, we had to work hard to restore the systems in order for service delivery to continue. It is important for the Department to improve operational effectiveness within the service delivery environment through the use of information and communications technology (ICT).

Transforming state legal services is one of the key initiatives that will enable the government to build capable state legal services and address organisational challenges within the State Attorney environment, in particular to state litigation contingent liability.

During the period under review, the policy on management on the state litigation contingent liability was finalised in order to manage the escalation of contingent liabilities. Furthermore, the Briefing and Outsourcing of Legal Work and Initiating, Defending, and Opposing of Matters policies were finalised and

will be submitted to Cabinet for endorsement during the 2022/23 financial year. Access to justice services remains a priority for the Department. During 2021/22 financial year, a total of six courts, **Bityi and Dimbaza courts in Eastern Cape, Booyens and Lenasia courts in Gauteng, Magudu and Nsuze courts** in KwaZulu-Natal were converted from periodical courts into full services courts.

#### **Apartheid era boundaries are being shifted**

This project has been implemented in all the nine (9) provinces, entails the reconfiguration and redetermination of the courts’ jurisdictional boundaries in accordance with the Constitution. Prior to 1994 the magisterial districts were determined in a manner that created a separate inferior justice system and courts for people living in the defunct Homelands, self-governing states and Black townships.

The old-era demarcations compel communities in these areas to travel long distances at a huge cost to obtain legal redress and to access justice related services at the courts in the secluded areas. Through the RMD Project communities’ new inclusive magisterial districts are created in line with the new municipal boundaries determined by the Municipal Demarcation Board.

Through the rationalisation of magisterial districts project, the people residing in Diepsloot, who were previously compelled to travel to Pretoria Magistrate Court located in the City of Tshwane to access justice services, can now access justice services at Randburg Magistrate Court located with the City of Johannesburg Metropolitan Municipality.

#### **The Rationalization of the Areas of Jurisdiction of the Divisions of the High Court**

The legacy of spatial injustices impedes access to courts for communities who reside in the areas that formed part of the defunct homelands and self-governing territories, as well as remote rural villages.

Some of the High Courts which still exercise jurisdiction over the defunct homelands is equally important. These communities are forced to travel long distances, at a huge cost, to obtain legal redress and to access justice related services at the high courts. For example:

- The people of Odi and Moretele are still compelled to travel long distances access High Court services in Mafikeng, leaving the closest high court in Pretoria;
- The people residing in the areas of, Cathcart, East London, King Williamstown, Komga (Queenstown); and Stutterheim are still compelled to travel long distances to access high court services at Makhanda, leaving the closest high court at Bisho; similarly,
- The communities residing in the areas of Barkley East, Elliot, Indwe, Maclear and Ugie are compelled to travel long distances to access high court service at Makhanda, leaving the closest high court at Mthatha.

In order to address the challenges of distances that are travelled by some citizens in order to access certain high courts, I have, in June 2021, appointed a Committee on the Rationalisation of Areas under the Jurisdiction and Judicial Establishments chaired by the retired Deputy Chief Justice, Dikgang Moseneke, to address some of the anomalies posed by the pre 1994 spatial injustice.

This is with a view to rationalise the areas under the jurisdiction of the Divisions of the High Court and their judicial establishments, as an imperative to enhance access to justice. The Committee will further advise me of any factor that I may consider in establishing additional Local Seats as required by Section 6(3) of the Superior Court Act, 2013, with a view to increase access to high court services.

I am certain that the rationalisation of Divisions of the High Court courts, including the re-organization of their territorial jurisdictions, will have far-reaching consequences for our justice system as well as to the manner in which other entities including the Legal Aid South and the National Prosecuting Authority interacts with the justice system.

I was advised by the Chairperson of the Committee, Justice Moseneke, that consultations with the Judges President of the Divisions and other key stakeholders are unfolding, to ensure that these entities align the functions based on the outcomes of this process, after I have implemented the changes. I was further advised that the first report will be submitted end October 2022 and the last report by end of April 2023.

The NPA is committed to dealing robustly with Gender-Based Violence (GBV) and other crime that undermine people's sense of safety. The Thutuzela Care Centres are instrumental in this regard. The Thutuzela Care Centre model is regarded as an international best practice model in dealing with sexual offence matters holistically. The model in its objectives focus on minimizing secondary victimization of the victims once entering the system.

This is achieved through quality trauma containment assistance to victims, forensic medical examinations, the reduction of case cycle periods in the finalization of the cases and to improve the convictions of these cases. Over the past 12 years in TCC reported and prosecuted matters the conviction rate for sexual offences was increased from 60% in 2010 to 76% in 2022. Significant progress has been made in this area.

The fight against corruption continues to be a key priority for government, since the global phenomenon impedes service delivery, undermine the rule of law and costs South Africans trillions in monetary value. In the 2021/2022 financial year, the Department established a further three (3) new SCCCs in Eastern Cape (Mthatha and East London) and in KwaZulu-Natal (Pietermaritzburg) as well as fully capacitating the existing SCCCs in Gauteng (Pretoria North and Palmridge).

The Zondo Commission reports highlight the imperative of effective responses to corruption, especially the prosecution of high-level corruption and complex cases. In response, the NPA has established a task force to coordinate responses and ensure that seminal cases are prioritised for prosecution and asset recovery.

The NPA's prioritisation of high-level corruption matters is underpinned by a comprehensive implementation plan that includes: a focus on capacitating the NPA; skills development; internal and external collaboration; increased impact of asset recovery; effective communication on corruption cases; and raising staff morale to enhance employee productivity.

The efficacy of these institutions are without doubt beginning to improve for the better in the past year we have seen a major improvement in the finalisation of corruption cases at other levels, in particular:

- The Specialised Commercial Crimes Unit (SCCU) finalised 380 cases with 344 convictions – a conviction rate of 90.5%.
- The number of government officials convicted of corruption increased by 38.4% (from 86 to 119) year-on-year.
- Our performance in private sector corruption prosecution improved by 39.5% (from 147 to 205 people convicted).

Two areas of focus relate to the Department's audit qualification and performance, as they make a significant contribution to the Department's strategic focus.

The Department will continue to build administrative capacity to ensure that an unqualified audit is achieved by the end of 2022/23 financial year. We will continue to focus our strategic interventions towards the achievement of departmental outcomes.

Let me take this opportunity to thank the Director General, Adv Doctor Mashabane, staff and all stakeholders for their support in this unprecedented financial year.

I wish to thank the Deputy Minister of the Department of Justice and Constitutional Development, Honourable John Jeffrey for his support throughout the financial year.



**Mr Ronald Lamola, MP**

Minister of Justice and Correctional Services  
31 July 2022

## 4. DEPUTY MINISTER STATEMENT



**Mr John Jeffery, MP**

Deputy Minister of the Department of Justice and Constitutional Development

**Over the past two years we have had to come to grips with Covid-19 and new ways of delivering justice in a South Africa in challenging circumstances.**

In addition, we suffered the effects of a cyber-attack which had a negative impact on service delivery. Our main focus has always been, and still remains, the optimal functioning of our courts and the justice system as well as the protection of human rights and vulnerable groups.

In January 2022 the President assented to the Criminal Law (Sexual Offences and Related Matters) Amendment Act, the Criminal and Related Matters Amendment Act and the Domestic Violence Amendment Act. The enacted legislation is a deliverable from the National Strategic Plan of Gender-based Violence and Femicide, which was called for at the November 2018 Presidential Summit against Gender-Based Violence and Femicide (GBVF). The National Assembly subsequently undertook to consider together three Bills as part of legislative measures to strengthen South Africa's response to GBV. Following the enactment of three gender-based violence bills, the Department is working around the clock to implement the provisions of these acts.

We are also working closely with the key stakeholders in our Magistrates Courts to ensure that we finalise the maximum number of cases that we are able to during this period.

The Magistrates' Courts continue to grapple with case backlogs and there is a continuous and on-going focus by the Department and our stakeholders on reducing the backlog cases and the prioritisation of matters involving GBVF, matters involving children as well as corruption-related matters. We continue with the implementation of measures to bring down the backlogs. As part of the measures underway, the Department has procured over new laptops and the requisite data and IT equipment for use by magistrates. Regular meetings of all the stakeholders held to discuss ways of unblocking operational challenges for the lower courts to function optimally.

Our magistrates have to perform their duties at the very coalface of justice.

The Department has prioritised the Magistrates Bill which is aimed at replacing the Magistrates Act of 1993, in order to engage with, and obtain the inputs of, the interested role-players, including those of the superior courts' judiciary. This Bill will be accompanied by a Lower Courts Bill that is aimed at replacing the Magistrates' Courts Act of 1944.

It is common cause that all legislative provisions pertaining to the Superior Courts and the judiciary of those courts were framed after our transition to democracy in 1994. The post-1994 constitutional order elevated the constitutional status of the magistracy. Magistrates' Courts are specifically mentioned in section 166 of the Constitution as forming part of the Republic's judicial system. Magistrates are therefore just as much part of the judicial authority as the judges of the superior courts.

The Magistrates Act, 1993, emanates from an era before the advent of the new constitutional dispensation in South Africa. The Magistrates' Courts Act, 1944, has been amended on various occasions, but because it is still archaic, it is necessary to review the whole Act. Progress has been made in this area of work which is intended to transform the statutory framework regulating the structure and functioning of the lower courts and enhancing the independence, impartiality, dignity, accessibility and effectiveness of the lower courts.

Access to justice remains at the heart of the work of this Department and we are committed to further enhancing service delivery and access to justice services for all.

A handwritten signature in black ink, appearing to read 'J. Jeffery', written over a horizontal line.

**Mr John Jeffery, MP**

Deputy Minister of the Department of Justice and Constitutional Development

31 July 2022

## 5. REPORT OF THE ACCOUNTING OFFICER



### Advocate Doc Mashabane

Director-General: Department of Justice And Constitutional Development

### Overview of the operations of the department

The year under review presented a number of challenges regarding the service delivery environment. The Department's Information and Communications Technology (ICT) was compromised, resulting in not all ICT systems being available to officials between 06 September and 30 October 2021 plus the ongoing COVID-19 pandemic. This resulted in some of the planned targets being negatively impacted. In addition, the country also experienced disruptive protests related to the incarceration of the former president, in the KwaZulu-Natal and Gauteng provinces in mid-July 2021.

However, the Department has taken significant actions to enhance performance and service delivery. Despite the improvement in performance, the Department continues to face significant challenges in the service delivery environment.

The Department's overall performance is on an upward trajectory, with 79% of the planned targets achieved, compared to 66% in the previous financial year. I am confident that we have the momentum and committed leadership to deliver on the Department's strategic goals at the end of MTSF cycle.

The year 2021 presented a significant landmark in the creation of the constitutional democracy in South Africa and marked several significant milestones in our emerging democracy, including the commemoration of the 25th anniversary of the signing of the Constitution into law. The Department has developed a year-long programme to commemorate the 25th anniversary of the Constitution that was approved by Cabinet on 12 May 2021. As a result, a number of planned activities were carried out and important events were commemorated during the year.

In addition, the Department has undertaken community programmes to raise awareness of the Constitution, the rule of law and justice services. By the end of the financial year, 371 communication activities had been completed.

This financial year was declared "The year of the Community." We have embarked on countrywide road shows at the regional offices and the courts to assess the challenges associated with services delivery in order to respond to the issues that affect the Department.

The roadshows will continue in the next financial years to offer concrete interventions that will alleviate the distress of those receiving justice services.

The Department has developed a turnaround strategy to respond to the challenges identified. Notable progress has been achieved in implementing the key deliverables.

Modernising of justice services through the use of digital capabilities continues to be a priority, despite the challenges posed by aging ICT infrastructure and the ransomware attack. The Department continues to prioritise and enhance the system security and build on a strong foundation of ICT infrastructure.

During the reporting period, the following online services were developed and piloted:

- **Maintenance Online Services** - piloted at the Branch Court Point (Durban) with walk-in public, utilising kiosks that were set up at the court.
- **Deceased Estates and Trusts Online Services** - piloted at the Masters Office (Pretoria), with identified trusted agents utilising the online portal.
- **Expungement of Criminal Records Online Services** - piloted at the National Office Legal Services component, with walk-in public utilising kiosks.
- **NRSO Online Services** - during 2021/22 - piloted at the National Registrar's Office, with SACE (South African Council of Educators).
- **Civil Online Services** - piloted at Polokwane Magistrates Court with identified Legal Aid attorneys that utilised the online portal.

The prolonged departmental procurement processes as well as SITA procurement process have negatively impacted the delivery of some modernised projects and service delivery, as a result, the target for Courts Audio-Visual Solution (CAVS) was not achieved and the Court Recording Systems (CRT) were also affected, resulting in postponement of cases. The interventions were put in place to accelerate the procurement processes.

A significant area of success for the Department is the deployment of 443 cashless solutions. This approach reduces the amount of money processed through points of service and thus minimises the risk of theft and robberies.

In effect, to increase access to justice services, the Department is gradually developing a court system that takes into account reasonable accommodation for persons with disabilities to ensure equal enjoyment of the right to equal protection and equal benefit of fundamental rights and freedoms for all.

In the 2021/22 financial year, a total of 78 courts were established to comply with the strategy on universal access for persons with disabilities.

During the reporting period, the Department converted six branch courts into full-service courts. The conversion of certain places for the holding of courts (branch courts) into full-service courts is a significant milestone in enhancing access to justice in South Africa. Having full-service courts closer to the people will ultimately make justice more accessible to the public.

The maintenance and construction of infrastructure is compounded by numerous challenges, such as the failure of service providers, unavailability of daily court maintenance, etc.

The other major project is to capacitate the courts and service points as they are the face of the Department and access to justice gets affected in those areas.

## Overview of the financial results of the Department:

### Departmental receipts

Departmental receipts	2021/2022			2020/2021		
	Estimate	Actual amount collected	(Over)/Under collection	Estimate	Actual amount collected	(Over)/Under collection
	R'000	R'000	R'000	R'000	R'000	R'000
Tax receipts	-	-	-	-	-	-
Casino taxes	-	-	-	-	-	-
Horse racing taxes	-	-	-	-	-	-
Liquor licences	-	-	-	-	-	-
Motor vehicle licences	-	-	-	-	-	-
Sale of goods and services other than capital assets	73 088	175 586	(102 498)	106 050	118 949	(12 899)
Transfers received	3 000	3 906	(906)	-	1 422	(1 422)
Fines, penalties and forfeits	85 240	161 526	(76 286)	172 383	191 246	(18 863)
Interest, dividends and rent on land	4 000	4 964	(964)	6 136	3 066	3 070
Sale of capital assets		13	(13)	-	282	(282)
Financial transactions in assets and liabilities	6 700	19 387	(12 687)	29 906	22 370	7 536
<b>Total</b>	<b>172 028</b>	<b>365 382</b>	<b>(193 354)</b>	<b>314 475</b>	<b>337 335</b>	<b>(20 097)</b>

## Programme expenditure

Programme name	2021/2022			2020/2021		
	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	2 985 562	2 754 748	230 814	2 920 749	2 704 685	216 064
Court services	6 751 609	6 680 208	71 401	6 373 234	6 204 613	168 621
State legal services	1 457 036	1 372 842	84 194	1 454 823	1 374 690	80 133
National Prosecuting Authority	4 691 159	4 690 923	236	4 300 819	4 196 852	103 967
Auxiliary & associated services	3 623 342	3 601 628	21 714	3 616 658	3 404 641	212 017
Programme subtotal	19 508 708	19 100 349	408 359	18 666 283	17 885 481	780 802
Statutory appropriation: Magistrates' salaries	2 396 489	2 174 511	221 978	2 442 459	2 146 761	295 698
Total	21 905 197	21 274 860	630 337	21 108 742	20 032 242	1 076 500

The Department's final expenditure for the financial year 2021/22 amounted to R21.275 billion against the final appropriation amounting to R21.905 billion. This translates to an expenditure performance of 97.1 % and the resultant underspending of R630 million. The recorded performance is 2.2 % above the previous financial year performance of 94.9%

### The recorded under spending is mainly due to the following reasons:

- Vacant posts across all programmes, the magistrates' salaries and lower than anticipated payment of performance bonuses;
- Less than anticipated expenditure on private leases and municipal services, delays in awarding the procurement of ICT licenses (Citrix and Trend) and ICT Services (ICT Central Support, Service Desk and Security Support Services) as well as the underperformance of IJS/CJS (Transversal);
- Lower than anticipated payments for leave gratuity resulting from natural attrition for magistrates;
- Slow progress by the Department of Public Works and Infrastructure in implementing planned court infrastructure projects.

### Virements/rollovers

#### • Request for rollovers

The Department requested rollovers in respect of invoices relating to financial year 2020/21 which relates to the investigators and evidence leaders for the Commission of Inquiry into State Capture. A total amount of R56.695 million was approved and rolled over into the 2021/22 financial year in this regard.

The below table provides a summary of virements implemented during financial year-end.

ACCOUNTING OFFICER FINAL VIREMENTS /SHIFTS APPROVAL IN TERMS OF SECTION 43 OF THE PFMA: 2021/22 FINANCIAL YEAR					
From			To		
Programmes	Economic classification	Amount '000	Programmes	Economic classification	Amount '000
<b>Programme 1</b>					
Virements/shifts between the programmes	Compensation of employees	(6 498)	Programme 4	Transfers & Subsidies	6 498
	Goods & Services	(160 287)	Programme 2	Goods & Services	32 239
			Programme 3	Goods & Services	3 246
				Payments for financial assets	26 273

ACCOUNTING OFFICER FINAL VIREMENTS /SHIFTS APPROVAL IN TERMS OF SECTION 43 OF THE PFMA: 2021/22 FINANCIAL YEAR					
From			To		
Programmes	Economic classification	Amount '000	Programmes	Economic classification	Amount '000
			Programme 4	Goods & Services	93 239
				Payments for financial assets	5 290
<b>Total</b>		<b>(166 785)</b>			<b>166 785</b>
<b>Programme 2</b>					
Virements/shifts between the programmes	Transfers & Subsidies	(4 820)	Programme 1	Transfers & Subsidies	1 687
			Programme 4	Transfers & Subsidies	3 133
	Payment for capital assets	(43 228)	Programme 1	Payment for capital assets	10 010
			Programme 5	Payment for capital assets	33 218
<b>Total</b>		<b>(48 048)</b>			<b>48 048</b>
<b>Programme 3</b>					
Virements/shifts between the programmes	Transfers & Subsidies	(1 543)	Programme 4	Transfers & Subsidies	1 543
	Payment for capital assets	(1 411)	Programme 5	Payment for capital assets	1 411
<b>Total</b>		<b>2 954</b>			<b>2 954</b>
<b>Programme 4</b>					
Virements/shifts between the programmes	Payment for capital assets	(10 636)	Programme 5	Payment for capital assets	10 636
<b>Total</b>		<b>(10 636)</b>			<b>10 636</b>
<b>Programme 5</b>					
Virements/shifts between the programmes	Goods & Services (Modernisation)	(68 988)	Programme 3	Payments for financial assets	12 521
			Programme 4	Goods & Services	56 467
<b>Total</b>		<b>(68 988)</b>			<b>68 988</b>
<b>Total Virements</b>		<b>(297 411)</b>			<b>297 411</b>

## • Reasons for the virement

### Programme 1

- The programme's net under spending amounts to R230.8 million which is mainly on Goods and Services. The under spending is utilised as follows:
- A further savings amounting to R602 thousand is shifted from goods and services to payments for financial assets (R264 thousand) and payment for capital assets (R338 thousand) within the programme.

**Further, a saving of R166.8 million is shifted out of the programme as follows:**

- Compensation of employees: A saving amounting to R6.5 million is shifted to defray excess expenditure on transfers and subsidies in programme 4.
- Goods and Services: A saving amounting to R160.3 million was shifted to defray excess expenditure on, programme 2 (R32.2 million) to defray excess expenditure on security services, R26.3 million and R3.3 million to defray excess expenditure on payment for financial assets and legal costs in programme 3, respectively, R5.3 million and R93.2 million to defray excess expenditure on payments for financial assets and the renewal for software licenses in programme 4.

In total, the programme is shifting out an amount of R166.8 million.

**Programme 2**

The programme’s net under spending amounts to R71.4 million which is mainly on compensation of employees and payments for capital assets. The under spending is utilised as follows:

- Goods and services: A saving amounting to R2.5 million was shifted to defray excess expenditure on payments for financial assets within the programme.

**Further, A Saving of R48 million is shifted out of the programme as follows:**

- Transfers and subsidies: A saving amounting to R1.7 million and R3.1 million are shifted to defray excess expenditure on transfers and subsidies in Programme 1 and 4 respectively.
- Payment for capital assets: A saving amounting to R10 million and R33.2 million is shifted to defray excess expenditure on payments for capital assets in on procurement a server in the Commission of Inquiry into the Allegations of State Capture and procurement of intangible assets in programme 1 and 5 respectively.

In total, the programme is shifting out an amount of R48 million.

**Programme 3**

The programme’s net under spending amounts to R84.2 million which is mainly on compensation of employees. The under spending is utilised as follows:

- Goods and Services: A saving amounting to R14 thousand is shifted to defray excess expenditure on payments for financial assets within the programme

**Further, A Saving of R2.9 million is shifted out of the programme as follows:**

- Transfers and subsidies: A saving amounting to R1.5 million is shifted to defray excess expenditure on transfers and subsidies in Programmes 4.
- Payment for capital assets: A saving amounting to R1.4 million is shifted to defray excess expenditure on payment for capital assets (intangible assets) in programme 5.

In total, the programme is shifting out an amount of R2.9 million.

**Programme 4**

The programme’s net under spending amounts to R236 thousand which is mainly on transfers and subsidies.

- Compensation of employees: A saving amounting to R2.5 million is shifted to defray excess expenditure on transfers and subsidies within the programme.
- A further saving amounting to R10.6 million is shifted out of the programme to defray excess expenditure on payment for capital assets (intangible assets) in programme 5.
- In total, the programme is shifting out an amount of R10.6 million.

**Programme 5**

The programme’s net under spending amounts to R21.7 million. The under spending is utilised as follows:

- Goods and Services: A saving amounting to R167.3 million is shifted to defray excess expenditure on payment for capital assets on IJS/CJS (R160.9 million) and modernisation (R6.4 million), within the programme.

**Further, A Saving of R69 million is shifted out of the programme as follows:**

- Goods and services: A saving amounting to R12.5 million is shifted to defray excess expenditure on payments for financial assets in Programme 3 and R56.5 million to defray excess expenditure on goods and services for legal costs in programme 4.

In total, the programme is shifting out an amount of R69 million.

- A description of the reasons for unauthorised, fruitless and wasteful expenditure and the amounts involved as well as steps taken to address and prevent a recurrence.

## Irregular expenditure

- Irregular expenditure incurred by the Department is mainly attributable to the non-adherence to policies and procedures that are under investigation by the Department to determine internal control weaknesses, which is then strengthened with appropriate corrective action. If the control system is inadequately designed, it is amended and where controls are not followed, appropriate progressive disciplinary action is taken against officials who have caused the irregular expenditure.
- Irregular expenditure increased by R900,2 million during the 2021/22 financial. These cases are either under investigation by the Department or external Forensic Investigators.
- The increase includes expenditure incurred by the Department relating to the non-adherence of bid requirements with the appointment of Security Guarding Services to the value of R863 million, prior approval not obtained to deviation from a competitive bidding process when procuring online library services to the value of R2,7 million. Contract extension without approval from National Treasury which resulted in irregular expenditure to the value of R922 thousand. Three quotations not obtained when procuring accommodation to the value of R834 thousand and the amount of R32,7 million with regards to the State Attorney irregular for the appointment of legal fees.
- During the 2021/22 financial year, five cases of irregular expenditure to the value of R21 thousand was condoned by National Treasury where the Department implemented appropriate corrective action and consequence management. Three cases to the value of R413 thousand was confirmed as not irregular and removed from the department's Lead Schedule.
- Irregular expenditure to the value of R667 million is currently under investigation by forensic auditors for possible fraud and collusion. Twenty-two cases to the value of R668 million are under formal disciplinary process by the Department.

## Fruitless and wasteful expenditure

- Fruitless and wasteful expenditure incurred by the Department are primarily the result of cancelled bookings or no shows related to transportation and accommodation on official trips. All cases identified as potentially fruitless and wasteful expenditure are investigated, based on the results of the investigation, monies are recovered from officials who are found responsible. The aforementioned processes hold officials accountable.

- Thirteen new cases of Fruitless and Wasteful Expenditure to the value of R23 thousand were detected and reported to National Treasury during the 2021/22 financial year. Three hundred and thirty-three cases of fruitless and wasteful expenditure to the value of R1.7 million were resolved by the Departments during the 2021/22 financial year which makes up 93% of the value of cases on the register. Thirty of these cases to the value of R1.436 million were written off where it was concluded that there was no loss incurred by the Department, while three hundred and three cases to the value of R210 thousand were resolved as not fruitless or wasteful.

## Strategic focus over the short to medium term period

- Modernising and increasing access to justice services.
- Commitment to build and deepen constitutionalism, respect for human rights and rule of law
- Review of justice related colonial and apartheid era legislation with the aim of aligning this legislation with the Constitution of the Republic of South Africa, 1996 (Constitution).
- Implementation of the National Action Plan to combat Racism, Racial Discrimination, Xenophobia and Related Intolerance in order to advance constitutionalism, human rights and the rule of law
- Addressing the scourge of gender-based violence and femicide (GBVF) and violence against women and children.
- Transformation of state legal services to improve effectiveness and efficiency through the implementation of the State Attorney Amendment Act, 2014 (Act No.13 of 2014).
- Transformation of the legal profession.
- Provision of facilities (offices/courts/service points) that are accessible to persons with disabilities as required by building regulations.
- Implementation of an integrated education campaign that will profile justice services through the use of variety of multimedia communication mediums to improve citizens' experience of justice services.
- Improvement of audit outcomes in respect of the vote account and pre-determined objectives.
- Improving the departmental performance.
- Strengthening the fight against fraud and corruption, by ensuring that the Specialised Commercial Crime Courts (SCCCs) are extended to all provinces in the country which do not yet have a SCCC.
- Transformation of the Masters services to allow effective and optimal operation.

### Public-private partnerships

The Department had not concluded any PPP agreements in the financial year under review.

### Discontinued key activities/activities to be discontinued

The Department did not discontinue any activities during the year under review.

### New or proposed key activities

None.

### SCM processes and systems are in place to prevent irregular expenditure

- Training on local content has been conducted on 23 November 2021
- Line Managers/process owners are designated officials to conduct validation of documents prior issuing of purchase orders
- All bid specification and evaluation reports are subjected to internal audit for quality review
- Independent validation and quality review of specification and evaluation reports by director of strategic sourcing
- Standard in place in a form of policies, procedure manuals and National Treasury Instruction Notes
- Reminders on contracts which are about to expire is sent to heads of branches on monthly basis

### Challenges experienced in SCM and how they were resolved

- **The Supply Chain Management:** had a high vacancy rate for critical positions , however, officials from the regions have been seconded to national office in order to fill this void.
- **The Director:** Strategic Sourcing was appointed on contract due to lack of leadership in the unit.
- **The Deputy Director:** Contract Management was appointed in September 2021 in order to bring much needed stability in this unit.
- **Capacity challenges in procuring IT related items** - A relationship has been established with SITA to address the capacity challenges.

### Gifts and donations received in kind from non-related parties

NAME OF ORGANISATION	NATURE OF GIFT DONATION OR SPONSORSHIP	2021/22	2020/21
		R'000	R'000
<b>Received in kind</b>			
COVID-19 decontamination services by Volunteer Ministries Africa		3 880	-
Various donations received by the Department		-	1
<b>Subtotal</b>		<b>3 880</b>	<b>1</b>
<b>TOTAL</b>		<b>3 880</b>	<b>1</b>

### Exemptions and deviations received from the National Treasury

Item No	Description	Supplier name	Date
1	Provision of service desk services for the Department of Justice and Constitutional Development for a period of 2 months	Purple Blue Technologies ( Pty) Ltd	17 September 2021
2	Emergency procurement for the provision of critical ICT security support services for a period of one (1) month.	Fullstream Business Services PTY LTD	20 September 2021
3	Appointment of a service provider for the procurement of additional SAP licenses, including software assurance for a period of 3 years through a SITA OEM agreement.	SAP South Africa Pty Ltd	09 December 2021
4	ICT central support services on a month-to-month basis for a period not exceeding 6 months.	Jicho Consulting Pty Ltd	24 December 2021

Item No	Description	Supplier name	Date
5	ICT security support services on a month-to-month basis for a period not exceeding 6 months.	Fullstream Business Services PTY LTD	14 December 2021
6	Provision of maintenance & support services for the Court Recording Technologies (CRT & SOS), including break fixes for a period of 2 months.	Datacentrix Pty Ltd	24 January 2022
7	Cash-in-transit services at various offices within the nine (9) provinces of DOJ&CD and OCJ on a month-to-month basis for a period ending 31 May 2022.	Fidelity Cash Services	21 December 2021
8	Provision of maintenance & support services for the Court Recording Technologies (CRT & SOS), including break fixes for a period of 12 months.	Datacentrix Pty Ltd	21 February 2022
9	Offsite storage documents management services	Metrofile (Pty) Ltd	27 January 2022
10	Mabotwane Security Services (PTY) LTD for rendering of a guarding and specialised services in North West Province/ Region for a period of 8 months.	Mabotwane Security Services	7 July 2022

### Events after the reporting date

In April 2022, a disaster occurred in KZN, resulting in damage to certain court buildings. However, this did not affect departmental operations, but will have a financial impact on the restoration of damaged buildings. Preliminary cost estimates will be finalised following the completion of the full evaluation by the Department of Public Works and Infrastructure, which will also fund the associated costs.

### Appreciation

Let me take this moment to commend the staff of the Department of Justice and Constitutional Development for their continued, collective commitment to providing services to the public during this difficult period towards the achievement of our mandate and strategic outcomes. Together, we have been able to set an ambitious pathway for the years ahead.



#### **Advocate Doc Mashabane**

Accounting Officer  
Department of Justice and Constitutional Development

Date: 31 July 2022

## 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.

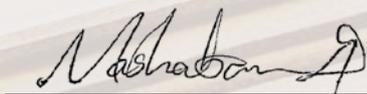
The Accounting Officer is responsible for the preparation of the Annual Financial Statements and for the judgements made in this information.

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 2022.

Yours faithfully



**Advocate Doc Mashabane**  
Accounting Officer  
Department of Justice and Constitutional Development

Date: 31 July 2022

## 7. STRATEGIC OVERVIEW

### 7.1 Vision

An accessible justice system in a vibrant and evolving constitutional democracy.

### 7.2 Mission

Enabling access to justice, advancement of constitutionalism, respect for human rights and the rule of law.

### 7.3 Values

The Department has the following values:

- i. Commitment to constitutional values and a culture of human rights
- ii. Promotion of the rule of law
- iii. Batho Pele
- iv. Good governance
- v. Ubuntu
- vi. Professionalism and continuous improvement
- vii. Transparency

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

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

### Courts and administration of justice

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

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

- 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, include 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 subdistricts, 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 be established 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, and for the establishment of special tribunals through which money owed to the state can be claimed.
- 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 amended the State Attorney Act, 1957, to make provision for the establishment of offices of the State Attorney; the appointment of a Solicitor-General and State Attorneys; the powers of the minister relating to the functions of the offices of the State Attorney; and provide for the powers and functions of the Solicitor-General; and matters connected therewith.
- The 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.

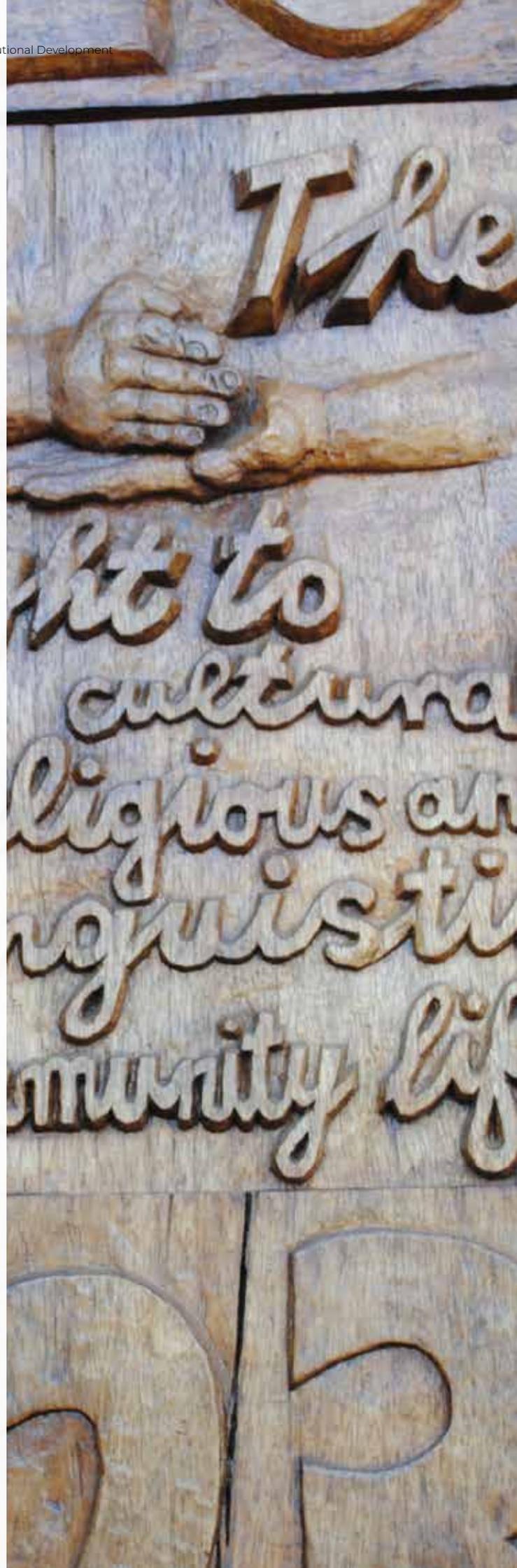
- Legislation providing for the establishment of bodies responsible for law reform and rulemaking: The South African Law Reform Commission Act, 1973 (Act 19 of 1973) and the Rules Board for Courts of Law Act, 1985 (Act 107 of 1985).
- Legislation providing for the administration of estates: The Act provides for the appointment of masters of the High Court 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

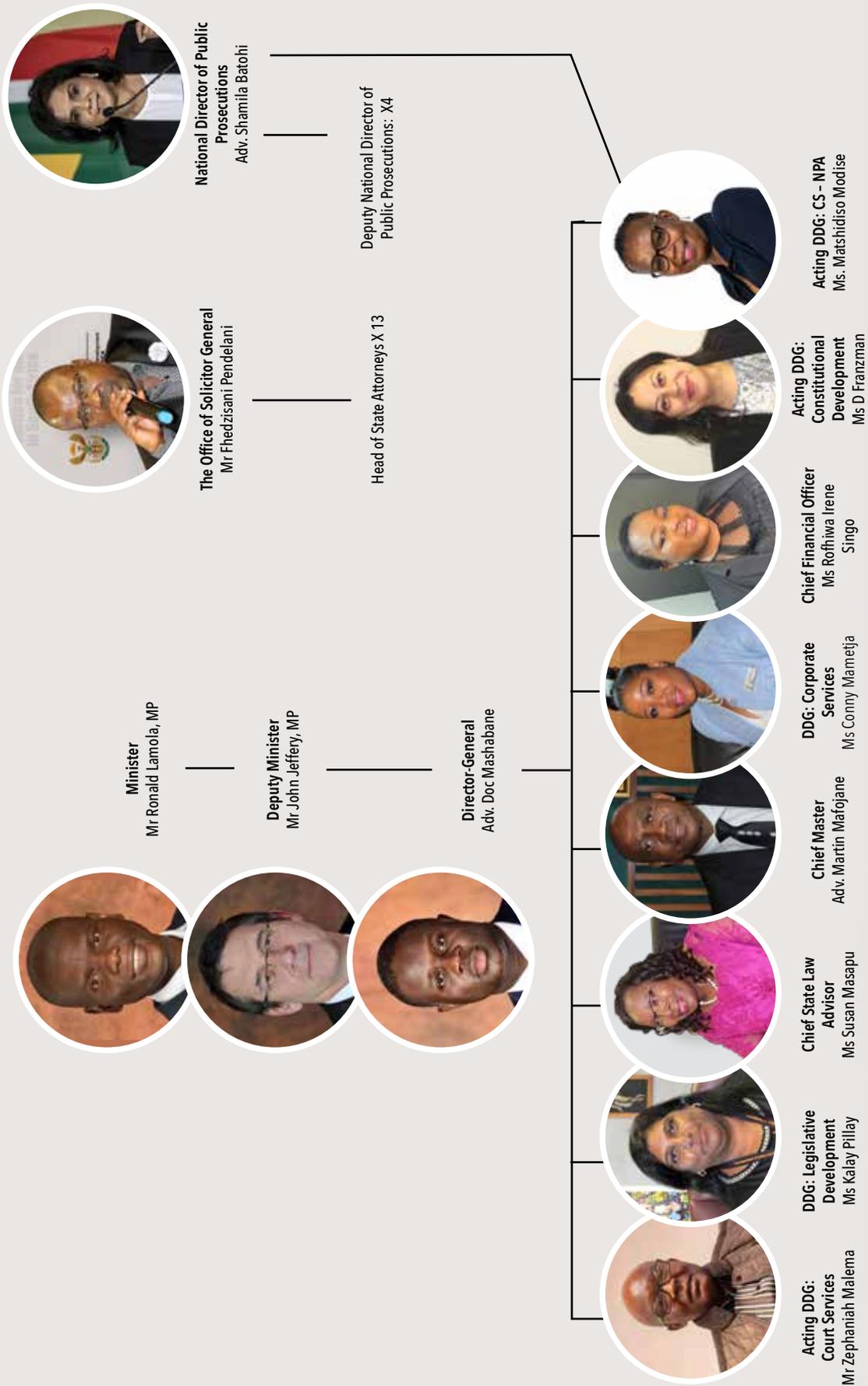
The following are pieces of legislation, derived from the Bill of Rights, for the promotion and protection of human rights:

- 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 warrants; seizure and forfeiture of property; assistance to accused persons. It also regulates the trial process and sentencing options.

- 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; and to provide for the independence and impartiality of Legal Aid South Africa.



## 9. ORGANISATIONAL STRUCTURE



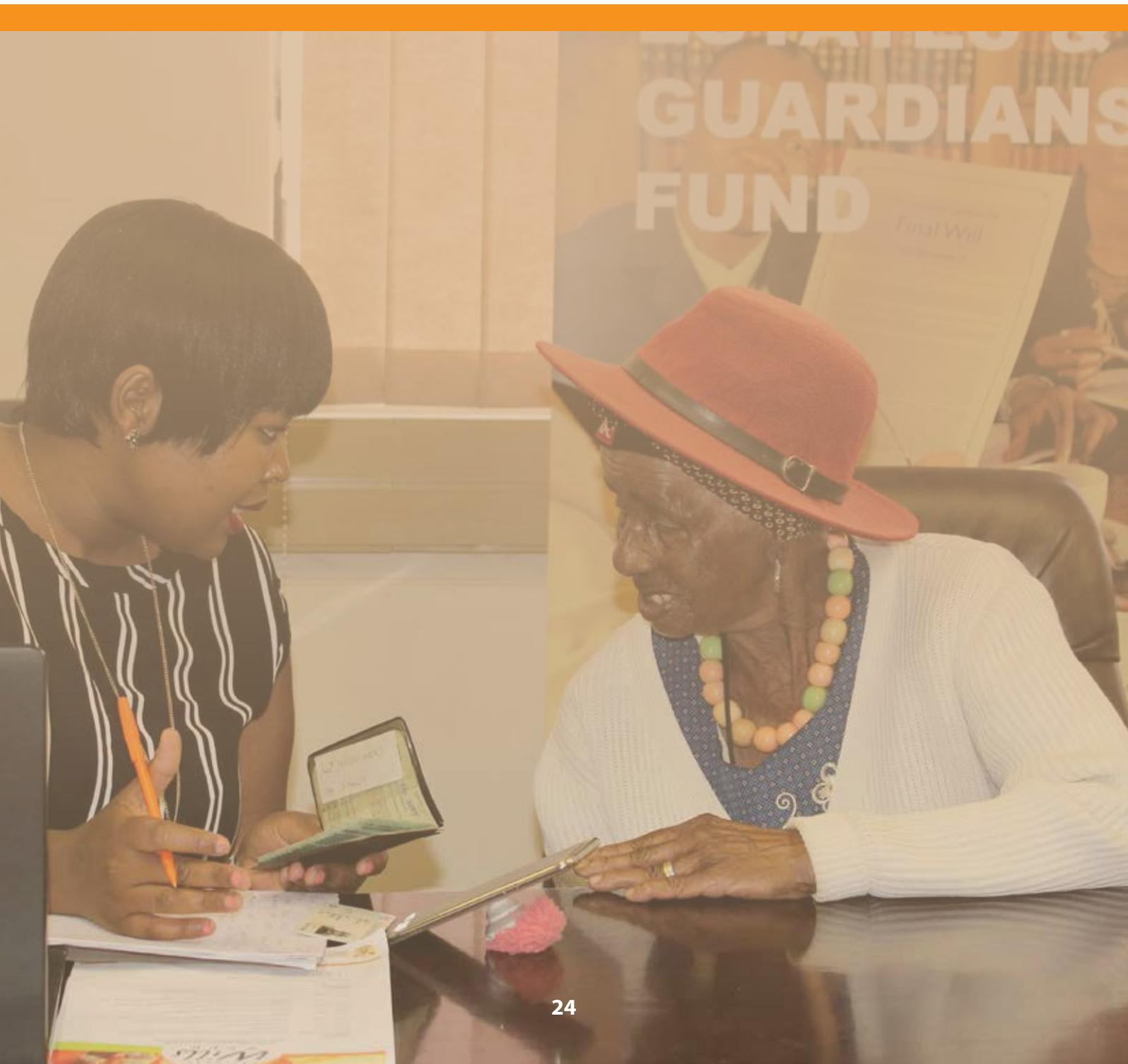
## 10. ENTITIES REPORTING TO THE MINISTER

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 for Debt Collectors	Debt Collectors Act (Act No. 114 of 1998)	No financial relationship	Monitors the conduct and professionalism of debt collectors, promoting a culture of good governance and thus protecting the public and creditors.
Legal Aid South Africa (LASA)	Legal Aid Act (Act No. 22 of 1969)	Transfer payment	Renders or makes available legal aid to indigent persons and provides legal representation at the state's expense.
National Prosecutions Authority	National Prosecuting Authority Act, Act No. 32 of 1998	Part of the vote of the Department	Renders prosecutorial services as well as witness protection and forfeiture of ill-gotten assets.
Rules Board for Courts of Law	Rules Board for Courts of Law Act (Act No. 107 of 1985)	Part of the vote in the Legislative Development and Law Reform Branch	Reviews existing rules of courts and subject to the approval of the minister, makes, amends or repeals rules for the Supreme Court of Appeal, High Court 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 187 of the Report of the Auditor General, published as Part E: Financial Information.

## 2. OVERVIEW OF DEPARTMENTAL PERFORMANCE

### 2.1 Service delivery environment

As part of the prioritisation of improved service delivery in the Department to achieve strategic outcomes and service delivery imperatives.

The Department reviewed the Service Delivery Improvement Plan (SDIP) to address service delivery challenges, optimising use and allocation of budget according to Department priorities. Budget cuts due to slower economic growth in the country, inadequate capacity and skills are among the challenges facing the Department.

However, the Department endeavours to minimise the impact of budget constraints by a concerted strategy of managed change, enhancing the capacity of employees to take the initiative in continuously improving their work processes and systems.

#### 2.1.1 The Office of Solicitor General

The State Attorney Amendment Act came into effect on 7 February 2020 giving traction to the formulation and implementation of critical policies and monitoring which are imperative to rebuild the state legal services and curb legal/litigation costs in order to fit the current constitutional setting.

The Solicitor-General is the executive officer of all state attorney offices and is responsible for the coordination and management of all litigation in which the state is involved.

There are 13 state attorney offices situated in all provinces and their function is to perform in court, or in any part of the country, work on behalf of the Government of the Republic that is by law, practice or custom performed by attorneys, notaries or conveyancers.

A total of five head of state attorney offices were vacant at the end of the financial year, which has a major impact on the performance of the branch. However, HR is in the process of filling the remaining vacancies.

The offices of the state attorney as well as state departments have, for years, been experiencing challenges in the management of state litigation.

In order to curb the challenges encountered, the Office of the Solicitor-General has developed a litigation strategy and one of its key pillars is the strengthening of policies and legislation.

The Department's objective is to address past imbalances by transforming government legal services as well as the legal profession; improve service delivery and stakeholder engagement; introduce uniform procedures and standards in an effort to reduce contingent liability of the state.

In order to respond to the challenges identified, the policies listed below were finalised during the financial year under review:

- Briefing and outsourcing of legal work
- Initiating, defending, and opposing of matters
- Management of the state litigation contingent liability

As part of the litigation strategy, the mediation policy, state litigation management and state legal representation under the State Attorney Amendment Act were completed during the 2021-2022 financial year.

The Office of the Solicitor-General is in the process of implementing the following measures as result of increasing contingent liability, unmitigated state liability, increased legal costs associated with litigation on state matters:

- developing monitoring systems and formulating processes to achieve consistencies in litigation procedures in different state attorney offices;
- developing directives and standards to ensure streamlined oversight on the offices of the state attorney;

## Gender-based violence is an issue of great importance in South Africa. Following the enactment of three gender-based violence bills, the Department is working to implement the provisions of these acts.

- implementing policies, among others, on coordination and management of state litigation, state mediation as well as briefing and outsourcing of state legal work;
- establishing an efficient case management system to avoid adverse and costly mistakes such as prescriptions, default judgments and other operational failures; and ongoing regular and formal engagements with state departments to identify litigation trends, root causes of litigation and measures to address same.

The Intergovernmental National Litigation Forum (INLF) was launched in early 2018 to address the various challenges related to management of state litigation. However, as a result of a variety of challenges, the forum has never gained momentum.

It is worth noting that the National Intergovernmental Litigation Forum has been resurrected to ensure that the government has a coordinated approach to the management of state litigation, emphasising the reduction of state contingent liability.

### 2.1.2 Improved access for justice services.

#### (i) Gender-based violence (GBV)

On 28 January 2022, the president enacted three GBV Bills into law, namely, the Criminal and Related Matters Amendment Act, 2021 (Act No. 12 of 2021), Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Act, 2021 (Act No. 13 of 2021) and the Domestic Violence Amendment Act, 2021 (Act No. 14 of 2021). These included delivering on promises to strengthen the criminal justice system, promoting accountability across the state, and supporting victims of gender-based violence and femicide.

Gender-based violence is an issue of great importance in South Africa. Following the enactment of three gender-based violence bills, the Department is working to implement the provisions of these acts.

The Domestic Violence Amendment Act No 14 of 2021 further permits the use of online applications for protection orders. It is a viable option that allows victims of domestic violence to access our court services remotely and in a convenient and secure environment of their choice.

The Department has developed the online web portal for applications for domestic violence protection orders, but the online application solution has not been piloted as intended. This was due to the pending approval of the amendment of the Regulations for the Domestic Violence Amendment Act. Once this Act comes into force for the current financial year and the Regulations are approved, the online application solution will be available for victims of GBV.

In response to the call made by women of South Africa in 2018, this Amendment Act requires the particulars of ALL convicted sex offenders to be entered in the National Register for Sex offenders, irrespective of the age and the mental status of the victim. No registered sexual offender will be permitted to work or operate a business in an environment accessible to vulnerable persons, defined as children, female students or lecturers under the age of 25 years, persons living in shelters, and certain categories of persons with disabilities and older persons, etc.

In facilitating the implementation of this Act, the Department has developed the online application solution during the reporting period. The SMS notification system for the National Register for Sexual Offences services will be made accessible to the NRSO applicants in the 2022/23 financial year.

From April 2020 to March 2021, the NRSO received 2 701 applications for clearance certificates and 2 188 were issued within 10 days.

In terms of the Criminal and Related Matters Amendment Act No 12 of 2021, bail in GBVF matters must be denied, unless it would be in the interest of justice to grant such bail. This Amendment Act also brings to an end the granting of what is referred to as the 'police bail' or 'prosecution bail' in GBVF matters. All applications for bail in these cases must therefore be made in a court of law.

## **ii. Specialised Commercial Crimes Courts (SCCCs)**

Corruption, both in the private and public sectors, contributes significantly to poverty and inequality. The Department is ensuring that commercial crimes, in particular corruption matters, are brought before a dedicated SCCC and dealt with speedily. This is to ensure that the perception that corruption goes on unabated and unpunished, is dispelled, which improves not only investor confidence, but also the general public's confidence in our criminal justice system.

In the 2021/2022 financial year, the Department established a further three (3) new SCCC in Eastern Cape (Mthatha and East London) and in KwaZulu-Natal (Pietermaritzburg) as well as fully capacitating the existing SCCC in Gauteng (Pretoria North and Palmridge). To date, eight (8) SCCC have been established.

## **iii. 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 the 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 Masters Office. This initiative is regarded as a success and improves service delivery.

There is also a self-help aspect available on the Master's Portal where the public can obtain certain basic information on estates and trusts themselves without needing to contact the relevant Masters Office.

**The Master's Branch has provided online information of its activities, such as the forms to be used by the public, information regarding the unclaimed funds in the Guardian's Fund, list of liquidators and further operational information.**

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

The Department developed an online registration for deceased estates and trusts during the financial period. The development and implementation of online registrations will be a practical method that will enable individuals to report a deceased estate or register trusts and do it remotely. This approach will result in fewer clients having to visit the Masters' offices or to the various service points.

This approach will effectively reduce the number of customers having to travel to the offices of the Master or to the various service points, and it will increase access to the services of the Masters in the country. Online registration will accelerate registration process and long queues at Masters' offices. Limited piloting is currently taking place at Master's Pretoria office. This will be rolled out in other offices during 2022-23 financial year, once the network and IT systems are fully implemented.

Processes are under way to amend the Trust Property Control Act 57 of 1988, as a whole, to enable modernisation and to increase control by the Master of the High Court.

- The Guardian's Fund has grown exponentially by approximately 35% over the past five years (now the custodian of over 800 000 beneficiaries), consequently, significant investments in systems and personnel are required to ensure the continued protection of funds and the delivery of services to recipients.

- A new administration system and financial system for the Guardian’s Fund is being developed and it is expected to be rolled out in the 2022/2023 financial year. The new system will be a complete financial system to ensure the accuracy of financial statements and management.

### 2.1.3 Improvement in administration in support of service delivery

A number of key ICT initiatives have been undertaken to improve administrative efficiencies in support of service delivery. For the year under review, these initiatives were largely focused on justice services and the integrated justice system. These initiatives are discussed below.

#### (i) SMS Notifications

The implementation of SMS notifications as part of the ICMS framework has commenced. This includes SMS notifications sent during case registration, notifications of court/hearing dates, and notifications of case status updates. During 2021/22, court services and Masters related modules SMS notifications have been developed, tested and will be implemented in 2022/23.

#### ii. Phase 1 online services

Phase 1 of the following online services, which provides online registration and document submission for new applications, was developed, tested and piloted in 2021/2022:

- Maintenance Online Services
- Expungement of Criminal Records Online Services
- NRSO Online Services
- Civil Online Services
- Deceased Estates and Trust online services

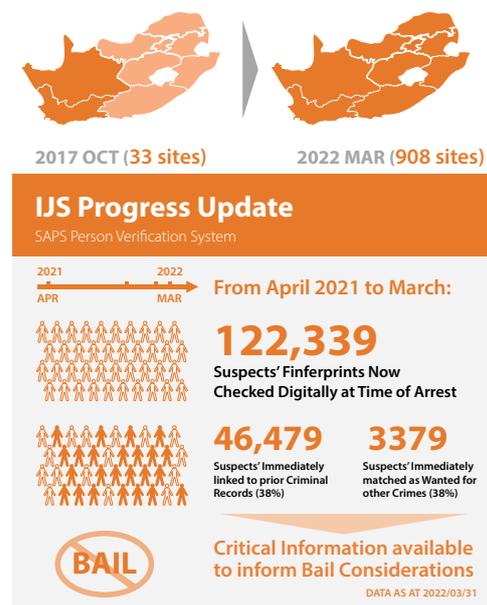
#### iii. Integrated justice system

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

### The following delivery highlights were achieved in 2020/21 across these three priority areas:

#### 1. CJS person integration achievements

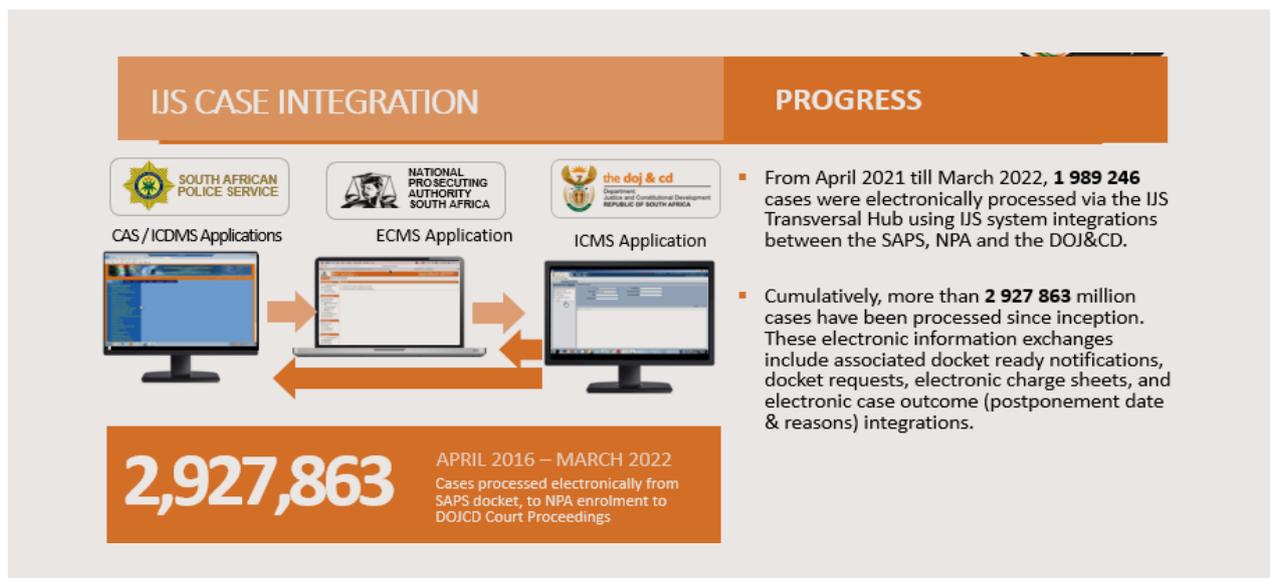
The use of the **Person Identification and Verification Application (PIVA)** provides a critical person-related function at SAPS stations, enabling the identity of an arrested individual to be verified using their fingerprints and checked against the DHA records. In addition, the SAPS officer is provided with immediate feedback as to whether the accused has a prior criminal record, and/or is wanted as a suspect for other police cases. This information about an accused is critical to assist the NPA during a suspect’s first court appearance to make relevant bail arguments.



**For the 2021/22 financial year**, the solution was used to check more than **122,339** accused persons, and in near real-time it was determined that over **46 479** of these individuals (**38%**) have prior criminal records that could be referenced. Further, **3,379 (2.8%)** wanted persons could be identified as linked to the SAPS circulations as persons of interest for other cases. Given these successes in the identification of persons of interest, it is unfortunate that the utilisation of the solution has been adversely reduced by the impact of the COVID-19 pandemic on the SAPS operations. This timeous information is assisting the SAPS and the NPA during the subsequent management of the accused and providing data to assist bail considerations.

The IJS continues to support the integration with the SASSA, with 400+ SASSA offices currently able to submit biometrics for verification.

SASSA utilises the IJS Transversal Hub to combat fraud and ensure beneficiaries’ identities are verified using IJS Person Verification Services (PIVA & PIP). From April 2021 to March 2022, 4, 209, 220 citizens were verified by SASSA using these services.



## 2. 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 the 2021/22 financial year, 1 989 246 cases were electronically processed via the IJS Transversal Hub using IJS system integrations between the SAPS, NPA and the DOJ&CD. These electronic information exchanges include associated docket ready notifications, docket requests, electronic charge sheets, and electronic case outcome (postponement date & reasons) integrations.

The solution is in operation nationally with these integrations connecting 1,144 police stations linked to 509 courts across all nine 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.

## 3. IJS performance instrumentation and business intelligence

The IJS programme provided the necessary technical expertise to complete the research and design of a femicide prototype, which refers to the identified areas that form part of the larger femicide project. One of the areas refers to the development of a monitoring tool in the form of the Femicide Watch dashboard, which acts as a common data repository. The developed Femicide Watch dashboard is capable of utilising IJS data sourced from multiple member departments.

Development, data integrity and analysis, and User Acceptance Testing (UAT) for Phase 4 of the Femicide Watch was concluded during the 2021/22 financial year. Access to dashboard and production deployment is planned for quarter 2 of the 2022/23 financial year. 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.

**During the reporting period, the maintenance improvement framework was developed, with the goal of strengthening of the defaulter’s strategy through the amendments to the Maintenance Act**

### 2.1.4 The Office of the Family Advocate

There are only 26 sub-offices of the Office of the Family Advocate servicing over 700 courts including the maintenance courts, divorce courts and domestic violence courts. The office is also plagued by severe capacity constraints as there are only 96 family advocates, 46 family law assistants and 126 family counsellors to provide both the litigation and non-litigation services of the office. This situation still persists despite the growing demand of the services.

The Department focused on improving maintenance services by identifying bottlenecks across the entire value chain. During the reporting period, the maintenance improvement framework was developed, with the goal of strengthening of the defaulter's strategy through the amendments to the Maintenance Act to provide the credit bureaux with the obligation to receive default orders so that this can be used as part of credit rating of defaulters.

In February 2022, the Supreme Court of Appeal, in the matter between Simon Roy Arcus and Jill Heere Arcus, the applicant was ordered to pay R3 million after 29 years of divorce. The highlight of the case is that maintenance court orders do not prescribe after 3 years in terms of the Prescription Act, 1969 (Act No. 68 of 1969) (the Prescription Act) but after 30 years as these are considered judgement debts. This is progressive in that complainants in whose favour maintenance orders are made can lodge cases of arrear maintenance after three years as the threat of argument that the claim has expired becomes obsolete.

### 2.1.5 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 completed by this office in the 2021/22 and 2020/21 financial years:**

Financial year	Total number of cases finalised	Total cases finalised within turnaround period
<b>Legal opinions</b>		
2020/21	465	452
2021/22	441	392
<b>Preliminary opinions on draft bills</b>		
2020/21	78	73
2021/22	96	74
<b>Certification of bills and other legislative instruments</b>		
2020/21	298	288
2021/22	189	162
<b>International agreements and accompanying legal opinions</b>		
2020/21	60	58
2021/22	147	138
<b>Draft Bills approved by Cabinet</b>		
2020/21	27	27
2021/22	27	27
<b>Translations into South African official languages</b>		
2020/21	102	101
2021/22	127	116

## 2.1.6 Extraditions and mutual legal assistance

The DoJ&CD is one of the departments responsible for ensuring successful implementation of extradition orders. In addition, foreign maintenance orders, as well as service of process for civil matters are undertaken.

The table below shows the number of requests that were processed in the 2020/21 and 2021/22 financial years:

Financial year 2021/22	Total processed
<b>Extradition and mutual legal assistance</b>	
2020/21	97
2021/22	153
<b>Foreign maintenance orders</b>	
2020/21	16
2021/22	24
<b>Service of process</b>	
2020/21	72
2021/22	114

## 2.1.7 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 socioeconomic environment.

### a) Expungement

#### Expungement cases

Financial year	Outstanding applications from previous financial year	New applications received during the financial year	Number of applications finalised
2020/21	10 568	13 926	12 526
2021/22	11 968	17 996	25 938
% Change	13%	29%	51%

### b) 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 394 new requests for pardons received during the 2021/2022 financial year and this brought the total cases on file to 1 201. Of these, 460 were finalised and 33 pardons were granted.

### c) Presidential pardon cases

Financial year	Outstanding requests from previous financial year	New requests received	Number of re-requests finalised	Number of requests carried forward to next financial year	Matters forwarded to ministry	Number of pardons granted
2020/21	844	423	460	807	83	35
2021/22	807	394	513	688	60	33
% Change	-4%	-7%	12%	-15%	28%	-6%

**The Department developed an eight-pillar turnaround strategy in the 2020/21, which includes service delivery improvement plan, modernisation and an audit turnaround strategy.**

## **2.2 Service delivery improvement plan (SDIP)**

The development of the SDIP is guided by processes outlined by the Department of Public Service and Administration (DPSA). The DPSA issued a circular to exempt departments not to report on current service delivery standards relating to 2020/21 financial year and the consultation was underway to review and align the SDIP framework to strategic planning and annual performance plans framework of Department of Planning, Monitoring and Evaluation (DPME) as well as the impact of the COVID-19 pandemic.

## **2.3 Organisational environment**

The year under review was marked by a number of critical interventions that sought to enhance and strengthen the human resources, improve departmental performance, service delivery and management support of core departmental activities. These interventions were necessary because the Department continues to face high vacancy rate in senior management, as well as budget reductions.

While significant efforts have been made to fill key senior management positions, some have remained unfilled and continue to create capacity challenges. However, processes are ongoing to fill the remaining critical positions.

The Department developed an eight-pillar turnaround strategy in the 2020/21 financial year to address the major challenges facing it. The pillars include the strategy's alignment with priorities, macro-structure redesign, human capital and skills audit, repositioning of the Justice College, service delivery improvement plan, modernisation, audit turnaround strategy and change management and communication. We continue to optimise the turnaround strategy to improve the effectiveness and efficiency of the operation. Significant progress has been achieved in the implementation of key deliverables.

Regarding audit qualification, the Department remains committed to addressing all the issues raised by the Auditor General that affect the audit qualifications. The Department will continue to work hard to obtain an unqualified opinion in order to achieve clean audit over the coming financial performance cycles.

The change management framework was finalised and consulted with management. It will focus on the matching and placement of the required critical skills. Furthermore, to address weaknesses identified in business processes for delivery of services and skills mismatch in order to support the department strategy.

With respect to the Supply Chain Management Unit (SCM), capacity constraints were identified as the fundamental cause of the SCM unit's inefficiencies. The reform trajectory for the SCM unit is on track and remains aligned to the Department's turnaround strategy. SCM has traversed from the first phase of addressing inefficiencies to the second phase of stabilising the unit. Sustained progress towards standardisation, integration and optimisation will result in efficiencies within SCM that will contribute to the delivery of key projects to achieve the Department's strategic objectives.

The Department has faced significant setbacks within the IT environment. Unfortunately, in September 2021, the Department suffered a ransomware attack, which impacted not only the delivery of existing services enabled by technology, but also its modernisation programme. In addition, contract positions for IT personnel and service providers came to an end at almost the same time, making the department's systems vulnerable.

The Department recognises the use of information and communication technology (ICT) as its strategic resource and an enabler of operational effectiveness and efficiency, aligned with the objective of improving service delivery. In this regard, the Department has commenced a capacity building initiative in the ICT environment to improve core ICT functions and reduce use of service providers.

To upgrade the Department's aging ICT infrastructure, a number of projects are being implemented and ongoing. Plans are underway to ensure the necessary resources, organisational structure and capacity for ICT to provide services.

Infrastructure and maintenance pose ongoing challenges to the Department. A number of areas have to be addressed. These include budgets, day-to-day maintenance, professional skills required and capacity. Management is continuously engaging the Department of Public Works and Infrastructure in this regard to find solutions.

## 2.4 Key policy developments and legislative changes

### 2.4.1 Policy update

#### Implementation of the Truth and Reconciliation Commission recommendations

There is 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.

#### a) Basic and higher education

During the reporting period, the regulations on basic education and higher education and training were approved for implementation. The object of these regulations is to provide assistance in respect of basic education, adult education and training, further education and training, higher education and training and skills development to victims and relatives and dependants of TRC identified victims who qualify for assistance in line with the applicable regulations.

Education funding for next of kin of identified and deceased TRC beneficiaries receive funding in respect of their basic and higher education needs.

For the 2021 academic year, a total of 2073 applications for basic education were verified for victim status (or rightful next of kin in the case of deceased victims) by the TRC unit.

With regard to higher education, the number of applications verified for victim status under higher education and training for the 2021 academic year was 507.

#### b) Exhumations and reburials

- Six remains of Pan Africanist Congress (PAC) members exhumed from Mamelodi cemetery in the City of Tshwane on the 06th of May 2021.
- One handover ceremony of the exhumed remains of Corry Tyini at Makhanda, Eastern Cape was conducted on the 29th of October 2021

### 2.4.2 Progress on key legislations introduced in parliament:

#### Bills processed and enacted into Acts of Parliament

The Department assisted the Portfolio Committee on Justice and Correctional Services during the deliberations on some of the Bills that were introduced during the previous financial year 2020/2021, to ensure that they are finalised or making significant progress in Parliament.

In this regard, the enactment of the three GBV Bills into Acts of Parliament demonstrated the commitment to provide more protection for complainants of gender-based violence, more victim centred mechanisms available for their use and a stricter approach towards the measures to be taken against perpetrators before, during and after the trial. This will most probably stand out as one of the most positive initiatives from government to ensure justice is done to the most vulnerable of the society.

The enacted Bills are the Criminal and Related Matters Amendment Act, 2021 (Act No. 12 of 2021), Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2021 (Act No. 13 of 2021) and the Domestic Violence Amendment Act, 2021 (Act No. 14 of 2021).

### 2.4.3 Progress on Bills in various stages of development and received attention in the year under review:

#### a) Bills implementing Constitutional Court judgments:

The implementation of judgments of the Constitutional Court in relation to provisions of legislation which were declared unconstitutional is very critical to upholding the rule of law and to afford persons the protection provided for in the Constitution.

#### In this regard the following is noteworthy:

#### i) The Drug and Drug Trafficking Amendment Bill

A draft Bill has been developed to emphasise the importance of the constitutional principle of separation of powers, in this instance, between the Legislature and the National Executive, which is an important safeguard against the abuse of power by any arm of government. The Constitutional Court declared section 63 of the Drug and Drug Trafficking Act unconstitutional since it argued that the power delegated to the minister to amend the Schedules of the Act by inserting prohibited substances is within the domain of the Legislature and not the Executive.

#### b) The Land Court Bill

The broad purpose of the Bill is to enhance and promote access to land on an equitable basis, promote land reform as a means of redressing the effects of past discrimination and facilitate land justice, and for this purpose, the Bill aims to—

- establish a Land Court with jurisdiction to grant any order, any other appropriate relief or impose any sanction, as provided for in the Bill or any other law that confers jurisdiction on the Court;

- (ii) establish a Land Court of Appeal to hear and determine appeals emanating from the judgments and orders of the Court; and
- (iii) provide for court ordered mediation or arbitration.

The Bill therefore not only establishes a fully capacitated Land Court under its own founding legislation with jurisdiction to deal with matters currently dealt with by the Land Claims Court, but also aims to broaden its mandate to adjudicate on matters in respect of other land-related legislation. The Bill also incorporates structures which encourage the use of alternative dispute resolution.

The Bill was introduced into Parliament on 19 May 2021 and the Department briefed the Portfolio Committee on Justice and Correctional Services on 26 May 2021. The Portfolio Committee requested interested parties to comment on the Bill. The deadline for the submissions was at the end of July 2021. To date, the Department briefed the Portfolio Committee on 22 March 2022, on certain specific issues raised by the Committee and awaits an invitation to respond to the submissions made by the public on the Bill.

**c) The Magistrates Bill and Lower Courts Bill**

The Magistrates Act, 1993, emanates from an era before the advent of the new constitutional dispensation in South Africa. The Magistrates' Courts Act, 1944, has been amended on various occasions but because it is still archaic, it is necessary to review the whole Act. The Department prepared and published for public comments, the two separate Bills which are intended to transform the statutory framework regulating the structure and functioning of the lower courts and the conditions of employment of the lower courts' judiciary.

**d) The Extradition Bill**

The Extradition Act, 1962, is an outdated Act which is not in line with modern law and practices and which does not enable South Africa to comply with all its international obligations relating to extradition in an appropriate manner. A new Bill was prepared providing for the extradition of persons sought for extraditable offences to and from South Africa to requested States with which South Africa has concluded an agreement and for the surrender of persons sought to international entities having jurisdiction in respect of international crimes (genocide, war crimes and crimes against humanity). The Bill also seeks to clarify the roles and responsibilities of the different functionaries and to put procedures in place to expedite extradition requests. This Bill is aimed at ensuring that South Africa is not a safe haven for criminals or said to be acting

with impunity. The Bill has been processed through the relevant clusters and the Department is to obtain Cabinet's approval to introduce the Bill into Parliament.

**e) The Insolvency Bill**

There should be no doubt that this outdated Act should have been replaced long ago. With the assistance of a task team representing relevant government departments, a draft Bill was prepared. The next stage in the process will be to approach Cabinet to approve that the Bill be published in the Gazette for public consultation.

**f) Criminal Procedure Act Amendment Bills**

Amendments to section 154(3) of the Criminal Procedure Act, as contained in the Criminal Procedure Amendment Bill, has been approved by the Cabinet Committee on 13 April 2021. This Bill seeks to address the order of the Constitutional Court indicating that the section is unconstitutional to the extent that it does not give child victims adequate protection from the publication of their particulars and also to the extent that it does not extend the protection of anonymity beyond the age of 18 years.

**g) Amendment of section 6 of the Constitution**

The Department has, following the adoption of a resolution by Parliament in 2016 and the pronouncement by the President during his SONA speech in 2020 that South African Sign Language must be recognised as an official language, taken several steps to give effect to this undertaking. This includes that an amendment of section 6 of the Constitution, as provided for in the 18th Constitutional Amendment Bill, has been prepared as well as the required notice in terms of section 74(5) of the Constitution, making known the intention to amend section 6 and the reasons therefor. The draft Bill will be presented to Cabinet for approval to publish the Bill.

