



# THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

VOTE 25

# ANNUAL REPORT

2023 / 2024



**the doj & cd**

Department:  
Justice and Constitutional Development  
REPUBLIC OF SOUTH AFRICA





# CONTENTS

<b>PART A: GENERAL INFORMATION</b>	<b>5</b>
1. LIST OF ABBREVIATIONS/ACRONYMS	6
2. DEPARTMENT GENERAL INFORMATION	11
3. FOREWORD BY THE MINISTER	12
4. DEPUTY MINISTER STATEMENT	15
5. REPORT OF THE ACCOUNTING OFFICER	17
6. STATEMENT OF RESPONSIBILITY AND CONFIRMATION OF ACCURACY FOR THE ANNUAL REPORT	21
7. STRATEGIC OVERVIEW	22
7.1 VISION	22
7.2 MISSION	22
7.3 VALUES	22
8. LEGISLATIVE AND OTHER MANDATES	23
9. ORGANISATIONAL STRUCTURE	26
10. ENTITIES REPORTING TO THE MINISTER	27
 <b>PART B: PERFORMANCE INFORMATION</b>	 <b>29</b>
1. AUDITOR-GENERAL'S REPORT: PREDETERMINED OBJECTIVES	30
2. OVERVIEW OF DEPARTMENTAL PERFORMANCE	30
2.1 Service Delivery Environment	30
2.1.1 The Office of the Family Advocate	30
2.1.2 The Office of the Solicitor-General	31
2.2 Improved access for justice services	31
a) Masters' Services	31
b) Gender-Based Violence (GBV)	33
2.2.1 Improvement in administration in support of service delivery	33
2.2.1.1 Modernisation and digitised justice service platforms	33
2.2.1.2 Integrated Justice System	34
2.2.1.3 The Office of the Chief State Law Adviser	35
2.2.1.4 Extraditions and Mutual Legal Assistance	36
2.2.1.5 Expungements and pardons	37

2.3	Service Delivery Improvement Plan	38
2.4	Organisational Environment	40
2.5	Key policy developments and legislative changes policy update	40
2.5.1	Key Policy Update	41
2.5.2	Bills processed and some enacted into acts of Parliament	42
2.5.3	Bills implementing Constitutional Court judgments	42
2.5.4	Operationalised legislation	44
2.5.5	Special Investigating Unit Proclamations	44
2.5.6	Legal Services	45
3.	PROGRESS TOWARDS ACHIEVEMENT OF INSTITUTIONAL IMPACTS AND OUTCOMES	47
4.	PROGRAMME PERFORMANCE INFORMATION	51
4.1	PROGRAMME 1: ADMINISTRATION	55
4.2	PROGRAMME 2: LOWER COURT SERVICES	65
4.3	PROGRAMME 3: STATE LEGAL SERVICES	78
4.4	PROGRAMME 4: NATIONAL PROSECUTING AUTHORITY	98
4.5	PROGRAMME 5: AUXILIARY AND ASSOCIATED SERVICES	105
5.	TRANSFER PAYMENTS	108
5.1.	Transfer payments to public entities	108
5.2.	Transfer payments to all organisations other than public entities	110
6.	CONDITIONAL GRANTS	111
6.1.	Conditional grants and earmarked funds paid	111
6.2.	Conditional grants and earmarked funds received	111
7.	DONOR FUNDS	111
8.	CAPITAL INVESTMENT	111
8.1	Capital investment, maintenance and asset management plan	111

## **PART C: GOVERNANCE** **117**

1.	INTRODUCTION	118
2.	RISK MANAGEMENT	118
3.	FRAUD AND CORRUPTION	118
4.	MINIMISING CONFLICT OF INTEREST	118
5.	CODE OF CONDUCT	119
6.	HEALTH, SAFETY AND ENVIRONMENTAL ISSUES	119
7.	PORTFOLIO COMMITTEES	120
8.	SCOPA RESOLUTIONS	144

9.	PRIOR MODIFICATIONS TO AUDIT REPORTS	144
10.	INTERNAL CONTROL UNIT	146
11.	INTERNAL AUDIT AND AUDIT COMMITTEES	148
12.	AUDIT COMMITTEE REPORT	149
13.	B-BBEE COMPLIANCE PERFORMANCE INFORMATION	151

## **PART D: HUMAN RESOURCE MANAGEMENT 153**

1.	INTRODUCTION	154
2.	OVERVIEW OF HUMAN RESOURCES	154
3.	HUMAN RESOURCES OVERSIGHT STATISTICS	154

## **PART E: PFMA COMPLIANCE REPORT 191**

1.	IRREGULAR, FRUITLESS AND WASTEFUL, UNAUTHORISED EXPENDITURE AND MATERIAL LOSSES	192
2.	LATE AND/OR NON-PAYMENT OF SUPPLIERS	196
3.	INFORMATION ON SUPPLY CHAIN MANAGEMENT	197

## **PART F: FINANCIAL STATEMENTS 203**

1.	REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON VOTE NO. 25: DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT	204
	ANNEXURES TO THE AUDITOR'S REPORT	211
2.	APPROPRIATION STATEMENT	214
3.	NOTES TO THE APPROPRIATION STATEMENT	241
4.	STATEMENT OF FINANCIAL PERFORMANCE	243
5.	STATEMENT OF FINANCIAL POSITION	244
6.	STATEMENT OF CHANGES IN NET ASSETS	245
7.	CASH FLOW STATEMENT	246
8.	NOTES TO THE ANNUAL FINANCIAL STATEMENTS (INCLUDING ACCOUNTING POLICIES)	247
9.	ANNEXURES TO THE FINANCIAL STATEMENTS	283







# PART A

## GENERAL INFORMATION

# 1. LIST OF ABBREVIATIONS/ACRONYMS

ACRONYM	ACRONYM DEFINITION
<b>ABIS</b>	Automated Biometric Identification System
<b>ABSA</b>	Amalgamated Banks of South Africa
<b>ACJR</b>	African Criminal Justice Reform
<b>ADR</b>	Alternative Dispute Resolution
<b>AFU</b>	Asset Forfeiture Unit
<b>AGSA</b>	Auditor-General of South Africa
<b>APCOF</b>	African Police Civilian Oversight Forum
<b>APP</b>	Annual Performance Plan
<b>AR</b>	Annual Report
<b>BAS</b>	Basic Accounting System
<b>BASA</b>	Banking Association of South Africa
<b>BBBEE</b>	Broad-Based Black Economic Empowerment
<b>BCM</b>	Business Continuity Management
<b>BO</b>	Beneficial Ownership
<b>BOP</b>	Branch Operational Plan
<b>C-ADR</b>	Corporate Alternative Dispute Resolution
<b>CAO</b>	Chief Accounting Officer
<b>CARA</b>	Criminal Asset Recovery Account
<b>CAVS</b>	Courts Audio-Visual Solution
<b>CC</b>	Constitutional Court
<b>CDC</b>	Coega Development Corporations
<b>CFO</b>	Chief Financial Officer
<b>CIPC</b>	Companies and Intellectual Property Commissions
<b>CJ</b>	Child Justice
<b>CJS / CJC</b>	Criminal Justice System
<b>COIDA</b>	Compensation Per Occupational Injuries on Diseased Act
<b>COJ</b>	City of Johannesburg
<b>CPF</b>	Community Police Forums
<b>CPI</b>	Community Prosecution Initiative
<b>CRT</b>	Court Recording Technology
<b>DA</b>	Democratic Alliance
<b>DBE</b>	Department of Basic Education
<b>DBSA</b>	Development Bank of South Africa
<b>DCS</b>	Department of Correctional Services
<b>DDG</b>	Deputy Director-General
<b>DEL</b>	Department of Employment And Labour
<b>DEVCOMM</b>	Development Committee
<b>DFI</b>	Departmental Financial Instructions
<b>DG</b>	Director-General
<b>DHA</b>	Department of Home Affairs



## LIST OF ABBREVIATIONS/ACRONYMS

ACRONYM	ACRONYM DEFINITION
<b>DIRCO</b>	Department of International Relations and Cooperation
<b>DJINI</b>	Department of Justice Intranet Information
<b>DMP</b>	Disaster Management Plan
<b>DNA</b>	Deoxyribonucleic Acid,
<b>DNDPP</b>	Deputy National Director of Public Prosecutions
<b>DOD</b>	Department of Defence
<b>DOH</b>	Department of Health
<b>DOJ&amp;CD</b>	Department of Justice and Constitutional Development
<b>DOT</b>	Department of Transport
<b>DPCI</b>	Directorate for Priority Crime Investigation
<b>DPME</b>	Department of Planning, Monitoring and Evaluation
<b>DPSA</b>	Department of Public Service and Administration
<b>DPWI</b>	Department of Public Works
<b>DSB</b>	Department of Social Development
<b>DV</b>	Domestic Violence
<b>EC</b>	Eastern Cape
<b>EE</b>	Employment Equity
<b>EHWP</b>	Employment Health and Wellness Programme
<b>EME</b>	Exempted Micro Enterprise
<b>EMREP</b>	Extradition Mutual Legal Assistance Portal
<b>ENE</b>	Expenditure National Expenditure
<b>EXCO</b>	Executive Committee
<b>FA</b>	Family Advocate
<b>FATF</b>	Financial Action Task Force
<b>FCS</b>	Family Violence, Child Protection And Sexual Offences
<b>FY</b>	Financial Year
<b>GBS</b>	Global Business Services
<b>GBV</b>	Gender-Based Violence
<b>GBVF</b>	Gender-Based Violence And Femicide
<b>GG</b>	Government Gazette
<b>GIAMA</b>	Government Immovable Asset Management Act
<b>GIDRM</b>	Global Initiative on Disaster Risk Management
<b>GIZ</b>	German Agency for International Cooperation
<b>HANIS</b>	Home Affairs National Information System
<b>HC</b>	High Court
<b>HR</b>	Human Resource
<b>HRD</b>	Human Resource Development
<b>HRM</b>	Human Resource Management,
<b>HRP</b>	Human Resources Plan
<b>ICMS</b>	Integrated Case Management System
<b>ICT</b>	Information and Communication Technology
<b>ID</b>	Investigating Directorate
<b>IDAC</b>	Investigating Directorate Against Corruption

## LIST OF ABBREVIATIONS/ACRONYMS

ACRONYM	ACRONYM DEFINITION
<b>IDD</b>	Injury on Duty
<b>IDT</b>	Independent Development Trust
<b>IER</b>	Integrated Electronic Repository
<b>IESBA</b>	International Ethics Standards Board for Accountants
<b>IJS</b>	Integrated Justice System
<b>IOM</b>	International Organisation for Migration
<b>IPM</b>	Integrated Person Management
<b>IRM</b>	Infrastructure Reporting Module
<b>ISA</b>	International Standards
<b>IT</b>	Information Technology
<b>JCPS</b>	Justice, Crime Prevention and Security
<b>JYP</b>	Justice Yellow Pages
<b>KPI</b>	Key Performance Indicator
<b>KZN</b>	Kwazulu-Natal
<b>LAN</b>	Local Area Network
<b>LASA</b>	Legal Aid South Africa
<b>LEA</b>	Law Enforcement Agencies
<b>LGBTQI+</b>	Lesbian, Gay, Bisexual, Transgender and Intersex
<b>LLAC</b>	Labour and Labour Appeal Court
<b>LP</b>	Legal Practitioners
<b>LP</b>	Limpopo
<b>LPC</b>	Legal Professional Council
<b>MANCO</b>	Management Committee
<b>Mbps</b>	Megabytes Per Second
<b>MCS</b>	Modified Cash Standards
<b>MEC</b>	Member of Executive Council
<b>MOHC</b>	Master of The High Court
<b>MOU</b>	Memorandum Of Understanding
<b>MP</b>	Mpumalanga
<b>MP</b>	Member of Parliament
<b>MTEF</b>	Medium Term Expenditure Framework
<b>MTSF</b>	Medium-Term Strategic Framework
<b>NACAC</b>	National Anti-Corruption Advisory Council
<b>NAP</b>	National Action Plan
<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>NICTIP</b>	National Inter-Sectoral Committee On Trafficking In Persons
<b>NIS</b>	National Intervention Strategy
<b>NPA</b>	National Prosecuting Authority
<b>NQF</b>	National Qualification Framework
<b>NRSO</b>	National Register for Sexual Offenders

## LIST OF ABBREVIATIONS/ACRONYMS

ACRONYM	ACRONYM DEFINITION
<b>NSP</b>	National Strategic Plan
<b>NT</b>	National Treasury
<b>NTT</b>	National Task Team
<b>OCJ</b>	Office of the Chief Justice
<b>OCSLA</b>	Office of the Chief State Law Adviser
<b>OEA</b>	Office for Ethics and Accountability
<b>OHCHR</b>	Office of the High Commissioner for Human Rights
<b>OSD</b>	Occupation Specific Dispensation
<b>OSG</b>	Office of the Solicitor-General
<b>PAA</b>	Public Audit Act
<b>PAIA</b>	Promotion of Access To Information Act
<b>PAJA</b>	Promotion of Administrative Justice Act
<b>PC</b>	Portfolio Committee
<b>PDA</b>	Practical Guidelines for Employees
<b>PDI</b>	Previously Disadvantaged Individual
<b>PEC</b>	Public Education and Communications
<b>PEP</b>	Project Execution Plan
<b>PEPUDA</b>	The Promotion Of Equality And Prevention Of Unfair Discrimination Act
<b>PERSAL</b>	Personal and Salary System
<b>PFMA</b>	Public Financial Management Act
<b>PIE</b>	Prevention of Illegal Eviction
<b>PILIR</b>	Policy and Procedure on Incapacity Leave and Ill-Health
<b>PIVA</b>	Person Identification and Verification Application
<b>PIVS</b>	Person Identification Verification Services
<b>PLEAJ</b>	Programme for Legal Empowerment and Access to Justice
<b>PMB</b>	Pietermaritzburg
<b>PMDS</b>	Performance Management Development System
<b>POCA</b>	Prevention of Organised Crime Act
<b>PoE</b>	Portfolio of Evidence
<b>PPP</b>	Public-Private Partnership
<b>PRASA</b>	Passenger Rail Agency of South Africa
<b>PSC</b>	Public Service Commission
<b>PTT</b>	Provincial Task Team
<b>PVS</b>	Person Verification Services
<b>PWD</b>	People Living With Disability
<b>QA</b>	Quality Assurance
<b>QR CODE</b>	Quick Response Code
<b>QSE</b>	Qualifying Small Enterprise
<b>RCPF</b>	Regional Court Presidents Forum
<b>RER</b>	Refurbishment and Reconstruction
<b>RFI</b>	Request For Information
<b>RFP</b>	Request For Proposal
<b>RFQ</b>	Request For Quote

## LIST OF ABBREVIATIONS/ACRONYMS

ACRONYM	ACRONYM DEFINITION
<b>RICA</b>	Regulation of Interception Of Communications Act
<b>SA</b>	South Africa
<b>SAAA</b>	Sa Accounting Academy
<b>SABC</b>	South Africa National Broadcasting Corporation
<b>SADC</b>	Southern African Development Community
<b>SAHRC</b>	South African Human Rights Commission
<b>SAPS</b>	South African Police Service
<b>SCA</b>	Supreme Court of Appeal
<b>SCCC</b>	Specialised Commercial Crimes Court
<b>SCCU</b>	Serious Commercial Crime Unit
<b>SCM</b>	Supply Chain Management
<b>SDIP</b>	Service Delivery Improvement Plan
<b>SECI</b>	Serial End Electronic Rime Investigations
<b>SG</b>	Solicitor General
<b>SHER</b>	Safety Health and Environmental Risks
<b>SITA</b>	State Information Technology Agency
<b>SIU</b>	Special Investigating Unit
<b>SMS</b>	Senior Management Service
<b>SOE</b>	State Owned Enterprises
<b>SOGIESC</b>	Sexual Orientation, Gender Identity, Expression And Sex Characteristics
<b>SOS</b>	Sexual Offence Machine
<b>SSA</b>	State Security Agency
<b>TCCS</b>	Thuthuzela Care Centres
<b>TFMS</b>	Traffic Flow Management System
<b>TIP</b>	Traffic In Persons
<b>TOR</b>	Terms Of Reference
<b>TRC</b>	Truth And Reconciliation Commission
<b>TVET</b>	Technical Vocational Education Training
<b>UAT</b>	User Acceptance Test
<b>UDHR</b>	Universal Declaration Of Human Rights
<b>UN</b>	United Nations
<b>US</b>	United State
<b>VDR</b>	Virtual Data Repository
<b>WAN</b>	Wide Area Network
<b>WSP</b>	Workplace Skills Plan
<b>ZACC</b>	Constitutional Court Of South Africa
<b>ZCC</b>	Zion Christian Church



## 2. DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: GENERAL INFORMATION

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### 3. FOREWORD BY THE MINISTER



*Minister of the Department of Justice and Constitutional Development, Thembisile Simelane (MP)*

The year 2024 signifies the 30th anniversary of South Africa's constitutional democracy, which is founded on the principle of achieving transformation that includes enhanced quality of life for all citizens and equal opportunities for all.

As South Africa commemorates its 30th anniversary of constitutional democracy, it continues to grapple with significant poverty, unemployment, inequality, and, regrettably, recurring instances of racism, racial discrimination, xenophobia, and related intolerances. Social cohesion, which lies at the heart of social reform, embodies the principle of inclusion that will drive national efforts to build a united society.

This offers the nation an opportunity to not only celebrate, but also reflect on the achievements of the past 30 years, the significance of upholding the Constitution, and cherishing human rights. It also provides an opportunity to analyse the merits and flaws in our democracy and assess our adherence to the Constitution. The pinnacle of events and activities was the National Conference on Human Rights in South Africa with the theme "Three Decades of Respect for and Promotion of Human Rights". One of the key recommendations from this conference emphasised the importance of ongoing implementation of constitutional education programmes and engagements to promote constitutional development.

The department remains committed to building a society that is founded on democratic values, social justice, and fundamental human rights, as outlined in the Preamble of the Constitution of the Republic of South Africa. Additionally, the department has maintained the management, development, coordination, and implementation of programmes and initiatives that advance participatory democracy, eradicate racial discrimination, and ensure the implementation of the Truth and Reconciliation Commission (TRC) recommendations as approved by Parliament.

In the 2023/2024 financial year, the department, in its role as the custodian of the Genocide Convention, collaborated with the Presidency and Department of International Relations and Cooperation to approach the International Court of Justice. The objective was to secure an urgent measures order against the State of Israel, urging them to cease military activities in Gaza and address the pressing humanitarian situation in the region. The matter is still in progress.

The NPA remains the beacon of hope for victims of crime and towards the vulnerable group of women and children who continue to be victims of gender-based crimes and domestic violence. It remains the Department's steadfast effort to support the rebuilding of an NPA that is resilient, well capacitated and execute its constitutional mandate effectively and efficiently.

Our turnaround strategy to build a fit-for-purpose, modern prosecution service included the following key strategic initiatives:

- Establishing an Office for Ethics and Accountability (OEA) to promote accountability and service delivery
- Launching a Community Prosecution Initiative (CPI) to deal proactively with crimes affecting local communities
- Finalising a Corporate Alternative Dispute Resolution (C-ADR) mechanism to strengthen the NPA's ability to deal with corporate corruption and recover stolen monies, a critical aspect of accountability and justice
- Developing a proactive Organised Crime Strategy to deal with this growing form of criminality that threatens the social, economic and political wellbeing of South Africa

- Redesigning our approach to recruitment, retention and skills' development relating to specialised investigators and prosecutors in fields such as organised and commercial crime.

While crime continues to undermine the feelings of safety in our communities, the growing threat of Organised Crime and Corruption equally undermines the economic prospects of the country. Therefore, the Department shall work together with the NPA on key priorities including, the setting up of the Investigating Directorate Against Corruption (IDAC), contributing to the removal of South Africa from grey listing by addressing deficiencies in its anti-money laundering and combating the financing of terrorism, while enhancing our victim centric services through the expansion of Thuthuzela Care Centres. The staggered resuscitation of the Aspirant Prosecutors Programme and the launching of the Office for Ethics and Accountability remains vital instruments to not only capacitate the NPA but to equally ensure that prosecutors execute their responsibility with extreme care and integrity as lawyers for the people.

The department has made remarkable strides in implementing its Information and Communication Technology (ICT) Turnaround Plan. Since March 2023, a modernisation and digitalisation strategy has been successfully guiding efforts to streamline and digitally transform the justice systems.

The Deceased Estate online system has been introduced with the aim of improving service delivery. This showcases our unwavering commitment to fostering innovation and enhancing services for the people of South Africa. Efficient delivery and easy accessibility are some of the standout features that bring immense satisfaction. The implementation of QR-coded appointment letters in deceased estates has been successfully completed in all Master's Offices and service points. Appointees can now receive their appointment letter electronically as soon as it is approved, ensuring a secure and efficient process. The department's commitment to align its priorities with the Medium-Term Strategic Framework (MTSF) in order to begin implementing the National Development Plan (NDP) during the 2014–2019 planning cycle was a positive and optimistic move towards advancing the plan. The department made progress in implementing the NDP's suggested measures. At the end of the MTSF period, the department achieved 78% of the planned

measures. However, the indicators used in the MTSF were not sufficiently detailed to accurately assess the true effects of progress on society. This highlighted the importance of developing integrated measures in security cluster departments to achieve the NDP vision.

The department is fully committed to enhancing and expediting the implementation of the seven-point plan, which is focused on modernising the Criminal Justice System (CJS) to improve its efficiency and effectiveness. The department is also prioritising the modernisation and digitalisation of the CJS. The goal is to electronically enable and integrate the criminal justice business processes in their entirety and manage the interdepartmental information exchanges across the CJS.

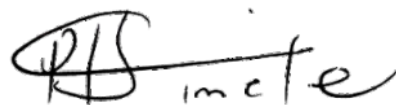
As we conclude the final year of the 6th administration, the Integrated Justice System (IJS), in collaboration with security cluster departments, has successfully achieved the following priorities:

- More than 2.1 million cases were electronically handled by the South African Police Service (SAPS), the National Prosecuting Authority (NPA), and the Department of Justice and Constitutional Development (DoJ&CD) between April 2019 and March 2024. Electronic charge sheets, docket requests, docket-ready notifications, and case information results (postponement, date, and reasons) are all part of these electronic information exchanges. These nationwide integrations link 509 courts throughout all nine provinces with 1 157 police stations, making it easier to report on the performance of the CJS.
- The Person Identification and Verification Application (PIVA) enables SAPS stations to confirm the identities of detained individuals using fingerprints and Department of Home Affairs (DHA) information. We implemented the solution during the reporting period to verify the identities of over 1 081 688 accused individuals in near-real-time, and found that over 412 721 of these individuals (38%) had prior criminal records that we could reference. Further, 25 259 (2%) wanted persons could be identified as linked to SAPS circulations as persons of interest for other cases. This timely information is assisting SAPS and NPA in their subsequent management of the accused, and it also provides data to aid in bail considerations.

In an effort to promote consistency and promote equality within the legal profession, both in the public and private sectors, our focus is on cultivating legal expertise. A significant degree of progress has been made in supporting the legal profession during the 6th administration, and the following are some of the noteworthy achievements:

- **Briefs allocated to female legal practitioners**  
A total of 24 490 briefs were allocated, with 9 975 briefs being allocated to female legal practitioners. This translates to a performance of 41%.
- **Value of briefs allocated to Previously Disadvantaged Individual (PDI) legal practitioners**  
The department briefed legal practitioners on legal matters for a total of R5 661 644 211, with R4 763 007 640 paid to PDI legal practitioners, representing 84%.
- **Value of briefs allocated to female legal practitioners**  
A total of R5 661 644 211 was paid out to legal practitioners, with R1 632 544 368 being allocated to female legal practitioners, representing 29% of the overall amount.

I am extremely grateful to our dedicated leadership team, who consistently ensure that we deliver excellent services to the people of South Africa. I am overjoyed to express my deepest gratitude to our stakeholders, whose contributions are consistently cherished and never overlooked. We are incredibly thankful for our staff, who are the foundation of our department. Within our department, we are fortunate to have numerous staff members who consistently exceed expectations, demonstrating unwavering commitment and steadfast ethics. We are dedicated to ensuring justice is served, constantly assessing our performance to improve service delivery, and making a profound impact on the lives of the people of South Africa.




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Thembisile Simelane (MP),  
Minister of the Department of Justice  
and Constitutional Development  
Date: 06 September 2024

## 4. DEPUTY MINISTER STATEMENT



*Deputy Minister of the Department of Justice and Constitutional Development, Mr Andries Nel (MP)*

The end of the 2023/2024 financial year coincides with the end of the current term of the 6th administration of our democratic South Africa.

Over the term of the 6th administration our department has drafted, processed and promoted a total of 20 pieces of legislation which were submitted to Parliament between 2019 and the end of 2023. Most of the legislative amendments made were intended to, among others, give effect to various Constitutional Court judgments, to strengthen the criminal justice system in order to deal with gender-based violence, to recognise South African Sign Language as the 12th official language, to establish traditional courts and to establish the Land Court (replacing the Land Claims Court), to name but a few.

In the 2023/2024 financial year, four bills – being the Divorce Amendment Bill, the National Prosecuting Authority Amendment Bill, the Judicial Matters Amendment Bill and the Regulation of Interception of Communications and Provision of Communications-Related Information Amendment Bill – were introduced into Parliament and all were passed by Parliament in the same financial year.

The NPA Amendment Act establishes the Investigating Directorate against Corruption as a permanent unit within the National Prosecuting Authority. The Divorce

Amendment Act amends the Divorce Act so as to insert a definition for a Muslim marriage and thus provides for the protection and safeguarding of the interests of dependent and minor children of a Muslim marriage and for the redistribution of assets on the dissolution of a Muslim marriage. The Judicial Matters Amendment Act amends a number of laws, such as providing for the expungement of admissions of guilt, providing for powers of the Chief Master and rectifying a technical provision in the Sexual Offences Act so that Sexual Offences Courts could be designated as intended.

Parliament also finalised a number of bills which the department had introduced in earlier financial years, such as the Constitution Eighteenth Amendment Act which provides for the recognition of South African Sign Language as an official language of the Republic of South Africa, and the Prevention and Combating of Hate Crimes and Hate Speech Act. The Prevention and Combating of Hate Crimes and Hate Speech Act provides for offences of hate crimes and hate speech and the prosecution of persons who commit those offences. We believe that hate crimes and hate speech have no place in a free and democratic society such as ours.

Other important bills passed in 2023/2024 include, amongst others, the Land Court Bill and the Cannabis for Private Purposes Bill. Most importantly, all justice bills before Parliament were finalised before the end of the term, so there are no bills outstanding.

One of our main responsibilities remains providing support and assistance to our lower courts. In this regard, we continued to work closely with important stakeholders such as the Chief Magistrates Forum and the Regional Presidents Forum and other role players. With regard to the new proposed legislative framework for our lower courts, both the draft Lower Courts Bill and the draft Magistrates Bill have been published for public comment and inputs have been received from various stakeholders. Meetings with representatives of the magistracy (the Magistrates Commission, the Regional Court Presidents Forum (RCPF), the Chief Magistrates Forum, the Association of Regional Magistrates of Southern Africa and Judicial Officers Association of South Africa) were held and it was agreed that more in-depth discussions will follow on the two bills and the comments received.

Much work has also been done on the Financial Policy for the Magistrates. Although the three arms of the State – the Executive, the Legislature and the Judiciary – are independent, the lower courts judiciary is, however, still, given its history, subject to some of the regulatory measures applicable to government employees, such as the Government Employees Pension Fund. Whilst the comprehensive review of the existing legal framework of the lower courts judiciary is ongoing, the need for a separate policy to provide for the management of financial and related matters of the magistracy has been approved as a necessary imperative.

Access to justice remains a fundamental part of our work and the department is currently busy with the review of the Small Claims Court system in order to access the efficacy, use of the court, successes and any challenges experienced.

Access to justice also means that people need to know their constitutional rights and how to enforce these rights. The department's work in this regard is supported by a variety of communication platforms and campaigns, including media outreach, social media, communications product development, and events in an effort to broaden access to justice for everyone. The department conducted 703 public education and communication activities in enhancing access to justice and promoting constitutional rights during the 2023/2024 financial year.

With regard to the promotion and protection of the rights of LGBTIQ+ persons, Cabinet approved the revised National Intervention Strategy (NIS) on Sexual Orientation, Gender Identity, Expression and Sex Characteristics (SOGIESC) matters. The revised NIS focuses on prevention programmes to address violence and unfair discrimination on the grounds of SOGIESC, as well as working with faith-based organisations, traditional

leaders, human rights organisations, public officials and institutions. It also includes capacity building of officials at service points and service providers in order to address and prevent secondary victimisation.

Finally, we are pleased to advise that the hard work being done by government and civil society in preventing and combating trafficking in person is paying off. The US Department of State publishes an annual Trafficking in Persons Report which provides the world's most comprehensive assessment of trafficking in persons, as well as efforts by governments and stakeholders around the globe to combat this by measuring progress in 188 countries.

"South Africa was on its Tier Two Watchlist for two consecutive years. Because of the Department's as well as the National Inter-Sectoral Committee on Trafficking in Persons' (NICTIP's) hard work, and based on our country report which we submitted in early 2024, we are pleased that South Africa was recently moved up to Tier Two and is thus no longer on the Watchlist."

We have made many gains, but there is still much to be done.

We need to tirelessly continue our efforts to make justice and the provision of accessible justice services a reality for all.



Andries Nel (MP)  
Deputy Minister of the Department of  
Justice and Constitutional Development  
Date: 06 September 2024



## 5. REPORT OF THE ACCOUNTING OFFICER



*Director-General of the Department of Justice and Constitutional Development, Adv Doc Mashabane*

The financial year 2023/2024 marked the end of the Medium-Term Strategic Framework (MTSF) phase, allowing for the completion of the key priorities set for this period. These included efforts to make justice more accessible, enhance service delivery, and streamline departmental operations. The 2024/2025 Annual Performance Plan incorporates the unfulfilled priorities from the MTSF cycle to guarantee their successful completion.

The department achieved an overall performance of 81% for the targets outlined in the 2023/2024 Annual Performance Plan. Additionally, the department successfully achieved 78% of the MTSF targets.

Despite the current economic climate, the department remains resolute in its efforts to overcome this challenge. This constraint has a negative impact on service operation and delivery. The department incurred an overspending of R291 million in 2023/2024 due to insufficient funding for salary adjustments.

In pursuit of achieving one of the department's key outcomes, which is to enhance organisational capability and promote good governance, the target for women on Senior Management Service (SMS) levels, including LP 10, remained consistent between 2022/23 and 2023/24 financial years by 52% achievement.

In terms of modernisation, the department is working diligently on enhancing online services that will improve service delivery. We have developed and tested an online platform to provide maintenance services. This platform includes features such as emolument orders, execution warrants, variation orders, and an electronic application for maintenance officers to order by default. Additionally, we have completed and piloted online verification for domestic violence cases through an integrated electronic repository for CJS cluster departments.

Online services for deceased estates have made significant progress. We now have online registration for deceased estates and have seamlessly integrated the solution with other key stakeholders to enhance efficiency. The objective of implementing online submission for liquidation and distribution accounts was not achieved, but steps were taken to work towards this in the 2024/2025 financial year.

During the period under review, the department organised two significant conferences. The first conference, held from February 27–29, 2024, focused on reviewing the criminal justice system in South Africa. The second conference took place from March 18–20, 2024, focusing on the state of human rights in the country, coinciding with the 30-year celebration of human rights in South Africa.

To improve access, the department renovated and upgraded a total of 74 court facilities with minor capital. Additionally, 66 courts have complied with the strategy on universal access for persons with disabilities.

The department will continue with activities to implement and coordinate the execution of the National Action Plan (NAP) with various departments and stakeholders. In order to tackle issues of racism, racial discrimination, xenophobia, and related intolerance, the department will be implementing a range of strategic interventions. In addition, there are plans to enhance the Virtual Data Repository (VDR) system that was developed to gather comprehensive statistical data on racism, racial discrimination, xenophobia, and related intolerance. The VDR is a versatile electronic dashboard that brings together a variety of functions linked to information collected from various sectors, including the government, constitutional bodies, civil society organisations, the media, and more. The information and data we have

gathered give us a clear understanding of the various cases that involve racism, racial discrimination, xenophobia, and related forms of intolerance.

## OVERVIEW OF THE FINANCIAL RESULTS OF THE DEPARTMENT:

### Departmental receipts

Departmental receipts	2023/2024			2022/2023		
	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
<b>Tax Receipts</b>						
Sale of goods and services other than capital assets	240 552	242 628	5 277	236 095	234 001	2 032
Transfers received	1 200	8 053	6 853	-	-	-
Fines, penalties and forfeits	234 149	206 666	(32 759)	229 558	228 989	569
Interest, dividends and rent on land	7 803	859	(6 944)	7 650	2 869	4 781
Sale of capital assets	2 920	845	(2 075)	2 863	7 582	(4 719)
Financial transactions in assets and liabilities	43 150	39 121	(4 056)	42 304	29 571	12 733
<b>Total</b>	<b>529 774</b>	<b>498 172</b>	<b>(33 704)</b>	<b>518 470</b>	<b>503 042</b>	<b>15 396</b>

During the year under review, the department collected R496 million, a decrease of 1% if compared with the revenue collected during the financial year 2022/2023, which amounted to R503 million. The major shares of the revenue collected emanate from the Master's Office services rendered on insolvent estate commission earned for winding up the estate on behalf of other entities

(R168, 5 million), court fines as verdict or admission of guilt (R171 million), penalties on court order and unclaimed monies forfeits related to unallocated monies and untraceable beneficiaries (R29 million), as well as recovery of staff debt (R35 million) from non-contractual obligations.

### Programme Expenditure

Programme Name	2023/2024			2022/2023		
	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	2 906 473	3 063 657	(157 184)	2 975 465	2 933 492	41 973
Court Services	7 150 468	7 226 367	(75 899)	7 036 159	7 021 458	14 701
State Legal Services	1 367 902	1 367 869	33	1 522 116	1 479 079	43 037
National Prosecuting Authority	5 285 618	5 344 294	(58 676)	5 027 168	5 013 178	13 990
Auxiliary & Associated Services	3 847 842	3 847 574	268	3 921 116	3 909 286	11 830
<b>Programme Sub Total</b>	<b>20 558 303</b>	<b>20 849 761</b>	<b>(291 458)</b>	<b>20 482 024</b>	<b>20 356 493</b>	<b>125 531</b>
Statutory appropriation: Magistrates' Salaries	2 398 746	2 318 925	79 821	2 398 506	2 297 402	101 104
<b>Total</b>	<b>22 957 049</b>	<b>23 168 686</b>	<b>(211 637)</b>	<b>22 880 530</b>	<b>22 653 895</b>	<b>226 635</b>

The Department spent 101% or R23.169 billion against the final appropriation amounting to R22.957 billion. The recorded performance is 2% above the previous year performance of 99%. The reported expenditure benefitted Exempted Micro Enterprises (EME's), Qualifying Small Enterprises (QSE's) and Women-owned companies. At the end of the financial year, the department had paid a total of R5.3 billion for goods and services. Of the reported amount, R1, 3 billion was in respect of the procurement spent and same includes amount of R1 billion which directly benefited EME's and QSE's. This translated to 74% of the total procurement spent. From the total procurement spent, women-owned companies received a share of R716 million, which translated to 53%.

The overspending of R291 million is mainly due to the implementation of salary adjustments which were not funded by National Treasury, budget cuts implemented by National Treasury during the budget adjustment process, amounting to R285 million and the cost of the enterprise agreement with Microsoft, which was higher than budgeted for, mainly due to the US dollar to Rand exchange rate and the expanded services to support the department's modernization and digitalization strategy.

The Department did not request rollovers during the financial year 2023/24.

The details of the virement made during the year are contained in the appropriation statement from pages 214 to 240.

### **Irregular expenditure**

The department has worked tirelessly in dealing with process improvement that prevents irregular expenditure. As a result, there were no new cases of irregular expenditure incurred in relation to the current year, as compared to R6.8 million in the previous year. However, a total of 10 cases to the value of R4.7 million relating to prior years were confirmed as irregular expenditure during the period under review. Of the amount of R4.7 million, three cases to the value of R3.804 million were condoned and one case to the value of R58 000 was removed from the irregular expenditure register. The remaining balance of six cases to the value of R869 000 are in relation to non-adherence to the supply chain processes which are currently under determination.

In dealing with old cases of irregular expenditure to the value of R876.6 million, the department resolved a total of forty-one (41) cases to the value of R855.4 million.

The balance of R21.1 million relates to twenty-two (22) cases that are under determination by Internal Control.

To prevent recurrence, the department will conduct awareness and training sessions, as well as quarterly spot checks.

### **Fruitless and wasteful expenditure**

The department closed the financial year 2022/2023 with 22 cases of fruitless and wasteful expenditure worth R77 000. We confirmed a total of 31 cases worth R149 000 as fruitless and wasteful expenditure during the period under review. We resolved a total of 53 new and old cases worth R226 000, writing off R181 000 and recovering an amount of R45 000. During the period under review, fruitless and wasteful expenditure were eliminated by 100%.

### **Measures to prevent recurrence**

The department will conduct awareness/training sessions and quarterly spot checks to prevent recurrence.

### **Unauthorised expenditure**

Due to the following factors, the department incurred unauthorised expenditures totalling R291.8 million: R157.2 million for Programme 1 (Administration), R75.9 million for Programme 2 (Court Administration), and R58.7 million for Programme 4 (National Prosecuting Authority).

The department had to fund unfunded salary adjustments from its baseline.

The department reprioritised R648 million from its operational budget to finance the salary adjustments. The budget was still insufficient, which led to the overspending on employee compensation for both the Court Services and National Prosecuting Authority, two of the department's core programmes that require a significant amount of labour.

The budget adjustment process resulted in budget cuts totalling R285 million.

The cost of the enterprise agreement with Microsoft exceeded the budget, primarily due to the exchange rate between the US dollar and the rand, as well as the expanded services required to support the department's modernisation and digitalisation strategy.

During the 2024 budget process, National Treasury allocated to the department an amount of R4.1 billion over the medium term to cater for the compensation of employees in order to address the budget shortfall incurred due to cost-of-living adjustments.

The department will continue to monitor its expenditures monthly to mitigate the risk of overspending its appropriated budget.

There were no events after reporting date that were directly linked to the Vote.

In Conclusion, my greatest gratitude goes to the Department of Justice and Constitutional Development staff for their continued and collective commitment to providing services to the public. I would like to extend appreciation to the Executive Authority of the Department for their continuous guidance and support. In addition, the Portfolio Committee on Justice and Constitutional Development and all stakeholders who have made remarkable contributions to the Department's work.

I reiterate continued dedication to the Department's mandate of enabling the administration of justice and promoting constitutional development that will uphold the rule of law, respect for human rights, and access to justice.



Advocate Doc Mashabane  
Director-General: Department of Justice and  
Constitutional Development  
Date: 06 September 2024

## 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 F) 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 2024.

Yours faithfully



*Accounting Officer*

**Adv. Doctor Mashabane**  
**Director-General: Department of Justice and**  
**Constitutional Development**



## 7. STRATEGIC OVERVIEW

### 7.1 Vision

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

### 7.2 Mission

- To enable access to justice
- To promote constitutionalism, rule of law, respect for human rights and
- To coordinate the State Litigation and Legal Advisory Services

### 7.3 Values

The department has the following values:

- Batho Pele
- Ubuntu
- Patriotism
- Social justice
- Human rights
- Good governance
- Collegiality



## 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 sub districts, and to define their local limits, appoint magistrates, additional magistrates and regional court magistrates as well as persons to act in those offices when necessary and to determine various amounts and fees related to the monetary jurisdiction of the courts, witness fees and others.
- The Small Claims Courts Act, 1984 (Act 61. of 1984). The act empowers the minister to establish small claims courts, determine their seats and areas of jurisdiction, appoint commissioners and determine various amounts related to the jurisdiction of the courts.
- The Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007),

aims to comprehensively and extensively review and amend all aspects of the laws and the implementation of the laws relating to sexual offences, and to deal with all legal aspects of or relating to sexual offences in a single statute. This act provides for the designation of courts to 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 Minister of Justice and Constitutional Development has oversight and other responsibility for the following key legislation within the administration of justice:

- 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 (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 to 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; and 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.
- The 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



**Deputy Minister**  
**Mr Andries Nel, MP**



**Minister**  
**Ms Thembisile Simelne, MP**



**Director-General**  
**Adv. Doc Mashabane**



**Solicitor-General**  
**Mr Fhedzisani Pandelani**



**Chief State Law Advisor**  
**Ms Susan Masapu**



**DDG: Legislative Development**  
**Ms Kalay Pillay**



**DDG: Lower Court Services**  
**Mr Lucky Charles Mohalaba**



**DDG: Constitutional Development**  
**Adv Shireen Said**



**Acting Chief Master**  
**Adv Kanyane Mathibe**



**DDG: Information and Communications Technology**  
**Mr Jabu Hlatshwayo**



**DDG: Institutional Development and Support**  
**Mr Thabiso Thiti**



**DDG: Corporate Services**  
**Ms Conny Mametja**



**Chief Financial Officer**  
**Ms Irene Singo**



## 10. ENTITIES REPORTING TO THE MINISTER

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

Name of entity	Legislative mandate	Financial relationship	Nature of operations
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.
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.





The background of the page is a photograph of a classroom. Several students are visible, some wearing face masks and holding open books. The books have titles like 'The Basic Principles of the Environment' and 'The Basic Principles of the Constitution'. In the background, there is a brick wall, a yellow woven mat, and a colorful calendar. A large orange diagonal bar is positioned across the bottom right of the page.

# PART B

## PERFORMANCE INFORMATION

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

The AGSA performed certain audit procedures on the performance information to provide reasonable assurance in the form of an audit conclusion. The audit conclusion on the performance against predetermined objectives is included in the report to management, with material findings being reported under the predetermined objectives heading in the report on other legal and regulatory requirements section of the auditor's report. Refer to page 204 of the Report of the Auditor General, published as Part F: Financial Information.

## 2. OVERVIEW OF DEPARTMENTAL PERFORMANCE

### 2.1 Service Delivery Environment

During the 2023/2024 financial year, the department approved and implemented a service delivery development plan to promote access to justice and enhance efficiencies.

The department recognises the importance of sustaining and restoring effective service delivery provisions as a key strategy for transformation processes. The service delivery implementation plan took place mostly at the provincial level, where service delivery matters the most. Outreach campaigns in provinces resolved identified issues by educating the public about the department's services, thereby enhancing service delivery and upholding the Batho Pele principles. These measures led to a decrease in complaints, thereby enhancing satisfaction levels and bolstering confidence in the department.

*The department, in partnership with other departments and key stakeholders, conducted a total of 703 public education and training sessions.*

The department, in partnership with other departments and key stakeholders, conducted a total of 703 public education and training sessions. The purpose of these sessions was to improve access to justice services and raise awareness about constitutional rights. The goal was to empower communities and officials at service points by providing education that focused on enhancing, protecting, and promoting fundamental human and constitutional rights. In order to create value and consistently strive to be an association at the forefront of delivering effective and sustainable services, we undertook all these efforts with awareness and relevance.

### 2.1.1 The Office of the Family Advocate

The Office of the Family Advocate was brought into being through the promulgation of the Mediation in Certain Divorce Matters Act (Act No 24 of 1987), where the services were available to only a few privileged South Africans who could afford to litigate in the high courts as prescribed in terms of the Divorce Act, 1979. Furthermore, the said service was restricted to children born of marriages, as in terms of the Mediation in Certain Divorce Matters Act the office was created to “promote the best interest of minor children affected by divorce proceedings”.

The extension of the aforesaid mandate further outlines the involvement of the Family Advocate in Maintenance and Domestic Violence matters, as specifically provided in the Maintenance Act and Domestic Violence Act.

During the period under review, the department recorded 9 890 litigation family law matters, and 9 560 of these matters were finalised within 12 months, which translates to 97%.

Through the multidisciplinary approach, the following interventions were provided for the children and their families within the litigation stream of the office:

- Children assessments
- Children observation
- Interactional analysis
- Observation of relationships between parties and children
- Forensic reports were written
- Mediation services
- Drafting of parenting plans
- Drafting of Parental Responsibilities and Rights agreements

### 2.1.2 The Office of the Solicitor-General

The strategic aim of the Office of the Solicitor-General (OSG) is the transformation of the legal profession and state legal services. The transformation is predominantly around the coordination of state litigation, reduction of state legal fees as well as the overall management and reduction of the state contingent liability. The objective is to ensure stability in the coordination and management of all state legal services, mitigate state liability arising from litigation claims and promote the advancement of previously disadvantaged legal practitioners. These objectives are envisaged to be achieved through the litigation strategy in conjunction with the six policies that were approved by Cabinet and noted by Parliament. During the period under review, the policy implementation action plan to implement the six policies and operationalise the State Attorney Amendment Act of 2014 was developed and approved by the Solicitor-General. A total of 56% of the planned activities were achieved in this regard.

As an effort to foster cohesion and stimulate equality among those in the legal profession, both in the public and private sector, by developing legal expertise, the department had planned to allocate at least 83% of the rand value of briefs allocated to previously disadvantage legal practitioners, with 30% of the value of briefs allocated to female legal practitioners. The department achieved a total of 88% and 30%, respectively. The department, through the OSG continued to play a leading role in creating awareness and conducting stakeholder engagements with relevant stakeholders on national, provincial, and local levels, including State-Owned Enterprises (SOEs) and other institutions.

As at the end of the financial year, a total of four Heads of State Attorney Offices were still vacant due to the job evaluation to be conducted related to the Heads of State Attorney Offices, and this has a major impact on the performance of the branch.

### 2.2 Improved access for justice services

In the modern digital age, it is crucial for the department to have a strong online presence to facilitate communication between citizens and the department. This enhances the provision of services to individuals by offering more flexibility, cost-effectiveness, and expedited delivery of justice services. Ensuring the availability of justice services via online channels and the capacity to virtually participate with justice processes through virtual platforms

is crucial for achieving the department's strategic objective of modernising and digitising its justice services platforms.

This improved accessibility also enhances the manner in which the department provides services to vulnerable groups in society, such as women, children, and those with disabilities.

#### a) Masters' Services

##### Deceased Estate Matters

The online deceased estates registration cuts across the population, as both rich and poor are affected by death. The development and roll out of online registration of deceased estates allows people who want to report deceased estates to do so remotely from the comfort of their offices, homes, or any other place. It is an effective move to reduce the number of customers in the offices of the Masters or at the service points, and enhances access to the Masters' services in the country. Online registration speeds up the registration process and ensures quicker availability of the details/particulars of the beneficiaries and trustees.

The Deceased Estates Online Registration System has been implemented to all 16 Master's Offices since 14 December 2023. Approximately 4 200 estates have been registered by users through the online system, as opposed to physically visiting the offices. During this financial year, various webinars have been held in order to communicate the availability and functions of the Deceased Estate Online Registration System to all stakeholders.

Self-help computers were installed in all Master's Offices for professional members of the industry to capture new estates themselves, thus freeing the hands of officials to attend to documents and issuing of appointments. There has been a significant uptake of the functionality from fiduciary professionals and positive feedback has been received.

The QR-coded appointment letters have also been implemented in all Master's Offices and service points, which allows for appointees to instantly receive the secure appointment letter electronically, as and when it is approved. This alleviates the delays caused by the postal services, queues in collecting appointments as well as the risk of fraudulent appointment letters. The public is also able to make online appointment bookings with all Master's Offices, which will alleviate the need for clients waiting in queues for long periods.





Integration with the Department of Home Affairs (DHA), Legal Practice Council (LPC) and Companies and Intellectual Property Commission (CIPC) has already been established as a verification and risk containment measure in the use of the online Deceased Estate Registration System. Further engagements with other possible collaboration stakeholders are envisaged in the 2024/2025 financial year.

The process to revisit and amend the Administration of Estates Act 66 of 1965, in totality, to allow for modernisation and keeping up with electronic developments in the country, which was not available at the time the act was last amended, was started in the 2022/2023 financial year and continued in the 2023/2024 financial year.

#### **Guardian's Fund Services**

The Guardian's Fund has grown exponentially by approximately 35% over the past five years (now the custodian of over 800 000 beneficiaries), and as such there needs to be considerable investment into systems and personnel to ensure the continued safeguarding of funds as well as service delivery to the beneficiaries.

A new administration system and financial system for the Guardian's Fund is being developed together with ICT. The development commenced in the 2021/2022 financial year and it is envisaged that the final developments will be completed in the 2024/2025 financial year. The new system will be a full financial system which will ensure accurate financial statements and management. The move to a fully functional financial system will improve accurate records and reports while simplifying processes of the Master's Office in Guardian's Fund matters.

*As at 31 March 2024,  
a total of 42 638 trusts  
have updated the Beneficial  
Ownership requirements.*

#### **Trusts**

The coming into operation of the amendments to the Trust Property Control Act and the regulations in respect of trusts on 1 April 2023 required that an IT platform be developed for the Masters to capture and store Beneficial Ownership (BO) details in respect of trusts. The IT platform for the storing of BO details of trusts is an entirely separate system to the one that is used to register trusts and is purpose built to function as a registry of BO information on trusts. As at 31 March 2024, a total of 42 638 trusts have updated the BO requirements. A temporary system for this purpose was developed and was in use for a period of six months, while a more permanent system was being developed. The new permanent system was rolled out on 17 October 2023 and is now fully operational. The temporary system has been phased out entirely, and all data has been migrated to the new system.

The current trust online system only caters for the BO register for existing trusts. A comprehensive system that enables users to create and register new trusts is planned for development during the 2024/2025 financial year. The development and roll out of online registration of trusts will be a convenient method that allows people who want to register trusts to do so remotely from the



comfort of their offices, homes, or any other place.

The Master of the High Court has also implemented a system for direct access to the trusts' BO register to Law Enforcement Agencies (LEAs), as required by the amended act. After agency approval, LEAs have real-time access to the system, allowing them to log in and view any lodged information.

Online registration will speed up the registration process and ensure quicker availability of the details and particulars of the beneficiaries and trustees. The online registration will address global trends to prevent trust abuse by maintaining records of beneficial ownership.

The process to revisit and amend the Trust Property Control Act 57 of 1998, in its entirety, to allow for modernisation and more control by the Master has already commenced in the 2022/2023 financial year. This will also assist in the rating of the country in the next country peer review as it will also allow the Master to obtain and keep more of the information needed to curb fraud and money laundering through possible beneficial ownerships. Due processes to be followed in legislation amendments is cumbersome and time consuming by nature.

## b) Gender-Based Violence (GBV)

**The Domestic Violence Act, 1998 (Act No 116 of 1998)** became operational to introduce the new amendments that massively changed the landscape of the legal framework for the protection of the rights of victims of domestic violence.

Article 5 and 13 of the **Presidential Summit Declaration against GBV and Femicide** states that all existing laws and policies applicable to GBV and femicide are to be reviewed and that all services offered to survivors of GBV are free from secondary victimisation. This is to ensure that laws and applicable policies are victim-centred and responsive and that they address the identified legislative gaps without delays.

The department developed a **National Strategy for Domestic Violence Court-based Victim Support Service** during the 2023/2024 financial year, mainly to define the needs and expectations of victims as they navigate the court processes. This will help to eradicate secondary trauma while simultaneously focusing on positive outcomes for survivors of GBV.

All these efforts are intended to realise a national objective which ensures that all South Africans feel and are safe.

## 2.2.1 Improvement in administration in support of service delivery

The department is currently implementing strategic goals to enhance efficiency and effectiveness in order to improve service delivery. In recent years, the primary emphasis has been on enhancing systems via modernisation and digitisation. All of these projects have made tremendous progress, and there are several online services now accessible to ensure that the department accomplishes its aim of providing convenient access to justice services for citizens. During the fiscal year 2023/2024, the following projects were planned and executed:

### 2.2.1.1 Modernisation and digitised justice service platforms

The department adopted a phased-in approach to provide justice services online. This will provide access to all persons and communities across the country regardless of where they are situated.

#### a) Online Services

During the 2023/2024 financial year, despite the challenges related to procurement delays, and insufficient budget for ICT operations and projects, amongst others, the department made significant strides in ensuring that some of its services are modernised and digitalised. These initiatives, some of which also formed part of the



2023/2024 Annual Performance Plan (APP), included the following:

- a) Maintenance online services (Phase 2);
- b) Deceased Estates online services (Phase 2); and
- c) Protection Orders online services (Phase 2).

The DoJ&CD online portal aims to improve services to the public by:

- Reducing long queues in DoJ&CD service points (i.e. courts) around the country;
- Allowing members of the public to lodge a protection order application online and from the comfort of their homes or offices or anywhere, at any time;
- Enabling abilities to trace a protection order application throughout its lifecycle for both members of the public and DoJ&CD officials; and
- In reducing victimisation of victims who need to apply for a protection order, the department piloted a protection order solution during the 2023/2024 financial year.

*The main goal of the Integrated Justice System is to modernise, streamline, and integrate South Africa's CJS by utilising technology solutions.*

The national implementation and launch of the system is contingent upon the passage of a bill in Parliament which will remove the need for the commissioning of oaths process for all online applications and allow only a declaration on the online portal. The effective acquisition and deployment of Level 4 digital signatures is currently in progress to ensure effective functioning of the judicial eWorkspace, where magistrates will process online applications.

#### **2.2.1.2 Integrated Justice System**

The Integrated Justice System (IJS) strategy is a governmental endeavour with the goal of promoting the efficiency and efficacy of the Criminal Justice System (CJS) in South Africa. It spearheads a collaborative initiative across many departments to enhance the

likelihood of effective investigation, prosecution, and sentencing and, finally, the rehabilitation of offenders, with the ultimate goal of reintroducing them into society and achieving a national aim of ensuring the safety and security of all South Africans.

The main goal of the IJS is to modernise, streamline, and integrate South Africa's CJS by utilising technology solutions. This involves electronically enabling and integrating all the processes involved in the CJS, from the initial report of a crime to the eventual release of a convicted individual. Additionally, the IJS aims to effectively manage the exchange of information between different departments within the CJS.

An essential element of the CJS is the accurate identification and monitoring of individuals throughout the whole criminal justice process, which encompasses various departmental systems within the IJS that are involved in this process of justice. Assigning a unique IJS identification to an individual is crucial for the CJS to have a comprehensive understanding of their personal information, including their current custody status and relevant case history. This also helps in preventing any possible identity fraud committed by suspects, alleged offenders, and convicted criminals.

In order to obtain a comprehensive understanding of an individual and ensure accurate identification throughout the CJS process, it was determined that an essential requirement is the modernisation of the Home Affairs National Information System (HANIS). The first stage of the Automated Biometric Identification System (ABIS), including face recognition, fingerprint analysis, and latent search capabilities, was successfully developed, tested, and implemented for operational use during the first quarter of the 2023/2024 fiscal year. The transition from HANIS (legacy system) to ABIS Phase 1 (new system) occurred in the second quarter of the 2023/2024 fiscal year.

The Integrated Person Management (IPM) project was established, which aims to provide a comprehensive framework that integrates business, information, system, and ICT architectures to effectively manage detainees throughout the whole process, from the time of arrest until their legal release from the South African Police Service (SAPS) "keep secure for adjudication process".

In the financial year 2023/2024, the IPM development and testing of releases 5, 6, and 7 were successfully completed. The national pilot implementation roll-out for

releases 1 to 6 was executed successfully. The definition of releases is as follows:

- Release 1 – Person booked and verified;
- Release 2 – Unique identified person;
- Release 3 – Tracked person;
- Release 4 – Person booked into holding facility;
- Release 5 – Safeguard and manage a person;
- Release 6 – Safeguard and manage a person; and
- Release 7 – Safeguard and manage a person.

#### a) CJS Persons Integration Achievements

The following delivery highlights were achieved in 2023/2024 across these three priority areas:

##### **Person management to empower the CJS to identify, verify, track, and where necessary, safeguard all persons moving through the CJS, creating a holistic single view of a person, including accused persons and victims.**

The Person Identification and Verification Application (PIVA) enables SAPS stations to verify arrested individuals' identities using fingerprints and DHA information. The SAPS officer also receives rapid feedback on whether the accused has a criminal record or is being investigated in various police investigations. The NPA requires this information in order to present bail arguments on a suspect's first court appearance.

**For the 2023/2024 financial year** the solution was used to check more than **338 524** accused persons, and in near real-time it was determined that over **99 271** of these individuals (**29%**) have prior criminal records that could be referenced. Further, **5 802 (1.7%)** wanted persons could be identified as linked to SAPS circulations as persons of interest for other cases.

##### **Case integration to facilitate the digitisation of the CJS for the efficient, seamless exchange of electronic case information between IJS member departments.**

The IJS case management integration enables electronic transmission and exchange of dockets and docket-related information. The integration functionality includes legal aid assistance notifications, docket screening, court official allocation as well as electronic charge sheet and case outcome processing and the overall exchange of information across the CJS in the country.

During 2023/2024 financial year, **425 485** cases were electronically **processed** via the IJS Transversal Hub using IJS system integrations between the SAPS, NPA and the

DoJ&CD. Subsequent to this, a total of more than **3 708 625** cases have been processed since inception. The solution continues to be in operation nationally with these integrations connecting 1 157 police stations linked to 509 courts across all nine provinces. These case integrations have greatly improved the effectiveness and efficiencies of business processes and, most importantly, reduced the risk of mismanagement.

##### **System-based performance instrumentation and business intelligence reporting on the health status of the South African CJS.**

By the end of the 2023/2024 financial year, we had developed and operationalised the 28 KPIs, utilising electronic data from SAPS, DoJ&CD, and DCS. The IJS programme has worked with the department to prepare and refine the requirements for an interactive dashboard to help the department analyse trends and profiles of offenders and victims after the UN Special Rapporteur on Violence against Women recommended a Femicide Watch for South Africa to be developed. The IJS programme provided the technical competence to analyse and develop a femicide prototype, which forms part of the broader femicide project. A monitoring tool, the Femicide Watch dashboard, serves as a tool that stores data repository. The dashboard uses IJS data from different agencies, which displays victim-level information. One of the highlights for 2023/2024 was that a Femicide Watch Phase 6 scoping document was developed, completed and piloted.

To enhance the administration, monitoring, and coordination of Mutual Legal Assistance and Extradition requests across the DoJ&CD, NPA, SAPS, Interpol SA, and DIRCO, the Extradition Mutual Legal Assistance Portal initiative was developed. By the end of the 2023/2024 financial year, the project had advanced through the stages of design, development, and quality assurance.

#### **2.2.1.3 The Office of the Chief State Law Adviser**

Through the Office of the Chief State Law Adviser, the department provides legal, legislative, and linguistic services to the National Executive, all national and provincial agencies, state-owned corporations, and independent organisations. The office supports the government to transform South African society and overcome historical injustices by providing efficient and cost-effective legal assistance and high-quality legislation drafting and language services. The office's main functions include: drafting and certifying national legislation;

translating legislation; drafting legal opinions on any question of law; reviewing international agreements, including extradition agreements; reviewing draft subordinate legislation and consulting with state organs.

The table below indicates the number of requests completed by the department in the 2021/2022 till 2023/2024 financial years.

Financial year	Total number of cases finalised	Total cases finalised within turnaround period
<b>Legal opinions</b>		
2021/2022	441	392
2022/2023	509	472
2023/2024	510	442
<b>Preliminary opinions on draft bills</b>		
2021/2022	96	74
2022/2023	93	84
2023/2024	128	107
<b>Certification of bills and other legislative instruments</b>		
2021/2022	189	162
2022/2023	189	166
2023/2024	220	175
<b>International agreements and accompanying legal opinions</b>		
2021/2022	147	138
2022/2023	240	231
2023/2024	255	237
<b>Draft bills approved by Cabinet</b>		
2021/2022	27	27
2022/2023	26	26
2023/2024	37	37
<b>Translations into South African official languages</b>		
2021/2022	127	116
2022/2023	170	168
2023/2024	119	105

#### 2.2.1.4 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 2021/2022, 2022/2023 and 2023/2024 financial years.

Financial year	Total processed
<b>Extradition and mutual legal assistance</b>	
2021/2022	153
2022/2023	117
2023/2024	121
<b>Foreign maintenance orders</b>	
2021/2022	24
2022/2023	23
2023/2024	-
<b>Service of process</b>	
2021/2022	114
2022/2023	123
2023/2024	-

### 2.2.1.5 Expungements and pardons

The department is responsible for ensuring the effective execution of applications under section 84(2) (j) of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996). It also provides guidance in relation to pardons for criminal convictions. The services from the department also provide guidance related to sections 271B and 271C of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), specifically regarding the expungements of criminal records. The department oversees the application in terms of section 327 of the Criminal Procedure Act, 1977, for referral of a criminal matter back to trial court for further evidence.

Services with regard to applications for expungement of criminal records and applications for pardon are rendered

directly to members of the public. The need was identified to create public awareness on the process of expungement of criminal records and the fact that the service is rendered to applicants free of charge. Various radio interviews were held during this period in order to create public awareness on the process of applying to have a criminal record expunged.

#### a) Expungement

In the 2023/2024 financial year, 24 438 expungement applications were received. A total of 21 562 expungement applications were finalised and 18 865 (87%) of these matters were finalised within 75 working days after receipt of a complete application.

#### Expungement cases

Financial year	Outstanding applications from previous financial year	New applications received during the financial year	Number of applications finalised
2021/2022	11 968	17 996	25 938
2022/2023	4 026	18 842	14 178
2023/2024	6 805	24 438	21 562

#### 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.

During the 2023/2024 financial year, 817 applications for pardon were received, while 860 applications were finalised. The finalised cases include 775 outstanding applications received in previous financial years. In the period under review 60 pardon recommendations were prepared and submitted, of which 52 pardons were granted.

#### Presidential pardon cases

Financial year	Outstanding requests from previous financial year	New requests received	Number of requests finalised	Number of requests carried forward to next financial year	Matters forwarded to ministry	Number of pardons granted
2021/2022	807	394	513	688	60	33
2022/2023	688	507	476	719	60	11
2023/2024	775	817	860	770	60	52



### 2.3 Service Delivery Improvement Plan

The Service Delivery Improvement Plan (SDIP) is a five-year plan, which aims to provide initiatives and mechanisms for continuous, incremental improvement in service delivery. The development and implementation of the SDIP is a critical requirement for the transformation and improvement of service delivery by public institutions. This is provided for in the White Paper on Transformation of Public Service (1995), which outlines improvement of service delivery as a key strategy towards the transformation process.

The SDIP has been approved for a duration of two years. In July 2023, the minister officially signed the SDIP for the period of 2023 to 2025. Additionally, the department has made progress in implementing the Batho Pele principles.

The department successfully addressed the identified issues to enhance service delivery by organising 841 community outreaches across the country. Currently, all service locations prominently exhibit management

information either at the entry or on office doors to provide transparency, allowing the public to easily report or escalate issues. A total of 2 267 complaints received during the reporting period were successfully handled within a span of 14 days.

The 2023/2024 fiscal year was used to address and rectify 1 179 deficiencies identified by senior managers during their deployment at the conclusion of the 2022/2023 fiscal year, in order to enhance operational effectiveness at the department's service locations.

The initiatives are aimed to ensure that all citizens have equal access to the services which they are entitled to and are consulted about the quality and level of services they receive. The department continues to uphold the Batho Pele principles through the efficient and effective implementation of proper service standards.

In the implementation of the SDIP 2023/2024, there were challenges, successes and other factors that might have an impact on departmental performance identified as follows:

Challenges	Successes	Other factors that might impact on a department's performance
<p>The most notable challenge which hampers the full implementation of the SDIP across all provinces is budgetary constraints.</p> <p>Poor IT systems which derail flow of communication between national office and provinces in terms of service delivery matters.</p> <p>Moratorium on filling of vacant posts.</p> <p>Poor cooperation from stakeholders in service delivery matters (domestic violence processes).</p>	<p>Resolving of issues identified led to service delivery improvement.</p> <p>Number of outreaches conducted in provinces has educated the public in terms of services provided by the department.</p>	<p>The changes of departmental priorities were impacted by the political environment of the country.</p> <p>The lack of training for officials involved in SDIP services hinders their ability to effectively monitor the SDIP activities.</p> <p>The delay in granting approval for SDIP plans.</p>

#### Main services and standards

Main services	Beneficiaries	Current/actual standard of service	Desired standard of service	Actual achievement
Provision of maintenance services	Children Single parents Grandparents Other parents	Where there is proper service of process, 92% of maintenance orders are finalised within 90 days based on the performance of nine provinces.	All maintenance matters finalised within 90 days from date of proper service of process.	88%



**Batho Pele arrangements with beneficiaries (consultation, access, etc.)**

Current/actual arrangements	Desired arrangements	Actual achievements
Access	All citizens to have equal access to information and services. People should be consulted about the quality and level of services they receive.	392 courts fitted with internal directional signage. 217 courts fitted with external road directional signage.
Consultation	All citizens to be consulted on the quality and level of services.	329 courts implemented satisfaction survey.
Courtesy	People should be treated with respect and consideration.	In this Batho Pele principle, the focus of provinces is on wearing of name tags and debriefing of officials.
Information	People to be given full accurate information on public services they are permitted to receive.	703 community outreaches conducted reaching approximately 32 560 citizens. 251 meetings were conducted. 167 Office of the Premier Sukuma Sakhe meetings participated in.
Openness & transparency	Openness and transparency to citizens on how national and provincial departments are run, the costs thereof and the people in charge.	To provide transparency and facilitate reporting or escalation challenges by the public, management information is prominently displayed at all service points, either at the entry or on office doors.
<b>Redress</b>		
	Citizens to be offered an apology and explanation if the promised standard of service is not delivered.	Total number of complaints received within the reporting period and resolved within 14 days is 1 941, and 326 enquiries resolved within 5 working days.
<b>Value for money</b>		
	Public services to be provided economically and efficiently.	The concerns mentioned in the 2023/2024 financial year were addressed. Of the 795 short-term challenges within the ambit of either the court or the provincial offices, 590 were resolved. With regard to long-term challenges, a total of 384 shortcomings were identified with dependencies such as Department of Public Works and Infrastructure (DPWI), NPA, etc., of which 211 were resolved.

**Complaints mechanism**

Current/actual complaints mechanism	Desired complaints mechanism	Actual achievements
SDI Inbox	SDI Inbox	Numbers are reported under Redress in the Batho Pele arrangements table above
Walk-in complaints	Contact Centre	Contact Centre solution was approved in December 2023. It will be launched in May 2024
Presidential Hotline	Presidential Hotline	The complaints are reported under Redress in the Batho Pele arrangements table above
Emails/ Telephones	Emails/ Telephones	The complaints are reported under Redress in the Batho Pele arrangements table above
Ministry & Director-General complaints	Ministry & Director-General complaints	The complaints are reported under Redress in the Batho Pele arrangements table above

## Service delivery information tool

Current/actual information tools	Desired information tools	Actual achievements
Community outreach programmes / Awareness sessions	Community outreach programmes	703 Community outreaches/ Awareness sessions were held
Customer satisfaction survey	Customer satisfaction survey	329 courts conducted a customer satisfaction survey
Radio interview	Radio interview	10 radio interviews were conducted
ICMS: Maintenance Report	ICMS: Maintenance Report	102 training sessions were conducted on ICMS
Meetings	Meetings	251 meetings were conducted

## 2.4 Organisational Environment

The APP for the year 2023/2024 of the Department of Justice and Constitutional Development was tabled on 24 April 2023. The department presented the APP to the Portfolio Committee on May 3, 2023. However, the original APP tabled on 24 April 2024 was withdrawn because the portfolio committee members requested revisions to increase the targets for specific output indicators. Subsequently, the revised APPs were tabled on 24 May 2023 and 27 March 2024, respectively.

The department has successfully aligned the organisational structure with the department's strategic outcomes, as part of its commitment to improving organisational capability and good governance. The Human Resource Plan also served as an essential instrument for informing the department's demand and supply of human resource requirements.

The targets of women on SMS levels, including LP 10 remained consistent from 2022/2023 to 2023/2024 financial years by achieving 52%.

The 2.2% People Living with Disability target was achieved as of March 31, 2024, with a slight increase of 0.1% from the previous year.

The youth employment target of 23% was not achieved; instead, it was at 22.3% as of March 31, 2024. The department surpassed the goal of placing 800 interns and learners on a youth development programme by achieving a total of 1 010, which is 6.9% higher than the target. Additionally, 40 interns and learners were permanently appointed, with 10 being internal and 30 being external candidates.

The department's strategic plan prioritised the modernisation and digitalisation of justice services through ICT in order to enhance service delivery. However, progress has been hindered by challenges such as capacity constraints, procurement delays and budget constraints, resulting in an unstable underlying ICT infrastructure and challenges in digitalising justice services. Despite the above challenges and not moving at the expected pace, the improvements and technological innovations that were implemented have advanced the justice system's service delivery and internal operations to be smart and modern, keeping up with this era of embracing efficiencies that are brought by the Fourth Industrial Revolution.

Despite challenges such as capacity constraints, procurement delays and budget constraints, the department has made some progress in addressing the ageing IT infrastructure during 2023/2024, as follows:

### a) Datacentre (Private Cloud)

An email platform where 1 029 users' mailboxes have been migrated to exchange online and all other users' active mailboxes are replicating to the new datacenter environment.

The business applications that have been migrated to the new datacenter include MojaPay, ICMS with online services portals, SharePoint (Intranet/DJINI) and Itirele system.

### b) WAN Upgrade

A bandwidth project was initiated to migrate 361 remote sites from legacy transmission technology (copper) to fibre or microwave or satellite technology, and thereafter

upgrade to a minimum of 10 Mbps. The project is currently in the implementation stage and the bandwidth of 120 sites has been upgraded as at 31 March 2024 as part of the Network Migration/Upgrade Project. The project is estimated to be completed by end of June 2024. Furthermore, upgrades are an ongoing process and are undertaken based on continuous network assessments that are carried out per site. Wi-Fi equipment for 100 sites has been procured and installed. This is to ensure that employees stay connected and access resources from anywhere within the business premises, increasing productivity and efficiency.

#### c) LAN Upgrade

To improve performance, scalability, security, and support for new technologies, the procurement was initiated for the LAN Refresh Project and the tender has been awarded to upgrade cabling infrastructure and network switches. Implementation is dependent on budget availability and the project is planned to be rolled out in April 2024.

#### d) End-User Devices

A total of 2 285 laptops and 3 047 desktops were procured during the financial year. 1 758 laptops and 2 579 desktops have been installed. Procurement for additional end-user devices (laptops and desktops) has been initiated to cover the remaining devices that are not compatible with the latest software packages. A total of 600 ICMS scanners were procured and installed. Procurement for an additional 600 scanners has been concluded with installation planned by June 2024.