**h) Old era legislation**

The Department has also prioritised a few other apartheid era Acts which need to be repealed or repealed and replaced. In this regard the following is to be noted:

**i) Criminal Law Amendment Bill (relating to Riotous Assemblies Act)**

A draft Bill to repeal the Riotous Assemblies Act, 1956 and to make provision for the offence of attempt, conspiracy and inducing

another person to commit an offence has been developed and in the process of being consulted with the relevant key stakeholders. The Bill will also address the Constitutional Court's decision in the Economic Freedom Fighters and another vs The Minister of Justice and another (ZACC) 2020 which declared the Act as unconstitutional and invalid insofar as section 18(2)(b) of the Act is concerned.

**ii) Unlawful Entering on Premises Bill (to repeal and replace the Trespass Act)**

The Trespass Act has been identified as a piece of colonial/apartheid era legislation, as it was originally designed to combat trespass, publications and conduct engendering hostility between certain population groups. The Act has lost its relevance in the constitutional democracy given that its express purpose was to suppress political resistance and to manage interaction between race groups in line with the apartheid objectives. A draft Bill has been developed and submitted for consideration and approval to consult with certain key stakeholders in its development.

**iii) Regulation of Trusts Bill**

The Bill seeks to develop legislation that regulates the institution of trusts in order to provide for legislative measures which are on par with the current socioeconomic, jurisprudential and practical landscapes in which the Trusts are created and operated. A draft Bill has been submitted to the minister for approval to consult with certain key stakeholders in its development, and the next step will be to publish the Bill for public comments.

**iv) Repeal of Transkei Penal Code Bill**

The Transkei Penal Code, 1983 was enacted during the apartheid era and remains in full force and effect, despite the amendments made to it in 1996 and 1997 when certain provisions relating to sexual offences capital punishment were repealed. A draft Bill to repeal the Penal Code has been prepared and submitted for approval to consult with key stakeholders.

**v) Regulation of Interception of Communications and Provision of Communication-Related Information Act**

The Department has long before the recent constitutional court judgment, started with the review of most of the provisions of the Act. Informal consultation with some of the key stakeholders in respect of some of the provisions

has taken place. The Department is aware of the deadline in the recent court case. Much work in respect of the Bill is still required before the Bill may be consulted on.

**2.4.4 Operationalised legislation**

**(a) Legal Practice Act, 2014**

The Department has put into operation the provisions of the Legal Practice Act, 2014 relating to the Office of the Ombud for Legal Services with effect from 1 March 2022.

The Office of the Ombud was established and the relevant sections of the Legal Practice Act were put into operation. The sections referred to are:

- (i) section 14;
- (ii) section 42;
- (iii) Chapter 5;
- (iv) section 93(5); and
- (v) section 95(2),

The sections relating to the appointment of lay persons to disciplinary committees have not yet been put into operation as it requires a list of lay persons. This list is being considered by the Ombud. The Minister will be able to advise the president to put sections 37(5)(e)(ii), 40(1)(b)(ii) and (7)(b), and 41, into operation when the lists of lay persons are ready.

The appointment of the Ombud, with a start-up budget to enable the Ombud to begin the process of setting up the office, consider its staff establishment, etc. was a necessary step in the creation of an office where none existed previously.

The following regulations have been promulgated during the period under review:

**(b) Truth and Reconciliation Commission**

The two sets of regulations providing for educational assistance to victims in respect of basic education and higher education and training were finalised and published for implementation.

**2.4.5 High Profile Litigation**

**(a) Constitutional Court Judgments**

**1. Sithole and another V Sithole and another 2021 ZACC 7; 2021 (6) BCLR 597 (CC)**

1.1) This was an application for confirmation of an order of constitutional invalidity made by the High Court, KwaZulu-Natal Local Division: Durban, which declared section 21(2)(a) of the Matrimonial Property Act 88 of 1984 (the MPA) unconstitutional and invalid to the

extent that it maintains and perpetuates the discrimination created by section 22(6) of the Black Administration Act 38 of 1927 (the BAA), in that marriages of black couples, entered into under the BAA before 1988, are automatically out of community of property.

- 1.2) In a unanimous judgment handed down on 14 April 2021, the Constitutional Court pointed out that the only possible explanation for the retention of these remnants of past discriminatory laws in our statutes is that they have been overlooked.
- 1.3) The Constitutional Court held that the dire consequences suffered by Black people as a result of such discriminatory laws make it compelling that such laws should be urgently obliterated from our statutes. It found section 21(2)(a) of the Matrimonial Property Act 88 of 1984 to be unfairly discriminatory and such discrimination was not justifiable under section 36 of the Constitution. The Constitutional Court accordingly confirmed the High Court's order that section 21(2)(a) of the Matrimonial Property Act is unconstitutional and invalid to the extent that it maintains and perpetuates the discrimination created by section 22(6) of the Black Administration Act 38 of 1927 (BAA), in that marriages of Black couples, entered into under the BAA before 1988, are automatically out of community of property.

**2. Jane Bwanya v Master of the High Court, Cape Town and Others 2021 ZACC 51**

- 2.1 This was an application for confirmation of an order of constitutional invalidity of section 1(1) of the Intestate Succession Act made by the Western Cape Division of the High Court. The judgment also encompasses an application for a direct appeal against the High Court's dismissal of a challenge to the constitutional validity of the definition of "survivor" under section 1 of the Maintenance of Surviving Spouses Act.
- 2.2 The applicant and the deceased lived together in a committed romantic relationship. Two months before they were to commence lobola negotiations, the deceased passed away. The deceased died testate having nominated his mother as the only heir to his estate. His mother, however, had predeceased him.
- 2.3 The applicant lodged two claims in terms of the Administration of Estates Act against the deceased's estate. One claim, founded on the Intestate Succession Act, was for inheritance. The other, pegged on the Maintenance of

Surviving Spouses Act, was for maintenance. The basis of the claims was the following: the deceased was her life partner; they had been living together in a permanent, stable and intimate relationship; they were engaged to be married; their partnership was analogous to, or had most of the characteristics of a marriage; the deceased supported her financially, emotionally and introduced her to friends as his wife; they had undertaken reciprocal duties of support; and were to start a family together. The executor of the deceased's estate rejected both claims on the basis that the Intestate Succession Act and Maintenance of Surviving Spouses Act conferred benefits only on married couples, not partners in permanent life partnerships.

- 2.4 The applicant challenged the constitutionality of both Acts before the High Court. That Court declared section 1(1) of the Intestate Succession Act unconstitutional but rejected the challenge to the constitutionality of section 1 of the Maintenance of Surviving Spouses Act.
- 2.5 The Minister of Justice and Correctional Services submitted that should this Court find that rights have been infringed, he would make no attempt to justify such infringement. On section 1(1) of the Intestate Succession Act, the Minister explained that no legislative amendments have been made to ensure sameness of treatment between same- and opposite sex life partners due to the particular disadvantage and vulnerability experienced by same-sex couples. In relation to the Maintenance of Surviving Spouses Act, the Minister argues that the State's approach to maintenance in opposite-sex life partnerships is consistent with the Constitutional Court's judgment in *Volks v Robinson*.
- 2.6 The majority judgment penned by Madlanga J stressed that permanent life partnerships are a legitimate family structure and are deserving of respect and, given recent developments of the common law, entitled to legal protection. The judgment held that the definition of "survivor" in section 1 of the Maintenance of Surviving Spouses Act is unconstitutional and invalid insofar as it omits the words "and includes the surviving partner of a permanent life partnership terminated by the death of one partner in which the partners undertook reciprocal duties of support and in circumstances where the surviving partner has not received an equitable share in the deceased partner's estate". The judgment ordered that these words be read into the definition. "Spouse" and "marriage" are also

declared to include a person in a permanent life partnership. The declaration of invalidity was suspended for 18 months to afford Parliament an opportunity to cure the constitutional defect.

- 2.7 Additionally, the majority judgment confirmed the declaration of invalidity of section 1(1) of the Intestate Succession Act made by the High Court. Likewise, this declaration of invalidity was suspended for 18 months for the same reason as above.

### **3. Ayres and Another v Minister of Justice and Correctional Services and Another [2022] ZACC 12**

- a) The applicants have challenged the constitutionality of section 63 of the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992) (the Drugs Act), in the High Court KwaZulu-Natal Local Division, Durban, to the extent that it provides that the Minister of Justice may, by notice in the Gazette and after consultation with the Minister of Health, include any substance or plant in Schedule 1 and 2, delete any substance or plant included in that schedule, or otherwise amend that schedule, and therefore gives the minister plenary legislative power since the schedules are essentially part of the Act and therefore the section delegates original power to amend the Act itself.
- b) The High Court dismissed their application and as a result, they have filed an application for leave to appeal directly to the Constitutional Court. The applicants asked the Constitutional Court to set aside the order of the High Court as it had breached the doctrine of stare decisis because the Constitutional Court had already declared the said provision unconstitutional in *Smith v the Minister of Justice and Correctional Services and Others*.
- c) The Constitutional Court found in a unanimous judgment on 25 March 2022 that the doctrine of stare decisis should have dictated that the decision in *Smit* informed the High Court's reasoning in the matter. However, the Constitutional Court held that although the High Court was wrong to conclude that section 63 of the Drugs Act was constitutional, the order it made, which was to dismiss the application, was correct. Therefore, although the High Court's order was based on incorrect reasoning, the order that was ultimately made was correct, because a court cannot declare legislation constitutional if it has already been declared unconstitutional by the

Constitutional Court. The Constitutional Court therefore refused leave to appeal.

### **(b) Supreme Court of Appeal Judgments**

#### **1. President of the RSA and Another v Women's Legal Centre Trust and Others; Minister of Justice and Constitutional Development v Faro and Others; and Minister of Justice and Constitutional Development v Esau and Others (Case No 612/19) [2020] SASCA 177**

- 1.1 The applicant, the Women's Legal Centre Trust ("the WLCT") filed an application in the High Court Western Cape Division, Cape Town in which it was contended that the state had failed to recognise and regulate marriages solemnised in accordance with the tenets of Sharia law and was consequently in breach of various sections of the Constitution. The WLCT argued that section 7(2) of the Constitution obliged the state to prepare, initiate, introduce and bring into operation legislation recognising Muslim marriages and that the President and Cabinet failed to fulfil this obligation. In the alternative, the WLCT sought an order declaring the Marriage Act, 1961 (Act No. 25 of 1961) ("the Marriage Act") and the Divorce Act, 1979 (Act No. 70 of 1979) ("the Divorce Act"), unconstitutional insofar as they fail to recognise and provide for Muslim marriages.
- 1.2 The Supreme Court of Appeal ("the SCA") handed down judgment on 18 December 2021 and found, inter alia, that the Marriage Act and the Divorce Act are unconstitutional in that they fail to recognise marriages solemnised in accordance with Sharia law as valid marriages and to regulate the consequences of such marriages.
- 1.3 The matter has been referred to the Constitutional Court for final determination of the constitutional defects and was heard on 5 August 2021. Judgment was reserved.

### **(c) High Court judgments**

#### **2. Arena Holdings (Pty) Ltd) t/a Financial Mail and 2 Others (Pretoria High Court – Case Number 88359/2019)**

- 2.1 The application relates to a constitutional challenge of the statutory prohibition of the disclosure of a taxpayer's tax information held by the South African Revenue Services (SARS) in circumstances where such disclosure would reveal evidence of a "substantial contravention of the law" and would be in the public

interest. The applicant argued, inter alia, that, to the extent that the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (PAIA) excludes access to the tax records of former President Zuma by virtue of section 35, read with section 46, PAIA is unconstitutional.

- 2.2 The High Court handed down judgment on 16 November 2021 and held that section 35 and 46 of PAIA are unconstitutional and invalid to the extent that they preclude access to tax records by a person other than a tax payer, even in circumstances where the requirements as set out in subsection 46(a) and (b) of PAIA are met. SARS and the Minister of Justice have filed an application for leave to appeal at the Constitutional Court and both the appeal as well as the confirmation of constitutional invalidity will be heard simultaneously on 23 August 2022.

**3. S v LM and Others (97/18; 98/18; 99/18; 100/18) [2020] ZAGPJHC 170**

- 3.1 The court has declared section 4(b) of the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992), inconsistent with the Constitution and invalid to the extent that it criminalises the use and/or possession of cannabis by a child.
- 3.2. Pending completion of the law reform process, no child may be arrested and/or prosecuted and/or diverted for the impugned provision. This moratorium does, however, not prevent and/or prohibit any person from making use of any civil process and/or procedure to ensure a child receives appropriate assistance and/or intervention for cannabis use dependency.
- 3.3 Children accused of a schedule 1 offence are further, under no circumstances, permitted to undergo diversion programmes involving a period of temporary residence.
- 3.4 The matter has been referred to the Constitutional Court for confirmation and was heard on 3 March 2022. Judgment is reserved.

#### 4. ACHIEVEMENT OF INSTITUTIONAL IMPACTS AND OUTCOMES

IMPACT STATEMENT	OUTCOMES	PROGRESS ON THE ACHIEVEMENT OF THE OUTCOMES
<p>Improved public perception, confidence in the justice system and respect for the rule of law</p>	<p>Outcome 1: Modernised and digitised justice services platforms</p>	<p>The Department improved access to justice services by making justice services available through online channels and mobile applications by making use of technology.</p> <p>The following online services have been piloted:</p> <ul style="list-style-type: none"> <li>• The Masters services (Trust and Deceased Estates).</li> <li>• The Family Advocate services (Maintenance services) The NRSO Integration with SAPS for NRSO.</li> <li>• The expungement of criminal records services</li> </ul> <p>The achievement of these initiatives will increase access to justice services.</p>
	<p>Outcome 2: Improved organisational capability and good governance</p>	<p>The Department continues to address audit findings by implementing interventions in order to achieve positive audit outcome and turnaround the Department. The Department addressed 68% of the audit findings raised by internal and external auditors during the financial year.</p> <p>The Department continues to implement capacity building through programmes, a total of 6 706 officials had been trained on various programmes. Fraud and corruption remain a priority in the Department and the Department had achieved its target by finalising 99 of the 132 corruption incidents that were reported.</p> <p>One of the government's priorities is to accelerate economic transformation and job creation. To contribute to this priority, the Department supported small and medium businesses through participation in procurement allocation. The Department prioritised procurement allocated to women.</p>
	<p>Outcome 3: Improved awareness of justice services and constitutionalism</p>	<p>The Department continued to raise awareness of justice services and constitutionalism by raising constitutional awareness educational programmes protecting the rights of LGBTI persons and combating trafficking in persons and xenophobic attacks. Furthermore, the Department implemented programmes to commemorate the 25th anniversary of the Constitution.</p>
	<p>Outcome 4: Increased access to justice services</p>	<p>Increasing access to justice for all and enhancing the rule of law have been critical priorities for government. The establishment of sexual offences courts to combat the scourge of sexual and gender-based violence remains a priority for the Department.</p> <p>The Department continues to improve on the service standard of finalising maintenance matters within 90 days from the date of service of maintenance summonses and other family law services.</p> <p>To increase services to the previously marginalised communities, the Department converted 6 branch courts into full services courts during the year.</p>
	<p>Outcome 5: Improved Masters services</p>	<p>In respect of the Masters' services accessed online, the Department is in the process to revisit and amend the Administration of Estates Act 66 of 1965. In totality, modernisation and keeping up with electronic developments in the country, which was not available at the time the Act was last amended, has already started in the 2021/22 financial year and is set to continue in the 2022/23 financial year. The procedures that must be followed in legislative amendments are cumbersome and require consultation with stakeholders.</p> <p>The deceased estates and trusts online registration services were developed to allow people who want to report deceased estates or register trusts, to do so remotely from the comfort of their offices, homes, or any other place. This approach will be an effective move to reduce the number of customers in the offices of the Masters or at the service points, and will enhance access to the Masters services in the country.</p>

IMPACT STATEMENT	OUTCOMES	PROGRESS ON THE ACHIEVEMENT OF THE OUTCOMES
Improved public perception, confidence in the justice system and respect for the rule of law	Outcome 6: Colonial/ apartheid era justice related legislation reviewed and replaced	<p><b>Bills processed and some enacted into Acts of Parliament</b></p> <ul style="list-style-type: none"> <li>• Criminal and Related Matters Amendment Act, 2021 (Act No. 12 of 2021);</li> <li>• Criminal Law (Sexual Offences and Related Matters) Amendment Act (Act No. 13 of 2021) and</li> <li>• Domestic Violence Amendment Act, 2021 (Act No. 14 of 2021);</li> <li>• Regulations relating to assistance to Victims in respect of basic education and higher education and training.</li> </ul> <p><b>Old era legislation reviewed:</b></p> <ul style="list-style-type: none"> <li>• Repeal of the Transkei Penal Code Bill</li> </ul>
	Outcome 7: Transformed state legal services	<p>The transformation of state legal services to improve effectiveness and efficiency has been prioritised through the implementation of the State Attorney Amendment Act, 2014 (Act No. 13 of 2014).</p> <p>During the period under review, the Office of the Solicitor General finalised and presented the six policies at different clusters for endorsement:</p> <p>(a) The coordination and management of all litigation which the state is involved, (b) briefing of legal practitioners, (c) outsourcing of legal work, including the instruction of correspondent attorneys, (d) initiating, defending and opposing of matters; (e) implementing alternative dispute resolution mechanisms and policy on the management of state contingent liability. These policies will be routed to cabinet for endorsement and noting in the 2022/23 financial year.</p>
	Outcome 8: Transformed legal profession	<p>Transformation of the legal profession remains a priority for the Department. The Department finalised and submitted the revised draft guideline policy guidelines on the conferral of senior counsels which will drive transformation of the legal profession to the minister for approval.</p> <p>The Department briefed counsel on legal matters to the value of R1 031 900 345 of which R856 779 166 was paid to previously disadvantaged legal practitioners. This translated to 83% performance.</p>
	Outcome 9: Advanced constitutionalism, human rights and the rule of law	<p>The year 2021 presented a significant landmark in the creation of the constitutional democracy in South Africa and marked various important milestones in our nascent democracy including the commemoration of the 25th anniversary of the signing of the Constitution into law. The Department developed a year-long programme for the commemoration of the 25th Anniversary of the Constitution, which was approved by the Cabinet in May 2021. During the period under review, the Department conducted 371 public education activities on the 25th anniversary of the Constitution and constitutional rights education.</p>
	Outcome 10: Crime and corruption reduced through effective prosecution	<p>In order to improve investor perception and confidence, the MTSF 2019-2024 identifies the establishment of new Specialised Commercial Crimes Courts (SCCCs) as a measure which will impact positively on the perception of corruption in South Africa that prospective investors may have.</p> <p>As a target, the MTSF requires the Department of Justice and Constitutional Development to establish five new SCCC in five provinces during the 2019-2024 MTSF period. A National SCCC Steering Committee was established to identify the appropriate sites for the new SCCC as well as to consider and approve proposed budgets from each of the provinces identified. The National SCCC Steering Committee decided to establish new SCCC in those provinces which did not yet have an SCCC, namely, Limpopo, North West, Mpumalanga and Northern Cape. The establishment of these Specialised Commercial Crimes Courts ensured that all provinces had dedicated SCCC. On 6 April 2022, additional dedicated Specialised Commercial Crimes Courts became operational in Eastern Cape (Mthatha and East London). The new Specialised Commercial Crimes Court in KwaZulu-Natal (Pietermaritzburg) came into operation on 6 January 2022. Furthermore, enhancements were made to two existing Specialised Commercial Crimes Courts in Gauteng (Palm Ridge and Pretoria North).</p> <p>The review of South African's anti-corruption architecture: Creating a permanent multi-disciplinary agency to deal with all cases of white-collar crime, organised crime and corruption position paper was submitted to the minister for approval on 30 March 2022.</p>

## 4. PROGRAMME PERFORMANCE INFORMATION

### 4.1 Report against the originally tabled 2021/22 Annual Performance Plan until December 2021

#### 4.1.1 Programme 1: Administration

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

This programme comprises the following subprogrammes:

- i. **Ministry:** Provides leadership and policy direction to the DoJ&CD.
- ii. **Management:** Provides strategic leadership and overall management through the following subprogrammes: Branch coordination and service delivery improvement (BCSDI) including the management of the complaint handling mechanism (Call Centre); policy development and coordination; and strategic planning, monitoring and evaluation.
- iii. **Corporate services:** Provides integrated business solutions in human resource management (HR) and human resource development (HRD); information and systems management (ISM) which is responsible for information and communication technology (ICT); the coordination of the DoJ&CD's legal and employee relations management services (LERMS); and public education and communications (PEC); and justice related training, practical legal training and empowerment programmes across the justice sector provided through the Justice College.
- iv. **Financial administration:** Provides financial services to the DoJ&CD with respect to financial resource allocation and management to aid in the fulfilment of the Department's goals and objectives as well as supply chain management functions.
- v. **Internal audit and risk management:** Assists the accounting officer in maintaining efficient and effective controls and evaluates those controls' ability to determine their effectiveness and efficiency, in order to develop recommendations with regard thereto as well as management of risks.
- vi. **Office accommodation:** Provides for accommodation charges, leased agreements and municipal rates.

#### List of outcomes

The programme contributes to the following outcome:

**Outcome 1:** Modernised and digitised justice services platforms

**Outcome 2:** Improved organisational capability and good governance

**Outcome 3:** Improved awareness of justice services and constitutionalism

**Outcome 1: Modernised and digitised justice services platforms**

<b>Outcome 1: Modernised and digitised justice services platforms</b>								
<b>Output</b>	<b>Output indicator</b>	<b>Audited actual achieved performance 2019/2020</b>	<b>Audited actual achieved performance 2020/2021</b>	<b>Planned annual target 2021/2022</b>	<b>Actual achievement 2021/2022 until date of re-tabling 20 January 2022</b>	<b>Deviation from planned target to actual achievement for 2021/2022</b>	<b>Reasons for deviations</b>	<b>Reasons for revisions to the outputs /output indicator/ annual targets</b>
1.1 Justice services accessible via digital channels	1.1.1 Maintenance services available on the DoJ internet portal (online) implemented	-	-	Maintenance services available on the DoJ internet portal (online) by 30 September 2021	Piloting (New Case Registration) commenced at MC Durban (Point) for the walk-in public in progress	(75%)	Ransomware incident which rendered all systems unavailable	<ul style="list-style-type: none"> <li>the annual targets for output indicators 1.1.1 to 1.1.5 were deferred from the third quarter to the fourth quarter due to delays encountered while developing and testing other systems during the pilot stage,</li> </ul>
1.1 Justice services accessible via digital channels	1.1.2 Trusts services available on the DoJ internet portal (online) implemented	-	-	Trusts services available on the DoJ internet portal (online) by 30 September 2021	Development and testing of additional enhancements completed	(100%)	Ransomware incident which rendered all systems unavailable	<ul style="list-style-type: none"> <li>unavailability of end-users to test the enhancement during lockdown restrictions</li> <li>lack of dedicated development resources from SITA,</li> </ul>
1.1 Justice services accessible via digital channels	1.1.3 Deceased estates services available on the DoJ internet portal (online) implemented	-	-	Deceased estates services available on the DoJ internet portal (online) by 30 September 2021	Development and testing of additional enhancements completed	(100%)	Ransomware incident which rendered all systems unavailable	<ul style="list-style-type: none"> <li>environment downtime as a result of aging infrastructure and ransomware attack</li> </ul>
1.1 Justice services accessible via digital channels	1.1.4 Protection order services available on the DoJ internet portal (online) by target date	-	-	Protection order services available on the DoJ internet portal (online) by 31 March 2022	Analysis and design of the solution completed and signed off	(100%)	Ransomware incident which rendered all systems unavailable along with the decision on piloting of the current developed solution versus solution to be developed in accordance with the revised regulation	
1.1 Justice services accessible via digital channels	1.1.5 Expungement of criminal records services accessible via digital platforms by target date	-	-	Expungement of criminal records services accessible via digital platforms by 31 March 2022	Back-end component of this system was developed	100%	Ransomware incident which rendered all systems unavailable	

Outcome 1: Modernised and digitised justice services platforms								
Output	Output indicator	Audited actual achieved performance 2019/2020	Audited actual achieved performance 2020/2021	Planned annual target 2021/2022	Actual achievement 2021/2022 until date of re-tabling 20 January 2022	Deviation from planned target to actual achievement for 2021/2022	Reasons for deviations	Reasons for revisions to the outputs /output indicator/ annual targets
	(100%)	Ransomware incident which rendered all systems unavailable	-	45 sites	Bid specifications completed	(100%)	The DoJ&CD component of the solution specifications was completed, but put on hold by the IJS Board, due to the broader need for the JCPS cluster to incorporate their needs into the specifications	The amendments were informed by the expansion of the scope to include the JCPS cluster requirements and the delay that was caused by IJS resources contract which expired between February and March 2021
1.1 Justice services accessible via digital channels	1.1.6 NRSO integration with SAPS for NRSO removal applications available online	-	-	NRSO integration with SAPS for NRSO removal applications available by 31 March 2022	The Analysis and design of the solution is completed.	(100%)	Ransomware incident which rendered all systems unavailable	-
1.2 Justice services accessible via virtual platforms	1.2.1 Number of sites rolled out with the Courts Audio-Visual Solution (CAVS)	-	0	45 sites	Bid specifications completed	(100%)	The DoJ&CD component of the solution specifications was completed, but put on hold by the IJS Board, due to the broader need for the JCPS cluster to incorporate their needs into the specifications	The amendments were informed by the expansion of the scope to include the JCPS cluster requirements and the delay that was caused by IJS resources contract which expired between February and March 2021
1.3 Additional payment channels for court collection	1.3.1 Number of sites where Cashless Court Solution through point of sale devices is deployed	-	25	400	371	(7%)	Target not achieved due to ransomware attack	The amendment was informed by the suspension of certain activities regarding the implementation of the POS devices during the malware attack

**Output 1.1.1 Maintenance services available on the DoJ internet portal (online)**

During the period under review, piloting of new case registration commenced at MC Durban (Point) for the walk-in public in August 2021.

The 2021-2022 annual target was revised to be achieved in February 2022 because of the ransomware attack. System recovery was completed after the ransomware incident.

**Output 1.1.2 Trusts services available on the DoJ internet portal (online)**

During the reporting period, the development and testing of additional enhancements for the trust services available online were completed.

The 2021-2022 annual target was revised to be achieved in February 2022 because of the ransomware attack. System recovery was completed after the ransomware incident.

**Output 1.1.3 Deceased estates services available on the DoJ internet portal (online)**

The development and testing of additional enhancements for the online deceased estate services was completed during the period under review.

The 2021-2022 annual target was revised to be achieved in February 2022 because of the ransomware attack. System recovery was completed after the ransomware incident.

**Output 1.1.4 Protection order services available on the DoJ internet portal (online)**

In the period under review, the enhancements to the online solution were completed. However, these enhancements are affected by the amendments to the Regulations. The judiciary has suggested that developers consider changes to the system based on the revised regulations after they are completed.

The 2021-2022 annual target was revised to be achieved in February 2022 because of the ransomware attack. System recovery was completed after the ransomware incident.

**Output 1.1.5 Expungement of criminal records services accessible via digital platforms**

The portal and back-end system component (DoJ internal expungement processing system) was developed during the period under review.

The 2021-2022 annual target was revised to be achieved in February 2022 because of the ransomware attack. System recovery was completed after the ransomware incident.

**Output 1.1.6 NRSO integration with SAPS for NRSO removal applications available online**

For the period under review, the online portal solution was completed and enhancements to ICMS NRSO were in progress.

The 2021-2022 annual target was revised to be achieved in February 2022 because of the ransomware attack. System recovery was completed after the ransomware incident.

**Output 1.2.1 Sites rolled out with the Courts Audio-Visual Solution (CAVS)**

The bid specification was completed during the reporting period.

The 2021-2022 annual target was revised to be achieved. The bid specification was completed but the roll out was put on hold by the IJS Board, due to the broader need for the JCPS cluster to incorporate their needs into the specifications.

**Output 1.3.1 Sites where Cashless Court Solution through point of sale devices is deployed**

During the period under review, a total of 371 Cashless Court Solution through point of sale (POS) devices were rolled out to courts.

Quarter three 's target of 150 was split to be 100 in quarter three and 50 to be completed in quarter four.

**Outcome 2: Improved organisational capability and good governance**

<b>Outcome 2: Improved organisational capability and good governance</b>								
<b>Output</b>	<b>Output indicator</b>	<b>Audited actual achieved performance 2019/2020</b>	<b>Audited actual achieved performance 2020/2021</b>	<b>Planned annual target 2021/2022</b>	<b>Actual achievement 2021/2022 until date of re-tabling 20 January 2022</b>	<b>Deviation from planned target to actual achievement for 2021/2022</b>	<b>Reasons for deviations</b>	<b>Reasons for revisions to the outputs/output indicator/annual targets</b>
2.1 Percentage of vacant posts at SMS level	2.2.1 Percentage of women occupying senior management services (SMS) positions	-	-	50%	48%	(4%)	Non-compliance with the EE plan since more men are appointed than women.	The amendments were made to also include women in LP10.
2.6 Disciplinary hearings finalised within prescribed timeframe	2.6.1 Percentage of disciplinary hearings finalised within 90 days from the date of opening the matter	-	-	60%	32%	(47%)	The Department has a limited number of employees that deal with disciplinary hearings, which has delayed the finalisation of the outstanding matters.	The amendments were caused by COVID-19, and many cases were delayed longer than expected.
2.7 Grievances resolved within 90 days	2.7.1 Percentage of grievances resolved within 90 days from the date of opening the matter	-	-	60%	42%	(30%)	The lack of a quality investigation report was considered a contributor. There is a limited number of employees designated to deal with grievances within the Department.	The amendment was made to specify that the 90 days is from the date of opening the matter.
2.8 Disciplinary hearings for misconduct backlog finalised	2.8.1 Number of backlogs on disciplinary hearing cases for misconduct resolved	-	-	45	145	222%	Priority has been given to addressing backlog cases.	The amendment was made to clarify the definition in the TID.
2.9 Grievances resolved within the prescribed timeframe	2.9.1 Number of backlogs on grievances resolved	-	-	50	154	208%	Priority has been given to addressing backlog cases.	The amendment was made to clarify the definition in the TID.
2.17 Criminal records of qualifying candidates cleared	2.17.1 Percentage of expungements finalised within three months since receipt of complete application	-	-	80%	100%	25%	Target exceeded due to effective monitoring of performance.	The amendment was made to correct the error on the annual target.

**Output 2.2.1 Women occupying senior management services (SMS) positions**

At the end of the reporting period, there were 69 women occupying SMS positions out of 144 SMS positions. This resulted in a 48% performance.

The output was revised from “women occupying senior management services position to “women occupying senior management services and LP10 positions.

**Output 2.6.1. Disciplinary hearings finalised within 90 days**

A total of 191 disciplinary cases were completed, 62 of which were completed within 90 days during the reporting period. This translated to a performance of 32%.

The annual target was revised from 60% to 55% as many cases were being postponed for longer period than anticipated due to COVID-19. This indicator measures the percentage of reported grievances resolved within the prescribed timeframe of 90 days from the date the matter was reported, to when the file was opened.

**Output 2.7.1. Grievances resolved within 90 days**

In this reporting period, 203 grievance cases were resolved while 85 were completed within 90 days.

The definition and the method of calculation were revised to ensure alignment with the output indicator.

**Output 2.8.1. Backlogs on disciplinary hearing cases for misconduct resolved**

During the period under review, a total of 145 backlogs on disciplinary hearing cases for misconduct were resolved.

The definition in the TID was revised to clearly define the misconduct backlog cases.

**Output 2.9.1. Backlogs on grievances resolved**

During the period under review, a total of 154 backlog cases on grievances were resolved during the period under review.

The definition in the TID was revised to clearly define the grievances backlog cases.

**Output 2.17.1 Criminal records of qualifying candidates cleared**

During the period under review, the Department processed and finalised 9 347 expungement cases of which 6 738 were within three months.

The 2021/22 annual target was erroneously captured on the annual target table as 85% instead of 80%.

**Outcome 3: Improved awareness of justice services and constitutionalism**

Outcome 3: Improved awareness of justice services and constitutionalism								
Output	Output indicator	Audited actual achieved performance 2019/2020	Audited actual achieved performance 2020/2021	Planned annual target 2021/2022	Actual achievement 2021/2022 until date of re-tabling 20 January 2022	Deviation from planned target to actual achievement for 2021/2022	Reasons for deviations	Reasons for revisions to the outputs /output indicator/ annual targets
3.6 25 years of Constitution commemorated	3.6.1 Programmes to commemorate the 25th anniversary of the Constitution implemented	-	-	Report on the implementation of programmes to commemorate the 25 years anniversary of the Constitution submitted to the minister for approval	Concept note launch and memo have been drafted for DG's submission	(100%)	Capacity constraints	The amendments were made to ensure that the output indicator is aligned to the targets and that targets follow the SMART criteria

### Output 3.6.1 25 years of Constitution commemorated

Cabinet approved the commemorative programme on 12 May 2021. The logo, project theme and objectives were approved, and it has been widely communicated to all stakeholders. The Department has established the national steering committee and internal planning committee to manage the activities planned. A number of initiatives have been undertaken to commemorate the Constitution.

The output indicator was revised from “programmes to commemorate the 25th anniversary of the constitution implemented” to “number of reports on the implementation of programmes to commemorate the 25th anniversary of the Constitution submitted to the minister for approval”.

#### 4.1.2 Programme 2: Court services

The purpose of this programme is to two-fold:

- 1) To facilitate the speedy resolution of criminal cases, civil and family law disputes by providing accessible, efficient and strategic court administration support functions in respect of the lower courts; and
- 2) The management of facilities and justice security services in respect of facilities for which DoJ&CD is responsible.

The programme consists of the following subprogrammes:

- i. **Lower courts:** Coordination and management of an effective and efficient criminal and civil justice systems; protection of the rights of vulnerable persons (PRVP) which is responsible for the establishment of sexual offences courts and the development and implementation of measures to reduce gender-based violence and femicide (GBVF) and the protection of children; special tribunals and commissions of inquiry which focus on the facilitation and coordination of the special tribunals and commissions of inquiry appointed in terms of the Commissions of Inquiry Act, 1947 and other applicable legislation.
- ii. **Family advocate:** Relates to services of the Office of the Family Advocate in respect of litigation and mediation services affecting children and child and spousal maintenance services.
- iii. **Magistrates commission:** Established in terms of the Magistrates Act, 1993, and which regulates the appointment, tenure and discharge of magistrates.
- iv. **Facilities management:** Focuses on the provision and management of facilities in respect of the ministry, the DoJ&CD, Office of the Chief Justice (OCJ), National Prosecuting Authority (NPA), courts and justice service points; justice security services focuses on the provision and management of security services in respect of all offices of the DoJ&CD, Office of the Chief Justice, National Prosecuting Authority (NPA), courts and justice service points.
- v. **Administration of lower courts:** Focuses on the coordination of the administration of justice services at the nine regional offices of the Department.

#### List of outcomes

The programme contributes to the following outcome:

**Outcome 4:** Increased access to justice services

**Outcome 10:** Crime and corruption significantly reduced through effective prosecution

**Outcome 4: Increased access to justice services**

Outcome 4: Increased access to justice services								
Output	Output indicator	Audited actual achieved performance 2019/2020	Audited actual achieved performance 2020/2021	Planned annual target 2021/2022	Actual achievement 2021/2022 until date of re-tabling 20 January 2022	Deviation from planned target to actual achievement for 2021/2022	Reasons for deviations	Reasons for revisions to the outputs /output indicator/ annual targets
4.1 Established phases of Femicide Watch	4.1.1 Phases of Femicide Watch completed as required by article 15 of Presidential Summit Declaration against GBVF, 2019, and the National Strategic Plan (NSP) on GBVF	Phase 2 of the Femicide Watch achieved	Phase 3 of the Femicide Watch dashboard report completed and published to stakeholders	Phase 4 Functional Femicide Watch dashboard with available data	The data received was reviewed  A draft data assessment report has been completed	(100%)	The IJS Femicide Watch project manager's contract came to an end at the end of July 2021.	The reason for the amendment to all phase 4 definition to the TID deliverables
4.2 Criminal cases postponed due to unavailability of court administration staff	4.2.1 Percentage of criminal cases postponed due to unavailability of court administration staff	≤0.2%	≤0.1%	≤0.3%	-	(100%)	The report was unavailable as a result of a ransomware attack.	The amendment was informed by environment downtime as a result of cyber-attack and impact of Covid-19
4.4 NRSO Clearance certificates issued in 10 days	4.4.1 Percentage of NRSO clearance certificates issued within 10 working days from date of receipt of application	-	0	100	The minister has consulted the Chief Justice (CJ) and the NDPP as required by the Act.	(100%)	A response from the Chief Justice was pending.	The amendment was made to the legal opinion that the minister may only designate 9 established regional courts as in terms of section 2(1) (g) of the Magistrate Court Act, 1944.
4.5 Sexual offences courts established at designated courts	4.5.1 Number of additional courts designated in terms of section 55(A) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, as sexual offences courts	-	0	100	The minister has consulted the Chief Justice (CJ) and the NDPP as required by the Act.	(100%)	A response from the Chief Justice was pending.	The amendment was made to the legal opinion that the minister may only designate 9 established regional courts as in terms of section 2(1) (g) of the Magistrate Court Act, 1944.

Outcome 4: Increased access to justice services								
Output	Output indicator	Audited actual achieved performance 2019/2020	Audited actual achieved performance 2020/2021	Planned annual target 2021/2022	Actual achievement 2021/2022 until date of re-tabling 20 January 2022	Deviation from planned target to actual achievement for 2021/2022	Reasons for deviations	Reasons for revisions to the outputs /output indicator/ annual targets
4.6 Courts compliant with the strategy on universal access for persons with disabilities	4.6.1 Number of courts compliant with the strategy on universal access for persons with disabilities	-	-	75	50	(33%)	Further consultation with stakeholders	The amendment was to align it with the standard to gauge compliance of the courts on the minimum standard on universal access for persons with disabilities.
4.7 Family advocate litigation matters finalised within 12 months from the date of opening the matter	4.7.1 Percentage of family advocate litigation matters finalised within 12 months from the date of opening the matter	92%	85%	80%	18%Pe	(78%)	Target not reached because of severe capacity constraints.	The method of calculation denominator was changed due to an error identified on litigation matters received instead of litigation matters finalised.
4.9 Maintenance matters finalised within 90 days from the date of proper service of process	4.9.1 Percentage of maintenance matters finalised within 90 days from the date of proper service of process	84%	85%	80%	89%	11%	Target exceeded due to effective monitoring of performance.	The amendments were informed by the IMF Help Desk contract that expired in September 2021 which resulted in a backlog of outstanding court inquiries and ransomware attack.
4.10 Social compact concept developed.	4.10.1 Social compact between the Executive, Judiciary and Legislative tiers of government implemented	-	-	Social compact discussion document submitted to Cabinet by 31 December	-	(100%)	Capacity constraints	The amendments were informed by delays in stakeholder consultation.

Outcome 4: Increased access to justice services								
Output	Output indicator	Audited actual achieved performance 2019/2020	Audited actual achieved performance 2020/2021	Planned annual target 2021/2022	Actual achievement 2021/2022 until date of re-tabling 20 January 2022	Deviation from planned target to actual achievement for 2021/2022	Reasons for deviations	Reasons for revisions to the outputs /output indicator/ annual targets
4.12 Case backlog reduced	4.12.1 Case backlogs reduction framework adopted by 31 December 2021	-	-	Case backlogs reduction framework adopted by 31 December 2021	Consulted with stakeholders and draft case backlogs reduction framework with amendments was submitted to ADDG	(100%)	Additional consultations delayed the completion of the framework.	The amendments were informed by delays in the consultation of JCPS stakeholders
4.13. Maintenance framework	4.13.1 Maintenance improvement framework developed and submitted to the minister for approval by 31 December 2021	-	-	Maintenance improvement framework submitted to the minister for approval by 31 December 2021	The draft maintenance improvement framework was submitted to DDG	(100%)	Further consultation with stakeholders	The amendments were informed by the delays in the consultation process that were supposed to be held on 12-13 September 2021 as part of the Indaba that was planned however, the planned date was amended.

**Output 4.1.1 Established phases of Femicide Watch**

In the reporting period, the data was received and reviewed. In addition, the data assessment report, which included data analysis and comments from participating departments and the SAPS, was completed. Planning for the UAT session was underway and was scheduled to be completed in January 2022.

The definition of phase 4 was revised from “functional Femicide Watch dashboard with available data” to “approved report on available data for phase 4 Femicide Watch dashboard” and therefore affected quarter 3 and 4 targets.

**Output 4.2.1 Criminal cases postponed due to unavailability of court administration staff**

Data was not yet available as system integrations to allow upgrade not fully restored after system shutdown.

The annual target was revised from ≤0.3% to ≤0.2% as a result of environment downtime caused by the cyber-attack and the impact of COVID-19

**Output 4.4.1 NRSO clearance certificates issued within 10 working days**

During the reporting period, the NRSO received 1,004 applications and processed 627 within 10 days of receipt by the South African Council of Educators (SACE) regarding confirmation for individuals who would be in contact with children as part of their employment.

The annual target was revised from 65% to 50%.

**Output 4.5.1 Additional sexual offences courts designated in terms of section 55(A) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007**

During the period under review, The Minister has consulted the Chief Justice (CJ) and the NDPP as required by the Act and a response from the Chief Justice was pending.

The output indicator was revised from “number of additional courts designated in terms of section 55(A) of the Criminal Law (Sexual Offences and Related

Matters) Amendment Act, 2007, of sexual offences” to “number of sexual offences courts established at designated courts”.

The third quarter target of 100 was deferred to the fourth quarter.

#### **Output 4.6.1 Courts compliant with the strategy on universal access for persons with disabilities**

A total of 50 courts were compliant with the universal access strategy for persons with disabilities during the period under review.

The output indicator was revised from “number of courts compliant with the strategy on universal access for persons with disabilities” to “number of courts compliant with the minimum standard on universal access for persons with disabilities”.

#### **Output 4.7.1 Family advocate litigation matters finalised within 12 months from the date of opening the matter**

During the period under review, the Department received a total of 9 771 litigation matters, of which 1 755 matters were finalised within 12 months from the date of opening the file.

The method of calculation denominator was changed due to an error identified on litigation matters received instead of litigation matters finalised.

#### **Output 4.9.1. Maintenance matters finalised within 90 days from the date of proper service of process**

The Department processed 15 041 maintenance cases where defendants were served with proper service of process, while 13 328 of these maintenance cases were finalised within 90 days after proper service of process during the reporting period.

The annual target was revised from 80% to 75%.

#### **Output 4.10.1 Social compact between the Executive, Judiciary and Legislative tiers of government implemented**

In the reporting period, progress towards the completion of the social compact discussion document was ongoing.

The annual target was revised from “social compact discussion document submitted to Cabinet by 31 December 2021” to “social compact discussion document submitted to Minister for approval by 31 March 2022”.

#### **Output 4.12.1 Case backlogs reduction framework adopted by 31 December 2021**

During the period under review, the memorandum and draft framework were submitted to Acting DDG Court Services on 29 November 2021.

In addition, a further consultation meeting to discuss the proposed amendments and the memorandum of understanding (MOU) was expected to be held in January 2022 with the JCPS member departments. The output indicator was revised from “case backlogs reduction framework adopted by 31 March 2022” to “case backlogs reduction framework submitted to the Minister for approval by 31 March 2022”.

#### **Output 4.13.1 Maintenance improvement framework developed and submitted to the Minister for approval**

The draft maintenance improvement framework was presented at National Maintenance Forum which consist of directors legal. The comments received were considered in the draft maintenance improvement framework and submitted to the Acting DDG Court Service.

Output indicator and annual target was revised from “maintenance improvement framework developed and submitted to the Minister for approval by 31 December 2021” to “maintenance improvement framework developed and submitted to the Minister for approval by 31 March 2022”.

### 4.1.3 Programme 3: State legal services

The aim of this programme is to provide legal and legislative services to the Department and government broadly; 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.

The programme consists of the following subprogrammes:

- i. **State law advisory services:** Provides legal advisory services by the Office of the Chief State Law Adviser to the Executive, all state departments, state-owned enterprises and autonomous government bodies.
- ii. **Litigation and legal services:** Provides state litigation services which relates to the functions of the Solicitor-General and Offices of the State Attorney, including conveyancing and notary services in respect of all government departments and other organs of state as may be determined in terms of the State Attorney Amendment Act.
- iii. **Legislative development and law reform:** Conducts research and prepares and promotes new legislation and amends existing legislation.
- iv. **Master of the High Court:** Is responsible for functions relating to the administration of deceased and insolvent estates, trusts, curatorship and the Guardian's Fund performed through the various offices of the Master countrywide.
- v. **Constitutional development:** Coordinates the implementation of constitutionally mandated legislation such as the Promotion of Equality and Prevention of Unfair Discrimination Act (2000) and the Promotion of Administrative Justice Act 2000; the preparation and submission of country reports; coordination of the implementation of the National Action Plan (NAP) to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance); and conducts research on various constitutional related matters. The aim of this programme is to provide legal and legislative services to the Department and government broadly; 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.

#### List of outcomes

The programme contributes to the following outcomes:

**Outcome 5:** Improved Masters services

**Outcome 6:** Colonial/Apartheid era justice-related legislation reviewed and replaced

**Outcome 7:** Transformed state legal services

**Outcome 8:** Transformed legal profession

**Outcome 9:** Advanced constitutionalism, human rights and the rule of law

### Outcome 5: Improved Masters services

Outcome 5: Improved Masters services								
Output	Output indicator	Audited actual achieved performance 2019/2020	Audited actual achieved performance 2020/2021	Planned annual target 2021/2022	Actual achievement 2021/2022 until date of re-tabling 20 January 2022	Deviation from planned target to actual achievement for 2021/2022	Reasons for deviations	Reasons for revisions to the outputs /output indicator/annual targets
5.1 Liquidation and distribution accounts in large estates (>250 000) examined within 15 days from receipt of all required documents	5.1.1 Percentage of liquidation and distribution accounts in large estates (>250 000) examined within 15 days from receipt of all required documents	90%	71%	75%	73%	(3%)	Backlogs created by the system downtime.	The amendments were due to backlog due to COVID-19 restrictions, severe network instability and challenges with obtaining files from offsite storage in some of the offices.  Delays in dealing with medical negligence, and rough communal property trusts which were not previously factored in.
5.2 Letters of appointment issued in deceased estates within 15 days from receipt of all required documents	5.2.1 Percentage of letters of appointment issued in deceased estates within 15 days from receipt of all required documents	91%	75%	75%	77%	3%	Target exceeded due to effective monitoring of performance.	

Outcome 5: Improved Masters services								
Output	Output indicator	Audited actual achieved performance 2019/2020	Audited actual achieved performance 2020/2021	Planned annual target 2021/2022	Actual achievement 2021/2022 until date of re-tableting 20 January 2022	Deviation from planned target to actual achievement for 2021/2022	Reasons for deviations	Reasons for revisions to the outputs /output indicator/annual targets
5.3 Beneficiaries in receipt of services within 40 days from receipt of all required documents (Guardian's Fund)	5.3.1 Percentage of beneficiaries in receipt of services within 40 days from receipt of all required documents (Guardian's Fund)	-	89%	80%	76%	(5%)	Backlogs created by the system downtime.	The amendments were due to backlog due to COVID-19 restrictions, severe network instability and challenges with obtaining files from offsite storage in some of the offices.  Delays in dealing with medical negligence, and rough communal property trusts which were not previously factored in.
5.4 Certificates of appointment issued in all bankruptcy matters within 10 days from receipt of all required documents	5.4.1 Percentage of certificates of appointment issued in all bankruptcy matters within 10 days from receipt of all required documents	93%	87%	75%	88%	17%	Target exceeded due to effective monitoring of performance.	
5.6 Letters of authority issued in trusts within 14 days from receipt of all required documents	5.6.1 Percentage of letters of authority issued in trusts within 14 days from receipt of all required documents	85%	68%	70%	60%	(25%)	Backlogs created by the system downtime.	

**Output 5.1: Liquidation and distribution accounts in large estates (>250 000) examined within 15 days from receipt of all required documents**

During the period under review, 37 170 liquidation and distribution accounts in large estates were examined, of which 27 002 of these accounts were examined within 15 days from receipt of all required documents.

Although the indicator refers to liquidation and distribution accounts in large estates (>R250 000) the indicator measures all matters regardless of value and this has been consistently reported in that manner throughout the year.

The target was reduced from 75% to 70%.

**Output 5.2: Letters of appointment issued in deceased estates within 15 days from receipt of all required documents**

In total, 128 588 letters of appointment in deceased estates were issued, of which 99 231 appointments were issued within 15 days from receipt of all required documents during the reporting period.

The target was reduced from 75% to 65%.

**Output 5.3: Beneficiaries in receipt of services within 40 days from receipt of all required documents (Guardian’s Fund).**

A total of 28 468 certificates of appointment in all bankruptcy matters were issued and 21 723 of these appointments were issued within 40 days from receipt of all required documents.

The target was reduced from 80% to 70%.

**Output 5.4: Certificates of appointment issued in all bankruptcy matters within 10 days from receipt of all required documents**

In the reporting period, 6 873 certificates of appointment in all bankruptcy matters were issued and 6 060 of these appointments were issued within 10 days from receipt of all required documents.

The target was reduced from 75% to 70%.

**Output 5.6: Letters of authority issued in trusts within 14 days from receipt of all required documents**

A total of 20 853 letters of authority were issued in trusts, of which 12 417 of those were issued within 14 days from receipt of all required documents during the quarter under review.

The target was reduced from 70% to 60%.

**Outcome 6: Colonial/Apartheid era justice-related legislation reviewed and replaced**

Outcome 6: Colonial/Apartheid era justice-related legislation reviewed and replaced								
Output	Output indicator	Audited actual achieved performance 2019/2020	Audited actual achieved performance 2020/2021	Planned annual target 2021/2022	Actual achievement 2021/2022 until date of re-tabling 20 January 2022	Deviation from planned target to actual achievement for 2021/2022	Reasons for deviations	Reasons for revisions to the outputs /output indicator/ annual targets
6.4 Research papers approved by the commission	6.4.1 Number of research papers submitted to the South African Law Reform Commission for approval	11	11	12	8	(33%)	Target not met due to capacity issues arising from unexpected retirement of staff	Capacity challenges as a result of un-planned staff retirement

**Output 6.4 Research papers approved by the commission**

During the 2021/22 financial year, a total of eight (8) research papers were submitted to the South African Law Reform Commission for approval.

The annual/quarter three target was revised from 12 to 10 research papers to be submitted to the South African Law Reform Commission for approval.

**Outcome 8: Transformed legal profession**

<b>Outcome 8: Transformed legal profession</b>								
<b>Output</b>	<b>Output indicator</b>	<b>Audited actual achieved performance 2019/2020</b>	<b>Audited actual achieved performance 2020/2021</b>	<b>Planned annual target 2021/2022</b>	<b>Actual achievement 2021/2022 until date of re-tabling 20 January 2022</b>	<b>Deviation from planned target to actual achievement for 2021/2022</b>	<b>Reasons for deviations</b>	<b>Reasons for revisions to the outputs /output indicator/ annual targets</b>
8.3 Briefs allocated to female legal practitioners	8.3.1 Percentage of briefs allocated to female legal practitioners	39%	-	41%	40%	(2%)	The number of female legal practitioners at the different associations are less than those of males, therefore the pool is not sufficient to encourage an increase in briefs.	The amendments to correct the error on TID
8.5 Policy framework on the transformation of senior counsel status to the legal profession	8.5.1 Policy framework on transformation of senior counsel status to advocates, attorneys and legal professionals who practice outside the courts developed by 31 March 2022	-	-	Policy framework submitted to the Minister for consideration by 31 March 2022	Policy framework was not submitted to the Minister for consideration	(100%)	Target not achieved due to further engagements with all relevant stakeholders	The amendments for the output indicator and targets were informed by the need to first develop the draft regulations to accompany the policy framework.

**Output 8.3 Briefs allocated to female legal practitioners**

During the period under review, a total of 4 954 briefs were allocated, of which 1 972 briefs were allocated to female counsel, which translated to a performance of 40%.

The output indicator was revised from “percentage of briefs allocated to previously disadvantaged female legal practitioners” to the “percentage of briefs allocated to female legal practitioners”.

**Output 8.5 Policy framework on the transformation of senior counsel status to the legal profession**

The policy framework was not submitted to the Minister for consideration. As an alternative, the Minister approved the discussion document as the basis for engagement with the legal profession, the judiciary, and other stakeholders affected thereby.

The following changes were made to the output and output indicator:

- The output indicator was revised from “policy framework on the transformation of senior counsel status to advocate attorneys to the legal professionals who practice outside the courts developed by 31 March 2022” to “policy framework and accompanying Regulations on the conferral of senior legal practitioner (advocates and attorney) submitted to the Minister for approval by 31 March 2022”.
- The annual target was revised from “policy framework submitted to the Minister’s consideration by 31 March 2022” to “draft policy and accompanying draft regulation submitted to the Minister for approval by 31 March 2022”.
- The quarter three target was revised from “ongoing research and consultation” to “consultation with legal practice counsel on concept document”.

- The quarter four target was revised from “policy framework submitted to the Minister’s consideration by 31 March 2022” to “policy framework and accompanying Regulation submitted to the Minister for approval by 31 March 2022”.
- The technical indicator description was revised in terms of the definition, source of data means of verification, assumptions, and desired performance and in line with the output, output indicator, and targets.

**Outcome 9: Advancement of constitutionalism, human rights and the rule of law**

Outcome 9: Advancement of constitutionalism, human rights and the rule of law								
Output	Output indicator	Audited actual achieved performance 2019/2020	Audited actual achieved performance 2020/2021	Planned annual target 2021/2022	Actual achievement 2021/2022 until date of re-tabling 20 January 2022	Deviation from planned target to actual achievement for 2021/2022	Reasons for deviations	Reasons for revisions to the outputs /output indicator/ annual targets
9.5 Framework on extradition and mutual legal assistance	9.5.1 Framework on extradition and mutual legal assistance submitted to the Minister for approval by 31 December 2021.	-	-	Framework on extradition and mutual legal assistance submitted to the Minister for approval by 31 December 2021	The framework on extradition and mutual legal assistance was not submitted to the Minister for approval by December 2021.	(100%)	Inputs from Presidency were received late, and the official working on the document was booked off due to ill health.	The amendments were as a result of the effects of COVID-19 and ransomware attack.
9.7 Constitutional Court judgements implementation framework	9.7.1 Framework to monitor the implementation of Constitutional Court judgements developed	-	-	Draft framework to monitor the implementation of Constitutional Court judgements developed and submitted to the Minister for consultation approval	The draft framework to monitor the implementation of Constitutional Court judgments was not developed and submitted to the Minister for consultation approval	(100%)	Additional inputs received	The amendments were made to ensure that the output indicator and target follows SMART criteria and the target has been achieved.

**Output 9.5 Framework on extradition and mutual legal assistance**

The framework on extradition and mutual legal assistance was not submitted to the Minister for approval by December 2021. However, the issue paper was finalised and submitted to all relevant stakeholders for inputs during the third quarter. The draft framework has not yet been finalised and all inputs are being consolidated.

The output indicator was revised from “draft framework on treaty obligations developed and submitted to the Minister for approval by 31 December 2021” to “draft framework on treaty obligations developed and submitted to the Minister for approval by 28 February 2022”.

The annual target was revised from “draft framework on treaty obligations developed and submitted to the Minister for approval by 31 December 2021” to “draft framework on treaty obligations developed and submitted to the Minister for approval by 28 February 2022”.

### **Output 9.7 Constitutional Court judgements implementation framework**

The draft framework to monitor the implementation of Constitutional Court judgments was not developed and submitted to the Minister for consultation approval by target date.

The output indicator was revised from “framework to monitor the implementation of Constitutional Court judgements developed to “framework to monitor the implementation of Constitutional Court judgements submitted to the Minister for approval”.

The annual target was revised from “draft framework to monitor the implementation of Constitutional Court judgements developed and submitted to the Minister for consultation approval” to “draft framework to monitor the implementation of Constitutional Court judgements submitted to the Minister for approval by 31 March 2022”

### **4.1.4 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, removes the profit from crime, and protects certain witnesses.

The programme consists of the following subprogrammes:

- i. **National prosecutions service:** Primarily responsible for general and specialised prosecutions and the appeals that might follow, which include resolving criminal matters outside of the formal trial process through alternative dispute resolution mechanisms, settling admissions of guilt for minor offences and considering dockets brought by the police where persons have not been charged. This subprogramme further deals with priority crimes litigation, sexual offences and community affairs and specialised commercial crime.
- ii. **Asset forfeiture unit:** Seizes assets that are the proceeds of crime or have been part of the offence through a criminal or civil process.
- iii. **Office of witness protection:** Provides for protection, support and related services to vulnerable, intimidated witnesses and related persons in judicial proceedings in terms of the Witness Protection Act (1998).
- iv. **Strategy, operations and compliance:** Provides corporate support services to the National Prosecuting Authority in terms of finance, human resources, ICT, strategy support, integrity, security, communication and risk management.
- v. **Investigating directorate:** As a dedicated project, will investigate and prosecute identified serious, complex and high-profile corruption and related cases falling within its mandate (including those identified in the Judicial Commission of Inquiry into Allegations of State Capture (also known as the Zondo Commission) and other commissions of inquiries, and will recover assets identified to be the proceeds of corruption.

#### **List of outcomes**

The programme contributes to the following outcomes:

**Outcome 4:** Increased access to justice services

**Outcome 10:** Crime and corruption significantly reduced through effective prosecution

**Outcome 10:** Crime and corruption significantly reduced through effective prosecution

Outcome 10: Crime and corruption significantly reduced through effective prosecution								
Output	Output indicator	Audited actual achieved performance 2019/2020	Audited actual achieved performance 2020/2021	Planned annual target 2021/2022	Actual achievement 2021/2022 until date of re-tabling 20 January 2022	Deviation from planned target to actual achievement for 2021/2022	Reasons for deviations	Reasons for revisions to the outputs /output indicator/ annual targets
10.3 Effective prosecutions conducted	10.3.4 Conviction rate in cable theft	-	81,5% (119)	90%	92% (179)	2%	Target achieved due to proactive policing, close cooperation with the private sector and during lockdown restrictions, more accused were arrested at crime scenes.	The amendments were as a result of the impact of COVID-19 on the operations.
10.6 Recovery of money and assets that are the proceeds of crime	10.6.1 Value of recoveries relating to corruption or related offences	R3m	R3m	R1.4bn	R2.1m	(99%)	Target not achieved due to delays in the finalisation of trials and obtaining freezing orders in high value cases.	The amendments were due to the fact that the large freezing orders in place were restraints obtained in terms of Chapter 5 of POCA (Act 121 of 1998) and therefore AFU can only apply for confiscation once the accused in the criminal trials are convicted.

**Output 10.3.4 Conviction rate in cable theft**

The NPA obtained 179 convictions from 193 verdict cases, recording a 92, 7% conviction rate in cable theft matters.

The annual and quarterly targets were amended from 90% to 80%.

**Output 10.6 Recovery of money and assets that are the proceeds of crime**

The AFU obtained recoveries in the amount of R2.1 million in corruption matters. Serious corruption cases take a long time to finalise. In many cases, huge amounts are under restraint and will remain so until the accused are convicted. Accused in high-value corruption cases have the means to vigorously oppose all actions, which leads to delays in the finalisation of cases. Once these cases are finalised, vast amounts stand to be recovered.

The annual target was amended from R1.4bn to R311m. Quarter three target amended from R300m to R123.94m and quarter four from target R350m to R184.90m.

## 4.2 Report against the re-tabled 2021/22 annual performance plan in January 2022

### 4.2.1 Programme 1: Administration

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

This programme comprises the following subprogrammes:

- i. **Ministry:** Provides leadership and policy direction to the DoJ&CD.
- ii. **Management:** Provides strategic leadership and overall management through the following subprogrammes: Branch coordination and service delivery improvement (BCSDI) including the management of the complaint handling mechanism (Call Centre); policy development and coordination; and strategic planning, monitoring and evaluation.
- iii. **Corporate services:** Provides integrated business solutions in human resource management (HRM) and human resource development (HRD); information and systems management (ISM) which is responsible for information and communication technology (ICT); the coordination of the DoJ&CD's legal and employee relations management services (LERMS); public education and communications (PEC); and justice related training, practical legal training and empowerment programmes across the justice sector provided through the Justice College.
- iv. **Financial administration:** Provides financial services to the DoJ&CD with respect to financial resource allocation and management to aid in the fulfilment of the Department's goals and objectives as well as supply chain management functions.
- v. **Internal audit and risk management:** Assists the accounting officer in maintaining efficient and effective controls and evaluates those controls' ability to determine their effectiveness and efficiency, in order to develop recommendations with regard thereto as well as management of risks.
- vi. **Office accommodation:** Provides for accommodation charges, lease agreements and municipal rates.

#### List of outcomes

The programme contributes to the following outcomes:

**Outcome 1:** Modernised and digitised justice services platforms

**Outcome 2:** Improved organisational capability and good governance

**Outcome 3:** Improved awareness of justice services and constitutionalism

#### Outcome 1: Modernised and digitised justice services platforms

Outcome 1: Modernised and digitised justice services platforms							
Output	Output indicator	Audited actual achieved performance 2019/2020	Audited actual achieved performance 2020/2021	Planned annual target 2021/2022	Actual achievement 2021/2022 until date of re-tabling 20 January 2022	Deviation from planned target to actual achievement for 2021/2022	Reasons for deviations Reasons for revisions to the outputs / output indicator/annual targets
1.1 Justice services accessible via digital channels	1.1.1 Maintenance services available on the DoJ internet portal (online) implemented	-	-	Maintenance services available on the DoJ internet portal (online) implemented	Maintenance services piloted on the DoJ internet portal (online) by 28 February 2022	-	Target achieved.

Outcome 1: Modernised and digitised justice services platforms							
Output	Output indicator	Audited actual achieved performance 2019/2020	Audited actual achieved performance 2020/2021	Planned annual target 2021/2022	Actual achievement 2021/2022 until date of re-tableting 20 January 2022	Deviation from planned target to actual achievement for 2021/2022	Reasons for deviations Reasons for revisions to the outputs / output indicator/annual targets
1.1 Justice services accessible via digital channels	1.1.2 Trusts services available on the DoJ internet portal (online) implemented	-	-	Trusts services available on the DoJ internet portal (online) by 28 February 2022	Trusts services piloted on the DoJ internet portal (online) by 28 February 2022	-	Target achieved.
1.1 Justice services accessible via digital channels	1.1.3 Deceased estates services available on the DoJ internet portal (online) by 28 February 2022	-	-	Deceased estates services available on the DoJ internet portal (online) by 28 February 2022	Deceased estates services piloted on the DoJ internet portal (online) by 28 February 2022	-	Target achieved.
1.1 Justice services accessible via digital channels	1.1.4 Protection order services available on the DoJ internet portal (online) by target date	-	-	Protection order services available on the DoJ internet portal (online) by 28 February 2022	Phase 1 (for legally represented complainants) developed and tested.	(100%)	Target not achieved.  Piloting did not proceed due to rules and regulations that required to be amended prior to pilot site implementation. In line with the finalised rules and regulations, the solution will be enhanced to enable the ability to monitor the implementation of the Gender Based Violence Act, rules and regulations.
1.1 Justice services accessible via digital channels	1.1.5 Expungement of criminal records services accessible via digital platforms by target date	-	-	Expungement of criminal records services piloted on the DoJ internet portal (online) by 28 February 2022	Expungement of criminal records services piloted on the DoJ internet portal (online) by 28 February 2022	-	Target achieved.
1.1 Justice services accessible via digital channels	1.1.6 NRSO clearance and NRSO removal applications available on the DoJ internet portal (online)	-	-	NRSO Integration with SAPS for NRSO removal applications available by 28 February 2022	NRSO clearance and removal services available on the DoJ internet portal (online) by 31 March 2022	-	Target achieved.

Outcome 1: Modernised and digitised justice services platforms							
Output	Output indicator	Audited actual achieved performance 2019/2020	Audited actual achieved performance 2020/2021	Planned annual target 2021/2022	Actual achievement 2021/2022 until date of re-tabling 20 January 2022	Deviation from planned target to actual achievement for 2021/2022	Reasons for deviations Reasons for revisions to the outputs / output indicator/annual targets
1.2. Justice services accessible via virtual platforms	1.2.1 Procurement of Courts Audio-Visual Solution (CAVS) completed by target date	-	-	Procurement of Courts Audio-Visual Solution (CAVS) completed by 28 February 2022	Bid specifications completed and approved for publication through SITA.	(100%)	The DoJ&CD component of the solution specifications was completed but put on hold by the IJS Board, due to a broader need for the JCPS cluster to incorporate its needs into the specifications.  Change in sourcing strategy where SITA will manage the procurement as a procurement agency.
1.3 Additional payment channels for court collection	1.3.1 Number of sites where Cashless Court Solution through point of sale devices is deployed	-	25	400	443	11%	Target exceeded.  The roll-out of the devices could be done in a shorter space of time due to original estimations being conservative and that banks were ready quicker than the original estimate.

Access to courts is the Constitutional imperative that can be facilitated through diversified means which includes digitisation and technological advancements which are globally acknowledged as being the core drivers of efficiency and effectiveness in any public and private business environment.

**Output 1.1.1 Maintenance services available on the DoJ internet portal (online)**

The online maintenance solution is part of the Department’s strategy to start introducing online service channels in order to improve access to justice services and improve the efficiency with which the services are provided. This capability will enable the registration of maintenance applications online by the complainants.

During the year under review, the maintenance services solution was developed, tested and enhanced further as per user testing outcome. Solution was piloted at Branch Court Point (Durban) for walk-in public, utilising the kiosks set up at the court since June 2021. Solution piloting at additional site (Magistrates Court Hartswater) for walk-in public was completed.

**Output 1.1.2 Trusts services available on the DoJ internet portal (online) and Output 1.1.3 Deceased estates services available on the DoJ internet portal (online)**

In the year under review, solutions were developed, tested and improved based on the results of user testing. The solutions have been piloted in the Master Office: Pretoria since 1 March 2022.

#### **Output 1.1.4 Protection order services available on the DoJ internet portal (online)**

For many years, the court system has been riddled with systematic deficiencies that consistently expose victims of gender-based violence, particularly domestic violence, to secondary victimisation.

The submission of applications for domestic violence and harassment protection orders through the Department of Justice Services web portal will be achieved through the development of a protection order module on the newly developed portal, thus leveraging the existing integration with ICMS and the Judiciary eWorkspace.

During the year under review, phase 1 (for legally represented complainants) was developed and tested.

Pilot site implementation has not taken place as rules and regulations need to be changed before pilot site implementation.

#### **Output 1.1.5 Expungement of criminal records services accessible via digital platforms**

The Department deals with the expungement of certain criminal records in respect of individuals who are eligible under the law. The criminal records of those individuals are expunged, which enhances their reintegration into the socioeconomic environment. The submission of applications for expungements of criminal records services were made available online on the DoJ internet portal.

In the year under review, the solution was developed, tested and refined based on the results of user testing. The solution was piloted at National Office for walk-in public utilising kiosks.

#### **Output 1.1.6 NRSO Integration with SAPS for NRSO removal applications available online**

During the year under review, the solution was developed, tested and enhanced further as per user testing outcome. The online solution has been piloted through SACE (South African Council of Educators).

#### **Output 1.2.1 Sites rolled out with the Courts Audio-Visual Solution (CAVS)**

The implementation of Courts Audio-Visual Solutions (CAVS) is part of broader efforts to improve the entire South African Criminal Justice System.

During the year under review, procurement processes were underway, which included the finalisation of tender specifications. The bid specifications were completed and approved for publication via SITA. The DoJ&CD component of the solution specifications were completed but put on hold by the IJS Board, due

to a broader need for the JCPS cluster to incorporate it's needs into the specifications. The change in sourcing strategy where SITA will manage the procurement as a procurement agency.

#### **Output 1.3.1 Sites where Cashless Court Solution through Point of Sale Devices is deployed**

Modernising the justice system remains a key strategic priority for the Department to increase access to justice that is at the forefront of the court modernisation project going forward. It will enhance the effectiveness of the courts.

In the year under review, a total of 443 Cashless Court Solution through point of sale (POS) devices were rolled out to the courts.



**Outcome 2: Improved organisational capability and good governance**

Outcome 2: Improved organisational capability and good governance							
Output	Output indicator	Audited actual achieved performance 2019/2020	Audited actual achieved performance 2020/2021	Planned annual target 2021/2022	Actual achieved performance 2021/2022	Deviation from planned target to actual achievement for 2021/2022	Reasons for deviations
2.1 Percentage of vacant posts at SMS level	2.1.1 Percentage of vacancy posts at SMS level (Vacancy rate)	-	-	10%	15%	(50%)	High staff turnover rate for SMS positions.  Complexities of the recruitment process requiring participation from various levels of management.  The position not in alignment with the structure reflects vacant positions.
2.2 Women occupying senior management services (SMS) and LP10 positions	2.2.1 Percentage of women occupying senior management service (SMS) and LP 10 positions	-	-	50%	50%	-	Target achieved.
2.3 Reconfigured macro structure implemented.	2.3.1 Number of initiatives completed to implement reconfigured macro structure	-	-	6 initiatives completed	6 initiatives completed	-	Target achieved.
2.4 Capacitation of employees	2.4.1 Number of people trained in line with workplace skills plan (WSP) through Justice College and HRD unit	-	188	3000	6 706	124%	Target exceeded.  Introduction of monitoring of progress on a monthly basis through reporting.  Official quarterly feedback to the regions and branches highlighting current performance and expected future performance.

Outcome 2: Improved organisational capability and good governance							
Output	Output indicator	Audited actual achieved performance 2019/2020	Audited actual achieved performance 2020/2021	Planned annual target 2021/2022	Actual achieved performance 2021/2022	Deviation from planned target to actual achievement for 2021/2022	Reasons for deviations
2.5 Reported corruption cases investigation for officials finalised	2.5.1 Percentage of reported corruption cases investigated for officials finalised	-	27%	70%	75%	7%	<p>Target exceeded.</p> <p>The amendment of the COVID-19 travel restrictions allowed for the improved turn-around time in the finalisation of investigations.</p> <p>There was improved capacity in the filling of vacancies that enabled the unit to finalise fraud and corruption allegations.</p>
2.6 Disciplinary hearings finalised within the prescribed time frame	2.6.1 Percentage of disciplinary hearings finalised within 90 days from the date of opening the matter	-	-	55%	63%	15%	<p>Target exceeded.</p> <p>The reason for this over-achievement is that employee relations staff put more focus on grievances and misconducts.</p>
2.7 Grievances resolved within 90 days	2.7.1 Percentage of grievances resolved within 90 days from the date of opening the matter	-	-	60%	88%	47%	<p>Target exceeded.</p> <p>The reason for this over-achievement is that employee relations staff put more focus on grievances and misconducts.</p>
2.8 Disciplinary hearings for misconduct backlogs resolved	2.8.1 Number of backlogs on disciplinary hearing cases for misconduct resolved	-	-	45	119	164%	<p>Target exceeded.</p> <p>The reason for this over-achievement is that employee relations staff put more focus on grievances and misconducts.</p>

Outcome 2: Improved organisational capability and good governance							
Output	Output indicator	Audited actual achieved performance 2019/2020	Audited actual achieved performance 2020/2021	Planned annual target 2021/2022	Actual achieved performance 2021/2022	Deviation from planned target to actual achievement for 2021/2022	Reasons for deviations
2.9 Grievances on backlog resolved	2.9.1 Number of backlogs on grievances resolved	-	-	50	113	126%	Target exceeded.  The reason for this over-achievement is that employee relations staff put more focus on grievances and misconducts.
2.10. Resolved significant findings	2.10.1 Percentage of significant findings finalised	71%	25%	50%	68%	36%	Target exceeded.  This was due to the Department being conscious of the fact that in order to improve on the audit outcomes, it is imperative that internal controls are improved and that audit actions plans are implemented in an effective and efficient manner.
2.11 Percentage of fruitless and wasteful expenditure reduced	2.11.1 Percentage of fruitless and wasteful expenditure reduced	-	-	70%	80% decrease	14%	Target exceeded
2.12 Irregular expenditure reduced	2.12.1 Percentage of irregular expenditure reduced	-	-	55%	43% increase	(22%)	Target not met due to the confirmation of irregular expenditure for security guarding services contract that was incurred in the prior years but was only confirmed in the period under review.
2.13 Undisputed and valid invoices paid within 30 days	2.13.1 Percentage of undisputed and valid invoices paid within 30 days from date of receipt	99%	99%	100%	99%	(1%)	Offices experienced problems with the BAS system and capacity constraints due to COVID-19 cases.

Outcome 2: Improved organisational capability and good governance							
Output	Output indicator	Audited actual achieved performance 2019/2020	Audited actual achieved performance 2020/2021	Planned annual target 2021/2022	Actual achieved performance 2021/2022	Deviation from planned target to actual achievement for 2021/2022	Reasons for deviations
2.14 Procurement allocated to EME and QSE	2.14.1 Percentage of Rand value of discretionary procurement allocated to exempted micro enterprises (EMEs) and qualifying small enterprises (QSEs)	-	71%	40%	31%	(23%)	<ul style="list-style-type: none"> <li>• Most of the Department spending is on transversal contracts and the suppliers are predetermined and majority of them are GEN classified.</li> <li>• Lack of availability of procurement systems due to the ransomware attack.</li> <li>• The Constitutional Court judgment that invalidated the PPR 2017 Regulations also had an impact on this target.</li> </ul>
2.15. Rand value of discretionary procurement allocated to women	2.15.1 Percentage of Rand value of discretionary procurement allocated to women	-	-	10%	60%	500%	Target exceeded due to effective monitoring of performance.
2.16. Funding model for the implementation of NAP developed	2.16.1 Funding model for the implementation of NAP developed and submitted for approval by target date	-	Desktop analysis of existing funding models for the implementation of the NAP was completed	Funding model developed and submitted to Executive Authority for approval by 31 March 2022	Funding model developed and submitted to Executive Authority for approval by 31 March 2022	-	Target achieved.
2.17 Criminal records of qualifying candidates cleared	2.17.1 Percentage of expungements finalised within three months since receipt of complete application	-	-	80%	67%	(16%)	<p>Serious capacity constraints.</p> <p>Increase in number of applications received.</p> <p>NOCIMT register severely affected by ransomware attack.</p>

### **Output 2.1.1 Vacancy posts at SMS level (Vacancy rate)**

The Department developed recruitment strategies during the year to accelerate the retention of a 10% vacancy rate. This included introducing an e-mail application to support operations and responsiveness to COVID-19.

By the end of the financial year, there were 24 out of 158 vacant positions at the senior management services level, resulting in a SMS vacancy rate of 15%.

### **Output 2.2.1 Women occupying senior management services positions**

To accelerate the empowerment of Africans as well as women remains the priority of the Department, to ensure their full participation in the economic, political and social development in the country.

As at the end of the year under review, 94 women occupied SMS and LP10 positions out of 188 SMS positions. This resulted in a performance of 50%.

### **Output 2.3.1 Initiatives completed to implement reconfigured macro structure**

Reconfiguration and development of the macro structure according to the Department's strategy is necessary to ensure that the expected impact is achieved.

During the reporting period, the Department had completed the following initiatives for the implementation of a reconfigured macro structure:

- A business case and structure were developed and submitted for the Minister's approval on January 20, 2022. Moreover, it was submitted for DPSA approval on February 4, 2022.
- Migration strategy was presented at EXCO on 14 March 2022.
- Change management framework developed, and initiatives implemented.
- Cascading job description and job profiles of affected posts at ASD and DD level were finalised.
- Cascading matching and placement from lower levels up to ASD was finalised.
- Matching and placing of SMS level into new structure was conducted.

### **Output 2.4.1 People trained in line with the workplace skills plan through the Justice College and HRD unit**

The departmental objective is to ensure that training and development programmes are in place to enhance service delivery. A workplace skills training plan was developed to train and empower the officials to acquire the necessary skills.

As at the end of the year under review, the Department had provided training to 6 706 employees which is in line with the skills plan through the Justice College and Human Resource Development (HRD) unit.

### **Output 2.5.1 Resolved incidents of corruption in the Department**

To address the scourge of fraud and corruption that continues to pose a threat to the public service that undermines the rule of law and impedes the government's efforts to achieve its social and economic development and service delivery objectives, the Department is committed to ensuring that incidents of fraud and corruption are thoroughly investigated and appropriately addressed.

During the financial year under review, 132 corruption incidents were reported, 99 of which were finalised. This translated to a performance of 75%.

### **Output 2.6.1. Disciplinary hearings finalised within 90 days**

A total of 147 disciplinary cases have been finalised and 93 of those cases were finalised within 90 days during the reporting period. This translated to a performance of 63%.

### **Output 2.7.1. Grievances resolved within 90 days**

In the financial year under review, a total of 129 grievances were completed, 113 of which were resolved within 90 days.

### **Output 2.8.1. Backlogs on disciplinary hearing cases for misconduct resolved**

By the end of the financial year, a total of 119 backlogs on disciplinary hearing cases for misconduct were resolved.

### **Output 2.9.1. Backlogs on grievances resolved**

A total of 113 backlog cases on grievances were resolved during the period under review.

### **Output 2.10.1 Resolved significant findings**

The Department's objective is to focus on the key audit findings identified by the internal audit unit and the Auditor General in order to reduce the number of significant findings. This will improve the efficiency and effectiveness of internal controls that will result in the achievement of the Department's strategic outcome. The post-audit action plan was developed and approved for implementation during the reporting period.

By the end of the financial year, 88 out of 130 audit findings were addressed. This translated to 68% performance.

#### **Output 2.11.1 Fruitless and wasteful expenditure reduced**

Fruitless and wasteful expenditure for the Department has decreased with 80% (R357 001) in respect of cases reported for the 2021/22 financial year compared to the same period last year (R1 774 600).

##### **3.4.1 Irregular expenditure reduced**

The Department had incurred a total of R2 007 768 323 from the previous financial year in respect of irregular expenditure. The preliminary balance as at 31 March 2022 for irregular expenditure amounted to R2 875 111 130. This resulted in an increase of 43%.

#### **Output 2.13.1 Undisputed and valid invoices paid within 30 days**

The payment of valid invoices within 30 days remains a priority for the Department because of the serious economic impact on small businesses.

By the end of the financial year, the Department had processed 33 203 undisputed and valid invoices while 32 813 of these invoices were paid within 30 days. This translated to a performance of 99%.

#### **Output 2.14.1 Procurement allocated to EMEs and QSEs**

One of our government's priorities is to accelerate economic transformation and job creation. To contribute to this priority, the Department supports small and medium-sized enterprises through participation in procurement.

As at the end of the financial year, the Department had paid a total of R1 094 645 565 to contracts and request for quotation suppliers, of which R335 470 802 was paid over to exempted micro enterprise and Qualifying Small Enterprise suppliers. This translated to a performance of 31%.

#### **Output 2.15.1 Rand value of discretionary procurement allocated to women**

One of the government's priorities is to accelerate economic transformation and job creation. To contribute to this priority, the Department supports small and medium businesses through participation in procurement allocation.

During the reporting period, the Department paid a total of R1 094 645 565 to contracts and request for quotation suppliers, of which R655 816 248 was paid over to women. This translated to a performance of 60%.

#### **Output 2.16.1 Funding model for the implementation of NAP developed**

The Department plays an important role in the implementation of the National Action Plan (NAP) to combat racism, racial discrimination, xenophobia and related intolerances. The funding model will facilitate the implementation of the NAP programmes by all relevant stakeholders.

During the year under review, the memorandum on the funding model for the implementation of the NAP was finalised and submitted for the Minister for approval by 31st of March 2022.

#### **Output 2.17.1 Criminal records of qualifying candidates cleared**

The Department deals with the expungement of certain criminal records in respect of individuals who are eligible under the law. These individuals' criminal records are expunged, improving their reintegration into the socioeconomic environment.

As at the end of the year under review, the Department had processed 13 612 applications for expungements and finalised 9 060 expungement cases within three months from date of receipt. This translated to a performance of 67%.

**Outcome 3: Improved awareness of justice services and constitutionalism**

Outcome 3: Improved awareness of justice services and constitutionalism							
Output	Output indicator	Audited actual achieved performance 2019/2020	Audited actual achieved performance 2020/2021	Planned annual target 2021/2022	Actual achieved performance 2021/2022	Deviation from planned target to actual achievement for 2021/2022	Reasons for deviations
3.5 Public education awareness of the 25th anniversary of the Constitution conducted	3.1.1 Number of public education activities conducted to create awareness of the 25th anniversary of the Constitution and promote constitutional rights education	-	-	145	371	156%	Target exceeded due to effective monitoring of performance.
3.6 Public education activities conducted on justice services (civil, criminal and family law services)	3.2.1 Number of public education activities conducted on justice services (civil, criminal and family law services)			200	394	97%	Target exceeded due to effective monitoring of performance.
3.7 Trafficking in persons awareness campaigns	3.3.1 Number of trafficking in persons campaigns conducted in collaboration with other departments and role-players	-	4	4	5	25%	Target exceeded due to effective monitoring of performance.
3.8 Sustained and visible anti-xenophobia campaigns conducted	3.4.1 Number of sustained and visible anti-xenophobia campaigns conducted in collaboration with other departments and role-players	6	6	6	7	17%	Target exceeded due to effective monitoring of performance.
3.5 Awareness sessions on LGBTI rights conducted	3.5.1 Number of awareness sessions on LGBTI rights conducted in collaboration with other departments and role-players	19	18	9	17	89%	Target exceeded due to effective monitoring of performance.

Outcome 3: Improved awareness of justice services and constitutionalism							
Output	Output indicator	Audited actual achieved performance 2019/2020	Audited actual achieved performance 2020/2021	Planned annual target 2021/2022	Actual achieved performance 2021/2022	Deviation from planned target to actual achievement for 2021/2022	Reasons for deviations
3.6 Reports on the implementation of programmes to commemorate the 25th year of the Constitution	3.6.1 Number of reports on the implementation of programmes to commemorate the 25th anniversary of the Constitution submitted to the Minister for approval	-	-	2 Reports on the implementation of programmes to commemorate the 25th anniversary of the Constitution submitted to the Minister for approval	2 Reports on the implementation of programmes to commemorate the 25th anniversary of the Constitution were submitted to Minister for approval	-	Target achieved.

In an effort to improve the departmental image and expand access to justice for all, the Department’s work was supported by a diversity of communication platforms and approaches, including media outreach, social media, communications product development and events, among others.

**Output 3.1.1 Public education awareness of the 25th anniversary of the Constitution conducted**

During the year under review, the Department conducted 371 public education activities to mark the 25th anniversary of the Constitution and education on constitutional rights.

**Output 3.2.1 Public education activities conducted on justice services (civil, criminal and family law services)**

The Department conducted 394 public education activities related to justice services (civil, criminal and family law services) during the financial year under review.

**Output 3.3.1 Trafficking in persons awareness campaigns**

The Department has conducted a total of five campaigns on trafficking in persons in collaboration with other government departments and stakeholders during the reporting period.

**Output 3.4.1 Sustained and visible anti-xenophobia campaigns conducted in collaboration with other departments and role-players**

As at the end of the year under review, the Department had conducted seven anti-xenophobia campaigns in collaboration with other departments and role-players.

**Output 3.5.1 Awareness sessions on LGBTI rights conducted in collaboration with other departments and role-players**

The Department conducted a total of 17 awareness sessions on LGBTI matters in collaboration with other departments as at the end of financial year

**Output 3.6.1 25 years of Constitution commemorated**

The Department is recognised as the custodian to promote and advance constitutionalism, the rule of law, and respect for human rights and freedoms in South Africa. The year 2021 marked a significant landmark in South Africa’s history. It marked the 25th anniversary of the signing of the South African Constitution in 1996.

The Department has developed a one-year programme to commemorate the 25th anniversary of the Constitution. The commemoration programme was approved by Cabinet on May 12, 2021.

At the end of the year under review, two reports on the implementation of the 25th anniversary of the Constitution were finalised, and a memorandum was submitted for approval by the Minister on March 31, 2022.

## Strategy to overcome areas of under performance

Output indicator description		Strategy to overcome areas of under performance
1.1.4	Protection order services available on the DoJ internet P portal (online) by target date	<ul style="list-style-type: none"> <li>Complete the amendment to the rules and regulations and align the solution accordingly in 2022-23.</li> </ul>
1.2.1	Procurement of Courts Audio-Visual Solution (CAVS) completed by target date	<ul style="list-style-type: none"> <li>Monitor the SITA procurement process and commence with roll-out of the solution in the 2022-23.</li> </ul>
2.1.1	Percentage of vacancy posts at SMS level (Vacancy rate)	<ul style="list-style-type: none"> <li>Advertise all remaining SMS vacancies</li> <li>Weekly monitoring of progress made</li> </ul>
2.12.1	Percentage of irregular expenditure reduced	<ul style="list-style-type: none"> <li>Focus will, in the forthcoming financial year, be on concluding high value cases so that the Department can conduct its investigations using its internal capacity.</li> </ul>
2.13.1	Percentage of undisputed and valid invoices paid within 30 days from date of receipt	<ul style="list-style-type: none"> <li>Centralise the flow of invoices to the Department in order to ensure accurate and complete capturing of invoices on the Invoice Tracking System</li> <li>The internal timelines for processing invoices will be shortened to ensure that invoices are still paid within 30 days in instances where there are system challenges.</li> </ul>
2.14.1	Percentage of Rand value of discretionary procurement allocated to exempted micro enterprises and qualifying small enterprises	<ul style="list-style-type: none"> <li>The indicator is derived from Preferential Procurement Regulation 2017 which has been invalidated by the Constitutional Court. National Treasury has issued draft regulations for comments and it is anticipated that new regulations will be issued soon.</li> </ul>
2.17.1	Percentage of expungements finalised within three months from the receipt of complete applications	<ul style="list-style-type: none"> <li>Go live with newly developed IT system.</li> <li>Fill vacant posts.</li> <li>Utilise interns to add to capacity.</li> </ul>

## Linking performance with budgets

The programme's overall expenditure for the year amounted to R 2.755 billion against the budget of R 2.986 billion, resulting in an under spending of R 231 million.

The under spending is mainly attributed to delays in filling of vacant posts, lower than anticipated payment of performance bonuses and less than anticipated expenditure on private leases and municipal services.

## Subprogramme expenditure

Sub-programme name	2021/2022			2020/2021		
	Final appropriationa	Actual expenditure	(Over)/Under expenditure	Final appropriationa	Actual expenditure	(Over)/Under expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
Ministry	34 289	30 588	3 701	30 130	28 338	1 792
Management	57 087	54 827	2 260	54 935	47 783	7 152
Corporate services	1 060 481	1 034 624	25 857	1 076 436	986 337	90 099
Financial administration	205 367	203 665	1 702	212 087	200 480	11 607
Internal audit	100 515	95 113	5 402	88 989	84 484	4 505
Office accommodation	1 527 823	1 335 931	191 892	1 458 172	1 357 263	100 909
<b>Total</b>	<b>2 985 562</b>	<b>2 754 748</b>	<b>230 814</b>	<b>2 920 749</b>	<b>2 704 685</b>	<b>216 064</b>

## 4.2.2 Programme 2: Court services

The purpose of this programme is to two-fold:

1. To facilitate the speedy resolution of criminal cases, civil and family law disputes by providing accessible, efficient and strategic court administration support functions in respect of the lower courts; and
2. The management of facilities and justice security services in respect of facilities for which DoJ&CD is responsible.

The programme consists of the following subprogrammes:

- i. **Lower courts:** Coordination and management of an effective and efficient criminal and civil justice system; Protection of the rights of vulnerable persons, which is responsible for the establishment of sexual offences courts and the development and implementation of measures to reduce gender-based violence and femicide and the protection of children; Special tribunals and commissions of inquiry which focuses on the facilitation and coordination of the special tribunals and commissions of inquiry appointed in terms of the Commissions of Inquiry Act, 1947 and other applicable legislation.
- ii. **Family advocate:** Relates to services of the Office of the Family Advocate in respect of litigation and mediation services affecting children and child and spousal maintenance services.
- iii. **Magistrates commission:** Established in terms of the Magistrates Act, 1993, and which regulates the appointment, tenure and discharge of magistrates.
- iv. **Facilities management:** Focuses on the provision and management of facilities in respect of the ministry, the DoJ&CD, Office of the Chief Justice (OCJ), National Prosecuting Authority (NPA), courts and justice service points; justice security services focuses on the provision and management of security services in respect of all offices of the DoJ&CD, Office of the Chief Justice, National Prosecuting Authority (NPA), courts and justice service points.
- v. **Administration of lower courts:** Focuses on the coordination of the administration of justice services at the nine regional offices of the Department.

### List of outcomes

The programme consist of the following outcomes:

**Outcome 4:** Increased access to justice services

**Outcome 10:** Crime and corruption significantly reduced through effective prosecution

### Outcome 4: Increased access to justice services

Output	Output indicator	Audited actual achieved performance 2019/2020	Audited actual achieved performance 2020/2021	Planned annual target 2021/2022	Actual achieved performance 2021/2022	Deviation from planned target to actual achievement for 2021/2022	Reasons for deviations
4.1 Established phases of Femicide Watch	4.1.1 Phases of Femicide Watch completed as required by article 15 of Presidential Summit Declaration against GBVF, 2019, and the National Strategic Plan on GBVF	Phase 2 of the Femicide Watch achieved	Phase 3 of the Femicide Watch dashboard report completed and published to stakeholders	Phase 4 Functional Femicide Watch dashboard with available data	Phase 4 Functional Femicide Watch dashboard with available data	-	Target achieved.

Output	Output indicator	Audited actual achieved performance 2019/2020	Audited actual achieved performance 2020/2021	Planned annual target 2021/2022	Actual achieved performance 2021/2022	Deviation from planned target to actual achievement for 2021/2022	Reasons for deviations
4.2 Criminal cases postponed due to unavailability of court administration staff	4.2.1 Percentage of criminal cases postponed due to unavailability of court administration staff	≤0.2%	≤0.2%	≤0.2%	≤0.13%	35%	Target exceeded due to effective monitoring of performance.
4.3 Finalised child justice preliminary inquiries within 90 days after date of first appearance	4.3.1 Percentage of child justice preliminary inquiries finalised within 90 days after date of first appearance	94%	90%	90%	94%	4%	Target exceeded due to effective monitoring of performance.
4.4 NRSO clearance certificates issued within 10 working days	4.4.1 Percentage of NRSO clearance certificates issued within 10 working days from date of receipt of application	-	100%	50%	82%	64%	Target exceeded due to effective monitoring of performance.
4.5 Sexual offences courts established at designated courts	4.5.1 Number of sexual offences courts established at designated courts	-	0	100	0	(100%)	Further consultation required with stakeholders.
4.6 Courts compliant with the strategy on universal access for persons with disabilities	4.6.1 Number of courts compliant with the minimum standard on universal access for persons with disabilities	-	-	75	78	4%	Target exceeded due to effective monitoring of performance.
4.7 Family advocate litigation matters finalised within 12 months from the date of opening the matter	4.7.1 Percentage of family advocate litigation matters finalised within 12 months from the date of opening the matter	92%	85%	80%	90%	13%	Target exceeded.  Procurement of tools of trade enabled professionals to work remotely and again to finalise cases within the stipulated period.

Output	Output indicator	Audited actual achieved performance 2019/2020	Audited actual achieved performance 2020/2021	Planned annual target 2021/2022	Actual achieved performance 2021/2022	Deviation from planned target to actual achievement for 2021/2022	Reasons for deviations
4.8 Family advocate non-litigation matters finalised within six months from the date of opening the matter	4.8.1 Percentage of family advocate non-litigation matters finalised within six months from the date of opening the matter	92%	81%	80%	92%	15%	Target exceeded.  Procurement of tools of trade enabled professionals to work remotely and again to finalise cases within the stipulated period.
4.9 Maintenance matters finalised within 90 days from the date of proper service of process	4.9.1 Percentage of maintenance matters finalised within 90 days from the date of proper service of process	84%	85%	75%	91%	14%	Target exceeded.  Trainings and workshops which were conducted defined the responsibilities of each role-player, hence the over-achievement.
4.10 Social compact concept developed.	4.10.1 Social compact between the Executive, Judiciary and Legislative tiers of government implemented	-	-	Social compact discussion document submitted to the Minister for approval by 31 March 2022	Social compact discussion document submitted to the Minister for approval by 31 March 2022	-	Target achieved.
4.11 Branch court converted into full services court	4.11.1 Number of branch courts converted into full services courts	-	-	6	6	-	Target achieved.
4.12 Case backlog reduced	4.12.1 Case backlog reduction framework submitted to the Minister for approval by 31 March 2022	-	-	Case backlog reduction framework submitted to the Minister for approval by 31 March 2022	Case backlog reduction framework sent back from Deputy Minister with amendments to be made.	(100%)	Target not achieved.  The case backlog reduction framework was submitted to the Deputy Minister on the 27th March 2022, but Deputy Minister asked for amendments and an action plan, which are receiving attention.

Output	Output indicator	Audited actual achieved performance 2019/2020	Audited actual achieved performance 2020/2021	Planned annual target 2021/2022	Actual achieved performance 2021/2022	Deviation from planned target to actual achievement for 2021/2022	Reasons for deviations
4.13. Maintenance framework	4.13.1 Maintenance improvement framework developed and submitted to the Minister for approval by 31 March 2022	-	-	Maintenance improvement framework submitted to the Minister for approval by 31 March 2022	Maintenance improvement framework submitted to the Minister for approval by 31 March 2022	-	Target achieved.

**Output 4.1.1 Established phases of Femicide Watch**

The development of phases of Femicide Watch is required by article 15 of the Presidential Summit Declaration against GBVF, 2019 and National Strategic Plan (NSP) on Gender Based Violence .

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 was developed. The phase two was accomplished by adopting the Femicide Watch dashboard. The phase three was to ensure that a workable, functioning, accessible and user-friendly Femicide Watch dashboard is created to be utilised by identified internal departmental officials. With the assistance of IJS, the planned development was completed to include nine additional visualisations/metrics on the Femicide Watch dashboard.

As at the end of the financial year, “phase 4 of Femicide Watch dashboard”: the approved report on available data, was completed on 31 March 2022.

**Output 4.2.1 Criminal cases postponed due to unavailability of court administration staff**

The Department continues to strive to ensure that the administrative support required for the operation of the courts remains available.

The Department’s goal is to monitor and reduce the number of delays in criminal cases because of the unavailability of court administration staff. This indicator assists the Department to measure the impact of

the unavailability of administrative staff on caseload, identify deficiencies, and take corrective action as required. The Department’s objective is to contribute to reducing the case backlog and improving access to justice, which will increase confidence in the justice system.

As at the end of the financial year, 154 cases from the outstanding roll of 117 433 cases were postponed due to the unavailability of court administration staff, translating to 0.13% performance.

**Output 4.3.1 Finalised child justice preliminary inquiries finalised within 90 days after date of first appearance**

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 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.

During the year under review, a total of 8 343 child justice preliminary inquiries were finalised, while 7 809 were finalised within 90 days after the first appearance date, translating to 94% performance.

#### **Output 4.4.1 NRSO clearance certificates issued within 10 working days**

In terms of chapter 6 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32, of 2007 which 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 end the spate of incidents against children and mentally disabled persons and to ensure that convicted offenders do not work with children or mentally disabled persons.

As at the end of the year under review, the Department had received a total of 2 701 applications for clearance certificates and issued a total of 2 218 clearance certificates within 10 days from application date. This translated to performance of 82%.

#### **Output 4.5.1 Additional sexual offences courts designated in terms of section 55(A) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007**

The Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (herein referred to as the Act) sets out a framework to protect all persons living in the country against forms of sexual violence. It builds on the foundations of the Constitution of the Republic of South Africa and various international and regional instruments. It endorses the provision of a victim-centric justice system. The coming into effect of section 55A of the Act was introduced to permit the Minister of Justice and Correctional Services to give notice in the Gazette designate the nine regional divisions at which sexual offences courts must be established, and this would make provision for victim support services in matters relating to GBVF.

In strengthening the establishment of the victim-justice system, the Department extended the victim-support services to the victims of crime as they engage with the criminal justice system from the entry point until the end. This is to ensure that we have a just system that provides sequential and coordinated value services that safeguard the rights of the victim, as captured in the Constitution of the Republic of South Africa, 1996 and the Charter for Victims of Crimes, whilst building an empowered and confident victim who will exit the system having been transformed into a survivor. Thus, reinforcing the provisions of Article 5 which echoes for the review of existing laws and policies to be applicable to gender-based violence and femicide to ensure that they are more victim-centred and responsive.

During the year under review, the Department did not upgraded the 100 sexual offences courts in line with the MATTSO report requirements.

#### **Output 4.6.1 Courts compliant with the strategy on universal access for persons with disabilities**

The policy framework on the minimum service standards that would enable victims and persons with disabilities in general to have equal access to courts in so far as the physical environment, facilities and services was developed in the 2020/21 financial year. It was to ensure compliance with the universal access strategy for people with disabilities.

As at the end of the year under review, 78 courts complied with the strategy on universal access for persons with disabilities.

#### **Output 4.7.1 Family advocate litigation matters finalised within 12 months from the date of opening the matter**

The Office of the Family Advocate was created as a multidisciplinary component consisting of the family advocates and family counsellors after the promulgation of the Mediation in Certain Divorce Matters Act (Act No 24 of 1987) to protect the best interests of children. The services at the time of the establishment of the office were available to few privileged South Africans who could afford to litigate in the high courts as prescribed in terms of the Divorce Act, 1979 as only children born of marriages and whose parents were parties in the divorce proceedings before the first four high courts of the then Republic of South Africa were the beneficiaries of the services.

In 2008, the mandate of the office was exponentially extended by the implementation of various legislations such as Children's Act, 2005, Maintenance Act, 1998, Recognition of Customary Marriages Act, 1998 and the Domestic Violence Act, 1998 as well as by section 28 (2) of the Constitution of the Republic of South Africa, the African Charter. As a result of the said extension of the mandate, the beneficiaries of the services of the office are no longer only children of married parents, but include all children affected by legal and administrative proceedings regardless of their parents' marital status.

During the year under review, the Department finalised a total of 8 263 litigation matters, of which 7 439 matters were finalised within 12 months from date of opening the file. This translated to performance of 90%.

**Output 4.8.1 Family advocate non-litigation matters finalised within six months from the date of opening the matter**

At the end of year under review, the Department received a total of 7 848 non-litigation matters, of which 7 189 matters were finalised within six months from the date of opening the file. This translated to performance of 92%.

**Output 4.9.1. Maintenance matters finalised within 90 days from the date of proper service of process**

During the year under review, the Department processed 24 900 maintenance cases where defendants were served with proper service of process, while 22 700 of these maintenance cases were finalised within 90 days after proper service of process. This translated to performance of 91%.

**Output 4.10.1 Social compact between the Executive, Judiciary and Legislative tiers of government implemented**

The Constitution provides both the foundation and framework for the transformation of the state and society broadly. The transformation of the judicial system is a constitutional imperative which is entrusted upon the Executive as a branch of the state that is assigned the responsibility of developing and implementing national policy and initiating legislation, among others. The constitutional mandate and obligation to transform the judicial system also derives from section 180 of the Constitution which provides that national legislation may provide for any matter concerning the administration of justice that is not dealt with in the Constitution.

The purpose of the social compact discussion document is to respond to the Inter-Branch Relations and Engagement Framework (IBR Framework). The inter-branch relations discussion document for the engagement among branches of state.

- During the year under review, the
- Social Compact discussion document;
  - Inter-Branch Relations;
  - Engagement Framework and
  - a memorandum was submitted to the Minister for approval by 29 March 2022.

**Output 4.11.1 Branch courts converted into full services courts**

The transformation of the judiciary is aimed at transforming the deliberate historical injustice in as far as access to justice through full court services is concerned. That is why the Department continues its work by converting branch and periodical courts into full services courts.

The conversion of certain places for the holding of courts (branch courts) into full service courts is a significant milestone in enhancing access to justice in South Africa. The full service courts will exercise jurisdiction as provided for in terms of the law, in relation to any offence committed, or cause of action which has arisen in order to address the pre-1994 legacy, which deprived communities in certain rural and former black townships of equal access to justice and benefit of the law. Having full service courts closer to the people will ultimately make justice more accessible to the public.

During the year under review, the general notice was approved by the Minister on 11 March 2022. The following six courts were identified and approved to be converted into full services courts:

Province	Place for the holding of court and periodical court converted into full services court	Main seat
Eastern Cape	Bityi	Mthatha
	Dimbaza	Zwelitsha
Gauteng	Booyens	Johannesburg
	Lenasia	Soweto
KwaZulu-Natal	Magudu	Pongola
	Nsuze	Ndwedwe

**Output 4.12.1 Case backlogs reduction framework adopted by 31 December 2021**

The criminal case backlog reduction initiative was introduced as one of the various interventions aimed at reducing the case backlogs.

The aim of the case backlog project is to reduce the number of criminal cases on the roll and ensure that the influx of new cases is balanced by completed cases and increased efficiency and effectiveness of the courts. The Department provides support to improve the overall performance of the courts and continuously collaborate with stakeholders to implement and maintain case flow management in all courts.

During the year under review, the memorandum and draft framework for case backlogs reduction were submitted on 27 March 2022.

The framework seeks to create a national steering committee on a cross cutting platform where the JCPS cluster departments will participate and develop integrated plans. These integrated plans aim to unlock the existing challenges of the criminal justice system through an intersectoral approach that will result in key performance indicators for each department that, once achieved, will have a critical impact on the reduction of the case backlog.

**Output 4.13.1 Maintenance improvement framework developed and submitted to the Minister for approval**

Maintenance services provided by the Department are among the primary justice service delivery programmes that disproportionately affect the lives of children and women.

The maintenance improvement framework is child-centric in that its development is primarily underpinned by Section 28 (2) of the Constitution of the Republic of South Africa, 1998 (the Constitution).

During the year under review, the maintenance improvement framework was submitted to the Minister for approval on 31st of March 2022.

**Outcome 10: Crime and corruption reduced through effective prosecution**

Outcome 10: Crime and corruption reduced through effective prosecution							
Output	Output indicator	Audited actual achieved performance 2019/2020	Audited actual achieved performance 2020/2021	Planned annual target 2021/2022	Actual achieved performance 2021/2022	Deviation from planned target to actual achievement for 2021/2022	Reasons for deviations
10.1 Dedicated specialised commercial crimes courts (serious economic crimes courts)	10.1.1 Number of additional dedicated specialised commercial crimes courts (SCCC) established	-	6	2	3	50%	<p>Target exceeded.</p> <p>The set target was exceeded as a need for new SCCCs was identified in the KwaZulu-Natal and Eastern Cape regions as well as a need for enhancing existing SCCCs in Palm Ridge, Pretoria North and Durban.</p> <p>The establishment/ enhancement of further SCCCs in all other provinces is to enhance the capacity of existing SCCCs considering the volume of cases awaiting enrolment by the National Prosecuting Authorities' Specialised Commercial Crimes Unit in their respective regions.</p>

Outcome 10: Crime and corruption reduced through effective prosecution							
Output	Output indicator	Audited actual achieved performance 2019/2020	Audited actual achieved performance 2020/2021	Planned annual target 2021/2022	Actual achieved performance 2021/2022	Deviation from planned target to actual achievement for 2021/2022	Reasons for deviations
10.2 Anticorruption architecture reviewed	10.2.1 Position on the review of existing anti-corruption legislation and institutional arrangements submitted to the Minister for approval by 31 March 2022	-	-	Position paper submitted to the Minister for approval by 31 March 2022	Position paper submitted to the Minister for approval by 31 March 2022	-	Target achieved.

#### Output 10.1.1 Dedicated specialised commercial crimes courts established in five provinces

This establishment of five new SCCCs within the current MTSF period is to ensure that every region has at least one SCCC to expedite the hearing of serious commercial crime and corruption matters, especially considering the surge in corruption during the COVID-19 pandemic.

During the reporting period, three additional dedicated specialised commercial crimes courts were established in Eastern Cape (Mthatha and East London) and KwaZulu-Natal (Pietermaritzburg). Furthermore, enhancements were made to two existing SCCCs in Gauteng (Palm Ridge and Pretoria North).

#### Output 10.2.1 Position on the review of existing anti-corruption legislation and institutional arrangements submitted to Minister for approval

Numerous commissions of inquiry and, in particular, the Judicial Commission of Inquiry into the State Capture have highlighted the high levels of corruption in South Africa. Concerns have been expressed about the capabilities and the capacity of law enforcement agencies to effectively fight corruption. The Department took a decision that the starting point is to find a solution and to conduct a review of the anti-corruption architecture and develop a position paper on the review of existing anti-corruption legislation and institutional arrangements.

During the year under review, the position paper on the review of South Africa's anti-corruption architecture, a significant development in the fight against corruption, was submitted to the Minister for approval on 30 March 2022. The review places the Department in a position to consider the development of existing and new legislation relating to entities engaged in the fight against corruption and other anti-corruption legislation.

## Strategy to overcome areas of under performance

Output indicator description		Strategy to overcome areas of under performance
4.5.1	Number of additional courts designated in terms of section 55(A) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, for sexual offences	<p>The output indicator is technical and required a statutory process for its achievement. Its requirement towards its achievements are statutory based and have a number of dependency before one can actually achieve the ultimate objective of satisfying the indicator itself.</p> <p>The indicator had to unfold in three phases with each phase being dependent upon another for total achievement. For effective implementation of section 55A for the Minister to designate:</p> <ol style="list-style-type: none"> <li>It required consultation with two key external stakeholders: CJ and NDPP</li> <li>They both had to concur with the intention of the Minister to designate.</li> <li>Subsequently the Minister had to give notice in the Gazette of the nine regional divisions to enable him to fulfil the implementation of section 55A which is,</li> <li>To establish 100 sexual offences courts. For the Department to be in a position to effectively achieve, the output indicator must be practical and basic to achieve.</li> </ol>
4.12.1	Case backlog reduction framework submitted to the Minister for approval by 31 March 2022	The case backlog reduction framework was submitted on 27 March 2022, but Deputy Minister has asked for amendments and an Action Plan, which is receiving attention. The framework will be re-submitted in April 2022.

## Linking performance with budgets

The Programmes overall expenditure for the year amounted to R 6.680 billion against the budget of R 6.751 billion, resulting to an under spending of R 71 million. The under spending is due to delays in filling of vacant posts and lower than anticipated payment of performance bonuses and slow progress by the Department of Public Works in the implementation of planned court infrastructure projects.

## Subprogramme expenditure

Sub-programme name	2021/2022			2020/2021		
	Final appropriationa	Actual expenditure	(Over)/Under expenditure	Final appropriationa	Actual expenditure	(Over)/Under expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
Lower courts	5 232 916	5 232 916	-	5 109 430	5 052 616	56 814
Family advocate	263 877	248 595	15 282	246 193	236 702	9 491
Magistrate's commission	12 755	11 575	1 180	17 328	13 417	3 911
Facilities management	688 390	633 578	54 812	378 149	324 503	53 646
Administration of lower courts	553 671	553 544	127	622 134	577 375	44 759
<b>Total</b>	<b>6 751 609</b>	<b>6 680 208</b>	<b>71 401</b>	<b>6 373 234</b>	<b>6 204 613</b>	<b>168 621</b>

### 4.2.3 Programme 3: State legal services

The aim of this programme is to provide legal and legislative services to the Department and

government broadly; 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.

The programme consists of the following subprogrammes:

- i. **State law advisory services:** Provides legal advisory services by the Office of the Chief State Law Adviser to the Executive, all state departments, state-owned enterprises and autonomous government bodies.
- ii. **Litigation and legal services:** Provides state litigation services which relate to the functions of the Solicitor-General and Offices of the State Attorney, including conveyancing and notary services in respect of all government departments and other organs of state as may be determined in terms of the State Attorney Amendment Act.
- iii. **Legislative development and law reform:** Conducts research and prepares and promotes new legislation and amends existing legislation.
- iv. **Master of the High Court:** Is responsible for functions relating to the administration of deceased and insolvent estates, trusts, curatorship and the Guardian's Fund performed through the various offices of the Master countrywide.
- v. **Constitutional development:** Coordinates the implementation of constitutionally mandated legislation such as the Promotion of Equality and Prevention of Unfair Discrimination Act (2000) and the Promotion of Administrative Justice Act 2000; coordinates the preparation and submission of country reports; coordinates the implementation of the National Action Plan (NAP) to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance; and conducts research on various constitutional related matters.

#### List of outcomes

The programme contributes to the following outcomes:

**Outcome 5:** Improved Masters Services

**Outcome 6:** Colonial/Apartheid era justice-related legislation reviewed and replaced

**Outcome 7:** Transformed state legal services

**Outcome 8:** Transformed legal profession

**Outcome 9:** Advanced constitutionalism, human rights and the rule of law

### Outcome 5: Improved Masters Services

Outcome 5: Improved Masters Services							
Output	Output indicator	Audited actual achieved performance 2019/2020	Audited actual achieved performance 2020/2021	Planned annual target 2021/2022	Actual achieved performance 2021/2022	Deviation from planned target to actual achievement for 2021/2022	Reasons for deviations
5.1 Liquidation and distribution accounts in large estates (>250 000) examined within 21 days from receipt of all required documents	5.1.1 Percentage of liquidation and distribution accounts in large estates (>250 000) examined within 21 days from receipt of all required documents	90%	71%	70%	74%	6%	Target Achieved.  Motivated and committed staff.  Offices focusing on assisting the most vulnerable first (deceased, Guardian's Fund, curatorship's, creditors)
5.2 Letters of appointment issued in deceased estates within 21 days from receipt of all required documents	5.2.1 Percentage of letters of appointment issued in deceased estates within 21 days from receipt of all required documents	91%	75%	65%	78%	20%	Target Achieved.  Motivated and committed staff.  Offices focusing on assisting the most vulnerable first (deceased, Guardian's Fund, curatorship's, creditors)
5.3 Beneficiaries in receipt of services within 40 days from receipt of all required documents (Guardian's Fund)	5.3.1 Percentage of beneficiaries in receipt of services within 40 days from receipt of all required documents (Guardian's Fund)	-	89%	70%	80%	14%	Target Achieved. Motivated and committed staff.  Offices focusing on assisting the most vulnerable first (deceased, Guardian's Fund, curatorship's, creditors).

Outcome 5: Improved Masters Services							
Output	Output indicator	Audited actual achieved performance 2019/2020	Audited actual achieved performance 2020/2021	Planned annual target 2021/2022	Actual achieved performance 2021/2022	Deviation from planned target to actual achievement for 2021/2022	Reasons for deviations
5.4 Certificates of appointment issued in all bankruptcy matters within 10 days from receipt of all required documents	5.4.1 Percentage of certificates of appointment issued in all bankruptcy matters within 10 days from receipt of all required documents	93%	87%	70%	87%	24%	Target Achieved. Motivated and committed staff.  Offices focusing on assisting the most vulnerable first (deceased, Guardian's Fund, curatorship's, creditors).
5.5 Liquidation and distribution accounts in bankruptcy matters examined within 15 days from receipt of all required documents	5.5.1 Percentage of liquidation and distribution accounts in bankruptcy matters examined within 15 days from receipt of all required documents	96%	82%	75%	88%	17%	Target Achieved. Motivated and committed staff.  Offices focusing on assisting the most vulnerable first (deceased, Guardian's Fund, curatorship's, creditors).
5.6 Letters of authority issued in trusts within 21 days from receipt of all required documents	5.6.1 Percentage of letters of authority issued in trusts within 21 days from receipt of all required documents	85%	68%	60%	62%	3%	Target Achieved. Motivated and committed staff.  Offices focusing on assisting the most vulnerable first (deceased, Guardian's Fund, curatorship's, creditors).
5.7 Letters of appointment issued in curatorship estates within 15 days from receipt of all required documents	5.7.1 Percentage of letters of appointment issued in curatorship estates within 15 days from receipt of all required documents	97%	92%	75%	94%	25%	Target Achieved. Motivated and committed staff.  Offices focusing on assisting the most vulnerable first (deceased, Guardian's Fund, curatorship's, creditors).

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.

**Output 5.1 Liquidation and distribution accounts in large estates (>R250 000) examined within 21 days from receipt of all required documents**

During the period under review, 49 741 liquidation and distribution accounts in large estates were examined, of which 36 833 of these accounts were examined within 21 days from receipt of all required documents.

Although the indicator refers to liquidation and distribution accounts in large estates (>R250 000), the indicator measures all matters regardless of value and this has been consistently reported in that manner throughout the year.

**Output 5.2 Letters of appointment issued in deceased estates within 21 days from receipt of all required documents**

A total of 178 213 letters of appointments in deceased estates were issued, of which 138 578 appointments were issued within 21 days from receipt of all required documents during the period under review.

**Output 5.3 Beneficiaries in receipt of services within 40 days from receipt of all required documents (Guardian's Fund).**

A total of 40 430 certificates of appointments in all bankruptcy matters were issued and 32 423 of these appointments were issued within 40 days from receipt of all required documents.

**Output 5.4 Certificates of appointment issued in all bankruptcy matters within 10 days from receipt of all required documents**

During the period under review, 10 076 certificates of appointments in all bankruptcy matters were issued and 8 750 of these appointments were issued within 10 days from receipt of all required documents.

**Output 5.5 Liquidation and distribution accounts in bankruptcy matters examined within 15 days from receipt of all required documents**

As at the end of the financial year, a total of 5 023 liquidation and distribution accounts in bankruptcy matter were examined and 4 396 out of these accounts were examined within 15 days from receipt of all required documents

**Output 5.6 Letters of authority issued in trusts within 21 days from receipt of all required documents**

A total of 28 492 letters of authority were issued in trusts, of which 17 753 of those were issued within 21 days from receipt of all required documents during the quarter under review.

**Output 5.7 Letters of appointment issued in curatorship estates within 15 days from receipt of all required documents**

By the end of the financial year 2021/22, 1 006 letters of appointment were issued in curatorship, of which 942 of those were issued within 15 days from receipt of all required documents.

Outcome 6: Colonial/Apartheid era justice-related legislation reviewed and replaced							
Output	Output indicator	Audited actual achieved performance 2019/2020	Audited actual achieved performance 2020/21	Planned annual target 2021/2022	Actual achieved performance 2021/2022	Deviation from planned target to actual achievement for 2021/2022	Reasons for deviations
6.1 Bills and regulations approved by the Minister	6.1.1 Number of Bills and Regulations submitted to the Minister for approval	9	5	4	8	100%	Target exceeded due to the pressure of achieving priority projects and implementing Constitutional Court deadlines in respect of legislation that was found to be unconstitutional.
6.2 Colonial/Apartheid era justice-related legislation approved by the Minister for submission to Cabinet	6.2.1 Number of Colonial/Apartheid era justice-related legislation approved by the Minister for submission to Cabinet	-	3	4	1	(75%)	Target not achieved due to delays in submission of Bills to the Minister and retirement of senior staff.
6.3 Court rules approved by the board	6.3.1 Number of Rules of Court submitted to the board for approval	25	20	30	33	10%	Target exceeded due to additional rules identified in the e-Justice project.
6.4 Research papers approved by the commission	6.4.1 Number of research papers submitted to the South African Law Reform Commission for approval	11	11	10	11	10%	Target achieved due to the proposal paper that had to be developed and presented to the commission for approval in the year under review.

**Output 6.1: Bills and regulations approved by the Minister**

During the 2021/22 financial year, the following Regulations and Bills were submitted to the Minister for approval:

1. Approval of amendments to regulations in terms of the Legal Practice Act, 2014, Practical Vocational Training;
2. Constitutional Amendment: Section 6 to include sign language as an official language;
3. PAIA Amendment of Regulation, Act, 2000 (Act 2 of 2000): Amendment of Regulations;

4. Regulations in terms of Legal Practice, Act 2014: Approval of proposed amendments to the regulation;
5. Regulations for Judiciary Officers in the Lower Courts, 1994: Amendment;
6. Child Justice Act, 2008 (Act No. 75 of 2008): Amendment of Regulations to Child Justice; by the Child Justice Act, 2019 (Act 28 of 2019);
7. Regulations relating to assistance to victims in respect of higher education and training;
8. Regulations relating to assistance to victims in respect of basic education.

### **Output 6.2: Colonial/Apartheid era justice-related legislation approved by the Minister for submission to Cabinet**

During the year under review, the following legislation was approved by the Minister for submission to Cabinet:

1. Repeal of the Transkei Penal Code Bill.

### **Output 6.3: Court rules approved by the board**

During the 2021/22 financial year, the following Rules of the Court were submitted to the board for approval:

1. Uniform Rule 1 (Definitions);
2. Uniform Rule 1A (e-Justice);
3. Uniform Rule 4A (Service);
4. Magistrates' Courts Rule 2 (Definitions);
5. Magistrates' Courts Rule 2A (e-Justice);
6. Magistrates' Courts Rule 9 (Service) and 9A (Proof of service);
7. Uniform Rule 6 (Applications);
8. Uniform Rule 35 (Discovery);
9. Uniform Rule 49 (Civil appeals from the High Court);
10. Uniform Rule 49A (Criminal appeals to the full court);
11. Uniform Rule 50 (Civil Appeals from Magistrates' Courts);
12. Uniform Rule 51 (Criminal appeals from Magistrates' Courts);
13. Uniform Rule 52 (Criminal appeals to the Supreme Court of Appeal);
14. Uniform Rule 53 (Reviews);
15. Magistrates' Courts Rule 3 (Duties and office hours of registrars and clerks of the court in civil matters);
16. (a) Magistrates' Courts Rule 5 (Summons) and (b) Magistrates' Courts Rule 13 (Notice of intention to defend);
17. Magistrates' Courts Rule 23 (Discovery);
18. Magistrates' Courts Rule 55 (Applications);
19. Supreme Court of Appeal Rule 10A (Practice Note);
20. Uniform Rule 36(9) (Medical evidence);
21. Uniform Rule of Court (URC) 37 (Pre-trial conference);
22. URC 37A (Judicial case management);
23. URC 62 (Filing, preparation, and inspection of documents);
24. Magistrates' Courts Rule (MCR) 22A (Pre-trial conference);
25. MCR 25 (Judicial case management);
26. MCR 30 (Record of proceedings in civil matters);
27. MCR 30A (Civil e-justice system)
28. MCR 51 (Appeals in civil cases);
29. MCR 63 (Filing, preparation, and inspection of documents);
30. a) MCR 64 (Procedure for securing the attendance of witnesses in criminal cases); (b) MCR 65 (Criminal e-justice system); (c) MCR 66 (Records of criminal cases); (d) MCR 67 (Criminal appeals).

31. Uniform Rules of Court 46(1) and 46(11) (Execution – immovable property)
32. Magistrates' Courts Rule 64(1) to (6) and proposed new subrule (8) (Procedure for securing the attendance of witnesses in criminal cases)
33. Table A of Annexure 2 to the Magistrates' Courts Rules (Tariff for undefended actions and repeal of Scale A).

### **Output 6.4: Research papers approved by the commission**

During the 2021/22 financial year, the following research papers were submitted to the South African Law Reform Commission for approval:

1. Draft report – Project 107C – Sexual offences (pornography & children);
2. Draft discussion paper – Project 141 – Medico-legal claims;
3. Draft discussion paper – Project 143 – Maternity & parental benefits for self-employed workers in the informal economy;
4. Draft discussion paper - Project 147 – Review of laws regulating funeral parlours & related services industry;
5. Draft consultation paper: Investigation into legal reforms required in aligning SA laws with international labour organisation's recommendation 204;
6. Preliminary investigation – Proposal paper on the review of the South African electoral system;
7. Project 100 - Issue paper: Domestic violence - The criminal law response;
8. Revised issue paper – Project 100E – Review of aspects of matrimonial property law;
9. Project 127 - Report on the review of administration orders;
10. Project 135 – Revised discussion paper: Review of the Witchcraft Suppression Act; and
11. Project 149 – Draft issue paper: Repeal of Apartheid/ colonial era legislation – Repeal of the Transkei Penal Code.

**Outcome 7: Transformed state legal services**

Outcome 7: Transformed state legal services							
Output	Output indicator	Audited actual achieved performance 2019/2020	Audited actual achieved performance 2020/21	Planned annual target 2021/2022	Actual achieved performance 2021/2022	Deviation from planned target to actual achievement for 2021/2022	Reasons for deviations
7.1 Policies to implement the State Attorney Amendment Act submitted	7.1.1 Number of policies to implement the State Attorney Amendment Act submitted to the Minister for approval	-	-	2 policies (briefing and outsourcing of legal work; initiating, defending and opposing of matters)	2 policies (briefing and outsourcing of legal work; initiating, defending and opposing of matters) were submitted and approved by the Minister.	-	Target achieved.
7.2 Policy on the management of the state litigation contingent liability developed and implemented	7.2.1 Policy on the management of the state litigation contingent liability implemented	-	-	Policy on the management of state litigation contingent liabilities submitted to the Minister for approval	Policy on the management of state litigation contingent liabilities submitted and approved by the Minister.	-	Target achieved.
7.3 Litigation cases settled	7.3.1 Percentage of litigation cases settled	57%	61%	50%	64%	28%	Target exceeded due to more cases settled than planned and effective monitoring of performance.
7.4 Finalised legal opinions	7.4.1 Percentage of legal opinions finalised within 30 days from date of receipt of the instructions	96%	97%	70%	89%	27%	Target exceeded due to the work done on an urgent basis per client request.  To meet client demands; lawyers had to work extra hours.
7.5 Finalised suggested Bills and subordinate legislations	7.5.1 Percentage of suggested Bills and subordinate legislation finalised within 30 days from the date of receipt of the instructions	91%	94%	70%	86%	23%	Target exceeded due to the work done on an urgent basis per client request.  To meet client demands; lawyers had to work extra hours.

**Output 7.1: Policies to implement the State Attorney Amendment Act submitted**

During the period under review, the memorandum for approval of the following two policies was submitted to the Minister.

- Briefing and outsourcing of legal work and
- Initiating, defending, and opposing of matters

**Output 7.2: Policy on the management of the state litigation contingent liability developed and implemented**

During the period under review, the memorandum for approval of the policy on management on the state litigation contingent liability was submitted to the Minister.

**Output 7.3: Litigation cases settled**

As at the end of 2021/22, the Department finalised 729 litigation cases whilst 467 cases were settled by the State Attorney translated to 64% performance.

**Output 7.4: Finalised legal opinions**

As at the end of the reporting period, 441 legal opinions were finalised, of which 391 were finalised within 30 days of receipt of instruction.

**Output 7.5: Finalised suggested Bills and subordinate legislations**

During the period under review, 189 suggested bills, regulations and proclamations were finalised, of which 162 were finalised within the prescribed time frame of 30 days from the date of receipt of instruction.

**Outcome 8: Transformed legal profession**

Outcome 8: Transformed legal profession							
Output	Output indicator	Audited actual achieved performance 2019/2020	Audited actual achieved performance 2020/21	Planned annual target 2021/2022	Actual achieved performance 2021/2022	Deviation from planned target to actual achievement for 2021/2022	Reasons for deviations
8.1 Value of briefs allocated to PDI legal practitioners	8.1.1 Percentage of value of briefs allocated to PDI legal practitioners	82%	80%	82%	83%	1%	Target exceeded due to more briefs allocated to previously disadvantaged individuals and effective monitoring of performance.
8.2 Value of briefs allocated to female legal practitioners	8.2.1 Percentage of value of briefs allocated to female legal practitioners	27%	29%	29%	29%	-	Target achieved.
8.3 Briefs allocated to female legal practitioners	8.3.1 Percentage of briefs allocated to female legal practitioners	39%	-	41%	40%	(2%)	Target not achieved. The number of female legal practitioners at the different association are less than those of males, therefore the pool is not sufficient to encourage an increase in briefs.

Outcome 8: Transformed legal profession							
Output	Output indicator	Audited actual achieved performance 2019/2020	Audited actual achieved performance 2020/21	Planned annual target 2021/2022	Actual achieved performance 2021/2022	Deviation from planned target to actual achievement for 2021/2022	Reasons for deviations
8.4 Policy guideline on the conferral of senior counsel	8.4.1 Policy guideline on the conferral of senior counsel status implemented	-	-	Policy guideline on the conferral of senior counsel status to be submitted to the President by 31 March 2022	Policy guideline on the conferral of senior counsel status was not submitted to the President by 31 March 2022	(100%)	Target not achieved due to further consultations required with stakeholders.
8.5 Policy framework and accompanying regulations on the conferral of senior legal practitioners (advocates and attorney)	8.5.1 Policy framework and accompanying draft regulations on conferral of senior legal practitioners (advocates and attorneys) submitted to the Minister for approval by 31 March 2022	-	-	Draft policy framework and accompanying draft regulation submitted to the Minister for approval by 31 March 2022	Draft policy framework and accompanying draft regulation was not submitted to the Minister for approval by 31 March 2022.	(100%)	Target not achieved due to further consultations required with stakeholders.

**Output 8.1 Value of briefs allocated to PDI legal practitioners**

As at the end of 2021/22, the Department briefed counsel on legal matters to the value of R1 038 201 057 of which R861 121 148 was paid to previously disadvantaged legal practitioners, which translated to 83%.

**Output 8.2: Value of briefs allocated to female legal practitioners**

During the period under review, a total of R1 038 201 057 was paid to legal practitioners while R301 716 903 was paid to female legal practitioners, which translated to 29%.

**Output 8.3 Briefs allocated to female legal practitioners**

The empowerment of female counsel remains the priority for the Department in order to redress the imbalances of the past. During the period under review, a total of 6 240 briefs were allocated, of which 2 488 briefs were allocated to female counsel, which translated to a performance of 40%.

**Output 8.4 Policy guideline on the conferral of senior counsel status**

During the period under review, the policy guidelines on the conferral of senior counsel status was not submitted to the President by 31 March 2022. As an alternative, the revised draft guidelines on the conferral of senior counsel status was finalised and submitted to the Minister for approval.

**Output 8.5 Policy framework and accompanying regulations on the conferral of senior legal practitioners (advocates and attorneys)**

The draft policy framework and accompanying draft regulation were not submitted to the Minister for approval by 31 March 2022. As an alternative, the Minister approved the discussion document as the basis for engagement with the legal profession, the judiciary, and other stakeholders affected thereby.

**Outcome 9: Advanced constitutionalism, human rights and the rule of law**

<b>Outcome 9: Advanced constitutionalism, human rights and the rule of law</b>							
<b>Output</b>	<b>Output indicator</b>	<b>Audited actual achieved performance 2019/2020</b>	<b>Audited actual achieved performance 2020/21</b>	<b>Planned annual target 2021/2022</b>	<b>Actual achieved performance 2021/2022</b>	<b>Deviation from planned target to actual achievement for 2021/2022</b>	<b>Reasons for deviations</b>
9.1 Early warning mechanism to respond to incidents of racist and xenophobic offences/hate crimes established	9.1.1 Rapid response mechanism to respond to incidents of racist and xenophobic offences/hate crimes established by 31 March 2022	-	-	Rapid response mechanism to respond to incidents of racist and xenophobic offences/hate crimes established by 31 March 2022	Rapid response mechanism to respond to incidents of racist and xenophobic offences/hate crimes established and was submitted and approved by the Executive Authority by 31 March 2022.	-	-Target achieved.
9.2 Data collection of disaggregated statistical data	9.2.1 Data collection of disaggregated statistical data for the measurement of racism, racial discrimination, xenophobia and related intolerance developed	-	-	Data sets identified for the development of a virtual repository by 31 March 2022	Data sets for the development of a virtual repository identified by 31 March 2022.	-	Target achieved.
9.3 Treaty reports tabled	9.3.1 Number of country reports submitted to DIRCO for onward submission to treaty bodies	0	3	1	1	-	Target achieved.
9.4 Valid requests for extradition and mutual legal assistance in criminal matters processed and submitted	9.4.1 Percentage of valid requests for extradition and mutual legal assistance in criminal matters processed and submitted to the Director-General within 20 days from the date of receipt	91%	84%	80%	57%	(29%)	Target not achieved due to the cyber attack experienced by the Department, which caused delays to access the system.

Outcome 9: Advanced constitutionalism, human rights and the rule of law							
Output	Output indicator	Audited actual achieved performance 2019/2020	Audited actual achieved performance 2020/21	Planned annual target 2021/2022	Actual achieved performance 2021/2022	Deviation from planned target to actual achievement for 2021/2022	Reasons for deviations
9.5 Framework on extradition and mutual legal assistance	9.5.1 Framework on extradition and mutual legal assistance submitted to the Minister for approval by 28 February 2022	-	-	Framework on extradition and mutual legal assistance submitted to the Minister for approval by 28 February 2022	The framework on extradition and mutual legal assistance was submitted and not approved by 28 February 2022.	(100%)	Target not achieved. The framework was submitted for approval, however not approved by target date. The framework was approved in March 2022.
9.6 Framework that guides the development of treaty reports	9.6.1 Framework on treaty obligations submitted to the Minister for approval	-	-	Draft framework on treaty obligations submitted to the Minister for approval by 31 March 2022	The framework on treaty obligations was developed and finalised in consultation with EXCO and submitted to the Minister for approval in March 2022.	-	Target achieved.
9.7 Constitutional Court judgements implementation framework	9.7.1 Framework to monitor the implementation of Constitutional Court judgements submitted to the Minister for approval	-	-	Draft framework to monitor the implementation of Constitutional Court judgements submitted to the Minister for approval by 31 March 2022	Framework to monitor the implementation of Constitutional Court judgments was submitted to the Minister for approval	-	Target achieved.

**Output 9.1: Early warning mechanism to respond to incidents of racist and xenophobic offences/hate crimes**

The Department serves as the focal point for the development and finalisation of the National Action Plan (NAP) to combat racism, racial discrimination, xenophobia, and related intolerance and following Cabinet approval in 2019, remains the national lead department responsible for coordinating the implementation of the NAP within the five-year implementation cycle (MTSF 2019-2024). The NAP Programme of Action (PoA) includes the establishment of a rapid response mechanism (RRM) to respond to incidents of racism and xenophobic offences/hate crimes.

The RRM will collate incidents of racist and xenophobic offences (hate crimes) that are reported to the SAPS and other law enforcement agencies. It will also include a tracking tool/system to follow up on cases that have been referred to the National Prosecution Authority (NPA), including judicial decisions.

The rapid response mechanism’s terms of reference were finalised and submitted for approval by the Executive Authority in March 2022.

**Output 9.2 Data collection of disaggregated statistical data**

The NAP virtual repository was developed in 2021. It is a unique portal allowing the public free access to NAP documents, research dossiers and continuously updated information throughout the reporting period. At the end of the financial year 2021/22, datasets on racism, racial discrimination, xenophobia and related intolerance for the development of a virtual repository had been identified.

### **Output 9.3 Treaty reports tabled**

The Department strives to ensure that international treaty obligations by the Department are compliant with international conventions. The country reports provide a tool for South Africa to measure its compliance with international human rights and basic freedom requirements. It is the process of drafting the country report and the process of review by the relevant international committee.

It is through the process of writing the country report and undergoing the review process by the relevant international committee that government is able to consider its compliance with international human rights and the imperatives of fundamental freedom, and that it is able to evaluate what still needs to be done.

During the year under review, the final UPR country report on the responses to concluding observations and recommendations on the Universal Periodic Report was submitted to DIRCO on 28 March 2022 for later submission to the treaty bodies.

### **Output 9.4: Valid requests for extradition and mutual legal assistance in criminal matters processed and submitted**

The Department assists with extraditions and mutual legal assistance in accordance with government obligations and policies by processing requests for these criminal matters within 20 days.

During the reporting period, the Department processed 153 valid requests for mutual legal assistance and extradition in criminal matters while 87 of these valid requests were finalised within 20 days, translating to 57% performance.

### **Output 9.5 Framework on extradition and mutual legal assistance**

The National Coordination Framework on Extradition and Mutual Legal Assistance was developed. The objective of the framework is to enhance coordination in the execution of requests received from foreign states and requests submitted by the Republic to foreign states.

As the execution and submission of requests are regulated by legislation and certain procedures are followed to comply with the legislation, this should be coordinated in accordance with legislation and procedures.

During the period under review, The National Coordination Framework for Extradition and Mutual legal assistance was not submitted to the Minister for approval by February 2022.

### **Output 9.6 Framework that guides the development of treaty reports**

The draft framework on treaty obligations and the terms of reference for the establishment of a permanent national mechanism for reporting, implementation and follow-up (NMRIF) was finalised and submitted to the Minister for approval.

The framework aims to lay a foundation for the establishment of a permanent structure, to be led by a high level delegation in South Africa to improve coordination of all national treaty obligations and enhancing the country's compliance with fundamental international human rights instruments.

Thus, the Department, as the custodian and protection of human rights and constitutionalism, will be able to measure and account for the level and quality of human rights in the country. This further ensures that South Africa is able to account to the international human rights community for the treatment of citizens and non-citizens within its borders.

### **Output 9.7 Constitutional Court judgments implementation framework**

The Department received a mandate from Cabinet to develop the framework to monitor the implementation of the Constitutional Court judgements or court orders relating to socioeconomic rights by organs of state. During the period under review, the framework to monitor the implementation of Constitutional Court judgments was submitted to the Minister for approval.

## Strategy to overcome areas of underperformance

Output indicator description		Strategy to overcome areas of under performance
6.2.1	Number of Colonial/Apartheid era justice-related legislation approved by the Minister for submission to Cabinet	Appointments of the chief director, more junior staff, and monitoring the deadlines to adhere to APP targets.
8.3.1	Percentage of briefs allocated to female legal practitioners	The OSG is in the process of developing a guild of young female practitioners. The database will encourage active briefing of female legal practitioners.
8.4.1	Policy guidelines on the conferral of senior counsel status implemented	This process is receiving attention in consultation with the state law advisers to ensure compliance with the Constitution.
8.5.1	Policy framework and accompanying draft regulations on conferral of senior legal practitioners (advocates and attorney) submitted to the Minister for approval by 31 March 2022	The roadmap to develop a framework was completed, which indicates the activities that will be completed in the 2022/23 financial year.
9.4.1	Percentage of valid requests for extradition and mutual legal assistance in criminal matters processed and submitted to the Director-General within 20 days from the date of receipt	Monitoring the target dates for requests received through weekly meetings to ensure that the deadline of 20 days is met.
9.5.1	Framework on extradition and mutual legal assistance submitted to the Minister for approval by 28 February 2022	The framework was submitted for approval, however not approved by target date. The framework was approved in March 2022.

## Linking performance with budgets

The Programmes overall expenditure for the year amounted to R 1.373 billion against the budget of R 1.457 billion, resulting to an under spending of R 84 million. The under spending is mainly due to delays in filling of vacant posts and lower than anticipated payment of performance bonuses.

## Subprogrammes expenditure

Sub-programme name	2021/2022			2020/2021		
	Final appropriationa	Actual expenditure	(Over)/Under expenditure	Final appropriationa	Actual expenditure	(Over)/Under expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
State law advisors	79 486	69 425	10 061	77 480	67 759	9 721
Litigation and legal services	586 073	564 409	21 664	658 773	636 150	22 623
Legislative development and law reform	160 612	131 691	28 921	111 164	89 577	21 587
Master of the high court	557 530	543 268	14 262	539 052	517 816	21 236
Constitutional development	73 335	64 049	9 286	68 354	63 388	4 966
<b>Total</b>	<b>1 457 036</b>	<b>1 372 842</b>	<b>84 194</b>	<b>1 454 823</b>	<b>1 374 690</b>	<b>80 133</b>

## 4.2.4 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, removes the profit from crime, and protects witnesses.

### The programme consists of the following subprogrammes:

- i. **National prosecutions service:** Primarily responsible for general and specialised prosecutions and the appeals that might follow, which include resolving criminal matters outside of the formal trial process through alternative dispute resolution mechanisms, settling admissions of guilt for minor offences and considering dockets brought by the police where persons have not been charged. This subprogramme further deals with priority crimes litigation, sexual offences and community affairs, and specialised commercial crime.
- ii. **Asset forfeiture unit:** Seizes assets that are the proceeds of crime or have been part of the offence through a criminal or civil process.

- iii. **Office of witness protection:** Provides for protection, support and related services to vulnerable, intimidated witnesses and related persons in judicial proceedings in terms of the Witness Protection Act (1998).
- iv. **Strategy, operations and compliance:** Provides corporate support services to the National Prosecuting Authority in terms of finance, human resources, ICT, strategy support, integrity, security, communication and risk management.
- v. **Investigating directorate:** As a dedicated project, will investigate and prosecute identified serious, complex and high-profile corruption and related cases falling within its mandate (including those identified in the Judicial Commission of Inquiry into Allegations of State Capture (also known as the Zondo Commission) and other commissions of inquiries, and will recover assets identified to be the proceeds of corruption.

### List of outcomes

The programme contributes to the following outcomes:

- Outcome 4:** Increased access to justice services
- Outcome 10:** Crime and corruption significantly reduced through effective prosecution

### Outcome 4: Increased access to justice services

Outcome 4: Increased access to justice services								
Output	Output indicator	Audited actual performance 2019/2020	Audited actual performance 2020/2021	Planned annual target 2021/2022	Actual achieved performance 2021/2022	Deviation from planned target to actual achievement for 2021/2021	Reasons for deviations	Reasons for revisions to the outputs /output indicator/ annual targets
4.14 Vic-tim-centric services enhanced	4.14.1 Number of operational TCCs in place	55	55	59	60	2%	Target achieved due to availability of essential service providers	-

Outcome 4: Increased access to justice services								
Output	Output indicator	Audited actual performance 2019/2020	Audited actual performance 2020/2021	Planned annual target 2021/2022	Actual achieved performance 2021/2022	Deviation from planned target to actual achievement for 2021/2021	Reasons for deviations	Reasons for revisions to the outputs /output indicator/ annual targets
	4.14.2 Conviction rate in sexual offences	75,2% (4 098)	75,8% (2 539)	70%	74,3% (3 402)	4%	Target exceeded due to cases continuously screened from enrolment to ensure prosecutor guided investigations and consultations with victims are conducted at the earliest opportunity	
	4.14.3 Number of public awareness sessions conducted	-	293	150	419	179%	Public awareness sessions conducted through inter alia social media, presentations, school outreaches, television and radio	

**Output 4.14 Victim-centric services enhanced**

Victims in South Africa are given the opportunity to participate in the criminal justice system (CJS) through victim impact statements (VIS) when they are affected by the decisions to resolve a matter through alternative dispute resolution mechanisms (ADRM) or by testifying before the court. In its efforts to enhance the court experience of witnesses and victims, the National Prosecuting Authority (NPA) employs court preparation officers (CPOs), who not only attend to the needs of victims of crime but ensure that they are given a greater role in the process of achieving justice. A total of 97 213 witnesses were assisted by the CPOs and 7 813 victim impact statements were facilitated.

The NPA is obligated to facilitate access to justice, safety and protection in response to the needs of gender-based violence victims using legislation, policies, international and regional protocols, and through addressing the infrastructural and resourcing challenges that obstruct the optimal delivery of justice to survivors. This is achieved through the Thuthuzela Care Centres (TCCs), which improve access to survivor support services and victim-centric criminal justice services by being sensitive to, and meeting victims’ needs.

**Output 4.14.1: Number of operational TCCs in place**

The TCC model aims to provide a more effective and victim-centric approach to reporting sexual offences. The TCCs continued to be fully operational providing a victim-centric service in an effort to reduce the trauma associated with sexual offences. Significant progress was, however, made in establishing five additional sites in Cradock (EC), Queenstown (EC), Paarl (WC), Nelspruit (MP) and Upington (NC), bringing the total to 60.

During the year under review, 34 456 matters were reported at the 60 TCCs with victims receiving victim support services, of which 30 541 (89%) were victims of sexual offences. The TCCs referred cases to the courts for prosecution and 1 346 TCC reported cases were finalised with a verdict, obtaining a 76,7% conviction rate. The conviction rate increased by 3% from what was obtained in the previous financial year.