#### e) Cybersecurity

The department continues to put measures in place to safeguard itself from cybersecurity attacks. This includes the undertaking of vulnerability and penetration tests as well as end-user cybersecurity awareness interventions. Furthermore, procurement processes have been initiated to deploy additional cybersecurity tools and systems as well as replace legacy cybersecurity systems, to improve the cybersecurity posture of the department.

### 2.5 Key policy developments and legislative changes policy update

The department is responsible for investigation, preparation, promotion and promulgation of primary and secondary legislation; provision of advice to the minister, deputy minister and director-general on all matters of a legislative nature; bringing into operation new or

amending acts as promoted by the department; representing the department and providing inputs at workshops, seminars and conferences on issues relating to legislation and the management, coordination and implementation of the department's annual legislative programme.

*During the period under review, a total of five handover and reburial ceremonies were conducted.*

#### 2.5.1 Key Policy Update

The Promotion of National Unity and Reconciliation Act, 1995 (Act No. 34 of 1995) created the political and moral climate for the growth of democracy and the fostering of a culture of human rights in South Africa. It provided for the establishment of the TRC, with the specific purpose of promoting national unity and reconciliation in a spirit of understanding that goes beyond the conflicts and divisions of the past.

On 26 June 2003, Parliament approved four key recommendations of the Joint Committee, grouped into the following categories:

- (a) Final reparations, which entails the provision of a once-off individual grant of R30 000 to individual TRC-identified victims. (This has been fully implemented.)
- (b) Symbols and monuments, which includes academic and formal records of history, cultural and art forms, as well as erecting symbols and monuments to exalt the freedom struggle, including new geographic and place names. (Being implemented by the Department of Sport, Arts and Culture.)
- (c) Medical benefits and other forms of social assistance, which includes education, health and housing assistance to address the social needs of TRC-identified victims.
- (d) Community rehabilitation, which means rehabilitating whole communities that were subjected to intense acts of violence and destruction during the specified conflict period (31 March 1960 – 10 May 1994), and which are still in distress.

- (e) The department's role in this regard is to oversee and coordinate and not to take over the mandates and responsibilities of other departments. The TRC recommended the establishment of a fixed lifespan structure which will require cooperation with several ministries which have a long-term mandate to integrate services and activities to oversee the implementation of the reparation and rehabilitation recommendations. The department established the TRC unit in September 2005 with a mandate to coordinate, monitor and report on the implementation of the TRC recommendations on an ongoing basis.

**i. Report on the exhumation, handover, reburial, spiritual repatriation, cleansing and symbolic burial of deceased victims**

The TRC recommended that the remains of deceased victims who were killed for politically-related offences between 1960 and 1994, which was the TRC mandate period, be exhumed, handed over and reburied with dignity by their families. In instances where the remains cannot be found, spiritual repatriation, cleansing and symbolic burials of deceased victims are conducted.

During the period under review, a total of five ceremonies were conducted. The Minister of Justice and Correctional Services presided over symbolic burial of four activists from Mamelodi as well as handover and reburial ceremony of one of the 10 Mamelodi activists. In addition, the Deputy Minister of Justice and Constitutional Development presided over three ceremonies regarding spiritual repatriation of Bellington Mampe as well as handover and reburial ceremonies of Ceylon Mabaso and Isaac Masigo. In total, eight families from Gauteng, Western Cape, Eastern Cape and North West provinces benefited by receiving the remains of their relatives for a decent reburial, while other families were assisted to conduct symbolic burial of their loved ones, as listed below:

- 28 July 2023 – Symbolic burial of four Mamelodi activists (Samuel Ledwaba, Matthews Lerutla, Jeffrey Sibiya and Oupa Mohale) in Mamelodi, Gauteng;
- 31 August – 1 September 2023 – Spiritual repatriation, cleansing and symbolic burial of Bellington Mampe in Worcester and Cofimvaba, Western and Eastern Cape provinces, respectively;
- 29 September 2023 – handover and reburial of one of 10 Mamelodi activists in Mamelodi, Gauteng;

- 27 October 2023 – handover and reburial ceremony of Ceylon Mabaso in Soweto, Gauteng;
- 25 November 2023 – handover and reburial of Isaac Masigo in Wolmaranstad, North West.

**2.5.2 Bills processed and some enacted into acts of Parliament**

The department assisted the Portfolio Committee on Justice and Correctional Services and the Select Committee on Security and Justice during the deliberations on the bills introduced in the current financial year under review, with some from the previous financial years, to ensure that they are finalised or making significant progress in Parliament, as well as to bring into operation some of those bills that were enacted:

- a) Traditional Courts Act, 2022 (Act No. 9 of 2022);
- b) Drugs and Drug Trafficking Amendment Act, 2022 (Act No. 14 of 2022);
- c) Constitution Eighteenth Amendment Act, 2023 (Act No. 3 of 2023);
- d) The Repeal of the Transkeian Penal Code Act, 2023 (Act No. 4 of 2023);
- e) Land Court Act, 2023 (Act No. 6 of 2023) and the Judicial Matters Amendment Act, 2023 (Act No. 15 of 2023).

**2.5.3 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 are noteworthy:

**i. Judicial Matters Amendment Act, 2023**

This act addresses several judgments:

- The Sithole and Another v Sithole and Another [2021] ZACC 7, which found that section 21(2) (a) of the Matrimonial Property Act, 1984 perpetuates the discrimination created in section 22(6) of the Black Administration Act, 1927 (Act No. 38 of 1927), in that marriages of black couples, entered into in terms of the said act, are automatically out of community of property.
- The Bwanya v Master of the High Court, Cape Town and Others [2021] ZACC 51 in which the CC declared section 1 of the Intestate Succession Act,

1987 to be invalid and unconstitutional, as it omits a surviving life partner in a permanent life partnership wherein the parties have undertaken reciprocal duties of support from benefiting in terms of the Intestate Succession Act.

- The *Bwanya v Master of the High Court, Cape Town and Others* [2021] ZACC 51, which declared the omission from the definition of “survivor” in section 1 of the Maintenance of Surviving Spouses Act, 1990 of 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” to be unconstitutional and invalid.
- The Qwelane matter (*Qwelane v the South African Human Rights Commission and another* [2021] ZACC 22), which declared section 10 of PEPUDA to be unconstitutional. Section 20 thus removes the word hurtful from the provisions of section 10 of PEPUDA, as declared to be unconstitutional in that PEPUDA includes the word “hurtful” in the prohibition against hate speech.

## ii. Cannabis for Private Purposes Bill, 2020

This bill is aimed at compliance with the cases of *Minister of Justice and Constitutional Development and Others v Prince*; *National Director of Public Prosecutions and Others v Rubin*; *National Director of Public Prosecutions and Others v Acton and Others* 2018 ZACC 30, which declared sections 4(b) and 5(b) of the Drugs and Drug Trafficking Act, 1992, as unconstitutional to the extent that they criminalise the use or possession in private or cultivation in a private place of cannabis by an adult for his or her own personal consumption in private.

## iii. Divorce Amendment Bill, 2023

This bill gives effect to the CC's landmark judgment in the case of *Women's Legal Centre Trust v President of the Republic of South Africa and Others* [2022] ZACC 23 (WLCT case), which recognised the need for and the importance of protecting Muslim women and children of Muslim marriages on dissolution of a Muslim marriage. In the WLCT case, the CC held that the Divorce Act, 1979, was unconstitutional to the extent that it failed to recognise Muslim marriages which have not been registered as civil marriages, as valid marriages. In particular, sections 6, 7(3) and 9(1) of the Divorce Act were declared to be unconstitutional, as they fail to

safeguard the interests of minor or dependent children of Muslim marriages in the same manner as children of other marriages on the dissolution of the marriage; fail to provide for the redistribution of assets on the dissolution of a Muslim marriage; and fail to make provision for the forfeiture of patrimonial benefits on the dissolution of a Muslim marriage in the same terms as other dissolved marriages, respectively.

## iv. Regulation of Interception of Communications and Provision of Communication-related Information Amendment Bill, 2023

The AmaBhungane judgment (*Amabhungane Centre for Investigative Journalism and Others v Minister of Justice and Correctional Services and Others* [2021] ZACC 3) resulted in the introduction of which amends the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 (Act No. 70 of 2002) (“RICA”), to give effect to the Constitutional Court judgment. The Constitutional Court declared RICA to be unconstitutional to the extent that it fails to—

- Provide for safeguards to ensure that a judge designated in terms of section 1 is sufficiently independent;
- Provide for notifying the subject of surveillance of his or her surveillance, as soon as notification can be given without jeopardising the purpose of surveillance, after surveillance has been terminated;
- Adequately provide safeguards to address the fact that directions are sought and obtained ex parte;
- Adequately prescribe procedures to ensure that data obtained pursuant to the interception of communications is managed lawfully and not used or interfered with unlawfully, including prescribing procedures to be followed for examining, copying, sharing, sorting through, using, storing or destroying the data; and
- Provide adequate safeguards where the subject of surveillance is a practicing lawyer or journalist.

The bill provides for the notification of persons of their surveillance as soon as the notification can be given without jeopardising the purpose thereof after surveillance has been terminated. The bill seeks to provide for the designation of independent designated and review judges, powers and functions of the review judge and the tenure of designated and review judges. It also seeks to provide for safeguards to address the fact that interception directions are sought and obtained ex parte. It further



provides for procedures to ensure that data obtained pursuant to the interception of communications is managed lawfully and not used or interfered with unlawfully. The bill further seeks to provide for procedures to be followed in examining, copying, sharing, sorting through, using, storing or destroying the data. Finally, the bill provides for adequate safeguards where the subject of surveillance is a practicing journalist or lawyer.

#### 2.5.4 Operationalised legislation

The department attended to the operationalisation of the following pieces of legislation:

##### (a) Domestic Violence Amendment Act, 2021

The Domestic Violence Amendment Act was put into operation with effect from 31 March 2023, with the exception of section 6A which provides for the development, establishment and maintenance of the integrated electronic repository for domestic violence protection orders, which has not been finalised.

##### (b) Legal Practice Act, 2014

The department has put into operation the outstanding provisions of the Legal Practice Act, 2014 relating to the Office of the Ombud for Legal Services with effect from 25 May 2023. The Office of the Ombud was established and the relevant sections of the Legal Practice Act were put into operation. However, the sections relating to the appointment of lay persons to disciplinary committees were not put into operation, as they require a list of lay persons which was not finalised. Therefore, sections 37(5) (e) (ii), 40(1) (b) (ii) and (7) (b), and 41 were put into operation, as the lists of lay persons were ready.

#### 2.5.5 Special Investigating Unit Proclamations

Proclamations by the President authorising the Special Investigating Unit (SIU), established under the Special Investigating Units and Special Tribunals Act, 1996, to carry out investigations into improprieties in respect of the following organs of state were published during the year under review:

NO.	INSTITUTION	PROCLAMATION	GOVERNMENT GAZETTE DATE
1	Umgeni Water Board	R. 122 of 202	2 June 2023 (GG48693)
2	Office of the Premier (Free State)	R. 123 of 2023	9 June 2023 (GG48754)
3	Chris Hani District Municipality	R. 3618 of 2023	30 June 2023 (GG48862)
4	Office of the Premier: KwaZulu-Natal	R. 130 of 2023	28 July 2023 (GG49029)
5	Tembisa Hospital	R. 136 of 2023	1 September 2023 (GG49217)
6	Amajuba District Municipality	R. 137 of 2023	11 September 2023 (GG49296)
7	Tshwane Metropolitan Municipality (Rooiwal Waste Water)	R. 138 of 2023	22 September 2023 (GG49328)
8	Gert Sibande TVET	R. 144 of 2023	1 December 2023 (GG49792)
9	Eastern Cape Rural Development Agency	R. 147 of 2023	26 January 2024 (GG50045)
10	Northern Cape Economic Development, Trade and Investment Promotion Agency	R. 151 of 2023	9 February 2024 (GG50106)
11	PRASA	R. 153 of 2023	16 February 2024 (GG50129)
12	Department of Home Affairs	R. 153 of 2023	16 February 2024 (GG50129)
13	Free State Department of Public Works & Infrastructure and Human Settlements and Free State Provincial Legislature	R. 155 of 2023	23 February 2024 (GG50163)
14	KZN Department of Transport (ISF Shula)	R. 156 of 2023	23 February 2024 (GG50163)
15	KZN Film Commission	R. 160 of 2023	28 March 2024 (Gg50381)

### 2.6.1 Legal Services

The following judgements are set out hereunder for purposes of reporting thereon:

#### Constitutional Court Judgments

##### 1. **Arena Holdings (Pty) Ltd t/a Financial Mail and Others v South African Revenue Service and Others [2023] ZACC 13**

The constitutional challenge of section 35 and 46 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 200) ("PAIA") followed after an application was made in terms of PAIA for access to former President Zuma's tax records. The application was premised on allegations that were made by Mr Jacques Pauw in his book titled *The President's Keeper: Those Keeping Zuma in Power and Out of Prison*, that while he was president, Mr Zuma was not tax compliant. SARS, however, refused the application on the basis that Mr Zuma was entitled to confidentiality under section 34(1) and 35(1) of PAIA. An appeal was filed against the decision and SARS dismissed it on the same grounds. Following SARS' refusal, the applicants launched the application in the High Court of South Africa, Gauteng Division, and Pretoria. On 30 May 2023, the Constitutional Court confirmed the order of constitutional invalidity of the High Court of sections 35 and 46 of PAIA to the extent that they preclude access to tax records by a person other than a tax payer (a requester), even in circumstances where the requirements set out in section 46 of PAIA are met, is confirmed. The declaration of invalidity was suspended for a period of 24 months from the date of the order to enable Parliament to address the constitutional invalidity. Pending Parliament's further steps, the court ordered a reading-in to address the omission of section 35(1) from section 46 of PAIA. The court further ordered that in the event that Parliament does not remedy the constitutional defects within 24 months of the order, paragraph 4 of the order shall continue to apply.

##### 2. **Centre for Child Law v T S and Others [2023] ZACC 22**

The Centre for Child Law challenged the constitutionality of section 4 of the Mediation of Certain Divorce Matters Act, 1987 (Act No. 24 of 1987), to the extent that it precludes never-married parents and married parents who are not going through a divorce, and their children, from accessing the services of the Office of the Family Advocate in the same manner as married parents who are divorced or going through a divorce, do.

The Constitutional Court confirmed the declaration of invalidity on 29 June 2023 and ordered that the declaration of invalidity shall not be retrospective and was suspended for a period of 24 months to enable Parliament to cure the defect in the act. The court has further ordered a reading-in to address the constitutional defect pending Parliament's remedy thereof. Should Parliament fail to cure the defects within the 24-month period, the reading-in will continue to be operative.

##### 3. **EB (born S) v ER (born B) and Others; KG v Minister of Home Affairs and Others [2023] ZACC 32**

Two separate applications were brought in which the constitutionality of section 7(3) of the Divorce Act, 1979 (Act No. 70 of 1979) has been challenged. In both matters, the Constitutional Court has declared section 7(3) of the act unconstitutional to the extent that it fails to include the dissolution of a marriage by death and to include marriages concluded on or after the commencement of the Matrimonial Property Act, 1984 (Act No. 88 of 1984) (the Matrimonial Property Act).

In the matter of EB, the Constitutional Court upheld the High Court's decision of constitutional invalidity due to section 7(3)'s omission of a provision for the dissolution of marriage by death. The declaration of invalidity was temporarily suspended for 24 months to allow Parliament the opportunity to address the shortcomings. During this period, the Matrimonial Property Act is to be read as including a new provision, section 36A, allowing for a redistribution remedy (modelled on section 7(3) of the act), in the case of marriages dissolved by death. Certain conditions are attached to the order, including its non-impact on the validity of acts related to the administration of deceased estates that were finalised before the order date.

In the matter of KG, the Constitutional Court confirmed the High Court's ruling of constitutional invalidity. Specifically, section 7(3)(a) of the act was found to be unconstitutional for excluding marriages entered into on or after the commencement of the Matrimonial Property Act. The declaration of invalidity was also suspended for a period of 24 months to allow Parliament to cure the defects. Pending the legislative changes, section 7(3) (a) is to be read without certain exclusionary words and the order does not affect the legal consequences of matters finalised before the date of this the Constitutional Court's order.



### High Court Judgments

The Haze Club (Pty) Ltd and Others v Minister of Police and Others (2101/2021) [2022] ZAWCHC 269  
In this matter the applicants sought a declaratory order that a “grow club” model, i.e., a socialised system of cannabis cultivation in terms of which the applicants rent out private space to the members of their club by means of a sublease wherein the members grow their own cannabis for personal consumption, while employing the applicants as professional horticulturalists to attend to the cultivation of the said plants, and that the conduct of the applicants in relation to the “grow club” model is lawful and consistent with the 2018 Prince judgment. In the alternative, the applicants challenged the constitutionality of –

- (i) section 4(b) of the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992), read with Part III of Schedule 2 thereto and the provisions of section 22A(9)(a)(i) of the Medicines and Related Substances Control Act, 1965, read with Schedule 7 of GN R509 of 2003 to the extent that they make the use or possession of cannabis by an adult person through the “grow club” model, for his or her own consumption, a criminal offence; and
- (ii) section 5(b) of the act read with Part III of Schedule 2 to the act and with the definition of the phrase “deal in” in section 1 of the act to the extent that they prohibit the cultivation of cannabis by an adult in a private place rented out by such person for this purpose and for his or her personal consumption in private as is done through the “grow club” model.

The High Court found, *inter alia*, that by sanctioning the “grow club” model, the court would be sanctioning the large-scale business in terms whereof members pay to have cannabis grown, cultivated and processed on their behalf. This would have the same potential to sanction dealing, just as the sanctioning of the purchase of cannabis would. The court further found that the “grow club” model's modus is to cultivate cannabis for the consumption of others. This is a characteristic it shares with dealers of cannabis. A further characteristic the model shares with dealers of cannabis is that it cultivates cannabis for the consumption of others in order to generate a profit. It may be that the applicants do not obtain remuneration for supplying the cannabis, but they do earn remuneration from the cultivation thereof. The court also found that the applicants and their customers are not prevented from using and/or cultivating cannabis. They are merely prevented from outsourcing that right. The court ordered that the applicants have not made out a case for the main relief or the alternative relief and dismissed the application. The applicants have subsequently filed an application for leave to appeal to the Supreme Court of Appeal and the matter was set down for hearing on 19 March 2024. The parties, however, agreed to postpone the hearing so that it may be argued and determined substantively once there is greater certainty on what the relevant legislative and regulatory terrain will be and what the interests of justice would require following the enactment of the Cannabis for Private Purposes Bill.

### 3. PROGRESS TOWARDS ACHIEVEMENT OF INSTITUTIONAL IMPACTS AND OUTCOMES

The table below provides for the impacts and outcomes as per the strategic plan and the progress made towards the achievement of the five-year targets in relation to the outcome indicators.

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	<b>Outcome 1:</b> Modernised and digitised justice services platforms	<p>Phase 2 of the Maintenance services online solution has been successfully completed by the department, including the addition of identified transacting capability.</p> <p>Phase 3 of the Protection Order services has been effectively completed, now with the added capability of integrating online solutions.</p> <p>In the 2024/2025 financial year, the department will prioritise the implementation of Court Audio-Visual Solutions (CAVS), which is crucial to their goals.</p> <p>This outcome not only enhances accessibility to justice services for all citizens, but also enhances the department's service delivery to vulnerable members of society, such as women, children, and people with disabilities.</p>
	<b>Outcome 2:</b> Improved organisational capabilities and good governance	<p>The department remains dedicated to fostering a strong employer–employee relationship. It prioritise the well-being of our workforce through various health and wellness programmes. Additionally, regular reviews were conducted on the establishment and vacancies to ensure cost efficiency.</p> <p>Justice College conducted 38 specialised training and empowerment programmes related to justice services during the year under review.</p> <p>Despite the impact of cost-cutting efforts that prevent vacant positions from being filled, the department managed to achieve 2.2% on positions occupied for people living with disabilities and 22% of youth employed. Furthermore, the department successfully managed to reduce vacant posts to 0.04%.</p> <p>The department successfully achieved a target towards elimination of fruitless and wasteful expenditure during the year under review. The department is dedicated to maintaining noticeable balances of accountability, equity, empowerment, capacity building, and inclusiveness, which contribute to this good governance.</p>
	<b>Outcome 3:</b> Improved awareness of justice services and constitutionalism	<p>The department strives to enhance access to justice and promote constitutional rights and improve the department's image by ensuring the delivery of public education and communication activities throughout the year.</p> <p>A total of 703 public education and communication activities were conducted, enhancing access to justice and promoting constitutional rights.</p> <p>Following the approval of the revised National Intervention Strategy (NIS) on Sexual Orientation, Gender Identity, Expression and Sex Characteristics Matters, the focus was on prevention programmes to address violence and unfair discrimination on the grounds of SOGIESC, as well as working with faith-based organisations, traditional leaders, human rights organisations, public officials and institutions. It also included capacity building of officials at service points and service providers in order to address secondary victimisation.</p> <p>The department thus saw fit to initiate engagement with provincial task teams that specialise in diverse rights and legal matters relating to LGBTIQI+ persons, guided by the South African Constitution which guarantees equality and prohibits discrimination on multiple grounds including sexual orientation.</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	<b>Outcome 3:</b> Improved awareness of justice services and constitutionalism	<p>During the 2023/2024 financial year, the department subsequently held 13 activities actioned to enhance the effectiveness of the established SOGIESC provincial task teams.</p> <p>Efforts to raise awareness are ongoing, with the Constitution remaining the bedrock of South African democracy, evidenced by the heightened demand for justice services at various service points. The department has conducted six campaigns on anti-xenophobia in collaboration with other departments and role players. The department continues to implement the National Action Plan to combat racism, racial discrimination, xenophobia, and related intolerance through these platforms in order to enhance constitutionalism, human rights, and the rule of law. At the heart of social transformation is social cohesion, which will put an end to exclusion and segregation and embody the spirit of inclusion that will lead national efforts to construct a united society.</p>
	<b>Outcome 4:</b> Increased access to justice services	<p>Increasing access to justice for all and enhancing the rule of law continue to be critical priorities for government.</p> <p>During the 2023/2024 financial year, phase 6 on additional data metrics for phase 6 Femicide Watch dashboard was compiled and approved in conjunction with IJS. This initiatives is meant to focus on GBV femicide prevention through collection of comparable data on femicide rates at national level.</p> <p>The Femicide Watch dashboard will be the repository of all cases of female homicides that are related to gender-based violence, which will be an accessible and user-friendly dashboard that will be utilised by the department, NPA, SAPS and IJS officials, populated with production (i.e., live) data.</p> <p>The department is required to table in Parliament the annual report on the integrated trends and interventions on the flow of children through the child justice system and successfully complied and tabled it as planned.</p> <p>Cabinet approved the National White Paper on the Rights of Persons with Disabilities. As a result, the department is obligated to consider that people with disabilities have equal access to the courts in terms of reasonable accommodations and appropriate assistance and services. Subsequent to that, a total of 66 courts have been upgraded to meet the universal access strategy for people with disabilities during the year under review.</p>
	<b>Outcome 5:</b> Improved Masters' services	<p>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.</p> <p>At the end of the financial year, 66% of Guardian's Fund applications were paid within 40 days from date of receipt of all required documents.</p> <p>In total, 89% of certificates of appointments in all bankruptcy matters were issued within 10 days from receipt of all required documents by the end of the financial year.</p> <p>The department awarded 79% of letters of authority in trusts within 21 days from receipt of all required documents and further issued 1 165 appointment letters of curatorships in estate, of which 1 051 were issued within 15 days from receipt of all required documents, which translate to 90%.</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	<b>Outcome 6:</b> Colonial/ apartheid era justice-related legislation reviewed and replaced	The review of the colonial/ apartheid era justice-related legislation is aimed at aligning the legislation with the Constitution of the Republic of South Africa, 1996 (Constitution). The new legislation will ensure improved and equal access to justice services that will cater for all, including vulnerable groups such as women, children, and people with disabilities, so as to create a transformed society which is freed from the divisions of the past. During the 2023/2024 financial year the department amended and approved three 3 bills in this regard, which are the Divorce Amendment Bill (amending Divorce Act, 1 979); the Sheriffs Professional Bill 2024; and the Mediation in Certain Divorce Matters Amendment Bill 2024.
	<b>Outcome 7:</b> 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>The Office of the Chief State Law Advisor (OCSLA) has the responsibility to provide legal advice and guidance to the state on its proposals, legislation and international agreements and ensures that potential litigation against the state, on constitutional and other legal grounds, is considerably reduced.</p> <p>For the year under review, the OCSLA finalised requests for legal opinions, of which were 442 finalised within the set time frame for delivery of the legal opinions, which is 30 days from the date of receipt. This translates into 87% performance.</p> <p>The department is also mandated to provide legal advice and guidance to the state on its proposals and legislation and thereby ensuring that potential litigation against the state, on constitutional and other legal grounds, is considerably reduced. The department, through the State Attorney Offices, finalised a total of 1 389 litigation cases, of which 751 cases were finalised through settlement by the end of the reporting cycle. This translates to 54% performance.</p>
	<b>Outcome 8:</b> Transformed legal profession	<p>The transformation of state legal services is aimed at improving the effectiveness and efficiency that has been prioritised through the implementation of the State Attorney Amendment Act, 2014 (Act No. 13 of 2014).</p> <p>As an effort to foster cohesion and stimulate equality among those in the legal profession, both in the public and private sector, by developing legal expertise, the department had planned to allocate at least 41% of briefs to female legal practitioners.</p> <p>In addition, over the medium term, to monitor the rand value of briefs allocated to previously disadvantage legal practitioners, the targets were set for PDIs at 83%, and the target for female legal practitioners set at 30%. The achievement was significant, as it yielded 88% and 30%, respectively.</p> <p>In addition, of a total of 5 789 briefs that were allocated to legal practitioners, 2 428 were allocated to female legal practitioners, which translated to 42% during the financial year.</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	<b>Outcome 9:</b> Advanced constitutionalism, human rights and the rule of law	<p>Section 7(2) the Constitution of South Africa, 1996, provides that, “The state must respect, protect, promote and fulfil the rights in the Bill of Rights”. The objective of the Promotion of Equality and Prevention of Unfair Discrimination Act, 4 of 2000 is to: prevent and prohibit unfair discrimination and harassment and promote equality and eliminate unfair discrimination; to prevent and prohibit hate speech and to provide for matters connected therewith.</p> <p>The conference to commemorate constitutionalism, respect for human rights and the rule of law, especially amongst the most vulnerable and marginalised was successfully hosted by the department during March 2024.</p> <p>Seven engagements were held with stakeholders towards the promotion of the Equality Act and Equality Courts.</p> <p>The department continues to play a role towards Priority 6: Social Cohesion and Safe Communities of the MTSF, the outcomes and indicators of which are included in the Strategic Plan and APP that are fully aligned with the government's Programme of Action and the Medium-Term Strategic Framework (MTSF).</p>
	<b>Outcome 10:</b> Crime and corruption reduced through effective prosecution	<p>The NPA continues to contribute towards the effectiveness of the criminal justice system through impactful prosecutions. A total conviction rate of 92% in the high courts, 82% in the regional courts, and 95.8% in the district courts was achieved and exceeded against the targets of 87%, 74% and 88%, respectively.</p> <p>The NPA successfully maintained high conviction rates and recorded a marked increase in case finalisation. In most of the high impact cases, an increase in verdict cases was noted.</p> <p>The NPA continued to maintain an outstanding performance in ensuring that no witnesses and related persons were threatened, harmed, or killed while they were on the witness protection programme during the financial year.</p> <p>The Asset Forfeiture Unit (AFU) continues to prioritise State Capture and other serious corruption cases, in close collaboration with the Investigating Directorate (ID). The AFU is also involved in other initiatives, inter alia, joint planning and prioritisation with stakeholders, that will assist to speed up the finalisation of cases and to identify cases with asset forfeiture potential earlier in the process. Other initiatives implemented to improve performance are the use of new approaches such as alternative dispute resolution and the appointment of specialists in the recovery of assets from foreign jurisdictions, the appointment of S38 specialist litigators and a focus on non-conviction-based forfeitures in terms of Chapter 6 of POCA.</p>

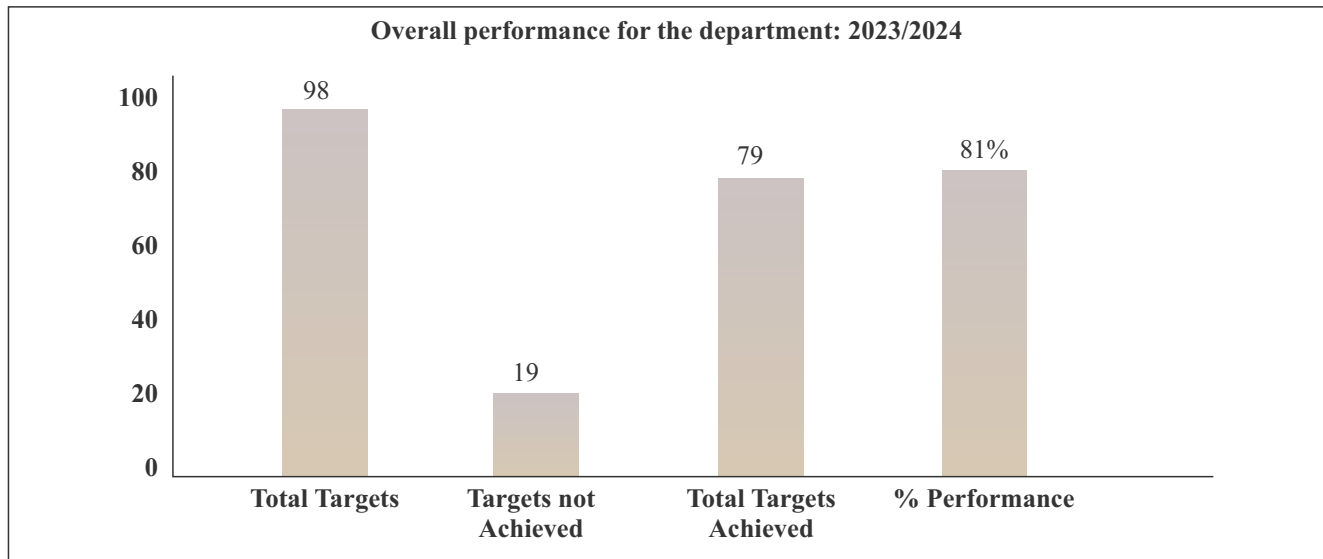
#### 4. PROGRAMME PERFORMANCE INFORMATION

The 2023/2024 Annual Performance Plan had been amended and re-tabled as outlined below:

- #A. Original 2023/2024 APP from 1 April 2023 – 27 March 2024
- #B. Revised 2023/2024 APP from 1 April 2023 – 31 March 2024

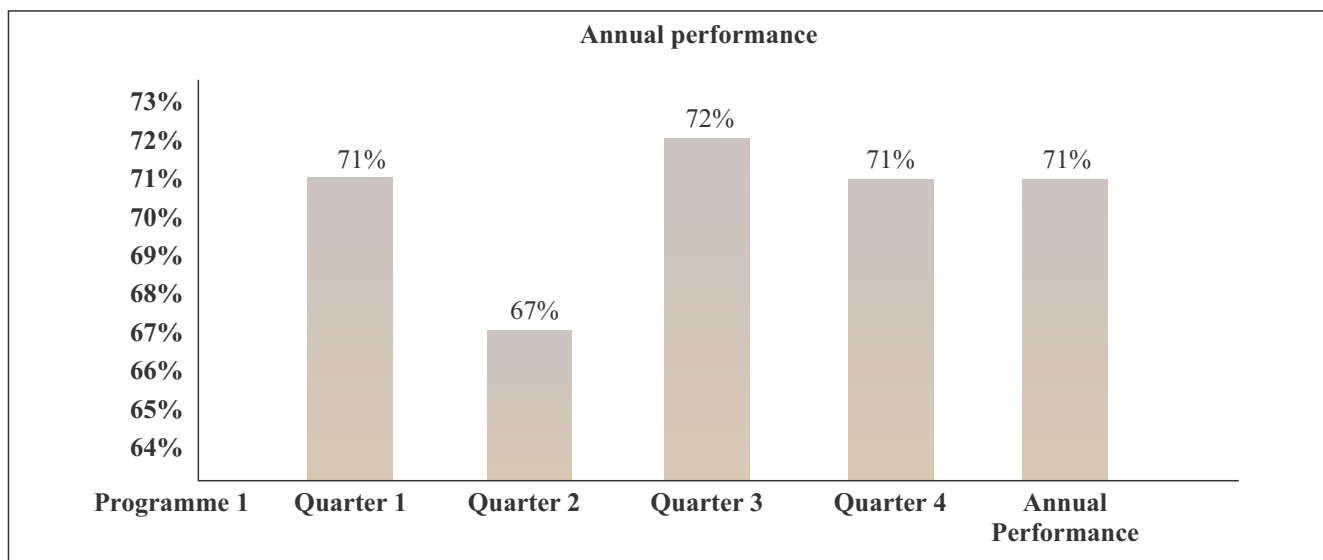
The financial year 2023/2024 marked the end of the MTSF phase, allowing for the completion of the key priorities set for this period. These included efforts to make justice more accessible, enhance service delivery, and streamline departmental operations.

The department achieved an overall performance of 81% for the targets outlined in the 2023/2024 APP. The department achieved 79 of the 98 set targets for the year.



##### Programme 1

The programme achieved 15 of the 21 planned targets for the year and contributed to 71% achievement.



The programme's performance began at 71% in quarter 1 but declined to 67% in quarter 2 owing to the number of targets that were not achieved. Targets not achieved include the Phase 2 online solution for deceased estate, the rolling out of the court audio-visual solution in courtrooms, and undisputed and valid invoices paid within 30 days.

During quarter 3 the performance went up to 72%, as most of the strategies to overcome the underperformance were implemented and the performance remained consistent until quarter 4 and the overall achievements remained at 71% performance.

### Key Achievements for Programme 1

#### Modernised and digitised justice services platforms

Maintenance online services (Phase 2) – entails online service features that enables the public to apply for enforcement orders (i.e. emolument orders, warrants of execution and attachment of debt orders) which were piloted at Magistrate Court: Taung and Magistrate Court: Middelburg.

Protection Orders online services (Phase 3) – entails online service features that enables the public to:

- (i) apply for Domestic Violence orders, which was piloted at Magistrate Court: Booysens, Mitchell's Plain, Pretoria and Garankuwa.
- (ii) apply for Harassment orders, which was piloted at Magistrate Court: Booysens.
- (iii) apply for Safety Monitoring, which was piloted at Magistrate Court: Pretoria.

### Programme 2

This programme managed to achieve 17 of the 22 planned targets, which calculates to 77% achievements.

- (iv) CJS Cluster Departments ability to verify of Domestic Violence cases through Integrated Electronic Repository (IER), which was piloted at Magistrate Court: Garankuwa.

### Corporate Services

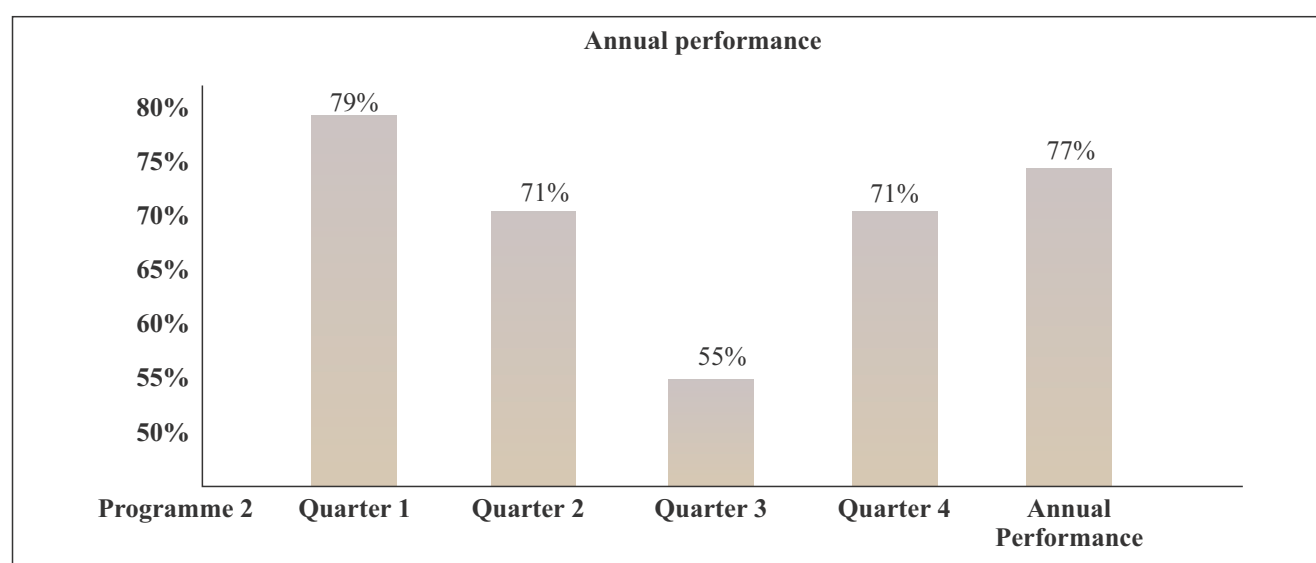
Furthermore, the department managed to achieve 2.2% against the set target in the employment of people with disabilities and through significant strides that were implemented, wasteful expenditure was eliminated by the end of 2023/2024 financial year.

In light of the department's zero-tolerance policy towards fraud and corruption, cases reported (including misconduct cases) must be investigated / heard in the disciplinary inquiry and concluded within 90 working days of the first date of hearing.

The department responded to the Disaster Management Act, No. 57 of 2002, as amended, which imposes a legal obligation on the DoJ&CD and other institutional role players involved in developing, reviewing, updating, coordinating, and implementing the Disaster Management Plans (DMPs). As planned, the department approved the DMP by the planned target date.

### Financial Management Services

The department under the reporting period has obtained an unqualified audit opinion on Vote Account for 2022/2023 financial year. This will help to restore public trust in the department's financial management.



Programme 2 attained a 79% performance in the first quarter, marginally dropped to 71% in the second quarter. This decrease is attributed, among other things, to failure to collect appropriate data for the divorce targets as intended due to insufficient systems for capturing the necessary information for reporting. Similarly, the department lacked a mechanism to gather the necessary information on domestic violence targets.

In the third quarter, the performance significantly declined to 55% due to identical issues seen in the second quarter. In addition to the targets mentioned above, the Femicide Watch implementation and the review of the Small Claims Court discussion document were not achieved.

In quarter 4 and annual performance improved to 71% and 77% respectively.

### Key Achievements for Programme 2

The department developed a National Policy Framework on Reasonable Accommodations and Measures to Access

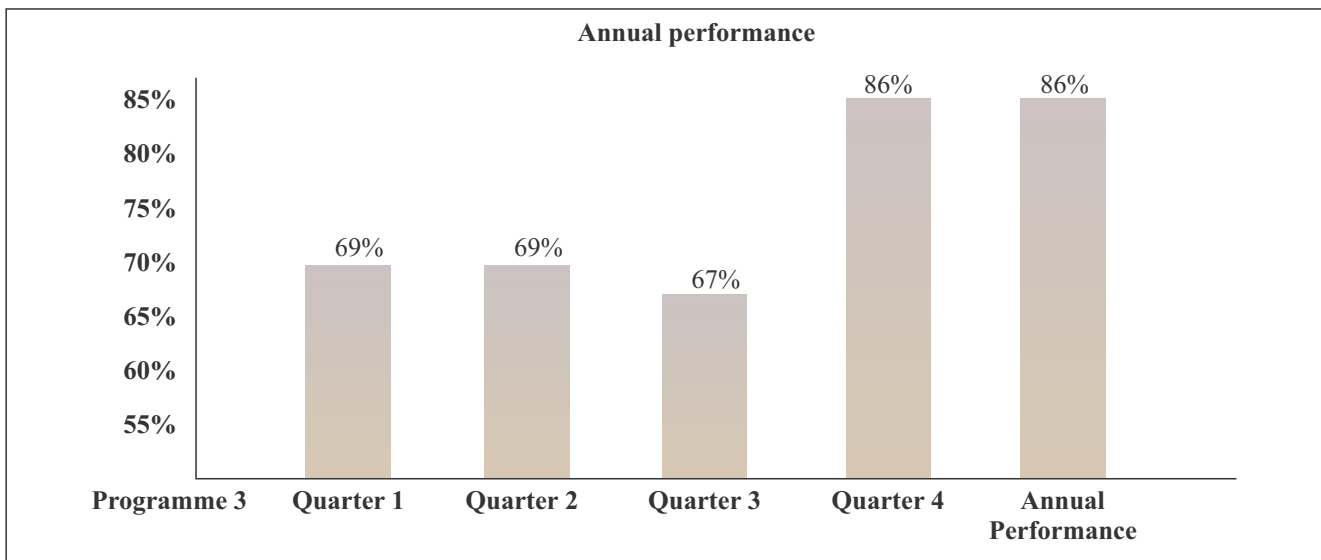
Justice for Court Users with Disabilities at the Lower Courts and also improved the accessibility to courts for older persons. During the financial year a total of 66 courts were compliant with the strategy. The Policy Framework on foreign language interpreting was submitted to the Director-General for approval.

To increase physical access to justice services and improve conditions of the court, while also ensuring that infrastructure is maintained, the department renovated and upgraded a total of 74 court facilities with minor capital works.

Sections 46(1), (2), and (3) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 32 of 2007, provide for people to apply for a clearance certificate to disclose that they have never been convicted of a sexual offence against a child or a mentally disabled person. A total of 96% of National Register for Sexual Offenders (NRSO) clearance certificates were issued within 10 days from date of receipt of the compliant application during the year under review.

### Programme 3

Under this programme the department achieved 86% of its planned targets by achieving 30 of the 35 planned targets for the year.



Programme 3 was consistent in quarter 1 and quarter 2 by achieving 69% performance and slightly decreased in quarter 3 due to the Masters' turnaround strategy interventions that were not implemented, the Guardian's Fund backlog that was caused by system challenges, and the missed target on litigation cases settled.

Quarter 4 and the annual performance, respectively, achieved 86%.



### Key Achievements for Programme 3

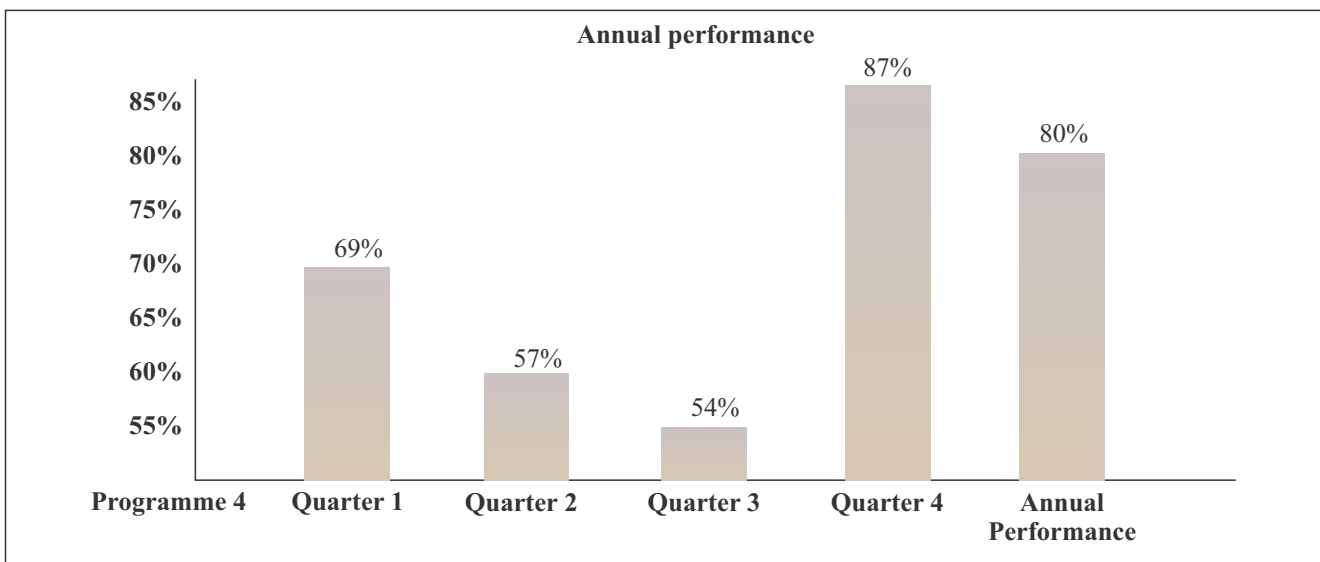
The policy for the appointment of the insolvency practitioners was submitted to the minister as planned and a total of three bills seeking to repeal or replace colonial/ apartheid era justice-related legislation were submitted to the ministry for approval during the year under review.

In the period under review, 20 rules of court which seek to achieve the efficient and effective functioning of the

superior courts, the magistrates' courts and the small claims courts were submitted to the board for consideration and final approval. In order to assist with transformation of state legal services and improve the implementation of the State Attorney Amendment Act, 2014 (Act No. 13 of 2014), the department implemented 56% action plan activities in the 2023/2024 financial year. Subsequent to that, a total of 88% in rand value of briefs were allocated to PDI legal practitioners.

### Programme 4

Under this programme the department attained 80% of its planned targets by achieving 12 of the 15 planned targets.



Programme 4 performance fluctuated over the quarters, during quarter 1, 69% of the targets were achieved, however the performance dropped to 57% during quarter 2. There was also underperformance during quarter 3 when compared to quarter 2 and quarter 1, while an achievement of 54% was recorded in quarter 3. During quarter 4, the performance increased by 61% resulting in the achievement of 87% of its targets, thus marking the highest performance over the 2023/24 quarters. Annual performance shows that 80% of the targets were achieved, slightly below the quarter 4 performance by 7%.

This overview indicates that while there were challenges in maintaining consistent performance throughout the year, the programme ended on a strong note, suggesting effective measures being implemented in the final quarter. The achievement of 80% at year-end suggests that overall, programme 4 had a successful year despite below average performance during mid-year.

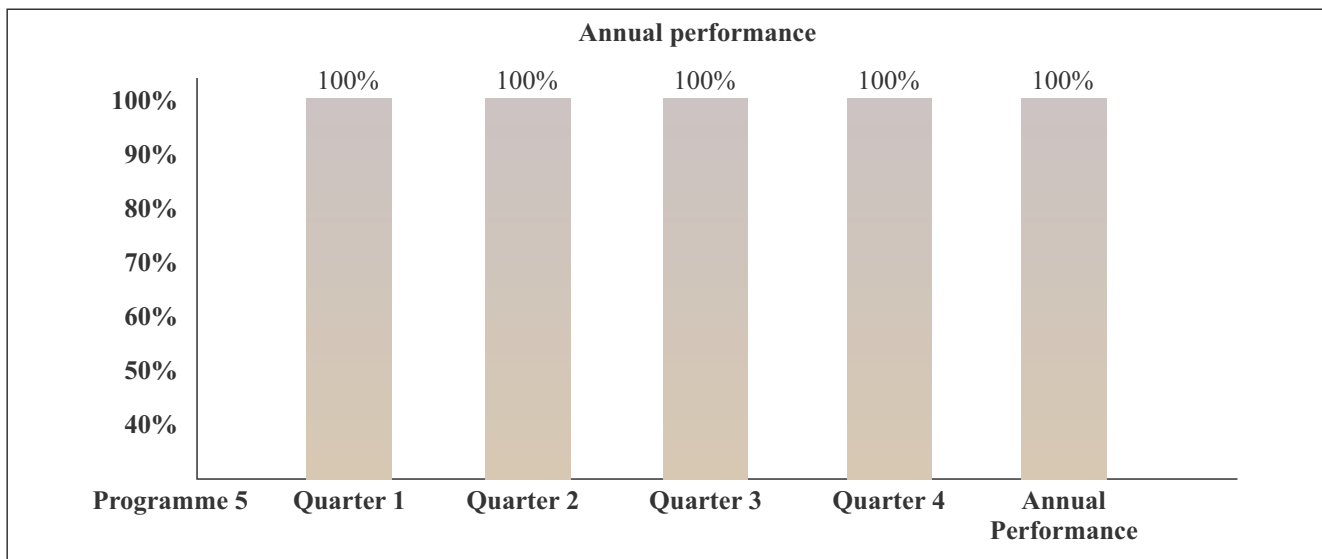
### Key achievements for programme 4

The NPA is slowly reaching a solid ground with its enhanced focus on corruption and violent crimes. With around 4,300 prosecutors responsible for over 900,000 criminal matters annually is a firm demonstration that NPA is committed to delivering justice and serving the people of South Africa daily. Thus highlighting the NPA's broad and significant impact in maintaining law and order in the country.

The expansion of the Thuthuzela Care Centres (TCCs) from 55 in 2020/21 to 64 currently reflects the NPA's commitment to enhancing the support and services provided to victims of sexual and domestic violence. This growth in the TCC network plays a crucial role in aiding the NPA's efforts to prosecute cases that impact community safety and well-being, ensuring that victims receive comprehensive care while their cases are handled.

## Programme 5

Under programme 5 the department consistently achieved 100% of its planned targets (5/5) in all the quarters for the year.



### Key Achievements for Programme 5

The department had prioritised assessments on the IJS operational sites for vulnerability by cyber-attacks. A total of two sites have been successfully assessed to strengthen the cyber security landscape during the year under review.

The PVS / PIVS provides mechanisms for reliable and robust identification, verification and authentication of person in the CJS. A person tracking capability complements this by recording the location and custody status of persons throughout the CJS process. During the 2023/2024 financial year, five SAPS police stations were provided with person verification services.

The IJS Digital Transformation and Modernisation Strategy was developed and submitted to the minister for approval as planned.

#### 4.1 PROGRAMME 1: ADMINISTRATION

##### Programme purpose

- a) Provide strategic leadership, management and support services to the department.
- b) This programme comprises the following sub-programmes:
  - i. **Ministry:** Provides leadership and policy direction to the DoJ&CD.
  - ii. **Management:** Provides overall management of the DoJ&CD's operations and resources.

- iii. **Corporate Services:** Provides strategic support to the department and integrated business solutions in HR management, information and communication technology (ICT), public education and communications, and capacity building of the department's personnel.
- 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.
- v. **Internal Audit:** Assists the accounting officer in maintaining efficient and effective controls by evaluating those controls to determine their effectiveness and efficiency, and to develop recommendations for enhancement or improvement.
- vi. **Office Accommodation:** Provides for accommodation charges, leased agreements and municipal rates.

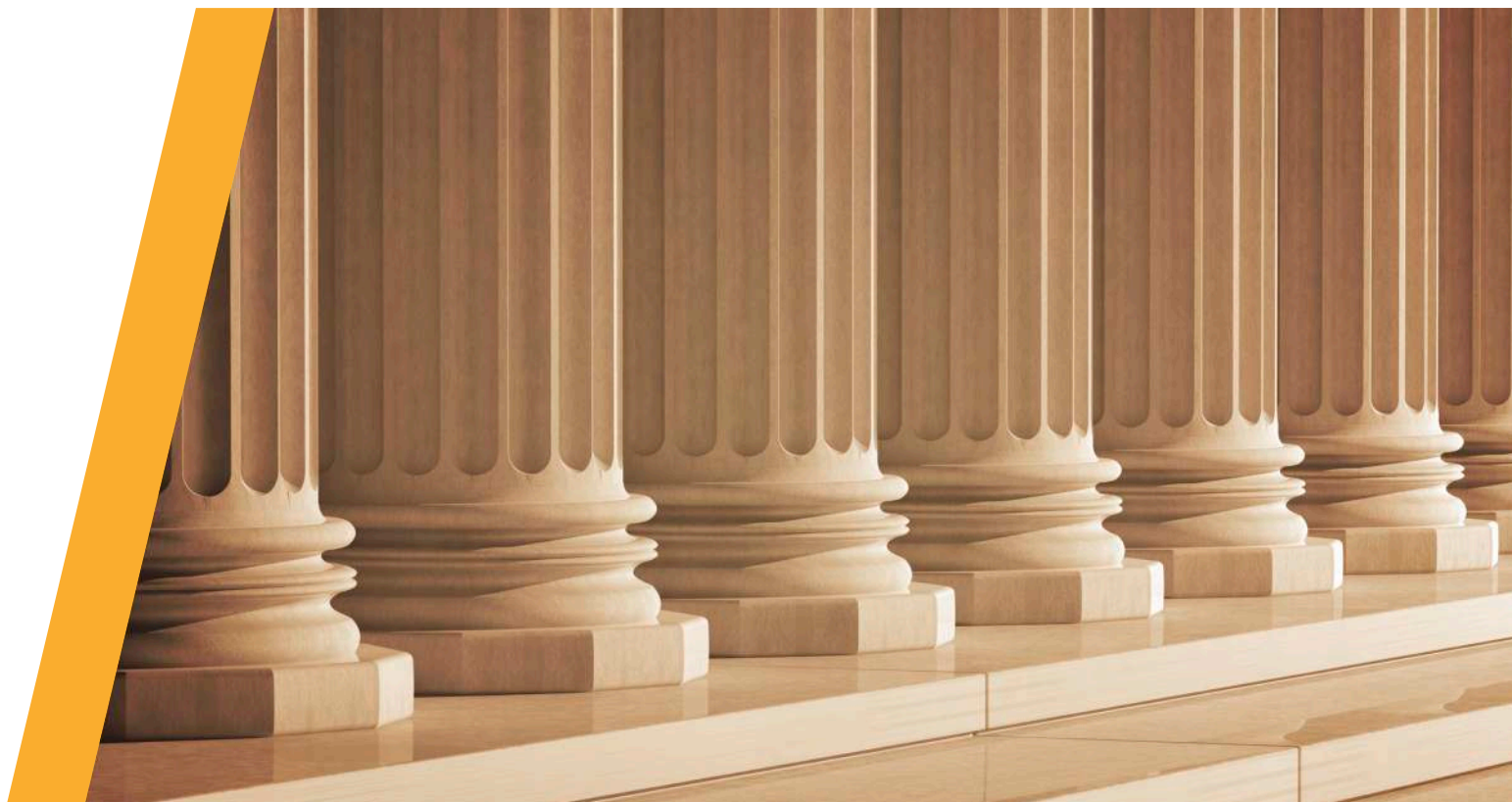
- c) Institutional outcomes that the programme contributes towards:
  - i. **Outcome 1: Modernised and digitised justice services platforms**
  - ii. **Outcome 2: Improved organisational capability and good governance**
  - iii. **Outcome 3: Improved awareness of justice services and constitutionalism**

**OUTCOME 1: MODERNISED AND DIGITISED JUSTICE SERVICES PLATFORMS**

The table below provides an overview of the performance against predetermined objectives (APP indicators), in terms of outcomes, outputs, output indicators, planned targets and actual achievements.

**B) Final Revised Annual Performance Plan: 1 April 2023 – 31 March 2024**

Output	Output indicator	Audited actual achieved performance 2021/2022	Audited actual achieved performance 2022/2023	Planned annual target 2023/2024	Actual achievement 2023/2024	Deviation from planned target to actual achievement for 2023/2024	Reasons for deviations
1.1 Justice services accessible via digital channels	1.1.1 Phases of maintenance services available on the DoJ&CD internet portal (online) by target date.	Phase 1 (Online application submission capability) piloted.	Phase 2 (Online solution with identified transacting capability) piloted.	Phase 2 (Online solution with additional identified transacting capability) available on the DoJ&CD internet portal by 31 March 2024.	Phase 2 (Online solution with additional identified transacting capability) available on the DoJ&CD internet portal by 31 March 2024.	-	Target achieved
1.1 Justice services accessible via digital channels	1.1.2 Phases of deceased estates services available on the DoJ&CD internet portal (online) by target date.	Deceased estates Phase 1 (online application submission capability) piloted.	Phase 2 (Online solution with identified transacting capability) piloted.	Phase 2 (Online solution with additional identified transacting capability) available on the DoJ&CD internet portal by 31 March 2024.	Phase 2 (Online solution with additional identified transacting capability) is still in progress and not available on the DoJ&CD internet portal.	Phase 2 (Online solution with additional identified transacting capability) not available on the DoJ&CD internet portal and in progress.	Target not achieved, as more engagements are required with stakeholders.
1.1 Justice services accessible via digital channels	1.1.3 Phases of protection order services available on the DoJ&CD internet portal (online) by target date.	Protection order Phase 1 (for legally represented complainants) developed and tested.	Phase 1 (online application submission capability based on new legislation) and Phase 2 (Online solution with transacting capability) piloted.	Phase 3 (Online solution with integration capability) available on the DoJ&CD internet portal by 31 March 2024.	Phase 3 (Online solution with integration capability) available on the DoJ&CD internet portal by 31 March 2024.	-	Target achieved
1.2. Justice services accessible via virtual platforms	1.2.1 Number of courtrooms rolled out with the Courts Audio-Visual Solution (CAVS) by target date.	CAVS bid specifications completed and approved for publication through SITA.	Solution procured.	170 courtrooms completed by 31 March 2024.	0	(100%)	Target not achieved due to SITA procurement delays.



## OUTCOME 2: IMPROVED ORGANISATIONAL CAPABILITIES AND GOOD GOVERNANCE

The table below provides an overview of the performance against predetermined objectives (APP indicators), in terms of outcomes, outputs, output indicators, planned targets and actual achievements.

### A) Revised Annual Performance Plan: 1 April 2023 – 27 March 2024

Output	Output indicator	Audited actual achieved performance 2021/2022	Audited actual achieved performance 2022/2023	Planned annual target 2023/2024	Actual achievement 2023/2024 until date of re-tabling 27 March 2024	Deviation from planned target to actual achievement for 2023/2024	Reasons for deviations	Reasons for revisions to the outputs /output indicator/ annual targets
2.13 Audit outcome	2.13.1 Audit opinions obtained	Qualified audit opinion obtained on Vote Account and pre-determined objectives.	Qualified audit opinion obtained on Vote Account and pre-determined objectives.	Unqualified audit opinion obtained on Vote Account and pre-determined objectives.	Unqualified audit opinion with findings on AOPO and compliance.	Unquantified audit opinion obtained on Vote Account	Auditor - General does not express an opinion in the Audit Report on predetermination objectives	Auditor-General does not express an opinion in the Audit Report on pre-determined objectives.

#### Output 2.13 Audit outcome

The department, for the reporting period 2023/2024 until date of re-tabling 27 March 2024, has obtained unqualified audit opinion on Vote Account. The annual targets were revised over the MTEF period because the Auditor-General does not express an opinion in the audit report on pre-determined objectives.

**OUTCOME 2: IMPROVED ORGANISATIONAL CAPABILITIES AND GOOD GOVERNANCE**

The cornerstone of good governance is an effective and efficient internal control environment, thereby enabling improved audit outcomes, and eliminating wasteful, fruitless and irregular expenditure in the long term. These efforts are aimed at achieving improved organisational capabilities that will restore balances of accountability, equity, empowerment, capacity building and inclusiveness that the department is committed to.

**B) Final Revised Annual Performance Plan: 1 April 2023 – 31 March 2024**

Output	Output indicator	Audited actual achieved performance 2021/2022	Audited actual achieved performance 2022/2023	Planned annual target 2023/2024	Actual achievement 2023/2024	Deviation from planned target to actual achievement for 2023/2024	Reasons for deviations
2.1 Women occupying Senior Management Services (SMS) and LP 10 positions	2.1.1 Percentage of women occupying SMS and LP 10 positions	50%	52%	50%	52%	4%	Target over achieved due to the abolishment of all unfunded non critical vacant posts (DPSA Circular 94 of 2023)
2.2 Appointment of people with disabilities	2.2.1 Percentage of positions occupied by people living with disability	1.5%	2.1%	2.2%	2.2%	-	Target achieved
2.3 Appointment of youth	2.3.1 Percentage of positions occupied by youth	20%	22%	23%	22%	(4%)	Target not achieved, influenced by non-filling of posts due to DPSA Circular 94 of 2023
2.4 Investigations on reported corruption cases finalised	2.4.1 Percentage of investigations on reported corruption cases finalised	75%	70%	80%	84%	5%	Target over achieved due to management guidance and involvement
2.5 Vacancy rate reduced	2.5.1 Percentage of vacant posts	8.6%	6.5%	5%	0.04%	99%	Target over achieved due to the abolishment of all unfunded non critical vacant posts (DPSA Circular 94 of 2023)
2.6 Disciplinary hearing finalised within prescribed time frame	2.6.1 Percentage of disciplinary cases finalised within 90 days from the first day of set down of the hearing.	63%	70%	75%	79%	5%	Target over achieved due to continuous monitoring



PART B | PERFORMANCE INFORMATION

Output	Output indicator	Audited actual achieved performance 2021/2022	Audited actual achieved performance 2022/2023	Planned annual target 2023/2024	Actual achievement 2023/2024	Deviation from planned target to actual achievement for 2023/2024	Reasons for deviations
2.7 Grievances resolved	2.7.1 Percentage of grievances resolved within 60 days from the date the grievance is lodged.	88%	65%	80%	64%	(20%)	Target not achieved, due to the complexity of grievances
2.8 Percentage of fruitless and wasteful expenditure reduced	2.8.1 Percentage of fruitless and wasteful expenditure eliminated	80%	85%	100%	100%	-	Target achieved
2.9 Irregular expenditure reduced	2.9.1 Percentage of irregular expenditure reduced	43%	65%	75%	93.5%	25%	Target over achieved due to the removal of Independent Development Trust (IDT) and State Attorney historic Irregular expenditure, which were high value amounts
2.10 Undisputed and valid invoices paid within 30 days	2.10.1 Percentage of undisputed and valid invoices paid within 30 days from date of receipt	99%	100%	100%	99%	(1%)	Target not achieved due to the unavailability of BAS & JYP systems and invoices being paid from the previous financial year due to budget
2.11 Discretionary procurement allocated to women	2.11.1 Percentage of discretionary procurement allocated to women	60%	40%	40%	53%	33%	Target over achieved due to the continuous maintenance and sustainment of the performance.
2.12 Procurement allocated to EME and QSE	2.12.1 Percentage of discretionary procurement allocated to Exempted Micro Enterprises (EMEs) and Qualifying Small Enterprises (QSEs)	31%	40%	40%	74%	85%	Target over achieved due to the continuous maintenance and sustainment of the performance through branches allocated the RFQ spend to EME and QSE entities.
2.13 Audit outcome	2.13.1 Audit opinion obtained	Qualified audit opinion obtained on Vote Account and pre-determined objectives	Unqualified audit opinion obtained on Vote Account and pre-determined objectives	Unqualified audit opinion obtained on Vote Account	Unqualified audit opinion obtained on Vote Account	-	Target achieved

Output	Output indicator	Audited actual achieved performance 2021/2022	Audited actual achieved performance 2022/2023	Planned annual target 2023/2024	Actual achievement 2023/2024	Deviation from planned target to actual achievement for 2023/2024	Reasons for deviations
2.14 Specialised training programmes conducted	2.14.1 Number of specialised training programmes conducted by Justice College	-	32	36	38	6%	Target over achieved due to high demand of training requests
2.15 Social compact concept developed	2.15.1 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 Cabinet by 31 March 2023	Social compact discussion document submitted to the President for adoption by the three branches of State by 31 March 2024	-	(100%)	Additional discussions should be conducted with the executive
2.16 Disaster Management Plan approved	2.16.1 Disaster Management Plan (DMP) approved by the DG by target date	-	-	DMP approved by the DG by 31 March 2024	The DMP was approved by the DG	-	Target achieved

### OUTCOME 3: IMPROVED AWARENESS OF JUSTICE SERVICES AND CONSTITUTIONALISM

The table below provides an overview of the performance against predetermined objectives (APP indicators), in terms of outcomes, outputs, output indicators, planned targets and actual achievements.

#### B. Final Revised Annual Performance Plan: 1 April 2023 – 31 March 2024

Output	Output indicator	Audited actual achieved performance 2021/2022	Audited actual achieved performance 2022/2023	Planned annual target 2023/2024	Actual achievement 2023/2024	Deviation from planned target to actual achievement for 2023/2024	Reasons for deviations
3.1 Public education awareness sessions	3.1.1 Number of public education and communication activities conducted in enhancing access to justice and promoting constitutional rights	394	250	400	703	76%	Target over achieved due to major projects that required substantial communication support.

## PERFORMANCE AGAINST PREDETERMINED OBJECTIVES

### OUTCOME 1: MODERNISED AND DIGITISED JUSTICE SERVICES PLATFORMS

The department has embraced and intensified its efforts in utilising digital technology as a strategic enabler, and efficiencies brought about by technological advancements, which amongst others include societal expected online channels, as well as virtual platforms which have changed the way in which we live and work.

The modernisation of justice services will allow applications where services can be initiated, processed and tracked through online channels without the public having to physically obtain these services from a service point (e.g., court). The success of this outcome not only increases accessibility to justice services for all citizens, but also improves the way in which the department delivers services to the vulnerable in society, which include women, children and people with disabilities.

#### *Output 1.1 Justice services accessible via digital channels*

The department's strategic plan prioritised the modernisation and digitalisation of justice services through ICT, in order to enhance service delivery. However, progress has been hindered by challenges such as capacity constraints, procurement delays and budget constraints, resulting in an unstable underlying ICT infrastructure and challenges in digitalising justice services. To address these challenges, the department has formulated a Strategy for Modernisation and Digitalisation to steer the adoption of ICT.

#### *Phases of maintenance services available on the DoJ&CD internet portal (online)*

Phase 2 of the maintenance services online solution transacting capabilities includes the piloting of features that will enable the users with the ability to apply for emolument orders, warrants of execution, attachment of debt orders, variation orders and order by default.

During the financial year, Phase 2 (Online solutions with additional identified transacting capability) was made available on the DoJ&CD internet portal in the piloted court.

#### *Phases of deceased estates services available on the DoJ&CD internet portal (online)*

To strengthen the department's efforts in leveraging ICT, it is critical that all phases of deceased estates services are available on the DoJ&CD internet portal (online). During the 2023/2024 financial year, the focus was on Phase 2 (Online solution with additional identified transacting capability), which is still in progress and not on the DoJ&CD internet portal.

#### *Protection order services available on the DoJ&CD internet portal (online)*

It is critical that phases of protection order services are available on the DoJ&CD internet portal (online) to further improve the department's efforts in utilising ICT. The Phase 3 (Online solution transacting capabilities) includes the piloting of features such as applications for domestic violence, harassment orders, safety monitoring, and online verification of domestic violence cases through the Integrated Electronic Repository (IER) for the CJS cluster departments. The Phase 3 (Online solution with integration capability) is available on the DoJ&CD internet portal at the piloted court.

#### *Output 1.2 Justice services accessible via virtual platforms*

The rolling out of CAVS in 170 court rooms did not occur due to SITA procurement delays.

### OUTCOME 2: IMPROVED ORGANISATIONAL CAPABILITIES AND GOOD GOVERNANCE

The department continues to be committed to creating a sound employer–employee relationship, providing opportunities for a balanced and healthy workforce through employee health and wellness programmes, and upright establishment and vacancy review due to cost-cutting measures.

The cornerstone of good governance is an effective and efficient internal control environment, thereby enabling improved audit outcomes, and eliminating wasteful, fruitless and irregular expenditure in the long term. These efforts are aimed at achieving improved organisational capabilities that will restore balances of accountability, equity, empowerment, capacity building and inclusiveness that the department is committed to.

***Output 2.1 Women occupying Senior Management Services (SMS) and LP 10 positions***

The representation of females in senior management roles within the department has remained relatively stable during this financial year. As at 31 March 2024, the recorded total of 101 of the 196 SMS and LP 10 posts were filled by women. This resulted in a 52% performance.

***Output 2.2 Appointment of people with disabilities***

Influenced by the impact of cost-cutting efforts that prevent vacant positions from being filled, the department managed to achieve 2.2% against the set target in the employment of people with disabilities. A total of 353 of 16 159 employees represent people with disabilities.

***Output 2.3 Appointment of youth***

With regard to the filling of positions, youth appointments were given priority and 3 611 of the 16 159 total employees for the period under review are youth, which translates to a performance percentage of 22%; this means the target of 23% was not achieved. The indicator was also impacted by the cost-cutting efforts that prevented vacant positions from being filled (DPSA Circular 94 of 2023).

***Output 2.4 Investigations on reported corruption cases finalised***

The annual performance target was to finalise 80% of reported cases and the achievement in this regard stands at 84%. The reported corruption cases investigated were 146 in total, and 123 cases were finalised during the period under review.

***Output 2.5 Vacancy rate reduced***

The DPSA issued Circular 94 of 2023 requiring all unfunded, non-critical posts to be abolished, therefore a total of seven critical posts remain vacant against the total workforce of 15 618, which represents a 0.04% vacancy rate.

***Output 2.6 Disciplinary hearing finalised within prescribed time frame***

In light of the department's zero-tolerance policy towards fraud and corruption, a target has been included on the department's APP requiring that cases reported (including misconduct cases) be investigated / heard in the disciplinary inquiry and concluded within 90 working days of the first date of hearing. In terms of finalised misconducts, a 79% success rate was achieved, where 139 of the 176 cases were resolved within 90 days of the hearing's start date.

***Output 2.7 Grievances resolved***

The inability to reach this goal is hampered by the intricacy and accessibility of officials to settle complaints. The majority of complaints involve occupation-specific dispensation issues related to non-implementation of agreements and improper labour practices.

For the 2023/2024 financial year, 307 grievances were received, of which 271 were finalised and 36 remain active. Of the 271 finalised grievances, the department was able to finalise 174 within 60 days, which calculates to 64% finalisation within 60 days and is below the planned target of 80%.

***Output 2.8 Percentage of fruitless and wasteful expenditure reduced***

A total of 100% of fruitless and wasteful expenditure was reduced during the financial year under review.

***Output 2.9 Irregular expenditure reduced***

A total of 93.5% of irregular expenditure was reduced during the financial year under review for the department.

***Output 2.10 Undisputed and valid invoices paid within 30 days***

The department continues to strive to ensure that 100% of all undisputed and valid invoices are processed within 30 days from date of receipt. A total of 62 913 invoices were paid, of which 62 376 were within 30 days; this calculates to 99% of invoices paid within the required number of days.

***Output 2.11 Discretionary procurement allocated to women***

The department continues to be committed to mainstreaming enterprise growth, empowerment, and equity in the economy to designated groups. The department is supporting its procurement spend to advance historically disadvantaged persons such as women. The department continued with monitoring the procurement of goods and services from women-owned companies and achieved the set targets.

A total of R1 349 133 766 was paid to contracts and requests for quotation suppliers, of which R715 708 042 was paid over to women. This translated to a performance of 53% discretionary procurement allocated to women.

***Output 2.12 Procurement allocated to EMEs and QSEs***

The department continued with the implementation of supply chain management policies, procedures, National Treasury instruction notes and checklists. The Contract Management Framework was approved and implemented





to enhance monitoring of contracts. The department continued with monitoring the procurement of goods and services from Exempted Micro Enterprises (EMEs) and Qualifying Small Enterprises (QSEs) and achieved the set targets.

The department under the reporting cycle paid a total of R1 349 133 766 to contracts and requests for quotation suppliers, of which R1 000 416 206 was paid over to EME and QSE suppliers. This translated to a performance of 74%.

#### ***Output 2.13 Audit outcome***

The department under the reporting period has obtained unqualified audit opinion on Vote Account for 2022/2023 financial year. This will help to restore public trust in the department's financial management.

#### ***Output 2.14 Specialised training programmes conducted***

By the end of the financial year, a total 38 training programme had been conducted by Justice College.

#### ***Output 2.15 Social compact concept developed***

During the reporting period, discussions were conducted with the judiciary to deliberate on the social compact instrument. Following these consultations, it was concluded that more consultations are required to complete the social compact.

#### ***Output 2.16 Disaster Management Plan approved***

The Disaster Management Act, No. 57 of 2002, as amended, imposes a legal obligation on the DoJ&CD and other institutional role players involved in developing, reviewing, updating, coordinating, and implementing the Disaster Management Plans (DMPs).

The draft DMP was developed in accordance with Section 25(3) of the Disaster Management Act 57 of 2002 during the year and consultations sessions were finalised with stakeholders. Inputs were included in the DoJ&CD's draft DMP and the final plan was forwarded to relevant authorities. The DMP plan was approved by 7 December 2023.

#### ***Output 3.1 Public education awareness sessions***

The department's work is supported by a variety of communication platforms and campaigns, including media outreach, social media, communications product development, and events, among others, in an effort to improve the department's image and broaden access to justice for everyone.

The department conducted 703 public education and communication activities in enhancing access to justice and promoting constitutional rights during the 2023/2024 financial year.



### Strategies to Overcome Areas of Underperformance

The table below provides an overview of the strategies to overcome areas of underperformance against predetermined objectives (APP indicators).

Output Indicator	Reason for underperformance	Strategy to overcome areas of underperformance
1.1.2 Phases of deceased estates services available on the DOJ internet portal (online) completed by target date.	The Liquidation and Distribution accounts were deprioritised by master's branch due to the national roll out of the developed online services. Furthermore, other critical functionalities had to be put in place, which was not part of the original scope.  Liquidation and Distribution process is complex, and more engagements are required for the processes to proceed.	The target will be completed as part of the 2024/2025 ICT BOP as follows: "Deceased Estate Phase 3 – online solution with Liquidation and Distribution implemented by 30th September 2024".
1.2.1 Number of courtrooms rolled out with the CAVS	The underachievement is due to SITA procurement delays.  Requirements for the addition of recording capabilities.	A ministerial intervention has been initiated, resulting in a Ministerial Task Team being established to oversee the procurement process, commencing with the RFI & RFP process being concluded by 31 August 2024.  In conjunction with DoJ&CD SCM, there will be continuous follow-ups with SITA on procurement processes (i.e. RFI, specifications, publish, evaluation, award recommendation).
2.3.1 Percentage of positions occupied by youth	Target not achieved due to DPSA Circular 94 of 2023.	Posts will be filled once the cost-cutting measures are lifted.
2.7.1 Percentage of grievances resolved within 60 days from the date the grievance is lodged	The target was not met due to various reasons:  Complexity of matters which needed more time to be investigated; Nature of the grievance; Lack of cooperation from witnesses or supervisors who feel threatened by organised labour interference; Cost containment which hinders investigation in vast geographical areas where travelling is needed, and the use of investigation officers who are already burdened by their day-to-day responsibilities.	The department is currently developing a project proposal whereby new investigating officers will be trained i.e., the intention is to train officials who have just qualified as law graduates and are employed by the department.  Establish a network of labour relations investigators with other departments to develop a pool of investigators to assist with investigations.
2.10.1 Percentage of undisputed and valid invoices paid within 30 days from date of receipt	Target not achieved due to the unavailability of BAS & JYP systems and invoices being paid from the previous financial year due to budget constraints.	A central email address has been created whereby all invoices submitted in the department will be monitored.
2.15.1 Social compact concept developed	Report not received.	Additional discussions should be conducted with Executives.

## Sub-programme expenditure

Sub- Programme Name	2023/2024			2022/2023		
	Final Appropriation R'000	Actual Expenditure R'000	(Over)/Under Expenditure R'000	Final Appropriation R'000	Actual Expenditure R'000	(Over)/Under Expenditure R'000
Ministry	40 634	40 614	20	37 597	37 176	421
Management	192 288	192 287	1	66 634	66 634	-
Corporate services	986 910	1 145 538	(158 628)	1 016 344	982 103	34 241
Financial administration	203 067	203 052	15	223 970	219 786	4 184
Internal audit	125 854	125 854	-	106 178	103 051	3 127
Office accommodation	1 357 720	1 356 312	1 408	1 524 742	1 524 742	-
<b>Total</b>	<b>2 906 473</b>	<b>3 063 657</b>	<b>(157 184)</b>	<b>2 975 465</b>	<b>2 933 492</b>	<b>41 973</b>

The programme's overall expenditure for the year amounted to R3.063 billion against the budget of R2.906 billion, resulting in an overspending of R157 million.

The overspending is due to the cost of the enterprise agreement with Microsoft, which was higher than budgeted for, mainly due to the US dollar to rand exchange rate and the expanded services to support the department's modernisation and digitalisation strategy.

## 4.2 PROGRAMME 2: COURT SERVICES

## Programme purpose

- a) Facilitate the resolution of criminal and civil cases and family law disputes by providing accessible, efficient and quality administrative support to the lower courts and managing court facilities.
- b) The programme consists of the following sub-programmes:
  - i. **Lower Courts:** Funds the activities and operations of various regional and district courts. Regional courts adjudicate serious criminal and civil matters, whereas district courts adjudicate less serious civil and criminal cases. There are approximately 2 147 district and regional court rooms across South Africa.
  - ii. **Family Advocate:** Conducts family mediations in non-litigation matters with the goal of settling parental disputes out of court. In litigation matters, the family advocate files court reports, makes recommendations, and appears in court to promote and protect the best interests of children. This sub-programme also deals with international cases of children who were abducted or retained in foreign countries in terms of the Hague Convention on the Civil Aspects of International Child Abduction.
  - iii. **Magistrate's Commission:** Funds the Magistrate's Commission, which makes recommendations on the appointment and tenure of magistrates.
  - iv. **Facilities Management:** Funds the provision of accommodation for courts and justice service-delivery points, including the construction of new and additional accommodation, and the leasing of privately owned premises for use by the department.
  - v. **Administration of Lower Courts:** Funds the management of courts' administration and performance evaluation functions.
- c) Institutional outcomes that the programme contributes towards:
  - i. **Outcome 4: Increased access to justice services**
  - ii. **Outcome 10: Crime and corruption reduced through effective prosecution**

**OUTCOME 4: INCREASED ACCESS TO JUSTICE SERVICES**

The table below provides an overview of the performance against predetermined objectives (APP indicators), in terms of outcomes, outputs, output indicators, planned targets and actual achievements.

A) Revised Annual Performance Plan: 1 April 2023 – 27 March 2024

Output	Output indicator	Audited actual achieved performance 2021/2022	Audited actual achieved performance 2022/2023	Planned annual target 2023/2024	Actual achievement 2023/2024 until date of re-tabling 27 March 2024	Deviation from planned target to actual achievement for 2023/2024	Reasons for deviations	Reasons for revisions to the outputs /output indicator/ annual targets
4.16 Decree of divorce issued	4.16.1 Percentage of decree of divorce issued by the Registrar within 14 days of finalisation of the divorce	-	-	95%	87%	(8%)	Due to lack of adequate training and late deployment of system enhancement.	The output indicator has been adjusted to align from calendar days to the working days of the registrar/ assistant registrar.
4.17 Domestic violence protection orders submitted and/or served	4.17.1 Percentage of domestic violence protection orders submitted by a court clerk to the SAPS or sheriff within 24 hours from the time the order is granted by the court	-	-	95%	0%	(100%)	Due to operational challenges, there is no performance data available for the indicator.	The output indicator was modified as a result of the significant reliance on the judiciary for gathering evidence.
4.17 Domestic violence protection orders submitted and/or served	4.17.2 Percentage of domestic violence protection orders served by the clerk via email within 24 hours from the time the order is granted by the court	-	-	95%	0%	(100%)	Due to operational challenges, there is no performance data available for the indicator.	The output indicator was modified as a result of the significant reliance on the judiciary for gathering evidence.

**Changes to the Annual Performance Plan 2023/2024**

Annual Plan version	Output Indicator	Amendments and Performance
Revised Annual Performance Plan: 1 April 2023 – 27 March 2024	4.16.1 Percentage of decree of divorce issued by the registrar within 14 days of finalisation of the divorce.	a) The output indicator was revised from “Percentage of decree of divorce issued by the registrar within 14 days of finalisation of the divorce” to “Percentage of decree of divorce issued by the registrar/ assistant registrar within 14 working days of finalisation of the divorce” to only include the days at which the registrar/ assistant register are working. This excludes weekends and holidays.
Revised Annual Performance Plan: 1 April 2023 – 27 March 2024	4.17.1 Percentage of domestic violence protection orders submitted by a court clerk to the SAPS or sheriff within 24 hours from the time the order is granted by the court.	a) The output was revised from “Domestic violence protection orders submitted and/or served” to “Domestic violence protection orders served on the respondent by the clerk of the court”. b) The output indicator was revised from “Percentage of domestic violence protection orders submitted by a court clerk to the SAPS or sheriff within 24 hours from the time the order is granted by the court” to “Percentage of new domestic violence interim protection orders served electronically by a court clerk on the respondent not later than 24 hours from the time the order is received from the court by the court clerk” to align with the Domestic Violence Act.
Revised Annual Performance Plan: 1 April 2023 – 27 March 2024	4.17.2 Percentage of domestic violence protection orders served by the clerk via email within 24 hours from the time the order is granted by the court.	a) The output indicator was revised from “Percentage of domestic violence protection orders served by the clerk via email within 24 hours from the time the order is granted by the court” to “Percentage of domestic violence final protection orders served electronically by a court clerk on the respondent within 48 hours from the time the order is received from the court by the court clerk”.

## PERFORMANCE AGAINST PREDETERMINED OBJECTIVES

### OUTCOME 4: INCREASED ACCESS TO JUSTICE SERVICES

#### *Output 4.16 Decree of divorce issued*

During the period under review, the annual target of 95% was not achieved due to lack of adequate training and late deployment of system enhancement, as only 29 476 divorce decrees were issued of which 25 521 were issued within 14 days from the date the decree of divorce was granted. This amounted to 87% achievement. The output indicator has also been adjusted to align from calendar days to the working days of the registrar/ assistant registrar issuing the divorce decree.

#### *Output 4.17 Domestic violence protection orders served on the respondent by the clerk of the court*

For the period under review, the department did not report on the two indicators of domestic violence interim and final protection orders (4.17.1 and 4.17.2) due to operational challenges relating to the system's enhancements and lack of training of clerks. The output indicator was also modified as a result of the significant reliance on the judiciary for gathering evidence.

#### B) Final Revised Annual Performance Plan: 1 April 2023 – 31 March 2024

Output	Output indicator	Audited actual achieved performance 2021/2022	Audited actual achieved performance 2022/2023	Planned annual target 2023/2024	Actual achievement 2023/2024	Deviation from planned target to actual achievement for 2023/2024	Reasons for deviations
4.1 Refurbishment and upgrading of court facilities through minor capital works	4.1.1 Number of court facilities refurbished and upgraded through minor capital works.	-	60	70	74	6%	Target was exceeded due to high number of projects identified for implementation, and timeous response by service providers.
4.2 Phases of Femicide Watch established	4.2.1 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 4 Functional Femicide Watch dashboard with available data	Phase 5: Approved report on additional data metrics for Phase 5 Femicide Watch dashboard	Phase 6: Approved report on additional data metrics for Phase 6 Femicide Watch dashboard	Phase 6 report on additional data metrics for phase 6 Femicide Watch dashboard compiled and approved on 28th March 2024	-	Target achieved
4.3 Child justice preliminary inquiries finalised	4.3.1 Percentage of child justice preliminary inquiries finalised within 90 days after date of first appearance	94%	90%	92%	93%	1%	The target was exceeded as a result of consistent performance monitoring with the provinces.



PART B | PERFORMANCE INFORMATION

Output	Output indicator	Audited actual achieved performance 2021/2022	Audited actual achieved performance 2022/2023	Planned annual target 2023/2024	Actual achievement 2023/2024	Deviation from planned target to actual achievement for 2023/2024	Reasons for deviations
4.3 Child justice preliminary inquiries finalised	4.3.2 Annual Report on the implementation of the Child Justice Act tabled in Parliament by target date	-	-	Annual Report on the implementation of the Child Justice Act tabled in Parliament by 30 Sept 2023	Annual Report on the implementation of the Child Justice Act tabled in Parliament on 26th September 2023	-	Target achieved
4.4 NRSO Clearance Certificates issued	4.4.1 Percentage of NRSO Clearance Certificates issued within 10 days from date of receipt of the compliant application	82%	65%	70%	96%	37%	The target was exceeded as a result of decentralising the function to the provinces.
4.5 NRSO Clearance Certificates issued from backlog cases	4.5.1 Number of NRSO clearance Certificates issued from backlog cases	-	3000	7896	8138	3%	The target was exceeded due to officials added extra unpaid overtime hours.
4.6 Sexual offences courts designated	4.6.1 Number of sexual offences courts designated	0	0	14	0	(100%)	Target not achieved due to the pending of Judicial Matters Amendment Bill for assent before the President.
4.7 Courts compliant with the strategy on universal access for persons with disabilities	4.7.1 Number of courts compliant with the strategy on universal access for persons with disabilities	78	70	65	66	2%	Target was exceeded as a result of advanced planning with the provinces.
4.8 Family Advocate litigation matters finalised	4.8.1 Percentage of Family Advocate litigation matters finalised within 12 months from the date of opening the matter	90%	80%	85%	97%	14%	Target was exceeded due to support provided to provincial offices and continuously conducting quality assurance.

PART B | PERFORMANCE INFORMATION

Output	Output indicator	Audited actual achieved performance 2021/2022	Audited actual achieved performance 2022/2023	Planned annual target 2023/2024	Actual achievement 2023/2024	Deviation from planned target to actual achievement for 2023/2024	Reasons for deviations
4.9 Family Advocate Alternative Dispute Resolution Mechanism matters finalised	4.9.1 Percentage of Family Advocate Alternative Dispute Resolution Mechanism matters finalised within 6 months from the date of opening the matter	92%	80%	85%	98%	15%	Target was exceeded due to support provided to provincial offices and continuously conducting quality assurance.
4.10 Maintenance matters finalised	4.10.1 Percentage of maintenance matters finalised within 90 days from the date of proper service of process	91%	75%	92%	88%	(4%)	Target not achieved. The maintenance officers at the piloted courts have insufficient capacity due to a restriction on appointing new staff.
4.11 Maintenance investigations finalised	4.11.1 Percentage of maintenance investigations finalised by the Maintenance Investigator within 60 days from the date of receipt of instruction/referral	-	30%	50%	94%	88%	Target was exceeded as a result of a higher number of instructions being issued than originally anticipated.
4.12 Effectiveness of established Sexual Orientation, Gender Identity, Expression and Sex Characteristics (SOGIESC) provincial task team enhanced	4.12.1 Number of activities actioned to enhance the effectiveness of the established SOGIESC provincial task teams	-	-	13	13	-	Target achieved

Output	Output indicator	Audited actual achieved performance 2021/2022	Audited actual achieved performance 2022/2023	Planned annual target 2023/2024	Actual achievement 2023/2024	Deviation from planned target to actual achievement for 2023/2024	Reasons for deviations
4.13 Coordination of the prevention and combating of trafficking in persons	4.13.1 Number of activities actioned in collaboration with other stakeholders to prevent and combat trafficking in persons	-	-	13	13	-	Target achieved
4.14 National strategy for domestic violence court-based support services approved	4.14.1 National strategy for domestic violence court-based support services approved by target date	-	-	National strategy for domestic violence court-based support services approved by 31 March 2024	The national strategy for domestic violence court-based support services approved by 27 March 2024	-	Target achieved
4.15 Small Claims Court system reviewed	4.15.1 Report of the review of the Small Claims Court system submitted to the minister by target date	-	-	Report of the review of the Small Claims Court system submitted to the minister by 31 March 2024	The report of the review of the Small Claims Court system submitted to the minister by 4th April 2024	(100%)	Target not achieved. The delay in submitting the report to the minister resulted in the performance not being achieved by March 31, 2024.
4.16 Decree of divorce issued	4.16.1 Percentage of decree of divorce issued by the registrar/ assistant registrar within 14 working days of finalisation of the divorce	-	-	95%	100%	5%	Target exceeded as a result of consistent performance monitoring with the provinces.

Output	Output indicator	Audited actual achieved performance 2021/2022	Audited actual achieved performance 2022/2023	Planned annual target 2023/2024	Actual achievement 2023/2024	Deviation from planned target to actual achievement for 2023/2024	Reasons for deviations
4.17 Domestic violence protection orders served on the respondent by the clerk of the court	4.17.1 Percentage of new domestic violence interim protection orders served electronically by a court clerk on the respondent not later than 24 hours from the time the order is received from the court by the court clerk	-	-	95%	0%	(100%)	Target not achieved. The challenges with data collection system enhancements led to the target not being achieved.
4.17 Domestic violence protection orders served on the respondent by the clerk of the court	4.17.2 Percentage of domestic violence final protection orders served electronically by a court clerk on the respondent within 48 hours from the time the order is received from the court by the court clerk	-	-	95%	0%	(100%)	Target not achieved. The challenges with data collection system enhancements led to the target not being achieved.
4.18 Policy Framework on foreign language interpreting submitted	4.18.1 Policy Framework on foreign language interpreting submitted to the DG for approval by target date	-	-	Policy Framework on foreign language interpreting submitted to the DG for approval by 31 March 2024	Policy Framework on foreign language interpreting submitted to the DG by 6 February 2024	-	Target achieved
4.19 A National Conference on the review of the criminal justice system in South Africa held	4.19.1 A National Conference on the review of the criminal justice system in South Africa held by target date	-	-	A National Conference on the review of the criminal justice system in South Africa held by 31 March 2024	A National Conference on the review of the criminal justice system in South Africa held from 27 – 29 February 2024	-	Target achieved

**OUTCOME 4: INCREASED ACCESS TO JUSTICE SERVICES**

The table below provides an overview of the performance against predetermined objectives (APP indicators), in terms of outcomes, outputs, output indicators, planned targets and actual achievements.

B. Final Revised Annual Performance Plan: 1 April 2023 – 31 March 2024

Output	Output indicator	Audited actual achieved performance 2021/2022	Audited actual achieved performance 2022/2023	Planned annual target 2023/2024	Actual achievement 2023/2024	Deviation from planned target to actual achievement for 2023/2024	Reasons for deviations
10.1 Dedicated specialised commercial crimes courts (serious economic crimes courts)	10.1.1 Number of dedicated specialised commercial crimes courts capacitated	-	2	2	4	100%	Target was exceeded due to prioritising the budget available for the enhancement.

**PERFORMANCE AGAINST PREDETERMINED OBJECTIVES****OUTCOME 4: INCREASED ACCESS TO JUSTICE SERVICES*****Output 4.1 Refurbishment and upgrading of court facilities through minor capital works***

The department has made continued efforts to upgrade and refurbish court facilities through minor capital works. These improvements aim to enhance the overall conditions of the courts and ensure that the infrastructure remains well maintained and suitable for its intended purpose. During the 2023/2024 financial year, the department has efficiently refurbished and upgraded 74 courts through minor capital works.

***Output 4.2 Phases of Femicide Watch established***

In 2018, the Department of Justice and Constitutional Development heeded the UN's call and commenced with the establishment of a Femicide Watch initiative in South Africa, the very first Femicide Watch in the African continent. The Femicide Watch project is part of the broader Anti-Femicide Movement, which the DoJ&CD started in 2016 to address the incidence of femicide in the country and to respond to the recommendations of the UN Special Rapporteur, among other things. The Anti-Femicide Movement is a joint intervention with government, civil society organisations and other relevant stakeholders to root out the identified causes of this scourge, and to respond to, and prevent its occurrence.

The department is currently in its sixth year of development of Femicide Watch, having completed successfully phases 1, 2, 3, 4, and 5 in previous financial years. The primary objective of the Phase 6 Femicide Watch deliverable for the 2023/2024 financial year was to create a dashboard that is practical, functional, effortless to use, and accessible for stakeholders including the DoJ&CD, NPA, SAPS, and IJS officials. This dashboard will be populated with real-time data. The Phase 6 report on the additional data matrix for the Femicide Watch dashboard has been compiled and approved.

***Output 4.3 Child justice preliminary inquiries finalised******4.3.1 Percentage of child justice preliminary inquiries***

finalised within 90 days after date of first appearance. The department oversees the performance of child justice preliminary inquiries cases to ensure that the guiding principles of the Child Justice Act and Regulations are being followed. In accordance with the guiding principles of the Child Justice Act and Regulations, the department monitors the performance of child justice preliminary inquiries cases.

During the period under review, the department finalised 10 809 child justice preliminary inquiries, of which 10 074 concluded within 90 days of the first appearance date, achieving a 93% success rate. The department has exceeded its planned target by conducting quarterly risk



assessment meetings with provincial offices and relevant court personnel to ensure accurate and complete data capture and monitoring of indicator performance.

#### **4.3.2 Annual report on the implementation of the Child Justice Act tabled in Parliament by target date**

The department is the lead stakeholder in the country with regard to the implementation of the Child Justice Act, 2008 (Act No 75 of 2008). Section 96(3) (b) requires the minister to submit to Parliament the departmental annual report on the implementation of the Child Justice Act. The department compiled the departmental annual report, which the minister submitted to Parliament and tabled on 26th September 2023, as per the statutory timeline. As the lead stakeholder, the department also coordinated the submission of the departmental annual reports for tabling in Parliament by other section 94 stakeholders, which include NPA, SAPS, DCS, DSD, DBE, DoH and Legal Aid SA. The consolidated government Annual Report on Child Justice was submitted to Parliament on 26th September 2023, as expected. The report is available on the DoJ&CD website for public consumption.

#### **Output 4.4 NRSO clearance certificates issued**

Section 14 (2) (b) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 13, of 2021 (the Amendment Act) empowers the Registrar of the National Register for Sex Offenders (NRSO) to delegate any power, duty or function to any other person. However, the registrar remains responsible and accountable for the exercise of the powers and the performance of the duties and functions delegated. This provision found expression in the provincial offices when the registrar powers, duties and functions were delegated to the Directors: Legal Administration and Advocacy in all nine provincial offices.

Sections 46(1), (2), and (3) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 32 of 2007, provide for people to apply for a clearance certificate to disclose that they have never been convicted of a sexual offence against a child or a mentally disabled person.

During the period under review the registrar received 20 855 applications for issuing a clearance certificate, of which 20 047 applications were processed within 10 days, which translates to 96% achievement.

#### **Output 4.5 NRSO clearance certificates issued from backlog cases**

The department faced an accumulation of applications for clearance certificates during the 2021–2022 financial year due to the malware attack. To address this challenge, the department developed an indicator in 2022/2023, aiming to complete all backlog applications in the 2023/2024 fiscal year. The department cleared 8 138 against the planned target of 7 896 certificates.

#### **Output 4.6 Sexual offences courts designated**

The sexual offences courts provide a victim-centric support service catalogue intended to eliminate the secondary victimisation from the court system, while improving prosecution and speeding up the finalisation of cases of sexual offences. The department upgraded 10 courts into sexual offences courts in line with the regulations relating to sexual offences courts to designate courts for the regional divisions.

The bill seeks to empower the minister to designate places in each regional division appointed for the holding of a court at which sexual offences courts must be established. In the absence of this designation, no sexual offences courts can be established.

#### **Output 4.7 Courts compliant with the strategy on universal access for persons with disabilities**

In 2020 financial year the department developed the National Policy Framework on Reasonable Accommodations and Measures to Access Justice for Court Users with Disabilities at the Lower Courts and this, by implication, also improves the accessibility to courts for older persons.

Sections 7, 9 and 34 of the South African Constitution provide for non-discrimination and equality, as well as access to courts. In March 2007, South Africa ratified the United Nations Convention on the Rights of Persons with Disabilities, and in December 2016, Cabinet approved the National White Paper on the Rights of Persons with Disabilities. As a result, the department is obligated to consider that people with disabilities have equal access to the courts in terms of reasonable accommodations and appropriate assistance and services.

As at the end of the financial year, a total of 66 courts have been upgraded to meet the strategy on universal access for people with disabilities.

**Output 4.8 Family Advocate litigation matters finalised**

The department through the Office of the Family Advocate continues to provide professional legal and family-related services to children and families with conflict and other difficulties to protect the best interest of children. The department received a total of 9 890 litigation matters during the period under review. Of these, the department effectively finalised 9 560 matters within 12 months from the date of file opening. This resulted in a performance of 97%.

**Output 4.9 Family Advocate Alternative Dispute**

Resolution Mechanism matters finalised

The department facilitated family cohesion by promoting alternative dispute resolution processes such as mediation, conciliation, arbitration and negotiations. It assists parents/caregivers with the drafting assessment and registration of parenting plans, parental responsibilities and rights agreements and settlement agreements. The department successfully finalised 8 015 of the 8 201 non-litigation family matters within a six-month period. The result was a performance of 98%, which is impressive.

**Output 4.10 Maintenance matters finalised**

The department is responsible for the implementation of the Maintenance Act, 1998 (Act 99 of 1998), the sole purpose of which is to ensure that children and dependents are paid maintenance by those with the obligation to support them. The elevation of Maintenance Services is a demonstration of the department's commitment to comply with giving substance to the rights of children, as required in terms of section 28 (1) (b) and (2) of the Constitution of the Republic of South Africa, 1996 as amended. These provisions are the basis of the duty to support, in terms of which parents have the obligation to support their children, or persons with the obligation to support others do so.

*The department processed 44 090 maintenance cases at the 240 pilot sites, served defendants with proper process, and finalised 38 749 of these cases within 90 days.*

Increasing access to justice for all and enhancing the rule of law continue to be critical priorities for the government. In line with the 2019 Presidential Summit declaration against GBVF and its NSP, it is important that child maintenance matters in 240 pilot sites are finalised within 90 days from the date of proper service of process to the respondent.

By the end of the financial year, the department had processed 44 090 maintenance cases at the 240 pilot sites, served defendants with proper process, and finalised 38 749 of these cases within 90 days. This translated to a performance of 88%.

**Output 4.11 Maintenance investigations finalised**

As of the end of the financial year, the 240 pilot sites had finalised 7 946 maintenance investigations, 7 460 of which were within 60 days of receiving an instruction or referral. This translated to a performance of 94%.

**Output 4.12 Effectiveness of established Sexual Orientation, Gender Identity, Expression and Sex Characteristics (SOGIESC) provincial task teams enhanced**

Cabinet has approved the revised National Intervention Strategy (NIS) on Sexual Orientation, Gender Identity, Expression and Sex Characteristics (SOGIESC) matters, to ensure that the activities in this NIS continue to meet the needs of LGBTQI+ people. The revised NIS focuses on prevention programmes to address violence and unfair discrimination on the grounds of SOGIESC, as well as working with faith-based organisations, traditional leaders, human rights organisations, public officials and institutions. It also includes capacity building of officials at service points and service providers in order to address secondary victimisation. The department thus saw fit to initiate engagement with provincial task teams that specialise in diverse rights and legal matters relating to LGBTQI+ persons, guided by the South African Constitution which guarantees equality and prohibits discrimination on multiple grounds including sexual orientation.

The activities have been conducted in collaboration with other departments and role players. These activities were aimed firstly to enhance the effectiveness of the established SOGIESC provincial task teams through site visits/ provincial task team meetings. Secondly, to address the issue of secondary victimisation which continues to be experienced by victims of hate crimes and discrimination on the basis of their SOGIESC, through training workshops. These provincial training workshops targeted

officials from key government departments, organisations, and community advice offices, who are at service points. During the year under review, the department successfully executed all 13 annual planned activities to enhance the effectiveness of the established SOGIESC provincial task teams.

***Output 4.13 Coordination of the prevention and combating of trafficking in persons***

The Prevention and Combating of Trafficking in Persons Act, 2013 (Act No.7 of 2013) was introduced to give effect to South Africa's responsibility under the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, particularly trafficking in women and children. The act addresses human trafficking in all of its forms and, in particular, provides protection and help to victims of trafficking.

The department held four (4) NICTIP meetings, four provincial task team meetings with four reports and produced an annual report in this regard and therefore achieved the planned target.

***Output 4.14 National Strategy for Domestic Violence Court-based Support Services approved***

The department developed the National Strategy for Domestic Violence Court-based Support Services for domestic violence survivors in line with the Domestic Violence Act 1998, as amended.

The strategy sets out a basket of support services that must be offered to survivors of domestic violence before, during and after court proceedings. It is developed in line with article 13 of the Presidential Summit Declaration against Gender-based Violence and Femicide and the Victim's Charter, mainly to eliminate secondary victimisation from the court service points and the attrition rate in these cases. On March 27, 2024, the National Strategy for Domestic Violence Court-based Support Services received approval, marking a significant accomplishment for the year under review.

***Output 4.15 Small claims court system reviewed***

To continue improving access to justice, the department is currently busy with the review of the small claims court system in order to assess the efficacy, use of the courts, successes and any challenges experienced. The report of the review of the small claims court system was developed and submitted to the office of the minister by the 4th of April 2024.

***Output 4.16 Decree of divorce issued***

The information applicable to this indicator is 27 and 28 March 2024, (when the revised APP was approved). The annual target of 95% was achieved, as 105 divorce decrees were issued, and all were issued within 14 working days from the date the decree of divorce was granted. This amounted to 100%.

***Output 4.17 Domestic violence protection orders served on the respondent by the clerk of the court***

Internationally, South Africa is commended for its rapid transformation to becoming an open society founded on democratic values and a Constitution that enshrines the principles of human dignity, equality and social justice. However, in stark contrast with policy and legislative guarantees for fundamental human rights, endemic crime and violence continue to dominate the country's landscape.

The department has a primary responsibility to promote and protect the rights of all persons coming into contact with the CJS and courts, including those who have encountered abuse in domestic relationships. In this respect, the department has identified a need to address challenges faced by all victims of domestic violence and access to justice within the CJS and courts. Some of the challenges experienced by the victims of domestic violence is delay in the serving of the court documents to the perpetrators and the speedy finalisation of cases, hence two indicators were introduced to improve and fast-track the process of serving court documents.

For the period under review, the department did not report on the two indicators of domestic violence, namely, interim and final protection orders due to operational challenges relating to system enhancements and lack of training of clerks.

***Output 4.18 Policy Framework on foreign language interpreting submitted***

Regarding the draft amendment policy on the provision of foreign language services in courts, fairly extensive research and consultations have been carried out due to the ever-increasing need for foreign language interpreters, which needs to be balanced against the department's financial constraints and constitutional provisions regarding access to the courts.

The Draft Policy Framework on foreign language interpreting was produced and presented to policy-making structures and submitted to the DG for approval on the 6th of February 2024.

**Output 4.19 A National Conference on the review of the criminal justice system in South Africa held**

The objective of the conference was to take stock of and critically reflect on the progress achieved in the implementation of the Justice Crime Prevention and Security (JCPS) 7-Point Plan, aimed at promoting an integrated and modernised CJS. The conference provided a platform for robust engagements on the CJS and the review of the Criminal Procedure Act, of 1977. A National Conference was convened from 27 – 29 February, 2024, with the specific purpose of conducting a review of the criminal justice system in South Africa.

**Output 10.1 Dedicated specialised commercial crimes courts (serious economic crimes courts)**

The target is in the MTSF (2019–2024), which speaks to the establishment of five new Specialised Commercial Crimes Courts (SCCCs) within the current MTSF period in order to ensure that every region has at least one SCCC to expedite the hearing of serious commercial crime and corruption matters. The goal of capacitating the SCCC has been achieved. During the financial year, the department capacitated four SCCC, two of which were in KwaZulu-Natal and two in the North West.

**Strategies to Overcome Areas of Underperformance**

The table below provides an overview of the **strategies to overcome areas of underperformance** against predetermined objectives (APP indicators).

Output Indicator Description	Reason for underperformance	Strategy to overcome areas of underperformance
4.6.1 Number of sexual offences courts designated	The indicator has not been achieved, as the Judicial Matters Amendment Bill is still pending for assent before the President.  This bill seeks to empower the minister to designate sitting in each regional division appointed for the holding of a court at which sexual offences courts must be established. In the absence of this designation, no sexual offences courts can be established.	The Executive committed to engage with Presidency concerning the bill.
4.10.1 Percentage of maintenance matters finalised within 90 days from the date of proper service of process	The maintenance officers at the piloted courts have insufficient capacity due to a restriction on appointing new staff.	The department will continuously monitor the maintenance target's performance to ensure its achievement until DPSA lifts the restriction on filling posts.
4.15.1 Report of the review of the Small Claims Court system submitted to the minister by 31 March 2024	The delay in submitting the report to the minister resulted in the performance not being achieved by March 31, 2024.	The submission of the Report of the review of the Small Claims Court system was submitted to the minister on 4 April 2024.
4.17.1 Percentage of new domestic violence interim protection orders served electronically by a court clerk on the respondent not later than 24 hours from the time the order is received from the court by the court clerk	Operational issues associated with system enhancements led to a lack of reportable data. The ICMS system lacks compatibility with Gmail accounts, hence excluding a substantial population of respondents who use Gmail.	The Information and Communication Technology (ICT) division is currently addressing the technical challenges with the ICMS Domestic Violence System that impact collecting data. The department expects that the system will be operational during the first quarter of the 2024–25 financial year.
4.17.2 Percentage of domestic violence final protection orders served electronically by a court clerk on the respondent within 48 hours from the time the order is received from the court by the court clerk	At court level, the officials did not capture data due to the delay in system enhancement for clerks.	

## Linking performance with budgets

### Sub-programme expenditure

Sub- Programme Name	2023/2024			2022/2023		
	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
Lower courts	5 731 446	5 764 590	(33 144)	5 587 052	5 572 351	14 701
Family advocate	286 385	288 307	(1 922)	269 975	269 975	-
Magistrate's commission	18 646	18 646	-	10 658	10 658	-
Facilities management	506 665	506 665	-	532 575	532 575	-
Administration of lower courts	607 326	648 159	(40 833)	635 899	635 899	-
<b>Total</b>	<b>7 150 468</b>	<b>7 226 367</b>	<b>(75 899)</b>	<b>7 036 159</b>	<b>7 021 458</b>	<b>14 701</b>

The programme's overall expenditure for the year amounted to R7.226 billion against the budget of R7.150 billion, resulting in an overspending of R76 million. The overspending is due to unfunded salary adjustments.

### 4.3 PROGRAMME 3: STATE LEGAL SERVICES

#### Programme purpose

- a) Provide legal and legislative services to government. Supervise the registration of trusts, and the administration of deceased and insolvent estates and estates undergoing liquidation. Manage the Guardian's Fund. Prepare and promote legislation. Facilitate constitutional development and undertake research in support of this.
- b) The programme consists of the following sub-programmes:
  - i. **State Law Advisers:** Provides legal advice, representation and legislative drafting services to the Executive, state departments, state-owned enterprises and other government bodies through the Office of the Chief State Law Adviser.
  - ii. **Litigation and Legal Services:** Provides attorney, conveyancing and notarial services to the Executive, state departments, state-owned enterprises and other government bodies through the offices of the state attorney and also provides legal support to the department and ministry.
  - iii. **Legislative Development and Law Reform:** Conducts research, and prepares and promotes new and amended legislation.
  - iv. **Master of the High Court:** Funds the Master's Offices, which supervise the administration of deceased and insolvent

estates, trusts, curatorships and the Guardian's Fund.

- v. **Constitutional Development:** Conducts research; 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); promotes the Constitution and its values; assists and protects independent institutions supporting constitutional democracy to ensure their independence and effectiveness; and coordinates, promotes and develops programmes in support of social justice and participatory democracy.
- c) Institutional outcomes that the programme contributes towards
  - i. **Outcome 2: Improved organisational capability and good governance**
  - ii. **Outcome 3: Improved awareness of justice services and constitutionalism**
  - iii. **Outcome 5: Improved and transformed master's services**
  - iv. **Outcome 6: Colonial/ apartheid era justice-related legislation reviewed and replaced**
  - v. **Outcome 7: Transformed state legal services**
  - vi. **Outcome 8: Transformed legal profession**
  - vii. **Outcome 9: Advanced constitutionalism, human rights and the rule of law**
  - viii. **Outcome 10: Crime and corruption reduced through effective prosecution**



**OUTCOME 5: IMPROVED MASTERS' SERVICES**

The table below provides an overview of the performance against predetermined objectives (APP indicators), in terms of outcomes, outputs, output indicators, planned targets and actual achievements.

**A) Revised Annual Performance Plan: 1 April 2023 – 27 March 2024**

Output	Output indicator	Audited actual achieved performance 2021/2022	Audited actual achieved performance 2022/2023	Planned annual target 2023/2024	Actual achievement 2023/2024 until date of re-tabling 27 March 2024	Deviation from planned target to actual achievement for 2023/2024	Reasons for deviations	Reasons for revisions to the outputs /output indicator/ annual targets
5.8 Policy on appointment of insolvency practitioners tabled	5.8.1 Policy on appointment of insolvency practitioners tabled at Parliament by target date	-	Policy on appointment of insolvency practitioners submitted to the minister for approval by 31 March 2023	Policy on appointment of insolvency practitioners tabled at Parliament by 15 March 2024	The policy for the appointment of insolvency practitioners was submitted to the minister on 3rd November 2023.	(100%)	Target not achieved, as the minister made comments on the policy, which meant that the policy had to be amended and reworked again in the current financial year instead of being tabled at Parliament as planned.	The reason for the revision is due to additional work that needed to be completed on the policy for appointing insolvency practitioners before it can be submitted to parliament.

**Changes to the Annual Performance Plan 2023/2024**

Annual Plan version	Output Indicator	Amendments and Performance
Revised Annual Performance Plan: 1 April 2023 – 27 March 2024	5.8.1 Policy on appointment of insolvency practitioners submitted to the minister by target date	<ul style="list-style-type: none"> <li>a) The output was revised from “Policy on appointment of insolvency practitioners tabled” to “Policy on appointment of insolvency practitioners submitted to the minister”.</li> <li>b) The output indicator was revised from “Policy on appointment of insolvency practitioners tabled at Parliament by target date” to “Policy on appointment of insolvency practitioners submitted to the minister by target date”.</li> <li>c) The policy was submitted to the minister in the previous financial year, however, it was not approved. The minister made comments on the policy, which meant that the policy had to be amended and reworked again in the current financial instead of being tabled as planned.</li> <li>d) The annual target was revised from “Policy on appointment of insolvency practitioners tabled at Parliament by 15 March 2024” to “Policy on appointment of insolvency practitioners submitted to the minister by 15 March 2024”.</li> <li>e) Quarter four target was revised from “Policy on appointment of insolvency practitioners tabled at Parliament by 15 March” to “Policy on appointment of insolvency practitioners submitted to the minister by 15 March 2024”.</li> </ul>

## PERFORMANCE AGAINST PREDETERMINED OBJECTIVES

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.

The department has made efforts to improve communication and collaboration with legal practitioners and insolvency practitioners in the Master's Offices.

### ***Output 5.8 Policy on appointment of insolvency practitioners tabled***

The annual and quarter 4 target has been revised to “Submission of the policy on appointment of insolvency practitioners to the minister by 15 March 2024”. This change was necessitated by the minister's feedback on the policy, which required amendments and further work to be done within the current financial year, instead of presenting it to Parliament by the original deadline of 15 March 2024.

### **B) Final Revised Annual Performance Plan: 1 April 2023 – 31 March 2024**

Output	Output indicator	Audited actual achieved performance 2021/2022	Audited actual achieved performance 2022/2023	Planned annual target 2023/2024	Actual achievement 2023/2024	Deviation from planned target to actual achievement for 2023/2024	Reasons for deviations
5.1 Liquidation and distribution accounts in deceased estates examined	5.1.1 Percentage of liquidation and distribution accounts in deceased estates where letters of executorship has been issued, examined within 21 days from receipt of all required documents	-	75%	80%	80%	-	Target achieved
5.2 Letters of appointment in deceased estate issued	5.2.1 Percentage of letters of appointment issued in deceased estates within 21 days from receipt of all required documents	78%	70%	75%	85%	13%	Target was exceeded, attributable to committed and motivated personnel, in addition to offices prioritising assistance for the most vulnerable.
5.3 Guardian's Fund applicants paid	5.3.1 Percentage of Guardian's Fund applications paid within 40 days from date of receipt of all required documents	80%	80%	80%	66%	(18%)	Target not achieved. Systems' challenges caused the backlog for beneficiary payments.  All payments are processed centrally at the national office to prevent fraud. A shortage of staff

PART B | PERFORMANCE INFORMATION

Output	Output indicator	Audited actual achieved performance 2021/2022	Audited actual achieved performance 2022/2023	Planned annual target 2023/2024	Actual achievement 2023/2024	Deviation from planned target to actual achievement for 2023/2024	Reasons for deviations
5.4 Certificates of appointment in all bankruptcy matters issued	5.4.1 Percentage of certificates of appointment issued in all bankruptcy matters within 10 days from receipt of all required documents	87%	80%	83%	89%	7%	Target was exceeded due to committed and motivated personnel, in addition to offices prioritising assistance for the most vulnerable.
5.5 Liquidation and distribution accounts in bankruptcy matters examined	5.5.1 Percentage of liquidation and distribution accounts in bankruptcy matters examined within 15 days from receipt of all required documents	88%	85%	90%	89%	(1%)	Target not achieved as a result of the substantial variation in performance percentages caused by low numbers in a single underperforming office. Staff shortages
5.6 Letters of authority in trusts issued	5.6.1 Percentage of letters of authority issued in trusts within 21 days from receipt of all required documents	62%	65%	65%	79%	22%	Target was exceeded, attributable to committed and motivated personnel, in addition to offices prioritising assistance for the most vulnerable.
5.7 Letters of appointment in curatorship estates issued	5.7.1 Percentage of letters of appointment issued in curatorship estates within 15 days from receipt of all required documents	94%	85%	90%	90%	-	Target achieved
5.8 Policy on appointment of insolvency practitioners submitted to the minister	5.8.1 Policy on appointment of insolvency practitioners submitted to the minister by target date	-	Policy on appointment of insolvency practitioners submitted to the minister for approval by 31 March 2023	Policy on appointment of insolvency practitioners submitted to the minister by 15 March 2024	The policy for the appointment of the insolvency practitioners was submitted to the minister on 3rd November 2023.	-	Target achieved
5.9 Master's Turnaround Strategy implemented	5.9.1 Number of interventions from the Masters Turnaround Strategy implemented	-	4	3	1	(67%)	Target not achieved due to system challenges, and staff shortages.

**OUTCOME 6: COLONIAL/ APARTHEID ERA JUSTICE-RELATED LEGISLATION REVIEWED AND REPLACED**

The table below provides an overview of the performance against predetermined objectives (APP indicators), in terms of outcomes, outputs, output indicators, planned targets and actual achievements.

**B) Final Revised Annual Performance Plan: 1 April 2023 – 31 March 2024**

Output	Output indicator	Audited actual achieved performance 2021/2022	Audited actual achieved performance 2022/2023	Planned annual target 2023/2024	Actual achievement 2023/2024	Deviation from planned target to actual achievement for 2023/2024	Reasons for deviations
6.1 Bills and regulations approved	6.1.1 Number of bills and regulations submitted to ministry for approval	8	4	4	4	-	Target achieved
6.2 Bills seeking to repeal or replace colonial/ apartheid era justice-related legislation submitted to ministry	6.2.1 Number of bills seeking to repeal or replace colonial/ apartheid era justice-related legislation submitted to ministry	1	3	3	3	-	Target achieved
6.3 Court rules submitted to the board for consideration and approval	6.3.1 Number of rules of court submitted to the board for approval	33	20	20	20	-	Target achieved
6.4. Research papers submitted to the commission for consideration and approval	6.4.1 Number of research papers submitted to the South African Law Reform Commission for consideration and approval	11	10	10	10	-	Target achieved

**OUTCOME 2: IMPROVED ORGANISATIONAL CAPABILITY AND GOOD GOVERNANCE**

The table below provides an overview of the performance against predetermined objectives (APP indicators), in terms of outcomes, outputs, output indicators, planned targets and actual achievements.

**B) Final Revised Annual Performance Plan: 1 April 2023 – 31 March 2024**

Output	Output indicator	Audited actual achieved performance 2021/2022	Audited actual achieved performance 2022/2023	Planned annual target 2023/2024	Actual achievement 2023/2024	Deviation from planned target to actual achievement for 2023/2024	Reasons for deviations
2.17 Criminal records of qualifying candidates cleared	2.17.1 Percentage of expungements finalised within 75 working days after receipt of complete application	67%	80%	75%	87%	16%	Target was exceeded as a result of increased human capacity.

**OUTCOME 10: CRIME AND CORRUPTION REDUCED THROUGH EFFECTIVE PROSECUTION**

The table below provides an overview of the performance against predetermined objectives (APP indicators), in terms of outcomes, outputs, output indicators, planned targets and actual achievements.

**B) Final Revised Annual Performance Plan: 1 April 2023 – 31 March 2024**

Output	Output indicator	Audited actual achieved performance 2021/2022	Audited actual achieved performance 2022/2023	Planned annual target 2023/2024	Actual achievement 2023/2024	Deviation from planned target to actual achievement for 2023/2024	Reasons for deviations
10.2 Bills, regulations, notices and proclamations submitted to ministry for consideration and approval	10.2.1 Number of bills, regulations, notices and proclamations to strengthen the anti-corruption architecture of South Africa submitted to ministry for consideration and approval	-	3	2	2	-	Target achieved
10.3 Identified Action Plan items to exit the grey list of FATF implemented	10.3.1 Number of activities of the High-Level Action Plan to exit the grey list of FATF implemented.	-	-	3	3	-	Target achieved



**OUTCOME 7: TRANSFORMED STATE LEGAL SERVICES**

The table below provides an overview of the performance against predetermined objectives (APP indicators), in terms of outcomes, outputs, output indicators, planned targets and actual achievements.

**B) Final Revised Annual Performance Plan: 1 April 2023 – 31 March 2024**

Output	Output indicator	Audited actual achieved performance 2021/2022	Audited actual achieved performance 2022/2023	Planned annual target 2023/2024	Actual achievement 2023/2024	Deviation from planned target to actual achievement for 2023/2024	Reasons for deviations
7.1 Policies as envisaged in the State Attorney Amendment Act, 2014 implemented	7.1.1 Percentage of policy implementation action plan activities implemented	-	-	50%	56%	12%	Target was exceeded as a result of effective communication, collaboration, and engagement with stakeholders.
7.2 Litigation cases settled	7.2.1 Percentage of litigation cases settled	50%	55%	56%	54%	(4)	Target not achieved due to the department's lack of control and reliance on the applicant's willingness to settle the matters.
7.3 Finalised legal opinions	7.3.1 Percentage of legal opinions finalised within 30 working days from the date of receipt of instructions	89%	75%	80%	87%	9%	Target over achieved as a result of clients requesting the department to deal with the matters on an urgent basis.
7.4 Finalised suggested bills and subordinate legislations	7.4.1 Percentage of suggested bills and subordinate legislation finalised within 30 working days from the date of receipt of instructions	86%	75%	80%	80%	-	Target achieved
7.5 Finalised international agreements	7.5.1 Percentage of international agreements finalised within 30 working days from the date of receipt of instructions	-	75%	78%	93%	19%	Target over achieved as a result of clients requesting the department to deal with the matters on an urgent basis.

**OUTCOME 8: TRANSFORMED LEGAL PROFESSION**

The table below provides an overview of the performance against predetermined objectives (APP indicators), in terms of outcomes, outputs, output indicators, planned targets and actual achievements.

**B) Final Revised Annual Performance Plan: 1 April 2023 – 31 March 2024**

Output	Output indicator	Audited actual achieved performance 2021/2022	Audited actual achieved performance 2022/2023	Planned annual target 2023/2024	Actual achievement 2023/2024	Deviation from planned target to actual achievement for 2023/2024	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	83%	83%	83%	88%	6%	Target was exceeded as a result of effective communication, collaboration, and engagement with stakeholders.
8.2 Value of briefs allocated to female legal practitioners	8.2.1 Percentage of value of briefs allocated to female legal practitioners	29%	28%	30%	30%	-	Target achieved
8.3. Briefs allocated to female legal practitioners	8.3.1 Percentage of Briefs allocated to female legal practitioners	40%	40%	41%	42%	2%	Target over achieved as a result of clients requesting the department to deal with the matters on an urgent basis.

**OUTCOME 9: ADVANCED CONSTITUTIONALISM, HUMAN RIGHTS AND RULE OF LAW**

The table below provides an overview of the performance against predetermined objectives (APP indicators), in terms of outcomes, outputs, output indicators, planned targets and actual achievements.

**B) Final Revised Annual Performance Plan: 1 April 2023 – 31 March 2024**

Output	Output indicator	Audited actual achieved performance 2021/2022	Audited actual achieved performance 2022/2023	Planned annual target 2023/2024	Actual achievement 2023/2024	Deviation from planned target to actual achievement for 2023/2024	Reasons for deviations
9.1 Virtual data repository for collection of disaggregated statistical data for measurements of racism, racial discrimination, xenophobia and related intolerance developed	9.1.1 Virtual data repository for collection of disaggregated statistical data for measurements of racism, racial discrimination, xenophobia and related intolerance developed by target date	Datasets for the development of a virtual repository identified by 31 March 2022.	Framework for the virtual repository on disaggregated statistical data for the measurements of racism, racial discrimination, xenophobia and related intolerance submitted to the minister by 31 March 2023	Virtual data repository for collection of disaggregated statistical data for measurements of racism, racial discrimination, xenophobia and related intolerance developed by 31 March 2024	The repository for collection of disaggregated statistical data for measurements of racism, racial discrimination, xenophobia and related intolerance was developed by 31 March 2024	-	Target achieved
9.2 Treaty report tabled	9.2.1 Number of country reports submitted to minister for approval for submission to Cabinet	1	1	1	1	-	Target achieved
9.3 Valid requests for extradition and mutual legal assistance in criminal matters processed and submitted to the DG	9.3.1 Percentage of valid requests for extradition and mutual legal assistance in criminal matters processed and submitted to the DG within 20 working days from the date of receipt	57%	80%	85%	71%	(16%)	Target not achieved due to non-compliance by officials within the specified time frames and additionally there was a backlog of matters from previous year.
9.4 Engagements with stakeholders held	9.4.1 Number of engagements held with stakeholders towards the promotion of the Equality Act and Equality Courts	-	4	6	7	17%	Target was exceeded through collaboration with Eastern Cape provincial office of the DoJ&CD.

Output	Output indicator	Audited actual achieved performance 2021/2022	Audited actual achieved performance 2022/2023	Planned annual target 2023/2024	Actual achievement 2023/2024	Deviation from planned target to actual achievement for 2023/2024	Reasons for deviations
9.4 Engagements with stakeholders held	9.4.2 Number of constitutional dialogues held for the advancement of constitutionalism	-	-	4	4	-	Target achieved
9.5 International Human Rights instruments submitted to minister for approval	9.5.1 Number of international Human Rights instruments submitted to minister for approval	-	2	1	1	-	Target achieved
9.6 Programme for Legal Empowerment and Access to Justice (PLEAJ) implemented	9.6.1 Number of constitutional rights awareness/education sessions conducted by community advice offices	-	-	200	261	31%	Target was exceeded as a result of conducting a greater number of constitutional rights awareness sessions than originally intended.
9.6 Programme for Legal Empowerment and Access to Justice (PLEAJ) implemented	9.6.2 Number of community advice offices provided with financial support to deliver free basic advice services	-	-	50	59	34%	Target was exceeded. The community advice offices have played a crucial role in motivating and preparing their members to become implementing agents for the PLEAJ project.
9.7 Framework on International Relations Engagement submitted	9.7.1 Framework on International Relations Engagement submitted to DG for approval target date	-	-	Framework on International Relations Engagement submitted to DG for approval by 31 March 2024	Framework on International Relations Engagement submitted to the DG for approval on 27 March 2024.	-	Target achieved
9.8 A National Conference on the State of Human Rights in South Africa held	9.8.1 A National Conference on the State of Human Rights in South Africa held by target date	-	-	A National Conference on the State of Human Rights in South Africa held by 31 March 2024	A National Conference on the State of Human Rights in South Africa was held from 18 – 20 March 2024	-	Target achieved

**OUTCOME 3: IMPROVED AWARENESS OF JUSTICE SERVICES AND CONSTITUTIONALISM**

The table below provides an overview of the performance against predetermined objectives (APP indicators), in terms of outcomes, outputs, output indicators, planned targets and actual achievements.

**B) Final Revised Annual Performance Plan: 1 April 2023 – 31 March 2024**

Output	Output indicator	Audited actual achieved performance 2021/2022	Audited actual achieved performance 2022/2023	Planned annual target 2023/2024	Actual achievement 2023/2024	Deviation from planned target to actual achievement for 2023/2024	Reasons for deviations
3.2 Sustained and visible anti-xenophobia campaigns conducted	3.2.1 Number of sustained and visible anti-xenophobia campaigns conducted in collaboration with other departments and role players	7	6	6	6	-	Target achieved

**PERFORMANCE AGAINST PREDETERMINED OBJECTIVES**

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.

The Master of the High Court appoints officials to deal with the assets of the deceased, to take control of the assets and obtain all details of creditors and heirs. They ensure that the estate devolves in terms of the will, or if there is no will, in terms of the Intestate Succession Act.

The department understands the absolute importance that these appointments be issued as soon as possible to enable the heirs of the deceased to pay the debts of the deceased, maintain the family, transfer assets to the rightful heirs, etc.

***Output 5.1 Liquidation and distribution accounts in deceased estates examined***

A total of 63 328 liquidation and distribution accounts in large estates were examined, of which 50 759 were examined within 21 days from receipt of all required documents by the end of the financial year. This translates to an 80% achievement.

***Output 5.2 Letters of appointment in deceased estates issued***

The Master's Offices issued 164 774 letters of appointments in deceased estates, of which 140 852 were issued within 21 days from receipt of all required documentation. The performance translates to 85% achievement.

***Output 5.3 Guardian's Fund applicants paid***

The Guardian's Fund is a statutory trust established in terms of Chapter V of the Administration of Estates Act, 1965 (Act No. 66 of 1965). The Guardian's Fund consists of all moneys received by the Master of the High Court under the Administration of Estates Act or any other law, or pursuant to an order of court or any money accepted by the Master in trust for any known or unknown person. The Master must, on application of any person who has become entitled to receive money from the fund, pay that money to the applicant, whether it be inheritance applications and payments to persons entitled thereto or payments to natural guardians, tutors and curators required for maintenance, education or other benefit.

During the reporting period the Master's Offices received 38 575 applications and 25 581 of these were finalised within 40 days from receipt of all required documents, which equates to 66% performance achievement, which is below the target of 80%.



**Output 5.4 Certificates of appointment in all bankruptcy matters issued**

In order to deal with the assets of an insolvent person or liquidated business, it is of absolute importance that the Master of the High Court issue these appointments as soon as possible to enable the liquidator to start with the administration process, consider creditors' claims, locate and safeguard assets and ensure that the estate is finalised.

In total, 9 974 certificates of appointments in all bankruptcy matters were issued and 8 891 of these appointments were issued within 10 days from receipt of all required documents for the financial year under review. The performance for the department is 89%.

**Output 5.5 Liquidation and distribution accounts in bankruptcy matters examined**

In terms of the Insolvency Act, 2014, the appointed person should take control of the assets and obtain all details of creditors and their claims to ensure that the assets are dealt with and divided. As at the end of the 2023/2024 financial year, a total of 6 326 liquidation and distribution accounts in bankruptcy matters were examined and 5 623 out of these accounts were examined within 15 days from receipt of all required documents, which translate to 89% achievement, which is below the annual target of 90%. This target was not achieved due to staff shortages and late receiving of post due to the backlog created during vacation leave of officials.

**Output 5.6 Letters of authority in trusts issued**

The Master formally appoints trustees by way of issuing a letter of authority so that those trustees act lawfully on behalf of the trust. Trusts play an important role in the economy, as the trust is a commonly used structure in financial planning in a regulated environment. Timely registration of trusts facilitates free and efficient economic activity. The department issued 24 401 letters of authority in trusts, of which 19 164 were issued within 21 days from receipt of all required documents for the financial year under review. The performance for this indicator is 79%.

**Output 5.7 Letters of appointment in curatorship estates issued**

When a person is declared incapable of managing their own affairs or becomes incapacitated to do so, the interested parties can apply to court to have a curator appointed for that person to take financial decisions on their behalf. For a curator to be able to do this, they need to be formally appointed to do so by the Master of the High

Court. The department issued in curatorship 1 165 letters of appointment, of which 1 051 were issued within 15 days from receipt of all required documents. This translates to 90% achievement for the term under review.

**Output 5.8 Policy on appointment of insolvency practitioners submitted to the minister**

The department has made efforts to improve communication and collaboration with legal practitioners and insolvency practitioners in the Master's Offices. The policy for the appointment of the insolvency practitioners was submitted to the minister on 3 November, 2023.

**Output 5.9 Master's Turnaround Strategy implemented**

For the year under review, three interventions from the Master's Turnaround Strategy had to be implemented as well as the roll out of an online estate registration and appointment platform.

The Masters achieved only one intervention and the roll out of the online estate registration and appointment platform was achieved in all Master's Offices on 14 December 2023.

A total of 2 936 out of 14 681 backlog matters were cleared, leading to the 75% target not being achieved.

**OUTCOME 6: COLONIAL/ APARTHEID ERA JUSTICE-RELATED LEGISLATION REVIEWED AND REPLACED**

**Output 6.1 Bills and regulations approved by ministry**  
The number of regulations developed are aimed at ensuring the effective implementation of the legislation they are made under. The achievement of the targets ensures that the department implements the judgments of the Constitutional Court in relation to provisions of legislation which were declared unconstitutional, as this is critical to upholding the rule of law and to affording persons the protection provided for in the Constitution.

A total of four bills and regulations were submitted to the ministry for approval in the financial year under review and are listed below:

1. Regulation of Interception of Communications and Provision of Communication-Related Information Amendment Bill, 2023;
2. Regulations on Legal Aid South Africa Act, 2014;
3. The National Preventative Mechanism Bill; and
4. General Laws Amendment Bill (Illicit Mining).

**Output 6.2 Bills seeking to repeal or repeal and replace colonial/ apartheid era justice-related legislation submitted to ministry**

The review of the pieces of colonial/ apartheid era legislation is aimed at aligning the legislation with the Constitution of the Republic of South Africa, 1996. The new legislation will ensure improved and equal access to justice services that will cater for all, including vulnerable groups such as women, children, and people with disabilities, so as to create a transformed society which is freed from the divisions of the past.

The following bills were reviewed and prepared during the financial year and submitted to the ministry for repeal or repeal and replacement:

1. Divorce Amendment Bill (amending Divorce Act, 1979);
2. The Sheriffs Professional Bill 2024; and
3. The Mediation in Certain Divorce Matters Amendment Bill 2024.

**Output 6.3 Court rules submitted to the board for consideration and approval**

New rules which regulate the procedure in courts and which seek to achieve the efficient and effective functioning of the superior courts, the magistrates' courts and the small claims courts were submitted to the board for consideration and approval. The continuous review of the rules of the Supreme Court of Appeal, the high courts and the alignment of magistrates' courts' rules, where possible, with the superior courts' rules as well as the review of the small claims courts' rules are functions which the Rules Board performs as part of its statutory mandate.

In the period under review the number of amendments in respect of rules of court submitted to the board for consideration and final approval amounted to 20 and are listed below:

1. Item 6 of Part II of Table C of Annexure 2 to the Magistrates' Court Rules;
2. Supreme Court of Appeal Rule 18 (Attorneys' fees);
3. Uniform Rule 6 (Applications- rules in terms of POCA);
4. Uniform Rule 57A (Appointment of curators in terms of POCA);
5. Subpoena duces tecum (Form 16A);
6. Magistrates' Courts Rule 9(3) (Service);
7. Magistrates' Courts Rule 24(9) (Expert testimony);
8. SCA Rule 8 (Record);
9. SCA Rule 10 (Heads of argument);
10. Uniform Rule 46A (Execution against residential immovable property);
11. New Magistrates' Courts Rule 26A, to regulate the

procedure whereby a party intends evidence in civil trials to be taken by audio-visual link (Evidence by audio-visual link);

12. Magistrates' Courts Rule 54(3), which regulates proceedings against non-juristic persons as a matter of procedural convenience;
13. Forms 24 and 24A of the Magistrates' Courts' Rules (Form 24 deals with subpoenas and Form 24A regulates subpoena duces tecum);
14. Form 33A of the Magistrates' Courts' Rules (Form 33A read with rule 43(11) (b) dealing with conditions of sale in execution of immovable property);
15. Item 5(b) of Uniform Rule 68 and item 2(c) (i) of Part II (tariffs for ejection);
16. Table C (Part II) of Annexure 2 to the Magistrates' Courts' Rules and Part II of Annexure 2 to the Small Claims Courts' Rules (tariff for sheriffs – Harmonisation);
17. Part IV of Table a of Annexure 2 to the Magistrates' Courts' Rules (tariff for advocates);
18. Uniform Rule 68 (tariff for sheriff) and Uniform Rule 70 (tariff for attorneys);
19. Tables A, B and C (Part II) of Annexure 2 to the Magistrates' Courts' Rules; and Part II of Annexure 2 to the Small Claims Courts' Rules (annual tariff increase); and
20. Uniform Rule 41A (Mediation as a dispute resolution mechanism).

**Output 6.4. Research papers submitted to the commission for consideration and approval**

As at the end of the financial year, 10 research papers were submitted to the South African Law Reform Commission for consideration and approval as indicated below:

1. Draft Discussion Paper on the Review of Aspects of Matrimonial Law,
2. Draft Discussion Paper on Domestic Violence: The Criminal Law Response,
3. Draft proposal paper on the Harmonisation of the Laws Regarding the Rights of Older Persons,
4. Draft Report: Review of the Law of Maintenance,
5. Draft Report on Medico-Legal Claims,
6. Draft Consultation Paper; Review of the Criminal Justice System,
7. Discussion Paper: Review of the Criminal Procedure Act,
8. Discussion Paper: Alternative Dispute Resolution in Criminal Matters,
9. Proposal Paper: Proposed Statutory Offence – Abuse of Public Power, and
10. Proposal Paper: Proposed Statutory Offence – Constitutional Malpractice by Public Officials.

## OUTCOME 2: IMPROVED ORGANISATIONAL CAPABILITIES AND GOOD GOVERNANCE

### *Output 2.17 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 socio-economic environment. During the 2023/2024 financial year, the department received and processed 21 562 applications for expungements and finalised 18 865 within 75 working days from the date of receipt of complete application. This translated to a performance of 87%.

## OUTCOME 10: CRIME AND CORRUPTION REDUCED THROUGH EFFECTIVE PROSECUTION

### *10.2 Bills, regulations, notices and proclamations*

submitted to the ministry for consideration and approval. The department submitted two bills, regulations, notices and proclamations to strengthen the anti-corruption architecture of South Africa to the ministry for consideration and approval during the financial year under review.

### *10.3 Identified action plan items to exit the grey list of FATF implemented*

As planned, the department implemented three activities of the High-Level Action Plan to exit the grey list of FATF during the 2023/2024 financial year.

## OUTCOME 7: TRANSFORMED STATE LEGAL SERVICES

The transformation of state legal services is aimed at improving the effectiveness and efficiency that has been prioritised through the implementation of the State Attorney Amendment Act, 2014 (Act No. 13 of 2014).

### *Output 7.1 Policies as envisaged in the State Attorney Amendment Act, 2014 implemented*

The transformation of state legal services is aimed at improving the effectiveness and efficiency that has been prioritised through the implementation of the State Attorney Amendment Act, 2014 (Act No. 13 of 2014).

A total of 24 out of 43 activities of the implementation action plan were implemented, which brings the annual percentage achievement to 56%.

### *Output 7.2 Litigation cases settled*

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.

*The Department, through the state attorney offices, finalised 1 389 litigation cases, of which 751 cases were finalised through settlement.*

The department is tasked with the solemn responsibility of ensuring that the state is able to deliver on its obligations, promote the rule of law and give effect to the values enshrined in the Constitution of the Republic of South Africa. The department does this by providing legal advice and guidance to the state on its proposals, legislation and by ensuring that potential litigation against the state, on constitutional and other legal grounds, is considerably reduced.

The department, through the state attorney offices, finalised a total of 1 389 litigation cases, of which 751 cases were finalised through settlement by the end of the reporting cycle. This translated to 54% performance.

### *Output 7.3 Finalised legal opinions*

Through the Office of the State Law Advisor, the department scrutinises, develops, drafts and certifies all primary legislation before these are introduced in the Parliament of the Republic of South Africa. It is the responsibility of the department to ensure that legislation is compatible with the Constitution and other legal instruments and that they can withstand constitutional muster. In this way, the department make a significant contribution towards the development of the constitutional jurisprudence.

For the year under review the OCSLA finalised a total of 510 requests for legal opinions, of which 442 were finalised within the set time frame for delivery of the legal opinions, which is 30 days from the date of receipt. This translates into 87% performance.

***Output 7.4 Finalised suggested bills and subordinate legislations***

In terms of suggested bills and subordinate legislation, the office finalised 220, of which 175 were finalised within the set time frame of 30 days from the date of receipt of instructions. This translates into 80% performance for the reporting period.

***Output 7.5 Finalised international agreements***

During the financial year under review the office finalised a total of 255 international agreements, of which 237 were finalised within the set time frame of 30 days from the date of receipt. This translates to 93% performance.

**OUTCOME 8: TRANSFORMED LEGAL PROFESSION**

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

As an effort to foster cohesion and stimulate equality among those in the legal profession, both in the public and private sector, by developing legal expertise, the department had planned to allocate at least 41% of briefs to female legal practitioners. In addition, over the medium-term, to monitor the rand value of briefs allocated to previously disadvantaged legal practitioners, with the target set for PDIs at 83%, and the target for female legal practitioners set at 30%.

The department briefed counsel on matters to the value of R1 303 791 236, of which R1 144 973 514 was paid to previously disadvantaged legal practitioners, which translated to 88% performance by the end of the year.

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

For the period under review, a total of R1 303 791 236 was paid to legal practitioners. Of this, R384 887 701 was paid to female legal practitioners, which translates to 30%.

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

The department had 5 789 briefs allocated, of which 2 428 briefs were allocated to female legal practitioners. This translated into a performance of 42% by the end of the financial year.

**OUTCOME 9: ADVANCED CONSTITUTIONALISM, HUMAN RIGHTS AND RULE OF LAW**

Section 7(2) of the Constitution of South Africa, 1996, provides, “The state must respect, protect, promote and fulfil the rights in the Bill of Rights”. The objective of the Promotion of Equality and Prevention of Unfair Discrimination Act, 4 of 2000 is to prevent and prohibit unfair discrimination and harassment and promote equality and eliminate unfair discrimination; to prevent and prohibit hate speech and to provide for matters connected therewith. The department strives to improve awareness to the public and increase access to justice services through the equality legislation and Equality Courts through continuous and various engagements with the public.

This programme had a role in fulfilling the strategic objectives of the Department of Justice and Constitutional Development, which in turn had an effect on Priority 6 of the government's strategic priorities concerning social cohesion. It fosters a society that is united and harmonious, and helps in the execution of NAP programmes.

***Output 9.1 Virtual data repository for collection of disaggregated statistical data for measurements of racism, racial discrimination, xenophobia and related intolerance developed***

This indicator contributes towards measuring incidents, and identifying patterns and trends of racism, racial discrimination, xenophobia and related intolerance, to assist in eliminating incidents of racism in an effort to build a cohesive society, in compliance with South Africa's international obligations. The virtual system (portal) was developed and a user acceptance testing certificate was signed off by 31 March 2024. Due to the complex and highly technical nature of the work involved, further enhancements to the system will be undertaken in subsequent reporting periods.

***Output 9.2 Treaty report tabled***

During the financial year under review, the minister signed the submission with the Cabinet Memorandum on the 23rd of November 2023.

***Output 9.3 Valid requests for extradition and mutual legal assistance in criminal matters processed and submitted to the Director-General***

In line with the priority to create safer communities and fight transnational crime and corruption, South Africa has



participated in various international meetings focussing on strengthening international cooperation and also signed mutual legal assistance and/or extradition agreements with various other states.

The processing of extradition and mutual legal assistance in criminal matters is done with the purpose of ensuring effective collaboration with other states in the fight against crime.

By the end of financial year, the department had received 121 valid requests for extradition and mutual legal assistance, of which 86 requests were finalised and submitted to the DG within the prescribed time period of 20 working days from date of receipt. This translates to a performance of 71%.

***Output 9.4.1 Number of engagements held with stakeholders towards the promotion of the Equality Act and Equality Courts***

The Constitution of South Africa, 1996 Section 7(2), provides, “The state must respect, protect, promote and fulfil the rights in the Bill of Rights”. The objective of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000) is to:

- a) Prevent and prohibit unfair discrimination and harassment;
- b) Promote equality and eliminate unfair discrimination; to prevent and prohibit hate speech and to provide for matters connected therewith.

To improve awareness to the public and increase access to justice services through the equality legislation and Equality Courts, the department had seven equality engagements with the public during the 2023/2024 financial year as follows:

- 16 September 2023 at Den Staat in Limpopo Province.
- 18 October 2023 at Tolwe High School in Limpopo Province.
- 29 November 2023 – Musina Municipal Hall, Musina in Limpopo Province.
- 20 February 2024 – Lingeletu Senior Secondary School and Dondashe Senior Secondary School in Eastern Cape.
- 21 February 2024 – Masibonisane Senior Secondary School and Jaly High School in Eastern Cape.
- 22 February 2024 – Lingani Senior Secondary School and Geju Senior Secondary School and Keiskammahoek Police Station in Eastern Cape.
- 23 February 2024 – Mthwaku Senior Secondary School in Eastern Cape.

***Output 9.4.2 Engagements with stakeholders held***

This indicator is of significant interest to the public as it is intended for the advancement of constitutionalism through dialogues on various human rights issues conducted with various sectors, including government, civil society, democracy institutions and the general public.

As at the end of the financial year, the department held four dialogues as mentioned below.