It was also noted that over the last three financial years, the courts have imposed more severe sentences. During the current reporting period, 201 accused were sentenced to life imprisonment, 106 accused were sentenced to 20-25 years imprisonment and 378

accused were sentenced to imprisonment of between 10-19 years, in line with the minimum sentences legislation. Despite this, the scourge of sexual offences and related offences is not abating and is remaining a national crisis.

**Output 4.14.2: Conviction rate in sexual offences**

The fight against violent crime, particularly murder and rape, has recently been undermined by the challenges around the management of forensic DNA due to shortages of essential chemicals required for the DNA analysis. This has resulted in a national backlog of these cases being prosecuted in courts. The Sexual Offences and Community Affairs (SOCA) unit and South African Police Service (SAPS) Forensic Sciences Laboratory (FSL) established a partnership to reduce the backlog in DNA processing. The DNA Backlog Project entails the prioritisation of long outstanding DNA results, monitored weekly in collaboration between SOCA officials and members from the SAPS FSL. As soon as results are received by SOCA officials, they are distributed to the various DPP offices where the reports containing the results of the DNA analysis are reconciled with the relevant case docket, whether in court or awaiting decision.

The project has reaped large successes with more than 8 554 reports distributed to the various DPP offices. A substantial increase in verdict cases related to sexual offences was recorded, from 3 349 in the previous financial year to 4 584 verdicts in the year under review. The number of convictions also significantly increased from 2 539 in the previous financial year to 3 402 convictions in the year under review. The conviction rate of 74,2 % is a clear indication of the commitment of the NPA to act decisively in these cases, curbing violence against women, children and the vulnerable.

Despite the improvement in performance, the NPA continues to participate in the implementation of the National Strategic Plan – Pillar 3 – as facilitated by the Department of Women in relation to GBV. Pillar 3 sets out to address the systemic challenges that have resulted in an inadequate response to the management of gender-based violence and femicide cases and places certain obligations on the NPA.

**Output 4.14.3: Number of public awareness sessions conducted**

The NPA conducted 419 public awareness sessions during the financial year. These public awareness sessions were conducted through inter alia social media, presentations, school outreaches, television and radio on topics such as gender-based violence and trafficking in persons.

**Outcome 10: Crime and corruption significantly reduced through effective prosecution**

Outcome 10: Crime and corruption reduced through effective prosecution								
Output	Output indicator	Audited actual performance 2019/2020	Audited actual performance 2020/2021	Planned annual target 2021/2022	Actual achieved performance 2021/2022	Deviation from planned target to actual achievement for 2021/2021	Reasons for deviations	Reasons for revisions to the outputs /output indicator/ annual targets
10.3 Effective prosecutions conducted	10.3.1 Conviction rate in high courts	90,9% (782)	93,8% (542)	87%	91% (648)	4%	Target exceeded due to early consultation with witnesses	-
	10.3.2 Conviction rate in regional courts	82,5% (21 246)	82,6% (13 352)	74%	80,6% (16 433)	7%	Target exceeded due to effective stakeholder engagement with the aim of increasing successful prosecutions	-

Outcome 10: Crime and corruption reduced through effective prosecution								
Output	Output indicator	Audited actual performance 2019/2020	Audited actual performance 2020/2021	Planned annual target 2021/2022	Actual achieved performance 2021/2022	Deviation from planned target to actual achievement for 2021/2021	Reasons for deviations	Reasons for revisions to the outputs /output indicator/ annual targets
	10.3.3 Conviction rate in district courts	95,3% (195 439)	95,9% (116 230)	88%	93,9% (124 152)	6%	Target exceeded due to cases continuously screened from enrolment	-
	10.3.4 Conviction rate in cable theft	-	81,5% (119)	80%	92% (193)	12%	Target achieved due to proactive policing, close cooperation with the private sector and during lockdown restrictions, more accused were arrested on crime scenes	-
	10.3.5 Number of witnesses and related persons threatened, harmed or killed while on the witness protection programme	0	0	0	0	0	Effective operations model and planning	-
10.4 Fraud and corruption dealt with	10.4.1 Conviction rate in complex commercial crime	92,3% (599)	90,2% (277)	93%	90,5% (344)	(2%)	Target not achieved due to the totality of evidence not accepted by the court in an unanticipated number of cases due to various contributing factors	The NPA continues to guide investigations to ensure that evidence is court directed and admissible; less serious commercial crime cases have been migrated to general prosecutions so that the SCCU deals with more complex cases

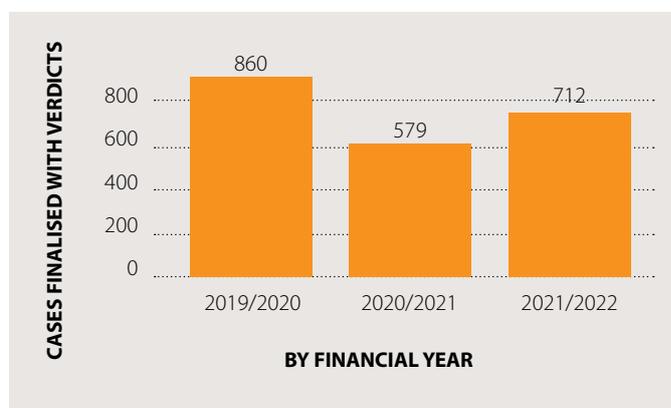
Outcome 10: Crime and corruption reduced through effective prosecution								
Output	Output indicator	Audited actual performance 2019/2020	Audited actual performance 2020/2021	Planned annual target 2021/2022	Actual achieved performance 2021/2022	Deviation from planned target to actual achievement for 2021/2021	Reasons for deviations	Reasons for revisions to the outputs /output indicator/ annual targets
	10.4.2 Number of persons convicted of private sector corruption	233	147	158	209	32%	Target achieved due to a special focus that was placed on corruption by all the regions	-
	10.4.3 Number of government officials convicted of corruption and/or offences related to corruption	183	86	232	130	(44%)	Target not achieved due to delays in the finalisation of matters by the defence resulting in fewer cases finalised and fewer trials conducted	Corruption matters are being prioritised by the NPA
	10.4.4 Number of cases involving money laundering	-	44	100	86	(14%)	Target not achieved due to delays in the finalisation of matters by the defence resulting in fewer cases finalised and fewer trials conducted	Money laundering cases are being prioritised and closely monitored; this is part of the FATF assessment and training has been provided and continued to be provided to investigators and prosecutors

### Output 10.3 Effective prosecutions conducted

#### Output 10.3.1 Conviction rate in high courts

The number of new cases enrolled in the high courts increased and 101 more cases were enrolled compared to the previous year (16% improvement). Of the 732 cases enrolled, 712 cases were finalised with a verdict and 648 convictions were obtained. The conviction rate in the high courts has remained exceptional, despite a 3% decline from 93,8% in the previous financial year to 91% in the year under review.

### Finalised cases over three years in the high courts

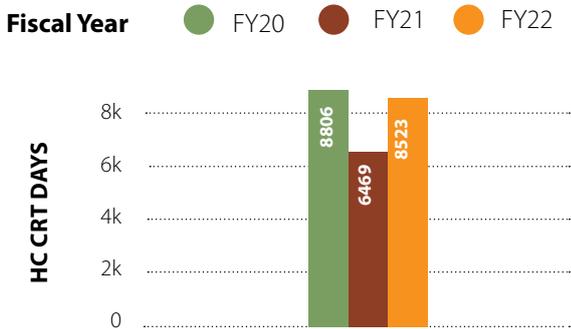


The percentage of accused sentenced to direct imprisonment in the high courts is much higher than the lower courts, with 94,5% of the 726 accused sentenced receiving sentences of direct imprisonment.

The finalised cases and the court hours depict a similar trend to the number of court days. To this end, the number of court days decreased from 8 806 to 6 469 (26,5%) from the 2019/20 to the 2020/21 financial years. However, a steady increase of 31,8% was recorded from the last financial year to 8 523. The court hours also increased from 02:13 in the last financial year to 02:35 in the year under review. Despite this increase, the number of court days has not yet stabilised to the same number of court days utilised during the 2019/20 financial year.

**Court utilisation in in the high court**

BY FISCAL YEAR	
FISCAL YEAR	AVE HC CRT HRS
FY20	02:46
FY21	02:13
FY22	02:35
<b>TOTAL</b>	<b>02:33</b>



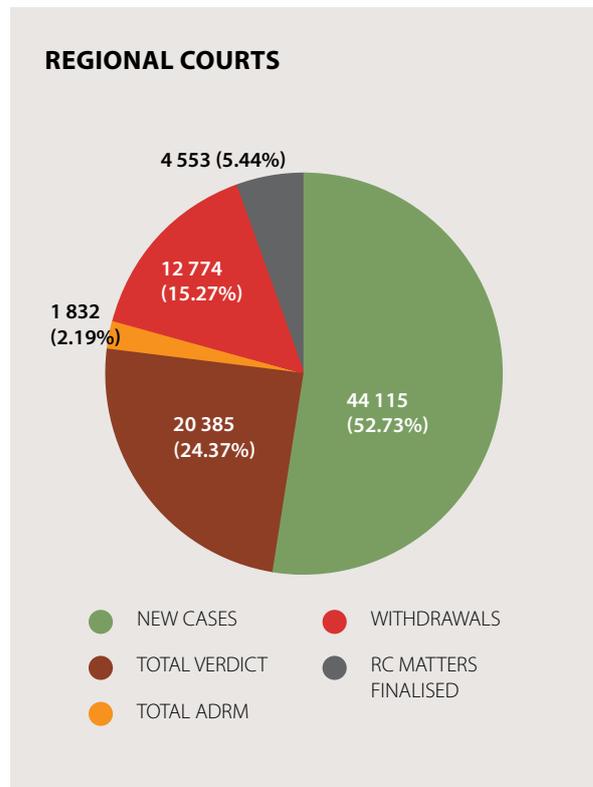
Despite the improvement in the productivity of the high courts due to the fact that the country mainly remained on lower COVID-19 alert levels, the effect on the operational efficiency of the CJS is evident. The outstanding court rolls in the high courts have increased from 1 073 at the end of March 2021 to 1 251 at the end of March 2022 and backlog cases from 393 to 428, with most of the accused in detention.

Even though the initial investigation is to be completed whilst the cases are in the district courts, it cannot exclude withdrawals in the high courts as witnesses may become unavailable due to various reasons, inter alia, new facts emerge during consultation with witnesses before the trials commence and further investigation may also indicate that insufficient evidence may require the matter to be withdrawn. The NPA withdrew 58 high court cases during the current reporting period, 18 fewer than the previous financial year during which 76 were withdrawn.

**Output 10.3.2 Conviction rate in regional courts**

Serious crime cases are enrolled in the regional courts and although COVID-19 intermittently impacted on the courts, the number of new cases enrolled in the regional courts increased from 39 152 to 44 115 in the year under review. The regional court prosecutors still effectively impacted on serious crime by finalising 22 217 cases, of which 20 385 were by way of a verdict and 1 832 through ADRM, as depicted in the figure below. A total of 16 433 convictions were obtained and 70,7% of the 8 429 accused sentenced, received sentences of direct imprisonment.

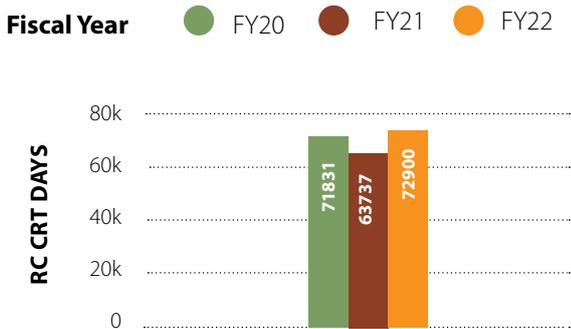
**Finalised cases in the regional court**



The number of court days decreased from 71 831 to 63 737 (11,3%) from the 2019/20 to the 2020/21 financial years. However, a steady increase of 14,4% was recorded from the last financial year to 72 900. The court hours depict a similar trend to the number of court days. The regional court hours also increased from 02:29 in the last financial year to 02:49 in the year under review. Despite this increase, the number of court days has not yet stabilised to the same number of court days utilised during the 2019/20 financial year.

### Court utilisation in the regional courts

BY FISCAL YEAR	
FISCAL YEAR	AVE HC CRT HRS
FY20	03:05
FY21	02:29
FY22	02:49
<b>TOTAL</b>	<b>02:48</b>



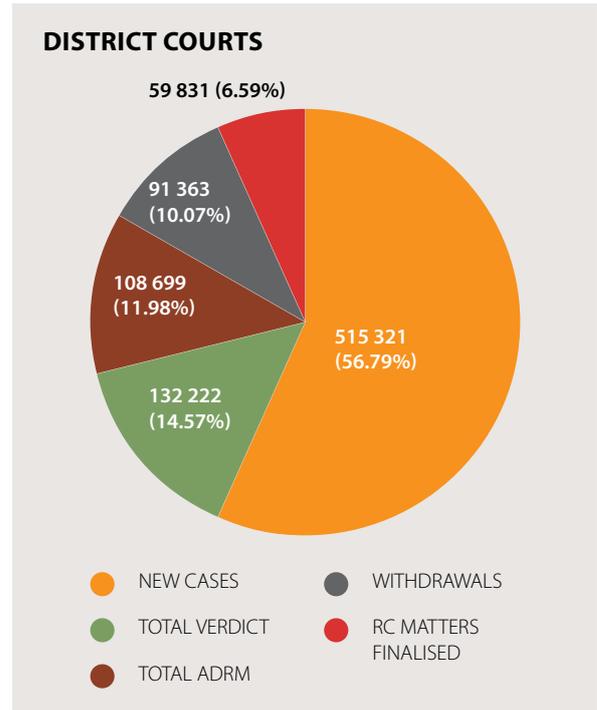
Even though the initial investigation is to be completed whilst the cases are in the district courts, it cannot exclude withdrawals in the regional courts as witnesses may become unavailable due to various reasons, inter alia, new facts emerge during consultation with witnesses before the trials commence and further investigation may also indicate that insufficient evidence may require the matter to be withdrawn. The NPA withdrew 12 774 regional court cases during the current reporting period.

### Output 10.3.3 Conviction rate in district courts

The new cases received by the district courts are significantly higher than the regional and high courts, with the number of new cases enrolled increasing from 487 639 to 512 251 (5%) in the current financial year. The courts finalised 240 921 cases, 55% of which were finalised with a verdict (132 222) and 108 699 (45%) by means of ADRM. Due to less serious charges, the cases disposed of by means of ADRM in the district courts are much higher than in the other courts.

Effective stakeholder engagement, aimed at increasing successful prosecutions contributed to the high conviction rates achieved. An outstanding conviction rate of 93,9% was achieved, with 124 152 convictions obtained; 28,2% of the 12 112 accused sentenced received sentences of direct imprisonment.

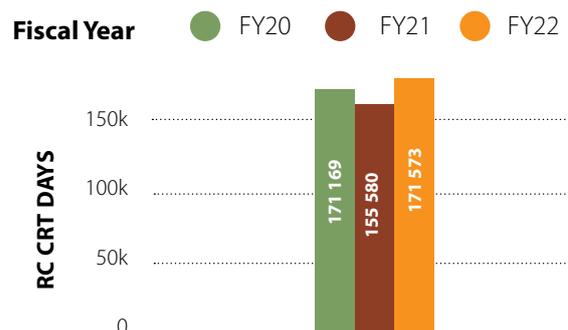
### Finalised cases in the district courts



The number of court days decreased from 171 169 to 155 580 (9,1%) from the 2019/20 to the 2020/21 financial years. However, a significant increase of 10,3% was recorded from the last financial year to 171 573 in the year under review. The court hours depict a similar trend to the number of court days. The district court hours also increased from 02:23 in the last financial year to 02:37 in the year under review. Despite this increase, the number of court days has not yet stabilised to the same number of court days utilised during the 2019/20 financial year.

### Court utilisation in in the district courts

BY FISCAL YEAR	
FISCAL YEAR	AVE HC CRT HRS
FY20	02:54
FY21	02:23
FY22	02:37
<b>TOTAL</b>	<b>02:39</b>



Since the district courts are the courts of first appearance, the number of cases withdrawn is much higher than in the regional and high courts. The NPA withdrew 91 635 district court cases during the current reporting period.

**Progress on court/criminal matters finalised in all court forums**

All prosecutors within criminal courts are required to not only adjudicate cases on their merits, but to deal with other processes related to prosecution and appearance related matters that take up their time and resources. Although the emphasis is usually on the finalisation of criminal cases, other court processes which take a lot of time are very important as they also relate to the constitutional rights of the accused, victims and South African citizens. The table below sets out how court and criminal matters were finalised through the execution of these additional functions over a period of five years in the different forums. The impact of the COVID-19 pandemic during the 2020/21 financial year is clearly noticed in this comparison.

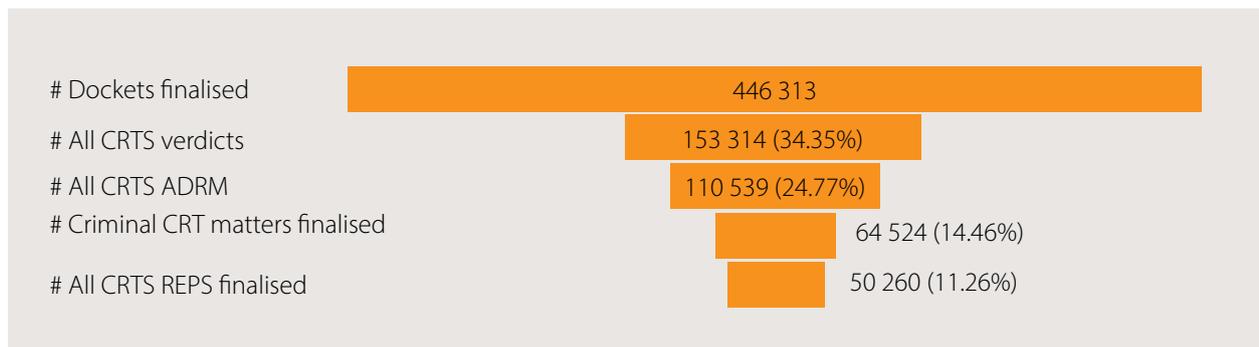
**Criminal court matters finalised in all court fora**

The following figure provides an overview of the main tasks that have to be fulfilled by prosecutors in making decisions to prosecute. Most of the work of the prosecutors relate to dockets brought in for decision. Not all dockets require a decision-making process and those where the accused have been arrested are taken

directly to court for enrolment. The decision dockets finalised do not include those still under investigation but only the dockets in which either a decision to institute prosecution or to decline any prosecution were made. Although the number of verdicts only represent a 34,4% percent compared to the decision dockets, each verdict relates to the outcome of a court case which may involve multiple case dockets from the SAPS and also multiple counts. At 24,9% compared to the decision dockets ADRMs are being considered. These include both informal mediations as well as diversions that consist of accredited programmes that require the consent of the victim and may only be resolved in less serious cases. The criminal court matters finalised are those applications and decisions to be made in court without a verdict on the merits of the case itself and relates to formal bail applications, putting into operation previous suspended sentences, conversions of maintenance trial to an enquiry, applications for leave to appeal, formal inquests and preliminary enquiries in terms of the Child Justice Act. These matters consist of 14,5% of the work compared to the decision dockets. Lastly, the prosecutors also deal with a high number of representations and many of these relate to traffic matters and summonses in which case dockets are not necessarily opened at the SAPS. All representations are not only made by victims of crime or witnesses but also by accused persons and their representatives. All representations also do not relate only to a decision that has already been taken and may often relate to outstanding case dockets for decision, bail, appeal matters and even civil litigation.

DISTRICT COURTS: CRIMINAL COURT MATTERS FINALISED									
FISCAL YEAR	SUSPENDED SENTENCES	APPLICATION FOR LEAVE TO APPEAL	CJA: PRELIM INQUIRIES	FORMAL INQUESTS	FORMAL BAIL APPLICATIONS	COMMITAL TO MENTAL INSTITUTION	CONVERSION OF MAINTENANCE TRIAL TO ENQUIRY	CONVERSION OF SENTENCE	TOTAL MATTERS FINALISED
FY18	3846	213	10067	121	51370	534	621	202	66949
FY19	3125	275	9380	152	51766	483	560	188	65868
FY20	2681	273	7946	177	53306	488	481	167	65480
FY21	1787	72	4506	159	43506	260	348	36	50669
FY22	2014	88	5408	71	51173	562	411	104	59831
REGIONAL COURTS: CRIMINAL COURT MATTERS FINALISED									
FISCAL YEAR	SUSPENDED SENTENCES	APPLICATION FOR LEAVE TO APPEAL	CJA: PRELIM INQUIRIES	FORMAL INQUESTS	FORMAL BAIL APPLICATIONS	COMMITAL TO MENTAL INSTITUTION	CONVERSION OF MAINTENANCE TRIAL TO ENQUIRY	CONVERSION OF SENTENCE	TOTAL MATTERS FINALISED
FY18	371	2157	17	3	3893	248	6	107	6802
FY19	341	1469	26	0	3754	268	6	93	5957
FY20	220	1266	19	1	4051	201	2	73	5831
FY21	159	586	13	5	2899	101	2	22	3787
FY22	298	714	8	8	3295	189	2	39	4553
HIGH COURTS: CRIMINAL COURT MATTERS FINALISED									
FISCAL YEAR	SUSPENDED SENTENCES	APPLICATION FOR LEAVE TO APPEAL	CJA: PRELIM INQUIRIES	FORMAL INQUESTS	FORMAL BAIL APPLICATIONS	COMMITAL TO MENTAL INSTITUTION	CONVERSION OF MAINTENANCE TRIAL TO ENQUIRY	CONVERSION OF SENTENCE	TOTAL MATTERS FINALISED
FY18	3	288	0	0	33	1	0	4	329
FY19	0	268	0	0	15	11	0	0	294
FY20	0	231	0	0	2	3	0	3	107
FY21	1	94	0	1	9	2	0	0	107
FY22	2	123	0	0	7	4	3	1	140

### Court utilisation in the district courts



#### Output 10.3.4 Conviction rate in cable theft

Cable theft is not merely a petty crime; it is a form of organised crime that has a significantly negative impact on businesses, communities and the economy. It is estimated that cable theft costs the South African economy between R5 billion to R7 billion a year. The NPA has obtained 193 convictions from 210 verdict cases, recording a 92% conviction rate in cable theft matters.

#### Output 10.3.5 Number of witnesses and related persons threatened, harmed or killed while on the witness protection programme

The OWP maintains a high level, 24/7, internationally-acclaimed operating model, ensuring that no witnesses and related persons were threatened, harmed or killed while on the witness protection programme.

Effectiveness of the programme:

- No witnesses and related persons were threatened, harmed or killed while on the witness protection programme
- 1,4% of witnesses and related persons walked off the witness protection programme (the main reasons for sign-offs and walk-offs are the isolation, being away from family and friends, and the amount paid for allowances)
- 100% of witnesses attended judicial proceedings.

Victim-centric services enhanced:

- 100% of witnesses and related persons were successfully discharged and resettled
- 100% of complaints lodged were resolved

#### Output 10.4 Fraud and corruption dealt with

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 identifies 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 prosecuting those who have committed corruption in the public or private sector. The organisation is also prioritising high-level corruption matters, underpinned by a comprehensive implementation plan that includes: a focus on capacitating the NPA; skills development; internal and external collaboration; increased impact of asset recovery; effective communication on corruption cases; and raising staff morale to enhance employee productivity.

Further to this, the NPA is participating in various initiatives and partnerships. This includes the Fusion Centre, which responds to maladministration and corruption linked to COVID-19 relief funds. The activities of the Fusion Centre have resulted in 61 court cases involving 126 accused persons. Convictions were secured in 17 of the court cases with only one acquittal.

The NPA works in close collaboration with other stakeholders on corruption and other serious and complex commercial crime matters.

#### Output 10.4.1 Conviction rate in complex commercial crime cases

Complex commercial crime cases require a multi-disciplinary approach to investigate and successfully prosecute. The NPA has narrowed its focus to the more serious and complex commercial crime cases, finalising 380 cases with a verdict, which is 73 more than the previous year, and obtaining 344 convictions. An exceptional conviction rate of 90,5% was achieved, marginally (2,5%) below the target of 93%. Various factors contributed to the non-achievement of the target such as, inter alia, failing memory, uncertainty in evidence, contradictions and uncorroborated evidence. The finalisation of complex commercial crime cases takes longer to be finalised since the cases often require expert witnesses and specialised investigating techniques. The conviction rate in the prosecution of these cases has remained outstanding and a marginal improvement (0,3%) in performance was noted compared to the previous financial year.

In order to increase the footprint of the Specialised Commercial Crime Unit and improve performance, 18 dedicated specialised complex commercial crime courts were established in all regions, enabling cases to be finalised more speedily and bringing justice to people in areas where there previously were no dedicated courts. There are three dedicated courts in the Limpopo Division and one each in the Mpumalanga, North-West and Free State divisions. The Western Cape and Gauteng local divisions (Pretoria) have two dedicated courts each. The Gauteng South Division should have four dedicated courts, but only three are currently active. The Eastern Cape Division has three dedicated courts, in Gqeberha, East London and Mthatha.

The SCCU regional head, within the Gauteng Division: Pretoria, has been tasked to work with the national office of the Directorate for Priority Crime Investigation (DPCI) to develop a joint strategy to facilitate the management of investigations by the DPCI that fall under the mandate of the SCCU. The effect of this strategy will be very important especially since the SCCU has been directed to focus on APEX commercial crimes and corruption and to migrate all the less serious cases to the DPP offices. Careful coordination will therefore be necessary between the DPCI, SCCU and the general stream in the DPP offices.

The SCCU closely monitors progress on matters identified by the Inter-Ministerial Task Team (IMTT) in the North-West. Of 51 current matters, 13 are in court and another 22 are still under investigation. Eleven cases were closed as having no prospect of successful prosecution due to witnesses or evidence no longer being available, because no criminal acts were committed or because accused could not be identified from the available evidence. Sixteen cases were finalised, five with convictions.

The Anti-Corruption Task Team (ACTT), a collective of government stakeholders tasked with implementing the government’s anti-corruption agenda as guided by the ACTT Executive Committee, is co-chaired by the NPA and DPCI. One of the functional teams of the ACTT Executive Committee focuses on case management to ensure the maintenance and monitoring of a priority list of serious corruption cases.

During the financial year, decisions were made in 34 cases on the ACTT priority case list that had been outstanding for longer than five years, representing 22.5% of the outstanding matters. The majority of these

matters are complex and the case dockets generally contain more than 500 statements. Since the initial creation of the priority case list, additional high impact and serious or complex corruption cases have been added. At the end of March 2022, the list contained 157 cases of which 61 were enrolled (86% of the 71 decided cases) and 10 were closed without any prospects of successful prosecution.

The ACTT priority list includes 37 cases of corruption relating to municipal officials responsible for dealing with public funds, such as supply chain managers, chief financial officers, accounting officers and directors. Of these, 18 cases are currently enrolled in courts.

**Output 10.4.2 Number of persons convicted of private sector corruption**

In 2014/15, the definition of corruption related only to the corruption of JCPS officials. A change in definition to include all government official corruption resulted in an increase in numbers in 2015/16. At the end of the 2017/18 financial year, the NPA included private sector corruption and has since measured both corruption in the private sector as well as corruption of government officials.

At the end of the current financial year, the NPA convicted 209 persons, significantly exceeding the target of 158 persons by 32%. The intensified focus that was placed on corruption affected the output in this area and contributed to a major improvement in the finalisation of corruption cases. The number of persons convicted increased by 42% (62 persons) from the number convicted in the previous year. The NPA, in collaboration with all partners and stakeholders, will continue to prioritise the finalisation of these cases and closely monitor progress.

**Output 10.4.3 Number of government officials convicted of corruption and/or offences related to corruption**

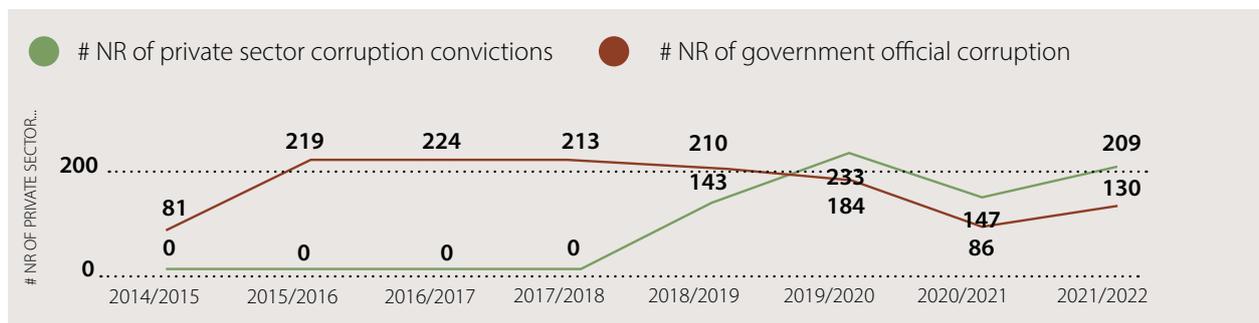
Despite the NPA having a focused approach in dealing with corruption, 130 government officials were convicted, 44% below the target of 232. The delays in the finalisation of matters by the defence was the main reason for the NPA not achieving the target. However, as depicted in the table below, a significant improvement of 44 government officials were recorded compared to the previous year.

**Progress on number of government officials convicted of corruption in the past four years**

Financial year	Government officials convicted of corruption
2018/19	210
2019/20	183
2020/21	86
2021/22	130

The following graph provides a breakdown on the corruption as measured from 2018/19 with the conviction comparison of private sector persons and government officials convicted of corruption.

**Comparison of private sector persons and government officials convicted of corruption**



**Output 10.4.4 Number of cases involving money laundering**

The NPA, has enhanced its focus to address money laundering linked to illegal wildlife trafficking (IWT). The NPA participated in the FATF typology study pertaining to this subject matter in 2020, resulting in the release of a FATF report in 2021.

Under the auspices of the Financial Intelligence Centre (FIC) is an active member of the South African Anti-Money Laundering Integrated Task Force (SAMLIT), a private-public working group that has three main focus areas: enhancing a collective understanding of financial crime trends; facilitating effective coordination between financial institutions and law enforcement in identifying, detecting and disrupting financial flows from IWT; and increasing the successful detection and investigation of financial crimes as well as money laundering prosecutions linked to IWT.

**Outcome 10: Crime and corruption significantly reduced through effective prosecution**

Outcome 10: Crime and corruption significantly reduced through effective prosecution								
Output	Output indicator	Audited actual performance 2019/2020	Audited actual performance 2020/2021	Planned annual target 2021/2022	Actual achieved performance 2021/2022	Deviation from planned target to actual achievement for 2020/2021	Reasons for deviations	Reasons for revisions to the outputs / output indicator/annual targets
10.5 Freezing of money and assets that are the proceeds of crime	10.5.1 Value of freezing orders obtained for corruption or offences relating to corruption	R1.6bn	R611m	R2.4bn	R5.5bn	129%	Target achieved due large State Capture orders that were obtained	-
10.6 Recovery of money and assets that are the proceeds of crime	10.6.1 Value of recoveries relating to corruption or related offences	R3m	R3m	R311m	R117m	(62%)	Target not achieved due to delays in the finalisation of trials and obtaining freezing orders in high value cases	State Capture cases and other serious corruption matters are being prioritised

## Output 10.5 Freezing of money and assets that are the proceeds of crime

### Output 10.5.1 Value of freezing orders obtained for corruption or offences relating to corruption

In the reporting period, freezing orders to the value of R5.5 billion were obtained, exceeding the target of R2.4 billion by 129%. This performance also significantly exceeds the performance (800%) of the previous financial year, during which freezing orders to the value of R611 million were obtained. Close collaboration between the AFU and the ID contributed to this outstanding performance, since large State Capture orders were obtained.

Despite exceeding this target, the AFU will continue with its current prioritisation initiatives as these types of cases take long to finalise and long periods of time may lapse between getting substantial orders, contributing to the achievement of these targets. In addition to current prioritisation initiatives, such as the ACTT, Top 10 Case Forum<sup>1</sup> and the ID Task Team, in which the AFU is actively involved, the AFU is at an advanced stage of implementing a new asset recovery strategy. The primary reason for this is that, although the freezing order targets were exceeded, the recovery performance is lagging far behind the target.

## Output 10.6 Recovery of money and assets that are the proceeds of crime

### Output 10.6.1 Value of recoveries relating to corruption or related offences

Once a confiscation or forfeiture order is obtained, the AFU can proceed with the recovery of the assets. The recoveries are counted once the money has been deposited into the Criminal Assets Recovery Account (CARA) or the account of the victim. The value of assets, other than cash, is also included in the indicator once such assets were returned to the victim.

The AFU obtained recoveries in the amount of R117 million in corruption matters. Serious corruption cases take a long time to finalise. In many cases, huge amounts are under restraint and will remain so until the accused are convicted. Accused in high-value corruption cases have the means to vigorously oppose all actions, which leads to delays in the finalisation of cases. Once these cases are finalised, vast amounts stand to be recovered.

The recovery strategy, referred to at the previous indicator, which is aimed at recovering money lost in corruption matters, intend to address the non-achievement of the value of recoveries relating to corruption. This strategy includes two novel approaches;

the first approach being non-prosecution decisions (NPD). The primary aim of NPD is to enforce corporate accountability for corruption and other serious economic crimes. NPD seek to improve cooperation of companies with the NPA, compliance with laws and regulations, disgorgement of ill-gotten profits, and compensation of victims of crime in appropriate cases. NPD is a process of providing companies the opportunity to pay back ill-gotten gains without having to be submitted to formal asset forfeiture litigation.

The second approach is the use of international organisations for the recovery of proceeds of corruption moved to foreign jurisdictions. The AFU has developed a framework and is in the process of obtaining approval to engage the services of foreign companies such as law firms, specialising in the recovery of foreign proceeds, to recover money on behalf of the AFU. This process is ongoing.

### Strategies to overcome areas of underperformance

The NPA has been implementing the following short-term, clear and measurable priorities:

- Expediting high-profile corruption cases nationally and provincially
- A stronger focus on serious violent and organised crime, and crimes that disproportionately undermine public safety
- Capacitating the NPA to respond to existing and emerging priorities through recruiting crucial additional skills, expertise and capabilities
- Enhancing staff morale and well-being.
- Action plans with measurable timelines and realistic activities, as well as clearly assigned roles and responsibilities, were developed for each of the priorities.
- In addition to prioritising high-level corruption matters, the NPA has maintained its focus on a number of other serious violent and organised crimes, and to this end:
  - The gender-based violent crimes training module and strategic plan was developed.
  - A national organised crime strategy was approved after extensive consultation.
  - A list of priority organised crime cases was developed.
  - A SOCA media plan was formulated and activated nationally.
  - Femicide, child murder and lesbian, gay, bisexual, transgender, queer and intersexed (LGBTIQ+) databases were maintained. SOCA is monitoring the progress in cases, finalised prosecutions and the conviction rate.

<sup>1</sup> In expediting high-profile corruption cases, the top 10 corruption cases were identified and enrolled through close collaboration between the AFU, ID, SCCU and DPCI.

- A deoxyribonucleic acid (DNA) prioritisation task team was established. A DNA protocol was developed and is in place to ensure the acceleration of the backlog of DNA matters on the court roll. The project has been very successful, as reported under the activities of the National Prosecutions Service (NPS).

Twenty-three community prosecution sites focus on enhancing service delivery while ensuring expeditious justice in those communities. Community prosecution serves as the NPA's ear on the ground in terms of the local crime dynamics. This provides context to the local prosecution response in terms of which local crimes and, or specific community irritants are prioritised and addressed. Of the 23 initiatives, the majority relate to GBV (13), followed by substance and drug abuse (5), stock theft (3), reduction of assaults (1) and liquor outlets (1). Campaigns to educate the public on the services provided and roles played by the community prosecutor are conducted as part of awareness raising and educating citizens on prosecution and crime prevention. SAPS and non-profit organisations also participate in most of these engagements.

The NPA leadership adopted new monitoring and review processes to ensure implementation and accountability. Three main performance monitoring

and accountability reviews will form part of ExCo and ManCo oversight. All existing committees and division meetings will feed information and data into these structures, enabling a detailed overview of the organisation's performance and the ability to identify areas for improvement. The three review processes are:

- **Organisation performance review:** focusing on NPA core performance indicators as per the annual performance plan targets.
- **Six-month priority review:** focusing on and reviewing the current six-monthly priorities, as well as task force input and identifying interventions needed.
- **NPA strategic initiatives review:** progress review of the NPA's longer-term strategic priorities and various initiatives such as Independence, Professional, Accountable and Credible (IPAC) processes, training, new policies, etc.

#### Linking performance with budgets

The Programmes overall expenditure for the year amounted to R 4.691 billion against the budget of R 4.691 billion, resulting to an under spending of R 236 thousand. The under spending is due to lower than anticipated payments for SASSETA levies.

#### Subprogramme expenditure

Sub-programme name	2021/2022			2020/2021		
	Final appropriationa	Actual expenditure	(Over)/Under expenditure	Final appropriationa	Actual expenditure	(Over)/Under expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
National Prosecuting Services	3 750 948	3 750 948	-	3 333 186	3 245 330	87 856
Assets Forfeiture Unit	173 441	173 441	-	163 175	149 150	14 025
Office for Witness protection	197 136	197 136	-	176 333	176 333	-
Support Services	569 634	569 398	236	628 125	626 039	2 086
<b>Total</b>	<b>4 691 159</b>	<b>4 690 923</b>	<b>236</b>	<b>4 300 819</b>	<b>4 196 852</b>	<b>103 967</b>

### 4.2.5 Programme 5: Auxiliary and associated services

The purpose of this programme is to provide a variety of auxiliary services associated with the Department’s goals, and to fund transfer payments to the South African Human Rights Commission (SAHRC), the Office of the Public Protector, Legal Aid SA, the Special Investigating Unit (SIU) and the President’s Fund.

The programme consists of the following components within the DoJ&CD:

- i. **Justice modernisation:** Designs and implements information technology (IT) infrastructure and

networks, and re-engineers, automates and integrates business processes for the administration of civil and criminal justice in the integrated justice system.

- ii. **President’s Fund:** Provides funding for reparations flowing from the findings of the TRC.

**List of outcomes**

The programme contributes to the following outcomes:  
Outcome 1: Modernised and digitised justice services platforms

#### Outcome 1: Modernised and digitised justice services platforms

Outcome 1: Modernised and digitised justice services platforms							
Output	Output indicator	Audited actual achieved performance 2019/2020	Audited actual achieved performance 2020/2021	Planned annual target 2021/2022	Actual achieved performance 2021/2022	Deviation from planned target to actual achievement for 2021/2022	Reasons for deviations
1.4 Approved IJS governance structure	1.4.1 Number of revised IJS programme governance framework/ structure interventions implemented	-	IJS Governance structure approved by 31 March 2021	4	4	-	Target achieved
1.5 Inter-departmental information exchange platform	1.5.1 Number of government departments and entities connected to transversal platform and exchanging information electronically	8	9	1	1	-	Target achieved
1.6 IJS assessment report recommendations implemented	1.6.1 Number of IJS DPME assessment report recommendations implemented	-	IJS assessment report finalised by 31 March 2021	7	7	-	Target achieved

The Integrated Justice System programme is a government initiative that is aimed at improving the efficiency and effectiveness of the South African criminal justice process. This is an interdepartmental effort aimed at increasing the chances of successful investigations, prosecutions, sentences and ultimately the rehabilitation of offenders 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.

### Output 1.4 Approved IJS governance structure

The Department is currently accountable for the overall delivery of the IJS programme and accounts for the entire IJS budget. The revised governance of the IJS programme aims at clarifying and strengthening the roles of the director-general (DG) as the accounting officer of the programme, and that of the Minister for Justice and Correctional Services as the executive authority of the programme.

Implementation of a revised governance structure has been undertaken to improve the programme accountability and reporting mechanisms.

The following interventions related to the governance framework/structure of the IJS programme were implemented:

#### Establishment of committees

- i. IJS Implementation Committee (IJSIC);
- ii. IJS Board of DGs;
- iii. IJS Ministerial Committee; and
- iv. IJS Sub-Structures Committees:
  - IJS Architecture Steering Committee (ASC);
  - IJS Project Management Forum (PMF);
  - IJS Integration Coordination Committee Change Control Board (ICM/CCB).

### Output 1.5 Inter-departmental information exchange platform

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

As at 31 March 2022, ten (10) 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 Road Traffic Management Corporation (RTMC) is the 10th entity to be integrated in the 2022/23 financial period.

Maintaining connectivity with the ten entities enables the electronic integration of case management systems to enhance the effectiveness of the CJS. All pertinent information needs to be captured only once, at the source department, while all the other authorised role players automatically receive the information as and when required. This has resulted in the elimination of duplicate capture and recapture activities by each department, and improved information availability. This also means that the CJS member departments are finally closer to having a single view of a case, its current status and the outcomes thereof, a view that is common across the CJS.



## Output 1.6 IJS assessment report recommendations implemented

The purpose of the evaluation report was to assess whether the IJS programme is being implemented/delivered in an effective and efficient manner across all CJS member departments.

During the period under review, seven IJS DPME assessment report recommendations were implemented

### Linking performance with budgets

The programme expenditure for the year amounted to R 3.602 billion against the budget allocation of R 3.635 billion resulting in an under spending of R 33 million. The under spending is due to delays in awarding the procurement of ICT licenses (Citrix and Trend) and ICT Services (ICT Central Support, Service Desk and Security Support Services) as well as the underperformance of IJS/CJS (Transversal).

### Subprogramme expenditure

Sub-programme name	2021/2022			2020/2021		
	Final appropriationa	Actual expenditure	(Over)/Under expenditure	Final appropriationa	Actual expenditure	(Over)/Under expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
Legal Aid South Africa	2 033 188	2 033 188	-	1 958 883	1 958 883	-
Special Investigating Unit	437 878	437 878	-	421 662	421 662	-
Public Protector of South Africa	359 860	359 860	-	353 494	353 494	-
South African Human Rights Commission	195 031	195 031	-	191 739	191 739	-
Justice Modernisation	608 586	575 670	32 916	690 880	478 863	212 017
<b>Total</b>	<b>3 634 544</b>	<b>3 601 627</b>	<b>32 917</b>	<b>3 616 658</b>	<b>3 404 641</b>	<b>212 017</b>

Reporting on the institutional response to the COVID-19 pandemic

### 4.2 6 Reporting on the institutional response to the COVID-19 pandemic

The Department continues to promote a healthy and safe workplace culture to all employees by sharing information about COVID-19 regulations and standard protocols through internal communication channels and Public Education Communication (PEC).

The following structures have been developed to manage and minimise the negative impact of the COVID-19 pandemic within the Department: Chief Compliance Officer, Compliance Officers at Service Delivery Points/offices operating within the Justice Operational Steering Committee (JOSC) at National Level, Regional Operational Steering Committee (ROSC) and Local Operational Steering Committee (LOSC) at service delivery points/Offices to manage COVID 19 compliances at all levels.

The Department continued to support employees during difficult times of the COVID-19 pandemic. Employees were provided with necessary Personal Protective Clothing (PPE) (face masks, face shields/shields, work gloves).

## 5. TRANSFER PAYMENTS

### 5.1 Transfer payments to public entities

Public entities receive sizeable transfer payments from government and are often the front-line providers of services on behalf of government. It is therefore important to understand the impact of these services on the community. Departments are requested to provide information on the services provided by these public entities, transfer payments to the public entities, the actual amount spent from the transfer received by the public entities, strategic achievements of the public entity. Departments must also comment on monthly monitoring systems or the lack thereof to monitor spending on such transfer payments. If such monitoring did take place, departments must provide details of difficulties experienced and what steps (if any) were taken to rectify such difficulties.

Name of public entity	Key outputs of the public entity	Amount transferred to the public entity	Amount spent by the public entity	Achievements of the public entity
Legal Aid South Africa	Provides legal aid to indigent people and legal representation at the state's expense, as set out in the Constitution.	2 033 188	2 033 188	<ul style="list-style-type: none"> <li>• Access to justice through the provision of legal services to a total of 487,552 people in new criminal and civil matters, as well as legal advisory services.</li> <li>• Of the 355,141 new legal matters, 314,998 (89%) were criminal matters and 40,143 (11%) were civil matters.</li> <li>• Finalised a total of 360,655 legal matters; 317,546 (88%) criminal matters and 43,109 (12%) civil matters.</li> <li>• General legal advice provided to 132,411 people, including through the Legal Aid SA Advice Line.</li> <li>• Took on 19 new strategic litigation matters; 13 strategic litigation matters were finalised during 2021/22 with a 93% success rate in these matters.</li> </ul>
Special Investigating Unit	Provides professional forensic investigating and litigation services to all state institutions at the national, provincial and local levels to combat maladministration, corruption and fraud; and protects state assets and public funds.	437 878	437 878	<ul style="list-style-type: none"> <li>• R5.960 billion of potential cash and/or assets recovered.</li> <li>• R436 million of actual cash and/or assets recovered.</li> <li>• R5.541 billion of contract(s) and/or administrative decision(s)/action(s) set aside or deemed invalid.</li> <li>• R6.263 billion of potential loss prevented.</li> </ul>
Special Investigating Unit (continued)	Provides professional forensic investigating and litigation services to all state institutions at the national, provincial and local levels to combat maladministration, corruption and fraud; and protects state assets and public funds.	437 878	437 878	<ul style="list-style-type: none"> <li>• A total of 469 referrals made for disciplinary action against officials.</li> <li>• 24 786 referrals made for executive and/or administrative action.</li> <li>• 570 referrals were made to the relevant prosecuting authority.</li> <li>• 28 135 investigations closed under a published proclamation.</li> <li>• R3.366 billion of matters in respect of which evidence was referred for the institution or defence/opposition of civil proceedings.</li> <li>• A total of 54 cases issued in the Special Tribunal</li> <li>• A total of 19 reports submitted to the Presidency.</li> </ul>

## 5.2 Transfer payments to all organisations other than public entities

This section provides information on transfer payments made to provinces, municipalities, departmental agencies (excl. public entities), higher education institutions, public corporations, private enterprises, foreign governments, non-profit institutions and households. This excludes payments to public entities as it is included in the previous section. In this section also provide information on where funds were budgeted to be transferred but transfers were not made and the reasons for not transferring funds.

Departments are requested to provide the name of the transferee, the purpose for which these funds were transferred, did the department comply with S38 1(j), the amount transferred, the amount spent from the transfer received by the transferee, (excluding individuals or social grant payments) and the reasons for unspent funds by the transferee. Departments must also comment on monthly monitoring systems or the lack thereof to monitor spending on such transfers. If such monitoring did take place, departments must provide details of difficulties experienced and what steps (if any) were taken to rectify such difficulties.

The table below reflects the transfer payments made for the period 1 April 2021 to 31 March 2022

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	To investigate any alleged improper conduct in state affairs, public administration or any sphere of government, as well as any conduct that results in impropriety or prejudice.	No	359 860	359 860	-
The South African Human Rights Commission	Constitutional entity	To promote and monitor the observance of human rights in South Africa	No	195 031	195 031	-
Municipalities	Municipalities	Renewal of vehicle licence disks	-	664	664	-
South African Revenue Services	National Public Entity	Fines and Penalties	-	61	61	-
International Criminal Court	Foreign Government and International organisations	Annual subscriptions	-	12 170	12 170	-
Hague Conference on private International Law	Foreign Government and International organisations	Annual subscriptions	-	1 188	1 188	-
International Institute for the Unification of Private Law	Foreign Government and International organisations	Foreign Government and International organisations	Annual subscriptions	-	345	345
South Africa Broadcasting Corporation Limited	Major Public Entity	Annual payment made to the SABC to obtain/renew a television licence.	-	82	82	-
Households	Households	Payments for leave gratuity	-	63 846	63 846	-
Households	Households	Claims against the state	-	4 764	4 764	-
Safety and Security, Sector Education & Training Authority	National Public Entity	Payments for training in the public service	-	27 993	27 993	-

## 6. CONDITIONAL GRANTS

### 6.1. Conditional grants and earmarked funds paid

There were no conditional grants paid by the Department

## 7. DONOR FUNDS

### 7.1. Donor Funds Received

#### 7.1.1 European Union (GBS Funding)

Name of donor	European Union (GBS Funding)
Full amount of the funding	R12 587 463
Period of the commitment	April – September 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"> <li>• Manner in which to address the circumstances giving rise to legal fees that are unattainable for most people;</li> <li>• Legislative and other interventions in order to improve access to justice for members of the public;</li> <li>• The desirability of establishing a mechanism to determine fees and tariffs to be paid to legal practitioners;</li> <li>• The composition of the mechanism and the process that should be used to determine the fees or tariffs;</li> <li>• It is desirable to provide users of legal services with the opportunity to voluntarily agree to pay fees lower than or greater than any amount determined by the mechanism; and</li> <li>• The obligation of a legal practitioner to enter into a mandatory fee agreement with a client where that client obtains the services of that practitioner.</li> </ul>
Actual outputs achieved	Drafting and approval of the Final Report on Project 142: Investigation of Legal Fees, including Access to Justice and Other Interventions.
Amount received in current period (R'000)	R1 143 918
Amount spend by the department (R'000)	R32 566
Reasons for the funds unspent	A total of 50 copies of the final report could not be printed due to the delay caused by COVID-19 restrictions in achieving this objective.
Monitoring mechanism by the donor	Regular e-mail communication with the relevant National Treasury official in charge of general budget support (donor funds).

## 8. CAPITAL INVESTMENT

### 8.1. Capital investment, maintenance and asset management plan

Department is continuing with the implementation of projects to better the lives of the disadvantaged communities. The Department, through the facilities management unit, is responsible for the provision of office and courts accommodation and the 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, as the custodian of government assets.

The infrastructure projects are multi-financial years and therefore, no project was planned to be completed in the current financial year. The projects under implementation will continue in the next financial year.

Infrastructure projects that are currently in progress and the expected completion date.

The following two new projects are under implementation and monitored:

1. Mamelodi MC: The project progress stands at 73%. The contractor is on site but there was no movement in the current financial year. The project has been delayed due to failure to appoint specialist subcontractors. National Treasury has rejected request by DPWI for variation to include the scope for specialist subcontractors. A resolution was taken to go on open tender. The Department wrote to DPWI to include the scope of all subcontractors in the project. DPWI missed the date to advertise the project in November 2021 as per the submitted project execution plan. The completion date is yet to be known. The project continues to be on the agenda of the joint task team meeting. National Treasury has issued a regulation stopping all tenders not to be advertised until the court resolution.
2. Port Shepstone MC: The project was cancelled due to the contractor being placed on voluntary business rescue. The second contractor was appointed and is on site. The contract period is 18 months. Progress to date is 10% of the outstanding work. The overall progress is 73%. The project is anticipated to be completed on 16 March 2023.

### Progress made on the maintenance of infrastructure

The following six maintenance projects are implemented and monitored:

1. Vulamehlo MC: Contractor was placed on terms for non-performance with the intention to cancel the contract. The project had been interrupted several times by the Black Business Forums demanding 30% of subcontracting work. Final demand letter was sent to the contractor for conclusion of the project. DPWI project manager has written a memo to legal service recommending the cancellation so that the project can be re-advertised for completion contract while the matter is resolved via courts. The contractor has threatened to take DPWI to court and the matter was referred to the attorneys. The contractor was given the Mora letter on 28 January 2022. The completion date is yet to be known. The project has progressed to 78%.
2. Seshego MC: The site was handed over on 19 June 2018, with project duration of nine months. The variation order for replacement of the asbestos roof damaged by hail was submitted to VO committee and was disapproved. The professional team worked on the new motivation and requested new quotations to be presented to DPWI VO committee for re-consideration. DPWI considered closing the project and a new project be registered for completion of the outstanding work. A meeting to take practical completion will be arranged once the contractor finalises outstanding original scope of work at the regional court. The project has progressed to 96%.
3. Mthatha MC: Phase one and two of the project is completed. Phase three reached practical completion mid-July 2021 and was handed over to the Department. The contractor has taken practical completion for phase four and five and has decanted phase six and seven. The contractor is making good progress. As a result, it is anticipated that the project will be completed within the contractual timeframe and no further extensions will be required. The project has progressed to 79%.
4. Umlazi MC: Phase one of the project is complete. Phase two with three wings is being constructed and 90% complete. Phase two wings 1 & 2 are 100% complete. The contractor was working at one-third capacity because of COVID-19. The project has progressed to 77%.

5. Mt Fletcher MC: The project achieved sectional practical completion. The Eskom upgrade was done incorrectly at SAPS rather than at the Department, and this dispute could not be resolved by the contractor and was referred to the DPW project manager. DPWI will fund the Eskom upgrade to the court building. The contractor was given a notice for termination due to non-performance. An independent structural engineer was appointed to analyse the existing structure. A full report about the integrity of the water tank stand was submitted to DPWI. The structural engineer stated that the structural integrity of the water stand was compromised and needs to be examined. The project has progressed to 65%.
6. Polokwane MC: The project is in the finishing stage, with carpet, furniture and security installation; the landscape installation should begin shortly. As part of the on-going variation approvals, the main substations must be installed. Specifications for nominated subcontracts was issued to DPWI and the tender for the nominated subcontractor was advertised on 26 November 2021 and closed on 10 December 2021. The project has progressed to 90%.

The maintenance projects are funded by DPWI as per GIAMA mandate. The allocation of capital expenditures in 2022-23 is R566 million. The budget will be used for the planning, monitoring, implementation and completion of current projects under construction. The projects are currently under implementation and will proceed as planned, e.g., Mamelodi, Port Shepstone, Mpumalanga HC access road, Durban HC, Jouberton, Kroonstad, Soshanguve, Polokwane, Vulamehlo, Mthata,

The projects advertised include Rustenburg and East London Old SARS Building. Other projects under planning are Thohoyandou HC, Jan Kempdorp, Keimoes and Poffadder.

The infrastructure assets register is maintained by the custodians of government assets, DPWI.

Due to increased maintenance budget cuts, DPWI is unable to keep up with the maintenance demands backlog on government assets. In assisting the regions to respond timeously to the day-to-day maintenance at court level, The Department has embarked on a pilot programme on the term contracts approach for three key disciplines: general building, wet works (plumbing) and fire services.

The planned maintenance focuses on major repairs and refurbishments. The programme is implemented by DPWI, through implementing agents like Development Bank of SA, COEGA, Development Corporation and the Independent Development Trust (IDT).

Sub-programme name	2021/2022			2020/2021		
	Final appropriation	Actual expenditure	(Over)/Under expenditure	Final appropriation <sup>a</sup>	Actual expenditure	(Over)/Under expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
New and replacement assets	663 658	605 611	58 047	341 667	288 925	52 742
Existing infrastructure assets	25 206	25 206	-	23 524	23 524	-
- Upgrades and additions	3 778	3 778	-	1 736	1 736	-
- Rehabilitation, renovations and refurbishments	-	-	-	-	-	-
- Maintenance and repairs	21 428	21 428	-	21 787	21 787	-
Infrastructure transfer	-	-	-	-	-	-
- Current	-	-	-	-	-	-
- Capital	-	-	-	-	-	-
<b>Total</b>	<b>688 864</b>	<b>630 817</b>	<b>58 047</b>	<b>288 714</b>	<b>335 972</b>	<b>52 742</b>

# PART C:

## **GOVERNANCE**



## 1. INTRODUCTION

The Department is committed to risk management and the maintenance of effective, efficient and transparent financial, risk management and internal control systems. The Department ensures that effective and efficient controls are in place, followed by continued monitoring, review and assessment of mechanisms to mitigate identified strategic and operational risks. In order to further support and improve ethics values within the Department, risks are identified and managed across the Department. The objective is to minimise operational losses and optimise operational efficiency.

## 2. RISK MANAGEMENT

The Department has a risk management business unit and a risk management committee established pursuant to Section 38(1)(a)(i) of the Financial Administration Act (no. 1 of 1999, as amended). The risk management committee comprises the executive management team and is chaired by a non-executive member. The risk management committee is responsible for the oversight of risk management, including the departmental risk profile, emerging risk register, reporting, and ethics and integrity management.

The Department has implemented the new risk reporting guidelines, which include key risk indicators and thresholds and tolerance levels. Thresholds and tolerances have been implemented for priority risks and will assist the Department to track the movement of risks over time and it will allow senior managers to monitor the effectiveness of risk mitigation strategies.

The director-general has prioritised risk management as a focal point within the Department, with the chief risk officer serving as a member of EXCO. As a result, risks were monitored within EXCO and departmental performance improved.

## 3. FRAUD AND CORRUPTION

The Department has an ethics management strategy that addresses ethical issues through the new Public Service Regulations, 2016. The ethics management strategy provides a comprehensive mechanism to combat fraud, corruption, irregularities and unethical behaviours, such as conflict of interest, nepotism and favouritism. The ethics management strategy is guided by the departmental anti-corruption and ethics management policy.

Mechanisms put in place to report fraud and corruption  
The Department has a whistleblowing policy that protects officials who report allegations of fraud and corruption to the forensic audit unit. The National Anti-Corruption Hotline is used by officials to anonymously report allegations of fraud or corruption and any unethical conduct when it is suspected that fraud and corruption have occurred. Currently, the Public Service Commission National Anti-Corruption Hotline is available to all officials and external stakeholders.

The reported allegations are dealt with internally by the forensic audit unit, where they are investigated, and recommendations are referred to HR labour relations office for disciplinary processes or to the South African Police in circumstances where there is a high suspicion that a crime may have been committed.

## 4. MINIMISING CONFLICT OF INTEREST

The Department has both the recruitment and selection policy and the supply chain management policy to ensure that officials are adequately monitored. The Department's financial instructions require all stakeholders who participate in supply chain management processes to read and sign the Code of Conduct. Before the member is appointed to the SCM committee, the verification is conducted through the National Treasury Central Supplier Database, where verification indicates that the official's company is registered and the company does business with the organ of the state, the matter will be referred to the forensic audit unit for investigation and appropriate recommendations.

## 5. CODE OF CONDUCT

The Department is using the code of conduct as stated under chapter 2 (regulations 11 to 14) of the Public Service Regulations of 2016. When there is a breach of the code of conduct, the matter is dealt with through departmental discipline processes.

There is a partnership between the Department's labour relations, forensic unit, integrity management unit and enterprise unit to jointly inculcate a culture of ethics in order to prevent and effectively address unethical behavior prior to becoming a specific form of corrupt activity and to mitigate its risks. As part of the combined assurance function, the awareness sessions are conducted to cover the employees' code of conduct and ethics.

## 6. 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 is able to monitor compliance on the implementation of SHER policy and procedures at all service delivery points, which is in line with Occupational Health and Safety Act and Regulations, Act 85 of 1993 (as amended) through National Operation Centre Information Monitoring Tool (NOCIMT) and reports on the status of compliance of all offices/service delivery points countrywide can be generated.

The Department continues to identify and manage workplace hazards through SHER inspections conducted by national office and regional offices. Due to COVID-19, visits to the respective offices/service delivery points for SHER inspections and SHER awareness sessions were negatively impacted by the COVID-19 Risk Adjusted lockdown levels although the national office managed to perform over and above the expected targets for this financial year. Directorate: SHERQ continued to ensure that the Department complies with all the Department of Health COVID-19 Regulations and DPSA Guidelines related to COVID-19. Several circulars were issued to direct the employees on how to best manage the spread of COVID-19 in the workplace.

## 7. BUSINESS CONTINUITY MANAGEMENT

The Department is committed to ensure continuity of service delivery in the event of a disruption/disaster at service delivery points/offices. This objective can be achieved by institutionalising the business continuity management function throughout the Department.

The Department established the business continuity management programme through developing, implementing, monitoring and controlling the business continuity management instruction (BCMI), Circular 92 of 2013. The BCMI was implemented at all service delivery points/offices. Furthermore, it supports the overall departmental Strategic Plan, 2020 - 2025.

To promote and sustain the business continuity management culture, the director-general convened meetings with employees throughout the Department

to ensure best practices and continuity of critical services at all service delivery points/offices in line with the Disaster Management Act, (Act 57 of 2002), Regulations, Directives and Departmental Prescripts, as amended. Meanwhile, the Department continued to monitor the established business continuity system with the aim of maintaining resilient governance and continuity of services, from the period of Declaration of the State of National Disaster, 25 March 2020 to the current position wherein the Declaration of the State of National Disaster has been officially lifted by the President of the Republic of South Africa, Mr Cyril Ramaphosa on 05 April 2022.

To maintain an oversight of the business continuity management system, regional heads delegated the deputy directors: security and risk management of the regions with the task to attend the BCMI's NOCIMT awareness, in terms of Circular 03 of 2020, who in turn transferred knowledge and skills through awareness to all heads of offices of their respective service delivery points/offices. Furthermore, risk profile is continuously reviewed and updated to improve business continuity strategy and policy in the Department.

The Department absorbed biological risks and opted to remain resilient during the outbreak of the COVID-19 pandemic, through identification and deployment of the critical functions and critical staff by implementing COVID-19 pandemic preventative measures to mitigate/prevent the widespread at all service delivery points/offices countrywide. The importance of the business continuity in government departments was also emphasised by the Department of Public Service and Administration (DPSA)'s directives and has been adopted in departmental oversight structures, i.e. Occupational Health and Safety (OH&S) Committee, Enterprise Risk Management (ERM) Committee, Joint Operation Committee (JOSC) at National Office and Regional Operation Committee (ROSC) to ensure implementation of the business continuity management at service delivery points/offices respectively.

The Department adhered to the said due processes of maintaining the business continuity through alignment to the Disaster Management Act, (Act 57 of 2002) and Regulations issued by the Department of Corporate Governance and Traditional Affairs (COGTA), as amended. This included adherence to the directives issued by the National Department of Health (DoH), Department of Public Service and Administration (DPSA), Department of Labour and Employment Service (DEL), Department of Transport (DoT), Department of Home Affairs (DHA) and South African Police Service (SAPS). Furthermore, the department continued to conduct and implement the Business Impact Analyses (BIA), Risk Adjusted Plan (RAP) and decision by the President of the Republic of South Africa to comply with the COVID-19 lockdown regulation, as amended from time to time.

The Department continued to support the effort by the National Disaster Management Centre (NMDC) through participating in their organised meeting(s) on site and virtually. NMDC is mandated with the task of implementing Section 25(1)(a-g) of the Disaster Management Act, (Act 57 of 2002), as amended that stipulates the process of establishment of the Disaster Management Plan (DMP) by national Departments countrywide. The Department complied with the processes through developing the draft DoJ&CD's DMP aligned with the relevant legislative frameworks to be approved by the director-general. The disaster management plan programme will be rolled out countrywide for implementation, after approval by the director-general.

## 8. PORTFOLIO COMMITTEES

The Department of Justice and Constitutional Development (The Department) appeared before the following Portfolio Committee on Justice and Correctional Services to brief the committee on various issues during 1 April 2021 and 31 March 2022. The table below includes briefings relating to the Department 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
1) Portfolio Committee on Justice and Correctional Services	7 May 2021	(a) Briefing by the <b>Department of Justice and Constitutional Development</b> on its strategic plan and annuals performance plan of 2021/22	(a) The committee asked whether the Department was planning to continue with the establishment of sexual offences courts, which the Minister and Deputy Minister had pursued in the last financial year. If so, how many courts was it planning to launch this year?	The Department indicated that the programme will be extended. The programme had started “roughly” with very high standards for the courts, for example, in terms of its requirements for infrastructure and IT. The Department had reduced the standards to allow more sexual offences courts to be established. The quality of their services, however, would not be reduced. In the 2021/22 financial year, the Department planned to designate 100 courts as fully functional, while at the same time developing a framework which would enable expansion in the future. The Department had many courts that were not optimally used, because their usage was not guided by caseloads and needs on the ground.
			(b) The committee raised a question about transformation of the services of the Master of the High Court. What came to mind were allegations that the Master’s Office assigned the execution of large estates to white males, and assigned smaller estates to black and female practitioners. What plans were in place to address this, and what progress had been made?  The government should be involved not just in the provisional stage, but in the actual administration of the insolvent estate.	The Department responded that the execution of deceased estates operated under strict legal guidelines providing people freedom of testation and freedom to choose an executor. In such cases, therefore, there was largely no question of the Master’s Office having the power to assign executors, let alone to assign them on the basis of race. Insolvency estates, however, presented a challenge. In those cases, and according to legislation, the appointment of an executor depended on which party had a majority in numbers or a majority in value. Those in business tended to appoint practitioners with whom they associated or identified.  The Department was not neglecting the importance of trying to empower practitioners from previously disadvantaged groups. The situation needed to change. The Department had “entered the arena” at the provisional stage of execution, but this was a “circumscribed space” in which the administration of insolvency estates did not necessarily occur. Instead, there needed to be a drive – including in correcting the Insolvency Bill – to expand the government’s involvement in the appointment of liquidators.

Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
<p>1) Portfolio Committee on Justice and Correctional Services</p>	<p>7 May 2021</p>	<p>(a) Briefing by the <b>Department of Justice and Constitutional Development</b> on its strategic plan and annuals performance plan of 2021/22</p>	<p>(c) The committee raised concerns about the Department's attempts to review and repeal apartheid-era legislation. It was not ideal that this was still ongoing, 27 years after the advent of democracy. But the process involved not only the Department but also Parliament, which was obligated to make laws. It was suggested that Parliament should receive a written report on the work that had been done so far in this regard.</p>	<p>The Department provided an overview of the Project 25 statutory law review. As early as 2004, the South African Law Reform Commission (SALRC) had embarked on a provisional audit of national legislation, stretching back to 1910. It had found that roughly 2 800 individual national statutes were on the statute books. The review had to be systematic, proceeding at the level of individual national departments. For each department, the SALRC investigated the national legislation administered by that department, reviewing each statute for equality and redundancy. The SALRC's preliminary findings and proposals were compiled in a consultation paper and verified with the Department. Thereafter, discussion papers were written – in respect of each department and its legislation – and, upon approval from the SALRC, published for general information and comment. Finally, the SALRC developed a report, which incorporated the comments of respondents, and submitted it to the departments.</p> <p>However, it had been left to the individual departments to enact the SALRC's recommendations. Some departments had accepted the recommendations and had gone on to promote new legislation through their various portfolio committees. Because the approach of Project 25 had been "very limited," the Department was now reviewing apartheid-era legislation again. That project was ongoing.</p>
			<p>(d) Plans to continue with the online court system. The system had proved "a bit effective" in 2020, when COVID-19 was rife. Was the system progressing well, and would the Department continue to use measures like online hearings?</p>	<p>Online court services were advancing. Since the lockdown, the Department had run several trials on the virtual platform, and had learned further lessons. The Criminal Procedure Act, however, was strict in requiring the physical presence of parties before the court. The Department was working on draft legislation which would allow it to expand the use of the online court system to criminal cases; in the interim, it continued to do what was permissible under current legislation.</p>

Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
1) Portfolio Committee on Justice and Correctional Services	7 May 2021	(a) Briefing by the <b>Department of Justice and Constitutional Development</b> on its strategic plan and annuals performance plan of 2021/22	<p>(e) The committee raised concerns about the high vacancy rate in the senior management service (SMS). What has been done, already, to address it? How many of those vacancies have been filled? Has a skills audit been done? If not, why not; and if it has, what has it found?</p> <p>(f) Whether the Auditor-General's recommendations had been attended to, and what the outcomes had been. If they had not been attended to, why not?</p>	<p>The Department indicated that the vacancy rate in the SMS had indeed been very high, at 24%, at the time of the Department's last engagement with the committee. That rate was now 22.5%. Of the 38 vacancies that remained, 23 had been advertised and were in the process of being filled. The Department was mindful that there were budget cuts, so it would accommodate those appointments within the R114 million surplus in the employee compensation budget. Whatever was left over would be used to fill vacancies at lower levels, especially in the courts, Office of the Master of the High Court, and Office of the Family Advocate.</p> <p>It has been emphasised that the Department would try to fill any remaining vacancies in senior management, especially in contract management, before the end of the quarter. Currently, half of the executive committee, which is chaired by the Director-General (DG), were recent appointments. This shows progress, and the number of vacant senior management positions has halved since previous financial year. The two outstanding vacancies at that level were the Solicitor-General and the Chief State Law Adviser. He had been informed that the appointment process for the latter would be concluded by the end of the first quarter.</p> <p>The DG he had been addressing the issue of consequence management and performance management, as identified in the Auditor-General's report. Efforts had begun to rebuild the labour relations unit, which had collapsed following years of challenges. The Department was also committed to building external capacity, through short-term contracts, to address all backlogs concerning grievances and disciplinary procedures. By the end of the first quarter, at the end of June 2021, senior management intended to have reduced all grievances and disciplinary matters to below 5%.</p> <p>The DG had noticed that contract extensions contributed significantly to the Department's irregular expenditure. Since his appointment, he had received many requests to extend expired contracts. He had told the acting CFO that any request to extend an expired contract must henceforth be accompanied by a plan for consequence management, identifying who was responsible for the expiry. He was also moving to fill the vacancies in contract management. Members would be aware of the current challenge posed by the forensic reports and by the disciplinary procedures involving various senior managers, including the CFO and the Chief Director: Supply Chain. In the next 30 days, those processes had to be concluded. There had been delays since last year – COVID-19 had been "used as an excuse," and the defendants had caused intentional delays.</p>

Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
<p>1) Portfolio Committee on Justice and Correctional Services</p>	<p>7 May 2021</p>	<p>(a) Briefing by the <b>Department of Justice and Constitutional Development</b> on its strategic plan and annuals performance plan of 2021/22</p>	<p>(g) How, specifically, would the Department be ensuring universal access to its services for people with disabilities? The committee requested for a detailed breakdown of the interventions, and an update on the national strategy on universal access.</p>	<p>The universal access for persons with disabilities was built into the sexual offences court model. The Department had developed a set of minimum standards which applied across all sexual offences courts. In fact, those courts had been selected because their infrastructure was already amenable to or compliant with the standards. The minimum standards regulated both physical access and, for example, sign language interpretation. The APP referenced plans to introduce an amendment to the Constitution, designating sign language an official language of South Africa. However, The Department was not waiting for the legislation to be effected. It was already putting in place measures to provide sign language services, including working with non-governmental organisations to build a pool of service providers. Thus, by the time the legislation comes into effect, the Department would be prepared to meet its constitutional obligations. Because it would be a constitutional amendment, any non-compliance with the new law would expose the government to litigation.</p>
			<p>(h) The Committee was “extremely concerned” about the surge of hate speech, hate crimes, and even murders targeting people within the LGBTIA+ community. Had the Department condemned this? Had it made a statement? If it had, that statement had not been very “visible.”</p>	<p>The work of the Department’s Constitutional Development Branch aimed to enhance and promote the rights of LGBTIQ persons through interventions directed at prevention, promotion, and protection. This was “a priority area,” and the relevant work was both “well-established” and ongoing. The branch has put in place a number of indicators relating to these aims. The indicators in its operational plan would provide a fuller picture, but some relevant indicators were included under outcomes 2, 3, and 8 of the APP. Under outcome 3, the Department would continue with awareness-raising campaigns and would increase the number of awareness sessions it provided. Public awareness was related to prevention and the need to shift people’s mindsets. In addition, the National Intervention Strategy (NIS) would be relaunched later that year following policy revision. The Department was also in conversation with the European Union about a conference or dialogue looking into policy and legislative developments to enhance the protection of the rights of LGBTIQ persons. Finally, the Department had several interventions focused on implementation. In particular, the rapid response mechanism, a collaboration with SAPS and the NPA, was used for implementation and enforcement and would continue to operate.</p> <p>The Department was aware that it had “dropped the ball” in this area. It had allowed structures like the national and provincial task teams to “collapse.” But it was taking “drastic steps” to address the situation. Two days ago, he, the Minister, and the Deputy Minister had met with representatives of the LGBTQIA+ community. They had clearly voiced their concern about the “non-availability” of the Department in addressing these issues. The Department had committed itself to addressing the matter within the next 21 days. The DG would lead the effort on the administrative, departmental level, and the Minister and Deputy Minister would deal with the high-level concerns.</p>

Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
<p>1) Portfolio Committee on Justice and Correctional Services</p>	<p>7 May 2021</p>	<p>(a) Briefing by the <b>Department of Justice and Constitutional Development</b> on its strategic plan and annuals performance plan of 2021/22</p>	<p>(i) The committee requested for an update on the Office of the Legal Services Ombudsman, to which Judge Siraj Desai had been appointed. Was the office operational?</p>	<p>The Department had begun to operationalise the office. A team of officials and an acting director had been seconded from the Department, and they were currently looking for office space. In the interim, the Department had dedicated two cellphones to the office, with a number that could be advertised and used by those who wanted to submit queries.</p>
			<p>(j) The committee reminded the Department delegates that when the Department had last briefed the committee in October or November 2020, the committee's "diagnosis" had been that the Department was "dysfunctional." It had concluded that the Department needed not just a turnaround plan but "a rescue plan." In that meeting, the chairperson had said that the Department had been declining over three or four years and that something needed to be done. According to Adv Mashabane, the Department had arranged a planning session in response to the committee's "harsh criticism," and then, after Adv Mashabane's appointment, had held a further session. He was "very happy" if the Department's APP presentation was based on plans responding to the need to "fix" the Department. This was better than rehashing familiar problems without any results. The committee asked the Department whether the presentation was indeed a response intending to "rescue" and turn around the Department.</p>	<p>The Department's plans did indeed respond to the concerns that the committee had raised in the past. The Department took the matter seriously. Upon his appointment as DG, the DG met with the chairperson of the Public Service Commission (PSC), who knew that the committee had been considering having the Department placed under administration at the PSC. At the DG's request, the chairperson had met with the Department's senior management to present his concerns. Senior management had asked for 100 days to implement the turnaround plans – starting on 1 April and ending at the end of June. They had invited the PSC to put the Department under administration if they did not "turn the corner" within those 100 days. Performance had improved over the last quarter, and "the light at the end of the tunnel" was getting brighter. In 2019/20, the Department had been at just over 50% performance, but it had now broken through the "psychological threshold" of 60%. This was encouraging news and indicated that the Department had arrested its "unabated downward spiral and regression."</p>
			<p>(k) The committee noted that the APP identified 45 sites for the implementation of audio-visual services in court. But there were hundreds, or even thousands, of courts in South Africa. What was the Department's plan for this facility over the medium- to long-term, perhaps over the next three years?</p>	<p>The 45 sites identified for audio-visual services were located across the country in all nine provinces, but they were large central courts. The Department first wanted to ensure that the central courts – which provided the greatest volume of services and handled the greatest volume of cases – were equipped with internet and virtual platforms. Thereafter, the programme could be expanded to the subdistricts and to other sites linked to the central 45. The court services branch's operational plan already included plans for expanding to new sites, and those would be elevated to the Department's APP the following year.</p> <p>The Department planned to roll out audio-visual services to 45 courts in the current financial year, to 55 courts in 2022/23, and to 70 courts in 2023/24. The North West Regional Court President had indicated that all courts in the province had already been connected.</p>

Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
<p>1) Portfolio Committee on Justice and Correctional Services</p>	<p>7 May 2021</p>	<p>(a) Briefing by the <b>Department of Justice and Constitutional Development</b> on its strategic plan and annuals performance plan of 2021/22</p>	<p>(l) The committee referred to a report by the Democratic Governance and Rights Unit (DGRU), which covered issues such as infrastructure, security, and work environment in courts. It painted a “very gloomy,” but familiar, picture. Security was “almost non-existent” in the courts, and this affected the administration of justice. Infrastructure was also a concern. Adv Mashabane had indicated that he too was “alarmed” by the state of the Department infrastructure, and the presentation identified ageing infrastructure as a risk (see slide 70). Yet the problems did not only stem from age. For example, in Bitou municipality around Plettenberg Bay, a court had been built just a few years ago under the Independent Development Trust (IDT). But last year the court had been non-operational due to flooding. How did the Department deal with these kinds of issues?</p>	<p>The Department took note of the DGRU report. For many years, infrastructure had been “a thorny issue” in the Department’s relationship with DPWI. At the request of the DG, the Department was developing a framework to guide engagements between the Department and DPWI. Currently, their engagements were governed by service-level agreements, which did not punish non-compliance. The new framework, however, would include measures enabling the Department to withhold money from DPWI upon non-delivery. The situation had reached a point where this was necessary. The Department transferred money to DPWI on accommodation charges annually. When it spent, for example, R3 billion on infrastructure, R2.1 billion of that amount went to DPWI and the rest to new infrastructure. Under the envisaged arrangement, the Department would not transfer the relevant amount until DPWI had delivered on its obligations as outlined in the framework.</p> <p>The Department also wanted DPWI to devolve more infrastructure maintenance functions to the Department. With the support of the Minister, these efforts could be quite productive. It was common knowledge that DPWI had capacity problems. The Department could deal with the issues – such as leaking roofs and worn carpets – that did not require engineering or rocket science. That would leave DPWI responsible for ensuring the integrity of the infrastructure from an engineering point of view.</p>
			<p>(m) An audit committee would help ensure a reduction in wasteful and fruitless expenditure and irregular expenditure, and could ensure that the funding and the programmes were aligned and in dialogue. Yet he was not aware that the Department had yet appointed an audit committee.</p>	<p>With regard to audit committee, the DG added that the Department had extended the term of the current audit committee members. Though its term had been scheduled to end at the start of the financial year, the audit period continued until the end of June 2021. The Department had advertised the seats and members of the public had responded, so the Department would run that process in the interim and would assemble a new audit committee by 15 August 2021. The Department had met with the audit committee to induct two new members and to present its APP and strategic plan, and the audit committee should brief the Minister and Deputy Minister.</p>

Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
1) Portfolio Committee on Justice and Correctional Services	7 May 2021	(b) Briefing by the <b>National Prosecuting Authority</b> on its strategic plan and annual performance plan of 2021/22	<p>(a) The committee asked for an explanation about the handling of the LP-10 issue arising from OSD. There had been no progress since Adv Batohi had taken office. The NPA was awaiting the Supreme Court's decision, meaning that, effectively, after the deputy directors had won their case, the NPA had taken it on appeal. She did not understand why the NPA had done so. It was not conducive to building morale or "corporate goodwill." At the same time, the deputy directors had lost their case in the Labour Court but would be appealing that decision. The NPA's deputy directors – the main body of its senior management – were thus "at odds" with the NPA. This did not look good, and it did make the deputy directors feel good. Some experienced managers earned less than inexperienced managers, and promotions to the LP-10 level did not always come with a salary increase; the situation was unfair and unacceptable</p> <p>(b) The committee requested for progress in prosecuting COVID-19-related corruption matters. They also asked for an update on the anti-corruption fusion centre and the anti-corruption task team. Both had been much vaunted but seemed to be "non-functional."</p>	<p>Adv Batohi replied that the chairperson had previously raised the same issue, and that, when she had answered the same question before the committee in the past, she had highlighted the difficult situation that she found herself in as NDPP. It was not ideal for her to engage in litigation against "key and valued" members of her staff, but she had spoken to those staff members. The issue had been dealt with "very badly" by previous NDPPs. She had been in office for four days when the matter went to court – an "induction by fire" for her. She was not opposed to implementing the LP-10. The NPA wanted to implement the LP-10 correctly, in the manner in which it had been envisaged, across government – since the LP-10 affected legal professionals across government, and not just at the NPA. The NPA was not doing nothing while the matter was before court – it was planning for implementation. She was working very hard with human resources. Next week, stakeholders – including the State Attorney, Adv. Nomvula Mokhatla at the NPA, DG of DoJ&amp;CD, and officials from DPSA and Treasury – would be meeting to look for solutions. She agreed with Adv Breytenbach that the situation was "untenable" and "a total mess." It did not make sense that officials were applying for promotions to positions that, though more senior, came with a pay cut. Those who had created the OSD had been "really short-sighted." They had not expected the "tsunami" that had hit later, creating the "terrible imbalance" that now existed in government. It had left stakeholders "scrambling around" trying to work out how to address the situation.</p> <p>The NPA indicated that the fusion centre was still actively working. The fusion centre had a multi-disciplinary approach and dealt with corruption involving funds that had been earmarked for the COVID-19 response. It received "strong leadership": it reported monthly to the principals of all the relevant law enforcement agencies, including the head of the Financial Intelligence Centre (FIC), in which it was located, and the heads of the NPA, DPCI, and SIU. The fusion centre had looked at 288 matters to date. Prosecutors had made decisions in 71 of those cases, following investigations. They had decided not to proceed with prosecution in 49 cases, and 22 cases were on the court rolls, with accused parties appearing before the courts.</p> <p>Adv Batohi agreed that the fusion centre was doing "a lot of good work," but added that it faced challenges. Due to a lack of SAPS resources – particularly detectives – cases were not moving as quickly as the NPA wanted. There had recently been a meeting to consider the risks, and possible solutions, in order to ensure that the centre was able to meet its original objective of "speedy prosecutions."</p>

Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
<p>1) Portfolio Committee on Justice and Correctional Services</p>	<p>7 May 2021</p>	<p>(b) Briefing by the <b>National Prosecuting Authority</b> on its strategic plan and annual performance plan of 2021/22</p>	<p>(c) The committee asked about the impact the Thuthuzela Care Centres have in their communities thus far. In the past, the committee had received many complaints about the centres, but recently it had been “quiet.”</p>	<p>The NPA indicated that the Thuthuzela centres were one-stop centres dedicated to a “victim-centred approach”: their aim was to assist victims. In the last five years, the centres had assisted approximately 160 000 victims at 55 sites. In the previous year, COVID-19 had a negative influence on the number of cases reported through the centres – the number had fallen by 5 876 or 16.6%. However, the quality of the services had been maintained. The conviction rate for sexual offences had been 48% when the Thuthuzela process began in 2000, and it was now at 75%. Moreover, with help from other stakeholders and from the national strategic plan on GBVF, progress had also been made in sentencing. In the past two years, there had been a considerable trend towards more severe sentencing, specifically in relation to rape matters that went through the Thuthuzela centres and that were heard in regional courts. Life imprisonment sentences in such cases had increased by about 4%. Last year, 141 of 779 accused parties in Thuthuzela-related cases had received life imprisonment sentences. This was a slight drop from the number in the previous year (167), but the drop was a result of fewer cases being finalised during the COVID-19 pandemic.</p> <p>The NPA had previously reported to the committee that it was planning to establish six new Thuthuzela sites using CARA funding. The NPA had intended for three of these sites to be established by the end of March 2021, but had been unable to proceed because crucial suppliers had been unavailable. However, services had commenced at two of the six sites – one in the Eastern Cape and one in the Western Cape – and all six sites would be established by the end of the financial year.</p>
			<p>(d) The committee asked why the NPA had removed the indicator that accounted for the quality of prosecutions.</p>	<p>Adv Batohi replied that the relevant target had been “very ambitious” and that the NPA believed it was a critical indicator of the quality of NPA services. She was glad that the committee had noticed its absence. The indicator involved collecting data about NPA services, which in turn involved engaging with other partners – such as magistrates and SAPS – to get their views on the quality of prosecutions. This had been difficult during the COVID-19 pandemic. The indicator was still included in the NPS’s operational plan, and the NPA hoped to elevate it back to the NPA’s APP once it was better organised and able to measure the indicator better.</p>

Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
1) Portfolio Committee on Justice and Correctional Services	7 May 2021	(b) Briefing by the <b>National Prosecuting Authority</b> on its strategic plan and annual performance plan of 2021/22	<p>(e) The committee asked about the backlog in DNA testing, which affected prosecution of GBVF cases. What was the NPA doing to assist in reducing the backlog?</p> <p>(f) The committee supported all four of the NPA's priorities for the year. However, it was concerned about the third priority: capacitating the organisation. The NPA faced risks in this area going forward. For example, the committee gave the NPA "the bad news" that several of its prosecutors would soon become magistrates. One of the committee's members belonged to the appointments committee of the Magistrates Commission, which had just finished recruiting magistrates for the district courts. Of 476 applicants, 166 were prosecutors and advocates; and of the 167 applicants selected, more than 30% were from the NPA. The commission had recognised those prosecutors as high-performing "stars." So the NPA was a very good "school" or "nursery" for other institutions in the justice system, and it served as a "conduit" for its employees' ambitions. But to avoid losing its top performers, the NPA urgently needed to develop an attractive retention strategy.</p>	<p>The NDPP indicated that the backlog was predominantly a SAPS issue, but it had been affecting the NPA "really badly."</p> <p>The DNA backlog was currently "a huge challenge," especially because it caused a backlog in sexual offences cases at courts. The NPA had identified 1847 cases that were "long outstanding" under the backlog. The NPA had reached out to SAPS, and especially to its forensic science laboratory (FSL), and had received 482 DNA reports as a result of this intervention. In fact, they had received additional reports earlier that week. The NPA was also in the process of developing, with SAPS, a specific action plan to address the backlog step-by-step. It would be meeting with SAPS in this regard on Monday afternoon. A low number of reports were received in certain divisions – the Eastern Cape, the Western Cape, and KwaZulu-Natal – so there would be a "concerted effort" to focus on those provinces and divisions. Fortunately, most of the long outstanding cases in Mpumalanga had been dealt with.</p> <p>The NPA's priorities for the year, and beyond, was capacitating the organisation to deal not only with the challenges that it currently faced but with challenges that would arise in the future. This objective was linked to the Minister's focus on modernisation and digitisation, but it also arose from "the changing nature of crime." The NPA anticipated significantly more complex cyber-criminality in coming years. The NPA was pursuing a range of initiatives that aimed to return its status as "employer of choice." Part of this, of course, was training, capacitating, and developing employees so that they wanted to stay at the NPA. One such initiative was the cultural enhancement initiative, linked to staff morale – though it had been hindered by the COVID-19 pandemic. However, it was "not always a bad thing" that NPA staff moved on to positions elsewhere. The NPA was "working within a broader system," and those transitions were part of prosecutors' career development prospects.</p>

Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
1) Portfolio Committee on Justice and Correctional Services	7 May 2021	(b) Briefing by the <b>National Prosecuting Authority</b> on its strategic plan and annual performance plan of 2021/22	(g) The chairperson said that the committee was “very pleased” with the progress that the NPA had made, and that the APP contained “a very good strategy.” Adv Batohi as NDPP, and the NPA under her leadership, were “growing up very nicely,” and the committee no longer had to be as “harsh” as it had initially been. The NPA should, however, take into account members’ comments and revisit some issues, particularly some of its targets. Before its term ended, the committee wanted to see a fully independent NPA. He therefore urged the NPA to prioritise a bill dealing with its independence. The committee would not be satisfied with policies “in the pipeline.” It had to process about three or four “long overdue” bills, including one realigning the Public Protector Act with the Constitution and another providing for NPA independence. Moreover, the NPA should be not only fully independent but also “fully capacitated.” Within the “justice family,” there were two entities – the NPA and the SIU – which could raise money. Particularly given the current economic climate, it was important that those entities were fully capacitated. Prosecutors worldwide now faced the challenge that criminals, including terrorists, had more resources than prosecutors did. Terrorists, for example, had a lot of money going through the banking system.	Adv Batohi said that the NPA would “take on board” members’ comments. She was pleased that the committee agreed that the independence of the NPA was crucial. Adv du Plessis was engaging with the DG of DoJ&CD, and the NPA looked forward to sharing its “roadmaps” with the committee at some point. It was a very complex process but the team was working hard to ensure that they left the NPA independent, protected, and governed by the right frameworks and a clear understanding of the role of the executive.
2) Portfolio Committee on Justice and Correctional Services	20 May 2021	Briefing by the Department on the <b>National Register for Sex Offenders</b>	(a) The committee had a sense that the task team was of the view that the purposes of the NRSO would be best achieved with the NRSO resting with the Department as it currently did, but he was apprehensive about the ability to deliver through the IJS. The committee had been disappointed by the lack of real progress in the IJS. They appreciated that if ever there was to be a functional system, the NRSO had to merge seamlessly with the IJS but perhaps a lone standing platform would work better in the interim so that it could assist the fight against GBVF while the system was being brought up to standard.	The Department stated categorically that the NRSO was fully functional, except for the inclusion of the international sex offenders. That had not yet been addressed. The Department of Home affairs would have to extrapolate the information from its system and include that in the NRSO, but that was the only area where the register was not operational. The system was being maintained fully and profile analysis of the victims was taking place.

Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
2) Portfolio Committee on Justice and Correctional Services	20 May 2021	Briefing by the Department on the <b>National Register for Sex Offenders</b>	(b) The budget for the NRSO was always going to be a worry, knowing the budget of the Department and the Medium-Term Expenditure Framework. It also meant that there would always be staffing issues in the NRSO although skills and warm bodies would be needed to make it work. The presentation had stated that a budgetary allocation was to follow but the committee knew that the Department and National Treasury would struggle to find additional funds over the next three years.	The DG acknowledged that the budget would be a challenge but said that the Department would look at its baseline to see what it could find. He said that some of the budget was allocated for personnel and he was of the opinion that personnel could be shifted inside the organisation and redeployed to NRSO, which meant that the projected amount should be found. He was also considering using CARA (the Criminal Assets Recovery Account) funds if the rules would allow the Department to use those funds for that purpose. Neither National Treasury nor SAPS would have additional funds available for that purpose, so the Department would have to make do with what it had.
3) Portfolio Committee on Justice and Correctional Services	21 May 2021	Clause by clause <b>deliberations on GBV Bills</b>	<p>On the Domestic Violence Amendment Bill, the ACDP was concerned that defining domestic violence too broadly would infringe upon religious freedom and upon the parent-child relationship. It thus raised concern with the proposed definitions of physical and spiritual abuse. Members disagreed about whether the Bill should require, rather than merely allow, the court to order respondents to pay emergency monetary relief to complainants. Members also debated the Bill's provisions for arrest without a warrant, arrest for the contravention of a protection order, and the consideration of applications outside ordinary court hours. In these matters, members sought to balance the needs of victims of domestic violence with the legal rights of respondents and with the desire not to broaden excessively the powers of police or to overload the criminal justice system. The committee also remained unsure whether to criminalise the failure to report domestic violence involving children, older persons, and persons with disabilities.</p> <p>The committee decided that the National Register for Sex Offenders would remain at the Department and that its functions would not be transferred to the police criminal record centre. It also decided that the Bill should extend the obligation to report sexual offences to apply to all sexual offences involving persons with disabilities. Finally, it decided to omit the subsection of the Bill which provided for making publicly available the particulars of convicted sexual offenders. Members were concerned about the constitutionality of the provision, the effects on the offenders' family members, and the integrity of the National Register's data. The only unresolved issue was whether the Bill should consider females under the age of 25 years to be vulnerable persons, alongside children, persons with disabilities, and elder persons.</p>	Deliberations on the Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill resulted in more conclusive decisions. The Department was concerned that to include all such women would overburden the employment sector and the national register, but that the current proposal to include only students might be discriminatory.

Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
4) Portfolio Committee on Justice and Correctional Services	26 May 2021	(a) Briefing by the <b>Department on the Land Court Bill</b>	The committee agreed to advertise the Bill for public comment for eight weeks since the Executive had not put it out for public comment.	Noted.
		(b) Deliberations on <b>GBV Bills in respect of the outstanding items</b> that could not be discussed on 21 May 2021	The Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill was finalised for the committee to vote on 28 May. There were concerns about limiting the category of women under the age of 25 at higher education institutions in the definition of 'persons who are vulnerable' as having potential for a constitutional challenge.	The Deputy Minister said whilst this may be possible, the limitation seemed justified. He pointed out that 60 years-plus category was also limited. There was no time for an impact assessment to inform such a policy choice but the committee would recommend that this be monitored in its committee report.  The Domestic Violence Act Amendment Bill was also finalised, with a decision to criminalise the non-reporting of domestic violence as the committee had similarly upheld in the Sexual Offences Bill. The committee was grateful to the drafters who had brought the Bills to this point and the chairperson commended them as true patriots of South Africa
5) Portfolio Committee on Justice and Correctional Services	28 May 2021	(a) Briefing by the <b>Department of Justice and Constitutional Development</b> on the three GBV Bills	(a) The committee asked for confirmation that if the clause were included, access could be requested via the registrar.  (b) The committee asked under what guidance the registrar would be operating in respect of a disclosure.	The registrar would have the discretion to disclose information  No criteria had been laid down for the registrar to make the decision – it was down to the opinion of the registrar. She reminded the committee that the Department was working within the scope of the Promotion of Access to Information Act which allowed for an approach to the registrar to request access. There were procedures to be followed and if access were not granted, one had the right to request the reasons for not allowing access to the information. It was not as if leaving that provision out left someone without recourse as there were provisions in other legislation. It was the Department's view that disclosure or non-disclosure would be an administrative action.
6) Portfolio Committee on Justice and Correctional Services	29 May 2021	Final consideration of the: (a) Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill; and	The amendments to the Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill (A-list and B-list) and the Memorandum On the Objects of the Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill were accepted with no further amendments and adopted by the committee with two opposition parties reserving their rights. The committee finalised its report on the Bill to the National Assembly	There was no need for the Department to respond. The committee resolved to table the Bill for adoption at its next meeting.
		(b) Domestic Violence Amendment Bill.	Concerning the Domestic Violence Amendment Bill, a new paragraph had been added, stating that a complainant had to be informed by the clerk of a court if an application for a protection order was not issued. Clause 24 was discussed extensively as the Minister was obliged only to submit the regulations to Parliament prior to publication in the gazette. Approval was not required.	The committee adopted the Domestic Violence Act Amendment Bill with three opposition parties reserving their rights.

Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
6) Portfolio Committee on Justice and Correctional Services	29 May 2021	(b) Domestic Violence Amendment Bill.  (continued)	<p>The conundrum was that Parliament had a constitutional duty in respect of all legislation, including secondary legislation, but processes in Parliament to give approval would result in an inordinate delay. A new clause 26 had been added, requiring that all directives and regulations be submitted to Parliament within 12 months of the proclamation of the Bill. The same requirement applied to Directors-General who had to submit directives to Parliament within 12 months of the proclamation of the Act. Considering that nod to parliamentary oversight, the committee accepted that it would be sufficient for the Minister to merely submit regulations to Parliament. The short title had been redrafted to ensure that clause 26 was immediately operationalised on proclamation of the Bill.</p> <p>It was proposed by a member that, going forward, the committee should consider its role in legislation. It was the role of the Executive to operationalise and not to determine legislation, so if the requirement was simply to operationalise legislation, it could be delegated to the Executive, but when it went beyond operationalising, Parliament should be involved.</p>	The committee adopted the Domestic Violence Act Amendment Bill with three opposition parties reserving their rights.
7) Portfolio Committee on Justice and Correctional Services	21 July 2021	Briefing by the <b>Minister of Justice and Correctional Services, Department of Justice and Constitutional Development, NPA and Department of Correctional Services</b> on the process to be followed in the aftermath of the recent violence and unrest as well as the impact	<p>The committee was extremely concerned about the state of the criminal justice system following the recent unrests. Particularly, members wanted to know about the vaccination plans in the sector to ensure that the judiciary was not too disrupted. Members asked how people who had instigated matters through social media would be dealt with, whether community members who were merely protecting themselves would be prosecuted, and what was being done to reduce the gap between the docket and arrest numbers. There were questions regarding the threat to judicial property, the lessons learnt from COVID-19 and the recent unrest, and whether provincial structures would be established to deal with the taxi violence which had erupted in Cape Town. Members were also concerned about the incidents at the prisons, and asked whether the DCS had any innovative plans in place to mitigate the issues, as well as whether restorative justice measures could be implemented at police station level to minimise the influx of remandees.</p>	<p>The Minister of Justice and Correctional Services stated that directions had been issued to manage the case backlogs and ensure that matters were dealt with speedily and properly. An integrated task team had been established to deal with the unrest. Emerging cases had been divided into four categories, and the NPA had been given the discretion to deal with cases falling into the two less serious categories with a restorative justice approach where the facts justified it. There was a large influx of remand detainees, but the DCS was working to mitigate any challenges which arose as a result.</p> <p>In its presentation, the DoJ&amp;CD indicated that in addition to the ordinary and priority court rolls, a separate court roll had been established to deal with emerging unrest-related cases. Cases on this roll would be dealt with on a continuous basis, and could be transferred from one magisterial district to another where safety and practical reasons necessitated this. The DoJ&amp;CD would prioritise its current funds, but would also draw in money from earmarked funds along with two other facilities. When required, retired judges and additional prosecutors could be brought in to deal with the caseload.</p>

Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
7) Portfolio Committee on Justice and Correctional Services	21 July 2021	<p>Briefing by the <b>Minister of Justice and Correctional Services, Department of Justice and Constitutional Development, NPA and Department of Correctional Services</b> on the process to be followed in the aftermath of the recent violence and unrest as well as the impact</p> <p>(continued)</p>		<p>In its presentation, the NPA emphasised that it would remain independent, and follow the evidence and facts, without being drawn into the current highly politicised environment in the country. Where the evidence suggested that cases were of the organised crime nature, they would be dealt with as such, and where the evidence suggested that crimes of a less serious nature could be decided by alternative means, namely mediation or other restorative justice measures, such as plea arrangements, diversions, or admission of guilt fees, they would be decided in that manner. It was indicated that the NPA was working closely with the South African Police Service (SAPS) to ensure that proper investigations were carried out in order to have cases enrolled. A Joint Operational Committee had been established to manage the situation.</p> <p>In its presentation, the DCS indicated that due to the unrest there was a large influx of new remandees. This was exacerbating the challenges which it was already facing in terms of resource and budgetary constraints. There had been a reduction in the inmate population in the last month. It was clear however that the prison facilities were extremely overcrowded, with the official-inmate ratio exceeding 1:35. There had been some attempted prison escapes, but the DCS and the SAPS were working to address these incidents.</p>
8) Portfolio Committee on Justice and Correctional Services	17 August 2021	<p>Briefing by the Department on the <b>modernisation programme, ICT environment and integrated justice system (IJS) project</b></p>	<p>The committee was extremely concerned by the lack of real progress being made by the Department, particularly with regard to modernisation and the IJS project. They asked why risk mitigation was merely an afterthought, why the majority of the initiatives were only in the testing and/or pilot phases after years of inactivity, and why the governance framework had been delayed for 24 years. Questions were asked about the extent of cooperation within the IJS project, a report that was outstanding from 2018, and whether the single person identifier initiative had been successfully implemented.</p>	<p>Almost all of the online initiatives were developed and currently being tested, with the hope they will be piloted and ready for deployment in December, with national deployment taking place from January. A cautious approach was being taken to the online solutions, hence the lengthy development and testing processes. There were various challenges, such as issues of network connectivity and weak bandwidth, WiFi integration, system slowness, and various capacity constraints which the information and systems management (ISM) addressed. Modernisation was the route that had to be taken to take the justice system forward. Gauteng and KwaZulu-Natal were chosen as the two provinces that would be focused on due to the case backlogs. A structure had been established to provide oversight on the use of IT across the justice system, and to ensure that strategic leadership was provided, and the implementation of processes would take place effectively. In terms of criminal justice system integration, the Person Identification Verification Application (PIVA) was successfully implemented at two specialised South African Police Service crime units, and the rollout was subsequently expanded. Information about accused persons was critical to assist the National Prosecuting Authority. In terms of IJS case integration, from April till June 2021, 83 436 cases were processed electronically. In terms of IJS business intelligence, 26 out of the 28 KPIs were being answered and were active leading up to the end of the 2020/2021 financial year.</p>

Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
9) Portfolio Committee on Justice and Correctional Services	18 August 2020	(a) Briefing by the Department on the <b>Hate Crimes and Hate Speech Bill, and the Qwelane vs SAHRC and another case CCT 13/20</b>	<p>i) The Bill had been put on hold pending two Constitutional Court judgments, one of which (Qwelane) had been released the previous week.</p> <p>ii) The committee asked about the impact of the deadline of 24 months set by the Court for Parliament to amend unconstitutional provisions.</p>	<p>i) In response to questions, the Deputy Minister said that it was effectively the same Bill that had been introduced in the previous Parliament. The Qwelane judgment would require a separate amendment to the Promotion of Equality and Prevention of Unfair Discrimination Act, but the Department believed that Parliament was free to proceed with its consideration of the Bill.</p> <p>ii) The Deputy Minister said the Hate Crimes and Hate Speech Bill was a Bill on its own. The CC was considering provisions of PEPUDA, so the deadline of 24 months is for PEPUDA to be amended. That would be a separate amendment that the Department will bring; there will be other aspects that have been worked on and have already been put out for public comment. The Hate Crimes and Hate Speech Bill is on its own. The Department feels that the judgment has made it easier for the committee, because it has set the boundaries of hate speech.</p>
		(b) Briefing by the Department on the state of the <b>Office of the Master of the High Court</b>	<p>The committee was dissatisfied with the briefing of the state of the office of the Master of the High Court. Members asked why the Department presented only plans and did not describe or account for outputs and performance, or non-performance. The committee expressed their dissatisfaction with the "lack of public service" at these offices countrywide. They asked why vacancies remained unfilled. Had the insolvency policy been submitted to the Minister and when could the committee expect implementation of that policy? Had the three officials in the Tshwane office who accepted a bribe for issuing the letters of authority been arrested? Will the Department look into setting up a helpline for those who are left unattended by the Master's Office? Following the briefing, the chairperson said that the presentation created the impression that everything was normal in the office. Yet the committee knew of the long queues and non-delivery of service to people. The onslaught in terms of lack of service delivery to South African people had been ongoing for many years. The committee would be closely monitoring the outcome and impact of departmental plans. It wanted to know the targets, which were met and which were not and why they were not met. It could not accept non-performance.</p>	<p>The DG said the Department had started a debate on the name of the Master's Office, because this name is a relic of the colonial era. Countries worldwide, even Britain, no longer use the title of "Masters". The female Masters of the High Court [in South Africa] are called Masters; they are not called "Mistress".</p> <p>The Department was working on a call centre. It would want to have a call centre that can work until 20:00 and start early in the morning, and make sure that there is a dedicated focus on Master's Office services. Part of what the Department has done in the courts is that as one enters the court, one will see the name of the court manager, as well as the area court manager and the name of the regional head. It is working on having the same arrangement at the service points, namely that the details of the Chief Master, Masters of the High Court are provided. The details would include a mobile phone number as well as an e-mail address. After this meeting, the Department would be setting up an e-mail address along the lines of "Chief Master@justice.gov.za" so that members of the public who would want to escalate to the Chief Master could do so. He knew that it would not be easy. He did the same, and created dg@justice.gov.za, and his inbox is flooded with members of the public every day, but the Department tries its best to attend to those concerns.</p>

Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
9) Portfolio Committee on Justice and Correctional Services	18 August 2020	(b) Briefing by the Department on the state of the <b>Office of the Master of the High Court</b>  (continued)		<p>The DG linked vacancies to what Mr Dyantyi was saying. The planning part should be understood within the context of the directive that came from the committee, to try and turn around the Department. The Chief Master was appointed in November 2020, and the DG started in March 2021. The Committee would be seeing more of planning, because the Department had a mandate from the committee to turn around the Department, and to develop a turnaround plan, which it had done. That was why the committee saw the Department projecting that this is what it is doing. He did take the point, and in ten days after the questions had been sent to the Minister, the Department would reflect on that. There are success stories. The Department does get e-mails from members of the public who thank it for the services being provided. It is "not all doom and gloom". There is work that is being done, but at the same time, the Department appreciates members' comments.</p> <p>Responding to Ms Newhoudt-Druchen the DG said that public education was being ramped up. From the departmental medium term financial strategy (MTFS) five-year plan for the electoral period, public education had been elevated to be part of the ten strategic objectives. The DG had been in Kimberley on the previous weekend, and everywhere where the Department had outreach, to make sure that members of the public are educated about the work of the Master's Office. It was just the beginning, and the Department specifically focused on public outreach, including awareness, around unclaimed funds, particularly from the Guardian Fund. He said that the Department had about R2 billion that is not claimed. It had agreed to embark on a campaign to let members of the public know that there was the Master's Office, the Guardian Fund, and other services.</p> <p>Action on insolvency was not only about the insolvency policy, but more broad. If one looked at the legislation that was governing the work of the Master's Office, that legislation was mainly passed during the British colonial era. As part of that commitment to review, replace and repeal apartheid and colonial era legislation, the Department was looking at all of those, and part of it will be dependent on the legislative programme of the committee.</p> <p>The Master's Office had suspended two of the three officials from the Master's Office in Pretoria who were involved in corruption. It had completed a disciplinary hearing of one of those three. It was about to commence with the other disciplinary hearings; the notice was to be served by human resources (HR). It was taking action against those people. This went up to the level of a Deputy Master. It was disappointing to find [corruption] up to that level, that the Department had officials who can behave in this way. But it did not spare her (the former Deputy Master). The Department shares the view of government that it will not tolerate corruption.</p>

Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
10) Portfolio Committee on Justice and Correctional Services	24 August 2021	Public Hearings: briefing by the <b>Department of Health presentation on the Cannabis for Private Purposes Bill (CPPB)</b>	<p>The committee asked for detailed explanations about the regulatory framework that would be applied to cannabis-related products and about how medicinal use would be distinguished from private use. They were also particularly concerned about the psychosocial and developmental effects of cannabis use on children and adolescents, and asked how departments planned to incorporate educational and social policies into the implementation of the legislation.</p> <p>The chairperson was unhappy that interdepartmental cooperation had failed to ensure that the Department of Health's concerns about the Bill were accommodated during the drafting process.</p>	<p>The Department indicated that there was an inter-ministerial committee (IMC) whose mandate was to consider cannabis-related issues. The CPPB had been drafted in consultation with that IMC, which contained, among other entities, the South African Police Service, the Department of Social Development, and NDOH. So the CPPB had been brought to NDOH's attention. Furthermore, he thought that after the CPPB had been finalised, the Minister of Justice had sent it to the various departments, including NDOH, to solicit comments. The DoJ&amp;CD had taken all responses into account. He was not sure whether NDOH had been part of that process personally, but he thought NDOH belonged to the IMC</p>
		Oral public submission on the <b>Criminal Procedure Amendment Bill from the Centre for Child Law</b>	<p>The engagements were between the committee and the public representatives who were invited to make presentations to the committee, and thereafter afford the Department to respond to all oral public submissions.</p>	<p>The Department did not participate in the public hearings.</p>
11) Portfolio Committee on Justice and Correctional Services	31 August 2021	Day 1: Public hearings on the <b>Cannabis for Private Purpose Bill</b>	<p>The engagements were between the portfolio committee and the public representatives who were invited to make presentations to the portfolio committee, and thereafter afford the Department to respond to all oral public submissions.</p>	<p>The Department did not participate in the public hearings.</p>
	1 September 2021	Day 2: Public hearings on the <b>Cannabis for Private Purpose Bill</b>	<p>The engagements were between the portfolio committee and the public representatives who were invited to make presentations to the portfolio committee, and thereafter afford the Department to respond to all oral public submissions.</p>	<p>The Department did not participate in the public hearings.</p>
	2 September 2021	Day 3: Public hearings on the <b>Cannabis for Private Purpose Bill</b>	<p>The engagements were between the portfolio committee and the public representatives who were invited to make presentations to the portfolio committee, and thereafter afford the Department to respond to all oral public submissions.</p>	<p>The Department did not participate in the public hearings.</p>

Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
<p>12) Portfolio Committee on Justice and Correctional Services</p>	<p>7 September 2021</p>	<p>(a) Responses to public submissions by the Department on the <b>Criminal Procedure Amendment Bill [B12-2021]</b></p>	<p>The committee had only received one submission, from the Centre for Child Law, on the Criminal Procedure Amendment Bill.</p>	<p>The Department agreed with both amendments proposed by the centre. As a result, clause 1 of the Bill had been amended such that section 154(3) of the Act would explicitly prohibit the publication of protected information on electronic and social media platforms; and section 154(3B) would no longer require all relevant persons to apply for a court order if they wished to publish or reveal their own identity.</p>
		<p>(b) Briefing by the Department on the NCOP amendments regarding the <b>Criminal Law (Sexual Offences and Related Matters) Amendment Bill</b></p>	<p>The committee noted that the NCOP had made a technical amendment replacing a reference to “child” with a reference to “person who is vulnerable.” She did not want to delay the passage of the Bill, because it was urgent, but she wanted to clarify this. Since persons who were vulnerable could be either children or adults, how would the Bill refer specifically to children when it needed to do so?</p>	<p>The Department replied that there were two categories of provisions in the principal Act. The first category related to offences committed against children specifically. The amendments that the committee referred to would not affect that portion of the Act. Instead, the term “child” was only replaced in chapter 6 of the Act. Members would recall that the committee had agreed that, in chapter 6, all references to children or persons with mental disabilities should be replaced by references to persons who are vulnerable. That would extend the ambit of the protections afforded in chapter 6.</p> <p>The Department added that the amendment was a technical amendment because it corrected an unfortunate oversight. The Department had not realised that it had not made the relevant substitutions consistently throughout chapter 6. The NCOP had sought to correct that, since having a remaining reference to “child” in chapter 6 would create interpretational problems.</p>
		<p>(c) Responses by the Department to public submissions on the NCOP amendments regarding the <b>Domestic Violence Amendment Bill</b></p>	<p>Two members were concerned about the use of gender-neutral pronouns, which they thought was grammatically incorrect and could cause confusion.</p> <p>The ACDP asked the Department to nonetheless consider whether gender-neutral language would cause interpretation problems going forward, given that most future legislation would probably be drafted in such terms.</p>	<p>The Deputy Minister dispensed swiftly with their concerns by assuring them that “they” had a grammatically acceptable singular denotation and by reminding them that the committee had already passed gender-neutral legislation in the past.</p> <p>In the Domestic Violence Amendment Bill, the NCOP had sought to make the language of the principal Act gender-neutral and therefore more inclusive. It had also broadened the definition of harassment to include stalking, and broadened the scope of the maintenance relevant to emergency monetary relief.</p>
<p>13) Portfolio Committee on Justice and Correctional Services</p>	<p>8 September 2021</p>	<p>Adoption of the <b>Domestic Violence Amendment Bill and the Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill</b></p>	<p>The committee was satisfied with the options presented by the Department.</p>	<p>Not applicable</p>

Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
<p>14) Portfolio Committee on Justice and Correctional Services</p>	<p>12 November 2021</p>	<p>(a) Briefing by the Department on its <b>2020/21 Annual Performance Report</b></p>	<p>The cyber attack impacted negatively on service delivery and emphasised the need to accelerate the modernisation of information communication technology (ICT) infrastructure. The committee was assured that a rebuild and modernisation plan was in place and the Department would be taking the lead in modernising the integrated justice system (IJS).</p> <p>The level of neglect and lack of maintenance at some of the courts rendered it not fit for purpose.</p>	<p>The Department reported that the biggest issue about rolling out the AVR system, was resourcing the system due to the shortage of hardware and officials working from home as a result of the lockdown. Even before the cyber attack, the Department had comprehensive systems in place but many were in disarray due to licenses that were not in place. Fixing the infrastructure had been accelerated by the cyber attack. In terms of the current operating model, technical work is being outsourced to industry partners due to not having a permanent structure. As part of the restructuring process, an interim structure had been approved. The Department was not aware of the social media postings about the cyber attack but had since developed a plan to prevent and minimise the impact of an attack in collaboration with other departments.</p> <p>The committee was informed that the Department was dependent on the Department of Public Works (DPW) to fix dilapidated courts in need of renovation. The significant delays in restoring burned court buildings were due to the lack of provision for insurance on government buildings. The Department proposed a review of government policy in this regard.</p>
		<p>(b) Briefing by the National Prosecuting Authority on its <b>2020/21 Annual Performance Report</b></p>	<p>i) The committee assured the NPA of its continued support and backing in terms of getting adequate resources to deal with complex commercial crimes.</p> <p>ii) The committee found the inaction regarding the issue of whistle-blowers troubling.</p> <p>iii) A call for urgent intervention was made to other government departments and businesses. The delay in finalising the Truth and Reconciliation Commission (TRC) cases left the committee with a sense of disquiet.</p> <p>iv) The committee was concerned about the stability of the investigative directorate (ID). The shortage of skills remained a challenge for the ID and was exacerbated by the lack of experience in South Africa with regard to complex commercial crimes.</p>	<p>i) Noted.</p> <p>ii) The NPA recognised the need for intervention and was engaging with the Department to introduce the legal framework for dealing with this matter.</p> <p>iii) The NPA assured the committee that TRC cases had been prioritised.</p> <p>iv) A new digital forensic specialist position was created and an additional budget was requested to appoint 20 prosecutors with specialist skills. In addition, the services of retired experienced prosecutors were being retained on a contract basis to serve as mentors.</p>

Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
15) Portfolio Committee on Justice and Correctional Services	23 November 2020	Response by the Department to public submissions on the <b>Cannabis for Private Purposes Bill</b>	<p>The chairperson asked how the Bill would impact on efforts by other departments to promote legislation to enable commercialisation of cannabis as well as licensing for cultivation.</p> <p>Clarity was requested about which cannabis products were allowed to be sold commercially.</p> <p>The chairperson asked if there was any foreign legislation guiding religious exemptions of cannabis cultivation. He suggested that the Rastafarian community needed to be further consulted on this.</p> <p>Clarity was requested about the quantities of cannabis permitted to be cultivated per household versus per person in a household.</p>	<p>The Department indicated that there were other government departments responsible for measures to address harms associated with cannabis use. Concern had been raised that allowing cannabis for private use would lead to an increase in cannabis use among teenagers; this was similarly a concern of the Department. The Department noted that it was beyond the scope of the Bill to enable exemptions for permits or licensing of cannabis cultivation among farmers. The concentration of THC was discussed, highlighting relevant legislation and regulations in other countries. Similarly, definitions of 'cannabis' were clarified, where hemp and cannabidiol were concerned. Emphasis was given on the need to protect children, given the long-term effects of cannabis on brain development. Cultural and religious rights to cultivate were highlighted, particularly for the Rastafarian community. Issues around the regulation of cultivation of cannabis were highlighted as well as cultivation in informal settlements. Issues around the restriction of cannabis in public places was highlighted; this was in effect to prevent dealing with cannabis. Oral fluid drug screeners could be used to screen for use of cannabis in public spaces.</p>
16) Portfolio Committee on Justice and Correctional Services	24 November 2020	Continuation of the responses by the Department to public submissions on the <b>Cannabis for Private Purposes Bill</b>	<p>The committee proposed that the Department should consult Prof Charles Parry and Prof Bronwyn Myers on possible legal amendments to assist with mitigating risks of cannabis, as very good arguments were put forward in their public submission. It was realised that the Department had responded to their comments, but it would appreciate further consultation with the Professors to mitigate potential risks.</p> <p>The Committee asked that additional reading or research be provided about pregnant women using cannabis during pregnancy. It was aware of foetal alcohol syndrome in the case of alcohol use during pregnancy. It had not seen any research of the use of cannabis by pregnant women and what the effect was on the unborn baby.</p>	<p>The Department replied that the professors would be consulted. It would look at articles that might be available about the effect on unborn children. The Department would provide this to the committee timeously before the committee resumed with the Bill.</p>

Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
17) Portfolio Committee on Justice and Correctional Services	8 December 2020	<p><b>Briefing by the NPA on the:</b></p> <p>(a) Reasons for missing the deadline for issuing a prosecutorial decision on the Cradock Four matter; and</p>	<p>The committee asked for details on the challenges faced by the investigating directorate and what was being done to address them. Why had there been delays in acquiring a new building for the investigating directorate? Was the investigating directorate functioning optimally, as almost three years had passed without any progress having been made? Was there any truth to claims of a secret agreement during the end of apartheid negotiations, and if there was, whether it hampered the prosecution of Truth and Reconciliation Commission cases.</p> <p>Members asked about institutional issues which had put the NPA in a precarious position. The salary discrepancies between senior prosecutors and other members were raised, as well as why so many positions had yet to be permanently filled. Members requested timelines to be provided on the resolution of the Cradock Four matter, and for tangible progress to be presented on other Truth and Reconciliation Commission cases.</p>	<p>The NPA said its commitment to make a prosecutorial decision in the Cradock Four case by 2 December 2021 had been dependent on investigations being completed. When it became clear that the deadline would not be met, a letter was sent on 1 December to indicate this. Unfortunately, the letter did not reach the lawyers</p>
		<p>(b) Resignation of the <b>Head of Investigating Directorate:</b> Adv. Hermione Cronje.</p>	<p>Members asked for reasons for Adv Cronje's resignation and an explanation of the claims of interpersonal tension and other conflicts mentioned by Adv Cronje in her previous committee briefing. Did the NPA have a long-term plan for the ID? Members asked for an update on the progress in migrating resources and equipment for the digital forensic laboratory from the Zondo Commission.</p>	<p>The NPA said that Adv Cronje's reasons for resigning, which derived from a variety of factors which would not be disclosed, were understood, and that her resignation did not leave the NPA and the ID in a crisis, but rather that the ID was well-poised for the future. The ID had over 120 staff and the number would hopefully be increased to 200 by the end of 2022. The annual budget of the ID was approximately R107 m, which was expected to grow to R180m in 2022. The ID had begun onboarding resources from the State Capture Commission to manage the process of submitting the report to the President. The Deputy National Director of Public Prosecutions: Asset Forfeiture Unit would support Adv Cronje and her senior managers during the transition process. The NPA would simultaneously begin the process of searching for a new head of the ID in close consultation with Minister Lamola. The appointment process would be rigorous, and there would be no leadership gap during the transition phase.</p>
18) Portfolio Committee on Justice and Correctional Services	15 February 2022	<p>(a) Briefing by the Department on the <b>inter-departmental implementation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007</b></p>	<p>Overall, members of the committee were of the view that the presentation did not reflect the reality of the issues that they had interacted with during their oversight visits, especially concerning the faulty CRT machines and faulty sexual offences systems that had had a major impact on the case backlogs. Members also asked questions about facilities and support services for victims of sexual offences, the problem of under-reporting, the backlog of DNA reports, and bureaucratic barriers to the implementation of the Act.</p>	<p>The DG assured the committee that the backlog was being attended to and given priority and that the next time that the Deputy Minister or Minister was available, the committee would be given an update. The faulty CRT machines had had a major impact and affected many courts and led to the backlog of cases. This was related to the problems associated with the State Information Technology Agency (SITA), which had created many problems within the Department. In this instance, National Treasury has assisted the Department with a one-year deviation for purposes of the CRT machines. The Department hoped that within three to six months it could address at least 50% of the backlog.</p>

Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
19) Portfolio Committee on Justice and Correctional Services	16 February 2022	Briefing on government departments' implementation of the <b>Child Justice Act</b>	<p>The committee asked if there was a record of recidivism amongst child offenders. If so, what was the percentage? How many of those children came back into the system?</p> <p>The committee asked about the kind of families arrested children came from. Members wanted to know what the families were doing when their children were committing crime. Were the parents not available to supervise them?</p> <p>The committee was concerned that children did not participate in formal education while they were in detention. It needed to be assured that they received an education.</p>	<p>The Department of Correctional Services did not have a system for identifying recidivism. The only way the Department would be able to determine recidivism was from a person's SAP69 form. The Department had not checked whether children currently in its facilities had a previous criminal record.</p> <p>The Department of Social Development had done a comprehensive assessment of a child admitted to its facilities, it drew up an individual development plan (IDP). That IDP spoke about all the needs of the child and how the Department was going to turn around his or her life. A child was not an island but came from a family. As part of the IDP, the Department assessed the state of the family and what its needs were. Although the Department might not intervene comprehensively with the family, that assessment helped. The Department referred matters for further intervention to the local social workers. The social workers were able to look at the families' needs and put them through reintegration and aftercare services. Not all families cooperated, but the Department tried its best.</p> <p>The Department of Correctional Services had analysed the children who were remand detainees and discovered that when they entered into DCS facilities they were not involved in formal education. The Department needed to commit to doing an analysis this year to check on what the causes were. The information would be available in the next report on the Child Justice Act. It was too late for this year because the year was ending, and the analysis had not been done. The Department would look at the centres that had the highest number of sentenced children and then do the analysis. The personnel usually interviewed the children and checked their files. The Department would be able to say why these children were not participating in education. The children were encouraged to participate and there were opportunities for them.</p>

Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
20) Portfolio Committee on Justice and Correctional Services	22 February 2022	Further responses by the Department and deliberations on the <b>Cannabis for Private Purposes Bill</b>	<p>Members agreed that more scientific views and research should be sourced by both the PLA and the Department of Justice and Constitutional Development (DJCD) on the negative effects of cannabis on brain development, as well as the correct limitation of tetrahydrocannabinol (THC) in cannabis products.</p> <p>There was also discussion as to whether an increase in the minimum age from 18 to 21 should be considered.</p>	<p>It was added that more thought had to be put into how much THC needed to be in a product for an individual to obtain a cannabis high. For this, it was recommended that a 0.5% or less limitation be put in place.</p> <p>Regarding the use of cannabis by children, a 0.2% limitation of THC should be considered for purposes of Clause 5 in the Bill.</p> <p>Referring to the 0.2% limitation, this was in relation to hemp. In both New Zealand and Australia, a higher amount of THC was allowed in hemp. Regarding the impact, the Bill would have on other legislation, the Bill mainly provided a limit for any cannabis product containing THC and looked to regulate its harmful effects. The Department admitted that the Bill may not be workable in terms of the commercialisation of cannabis, particularly when a product containing THC was sold. The Bill was an interim measure and could be amended at a later stage through other legislation.</p> <p>The Department indicated that during the discussions, Prof Charles Parry had mentioned that he would make available findings from studies conducted in America regarding the effect of cannabis on the brains of individuals younger than 25.</p> <p>The Department acknowledged the recommendation but indicated that Prof Parry would be providing independent research.</p> <p>It was recommended that they not deviate from the age of adulthood that had been set in the current legislation</p>
21) Portfolio Committee on Justice and Correctional Services	1-2 March 2022	Public Hearings on the Land Court Bill	The engagements were between the portfolio committee and the public representatives who were invited to make presentations to the portfolio committee, and thereafter afford the Department to respond to all oral public submissions.	The Department did not participate in the public hearings.
22) Portfolio Committee on Justice and Correctional Services	8-9 March 2022	Deliberations on the Cannabis for Private Purposes Bill	The committee was satisfied with the options presented by the Department.	Not applicable
23) Portfolio Committee on Justice and Correctional Services	15 March 2022	Deliberations on the Cannabis for Private Purposes Bill	The committee was satisfied with the options presented by the Department.	Not applicable
24) Portfolio Committee on Justice and Correctional Services	16 March 2022	Briefing by the Department on the amendments to the Child Justice Act Regulations	No specific were issues raised. The committee appreciated the work of the Department in updating the regulations	Not applicable

Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
25) Portfolio Committee on Justice and Correctional Services	22 March 2022	Response by the Department on <b>public submissions on the Land Court Bill</b>	<p>The most notable concerns dealt with the tagging of the Bill, the jurisdiction of the Land Court in terms of the Expropriation Bill; and that the prior notice in the Gazette of the Land Court Bill's introduction to Parliament did not call for public comment.</p> <p>Several public organisations expressed concern with the tagging of the Bill as a Section 75 Bill. They argued that the Bill deals with customary law, indigenous law and traditional leadership, particularly the use and administration of communal land. It greatly impacts customary law and thus the provinces.</p> <p>Organisations expressed concern with the lack of public consultation and the circumvention of mandated protocol for the invitation of public comment.</p> <p>The committee expressed satisfaction with the Department responses to the tagging of the Bill and the concerns with public consultation.</p>	<p>The Department opposed this argument as the aim of the Bill is to establish a court that will replace an existing court and not change substantive law.</p> <p>The Department responded that the Expropriation Bill is not under the exclusive jurisdiction of the Land Court Bill and therefore certain matters about the Expropriation Bill will be dealt with by other courts. It stated that if the Department of Public Works and Infrastructure (DPWI) intends to have the Land Court have jurisdiction over the Expropriation Bill, appropriate amendments must be made by DPWI to the Expropriation Bill.</p> <p>The Department responded that as only the explanatory memorandum of the Bill was published, the procedure it followed according to the National Assembly Rules was correct.</p> <p>Noted.</p>
26) Portfolio Committee on Justice and Correctional Services	23 March 2022	Briefing by the Department on the impact of the delay in renewing the <b>maintenance contract for Court Recording Transcript (CRT) machines</b>	<p>Members strongly condemned the late processing of the delay, pointing out how the absence of functioning recording equipment was leading to case postponements, a growing backlog, and increased costs for those facing court action. They criticised the fact that, even though the problem dates back to April of last year, the Minister did not know before November.</p>	<p>The Minister agreed that it was indeed unnecessary and unacceptable that the Department found itself in this situation. The reason it had taken them so long to fill the vacancies had to do with processes they had to undergo, including the Cabinet process. Some of the positions took an average of six to 12 months to be approved. The issue that was at the core of this challenge was the fact that in the Department of Justice, as big as it was, the positions of chief information officer (CIO) and the head of integrated safety management (ISM) had been at the low level of chief director for some years. Only now, with the new organisational structure, had the posts been changed to the level of DDG, for which approval still needed to be granted from the Department of Public Service and Administration (DPSA), which was not within the Department's control.</p> <p>The second issue was the fact that the Department's information and communication technology (ICT) systems were run by contractors. They had now approved an interim structure that would enable the Department to fill these positions and in-source them. For a Department as big as Justice to run its systems efficiently, it would need internal capacity. From time to time it would need external service providers, but there must be a foundation or a background within the Department that was able to interact and handle such matters. This was the capacity they were looking at building up, however they were still awaiting approval.</p>

Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
26) Portfolio Committee on Justice and Correctional Services	23 March 2022	Briefing by the Department on the impact of the delay in renewing the <b>maintenance contract for Court Recording Transcript (CRT) machines</b>  (continued)	Members strongly condemned the late processing of the delay, pointing out how the absence of functioning recording equipment was leading to case postponements, a growing backlog, and increased costs for those facing court action. They criticised the fact that, even though the problem dates back to April of last year, the Minister did not know before November.	The contract for maintaining the court recording technology (CRT) equipment had been deployed from 2015 for a period of five years and had been running until 21 April last year. Interim measures had been put in place to ensure continuity. These interim measures involved providing support and maintenance as part of an existing contract that was providing regional support service and had been implemented between June and August on a project basis. Thereafter, the Department's internal officials had been assisting with troubleshooting and reporting on a case-by-case basis. The problem had started to escalate in August when there were no other measures to deal with this issue and attempts to procure a replacement for the maintenance of the CRT were unsuccessful because of the unique and tailor-made requirements of the Department. To rectify the matter, the Department had appointed a company on a 12-months contract for maintenance of the CRT and sexual offences systems. At the same time, it had started the procurement process to appoint a service provider to deliver support and maintenance for the CRT equipment over a period of three years. This process had progressed significantly, with the bid specification already having been finalised, and was being quality assured.
27) Portfolio Committee on Justice and Correctional Services	29 March 2022	Public hearings on the <b>Prevention and Combating of Hate Crimes and Hate Speech Bill</b>	The engagements were between the committee and the public representatives who were invited to make presentations to the committee, and thereafter afford the Department to respond to all oral public submissions.	The Department did not participate in the public hearings.

## 8. SCOPA RESOLUTIONS

There are no SCOPA resolutions to the Vote under the financial year under review.

## 9. PRIOR MODIFICATIONS TO AUDIT REPORTS

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
<b>Contingent liability</b>	<b>2017/18</b>	<ul style="list-style-type: none"> <li>Completeness was initially the basis for the qualification that was addressed in 2020/21 financial.</li> <li>The basis for 2020/21 was overstatement of opening balances which was corrected in 2021/22 however the AG was of the view that the Department is not assessing the probable matters individually to differentiate between Provision and Contingent Liability this was the Basis for Qualification in 2021/22.</li> <li>Management has put together the Audit Action plan to ensure this is addressed matter prior to 2022/23 Audit process.</li> </ul>
<b>Performance information</b>	<b>2016/17</b>	<ul style="list-style-type: none"> <li>Data collection processes and systems continue to be improved to ensure the credibility of the information.</li> <li>The Committee was established to oversee the issues affecting performance information in order to improve the audit outcome.</li> </ul>

## 9. INTERNAL CONTROL UNIT

The internal control unit is responsible for monitoring the potential failure to comply with the internal control measures implemented to prevent or detect the realisation of risks in a timely manner. The unit also monitors the implementation of appropriate consequence management, i.e., where the control system has not been properly designed, it shall be amended and where the controls are not complied with, appropriate progressive disciplinary measures shall be taken.

### **During the 2021/22 financial year, the internal control unit performed the following responsibilities:**

- Twenty-six new cases of irregular expenditure to the value of R 867 million, of which two cases relate to prior year error to the value of R267 thousand, were reported to National Treasury during the 2021/22 financial year.
- A total of nine investigations of irregular expenditure cases were finalised, of which five cases to the value of R21 thousand were condoned by National Treasury. Three cases to the value of R413 thousand were confirmed as not irregular and removed from the Department's lead schedule.
- Consequence management and corrective action was implemented against responsible officials in 22 cases to the value of R668 million to prevent further transgressions in relation to non-compliance with internal control that resulted in irregular expenditure.
- Nine cases to the value of R667 million are under forensic investigation for possible fraud and collusion.
- Irregular expenditure to the value of R430 million is under formal disciplinary process for possible implementation of consequence management.
- Thirteen new cases of fruitless and wasteful expenditure to the value of R23 thousand were detected and reported to National Treasury during the 2021/22 financial year.
- All cases of possible fruitless and wasteful expenditure are referred to legal services for investigation and determination of legal liability. A total of 303 cases of fruitless and wasteful expenditure were resolved, written off or recovered by the Department during the 2021/22 financial year to the value of R1,7 million, which makes up 93% of the value of cases on the register.

## 11. INTERNAL AUDIT AND AUDIT COMMITTEES

Internal audit is an independent, objective function established within the Department to provide assurance and advisory services to management and the audit committee on risk management, controls and governance processes. It follows a risk-based approach to ensure optimal use of resources.

Internal audit operates under the audit charter which has been approved by the audit committee as prescribed by the PFMA framework.

In the year under review, internal audit carried out its responsibilities according to the internal audit charter and had also implemented the audit plan endorsed by the audit committee. More than 80% of approved audit project plans have been implemented.

The audit committee is an independent governance structure established to assist the accounting officer and provide departmental oversight related to financial management and reporting, governance, risk management and departmental performance. The audit committee operates in accordance with the audit committee charter prescribed in the PFMA framework. It is also responsible for overseeing the operation of internal audit within the Department.

During the year under review, the audit committee has discharged its responsibilities in accordance with the audit committee charter and it has convened meetings as indicated in the table below.

**The following table contains pertinent information on audit committee members:**

<b>Name</b>	<b>Qualifications</b>	<b>Internal or external</b>	<b>If internal, position in the department</b>	<b>Date appointed</b>	<b>Date re-signed</b>	<b>No. of meetings attended</b>
<b>Ms Besky Ngunjiri</b>	Bcompt-Honors, Certificate in the Theory of Accounting (CTA) and Bcompt	External	-	24/02/2020	-	6 meetings
<b>Mr Cedric Boltman</b>	MBA and Certificate in the Principles of Business & Management	External	-	24/02/2020	30 September 2021	5 meetings
<b>Mr Ephriam Bhekifa Mkhabela</b>	BCompt (Accounting) degree and Bcom (Honours) (Accounting)	External	-	24/02/2020	30 September 2021	5 meetings
<b>Dr Linda Meyer</b>	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	-	24/02/2020	30 September 2021	5 meetings
<b>Mr Eric Nwendo</b>	Magister Philosophiae (M. Phil) Masters in Labour Law and Employment Relations, Baccalaureus Artium (BA HONS in Labour Relations), Bachelor of Laws (LLB), Baccalaureus Procuratoris (B. Proc)	External	-	24 February 2021	N/A	5 meetings
<b>Mr Moholola Johannes Makgokolla</b>	MBA, Programme in Corporate Governance, M. com Taxation, B. Acc, B. Com	External	-	24 February 2021	-	5 meetings
<b>Ms Gabisile Simelane</b>	B. Com Accounting (CTA) and B. Com Accounting	External	-	01 October 2021	-	1 meeting
<b>Mr Ashley Latchu</b>	Master of Science (Computing), Bachelor of Science and Bachelor of Science Honours	External	-	01 October 2021	-	No meeting
<b>Dr Lebogang Mphahlele-Ntsasa</b>	Doctor of Business Leadership, Master of Business Administration, Diploma in Datametrics and B.Sc (Chemistry)	External	-	01 October 2021	-	1 meeting
<b>Mr Thabo Sakasa</b>	Degree in Information Technology, Information Science Honours, Masters IT	External	-	01 October 2021	-	1 meeting

## 12. AUDIT COMMITTEE REPORT

We are pleased to present our report for the financial year ended 31 March 2022.

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

### 12.1 AUDIT COMMITTEE MEMBERS AND ATTENDANCE

The Audit Committee consists of the members listed below and is required to meet at least four times per annum as per its approved terms of reference. During the year, six (06) meetings and three (03) special meetings were held as indicated below.

Name of members 2021/2022	Number of meetings attended	Number of meetings attended	Status
Ms. Besky Maluleka-Ngunjiri (Chairperson)	6	2	Appointed 24/02/2020
Mr. Cedric Boltman	5	2	Retired 30/09/2021
Ms Linda Meyer	5	2	Retired 30/09/2021
Mr Bheki Mkhabela	5	2	Retired 30/09/2021
Mr Eric Nwendo	6	2	Appointed 24/02 /2020
Mr Moholola Johannes Makgokolla	6	2	Appointed 24/02 /2020
Ms Gabisile Simelane	1	0	Appointed 01/10 /2021
Mr. Ashley Latchu	1	0	Appointed 01/10 /2021
Dr Lebogang Mphahlele-Ntsasa	1	0	Appointed 01/10 /2021
Mr Thabo Sakasa	1	0	Appointed 01/10 /2021

### 12.2 Audit Committee Responsibility

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

The Audit Committee has been concerned about the level of risks in the ICT environment and the resultant ransomware attack which affected operations of the Department for a significant period of time. The Committee has also been concerned about the absence of the Court Recording Technology for a period of time as that had impacted on the functioning of the courts.

### 12.3 The Effectiveness of Internal Control

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

The Audit Committee has also noted that the Accounting Officer has put measures in place to strengthen capacity with the Department and that included the appointment of key personnel in key areas and that should assist the Department in addressing the audit issues.

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

The recent appointment of the Chief Financial Officer and other senior managers within Finance should also bring the much needed stability as Finance had unfilled vacancies for the most of the financial year.

## 12.4 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 informed by the risk assessment.

## 12.5 Auditor-General South Africa

The Audit committee accepts the audit outcome of the AGSA on the Annual Financial Statements of Department of Justice and Constitutional Development for the year ended 31 March 2022.

The implementation of the plans on the turnaround of ICT environment and other identified shortcomings needs to be accelerated.

## 12.6 Reports

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

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

## 12.6 Evaluation of Financial Statements

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

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



---

**B Maluleka- Ngunjiri**  
**Chairperson of the Audit Committee**  
**Date: 31 July 2022**

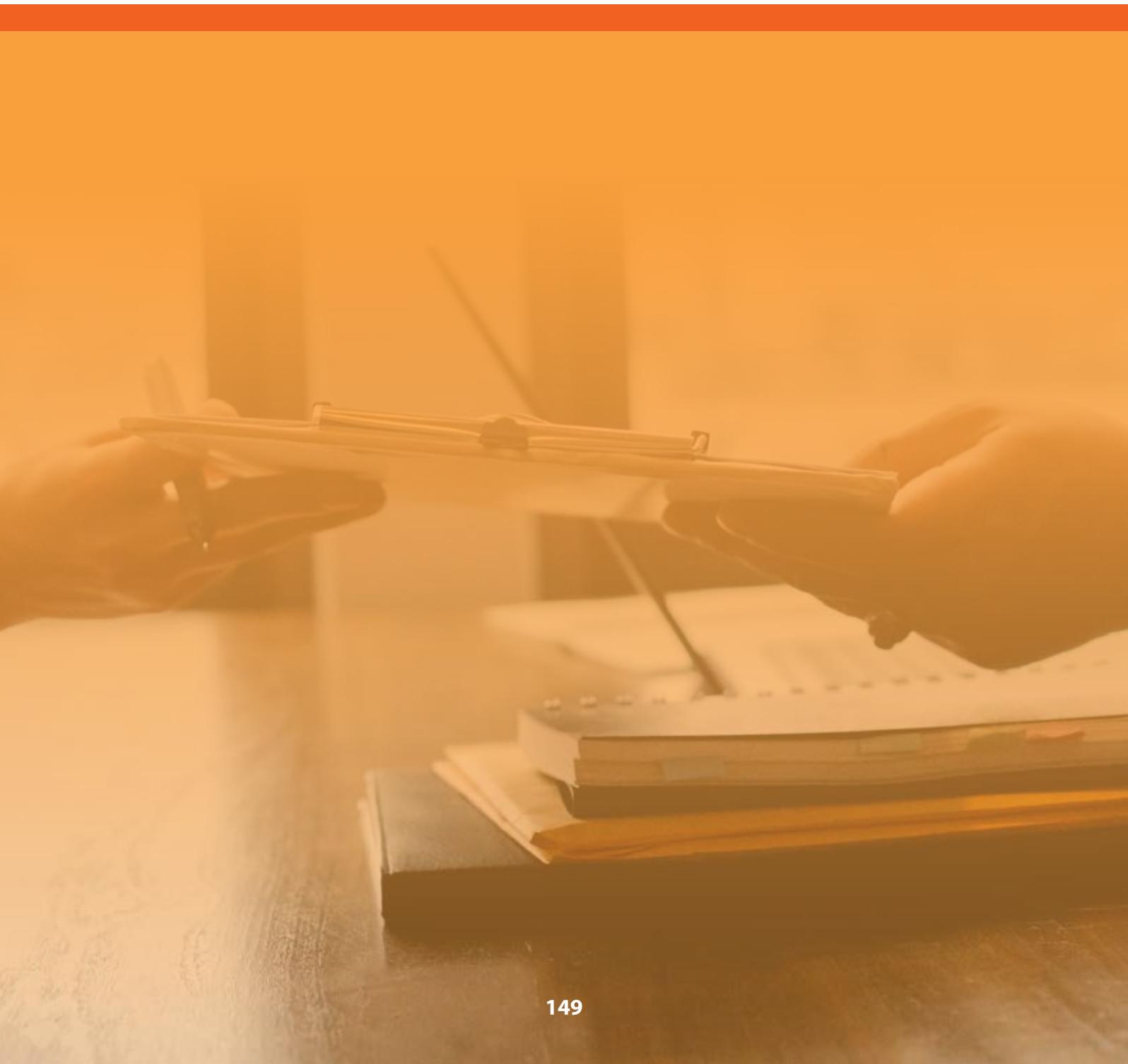
### 13. B-BBEE COMPLIANCE PERFORMANCE INFORMATION

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

<b>Has the Department/Public entity applied any relevant Code of Good Practice (B-BBEE Certificate Levels 1 – 8) with regard to the following:</b>		
<b>Criteria</b>	<b>Response Yes / No</b>	<b>Discussion (include a discussion on your response and indicate what measures have been taken to comply)</b>
Determining qualification criteria for the issuing of licences, concessions or other authorisations in respect of economic activity in terms of any law?	No	This requirement is not applicable to the Department of Justice and Constitutional Development as it does not issue any licences, concessions or other authorisations in respect of economic activity in terms of any law.
Developing and implementing a preferential procurement policy?	Yes	The Department has developed an internal preferential procurement circular and DFI which is regulated by Preferential Procurement Regulations of 2017 issued by National Treasury guiding the Department how to use B-BBEE status level in terms of empowering emerging entities through bidding process.  Further, during the drafting of the specification/terms of reference, the Department also uses B-BBEE status levels as a measuring tool to empower certain designated groups.
Determining qualification criteria for the sale of state-owned enterprises?	Yes	When the Department procures services from state owned enterprises, i.e., SITA, it does not use B-BBEE status as qualification criteria, however, it's mandatory to comply with the B-BBEE status as defined in the implementation guide where it states that... "Public entities and tertiary institutions must also submit B-BBEE Status Level Verification Certificates together with their tenders".
Developing criteria for entering into partnerships with the private sector?	No	However, the Department relies on the National Treasury Private-Public Partnership Policy for implementation of PPP projects.
Determining criteria for the awarding of incentives, grants and investment schemes in support of Broad Based Black Economic Empowerment?	No	This requirement is not applicable to the Department of Justice and Constitutional Development.