The department hosted a dialogue focusing on children's rights with the KZN Provincial Office at the Riverside Hotel, in Durban on the 16th of August 2023. The event comprised significant stakeholders relative to the subject of the dialogue. Children need special protection because they are among the most vulnerable members of society. They are totally dependent on others, their parents and families, or the state. The DoJ&CD is also a signatory to the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. Thus, as government, we have to account for the responsibility to protect children from violence, abuse and being neglected by anyone who looks after them. Certain aspects of children's rights that are of concern in KZN and that raise concerns of how government is managing these issues are highlighted below:

- Violence in schools.
- The dynamics of sexual abuse against children – particularly in cases where the perpetrator is in the family.
- Increase in drugs and gangs in KZN.
- Child justice.

A dialogue was held at Manhattan Hotel in Pretoria on the 21st of September 2023 on the implementation of the Promotion of Administrative Justice Act (PAJA), which sought to address the impending blockages hindering the effective implementation of PAJA and assess the persisting system challenges that are not receptive to PAJA as a constitutional mandated legislation. The following concerns were raised during the discussions:

- PAJA training only being given to legal officers within departments, when it should rather be extended to administrative officials in the supply management space, financial management and those tasked with making administrative decisions.
- PAJA developments, including latest amendments, should be extended to civil society organisations and information should be easily available on request from the department. This was shared after attendees made it clear that they had not been made aware of the latest amendments to the act.





The takeaway from the dialogue was that the department (through the Justice College) should partner with the National School of Government to develop study and/or training material and courses on PAJA for public officials and, furthermore, there is a need for engagements with identified administrative officials in the public sector on PAJA.

As part of the planned constitutional dialogues for the advancement of constitutionalism, the department in partnership with the Office of the High Commissioner for Human Rights (OHCHR) held a dialogue session from 1 – 2 November 2023 through a Southern Africa regional consultation in commemoration of the 75th Anniversary of the Universal Declaration of Human Rights (UDHR) (Human Rights 75) at the Maslow Time Square Hotel, Pretoria under the theme “Eradicating Inequality as an Accelerator to Promoting Human Rights in Southern Africa”. Member states from the region (Angola, Comoros, Eswatini, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, South Africa, and Zimbabwe) gathered to:

- take stock of the subregion's contribution to strengthening the international and regional human rights architecture;
- reflect on the current relevance of the UDHR for bolstering the human rights system at national and at the subregional level, including the identification of gaps and opportunities; identify avenues for addressing inequality through the lens of human rights; and
- discuss pledges from countries ahead of the Human Rights 75 high-level event and identify areas of common priorities.

The department partnered with SAHRC and the UN Regional Office to host a Human Rights dialogue lecture at the Women's Jail in Constitution Hill on the 5th of March 2024. The Human Rights dialogue lecture aimed at reflecting on achievements and opportunities that lie ahead to advance the promotion and protection of human rights in South Africa and beyond; recommitting to building a more just and equitable society for all; and raising public knowledge and awareness of the Constitution and human rights issues.

***Output 9.5 International Human Rights instruments submitted to minister for approval***

During the year under review, the Ministerial Memo on the Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial matters (Hague Judgement Convention) was submitted to the minister for approval on 28 March 2024.

***Output 9.6 Programme for Legal Empowerment and Access to Justice (PLEAJ) implemented***

The implementation of the Programme for Legal Empowerment and Access to Justice (PLEAJ) project commenced during this period. PLEAJ is a pilot project funded through National Treasury's General Budget Support Programme to provide financial support to Community Advice Offices (CAOs) to help them deliver free, basic legal advice and other justice services. This will increase access to justice to the marginalised communities in selected provinces – Limpopo, Mpumalanga, North West, and Free State. The lessons learnt from this pilot programme will be used to develop a policy for the sustainability of the CAO sector. Over 261 Constitutional Rights Awareness sessions were conducted with CAOs in the identified four provinces for the period under review.

***Output indicator 9.6.2 Number of Community Advice Offices provided with financial support to deliver free basic advice services***

A total of 59 CAOs from the listed provinces were funded during the period under review.

***Output 9.7 Framework on International Relations Engagement submitted***

By the end of financial year, the department submitted the Framework on International Relations Engagement to the Director-General for approval on 27 March 2024.

***Output 9.8 A National Conference on the State of Human Rights in South Africa held***

A National Conference on the State of Human Rights in South Africa was held on 18 – 20 March 2024. The national conference was conducted in-person and over 600 guests from the public sector, organised business, community, organised labour, civil society, academic and research sector, judiciary and legal sector, and international dignitaries attended. The proceedings were live streamed on the department's social media platforms with provision for virtual participation.

The conference was of utmost importance to the general public and presented an opportunity for the congregation of key stakeholders, amongst others, to:

- Reflect on 30 years of South Africa's transformation agenda and efforts towards promoting democracy, development and human rights;

- Consider the extent to which progressive realisation of human rights has over the years been promoted through economic policies and budgeting priorities;
- Evaluate governance measures established to strengthen national structures, institutions and civil society which play a role in promoting and safeguarding human rights; and
- Unpack our national, regional and international actions and policies in strengthening the promotion and protection of human rights in accord with international human rights standards.

***Output 3.2 Sustained and visible anti-xenophobia campaign conducted***

Efforts to raise awareness are ongoing, as the Constitution remains the bedrock of South African democracy, evidenced by the heightened demand for justice services at various service points. The department has conducted six campaigns on anti-xenophobia in collaboration with other departments and role players. The department continues to implement the NAP to combat racism, racial discrimination, xenophobia, and related intolerance through these platforms in order to enhance constitutionalism, human rights, and the rule of law. At the heart of social transformation is social cohesion, which will put an end to exclusion and segregation and embody the spirit of inclusion that will lead national efforts to construct a united society.

### Strategies to Overcome Areas of Underperformance

The table below provides an overview of the **strategies to overcome areas of underperformance** against predetermined objectives (APP indicators).

Output Indicator	Reason for underperformance	Strategy to overcome areas of underperformance
5.3.1 Percentage of Guardian's Fund applications paid within 40 days from date of receipt of all required documents.	System challenges caused the backlog for beneficiary payments. All payments are processed centrally at the national office to prevent fraud. Staff shortages.	The Master's Offices are consistently addressing the backlog.
5.5.1 Percentage of liquidation and distribution accounts in bankruptcy matters examined within 15 days from receipt of all required documents.	The target was not met as a result of the substantial variation in performance percentages caused by low numbers in a single underperforming office. Staff shortages.	The Master's Offices are consistently addressing the backlog.
5.9.1 Number of interventions from the Masters Turnaround Strategy implemented.	System challenges and staff shortages.	i) Attending to the backlog is not an APP target for 2024/2025 FY as the circumstances causing the backlog have not been resolved, causing an ever-present backlog. This will be managed through the BOP. ii) This indicator is dependent on the performance of a third party and ICT. An indicator on the development of the Guardian's Fund system has been included in the ICT APP for 2024/2025.
7.2.1 Percentage of litigation cases settled.	The target was not met due to the department's lack of control and reliance on the applicant's willingness to settle the matters.	The department will continue to work closely with stakeholders to settle the matters.
9.3.1 Percentage of valid requests for extradition and mutual legal assistance in criminal matters processed and submitted to the Director-General within 20 working days from the date of receipt.	The target was not met, as certain officials did not comply with the specified timelines and additionally there was a backlog of matters from the previous financial year.	Human resources procedures in effect to address official underperformance.



### Linking performance with budgets

Departments must provide a summary of the actual expenditure in comparison to the adjusted.

### Sub-programme expenditure

Sub- Programme Name	2023/2024			2022/2023		
	Final Appropriation R'000	Actual Expenditure R'000	(Over)/Under Expenditure R'000	Final Appropriation R'000	Actual Expenditure R'000	(Over)/Under Expenditure R'000
State law advisors	67 096	67 096	-	67 052	67 052	-
Litigation and legal services	542 053	542 051	2	659 740	653 755	5 985
Legislative development and law reform	91 480	91 480	-	103 186	98 719	4 467
Master of the high court	591 211	591 182	29	602 604	581 059	21 545
Constitutional development	76 062	76 060	2	89 534	78 494	11 040
<b>Total</b>	<b>1 367 902</b>	<b>1 367 869</b>	<b>33</b>	<b>1 522 116</b>	<b>1 479 079</b>	<b>43 037</b>

The programme's overall expenditure for the year amounted to R1.368 billion against the budget of R1.368 billion, resulting in an underspending of R33 000.

#### 4.4 PROGRAMME 4: NATIONAL PROSECUTING AUTHORITY

##### Programme purpose

- a) Provide a coordinated prosecuting service that ensures that justice is delivered to victims of crime through general and specialised prosecutions. Remove profit from crime. Protect certain witnesses.
- b) The programme consists of the following sub-programmes:
  - 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 sub-programme further deals with priority crimes litigation, sexual offences, and community affairs and specialised commercial crime.
  - ii. Investigating Directorate: Provides for the Investigating Directorate, established in the Office of the National Director of Public Prosecutions, to deal with offences or criminal or unlawful activities involving serious, high profile and complex corruption, including allegations of corruption arising from commissions of inquiry.
  - iii. Assets Forfeiture Unit: Seizes assets that are acquired from the proceeds of crime or have been part of an offence through criminal or civil processes.
  - iv. Office for Witness Protection: Provides for temporary protection, support and related services to vulnerable and intimidated witnesses and related people in judicial proceedings in terms of the Witness Protection Act (1998).
  - i. 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.
- c) Institutional outcomes that the programme contributes towards:
  - a. **Outcome 4: Increased access to justice services**
  - b. **Outcome 10: Crime and corruption reduced through effective prosecution**

#### OUTCOME 4: INCREASED ACCESS TO JUSTICE SERVICES

The table below provides an overview of the performance against predetermined objectives (APP indicators), in terms of outcomes, outputs, output indicators, planned targets and actual achievements.

##### Final Revised Annual Performance Plan: April 2023 – March 2024

Output	Output indicator	Audited actual achieved performance 2021/2022	Audited actual achieved performance 2022/2023	Planned annual target 2023/2024	Actual achievement 2023/2024	Deviation from planned target to actual achievement for 2023/2024	Reasons for deviations
4.20 Victim-centric services enhanced	4.20.1 Number of new Thuthuzela Care Centres established	60 (operational TCCs) 5 new TCCs	62 (operational TCCs) 2 new TCCs	2	2	-	Target achieved
	4.20.2 Conviction rate in sexual offences	74.3%	74.8%	70%	72%	3%	Target was exceeded. Screening and prosecution guided investigation as well as the impact of the DNA project.



**OUTCOME 10: CRIME AND CORRUPTION REDUCED THROUGH EFFECTIVE PROSECUTION**

The table below provides an overview of the performance against predetermined objectives (APP indicators), in terms of outcomes, outputs, output indicators, planned targets and actual achievements.

Output	Output indicator	Audited actual achieved performance 2021/2022	Audited actual achieved performance 2022/2023	Planned annual target 2023/2024	Actual achievement 2023/2024	Deviation from planned target to actual achievement for 2023/2024	Reasons for deviations
10.4. Effective prosecutions conducted	10.4.1 Conviction rate in High Court	91%	89.2%	87%	91%	5%	Target was exceeded. Early consultation with witnesses and case preparation
	10.4.2 Conviction rate in Regional Court	80.6%	82.6%	74%	82%	11%	Stakeholder engagements and the DNA project for sexual offences
	10.4.3 Conviction rate in District Court	93.9%	94.5%	88%	95%	8%	Continuous screening of cases
	10.4.4 Conviction rate in cable theft	92%	86.2%	80%	84%	5%	Focus area for police and NPA with cooperation of stakeholders
	10.4.5 Number of witnesses and related persons threatened, harmed or killed while on the witness protection programme	0	0	0	0	-	Target achieved
10.5 Fraud and corruption dealt with	10.5.1 Conviction rate in complex commercial crime	90.5%	87.1%	90%	90%	-	Target achieved
	10.5.2 Number of persons convicted of corruption and/or offences related to corruption	339	338	334	399	19%	Focus on corruption in collaboration with SAPS and DPCI resulted in more cases brought to court.
	10.5.3 Number of investigations authorised	n/a	13	11	18	64%	Matters met the requirements for authorization.
	10.5.4 Number of State Capture and complex corruption matters enrolled	n/a	18	12	3	(75%)	Limited investigating resources.
	10.5.5 Number of prosecutions instituted involving money laundering	n/a	n/a	Baseline	84	-	Target achieved

Output	Output indicator	Audited actual achieved performance 2021/2022	Audited actual achieved performance 2022/2023	Planned annual target 2023/2024	Actual achievement 2023/2024	Deviation from planned target to actual achievement for 2023/2024	Reasons for deviations
10.6 Freezing of money and assets that are the proceeds of crime	10.6.1 Value of completed forfeiture cases	R406m	R495m	R550m	R3.08bn	460%	High value settlement forfeitures obtained.
	10.6.2 Value of freezing orders obtained for corruption or related offences	R5.5bn	R570m	R2.4bn	R932m	(61%)	Lower value cases finalised.
10.7 Recovery of money and assets that are the proceeds of crime	10.7.1 Value of recoveries relating to corruption or related offences	R117m	R2.63bn	R1.4bn	R787m	(44%)	Recoveries of high value matters are complex and steps must be taken to ensure correct distribution.

## PERFORMANCE AGAINST PREDETERMINED OBJECTIVES

### OUTCOME 4: INCREASED ACCESS TO JUSTICE SERVICES

#### Output 4.20 Victim-centric services enhanced

##### 4.20.1. Number of new Thuthuzela Care Centres established

Over the past three years nine TCCs were established, increasing the service offerings to the most vulnerable victims of crimes. In the past financial year, the Stellenbosch TCC (Western Cape) and the Jozini TCC (KwaZulu-Natal) were established, increasing the total number of operational TCCs to 64.

Significant progress has been made to ensure the establishment of further TCCs in much needed areas. The new model is to use brick and mortar structures with optimal interior designs through the support of business.

##### 4.20.2. Conviction rate in sexual offences

Establishing dedicated courts and focusing on the successful prosecution of perpetrators of sexual offences demonstrates a commitment to addressing a critical societal issue. High conviction rates not only serve as a deterrent to potential offenders but also provide justice to survivors and contribute to building trust in the legal system.

The courts finalised 5 269 sexual offence cases with a verdict and obtained 3 806 convictions in the past financial year. The conviction rate of 72% achieved exceeds the target of 70%. This performance indicates the commitment of prosecutors in curbing violence against women, children and the vulnerable in general.

The DNA backlog project to date has yielded 46 045 DNA reports and has made a significant impact in reducing the backlog. The project has affirmed NPA's commitment and principle which advocates that no sexual offences case should be struck off the roll or withdrawn because of DNA. The project continues and has been expanded to include murder matters.

The serial rapist prioritisation initiative was launched in September 2023 in collaboration with the Director of Public Prosecutions offices and the Serial and Electronic Crime Investigations (SECI) Unit of the SAPS Family Violence, Child Protection and Sexual Offences (FCS) unit, and will ensure that these matters are prioritised. The top 10 serial rapists per province have already been identified. The initiative will ensure that the matters are enrolled, convictions are secured, and trials are prioritised.

## OUTCOME 10: CRIME AND CORRUPTION REDUCED THROUGH EFFECTIVE PROSECUTION

### Output 10.4 Effective prosecutions conducted

#### 10.4.1. Conviction rate in High Courts

A conviction rate of 91% was achieved in the High Courts, with 682 convictions obtained from 751 cases finalised with a verdict. The achievement is remarkable and demonstrates the commitment of the NPA to prosecute the most serious crimes effectively. An improvement compared to the previous year was also recorded.

*A conviction rate of 91%  
was achieved in the  
High Courts, with 682  
convictions obtained from  
751 cases finalised  
with a verdict.*

#### 10.4.2. Conviction rate in Regional Courts

A conviction rate of 82% was achieved in the Regional Courts, with 17 333 convictions obtained from 21 187 cases finalised with a verdict. There was a marginal decrease of the achievement compared to the performance of the previous year. Considering the nature of the crimes prosecuted in this forum, the achievement is significant.

#### 10.4.3. Conviction rate in District Courts

A conviction rate of 95% was achieved in the District Courts, with 152 731 convictions obtained from 160 594 cases finalised with a verdict. The achievement is a marginal increase from the previous year.

#### 10.4.4. Conviction rate in cable theft

Cable theft poses a serious threat, due to its broader impact on businesses, communities, and the economy. It disrupts essential services, causes financial losses, and undermines infrastructure integrity, affecting various sectors such as telecommunications, transportation, and energy.

The NPA has been successful in prosecuting cable theft cases, surpassing the five-year MTSF target of 74% and attaining an 84% conviction rate for cable theft, which is significant and underscores the effectiveness of efforts to combat this form of organised crime. With 409 convictions obtained from 485 cases finalised with a verdict, it shows a strong commitment to prosecuting offenders and holding them accountable for their actions.

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

Maintaining a 24/7/365 internationally acclaimed operating model for witness protection is crucial for ensuring the safety and security of witnesses and related persons. During the past 24 years, no witnesses or related persons were harmed, threatened, or killed while on the witness protection programme.

During the 2023/2024 reporting period, only two witnesses walked off the programme. There has been a decline in walk-offs in the past five years. All witnesses on the programme attended judicial proceedings when required to.

### Output 10.5 Fraud and corruption dealt with

#### 10.5.1. Conviction rate in complex commercial crime

Obtaining 333 convictions from 372 verdict cases, resulting in a 90% conviction rate in prosecuting complex commercial crime is a significant achievement. It demonstrates the effectiveness of the dedicated Serious Commercial Crime Courts (SCCC) and of the Specialised Commercial Crime Unit (SCCU) in prosecuting these complex cases.

The high conviction rate underscores the success of the multidisciplinary approach adopted in investigating and prosecuting commercial crime cases. Collaborating with various stakeholders and establishing specialised courts has enabled the justice system to effectively address the intricacies of these cases and hold offenders accountable.

#### 10.5.2. Number of persons convicted of corruption and/or offences related to corruption

Collaboration between the NPS and the ID plays a pivotal role in addressing corruption, especially considering the recommendations of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector (Zondo Commission). This collaborative effort underscores a commitment to combatting corruption and maladministration across various sectors of society.

During the current financial year, the NPA's efforts resulted in the conviction of 399 individuals for corruption or related offences. This figure surpasses the target of 334 persons, indicating a significant achievement in tackling corruption. It is noteworthy that the number of convictions increased by 51 compared to the previous financial year.

#### **10.5.3. Number of investigations authorised**

The ID remains at the forefront of the NPA's efforts to tackle complex and high-level corruption cases. With a focus on 21 major investigation categories spanning both the public and private sectors, the ID's work encompasses a wide range of entities and individuals implicated in corrupt practices.

Some notable entities and individuals under investigation include Transnet, Eskom, Bosasa, Estina Company (Pty) Ltd, SAPS, the NPA, the State Security Agency (SSA), Bain (SARS), Alexkor, South African Airways, and the Public Investment Corporation. Several of these investigations have already progressed to court proceedings, while others remain ongoing.

The ID's comprehensive prosecution-led approach to investigating corruption across various sectors highlights the NPA's dedication to addressing corruption at all levels of society. By focusing on high-profile cases and maintaining momentum in its investigative efforts, the ID plays a crucial role in holding perpetrators accountable and promoting transparency and integrity in public and private institutions.

In the 2023/2024 financial year, the ID authorised 18 new investigations, bringing the total number of authorised investigations since its establishment in 2019 to 115. This demonstrates the ID's continued commitment to uncovering and prosecuting instances of corruption, regardless of the entities or individuals involved.

#### **10.5.4. Number of State Capture and complex corruption matters enrolled**

During the year under review, the ID enrolled three State Capture and complex corruption matters, falling short of the yearly target of 12 by 9 enrolments. Despite this, the ID's authorised investigative work resulted in the arrest of 77 individuals during the financial year, the majority of whom are high-profile individuals implicated in corruption.

Since its inception, the ID has brought a total of 37 matters before criminal courts. Among these cases, seven are related to State Capture, addressing a total of 21 State

Capture recommendations. This underscores the ID's commitment to addressing corruption at all levels, particularly in cases involving State Capture, which have significant ramifications for governance and accountability.

#### **10.5.5. Number of prosecutions instituted involving money laundering**

A key focus area for the FATF is demonstrating a sustained increase in the investigations and prosecution of serious and complex money laundering, and in particular, involving professional money laundering networks/enablers and third-party money laundering in line with its risk profile. The SCCU has continued to finalise the majority of money laundering cases within the NPA.

A total of 84 prosecutions were instituted during the 2023/2024 financial year. This has provided valuable insights into the prevalence and scope of money laundering, enabling authorities to monitor trends and assess the effectiveness of anti-money laundering measures.

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

#### **10.6.1. Value of completed forfeiture cases**

Obtaining confiscation and forfeiture orders under Chapters 5 and 6 of the Prevention of Organised Crime Act (POCA) are crucial for targeting the proceeds and benefits derived from criminal activities. These orders serve to strip criminals of their unlawful gains and disrupt the financial infrastructure that supports criminal enterprises.

During the financial year, the Asset Forfeiture Unit (AFU) achieved remarkable success by obtaining 653 completed confiscation and forfeiture orders, amounting to a total value of R3.08 billion. This achievement significantly surpassed the target by R2.45 billion.

The concerted effort to utilise Chapter 6 of POCA, which is non-conviction based and focuses on forfeiture orders following asset preservation, has been particularly effective. This strategy has led to high settlement values for forfeitures, indicating the successful recovery of proceeds and instrumentalities of crime.

#### **10.6.2 Value of freezing orders obtained for corruption or related offences**

Freezing orders to the value of R932 million relating to corruption or related offences were obtained. This

performance is 61% (R1.47 billion) below the target of R2.4 billion. To improve the performance, the AFU is continuously engaging and collaborating with stakeholders and participating in prioritisation initiatives to ensure that new cases are sourced (identification of cases with asset forfeiture possibilities much earlier in the process), and current cases are fast-tracked and finalised.

Despite the shortfall in meeting the target for the financial year, it is noteworthy that the cumulative value of freezing orders obtained from 2019 to the end of the 2023/2024 financial year exceeded the MTSF target of R10.4 billion. This achievement reflects the AFU's ongoing commitment to combating corruption and related offences by targeting the financial assets associated with criminal behaviour.

***Output 10.7 Recovery of money and assets that are proceeds of crime***

**10.7.1. Value of recoveries relating to corruption or related offences**

Recoveries relating to corruption or related offences to the amount of R787 million were obtained, significantly below the target of R1.4 billion. It is crucial to understand that this indicator is conviction-based, meaning that collaboration with other business units and departments is necessary for the finalisation of criminal investigations

and prosecutions.

The AFU continues to prioritise State Capture and other serious corruption cases, in close collaboration with the ID, to ensure improved performance. The AFU is also involved in other initiatives, inter alia, joint planning and prioritisation with stakeholders, that will assist to speed up the finalisation of cases and to identify cases with asset forfeiture potential earlier in the process. Other initiatives implemented to improve performance are the use of new approaches such as alternative dispute resolution and the appointment of specialists in the recovery of assets from foreign jurisdictions, the appointment of section 38 specialist litigators and a focus on non-conviction-based forfeitures in terms of Chapter 6 of POCA.

Recovering assets related to corruption and related offences to the value of R3.86 billion from 2019 to date is a significant accomplishment for the NPA, even though it falls short of the MTSF target of R5.4 billion. While the target has not been met, the NPA's efforts in recovering nearly R4 billion in assets demonstrate a proactive approach to addressing financial crimes and holding perpetrators accountable.

**Strategies to Overcome Areas of Underperformance**

The table below provides an overview of the **strategies to overcome areas of underperformance** against predetermined objectives (APP indicators).

Output Indicator	Reason for underperformance	Strategy to overcome areas of underperformance
Number of State Capture and complex corruption matters enrolled	<ul style="list-style-type: none"> <li>Limited investigative resources.</li> <li>Complex nature of investigations resulting in unanticipated new lines of enquiries.</li> <li>Redeployment of available resources to attend to urgent enquiries arising from matters in court.</li> </ul>	Enactment of the NPA Amendment Act providing full investigative powers and permanence of ID to enable appointment of investigators.
Value of freezing orders obtained for corruption or related offences	Lower value cases finalised.	Working on a number of high value cases including settlements.
Value of recoveries relating to corruption or related offences	Recoveries of high value matters are complex, and steps must be taken to ensure correct distribution.	Working on a number of high value cases including settlements.



## Sub-programme expenditure

Sub- Programme Name	2023/2024			2022/2023		
	Final Appropriation R'000	Actual Expenditure R'000	(Over)/Under Expenditure R'000	Final Appropriation R'000	Actual Expenditure R'000	(Over)/Under Expenditure R'000
National Prosecuting Services	3 996 884	4 119 079	(122 195)	3 827 049	3 827 049	-
Investigative Directorate	205 266	141 886	63 380	192 524	178 534	13 990
Assets Forfeiture Unit	216 662	216 662	-	219 560	219 560	-
Office for Witness protection	178 311	178 311	-	213 693	213 693	-
Strategy, Operations and Compliance	688 495	688 356	139	574 344	574 344	-
<b>Total</b>	<b>5 285 618</b>	<b>5 344 294</b>	<b>(58 676)</b>	<b>5 027 168</b>	<b>5 013 178</b>	<b>13 990</b>

The programme's overall expenditure for the year amounted to R5.344 billion against the budget of R5.286 billion, resulting in an over spending of R58 million. The over spending is mainly due to unfunded salary adjustments.



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

##### Programme purpose

- a) Provide a variety of auxiliary services associated with the department's purpose. Fund the Interdepartmental Justice Modernisation Programme, the President's Fund, the Information Regulator, the Legal Services Ombud and transfer payments to public entities and constitutional institutions.
- b) The programme consists of the following components within the DoJ&CD:
  - i. Legal Aid South Africa: Funds Legal Aid South Africa, which provides legal aid to indigent people and legal representation at the state's expense, as set out in the Constitution.
  - ii. Special Investigating Unit: Funds the Special Investigating Unit, which 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.
  - iii. Public Protector of South Africa: Funds the Public Protector of South Africa, which investigates any alleged improper conduct in state affairs, public administration or any sphere of government, as well as any conduct that results in impropriety or prejudice.
  - iv. South African Human Rights Commission: Funds the South African Human Rights Commission, which promotes and monitors the observance of human rights in South Africa.
  - v. Justice Modernisation: Implements IT infrastructure and networks, and funds the Integrated Justice System Programme, which seeks to re-engineer, automate and integrate business processes across the criminal justice value chain.
  - vi. President's Fund: Provides funding for reparations flowing from the findings of the Truth and Reconciliation Commission.
  - vii. Information Regulator: Funds the Information Regulator, which is responsible for the promotion and protection of the right to privacy as it relates to the protection of personal information and the right of access to information, enshrined in the Protection of Personal Information Act (2013) and Promotion of Access to Information Act (2000).
  - viii. Office of the Legal Services Ombud: Funds the Office of the Legal Services Ombud, which is responsible for protecting and promoting public interest in relation to the rendering of legal services; investigating complaints of alleged misconduct against legal practitioners; and promoting the independence of, and high standards of integrity in, the legal profession.
- c) Institutional outcomes that the programme contributes towards:
  - i. **Outcome 1: Modernised and digitised justice services platforms**

**OUTCOME 1: MODERNISED AND DIGITISED JUSTICE SERVICES PLATFORMS**

The table below provides an overview of the performance against predetermined objectives (APP indicators), in terms of outcomes, outputs, output indicators, planned targets and actual achievements.

**B) Final Revised Annual Performance Plan: 1 April 2023 – 31 March 2024**

Output	Output indicator	Audited actual achieved performance 2021/2022	Audited actual achieved performance 2022/2023	Planned annual target 2023/2024	Actual achievement 2023/2024	Deviation from planned target to actual achievement for 2023/2024	Reasons for deviations
1.3 KPIs completed on the Integrated Justice System dashboard	1.3.1 Number of KPIs completed on the Integrated Justice System dashboard	-	1	1	1	-	Target achieved
1.4 Effective IJS governance systems	1.4.1 Number of IJS governance intervention sessions held	-	14	14	14	-	Target achieved
1.5 IJS operational sites assessed for vulnerability to cyber attacks	1.5.1 Number of IJS operational sites assessed for vulnerability to cyber attacks	-	-	2	2	-	Target achieved
1.6 Criminal Justice System (CJS) digitised and integrated	1.6.1 Number of SAPS police stations where Person Verification Services (PVS) is deployed	-	40	20	22	10%	Target was exceeded as a result of the two additional sites that were prepared for implementation; consequently, the decision was made to implement PIVA on those two sites.
1.7 IJS Digital Transformation and Modernisation Strategy submitted to the minister for approval	1.7.1 IJS Digital Transformation and Modernisation Strategy submitted to the minister for approval by target date	-	-	IJS Digital Transformation and Modernisation Strategy submitted to the minister for approval by 31 March 2024	IJS Digital Transformation and Modernisation Strategy submitted to the minister for approval by 31 March 2024	-	Target achieved

## PERFORMANCE AGAINST PREDETERMINED OBJECTIVES

### OUTCOME 1: MODERNISED AND DIGITISED JUSTICE SERVICES PLATFORMS

#### *Output 1.3. KPIs completed on the Integrated Justice System dashboard*

One KPI for alternative dispute resolutions was completed on the Integration Justice System dashboard for the financial year under review.

#### *Output 1.4. Effective IJS governance systems*

The IJS structure is aimed at improving alignment and delivery of integrated systems development and utilisation across the CJS to ensure political oversight and direction of the whole IJS Programme. During the financial year under review, 14 IJS governance interventions sessions were held as planned.

#### *Output 1.5. IJS Operational sites assessed for vulnerability to cyber attacks*

The department had planned to assess two operational sites for the vulnerability of cyber-attacks, which was

successfully achieved as planned during the 2023/2024 financial year.

#### *Output 1.6. Criminal Justice System (CJS) digitised and integrated*

The PVS/PIVS mechanisms serve as reliable and robust identification, verification and authentication of persons in the CJS. A person tracking capability complements this by recording the locations and custody status of persons throughout the entire CJS process. A total of 22 PIVA/PVS were rolled to sites/police stations in the 2023/2024 financial year.

#### *Output 1.7. IJS Digital Transformation and Modernisation Strategy submitted to the minister for approval by target date*

The IJS Digital Transformation and Modernisation Strategy was submitted by the target date to the minister for approval as planned.

### Linking performance with budgets

#### Sub-programme expenditure

Sub- Programme Name	2023/2024			2022/2023		
	Final Appropriation R'000	Actual Expenditure R'000	(Over)/Under Expenditure R'000	Final Appropriation R'000	Actual Expenditure R'000	(Over)/Under Expenditure R'000
Legal Aid South Africa	2,124,574	2,124,574	-	2 184 471	2 184 471	-
Special Investigating Unit	489,839	489,839	-	452 060	452 060	-
Public Protector of South Africa	357,261	357,261	-	377 928	377 928	-
South African Human Rights Commission	208,344	208,344	-	208 467	208 467	-
Justice Modernisation	548,024	548,008	16	597 580	597 447	133
Information Regulator	107,953	107,716	237	100 609	88 913	11 696
Office of the Legal Services Ombud	11,846	11,832	14			
President's fund	1	-	1			
<b>Total</b>	<b>3,847,842</b>	<b>3,847,574</b>	<b>268</b>	<b>3 921 116</b>	<b>3 909 286</b>	<b>11 830</b>

The programme expenditure for the year amounted to R 3.848 billion against the budget allocation of R 3.848 billion resulting in an under spending of R 268 thousand. The under spending is mainly due vacancies.

## 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, and strategic achievements of the public entity.

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	To provides legal aid to indigent people and legal representation at the state's expense, as set out in the Constitution.	2 124 574	2 124 574	<ul style="list-style-type: none"> <li>Ensured access to justice through the provision of legal services to a total of 586,541 people in new criminal, civil and land matters, including legal advice provision.</li> <li>Dealt with 324,568 (87%) new criminal matters; 47,041 (13%) new civil matters and 1,282 (0.3%) new land matters. General legal advice was provided to 213,650 persons, including through the Legal Aid Advice Line. During the 2023/2024 financial year, the Legal Aid Advice Line remained open during the December/January shutdown period, made possible by remote working arrangements</li> <li>Finalised a total of 361,197 legal matters, comprised of 313,179 criminal matters, 47,806 civil matters and 212 land matters.</li> <li>Took on 15 new strategic litigation matters; 17 strategic litigation matters were finalised during 2023/24 with a 73% success rate in these matters.</li> <li>Provided legal services to 11,950 children – 6,661 children in criminal matters and 5,289 children involved in civil matters.</li> <li>Legal services delivery achieved through the mixed model delivery system, which involves the delivery of legal services by Legal Aid SA internal legal practitioners (97%), Judicare legal practitioners (2%), Cooperation Partners and Agency Agreement partners (1%).</li> <li>Provision of quality legal services was ensured through quality interventions including training programmes; legal research and support programmes; mentorship and supervision; and assessments conducted by the Legal Quality Assurance Unit (LQAU). Quality monitoring of legal services delivery through the LQAU yielded positive results, with all categories of internal legal practitioners exceeding the quality targets for both file audit and court observation scores.</li> <li>Sound financial management resulted in 99% of allocated budget being utilised.</li> <li>The entity received an unqualified audit opinion in the 2023/2024 financial year.</li> <li>Legal Aid SA Act (39 of 2014) fully operational.</li> <li>Maintained a high recruitment level of 95.1% and low turnover of 5.3%.</li> <li>Women comprise 57.9% of the workforce and female legal staff comprise 54.9% of the internal legal workforce. Surpassed the target for women in Senior Management, achieving 48.3% against a target of 45.2%. Recruited 313 women Candidate</li> </ul>



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				<p>Attorneys (CAs) in 2023/2024 financial year which is 63% of the 494 total CA recruits.</p> <ul style="list-style-type: none"> <li>• Accredited as a Top Employer for the 15 th consecutive year by the Top Employer Institute.</li> <li>• IT platform remained stable, with a system availability of 98%. Penetration testing, security audits and mandatory organisation-wide cybersecurity training for all staff contributed to the building of a resilient cyber environment.</li> <li>• Legal information and education were provided to the public through community outreach events and the use of digital, print and broadcast media, including a targeted social media presence, all aimed at empowering and educating citizens about Legal Aid SA's services.</li> </ul>
Special Investigating	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.	489 839	489 839	<ul style="list-style-type: none"> <li>• R1. 692 billion of potential cash and/or assets recovered.</li> <li>• R2. 285 billion of actual cash and/or assets recovered</li> <li>• R2. 137 billion of contract(s) and/or administrative decision(s)/action(s) set aside or deemed invalid</li> <li>• R2. 327 billion of potential loss prevented</li> <li>• 297 referrals made for disciplinary action against officials and /or executives</li> <li>• 190 referrals made for administrative action</li> <li>• 583 referrals made to the relevant prosecuting authority</li> <li>• 1919 investigations closed under a published proclamation</li> <li>• R4 809 billion of matters in respect of which evidence was referred for the institution or defence/opposition of civil proceedings</li> <li>• 43 cases issued in the Special Tribunal</li> <li>• 26 reports submitted to the Presidency</li> <li>• 100% allegations centrally registered for electronic tracking</li> <li>• 100% centrally registered allegations assessed by the Assessment Committee</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 (excluding public entities), higher education institutions, public corporations, private enterprises, foreign governments, non-profit institutions and households.

This section also provide information on funds budgeted to be transferred, but the transfers not being made and the reasons for not transferring funds.

The table below reflects the transfer payments made for the period 1 April 2023 to 31 March 2024

Name of transferee	Type of	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	357 261	357 261	-
The South African Human Rights Commission	Constitutional entity	To promote and monitor the observance of human rights in South Africa.	No	208 344	208 344	-
Municipalities	Municipalities	Renewal of vehicle licence disks	N/A	815	815	-
South African Revenue Services	National public entity	Fines and penalties	-	-	-	-
International Criminal Court	Foreign government and international organisations	Annual subscriptions	N/A	17 659	17 659	-
Hague Conference on Private International Law	Foreign government and international organisations	Annual subscriptions	N/A	1 630	1 630	-
International Institute for the Unification of Private Law	Foreign government and international organisations	Annual subscriptions	N/A	442	442	-
South African Broadcasting Corporation Limited	Major public entity	Annual payment made to the SABC to obtain/renew a television licence.	N/A	85	85	-
Households	Households	Payments for leave gratuity	N/A	73 226	73 226	-
Households	Households	Claims against the state	N/A	27 145	27 145	-
Safety and Security, Sector Education & Training Authority	National public entity	Payments for training in the public service	N/A	29 827	29 827	-

## 6. CONDITIONAL GRANTS

### 6.1. Conditional grants and earmarked funds paid

There were no conditional grants paid by the department.

### 6.2. Conditional grants and earmarked funds received

There were no conditional grants received by the department.

## 7. DONOR FUNDS

The following information presents the donor funds.

Name of donor	European Union (PLEAJ PROJECT)
Full amount of the funding	R54 960 000
Period of the commitment	Three years termination 31 March 2026
Purpose of the funding	<p>The general aim of PLEAJ is to contribute towards the Government of South Africa's programmes for eradicating poverty, promoting inclusive growth, reducing inequality, and improving access to justice to vulnerable, rural communities.</p> <p>Specific Objectives:</p> <p>Vulnerable and marginalised, rural communities in the selected provinces in South Africa:</p> <ul style="list-style-type: none"> <li>• have access to free, basic legal advice and other services offered by Community Advice Offices (CAOs)</li> <li>• possess broad knowledge of their constitutional rights</li> <li>• and participate as active citizens towards their socio-economic development.</li> </ul>
Expected outputs	<p>When this project is completed, the DoJ&amp;CD hopes it would have:</p> <ul style="list-style-type: none"> <li>• Developed and strengthened the capacity of (selected) CAOs – and CAO sector – and improved operations and systems to deliver free, basic legal advice and other justice services to vulnerable, rural communities;</li> <li>• Empowered CAO's client communities through the provision of legal advices, empowerment programmes, and other justice services; and</li> <li>• Developed a policy framework for sustainability of CAO sector.</li> </ul>
<b>Actual outputs achieved</b>	
Amount received (R'000)	• R15 276 667 (GBS)
Amount spent by the department (R'000)	• R15 276 667
<b>Reasons for the funds unspent</b>	
Monitoring mechanism by the donor	Results-oriented monitoring; Quarterly progress reports submitted; Periodic meetings of the PSC; Annual progress reports, technical and financial reports prepared at the end of the year; Work plan. Ghant chart, Narrative and Financial Progress report, Project Plan, Business Plan, ToR, Asset register, Risk register.

## 8. CAPITAL INVESTMENT

### 8.1. Capital investment, maintenance and asset management plan

The provisions and maintenance of office and court accommodation are the responsibility of the Department's Facilities Management Unit. This is achieved by means of Infrastructure Management, which involves the construction of new courts and the expansion of existing

facilities, or by Property Management, which entails leasing of premises for the purpose of offices or courts. As the custodian of government immovable assets, the Department of Public Works & Infrastructure (DPWI) oversees the execution of all these services. The DoJ&CD serves as the fund holder of facilities and infrastructure programme servicing the DoJ&CD, NPA, OCJ, State Attorney, and Masters of the High Court.

The responsibility for routine capital maintenance of all government owned immovable assets is with DPWI and the fund holder. The DoJ&CD finances capital projects through its budget, which has steadily decreased over the years and has had a negative impact due to inadequate maintenance of government facilities.

The capital budget allocation for the fiscal year 2023/24 amounted to R589,303 million. The budget was reduced by R117,462 million as part of the National Treasury budget cuts. The newly adjusted allocation for the capital budget amounts to R471,855 million.

Several projects have been registered with DPWI by the Department for implementation. These initiatives are classified into project phases, such as feasibility, planning, implementation, and completion. The majority of projects experience delays at the feasibility stage owing to town planning relating to site clearance certificates.

The infrastructure projects are multi-financial years and projects under implementation will continue in the next financial year.

#### Infrastructure projects that are currently in progress

Project Name	Progress
1. Limpopo High Court: Construction of a new building including additional parking	The additional parking structure was completed in February 2018. Integration (network, security and BMS) of the Court block 'A', Administration block 'B' and the Parkade remains outstanding and it will form part of the TFMS scope. The TFMS roll out will take place in 2024/25 financial year.
2. Mpumalanga High Court: Construction of a new building	The High Court was completed in May 2019 with secondary access road on Samora Machele Drive. The High Court was officially opened on 8 November 2019 by the President of the Republic. The primary access road tender was awarded to Thenjwa Engineering & Projects. Overall progress to date is 81%. The perimeter wall fencing, guard house, boom gate, turn stile, street lights, and land scaping are still under construction. The contractor was terminated as of June 2023. Another contractor to be appointed by IDT to complete the primary road. The TFMS roll out will take place in 2024/25 financial year.
3. Limpopo: Thohoyandou High Court: Repairs and Renovations	The court is scheduled to undergo a Repair and Renovation (R&R) project undertaken by the DPWI by the April 2023. The contractor is expected on site in May 2024.
4. KwaZulu Natal: Durban High Court: Additional accommodation and refurbishment	The project will be done in phases and is expected to be completed in November 2025. The project has progressed to 63% completion. Parking and admin building are progressing well.
5. KwaZulu Natal: PMB High Court: R&R and Additional Accommodation	The PMB HC is scheduled for repair and renovation the scope of which was compiled by IDT. A PI was issued for the installation of a generator for the court. A PEP is expected from the region
6. KwaZulu Natal: Durban Labour and Labour Appeals Court	The DPWI are still in engagements with the Department of Defence (DoD) to acquire the property located on Anton Lembede Street in the High Court Precinct. The LLAC will remain at the MTN Building and DPWI will continue with all maintenance and repairs required to ensure that the court is functional.

#### Highlights on refurbishment and upgrading projects

1. Minor Capital Work  
DPWI has increased the delegation from R100 000 to R1million per incident. The increase in the threshold allowed the provinces to execute minor works and improving the court conditions, e.g. partitioning, paintwork, carports, carpets, tiling, paving, etc.
2. KwaZulu Natal Port Shepstone Magistrate Court construction of a new building project was completed in February 2024.
3. Limpopo Polokwane burnt Magistrate Court project was completed in March 2023
4. Palace of Justice security upgrade project was completed in August 2023
5. Gauteng Justice College refurbishment project was completed in March 2024

Project Name	Progress
7. Eastern Cape: Bisho High Court: Refurbishment and additional accommodation	Tender advert closed on 24 January 2023. Project is currently under adjudication.
8. Gauteng: Constitutional Court	Approval has been granted by DoJ&CD for the replacement of the generator. The existing unit generator will be upgraded to a larger capacity unit. DPWI has issued a procurement instruction for the generator and procurement processes are underway.
9. Mpumalanga: Middelburg Local Seat	Phase one, phase two and phase three have been completed in November 2022. DPWI to proceed with the R&R project as an interim measure to address the roof repair, electrical system and sewer repairs.
10. Gauteng: Pretoria Magistrate's Court: Refurbishment of Burned Building	The initial contractors progress on the project was 37% and the current replacement contractor has made 32% progress to date. The anticipated practical completion is in August 2025
11. Gauteng: Soweto Magistrate's Office: Construction of a new court	The project has been registered with DPWI but there has been lack of progress due to unavailability of suitable land for construction. The land was identified by DPWI which belongs to the City of Johannesburg; Dlamini Erf 1802. DPWI is engaging COJ on the land matters.
12. Gauteng: Orange Farm land acquisition:	The identified land will be sub-divided for both government and ZCC church. DPWI is busy with sub-division of the land.
13. North West: Ga-Rankuwa Magistrate's Office: Additional Accommodation	The R&R project is ready for sketch plan. Planning for additional accommodation will commence once the site has been cleared stallation of a generator for the court. A PEP is expected from the region
14. Gauteng: Mamelodi Magistrate's Office: Construction of a new building	The project progress stands at 73%. The contractor on site has been terminated, this court has been handed over to DBSA as an implementing agent.
15. Gauteng: Soshanguve Magistrate's Office	Soshanguve Magistrate's Office: The project is at 89% complete. Anticipating completion by August 2024.
16. KwaZulu Natal: Vulamehlo Magistrate's Court: Repairs and Renovations to office buildings	Construction progress on site is 92% complete. The contractor was terminated on 11 August 2023 for non- performance. A replacement contractor will be appointed by DPWI.
17. Eastern Cape: Mqanduli burnt Magistrate's Office: Additional accommodation	The need certificate for the construction of a new court was submitted to DPWI. Project is currently at sketch planning and concept designs.
18. Eastern Cape: East London: Old SARS Building	The tender was re-advertised and closed on 15 June 2021. The project is currently on 96% construction progress.
19. North West: Klerksdorp/ Jouberton Magistrate Office: Additional Accommodation	The project is at 27% complete. Practical Completion is anticipated in November 2024.
20. North West: Rustenburg Magistrate's Office: Refurbishment and additional accommodation	The site was handed over to the contractor on the 22 September 2022. The project is implemented in four phases. Phase one is at 67% complete and the overall progress is 22%.



The Department through Facilities Management unit is responsible for the maintenance of service points/ offices and court buildings. In leased accommodation facilities, the maintenance is the responsibility of the landlord as per the lease agreement.

The Department engages the maintenance facility in two distinct categories: day-to-day maintenance and scheduled maintenance. The Provinces of the Department administer the day-to-day maintenance, while the Department of Public Works and Infrastructure (DPWI) is responsible for carrying out scheduled maintenance.

Funding is distributed annually to DOJ&CD Provinces for the purpose of carrying out routine repair and upgrading of infrastructure. The day to day maintenance allocation deals with occurrences of operational failures on a daily basis. Day-to-day maintenance include maintenance tasks that are unexpected in nature, such as plumbing blockages, toilet repairs, burst water pipes, and shattered window glass.

The Provincial allocations for Facilities Management (Day to Day Maintenance and Upgrading of Infrastructure) for 2023/2024 are as follows:

NO.	REGION	ALLOCATION AMOUNT	EXPENDITURE
1.	Eastern Cape	R 7 534 000	R 2 355 871.87
2.	Free State	R 2 666 000	R 2 691 606.58
3.	Gauteng	R11 144 000	R15 548 343.72
4.	Kwa Zulu Natal	R 4 112 000	R 8 886 935.24
5.	Limpopo	R 4 133 000	R 731 681.55
6.	Mpumalanga	R 3 573 000	R 5 393 768.69
7.	North West	R 5 510 000	R 5 705 190.55
8.	Northern Cape	R 2 215 000	R 2 597 402.43
9.	Western Cape	R 2 817 000	R10 035 020.78
<b>TOTAL BUDGET</b>		<b>R43 704 000</b>	<b>R53 945 821.41</b>

To facilitate the Provinces in promptly addressing day to day maintenance issues at the court level, the Department is using the term contracts method for three essential areas: general construction, wet works (plumbing), and fire services. The primary emphasis of the fire services term contract will be on the supply and maintenance of fire control equipment. This is a focus area given recent burning of courtrooms and buildings in general. One significant determinant in these occurrences is the malfunctioning and neglected maintenance of the equipment. The term contracts will be piloted in all provinces.

The planned maintenance is particularly aimed at significant repairs and renovations. In order to implement these projects, DPWI utilises the services of various implementing agents such as Development Bank of SA (DBSA), Coega Development Corporation (CDC), and the Independent Development Trust (IDT).

DOJ&CD is funding a portion of the planned maintenance through the user accommodation charges devolved budget. DOJ&CD was previously using its budget to assist DPWI in carrying out the maintenance requirements. However, due to budget cuts, the department is unable to effect

planned maintenance on all of the facilities. DOJ&CD is assisting DPWI by co-funding projects where there are user specific requirements, e.g. security installations, ICT, air conditioners and generators.

A budget of R128 508 million has been allocated by DPWI to carry out 129 maintenance projects on DOJ&CD facilities. The consultants and contractors are included in the allocated budget. Projects are at different phases, such as 26 at feasibility, 66 planning, 16 execution and 21 completion.

The following is the summary of the portfolio of planned maintenance projects across the country:

- 1. Mount Frere Magistrate's Office:** Condition based maintenance: The project progress still stands at 68%. DPWI has finalised the scope for mechanical engineering. The contractor was terminated and the project will be re-advertised.
- 2. Lusikisiki Magistrate's Office Condition Based Maintenance:** The progress on site is at 98%. The contract was terminated on 12 February 2020. Replacement contractor was handed over on 09 November 2022. The contractor has continued with the

construction activities and progressing well. Practical Completion is anticipated in April 2024.

3. **Elliot Magistrate's Office:** Repairs and Renovations: Coega is busy with the project scope. Planning and funds were confirmed by DOJ&CD. Co-funding for the repairs and maintenance with the additional capital scope items has been confirmed with DPWI to continue with implementation. The site clearance certificate for the project has been completed.
4. **Mt Fletcher Magistrate's Office:** Repairs: The project achieved sectional practical completion. Contractor was given a notice of termination due to non-performance. Contract was cancelled on 7 October 2021. Tender was re-advertised in September 2022 and under adjudication. Site handed over to the replacement contractor on 07 February 2024, the anticipated completion date is November 2024.
5. **Umlazi Heritage:** Repair and Renovation to office building: Phase one, two and three are completed. Phase 4 the contractor is attending to snags before beneficial occupation can be granted.
6. **Messina Magistrate's Office Repair and Renovations:** Installation of fire equipment to comply with Building Regulations, drilling and equipment of borehole: The contract was terminated due to poor performance. The project is to be re-advertised.
7. **Groblersdal Magistrate's Office:** Repair and Renovations of Building: The contractor was terminated in May 2019. The project is to be re-advertised.

8. **Atteridgeville Magistrate's Court:** Full R&R project was registered with DPWI for repairs on the roof. Procurement instruction was issued on 20 February 2023. The project is at planning stage.
9. **Boksburg Magistrate's Court:** Tender documents are ready. Project is estimated to be advertised in May 2023. The project was advertised in July 2023 and the bid evaluation process was finalised February 2024, DPWI is in the process of appointing a contractor.

The maintenance projects are financed by DPWI in accordance with the mission of GIAMA. The adjusted capital expenditure allocation for 2023/24 amounted to R471,855 million. The allocated budget has been used for the purpose of planning, monitoring, executing, and finalizing ongoing building projects.

The ongoing execution of projects such as Mamelodi, Mpumalanga HC access road, Durban HC, Jouberton, Kroonstad, Soshanguve, Vulamehlo, Rustenburg, and East London Old SARS Building will continue according to the approved plans. Further developments now in the planning phase include Thohoyandou HC, Jan Kempdorp, Keimoes, and Poffadder.

Provincial governments are using the R1 million delegation barrier to handle the maintenance backlog and undertake new modest capital projects.

Infrastructure projects	2023/2024			2022/2023		
	Final Appropriation R'000	Actual Expenditure R'000	(Over)/Under Expenditure R'000	Final Appropriation R'000	Actual Expenditure R'000	(Over)/Under Expenditure R'000
New and replacement assets	453 021	453 021	-	471 638	471 638	-
Existing infrastructure assets	43 948	43 948	-	54 155	54 155	-
- Upgrades and additions	1 263	1 263	-	4 334	4 334	-
- Rehabilitation, renovations and refurbishments	-	-	-	-	-	-
- Maintenance and repairs	42 685	42 685	-	49 821	49 821	-
Infrastructure transfer	-	-	-	-	-	-
- Current	-	-	-	-	-	-
- Capital	-	-	-	-	-	-
<b>Total</b>	<b>496 969</b>	<b>496 969</b>	<b>-</b>	<b>525 793</b>	<b>525 793</b>	<b>-</b>



FANTILE RICHARD



MAPHUMULO  
SMIANGA



MADIALA  
TABULANI



MKHIZIE  
ERNEST



MTHETHWA

ENGLISH:

This building was officially opened on  
21 March 2004 by the President of the  
Republic of South Africa, Mr T.M. Mbeki.

XHOSA:

Esil sakhiwo ehlulwe ngokusekweni  
ngowama 21 Matshi 2004  
nguMongameli we Rhiphabliki  
yoMzantsi Afrika, uMnu. T.M. Mbeki.

ZULU:

Le



The background of the slide is a photograph of a wooden wall. On the left, there are vertical wooden planks with intricate carvings, including what appears to be a large letter 'P' and some script. On the right, there are horizontal wooden planks. In the bottom right corner, a portion of a book is visible, with text that includes 'AFRICAN INSTITUTE OF', 'AWARD FOR EXCELLENCE', and 'THE NEW CONSTITUTIONAL COURT'.

# PART C

## GOVERNANCE

## 1. INTRODUCTION

The department's dedication to upholding the utmost levels of governance is essential for effectively managing public funds and resources. Users want confirmation that the department has well-established governance frameworks to properly and economically use state resources. The department supervises the implementation of effective and efficient controls, followed by ongoing monitoring, evaluation, and assessment of procedures to reduce recognised strategic and operational risks. To enhance the promotion and enhancement of ethical principles within the department, risks are recognised and effectively handled across the organisation. The goal is to reduce operational losses and maximise operational efficiency.

## 2. RISK MANAGEMENT

The department has developed the Risk Appetite and Tolerance Framework in order to create an environment within DoJ&CD that will effectively address and monitor risk exposures. The process included consultation with all branches and relevant governance structures (Risk Management Committee and EXCO). The Risk Appetite and Tolerance Framework will guide the department in ensuring that risks are dealt with at an acceptable level. It acts as a key bridge between the DoJ&CD's strategy and its risk management framework.

The department has an approved Risk Management Policy and Strategy, which communicates the department's risk management philosophy and approach in the context of how risk management is expected to support the department in achieving its objectives and embedding risk management culture across the department. In addition, the department has conducted operational risk assessments and fraud risk assessments across multiple provincial offices, with the goal of enhancing the department's performance and identifying emerging risks.

Throughout the financial year, the Risk Management Committee convened four times. This committee plays a pivotal role in advising the management on the comprehensive risk management framework, with a focus on the mitigation of risks at levels deemed unacceptable. The Risk Management Committee was presented with quarterly risk management reports. These reports serve the purpose of monitoring, advising, and bolstering the efficacy of risk management practices within the department.

Noteworthy progress has been observed in risk management, which is reflected in the enhanced performance of the department. The Risk Management Committee has been strategically integrated within the Office of the DDG: Institutional Development Support, ensuring that risk management remains a perpetual agenda item during executive committee meetings.

## 3. FRAUD AND CORRUPTION

The department has a well-established Ethics Management Strategy that is implemented by different units with the primary objective of enhancing good governance. The Ethics Management Strategy is in accordance with the Anti-Corruption and Ethics Management Policy and the overarching National Anti-Corruption Strategy.

Existing procedures include the use of the Protected Disclosure Policy to report unethical behaviour such as fraud and corruption, as well as other government channels such as the National Anti-Corruption Hotline.

The department has established internal resources to address alleged instances of fraud and corruption, including claims of conducting business with organs of the state. The internal Forensic Audit unit is responsible for ensuring investigations into such allegations as they are reported directly, through Auditor-General audit findings, line management or via the national anti-corruption hotline.

## 4. MINIMISING CONFLICT OF INTEREST

Conflict of interests is minimised through the implementation of preventative measures that include compliance with the Financial Disclosure Framework, probity of Supply Chain Management Nominated Bid Committee members before they are appointed, compliance with the Recruitment and Placement Policy before employing persons into the department, vetting of employees in accordance with their access to the department or government information, as well as ensuring that audit findings regarding allegations of conducting business with organs of the state are thoroughly dealt with.

The department has implemented an annual programme in which each province is mandated to conduct ethics awareness activities. These activities encompass raising awareness about the Financial Disclosure Framework,



prohibiting business transactions with government entities, engaging in other remunerative work outside the department, implementing physical security measures, ensuring information security, conducting evacuation drills, addressing risks, and promoting ethical behaviour.

## 5. CODE OF CONDUCT

Chapter 2 of the Public Service Regulations outlines the requirements that all employees are required to comply with to promote a high standard of professional ethics. The department has put in place an anti-corruption pledge as contemplated in regulation 13 of the Public Service Regulations, wherein employees are required to sign and commit themselves to abide. Any breach of conduct is reported to the relevant labour relations office and where unethical conduct is established, the relevant line manager is responsible to ensure that the employee's behaviour is corrected.

## 6. HEALTH, SAFETY AND ENVIRONMENTAL ISSUES

The department is dedicated to ensuring a secure and conducive working environment for all employees, including judiciary and prosecution personnel, as well as stakeholders and members of the public who have access within the department's premises. This is achieved through the implementation of a Safety, Health and Environmental Risk (SHER) Management System, which is closely monitored and evaluated to continuously enhance the system and effectively manage workplace health and safety risks.

The department can effectively oversee the adherence to SHER Policy and Procedures at all service delivery points, in accordance with the Occupational Health and Safety Act and Regulations (Act 85 of 1993, as amended).

The department systematically identifies hazards at work via SHER inspections carried out by both the national office and provincial offices. A total of 48 SHER inspections were done by the national office in addition to the inspections undertaken by the provinces.

The national office surpassed its yearly objective of 18 SHER inspections for the 2023/2024 financial year by 30 inspections. The purpose of this performance indicator is to help the department take proactive measures to reduce and mitigate the adverse effects that may arise from occupational health and safety hazards/risks. It also aims to enhance compliance with legislation in order to prevent unnecessary legal action against the department.

The department actively fosters a culture of a healthy and secure working environment through the implementation of SHER awareness sessions. The national office conducted a total of 17 SHER awareness sessions across various provinces. Additionally, the provinces also conducted their own SHER awareness sessions, with a total attendance of 185 officials.

In a quest to capacitate officials to effectively manage the occupational health and safety incidents and respond effectively to emergencies at the workplace, a total number of 80 officials from the national office were trained in first aid, fire fighting and evacuation courses during this financial year.

## BUSINESS CONTINUITY MANAGEMENT

Business Continuity Management (BCM) is a proactive approach that allows the department to identify and design mechanisms to reduce or minimise the severity of potential impacts on its strategic goals, operations, and infrastructure. Business Continuity Management ensures that the department can maintain essential business activities and prioritise operations in the event of any disruptive incident, in accordance with key legislation such as the Constitution of the Republic of South Africa of 1996, Disaster Management Act, No. 57 of 2002, Disaster Management Framework of 2005, Occupational Health and Safety Act, No. 85 of 1993, and Public Finance Management Act, No. 1 of 1999, as amended, among others.

Business Continuity Management guarantees that in the case of an operational disruption, there are measures in place to not only reduce the impact of such incidents but also to enable the recovery and continuation of operations within the specified time frames of all essential activities and their stakeholders. Similar to other national government departments, this department has to strategise for several hazards, such as limitations in energy supply, water scarcity, enhancing personnel skills, transitioning to cloud technology, and constructing new court infrastructure.

In order to sustain the BCM culture, the following business continuity activities were carried out, which clearly expressed the strategic objectives:

- a) Twenty officials across the department were trained in a five-day ISO 22301 Lead Implementer Course from 13 November 2023 to 17 November 2023 offered by Pearly Ways Consulting and accredited by PECB University;

- b) Fourteen BCM awareness sessions were conducted in the department and 178 officials from Mpumalanga, North West, Free State, Western Cape and Gauteng provinces attended, during the financial year 2023/2024;
- c) Six hundred BCM posters were also distributed to all nine provinces during the financial year 2023/2024;
- d) Twenty-Six BCM assessments were conducted in 19 Magistrate offices situated in the North West Province, the Office of the Chief State Law Advisor Office in the Western Cape, and the Provincial Office: Johannesburg in Gauteng, during the financial year 2023/2024;
- e) Consolidated BCM Implementation Report was presented to the Risk Management Committee.
- The department delegated officials to attend a workshop on “lessons learnt from COVID-19 for understanding and managing systematic risks in South Africa” at the National Disaster Management Centre, which was done in collaboration with the Southern African Development Community (SADC), Global Initiative Disaster Risk Management (GIDRM), the United Nations University and Institute for Environment and Human Security.
- The department takes pride to keeping abreast on the latest advancements in disaster risk reduction methods via its participation in the National Disaster Management Advisory Forum. The Department of Justice and Constitutional Development has received approval for its Disaster Management Plan (DMP) and is prepared to execute it in the next financial year.

## 7. PORTFOLIO COMMITTEES

The DoJ&CD appeared before the following Parliamentary Committees to brief Parliament on various issues between 1 April 2023 and 31 March 2024. The table below includes details of meetings relating to the DoJ&CD, National Prosecuting Authority and Office of the Legal Service Ombudsman.

Item No.	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	03 May 2023	DoJ&CD Annual Performance Plan and Budget 2023/2024; with Deputy Minister	The Portfolio Committee raised concerns regarding the removal of certain indicators and reduction of some of the targets in the 2023/2024 Annual Performance Plan (APP). As a result, they could not approve the department's 2023/2024 APP.	The department revised its 2023/2024 Annual Performance Plan to re-introduce the affected indicators and increase the targets in line with the Portfolio Committee recommendations.
2.	Portfolio Committee on Justice and Correctional Services	12 May 2023	DoJ&CD Annual Performance Plan and Budget 2023/2024; with Deputy Minister	<p>1. DoJ&amp;CD reduction of targets: The department presented its revised 2023/2024 APP prior to tabling and there were no matters raised and the plan was approved by the Portfolio Committee.</p> <p>2. NPA 2023/2024 Annual Performance Plans: The committee raised a notable question about the official recognition of the Investigating Directorate (ID) as a permanent entity, as well as progress in prosecuting matters coming from the Zondo Commission</p>	<p>The NPA reported it is working together with the DoJ&amp;CD on legislative reform to be considered by Parliament before it is raised in the current year to ensure that the ID within the NPA is established as a permanent entity, as the President announced.</p> <p>The committee was informed that South Africa's grey listing by the Financial Action Task Force (FATF) is a top priority for the NPA and its partners. The entity has been working closely with law enforcement agencies to do everything possible to ensure that South Africa is taken off the grey list as soon as possible, which will reduce the costs of doing business in our country, as one of the benefits.</p>

Item No.	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	12 May 2023	DoJ&CD Annual Performance Plan and Budget 2023/2024; with Deputy Minister	and Nulane cases, which had been the presumed source of distrust in the NPA by the general public.	<p>It was further highlighted that there has been a successful turnaround in returning the NPA to a period of institutional growth and stability. The entity had seen an upward trajectory in its annual performance in the past three years, from 50% in the 2020/21 financial year to 71% in the 2021/22 financial year, to 75% in 2022/2023. The entity will do all that it can to make sure that the trajectory continues the upward trend.</p> <p>It is focusing again on identified prioritised high-impact driven prosecutions. Although it cannot do everything, it knows about the type of prosecutions that will enhance its credibility and show that accountability and the rule of law are part of its strategy for its road to recovery.</p> <p>The NPA is selecting high-impact cases for prosecutions as it did last year with the ID and the nine seminal cases. Another important aspect is that of asset recovery,</p>
3.	Portfolio Committee on Justice and Correctional Services	16 May 2023	DoJ&CS Employee Correspondence	The Committee noted the correspondence from concerned employees of the DoJ&CD outlining grievances that they had.	The department is yet to report back to the committee on the matter, following its decision to refer the matter to the minister to investigate and report back.
4.	Portfolio Committee on Justice and Correctional Services	17 May 2023	Judicial Matters Amendment Bill: DoJ&CD briefing; with Deputy Minister	<p><u>1. Judicial Matters Amendment Bill:</u> The PC queried whether the Office of Chief Justice and Public Works officials be summoned to court when the functionality of the courts is not effective. Regarding clause 6, they preferred enabling a simpler internal review and not necessarily judicial review when liquidators and executors ought to be appointed. The question was raised on what happened to usage of “cheques”.</p>	<p>1. The Deputy Minister's response was that courts could summon anyone they choose to call. The DGs summoned many people to give explanations for issues related to courts functioning. Courts could also summon Public Works if they so wish. High Courts could summon the Secretary of the Office of the Chief Justice. The department responded by saying that “cheques” were no longer in use and have been phased out.</p>
5.	Committee on Justice and Correctional Services	23 May 2023	Cannabis for Private Purposes Bill: public hearings	<p><u>Cannabis for Private Purposes Bill:</u> The PC conducted public hearings on the proposed commercialisation of hemp.</p>	The department officials attended the meeting as observers.
6.	Committee on Justice and Correctional Services	24 May 2023	Cannabis for Private Purposes Bill: public hearings	<p><u>Cannabis for Private Purposes Bill:</u> The PC held the second day of public hearings on the proposed commercialisation of hemp.</p>	The department officials attended the meeting as observers.

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7.	Portfolio Committee on Justice and Correctional Services	26 May 2023	Meeting with Justice and Correctional Services and the Minister of Public Works and Infrastructure on oversight issues	<p><u>Greater attention needed for maintenance of infrastructure:</u></p> <p>The committee raised concerns emanating from the recent visits to courts and buildings in several provinces. The visits continued to reveal the deplorable, even shocking, state of the department's buildings.</p> <p>The committee highlighted the detrimental and ongoing impact on court operations of crumbling, even dangerous, infrastructure. The department's attempt to address some of the challenges was acknowledged by the committee, for example, by engaging with DPWI to raise the delegation for day-to-day maintenance from R100 000 to R1 million per incident. However, it shared its disappointment that the Interdepartmental Service Level Agreement with the DPWI and Draft Guidelines for day-to-day Maintenance and Minor Capital works (2022/2023) are not yet signed after being presented to the committee. In the committee's view there are also systemic problems, which require an extensive rethinking of the way the state goes about seeing to the building of new infrastructure; repairing, renovating, and maintaining its existing structures; and procuring rental accommodation.</p>	<p><u>Capital projects:</u></p> <p>The department responded that it submits the User Asset Management Plan to National Treasury and DPWI over the MTEF. The templates are reviewed on a yearly basis. The templates indicate all the projects submitted for implementation to DPWI, the conditions of the facilities and how much it will cost the department to execute the projects.</p> <p>The department submits on a yearly basis the Estimated National Expenditure (ENE) report to National Treasury. The ENE is the tool used by National Treasury to allocate the budget over the MTEF for project implementation. The ENE is reviewed on an ad hoc basis, following the budget reviews. The Infrastructure Reporting Model (IRM) is also used to monitor project implementation, cash flow and expenditure reporting.</p> <p>Every third quarter and first quarter of the financial year, the department together with DPWI allocate budgets to the projects to be implemented and align the budget to the projects. In the current financial year, the department has 468 capital projects registered on the DPWI Works Control System. The projects are at different project statuses. 386 projects are at planning and design stage. This stage includes site identifications and appointment of consultants for designs. Five projects are at tender stage. These projects' designs have been completed and are advertised on open tenders. 34 projects are at construction stage, where service providers are appointed and on site. 43 projects are at completion stage, service providers have completed the works and facilities are ready for occupation and final account concluded.</p> <p>All the above projects were initiated by the provincial offices of project planning and implementation is monitored through platforms such as project meetings, JTT, FITT, REEC, PEEC, NEC, NCIP, RCPF and Client Liaison Forum.</p> <p><u>Planned maintenance projects:</u></p> <p>The planned maintenance projects are implemented by DPWI and funded by DoJ&amp;CD through accommodation charges budget. In the current financial year, the department has 139 planned maintenance projects registered on the DPWI Works Control System. The projects are at different project statuses. 95 projects are at planning and design stage. This stage</p>

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7.	Portfolio Committee on Justice and Correctional Services	26 May 2023	Meeting with Justice and Correctional Services and the Minister of Public Works and Infrastructure on oversight issues		<p>includes site clearances and appointment of consultants. Three projects are at tender stage. The planning of these projects has been completed and they are advertised on open tenders. 15 projects are at construction stage, where service providers are appointed and on site. 26 projects are at completion stage, service providers have completed the works and facilities are ready for occupation and final account concluded.</p> <p><u>Procurement of leased accommodation:</u> The Department of Justice procures office accommodation through DPWI as this function is not devolved to the users. In an MTEF period, the department submits its strategic accommodation requirements to DPWI in the form of a User Asset Management Plan. This requirement focuses on new and alternative accommodation. Where leases expire, the department submits its requirements to DPWI 18 months in advance to allow the procurement processes to unfold. Upon receipt of the requirements, DPWI verifies the needs certificate against the gazetted norms and standards, and commences with the procurement processes.</p> <p>Currently, the department is leasing 113 accommodation facilities across the country.</p> <p>South Africa's grey listing by the FATF is a top priority for the NPA and its partners. Of major importance is that this will provide the NPA with an opportunity to reflect on its collective interventions and strategies to deal with money laundering and terror financing.</p> <p>A substantial number of DNA reports were fast-tracked and the NPA, together with SAPS, particularly in the field of gender-based violence (GBV), aims to use this information to identify serial rapists.</p> <p>The NPA informed the committee of overspending in the compensation of employees in the 2022/2023 financial year for an amount of R60 million due to the cost-of-living adjustments. The Aspirant Prosecutor intake was thus impacted and could not proceed.</p>



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8.	Portfolio Committee on Justice and Correctional Services	2 June 2023	Land Court Bill: consideration of NCOP amendments; DoJ&CD Budget: Committee Report; with Deputy Minister	<p><u>1. Land Court Bill:</u> The department briefed the PC that the amendments that were proposed by the NCOP entailed technical, consequential and substantive amendments. The PC's main concern was about the role of assessors and their objectivity. Since assessors would be paid by the state, the independence of the judiciary would be compromised. The other main amendments concerned the jurisprudence on land matters between the High Court and the Land Court.</p>	<p>The department responded by indicating that those appointed as assessors will be required to take the prescribed oath before they assume their duties and that assessors should be informed that they are required to decide on questions of fact and not law.</p> <p>The Prevention of Illegal Eviction from Unlawful Occupation of Land Act (PIE Act) was being removed from the jurisdiction of the Land Court and remains to be dealt with in the high courts. The department agreed to remove the PIE Act from the jurisdiction of the Land Court, until such time as the court was fully capacitated to handle the many matters emanating from the PIE Act.</p>
9.	Portfolio Committee on Justice and Correctional Services	7 June 2023	Protected Disclosures Act Amendments to the Practical Guidelines for Employees	<p><u>1. The department briefed the PC on the proposed amendments to the Practical Guidelines for Employees.</u></p> <p>An issue was raised as to whether the officials of the Department of Education were covered by the act. A question was raised as to whether the department had considered amending the guidelines to give effect to some of the findings of the Zondo Commission. A proposal was raised to have a central phone number officials could call for the purposes of making disclosures, as opposed to various institutions having separate numbers. This was to also ensure that the department could conduct proper monitoring. A concern was raised about false disclosures or disclosures made in bad faith, against other employees.</p>	<p>The department explained that there were various routes whereby the disclosures could be made. The disclosures could be made to a legal representative, to an employer or minister or MEC of a province. Department of Education officials could therefore make disclosures to the minister, for instance.</p> <p>The department responded that a legislative project, relating to the act itself, was underway and the Zondo Commission recommendations would be considered in the course of this project.</p> <p>The department explained that this was not a matter that could be dealt with in the present guidelines. A body would need to be created, that would in turn establish such a call centre.</p> <p>The department acknowledged the importance of ensuring a central locality and mechanism for monitoring. The department explained that the issue of good faith disclosures was covered in the act, specifically in section 9(B). If a person disclosed false information they are guilty of an offence and are liable on conviction to a fine or to imprisonment for a period not exceeding two years or to both a fine and such imprisonment.</p>

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10.	Portfolio Committee on Justice and Correctional Services	13 June 2023	Judicial Matters Amendment Bill: public hearings; Committee Report on amendments to the PDA Practical Guidelines for Employees	<p><u>1. Judicial Matters Amendment Bill: public hearings:</u> Law Society of South Africa (LSSA): The LSSA complained about the current state of the Chief Master of the High Court and stressed that drastic action had to be taken to correct the current challenges. The PC sought clarity from LSSA whether it was dissatisfied with the leadership of the Chief Master or the office itself. The LSSA wrote to the minister and never received a response regarding the Office of the Chief Master of the High Court. The LSSA indicates that there was no response to their letter to the minister.</p> <p><u>2. PDA Practical Guidelines for Employees:</u> The Portfolio Committee considered and adopted a report on amendments that the department seeks to make to the Practical Guidelines for Employees.</p>	<p>1. The committee agreed with LSSA and committed to host a joint meeting with LSSA and the Office of the Chief Master in the third quarter. The committee undertook to prioritise the matter and the chairperson assured members that the matter will be attended to and further requested LSSA to furnish a problem statement by 20 July.</p> <p>2. The PC adopted the report.</p>
11.	Portfolio Committee on Justice and Correctional Services	14 June 2023	National Prosecuting Authority: discussion on increasing its efficiency	The committee noted the detailed report from the member of the PC.	The recommendations made on the report were noted.
12.	Portfolio Committee on Justice and Correctional Services	29 August 2023	Divorce Amendment Bill: Department briefing; Magistrates' and judges' salaries; with Deputy Minister	<p><u>1. Divorce Amendment Bill:</u> The PC raised the question as to why the bill was limited to Muslim marriages and not inclusive of other marriages such as Hindu or Jewish marriages.</p>	1. The department briefed the PC on the content of the bill. The department clarified that the ambit of the bill was restricted to the Constitutional Court judgment that gave rise to the bill which only dealt with Muslim marriages. The department also pointed out to the PC that the Department of Home Affairs was developing a comprehensive marriage bill which would impact on the Divorce Act, 1979.
13.	Portfolio Committee on Justice and Correctional Services	30 August 2023	Judicial Matters A/B: Department response to public submissions; Committee reports on salaries of magistrates & judges (with Deputy Ministers)	<p><u>1. Judicial Matters Amendment Bill:</u> Department response to public submissions</p> <p>Clarity on the usage of “may” and “must” was required. The PC remarked on JJS Prinsloo regarding section 57(2)(c)(i) which would potentially bring about “high volume offences”.</p>	<p>The department clarified that Claus 4 spoke to section 34 in the amendment and the word “may” had not been amended or inserted as it was in the act already. Without exercising discretion, many challenges might be experienced as a result. The department is of the view that section 57(2)(c)(i) should be deleted.</p>

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14.	Portfolio Committee on Justice and Correctional Services	05 September 2023	Cannabis for Private Purposes Bill: response to submissions; Judicial Matters A/B; with Deputy Ministers	<p><u>1. Cannabis for Private Purposes Bill:</u> The department provided the PC with its responses to the comments that were submitted in respect of the bill.</p> <p>Discussions in the PC primarily focussed on the commercialisation of hemp provision.</p> <p><u>2. Judicial Matters Amendment Bill:</u> Infrastructure challenges were highlighted and a question was asked whether the Department of Public Works be included in deliberations pertaining to infrastructure in the future as it is its mandate to address infrastructure issues. The question was raised whether the Provincial Head of the province, where the court was located, was sufficiently explicit in clause 11</p>	<p>1. The department indicated that it will recommend to the PC to instruct that the provision be removed from the bill. The commercialisation provision would be better dealt with in a legislation to be promulgated by, for example, the Department of Trade, Industry and Competition.</p> <p>2. The Deputy Minister responded by indicating that magistrates issued subpoenas in relation to infrastructure such as court recording technology or cameras not working. In that regard, Public Works was never subpoenaed for such infrastructure. However, he remarked that it was better to make the DoJ DG responsible for everything, as it was responsible for managing the court infrastructure.</p> <p>From an accountability point of view, it was better that the DoJ DG came in to address or speak about infrastructure and what Public Works was doing about it. The DG would have to ensure that DoJ&amp;CD had all the information, which it had to obtain from Public Works.</p> <p>The Deputy Minister replied that it was the Provincial Head of the Department of Justice in that province.</p> <p>The department further responded that further clarity would be required by revision of A-List to reflect the change to clause 11. The list would be updated and sent through the Bill would be updated to incorporate the change that the PC agreed</p>
15.	Portfolio Committee on Justice and Correctional Services	08 September 2023	Judicial Matters A/B: adoption; RICA Bill & NPA Amendment Bill: Department briefing; with Deputy Minister	<p><u>1. Judicial Matters Amendment Bill:</u> adoption The committee adopted the bill as well as the accompanying report.</p> <p><u>2. National Prosecuting Authority Amendment Bill:</u> Capacity and shortage of manpower. The PC wanted to know the department's plans to speed up the bill and address concerns raised. Lack of NPA investigating powers. The PC asked if the bill would close the gap and</p>	<p>1. The bill was adopted by the committee.</p> <p>2. The Deputy Minister indicated that the department was not setting up a new institution, but was beefing up what was already in place with the ID to address some of the problems raised.</p> <p>The capacity of the ID is being beefed up but requires larger discussions. He further remarked that Chapter 9 institutions are not a panacea, as had been proven by the report on the suspended Public Protector. The issues raised need to be debated, but the Anti-Corruption Council must first conclude its work.</p> <p>The department remarked that the mandate of the ID is to investigate money laundering cases including cases emanating from the Commission of</p>

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15.	Portfolio Committee on Justice and Correctional Services	08 September 2023	Judicial Matters A/B: adoption; RICA Bill & NPA Amendment Bill: Department briefing; with Deputy Minister	<p>address concerns regarding complaints about investigations. The PC further inquired if the bill covered crimes such as money laundering and international crimes which were not receiving attention.</p> <p>3. <u>RICA Amendment Bill: Briefing</u> The PC expressed its concern that it did not have enough time to process the bill due to the deadline imposed by the Constitutional Court.</p>	<p>Inquiry into Allegations of State Capture. 3. The department briefed the PC on the bill, among others, indicating that the bill emanates from a Constitutional Court judgment.</p> <p>The department responded to the PC concern by indicating that the bill was of a highly technical nature and that the branch was experiencing capacity problems.</p>
16.	Portfolio Committee on Justice and Correctional Services	12 September 2023	Cannabis for Private Purposes Bill: proposed amendment; with Deputy Minister	<p>1. <u>Cannabis for Private Purposes Bill</u>: Proposed amendment The PC discussed and approved its interim report on the Cannabis for Private Purposes Bill.</p>	<p>1. The department observed the proceedings and then presented the proposed amendments to the bill to the PC based on previous discussion held in the PC.</p>
17.	Portfolio Committee on Justice and Correctional Services	19 September 2023	Implementation of Zondo Commission recommendations: DoJ&CD & SIU input (with Deputy Minister)	<p>1. The Committee expressed the following concerns:</p> <ul style="list-style-type: none"> <li>The disconnect between the remarks of the Zondo Commission on the importance of dealing with and establishing an independent NPA versus the envisaged work by the DoJ&amp;CD and the government as set out in the presentation.</li> <li>Protection of whistle-blowers, which was crucial.</li> </ul> <p>The committee did not understand why the DoJ&amp;CD was waiting for a support letter from the Minister of Transport, which held back progress on the Passenger Rail Agency of South Africa (PRASA) special commission of inquiry.</p>	<p>1. The department indicated that:</p> <ul style="list-style-type: none"> <li>To address concerns with respect to the independence of the NPA, legislative amendments would be introduced to establish greater transparency and consultation in the process for selection and appointment of the NDPP, drawing on the process adopted for the selection of the current NDPP. Work would be undertaken to clarify the minister's "final responsibility" over the NPA as set out in section 33 of the NPA Act and settle aspects related to the NPA's financial and administrative independence. The DoJ&amp;CD is in the process of developing a framework for engagement to enhance coordination at both strategic and technical levels. The draft document will be finalised by December 2023.</li> <li>The DoJ&amp;CD has commenced a review of the Protected Disclosures Act and Witness Protection Act to, among other things, give effect to the following recommendations: <ul style="list-style-type: none"> <li>Ensure whistle-blowers receive the protections afforded by section 32(2) of the United Nations Convention Against Corruption;</li> <li>The possible award of a proportion of funds recovered to the whistle-blower provided that the information disclosed has been material in recovering funds;</li> </ul> </li> </ul>

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17.	Portfolio Committee on Justice and Correctional Services	19 September 2023	Implementation of Zondo Commission recommendations: DoJ&CD & SIU input (with Deputy Minister)		<ul style="list-style-type: none"> <li>Whistle-blowers be afforded immunity from criminal or civil action arising from honest disclosures.</li> </ul> <p>The review, which would include consultation with stakeholders and the National Anti-Corruption Advisory Council (NACAC), would be completed by the end of April 2024.</p> <p>The discussion document was released in June 2023, with a closing date of 15 August 2023. Thus far, the DoJ&amp;CD has presented the discussion document to the NACAC, the Public Service Commission (PSC) symposium, the GIZ civil society engagement, and the Gauteng provincial government. The comments were being evaluated, whereafter the document would be enhanced with a view to guide the drafting of legislation, as required.</p> <p>The Presidency had set up a coordinating committee on the implementation of the Zondo Commission recommendations. The Department of Transport (DOT) sat on the established committee and in the previous meeting, it was impressed on the DOT that it needed to follow up on the support letter matter. The DoJ&amp;CD included the matter in its presentation, which was the responsibility of the DOT because a proclamation was required based on the support of the minister responsible for that area before the SIU could do anything. With PRASA being a part of the DOT, the process could only begin once the Minister of Transport and the accounting officer had committed, as there would be cost implications.</p> <p>Dr Loots presented an input to the PC on the work that was done with the view to the redrafting of the bill.</p>
18.	Portfolio Committee on Justice and Correctional Services	20 September 2023	Information Regulator concerns; with Deputy Ministers (DoJ&CD and National Treasury)	The committee deliberated extensively on the matters affecting the Information Regulator.	Both ministries will report back to the committee as per the commitment, on issues such as listing, and condition of service of the Information Regulator.
19.	Portfolio Committee on Justice and Correctional Services	10 October 2023	Overview of the department's annual reports (with Ministry);	1. AGSA expressed concern about the reliability of the department's performance information as material issues continued to be identified.	To address infrastructure problems, the department has been involved in ongoing engagements with the Department of Public Works and Infrastructure (DPWI), led by both ministers and the Chief Justice. Interventions have been implemented in the Potchefstroom and Mamelodi magistrate courts following these discussions.



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19.	Portfolio Committee on Justice and Correctional Services	10 October 2023	Overview of the department's annual reports (with Ministry);	<p>2. The committee was concerned with:</p> <ul style="list-style-type: none"> <li>AGSA findings that 16 out of 62 modernisation projects for the Integrated Justice System (IJS) Programme had been delayed.</li> </ul> <p>The poor state of many magistrate courts across the country flagged by AGSA. Infrastructure not meeting norms and standards. This was despite an actual expenditure amount of R630 million against a budget of R688 million.</p>	
20.	Portfolio Committee on Justice and Correctional Services	11 October 2023	DoJ&CD & NPA 2022/2023 Annual Report; Divorce Amendment Bill: G Hendricks MP briefing (with Deputy Minister)	<p><u>DoJ&amp;CD &amp; NPA 2022/2023 Annual Report:</u></p> <p>1. The committee expressed the following concerns:</p> <ul style="list-style-type: none"> <li>Regarding the AG's negative findings on the department's performance information and questioned its reliability.</li> <li>Why had the department recorded such a high staff turnover?</li> <li>The delay in filling vacancies in critical positions such as the Chief Master, the Solicitor-General (SG) and the Head of the Justice College. Members were especially concerned by the advert released by the department to fill the SG position, as the remuneration on offer was R900 000 less than the National Director of Public Prosecutions (NDPP), and qualifying candidates had to have at least five years of work experience in the government. Members even suggested that the</li> </ul>	<p>1. The department and NPA responded that:</p> <ul style="list-style-type: none"> <li>Most of those who had resigned had gone on to work in other government departments or to cash in on their pension. Nonetheless, the department admitted that it was struggling to attract highly skilled individuals to work for it.</li> <li>The work experience requirement for the SG position was in line with the government's recruitment policy.</li> <li>The delayed lawyers' payments were indeed a problem in the State Attorney Office. There has been an increase in the instances of overreaching by lawyers, with some charging the state 15 and 16 hours, despite a day fee being limited to 10 hours a day. The State Attorney's Office indicated that in this financial year, the SG has had to intervene in around 600 such matters.</li> <li>The NPA had enrolled criminal cases involving different companies and individuals and would continue to do so. However, it would be restricted in the number of cases it could investigate due to the lack of funding.</li> </ul> <p>2. The department officials observed and noted the presentation. The department to engage with Mr Hendricks before its meeting with the committee on the following day.</p> <p>3. On the issues related to the department's HR challenges, more than 98% of senior management, particularly in the executive</p>

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20.	Portfolio Committee on Justice and Correctional Services	11 October 2023	DoJ&CD & NPA 2022/2023 Annual Report; Divorce Amendment Bill: G Hendricks MP briefing (with Deputy Minister)	<p>entire advert had been drawn up solely to prevent other individuals from applying for the post, allowing for the current Acting SG to be appointed on a permanent basis.</p> <ul style="list-style-type: none"> <li>It had persistently received complaints that lawyers were not paid within 30 days, and were, on average, paid in 97 days.</li> <li>The NPA had to do more to eliminate the perception that it was selectively targeting individuals and companies for prosecution.</li> </ul> <p><u>Divorce Amendment Bill: G Hendricks MP briefing:</u></p> <p>2. The committee noted the Private Member Bill by Mr G Hendricks.</p> <p><u>Briefing on the DoJ&amp;CD's 2022-2023 APP:</u></p> <p>3. The cost-containment measures put in place may amount to nearly R1 billion over the MTEF, crippling service delivery. Had the department considered applying to the CARA Fund, which has a balance of R3.38 billion?</p> <p>4. The department to provide reasons on why the Chief Master, Deputy Director-General (DDG) of court services, the DDG of constitutional development, the Head of the Justice College and the SG positions had not yet been filled.</p> <p>5. What steps would be taken by the department to address the AG's finding that despite the fact that posts in the supply chain management (SCM) unit had all been filled it still did not comply with the Public Finance Management Act (PFMA)</p>	<p>committee, were appointed to their positions in January 2021. At present, the department has 17 000 employees across the country, with level 6 and 7 officials making up 60% of the total number. These officials are predominantly distributed across the courts as clerks. A turnaround plan has been adopted, which emphasises human capital development. The department met with nearly 400 law graduates who attained their legal qualifications through its bursary programme. Discussions were in place between the department and the SG to grant these graduates opportunities to undergo vocational training in January of next year for three years.</p> <p>4. In response to the question on why the DDG for court services position had been vacant since January 2022, it was highlighted that the position was advertised; interviews were then conducted, and a successful candidate was identified. The Department of Public Service and Administration (DPSA), as the department responsible for taking the appointment to the Cabinet for approval, found certain issues with the suitability of the candidate during the vetting process. Afterwards, the DoJ went back to the candidate to seek clarity on certain disclosures not made by the candidate. As such, the department had to re-advertise the post, with the newly proposed candidate's name now under the Cabinet's consideration for the following week.</p> <p>5. The DPSA has imposed a new requirement for candidates applying for senior management positions to have worked in the public service for a specific number of years. This requirement has made it difficult for the department to appoint a suitable candidate for the Chief Master position.</p> <p>6. The questions on the SG should rather be dealt with by the ministry. It was explained to members that the State Attorneys Amendment Act (SAAA), which was gazetted in 2014, was not implemented in the 5th government administration – this only began to occur in the 6th administration. The Minister of Justice reached out to the ministers of the DPSA and National Treasury to discuss the development of a State Attorney entity. Both ministers declined to support the DoJ's proposal. Due to this, the minister decided to operationalise the SAAA, which led to the establishment of the SG</p>

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20.	Portfolio Committee on Justice and Correctional Services	11 October 2023	DoJ&CD & NPA 2022/2023 Annual Report; Divorce Amendment Bill: G Hendricks MP briefing (with Deputy Minister)	<p>in relation to its procurement processes.</p> <p>6. What plans are in place to address the capacity constraints in the Legislative Drafting Unit due to the loss of several officials?</p> <p>7. The department to provide comment on the AG's finding regarding the number of backlogs faced by magistrate courts.</p> <p>8. What was the status of court recording technology, and the progress in settling on a long-term project to replace the current court technology used?</p> <p>9. The department to provide a breakdown of the R23 million granted to the department by the CARA Fund, including what it was used for, what programmes it went towards, and if all the money had been spent.</p> <p>10. What internal controls had been in place to make sure that money in the Guardian's Fund was not spent unauthorised?</p> <p>11. The department to provide the committee with a written list of where the 70 courts which had been made available to the public were based.</p> <p>12. Does the department have plans to increase the number of sign language interpreters who could assist deaf victims of gender-based violence during their cases?</p> <p>13. What employment programmes the department had rolled out to assist in the government's efforts to reduce unemployment? Why graduates could not be employed as data</p>	<p>Office.</p> <p>7. While the NPA Act was specific on how to remunerate the NDPP and Deputy NDPPs (DNDPP), the SAAA states that the remuneration levels for senior officials at the SG's Office must be done in line with the laws and regulations governing the public service. In 2015 the department received a report on a job evaluation done by the DPSA, however, it did not compare the salary rank between the SG and NDPP. As such, the minister proceeded to utilise a provision in the SAAA to appoint an Acting SG. Regarding the reasons for the Head of Justice College vacancy, the post was advertised with applications received. However, the department found that applicants did not understand that the college primarily dealt with legal and justice system matters. The advert then had to be corrected. A secondment agreement has been signed with the Special Investigating Unit (SIU) for one of its officials to run the college and urgently implement the Memorandums of Understanding the department has with international countries.</p> <p>8. It is the department's priority to address the lack of capacity at the Legislative Drafting Unit, and there is an internal engagement process of promoting certain officials in the unit. A cadetship programme is being considered to create an entry level for assistant state law advisors specialising in drafting.</p> <p>9. The department has an integrated case management system where cases are registered from a specific date. If the court case goes beyond a specific date it is automatically assigned a case backlog number. Reports are also produced on the case backlogs, which are broken down per province, court building and case.</p> <p>10. The department has looked into whether there was a recurring reason for the postponement of cases during its court case flow meetings. From the department's perspective, what needs to be enhanced is personnel, infrastructure, equipment and specialised administrative support, such as foreign language interpreters. Other relevant role players in resolving the case backlogs are the NPA, Legal Aid South Africa, the Department of Social Development, Department of Home Affairs and local government (as far as water and electricity are concerned).</p>

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20.	Portfolio Committee on Justice and Correctional Services	11 October 2023	DoJ&CD & NPA 2022/2023 Annual Report; Divorce Amendment Bill: G Hendricks MP briefing (with Deputy Minister)	<p>capturers to assist the department in digitising its files?</p> <p>14. The department to provide a progress report on what disciplinary action was taken against the senior official who was alleged to have beaten a woman.</p> <p>15. How the department's financial system allowed for duplicate payments to be made, or if these were acts of corruption by officials?</p> <p>16. Has the department erected a fence around the Bloemfontein Magistrate Court?</p> <p>17. Why the department had not been able to fill the five long-standing vacancies in its State Attorney Offices? Why the 100-day Challenge, which was hosted in Limpopo, was not being rolled out throughout the country? An opinion was raised that it forced officials to be creative in solving the challenges they experience in areas of criminal justice.</p>	<p>11. A framework has been put in place to guide the Justice, Crime Prevention and Security Cluster, and provincial and local governments on how to work together in reducing the backlogs. An important contributor to the backlogs was the court recording technology machines, with 90 out of the 2 000 machines continuously breaking down. As such, the department has placed its focus on fixing those broken machines, and once it has, the machines would be operating at 95–98% capacity nationally each day. A tender was advertised in September for the procurement of backup generators.</p> <p>12. The department was able to carry out its full audit on the state of all the court buildings, and elaborated that 170 courts were in serious need of maintenance. The R1 million delegations for day-to-day maintenance that have been approved by the DPWI are currently being implemented.</p> <p>13. The department was limited in its ability to provide security in the courtroom, as only SAPS and Correctional Services were allowed inside. However, it provides security around the courts in case of an escapee.</p> <p>14. The department found in the exit interviews that some officials resigned for new opportunities and others to access their pensions. Many of those who resigned later returned to the department.</p> <p>15. Regarding the vacancy of the Heads of Attorneys offices, the positions in Kimberley and Thohoyandou were converted from LP (salary level) 10 to Chief Director level, with the position in Mmabatho to be done once the position has been vacated.</p> <p>16. On the CRT, the department had short- to medium- and long-term plans for addressing its court recording machines, which include obtaining a support and maintenance contract to replace the current machines which have been extended on a month-to-month basis up until November 2023. This process was at the audit stage as the evaluation process had been completed. The department is also in the process of procuring a court recording audio-visual system, with the assistance of SITA, which will be integrated and have audio and video functionality. It will also enable the courts to function virtually.</p> <p>17. Regarding the application for CARA Fund, discussions are ongoing between the ministers in the JCPSC on measures to fight against illicit mining.</p> <p>18. On the department's challenges with its SCM Unit, the unit had improved,</p>

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20.	Portfolio Committee on Justice and Correctional Services	11 October 2023	DoJ&CD & NPA 2022/2023 Annual Report; Divorce Amendment Bill: G Hendricks MP briefing (with Deputy Minister)		<p>with the AG making no finding on contract and asset management. The only finding made was the procurement of state legal services, which related to how the department briefed its counsels.</p> <p>19. On what internal controls had been in place to ensure that money in the Guardian's Fund was not wrongly spent, previously the fund used an administrative system that only recorded all the applications received and did not have a financial system. To resolve this, the department decided to procure an enterprise system which would combine the administration and payment of beneficiaries.</p> <p>20. In response to the AG's finding that all trust files had been removed from the Master's Offices, the challenge emanated when the files were moved from Metro File to Veritus. An intervention is being worked on to alleviate the problem. On why the 100-day Challenge was not being rolled out throughout the country, the response was that it had not been rolled out as there were issues with obtaining funds from donors and non-government organisations.</p>
21.	Portfolio Committee on Justice and Correctional Services	12 October 2023	Divorce A/Bs: Proceed with Executive Bill (with Deputy Minister)	<p>1. <u>Divorce Amendment Bill</u>: Decision to proceed with Executive Bill The PC debated among themselves whether the PC should proceed with the Private Members Bill or the bill that was introduced by the minister.</p> <p>The PC decided to proceed with the bill as introduced by the minister.</p>	1. The department observed proceedings in the PC.
22.	Portfolio Committee on Justice and Correctional Services	13 October 2023	PPSA 2022/2023 Annual Report; Divorce A/B & RICA Bill: public hearings	<p>1. <u>Divorce Amendment Bill</u>: Public hearings The PC received presentations from interested parties.</p> <p>2. <u>RICA Amendment Bill</u>: Public hearings The PC received presentations from interested parties.</p>	<p>1. The department observed proceedings in the PC.</p> <p>2. The department observed proceedings in the PC.</p>



Item No.	Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised
23.	Portfolio Committee on Justice and Correctional Services	18 October 2023	<u>Cannabis for Private Purposes Bill</u> : Department briefed the PC on its responses to the public comments and highlighted the proposed provision dealing with children, which provision aims to protect children in general from being prosecuted for certain contraventions.	<p>1. <u>Divorce Amendment Bill</u>: Public hearings The PC received presentations from interested parties.</p> <p>2. <u>RICA Amendment Bill</u>: Public hearings The PC received presentations from interested parties.</p>	The committee was satisfied with the department's responses to public comments and requested the department to include the suggestions in the draft bill for consideration.
24.	Portfolio Committee on Justice and Correctional Services	20 October 2023	LSSA briefing on Master's Office; Cannabis for Private Purposes Bill; RICA Bill: Department response to public comments (with Deputy Minister)	<p>1. <u>Cannabis for Private Purposes Bill</u>: Two main issues were raised by the PC, namely, offences being created and how they impact on children, and the penalties that are prescribed for contravening the provisions of the bill.</p> <p>A further issue was raised as to the rationale of allowing children to assist adults in the cultivation of cannabis and whether that allowance would not lead to the temptation of children being involved in dealing.</p> <p>The chairperson of the committee indicated that the committee should decide whether to allow children to assist parents to cultivate.</p> <p>Numerous issues were raised by the committee in respect of the sentences for the offence of dealing in cannabis.</p> <p>2. <u>RICA Amendment Bill</u>: Response to public submissions The PC raised the question as to why applications under the RICA Act should remain ex parte applications and the proposed inclusion of a public advocate.</p>	<p>1. The department responded by indicating that children will not be allowed to cultivate, use or deal in cannabis, but will be able to assist an adult to cultivate cannabis where such adult is legally allowed to cultivate.</p> <p>The department clarified that the intention of the bill was not to prevent children from assisting their parents to cultivate cannabis. Children in the Rastafari community, for example, usually assist their parents in cultivating cannabis. However, involving children in dealing would pose a problem and the bill prohibits dealing. Engaging a child to deal in cannabis is a serious punishable offence.</p> <p>The department indicated that it would not object should the committee decide to prohibit children from assisting with cultivation. The department further added that nothing would stop the prohibition, but the practical enforcement thereof would be difficult.</p> <p>The department indicated that the provisions concerned only provide for maximum periods and do not interfere with the discretion of the courts when it comes to sentencing.</p> <p>2. The department presented its responses to the comments that were submitted to the PC.</p> <p>The department advised the PC that the introduction of a public advocate would create a more transparent process for purposes of surveillance applications. The implementation of such a new system is not without challenges and would require extensive research. The matter would be considered during the broader review of RICA.</p>

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25.	Portfolio Committee on Justice and Correctional Services	24 October 2023	Cannabis for Private Purposes Bill & Divorce A/B: deliberations	<p>1. <u>Cannabis for Private Purposes Bill</u>: The department briefed the PC on the revised provisions of the bill. The main discussions focussed on children and cultivation.</p> <p>The committee's further concern was whether the proposal for cannabis cultivation should be included in the bill.</p> <p>2. <u>Divorce Amendment Bill</u>: Deliberations The PC discussed aspects of a Private Member's Bill.</p>	<p>1. The department indicated that there should be leeway for children to assist with the cultivation of cannabis where an adult person may lawfully cultivate cannabis.</p> <p>In this regard the department sought guidance from the committee on whether the bill should restrict cultivation for adults who allow their children to participate in the process or the bill should restrict cultivation altogether.</p> <p>2. The department briefed the PC on the content of the bill.</p>
26.	Portfolio Committee on Justice and Correctional Services	25 October 2023	National Prosecuting Authority Amendment Bill: public hearings	<p>1. <u>National Prosecuting Authority Amendment Bill</u>: Organisations called for the bill to include provisions that would make the NPA fully independent from DoJ&amp;CD, both financially and operationally. Another deficiency pointed out was the bill's silence on powers afforded to the President and Minister of Justice in appointing an NDPP and DNDPP. They are of the view that these powers should be reduced and shared with Parliament. The committee was particularly interested in ACJR's proposal that the bill provide for the establishment of an appointment committee consisting of members from various disciplines who will interview and recommend suitable candidates for the NDPP to the President. The committee resolved that it would meet sometime in November to receive responses from the DoJ on the suggestions made by the organisations.</p>	<p>1. The department observed the public hearings.</p>

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27.	Portfolio Committee on Justice and Correctional Services	27 October 2023	RICA Bill & Divorce Amendment Bill: deliberations; with Deputy Minister	<p>1. <u>RICA Amendment Bill</u>: Deliberations The PC expressed its concern that the department required more time to introduce provisions dealing with the public advocate.</p> <p>2. <u>Divorce Amendment Bill</u>: Deliberations The PC did not raise any questions.</p>	<p>1. The department presented a working document to the PC and explained the proposed amendments were based on the public comments and mainly related to the provisions dealing with the review judge. The department also presented a research note on the position of the public advocate.</p> <p>The department responded to the PC by indicating that the proposed introduction of a public advocate is a complicated issue and that various other options had to be considered. The introduction of the review judge and automatic review process was considered as the most appropriate option.</p> <p>2. The department presented the bill to the PC on a clause-by-clause basis.</p>
28.	Portfolio Committee on Justice and Correctional Services	31 October 2023	Divorce A/B: finalisation; RICA Bill & Cannabis for Private Purposes Bill: deliberations; (with Deputy Minister)	<p>1. <u>Divorce Amendment Bill</u>: Approval The PC approved the bill.</p> <p>2. <u>RICA Amendment Bill</u>: Approval The PC approved the bill with proposed amendments.</p> <p><u>Cannabis for Private Purposes Bill</u>: The department explained the content of the bill on a clause-by-clause basis. The discussions in the PC were of a technical nature. The committee had previously raised the issue of the definition of cannabis not making any reference to any of the products contained in it.</p>	<p>1. The department observed the proceedings.</p> <p>2. The department observed the proceedings.</p> <p>3. The department had addressed this aspect in the revised bill and it sought further clarity whether the definition should include “products of cannabis as well as of hemp”. The committee sought to deal with this aspect at its next meeting.</p>
29.	Portfolio Committee on Justice and Correctional Services	01 November 2023	Makhanda High Court Action Campaign; Cannabis for Private Purposes Bill; RICA A/B; NPA A/B & Divorce A/B; with Deputy Minister	<p>1. <u>Cannabis for Private Purposes Bill</u>: The PC considered the clauses of the bill with the view to the approval thereof.</p> <p>2. <u>National Prosecuting Authority Amendment Bill</u>: A member complained that ID is constantly being referred to as being a permanent structure created within the NPA, which is not the case, as the Directorate for Special Operations in the NPA, for</p>	<p>1. The PC was satisfied with the bill and no further changes were suggested or made by the PC.</p> <p>2. The department's response was that the current method of establishing the ID through a presidential proclamation after consulting with the NDPP and Ministers of Police and Justice makes it a temporary structure that can be easily done away with by withdrawing the proclamation. However, this bill would make it a permanent structure with security of tenure for those appointed to it.</p> <p>3. The department observed the proceedings.</p>

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29.	Portfolio Committee on Justice and Correctional Services	01 November 2023		<p>example, was dissolved with a stroke of a pen. The member believes that the same fate could await the ID as the Directorate for Special Operations if it required only a simple majority parliament vote to disband it.</p> <p>3. <u>RICA Amendment Bill</u>: Approval of Bill The PC approved its report on the bill.</p>	
30.	Portfolio Committee on Justice and Correctional Services	07 November 2023	National Prosecuting Authority Amendment Bill: proposed amendments (with Deputy Minister)	<p>1. <u>National Prosecuting Authority Amendment Bill</u>: PC to consideration of the working document on the NPA Amendment Bill.</p>	<p>1. The department proposed the deletion and replacement of clause 7. The new clause contained no changes in the wording from sections 1 to 3. Concerns were raised in the submissions around the reference to Proclamation 20 of 2019, given that it would now be repealed. As such, the department placed the proclamation into subsection B to include additional offences or categories of offences as well as common law offences of fraud, forgery, uttering, theft and any offence involving dishonesty. The Deputy Minister explained that the department introduced the bill to make IDAC a statutory body so that it can never be abolished by a presidential proclamation. Furthermore, to enable the IDAC to employ its own investigators, which it currently cannot do under the proclamation.</p> <p><u>Vetting process</u> The Deputy Minister pointed out that there is already a provision for the vetting of investigators working under the Hawks.</p>
31.	Portfolio Committee on Justice and Correctional Services	17 November 2023	NPA Amendment Bill: deliberations; BRRR, with Deputy Minister	<p>1. <u>National Prosecuting Authority Amendment Bill</u>: NPA Amendment Bill: deliberations DA and ACDP made a joint statement on the bill, which included-</p> <ul style="list-style-type: none"> <li>-Security of tenure;</li> <li>-Appointment process of the ID Head be open and transparent;</li> <li>-Head of ID serve only one, non-renewable term not less than 10 years and retirement age increased to 70 years similar to a judge.</li> <li>-Permanency referred to in the bill not enough, as the unit would continue to be housed in the NPA;</li> </ul>	<p>1. The department responded that:</p> <ul style="list-style-type: none"> <li>-The preamble of the bill was to be amended to protect the Investigation directorate against political interference and to establish it as a statutory body to give effect to the findings of the commission of inquiry;</li> <li>-The department is to consider all substantive proposals made by the DA during the broader review of the NPA Act;</li> <li>-The ID would be given the specific mandate of prosecutorial-led investigations of high-level corruption.</li> </ul>

Item No.	Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised
31.	Portfolio Committee on Justice and Correctional Services	17 November 2023		<p>-Amendment of the preamble to reflect that the ID was established not on the basis of policy considerations but rather to give effect to the findings of the State Capture Commission of inquiry;</p> <p>-Removal of the NPA from financial control of the DoJ&amp;CD and allow the authority to negotiate its budget with National Treasury and report to Parliament and National Treasury.</p>	
32.	Portfolio Committee on Justice and Correctional Services	21 November 2023	NPA implementation of Zondo Commission recommendations; Update on TRC matters	<p>1. The Committee said the NPA could no longer say “matters were being fast-tracked”, as those days were long gone. After 10 years, the NPA was failing to catch up and there was nothing fast about the NPA's pace. What exactly had been done to rebuild the NPA? What had been done to hold the NPA's senior management, implicated in enabling State Capture, accountable and what was the progress on the matter?</p> <p>2. Progress of the TRC matters.</p> <p>The committee should obtain Advocate Ntsebeza's report to consider it. While the TRC matters were dealt with, the committee was unsatisfied with the attention the cases were given. A designated unit should be established to deal with the matter so that it could be expedited accordingly.</p>	<p><u>The NPA informed the committee as follows:</u></p> <ol style="list-style-type: none"> <li>1. It followed a case prioritisation approach by prosecuting cases that would provide the most impact. It also focussed on cases that have been most damaging to constitutional democracy.</li> <li>2. The NPA finalised two State Capture recommendations with convictions. The Asset Forfeiture Unit (AFU) and its partners secured freezing or preservation orders to the value of R14 billion and recoveries to the value of R5.4 billion. The ID had authorised two matters with about 60 enablers consisting of both individuals/entities.</li> <li>3. 3Out of the 202 recommendations made by Chief Justice Raymond Zondo in the State Capture Commission report, 122 recommendations were being dealt with by the ID, translating to 32 cases. Out of the 32 cases, 12 matters did not have any specific recommendations.</li> <li>4. 4The NPA had 15 recommendations under the intake process that culminated in seven cases. There were 16 cases out of the 86 recommendations currently under investigation and 21 recommendations were enrolled in terms of criminal matters and culminated in six cases.</li> <li>5. The NPA, especially the ID, had limited capacity and the congested court roll was another issue. When a complex case was brought to the courts, the NPA had to compete with the existing court rolls and cases which were equally important. The</li> </ol>



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32.	Portfolio Committee on Justice and Correctional Services	21 November 2023			<p>NPA faced some difficulties in preparing for trials and thus, in 2024, the NPA would have to ensure that the enrolled cases were finalised quickly.</p> <p>The work on the TRC was done in collaboration with the SAPS through the DPCI. To the extent that the cases were outstanding in terms of the NPA's legislative framework, the responsibility in terms of the investigation vested with the police agencies that were responsible for investigations and prosecutions. The NPA had established a plan to ensure a close working relationship between the prosecution and the investigation. The NPA followed a prosecutor-guided model of investigation.</p>
33.	Portfolio Committee on Justice and Correctional Services	21 November 2023	National Prosecuting Authority Amendment Bill: deliberations; with Deputy Minister	<p>1. <u>National Prosecuting Authority Amendment Bill:</u> The DoJ&amp;CD presented the final proposed amendments (A-list) to the bill.</p> <p>The committee deliberated on the National Prosecuting Authority Amendment Bill [B29-2023]. After deliberations, the committee concluded that it would vote on the bill on the following day.</p> <p>2. <u>National Prosecuting Authority Vetting Report:</u></p> <ul style="list-style-type: none"> <li>Did the NPA appoint officials once the vetting outcome was made available, or did it hire people prior to the completion of the vetting?</li> <li>Is the vetting process compulsory for all NPA officials, especially the ID officials, because the vetting report confirmed that there were NPA officials who were vetted and officials who had not submitted their vetting application forms? It is crucial for NPA officials to be vetted, as the NPA deals with</li> </ul>	<p>1. There were no responses by the department.</p> <p>2. NPA responded as follows:</p> <ul style="list-style-type: none"> <li>NPA confirmed that it is compulsory for the NPA officials to submit their vetting application forms. The NPA's Security and Risk Management unit has internal capacity and regularly compiled a national list of officials in each office of the Director of Public Prosecutions, who had not yet submitted their application forms.</li> <li>It did not have the information indicating that only three NPA officials had not submitted their vetting application forms, however, the information would be sourced and submitted in writing to the committee as it was not advisable to share the names of those officials on a public platform.</li> </ul> <p>The Head of Risk and Security, as the expert on the matter, would address the questions in the NPA's <u>written response to the committee</u>.</p>

Item No.	Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised
33.	Portfolio Committee on Justice and Correctional Services	21 November 2023		<p>important cases.</p> <ul style="list-style-type: none"> <li>The committee should obtain the names of the officials who failed to submit their vetting forms with reasons for the non-submission.</li> </ul> <p>The NDPP would submit a written response explaining why certain NPA officials were not vetted and how the NPA planned to address the matter before 6 December 2023.</p>	
34.	Portfolio Committee on Justice and Correctional Services	22 November 2023	NPA A/B: adoption; Removal of judges from office; Prevention and Combating of Hate Crimes and Hate Speech Bill: NCOP Amendments (with Deputy Minister)	<p>1. <u>Prevention and Combating of Hate Crimes and Hate Speech Bill: NCOP Amendments</u> The department briefed the PC on the amendments proposed by the NCOP, which were generally of a technical nature. The PC questioned the removal of the definition of “court” from clause 1 of the bill.</p> <p>2. <u>National Prosecuting Authority Amendment Bill: Adoption</u> The PC approved the bill.</p>	<p>1. The department responded by indicating that the NPA expressed their concern whether the jurisdiction of the courts to hear cases emanating from the bill should be restricted to the high courts and regional courts only. The department agreed with the NPA that district courts should also be included within the ambit of the bill and therefore the definition of “court” had to be deleted.</p> <p>2. There was no response by the department.</p>
35.	Portfolio Committee on Justice and Correctional Services	24 November 2023	State Liability A/B: motion of desirability; Prevention and Combating of Hate Crimes and Hate Speech Bill: NCOP Amendments; Issues relating to the Master's Office; with Minister	<p>1. <u>Prevention and Combating of Hate Crimes and Hate Speech Bill: NCOP Amendments</u>: The PC considered and approved its report on the bill.</p> <p>2. <u>Issues relating to the Master's Office; with Minister</u>:</p> <ul style="list-style-type: none"> <li>Law Society of South Africa (LSSA) informed the committee that the Master's Office is faced with various issues, including long queues, slow systems, document loss, inadequate infrastructure, load-shedding and backlogs, leading to customer complaints. The turnaround plan</li> </ul>	<p>1. The department did not give any further inputs.</p> <p>2. The committee noted the following responses:</p> <ul style="list-style-type: none"> <li>Challenges with email responsiveness are due to network and device limitations, emphasising the need for upgraded bandwidth. The land-related problems were expected to be resolved by 31 March 2024.</li> <li>Regarding personal computer (PC) challenges, SITA's inefficiency in procurement prompted the department to conduct emergency procurement independently, with 150 PCs expected by late December 2023 or early January 2024. An additional 5 000 PCs had been procured for the entire department, with 50 allocated to the Master's offices.</li> <li>The department is downsizing its lease portfolio by initiating precincts across the country. Precincts were envisioned as one-stop centres, where all justice services would be rendered</li> </ul>

Item No.	Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised
35.	Portfolio Committee on Justice and Correctional Services	24 November 2023		<p>emphasised modernisation, stakeholder management, process improvement, and system upgrades.</p> <ul style="list-style-type: none"> <li>Member asked as to whether the Chief Master had been permanently appointed, or if there was still an acting Chief Master. If there was an acting Chief Master, the member questioned whether the individual was appropriately qualified for the position?</li> <li>The departmental presentation focuses on plans and ideas without addressing the management issues at the Master's Office.</li> <li>Sought information on lessons learned and its implementation status of a Public Protector report released in 2018/19.</li> </ul> <p>The chairperson raised concerns about the office in Mthatha, mentioning that members who conducted oversight visits had reported that the department was renting a small room in a church, paying more than R100 000, and everything was in a mess. He sought clarification and resolution regarding these reported issues.</p>	<p>in a single facility. Progress has been made on three precincts so far: Mthatha, Pretoria, and Durban.</p> <ul style="list-style-type: none"> <li>The department reported that it was not aware of the specific reports from the former Public Protector in 2018/19. The acting Chief Master requested to be provided with the relevant records to assess what had not been done, and to facilitate the implementation thereof.</li> </ul>

Item No.	Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised
36.	Portfolio Committee on Justice and Correctional Services	20 February 2024	Amendment to Directives in terms of the Child Justice Act	<ol style="list-style-type: none"> <li>1. Committee expressed concern with the lack of feedback on the directives from the relevant departments. Asked the NPA about probation officers. Clarity was sought regarding the minimum age criminal capacity for children, what influenced the amendment and how the decision was made.</li> <li>2. The committee questioned the diversion programmes, particularly who was responsible for overseeing them and who made decisions when the diversion programmes were successful and completed.</li> <li>3. What influenced the NPA to change the age of criminal capacity? Who is responsible for the diversion programmes?</li> <li>4. The PC asked the NPA to look at other countries in terms of criminal capacity, and this was supported by the fact that South Africa is a signatory to the USA on the rights of children. This convention guides countries that are signatories not to remain in a low criminal capacity of children.</li> <li>5. Clarification was sought on the definition of the word “appropriate” used for “appropriate adult” and “appropriate person”.</li> </ol>	<p>The following responses were noted:</p> <ol style="list-style-type: none"> <li>1. The responsibility of the probation officers lies with the Department of Social Development (DSD). However, the probation officers are available in all courts to assist with assessment reports. Section 97 of the Child Justice Act requires that all relevant stakeholders must train their officials on how to deal with children in conflict with the law, and DSD is one of the departments that must train probation officers on what is required in the assessment reports.</li> <li>2. Positive feedback was received and looking at the nature of the Amendment Act, as far as the NPA is concerned, it relates primarily to the age of criminal capacity and nothing much. The reason why the stakeholders accepted the amendments was due to an Intersectoral Child Justice Forum that was conducted before the directives were sent out, where these issues were presented and discussed. Stakeholders were therefore aware of what was going to be changed and what was not going to be changed beforehand.</li> <li>3. It was mentioned that before the amendment, there was a long process that was followed, as the Child Justice Act has a specific provision that indicates that after every five years of implementation, there needs to be a check in changing the age of criminal capacity.</li> <li>4. It is the responsibility of the NPA to refer a child to a diversion programme provided by the diversion programme service providers. The diversion programme and the diversion programme service providers are within the DSD and must be accredited.</li> <li>5. The diversion programme is conducted by a probation officer appointed by the court or judicial officer to ensure compliance. After a certain period, i.e., three months, the probation officer reports back to court with either positive or negative feedback.</li> </ol> <p>The word “appropriate” includes siblings who are 16 years or older or a caregiver in terms of the Children's Act. This is because there are some child-headed families. Regarding children committing an offence before the Amendment Act, the department reported that the principal act applies as if the Amendment Act is not in operation.</p>

Item No.	Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised
37.	Portfolio Committee on Justice and Correctional Services	28 February 2024	Child Justice Act Directives; Reports on the suspension & removal of magistrates	The committee deliberated on the removal and suspension of various magistrates and adopted the accompanying reports. The committee also agreed to the temporary upliftment of suspension of a magistrate in order that a court record could be reconstructed. However, the committee agreed that the upliftment would only be valid for one month after the adoption by both Houses.	The committee adopted the Draft Amendments to Directives, which were submitted to Parliament for approval on 19 October 2023, in terms of section 97 of the Child Justice Act. The amendments include, among others, increasing the age of criminal capacity from 10 to 12 years old.







## 8. SCOPA RESOLUTIONS

There are no SCOPA resolutions to the Vote under the financial year under review.

## 9. PRIOR MODIFICATIONS TO AUDIT REPORTS

The table below provides for all matters that gave rise to a qualification, disclaimer, adverse opinion and matters of non-compliance relating to programme 2 and programme 3, respectively.

### Programme 2: Court Administration

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
Child Justice KPI: Incomplete data/registers and inaccurate data	2019/2020	<ol style="list-style-type: none"> <li>1. A National Circular No. 73 of 2021 dated 22 November 2021 was issued to enhance the monitoring and evaluation for regular data entries, data accuracy and completeness at both court and provincial levels.</li> <li>2. The Integrated Case Management System: Child Justice (ICMS CJ) module was enhanced to provide controls for data verification/ correctness and completeness at court and/or provincial level. The enhancements to the ICMS CJ system have been rolled out.</li> <li>3. As a further control measure, supervisors at court level are required to conduct verification of data captured on the system at certain intervals.</li> <li>4. Risk Management meetings are held periodically by the national office (PRVG) with each provincial office and the relevant court administration officials to monitor the implementation of the Child Justice Reporting Procedures that outline the monitoring and evaluation in data management at both court and regional levels.</li> <li>5. During 2023/2024 financial year, the Risk Management meetings were held on 10, 12 and 14 July 2023, 25, 26 and 27 October 2023, 30 January 2024, 1 and 2 February 2024, and 15, 18 and 25 March 2024.</li> </ol>
Percentage of Maintenance matters finalised within 90 days from the date of proper service of process – This convention guides countries that are signatories not remain in a low criminal capacity of child. Incomplete information.	2021/2022	<ol style="list-style-type: none"> <li>1. The Procedure Manual was used as a guideline for performance.</li> <li>2. In 2022/2023 the Standard Operating Procedures were developed and Directors: Legal were engaged in their development.</li> <li>3. Risk Reports were drafted as a stop gap to indicate early warning system in the general area of data capturing and management.</li> <li>4. ICMS: Maintenance RFS was submitted for amendment to make the “date of proper service mandatory”.</li> <li>5. Reports are drawn weekly for court managers to check and verify.</li> <li>6. Training was conducted in 2022/2023 and emphasised the need for documentation.</li> </ol>

**Programme 3: State Legal Services**

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>Office of the Solicitor Office</b>		
Litigation cases settled-incompleteness and inaccurate information	2019/2020	<ol style="list-style-type: none"> <li>1. Statistics and files inspection is done by the supervisors to ensure that the information submitted is accurate and source documents are present.</li> <li>2. The offices have checked and made sure that supporting documents for all briefed advocates are available.</li> <li>3. The branch implemented sign-off certificate.</li> <li>4. Offices are compiling manual register and reconciliation between system info versus manual register.</li> </ol>
<b>Master of the High Court</b>		
Liquidation and distribution accounts in large estates (>250 000) examined within 21 days from receipt of all documentation required - incompleteness and inaccurate information	2022/2023	<ol style="list-style-type: none"> <li>1. Third copies of query sheets to be kept in order to check completeness monthly.</li> <li>2. Heads of section to sign a declaration monthly confirming that the information provided is correct and complete.</li> <li>3. Chief Master's Directive to be issued to deal with the compulsory keeping of an accounts allocation register by all offices.</li> <li>4. In-house training on APP to be provided to all relevant officials.</li> </ol>
<b>Non Compliance</b> The Final APP for 2023/2024 was not submitted to DPME and National Treasury as required by the Revised Framework for Strategic plans and Annual Performance Plans The tabling of the 2022/23 was tabled late to parliament	2022/2023	<p>The tabled 2024/25 APP was submitted to the relevant oversight structures and subsequently uploaded on the department's website.</p> <p>Management strengthened internal controls, thereby ensuring that compliance of relevant legislation and framework for the strategic plan are adhered to.</p>

## 10. INTERNAL CONTROL UNIT

The Internal Control Unit is responsible for oversight in relation to potential non-compliance with internal control measures implemented to prevent or detect realisation of risks timeously. The unit also ensures that appropriate consequence management is implemented, i.e., where the control systems were not adequately designed, the system is amended, and where controls are not complied with, appropriate progressive disciplinary action is taken.

### Irregular Expenditure

Irregular expenditure incurred by the department is mainly attributable to procurement and other transactions that are non-adherent to policies and prescripts.

A total of 10 cases of irregular expenditure to the value of R4.7 million which relates to prior years were confirmed as irregular expenditure and reported during the financial year. The table below depicts the details of the cases.

Transgression	Amount R'000
Three (3) cases with regard to non-adherence to SCM processes: Utilisation of expired contracts.	3 802
Four (4) cases with regard to non-adherence to SCM processes: Utilisation of non-contracted suppliers.	366
One (1) case with regard to non-adherence to departmental delegations: Utilisation of emergency day-to-day services without prior approval sought from the delegated authority.	4
One (1) case with regard to non-adherence to SCM processes: Contracting an individual for legal services outside the procurement processes	499
One (1) case with regard to non-adherence to Travel Policy: International travel without written approval by the delegated authority.	60
<b>Total</b>	<b>4 731</b>

Of the amount of R4.7 million, three cases to the value of R3.804 million were condoned and one case to the value of R58 thousand was removed from the irregular expenditure register. The remaining balance of six cases to the value of R869 thousand are in relation to non-adherence to the supply chain processes, which are currently under determination.

In dealing with old cases of irregular expenditure to the value of R 876.6 million, the department resolved a total of 41 cases to the value of R 855.4 million. The balance of R21.1 million relates to 22 cases that are under determination by Internal Control.

### Fruitless and Wasteful Expenditure

Fruitless and wasteful expenditure is expenditure incurred in vain. For the financial year under review, fruitless and wasteful expenditure incurred is attributed to no-shows by travellers for pre-booked official trips. All cases identified as potentially fruitless and wasteful expenditure are investigated and, based on the results of the investigation, monies are recovered from officials who are found responsible. The aforementioned processes hold officials accountable.

The fruitless and wasteful expenditure has decreased from R77 thousand to zero in the financial year under review. In dealing with old cases of fruitless and wasteful expenditure, the department resolved a total of 54 cases to the value of R226 thousand, of which R181 thousand was written off whilst an amount of R45 thousand was recovered. This resulted in a 100% elimination of fruitless and wasteful expenditure during the period under review.

During the financial year 2023/2024 audit, the Auditor General raised the potential irregular expenditure amounting to R16.5 million which will be subjected to the departments internal processes for assessment and determination as per the compliance and reporting framework.

## Annexure

Name of Committee	Date of the Meeting	Purpose of the Meeting	Matters raised by the Committee	Departmental responses addressing issues raised
Departmental Compliance Management and Control Committee	30 June 2023	Presentation and discussion on cases for irregular, fruitless and wasteful expenditure	There were no matters raised by the committee	Not applicable
Departmental Compliance Management and Control Committee	5 September 2023	Presentation and discussion on cases for irregular, fruitless and wasteful expenditure	There were no matters raised by the committee	Not applicable
Departmental Compliance Management and Control Committee	5 October 2023	Presentation and discussion on cases for irregular, fruitless and wasteful expenditure	There were no matters raised by the committee	Not applicable
Departmental Compliance Management and Control Committee	17 October 2023	Presentation and discussion on cases for irregular, fruitless and wasteful expenditure	There were no matters raised by the committee	Not applicable
Departmental Compliance Management and Control Committee	23 November 2023	Presentation and discussion on cases for irregular, fruitless and wasteful expenditure	There were no matters raised by the committee	Not applicable
Departmental Compliance Management and Control Committee	13 December 2023	Presentation and discussion on cases for irregular, fruitless and wasteful expenditure	There were no matters raised by the committee	Not applicable
Departmental Compliance Management and Control Committee	1 February 2024	Presentation and discussion on cases for irregular, fruitless and wasteful expenditure	There were no matters raised by the committee	Not applicable
Departmental Compliance Management and Control Committee	13 March 2024	Presentation and discussion on cases for irregular, fruitless and wasteful expenditure	There were no matters raised by the committee	Not applicable

## 11. INTERNAL AUDIT AND AUDIT COMMITTEES

### Key activities and objectives of the Internal Audit

The Internal Audit function is responsible for providing independent assurance on the department regarding the adequacy, efficiency, economy and effectiveness of the network of risk management, internal controls, and governance processes as designed and implemented by departmental management for ensuring that they are adequate and functioning effectively with regard to the achievement of objectives.

### Specify summary of audit work done

Internal Audit operates in terms of the internal audit charter and follows an approved risk-based audit plan which is approved by the Audit Committee. During the reporting period, Internal Audit completed the audit plan as approved by the Audit Committee. Significant findings were reported to management and the Audit Committee, respectively.

### Key activities and objectives of the Audit Committee

The Audit Committee provided oversight on the department and also advised the accounting officer and management to ensure that significant risks which may impact the department are mitigated to an acceptable level. The Audit Committee also directs the functioning of Internal Audit through ensuring that the function provides effective assurance and that it also operate in terms of its charter.

The table below discloses relevant information on the audit committee members.

Name	Qualifications	Internal or external	Date appointed	Date resigned	No. of meetings attended
Ms Besky-Maluleka-Ngunjiri	BCompt-Honours, Certificate in the Theory of Accounting (CTA) and BCompt	External	1 October 2021		5 3 (special)
Mr Eric Nwendo	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	1 October 2021		4 3 (special)
Mr Moholola Johannes Makgokolla	MBA, Programme in Corporate Governance, M. Com Taxation, B. Acc, B. Com	External	1 October 2021		5 3 (special)
Ms Gabisile Simelane	B. Com Accounting (CTA) B. Com Accounting	External	1 October 2021		5 3 (special)
Mr Ashley Latchu	Master of Science (Computing) Bachelor of Science Bachelor of Science Honours	External	1 October 2021		5 3 (special)
Dr Lebogang Mphahlele-Ntsasa	Doctor of Business Leadership Master of Business Administration, Diploma in Datametrics B.Sc (Chemistry)	External	1 October 2021		5 3 (special)



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

For the year ended 31 March 2024

### 1. REPORT OF THE AUDIT COMMITTEE

We are pleased to present our report for the financial year ended 31 March 2024

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 functioning of the Internal Audit.

#### 1.1 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 under review, five (05) and three (03) special meetings were held as indicated below.

Name of members	Number of meetings attended	Number of special meetings attended	Status
Ms. Besky Maluleka-Ngunjiri (Chairperson)	5	3	Appointed 01/10/2021
Mr Eric Nwedo	5	3	Appointed 01/10 /2021
Mr Moholola Johannes Makgokolla	5	3	Appointed 01/10 /2021
Ms Gabisile Simelane	5	3	Appointed 01/10 /2021
Mr. Ashley Latchu	5	3	Appointed 01/10 /2021
Dr Lebogang Mphahlele-Ntsasa	5	3	Appointed 01/10 /2021

#### 1.2 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.

#### 1.3 THE EFFECTIVENESS OF INTERNAL CONTROL

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

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

The Audit Committee has noted significant improvement / resolution of the issues that were raised as concern during the prior year. The Audit Committee has also noted a significant improvement in the overall operating environment and is also pleased that the Accounting Officer and management have demonstrated their commitment to sustain and improve in the management of risks.

The Audit Committee is further pleased that the Department has sustained the positive audit outcomes.

#### 1.4 INTERNAL AUDIT

The Internal Audit unit has provided the Audit Committee and management with independent assurance and advice on the effectiveness of measures to mitigate risks. We are satisfied that Internal Audit has discharged its responsibilities as per the Internal Audit plan informed by the risk assessment processes.

#### 1.5 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 2024.

#### 1.6 REPORTS

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

We are satisfied with the content and quality of monthly and quarterly reports prepared by the Accounting Officer of the Department during the year under review. We are also pleased with improvements made despite the challenging operating environment which has been impacted by the budgetary constraints.

##### *1.6.2 Evaluation of financial statements*

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

We have also reviewed the Auditor-General South Africa's final management letter and the audit report and also management's responses where shortcomings were identified, the Audit Committee will continue to monitor the implementation of corrective measures agreed to by management.



Besky Maluleka- Ngunjiri  
Chairperson of the Audit Committee

Date: 05 September 2024

### 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, Industry and Competition.

Has the department / public entity applied any relevant code of good practice (B-BBEE Certificate Levels 1 – 8) with regard to the following

Criteria	Response Yes / No	Discussion
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 law.
Developing and implementing a preferential procurement policy?	Yes	The department implemented an internal preferential procurement policy in the procurement of goods and services in line with the Preferential Procurement Regulations 2022 issued by National Treasury on empowerment of emerging entities. The department further reviewed and implemented the DFI in line with the Preferential Procurement Regulations 2022 issued by National Treasury on empowerment of emerging entities.
Determining qualification criteria for the sale of state-owned enterprises?	No	This requirement is not applicable to the Department of Justice and Constitutional Development.
Developing criteria for entering into partnerships with the private sector?	No	The department relies on the National Treasury Private–Public Partnership guidelines on 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.







The background of the slide features a close-up photograph of several hands and forearms. On the left, a hand with red nail polish is visible. Below it, another hand with pink nail polish is shown. At the bottom left, a hand with a pearl bracelet is visible. The arms are wearing various clothing items, including a yellow beaded bracelet, a purple patterned sleeve, and a blue and white striped sleeve. A large, semi-transparent orange rectangle is overlaid on the right side of the image, containing the text.

# PART D

## HUMAN RESOURCE MANAGEMENT



The information provided in this part is prescribed by the Minister for the Public Service and Administration for all departments in the public service.

## 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 and Customer Management Centre.

### 1.1 Overview of HR matters at the department

The following focus areas were identified during the 2023/2024 period:

- Creating a sound employer–employee relationship
- Providing opportunities for a balanced and healthy workforce through employee health and wellness programmes

- Capacitating employees to improve skills deficiencies
- Review of Departmental MTEF Human Resource Plan
- Monitoring implementation of the Employment Equity Plan

### 1.2 Human resources priorities for the year under review

The department revised MTEF HRP for 2023/26 and submitted to DPSA on 31 May 2023. The interventions priorities aimed at addressing identified gaps/challenges are presented below.

No.	MTEF HRP Interventions/Priorities	Impact in the department
1.	Implement and monitor the realigned organisational structure and provide change management interventions	<ul style="list-style-type: none"> <li>• Implementation and monitoring resulted in the alignment of the post establishment structures, financial structures, alignment of PERSAL, job titles, post codes, component names and financial/ BAS codes, etc.</li> <li>• The management of the post establishment/ PERSAL against available budget where unfunded posts were removed from PERSAL; and only created upon verification of need and funding.</li> <li>• Regular post establishment update, review and audit of approved establishment against PERSAL were conducted and constantly monitored.</li> <li>• The migration framework to facilitate the matching and placement of employees in approved structures was approved in February 2023, where the match and placing of ICT employees was completed.</li> <li>• Job evaluations/ benchmark of positions from level 9 to 15 targeted as part of the implementation of approved structures were completed.</li> <li>• A total of 12 change management interventions sessions were conducted in the department during the period under review relating to structure implementation.</li> <li>• A culture survey report (with findings and recommendations), approved April 2022, resulted in the development of an implementation plan that is being implemented and monitored quarterly.</li> <li>• DPSA circular 49 of 2023 and consequent circular 20 of 2024 have negatively impacted the department's ability to implement the structure, in particular the filling of positions defined as newly created, determined as critical, and those exited through termination, resignation and natural attrition.</li> </ul>

No.	MTEF HRP Interventions/Priorities	Impact in the department																
2.	Develop provincial structure	<p>The developed provincial structure resulted in the following:</p> <ul style="list-style-type: none"><li>• The introduction of additional occupational classes into the structure;</li><li>• The classification of courts into small, medium and large;</li><li>• Reorganisation of reporting lines;</li><li>• Creation of corporate services shared service model.</li></ul>																
3.	Monitor the filling of vacancies where all newly appointed employees are pre-screened and EE targets achieved	<p>The impact of this intervention is on capacitation of the department for effective and efficient service delivery. For the 2023/4 financial year, the following were achieved:</p> <ul style="list-style-type: none"><li>• In this reporting period the department complied with the directives on personnel suitability checks contemplated in Regulation 57(1)(c) by putting systems in place in provinces which were struggling to conduct pre-screening. This has led to all 733 newly appointed employees being pre-screened prior to appointment.</li><li>• The representation of PWD has improved from 2.1% from the previous financial year to 2.2%. However, presentation is still concentrated on lower salary levels (61% on salary level 5) and not equitably distributed on higher salary levels, except achievement at SMS levels of 2.4%.</li><li>• The representation of women at SMS and LP 10 levels has slightly increased from 51.9% on 31 March 2023 to 52% on 31 March 2024. The impact is on fair representation of women at senior management levels.</li></ul>																
4.	Monitor compliance on implementation of leave management policy and Injury on Duty (IOD) processes	<p>The impact of this intervention is on effective management of leave and IOD processes:</p> <ul style="list-style-type: none"><li>• Compliance rate was achieved in most of the offices and showed consistent achievement of compliance rate of above 70%. There has been an increase from 83.5% from 2022/23 financial year to 92.8% in 2023/4.</li><li>• The department further managed to resuscitate the relationship with the Department of Employment and Labour (DEL) in order to ensure that the IOD cases are processed swiftly. This was followed by the Compensation for Occupational Injuries and Diseases Act (COIDA) training conducted by DEL to all HR functionaries nationally.</li></ul>																
5.	Monitor implementation of HRD Strategy in line with WSP	Improved competencies through skills development interventions; effective implementation of departmental skills needs, which contributed to retention of skills and overall performance.																
6.	Improved compliance with PMDS	<p>Improved compliance resulted in KRAs aligned to departmental strategy and subsequently led to better overall performance:</p> <table><tr><th></th><th>SMS Level</th><th>Level 1–12</th><th>Departmental Overall</th></tr><tr><td>Performance agreements</td><td>94%</td><td>96%</td><td>96%</td></tr><tr><td>Performance reviews</td><td>85%</td><td>92%</td><td>92%</td></tr><tr><td>Performance assessments</td><td>90%</td><td>91%</td><td>91%</td></tr></table>		SMS Level	Level 1–12	Departmental Overall	Performance agreements	94%	96%	96%	Performance reviews	85%	92%	92%	Performance assessments	90%	91%	91%
	SMS Level	Level 1–12	Departmental Overall															
Performance agreements	94%	96%	96%															
Performance reviews	85%	92%	92%															
Performance assessments	90%	91%	91%															

No.	MTEF HRP Interventions/Priorities	Impact in the department
7.	Implement wellness programmes, monitor the compliance with PILIR and PWD policies	<ul style="list-style-type: none"> <li>Through EHWP the department managed to exceed the targeted 4 800 utilisation rate for all its proactive interventions to promote their psycho-social wellness and also encouraged employees to choose a healthier lifestyle. These interventions included, and are not limited to, mental health awareness, stress management, trauma management, personal financial wellness, alcohol and substance abuse, health screening, PILIR awareness and disability awareness sessions. It reached 8 500 employees, which exceeded the targeted utilisation rate by 56%.</li> <li>Compliance with incapacity leave has improved; 1 721 cases were submitted to the HRM, of which 1 500 were finalised, which resulted in 87% compliance.</li> </ul>
8.	Monitor compliance with labour relations within the prescribed time frames	<p>The impact of this intervention is on maintaining discipline and timeous finalisation of misconduct and grievance cases; and the following were key activities that were undertaken for the 2023/4 financial year:</p> <ul style="list-style-type: none"> <li>The department has exceeded the 75% annual target of finalising misconduct cases within 90 days by 4%, currently at 79%.</li> <li>Complexity and unavailability of officials to resolve grievances within 60 days from the date lodged resulted in non-achievement of 80% set target.</li> </ul>
9.	Monitor compliance with labour relations prescripts/processes	<ul style="list-style-type: none"> <li>64 workshops were held and 1 052 employees given training on code of conduct.</li> </ul>

### 1.3 Workforce planning and key strategies to attract and recruit a skilled and capable workforce

By the end of March 2024, the department had a total workforce (excluding magistrates) of 16 284.

The analysis of the workforce showed the following results:

- A total of 3 668 (22.5%) employees fall in the youth category;
- A total of 12 535 (76.9%) of employees were concentrated in Programme 2 (Court Services), which is the department's core business; of these, 2 565 (20.5%) fall in the youth category (aged 21–35);
- A total of 1 714 (10.5%) of the workforce is in the retirement age category (between 55 and 64 years). Of these, 1 381 (80.6%) are concentrated in Programme 2 (Court Services);
- 25.3% of members of the SMS are in the retirement age category (between 55 and 64 years);
- 57.4% of the workforce is concentrated at salary level 5, which is the entry level where the majority of employees are placed. Of these, 26.7% fall in the youth category (aged 21 to 35 years).

### 1.4 Employee performance management

In respect of overseeing performance management compliance, the department has achieved the following:

- 94% of SMS members and 91% of levels 3–12 concluded performance agreements for the 2023/2024 performance cycle.

### 1.5 Employee wellness programmes

The Employee Health and Wellness programme managed to achieve its targets for the 2023-2024 cycle as follows:

- Improvement in compliance with PILIR and PWD policies;
- Development of initiatives to address sedentary lifestyles and improvement of physical health;
- New improved methods of engagement to improve response towards HIV & AIDS awareness;
- Increased uptake on proactive wellness interventions geared towards increased mental health challenges in the department.



### 1.6 Highlights of achievements

- The MTEF target to award 750 bursaries (at 250 per annum) was exceeded. An overall total of 274 bursaries were awarded for the 2024 academic year to employees studying towards qualifications that aimed to address the department's scarce and critical skills gaps, including leadership and management qualifications at NQF 6–10.
- The department exceeded the target to place 800 interns and learners (5%) on a youth development programme by achieving a total of 1 010 (6.9%) such placements; furthermore, a total of 40 interns and learners were permanently appointed (10 internal, 30 external).
- The department is at 52% and exceeded the 50% set targets of women at SMS levels including LP 10, as at 31 March 2024.
- Significant progress has been noted on the first year of the implementation of 2023/6 MTEF HRP where there were 10 interventions/priorities and 34 outputs/key activities; and achieved 74% (25) of the outputs.
- The implementation of the branch structures and development of provincial structures.

### 1.7 Challenges faced by the department

- Complexity and unavailability of officials to resolve grievances within 60 days from the date lodged resulted in non-achievement of 80% set target due to:
  - a) Complexity of matters which needed more time to be investigated;
  - b) Nature of the grievance (in some cases the department needed consultation with other stakeholders outside the department such as DPSA to give policy directive);
  - c) Lack of cooperation from witnesses or supervisors who feel threatened by organised labour interference;
  - d) Cost containment which hinders investigation in vast geographical areas where travelling is needed.
- The department did not achieve the set target on youth employment due to non-filling of vacancies in compliance with cost containment directives; while 393 youth terminated services (both permanent and non-permanent). This resulted in the 23% youth target not being achieved; instead, a reduction of 0.6%, from 22.9% on 31 March 2023 to 22.3% in March 2024 was experienced.

### 1.8 Future HR plans/ goals

- Develop interventions to counter fiscal and capacity constraints, such as the redefining of work; to move away from specialisation where possible and adopt generalisation; to merge functions where possible and eliminate duplication; creation of leaner and matrix structures; to enhance current human capabilities, etc.
- Submission of provincial structures for approval.
- Development and implementation of the change management framework and guidelines.
- Given a multitude of procedural problems around the management of grievances, in part caused by employee ignorance on the grievance rules, it will be to the benefit of all role players if employees could be re-orientated on the proper grievance procedures. The high number of unsubstantiated grievances suggests that many of the grievances are as a result of misunderstanding, misinformation or misinterpretation. General awareness-raising on the grievance procedure and release of information sheets containing guidelines and principles will promote

greater understanding and appropriate utilisation of the framework.

- A compulsory skills audit to be conducted for SMS members in the 2024/25 financial year, as phase 1, with other phases to follow in the 2025/26 financial year.
- Prioritise critical posts on youth employment.

### 3.1 Personnel-related expenditure

The following tables summarise the final audited personnel-related expenditure by programme and by salary bands. In particular, it provides an indication of the following:

- Amount spent on personnel
- Amount spent on salaries, overtime, home owner's allowance and medical aid.