# PART D:

## **HUMAN RESOURCE MANAGEMENT**



## 2.6.1 INTRODUCTION

The management of human resources is strategically placed at an executive level through the Office of the Deputy Director General: Corporate services. At operational level, human resources services are rendered through the Chief Directorates: Human Resource Strategy and Policy, Customer Management Centre and Justice College. In addition, the National Prosecuting Authority [NPA] has a separate chief directorate that provides a full range of HR functions.

### 2.6.1.1 Overview of HR matters at the Department

The following focus areas were identified during the 2021/22 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
- Providing policy guidance and strategic direction to deliver on human resource management
- Organisation development and design as an enabler to deliver on the departmental annual performance plan and strategic objective.
- Monitor the implementation of MTEF HRP for the period 2020/25
- Monitor the implementation of the employment equity plan for the period 2020/25

### 2.6.1.2 Human resources priorities for the year under review

No	HR subprogrammes	Impact in the Department and NPA
1.	Review and alignment of the organisational structure of the five substructures (branches), office of the Master, constitutional development, Justice College, chief financial officer, information and communication technology (ISM previously), court services (vulnerable group)	<p>The realignment of the Department's macro organisational and post establishment structure which sought to streamline its functions, improve operations and achieve a baseline reduction on the compensation of employees' budget as directed by National Treasury.</p> <p>The realignment of the Department's macro structures will have an impact on the regional structures, the matching and placing of personnel, job evaluations, the alignment of the PERSAL system and the alignment of the fixed establishment.</p> <p>Prioritised critical functional areas identified for realignment required additional or new capacity, the additional compensation of employees budget required to implement the structure is estimated at <b>R53 469 289, 65</b>, which the Department could afford.</p> <p>Concurrence has been sought with the Minister for Public Service and Administration (MPSA) as part of the process.</p>
	Review and alignment of the NPA macro organisational structure to incorporate strategy, operations and compliance (SOC); and the establishment of the permanent investigating directorate (ID) structure.	The alignment of the organisational structure to the NPA's strategic objectives and priorities. The review and reorganisation of the investigating directorate (ID) to establish a permanent footprint in order to directly handle serious corruption and high-profile cases emanating from the commissions of enquiry, as well as the provision for additional capacitation of SCCU to ensure the NPA is poised to respond to the surge of corruption.

No	HR subprogrammes	Impact in the Department and NPA
2.	Enhance change management programmes	<p>The realignment of the structure has resulted in the transfer of functions between components. The transfer would impact on the location of both functions and affected personnel. A change management and communication strategy to manage the transition was developed including a migration strategy to manage the matching and placement of employees.</p> <p>The Department conducted change management workshops and marketed change management programmes through advocacy sessions and further conducted interventions to internal stakeholders. The impact of the change management processes is realised to create synergy and productive work environment between the various departmental branches.</p> <p>Furthermore, the Department conducted a climate and culture survey which provided valuable inputs into areas requiring intervention. Plans underway to address the shortcomings include the reallocation of the human resources development (HRM&amp;D) vacant and funded posts to these identified areas with a view to mitigating the gaps.</p> <p>NPA: Identified areas of improvement with applied mechanisms to ensure and enforce compliance were devised. These included leave monitoring to ensure accuracy of the leave liability, focus on recruitment in priority areas to capacitate the organisation and management of exits .</p>
3.	Improve compliance with employment practices	<p>This is one of the human resource plan priorities which is aligned to the departmental outcome 2 on “improved organisational capability and good governance. The focus was on the vacancy rate and filling of vacant posts in order to capacitate the Department.</p> <p>The implementation of the employment equity plan forms part of this key activity to ensure that the workplace is non-discriminatory and conducive to all employees to maximise their potential. The plan further addresses EE targets that the workforce reflects the demographics of the country.</p>
4.	Improve compliance with PMDS	<p>The Department is in a process of reviewing the PMDS policy to address and enforce the implementation of an effective performance management system that promotes the alignment of individual performance to the strategic plan, APP and operational plan.</p> <p>NPA: The performance agreement review committee continued their work of reviewing basic performance agreement for each occupational category to align them with the current strategy and priorities. Performance agreements were once again signed on time by all SMS members and performance assessment and moderation conducted and finalised within time.</p> <p>This approach coupled with the reviewed PMDS policy since 2019 and the new incentive policy, resulted in a significant drop in grievances related to PMDS to less than 1 cases in the whole of the NPA.</p>

No	HR subprogrammes	Impact in the Department and NPA
5.	Enhance EHWP services	<p>To maintain a healthy workforce, organisations have taken a route of investing in their human capital through the provision of psychosocial services and the Department has committed to provide such for its employees. These services are accessible 24/7 with a dedicated toll-free number.</p> <p>Prosecution by nature exposes employees to secondary trauma due to continuous exposure to the worst of human behaviour. The current pandemic of COVID-19 and the associated loss of life has exacerbated this trauma exposure for employees as can be seen in the number of emotional and mental health issues reported as presenting issues.</p> <p>Employees were supported as much as it was possible within the limitation of the various lockdown restrictions with psychosocial programmes.</p>
6.	Implement HRD strategy	<p>Skilled and capacitated workforce to meet the demands of our current and emerging skills for improved service delivery.</p> <p>Employment creation and poverty alleviation through youth development programmes.</p> <p>There was a need to develop a new skills development strategy that will ensure the NPA is able to respond to current crimes in the country. A Skills capacitation strategy was developed with various legs which are being implemented and will continue implementation in the new year.</p>
7.	Monitor effective functioning of employee relations in line with relevant prescripts	<p>The Department must resolve grievances within 90 days from the date of reporting and also conclude misconduct cases within 90 days from the set down date. On grievances, employees will receive their response promptly and ER will have less number of grievances.</p> <p>On misconduct cases, when cases are resolved on time, the Department will save on costs because prolonged cases are expensive to the Department.</p> <p>The success of the NPA in finalising cases continued in this period with the targets being achieved in most areas including the conciliations and arbitrations as well as court matters. However, resolution of grievances within the timeframes remained a challenge due to limited capacity within the employee relations unit as well as the impact of the pandemic affecting availability of parties to resolve grievances.</p>

**2.6.1.3 Workforce planning and key strategies to attract and recruit a skilled and capable workforce**

By the end of March 2022, the Department had a total workforce (excluding magistrates) of 16150. The analysis of the workforce showed the following results:

- A total of 12557 (77.8%) of employees are concentrated in programme 2 (court services), which is the Department’s core business; of these, 2951 (23.8%) fall in the youth category (aged 21-35);
- A total of 1500 (9.3%) of the workforce is in the retirement age category (between 55 and 64 years); of these, 1200(80%) is concentrated in programme 2 (court services);
- 25.1% of members of the SMS are in the retirement age category (between 55 and 64 years);

- 58% of the workforce is concentrated at salary level 5, which is the entry level. Of these, 29.5% fall in the youth category (aged 21 to 35 years).
- With regard to the NPA workforce, the following can be highlighted:
- With the NPA focus on corruption, additional capacity was created, which resulted in the total growth of 467 on the permanent establishment, with 299 being for prosecutorial positions.
- Of significance in these appointments is that the gender profile is now 54:46% in favour of females; this represents a 0.8% increase.
- Additionally, a total of 308 aspirant prosecutors were recruited into the programme for future proofing the skills needs of the organisation.
- A total of 3865 (69%) employees are concentrated in prosecution, which is the Department’s core business; of these, 1133 (29%) fall in the youth category (aged 21-35);

- A total of 487 (8.6%) of the workforce is in the retirement age category (between 55 and 64 years). Of these, 306 (63%) is concentrated in prosecution.
- 41% of members of the SMS are in the retirement age category (between 55 and 64 years);
- 9% of the workforce is concentrated at salary level 5, which is the entry level. Of these, 36% fall in the youth category (aged 21 to 35 years).

#### 2.6.1.4 Employee performance management

The DoJ&CD concluded 98% of SMS member's performance agreements for the 2021/2022 performance cycle with 99% signing of performance agreements by the NPA.

#### 2.6.1.5 Employee wellness programme

The COVID-19 pandemic has had a profound effect on all context of society including the mental and physical health of the general population. The mental health implications such as stress, fear and uncertainty among others, can be devastating on our employees. The Department, in its endeavour to address those kinds of challenges, realigned its health and wellness service delivery model to enable continued provision of services.

Employee health and wellness programmes were marketed with an emphasis on the state of psychosocial wellbeing of employees as a result of the effects of the COVID- 19 pandemic. Marketing of the EHW services was vigorously done on all communication platforms to address the fears, anxiety and the low morale experienced by employees. In an effort to contribute to the reduction of the spread of the pandemic, when the vaccine was introduced, all employees were registered on the Department of Health's Electronic Vaccination Data System (EVDS).

The NPA moved most of the wellness programmes to online as much as possible with a number of webinars conducted on topics including managing during the pandemic and vaccination information sharing among others. Other topics covered included issues emanating from the community such as gender-based violence as well as dealing with racism. Individual support continued during the period for all referrals.

#### Highlights of achievements

- Finalisation of the realigned macro structure and post establishment for all departmental branches.
- The Department continues to implement its MTEF HRP 2020/25 which has seven priorities and 28 key activities; significant progress has been made for the financial year ending 31 March 2022 where 18 (64%) key activities were achieved, seven (25%) key activities were partially achieved only three (11%) not achieved.

- Overall vacancy rate was maintained below 10% at 7.9%, the SMS vacancy rate although still not achieved, however improved and reduced from 22.5% on 31 March 2021 to 16.4% as at 31 March 2022.
- The Departmental EE plan was reviewed and approved on 31 May 2021 in compliance with the Department of Employment and Labour Director-General Review recommendations. The plan has 21 affirmative action (AA) measures where 57% has been achieved.
- ER established an appeal committee which was approved by the Minister. This committee has reduced the backlog of disciplinary appeals drastically. Before the establishment of the appeals committee, disciplinary appeals cases were 40 and this was the backlog forwarded to the appeals committee as of February 2021 and in March 2022, the appeals committee reduced the aforementioned number to zero.
- ER has done remarkably well (target was 65% and actual performance was 88%) in terms of resolving grievances within 90 days from the date the grievance was reported. The reason for this overachievement is that ER staff put more focus on grievances and misconducts.
- Focused attention on creating capacity for priority areas for the NPA.
- Additional capacity was created in specialised commercial crimes prosecutions.
- Appointment of a team of prosecutors nationally to focus on Truth and Reconciliation cases and the review of the asset forfeiture capacity in dealing with assets recovered, which resulted in improvements in managing assets and new systems being implemented.
- Strengthening of the taxation units in all divisions to support prosecution of commercial crimes.
- Successful completion of the highest intake (400) of aspirant prosecutors.

#### Challenges faced by the Department

- Remnants of the poor implementation of the Occupation Specific Dispensation (OSD) on the current realignment of the Department's functional and post structures has created salary disparities, limited scope for career pathing and disputes, among other challenges.
- Inadequate participation in the change management interventions.
- Non-achievement of the 50% EE targets of women on SMS: the status in the Department as at end of March 2022 is 47%, having dropped from 48.5% in the previous reporting period.
- Lack of participation from SMS members regarding initiating and chairing of cases for the Department and less competent employees handling cases.
- Managers testifying against their employer (biting the hands that feed them).

- Prolonged postponement of disciplinary cases because of the unavailability of trade union representatives and unnecessary postponements by chairpersons which creates backlogs.
- Lack of control over members of the public as witnesses.
- Resource constraints remain a challenge as focus is capacitation in priority areas, which is prosecution in corruption and other related commercial crimes and asset recoveries. This places additional pressure on the HRM&D resources as pressure mounts on the NPA to deliver on prosecutions.

#### 1.1.1.2 Future HR plans /goals

- The realignment of the regional structures, which would demand a further de-escalation of resources to frontline services. The reprioritisation, localisation of resources and profiling of local service points as the main cusp for future plans would depict demographically analysed and profiled magistrate courts, the capacitation and operationalisation of the district development model, demarcations and related matters
- Managed resistance to change interventions as part of the implementation of the realigned macro structure
- The Department will be reviewing its MTEF HRP in the financial year 2023/24 in line with new DPSA directive
- Continue to implement EE plan to achieve all the affirmative action measures and achieve 50% EE targets of women at SMS levels
- More in-depth awareness sessions on EAP services to employees, supervisors and managers
- Continue with the provision of proactive wellness interventions
- Empowerment sessions for supervisors to enable them to identify employees in need of psychosocial services
- Nominate more employees as initiators and chairperson's training and also provide more workshops and orientation courses on disciplinary matters. Issue directives to involve participation of staff members in disciplinary cases. All SMS members should have in their KRAs that they must chair at least two disciplinary cases.
- In future, in order to avoid managers who testify or represent staff members in the disciplinary hearing against the employer (biting the hand that feeds them), a clause is proposed by ER to be included

in the ER policy that reads as follows: "Managers must defend the Department in labour disputes of staff members. Necessary assistance should be obtained through legal or otherwise in order to advance a proper case on behalf of the Department in disciplinary hearings, arbitration or court stage. It is advisable that a manager does not represent a fellow employee unless they are a trade union representative".

- In future, and in order to avoid unnecessary postponement due to unavailability of trade union representatives, issue a directive that those trade union representatives who do not come to a hearing without a valid reason should be charged.
- Chairpersons to be informed not to pronounce on postponement without a valid reason(s) and chairpersons to provide written reports for each postponement they pronounced to ER.
- For the NPA, in future, in order to avoid the lack of control over the public witnesses, members of the public must submit written statement under oath to avail themselves as witnesses and to be paid the witness fee as it is done in criminal cases.
- In the coming year, HR will focus on the culture change programmes as well as increasing efficiencies based on the results of the both the culture and efficiency surveys that were conducted in the previous fiscal year.
- Further focus will be on implementation of the skills capacitation strategy which covers a management and leadership programme targeting prosecutors in particular, creation of a School of Prosecution within the Justice College, mentoring programme as well as targeted coaching as part of the creation of a future skill pipeline.

#### 3.1 Personnel related expenditure

The following tables summarise the final audited personnel related expenditure by programme and by salary bands. In particular, they provide 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 2021 to 31 March 2022**

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)
National Prosecuting Authority	4 611 084	3 923 514	0	0	85.1	700
Administration	2 754 748	597 274	0	0	21.7	406
Auxiliary and associated services	3 601 627	0	0	0	0.0	0
Court services	6 680 208	4 414 398	0	0	66.1	329
Direct charge against the NRF	2 174 511	2 132 400	0	0	98.1	1 061
State legal services	1 395 890	1 143 896	0	0	81.9	514
<b>Total as on financial systems (BAS)</b>	<b>21 218 068</b>	<b>12 211 482</b>	<b>0</b>	<b>0</b>	<b>57.6</b>	<b>376</b>

**Table 3.1.2 – Personnel costs by salary bands for the period 1 April 2021 to 31 March 2022**

Salary band	Personnel expenditure including transfers (R'000)	% of Total personnel costs	Average personnel costs per employee (R)	Number of employees
Lower skilled (Levels 1-2)	0	0.0	0.00	11
Skilled (Levels 3-5)	4 261 807	34.9	411 530.00	10356
Highly skilled production (Levels 6-8)	2 198 066	18.0	444 683.00	4943
Highly skilled supervision (Levels 9-12)	2 100 374	17.2	432 532.00	4856
Senior management (Levels >= 13)	3 065 081	25.1	1 495 892.00	2049
Other	12 211	0.1	41 677.00	293
Contract (Levels 3-5)	24 422	0.2	51 309.00	476
Contract (Levels 6-8)	24 422	0.2	66 008.00	370
Contract (Levels 9-12)	36 634	0.3	271 366.00	135
Contract (Levels >= 13)	48 845	0.4	1 480 180.00	33
Contract other	390 767	3.2	847 652.00	461
Periodical remuneration	48 845	0.4	67 467.00	725
<b>TOTAL</b>	<b>12 211 482</b>	<b>100.0</b>	<b>494 235.00</b>	<b>24708</b>

**Table 3.1.3– Salaries, overtime, home owner allowance and medical aid by programme for the period 1 April 2021 to 31 March 2022**

Programme	Salaries		Overtime		Home owner 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 costs
National Prosecuting Authority	3 341 356	85.2	1 560	0.0	35 950	2.1	102 063	4.6
Administration of law	78 896	80.1	2 636	2.7	2 040	0.9	4 569	2.7
Administration	501 439	83.8	1 715	0.3	17 492	2.9	27 094	6.0
Court services	3 488 319	79.0	4 494	0.1	193 957	4.4	382 922	8.7
Direct charges	1 931 230	90.6	0	0.0	19 891	0.9	15 995	0.8
State legal services	909 359	79.5	6 422	0.6	29 672	2.6	55 026	4.8
<b>TOTAL</b>	<b>10 250 599</b>	<b>83.9</b>	<b>16 827</b>	<b>0.1</b>	<b>299 002</b>	<b>2.4</b>	<b>587 669</b>	<b>4.8</b>

**Table 3.1.4 Salaries, overtime, home owner allowance and medical aid by salary bands for the period 1 April 2021 to 31 March 2022**

Salary band	Salaries (R'000)	Salaries as a % of personnel costs	Overtime (R'000)	Overtime as a % of personnel costs	HOA (R'000)	HOA as a % of personnel costs	Medical aid (R'000)	Medical aid as a % of personnel costs
Lower skilled (Levels 1-2)	1488	0.0	8	0.0	154	0.0	294	0.0
Skilled (Levels 3-5)	2247420	52.7	5779	0.1	158829	3.7	320788	7.5
Highly skilled production (Levels 6-8)	1576349	71.7	5250	0.2	68346	3.1	136478	6.2
Highly skilled supervision (Levels 9-12)	3705891	176.4	5735	0.3	46411	2.2	109001	5.2
Senior management (Levels >= 13)	2090874	68.2	0	0.0	24852	0.8	20895	0.7
Other	5198	42.6	3	0.0	18	0.1	50	0.4
Contract (Levels 3-5)	106340	35.4	14	0.1	0	0.0	0	0.0
Contract (Levels 6-8)	52294	214.1	19	0.1	0	0.0	0	0.0
Contract (Levels 9-12)	108759	296.8	14	0.0	148	0.4	15	0.0
Contract (Levels >= 13)	46575	95.3	5	0.0	244	0.5	148	0.3
Contract other	274486	70.2	0	0.0	0	0.0	0	0.0
Periodical remuneration	34896	71.4	0	0.0	0	0.0	0	0.0
Abnormal appointment	29	0.0	0	0.0	0	0.0	0	0.0
<b>TOTAL</b>	<b>10250599</b>	<b>83.9</b>	<b>16827</b>	<b>0.1</b>	<b>261012</b>	<b>2.1</b>	<b>587669</b>	<b>4.8</b>

### 3.2 Employment and vacancies

The tables in this section summarise the position with regard to employment and vacancies.

The following tables summarise the number of posts 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 2022**

Programme	Number of posts on approved establishment	Number of posts filled	Vacancy rate	Number of employees additional to the establishment
Administration of law	152	129	15.1	0
National Prosecuting Authority	5990	5473	8.6	641
Administration	1586	1437	9.4	199
Court services	13427	12557	6.5	29
State legal services	2429	2156	11.2	62
<b>SUB-TOTAL: EXCLUDING JUDICIARY</b>	<b>23584</b>	<b>21752</b>	<b>7.8</b>	<b>931</b>
Magistrates	2407	2001	16.9	1
<b>TOTAL (INCLUDING JUDICIARY)</b>	<b>25991</b>	<b>23753</b>	<b>8.6</b>	<b>932</b>

**Table 3.2.2 Employment and vacancies by salary band, 31 March 2022**

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)	203	202	0.5	99
Skilled (Levels 3-5)	11483	10873	5.3	402
Highly skilled production (Levels 6-8)	5829	5304	9.0	299
Highly skilled supervision (Levels 9-12)	5623	5000	11.1	120
Senior management (Levels 13-16)	446	373	16.4	11
Magistrates	2407	2001	16.9	1
<b>TOTAL</b>	<b>25991</b>	<b>23753</b>	<b>8.6</b>	<b>932</b>

**Table 3.2.3 Employment and vacancies by critical occupation, 31 March 2022**

<b>Occupations</b>	<b>Number of posts on approved establishment</b>	<b>Number of posts filled</b>	<b>Vacancy rate</b>	<b>Number of posts filled additional to the establishment</b>
Administrative related	1179	1022	13.3	25
Advocates	924	809	12.4	60
Attorneys	473	438	7.4	132
Building and other property caretakers	2	1	50.0	0
Bus and heavy vehicle drivers	7	7	0.0	0
Cleaners in offices workshops hospitals etc.	70	47	32.9	1
Client information clerks (switchboard, reception information clerks)	129	109	15.5	0
Communication and information related	41	41	0.0	1
Computer programmers	0	0	0.0	0
Crime investigators	74	66	10.8	32
Finance and economics related	293	268	8.5	0
Financial and related professionals	351	304	13.4	1
Financial clerks and credit controllers	481	439	8.7	1
Food services aids and waiters	17	16	5.9	0
General legal administration & rel. professionals	852	728	14.6	0
Human resources & organisation development & relate prof	75	63	16.0	0
Human resources clerks	299	270	9.7	1
Human resources related	249	212	14.9	3
Information technology related	33	28	15.2	3
Language practitioners, interpreters & other communication	460	414	10.0	0
Legal related	229	181	21.0	0
Librarians and related professionals	30	22	26.7	0
Library mail and related clerks	314	294	6.4	1
Light vehicle drivers	6	6	0.0	0
Logistical support personnel	54	44	18.5	0
Magistrates	2407	2001	16.9	1
Material-recording and transport clerks	86	77	10.5	0
Messengers, porters and deliverers	646	601	7.0	106
Other admin & related clerks and organisers	8697	8337	4.1	61
Other administrative policy and related officers	933	842	9.8	16
Other information technology personnel	21	21	0.0	0
Prosecutor	3363	3131	6.9	469
Protection services	92	77	16.3	0
Risk management and security services	27	26	3.7	0
Secretaries & other keyboard operating clerks	650	592	8.9	5
Security guards	8	8	0.0	0
Security officers	256	227	11.3	1
Senior managers	445	373	16.2	11
Social sciences related	1	1	0.0	0
Social work and related professionals	136	120	11.8	0
Translators and air traffic communicators	1581	1490	5.8	1
<b>TOTAL</b>	<b>25991</b>	<b>23753</b>	<b>8.6</b>	<b>932</b>

### 3.3 Filling of SMS posts

The tables in this section provide information on employment and vacancies as it relates to members of the senior management service by salary 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 2022**

SMS level	Total number of funded SMS posts	Total number of SMS posts filled	% of SMS posts filled	Total number of SMS posts vacant	% of SMS posts vacant
Director-General/Head of Department	1	1	100.0	0	0.0
Salary level 16, but not HOD	8	8	100.0	0	0.0
Salary level 15	36	22	61.1	14	38.9
Salary level 14	219	177	80.8	42	19.2
Salary level 13	181	164	90.6	17	9.4
<b>Total</b>	<b>445</b>	<b>372</b>	<b>83.6</b>	<b>73</b>	<b>16.4</b>

**Table 3.3.2 SMS posts information as at 30 September 2021**

SMS level	Total number of funded SMS posts	Total number of SMS posts filled	% of SMS posts filled	Total number of SMS posts vacant	% of SMS posts vacant
Director-General/Head of Department	1	1	100.0	0	0.0
Salary level 16, but not HOD	5	5	100.0	0	0.0
Salary level 15	27	15	55.6	12	44.4
Salary level 14	261	176	67.4	85	32.6
Salary level 13	171	143	83.6	28	16.4
<b>Total</b>	<b>465</b>	<b>340</b>	<b>73.1</b>	<b>125</b>	<b>26.9</b>

**Table 3.3.3 Advertising and filling of SMS posts for the period 1 April 2021 to 31 March 2022**

SMS	Advertising	Filling of posts	
	Number of vacancies per level advertised within 6 months of becoming vacant	Number of vacancies per level filled within 6 months of becoming vacant	Number of vacancies per level not filled within 6 months but filled within 12 months
Director-General/ Head of Department	0	0	0
Salary level 16	0	0	0
Salary level 15	2	0	1
Salary level 14	12	0	3
Salary level 13	8	0	5
<b>Total</b>	<b>22</b>	<b>0</b>	<b>9</b>

**Table 3.3.4 Reasons for not having complied with the filling of funded vacant SMS positions – Advertised within 6 months and filled within 12 months after becoming vacant for the period 1 April 2021 to 31 March 2022**

Reasons for vacancies not advertised within six months:	
1.	Departmental reconfiguration
2.	Outstanding job evaluation
3.	Unavailability of JE panel members
4.	Focus was on the filling of lower-level posts as the NPA was not in a position to fill posts for over a period of three years due to budget constraints
Reasons for vacancies not filled within 12 months:	
1.	Departmental reconfiguration
2.	Vacancies being re-advertised due to difficulty in getting suitable candidates
3.	Unavailability of panel members
4.	Focus was on the filling of lower-level posts as the NPA was not in a position to fill posts for over a period of three years due to budget constraints

**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 2021 to 31 March 2022**

None

### 3.4 Job evaluation

Within a nationally determined framework, executing authorities may evaluate or re-evaluate any job in their 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 for the period 1 April 2021 to 31 March 2022**

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)	203	0	0.0	0	0.0	0	0.0
Skilled (Levels 3-5)	11483	0	0.0	0	0.0	0	0.0
Highly skilled production (Levels 6-8)	5829	22	0.4	0	0.0	0	0.0
Highly skilled supervision (Levels 9-12)	5623	74	1.3	2	2.7	20	27.0
SMS Band A	181	12	6.6	0	0.0	0	0.0
SMS Band B	219	10	4.6	0	0.0	0	0.0
SMS Band C	36	3	8.3	0	0.0	0	0.0
SMS Band D	5	0	0.0	0	0.0	0	0.0
Other	1	0	0.0	0	0.0	0	0.0
<b>TOTAL</b>	<b>23580</b>	<b>121</b>	<b>0.5</b>	<b>2</b>	<b>1.7</b>	<b>20</b>	<b>16.5</b>

The following table provides a summary of the number of employees whose salary positions were upgraded due to their posts being upgraded. The number of employees might differ from the number of posts upgraded since not all employees are automatically absorbed into the new posts and some of the posts upgraded could also be vacant.

**Table 3.4.2 Profile of employees whose posts were upgraded 1 April 2021 to 31 March 2022**

Beneficiaries	African	Asian	Coloured	White	Total
Female	0	1	0	1	2
Male	0	0	0	0	0
Total	0	1	0	1	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 2021 to 31 March 2022**

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Accounting clerk	2	5	6	Resolution 3 of 2009: Grade progression
Accounting clerk	11	7	8	Resolution 3 of 2009: Grade progression
Accounting clerk	2	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Administration clerk	142	5	6	Resolution 3 of 2009: Grade progressio
Administration clerk	1	5	7	Resolution 3 of 2009: Grade progression
Administration clerk	1	5	8	Resolution 3 of 2009: Grade progression
Administration clerk	13	5	6	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Administrative clerk	66	5	6	Clerks coordination
Administrative clerk	1	5	7	Circular 25 of 2009 in last column
Administrative clerk	4	5	7	Resolution 3 of 2009: Grade progression
Administrative clerk supervisor	13	7	8	Clerks coordination
Administrative clerk supervisor	2	7	8	Resolution 3 of 2009: Grade progression
Administrative clerk supervisor	1	7	8	Circular 25 of 2009
Chief administration clerk	1	5	7	Resolution 3 of 2009: Grade progression
Chief administration clerk	17	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

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Administrative officer	1	5	8	Resolution 3 of 2009: Grade progression
Administrative officer	1	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Administrative officer	3	7	8	Clerks coordination
Administrative officer	20	7	8	Resolution 3 of 2009: Grade progression
Snr administrative officer	3	7	8	Resolution 3 of 2009: Grade progression
Area court manager	8	11	12	Resolution 3 of 2009: Grade progression
Assistant director	1	7	9	Employee retained in lower level post in terms of PSR V.C.R
Assistant director	5	9	10	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Assistant director	22	9	10	Resolution 3 of 2009: Grade progression
Assistant director	25	9	10	Circular 17 Of 2006
Assistant director	1	10	11	Translation in rank
Assistant director	1	9	11	Post downgrade
Court interpreter	151	5	6	Resolution 3 of 2009: Grade progression
Court interpreter	2	5	7	Resolution 3 of 2009: Grade progression
Principal court interpreter	5	7	8	Resolution 3 of 2009: Grade progression
Deputy director	1	9	11	Employee retained in lower level post in terms of PSR V.C.R
Deputy director	3	11	12	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Deputy director	24	11	12	Resolution 3 of 2009: Grade progression
Deputy director	2	11	12	Translation in rank
Deputy director	4	11	12	Transfer to lower level post
Deputy director	1	12	13	Translation in rank
Driver	7	4	5	Resolution 3 of 2009: Grade progression
E-scheduler clerk	7	5	6	Resolution 3 of 2009: Grade progression
E-scheduler clerk	1	5	7	Resolution 3 of 2009: Grade progression
Executive administrative assistant	1	7	9	Resolution 3 of 2009: Grade progression
Executive administrative assistant	1	9	10	Resolution 3 of 2009: Grade progression
Finance clerk	5	5	6	Clerks coordination
Finance clerk supervisor	7	7	8	Clerks coordination

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Human resource officer	2	5	6	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Human resource officer	30	5	6	Resolution 3 of 2009: Grade progression
Human resource clerk	7	5	6	Clerks coordination
Human resource clerk supervisor	6	7	8	Clerks coordination
Human resource practitioner	2	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Human resource practitioner	6	7	8	Resolution 3 of 2009: Grade progression
Human resource practitioner	1	7	8	Protective promotion
Law lecturer	4	10	12	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Legal secretary	1	5	7	Resolution 3 of 2009: Grade progression
Legal secretary	2	5	6	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Library assistant	1	5	7	Resolution 3 of 2009: Grade progression
Library assistant	1	5	7	Clerks coordination
Library assistant	1	5	6	Clerks coordination
Legislative language practitioner	4	7	10	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Library assistant snr	1	4	5	Resolution 3 of 2009: Grade progression
Maintenance coordinator	1	5	7	Resolution 3 of 2009: Grade progression
Maintenance investigator	7	7	8	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
Office administrator	1	7	9	Circular 25 of 2009
Personal assistant	2	5	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Personal assistant	1	5	8	Resolution 3 of 2009: Grade progression

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Personal assistant	1	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Personal assistant	5	7	8	Circular 25 of 2009
Personal assistant	3	7	9	Circular 25 of 2009
Protector	1	9	10	Circular 25 of 2009
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/snr	4	7	8	Resolution 3 of 2009: Grade progression
Provisioning administration officer/snr	1	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Registry clerk	17	5	6	Clerks coordination
Registry clerk supervisor	3	7	8	Clerks coordination
Registry clerk/snr	2	5	6	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Registry clerk/snr	5	5	6	Resolution 3 of 2009: Grade progression
Registry clerk/snr	3	5	7	Resolution 3 of 2009: Grade progression
Chief registry clerk	2	7	8	Resolution 3 of 2009: Grade progression
Secretary	1	5	7	Circular 25 of 2009
Secretary/snr	1	5	6	Resolution 3 of 2009: Grade progression
Secretary/snr	1	5	6	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Secretary/snr	3	5	7	Resolution 3 of 2009: Grade progression
Secretary/snr	7	5	8	Resolution 3 of 2009: Grade progression
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
Security officer chief	3	7	8	Resolution 3 of 2009: Grade progression
Security and risk specialist	1	11	12	Resolution 3 of 2009: Grade progression

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Snr suditor	8	9	10	Resolution 3 of 2009: Grade progression
Snr court interpreter	3	5	7	Resolution 3 of 2009: Grade progression
Snr court interpreter	6	5	8	Resolution 3 of 2009: Grade progression
Snr court interpreter	123	7	8	Resolution 3 of 2009: Grade progression
Snr human resource officer	1	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Snr human resource officer	14	7	8	Resolution 3 of 2009: Grade progression
State sccountant/snr	1	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
State accountant/snr	6	7	8	Resolution 3 of 2009: Grade progression
Supply chain clerk	4	5	6	Clerks coordination
Supply chain clerk supervisor	2	7	8	Clerks coordination
System administrator	1	7	8	Resolution 3 of 2009: Grade progression
Telecom operator/snr	1	3	4	Resolution 3 of 2009: Grade progression
Telecom operator/snr	5	4	5	Resolution 3 of 2009: Grade progression
Telecom operator/snr	1	7	8	Resolution 3 of 2009: Grade progression
Telecom operator/snr	1	5	6	Resolution 3 of 2009: Grade progression
Vetting administrator	3	7	8	Resolution 3 of 2009: Grade progression
Chief work study officer	2	9	10	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Chief work study officer	1	9	10	Resolution 3 of 2009: Grade progression
<b>TOTAL</b>	<b>926</b>			

The following table summarises the beneficiaries of the above in terms of race, gender, and disability.

**Table 3.4.4 Profile of employees who have salary levels higher than those determined by job evaluation for the period 1 April 2021 to 31 March 2022**

Beneficiaries	African	Asian	Coloured	White	Total
Female	387	25	59	103	574
Male	292	11	23	26	352
<b>Total</b>	<b>679</b>	<b>36</b>	<b>82</b>	<b>129</b>	<b>926</b>
Employees with disability					<b>20</b>

### 3.5 Employment changes

This section provides information on changes in employment over the financial year. Turnover rates provide an indication of trends in the employment profile of the Department. The following tables provide a summary of turnover rates by salary band and critical occupations. It should be noted that these tables do not take into account upgrade/downgrade of posts/movement of employees between levels (promotion) and translation to another rank without a change in salary level.

A total of 680 employees were promoted to a higher salary level, and 926 employees were 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 2021 to 31 March 2022**

Salary band	Number of employees at beginning of period - April 2021	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate
Lower skilled (Levels 1-2), permanent	10	1	0	0.0
Skilled (Levels 3-5), permanent	10201	740	320	3.1
Highly skilled production (Levels 6-8), permanent	4475	651	283	6.3
Highly skilled supervision (Levels 9-12), permanent	4836	202	286	5.9
Senior management service band A	143	13	9	6.3
Senior management service band B	160	11	17	10.6
Senior management service band C	20	3	5	25.0
Senior management service band D	4	0	0	0.0
Magistrates	1644	170	93	5.7
<b>SUBTOTAL: PERMANENT EMPLOYEES</b>	<b>21493</b>	<b>1791</b>	<b>1013</b>	<b>4.7</b>
Contracts (including interns)	1326	1488	887	66.9
<b>SUBTOTAL: CONTRACT EMPLOYEES</b>	<b>1326</b>	<b>1488</b>	<b>887</b>	<b>66.9</b>
<b>TOTAL</b>	<b>22819</b>	<b>3279</b>	<b>1900</b>	<b>8.3</b>

**Table 3.5.2 Annual turnover rates by critical occupation for the period 1 April 2021 to 31 March 2022**

Occupations	Number of employees at beginning of period – April 2021	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate
Administrative related	937	217	85	9.1
Advocates	649	99	61	9.4
Attorneys	296	32	24	8.1
Building and other property caretakers	1	0	0	0.0
Bus and heavy vehicle drivers	6	2	1	16.7
Cleaners in offices workshops hospitals etc.	58	0	13	22.4
Client inform clerks (switchboard, reception information clerks)	116	8	5	4.3
Communication and information related	42	0	1	2.4
Crime investigators	66	13	7	10.6
Finance and economics related	257	11	7	2.7
Financial and related professionals	281	23	10	3.6
Financial clerks and credit controllers	411	45	12	2.9
Food services aids and waiters	17	1	2	11.8
General legal administration & rel. professionals	721	69	51	7.1
Human resources & organisational development & relate prof	58	6	2	3.4
Human resources clerks	271	30	15	5.5
Human resources related	195	30	17	8.7
Information technology related	19	4	0	0.0
Language practitioners interpreters & other communicators	397	19	26	6.5
Legal related	179	5	17	9.5
Librarians and related professionals	19	3	1	5.3
Library mail and related clerks	283	13	4	1.4
Light vehicle drivers	14	0	0	0.0
Logistical support personnel	39	1	4	10.3
Magistrates	1644	170	93	5.7
Material recording and transport clerks	81	2	2	2.5
Messengers porters and deliverers	290	34	14	4.8
Other administrative & related clerks and organisers	8148	396	277	3.4
Other administrative policy and related officers	786	25	50	6.4
Other information technology personnel	21	0	0	0.0
Prosecutor	2975	913	154	5.2
Protection services	84	0	4	4.8
Risk management and security services	22	4	0	0.0
Secretaries & other keyboard operating clerks	566	52	25	4.4
Security guards	9	0	1	11.1
Security officers	223	29	15	6.7
Senior managers	330	34	35	10.6

Occupations	Number of employees at beginning of period – April 2021	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate
Social sciences related	1	0	0	0.0
Social work and related professionals	120	13	12	10.0
Translators and air traffic communicators	1473	118	77	5.2
Contracts	714	858	776	49.4
<b>TOTAL</b>	<b>22819</b>	<b>3279</b>	<b>1900</b>	<b>8.3</b>

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 2021 to 31 March 2022**

Termination type	Number	% of Total resignations
Death	138	7.3
Resignation	486	25.6
Expiry of contracts	888	46.7
Retirement due to ill health	33	1.7
Dismissal - misconduct	50	2.6
Retirement	238	12.5
Transfer to other public service departments	67	3.5
<b>TOTAL</b>	<b>1900</b>	<b>100.0</b>
<b>Total number of employees who left as a % of total employment</b>	<b>8.0%</b>	

**Table 3.5.4 Promotions by critical occupation for the period 1 April 2021 to 31 March 2022**

Occupation	Employees as at 1 April 2021	Promotions to another salary level	Salary level promotions as a % of employees by occupation	Progressions to another notch within a salary level	Notch progressions as a % of employees by occupation
Administrative related	941	62	6.6	549	58.3
Advocates	649	34	5.2	68	10.5
Attorneys	343	13	3.8	316	92.1
Building and other property caretakers	1	0	0.0	1	100.0
Bus and heavy vehicle drivers	6	0	0.0	6	100.0
Cleaners in offices workshops hospitals etc.	58	0	0.0	47	81.0
Client inform clerks (switchboard reception, information clerks)	116	1	0.9	96	82.8
Communication and information related	43	0	0.0	30	69.8
Computer programmers	1	0	0.0	0	0.0
Crime investigators	66	0	0.0	0	0.0
Finance and economics related	259	11	4.2	262	101.2
Financial and related professionals	282	18	6.4	193	68.4
Financial clerks and credit controllers	419	6	1.4	392	93.6
Food services aids and waiters	18	0	0.0	16	88.9

Occupation	Employees as at 1 April 2021	Promotions to another salary level	Salary level promotions as a % of employees by occupation	Progressions to another notch within a salary level	Notch progressions as a % of employees by occupation
General legal administration & rel. professionals	723	6	0.8	745	103.0
Head of department/chief executive officer	1	0	0.0	0	0.0
Human resources & organisational development & relate professionals	58	3	5.2	57	98.3
Human resources clerks	271	5	1.8	233	86.0
Human resources related	197	9	4.6	126	64.0
Information technology related	43	0	0.0	18	41.9
Language practitioners, interpreters & other communicators	397	14	3.5	405	102.0
Legal related	179	13	7.3	182	101.7
Librarians and related professionals	19	3	15.8	17	89.5
Library mail and related clerks	284	3	1.1	257	90.5
Light vehicle drivers	6	0	0.0	6	100.0
Logistical support personnel	47	6	12.8	38	80.9
Magistrates	1911	20	1.0	0	0.0
Material recording and transport clerks	81	0	0.0	79	97.5
Messengers porters and deliverers	565	0	0.0	282	49.9
Other administrative & related clerks and organisers	8187	69	0.8	7 900	96.5
Other administrative policy and related officers	788	81	10.3	807	102.4
Other information technology personnel	21	0	0.0	21	100.0
Prosecutor	2975	261	8.8	3	0.1
Protection services	84	0	0.0	0	0.0
Risk management and security services	22	1	4.5	5	22.7
Secretaries & other keyboard operating clerks	570	8	1.4	512	89.8
Security guards	9	0	0.0	9	100.0
Security officers	223	0	0.0	218	97.8
Senior managers	350	18	5.1	167	47.7
Social sciences related	1	0	0.0	1	100.0
Social work and related professionals	121	2	1.7	114	94.2
Translators and air traffic communicators	1484	13	0.9	1 490	100.4
<b>TOTAL</b>	<b>22819</b>	<b>680</b>	<b>3.0</b>	<b>15 668</b>	<b>68.7</b>

**Table 3.5.5 Promotions by salary band for the period 1 April 2021 to 31 March 2022**

Salary Band	Employees 1 April 2021	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)	110	0	0.0	3	2.7
Skilled (Levels 3-5)	10794	48	0.4	9970	92.4
Highly skilled production (Levels 6-8)	4659	206	4.4	3636	78.0
Highly skilled supervision (Levels 9-12)	4954	388	7.8	1892	38.2
Senior management service (Level 13 – 16)	356	18	5.1	167	46.9
Magistrates	1911	20	1.0	0	0.0
Other	35	0	0.0	0	0.0
<b>TOTAL</b>	<b>22819</b>	<b>680</b>	<b>3.0</b>	<b>15668</b>	<b>68.7</b>

### 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 on 31 March 2022**

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Magistrates	511	126	85	253	526	127	122	251	2001
Legislators, senior officials and managers	139	18	15	38	95	15	24	31	375
Professionals	2475	253	93	351	2364	427	251	565	6779
Clerks	3220	327	94	78	6386	814	205	480	11604
Service and sales workers	171	32	10	65	96	14	5	13	406
Plant and machine operators and assemblers	9	2	1	1	0	0	0	0	13
Labourers and related workers	315	28	2	7	294	14	1	4	665
Technical and associated professions, permanent	590	62	19	34	968	112	31	94	1910
<b>TOTAL</b>	<b>7430</b>	<b>848</b>	<b>319</b>	<b>827</b>	<b>10729</b>	<b>1523</b>	<b>639</b>	<b>1438</b>	<b>23753</b>
<b>Employees with disabilities</b>	138	18	5	22	121	14	7	32	357

**Table 3.6.2 Total number of employees (including employees with disabilities) in each of the following occupational bands as on 31 March 2022**

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Magistrates	511	126	85	253	526	127	122	251	2001
Top management	13	2	0	1	10	3	3	0	32
Senior management	125	16	15	37	86	12	20	32	343
Professionally qualified and experienced specialists and mid-management	1483	179	81	357	1049	220	171	507	4047
Skilled technical and academically qualified workers, junior management, supervisors, foremen	2021	163	54	94	2883	405	143	384	6147
Semi-skilled and discretionary decision making	3120	339	83	79	5899	732	173	257	10682
Unskilled and defined decision making	50	0	0	0	145	2	0	3	200
Aspirant prosecutors	107	23	1	6	131	22	7	4	301
<b>TOTAL</b>	<b>7430</b>	<b>848</b>	<b>319</b>	<b>827</b>	<b>10729</b>	<b>1523</b>	<b>639</b>	<b>1438</b>	<b>23753</b>

**Table 3.6.3 Recruitment for the period 1 April 2021 to 31 March 2022**

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Magistrates	262	29	14	67	196	50	25	81	724
Top management	3	1	0	0	3	0	0	0	7
Senior management	18	1	1	0	19	1	1	1	42
Professionally qualified and experienced specialists and mid-management	107	12	3	21	91	13	10	20	277
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	329	34	8	12	391	80	22	23	899
Semi-skilled and discretionary decision making	380	42	3	9	637	56	11	12	1150
Unskilled and defined decision making	0	0	0	0	0	1	0	0	1
Interns	46	2	0	0	126	4	1	0	179
<b>Total</b>	<b>1145</b>	<b>121</b>	<b>29</b>	<b>109</b>	<b>1463</b>	<b>205</b>	<b>70</b>	<b>137</b>	<b>3279</b>
<b>Employees with disabilities</b>	7	0	0	1	2	0	0	0	10

**Table 3.6.4 Promotions for the period 1 April 2021 to 31 March 2022**

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Magistrates	7	1	1	0	5	1	2	0	17
Top management	72	5	6	7	53	6	7	12	168
Senior management	3	3	0	3	5	2	0	4	20
Professionally qualified and experienced specialists and mid-management	908	52	35	90	829	101	85	169	2269
Skilled technical and academically qualified workers, junior management, supervisors, foremen	1252	108	39	65	1787	224	73	305	3853
Semi-skilled and discretionary decision making	2947	329	82	77	5487	686	162	248	10018
Unskilled and defined decision making	0	0	0	0	2	1	0	0	3
<b>TOTAL</b>	<b>5189</b>	<b>498</b>	<b>163</b>	<b>242</b>	<b>8168</b>	<b>1021</b>	<b>329</b>	<b>738</b>	<b>16348</b>
<b>Employees with disabilities</b>	127	17	4	17	120	13	7	28	333

**Table 3.6.5 Terminations for the period 1 April 2021 to 31 March 2022**

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	3	1	1	0	2	1	1	1	10
Senior management	14	3	4	6	8	1	1	3	40
Magistrates	225	27	14	91	149	39	23	71	639
Professionally qualified and experienced specialists and mid-management	135	6	5	31	107	9	8	33	334
Skilled technical and academically qualified workers, junior management, supervisors, foremen	119	9	0	10	139	24	9	34	344
Semi-skilled and discretionary decision making	155	12	5	4	232	24	7	26	465
Unskilled and defined decision making	0	0	0	0	0	0	0	0	0
Interns	19	0	0	0	44	5	0	0	68
<b>TOTAL</b>	<b>670</b>	<b>58</b>	<b>29</b>	<b>142</b>	<b>681</b>	<b>103</b>	<b>49</b>	<b>168</b>	<b>1900</b>
<b>Employees with disabilities</b>	12	2	0	1	11	0	0	4	30

**Table 3.6.6 Disciplinary action for the period 1 April 2021 to 31 March 2022**

	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Disciplinary action	217	16	8	7	124	15	7	11	405

**Table 3.6.7 Skills development for the period 1 April 2021 to 31 March 2022**

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	30	3	9	13	22	7	3	12	99
Professionals	570	101	28	105	522	128	53	143	1650
Technicians and associate professionals	857	91	22	26	1296	138	21	81	2532
Clerks	1274	156	51	27	2120	265	59	86	4038
Service and sales workers	36	7	3	19	27	5	4	9	110
Plant and machine operators and assemblers	0	0	0	0	0	0	0	0	0
Labourers and related workers	122	12	2	11	42	4	1	2	196
<b>Total</b>	<b>2889</b>	<b>370</b>	<b>115</b>	<b>201</b>	<b>4029</b>	<b>547</b>	<b>141</b>	<b>333</b>	<b>8625</b>
Employees with disabilities	0	0	0	0	0	0	0	0	0

### 3.7 Signing of performance agreements by SMS members

All members of the SMS must conclude and sign performance agreements within specific timeframes information regarding the signing of performance agreements by SMS members, the reasons for not complying within the prescribed timeframes and disciplinary steps taken is presented here.

**Table 3.7.1 Signing of performance agreements by SMS members as on 31 May 2021**

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)	5	5	5	100%
Salary level 15	28	15	13	86.7%
Salary level 14	179	172	170	98.8%
Salary level 13	164	164	146	89.0%
<b>Total</b>	<b>380</b>	<b>375</b>	<b>338</b>	<b>90.1%</b>

**Table 3.7.2 Reasons for not having concluded performance agreements for all SMS members as on 31 May 2021**

*One official is on suspension and two officials did not comply. NPA, one official is suspended and one seconded to Eswatini.*

**Table 3.7.3 Disciplinary steps taken against SMS members for not having concluded performance agreements as at 31 May 2021**

*Memorandum requesting line managers to institute disciplinary action is en route for approval by the delegated authority*

### 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, disability, salary bands and critical occupations.

**Table 3.8.1 Performance rewards by race, gender, and disability for the period 1 April 2021 to 31 March 2022**

	Beneficiary profile			Cost	
	Number of beneficiaries	Total number of employees	% of total within group	Cost (R'000)	Average cost per employee
<b>African</b>	3922	16869	23.2	<b>22451</b>	5 724.38
Male	1840	6780	27.1	10506	5 709.78
Female	2082	10089	20.6	11945	5 737.27
<b>Asian</b>	261	739	35.3	<b>1465</b>	5 613.03
Male	75	229	32.8	528	7 040.00
Female	186	510	36.5	937	5 037.63
<b>Coloured</b>	617	2089	29.5	<b>3237</b>	5 246.35
Male	218	706	30.9	1111	5 096.33
Female	399	1383	28.9	2126	5 328.32
<b>White</b>	902	1706	52.9	<b>5004</b>	5 547.67
Male	347	552	62.9	1706	4 916.43
Female	555	1154	48.1	3298	5 942.34
<b>Employees with disability</b>	46	349	13.2	293	6 369.57
<b>TOTAL</b>	<b>5748</b>	<b>21752</b>	<b>26.4</b>	<b>32 450</b>	<b>5 645.44</b>

**Table 3.8.2 Performance rewards by salary bands for personnel below senior management service for the period 1 April 2021 to 31 March 2022**

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)	1	188	0.0	10	0.00	0.00
Skilled (Levels 3-5)	884	10135	8.7	5 818	6 581.36	0.00
Highly skilled production (Levels 6-8)	407	3788	10.7	4 166	10 236.44	0.00
Highly skilled supervision (Levels 9-12)	167	1868	8.9	3 669	21 968.20	0.01
<b>TOTAL</b>	<b>1459</b>	<b>15979</b>	<b>9.1</b>	<b>13 663</b>	<b>9 364.70</b>	<b>0.00</b>

**Table 3.8.3 Performance rewards by occupations**

Critical occupation	Beneficiary profile			Cost	
	Number of beneficiaries	Number of employees	% of total within occupation	Total cost (R'000)	Average cost per employee
Administrative related	429	1022	42.0	2 561	5 969.70
Advocates	514	661	77.8	2 300	4 474.71
Attorneys	7	440	1.6	172	24 571.43
Building and other property caretakers	0	1	0.0	0	-
Bus and heavy vehicle drivers	0	7	0.0	0	-
Cleaners in offices workshops hospitals etc.	11	47	23.4	58	5 272.73
Client inform clerks (switchboard reception information clerks)	29	109	26.6	153	5 275.86
Communication and information related	22	40	55.0	298	13 545.45
Computer programmers	0	0	0.0	0	-
Crime investigators	35	66	0.0	146	4 171.43
Finance and economics related	49	269	18.2	883	18 020.41
Financial and related professionals	122	303	40.3	670	5 491.80
Financial clerks and credit controllers	99	439	22.6	639	6 454.55
Food services aids and waiters	4	16	25.0	21	5 250.00
General legal administration & rel. professionals	52	732	7.1	706	13 576.92
Human resources & organisational development & related professionals	21	63	33.3	206	9 809.52
Human resources clerks	69	270	25.6	455	6 594.20
Human resources related	90	212	42.5	616	6 844.44
Information technology related	12	27	44.4	82	6 833.33
Language practitioners, interpreters & other communicators	50	415	12.0	549	10 980.00
Legal related	17	181	9.4	433	25 470.59
Librarians and related professionals	4	22	18.2	22	5 500.00
Library mail and related clerks	62	294	21.1	375	6 048.39
Light vehicle drivers	0	6	0.0	0	-
Logistical support personnel	13	44	29.5	88	6 769.23
Material recording and transport clerks	17	77	22.1	116	6 823.53
Messengers porters and deliverers	42	601	7.0	197	4 690.48
Other administrative & related clerks and organisers	1020	8338	12.2	6 377	6 251.96
Other administrative policy and related officers	71	842	8.4	831	11 704.23
Other information technology personnel	3	22	13.6	34	11 333.33
Prosecutor	2372	3276	72.4	9 688	4 084.32
Protection services	83	77	107.8	364	4 385.54
Risk management and security services	17	25	68.0	74	4 352.94

Critical occupation	Beneficiary profile			Cost	
	Number of beneficiaries	Number of employees	% of total within occupation	Total cost (R'000)	Average cost per employee
Secretaries & other keyboard operating clerks	140	592	23.6	894	6 385.71
Security guards	2	8	25.0	10	5 000.00
security officers	22	228	9.6	149	6 772.73
Senior managers	170	369	46.1	1 657	9 747.06
Social sciences related	0	1	0.0	0	-
Social work and related professionals	12	120	10.0	144	12 000.00
Translators and air traffic communicators	66	1490	4.4	482	7 303.03
<b>TOTAL</b>	<b>5748</b>	<b>21752</b>	<b>26.4</b>	<b>32 450</b>	<b>5 645.44</b>

**Table 3.8.4 Performance related rewards (cash bonus), by salary band, for senior management service for the period 1 April 2021 to 31 March 2022**

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	41	165	1.9	322	7 853.66	0.0
Band B	127	175	10.3	540	4 251.97	0.0
Band C	2	23	0.0	799	399 500.00	0.0
Band D	0	9	0.0	0	-	0.0
<b>TOTAL</b>	<b>170</b>	<b>372</b>	<b>45.7</b>	<b>1 661</b>	<b>9 770.59</b>	<b>0.0</b>

### 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 2021 to 31 March 2022, by salary band**

Salary band	01 April 2021		31 March 2022		Change	
	Number	% of total	Number	% of total	Number	% change
Skilled (Levels 3-5)	7	5.4	3	2.00	-4	- 16.70
Highly skilled production (Levels 6-8)	3	2.3	4	2.60	1	4.20
Highly skilled supervision (Levels 9-12)	1	0.8	1	0.70	0	0.00
Senior management (Levels 13-16)	1	0.8	1	0.70	0	0.00
Other	117	90.7	144	94.10	27	111.70
<b>TOTAL</b>	<b>129</b>	<b>100.0</b>	<b>153</b>	<b>100.00</b>	<b>24</b>	<b>100.00</b>

**Table 3.9.2 Foreign workers, 1 April 2021 to 31 March 2022, by major occupation**

Major occupation	01 April 2020		31 March 2021		Change	
	Number	% of total	Number	% of total	Number	% change
Administrative office workers	123	95.30	146	95.40	23	95.80
Professionals and managers	6	4.70	7	4.60	1	4.20
<b>TOTAL</b>	<b>129</b>	<b>100.00</b>	<b>153</b>	<b>100.00</b>	<b>24</b>	<b>100.00</b>

**3.10 Leave utilisation**

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

**Table 3.10.1 Sick leave, 1 January 2021 to 31 December 2021**

Salary band	Total days	% of 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)	42	92.9	5	0.10	8	27
Skilled (Levels 3-5)	63853	77.7	8274	54.3	8	61968
Highly skilled production (Levels 6-8)	25271	78.5	3477	22.8	7	38471
Highly skilled supervision (Levels 9-12)	23867	83.8	3230	21.2	7	77124
Top and senior management (Levels 13-16)	1536	88.3	176	1.2	9	7697
Contract (other)	236	69.5	70	0.5	3	82
<b>TOTAL</b>	<b>114805</b>	<b>79.3</b>	<b>15232</b>	<b>100.0</b>	<b>8</b>	<b>185369</b>

**Table 3.10.2 Incapacity leave (temporary and permanent), 1 January 2021 to 31 December 2021**

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)	17395	99.9	633	54.8	27	17047
Highly skilled production (Levels 6-8)	7001	100.0	265	22.9	26	10678
Highly skilled supervision (Levels 9-12)	8028	100.0	236	20.4	34	27265
Senior management (Levels 13-16)	931	100.0	21	1.8	44	4932
Contract (other)	1	100.0	1	0.1	1	0
<b>TOTAL</b>	<b>33356</b>	<b>99.9</b>	<b>1156</b>	<b>100.0</b>	<b>29</b>	<b>59922</b>

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

**Table 3.10.3 Annual leave, 1 January 2021 to 31 December 2021**

Salary band	Total days taken	Average days per employee	Number of employees who took leave
Lower skilled (Levels 1-2)	208	23	9
Skilled (Levels 3-5)	255205	23	10913
Highly skilled production (Levels 6-8)	115210	23	5005
Highly skilled supervision (Levels 9-12)	122688	24	5060
Senior management (Levels 13-16)	8369	23	358
<b>Contract Other</b>	750	6	119
<b>TOTAL</b>	<b>502430</b>	<b>23</b>	<b>21464</b>

**Table 3.10.4 Capped leave, 1 January 2021 to 31 December 2021**

Salary band	Total days of capped leave taken	Average number of days taken per employee	Average capped leave per employee as at 31 December 2020	Number of employees who took capped leave
Skilled (Levels 3-5)	74.45	3	36	24
Highly skilled production (Levels 6-8)	355.25	6	52	59
Highly skilled supervision (Levels 9-12)	186.66	4	34	45
Senior management (Levels 13-16)	7.00	4	47	2
<b>Other</b>	0.00	0	50	0
<b>TOTAL</b>	<b>623.36</b>	<b>5</b>	<b>42</b>	<b>130</b>

**Table 3.10.5 Leave payouts for the period 1 April 2021 to 31 March 2022**

The following table summarises payments made to employees as a result of leave that was not taken.

Reason	Total amount (R'000)	Number of employees	Average per employee (R'000)
Leave payout for 2021/2022 due to non-utilization of leave for the previous cycle	66	2	33 000.00
Current leave payout on termination of service for 2021/2022	29 795	664	44 872.00
Capped leave payout on termination of service for 2021/2022	22955	175	131 171.00
<b>TOTAL</b>	<b>52816</b>	<b>841</b>	<b>62 801.00</b>

### 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.	Upon disclosure of their status and the request for reasonable accommodation, employees are being provided support according to their needs.
NPA: as determined in the HIV/AIDS national strategic plan – young female employees, and those located in provinces with high prevalence rate.	On site voluntary testing and referral for treatment and care.

**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 their name and position.	Yes		Kedibone Tsolo Director: EHW  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		Directorate: Employee health and wellness <ul style="list-style-type: none"> <li>• 1x Director</li> <li>• 1x Deputy director</li> <li>• 2x Assistant directors</li> <li>• 9x Regional EAP coordinators</li> </ul> NPA: Employee health and wellness unit: 3 in house staff members and outsourced service provider with a national presence
3. Has the Department introduced an employee assistance or health promotion programme for your employees? If so, indicate the key elements/services of this programme.	Yes		• Directorate; EHW  Key elements <ul style="list-style-type: none"> <li>• Proactive psychosocial services</li> <li>• Remedial psychosocial services</li> <li>• Quality of work life (physical activities)</li> </ul> NPA: Integrated EHWP to address the following pillars: HIV&AIDS and TB management Health and productivity management (mental health in the workplace - trauma debriefing, health promotion and management of chronic illnesses in the workplace), and wellness management (24/7 counseling and support service, managers support programme, proactive wellness workshops, sport and recreation programmes). COVID-19 awareness and vaccine programme.
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		• Mr I Koto (Deputy director: EHW) • Mr S Matshika (Deputy director: EE) • Ms R Toka (Deputy director: quality of work life)  NPA: The committee constitutes of the representatives from all the 10 regions and members from other key internal stakeholders. Names: Licky Dlodla - HRT, Anthony Bean - Eastern Cape, Margret Mashapa - Mpumalanga, Nthabeleng Tukani - Free State, Reneilwe Mashamaite - Limpopo, Nobekezela Madikizela - Mthatha, Jeff Matlou - North West, Mdumaneko Mkela - Northern Cape, Asewa Fundi - South Gauteng, Fiona Ross - Western Cape, Thabisile Radebe - Pietermaritzburg, Pertunia Moagi - integrity management, Mathilda Shaku - labour relations, Nanki Shihlane - EHWP, FP Semenya - EHWP
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		• People with disability policy • Recruitment policy • Employment equity policy • Sexual harassment policy • HIV/AIDS and TB policy  NPA: Policies were reviewed on 09 May 2022: HIV/AIDS, STI and TB management policy, wellness policy and health and productivity management policy.

Question	Yes	No	Details, if yes
6. Has the Department introduced measures to protect HIV positive employees or those perceived to be HIV positive from discrimination? If so, list the key elements of these measures.	Yes		<ul style="list-style-type: none"> <li>An HIV/AIDS and TB policy is in place and in the process of being reviewed.</li> <li>EAP services available to all employees.</li> <li>The NPA HIV/AIDS policy seeks to promote fairness and non-discrimination as well as support for affected and infected employees.</li> <li>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 2021 World AIDS Day to destigmatise and promote access to HIV and TB counselling and testing/screening services.</li> </ul>
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"> <li>Stakeholder relations established with GEMS, whereby health screening days are arranged for employees to undergo voluntary counselling and testing.</li> <li>Attendance is improving yearly and where applicable, reasonable accommodation provided.</li> <li>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.</li> </ul>
8. Has the Department developed measures/ indicators to monitor & evaluate the impact of its health promotion programme? If so, list these measures/indicators.	Yes		<ul style="list-style-type: none"> <li>Sick leave analysis report.</li> <li>Number of employees utilising the EHW services</li> <li>Reduced sick leave abuse.</li> <li>NPA: monthly, quartely and annual reports are utilised to measure the impact of the programme.</li> </ul>

### 3.12 Labour relations

**Table 3.12.1 Collective agreements, 1 April 2021 to 31 March 2022**

<b>Total collective agreements</b>	<b>None</b>
------------------------------------	-------------

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 2021 to 31 March 2022**

Outcomes of disciplinary hearings	Number	% of total
Acquittal	6	1.7
Demotion	2	0.6
Deceased	1	0.3
Dismissal	65	18.7
Section 17 deemed dismissed	2	0.6
Resignation	12	3.5
Corrective counselling	6	1.7
Suspended	52	15.0
Suspension without pay	6	1.7
Verbal warning	5	1.4
Written warning	55	15.9
Final warning	59	17.0
Case closed	21	6.1
Withdrawn	55	15.9
<b>TOTAL</b>	<b>347</b>	<b>100.0</b>

**Table 3.12.3 Types of misconduct addressed at disciplinary actions/hearings for the period 1 April 2021 to 31 March 2022**

Type of misconduct	Number	% of total
Abscondment	8	1.9
Absenteeism	12	2.9
Abuse of leave	5	1.2
Abuse of state property	6	1.5
Alcohol abuse	7	1.7
Assault	5	1.2
Bribery	5	1.2
Bringing the name of the NPA in disrepute	13	3.1
Corruption	21	5.1
Damage to state property	3	0.7
Dishonesty	24	5.8
Failure to comply with COVID-19 safety regulations	1	0.2
Financial disclosure	27	6.5
Fraud	33	8.0
Insubordination	23	5.6
Mismanagement of funds	2	0.5
Loss of state money	4	1.0
Making false and incorrect statement	1	0.2
Maladministration	1	0.2
Misrepresentation	9	2.2
Negligence	29	7.0
Neglect of duty	5	1.2
Non-compliance with policy	4	1.0
Off duty misconduct	1	0.2

Type of misconduct	Number	% of total
Poor performance	2	0.5
Sexual harassment	4	1.0
Theft	20	4.8
Unauthorised absence	36	8.7
Unethical behaviour	27	6.5
Intimidation	3	0.7
Insolence/unbecoming conduct	49	11.9
Misuse of state vehicle	8	1.9
Dereliction of duty	13	3.1
Under influence of alcohol	1	0.2
Racism	1	0.2
<b>TOTAL</b>	<b>413</b>	<b>100.0</b>

**Table 3.12.4 Grievances lodged for the period 1 April 2021 to 31 March 2022**

Grievances	Number	% of total
Number of grievances resolved	336	92.4
Number of grievances not resolved	16	3.8
Withdrawn	10	3.8
Pending	16	3.8
<b>Total number of grievances</b>	<b>378</b>	<b>100%</b>

**Table 3.12.5 Disputes lodged with councils for the period 1 April 2021 to 31 March 2022**

Number of dispute outcome	Number	% of Total
Number of disputes settled	21	14.4
Number of disputes upheld	1	0.7
Number of disputes withdrawn	37	25.3
Number of disputes dismissed	71	48.6
Number of disputes unresolved	16	11.0
<b>Total</b>	<b>146</b>	<b>100.0</b>

**Table 3.12.6 Strike actions for the period 1 April 2021 to 31 March 2022**

Total number of person working days lost	<b>0</b>
Total cost (R'000) of working days lost	<b>0</b>
Amount (R'000) recovered as a result of no work no pay	<b>0</b>

**Table 3.12.7 Precautionary suspensions for the period 1 April 2021 to 31 March 2022**

Number of people suspended	40
Number of people whose suspension exceeded 30 days	40
Average number of days suspended (all cases)	562 days
Cost of suspension (R'000) (all cases)	<b>R 25 532 358</b>

### 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 2021 to 31 March 2022**

Occupational category	Gender	Number of employees as at 1 April 2020	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	160	0	45	0	45
	Male	194	0	35	0	35
Professionals	Female	3337	0	1144	0	1144
	Male	2989	0	1087	0	1087
Technicians and associate professionals	Female	1106	0	1005	0	1005
	Male	655	0	628	0	628
Clerks	Female	7727	0	901	0	901
	Male	3686	0	572	0	572
Service and sales workers	Female	121	0	46	0	46
	Male	291	0	36	0	36
Plant and machine operators and assemblers	Female	0	0	0	0	0
	Male	12	0	0	0	0
Labourers and related workers	Female	313	0	51	0	51
	Male	329	0	53	0	53
<b>Subtotal</b>	<b>Female</b>	<b>12764</b>	<b>0</b>	<b>3192</b>	<b>0</b>	<b>3192</b>
	<b>Male</b>	<b>8156</b>	<b>0</b>	<b>2411</b>	<b>0</b>	<b>2411</b>
<b>Total</b>		<b>20920</b>	<b>0</b>	<b>5603</b>	<b>0</b>	<b>5603</b>

**Table 3.13.2 Training provided 1 April 2021 to 31 March 2022**

Occupational category	Gender	Number of employees as at 1 April 2020	Training provided within the reporting period			
			Learnerships	Skills programmes & other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	160	0	43	0	43
	Male	194	0	54	0	54
Professionals	Female	3337	0	846	0	846
	Male	2989	0	806	0	806
Technicians and associate professionals	Female	1106	0	1536	0	1536
	Male	655	0	996	0	996
Clerks	Female	7727	0	2530	0	2530
	Male	3686	0	1525	0	1525
Service and sales workers	Female	121	0	45	0	45
	Male	291	0	65	0	65
Plant and machine operators and assemblers	Female	0	0	0	0	0
	Male	12	0	0	0	0
Labourers and related workers	Female	313	0	44	0	44
	Male	329	0	125	0	125

Occupational category	Gender	Number of employees as at 1 April 2020	Training provided within the reporting period			
			Learnerships	Skills programmes & other short courses	Other forms of training	Total
Subtotal	Female	12764	0	5044	0	5044
	Male	8156	0	3571	0	3571
<b>Total</b>		<b>20920</b>	<b>0</b>	<b>8615</b>	<b>0</b>	<b>8615</b>

### 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 2021 to 31 March 2022**

Nature of injury on duty	Number	% of total
Required basic medical attention only	15	100.0
Pending investigation	0	0.0
Temporary total disablement	0	0.0
Permanent disablement	0	0.0
Fatal	0	0.0
<b>Total</b>	<b>15</b>	<b>100.0</b>

### 3.15 Utilisation of consultants

The following table relates information on the utilisation of consultants in the Department.

In terms of the Public Service Regulations, “consultant” means a natural or juristic person or a partnership who or which provides in terms of a specific contract on an ad hoc basis any of the following professional services to a department against remuneration received from any source:

- (a) The rendering of expert advice;
- (b) The drafting of proposals for the execution of specific tasks, and
- (c) The execution of a specific task which is of a technical or intellectual nature, but excludes an employee of the Department.