Table 3.1.1 Personnel expenditure by programme for the period 1 April 2023 to 31 March 2024

Programme	Total Expenditure (R'000)	Personnel Expenditure (R'000)	Training Expenditure (R'000)	Professional and Special Services Expenditure (R'000)	Personnel Expenditure as a % of Total Expenditure	Average Personnel Cost per Employee (R'000)
Administration	3 063 657	639 925	0.00	0.00	20.90	413
Auxiliary & Associated Services	3 847 574	82 109	0.00	0.00	2.10	647
Direct Charges	2 318 925	2 291 524	0.00	0.00	98.80	1 139
Court Services	7 150 468	4 922 678	0.00	0.00	68.80	357
State Legal Services	1 367 869	1 158 065	0.00	0.00	84.70	553
<b>Total as on Financial Systems (BAS)</b>	<b>17 748 493</b>	<b>9 094 301</b>	<b>0.00</b>	<b>0.00</b>	<b>51.20</b>	<b>465</b>



Table 3.1.2 Personnel costs by salary bands for the period 1 April 2023 to 31 March 2024

Salary Band	Personnel Expenditure including Transfers (R'000)	% of Total Personnel Cost	Average Personnel Cost per Employee (R)	Number of Employees
Lower skilled (Levels 1–2)	0	0.00	0	5
Skilled (Levels 3–5)	3 219 383	35.40	323	9 982
Highly skilled production (Levels 6–8)	1 682 446	18.50	452	3 719
Highly skilled supervision (Levels 9–12)	1 509 654	16.60	826	1 827
Senior management (Levels >= 13)	2 182 632	24.00	1 276	1 711
Other	9 094	0.10	27	336
Contract (Levels 3–5)	18 189	0.20	207	88
Contract (Levels 6–8)	9 094	0.10	303	30
Contract (Levels 9–12)	18 189	0.20	791	23
Contract (Levels >= 13)	27 283	0.30	2 099	13
Contract – Other	363 772	4.00	420	866
Periodical Remuneration	54 566	0.60	57	965
Abnormal Appointment	0	0.00	0	39
<b>TOTAL</b>	<b>9 094 301</b>	<b>100.00</b>	<b>464</b>	<b>19 604</b>

Table 3.1.3 Salaries, overtime, home owner allowance and medical aid by programme for the period 1 April 2023 to 31 March 2024

Programme	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
Administration	528 237	81.60	904	0.1	20 057	3.1	32 089	5
Auxiliary and Associated Services	70 927	87.2	729	0.9	1 311	1.6	1 305	1.6
Court Services	3 806 546	75.3	6713	0.1	222 361	4.4	454 936	9
Direct Charges	2 083 748	88.4	0	0.0	21 918	0.9	13 835	0.6
State Legal Services	950 308	81.4	1 423	0.1	33 840	2.9	65 621	5.6
<b>TOTAL</b>	<b>7 439 766</b>	<b>79.9</b>	<b>9 770</b>	<b>0.1</b>	<b>299 487</b>	<b>3.2</b>	<b>567 786</b>	<b>6.1</b>

Table 3.1.4 Salaries, overtime, home owner allowance and medical aid by salary bands for the period 1 April 2023 to 31 March 2024

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)	653	67.60	6	0.60	67	6.90	161	16.70
Skilled (Levels 3–5)	2 359 802	72.90	5 019	0.20	175 964	5.40	370 262	11.40
Highly skilled production (Levels 6–8)	1 342 705	77.70	3 358	0.20	66 678	3.90	131 642	7.60
Highly skilled supervision (Levels 9–12)	1 294 996	83.90	1 287	0.10	29 773	1.90	49 982	3.20
Senior management (Levels >= 13)	1 926 860	86.50	0	0.00	26 846	1.20	15 433	0.70
Other	5 021	84.20	0	0.00	0	0.00	0	0.00
Contract (Levels 3–5)	15 951	99.50	6	0.00	0	0.00	0	0.00
Contract (Levels 6–8)	5 726	97.70	73	1.20	0	0.00	0	0.00
Contract (Levels 9–12)	18 781	96.60	0	0.00	0	0.00	106	0.50
Contract (Levels >= 13)	22 501	91.60	0	0.00	158	0.60	201	0.80
Contract – Other	389 748	98.40	22	0.00	0	0.00	0	0.00
Periodical Remuneration	57 036	57.00	0	0.00	0	0.00	0	0.00
Abnormal Appointment	-13	-1.90	0	0.00	0	0.00	0	0.00
<b>TOTAL</b>	<b>7 439 766</b>	<b>79.90</b>	<b>9 770</b>	<b>0.10</b>	<b>299 487</b>	<b>3.20</b>	<b>567 786</b>	<b>6.10</b>

### 3.2 Employment and vacancies

The tables in this section summarise the position with regard to employment and vacancies. Further, they provide a breakdown of the number of posts on the establishment, the number of employees, the vacancy rate, and whether there were any staff who were additional to the establishment.

This information is presented in terms of three key variables:

- programme,
- salary band, and
- critical occupations.

Table 3.2.1 Employment and vacancies by programme, 31 March 2024

Programme	Number of posts on approved establishment	Number of posts filled	Vacancy Rate	Number of posts filled additional to the establishment
Administration	1 533	1 533	0.0	478
Court Services	12 540	12 535	0.0	20
State Legal Services	2 092	2 091	0.0	2
Auxiliary and Associated Services	126	125	0.8	22
SUB-TOTAL: EXCLUDING JUDICIARY	16 291	16 284	0.0	522
Magistrates	2 422	1 878	22.5	0
<b>TOTAL (INCLUDING JUDICIARY)</b>	<b>18 713</b>	<b>18 162</b>	<b>2.9</b>	<b>522</b>

Table 3.2.2 Employment and vacancies by salary band, 31 March 2024

Programme	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) (including interns)	455	455	0.0	418
Skilled (Levels 3–5)	10 036	10 035	0.0	73
Highly skilled production (Levels 6–8)	3 768	3 764	0.1	27
Highly skilled supervision (Levels 9–12)	1 844	1 844	0.0	4
Senior management (Levels 13–16)	188	186	1.1	0
Magistrates	2 422	1 878	22.5	0
<b>TOTAL</b>	<b>18 713</b>	<b>18 162</b>	<b>2.9</b>	<b>522</b>

Table 3.2.3 Employment and vacancies by critical occupation, 31 March 2024

Occupations	Number of posts on approved establishment	Number of posts filled	Vacancy Rate	Number of posts filled additional to the establishment
Administration clerks	7 893	7 893	0.0	10
Administration officer	691	691	0.0	1
Advocate	7	7	0.0	0
Call or contact centre clerk	25	25	0.0	0
Caretaker/ Cleaner	3	3	0.0	0
Clerical workers not classified elsewhere	38	38	0.0	0
Communication co-ordinator	17	17	0.0	0
Court manager	261	261	0.0	1

Occupations	Number of posts on approved establishment	Number of posts filled	Vacancy Rate	Number of posts filled additional to the establishment
Dispatching and receiving clerk	42	42	0.0	0
Editor	1	1	0.0	0
Estate controller	298	298	0.0	0
Family advocate	96	96	0.0	0
Filing and registry clerk	229	229	0.0	1
Finance clerk	371	371	0.0	1
Financial accountant	123	123	0.0	0
Food trade assistant	14	14	0.0	0
Groundskeeper	1	1	0.0	0
Handyperson	2	2	0.0	0
Human resource clerk	224	224	0.0	0
Human resource practitioner	35	35	0.0	0
Industrial/ Labour relations officer	15	15	0.0	0
Interns	532	532	0.0	499
Internal auditor	113	113	0.0	0
Interpreter	1 740	1 740	0.0	1
Legal administration officer	71	71	0.0	0
Legal clerk	412	412	0.0	1
Legal-related manager	52	51	1.9	0
Librarian	18	18	0.0	0
Library assistant	18	18	0.0	0
Light vehicle driver	15	15	0.0	0
Magistrates	2 422	1 878	22.5	0
Maintenance officer	193	193	0.0	0
Master of the Court	209	209	0.0	0
Messengers	272	272	0.0	0
Middle manager: Human resource & organisational development related	139	139	0.0	0
Middle manager: Administrative related	220	220	0.0	3
Middle manager: Finance and economics related	210	210	0.0	0
Middle manager: Internal audit related	16	16	0.0	0
Middle manager: Legal related	48	48	0.0	0
Middle manager: Communication & information related	23	23	0.0	0
Office cleaner	26	26	0.0	0
Office machine operator	3	3	0.0	0
Organisational development practitioner	11	11	0.0	0
Personal assistant	10	10	0.0	0
Programme or project manager	5	5	0.0	0
Receptionist (general)	20	20	0.0	0
Registrar of the court	12	11	8.3	0

Occupations	Number of posts on approved establishment	Number of posts filled	Vacancy Rate	Number of posts filled additional to the establishment
Risk officer	7	7	0.0	0
Secretary (general)	377	377	0.0	2
Security officer	243	243	0.0	1
Senior managers	187	186	0.5	0
Social workers	121	117	3.3	0
State attorney	271	271	0.0	0
State law advisor	71	71	0.0	0
Statistical and mathematical assistant	11	11	0.0	0
Statistician	1	1	0.0	0
Supply chain clerk	80	80	0.0	0
Switchboard operator	93	93	0.0	0
Systems administrator	18	18	0.0	0
Technical (ICT) support services manager	16	16	0.0	0
Telecommunication technician	2	2	0.0	0
Training and development professional	9	9	0.0	0
Translator	10	10	0.0	1
<b>Total</b>	<b>18 713</b>	<b>18 162</b>	<b>2.9</b>	<b>522</b>

### 3.2 Filling of SMS posts

The tables in this section provide information on employment and vacancies as they relate to members of the Senior Management Service (SMS) by salary levels. It also provides information on advertising and filling of SMS posts, reasons for not complying with prescribed time frames and disciplinary steps taken.

Table 3.3.1 SMS posts information as on 31 March 2024

SMS level	Total number of funded SMS posts	Total number of SMS posts	% 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	1	2	200.0	0	0.0
Salary level 15	16	14	87.5	2	12.5
Salary level 14	50	50	100.0	0	0.0
Salary level 13	119	119	100.0	0	0.0
<b>Total</b>	<b>188</b>	<b>186</b>	<b>98.9</b>	<b>2</b>	<b>1.1</b>



Table 3.3.2 SMS posts information as on 30 September 2023

SMS level	Total number of funded SMS posts	Total number of SMS posts	% of SMS posts filled	Total number of SMS posts vacant	% of SMS posts vacant
Director-General/Head of Department	1	1	100.0	0	0.0
Salary level 16, but not HOD	3	3	100.0	0	0.0
Salary level 15	19	13	68.4	6	31.6
Salary level 14	52	48	92.3	4	7.7
Salary level 13	140	119	85.0	21	15.0
<b>Total</b>	<b>215</b>	<b>184</b>	<b>85.6</b>	<b>31</b>	<b>14.4</b>

Table 3.3.3 Advertising and filling of SMS posts for the period 1 April 2023 to 31 March 2024

SMS	Advertising	Filling of posts	
	Number of vacancies per level advertised in 6 months becoming vacant	Number of vacancies per level filled in 6 months of becoming vacant	Number of vacancies per level not filled in 6 months but filled in 12 months
Director-General/ Head of Department	0	0	0
Salary level 16	0	0	0
Salary level 15	1	1	1
Salary level 14	4	2	0
Salary level 13	15	5	1
<b>Total</b>	<b>20</b>	<b>8</b>	<b>2</b>

Table 3.3.4 Reasons for not having complied with the filling of funded vacant SMS – Advertised within 6 months and filled within 12 months after becoming vacant for the period 1 April 2023 to 31 March 2024

Reasons for vacancies not advertised within six months:
Departmental reconfiguration
Reasons for vacancies not filled within 12 months:
Departmental reconfiguration

There were no disciplinary steps taken for not complying with the prescribed time frames for filling SMS posts within 12 months for the period 1 April 2023 to 31 March 2024.

### 3.4 Job evaluation

Within a nationally determined framework, executing authorities may evaluate or re-evaluate any job in his or her organisation. In terms of the regulations, all vacancies on salary levels 9 and higher must be evaluated before they are filled.

The following table summarises the total number of jobs that were evaluated during the year under review. The table also provides statistics on the number of posts that were upgraded or downgraded.

Table 3.4.1 Job evaluation by salary band for the period 1 April 2023 to 31 March 2024

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)	455	0	0.0	0	0.0	0	0.0
Skilled (Levels 3–5)	10 036	0	0.0	0	0.0	0	0.0
Highly skilled production (Levels 6–8)	3 768	1	0.0	0	0.0	0	0.0
Highly skilled supervision (Levels 9–12)	1 844	20	1.1	0	0.0	0	0.0
SMS Band A	119	6	5.0	0	0.0	0	0.0
SMS Band B	50	3	6.0	0	0.0	0	0.0
SMS Band C	16	0	0.0	0	0.0	0	0.0
SMS Band D	3	0	0.0	0	0.0	0	0.0
<b>TOTAL</b>	<b>16 291</b>	<b>30</b>	<b>0.2</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</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, as 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 from 1 April 2023 to 31 March 2024

Beneficiaries	African	Asian	Coloured	White	Total
Female	0	0	0	0	0
Male	0	0	0	0	0
Total	0	0	0	0	0
<b>Employees with a disability</b>					<b>0</b>

No posts of employee were upgraded during this period.

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 2023 to 31 March 2024

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Accounting Clerk	1	5	6	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Accounting Clerk	1	5	6	Resolution 3 of 2009: Grade progression
Accounting Clerk Chief	1	5	7	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Accounting Clerk Chief	2	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Accounting Clerk Chief	16	7	8	Resolution 3 of 2009: Grade progression
Administration Clerk	136	5	6	Resolution 3 of 2009: Grade progression
Administration Clerk	35	5	6	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Administration Clerk	1	5	7	Resolution 3 of 2009: Grade progression
Administration Clerk	1	5	8	Resolution 3 of 2009: Grade progression
Administration Clerk Chief	2	5	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Administration Clerk Chief	1	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Administration Clerk	26	7	8	Resolution 3 of 2009: Grade progression
Administration Head	1	9	10	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Administrative Officer	4	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Administrative Officer	21	7	8	Resolution 3 of 2009: Grade progression
Administrative Officer	3	7	8	Resolution 3 of 2009: Grade progression
Area Court Manager	10	11	12	Resolution 3 of 2009: Grade progression
Deputy Director	1	11	9	Employee retained in lower level post in terms of PSR V.C.R.

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Assistant Director	50	9	10	Resolution 3 of 2009: Grade progression
Court Interpreter	7	5	7	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Court Interpreter	203	5	6	Resolution 3 of 2009: Grade progression
Court Interpreter	2	5	7	Resolution 3 of 2009: Grade progression
Court Interpreter Principal	5	7	8	Resolution 3 of 2009: Grade progression
Deputy Director: Administration	1	11	9	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Deputy Director: Administration	5	11	12	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Deputy Director	29	11	12	Resolution 3 of 2009: Grade progression
Driver	1	4	5	Provisions of previous dispensation placed employee on higher level than the new
E Scheduler Clerk	1	5	6	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
E Scheduler Clerk	1	5	7	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
E Scheduler Clerk	107	5	6	Resolution 3 of 2009: Grade progression
Executive Administrative Assistant	1	7	9	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Executive Administrative Assistant	1	9	10	Resolution 3 of 2009: Grade progression
Family Law Assistant	1	7	8	Resolution 3 of 2009: Grade progression
Helpdesk Operator	3	4	5	Resolution 3 of 2009: Grade progression
Human Resource Officer	26	5	7	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Human Resource Officer	2	5	6	Resolution 3 of 2009: Grade progression
Human Resource Officer	1	8	8	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
Human Resource Officer Senior	17	7	8	Resolution 3 of 2009: Grade progression
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	4	7	8	Resolution 3 of 2009: Grade progression
Law Lecturer	3	10	12	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Legal Secretary	1	5	6	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Legal Secretary	2	5	6	Resolution 3 of 2009: Grade progression
Legislative Language Practitioner	3	7	10	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Librarian Senior	1	7	8	Resolution 3 of 2009: Grade progression
Library Assistant Senior	4	4	5	Resolution 3 of 2009: Grade progression
Maintenance Co-ordinator	1	5	7	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Maintenance Investigator	66	7	8	Resolution 3 of 2009: Grade progression
Maintenance Investigator	6	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Messenger	1	3	4	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Messenger Chief	1	4	5	Resolution 3 of 2009: Grade progression
Office Manager	1	11	12	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Office Manager	1	9	10	Resolution 3 of 2009: Grade progression
Personal Assistant	1	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Personal Assistant	3	5	8	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
Provisioning Administration Clerk	1	5	6	Resolution 3 of 2009: Grade progression
Provisioning Administration Officer	3	7	8	Resolution 3 of 2009: Grade progression
Provisioning Administration Officer	1	7	8	Provisions of previous dispensation placed employee on higher level than the new
Receptionist	9	4	5	Resolution 3 of 2009: Grade progression
Registry Clerk	3	5	6	Resolution 3 of 2009: Grade progression
Registry Clerk	3	5	6	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Registry Clerk	3	5	7	Resolution 3 of 2009: Grade progression
Registry Clerk Chief	3	7	8	Resolution 3 of 2009: Grade progression
Secretary	10	5	7	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Secretary	1	5	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Secretary	2	5	6	Resolution 3 of 2009: Grade progression
Secretary	3	5	7	Resolution 3 of 2009: Grade progression
Secretary	1	5	8	Resolution 3 of 2009: Grade progression
Secretary	1	7	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	4	7	8	Resolution 3 of 2009: Grade progression
Senior Auditor	7	9	10	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Senior Auditor	1	9	10	Resolution 3 of 2009: Grade progression
Senior Court Interpreter	3	5	7	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Senior Court Interpreter	6	7	8	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
Senior Court Interpreter	5	5	8	Resolution 3 of 2009: Grade progression
Senior Court Interpreter	101	7	8	Resolution 3 of 2009: Grade progression
State Accountant	9	7	8	Resolution 3 of 2009: Grade progression
Telecom Operator	10	4	5	Resolution 3 of 2009: Grade progression
Telecom Operator	1	7	8	Resolution 3 of 2009: Grade progression
Telecom Operator Senior	1	4	5	Resolution 3 of 2009: Grade progression
Telecom Operator Senior	1	5	6	Resolution 3 of 2009: Grade progression
Vetting Administrator	3	7	8	Resolution 3 of 2009: Grade progression
Workstudy Officer Senior	2	9	19	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
<b>TOTAL</b>	<b>1029</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 2023 to 31 March 2024

Beneficiaries	African	Asian	Coloured	White	Total
Female	459	24	59	93	635
Male	327	15	25	27	394
Total	786	39	84	120	1 029
<b>Employees with a disability</b>					<b>36</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), or translation to another rank without a change in salary level.

A total of 172 employees were promoted to a higher salary level, and 1 029 employees were carried out of adjustment against another post (refer to Table 3.4.3 above). The personnel movements 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 2023 to 31 March 2024

Salary band	Number of employees at beginning of period – April 2023	Appointments and transfers into the department	Terminations and transfers out of the department	Turnover rate
Lower skilled (Levels 1–2), Permanent	4	2	0	0.0
Skilled (Levels 3–5), Permanent	10 109	353	299	3.0
Highly skilled production (Levels 6–8), Permanent	3 668	129	226	6.2
Highly skilled supervision (Levels 9–12), Permanent	1 852	63	119	6.4
Senior Management Service Band A	109	7	10	9.2
Senior Management Service Band B	46	5	2	4.3
Senior Management Service Band C	8	3	1	12.5
Senior Management Service Band D	1	0	0	0.0
Magistrates	1 870	1	82	4.4
<b>SUB-TOTAL: PERMANENT EMPLOYEES</b>	<b>17 667</b>	<b>563</b>	<b>739</b>	<b>4.2</b>
Contracts (including interns)	266	1 298	980	75.5
<b>SUB-TOTAL: CONTRACT</b>	<b>266</b>	<b>1 298</b>	<b>980</b>	<b>75.5</b>
<b>TOTAL</b>	<b>17 933</b>	<b>1 861</b>	<b>1 719</b>	<b>9.6</b>

Table 3.5.2 Annual turnover rates by critical occupation for the period 1 April 2023 to 31 March 2024

Occupations	Number of employees per at beginning of period – April 2023	Appointments and transfers into the department	Terminations and transfers out of the department	Turnover rate
Administrative related	544	21	29	5.3
Advocates	68	2	6	8.8
Attorneys	305	18	21	6.9
Building and other property caretakers	1	0	0	0.0
Bus and heavy vehicle drivers	7	0	0	0.0
Cleaners in offices, workshops, hospitals, etc.	34	0	7	20.6
Client information clerks (switchboard/information clerks)	103	9	8	7.8
Communication and information related	29	0	3	10.3
Finance and economics related	266	6	17	6.4
Financial and related professionals	196	8	17	8.7
Financial clerks and credit controllers	391	23	13	3.3
Good services aids and waiters	15	1	2	13.3
General legal administration & related professionals	714	55	40	5.6
Human resources & organisational development & related professionals	49	1	2	4.1
Human resources clerks	237	10	6	2.5
Human resources related	133	15	14	10.5

Occupations	Number of employees per at beginning of period – April 2023	Appointments and transfers into the department	Terminations and transfers out of the department	Turnover rate
Information technology related	18	3	6	33.3
Language practitioners; interpreters	422	10	28	6.6
Legal related	193	6	12	6.2
Librarians and related professionals	17	0	2	11.8
Library mail and related clerks	267	11	11	4.1
Light vehicle drivers	6	0	1	16.7
Logistical support personnel	39	3	2	5.1
Magistrates	1 870	1	83	4.4
Material-recording and transport clerks	78	5	3	3.8
Messengers, porters and deliverers	274	24	11	4.0
Other administrative & related clerks and organisers	7 986	193	243	3.0
Other administrative policy and related officers	849	24	41	4.8
Other information technology personnel	21	3	2	9.5
Prosecutor	2	0	0	0.0
Risk management and security services	7	0	0	0.0
Secretaries & other keyboard operating clerks	495	30	22	4.4
Security guards	7	0	1	14.3
Security officers	238	9	8	3.4
Senior managers	164	15	12	7.3
Social sciences related	1	0	0	0.0
Social work and related professionals	116	10	11	9.5
Translators and air traffic communicators	1 505	47	55	3.7
Contracts	266	1 298	980	75.5
<b>TOTAL</b>	<b>17 933</b>	<b>1 861</b>	<b>1 719</b>	<b>9.6</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 2023 to 31 March 2024

Termination Type	Number	% of total resignations
Death	70	4.1%
Resignation	354	20.6%
Expiry of contracts	981	57.1%
Retirement due to ill health	32	1.9%
Dismissal – misconduct	20	1.2%
Retirement	195	11.3%
Transfer to other public service departments	67	3.9%
<b>TOTAL</b>	<b>1 719</b>	<b>100%</b>
<b>Total number of employees who left as a % of total employment</b>		<b>9.5%</b>

Table 3.5.4 Promotions by critical occupation for the period 1 April 2023 to 31 March 2024

Occupations	Employees as at 1 April 2023	Promotions to another salary level	Salary level promotions as a % of employees by occupation	Progressions to another notch within a salary level	Notch progression as a % of employees by occupation
Administrative related	558	12	2.2%	335	60.0%
Advocates	68	1	1.5%	43	63.2%
Attorneys	387	5	1.3%	194	50.1%
Building and other property caretakers	1	0	0.0%	1	100.0%
Bus and heavy vehicle drivers	7	0	0.0%	5	71.4%
Cleaners in offices, workshops, hospitals, etc.	52	0	0.0%	20	38.5%
Client information clerks (switchboard, reception, information clerks)	103	0	0.0%	47	45.6%
Communication and information related	29	0	0.0%	22	75.9%
Finance and economics related	268	8	3.0%	185	69.0%
Financial and related professionals	197	4	2.0%	127	64.5%
Financial clerks and credit controllers	391	2	0.5%	290	74.2%
Food services aids and waiters	16	0	0.0%	10	62.5%
General legal administration & related professionals	717	6	0.8%	381	53.1%
Head of department/chief executive officer	1	0	0.0%	0	0.0%
Human resources & organisational development & related professionals	49	1	2.0%	36	73.5%
Human resources clerks	237	4	1.7%	145	61.2%
Human resources related	143	6	4.2%	77	53.8%
Information technology related	17	0	0.0%	4	23.5%
Language practitioners; interpreters	422	5	1.2%	331	78.4%
Legal related	193	10	5.2%	131	67.9%
Librarians and related professionals	17	0	0.0%	13	76.5%
Library mail and related clerks	267	3	1.1%	193	72.3%
Light vehicle drivers	6	0	0.0%	3	50.0%
Logistical support personnel	39	0	0.0%	25	64.1%
Magistrates	1 870	46	2.5%	0	0.0%
Material-recording and transport clerks	78	1	1.3%	56	71.8%
Messengers porters and deliverers	347	0	0.0%	198	57.1%
Other administrative & related clerks and organisers	8 031	19	0.2%	6 425	80.0%
Other administrative policy and related officers	851	23	2.7%	561	65.9%
Other information technology personnel	21	0	0.0%	13	61.9%
Prosecutor	2	0	0.0%	2	100.0%
Risk management and security services	7	0	0.0%	3	42.9%
Secretaries & other keyboard operating clerks	498	1	0.2%	327	65.7%
Security guards	7	0	0.0%	6	85.7%



Occupations	Employees as at 1 April 2023	Promotions to another salary level	Salary level promotions as a % of employees by occupation	Progressions to another notch within a salary level	Notch progression as a % of employees by occupation
Security officers	238	0	0.0%	118	49.6%
Senior managers	172	6	3.5%	85	49.4%
Social sciences related	1	0	0.0%	0	0.0%
Social work and related professionals	116	0	0.0%	28	24.1%
Translators and air traffic communicators	1 509	9	0.6%	1 080	71.6%
<b>TOTAL</b>	<b>17 933</b>	<b>172</b>	<b>1.0%</b>	<b>11 520</b>	<b>64.2%</b>

Table 3.5.5 Promotions by salary band for the period 1 April 2023 to 31 March 2024

Salary Band	Employees 1 April 2023	Promotions to another salary level	Salary bands promotions as a % of employees by salary level	Progressions to another notch within a salary level	Notch progressions as a % of employees by salary band
Lower skilled (Levels 1–2) (including interns)	135	0	0.0	2	1.5
Skilled (Levels 3–5)	10 169	15	0.1	8 018	78.8
Highly skilled production (Levels 6–8)	3 706	67	1.8	2 277	61.4
Highly skilled supervision (Levels 9–12)	1 876	37	2.0	1 136	60.6
Senior Management Service (Levels 13–16)	177	7	4.0	87	49.2
Magistrates	1 870	46	2.5		0.0
<b>TOTAL</b>	<b>17 933</b>	<b>172</b>	<b>1.0</b>	<b>11 520</b>	<b>64.2</b>

### 3.5 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 2024

Occupational categories (SASCO)	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Magistrates	488	119	83	206	511	119	120	488	1 878
Legislators, senior officials and managers	80	3	5	6	64	7	6	80	183
Professionals	1 309	91	32	73	1 365	145	97	1 309	3 259
Clerks	2 919	306	77	67	6 090	729	180	2 919	10 768
Service and sales workers	119	14	3	27	74	6	1	119	245
Plant and machine operators and assemblers	0	0	0	0	0	0	0	0	0
Labourers and related workers	363	35	3	8	453	24	0	363	890
Technical and associated professions, permanent	233	28	14	15	532	56	17	233	939
<b>TOTAL</b>	<b>5 511</b>	<b>596</b>	<b>217</b>	<b>402</b>	<b>9 089</b>	<b>1 086</b>	<b>421</b>	<b>5 511</b>	<b>18 162</b>

Table 3.6.2 Total number of employees (including employees with disabilities) in each of the following occupational bands as on 31 March 2024

Occupational Bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Magistrates	488	119	83	206	511	119	120	232	1 878
Top management	9	1	0	0	5	0	2	0	17
Senior management	71	2	5	6	61	7	4	13	169
Professionally qualified and experienced specialists and mid-management	470	35	21	59	448	54	52	119	1 258
Skilled technical and academically qualified workers, junior management, supervisors, foremen	1 428	118	41	65	2 096	238	99	265	4 350
Semi-skilled and discretionary decision-making	2 927	317	67	65	5 644	660	144	211	10 035
Unskilled and defined decision-making (including Interns)	323	8	0	0	119	4	0	1	455
<b>TOTAL</b>	<b>5 716</b>	<b>600</b>	<b>217</b>	<b>401</b>	<b>8 884</b>	<b>1 082</b>	<b>421</b>	<b>841</b>	<b>18 162</b>

Table 3.6.3 Recruitment for the period 1 April 2023 to 31 March 2024

Occupational Bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Magistrates (including contracts)	257	31	11	52	170	40	23	70	654
Top management	5	0	0	0	0	0	1	0	6
Senior management	6	1	0	0	3	1	0	1	12
Professionally qualified and experienced specialists and mid-management	29	2	1	2	34	5	3	5	81
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	43	7	1	0	72	9	2	2	136
Semi-skilled and discretionary decision-making	144	16	2	0	217	13	1	2	395
Unskilled and defined decision-making	2	0	0	0	0	0	0	0	2
Interns	142	9	0	2	405	17	0	0	575
Total	628	66	15	56	901	85	30	80	1 861
<b>Employees with</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5</b>

Table 3.6.4 Promotions for the period 1 April 2023 to 31 March 2024

Occupational Bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	2	0	0	0	1	0	0	0	3
Senior management	35	2	2	2	34	4	4	8	91
Magistrates	10	2	0	6	15	5	4	4	46
Professionally qualified and experienced specialists and mid-management	473	27	19	31	447	54	47	75	1 173
Skilled technical and academically qualified workers, junior management, supervisors, foremen	841	63	18	17	1 166	125	43	71	2 344
Semi-skilled and discretionary decision-making	2 265	260	66	55	4 477	581	138	191	8 033
Unskilled and defined decision-making	0	0	0	0	2	0	0	0	2
<b>TOTAL</b>	<b>3 626</b>	<b>354</b>	<b>105</b>	<b>111</b>	<b>6 142</b>	<b>769</b>	<b>236</b>	<b>349</b>	<b>11 692</b>
Employees with disabilities	108	12	5	10	120	12	5	16	288

Table 3.6.5 Terminations for the period 1 April 2023 to 31 March 2024

Occupational Bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	1	0	0	0	1	0	0	0	2
Senior management	1	1	1	3	3	1	2	1	13
Magistrates (including contracts)	274	31	13	77	179	40	23	87	724
Professionally qualified and experienced specialists and mid-management	48	4	4	9	46	7	11	10	139
Skilled technical and academically qualified workers, junior management, supervisors, foremen	81	2	2	6	105	15	0	22	233
Semi-skilled and discretionary decision-making	116	18	4	3	184	23	4	9	361
Unskilled and defined decision-making	0	0	0	0	0	0	0	0	0
Interns	68	1	0	1	169	7	0	1	247
<b>TOTAL</b>	<b>589</b>	<b>57</b>	<b>24</b>	<b>99</b>	<b>687</b>	<b>93</b>	<b>40</b>	<b>130</b>	<b>1719</b>
Employees with disabilities	5	0	1	3	2	1	1	0	13

Table 3.6.6 Disciplinary action for the period 1 April 2023 to 31 March 2024

	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Disciplinary action	114	10	1	1	82	6	3	3	220

Table 3.6.7 Skills development for the period 1 April 2023 to 31 March 2024

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	47	1	0	0	25	6	7	7	93
Professionals	342	0	61	18	715	49	28	22	1 235
Technicians and associate professionals	1 099	9	39	6	1 301	55	8	10	2527
Clerks	2 066	4	316	30	2 726	329	19	19	5509
Service and sales workers	0	0	0	0	0	0	0	0	0
Plant and machine operators and assemblers	0	0	0	0	0	0	0	0	0
Elementary occupations	26	0	2	0	28	4	0	0	60
Labourers and related workers	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>3 580</b>	<b>14</b>	<b>418</b>	<b>54</b>	<b>4 795</b>	<b>443</b>	<b>62</b>	<b>58</b>	<b>9424</b>
Employees with disabilities	5	3	2	1	8	1	2	1	23

### 3.5 Signing of performance agreements by SMS members

All members of the SMS must conclude and sign performance agreements within specific time frames. Information regarding the signing of performance agreements by SMS members, the reasons for not complying within the prescribed time frames and disciplinary steps taken are presented here.

Table 3.7.1 Signing of performance agreements by SMS members as on 31 May 2023

SMS Level	Total number of funded SMS posts per	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	1	1	1	100%
Salary Level 16 (not HOD)	1	1	1	100%
Salary Level 15	16	4	3	75%
Salary Level 14	50	46	44	95.7%
Salary Level 13	119	110	103	93.6%
<b>Total</b>	<b>188</b>	<b>162</b>	<b>152</b>	<b>93.8%</b>

Table 3.7.2 Reasons for not having concluded performance agreements for all SMS members as on 31 May 2023

One official was on suspension, three were on long sick leave, one was a dispute, one was still within contracting period, and four did not comply.

Table 3.7.3 Disciplinary steps taken against SMS members for not having concluded performance agreements as on 31 May 2023

Compliance letters were forwarded to line managers to institute disciplinary action on non-compliance. EXCO also took a decision to include PMDS compliance on the agenda for their meetings.

### 3.8 Performance rewards

To encourage good performance, the department has granted the following performance rewards during the year under review. The information is presented in terms of race, gender and disability, salary bands and critical occupations.

Table 3.8.1 Performance rewards by race, gender and disability for the period 1 April 2023 to 31 March 2024

	Beneficiary Profile			Cost	
	Number of beneficiaries	Total number of employees in group	% of total within group	Cost (R'000)	Average cost per employee
African	0	13 333	0.0	0	-
Male	0	4 895	0.0	0	-
Female	0	8 438	0.0	0	-
Asian	1	422	0.2	45	45 808.68
Male	0	128	0.0	0	-
Female	1	294	0.3	45	45 808.68
coloured	0	1 416	0.0	0	-
Male	0	462	0.0	0	-
Female	0	954	0.0	0	-
White	0	760	0.0	0	-
Male	0	179	0.0	0	-
Female	0	581	0.0	0	-
Employees with disabilities	0	353	0.0	0	-
<b>TOTAL</b>	<b>1</b>	<b>16 284</b>	<b>0.0</b>	<b>45</b>	<b>45 808.68</b>



Table 3.8.2 Performance rewards by salary bands for personnel below senior management service for the period 1 April 2023 to 31 March 2024

Salary Bands	Beneficiary Profile			Cost		
	Number of beneficiaries	Number of employees	% of total within salary bands	Total Cost (R'000)	Average cost per employee	Total cost as a % of the total personnel expenditure
Lower skilled (Levels 1–2)	0	455	0.0	0	0	0.0
Skilled (Levels 3–5)	0	10 035	0.0	0	0	0.0
Highly skilled production (Levels 6–8)	0	3 764	0.0	0	0	0.0
Highly skilled supervision (Levels 9–12)	1	1 844	0.1	45	45 808.68	0.0
<b>TOTAL</b>	<b>1</b>	<b>16 098</b>	<b>0.0</b>	<b>45</b>	<b>45 808.68</b>	<b>0.0</b>

Table 3.8.3 Performance rewards by occupations

Occupations	Beneficiary Profile			Cost	
	Number of beneficiaries	Number of employees	% of total within occupation	Cost (R'000)	Average cost per employee
Administration clerks	0	7 893	0.0	0	0
Administration officer	0	691	0.0	0	0
Advocate	0	7	0.0	0	0
Call or contact centre clerk	0	25	0.0	0	0
Caretaker/ cleaner	0	3	0.0	0	0
Clerical supplementary workers not classified elsewhere	0	38	0.0	0	0
Communication coordinator	0	17	0.0	0	0
Court manager	1	261	0.4	45	45 808.68
Dispatching and receiving clerk	0	42	0.0	0	0
Editor	0	1	0.0	0	0
Estate controller	0	298	0.0	0	0
Family advocate	0	96	0.0	0	0
Filing and registry clerk	0	229	0.0	0	0
Finance clerk	0	371	0.0	0	0
Financial accountant	0	123	0.0	0	0
Food trade assistant	0	14	0.0	0	0
Groundskeeper	0	1	0.0	0	0
Handyperson	0	2	0.0	0	0
Human resource clerk	0	224	0.0	0	0
Human resource practitioner	0	35	0.0	0	0
Industrial/ labour relations officer	0	15	0.0	0	0
Internal auditor	0	113	0.0	0	0
Interpreter	0	1 740	0.0	0	0

Occupations	Beneficiary Profile			Cost	
	Number of beneficiaries	Number of employees	% of total within occupation	Cost (R'000)	Average cost per employee
Legal administration officer	0	71	0.0	0	0
Legal clerk	0	412	0.0	0	0
Legal-related manager	0	51	0.0	0	0
Librarian	0	18	0.0	0	0
Library assistant	0	18	0.0	0	0
Light vehicle driver	0	15	0.0	0	0
Maintenance officer	0	193	0.0	0	0
Master of the court	0	209	0.0	0	0
Messengers	0	272	0.0	0	0
Middle manager HR	0	139	0.0	0	0
Middle manager: administrative related	0	220	0.0	0	0
Middle manager: finance and economics related	0	210	0.0	0	0
Middle manager: internal audit related	0	16	0.0	0	0
Middle manager: legal related	0	48	0.0	0	0
Middle manager: Communication & information related	0	23	0.0	0	0
Office cleaner	0	26	0.0	0	0
Office machine operator	0	3	0.0	0	0
Organisational development practitioner	0	11	0.0	0	0
Personal assistant	0	10	0.0	0	0
Programme or project manager	0	5	0.0	0	0
Receptionist (general)	0	20	0.0	0	0
Registrar of the court	0	11	0.0	0	0
Risk officer	0	7	0.0	0	0
Secretary (general)	0	377	0.0	0	0
Security officer	0	243	0.0	0	0
Senior managers	0	186	0.0	0	0
Social worker	0	117	0.0	0	0
State attorney	0	271	0.0	0	0
State law advisor	0	71	0.0	0	0
Statistical and mathematical assistant	0	11	0.0	0	0
Statistician	0	1	0.0	0	0
Supply chain clerk	0	80	0.0	0	0
Switchboard operator	0	93	0.0	0	0
Systems administrator	0	18	0.0	0	0

Occupations	Beneficiary Profile			Cost	
	Number of beneficiaries	Number of employees	% of total within occupation	Cost (R'000)	Average cost per employee
Technical (ICT) support services manager	0	16	0.0	0	0
Telecommunications technician	0	2	0.0	0	0
Training and development professional	0	9	0.0	0	0
Translator	0	10	0.0	0	0
Intern	0	532	0.0	0	0
<b>Total</b>	<b>1</b>	<b>16 284</b>	<b>0.0</b>	<b>45</b>	<b>45 808.68</b>

Table 3.8.4 Performance-related rewards (cash bonus), by salary band, for SMS for the period 1 April 2023 to 31 March 2024

Salary Bands	Beneficiary Profile			Cost		
	Number of beneficiaries	Number of employees	% of total within bands	Total Cost (R'000)	Average cost per employee	Total cost as a % of the total personnel expenditure
Band A	0	119	0.0	0	0	0.0
Band B	0	50	0.0	0	0	0.0
Band C	0	14	0.0	0	0	0.0
Band D	0	3	0.0	0	0	0.0
<b>Total</b>	<b>0</b>	<b>186</b>	<b>0.0</b>	<b>0</b>	<b>0</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 2023 to 31 March 2024, by salary band

Salary Band	1 April 2023		31 March 2024		Change	
	Number	% of total	Number	% of total	Number	% of total
Skilled (Levels 3–5)	0	0.0	4	1.7	4	4.0
Highly skilled production (Levels 6–8)	0	0.0	2	0.9	2	2.0
Highly skilled supervision (Levels 9–12)	0	0.0	1	0.4	1	1.0
Senior management (Levels 13–16)	0	0.0	1	0.4	1	1.0
Other	133	100.0	224	96.6	91	92.0
<b>TOTAL</b>	<b>133</b>	<b>100.0</b>	<b>232</b>	<b>100.0</b>	<b>99</b>	<b>100.0</b>

Table 3.9.2 Foreign workers, 1 April 2023 to 31 March 2024, by major occupation

Major occupation	1 April 2023		31 March 2024		Change	
	Number	% of total	Number	% of total	Number	% of total
Administrative office workers	133	100	228	98.3	95	96.0
Elementary occupations	0	0.0	0	0.0	0	0.0
Professionals and managers	0	0.0	4	1.7	4	4.0
<b>TOTAL</b>	<b>133</b>	<b>100</b>	<b>232</b>	<b>100.0</b>	<b>99</b>	<b>100.0</b>

### 3.10 Leave utilisation

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

Table 3.10.1 Sick leave, 1 January 2023 to 31 December 2023

Salary Band	Total Days	% Days with Medical Certification	Number of Employees using Sick Leave	% of Total Employees using Sick Leave	Average Days per Employee	Estimated Cost (R'000)
Lower skilled (Levels 1-2)	48	100.0	5	0.0	10	31
Skilled (Levels 3-5)	85 991	80.0	9 280	63.5	9	94 381
Highly skilled production (Levels 6-8)	28 405	76.7	3 323	22.7	9	47 658
Highly skilled supervision (Levels 9-12)	11 543	75.9	1 505	10.3	8	35 699
Senior management (Levels 13-16)	898	84.7	122	0.8	7	4 428
Contract (Levels 3-5)	256	62.5	82	0.6	3	157
Contract (Levels 6-8)	106	64.2	35	0.2	3	43
Contract (Levels 9-12)	47	51.1	14	0.1	3	135
Contract (Levels 13-16)	5	40.0	3	0.0	2	30
Contract – Other	795	59.6	242	1.7	3	220
Other	5	80.0	1	0.0	5	8
<b>TOTAL</b>	<b>128 099</b>	<b>78.7</b>	<b>14 612</b>	<b>100.0</b>	<b>9</b>	<b>182 791</b>

Table 3.10.2 Incapacity leave (temporary and permanent), 1 January 2023 to 31 December 2023

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)	18 347	99.9	510	66.7	36	20 463
Highly skilled production (Levels 6–8)	6 815	100.0	186	24.3	37	11 602
Highly skilled supervision (Levels 9–12)	2 746	100.0	62	8.1	44	8 332
Senior management (Levels 13–16)	411	100.0	7	0.9	59	2 159
<b>TOTAL</b>	<b>28 319</b>	<b>100.0</b>	<b>765</b>	<b>100.0</b>	<b>37</b>	<b>42 556</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 2023 to 31 December 2023

Salary Band	Total Days Taken	Average per Employee	Number of Employees using Annual Leave
Lower skilled (Levels 1–2)	93	19	5
Skilled (Levels 3–5)	253 072	24	10 392
Highly skilled production (Levels 6–8)	98 674	25	3 917
Highly skilled supervision (Levels 9–12)	48 536	25	1 921
Senior management (Levels 13–16)	4 101	23	179
Contract (Levels 3–5)	1 249	8	157
Contract (Levels 6–8)	787	8	100
Contract (Levels 9–12)	334	12	28
Contract (Levels 13–16)	200	13	15
Contract – Other	3 321	8	424
Other	24	24	1
<b>TOTAL</b>	<b>410 390</b>	<b>24</b>	<b>17 139</b>

Table 3.10.4 Capped leave, 1 January 2023 to 31 December 2023

Salary Band	Total Days of Capped Leave Taken	Average Number of Days Taken per	Average Capped Leave per Employee as at End of Period	Number of Employees using Capped Leave
Lower skilled (Levels 1–2)	0	0	0	0
Skilled (Levels 3–5)	71	4	31	16
Highly skilled production (Levels 6–8)	334	7	48	47
Highly skilled supervision (Levels 9–12)	56	4	37	14
Senior management (Levels 13–16)	0	0	41	0
Contract – Other	0	0	54	0
<b>TOTAL</b>	<b>461</b>	<b>6</b>	<b>42</b>	<b>77</b>



Table 3.10.5 Leave payouts for the period 1 April 2023 to 31 March 2024

The following table summarises payments made to employees as a result of leave that was not taken.

Reason	Total Estimated Amount (R'000)	Number of Employees	Estimated Average per Employee (R)
Annual – discounting with resignation (working days)	3 942	172	22 919
Annual – discounting: contract expiry working days	64	7	9 143
Annual – discounting: unused vacation credits	859	6	143 167
Annual – gratuity: death/ retirement/ medical retirement	5 753	159	36 182
Capped – gratuity: death/ retirement/ medical retirement	11 180	116	96 379
<b>TOTAL</b>	<b>21 799</b>	<b>460</b>	<b>47 389</b>

### 3.9 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 for according to their needs. 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 her/his name and position.	Yes		Acting Director: Employee Health and Wellness.
2. Does the department have a dedicated unit or has it designated specific staff members to promote the health and wellbeing of your employees? If so, indicate the number of employees who are involved in this task and the annual budget that is available for this purpose.	Yes		Directorate: Employee Health and Wellness <ul style="list-style-type: none"> <li>• 1 x Director</li> <li>• 1 x Deputy Director</li> <li>• 2 x Assistant Directors</li> <li>• 2 x HR Officers</li> </ul> R2.6 million
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		<ul style="list-style-type: none"> <li>• Directorate: EHW</li> </ul> Key elements <ul style="list-style-type: none"> <li>• Proactive psycho-social services</li> <li>• Remedial psycho-social services</li> <li>• Quality of work life (physical activities)</li> </ul>
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)	Yes		National Employee Health and Wellness Forum <ul style="list-style-type: none"> <li>• Chairperson: Isaac Koto (Deputy Director: Employee Assistance Programme, National Office).</li> <li>• 9 provincial representatives</li> </ul>

Question	Yes	No	Details, if yes
5. Has the department reviewed its employment policies and practices to ensure that these do not unfairly discriminate against employees on the basis of their HIV status? If so, list the employment policies/practices so reviewed.	Yes		The department has consistently ensured compliance with the provisions of the Employment Equity Act in all its employment recruitment processes in 2023/24 financial year.
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		The department has an HIV & AIDS policy which addresses matters relating to discrimination. EAP services are available to all employees.
7. Does the department encourage its employees to undergo voluntary counselling and testing? If so, list the results that you have achieved.	Yes		Stakeholder relations established with GEMS, whereby health screening days are arranged for employees to undergo voluntary counselling and testing.
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> </ul>

### 3.9 Labour relations

Table 3.12.1 Collective agreements, 1 April 2023 to 31 March 2024

Total collective agreements	None
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The following table summarises the outcome of disciplinary hearings conducted within the department for the year under review.

Table 3.12.2 Misconduct and disciplinary hearings finalised for the period 1 April 2023 to 31 March 2024

Outcomes of disciplinary hearings	Number	% of total
Acquittal	5	3%
Demotion	0	0%
Deceased	0	0%
Dismissal	45	25%
Resignation	3	2%
Section 17 deemed dismissal	14	8%
Suspended	0	0%
Suspension without pay	54	31%
Verbal warning	3	2%
Written warning	24	14%
Final warning	23	13%
Case closed	0	0%
Withdrawn	5	3%
<b>TOTAL</b>	<b>176</b>	<b>100%</b>

Table 3.12.3 Types of misconduct addressed at disciplinary actions/ hearings for the period 1 April 2023 to 31 March 2024

Type of misconduct	Number	% of total
Abscondment	14	6%
Abuse of Leave	3	1%
Abuse of State Property	3	1%
Alcohol Abuse	6	2%
Assault	4	2%
Bribery	5	2%
Corruption	8	4%
Damage to State Property	5	2%
Dishonesty	12	5%
Fraud	28	12%
Gross Negligence	0	0%
Insubordination	14	6%
Mismanagement of Funds	1	0%
Loss of State Money	2	1%
Maladministration	3	1%
Misrepresentation	6	3%
Negligence	21	10%
Poor Performance	1	1%
Sexual Harassment	2	1%
Theft	19	9%
Unauthorised Absence	28	13%
Unethical Behaviour	11	5%
Intimidation	3	1%
Insolence/ Unbecoming Conduct	8	4%
Misuse of State Vehicle	6	3%
Dereliction of Duty	7	3%
<b>TOTAL</b>	<b>220</b>	<b>100%</b>

Table 3.12.4 Grievances lodged for the period 1 April 2023 to 31 March 2024

Grievances	Number	% of total
Number of grievances resolved	257	83%
Number of grievances not resolved	36	12%
Withdrawn	14	5%
<b>Total number of grievances</b>	<b>307</b>	<b>100%</b>

Table 3.12.5 Disputes lodged with councils for the period 1 April 2023 to 31 March 2024

Dispute outcome	Number	% of total
Settlement	5	5%
Withdrawn	16	17%
In favour of employee/s	17	18%
In favour of employer	42	46%
Dismissed	10	11%
Applicant did not pursue case further	2	2%
<b>TOTAL</b>	<b>92</b>	<b>100%</b>

Table 3.12.6 Strike actions for the period 1 April 2023 to 31 March 2024

Total number of person working days lost	0
Total cost (R'000) of working days lost	R0.00
Amount (R'000) recovered as a result of no work no pay	R0.00

Table 3.12.7 Precautionary suspensions for the period 1 April 2023 to 31 March 2024

Number of people suspended	14
Number of people whose suspension exceeded 30 days	13
Average number of days suspended (All cases)	321 days
Cost of suspension (R'000) (All cases)	

### 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 2023 to 31 March 2024

Occupational category	Gender	Number of employees as at 1 April 2023	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	87	0	30	0	30
	Male	86	0	25	0	25
Professionals	Female	1 543	0	279	0	279
	Male	1 103	0	306	0	306
Technicians and associate professionals	Female	866	55	445	0	500
	Male	582	45	382	0	427
Clerks	Female	7 554	0	829	0	829
	Male	3 560	0	613	0	613

Occupational category	Gender	Number of employees as at 1 April 2023	Training needs identified at start of the reporting period			
			Learnerships	Skills programmes & other short courses	Other forms of training	Total
Service and sales workers	Female	83	0	0	0	0
	Male	170	0	0	0	0
Plant and machine operators and assemblers	Female	0	0	0	0	0
	Male	13	0	0	0	0
Elementary occupations	Female	0	55	46	0	46
	Male	0	45	45	0	45
Labourers and related workers	Female	137	0	0	0	0
	Male	279	0	0	0	0
Sub Total	Female	10 270	55	1 629	0	1 684
	Male	5 793	45	1 371	0	1 416
<b>Total</b>		<b>16 063</b>	<b>100</b>	<b>3 000</b>	<b>0</b>	<b>3 100</b>

Table 3.13.2 Training provided, 1 April 2023 to 31 March 2024

Occupational category	Gender	Number of employees as at 1 April 2023	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	87	0	45	0	45
	Male	86	0	48	0	48
Professionals	Female	1 543	0	814	0	814
	Male	1 103	0	421	0	421
Technicians and associate professionals	Female	866	0	1 374	0	1 374
	Male	582	0	1 153	0	1 153
Clerks	Female	7 554	91	1 153	0	1 153
	Male	3 560	50	1 153	0	1 153
Service and sales workers	Female	83	0	0	0	0
	Male	170	0	0	0	0
Plant and machine operators and assemblers	Female	0	0	0	0	0
	Male	13	0	0	0	0



Occupational category	Gender	Number of employees as at 1 April 2023	Training needs identified at start of the reporting period			
			Learnerships	Skills programmes & other short courses	Other forms of training	Total
Elementary occupations	Female	0	0	32	0	32
	Male	0	0	28	0	28
Labourers and related workers	Female	137	0	0	0	0
	Male	279	0	0	0	0
Sub Total	Female	10 270	91	5 358	0	5 449
	Male	5 793	50	4 066	0	4 116
<b>Total</b>		<b>16 063</b>	<b>141</b>	<b>9 424</b>	<b>0</b>	<b>9 565</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 2023 to 31 March 2024

Nature of injury on duty	Number	% of total
Required basic medical attention only	22	95.7
Pending investigation	1	4.3
Temporary total disablement	0	0.0
Permanent disablement	0	0.0
Fatal	0	0.0
<b>Total</b>	<b>23</b>	<b>100.0</b>

### 3.15 Utilisation of consultants

The following table relates information on the utilisation of consultants in the department.

In terms of the public service regulations, 'consultant' means a natural or juristic person or a partnership who or which provides in terms of a specific contract on an ad hoc basis any of the following professional services to a department against remuneration received from any source:

- (a) The rendering of expert advice;
- (b) The drafting of proposals for the execution of specific tasks, and
- (c) The execution of a specific task which is of a technical or intellectual nature, but excludes an employee of the department.

Table 3.15.1 - 3.15.4 Report on consultant appointments using appropriated and donor funds for the period 1 April 2023 to 31 March 2024

No consultants were appointed during this period

### 3.16 Severance Packages

No employee was granted a severance packages during the period 1 April 2023 to 31 March 2024.



# PART E

## PFMA COMPLIANCE REPORT

This section provides guidance on the information to be included in the annual report guide relating to PFMA compliance requirements.

## 1. INFORMATION ON IRREGULAR, FRUITLESS AND WASTEFUL, UNAUTHORISED EXPENDITURE AND MATERIAL LOSSES

### 1.1 Irregular expenditure

#### a) Reconciliation of irregular expenditure

Description	2023/2024	2022/2023
	R'000	R'000
<b>Opening balance</b>	<b>876 563</b>	<b>2 990 267</b>
Add: Irregular expenditure confirmed	-	11 589
Less: Irregular expenditure condoned	-13 693	-414 188
Less: Irregular expenditure not condoned and removed	- 841 766	-1 711 105
Less: Irregular expenditure recoverable	-2	-
Less: Irregular expenditure not recovered and written off	-	-
<b>Closing balance</b>	<b>21 102</b>	<b>876 563</b>

#### Reconciling notes

Description	2023/2024	2022/2023
	R'000	R'000
Irregular expenditure that was under assessment in 2022/2023	-	-
Irregular expenditure that relates to 2022/2023 and identified in 2023/2024	-	11 589
Irregular expenditure for the current year	-	-
<b>Total</b>	<b>-</b>	<b>11 589</b>

As at the end of the financial year 2023/24, an amount of R4.731 million was identified as irregular expenditure incurred in 2022/23 but was identified and reported in the 2023/24 financial year.

#### b) Details of current and previous year irregular expenditure (under assessment, determination, and investigation)

Description	2023/2024	2022/2023
	R'000	R'000
Irregular expenditure under assessment	-	-
Irregular expenditure under determination	-	11 589
Irregular expenditure under investigation	-	-
<b>Total</b>	<b>-</b>	<b>11 589</b>

As at the end of the financial year 2023/24, an amount of R4.731 million was identified as irregular expenditure incurred in 2022/23 but was identified and reported in the 2023/24 financial year.

## c) Details of current and previous year irregular expenditure condoned.

Description	2023/2024	2022/2023
	R'000	R'000
Irregular expenditure condoned	-13 693	-414 188
<b>Total</b>	<b>-13 693</b>	<b>-414 188</b>

## d) Details of current and previous year irregular expenditure removed - (not condoned)

Description	2023/2024	2022/2023
	R'000	R'000
Irregular expenditure NOT condoned and removed	-841 766	-1 711 105
<b>Total</b>	<b>-841 766</b>	<b>-1 711 105</b>

## e) Details of current and previous year irregular expenditure recovered

Description	2023/2024	2022/2023
	R'000	R'000
Irregular expenditure recovered	-2	-
<b>Total</b>	<b>-2</b>	<b>-</b>

## f) Details of non-compliance cases where an institution is involved in an inter-institutional arrangement (where such institution is responsible for the non-compliance)

Description	2023/2024	2022/2023
	R'000	R'000
Procurement of State Legal Services on behalf of client departments	325 654	2 175
<b>Total</b>	<b>325 654</b>	<b>2 175</b>

*The Department has incurred potential irregular expenditure on behalf of client departments in respect of State Legal Services amounting to R327.654 million which is currently under assessment. Of this amount, R2.175 million relates to the financial year 2022/23 whereas R325.625 relates to the financial year 2023/24.*



## 1.2 Fruitless and wasteful expenditure

### a) Reconciliation of fruitless and wasteful expenditure

Description	2023/2024	2022/2023
	R'000	R'000
<b>Opening balance</b>	<b>127</b>	<b>998</b>
Add: Fruitless and wasteful expenditure confirmed	99	120
Less: Fruitless and wasteful expenditure written off	-181	-946
Less: Fruitless and wasteful expenditure recoverable	-45	-45
<b>Closing balance</b>	<b>0</b>	<b>127</b>

### Reconciling notes

Description	2023/2024	2022/2023
	R'000	R'000
Fruitless and wasteful expenditure that was under assessment in 2022/2023	-	-
Fruitless and wasteful expenditure that relates to 2022/2023 and identified in 2023/2024	-	120
Fruitless and wasteful expenditure for the current year	99	-
<b>Total</b>	<b>99</b>	<b>120</b>

### b) Details of current and previous year fruitless and wasteful expenditure (under assessment, determination, and investigation)

Description <sup>5</sup>	2023/2024	2022/2023
	R'000	R'000
Fruitless and wasteful expenditure under assessment	-	-
Fruitless and wasteful expenditure under determination	99	120
Fruitless and wasteful expenditure under investigation	-	-
<b>Total<sup>6</sup></b>	<b>99</b>	<b>120</b>

### c) Details of current and previous year fruitless and wasteful expenditure recovered

Description	2023/2024	2022/2023
	R'000	R'000
Fruitless and wasteful expenditure recovered	-45	-45
<b>Total</b>	<b>-45</b>	<b>-45</b>

## d) Details of current and previous year fruitless and wasteful expenditure not recovered and written off

Description	2023/2024	2022/2023
	R'000	R'000
Fruitless and wasteful expenditure written off	-181	-946
<b>Total</b>	<b>-181</b>	<b>-946</b>

*Amounts also includes cases not confirmed fruitless and wasteful expenditure and removed from the register*

## 1.3 Unauthorised expenditure

## e) Reconciliation of unauthorised expenditure

Description	2023/2024	2022/2023
	R'000	R'000
<b>Opening balance</b>	-	-
Add: unauthorised expenditure confirmed	291 759	-
Less: unauthorised expenditure approved with funding	-	-
Less: unauthorised expenditure approved without funding	-	-
Less: unauthorised expenditure recoverable	-	-
Less: unauthorised not recovered and written off <sup>7</sup>	-	-
<b>Closing balance</b>	<b>291 759</b>	<b>-</b>

## Reconciling notes

Description	2023/2024	2022/2023
	R'000	R'000
Unauthorised expenditure that was under assessment in 2022/2023	-	-
Unauthorised expenditure that relates to 2022/2023 and identified in 2023/2024	-	-
Unauthorised expenditure for the current year	291 759	-
<b>Total</b>	<b>291 759</b>	<b>-</b>

## b) Details of current and previous year unauthorised expenditure (under assessment, determination, and investigation)

Description <sup>9</sup>	2023/2024	2022/2023
	R'000	R'000
Unauthorised expenditure under assessment	291 759	-
Unauthorised expenditure under determination	-	-
Unauthorised expenditure under investigation	-	-
<b>Total<sup>10</sup></b>	<b>291 759</b>	<b>-</b>

**1.4 Additional disclosure relating to material losses in terms of PFMA Section 40(3)(b)(i) &(iii)****a) Details of current and previous year material losses through criminal conduct**

Description	2023/2024	2022/2023
	R'000	R'000
Theft	-	-
Other material losses	-	-
Less: Recovered	-	-
Less: Not recovered and written off	-	-
<b>Total</b>	-	-

The Department did not incur any material loss during the period under review.

**b) Other material losses written off**

Description	2023/2024	2022/2023
	R'000	R'000
(Group major categories, but list material items)	-	-
<b>Total</b>	-	-

The Department did not incur any material loss during the period under review.

**2. LATE AND / OR NON-PAYMENT OF SUPPLIERS**

Description	2023/2024	2022/2023
	R'000	R'000
Valid invoices received	62 912	9 791 565
Invoices paid within 30 days or agreed period	62 376	9 725 197
Invoices paid after 30 days or agreed period	536	66 369
Invoices older than 30 days or agreed period ( <i>unpaid and without dispute</i> )	1 853	147 913
Invoices older than 30 days or agreed period ( <i>unpaid and in dispute</i> )	311	16 569

*The Department has effected 62 912 payments within 2023/2024, 62 376 payments were paid within 30 days and 536 payments were effected after 30 days due to Branches/ Regions/ Offices experiencing challenges with BAS/ JYP systems inaccessibility*

### 3. INFORMATION ON SUPPLY CHAIN MANAGEMENT

#### 3.1 Procurement by other means

Project description	Name of supplier	Type of procurement by other means	Contract number	Value of contract 'R'000
Appointment of a Research capacity for the Committee on the Rationalisation of the Lower Courts Judicial Establishments	Council for Scientific and Industrial Research (CSIR)	Single Source	Not Applicable	1 210
<b>Total</b>				<b>1 210</b>

#### 3.2 Contract variations and expansions

Project description	Name of supplier	Contract modification type (Expansion or Variation)	Contract number	Original contract value	Value of previous contract expansion/s or variation/s (if applicable)	Value of current contract expansion or variation
				R'000	R'000	R'000
Provision of maintenance and support of the court recording technology (CRT) inclusive of Sexual Offenses System (SOS) for the department of justice and constitutional development	Datacentrix (PTY) LTD	Expansion	Deviated Appointment	26 220	16 555	6 018
Appointment of a Travel Agency for the Department of Justice & Constitutional Development and the National Prosecuting Authority	1. Travel with Flair 2. Wings Naledi Travel Management Services 3. Gemini Moon Trading 7 t/a XL	Expansion	HO2/2019	Rate Based	75 000	30 000
Rendering of guarding and specialised services in various offices of Department of Justice and Constitutional Development, National Prosecuting Authority and Office of the Chief Justice	1. Mabotwane Security Services 2. Fidelity Security Services 3. Phepha MV Security Services 4. Vhugi Protection Services 5. Zack Business Enterprise	Expansion	RFQ 2020 27	749 586	903 693	68 123

Project description	Name of supplier	Contract modification type (Expansion or Variation)	Contract number	Original contract value	Value of previous contract expansion/s or variation/s (if applicable)	Value of current contract expansion or variation
				R'000	R'000	R'000
Appointment of an OEM accredited Kofax service provider(s)	Highbury Solutions (Pty) Ltd	Expansion	RFB 2019 09	11 950	789	1 296
Procurement of subscription services for a Legal Library comprising of: Local Online, Electronic and Printed for the Department of Justice and Constitutional Development, the Office of the Chief Justice (OCJ), Legal Aid South Africa, National Prosecuting Authority (NPA), Special Investigating Unit (SIU) and the Public Protector	1. LexisNexis (Pty) Ltd 2. Juta & Co (Pty) Ltd 3. Sabinet (Pty) Ltd	Expansion	RFB 2019 03	Rate Based	0	30 193
Provision of Travel Management Services to the Department of Justice and Constitutional Development and the National Prosecuting Authority	1. Travel with Flair 2. Wings Naledi 3. Gemini Moon Trading 6 t/a XL Nexus	Expansion	HO 2/2019	Rate Based	75 000	30 000
Appointment of a Service Provider for the Provision of Virtual Library Publications (Foreign, Online Subscription to Printed and Loose Leaf Publication) for the Department of Justice and Constitutional Development, The Office of the Chief Justice (OCJ), Legal Aid South Africa, National Prosecuting Authority (NPA), Special Investigating Unit (SIU) And The Public Protector for a period of three (3) years	LexisNexis (Pty) Ltd	Expansion	RFB 2019 11	Rate Based	0	5 000
Rate of exchange in relation to RFQ 08 2022: procurement of 3043 Desktops for the Department of Justice and Constitutional Development	GTM Computer Surgeon	Variation	RFB 08 2022	67 434	0	7 316
Rate of exchange in relation to FRQ 09 2022: procurement of 2285 laptops for the Department of Justice and Constitutional Development - North West Province	Boipelo Solutions	Variation	RFB 09 2022	4 795	0	402



Project description	Name of supplier	Contract modification type (Expansion or Variation)	Contract number	Original contract value	Value of previous contract expansion/s or variation/s (if applicable)	Value of current contract expansion or variation
				R'000	R'000	R'000
Rate of exchange in relation to FRQ 09 2022: procurement of 2285 laptops for the Department of Justice and Constitutional Development -Free State Province	Ndiza Information Systems (Pty) Ltd	Variation	RFB 09 2022	4 963	0	402
Rate of exchange in relation to FRQ 09 2022: procurement of 2285 laptops for the Department of Justice and Constitutional Development - KwaZulu Natal Province	Ndiza Information Systems (Pty) Ltd	Variation	RFB 09 2022	5 006	0	420
Rate of exchange in relation to FRQ 09 2022: procurement of 2285 laptops for the Department of Justice and Constitutional Development - Mpumalanga Province	Ndiza Information Systems (Pty) Ltd	Variation	RFB 09 2022	4 747	0	398
Rate of exchange in relation to FRQ 09 2022: procurement of 2285 laptops for the Department of Justice and Constitutional Development -Eastern Cape Province	Ndiza Information Systems (Pty) Ltd	Variation	RFB 09 2022	5 395	0	453
Rate of exchange in relation to FRQ 09 2022: procurement of 2285 laptops for the Department of Justice and Constitutional Development -Western Cape Province	Thamani Technologies and	Variation	RFB 09 2022	4 954	0	416
Rate of exchange in relation to FRQ 09 2022: procurement of 2285 laptops for the Department of Justice and Constitutional Development -Gauteng Regional Office	Brinquo	Variation	RFB 09 2022	6 259	0	513
Rate of exchange in relation to FRQ 09 2022: procurement of 2285 laptops for the Department of Justice and Constitutional Development - Limpopo Province	Brinquo	Variation	RFB 09 2022	3 129	0	256
Rate of exchange in relation to FRQ 09 2022: procurement of 2285 laptops for the Department of Justice and Constitutional Development -Gauteng National Office	Brinquo	Variation	RFB 09 2022	4 798	0	393

Project description	Name of supplier	Contract modification type (Expansion or Variation)	Contract number	Original contract value	Value of previous contract expansion/s or variation/s (if applicable)	Value of current contract expansion or variation
				R'000	R'000	R'000
Rate of exchange in relation to FRQ 09 2022: procurement of 2285 laptops for the Department of Justice and Constitutional Development - Northern Cape Province	AE Soft (Pty) Ltd	Variation	RFB 09 2022	4 772	0	392
Extension for three months short term Vehicle Lease Agreement with G-Fleet for various offices in the Northern Cape Province	G Fleet	Expansion	NA	Rate Based	0	1 032
Provision of Maintenance and support of the Court Recording Technology (CRT) inclusive of Sexual Offences System (SOS)	Datacentrix (Pty) Ltd	Expansion	Deviated Appointment	26 220	49 646	18 054
Provision of Travel Management Services to the Department of Justice Constitutional Development and the National Prosecuting Authority	1. Travel with Flair (Pty) Ltd 2. Gemini Moon Trading t/a XL Nexus	Variation	HO2/2019	Rate Based	175 000	100 000
Appointment of service provider for Cash in Transit (CIT) at various offices of the Department of Justice and Constitutional Development (DOJ&CD) and the Office of the Chief Justice (OCJ) for a period of 18 months from the date of award thereof	Fidelity Cash Solutions (Pty) Ltd	Expansion	RFB 2021 13	17 178	0	8 000
Request for the Departmental Bid Adjudication Committee (DBAC) to extend the 4 months short term leasing contract of sixty (60) motor vehicles for a period up to 31 March 2024 for Kwa-Zulu Natal Province with G-Fleet Management.	G Fleet Management	Expansion	Not Applicable	Rate Based	0	4 112
Extension of the contract with Juta, LexisNexis and Sabinet for the provision of library services for a period of three (03) months with effect from 01 January to 31 March 2024.	Juta LexisNexis Sabinet	Expansion	RFB 2019 03	Rate Based	30 193	10 192

Project description	Name of supplier	Contract modification type (Expansion or Variation)	Contract number	Original contract value	Value of previous contract expansion/s or variation/s (if applicable)	Value of current contract expansion or variation
				R'000	R'000	R'000
Request for approval of the expansion of scope of the Provisioning of the Enterprise Architecture, Project Management, Application Development and change management Services to Enable the IJS programme Delivery for the acquisition of the Enterprise Architecture Cloud Tool Solution (ARIS) for a period of three years	Jicho Consulting PTY LTD	Expansion	RFQ 18 2022 SITA RFB 1183/2014	45 498	0	6 877
Appointment of an OEM accredited Kofax service provider for the implementation, maintenance and support of Kofax scanning solution on a month to month basis not exceeding six (6) months	Highbury Solutions (Pty) Ltd	Expansion	RFB 2019 09	11 949	1 296	1 006
Request for approval to extend the 3 months short term vehicles lease agreement with Gfleet for 28 vehicles for various office in Northern Cape with another 6 months	G Fleet Management	Expansion	Not Applicable	Rate Based	1 032	2 042
Procurement of subscription services for a Legal Library comprising of: Local Online, Electronic and Printed for the Department of Justice and Constitutional Development, the Office of the Chief Justice (OCJ), Legal Aid South Africa, National Prosecuting Authority (NPA), Special Investigating Unit (SIU) and the Public Protector	1. LexisNexis (Pty) Ltd 2. Juta & Company (Pty) Ltd 3. Sabinet Online (Pty) Ltd	Expansion	RFB 2019 03	Rate Based	20 384	10 192
Appointment of a Service Provider for the Provision of Virtual Library Publications (Foreign, Online Subscription to Printed and Loose Leaf Publication) for the Department of Justice and Constitutional Development, The Office of the Chief Justice (OCJ), Legal Aid South Africa, National Prosecuting Authority (NPA), Special Investigating Unit (SIU) And The Public Protector for a period of three (3) years	LexisNexis (Pty) Ltd	Expansion	RFB 2019 11	Rate Based	5 000	2 500

Project description	Name of supplier	Contract modification type (Expansion or Variation)	Contract number	Original contract value	Value of previous contract expansion/s or variation/s (if applicable)	Value of current contract expansion or variation
				R'000	R'000	R'000
Rendering of cash in transit services in various office of the Department of Justice and Constitutional Development as well as Office of the Chief Justice	Fidelity Cash Solutions (Pty) Ltd	Expansion	RFB 2021 13	17 178	0	6 3756 877
Appointment of a service provider for the supply, delivery and installation of 283 PABX system inclusive of 5 years warranty and 3 years maintenance and support for the DOJ&CD	Brilliantel Telecommunications	Expansion	RFB 2019 12	115 227	0	14 860
Appointment of an accredited service provider for the implementation of a SAP based Guardian's Fund Management Solution including maintenance and support for the entire DOJ&CD	Baraka IT Solutions	Expansion	RFB 2019 13	59 279	0	0
Provision of travel management services to the Department of Justice and Constitutional Dedevlopment and National Prosecuting Authority	1. Travel With Flair 2. Gemini Moon Trading 6 t/a XL Nexus	Expansion	HO2/2019	Rate Based	275 000	15 000
Provision of Regional Support Services to the Department of Justice and Constitutional Development	Tee Que Trading t/a Time Quantum JV Purple Blue	Expansion	RFB 2020 04	128 994	0	24 631
Provision of maintenance and support of Court Recording Technology (CRT) inclusive of Sexual Offences System (SOS) for the Department of Justice and Constitutional Development	Datacentrix (Pty) Ltd	Expansion	Deviation Appointment	26 220	67 701	48 146
<b>Total</b>				<b>1 351 751</b>	<b>1 696 289</b>	<b>455 025</b>



# PART F

DEPARTMENT OF JUSTICE  
AND CONSTITUTIONAL  
DEVELOPMENT VOTE 25:  
FINANCIAL STATEMENTS



# 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

### Opinion

1. I have audited the financial statements of the Department of Justice and Constitutional Development set out on pages 214 to 282, which comprise the appropriation statement, statement of financial position as at 31 March 2024, 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, the financial statements present fairly, in all material respects, the financial position of the Department of Justice and Constitutional Development as at 31 March 2024 and its financial performance and cash flows for the year then ended in accordance with the Modified Cash Standard (MCS) and the requirements of the Public Finance Management Act 1 of 1999 (PFMA).

### Basis for opinion

3. I conducted my audit in accordance with the International Standards on Auditing (ISAs). My responsibilities under those standards are further described in the responsibilities of the auditor-general for the audit of the financial statements section of my report.
4. 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.

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

### Emphasis of matters

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

### Restatement of corresponding figures

7. As disclosed in note 34 to the financial statements, the corresponding figures for 31 March 2023 were restated as a result of an error in the financial statements of the department at, and for the year ended 31 March 2024.

### Material impairment – Receivables

8. As disclosed in note 12.5 to the financial statements, material impairments of R1 746 990 000 was incurred as a result of irrecoverable long outstanding receivables.

### Other matter

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

### Unaudited supplementary schedules

10. The supplementary information set out on pages 283 to 293 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

11. The accounting officer is responsible for the preparation and fair presentation of the financial statements in accordance with the MCS and the requirements of the PFMA; and for such internal control as the accounting officer determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.
12. 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.

### Responsibilities of the auditor-general for the audit of the financial statements

13. 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.

14. A further description of my responsibilities for the audit of the financial statements is included in the annexure to this auditor's report. This description, which is located at page 211, forms part of our auditor's report.

### Report on the audit of the annual performance report

15. In accordance with the Public Audit Act 25 of 2004 (PAA) and the general notice issued in terms thereof, I must audit and report on the usefulness and reliability of the reported performance against predetermined objectives for the selected programmes presented in the annual performance report. The accounting officer is responsible for the preparation of the annual performance report.
16. I selected the following programmes presented in the annual performance report for the year ended 31 March 2024 for auditing. I selected programmes that measure the department's performance on its primary mandated functions and that are of significant national, community or public interest.

Programme	Page numbers	Purpose
Court Services	65 - 78	Facilitate the resolution of criminal and civil cases and family law disputes by providing accessible, efficient and quality administrative support to the lower courts and managing court facilities.
National Prosecuting Authority	98 - 104	Provide a coordinated prosecuting service that ensures that justice is delivered to victims of crime through general and specialised prosecutions. Remove profit from crime. Protect certain witnesses.

17. I evaluated the reported performance information for the selected programmes against the criteria developed from the performance management and reporting framework, as defined in the general notice. When an annual performance report is prepared using these criteria, it provides useful and reliable information and insights to users on the department's planning and delivery on its mandate and objectives.
18. I performed procedures to test whether:
  - the indicators used for planning and reporting on performance can be linked directly to the department's mandate and the achievement of its planned objectives
  - all the indicators relevant for measuring the

department's performance against its primary mandated and prioritised functions and planned objectives are included

- the indicators are well defined to ensure that they are easy to understand and can be applied consistently, as well as verifiable so that I can confirm the methods and processes to be used for measuring achievements.
- the targets can be linked directly to the achievement of the indicators and are specific, time bound and measurable to ensure that it is easy to understand what should be delivered and by when, the required level of performance as well as how performance will be evaluated

REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON VOTE NO. 25:  
DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

- the indicators and targets reported on in the annual performance report are the same as those committed to in the approved initial or revised planning documents
- the reported performance information is presented in the annual performance report in the prescribed manner and is comparable and understandable
- there is adequate supporting evidence for the achievements reported and for the reasons provided for any over- or underachievement of targets

19. I performed the procedures for the purpose of reporting material findings only; and not to express an assurance opinion or conclusion
20. The material findings on the reported performance information for the selected programmes are as follows:

**Court Services**

21. Various indicators were not clearly defined during the planning process. Consequently, the indicators are not useful for measuring and reporting on progress against planned objectives

Indicator	Planned target	Detail
Percentage of domestic violence protection orders submitted by the court clerk to the South African Police Services (SAPS) or sheriff within 24 hours from the time the order is granted by the Court	95%	The indicators are dependent on other stakeholders, which makes it challenging for the department to control them effectively. Management did not plan adequately to ensure that information and data could be consistently collected and reported on. As a result, no achievements were reported against the planned targets.
Percentage of domestic violence protection orders served by the court clerk via email within 24 hours from the time the order is granted by the court	95%	
Percentage of new domestic violence interim protection orders served electronically by a court clerk on the respondent not later than 24 hours from the time the order is received from the court by the court clerk	95%	
Percentage of domestic violence final protection orders served electronically by a court clerk on the respondent within 48 hours from the time the order is received from the court by the court clerk	95%	

***Number of court facilities refurbished and upgraded through minor capital works***

22. An achievement of 74 was reported against a target of 70. However, the audit evidence did not support this achievement. I could not determine the actual achievement, but I estimated it to be materially more than reported. Consequently, it is likely that the achievement against the target was better than reported.

***Various indicators***

23. Based on the audit evidence, the actual achievements for two indicators did not agree to what was reported. I could not determine the actual achievements, but I estimated them to be materially less. Consequently, the targets were not achieved, the underachievements on the targets were more than reported and the achievements against the targets were lower than reported.

Indicator	Target	Reported Achievement
Number of NRSO clearance Certificates issued from backlog cases	7896	8138
Percentage of maintenance matters finalised within 90 days from the date of proper service of process	92%	88%

## **National Prosecuting Authority**

### ***Conviction rate in cable theft***

24. An achievement of 84% was reported against a target of 80%. However, the audit evidence did not support this achievement. I could not determine the actual achievement, but I estimated it to be materially less than reported. Consequently, it is likely that the achievement against the target was lower than reported.

### ***Number of prosecutions instituted involving money laundering***

25. An achievement of 83 was reported against a target of “Baseline”. However, the target had not been clearly defined during the planning process. No specific target was set in the annual performance plan. Consequently, the target is not useful for measuring and reporting on progress against the department's planned objectives.
26. Additionally, no target was set for this indicator. The reason provided by management was that the indicator is new and there is lack of information and reporting data. However, evidence was not provided to support this. Consequently, the target is not useful for measuring and monitoring progress against the department's planned objectives.
27. Furthermore, an achievement of 83 was reported. However, the audit evidence did not support this achievement. I could not determine the actual achievement, but I estimated it to be materially more than reported. Consequently, it is likely that the achievement was better than reported.

### ***Conviction rate in complex commercial crime***

28. An achievement of 90% was reported against a target of 90%. I could not determine if the reported achievement was correct, as adequate supporting evidence was not provided for auditing. Consequently, the achievement might be more or less than reported and was not reliable for determining if the target had been achieved.

### ***Number of persons convicted of corruption and/or offences related to corruption***

29. An achievement of 399 was reported against a target of 334. However, some supporting evidence was not provided for auditing; or, where it was, I identified material differences between the actual and reported achievements. Consequently, the achievement might be more or less than reported and was not reliable for determining if the target had been achieved.

### ***Other matters***

30. I draw attention to the matters below.

### ***Achievement of planned targets***

31. The annual performance report includes information on reported achievements against planned targets and provides explanations for over- or underachievements. This information should be considered in the context of the material findings on the reported performance information.
32. The tables that follows provide information on the achievement of planned targets and lists the key indicators that were not achieved, as reported in the annual performance report. The reasons for any underachievement of targets are included in the annual performance report on pages 68 to 73 and 98 to 100.

REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON VOTE NO. 25:  
DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

### Court Services

<i>Targets achieved: 77%</i> <i>Budget spent: 101,1%</i>		
Key indicator not achieved	Planned target	Reported achievement
Number of sexual offences courts designated	14	0
Percentage of maintenance matters finalised within 90 days from the date of proper service of process	92%	88%
Report of the review of the Small Claims Court system submitted to the Minister target date	Report of the review of the Small Claims Courts system submitted to the Minister by 31 March 2024	The report of the review of the Small Claims Court system submitted to the Minister by 4th April 2024
Percentage of new domestic violence interim protection orders served electronically by a court clerk on the respondent not later than 24 hours from the time the order is received from the court by the court clerk	95%	0%
Percentage of domestic violence final protection orders served electronically by a court clerk on the respondent within 48 hours from the time the order is received from the court by the court clerk	95%	0%

### National Prosecuting Authority

<i>Targets achieved: 80%</i> <i>Budget spent: 101,1%</i>		
Key indicator not achieved	Planned target	Reported achievement
Number of state capture and complex corruption matters enrolled	12	3
Value of freezing orders obtained for corruption or related offence	R2.4bn	R932m
Value of recoveries relating to corruption or related offences	R1.4bn	R787m

### Material misstatements

33. I identified material misstatements in the annual performance report submitted for auditing. These material misstatements were in the reported performance information for Court Services and National Prosecuting Authority. Management did not correct all of the misstatements and I reported material findings in this regard.

### Report on compliance with legislation

34. In accordance with the PAA and the general notice issued in terms thereof, I must audit and report on compliance with applicable legislation relating to financial matters, financial management and other related matters. The accounting officer is responsible for the department's compliance with legislation.
35. I performed procedures to test compliance with selected requirements in key legislation in accordance with the findings engagement methodology of the Auditor-General of South Africa (AGSA). This engagement is not an assurance engagement. Accordingly, I do not express an assurance opinion or conclusion.
36. Through an established AGSA process, I selected requirements in key legislation for compliance testing that are relevant to the financial and performance management of the department, clear to allow consistent measurement and evaluation, while also sufficiently detailed and readily available to report in an understandable manner. The selected legislative requirements are included in the annexure to this auditor's report.
37. The material findings on compliance with the selected legislative requirements, presented per compliance theme, are as follows:

### Annual financial statements

38. The financial statements submitted for auditing were not fully prepared in accordance with the prescribed financial reporting framework, as required by section 40(1) (b) of the PFMA. Material misstatements of current assets, liabilities, expenditure and disclosure items identified by the auditors in the submitted financial statement were corrected resulting in the financial statements receiving an unqualified opinion.

### Revenue management

39. Effective and appropriate steps were not taken to collect all money due, as required by section 38(1)(c)(i) of the PFMA.

### Expenditure management

40. Payments were not made within 30 days or an agreed period after receipt of an invoice, as required by section 38(1)(f) of the PFMA and treasury regulation 8.2.3.

### Other information in the annual report

41. The accounting officer is responsible for the other information included in the annual report. The other information referred to 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 on in this auditor's report.
42. My opinion on the financial statements, the report on the audit of the annual performance report and the report on compliance with legislation do not cover the other information included in the annual report and I do not express an audit opinion or any form of assurance conclusion on it.
43. My responsibility is to read this other information and, in doing so, consider whether it is materially inconsistent with the financial statements and the selected programmes presented in the annual performance report or my knowledge obtained in the audit, or otherwise appears to be materially misstated.
44. The other information I obtained prior to the date of this auditor's report is the extract of PFMA Compliance report on irregular expenditure and fruitless and wasteful expenditure, and the general information, human resource management and audit committee report are expected to be made available to us after the auditor's report date.
45. If, based on the work I have performed on the other information that I obtained prior to the date of this auditor's report, I conclude that there is a material misstatement of this other information, I am required to report that fact. I have nothing to report in this regard.
46. When I do receive and read the general information, human resource management and audit committee report, 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

47. I considered internal control relevant to my audit of the financial statements, annual performance report and compliance with applicable legislation; however, my objective was not to express any form of assurance on it.
48. The matters reported below are limited to the significant internal control deficiencies that resulted in the material findings on the annual performance report and the material findings on compliance with legislation included in this report.
49. Leadership did not exercise effective oversight responsibility regarding financial and performance reporting and compliance as numerous material findings on performance information and instances of non-compliance were identified.
50. Management did not implement adequate internal controls to ensure the preparation of accurate financial statements and annual performance report as numerous material misstatements were identified that resulted in the material findings reported on performance information in the audit report, and material misstatements on financial statements, which were subsequently corrected.

#### Other reports

51. I draw attention to the following engagements conducted by various parties. These reports did not form part of my opinion on the financial statements or my findings on the reported performance information or compliance with legislation.
52. The president of the country has, in terms of the Special Investigating Unit 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 relates to the Office of the State Attorney and all its branches. The investigation, which covers the period 1 January 2013 and the date of publication of proclamation R21 of 2018 was still in progress at the date of the auditor's report.

53. The president of the country has, in terms of the 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 Masters Offices across the country. The investigation which covered the period 1 January 2014 and the date of publication of proclamation R07 of 2020 was concluded, and the department is in the process of implementing the recommendations. The report was released on 24 April 2024.
54. Public Protector South Africa (PPSA) released a report on the investigations into administrative deficiencies relating to the processing of gender-based violence (GBV) related matters within the South African criminal justice system. The report was released on 04 June 2024.

Auditor-General

Pretoria

6 September 2024



AUDITOR-GENERAL  
SOUTH AFRICA

*Auditing to build public confidence*

# Annexure to the Auditor's Report

The annexure includes the following:

- The auditor-general's responsibility for the audit
- The selected legislative requirements for compliance testing

## Auditor-general's responsibility for the audit

### Professional judgement and professional scepticism

As part of an audit in accordance with the ISAs, I exercise professional judgement and maintain professional scepticism throughout my audit of the financial statements and the procedures performed on reported performance information for selected programmes and on the department's compliance with selected requirements in key legislation.

### Financial statements

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

- conclude on the appropriateness of the 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 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

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.

I also provide the accounting officer with a statement that I have complied with relevant ethical requirements regarding independence and 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.

**Compliance with legislation – selected legislative requirements**

The selected legislative requirements are as follows:

Legislation	Sections or regulations
Public Finance Management Act No.1 of 1999	Section 1; 38(1)(b); 38(1)(c)(i); 38(1)(c)(ii); 38(1)(d);38(1)(h)(iii); 38(1)(j); 39(1)(a); 39(2)(a);40(1)(a); 40(1)(b); 40(1)(c)(i); 43(1); 43(4); 44(1); 44(2); 45(b)
Treasury Regulations, 2005	Regulation 4.1.1; 4.1.3; 5.1.1; 5.2.1; 5.2.3(a); 5.2.3(d); 5.3.1; 6.3.1(a); 6.3.1(b); 6.3.1(c); 6.3.1(d); 6.4.1(b); 7.2.1; 8.1.1; 8.2.1; 8.2.2; 8.2.3; 8.4.1; 9.1.1; 9.1.4; 10.1.1(a); 10.1.2; 11.4.1; 11.4.2; 11.5.1; 12.5.1; 15.10.1.2(c); 16A3.2; 16A3.2(a); 16A6.1; 16A6.2(a); 16A6.2(b); 16A6.3(a);16A6.3(c); 16A6.3(e); 16A6.4; 16A6.5; 16A6.6; 16A7.1; 16A7.3; 16A7.6; 16A7.7; 16A8.3; 16A8.4; 16A9.1(b)(ii); 16A9.1(d); 16A9.1(e); 16A9.1(f); 16A9.2(a)(iii); 17.1.1; 18.2; 19.8.4
Construction Industry Development Board Act 38 of 2000	Section 18(1)
Construction Industry Development Board Regulations, 2004	Regulation 17; 25(7A)
Division of Revenue Act 5 of 2023	Section 16(1)
Second amendment National Treasury Instruction No. 5 of 202/21	Paragraph 1
Erratum National Treasury Instruction No. 5 of 202/21	Paragraph 2
National Health Act 61 of 2003	Section 13
National Treasury instruction No 5 of 2020/21	Paragraph 4.8; 4.9
National Treasury Instruction No.1 of 2021/22	Paragraph 4.1
National Treasury SCM Instruction No. 4A of 2016/17	Paragraph 6
National Treasury Instruction No 7 of 2017/18	Paragraph 4.3
PFMA National Treasury SCM Instruction No. 03 of 2021/22	Paragraph 4.1; 4.2 (b); 4.4; 7.2
National Treasury SCM Instruction No. 2 of 2021/22	Paragraph 3.2.1; 3.2.4; 3.3.1
Practice Note 5 of 2009/10	Paragraph 3.3
Preferential Procurement Policy Framework Act 5 of 2000	Section 1; 2.1(a); 2.1(f)
Preferential Procurement Regulations, 2022	Regulation 4.4; 5.4
Preferential Procurement Regulations, 2017	Regulation 4.1; 4.2; 5.1; 5.3; 5.6; 5.7; 6.8; 7.8; 8.2; 8.5; 9.1; 10.1; 10.2; 11.1
Prevention and Combating of Corrupt Activities Act 12 of 2004	Section 34(1)
State Information Technology Agency Act 88 of 1998	Section 7(3)

# AUDITED ANNUAL FINANCIAL STATEMENTS FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

For the year ended 31 March 2024



*Adv Doctor Mashabane Accounting Officer*

# Department of Justice and Constitutional Development | Vote 25: Appropriation Statements

for the year ended 31 March 2024

Appropriation per programme										
Programme	2023/24						2022/23			
	Approved Budget	Shifting of Funds	Virement	Final Budget	Actual Expenditure	Variance	Expenditure as % of final budget	Final Budget	Actual Expenditure	
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000
1. Administration	2 937 989	-	(31 516)	2 906 473	3 063 657	(157 184)	105.4%	2 975 465	2 933 492	
2. Court Services	6 910 989	-	239 479	7 150 468	7 226 367	(75 899)	101.1%	7 036 159	7 021 458	
3. State Legal Services	1 322 848	-	45 054	1 367 902	1 367 869	33	100.0%	1 522 116	1 479 079	
4. National Prosecuting Authority	5 391 133	-	(105 515)	5 285 618	5 344 294	(58 676)	101.1%	5 027 168	5 013 178	
5. Auxiliary and Associated Services	3 995 344	-	(147 502)	3 847 842	3 847 574	268	100.0%	3 921 116	3 909 286	
Subtotal	20 558 303	-	-	20 558 303	20 849 761	(291 458)	101.4%	20 482 024	20 356 493	
Statutory Appropriation	2 398 746	-	-	2 398 746	2 318 925	79 821	96.7%	2 398 506	2 297 402	
Magistrates' salaries	2 398 746	-	-	2 398 746	2 318 925	79 821	96.7%	2 398 506	2 297 402	
<b>TOTAL</b>	<b>22 957 049</b>	<b>-</b>	<b>-</b>	<b>22 957 049</b>	<b>23 168 686</b>	<b>(211 637)</b>	<b>100.9%</b>	<b>22 880 530</b>	<b>22 653 895</b>	

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
APPROPRIATION STATEMENTS  
for the year ended 31 March 2024

	2023/24		2022/23	
	Final Budget	Actual Expenditure	Final Budget	Actual Expenditure
	R'000	R'000	R'000	R'000
<b>TOTAL (brought forward)</b>				
<b>Reconciliation with statement of financial performance</b>				
<b>ADD</b>				
Departmental receipts	498 172		503 042	
NRF receipt	-		-	
Aid assistance	178 112			
<b>Actual amounts per statement of financial performance (Total revenue)</b>	<b>23 633 333</b>		<b>23 383 572</b>	
<b>ADD</b>				
Aid assistance		95 998		8 516
Prior year unauthorised expenditure approved without funding		-		-
<b>Actual amounts per statement of financial performance (Total expenditure)</b>		<b>23 264 684</b>		<b>22 662 411</b>



DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
APPROPRIATION STATEMENTS  
for the year ended 31 March 2024

Appropriation per economic classification									
Economic classification	2023/24						2022/23		
	Approved Budget	Shifting of Funds	Virement	Final Budget	Actual Expenditure	Variance	Expenditure as % of final budget	Final Budget	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Current payments</b>	18 961 226	362	(225 580)	18 736 008	18 969 929	(233 921)	101.2%	18 435 841	18 242 193
<b>Compensation of employees</b>	13 637 454	-	(53 992)	13 583 462	13 664 333	(80 871)	100.6%	13 159 084	12 983 276
Salaries and wages	11 903 045	(164 238)	(38 139)	11 700 668	11 752 587	(51 919)	100.4%	11 306 758	11 227 717
Social contributions	1 734 409	164 238	(15 853)	1 882 794	1 911 746	(28 952)	101.5%	1 852 326	1 755 559
<b>Goods and services</b>	5 323 772	362	(171 588)	5 152 546	5 305 596	(153 050)	103.0%	5 276 757	5 258 917
Administrative fees	31 909	2 000	159	34 068	34 068	-	100.0%	30 293	30 293
Advertising	24 617	(11 446)	1	13 172	13 172	-	100.0%	16 409	16 409
Minor assets	48 420	3 088	(18 323)	33 185	33 185	-	100.0%	34 208	34 208
Audit costs: External	38 687	15 106	-	53 793	53 793	-	100.0%	125 103	125 103
Bursaries: Employees	17 508	(4 980)	-	12 528	12 528	-	100.0%	14 398	14 398
Catering: Departmental activities	6 589	102	(874)	5 817	5 817	-	100.0%	8 145	8 145
Communication	114 073	(6 424)	3 032	110 681	110 681	-	100.0%	128 262	128 262
Computer services	1 077 425	(23 178)	(184 204)	870 043	1 028 792	(158 749)	118.2%	686 579	685 529
Consultants: Business and advisory services	81 647	(28 736)	47 588	100 499	96 233	4 266	95.8%	119 126	117 037
Laboratory services	1 981	(1 055)	-	926	926	-	100.0%	905	905
Legal services	132 921	(60 022)	34 466	107 365	107 365	-	100.0%	160 130	160 130
Contractors	111 707	25 482	2 765	139 954	139 954	-	100.0%	143 888	143 888

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
APPROPRIATION STATEMENTS  
for the year ended 31 March 2024

Appropriation per economic classification										
Economic classification	2023/24						2022/23			
	Approved Budget	Shifting of Funds	Virement	Final Budget	Actual Expenditure	Variance	Expenditure as % of final budget	Final Budget	Actual Expenditure	
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000
Agency and support / outsourced services	222 113	(6 782)	18 911	234 242	234 242	-	100.0%	232 600	232 600	232 600
Entertainment	8	(6)	-	2	2	-	100.0%	2	2	2
Fleet services	61 592	15 425	8 587	85 604	85 604	-	100.0%	88 638	88 638	88 638
Inventory: Fuel, oil and gas	-	753	-	753	753	-	100.0%	1 111	1 111	1 111
Inventory: Other supplies		1 023	-	1 023	1 023	-	100.0%	97	97	97
Consumable supplies	32 284	(1 814)	100	30 570	30 570	-	100.0%	29 205	29 205	29 205
Consumables: Stationery, printing and office supplies	183 104	(7 123)	16 709	192 690	192 690	-	100.0%	185 217	185 217	185 217
Operating leases	1 187 599	(1 656)	(199 026)	986 917	985 509	1 408	99.9%	1 156 625	1 156 625	1 156 625
Property payments	1 372 500	(31 376)	50 387	1 391 511	1 391 487	24	100.0%	1 355 740	1 341 039	1 341 039
Transport provided: Departmental activity	245	245	-	-	-	-	-	16	16	16
Travel and subsistence	303 502	79 201	48 565	431 268	431 267	1	100.0%	419 866	419 866	419 866
Training and development	27 337	(9 671)	(4 044)	13 622	13 622	-	100.0%	12 946	12 946	12 946
Operating payments	222 181	54 529	2 503	279 213	279 213	-	100.0%	302 246	302 246	302 246
Venues and facilities	20 051	681	1 457	22 189	22 189	-	100.0%	22 914	22 914	22 914
Rental and hiring	3 772	(2 514)	(347)	911	911	-	100.0%	2 088	2 088	2 088

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
APPROPRIATION STATEMENTS  
for the year ended 31 March 2024

Appropriation per economic classification										
Economic classification	2023/24							2022/23		
	Approved Budget	Shifting of Funds	Virement	Final Budget	Actual Expenditure	Variance	Expenditure as % of final budget	Final Budget	Actual Expenditure	
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000
<b>Transfers and subsidies</b>	3 330 377	-	22 687	3 353 064	3 330 876	22 188	99.3%	3 388 081	3 370 075	
Provinces and municipalities	1 029	-	-	1 029	814	215	79.1%	844	844	
Municipalities	1 029	-	-	1 029	814	215	79.1%	844	844	
Municipal bank accounts	1 029	-	-	1 029	814	215	79.1%	844	844	
Departmental agencies and accounts	3 210 247	-	-	3 210 247	3 209 930	317	100.0%	3 254 959	3 252 610	
Foreign governments and international organisations	20 926	-	(1 195)	19 731	19 731	-	100.0%	16 655	16 569	
Households	98 175	-	23 882	122 057	100 401	21 656	82.3%	115 623	100 052	
Social benefits	95 267	(10 495)	10 138	94 910	73 254	21 656	77.2%	105 318	89 747	
Other transfers to households	2 908	10 495	13 744	27 147	27 147	-	100.0%	10 305	10 305	
<b>Payments for capital assets</b>	<b>663 181</b>	<b>(362)</b>	<b>201 831</b>	<b>864 650</b>	<b>864 554</b>	<b>96</b>	<b>100.0%</b>	<b>990 608</b>	<b>975 627</b>	
Buildings and other fixed structures	471 855	5 330	(22 900)	454 285	454 285	-	100.0%	475 972	475 972	
Buildings	471 855	2 376	(22 900)	451 331	451 331	-	100.0%	473 693	473 693	
Other fixed structures	-	2 954	-	2 954	2 954	-	100.0%	2 279	2 279	
Machinery and equipment	190 438	(5 564)	160 070	344 944	344 848	96	100.0%	310 851	295 870	
Transport equipment	17 474	2 775	(352)	19 897	19 803	94	99.5%	89 283	88 007	

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
APPROPRIATION STATEMENTS  
for the year ended 31 March 2024

Appropriation per economic classification									
Economic classification	2023/24					2022/23			
	Approved Budget	Shifting of Funds	Virement	Final Budget	Actual Expenditure	Variance	Expenditure as % of final budget	Final Budget	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Other machinery and equipment	172 964	(8 339)	160 422	325 047	325 045	2	100.0%	221 568	207 863
Software and other intangible assets	888	(128)	64 661	65 421	65 421	-	100.0%	203 785	203 785
Payments for financial assets	2 265	-	1 062	3 327	3 327	-	100.0%	66 000	66 000
<b>Total</b>	22 957 049	-	-	22 957 049	23 168 686	(211 637)	100.9%	22 880 530	22 653 895

Statutory appropriation per economic classification									
Economic classification	2023/24					2022/23			
	Approved Budget	Shifting of Funds	Virement	Final Budget	Actual Expenditure	Variance	Expenditure as % of final budget	Final Budget	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Current payments	2 349 689	-	-	2 349 689	2 291 524	58 165	97.5%	2 343 063	2 257 530
Compensation of employees	2 349 689	-	-	2 349 689	2 291 524	58 165	97.5%	2 343 063	2 257 530
Salaries and wages	2 059 971	-	-	2 059 971	2 107 070	(47 099)	102.3%	2 068 953	2 068 953
Social contributions	289 718	-	-	289 718	184 454	105 264	63.7%	274 110	188 577
Transfers and subsidies	49 057	-	-	49 057	27 401	21 656	55.9%	55 443	39 872
Households	49 057	-	-	49 057	27 401	21 656	55.9%	55 443	39 872
Social benefits	49 057	-	-	49 057	27 401	21 656	55.9%	55 443	39 872
<b>Total</b>	2 398 746	-	-	2 398 746	2 318 925	79 821	96.7%	2 398 506	2 297 402

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
APPROPRIATION STATEMENTS  
for the year ended 31 March 2024

Programme 1: Administration									
Sub programme	2023/24						2022/23		
	Approved Budget	Shifting of Funds	Virement	Final Budget	Actual Expenditure	Variance	Expenditure as % of final budget	Final Budget	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
1. Ministry	38 306	4 269	(1 941)	40 634	40 614	20	100.0%	37 597	37 176
2. Management	218 428	(18 173)	(7 967)	192 288	192 287	1	100.0%	66 634	66 634
3. Corporate Service	795 272	(15 016)	206 654	986 910	1 145 538	(158 628)	116.1%	1 016 344	982 103
4. Financial Administration	182 001	19 805	1 261	203 067	203 052	15	100.0%	223 970	219 786
5. Internal Audit	122 262	9 115	(5 523)	125 854	125 854	-	100.0%	106 178	103 051
6. Office Accommodation	1 581 720	-	(224 000)	1 357 720	1 356 312	1 408	99.9%	1 524 742	1 524 742
<b>Total for sub programmes</b>	<b>2 937 989</b>	<b>-</b>	<b>(31 516)</b>	<b>2 906 473</b>	<b>3 063 657</b>	<b>(157 184)</b>	<b>105.4%</b>	<b>2 975 465</b>	<b>2 933 492</b>
<b>Economic classification</b>									
<b>Current payments</b>	<b>2 908 099</b>	<b>362</b>	<b>(160 920)</b>	<b>2 747 541</b>	<b>2 904 898</b>	<b>(157 357)</b>	<b>105.7%</b>	<b>2 751 349</b>	<b>2 711 724</b>
<b>Compensation of employees</b>	<b>668 532</b>	<b>-</b>	<b>(31 394)</b>	<b>637 138</b>	<b>637 138</b>	<b>-</b>	<b>100.0%</b>	<b>643 432</b>	<b>603 807</b>
Salaries and wages	580 306	(5 914)	(25 011)	549 381	549 381	-	100.0%	563 475	524 271
Social contributions	88 226	5 914	(6 383)	87 757	87 757	-	100.0%	79 957	79 536
<b>Goods and services</b>	<b>2 239 567</b>	<b>362</b>	<b>(129 526)</b>	<b>2 110 403</b>	<b>2 267 760</b>	<b>(157 357)</b>	<b>107.5%</b>	<b>2 107 917</b>	<b>2 107 917</b>
Administrative fees	5 507	193	-	5 700	5 700	-	100.0%	6 547	6 547
Advertising	17 077	(8 957)	-	8 120	8 120	-	100.0%	9 604	9 604
Minor assets	3 197	363	-	3 560	3 560	-	100.0%	1 903	1 903
Audit costs: External	38 393	15 400	-	53 793	53 793	-	100.0%	125 103	125 103
Bursaries: Employees	16 597	(7 485)	-	9 112	9 112	-	100.0%	10 118	10 118

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
APPROPRIATION STATEMENTS  
for the year ended 31 March 2024

Programme 1: Administration									
	2023/24						2022/23		
	Approved Budget	Shifting of Funds	Virement	Final Budget	Actual Expenditure	Variance	Expenditure as % of final budget	Final Budget	Actual Expenditure
Economic classification	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Catering: Departmental activities	2 145	72	-	2 217	2 217	-	100.0%	2 557	2 557
Communication	11 950	(2 979)	-	8 971	8 971	-	100.0%	11 732	11 732
Computer services	461 460	(22 661)	94 474	533 273	692 038	(158 765)	129.8%	292 756	292 756
Consultants: Business and advisory services	4 285	(2 226)	-	2 059	2 059	-	100.0%	6 276	6 276
Laboratory services	3	(3)	-	-	-	-	-	-	-
Scientific and technological services	-	-	-	-	-	-			
Legal services	-	37	-	37	37	-	100.0%	5 845	5 845
Contractors	6 396	(1 258)	-	5 138	5 138	-	100.0%	5 502	5 502
Agency and support / outsourced services	98	(79)	-	19	19	-	100.0%	43	43
Entertainment	8/	(6)	-	2	2	-	100.0%	2	2
Fleet services	1 892	393	-	2 285	2 285	-	100.0%	2 230	2 230
Inventory: Fuel, oil and gas									
Inventory: Other supplies									
Consumable supplies	929	(37)	-	892	892	-	100.0%	1 854	1 854
Consumables: Stationery, printing and office supplies	8 359	(1 789)	-	6 570	6 570	-	100.0%	9 392	9 392



DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
APPROPRIATION STATEMENTS  
for the year ended 31 March 2024

Programme 1: Administration										
Economic classification	2023/24						2022/23			
	Approved Budget	Shifting of Funds	Virement	Final Budget	Actual Expenditure	Variance	Expenditure as % of final budget	Final Budget	Actual Expenditure	
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000
Operating leases	1 035 650	649	(202 173)	834 126	832 718	1 408	99.8%	1 101 347	1 101 347	1 101 347
Property payments	549 532	(12)	(21 827)	527 693	527 693	-	100.0%	424 404	424 404	424 404
Transport provided: Departmental activity	104	(104)	-	-	-	-	-	16	16	16
Travel and subsistence	39 431	13 864	-	53 295	53 295	-	100.0%	62 947	62 947	62 947
Training and development	6 550	(4 362)	-	2 188	2 188	-	100.0%	4 567	4 567	4 567
Operating payments	23 538	24 125	-	47 663	47 663	-	100.0%	15 791	15 791	15 791
Venues and facilities	5 847	(2 557)	-	3 290	3 290	-	100.0%	6 319	6 319	6 319
Rental and hiring	619	(219)	-	400	400	-	100.0%	1 062	1 062	1 062
Interest and rent on land	-									
<b>Transfers and subsidies</b>	<b>18 509</b>	<b>-</b>	<b>4 586</b>	<b>23 095</b>	<b>22 922</b>	<b>173</b>	<b>99.3%</b>	<b>24 028</b>	<b>21 680</b>	<b>21 680</b>
Provinces and municipalities	51	-	-	51	35	16	68.6%	40	40	40
Municipalities	51	-	-	51	35	16	68.6%	40	40	40
Municipal bank accounts	51	-	-	51	35	16	68.6%	40	40	40
Departmental agencies and accounts	18 162	-	-	18 162	18 005	157	99.1%	20 087	17 739	17 739
Departmental agencies	18 162	-	-	18 162	18 005	157	99.1%	20 087	17 739	17 739
Foreign governments and international organisations										
Public corporations and private enterprises										

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
APPROPRIATION STATEMENTS  
for the year ended 31 March 2024

Programme 1: Administration										
	2023/24						2022/23			
	Approved Budget	Shifting of Funds	Virement	Final Budget	Actual Expenditure	Variance	Expenditure as % of final budget	Final Budget	Actual Expenditure	
Economic classification	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	
<b>Households</b>	296	-	4586	4882	4882		100.0%	3 901	3 901	
Social benefits	296	-	4586	4882	4882		100.0%	3 901	3 901	
Other transfers to households										
<b>Payments for capital assets</b>	11 227	(362)	124 464	135 329	135 329	-	100.0%	199 418	199 418	
<b>Buildings and other fixed structures</b>										
Other fixed structures										
<b>Machinery and equipment</b>	10 339	(51)	124 464	134 752	134 752	-	100.0%	21 973	21 973	
Transport equipment	1 612	(1 612)	-	-	-	-	-	2 304	2 304	
Other machinery and equipment	8 727	1 561	124 464	134 752	134 752	-	100.0%	19 669	19 669	
Software and other intangible assets	888	(311)	-	577	577	-	100.0%	177 445	177 445	
<b>Payments for financial assets</b>	154	-	354	508	508	-	100.0%	670	670	
<b>Total</b>	2 937 989	-	(31 516)	2 906 473	3 063 657	(157 184)	105.4%	2 975 465	2 933 492	

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
APPROPRIATION STATEMENTS  
for the year ended 31 March 2024

Programme 2: Court Services									
	2023/24					2022/23			
Sub programme	Approved Budget	Shifting of Funds	Virement	Final Budget	Actual Expenditure	Variance	Expenditure as % of final budget	Final Budget	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
1. Lower Courts	5 478 575	(7 841)	260 712	5 731 446	5 764 590	(33 144)	100.6%	5 587 052	5 572 351
2. Family Advocate	273 666	13 038	(319)	286 385	288 307	(1 922)	100.7%	269 975	269 975
3. Magistrate's Commission	18 232	(1 546)	1 960	18 646	18 646	-	100.0%	10 658	10 658
4. Facilities Management	535 456	(5 891)	(22 900)	506 665	506 665	-	100.0%	532 575	532 575
5. Administration of Courts	605 060	2 240	26	607 326	648 159	(40 833)	106.7%	635 899	635 899
<b>Total for sub programmes</b>	<b>6 910 989</b>	<b>-</b>	<b>239 479</b>	<b>7 150 468</b>	<b>7 226 367</b>	<b>(75 899)</b>	<b>101.1%</b>	<b>7 036 159</b>	<b>7 021 458</b>
<b>Economic classification</b>									
<b>Current payments</b>	<b>6 327 983</b>	<b>-</b>	<b>268 803</b>	<b>6 596 786</b>	<b>6 672 871</b>	<b>(76 085)</b>	<b>101.2%</b>	<b>6 422 315</b>	<b>6 407 614</b>
<b>Compensation of employees</b>	<b>4 846 569</b>	<b>-</b>	<b>-</b>	<b>4 846 569</b>	<b>4 922 678</b>	<b>(76 109)</b>	<b>101.6%</b>	<b>4 665 349</b>	<b>4 665 349</b>
Salaries and wages	4 051 909	(84 741)	-	3 967 168	4 019 403	(52 235)	101.3%	3 844 546	3 844 546
Social contributions	794 660	84 741	-	879 401	903 275	(23 874)	102.7%	820 803	820 803
<b>Goods and services</b>	<b>1 481 414</b>	<b>-</b>	<b>268 803</b>	<b>1 750 217</b>	<b>1 750 193</b>	<b>24</b>	<b>100.0%</b>	<b>1 756 966</b>	<b>1 742 265</b>
Administrative fees	7 405	(175)	120	7 350	7 350	-	100.0%	6 637	6 637
Advertising	3 479	(886)	-	2 593	2 593	-	100.0%	2 204	2 204
Minor assets	11 910	1 288	7 459	20 657	20 657	-	100.0%	23 460	23 460
Audit costs: External	-	-	-	-	-	-	-	-	-
Bursaries: Employees	-	-	-	-	-	-	-	-	-
Catering: Departmental activities	2 169	(661)	30	1 538	1 538	-	100.0%	2 086	2 086

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
APPROPRIATION STATEMENTS  
for the year ended 31 March 2024

Programme 2: Court Services									
	2023/24							2022/23	
	Approved Budget	Shifting of Funds	Virement	Final Budget	Actual Expenditure	Variance	Expenditure as % of final budget	Final Budget	Actual Expenditure
Economic classification	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Communication	68 499	(3 855)	5 295	69 939	69 939	-	100.0%	73 335	73 335
Computer services	1 340	(1 235)	146	251	251	-	100.0%	205	205
Consultants: Business and advisory services	25 462	455	8 137	34 054	34 054	-	100.0%	32 175	32 175
Infrastructure and planning services	-	-	-	-	-	-	-		
Laboratory services	1 978	(1 052)	-	926	926	-	100.0%	905	905
Scientific and technological services	-	-	-	-	-	-	-		
Legal services	27 838	(316)	4 292	31 814	31 814	-	100.0%	31 663	31 663
Contractors	65 671	(265)	9 527	74 933	74 933	-	100.0%	61 611	61 611
Agency and support / outsourced services	31 041	12 519	79 387	122 947	122 947	-	100.0%	139 485	139 485
Entertainment	-	-	-	-	-	-	-		
Fleet services	45 408	1 717	8 443	55 568	55 568	-	100.0%	61 025	61 025
Inventory: Fuel, oil and gas	-	-	-	-	-	-	-	-	-
Inventory: Other supplies									
Consumable supplies	24 577	(4 480)	119	20 216	20 216	-	100.0%	20 982	20 982
Consumables: Stationery, printing and office supplies	121 881	(8 546)	17 391	130 726	130 726	-	100.0%	120 937	120 937
Operating leases	52 052	(5 480)	1 861	48 433	48 433	-	100.0%	755	755

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
APPROPRIATION STATEMENTS  
for the year ended 31 March 2024

Programme 2: Court Services									
Economic classification	2023/24						2022/23		
	Approved Budget	Shifting of Funds	Virement	Final Budget	Actual Expenditure	Variance	Expenditure as % of final budget	Final Budget	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Property payments	719 327	(10 158)	72 214	781 383	781 359	24	100.0%	850 490	835 789
Transport provided: Departmental activity	111	(111)	-	-	-	-	-	-	-
Travel and subsistence	178 250	18 572	45 428	242 250	242 250	-	100.0%	236 031	236 031
Training and development	11 020	(3 112)	-	7 908	7 908	-	100.0%	5 608	5 608
Operating payments	73 535	5 920	8 943	88 398	88 398	-	100.0%	82 119	82 119
Venues and facilities	6 418	1 599	9	8 026	8 026	-	100.0%	4 748	4 748
Rental and hiring	2 043	(1 738)	2	307	307	-	100.0%	505	505
Interest and rent on land									
<b>Transfers and subsidies</b>	<b>33 165</b>	<b>-</b>	<b>396</b>	<b>33 561</b>	<b>33 375</b>	<b>186</b>	<b>99.4%</b>	<b>24 031</b>	<b>24 031</b>
Provinces and municipalities	928	-	-	928	757	171	81.6%	782	782
Municipalities	928	-	-	928	757	171	81.6%	782	782
Municipal bank accounts	928		-	928	757	171	81.6%	782	782
Departmental agencies and accounts	55	-	-	55	40	15	72.7%	60	60
Departmental agencies	55	-	-	55	40	15	72.7%	60	60
Foreign governments and international organisations									
Public corporations and private enterprises									

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
APPROPRIATION STATEMENTS  
for the year ended 31 March 2024

Programme 2: Court Services										
	2023/24						2022/23			
Economic classification	Approved Budget	Shifting of Funds	Virement	Final Budget	Actual Expenditure	Variance	Expenditure as % of final budget	Final Budget	Actual Expenditure	
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000
<b>Households</b>	32 182	-	396	32 578	32 578	-	100.0%	23 189	23 189	23 189
Social benefits	32 132	(10 497)	-	21 635	21 635	-	100.0%	22 327	22 327	22 327
Other transfers to households	50	10 497	396	10 943	10 943	-	100.0%	862	862	862
<b>Payments for capital assets</b>	549 811	-	(29 810)	520 001	520 001	-	100.0%	586 119	586 119	586 119
<b>Buildings and other fixed structures</b>	471 855	4 838	(22 900)	453 793	453 793	-	100.0%	475 972	475 972	475 972
Buildings	471 855	1 884	(22 900)	450 839	450 839	-	100.0%	473 693	473 693	473 693
Other fixed structures	-	2 954	-	2 954	2 954	-	100.0%	2 279	2 279	2 279
<b>Machinery and equipment</b>	77 956	(4 984)	(6 764)	66 208	66 208	-	100.0%	110 131	110 131	110 131
Transport equipment	14 623	3 993	(2)	18 614	18 614	-	100.0%	47 168	47 168	47 168
Other machinery and equipment	63 333	(8 977)	(6 762)	47 594	47 594	-	100.0%	62 963	62 963	62 963
Software and other intangible assets	-	146	146			-	100.0%	16	16	16
<b>Payments for financial assets</b>	30	-	90	120	120	-	100.0%	3 694	3 694	3 694
<b>Total</b>	<b>6 910 989</b>	<b>-</b>	<b>239 479</b>	<b>7 150 468</b>	<b>7 226 367</b>	<b>(75 899)</b>	<b>101.1%</b>	<b>7 036 159</b>	<b>7 021 458</b>	<b>7 021 458</b>



DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
APPROPRIATION STATEMENTS  
for the year ended 31 March 2024

Programme 3 : Safe Legal Services									
		2023/24					2022/23		
Sub programme	Approved Budget	Shifting of Funds	Virement	Final Budget	Actual Expenditure	Variance	Expenditure as % of final budget	Final Budget	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
1. State Law Advisors	82 591	(6 688)	(8 807)	67 096	67 096	-	100.0%	67 052	67 052
2. Litigation and Legal Services	467 508	3 366	71 179	542 053	542 051	2	100.0%	659 740	653 755
3. Legislative Development and Law Reform	105 505	(4 091)	(9 934)	91 480	91 480	-	100.0%	103 186	98 719
4. Master of the High Court	585 291	7 206	(1 286)	591 211	591 182	29	100.0%	602 604	581 059
5. Constitutional Development	81 953	207	(6 098)	76 062	76 060	2	100.0%	89 534	78 494
<b>Total for sub programmes</b>	<b>1 322 848</b>	<b>-</b>	<b>45 054</b>	<b>1 367 902</b>	<b>1 367 869</b>	<b>33</b>	<b>100.0%</b>	<b>1 522 116</b>	<b>1 479 079</b>
<b>Economic classification</b>									
<b>Current payments</b>	<b>1 283 027</b>	<b>-</b>	<b>43 663</b>	<b>1 326 690</b>	<b>1 326 690</b>	<b>-</b>	<b>100.0%</b>	<b>1 407 134</b>	<b>1 364 183</b>
<b>Compensation of employees</b>	<b>1 180 359</b>	<b>-</b>	<b>(22 294)</b>	<b>1 158 065</b>	<b>1 158 065</b>	<b>-</b>	<b>100.0%</b>	<b>1 173 454</b>	<b>1 130 503</b>
Salaries and wages	1 003 997	(2 929)	(16 187)	984 881	984 881	-	100.0%	1 004 938	970 199
Social contributions	176 362	2 929	(6 107)	173 184	173 184	-	100.0%	168 516	160 304
<b>Goods and services</b>	<b>102 668</b>	<b>-</b>	<b>65 957</b>	<b>168 625</b>	<b>168 625</b>	<b>-</b>	<b>100.0%</b>	<b>233 680</b>	<b>233 680</b>
Administrative fees	1 702	(339)	171	1 534	1 534	-	100.0%	2 027	2 027
Advertising	1 147	(525)	1	623	623	-	100.0%	2 273	2 273
Minor assets	2 835	(1 134)	-	1 701	1 701	-	100.0%	2 236	2 236
Audit costs: External	-	-	-	-	-	-	-	-	-
Bursaries: Employees	-	-	-	-	-	-	-	-	-

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
APPROPRIATION STATEMENTS  
for the year ended 31 March 2024

Programme 3 : Sate Legal Services										
Sub programme	2023/24						2022/23			
	Approved Budget R'000	Shifting of Funds R'000	Virement R'000	Final Budget R'000	Actual Expenditure R'000	Variance R'000	Expenditure as % of final budget %	Final Budget R'000	Actual Expenditure R'000	
Catering: Departmental activities	568	(138)	11	441	441	-	100.0%	384	384	384
Communication	9 302	(495)	-	8 807	8 807	-	100.0%	9 833	9 833	9 833
Computer services	140	(140)	-	-	-	-	-	31	31	31
Consultants: Business and advisory services	2 652	(1 590)	-	1 062	1 062	-	100.0%	1 395	1 395	1 395
Legal services	21 543	-	57 685	79 228	79 228	-	100.0%	105 006	105 006	105 006
Contractors	1 056	(130)	-	926	926	-	100.0%	1 326	1 326	1 326
Agency and support / outsourced services	148	108	-	256	256	-	100.0%	65	65	65
Entertainment	-	-	-	-	-	-	-	-	-	-
Fleet services (including government motor transport)	2 622	(7)	970	3 585	3 585	-	100.0%	4 151	4 151	4 151
Inventory: Fuel, oil and gas										
Inventory: Other supplies										

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
APPROPRIATION STATEMENTS  
for the year ended 31 March 2024

Programme 3 : Safe Legal Services										
	2023/24						2022/23			
	Approved Budget	Shifting of Funds	Virement	Final Budget	Actual Expenditure	Variance	Expenditure as % of final budget	Final Budget	Actual Expenditure	
Sub programme	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	
Consumable supplies	1 388	(415)	-	973	973	-	100.0%	1 359	1 359	
Consumables: Stationery, printing and office supplies	15 682	2 230	-	17 912	17 912	-	100.0%	20 433	20 433	
Operating leases	10 085	(958)	4 806	13 933	13 933	-	100.0%	635	635	
Property payments	685	(365)	-	320	320	-	100.0%	365	365	
Transport provided: Departmental activity	30	(30)	-	-	-	-	-	-	-	
Travel and subsistence	20 358	7 387	772	28 517	28 517	-	100.0%	35 088	35 088	
Training and development	-	-	-	-	-	-	-	-	-	
Operating payments	4 450	(1 497)	1 166	4 119	4 119	-	100.0%	40 983	40 983	
Venues and facilities	5 514	(1 350)	375	4 539	4 539	-	100.0%	5 799	5 799	
Rental and hiring	761	(612)	-	149	149	-	100.0%	291	291	
Interest and rent on land										
<b>Transfers and subsidies</b>	<b>27 127</b>	<b>-</b>	<b>5 809</b>	<b>32 936</b>	<b>32 903</b>	<b>33</b>	<b>99.9%</b>	<b>30 213</b>	<b>30 127</b>	
Provinces and municipalities	50	-	-	50	22	28	44.0%	21	21	
Municipalities	50	-	-	50	22	28	44.0%	21	21	
Municipal bank accounts	50	-	-	50	22	28	44.0%	21	21	
Departmental agencies and accounts	6	-	-	6	1	5	16.7%	3	3	

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
APPROPRIATION STATEMENTS  
for the year ended 31 March 2024

Programme 3 : Safe Legal Services									
	2023/24						2022/23		
	Approved Budget	Shifting of Funds	Virement	Final Budget	Actual Expenditure	Variance	Expenditure as % of final budget	Final Budget	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Sub programme</b>									
Departmental agencies	6	-	-	6	1	5	16.7%	3	3
Foreign governments and international organisations	20 926	-	(1 195)	19 731	19 731	-	100.0%	16 655	16 569
<b>Households</b>	<b>6 145</b>	<b>-</b>	<b>7 004</b>	<b>13 149</b>	<b>13 149</b>	<b>-</b>	<b>100.0%</b>	<b>13 534</b>	<b>13 534</b>
Social benefits	3 287	2	631	3 920	3 920	-	100.0%	6 574	6 574
Other transfers to households	2 858	(2)	6 373	9 229	9 229	-	100.0%	6 960	6 960
<b>Payments for capital assets</b>	<b>11 740</b>	<b>-</b>	<b>(4 780)</b>	<b>6 960</b>	<b>6 960</b>	<b>-</b>	<b>100.0%</b>	<b>23 751</b>	<b>23 751</b>
<b>Machinery and equipment</b>	<b>11 740</b>	<b>(37)</b>	<b>(4 780)</b>	<b>6 923</b>	<b>6 923</b>	<b>-</b>	<b>100.0%</b>	<b>23 712</b>	<b>23 712</b>
Transport equipment	-	364	-	364	364	-	100.0%	8 086	8 086
Other machinery and equipment	11 740	(401)	(4 780)	6 559	6 559	-	100.0%	15 626	15 626
Software and other intangible assets	-	37	-	37	37	-	100.0%	39	39
<b>Payments for financial assets</b>	<b>954</b>	<b>-</b>	<b>362</b>	<b>1 316</b>	<b>1 316</b>	<b>-</b>	<b>100.0%</b>	<b>61 018</b>	<b>61 018</b>
<b>Total</b>	<b>1 322 848</b>	<b>-</b>	<b>45 054</b>	<b>1 367 902</b>	<b>1 367 869</b>	<b>33</b>	<b>100.0%</b>	<b>1 522 116</b>	<b>1 479 079</b>

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
APPROPRIATION STATEMENTS  
for the year ended 31 March 2024

Programme 4: National Prosecuting Authority										
Sub programme	2023/24						2022/23			
	Approved Budget	Shifting of Funds	Virement	Final Budget	Actual Expenditure	Variance	Expenditure as % of final budget	Final Budget	Actual Expenditure	
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000
1. National Prosecutions Service	3 998 344	6 525	(7 985)	3 996 884	4 119 079	(122 195)	103.1%	3 827 048	3 827 048	
2. Investigating Directorate	260 256	2	(54 992)	205 266	141 886	63 380	69.1%	192 524	178 534	
3. Assets Forfeiture Unit	254 006	(32 817)	(4 527)	216 662	216 662	-	100.0%	219 559	219 559	
4. Office for Witness Protection	252 134	(64 614)	(9 209)	178 311	178 311	-	100.0%	213 693	213 693	
5. Strategy, Operations and Compliance	626 393	90 904	(28 802)	688 495	688 356	139	100.0%	574 344	574 344	
<b>Total for sub programmes</b>	<b>5 391 133</b>	<b>-</b>	<b>(105 515)</b>	<b>5 285 618</b>	<b>5 344 294</b>	<b>(58 676)</b>	<b>101.1%</b>	<b>5 027 168</b>	<b>5 013 178</b>	
<b>Economic classification</b>										
<b>Current payments</b>	<b>5 311 264</b>	<b>-</b>	<b>(77 630)</b>	<b>5 233 634</b>	<b>5 292 545</b>	<b>(58 911)</b>	<b>101.1%</b>	<b>4 935 786</b>	<b>4 933 697</b>	
<b>Compensation of employees</b>	<b>4 509 656</b>	<b>-</b>	<b>-</b>	<b>4 509 656</b>	<b>4 572 819</b>	<b>(63 163)</b>	<b>101.4%</b>	<b>4 262 084</b>	<b>4 262 084</b>	
Salaries and wages	4 134 725	(70 654)	-	4 064 071	4 016 892	47 179	98.8%	3 761 738	3 761 738	
Social contributions	374 931	70 654	-	445 585	555 927	(110 342)	124.8%	500 346	500 346	
<b>Goods and services</b>	<b>801 608</b>	<b>-</b>	<b>(77 630)</b>	<b>723 978</b>	<b>719 726</b>	<b>4 252</b>	<b>99.4%</b>	<b>673 702</b>	<b>671 613</b>	
Administrative fees	16 982	2 202	(132)	19 052	19 052	-	100.0%	14 829	14 829	
Advertising	812	(331)	-	481	481	-	100.0%	987	987	
Minor assets	4 250	2 864	-	7 114	7 114	-	100.0%	5 337	5 337	
Audit costs: External	-	-	-	-	-	-	-	-	-	
Bursaries: Employees	755	2 631	-	3 386	3 386	-	100.0%	4 245	4 245	

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
APPROPRIATION STATEMENTS  
for the year ended 31 March 2024

Programme 3 : Safe Legal Services										
Sub programme	2023/24						2022/23			
	Approved Budget	Shifting of Funds	Virement	Final Budget	Actual Expenditure	Variance	Expenditure as % of final budget	Final Budget	Actual Expenditure	
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000
Catering: Departmental activities	1 670	763	(915)	1 518	1 518	-	100.0%	3 098	3 098	3 098
Communication	23 233	887	(2 084)	22 036	22 036	-	100.0%	32 359	32 359	32 359
Computer services	105 766	96 288	(17 461)	184 593	184 593	-	100.0%	104 509	104 509	104 509
Consultants: Business and advisory services	44 141	(23 857)	(9 404)	10 880	6 628	4 252	60.9%	8 227	8 227	6 138
Legal services	81 040	(58 833)	(26 821)	(4 614)	(4 614)	-	100.0%	14 936	14 936	14 936
Contractors	38 394	25 133	(6 762)	56 765	56 765	-	100.0%	71 976	71 976	71 976
Agency and support / outsourced services	58 578	(20 911)	(498)	37 169	37 169	-	100.0%	29 602	29 602	29 602
Entertainment	-	-	-	-	-	-	-	-	-	-
Fleet services (including government motor services)	11 585	13 246	(826)	24 005	24 005	-	100.0%	21 168	21 168	21 168
Inventory: Fuel, oil and gas	-	753	-	753	753	-	100.0%	1 111	1 111	1 111
Inventory: Other supplies	-	1 023	-	1 023	1 023	-	100.0%	97	97	97



DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
APPROPRIATION STATEMENTS  
for the year ended 31 March 2024

Programme 3 : Sate Legal Services									
Sub programme	2023/24						2022/23		
	Approved Budget	Shifting of Funds	Virement	Final Budget	Actual Expenditure	Variance	Expenditure as % of final budget	Final Budget	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Consumable supplies	4 761	3 120	-	7 881	7 881	-	100.0%	4 459	4 459
Consumables: Stationery, printing and office supplies	36 259	239	(608)	35 890	35 890	-	100.0%	33 467	33 467
Operating leases	83 772	4 565	(3 520)	84 817	84 817	-	100.0%	49 597	49 597
Property payments	101 566	(21 582)	-	79 984	79 984	-	100.0%	79 463	79 463
Transport provided: Departmental activity	-	-	-	-	-	-	-	-	-
Travel and subsistence	61 150	38 320	-	99 470	99 470	-	100.0%	83 224	83 224
Training and development	5 504	(2 159)	(600)	2 745	2 745	-	100.0%	2 198	2 198
Operating payments	120 041	(67 384)	(7 650)	45 007	45 007	-	100.0%	103 975	103 975
Venues and facilities	1 000	2 968	-	3 968	3 968	-	100.0%	4 608	4 608
Rental and hiring	349	55	(349)	55	55	-	100.0%	230	230
Interest and rent on land									
<b>Transfers and subsidies</b>	<b>22 500</b>	<b>-</b>	<b>11 592</b>	<b>34 092</b>	<b>33 953</b>	<b>139</b>	<b>99.6%</b>	<b>31 172</b>	<b>31 172</b>
Provinces and municipalities									
Municipalities									
Municipal bank accounts									
Departmental agencies and accounts	12 005	-	-	12 005	11 866	139	98.8%	11 882	11 882

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
APPROPRIATION STATEMENTS  
for the year ended 31 March 2024

Programme 3 : Sate Legal Services									
	2023/24							2022/23	
	Approved Budget	Shifting of Funds	Virement	Final Budget	Actual Expenditure	Variance	Expenditure as % of final budget	Final Budget	Actual Expenditure
Sub programme	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Departmental agencies	12 005	-	-	12 005	11 866	139	98.8%	11 882	11 882
Foreign governments and international organisations									
Public corporations and private enterprises									
<b>Households</b>	<b>10 495</b>	<b>-</b>	<b>11 592</b>	<b>22 087</b>	<b>22 087</b>	<b>-</b>	<b>100.0%</b>	<b>19 290</b>	<b>19 290</b>
Social benefits	10 495	-	4 617	15 112	15 112	-	100.0%	16 807	16 807
Other transfers to households	-	-	6 975	6 975	6 975	-	100.0%	2 483	2 483
<b>Payments for capital assets</b>	<b>56 242</b>	<b>-</b>	<b>(39 733)</b>	<b>16 509</b>	<b>16 413</b>	<b>96</b>	<b>99.4%</b>	<b>59 598</b>	<b>47 697</b>
<b>Buildings and other fixed structures</b>	<b>-</b>	<b>492</b>	<b>-</b>	<b>492</b>	<b>492</b>	<b>-</b>	<b>100.0%</b>	<b>-</b>	<b>-</b>
Buildings	-	492	-	492	492	-	100.0%	-	-
Other fixed structures	-	-	-	-	-	-	-	2 279	2 279
<b>Machinery and equipment</b>	<b>56 242</b>	<b>(492)</b>	<b>(39 733)</b>	<b>16 017</b>	<b>15 921</b>	<b>96</b>	<b>99.4%</b>	<b>59 598</b>	<b>47 697</b>
Transport equipment	889	30	-	919	825	94	89.8%	31 725	30 449
Other machinery and equipment	55 353	(522)	(39 733)	15 098	15 096	2	100.0%	27 873	17 248
Software and other intangible assets									
<b>Payments for financial assets</b>	<b>1 127</b>	<b>-</b>	<b>256</b>	<b>1 383</b>	<b>1 383</b>	<b>-</b>	<b>100.0%</b>	<b>612</b>	<b>612</b>
<b>Total</b>	<b>5 391 133</b>	<b>-</b>	<b>(105 515)</b>	<b>5 285 618</b>	<b>5 344 294</b>	<b>(58 676)</b>	<b>101.1%</b>	<b>5 027 168</b>	<b>5 013 178</b>

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
APPROPRIATION STATEMENTS  
for the year ended 31 March 2024

Programme 5: Auxiliary and Associated Services									
Sub programme	2023/24						2022/23		
	Approved Budget	Shifting of Funds	Virement	Final Budget	Actual Expenditure	Variance	Expenditure as % of final budget	Final Budget	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
1. Legal Aid South Africa	2 124 574	-	-	2 124 574	2 124 574	-	100.0%	2 184 471	2 184 471
2. Special Investigation Unit	489 839	-	-	489 839	489 839	-	100.0%	452 060	452 060
3. Public Protector of South Africa	357 261	-	-	357 261	357 261	-	100.0%	377 928	377 928
4. South African Human Rights Commission	208 344	-	-	208 344	208 344	-	100.0%	208 467	208 467
5. Justice Modernisation	697 765	-	(149 741)	548 024	548 008	16	100.0%	597 580	597 447
6. Information Regulator	109 309	-	(1 356)	107 953	107 716	237	99.8%	100 609	88 913
7. Office of the Legal Services Ombud	8 251	-	3 595	11 846	11 832	14	99.9%	-	-
8. President's Fund	1	-	-	1	-	1	-	1	-
<b>Total for sub programmes</b>	<b>3 995 344</b>	<b>-</b>	<b>(147 502)</b>	<b>3 847 842</b>	<b>3 847 574</b>	<b>268</b>	<b>100.0%</b>	<b>3 921 116</b>	<b>3 909 286</b>
<b>Economic classification</b>									
<b>Current payments</b>	<b>781 164</b>	<b>-</b>	<b>(299 496)</b>	<b>481 668</b>	<b>481 401</b>	<b>267</b>	<b>99.9%</b>	<b>576 194</b>	<b>567 445</b>
<b>Compensation of employees</b>	<b>82 649</b>	<b>-</b>	<b>(304)</b>	<b>82 345</b>	<b>82 109</b>	<b>236</b>	<b>99.7%</b>	<b>71 702</b>	<b>64 003</b>
Salaries and wages	72 137	-	3 059	75 196	74 960	236	99.7%	63 108	58 010
Social contributions	10 512	-	(3 363)	7 149	7 149	-	100.0%	8 594	5 993
<b>Goods and services</b>	<b>698 515</b>	<b>-</b>	<b>(299 192)</b>	<b>399 323</b>	<b>399 292</b>	<b>31</b>	<b>100.0%</b>	<b>504 492</b>	<b>503 442</b>
Administrative fees	313	119	-	432	432	-	100.0%	253	253
Advertising	2 102	(747)	-	1 355	1 355	-	100.0%	1 341	1 341
Minor assets	26 228	(293)	(25 782)	153	153	-	100.0%	1 272	1 272

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
APPROPRIATION STATEMENTS  
for the year ended 31 March 2024

Programme 5: Auxiliary and Associated Services										
Economic classification	2023/24							2022/23		
	Approved Budget	Shifting of Funds	Virement	Final Budget	Actual Expenditure	Variance	Expenditure as % of final budget	Final Budget	Actual Expenditure	
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000
Audit costs: External	294	(294)	-	-	-	-	-	-	-	-
Bursaries: Employees	156	(126)	-	30	30	-	100.0%	35	35	35
Catering: Departmental activities	37	66	-	103	103	-	100.0%	20	20	20
Communication	1 089	18	(179)	928	928	-	100.0%	1 003	1 003	1 003
Computer services	508 719	(95 430)	(261 363)	151 926	151 910	16	100.0%	289 078	288 028	288 028
Consultants: Business and advisory services	5 107	(1 518)	48 855	52 444	52 430	14	100.0%	71 053	71 053	71 053
Infrastructure and planning services										
Legal services	2 500	(910)	(690)	900	900	-	100.0%	2 680	2 680	2 680
Contractors	190	2 002	-	2 192	2 192	-	100.0%	3 473	3 473	3 473
Agency and support / outsourced services	132 248	1 581	(59 978)	73 851	73 851	-	100.0%	63 405	63 405	63 405
Entertainment	-	-	-	-	-	-	-	-	-	-
Fleet services (including government motor services)	85	76	-	161	161	-	100.0%	64	64	64
Inventory: Fuel, oil and gas	-	-	-	-	-	-	-	-	-	-
Inventory: Other supplies	-	-	-	-	-	-	-	97	97	97
Consumable supplies	629	(2)	(19)	608	608	-	100.0%	551	551	551
Consumables: Stationery, printing and office supplies	923	743	(74)	1 592	1 592	-	100.0%	988	988	988

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
APPROPRIATION STATEMENTS  
for the year ended 31 March 2024

Programme 5: Auxiliary and Associated Services									
	2023/24						2022/23		
	Approved Budget	Shifting of Funds	Virement	Final Budget	Actual Expenditure	Variance	Expenditure as % of final budget	Final Budget	Actual Expenditure
Economic classification	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Operating leases	6 040	(432)	-	5 608	5 608	-	100.0%	4 291	4 291
Property payments	1 390	741	-	2 131	2 131	-	100.0%	1 018	1 018
Travel and subsistence	4 313	1 058	2 365	7 736	7 735	1	100.0%	2 576	2 576
Training and development	4 263	(38)	(3 444)	781	781	-	100.0%	573	573
Operating payments	617	93 365	44	94 026	94 026	-	100.0%	59 378	59 378
Venues and facilities	1 272	21	1 073	2 366	2 366	-	100.0%	1 440	1 440
<b>Transfers and subsidies</b>	<b>3 180 019</b>	<b>-</b>	<b>304</b>	<b>3 180 323</b>	<b>3 180 322</b>	<b>1</b>	<b>100.0%</b>	<b>3 223 194</b>	<b>3 223 193</b>
Provinces and municipalities								1	1
Municipalities								1	1
Municipal bank accounts								1	1
Departmental agencies and accounts	3 180 019	-	-	3 180 019	3 180 018	1	100.0%	3 222 927	3 222 926
Departmental agencies	3 180 019	-	-	3 180 019	3 180 018	1	100.0%	3 222 927	3 222 926
<b>Households</b>	-	-	304	304	304	-	100.0%	266	266
Social benefits	-	-	304	304	304	-	100.0%	266	266
Other transfers to household	-	-	-	-	-	-	-	10 304	10 304

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
APPROPRIATION STATEMENTS  
for the year ended 31 March 2024

Programme 5: Auxiliary and Associated Services									
Economic classification	2023/24						2022/23		
	Approved Budget	Shifting of Funds	Virement	Final Budget	Actual Expenditure	Variance	Expenditure as % of final budget	Final Budget	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Payments for capital assets</b>	<b>34 161</b>	-	<b>151 690</b>	<b>185 851</b>	<b>185 851</b>	-	<b>100.0%</b>	<b>121 722</b>	<b>118 642</b>
Machinery and equipment	34 161	-	86 883	121 044	121 044	-	100.0%	95 437	92 357
Transport equipment	350	-	(350)	-	-	-	-	-	-
Other machinery and equipment	33 811	-	87 233	121 044	121 044	-	100.0%	95 437	92 357
Software and other intangible assets	-	-	64 807	64 807	64 807	-	100.0%	26 285	26 285
<b>Payments for financial assets</b>	<b>-</b>	-	<b>-</b>	<b>-</b>	<b>-</b>	-	<b>-</b>	<b>6</b>	<b>6</b>
<b>Total</b>	<b>3 995 344</b>	<b>-</b>	<b>(147 502)</b>	<b>3 847 842</b>	<b>3 847 574</b>	<b>268</b>	<b>100.0%</b>	<b>3 921 116</b>	<b>3 909 286</b>



DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
APPROPRIATION STATEMENTS  
for the year ended 31 March 2024

Direct Services									
	2023/24						2022/23		
	Approved Budget	Shifting of Funds	Virement	Final Budget	Actual Expenditure	Variance	Expenditure as % of final budget	Final Budget	Actual Expenditure
Sub programme	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
1. Magistrates' Salaries	2 398 746	-	-	2 398 746	2 318 925	79 821	1	2 398 506	2 297 402
<b>Total for sub programmes</b>	<b>2 398 746</b>	<b>-</b>	<b>-</b>	<b>2 398 746</b>	<b>2 318 925</b>	<b>79 821</b>	<b>96.7%</b>	<b>2 398 506</b>	<b>2 297 402</b>
<b>Economic classification</b>									
<b>Current payments</b>	<b>2 349 689</b>	<b>-</b>	<b>-</b>	<b>2 349 689</b>	<b>2 291 524</b>	<b>58 165</b>	<b>97.5%</b>	<b>2 343 063</b>	<b>2 257 530</b>
<b>Compensation of employees</b>	<b>2 349 689</b>	<b>-</b>	<b>-</b>	<b>2 349 689</b>	<b>2 291 524</b>	<b>58 165</b>	<b>97.5%</b>	<b>2 343 063</b>	<b>2 257 530</b>
Salaries and wages	2 059 971	-	-	2 059 971	2 107 070	(47 099)	102.3%	2 068 953	2 068 953
Social contributions	289 718	-	-	289 718	184 454	105 264	63.7%	274 110	188 577
<b>Transfers and subsidies</b>	<b>49 057</b>	<b>-</b>	<b>-</b>	<b>49 057</b>	<b>27 401</b>	<b>21 656</b>	<b>55.9%</b>	<b>55 443</b>	<b>39 872</b>
<b>Households</b>	<b>49 057</b>	<b>-</b>	<b>-</b>	<b>49 057</b>	<b>27 401</b>	<b>21 656</b>	<b>55.9%</b>	<b>55 443</b>	<b>39 872</b>
Social benefits	49 057	-	-	49 057	27 401	21 656	55.9%	55 443	39 872
<b>Total</b>	<b>2 398 746</b>	<b>-</b>	<b>-</b>	<b>2 398 746</b>	<b>2 318 925</b>	<b>79 821</b>	<b>96.7%</b>	<b>2 398 506</b>	<b>2 297 402</b>

# Department of Justice and Constitutional Development | Vote 25: Notes to The Appropriation Statement

For the year ended 31 March 2024

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

Detail of these transactions can be viewed in the note on Transfers and Subsidies and Annexure 1(A–H) of the Annual Financial Statements.

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

Detail of these transactions can be viewed in note 1 (Annual Appropriation) to the Annual Financial Statements.