**Table 3.15.1: Report on consultants appointments using appropriated funds for the period 1 April 2021 to 31 March 2022**

Project title	Total number of consultants that worked on the project	Duration: work days	Contract value in Rand
-	-	-	-
<b>Total number of projects</b>	<b>Total individual consultants</b>	<b>Total duration: work days</b>	<b>Total contract value in Rand</b>
-	-	-	-

**Table 3.15.2 –Analysis of consultant appointments using appropriated funds, in terms of historically disadvantaged individuals (HDI's) for the period 1 April 2021 to 31 March 2022**

Project title	Percentage ownership by HDI groups	Percentage management by HDI groups	Number of consultants from HDI groups that work on the project
-	-	-	-

**Table 3.15.3 Report on consultant appointments using donor funds for the period 1 April 2021 to 31 March 2022**

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 (HDI's) for the period 1 April 2021 to 31 March 2022**

Project title	Percentage ownership by HDI groups	Percentage management by HDI groups	Number of consultants from HDI groups that work on the project
-	-	-	-

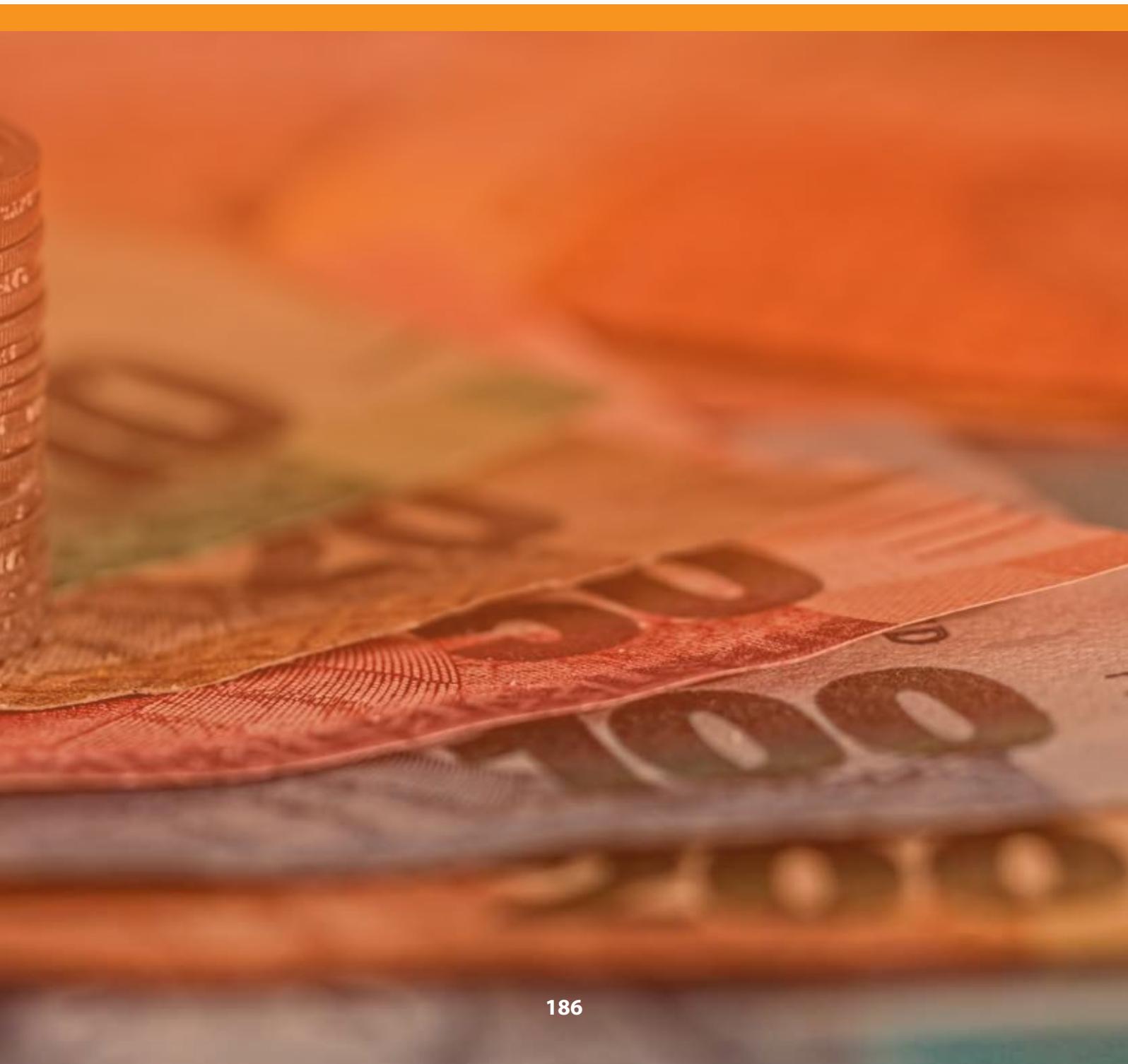
### 3.16 Severance packages

**Table 3.16.1 Granting of employee initiated severance packages for the period 1 April 2021 to 31 March 2022**

Salary band	Number of applications received	Number of applications approved	Number of applications supported by MPSA	Number of packages approved by the Department
Lower skilled (Levels 1-2)	0	0	0	0
Skilled (Levels 3-5)	0	0	0	0
Highly skilled production (Levels 6-8)	0	0	0	0
Highly skilled supervision (Levels 9-12)	0	0	0	0
Senior management (Levels 13-16)	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

# PART E:

## **FINANCIAL INFORMATION**



# Report of the auditor-general to Parliament on vote no. 25: 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 set out on pages 194 to 259 which comprise the appropriation statement, statement of financial position as at 31 March 2022, the statement of financial performance, statement of changes in net assets and cash flow statement for the year then ended, as well as notes to the financial statements, including a summary of significant accounting policies.
2. In my opinion, except for the effects of the matters described in the basis for qualified opinion section of this auditor's report, the financial statements present fairly, in all material respects, the financial position of the Department of Justice and Constitutional Development as at 31 March 2022, and its financial performance and cash flows for the year then ended in accordance with the Modified Cash Standard (MCS) prescribed by the National Treasury (NT) and the requirements of the Public Finance Management Act 1 of 1999 (PFMA).

### Basis for qualified opinion

#### Contingent liabilities

3. I was unable to obtain sufficient appropriate audit evidence for contingent liabilities, as the Department did not maintain accurate and complete records of the information used to determine the possibility of the outflow of litigations and claims against the Department. I could not confirm the amounts by alternative means. Consequently, I was unable to determine whether any adjustment was necessary to contingent liabilities stated at R7 061 021 000 (2021: R5 188 087 000) in note 19.1 to the financial statements. The misstatement also occurred in the previous year, remains unresolved and is material.

### 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 my report.
5. I am independent of the Department in accordance with the International Ethics Standards Board for Accountants' *International code of ethics for professional accountants (including International Independence Standards)* (IESBA code) as well as other 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 code.
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.

#### Material impairments- Receivables

8. As disclosed in note 12.6 to the financial statements, material impairments of R 1 602 275 000 (2021: R1 362 928 000) were reported. This was due to financial constraints of client departments.

#### Restatement of corresponding figures

9. As disclosed in note 37 to the financial statements, the corresponding figures for 31 March 2021 were restated as a result in the financial statements of the Department at, and for the year ended, 31 March 2022.

### 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 from page 260 to 272 does not form part of the financial statements and is presented as additional information. I have not audited these schedules and, accordingly, I do not express an opinion on them.

**Responsibilities of the accounting officer for the financial statements**

- 12. The accounting officer is responsible for the preparation and fair presentation of the financial statements in accordance with the Modified Cash Standard (MCS) as prescribed by National Treasury and the requirements of the Public Finance Management Act 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 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 a 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 Department’s approved performance planning documents. 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 do not extend to any disclosures or assertions relating to the extent of achievements in the current year or 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 Department’s annual performance report for the year ended 31 March 2022:

Programmes	Pages in the annual performance report
Programme 3 - State legal services	82-94

- 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 on the usefulness and reliability of the performance information of the programme are as follows:

### Programme 3 – State legal services

- 5.1.1 Percentage of liquidation and distribution accounts in large estates (>250 000) examined within 15 days from receipt of all required documents
- 21. The source information for achieving the planned indicator was not clearly defined.
- 8.4.1 Policy Guideline on the conferral of senior counsel status implemented
- 22. The source information for achieving the planned indicator was not clearly defined.

#### Various indicators

- 23. The achievements reported in the annual performance report materially differed from the supporting evidence provided for the indicators listed below:

Indicator description	Reported achievement
8.1.1 Percentage of value of briefs allocated to PDI legal practitioners	83%
8.3.1 Percentage of briefs allocated to female legal practitioners	40%

- 24. The achievements below were reported in the annual performance report for the listed indicators. However, some supporting evidence provided materially differed from the reported achievement, 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
7.3.1 Percentage of litigation cases settled	64%
8.2.1 Percentage of value of briefs allocated to female legal practitioners	29%
9.4.1 Percentage of valid requests for extradition and mutual legal assistance in criminal matters processed and submitted to the Director-General within 20 days from the date of receipt	57%

### Revised Annual Performance Plan:

- 5.1.1 Percentage of liquidation and distribution accounts in large estates (>250 000) examined within 21 days from receipt of all required documents
- 25. The source of information for achieving the planned indicator was not clearly defined.

#### Other matters

- 26. I draw attention to the matters below.

#### Achievement of planned targets

- 27. Refer to the annual performance report on pages 41 to 110 for information on the achievement of planned targets for the year and management’s explanations provided for the under/over achievement of targets. This information should be considered in the context of the qualified opinions on the usefulness and reliability of the reported performance information in paragraphs 21 to 25 of this report.

#### Adjustment of material misstatements

- 28. I identified material misstatements in the annual performance report submitted for auditing. These material misstatements were in the reported performance information of programme 3 - state legal services. As management subsequently corrected only some the misstatements, I raised material findings on the usefulness and reliability of the reported performance information. Those that were not corrected are reported above.

### Report on the audit of compliance with legislation

#### Introduction and scope

- 29. 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.
- 30. The material findings on compliance with specific matters in key legislation are as follows:

**Annual financial statements, performance and annual report**

- 31. The financial statements submitted for auditing were not prepared in accordance with the prescribed financial reporting framework and/or supported by full and proper records, as required by section 40(1) (a) of the PFMA.
- 32. Material misstatements of current assets and disclosure items identified by the auditors in the submitted financial statements were corrected, but the uncorrected material misstatements resulted in the financial statements receiving a qualified opinion.

**Expenditure management**

- 33. Effective and appropriate steps were not taken to prevent irregular expenditure amounting to R900 861 000, as disclosed in note 25 to the annual financial statements, as required by section 38(1)(c)(ii) of the PFMA and treasury regulation 9.1.1. The majority of the irregular expenditure was caused by non-compliance with SCM regulations.
- 34. 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**

- 35. Some of the goods and services were procured without obtaining at least three written price quotations in accordance with Treasury Regulation 16A6.1, paragraph 3.3.1 of Practice Note 8 of 2007/08 and paragraph 3.2.1 of SCM instruction note 2 of 2021/22. Similar non-compliance was also reported in the prior year.
- 36. 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 Regulation 16A6.3 (b). Similar non-compliance was also reported in the prior year. This non-compliance was identified in the procurement processes for the state attorney.

**Revenue management**

- 37. Effective and appropriate steps were not taken to collect all money due, as required by section 38(1)(c)(i) of the PFMA.

**Consequence management**

- 38. I was unable to obtain sufficient appropriate audit evidence that disciplinary steps were

taken against officials who had incurred irregular expenditure as required by section 38(1)(h)(iii) of the PFMA. This was due to proper and complete records that were not maintained as evidence to support the investigations into irregular expenditure.

- 39. I was unable to obtain sufficient appropriate audit evidence that investigations were conducted into all allegations of financial misconduct committed by officials, as required by treasury regulation 4.1.1.

**Asset management**

- 40. The Department did not determine if any state institution involved in education and/or training required computer equipment before disposal of such equipment, as requested by treasury regulation 16A.7.7

**Other information**

- 41. The accounting officer is responsible for the other information. The other information comprises the information included in the annual report. The other information does not include the financial statements, the auditor's report and those selected programmes presented in the annual performance report that have been specifically reported in this auditor's report.
- 42. 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 on it.
- 43. 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.
- 44. I did not receive the other information prior to the date of this auditor's report. When I do receive and read this information, 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

45. 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.
46. The oversight and monitoring processes by the accounting officer were not effective in addressing the shortcomings in internal controls and were not able to prevent material misstatements from being reported in the financial statements, annual performance report and in compliance with laws and regulations.
47. Senior management did not ensure the effective monitoring of the action plan to address prior year findings resulting in similar findings in the current financial year.
48. Proper record keeping needs to be enhanced due to deficiencies identified during the audit process specifically in areas of predetermined objectives, and reconciliations need to be performed on a regular basis.
52. In the prior financial year, at the Department's request, an independent consultant investigated allegations of possible procurement irregularities in the risk and security environment. Two reports on investigations into the procurement process relating to specific security related awards were issued in February 2020 and resulted in disciplinary proceedings being instituted. These proceedings were still in progress at the date of the prior year auditor's report. As at the date of this auditor's report, disciplinary hearings were conducted against the abovementioned employees. During the course of the proceedings, the individuals resigned from the employ of the DoJ, and the reports were finalised.
53. The president of the country has, in terms of the Special Investigating Units and Special Tribunals Act 74 of 1996 (SIUSTA), authorised the Special Investigating Unit to investigate the affairs of the Department of Justice and Constitutional Development in so far as they relate to the Office of the State Attorney and all its branches. This investigation, which covers the period 2012-13 to 2018-19, was still in progress at the date of this auditor's report.
54. The president of the country has, in terms of SIUSTA, authorised the Special Investigating Unit to investigate the affairs of the Department of Justice and Constitutional Development in so far as it relates to all Masters Offices across the country. This investigation was still in progress at the date of this auditor's report. The SIU investigation is continuing and due to an influx of new matters, the investigation has been extended to 31 July 2022. Due to ongoing matters received in respect of the project, the planned end date will be revised.

## Material irregularities

49. In accordance with the PAA and the Material Irregularity Regulations, I have a responsibility to report on material irregularities identified during the audit.
50. Currently there are no material irregularities that have been reported for this audit.

## Other reports

51. 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. The reports did not form part of my opinion on the financial statements or my findings on the reported performance information or compliance with legislation.

*Auditor-General*

Pretoria

31 July 2022



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 provide the accounting officer with a statement that I have complied with relevant ethical requirements regarding independence, and to communicate with them all relationships and other matters that may reasonably be thought to bear on my independence and, where applicable, actions taken to eliminate threats or safeguards applied.

# **ANNUAL FINANCIAL STATEMENTS**

FOR THE DEPARTMENT OF JUSTICE AND  
CONSTITUTIONAL DEVELOPMENT

For the year ended  
31 March 2022

**APPROPRIATION STATEMENT**

For the year ended 31 March 2022

# Table of contents

Appropriation Statement	195
Notes to the Appropriation Statement	214
Statement of Financial Performance	216
Statement of Financial Position	217
Statement of Changes in Net Assets	218
Cash Flow Statement	219
Notes to the Annual Financial Statements (including Accounting policies)	220
Annexures	262

## APPROPRIATION STATEMENT

For the year ended 31 March 2022

Appropriation per programme										
	2021/22					2020/21				
Programme	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	3 140 650	-	(155 087)	2 985 563	2 754 748	230 815	92.3%	2 920 749	2 704 685	
2. Court services	6 767 418	-	(15 809)	6 751 609	6 680 208	71 401	98.9%	6 373 234	6 204 613	
3. State legal services	1 417 950	-	39 086	1 457 036	1 372 842	84 194	94.2%	1 454 823	1 374 690	
4. National Prosecuting Authority	4 535 625	-	155 534	4 691 159	4 690 923	236	100.0%	4 300 819	4 196 852	
5. Auxiliary and associated services	3 647 065	-	(23 724)	3 623 341	3 601 628	21 713	99.4%	3 616 658	3 404 641	
<b>Subtotal</b>	<b>19 508 708</b>	-	-	<b>19 508 708</b>	<b>19 100 349</b>	<b>408 359</b>	<b>97.9%</b>	<b>18 666 283</b>	<b>17 885 481</b>	
Statutory appropriation	2 396 489	-	-	2 396 489	2 174 511	221 978	90.7%	2 442 459	2 146 761	
Magistrates' salaries	2 396 489	-	-	2 396 489	2 174 511	221 978	90.7%	2 442 459	2 146 761	
<b>TOTAL</b>	<b>21 905 197</b>	-	-	<b>21 905 197</b>	<b>21 274 860</b>	<b>630 337</b>	<b>97.1%</b>	<b>21 108 742</b>	<b>20 032 242</b>	

**APPROPRIATION STATEMENT**

For the year ended 31 March 2022

	2021/22		2020/21	
	Final appropriation	Actual expenditure	Final appropriation	Actual expenditure
<b>TOTAL (brought forward)</b>				
<b>Reconciliation with statement of financial performance</b>				
<b>ADD</b>				
Departmental receipts	365 382		337 335	
Aid assistance	18 900		93 811	
<b>Actual amounts per statement of financial performance (total revenue)</b>	<b>22 289 479</b>		<b>21 539 888</b>	
<b>ADD</b>				
Aid assistance		18 003		75 045
<b>Actual amounts per statement of financial performance (total expenditure)</b>		<b>21 292 863</b>		<b>20 107 287</b>

## APPROPRIATION STATEMENT

For the year ended 31 March 2022

Statutory Appropriation per economic classification										
	2021/22					2020/21				
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure	
Economic classification	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	
<b>Economic classification</b>										
<b>Economic classification</b>										
<b>Current payments</b>	<b>17 792 848</b>	<b>(163 717)</b>	<b>(59 865)</b>	<b>17 569 266</b>	<b>17 010 828</b>	<b>558 437</b>	<b>96.8%</b>	<b>17 103 447</b>	<b>16 136 184</b>	
Compensation of employees	12 560 332	-	(9 092)	12 551 240	12 211 482	339 757	97.3%	12 115 680	11 524 139	
Salaries and wages	11 082 578	(297 058)	(4 638)	10 780 882	10 573 995	206 886	98.1%	10 403 696	9 947 983	
Social contributions	1 477 754	297 058	(4 454)	1 770 358	1 637 487	132 871	92.5%	1 711 984	1 576 156	
Goods and services	5 232 516	(163 717)	(50 773)	5 018 026	4 799 346	218 680	95.6%	4 987 767	4 612 045	
Administrative fees	32 795	(2 417)	(5 157)	25 221	25 221	-	100.0%	23 026	23 026	
Advertising	27 189	(3 872)	(6 263)	17 054	17 054	-	100.0%	16 833	16 833	
Minor assets	44 196	(17 037)	(7 931)	19 228	19 229	(1)	100.0%	28 984	28 984	
Audit costs: external	43 982	15 978	(4 566)	55 394	55 394	-	100.0%	31 239	31 239	
Bursaries: employees	8 767	(203)	768	9 332	9 332	-	100.0%	7 034	7 034	
Catering: departmental activities	10 564	(5 879)	(2 216)	2 469	2 469	-	100.0%	1 534	1 534	
Communication	135 039	(16 059)	1 740	120 720	120 720	-	100.0%	108 764	108 764	
Computer services	1 076 727	(47 366)	(149 757)	879 604	857 891	21 713	97.5%	1 010 191	820 764	
Consultants: business and advisory services	216 601	(68 164)	12 593	161 030	159 543	1 487	99.1%	147 813	135 745	
Laboratory services	2 338	(813)	(831)	694	694	-	100.0%	503	503	
Legal services	146 023	46 198	83 581	275 802	272 213	3 589	98.7%	239 447	182 568	
Contractors	90 190	7 740	30 113	128 043	128 043	-	100.0%	114 600	114 600	
Agency and support / outsourced services	257 257	(67 317)	(45 337)	144 603	144 603	-	100.0%	217 124	202 606	
Entertainment	8	(5)	-	3	3	-	100.0%	4	4	
Fleet services	68 721	(12 077)	7 128	63 772	63 772	-	100.0%	47 535	47 535	
Inventory: fuel, oil and gas	-	-	79	79	79	-	100.0%	-	-	

## APPROPRIATION STATEMENT

For the year ended 31 March 2022

Statutory Appropriation per economic classification											
	2021/22						2020/21				
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure		
Economic classification	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000	
Inventory: other supplies	-	-	-	-	-	-	-	113	113	113	
Consumable supplies	27 050	(612)	136	26 574	26 574	-	100.0%	45 334	45 334	45 334	
Consumables: stationery printing and office supplies	223 637	(55 536)	20 299	188 400	188 400	-	100.0%	168 779	168 779	168 779	
Operating leases	1 042 247	(3 285)	17 432	1 056 394	930 790	125 604	88.1%	1 038 070	944 239	944 239	
Property payments	1 247 303	132 006	13 272	1 392 581	1 326 293	66 288	95.2%	1 388 822	1 381 744	1 381 744	
Transport provided: departmental activity	79	(79)	-	-	-	-	-	-	-	-	
Travel and subsistence	274 645	9 923	(4 234)	280 334	280 334	-	100.0%	213 399	211 478	211 478	
Training and development	26 298	(9 201)	(11 154)	5 943	5 943	-	100.0%	3 299	3 299	3 299	
Operating payments	220 125	(63 182)	315	157 258	157 258	-	100.0%	130 038	130 038	130 038	
Venues and facilities	6 758	292	(387)	6 663	6 663	-	100.0%	4 245	4 245	4 245	
Rental and hiring	3 977	(2 829)	(317)	831	831	-	100.0%	1 037	1 037	1 037	
<b>Transfers and subsidies</b>	<b>3 186 173</b>	<b>-</b>	<b>9 093</b>	<b>3 195 266</b>	<b>3 179 180</b>	<b>16 086</b>	<b>99.5%</b>	<b>3 114 013</b>	<b>3 076 592</b>	<b>3 076 592</b>	
Provinces and municipalities	988	(6)	(318)	664	664	-	100.0%	690	690	690	
<b>Municipalities</b>	<b>988</b>	<b>(6)</b>	<b>(318)</b>	<b>664</b>	<b>664</b>	<b>-</b>	<b>100.0%</b>	<b>690</b>	<b>690</b>	<b>690</b>	
Municipal bank accounts	988	(6)	(318)	664	664	-	100.0%	690	690	690	
<b>Departmental agencies and accounts</b>	<b>3 056 572</b>	<b>(12)</b>	<b>53</b>	<b>3 056 613</b>	<b>3 054 093</b>	<b>2 520</b>	<b>99.9%</b>	<b>2 955 638</b>	<b>2 955 638</b>	<b>2 955 638</b>	
Departmental agencies and accounts	3 056 572	(12)	53	3 056 613	3 054 093	2 520	99.9%	2 955 638	2 955 638	2 955 638	
Foreign governments and international organisations	19 915	-	(3 200)	16 715	13 703	3 012	82.0%	16 048	14 498	14 498	
<b>Households</b>	<b>108 698</b>	<b>18</b>	<b>12 558</b>	<b>121 274</b>	<b>110 720</b>	<b>10 554</b>	<b>91.3%</b>	<b>141 637</b>	<b>105 766</b>	<b>105 766</b>	
Social benefits	104 825	895	10 644	116 364	105 958	10 406	91.1%	137 360	101 489	101 489	

## APPROPRIATION STATEMENT

For the year ended 31 March 2022

Economic classification	2021/22						2020/21		
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Other transfers to households	3 873	(877)	1 914	4 910	4 762	148	97,0%	4 277	4 277
<b>Payments for capital assets</b>	<b>926 022</b>	<b>160 934</b>	<b>6 688</b>	<b>1 093 644</b>	<b>1 037 831</b>	<b>55 813</b>	<b>94,9%</b>	<b>728 602</b>	<b>656 785</b>
<b>Buildings and other fixed structures</b>	666 261	1 175	(3 235)	664 201	609 389	54 812	91,7%	343 403	290 661
Buildings	659 672	4 292	(3 165)	660 799	609 153	51 646	92,2%	343 327	290 585
Other fixed structures	6 589	(3 117)	(70)	3 402	236	3 166	6,9%	76	76
<b>Machinery and equipment</b>	254 968	74 332	(42 030)	287 270	286 269	1 001	99,7%	364 171	346 596
Transport equipment	95 408	7 050	(16 178)	86 280	85 958	322	99,6%	82 169	78 569
Other machinery and equipment	159 560	67 282	(25 852)	200 990	200 311	679	99,7%	282 002	268 027
Software and other intangible assets	4 793	85 427	51 953	142 173	142 173	-	100,0%	21 028	19 528
<b>Payments for financial assets</b>	<b>154</b>	<b>2 783</b>	<b>44 084</b>	<b>47 021</b>	<b>47 021</b>	<b>-</b>	<b>100,0%</b>	<b>162 680</b>	<b>162 680</b>
<b>Total</b>	<b>21 905 197</b>	<b>-</b>	<b>-</b>	<b>21 905 197</b>	<b>21 274 860</b>	<b>630 336</b>	<b>97,1%</b>	<b>21 108 742</b>	<b>20 032 242</b>

## APPROPRIATION STATEMENT

For the year ended 31 March 2022

Programme 1: Administration									
2021/22									
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Sub programme</b>									
1. Ministry	38 300	(4 251)	240	34 289	30 588	3 701	89,2%	30 130	28 338
2. Management	56 529	430	128	57 087	54 827	2 260	96,0%	54 935	47 783
3. Corporate service	1 197 751	5 943	(143 212)	1 060 482	1 034 624	25 858	97,6%	1 076 436	986 337
4. Financial administration	217 629	(19)	(12 243)	205 367	203 665	1 702	99,2%	212 087	200 480
5. Internal audit	102 618	(2 103)	-	100 515	95 113	5 402	94,6%	88 989	84 484
6. Office accommodation	1 527 823	-	-	1 527 823	1 335 931	191 892	87,4%	1 458 172	1 357 263
<b>Total for sub programmes</b>	<b>3 140 650</b>	<b>-</b>	<b>(155 087)</b>	<b>2 985 563</b>	<b>2 754 748</b>	<b>230 815</b>	<b>92,3%</b>	<b>2 920 749</b>	<b>2 704 685</b>
<b>Economic classification</b>									
<b>Current payments</b>	<b>3 092 095</b>	<b>(264)</b>	<b>(167 183)</b>	<b>2 924 648</b>	<b>2 696 116</b>	<b>228 532</b>	<b>92,2%</b>	<b>2 863 368</b>	<b>2 647 304</b>
Compensation of employees	640 472	-	(6 558)	633 914	597 274	36 639	94,2%	616 480	569 034
Salaries and wages	556 749	(1 398)	(2 104)	553 247	523 233	30 013	94,6%	535 142	497 112
Social contributions	83 723	1 398	(4 454)	80 667	74 041	6 626	91,8%	81 338	71 922
Goods and services	2 451 623	(264)	(160 625)	2 290 734	2 099 180	191 892	91,6%	2 246 888	2 078 270
Administrative fees	5 939	(1)	(1 392)	4 546	4 546	-	100,0%	3 931	3 931
Advertising	17 137	-	(4 976)	12 161	12 161	-	100,0%	15 250	15 250
Minor assets	2 509	(38)	(1 461)	1 010	1 010	-	100,0%	1 464	1 464
Audit costs: external	43 982	15 978	(4 566)	55 394	55 394	-	100,0%	31 239	31 239
Bursaries: employees	7 742	-	(929)	6 813	6 813	-	100,0%	4 520	4 520
Catering: departmental activities	2 319	(233)	(1 388)	698	698	-	100,0%	347	347
Communication	18 265	(1 465)	(5 153)	11 647	11 647	-	100,0%	12 254	12 254
Computer services	557 039	(19 906)	(82 552)	454 581	454 581	-	100,0%	410 736	410 736

## APPROPRIATION STATEMENT

For the year ended 31 March 2022

Programme 1: Administration											
2021/22											2020/21
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure		
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000		R'000
Consultants: business and advisory services	1 180 059	(92)	(12 207)	1 057 660	1 057 760	-	100,0%	1 125 577	1 017 747		101 747
Laboratory services	-	3	-	3	3	-	100,0%	-	-		-
Legal services	34 205	10 267	-	44 472	44 472	-	100,0%	141 443	84 564		84 564
Contractors	5 928	89	(2 356)	3 661	3 661	-	100,0%	4 025	4 025		4 025
Agency and support / outsourced services	6 207	253	(6 197)	263	263	-	100,0%	1 188	1 188		1 188
Entertainment	8	(5)	-	3	3	-	100,0%	4	4		4
Fleet services	2 701	(85)	(775)	1 841	1 841	-	100,0%	940	940		940
Consumable supplies	1 753	(293)	(685)	775	775	-	100,0%	4 272	4 272		4 272
Consumables: stationery printing and office supplies	19 901	(1 044)	(10 881)	7 976	7 976	-	100,0%	13 169	13 169		13 169
Operating leases	1 016 718	(705)	(1 206)	1 014 807	889 203	125 604	87,6%	1 002 615	908 784		908 784
Property payments	520 215	(4 877)	-	515 338	449 050	66 288	87,1%	459 626	452 548		452 548
Transport provided: departmental activity	75	(75)	-	-	-	-	-	-	-		-
Travel and subsistence	49 484	2 580	(15 811)	36 253	36 253	-	100,0%	17 440	17 440		17 440
Training and development	8 603	(458)	(6 420)	1 725	1 725	-	100,0%	1 262	1 262		1 262
Operating payments	8 524	(810)	(369)	7 345	7 345	-	100,0%	7 143	7 143		7 143
Venues and facilities	2 876	1 449	(974)	3 351	3 351	-	100,0%	1 306	1 306		1 306
Rental and hiring	1 434	(796)	(327)	311	311	-	100,0%	137	137		137
<b>Transfers and subsidies</b>	<b>23 933</b>	<b>-</b>	<b>1 748</b>	<b>25 681</b>	<b>23 398</b>	<b>2 283</b>	<b>91,1%</b>	<b>21 963</b>	<b>21 963</b>		<b>21 963</b>
Provinces and municipalities	52	(5)	-	47	47	-	100,0%	34	34		34
<b>Municipalities</b>	<b>52</b>	<b>(5)</b>	<b>-</b>	<b>47</b>	<b>47</b>	<b>-</b>	<b>100,0%</b>	<b>34</b>	<b>34</b>		<b>34</b>

## APPROPRIATION STATEMENT

For the year ended 31 March 2022

Programme 1: Administration									
2021/22									
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Municipal bank accounts	52	(5)	-	47	47	-	100,0%	34	34
<b>Departmental agencies and accounts</b>	<b>19 363</b>	<b>(13)</b>	<b>61</b>	<b>19 411</b>	<b>17 128</b>	<b>2 283</b>	<b>88,2%</b>	<b>18 443</b>	<b>18 443</b>
Departmental agencies and accounts	19 363	(13)	61	19 411	17 128	2 283	88,2%	18 443	18 443
<b>Households</b>	<b>4 518</b>	<b>18</b>	<b>1 687</b>	<b>6 223</b>	<b>6 223</b>	<b>-</b>	<b>100,0%</b>	<b>3 486</b>	<b>3 486</b>
Social benefits	4 518	18	1 687	6 223	6 223	-	100,0%	3 486	3 486
<b>Payments for capital assets</b>	<b>24 611</b>	<b>-</b>	<b>10 010</b>	<b>34 621</b>	<b>34 621</b>	<b>-</b>	<b>100,0%</b>	<b>35 417</b>	<b>35 417</b>
<b>Buildings and other fixed structures</b>									
<b>Machinery and equipment</b>	<b>19 818</b>	<b>3 972</b>	<b>10 010</b>	<b>33 800</b>	<b>33 800</b>	<b>-</b>	<b>100,0%</b>	<b>35 417</b>	<b>35 417</b>
Transport equipment	4 473	518	195	5 186	5 186	-	100,0%	1 207	1 207
Other machinery and equipment	15 345	3 454	9 815	28 614	28 614	-	100,0%	34 210	34 210
Software and other intangible assets	4 793	(3 972)	338	1 159	1 159	-	100,0%	-	-
<b>Payments for financial assets</b>	<b>11</b>	<b>264</b>	<b>-</b>	<b>275</b>	<b>275</b>	<b>-</b>	<b>100,0%</b>	<b>1</b>	<b>1</b>
<b>Total</b>	<b>3 140 650</b>	<b>-</b>	<b>(155 087)</b>	<b>2 985 563</b>	<b>2 754 748</b>	<b>230 815</b>	<b>92,3%</b>	<b>2 920 749</b>	<b>2 704 685</b>

## APPROPRIATION STATEMENT

For the year ended 31 March 2022

Programme 2: Court services											
2021/22											2020/21
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure		
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000		R'000
<b>Sub programme</b>											
1. Lower courts	5 181 894	48 516	2 506	5 232 916	5 232 916	-	100,0%	5 109 430	5 052 616		
2. Family advocate	284 038	(15 539)	(4 622)	263 877	248 595	15 282	94,2%	246 193	236 702		
3. Magistrate's commission	15 153	(2 215)	(183)	12 755	11 575	1 180	90,7%	17 328	13 417		
4. Facilities management	717 629	(21 486)	(7 753)	688 390	633 578	54 812	92,0%	378 149	324 503		
5. Administration of courts	568 704	(9 276)	(5 757)	553 671	553 544	127	100,0%	622 134	577 375		
<b>Total for subprogrammes</b>	<b>6 767 418</b>	<b>-</b>	<b>(15 809)</b>	<b>6 751 609</b>	<b>6 680 208</b>	<b>71 401</b>	<b>98,9%</b>	<b>6 373 234</b>	<b>6 204 613</b>		
<b>Economic classification</b>											
<b>Current payments</b>	<b>5 938 883</b>	<b>(2 505)</b>	<b>32 239</b>	<b>5 968 617</b>	<b>5 952 028</b>	<b>16 589</b>	<b>99,7%</b>	<b>5 846 448</b>	<b>5 737 862</b>		
Compensation of employees	4 430 987	-	-	4 430 987	4 414 398	16 589	99,6%	4 326 626	4 218 040		
Salaries and wages	3 764 717	(102 767)	-	3 661 950	3 645 988	15 963	99,6%	3 579 277	3 471 021		
Social contributions	666 270	102 767	-	769 037	768 410	626	99,9%	747 349	747 019		
Goods and services	1 507 896	(2 505)	32 239	1 537 630	1 537 630	-	100,0%	1 519 822	1 519 822		
Administrative fees	7 072	(2 488)	-	4 584	4 584	-	100,0%	3 697	3 697		
Advertising	5 108	(4 223)	-	885	885	-	100,0%	1 209	1 209		
Minor assets	24 159	(11 027)	-	13 132	13 132	-	100,0%	18 671	18 671		
Audit costs: external	-	-	-	-	-	-	-	-	-		
Catering: departmental activities	2 351	(1 467)	-	884	884	-	100,0%	844	844		
Communication	80 891	(6 379)	3 096	77 608	77 608	-	100,0%	71 214	71 214		
Computer services	1 812	(1 537)	(126)	149	149	-	100,0%	340	340		
Consultants: business and advisory services	36 380	(8 590)	(466)	27 324	27 324	-	100,0%	28 353	28 353		

## APPROPRIATION STATEMENT

For the year ended 31 March 2022

Programme 2: Court services											
2021/22											2020/21
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure		
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000		R'000
Laboratory services	2 338	(816)	(831)	691	691	-	100,0%	503	503		503
Legal services	30 972	(3 784)	(1 205)	25 983	25 983	-	100,0%	24 432	24 432		24 432
Contractors	68 979	(2 045)	31 340	98 274	98 274	-	100,0%	95 686	95 686		95 686
Agency and support / outsourced services	91 974	1 041	(23 594)	69 421	69 421	-	100,0%	69 065	69 065		69 065
Fleet services	53 774	(10 970)	364	43 168	43 168	-	100,0%	34 288	34 288		34 288
Consumable supplies	19 411	1 718	1 147	22 276	22 276	-	100,0%	33 737	33 737		33 737
Consumables: stationery printing and office supplies	148 134	(44 521)	(2 316)	101 297	101 297	-	100,0%	72 693	72 693		72 693
Operating leases	2 005	(1 801)	-	204	204	-	100,0%	3 746	3 746		3 746
Property payments	635 909	163 187	(1 569)	797 527	797 527	-	100,0%	848 806	848 806		848 806
Travel and subsistence	163 611	(3 593)	15 733	175 751	175 751	-	100,0%	148 718	148 718		148 718
Training and development	5 818	(4 129)	56	1 745	1 745	-	100,0%	1 427	1 427		1 427
Operating payments	124 223	(59 213)	10 610	75 620	75 620	-	100,0%	60 701	60 701		60 701
Venues and facilities	2 119	(1 448)	-	671	671	-	100,0%	1 021	1 021		1 021
Rental and hiring	856	(420)	-	436	436	-	100,0%	671	671		671
<b>Transfers and subsidies</b>	<b>34 627</b>	<b>-</b>	<b>(4 820)</b>	<b>29 807</b>	<b>29 807</b>	<b>-</b>	<b>100,0%</b>	<b>38 945</b>	<b>38 945</b>		<b>38 945</b>
Provinces and municipalities	887	(1)	(291)	595	595	-	100,0%	639	639		639
<b>Municipalities</b>	<b>887</b>	<b>(1)</b>	<b>(291)</b>	<b>595</b>	<b>595</b>	<b>-</b>	<b>100,0%</b>	<b>639</b>	<b>639</b>		<b>639</b>
Municipal bank accounts	887	(1)	(291)	595	595	-	100,0%	639	639		639
Departmental agencies and accounts	48	1	(20)	29	29	-	100,0%	36	36		36
Departmental agencies and accounts	48	1	(20)	29	29	-	100,0%	36	36		36
<b>Households</b>	<b>33 692</b>	<b>-</b>	<b>(4 509)</b>	<b>29 183</b>	<b>29 183</b>	<b>-</b>	<b>100,0%</b>	<b>38 270</b>	<b>38 270</b>		<b>38 270</b>

## APPROPRIATION STATEMENT

For the year ended 31 March 2022

Programme 2: Court services											
	2021/22						2020/21				
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure		
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000	
Social benefits	31 718	-	(2 595)	29 123	29 123	-	100,0%	37 957	37 957		
Other transfers to households	1 974	-	(1 914)	60	60	-	100,0%	313	313		
<b>Payments for capital assets</b>	793 846	-	(43 228)	750 618	695 806	54 812	92,7%	<b>476 937</b>	<b>416 902</b>		
<b>Buildings and other fixed structures</b>	666 261	1 175	(3 235)	664 201	609 389	54 812	91,7%	343 403	290 661		
Buildings	659 672	4 292	(3 165)	660 799	609 153	51 646	92,2%	343 327	290 585		
Other fixed structures	6 589	(3 117)	(70)	3 402	236	3 166	6,9%	76	76		
<b>Machinery and equipment</b>	127 585	(1 175)	(39 993)	86 417	86 417	-	100,0%	133 488	126 195		
Transport equipment	48 443	3 015	(5 229)	46 229	46 229	-	100,0%	46 254	42 654		
Other machinery and equipment	79 142	(4 190)	(34 764)	40 188	40 188	-	100,0%	87 234	83 541		
Software and other intangible assets	-	-	-	-	-	-	-	46	46		
<b>Payments for financial assets</b>	62	2 505	-	2 567	2 567	-	100,0%	10 904	10 904		
<b>Total</b>	<b>6 767 418</b>	<b>-</b>	<b>(15 809)</b>	<b>6 751 609</b>	<b>6 680 208</b>	<b>71 401</b>	<b>98,9%</b>	<b>6 373 234</b>	<b>6 204 613</b>		

## APPROPRIATION STATEMENT

For the year ended 31 March 2022

Programme 3: State legal services									
2021/22									
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Sub programme</b>									
1. State law advisors	82 169	(2 683)	-	79 486	69 425	10 061	87.3%	77 480	67 759
2. Litigation and legal services	512 710	29 149	44 214	586 073	564 409	21 664	96.3%	658 773	636 150
3. Legislative development and law reform	165 051	(3 931)	(508)	160 612	131 691	28 921	82.0%	111 164	89 577
4. Master of the High Court	567 272	(8 846)	(896)	557 530	543 268	14 262	97.4%	539 052	517 816
5. Constitutional development	90 748	(13 689)	(3 724)	73 335	64 049	9 286	87.3%	68 354	63 388
<b>Total for subprogrammes</b>	<b>1 417 950</b>	<b>-</b>	<b>39 086</b>	<b>1 457 036</b>	<b>1 372 842</b>	<b>84 194</b>	<b>94.2%</b>	<b>1 454 823</b>	<b>1 374 690</b>
<b>Economic classification</b>									
<b>Current payments</b>	<b>1 368 858</b>	<b>(14)</b>	<b>3 246</b>	<b>1 372 090</b>	<b>1 292 057</b>	<b>80 033</b>	<b>94.2%</b>	<b>1 259 156</b>	<b>1 184 283</b>
Compensation of employees	1 218 853	-	-	1 218 853	1 143 896	74 957	93.9%	1 151 594	1 079 880
Salaries and wages	1 049 998	(7 456)	-	1 042 542	986 233	56 309	94.6%	992 817	927 662
Social contributions	168 855	7 456	-	176 311	157 663	18 648	89.4%	158 777	152 218
Goods and services	150 005	(14)	3 246	153 237	148 161	5 076	96.7%	107 562	104 403
Administrative fees	2 970	(1 794)	-	1 176	1 176	-	100.0%	925	925
Advertising	3 202	348	-	3 550	3 550	-	100.0%	373	373
Minor assets	7 332	(5 368)	-	1 964	1 964	-	100.0%	1 766	1 766
Bursaries: employees	310	-	-	-	-	-	-	-	-
Catering: departmental activities	3 366	(203)	-	107	107	-	100.0%	119	119
Communication	15 471	(3 171)	-	195	195	-	100.0%	8 791	8 791
Computer services	1 040	(4 929)	-	10 542	10 542	-	100.0%	20	20
Consultants: business and advisory services	15 094	747	-	1 787	1 787	-	100.0%	1 704	466

## APPROPRIATION STATEMENT

For the year ended 31 March 2022

Programme 3: State legal services											
	2021/22						2020/21				
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure	R'000	
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000	
Legal services	38 394	40 321	3 246	81 961	78 372	3 589	95.6%	55 072	55 072	55 072	
Contractors	2 180	(1 963)	-	217	217	-	100.0%	168	168	168	
Agency and support / outsourced services	2 260	(2 025)	-	235	235	-	100.0%	92	92	92	
Fleet services	3 361	(934)	-	2 427	2 427	-	100.0%	1 408	1 408	1 408	
Consumable supplies	1 799	(740)	-	1 059	1 059	-	100.0%	1 131	1 131	1 131	
Consumables: stationery printing and office supplies	19 766	(4 316)	-	15 450	15 450	-	100.0%	12 135	12 135	12 135	
Operating leases	3 460	(48)	-	3 412	3 412	-	100.0%	5 760	5 760	5 760	
Property payments	1 568	(154)	-	1 414	1 414	-	100.0%	1 353	1 353	1 353	
Transport provided: Departmental activity	4	(4)	-	-	-	-	-	-	-	-	
Travel and subsistence	15 393	2 159	-	17 552	17 552	-	100.0%	12 305	12 305	10 384	
Training and development	3 584	(2 649)	-	935	935	-	100.0%	94	94	94	
Operating payments	6 374	(2 298)	-	4 076	4 076	-	100.0%	3 746	3 746	3 746	
Venues and facilities	1 403	(737)	-	666	666	-	100.0%	600	600	600	
Rental and hiring	1 674	(1 600)	-	74	74	-	100.0%	229	229	229	
<b>Transfers and subsidies</b>	<b>28 055</b>	<b>-</b>	<b>(1 543)</b>	<b>26 512</b>	<b>23 352</b>	<b>3 160</b>	<b>88,1%</b>	<b>24 495</b>	<b>22 945</b>	<b>22 945</b>	
Provinces and municipalities	49	-	(27)	22	22	-	100.0%	17	17	17	
<b>Municipalities</b>	<b>49</b>	<b>-</b>	<b>(27)</b>	<b>22</b>	<b>22</b>	<b>-</b>	<b>100,0%</b>	<b>17</b>	<b>17</b>	<b>17</b>	
Municipal bank accounts	49	-	(27)	22	22	-	100.0%	17	17	17	
Departmental agencies and accounts	8	-	(7)	1	1	-	100.0%	15	15	15	
Departmental agencies and accounts	8	-	(7)	1	1	-	100.0%	15	15	15	
Foreign governments and international organisations	19 915	-	(3 200)	16 715	13 703	3 012	82.0%	16 048	16 048	14 498	
<b>Households</b>	<b>8 083</b>	<b>-</b>	<b>1 691</b>	<b>9 774</b>	<b>9 626</b>	<b>148</b>	<b>98,5%</b>	<b>8 415</b>	<b>8 415</b>	<b>8 415</b>	

## APPROPRIATION STATEMENT

For the year ended 31 March 2022

Programme 3: State legal services											
2021/22											2020/21
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure		
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000		R'000
Social benefits	6 184	877	(567)	6 494	6 494	-	100,0%	5 365	5 365		5 365
Other transfers to households	1 899	(877)	2 258	3 280	3 132	148	95,5%	3 050	3 050		3 050
<b>Payments for capital assets</b>	<b>20 956</b>	<b>-</b>	<b>(1 411)</b>	<b>19 545</b>	<b>18 544</b>	<b>1 001</b>	<b>94,9%</b>	<b>19 461</b>	<b>15 751</b>		<b>15 751</b>
<b>Machinery and equipment</b>	<b>20 956</b>	<b>(476)</b>	<b>(1 411)</b>	<b>19 069</b>	<b>18 068</b>	<b>1 001</b>	<b>94,8%</b>	<b>17 961</b>	<b>15 751</b>		<b>15 751</b>
Transport equipment	4 821	4 439	(508)	8 752	8 430	322	96,3%	6 191	6 191		6 191
Other machinery and equipment	16 135	(4 915)	(903)	10 317	9 638	679	93,4%	11 770	9 560		9 560
Software and other intangible assets	-	476	-	476	476	-	100,0%	1 500	-		-
<b>Payments for financial assets</b>	<b>81</b>	<b>14</b>	<b>38 794</b>	<b>38 889</b>	<b>38 889</b>	<b>-</b>	<b>100,0%</b>	<b>151 711</b>	<b>151 711</b>		<b>151 711</b>
<b>Total</b>	<b>1 417 950</b>	<b>-</b>	<b>39 086</b>	<b>1 457 036</b>	<b>1 372 842</b>	<b>84 194</b>	<b>94,2%</b>	<b>1 454 823</b>	<b>1 374 690</b>		<b>1 374 690</b>

## APPROPRIATION STATEMENT

For the year ended 31 March 2022

Programme 4: National Prosecuting Authority									
2021/22					2020/21				
	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. National prosecutions service	3 676 779	(25 119)	99 288	3 750 948	3 750 948	-	100.0%	3 333 186	3 245 330
2. Assets forfeiture unit	195 233	(22 845)	1 053	173 441	173 441	-	100.0%	163 175	149 150
3. Office for witness protection	196 582	(5 460)	6 014	197 136	197 136	-	100.0%	176 333	176 333
4. Support services	467 031	53 424	49 179	569 634	569 398	236	100.0%	628 125	626 039
<b>Total for subprogrammes</b>	<b>4 535 625</b>	<b>-</b>	<b>155 534</b>	<b>4 691 159</b>	<b>4 690 923</b>	<b>236</b>	<b>100.0%</b>	<b>4 300 819</b>	<b>4 196 852</b>
<b>Economic classification</b>									
<b>Current payments</b>	<b>4 453 830</b>	<b>-</b>	<b>147 172</b>	<b>4 601 002</b>	<b>4 601 002</b>	<b>-</b>	<b>100.0%</b>	<b>4 123 898</b>	<b>4 019 931</b>
Compensation of employees	3 926 048	-	(2 534)	3 923 514	3 923 514	-	100.0%	3 656 662	3 552 695
Salaries and wages	3 656 155	(185 438)	(2 534)	3 468 183	3 468 183	-	100.0%	3 229 184	3 139 003
Social contributions	269 893	185 438	-	455 331	455 331	-	100.0%	427 478	413 692
Goods and services	527 782	-	149 706	677 488	677 488	-	100.0%	467 236	467 236
Administrative fees	16 809	1 866	(3 762)	14 913	14 913	-	100.0%	14 468	14 468
Advertising	1 716	3	(1 268)	451	451	-	100.0%	-	-
Minor assets	4 040	(604)	(375)	3 061	3 061	-	100.0%	4 199	4 199
Bursaries: employees	715	-	1 697	2 412	2 412	-	100.0%	2 514	2 514
Catering: departmental activities	2 521	(1 008)	(827)	686	686	-	100.0%	220	220
Communication	20 399	(3 286)	3 810	20 923	20 923	-	100.0%	16 505	16 505
Computer services	69 316	47 843	16 102	133 261	133 261	-	100.0%	88 693	88 693
Consultants: business and advisory services	43 268	(28 786)	(4 524)	9 958	9 958	-	100.0%	5 179	5 179
Legal services	42 452	(606)	81 540	123 386	123 386	-	100.0%	18 500	18 500
Contractors	13 053	11 659	1 179	25 891	25 891	-	100.0%	14 721	14 721

## APPROPRIATION STATEMENT

For the year ended 31 March 2022

Programme 4: National Prosecuting Authority										
	2021/22					2020/21				
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure	
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	
Agency and support / outsourced services	23 746	36	(3 859)	19 923	19 923	-	100,0%	14 374	14 374	
Fleet services	8 885	(88)	7 539	16 336	16 336	-	100,0%	10 899	10 899	
Inventory: fuel, oil and gas	-	79	-	79	79	-	100,0%	-	-	
Inventory: other supplies	-	-	-	-	-	-	-	113	113	
Consumable supplies	3 867	(1 538)	(326)	2 003	2 003	-	100,0%	6 194	6 194	
Consumables: stationery printing and office supplies	35 666	(5 655)	33 598	63 609	63 609	-	100,0%	70 782	70 782	
Operating leases	20 064	(731)	18 638	37 971	37 971	-	100,0%	25 949	25 949	
Property payments	89 611	(26 150)	14 841	78 302	78 302	-	100,0%	79 266	79 266	
Travel and subsistence	45 637	8 777	(3 666)	50 748	50 748	-	100,0%	34 879	34 879	
Training and development	5 050	(1 965)	(1 547)	1 538	1 538	-	100,0%	30	30	
Operating payments	80 954	(861)	(9 876)	70 217	70 217	-	100,0%	58 433	58 433	
Venues and facilities	-	1 028	782	1 810	1 810	-	100,0%	1 318	1 318	
Rental and hiring	13	(13)	10	10	10	-	100,0%	-	-	
<b>Transfers and subsidies</b>	<b>21 083</b>	<b>-</b>	<b>13 708</b>	<b>34 791</b>	<b>34 555</b>	<b>236</b>	<b>99,3%</b>	<b>24 691</b>	<b>24 691</b>	
Departmental agencies and accounts	11 195	-	19	11 214	10 978	236	97,9%	11 366	11 366	
Departmental agencies and accounts	11 195	-	19	11 214	10 978	236	97,9%	11 366	11 366	
<b>Households</b>	<b>9 888</b>	<b>-</b>	<b>13 689</b>	<b>23 577</b>	<b>23 577</b>	<b>-</b>	<b>100,0%</b>	<b>13 325</b>	<b>13 325</b>	
Social benefits	9 888	-	12 119	22 007	22 007	-	100,0%	12 411	12 411	
Other transfers to households	-	-	1 570	1 570	1 570	-	100,0%	914	914	
<b>Payments for capital assets</b>	<b>60 712</b>	<b>-</b>	<b>(10 636)</b>	<b>50 076</b>	<b>50 076</b>	<b>-</b>	<b>100,0%</b>	<b>152 166</b>	<b>152 166</b>	
<b>Machinery and equipment</b>	<b>60 712</b>	<b>-</b>	<b>(10 636)</b>	<b>50 076</b>	<b>50 076</b>	<b>-</b>	<b>100,0%</b>	<b>150 568</b>	<b>150 568</b>	
Transport equipment	37 671	(922)	(10 636)	26 113	26 113	-	100,0%	28 517	28 517	

**APPROPRIATION STATEMENT**

For the year ended 31 March 2022

		2021/22							2020/21		
		Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure	
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000	
Other machinery and equipment	23 041	922	-	23 963	23 963	-	100,0%	122 051	122 051	122 051	
Software and other intangible assets	-	-	-	-	-	-	-	1 598	1 598	1 598	
<b>Payments for financial assets</b>	-	-	5 290	5 290	5 290	-	100,0%	64	64	64	
<b>Total</b>	<b>4 535 625</b>	<b>-</b>	<b>155 534</b>	<b>4 691 159</b>	<b>4 690 923</b>	<b>236</b>	<b>100,0%</b>	<b>4 300 819</b>	<b>4 300 819</b>	<b>4 196 852</b>	

## APPROPRIATION STATEMENT

For the year ended 31 March 2022

		2021/22						2020/21		
		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	
<b>Sub programme</b>										
1. Legal Aid South Africa		2 033 188	-	-	2 033 188	2 033 188	-	100,0%	1 958 883	1 958 883
2. Special Investigation Unit		437 878	-	-	437 878	437 878	-	100,0%	421 662	421 662
3. Public Protector of South Africa		359 860	-	-	359 860	359 860	-	100,0%	353 494	353 494
4. South African Human Rights Commission		195 031	-	-	195 031	195 031	-	100,0%	191 739	191 739
5. Justice modernisation		621 107	-	(23 724)	597 383	575 671	21 712	96,4%	690 880	478 863
6. President's Fund		1	-	-	1	-	1	-	1	-
<b>Total for subprogrammes</b>		<b>3 647 065</b>	<b>-</b>	<b>(23 724)</b>	<b>3 623 341</b>	<b>3 601 628</b>	<b>21 713</b>	<b>99,4%</b>	<b>3 616 659</b>	<b>3 404 641</b>
<b>Economic classification</b>										
<b>Current payments</b>		<b>595 210</b>	<b>(160 934)</b>	<b>(75 339)</b>	<b>358 937</b>	<b>337 225</b>	<b>21 712</b>	<b>94,0%</b>	<b>646 259</b>	<b>442 314</b>
Goods and services		595 210	(160 934)	(75 339)	358 937	337 225	21 712	94,0%	646 259	442 314
Administrative fees		5	-	(3)	2	2	-	100,0%	5	5
Advertising		26	-	(19)	7	7	-	100,0%	1	1
Minor assets		6 156	-	(6 095)	61	62	(1)	101,6%	2 884	2 884
Catering: departmental activities		7	-	(1)	6	6	-	100,0%	4	4
Communication		13	-	(13)	-	-	-	-	-	-
Computer services		447 520	(74 513)	(83 181)	289 826	268 113	21 713	92,5%	510 402	320 975
Consultants: business and advisory services		3 800	(20 040)	29 790	13 550	13 550	-	100,0%	-	-
Contractors		50	-	(50)	-	-	-	-	-	-
Agency and support / outsourced services		133 070	(66 622)	(11 687)	54 761	54 761	-	100,0%	132 405	117 887

## APPROPRIATION STATEMENT

For the year ended 31 March 2022

	2021/22							2020/21	
	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
Consumable supplies	220	241	-	461	461	-	100,0%	-	-
Consumables: stationery printing and office supplies	170	-	(102)	68	68	-	100,0%	-	-
Travel and subsistence	520	-	(490)	30	30	-	100,0%	57	57
Training and development	3 243	-	(3 243)	-	-	-	-	486	486
Operating payments	50	-	(50)	-	-	-	-	15	15
Venues and facilities	360	-	(195)	165	165	-	100,0%	-	-
<b>Transfers and subsidies</b>	<b>3 025 958</b>	<b>-</b>	<b>-</b>	<b>3 025 958</b>	<b>3 025 957</b>	<b>1</b>	<b>100,0%</b>	<b>2 925 778</b>	<b>2 925 778</b>
Departmental agencies and accounts	3 025 958	-	-	3 025 958	3 025 957	1	100,0%	2 925 778	2 925 778
Departmental agencies and accounts	3 025 958	-	-	3 025 958	3 025 957	1	100,0%	2 925 778	2 925 778
<b>Payments for capital assets</b>	<b>25 897</b>	<b>160,934</b>	<b>51,615</b>	<b>238,446</b>	<b>238,446</b>	<b>-</b>	<b>100,0%</b>	<b>44 621</b>	<b>36 549</b>
<b>Machinery and equipment</b>	<b>25 897</b>	<b>72 011</b>	<b>-</b>	<b>97 908</b>	<b>97 908</b>	<b>-</b>	<b>100,0%</b>	<b>26 737</b>	<b>18 665</b>
Other machinery and equipment	25 897	72 011	-	97 908	97 908	-	100,0%	26 737	18 665
Software and other intangible assets	-	88 923	51 615	140 538	140 538	-	100,0%	17 884	17 884
<b>Total</b>	<b>3 647 065</b>	<b>-</b>	<b>(23 724)</b>	<b>3 623 341</b>	<b>3 601 628</b>	<b>21 713</b>	<b>99,4%</b>	<b>3 616 658</b>	<b>3 404 641</b>

**NOTES TO THE APPROPRIATION STATEMENT**

For the year ended 31 March 2022

**1. Details of transfers and subsidies as per Appropriation Act (after virement):**

Details of these transactions can be viewed in note on transfers and subsidies, disclosure notes and annexure 1 (A-G to the annual financial statements).

**2. Details of specifically and exclusively appropriated amounts voted (after virement):**

The details of these transactions can be viewed in note 1 (annual appropriation) to the annual financial statements.

**3. Details on payments for financial assets**

Details of these transactions per programme can be viewed in the note on payments for financial assets to the annual financial statements.

**4. Explanations of material variances from amounts voted (after virement):**

<b>4.1 Per programme</b>	<b>Final appropriation</b>	<b>Actual expenditure</b>	<b>Variance R'000</b>	<b>Variance as a % of final appropriation</b>
1. Administration	<b>2 985 562</b>	<b>2 754 748</b>	<b>230 814</b>	<b>92%</b>
<i>The under spending is due to delays in filling of vacant posts and implementation of the youth programme, less than anticipated expenditure on accommodation charges, private leases and municipal services as well as delays in awarding the procurement of ICT licenses and ICT services (ICT central support, service desk and security support services).</i>				
2. Court services	<b>6 751 609</b>	<b>6 680 208</b>	<b>71 401</b>	<b>99%</b>
<i>The under spending is due to delays in filling of vacant posts and implementation of the youth programme, and low spending of court infrastructure budget by DPWI.</i>				
3. State legal services	<b>1 457 036</b>	<b>1 372 842</b>	<b>84 194</b>	<b>94%</b>
<i>The under spending is due to delays in filling of vacant posts and implementation of the youth programme, less than anticipated spending of the information regulator budget as well as lower spending of foreign government subscriptions.</i>				
4. National Prosecuting Authority	<b>4 668 027</b>	<b>4 667 791</b>	<b>236</b>	<b>100%</b>
<i>The under spending is due to the delay in processing invoice for laptops.</i>				
5. Auxiliary and associated services	<b>3 623 342</b>	<b>3 601 628</b>	<b>21 714</b>	<b>99%</b>
<i>The under spending is due to delays in the execution of planned procurement activities for justice modernisation and under performance of IJS/CJS member.</i>				

**NOTES TO THE APPROPRIATION STATEMENT**

For the year ended 31 March 2022

4.2 Per economic classification	Final appropriation R'000	Actual expenditure R'000	Variance R'000	Variance as a % of final appropriation R'000
<b>Current payments</b>	<b>15 234 418</b>	<b>14 887 552</b>	<b>346 866</b>	<b>98%</b>
Compensation of employees	10 207 267	10 079 082	128 185	99%
Goods and services	5 027 151	4 808 470	218 681	96%
<b>Transfers and subsidies</b>	<b>3 142 749</b>	<b>3 137 069</b>	<b>5 680</b>	<b>100%</b>
Provinces and municipalities	664	664	-	100%
Departmental agencies and accounts	3 056 613	3 054 093	2 520	100%
Foreign governments and international organisations	16 715	13 703	3 012	82%
Households	68 757	68 609	148	100%
<b>Payments for capital assets</b>	<b>1 084 520</b>	<b>1 028 707</b>	<b>55 813</b>	<b>95%</b>
Buildings and other fixed structures	664 201	609 389	54 812	92%
Machinery and equipment	287 270	286 269	1 001	100%
Intangible assets	133 049	133 049	-	100%
<b>Payments for financial assets</b>	<b>47 021</b>	<b>47 021</b>	<b>-</b>	<b>100%</b>

*The underspending is due to delays in filling of vacant posts and implementation of the youth programme, less than anticipated expenditure on accommodation charges, private leases and municipal services as well as delays in awarding the procurement of ICT licenses and ICT services (ICT central support, service desk and security support services), lower than anticipated spending of the infrastructure budget as well as delays experienced in the planned procurement of goods (capital assets).*

**STATEMENT OF FINANCIAL PERFORMANCE**

For the year ended 31 March 2022

	<i>Note</i>	<b>2021/2022</b> R'000	<b>2020/21</b> R'000
<b>REVENUE</b>			
Annual appropriation	<u>1</u>	19 508 708	18 666 283
Statutory appropriation	<u>2</u>	2 396 489	2 442 459
Departmental revenue	<u>3</u>	365 382	337 335
Aid assistance		18 900	93 811
<b>TOTAL REVENUE</b>		<b>22 289 479</b>	<b>21 539 888</b>
<b>EXPENDITURE</b>			
Current expenditure			
Compensation of employees	<u>5</u>	12 211 485	11 524 140
Goods and services	<u>6</u>	4 799 343	4 598 537
Aid assistance	<u>4</u>	16 489	35 113
<b>Total current expenditure</b>		<b>17 027 316</b>	<b>16 157 790</b>
<b>Transfers and subsidies</b>			
Transfers and subsidies	<u>8</u>	3 179 181	3 076 591
Aid assistance	<u>4</u>	-	38 224
<b>Total transfers and subsidies</b>		<b>3 179 181</b>	<b>3 114 815</b>
Expenditure for capital assets			
Tangible assets	<u>9</u>	897 174	638 965
Intangible assets	<u>9</u>	142 173	31 439
<b>Total expenditure for capital assets</b>		<b>1 039 347</b>	<b>670 404</b>
<b>Payments for financial assets</b>	<u>7</u>	47 018	164 278
<b>TOTAL EXPENDITURE</b>		<b>21 292 862</b>	<b>20 107 287</b>
<b>SURPLUS/(DEFICIT) FOR THE YEAR</b>		<b>996 616</b>	<b>1 432 601</b>
<b>Reconciliation of net surplus/(deficit) for the year</b>			
Voted funds		<b>630 337</b>	<b>1 076 500</b>
Annual appropriation		408 359	780 802
Statutory appropriation		221 978	295 698
Departmental revenue	<u>14</u>	365 382	337 335
Aid assistance	<u>4</u>	897	18 766
<b>SURPLUS/(DEFICIT) FOR THE YEAR</b>		<b>996 616</b>	<b>1 432 601</b>

**STATEMENT OF FINANCIAL POSITION**

For the year ended 31 March 2022

	<i>Note</i>	2021/22 R'000	2020/21 R'000
<b>ASSETS</b>			
<b>Current assets</b>		<b>3 153 043</b>	<b>3 095 079</b>
Cash and cash equivalents	<u>10</u>	9 653	46 024
Prepayments and advances	<u>11</u>	12 098	26 041
Receivables	<u>12</u>	3 131 292	3 023 014
<b>TOTAL ASSETS</b>		<b>3 153 043</b>	<b>3 095 079</b>
<b>LIABILITIES</b>			
<b>Current liabilities</b>		<b>3 129 094</b>	<b>3 071 588</b>
Voted funds to be surrendered to the Revenue Fund	<u>13</u>	630 336	1 076 504
Departmental revenue and NRF receipts to be surrendered to the Revenue Fund	<u>14</u>	27 478	73 513
Bank overdraft	<u>15</u>	2 430 424	1 870 559
Payables	<u>16</u>	9 077	18 998
Aid assistance repayable	<u>4</u>	(44)	1 132
Aid assistance unutilised	<u>4</u>	31 823	30 882
<b>TOTAL LIABILITIES</b>		<b>3 129 094</b>	<b>3 071 588</b>
<b>NET ASSETS</b>		<b>23 949</b>	<b>23 491</b>
	<i>Note</i>	2021/22 R'000	2020/21 R'000
<b>Represented by:</b>			
Recoverable revenue		23 949	23 491
<b>TOTAL</b>		<b>23 949</b>	<b>23 491</b>

**STATEMENT OF CHANGES IN NET ASSETS**

For the year ended 31 March 2022

	<i>Note</i>	2021/22 R'000	2020/21 R'000
<b>Recoverable revenue</b>			
Opening balance		23 491	21 981
Transfers:		<b>458</b>	<b>1 510</b>
Irrecoverable amounts written off	<u>8.3</u>	-	-
Debts revised		(906)	4 185
Debts recovered (included in departmental receipts)		(5 961)	(4 088)
Debts raised		7 325	1 413
Closing balance		<b>23 949</b>	<b>23 491</b>
<b>TOTAL</b>		<b>23 949</b>	<b>23 491</b>

## CASH FLOW STATEMENT

for the year ended 31 March 2022

	<i>Note</i>	<b>2021/22</b> <b>R'000</b>	<b>2020/21</b> <b>R'000</b>
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
Receipts		<b>22 289 466</b>	<b>21 539 606</b>
Annual appropriated funds received	<u>1.1</u>	19 508 708	18 666 283
Statutory appropriated funds received	<u>2</u>	2 396 489	2 442 459
Departmental revenue received	<u>3</u>	360 405	333 987
Interest received	<u>3.3</u>	4 964	3 066
Aid assistance received	<u>4</u>	18 900	93 811
Net (increase)/decrease in working capital		(104 256)	(601 406)
Surrendered to Revenue Fund		(1 487 922)	(1 063 579)
Surrendered to RDP Fund/Donor		(1 132)	(2 125)
Current payments		(17 027 317)	(16 157 790)
Payments for financial assets		(47 018)	(164 278)
Transfers and subsidies paid		(3 179 181)	(3 114 815)
<b>Net cash flow available from operating activities</b>	<u>17</u>	<b>442 640</b>	<b>435 613</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Payments for capital assets	<u>9</u>	(1 039 347)	(670 404)
Proceeds from sale of capital assets	<u>3.4</u>	13	282
<b>Net cash flows from investing activities</b>		<b>(1 039 334)</b>	<b>(670 122)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
Increase/(decrease) in net assets		458	1 510
<b>Net cash flows from financing activities</b>		<b>458</b>	<b>1 510</b>
Net increase/(decrease) in cash and cash equivalents		(596 236)	(232 999)
Cash and cash equivalents at beginning of period		(1 824 535)	(1 591 536)
<b>Cash and cash equivalents at end of period</b>	<u>18</u>	<b>(2 420 771)</b>	<b>(1 824 535)</b>

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

For the year ended 31 March 2022

### 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.

<b>1</b>	<p><b>Basis of preparation</b> The financial statements have been prepared in accordance with the Modified Cash Standard.</p>
<b>2</b>	<p><b>Going concern</b> 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.</p>
<b>3</b>	<p><b>Presentation currency</b> Amounts have been presented in the currency of the South African Rand (R) which is also the functional currency of the Department.</p>
<b>4</b>	<p><b>Rounding</b> Unless otherwise stated, financial figures have been rounded to the nearest one thousand Rand (R'000).</p>
<b>5</b>	<p><b>Comparative information</b></p>
<b>5.1</b>	<p><b>Prior period comparative information</b> Prior period comparative information has been presented in the current year's financial statements. Where necessary, figures included in the prior period financial statements have been reclassified to ensure that the format in which the information is presented is consistent with the format of the current year's financial statements.</p>
<b>5.2</b>	<p><b>Current year comparison with budget</b> A comparison between the approved final budget and actual amounts for each programme and economic classification is included in the appropriation statement.</p>
<b>6</b>	<p><b>Revenue</b></p>
<b>6.1</b>	<p><b>Appropriated funds</b> Appropriated funds comprise departmental allocations as well as direct charges against the revenue fund (i.e. statutory appropriation). 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. The net amount of any appropriated funds due to/from the relevant revenue fund at the reporting date is recognised as a payable/receivable in the statement of financial position.</p>
<b>6.2</b>	<p><b>Departmental revenue</b> Departmental revenue is recognised in the statement of financial performance when received and is subsequently paid into the relevant revenue fund unless stated otherwise. Any amount owing to the relevant revenue fund at the reporting date is recognised as a payable in the statement of financial position.</p>
<b>6.3</b>	<p><b>Accrued departmental revenue</b> Accruals in respect of departmental revenue (excluding tax revenue) are recorded in the notes to the financial statements when:</p> <ul style="list-style-type: none"> <li>• it is probable that the economic benefits or service potential associated with the transaction will flow to the Department; and</li> <li>• the amount of revenue can be measured reliably.</li> </ul> <p>The accrued revenue is measured at the fair value of the consideration receivable. Accrued tax revenue (and related interest and/penalties) is measured at amounts receivable from collecting agents. Write-offs are made according to the Department's debt write-off policy</p>
<b>7</b>	<p><b>Expenditure</b></p>

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

For the year ended 31 March 2022

<b>7.1</b>	<b>Compensation of employees</b>
<b>7.1.1</b>	<b>Salaries and wages</b> Salaries and wages are recognised in the statement of financial performance on the date of payment.
<b>7.1.2</b>	<b>Social contributions</b> Social contributions made by the Department in respect of current employees are recognised in the statement of financial performance on the date of payment. 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.
<b>7.2</b>	<b>Other expenditure</b> 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.
<b>7.3</b>	<b>Accruals and payables not recognised</b> Accruals and payables not recognised are recorded in the notes to the financial statements at cost at the reporting date.
<b>7.4</b>	<b>Leases</b>
<b>7.4.1</b>	<b>Operating leases</b> Operating lease payments made during the reporting period are recognised as current expenditure in the statement of financial performance on the date of payment. 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 done by the Department of Public Works.
<b>7.4.2</b>	<b>Finance leases</b> Finance lease payments made during the reporting period are recognised as capital expenditure in the statement of financial performance on the date of payment. The finance lease commitments are recorded in the notes to the financial statements and are not apportioned between the capital and interest portions. Finance lease assets acquired at the end of the lease term are recorded and measured at the lower of: <ul style="list-style-type: none"> <li>• cost being the fair value of the asset; or</li> <li>• the sum of the minimum lease payments made including any payments made to acquire ownership at the end of the lease term excluding interest.</li> </ul>
<b>8</b>	<b>Aid assistance</b>
<b>8.1</b>	<b>Aid assistance received</b> 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. 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.
<b>8.2</b>	<b>Aid assistance paid</b> 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.
<b>9</b>	<b>Cash and cash equivalents</b> Cash and cash equivalents are stated at cost in the statement of financial position. Bank overdrafts are shown separately on the face of the statement of financial position as a current liability. 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.
<b>10</b>	<b>Prepayments and advances</b> Prepayments and advances are recognised in the statement of financial position when the Department receives or disburses the cash. Prepayments and advances are initially and subsequently measured at cost. Prepayments and advances are expensed when the recipient department/entity provides the evidence of expenditure.
<b>11</b>	<b>Loans and receivables</b> 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.
<b>12</b>	<b>Financial assets</b>

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

For the year ended 31 March 2022

<b>12.1</b>	<p><b>Financial assets (not covered elsewhere)</b></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>
<b>12.2</b>	<p><b>Impairment of financial assets</b></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>
<b>13</b>	<p><b>Payables</b></p> <p>Payables recognised in the statement of financial position are recognised at cost.</p>
<b>14</b>	<p><b>Capital assets</b></p>
<b>14.1</b>	<p><b>Immovable capital assets</b></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>
<b>14.2</b>	<p><b>Movable capital assets</b></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>
<b>14.3</b>	<p><b>Intangible assets</b></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>
<b>14.4</b>	<p><b>Project costs: work-in-progress</b></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, the asset is transferred to the custodian subsequent to completion.</p>
<b>15</b>	<p><b>Provisions and contingents</b></p>
<b>15.1</b>	<p><b>Provisions</b></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>

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS**

For the year ended 31 March 2022

<b>15.2</b>	<b>Contingent liabilities</b> 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.
<b>15.3</b>	<b>Contingent assets</b> 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.
<b>15.4</b>	<b>Capital commitments</b> Capital commitments are recorded at cost in the notes to the financial statements.
<b>16</b>	<b>Unauthorised expenditure</b> Unauthorised expenditure is recognised in the statement of financial position until such time as the expenditure is either: <ul style="list-style-type: none"> <li>• approved by Parliament or the Provincial Legislature with funding and the related funds are received; or</li> <li>• approved by Parliament or the Provincial Legislature without funding and is written off against the appropriation in the statement of financial performance; or</li> <li>• transferred to receivables for recovery.</li> </ul> Unauthorised expenditure is measured at the amount of the confirmed unauthorised expenditure.
<b>17</b>	<b>Fruitless and wasteful expenditure</b> 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. Fruitless and wasteful expenditure is removed from the notes to the financial statements when it is resolved or transferred to receivables or written off. 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.
<b>18</b>	<b>Irregular expenditure</b> Irregular expenditure is recorded in the notes to the financial statements when confirmed. The amount recorded is equal to the value of the irregular expenditure incurred unless it is impracticable to determine, in which case reasons thereof are provided in the note. Irregular expenditure is removed from the note when it is either condoned by the relevant authority, transferred to receivables for recovery, not condoned and removed or written-off. 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.
<b>19</b>	<b>Changes in accounting estimates and errors</b> Changes in accounting estimates are applied prospectively in accordance with MCS requirements. 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.
<b>20</b>	<b>Events after the reporting date</b> 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.
<b>21</b>	<b>Departures from the MCS requirements</b> The Department has complied with all the MCS requirements.
<b>22</b>	<b>Recoverable revenue</b> 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.
<b>23</b>	<b>Related party transactions</b> 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. The number of individuals and the full compensation of key management personnel is recorded in the notes to the financial statements.