## 3. Detail on payments for financial assets

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

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

### 4.1 Per Programme:

	Final Budget R'000	Actual Expenditure R'000	Variance R'000	Variance as a % of Final Budget R'000
Administration	2 906 473	3 063 657	(157 184)	-5%
-The cost of the enterprise agreement with Microsoft, which was higher than budgeted for, mainly due to the US dollar to rand exchange rate and the expanded services to support the department's modernisation and digitalisation strategy, which accounts for 82% of the total overspending of the programme.				
Court Services	7 150 467	7 226 366	(75 899)	-1%
-The overspending is attributed to the implementation of cost of living adjustment as well as pay progression.				
State Legal Services	1 367 902	1 367 869	33	0%
National Prosecuting Authority	5 285 618	5 344 294	(58 676)	-1%
The overspending is attributed to the implementation of cost of living adjustment which was not funded by National Treasury.				
Auxiliary Services	3 847 842	3 847 574	268	0%

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
NOTES TO THE APPROPRIATION STATEMENT  
for the year ended 31 March 2024

Per economic classification:	Final Budget R'000	Actual Expenditure R'000	Variance R'000	Variance as a % of Final Budget %
<b>Current expenditure</b>	<b>16 386 319</b>	<b>16 678 406</b>	<b>(292 087)</b>	<b>-2%</b>
Compensation of employees	11 233 773	11 372 810	(139 037)	-1%
Goods and services	5 152 546	5 305 596	(153 050)	-3%
Interest and rent on land				
<b>Transfers and subsidies</b>	<b>3 304 007</b>	<b>3 303 475</b>	<b>532</b>	<b>0%</b>
Provinces and municipalities	1 029	814	215	21%
Departmental agencies and accounts	3 210 247	3 209 930	317	0%
Foreign governments and international organisations	19 731	19 731	-	0%
Households	73 000	73 000	-	0%
<b>Payments for capital assets</b>	<b>864 650</b>	<b>864 554</b>	<b>96</b>	<b>0%</b>
Buildings and other fixed structures	454 285	454 285	-	0%
Machinery and equipment	344 944	344 848	96	0%
Software and other intangible assets	65 421	65 421		0%
<b>Payments for financial assets</b>	<b>3 327</b>	<b>3 327</b>	<b>-</b>	<b>0%</b>
<p>The overspending is due to the following:</p> <ul style="list-style-type: none"> <li>• Implementation of the cost of living adjustments on the compensation of employees, which accounts for 47% of the overall overspending.</li> <li>• The cost of the enterprise agreement with Microsoft under Software and Intangible assets, which was higher than budgeted for, mainly due to the US dollar to rand exchange rate and the expanded services to support the department's modernisation and digitalisation strategy. This accounts for 54% of the overall overspending.</li> </ul>				

FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
STATEMENT OF FINANCIAL PERFORMANCE**

For the year ended 31 March 2024

	Note	2023/24 R'000	2022/23 R'000
<b>REVENUE</b>			
Annual appropriation	1	20 558 303	20 482 024
Statutory appropriation	2	2 398 746	2 398 506
Departmental revenue	3	498 172	503 042
Aid assistance		178 112	-
<b>TOTAL REVENUE</b>		<b>23 633 333</b>	<b>23 383 572</b>
<b>EXPENDITURE</b>			
<b>Current expenditure</b>			
Compensation of employees	5	13 664 335	12 983 276
Goods and services	6	5 305 599	5 348 062
Aid assistance	4	91 041	6 807
<b>TOTAL CURRENT EXPENDITURE</b>		<b>19 060 975</b>	<b>18 338 145</b>
<b>Transfers and subsidies</b>			
Transfers and subsidies	8	3 330 875	3 370 076
<b>TOTAL TRANSFERS AND SUBSIDIES</b>		<b>3 330 875</b>	<b>3 370 076</b>
<b>Expenditure for capital assets</b>			
Tangible assets	9	804 085	684 404
Intangible assets	9	65 422	203 785
<b>TOTAL EXPENDITURE FOR CAPITAL ASSETS</b>		<b>869 507</b>	<b>888 189</b>
<b>Payments for financial assets</b>	7	3 327	66 001
<b>TOTAL EXPENDITURE</b>		<b>23 264 684</b>	<b>22 662 411</b>
<b>SURPLUS/(DEFICIT) FOR THE YEAR</b>		<b>368 649</b>	<b>721 161</b>
Reconciliation of Net Surplus/(Deficit) for the year			
Voted funds		(211 637)	226 635
Annual appropriation		(291 458)	125 531
Statutory appropriation		79 821	101 104
Departmental revenue and NRF receipts	19	498 172	503 042
Aid assistance	4	82 114	(8 516)
<b>SURPLUS/(DEFICIT) FOR THE YEAR</b>		<b>368 649</b>	<b>721 161</b>

FINANCIAL STATEMENTS  
as at 31 March 2024

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
STATEMENT OF FINANCIAL POSITION**

as at 31 March 2024

	Note	2023/24 R'000	2022/23 R'000
<b>ASSETS</b>			
<b>Current assets</b>		<b>4 270 087</b>	<b>3 989 461</b>
Cash and cash equivalents	10	289 821	140 383
Prepayments and advances	11	41 459	14 641
Receivables	12	3 988 807	3 834 437
<b>TOTAL ASSETS</b>		<b>4 320 087</b>	<b>3 989 461</b>
<b>LIABILITIES</b>			
<b>Current liabilities</b>		<b>4 572 081</b>	<b>3 958 272</b>
Voted funds to be surrendered to the Revenue Fund	13	-	125 537
Statutory Appropriation to be surrendered to the Revenue Fund	14	79 821	101 104
Departmental revenue and NRF receipts to be surrendered to the Revenue Fund	15	48 481	32 137
Bank overdraft	16	4 196 642	3 527 972
Payables	17	141 760	148 259
Aid assistance repayable	4	15 233	(44)
Aid assistance unutilised	4	90 144	23 307
<b>TOTAL LIABILITIES</b>		<b>4 572 081</b>	<b>3 958 272</b>
<b>NET ASSETS</b>		<b>(251 994)</b>	<b>31 189</b>
Represented by:			
Recoverable revenue		39 465	31 189
Unauthorised expenditure		(291 459)	-
<b>TOTAL</b>		<b>(251 994)</b>	<b>31 189</b>

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
STATEMENT OF CHANGES IN NET ASSETS**

as at 31 March 2024

	Note	2023/24 R'000	2022/23 R'000
<b>NET ASSETS</b>			
<b>Recoverable revenue</b>			
Opening balance		31 189	23 949
Transfers:		<b>8 276</b>	<b>7 240</b>
Debts revised		(791)	(196)
Debts recovered (included in departmental receipts)		(608)	(4 014)
Debts raised		9 675	11 450
Closing balance		39 465	31 189
<b>Unauthorised expenditure</b>			
Unauthorised expenditure – current year		<b>(291 459)</b>	-
Relating to overspending of the vote or main division within the vote		(291 459)	-
Closing balance		(291 459)	-
<b>TOTAL</b>		<b>(251 994)</b>	<b>31 189</b>



**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
CASH FLOW STATEMENT**

For the year ended 31 March 2024

	Note	2023/24 R'000	2022/23 R'000
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Receipts</b>		<b>23 582 488</b>	<b>23 375 990</b>
Annual appropriation funds received	1.1	20 508 303	20 482 024
Statutory appropriation funds received	2	2 398 746	2 398 506
Departmental revenue received	3	496 468	492 591
Interest received	3.3	859	2 869
Aid assistance received	4	178 112	-
Net (increase)/decrease in net working capital		(137 687)	(566 506)
Surrendered to Revenue Fund		(708 470)	(1 128 713)
Current payments		(19 060 975)	(18 338 145)
Payments for financial assets	7	(3 327)	(66 001)
Transfers and subsidies paid		(3 330 875)	(3 370 076)
<b>Net cash flow available from operating activities</b>	<b>18</b>	<b>341 154</b>	<b>(93 451)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Payments for capital assets	9	(869 507)	(888 189)
Proceeds from sale of capital assets	3.4	845	7 582
<b>Net cash flow available from investing activities</b>		<b>(868 662)</b>	<b>(880 607)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
Increase/(decrease) in net assets		8 276	7 240
<b>Net cash flows from financing activities</b>		<b>8 276</b>	<b>7 240</b>
Net increase/(decrease) in cash and cash equivalents		(519 232)	(966 818)
Cash and cash equivalents at beginning of period		(3 387 589)	(2 420 771)
<b>Cash and cash equivalents at end of period</b>	<b>19</b>	<b>(3 906 821)</b>	<b>(3 387 589)</b>

## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25: NOTES TO THE ANNUAL FINANCIAL STATEMENTS

### PART A: ACCOUNTING POLICIES

#### Summary of significant accounting policies

The financial statements have been prepared in accordance with the following policies which have been applied consistently in all material aspects unless otherwise indicated. Management has concluded that the financial statements present fairly the department's primary and secondary information.

The historical cost convention has been used except where otherwise indicated. Management has used assessments and estimates in preparing the annual financial statements. These are based on the best information available at the time of preparation.

Where appropriate and meaningful, additional information has been disclosed to enhance the usefulness of the financial statements and to comply with the statutory requirements of the Public Finance Management Act (PFMA) Act 1 of 1999 (as amended by Act 29 of 1999) and the Treasury Regulations issued in terms of the PFMA and the annual Division of Revenue Act.

#### 1. Basis of preparation

The annual financial statements have been prepared in accordance with the Modified Cash Standard.

#### 2. Going concern

The annual 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 12 and overdraft is reflected in note 16.

#### 3. Presentation currency

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

#### 4. Rounding

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

#### 5. Comparative information

##### 5.1 Prior period comparative information

Prior period comparative information has been presented in the current year's audited annual financial statements. Where necessary, figures included in the prior period audited annual 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 annual financial statements.

##### 5.2 Current year comparison with budget

A comparison between the approved final budget and actual amounts for each programme and economic classification is included in the appropriation statement.

#### 6. Revenue

##### 6.1 Appropriated funds

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.

Appropriated funds are measured at the amounts receivable.

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.

##### 6.2 Departmental revenue

Departmental revenue is recognised in the statement of financial performance when received and is subsequently paid into the relevant revenue fund unless stated otherwise. Departmental revenue is measured at the cash amount received.

In-kind donations received are recorded in the notes to the financial statements on the date of receipt and are measured at fair value.

Any amount owing to the relevant revenue fund at the reporting date is recognised as a payable in the statement of financial position.

### 6.3 Accrued departmental revenue

Accruals in respect of departmental revenue are recorded in the notes to the financial statements when:

- it is probable that the economic benefits or service potential associated with the transaction will flow to the department; and
- The amount of revenue can be measured reliably.

The accrued revenue is measured at the fair value of the consideration receivable.

Write-offs are made according to the department's debt write-off policy.

## 7. Expenditure

### 7.1 Compensation of employees

#### 7.1.1 Salaries and wages

Salaries and wages are recognised in the statement of financial performance on the date of payment.

#### 7.1.2 Social contributions

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.

### 7.2 Other expenditure

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.

Donations made in kind are recorded in the notes to the financial statements on the date of transfer and are measured at cost or fair value.

### 7.3 Accruals and payables not recognised.

Accruals and payables not recognised are recorded in the notes to the financial statements at cost or fair value at the reporting date.

### 7.4 Leases

#### 7.4.1 Operating leases

Operating lease payments made during the reporting date are recognised as current expenditure in the statement of financial performance on the date of payment.

The operating lease commitments are recorded in the notes to the annual financial statements.

The operating lease commitments of the department relate to lease of the photocopier machine, government garage vehicle and cell phones.

The operating lease commitment for the lease of the office buildings is disclosed by the Department of Public Works, as it the department that enters into this agreement on our behalf.

## 8. Aid assistance

### 8.1 Aid assistance received

Aid assistance received in cash is recognised in the statement of financial performance when received. 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.

CARA funds are recognised when receivable and measured at the amount's receivable.

### 8.2 Aid assistance paid

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.

## 9. Cash and cash equivalents

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 and bank overdrafts.

## 10. Prepayments and advances

Prepayments and advances are recognised in the statement of financial position when the department 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

## 11. Receivables

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.

## 12. Impairment of financial assets

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.

## 13. Payables

Payables recognised in the statement of financial position are recognised at cost.

## 14. Capital assets

### 14.2 Movable capital assets

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.

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.

All assets acquired prior to 1 April 2002 are recorded at R1.

Movable capital assets are subsequently carried at cost and are not subject to depreciation or impairment. Subsequent expenditure that is of a capital nature forms part of the cost of the existing asset when ready for use.

### 14.3 Intangible capital assets

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.

Internally generated intangible assets are recorded in the notes to the financial statements when the department commences the development phase of the project. 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.

Intangible assets are subsequently carried at cost and are not subject to depreciation or impairment.

Subsequent expenditure of a capital nature forms part of the cost of the existing asset when ready for use.

### 14.4 Project costs: Work-in-progress

Expenditure of a capital nature is initially recognised in the statement of financial performance at cost when paid. 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. Where the department is not the custodian of the completed project asset the asset is transferred to the custodian subsequent to completion.

## 15. Provisions and contingents

### 15.1 Provisions

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.

## 15.2 Contingent liabilities

Contingent liabilities are recorded in the notes to the financial statements when there is a possible obligation that arises from past events and the existence of which 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.

## 15.3 Contingent assets

Contingent assets are recorded in the notes to the financial statements when a possible asset arises from past events and the existence of which will be confirmed by the occurrence or non-occurrence of one or more uncertain future events not within the control of the department.

## 15.4 Capital commitments

Commitments (other than for transfers and subsidies) are recorded at cost in the notes to the annual financial statements when there is a contractual arrangement or an approval by management in a manner that raises a valid expectation that the department will discharge its responsibilities, thereby incurring future expenditure that will result in the outflow of cash.

## 16. Unauthorised expenditure

Unauthorised expenditure is measured at the amount of the confirmed unauthorised expenditure. Unauthorised expenditure is recognised in the statement of changes in net assets until such time as the expenditure is either:

- approved by Parliament or the Provincial Legislature with funding and the related funds are received; or
- approved by Parliament or the Provincial Legislature without funding and is written off against the appropriation in the statement of financial performance; or
- transferred to receivables for recovery.
- Unauthorised expenditure recorded in the notes to the financial statements are comprised of
- unauthorised expenditure that was under assessment in the previous financial year;
- unauthorised expenditure relating to previous financial year and identified in the current year; and
- Unauthorised expenditure incurred in the current year.

## 17. Fruitless and wasteful expenditure

Fruitless and wasteful expenditure receivables are recognised in the statement of financial position when recoverable. The receivable is measured at the amount that is expected to be recovered and is de-recognised when settled or subsequently written off as irrecoverable. Fruitless and wasteful expenditure is recorded in the notes to the financial statements when and at amounts confirmed, and is comprised of:

- fruitless and wasteful expenditure that was under assessment in the previous financial year;
- fruitless and wasteful expenditure relating to previous financial year and identified in the current year; and
- fruitless and wasteful expenditure incurred in the current year.

## 18. Irregular expenditure

Losses emanating from irregular expenditure are recognised as a receivable in the statement of financial position when recoverable. The receivable is measured at the amount that is expected to be recovered and is de-recognised when settled or subsequently written off as irrecoverable.

Irregular expenditure is recorded in the notes to the financial statements when and at amounts confirmed and is comprised of:

- irregular expenditure that was under assessment in the previous financial year;
- irregular expenditure relating to previous financial year and identified in the current year; and
- irregular expenditure incurred in the current year.

## 19. Changes in accounting policies estimates and errors

Changes in accounting policies are applied in accordance with MCS requirements.

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 will restate the opening balances of assets liabilities and net assets for the earliest period for which retrospective restatement is practicable.

## 20. Events after the reporting date

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.

## 21. Departures from the MCS requirements

The department has complied with all the MCS requirements.

## 22. Recoverable revenue

Amounts are recognised as recoverable revenue when a payment made in a previous financial year becomes recoverable from a debtor in the current financial year. Amounts are either transferred to the National Revenue Fund when recovered or are transferred to the statement of financial performance when written off.

## 23. Related party transactions

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 full compensation of key management personnel is recorded in the notes to the financial statements.

## 24. Inventories

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.

Inventories are subsequently measured at the lower of cost and net realisable value or, where intended for distribution (or consumed in the production of goods for distribution) at no or a nominal charge, the lower of cost and current replacement value.

The cost of inventories is assigned by using the weighted average cost basis.

## 25. Employee benefits

The value of each major class of employee benefit obligation (accruals, payables not recognised and provisions) is recorded in the employee benefits note. Accruals and payables not recognised for employee benefits are measured at cost or fair value at the reporting date.

The provision for employee benefits is measured as the best estimate of the funds required to settle the present obligation at the reporting date.

## 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)

Programmes	2023/24			2022/23	
	Final Budget R'000	Actual Funds Received R'000	Funds not requested / not received R'000	Final Budget R'000	Appropriation Received R'000
Administration	2 906 473	2 906 473		2 975 465	2 975 465
Court Services	7 150 468	7 120 468	30 000	7 036 159	7 036 159
State Legal Services	1 367 902	1 367 902		1 522 116	1 522 116
National Prosecuting Authority	5 285 618	5 265 618	20 000	5 027 168	5 027 168
Auxiliary and Associated Services	3 847 842	3 847 842		3 921 116	3 921 116
<b>Total</b>	<b>20 558 303</b>	<b>20 508 303</b>	<b>50 000</b>	<b>20 482 024</b>	<b>20 482 024</b>



DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
NOTES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**2. Statutory Appropriation**

	Note	2023/24 R'000	2022/23 R'000
Magistrates' salaries		2 398 746	2 398 506
<b>Total</b>		<b>2 398 746</b>	<b>2 398 506</b>
Actual Statutory Appropriation received		2 398 746	2 398 506

**3. Departmental revenue**

	Note	2023/24 R'000	2022/23 R'000
Sales of goods and services other than capital assets	3.1	242 628	234 031
Fines, penalties and forfeits	3.2	206 666	228 989
Interest, dividends and rent on land	3.3	859	2 869
Sales of capital assets	3.4	845	7 582
Transactions in financial assets and liabilities	3.5	39 121	29 571
Transfers received	3.6	8 053	-
<b>Total revenue collected</b>		<b>498 172</b>	<b>503 042</b>

**3.1. Sales of goods and services other than capital assets**

	Note	2023/24 R'000	2022/23 R'000
Sales of goods and services produced by the department		242 464	233 595
Sales by market establishment		2 549	2 743
Administrative fees		10	12
Other sales		239 905	230 840
Sales of scrap waste and other used current goods		164	436
<b>Total</b>	<b>3</b>	<b>242 628</b>	<b>234 031</b>

"Other sales" is mainly comprised of services rendered through the Masters' Office relating to insolvent estates amounting to R228.9 million.

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
NOTES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**3.2. Fines, penalties and forfeits**

	Note	2023/24 R'000	2022/23 R'000
Fines		176 685	202 186
Penalties		19	31
Forfeits		29 962	26 772
<b>Total</b>	<b>3</b>	<b>206 666</b>	<b>228 989</b>

“Fines” is mainly comprised of the various fines issued through the courts and “Forfeits” is mainly comprised of unclaimed Guardian's Fund benefits that are older than 30 years.

**3.3. Interest, dividends and rent on land**

	Note	2023/24 R'000	2022/23 R'000
Interest		859	2 869
<b>Total</b>	<b>3</b>	<b>859</b>	<b>2 869</b>

**3.4. Sales of capital assets**

	Note	2023/24 R'000	2022/23 R'000
<b>Tangible capital assets</b>		<b>845</b>	<b>7 582</b>
Machinery and equipment		845	7 582
<b>Total</b>		<b>845</b>	<b>7 582</b>

**3.5. Transactions in financial assets and liabilities**

	Note	2023/24 R'000	2022/23 R'000
Receivables	3	3 970	3 979
Other receipts including recoverable revenue		35 151	25 592
<b>Total</b>		<b>39 121</b>	<b>29 571</b>

“Other receipts” is mainly comprised of unallocated credits and revenue recovered relating to various debts from previous years.

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
NOTES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**3.6. Transfers received**

	Note	2023/24 R'000	2022/23 R'000
Public corporations and private enterprises		8 053	-
<b>Total</b>		<b>8 053</b>	<b>-</b>

The department received donations from various municipalities during the 2023/24 financial year relating to Auxiliary costs associated with court operations.

**3.6.1. Donations received in kind (not included in the main note or sub note)**

	Note	2023/24 R'000	2022/23 R'000
Gifts	Anx	25	
Donations	1H	51 903	43 512
<b>Total</b>		<b>51 928</b>	<b>43 512</b>

**4. Aid assistance**

	Note	2023/24 R'000	2022/23 R'000
Opening balance		23 263	31 779
Transferred from statement of financial performance		82 114	(8 516)
<b>Closing balance</b>		<b>105 377</b>	<b>23 263</b>

Refer to Annexure 1i for the details of Aid assistance received.

**4.1. Analysis of balance by source**

	Note	2023/24 R'000	2022/23 R'000
Aid assistance from RDP	4	15 233	(44)
CARA funds	4	90 144	23 307
<b>Closing balance</b>		<b>105 377</b>	<b>23 263</b>

**4.2. Analysis of balance**

	Note	2023/24 R'000	2022/23 R'000
Aid assistance unutilised		90 144	23 307
Aid assistance repayable		15 233	(44)
<b>Closing balance</b>	4	<b>105 377</b>	<b>23 263</b>

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
NOTES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**4.3. Aid assistance expenditure per economic classification**

	Note	2023/24 R'000	2022/23 R'000
Current		91 041	6 807
Capital	9	4 957	1 709
<b>Total aid assistance expenditure</b>		<b>95 998</b>	<b>8 516</b>

The aid assistance expenditure is mainly comprised of expenditure incurred on CARA-funded projects.

**5. Compensation of employees**

**5.1. Analysis of balance**

	Note	2023/24 R'000	2022/23 R'000
Basic salary		9 738 283	8 979 123
Performance award		106	4 062
Service based		15 374	19 358
Compensative/circumstantial		54 751	46 423
Periodic payments		51 166	48 104
Other non-pensionable allowances		1 892 908	2 130 648
<b>Total</b>		<b>11 752 588</b>	<b>11 227 718</b>

**5.2. Social contributions**

	Note	2023/24 R'000	2022/23 R'000
<b>Employer contributions</b>			
Pension		1 196 880	1 121 076
Medical		712 610	632 305
UIF		2	3
Bargaining council		2 255	2 174
<b>Total</b>		<b>1 911 747</b>	<b>1 755 558</b>
<b>Total compensation of employees</b>		<b>13 664 335</b>	<b>12 983 276</b>
Average number of employees		25 406	25 187

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
NOTES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**6. Goods and services**

	Note	2023/24 R'000	2022/23 R'000
Administrative fees		34 068	30 294
Advertising		13 173	16 409
Minor assets	6.1	33 185	34 212
Bursaries (employees)		12 528	14 398
Catering		5 816	8 142
Communication		110 681	128 263
Computer services	6.2	1 028 796	685 531
Consultants: Business and advisory services		96 235	117 037
Laboratory services		926	905
Legal services		107 364	160 130
Contractors		139 955	143 895
Agency and support / outsourced services		234 242	232 600
Entertainment		2	2
Audit cost – external	6.3	53 793	125 103
Fleet services		85 604	88 639
Inventories	6.4	1 776	1 208
Consumables	6.5	223 262	214 416
Operating leases		985 507	1 245 770
Property payments	6.6	1 391 489	1 341 042
Rental and hiring		911	2 088
Transport provided as part of the departmental activities			16
Travel and subsistence	6.7	431 264	419 860
Venues and facilities		22 188	22 912
Training and development		13 623	12 945
Other operating expenditure	6.8	279 212	302 245
<b>Total</b>		<b>5 305 599</b>	<b>5 348 062</b>

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
NOTES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**6.1. Minor assets**

	Note	2023/24 R'000	2022/23 R'000
<b>Tangible capital assets</b>			
Machinery and equipment		33 185	34 212
<b>Total</b>	6	<b>33 185</b>	<b>34 212</b>

**6.2. Computer services**

	Note	2023/24 R'000	2022/23 R'000
SITA computer services		301 095	366 749
External computer service providers		727 701	318 782
<b>Total</b>	6	<b>1 028 796</b>	<b>685 531</b>

**6.3. Audit cost – external**

	Note	2023/24 R'000	2022/23 R'000
Regularity audits		43 065	37 831
Investigations (Forensic)		10 728	87 272
<b>Total</b>	6	<b>53 793</b>	<b>125 103</b>

**6.4. Inventories**

	Note	2023/24 R'000	2022/23 R'000
Fuel, oil and gas		753	1 111
Materials and supplies		70	97
Other supplies	6.4.1	953	
<b>Total</b>		<b>1 776</b>	<b>1 208</b>

**6.4.1 Other supplies**

	Note	2023/24 R'000	2022/23 R'000
Ammunition and security supplies		953	
<b>Total</b>	6.4	<b>953</b>	



DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
NOTES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**6.5. Consumables**

	Note	2023/24 R'000	2022/23 R'000
Consumable supplies		31 007	29 199
Uniforms and clothing		2 852	3 429
Household supplies		5 072	5 520
Building material and supplies		4 257	2 482
Communication accessories		181	168
IT consumables		2 185	2 343
Other consumables		16 460	15 257
Stationery, printing and office supplies		192 255	185 217
<b>Total</b>	<b>6</b>	<b>223 262</b>	<b>214 416</b>

**6.6. Property payments**

	Note	2023/24 R'000	2022/23 R'000
Municipal services		533 271	410 218
Property management fees		64 683	65 148
Property maintenance and repairs		42 685	-
Other		750 850	865 676
<b>Total</b>	<b>6</b>	<b>1 391 489</b>	<b>1 341 042</b>

“Other” comprises mainly of Safeguard Security expenditure amounting to R719 million.

**6.7. Travel and subsistence**

	Note	2023/24 R'000	2022/23 R'000
Local		423 693	417 751
Foreign		7 571	2 109
<b>Total</b>	<b>6</b>	<b>431 264</b>	<b>419 860</b>

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
NOTES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**6.8. Other operating expenditure**

	Note	2023/24 R'000	2022/23 R'000
Professional bodies' membership and subscription fees		7 949	42 838
Resettlement costs		4 943	5 406
Other		266 320	254 001
<b>Total</b>	<b>6</b>	<b>279 212</b>	<b>302 245</b>

“Other” comprises mainly of printing and publication expenditure, storage services, witness fees and protective custody of witnesses (NPA).

**7. Payments for financial assets**

	Note	2023/24 R'000	2022/23 R'000
Material losses through criminal conduct			
Other material losses written off	7.1	1 375	6 303
Debts written off	7.2	1 383	59 042
Nature of theft	7.3	569	656
<b>Total</b>		<b>3 327</b>	<b>66 001</b>

**7.1. Other material losses written off**

	Note	2023/24 R'000	2022/23 R'000
<b>Nature of losses</b>			
Irrecoverable losses (damaged rented vehicles)		1 375	6 303
<b>Total</b>	<b>7</b>	<b>1 375</b>	<b>6 303</b>

**7.2. Debts written off**

	Note	2023/24 R'000	2022/23 R'000
<b>Nature of debts written off</b>			
Staff debts		1 383	626
State Legal Services debts written off		-	58 416
<b>Total debt written off</b>	<b>7</b>	<b>1 383</b>	<b>59 042</b>

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
NOTES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**7.3. Details of theft**

	Note	2023/24 R'000	2022/23 R'000
<b>Nature of theft</b>			
Payment to fictitious GF beneficiaries		569	656
<b>Total</b>	<b>7</b>	<b>569</b>	<b>656</b>

**8. Transfers and subsidies**

	Note	2023/24 R'000	2022/23 R'000
Provinces and municipalities	Annex 1A	815	844
Departmental agencies and accounts	Annex 1B	3 209 930	3 252 611
Foreign governments and international organisations	Annex 1E	19 731	16 569
Households	Annex 1G	100 399	100 052
<b>Total</b>		<b>3 330 875</b>	<b>3 370 076</b>

**9. Expenditure for capital assets**

	Note	2023/24 R'000	2022/23 R'000
<b>Tangible capital assets</b>		<b>804 085</b>	<b>684 404</b>
Buildings and other fixed structures	33	454 286	475 972
Machinery and equipment	31	349 799	208 432
<b>Intangible capital assets</b>		<b>65 422</b>	<b>203 785</b>
Software	32	65 422	203 785
		<b>869 507</b>	<b>888 189</b>

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
NOTES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**9.1. Analysis of funds utilised to acquire capital assets – Current year**

	2023/24	
	Voted funds R'000	Aid assistance R'000
Total R'000		
<b>Department of Justice and Constitutional Development</b>		
<b>Tangible capital assets</b>	<b>799 128</b>	<b>4 957</b>
Buildings and other fixed structures	454 286	454 286
Machinery and equipment	344 842	4 957
<b>Intangible capital assets</b>	<b>65 422</b>	<b>65 422</b>
Software	64 844	64 844
Patents, licences, copyright, brand names, trademarks	578	578
<b>Total</b>	<b>864 550</b>	<b>4 957</b>

**9.2. Analysis of funds utilised to acquire capital assets – Prior year**

	2022/23	
	Voted funds R'000	Aid assistance R'000
Total R'000		
<b>Department of Justice and Constitutional Development</b>		
<b>Tangible capital assets</b>	<b>682 695</b>	<b>1 709</b>
Buildings and other fixed structures	475 972	475 972
Machinery and equipment	206 723	1 709
<b>Intangible capital assets</b>	<b>203 785</b>	<b>203 785</b>
Software	203 785	203 785
<b>Total</b>	<b>886 480</b>	<b>1 709</b>

**10. Cash and cash equivalents**

	Note	2023/24 R'000	2022/23 R'000
Consolidated Paymaster General Account		272 180	122 282
Cash receipts		-	4
Disbursements		1	792
Cash on hand		17 640	17 305
<b>Total</b>		<b>289 821</b>	<b>140 383</b>

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
NOTES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**11. Prepayments and advances**

	Note	2023/24 R'000	2022/23 R'000
Travel and subsistence		25	82
Prepayments (Not expensed)	11.2	1 500	1 500
Advances paid (Not expensed)	11.1	39 934	13 059
<b>Total</b>		<b>41 459</b>	<b>14 641</b>

**Analysis of Total Prepayments and Advances**

Current prepayments and advances		41 459	14 641
<b>Total</b>		<b>41 459</b>	<b>14 641</b>

**11.1. Advances paid (Not expensed)**

	Note	Amount as at 1 April 2023 R'000	Less: Amounts Expense in current year R'000	2023/24 Add / Less: Other R'000	Add Current year advances R'000	Amount as at 31 March 2024 R'000
National departments	11	13 059	(9 473)		36 348	39 934
<b>Total</b>		<b>13 059</b>	<b>(9 473)</b>		<b>36 348</b>	<b>39 934</b>

	Note	Amount as at 1 April 2022 R'000	Less: Amounts Expense in current year R'000	2022/23 Add / Less: Other R'000	Add Current year advances R'000	Amount as at 31 March 2023 R'000
National departments	11	11 111	(9 536)		11 484	13 059
<b>Total</b>		<b>11 111</b>	<b>(9 536)</b>		<b>11 484</b>	<b>13 059</b>

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
NOTES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**11.2. Prepayments (Not expensed)**

		2023/24			
Note	Amount as at 1 April 2023 R'000	Less: Amounts Expense in current year R'000	Add / Less: Other R'000	Add Current year advances R'000	Amount as at 31 March 2024 R'000
Goods and services 11	1 500				1 500
<b>Total</b>	<b>1 500</b>				<b>1 500</b>

		2022/23			
Note	Amount as at 1 April 2022 R'000	Less: Amounts Expense in current year R'000	Add / Less: Other R'000	Add Current year advances R'000	Amount as at 31 March 2023 R'000
Goods and services 11	1 000			500	1 500
<b>Total</b>	<b>1 000</b>			<b>500</b>	<b>1 500</b>

**11.3. Prepayments (Expensed)**

		2023/24			
Note	Amount as at 1 April 2023 R'000	Less: Amounts Expense in current year R'000	Add / Less: Other R'000	Add Current year advances R'000	Amount as at 31 March 2024 R'000
Goods and services 11				244 974	244 974
<b>Total</b>				<b>244 974</b>	<b>244 974</b>

**12. Receivables**

2023/24				2022/23			
	Note	Current R'000	Non-current R'000	Total R'000	Current R'000	Non-current R'000	Total R'000
Claims recoverable	12.1	3 863 352		3 863 352	3 768 649		3 768 649
Recoverable expenditure	12.2	6 443		6 443	8 214		8 214
Staff debt	12.3	68 683		68 683	57 307		57 307
Other receivables	12.4	50 329		50 329	267		267
<b>Total</b>		<b>3 988 807</b>		<b>3 988 807</b>	<b>3 834 437</b>		<b>3 834 437</b>



DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
NOTES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**12.1. Claims recoverable**

	Note	2023/24 R'000	2022/23 R'000
National departments		1 559 104	1 414 200
Provincial departments		2 304 248	2 354 449
<b>Total</b>	12	<b>3 863 352</b>	<b>3 768 649</b>

**12.2. Recoverable expenditure**

	Note	2023/24 R'000	2022/23 R'000
Disallowance accounts		5 022	5 960
Damages and vehicles		237	210
SAL: Reversal Control: CA		1 029	1 298
SAL: Tax Debt: CA		155	746
<b>Total</b>	12	<b>6 443</b>	<b>8 214</b>

**12.3. Staff debt**

	Note	2023/24 R'000	2022/23 R'000
In service		7 741	10 201
Out of service		60 942	47 106
<b>Total</b>	12	<b>68 683</b>	<b>57 307</b>

**12.4. Other receivables**

	Note	2023/24 R'000	2022/23 R'000
Voted fund not requested not received		50 000	
SAL: Finance Other Institutions		193	199
SAL: Medical Aid		136	68
<b>Total</b>	12	<b>50 329</b>	<b>267</b>

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
NOTES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**12.5. Impairment of receivables**

	Note	2023/24 R'000	2022/23 R'000
Estimate of impairment of receivables		1 746 990	1 541 229
<b>Total</b>		<b>1 746 990</b>	<b>1 541 229</b>

The impairment of claims receivables amounting to R1.7 billion relates to long-outstanding balances owed by various client departments for legal fees paid through our State Attorney's offices on their behalf. These balances have been impaired after considering the payment history and financial situation of the client departments. The impairment also considers instances where there is a dispute which is a further indication of impairment.

**13. Voted funds to be surrendered to the Revenue Funds**

	Note	2023/24 R'000	2022/23 R'000
Opening balance		125 537	630 336
Transferred from statement of financial performance		(291 458)	125 531
Add: Unauthorised expenditure for current year		291 459	
Voted funds not requested/not received	1.1	(50 000)	
Paid during the year		(125 539)	(630 330)
<b>Closing balance</b>		<b>(50 000)</b>	<b>125 537</b>

**14. Statutory appropriation to be surrendered to the Revenue Fund**

	Note	2023/24 R'000	2022/23 R'000
Opening balance		101 104	
Statutory appropriation not requested/not received	2	79 821	101 104
Paid during the year		(101 104)	
<b>Closing balance</b>		<b>79 821</b>	<b>101 104</b>

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

	Note	2023/24 R'000	2022/23 R'000
Opening balance		32 137	27 478
Transferred from statement of financial performance (as restated)		498 172	503 042
Paid during the year		(481 828)	(498 383)
<b>Closing balance</b>		<b>48 481</b>	<b>32 137</b>

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
NOTES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**16. Bank overdraft**

	Note	2023/24 R'000	2022/23 R'000
Consolidated Paymaster General Account		4 196 642	3 527 481
<b>Total</b>		<b>4 196 642</b>	<b>3 527 481</b>

**17. Payables – current**

	Note	2023/24 R'000	2022/23 R'000
Clearing accounts	17.2	2 734	17 819
Other payables	17.3	139 026	130 440
<b>Total</b>		<b>141 760</b>	<b>148 259</b>

**17.1. Clearing accounts**

	Note	2023/24 R'000	2022/23 R'000
Salary Control Account		2 734	17 819
<b>Total</b>	17	<b>2 734</b>	<b>17 819</b>

**17.2. Other payables**

	Note	2023/24 R'000	2022/23 R'000
Salary ACB Recalls		284	248
Disallowance Accounts		-	226
State Attorney collection (JAF)		138 740	129 948
Unclaimed Monies (Justice Administered Fund)		2	18
<b>Total</b>	17	<b>139 026</b>	<b>130 440</b>

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
NOTES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**18. Net cash flow available from operating activities**

	Note	2023/24 R'000	2022/23 R'000
Net surplus/(deficit) as per statement of financial performance		368 649	721 161
Add back non-cash/cash movements not deemed operating activities		(27 495)	(814 612)
(Increase)/decrease in receivables		(104 370)	(573 197)
(Increase)/decrease in prepayments and advances		(26 818)	(2 543)
Increase/(decrease) in payables – current		(6 499)	9 234
Proceeds from sale of capital assets		(845)	(7 582)
Expenditure on capital assets		869 507	888 189
Surrenders to Revenue Fund		(708 470)	(1 128 713)
Voted funds not requested/not received		(50 000)	
<b>Net cash flow generated by operating activities</b>		<b>341 154</b>	<b>(93 451)</b>

**19. Reconciliation of cash and cash equivalents for cash flow purposes**

	Note	2023/24 R'000	2022/23 R'000
Consolidated Paymaster General Account		(3 924 462)	(3 405 690)
Cash receipts			4
Disbursements		1	792
Cash on hand		17 640	17 305
<b>Total</b>		<b>(3 906 821)</b>	<b>(3 387 589)</b>

**20. Contingent liabilities and contingent assets**

**20.1. Contingent liabilities**

	Nature	Note	2023/24 R'000	2022/23 R'000
<b>Liable to</b>				
Housing loan guarantees	Employees	Annex 3A	136	136
Claims against the department		Annex 3B	97 835	224 513
Intergovernmental payables		Annex 5	265	38
Other		Annex 3B	58 178	37 723
<b>Total</b>			<b>156 414</b>	<b>262 410</b>

Contingent liabilities were restated due to misclassified transactions. This was done as part of the continuous assessment. The legal costs have not been included in the above disclosure, as it is impossible to make a reliable estimate of these.

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
NOTES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**20.2. Contingent assets**

	Note	2023/24 R'000	2022/23 R'000
<b>Nature of contingent asset</b>			
Occupation-specific dispensation related		8 999	9 934
<b>Total</b>		<b>8 999</b>	<b>9 934</b>

**21. Capital Commitments**

	Note	2023/24 R'000	2022/23 R'000
Machinery and equipment		3 927	135 563
<b>Total</b>		<b>3 927</b>	<b>135 563</b>

**22. Accruals and payables not recognised**

**22.1. Accruals not recognised**

		2023/24			2022/23
	Note	30 Days R'000	30+ Days R'000	Total R'000	Total R'000
<b>Listed by economic classification</b>					
Goods and services		110 576	3 682	114 258	113 035
Capital assets		368		368	162
Other		7 256		7 256	7
<b>Total</b>		<b>118 200</b>	<b>3 682</b>	<b>121 882</b>	<b>113 204</b>
<b>Listed by programme level</b>				<b>2023/24</b>	<b>2022/23</b>
Programme 1: Administration				93 020	96 362
Programme 2: Court Services				11 217	3 876
Programme 3: State Legal Services				2 035	1 769
Programme 4: National Prosecuting Authority				15 610	11 197
<b>Total</b>				<b>121 882</b>	<b>113 204</b>

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
NOTES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**22.2. Payables not recognised**

		2023/24			2022/23
	Note	30 Days R'000	30+ Days R'000	Total R'000	Total R'000
<b>Listed by economic classification</b>					
Goods and services		116 461	150 154	266 615	311 509
Transfers and subsidies					344
Capital assets		14		14	3 914
Other		18		18	321
<b>Total</b>		<b>116 493</b>	<b>150 154</b>	<b>266 647</b>	<b>316 088</b>
<b>Listed by programme level</b>				<b>2023/24</b>	<b>2022/23</b>
Programme 1: Administration				129 176	81 292
Programme 2: Court Services				112 441	173 902
Programme 3: State Legal Services				2 694	651
Programme 4: National Prosecuting Authority				22 336	60 243
<b>Total</b>				<b>266 647</b>	<b>316 088</b>
<i>Included in the above totals are the following:</i>					
Confirmed balances with other departments	Annex 5			159 577	171 287
Confirmed balances with other government entities	Annex 5			44 957	41 754
<b>Total</b>				<b>204 534</b>	<b>213 041</b>

**23. Employee benefits**

	Note	2023/24 R'000	2022/23 R'000
Leave entitlement		539 186	582 250
Service bonus		375 930	339 676
Capped leave		725 549	760 295
Other		60 247	57 947
<b>Total</b>		<b>1 700 912</b>	<b>1 740 168</b>

Included in the "leave entitlement for employees" is an amount of R24.9 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.



DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
NOTES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**24. Lease commitments**

**24.1. Operating leases**

	2023/24	
Note	Machinery and equipment R'000	Total R'000
Not later than 1 year	90 968	90 968
Later than 1 year and not later than 5 years	41 321	41 321
<b>Total lease commitments</b>	<b>132 289</b>	<b>132 289</b>

The lease commitments disclosed herein relate to leasing of government garage vehicles, cell phones and photocopier machines. The leases entered into by the department do not have any renewal purchase options nor any escalation clauses. The department as the lessee is not responsible for any enhancement, repairs and maintenance. These are solely the responsibility of the lessor.

	2022/23	
Note	Machinery and equipment R'000	Total R'000
Not later than 1 year	71 877	71 877
Later than 1 year and not later than 5 years	115 568	115 568
<b>Total lease commitments</b>	<b>187 445</b>	<b>187 445</b>

**24.2. Finance leases**

	2022/23	
Note	Machinery and equipment R'000	Total R'000
Not later than 1 year	33	33
<b>Total lease commitments</b>	<b>33</b>	<b>33</b>

**25. Accrued departmental revenue**

	2023/24 R'000	2022/23 R'000
Fines, penalties and forfeits	38 226	26 465
Other	8 248	9 721
<b>Total</b>	<b>46 474</b>	<b>36 186</b>

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
NOTES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**25.1. Analysis of accrued departmental revenue**

	Note	2023/24 R'000	2022/23 R'000
Opening balance		39 095	10 990
Less: amounts received		(36 758)	(10 742)
Add: amounts recorded		46 474	35 938
Amount reversed		(2 337)	
<b>Closing balance</b>		<b>46 474</b>	<b>36 186</b>

**26. Unauthorised, irregular, and fruitless and wasteful expenditure**

	Note	2023/24 R'000	2022/23 R'000
Unauthorised expenditure – current year		291 759	-
Irregular expenditure – current year			6 858
Fruitless and wasteful expenditure – current year		99	105
<b>Total</b>		<b>291 858</b>	<b>6 963</b>

**27. Related party transactions**

	Note	2023/24 R'000	2022/23 R'000
<b>Revenue received</b>			
Receivables from related parties		9 395	8 884
<b>Total</b>		<b>9 395</b>	<b>8 884</b>
<b>In-kind goods and services provided</b>			
Compensation of employees		108 632	113 909
Goods and services		10 283	11 384
<b>Total</b>		<b>118 915</b>	<b>125 293</b>

**List related party relationships**

ENTITY	NATURE OF RELATIONSHIP
Guardian's Fund	Under common ministry
Legal Aid Board	Under common ministry
President's Fund	Under common ministry
Special Investigating Unit	Under common ministry
The Human Rights Commission	Under common ministry
The Public Protector	Under common ministry
Justice Administered Fund	Under common ministry
Correctional Services	Under common ministry
Office of the Chief Justice and Judicial Administration	Under common ministry
Information Regulator	Under common ministry

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
NOTES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**28. Key management personnel**

	Note	2023/24 R'000	2022/23 R'000
Political Office Bearers		4 781	4 642
Officials:			
Level 15 to 17		58 531	56 741
OSD 10 – L14		17 975	25 636
<b>Total</b>		<b>81 287</b>	<b>86 992</b>

**29. Provisions**

	Note	2023/24 R'000	2022/23 R'000
Curators		222 917	387 392
Claims against the state		143 643	146 383
<b>Total</b>		<b>366 560</b>	<b>533 775</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 are payable based on court proceedings in terms of the POCA Act. Uncertainty is in respect of the timing of the finalisation of court proceedings.  
Included in the provisions are amounts that relate to claims against the department where the timing of the settlement is not known with certainty. The department has determined the best estimate of these claims using the new assessment method that considers the amount stated in the court judgement/order or other similar cases per counsel decision.

**29.1. Reconciliation of movement in provisions – Current year**

	2023/24		
	Curator Fees R'000	Claims against the state R'000	Total provisions R'000
Opening balance	387 392	146 383	533 775
Increase in provision	59 435	5 238	64 637
Settlement of provision	(6 865)	(7 978)	(14 843)
Change in provision due to change in estimation of inputs	(217 045)		(217 045)
<b>Closing balance</b>	<b>222 917</b>	<b>143 643</b>	<b>366 560</b>

	2022/23		
	Curator Fees R'000	Claims against the state R'000	Total provisions R'000
Opening balance	192 769	-	192 769
Increase in provision	250 685	146 383	397 086
Settlement of provision	(14 456)	-	(14 456)
Change in provision due to change in estimation of inputs	(41 606)	-	(41 606)
<b>Closing balance</b>	<b>387 392</b>	<b>146 383</b>	<b>533 775</b>

### 30. Department acting as the agent (2023/24)

An Agent principle agreement exist between the National Revenue Fund and the Department based on the directive issued by National Treasury on 12 May 2014. The information below is reported in line with this directive.

The Criminal Assets Recovery Account (CARA), in the National Revenue Fund (National Treasury) with Oversight and disbursement approving authority residing with the Criminal Asset Recovery Committee (CARC), under the stewardship of the Minister of Justice and Constitutional Development.

CARA receives net proceeds in cash, from the sale of property, motor vehicles equipment and other assets from the enforcement of court orders granted in terms of the Prevention of Organised Crime Act (Act 121 of 1998) as amended. The proceeds, to the value of R847,180,000 were deposited into CARA for the 2023.24 financial year which is an account in the National Revenue Fund.

Cash are paid out to the beneficiaries of the CARA fund as per the recommendation of CARC and the approval of Cabinet.

There were no changes during the reporting period to the directive and no significant risk and benefits are associated with this relationship.

<b>CRIMINAL ASSETS RECOVERY ACCOUNT (CARA)</b>		<b>2023/24</b>
Opening Balance: CARA		3,389,609,000
Plus cash received during the year		847,180,000
Less cash paid out		877,839,000
<b>Cash on hand (CARA – SARb)</b>		<b>3,358,950,000</b>
Contingent assets		21,368,000
Inventory		91,239,000
Receivables		146,215,000
Provisions		2 195 492 000

*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, auctioneers or any other person authorised by the court, in charge of each case where applicable, as directed by the court order in terms of POCA legislation

*Receivables* amounting to R 146 million at 31 March 2024 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 as per the court order. Also included in receivables is cash held by curators after realization forfeited property before funds are deposited into CARA.

*Contingent assets* of R 21,4 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 91 million at 31 March 2024 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 as per the court order.

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
NOTES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**Inventory**

	Motor Vehicles R'000	Land and Buildings R'000	Other R'000	Total R'000
Opening Balance (1 April 2023)	28 441	29 188	41 457	99 086
Adjustments	(7 914)	(835)	25	(8 724)
Additions	24 337	8 300	2 969	35 606
Disposals	(24 917)	(9 715)	(97)	(34 729)
<b>Closing Balance (31 March 2024)</b>	<b>19 947</b>	<b>26 938</b>	<b>44 354</b>	<b>91 239</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 2 195 492 000.00 at 31 March 2024.

	2023/24 R'000
CARA Allocations	2 195 492
Department of Home Affairs	126 768
Department of Justice and Constitutional Development	242 494
Anti-Corruption Task Team	5 000
State Security Agency	41 000
South African Police Services	1 300 171
Border Management Authority	96 597
National Prosecuting Authority	149 834
Department of Correctional Services	40 039
Directorate for Priority Crime Investigation	87 626
Department of Social Development	25 000
Department of Women, Youth and People with Disability	22 763
Government Communications and Information System	10 000
Public Protector South Africa	48 200
<b>Total</b>	<b>2 195 492</b>

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
NOTES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**30.1. Department acting as the agent (2022/23)**

<b>CRIMINAL ASSETS RECOVERY ACCOUNT (CARA)</b>	<b>2022/23</b>
Opening Balance: CARA	738,027,000
Plus cash received during the year	2,667,199,000
Less cash paid out	15,617,000
<b>Cash on hand (CARA – SARB)</b>	<b>3,389,609,000</b>
Contingent assets	6,016,000
Inventory	99,086,000
Receivables	100,662,000
Provisions	105,768,000

*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, auctioneers or any other person authorised by the court, in charge of each case where applicable, as directed by the court order in terms of POCA legislation.

*Receivables* amounting to R 101 million at 31 March 2023 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 as per the court order. Also included in receivables is cash held by curators after realization forfeited property before funds are deposited into CARA.

*Contingent assets* of R 6.0 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 99 million at 31 March 2023 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 as per the court order.

**Inventory**

	Motor Vehicles R'000	Land and Buildings R'000	Other R'000	Total R'000
Opening Balance (1 April 2022)	25,282	26,255	1,279	52,816
Adjustments	(7,717)	-	(93)	(7,810)
Additions	33,678	3,650	40,304	77,632
Disposals	(22,802)	(717)	(33)	(23,552)
<b>Closing Balance (31 March 2023)</b>	<b>28,441</b>	<b>29,188</b>	<b>41,457</b>	<b>99,086</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 106 million at 31 March 2023.



DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
NOTES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

	2022/23 R'000
CARA Allocations	105 768
Department of Home Affairs	26 768
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>105 768</b>

**31. Movable Tangible Capital Assets**

**MOVEMENT IN MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR  
THE YEAR ENDED 31 MARCH 2024**

	Opening balance R'000	Value adjustments R'000	Additions R'000	Disposals R'000	Closing balance R'000
<b>HERITAGE ASSETS</b>	458				458
Heritage assets	458				458
<b>MACHINERY AND EQUIPMENT</b>	<b>2 519 121</b>		<b>355 534</b>	<b>(105 985)</b>	<b>2 768 670</b>
Transport assets	202 038		23 319	(3 749)	221 608
Computer equipment	1 313 351		255 232	(74 601)	1 493 982
Furniture and office equipment	291 841		27 834	(4 326)	315 349
Other machinery and equipment	711 891		49 149	(23 309)	737 731
<b>TOTAL MOVABLE TANGIBLE CAPITAL ASSETS</b>	<b>2 519 579</b>		<b>355 534</b>	<b>(105 985)</b>	<b>2 769 128</b>

**Movable Tangible Capital Assets under investigation**

	Number	Value R'000
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**Included in the above total of the movable tangible capital assets  
per the asset register that are under investigation:**

Machinery and equipment	391	5 885
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DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
NOTES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**31.1. MOVEMENT IN MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER  
FOR THE YEAR ENDED 31 MARCH 2023**

	Opening balance R'000	Value adjustments R'000	Additions R'000	Disposals R'000	Closing balance R'000
<b>HERITAGE ASSETS</b>	458				458
Heritage assets	458				458
<b>MACHINERY AND EQUIPMENT</b>	<b>2 500 697</b>		<b>209 789</b>	<b>191 365</b>	<b>2 519 121</b>
Transport assets	213 225		12 123	23 310	202 038
Computer equipment	1 338 692		131 067	156 408	1 313 351
Furniture and office equipment	276 445		19 272	3 876	291 841
Other machinery and equipment	672 335		47 327	7 771	711 891
<b>TOTAL MOVABLE TANGIBLE CAPITAL ASSETS</b>	<b>2 501 155</b>		<b>209 789</b>	<b>191 365</b>	<b>2 519 579</b>

**31.1.1 Prior period error**

	2022/23
<b>Relating to 2022/23</b>	<b>3 664</b>
Cost on assets procured in prior year omitted from the cost of the assets	2 291
Revaluation of transport assets incorrectly valued at R1	1 373
<b>Total</b>	<b>3 664</b>

**31.2. Minor assets**

**MOVEMENT IN MINOR CAPITAL ASSETS PER THE ASSET REGISTER FOR  
THE YEAR ENDED 31 MARCH 2024**

	2023/24		
	Intangible assets R'000	Machinery and equipment R'000	Total R'000
Opening balance	36	913 705	913 741
Additions		32 962	32 962
Disposals	36	(27 262)	(27 262)
<b>Total minor assets</b>	<b>36</b>	<b>919 405</b>	<b>919 441</b>
Number of minor assets at cost		109 784	109 784
<b>Total number of minor assets</b>		<b>109 784</b>	<b>109 784</b>

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
NOTES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**Minor capital assets under investigation**

	Note	Number	Value R'000
<b>Included in the above total of the minor capital assets per the asset register that are under investigation:</b>			
Machinery and equipment		757	1124

**MOVEMENT IN MINOR CAPITAL ASSETS PER THE ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2023**

	2022/23		
	Intangible assets R'000	Machinery and equipment R'000	Total R'000
Opening balance	36	900 313	900 349
Prior period error		33 971	33 971
Additions		(20 579)	(20 579)
Disposals	36	913 705	913 741
<b>Total minor assets</b>			
		105 480	105 480
Number of minor assets at cost		105 480	105 480
<b>Total number of minor assets</b>			

**32. Intangible Capital Assets**

**MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2024**

	Opening balance R'000	Additions R'000	Disposals R'000	Closing balance R'000
Software	35 835	64 845	(43 693)	56 987
Patents, Licence, Copyright, Brand Names, Trademarks	94 287	578		94 865
<b>TOTAL INTANGIBLE CAPITAL ASSETS</b>	<b>130 122</b>	<b>65 423</b>	<b>(43 693)</b>	<b>151 852</b>

**32.1. MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2023**

	Opening balance R'000	Prior period error R'000	Additions R'000	Disposals R'000	Closing balance R'000
Software	374 020	(346 327)	8 142	-	35 835
Patents, Licence, Copyright, Brand Names, Trademarks	45 788	41 886	34 053	(27 440)	94 287
<b>TOTAL INTANGIBLE CAPITAL ASSETS</b>	<b>339 546</b>	<b>(304 441)</b>	<b>42 195</b>	<b>(27 440)</b>	<b>130 122</b>

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
NOTES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**32.1.1 Prior period error**

**Relating to 2021/22**

Misclassification  
Disposal of misclassified licenses

**2022/23  
R'000  
(304 441)**

(293 574)  
(10 867)

**Relating to 2022/23**

Misclassification as Part of C-WIP  
Misclassified licenses

**(165 587)**

(10 528)  
(155 059)

**Total**

**(470 028)**

**32.2. Intangible capital assets: Capital work-in-progress**

**CAPITAL WORK-IN-PROGRESS FOR THE YEAR ENDED 31 MARCH 2024**

Notes	Opening balance 1 April 2023 R'000	Current Year WIP R'000	Ready for use (Assets to the AR) / Contracts terminated	Closing balance 31 March 2024 R'000
Intangible assets	260 604	21 151		281 755
<b>Total</b>	<b>260 604</b>	<b>21 151</b>		<b>281 755</b>

**CAPITAL WORK-IN-PROGRESS FOR THE YEAR ENDED 31 MARCH 2023**

Notes	Opening balance 1 April 2023 R'000	Prior period error R'000	Current Year WIP R'000	Ready for use (Assets to the AR) / Contracts terminated	Closing balance 31 March 2024
Intangible assets	23 150	228 172	9 282		260 604
<b>Total</b>	<b>23 150</b>	<b>228 172</b>	<b>9 282</b>		<b>260 604</b>

**33. Immovable Tangible Capital Assets**

**MOVEMENT IN IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR  
THE YEAR ENDED 31 MARCH 2024**

	Opening balance R'000	Additions R'000	Disposals R'000	Closing balance R'000
<b>BUILDINGS AND OTHER FIXED STRUCTURES</b>		454 286	(454 286)	
Non-residential buildings		454 286	(454 286)	
<b>TOTAL IMMOVABLE TANGIBLE CAPITAL ASSETS</b>		<b>454 286</b>	<b>(454 286)</b>	

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
NOTES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**33.1. MOVEMENT IN IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2023**

	Opening balance R'000	Prior period error R'000	Additions R'000	Disposals R'000	Closing balance R'000
<b>BUILDINGS AND OTHER FIXED STRUCTURES</b>	-	-	475 972	(475 972)	-
Non-residential buildings	-	-	475 972	(475 972)	-
<b>TOTAL IMMOVABLE TANGIBLE CAPITAL ASSETS</b>	<u>-</u>	<u>-</u>	<u>475 972</u>	<u>(475 972)</u>	<u>-</u>

**34. Correction of prior period errors 2022/23**

	Note	Amount bef error correction R'000	Prior period error R'000	Restated R'000
Other:				
Contingent liability (claims against the state)	20	565 391	(340 878)	224 513
Contingent assets (counter claims)	20	9 354	(9 354)	-
Contingent liability: Other	20	6 219	31 504	37 723
Fruitless and wasteful expenditure	26	71	34	105
Provisions	29	490 300	43 475	533 775
Key management (political bearers)	28		4 642	4 642
Key management (officials)	28	86 992	(4 642)	82 350
Cash and cash equivalent	10	9 944	130 439	140 383
Related party transactions	27	32 079	93 214	125 293
Tangible capital assets	31	2 515 915	3 664	2 519 579
Minor assets	31	906 056	7 685	913 741
Intangible assets	32	600 149	470 027	130 122
Intangible assets (C-WIP)	32	23 150	237 454	260 604
Accrued departmental revenue	25	9 748	26 438	36 186
Payables		18 311	129 948	148 259
Voted funds to be surrendered to the Revenue Fund		226 641	(101 104)	125 537
Statutory appropriation to be surrendered to NRF			101 104	101 104
<b>Net effect</b>		<u>9 027 801</u>	<u>(115 914)</u>	<u>8 911 887</u>

**Fruitless and Wasteful Expenditure:**

The department identified fruitless and wasteful expenditure relating to the previous financial years.

**Statutory appropriation to be surrendered:**

The funds to be surrendered to NRF had not been split between Voted fund and Direct Charges Fund as required by accounting framework.

**Related party transactions:**

The department had previously not included service provided in kind for compensation and goods and services for Guardian's Fund as related party transactions.

**Contingent liabilities:**

The restatement for contingent liabilities relates to cases which were dormant and finalised in the previous years but were included in the opening balances.

**Key management:**

The department had previously not differentiated between officials and political bearers.

**Minor Assets**

Adjustment on minor assets was for the R1 value re-pricing and the removal of non-assets which were posted as minor assets.

**Tangible assets:**

Cost for ITC assets procured abroad and paid during 2021-2022 financial year was incurred in prior financial year which should have been capitalised as part of the cost price as per accounting treatment and standard.

**Intangible assets:**

The prior year error was as a result of misclassification of licences being classified under intangible capital assets instead of goods and services.

**Cash and cash equivalent:**

The department had previously not accounted for money collected by the State Attorney on behalf of other institutions as part of cash and cash equivalent.

**Provision:**

The restatement for provisions relates to cases which were finalised in the previous years but were included in the opening balances and the cases which were not part of the opening balance and identified as provisions.

**Payables:**

The department had previously not accounted for money collected by the State Attorney on behalf of other institutions as part of cash and cash equivalent and due to beneficiaries.

**Accrued departmental revenue:**

The department had previously not accounted the interest generated from the banks for monies collected by the State Attorney on behalf of other institutions.



DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
NOTES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**35. Inventories**

**35.1. Inventories for the year ended 31 March 2024**

	2023/24	
	Ammunition	Total
	R'000	R'000
Opening balance	322	322
Add/(Less): Adjustments to prior year balances	952	952
Add: Additions/Purchases – Cash		
(Less): Issues	(55)	(55)
<b>Closing balance</b>	<b>1 219</b>	<b>1 219</b>

**35.2 Inventories for the year ended 31 March 2023**

	2022/23	
	Ammunition	Total
	R'000	R'000
Opening balance	365	365
(Less): Issues	(43)	(43)
Add/(Less): Adjustments		
<b>Closing balance</b>	<b>322</b>	<b>322</b>

# Annexures to the Annual Financial Statements

For the year ended 31 March 2024

## ANNEXURE 1A

### STATEMENT OF CONDITIONAL GRANTS AND OTHER TRANSFERS PAID TO MUNICIPALITIES

	2023/24											2022/23	
	GRANT ALLOCATION				TRANSFER			SPENT					
	DoRA and Other transfers	Roll overs	Adjust-ments	Total Available	Actual transfer	Funds withheld	Re-allocations by National Treasury or National department	Amount received by department	Amount spent by department	Unspent funds	% of available funds spent by department	DORA and other transfers	Actual transfers
Name of Municipality	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000	%	R'000	R'000
Municipal Vehicles Licences	-	-	1 029	1 029	815	-	-	-	-	-	-	-	844
TOTAL	-	-	1 029	1 029	815	-		-	-	-	-	-	844

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**ANNEXURE 1B**

**STATEMENT OF TRANSFERS TO DEPARTMENTAL AGENCIES AND ACCOUNTS**

Departmental Agency or Account	2023/24					2022/23	
	TRANSFER ALLOCATION			EXPENDITURE		Final Budget R'000	Actual transfer R'000
	Adjusted Budget R'000	Roll overs R'000	Adjustments R'000	Total Available R'000	Actual transfer R'000	% of available funds transferred %	
Legal Aid South Africa	2 124 574	-	-	2 124 574	2 124 574	100.0%	2 184 471
Safety & Security Sector SETA	30 146	-	(17)	30 146	29 827	98.9%	452 060
Special Investigating Unit	489 839	-	-	489 839	489 839	100.0%	377 928
The Public Protector South	357 261	-	-	357 261	357 261	100.0%	208 467
The South African Human	208 344	-	-	208 344	208 344	100.0%	-
President's Fund	1	-	-	1	-	0.0%	108
Communication Licences	82	-	17	82	85	103.7%	29 551
SARS	-	-	-	-	-	-	26
<b>TOTAL</b>	<b>3 210 247</b>	<b>-</b>	<b>-</b>	<b>3 210 247</b>	<b>3 209 930</b>	<b>-</b>	<b>3 252 611</b>

ANNEXURE 1E

STATEMENT OF TRANSFERS TO FOREIGN GOVERNMENT AND INTERNATIONAL ORGANISATIONS

	2023/24					2022/23	
	TRANSFER ALLOCATION			EXPENDITURE		Final Budget R'000	Actual transfer R'000
	Adjusted Budget R'000	Roll overs R'000	Adjustments R'000	Total Available R'000	Actual transfer R'000	% of available funds transferred %	
Foreign government / International organisation							
Transfers							
Hague Conference International Law	1 630	-	-	1 630	1 630	100.0%	1 233
International Criminal Court	18 804	-	(1 145)	17 659	17 659	100.0%	14 959
International Institutional Unification	492	-	(50)	442	442	100.0%	377
<b>TOTAL</b>	<b>20 926</b>	<b>-</b>	<b>(1 195)</b>	<b>19 731</b>	<b>19 731</b>	<b>-</b>	<b>16 569</b>

ANNEXURE 1G

STATEMENT OF TRANSFERS TO HOUSEHOLDS

	2023/24						2022/23	
	TRANSFER ALLOCATION			EXPENDITURE			Final Budget R'000	Actual transfer R'000
	Adjusted Budget R'000	Roll overs R'000	Adjustments R'000	Total Available R'000	Actual transfer R'000	% of available funds transferred %		
<b>Household</b>								
<b>Transfers</b>								
Employee Social Benefits	95 127	-	(1 237)	93 890	73 226	78.0%	105 318	89 747
Claims Against the State	2 908	-	24 239	27 147	27 145	100.0%	10 305	10 305
Grt Jud Act 47'01	5	-	(5)	-	-	0.0%	-	-
Injury on Duty	135	-	(107)	28	28	100.0%	-	-
<b>TOTAL</b>	<b>98 175</b>	<b>-</b>	<b>22 890</b>	<b>121 065</b>	<b>100 399</b>	<b>-</b>	<b>115 623</b>	<b>100 052</b>

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**ANNEXURE 1H**

**STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS RECEIVED**

Name of organisation	Nature of gift, donation or sponsorship	2023/24	2022/23
		R'000	R'000
Gifts		-	-
Various gifts		25	-
<b>TOTAL</b>		<b>25</b>	<b>-</b>
Received in kind		-	-
Donations received by the department		51 903	43 512
<b>TOTAL</b>		<b>51 928</b>	<b>43 512</b>

**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
<b>Received in cash</b>						
European Union	Sectorial budget support	(44)	15 277	-	-	15 233
CARA	Domestic violence	16 889	33 338	23 559	-	26 668
CARA	NPA various projects	6 418	129 497	72 439	-	63 476
<b>TOTAL</b>		<b>23 263</b>	<b>178 112</b>	<b>95 998</b>	<b>-</b>	<b>105 377</b>



DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**ANNEXURE 3A**

**STATEMENT OF FINANCIAL GUARANTEES ISSUED AS AT 31 MARCH 2024 – LOCAL**

Guarantor institution	Guarantee in respect of	Original guaranteed capital amount	Opening balance 1 April 2023	Guarantees draw downs during the year	Guarantees repaid/cancelled/reduced during the year	Revaluation due to foreign currency movements	Closing balance 31 March 2024	Revaluations due to inflation rate movements	Accrued guaranteed interest for year ended 31 March 2024
		R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
Motor vehicles	-	-	-	-	-	-	-	-	-
Northern Province Development Corporation	-	111	-	-	-	-	111	-	-
Green Start	-	25	-	-	-	-	25	-	-
<b>TOTAL</b>	-	<b>136</b>		-	-	-		-	-

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**ANNEXURE 3B**

**STATEMENT OF CONTINGENT LIABILITIES AS AT 31 MARCH 2024**

	Opening balance 1 April 2023	Liabilities incurred during the year	Liabilities paid / cancelled / reduced during the year	Liabilities recoverable (Provide details hereunder)	Closing balance 31 March 2024
Nature of liability	R'000	R'000	R'000	R'000	R'000
<b>Claims against the department</b>					
Summonses	214 733	12 806	(148 362)	-	79 177
Supplier discrepancies (Disputed invoices)	4 722	11 845	-	-	16 567
Outstanding lawsuit	5 058	697	(3 664)	-	2 091
<b>Subtotal</b>	<b>224 513</b>	<b>25 348</b>	<b>(152 026)</b>	<b>-</b>	<b>97 835</b>
Other					
Third party theft, losses and dishonoured cheques	6 219	1 095	-	-	7 314
Occupation-specific dispensation related	17 224	389	-	-	17 613
Guardian's Fund losses	14 280	21 532	-	2 561	33 251
<b>Subtotal</b>	<b>37 723</b>	<b>23 016</b>	<b>-</b>	<b>2 561</b>	<b>58 178</b>
<b>TOTAL</b>	<b>262 236</b>	<b>48 364</b>	<b>(152 026)</b>	<b>2 561</b>	<b>156 013</b>

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**ANNEXURE 4**

**CLAIMS RECOVERABLE**

Government entity	Confirmed balance outstanding		Unconfirmed balance outstanding		Total		Cash-in-transit at year end 2023/24 *	
	31/03/ 2024 R'000	31/03/ 2023 R'000	31/03/ 2024 R'000	31/03/ 2023 R'000	31/03/ 2024 R'000	31/03/ 2023 R'000	Receipt date up to six (6) working days after year end	Amount R'000
<b>Department</b>								
National Departments	-	386 157	1 325 571	400 085	1 325 571	786 242	43 659	-
Limpopo	-	94 040	100 852	48 257	100 852	142 297	18 061	-
Mpumalanga	-	-	45 443	38 617	45 445	38 617	231	-
KwaZulu-Natal	-	23 716	251 889	2 954	251 809	26 670	712	-
Gauteng	-	593 350	550 152	67 342	550 252	660 692	5 883	-
North West	-	4 516	127 950	95 399	127 950	99 915	2 672	-
Free State	-	1 919	35 886	27 827	35 884	29 746	301	-
Western Cape	-	3 970	5 361	7 650	5 361	11 620	1 343	-
Eastern Cape	-	865 287	1 202 100	147 912	1 202 100	1 013 199	4 669	-
Northern Cape	-	245	6 604	8 139	6 604	8 384	-	-
Agency Services Control Account	-	-	478 671	940 887	478 671	940 887	-	-
ACE	-	-	1 008	1 008	1 008	1 008	-	-
Salary Recoverable Account	-	-	430	488	430	488	-	-
OCJ	-	-	9 395	8 884	9 395	8 884	-	-
<b>TOTAL</b>	-	<b>1 973 200</b>	<b>4 141 312</b>	<b>1 795 449</b>	<b>4 141 312</b>	<b>3 768 649</b>	<b>77 531</b>	<b>-</b>

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**ANNEXURE 5**

**INTERGOVERNMENT PAYABLES**

Government entity	Confirmed balance outstanding		Unconfirmed balance outstanding		Total		Cash-in-transit at year end 2023/24 *	
	31/03/ 2024	31/03/ 2023	31/03/ 2024	31/03/ 2023	31/03/ 2024	31/03/ 2023	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>								
<b>Current</b>								
Public Works	116 199	43 829	-	-	115 652	43 829	-	-
Department of Human Settlement – GP	-		32	-	32	-	-	-
Department of Health – EC	-		72	3	72	3	-	-
Department of Public Admin	-	44	54	-	54	44	-	-
Department of Health	43 378	127 414	-	-	-	127 414	-	-
Department of Higher Education & Training	-		-	35	-	35	-	-
South African Police Service (SAPS)	-		43	-	43	-	-	-
Department of Social Development – KZN	-		64	-	64	-	-	-
<b>Total Departments</b>	<b>159 577</b>	<b>171 287</b>	<b>265</b>	<b>38</b>	<b>159 842</b>	<b>171 325</b>	<b>-</b>	<b>-</b>
<b>OTHER GOVERNMENT ENTITY</b>								
<b>Current</b>								
SIU	-	11 694	-	-	-	11 694	-	-
SITA	44 957	30 060	-		44 957	30 060	-	-
<b>TOTAL</b>	<b>44 957</b>	<b>41 754</b>	<b>-</b>	<b>-</b>	<b>4 141 312</b>	<b>41 754</b>	<b>-</b>	<b>-</b>

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**ANNEXURE 6**

**INVENTORIES**

Inventories for the year ended 31 March 2024	Ammunition				Total
	R'000	R'000	R'000	R'000	R'000
Opening balance	322	-	-	-	322
Add/(Less): Adjustments to prior year balances	-	-	-	-	-
Add: Additions/Purchases – Cash	952	-	-	-	952
(Less): Issues	(55)	-	-	-	(55)
<b>Closing balance</b>	<b>1 219</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1 219</b>

**ANNEXURE 8A**

**INTERENTITY ADVANCES PAID**

	Confirmed balance outstanding		Unconfirmed balance outstanding		Total	
	31/03/ 2024	31/03/ 2023	31/03/ 2024	31/03/ 2023	31/03/ 2024	31/03/ 2023
	R'000	R'000	R'000	R'000	R'000	R'000
<b>Government entity</b>						
<b>NATIONAL DEPARTMENTS</b>						
GCIS	-	-	15 093	8 278	15 093	8 278
DIRCO	-	-	2 338	2 668	2 338	2 668
National Treasury	-	-	22 504	165	22 504	165
<b>TOTAL</b>	<b>-</b>	<b>-</b>	<b>39 935</b>	<b>11 111</b>	<b>39 935</b>	<b>11 111</b>

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT | VOTE 25:  
ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2024

**ANNEXURE 11**

**NATURAL DISASTER OR RELIEF EXPENDITURE**  
**Per quarter and in total**

Expenditure per economic classification	2023/24					2022/23
	Q1	Q2	Q3	Q4	Total	Total
	R'000	R'000	R'000	R'000	R'000	R'000
<b>Compensation of employees</b>						
Goods and services	-	-	-	-	-	318
<i>List all applicable SCOA level 4 items</i>	-	-	-	-	-	-
COM:AIRTIME & DATA						-
CONS SUPP:MEDICAL SUPPLIES						80
CONS SUPP:UNI/PROT CLTH&CLOTHES						-
CONS HOUS SUP:DIS PAPER/PLAST						51
CONS HOUS SUP:TOILETRIES						72
CONS HOUS SUP:WASH/CLEAN DETE						-
CONS MAT&SUP:HARDWARE						1
CONS SUPPLIES						
P/P:PEST CNTRL/FUMIGATION SER						114
<b>TOTAL NATURAL DISASTER OR RELIEF EXPENDITURE</b>	-	-	-	-	-	<b>318</b>



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