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS**

For the year ended 31 March 2022

<b>24</b>	<p><b>Inventories</b></p> <p>At the date of acquisition, inventories are recognised at cost in the statement of financial performance. 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 cost and current replacement value.</p> <p>The cost of inventories is assigned by using the weighted average cost basis.</p>
<b>25</b>	<p><b>Employee benefits</b></p> <p>The value of each major class of employee benefit obligation (accruals and payables not recognised and provisions) is disclosed in the employee benefits note.</p>

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS**

For the year ended 31 March 2022

**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:

	2021/22		2020/21	
	Final appropriation	Actual funds received	Final appropriation	Appropriation received
	R'000	R'000	R'000	R'000
Administration	2 985 562	2 985 562	2 920 749	2 920 749
Court services	6 784 827	6 784 827	6 373 234	6 373 234
State legal services	1 481 819	1 481 819	1 454 823	1 454 823
National Prosecuting Authority	4 621 956	4 621 956	4 300 819	4 300 819
Auxiliary and associated services	3 634 544	3 634 544	3 616 658	3 616 658
<b>Total</b>	<b>19 508 708</b>	<b>19 508 708</b>	<b>18 666 283</b>	<b>18 666 283</b>

**2. Statutory appropriation**

	2021/22	2020/21
	R'000	R'000
Magistrates salaries	2 396 489	2 442 459
<b>Total</b>	<b>2 396 489</b>	<b>2 442 459</b>
Actual statutory appropriation received	<b>2 396 489</b>	<b>2 442 459</b>

**3. Departmental revenue**

	Note	2021/22	2020/21
		R'000	R'000
Sales of goods and services other than capital assets	3.1	175 586	118 949
Fines penalties and forfeits	3.2	161 526	191 246
Interest dividends and rent on land	3.3	4 964	3 066
Sales of capital assets	3.4	13	282
Transactions in financial assets and liabilities	3.5	19 387	22 370
Transfer received	3.6	3 906	1 422
Total revenue collected		<b>365 382</b>	<b>337 335</b>
<b>Departmental revenue collected</b>		<b>365 382</b>	<b>337 335</b>

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS**

For the year ended 31 March 2022

**3.1 Sales of goods and services other than capital assets**

	Note	2021/22 R'000	2020/21 R'000
Sales of goods and services produced by the department		<b>175 436</b>	<b>118 932</b>
Sales by market establishment		2 937	3 385
Administrative fees		49	3
Other sales		172 450	115 544
Sales of scrap waste and other used current goods		150	17
<b>Total</b>		<b>175 586</b>	<b>118 949</b>

"Other sales" mainly comprises of services rendered through the Masters' Office relating to insolvent estates amounting to R158,3 million.

**3.2 Fines, penalties and forfeits**

	Note	2021/22 R'000	2020/21 R'000
Fines		125 560	151 757
Penalties		34	476
Forfeits		35 932	39 013
<b>Total</b>		<b>161 526</b>	<b>191 246</b>

"Fines" mainly comprises of the various fines issued through the courts amounting to R125,5 million and "Forfeits" mainly comprises of unclaimed monies forfeited amounting to R35,9 million.

**3.3 Interest, dividends and rent on land**

	Note	2021/22 R'000	2020/21 R'000
Interest		4 964	3 066
<b>Total</b>		<b>4 964</b>	<b>3 066</b>

**3.4 Sale of capital assets**

	Note	2021/22 R'000	2020/21 R'000
<b>Tangible assets</b>		<b>13</b>	<b>282</b>
Machinery and equipment	30	13	282
<b>Total</b>		<b>13</b>	<b>282</b>

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS**

For the year ended 31 March 2022

**3.5 Transactions in financial assets and liabilities**

	Note	2021/22	2020/21
		R'000	R'000
Receivables		7 626	6 108
Other receipts including recoverable revenue		11 761	16 262
<b>Total</b>		<b>19 387</b>	<b>22 370</b>

The figure recorded under "other receipts" mainly comprises unallocated credits (R9,4 million) and revenue recovered relating to various debts from previous years (R1,9 million).

**3.6 Transfers received**

	Note	2021/22	2020/21
		R'000	R'000
Public corporations and private enterprises		3 906	1 422
<b>Total</b>		<b>3 906</b>	<b>1 422</b>

The Department received donations from various municipalities during the 2021/22 financial year relating to auxiliary costs associated with court operations.

**3.6.1 Donations received in kind**

	Note	2021/22	2020/21
		R'000	R'000
COVID-19 decontamination/disinfection services to the Department by Volunteer Ministries in Africa		3 880	-
Various gifts and donations received by the Department		18 636	1
<b>Total</b>		<b>22 516</b>	<b>1</b>

**4. Aid assistance**

	Note	2021/22	2020/21
		R'000	R'000
Opening balance		32 014	15 373
Transferred from statement of financial performance		897	18 766
Paid during the year		(1 132)	(2 125)
<b>Closing balance</b>		<b>31 779</b>	<b>32 014</b>

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS**

For the year ended 31 March 2022

**4.1 Analysis of balance by source**

		<b>2021/22</b>	<b>2020/21</b>
	<i>Note</i>	<b>R'000</b>	<b>R'000</b>
Aid assistance from RDP		(44)	1 132
Aid assistance from other sources		-	-
CARA		31 823	30 882
<b>Closing balance</b>	<b>4</b>	<b>31 779</b>	<b>32 014</b>

**4.2 Analysis of balance**

		<b>2021/22</b>	<b>2020/21</b>
	<i>Note</i>	<b>R'000</b>	<b>R'000</b>
Aid assistance unutilised		31 823	30 882
Aid assistance repayable		(44)	1 132
<b>Closing balance</b>	<b>4</b>	<b>31 779</b>	<b>32 014</b>

**4.3 Aid assistance expenditure per economic classification**

		<b>2021/22</b>	<b>2020/21</b>
	<i>Note</i>	<b>R'000</b>	<b>R'000</b>
Current		16 489	35 113
Capital	9	1 514	1 708
Transfers and subsidies		-	38 224
<b>Total aid assistance expenditure</b>		<b>18 003</b>	<b>75 045</b>

*The aid assistance expenditure mainly comprises of CARA and EU funded projects which are conducted through the NPA and other branches within the Department.*

**5. Compensation of employees****5.1 Salaries and wages**

	<b>2021/22</b>	<b>2020/21</b>
	<b>R'000</b>	<b>R'000</b>
Basic salary	8 417 120	8 177 688
Performance award	34 280	28 169
Service based	9 449	14 433
Compensative/circumstantial	59 930	45 400
Periodic payments	39 944	32 830
Other non-pensionable allowances	2 013 275	1 649 463
<b>Total</b>	<b>10 573 998</b>	<b>9 947 983</b>

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS**

For the year ended 31 March 2022

**5.2 Social contributions**

	<i>Note</i>	<b>2021/22</b>	<b>2020/21</b>
		<b>R'000</b>	<b>R'000</b>
Employer contributions			
Pension		1 041 101	1 017 855
Medical		594 377	556 366
UIF		5	8
Bargaining council		2 004	1 928
<b>Total</b>		<b>1 637 487</b>	<b>1 576 157</b>
<b>Total compensation of employees</b>		<b>12 211 485</b>	<b>11 524 140</b>
Average number of employees		24 247	23 608

**6. Goods and services**

	<i>Note</i>	<b>2021/22</b>	<b>2020/21</b>
		<b>R'000</b>	<b>R'000</b>
Administrative fees		25 221	23 029
Advertising		17 054	16 834
Minor assets	6.1	19 229	28 983
Bursaries (employees)		9 332	7 034
Catering		2 469	998
Communication		120 717	109 202
Computer services	6.2	857 891	807 353
Consultants: business and advisory services	6.9	159 542	135 748
Laboratory services		694	503
Legal services		272 212	182 568
Contractors		128 045	114 602
Agency and support/outsourced services		144 602	202 605
Entertainment		2	4
Audit cost – external	6.3	55 394	31 240
Fleet services		63 772	47 549
Inventory	6.4	79	113
Consumables	6.5	214 971	214 098
Operating leases		930 790	944 239
Property payments	6.6	1 326 295	1 381 974
Rental and hiring		831	807
Travel and subsistence	6.7	280 335	211 477
Venues and facilities		6 662	4 244
Training and development		5 945	3 297
Other operating expenditure	6.8	157 259	130 036
<b>Total</b>		<b>4 799 343</b>	<b>4 598 537</b>

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS**

For the year ended 31 March 2022

Included in the Departmental expenditure under the vote (programme 1) is expenditure relating to the State Capture Commission of Inquiry amounting to R184 million, of which R44 million relates to legal services. This expenditure is spread among the various SCOA expenditure items relating to the operations of the commission.

Contractors relates mainly to day to day maintenance and repairs (R72,7 million) security services (R24,2 million) forensic investigators (R19 million) and curator fees (NPA)(R3,3 million).

**6.1 Minor assets**

	Note	2021/22 R'000	2020/21 R'000
Tangible assets			
Machinery and equipment		19 229	28 983
<b>Total</b>		<b>19 229</b>	<b>28 983</b>

**6.2 Computer services**

	Note	2021/22 R'000	2020/21 R'000
SITA computer services		464 577	267 630
External computer service providers		393,314	539 723
<b>Total</b>		<b>857,891</b>	<b>807 353</b>

**6.3 Audit cost – external**

	Note	2021/22 R'000	2020/21 R'000
Regularity audits		39 374	31 240
Investigations		16 020	-
<b>Total</b>		<b>55 394</b>	<b>31 240</b>

**6.4 Inventory**

	Note	2021/22 R'000	2020/21 R'000
Fuel, oil and gas		79	-
Other supplies	6.4.1	-	113
<b>Total</b>		<b>79</b>	<b>113</b>

**6.4.1 Other supplies**

	Note	2021/22 R'000	2020/21 R'000
Ammunition and security supplies		-	113
<b>Total</b>		<b>-</b>	<b>113</b>

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS**

For the year ended 31 March 2022

**6.5 Consumables**

	Note	2021/22	2020/21
		R'000	R'000
Consumable supplies		26 572	45 752
Uniform and clothing		281	3 035
Household supplies		10 666	31 239
Building material and supplies		4 106	4 557
Communication accessories		234	174
IT consumables		1 894	1 855
Other consumables		9 391	4 892
Stationery, printing and office supplies		188 399	168 346
<b>Total</b>		<b>214 971</b>	<b>214 098</b>

"Other consumables" comprises mainly of fuel supplies expenditure (R2,2 million) medical supplies (R3,6 million) security access expenditure (R1 million).

**6.6 Property payments**

	Note	2021/22	2020/21
	Ⓒ	R'000	R'000
Municipal services		427 723	452 565
Other		898 572	929 409
<b>Total</b>		<b>1 326 295</b>	<b>1 381 974</b>

The figure recorded under "other" comprises mainly of payments relating to security services (R769,9 million), property maintenance (R21,1 million) and management fees (NPA) (R66,8 million).

**6.7 Travel and subsistence**

	Note	2021/22	2020/21
	Ⓒ	R'000	R'000
Local		280 233	211 278
Foreign		102	199
<b>Total</b>		<b>280 335</b>	<b>211 477</b>

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS**

For the year ended 31 March 2022

**6.8 Other operating expenditure**

	Note	2021/22	2020/21
		R'000	R'000
Professional bodies membership and subscription fees		7 974	1 134
Resettlement costs		6 029	7 605
Other		143 256	121 297
<b>Total</b>		<b>157 259</b>	<b>130 036</b>

*Other operating expenditure comprises mainly of printing and publication expenditure (R18 million), resettlement costs (R6 million), storage services (R3,8 million), witness fees (R61 million) and protective custody of witnesses (NPA) (R57,7 million).*

**7. Payments for financial assets**

	Note	2021/22	2020/21
		R'000	R'000
Other material losses written off	7.1	8 226	13 572
Debts written off	7.2	38 792	150 706
<b>Total</b>		<b>47 018</b>	<b>164 278</b>

**7.1 Other material losses written off**

	Note	2021/22	2020/21
		R'000	R'000
<b>Nature of losses</b>			
Irrecoverable losses		2 741	11 855
Damages to vehicles		195	55
Uneconomical and prescribed salary related debt		5 290	1 662
<b>Total</b>		<b>8 226</b>	<b>13 572</b>

**7.2 Debts written off**

	Note	2021/22	2020/21
		R'000	R'000
<b>Nature of debts written off</b>			
Agency services debtors written off	7	38 792	150 706
<b>Total debt written off</b>		<b>38 792</b>	<b>150 706</b>

*A debt write-off amounting to R38,7 million was approved by the accounting officer for those historical debts where there has been no evidence of payment over the years despite numerous attempts to recover.*

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

For the year ended 31 March 2022

### 8. Transfers and subsidies

		2021/22	2020/21
		R'000	R'000
	<i>Note</i>		
Provinces and municipalities	37	664	690
Departmental agencies and accounts	<i>Annexure 1B</i>	3 054 093	2 955 637
Foreign governments and international organisations	<i>Annexure 1E</i>	13 703	14 498
Households	<i>Annexure 1G</i>	110 721	105 766
<b>Total</b>		<b>3 179 181</b>	<b>3 076 591</b>

### 9. Expenditure for capital assets

		2021/22	2020/21
		R'000	R'000
	<i>Note</i>		
<b>Tangible assets</b>		<b>897 174</b>	<b>638 965</b>
Buildings and other fixed structures	32	609 388	290 661
Machinery and equipment	30	287 786	348 304
<b>Intangible assets</b>		<b>142 173</b>	<b>31 439</b>
Software	31	142 173	31 439
<b>Total</b>		<b>1 039 347</b>	<b>670 404</b>

#### 9.1 Analysis of funds utilised to acquire capital assets – 2021/22

	Voted funds	Aid assistance	Total
	R'000	R'000	R'000
<b>Tangible assets</b>	<b>895 660</b>	<b>1 514</b>	<b>897 174</b>
Buildings and other fixed structures	609 388	-	609 388
Machinery and equipment	286 272	1 514	287 786
<b>Intangible assets</b>	<b>142 173</b>	<b>-</b>	<b>142 173</b>
Software	142 173	-	142 173
<b>Total</b>	<b>1 037 833</b>	<b>1 514</b>	<b>1 039 347</b>

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS**

For the year ended 31 March 2022

**9.2 Analysis of funds utilised to acquire capital assets – 2020/21**

	Voted funds R'000	Aid assistance R'000	Total R'000
<b>Tangible assets</b>	<b>637 257</b>	<b>1 708</b>	<b>638 965</b>
Buildings and other fixed structures	290 661	-	290 661
Machinery and equipment	346 596	1 708	348 304
<b>Intangible assets</b>	<b>31 439</b>	<b>-</b>	<b>31 439</b>
Software	17 930	-	17 930
License	13 509	-	13 509
<b>Total</b>	<b>668 696</b>	<b>1 708</b>	<b>670 404</b>

**9.3 Finance lease expenditure included in expenditure for capital assets**

	Note	2021/22 R'000	2020/21 R'000
<b>Tangible assets</b>			
Machinery and equipment		88 835	85 659
<b>Total</b>		<b>88 835</b>	<b>85 659</b>

**10. Cash and cash equivalents**

	Note	2021/22 R'000	2020/21 R'000
Consolidated Paymaster General Account		53	39 434
Cash receipts		51	43
Disbursements		49	3
Cash on hand		9 500	6 544
<b>Total</b>		<b>9 653</b>	<b>46 024</b>

**11. Prepayments and advances**

	Note	2021/22 R'000	2020/21 R'000
Travel and subsistence		(13)	34
Prepayments (Not expensed)	11.2	1,000	1 000
Advances paid (Not expensed)	11.1	11,111	25 007
<b>Total</b>		<b>12 098</b>	<b>26 041</b>

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

For the year ended 31 March 2022

### 11.1 Advances paid (Not expensed)

	<i>Note</i>	Balance as at 1 April 2021	Less: Amount expensed in current year	Add or Less: other	Add: Current year advances	Balance as at 31 March 2022
		R'000	R'000	R'000	R'000	R'000
National departments		25 007	(146 677)	132 781	-	11 111
<b>Total</b>		<b>25 007</b>	<b>(146 677)</b>	<b>132 781</b>	<b>-</b>	<b>11 111</b>

	<i>Note</i>	Balance as at 1 April 2020	Less: Amount expensed in current year	Add or Less: other	Add: Current year advances	Balance as at 31 March 2021
		R'000	R'000	R'000	R'000	R'000
National departments		17 810	(121 375)	128 572	-	25 007
<b>Total</b>		<b>17 810</b>	<b>(121 375)</b>	<b>128 572</b>	<b>-</b>	<b>25 007</b>

### 11.2 Prepayments (Not expensed)

	<i>Note</i>	Balance as at 1 April 2021	Less: Amount expensed in current year	Add or Less: other	Add: Current year prepayments	Balance as at 31 March 2022
		R'000	R'000	R'000	R'000	R'000
Goods and services		1 000	-	-	-	1 000
<b>Total</b>		<b>1 000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1 000</b>

	<i>Note</i>	Balance as at 1 April 2021	Less: Amount expensed in current year	Add or Less: other	Add: Current year prepayments	Balance as at 31 March 2022
		R'000	R'000	R'000	R'000	R'000
Goods and services		1 000	-	-	-	1 000
<b>Total</b>		<b>1 000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1 000</b>

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS**

For the year ended 31 March 2022

**12. Receivables**

	<i>Note</i>	2021/22		2020/21	
		Current R'000	Total R'000	Current R'000	Total R'000
Claims recoverable	<u>12.1</u>	3,034,426	3,034,426	2 967 018	2 967 018
Recoverable expenditure	<u>12.2</u>	2	2	2	2
Staff debt	<u>12.3</u>	46 457	46 457	43 058	43 058
Other receivables	<u>12.4</u>	50 407	50 407	12 936	12 936
<b>Total</b>		<b>3 131 292</b>	<b>3 131 292</b>	<b>3 023 014</b>	<b>3 023 014</b>

**12.1 Claims recoverable**

	<i>Note</i>	2021/22 R'000	2020/21 R'000
National departments		1 041 126	1 034 151
Provincial departments		1 993 300	1 932 867
<b>Total</b>		<b>3 034 426</b>	<b>2 967 018</b>

**12.2 Recoverable expenditure (disallowance accounts)**

	<i>Note</i>	2021/22 R'000	2020/21 R'000
Recoverable expenditure		2	2
<b>Total</b>		<b>2</b>	<b>2</b>

**12.3 Staff debt**

	<i>Note</i>	2021/22 R'000	2020/21 R'000
In-service debt		7 978	9 730
Out-service debt		38 479	33 328
<b>Total</b>		<b>46 457</b>	<b>43 058</b>

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS**

For the year ended 31 March 2022

**12.4 Other receivables**

	Note	2021/22 R'000	2020/21 R'000
Disallowance accounts		48 126	9 311
Damages to vehicles		161	158
Salary suspense accounts		2 063	3 467
Travel and subsistence control account		57	-
<b>Total</b>		<b>50 407</b>	<b>12 936</b>

**12.5 Fruitless and wasteful expenditure**

	Note	2021/22 R'000	2020/21 R'000
Opening balance		-	-
Less amounts recovered		-	36
Less amounts written off		-	69
Transfers from note 32 fruitless and wasteful expenditure		-	(105)
<b>Total</b>		<b>-</b>	<b>-</b>

**12.6 Impairment of receivables**

	Note	2021/22 R'000	2020/21 R'000
Estimate of impairment of receivables		1 602 275	1 362 928
<b>Total</b>		<b>1 602 275</b>	<b>1 362 928</b>

*The impairment of claims receivables amounting to R1.6 billion relates to long outstanding balances owed by various client departments for legal fees paid through our State Attorney's 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.*

**13. Voted funds to be surrendered to the Revenue Fund**

	Note	2021/22 R'000	2020/21 R'000
Opening balance		1 076 504	757 217
Transfer from statement of financial performance		630 337	1 076 500
Paid during the year		(1 076 505)	(757 213)
<b>Closing balance</b>		<b>630 336</b>	<b>1 076 504</b>

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS**

For the year ended 31 March 2022

**14. Departmental revenue and NRF receipts to be surrendered to the Revenue Fund**

	<i>Note</i>	<b>2021/22</b>	<b>2020/21</b>
		<b>R'000</b>	<b>R'000</b>
Opening balance		73 513	42 544
Transfer from statement of financial performance		365 382	337 335
Paid during the year		(411 417)	(306 366)
<b>Closing balance</b>		<b>27 478</b>	<b>73 513</b>

**15. Bank overdraft**

	<i>Note</i>	<b>2021/22</b>	<b>2020/21</b>
		<b>R'000</b>	<b>R'000</b>
Consolidated Paymaster General Account		2 430 424	1 870 559
<b>Total</b>		<b>2 430 424</b>	<b>1 870 559</b>

**16. Payables – current**

	<i>Note</i>	<b>2021/22</b>	<b>2020/21</b>
		<b>R'000</b>	<b>R'000</b>
Clearing accounts	16.1	8 456	16 268
Other payables	16.2	621	2 730
<b>Total</b>		<b>9 077</b>	<b>18 998</b>

**16.1 Clearing accounts**

	<i>Note</i>	<b>2021/22</b>	<b>2020/21</b>
		<b>R'000</b>	<b>R'000</b>
Salary control account	16	8 456	16 268
<b>Total</b>		<b>8 456</b>	<b>16 268</b>

**16.2 Other payables**

	<i>Note</i>	<b>2021/22</b>	<b>2020/21</b>
		<b>R'000</b>	<b>R'000</b>
National pace		-	1 949
Salary ABC recalls		128	203
Disallowance accounts		304	505
Unclaimed monies		189	73
<b>Total</b>		<b>621</b>	<b>2 730</b>

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

For the year ended 31 March 2022

## 17. Net cash flow available from operating activities

	Note	2021/22 R'000	2020/21 R'000
Net surplus as per statement of financial performance		996 616	1 432 601
Add back non-cash/cash movements not deemed operating activities		(553 976)	(996 988)
Increase in receivables		(108 278)	(583 717)
/decrease/(Increase) in prepayments and advances		13 943	(7 167)
(decrease) in payables – current		(9 921)	(10 522)
Proceeds from sale of capital assets		(13)	(282)
Expenditure on capital assets		1 039 347	670 404
Surrenders to Revenue Fund		(1 487 922)	(1 063 579)
Surrenders to RDP Fund/Donor		(1 132)	(2 125)
<b>Net cash flow generated by operating activities</b>		<b>442 640</b>	<b>435 613</b>

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

	Note	2021/22 R'000	2020/21 R'000
Consolidated Paymaster General account		(2 430 371)	(1 831 125)
Cash receipts		51	43
Disbursements		49	3
Cash on hand		9 500	6 544
<b>Total</b>		<b>(2 420 771)</b>	<b>(1 824 535)</b>

## 19. Contingent liabilities and contingent assets

## 19.1 Contingent liabilities

		Note	2021/22 R'000	2020/21 R'000
<b>Liable to</b>	<b>Nature</b>			
Housing loan guarantees	Employees	Annex 3A	136	172
Claims against the Department		Annex 3B	7 055 410	5 176 728
Intergovernmental payables (unconfirmed balances)		Annex 5	1 039	1 037
Other		Annex 3B	4 436	10 150
<b>Total</b>			<b>7 061 021</b>	<b>5 188 087</b>

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.

The increase in contingent liabilities is in relation to malicious prosecution and unlawful arrest incident which was served in April 2021. Although this is an isolated incident and the possibility of the court judgment being issued against the Department is remote, the amount has been included in line with the accounting policy of the Department.

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

For the year ended 31 March 2022

## 19.2 Contingent assets

	Note	2021/22	2020/21
		R'000	R'000
<b>Nature of contingent asset</b>			
Unconfirmed receivables balances - agency services		-	967 744
Occupation specific dispensation related		7 735	-
<b>Total</b>		<b>7 735</b>	<b>967 744</b>

**Agency services:**

Contingent assets consists of disputed balances owed by client departments relating to legal fees paid on their behalf through the Office of the State Attorney.

The Department is engaging the relevant client departments in order to resolve the disputes and recover the outstanding balances.

**Occupational specific dispensation:**

This relates to OSD related payments made to officials which need to be recovered from those officials due to possible miscalculations which are still being verified.

## 20. Capital commitments

	Note	2021/22	2020/21
		R'000	R'000
Office furniture and equipment		67 550	10 675
<b>Total</b>		<b>67 550</b>	<b>10 675</b>

## 21. Accruals and payables not recognised

## 21.1 Accruals

	2021/22			2020/21
	R'000			R'000
<b>Listed by economic classification</b>				
	30 Days	30+ Days	Total	Total
Goods and services	69 230	1 638	70 868	154 940
Capital assets	45 213	-	45 213	32 258
Transfers and subsidies	38	-	38	2 220
<b>Total</b>	<b>114 481</b>	<b>1 638</b>	<b>116 119</b>	<b>189 418</b>

	Note	2021/22	2020/21
		R'000	R'000
<b>Listed by programme level</b>			
Programme 1: Administration		29 710	136 140
Programme 2: Court services		78 582	32 258
Programme 4: National Prosecuting Authority		7 827	21 020
<b>Total</b>		<b>116 119</b>	<b>189 418</b>

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

For the year ended 31 March 2022

## 21.2 Payables not recognised

	2021/22			2020/21
	R'000			R'000
<b>Listed by economic classification</b>				
	30 Days	30+ Days	Total	Total
Goods and services	60 694	79 846	140 540	80 313
Capital assets	1 723	11	1 734	97
Transfers and subsidies	18	-	18	-
<b>Total</b>	<b>62 435</b>	<b>79 857</b>	<b>142 292</b>	<b>80 410</b>

	Note	2021/22	2020/21
		R'000	R'000
<b>Listed by programme level</b>			
Programme 1: Administration		70 658	69 422
Programme 2: Court services		47 881	6 496
Programme 4: National Prosecuting Authority		23 753	4 492
<b>Total</b>		<b>142 292</b>	<b>80 410</b>

	Note	2021/22	2020/21
		R'000	R'000
<b>Included in the above totals are the following:</b>			
Confirmed balances with other departments	Annex 5	45 063	31 769
Confirmed balances with other government entities	Annex 5	70 598	51 433
<b>Total</b>		<b>115 661</b>	<b>83 202</b>

## 22. Employee benefits

	Note	2021/22	2020/21
		R'000	R'000
Leave entitlement		504 051	714 416
Service bonus (thirteenth cheque)		323 183	311 893
Performance awards		-	48 757
Capped leave commitments - employees		219 515	247 757
Capped leave commitments - magistrates		592 672	667 093
Other		56 598	65 031
<b>Total</b>		<b>1 696 019</b>	<b>2 054 947</b>

Included in the "leave entitlement - employees" is an amount of R43,6 million 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. This is due to the timing difference between leave accrual periods and actual leave periods as per the leave policy.

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS**

For the year ended 31 March 2022

**23. Lease commitments****23.1 Operating leases**

2021/22	Machinery and equipment	Total
	R'000	R'000
Not later than 1 year	55 367	55 367
Later than 1 year and not later than 5 years	10 217	10 217
<b>Total lease commitments</b>	<b>65 584</b>	<b>65 584</b>

2020/21	Machinery and equipment	Total restated
	R'000	R'000
Not later than 1 year	83 944	83 944
Later than 1 year and not later than 5 years	32 839	32 839
<b>Total lease commitments</b>	<b>116 783</b>	<b>116 783</b>

**23.2 Finance leases**

2021/22	Machinery and equipment	Total
	R'000	R'000
Not later than 1 year	35	35
<b>Total lease commitments</b>	<b>35</b>	<b>35</b>

2020/21	Machinery and equipment	Total restated
	R'000	R'000
Not later than 1 year	230	230
Later than 1 year and not later than 5 years	35	35
<b>Total lease commitments</b>	<b>265</b>	<b>265</b>

**24. Accrued departmental revenue**

	2021/22	2020/21
	R'000	R'000
Fines, penalties and forfeits	880	553
Other	10 233	5 445
<b>Total</b>	<b>11 113</b>	<b>5 998</b>

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

For the year ended 31 March 2022

### 24.1 Analysis of accrued departmental revenue

	2021/22 R'000	2020/21 R'000
Opening balance	5 998	5 367
Add: amounts recorded	5 115	631
<b>Closing balance</b>	<b>11 113</b>	<b>5 998</b>

### 25. Irregular expenditure

#### 25.1 Reconciliation of irregular expenditure

	<i>Note</i>	2021/22 R'000	2020/21 R'000
Opening balance		2 063 657	1 664 005
Prior period error			267
As restated		2 063 657	1 664 272
Add: Irregular expenditure – relating to prior year	25.2	864 721	140 296
Add: Irregular expenditure – relating to current year	25.2	36 140	261 274
Less: Prior year amounts condoned	25.3	(16)	(2 089)
Less: Current year amounts condoned	25.3	(6)	(95)
Less: Prior year amounts not condoned and removed	25.4	(33 466)	-
Less: Amounts recoverable (current and prior year)		(1 594)	(1)
Less: Amounts written off	25.5	(4)	-
<b>Closing balance</b>		<b>2 929 432</b>	<b>2 063 657</b>

#### Analysis of closing balance

Current year	36 146	261 274
Prior years	2 893 286	1 802 383
<b>Total</b>	<b>2 929 432</b>	<b>2 063 657</b>

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS**

For the year ended 31 March 2022

**25.2 Details of current and prior year irregular expenditure – added current year (under investigation)****Details of prior year irregular expenditure**

<b>Incident</b>	<b>Disciplinary steps taken/criminal proceedings</b>	<b>2021/22 R'000</b>
Non-compliance to the RT3-2015,RT3-2018 and RT5-2020 transversal contract	Appropriate course of action still to be determined	42
Covid PPE items not acquired at prices stipulated by National Treasury	Appropriate course of action still to be determined	171
Emergency procurement without obtaining prior approval	Appropriate course of action still to be determined	25
Ex-post facto approval for procurement	Appropriate course of action still to be determined	925
Local content minimum threshold not met in contravention of NT Instruction No.11 of 2020/21 paragraph 3.4 (d)	Appropriate course of action still to be determined	1
Non-compliance to bid mandatory requirements	Appropriate course of action still to be determined	2 637
Procurement process not followed	Appropriate course of action still to be determined	69
Service was rendered and paid after contract expiry	Appropriate course of action still to be determined	8
Services not procured from SITA	Appropriate course of action still to be determined	17
Submitted fraudulent mandatory bid documents	Appropriate course of action still to be determined	859 918
Three quotation of accommodation not attached on travel and subsistence documents	Appropriate course of action still to be determined	834
Three quotations sourced, second lowest quotation used with deviation approval TR16A3.2 contravene.	Appropriate course of action still to be determined	69
Trips undertaken before the trip was authorised	Appropriate course of action still to be determined	5
<b>Subtotal</b>		<b>864 721</b>

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS**

For the year ended 31 March 2022

**Details of current year irregular expenditure**

<b>Incident</b>	<b>Disciplinary steps taken/criminal proceedings</b>	<b>2021/22 R'000</b>
SCM processes not followed when the scope of work was extended over and above the approved contract variation of 15%	Appropriate course of action still to be determined	654
Emergency procurement without obtaining prior approval	Appropriate course of action still to be determined	15
Extension was not obtained timeously and deviation was also not supported by the National Treasury	Appropriate course of action still to be determined	2 688
Prior approval obtained after partial services rendered from delegated authority	Appropriate course of action still to be determined	61
Second supplier used without prior approval from delegated authority	Appropriate course of action still to be determined	3
One of the company's directors is a government employee in contravention of section 8(2)(b) of Public Administration Management Act 11 of 2014	Appropriate course of action still to be determined	6
SCM processes not followed by state attorney offices	Appropriate course of action still to be determined.	32 712
<b>Subtotal</b>		<b>36 140</b>
<b>Grand total</b>		<b>900 861</b>

**25.3 Details of irregular expenditure condoned**

<b>Incident</b>	<b>Condoned by (relevant authority)</b>	<b>2021/22 R'000</b>
Domestic travel without prior approval of the delegated authority in contravention of paragraph 8.2.1 of the Treasury Regulations and non-compliance with cost containment measures as stipulated in the National Treasury Instruction Note 4 of 2017/2018	National Treasury	7
Continued use of expired lease machine contract - RT3-2018 contravened	National Treasury	1
Failure to conduct drawing of lots where two suppliers were equal in all respects, which is in contravention of Preferential Procurement Regulations of 2017 section 10.3	National Treasury	4
Splitting of orders, non-compliance NT Practice Note 08 of 2007/2008, 3 quotations not sourced	National Treasury	4
One of the company's directors is a government employee in contravention of section 8(2)(b) of Public Administration Management Act 11 of 2014	National Treasury	6
<b>Total</b>		<b>22</b>

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS**

For the year ended 31 March 2022

**25.4 Details of irregular expenditure removed - (not condoned)**

Incident	Not condoned by (relevant authority)	2021/22 R'000
Appointment of casual workers	Acting chief financial officer	66
The appointment of VR Forensics was in contravention of section 38(a)(iii) of the PFMA, as the process followed by the Department to appoint the service provider is not fair and lacks transparency	Acting chief financial officer	347
No official order		775
Contract extension without approval		32 278
<b>Total</b>		<b>33 466</b>

**25.5 Details of irregular expenditures written off (irrecoverable)**

Incident	2021/22 R'000
Reimbursement on domestic travel expenses	4
<b>Total</b>	<b>4</b>

**25.6 Details of irregular expenditures under assessment (not included in the main note)**

Incident	2021/22 R'000
Non-compliance with RT3-2018	3
Deviation from departmental contract in contravention of Supply Chain Policy Circular 027 of 2015 paragraph 13.2.1. Services of GG vehicles rendered to the Department after expiry of the contract, no contract in place	168
Possible irregular on renewal of trend licenses solution	11 799
SCM process not followed.	37 741
<b>Total</b>	<b>49 712</b>

**25.7 Prior period error**

	Note	2020/21 R'000
<b>Nature of prior period error</b>		
<i>Relating to 2019/20 [affecting the opening balance]</i>		<b>267</b>
Ex-post facto approval on the deviation from competitive bidding in respect of sole services in contravention of Treasury Regulations 8.2.1		244
Trips undertaken before the trip was authorised		23
Relating to 2020/21		
<b>Total</b>		<b>267</b>

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

For the year ended 31 March 2022

### 26. Fruitless and wasteful expenditure

#### 26.1 Reconciliation of fruitless and wasteful expenditure

	<i>Note</i>	<b>2021/22</b>	<b>2020/21</b>
		<b>R'000</b>	<b>R'000</b>
Opening balance		2 415	2 497
Fruitless and wasteful expenditure – relating to prior year	26.2	211	14
Fruitless and wasteful expenditure – relating to current year	26.2	23	10
Less: Amounts recoverable		(11)	(69)
Less: Amounts written off	26.3	(1 678)	(37)
<b>Closing balance</b>		<u>960</u>	<u>2 415</u>

#### 26.2 Details of current and prior year fruitless and wasteful expenditure – added current year (under determination and investigation)

<b>Incident</b>	<b>Disciplinary steps taken/criminal proceedings</b>	<b>2021/22</b>
		<b>R'000</b>
Fees charged in respect of officials not using reserved accommodation and/or transport	Case currently under investigation	21
Penalty/Interest of late payment of accounts/general losses	Case currently under investigation	2
Storage fees	Write off approved by the accounting officer	211
<b>Total</b>		<u><u>234</u></u>

#### 26.3 Details of fruitless and wasteful expenditure written off

<b>Incident</b>	<b>2021/22</b>
	<b>R'000</b>
Airline penalty/no show for accommodation	231
General losses (storage fees)	1 404
Penalties	16
Interest paid	27
<b>Total</b>	<u><u>1 678</u></u>

### 27. Related party transactions

	<i>Note</i>	<b>2021/22</b>	<b>2020/21</b>
		<b>R'000</b>	<b>R'000</b>
<b>Year end balances arising from revenue/payments</b>			
Receivables from related parties		8 880	8 150
<b>Total</b>		<u><u>8 880</u></u>	<u><u>8 150</u></u>

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

For the year ended 31 March 2022

	Note	2021/22 R'000	2020/21 R'000
<b>In-kind goods and services provided/received</b>			
Compensation of employees		97 508	103 674
Goods and services		415	1 146
<b>Total</b>		<b>97 923</b>	<b>104 820</b>

**List related party relationships**

ENTITY	NATURE OF RELATIONSHIP	2021/22 R'000	2020/21 R'000
Guardian Fund	Under common Ministry	90 111	97 321
Legal Aid Board	Under common Ministry	-	-
President's Fund	Under common Ministry	3 092	2 403
Special Investigating Unit	Under common Ministry	-	-
The Human Rights Commission	Under common Ministry	-	-
The Public Protector	Under common Ministry	-	-
Third party funds	Under common Ministry	4 720	5 096
Correctional services	Under common Ministry	-	-
Office of the Chief Justice and Judicial Administration	Under common Ministry	-	-
<b>TOTAL</b>		<b>R97 923</b>	<b>R104 820</b>

**28. Key management personnel**

	No. of individuals	2021/22 R'000	2020/21 R'000
Officials:			
Level 15 to 17	42	56 860	48 882
Level 14	21	23 185	22 572
<b>Total</b>		<b>80 045</b>	<b>71 454</b>

**29. Provisions**

	Note	2021/22 R'000	2020/21 R'000
Curator fees		192 769	200 796
<b>Total</b>		<b>192 769</b>	<b>200 796</b>

Curator fees and expenditure become 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 finalisation of the case.

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS**

For the year ended 31 March 2022

**29.1 Reconciliation of movement in provisions – 2021/22**

	<b>Curator fees</b>	<b>Total provisions</b>
	<b>R'000</b>	<b>R'000</b>
Opening balance	200 796	200 796
Increase in provision	19 671	19 671
Settlement of provision	(3 940)	(3 940)
Change in provision due to change in estimation of inputs	(23 758)	(23 758)
<b>Closing balance</b>	<b>192 769</b>	<b>192 769</b>

**Reconciliation of movement in provisions – 2020/21**

	<b>Curator fees</b>	<b>Total provisions</b>
	<b>R'000</b>	<b>R'000</b>
Opening balance	314 216	314 216
Increase in provision	43 230	43 230
Settlement of provision	(15 085)	(15 085)
Change in provision due to change in estimation of inputs	(141 565)	(141 565)
<b>Closing balance</b>	<b>200 796</b>	<b>200 796</b>

**30. Non-adjusting events after reporting date**

<b>Nature of event</b>	<b>2021/22</b>
	<b>R'000</b>
During April 2022, there was a disaster in KZN which resulted in some court buildings being damaged. However, this does not have an impact on the operations of the Department but will have cost implications for the restoration of the damaged buildings.	9 107
The preliminary estimated costs will be finalised once the full assessment has been completed by DPWI who will also be funding the related costs.	
<b>Total</b>	<b>9 107</b>

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

For the year ended 31 March 2022

### 31. CARA transactions

The Department administers the CARA related transactions on behalf of the National Revenue Fund. These transactions are disclosed below:

<b>CRIMINAL ASSETS RECOVERY ACCOUNT (CARA)</b>	<b>2021/22</b>
Opening balance CARA	696,865,000
Plus cash received during the year	71,577,000
Less cash paid out	30,415,000
Cash on hand (CARA -SARB)	<b>738,027,000</b>
Contingent assets	2,636,000
Inventory	52,816,000
Receivables	117,007,000
Provisions	119,453,000

**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 R 116 million at 31 March 2022 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 R 3 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 53 million at 31 March 2022 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.

<b>Inventory</b>	<b>2021/22</b>			
	<b>Motor vehicles</b>	<b>Land and buildings</b>	<b>Other</b>	<b>Total</b>
	<b>R'000</b>	<b>R'000</b>	<b>R'000</b>	<b>R'000</b>
Opening balance (1 April 2021)	4,782	27,462	1,249	33,493
Adjustments	(1,145)	(1,301)	(7)	(2,453)
Additions	22,194	865	191	23,320
Disposals	(587)	(772)	(154)	(1,544)
<b>Closing balance (31 March 2022)</b>	<b>25,244</b>	<b>26,254</b>	<b>1,279</b>	<b>52,816</b>

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS**

For the year ended 31 March 2022

**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 119 million at 31 March 2022.

	<b>2021/22</b>
	R'000
CARA allocations	119 453
Department of Home Affairs	40 453
Department of Justice and Constitutional Development	23 000
Anti-Corruption Task Team	5 000
Department of Environmental Affairs	10 000
State Security Agency	41 000
<b>Total</b>	<b>119 453</b>

**CRIMINAL ASSETS RECOVERY ACCOUNT (CARA)**

	<b>2020/21</b>
Opening balance CARA	761,729,000
Plus cash received during the year	85,835,000
Less cash paid out	150,699,000
Cash on hand (CARA -SARB)	<b>696,865,000</b>
Contingent assets	1,926,000
Inventory	33,493,000
Receivables	108,247,000
Provisions	145,453,000

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 R 108 million at 31 March 2021 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 R 1,9 million are those assets such as motor vehicles, property furniture, equipment etc., that have been forfeited to the state in accordance with the Prevention of Organised Crime Act. During the objection period as per the court order (usually 45 days), the assets attached are treated as contingent assets. Where the values of the assets cannot be determined, a nominal value of R1 is allocated to the item.

Forfeited assets valued at R 33 million at 31 March 2021 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.

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS**

For the year ended 31 March 2022

Inventory	2020/21			
	Motor vehicles	Land and buildings	Other	Total
	R'000	R'000	R'000	R'000
Opening balance (1 April 2020)	6,319	26,602	1,002	33,923
Adjustments	(3,459)	-	236	(3,223)
Additions	10,493 860	860	377	11,730
Disposals	(8,571)	-	(366)	(8,937)
<b>Closing balance (31 March 2021)</b>	<b>4,782</b>	<b>27,462</b>	<b>1,249</b>	<b>33,493</b>

*Provisions*

*Provisions are disclosed when there is a present legal or constructive obligation to forfeit economic benefits as a result of events in the past and it is probable that an outflow of resources embodying economic benefits will be required to settle the obligation and a reliable estimate of the obligation can be made. Provisions amounted to R 145 million at 31 March 2021.*

	<b>2020/21 R'000</b>
CARA Allocations	<b>145 453</b>
Department of Home Affairs	40 453
Department of Justice and Constitutional Development	38 000
Anti-Corruption Task Team	5 000
Department of Environmental Affairs	10 000
Special Investigating Unit	2 000
State Security Agency	50 000
<b>Total</b>	<b>145 453</b>

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

For the year ended 31 March 2022

### 32. Money collected by the State Attorney on behalf of government institutions

	2021/22	2020/21
	R'000	R'000
The below monies are collected through the offices of the State Attorney on behalf of other government institutions:		
- Conveyance	27 790	48 952
- Debt collection	2 819	5 736
- Provisional asset forfeiture	5 846	2 651
<b>Total</b>	<b>36 455</b>	<b>57 340</b>

### 33. Movable tangible capital assets

#### MOVEMENT IN MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2022

	Opening balance	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000
<b>HERITAGE ASSETS</b>	<b>450</b>	<b>-</b>	<b>-</b>	<b>450</b>
Heritage assets	450	-	-	450
<b>MACHINERY AND EQUIPMENT</b>	<b>2 388 039</b>	<b>199 085</b>	<b>(89 696)</b>	<b>2 497 428</b>
Transport assets	200 873	11 745	(265)	212 353
Computer equipment	1 261 699	154 317	(79 542)	1 336 474
Furniture and office equipment	265 983	13 652	(3 132)	276 503
Other machinery and equipment	659 484	19 371	(6 757)	672 098
<b>TOTAL MOVABLE TANGIBLE CAPITAL ASSETS</b>	<b>2 388 489</b>	<b>199 085</b>	<b>(89 696)</b>	<b>2 497 878</b>

#### 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:

Machinery and equipment	1 605	20 095
-------------------------	-------	--------

#### Disposals:

R53 423 308.99 is an ISJ expenditure which is an inter-ministerial cluster incurred on behalf of correctional service for the procurement of desktop and computer switches which is disposed as non-cash as the additions are recognised at correctional service department.

R330 376.26 disposal amount adjusted for computer, as a result of system error, changed the status to active instead of disposed

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

For the year ended 31 March 2022

### 33.1 Movement for 2020/21

#### MOVEMENT IN TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2021

	Opening balance	Prior period error	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000	R'000
<b>HERITAGE ASSETS</b>	<b>460</b>	<b>(10)</b>	-	-	<b>450</b>
Heritage assets	460	(10)	-	-	450
<b>MACHINERY AND EQUIPMENT</b>	<b>2 188 109</b>	<b>(17 700)</b>	<b>262 949</b>	<b>(45 319)</b>	<b>2 388 039</b>
Transport assets	202 107		7 517	(8 751)	200 873
Computer equipment	973 840	87 909	215 364	(15 414)	1 261 699
Furniture and office equipment	257 835	(3)	15 319	(7 168)	265 983
Other machinery and equipment	754 327	(105 606)	24 749	(13 986)	659 484
<b>TOTAL MOVABLE TANGIBLE CAPITAL ASSETS</b>	<b>2 188 569</b>	<b>(17 710)</b>	<b>262 949</b>	<b>(45 319)</b>	<b>2 388 489</b>

#### 33.1.1 Prior period error

	Note	2020/21 R'000
<b>Nature of prior period error</b>		
Relating to 2019/20 <i>[affecting the opening balance]</i>		<b>(17 710)</b>
Misclassification of mobile guard unit which forms part of fixed structure SCOA ITEM. IJS procurement for Office of the Chief Justice. Heritage assets incorrectly valued.		(10 343)
		(7 357)
		(10)
<b>Total</b>		<b>(17 710)</b>

### 33.2 Minor assets

#### MOVEMENT IN MINOR ASSETS PER THE ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2022

	Intangible assets	Machinery and equipment	Total
	R'000	R'000	R'000
Opening balance	36	877 802	877 838
Value adjustments	-	-	-
Additions	-	19 905	19 905
Disposals	-	(18 242)	(18 242)
<b>TOTAL MINOR ASSETS</b>	<b>36</b>	<b>879 465</b>	<b>879 501</b>

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS**

For the year ended 31 March 2022

	Machinery and equipment	Total
<b>TOTAL NUMBER OF MINOR ASSETS</b>	<b>105 523</b>	<b>105 523</b>

**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	13 703	20 055
-------------------------	--------	--------

**MOVEMENT IN MINOR ASSETS PER THE ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2021**

	Intangible assets R'000	Machinery and equipment R'000	Total R'000
Opening balance	36	866 151	866 187
Prior period error	-	-	-
Additions	-	28 893	28 893
Disposals	-	(17 242)	(17 242)
<b>TOTAL MINOR ASSETS</b>	<b>36</b>	<b>877 802</b>	<b>877 838</b>

<b>TOTAL NUMBER OF MINOR ASSETS</b>	<b>105 523</b>	<b>105 523</b>
-------------------------------------	----------------	----------------

**34. Intangible capital assets****MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2022**

	Opening balance R'000	Additions R'000	Disposals R'000	Closing balance R'000
<b>Software</b>	337 785	92 683	(68 233)	362 235
<b>Patents Licences Copyright Brand names Tademarks</b>	13 508	32 280	-	45 788
<b>TOTAL INTANGIBLE CAPITAL ASSETS</b>	<b>351 293</b>	<b>124 963</b>	<b>(68 233)</b>	<b>408 023</b>

*The Disposal relate to intangible assets procured by IJS member departments which were funded by the IJS budget. These assets were received, tagged, managed and accounted for by the member departments.*

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS**

For the year ended 31 March 2022

**34.1 Movement for 2020/21****MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2021**

	Opening balance	Prior period error	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000	R'000
Software	291 863	27 992	17 930	-	337 785
Patents Licences Copyright Brand names Trademarks	-	-	13 508	-	13 508
<b>TOTAL INTANGIBLE CAPITAL ASSETS</b>	<b>291 863</b>	<b>27 992</b>	<b>31 438</b>	<b>-</b>	<b>351 293</b>

**34.1.1 Prior period error**

	Note	2020/21 R'000
<b>Nature of prior period error</b>		
Relating to 2019/20 <i>[affecting the opening balance]</i>		27 992
Intangible assets not recognised in the previous financial year.		27 992
<b>Total</b>		<b>27 992</b>

**35. Immovable tangible capital assets****MOVEMENT IN IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2022**

	Opening balance	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000
<b>BUILDINGS AND OTHER FIXED STRUCTURES</b>	-	<b>609 388</b>	<b>(609 388)</b>	-
Non-residential buildings	-	609 388	(609 388)	-
<b>TOTAL IMMOVABLE TANGIBLE CAPITAL ASSETS</b>	<b>-</b>	<b>609 388</b>	<b>(609 388)</b>	<b>-</b>

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS**

For the year ended 31 March 2022

**36.1 Capital work-in-progress****CAPITAL WORK-IN-PROGRESS AS AT 31 MARCH 2022**

	<i>Note</i>	<b>Opening balance 1 April 2021</b>	<b>Current year WIP</b>	<b>Ready for use (Assets to the AR) / Contracts terminated</b>	<b>Closing balance 31 March 2022</b>
	<i>Annexure 7</i>	<b>R'000</b>	<b>R'000</b>	<b>R'000</b>	<b>R'000</b>
Intangible assets		-	23 150	-	23 150
<b>TOTAL</b>		<b>-</b>	<b>23 150</b>	<b>-</b>	<b>23 150</b>

**37. Prior period errors****37.1 Correction of prior period errors**

	<i>Note</i>	<b>Amount before error correction 2020/21 R'000</b>	<b>Prior period error 2020/21 R'000</b>	<b>Restated amount 2020/21 R'000</b>
<b>Other:</b>				
Operating lease commitments	23	-	116 783	116 783
Finance lease Commitment	23	117 048	(116 783)	265
Irregular expenditure	25		267	267
Related party transactions	27	9 863	(7 072)	2 791
Contingent liabilities - claims against the state	19	3 961 300	1 215 428	5 176 728
Principal agent relationship		143 175	(143 175)	-
Tangible capital assets		2 406 199	(17 710)	2 388 489
Intangible assets		323 301	27 992	351 293
<b>Net effect</b>		<b>6 960 886</b>	<b>1 075 730</b>	<b>8 036 616</b>

**NOTES TO THE ANNUAL FINANCIAL STATEMENTS**

For the year ended 31 March 2022

**Operating lease commitments:**

The Department had previously incorrectly accounted for operating leases relating to photocopier machines and motor vehicles as finance leases.

**Irregular expenditure:**

The Department identified irregular expenditure relating to the previous financial years.

**Employee benefits – Leave entitlement:**

The Department had previously included negative leave credits as part of the provision for leave liability.

**Related party transactions:**

The Department had previously incorrectly accounted for transactions relating to the Truth and Reconciliation unit as related party transactions.

**Contingent liabilities:**

The restatement for contingent liabilities relates to cases which were dormant in the previous years but were included in the opening balances, incorrectly captured summons amounts and some cases which were removed prematurely from the register.

**Principal agent relationship:**

The Department had previously incorrectly accounted for transactions relating to CARA and State Attorney monies collected on behalf of other government institutions as principal agent relationship transactions even though the requirements of MCS in this regard were not met.

**Tangible assets:**

The prior year error was as result of misclassification of mobile guard unit which forms part of fixed structure SCOA ITEM, IJS procurement for Office of the Chief Justice which was previously not recorded, and heritage assets incorrectly valued.

**Intangible assets:**

The Department had previously not recorded intangible assets which met the recognition criteria as per MCS.

**38. Inventories****Inventories for the year ended 31 March 2022**

	Ammunition	TOTAL
	R'000	R'000
Opening balance	499	499
(Less): Issues	(12)	(12)
<b>Closing balance</b>	<b>487</b>	<b>487</b>

**Inventories for the year ended 31 March 2021**

	Ammunition	TOTAL
	R'000	R'000
Opening balance	399	399
Add: Additions/Purchases – cash	113	113
(Less): issues	(13)	(13)
<b>Closing balance</b>	<b>499</b>	<b>499</b>

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

For the year ended 31 March 2022

### 39. STATEMENT OF CONDITIONAL GRANTS AND OTHER TRANSFERS PAID TO MUNICIPALITIES

NAME OF MUNICIPALITY	2021/22							2020/21		
	GRANT ALLOCATION				TRANSFER			Division of Revenue Act	Actual transfer	
	DoRA and other transfers	Roll overs	Adjustments	Total available	Actual transfer	Funds with-held	Re-allocations by National Treasury or National Department			
R'000	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	
Municipal fines & penalties	-	-	-	-	-	-	-	-	971	676
Municipal vehicles licences	-	-	664	664	644	-	-	-	37	14
<b>TOTAL</b>	<b>-</b>	<b>-</b>	<b>664</b>	<b>664</b>	<b>644</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1 008</b>	<b>690</b>

### 40. 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.

### 41. COVID-19 response expenditure

	<i>Note</i>	<b>2021/22</b>	<b>2020/21</b>
		<b>R'000</b>	<b>R'000</b>
Goods and services	<i>Annexure 11</i>	16 819	44 015
Expenditure for capital assets		-	254
<b>Total</b>		<b>16 819</b>	<b>44 269</b>

## ANNEXURES

For the year ended 31 March 2022

ANNEXURE 1A  
STATEMENT OF CONDITIONAL GRANTS AND OTHER TRANSFERS PAID TO MUNICIPALITIES

NAME OF MUNICIPALITY	GRANT ALLOCATION				TRANSFER			SPENT			2020/21		
	DoRA and other transfers	Roll overs	Adjustments	Total available	Actual transfer	Funds withheld	Re-allocations by National Treasury or National Department	Amount received by municipality	Amount spent by municipality	Unspent funds	% of available funds spent by municipality	Division of Revenue Act	Actual transfer
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000	%	R'000	R'000
Municipal fines & penalties	-	-	-	-	-	-	-	-	-	-	-	971	676
Municipal vehicles licences	-	-	664	664	664	-	-	-	-	-	-	37	14
<b>TOTAL</b>	-	-	<b>664</b>	<b>664</b>	<b>664</b>	-	-	-	-	-	-	<b>1 008</b>	<b>690</b>

**ANNEXURES**

For the year ended 31 March 2022

**ANNEXURE 1B  
STATEMENT OF TRANSFERS TO DEPARTMENTAL AGENCIES AND ACCOUNTS**

DEPARTMENTAL AGENCY/ ACCOUNT	TRANSFER ALLOCATION				TRANSFER		2020/21
	Adjusted appropriation	Roll overs	Adjustments	Total available	Actual transfer	% of Available funds transferred	Final appropriation
	R'000	R'000	R'000	R'000	R'000	%	R'000
Legal Aid South Africa	2 033 188	-	-	2 033 188	2 033 188	100%	1 985 883
Special Investigating Unit	437 878	-	-	437 878	437 878	100%	421 662
Public Protector of South Africa	359 860	-	-	359 860	359 860	100%	353 494
South African Human Rights Commission	195 031	-	-	195 031	195 031	100%	191 739
President's Fund	1	-	-	1	-		1
Dept agency:fines & penalties	61	-	-	61	61	100%	-
Communication licences	57	-	-	57	82	144%	89
Skills development levy	19 342	-	-	19 342	17 059	88%	-
SETA	11 195	-	-	11 195	10 934	98%	29 773
		-	-				
<b>TOTAL</b>	<b>3 056 613</b>	<b>-</b>	<b>-</b>	<b>3 056 613</b>	<b>3 054 093</b>		<b>2 982 641</b>

**ANNEXURES**

For the year ended 31 March 2022

**ANNEXURE 1E****STATEMENT OF TRANSFERS TO FOREIGN GOVERNMENT AND INTERNATIONAL ORGANISATIONS**

FOREIGN GOVERNMENT/ INTERNATIONAL ORGANISATION	TRANSFER ALLOCATION				EXPENDITURE		2020/21
	Adjusted appro-riation Act	Roll overs	Adjust-ments	Total available	Actual transfer	% of Available funds transferred	Final appropriation
	R'000	R'000	R'000	R'000	R'000	%	R'000
Transfers							
Hague Conference International Law	1 300	-	-	1 300	1 188	91%	1 289
International Criminal Court	15 015	-	-	15 015	12 170	81%	14 329
International Institutional Unification	400	-	-	400	345	86%	430
	<b>16 715</b>	<b>-</b>	<b>-</b>	<b>16 715</b>	<b>13 703</b>		<b>16 048</b>
<b>TOTAL</b>	<b>16 715</b>	<b>-</b>	<b>-</b>	<b>16 715</b>	<b>13 703</b>		<b>16 048</b>

**ANNEXURES**

For the year ended 31 March 2022

**ANNEXURE 1G  
STATEMENT OF TRANSFERS TO HOUSEHOLDS**

HOUSEHOLDS	TRANSFER ALLOCATION				EXPENDITURE		2020/21
	Adjusted ppro-priation Act	Roll overs	Adjust- ments	Total available	Actual transfer	% of Available funds transferred	Final appropriation
	R'000	R'000	R'000	R'000	R'000	%	R'000
Transfers							
Employee social benefits	105 957	-	-	105 957	105 957	100%	137 360
Claims against the state	4 764	-	-	4 764	4 764	100%	4 277
	110 721	-	-	110 721	110 721		141 637
<b>TOTAL</b>	<b>110 721</b>	<b>-</b>	<b>-</b>	<b>110 721</b>	<b>110 721</b>		<b>141 637</b>

**ANNEXURES**

For the year ended 31 March 2022

**ANNEXURE 1H  
STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS RECEIVED**

NAME OF ORGANISATION	NATURE OF GIFT, DONATION OR SPONSORSHIP	2021/22	2020/21
		R'000	R'000
Received in kind			
	COVID-19 decontamination services by Volunteer Ministries in Africa	3 880	-
	Various donations received by the Department	18 636	1
	<b>Subtotal</b>	<b>22 516</b>	<b>1</b>
	<b>TOTAL</b>	<b>22 516</b>	<b>1</b>

**ANNEXURES**

For the year ended 31 March 2022

**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	1 133	-	44	1 133	(44)
Cara	Domestic violence	7 363	18 900	5 196	-	21 067
Cara NPA	Various projects	23 519		12 763	-	10 756
<b>TOTAL</b>		<b>32 015</b>	<b>18 900</b>	<b>18 003</b>	<b>1 133</b>	<b>31 779</b>

## ANNEXURES

For the year ended 31 March 2022

ANNEXURE 3A  
STATEMENT OF FINANCIAL GUARANTEES ISSUED AS AT 31 MARCH 2022 – LOCAL

Guarantor institution	Guarantee in respect of	Original guaranteed capital amount	Opening balance 1 April 2021	Guarantees draw downs during the year	Guarantees repayments/ cancelled/ reduced during the year	Revaluation due to foreign currency movements	Closing balance 31 March 2022	Revaluations due to inflation rate movements	Accrued guaranteed interest for year ended 31 March 2022
		R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
	Motor vehicles								
NP Development Corporation		-	111	-	-	-	111	-	-
Green start		-	25	-	-	-	25	-	-
	<b>Subtotal</b>	-	<b>136</b>	-	-	-	<b>136</b>	-	-
	Housing								
	<b>TOTAL</b>	-	<b>136</b>	-	-	-	<b>136</b>	-	-

## ANNEXURES

For the year ended 31 March 2022

ANNEXURE 3B  
STATEMENT OF CONTINGENT LIABILITIES AS AT 31 MARCH 2022

Nature of liability	Opening balance	Liabilities incurred		Liabilities paid/ cancelled/reduced		Liabilities recoverable		Closing balance
	1 April 2021	during the year		during the year		(Provide details hereunder)		31 March 2022
	R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
Claims against the Department								
Summons	4 927 135	5 148 056	(3 168 970)	-	-	6 906 221		
Supplier discrepancies (disputed invoices)	54	44 173	-	-	-	44 227		
Theft and losses	26 484	-	-	-	-	26 484		
Human resource management	471	16 949	-	-	-	17 420		
Outstanding lawsuits (SS, OWP, PCLU)	160 419	87	(99 444)	4	4	61,058		
<b>Subtotal</b>	<b>5 114 563</b>	<b>5 209 265</b>	<b>(3 268 414)</b>	<b>4</b>	<b>4</b>	<b>7 055 410</b>		
<b>Other</b>								
Third party theft, losses and dishonoured cheques.	10 150	-	(5 714)	-	-	4 436		
<b>Subtotal</b>	<b>10 150</b>	<b>-</b>	<b>(5 714)</b>	<b>-</b>	<b>-</b>	<b>4 436</b>		
<b>TOTAL</b>	<b>5 124 713</b>	<b>5 209 265</b>	<b>(3 274 128)</b>	<b>4</b>	<b>4</b>	<b>7 059 846</b>		

## ANNEXURES

For the year ended 31 March 2022

ANNEXURE 4  
CLAIMS RECOVERABLE

Government entity	Confirmed balance outstanding		Unconfirmed balance outstanding		Total		Cash in transit at year end 2021/22 *	
	31/03/2022	31/03/21	31/03/2022	31/03/2021	31/03/2022	31/03/2021	Receipt date up to six (6) working days after year end	Amount
	R'000	R'000	R'000	R'000	R'000	R'000		R'000
<b>Department</b>								
National departments	-	-	738 247	939 510	738 247	939 510		158 132
Limpopo	-	-	185 545	121 811	185 545	121 811		
Mpumalanga	-	-	37 436	28 666	37 436	28 666		
KwaZulu-Natal	-	-	36 882	38 434	36 882	38 434		
Gauteng	-	-	565 428	514 959	565 428	514 959		
North West	-	-	130 987	108 621	130 987	108 621		
Free State	-	-	34 920	41 639	34 920	41 639		
Western Cape	-	-	7 681	15 153	7 681	15 153		
Eastern Cape	-	-	909 301	803 348	909 301	803 348		
Northern Cape	-	-	7 184	9 253	7 184	9 253		
Agency services control account	-	-	574 952	404 286	574 452	404 286		
PACE	-	-	1 008	19 305	1 008	19 305		
Salary recoverable account	-	-	2 123	1 117	2 123	1 117		
National Treasury	-	-	-	-	-	-		
OCJ	-	-	8 880	8 880	8 880	8 880		
<b>TOTAL</b>	<b>-</b>	<b>-</b>	<b>3 240 574</b>	<b>3 054 982</b>	<b>3 240 574</b>	<b>3 054 982</b>		<b>158 132</b>

## ANNEXURES

For the year ended 31 March 2022

ANNEXURE 5  
INTER-GOVERNMENT PAYABLES

GOVERNMENT ENTITY	Confirmed balance outstanding		Unconfirmed balance outstanding		TOTAL		Cash in transit at year end 2021/22 *	
	31/03/2022	31/03/2021	31/03/2022	31/03/2021	31/03/2022	31/03/2021	Payment date up to six (6) working days before year end	Amount
	R'000	R'000	R'000	R'000	R'000	R'000		R'000
<b>DEPARTMENTS</b>								
<b>Current</b>								
National School of Government	-	-	1 037	1 037	1 037	1 037		
Public Works	45 063	31 769		-	45 063	31 769		
South African Social Security Agency (SASSA)	-	-	2	-	2			
<b>Subtotal</b>	<b>45 063</b>	<b>31 769</b>	<b>1 039</b>	<b>1 037</b>	<b>46 102</b>	<b>32 806</b>		
<b>OTHER GOVERNMENT ENTITY</b>								
<b>Current</b>								
Special Investigating Unit	70 598	-	-	-	70 598	-		
<b>Subtotal</b>	<b>70 598</b>	<b>31 769</b>	<b>1 039</b>	<b>1 037</b>	<b>71 637</b>	<b>32 806</b>		
<b>TOTAL INTERGOVERNMENT PAYABLES</b>	<b>115 661</b>	<b>31 769</b>	<b>1 039</b>	<b>1 037</b>	<b>116 700</b>	<b>32 806</b>		

**ANNEXURES**

For the year ended 31 March 2022

**ANNEXURE 6  
INVENTORIES**

<b>Inventories for the year ended 31 March 2022</b>	<b>Ammunition</b>	<b>TOTAL</b>
	<b>R'000</b>	<b>R'000</b>
Opening balance	499	499
Add: Additions/Purchases – cash		
Add/(Less): Received current, not paid (paid current year, received prior year)	(12)	(12)
(Less): Issues		
<b>Closing balance</b>	<b>487</b>	<b>487</b>

<b>Inventories for the year ended 31 March 2021</b>	<b>Ammunition</b>	<b>TOTAL</b>
	<b>R'000</b>	<b>R'000</b>
Opening balance	399	399
Add: Additions/Purchases – cash	113	113
(Less): Issues	(13)	(13)
<b>Closing balance</b>	<b>499</b>	<b>499</b>

**ANNEXURES**

For the year ended 31 March 2022

**ANNEXURE 7  
MOVEMENT IN CAPITAL WORK-IN-PROGRESS**

MOVEMENT IN CAPITAL WORK-IN-PROGRESS FOR THE YEAR ENDED 31 MARCH 2022				
	Opening balance	Current year capital WIP	Ready for use (Asset register) / contract terminated	Closing balance
	R'000	R'000	R'000	R'000
<b>SOFTWARE</b>	-	23 150	-	23 150
Software	-	23 150	-	23 150
<b>TOTAL</b>	-	23 150	-	23 150

**ANNEXURE 8A  
INTER-ENTITY ADVANCES PAID (note 14)**

ENTITY	Confirmed balance outstanding		Unconfirmed balance outstanding		TOTAL	
	31/03/2022	31/03/2021	31/03/2022	31/03/2021	31/03/2022	31/03/2021
	R'000	R'000	R'000	R'000	R'000	R'000
<b>NATIONAL DEPARTMENTS</b>						
GCIS	-	-	8 278	15 077	8 278	15 077
DIRCO	-	-	2 668	2 733	2 668	2 733
National Treasury	-	-	165	-	165	-
<b>Subtotal</b>	-	-	11 111	17 810	11 111	17 810

## ANNEXURES

For the year ended 31 March 2022

**ANNEXURE 11**  
**COVID-19 RESPONSE EXPENDITURE**  
**Per quarter and in total**

Expenditure per economic classification	2021/22					2020/21
	Q1	Q2	Q3	Q4	Total	Total
	R'000	R'000	R'000	R'000	R'000	R'000
<b>Goods and services</b>	<b>1 721</b>	<b>3 484</b>	<b>5 093</b>	<b>6 521</b>	<b>16 819</b>	<b>44 015</b>
Management/handling fees	-	10	(10)	-	-	27
Cons supp: medical supplies	288	517	1 222	1 797	3 824	13 118
Cons hous sup:wash/clean dete	602	605	1 474	2 025	4 706	9 030
Cons mat&sup: hardware	2	397	178	1 703	2 280	2 159
P/P: Pest cntrl /fumigation ser	604	1 521	933	522	3 580	1 491
P/P: Management fee	-	1	11	327	339	2 057
P/P: Contrctd maint prop	-	-	10	1	11	-
Cons supp: Uni/prot clth&clothes	-	-	-	-	-	-
EQP<R5000:Domestic equipment	-	-	-	-	-	62
C/EQP<R5000: Com peripherals	-	-	-	-	-	40
F&O/EQP<R5000:Office equipment	-	-	-	-	-	186
F&O/EQP<R5000:Office furniture	-	-	-	-	-	4
Contrctrs:Trnsprt/relctn decorators	-	-	420	(420)	-	1
Cons hous sup: Dis paper/plast	6	18	41	28	98	393
Cons hous sup: Toiletries	209	338	625	443	1 615	6 185
Cons mot&sup: Notice boards&signs	1	-	(1)	-	-	9
Cons: Medical kit	-	-	-	-	-	3
Communication accessories	-	2	-	5	7	12
Cons: Bags and accessories	-	-	-	-	-	6
Cons: Sta print&off sup	-	-	-	-	-	109
Cons supp: Uni/prot clth&clothes	9	75	190	90	364	-
Property payments	-	-	-	-	-	9 098
Operating payments/venues and facilities	-	-	-	-	-	25
<b>Expenditure for capital assets</b>						
Machinery and equipment	-	-	-	-	-	254
<b>TOTAL COVID-19 RESPONSE EXPENDITURE</b>	<b>1 721</b>	<b>3 484</b>	<b>5 093</b>	<b>6 521</b>	<b>16 819</b>	<b>44 269</b>

The information provided in this part is prescribed by the Minister for the Public Service and Administration for all

RP329/2022

**ISBN:** 978-0-621-50718-8

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**

**Tel:** 012 315 1111

**Postal Address:** Private Bag X81, Pretoria, 0001

**Physical Address:** Momentum Centre, 329 Pretorius Street, Pretoria  
[www.justice.gov.za](http://www.justice.gov.za)

**FOLLOW US ON**

